

This document found at:
I:\J3\J34\FISA\fbi.doc
I:\J3\NDD\FISA\fbi.doc

Office of the Attorney General
Washington, D.C. 20530

PROCEDURES FOR THE DISSEMINATION BY NSA
TO FOREIGN GOVERNMENTS OF INFORMATION FROM FISA ELECTRONIC
SURVEILLANCE OR PHYSICAL SEARCH CONDUCTED BY THE FBI

These procedures have been adopted pursuant to the modified minimization procedures governing the analysis, retention, and dissemination by National Security Agency (NSA) of any data received by NSA from the Federal Bureau of Investigation (FBI) and acquired by the FBI pursuant to the Foreign Intelligence Surveillance Act, 50 U.S.C. §§ 1801-1811, 1821-1829 (FISA). Those modified minimization procedures have been adopted by the Attorney General and are described in a motion approved by the Foreign Intelligence Surveillance Court on July 22, 2002, and captioned "IN RE ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH OF INTERNATIONAL TERRORIST GROUPS, THEIR AGENTS, AND RELATED TARGETS." Those modified minimization procedures state:

Nonpublicly available identity or personally identifiable information concerning United States persons may be disseminated to foreign governments provided that:

- (a) the information to be disseminated is foreign intelligence information; and
- (b) the dissemination is approved by the Attorney General, or approved pursuant to such procedures as the Attorney General may establish for the dissemination of such information by NSA. (S)

To the extent authorized by the Director of Central Intelligence (DCI) and in accordance with DCI directives, NSA may make such disseminations without specific Attorney General approval subject to the following procedures: (S)

(1) Disseminations to the Governments of the Untied Kingdom, Canada, Australia, or New Zealand may be made upon the approval of any person designated for such purpose by the Director of NSA. (S)

(2) Disseminations to other foreign governments may be made upon the approval of the NSA's Office of General Counsel, upon consideration of the following factors: the national security benefit the United States may reasonably expect to obtain from making the dissemination; the anticipated uses to which the foreign government will put the information; and any potential for economic injury, physical harm, or other restriction of movement to be reasonably expected from providing the information to the foreign government. If the proposed recipient(s) of the dissemination have a history of human rights abuses, that history should be considered in

DRV FM: NSA/CSSM 123-2
Dated: 24 Feb 98
DECL ON: X1

assessing the potential for economic injury, physical harm, or other restriction of movement, and whether the dissemination should be made. In cases where there is a reasonable restriction of movement: (a) the approval of the NSA's Signals Intelligence Director will also be required; and (b) if dissemination is approved, NSA will undertake reasonable steps to ensure that the disseminated information will be used in a manner consistent with United States law, including Executive Order No. 12,333 and applicable federal criminal statutes. (S)

(3) NSA will make a written record of each dissemination approved pursuant to these procedures, and information regarding such disseminations and approvals shall be made available for review by the Office of Intelligence Policy and Review, United States Department of Justice, on at least an annual basis. (S)

APPROVED:

John Ashcroft
Attorney General of the United States

DATE: 20 AUG 2002 _____

DRV FM: NSA/CSSM 123-2
Dated: 24 Feb 98
DECL ON: X1