RELEASE OF 2015 SECTION 702 MINIMIZATION PROCEDURES

Today the ODNI, in consultation with the Department of Justice, is releasing in redacted form the current Section 702 Minimization Procedures, as updated in 2015, in keeping with the Principles of Intelligence Transparency for the Intelligence Community (https://icontherecord.tumblr.com/transparency/implementation-plan-2015). These procedures are intended to protect the privacy and civil liberties of U.S. persons, as required by the Fourth Amendment and the Foreign Intelligence Surveillance Act, in connection with the foreign intelligence activities undertaken by the CIA, FBI, NSA and the National Counterterrorism Center.

Background

Section 702 was enacted as part of the FISA Amendments Act of 2008 , and it authorizes the Attorney General and the DNI to provide to the Foreign Intelligence Surveillance Court annual certifications authorizing the Intelligence Community to target non-U.S. persons reasonably believed to be located outside of the United States to acquire certain categories of foreign intelligence information. The FAA is a carefully constructed framework that provides the government with the tools necessary to collect vital foreign intelligence information and includes a robust scheme for protecting the privacy and civil liberties of U.S. persons. This framework is implemented in part through a detailed set of procedures designed to minimize the acquisition, retention, use and dissemination of U.S. person information acquired under Section 702.

Additional Section 702 certification information, including the 2014 minimization procedures and the FISC's August 2014 Opinion (https://icontherecord.tumblr.com/tagged/fisc), was released on IC on the Record Sept. 29, 2015.

The 2015 Minimization Procedures

The 2015 Section 702 Minimization Procedures were approved by the Attorney General and submitted to the FISC as part of the government's July 15, 2015, submission of reauthorization certifications pursuant to Section 702. After thorough consideration, the FISC approved these

minimization procedures in its Nov. 6, 2015, Memorandum Opinion and Order (/ic-on-the-record-database/results/official-statement/memorandum-opinion-order-for-public-release) (released, in redacted form, in April 2016 on IC on the Record), finding that the minimization procedures comport with the Fourth Amendment of the United States Constitution and the FAA.

The 2015 Section 702 minimization procedures incorporated certain modifications to the 2014 Section 702 minimization procedures, including changes made to implement recommendations the Privacy and Civil Liberties Oversight Board made in its 2014 report reviewing the Section 702 program. Modifications made in the 2015 minimization procedures include:

- Improvements to provisions in NSA's and CIA's minimization procedures that ensure the preservation of information related to criminal and civil litigation;
- Enhancements to NSA's, CIA's and FBI's protections for attorney-client communications;
- Clarification of NSA's, CIA's and FBI's 2015 documentation or other requirements with respect to the querying of Section 702 information.

These procedures identified below are released:

- 2015 NSA Section 702 Minimization Procedures (/ic-on-the-record-database/results/official-statement/2015-nsa-section-702-minimization-procedures)
- 2015 FBI Section 702 Minimization Procedures (/ic-on-the-record-database/results/official-statement/2015-fbi-section-702-minimization-procedures)
- 2015 CIA Section 702 Minimization Procedures (/ic-on-the-record-database/results/official-statement/2015-cia-section-702-minimization-procedures)
- 2015 NCTC Section 702 Minimization Procedures (/ic-on-the-record-database/results/official-statement/2015-nctc-section-702-minimization-procedures)

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