

TOP SECRET//COMINT//NOFORN NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755-6000

2 June 2008

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//FOUO) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//FOUO) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 March 2008 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U/FOUO) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

GEORGE ELLARD
Inspector General

(b) (3)-P.L. 86-36

WITO T. POTENZA'
General Counsel

(U/FOUO) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEINH B. ALEXANDER Lieutenant General, U. S. Army Director, NSA/Chief, CSS

Encl:

Quarterly Report

Approved for Release by NSA on 12-22-

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Derived From: NSA/CSSM 1-52

Dated: 20070108 Declassify On: 20320108

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	that violate law, regulation, or policy substantiated during the quarter, as well as actions taken as a result of the violations.
	(b) (1) (b) (3) -P.L. 86-36
	(U) Intelligence Activities (b) (1) (b) (3) -P.L. 86-36 (b) (3) -18 USC 798 (b) (3) -50 USC 302
	CTS//SI//REL TO USA. AUS. CAN, GBR, NZL) Unintentional collection against United
	instances in which Signals Intelligence (SIGINT) analysts inadvertently collected communications to, from, or about U. S. persons while pursuing foreign intelligence tasking were reported this quarter.
	all collection has been terminated. All intercepts and reports
	have been deleted or destroyed as required by United States SIGINT Directive (USSID) SP0018
	(TS//SI//REL TO USA, FVEY)
	/ /
	(b) (1)
	(b)(3)-P.L. 86-
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L	TST/ST/REL TO USA TVFY+Om
L	No reports were
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	No reports were issued on the intercept.
	Issued on the intercept. (S//SL//REL) There were instances of unintentional collection resulting from poorly.
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	Issued on the intercept. (S//SL//REL) There were instances of unintentional collection resulting from poorly.
	No reports were issued on the intercept. (S//SI//REL) There were instances of unintentional collection resulting from poorly constructed database queries. All results were deleted from
	(S//SI//REL) There were instances of unintentional collection resulting from poorly constructed database queries. All results were deleted from (S//SI//REL) On occasions, targets initially thought to be legitimate and foreign were found thold U.S. citizenship or permanent resident status. In one instance, intercepts were retained and reported as authorized by USSID SP0018 because the calls contained information related to
	No reports were Issued on the intercept. (S//SI//REL) There wereinstances of unintentional collection resulting from poorly constructed database queries. All results were deleted from (S//SI//REL) Onoccasions, targets initially thought to be legitimate and foreign were found to hold U.S. citizenship or permanent resident status. In one instanceintercepts were retained.
	(S//SI//REL) There were instances of unintentional collection resulting from poorly constructed database queries. All results were deleted from (S//SI//REL) On occasions, targets initially thought to be legitimate and foreign were found thold U.S. citizenship or permanent resident status. In one instance, intercepts were retained and reported as authorized by USSID SP0018 because the calls contained information related to criminal activity. The remaining collection was deleted from the database for audio, and pre-release transcripts. (TS//SI//NF) On the NSA learned that a foreign target held dual U.S. and citizenship. The target's selectors were immediately
	(S//SI//REL) There wereinstances of unintentional collection resulting from poorly constructed database queries. All results were deleted from
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	(S//SI//REL) There were instances of unintentional collection resulting from poorly constructed database queries. All results were deleted from (S//SI//REL) On occasions, targets initially thought to be legitimate and foreign were found thold U.S. citizenship or permanent resident status. In one instance, intercepts were retained and reported as authorized by USSID SP0018 because the calls contained information related to criminal activity. The remaining collection was deleted from the database for audio, and pre-release transcripts. (TS//SI//NF) On the NSA learned that a foreign target held dual U.S. and citizenship. The target's selectors were immediately detasked. A retroactive and future dissemination waiver was granted by the Attorney General or

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(S//SI//REL) On O	ccacione toranto	de IV de la company
legitimate foreign tars	get was found to have an address	the United States. Another in the United States. In all instances the
collection was termin	lated.	in the Offited States. In all instances the
(TS//SL/REL)	an NSA analyst	learned that a targeted foreign e-mail
account	the United States on	Detasking was not
accomplished until	This day delay	was the result of human error. The
analyst did not		There was no collection
between		(b) (1) (b) (3) -P. L.
(TS//SI//NF)		(b) (3) 50 US
(15//51/141)		
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TOUGHUDET TO THE		
(15//SIMKEL TO US	A, FVEY) Not all of the selectors	attributed to a target
the United States.	when NSA analys	its learned of the
were removed from o	in the United States	was identified on Selectors
Old Tollio vod Holli C	oneedon systems on	- I
		(b) (1)
(TS//SI) On occar	sions, targeted telephone	
(TS//SI) On occa	sions, targeted telephone	
		(h) (3) -P.
	ed from tasking and the intercept	(h) (3) -P.
numbers were remove	ed from tasking and the intercept	In instances, the was deleted.
	ed from tasking and the intercept	In instances, the was deleted.
numbers were remove	ed from tasking and the intercept FVEY) Unknown to the system	Ininstances, the was deleted. were inadvertently targeted during testers, the selectors were owned by
numbers were remove (S//SI//REL TO USA a U.S.	ed from tasking and the intercept , FVEY) Unknown to the system and should have been removed	Ininstances, the was deleted. were inadvertently targeted during in testers, theselectors were owned by prior to the query. The analysts remove
numbers were remove (S//SI//REL TO USA a U.S. the from	ed from tasking and the intercept , FVEY) Unknown to the system and should have been removed	Ininstances, the was deleted. were inadvertently targeted during in testers, theselectors were owned by a prior to the query. The analysts remove ning selectors to avoid future testing
numbers were remove (S//SI//REL TO USA a U.S.	ed from tasking and the intercept , FVEY) Unknown to the system and should have been removed the query and checked the remains	Ininstances, the was deleted. were inadvertently targeted during in testers, theselectors were owned by prior to the query. The analysts remove ning selectors to avoid future testing (b) (1)
numbers were remove (S//SI//REL TO USA a U.S. the from mistakes.	Unknown to the system and should have been removed the query and checked the remains (b) (1)	Ininstances, the was deleted. were inadvertently targeted during it testers, the selectors were owned by a prior to the query. The analysts remove ning selectors to avoid future testing
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA, FV	ed from tasking and the intercept , FVEY) Unknown to the system and should have been removed the query and checked the remains	Ininstances, the was deleted. were inadvertently targeted during testers, the selectors were owned by 1 prior to the query. The analysts remove ning selectors to avoid future testing (b) (1) (b) (3)-P.L.
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA, FV	Unknown to the system and should have been removed the query and checked the remain (b) (1) (b) (3)-P.L. 86-36 VEY) A software problem resulted	Ininstances, the was deleted. were inadvertently targeted during testers, the selectors were owned by 1 prior to the query. The analysts remove ning selectors to avoid future testing (b) (1) (b) (3) -P.L. d in collection on a since
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA), FN The was turned off	Unknown to the system and should have been removed the query and checked the remain (b) (1) (b) (3) -P.L. 86-36 (EY) A software problem resulted software. when the violation was problem was diagnosed, corrected	Ininstances, the was deleted. were inadvertently targeted during in testers, the selectors were owned by a prior to the query. The analysts remove ning selectors to avoid future testing
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA), FN The was turned off	Unknown to the system and should have been removed the query and checked the remain (b) (1) (b) (3) -P.L. 86-36 (EY) A software problem resulted software. when the violation was problem was diagnosed, corrected	Ininstances, the was deleted. were inadvertently targeted during testers, the selectors were owned by 1 prior to the query. The analysts remove ning selectors to avoid future testing (b) (1) (b) (3) -P.L. d in collection on a since
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA, FV) The was turned off after the purged from the database.	Unknown to the system and should have been removed the query and checked the remain (b) (1) (b) (3)-P.L. 86-36 (b) (4) A software problem resulted software.	Ininstances, the was deleted. were inadvertently targeted during in testers, the selectors were owned by a prior to the query. The analysts remove ning selectors to avoid future testing
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA), FV The was turned off after the purged from the datale (TS//SI//NF)	Unknown to the system and should have been removed the query and checked the remains (b) (1) (b) (3) -P.L. 86-36 (b) (2) A software problem resulted as and related analysis tool.	Ininstances, the was deleted. were inadvertently targeted during in testers, the selectors were owned by a prior to the query. The analysts remove ning selectors to avoid future testing
numbers were removed (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA, FV) The was turned off after the purged from the database (TS//SI//NF) queried on a U.S. tele	Unknown to the system and should have been removed the query and checked the remain (b) (1) (b) (3) -P.L. 86-36 (b) (1) (b) (3) -P.L. 86-36 (c) WEY) A software problem resulted as software. When the violation was problem was diagnosed, corrected base and related analysis tool.	Ininstances, the was deleted. were inadvertently targeted during testers, the selectors were owned by a prior to the query. The analysts remove ning selectors to avoid future testing (b) (1) (b) (3) -P.L. d in collection on a since as recognized. It was returned to service d, and tested. All related collection was assensual collection, an NSA analyst The analyse.
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA, FV) The was turned off after the purged from the database (TS//SI//NF) queried on a U.S. teledid not understand he	Unknown to the system and should have been removed the query and checked the remain (b) (1) (b) (3) -P.L. 86-36 (b) (3) -P.L. 86-36 (b) (a) (b) (a) -P.L. 86-36 (c) (c) (b) (a) -P.L. 86-36 (c) (c) (c) (c) (d) (d) (d) (d) (d) (d) (d) (d) (d) (d	Ininstances, the was deleted. were inadvertently targeted during testers, the selectors were owned by prior to the query. The analysts remove ning selectors to avoid future testing (b) (1) (b) (3) -P. L. d in collection on a since as recognized. It was returned to service d, and tested. All related collection was assensual collection, an NSA analyst The analyst of the consensual collection authorization.
numbers were remove (S//SI//REL TO USA) a U.S. the from mistakes. (S//REL TO USA, FV) The was turned off after the purged from the database (TS//SI//NF) queried on a U.S. teledid not understand he	Unknown to the system and should have been removed the query and checked the remain (b) (1) (b) (3) -P.L. 86-36 (b) (1) (b) (3) -P.L. 86-36 (c) WEY) A software problem resulted as software. When the violation was problem was diagnosed, corrected base and related analysis tool.	Ininstances, the was deleted. were inadvertently targeted duringin testers, theselectors were owned by a prior to the query. The analysts remove ning selectors to avoid future testing (b) (1) (b) (3) -P. L. (b) (3) -P. L. (c) (b) (3) -P. L. (d) in collection on a

(13//31//REE 10 USA, FVEY)	while researchin	g
all S person Two and a half hou	an NSA analyst uncovered the name	e, address of
a U. S. person. Two and a half hou collection, he deleted all data relate	ed to the U.S. names. The analyst	t the unintentional
cancelled the database queri	ies, and discontinued analysis.	terminated
	rooy and viscontinuou analysis.	(h)(:
(S//SD)		
		(b) (1)
(SUSUANE) The Protect America	n Ant of 0007 (D.4.4)	(1-1 (2) D T 00
quarter. In of the incidents	a Act of 2007 (PAA). There wer	e PAA incidents this
· · · · · · · · · · · · · · · · · · ·	egitimate foreign targets, whose for	
tasking, in the United S	States. (b) (3) -P.L. 86-36	reignness was confirmed at
	(1)	
(FS//SI//NF) Human error led to th	ne pursuit of a target while he was in	the United States between
Althoug	th the target selectors	- The Omitod Braics October
		intercepts
were deleted from the database and	l data management system when the	e violation was identified
No reporting	g resulted from the collection.	(b) (1) (b) (3)-P.L. 86
(TC//CY/AIF) C-IIC-	The second secon	(1- \ (0\)\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
(15/75B/NT) Collection continued	during a target's visit to the United	States because of a file
problem. Although	gn the selector 1	
intercepts collected on	were purged from the da	tahaaa xyhan thay yy
identified A temp	orary solution of system checks ha	s heen implemented while
the permanent resolution is address	sed.	
		(b)(1) (b)(3)-P
. 86-36 (TS//SI//REL TO USA, FVEY) On	a translation mist	ake resulted in collec(b)(3)-1
on a target while he was in the Unit	ted States.	
The violation was recognized database and the voice	The resulting interce	pts were deleted from the
was also removed	management system	The selector
was also removed	on the same day.	(b)(1
-(TS//SI//REL TO USA EVEV) O-	two consists NOA	(b)(3
been incorrectly typed. Tasked	two occasions NSA analysts taske	de-mail selectors that had
resulted. The selectors were remov	the selectors were	e invalid and no collection
respectively. Also	on New anglands were recogn	ized
e-mail address	an NSA analyst learned that h	e had tasked a target's old
from tasking	There was no collection on that so	elector, and it was removed
(S//SI//NF) Last quarter we reported	d one instance in which a valid targ	rot wrong rungs = 1 = 4 1 1 C
	Further analysis of the incident reve	ce was wrongry tasked from

(b)(1) (b)(3)-P.L. 86-36

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

	the United	States.		;	
fugue 1 au			We also	o reported all incid	lents
from last qu	narter as "violations,"	an incorrect term, si	nce no violation of	fthe terms of the DA	۸
or are proce	autes designed to dete	ermine the target is	reasonably believe	d to be located outsid	e the
Omied Stat	es took place.			(b) (1)	
(III/ FOHO)	Foreign Intelligen	- C.		(b)(3)-P.L.	86-36
. (6/11 000)	Foreign Intelligend	ce Surveillance C	ourt (FISC)-aut	horized collection.	
-(TS//SI//NI	Two procedural prol	hlems occurred		(b).	3)-P.
	y a we procedure then		ion Intelligence C	rveillance Act (FISA	
data to unau	thorized NSA	n both instances the	analysts imp	nediately deleted the d	1)
and educate	d the	and a series and a series of the series of t	(b)	(1)	iata
			(b)	(3 ¹)-P.L. 86-36	
	There were incide	ents in which the tar	geting of legitima	(3) -50 USC 3024(i) te foreign telephone	
numbers			rec	ulted in collection	
of carrs with	the targeted end in th	le United States. M	any were instances		
Ĺ 	In all instances, the ac-	-11	***	/	
with USSIT	In all instances, the case SP0018 guidelines, a	uis were deleted im	mediately upon red	cognition in accordance	ce
7	there were	ncidents in which th	ssued. Additional	ly, between	
overseas res	sulted in collection of	calls that originated	from	ign telephone number	(b)(3)
The course have a state of the course of the		***************************************		#	(0)(0)
************	New		***************************************		
<u></u>	When th	e call origination lo	cation was identifi	ed on those days, the	
miercept wa	s deleted from the dat	abase. No reports v	vere issued.	(b) (1)	
(TS//SI//NIE	4 NSA incommod violat	Прис		(b)(3)-P.L. (b)(3)-50 US	86-36 C 302
has been ter	NSA incurred violati	ions on FISC-auth	orized targets this	quarter. All collection	n
SP0018.	minated, and all interc	ches have been dele	ted or destroyed as	s required by USSID	
				(b) (1)	
-(TS//SI//NF)	n NSA analyst retain	ied an inadvertent	(b) (3) -P).L. 8
	non of a U.S.	while targeting a FI	Cauthorized tale	phone number	
The U.S. pe	rson had been called to	rom the targeted nu	mber	1	
	The transcript an	d associated voice i	ntercept were dele	ted from the database	,
	management system	W	hen the violation v	was recognized.	
and the data	and the second s				
	VOTE		discovered that a	target	
(TS//SI//NF		an NSA team leader	discovered mar a		
(TS//SI//NF in the Unite	d States			The qu	ery
(TS//SI//NF in the Unite				The qu	iery
(TS//SI//NF in the Unite with its	d States estimated results was	deleted the same da	y.		
(TS//SI//NF in the Unite with its (S//SI) NSA	d States estimated results was	deleted the same da	y.	harized by the EICC	

(b) (1) TOP SECRET//COMINT//NOFORN (b) (3)-P.L. 86-36 The data was sequestered and the court was notified. The FISC revised the orders (b)(1) (b)(3)-P.L. 86-36 (S//SI//REL) Unintentional dissemination of U.S. identities. During this quarter, (b)(3)-50 USC 3024(i) SIGINT products were cancelled because they contained the identities of U.S. persons, organizations, or entities. In all instances, the reports were either not reissued or were reissued with proper minimization. (b)(3)-P.L. 86-36 (S//SI//NOFORN) an NSA/Central Security Service (CSS) field site learned from was instructed to destroy the files. Destruction was confirmed (b) (1) (U) Counterintelligence Activities. (b) (3) - P.L. 86 - 36(b) (3) - 18 USC 798(U) Nothing to report. (b) (3) - 50 USC 3024(i)(b)(1)(b)(3)-P.L. 86-36 (U) Intelligence-related Activities. (b)(3)-50 USC 3024(i) (S//SI//NF) Practicing due diligence, NSA has improved internal controls to reduce the risk of unauthorized collection. As a preventative measure. 2. (U//FOUO) NSA OIG Intelligence Oversight Inspections, Investigations, and Special Studies. (U/FOUO) During this quarter, the Office of Inspector General reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and Department of Defense and internal directives. With few exceptions, the problems uncovered were routine and showed that operating elements understand the restrictions on NSA/CSS activities. (U//FOUO)) NSA/CSS Hawaii. Although progress has been made in intelligence oversight training, the program still requires work. Some of the intelligence oversight training and testing materials contained inaccurate information. Annual refresher training was at 69.5 percent. The database to track training for those with access to raw SIGINT databases and their auditors was not accurate. The NSA/CSS Inspector General will update in a future report actions taken by NSA/CSS Hawaii to correct the inspection findings. A highlight of the inspection was the database and Standard Operating Procedure developed by section. The procedure has reduced the detasking time and has helped to prevent collection violations. trom (b) (1) (b)(3)-P.L. 86-36

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- 3. (U) Substantive Changes to the NSA/CSS Intelligence Oversight Program.
- (U) Nothing to report.
- 4. (U) Changes to NSA/CSS published directives or policies concerning intelligence, counterintelligence, or intelligence-related activities and the reason for the changes.
- (U) Nothing to report.
- 5. (U) Procedures governing the activities of Department of Defense (DoD) intelligence components that affect U.S. persons (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to Intelligence Oversight Programs.
- (U) Nothing to report.