# 65279

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#### NATIONAL SECURITY AGENCY **CENTRAL SECURITY SERVICE** FORT GEORGE G. MEADE MARYLAND 20755-6000

5 April 2012

#### MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

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

SUBJECT: (U//<del>FOUO</del>) Report to the Intelligence Oversight Board on NSA Activities -INFORMATION MEMORANDUM

(U/<del>FOUO)</del> Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that intelligence activities of the National Security Agency during the quarter ending 31 December 2011 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.6(c) of Executive Order 12333, as amended.

(U//FOUO) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by 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.

> GEORGE ELLARD Inspector General

PATRICK J. REYNOLDS Acting General Counsel

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

> General, U.S. Army Director, NSA/Chief, CSS

Encl:

Quarterly Report

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- I. (U) Intelligence, Counterintelligence, and Intelligence-Related Activities that Violated Law, Regulation, or Policy and Were Substantiated during the Quarter, as well as Actions Taken as a Result of the Violations
- I.A. (U) Intelligence Activities Conducted under Executive Order (E.O.) 12333 Authority
- I.A.1 (U) Unintentional Targeting or Database Queries against US Persons (USPs) or Foreign Persons in the United States

|         | (S//SI//REL TO USA, FVEY)  | NSA's primary tasking tools for   | (b)(1)<br>(b)(3)-P.L. 86-36 |
|---------|--|---|-----------------------------|
|         | telephone and Internet selectors   | (b) (1) -P.L  | . 86-36                     |
|         |  |   | USC 3024(i)                 |
|         | (U// <del>FOUO)</del> During the fourth quarter of calend intelligence (SIGINT) analysts in instances inadvor about USPs while pursuing foreign intelligence task intercepts, query results, and reports have been deleted SIGINT Directive SP0018.  (b) (3) -P. | ertently targeted communications to, from<br>king. Unless otherwise specified, all<br>d or destroyed as required by United Star |                             |
|         | I.A.1.a. (U) Tasking Errors  |   |                             |
|         | (S//SI//REL TO USA, FVEY)  | NSA analysts  |                             |
|         |  | eved to be associated with valid foreign  |                             |
|         | intelligence targets   | The   | 7                           |
|         | errors occurred because the analysts did not  The selectors were detasked  |   | <u> </u>                    |
|         | respectively.  | (3)   | _ ,                         |
|         | respectively.  | (b) (:  | 3)-P.L. 86-36               |
|         | (S//SI//REL TO USA, FVEY)  | it was discovered that an NSA   | _                           |
|         | analyst had tasked a selector that had been associated   | with a USP  | Γhe                         |
|         | targeting error occurred   |   | 4                           |
|         |  | TTI   |                             |
| /       | analyst detasked the selector on   | and no collection occurred.   | ne                          |
| //      | analyst detasked the selector on   | and no correction occurred.   |                             |
| //      | -(S//SI//REL TO USA; FVEY)   | an NSA analyst discovered that  | a                           |
| //      | selector associated with a USP had been erroneously to   | tasked. The error occurred because the  |                             |
| //      | targeting analyst overlooked information about the tar   | •   | ess                         |
|         | The selector was detasked  | and no collection occurred.   |                             |
| #       | -(S//SI//REL\TO USA, FVEY)   | an NICA analyst discovered that   |                             |
|         | because of a software error.   | an NSA analyst discovered that,   |                             |
|         | because of a software error,   | and   |                             |
| V       |  |   |                             |
| (b) (1) | (b) (1)  |   |                             |
|         | P.L. 86-36 (b)(3)-P.L. 86-36 50 USC 3024(i)  | Derived From: NSA/CSSM 1  | -52                         |

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

| agreement. The analyst detasked the selectors (b) (1) (b) (3) -P.L. 86-36  |
|--|
| (S//SI//REL TO USA, FVEY) a US location was erroneously  |
| targeted and collection occurred for   |
| All collection has been purged.  |
| (S//SI//REL TO USA, FVEY) after a foreign intelligence target was confirmed to be a USP, NSA analysts detasked all the target's telephone and e-mail selectors. However, another analyst, who was absent from the office when the target's USP status was confirmed, retasked the e-mail selector. Upon realizing the mistake, the second analyst detasked the selector and deleted all queries and query results. |
| (S//SI//REL-TO-USA, FVEY) an NSA analyst learned that a  |
| selector associated with a USP was erroneously tasked  |
| when the analyst became aware of the target's USP status. No collection occurred. The analyst was counseled to research selectors before tasking them.   |
| (b) (1) (b) (1)  |
| I.A.1.b. (U) Database Queries (b) (3) -P.L. 86-36 (b) (3) -P.L. 86-36 (b) (3) -50 USC 3024 (i)   |
| (S//REL TO USA: FVEY)  |
|  |
| (S//REL TO USA, FVEY) On occasions during this quarter, analysts performed overly broad or poorly constructed database queries that potentially targeted and/or returned information about USPs. These queries used produced   |
| imprecise results. On of those occasions, the queries returned results from the database. The  |
| query results were deleted, and no reports were issued. Analysts who performed these queries   |
| were counseled by their management.  (b) (1) (b) (3) -P.L. 86-36   |
| (U) Procedural and other errors contributed to the following incidents.  |
| OU//FOUO)  NSA analysts performed queries in raw traffic databases without first performing the required research on the selectors queries returned results, which were deleted or aged off; no reports were issued.  (b) (3)-P.L. 86-36   |
| an analyst discovered  a selector that had been detasked  because of the had been attending training and was unaware of  All non-compliant traffic was purged, and no reporting occurred. To prevent future  |
| (b) (1)  |
| (b) (1)<br>(b) (3) -P.L. 86-36<br>(b) (3) -P.L. 86-36<br>(b) (3) -50 USC 3024(i)   |

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|--------|---|
|        | TOP SECRET//SI//NOFORN (b) (3)-P.L. 86-36 (b) (3)-50 USC 3024(i)  |
|        | incidents, analysts have been instructed before extended periods of absence.  |
|        | (S//SI//REL TO USA, FVEY)  an NSA database auditor noticed that an analyst had queried in a raw traffic database. The analyst had mistakenly thought it would be acceptable to research because  The analyst was counseled that this is not permitted under SIGINT policies governing raw traffic because the foreign target was not the No results were returned by the query. |
|        | (S//SI//REL TO USA, FVEY) On occasions between  NSA analysts performed queries in the same raw traffic database using their personal identifiers or the identifier of another analyst. The analysts were counseled and provided a refresher on the use of the database. No results were returned by the queries.  |
|        | (S//SI//REL TO USA, FVEY) an analyst performed a query in raw traffic databases using selectors believed to be associated with a foreign intelligence target.  The analyst later learned that the target held US citizenship. All query results were deleted  (b) (1)  (b) (3) -P.L. 86-36  |
|        | (S//SI//REL TO USE, FVEY) an NSA analyst performed a query using the selectors of foreign intelligence targets known to be in the United States. The analyst deleted the results and was counseled about procedures and policies regarding targeting foreign persons in the United States.  |
|        | (S//SI//REL TO USA, FVEY)  an analyst had mistakenly queried in a raw traffic database  The error occurred because the analyst, despite  did not realize that the e-mail addresses were US addresses.  (b) (1) (b) (3) -P. L. 86-36   |
|        | database auditor discovered that an analyst had performed a query  The error occurred because the analyst had  Upon realizing the mistake, the analyst immediately ceased further queries.  (b) (1) (b) (3)-P.L. 86-36  |
|        | (S//SI//REL USA, FVEY) an analyst ran a query against selectors associated with a USP because the analyst did not know that the target was a USP. The analyst deleted the query results   |
| 0      | (S//SI//REL TO USA, FVEY) an NSA analyst queried the selector for a foreign intelligence target   |
|        | No results were returned by the query.  (b) (1) (b) (3)-P.L. 86-36 (b) (3)-18 USC 798 (b) (3)-50 USC 3024(i)  |

|                   | TOP SECRET//SI//NOFORN (b)(1)   |
|-------------------|---|
|                   | (b)(3)-P.L. 86-36   |
|                   | (S//SI//REL TO USA, FVEY) an analyst inadvertently ran a query  |
| _                 | in a raw traffic database on selectors associated with a target while he was in the United  |
|                   | States. The selectors associated with the target had been detasked in early in  |
|                   | States. The selectors associated with the target figal over detasked in early   |
|                   | The guery and results were  |
|                   | deleted, and no reports were issued. The team was reminded about the importance of sharing  |
| 1                 | (b)(1)  |
| _ '               | (b)(3)-P.L. 86-36   |
|                   | (S//SI//REL TO USA, FVEY) an analyst mistakenly (b)(3)-50 USC 3024(i)   |
|                   | a query performed in a raw traffic database. The  |
|                   | query did not return any results. The analyst was advised to verify all search terms before   |
|                   | copying them.   |
|                   | (S//SI//REL TO USA, FVEY) an analyst performed in a raw traffic (b)(1)  |
| _                 | database a query that included dates during which the target had been in the United States. (b)(3)-P.L. 86-36   |
|                   | Although the analyst the United States, he  |
|                   | The query returned results that did not require(b)(1)   |
|                   | deletion because they had been collected incidentally. No reports were issued. // (b)(3)-P.L. 86-36   |
| _                 |   |
|                   | (S//SI//REL TO USA, FVEY) an analyst discovered that a selector   |
|                   | that had been detasked the  |
|                   | United States in a raw traffic database. To prevent future errors,  |
|                   | , (D)(1)  |
|                   | (b)(3)-P.L. 86-36<br>(b)(3)-50 USC 3024(i)  |
|                   | (S//SI//REL TO USA, FVEY) an NSA analyst discovered that another  |
|                   | analyst selectors associated with a target visiting   |
|                   | the United States The analyst had detasked the selectors  |
| (b)(1)            | on  |
| (b)(3)-P.L. 86-36 |   |
|                   | No reports were issued.   |
| \                 | (S//SI//REL TO USA, FVEY) an analyst performed queries  |
| \                 | (SNOTITED TO CON, TVDT) and analysis performed further further  |
|                   | incident occurred because the analyst was not aware that the  |
| /                 | The analyst deleted the results returned by the queries   |
| `                 | The analyst was advised to before   |
|                   | querying a raw traffic database.  |
| П                 | (QUQUUDEL TO LICA EXEXO   |
|                   | (S//SI//REL TO USA, FVEY) two SIGINT analysts performed queries   |
|                   | in the same raw traffic database using the selectors of valid foreign intelligence targets while the targets were in the United States. The errors occurred because |
|                   | when the targets were in the United States All query  |
|                   | results have been deleted. Analysts have been advised   |
|                   |   |
|                   |   |
| /h. /4)           | (b)(1)<br>(b)(3)-P.L. 86-36   |
| (b)(1)<br>(b)(3)  | )-P.L. 86-36 (b)(3)-50 USC 3024(i)  |
| \/\-/             |   |

TOP SECRET//SI//NOFORN (b)(3)-P.L. 86-36

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

| [ (S//SI//REL TO USA, F  | <del>VEY)</del> ar   | analyst discovered that                          | a query                                    |
|--|--|--|--|
| against a target who   | the United States  |  |  |
|  |  |  | 1  |
|  |  |  |  |
|  | The analyst suspended the o  | query and deleted the res                        | ults                                       |
|  | nalyst was reminded to exercise of   |  | and  |
| to ensure that all relevan   | at queries are stopped at the appro  | opriate time.                                    |  |
| [] <del>(S//SI//REL TO USA, F</del>                                    | <del>VEY)</del> ar   | n analyst performed a que                        | ery in a raw                               |
|  | e selectors for a target, even thou  |  | e that the                                 |
| target was in the United   | States. The analyst deleted all re   | esults   | (b)(1)                                     |
| I.A.1.c. (U) Detasking De  | elays  |  | (b)(3)-P.L. 86-36                          |
| (C//CI//DEL TO LICA  | A EVEV   |  | 1/1./                                      |
| <del>(S//SI//REL TO US/</del><br>thought to have be <u>en detask</u> e |  | an analyst found that earned that the target was | s a USP had                                |
| remained on task.  | NSA management 1   |  | had  |
| prevented the selectors from   | being detasked when the initial  | request was made.                                |  |
| No reports were issued.  | ceived confirmation that the selec   | tors had been properly d                         |  |
| )(1)   | Maria de la compansión de   |  | (b)(3)-P.L. 86-36<br>(b)(3)-50 USC 3024(i) |
| (S//SI//REL TO US/   | ,  | an analyst discovered the                        |  |
|  | th a target remained on task whe   |  | States and                                 |
|  | and y by thire w   |  | The  |
| in the latest at the second  |  | (T 11  |  |
| immediately detasked them, reports were issued. The an                 |  | No collection occurred, a                        | ind no                                     |
| reports were issued. The diff  | aryst was advised to   |  | <del></del>                                |
| -(S//SI//REL TO US/  | A EVEX   | Jan NCA analyst dissay                           | ranad that a                               |
| <del>(SIISIIITEL</del> 10 OSI  | ssociated with a foreign intellige   | an NSA analyst discovence target remained on to  |  |
| target had arrived in the Uni  | ited States. Although collection   | had been suspended on                            | other                                      |
| selectors  | the United States, this  | selector had been mistak                         | enly                                       |
| [ <sup>1</sup>   | The analyst corrected th   | ie   | <del>'</del> ,                             |
|  |  | ollection was suspended                          | N 1 2                                      |
|  |  | red, and no transcripts or                       |  |
| based on the selector were is  | ssued.   |  | (b)(1)<br>(b)(3)-P.L. 86-36                |
| (S//SI//REL TO US/   |  | an analyst discovered                            | that a                                     |
| selector associated with a ta  | rget the United the Un | 1 States between                                 | <u> </u>                                   |
| nau not bee  | in detasked. The selector was in   | ciuded   | (b)(1)<br>The (b)(3)-P.L. 86-36            |
| selector was subsequently de-  | etask ed   |  | (b)(3)-50 USC 3024(                        |

| b)(1)<br>b)(3)-P.L. 86-36      | TOP SECRET/  | <del>/SI//NOFORN</del>   | and the second s | (b)(3)-P.L. 86-36<br>(b)(3)-50 USC 30   |
|--------------------------------|--|--|--|---|
| -(S//SI//REL TO                | TICA TVE YA  | while rev  | viewing results  | from a  |
| query, an analyst discov       | , and the same of  | vviii o io   | viewing results  |   |
|                                | e target office had receive  | ed several notices   |  |   |
|                                | and the second s |  |  | //  |
| LXIo                           | allastica accounted. To m  | earrant fatana in aidant   | ta the tempet of   |   |
| suspend collection when        | ollection occurred. To pr  | event future incident  | is, the target on  | ice wiii  |
| United States.                 | i nonce is received  |  |  | (b)(1)  |
|                                |  | a particular de la constantina della constantina |  | (b)(3)-P.L. 86-3  |
| 5-36 <del>(S//REL TO US.</del> | A, FVEY)   | an analyst (   | discovered that  | $\frac{a \text{ se}(\hat{\mathbf{p}})(\hat{\mathbf{x}})-18 \text{ USC}}{(\hat{\mathbf{b}})(\hat{\mathbf{x}})-50 \text{ USC}}$ |
| 2011.                          | task while the target was  | in the United States   | during   | <del></del>   |
| 2011.                          | A CONTRACTOR OF THE PROPERTY O |  |  |   |
| The analyst did                | not detask the selectors u   | ntîl   | No reports   | were issued.  |
| Management counseled           | The state of the s | •  |  | ent similar   |
| incidents.                     |  |  |  |   |
| (S//SI//REL TO                 | LICA EVEV  | an NS A  | A analyst discov   | ered that   |
| another analyst had faile      |  | - au 1452  | t analyst discov   | ered that   |
| ,                              |  |  |  |   |
|                                |  | because the target wa  |  |   |
| selectors were deta            | sked   | and no reports we  | ere issued.  | (b)(1)<br>(b)(3)-P.I  |
| <del>(S//SI//REL TO</del>      | <del>USA. FVEY)</del>  | an anal  | yst discovered t   |   |
| (3),                           |  |  | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,  |   |
|                                |  |  | The detask delay   |   |
|                                | s absence from the office  |  |  | e analyst   |
| detasked the                   |  | and no reports we  | re issued.   |   |
| I.A.2 (U)                      | **********   |  |  |   |
|                                | TICA EXEXA   |  |  |   |
| <del>(S//SI//REL TO</del>      | USA, I VEY)  | ***************************************  |  | <del></del> 4   |
|                                |  | *******************************  |  | /   |
|                                |  |  | ***************************************  |   |
|                                |  |  |  |   |
|                                |  |  |  | (b)(1)<br>(b)(3)-P.L. 86-3  |
| I.A.3 (U) Data-Handl           | ing Errors   |  |  | (b)(3)-18 USC   |
| , ,                            |  |  |  | (b)(3)-50 USC   |
| <del>(S//SI//REL TO</del>      |  |  | ning that a taske  |   |
| was associated with a U        |  |  | e selector. The  |   |
| analyst recalled the e-m       | contained information ba   | remove the information   |  |   |
|                                | and the second s |  | anon nom an u  | araoases.   |
| <del>(S//SI//REL TO</del>      |  |  | lyst discovered  |   |
| unminimized US teleph          | one numbers had been m   | istakenly disseminate  | <u>ed</u> in an e-mail   | to an   |
| and the angelow                |  |  | The analyst  |   |

(b)(1)

(b)(1) (b)(3)-P.L. 86-36

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| recall the message and sent a separate e-mail asking the external customer to destroy the (b)(1) original message. the analyst confirmed that the customer had destroyed the original message. The analyst was counseled regarding the importance of checking e-mail distributions before sending any e-mail containing USP information.  |
|---|
| I.B. (U) Dissemination of US Identities   |
| (S//REL TO USA, FVEY) The NSA/CSS enterprise issued SIGINT product reports during the fourth quarter of CY2011. In those reports, SIGINT analysts included information that identified USPs or US entities on occasions while pursuing foreign intelligence tasking. The majority of the US entities' names were those of Internet service providers in e-mail selectors. In SIGINT products, disseminations were found to be improper, and the reports were canceled as NSA/CSS analysts learned of USPs, US organizations, or US entities named without authorization. All data in the canceled reports was deleted as required, and the reports were not reissued or were reissued with proper minimization. |
| I.C. (U) Foreign Intelligence Surveillance Act (FISA)   |
| I.C.1. (U) NSA/CSS Title I FISA (b)(1) (b)(3)-P.L. 86-36  |
| I.C.1.a. (U) Detasking Delays   |
| with a target authorized under a Foreign Intelligence Surveillance Court (FISC) Order remained on task  analyst had been aware of the information regarding the target's and had entered this information in a database, the analyst did not and remove the selector from the FISA renewal application. The selector was detasked and all intercept collected after has been purged. The analyst has been reminded that appropriate actions must be taken when a selector is no longer authorized for FISA electronic surveillance.   |
| (S//SI//NF) an NSA analyst discovered that selectors associated with FISC-authorized targets remained on task   |
| The selectors were detasked and all noncompliant collection has been purged. (b)(1)   |
| (b)(3)-P.L. 86-36  (S//SI//NF) an NSA analyst learned that an e-mail selector  associated with a FISC-authorized target remained tasked  Although   |
| NSA analysts were aware of the target's selectors remained on task until No collection occurred from  |
| an NSA analyst discovered that e-mail selectors associated with a FISC-authorized target remained tasked  Information about the target's  was available to the analyst; however, the analyst misplaced the information and  |
| <del>TOP SECRET//SI//NOFORN</del> (b)(1)<br>7 (b)(3)-P.L. 86-36   |

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| did not submit a detask request until  |  |  |  |  |
|--|--|--|--|--|
| I.C.2. <del>(S//SI//REL_TO-USA. FVEY)</del> FISA (b)(1)  |  |  |  |  |
| I.C.2.a (U) Data-Handling Errors (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)   |  |  |  |  |
| (S//SI//REL TO USA, FVEY)  an NSA office was notified that data was sent to a server that was not authorized to hold  FISA data. A developer updated the processing scripts to delete the records that had been received and purged the results from the server.  (b)(1)  I.C.2.b (U) Unauthorized Access  |  |  |  |  |
| during a random database check, it was discovered that three NSA analysts were granted access to FISA data without having the appropriate training. It was later discovered that on multiple occasions since a total of nine NSA analysts had been granted access to FISA data without having the appropriate training. All 12 analysts had their FISA access revoked on Database administrators have been provided training on verifying completion of training requirements before granting database access. |  |  |  |  |
| I.C.3. (TS//SI//NF) Business Records (BR) Order  |  |  |  |  |
| (U) Nothing to report.   |  |  |  |  |
| I.C.4. <del>(TS//SI//NF)</del> Pen Register/Trap and Trace (PR/TT) Order   |  |  |  |  |
| (TS//SI//NF) The PR/TT Order was terminated on 9 December 2011.  |  |  |  |  |
| I.C.5. (U) FISA Amendments Act (FAA) (b)(3)-P.L. 86-36   |  |  |  |  |
| I.C.5.a. (U) Section 702   |  |  |  |  |
| (U// <del>FOUO</del> ) As previously reported, NSA/CSS has implemented a new process to ensure the purging of FAA §702 collection that is required to be purged from NSA/CSS databases. A  |  |  |  |  |
| to effect the purge.   |  |  |  |  |
| tó identify noncompli ant data that should be purged.  |  |  |  |  |
| All collection that has been marked for purging will be purged.  |  |  |  |  |
| I.C.5.a.i. (U) Unauthorized Targeting (b)(1) (b)(3)-P.L. 86-36   |  |  |  |  |
| (S//SI//REL TO USA, FVEY) an NSA analyst discovered that selectors associated with a target had been improperly tasked under FAA §702 authority because targeting procedures were not followed. The selectors were detasked and data collected from has been marked for purging. No reports were issued.   |  |  |  |  |

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

|                            | (S//SI//REL TO USA, FVEY) a review of FAA §702 tasked  |
|----------------------------|--|
|                            | (S//SI//REL TO USA, FVEY) a review of FAA §702 tasked selectors revealed that an NSA analyst improperly targeted                                   |
|                            | The analyst was unaware of the restrictions on tasking   |
|                            | The selector was detasked  |
|                            | The selector was detasked  |
|                            | (S//SI//REL TO USA, FVEY) an NSA analyst discovered that the   |
|                            | user of a tasked selector believed to be associated with a foreign intelligence target was not the   |
|                            | intended target and was in the United States. The analyst emergency detasked the selector  |
|                            | Noncompliant collection has been marked for purging. (b)(1)  |
|                            | (b)(3)-P.L. 86-36  |
|                            | (S//SI//REL TO USA, FVEY) an NSA analyst discovered that a   |
|                            | selector had been tasked when the target was in the United States. The analyst   |
|                            |  |
|                            |  |
|                            |  |
| 7L \ 74.                   |  |
| (b)(1)<br>(b)(3)-P.L. 86-3 | The selector was emergency detasked on and noncompliant collection   |
| (b)(3)-18 USC              | has been marked for purging. No reports were issued.  (b)(1) (b)(3)-P.L. 86-36   |
| (b)(3)-50 USC              | 3024(i) (b)(3)-50 USC 3024(ii)   |
| ***<br>***<br>***<br>***   | (S//SI//REL TO USA, FVEY) during a review of new FAX \$702   |
| \\                         | tasking changes, it was discovered that a selector had been erroneously approved for tasking.  |
|                            | The FAA \$702 tasking  |
| //                         | The selector was detasked and all noncompliant FAA \$702 data collected  |
| /                          | has been marked for purging.  additional selectors were discovered to have been erroneously approved for tasking and were                          |
| //                         | detask ed All non-compliant traffic has been marked for purging, and no  |
| /                          | reports were issued. (b)(1)  |
| //                         | (b)(1)-P.L. 86-36  |
| //                         | (S//SI//REL TO USA, FVEY) an NSA analyst discovered that a   |
| //                         | tasked selector was associated with a USP.   |
| \                          | \  |
| 1                          | The analyst detasked all the target's selectors and all  |
|                            | noncompliant FAA §702 collection has been marked for purging.  |
|                            |  |
|                            | (S//SI//REL TO USA, FVEY) an NSA analyst discovered that   |
|                            | selectors associated with a foreign intelligence target had remained on task while the target  |
|                            | was in the United States. The analyst  |
|                            | however, because of a miscommunication, the analyst did not detask   |
|                            | the selectors The selectors were emergency   |
|                            | detasked on Noncompliant data collected from has   |
|                            | been marked for purging. (b)(1)  |
|                            | (b)(3)-P.L. 86-30<br>(c)//SI//REL TO USA, FVEY) it was discovered that a selector  |
|                            | (S//SI//REL TO USA, FVEY) it was discovered that a selector for a target had remained on task during the time the target was in the United States. |
|                            | The selector was   |
|                            |  |
|                            | (b)(1)<br>(b)(3)-P.L. 86-36  |
|                            | (b)(3)-18 USC 798  |
|                            | (b)(3)-50 USC 3024(i)  |

|  | detask ed and all noncompliant collection has been marked for purging (b)(1) No reports were issued. (b)(3)-P.L. 86-36   |
|--|--|
|  | No reports were issued.  |
|  | (S//SI//REL TO USA, EVEY)  |
|  | NSA analysts tasked selectors for foreign intelligence targets without   |
|  | performing research on the targets' citizenship. research revealed that the targets  |
|  | were US citizens located in the United States. The selectors were emergency detasked   |
|  | All noncompliant collection has been purged. (b)(1)  |
|  | I.C.5.a.ii. (U) <b>Tasking Errors</b> (b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)   |
|  | (S//SI//REL TO USA, FVEY) an NSA analyst learned that a  |
|  | selector for a valid foreign intelligence target had been tasked using outdated information that   |
|  | the target was located outside the United States. The information predated the earlier detasking   |
|  | of the selector The analyst had  |
|  | forgotten that the selector had been detasked. The selector was detasked again   |
|  | and data collected has been marked for purging.  |
|  | (b)(1)   |
|  | (S//SI/REL TO USA, FVEY) an NSA analyst discovered that (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)  |
|  | selector had been tasked incorrectly and tasked a valid selector that was not associated with the target. The selector was   |
|  | originally approved for tasking  |
|  | The selector was detasked Noncompliant data collected  |
| ************************************** | has been marked for purging.   |
| (b)(1)                                 |  |
| (b)(3)-P.L. 86                         | (S/754/14EE TO CS/1, 1 VE 1)   |
|  | for a valid foreign intelligence target had been tasked incorrectly because  |
| (b)(1)                                 | The analyst detasked the selector No collection occurred.  |
| (b)(3)-P.L. 86-3                       | 36 (S//SI//REL TO USA, FVEY) an NSA analyst discovered that a  |
| (b)(3)-50 USC                          | tasked selector was associated with a USP.   |
|  | the analyst had missed this information. The (b)(1)  |
|  | selector was detasked and collection has been marked for purging. No (b)(3)-P.L. 86-36   |
|  | reports were issued.   |
|  | ·  |
|  | (S//SI//REL TO USA, FVEY) an NSA analyst discovered that an e-   |
|  | mail account believed to be associated with a foreign intelligence target  |
|  | The error occurred because the analyst did not perform sufficient research on  |
|  | the selector before tasking it. The selector was detasked and noncompliant   |
|  | data has been marked for purging. No reports were issued.  |
|  | (S//SI//REL TO USA, FVEY) an NSA analyst improperly tasked/a   |
|  | selector for a foreign intelligence target without providing sufficient information to indicate that   |
|  | the target was located outside the United States. Because the selector was detasked on the same  |
|  | day it was approved for tasking, no collection or reporting occurred   |
|  | The state of the s |
|  |  |
|  |  |
|  | (b)(1)   |

| — (S//SI//REL TO USA, FVEY) On two occasions NSA analysts discovered that selectors for two foreign intelligence targets had been tasked incorrectly because of typographical errors. The incorrect selectors were emergency detasked and no collection occurred.  |
|--|
| I.C.5.a. iii. (U) Database Queries   |
| (S//SI//REL TO USA, FVEY)  an NSA analyst, using a FISC Court Order-approved selector associated with a USP improperly performed a query in a raw traffic database containing FAA §702 data. After viewing the query results, the analyst learned that the target's selector had been misidentified in analytic files as being associated with a foreign target located outside the United States. The analyst was advised to research selectors before querying a raw traffic database.  (b)(1) (b)(3)-P.L. 86-36 |
| (S//SI//REL TO USA, FVEY)  Overly broad queries that returned more data than expected. The analyst used broad query terms without including to limit the query. The analysts deleted the query results, and no reports were issued.  |
| (S//SI//REL TO USA, FVEY)  NSA analysts queried a raw traffic database using selectors associated with a USP. The analysts did not conduct the required research on the selectors before querying the database. They received counseling and instructions on conducting the appropriate research on the selectors. Query results were deleted  |
| (S//SI//REL TO USA, FVEY) an NSA database auditor discovered that an analyst had queried a selector that was had made a typographical error. The query was stopped, and the query results were deleted. No reports were issued.  |
| I.C.5.a.iv. (U) Detasking Delays (b)(1) (b)(3)-P.L. 86-36  |
| (S//SI//REL TO USA, FVEY) an NSA analyst initiated a non-emergency detasking of a target selector found to have the  |
| FAA §702 target procedures required that the selector be detasked. The selector remained on task Collection has been marked for purging.   |
| (S/SI//REL TO USA, FVEY)  an NSA analyst reviewed information in an NSA internal report that a target had arrived in the United States  The analyst, however, had overlooked information about the target's US travel and had not detasked the selector. After reviewing another internal report  that the target had entered the United States and detasked the selector. Noncompliant FAA §702 information has been marked for purging.  |
| (b)(3)-P.L. 86-36  |

|   | (S//SI// REL TO USA, FVEY), NSA analysts discovered that   |
|---|--|
| ,   | selectors associated with a foreign intelligence target had remained on task while the target    |
| ***************************************   | was in the United States.  |
|   | All selectors  |
|   | remain on task for FAA \$702 collection because the target has since left the United State(b)(1) |
| or the second | Noncompliant FAA \$702 information has been marked for nurging (b)(5)-F.L. 00-50                 |
| (b)(1)  | (b)(3)-10 030 790  |
| (b)(3)-P.L. 86  | (b)(3)-50 USC 3024(i) an NSA analyst discovered that an  |
|   | e-mail selector  |
|   | NSA determined that the e-mail account,  |
|   | and must be detasked. However, the account was not detasked                                      |
|   | and must be detasked. The wever, the decount was not detasked                                    |
|   | (b)(3)-P.L. 86-36  |
|   | (S//SI//REL TO USA, FVEY) during a review of FAA §702  |
|   | selectors, an analyst discovered that a selector for a target had not been detasked              |
|   | The selector was detasked and was  |
|   | mistakenly re-tasked The selector was detasked again   |
|   | after it was learned that the target   |
| (b)(1)  | 3Pata collected has been marked for purging.   |
| (b)(3)-P.L. 86-3<br>(b)(3)-18 USC   | 708  |
| (b)(3)-10 USC   | 3024(i) (S//SI//REL TO USA, FVEY) an NSA analyst discovered that a                               |
| (1)(1)  | delay had occurred when a selector associated with   |
|   | the United States Upon recognizing the mistake,  |
|   | the analyst requested an emergency detasking Noncompliant data collected                         |
|   | has been marked for purging. No reports were issued. (b)(1)                                      |
| •   | (b)(3)-P.L. 86-36  |
|   | (S//SI//REL_TO USA, FVEY) an NSA analyst that  |
|   | e-mail accounts associated with a foreign target had been accessed from the United States        |
|   | An IC agency confirmed that the accounts were being  |
|   | accessed from within the United States by Instead of   |
|   | detasking the e-mail selectors immediately, the analyst requested a non-emergency detasking,     |
|   | Upon discovery of the error, the analyst detasked  |
|   | the selectors Noncompliant data has been marked for purging, and no (b)(1)                       |
| (b)(1)  | reports were issued (b)(3)-P.L. 86-36  |
| (b)(3)-P.L. 86-3  | (b)(3)-18 USC 798  |
| (b)(3)-50 USC (   | (S//SI//REL TO USA, FVEY) an NSA analyst discovered that a                                       |
| 1   | selector that should have been detasked immediately was erroneously                              |
|   | detasked When the error was  |
|   | discovered, the analyst emergency detasked the selector Noncompliant                             |
| ***   | data collected has been marked for purging, and no reports were                                  |
|   | issued. (b)(1)   |
|   | (b)(3)-P.L. 86-36  |
|   | (S//SI//REL TO USA, FVEY) an NSA analyst learned that a  |
|   | selector remained on task, even though   |
| [   | were known. The error occurred when the primary target analyst did not                           |
| •   | convey information about to other analysts who needed the  |

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| information. The selector was emergency detasked and noncompliant data has been marked for purging.   |   |
|---|---|
| (S//SI//REL TO USA, FVEY)  an NSA analyst discovered that an e-mail selector for a target had been detasked  when it was determined that the user of the account was not the intended target. The analyst, however, initiated a non-emergency detasking request, and the account remained subject to FAA §702 collection  Noncompliant data collected  has been   |   |
| marked for purging. (b)(1)(b)(3)-P.L. 86-36   |   |
| (S//SI//REL TO USA, FVEY) while conducting research on a selector before re-tasking it, an NSA analyst discovered that the selector for a foreign intelligence target had remained on task while the target was in the United States  |   |
| the analyst had overlooked this selector. The selector was not detasked because the target had since departed the United States. Collection has been marked for purging, and no reports were issued.  |   |
| (S//SI//REL TO USA, FVEY) an NSA analyst discovered that a selector for a foreign intelligence target had remained on task while the target was in the United States  |   |
| The selector was detasked and no collection occurred (b)(1)   |   |
| (S//SI//REL TO USA, FVEY)  an NSA analyst discover ed that an for a foreign intelligence target were detasked the United States  was emergency detasked and noncompliant collection has been marked for purging. No reports were issued.  | 0 |
| (S//SI//REL TO USA, FVEY)  an analyst discovered that e- mail selectors associated with a foreign intelligence target had remained on task while the target was in the United States. The error occurred because of a miscommunication between two analysts; each analyst believed that the other would detask Although the selectors had been detasked the United States, the target's Noncompliant data collected has been marked for purging.  (b)(1) (b)(3)-P.L. 86-3 | 6 |
| (S//SI//REL TO USA, FVEY)  an NSA analyst received a report that a target had been in the United States  selector was submitted  As a result, the selector remained tasked  All non-compliant collection was purged  (S//SI//REL TO USA, FVEY)  selectors were submitted for  |   |
| detasking because of insufficient information indicating that the targets were located outside the  (b)(1)  |   |

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

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(b)(3)-P.L. 86-36

| United States. During a review   |      |
|--|------|
| I.C.5.a. v. (U) Data-Handling Errors (b)(1) (b)(3)-P.L. 86   | -36  |
| (S//SI//REL TO USA, FVEY) an NSA analyst discovered that files containing data collected under FAA §702 authority were misrouted into a directory that was not approved for FAA §702 data. The error occurred because of a mistyped path name. The files have been purged from the incorrect directory and moved to an FAA-cleared directory.  |      |
| (S//SI//REL TO USA, FVEY) an NSA analyst discovered that a USP had been identified in evaluated, minimized traffic (EMT) that was disseminated to a foreign partner The disseminated EMT was recalled and the information was confirmed to have been deleted from the foreign partner's databases. The traffic was purged, and no reports were issued.   |      |
| I.C.5.a. vi. (U) Overcollection  |      |
| (S//SI//REL TO USA, FVEY)  NSA learned that the Collection occurred and has been marked for purging. No reports were issued.   |      |
| (S//SI//REL TO USA, FVEY)  during testing of an upgrade of a collection system, NSA discovered that overcollection had occurred, resulting in the collection of communications. The overcollection occurred because the collection system had an outdated version of an application. An interim fix has been implemented until a permanent solution is installed. Noncompliant collection has been (b)(1)  marked for purging. NSA is conducting a thorough review to verify that the system is performing properly. | 6-36 |
| I.C.5.b. (U) Section 704 (b)(1)<br>(b)(3)-P.L. 86-36   |      |
| (U) Nothing to report. (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i  | i)   |
| I.C.5.c. (U) Section 705(b)  |      |
| I.C.5.c.i. (U) Unauthorized Targeting (b)(1) (b)(3)-P.L. 86-36   |      |
| (S//SI//REL TO USA, FVEY)  an NSA analyst was notified by an that an FAA §705(b) authorized target had entered the United States on The analyst detasked the target's telephone selector were not tasked when the target was in the United States. No reports were issued. The NSA analyst reminded the that notification is required when targets authorized under FAA §705(b) return to the United States.   |      |
| (b)(3)-P.L. 86-36  |      |

| I.C.5. c.ii. (U) Detasking Error  |
|---|
| an analyst learned that the selectors associated with a USP had mistakenly been placed on FAA \$705(b) tasking  Analysts were aware  and detasked all the selectors  the selectors were mistakenly re-tasked  the re-tasked numbers and detasked them. No collection occurred, and no reports were issued.  |
| I.D. (U) Other (b)(1) (b)(3)-P.L. 86-36   |
| I.D.1. (U) Unauthorized Access  |
| —(S//SI//REL TO USA, FVEY) military personnel who were not authorized to view FAA §702 conducted queries in a raw traffic database containing FAA §702 data. Their access was discontinued  |
| I.D.2. (U) Unauthorized Dissemination   |
| (S//SI//REL TO USA, FVEY) an e-mail containing raw SIGINT was inadvertently disseminated to a distribution list that included an analyst who was not authorized to receive the data. Upon recognition of the unauthorized dissemination, the message was recalled and an e-mail was sent to the distribution list explaining the inadvertent disclosure and directing unauthorized recipients to delete the e-mail. |
| I.D.3. (U) System Error (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)   |
| (S//SI//REL TO USA, FVEY) an NSA software developer discovered that   |
| The   |
| error occurred because of a software glitch   |
| System developers are working to add a  |
| notification of errors feature.   |
| (S//SI//REL TO USA, FVEY)  NSA learned that a system error had caused a tasking tool to erroneously already been detasked.  selector that had been detasked because the target was the United States and held a permanent resident card (green card). The selector was detasked again  Although collection occurred no reports were issued.   |
| I.E. (U) Counterintelligence Activities (b)(3)-P.L. 86-36   |
| (U) Nothing to report.  |

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# I.F. (U) Intelligence -Related Activities

| (S//SI//REL TO USA, FVEY) To reduce the risk of unauthorized telephony collection  |
|--|
| and prevent violations, NSA/CSS has instituted a process that gives analysts greater and faster  |
| insight into a target's location.  |
|  |
|  |
|  |
|  |
| Collected data was   |
| purged from NSA/CSS's principal raw traffic repositories when required. (b)(1)   |
| (b)(3)-P.L. 86-36  |
| (S//SI//REL TO USA, FVEY) UNCODED 0 USC 3024(i)  |
|  |
| NSA analysts found e-mail selectors  |
| NSA/CSS's principal raw traffic repositories when required.  |
| NSA/CSS's principal faw traffic repositories when required.  |
| (U/ <del>/FOUO)</del> In instances, database access was not terminated when access was no 100 access which was no 100 access was no 100 access was no 100 access which was no 100 access which was no 100 access was no 100 access which |
| longer required. Although not considered violations of E.O. 12333 or related directives, the   |
| accesses were terminated. In addition, there were instances of unauthorized access to raw  |
| data during the quarter.   |
| II (II) NOA/OOO Office of the Improvedor Consert (OIO) Intelligence Consertable (IO)   |
| II. (U) NSA/CSS Office of the Inspector General (OIG) Intelligence Oversight (IO)  |
| Inspections, Investigations, and Special Studies   |
| (U// <del>FOUO)</del> During the fourth quarter of CY2011, the OIG reviewed various NSA/CSS  |
| intelligence activities to determine whether they had been conducted in accordance with statutes,  |
| Executive Orders, Attorney General (AG) procedures, and DoD and internal directives. With  |
| few exceptions, the problems uncovered were routine and showed that operating elements   |
| understand the restrictions on NSA/CSS activities.   |
| II A (II/ <del>/FOHO)</del> Regional Operations Center (b)(1)  |
| II.A. (U/ <del>/FOUO)</del> Regional Operations Center (b)(1) (b)(3)-P.L. 86-36  |
| (S//REL TO USA, FVEY) As part of an NSA/CSS IG field inspection of   |
| the IO inspection team reviewed the IO program, IO training, and   |
| application of IO standards in the SIGINT mission activities performed at the site. The IO team  |
| found that, although the IO program has not yet been fully implemented, the IO Program   |
| Manager (IO PM) is putting the appropriate processes, procedures, and documentation in place   |
| to ensure that the program is easily updated and maintained. To provide oversight of mission   |
| operations conducted the   |
| IO PM has developed a team of on-site IO Officers. The IO inspection team found that the   |
| physical layout of the site posed a significant challenge to providing effective protection of FISA  |
| data and recommended procedural and physical solutions.  |
| (b)(1)   |
| (b)(3)-P.L. 86-36  |

(b)(3)-50 USC 3024(i)

DOCID: 4165279 TOP SECRET//SI//NOFORN (b)(1)(b)(3)-P.L. 86-36 II.B. (U) Unauthorized Intelligence Activity <del>(S//SI//REL TO USA, FVEY)</del> the OIG's Office of Investigation initiated an investigation of an allegation that an NSA analyst had conducted an unauthorized intelligence activity. In an interview conducted by the NSA/CSS Office of Security and Counterintelligence, the analyst reported that, during the past two or three years, she had searched her spouse's personal telephone directory without his knowledge to obtain names and telephone numbers for targeting. (b)(1) Although the investigation is ongoing, the analyst has been advised to cease her activities. II.C. (U) Misuse of the US SIGINT System (U) Nothing to report. II.D. (U) Congressional and IO Board Notifications (U) Nothing to report. II.E. (U) Other Notifications (S//REL TO USA, FVEY) NSA/CSS has notified the AG of Intelligence -related (b)(3)-P.L. 86-36 collection activities associated with USP hostage and detainee cases. III. (U) Substantive Changes to the NSA/CSS IO Program (b)(3)-P.L. 86-36 III.A. (U) (U) As reported in the second quarter CY 2011 report, NSA/CSS is developing a new tool designed to automate the process of submitting mission compliance incident reports across the worldwide NSA/CSS enterprise. The implementation of the originally scheduled to be fully operational for the has been delayed until the because of system problems. III.B. (U) New Purge Procedures (U/<del>/FOUO)</del> NSA is in the process of introducing new purge procedures for inadvertently acquired collection across authorities. One of the key features of this new process is the launch of an which analysts can access to (b)(3)-P.L. 86-36 As the process matures, it is expected to replace the to further enhance NSA's overall compliance current, posture. IV. (U) Changes to NSA/CSS Published Directives or Policies Concerning

IV. (U) Changes to NSA/CSS Published Directives or Policies Concerning Intelligence, Counterintelligence, or Intelligence -Related Activities and the Reason for the Changes

(U) Nothing to report.

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V. (U) Procedures Governing the Activities of DoD Intelligence Components that Affect USP (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to IO Programs

(U) Nothing to report.