

### TOP SECRET//COMINT//NOFORN//X1

## NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755-6000

9 June 2004

### MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U/FOUO) Report to the Intelligence Oversight Board on NSA

Activities - INFORMATION MEMORANDUM

(U//FOUO) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 March 2004, were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//<del>FOUO)</del> The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JOEL F. BRENNER Inspector General

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General Counsel

(U/FOUO) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

MICHAEL V. HAYDEN

Lieutenant General, USAF

Director, NSA/Chief, CSS

Encl:

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

Michael V. Hayda

Quarterly Report with NSA/CSS Policy 1-23

This Memorandum is Unclassified Upon Removal of Enclosure

DERIVED FROM: NSA/CSSM 123-2

DATED: 24 FEB 98 DECLASSIFY ON: X1

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BACKGROUND: (U/FOUC) require Intelligence Community agent and Inspectors General, respectively, intelligence activities that they have reported or Presidential Directive. The known to the Inspector General and Cagency heads are responsible for reported known to them, unless the President Informed. The Director's signature signature of known to him.  RECOMMENDATION: (U) This document may be declassified and marked "UNCLASSIFIED/For Oupon removal of enclosure(s)	Execution to heads a to report reason to heads a report reason to head reporting separating separating specific gnifies that Director	ve Order and Intellito the IOE believe man memorand bunsel. Per artely an ically instrat no other sign the e	1233; gence gence y be to um cer PIC y add ructe r acti	3 and Execute Community quarterly be unlawful or covers all report of that the Be wities that re	tive Order y General ( asis concer contrary to ortable act of August 19 rtable active oard is not equire repo	12863 Counsels ning Executive ivities 982, rities to be
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FORM A6796 FEB 94 NSN: 7540-FM-001-5465 DERIVED FROM: NSA/CSSM 123-2 DATED. 24 February 1998 DECLASSIFY ON: X1

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# 1. (U) INSPECTOR GENERAL ACTIVITIES

a. (C//SI) During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (E.O.s), Attorney General procedures, and DoD and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

b. (S//SI) The NSA OIG completed an inspection of the Division. The inspection found no oversight (I/O) shortcomings. The Division submits quarterly reports to the Information Assurance Directorate. All employ in annual refresher training, which is tracked by division man	compliance ees participate
c. <del>(TS//SI)</del> A joint investigation by the NSA and	
2. (U) GENERAL COUNSEL ACTIVITIES	(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

(b)(3)-18 USC 798

(C//SI) The NSA OGC reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, E.O.s, Attorney General procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or concerning U.S. persons; the reporting of possible violations of federal criminal law contained in SIGINT product; the testing of electronic equipment; and the applicability of the Foreign Intelligence Surveillance Act (FISA). With few exceptions, the issues presented were routine and indicated

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that the operating elements understand the restrictions on NSA/CSS activities. The OGC did not file any reports with the Intelligence Oversight Board during this quarter.

# 3. (U) SIGINT ACTIVITIES

a. (S//SI) Collection Against U.S. Persons (1) (U) Intentional -(S//SI) During this quarter, the DIRNSA granted approval for persons. DIRNSA-approved consensual collection against consensual collection against U.S. persons was routinely (b)(1)terminated this quarter. (b)(3)-P.L. 86-36 (S//SI) The Attorney General (AG) granted authority to collect the communications of U.S. persons during this quarter. (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (2) (U) Unintentional <u>(b)(3</u>)-50 USC 3024(i) a. <del>(TS//SI)</del> inadvertently targeted the holding dual U.S.citizenship. Upon learning of her status, in consultation with the OGC, detasked her number. (b)(1)(b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i) b. (TS//SI) learned that was a dual U.S.citizen. All numbers and collection associated with the official were removed from all systems. No collection related to this individual was disseminated. At the same time, identified other who are U.S. citizens, of whose numbers had been tasked for collection. The numbers were immediately detasked. There was no reporting on relevant collection, which also was destroyed. (b)(1)(b)(3)-P.L. 86-36 c. (TS//SI) SID inadvertently collected against a U.S. citizen abroad When from expired SID aborted what it thought to be all database queries related to him. However, when SID reinstated the queries after receiving it discovered The office attributed the oversight to human error. No intercepts were obtained during this period.

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(b)(1) (b)(3)-P.L. 86-36 b. <b>(</b> U	incident involving the queries descincidents were reported to response actions were taken. All unauthor destroyed.  #FOUO Dissemination of U.S. Iden  (1) (U) Intentional  (S#SI) In accordance with section disseminated times during to shows the justification and the nu	et U.S. persons cribed in Parage sible oversight ized traffic colle tities  7 of USSID 18, this quarter. Tomber of instan-	raw traffiction addition to the graph c. above. All officials and corrected has been  U.S. identities we the following table ces of disseminati	ective  ere on:	L. 86-36
	In the "Unmasked by Analyst" col- in a serialized end product; in the column, a U.S. identity was releas	"Unmasked at	User Request"	,	
	JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL	,
	7.2.c Necessary			(b)(1)	.L. 86-36
	7.2.c.1 Foreign Official			(b)(3)-P.	.L. 00-30
	7.2.c.3 International Narcotics				
	7.2.c.4 Criminal Activity				
	7.2.c.7 U.S. Government Official				
	TOTAL				
	(2) (U) Unintentional  (S//SI) During this quarter, SIG because they contained the identitientities of these related to	ies of U.S. pers		/L\(\O\) D	.L. 86-36

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

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which were either not reissued or were reissued with the proper	
(b)(1)	86-36
(3) (U) Raw Traffic Dissemination Outside the SIGINT (b)(3)-18	USC 798 USC 3024(i)
a.(S//SI) in response to an RFI from the	
	SID OFC who institle supported?
	who initially
SID notified the of the error, at which time the deleted the files and issued a corrected email. To prevent future incidents, all	Alported.
personnel assigned to the have received refresher training.	
b. (S) a member of the	٦
sent an e-mail outside the SIGINT production chain	
Bacausa sama	SID
unauthorized individuals could have accessed the database, SID shut	
down the webpage to install a fix,	-
3. (3)	(b)(3)-P.L. 86-36
interface users who were not authorized to view SIGINT information,	310
interface, but it is not certain that users were able to see this	
information. Corrective measures have been taken.	
d. (S//SI)	(b)(1)
	(b)(3)-P.L. 86-36
	\\
proper handling and dissemination of SIGINT data	\
Personnel working in or with SID during this	\\
quarter included representatives of the	(b)(3)-P.L. 86-36
	(3) (U) Raw Traffic Dissemination Outside the SIGINT (b)(3)-P. (b)(3)-P. (b)(3)-P. (b)(3)-So (b)(3)-So (c) (b)(3)-So (c) (c) (c) (c) (d) (d) (d) (d) (d) (d) (d) (d) (d) (d

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	(b)(3)-P.L. 86-36
	4 (II) OTHER ACTIVITIES
(b)(1)	4. (U) OTHER ACTIVITIES (b)(1)
(b)(3)-P.L. 86-36	(b)(3)-P.L. 86-36
	(U//FOUO) FISA Incidents (b)(3)-18 USC 798
	(b)(3)-50 USC 3024(i)
	a (TS//SL/NF) SID discovered of transcripts
	potained from the
\ \	that had been retained beyond the required destruction date. Some
\	transcripts are involved. The OIG is
L	investigating how transcripts came to be retained, and
	will report the results of its investigation when it is complete.
	will report the results of its investigation when it is complete.
	b. (TS//SI/NF) SID published a report containing
	information derived from without the caveat OGA
	required by The SID found the report while (b) (7) (E)
	researching an unrelated issue in a database. Subsequent research revealed
	that the error occurred when appropriately cleared SID personnel with access
	to forwarded the information to an unindoctrinated
	NSA subject matter expert who was not aware of (b)(3)-P.L. 86-36
	the source of the information. SID cancelled the report and reissued it with
	the caveat. Since this incident occurred because the expert had not received
	a briefing on procedures have been implemented to brief
	everyone who might handle this material rather than only those who have
	access to the database containing
	(U) Assistance to Law Enforcement
	(S//SI) During this quarter, the SID approved requests for technical
,	assistance from law enforcement, including requests from (b)(1)
ļ	(b)(3)-P.L. 86-36
Ţ	Assistance included

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### (U) Working Aids

(U//<del>FOUO)</del> The SID maintains "U.S. Identities in SIGINT" and a matrix of blanket reporting waivers on its web page for use by all NSA/CSS analysts. The E.O., NSA/CSS Policy 1-23, DoD Regulation 5240.1-R, and USSID 18 are also available on-line. Several offices in SID maintain files to be used to prevent targeting of U.S. persons.

## (U) Intelligence Oversight Training

a. (U//<del>FOUO)</del> In March 2004, SID implemented its new I/O training program, which allows employees to access the required documents and register their compliance on the web. The new program reminds employees that,

(U) "The primary document governing NSA's intelligence activities is Executive Order 12333. In addition, NSA employees are subject to DoD Regulation 5240.1-R..., which implement(s) the Executive Order. For SID employees, USSID 18 provides the SIGINT minimization procedures required by these documents and the Foreign Intelligence Surveillance Act. Finally, NSCID 6 defines SIGINT and prescribes the conduct of SIGINT activities."

b. (U/#FOUO) In response to the December 2001 NSA OIG report, Strategic Assessment of Intelligence Oversight, Agency leadership revised NSA/CSS Directive 10-30, by including more detailed guidance about I/O training and quarterly reporting requirements. NSA issued the revised procedures as NSA/CSS Policy 1-23. A copy of the procedures is enclosed.