(Rev. 05-01-2008)

DATE: 10-06-2010

CLASSIFIED BY 65179 DNHilmjs
REASON: 1.4 (c)
DECLASSIFY ON: 10-06-2035 r - ^11. 410

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Precedence: ROUTINE

To: All Field Offices Attn:

Office Special Technology Attu:

Counterintelligence Attn:
VMD Directorate Attn:
Intelligence Directorate Attn:
All Legats
General COunsel Attn:
Director's Office Attn:
Attn:

STIGATION

Date: 09/21/2009

SACs/NSB ASACs/JTTF SSAs FIG Supervisors
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ATAU

AD Daniel L. Cloyd
AD Vahid_Majidi
AD Kevin - Favreau

NSLB

Corporate Policy Office
Office of Integrity &
Compliance

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From: Counterterrorism CXS/Electronn rnmmnnirtiorm AnAlvsis Unit Room 4343 Contact: UCi

Approved By: Reimbach Michael Capron Valerie E 10-

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Foreign Intelligence Surveillance Act, 50 U.S.C. § 1881a [Section 702]. -

Enclosure (s) • i s><

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Details:

Retentior. Authority

/NF) Under Section 702 of the Foreign Intelligence

urveillance Act (FXSA), added as part of the FISA Amendments Act b2 of 2008, the-United States may lawfully obtain information from b7E

U.S.-based communications service providers of non-7.S. persons who are reasonably believed to be located outside the United

States. The conditions - non-U.S. persons reasonably believed to be located outside the United Rtatpg - arr. "rrscnai-r-Aireimi-c

Collection of Data by Topic

/NF) Activities under FISA Section 702'are governed by "certifications" executed jointly b the Att
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(nas been occurrinc under Section 707 qinrp wmA when it was signed into law

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Application: FISA 702 Authority vs. Traditional PISA

(U) /1F) Under FISA Section 702 authority, an intelligende agency
an internally determine that a significant purpose of collecting
on a particular selector (e.g., an email address) is to obtain

foreign' intelligence information and that there is a reasonable belief that the target account is used by a non-U.S. person

reasonabl b ieved to be ocated outside the United States.

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In comparison, traditional FISA.app icat ons require a s owing to a neutral court that there is probable cause to believe the target

is an agent of a foreign power and that the facility to be surveilled is used by the subject.

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Greater Volume of Intelligence Information

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PISA Section 702 Standard Minimization Procedures (SMP)

(U) ----------- KMF) modified version of the traditional FISA SMP apply to FISA Section 702 data (hereinafter, PISA Section 702 SMP). Additionally, the F81s SMP Policy implementation Guidelines, dated October 31,

2008, is being updated to include modifications to the SMP as they
pertain to PISA Section 702 data.

(U) /NF) For - purposes of distinction, it is important to know that
I A Section 702 differs from traditional FISA in, the following
ways:

Cl) Fora traditional FISA, there must be probable: cause that a
user of a targeted facility is an "Agent of 6ble: ca3j 1 0 0 1 250.099 448.1

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. ..-4?„ accordance WIth FBI p9licy, the Section. Chief from cXS
1.s. responsible for designating Ca.le Coordinators via. BC for FISA
- Section-702,. acquisition.' The CXS -.Section Chief,. has' , designated
- . Primary.‘and. Additional Case Coordiinators from -within Cp,, as well as
several-Additibnal Case Coordinatd.re from within. CD:•and TADIDD.

•esignation. of - Additional Case COOrdinators to apply minimization

- mOrkpgs whether at FBI%) or at rthe FBI Field Office .Xeve 1. - . emains,-the responsibility of the 'CXS Section Chief CXS will

review designations semi-annually .to remove -or "a44 deSignees. Case CinOrdirlatorb roust first :receive required legal; training.. This :req.:tithed ti.aining includes the 2008 FISA SMP ":and 2 Section-7.02 training, both Of which are hosted ofi

• >I/.NF.) 'Fie1.d.'Office leadership is encouraged t.o: review the updated
Guidelines.that are fOrth8oming from
' the Nat±Ona3 Security LW Branch ('SLB} The rOiSed:,..Folicy -P11151eMntat'iori GUidelineS will

To: All Fleld Offire Fromm.

Re; () I Counterterrorism

09/21/2009

LEAD(s):
Set Lead 1: (Info)
ALL RECEIVING OFFICES

(U) For information of addressees.

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