



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

2010

The Honorable Mary A. McLaughlin
Judge
United States Foreign Intelligence Surveillance Court
Washington, D.C.

Dear Judge McLaughlin:

I am pleased to provide certain additional information related to certain issues raised and discussed during our meeting on [REDACTED] 2010, concerning the matters currently pending before the Court in In re: [REDACTED]

(S)

Identification of [REDACTED] Information within NSA Systems (S)

As the Court is aware from the testimony provided by the government on [REDACTED], 2010, and from supplemental information provided to the Court on [REDACTED] 2010, the National Security Agency (NSA) stores unminimized and unevaluated signals intelligence (SIGINT) data in its [REDACTED]

[REDACTED] For the reasons more fully explained in our [REDACTED] 2010 [REDACTED] has proposed separate and distinct purge requirements for each class of information. (TS//SI//NF)

According to NSA, certain of its systems contain multiple classes of information, For example, a certain system could include both [REDACTED] information. According to NSA, every system that obtains/retains [REDACTED] information from an [REDACTED] has, along with other purge-specific requirements, explicit requirements to maintain traceability in their system -- including the ability to distinguish [REDACTED] information from other categories of information the system may contain. This could be accomplished in a number of ways, such as [REDACTED]

~~TOP SECRET//COMINT//NOFORN~~

Classified by: ~~David S. Kris, Assistant~~
Attorney General, NSD, DOJ
Reason: 1.4(e)
Declassify on: [REDACTED], 2035

~~TOP SECRET//COMINT//NOFORN~~The Resolution of Alerts ~~(S)~~

On Friday, [REDACTED] 2010, the government submitted to the Court its Supplemental Report Regarding NSA's Post-Targeting Analysis. Following its review of the report, the Court expressed concern that allowing an alert to go unresolved for an extended period of time may not be consistent with NSA's targeting procedures, which specifically provide that [REDACTED]

~~(TS//SI//NF)~~

As noted in the government's [REDACTED] 2010 Supplemental Report, each business day NSA conducts an initial triage of the alerts generated the previous day by the [REDACTED] process. This initial triage, performed by analysts, allows NSA to quickly identify those alerts that have a higher probability of being indicative of a target's presence in the U.S. Those alerts that have a low probability of being indicative of location – and therefore are more likely to be false positives – are reviewed after other alerts of higher interest. [REDACTED]

consistency in the management of this process given the diversity of targets and reasons for alerts. To ensure that alerts do not go unresolved for an unreasonable period of time, NSA has [REDACTED]

~~(TS//SI//NF)~~

NSA reports that on average it receives [REDACTED] prioritized alerts (e.g. Urgent, High, Medium, Low) per day through the [REDACTED] process. Within a given week, however, a single selector could, and often does, receive multiple alerts. For example, during the first week of May 2010, [REDACTED] selectors generated a total of [REDACTED] alerts resulting in [REDACTED] incident (roaming) reports being forwarded to the Department of Justice and the Office of the Director of National Intelligence. [REDACTED] alerts continue to be researched. Given the procedures in place as outlined in the government's [REDACTED] 2010 Supplemental Report which are designed to identify, prioritize and resolve those alerts having a higher probability of being indicative of a target's presence in the United States, the government believes that [REDACTED] to resolve alerts is reasonable.

~~(TS//SI//NF)~~

NSA intends to provide the Court with further updates regarding its certification of systems to receive and properly handle FAA 702 data going forward as well as its efforts to remediate the purge compliance issue on or before Wednesday, [REDACTED] 2010.

~~(TS//SI//NF)~~~~TOP SECRET//COMINT//NOFORN~~

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The government would like to thank both you and your staff for your consideration of [REDACTED]. Should the Court have any additional questions, comments or concerns, please do not hesitate to contact me. (U)

Sincerely,

(b)(6); (b)(7)(C)

Deputy Section Chief, Operations
Office of Intelligence

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