



U.S. Department of Justice

National Security Division

TOP SECRET//SI//NOFORN

Washington, D.C. 20530

July 25, 2014

The Honorable Thomas F. Hogan
United States Foreign Intelligence Surveillance Court
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: (U//FOUO) Notice Regarding NSA Purge Practices

Dear Judge Hogan:

(S//REL TO USA, FVEY) This letter provides information regarding gaps in the process by which the National Security Agency (NSA) has effectuated purges. Specifically, in April and May, 2014, NSA reported to the National Security Division (NSD) and the Office of the Director of National Intelligence (ODNI) inconsistencies in the manner in which NSA purged data from NSA repositories that had been designated as [REDACTED]

(TS//SI//NF) As previously described to the Court, any system designated by NSA [REDACTED] must employ a purge protocol to verify that information is purged when the system receives a request to destroy SIGINT information that NSA is not authorized to retain. See, e.g., *In re DNI/AG Certification*, [REDACTED] Docket No. [REDACTED] Affidavit of the Director of NSA, filed on May 10, 2010. In the following activities, undertaken as part of NSA's ongoing efforts to identify and resolve issues with its purge process, NSA identified specific objects that were subject to compliance purges but were not purged from [REDACTED]

- (TS//SI//NF) On or before [REDACTED] NSA identified an issue with respect to how information was being purged from [REDACTED]

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Classified by: Tashina Gauhar, Deputy Assistant Attorney General, NSD, DOJ

Reason: 1.4(c)

Declassify on: July 25, 2039

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[REDACTED] NSA corrected this [REDACTED]

[REDACTED] issue [REDACTED]

- (TS//SI//NF) On [REDACTED] as part of a routine activity [REDACTED]

[REDACTED] NSA has

confirmed that the approximately [REDACTED] objects have been removed from [REDACTED]

- (TS//SI//NF) On [REDACTED] as a result of [REDACTED]

[REDACTED] The

Government will further update the Court on the root causes of the incomplete purges [REDACTED]

¹(S//NF) [REDACTED]

² (U//FOUO) NSD notified the Court of this [REDACTED]

³(S//NF) [REDACTED]

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~~(TS//SI//NF)~~ Separate from the purge activities, NSA discovered

NSA has corrected the [redacted] error and has purged the above-identified [redacted] objects.

(TS//SI//NF) NSA is certain that objects were not used in NSA reporting FISA applications or EAA Section 702 targeting.

To the extent that NSA identifies any data subject to purge used in any of these ways, NSA will promptly notify NSD and ODNI.

(TS//SI//NF)

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(U//~~FOUO~~) NSA has reviewed this letter and confirmed its accuracy. The Department of Justice will continue to provide further information to the Court regarding these matters.

Respectfully submitted,

(b)(6)

Kevin J. O'Connor
Chief, Oversight Section
Office of Intelligence, NSD
U.S. Department of Justice

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