

Executive Summary
2022 Annual Meeting of the Five Eyes Intelligence Oversight and Review Council
November 7-10, 2022 / Washington, D.C.
Prepared by the
Office of the Inspector General of the Intelligence Community of the United States

INTRODUCTION

In its role as the Executive Secretariat of the Five Eyes Intelligence Oversight and Review Council (the Council), the Office of the Inspector General of the Intelligence Community of the United States prepared this Executive Summary of the Council’s annual meeting held from November 7 to 10, 2022, in the Washington, D.C., area.

The Council holds at least one meeting in person per year. This year’s meeting, hosted by The Honorable Thomas Monheim, Inspector General of the Intelligence Community, was attended by representatives from all Five Eyes partner countries. The themes of the meeting were oversight resilience, information sharing, and transparency.

BACKGROUND

The Council was created in the spirit of the existing Five Eyes partnership, the intelligence alliance comprising Australia, Canada, New Zealand, the United Kingdom, and the United States. The following non-political intelligence oversight, review, and security entities of the Five Eyes countries comprise the Council: the Office of the Inspector-General of Intelligence and Security of Australia, the Office of the Intelligence Commissioner and the National Security and Intelligence Review Agency of Canada, the Office of the Inspector-General of Intelligence and Security of New Zealand, the Investigatory Powers Commissioner’s Office of the United Kingdom, and the Office of the Inspector General of the Intelligence Community of the United States.

The Council members exchange views on subjects of mutual interest and concern; compare best practices in review and oversight methodology; explore areas where cooperation on reviews and the sharing of results is appropriate; encourage transparency to the largest extent possible to enhance public trust; and maintain contact with political offices, oversight and review committees, and non-Five Eyes countries as appropriate.

DAY 1

The first day of the 2022 annual meeting was held at the Office of the Director of National Intelligence Headquarters in McLean, Virginia. Mr. Monheim welcomed the participants and offered each country an opportunity to make brief introductory remarks. Following opening remarks, The Honorable Stacey Dixon, Principal Deputy Director of National Intelligence, delivered a keynote speech. Dr. Dixon discussed the pivotal role played by independent overseers; the importance of transparency; the timeliness of oversight results; the obligation of both intelligence agencies and their oversight bodies to present information in an unbiased way, acting

with integrity to maintain public trust; the significance of close international intelligence alliances; and the importance of a trusted relationship between oversight professionals and organizational leadership.

Session 1 – Oversight in a Critical Environment

The Honourable Christopher Jessup KC, Australia’s Inspector-General of Intelligence and Security, presented a case study of an inspection conducted by his office following the evacuation of Australian citizens and residents from Afghanistan in August and September 2021. This inspection required real-time decision making by Dr. Jessup’s team, and provided the Council members with some lessons for conducting oversight work in mission critical, time sensitive environments.

Australia’s case study prompted Council discussion on the proper role of oversight organizations during emergency situations. How, and to what extent, can they inform or influence emergency decisions while maintaining their independence and objectivity in future reviews. The other Council members shared their experiences managing critical or time-sensitive oversight projects. The Right Honorable Sir Brian Leveson, Investigatory Powers Commissioner for the United Kingdom, shared that any agency can come to his office with a novel or contentious issue with the understanding that any advice given will not bind or limit future reviews. The Honorable Michael Horowitz, Inspector General of the United States Department of Justice, shared how by simply asking what he termed “the hard questions” during U.S. pandemic response policy discussions, the United States Pandemic Response Accountability Committee was able to better support and coordinate independent oversight of pandemic relief spending.

Following this session, Council members were given a tour of the National Counterterrorism Center (NCTC) Operations Center. The Director and Deputy Director of the NCTC Operations Center provided Council members with an overview of the Operations Center’s mission and activities, as well as insights into how the Operations Center collaborates with its international partners.

Session 2 – Raising Public Awareness of the Oversight Mission

Sir Brian and The Honorable Marie Deschamps, Chair of the National Security and Intelligence Review Agency (NSIRA) for Canada, jointly presented challenges and best practices for sharing information with the public, to include the press, in order to raise awareness of the importance of the oversight mission. They shared their belief that communication is a critical function of the oversight mission, and that oversight entities should identify their mission and objectives, identify target internal and external audiences, and develop a communication strategy to advance broader organizational mission and objectives. They also shared their external communications activities, to include digital communications, media relations, and an annual report, as well as stakeholder communications activities, such as conferences, events, working groups, meetings, and newsletters.

Sir Brian and Ms. Deschamps also presented best practices for enhancing transparency, including the proactive release of reports, recruiting and developing talent in the communications

field, increasing the footprint of external advocates, and increasing collaboration with domestic and external stakeholders. They also discussed the challenges faced in raising public awareness, steps taken to overcome those challenges, and how to measure success in this area.

Other Council members discussed ways to improve transparency. For example, the United States discussed Oversight.gov, a public facing website that consolidates all Inspector General public reporting. The Council members agreed that public awareness and transparency were part of their official duties as oversight organizations.

Session 3 – Communicating with Government Entities

Council members discussed how they collaborate and communicate with other government entities, to include legislative bodies. The United States shared that, due to its dual reporting requirements, oversight organizations must regularly communicate with both their respective agency and with the U.S. Congress. In addition, they often collaborate and communicate with other oversight entities, to include other Inspectors General and the U.S. Government Accountability Office.

The other Council members noted they are independent oversight offices—i.e., not tied to a specific agency—and, consequently dealt with Agency Heads and Government Ministers more than their respective parliaments. New Zealand shared that its oversight body, the Office of the Inspector-General of Intelligence and Security, is completely separate from the agencies it oversees and is granted a large amount of independence. It sets its own work plan and no work is dictated by another agency or legislative body. Australia shared that agencies are answerable to different ministries, so its situation is a little more complicated. Similarly, Canada shared that there are different levels of communications with the agencies, to include communication at the minister level. Canada also shared that it is obligated to cooperate with certain agencies, and to coordinate with them to deconflict reviews to avoid duplication of effort. Lastly, the United Kingdom shared that it had complete independence in setting its workplan, which was reported annually in the Commissioner’s report to the Prime Minister.

DAY 2

The second day of the annual meeting was held at the Pentagon in Arlington, Virginia. The Honorable Sean O’Donnell, Acting Inspector General of the Department of Defense, welcomed the participants and provided introductory remarks.¹

Session 4 – Oversight in an Environment of Change

Council members discussed how intelligence work in their countries has changed due to the COVID-19 pandemic and how they are working to adapt and balance security with flexibility. While each Committee member’s office was subject to the pandemic-related policies and restrictions set by its government, there was common ground throughout the discussion.

¹ Sean O’Donnell is no longer serving as the Acting Inspector General of the Department of the Defense and has since returned to his permanent role as the Inspector General of the Environmental Protection Agency.

The United Kingdom discussed how the government brought forward legislation which helped IPCO continue its authorizations work through the appointment of temporary Commissioners. This helped maintain the balance between civil liberties and public health. Canada shared that the pandemic led to an increase in technology investments in its offices. New Zealand shared that its staff transitioned to video teleconferences early on in the pandemic, but could not accomplish much of the work from home. This led to it reprioritizing work, and realizing that it needs to be better prepared for future events. New Zealand also shared that intelligence agencies were looking into the likelihood of massive, countrywide protests around vaccines becoming violent. New Zealand shared concerns that violent protests would eventually lead to intelligence agencies being asked to collect open source information for political purposes; however, to its relief, that never happened. Australia shared it used staggered staffing within its offices and was forced to prioritize work based on risk. It also shared that the pandemic limited the ability to conduct inspections outside of Canberra, which further limited the ability to conduct its mission.

The United States shared that it had to adapt to a new operational model, and it did so by prioritizing the health and safety of the team members. This included establishing a plan for continuity of operations, significantly reducing its office footprint and reassessing mission requirements. Following the initial response, the United States began its recovery phase, which lasted longer and included several changes to increase the resiliency of the office and mission in future situations. It also challenged the office to consider the mental health impacts of the pandemic, as well as to consider how it would recruit and retain employees in an environment where other government and private sector employers can more easily provide workforce flexibilities to their employees.

Session 5 – The United States Model for Oversight Coordination

Mr. Horowitz, former Chair of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), provided the Council members with an overview of CIGIE. Mr. Horowitz explained that CIGIE is comprised of 75 Inspectors General and approximately 14,000 oversight professionals. Mr. Horowitz briefed the Council members on CIGIE’s role in addressing integrity, economy, and effectiveness issues that transcend individual agencies, and its mission of increasing the professionalism and effectiveness of Inspector General personnel through managing several training academies. He also explained that CIGIE is funded through a voluntary “tax” on all 75 Inspectors General, and that approximately 50 percent of its resources goes to training and professional development for the oversight community. Lastly, Mr. Horowitz provided an overview of the Inspector General Empowerment Act of 2016, which resulted from the Inspector General community joining together to express concerns with its ability to effectively conduct its mission.

Following the discussion of CIGIE, Mr. Monheim, Chair of the Intelligence Community Inspectors General Forum (the Forum), provided the Council members with an overview of the Forum and its role in the U.S. Intelligence Community. Mr. Monheim explained that the purpose of the Forum is to support the Intelligence Community Inspectors General in the performance of their work, enhance the value of the activities of its members in support of the National Intelligence Strategy, and achieve an optimal utilization of resources within the community. Mr. Monheim

explained the Forum’s complementary role to CIGIE, as it provides a venue for Inspectors General with oversight of intelligence agencies to discuss common challenges, share best practices, and identify opportunities for collaboration.

Both presentations included discussions with Council members on these models and the benefits of community collaboration and partnership.

Session 6 – Oversight of Cryptocurrency Activities

Cryptocurrency subject matter experts from the United States Department of the Treasury joined the annual meeting to brief the Council members on challenges to, and best practices for, providing oversight of intelligence and law enforcement programs related to cryptocurrency. This briefing included an overview of digital assets, the pseudo-anonymity of cryptocurrency, and the role of virtual asset service providers. The briefers also provided an overview of the Financial Action Task Force and its efforts to establish global standards for virtual assets and help its 200+ member countries to meet those standards. Lastly, the briefers covered U.S. policy efforts in this area, to include the Treasury’s interagency efforts to implement Executive Order 14067, *Ensuring Responsible Development of Digital Assets*.

Session 7 – Whistleblowing and Complaint Processes

The Council members discussed best practices for managing whistleblower complaints and protecting the identities of whistleblowers. The United States provided that most Inspectors General follow similar processes in this area, with sometimes slightly separate processes for reporting different matters. For example, the Office of the Inspector General of the Intelligence Community has one form for reporting fraud, waste, and abuse, and a different form for reporting an urgent concern. Submissions are prioritized for action based on workload, and there is an established process for forwarding complaints to the correct oversight entity, where applicable. New Zealand presented that the Inspector-General for Intelligence and Security has oversight responsibilities for the human intelligence and signals intelligence mission areas. It also has jurisdiction over unauthorized disclosures of classified information across the New Zealand government.

Canada’s jurisdiction is similar to that of New Zealand, as Canada is also responsible for oversight of the human intelligence and signals intelligence mission areas. Canada briefed that it may need to conduct investigative interviews in support of the complaints received, and those interviews are not strictly limited to the allegations of the complainant. Lastly, the United Kingdom briefed its unique approach to handling whistleblower complaints. While the Investigatory Powers Commissioner’s Office has a responsibility to investigate matters brought to its attention by whistleblowers, any remedy or redress can only be offered through a judgment of the Investigatory Powers Tribunal.

Following the group discussions, the Council members participated in a walking tour of the Pentagon, followed by a dinner hosted by the U.S. delegation in Washington, D.C.

DAY 3

The third day of the annual meeting was held at the Central Intelligence Agency (CIA) Headquarters in McLean, Virginia. The Honorable Robin Ashton, Inspector General of the CIA, welcomed the participants and provided introductory remarks. Following her remarks, The Honorable William Burns, CIA Director, and Ms. Maura Burns, CIA Chief Operating Officer, spoke to Council members about the importance of international cooperation and the oversight mission.

Session 8 – Work Programming and Methodology

Mr. Brendan Horsley, New Zealand’s Inspector-General of Intelligence and Security, led a discussion on work programming and methodology for intelligence oversight entities to help Council members understand how each member plans and conducts its work. Mr. Horsley shared that his office is fully independent with recommendatory powers. Its work planning is entirely self driven, and while some government bodies could request a special inquiry, none of its work is mandated by another entity. Unlike New Zealand, Australia has no statutory obligation to publish its work plan. Australia maps out a risk-based inspection plan for each agency it oversees, prioritizes high-risk activities, and revisits topics as needed. Canada has three distinct work areas: non-discretionary reviews, discretionary reviews, and technology. Lastly, both the United Kingdom and United States shared that they rely on their annual work plans and do their best to stick to them. However, work plans may change as new priorities arise during the year.

Following the group discussions, the Council members took a guided tour of the CIA Museum, followed by a walking tour of the United States Capitol.

DAY 4

The fourth day of the annual meeting was held at the National Security Agency (NSA) Headquarters in Fort Meade, Maryland. The Honorable Robert Storch, Inspector General of the NSA, welcomed the participants and provided introductory remarks.² Following his remarks, the Council members were given an overview of the NSA and the Central Security Service Agency.

After the briefing, the Council members toured the National Security Operations Center (NSOC), and were briefed on the NSOC’s mission and operations, to include its support to international partners. Lastly, the Council members met with General Paul Nakasone, Commander of United States Cyber Command, Director of the National Security Agency, and Chief of the Central Security Service. General Nakasone shared his views on the importance of international partnerships and the intelligence oversight mission.

Following the group discussions, the Council members toured the National Cryptologic Museum in Annapolis Junction, Maryland.

² On December 6, 2022, Robert Storch was sworn in as the Department of Defense Inspector General after being confirmed by the Senate.

WORKING GROUPS

All Council members agreed that the FIORC working groups proved a productive and valuable source of shared information, but suggested that some of the groups may no longer be necessary, as they accomplished their original objectives. Therefore, the Council members decided to reassess the value of continuing the current working groups and determine whether to form new working groups.

Accountability Gaps Working Group: This working group accomplished its objectives in 2021, and the Council members decided to sunset the group.

Assurances Working Group: This working group accomplished its objectives in 2021, and the Council members decided to sunset the group.

Automated Data Processing and Artificial Intelligence Working Group: Since its creation, this working group has discussed various aspects of artificial intelligence (AI), to include terminology, legal frameworks, oversight of AI technology, and the future uses of AI technology. Recognizing the continued growth of AI and its potential impact on intelligence agencies, the Council members decided to continue the working group into 2023.

Transparency and Public Engagement Working Group: Based on discussions on transparency and communications at the 2022 annual meeting, the Council members agreed to establish a new working group in this area. The purpose of this new working group is to collaborate across the FIORC membership to identify commonalities and differences in themes of engagement and learnings of value across jurisdictions and functions in relation to transparency and public engagement. This group will meet in 2023.

Work Planning and Methodology Working Group: Based on a high level of interest and engagement in Session 8 of the 2022 annual meeting, the Council members agreed to a new working group with the purpose of identifying and acting on opportunities to share methodologies for planning and carrying out systematic oversight activities. This group will meet in 2023.

CONCLUSION

Canada agreed to host the next annual Council meeting in the fall of 2023. If health and travel restrictions allow, the conference will be held in person.