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**(U//~~FOUO~~) National Security Agency Response to Congressionally Direction Action:
Report of Annual Review Pursuant to Section 702(l) of the Foreign Intelligence
Surveillance Act for Period 9/1/2013 through 8/31/2014**

(U) Subsection 702(l)(3) of the Foreign Intelligence Surveillance Act (FISA) of 1978, as amended by the FISA Amendments Act of 2008 (FAA), requires the head of an agency conducting acquisitions pursuant to section 702 of the FISA to conduct an annual review to determine whether there is reason to believe that foreign intelligence has been or will be obtained from the acquisitions authorized under subsection 702(a) of the FISA and to use the review to evaluate the adequacy of minimization procedures used by that agency as well as to evaluate the application of the minimization procedures to a particular acquisition, as appropriate, authorized under subsection 702(a) of the FISA.

(U) The statutory provision requires that the review shall provide, with respect to acquisitions authorized under subsection 702(a) of the FISA: (i) an accounting of the number of disseminated intelligence reports containing a reference to a U.S. person identity; (ii) an accounting of the number of U.S. person identities subsequently disseminated by the National Security Agency (NSA) in response to requests for identities that were not referred to by name or title in the original reporting; (iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed; and (iv) a description of any procedures developed by the head of such element of the Intelligence Community (IC) and approved by the Director of National Intelligence (DNI) to assess, in a manner consistent with national security, operational requirements, and the privacy interests of U.S. persons, the extent to which the acquisitions authorized under subsection 702(a) of the FISA acquire communications of U.S. persons, and the results of any such assessment. Subsection 702(l)(3)(C) of the FISA further provides that this review shall be provided to: the Foreign Intelligence Surveillance Court (FISC), the Attorney General (AG), the DNI, the Congressional intelligence committees, and the Committees on the Judiciary of the House of Representatives and the Senate.

(U) The Director of NSA has conducted an annual review of NSA acquisitions authorized under subsection 702(a) of the FISA and hereby provides the results of its review conducted in accordance with subsection 702(l)(3) of the FISA for the 12-month period ending on 31 August 2014.

(U) Foreign Intelligence Obtained

~~(S//SI//NF)~~ During the period covered by this report, NSA has acquired foreign intelligence information under [REDACTED] separate certifications authorized by the AG and the DNI,

[REDACTED]

~~Derived From: NSA/CSSM 1-52~~
~~Dated: 20130930~~
~~Declassify On: 20391101~~

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~~(TS//SI//NF)~~ NSA acquired valuable foreign intelligence information during the period covered by this annual review that enabled NSA to disseminate more than [REDACTED] intelligence product reports.² Foreign intelligence highlights from the information acquired during this reporting period include:

[REDACTED]

As of 31 August 2014, NSA continued to acquire information pursuant to [REDACTED] certifications authorized by the AG and the DNI regarding the subject matter areas identified in the previous paragraph, and this information continues to provide valuable foreign intelligence information. Given the wealth of valuable foreign intelligence information acquired during this reporting period, there is every reason to believe that acquisition pursuant to FISA section 702 provides and will continue to provide one of the most lucrative and most valuable sources for foreign intelligence available to NSA.

(U) Adequacy of Minimization Procedures

(U) NSA continually evaluates the minimization procedures applicable to the information that is acquired pursuant to subsection 702(a) of FISA and the application of the minimization procedures to particular acquisitions (i.e., the certifications cited above). These are minimization procedures that the AG, in consultation with the DNI, has adopted and that the FISC has approved for application to NSA's FISA subsection 702(a) data acquisitions. NSA will continue to evaluate its minimization procedures to ensure they protect the privacy interests of U.S. persons while affording the IC timely access to foreign intelligence information.

~~(S//SI//NF)~~ As provided last year in the Report of Annual Review to Section 702(l) of FISA for Period 9/1/2012 through 8/31/2013, on 31 July 2013 the AG and the DNI submitted to the FISC [REDACTED] applications seeking to reauthorize the [REDACTED] certifications discussed above.

¹ (U//~~FOUO~~) On 27 August 2014, the FISC approved Certification [REDACTED] effective on 28 August 2014.

² (U) These reports were based either in whole or in part on information acquired pursuant to subsection 702(a) of the FISA.

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During the period of time the FISC was reviewing those applications, the Department of Justice (DoJ) filed a preliminary notice of a compliance incident with the FISC on 13 August 2013 that advised the Court that the [REDACTED] that NSA oversight personnel rely on as one or several post-tasking checks to determine whether the users of telephony selectors [REDACTED] have entered the United States did not always account for selectors that had been tasked.³

[REDACTED] On 30 August 2013, the FISC issued a memorandum opinion with an accompanying order approving NSA's renewal of the section 702 Certifications, effective 10 September 2013, pertaining to prospective collection for 1 year, on the basis that NSA had fixed the issue.

[REDACTED] In addition, the FISC extended the time it had to review the retrospective application of the 2013 section 702 minimization procedures to previously acquired section 702 collection, pending NSA's complete review and adjudication of all potential roaming incidents. Upon completion of its review and adjudication of the potential roaming incidents affected by this incident, NSA identified an additional issue that may have impacted the effectiveness of NSA's [REDACTED]

[REDACTED] On 29 October 2013, DoJ filed a preliminary notice incident with the FISC identifying that certain relevant telephony data acquired by NSA and associated with [REDACTED]

NSA fixed the technical issues, and NSA's minimization procedures were subsequently amended to account for the use of any information that may have been acquired during a period of time where there is uncertainty about the location of the target of the acquisition because the [REDACTED] post-tasking checks were not working as intended. For such information, NSA has implemented internal procedures which require NSA to conduct additional analysis to confirm the foreignness of the target before the acquired communications may be used. In consideration of the amended minimization procedures to account for data that may have been affected by these compliance incidents, the FISC issued its decision as to the retrospective application of the 2013 section 702 minimization procedures on 13 December 2013, finding that the revised minimization procedures satisfy the requirements of the FISA statute and the Fourth Amendment.

i. (U) Number of Disseminated Intelligence Reports Containing a Reference to a U.S. Person Identity

~~(S//NF)~~ During the period of this report, NSA disseminated 3,966 intelligence reports that contained one or more references to U.S. persons.⁴ NSA does not maintain records that allow it

³ ~~(U//FOUO)~~ NSA sent a Congressional Notification regarding this incident on 26 August 2013 with the subject of "Congressional Notification – Post-Tasking Controls – INFORMATION MEMORANDUM."

⁴ ~~(S//NF)~~ The Central Intelligence Agency (CIA) does not conduct acquisitions under subsection 702(a) of the FISA. The CIA, however, receives unminimized non-Upstream communications from NSA and FBI and disseminates information based on those communications. The CIA provided the following information to NSA for inclusion in this report.

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to readily determine, in the case of a report that includes information from several sources, from which source a reference to a U.S. person was derived. Accordingly, the references to U.S. person identities may have resulted from collection pursuant to subsection 702(a) of the FISA or from other authorized signals intelligence activity conducted by NSA that was reported in conjunction with information acquired under section 702.⁵

ii. (U) Accounting of U.S. Person Identities Disseminated in Response to Requests for Information

~~(U//TOUC)~~ During the current reporting period, after concluding that the requirements of its minimization procedures had been satisfied, NSA disseminated [REDACTED] U.S. person identities that were not referred to by name or title in the original reporting.⁶ The majority of these requests were received from elements of the U. S. IC or from Federal law enforcement agencies.

iii. (U) Accounting of the Number of Targets Later Determined to be in the United States

~~(S//REL TO USA, FVEY)~~ NSA targets persons under subsection 702(a) by tasking their means of communications (e.g., email addresses, telephone numbers) in order to acquire foreign intelligence information; these targets do not include known U.S. persons. In addition, NSA has developed targeting procedures in accordance with the statutory requirements of subsection 702(a) of the FISA that are reasonably designed to ensure that any acquisitions under subsection 702(a) are limited to targeting non-U.S. persons reasonably believed to be located outside the United States. These targeting procedures have been reviewed and approved by the AG, in consultation with the DNI and the FISC, and they include the use of [REDACTED] and analysts' review of acquired information to determine whether NSA targets are subsequently determined to be inside the United States.

~~(S//NF)~~ During this reporting period, NSA tasked for collection an average of approximately [REDACTED] individual means of communications under subsection 702(a) of the FISA (approximately [REDACTED] electronic communications accounts and approximately [REDACTED] telephone numbers) at any given time. During the timeframe for this report, NSA determined that there were [REDACTED] occasions when NSA no longer had a reasonable belief that the non-U.S. person targeted was located outside the United States. In most of these cases it was a combination of [REDACTED]

⁵ ~~(S//NF)~~ For the previous reporting period, NSA reported that 3,477 intelligence reports contained one or more references to U.S. persons.

⁶ ~~(S//REL TO USA, FVEY)~~ Of note, approximately 27% of these disseminated U.S. person identities were proper names or titles of individuals. In the majority of instances, the released identity information consisted of [REDACTED]

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[REDACTED] used by NSA to inform the continued validity of its reasonable belief that its targets are outside the United States and the review of the substance of the communications acquired by NSA that led to the determination that the targets' means of communications were not being used by persons reasonably believed to be outside the United States. In other cases it was only NSA's [REDACTED] that revealed that the means of communications used by NSA targets were used by persons while they were likely not located outside the United States.

iv. (U) Description of Any Procedures Developed During the Reporting Period

(U) During the current reporting period, no additional procedures were developed by NSA or approved by the DNI to assess the extent to which the acquisitions authorized under subsection 702(a) of FISA acquire the communications of U.S. persons beyond the procedures referenced within this annual report.⁷ NSA believes that existing targeting and minimization procedures and related safeguards, as implemented and overseen internally by NSA and externally by DoJ, the Office of the DNI, and the FISC, together provide assurances that subsection 702(a) authorities are being executed reasonably and with due care. To the extent that communications of U.S. persons or persons in the United States are acquired in the conduct of NSA's targeting persons outside the United States who are not U.S. persons, the communications are treated in accordance with applicable legal and policy requirements in order to safeguard the privacy interests of U.S. persons and persons in the United States.

⁷(U) This report has referenced targeting and minimization procedures adopted by the AG in consultation with the DNI.

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