

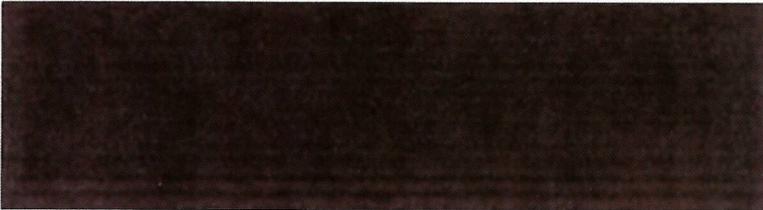
~~SECRET//ORCON,NOFORN~~

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE COURT

2010 [REDACTED] PM 5:22

LEEANN FLYNN HALL
CLERK OF COURT



~~UNDER SEAL~~

Docket No. [REDACTED]

GOVERNMENT'S SUPPLEMENTAL REPORT REGARDING
NSA'S POST-TARGETING ANALYSIS (S)

THE UNITED STATES OF AMERICA, through the undersigned Department of Justice attorney, respectfully submits the attached supplemental report regarding the processes that the National Security Agency (NSA) has implemented to comply with its targeting procedures under section 702 of the Foreign Intelligence Surveillance Act of 1978, as amended. These processes were discussed in part during a hearing before the Court on [REDACTED] 2010. ~~(S//OC,NF)~~

By: [REDACTED] submitted
(b)(6); (b)(7)(C)

Attorney-Advisor
National Security Division
United States Department of Justice

~~SECRET//ORCON,NOFORN~~

~~Classified by:~~

~~David S. Kris, Deputy Assistant
Attorney General, NSD, DOJ~~

~~Reason:~~

~~1.4(e)~~

~~Declassify on:~~

~~[REDACTED] 2035~~

~~TOP SECRET//COMINT//~~ [REDACTED]

Supplemental Report Regarding NSA's Post-Targeting Analysis ~~(S)~~

During the [REDACTED] 2010, hearing held by the Court with respect to DNI/AG 702(g) [REDACTED] (hereinafter "the [REDACTED] hearing"), the Government provided additional information about the National Security Agency's (NSA) efforts to identify use of targeted electronic communications accounts/addresses/identifiers (hereinafter, "targeted accounts") by users located in the United States. In particular, the Government described NSA's use of [REDACTED] [REDACTED], known as [REDACTED], to generate and prioritize alerts of [REDACTED] [REDACTED]. The Government also provided information to the Court regarding NSA's efforts to reduce the backlog of alerts generated by [REDACTED] that receive further manual review by NSA analysts. ~~(S//SI//)~~ [REDACTED]

At the time of the [REDACTED] hearing, NSA reported to the Court that approximately [REDACTED] alerts remained [REDACTED] awaiting final resolution by NSA analysts, with the oldest alert dating to [REDACTED]. As of [REDACTED] 2010, NSA had further reduced its backlog to approximately [REDACTED] such alerts.² Of those [REDACTED] alerts, approximately 21% were less than one week old, approximately 32% were between one week and one month old, and approximately 47% were between one month and four months old, the oldest of which dated back to [REDACTED]. Although the resolution [REDACTED] is not yet complete, NSA's initial assessment is that [REDACTED] likely did not occur from within the United States. ~~(S//SI//)~~ [REDACTED]

¹ Confirming its initial assessment, NSA ultimately determined that this alert was not indicative of the user's location. ~~(S)~~

² The [REDACTED] system [REDACTED] meaning that there will always be alerts in the queue for processing. Accordingly, NSA's internal emphasis is not on eliminating all alerts from the queue, but rather on ensuring that alerts are processed accurately and efficiently. ~~(S//SI//)~~ [REDACTED]

~~Derived From: NSA/CSSM 1-52~~

Dated: 20070108

Declassify On: 20350401

~~TOP SECRET//COMINT//~~ [REDACTED]

~~TOP SECRET//COMINT//~~ [REDACTED]

NSA is taking active steps to continue to reduce this backlog. As discussed in part during the [REDACTED] hearing, since inception of the [REDACTED] process, each business day NSA conducts an initial triage on alerts generated the prior day (or days, for alerts generated over a weekend or holiday). This initial triage is done [REDACTED] by NSA analysts [REDACTED]

[REDACTED] This [REDACTED] enables NSA to more quickly identify those alerts that have a higher probability of being indicative of a target's presence in the United States -- even those alerts that may [REDACTED]

[REDACTED] As a result of this triage, alerts with a low probability of being indicative of location -- and thus more likely to be false positives -- will be reviewed after other alerts that are more likely to indicate that a targeted account has been active from the United States. Therefore, alerts assessed as likely false positives -- [REDACTED]

[REDACTED] (TS//SI [REDACTED]

Subsequent to the [REDACTED] hearing, NSA established guidelines to ensure that the [REDACTED] post-tasking checks required by the NSA targeting procedures are completed in a timely and effective manner. First, the initial triage of all new prioritized alerts (described above) will continue to occur the same business day that the alerts are received. Second, NSA will begin a further assessment of each prioritized alert no later than five business days after receipt. This further assessment may include:

- [REDACTED]
- [REDACTED]

~~TOP SECRET//COMINT//~~ [REDACTED]

- [REDACTED]

Although this further research must begin within five business days, depending on the complexity and volume of alerts, in some cases, it may take NSA longer than five business days to fully resolve an alert. (TS//SI// [REDACTED])

In order to meet the above-described guidelines, NSA has increased personnel resources devoted to conducting [REDACTED] post-tasking checks; NSA will continue to monitor these resources and adjust them as needed. Additionally, NSA has implemented improved management of the initial triage process, to include [REDACTED] reprioritization of alerts most likely to be indicative of U.S. location. With respect to

[REDACTED]

By doing this, NSA believes its analysts will be able to resolve numerous related alerts at the same time, making the process more efficient.

NSA also is in the process of implementing several other improvements:

- [REDACTED]
- [REDACTED]
- [REDACTED]

4 [REDACTED]

~~TOP SECRET//COMINT//~~ [REDACTED]

Current efforts have already removed at [REDACTED] alerts in this manner, and continued modification will help prevent future alerts [REDACTED]

[REDACTED] ~~(TS//SI//~~ [REDACTED]

The Department of Justice and the Office of the Director of National Intelligence will continue to closely monitor both the alerts in process and NSA's implementation of the improvements it has made or is in the process of making in order to comply with its newly-established internal guidelines. Moreover, as NSA continues to improve its capabilities to ensure the alerts are processed accurately and efficiently, these guidelines and processes may be further refined over time. ~~(TS//SI//~~ [REDACTED]

Respectfully submitted,

(b)(3)

[REDACTED]
Signals Intelligence Directorate
National Security Agency

~~TOP SECRET//COMINT//~~ [REDACTED]