

Evan:

~~(TS//SI//NF)~~ During our telephone conversation of March 7, 2011, you asked several questions pertaining to geolocational information in mobility data. Specifically, you asked for details regarding NSA's mobility testing effort, when DOJ and the FISC were notified of this effort, and whether a legal memorandum of law on cell site locations was available. A response to your questions is provided below.

~~(TS//SI//NF)~~ As pertains to the mobility testing effort, NSA tested data from the April 26, 2010 feed. On this day, NSA sampled roughly [REDACTED] (specific numbers per file identified below). This is [REDACTED] of a day's worth of data (a full day is [REDACTED]). The four files that were used in the sampling contained the following number of records:

~~(TS//SI//NF)~~ Sample File 1: [REDACTED] records

~~(TS//SI//NF)~~ Sample File 2: [REDACTED] records

~~(TS//SI//NF)~~ Sample File 3: [REDACTED] records

~~(TS//SI//NF)~~ Sample File 4: [REDACTED] records

~~(TS//SI//NF)~~ The results of NSA's technical analysis remained with the provider's technical team. No agency outside of NSA has received these results. NSA continues to receive and analyze sample data.

~~(TS//SI//NF)~~ In regards to the mobility testing effort, NSA consulted with DOJ before implementing this testing effort. Based upon our description of the proposed mobility data (cell site location information) testing plan, DOJ advised in February 2010 that obtaining the data for the described testing purposes was permissible based upon the current language of the Court's BR FISA order requiring the production of 'all call detail records.' It is our understanding that DOJ also orally advised the FISC, via its staff, that we had obtained a limited set of test data sampling of cellular mobility data (cell site location information) pursuant to the Court-authorized program and that we were exploring the possibility of acquiring such mobility data under the BR FISA program in the near future based upon the authority currently granted by the Court. Upon concurring with our proposed plan, DOJ requested that NSA keep them apprised of the status of the testing and any future productions of mobility data.

Derived From: NSA/CSSM 1-52

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~~(TS//SI//NF)~~ Finally, during our conversation, you asked about a legal memorandum about which I was unaware. I have since discovered that DOJ is drafting a memorandum of law on this topic. Accordingly, requests for information regarding or copies of this legal memoranda should be made directly to the Department of Justice through their Office of Legislative Affairs.”

Respectfully,



Attorney
Office of General Counsel (Intelligence Law)

