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1 December 2010

TO: Mr. ██████████ Professional Staff Member,
Senate Select Committee on Intelligence
~~(TS//SI//NF)~~ PR/TT, BR Authorities with regard to Geolocation Collection

QUESTION: (~~TS//SI//NF~~) What are the current authorities with regard to collecting geolocation information under PR/TT and BR FISA bulk data programs? In Section 215, BR authorities, it says NSA can collect in bulk data, but not geolocation information. Please clarify when NSA can collect FISA geolocation data, either through telephony or internet.

RESPONSE: (~~TS//SI//NF~~) You asked whether the Pen Register/Trap & Trace (PR/TT) and the Business Records (BR) provisions of the Foreign Intelligence Surveillance Act (FISA) preclude the National Security Agency (NSA) from obtaining geolocation information. As you know, pursuant to the Court-authorized PR/TT and BR bulk data collection programs, NSA obtains, respectively, electronic communications metadata and telephone call detail records. NSA's acquisition and use of this data is governed by very detailed orders issued by the Foreign Intelligence Surveillance Court ("the FISC") copies of which have previously been provided to the Committee.

~~(TS//SI//NF)~~ Under NSA's Court-authorized bulk electronic communications metadata acquisition program, the FISC has authorized the Agency to collect [REDACTED] categories of electronic communications metadata from [REDACTED] e-mail [REDACTED]

The FISC authorized the

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acquisition of this electronic communications metadata pursuant to the pen register and trap and trace provisions of FISA. For a more detailed explanation of categories/types of metadata we respectfully refer you to the FISC's Memorandum Opinion in docket Number PR/TT [REDACTED] which was provided to the Committee.

[REDACTED]

[REDACTED]

[REDACTED] NSA does not acquire what is generally referred to as cell site location information pursuant to this Court-authorized program.

(~~TS//SI//NF~~) Under NSA's Court-authorized bulk telephone call detail records or telephony metadata acquisition program, the FISC has authorized the Agency to collect call detail records or telephony metadata from certain identified telecommunications companies. Telephony metadata includes comprehensive communications routing information (e.g., originating and terminating telephone number, International Mobile Subscriber Identity (IMSI) number, International Mobile station Equipment Identity (IMEI) number, etc.), trunk identifier, telephone calling card numbers, and time and duration of call. Telephony metadata does not include the substantive content of any communication, as defined by 18 U.S.C. § 2510(8), or the name, address, or financial information of a subscriber or customer. The FISC authorized the acquisition of this telephony metadata pursuant to the tangible things provision of FISA. Some of the information currently acquired pursuant to this authority such as an area code or telephone exchange can provide some information concerning a telephone's possible location. With the exception of a test data sampling acquired from one provider, NSA does not currently obtain cellular mobility data (cell site location information) pursuant to this Court-authorized program. NSA is, however, exploring the possibility of acquiring such mobility data under this program in the near future under the authority currently granted by the Court.

(U//~~FOUO~~) If you have any questions regarding this correspondence, please feel free to contact the undersigned.

POC: [REDACTED] Legislative Affairs Officer, [REDACTED]

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