

minimized data to other U.S. agencies and foreign governments. The FBI retains a portion of the raw data for analysis and dissemination as finished intelligence products. (S) b1, b3, b7E

~~(S//NF)~~ These two basic activities, which are discussed below and in detail in Chapters Three and Four of the OIG's report, are carried out by personnel in the Counterterrorism Division's Operational Technology Division (OTD). These personnel are drawn primarily from the Electronic Communications Surveillance Unit (ECSU), and the Data Intercept Technology Unit (DITU), two of five units within OTD. We refer to these personnel as the 702 Team. The 702 Team is supported by the FBI's Communications Exploitation Section (CXS) and the Weapons of Mass Destruction and Domestic Terrorism Section. The 702 Team also works closely with attorneys from the FBI Office of General Counsel (OGC), including attorneys we refer to in this report as the Operations Attorney and the Policy Attorney. (S) b1, b3, b7E

**III. (U) The FBI's Targeting Activities Under Section 702**

~~(S//NF)~~ The FBI's primary role in the 702 Program is to acquire the electronic communications from the partner service providers. This process begins with the NSA's determination, based on intelligence from other agencies and its own analysis of signals intelligence already collected, that electronic communications of a selector (typically an e-mail address) may yield foreign intelligence information. The NSA applies its FISA Court-approved targeting procedures to determine that the account is used by a non-U.S. person reasonably believed to be located outside the United States. (S) b1, b3, b7E

~~(TS//SI//NF)~~ The NSA may apply its targeting procedures to target a selector if it is a one-time target. This can be done through Upstream, which acquires data directly from internet backbones. When the NSA targets a selector in this way, then the FBI, through DITU, provides technical assistance only. When the NSA nominates a selector for ongoing surveillance, the 702 Team must first apply the FBI's own targeting procedures before conducting the necessary steps to notify the partner internet service providers in order to collect the requested communications. Since each partner system (e.g., Google) functions in a different way, the steps that the FBI takes vary according to which partner has the communications in question. (TS) b1, b3, b7, E

~~(S//NF)~~ The NSA notifies the FBI, and then its nominations are forwarded to the 702 Team in two ways: (1) by "selector sheets" that are e-mailed to the 702 Team each day, and (2) through an FBI system called PRISM, which collects and manages the requests, and routes the acquired communications to the appropriate agents and analysts. Since the PRISM program (S) b1, b3, b7E

is so central to this method of collection, it has come to be the default name for this collection method itself. This use, common in the agencies involved in this type of 702 collection, will be used throughout the current report. And it is this type of 702 collection that this report investigates. (S)

**A. (U//FOUO) The FBI's Targeting Procedures**

~~(S//NF)~~ The 702 Team's analysts are responsible for applying the FBI's FISA Court-approved targeting procedures to the nominated selectors. The work of these analysts is reviewed by supervisory special agents or the OTD Unit Chief, and in some instances, by attorneys in the Office of General Counsel and officials in the NSD, for a final determination as to whether a target can proceed. To implement the general requirements of its targeting procedures, the FBI developed its own targeting procedures (SOPs) for internal circulation, which provide the 702 Team step-by-step procedures for processing NSA targeting requests. (S) b1, b3, b7E

~~(S//NF)~~ As set forth in the Office of Legal Counsel's interpretations of Section 702, the FBI has two primary obligations under its targeting procedures. First, the FBI must review and evaluate the sufficiency of the NSA's explanation for its reasonable belief that the user of the nominated account is located outside of the United States, and the information that the NSA provides concerning the user's non-United States person status. The targeting procedures state that this sufficiency review will be done "in consultation with" the NSA. (S) b1, b3, b7E

~~(S//NF)~~ The second of the FBI's two primary obligations under its targeting procedures is to collect the requested communications from the internet service providers, and to then route them to the NSA. If directed by the NSA, the FBI will also send unminimized data to the CIA or to the FBI's Counterterrorism Division. The targeting procedures require the FBI to conduct minimization procedures (see related sections in this report), and then, if directed by the NSA, to route that data to other U.S. agencies, or to foreign governments. (S) b1, b3, b7E

~~(S//NF)~~ The targeting procedures do not obligate the FBI to conduct an independent, *de novo* analysis of a target's U.S. person status and location. Rather, unless the FBI has evidence in its databases that the target is a U.S. person, the FBI's targeting procedures state that "the FBI will acquire the requested communications from the partner companies." In addition, the targeting procedures state that the "NSA will . . . be responsible for determining that a significant purpose of the acquisition is to obtain foreign intelligence (S) b1, b3, b7E