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## (U) Report on the Special Study: Assessment of Management Controls Over FAA §702 ST-11-0009

Revised and Reissued 29 March 2013

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**OFFICE OF THE INSPECTOR GENERAL  
NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE**

29 March 2013  
IG-11526-13

TO: DISTRIBUTION

SUBJECT: (U) Revised Report on the Special Study: Assessment of Management Controls Over FAA §702 (ST-11-0009)—ACTION MEMORANDUM

1. (U//~~FOUO~~) This revised report summarizes the results of our special study of management controls that ensure compliance with Section 702 of the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008 (FAA §702) and the Targeting and Minimization Procedures associated with the 2011 Certifications. It reflects changes made based upon additional information provided subsequent to the release of the original report on 8 November 2012. The report documents our analysis, findings, and recommendations for improvement. It also notes other areas that merit attention.

2. (U//~~FOUO~~) In accordance with NSA/CSS Policy 1-60, *NSA/CSS Office of the Inspector General*, and IG-11358-12, *Follow-up Procedures for OIG Report Recommendations*, actions on OIG recommendations are subject to monitoring and follow-up until completion. Consequently, we ask that you provide a written report concerning each OPEN recommendation in the following circumstances: when your action plan has been fully implemented or has changed or if the recommendation is no longer valid. The report should provide sufficient information to show that corrective actions have been completed. If a planned action will not be completed by the target date, please state the reason for the delay and give a revised completion date. Reports should be sent to [REDACTED] Follow-Up Program Manager, at e-mail DL D1\_Followup (ALIAS) D1.

3. (U//~~FOUO~~) We appreciate the courtesy and cooperation extended to our staff throughout the special study. For additional information, please contact [REDACTED] on 963-1422(s) or via e-mail at [REDACTED]

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*George Ellard*  
DR. GEORGE ELLARD  
Inspector General

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## (U) EXECUTIVE SUMMARY

### (U) Overview

(TS//SI//NF) The National Security Agency/Central Security Service (NSA/CSS) conducts activities under the authority of Section 702 of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (FAA §702), a key source of information on foreign targets. Since FAA's inception, reporting based on FAA §702 collection has grown from an average of [redacted] reports per month to more than [redacted]. FAA §702 reports are sourced from collection obtained with the assistance of U.S. communications service providers. The majority of the collection [redacted] [redacted] is from Internet Service Providers (PRISM traffic), and the remainder (telephony and upstream Internet traffic) is obtained from [redacted] the Internet backbone.

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(U//~~FOUO~~) For the Agency to retain this important tool in support of its mission, it must ensure compliance with FAA §702. NSA/CSS has implemented policies and control procedures, including training, access control, multiple levels of review, and oversight. This system of controls is designed to provide reasonable assurance of compliance with the statute and FAA §702 targeting and minimization procedures that form the basis for the affidavits made by the NSA Director concerning the Agency's use of the authority.

(U//~~FOUO~~) The findings represent improvements needed to the overall control environment in which the FAA §702 authority is used. In a later review, the Office of the Inspector General will conduct compliance and substantive testing to draw conclusions on the efficacy of the management controls.

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### (U) Highlights

(U//~~FOUO~~) Although the OIG did not identify areas of non-compliance with the targeting and minimization procedures, we identified six areas in which controls over compliance with FAA §702 should be improved:

- (U//~~FOUO~~) **Assessment of performance against compliance standards**  
Establishing accountability for compliance requires clear performance standards, measurement of actual performance against those standards, reporting results, and implementation of corrective action. These processes are not fully developed.

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- ~~(TS//SI//NF)~~ [redacted]
- ~~(TS//SI//NF)~~ **Dissemination process**  
A review of FAA §702-sourced serialized dissemination does not include steps to verify that, when MCTs were used to support what is being disseminated, the multiple communications transaction (MCT) documentation required was prepared in accordance with the minimization procedures.
- ~~(U//FOUO)~~ **Documentation deficiencies**  
Some internal Standard Operating Procedures and other internal FAA §702 guidance have not been kept up to date and require reorganization by subject across internal NSA web pages.
- ~~(U//FOUO)~~ [redacted] would improve purge execution, training compliance, and production of compliance alerts.
- ~~(U//FOUO)~~ **Training update and enforcement**  
Adjudicators (personnel responsible for approving targeting requests) do not have a documented, standardized version of their training for reference. In addition to the initial FAA §702 training required before accessing FAA data, analysts are now required to take a new FAA §702 applications course on compliant targeting requests and targeting maintenance. However, the requirement for the applications course is not yet enforced.

#### **(U) Management Action**

~~(U//FOUO)~~ Signals Intelligence Directorate personnel agreed with the Inspector General recommendations, and the planned actions meet the intent of the recommendations.

## I. (U) INTRODUCTION

### (U) Background

#### **(U) Sources of Section 702 Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008 (FAA §702) collection**

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(TS//SI//NF) FAA §702 data is composed of Digital Network Intelligence (DNI) and Dialed Number Recognition (DNR) data. DNI is Signals Intelligence (SIGINT) received from Internet Service Providers (ISPs) with the assistance of the Federal Bureau of Investigation (FBI) (the PRISM program) and from [redacted] (upstream collection). Analysts submitting

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FAA §702 tasking can [redacted] DNR data is SIGINT obtained via intercept of the telephone network. NSA has the authority to acquire communications to, from, or, in the case of DNI collection from [redacted] about tasked selectors.

#### **(U) Requirements of FAA §702**

(S//NF) The target of collection must be a non-U.S. person (USP) who is reasonably believed to be located outside the United States and possesses, is expected to receive, and/or is likely to communicate foreign intelligence

[redacted] FAA §702 Certifications:

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(S//NF) FAA §702 requires the Attorney General to adopt targeting and minimization procedures in support of the statute. The targeting and minimization procedures are documented in each Certification. DIRNSA's affidavit for each certification provides information regarding how the Government will implement those procedures and states that:

L+S-NF [redacted]

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- Reasonable procedures are in place to ensure that acquisition under the Certification is limited to targeting non-USPs reasonably believed to be located outside the United States.
- Targeting procedures are reasonably designed to prevent the intentional acquisition of domestic communications.<sup>2</sup>
- Acquisition is for the purpose of obtaining foreign intelligence information within the scope of each Certification.
- NSA will follow specific minimization procedures.
- NSA may provide the Central Intelligence Agency (CIA) and the FBI unminimized communications acquired through this authority.

#### **(U) Independent measure of compliance performance**

~~(S//NF)~~ The Agency's compliance with FAA §702 is subject to bi-monthly review by the Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI), who review disseminations, queries of U.S. person identifiers, compliance incidents, and the targeting requests for all new and retasked selectors for the period as well as the supporting information for a sample of the selectors. These entities have reported a very small number of errors.

#### **(U) Objective and Scope of Review**

~~(U//FOUO)~~ The objective of the OIG review was to assess the adequacy of management controls to ensure reasonable compliance with FAA §702. This analysis was based on review of published and draft guidance and certain controls in systems supporting application of the authority. We also interviewed managers and analysts responsible for targeting, approval, and oversight subject to FAA §702 requirements. Testing of the controls identified will be the subject of a later review.

#### **(U) Standards of Internal Control**

**(U)** We assessed management controls against the Government Accountability Office's *Standards for Internal Control in the Federal Government*, November 1999, which presents the five standards that define the minimum level of quality acceptable for management control in government: Control Environment, Risk Assessment, Control Activities, Information and Communications, and Monitoring.

**(U)** Internal control, or management control, comprises the plans, methods, and procedures used to meet missions, goals, and objectives. It provides

<sup>2</sup>~~(S//NF)~~ Domestic communications, according to Section 2 of the FAA §702 Minimization Procedures, are all communications other than foreign communications, including those in which the sender and all intended recipients are reasonably believed to be located in the United States at the time of acquisition. Foreign communications must have at least one communicant outside the United States.

reasonable assurance that an entity is effective and efficient in its operations, reliable in its reporting, and compliant with laws and regulations. NSA/CSS Policy 7-3, *Managers' Internal Control Program*, 14 February 2012, advises that evaluations of internal control consider the requirements outlined by the GAO standards. The Office of the Inspector General (OIG) evaluates management control against the standards.

### **(U) Targeting and Minimization Procedures: Basis for Compliance**

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#### **(U) Targeting**

~~(S//SI//NF)~~ The targeting procedures specify that NSA will make a determination about "whether a person is a non-United States person reasonably believed to be outside the United States in light of the totality of the circumstances based on the information available with respect to that person, [redacted]

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[redacted] With respect to the foreign intelligence purpose for the targeting, the procedures require NSA to assess "whether the target possesses and/or is likely to communicate foreign intelligence information concerning a foreign power or foreign territory... ." With respect to documentation, "analysts who request tasking will document in the tasking database a citation or citations to the information that led them to reasonably believe that a targeted person is located outside the United States" as well as "identify the foreign power [redacted] about which they expect to obtain foreign intelligence information pursuant to the proposed targeting."

~~(S//NF)~~ The submitted targeting request, is then subject to an adjudication review by specially trained personnel [redacted]

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~~(S//SI//NF)~~ **Obligation to review target status** Once collection begins, analysts are responsible for conducting "post-targeting analysis to detect those occasions when a person who when targeted was reasonably believed to be located outside the United States has since entered the United States, and...enable NSA to take steps to prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States, or the intentional targeting of a person who is inside the United States," per the targeting procedures. NSA's *Guidance to Analysts on Obligation to Review Data Under...the FISA Amendments Act* (OTR Guidance), states that, after tasking, "analysts are required to verify the foreignness and nature of the target [redacted]" The OTR Guidance states that the targeting analyst must perform initial target verification within five business days of first receipt of data, verifying that the:

- User of the selector is the intended foreign intelligence target,

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- Target remains appropriate under the Certification cited in tasking, and
- Target remains outside the United States and/or there is no information to indicate that the target is inside the United States.

~~(S//NF)~~ The On-Going Target Review section of the OTR Guidance states that analysts must [redacted] to uphold that there has been no change in the target's status that would require adjustment to maintain NSA's compliance. At least every 30 days...the review should confirm that the:

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- Selector remains associated with the intended target,
- Target remains appropriate to the Certification cited,
- Target remains outside the United States and/or there is no information to indicate that the target is inside the United States, and
- Type of data being obtained is not routinely of a type that is subject to immediate destruction requirements (i.e., domestic communications).

~~(S//NF)~~ Information that demonstrates a change in any of these factors might require detasking the selector, destroying or otherwise handling collected traffic in accordance with the minimization procedures, and notice to the Agency's overseers

#### **(U) Oversight and reporting**

~~(U//FOUO)~~ The Agency must:

- Train those targeting and those approving targeting or accessing FAA §702 information ;
- Ensure that FAA §702 raw traffic is stored only in authorized repositories and is accessible only to those who have had the proper training ; and
- Conduct spot-checks of targeting decisions, intelligence disseminations, and queries of data repositories for compliance.

#### **(U) Minimization**

~~(U//FOUO)~~ The minimization procedures are designed to protect USP information during acquisition, processing, retention, and dissemination of information obtained by targeting non-USPs reasonably believed to be located outside the United States. They require that the Agency ensure that:

- Acquisition is conducted in a manner designed, to the greatest extent feasible, to minimize the acquisition of information not relevant to the authorized purpose of the acquisition;
- Personnel...exercise reasonable judgment in determining whether information acquired must be minimized and...destroy inadvertently

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acquired communications of or concerning a USP at the earliest practicable point in the processing cycle [unless the data can be retained under exception provisions detailed in the minimization procedures]; and

- Report(s) based on communications of or concerning a USP may be disseminated...if the identity of the USP is deleted and a generic term or symbol is substituted so that the information cannot reasonably be connected with an identifiable USP. Otherwise, dissemination of intelligence reports based on communication of or concerning a USP may be made to a recipient requiring the identity of such person only for the performance of official duties but only if meeting [certain] criteria.

## **(U) Control Environment**

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### **(U) Reliance on manual controls**

(U//~~FOUO~~) A significant number of the procedures and controls established to ensure compliance with FAA §702 and NSA's court-approved targeting and minimization procedures are manual. Thus, training, supervisory reviews, and oversight are critical elements of the control structure. Modifications to the systems relied on for targeting, collection, and processing continue to:

- Improve the ability to purge information when required,
- Identify and prevent instances of over-collection, and
- Improve efficacy and efficiency of processing and oversight.

### **(U//~~FOUO~~) Realignment of responsibility**

(U) SID has restructured operations to better manage FAA §702 processing and compliance.

- ~~(S//SI//NF)~~ [redacted] assumed responsibility for adjudicating FAA §702 [redacted]  
[redacted]
- ~~(S//NF)~~ [redacted]  
[redacted]
- (U//~~FOUO~~) S2 Mission and Compliance performs functions supporting use of the authority, as well as additional oversight of FAA §702 processing and compliance (SV continues to perform much of the direct oversight of targeting.) [redacted]  
[redacted] assumed responsibility from SV for:

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- o Execution of purges related to FAA §702 incidents (removal from data repositories of records ineligible for retention under the authority).
- o Implementation of a purge adjudication process to better ensure completeness of purges.
- o Development of processes and tools to enhance compliance while reducing the burden on analysts,
- o Training and oversight of targeting adjudicators , and
- o Preparation of additional management measures, including metrics, to improve accountability.

**(U) Continued process improvement**

~~(TS//SI//NF)~~ The Agency has undertaken several reviews of NSA systems and processes, as well as the data acquired from communications providers and other Agency sources under FAA §702 authority, in response to compliance incidents and questions raised by the Foreign Intelligence Surveillance Court (FISC). These reviews and other efforts to improve compliance and efficiency of operations have resulted in several changes to the processes and controls supporting the Agency's use of the authority.

~~(S//NF)~~ SID continues to take steps to improve FAA §702 compliance.

- In addition to FAA §702 training that focuses on legal requirements for use of the authority, a new course, "FAA702 Practical Applications," was released [redacted]

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- SID continues to make changes to the targeting tool to support compliance and increase efficiency (see Findings Resolved During the Review, p. 9).

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- SID completed the [redacted] project to reduce errors in targeting requests. The most significant gaps identified included a lack of standardized feedback to targeting analysts for the reasons targeting requests failed approval [redacted]

[redacted] insufficient management reporting of denied targeting requests, and the need to increase accountability and compliance for targeting. Corrective actions, including standardized denial reasons, management reporting of denial metrics, [redacted]

[redacted] were implemented. These actions reduced average weekly denials of targeting requests by 24 percent. [redacted]

[redacted] improved

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compliance with required internal procedures for selector management, and reduced the risk of incidents.

### (U) Definitions

**(U) Annual Contribution Evaluation (ACE):** The Agency's performance management system based on established individual performance objectives and performance elements.

**(S//NF) Adjudicators:** Personnel [redacted] (b)(3)-P.L. 86-36 [redacted] with responsibility for reviewing and approving FAA §702 targeting requests.

**(U//FOUO)** [redacted] which provides authorization attributes and access control services to enterprise programs and projects.

**(TS//SI//NF) Digital Network Intelligence (DNI):** SIGINT derived from communications involving Internet-based selectors [redacted]

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**(S//SI//NF) Dialed Number Recognition (DNR):** Collection process [redacted] from telephony systems.

**(U) Foreignness:** Assessment and documentation supporting the determination of reasonable belief that a target is not a United States person and is outside the United States.

**(U//FOUO)** [redacted] A corporate compliance tool that serves as a streamlined access control mechanism. [redacted] checks that individuals meet the necessary mission, training and clearance required for initial account access to SIGINT tools and databases.

**(U//FOUO)** [redacted]

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**(U//FOUO) Master Purge List (MPL):** NSA's central record of SIGINT collection, including records derived from that collection, which NSA has purged. The list includes [redacted] that have been marked for purge or have been purged from [redacted] [redacted] systems that are used in sourcing traffic for SIGINT reporting.

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~~(TS//SI//NP)~~ **Multiple Communications Transaction (MCT):** Traffic containing more than one discrete communication. This traffic might contain discrete communications that are not to, from, or about tasked selectors. Upstream collection might contain both discrete and MCT traffic and could include MCTs of non-targeted individuals that contain a tasked selector.

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(U//~~FOUO~~) [ ] A database repository that provides storage and retrieval of [ ] content. It is a raw SIGINT storage system.

~~(S//SI//NP)~~ [ ] NSA's primary storage, search, and retrieval mechanism for SIGINT [ ] It is a raw SIGINT storage system.

~~(TS//SI//NP)~~ **PRISM:** PRISM refers to the portion of the FAA 702 collection architecture wherein individual electronic communication service providers provide Internet communications [ ]

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(U//~~FOUO~~) **Product Lines (PLs):** [ ] also known as production centers. They have authority for tasking and reporting on SIGINT targets. [ ]

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(U) **Purge:** The on-demand removal of data items, rendering them unrecoverable through standard mission data access mechanisms.

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**Raw SIGINT:** Any SIGINT acquired either as a result of search and development or as targeted collection operations against a foreign intelligence target before the information has been evaluated for foreign intelligence and minimized in accordance with the applicable set of minimization procedures.

(U//~~FOUO~~) [ ] A controlled information management system which is the authoritative data source for a given configuration managed data element and is governed in accordance with NSA/CSS Policy [ ]

(U//~~FOUO~~) [ ] : A SID organization that leads planning and acquisition efforts for [ ] collection of intelligence.

(U//~~FOUO~~) [ ] : A SID initiative whose objective was to reduce targeting errors, thereby improving processing efficiency and compliance for FAA §702 transactions.

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~~(TS//SI//NP)~~ **Upstream Collection:** NSA's interception of Internet communications acquired from [redacted] located on the United States' Internet "backbone"; conducted with the assistance of electronic communications service providers who are located inside the United States and have been served with FAA §702 directives. This collection method [redacted] is distinguished from other FAA §702 DNI collection (PRISM).

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~~(S//SI//NP)~~ [redacted] The targeting tool for submitting DNI and DNR targeting compliant with FAA and other SIGINT authorities.

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## II. (U//~~FOUO~~) FINDINGS RESOLVED DURING THE REVIEW

### (U//~~FOUO~~) Incompatibility between Assigned Authorities [redacted] and Compliance Controls for FAA §702

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(S//NF) One of the primary NSA internal control mechanisms that ensure compliance with FAA §702 Targeting Procedures is the adjudication of targeting requests before tasking. This review confirms that the target and associated selector are tasked under the proper FAA §702 Certification, the target is not a USP, the target is outside the United States (foreign), and the determination of reasonable belief of foreignness is properly supported. An [redacted]

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(U//~~FOUO~~) SV was aware of this gap between the NSA-required internal control and implementation of the internal control within the tool, and it was resolved [redacted]

### (S//NF) Increased Risk of FAA §702 Non-Compliance for [redacted] Tasked Selectors

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(S//NF) To support compliance with FAA §702, automated OTR notices that a required review of target communications is due are generated [redacted] and sent to analysts. [redacted]

(S//NF) [redacted]

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### III. (U//~~FOUO~~) FINDINGS AND RECOMMENDATIONS

#### (U//~~FOUO~~) FINDING ONE: Performance Standards, Performance Metrics, and Compliance Enforcement Measures for Targeting and Minimization Procedures Are Incomplete

(U//~~FOUO~~) Establishing accountability for compliance requires clear performance standards, measurement of actual performance against those standards, reporting results, and implementation of corrective action. These processes are not fully developed.

##### **(U) Elements of an Effective Compliance Oversight Program**

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(S//~~NE~~) NSA has established a pre-tasking process that includes reviews of targeting requests for compliance with the targeting procedures. The targeting request must be approved before the selectors are released for tasking and collection. [REDACTED]

(U//~~FOUO~~) Effective compliance oversight requires the development of measurable standards against which actual performance can be assessed. Comparison of performance against these standards must be reported regularly to management for timely review and follow-up action. Together, these elements provide the means to establish accountability and initiate action to improve compliance.

##### **(U) Shared Responsibility for Oversight**

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(S//~~NF~~) Monitoring compliance with FAA §702 targeting and minimization procedures has become a shared responsibility within the Agency. Before 2010, SID SV had primary responsibility for monitoring the Agency's application of FAA §702 authority. [REDACTED]

(S//~~NF~~) As personnel outside SV assumed more of the responsibility for adjudicating FAA §702 targeting requests, [REDACTED] trained new adjudicators

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and assumed oversight of the targeting queue. Statistics on the targeting queue provide an assessment of the timeliness of the adjudication process and the means to evaluate the adequacy of the number of adjudicators given the volume of targeting requests. [redacted]

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[redacted] Although these statistics inform management of the overall processing of targeting requests, they do not provide qualitative information regarding the accuracy of target requests submitted and approved and compliance with the targeting procedures.

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(U//~~FOUO~~) SV's continuing oversight of analyst and adjudicator performance is effected through reviews of targeting requests (see Finding Three), participation in bi-monthly overseer reviews, and management of FAA §702 incident reporting. Errors identified in targeting requests are communicated to the analyst, adjudicator, and [redacted]. After overseer 60-day reviews, SV prepares feedback briefings to inform adjudicators of overseer findings. The briefings also provide metrics on the reasons for denial of targeting requests, trends identified in SV's review, and guidance on FAA §702 targeting procedures. Incident reports are also analyzed to identify trends that might require action. SV's oversight provides a critical assessment of compliance with FAA §702 independent of those requesting targeting. This feedback, however, is not provided to the managers responsible for the targeting analysts and adjudicators.

#### (U) Development of FAA §702 Compliance Metrics

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

(U//~~FOUO~~) S2 Compliance & FISA Staff [redacted] provides some metrics for FAA §702 processing and compliance, including weekly reports on the targeting request queue [redacted].

[redacted] The process to establish complete standards and measures for assessment of compliance continues.

(U//~~FOUO~~) To support effective monitoring of the Agency's use of FAA §702 authority, metrics must be:

- Based on clear and consistent expectations of performance for all targeting analysts and adjudicators within the Agency and

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(U//~~FOUO~~) [redacted]

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- Generate sufficient detail to facilitate action by the adjudicator or targeting analyst.
- (b)(3)-P.L. 86-36

(U//~~FOUO~~) The development of these metrics by [ ] is not associated with the Comprehensive Mission Compliance Program, a group of NSA initiatives to achieve reasonable assurance that the SIGINT and Information Assurance missions are conducted in accordance with the laws and policies that protect USP privacy. The program includes monitoring and assessments, including trend analysis.

### **(U) Incomplete Implementation of Processes to Ensure Targeting Proficiency and Compliance Accountability**

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(U//~~FOUO~~) In 2010, SID completed the [ ] project, a Lean Six Sigma project to reduce targeting errors and improve processing efficiency and compliance for FAA transactions. The project team comprised personnel from [ ]

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

[ ] Although several of the recommendations from [ ] have been implemented, recommendations that focused on accountability for targeting accuracy have not. The [ ] study recommended for FAA analysts:

- Employee performance review objectives for compliance with targeting requirements;
- Periodic metrics to leaders in organizations responsible for targeting (original focus was on denial metrics for FAA §702 targeting requests); and
- Progressive measures to improve compliance with targeting standards, including removal of FAA §702 targeting authority.

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

(U//~~FOUO~~) Although not addressed by the [ ] study, similar actions are needed to assess, monitor, and remediate the quality of targeting reviews conducted by adjudicators.

(U//~~FOUO~~) To measure and increase targeting proficiency of the work force, including targeting under FAA §702 authority, SID [ ] has developed the Targeting Workforce Readiness Standard (WRS), a functional Job Qualification Standard (JQS) for all Agency personnel involved with targeting. Its purpose is to establish the standard targeting tasks along with the knowledge, skills, and abilities necessary to complete the tasks at a defined proficiency level.<sup>4</sup> The standard is supported by training and assessment plans (standard tests and on-the-job training evaluations). The WRS is under review and not fully implemented. Associated development

<sup>4</sup> (U//~~FOUO~~) A functional JQS defines the standard of performance for a broad SIGINT function, such as targeting or reporting, and crosses skill communities, work roles, and personnel types. It applies to civilians (and contractors) as well as military personnel. The functional JQS, once completed at the specified proficiency level, accompanies the individual across PLs and SID.

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plans and a means to track progress are being created within the Associate Directorate for Education and Training's (ADET) Enterprise Learning Management (ELM) architecture and include much of the required training (classroom and on-the-job) for FAA §702 targeting analysts to achieve full proficiency. Implementation of the WRS and associated training and assessments will provide a means to achieve accountability for compliance with targeting requirements and ensure training standardization and enforcement. Development of FAA §702 metrics based on the WRS proficiency standards would support the performance measurement component of the WRS.

**(U//~~FOUO~~) RECOMMENDATION 1**

**(U//~~FOUO~~) Establish for FAA §702 targeting analysts and adjudicators ACE performance objectives based on completion of a specified proficiency level of the Targeting Workforce Readiness Standard and ELM training plan.**

**(S//NF) ACTION:**

**(U) Management Response**

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

**(U//~~FOUO~~) AGREE** SID  are preparing an ELM plan for target analysts and adjudicators. The ELM plan will be broken down into proficiency levels, thereby allowing the analyst to register for the correct training as stated in the ACE objective. The ELM plan for the Targeting Workforce Readiness Standard for FAA §702 will be completed  for all National Cryptologic School (NCS) courses. Enforced registration in the ELM program and targeting proficiency statistics to the individual level as well as completion rate of any required FAA §702 training (NCS courses) will be completed  Structured on-the-job training will be phased in.

**(U) Status: OPEN**

**(U) Target Completion Date:**

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

**(U) OIG Comment**

**(U//~~FOUO~~)** Planned action satisfies the intent of the recommendation.

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~~TOP SECRET//SI//NOFORN~~(U//~~FOUO~~) RECOMMENDATION 2(U//~~FOUO~~) Develop metrics and management reporting to:

- (U//~~FOUO~~) Measure targeting analyst and adjudicator compliance with FAA §702 targeting and minimization procedures and
- (U//~~FOUO~~) Support analysis of trends indicative of changes needed in training or guidance.

(U//~~FOUO~~) Coordinate this process with the Comprehensive Mission Compliance Program.(S//NF) ACTION: 

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

## (U) Management Response

(S//NF) AGREE  as part of the SID Lean Six Sigma Team. Participants will assess the feasibility of developing metrics to evaluate de-targeting trends and process deficiencies. Final implementation will depend on technical capabilities and deployment schedules.

(U) Status: OPEN

(U) Target Completion Date: 

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

## (U) OIG Comment

(U//~~FOUO~~) Planned action satisfies the intent of the recommendation.~~TOP SECRET//SI//NOFORN~~

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~~(S//NF) FINDING TWO: Certain FAA §702 Selectors~~ [redacted]

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

~~(TS//SI//NF)~~ [redacted]

~~(S//NF) Verification that Authorized Selectors Are on Collection~~

~~(TS//SI//NF)~~ [redacted]

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

~~(S//SI//NF)~~ [redacted]

~~(TS//SI//NF) The OIG's Report on the Assessment of Management Controls to Implement the Protect America Act (PAA) of 2007 (ST-08-0001), 7 April 2008,~~ [redacted]

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

~~(TS//SI//NF)~~ [redacted]

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

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

(U//~~FOUO~~) RECOMMENDATION 3

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

(U//~~FOUO~~) ACTION:

(U) Management Response

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

~~(TS//SI//NF) AGREE~~

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

(U) Status: OPEN

(U) Target Completion Date: 

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

(U) OIG Comment

(U//~~FOUO~~) Planned action satisfies the intent of the recommendation.~~TOP SECRET//SI//NOFORN~~

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**(U//~~FOUO~~) FINDING THREE: Oversight Requirements of  
FAA §702 Targeting Procedures and NSA Policy Are Not  
Fully Addressed**

~~(TS//SI//NF)~~ SV oversight of FAA §702-sourced dissemination has not been modified to address requirements for multiple communication transactions. SV is implementing a new process for oversight of audits of FAA §702 database queries.

**(U//~~FOUO~~) Oversight of FAA §702 Dissemination**

~~(S//NF)~~ The FAA §702 targeting procedures associated with the 2011 certifications require that SV perform “periodic spot checks...of intelligence disseminations to ensure compliance with established procedures....” SV performs spot checks of both serialized dissemination and dissemination of evaluated minimized traffic.

~~(TS//SI//NF)~~ FAA §702 minimization procedures establish unique requirements that analysts must implement. This includes the requirement that analysts document steps taken to verify that discrete communications within collection containing MCTs are eligible for dissemination. SV’s spot-check of serialized dissemination does not include steps to verify that, when MCTs were used to support what is being disseminated, the MCT documentation required was prepared in accordance with the minimization procedures.

(U//~~FOUO~~)

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

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~~TOP SECRET//SI//NOFORN~~**(U//~~FOUO~~) RECOMMENDATION 4**

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

~~(TS//SI//NF)~~ Although not required by the minimization procedures, SV should include in the spot-check of serialized disseminations of FAA §702-sourced material procedures to evaluate analysts' compliance with the documentation requirements pertaining to dissemination based on discrete communications within MCTs. The spot-check should also evaluate proper use of [redacted] per NSA policy.

(U//~~FOUO~~) ACTION: SV**(U) Management Response**~~(S//NF)~~ AGREE

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

[redacted] to modify the methodology and process for spot-checking disseminations of FAA §702-sourced material.

(U) Status: OPEN

(U) Target Completion Date: [redacted]

**(U) OIG Comment**

(U//~~FOUO~~) Closure of this recommendation will be evaluated upon receipt of documentation supporting the action taken.

**(U) Oversight of Targeting Decisions**

~~(S//NF)~~ FAA §702 targeting procedures require that SV "conduct ongoing oversight activities and make any necessary reports, including those relating to incidents of noncompliance [with the FAA §702 targeting procedures]...and ensure that necessary corrective actions are taken to address any identified deficiencies." SV achieves oversight of targeting decisions through several means:

- Adjudicators [redacted]

[redacted] review FAA §702 targeting requests for compliance with the FAA §702 targeting procedures and NSA's implementation guidance. [redacted]

[redacted] SV's review includes analysis of the adequacy of the foreignness support for these targeting requests. [redacted]

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

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

- SV adjudicates selectors nominated by the CIA, after review by NSA personnel [redacted]

[redacted] the FBI

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

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implemented its own process for nominating selectors. These are also adjudicated by SV.)

- SV reviews [redacted] selectors before (b)(3)-P.L. 86-36 sending them to the overseers bi-weekly.  
 [redacted]  
 [redacted]  
 SV evaluates the targeting request for inconsistencies or inaccuracies and might review the sources cited to support foreignness if SV questions information [redacted]  
 [redacted]
- A full review, including sources supporting foreignness, is conducted for all targeting requests selected for review by DOJ/OD NI. Supporting documentation was reviewed for [redacted] of the (b)(3)-P.L. 86-36 targeting requests submitted for a recent review period.

(S//NF) Together, these processes give SV a perspective on the quality of the FAA §702 targeting and adjudication processes [redacted]

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

(U//FOUO) An assessment of compliance with the targeting procedures, based on SV's reviews of targeting requests, is not reported to management. Such reporting would aid in identification of trends, analysts and adjudicators whose performance demonstrates a need for additional training, and authoritative guidance in need of improvement.

#### **(U//FOUO) RECOMMENDATION 5**

(U//FOUO) Periodically provide management an assessment of targeting analyst and adjudicator performance against the legal and policy requirements for FAA §702 targeting based on SV reviews of targeting requests. Coordinate with FAA §702 metrics reporting (see Recommendation 2).

(U//FOUO) ACTION: SV

#### **(U) Management Response**

(U//FOUO) AGREE Per the requirements of Recommendation 2, [redacted]  
 [redacted] will incorporate metrics for management's assessment.

(U) Status: OPEN

(U) Target Completion Date: [redacted]

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

#### **(U) OIG Comment**

(U//FOUO) Planned action satisfies the intent of the recommendation.

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**(U) Oversight of FAA §702 Raw Traffic Repositories**

(U//~~FOUO~~) The FAA §702 targeting procedures for the 2011 certifications require that SV conduct periodic spot-checks of queries against repositories containing unevaluated and unminimized FAA §702 traffic. All queries of databases containing raw SIGINT content are subject to daily review by auditors assigned to each targeting analyst. Under U.S. Signals Intelligence Directive (USSID) CR 1610, Section A2.9, auditors must be trained in accordance with SV standards or meet with SV for a briefing on auditor responsibilities before conducting audits. USSID CR 1610 also requires that SV conduct "super audits" of all interactive raw SIGINT database systems.

(U//~~FOUO~~) Daily audits of queries assess compliance with FAA §702 query requirements. Oversight of the audits is necessary to ensure that they are properly and consistently executed. However, such reviews are not performed with regularity. SV has piloted and will soon fully implement a new super audit process that will examine the justifications for queries and evaluate query terms for foreignness using various Agency databases.

(U// <del>FOUO</del> ) RECOMMENDATION 6
<p>(U//<del>FOUO</del>) Implement the super audit process and provide periodic feedback to FAA §702 auditors and their management on the quality of audit performance.</p>
<p>(U//<del>FOUO</del>) ACTION: SV</p>
<p style="text-align: center;">(U) Management Response</p> <p>(U//<del>FOUO</del>) AGREE SID/SV has fully implemented the super audit process for FAA 702. SID requests closure of the recommendation.</p> <p>(U) Status: OPEN</p> <p style="text-align: center;">(U) OIG Comment</p> <p>(U//<del>FOUO</del>) Closure of this recommendation will be evaluated upon receipt of documentation supporting the action taken.</p>

## (U//~~FOUO~~) FINDING FOUR: Some Documentation Supporting Use of FAA §702 Authority Has Not Been Kept Up-to-Date and Requires Reorganization Across NSA Web Pages

(U//~~FOUO~~) Guidance supporting compliant use of FAA §702 authority is maintained in several locations and is not fully organized by subject. Some of the guidance is outdated. Two Standard Operating Procedures (SOPs) provide differing guidance on the adjudication process. SOPs for some oversight functions have not been developed.

### (U) Maintenance of FAA §702 Guidance

(U//~~FOUO~~) Part of the function of NSA's SOPs and other forms of guidance on FAA 702 is to instruct analysts and adjudicators in the proper use of FAA §702 authority. Included in the guidance are such topics as targeting, [redacted] dissemination, incident reporting, and the requirements for approval of FAA §702 targeting requests.

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

(U//~~FOUO~~) These instructions are found in several places, including the FAA, SV, and [redacted] web pages, the SV SharePoint site, and web pages maintained by individual S2 product lines. It is unclear whether some of the guidance is current because it refers only to PAA, the predecessor to FAA. In addition, much of the information on the FAA web page is presented as tips or appears in memorandum form, making it unclear whether it carries the same degree of authority as the SOPs.

(S//SI//NF) Some of the links from the FAA web page to the guidance documents do not work such as the [redacted]

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

[redacted] Material is not fully organized by topic. Thus, to access complete information on a topic, a user might have to search through working aids, frequently asked questions, and other references.

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

(U//~~FOUO~~) The FAA web page, which should be the primary source of authoritative guidance, is owned by the [redacted] [redacted] SID's FAA §702 Implementation Lead has been planning to update the guidance on this site, but other priorities, such as support for the 2011 FAA §702 Certification renewals, required attention.

### (U) Targeting Review: Two SOPs

(S//SI//NF) Two SOPs that provide guidance for adjudication of FAA §702 targeting requests have been issued. SV prepared the [redacted]

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

[redacted] and the [redacted] web page carries the [redacted] The former, written primarily for adjudicators, provides detailed descriptions of the review process, including

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

examples of [redacted] and common errors. It [redacted]

In contrast, the SOP published by [redacted] lists the roles and responsibilities for targeting analysts, releasers, and adjudicators reviewing FAA §702 targeting activities but does not provide a detailed description of the review requirements. Responsibility for training adjudicators now resides in [redacted] which should establish the authoritative guidance to support that training.

### **(U) SOPs for Oversight Activities**

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(U//~~FOUO~~) SOPs are key elements of a system of management controls. They establish performance expectations necessary to achieve corporate objectives, including compliance with established authorities.

(U//~~FOUO~~) The Agency's use of FAA §702 authority is subject to monitoring by SV, S2 Mission Support Staff, and Agency personnel who oversee targeting analysts (including adjudicators). As noted already, guidance for targeting analysts and adjudicators has been developed by SV and S2 Mission Support Staff. It is important for the oversight functions to have documented procedures to ensure consistent execution of these functions despite staff turnover.

(S//NF) Responsibilities for FAA §702 oversight have changed significantly in the past year. SV performs reviews that support assessment of compliance with the authority by analysts and adjudicators, [redacted]

[redacted] supports 60-day reviews of targeting and dissemination by DOJ/ODNI, and manages incident report investigation and follow-up. As personnel outside SV have accepted responsibility for review and approval of a significant portion of the targeting requests (including adjudicators across the Agency), the FAA Implementation Team has assumed responsibility for training and oversight of adjudicators and monitoring the targeting process. [redacted] has implemented the purge adjudication process to improve the completeness and accuracy of purges of FAA §702 data. SOPs for these oversight functions have not been fully developed.

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

### **(U) Role of the Rules Management Process**

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(U//~~FOUO~~) As part of NSA's Comprehensive Mission Compliance Program, the role of the ODOC [redacted] is to gather, organize, maintain, and provide access to the information contained in external authorities, NSA/CSS policy, and compliance standards which govern NSA mission activities. The FAA §702 guidance should be maintained within this framework.

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~~-TOP SECRET//SI//NOFORN-~~(U//~~FOUO~~) RECOMMENDATION 7

(U//~~FOUO~~) In accord with the Rules Management framework, establish a process to maintain authoritative guidance supporting compliant execution of FAA §702 authority:

- (U//~~FOUO~~) Organize the information to facilitate research by topic,
- (U//~~FOUO~~) Coordinate changes in guidance with required training, and
- (U//~~FOUO~~) Establish a single SOP as the guidance for adjudication of all FAA §702 targeting requests.

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

(U//~~FOUO~~) ACTION: 

## (U) Management Response

(U//~~FOUO~~) AGREE The following activities are in progress:

- are developing and updating a single SOP for oversight, adjudication, and targeting FAA §702 functions and training.
- The  is populating FAA §702 documentation into a repository. In October 2012, SID  worked with the  to discuss the process and progress.
- SV will collaborate with S2  to organize the "go FAA" and " FAA" web pages.
- Guidance changes that require updates to NCS courses (within the CRSK series) will be requested via a New Learning Solution. In such case,  will be the originator upon coordination with SV. In addition,  (see Recommendation 1) will manage changes to the Targeting Workforce Readiness Standard and ELM training plan.

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(U) Status: OPEN

(U) Target Completion Date: 

## (U) OIG Comment

(U//~~FOUO~~) Planned action satisfies the intent of the recommendation.

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**(U//~~FOUO~~) FINDING FIVE: Increased Automation of Processes Supporting FAA §702 Is Needed to Ensure Compliance and Reduce Errors**

~~(S//SI//NF)~~ The process for purge adjudication and execution relies on manual procedures that might result in incomplete and untimely processing. Eligibility for access to FAA §702 raw traffic databases is not verified after user accounts are established. Notices supporting required reviews [redacted] are not automated.

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

**(U) Purging of FAA §702 Records**

(U//~~FOUO~~) The Agency identifies communications that must be removed from its systems by making a determination that content does not meet the standards for retention. Such records are ineligible as sources for Agency reports and must therefore be removed [redacted]

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

[redacted] As these records are identified, they are added to the [redacted] or MPL. This system contains items that have been or are being evaluated for purge. NSA analysts rely on [redacted] as a primary source for reporting. To prevent improper use of purged records, all records sourced to a report are checked against the MPL, in real time, when a report is released. The [redacted] [redacted] are responsible for deleting records from their system based on an Execute Order, which is an authoritative request to remove data from the [redacted]. Completeness of the MPL as a register of records purged and full removal of records from the [redacted] are critical to compliance.

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

(U//~~FOUO~~) FAA §702 records that analysts identify for purge are subject to adjudication by personnel in [redacted]. The review provides assurance that records subject to purge are completely identified. It also avoids purging records eligible for retention because they were collected under authorities in addition to FAA §702. [redacted] also coordinates [redacted] to execute the purge order.

(U//~~FOUO~~) The adjudication process is manually intensive. [redacted]

[redacted] personnel issue the execute order to the appropriate systems and conduct follow-up without automated support.

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[redacted] The manual process is subject to error. [redacted]

[redacted] Lack of automation to complete the purge creates the opportunity for incomplete or untimely

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processing.

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(U//~~FOUO~~) No instances of inappropriate reporting were identified during this review which did not include testing.

#### (U//FOUO) RECOMMENDATION 8

**(U//FOUO)** Increase automation of the purge adjudication and execution processes to support complete and timely execution.

(U//~~FOUO~~) ACTION:

(U) Management Response

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

(U//~~FOUO~~) AGREE SID outlined a three-phased approach to develop requirements for automation to improve purge process efficiency, plan a schedule of work, and implement the new capabilities (see Appendix C for the detailed response).

(U) Status: OPEN

(U) Target Completion Date: [REDACTED]

(U) OIG Comment

(U//~~FOUO~~) Planned action satisfies the intent of the recommendation.

#### **(U//FOUO) Access Controls over FAA §702 Raw Traffic Databases**

(S//NF) The FAA §702 targeting procedures associated with the 2011 certifications require that SV establish processes to ensure that raw traffic is accessible only to those who have had the proper training. Raw traffic derived from FAA §702 collection is maintained in [REDACTED]

To obtain a user account and access these databases, users must be assigned to an approved mission [REDACTED] obtain the [REDACTED] access required for the database [REDACTED] and take required training. When all of these requirements have been met, [REDACTED] an automated notice that permits establishment of an account. This process ensures that users have a mission need to access the information, understand the restrictions for handling the data, and have been properly trained in FAA §702 requirements.

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

(U//~~FOUO~~) [REDACTED] does not update training or access information after accounts have been established. [REDACTED] does not verify that persons accessing FAA §702 raw traffic databases continue to meet eligibility criteria. [REDACTED] can be used to verify this information; [REDACTED] began using

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[redacted] for this purpose [redacted] Plans for [redacted] have not been established.

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(U//~~FOUO~~) [redacted] provides authorization attributes and access control services to NSA enterprise programs and projects. NSA/CSS Policy 6-31, *Authentication and Authorization Services on NSANet Resources*, 26 July 2010, requires that all legacy data repositories and applications be [redacted] enabled. According to the policy, a system is [redacted] enabled when it utilizes attributes about the user, obtained from [redacted] and applies authorization decisions based on those attributes." The [redacted] Usage Guide states that, "authorization is based on privileges held such as security clearances, training completed [redacted]  
[redacted]

(U//~~FOUO~~) Failure to verify user attributes that qualify for raw SIGINT access increases the risk of inappropriate access to FAA §702 raw traffic databases, although no such inappropriate access was identified by the OIG during this study.

#### **(U//~~FOUO~~) RECOMMENDATION 9**

(U//~~FOUO~~) Establish for repositories of FAA §702 data, [redacted]  
[redacted] a means to verify that users remain eligible for access.

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

(U//~~FOUO~~) ACTION: [redacted]

#### **(U) Management Response**

(U//~~FOUO~~) AGREE [redacted] manages the mapping of access controls through [redacted] to repositories. Eligibility to access FAA §702 data is updated and reflected in [redacted]

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

[redacted] are able to restrict access according to a user's eligibility status. This control was previously handled at a system level but is now managed by [redacted] SID requests closure of the recommendation.

(U) Status: OPEN

#### **(U) OIG Comment**

(U//~~FOUO~~) Closure of this recommendation will be evaluated upon receipt of documentation supporting the action taken.

~~(S//NF)~~

#### **Required Reviews of FAA §702 Selectors**

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

(S//NF) Under FAA §702 authority, analysts are required, before tasking selectors, to determine that the intended target is a non-USP reasonably believed to be outside the United States and confirm that the person is appropriate for targeting under FAA Certifications. After tasking is initiated and collection begins, the targeting procedures require NSA to conduct post-targeting analysis "designed to detect those occasions when a person who when targeted was reasonably believed to be located outside the United

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States has entered the United States, and will enable NSA to take steps to prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States, or the intentional targeting of a person who is inside the United States."

~~(S//NF)~~ To ensure compliance with these requirements, the Agency has implemented the Obligation to Review (OTR) process, which establishes standards for post-tasking reviews. Initial target verification must be completed within five days of receipt of communications for the tasked selector. Analysts must confirm that:

- The user of the tasked selector is the intended foreign intelligence target,
- The target remains appropriate under the Certification cited in tasking and is not a USP, and
- The target remains outside the United States or there is no information to indicate that the target is inside the United States.

~~(S//NF)~~ After the initial verification, analysts must review sufficient information to verify that no change has occurred in the target's status that would affect eligibility for targeting. NSA's internal guidance directs that this review is to be done at least every 30 days. In addition to the requirements for review [redacted] analysts must determine whether the collection obtained is routinely of a type that might require prompt destruction (e.g., domestic communications).<sup>5</sup>

~~(S//SI//NF)~~ Automation has been implemented to support compliance with the OTR requirements. [redacted]

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

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

~~(S//SI//NF)~~ [redacted]

<sup>5</sup> (U//FOUO) Guidance to Analysts on Obligation to Review Data Under Protect America Act and the FISA Amendments Act (on the FAA web page).

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

**(U//FOUO) RECOMMENDATION 10**

~~(S//SI//NF)~~ Improve accountability for compliance with NSA's internal OTR requirement:

- [REDACTED]
- [REDACTED] (b)(3)-P.L. 86-36

(U//FOUO) ACTION: [REDACTED]

**(U) Management Response**

~~(S//SI//NF)~~ AGREE SID reports that the requirements [REDACTED]

are completed. [REDACTED]

[REDACTED] (U) Status: OPEN

(U) Target Completion Date: [REDACTED]

**(U) OIG Comment**

(U//FOUO) Planned action satisfies the intent of the recommendation.

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## (U//~~FOUO~~) FINDING SIX: The FAA §702 Curriculum Needs to Be Updated and the Training Requirement Enforced

(U//~~FOUO~~) Although the new FAA §702 course significantly improved training content, additional subjects should be considered, and the training should be enforced. An online resource supporting adjudicator training is needed.

### (U) Analyst Training

#### **(U) SID has significantly improved training for FAA §702**

(U//~~FOUO~~) All personnel with access to FAA §702 raw traffic databases must take the training course "FISA Amendments Act (FAA) Section 702" (OVSC1203), which provides students with an understanding of the legal policies and minimization procedures for this authority.

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

(S//NF) "FAA702 Practical Applications," [redacted] [redacted] teaches application of FAA §702 authority. The course is part of the [redacted] which is establishing common standards and processes for SIGINT targeting and creating training and competency assessment mechanisms to support those standards. "FAA702 Practical Applications" will provide a tool to improve analyst understanding of how to apply FAA §702, including clear examples of documentation that meets the legal and policy requirements, and exercises in the use of the principles. Topics covered in the training include targeting requirements, selector research, documentation required to support the targeting decision, approval of targeting requests, analyst obligation to review communications to verify that selectors continue to meet targeting requirements, and incident research and reporting.

#### **(U//~~FOUO~~) "FAA702 Practical Applications" does not address certain topics important to compliance with FAA §702**

(TQ//SI//NF) "FAA702 Practical Applications" focuses on targeting and target maintenance. Certain matters were not included in the scope of the course, including handling of incidents resulting from improper minimization, dissemination, handling, and site tasking. Based on interviews with SID personnel and OIG review of the course, other matters should be considered for addition to the course:

- Explanation of the reasonable belief standard,
- Reporting (including the new procedures required for handling MCTs),
- Query requirements, and
- Procedures for sharing FAA §702-derived information within the Agency and disseminating FAA §702-derived information to customers.

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(U//~~FOUO~~) "FAA 702 Practical Applications" is not enforced for targeting under FAA §702 authority

(U//~~FOUO~~) According to S2 officials, completion of "FAA 702 Practical Applications" is required for analysts who have access to data derived from FAA §702 collection. The course offers more detailed training in the application of the authority and the potential to improve targeting efficiency and compliance with FAA §702. However, the requirement to take the course will not be enforced until ADET modifies the content to address deficiencies identified by [redacted] SID Operations personnel plan to begin enforcing the requirement for all analysts with access to FAA §702 information [redacted]

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

### (U) Adjudicator Training

(S//SI//NF) Adjudicators verify that targeting requests meet FAA §702 compliance standards before tasking. A significant training effort was undertaken [redacted]

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

[redacted] but a standardized online resource is needed to support current and future adjudicators. An online course would provide the basis for performance standards, support consistency of training, and serve as a ready reference when questions arise.

### (U//~~FOUO~~) RECOMMENDATION 11

#### (U//~~FOUO~~) Modify the FAA §702 curriculum:

- (U//~~FOUO~~) Include additional training on incidents (e.g., from improper minimization, dissemination), reporting requirements unique to FAA §702, query requirements, sharing of FAA §702-derived information, and an explanation of the reasonable belief standard;
- (U//~~FOUO~~) Update "FAA702 Practical Applications" and enforce the requirement for all FAA §702 analysts to complete the course; and
- (U//~~FOUO~~) Document the adjudicator training and make it available for reference.

(U//~~FOUO~~) ACTION: [redacted]

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

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~~TOP SECRET//SI//NOFORN~~**(U) Management Response**(U//~~FOUO~~) AGREE

OVSC1203: SV will work with ADET to update the FAA §702 (OVSC1203) course to reflect the amended Targeting and Minimization Procedures that the Foreign Intelligence Surveillance Court approved in September 2012.

[redacted] will publish training slides onto the S2 FAA §702 Targeting Review Guidance web page and work with ADET to update OVSC1203 [redacted]

CRSK 1304 & 1305: Updates to "FAA702 Practical Applications" (CRSK1304) and "FAA702 Adjudicator Training" (CRSK1305) were completed [redacted]. In addition, enforced registration in the ELM program and targeting proficiency statistics to the individual level as well as completion rate of any required FAA §702 training (NCS courses) will be completed [redacted]. Structured on-the-job training will be phased in.

(U) Status: **OPEN**

(U) Target Completion Date: [redacted]

**(U) OIG Comment**(U//~~FOUO~~) Planned action satisfies the intent of the recommendation.**(U) Conclusion**

(U//~~FOUO~~) NSA has designed a system of management controls, including training, policies, processes, procedures, systems, and oversight, to ensure compliance with FAA §702. Our recommendations suggest ways to improve the overall control environment in which the FAA §702 authority is used.

(U) This review examined the design of the controls. Compliance and substantive testing needed to draw conclusions on the efficacy of the management controls will be conducted in a later review.

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## IV. (U) OBSERVATIONS

### **(U//~~FOUO~~) Procedures to Improve Representations to the FISC**

(U//~~FOUO~~) In an operation as diverse as NSA, where a multitude of legacy systems are involved in processing and compliance under a given authority, it is understandable that variations might exist in systems and manual procedures involved in the application of authority under FAA §702. These variations have the potential to create compliance concerns when standards are mandated for all users of an authority. [REDACTED] NSA expanded its use of Verification of Accuracy (VoA) procedures to NSA's FAA 702

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

Minimization Procedures and Affidavits. NSA's VoA procedures are to be applied to written representations that describe NSA's acquisition, processing, retention, analysis, and dissemination and form the basis of a legal opinion, a FISC Order, or an Executive Branch decision or authority. The purpose of a VoA review is to increase confidence that the representations made to external entities are accurate and based on a shared understanding among operational, technical, legal, policy, and compliance officials. The VoA procedures require all factual statements within the declarations to be verified. Subject documents must be reviewed by authorizing individuals identified by senior leaders within the Directorates.

(U//~~FOUO~~) Additional training, maintenance of clear and updated guidance, and continued implementation of the VoA procedures will provide an increased level of confidence in obtaining a consistent understanding of Agency processes and in the accuracy of representations made regarding these processes to outside authorities (see Recommendations 7 and 11).

### **(U//~~FOUO~~) Effect of [REDACTED] on Compliance with FAA §702**

(U//~~FOUO~~) [REDACTED]

3)-P.L. 86-36

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

(U//FOUO) Effect of Manual Entry of Information on Targeting Requests

~~(S//NF)~~ A significant requirement for processing targeting requests under FAA §702 authority is the documentation of support for analysts' determination that the target is outside the United States and is not a USP.

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

~~(S//NF)~~ Before the targeting request is approved, adjudicators review the sources documented in the targeting request that support the foreignness of the selector.

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

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## V. (U//~~FOUO~~) SUMMARY OF RECOMMENDATIONS

### (U//~~FOUO~~) RECOMMENDATION 1

(U//~~FOUO~~) Establish for FAA §702 targeting analysts and adjudicators ACE performance objectives based on completion of a specified proficiency level of the Targeting Workforce Readiness Standard and ELM training plan.

(S//NF) ACTION: [REDACTED]

(U) Status: OPEN

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

(U) Target Completion Date: [REDACTED]

### (U//~~FOUO~~) RECOMMENDATION 2

(U//~~FOUO~~) Develop metrics and management reporting to:

- Measure targeting analyst and adjudicator compliance with FAA §702 targeting and minimization procedures and
- Support analysis of trends indicative of needed changes in training or guidance.

(U//~~FOUO~~) Coordinate this process with the Comprehensive Mission Compliance Program.

(S//NF) ACTION: [REDACTED]

(U) Status: OPEN

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

(U) Target Completion Date: [REDACTED]

(b)(1)

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

### (U//~~FOUO~~) RECOMMENDATION 3

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

(TS//SI//NF) [REDACTED]

(U//~~FOUO~~) ACTION: [REDACTED]

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

(U) Status: OPEN

(U) Target Completion Date: [REDACTED]

### (U//~~FOUO~~) RECOMMENDATION 4

(TS//SI//NF) Although not required by the minimization procedures, SV should include in the spot-check of disseminations of FAA §702-sourced material procedures to evaluate analysts' compliance with the documentation requirements pertaining to dissemination based on discrete communications within MCTs. The spot-check should also evaluate proper use of [REDACTED] per NSA policy.

(U//~~FOUO~~) ACTION: SV

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

(U) Status: OPEN

(U) Target Completion Date: [REDACTED]

(U) OIG Comment: Closure of this recommendation will be evaluated upon receipt of documentation supporting the action taken.

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~~TOP SECRET//SI//NOFORN~~(U//~~FOUO~~) RECOMMENDATION 5

(U//~~FOUO~~) Periodically provide management an assessment of targeting analyst and adjudicator performance against the legal and policy requirements for FAA §702 targeting based on SV reviews of targeting requests. Coordinate with FAA §702 metrics reporting (see Recommendation 2).

(U//~~FOUO~~) ACTION: SV

(U) Status: OPEN

(U) Target Completion Date: [REDACTED]

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

(U//~~FOUO~~) RECOMMENDATION 6

(U//~~FOUO~~) Implement the super audit process and provide periodic feedback to FAA §702 auditors and their management on the quality of audit performance.

(U//~~FOUO~~) ACTION: SV

(U) Status: OPEN SID/SV reports the super audit process is fully implemented for FAA 702.

(U) OIG Comment: Closure of this recommendation will be evaluated upon receipt of documentation supporting the action taken.

(U//~~FOUO~~) RECOMMENDATION 7

(U//~~FOUO~~) In conjunction with the Rules Management framework, establish a process to maintain authoritative guidance supporting compliant execution of FAA §702 authority:

- Organize the information to facilitate research by topic,
- Coordinate changes in guidance with required training, and
- Establish a single SOP as the guidance for adjudication of all FAA §702 targeting requests.

(U//~~FOUO~~) ACTION: [REDACTED]

(U) Status: OPEN

(U) Target Completion Date: [REDACTED]

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

(U//~~FOUO~~) RECOMMENDATION 8

(U//~~FOUO~~) Increase automation of the purge adjudication and execution processes to support complete and timely execution.

(U//~~FOUO~~) ACTION: [REDACTED]

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

(U) Status: OPEN

(U) Target Completion Date: [REDACTED]

(U//~~FOUO~~) RECOMMENDATION 9

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

(U//~~FOUO~~) Establish for repositories of FAA §702 data, [REDACTED] a means to verify that users remain eligible for access.

(U//~~FOUO~~) ACTION: [REDACTED]

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

(U) Status: OPEN SID reports that actions have been taken to resolve the recommendation and requests its closure.

(U) OIG Comment: Closure of this recommendation will be evaluated upon receipt of documentation supporting the action taken.

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~~TOP SECRET//SI//NOFORN~~(U//~~FOUO~~) RECOMMENDATION 10(U//~~FOUO~~) Improve accountability for compliance with NSA's internal OTR requirement:

- [REDACTED]
- [REDACTED]

(U//~~FOUO~~) ACTION: [REDACTED]

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(U) Status: OPEN

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

(U) Target Completion Date: [REDACTED]

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

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

(U//~~FOUO~~) RECOMMENDATION 11(U//~~FOUO~~) Modify the FAA §702 curriculum:

- (U//~~FOUO~~) Include additional training on incidents (e.g., improper minimization, dissemination), reporting requirements unique to FAA §702, query requirements, sharing of FAA §702-derived information, and an explanation of the reasonable belief standard;
- (U//~~FOUO~~) Update "FAA702 Practical Applications" and enforce the requirement for all FAA §702 analysts to complete the course; and
- (U//~~FOUO~~) Document the adjudicator training and make it available for reference.

(U//~~FOUO~~) ACTION: [REDACTED]

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

(U) Status: OPEN

(U) Target Completion Date: [REDACTED]

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(U) ADET	Associate Directorate for Education and Training
(U) CDW	Corporate Data Warehouse
(S//NF) CIA	Central Intelligence Agency
(U) DIRNSA	Director of NSA
(S//SI//NF) DNI	Digital Network Intelligence
(S//SI//NF) DNR	Dialed Number Recognition
(U) DOJ	Department of Justice
(U) ELM	Enterprise Learning Management
(U) FAA	Foreign Intelligence Surveillance Act Amendments Act
(U) FBI	Federal Bureau of Investigation
(U) FISA	Foreign Intelligence Surveillance Act
(U) FISC	Foreign Intelligence Surveillance Court
(U) ISP	Internet Service Provider
(TS//SI//NF) MCT	Multiple Communications Transactions
(U) MPL	Master Purge List
(U) NCS	National Cryptologic School
(S//NF) NTOC	NSA/CSS Threat Operations Center
(U) ODNI	Office of the Director of National Intelligence
(U) ODOC	Office of the Director of Compliance
(U) OGC	Office of General Counsel
(U) OIG	Office of the Inspector General
(U) OTR	Obligation to Review
(U) PAA	Protect America Act
(U) PL	Product Line
(U)	
(U) S02	SIGINT Policy and Corporate Issues Staff
(U) S2	SID Analysis and Production
(U)	
(U)	
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(U)	
(U)	
(U) S3	SID Directorate for Data Acquisition
(U)	
(U) SID	Signals Intelligence Directorate
(U) SIGINT	Signals Intelligence
(U) SOP	Standard Operating Procedure
(U)	
(U)	
(U) SV	SID Oversight and Compliance
(U) TD	Technology Directorate
(U)	
(U)	
(U)	
(U)	
(U) USP	U.S. person
(U) USSID	United States Signals Intelligence Directive

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(U)   
(U) VoA

Verification of Accuracy

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**(U) APPENDIX A**

**(U) About the Study**

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## (U) ABOUT THE STUDY

### (U) Objective

(U//~~FOUO~~) The objective of this study was to assess the adequacy of management controls designed to provide reasonable assurance of compliance with Section 702 of the Foreign Intelligence Surveillance Act of 1978 (FISA), as amended by the FISA Amendments Act of 2008 (FAA §702).

### (U) Methodology

(U//~~FOUO~~) This study was conducted from March 2011 to February 2012 and was based on review of published and draft forms of guidance; review of certain controls in systems supporting application of the authority; and interviews with managers and analysts responsible for targeting, approval, and oversight subject to FAA §702 requirements. (This report of the study's findings also incorporates information that was provided subsequently, primarily with respect to Finding Three.) Testing of the controls identified will be the subject of a later review.

(U//~~FOUO~~) The study was conducted according to the standards of the *Council of the Inspectors General on Integrity and Efficiency Quality Standards for Inspection and Evaluation*, January 2011. We believe that the information derived from interviews and the documentation reviewed provides a reasonable basis for our findings, observations, and conclusions according to our study objectives.

### (U) Use of Computer-Processed Data

(U) The use of computer-processed data was not necessary to perform this audit.

### (U) Prior Coverage

(U//~~FOUO~~) *Assessment of Management Controls to Implement the Protect America Act (PAA) of 2007*

(S//NF) The *Assessment of Management Controls to Implement the Protect America Act of 2007* found that additional controls were needed to verify that only authorized selectors were on collection and that tasked selectors were producing foreign intelligence on the expected targets. The study also identified the need for more rigorous controls to increase the reliability of spot checks for PAA compliance (PAA was the predecessor to FAA).

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(U//~~FOUO~~) *Audit of the FISA Amendments Act (FAA) §702 Detasking Requirements*

(S//~~NF~~) The *OIG Audit of the FISA Amendments Act (FAA) §702 Detasking Requirements*

[redacted] and that the Agency does not have a consistent process to ensure a seamless transition from FAA §702 authority to FBI FISA.

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

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**(U) APPENDIX B**

**(U) FAA §702 Control Requirements  
and Management Controls**

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~~TOP SECRET//SI//NOFORN~~**(U) FAA §702 CONTROL REQUIREMENTS AND MANAGEMENT CONTROLS**(b) (1)  
(b) (3) -P.L. 86-36

~~(S//NF)~~ Many of the internal control requirements are established by the Affidavit of the Director of NSA (DIRNSA) submitted for each Certification, Exhibit A to the Affidavit, and Exhibit B to the Affidavit.

[REDACTED]

[REDACTED]

[REDACTED] Exhibit A establishes the Agency's FAA §702 targeting procedures: the process for determining that a person targeted under Section 702 of the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008 (FAA §702) authority is a non-U.S. person (USP) reasonably believed to be located outside the United States; required post-targeting analysis to ensure that the Agency does not intentionally target a person known at the time of acquisition to be in the United States and does not result in intentional acquisition of domestic communications; required documentation of the foreignness determination; compliance and oversight; and steps required for departure from the procedures. Exhibit B contains the minimization procedures to be used for information collected. In addition to the control requirements established by the affidavits and exhibits, the Standards for Internal Control in the Federal Government provide a general framework of controls that should be incorporated into daily operations.

(U) This document provides a summary of the internal controls in place to meet these requirements.

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
(U) TARGETING PROCEDURES						
1	I. (U) Determination of Whether the Acquisition Targets Non-USPs Reasonably Believed to Be Located Outside the United States  (S//NF) NSA determines whether a person is a non-USP reasonably believed to be outside the United States in light of the totality of the circumstances based on the information available with respect to the person [redacted]  [redacted] NSA analysts may use information from one or more of the following to make that determination: Lead information Research in NSA databases, available reports, and collateral information [redacted]	(U) Exhibit A	<p>Targeting Requirements:</p> <p>(S//NF) [redacted]</p> <p>(S//NF) [redacted] the selector tasked and support for the reasonable belief of foreignness is also required.</p> <p>(S//NF) The Targeting Rationale (TAR) Statement is also required and documents why targeting is requested and must indicate the tie to a foreign intelligence purpose specific to the FAA Certification under which targeting is requested.</p> <p>(S//NF) [redacted]</p> <p>(S//NF) Releaser review: Signals Intelligence (SIGINT) Directorate (SID) Product Line (PL) personnel review [redacted]</p> <p>[redacted] Targeting Requests for overall compliance with the chosen FAA Certification before releasing it for adjudication [redacted]</p> <p>(S//NF) Adjudication: All targeting requests submitted under FAA §702 Certifications must pass this review for accuracy of processing and compliance with FAA §702 requirements. It includes the appropriateness of the target to the certification, verification of the support for reasonable belief of foreignness, confirmation that the most recent foreignness support is used, and that the information supports the non-USP status of the target. (See recommendation 11 regarding determination of a single Standard Operating Procedure (SOP) for adjudication.)</p>			

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

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
2	(U) Determination of Whether the Acquisition Targets Non-USPs Reasonably Believed to Be Located Outside the United States (continued)		<p>(U) Special Processing:  <del>(T)(S)(I)(NF)</del></p> <p>(S)(I)(F) The Central Intelligence Agency (CIA) has its own nomination process. Requests are reviewed for FAA §702 compliance by NSA personnel  <del>(T)(S)(I)(NF)</del></p> <p>SV performs the adjudication review.  <del>(S)(I)(F)</del> FBI Tasking Requests: The FBI implemented its own nomination process subsequent to the field work on this study  <del>(T)(S)(I)(NF)</del></p>	#	(b)(3)-P.L. 86-36	
3	<del>(T)(S)(I)(NF)</del> To acquire communications about the target that are not to or from the target, NSA will [redacted] to ensure that the person from whom it seeks to obtain foreign intelligence information is located overseas <del>(T)(S)(I)(NF)</del> NSA will direct surveillance at a party to the communication reasonably believed to be outside the United States.	(U) Exhibit A  <del>(b)(1)</del> <del>(b)(3)-P.L. 86-36</del> <del>(b)(3)-50 USC 3024(i)</del>	<del>(T)(S)(I)(NF)</del> IP filters are used to ensure that one end of collected communications for DNI selectors is foreign (see special requirements for Multiple Communications Transactions (MCTs) – Minimization Procedures, row 4).		#	
4	(U) Assessment of the Non-USP Status of the Target <del>(S)(I)(F)</del> Information that NSA examines to determine whether a target is reasonably believed to be located outside the United States might also bear on the non-USP status of the target. For example [redacted]	(U) Exhibit A	(U) See Targeting Requirements (rows 1 and 2).		#	

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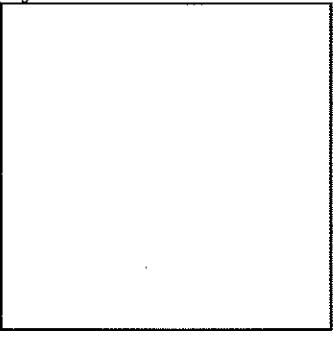
(b)(1)  
 (b)(3)-P.L. 86-36  
 (b)(3)-50 USC 3024(i)

	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
5	<p>(S//SI//NF) To prevent inadvertent targeting of a USP.</p> <p>(S//NF)</p>	(U) Exhibit A	<p>(S//SI//NF)</p> <p>(S//NF)</p> <p>(S//NF) If reasonable belief of foreignness is established [redacted]</p> <p>The adjudicator's review verifies the reasonable belief of foreignness and that there is no contrary information concerning the target's USP status.</p> <p>(b)(1)    (b)(3)-P.L. 86-36</p>	#		

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
6	<p>(S//NF) Assessment of the Foreign Intelligence Purpose of the Targeting</p> <p>(S//NF) To assess whether the target possesses and/or is likely to communicate foreign intelligence information related to a foreign power [redacted]</p> <p>[redacted] NSA considers information about selector, including [redacted]</p> 	(U) Exhibit A	<p>(S//NF) The TAR Statement documents why targeting is requested and must indicate the tie to a foreign intelligence purpose specific to the FAA Certification under which targeting is requested. This is subject to adjudication.</p> <p style="text-align: center;">(b)(3)-P.L. 86-36</p>	#		

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

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
7	II. (U//FOUO) POST-TARGETING ANALYSIS BY NSA  (TS//SI//NF) Post-targeting analysis is designed to detect when a person who, when targeted, was reasonably believed to be located outside the United States has since entered the United States and will enable NSA to take steps to prevent intentional acquisition of communication in which the sender and all intended recipients are known at the time of acquisition to be located in the United States, or the intentional targeting of a person who is in the United States. Such analysis may include:	(U) Exhibit A	<p>(TS//SI//NF) NSA's Internal Obligation to Review (OTR) policy requires analysis to perform reviews as follows:</p> <ul style="list-style-type: none"> <li>- Initial collection must be reviewed within 5 days to verify that the user of the selector is the intended foreign intelligence target, the target is appropriate to the FAA Certification under which it is tasked, and the selector is not in the United States or a USP.</li> <li>- Collection must be reviewed at least every 30 days to affirm the target's foreignness and non-USP status and verify that information obtained is not of a type to require immediate destruction (e.g., domestic communications).</li> </ul> <p>(S//SI//NF)</p> <p>(TS//SI//NF)</p> <p>(SI//NF)</p>			(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

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

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
8	III. (U) DOCUMENTATION  [S//NF] Analysts who request tasking will document in the tasking database a citation or citations to the information that led them to reasonably believe that a targeted person is located outside the United States. Before tasking is approved, the database entry for that tasking will be reviewed to verify that the database entry contains the necessary citations.  [C//MF] A citation is a reference that identifies the source of the information.  [ ] which NSA will maintain. The citation will enable those responsible for conducting oversight to locate and review the information that led NSA analysts to conclude that a target is reasonably believed to be located outside the United States.  [C//MF] Analysts also will identify the foreign power about which they expect to obtain foreign intelligence.	(U) Exhibit A  (b)(3)-P.L. 86-36	<p>[S//NF] All targeting requests submitted under FAA §702 Certifications are subject to review by an adjudicator for verification of compliance with requirements including appropriateness of the target to the Certification, support for determination of foreignness and USP status, and foreign intelligence purpose. The adjudicator is responsible for ensuring that the support for reasonable belief of foreignness is documented in a database maintained by SID SV.</p> <p>[S//NF] The targeting system requires the analyst to choose from a menu of foreign intelligence purposes specific to each FAA §702 Certification. Once the certification is chosen, the analyst must select a [ ] associated with that certification. If the [ ] is not in the menu, the selector cannot be tasked under FAA authority.</p> <p>(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)</p>		#	
9	IV. (U) OVERSIGHT AND COMPLIANCE  [U//FOUO] SV with NSA's OGC will develop and deliver training to ensure that personnel responsible for approving targeting of persons under FAA §702, as well as analysts with access to the acquired foreign intelligence information, understand their responsibilities and the procedures that apply to this acquisition.	(U) Exhibit A	<p>[U//FOUO] Adjudicators are subject to the same training requirements as analysts. They also have received in-person training on the targeting review process. Documentation standardizing the information provided in this training has not been made available online for reference by the adjudicators.</p> <p>[U//FOUO] SV and OGC developed the "FISA Amendment Act (FAA) Section 702" course (OVSC1203) when FAA was implemented. It focuses on the legal requirements of FAA.</p> <p>[U//FOUO] A new course, "FAA 702 Practical Applications" (CRSK1304), was made available [ ]. It provides analysts with detailed examples of use of the authority. The requirement for its completion is not yet enforced (see Recommendation 11).</p>		#	

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

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
10	(U//FOUO) SV has established processes for ensuring that raw traffic is labeled and stored only in authorized repositories and is accessible only to those who have had the proper training.	(U) Exhibit A  (b)(3)-P.L. 86-36	<p>(U//FOUO) All collection stores must be compliance certified before they can be used to process or store FAA §702 data.</p> <p>(U//FOUO) All FAA §702 systems are certified for purge and access functions.</p> <p>(U//FOUO) To obtain access to the FAA §702 databases, individuals must have an approved mission (entered in [redacted] by their supervisor), appropriate clearances (supervisor must request in the [redacted] System), and required training (Overview of Intelligence Authorities, USSID 18 Legal Compliance and Minimization Procedures, and OVSC1203).</p> <p>(S//CM//NF) Requests for analysts' access to [redacted] containing FAA §702 data must be submitted by an access sponsor. [redacted] access must be approved by the [redacted] owner.</p> <p>(U//FOUO) SV reviews requests for compartmented accesses, verifying that the analyst has required training and an appropriate justification for access (e.g., includes mission function, targets requiring FAA access)</p> <p>(S//CM//NF) [redacted] are not able to verify an account holder's continuing eligibility to access FAA §702-derived collection. Eligibility is determined when the account is established. Compliance with annual requirements to update training is not verified at sign-on after account set-up (this was corrected for [redacted] in a system update [redacted] (see Recommendation 9).</p>			(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

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

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
11	<p>(U//FOUO) SV will conduct oversight activities and will make necessary reports, including those relating to incidents of non-compliance, to the NSA Inspector General and OGC.</p> <p>(S//NF) SV will also ensure that corrective actions are taken to address identified deficiencies. To that end, SV will conduct periodic spot checks of targeting decisions and intelligence disseminations to ensure compliance with established procedures and conduct periodic spot checks of queries in data repositories.</p>	(U) Exhibit A	<p>(U) Incident Reporting – see row 13.</p> <p>(T//SI//NF) SV performs the following oversight activities:</p> <p>[redacted] newly tasked or relasked before sending to DOJ and Office of the Director of National Intelligence (ODNI) bi-weekly.</p> <p>[redacted]</p> <ul style="list-style-type: none"> <li>- Review targeting support for the bulk of items requested by DOJ/ODNI for the 60-day review [redacted]</li> <li>[redacted] If support is insufficient, SV will follow up with the adjudicator and targeting analyst for additional support or corrective action (including possible detasking).</li> <li>- Spot check serialized reports based on FAA §702 information, reports containing USP identifiers, and evaluated, minimized traffic [redacted] following up on identified discrepancies. Provide record of all FAA §702-derived dissemination for review by DOJ/ODNI and follow up on any issues identified in their review. SV's spot check of serialized disseminations does not include procedures [redacted] verification of analysts' compliance with the minimization procedures' documentation requirements for dissemination derived from MCTs (see Recommendation 4).</li> <li>- Oversight of Queries: All queries are reviewed daily by auditors in the SID production centers. SV has not conducted reviews of auditor performance consistently (see Recommendation 6).</li> </ul>			(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)
12	(U//FOUO) DOJ and ODNI will conduct oversight of NSA's exercise of [FAA §702 authority], which will include periodic reviews by DOJ and ODNI personnel to evaluate the implementation of the procedures. Such reviews will occur at least once every 60 days.	(U) Exhibit A	<p>(U//FOUO) SV coordinates bi-monthly reviews by DOJ/ODNI of targeting and dissemination, including responding to questions raised and providing feedback sessions to adjudicators on the overseers' findings.</p> <p>(S//SI//NF) DOJ performs reviews every 60 days covering all tasking and dissemination for a two-month period. Every 15 days, SV sends a document to DOJ for each certification, one each for DNI and DNR listing all the key fields for the review. [redacted]</p> <p>[redacted]</p> <p>DOJ sends NSA a spreadsheet of the selectors chosen for review. SV must gather all supporting material for each selector</p>			(b)(3)-P.L. 86-

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
13	<p>(U//FOUO) NSA will report to DOJ and ODNI incidents of non-compliance with these procedures by NSA personnel that result in the intentional targeting of a person reasonably believed to be located in the United States, the intentional targeting of a USP, or the intentional acquisition of communication in which the sender and all intended recipients are known at the time of acquisition to be located within the United States.</p> <p>(U//FOUO) NSA will provide such reports within 5 business days of learning of the incident.</p> <p>(U//FOUO) Information acquired by intentionally targeting a USP or a person not reasonably believed to be outside the United States at the time of such targeting will be purged from NSA databases.</p>	(U) Exhibit A	<p>(U) Incident Research/Reporting:</p> <p>(U//FOUO) SV and the targeting team research potential incidents jointly. SV maintains records of the incidents [REDACTED] in a SharePoint database. SV manages the follow-up process to produce the required notice to DOJ/ODNI within 5 business days of confirmation of an incident.</p> <p>(S//NF) [REDACTED]</p> <p>(S//NF) [REDACTED]</p> <p>(S//NF) OGC reviews the incident and ultimately determines whether it meets the criteria for reporting to DOJ/ODNI. For incidents of non-compliance with procedures (e.g., failure to appropriately detask a selector, over-collection), NSA must explain why it happened and what steps were taken to remediate the matter (e.g., purge data, provide additional training). DOJ determines whether the matter must be reported to the FISC in accordance with Rule 13(b) of the FISC Rules of Procedure.</p> <p>(U//FOUO) The Target of Primary Interest (TOPI) provides SV with the parameters for necessary purge of collection. SV enters this in the incident record in SharePoint. S2's [REDACTED] uses this information to initiate the purge process, verifying that the parameters include all affected collection without purging information eligible for retention.</p> <p>[REDACTED] The purge process relies on manual procedures that create a risk of incomplete or untimely purge execution (see Recommendation 8).</p>			(b)(3)-P.L. 86-36 (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

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

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
14	(S//NF) NSA will report to DOJ and ODNI incidents of non-compliance (including over-collection) by any electronic communication service provider to whom the Attorney General and Director of National Intelligence issued a directive under §702. Such report will be made within 5 business days after determining that the provider has not complied or does not intend to comply with a directive.	(U) Exhibit A	(TS//SI//NF) Per OGC, the same incident reporting process is used for matters involving providers [ ] incident reports [ ] as a result of provider error have been filed with the FISC. [ ]			(b)(1) (b)(3)-P.L. 86-36 R
15	(S//NF) In the event that NSA concludes that a person is reasonably believed to be located outside the United States and, after targeting, learns that the person is inside the United States or if NSA concludes that a person, who at the time of targeting, was believed to be a non-USP was in fact a USP, it will take the following steps:  1. Terminate the acquisition without delay. If NSA inadvertently acquires a communication sent to or from the target while the target was located inside the United States, including communication in which the sender and all intended recipients are reasonably believed to be located inside the United States at the time of acquisition, such communication will be treated in accordance with the minimization procedures. 2. Report the incident to DOJ and ODNI within 5 business days.	(U) Exhibit A  (b)(3)-P.L. 86-36	(S//SI//NF) It is the analyst's responsibility to follow up on [ ] information from review of traffic and detask all related selectors promptly if the target is in the United States or identified as a USP, the primary user is not the target [ ]. An incident is initiated [ ] identification of roaming or a change in USP status through review of collection [ ]. The targeting team works with SV to document the incident. Information captured in the Incident Report database includes the detasking date, whether other selectors associated with the target were detasked, and parameters for purge of communications collected that are ineligible for retention. SV follows up with PL personnel to ensure that the incident record is complete, including entry of purge criteria. (S//NF) selector management ensures that [ ] incident follow-up are handled timely, regardless of analyst turnover or absence. [ ] is responsible for timely follow-up. Note: Implementation of [ ] will add controls over the process, including a requirement for PL management to document their review that the incident record is complete.  (S//SI//NF)  (S//SI//NF)			(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i) R

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
16	V. (U) DEPARTURE FROM PROCEDURES  (S//NF) If, to protect against an immediate threat to national security, NSA determines that it must take action temporarily in apparent departure from these procedures and it is not feasible to obtain a timely modification of these procedures from the Attorney General and Director of National Intelligence, NSA may take such action and will report that activity promptly to DOJ. Under such circumstances, NSA will continue to adhere to all of the statutory limitations set forth in the Act.	(U) Exhibit A	(U//FOUO) According to OGC, such actions would be coordinated by that department and involve personnel at the highest levels of the Agency. DOJ/ODNI would be notified. No specific procedures or controls have been developed.		X	
(U) MINIMIZATION PROCEDURES						
1	III. (U) Acquisition and Processing – General  (a)(S//NF) Acquisition of Information by targeting non-USPs reasonably believed to be located outside the United States pursuant to FAA §702 will be effected in accordance with an authorization made by the Attorney General and Director of National Intelligence and will be conducted in a manner designed, to the greatest extent possible, to minimize the acquisition of information not relevant to the authorized purpose of the acquisition.	(U) Exhibit B, Section 3	(S//NF) See targeting and adjudication processes: foreignness criteria, TAR, etc. (rows 1 through 6 of Targeting Procedures).  (U//FOUO) [redacted] [redacted] (U//FOUO) manages over-collection events [redacted] they may stop collection. (S//NF) FAA §702 query procedures define specific requirements for use of [redacted] in query selection terms. (S//NF) Daily audits of queries [redacted] identify overly broad queries (excessive targeting).	(b)(3)-P.L. 86-36	X	(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 302

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
2	<p>(b) (U) Monitoring, Recording, and Processing (1) (G//CH/NF) Personnel will exercise reasonable judgment in determining whether information acquired must be minimized and will destroy inadvertently acquired communications of or concerning a USP at the earliest practicable point in the processing cycle at which such communication can be identified either as clearly not relevant to the authorized purpose of the acquisition (e.g., the communication does not contain foreign intelligence information) or as not containing evidence of a crime that may be disseminated under these procedures.</p> <p>(TS//CH/NF) Except for Internet transaction from upstream collection, such inadvertently acquired communications of or concerning a USP may be retained no longer than 5 years from the expiration date of the certification authorizing the collection.</p>	(U) Exhibit B, Section 3  (b)(3)-P.L. 86-36	<p>(U//FOUO) The FAA §702 training course (OVSC1203) specifies the steps analysts are to take to analyze communications for eligibility for retention.</p> <p>(S//NF) [REDACTED] provides direction for retention/destruction on the basis of whether the target was outside the United States at the time of collection and whether the communication is foreign or domestic.</p> <p>(G//NF) Unless an incident is reported from improper acquisition of such communications, there is no review process to ensure that analysts identify and destroy them as required. The cost of such control would be prohibitive. The requirement is that all identified issues of improper collection be reported to SV and an incident initiated. Performance standards and analysis of actual versus expected performance could improve accountability for compliance (see Recommendations 1-4).</p> <p>(U) Examination of retention controls was not included in this review. (b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)</p>			
3	<p>(4) (G//CH/NF) As a communication is reviewed, analysts will determine whether it is a domestic or foreign communication to, from, or about a target and is reasonably believed to contain foreign intelligence information or evidence of a crime. Only such communications may be processed. All other communications may be retained or disseminated only in accordance with procedures.</p> <p>[REDACTED]</p>	(U) Exhibit B, Section 3  (b)(3)-P.L. 86-36	<p>(G//CH/NF) [REDACTED] provides direction for retention/destruction on the basis of whether the target was outside the United States at the time of collection and whether the communication is foreign or domestic. This is covered in detail in OVSC1203, the required FAA §702 training.</p> <p>(U) See also Obligation to Review – row 7 of Targeting Procedures.</p> <p>(U//FOUO) Parameters for purge of collection associated with an incident are provided to SV by the TOPI and recorded in the incident record in SharePoint. S2 Purge and Pretasking Compliance uses this to initiate the purge process, verifying that all affected collection is identified without purging information eligible for retention.</p> <p>[REDACTED]</p> <p>[REDACTED] SV performs follow-up to verify that Purge and Pretasking Compliance has updated the incident record with the status of purge completion. The purge process relies on manual procedures that create a risk of incomplete or untimely purge execution (see Recommendation 8).</p> <p>(S//CH/NF) SV works with TOPIs to prepare destruction waivers for objects that meet purge criteria and contain significant foreign intelligence value or evidence of a crime or threat of harm. The Destruction Waiver must be approved by DIRNSA.</p>			

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
4	<p>III. (b)(5)-TS//SI//NF Processing of Internet Transactions Acquired through NSA Upstream Collection Techniques</p> <p>(a) <del>TS//SI//NF</del>, NSA will take reasonable steps after acquisition to identify and segregate through technical means Internet transactions that cannot be reasonably identified as containing single, discrete communications in which the active user of the transaction (i.e., the selector used to send or receive the Internet transaction to or from a service provider) is reasonably believed to be located in the United States.</p> <p>(a)(1) <del>TS//SI//NF</del> Such segregated communications will be retained in an access-controlled repository accessible only to NSA analysts trained to review such transactions for the purpose of identifying those that contain discrete communications in which the sender and all intended recipients are reasonably believed to be located in the United States.</p>	(U) Exhibit B, Section 3	<p><del>TS//SI//NF</del> The Technology Directorate developed procedures to analyze upstream collection. Data permitted for use by analysts must have the active user (sender or recipient) be the target or be outside the United States (currently approximately [redacted] of upstream collection). Data is sequestered when the active user is reasonably believed to be in the United States.</p> <p><del>TS//SI//NF</del> There is no training on use of MCTs at this time (see Recommendation 11).</p> <p>(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)</p> <p>(U//FOUO) Efforts are ongoing to develop procedures for removing data from sequestration and special training for analysts who will process this data (no recommendation – in process).</p>			
5	<p>III. (b)(5)b -TS//SI//NF NSA analysts seeking to use a discrete communication within an Internet transaction that contains multiple discrete communications will assess whether the discrete communication (1) is a communication in which the sender and all intended recipients are located in the United States and (2) is to, from, or about a tasked selector or otherwise contains foreign intelligence information.</p> <p>III. (b)(5)b.3 <del>TS//SI//NF</del></p>	(U) Exhibit B, Section 3	<p><del>TS//SI//NF</del> Procedures are documented for use of upstream collection.</p> <p>Training on application of these procedures has not been developed (see Recommendation 11).</p> <p>(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)</p>			

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
6	<p>III. (b)(6) <del>(TOS/ST/MFT)</del> Magnetic tapes or other storage media containing FAA §702-derived communications may be queried to identify and select communications for analysis. Query terms used will be limited to selection terms reasonably likely to return foreign intelligence information. Identifiers of an identifiable USP may not be used as terms to identify and select for analysis any Internet communication acquired through NSA's upstream collection techniques.</p> <p>(O//SI//NF) Any use of USP identifiers as terms to identify and select communications must first be approved in accordance with NSA procedures. NSA will maintain records of all USP identifiers approved for use as selection terms.</p>	(U) Exhibit B, Section 3	<p>(O//SI//NF) Guidance on queries of FAA Databases states that NSA may not use USP names or identifiers as selection terms when reviewing collected FAA §702 data.</p> <p>(U//FOUO) Queries are subject to review by auditors in the S2 production centers to verify that the query has a foreign intelligence purpose within mission scope and reasonably excludes protected data.</p> <p>(U//FOUO) Reviews of the audits performed by PL personnel have not been regularly executed by SV to ensure quality of the audit process (see Recommendation 6).</p> <p>(b)(1)  (b)(3)-P.L. 86-36  (b)(3)-50 USC 3024(i)</p> <p style="text-align: center;">(b)(3)-P.L. 86-36</p>			
7	<p>III. (c) <del>(U//FOUO)</del> Destruction of Raw Data</p> <p>(TOS/ST/MFT) Communications acquired under FAA §702 authorities other than through upstream collection that do not meet the retention standards set forth in these procedures and that are known to contain communications of or concerning USPs will be destroyed upon recognition and may be retained no longer than 5 years from the expiration date of the certification authorizing the collection.</p>	(U) Exhibit B, Section 3	<p>(O//SI//NF) [redacted] provides direction for retention/destruction on the basis of whether the target was outside the United States at the time of collection and whether the communication is foreign or domestic. This is also covered in detail in OVSC1203, the required FAA §702 training.</p> <p>(U) See also Obligation to Review – row 7 of Targeting Procedures.</p> <p>(O//SI//NF) A matrix of scenarios/reasons purge action is required is documented for authorities including FAA §702. Purges are identified as part of the incident investigation process; SV and the TOPI capture the purge parameters in the incident record on the SV SharePoint site. The purge adjudication team performs research to verify completeness of items identified for purge.</p> <p>[redacted] Purge adjudication and execution is manual and subject to error affecting completeness and timeliness (see Recommendation 8).</p> <p>(U//FOUO) Purge Process: [redacted] are responsible for deleting records from their system on the basis of a Purge Execute Order, to prevent improper use of purge records to support reporting.</p> <p>(O//SI//NF) [redacted]</p> <p>(U) Retention – outside scope.</p>			

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	Control Objective*	Source	Control Description (b)(3)-P.L. 86-36	Assessment		
				Good	Adequate	Needs Improvement
8	(TG//SI//NF) Internet transactions that are acquired through NSA's upstream collection and do not contain information that meets the retention standards set forth in these procedures and that are known to contain communication of or concerning USPs will be destroyed upon recognition. All upstream collection may be retained no longer than 2 years from the expiration date of the certification authorizing the collection. The Internet transactions that may be retained include those that were acquired because of limitations on NSA's ability to filter communications.	(U) Exhibit B, Section 3	(U) See also Obligation to Review – row 7 of Targeting Procedures.  <del>(S//SI//NF)</del> [redacted] provides direction for retention/destruction on the basis of whether the target was outside the United States at the time of collection and whether the communication is foreign or domestic. This is also covered in detail in OVSC1203, the required FAA §702 training.  (U//FOUO) The need to purge communications is identified as part of the incident investigation process. SV and the TOPI capture the purge parameters in the incident record on the SV SharePoint site. The purge adjudication team performs research to verify completeness of items identified for purge. Purge adjudication and execution is manual and subject to error affecting completeness and timeliness (see Recommendation 8).  (U) Retention – outside scope.			
9	III.(d) (U) Change in Target's Location or Status  <del>(S//SI//NF)</del> In the event that NSA determines that a person reasonably believed to be located outside the United States and, after targeting the person, learns that the person is inside the United States or if NSA concludes that a person who, at the time of targeting, was believed to be a non-USP is in fact a USP, the acquisition from that person will be terminated without delay  <del>(S//SI//NF)</del> Communications acquired through the targeting of a person who at the time of targeting was reasonably believed to be located outside the United States but was in fact located inside the United States at the time such communications were acquired, and any communications acquired by targeting a person who at the time of targeting was believed to be a non-USP but was in fact a USP, will be treated as domestic communications.	(U) Exhibit B, Section 3	(U) See also Obligation to Review – row 7 of Targeting Procedures.  <del>(S//SI//NF)</del> Detasking guidance states that analysts are responsible for detasking a selector upon review of content indicating that the selector is used by a USP, confirmation that the selector is being used by an individual in the United States.    (U) See row 7 for purge procedures.			(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i))

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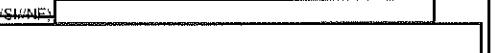
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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
10	IV. (U//SI//NF) Acquisition and Processing – Attorney-Client Communications  (S//SI//NF) As soon as it becomes apparent that a communication is between a person who is known to be under criminal indictment in the United States and an attorney who represents that individual in the matter, monitoring of that communication will cease and the communication will be identified as an attorney-client communication in a log maintained for that purpose. The relevant portion of the communication containing that conversation will be segregated, and the National Security Division of DOJ will be notified. In addition, all proposed disseminations of information constituting USP attorney-client privileged communications must be reviewed by OGC before dissemination.	(U) Exhibit B, Section 4	(S//SI//NF) OGC reports that no instances of such collection have been identified to date by NSA analysts, and, therefore, no log has been initiated. Such instances would be rare (e.g., it would occur only if a person reasonably believed to be outside the United States targeted by NSA is known to be under indictment in the United States and NSA intercepts a communication between the target and an attorney representing that foreign person in the U.S. legal proceeding).		N/A	
11	V. (U) Domestic Communications  (TS//SI//NF) A communication identified as a domestic communication will be promptly destroyed upon recognition unless DIRNSA (or Acting DIRNSA) specifically determines, in writing, that it meets certain criteria (e.g., contains significant foreign intelligence, evidence of a crime).  (C//SI//NF) If a domestic communication indicates that a target has entered the United States, NSA may advise the FBI of that fact.	(U) Exhibit B, Section 5	(TS//SI//NF) Communication that is determined to be domestic (does not have at least one communicant outside the United States) will be promptly destroyed upon recognition unless DIRNSA specifically determines in writing that the communication may be retained. SV works with TOPIs to prepare destruction waivers. This process is monitored as part of the follow-up on incidents and purges.		#	
12	VI. (U) Foreign Communications of or Concerning USPs  (a) (U) Retention  (C//SI//NF) Foreign communications of or concerning USPs may be retained only if necessary for the maintenance of technical databases. If dissemination of such communications with reference to such USPs would be permitted under subsection (b), or if the information is evidence of a crime and is provided to appropriate federal law enforcement authorities	(U) Exhibit B, Section 6	(TS//SI//NF) Communication resulting from the targeting of a person who was reasonably believed at the time of targeting to be a non-USP located overseas but is later determined to be a USP or a person in the United States will be promptly destroyed upon recognition unless DIRNSA specifically determines in writing that the communication may be retained. SV works with TOPIs to prepare destruction waivers. This process is monitored as part of the follow-up on incidents and purges.		#	

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
13	VI. (b) (U) Dissemination  IC/NF A report based on communications of or concerning a USP may be disseminated in accordance with Section VII or VIII if the identity of the USP is masked. Otherwise, dissemination of intelligence reports based on communications of or concerning a USP may be made only to a recipient requiring the identity of such person for the performance of official duties that meet certain criteria.	(U) Exhibit B, Section 6	(U//FOUO) This restriction on dissemination is not unique to FAA §702 and is consistent with procedures required by Executive Order (E.O.) 12333.    <b>(b)(1) (b)(3)-P.L. 86-36</b>		X	
14	VI. (c) (S//NF) Provision of Unminimized Communications to CIA and FBI  S//NF NSA may provide to the CIA and FBI unminimized communications derived from FAA §702 collection.	(U) Exhibit B, Section 6	(TS//SI//NF)    (S//NF) Discussion of FAA §702 collection with CIA/FBI: If IC analysts have their own copy of the data, provided through CIA nomination or FBI dual route, NSA analysts may discuss the information with them. They may not provide copies of the information to IC personnel. This is addressed in required NSA/CSS Policy 11-1, Information Sharing.		X	
15	VII. (U) Other Foreign Communications  (U) Foreign communications of or concerning a non-USP may be retained, used, and disseminated in any form in accordance with other applicable law, regulation, and policy.	(U) Exhibit B, Section 7	(U//FOUO) Dissemination is handled in accordance with the Foreign Intelligence Surveillance Act Amendments Act of 2008, the Minimization Procedures Used by the National Security Agency in Connection with Acquisitions of Foreign Intelligence Information Pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1976, as Amended, DoD Regulation 5240.1-R Procedures Governing the Activities of DOD Intelligence Components That Affect United States Persons, and the Classified Annex to Department of Defense Procedures Under Executive Order 12333.		X	

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
16	VIII. <del>(S//NF)</del> Collaboration with Foreign Governments  (a) <del>(S//NF)</del> Procedures for the dissemination of evaluated and minimized information: Information acquired under FAA §702 may be disseminated to a foreign government. Other than in cases for linguistic assistance by a foreign government (Section VIII (b)), dissemination to a foreign government of information of or concerning a USP may be done only in a manner consistent with subsections VI (b) and VII (rows 13 and 15).  (b) <del>(S//NF)</del> Procedures for technical or linguistic assistance: Communications that, because of their technical or linguistic content, may require further analysis by foreign governments to assist NSA in determining their meaning or significance. NSA may disseminate items containing unminimized FAA §702 information to foreign governments for analysis, under certain restrictions.	(U) Exhibit B, Section 8	(S//NF) Sharing Evaluated and Minimized  (S//NF) Evaluated and minimized  S//NF  (S//NF)  (S//NF)  (S//NF) The provision for technical/linguistic assistance  Documentation is developed case by case. Consideration should be given to documentation of this process.			(b)(3)-P.L. 1  (b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)
(U) MANAGEMENT CONTROLS						

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	Control Objective*	Source	Control Description	Assessment		
				Good	Adequate	Needs Improvement
1	(U) Activities must be established to monitor performance measures and indicators. Controls should be aimed at validating the propriety and integrity of organizational and individual performance measures and indicators.	(U) Standards for Internal Control in the Federal Government	(U//FOUO) Annual performance objectives for compliance with FAA §702 requirements, associated policy, and SOPs have not been established (see Recommendation 1).			☒
2	(U) Information should be recorded and communicated to management and others within the entity who need it and in a form and within a time frame that enables them to carry out their internal control and other responsibilities.	(U) Standards for Internal Control in the Federal Government	(U//FOUO) Comparison of actual performance to established standards for compliance activities associated with FAA §702 are incomplete (see Recommendations 2, 4, 5, and 6).			☒
3	(U) Internal control monitoring should assess the quality of performance over time and ensure that findings are resolved. It includes regular management and supervisory activities, such as ongoing comparisons and reconciliations, to ensure that controls are functioning properly.	(U) Standards for Internal Control in the Federal Government	(U//SI//NF) [Redacted]			(b)(1) (b)(3)-P.L. (b)(3)-50 USC 30 86-36
4	(U) Access to resources and records should be limited to authorized individuals.	(U) Standards for Internal Control in the Federal Government	(U//FOUO) To share FAA §702 information with other NSA analysts, steps must be taken to ensure that the individual has the proper clearance. This information is not addressed in the required FAA §702 training and guidance is not included on the FAA web page (see Recommendation 1).			☒

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**(U) APPENDIX C**

**(U) Full Text of Management Response**

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SIGNALS INTELLIGENCE  
DIRECTORATE  
memorandum

22 February 2013

FROM: Signals Intelligence Directorate (SID)

TO: Office of the Inspector General (OIG); ATTN: [redacted]

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

SUBJ: (U//~~FOUO~~) SID Response to the Revised Report on the OIG Assessment of Management Controls Over FAA 702 (ST-11-0009).

(U) The purpose of this memorandum is to provide SID's revised response to the subject report which includes updates to corrective action plans, content adjustments, and technical minutiae to ensure accuracy.

(U//~~FOUO~~) SID reviewed the revised report in its entirety. The attached response acknowledges SID's agreement with eleven recommendations, and provides revised corrective action plans, points of contact, and target completion dates as needed.

(U//~~FOUO~~) The SID consolidated response is attached to this memorandum. Please contact [redacted] (S022, 966-5621(s)) if you have any questions.

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

[redacted]  
Deputy Chief of Staff for  
SIGINT Policy and Corporate Issues (S02)

Encl: a/s

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**(U) OFFICE OF INSPECTOR GENERAL (OIG) DRAFT REPORT:**  
**Assessment of Management Controls Over FAA §702**

**Management Response to Draft Report**

(U) In accordance with IG-11357-12, "Coordinating Office of Inspector General Reports," the purpose of the draft coordination phase is to gain management's agreement or disagreement with report findings and recommendations. The SIGINT Directorate (SID) has been extended an opportunity to review and comment on the revised report to ensure contextual accuracy.

(U) The following matrix includes SID's consolidated revisions to management's action plans where applicable:

Rec. No.	Action	Agree or Disagree	Management Response	Completion date
1	(S/NF) SID, [redacted] with SV	Agree	<p>(U//FOUO) [redacted] agrees with the recommendation. The [redacted] and [redacted] are currently preparing an ELM plan for Target Analysts and Adjudicators. This plan will include FAA 702-specific training.</p> <p>(U) POC: (U//FOUO) [redacted] 963-0561</p> <p><u>Revised Management Response:</u> (U//FOUO) [redacted] are preparing an ELM plan for target analysts and adjudicators. The ELM plan will be broken down into proficiency levels thus allowing the analysts to register for the correct training based on proficiency level as stated in the ACE objective. The ELM plan for the Targeting workforce readiness standard for FAA §702 will be completely [redacted] for all NCS courses. Enforced registration in the ELM program and targeting proficiency statistics to the individual level as well as completion rate of any required FAA §702 training (NCS courses) will be completed [redacted]. Structured OJT training will be phased in.</p>	(b)(3)-P.L. 86-36 [redacted]

Derived From: NSA/CSSM 1-52

Dated: 20070108

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			<b>Revised Target Completion Date:</b> [redacted]	
			<b>Revised POC:</b> (U// <del>FOUO</del> ) [redacted] 969-6728	
2	(S//NF) SID, [redacted] with SV	Agree	(S//NF) [redacted] will work with [redacted] as part of the SID Lean Six Sigma Team. Participants will assess the feasibility of developing metrics to evaluate de-targeting trends and process deficiencies. Final implementation will be dependent on technical capabilities and deployment schedules.  (U) POC: (U// <del>FOUO</del> ) [redacted] 963-0561  <b>Revised POC:</b> (U// <del>FOUO</del> ) [redacted] 969-6729	[redacted]
3	(U) [redacted]	Agree	(TS//S//NF) [redacted] SID Oversight & Compliance (SV), [redacted]  [redacted] will convene to establish technical procedures to implement a reconciliation process.  (U) POC: (U// <del>FOUO</del> ) [redacted] 769-3449  <b>Revised Target Completion Date:</b> [redacted]	[redacted]
4	(U) SV with OGC	Agree	(S//NF) SID/SV will collaborate with [redacted] and OGC to establish a methodology and process for spot-checking disseminations of FAA 702-sourced material dependent on the volume of dissemination.  (U) POC: (U// <del>FOUO</del> ) [redacted] 968-2479	[redacted]

(b)(1)  
 (b)(3)-P.L. 86-36  
 (b)(3)-50 USC 302

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			<b>Revised Management Response:</b> (S//NF) SID/SV will collaborate with [redacted] [redacted] and OGC to modify the methodology and process for spot-checking dissemination of FAA §702-sourced material.	
5	(U) SV	Agree	<p>(U//FOUO) Per the requirements of Recommendation 2, SID/SV will incorporate metrics for management's assessment.</p> <p>(U) POC: (U//FOUO) [redacted] SV, 966-2479</p>	[redacted] (b)(3)-P.L. 86-36
6	(U) SV	Agree	<p>(U//FOUO) SID/SV has fully implemented the super audit process for FAA 702. SID requests closure of the subject recommendation.</p> <p>(U) POC: (U//FOUO) [redacted] SV, 966-2479</p>	Request Closure
7	(U) SID [redacted] SV, with ODOC	Agree	<p>(S//NF) The following activities are currently in progress:</p> <ul style="list-style-type: none"> <li>• SID/SV [redacted] are developing and updating a single SOP for oversight, adjudication and targeting FAA 702 functions and training.</li> <li>• [redacted] is currently populating FAA 702 documentation into a repository. SID [redacted] will work with the [redacted] to discuss the process and progress.</li> <li>• SV will collaborate with S2 and [redacted] to organize the "go FAA" and [redacted] "FAA" web pages.</li> </ul> <p>(U) POC: (U//FOUO) [redacted] 966-5597</p> <p><b>Revised Management Response:</b> (U//FOUO) Add bullet #4: Guidance changes that require updates to NCS courses (within the CRSK series) will be</p>	[redacted]

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			<p>requested via a New Learning Solution. In such case [redacted] will be the originator upon coordination with SV. In addition [redacted] (see recommendation 1) will manage changes to Targeting Workforce Readiness Standard and ELM training plan.</p> <p><u>Revised Target Completion Date:</u> [redacted]</p> <p><u>Revised POC:</u> (U//FOUO) [redacted] 963-1109</p>	
8	(b)(3)-P.L. 86-36  (b)(3)-P.L. 86-36	(U) SID [redacted] [redacted]	<p><b>(U//FOUO) Phase 1: Requirements Gathering:</b></p> <ul style="list-style-type: none"> <li>• Conduct technical exchange sessions with [redacted] developers.</li> <li>• Direct participation of the [redacted] including detailed briefings of the purge process and requirements.</li> <li>• Document recommendations for specific areas where automation will improve process efficiency.</li> <li>• Update the compliance steering group on automation requirements and existing gaps.</li> </ul> <p><b>(U//FOUO) Phase 1 Deliverable:</b> Report documenting reviews and technical exchanges with [redacted]. This will include an implementation plan.</p> <p><b>(U) Target Completion:</b> [redacted]</p> <p><b>(U//FOUO) Phase 2: Planning Phase:</b> Per the development and implementation plan, create a schedule of work required to increase automation of the purge adjudication and execution processes.</p> <p><b>(U//FOUO) Phase 2 Deliverable:</b> Coordinate with [redacted] to document a schedule/timeline with specific completion tasks required to enhance this capability per the implementation plan.</p>	[redacted]

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			(U) Target Completion Date: [redacted]	
		(b)(3)-P.L. 86-36	(U//FOUO) Phase 3: Development/Implementation: Work with [redacted] to develop the new capability per Phase 1 and 2.	
			(U//FOUO) Phase 3 Deliverable: Complete the development and provide a final report to OIG defining results.	
			(U//FOUO) Target Completion Date: [redacted]	
			(U) POC: (U//FOUO) [redacted] 963-0561	
			(U//FOUO) SID [redacted] manages the mapping of access controls through [redacted] to repositories. Eligibility to access FAA 702 data is updated and reflected in [redacted]	
			[redacted] are able to restrict access according to a user's eligibility status. This control was previously handled at a system level but is now managed by [redacted]	
			(U) POC: (U//FOUO) [redacted] 963-0561	
9	(U) SID [redacted]	Agree	Revised Management Response: (U//FOUO) SID [redacted] manages the mapping of access controls through [redacted] to repositories. Eligibility to access FAA §702 data is updated and reflected in [redacted]	Request Closure
		(b)(3)-P.L. 86-36	[redacted] are able to restrict access according to a user's eligibility status. This control was previously handled at a system level but is now managed by [redacted]	
			(U//FOUO) SID requests closure of the recommendations. Deliverable Update: The SID Data Manager can provide documentation to enable closure of this recommendation.	

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			<b>Revised POC:</b> (U//FOUO) [redacted] 969-6729 & [redacted] [redacted] 963-3004	
		(b)(3)-P.L. 86-36	<b>(U) Sub-bullet #1:</b> (S//NF) Per DNI OTR guidelines, the requirements of sub-bullet #1 are completed. [redacted]  [redacted] The analyst must assess traffic and respond to three supporting questions. [redacted]	(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 302
10	(U) SID [redacted]	Agree	<b>(U) Sub-bullet #2:</b> (S//NF) The [redacted] organizations are currently developing [redacted]  <b>(U) POC:</b> (U//FOUO) [redacted] 963-0561  <b>Revised POC:</b> (U//FOUO) [redacted] 969-6729	[redacted]
11	(U) [redacted] OGC, ADET	(b)(3)-P.L. 86-36	(U//FOUO) Sub-bullet 1 & 2: SID [redacted] deferred to SV. SV will work with ADET to update the following course: FISA Amendment Act (FAA) Section 702 (OVSC1203) to reflect modified Targeting and Minimization Procedures that are currently pending the Foreign Intelligence Surveillance Court ruling.  (U//FOUO) Sub-bullet 3: SID [redacted] will publish training slides onto the S2 FAA 702 Targeting Review Guidance webpage and will work with ADET to develop a course to replace briefings and informal training sessions.  <b>(U) POC:</b> (U//FOUO) [redacted]	[redacted]

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		<p>[REDACTED] 963-1109 and [REDACTED] SV, 966-2479</p> <p><b>Revised Management Response:</b> (U//FOUO) OVSC 1203: SV will work with ADET to update the FAA §702 (OVSC1203) course to reflect the amended Targeting and Minimization Procedures that the Foreign Intelligence Surveillance Court approved in September 2012. SID [REDACTED] will publish training slides onto the S2 FAA §702 Targeting Review Guidance webpage and work with ADET to update OVSC [REDACTED]</p> <p>(b)(3)-P.L. 86-36</p> <p><b>(U//FOUO) CRSK 1304 &amp; 1305:</b> Updates to FAA §702 Practical Applications (CRSK 1304) and FAA §702 Targeting Adjudication (CRSK 1305) were completed in December 2012. In addition, enforced registration in the ELM program and targeting proficiency statistics to the individual level as well as completion rate of any required FAA §702 training (NCS courses) [REDACTED] Structure OJT training will be phased in.</p> <p><b>Revised Target Completion Date:</b> [REDACTED]</p>	
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