

Statement for the Record

William R. Evanina

Director of the National Counterintelligence and Security Center

**Administration Policy on Use of Social Media for Personnel Security
Background Investigations and Adjudications**

**Hearing before the Subcommittee on Government Operations and
Subcommittee on National Security
Committee on Oversight and Government Reform
United States House of Representatives**

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Chairman Meadows, Chairman DeSantis, Ranking Member Connolly, Ranking Member Lynch, and Members of the Subcommittees, thank you for inviting me to participate in today's hearing.

As the National Counterintelligence Executive and the Director of the National Counterintelligence and Security Center (NCSC), I am responsible for leading and supporting the counterintelligence and security activities of the U.S. Government, including the U.S. Intelligence Community. In addition, I am responsible for providing outreach to U.S. private sector entities who are at risk of becoming a target of intelligence collection, penetration or attack by foreign and other adversaries. I also support the Director of National Intelligence's responsibilities as the Security Executive Agent -- the role under which the social media directive was developed -- and work in close partnership with the Office of Personnel Management (OPM), the Department of Defense, and agencies across the executive branch to govern, enhance, and improve the security clearance process.

When I last appeared before this Committee on February 25th, we discussed the formation of the National Background Investigations Bureau (NBIB) and security clearance reforms. Today, I've been asked to discuss the Administration's policy on the use of social media as part of the personnel security background investigation and adjudication process.

Mr. Chairman, we have been steadfastly at work on a directive that addresses the collection and use of publicly available social media information during the conduct of personnel security background investigations and adjudications. I want to acknowledge the important contributions to this effort

made by our Executive Branch colleagues -- particularly at the Office of Management and Budget (OMB) and OPM. And I am pleased to note that the Director of National Intelligence has recently approved this directive, which is being publicly released. The data gathered via social media will enhance our ability to determine initial or continued eligibility for access to classified national security information and eligibility for sensitive positions.

I realize that the federal government's authority to collect and review publicly available social media information in the course of personnel security background investigations and adjudications raises important and legitimate civil liberties and privacy concerns.

Nevertheless, let me be clear. I am strongly of the view that being able to collect and review publicly available social media and other information available to the public is an important and valuable capability to ensure that those individuals with access to our secrets continue to protect them, and that the capability can be aligned with appropriate privacy and civil liberties protections.

I would note to the Committee that by the term "publicly available social media information" we mean: social media information that has been published or broadcast for public consumption; is available on request to the public; is accessible on-line to the public; is available to the public by subscription or purchase; or is otherwise lawfully accessible to the public. I believe the new directive on social media strikes this important balance. First, under the new directive, only publicly available social media information pertaining to the individual under investigation will be intentionally collected. Absent a national security concern, or criminal reporting requirement, information pertaining to

individuals other than the individual being investigated will not be investigated or pursued. In addition, the U.S. Government may not request or require individuals subject to the background investigation to provide passwords or log into private accounts, or take any action that would disclose non-publicly available social media information.

The complexity of these issues has led to a lengthy and thorough review by the departments and agencies that would be affected by this policy, as well as coordination with different members of Civil Liberties and Privacy Offices, Privacy Act Offices, and Offices of General Counsel.

Mr. Chairman, the new guidelines approved by the Director of National Intelligence for the collection and use of publicly available social media information in security clearance investigations ensure that this valuable avenue of investigation can be pursued consistent with subjects' civil liberties and privacy rights.

The use of social media has become an integral, and very public, part of the fabric of most Americans' daily lives, and it is critical that we use this important source of information to help protect our nation's security.

Mr. Chairman, I welcome any questions you and your colleagues have regarding the new directive.