

# Bloomberg

## Obama to Preempt Privacy Board on Altering NSA Spying

*By Chris Strohm and Margaret Talev - Jan 8, 2014*

President Barack Obama plans to announce changes to U.S. spy programs before an independent privacy panel he nominated issues its recommendations.

The Privacy and Civil Liberties Oversight Board members met with Obama today to discuss how to alter the National Security Agency's collection and use of bulk phone records, such as numbers dialed and call durations. They also talked about operations of the secret court overseeing surveillance.

After the meeting, the five-member board said in a statement it plans to issue a report by late January or early February on the legality of bulk records collection and offer recommendations on "the right balance between national security and privacy and civil liberties."

Obama plans to announce his proposals for altering NSA surveillance programs before his annual State of the Union address on Jan. 28, and maybe as early as next week, according to an administration official familiar with the deliberations who requested anonymity in discussing the matter.

"He is still in the process of deliberating," White House press secretary Jay Carney told reporters today.

Obama is using meetings with stakeholders today and tomorrow to shape his decisions and "appreciates very much the opinions and counsel he's getting on these matters," Carney said.

### Lawmaker Session

Obama plans to meet tomorrow with top lawmakers on the Senate and House judiciary and intelligence panels. Separately, privacy advocates from the Electronic Frontier Foundation, Open Technology Institute and Cato Institute plan to meet tomorrow with White House Counsel Kathy Ruemmler.

A separate White House advisory board recommended in a Dec. 18 report limits on the NSA, including prohibiting the agency from collecting and storing billions of phone records. Instead, the data should be held by Verizon Communications Inc. (VZ), AT&T Inc. (T) and other U.S. carriers or another third party and only accessed by the NSA with a court warrant, the panel said.

The Review Group on Intelligence and Communications Technology also recommended legislation allowing Google Inc. (GOOG), Facebook Inc. (FB) and other Internet companies to publicly release information about government orders compelling them to turn over data about their users, and how many users are affected.

The report suggests altering spy programs in response to a domestic and international backlash over the extent of U.S. spying exposed last year in material leaked by former NSA contractor Edward Snowden.

## **Policy Review**

“I would certainly hope the president is adopting the bulk of the panel’s recommendations, which were generally favorably received within the privacy community,” David Sobel, senior counsel for the San Francisco-based Electronic Frontier Foundation, said in a phone interview.

Privacy advocates will be disappointed if Obama doesn’t make significant changes, Sobel said. “In light of the review panel’s findings, it’s difficult to see how that approach would be justified,” he said.

The intelligence review panel’s five members are scheduled to testify about their recommendations before the Senate Judiciary Committee on Tuesday.

The privacy board said it plans to also release a separate report on the NSA program that compels Internet companies to turn over data on users.

Under that program, the NSA can intercept the communications of innocent Americans without a warrant, as long as they aren’t the target of a counterterrorism investigation. A warrant is required by law if an American becomes the target.