# Emergency USP Content Queries within FAA 702 PRISM and Telephony Content Collection

External Oversight Process Description

**Oversight Activity Name:** Emergency USP Queries within FAA 702 PRISM and Telephony Content Collection

**Document Classification: TOP SECRET//COMINT//NOFORN**

## 1. Oversight Purpose

The information described below will provide reasonable assurance[1] to DoJ and ODNI that in the event of a national security emergency (e.g., a threat scenario) any USP identifiers used to query FAA 702 PRISM and telephony content collection will be reasonably likely to return foreign intelligence information. The oversight process described below has been reviewed by NSA Leadership, and NSA can reasonably implement it.

## 2. External Oversight Process

**Emergency Scenario:** NSA OGC and SID/SV will approve any United States person identifiers used to query the FAA 702 PRISM and telephony content collection. NSA will maintain a specific record of the following information and provide DoJ and ODNI such information for oversight purposes as soon as practicable after approval:

a. Approved identifiers and the realm for each identifier;

b. The United States person, if known, who uses the identifier; and

c. The foreign intelligence information reasonably likely to be obtained by running a query with the identifier, stated as:

- *A short description of the user of the identifier and/or the foreign intelligence information that could be obtained from a query, as well as the basis for this belief; it will not include attachments or supporting analytic assessment documentation.*

*Example information:*

| Identifier | Realm | US Person Name | Foreign Intelligence |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

[1] "Reasonable assurance" is a term of art commonly used in the auditing and compliance context that serves as an acknowledgment that it is not possible to assert with absolute certainty that an event will or will not occur. In the context of oversight activity, the term indicates that oversight personnel will have access to persuasive evidence that will allow them to reach conclusions about whether the underlying activity conforms to a specified compliance standard.

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## 1. Oversight Purpose

The information described below will provide reasonable assurance[1] to DoJ and ODNI that any USP identifiers used to query FAA 702 PRISM and telephony content collection will be reasonably likely to return foreign intelligence information. The oversight process described below has been reviewed by NSA Leadership, and NSA can reasonably implement it.

## 2. Proposed External Oversight Process

The external oversight requirements of USP queries within FAA 702 PRISM and telephony content collection will depend on the nature of the USP identifier used to query. Three categories of identifiers and their respective oversight processes are described below.

2.1 **Identifiers Managed by Existing Oversight Processes:** All United States person identifiers authorized for electronic surveillance [redacted] FISA Court Order or RAS-approved under NSA's bulk metadata authorities are approved to query the FAA 702 PRISM and telephony content collection because these identifiers have already been reviewed and assessed to be associated with a foreign power, and hence any query with those identifiers is reasonably likely to return foreign intelligence information.

Approval to query each identifier under section 2.1 will cease upon the expiration or termination of the underlying FISA court authority or RAS approval, whichever is applicable to the approved identifier.

a. [redacted] NSA will use these lists as its record for United States person identifiers authorized for electronic surveillance [redacted] FISA Court Order; these lists will be available to DoJ and ODNI upon request.

b. NSA currently maintains records of all RAS-approved identifiers. This list will be made available to DoJ and ODNI upon request.

2.2 **Identifiers Managed by NSA's Targeting Systems and Associated with 704/705b Targets, US Persons Held Captive, or Emergency Collection.** Any United States person identifiers used by approved 704/705b targets that are managed by NSA's

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targeting systems and otherwise not identified in section 2.1 above are approved to query the FAA 702 PRISM and telephony content collection because any query with those identifiers is reasonably likely to return foreign intelligence information. Likewise, any United States person identifier used by a person reasonably believed to be held captive by a foreign power or by a group engaged in international terrorist activities are approved to query the FAA 702 PRISM and telephony content collection when DIRNSA (or Acting DIRNSA) has given specific approval to intentionally intercept or deliberately select communications of or concerning a United States person in accordance with Section 4.A.1.a.3 of the Classified Annex to Department of Defense Procedures under Executive Order 12333. Any United States person identifier used by a person approved for collection by DIRNSA or the Attorney General under SP0018, section 4.1.d. are approved to query the FAA 702 PRISM and telephony content collection.

Approval to query each identifier under section 2.2 will cease upon the expiration or termination of the underlying authority to target the individual or upon NSA's determination that the identifier is no longer used by an authorized target.

For each identifier approved under section 2.2, NSA will maintain a specific record of the following information and provide DoJ and ODNI such information for oversight purposes at the existing 60-day review:

a. Approved identifiers and the realm for each identifier;

b. The name of the United States person, if known, who uses the identifier; and

c. The basis for NSA assessing that the identifier is used by an approved 704/705b target, that the identifier is used by a person reasonably believed to be held captive by a foreign power or group engaged in international terrorist activities and has been approved by DIRNSA (or Acting DIRNSA) in accordance with Section 4.A.1.a.3 of the Classified Annex, or that the identifier is used by a person approved for collection by DIRNSA or the Attorney General under SP0018, section 4.1.d. In each of these instances, once the connection to the target is identified, it is clear that foreign intelligence information is reasonably likely to be returned.

*Example information:*

| Identifier | Realm | US Person Name | Foreign Intelligence |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] | [redacted] |

| | | | |
|---|---|---|---|
| | | | [redacted] |

2.3 **All Other US Person Identifiers:** For any United States person identifiers approved to query the FAA 702 PRISM and telephony content collection not identified in sections 2.1 and 2.2 above, NSA will maintain a specific record of the following information and provide DoJ and ODNI such information for oversight purposes at the existing 60-day review:

a. Approved identifiers, the realm for each identifier, and the duration of the approval[2];

b. The United States person, if known, who uses the identifier; and

c. The foreign intelligence information reasonably likely to be obtained by running a query with the identifier, stated as:

- *A short description of the user of the identifier and/or the foreign intelligence information that could be obtained from a query, as well as the basis for this belief; it will not include attachments or supporting analytic assessment documentation.*

*Example information:*

| Identifier | Realm | US Person Name | Foreign Intelligence | Duration |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |

[2] Upon approval of each identifier under section 2.3, the approving official will specify the duration of the approval. The process for managing approvals and durations will be developed as described in Section 3.3.

| | | | | |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |

**3. NSA Resources Required to Implement:**

**Phase I**

3.1 (b)(1); (b)(3); (b)(5) [redacted]

3.2 (b)(1); (b)(3); (b)(5) [redacted]

**Phase II**

3.3 (b)(1); (b)(3); (b)(5) [redacted]

**Phase III**

3.4 (b)(1); (b)(3); (b)(5) [redacted]

**Technical Implementation**

3.5 NSA's technical implementation will allow analysts to define the appropriate parameters to query FAA 702 PRISM and telephony content collection with USP identifiers and not query FAA 702 Upstream collection.

**Training**

3.6 Additionally, for all phases of implementation, a *USP Query of 702 PRISM and Telephony Content Collection* training package will need to be developed and implemented for both NSA auditors and analysts. This training will cover the information analysts need to document in order to have USP identifiers approved to query FAA 702 PRISM and telephony content collection. (Note: This may be done via email and/or in-person sessions until such information can be included in standard formal training documentation.)

**4. Additional Comments:**

4.1 Upon request, NSA will make available to DoJ and ODNI any query logs of USP queries of FAA 702 PRISM and telephony content collection that are generated by systems used to query FAA 702 PRISM and telephony content collection.

4.2 It is important to note that a query of the 702 PRISM and telephony content collection may be comprised of several terms, [redacted] these combined terms are utilized to narrow the query results, and minimize the return of irrelevant data. Analysts are already instructed as part of their USSID SP0018 training to make their queries as focused as possible, and NSA auditors are trained to look out for and question analysts regarding overly broad queries. If a USP identifier is included as part of a broader query involving multiple terms, that identifier will still be included in the oversight process described above.

4.3 In general, NSA will be deemed to have met its obligation to support oversight of USP queries of FAA 702 PRISM and telephony content collection under Section 2 above by providing the information described in that section, and will not generally be expected to provide additional supporting documentation or references to specific traffic or reporting. Further, for queries in accordance with sections 2.2.c and 2.3.c above, NSA expects the information descriptions to remain generally consistent with the examples above. Importantly, for queries in accordance with section 2.2, NSA does not intend to require regular updates to the date of the information referenced (e.g., SIGINT collection from October 2011).

4.4 **USP Queries of FAA 702 Metadata**. Oversight of queries of metadata derived from FAA 702 PRISM and telephony collection containing USP identifiers will be handled in accordance with separate procedures. Those queries will not be handled in accordance with these procedures.