USP Queries of Communications Metadata Derived from FAA 702 (b)(3) [redacted] and Telephony Collection

External Oversight Process Description

(Note: Documented herein is the purpose, process, and implementation details associated with an NSA SIGINT activity that requires external oversight. The formal articulation of these oversight aspects, when combined with the process of coordinating these activities with our overseers will ensure clear understanding between NSA and our overseers regarding oversight expectations. This process will also serve to document NSA's effort and resource allocation required to support the oversight.)

Oversight Activity Name: USP Queries of Communications Metadata derived from FAA 702 (b)(3) [redacted] and Telephony Collection

Document Classification: TOP SECRET//COMINT//NOFORN

1. Oversight Purpose

The information described below will provide reasonable assurance[1] to DoJ and ODNI that any query of communications metadata derived from FAA 702 (b)(3) [redacted] and telephony collection starting with USP identifiers 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

2.1 **US Person Identifiers:** For any query of communications metadata[2] derived from the FAA 702 (b)(3) [redacted] and telephony collection starting with a United States person identifier[3], NSA will maintain a specific record identifying each United States person query, which will include the following information and provide DoJ and ODNI access to such information for oversight purposes at the existing 60-day review:

a. The query; and

b. The foreign intelligence (FI) justification for the query;

i. Each initial (seed) query will require the analyst to enter an FI justification. The FI justification will apply to all traffic analysis performed as a result of

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[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.

[2] For the purpose of these procedures, "communications metadata" is the same as the description of "metadata" provided in the response to question 9 within the Government's Responses to FISC Questions re: Amended 2011 Section 702 Certifications, filed on November 15, 2011, pages 3-8.

[3] NSA will rely on an algorithm and/or a business rule to identify queries of communications metadata derived from the FAA 702 (b)(3) [redacted] and telephony collection that start with a United States person identifier. Neither method will identify those queries that start with a United States person identifier with 100 percent accuracy.

the seed query, to include the identification and analysis of direct and indirect contacts of the initial (seed) query.

ii. Recording FI justifications is intended to assist NSA/CSS analysts in memorializing the purpose of their metadata analysis activities. The FI justification documents the analytic knowledge linking the selector to a foreign target or foreign intelligence purpose. The FI justification is a memory aid in the event that the analytic process is questioned long after the fact. The justification preserves the rationale behind the query. FI justifications are subject to review (spot check).

3. NSA Resources Required to Implement:

Technical Implementation

3.1 NSA's technical implementation will ensure that USP metadata queries of FAA 702 collection will only run against communications metadata derived from FAA 702 (b)(3) [redacted] and telephony collection. NSA's Technical Directorate (TD) continues work to implement this requirement.

Training

3.2 Training sufficient to grant analyst access to systems that support the Supplemental Procedures Concerning Communications Metadata Analysis (SPCMA) will be sufficient to start a query of communications metadata derived from FAA 702 (b)(3) [redacted] and telephony collection with a United States person identifier.

4. Additional Comments:

4.1 (b)(1); (b)(3) [redacted]

4.2 Analysts are not required to check any specific database or seek any internal approvals prior to executing a query against metadata derived from FAA 702 (b)(3) [redacted] or telephony collection. Further, NSA analysts are not required to attach supporting documentation to the FI justification or reference specific traffic or reporting.

4.3 These procedures describe the external oversight of USP queries of communications metadata derived from FAA 702 (b)(3) [redacted] and telephony collection. Nothing in these procedures is intended to alter or modify the underlying minimization procedures NSA personnel apply to the analysis of communications metadata derived from FAA 702 (b)(3) [redacted] and telephony collection. Substantively, the analysis of FAA 702 (b)(3) [redacted] and telephony communications metadata does not differ in any material respect from the analysis of metadata governed by the SPCMA procedures that the Secretary of Defense and Attorney General approved in late 2007. Maintaining consistency between the analysis of FAA 702 (b)(3) [redacted] and telephony metadata and the analysis of metadata governed by the SPCMA process creates a more uniform rule-set for analysts to follow which allows analysts to execute the mission more efficiently and helps prevent compliance incidents.