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STANDARD MINIMIZATION PROCEDURES FOR FBI ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH CONDUCTED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (U)

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I. GENERAL PROVISIONS (U)

A. In accordance with 50 U.S.C. §§ 1801(h) and 1821(4), these procedures govern the acquisition, retention, and dissemination of nonpublicly available information concerning unconsenting United States persons that the Federal Bureau of Investigation (FBI) obtains pursuant to orders issued by the Foreign Intelligence Surveillance Court (FISC) or emergency authorizations by the Attorney General under the Foreign Intelligence Surveillance Act of 1978, as amended (FISA), 50 U.S.C. §§ 1801-1811 and 1821-1829. For the purpose of these procedures, the term "applicable FISA authority" refers to both FISC-ordered and Attorney General authorized electronic surveillance or physical search conducted in a particular case pursuant to FISA. The Attorney General has adopted these procedures after concluding that they meet the requirements of 50 U.S.C. §§ 1801(h) and 1821(4) because they are specific procedures that are reasonably designed in light of the purpose and technique of the particular surveillance or physical search to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information and otherwise comport with the statutory definition of minimization procedures. In accordance with 50 U.S.C. § 403-1(f)(6), the Director of National Intelligence (DNI) has provided assistance to the Attorney General with respect to the dissemination procedures set forth herein so that FISA-acquired information may be used efficiently and effectively for foreign intelligence purposes. (U)

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B. Pursuant to 50 U.S.C. §§ 1806(a) and 1825(a), no information acquired pursuant to FISA may be used or disclosed by Federal officers or employees except for lawful purposes. Information acquired from electronic surveillance or physical search conducted under FISA concerning United States persons may be used and disclosed by Federal officers and employees without the consent of the United States persons only in accordance with these minimization procedures and any modified or supplemental minimization procedures that may apply. These procedures do not apply to publicly available information concerning United States persons, nor do they apply to information that is acquired, retained, or disseminated with a United States person's consent. [redacted] b1 b3 b7e [redacted] ~~S)~~

C. These procedures adopt the definitions set forth in 50 U.S.C. § 1801, including those for the terms "foreign intelligence information" and "United States person." [redacted] b1 b3 b7e [redacted]

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[redacted] ~~S)~~

D. If FBI personnel, which, for the purposes of these procedures, includes all contractors and others authorized to work under the direction and control of the FBI on FISA related matters, encounter a situation that they believe requires them to act inconsistently with these procedures in order to protect the national security of the United States, enforce the criminal law, or protect life or property from serious harm, those personnel immediately should contact FBI Headquarters and the Office of Intelligence of the National Security Division of the Department of Justice (NSD) to request that these procedures be modified. The United States may obtain modifications to these procedures with the approval of the Attorney General and a determination by the FISC that the modified procedures meet the definition of minimization procedures under sections 1801(h) and/or 1821(4) of FISA. (U)

E. If, in order to protect against an immediate threat to human life, the FBI determines that it must take action in apparent departure from these procedures and that it is not feasible to obtain a timely modification of these procedures from the FISC, the FBI shall report that activity promptly to the NSD, which shall notify the FISC promptly of such activity. (U)

F. Nothing in these procedures shall restrict the FBI's performance of lawful oversight functions of its personnel. (U)

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II. ACQUISITION (U)

A. Acquisition – Electronic Surveillance. (U)

1. Prior to initiating electronic surveillance, the FBI shall verify that the facility or place at which it will direct surveillance is the facility or place specified in the applicable FISA authority. The FBI is under a continuing obligation to verify that the authorized target of the surveillance uses or is about to use the facility or place at which the surveillance is directed during the authorized period of surveillance. The FBI shall terminate electronic surveillance of a facility or place as soon as it determines that the authorized target of the electronic surveillance no longer uses, nor is about to use, the facility or place, and shall promptly notify the NSD of such termination. (U)

2. When conducting electronic surveillance of a facility or place pursuant to the applicable FISA authority, the FBI may acquire, using the means and to the extent approved by the court or authorized by the Attorney General for that facility or place: [redacted] b1 b3 b7e [redacted] ~~(S)~~

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3. Notwithstanding Section II.A.2, the FBI shall, to the extent reasonably feasible: (a) use means of surveillance that are designed to limit the acquisition of nonpublicly available information or communications of or concerning unconsenting United States persons that are not foreign intelligence information relating to a target of the surveillance; and [redacted] b1 b3 b7e [redacted] ~~(S)~~

B. Acquisition – [redacted] ~~(S)~~

1. Personnel Authorized to Conduct Physical Search. (U)

Physical search shall be conducted only by: (i) appropriately authorized and trained personnel of the FBI, not including contractors; [redacted] Pursuant to 50 U.S.C. § 1824(c)(2)(B)-(D), other persons, [redacted] may assist in the physical search as specified in the applicable FISA authority. ~~(S)~~ b1 b3 b7e

2. Conducting Physical Search. (U)

Prior to initiating physical search, the FBI shall verify that the premises or property at which it will conduct physical search is the premises or property specified in the applicable FISA authority. The FBI shall conduct physical search with the minimum intrusion necessary to acquire the foreign intelligence information sought. Personnel conducting physical search shall exercise reasonable judgment in determining whether the information, material, or property

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revealed through the search reasonably appears to be foreign intelligence information relating to a target of the search or evidence of a crime. The FBI shall conduct the search in accordance with the applicable FISA authority. (U)

a. Areas of search. For physical search of premises or property, after conducting any necessary protective sweep, the FBI shall, where reasonably feasible, limit search areas to locations within premises or property where the FBI reasonably expects that: (i) foreign intelligence information may be stored or concealed by the target; or (ii) foreign intelligence information related to the target or the activities of the target may be found. (U)

b. Manner of Search. The FBI may conduct physical search using the methods most suitable for acquiring the foreign intelligence information sought in light of the particular circumstances of the search. When conducting a physical search of electronic data, the FBI may acquire all information, communications, or data relating to the target in accordance with the applicable FISA authority. Methods used to conduct physical search may include: inspection; examination; reproduction; temporary removal; marking for identification; testing; alteration; substitution; or seizure of information, material, or property. (U)

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ii. [redacted] b1 b3 b7e

[redacted] ~~(S)~~

iii. Destructive Testing. The FBI may conduct destructive testing of material discovered in a physical search only when such testing is provided for in the applicable FISA authority or in case of emergency when reasonably necessary to protect against immediate threat to public safety. (U)

c. United States Person Information, Material, or Property. [redacted] b1 b3 b7e

[redacted] ~~(S)~~

3. Physical Search Involving Mail or Private Couriers. (U)

a. [redacted] b1 b3 b7e

[redacted] ~~(S)~~

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b. [redacted] b1 b3 b7e

[redacted] ~~(S)~~

4. Record of Information Collected in Physical Search. (U)

The FBI shall keep records identifying all information, material, or property acquired during a physical search. (U)

5. Report of Physical Search. (U)

Within seven business days following the execution of a physical search, or receiving notice that a search has been executed, and for which the FISC ordered that a search return be filed, the FBI shall notify the NSD of the date the search took place. The preceding requirement shall [redacted] ~~(S)~~ b1 b3 b7e

C. Acquisition – Third Parties. (U)

"Third-party information" is: (a) nonpublicly available information of or concerning an unconsenting United States person who is not the authorized target of the particular FISA collection, or (b) the material or property of a United States person who is not the authorized target of the particular FISA collection. [redacted] b1 b3 b7e

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[redacted] ~~(S)~~

III. RETENTION (U)

A. Retention – Storage of FISA-acquired Information. (U)

The FBI must retain all FISA-acquired information under appropriately secure conditions that limit access to such information only to authorized users in accordance with these and other applicable FBI procedures. These retention procedures apply to FISA-acquired information retained in any form. FBI electronic and data storage systems may permit multiple authorized users to access the information simultaneously or sequentially and to share FISA-acquired information between systems. "FISA-acquired information" means all information, communications, material, or property that the FBI acquires from electronic surveillance or physical search conducted pursuant to FISA. (U)

"Raw FISA-acquired information" is FISA-acquired information that (a) is in the same or substantially same format as when the FBI acquired it, or (b) has been processed only as necessary to render it into a form in which it can be evaluated to determine whether it reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or to assess its importance, or to be evidence of a crime. [redacted] b1 b3 b7e

[redacted] b1 b3 b7e

[redacted] ~~(S)~~

B. Retention – Access to FISA-acquired Information. (U)

The FBI may grant access to FISA-acquired information to all authorized personnel in accordance with policies established by the Director, FBI, in consultation with the Attorney General or a designee. The FBI's policies regarding access will vary according to whether a particular storage system contains raw FISA-acquired information, will be consistent with the FBI's foreign intelligence information-gathering and information-sharing responsibilities, and shall include provisions:

1. Permitting access to FISA-acquired information only by individuals who require access in order to perform their job duties or assist in a lawful and authorized governmental function;

2. Requiring the FBI to maintain accurate records of all persons to whom it has granted access;

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3. Requiring the FBI to maintain accurate records of all persons who have accessed raw FISA-acquired information, and to audit its access records regularly to ensure that raw FISA-acquired information is only accessed by authorized [redacted] b1 b3 b7e

[redacted]

4. Requiring training on these minimization procedures and the FBI's policies regarding access to raw FISA-acquired information before granting access to raw FISA-acquired information; and

5. Requiring the primary case agent(s) and his/her/their designees (hereinafter "case coordinator(s)") to control the marking of information in a particular case in accordance with FBI policy. A marking, for example, would include an indication that the information is or is not foreign intelligence. ~~(S)~~

The FBI shall provide such policies to the Court when these procedures go into effect. Thereafter, the FBI shall provide any new policies or materially modified policies to the Court [redacted] b1 b3 b7e

[redacted] ~~(S)~~

The FBI may make raw FISA-acquired information available to authorized personnel on a continuing basis for review, translation, analysis, and use in accordance with these procedures. Authorized personnel may [redacted] b1 b3 b7e

[redacted] (S) b1 b3 b7e

C. **Retention – Review and Use of FISA-acquired Information.** (U)

1. General Provisions. (U)

FBI personnel with authorized access to raw FISA-acquired information may review, translate, analyze, and use all such information only in accordance with these procedures and FISA and only for the purpose of determining whether it reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or to assess its importance, or to be evidence of a crime. Such personnel shall exercise reasonable judgment in making such determinations. (S)

FBI personnel with authorized access may copy, transcribe, summarize, review, or analyze raw FISA-acquired information only as necessary to evaluate whether it reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or assess its importance, or to be evidence of a crime. Once FBI personnel have assessed that raw FISA-acquired information meets one of these criteria, the FBI may retain that information for further investigation and analysis and may disseminate it in accordance with these procedures. Pursuant to 50 U.S.C. §§ 1801(h)(3) and 1821(4)(C), however, information that is assessed to be evidence of a crime but not to be foreign intelligence or necessary to understand foreign intelligence may only be retained and disseminated for law enforcement purposes. The FBI shall identify FISA-acquired information in its storage systems, [redacted] that has been reviewed and meets these standards. b1 b3 b7e

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If the FBI proposes to use any storage system that is incapable of meeting these requirements, the FBI shall follow the procedures set forth in Section I.D. ~~(S)~~

Before using FISA-acquired information for further investigation, analysis, or dissemination, the FBI shall strike, or substitute a characterization for, information of or concerning a United States person, including that person's identity, if it does not reasonably appear to be foreign intelligence information, to be necessary to understand or assess the importance of foreign intelligence information, or to be evidence of a crime. (U)

The FBI may disseminate copies, transcriptions, summaries, and other documents containing FISA-acquired information only in accordance with the dissemination procedures set forth in Part IV below. (U)

The FBI shall retain FISA-acquired information that is not foreign intelligence information that has been reviewed and reasonably appears to be exculpatory or impeachment material for a criminal proceeding, or reasonably appears to be discoverable in a criminal proceeding, and shall treat that information as if it were evidence of a crime. ~~(S)~~

2. Third-Party Information. (U)

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[redacted]

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3. Categories of Non-Pertinent and Sensitive Information. (U)

FBI personnel shall continually analyze communications of or information concerning United States persons acquired pursuant to FISA for the purpose of establishing categories of information that are not foreign intelligence information, are not necessary to understand foreign intelligence information or assess its importance, or are not evidence of a crime. These categories should be established after a reasonable period of monitoring the communications of the target and shall be reported to the Court in a later renewal application relating to that target. When developing these categories, particular attention should be given to the following types of sensitive information:

(a) [redacted]

(b) [redacted]

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(c) [redacted]

[redacted] b1 b3 b7e

(d) [redacted]

(e) [redacted]

(f) [redacted]

(g) [redacted]

[redacted] ~~(S)~~

Before using information from an established category of sensitive information for investigation or analysis, including using the information in investigative or analytical documents such as Electronic Communications (ECs) or reports, FBI personnel shall determine that the information that falls into such categories reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or assess its importance, or to be evidence of a crime. [redacted] b1 b3 b7e [redacted] ~~(S)~~

D. Retention – [redacted] ~~(S)~~ b1 b3 b7e

Authorized users may query FBI electronic and data storage systems that contain raw FISA-acquired information to find, extract, review, translate, and assess whether such information reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or assess its importance, or to be evidence of a crime. [redacted] b1 b3 b7e To the extent reasonably feasible, authorized users must design such queries to find and extract foreign intelligence information or evidence of a crime and to minimize the extraction of third-party information. Authorized users may process the results of an appropriate query in accordance with Section III.C above. The FBI shall maintain records of all searches, including search terms, used to query such systems. ~~(S)~~

Authorized users may query FBI electronic and data storage systems to find, extract, and analyze "metadata" pertaining to communications. The FBI may also use such metadata to analyze communications and may upload or transfer some or all such metadata to other FBI electronic and data storage systems for authorized foreign intelligence or law enforcement purposes. [redacted] b1 b3 b7e ~~(S)~~

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E. Retention of Attorney-Client Communications. (U)

This section governs the retention of attorney-client communications. In certain cases, however, the Government may propose and/or the FISC may order the use of supplemental procedures. FBI personnel shall consult as appropriate with FBI Division Counsel, the FBI Office of General Counsel, or the NSD to determine whether a communication is privileged. (U)

1. Target charged with a crime pursuant to the United States Code. (U)

As soon as the FBI knows that a target is charged with a crime pursuant to the United States Code, the FBI shall implement procedures that ensure that the target's attorney-client privilege is protected. These procedures shall include the following, unless otherwise authorized by the FISC:

a. Establishment of a review team of one or more monitors and/or reviewers, who have no role in the prosecution of the charged criminal matter, to initially access and review information or communications acquired from a surveillance or search of a target who is charged with a crime pursuant to the United States Code;

b. [redacted]

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c. [redacted]

[redacted] b1 b3 b7e

d. [redacted] b1 b3 b7e

e. As soon as FBI personnel recognize that communications between the person under criminal charges and his attorney have [redacted] the FBI shall ensure that whenever any user reviews information or communications acquired [redacted] which are in an FBI electronic and data storage system containing raw FISA-acquired information, he receives electronic notification that attorney-client communications have been acquired [redacted] b1 b3 b7e

[redacted] The purpose of the notification is to alert others who may review this information that they may encounter privileged communications. ~~(S)~~ b1 b3 b7e

2. Target charged with a non-Federal crime in the United States and persons other than a target charged with a crime in the United States. (U)

FBI monitors and other personnel with access to FISA-acquired information shall be alert for communications that may be (i) between a target who is charged with a non-Federal crime in the United States and the attorney representing the individual in the criminal matter, or (ii) between a person other than a target charged with a crime in the United States and the attorney representing the individual in the criminal matter. As soon as FBI personnel know that a target is charged with a non-Federal crime in the United States or someone other than the target who appears to regularly use the targeted facility, place, premises or property is charged with a crime in the United States, they will notify the Chief Division Counsel, FBI Office of General Counsel, and the NSD to determine whether supplemental procedures or a separate monitoring team are required. In the absence of such supplemental procedures or a separate monitoring team, as soon as FBI personnel recognize that they have acquired a communication between (i) a target who is charged with a non-Federal crime in the United States and the attorney representing the individual in the criminal matter, or (ii) a person other than a target charged with a crime in the United States and the attorney representing the individual in the criminal matter, the FBI shall implement procedures that include the following:

a. [redacted] b1 b3 b7e

b. [redacted] b1 b3 b7e

c. [redacted] b1 b3 b7e

d. As soon as FBI personnel recognize that communications between the person under criminal charges and his attorney have been [redacted] b1 b3 b7e the FBI shall ensure that whenever any user reviews information or communications acquired f[redacted], which are in an FBI electronic and data storage system containing raw FISA-acquired information, he receives electronic

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notification that attorney-client communications have been acquired during the search or surveillance. The purpose of the notification is to alert others who may review this information that they may encounter privileged communications. ~~(S)~~

3. Privileged communications involving targets and other persons not charged with a crime in the United States. (U)

[redacted] b1 b3 b7e

[redacted] ~~(S)~~

[redacted] b1 b3 b7e

[redacted] ~~(S)~~

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F. Additional Procedures for Retention, Use and Disclosure of FISA Information. (U)

1. Pursuant to 50 U.S.C. §§ 1806(b) and 1825(c), no information acquired pursuant to an order authorizing electronic surveillance or physical search under FISA shall be disclosed for law enforcement purposes unless [redacted] b1 b3 b7e [redacted] FISA-acquired information, including raw FISA-acquired information, may be disclosed for law enforcement purposes in criminal proceedings. ~~(S)~~

2. The FBI shall ensure that identities of any persons, including United States persons, that reasonably appear to be foreign intelligence information, to be necessary to understand foreign intelligence information or assess its importance, or to be evidence of a crime, [redacted] ~~(S)~~ b1 b3 b7e

3. Prosecutors. (U)

a. The FBI may disclose FISA-acquired information, including raw FISA-acquired information, and information derived therefrom, to federal prosecutors and others working at their direction, for all lawful foreign intelligence and law enforcement purposes, [redacted] b1 b3 b7e [redacted] When federal prosecutors and

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others working at their direction are provided access to raw FISA-acquired information, they shall be trained on and comply with these and all other applicable minimization procedures. ~~(S)~~

b. In accordance with applicable Attorney General-approved policies and procedures, federal prosecutors may also disclose FISA-acquired information, when necessary for the prosecutors to carry out their responsibilities, including to witnesses, targets or subjects of an investigation, or their respective counsel, when the FISA-acquired information could be foreign intelligence information or is evidence of a crime. This provision does not restrict a federal prosecutor's ability, in a criminal proceeding, to disclose FISA-acquired information that contains exculpatory or impeachment information or is otherwise discoverable under the Constitution or applicable federal law. (U)

c. The FBI may not provide federal prosecutors and others working at their direction [redacted]ontaining raw FISA-acquired information unless such access is: (a) for foreign intelligence or law enforcement purposes; (b) consistent with their responsibilities as federal prosecutors; and (c) pursuant to procedures established by the Attorney General and provided to the FISC. The procedures established by the Attorney General and provided to the FISC shall include the following: b1 b3 b7e

i. [redacted] must be limited to that which is consistent with their responsibilities as federal prosecutors and necessary to carry out their responsibilities efficiently during a specific investigation or prosecution; b1 b3 b7e

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ii. Access must be requested from and approved by an executive at FBI Headquarters in a position no lower than Assistant Director (AD) and in coordination with the Deputy General Counsel of the FBI National Security Law Branch or a Senior Executive Service attorney in the National Security Law Branch, and will be considered on a case-by-case basis;

iii. A request for access must specify [redacted] Foreign Intelligence Surveillance Court (FISC) docket numbers, and targeted facilities the prosecutor needs access, why such access is necessary, and the duration of such access; b1 b3 b7e

iv. All individuals receiving authorization to have direct access must receive [redacted] and training on the standard minimization procedures and any relevant supplemental minimization procedures applicable to the information to which they have access; b1 b3 b7e

v. Access shall be terminated no later than the conclusion of the relevant investigation or prosecution; and

vi. Federal prosecutors may immediately be given access to FBI [redacted] FISA-acquired information if FBI personnel determine that an immediate b1 b3 b7e

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threat to life or of serious damage to property necessitates immediate access, and if such immediate access is given to federal prosecutors, notification shall be made to FBI Headquarters, FBI's Office of General Counsel, and NSD. ~~(S)~~

G. Time Limits for Retention. (U)

In general, the FBI may retain FISA-acquired information that reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or assess its importance, or to be evidence of a crime. ~~(S)~~

1. The FBI is authorized to retain data in electronic and data storage [redacted] in accordance with the following:

a. [redacted] b1 b3 b7e ~~(S)~~

b. [redacted] ~~(S)~~ b1 b3 b7e

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[redacted] b1 b3 b7e

[redacted] b1 b3 b7e

[redacted] ~~(S)~~

2. [redacted] b1 b3 b7e

[redacted] ~~(S)~~

3. [redacted] b1 b3 b7e

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[redacted] b1 b3 b7e

[redacted] ~~(S)~~

4. FISA-acquired information retained by the FBI in any other [redacted]

[redacted] b1 b3 b7e

[redacted] ~~(S)~~

IV. DISSEMINATION (U)

A. Dissemination of Foreign Intelligence Information to Federal, State, Local and Tribal Officials and Agencies. (U)

The FBI may disseminate FISA-acquired information that reasonably appears to be foreign intelligence information in accordance with Sections IV.A.1 and IV.A.2 to federal, state, local and tribal officials and agencies with responsibilities directly related to the information proposed to be disseminated. Information that reasonably appears to be foreign intelligence information not directly related to responsibilities of such agencies may be disseminated incidental to the dissemination of information directly related to responsibilities of such agencies. Such information may be disseminated only consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information. (U)

1. Foreign Intelligence Information as defined in 50 U.S.C. § 1801(e)(1). (U)

The FBI may disseminate to [redacted] FISA-acquired information concerning United States persons that reasonably appears to be necessary b1 b3 b7e

to the ability of the United States to protect against: (i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power; (ii) sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or (iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power. ~~(S)~~

2. Foreign Intelligence Information as defined in 50 U.S.C. § 1801(e)(2). (U)

The FBI may disseminate to [redacted] FISA-acquired information concerning United States persons that reasonably appears to be necessary: (i) to the national defense or the security of the United States; or (ii) the conduct of the foreign affairs of the United States. Such information shall not be disseminated, however, in a manner that identifies a United States person, unless such person's identity is necessary to understand foreign intelligence information or to assess its importance. ~~(S)~~ b1 b3 b7e

B. Dissemination of Evidence of a Crime to Federal, State, Local and Tribal Officials. (U)

The FBI may disseminate, for a law enforcement purpose, FISA-acquired information concerning a United States person that reasonably appears to be evidence of a crime but not foreign intelligence information to [redacted] The FBI shall disseminate such FISA-acquired information in a manner consistent with the requirements of Section III.F. ~~(S)~~ b1 b3 b7e

C. Dissemination of Foreign Intelligence Information Concerning United States Persons to Foreign Governments. (U)

The FBI may disseminate FISA-acquired information concerning United States persons, which is foreign intelligence information, to foreign governments as follows:

1. [redacted] b1 b3 b7e [redacted] ~~(S)~~

2. [redacted] b1 b3 b7e [redacted] ~~(S)~~ [redacted] b1 b3 b7e

[redacted] b1 b3 b7e ~~(S)~~

3. The Attorney General, in consultation with the DNI or a designee, may authorize [redacted] b1 b3 b7e Prior to granting such authorization, those officials shall consider, among other things: (1) whether such use is consistent with the national security interests of the United States, and (2) the effect of such use on any identifiable United States person. ~~(S)~~

4. The FBI will make a written record of each dissemination approved pursuant to this section, and information regarding such disseminations and approvals shall be [redacted] b1 b3 b7e ~~(S)~~

D. [redacted] ~~(S)~~

The FBI may [redacted] b1 b3 b7e Consistent with the other provisions of these procedures, the FBI is authorized to disseminate FISA-acquired information, including, tape recordings, transcripts, or electronic storage media (including computer hard drives and removable storage media), [redacted] b1 b3 b7e

[redacted] The following restrictions apply with respect to any materials so disseminated: b1 b3 b7e

1. Dissemination to [redacted] of such information or communications. [redacted] b1 b3 b7e [redacted] ~~(S)~~

2. Dissemination will be only to [redacted] such information or communications. [redacted] b1 b3 b7e [redacted] ~~(S)~~

3. [redacted] shall make no permanent [redacted] record of information or communications of or concerning any person referred to in FISA-acquired information or recorded on FISA-acquired tape recordings, transcripts, electronic storage media (including computer hard drives and removable storage media), or other items, [redacted] b1 b3 b7e [redacted] Records maintained [redacted] for this purpose may not be disseminated [redacted] ~~(S)~~

4. Upon the conclusion of [redacted] to the FBI, the FISA-acquired information, including all tape recordings, transcripts, electronic storage media (including b1 b3 b7e

computer hard drives and removable storage media), or other items, or information disseminated [redacted] b1 b3 b7e [redacted] ~~(S)~~

5. Any information that [redacted] to the FBI as a result of [redacted] may be disseminated by the FBI in accordance with the applicable minimization procedures. ~~(S)~~ b1 b3 b7e

E. [redacted] ~~(S)~~

The FBI may disseminate [redacted] FISA-acquired information that relates to international terrorism acquired from electronic surveillance or physical search conducted by the FBI [redacted] ~~(S)~~ b1 b3 b7e

F. [redacted] ~~(S)~~

In addition to dissemination authorized under other provisions herein, foreign intelligence information, as defined in Section 1801(e), may be disseminated to [redacted] b1 b3 b7e [redacted] (U)

G. [redacted] ~~(S)~~

Notwithstanding any other provision of these procedures, the FBI may [redacted] access [redacted] database, provided that such access is limited to classifications of cases that are likely to contain information [redacted] is contingent upon [redacted] which are on file with the FISC. If the FBI authorizes [redacted] disseminate any information [redacted] receives pursuant to this section, such authorization shall be made consistent with these procedures and applicable Department of Justice guidance, including but not limited to restrictions governing dissemination to foreign governments. ~~(S)~~ b1 b3 b7e

V. COMPLIANCE (U)

A. Oversight. (U)

To ensure compliance with these procedures, the Attorney General, through the Assistant Attorney General for National Security or other designee, shall implement policies and procedures that ensure the good faith compliance with all of the requirements set forth herein, and shall conduct periodic minimization reviews, including reviews at FBI Headquarters, field offices, and U.S. Attorney's Offices that receive raw FISA-acquired information [redacted] The Attorney General and the NSD or other designee of the b1 b3 b7e

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Attorney General shall have access to all FISA-acquired information to facilitate minimization reviews and for all other lawful purposes. ~~(S)~~

To assess compliance with these procedures, minimization reviews shall consist of reviews of documents, communications, audit trails, or other information. They shall include, as appropriate, but are not limited to:

1. Reviews of electronic communications or other documents containing FISA-acquired information that have been retained for further investigation and analysis or disseminated in accordance with these procedures. ~~(S)~~

2. Reviews of FISA-acquired information (from electronic surveillance and physical search) in FBI electronic and data storage systems that contain raw FISA-acquired information to assess compliance with these procedures, including whether raw FISA-acquired communications or property have been properly marked as information that reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or to assess its importance, or to be evidence of a crime. FISA-acquired communications and property in FBI electronic and data storage systems that contain raw FISA-acquired information may also be reviewed to determine whether they were [redacted] ~~(S)~~ b1 b3 b7e

3. Audits of [redacted] FISA-acquired information to assess the FBI's compliance with the retention procedures for FISA-acquired information as detailed in Section III of these procedures. The audits may also include reviewing a sampling of [redacted] b1 b3 b7e

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[redacted] and accesses in FBI electronic and data storage systems containing raw FISA-acquired information. These audits may assist in determining the FISA-acquired information that was accessed in these FBI electronic and data storage systems and the individuals who accessed the information. In turn, the minimization reviews may include verifying that the individuals who accessed the FISA-acquired information in these FBI systems were individuals who had properly been given access under FBI guidelines. ~~(S)~~

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b7e

B. Training. (U)

The Attorney General, or a designee, shall ensure that adequate training on these procedures be provided to appropriate personnel. (U)

C. Minimization Briefings. (U)

Following the authorization of collection activity, an NSD attorney shall conduct a minimization briefing with appropriate FBI personnel responsible for the FISA surveillance or search. (U)

VI. Interpretation (U)

The FBI shall refer all significant questions relating to the interpretation of these procedures to the NSD. (U)

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VII. Review of Procedures (U)

The Attorney General, or a designee, in consultation with the FBI Office of General Counsel, shall review these procedures and determine whether they remain appropriate in light of the technology and practices used by the FBI no later than five years from the date of the Attorney General's approval of these procedures filed with the Court, and every five years thereafter. A written report of such review shall be provided to the Court within six months of the completion of the review. (U)

Michael B. Mukasey
Attorney General of the United States

10/22/08
Date

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