


Leading a DI Team

This briefing is classified ~~SECRET~~ ~~NOFORN~~

Overview

- Legal Framework
- Information Cycle
- Other Issues for New Managers
- Quiz

Legal Framework

- **The Constitution**
 - USPs enjoy constitutional rights and protections from their government – they carry these rights with them overseas.
 - Non-USPs in the US also enjoy some of these rights
- **Statutes**
 - Including Nat'l Security Act of 1947, FISA/FAA, etc.
- **Executive Order 12333**
 - Issued by President, legally binding
- **Agency Regulation 2-2 (formerly HR 7-1) (implements E.O. 12333)**
 - Includes Attorney General Guidelines, Annexes A and B
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 - Policy documents (not legal documents)

Balancing Act

- ***“Timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to informed decisionmaking in the areas of national security, national defense, and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative, and responsible manner that is consistent with the Constitution and applicable law and respective of the principles upon which the United States was founded.” (emphasis added)***
--Executive Order 12333, § 2.1.

Information Cycle

- Collection
- Retention
- Dissemination

Information Cycle (b)(1) (b)(3) NatSecAct Collection

- A CIA employee may gather info in various ways, including:
 - Open Source information (newspaper articles, etc.)
 - Researching in CIA databases
 - Engaging outside experts to share insights and knowledge (analytic outreach)
 - Attending a conference
 - Asking other government agencies
 - Asking liaison services
 - Tasking assets on the ground
 - Exploiting digital media
- All of these are types of collection,

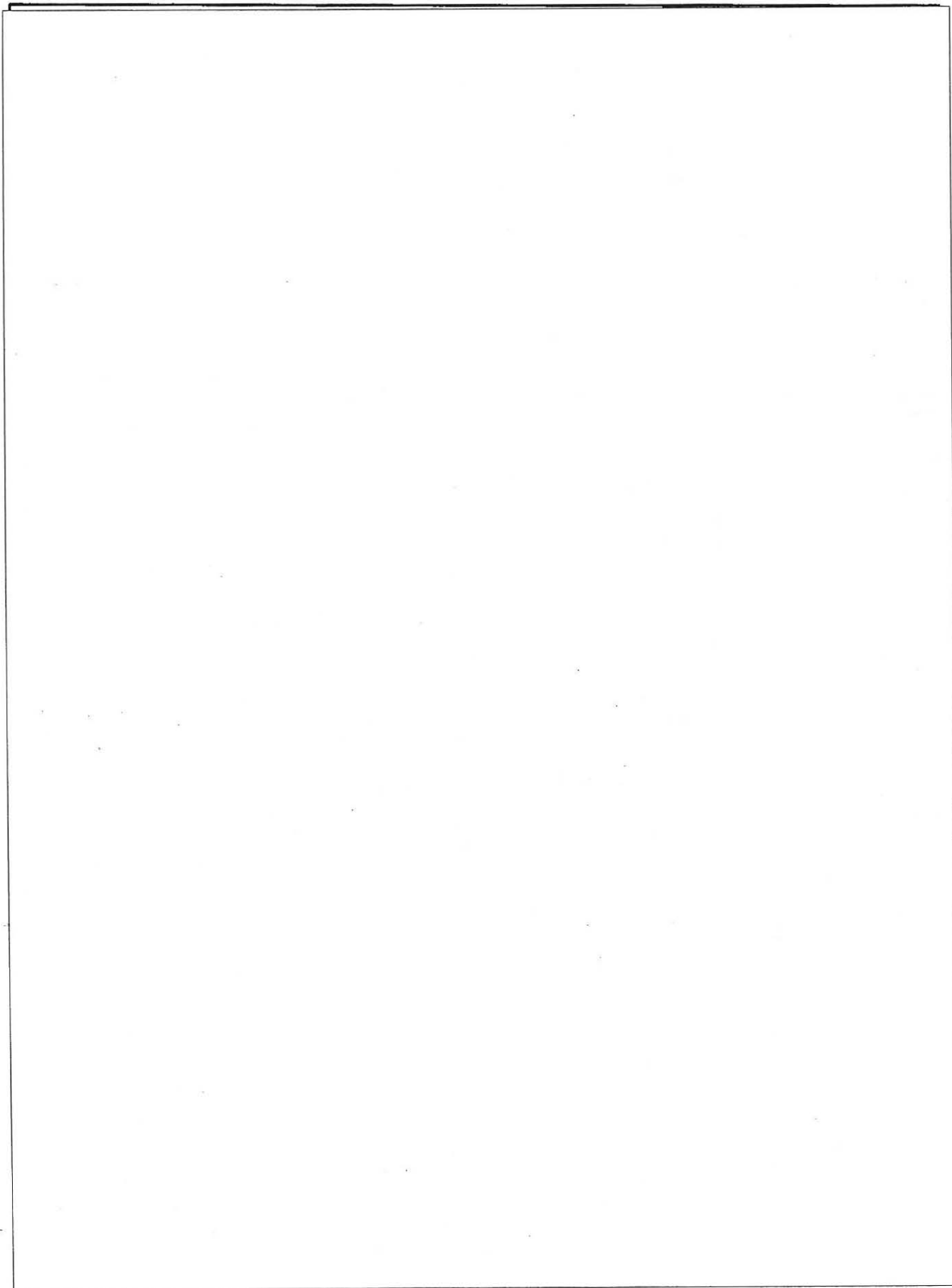
Information Cycle:

4 Basic Principles Governing CIA Collection

- Purpose of Collection – FI or CI
(You must be able to articulate a legitimate purpose before undertaking a collection activity)
- Location of Collection – Inside or Outside the US?
(Sounds simple but computers make it more confusing!)
- Target of Collection – USP or non-USP?
- Collection Technique

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct



Definition: United States Persons

- A USP is:
 - A U.S. citizen
 - An alien known by CIA to be a lawful permanent resident
 - An unincorporated association substantially composed of U.S. citizens or lawful permanent residents
 - A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government
- AR 2-2, Annex C

Information Cycle: Collection

- General Rules:
 - Must have FI, CI, or other approved purpose relating to CIA's mission
 - Must use the least intrusive technique available
 - Can't ask others to do what we can't do ourselves
 - Emergency collection provisions exist in some cases, but those situations are very rare
 - Also, keep in mind that collection must be in accordance with any and all additional laws and regulations governing the activity: FISA, ECPA, etc.

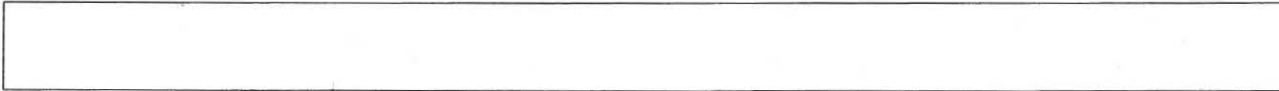
United States Persons

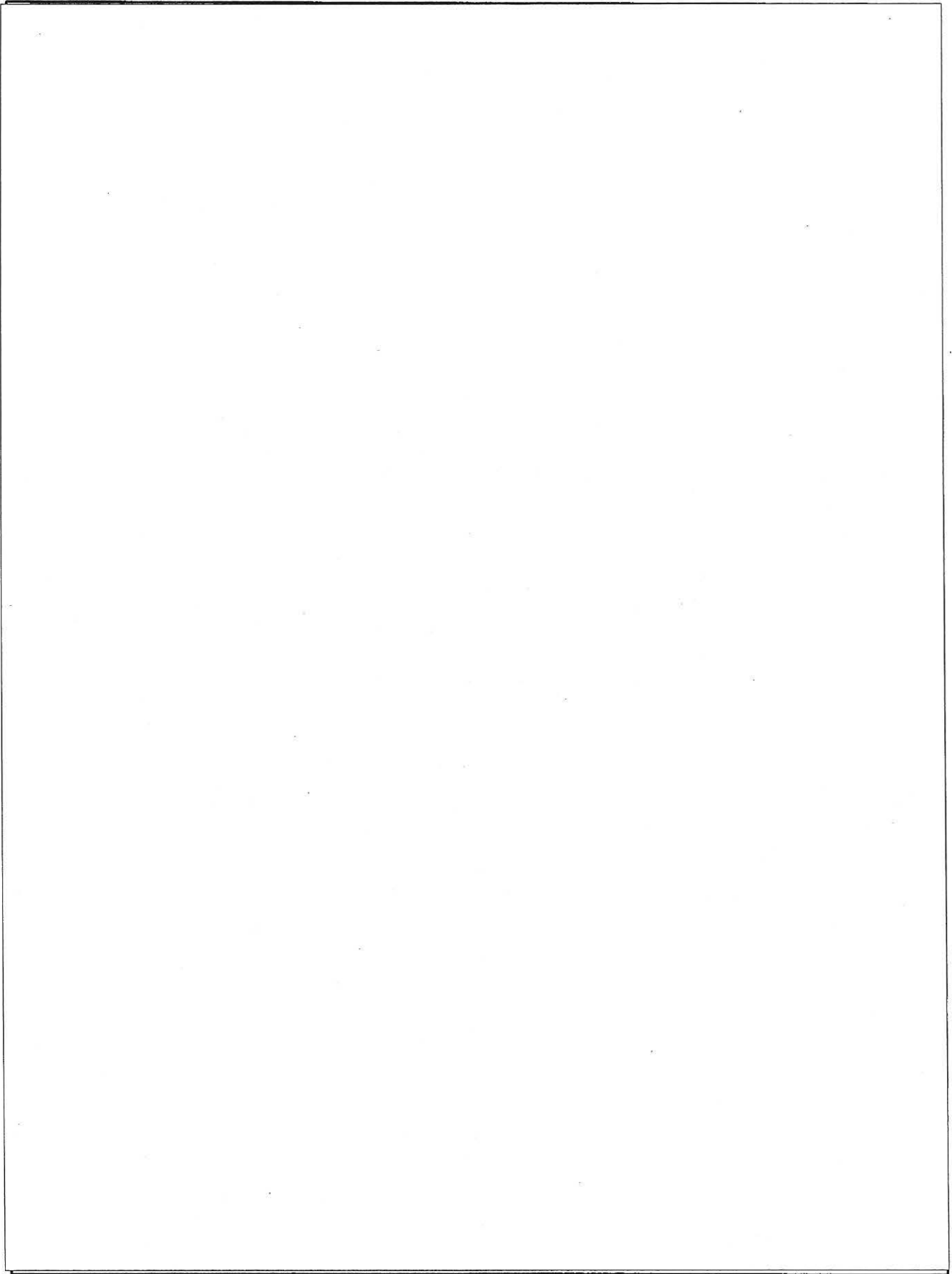
- Presumptions:
 - Outside US → non-USP unless specific info to the contrary
 - Inside US → USP unless specific info to the contrary

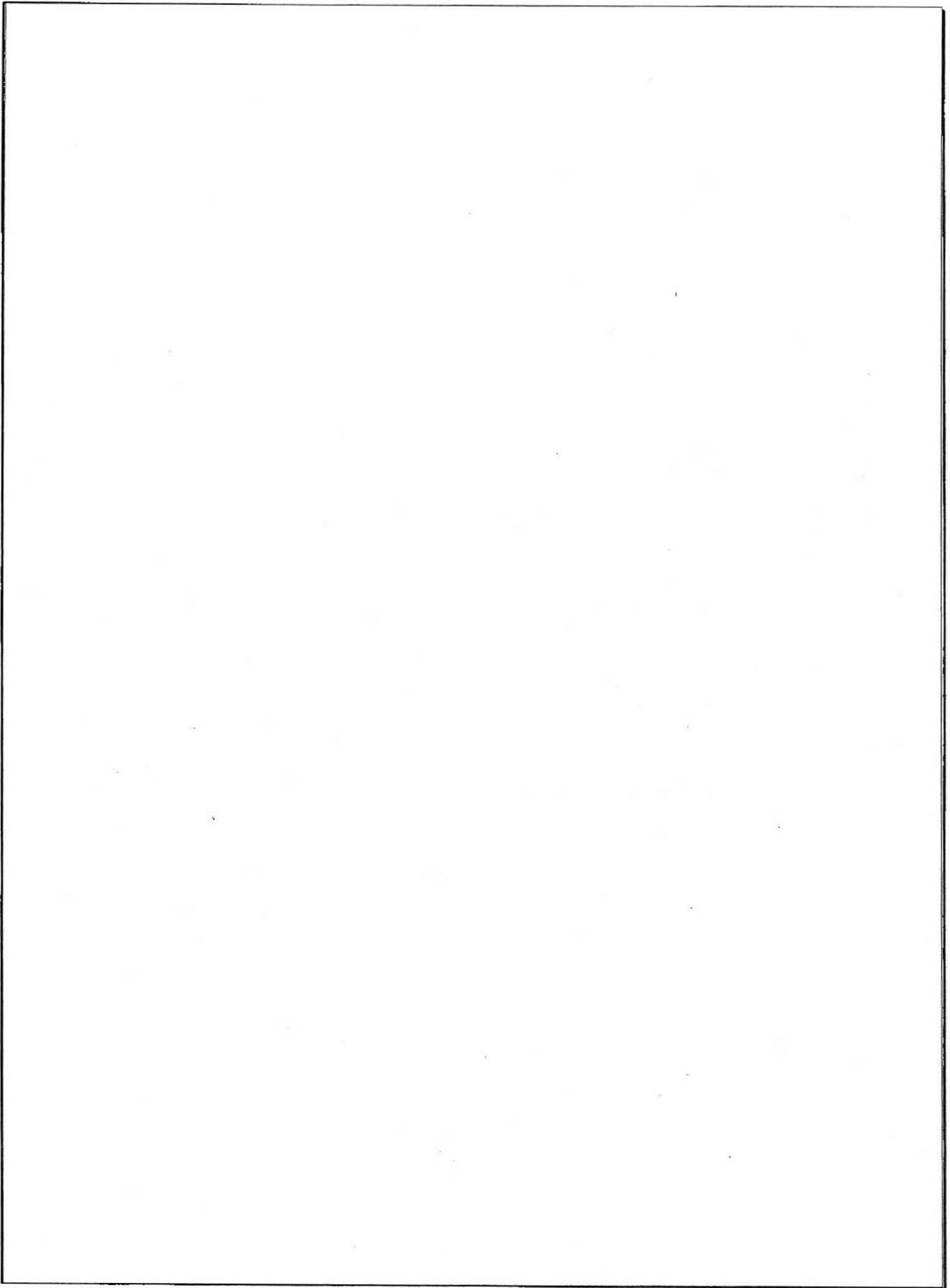
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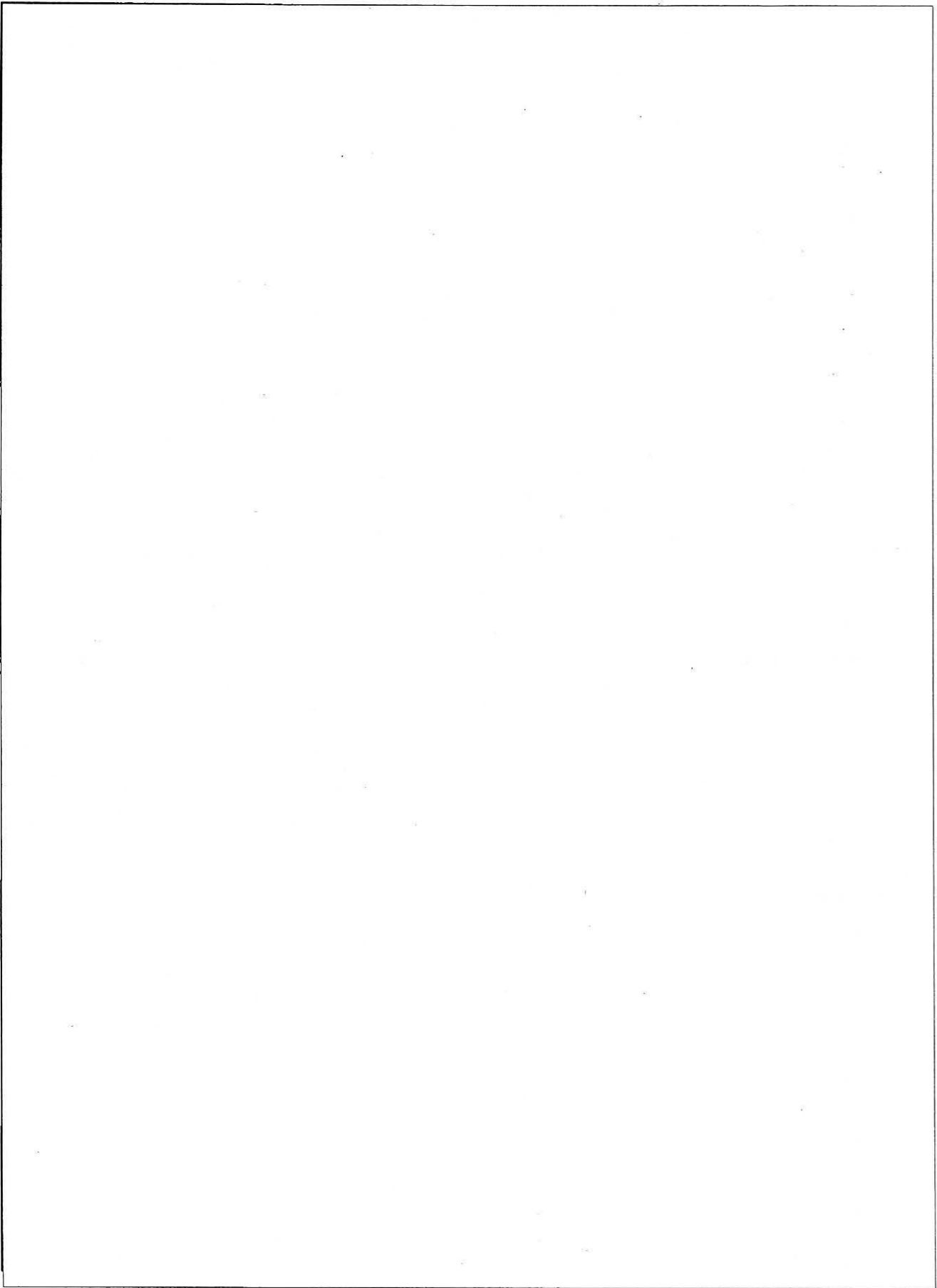
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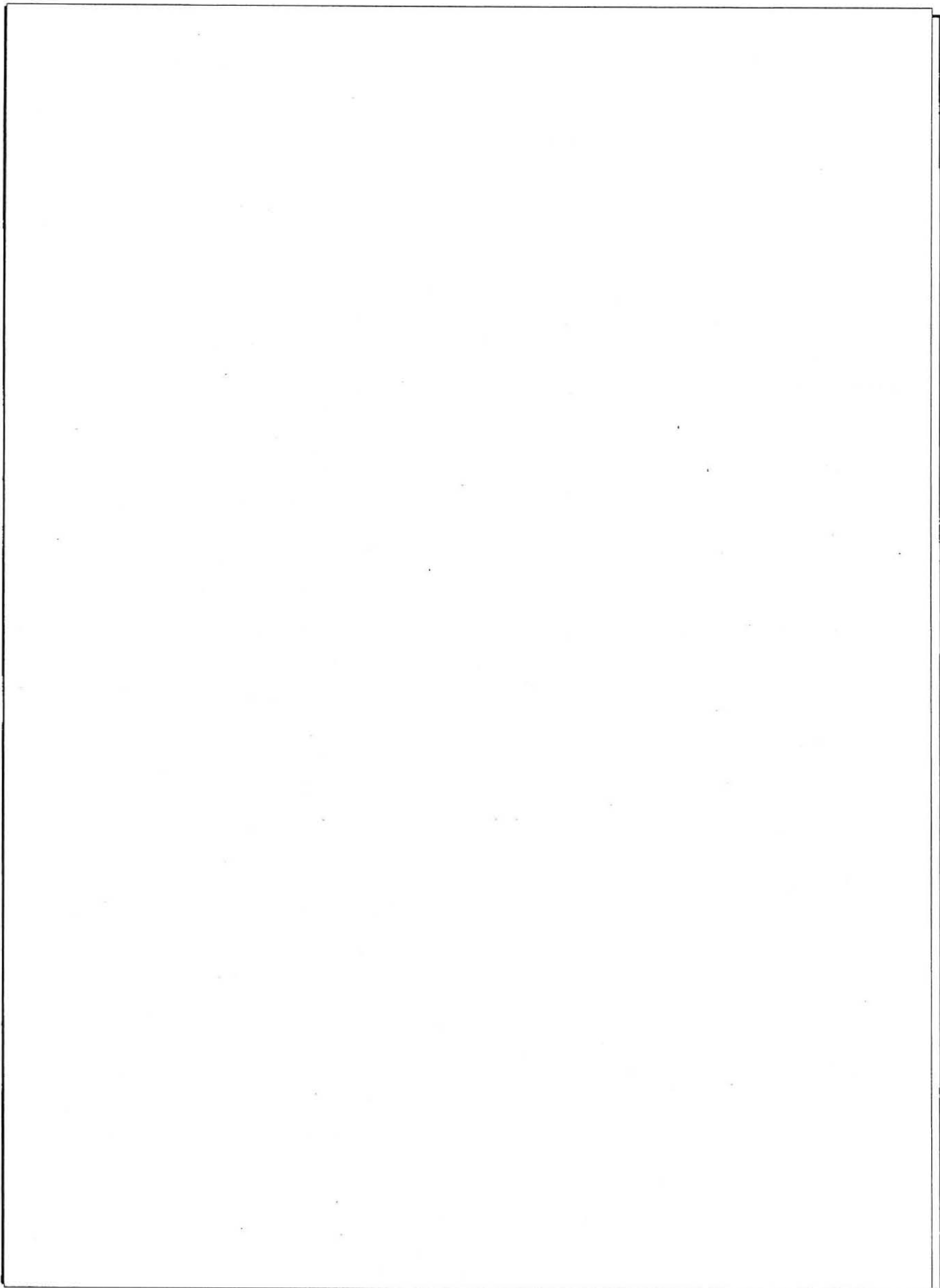
- Collection, retention, and dissemination on USPs:
 - FI/CI/CT/etc. only
 - Collection/retention/dissemination generally not permitted on purely domestic activities of USPs
 - Minimization requirements for USP info (discussed later)











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Retention & Dissemination of Collected Information

- Special procedures for retention and dissemination of certain types of info:
 - FISA info must be appropriately caveated/marked
 - Dissemination outside the IC



- Etc.

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Minimization Requirements for USP Info

- Info about a USP may be disseminated **within CIA** to employees with a **need to know** and **outside CIA** if necessary to a lawful activity of the US
- USP's identity may be retained and disseminated if reasonably **believed it may become necessary to understand or assess such info**
 - How much is necessary? Can you say "an identified USP" and that's enough?

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