Office of the Director of National Intelligence

ANNUAL STATISTICAL TRANSPARENCY REPORT

Regarding the Intelligence Community's Use of National Security Surveillance Authorities

Calendar Year 2025

Office of Civil Liberties, Privacy, and Transparency

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Executive Summary

The Annual Statistical Transparency Report Regarding the Intelligence Community's Use of National Security Surveillance Authorities offers insights to oversight bodies and the public regarding how the Intelligence Community (IC) uses national security authorities to accomplish its mission. These authorities are critical to the IC's national security mission, and appropriate transparency—such as the publication of this report—supports the IC's commitment to democratic values and enhances the IC's accountability to the public. The report describes rules designed to protect civil liberties and privacy and ensure the IC's compliance with the Constitution and laws of the United States in the use of these authorities. It contextualizes other publicly released materials describing the oversight frameworks under which the IC exercises these authorities.

This is the **thirteenth** such transparency report. The government is releasing this report consistent with Section 603(b) of the Foreign Intelligence Surveillance Act (FISA) of 1978, as amended (codified in 50 U.S.C. § 1873(b)) and the IC's Principles of Intelligence Transparency.

A number of statistics captured below relate to activities authorized under Section 702 of FISA (50 U.S.C § 1881a). Congress must periodically review and reauthorize Section 702. In April 2024, Congress passed and the President signed into law the Reforming Intelligence and Securing America Act (RISAA (Pub. L. No. 118-49)). RISAA reauthorized the government's use of FISA Title VII authorities for two additional years. It also formally codified a number of *proactive compliance efforts* made by the Federal Bureau of Investigation (FBI) to increase its compliance when conducting queries using U.S. person search terms. Further, it largely removed the authority for the FBI to conduct Evidence of a Crime Only (EOCO) queries into Section 702-acquired information, with limited exceptions. Therefore, the EOCO query section of this report focuses on depicting statistics relating to these exceptions. The law made several other changes as well, a number of which are described elsewhere in this report.

Additionally, this report contains information on a new FISA Section 702 counternarcotics certification approved by the Foreign Intelligence Surveillance Court (FISC) in 2025, as allowed by RISAA. Specifically, in April 2024, Congress through RISAA, amended FISA's definition of foreign intelligence information to include information concerning the "international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors of any aforementioned" (50 U.S.C. § 1801(e)(1)(D)). On April 9, 2025, the FISC issued an order that approved the government's use of this certification to counter the international production, distribution, or financing of illicit drugs.

While the statistics provided in this report fluctuate over time and are affected by many factors, the methodology for counting does not change and is explained in great detail throughout. Often, the IC cannot publicly disclose factors without revealing sensitive information, but where such factors can be disclosed, this report does so. As explained in past reports, statistical fluctuations may be attributed to such things as changes in collection and operational priorities, world events, technical capabilities, target behavior, and technological changes. In addition, it is periodically necessary to revise numbers provided in prior reports. This reflects the fact that government over-

sight of U.S. surveillance authorities is not static. It occurs both in near-real time (*e.g.,* day-to-day compliance activities) and also evaluates events that occurred in the past (*e.g.,* through retrospective audits). It may also on occasion involve complicated legal and factual analyses that either occur across reporting periods or trigger reassessment of previously reported statistics.

Of note, this year's statistics reflect an increase in the number of FISA Section 702 targets (*see* figure 4) in line with increases seen in previous annual reports. The number of U.S. person query terms used in Section 702 by the National Security Agency (NSA), Central Intelligence Agency (CIA) and National Counterterrorism Center (NCTC) to query content (*see* figure 6) decreased slightly but remained relatively stable.

The number of U.S. person queries by FBI increased slightly from the immediate prior period but remained lower than previous years, in large part because of the increased focus on technical and policy controls, as well as individual caution related to accurately implementing RISAA's reforms (*see* figure 9). The number of FBI's U.S. person queries for EOCO queries for discovery purposes increased notably (*see* Figure 10). The number of queries for discovery purposes depends on the numbers and types of litigation and criminal matters, which can fluctuate widely from year to year. The number of discovery queries after which data is accessed also depends on whether there are query results and whether those results are relevant to the discovery purpose.

The number of U.S. person identities unmasked by NSA in response to a specific request from another agency significantly fluctuated in CY 2023 and CY 2025 compared to CY 2024. In each of these two years, there was a substantial increase in the number of U.S. person identities unmasked by NSA in response to a specific request from another Agency (*see* figure 13). In both years, this increase resulted from a single report related to attempts by foreign cyber actors to compromise U.S. critical infrastructure.

The table below provides a quick look at changes associated with key statistics related to Section 702 and two other FISA authorities compared to last year's annual report. Greater detail and trends covering Section 702 over the past two years are covered in the full body of this report, which also includes additional areas of statistical reporting.

STATISTIC COVERED	CHANGE REFLECTED IN CY 2025 COMPARED TO CY 2024
Estimated number of targets of Section 702 Orders (non-U.S. person)	**INCREASE** (349,823 in CY 2025 from 291,824 in CY 2024)
U.S. person query terms used to query Section 702 (NSA, CIA, NCTC)	**DECREASE** (7,724 in CY 2025 from 7,845 in CY 2024)
Number of U.S. person query terms used to query Section 702 (FBI)	**INCREASE** (7,413 in CY 2025 from 5,518 in CY 2024)
Number of U.S. person EOCO queries (Section 702) conducted for discovery purposes (FBI)	**INCREASE** (1,081 in CY 2025 from 113 in CY 2024)

Number of U.S. Person queries for which FBI users accessed results of EOCO queries (Section 702) for discovery purposes (FBI)	**INCREASE** (245 in CY 2025 from 114 in CY 2024)
Number of U.S. person identities NSA unmasked in response to a specific request from another agency	**INCREASE** (24,487 in CY 2025 from 12,873 in CY 2024)
Number of criminal proceedings in which the Government provided notice of its intent to use certain FISA information	**INCREASE** (6 in CY 2025 from 2 in CY 2024)
Number of unique identifiers used to communicate information collected pursuant to Title V Business Records Order	**INCREASE** (268,369 in CY 2025 from 63,260 in CY 2024)

Introduction

Consistent with the IC's Principles of Intelligence Transparency and Section 603(b) of FISA (codified at 50 U.S.C. § 1873(b)), the government is releasing its **thirteenth** *Annual Statistical Transparency Report Regarding the Intelligence Community's Use of National Security Surveillance Authorities* (hereinafter the Annual Statistical Transparency Report), which presents statistics on how often the government uses certain national security authorities, as well as the rigorous and multi-layered oversight efforts. These include oversight conducted by independent judicial and legislative entities safeguarding the civil liberties and privacy of the persons whose information is acquired under these national security authorities. Both U.S. persons and non-U.S. persons are afforded privacy protections based on the authorities discussed herein.

This report goes beyond FISA's statutory reporting requirements by providing detailed explanations of how the IC uses its national security authorities and metrics that add context to current public discussions. This document should be read in conjunction with previously released national security-related materials, particularly those hyperlinked throughout, as well as the statistical report provided by the Director of the Administrative Office of the U.S. Courts (AOUSC), *see* 50 U.S.C. § 1873(a) (available on the AOUSC website). Interested readers are also encouraged to explore one page "explainers" discussing the IC's use of FISA that may be found on intel.gov at the FISA Resource Library.

Additional public information on national security authorities is available at the Office of the Director of National Intelligence's (ODNI) website, dni.gov; the IC's transparency portal, intel.gov; and the Department of Justice's (DOJ) FISA website, https://www.justice.gov/nsd/fisa.

A. Background

In June 2014, the Director of National Intelligence (DNI) began releasing statistics relating to the use of critical national security authorities, including FISA, in the Annual Statistical Transparency Report. The 2014 report and subsequent annual reports are available at intel.gov/astr.

Over the past ten years, Congress has enacted requirements to publicly provide certain statistics and information related to the IC's use of national security authorities, particularly concerning FISA. Such enacted transparency requirements arose from: (a) the Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (USA FREEDOM Act); (b) the FISA Amendments Reauthorization Act of 2017; and (c) RISAA, signed into law on April 20, 2024.

B. Areas Covered in this Report

The Annual Statistical Transparency Report provides statistics concerning the government's use of FISA, the dissemination of U.S. person information by IC elements, and the use of National Security Letters (NSLs).

The majority of the report covers the government's use of FISA. As amended, FISA authorizes electronic surveillance and other forms of collection to obtain foreign intelligence information. Over the years, it has been amended, most recently by RISAA.

FISA itself is divided into Titles, each containing sections, which specify the means, requirements, and limitations on the collection of foreign intelligence information:

- Title I concerns electronic surveillance
- Title III concerns physical searches
- Title IV concerns the use of pen registers and trap and trace devices
- Title V concerns the collection and use of certain business records
- Title VII concerns various forms of collection concerning persons located outside the United States

This report is organized into seven major sections, five of which cover FISA authorities and provide related statistics:

- FISA Probable Cause Authorities (FISA Title I, Title III, and Sections 703 and 704 of Title VII)
- FISA Section 702
- FISA Criminal Use and Notice Provisions (FISA Sections 106 & 305)
- FISA Title IV – Use of Pen Register and Trap and Trace (PR/TT) Devices
- FISA Title V – Business Records

The other two sections of the report provide statistics on:

- IC Dissemination of U.S. person information pursuant to Intelligence Community Policy Guidance (ICPG) 107.1, covering disseminations of U.S. person information, including disseminations from FISA and non-FISA sources, as part of requests to unmask the identities of U.S. persons whose identities were originally masked in a disseminated intelligence report
- NSLs authorized by a number of non-FISA statutory provisions

C. Statistical Fluctuations Over Time

The statistics provided in this report fluctuate from year to year for a wide variety of reasons, including changes in collection and operational priorities of the government, world events, technical capabilities, target behavior, changes in the products and services provided by electronic communication service providers, and technological advances in the telecommunications sector.

D. Key Terms and Concepts

Certain terms used throughout this report are described below. Other terms are described in the sections in which they are most directly relevant. These terms have specifically defined meanings in the context of the IC's use of its collection authorities and will be used consistently throughout this report.

- **U.S. PERSON.** As defined by Title I of FISA, a U.S. person is "a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association which is a foreign power, as defined in [50 U.S.C. § 1801(a)(1), (2), or (3)]." 50 U.S.C. § 1801(i).

  Section 603(g)(4) of FISA, however, uses a narrower definition, limited to individuals. Since the broader Title I definition governs how U.S. person queries are conducted pursuant to the relevant querying procedures, it is used throughout this report.

- **TARGET.** Within the IC, the term "target" has multiple meanings. With respect to the statistics provided in this report, the term "target" is used as a noun and defined as the individual person, or group or entity composed of multiple individuals, or foreign power that uses a selector, such as a telephone number or email address, regarding which the government is seeking collection.

  The IC also uses the term "target" as a verb. For example, Section 702 authorizes the targeting of (i) non-U.S. persons (ii) reasonably believed to be located outside the United States (iii) to acquire foreign intelligence information. To ensure that all three requirements are appropriately met for each target, Section 702 requires targeting procedures to be applied to each individual targeting decision.

  Despite the different meanings, collecting foreign intelligence about a target for foreign intelligence purposes must be informed by intelligence needs established in the National

Intelligence Priorities Framework (NIPF). The NIPF is the mechanism used to manage and communicate high-level national intelligence priorities; it facilitates the IC's ability to allocate finite resources to address the most pressing intelligence questions and mission requirements. Guidance from the President and the Assistant to the President for National Security Affairs (commonly referred to as the National Security Advisor), with formal input from cabinet-level heads of departments and agencies, determines the overall priorities of the top-level NIPF issues.

Prior to targeting, the IC must determine that a particular target meets a particular intelligence need under the NIPF. Once the IC determines that collection from a particular target meets a particular intelligence need, the IC may collect intelligence regarding that target only if authorized by applicable legal authorities (*e.g.*, FISA or Executive Order 12333) and not prohibited by other legal authorities (*e.g.*, Presidential Policy Directive 28 (PPD-28); Executive Order 14086).

- **FOREIGN INTELLIGENCE INFORMATION.** Updated by RISAA, "foreign intelligence information" is information that relates to (and, if concerning a U.S. person, is necessary to) the ability of the United States to protect against actual or potential attack or other grave hostile acts of a foreign power or agent of a foreign power; sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or agent of a foreign power; clandestine intelligence activities by an intelligence service or network of a foreign power or an agent of a foreign power; or international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors of any aforementioned; or information with respect to a foreign power or foreign territory that relates to (and if concerning a U.S. person, is necessary to) the national defense or the security of the United States or the conduct of the foreign affairs of the United States. 50 U.S.C. § 1801(e).
- **ESTIMATED NUMBER.** Throughout this report, when numbers are estimated, the estimate comports with the statutory requirements to provide a good faith estimate of a particular number.
- **UNMINIMIZED INFORMATION.** Unminimized information is lawfully collected information for which a determination has not been made as to whether it contains foreign intelligence information or whether it may be otherwise retained pursuant to the agency's minimization procedures.
- **DISSEMINATION.** Dissemination refers to certain sharing of foreign intelligence information or evidence of a crime.
- **FOREIGN INTELLIGENCE SURVEILLANCE COURT (FISC)**. The FISC was established in 1978 when Congress enacted FISA. The FISC is composed of eleven federal district court judges who are designated by the Chief Justice of the United States. The FISC reviews applications submitted by the government for approval of electronic surveillance, physical search, and other investigative actions for foreign intelligence purposes. The FISC also conducts oversight by assessing the government's use of FISA authorities. The FISC uses a variety of tools to conduct such assessments, including mandating that the government report information on every identified compliance incident, implementing specialized reporting

requirements to monitor certain aspects of FISA activities, and convening hearings. Based upon its assessments, the FISC can terminate, modify, or limit the government's authority to use FISA and may also require the government to devise and report on remedial measures related to identified instances of noncompliance.

At a Glance: Foreign Intelligence Surveillance Court (FISC)

- Established in 1978.
- Comprised of 11 federal district court judges.
- Appointed by the Chief Justice of the Supreme Court
- Authorizes and oversees the government's use of the FISA authorities—electronic surveillance, physical search, and other investigative actions for foreign intelligence purposes.

- **FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW (FISC-R)**. Also established in 1978 when Congress enacted FISA, the FISC-R acts as court of review for the FISC. It consists of three federal district or circuit court judges who review decisions of the FISC. FISC-R decisions may be appealed to the U.S. Supreme Court.
- **AMICUS CURIAE**. An amicus curiae (plural amici) is a technical expert in the areas of privacy and civil liberties, intelligence collection, communications technology, or any other area that may lend legal or technical insight to a matter under consideration by the FISC or FISC-R. When appointed, an amicus curiae provides those courts, as appropriate, with legal arguments that advance the protection of individual privacy and civil liberties; information related to intelligence collection or communications technology; or legal arguments or information regarding any other area relevant to the issue presented to the court.
- **ORDERS**. There are different types of orders that the FISC may issue in connection with FISA cases, including orders granting or modifying the government's applications to collect foreign intelligence pursuant to FISA; orders directing electronic communication service providers and others to provide technical or other assistance necessary to implement the authorized foreign intelligence collection; and supplemental orders or briefing orders requiring the government to take a particular action or provide the FISC with specific information. As in past years, this report only counts orders granting or denying the government's applications.

  The FISC may amend an order one or more times after it has been granted. For example, an order may be amended to add a newly discovered account used by the target. This report does not count such amendments separately.

  The FISC may renew some orders multiple times during the calendar year. Each authority permitted under FISA has specific time limits for the FISA collection to continue (*e.g.*, a Section 704 order against a U.S. person target outside of the United States may last no longer than 90 days, but FISA permits the order to be renewed, *see* 50 U.S.C. § 1881c(c)(4)). Each renewal requires a separate application submitted by the government to the FISC and a finding by the FISC that the application meets the requirements of FISA. Unlike amendments, this report does count each such renewal as a separate order granting the requested FISA authority.

- **MASKED U.S. PERSON INFORMATION**. An IC element's rules and procedures (such as agency minimization procedures) generally provide for the substitution of a U.S. person identity with a generic phrase or term so the reader cannot ascertain the U.S. person's identity, unless the dissemination of the U.S. person's identity would be consistent with the applicable legal authorities (*e.g.*, because the identity is necessary to understand the foreign intelligence information). "Masking" the identity of the U.S. person (*i.e.*, omitting identifying information from the intelligence report) allows the IC element to disseminate the intelligence in accordance with its procedures, while protecting the U.S. person's privacy and civil liberties.

At a Glance: Masking

- Substitution of a U.S. person's identity with a generic phrase.
- Protects the U.S. person's civil liberties and privacy while allowing IC elements to disseminate appropriate intelligence.
- Example: Disseminated intelligence reporting of Section 702-acquired information states that "Bad Guy" communicated with "an identified U.S. person," "a named U.S. person," or "a U.S. person"—instead of the person's actual name.

- **UNMASKING U.S. PERSON INFORMATION**. After an IC element disseminates an intelligence report with a U.S. person's identifying information masked, recipients of the report may request that the masked information in the report be revealed or "unmasked." The requested identifying information is released only if the requesting recipient has established a need to know the identity of the U.S. person and if the dissemination of the U.S. person's identity would be consistent with the applicable legal authorities. Each request is subject to a stringent approval and documentation process. *See* ICPG 107.1.

Summary of Changes Codified Under the Reforming Intelligence and Securing America Act

Since first enacting Title VII of FISA (50 U.S.C. §§ 1881-1881h), Congress has included a sunset date for Title VII, requiring Congress to periodically determine whether to reauthorize it. Most recently, Congress reauthorized this authority by enacting RISAA, which was signed into law on April 20, 2024. RISAA extended the FISA Title VII authorities for an additional two years, enacted multiple reforms to Section 702, and updated other sections of FISA. **This section provides an overview of certain significant changes enacted under RISAA. A complete copy of the law may be found on** congress.gov**.**

A. Reforming U.S. Person Queries

- All FBI personnel with access to unminimized FISA-acquired information must successfully complete annual querying procedures training.
- FBI systems must require users to affirmatively "opt-in" to Section 702 data when running a query, as opposed to that data being included by default.
- FBI queries solely designed to find and extract EOCO are prohibited except for discovery obligations or in exigent circumstances.
- FBI personnel must provide a written justification and obtain supervisor or attorney approval prior to conducting a U.S. person query of unminimized Section 702 data.
- DOJ National Security Division (NSD) must audit all U.S. person queries of Section 702 data conducted by FBI within 180 days from when they are conducted.
- DOJ Inspector General (IG) must submit to Congress a report on FBI's Section 702 querying practices.
- FBI generally must notify congressional leadership and the relevant member of Congress if a query term uses the name or other personally identifying information of a member of Congress.

B. FISC Process Reforms

- For any order permitting surveillance against a U.S. person, all extension applications related to that order must generally be reviewed by the same FISC judge.
- Instead of "an individual" amicus curiae, RISAA allows the FISC to appoint "one or more individuals" to serve as amici curiae.
- The FISC must appoint attorneys to review applications under Section 104, and the attorneys must follow specific guidelines when performing this review.

- Applications under FISA Titles I and III may not use politically-derived information or press reporting without making proper disclosures to identify the source of the information and corroborate such information.
- Title I applications for U.S. persons must also summarize the investigative techniques carried out before making the application.
- Renewal applications under Titles I and III for U.S. persons must also include a summary statement of the foreign intelligence information obtained pursuant to the prior FISA applications for that target.
- All FISC applications must include a certification of accuracy and completeness, and must include all non-cumulative potentially exculpatory information known to the applicant.

C. Holding Agencies to Higher Standards, Strengthening Accountability

- Minimum accountability standards for FBI employees conducting U.S. person queries into Section 702 data, including: (1) zero tolerance for willful misconduct; (2) escalating consequences for unintentional noncompliance; and (3) consequences for supervisors who oversee employees conducting noncompliant queries.
- Requiring measures to hold FBI executive leaders accountable for ensuring compliance with FISA procedures by their personnel.
- Mandatory disciplinary action for any USG employee that engages in intentional misconduct before the FISC/FISC-R, including termination or suspension without pay, beyond existing rules and consequences governing misconduct during federal court proceedings.

D. Enhancing Congressional Oversight and Improving Transparency

- New 180-day deadline for declassification review of FISC decisions, orders, or opinions containing a significant construction or interpretation of law.
- Access to FISC/FISC-R proceedings for certain members of Congress and their staff.
- Procedures to create and distribute transcripts of FISC/FISC-R proceedings to Congress.
- New FBI annual report to Congress containing statistics regarding FBI's queries of Section 702-acquired information. Following declassification review, this report must also be made available to the public. These metrics are included below.
- New FBI annual report to Congress describing the agency's minimum accountability standards and adverse personnel actions related to noncompliant queries.
- Establishment of the FISA Reform Commission, consisting of legislative and executive branch representatives, to review the effectiveness of FISA and recommend reforms.

E. New Criminal and Civil Penalties for Non-Compliance

- Increases to criminal and civil penalties for violations involving the disclosure of U.S. person information from FISA applications or data obtained under the statute.

F. Updated Definitions

- RISAA updated the definition of two key terms:
  - The definition of foreign intelligence information (FII) was updated to include counternarcotics as FII that relates to "international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors of any aforementioned." *See* 50 U.S.C. § 1801(e).
  - Electronic communication service provider (ECSP) definition was updated to include "any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic communications, but not including any entity that serves primarily as (i) a public accommodation facility, as that term is defined in section 501(4); (ii) a dwelling, as that term is defined in secion 802 of the Fair Housing Act (42 U.S.C. 3602); (iii) a community facility, as that term is defined in section 314 of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592n); or (iv) a food service establishment, as that term is defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C 1638)." *See* 50 U.S.C. § 1881a(4).

FISA Probable Cause Authorities

A. FISA Titles I and III

At a Glance: FISA Title I, Title III, and Sections 703 and 704 of Title VII

- Require individual court orders based on probable cause.
- Apply to FISA collection targeting persons within the United States (Titles I and III) or collection targeting U.S. persons outside the United States (Sections 703 and 704 of Title VII).
- Do not permit bulk collection.

With limited exceptions (*e.g.*, in the event of an emergency), FISA Title I and FISA Title III require that the government obtain a probable cause court order to conduct electronic surveillance or physical search targeting either U.S. persons or non-U.S. persons. Title I of FISA permits electronic surveillance and Title III permits physical search in the United States of foreign powers or agents of a foreign power when the government has a significant purpose to obtain foreign intelligence information. *See* 50 U.S.C. §§ 1804 and 1823. Title I and Title III are commonly referred to as "Traditional FISA." Both require that, following submission of a government application, the FISC make a probable cause finding, based upon a factual statement in the government's application that (i) the target is a foreign power or an agent of a foreign power, as defined by FISA, and (ii) the facility being targeted for electronic surveillance is used by or about to be used by, or the premises or property being targeted for physical search is or is about to be owned, used, possessed by, or is in transit to or from, a foreign power or an agent of a foreign power. In addition to meeting the probable cause standard, the government's application must meet the other requirements of FISA. *See* 50 U.S.C. §§ 1804(a) and 1823(a). These authorities require individual orders based on probable cause; bulk collection is not permitted. FISC orders and opinions authorizing the government's use of these authorities may be found on intel.gov (*e.g.*, most recently in a July 2025 posting concerning a Title I FISC opinion dated January 28, 2025).

B. Sections 703 and 704 of FISA Title VII

Sections 703 and 704 of FISA Title VII similarly require an individualized court order based on a finding of probable cause for the government to conduct FISA collection targeting U.S. persons who are located outside the United States. Section 703 applies when the government seeks to target a U.S. person who is reasonably believed to be located outside the United States in order to acquire foreign intelligence information if the acquisition constitutes electronic surveillance or the acquisition of stored electronic communications or stored electronic data inside the United States, in a manner that otherwise requires an order under FISA. Section 704 applies when the government seeks to conduct collection overseas targeting a U.S. person reasonably believed to be located outside the United States under circumstances in which the U.S. person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted in the United States for law enforcement purposes. Both Sections 703 and 704 require that the FISC make a probable cause finding, based upon a factual statement in the government's application, that the target is (i)

a U.S. person reasonably believed to be located outside the United States and (ii) a foreign power, agent of a foreign power, or officer or employee of a foreign power. Additionally, the government's application must meet the other requirements of FISA. *See* 50 U.S.C. §§ 1881b(b) and 1881c(b).

C. Statistics

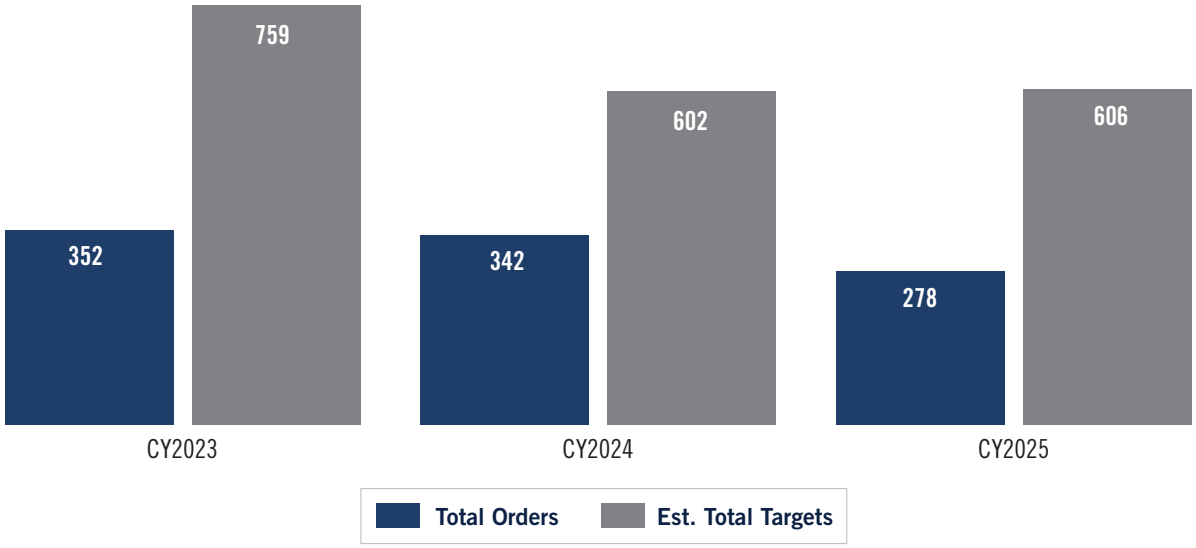
The tables and graphics below provide the number of FISC orders issued and the estimated number of targets (as defined above) that were targeted for collection during the current and recent reporting periods. These data provide the public an indication of the scale of the government's use of these authorities for national security purposes. For CY 2025, the statistics show a decrease in number of orders and a slight increase in number of targets compared to CY 2024. However, there was a slight decrease from CY 2024 to CY 2025 in the percentage of estimated targets who are U.S. persons.

HOW TARGETS ARE COUNTED. If the IC received authorization to conduct electronic surveillance or physical search against the same target in four separate applications, the IC counts this as one target, not four. Alternatively, if the IC received authorization to conduct electronic surveillance or physical search against four targets in the same application, the IC counts this as four targets.

HOW ORDERS ARE COUNTED. The number of court orders is not dependent on the number of targets authorized in a single order, nor is it reduced if the court order concerns a target for whom a prior order has been obtained by the government. As such, four orders authorizing collection on a single target are counted as four orders. Alternatively, one order authorizing collection on four targets is counted as a single order.

One of the FISC opinions and orders included in Figure 1's metrics was a January 28, 2025 FISC opinion and order concerning FISA Title I. This opinion addressed novel or significant interpretations of law in the context of a classified surveillance technique where the FBI sought authorization to conduct electronic surveillance pursuant to Title I. In its opinion, the FISC denied the Government's application for failure to establish probable cause to believe that "each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power." *See* FISC opinion on FISA Title I, which was publicly released on July 11, 2025, on intel.gov.

Figure 1: **FISA "Probable Cause" Court Orders and Title I and III and Section 703 and 704 Targets**



See 50 U.S.C. §§ 1873(b)(1) and 1873(b)(1)(A).

U.S. PERSON STATUS. While Section 703 and Section 704 apply only to U.S. person targets, Titles I and III of FISA govern electronic surveillance and physical searches (as defined by FISA) within the United States of both U.S. persons and non-U.S. persons.

The following figure breaks down the number and percentage of targets by U.S. person status.

Figure 2: **FISA "Probable Cause" Targets Broken Down by U.S. Person Status**

Titles I and III and Sections 703 and 704—Targets	CY 2023	CY 2024	**CY 2025**
Estimated Total Targets	759	602	**606**
Estimated number of targets who are *non*-U.S. persons *See* 50 U.S.C. § 1873(b)(1)(B)	702	543	**557**
Estimated number of targets who are U.S. persons *See* 50 U.S.C. § 1873(b)(1)(C)	57	59	**49**
Percentage of estimated targets who are U.S. persons	7.5%	9.8%	**8.1%**

FISA Section 702

A. Section 702

At a Glance: FISA Title VII, Section 702

- Requires individual targeting determinations that the target (1) is a non-U.S. person who (2) is reasonably believed to be located outside the United States and who (3) has or is expected to communicate or receive foreign intelligence information.
- Does not permit bulk collection.

Title VII of FISA includes Section 702, which permits the Attorney General and the DNI to jointly authorize the targeting of (i) non-U.S. persons (ii) who are reasonably believed to be located outside the United States (iii) to acquire foreign intelligence information. *See* 50 U.S.C. § 1881a. All three requirements must be met. Additionally, Section 702 requires that the Attorney General, in consultation with the DNI, adopt targeting procedures, minimization procedures, and querying procedures that they attest satisfy the statutory requirements of Section 702 and are consistent with the Fourth Amendment. Absent exigent circumstances (*see* 50 U.S.C. § 1881a(c)(2)), before the government may use Section 702, the government must apply for approval from the FISC (detailed below) by submitting an application package. This package contains a certification detailing the type of information to be collected along with targeting, minimization, and querying procedures. Individual targeting decisions are required; bulk collection is not permitted. Additional information on how the government uses Section 702 is posted on intel.gov, including FISC and FISC-R orders and opinions pertaining to the government's use of this authority.

SECTION 702 TARGETS AND "TASKING." Under Section 702, the government "targets" a particular non-U.S. person, including non-U.S. groups or entities, reasonably believed to be located outside the United States to acquire foreign intelligence information by "tasking" selectors (for example, telephone numbers and email addresses) used by the target. Before tasking a selector for collection under Section 702, the government must make individual targeting decisions for each individual selector and apply its FISC-approved targeting procedures to ensure that each selector is used by a non-U.S. person who is reasonably believed to be located outside the United States and who is expected to possess, receive, and/or is likely to communicate foreign intelligence information.

NSA and FBI task selectors pursuant to their respective Section 702 targeting procedures, which are discussed below. All agencies that receive unminimized Section 702 data—NSA, FBI, CIA, and NCTC—handle the Section 702-acquired data in accordance with minimization and querying procedures, which are explained below.

THE FISC'S ROLE. In order to collect information pursuant to Section 702, the government must, on an annual basis, submit one or more certifications to the FISC. These certifications, which are executed jointly by the Attorney General and the DNI, describe the foreign intelligence information that the government may collect, must be supported by affidavits from the heads of

the intelligence agency or agencies that will receive the collection, and must include targeting procedures, minimization procedures, and querying procedures governing the collection. The FISC reviews this certification application package and determines whether the certifications and accompanying documents meet all the requirements of Section 702 and the Fourth Amendment. The FISC's review of the procedures accompanying the certification application package is not limited to the text of the procedures as submitted, but also includes ongoing examination of how the procedures are implemented through examination of notices of compliance incidents, the results of oversight reviews, assessments of compliance trends, and examination of other reports and information concerning implementation. Based on these reports, the FISC conducts its own compliance analysis, and can require the government to further explain compliance incidents and describe how incidents have been remedied, including, when necessary, follow-on status reporting and updates. This type of reporting occurs throughout the year to ensure the FISC remains aware of how the government is implementing Section 702.

If the FISC determines that the government's certification application package meets the statutory requirements of Section 702 and is consistent with the Fourth Amendment, the FISC approves the certifications and the targeting procedures, minimization procedures, and querying procedures. If the FISC is not satisfied with the government's certification application, the government's compliance record, or the government's implementation of Section 702, the FISC can terminate, modify, or limit the government's authority to use Section 702.

More information about oversight is provided in Attorney General and DNI Joint Semiannual Assessment[s] of Compliance with Procedures and Guidelines Issued Pursuant to Section 702 of the Foreign Intelligence Surveillance Act (commonly referred to as Joint Assessments of Section 702 Compliance or Joint Assessments), most recently released in July 2025 on intel.gov.

CERTIFICATIONS. Under Section 702, the Attorney General and DNI jointly execute certifications under which the IC intends to acquire specified foreign intelligence information. The certifications, which form a part of the certification application package submitted to the FISC for its approval, are effective for up to one year and identify categories of foreign intelligence information to be collected via the targeting of non-U.S. persons reasonably believed to be located outside the United States. These categories must meet the statutory definition of foreign intelligence information. Topics of certifications the FISC has approved to date include (1) foreign governments and related entities; (2) counterterrorism; (3) counterproliferation of weapons of mass destruction; and, as of this reporting period, (4) counternarcotics.

As noted below, only IC entities with the applicable and approved procedures receive unminimized Section 702-acquired information. For the new counternarcotics certification, only CIA and NSA may acquire Section 702 information pursuant to that certification for their own operational and analytic use.

TARGETING PROCEDURES. The targeting procedures detail the steps that the government must take before and after tasking a selector to ensure that the government is lawfully targeting the user or users of the tasked selector. Specifically, the government must assess that the user is a non-U.S. person who is reasonably believed to be located outside the United States. Additionally, the government must reasonably assess that tasking the selector is likely to acquire foreign

intelligence information that falls within an approved Section 702 certification. Further, the targeting procedures require the government to provide written, fact-based explanations of its assessments that support individual determinations that each tasked selector meets the requirements of the targeting procedures.

Because only NSA and FBI have the authority to conduct the acquisition of Section 702 information, only they have targeting procedures. Both NSA and FBI targeting procedures are adopted by the Attorney General, in consultation with the DNI, and then submitted to the FISC as part of the certification application package. The FISC assesses the legal sufficiency of each agency's targeting procedures as well as how the IC has complied with past procedures.

During this reporting period, the FISC approved targeting procedures for NSA and FBI in March 2025, as those related to the 2025 renewal certifications to collect foreign intelligence information about international terrorism, counterproliferation of weapons of mass destruction, and foreign governments. These procedures were publicly released on intel.gov on September 12, 2025. Additionally, the FISC approved targeting procedures for NSA and FBI in April 2025, as those related to the counternarcotics certification. These procedures were publicly released on intel.gov on August 19, 2025.

Each NSA targeting decision is reviewed by the DOJ oversight team as part of its routine review of the tasking records. All identified incidents of noncompliance with the targeting procedures are reported to the FISC and Congress regardless of a target's U.S. person status. Such reporting to the FISC includes improper targeting of a non-U.S. person located outside the United States—such as when the government does not have a sufficient basis to assess whether the non-U.S. person target is reasonably likely to possess, receive, or communicate foreign intelligence information.

MINIMIZATION PROCEDURES. The minimization procedures detail requirements the government must meet to use, retain, and disseminate Section 702 data, including specific restrictions regarding non-publicly available U.S. person information acquired from Section 702 collection on non-U.S. person targets, consistent with the needs of each agency to obtain, produce, and disseminate foreign intelligence information. Each agency's Section 702 minimization procedures are adopted by the Attorney General, in consultation with the DNI. The FISC reviews the adequacy under FISA of each agency's minimization procedures as part of the certification application package. Such reviews include assessing the IC's compliance with past procedures.

During this reporting period, the FISC approved minimization procedures for CIA, FBI, NCTC, and NSA in March 2025, as those related to the 2025 renewal certifications to collect foreign intelligence information about international terrorism, counterproliferation of weapons of mass destruction, and foreign governments. These procedures were publicly released on intel.gov on September 12, 2025. Additionally, the FISC approved minimization procedures for CIA, NSA, and FBI in April 2025, as those related to the counternarcotics certification. These procedures were publicly released on intel.gov on August 19, 2025.

QUERYING PROCEDURES. The FISA Amendments Reauthorization Act of 2017 amended Section 702 to require that querying procedures be adopted by the Attorney General, in consultation with the DNI. Section 702(f)(1) requires that the querying procedures be consistent with the Fourth Amendment and that they include a technical procedure whereby a record is kept of each U.S. person term used for a query. Similar to the Section 702 targeting and minimization procedures,

the querying procedures are required to be reviewed by the FISC as part of the certification application package for consistency with the statute and the Fourth Amendment.

Query terms may be date-bound and may include alphanumeric strings (*e.g.*, telephone numbers or email addresses) or terms (*e.g.*, the name of a person or company) that can be used individually or in combination with one another. Pursuant to FISC-approved procedures, an agency can only query Section 702 information if the query is reasonably likely to retrieve foreign intelligence information. This standard applies to all Section 702 queries, regardless of whether the term concerns a U.S. person or non-U.S. person. As highlighted above, historically the FBI acting in its role as a law enforcement agency could also query Section 702 information solely for evidence of a crime. However, RISAA removed that authority except for discovery obligations or in exigent circumstances.

During this reporting period, the FISC approved querying procedures for CIA, FBI, NCTC, and NSA in March 2025, as those related to the 2025 renewal certifications to collect foreign intelligence information about international terrorism, counterproliferation of weapons of mass destruction, and foreign governments. These procedures were publicly released on intel.gov on September 12, 2025. Additionally, the FISC approved querying procedures for CIA, NSA, and FBI in April 2025, as those related to the counternarcotics certification. These procedures were publicly released on intel.gov on August 19, 2025.

COMPLIANCE. The IC's application of the targeting, minimization, and querying procedures is subject to internal agency oversight and to external oversight by DOJ, ODNI, Congress, and the FISC. Every identified incident of noncompliance, regardless of the U.S. person status of individuals or entities potentially affected by the incident, is reported to the FISC (through notices or in periodic reports) and to Congress in semiannual reports. Depending on the nature of the incident, the FISC may order remedial actions or agencies may initiate them independent of FISC action, which could include deleting improperly collected information, recalling improperly disseminated information, retraining IC employees, or taking other, appropriate steps. DOJ and ODNI also jointly submit semiannual reports to Congress that assess the IC's overall compliance efforts. Past Joint Assessments of Section 702 Compliance have been publicly released on intel.gov, most recently released in July 2025.

ENHANCED PRIVACY SAFEGUARDS. In addition to statutory requirements and FISC-approved FISA procedures, agencies are also required to apply additional measures to protect the privacy of all persons. The protections initially established by Presidential Policy Directive-28, Signals Intelligence Activities, were updated or replaced in October 2022 by Executive Order 14086, Enhancing Safeguards for United States Signals Intelligence Activities. This Executive Order reinforced longstanding intelligence practices that protect privacy and civil liberties, retaining Sections 3 and 6 of PPD-28, while adding new and specific requirements for agencies to implement additional procedures to ensure that U.S. signals intelligence activities include appropriate safeguards for the personal information of all individuals, regardless of nationality or residency. In addition to the privacy protections enumerated in the Executive Order, it established a binding and independent signals intelligence redress mechanism through which individuals in qualifying countries may seek review and obtain appropriate remediation of complaints that satisfy the Executive Order's requirements. *See* also Intelligence Community Directive 126. In September 2025, the PCLOB released a report, Review of Policies and Procedures Implementing Enhanced Safeguards for

U.S. Signals Intelligence Activities, examining the IC's implementation of Executive Order 14086 through the adoption of appropriate policies and procedures, supplemental guidance, and training by relevant IC elements. The report found that IC elements successfully updated their policies and procedures to comply with the requirements of Executive Order 14086.

B. Statistics – Orders and Targets

COUNTING SECTION 702 ORDERS. As explained above, the FISC may issue a single order to approve more than one Section 702 certification to acquire foreign intelligence information or issue multiple orders for one certification. Note that, in its own transparency report, which is required pursuant to 50 U.S.C. § 1873(a), the Director of the AOUSC counts each of the Section 702 certifications associated with the FISC's order as a separate order. For Section 702 court orders, the number counted below includes both orders approved and denied.

In 2025, the FISC issued three Section 702 Certification Orders—one denial and two approvals. Specifically:

- On March 18, 2025, the FISC issued one opinion and order approving the government's 2025 renewal certifications to collect foreign intelligence information about international terrorism, counterproliferation of weapons of mass destruction, and foreign governments. The FISC's 2025 renewal certifications order and opinion (along with the applicable procedures) were publicly released on September 12, 2025, on intel.gov.
- On February 20, 2025, the FISC issued one opinion and order denying the government's new application for a counternarcotics certification. While the FISC found that the certification and procedures generally met the requirements of FISA and the Fourth Amendment, the FISC found that NSA's and CIA's minimization and querying procedures should explicitly incorporate the higher necessity standard in FISA's definition of "foreign intelligence information" as it concerns U.S. persons.
- On April 9, 2025, the FISC issued one opinion and order approving the government's amended application for a counternarcotics certification based on the government amending procedures to address the Court's comments in its February opinion. The FISC's orders and opinions from February and April 2025 (along with the applicable procedures) were publicly released on August 19, 2025, on intel.gov.

Figure 3: **Section 702 Orders**

Section 702 of FISA	CY 2023	CY 2024	**CY 2025**
Total number of orders issued *See* 50 U.S.C. § 1873(b)(2)	1	2	**3**

ESTIMATING SECTION 702 TARGETS. The number of Section 702 targets reflects an estimate of the number of non-U.S. persons who are the users of tasked selectors. Unless and until the IC has information that links multiple selectors to a single foreign intelligence target, each individual selector is counted as a separate target for purposes of this report. On the other hand, where the

IC is aware that multiple selectors are used by the same target, the IC counts all of those selectors as a single target. This counting methodology reduces the risk that the IC might inadvertently understate the number of discrete persons targeted pursuant to Section 702.

For a variety of reasons, including changes in operational priorities, world events, technical capabilities, target behavior and changes in the telecommunication sector, targeting statistics fluctuate from year to year. Since ODNI began reporting these statistics, the number of non-U.S. persons targeted has consistently increased year over year, with the exception of 2020 which is assessed to have been impacted by the COVID-19 pandemic among other factors.

Figure 4: **Section 702 Targets (recall that only non-U.S. Persons are targeted)**

Section 702 of FISA	CY 2023	CY 2024	**CY 2025**
Estimated number of targets of such orders *See* 50 U.S.C. § 1873(b)(2)(A)	268,590	291,824	**349,823**

C. Statistics – U.S. Person Queries

The USA FREEDOM Act requires the government to report the number of query terms concerning a known U.S. person used to retrieve the unminimized contents (referred to as "query terms of content") and the number of queries concerning a known U.S. person of unminimized noncontents (*e.g.,* metadata) information obtained from Section 702-acquired communications. *See* 50 U.S.C. § 1873(b)(2)(B), (C). FISA previously exempted FBI queries of contents and noncontents from this statutory reporting requirement. *See* 50 U.S.C. § 1873(d)(2)(A) (in effect prior to April 20, 2024). Notwithstanding this exemption, consistent with the Principles of Intelligence Transparency, the DNI declassified these FBI statistics and related information regarding the FBI's use of queries and, beginning in CY 2021, the government began providing statistics in this report concerning the number of U.S. person queries conducted by the FBI of unminimized Section 702-acquired information.

Further, although the USA FREEDOM Act only requires the reporting of "known" U.S. person query terms, all agencies' querying procedures contain presumptions that are to be applied when the U.S. person status of a particular query term is not known. Thus, where the term "U.S. person" appears below, it should be understood to include both known U.S. persons and presumed U.S. persons. As noted above, this report uses the broader definition of "U.S. person" in Title I of FISA, which includes not just individuals but also certain corporations and unincorporated entities, rather than the narrower definition found in Section 603(g)(4) that only applies to individuals.

When reviewing the U.S. person statistics in this report, it is also important to recognize that there is not a direct, one-for-one correspondence between the number of query terms and the number of U.S. persons who are associated with those queries. For example, a single U.S. person might be associated with 10 unique query terms, such as a name, passport number, phone number, multiple email addresses, and so on. This reality is reflected in the statistics, below.

QUERY. A query is a basic analytic step foundational to efficiently and effectively reviewing data lawfully collected and already in the government's possession. Notably, queries do not result in any additional data being collected. Each IC element may only run queries against its own collection of Section 702 information and cannot run queries against another element's holdings, and each IC element's respective querying procedures detail the rules the individual element must follow.

Queries are conducted by authorized personnel to more efficiently identify foreign intelligence information. Queries do this by, for example, helping to find connections between individuals and entities; identifying threats to the Homeland or national security interests abroad; and identifying potential victims of national security threat activity (*e.g.*, possible victims of cyber attacks on U.S. infrastructure by foreign actors). Queries that return no results may be just as useful as those that do return results because they may sometimes indicate that a person or matter which was believed to be of concern is, in fact, not. Such results may allow intelligence and investigative resources to be redirected along different lines. They may also enhance civil liberties and privacy protections by helping an analyst understand that—for example—MaryDoe Jones who, because of a similar name, other biographic information, and travel patterns appeared to be MaryDoe Jones the Terrorist is in fact an entirely different MaryDoe Jones, eliminating the need for further investigative activities into the non-terrorist MaryDoe Jones and mitigating privacy impacts.

With limited exceptions as set forth in each agency's FISC-approved querying procedures (*e.g.*, for training and testing purposes, maintenance, compliance with court orders), all queries of unminimized Section 702 information must be reasonably likely to retrieve foreign intelligence information. This means that the person conducting the query must have the purpose of retrieving, and a specific factual basis to believe the query is reasonably likely to retrieve, foreign intelligence information from unminimized FISA collection and that the query itself must be reasonably designed or tailored to do this without unnecessarily retrieving other information from unminimized FISA collection.

U.S. PERSON QUERIES CONDUCTED BY CIA, NSA, AND NCTC

COUNTING QUERIES OF CONTENTS, NONCONTENTS, AND COMBINED CONTENTS/NONCONTENTS. Statistics for U.S. person queries of unminimized Section 702-acquired data are provided separately for contents and noncontents information (*e.g.*, metadata). The counting methodologies are different for the different data types. Regarding contents queries, the U.S. person statistics provide the number of U.S. person query terms used (*e.g.*, unique identifiers) to query Section 702 contents. *See* Figure 5. For noncontents, the statistics provide the number of U.S. person queries conducted of Section 702 noncontents. *See* Figure 7. Some agencies combine contents and noncontents in their repositories and queries are conducted against both types of data simultaneously. Like contents-only queries, regarding combined contents/noncontents queries, the U.S. person statistics provide the number of U.S. person query terms used (*e.g.*, unique identifiers) to query Section 702. *See* Figure 5.

COUNTING SECTION 702 QUERIES OF CONTENTS. NSA counts the number of U.S. person identifiers it has approved to query the contents of unminimized Section 702-acquired information. For example, if NSA approved U.S. person identifier "johndoe@XYZprovider" to query the contents of unminimized Section 702-acquired information, NSA would count it as one query term regardless of how many times NSA used "johndoe@XYZprovider" to query its unminimized Section 702-acquired information. Not every query term approved, however, is ultimately used. CIA and NCTC (as well as FBI, as described below) count the number of unique U.S. person identifiers their personnel have used to query within the agencies' respective repositories of unminimized Section 702-acquired contents or combined contents/noncontents. Because of the variance in how these agencies

count these query terms (*i.e.*, unique identifiers), the government deems it likely that the number of approved query terms reported is slightly higher than the actual number of query terms used.

Figure 5: How Agencies Count U.S. Person Query Terms Approved/Used to Query Section 702 Contents-Only and Section 702 Combined Contents/Noncontents

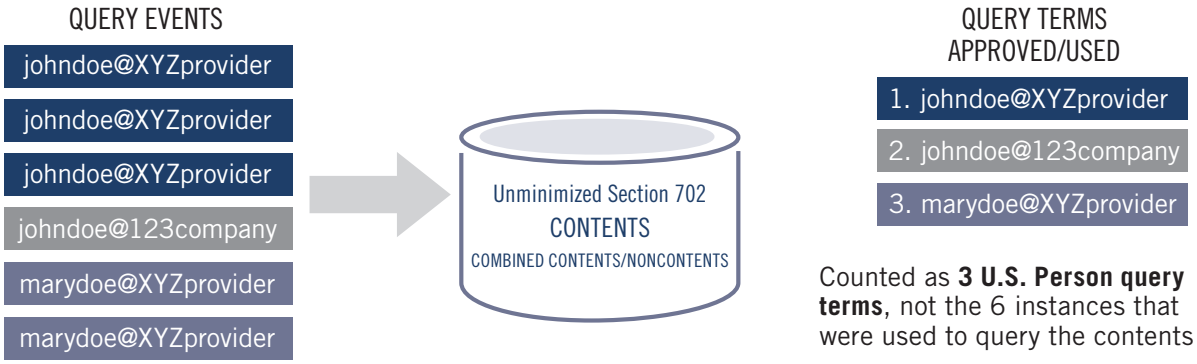


Figure 6: U.S. Person Query Terms Approved/Used to Query Section 702 Contents-Only and Section 702 Combined Contents/Noncontents (CIA, NSA, and NCTC)

Section 702 of FISA	CY 2023	CY 2024	**CY 2025**
The number of search terms concerning a known U.S. person used to retrieve the unminimized contents (or combined contents and noncontents information) of communications obtained under Section 702 (excluding search terms used to prevent the return of U.S. person information) *See* 50 U.S.C. § 1873(b)(2)(B)	3,755	7,845	**7,724**

As depicted in the figure above, there was a decrease in the number of U.S. person query terms that were approved in CY 2025. The use of U.S. person query terms varies from year to year to meet foreign intelligence mission requirements. CY 2025 U.S. person query terms continued to be used, for example, to address international terrorist threats to the Homeland and cybersecurity threats to U.S. infrastructure. NCTC and CIA query both contents and noncontents together and have included all of their U.S. person query data in Figure 6.

Under the querying procedures, NSA Section 702 U.S. person query terms are required to be approved by NSA attorneys prior to being queried in unminimized Section 702-acquired content. DOJ reviews all such approvals after the fact; ODNI reviews a sample.

COUNTING SECTION 702 QUERIES OF NONCONTENTS. This estimate represents the number of times a U.S. person identifier was used to query only the noncontents (*e.g.*, metadata) of unminimized Section 702-acquired information. For example, if the U.S. person identifier telephone number "111-111-2222" was used 15 times to query the noncontents of unminimized Section 702-acquired information, the number of queries counted would be 15.

Figure 7: **How NSA and CIA count U.S. Person Queries of Section 702 Noncontents-Only**

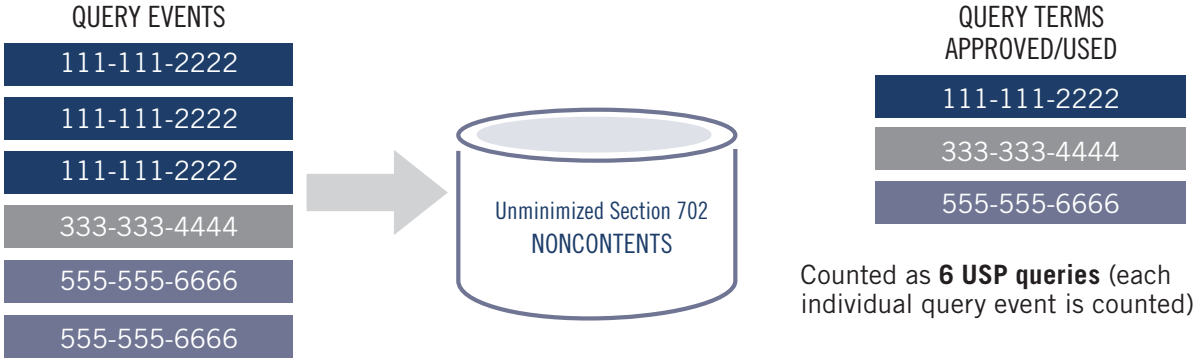


Figure 8: **U.S. Person Queries of Noncontents-Only of Section 702 (NSA)**

Section 702 of FISA	CY 2023	CY 2024	**CY 2025**
Estimated number of queries concerning a known U.S. person of unminimized noncontents information obtained under Section 702 (excluding queries containing information used to prevent the return of U.S. person information) *See* 50 U.S.C. § 1873(b)(2)(C)	8,358	6,444	**8,328**

U.S. PERSON QUERIES CONDUCTED BY THE FBI

While each IC element may only run queries against its own collection of Section 702 information, the FBI is further restricted in that the FBI's collection of Section 702 information is limited because FBI may only receive data for Section 702 targets that are relevant to an existing, open, properly predicated full national security investigation by the FBI. As a consequence, FBI queries of Section 702 data only run against the subset of collection in FBI systems—approximately 3.02% of Section 702 targets in CY 2025 as compared to 3.67% of Section 702 targets in CY 2024.

FBI has consistently counted its number of U.S. person queries throughout the ASTR reporting years except for the change in the 2023 ASTR for CY 2022. Specifically, for the CY 2022 numbers, the FBI was able to deduplicate the number of U.S. person queries so as to be consistent with how the CIA and NCTC counted their U.S. person queries. Like some other agencies, FBI queries are simultaneously run against contents and noncontents (*e.g.*, metadata). However, there are several factors that differentiate FBI's query-related statistics from the query statistics produced by NSA, CIA, and NCTC.

- **CHANGES UNDER RISAA NARROWING HISTORICAL BROADER QUERY STANDARD DUE TO DUAL LAW ENFORCEMENT AND INTELLIGENCE MISSIONS**. Before RISAA, the FBI was authorized to conduct both queries that are reasonably likely to retrieve foreign intelligence information and queries that were reasonably likely to retrieve evidence of a crime. This broader query authority stemmed from FBI's dual law enforcement and intelligence mission. *See* April 2023 FBI Querying Procedures; *see* also Memorandum Opinion issued on April 7, 2009, at 14-17 and FISC Memorandum Opinion and Order issued on November 6, 2015, at 42. However, RISAA imposed a general prohibition on FBI queries of Section 702-acquired information that are solely designed to retrieve evidence of criminal activity. *See* 50 U.S.C.

§ 1881a(f)(2)(A). RISAA authorized such queries only where they are "necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in criminal matters under the laws of the United States or any state thereof" or to assist in mitigating a threat to life or serious bodily harm. *Id.* at § 1881a(f)(2)(B).

- **DIFFERENT FREQUENCY DUE TO DOMESTIC-FOCUSED MISSION**. FBI's domestic-focused mission, as compared with the other agencies' foreign-focused missions, increases the frequency with which FBI uses U.S. person query terms. For example, FBI queries may be initiated through tips and leads from other IC elements or foreign partners relating to domestic matters such as threats to the Homeland, meaning they are more likely to involve U.S. persons.
- **DIFFERENT TIMING OF REPORTING DUE TO FISC ORDER**. Pursuant to orders by the FISC, statistical information regarding FBI queries is tracked and reported quarterly from December 1 to November 30 and, therefore, in this and prior years' reports, has not aligned with the calendar year reporting done by other agencies concerning their query numbers.
- **BATCH JOBS**. To process data more efficiently, the FBI sometimes conducts queries using a specific database tool known as a "batch job"—which enables multiple queries to run at the same time if they have a common justification. Each query within the batch job is counted as a separate query. Moreover, if even one query term in a batch job is associated with a U.S. person, FBI systems count every query resulting from the batch job as a U.S. person query. For example, one batch job may have 50 queries, 1 that is related to a U.S. person and 49 that are related to non-U.S. persons. In this example, the FBI would count that as 50 U.S. person queries. This counting method is used, in part, to ensure that certain rules applicable to U.S. person queries of Section 702 data—such as the requirement to document a written justification before conducting any U.S. person query—are applied to all potential U.S. person queries resulting from a batch job. RISAA and FBI policy require FBI users to obtain FBI attorney approval whenever using the batch job tool, regardless of the size of the batch job.

FBI COUNTING METHODOLOGY

FBI's query figures report the number of unique U.S. person query terms FBI personnel have used to query unminimized Section 702-acquired information during the relevant time periods. FBI used a methodology to arrive at these figures comparable to CIA's and NCTC's counting methodology, including eliminating duplicate queries and as described elsewhere in this report, for queries conducted by those agencies in databases which combine contents and noncontents.

The FBI's methodology counts the number of unique U.S. person query terms used to query against unminimized Section 702-acquired information (contents or noncontents) during the relevant time period. Thus, if the FBI used the U.S. person identifier "johndoe@XYZprovider" to query unminimized Section 702-acquired information (contents or noncontents), FBI would count it as one query term, regardless of (1) how many times the FBI used that U.S. person identifier to query its unminimized Section 702-acquired information; (2) which FBI user conducted the query; and (3) the database in which the query was conducted. This is consistent with the methods used by CIA and NCTC to count U.S. person query terms for queries of Section 702-acquired contents and combined contents/noncontents depicted in Figure 5 above.

As explained elsewhere, operational needs and other factors may cause statistics to fluctuate from year to year. The number of U.S. person queries reported by the FBI for CY 2025 slightly increased from the immediate prior period but remained lower than earlier years, in large part because of the increased focus on technical and policy controls, as well as individual caution related to accurately implementing the reforms.

Figure 9: Number of U.S. Person Queries of Section 702 Combined Contents/Noncontents (FBI) and Other RISAA Reporting Requirements
(Note: "Not applicable" indicates that there was no statutory requirement to track such information)

Section 702 of FISA	Dec 2022–Nov 2023	Dec 2023–Nov 2024	**Dec 2024–Nov 2025**
The number of U.S. person queries by the FBI of unminimized contents or noncontents acquired pursuant to Section 702. *See* 50 U.S.C. § 1873(f)(1)(A)	57,094	5,518	**7,413**
The number of approved queries using FBI's batch job technology, or successor tool. *See* 50 U.S.C. § 1873(f)(1)(B)	Not Applicable	Not Applicable	**3,486***
The number of approved queries using FBI's batch job technology, or successor tool conducted by the FBI against information acquired pursuant to Section 702 for which pre-approval was not obtained due to emergency circumstances. *See* 50 U.S.C. § 1873(f)(1)(C)	Not Applicable	Not Applicable	**0**
A good faith estimate of the number of U.S. person query terms used by the FBI to conduct queries of unminimized contents or noncontents acquired pursuant to Section 702 primarily to protect the U.S. person who is the subject of the query. *See* 50 U.S.C. § 1873(f)(1)(E)	Not Applicable	Not Applicable	**786****
A good faith estimate of the number of U.S. person query terms used by the FBI to conduct queries of unminimized contents or noncontents acquired pursuant to Section 702 where the U.S. person who is the subject of the query is a target or subject of a FBI investigation. *See* 50 U.S.C. § 1873(f)(1)(f)	Not Applicable	Not Applicable	**3,934****

* This number is not duplicated.
** These numbers do not include test queries or queries where the user indicated they were uncertain at the time of the query whether the query was done to protect someone. As required by RISAA, FBI began tracking this data on January 1, 2025.

D. Section 702 and FBI Investigations

FBI U.S. PERSON QUERIES NOT DESIGNED TO RETURN FOREIGN INTELLIGENCE INFORMATION.

As highlighted by reforms under RISAA, both Congress and the FISC have focused particularly on instances in which FBI's purpose at the time of a query of Section 702-acquired information is solely to retrieve evidence of a crime. As noted above, RISAA imposed a general prohibition on FBI queries of Section 702-acquired information that are solely designed to retrieve evidence of criminal activity. *See* 50 U.S.C. § 1881a(f)(2)(A). RISAA authorized such queries only where they are "necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in criminal matters under the laws of the United States or any state thereof" or to "assist in mitigating or eliminating a threat to life or serious bodily harm." *Id*. at § 1881a(f)(2)(B).

Since well before RISAA was enacted, recognizing that unrelated crimes can be discovered in the course of conducting FISA activities, Congress has required that FISA minimization procedures contain provisions addressing how to treat evidence of unrelated crimes acquired in the course of a foreign intelligence activity. 50 U.S.C. § 1801(h)(3). There are also instances where the FISA-derived information sought is both relevant to foreign intelligence information and a criminal act (*e.g.*, information relating to international terrorism).

Given this context, there was previously a statutory requirement for FBI to obtain a court order to review the results of certain EOCO queries related to a predicated criminal investigation, referred to as a Section 702(f)(2) order; this requirement was replaced by RISAA's general prohibition on EOCO queries. Because of RISAA's prohibition, this Annual Statistical Transparency Report no longer reports statistics related to Section 702(f)(2) orders.

FBI FISC REPORTING REQUIREMENT. Since 2015, the FISC has required separate FBI reporting relating to EOCO queries. Although these reporting requirements have changed over time, they have generally required reporting on a broader set of EOCO queries than were captured by the previous Section 702(f)(2) requirement.

Further, from November 2020 until September 2024, the FISC has generally required that the government report to it on a quarterly basis the number of (1) U.S. person queries run by the FBI against Section 702-acquired information in which the query record indicated EOCO purpose and (2) the number of times those queries following which Section 702-acquired contents were accessed (Memorandum Opinion and Order, dated April 11, 2023, at 112-113). Since September 2024, the FISC has required that the government report to it on a quarterly basis each EOCO query run by the FBI against Section 702-acquired information, including whether it complied with the statute and procedures.

As discussed above, RISAA generally prohibits FBI queries of Section 702-acquired information that are solely designed to retrieve evidence of criminal activity. However, because RISAA permits EOCO queries for discovery purposes and to mitigate or eliminate a threat to life or serious bodily harm, in the interests of transparency, this report discloses additional information about

the number of discovery queries conducted by FBI—for example, in instances in which the government had an obligation to search for and disclose material evidence favorable to a criminal defendant. During this reporting period, the FBI has not conducted EOCO U.S. person queries to mitigate or eliminate a threat to life or serious bodily harm.

Government oversight of activities conducted pursuant to U.S. surveillance authorities is not static, occurring both in near-real time (*e.g.*, day-to-day compliance activities) and also evaluating events which occurred in the past (*e.g.*, through retrospective audits). On occasion, oversight may also involve complicated legal and factual analyses that occur across reporting periods or that precipitate reassessment of previously reported statistics. Reflecting these factors, Figure 10 sometimes includes updates to statistics reported in prior years; however, there were not such updates to statistics reported in last year's report.

The statistics in Figure 10 include all U.S. person queries conducted for EOCO purpose between December 1, 2022 and November 30, 2025. For the period between December 1, 2024 and November 30, 2025, all 1,081 of the EOCO queries were conducted for discovery purposes. The numbers in Figure 10 include duplicate terms.

As context, FBI's involvement in many federal prosecutions necessitates the FBI to run discovery-related queries more frequently than other agencies. Further, the number and type of prosecutions fluctuate yearly, thus impacting the number of discovery-related queries the FBI may conduct.

Figure 10 further includes the number for which FBI personnel access results retrieved by the EOCO query. Not all EOCO queries, especially queries conducted for discovery purposes, will necessarily result in data being accessed because (1) there may be no results for a particular query, or (2) when results exist, the results may not be relevant. The number of queries accessed can fluctuate widely from year to year and in relation to the number of queries conducted given these factors.

The numbers in Figure 10 may not total each other because not all queries may be accessed; however, the number of queries for which data was accessed will not be greater than the number of EOCO conducted, regardless of whether for discovery purpose or harm prevention.

On a quarterly basis, FBI reports to DOJ all U.S. person queries of Section 702-acquired information that were noted in FBI systems as having been run for an EOCO purpose. DOJ reviews these queries and may subsequently determine that some such queries either were not U.S. person queries (i.e., did not use a U.S. person query term) or were conducted for a foreign intelligence purpose or dual evidence of a crime/foreign intelligence purpose.

Figure 10 also includes U.S. person queries in Section 702-acquired information that were run for an EOCO purpose and that were not noted as such in FBI systems but were later identified as such by NSD when reviewing samples of queries during its query reviews of FBI field offices. No such queries were discovered by NSD in the period covering December 1, 2024 and November 30, 2025.

Figure 10: Accessing the Results of FBI U.S. Person Evidence of a Crime-Only Section 702 Queries

Section 702 of FISA	Dec 2022–Nov 2023	Dec 2023–Nov 2024	Dec 2024–Nov 2025
Total number of U.S. person queries conducted by the FBI of unminimized contents or noncontents acquired pursuant to section 702(a) solely to retrieve evidence of a crime *See* 50 U.S.C. § 1873(f)(1)(D).	Not Available	Not Available	**1,081**
Of the number of U.S. person EOCO queries conducted, the number that FBI users did not note as such in the systems but were later identified as such by NSD when reviewing samples of queries during its query reviews	Not Available	Not Available	**0**
Of the number of U.S. person EOCO queries conducted, the number that were necessary to identify information that must produced or preserved in connection with a litigation be matter or to fulfill discovery obligations in criminal matters	17	113	**1,081**
Of the number of U.S. person EOCO queries conducted, the number that were necessary to assist in mitigating or eliminate a threat to life or serious bodily harm.	Not Available	Not Available	**0**
Total number of queries for which FBI users accessed Section 702 results retrieved by a U.S. person query determined to have been conducted for an EOCO purpose	21	114*	**245**

*The reason that there was one more query accessed than conducted for discovery purposes between December 2023 and November 2024, was because one query was conducted prior to the enactment of RISAA and as part of baseline checks that the user conducted for a case; this query was later determined to be noncompliant.

USE OF SECTION 702 INFORMATION IN NON-NATIONAL SECURITY INVESTIGATIONS. Pursuant to the FISA Amendments Reauthorization Act of 2017, FISA requires that the FBI report the number of instances in which the FBI opened a criminal investigation of a U.S. person who is not considered a threat to national security based wholly or in part on Section 702-acquired information. *See* 50 U.S.C. § 1873(b)(2)(D). This statistic provides transparency with regard to how often Section 702 collection is used for non-national security investigations conducted by the FBI. Figure 11 provides the required statistic.

Figure 11: **Number of FBI Non-National Security Investigations Opened on U.S. Persons Based on Section 702 Acquisition**

Section 702 of FISA	CY 2023	CY 2024	**CY 2025**
Number of instances in which the FBI opened an investigation, under the Criminal Investigative Division or any successor division of a U.S. person (who is not considered a threat to national security) based wholly or in part on an acquisition authorized under Section 702 *See* 50 U.S.C. § 1873(b)(2)(D)	0	0	**0**

E. NSA Dissemination of U.S. Person Information under FISA Section 702

Consistent with prior transparency reports, and in continued compliance with a recommendation made in PCLOB's 2014 Section 702 Report, this report provides additional information regarding the dissemination of Section 702 intelligence reports that contain U.S. person information.

Section 702 only permits the targeting of non-U.S. persons reasonably believed to be located outside the United States to acquire foreign intelligence information. Such targets, however, may communicate information to, from, or about U.S. persons. NSA's minimization procedures (most recently released in September 2025) permit NSA to disseminate U.S. person information under strictly limited circumstances, for example, if the information is necessary to understand the foreign intelligence. By policy, however, NSA generally masks the information that could identify the U.S. person. NSA's minimization procedures define U.S. person identifying information as "(1) the name, unique title, or address of a [U.S.] person; or (2) other personal identifiers of a [U.S.] person [...]". *See* NSA's Minimization Procedures, Section 3(g).

The minimization procedures permit NSA to disseminate U.S. person identities only if doing so meets one of the specified reasons listed in NSA's minimization procedures, including that the U.S. person consented to the dissemination, the U.S. person information was already publicly available, the U.S. person information was necessary to understand foreign intelligence information, or the communication contained evidence of a crime and is being disseminated to law enforcement authorities.

Even if one of these conditions applies, as a matter of policy, NSA may still mask the U.S. person identity. For example, instead of reporting the names of U.S. persons or other identifiers, a report would substitute "an identified U.S. person," "a named U.S. person," or "a U.S. person." Other examples of masked U.S. person identities would be "a named U.S. company" or "a U.S. person email address."

In the instances where NSA's report contains masked U.S. person information, recipients of the report may submit a request to NSA for the U.S. person identifying information. The requested identity information is released (*i.e.*, unmasked) only if the dissemination of the U.S. person's identity would be consistent with NSA's minimization procedures (*e.g.*, the identity is necessary

to understand foreign intelligence information or assess its importance) and if the requesting recipient has a "need to know" the identity of the U.S. person. Only a designated NSA official may approve an unmasking request.

In certain other instances, however, NSA makes a determination that it is necessary to include in the original report the U.S. person's identity (*i.e.*, openly naming the U.S. person). When NSA includes U.S. person information in the original report, NSA is required to apply the same minimization and "need to know" standards discussed above.

As part of their regular oversight reviews, DOJ and ODNI review disseminations that contain information of or concerning U.S. persons that NSA obtained pursuant to Section 702 to ensure that the disseminations were consistent with the minimization procedures.

Additional information describing how the IC protects U.S. person information obtained pursuant to FISA is provided in reports by the civil liberties and privacy officers for ODNI (including NCTC), NSA, FBI, and CIA. The reports collectively document the rigorous and multi-layered framework that safeguards the privacy of U.S. person information in FISA disseminations. *See* ODNI Report on Protecting U.S. Person Identities in Disseminations under FISA and annexes containing agency-specific reports.

STATISTICS REGARDING NSA'S DISSEMINATION OF U.S. PERSON INFORMATION ACQUIRED FROM SECTION 702. NSA applies its minimization procedures in preparing its classified intelligence reports, and then disseminates the reports to authorized recipients with a need to know the information in order to perform their official duties. A limited number of NSA's intelligence reports from Section 702 collection contain references to U.S. person identities (masked or openly named).

NSA's dissemination practices for U.S. person information incidentally acquired from Section 702 collection in classified intelligence reports results in two categories of reports:

- Reports that openly name (*i.e.,* originally reveal) the U.S. person identity in the report, and
- Reports that initially mask (*i.e.,* do not reveal) the U.S. person identity in the report.

Both types of reports are reflected in the statistics depicted in Figures 12 and 13. In instances where the U.S. person identity was initially masked, NSA may later reveal and unmask the U.S. person identity upon a specific request, but only to the requestor, and only if the identity is needed to understand the foreign intelligence.

The numbers in Figures 12 and 13 below include identities of U.S. persons. As discussed above, U.S. persons include not just citizens, but also lawful permanent residents and certain corporations and unincorporated entities. *See* Key Terms and Concepts section, above, and 50 U.S.C. § 1801(i) for definition of a U.S. person.

The first row of Figure 12 provides "an accounting of the number of disseminated intelligence reports containing a reference to a [U.S.] person identity." *See* 50 U.S.C. § 1881a(m)(3)(A)(i). NSA's counting methodology includes any disseminated intelligence report that contains a reference to one or more U.S. person identities, whether masked or openly named, even if the report includes

information from sources other than Section 702 collection. NSA does not maintain records that allow it to readily determine, in the case of an intelligence report that includes information from several sources, from which source a reference to a U.S. person identity was derived. Accordingly, the references to U.S. person identities may have resulted from Section 702-authorized collection or from other authorized signals intelligence activity conducted by NSA. This counting methodology was used in the previous report and is used in NSA's Section 702(m)(3) report.

The second row of Figure 12 provides the number of reports containing U.S. person identities where the U.S. person identity was masked in the report. The third row provides the number of reports containing U.S. person identities where the U.S. person identity was openly included in the report. Rows 2 and 3 will not total row 1 because one report may contain both masked and openly included identities.

Figure 12: **Section 702 Reports Containing U.S. Person Information Unmasked by NSA**

Section 702 Reports Containing U.S. Person Information Disseminated by NSA	CY 2023	CY 2024	**CY 2025**
Total number of NSA disseminated §702 reports containing U.S. person identities regardless of whether the identity was openly included or masked	4,028	3,944	**4,043**
Total number of NSA disseminated §702 reports containing U.S. person identities where the U.S. Person identity was masked	3,099	2,807	**2,423**
Total number of NSA disseminated §702 reports containing U.S. person identities where the U.S. Person identity was openly included	1,243	1,531	**2,000**

Figure 13 provides statistics relating to the number of U.S. person identities that were originally masked in those reports counted in Figure 13 but which NSA later provided to authorized requestors (*i.e.*, unmasked). This statistic is the number required to be reported to Congress pursuant to 50 U.S.C. § 1881a(m)(3)(A)(ii), which requires "an accounting of the number of [U.S.] person identities subsequently disseminated by [NSA] in response to requests for identities that were not referred to by name or title in the original reporting."

Note that a single intelligence report could contain multiple U.S. person identities, masked or openly named. The number of U.S. person identities unmasked by NSA in response to a specific request from another agency significantly fluctuated in CY 2023 and CY 2025 compared to CY 2024 and other past years. In each of these two years, there was a substantial increase in the number U.S. person identities unmasked by NSA in response to a specific request from another Agency (*see* figure 13). In both years, this increase resulted from a single report related to attempts by foreign cyber actors to compromise U.S. critical infrastructure.

Figure 13: **Section 702 U.S. Person Identities Disseminated by NSA**

Section 702 - U.S. Person Information Unmasked by NSA	CY 2023	CY 2024	**CY 2025**
Number of U.S. person identities that NSA unmasked in response to a specific request from another agency	31,330	12,873	**24,487**

IC Dissemination of U.S. Person Information

A. ICPG 107.1

Intelligence Community Policy Guidance (ICPG) 107.1, *Requests for Identities of U.S. Persons in Disseminated Intelligence Reports,* requires all IC elements to have procedures to respond to requests for the identities of U.S. persons whose identities were originally masked in a disseminated intelligence report. ICPG 107.1 applies to information regardless of the legal authority under which the information was collected including, but not limited to, FISA Section 702. ICPG 107.1 § E.1 requires that each element's procedures contain certain documentation and approval requirements. Furthermore, ICPG 107.1 § E.1.f requires additional documentation and approvals if a request is made "during a period beginning on the date of a general election for President and ending on the date on which such President is inaugurated" to unmask members of the President-elect's or Vice President-elect's transition teams. CY 2025 included such a period and, thus, IC elements were required to follow these additional requirements.

ICPG 107.1 does not change the standard for when a U.S. person's identity may be unmasked. Each IC element must follow the applicable legal authorities when determining if the element is permitted to unmask the identity of a U.S. person. Each IC element must also have its own procedures to implement ICPG 107.1, which are available for review in the IC on the Record database at intel.gov.

B. Statistics

ICPG 107.1 also requires the DNI to report, on an annual basis, certain statistics to track requests made pursuant to ICPG 107.1. As of January 1, 2019, all IC elements began tracking the applicable requests, including whether those requests were approved or denied, pursuant to the requirements of ICPG 107.1 § E.2. Accordingly, Figure 14 below provides these numbers for CY 2023, CY 2024 and CY 2025.

To explain how the IC counted applicable requests, definitions are provided below.

- **RECEIVED** are requests to identify U.S. persons whose identities were initially masked in disseminated intelligence reports. A single request may include one or more identities or involve one or more disseminated intelligence reports, but is still counted as one request. Duplicate requests, where the same requesting entity makes a request identical to a prior request, are not counted. If a subsequent request changes in any manner—with respect to the identities requested, the disseminated intelligence reports, or the intended recipients of the identities—the second request would be counted as a new request received.
- **APPROVED** are requests approved in part or in their entirety. Requests that were approved in part, regardless of whether they were also denied in part or withdrawn in part, are included in this number. Approvals that occurred in January following the reported calendar year for requests that were initially received in the preceding year are included in this number. For example, if an approval was made in January 2025 for a request that was received in December 2024, that approval was counted in the CY 2024 number.

- **DENIED IN FULL** are requests denied in their entirety. This includes denials that occurred in January following the reported calendar year for requests that were initially received in preceding year (as with approvals).
- **WITHDRAWN IN FULL** are requests that are withdrawn or cancelled by the requesting entity in their entirety. This includes withdrawals that occurred in January following the reported calendar year for requests that were initially received in preceding year (as with approvals).
- **PENDING** are requests where there is no final decision made as of the calendar year end because (a) the receiving IC element has not reviewed or decided on the request or (b) the receiving IC element asked the requesting entity for additional information to process the request and is waiting for such information. The pending requests subsequently get resolved and counted in the categories mentioned above for the following calendar year.

At a Glance: ICPG 107.1

- Addresses requests for U.S. person information that was masked in disseminated intelligence reporting and reporting the number of those request.
- Establishes certain documentation and approval requirements for applicable unmasking requests.
- Applies to all 18 IC elements.
- Applies regardless of the legal authority under which the information was collected.
- Does not change the standard for when a U.S. person identity may be unmasked.

Figure 14: **Requests for U.S. Person Identities and Decisions Regarding those Requests per ICPG 107.1**

Total requests received and disposition	CY 2023	CY 20224*	**CY 2025****
Total Number of Requests Received by all IC elements this calendar year	10,693	12,613	**14,174**
Of the requests received, the IC Approved	9,757	11,796	**13,380**
Of the requests received, the IC Denied in Full	290	300	**239**
Of the requests received, the IC processed as Withdrawn in Full	215	333	**381**
Of the requests received, the IC has Pending Decisions	431	184	**174**

* CY 2024 numbers have been updated for accuracy.
** CY 2025 numbers are missing numbers from one IC element. Those numbers will be added to next year's ASTR report.

FISA Criminal Use and Notice Provisions

A. FISA Sections 106 and 305

FISA Section 106 requires advance authorization from the Attorney General before any information acquired through Title I electronic surveillance may be used in a criminal proceeding. This authorization from the Attorney General is defined to include authorization by the Acting Attorney General, Deputy Attorney General, or, upon designation by the Attorney General, the Assistant Attorney General for National Security. Section 106 also requires that if a government entity intends to introduce information obtained or derived from electronic surveillance into evidence in any trial, hearing, or other proceeding, against an "aggrieved person," as defined by FISA, it must notify the aggrieved person and the court that the Government intends to so use such information. The aggrieved person is then entitled to seek suppression of the information. Section 706 requires that any information acquired pursuant to Section 702 be treated as electronic surveillance under Section 106 for purposes of the use, notice, and suppression requirements. Section 305 provides comparable requirements for the use of information acquired through Title III physical search in a legal proceeding.

B. Statistics

The FISA Amendments Reauthorization Act of 2017 codified a requirement that certain statistics concerning criminal proceedings with notice provided pursuant to Sections 106 and 305, including with respect to the use of Section 702-acquired information, must be provided to the public.

Figure 15: **Number of Criminal Proceedings in which the Government Provided Notice of Its Intent to Use Certain FISA Information**

FISA Sections 106 and 305	CY 2023	CY 2024	**CY 2025**
Number of criminal proceedings in which the United States or a State or political subdivision thereof provided notice pursuant to Section 106 (including with respect to Section 702-acquired information) or Section 305 of the government's intent to enter into evidence or otherwise use or disclose any information obtained or derived from electronic surveillance, physical search, or Section 702 acquisition *See* 50 U.S.C. § 1873(b)(4)	4	2	**6**

None of the notices provided in CY 2023, CY 2024, or CY 2025 involved information obtained or derived from Section 702.

FISA Title IV – Use of Pen Register and Trap and Trace (PR/TT) Devices

A. FISA Pen Register/Trap and Trace Authority

Title IV of FISA authorizes the use of pen register and trap and trace (PR/TT) devices for foreign intelligence purposes. Title IV authorizes the government to use a PR/TT device to capture dialing, routing, addressing or signaling information. By law, PR/TT devices may not collect the contents of communications. For example, a PR/TT device could be used to acquire the phone numbers, dates, and lengths of calls that were made or received by a specified phone number, but not the content of the calls.

At a Glance: FISA Title IV

- Commonly referred to as the "PR/TT" provision.
- Does not authorize bulk collection.
- Requires individual FISC order to use PR/TT device to capture dialing, routing, addressing, or signaling information.
- For U.S. persons, can only be used to support an investigation to protect against terrorism or clandestine intelligence activities that is not based solely on the basis of activities protected by the First Amendment.

The government may submit an application to the FISC for an order approving the use of a PR/TT device for (i) "any investigation to obtain foreign intelligence information not concerning a [U.S.] person or" (ii) "to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution." 50 U.S.C. § 1842(a). If the FISC finds that the government's application meets the requirements of FISA, the FISC must issue an order for the installation and use of a PR/TT device. Historical FISC orders and opinions authorizing the government's use of PR/TT devices may be found on intel.gov.

B. Statistics

COUNTING ORDERS. Similar to how orders are counted for Titles I and III and Sections 703 and 704, this report counts the orders granting and denying authority to conduct intelligence collection—the order for the installation and use of a PR/TT device. Thus, renewal orders are counted as separate orders; modification orders and amendments are not counted.

ESTIMATING THE NUMBER OF TARGETS. The government's methodology for counting PR/TT targets is the same as the methodology described above for counting targets of electronic surveillance and physical search. If the IC received authorization for the installation and use of a PR/TT device against the same target in four separate applications, the IC would count one target, not four. Alternatively, if the IC received authorization for the installation and use of a PR/TT device against four targets in the same application, the IC would count four targets.

ESTIMATING THE NUMBER OF UNIQUE IDENTIFIERS. This statistic counts (1) the targeted identifiers (*e.g.*, telephone numbers and email addresses) and (2) the non-targeted identifiers that were in contact with the targeted identifiers.

Pursuant to Section 603(d)(2)(B), the estimated number of unique identifiers used to communicate information (*see* row 3 in Figure 16a) applies only to orders resulting in the acquisition of information that includes email addresses or telephone numbers. This number is generated from the FBI's systems that hold unminimized PR/TT collection for every docket that resulted in the acquisition of PR/TT data.

Statistics fluctuate from year to year for a variety of reasons; as explained above, these reasons can include changes in collection and operational priorities, world events, technical capabilities, target behavior, and technological changes.

Figure 16a: **FISA PR/TT Orders, Targets, and Unique Identifiers Collected**

Title IV of FISA	CY 2023	CY 2024	CY 2025
Total number of orders *See* 50 U.S.C. § 1873(b)(3)	0	1	**1**
Estimated number of targets of such orders *See* 50 U.S.C. § 1873(b)(3)(A)	0	1	**1**
Estimated number of unique identifiers used to communicate information collected pursuant to such orders *See* 50 U.S.C. § 1873(b)(3)(B)	0	30,301	**19,484**

The U.S. person status of targets is reflected in the following figure.

Figure 16b: **FISA PR/TT Targets – U.S. Persons and Non-U.S. Persons**

FISA PR/TT Targets	CY 2023	CY 2024	CY 2025
Estimated number of targets who are non-U.S. persons *See* 50 U.S.C. § 1873(b)(3)(A)(i)	0	1	**1**
Estimated number of targets who are U.S. persons *See* 50 U.S.C. § 1873(b)(3)(A)(ii)	0	0	**0**
Estimated percentage of targets who are U.S. persons	0%	0%	**0%**

FISA Title V – Business Records

A. Business Records FISA

Title V of FISA, commonly referred to as the "Business Records" provision, authorizes the government to submit an application for an order requiring the production of certain records. Title V was added to FISA in 1998 and subsequently expanded in 2001 by the USA PATRIOT Act. The legal regime for Title V is particularly complicated at this time because on March 15, 2020, the USA PATRIOT Act version of Title V expired for some investigations but not others, such that there are now in effect two applicable legal regimes for the acquisition of records.

With respect to the acquisition of records in an investigation initiated prior to March 15, 2020, or that is investigating offenses that began or occurred before March 15, 2020, the USA PATRIOT Act version of Title V remains available under an exception to the applicable reversion provision. *See* Pub. L. 109-177, § 102(b)(2), 120 Stat. 192, 195. That means the government may continue to apply to the FISC for an order to obtain "any tangible thing" that is relevant to (i) "an investigation to obtain foreign intelligence information not concerning a [U.S.] person or" (ii) "to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a [U.S.] person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution." Such business record requests for tangible things may include books, records (*e.g.*, electronic communications transactional records), papers, documents, and other items. Bulk acquisition of records is prohibited, and a business record order must identify a "specific selection term" to narrow the scope of the collection.

For investigations that began or occurred on or after March 15, 2020, and do not meet the "offense" exception noted above, the USA PATRIOT Act version of Title V is no longer available, meaning that the pre-USA PATRIOT Act version applies. For such investigations, instead of being able to apply for an order to obtain "any tangible thing," the government may only seek to obtain records from (1) common carriers (*e.g.*, an airline or a bus company, not a telecommunications company), (2) public accommodation facilities (*e.g.*, hotels), (3) physical storage facilities, and (4) vehicle rental facilities. Instead of relevance to the investigation, the government must also provide specific and articulable facts giving reason to believe that the person to whom the records pertain is either a foreign power or an agent of a foreign power.

In addition, a separate authority to acquire a certain type of record, call detail records (CDR), under a different mechanism also expired in March 2020. As previously discussed in the CY 2019 Annual Statistical Transparency Report, in August 2019, NSA suspended use of the CDR authority and deleted previously acquired call detail records. Thus, the suspension of NSA's acquisition of CDRs in 2019 in conjunction with the expiration of the underlying authority in March 2020 results in there being no statistics pertaining to CDRs after CY 2018.

B. Statistics – Title V Business Records Statistics Orders, Targets and Identifiers

ESTIMATING THE NUMBER OF UNIQUE IDENTIFIERS. This is an estimate of the number of (1) targeted identifiers used to communicate information (*e.g.*, telephone numbers and email

addresses) and (2) non-targeted identifiers that were in contact with the targeted identifiers. The number of identifiers used by targets to communicate can vary significantly from year to year, which in turn will impact the number of non-targeted identifiers in contact with the targeted identifiers. The government also may obtain under Title V other types of tangible things from entities other than communication service providers. For example, the FBI could obtain, under this authority and if pertaining to an investigation of an offense committed prior to March 15, 2020, a hard copy of a purchase receipt or surveillance video from a retail store. The purchase receipt or surveillance video could contain a unique identifier such as a telephone number, which would not be counted. Nevertheless, such tangible things would not include many, if any, unique identifiers used to communicate information and, therefore, the figures reported below constitute a good faith estimate of the number of unique identifiers acquired by the FBI under these authorities.

EXPLAINING HOW THE GOVERNMENT COUNTS BUSINESS RECORDS STATISTICS. As an example of the government's methodology, assume that in a given calendar year, the government submitted a business records request targeting "John Doe" with email addresses john.doe@serviceproviderX, john.doe@serviceproviderY, and john.doe@serviceproviderZ. The FISC found that the application met the requirements of Title V and issued orders granting the application and directing service providers X, Y, and Z to produce business records. Provider X returned 10 non-targeted email addresses that were in contact with the target; provider Y returned 10 non-targeted email addresses that were in contact with the target; and provider Z returned 10 non-targeted email addresses that were in contact with the target. Based on this scenario, the government would report the following statistics: A) one order by the FISC for the production of tangible things, B) one target of said orders, and C) assuming there is no overlap among the 10 non-targeted email addresses returned by the three providers, 33 unique identifiers, representing three targeted email addresses, plus 30 non-targeted email addresses.

The statistics in the figure below reflect both the number of business records orders, whether denied or approved, (and associated unique identifiers collected) obtained under Section 501(b)(2)(B) pursuant to the exception for investigations initiated prior to March 15, 2020, or that are investigating offenses that began or occurred before March 15, 2020. While the number of business records orders authorized pursuant to Section 502 for investigations that began after March 15, 2020 (and do not meet the "offense" exception) would also be included in this table, none have been identified.

Figure 17: **Title V Business Records Orders, Targets, and Unique Identifiers Collected**

Business Records – Section 501(b)(2)(B) and Section 502	CY 2023	CY 2024	**CY 2025**
Total number of business records orders issued pursuant to applications under Section 501(b)(2)(B) or Section 502 *See* 50 U.S.C. § 1873(b)(5)	6	8	**3**
Estimated number of targets of such orders *See* 50 U.S.C. § 1873(b)(5)(A)	6	5	**3**
Estimated number of unique identifiers used to communicate information collected pursuant to such orders *See* 50 U.S.C. § 1873(b)(5)(B)	5,421	63,260	**268,369**

National Security Letters (NSLs)

A. National Security Letters

In addition to statistics relating to FISA authorities, the government also reports information on FBI's use of NSLs. The FBI is statutorily authorized to issue NSLs, which are administrative subpoenas, to compel the production of certain records (as specified below) only if the information being sought is relevant to a pending national security investigation. The FBI issues NSLs for four commonly used types of records:

- Telephone subscriber information, toll records, and other electronic communication transactional records, *see* 18 U.S.C. § 2709;
- Consumer-identifying information possessed by consumer reporting agencies (names, addresses, places of employment, institutions at which a consumer has maintained an account), *see* 15 U.S.C. § 1681u;
- Full credit reports, *see* 15 U.S.C. § 1681v (only for counterterrorism, not for counterintelligence investigations); and
- Financial records, *see* 12 U.S.C. § 3414.

At a Glance: National Security Letters

- Not authorized by FISA but by other statutes.
- Do not authorize bulk collection.
- Permitted only if the information sought is relevant to international counterterrorism or counterintelligence investigation.

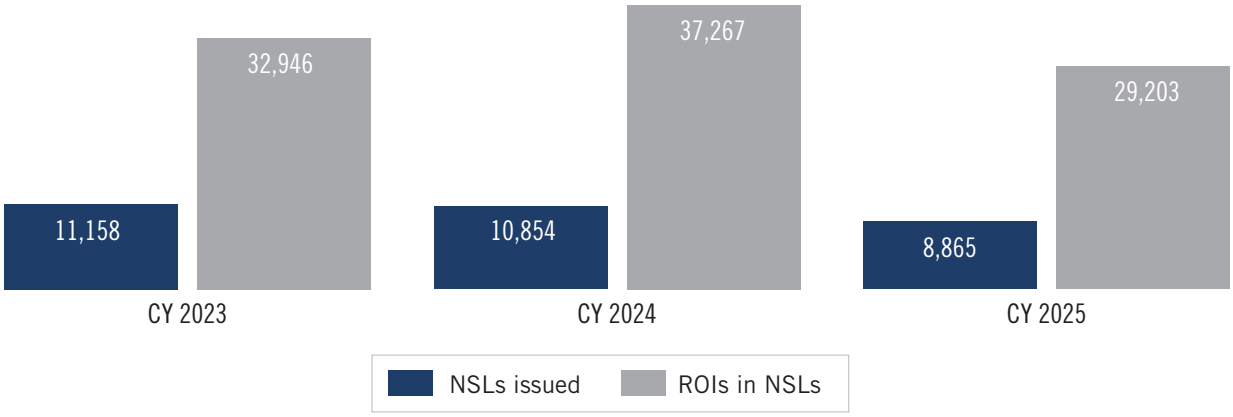
B. Statistics – National Security Letters and Requests for Information

COUNTING NSLs. This report provides (1) the total number of NSLs issued for all persons, and (2) the total number of requests for information (ROIs) contained within those NSLs. When a single NSL contains multiple ROIs, each is considered a "request" and each request must be relevant to the same pending investigation. For example, if the government issued one NSL seeking subscriber information from one provider and that NSL identified three email addresses for the provider to return records, this would count as one NSL issued and three ROIs.

NSL REQUESTS VERSUS NSL TARGETS. The government reports the annual number of requests, rather than NSL targets, and notes that the actual number of individuals or organizations that are the subject of an NSL is different than the number of NSL requests. The FBI often issues NSLs under different legal authorities, *e.g.*, 12 U.S.C. § 3414(a)(5), 15 U.S.C. § 1681u(a)(b), 15 U.S.C. § 1681v, and 18 U.S.C. § 2709, for the same individual or organization. The FBI may also serve multiple NSLs for an individual for multiple facilities (*e.g.*, multiple email accounts, landline telephone numbers, and cellular phone numbers). The number of requests, consequently, is significantly larger than the number of individuals or organizations that are the subjects of the NSLs.

THE DOJ's REPORT ON NSLs. Each year, the DOJ releases its Annual Foreign Intelligence Surveillance Act Report to Congress. That report provides the number of requests made for certain information concerning different U.S. persons pursuant to NSL authorities during the prior calendar year.

Figure 18: **NSLs Issued and Requests for Information**
Total NSLs Issued and Total ROIs within those NSLs



See 50 U.S.C. § 1873(b)(1)

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