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SECURITY CLASSIF	ICATION				
NSA STAFF PROCES	SSING FORM				
TO DIRECTOR	EXREG CONTROL NUMBER	24223	KCC CONTROL N IG-10525-0	UMBER 05	
THRU D/DIR , D SECRE			ACTION	EXREG SUSPEN	SE
SUBJECT (U//FOUO) Quarterly R sight Board on NSA Act	eport to the Intellig		X SIGNATURE	KCC SUSPENSE	
DISTRIBUTION		ter r 105	INFORMATION		
SUMMARY					
require Intelligence Com and Inspectors General, intelligence activities that Order or Presidential Di known to the Inspector of Agency heads are respons known to them, unless the informed. The Director's known to him.	respectively, to report they have reason to rective. The enclose General and General asible for reporting such as specific president has specific president has specific president.	ds and Intelligent to the IOB of to believe may be memorandu l Counsel. Per separately any ecifically instructual to other	ence Community on a quarterly by be unlawful or m covers all rep PIOB letter of additional repo ucted that the E activities that r	ty General (pasis concer contrary to portable act 6 August 1 ortable active Board is not require repo	Counsels ning Executive civities 982, vities to be
Approved for I	Release by NSA on 1	2-19-2014, FOI	A Case # 70809	(Litigation)	
This document may be d and marked "UNCLASS upon removal of enclosu		Use Only"		(b)(3)-P	.L. 86-36
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NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755-6000

22 August 2005

30F105

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 30 June 2005 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/FOUO) 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.

OEL F. BRENNER

Inspector General

ROBERT L. DEITZ General Counsel

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

KEÍTH B. ALEXANDER Lieutenant General, U. S. Army

Director, NSA/Chief, CSS

Encl:

Quarterly Report with NSA/CSS Policy 1-23

This Memorandum is Unclassified Upon Removal of Enclosure **DERIVED FROM: NSA/CSSPM 1-52**

DATED: 23NOV04

DECLASSIFY ON: 20291123

TOP SECRET//COMINT//NOFORN//20300706

1. (U) INSPECTOR GENERAL ACTIVITIES

b. (U/FOUO) Along with inspectors from the

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 (EOs), Attorney General (AG) procedures, and Department of Defense (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.

the NSA
OlG completed a joint inspection of the
The inspection team found that some personnel who did
not have access to the Sensitive Compartmented Information Facility (SCIF) had
not received initial intelligence oversight training. NSA OIG will monitor this
deficiency through correction.
c. (U/ FOUO) The OIG conducted an inspection of the NSA/CSS Representative
Pacific (NCRPAC). Three Intelligence Oversight (IO) training weaknesses were
documented and quickly rectified. USSID SP0018 (formerly USSID 18) training
was added to the training program, recording keeping was automated and the web-
based training was standardized for all NCPAC divisions.
d. (U/FOUO) A special study of the NSA/CSS
revealed deficient training accountability. Only 61% of theworkforce had
received the required IO training in 2004, and as of the study publication, training
compliance has risen to 84% for 2005. The lacks a formal tracking and follow-
up system to ensure 100% training compliance. NSA OIG will monitor this (b)(3)-P.L. 86-36
deficiency through correction.
e. (U//FOUO) A follow-up inspection of the
and NSA/CSS Representative found that the
training and documentation weaknesses cited in our 13 September 2004 report have
been strengthened. Training and documentation procedures have been
standardized and managed by an appointed IO Program Manager.

Derived From: NSA/CSSM 1-52

Dated: 20041123

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

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2. (U) GENERAL COUNSEL ACTIVITIES

-(C//SI) The NSA Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, EOs, AG 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 (USP); 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 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	(b)(1)
. /	(b)(3)-P.L. 86-36
a. (S//SI) Collection Against U.S. Persons	(b)(3)-18 USC 798
a. (Shor) Collection Against U.S. Persons	(b)(3)-50 USC 3024(i)
(1) (U) Intentional	
(1) (0) 1110111101111	
a. (TS//SI) During this quarter, the Direc	etor of the National Security Agency
(DIRNSA) granted approval for consensual colle	
	(b)(2) D 96 2
DIRNSA also approved non-consensual collection	n of U.S. companies (D)(3)-P.L. 86-3
Annual Marie Control of the Control	
U.S. Citizens held captive	
	7
The DIRNSA-approved consensual colle	ection against U.S. persons was
routinely terminated this quarter.	
•	
b. (S//SI) The AG granted authority to copersons during this quarter.	ellect the communications of U.S.
porsons during with quarter.	(b)(1)
	(b)(3)-P.L. 86-36
(2) (U) Unintentional	(1)(0)
.,	•
	7
a. -(S//SI//NF) This quarter, there were	instances in which analysts
inadvertently collected against U.S. persons wh	ile pursuing foreign intelligence
tasking. All of the incidents were reported to re	•
doming. The or the incluents were reported to re-	sponsible oversigni omolais, and

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corrective actions were taken. With one exception noted below, all unauthorized traffic collected has been destroyed.

(b)(1) (b)(3)-P.I	[1] (U// FOUO) There were instances of inappropriate tasking.
(D)(3)-P.1	a. (TS//SI) An investigation into the delay in database selection term detasking is ongoing. that while collecting on an authorized target, communicants were recognized to be U.S. persons. The termination of the selectors associated with the U.S. persons was directed, but the detasking of the selectors when the error was discovered. At that time, the selection terms were removed and the collection was terminated. Some of the communications collected contain
. /1)	The OIG will report the investigation outcome upon completion.
) (3) -P-L. 8	36-36
//	No collection resulted from the inappropriate
	targeting.
	c. (TS//SI) During an internal review. personnel found that a U.S. person who had signed a USSID SP0018 consensual collection request was targeted beyond the authorized tasking period. No collection resulted from the detasking failure. This violation prompted a review of the
	[2] (TS//SI) (E) (7) (E)
	[3] (TS//SI) Human error resulted in the continued tasking of an Attorney General authorized counterterrorism target while he was in the United States
	Once identified
	the telephone number was detasked. No collection occurred and no reports were issued. In response to the violation,
(b)(1) (b)(3)-P.L	
(b)(3)-18 (b)(3)-50	USC 3024(i) (b) (1)

were mistakenly entered as search terms. This resulted in the intercept of approximately pieces of Digital Network Intelligence (DNI) traffic some of which may have contained U.S. person communications. Tasking was terminated, the modified, and the DNI traffic collected was deleted. [5] (U//FOUO) A Joint Communications Security (COMSEC) analyst conference call without prior authorization. and scheduling information for a conference call. The analyst monitored the conference call without prior approval. The unauthorized collection was discovered and all unauthorized collection data was destroyed. [6] (S//SI) As reported in the 14 March 2005 submission, collection of U.S. person communications occurred after the expiration of the Attorney General's authorization An inquiry revealed that numbers had been tasked, but at the time of detasking The error was found when the check of at that time revealed the oversight, and were detasked immediately. No intercept resulted from the unauthorized tasking. PL. 88-36 [7] (S//SI) Poorly designed database queries, and typing mistakes, resulted in the collection of U.S. person information in instances. In each of the instances, the query was promptly terminated, and all data retrieved was (b)(1)		TOP SECRET//COMINT//NOFORN//20300706	(b)(3)-18 USC 798 (b)(3)-50 USC 3024
of approximately some of which may have contained U.S. person communications. Tasking was terminated, the modified, and the DNI traffic collected was deleted. [5] (U//FOUO) A Joint Communications Security (COMSEC) analyst monitored a conference call without prior aputhorization. [6] (S//SI) As reported in the 14 March 2005 submission, collection of U.S. person communications occurred after the expiration of the Attorney General's authorization An inquiry revealed that numbers had been tasked, but at the time of detasking when the were detasked immediately. No intercept resulted from the unauthorized tasking. [7] (S//SI) Poorly designed database queries, and typing mistakes, resulted in the collection of U.S. person information in instances. In each of the instances, the query was promptly terminated, and all data retrieved was mandated for all account holders at one site. [6] (S//SI) Dissemination of U.S. Identities [7] (S//SI) Dissemination of U.S. Identities [8] (SI) In accordance with section 7 of USSID SP0018, U.S. identities were disseminated times during this quarter. The following table shows the justification and the number of instances of dissemination: In the "Unmasked by Analyst" column, the U.S. identity was revealed in a serialized end product; in the	L. 86-36	[4] (TS//SI) While tasking was entered against	
authorization. Scheduling information for a conference call. The analyst monitored the conference call without prior approval. The unauthorized collection was discovered (b) (3)-P.L.	Task	proximately pieces of Digital Network Intelligence (DNI) traffic some of which may have contained U.S. person communication ing was terminated, the modified, and the DNI traffic co	c (b)(1) ns. (b)(3)-P.L.
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"Unmasked at User Request" column, a U.S. identity was released to a user at the user's request.

	JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL
7.2.c	Necessary			(b) 1) (b) 3)-l
7.2.c.1	Foreign Official	1		
7.2.c.3	International Narcotics	1		
7.2.c.4	Criminal Activity			
7.2.c.7	U.S. Government Official			
	TOTAL			l

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

a. <u>(S//SI)</u> During this quarter, the Signals Intelligence Directorate (SID)
cancelled SIGINT products because they contained the identities of U.S. persons,
organizations, or entities; those products that contained information derived from

communications of U.S. persons were not reissued.

b. (TS//SI) released reports containing the identities of U.S. persons or based on the communications of persons later identified as U.S. persons. In both instances, cancelled the reports, which were either not reissued or were reissued with the proper minimization.

c. -(S//SI//NF)		was involved in
receiving and disseminating	reports that conta	
information. At the request		was the conduit to
obtain and forward	reports.	analyst failed to
screen the reports for U.S. pe	erson information as required by	NSA/CSS "U.S.
Identities in SIGINT". NSA/	CSS requested that	el the reports and
reissue if necessary after min	nimization. The reports were re	moved from the
NSA/CSS files.		The state of the s
		(b)(1)

(3) (U) Raw Traffic Dissemination — SIGINT Production Chain (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

a. (S//SI)			

4165192 DOCID: TOP SECRET//COMINT//NOFORN//20300706 (b) (1) (b) (3)-P.L. 86-36 The SID ensures that the personnel are trained by the OGC on NSA's legal restrictions and on proper handling and dissemination of SIGINT data Such persons (b)(3)-P.L. 86-36 working in or with SID during this quarter included representatives of are (b)(1) b. (TS//SI) Unauthorized Access. Personnel assigned to the given access to NSA's raw SIGINT databases for the duration of their tenure with (3)-P.L. 86-36 employee's access was not suspended when he left the program, and he subsequently used that access while to retrieve database information. The employee's access to the NSA Network, including all databases and tools, has been suspended. (b)(3)-P.L. 86-36 c.- (TS//SI) a collaboration request containing raw traffic was sent to An analyst in the NSA/CSS did not recognize the raw traffic, and learned from the Target Office of Primary Interest (TOPI) that the email contained unminimized data after it had been sent. The to have the email deleted immediately contacted and requested that no further action be taken regarding the request. Training is analysts to restrictions on and the handling procedures scheduled to reorient for handling raw traffic. (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i) 4. (U) Other Activities (b)(3)-P.L. 86-36 a. (U//FOUO) FISA Incidents (1) (TS//SI// NF) an error resulted in a large influx of NSA authorized and unauthorized data NSA's office was alerted to the error

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

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

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	Although the data continues to be sorted, there are no indications that reporting
	resulted from the collection.
	The
	OIG will track this incident through completion of the data screening and destruction of the unauthorized information.
b) (1) b) (3)	(2) (T//SI/NP)
GA	
b) (ア <u>)</u> (E	
,	NSA immediately removed the target
	from and the associated this action prevented the
	data from being processed and available to NSA analysts. Through intervention by
	the NSA OGC, the target was removed from tasking
)(1))(3)-P.L.	86-36 (U// FOUO) Misuse of the U.S. SIGINT System
)(3)-50 U	SC 3024(i) (TS//SI) Local oversight identified the misuse of the U.S. SIGINT System.
1	a <u>auditor found and reported that an</u>
	analyst abused the NSA collection systemby conducting
	unauthorized queries against a raw traffic database for personal reasons. NSA/CSS
	OIG has begun an investigation into the incident, the results of which will be reported upon completion. (b)(1)
	(b)(3)-P.L. 86-36
	d. (U) Assistance to Law Enforcement
-	(S//SI) During this quarter, the SID responded to requests for analytical,
	technical, and linguistic assistance from law enforcement or other government
	agencies, including requests from
	Command. (b)(3)-P.L. 86-36

e. (U) Working Aids

(U//FOUO) The SID Office of Oversight and Compliance maintains "U.S. Identities in SIGINT" and a matrix of dissemination authorities on its web page for use by the NSA/CSS Enterprise. The E.O., NSA/CSS Policy Number 1-23, DoD Regulation 5240.1-R, and USSID SP0018 are also available on-line.