All withheld information exempt under (b)(1), (b)(3), and (b)(7)(E).

Approved for Public Release

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

October 20, 2014

The Honorable Thomas F. Hogan
United States Foreign Intelligence Surveillance Court
333 Constitutional Avenue, NW
Washington, DC 20001

Dear Judge Hogan:

(U//FOUO) Subsection 702(1)(3) of the Foreign Intelligence Surveillance Act, as amended ("the Act"), requires that the head of each element of the Intelligence Community conducting an acquisition authorized under subsection 702(a) of the Act shall conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The Federal Bureau of Investigation has conducted acquisitions authorized under subsection 702(a) and provides the attached report to fulfill the reporting requirement for the period September 1, 2012, to August 31, 2013.

(U//FOUO) Should you have any questions, please contact James A. Baker, General Counsel.

Sincerely,

James B. Comey
Director

Enclosure

This correspondence may be downgraded to FOR OFFICIAL USE ONLY upon removal of the enclosure.

(U) ANNUAL REPORT ISSUED PURSUANT TO SECTION 702 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

(U//FOUO) The report is made pursuant to the requirements of Section 702(*l*)(3) of the Foreign Intelligence Surveillance Act, as amended (FISA). This annual report covers the period from September 1, 2012, through August 31, 2013. This report is provided to the Foreign Intelligence Surveillance Court (FISC), the Attorney General, the Director of National Intelligence, the United States Senate Select Committee on Intelligence and the United States House of Representatives Permanent Select Committee on Intelligence, and the United States Senate Committee on the Judiciary and the United States House of Representatives Judiciary Committee.

FISA INFORMATION

(U//FOUO) This document contains information from Foreign Intelligence Surveillance Act (FISA) collection, including information collected pursuant to FISA Section 702. The FISA information, and any information derived therefrom, may not be used in any foreign or domestic criminal, administrative, or other proceeding without the advance authorization of the Attorney General. If concerning a United States person(s), this information may be disseminated to a foreign government only with prior authorization from FBI Headquarters. Any reproduction, dissemination, or communication (including, but not limited to, oral briefings) of this information must be accompanied by a statement of these restrictions.

I. (U//FOUO) The FBI's Role in the Implementation of FISA Section 702

~~(S//NF)~~ During this reporting period, the Federal Bureau of Investigation (FBI) has been authorized by the FISC, per its approval of certifications filed for the period of [redacted], and [redacted], to implement Section 702 in the following ways:

- ~~(S//NF)~~ The FBI [redacted] foreign intelligence information in the form of [redacted] A selector [redacted] is an identifier for internet communications, such as an email address. The [redacted] must be conducted pursuant to the FBI's targeting procedures.[1]

- ~~(S//NF)~~ The FBI provides [redacted]

[1] [redacted], both the CIA and the NSA apply their own court-approved minimization procedures.

~~Classified By: J21J24T75~~
~~Derived From: FBI NSIC, dated 20140809~~
~~Declassify On: 20390809~~

[redacted]

- ~~(S//NF)~~ The FBI retains raw data in its searchable database systems for analysis. The FBI, in consultation with the Office of the Director of National Intelligence and the Department of Justice National Security Division, has developed a variety of internal protocols to ensure agents and analysts comply with the FBI's minimization procedures in utilizing this data.

H. (U//FOUO) Foreign Intelligence Information Aquired under FISA Subsection 702(a)

~~(S//NF/FISA)~~ Section 702(*l*)(3)(A) requires the head of each element of the United States Intelligence Community (USIC) conducting an acquisition authorized under subsection (a) to conduct "an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition." During this reporting period, the FBI has conducted acquisitions under Section 702(a) of FISA. Further, the FBI has determined that it has acquired valuable foreign intelligence information pursuant to Section 702(a). Examples of the valuable foreign intelligence information that has been obtained through use of this subsection include:

- ~~(S//NF//FISA)~~ [redacted]
- ~~(S//NF//FISA)~~ [redacted]
- ~~(S//NF//FISA)~~ [redacted]

- ~~(S//NF/FISA)~~ [redacted]

- ~~(S//NF//FISA)~~ [redacted]

- ~~(S//NF//FISA)~~ [redacted]

[redacted]

(U//FOUO) The FBI has every reason to believe that acquisition pursuant to subsection 702(a) will continue to provide valuable foreign intelligence.

III. (U//FOUO) Data Required by Subsection 702(*l*)(3)(A)(i)-(iii)

(U//FOUO) Section 702(*l*)(3)(A) further requires that the head of each element provide, with respect to acquisitions authorized under subsection: (a) "(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity; (ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting; (iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed."

i. (U) Disseminated Intelligence Reports Referencing United States Person Identities

~~(S//NF)~~ During this reporting period, the FBI made a total of [redacted] disseminations [redacted] by FBI nominations and [redacted] by accounts nominated by the IC [redacted][2] where the 702-acquired information in an intelligence report contained a reference to a United States person identity.[3]

ii. (U) Subsequent Identifications of United States Persons Not Initially Identified

~~(S//NF)~~ Consistent with our minimization procedures, the FBI's practice is to disseminate United States person information contained in Section 702 information when that information reasonably appears to be foreign intelligence information, information necessary to understand foreign intelligence, or is evidence of a crime. United States person information that

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[2] ~~(S//NF)~~ These figures represent intelligence reports that included a United States person identity as part of the 702 information. For example, if the [redacted] under Section 702 included the name of a United States person and that name was inserted into the intelligence report that was disseminated, it was counted. If an intelligence report included 702 information and included a United States person identity not derived from the 702 information, that intelligence report was not counted.

[3] ~~(S//NF)~~ FISA defines a United States person as a citizen of the United States; an alien lawfully admitted for permanent residence; 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 that is incorporated in the United States, but not a corporation or an association that is a foreign power. [redacted]

is not foreign intelligence, necessary to understand foreign intelligence, or is evidence of crime would not be eligible for dissemination to other agencies and would be masked upon dissemination. On occasion, an agency may determine that masked information does in fact reasonably appear to be foreign intelligence information or evidence of a crime and would ask that the information be unmasked. During this reporting period, [redacted] such unmaskings occurred.

iii. (U) Targets Later Determined to be Located in the United States

~~(S//NF)~~ Based on the system in place to collect this data during this reporting period, a total of [redacted] targets whose communications were [redacted] the FBI were later determined to be located in the United States.[4]

IV. (U) Procedures to Assess Extent of Acquisitions of United States Persons' Communications

(U//FOUO) Subsection 702(*l*)(3)(A)(iv) requires that the head of each element provide "a description of any procedures developed by the FBI and approved by the Director of National Intelligence to assess—in a manner consistent with national security, operational requirements, and the privacy interests of United States persons—the extent to which the acquisitions authorized under subsection (a) acquire communications of United States persons, and the results of any such assessment."

(U//FOUO) Existing targeting and minimization procedures, FBI internal oversight procedures, and oversight by the Department of Justice, the Office of the Director of National Intelligence, two Offices of the Inspectors General, and the FISC, assure that Section 702 authorities are being executed appropriately and in a manner consistent with the statute and the Fourth Amendment of the Constitution of the United States. During the relevant reporting period, the FBI did not develop any additional procedures to assess the extent to which the acquisitions authorized under subsection 702(a) acquire the communications of United States persons. Communications of United States persons that are acquired under subsection 702(a) are treated in accordance with applicable legal and policy requirements and procedures to safeguard the privacy interests of United States persons.

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[4] ~~(S//NF)~~. To avoid duplicate reporting, this figure only includes communications collected pursuant to the FBI's targeting procedures. NSA separately reports instances where it collects communications of persons located in the United States pursuant to its targeting procedures.