

Exhibit 1

Wikimedia Foundation v. National Security Agency, et. al.

No. 15-cv-00662-TSE

Plaintiff Wikimedia's Discovery Requests at Issue, as Narrowed by Plaintiff

DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in [each] Request is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in [each] Request, the following terms are to be interpreted in accordance with these definitions:

Answer: The term "ANSWER" means Defendants' Answer to Plaintiff's First Amended Complaint in this action, filed on October 16, 2017.

Bulk: To COPY or REVIEW INTERNET COMMUNICATIONS in "BULK" means to COPY or REVIEW INTERNET COMMUNICATIONS in large quantity without prior application of SELECTORS, or other identifiers associated with specific targets of Upstream surveillance.

Circuit: The term "CIRCUIT" has the ordinary meaning of that term within the telecommunications industry as understood by YOU in the context of Upstream surveillance.

Communication: The term "COMMUNICATION" means information transmitted by any means, whether orally, electronically, by document, or otherwise.

Concern or Concerning: The terms "CONCERN" and "CONCERNING" mean relating to, referring to, describing, evidencing, constituting, reflecting, memorializing, identifying, embodying, pertaining to, commenting on, discussing, analyzing, considering, containing, consisting of, indicating, supporting, refuting, or connected to.

Copy: The term "COPY" means to duplicate a piece of data (for any duration, no matter how brief).

Describe: The term "DESCRIBE" means to provide a narrative statement or description of the specific facts or matters to which an Interrogatory refers, including, but not limited to, an identification of all persons, communications, acts, transactions, events, agreements, recommendations, and DOCUMENTS used, necessary, or desirable to support such statement or make the description complete.

Document: The term "DOCUMENT" shall have the broadest meaning ascribed to that term in Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001. The term also includes any parent or child attachment or other documents embedded or linked in any way to a requested document. A draft or non-identical copy is a separate document within the meaning of the term "DOCUMENT."

Identify (with respect to PERSONS): When referring to a PERSON, to “IDENTIFY” means to state the PERSON’s full name, present or last known address, and, when referring to a natural person, the present or last known place of employment. If the business and home telephone numbers are known to the answering party, and if the PERSON is not a party or present employee of a party, said telephone numbers shall be provided. Once a PERSON has been identified in accordance with this subparagraph, only the name of the PERSON need be listed in response to subsequent discovery requesting the identification of that PERSON.

Identify (with respect to documents): When referring to documents, to “IDENTIFY” means to state the: (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s); or, alternatively, to produce the document.

Interacted With [as modified]: The term “INTERACTED WITH” means to have used a device to COPY, filter, or REVIEW an INTERNET COMMUNICATION or INTERNET TRANSACTION while such communication or transaction is being transmitted or while the communication or transaction is being stored, other than as necessary to transmit or store the communication or transaction in the ordinary course of its transmission or storage.

International Communication: The term “INTERNATIONAL COMMUNICATION” means an INTERNET COMMUNICATION between at least one party in the UNITED STATES and at least one party outside the UNITED STATES.

Internet Backbone: The term “INTERNET BACKBONE” means the set of high capacity cables, switches, and routers that facilitates both domestic and international Internet communication by parties connected to it. The INTERNET BACKBONE includes, but is not limited to, the international submarine cables that carry INTERNET COMMUNICATIONS.

Internet Communication: The term “INTERNET COMMUNICATION” means a series of related packets that are sent from a particular source to a particular destination that together constitute a message of some sort, including but not limited to an email message, an HTTP request, or an HTTP response.

Internet Packet: The term “INTERNET PACKET” means a discrete chunk of information transmitted across the Internet. All INTERNET COMMUNICATIONS are split into one or more INTERNET PACKETS. Each INTERNET PACKET contains a source and destination Internet Protocol (“IP”) address and some payload.

Internet Transaction: The term “INTERNET TRANSACTION” has the same meaning as “Internet transaction” within the PCLOB Report at pages 39 and 125 and note 517.

NSA: The terms “National Security Agency” and “NSA” include any department, office, entity, officer, employee, agent, representative, attorney, consultant, or contractor thereof, as well as telecommunication providers acting at the NSA’s direction.

Parties: The terms “PLAINTIFF” and “DEFENDANT,” as well as a party’s full or abbreviated name or a pronoun referring to a party, mean that party and its officers, directors,

employees, agents, representatives, attorneys, consultants, and contractors. This definition is not intended to impose a discovery obligation on any PERSON who is not a party to the litigation or to limit the Court's jurisdiction to enter any appropriate order.

Person: The term "PERSON" is defined as any natural person or any business, legal or governmental entity, or association.

Process: The term "PROCESS" has the same meaning as "process," "process[ed]," or "process[ing]" within the July 2014 Minimization Procedures Used by the National Security Agency in Connection with Acquisitions of Foreign Intelligence Information Pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978, As Amended, *available at* <https://www.dni.gov/files/documents/0928/2014%20NSA%20702%20Minimization%20Procedures.pdf> ("2014 NSA Minimization Procedures").

Retain: The term "RETAIN" has the same meaning as "retain," "retained," or "retention" within the 2014 NSA Minimization Procedures.

Review [as modified]: The term "REVIEW" means to examine, scan, screen, monitor, analyze, or gather information about the contents of.

Selector: The term "SELECTOR" has the same meaning as "selector" within the 2014 NSA Minimization Procedures.

Target: The term "TARGET" means the subjects who are "targeted" pursuant to 50 U.S.C. § 1881a.

United States: When used as a term of geographic location, "UNITED STATES" means all areas under the territorial sovereignty of the United States.

Wholly Domestic Communication: The term "WHOLLY DOMESTIC COMMUNICATION" means an INTERNET COMMUNICATION whose origin and final destination are both located within the UNITED STATES.

You/Your: The terms "YOU" or "YOUR" include the defendant agency, and department, office, entity, officer, employee, agent, representative, attorney, consultant, or contractor thereof.

The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all"; "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." Words in the masculine, feminine, or neutral form shall include each of the other genders.

REQUESTS AT ISSUE

No.	Request	Modified Request
Requests for Admission		
RFA 6	Admit that, in conducting Upstream surveillance, the NSA REVIEWS the contents of INTERNET COMMUNICATIONS that are in transit on the INTERNET BACKBONE, prior to RETAINING INTERNET COMMUNICATIONS that contain a SELECTOR.	
RFA 7	Admit that, in conducting Upstream surveillance, the NSA COPIES INTERNET COMMUNICATIONS in BULK that are in transit on the INTERNET BACKBONE.	
RFA 8	Admit that, in conducting Upstream surveillance, the NSA REVIEWS the contents of INTERNET COMMUNICATIONS in BULK that are in transit on the INTERNET BACKBONE.	
RFA 9	Admit that, in conducting Upstream surveillance, the NSA COPIES INTERNET COMMUNICATIONS that are neither to nor from TARGETS, prior to RETAINING INTERNET COMMUNICATIONS that contain a SELECTOR.	
RFA 10	Admit that, in conducting Upstream surveillance, the NSA REVIEWS the contents of INTERNET COMMUNICATIONS that are neither to nor from TARGETS, prior to RETAINING INTERNET COMMUNICATIONS that contain a SELECTOR.	

No.	Request	Modified Request
RFA 13	Admit that the NSA conducts Upstream surveillance on multiple INTERNET BACKBONE CIRCUITS.	
RFA 14	Admit that the NSA conducts Upstream surveillance on multiple “international Internet link[s],” as that term is used by the government in its submission to the Foreign Intelligence Surveillance Court, titled “Government’s Response to the Court’s Briefing Order of May 9, 2011,” and filed on June 1, 2011, <i>see</i> [Redacted], 2011 WL 10945618, at *15 (FISC Oct. 3, 2011).	Admit that the NSA conducts Upstream surveillance on multiple “international Internet link[s],” as that term is used by the Foreign Intelligence Surveillance Court in describing Upstream surveillance, <i>see</i> [Redacted], 2011 WL 10945618, at *15 (FISC Oct. 3, 2011).
RFA 15	Admit that the NSA conducts Upstream surveillance at multiple INTERNET BACKBONE “chokepoints” or “choke points” (as that term is used by YOU).	Admit that the NSA conducts Upstream surveillance at multiple INTERNET BACKBONE “chokepoints” or “choke points.”
RFA 16	Admit that the document attached hereto as Exhibit A, titled “Why are we interested in HTTP?,” is a true and correct excerpted copy of a genuine document.	Admit that the document attached hereto as Exhibit A, titled “Why are we interested in HTTP?,” is a true and correct excerpted copy of a genuine NSA document.
RFA 17	Admit that the statements within the document attached hereto as Exhibit A were made by YOUR employees on matters within the scope of their employment during the course of their employment.	
RFA 18	Admit that statements within the document attached hereto as Exhibit A were made by persons YOU authorized to make statements on the subjects of the statements within the document.	
RFA 19	Admit that the document attached hereto as Exhibit B, titled “Fingerprints and Appids,” and “Fingerprints and Appids (more),” is a true and correct excerpted copy of a genuine document.	Admit that the document attached hereto as Exhibit B, titled “Fingerprints and Appids,” and “Fingerprints and Appids (more),” is a true and correct excerpted copy of a genuine NSA document.

No.	Request	Modified Request
RFA 20	Admit that the statements within the document attached hereto as Exhibit B were made by YOUR employees on matters within the scope of their employment during the course of their employment.	
RFA 21	Admit that statements within the document attached hereto as Exhibit B were made by persons YOU authorized to make statements on the subjects of the statements within the document.	
RFA 25	Admit that the document attached hereto as Exhibit D, titled “SSO’s Support to the FBI for Implementation of their Cyber FISA Orders,” is a true and correct copy of a genuine document.	Admit that the document attached hereto as Exhibit D, titled “SSO’s Support to the FBI for Implementation of their Cyber FISA Orders,” is a true and correct copy of a genuine NSA document.
RFA 26	Admit that the statements within the document attached hereto as Exhibit D were made by YOUR employees on matters within the scope of their employment during the course of their employment.	
RFA 27	Admit that statements within the document attached hereto as Exhibit D were made by persons YOU authorized to make statements on the subjects of the statements within the document.	
RFA 28	Admit that the document attached hereto as Exhibit E, titled “Procedures Used by the National Security Agency for Targeting Non-United States Persons Reasonably Believed to be Located Outside the United States to Acquire Foreign Intelligence Information Pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978, as Amended” and dated July 28, 2009 (the “NSA Targeting Procedures”) is a true and correct copy of a genuine document.	Admit that the document attached hereto as Exhibit E, titled “Procedures Used by the National Security Agency for Targeting Non-United States Persons Reasonably Believed to be Located Outside the United States to Acquire Foreign Intelligence Information Pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978, as Amended” and dated July 28, 2009 (the “NSA Targeting Procedures”) is a true and correct copy of a genuine DOJ document.

No.	Request	Modified Request
RFA 29	Admit that the statements within the document attached hereto as Exhibit E were made by YOUR employees on matters within the scope of their employment during the course of their employment.	
RFA 30	Admit that statements within the document attached hereto as Exhibit E were made by persons YOU authorized to make statements on the subjects of the statements within the document.	
RFA 34	Admit that, in conducting Upstream surveillance, the NSA has COPIED at least one WIKIMEDIA INTERNET COMMUNICATION.	
RFA 35	Admit that, in conducting Upstream surveillance, the NSA has REVIEWED the content of at least one WIKIMEDIA INTERNET COMMUNICATION.	
RFA 36	Admit that, in conducting Upstream surveillance, the NSA has RETAINED at least one WIKIMEDIA INTERNET COMMUNICATION.	
RFA 37	Admit that, in conducting Upstream surveillance on or before June 22, 2015, the NSA screened the contents of Internet web traffic (that is, the application layer of HTTP and HTTPS communications).	
RFA 38	Admit that, in conducting Upstream surveillance as of the date of the service of this request, the NSA screens the contents of Internet web traffic (that is, the application layer of HTTP and HTTPS communications).	

No.	Request	Modified Request
RFA 39	Admit that the document attached hereto as Exhibit A, which describes the monitoring of hundreds of CIRCUITS at one international cable site, is a true and correct excerpted copy of a genuine NSA document.	
RFA 40	If YOU contend, for the purpose of contesting jurisdiction in this matter, that encryption bears in any way on the interception, accessing, COPYING, filtering, REVIEWING, ingestion, or RETENTION of WIKIMEDIA'S COMMUNICATIONS in the course of Upstream surveillance, admit that YOU have the ability to decrypt, decipher, or render intelligible the contents of some HTTPS communications subject to Upstream surveillance.	
Interrogatories		
ROG 1	DESCRIBE YOUR understanding of the definition of the term “international Internet link” as used by the government in its submission to the Foreign Intelligence Surveillance Court— titled “Government’s Response to the Court’s Briefing Order of May 9, 2011,” and filed on June 1, 2011, <i>see [Redacted]</i> , 2011 WL 10945618, at *15 (FISC Oct. 3, 2011)—and provide all information supporting that understanding.	DESCRIBE YOUR understanding of the definition of the term “international Internet link” as used by the Foreign Intelligence Surveillance Court in describing Upstream surveillance, <i>see [Redacted]</i> , 2011 WL 10945618, at *15 (FISC Oct. 3, 2011), and provide all information supporting that understanding.

No.	Request	Modified Request
ROG 2	DESCRIBE YOUR understanding of the definition of the term “circuit” as used at pages 36 to 37 of the PCLOB Report, and provide all information supporting that understanding, including but not limited to all information furnished by DEFENDANTS to the Privacy and Civil Liberties Oversight Board concerning this term.	
ROG 3	DESCRIBE YOUR understanding of the definition of the term “filtering mechanism” as used at pages 10 and 47–48 of the Brief for Defendants–Appellees, <i>Wikimedia Foundation v. NSA</i> , No. 15-2560 (4th Cir. April 11, 2016), and provide all information supporting that understanding.	
ROG 4	DESCRIBE YOUR understanding of the definition of the term “scanned” as used at page 10 of the Memorandum in Support of Defendants’ Motion to Dismiss the First Amended Complaint, <i>Wikimedia Foundation v. NSA</i> , No. 15-cv-662-TSE (D. Md. Aug. 6, 2015), and provide all information supporting that understanding.	
ROG 5	DESCRIBE YOUR understanding of the definition of the term “screen” as used at page 48 of the Brief for Defendants–Appellees, <i>Wikimedia Foundation v. NSA</i> , No. 15-2560 (4th Cir. April 11, 2016), and provide all information supporting that understanding.	
ROG 6	DESCRIBE YOUR understanding of the definition of the term “discrete communication” as used in the 2014 NSA Minimization Procedures, and provide all information supporting that understanding.	

No.	Request	Modified Request
ROG 7	DESCRIBE YOUR understanding of all features that a series of INTERNET PACKETS comprising an “Internet transaction” has in common, as the term “Internet transaction” is used in at page 10 n.3 of the Brief for Defendants–Appellees, <i>Wikimedia Foundation v. NSA</i> , No. 15-2560 (4th Cir. April 11, 2016), and provide all information supporting that understanding. For example, the INTERNET PACKETS comprising an “Internet transaction” might share source and destination IP addresses, source and destination ports, and protocol type (albeit with the source and destination IP addresses and ports reversed for packets flowing in the opposite direction).	
ROG 8	DESCRIBE YOUR understanding of the definitions of the terms “single communication transaction” and “multi-communication transaction” as used by the government in its submission to the Foreign Intelligence Surveillance Court, filed on August 16, 2011, and provide all information supporting that understanding. <i>See [Redacted]</i> , 2011 WL 10945618, at *9 (FISC Oct. 3, 2011).	
ROG 9	DESCRIBE YOUR understanding of the definitions of the terms “access” and “larger body of international communications” as used at page 10 of the Brief for Defendants–Appellees, <i>Wikimedia Foundation v. NSA</i> , No. 15-2560 (4th Cir. April 11, 2016), and provide all information supporting that understanding.	

No.	Request	Modified Request
ROG 14	DESCRIBE the entire process by which, pursuant to Upstream surveillance, the contents of INTERNET COMMUNICATIONS are INTERACTED WITH.	
ROG 15	DESCRIBE any and all statements or facts YOU contend are inaccurate concerning Upstream surveillance in pages 7-10, 22, 32-33, 35-41 & n.157, 79, 111 n.476, 119-26, and 143-45 of the Privacy and Civil Liberties Oversight Board's <i>Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act</i> (July 2, 2014), based on Upstream surveillance as it was conducted on the date the report was publicly released.	
ROG 16	DESCRIBE the approximate percentage of CIRCUITS carrying Internet communications into or out of the United States (not CIRCUITS carrying solely telephonic or private network communications) that were monitored in the course of Upstream surveillance in each of the years 2015, 2016, and 2017. If insufficient information is available for these three years, please provide sufficient information for the three most recent years available.	

No.	Request	Modified Request
ROG 17	DESCRIBE the approximate percentage of international submarine cables carrying Internet communications into or out of the United States (not international submarine cables carrying solely telephonic or private network communications) that were monitored in the course of Upstream surveillance in each of the years 2015, 2016, and 2017. If insufficient information is available for these three years, please provide sufficient information for the three most recent years available.	
ROG 18	DESCRIBE, by any metric commonly used in the telecommunications industry, such as bytes or packets, the approximate amount of Internet traffic that was subject to filtering in the course of Upstream surveillance, prior to retaining Internet communications that contain a selector, in each of the years 2015, 2016, and 2017. If insufficient information is available for these three years, please provide sufficient information for the three most recent years available.	
ROG 19	DESCRIBE, by any metric commonly used in the telecommunications industry, such as bytes or packets, the approximate amount of Internet traffic that was screened in the course of Upstream surveillance, prior to retaining Internet communications that contain a selector, in each of the years 2015, 2016, and 2017. If insufficient information is available for these three years, please provide sufficient information for the three most recent years available.	

No.	Request	Modified Request
ROG 20	If YOU contend, for the purpose of contesting jurisdiction in this matter, that encryption bears in any way on the interception, accessing, COPYING, filtering, REVIEWING, ingestion, or RETENTION of WIKIMEDIA'S COMMUNICATIONS in the course of Upstream surveillance, DESCRIBE the protocols used to encrypt INTERNET COMMUNICATIONS or INTERNET TRANSACTIONS subject to Upstream surveillance for which the NSA has the ability to decrypt, decipher, or render intelligible the contents of those COMMUNICATIONS.	
Requests for Production		
RFP 10	DOCUMENTS sufficient to show or estimate the number of INTERNET COMMUNICATIONS and/or INTERNET TRANSACTIONS RETAINED using Upstream surveillance in each of the years 2010, 2011, 2012, 2013, 2014, 2015, 2016, and the first six months of 2017.	
RFP 13	DOCUMENTS sufficient to show or estimate the number of CIRCUITS on which the NSA conducted Upstream surveillance in each of the years 2010, 2011, 2012, 2013, 2014, 2015, 2016, and the first six months of 2017.	
RFP 14	DOCUMENTS sufficient to show or estimate the combined bandwidth of the CIRCUITS on which the NSA conducted Upstream surveillance in each of the years 2010, 2011, 2012, 2013, 2014, 2015, 2016, and the first six months of 2017.	

No.	Request	Modified Request
RFP 15	DOCUMENTS sufficient to show or estimate the number of “international Internet link[s]”— as that term was used by the government in its submission to the Foreign Intelligence Surveillance Court, titled “Government’s Response to the Court’s Briefing Order of May 9, 2011,” and filed on June 1, 2011, <i>see [Redacted]</i> , 2011 WL10945618, at *15 (FISC Oct. 3, 2011)—monitored using Upstream surveillance in each of the years 2010, 2011, 2012, 2013, 2014, 2015, 2016, and the first six months of 2017.	
RFP 16	DOCUMENTS sufficient to show or estimate the number of Internet “chokepoints” or “choke points” (as that term is used by YOU) inside the UNITED STATES through which INTERNATIONAL COMMUNICATIONS enter and leave the UNITED STATES and where the NSA has established Upstream surveillance collection or PROCESSING capabilities.	
RFP 18	All Foreign Intelligence Surveillance Court–approved targeting procedures relevant at any time to DEFENDANTS’ implementation of Upstream surveillance.	Foreign Intelligence Surveillance Court–approved targeting procedures relevant to DEFENDANTS’ implementation of Upstream surveillance in 2009, 2015, 2016, and 2017.

No.	Request	Modified Request
<p>RFP 21</p>	<p>All Foreign Intelligence Surveillance Court, Foreign Intelligence Surveillance Court of Review, and Supreme Court orders and opinions CONCERNING Upstream surveillance.</p>	<p>All Foreign Intelligence Surveillance Court, Foreign Intelligence Surveillance Court of Review, and Supreme Court orders and opinions CONCERNING Upstream surveillance that:</p> <ul style="list-style-type: none"> a. Describe the ways in which the NSA intercepts, COPIES, filters, or REVIEWS INTERNET COMMUNICATIONS or INTERNET TRANSACTIONS in the course of Upstream surveillance in order to identify COMMUNICATIONS associated with its SELECTORS; b. Describe the points or places at which Upstream surveillance is conducted in relation to the Internet backbone and its components, including but not limited to CIRCUITS, links, or chokepoints; or c. Describe the types or categories of INTERNET COMMUNICATIONS subject to Upstream surveillance, including but not limited to COMMUNICATIONS associated with web activity or email.

No.	Request	Modified Request
RFP 22	All Foreign Intelligence Surveillance Court, Foreign Intelligence Surveillance Court of Review, and Supreme Court submissions CONCERNING Upstream surveillance.	All Foreign Intelligence Surveillance Court, Foreign Intelligence Surveillance Court of Review, and Supreme Court submissions CONCERNING Upstream surveillance that: <ul style="list-style-type: none"> a. Describe the ways in which the NSA intercepts, COPIES, filters, or REVIEWS INTERNET COMMUNICATIONS or INTERNET TRANSACTIONS in the course of Upstream surveillance in order to identify COMMUNICATIONS associated with its SELECTORS; b. Describe the points or places at which Upstream surveillance is conducted in relation to the Internet backbone and its components, including but not limited to CIRCUITS, links, or chokepoints; or c. Describe the types or categories of INTERNET COMMUNICATIONS subject to Upstream surveillance, including but not limited to COMMUNICATIONS associated with web activity or email.
RFP 23	Any INTERNET COMMUNICATION of WIKIMEDIA that any DEFENDANT INTERACTED WITH in connection with Upstream surveillance.	
RFP 24	All DOCUMENTS CONCERNING any INTERACTION WITH the INTERNET COMMUNICATIONS of WIKIMEDIA in connection with Upstream surveillance.	