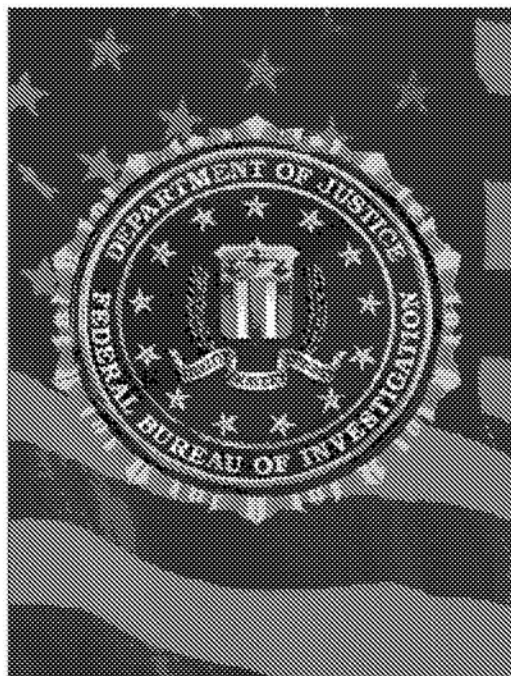


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(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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(U) Federal Bureau of Investigation

(U) Office of the General Counsel

(U) 0828PG

(U) August 11, 2016

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(U) Revised: 04/10/2017

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(U//FOUO) Foreign Intelligence Surveillance Act and
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(U) General Information

- (U) Questions or comments pertaining to this policy guide can be directed to:
- (U) Federal Bureau of Investigation Headquarters, Office of the General Counsel, National Security and Cyber Law Branch
 - (U) Division point of contact: National Security Law Policy and Legislative Review Unit

(U) Supersession Information

- (U) See Section 2 of this policy guide for a full listing of all supersessions.

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(U) DIOG Provision

- (U) No policy may contradict, alter, or otherwise modify the standards of the DIOG. Requests for DIOG modifications can be made to the Internal Policy Office, pursuant to DIOG subsection 3.2.2 paragraphs (A), (B), (C), and (D).

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1. (U) Introduction

1.1. (U) Scope and Purpose

(U//~~FOUO~~) This policy guide (PG) applies to all information, communications, material, or property that the Federal Bureau of Investigation (FBI) acquires pursuant to the Foreign Intelligence Surveillance Act (FISA) (hereafter collectively referred to as "FISA-acquired information"). As used in this PG, the term "FISA-acquired information" includes all information obtained pursuant to Titles I, III, V, and VII of FISA. [REDACTED]

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¹ (U) Section 702 certifications, including the applicable minimization procedures, are renewed on an annual basis. The term "SMP-702," therefore, refers to the most current set of procedures. When appropriate, this PG will be updated to ensure consistency with the most current set of procedures.

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2. (U) Superseded Policies

(U//~~FOUO~~) The following polices have been superseded by the *Foreign Intelligence Surveillance Act and Standard Minimization Procedures Policy Guide*:

- (U) Policy Directive (PD) 0137D, *Standard Minimization Procedures Implementation Policy*
- (U//~~FOUO~~) PD 0370D, *Handling and Destruction of Unintentionally Acquired FISA Information*
- (U) PD 0394D, *Foreign Intelligence Surveillance Act (FISA) Accuracy*
- (U//~~FOUO~~) PD 0442D, *Procedures for Coordinating Implementation of Surveillance of U.S. Persons Overseas with the National Security Agency* (which superseded Policy Notice [PN] 0121N, *Interim Policy Providing Procedures for Coordinating Implementation of Surveillance of U.S. Persons Overseas with the National Security Agency [NSA]*)
- (U//~~FOUO~~) PD 0709D, *Retention of Foreign Intelligence Surveillance Act (FISA) Materials following Physical Search*
- (U//~~FOUO~~) PD 0722D, *Legal Requirements for Raw Information Acquired Pursuant to Title I or III of the Foreign Intelligence Surveillance Act (FISA)* [redacted]
- (U//~~FOUO~~) PN 0674N, *Interim Procedures for the Handling of Unminimized FISA Section 702 Information Outside of Identified Electronic Data and Storage Systems Ad Hoc Database Export*

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(S//~~NF~~) [redacted]

- (U) *Business Record Standard Minimization Procedures Policy Notice and Policy Guide*, 0642PG
- (U) *Foreign Intelligence Surveillance Act (FISA) Accuracy*, 0394PG
- (U) *Foreign Intelligence Surveillance Act Accuracy Policy Guide*, 0394PG (which superseded Electronic Communication [EC] 66F-HQ-A1247863 serial 30, "Foreign Intelligence Surveillance Act, Procedures to Ensure Accuracy" (April 5, 2001); EC 66F-HQ-C1384970 serial 3228, "Accuracy in FISA Packages – Data and Electronic Communications Review by Investigative Technology Division" (September 8, 2003); and EC 66F-HQ-C1384970 serial 11796, "Accuracy in FISA Packages – Electronic and Data Communications Review" (July 15, 2004))
- (U) *Foreign Intelligence Surveillance Act Overcollection Policy Guide*, 0370PG (which superseded subsection 4.7.2. of the *Guidance on Intelligence Oversight Board (IOB) Matters Policy Guide*, 0188PG)
- (U) *Standard Minimization Procedures Policy Guide*, 0137PG

3. (U) Roles and Responsibilities

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3.1. (U//FOUO) Authorized Users

(S//NF)

[Redacted]

- (U//FOUO) Receive the legal training required in Section 4 of this PG and keep documentation of their completion of required courses.
- (U//FOUO) Comply with the SMPs with respect to FISA-acquired information.
- (U//FOUO) Comply with all policies and procedures within this PG.

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3.2. (U//FOUO) Primary Case Coordinators/Case Managers

(S//NF)

[Redacted]

- (U//FOUO) Receive the legal training required in Section 4 of this PG.
- (U//FOUO) Comply with the SMPs with respect to FISA-acquired information.

• (S//NF)

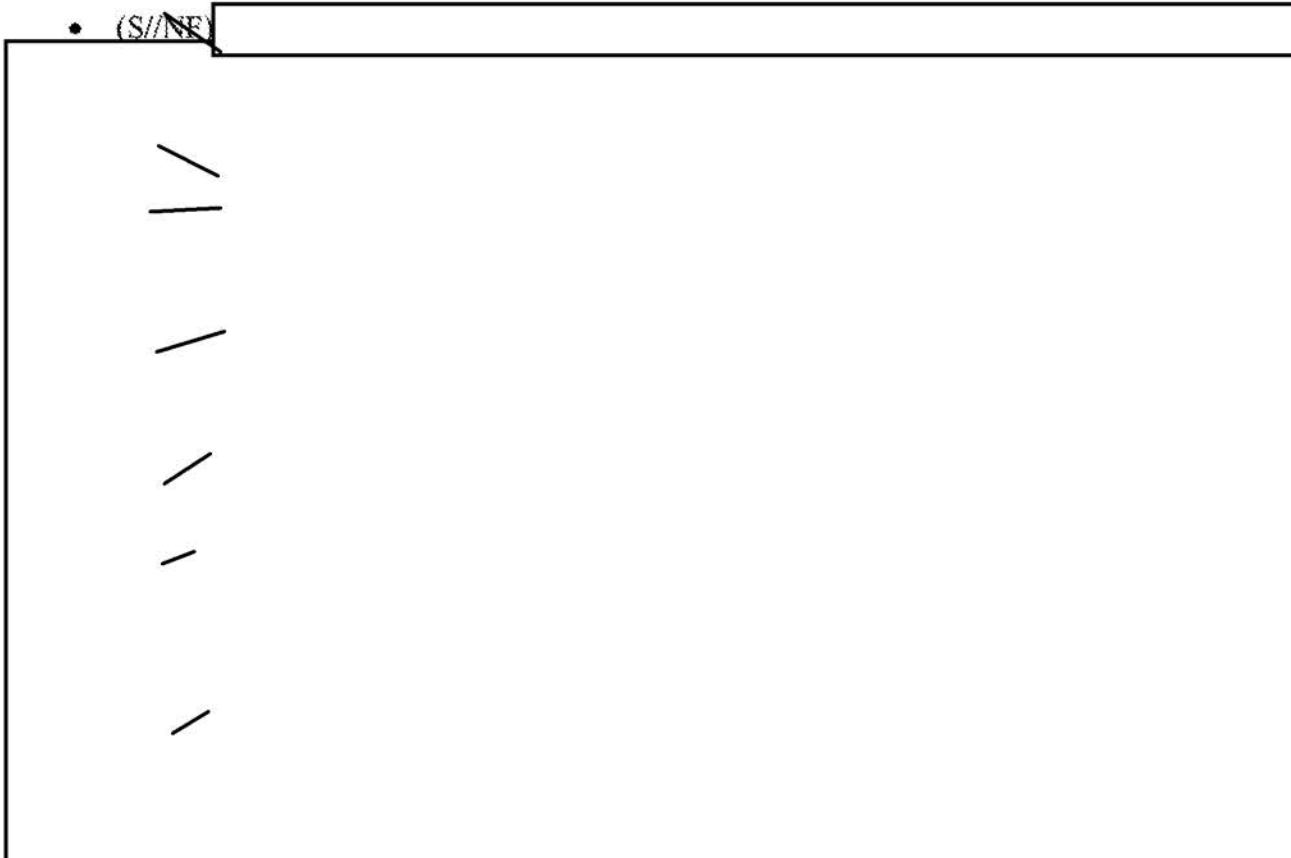
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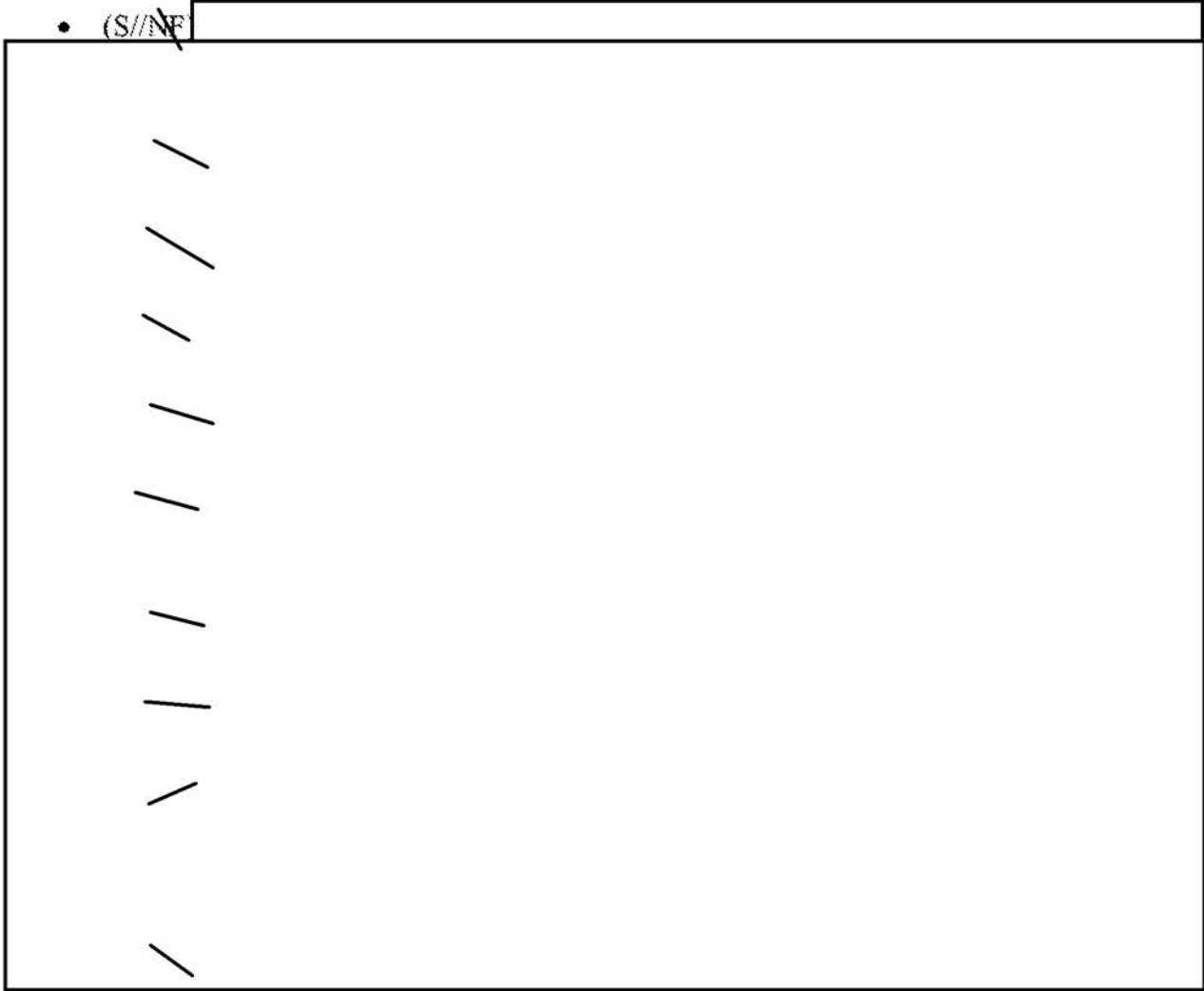
- (U//FOUO) Destroy, with proper authority and documentation, any FISA overcollection existing at the field office (FO) within of discovery and coordinate with FBI Headquarters (FBIHQ) component and/or NSD OI to destroy any material in FBIHQ and/or NSD OI custody.

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(S)

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(U//~~FOUO~~) In addition to the above responsibilities, a primary case agent/primary case coordinator/case manager must comply with all other applicable responsibilities and procedures articulated in this PG. For more information and a detailed description of the roles and responsibilities of primary case agents/primary case coordinators/case managers, see subsection 5.1. and subsection 7.1.1. of this PG.

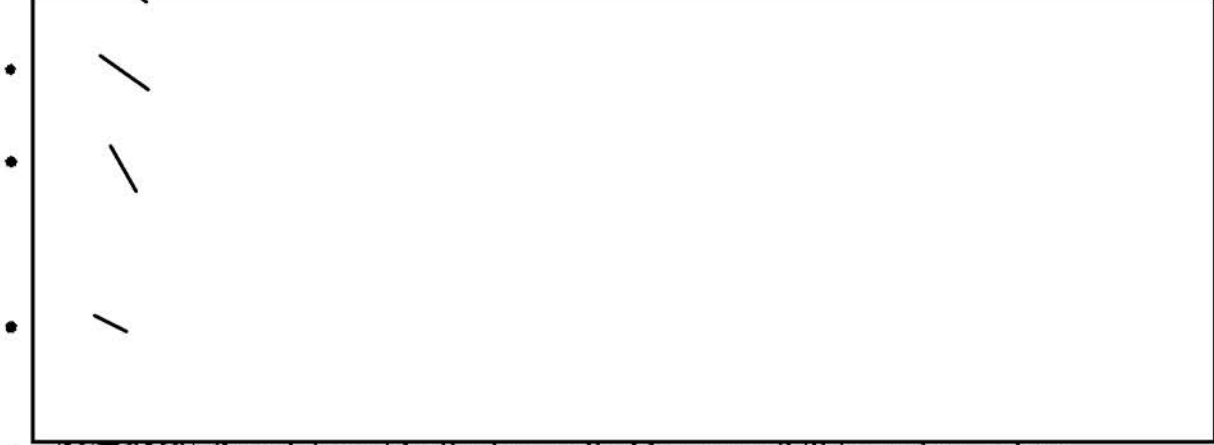
3.3. (U//~~FOUO~~) Additional Case Coordinators, Linguist Case Coordinators, Designees, and Responsible Parties

(S//NF)



(U//~~FOUO~~) Foreign Intelligence Surveillance Act and Standard Minimization Procedures Policy Guide

• (S//~~NF~~)



b1 -1
b3 -1
b7E -1,2,4

- (U//~~FOUO~~) Complying with all other applicable responsibilities and procedures articulated in this PG.

(U//~~FOUO~~) For additional information, see subsection 5.1.2.

(S//~~NF~~)



b1 -1
b3 -1
b7E -1,2,4

(U//~~FOUO~~) For additional information, see subsection 5.1.3.

3.4. (U//~~FOUO~~) Field Office Supervisory Special Agents

(U//~~FOUO~~) FO SSAs must oversee FO squads that have responsibility for FISAs, and must:

1. (U//~~FOUO~~) Obtain legal training, as required in Section 4 of this PG.
2. (U//~~FOUO~~) Ensure that all personnel under their supervision who work on national security matters, assist with the preparation of FISA applications, or handle FISA-acquired information also receive training, in accordance with Section 4.
3. (U//~~FOUO~~) Read and become familiar with SMPs and FISA accuracy procedures and promote compliance on their squads.
4. (U//~~FOUO~~) Read and become familiar with this PG and promote compliance on their squads. Of particular importance, FO SSAs are reminded to:

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and Standard Minimization Procedures Policy Guide

- (S//~~NE~~) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

(S)

b1 -1
b3 -1
b7E -1,2,4

3.5. (U//~~FOUO~~) Chief Division Counsel

(U//~~FOUO~~) CDCs are legal counsel for FOs. Use of this term throughout this PG includes associate division counsel (ADC) as well. A CDC is responsible for ensuring familiarity and compliance with this PG and must:

- (U//~~FOUO~~) Obtain legal training, as required in Section 4 of this PG.
- (U//~~FOUO~~) Provide legal training on the SMP and accuracy procedures using the most recent FISA training materials.

- (S//~~NE~~) [Redacted]
- [Redacted]
- [Redacted]

b1 -1
b3 -1
b7E -1,2

- (U//~~FOUO~~) Consult with NSCLB and DOJ, as appropriate, in the event of a suspected overcollection and provide guidance, as necessary, to resolve the issue.
- (U//~~FOUO~~) Conduct accuracy reviews on an annual basis in accordance with GC procedures and report all potentially material misstatements or omissions as specified in this PG.
- (U//~~FOUO~~) Participate with NSCLB and NSD OI attorneys in accuracy reviews during scheduled FISA minimization reviews of FOs.
- (U//~~FOUO~~) Comply with any other responsibilities for CDCs included in this PG.

3.6. (U//~~FOUO~~) Section Chief

(U//~~FOUO~~) SCs are responsible for ensuring familiarity and compliance with this PG. In addition, operational SCs are responsible for being familiar with all applicable responsibilities listed in this PG.

3.7. (U//~~FOUO~~) Assistant Special Agent in Charge (ASAC)

(U//~~FOUO~~) ASACs are responsible for ensuring familiarity and compliance with this PG.

3.8. (U//~~FOUO~~) FBI Headquarters (FBIHQ) Operational Units

(U//~~FOUO~~) SSAs, special agents (SA), intelligence analysts (IA), detailees, and task force members who are assigned to FBIHQ units handling FISA material must:

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

- (U//~~FOUO~~) Obtain legal training, as required in Section 4 of this PG.
- (U//~~FOUO~~) Ensure that all personnel under their supervision who work on national security matters and assist with the preparation of FISA applications or who handle FISA-acquired information also obtain training, in accordance with Section 4 of this PG.
- (U//~~FOUO~~) Read and become familiar with SMPs and promote compliance in their units.
- (U//~~FOUO~~) Read and become familiar with this PG and promote compliance in their units.
- (U//~~FOUO~~) Resolve disputes over markings or disseminations of FISA-acquired information expeditiously, consistent with program management responsibilities.

- (S//NF) [Redacted]

b1 -1
b3 -1
b7E -1,2

3.9. (U//~~FOUO~~) FBIHQ Unit Chiefs

(U) FBIHQ UCs must:

- (U//~~FOUO~~) Obtain legal training, as required in Section 4 of this PG.
- (U//~~FOUO~~) Ensure that all personnel under their supervision who work on national security matters and assist with the preparation of FISA applications or who handle FISA-acquired information also obtain training, in accordance with Section 4 of this PG.
- (U//~~FOUO~~) Read and become familiar with the SMPs and FISA accuracy procedures and promote compliance in their units.
- (U//~~FOUO~~) Read and become familiar with this PG and promote compliance in their units.

- (S//NF) [Redacted]

b1 -1
b3 -1
b7E -1,2

3.10. (U//~~FOUO~~) National Security and Cyber Law Branch (NSCLB)

(U) NSCLB must:

- (U//~~FOUO~~) Obtain legal training on the SMPs and this PG.
- (U//~~FOUO~~) Provide legal training on the SMPs and accuracy procedures, upon request or during scheduled FO visits, and update such training, as necessary.

- (S//NF) [Redacted]

b1 -1
b3 -1
b7E -1,2

- (U//~~FOUO~~) Coordinate with FBI National Security Branch (NSB), Criminal Cyber, Response, and Services Branch (CCRSB), and NSD OI to develop and maintain a process to monitor compliance with the SMPs and periodically audit activities and procedures required by this PG.

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

- (U//~~FOUO~~) Identify and analyze potential risks of SMP-related noncompliance, in coordination with NSB, and determine whether changes or updates are needed to this PG or to systems that contain FISA-acquired information in order to minimize the potential risk of SMP-related noncompliance, after considering the impact these changes would have on FBI operations.
- (U//~~FOUO~~) Maintain this PG, in consultation with NSB and CCRSB, to ensure that it is consistent with the SMPs and with the FBI's operational needs. Incorporate any changes required to reflect new direction from the FISC or other legal authorities immediately. For all other changes, consider and, when appropriate, incorporate the suggested changes to this PG twice yearly.

- (S//~~NF~~) [Redacted]

- (U//~~FOUO~~) Submit, on a quarterly basis, the NSB report of the accounting of the number of foreign disseminations of FISA-acquired information concerning United States persons (USPERs) to the AG through the NSD OI.

b1 -1
b3 -1
b7E -1,2,4,5

- (U//~~FOUO~~) Review FISA accuracy forms for completeness, concurrently with the legal review of FISA applications.

- (U//~~FOUO~~) Participate with NSD OI attorneys in accuracy reviews during scheduled FISA minimization reviews of FOs.

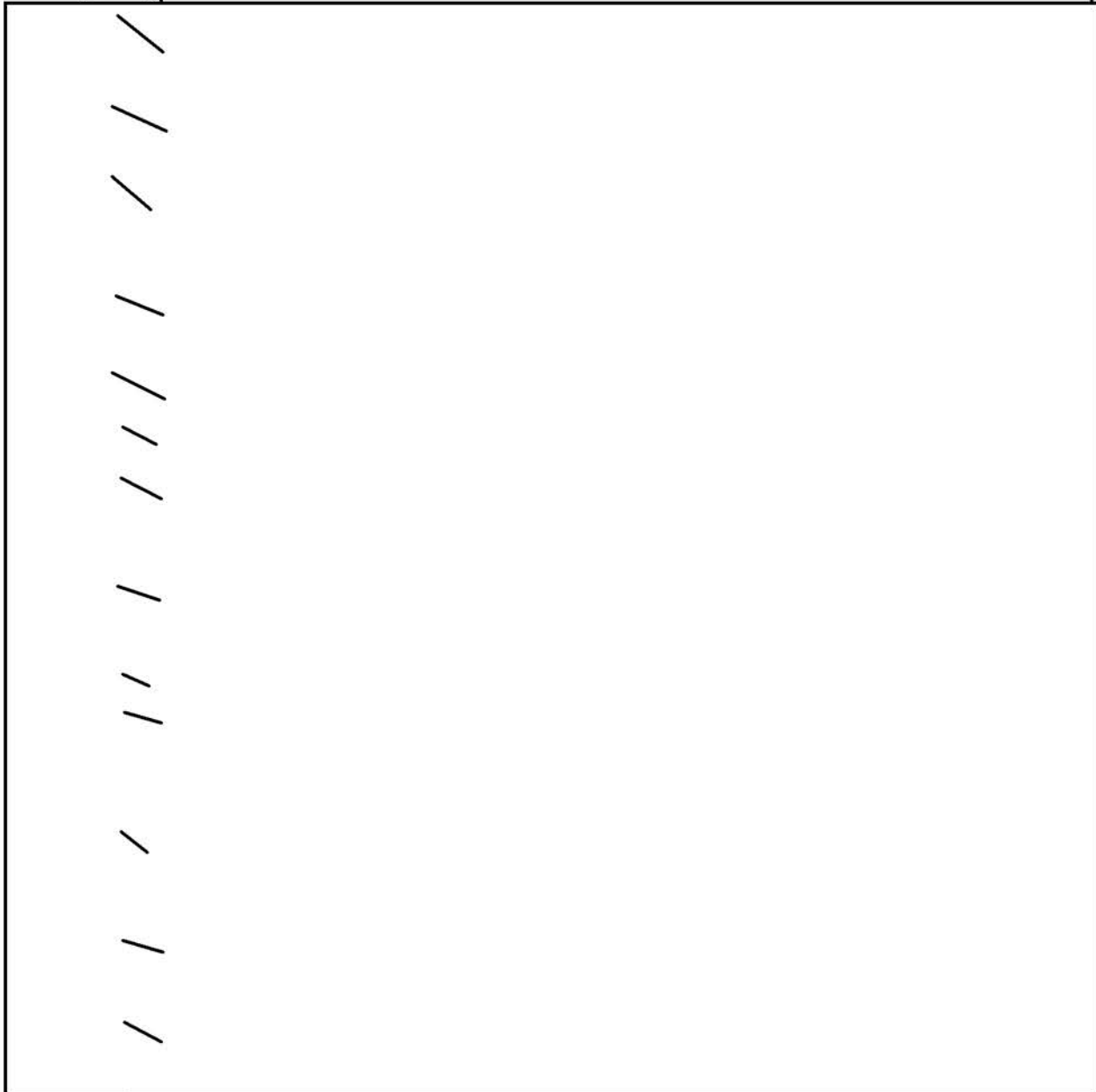
- (S//~~NF~~) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

b1 -1
b3 -1
b7E -1,2,4

3.11. (S//~~NF~~)

[Redacted]

• (S//NF)



b1 -1
b3 -1
b7E -1,2,4

3.12. (U//~~FOUO~~) Systems Administrators

(S//NF)



1. ~~(S//NF)~~ [Redacted]

2. /

3. /

4. /

5. /

6. /

7. /

8. (U//FOUO) Ensure that [Redacted] has access to all FISA 702-acquired information in [Redacted] (except for specific case classifications authorized for prohibited access).

9. ~~(S//NF)~~ [Redacted]

b1 -1
b3 -1
b7E -1,2,4

3.13. (U//FOUO) [Redacted]

~~(S//NF)~~ [Redacted]

b1 -1
b3 -1
b7E -1,2,3

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

4. (U) Training

(U//FOUO) All FBI personnel, including contractors, task force officers (TFOs), and others operating under FBI supervision and control, must complete training as follows:

- (U//FOUO) **FISA Applications:** FO and/or FBIHQ personnel whose work involves national security matters must complete FISA accuracy training prior to drafting or assisting with the preparation of FISA applications. Training may be provided by CDCs or NSCLB, or through Virtual Academy (VA).
- (U//FOUO) **Raw FISA Data:** All personnel must be trained on the FISA SMP ELSUR/PHYS, including the 2016 update to the SMP ELSUR/PHYS, and take the [redacted] Section 702 Retention 2011 course in VA, prior to being given access to, handling, or using raw, unminimized FISA-acquired information in any way.
- (U//FOUO) [redacted]

b7E -1

b7E -1,5

(U//FOUO) The most current FISA training materials are available on the NSCLB Intranet site and must be used by CDCs and NSCLB for live training. An FO is exempt from live training by the CDC if training was conducted by NSCLB or the NSD OI during an FO review within the last two years.

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

5. (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1

5.1. (U//FOUO) Case Manager Roles: Case Coordinators, Case Managers, and Designees

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

(U//FOUO) At the renewal and closing of a FISA order (including the decision not to renew), primary case coordinators must complete any required documentation with respect to the use of certain [Redacted] (see the [NSCLB Intranet site](#) for guidance).

b7E -4,5

5.1.1. (U//FOUO) Primary Case Coordinator/Case Manager

(S//NF)

[Redacted]

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

b1 -1
b3 -1
b7E -1,2,5

(S//NF)

[Redacted]

5.1.1.1. (S//NF)

[Redacted]

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,3,4

5.1.1.2. (S//NF)

[Redacted]

5.1.1.3. (S//NF)

[Redacted]

(U//FOUO) The primary case coordinator is also responsible for fulfilling all additional case coordinator roles set forth in subsection 5.1.2.

b1 -1
b3 -1
b7E -1,2,3,4

5.1.2. (S//NF)

[Redacted]

[Redacted]

5.1.3. (S//NF)

[Redacted]

[Redacted]

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(S//NF)

b1 -1
b3 -1
b7E -1,2

5.2. (U//FOUO) Definition of Raw FISA-Acquired Information

(S//NF)

b1 -1
b3 -1
b7E -1,2

(S//NF)

b1 -1
b3 -1
b7E -1,2

⁴ (U) The FISA statute, 50 U.S.C. § 1801(e), defines FII as:

“(1) information that relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against—

- (A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;
- (B) sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or
- (C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(2) information with respect to a foreign power or foreign territory that relates to, and if concerning a United States person is necessary to—

- (A) the national defense or the security of the United States; or
- (B) the conduct of the foreign affairs of the United States.”

~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

• (S//NF) [Redacted]
[Redacted]

b1 -1
b3 -1
b7E -1,2

5.3. (S//NF) [Redacted]

[Redacted]

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b3 -1
b7E -1,2

⁵ [Redacted]

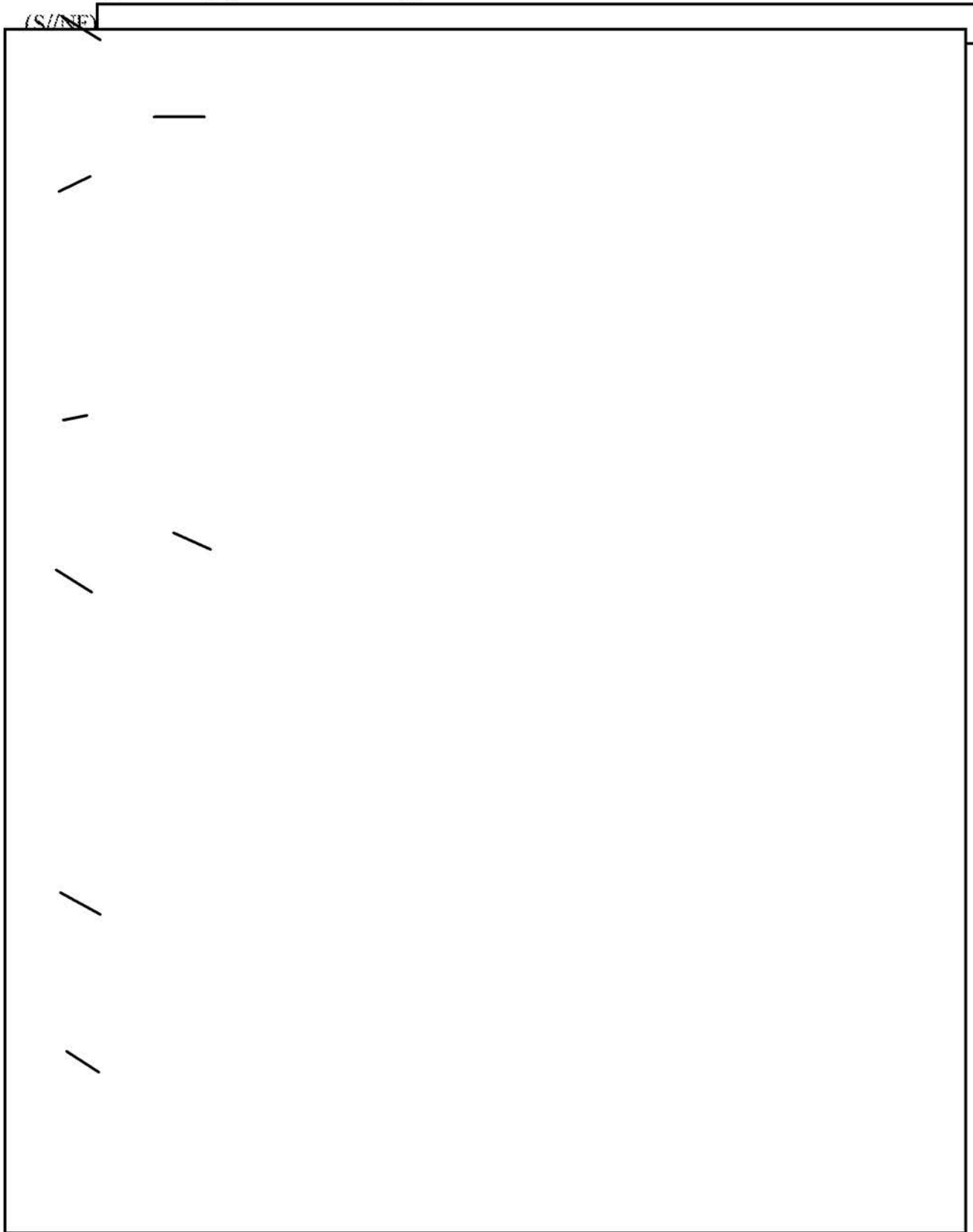
b7E -1, 2

⁶ (S//NF) [Redacted]
[Redacted]

b1 -1
b3 -1
b7E -1,2

5.4. ~~(U//FOUO)~~ Systems and Storage Areas

~~(S//NF)~~



5.4.1.4. (S//NF)

[Redacted]

(U//FOUO) Users may contact NSCLB with any questions

5.4.1.6. (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

5.4.2. (U//FOUO) Other "Approved" FBI Systems

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

5.6. (U//~~FOUO~~) Markings

(S//~~NF~~)



b1 -1
b3 -1
b7E -1,2

5.6.1. (U//~~FOUO~~) Definition of Marking

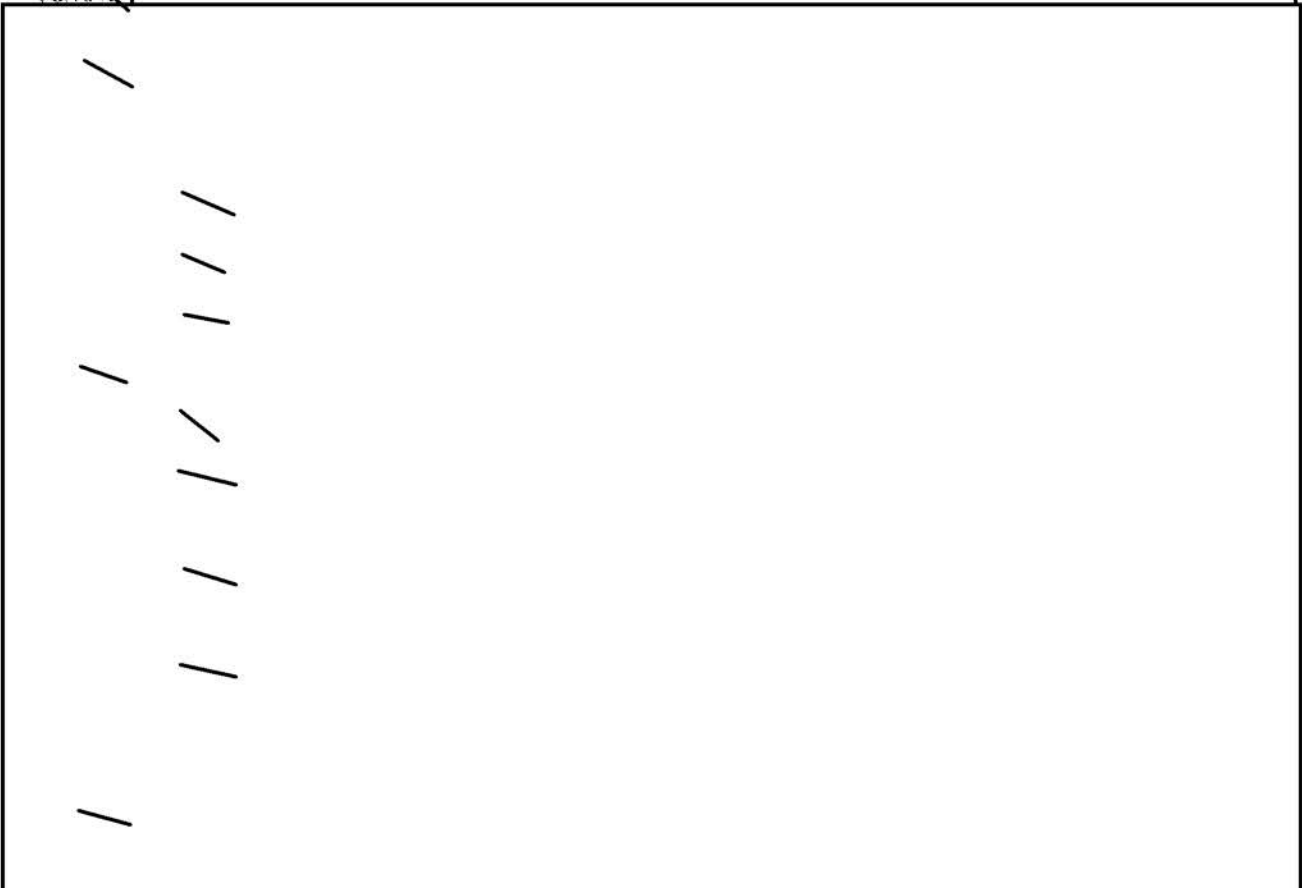
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b7E -1,2

5.6.2. (U//~~FOUO~~) Types of Markings

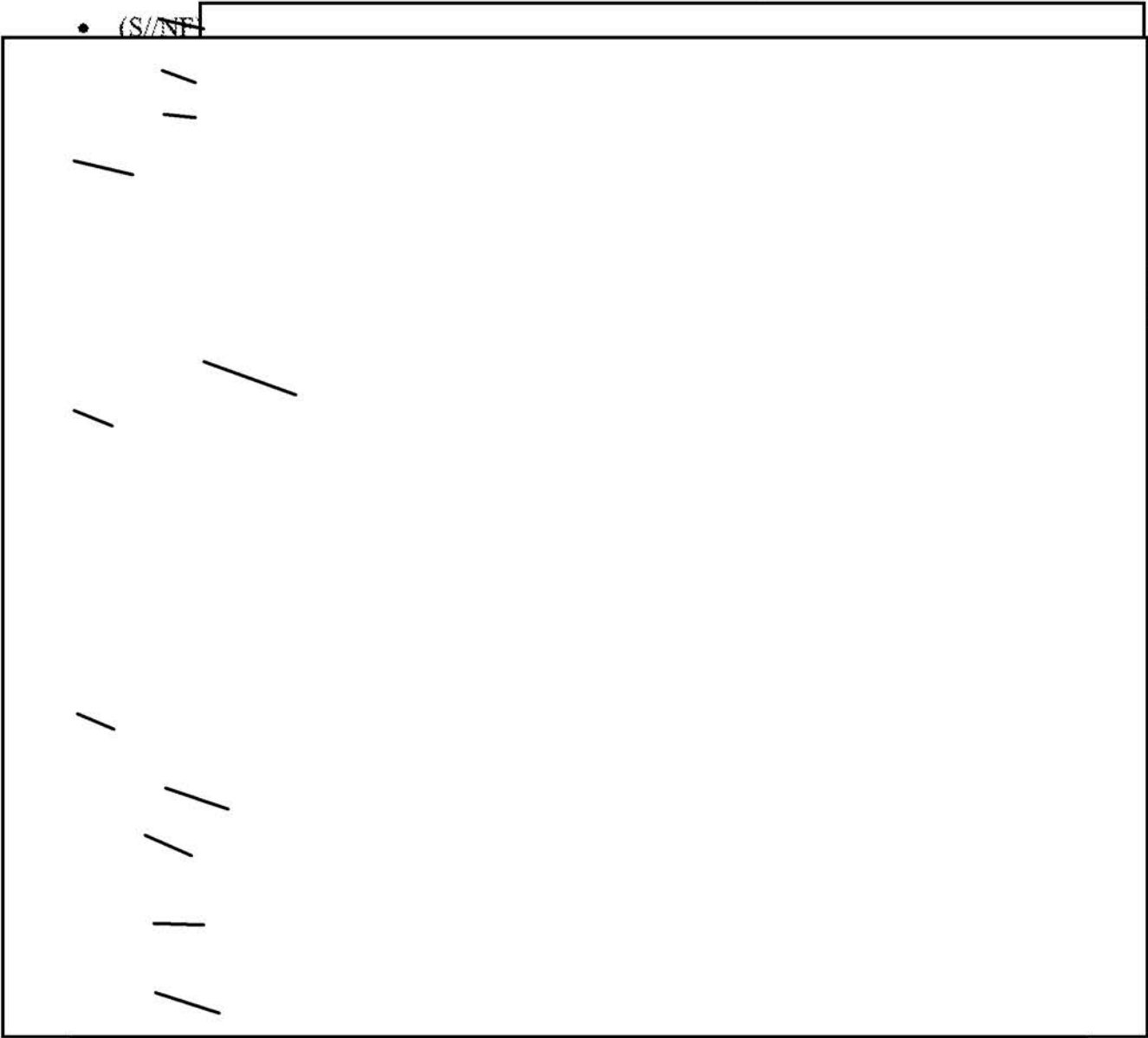
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b3 -1
b7E -1,2

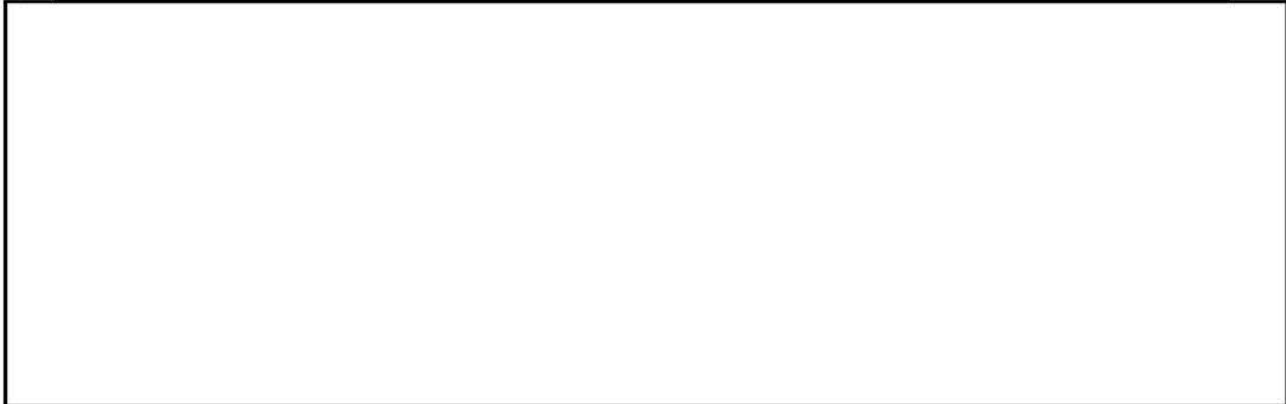
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b3 -1
b7E -1,2

(U)



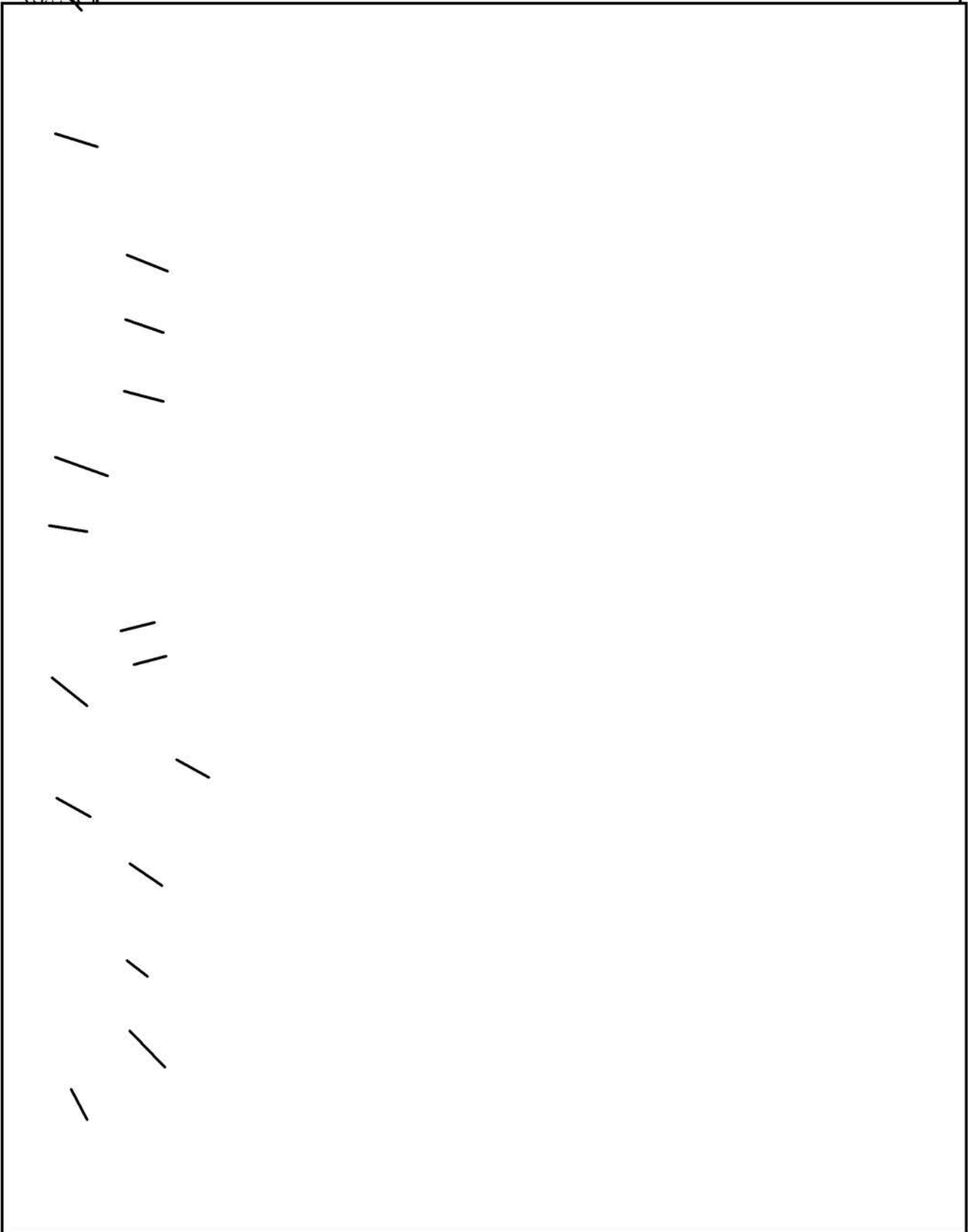
b3 -1
b7E -1,2

b1 -1
b3 -1
b7E -1

5.6.2.2. ~~(S//NF)~~

(S)

(S//NF)



(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

b1 -1
b3 -1
b7E -1,2

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

• (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

5.6.3. (U//FOUO) Workflow Markings

(S//NF)

[Redacted]

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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

• ~~(S//NF)~~ [Redacted]
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b3 -1
b7E -1,2

5.6.3.1. ~~(S//NF)~~

/ / / / / / / / / / / / / / / /

b1 -1
b3 -1
b7E -1,2,3

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

b1 -1
b3 -1
b7E -1,2

5.6.4. (S//~~NF~~)

[Redacted]

5.7. (U//~~FOUO~~) Marking Policy

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b3 -1
b7E -1,2,4

5.7.1. (U//~~FOUO~~) Case Coordinators and the Application of Minimization Markings

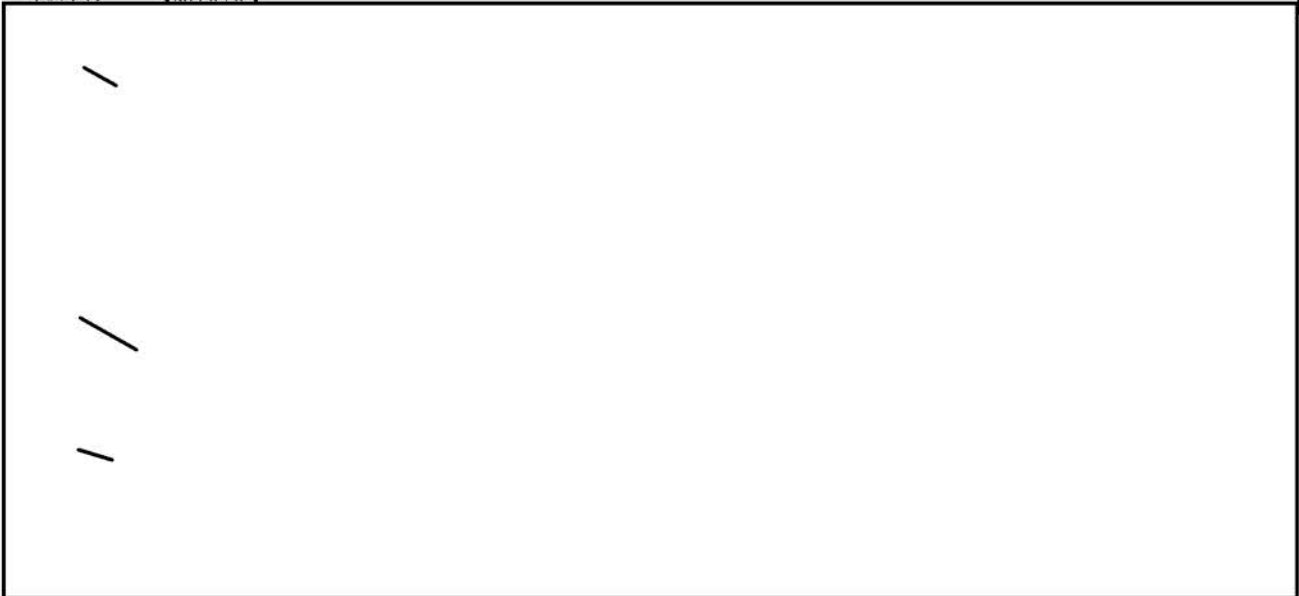
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(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

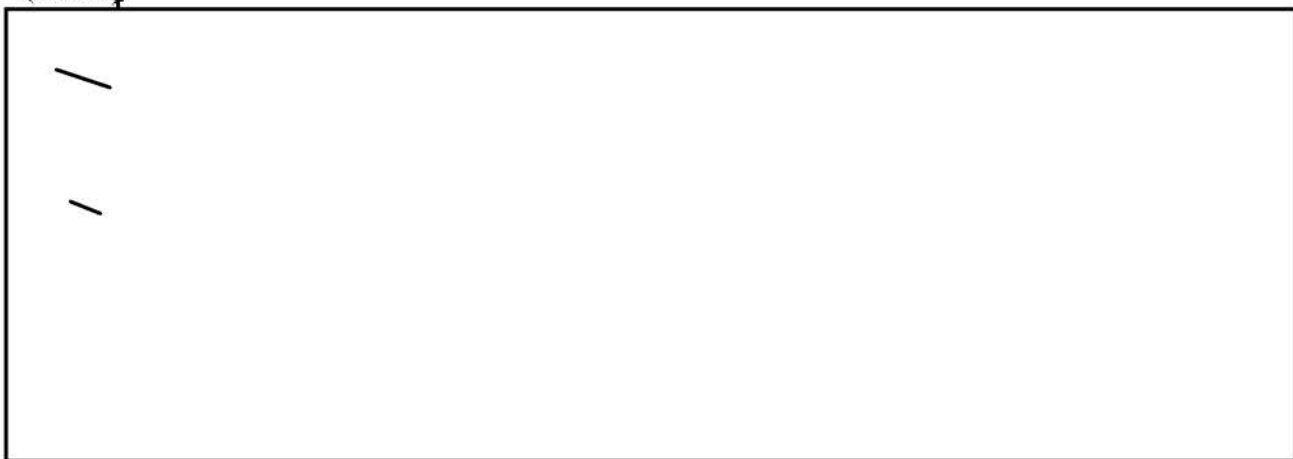
5.7.4. (S//~~NF~~)



b1 -1
b3 -1
b7E -1,2,4

5.8. (U//~~FOUO~~) Systems and Storage Areas to Which Marking Policy is Applicable

(S//~~NF~~)



b1 -1
b3 -1
b7E -1,2,4

5.9. (U//~~FOUO~~) Dissemination Policy

(S//~~NF~~)



b1 -1
b3 -1
b7E -1,2,4

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

(S//~~NF~~)

b1 -1
b3 -1
b7E -1,2

[Redacted]

5.9.2. (U//~~FOUO~~) Definition of Dissemination for the Purposes of the Standard
Minimization Procedures

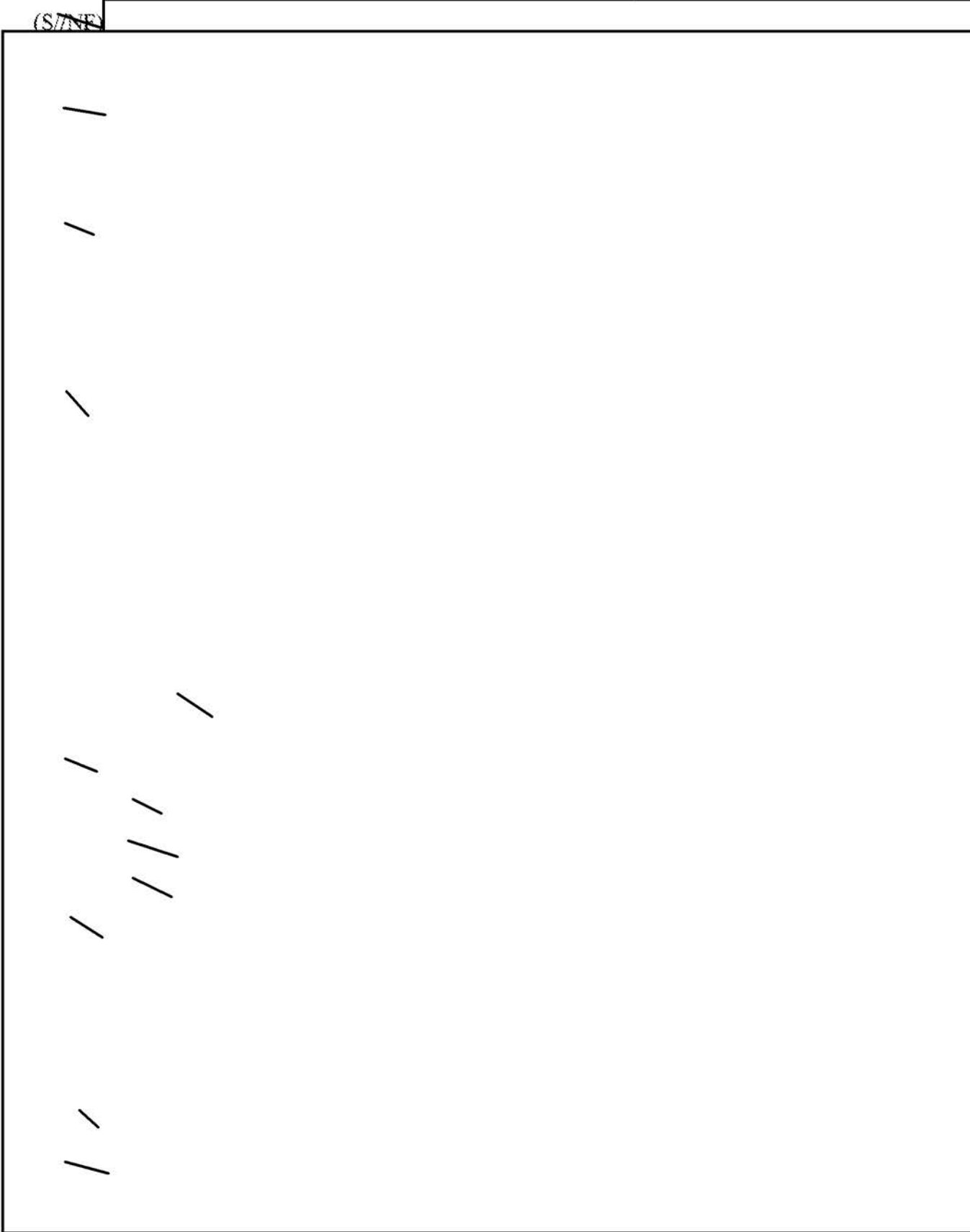
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b3 -1
b7E -1,2,4

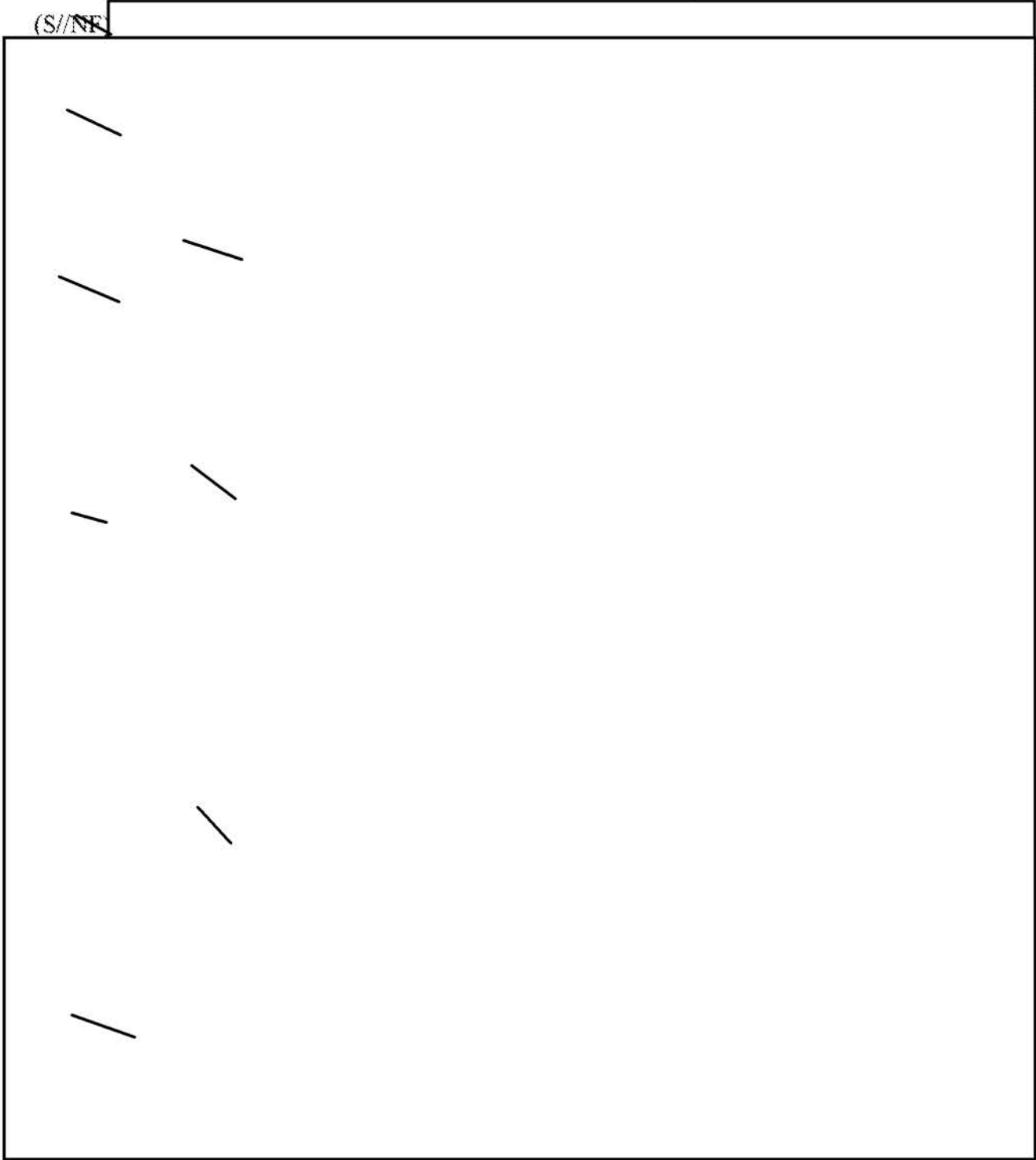
~~(S//NF)~~



~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(S//NF)

b1 -1
b3 -1
b7E -1,2,4



5.9.3.6. (U//FOUO) FISA Caveat

¹² As a reminder, a dissemination includes serializing/uploading information into another FBI system to which there is broad access (e.g., Sentinel).

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(U//FOUO) According to the FISA, "No information acquired pursuant to [FISA] shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived there from, may only be used in a criminal proceeding with the advance authorization of the Attorney General" (50 U.S.C. §§ 1806 (b), 1825(c), 1845(b)). The caveat requirement applies to both USPER and non-USPER information.

(U//FOUO) Accordingly, any dissemination that contains FISA-acquired or FISA-derived information must include a prominently placed statement that, at a minimum, provides that the information may not be used in a criminal proceeding without the advance authorization of the AG. For approved caveats, please see the NSCLB Intranet site.

5.9.3.7. (S//NF) 

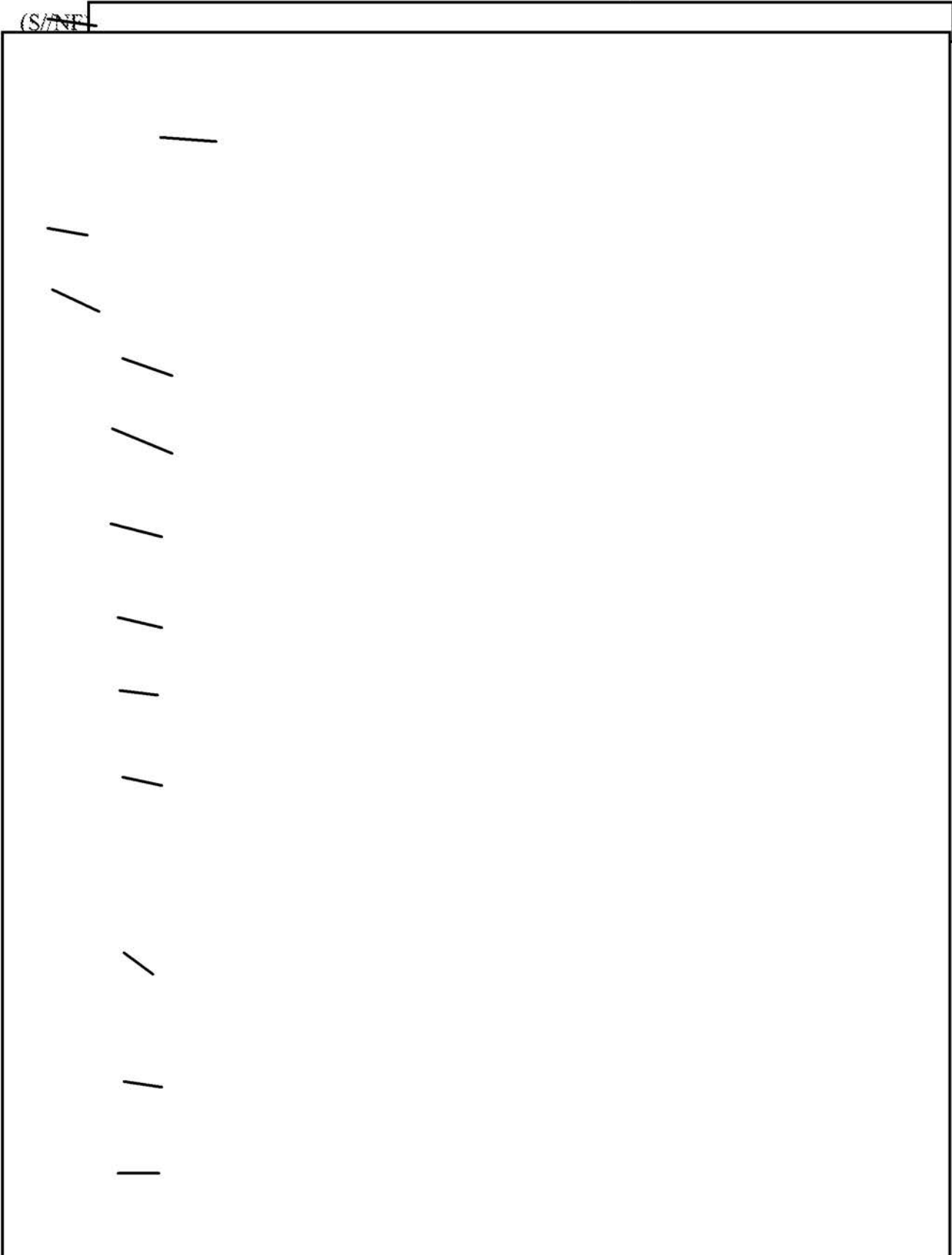
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b3 -1
b7E -1,2,5

(U//FOUO) For policies and procedures governing the dissemination of FISA information to foreign governments, consult the Foreign Dissemination of Classified Information Policy Guide, 0783PG.

5.9.3.8. (S//NF) 

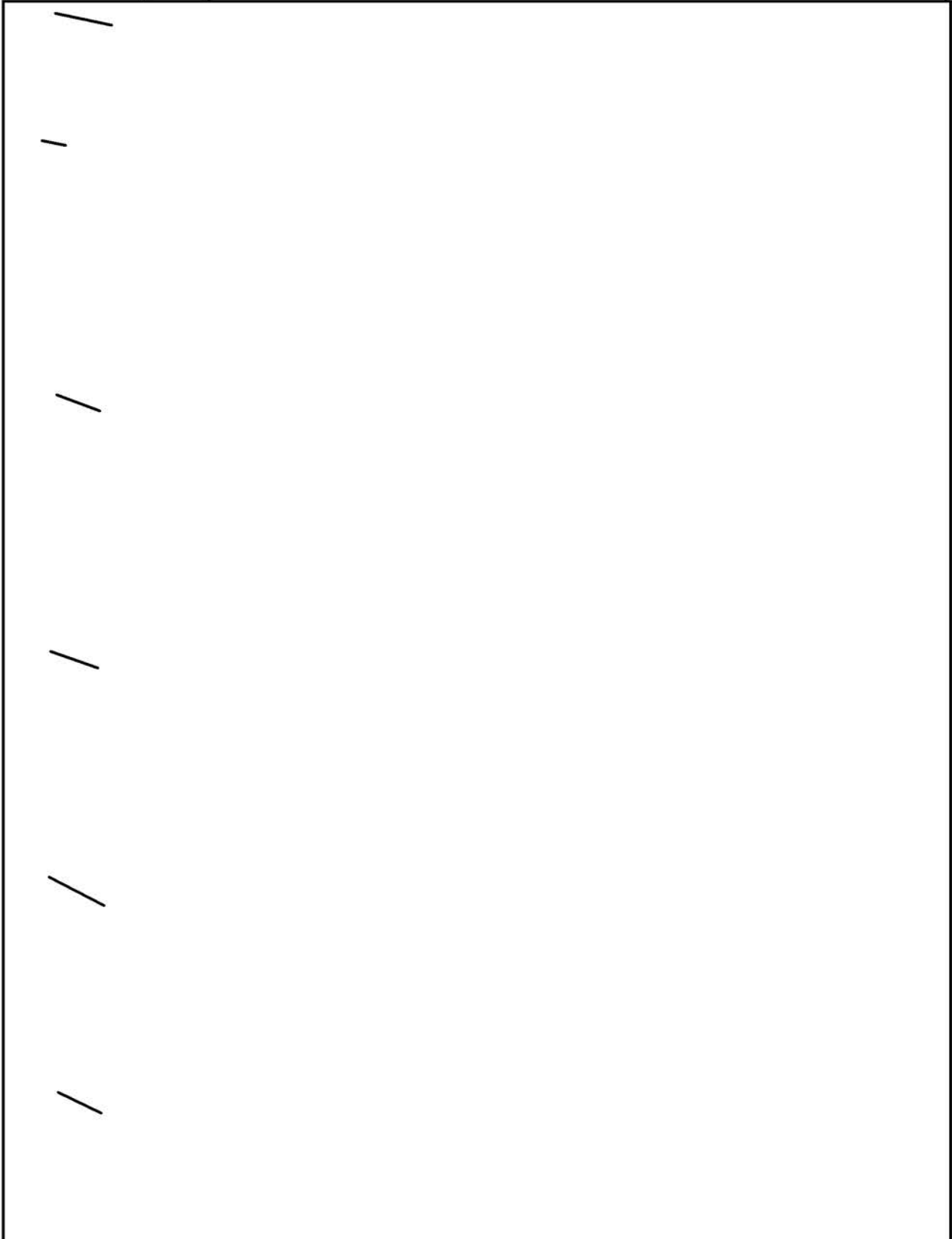
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b3 -1
b7E -1,2,4

~~(S//NF)~~



5.9.3.11. (S//NF) 

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b3 -1
b7E -1,2



~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b3 -1
b7E -1,2

[Redacted]

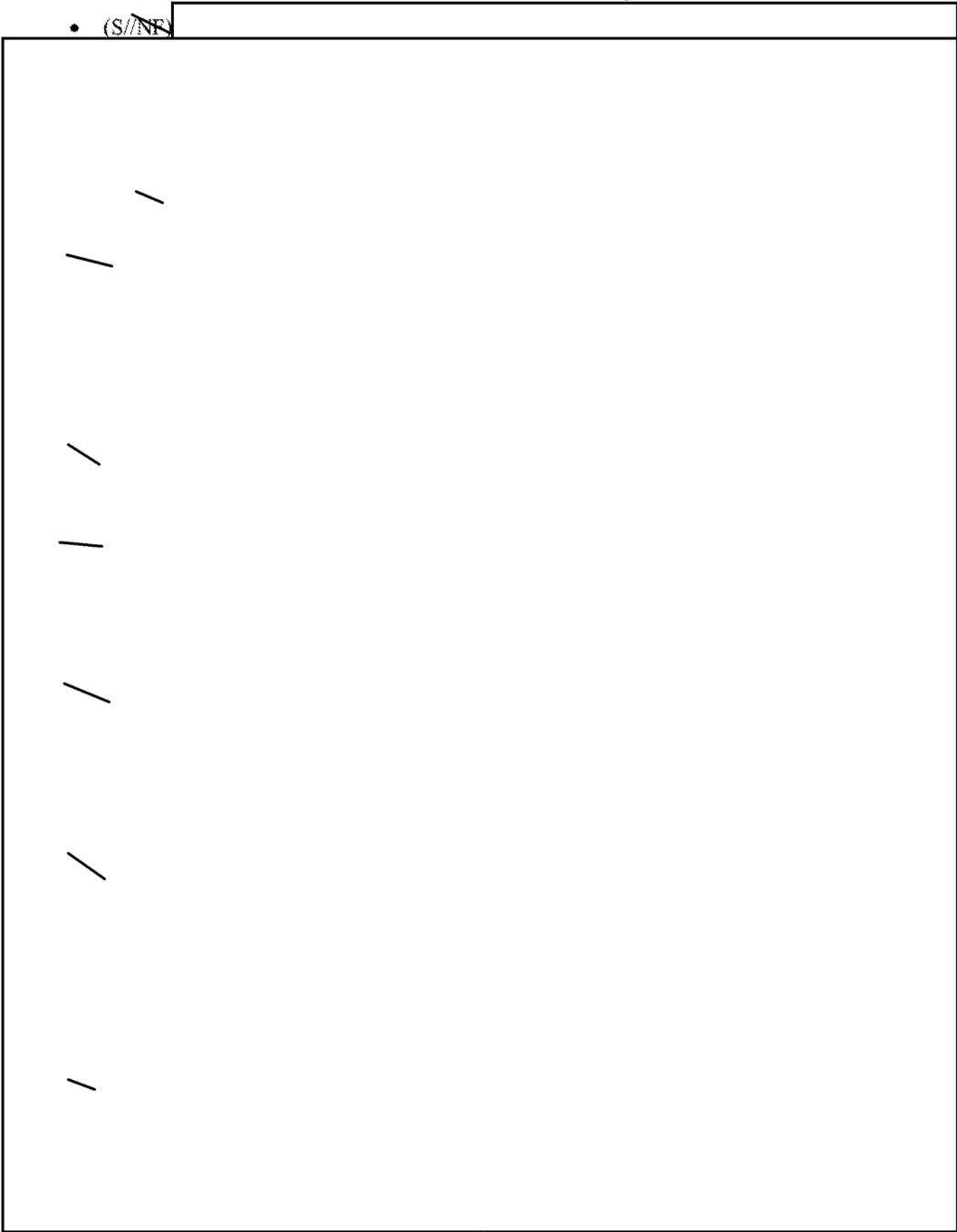
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b3 -1
b7E -1,2,3,5

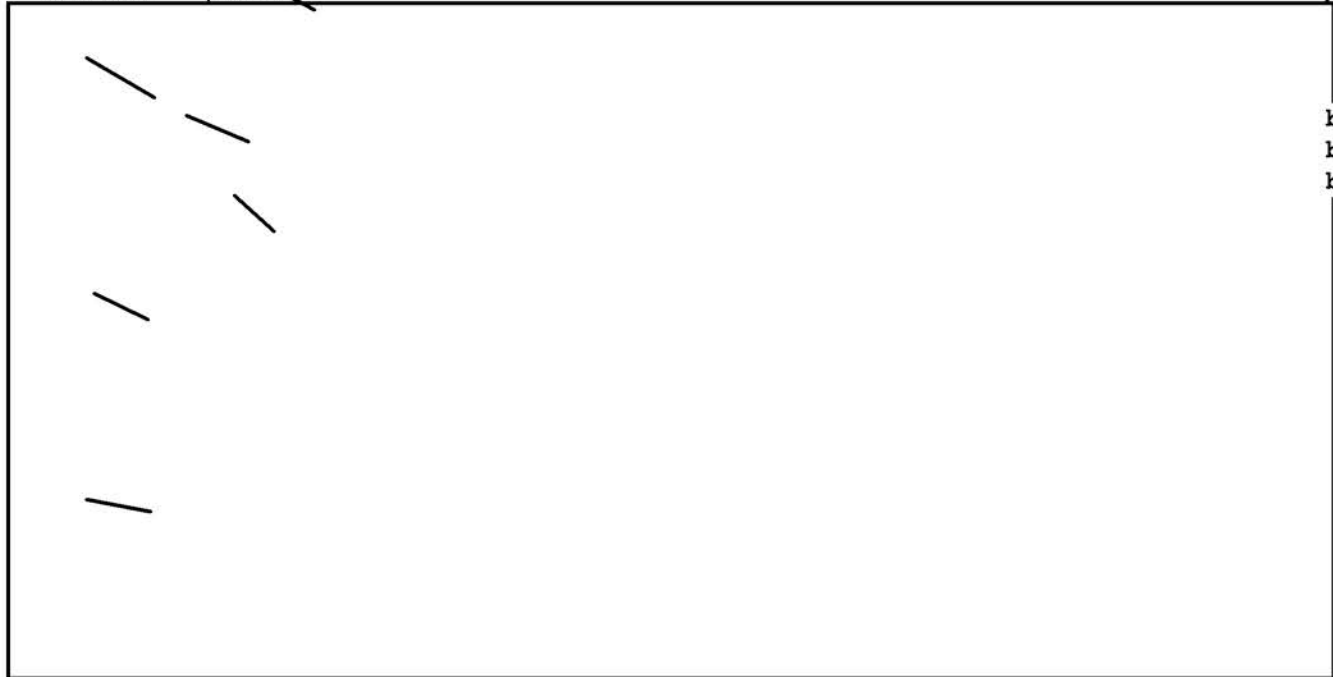
• (S//NF)



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b3 -1
b7E -1,2

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

5.9.3.14. (S//NF)



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b3 -1
b7E -1,2,4

(U//FOUO) If a disk of raw FISA-acquired information is provided to a prosecutor, the disk must be marked clearly with a FISA caveat.



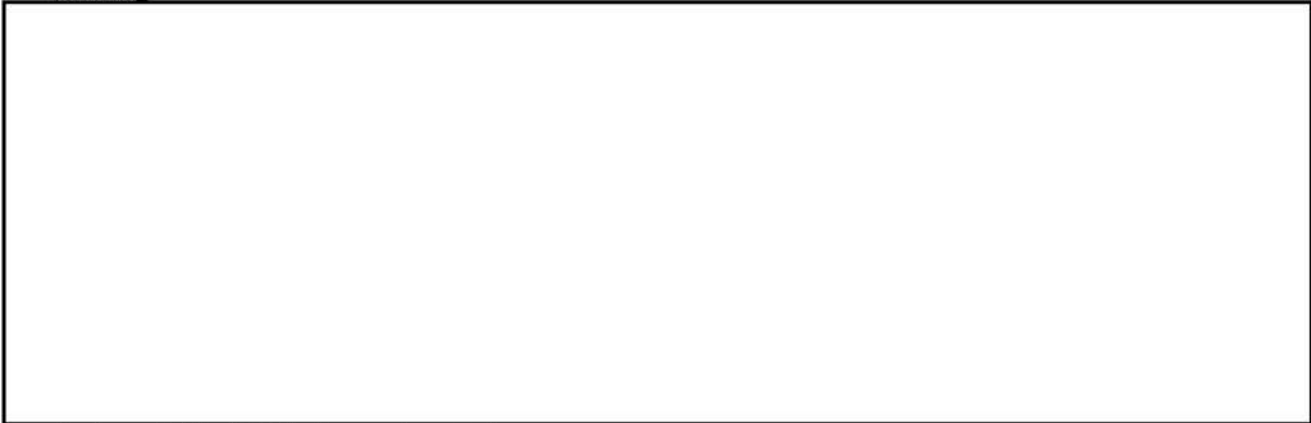
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~~SECRET//NOFORN~~
(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide



(S//~~NF~~)

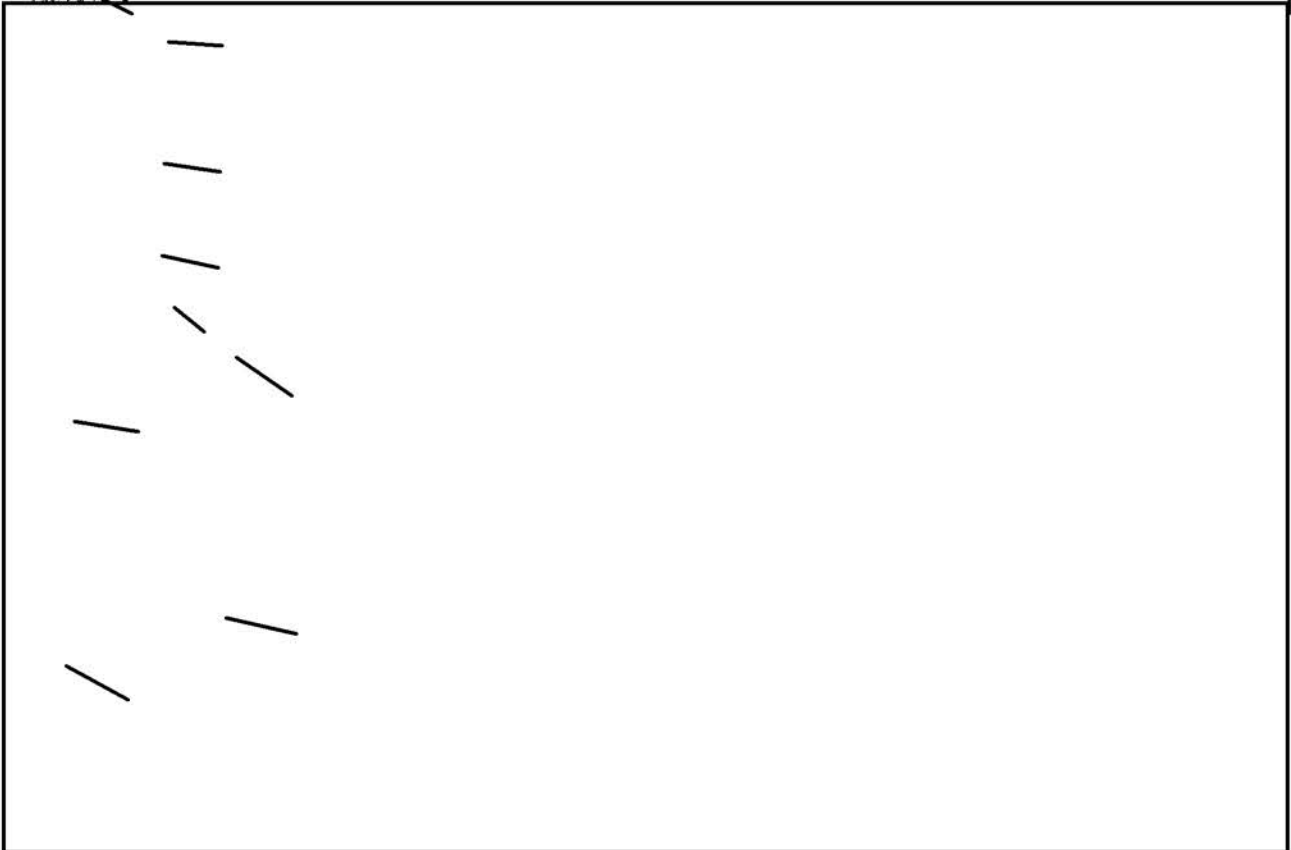
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b7E -1,2,4



5.11. (U//~~FOUO~~) Retention Policy

5.11.1.1. (U//~~FOUO~~) Access

(S//~~NF~~)



b1 -1
b3 -1
b7E -1,2

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

b1 -1
b3 -1
b7E -1,2

5.11.1.4. (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

5.11.1.7. (U) Information Retained in Connection With Litigation Matters

(S//NF) [Redacted]

b1 -1
b3 -1
b7E -1

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(U) When ELSUR/PHYS or FISA 702-acquired information is reasonably believed to be necessary for or potentially discoverable in litigation matters, the FBI may temporarily retain the information that would otherwise have to be destroyed under the SMP retention requirements.

[Redacted]

b7E -2,4

[Redacted] When a decision is made to retain products for litigation purposes, the systems must identify the specific information to be retained and must ensure that the information is only made accessible to personnel connected to the particular litigation matter. NSCLB and the Litigation Branch will document the litigation for which the information is retained [Redacted]

b7E -1,2

[Redacted]

5.11.1.8. (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,4

~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(S//NF)

b1 -1
b3 -1
b7E -1,2

5.12. (U//FOUO) Logs and Indices Eliminated

(S//NF)

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b3 -1
b7E -1,2,4

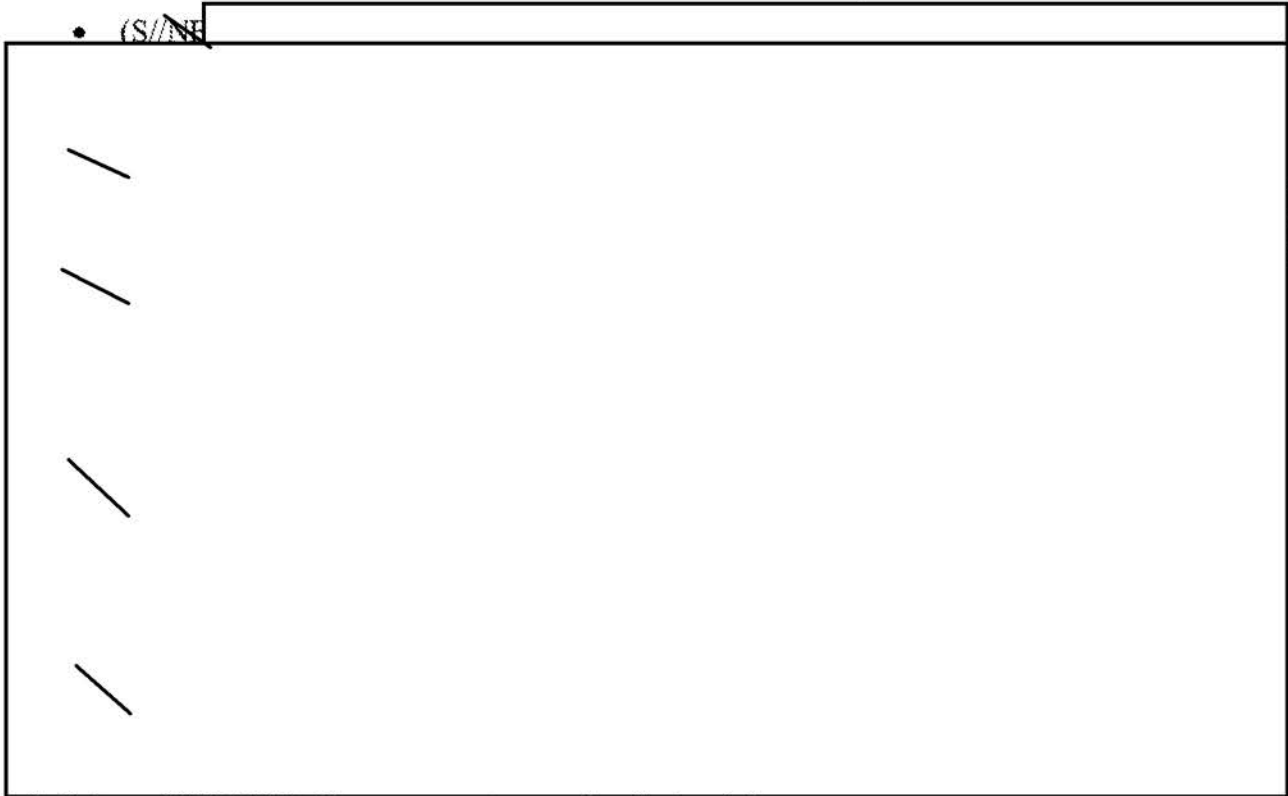
(U) Per the SMPs, the FBI may disclose FISA-acquired information, including raw FISA-acquired information, and information derived therefrom to federal prosecutors and others working at their direction for all lawful foreign intelligence and law enforcement purposes. Any disclosure of FISA-acquired digital evidence must comply with the Digital Evidence Policy Guide, 0830PG.

(S//NF)

b1 -1
b3 -1
b7E -1,2,4

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

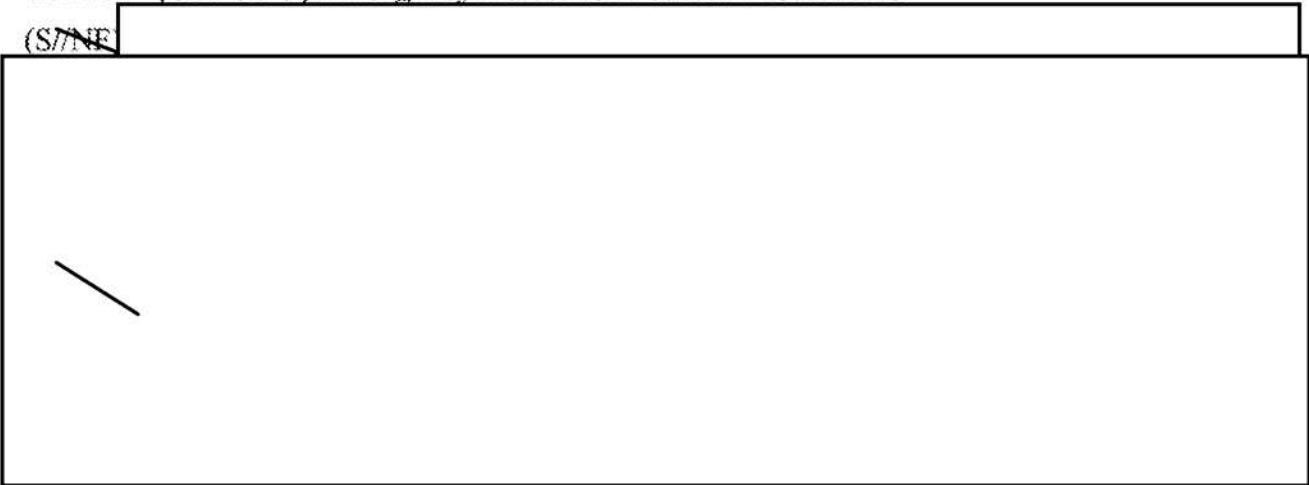
• (S//NF)



b1 -1
b3 -1
b7E -1,2,4

5.13.2. (U//FOUO) Emergency Access for Federal Prosecutors

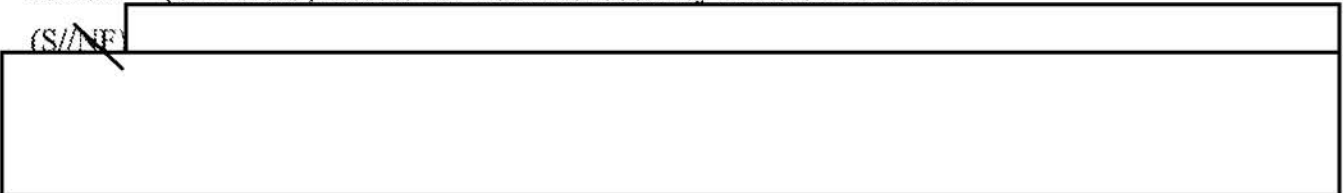
(S//NF)



b1 -1
b3 -1
b7E -1,2

5.13.3. (U//FOUO) Access for National Security Division Personnel

(S//NF)

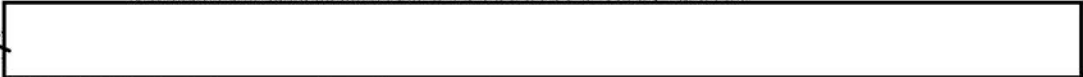


b1 -1
b3 -1
b7E -1,2,4

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

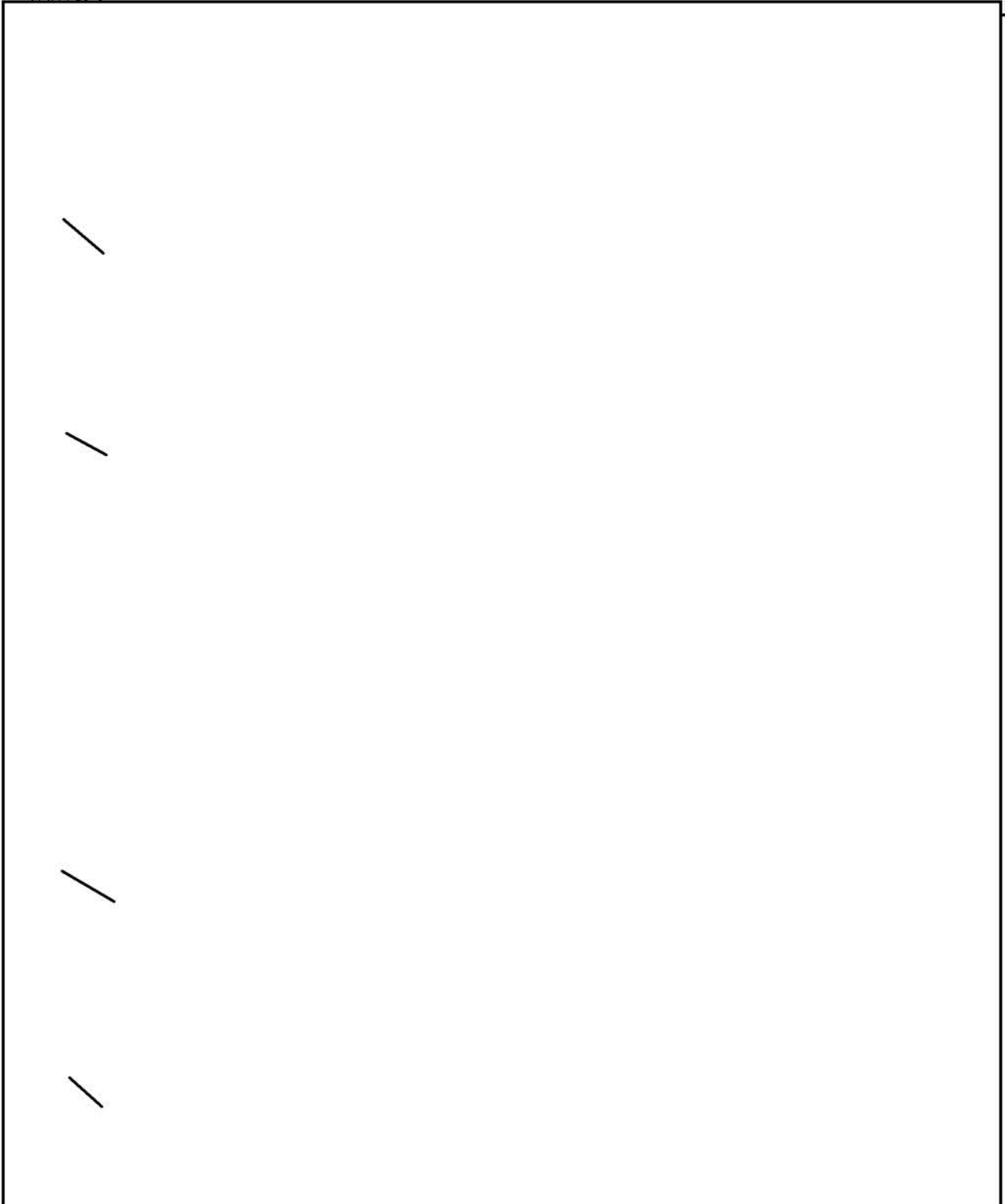
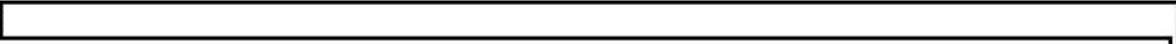
b1 -1
b3 -1
b7E -1,3

5.14. (S//NF)



5.14.1. (U//FOUO) Definitions and Background

(S//NF)



b1 -1
b3 -1
b7E -1,2,3,4

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
b3 -1
b7E -1,2

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,3

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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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5.14.2.1. (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,3

[Redacted]

b7E -1,2,3

• (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2,3

¹⁷ (U//FOUO)

[Redacted]

b7E -1,2,3

[Redacted]

(S//NF)

[Redacted]

(S//NF)

[Redacted]

- (U//FOUO) For agents or analysts, contact the primary case coordinator's SSA.
- (U//FOUO) For linguists, contact the assistant SC, Language Services Section (LSS), [Redacted]
- (U//FOUO) For attorneys, contact the UC for [Redacted] NSCLB, [Redacted]

b1 -1
b3 -1
b7E -1,2,3,4,5

(S//NF)

[Redacted]

5.14.3. (U//FOUO) Step Two: Database Access

(S//NF)

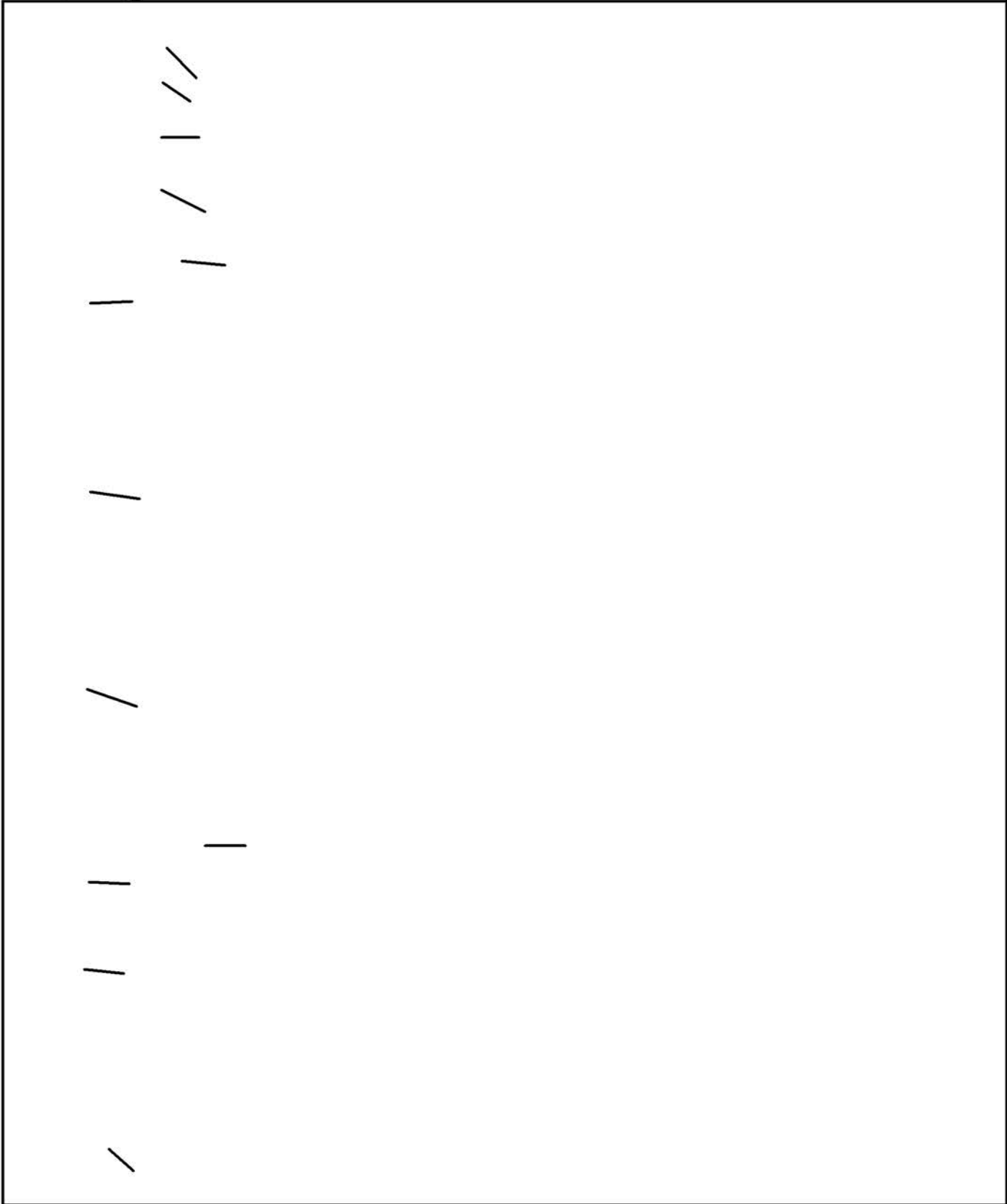
[Redacted]

¹⁸ (U//FOUO) The required training is addressed in the [Redacted]

b7E -1

[Redacted]

~~(S//NF)~~



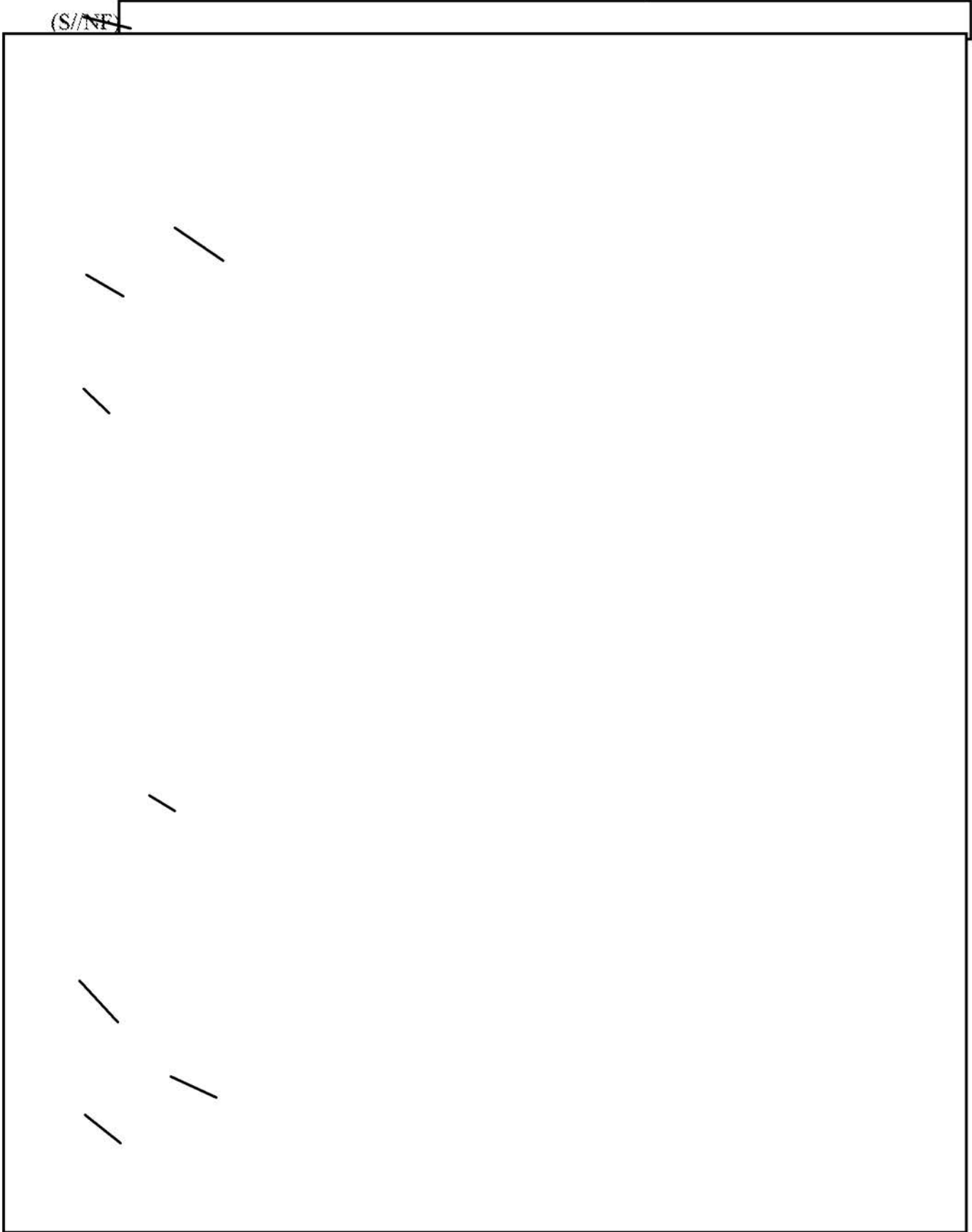
[Redacted]

(S)

5.14.4.2. (S//NF)

[Redacted]

~~(S//NF)~~



~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

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b3 -1
b7E -1,2

~~(S//NF)~~

[Redacted]

~~(S//NF)~~

5.15. (U//~~FOUO~~) Downloading, Handling, and Storing FISA Intercept Media for Use as Original Evidence

(U//~~FOUO~~) ELSUR conducted pursuant to FISA may be used in judicial or administrative proceedings in certain circumstances. This includes FISA-acquired information obtained in counterterrorism investigations. The below procedures ensure that FISA-acquired information that has been downloaded from an FBI collection system to archival removable (portable) media for the purpose of a judicial or administrative proceeding meets the standards for admissibility in such a judicial or administrative proceeding.

(U//~~FOUO~~) FISA-acquired intercepts that are downloaded from an FBI collection system to such media must be treated as original evidence and must be submitted to, and maintained in, the ELSUR evidence control room (EECR) to ensure integrity and authenticity. FISA-acquired intercepts that remain on an FBI collection system or an online storage system continue to be subject to controlled access and will be maintained in a manner that ensures integrity and authenticity.

(U//~~FOUO~~) All FBI personnel (including task force personnel) who handle, access, and/or process FISA-acquired intercepts that have been downloaded from FBI collection systems to archival-removable media must ensure that these downloaded intercepts are processed, maintained, and stored in a manner that protects the integrity, authenticity, and appropriate classification of the original intercepts. This entails properly labeling and marking the classification of the media, which includes a FISA caveat or banner; establishing a chain of custody by using the FD-504 "Chain of Custody – ELSUR Evidence Medium Storage

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

Envelope”; creating an FD-1087 “Evidence Log” in Sentinel; and entering the media into ELSUR storage by placing the media in the EECR and marking it as “FISA.”

(U) If an EOT receives a FISA-acquired intercept download request, the EOT must download the requested recording from the FBI collection system maintained in the FO to archival removable media, unless the ASAC designates another individual from the FO to assume this responsibility. The EOT or ASAC designee must:

- (U) Mark/label archival removable media and include the proper classification and a FISA marking.
- (U) Establish an FD-504 “Chain of Custody – ELSUR Evidence Medium Storage Envelope” by filling out the “Accepted Custody” section (enter “Data Download”) and fill out the “Released Custody” section of the form and include the proper classification and a FISA marking.
- (U) Create the FD-1087 “Evidence Log” in Sentinel.
- (U) Place the media in the FD-504 “Chain of Custody – ELSUR Evidence Medium Storage Envelope,” and submit it to the EECR.
- (U) Notify, if necessary, the case agent and Central Monitoring Plant (CMP) manager that there is an interception, collection, recording, or download-related issue or concern.
- (U) Send the media to the office of origin (OO) by an approved courier when the requesting agent is located in an FO that is not the OO.
- (U) Coordinate with case agents and dispose of downloaded FISA media when the FISA media meets the disposition requirements set forth in the destruction form, FD-987, “Federal Bureau of Investigation Disposition of Foreign Intelligence ACT (FISA) ELSUR Media.”

(U//~~FOUO~~) The case agent must:

- (U//~~FOUO~~) Document, in an uploaded/serialized record in the case file, any known technical, recordation, download, duplication, and/or review-related issue or concern and notify the CMP manager by e-mail if there is a concern about lost collection.
- (U//~~FOUO~~) Ensure that all FISA-acquired intercept collections downloaded to archival removable media are processed and treated as original ELSUR evidence.
- (U//~~FOUO~~) Ensure that for each court order where such FISA-acquired intercept evidence is downloaded, the media is properly classified, has a FISA marking, and has been submitted to the EOT for storage in the EECR.
- (U//~~FOUO~~) Document, in the case file, the reason for the downloaded FISA-acquired intercept recordings and duplicates, their dissemination, and their disposition.

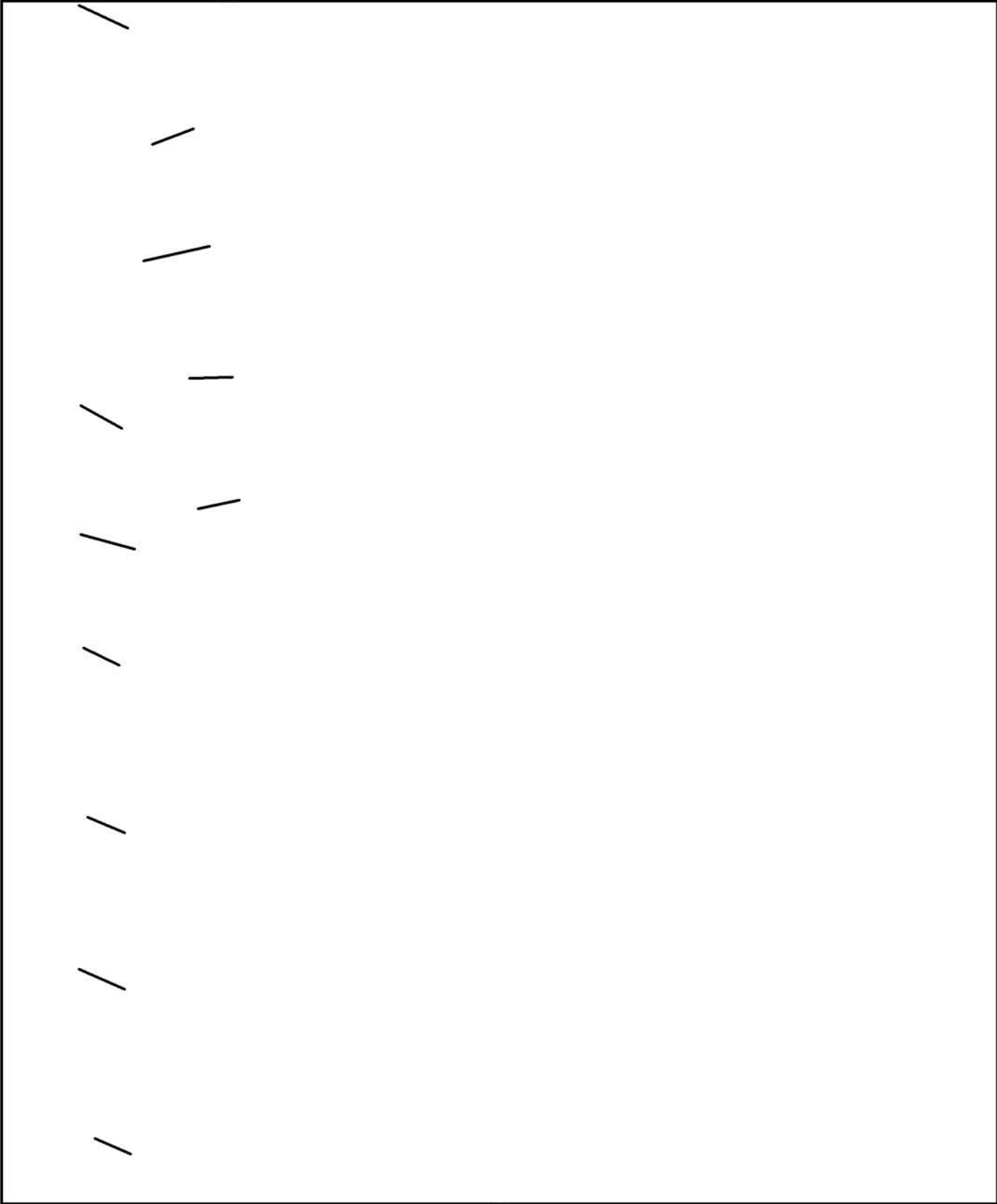
5.16. (S//NF)

5.16.1. (U) Scope

(U) This policy applies to service of all types of FISA orders (i.e., emergency, physical search, ELSUR, PR/TT, or business records orders).

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b3 -1
b7E -1,2

5.16.2. (S//NF)



(S//NF)

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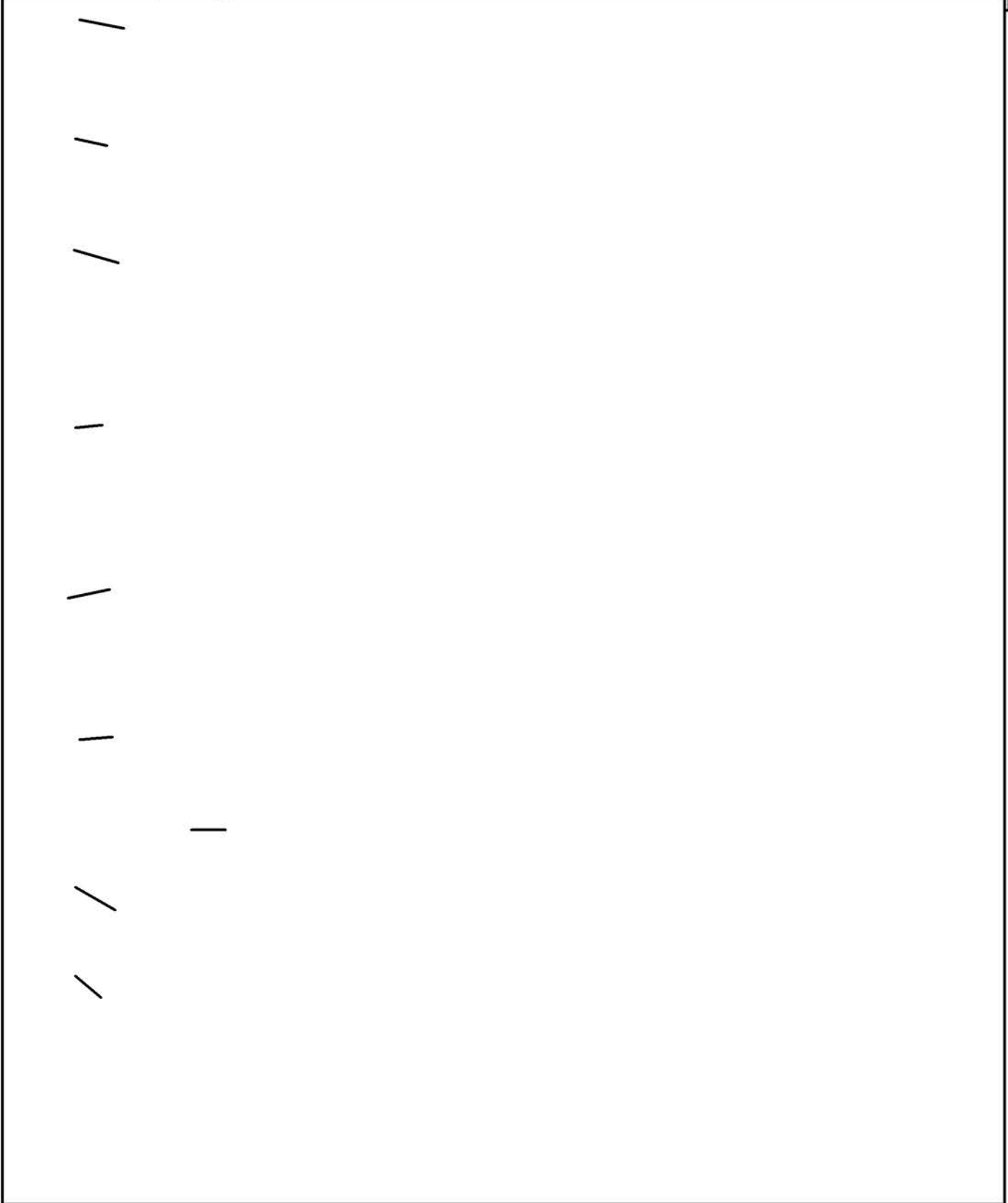
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5.16.2.5. (S//NF)



(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

(S//NF)

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b3 -1
b7E -1,2

[Redacted]

5.16.2.7. (U//LES) Destruction of FISA Orders and Other Related Materials

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2

5.16.3. (U) Specific Procedures for Serving FISA Orders

(U//FOUO) Service of FISA orders can generally be broken down into two categories: (1) service on an ECSP (i.e., telephone companies or ISPs) with whom the FBI has an established relationship and (2) service on all other parties, including landlords, hotels, businesses, and smaller communications companies that do not regularly receive service of FISA orders. Different procedures apply, depending on the type of recipient.

5.16.3.1. (U//LES) Service on Electronic Communications Service Providers With Whom the FBI Has an Established Relationship

(S//NF)

[Redacted]

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b7E -1,2

(U//FOUO) Foreign Intelligence Surveillance Act and
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[Redacted]

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b3 -1
b7E -1,2

(S//NF)

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b3 -1
b7E -1,2

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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

5.16.3.2. (S//NF)

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b3 -1
b7E -1,2

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(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
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[Redacted]

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b3 -1
b7E -1,2,5

(U//~~FOUO~~) The NSCLB Intranet site contains a standard letter that may be provided to the

[Redacted]

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

6. (S//NF)

b1 -1
b3 -1
b7E -1

6.1. (U//FOUO) Ad Hoc (Temporary) Systems

6.1.1. (U//FOUO) Overview

(S//NF)

b1 -1
b3 -1
b7E -1,2,4

6.1.1.1. (U) Definition

(S//NF)


b1 -1
b3 -1
b7E -1,2,4

6.1.1.2. (U) Requirements for and Limitations on Use

b1 -1
b3 -1
b7E -1,2

²⁵ (U) See subsections 3.2., 3.10., and 5.1. for an introduction to this concept.

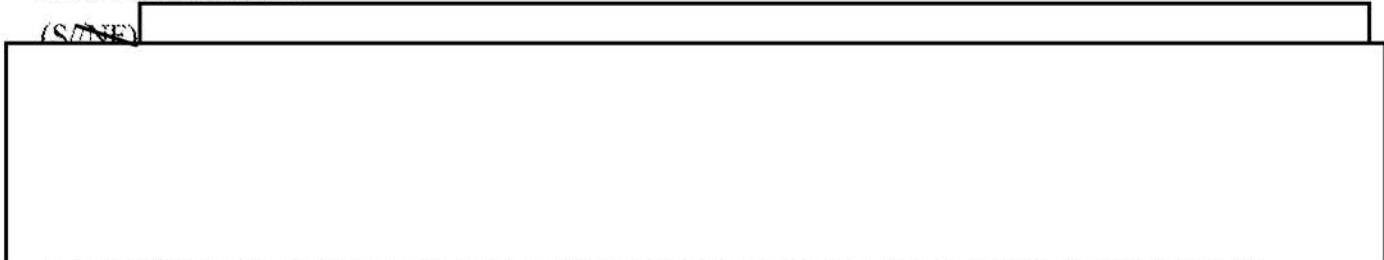


(U//FOUO) Note that the rules regarding access by prosecutors to ad hoc systems are the same as for access to  See [subsection 5.13.1](#).

6.1.1.3. (U) Additional Requirements

(U//FOUO) A nonexhaustive list of FBI systems, including ad hoc systems, can be found on the [NSCLB Intranet site](#).

(S//NF)



(U) For additional guidance on requirements and best practices, refer to the [NSCLB Intranet site](#).

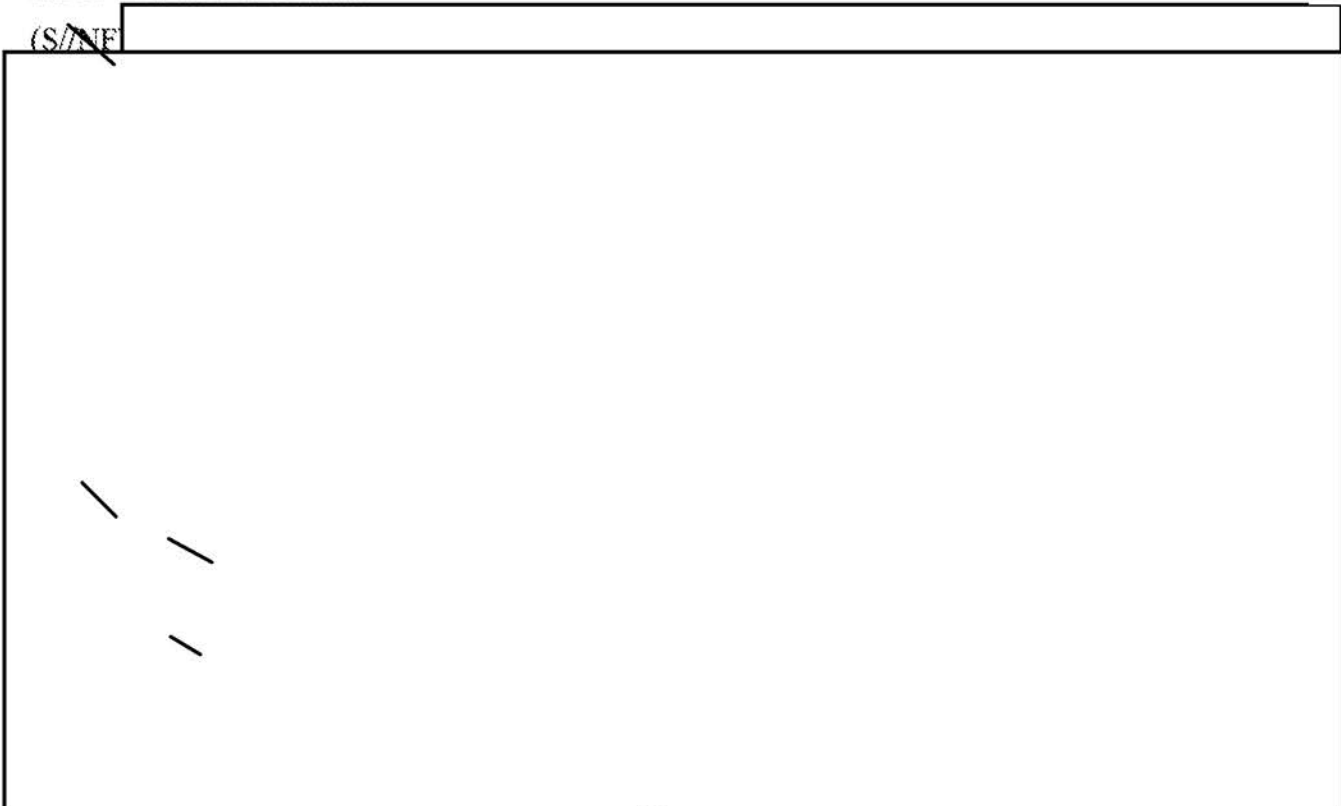
6.1.2. (U) Analysis and Queries of Raw FISA-Acquired Information

b1 -1
b3 -1
b7E -1,2,5,6

(U) Users who are authorized to have access to raw FISA-acquired information in an ad hoc system may analyze the data to find, extract, review, translate, and assess whether the information reasonably appears to meet the minimization standard. Any queries of datasets that contain raw FISA-acquired information in an ad hoc system must be designed to find and extract FII or evidence of a crime.

b1 -1
b3 -1
b7E -1,2,5

(S//NF)



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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(S//NF)

b1 -1
b3 -1
b7E -1,2

6.1.3. (U) Dissemination, Disclosure, and Compliance

(U) Ad hoc systems are subject to the dissemination, disclosure, and compliance provisions governing [redacted] such as those contained in subsection 5.8. and subsection 5.10. (See also Sections IV and V of the SMP-ELSUR/PHYS.)

b7E -4

6.1.4. (U) Retention of FISA-Acquired Information

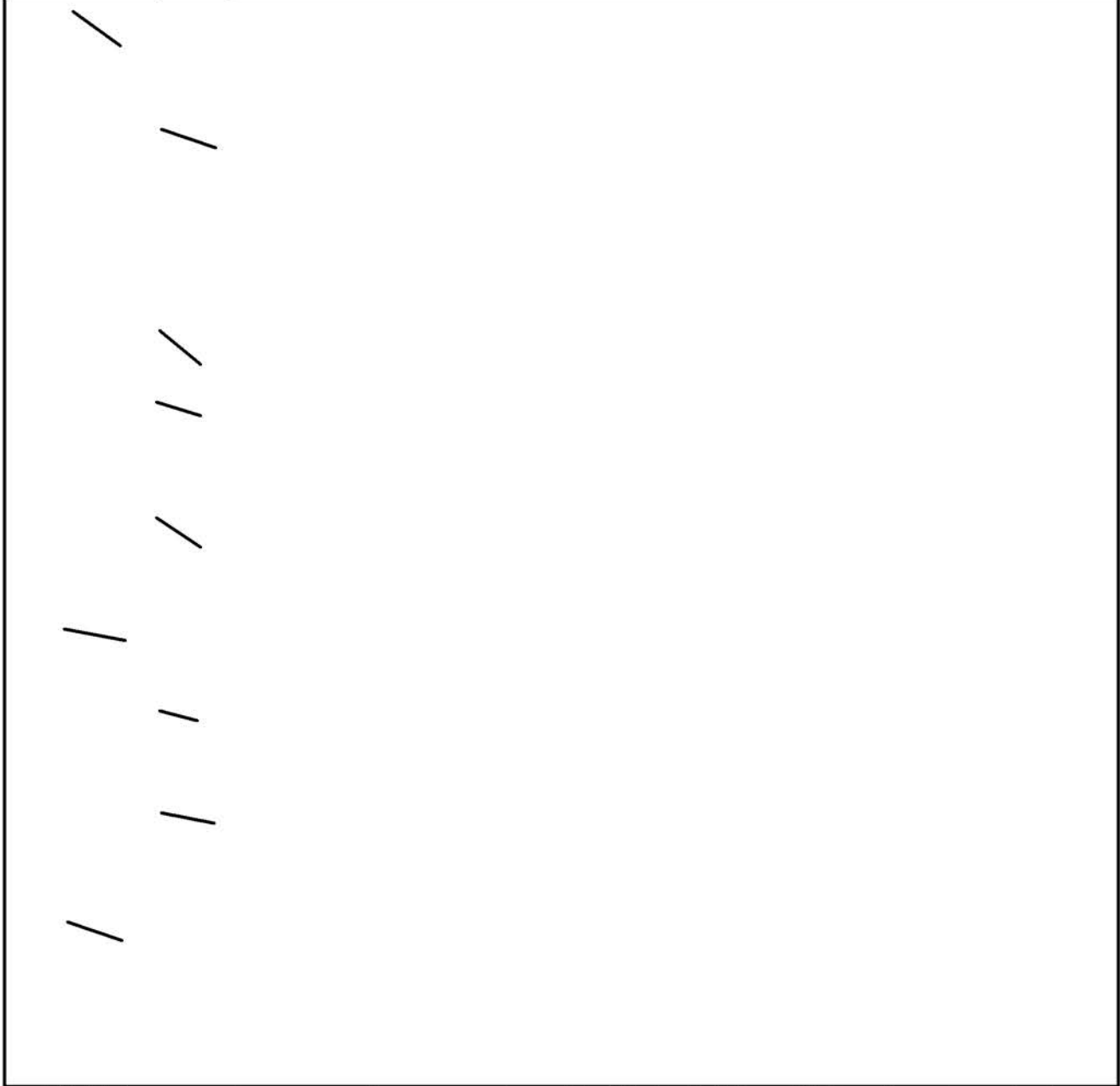
(U) The FBI may retain raw FISA-acquired information concerning unconsenting USPERs in an ad hoc system in order to determine whether the information reasonably appears to meet the minimization standard, as follows:

b1 -1
b3 -1
b7E -1,2,4,5

• (S//NF)

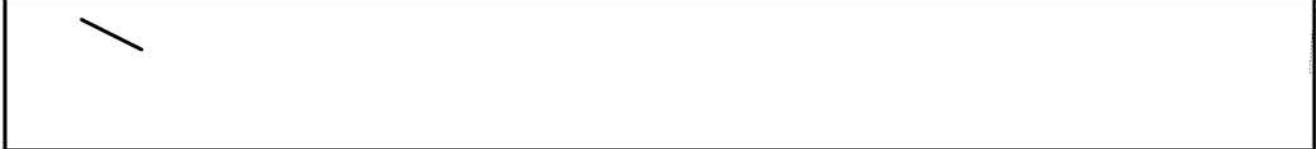
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6.1.5. (S//NF)



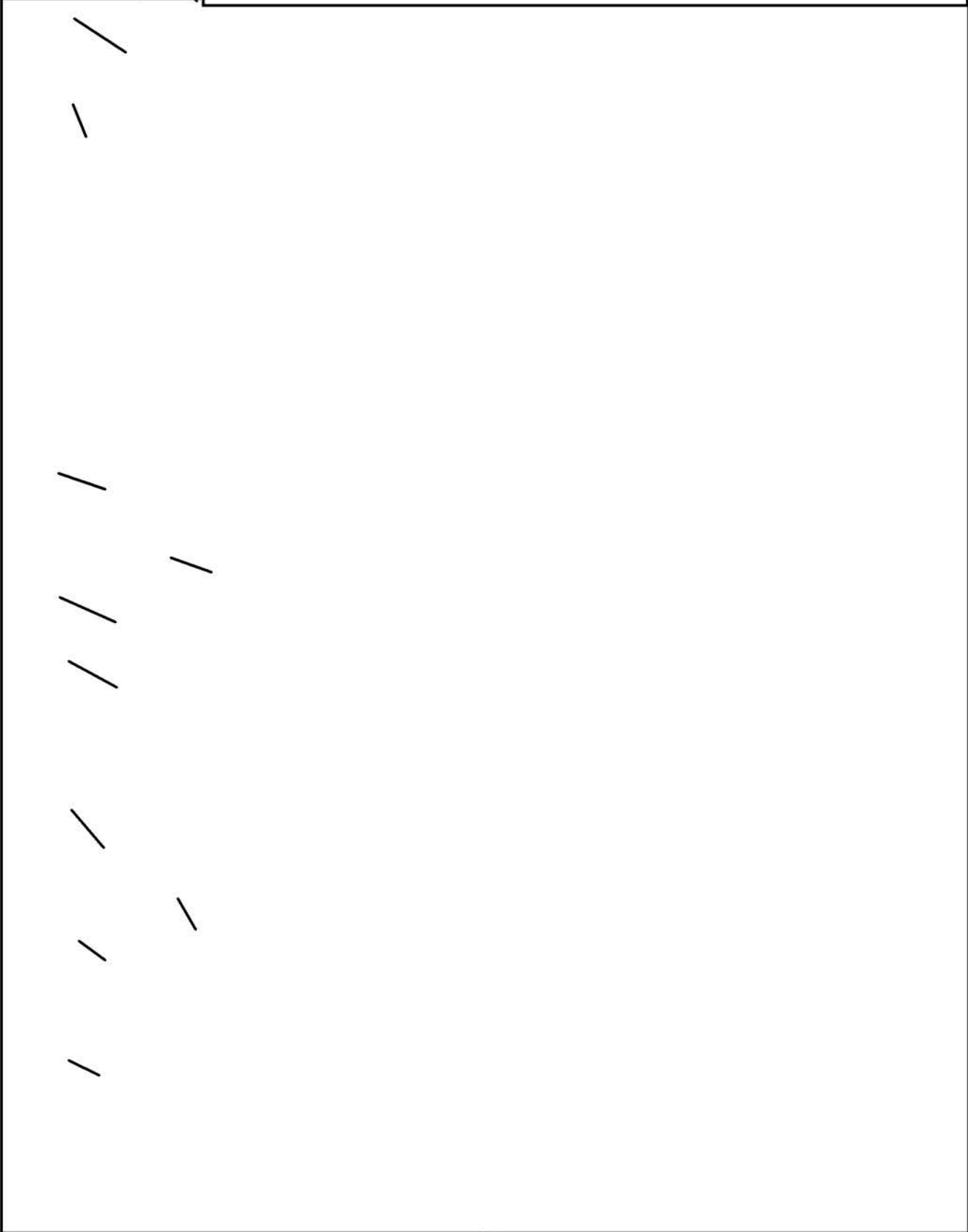
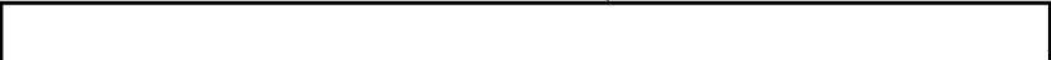
(U) FBI personnel must consult as appropriate with CDCs, OGC, or NSD to determine whether a communication is privileged.

6.2. (S//NF)



(S)
b1 -1
b3 -1
b7E -1,2

6.2.1. (S//NF)



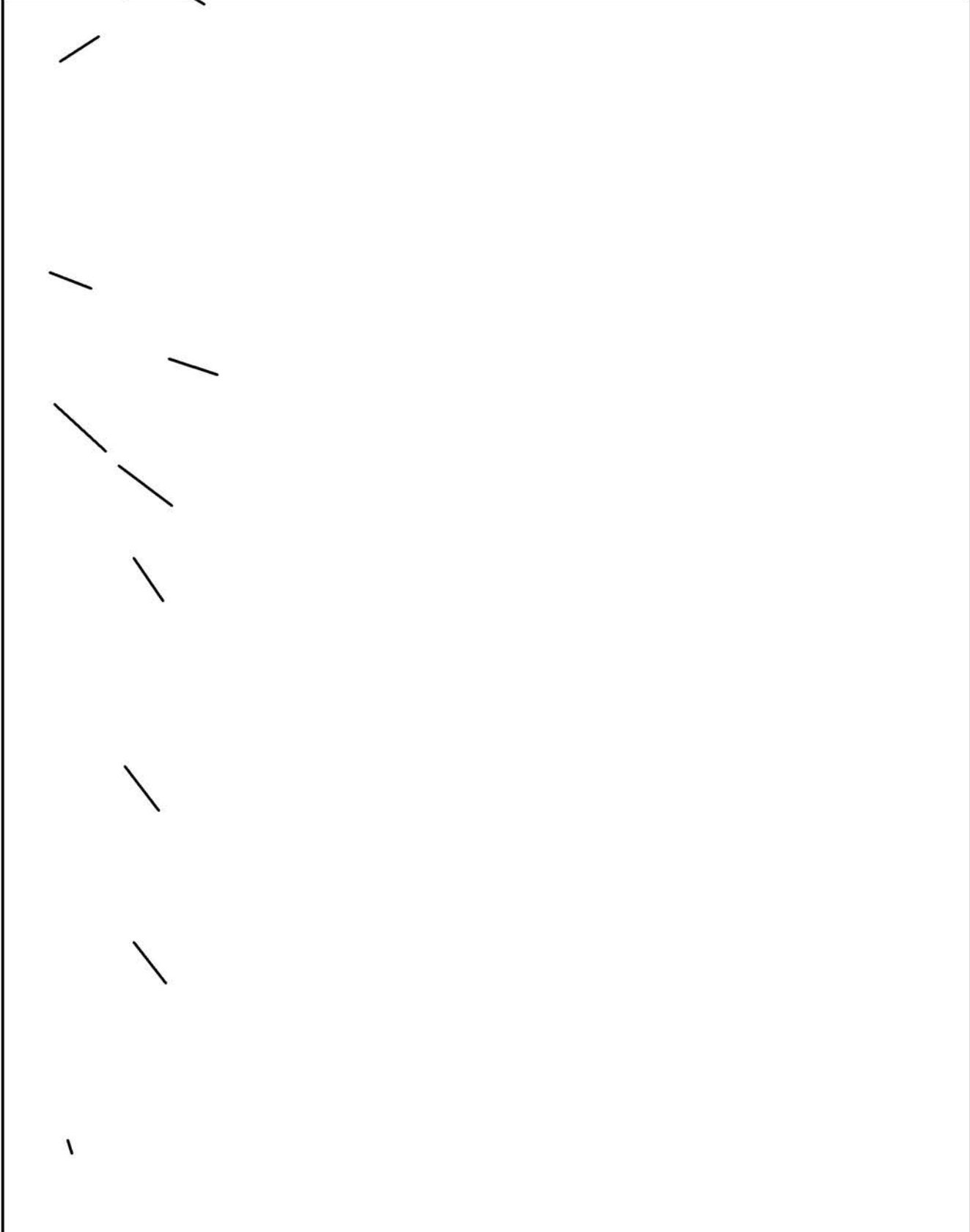
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b3 -1
b7E -1,2

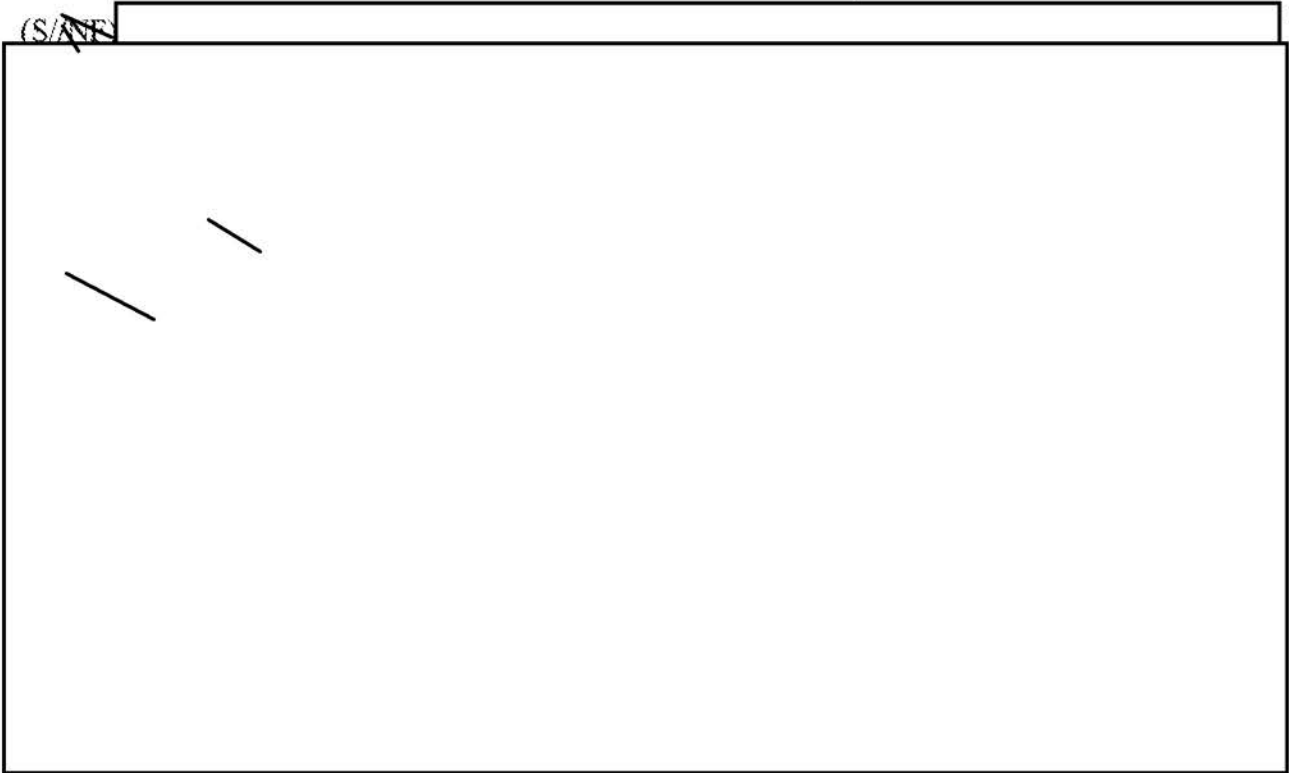
6.2.4. (S//NF)

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b3 -1
b7E -1,2,4

6.2.5. ~~(S//NF)~~



~~(S//NF)~~



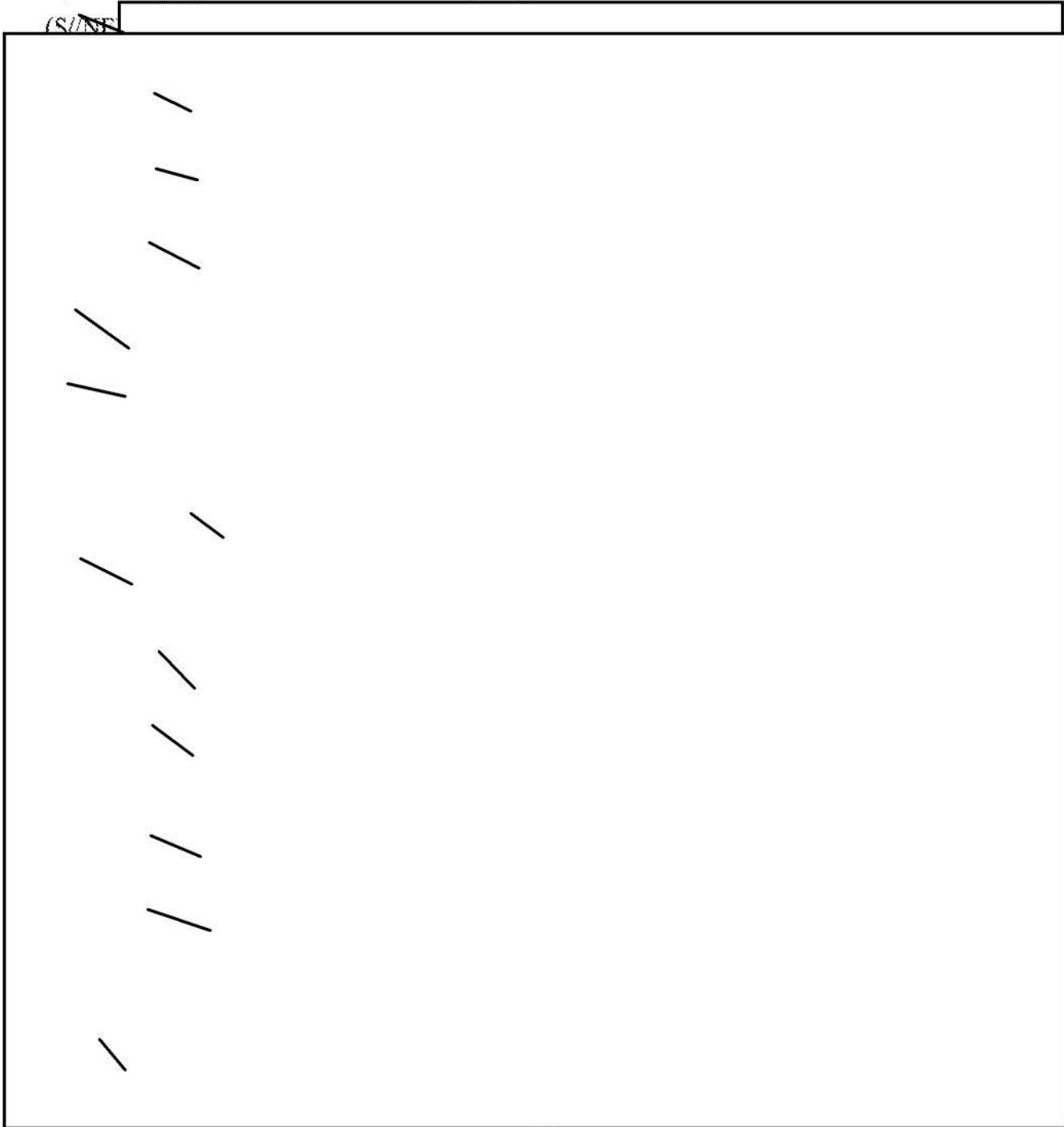
7. (U//~~FOUO~~) FISA 702: Special Considerations

7.1. (U) Introduction

(U) The FISA Amendments Act of 2008 created a new legal framework for the acquisition of foreign intelligence by targeting non-USPERs located outside the United States without an individualized court order. These procedures are detailed in 50 U.S.C. § 1881a and are commonly referred to as "Section 702." As is the case with other provisions of FISA, a significant purpose of the Section 702 targeting must be to obtain FII.

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b7E -1,2,3,4

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(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

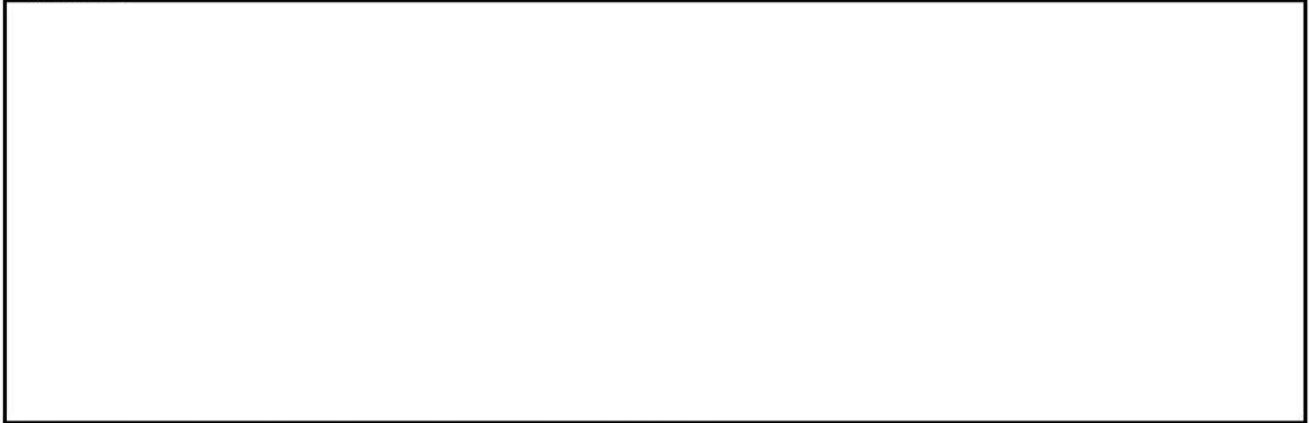


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b3 -1
b7E -1,2

7.2. (U) Presidential Policy Directive 28



b7E -1,2



7.3. (U) Legal Standard to Request FISA 702 Coverage



b7E -1,2



7.3.1. (U//~~FOUO~~) Foreignness Determination



b1 -1
b3 -1
b7E -1,2



²⁹ (U) The FISA statute, 50 U.S.C. § 1801(i), defines the term "U.S. person" as:

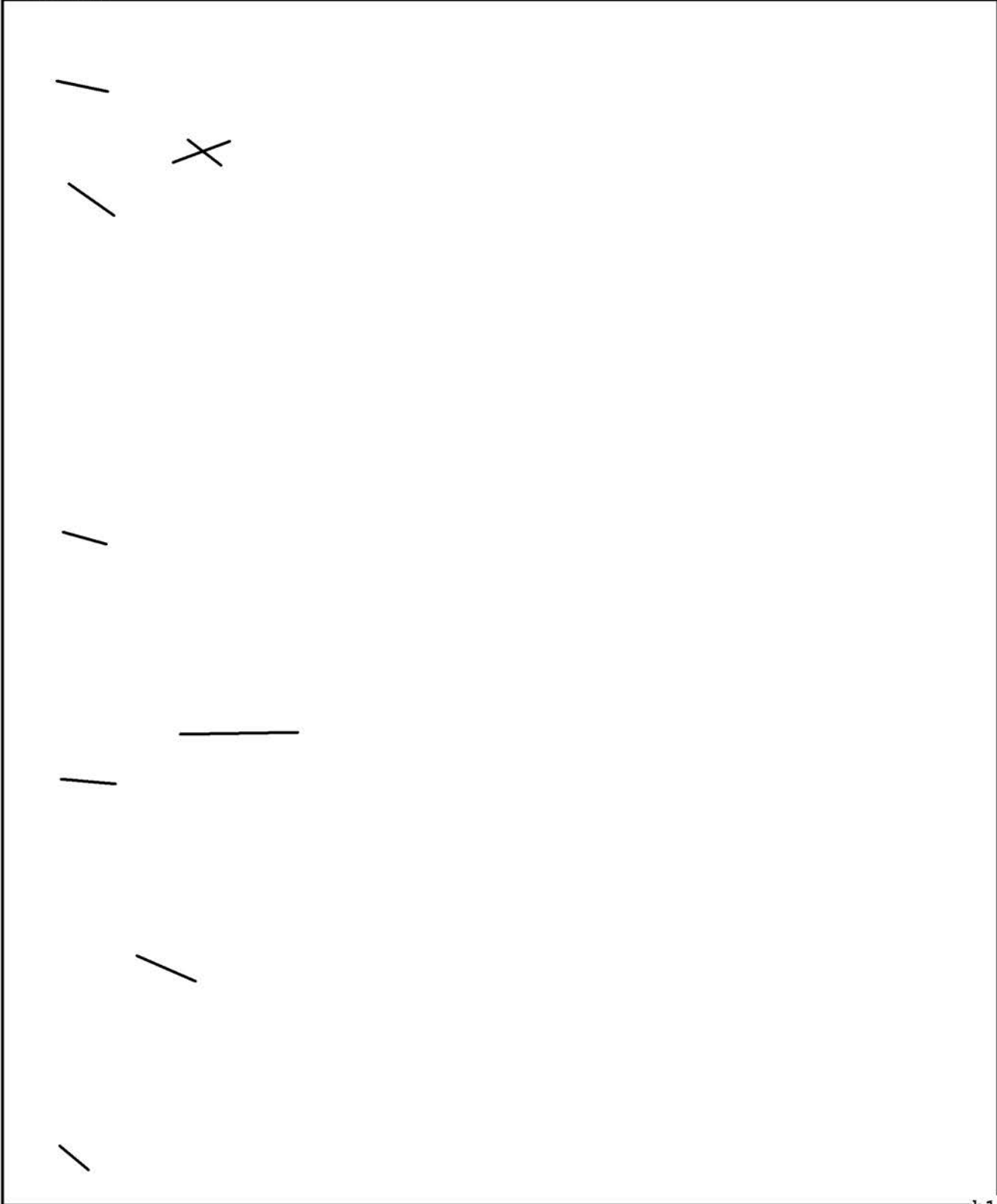
- (U) A U.S. citizen.
- (U) An alien lawfully admitted for permanent residence ("permanent resident" or "green card holder").
- (U) An unincorporated association a substantial number of members of which are U.S. citizens or permanent residents.
- (U) A U.S. corporation.

(U) The term "U.S. Person" does not include U.S. corporations or associations that are "foreign powers," as defined in 50 U.S.C. § 1801(a)(1)-(3) (i.e., those that are foreign governments or components, factions of a foreign nation that are not substantially composed of U.S. persons, or entities that are openly acknowledged by a foreign government to be directed and controlled by such foreign governments).

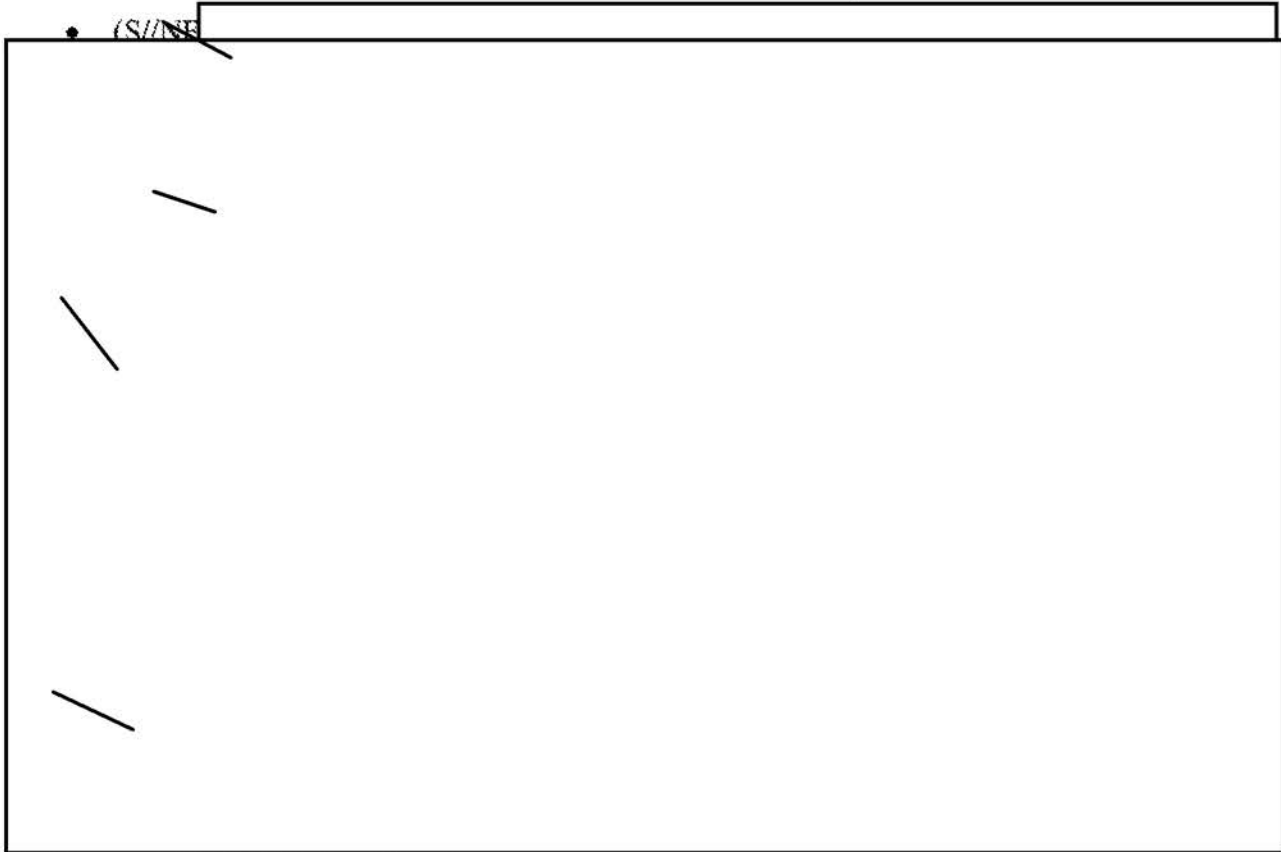
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(U//FOUO) Foreign Intelligence Surveillance Act and
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b7E -1,2

(S//NF)

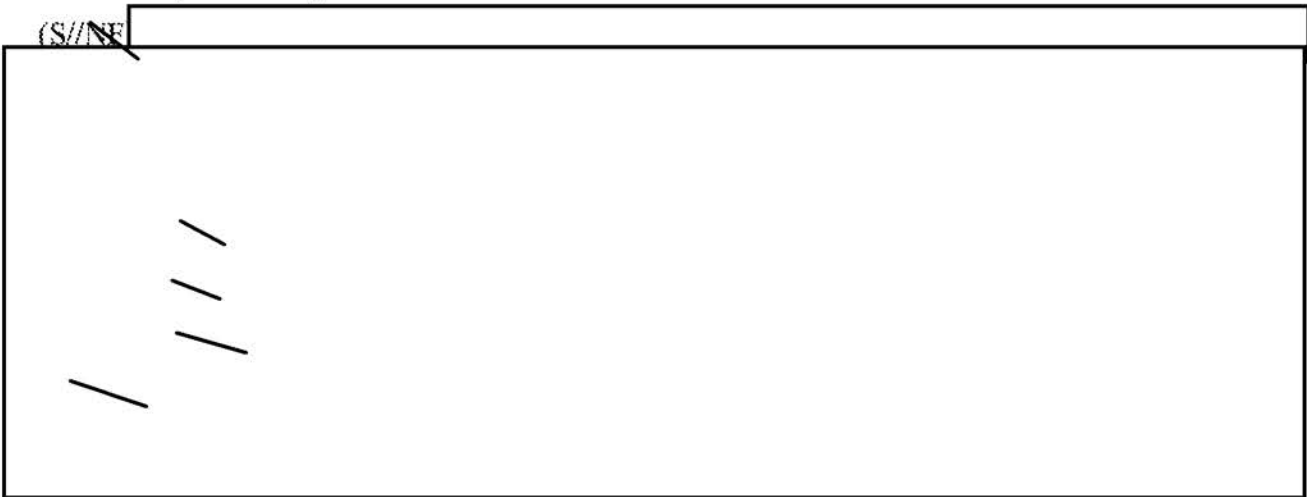


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b3 -1
b7E -1,2,3,5
FBI 18-cv-12131-130



b1 -1
b3 -1
b7E -1,2

7.3.2. (U//FOUO) Certifications



b1 -1
b3 -1
b7E -1,2

7.3.3. (U//FOUO) Prohibitions

7.3.3.1. (U//FOUO) Reverse Targeting

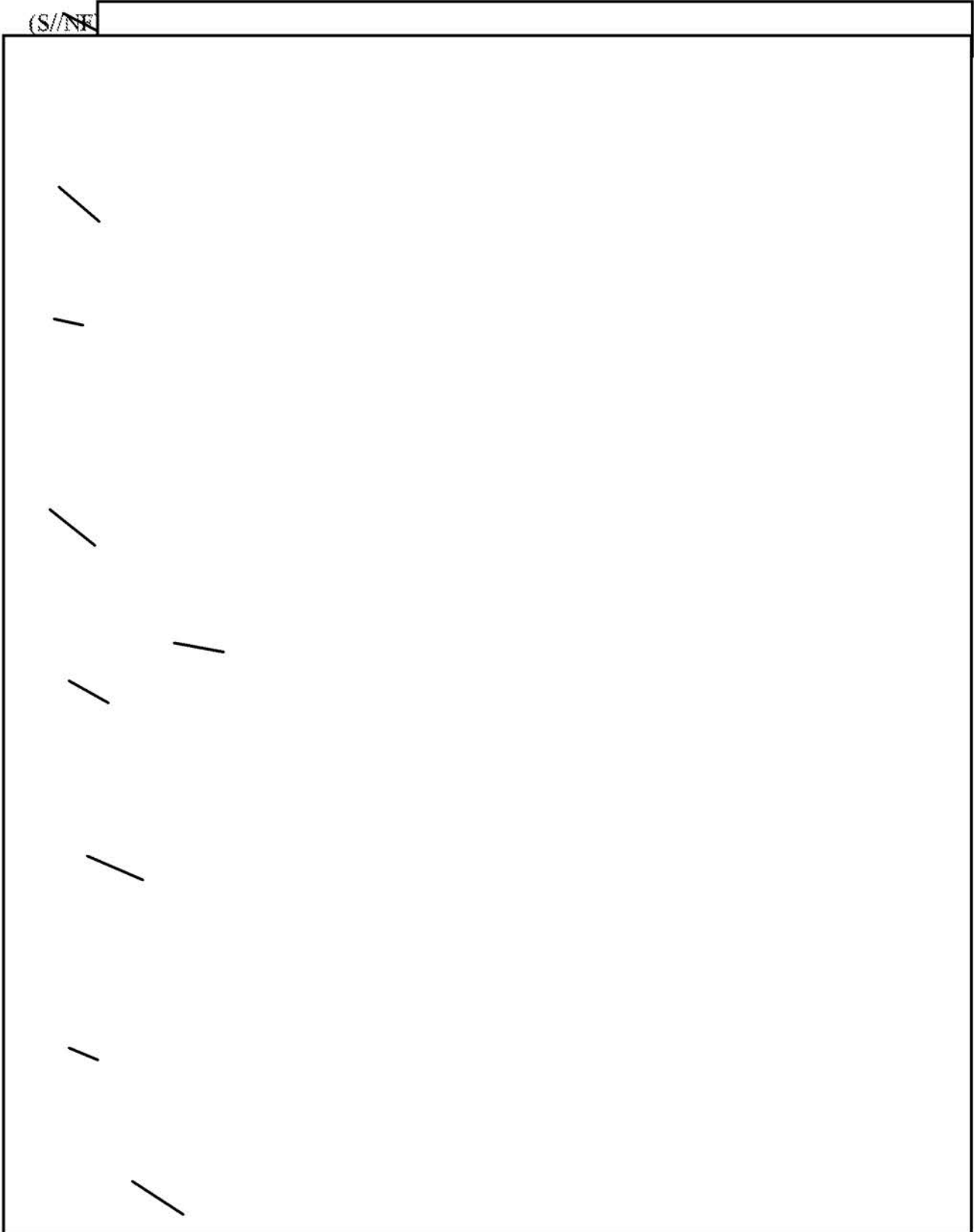
(U//FOUO) "Reverse targeting" is defined as targeting a non-USPER who is reasonably believed to be located outside of the United States with the true purpose of acquiring communications of either (1) an USPER or (2) any individual reasonably believed to be located inside of the United States with whom the non-USPER is in contact. The FISA statute, 50 U.S.C. § 1881(a)(b)(2), and *The Attorney General's Guidelines for the Acquisition of Foreign Intelligence Surveillance*

(U//FOUO) Foreign Intelligence Surveillance Act and
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Information Pursuant to the Foreign Intelligence Surveillance Act of 1978 (as amended)
expressly prohibit reverse targeting.

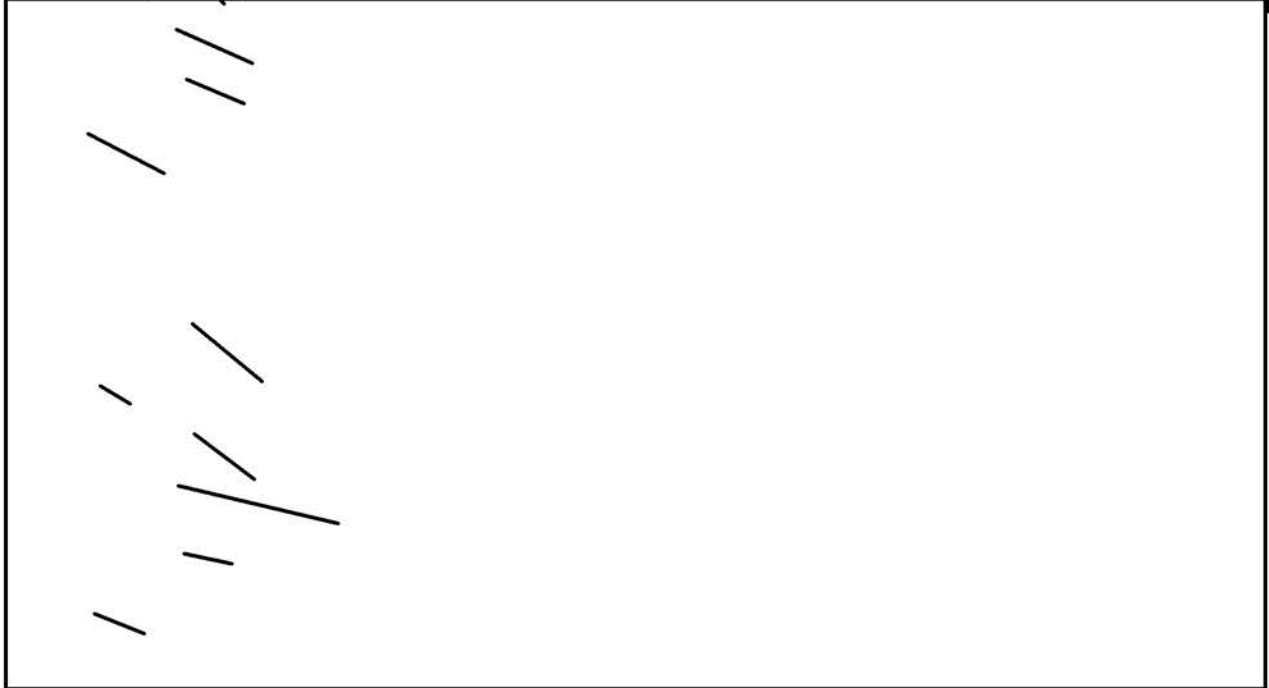
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b7E -1,2



(U//FOUO) Foreign Intelligence Surveillance Act and Standard Minimization Procedures Policy Guide

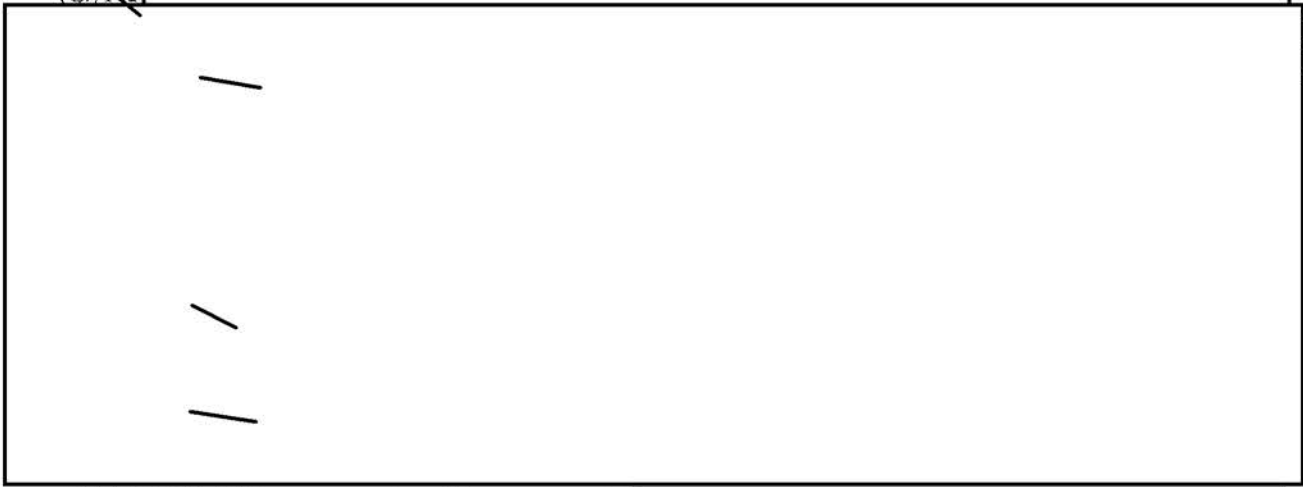
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b3 -1
b7E -1,2

7.4.1. (U//FOUO) Required Database Access

(S//NF)



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b3 -1
b7E -1,2,4,5

(U//FOUO) FBI personnel seeking access to

b7E -1

In addition, these personnel must complete the OGC-provided training on the changes made to the [redacted] in May 2016.

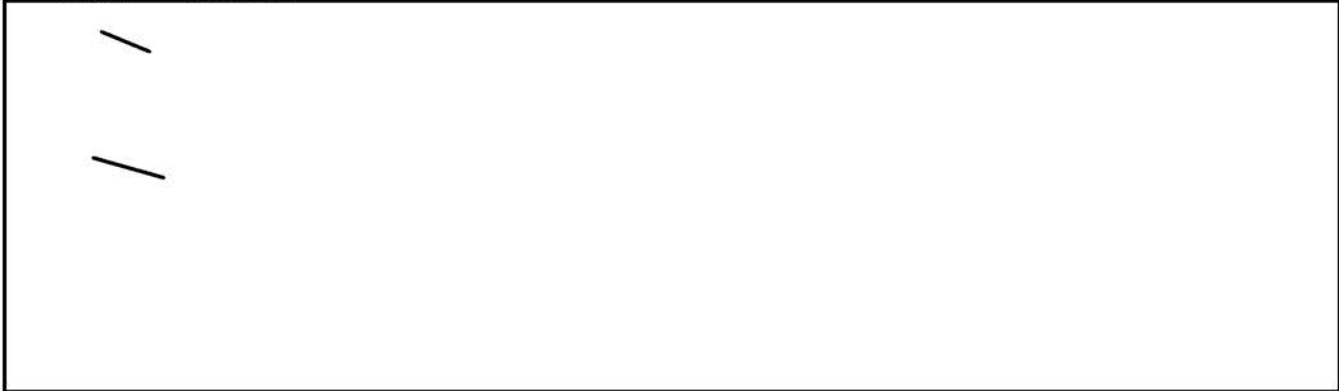
(U//FOUO) All [redacted] users, including supervisors and legal reviewers, also must successfully complete the [redacted] prior to gaining access to [redacted]. Additionally, these users must complete refresher training every two years.

b3 -1
b7E -1,3,4

(U//FOUO) After completing the required course(s), a user must submit a System Access Request (SAR) via the Enterprise Process Automation System (EPAS). EPAS will route the request to [redacted] which will create a [redacted] account for the user.

(U//FOUO) Foreign Intelligence Surveillance Act and
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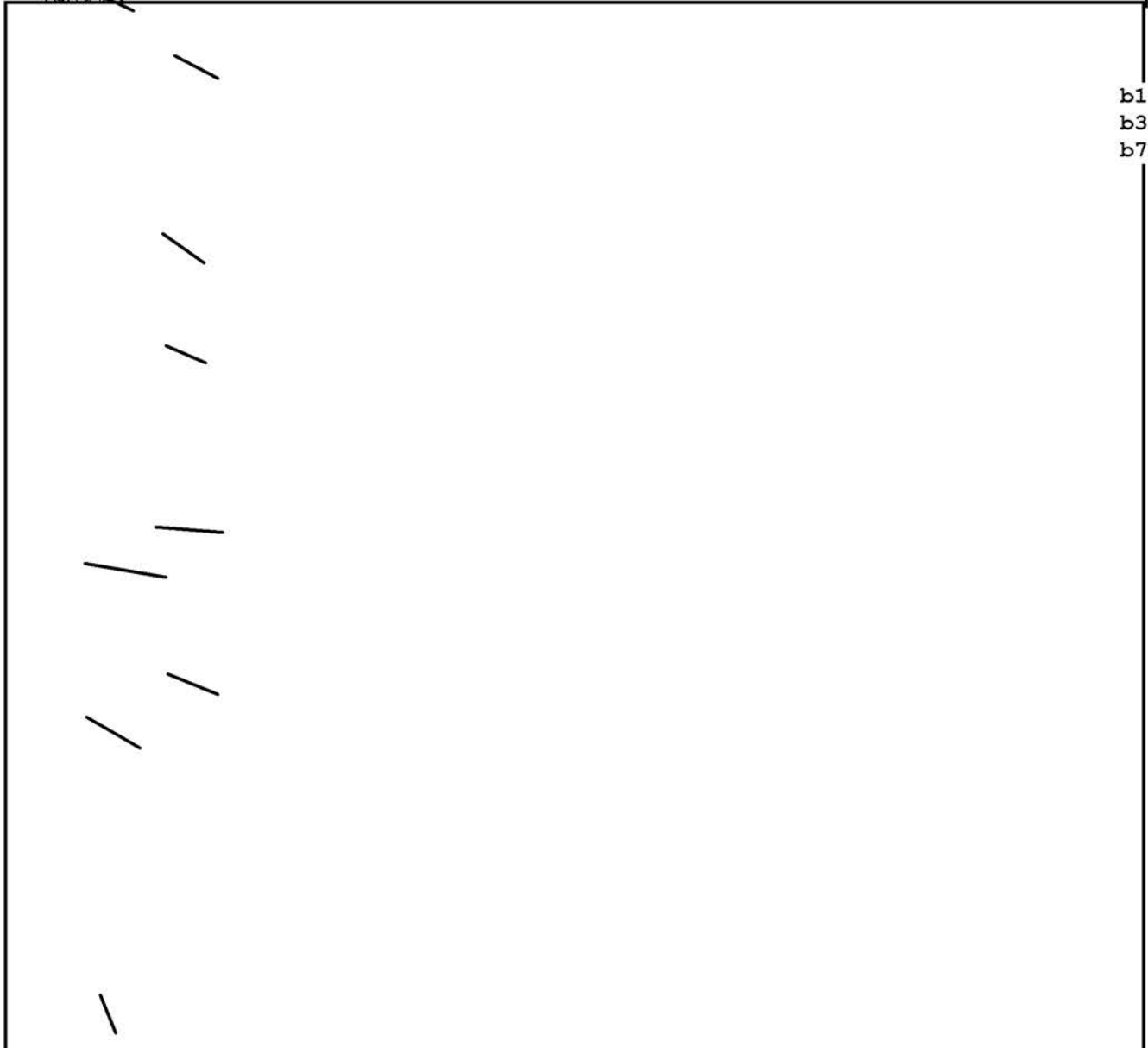
7.4.2. (S//NF)



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b3 -1
b7E -1,2

7.4.3. (U//FOUO) Required Subfiles

(S//NF)



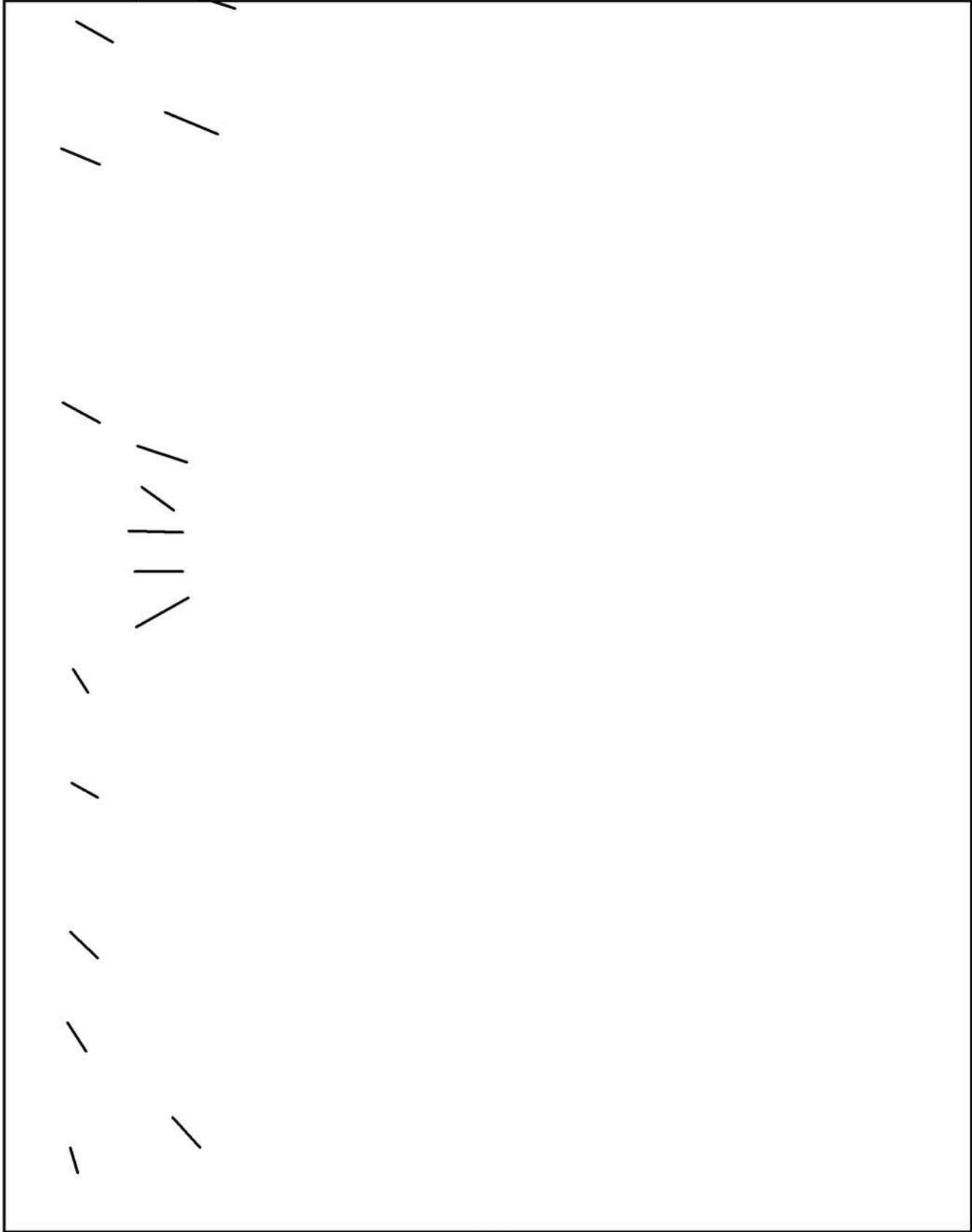
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[Redacted]

7.6.1. (S//NF)

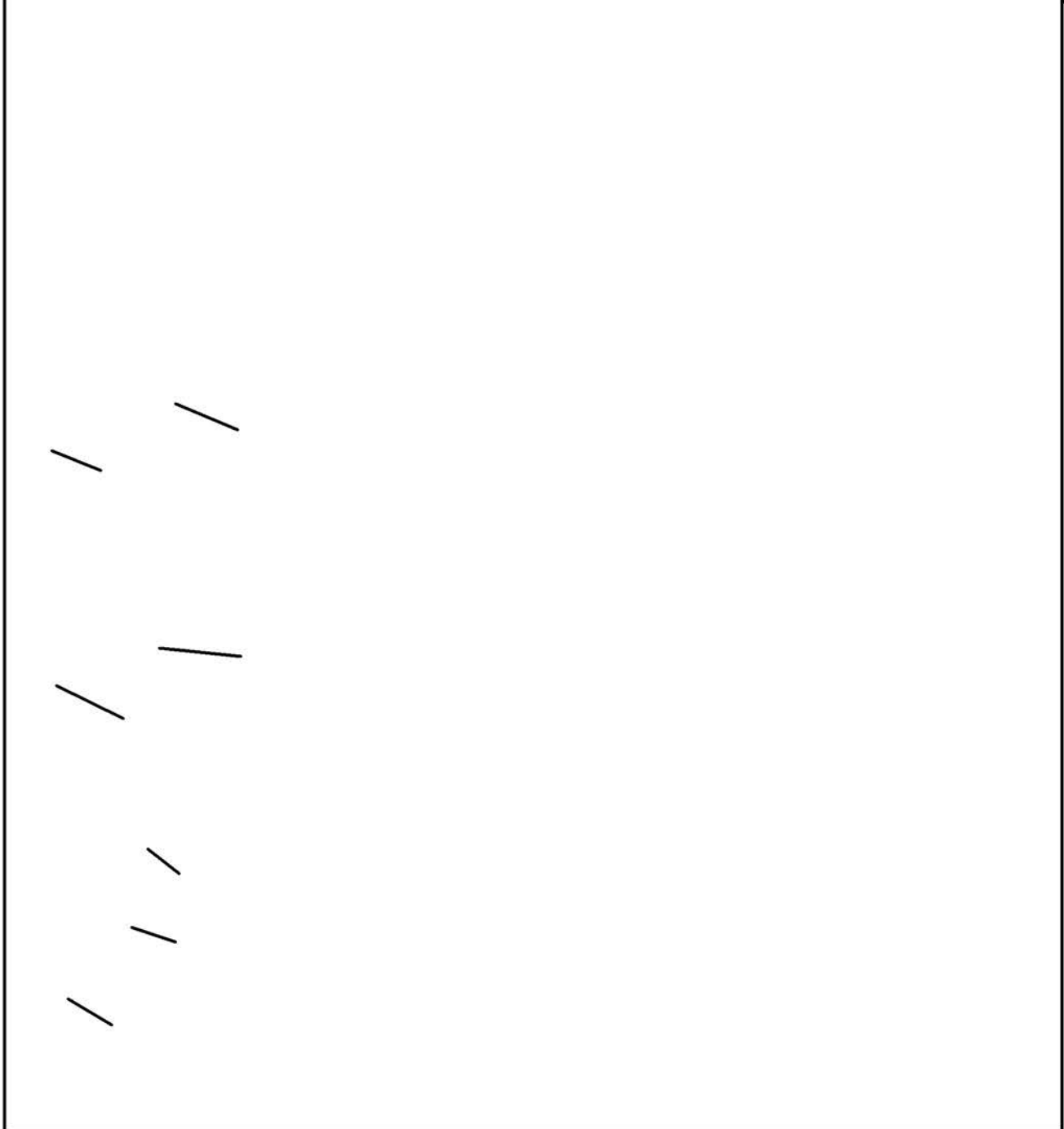
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7.6.5. (S//NF)

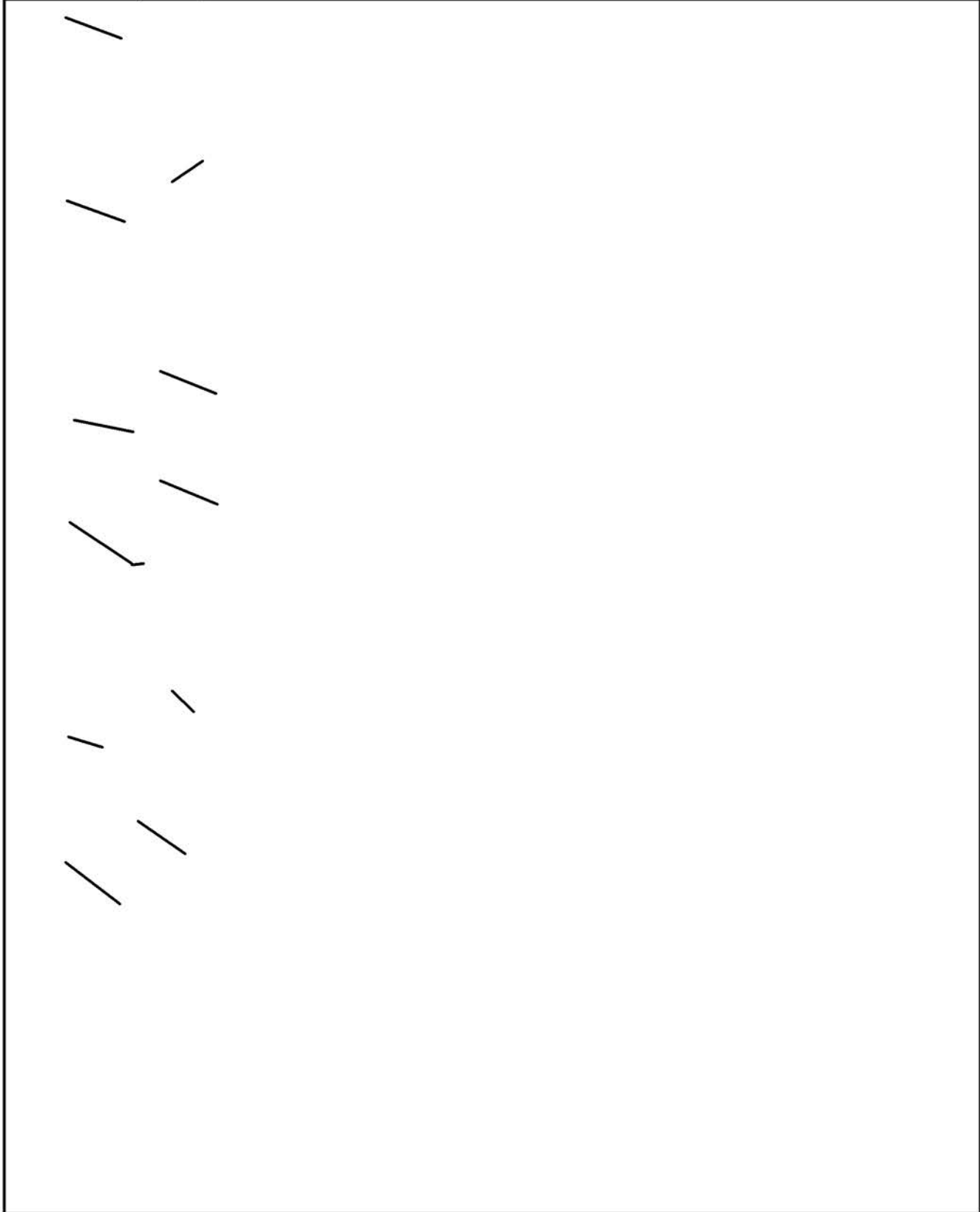




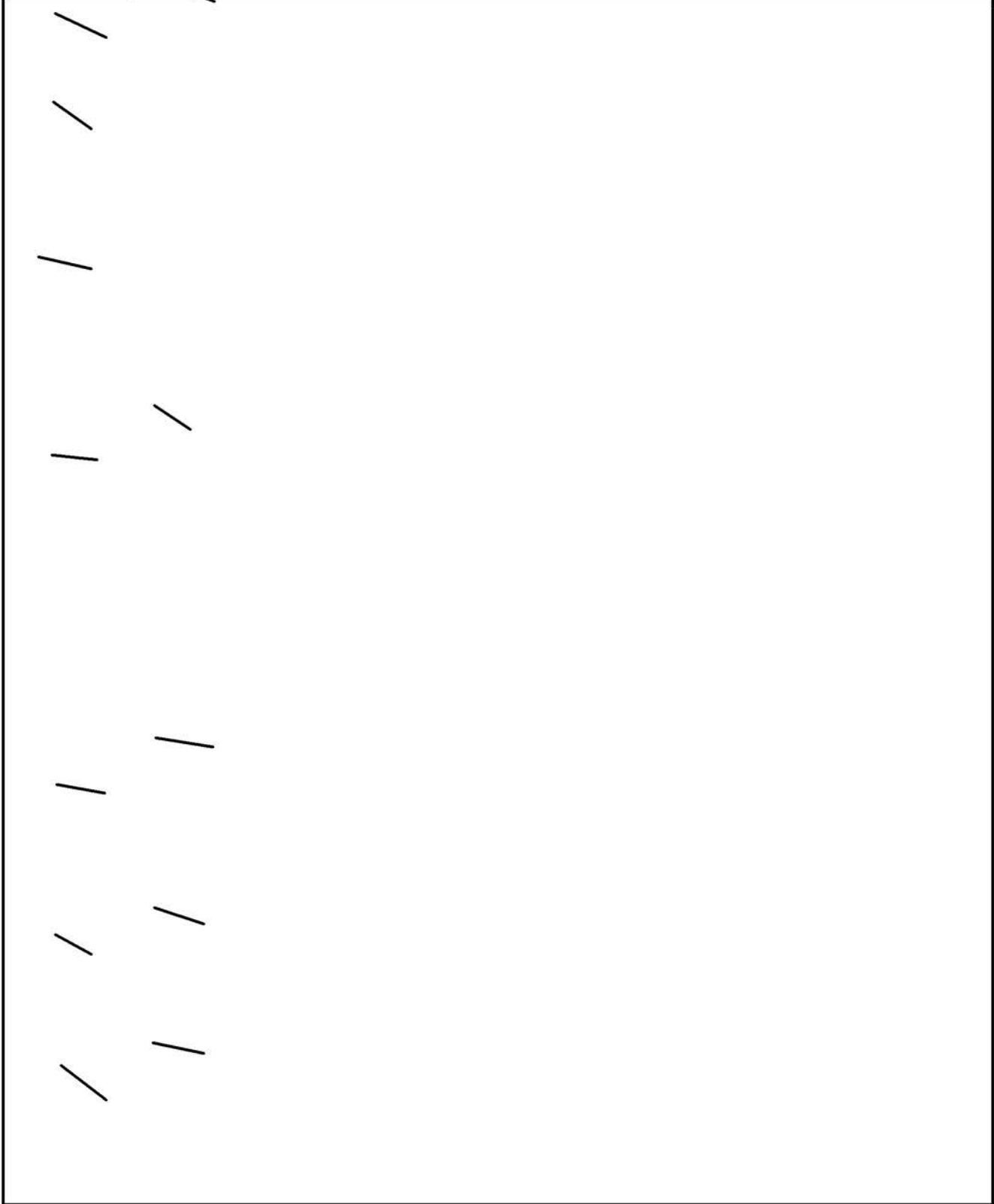
(S//NF)



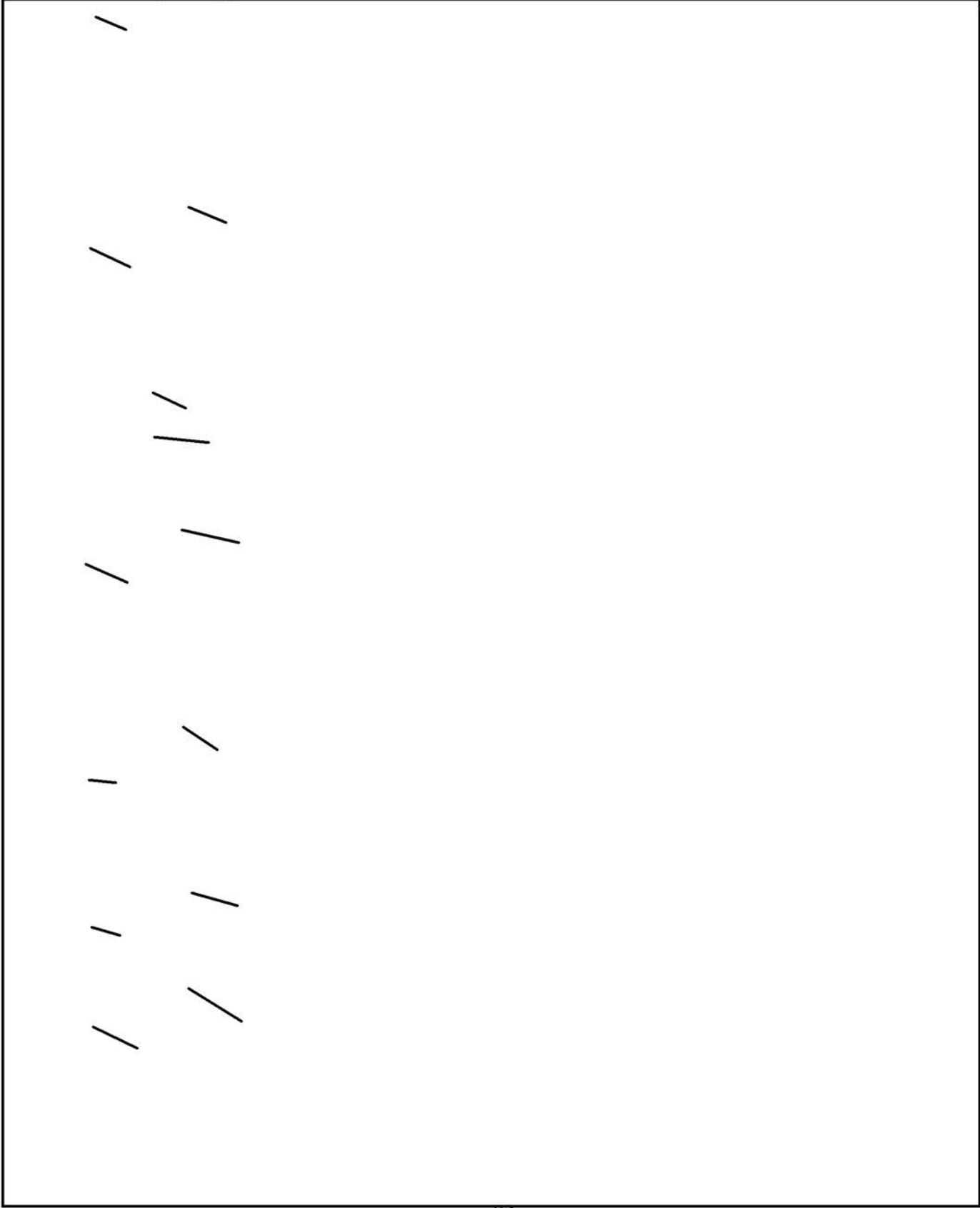
7.6.10. (S//NF)



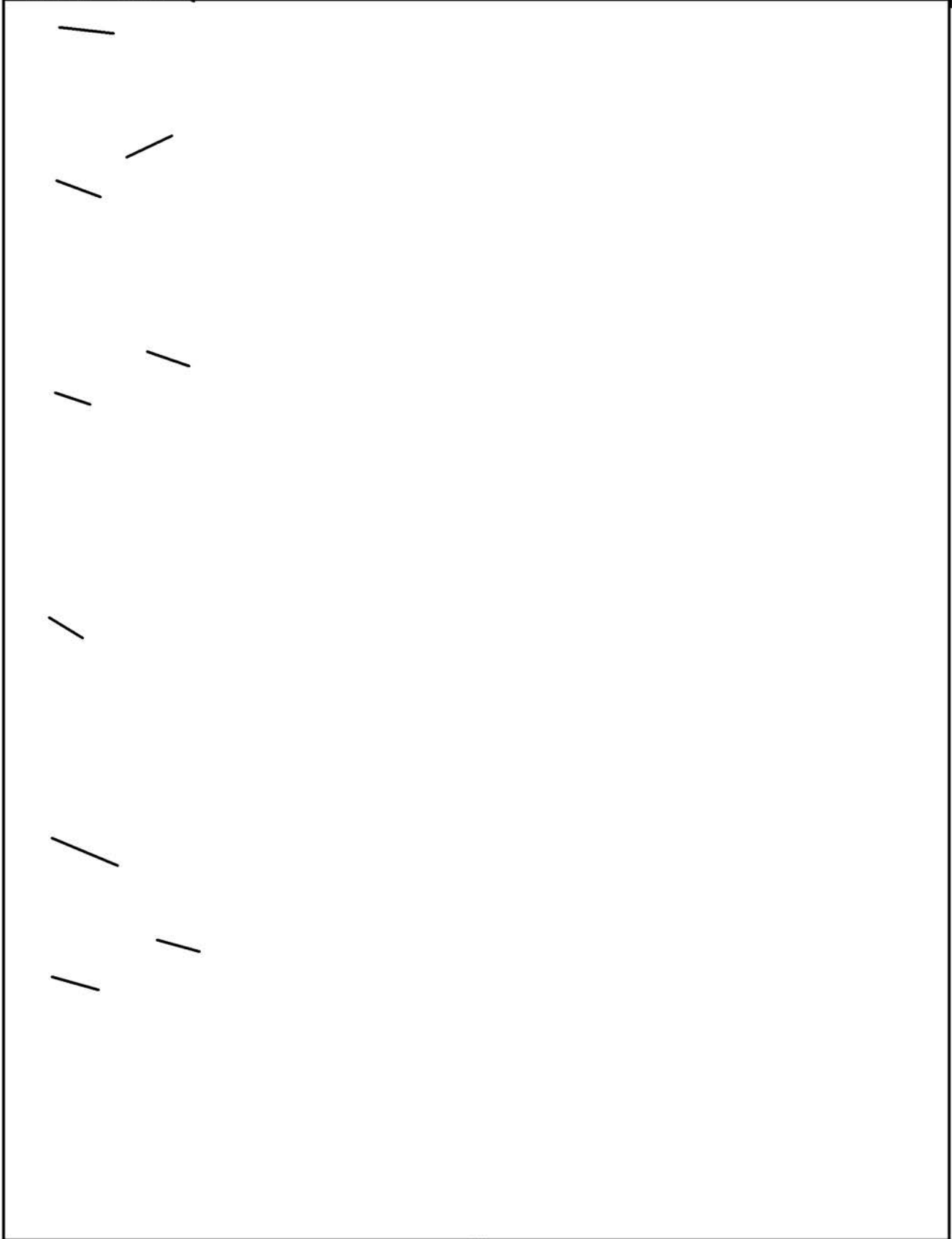
7.7.1. (S//NF)



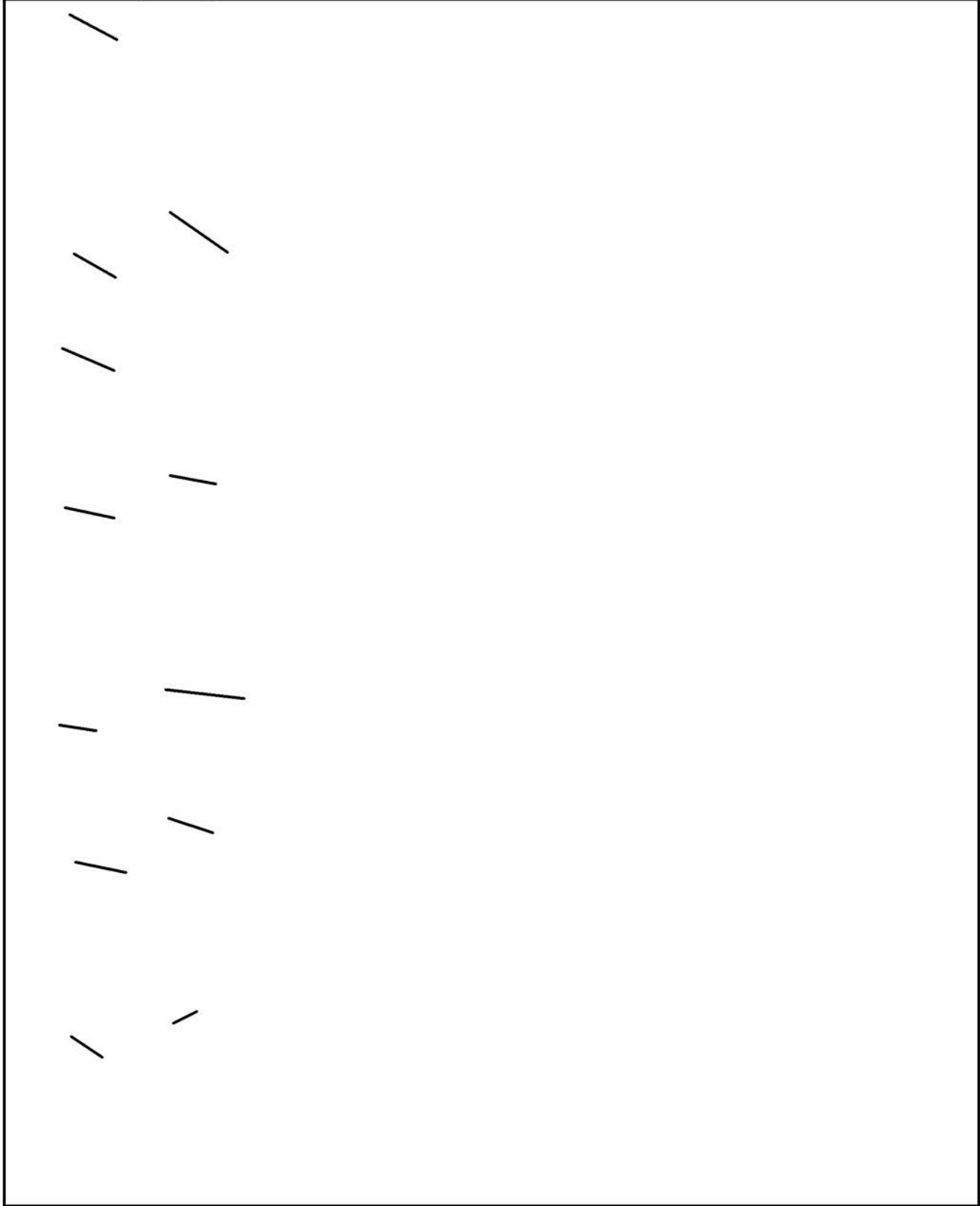
7.7.6. (S//NF)



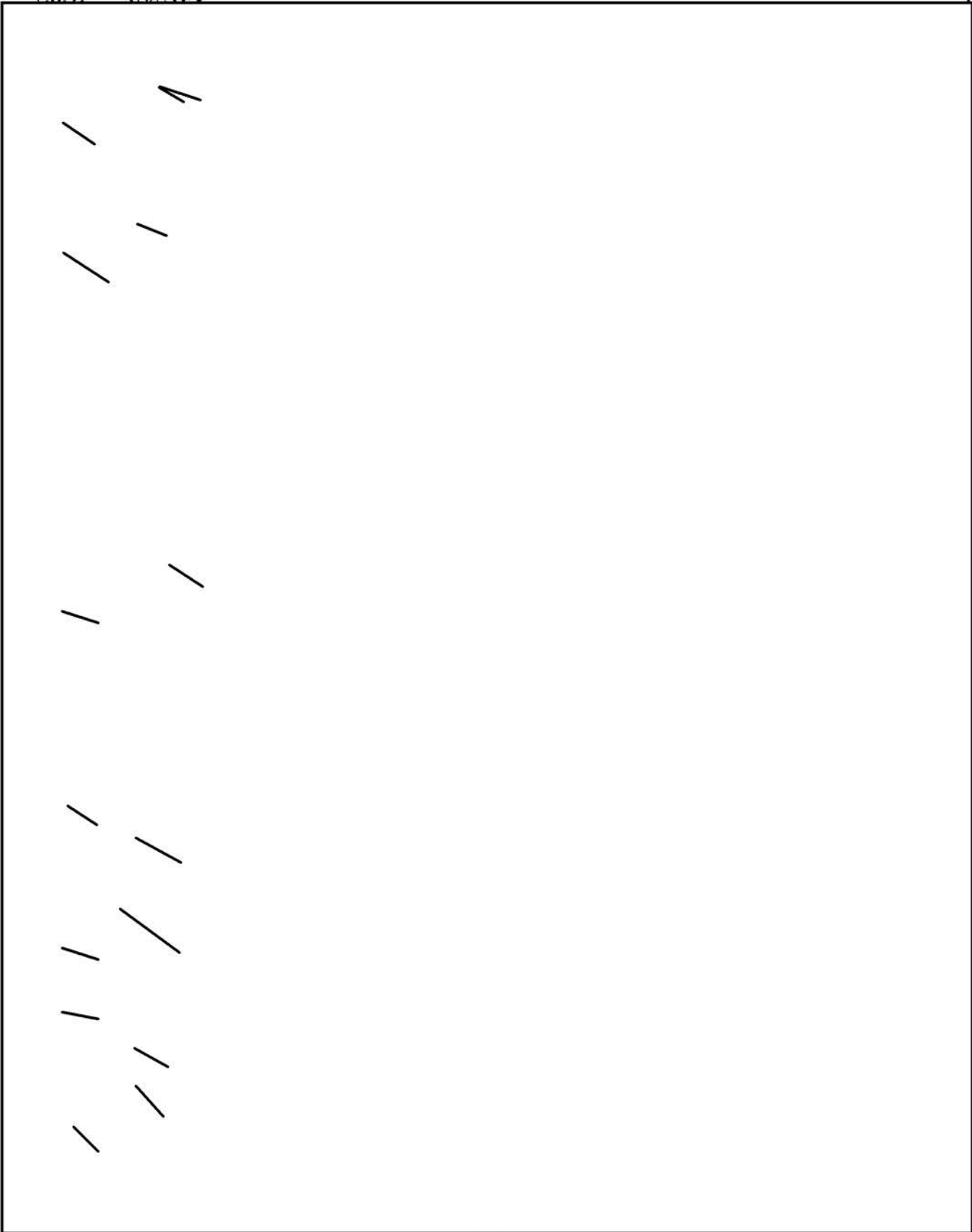
7.7.12. (S//NF)



7.8.3. (S//~~NO~~)



7.8.9. (S//NF)



~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
b3 -1
b7E -1,2,3

7.9.2. (S//NF)

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~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
b3 -1
b7E -1,2,4

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b1 -1
b3 -1
b7E -1,2,3,4

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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
b3 -1
b7E -1,2

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b1 -1
b3 -1
b7E -1,2,3,4

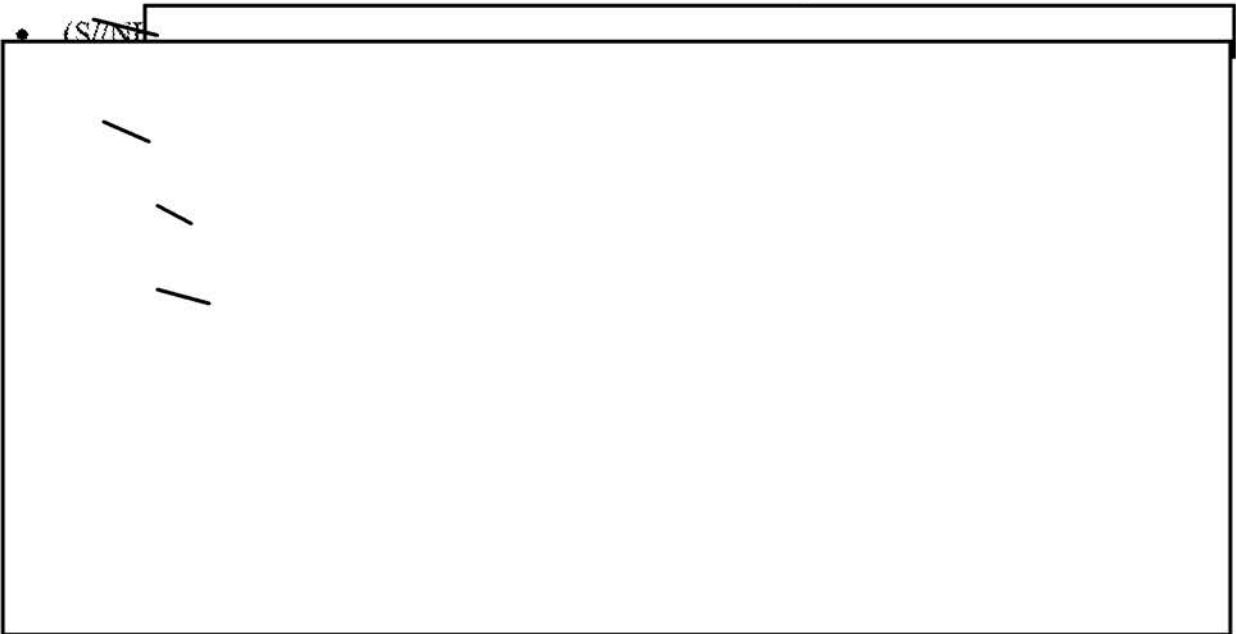
~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

b1 -1
b3 -1
b7E -1,2

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b3 -1
b7E -1,2,3,4
FBI 18-CV-12151-147



7.11.3. (U) "Roamer" Provision Exception

(U) Notwithstanding the other provisions of this section, pursuant to the U.S.A. Freedom Act (50 U.S.C. § 1805(f)), the director or head of another IC element may approve the continued targeting of a non-USPER previously believed to be located outside the United States for up to 72 hours from the time that the non-USPER is reasonably believed to be located inside the United States, provided that the director or head:

- (U) Reasonably determines that a lapse in the targeting of the non-USPER poses a threat of death or serious bodily harm to any person.
- (U) Notifies the AG of the intent to continue targeting.
- (U) Requests, as soon as practicable, the employment of emergency ELSUR or physical search as described in 50 U.S.C. § 1805(f).

(U) Any information obtained pursuant to this authority must comply with the minimization requirements contained in 50 U.S.C. § 1805(f). Any case manager, responsible party, or designee seeking to continue collection under this provision must immediately notify and consult with NSCLB.

b7E -3

7.12. (S//NF)



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b3 -1
b7E -1,2,4

~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

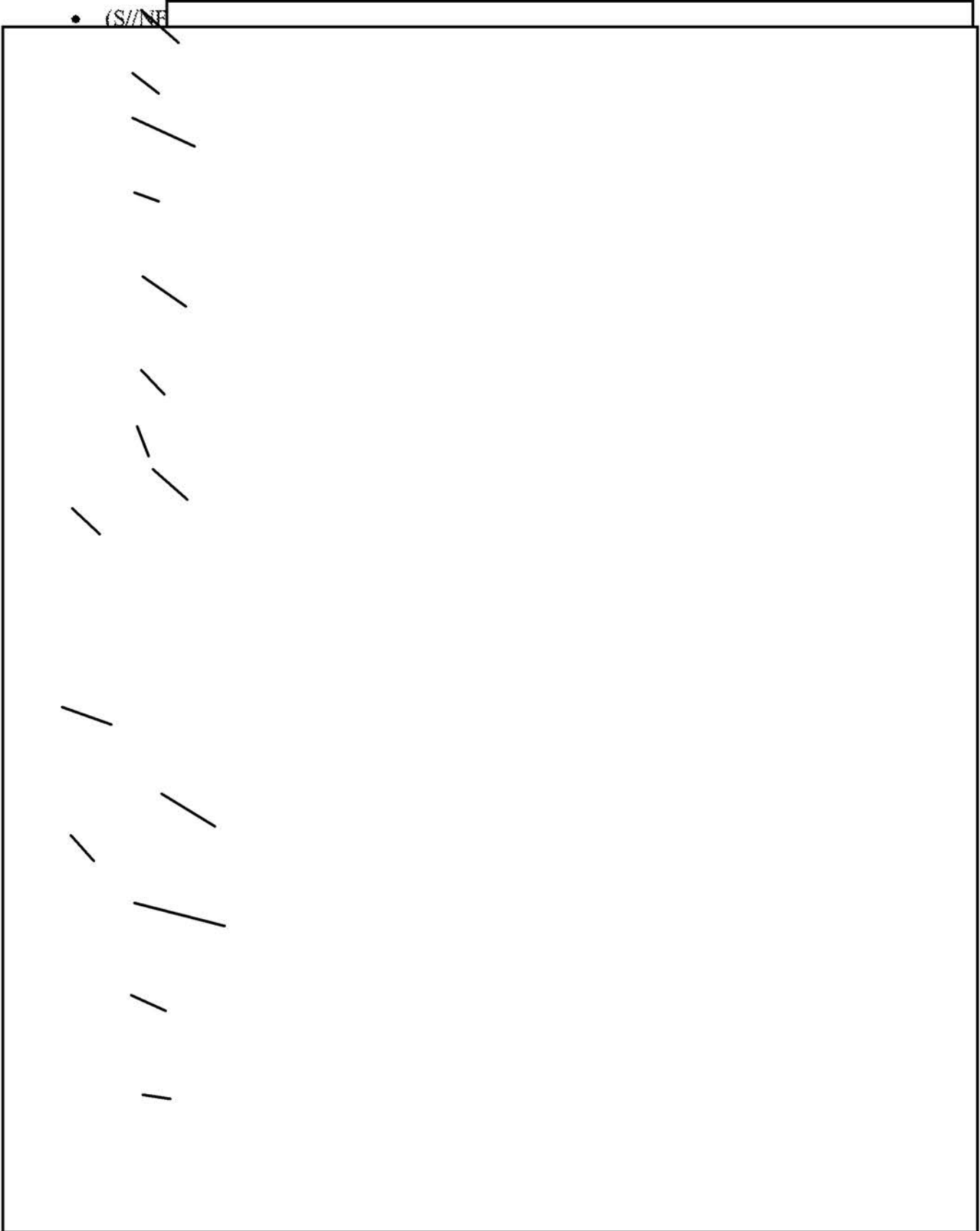
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b1 -1
b3 -1
b7E -1,2

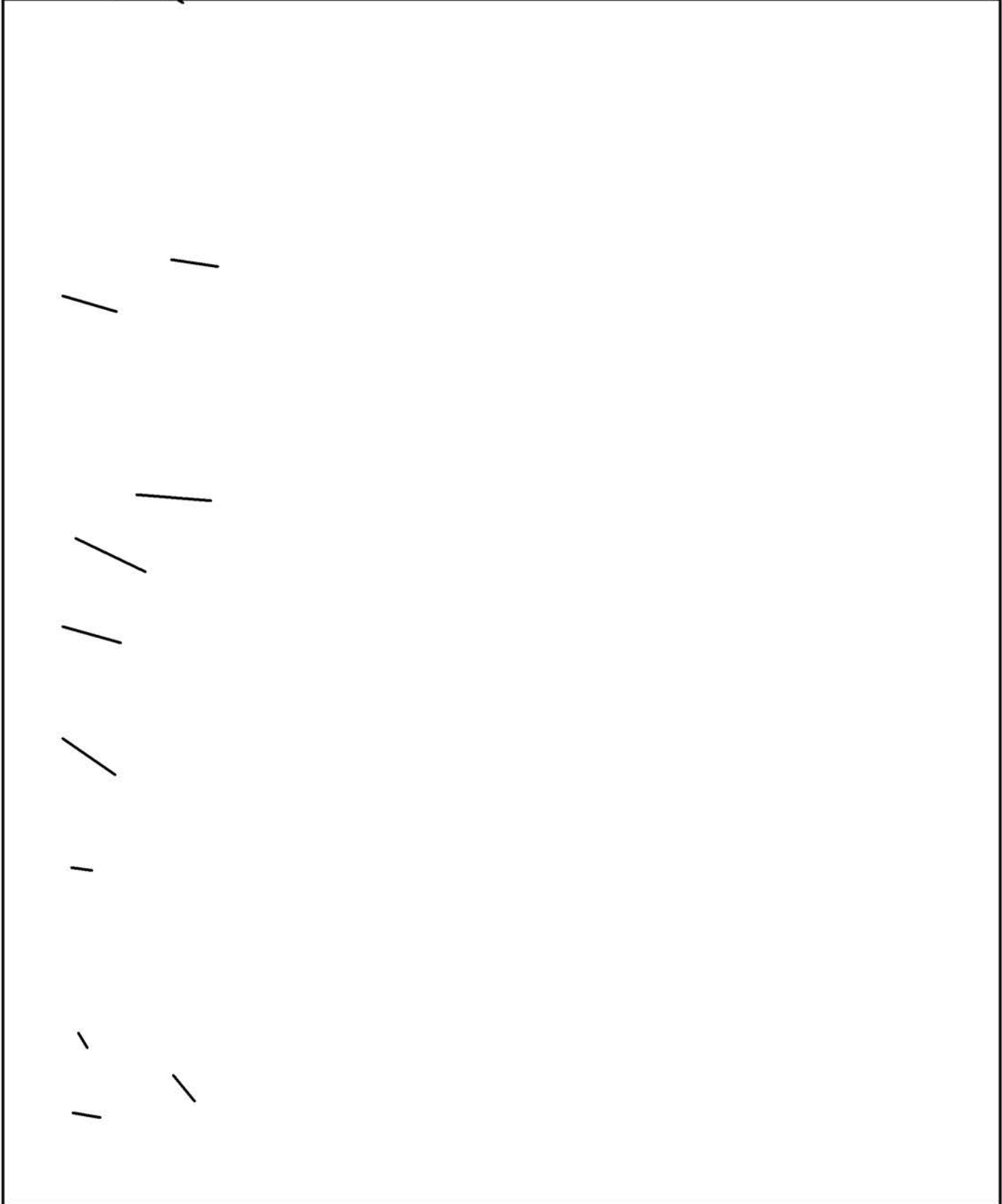
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• (S//NF)



(S//NF)



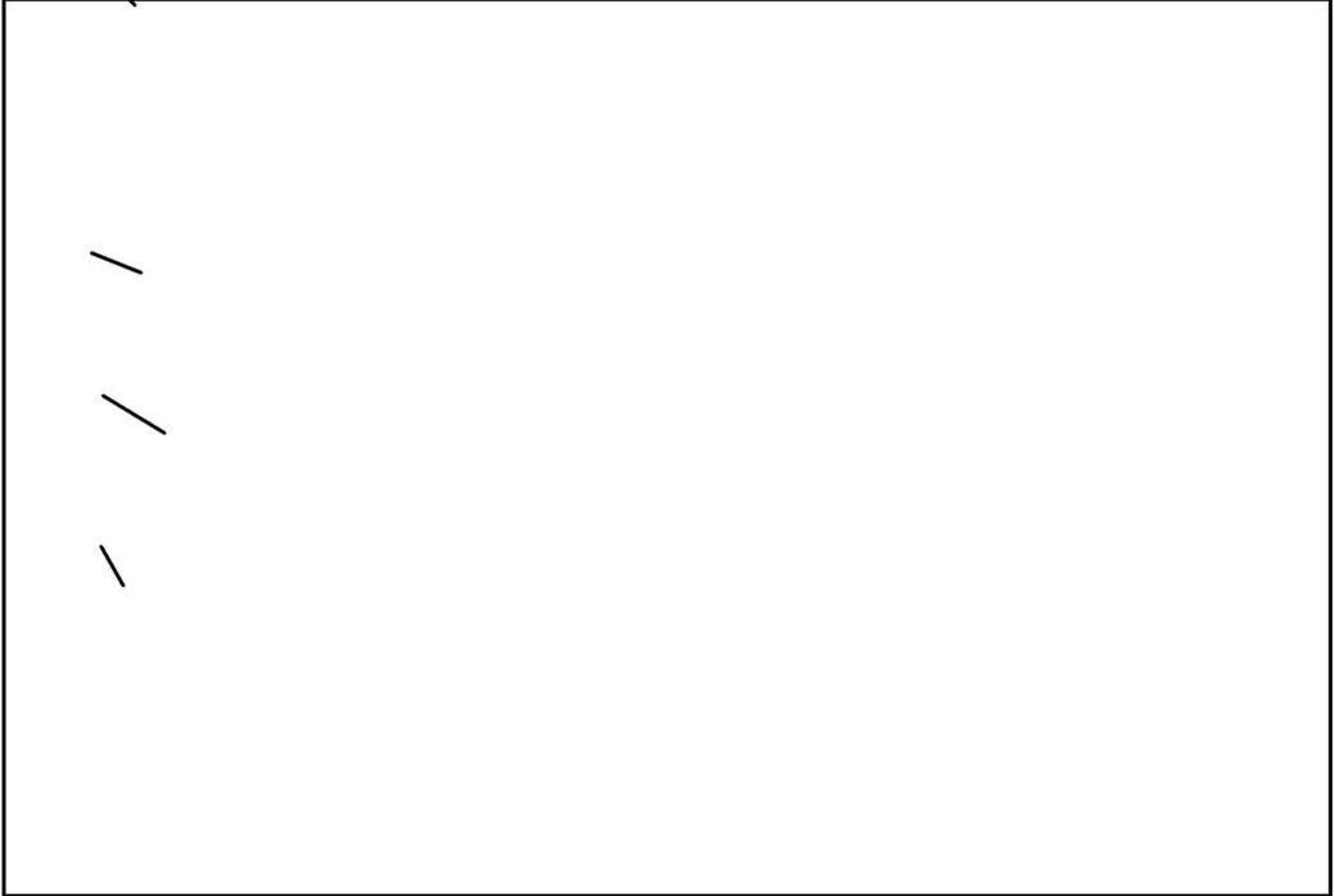
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(S//NF)

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b1 -1
b3 -1
b7E -1,2,3,4

(S//NF)



7.13.4. (U//FOUO) FISA Caveat and Special Markings for FISA 702 Material

(U//FOUO) Any document or other media containing FISA 702-acquired information must include the standard FISA caveat, as set forth in subsection 7.13.8.

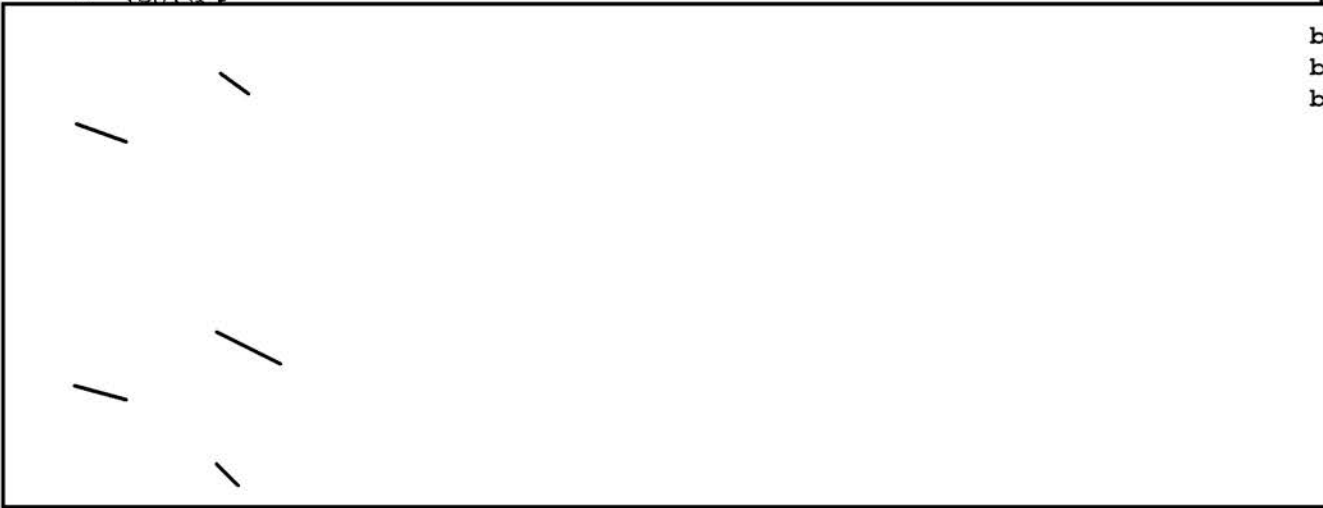
(S//NF)



b1 -1
b3 -1
b7E -1,2

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

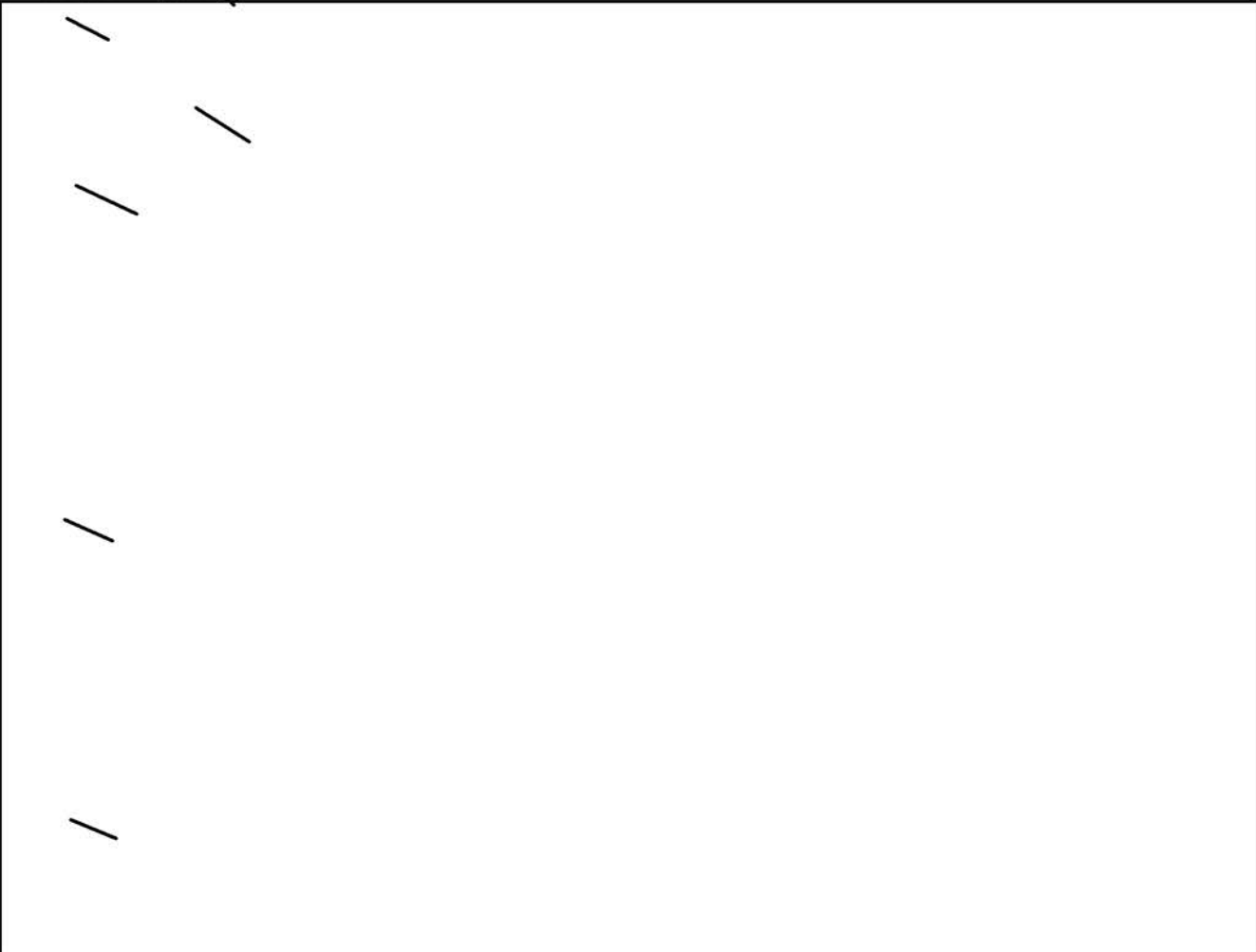
• (S//NF)



b1 -1
b3 -1
b7E -1,2,4

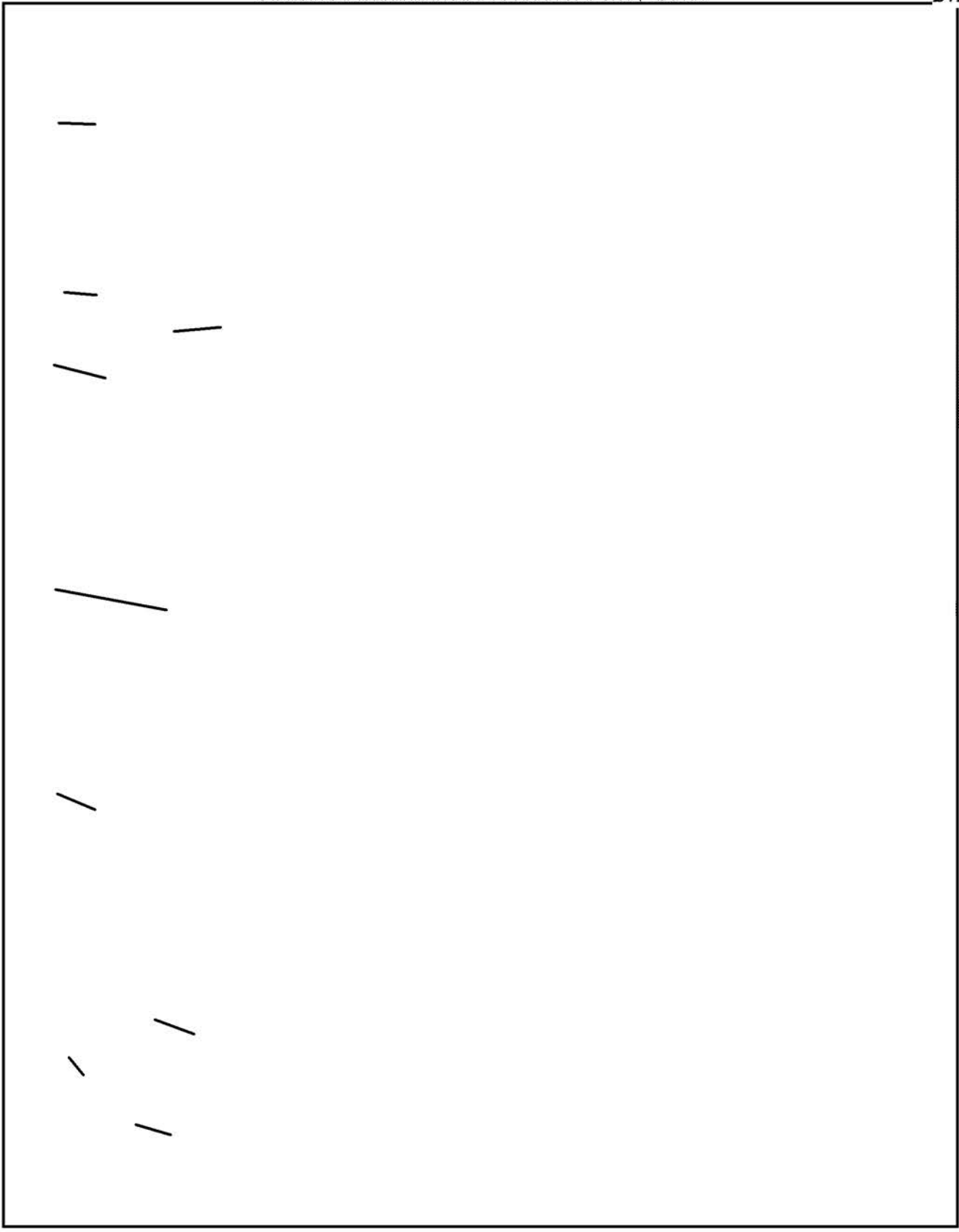
(U//FOUO) For policies and procedures governing the dissemination of FISA information to foreign governments, consult the *Foreign Dissemination of Classified Information Policy Guide, 07B3PG.*

7.13.9. (S//NF)

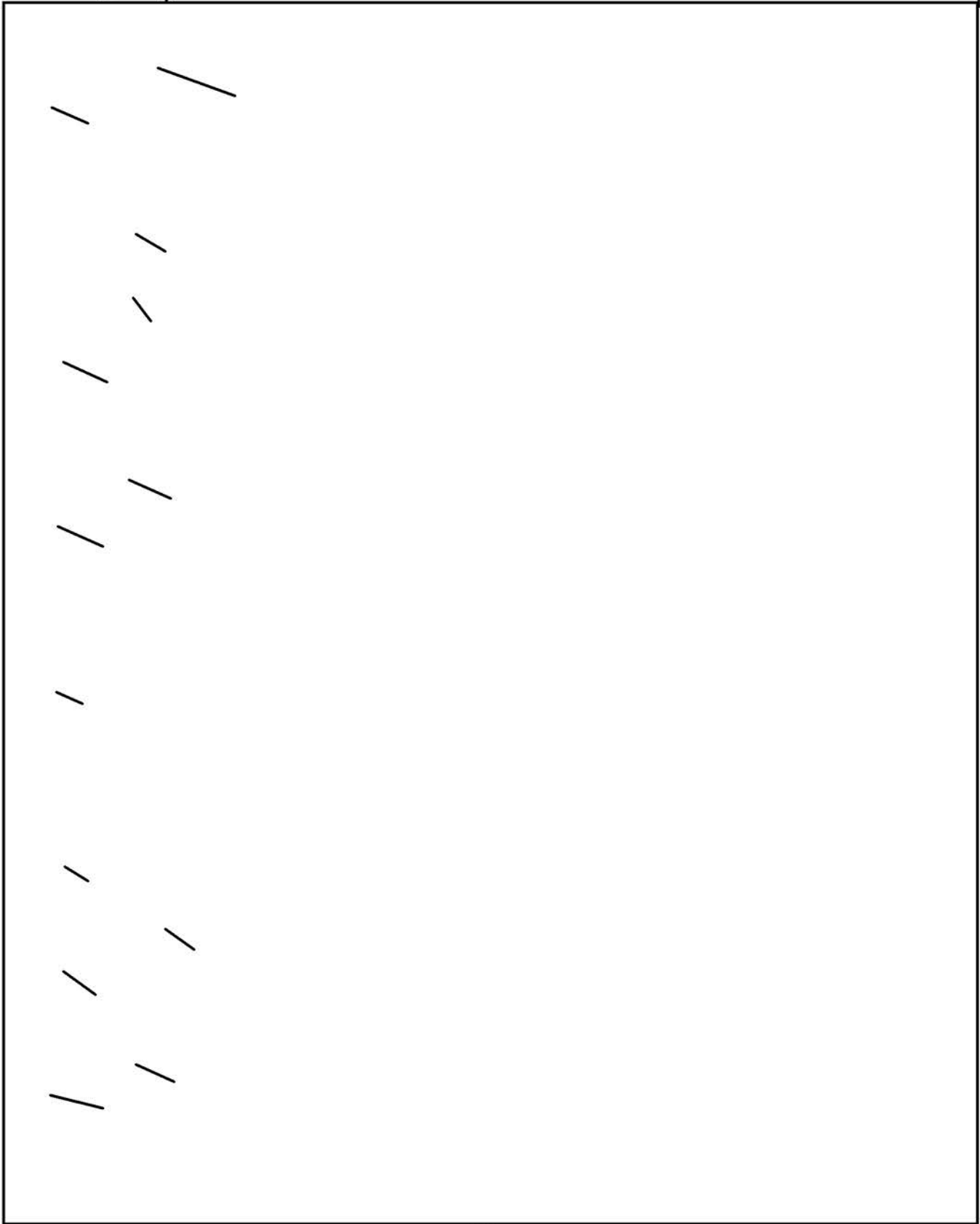


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b3 -1
b7E -1,2

(S)

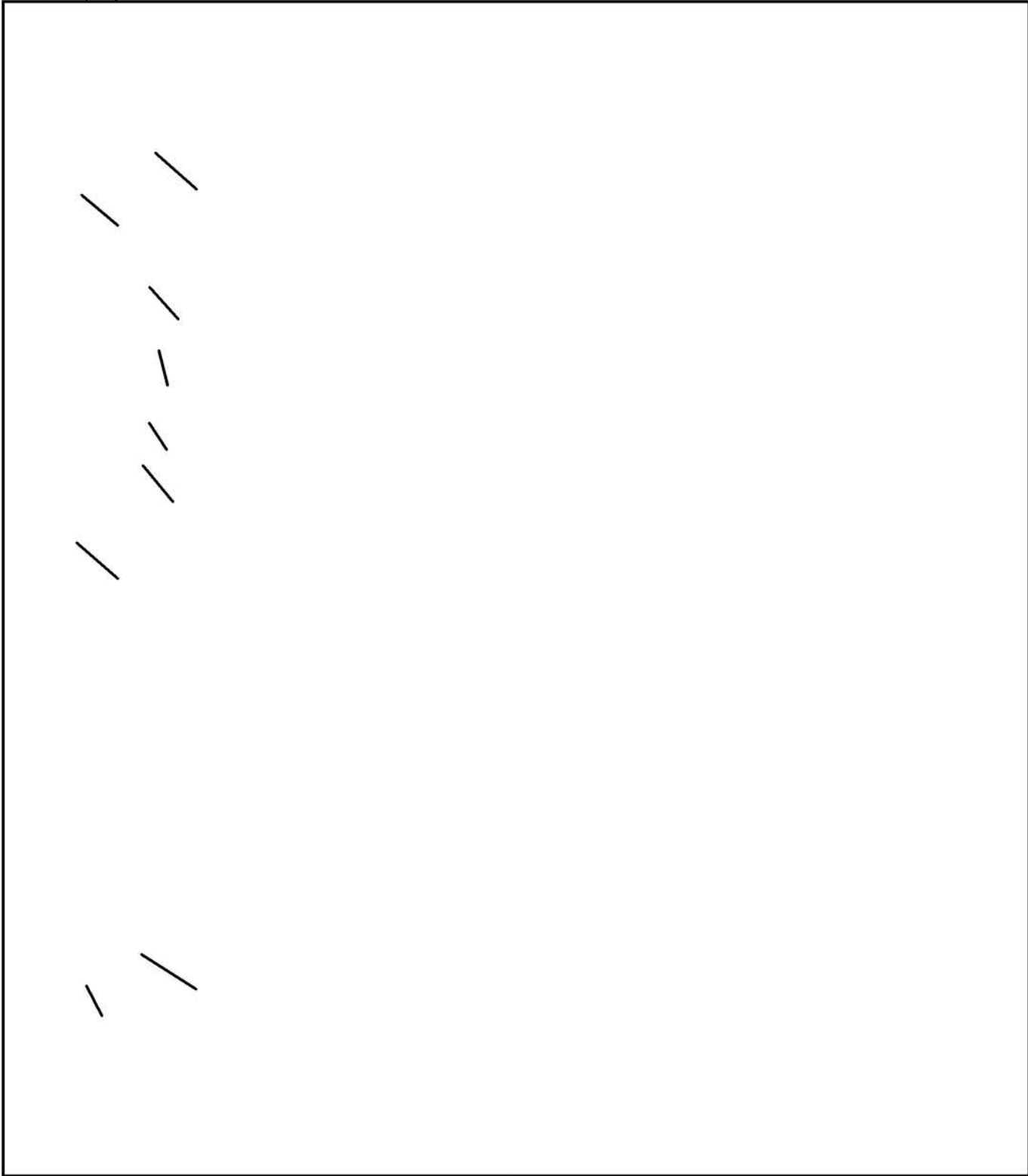


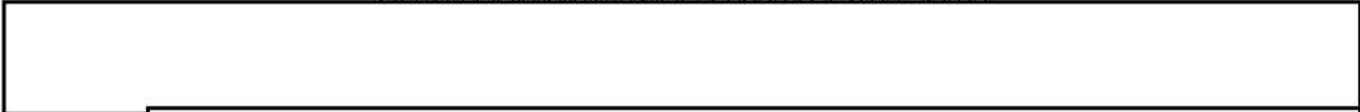
• ~~(S//NF)~~



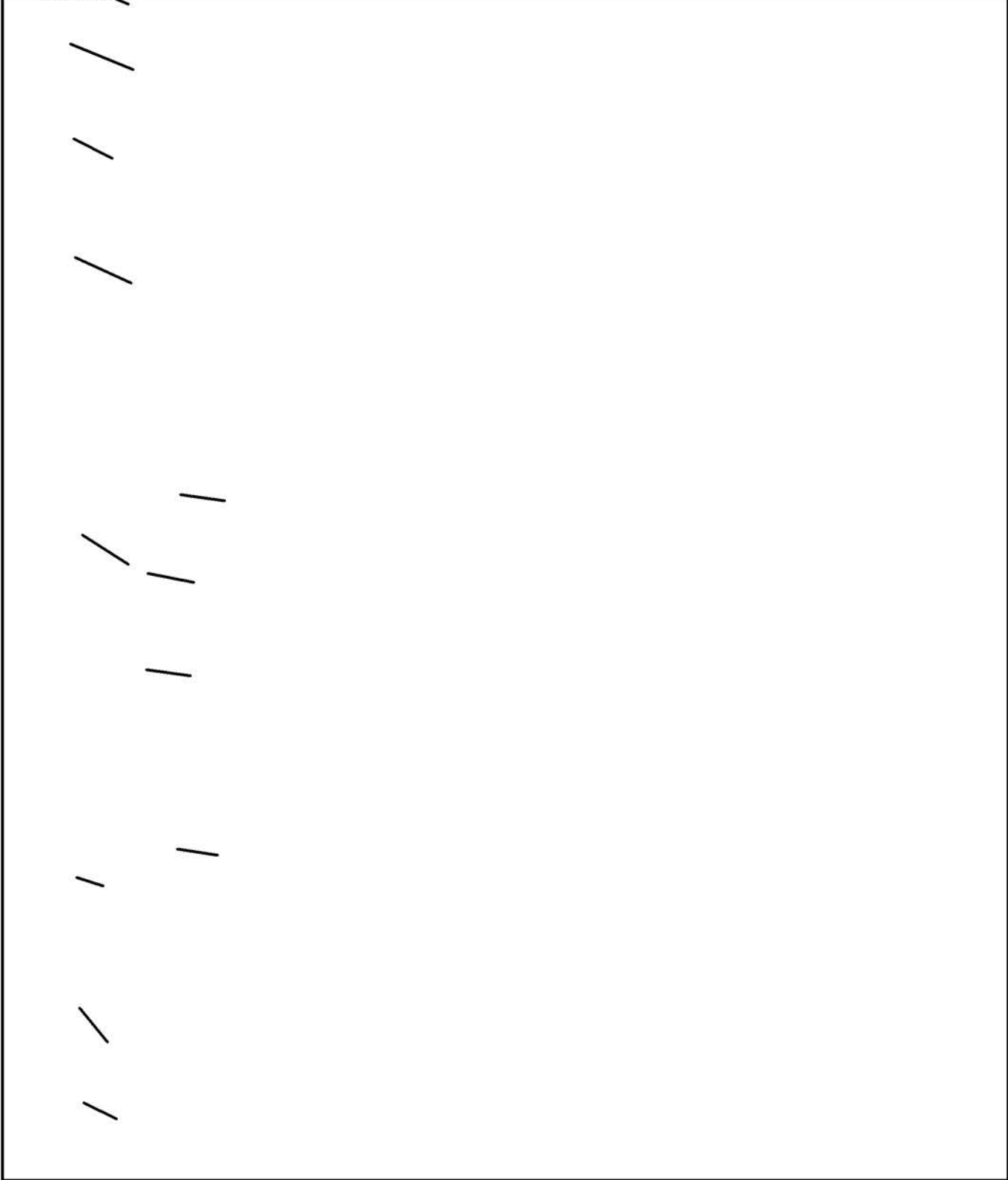


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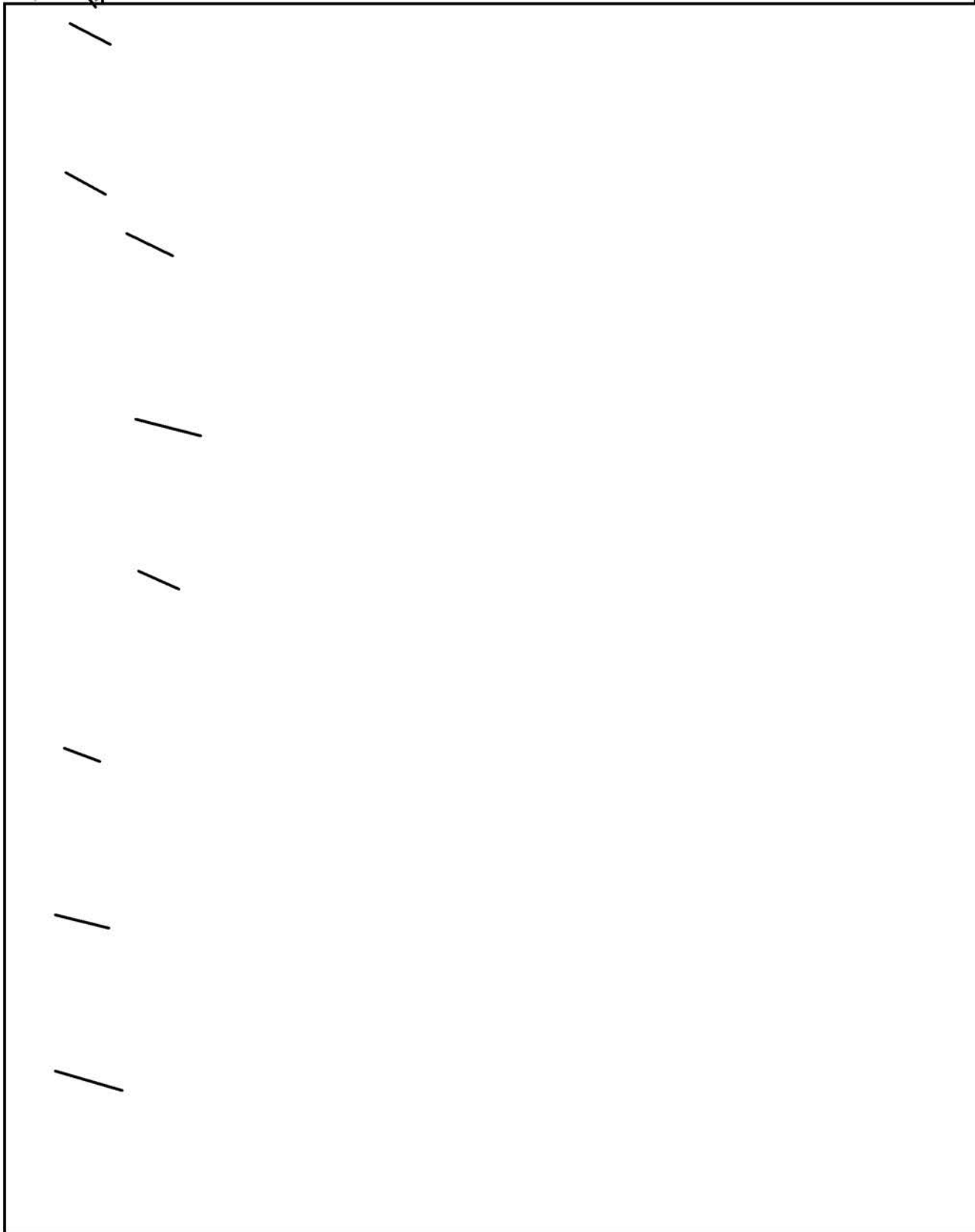




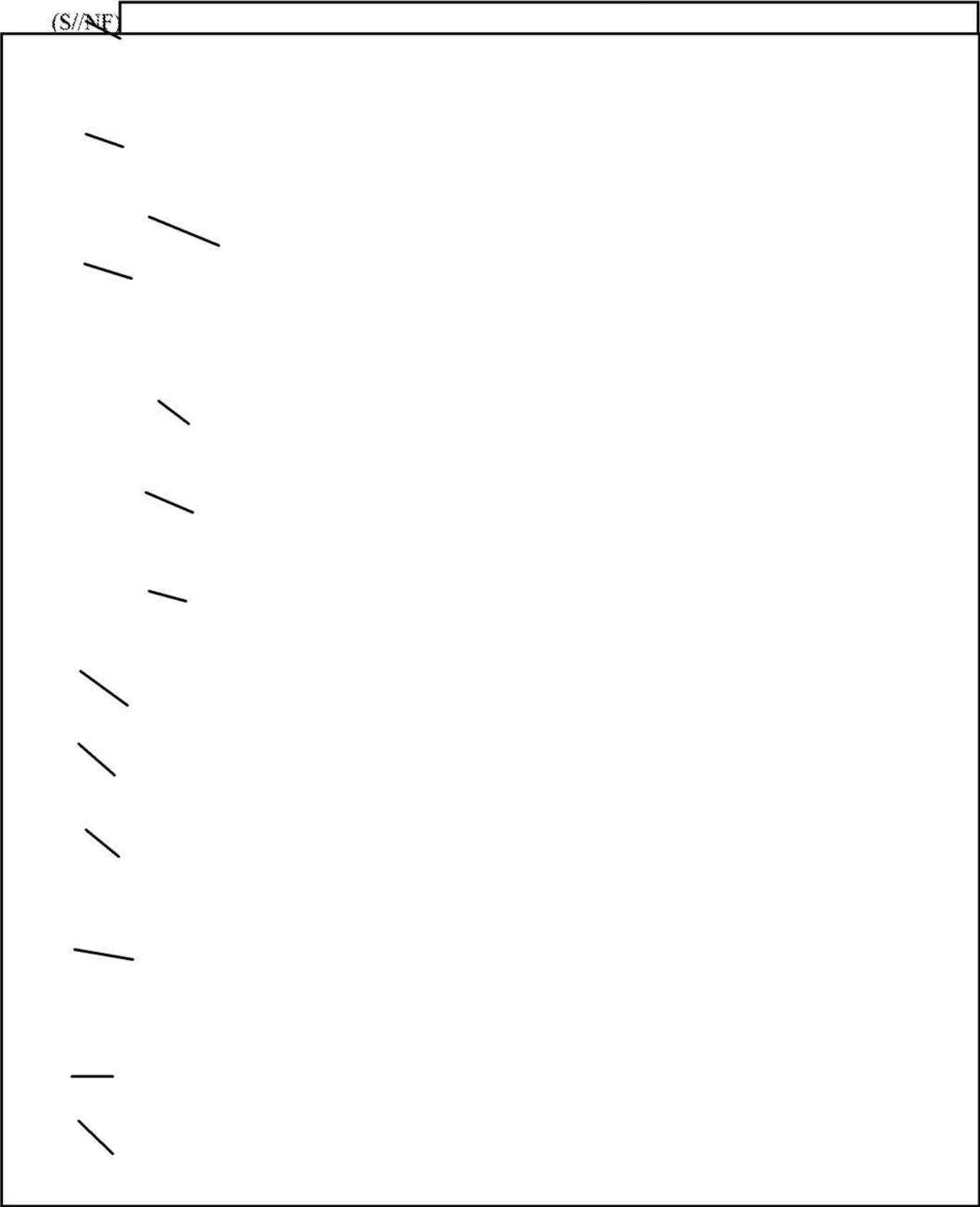
(S//NF)



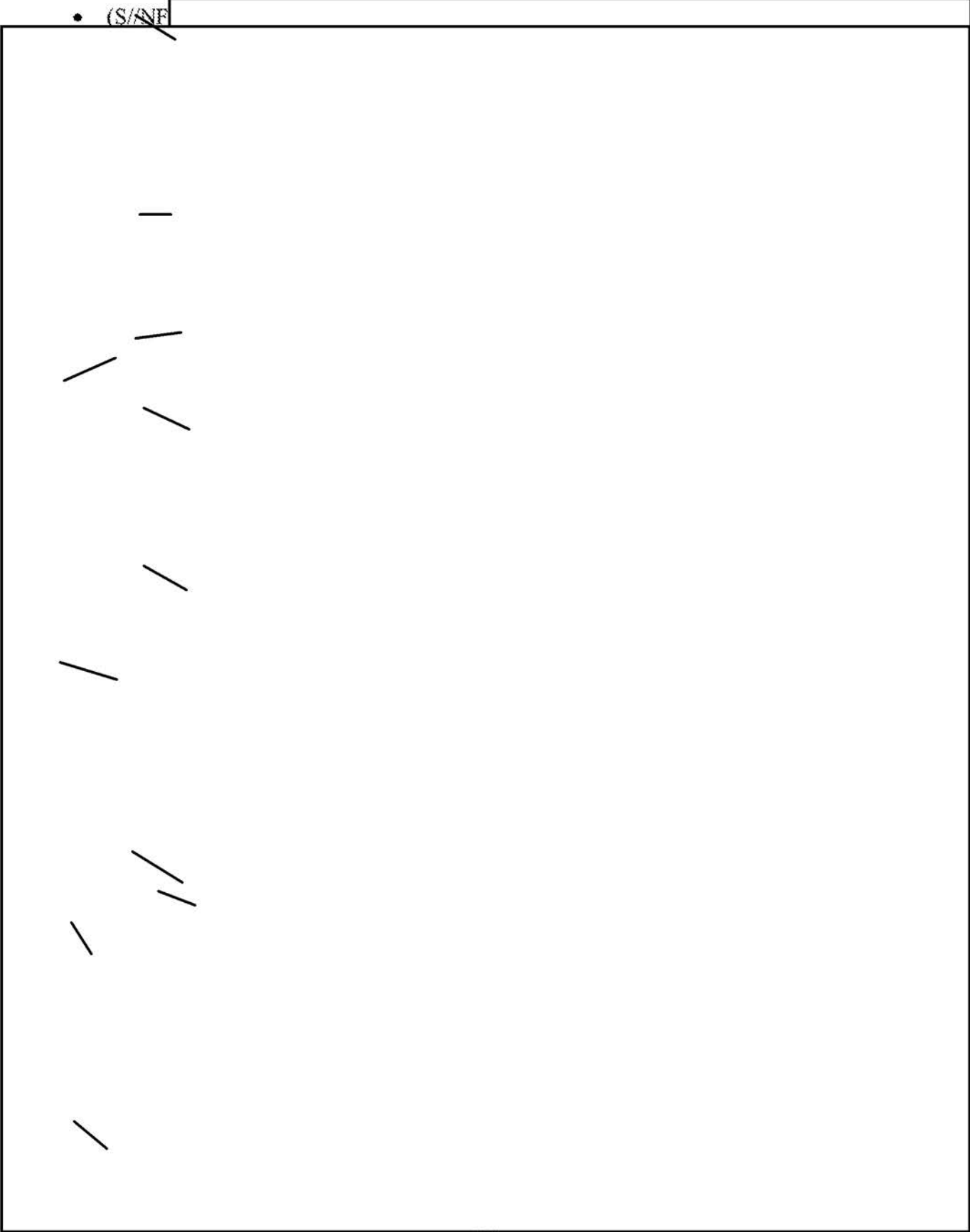
(S//NF)



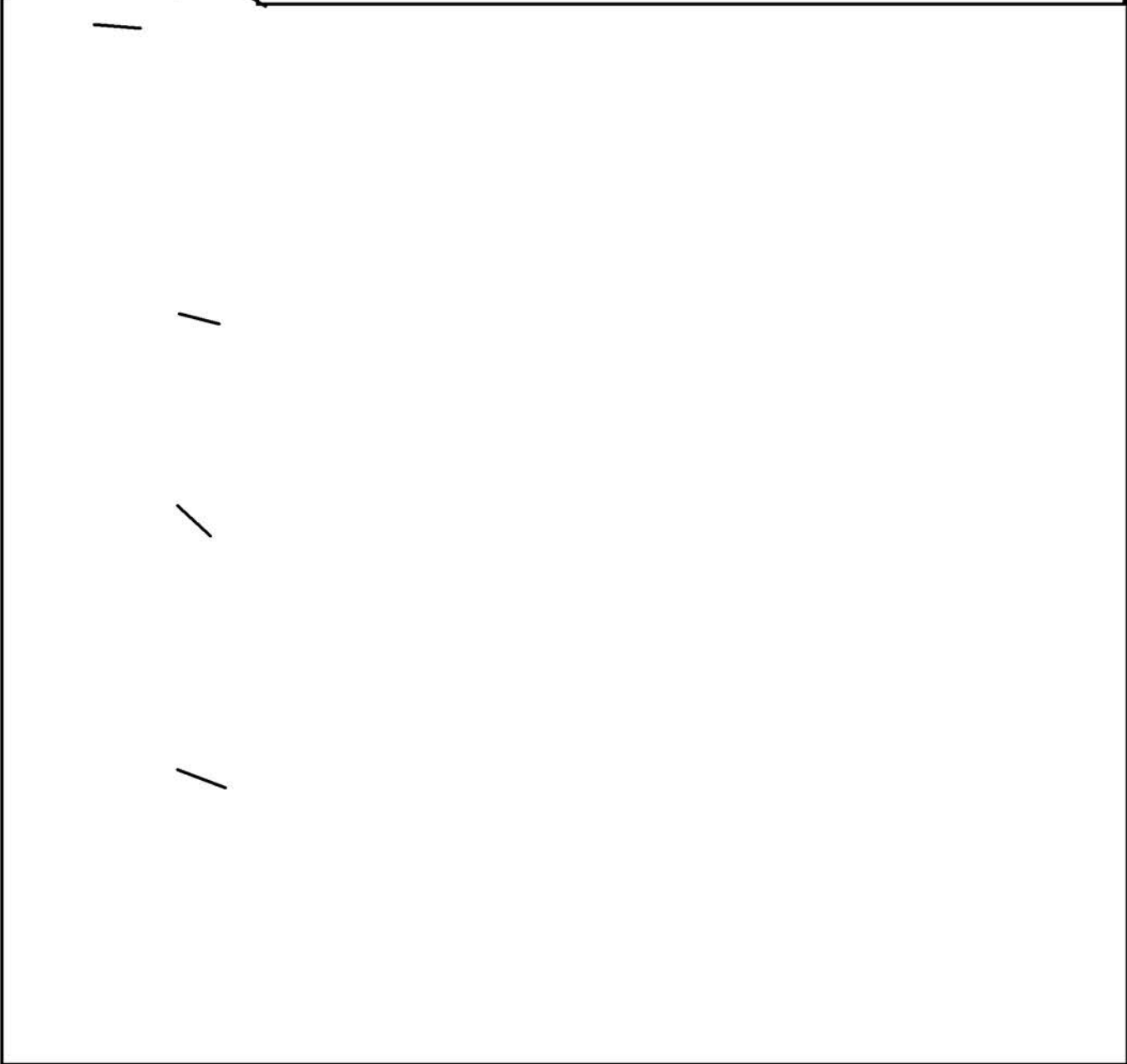
(S//NF)



• (S//NF)

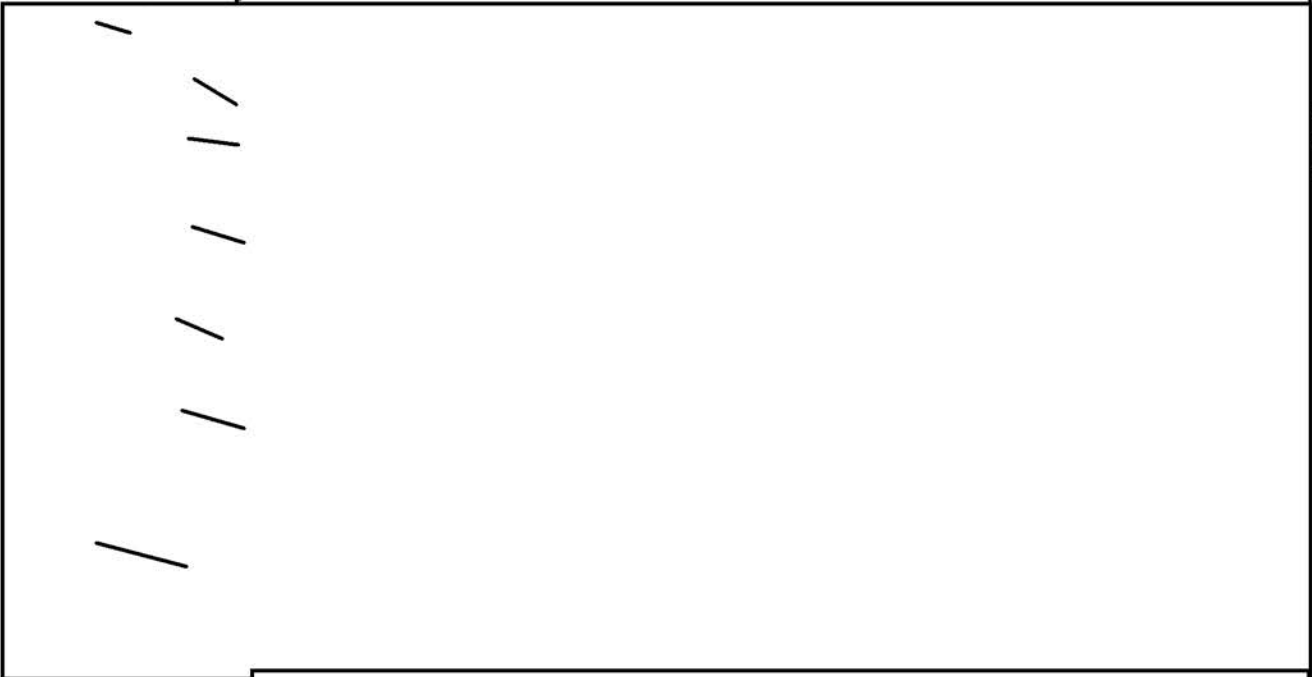


7.19.2. (S//~~NF~~)



8. (U) Electronic Surveillance: Special Considerations

8.1. (S//~~NF~~)



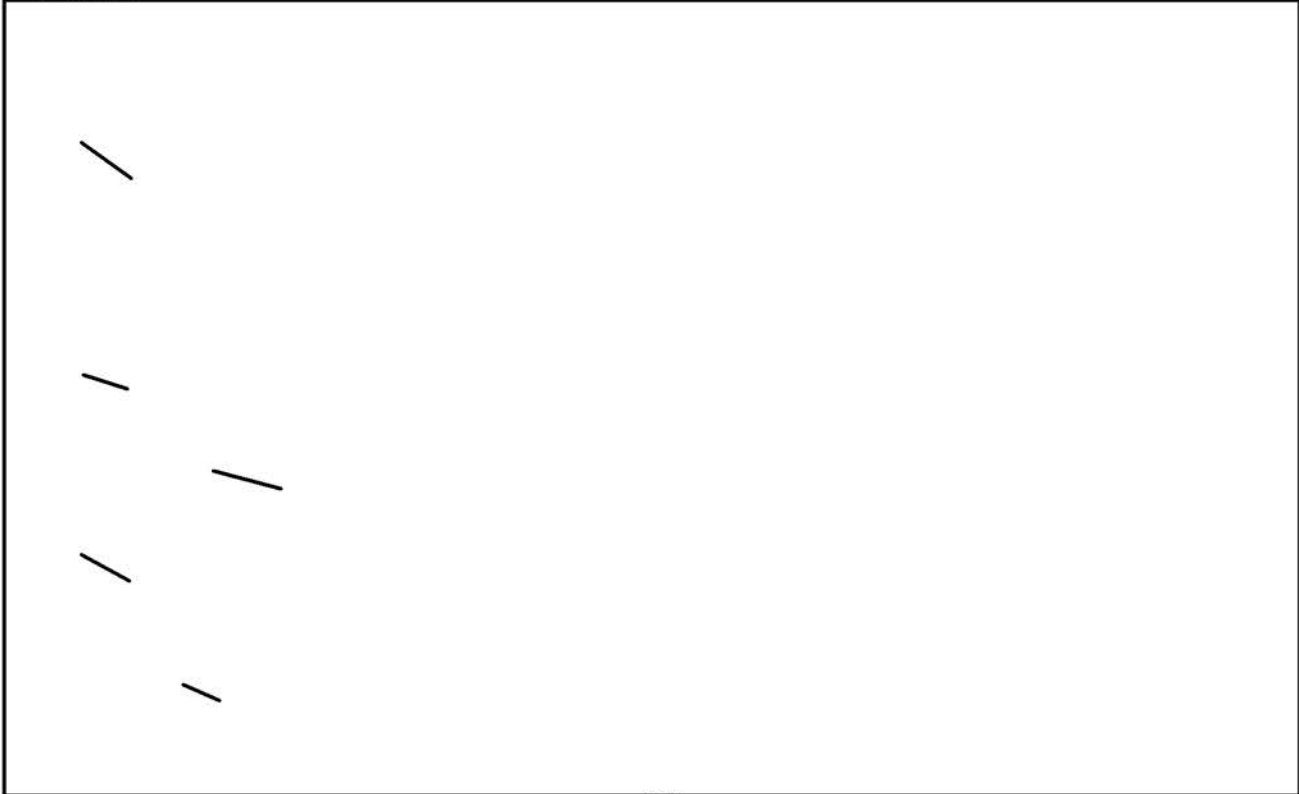
b1 -1
b3 -1
b7E -1,2

8.2. (S//~~NF~~)



8.2.1. (U//~~FOUO~~) Scope

(S//~~NF~~)



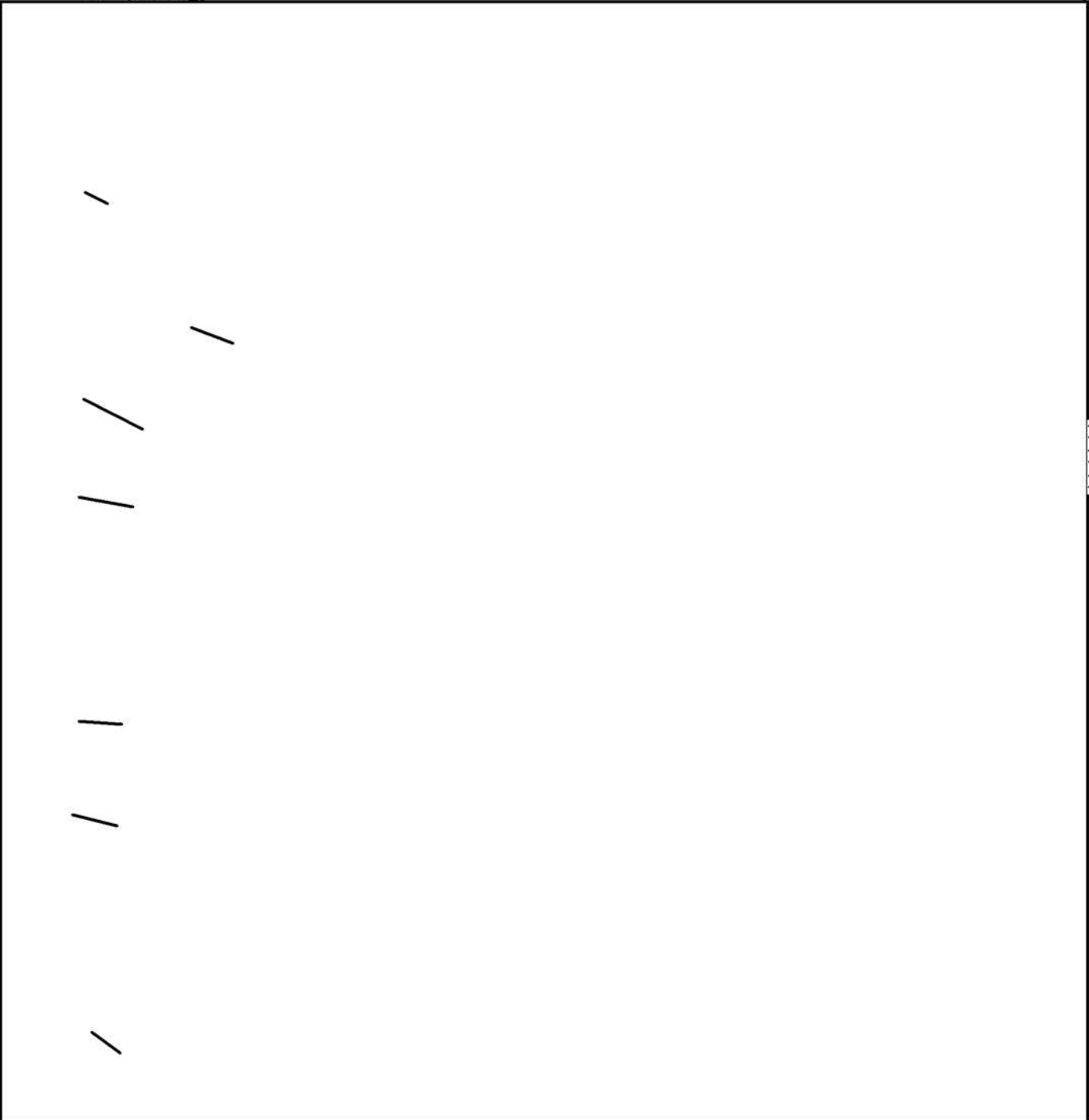
b1 -1
b3 -1
b7E -1,2,4

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide



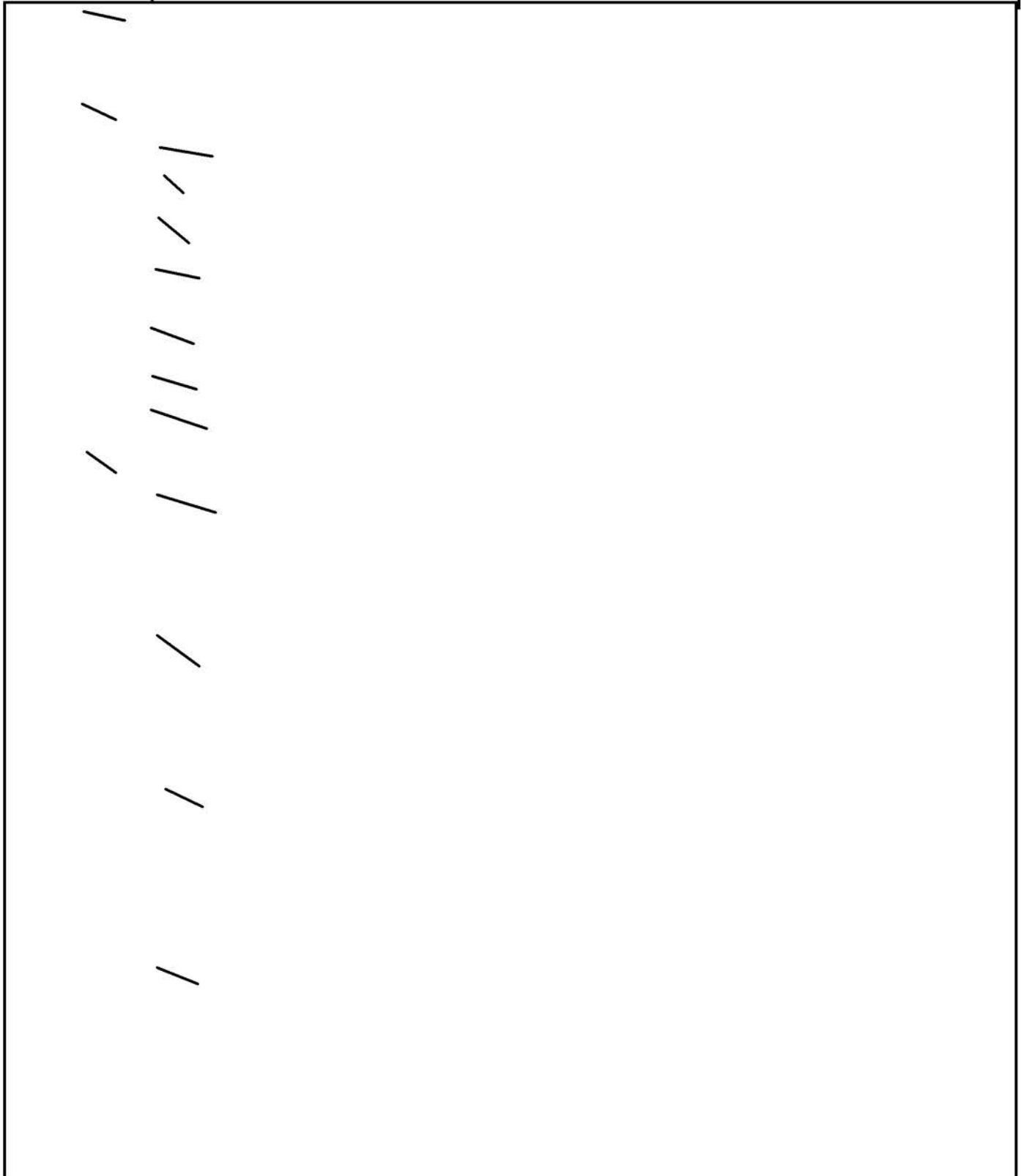
b1 -1
b3 -1
b7E -1,2

2. (S//NF)

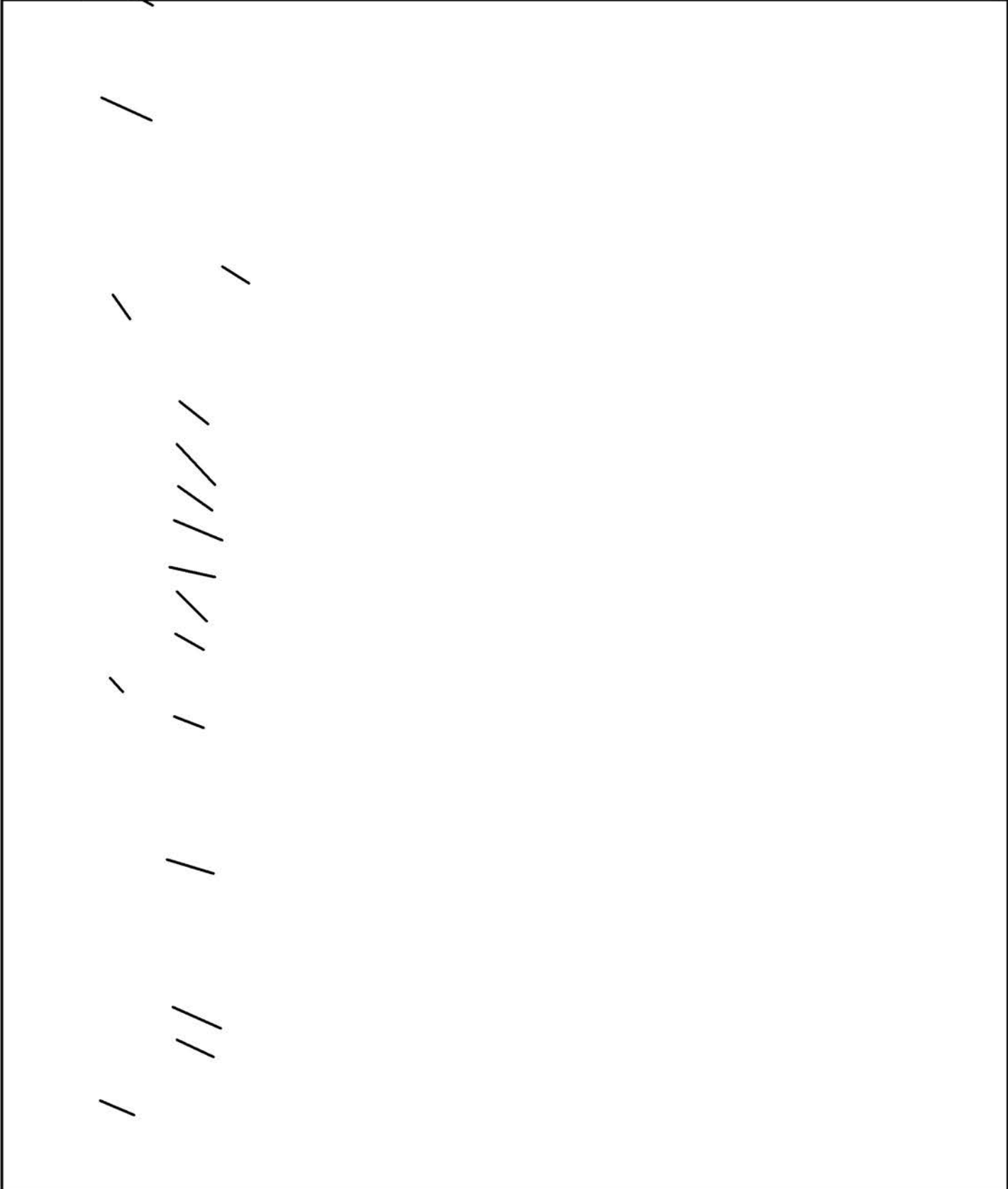


b1 -1
b3 -1
b7E -1,2

8.2.3.1.

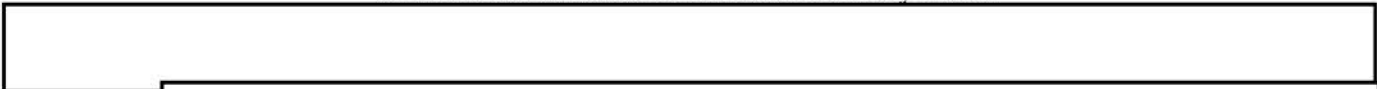


(S//NF)

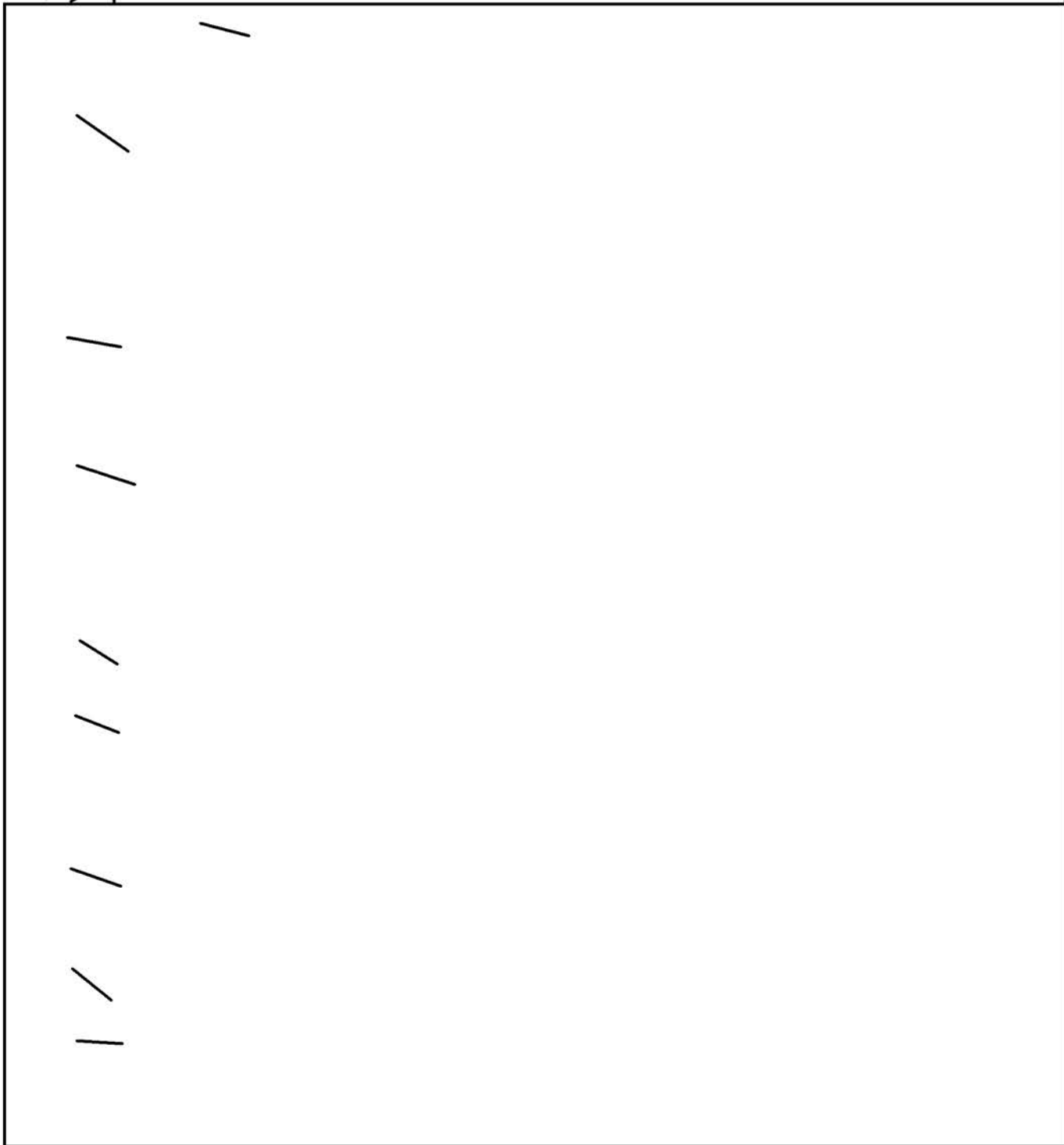


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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

b1 -1
b3 -1
b7E -1,2



(S//NF)

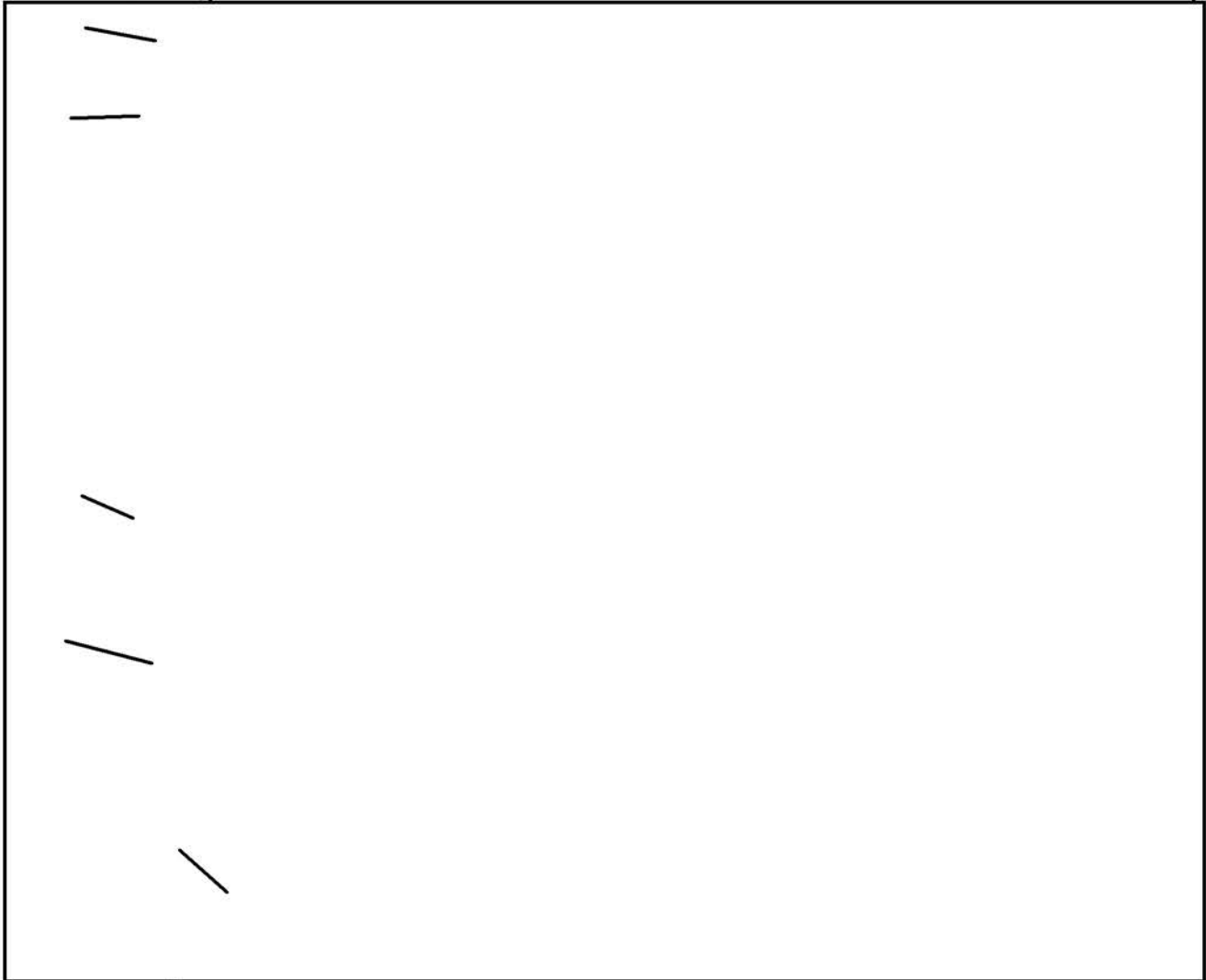


b1 -1
b3 -1
b7E -1,2

9. (U//~~FOUO~~) Business Records: Special Considerations

9.1. (S//NF)

b1 -1
b3 -1
b7E -1,2



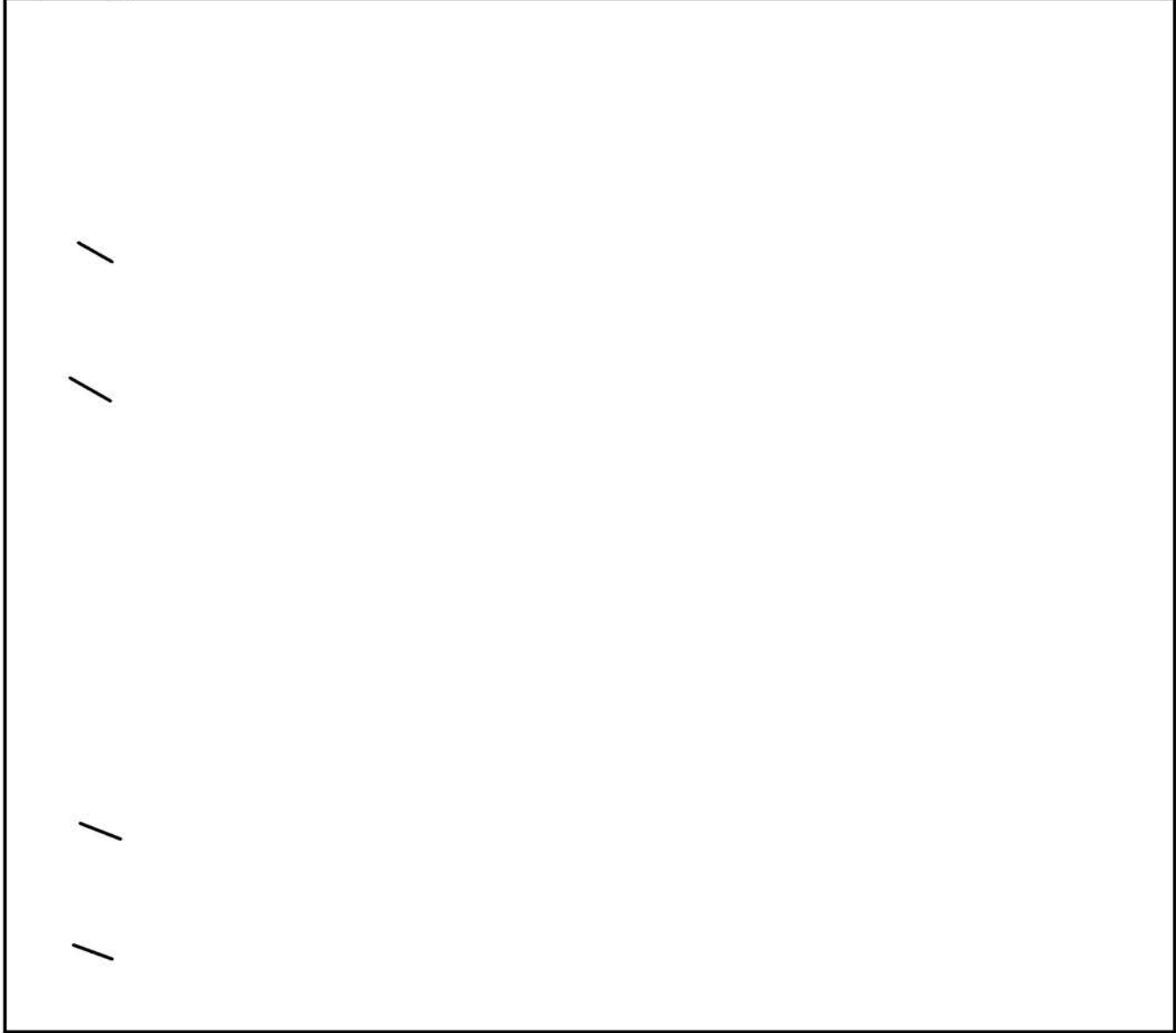
9.3. (U//~~FOUO~~) Review for Overproduction

(S//NF)

b1 -1
b3 -1
b7E -1,2



(S//~~NF~~)



9.4. (U//~~FOUO~~) Marking and Storage of FISA Business Records Returns

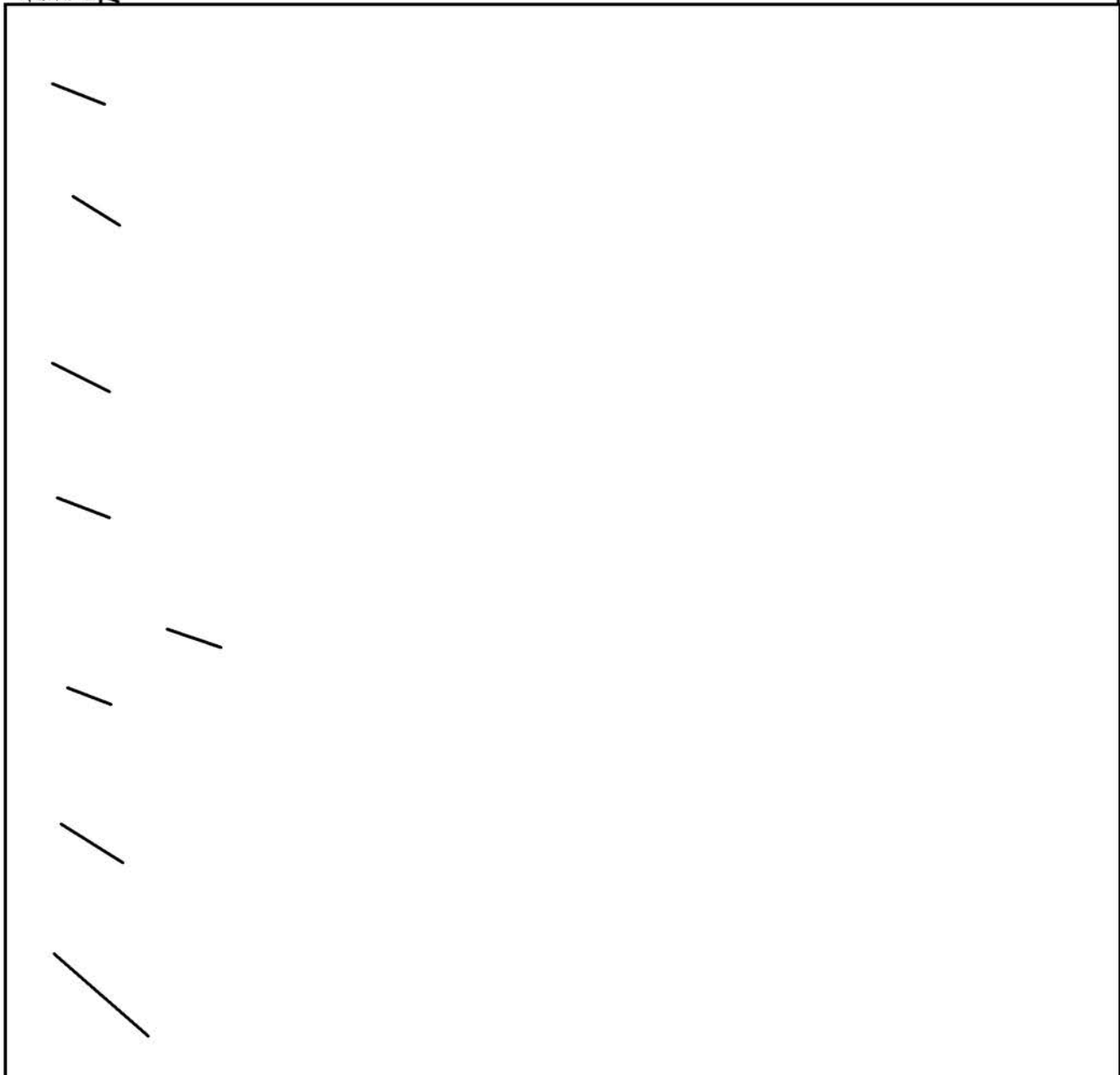
(S//~~NF~~)



b1 -1
b3 -1
b7E -1,2

³³ For example, a bank statement covering time periods outside the dates provided by the BR would not be an overproduction because it is a preexisting document, and that is how the bank keeps its records.

(S//NF)

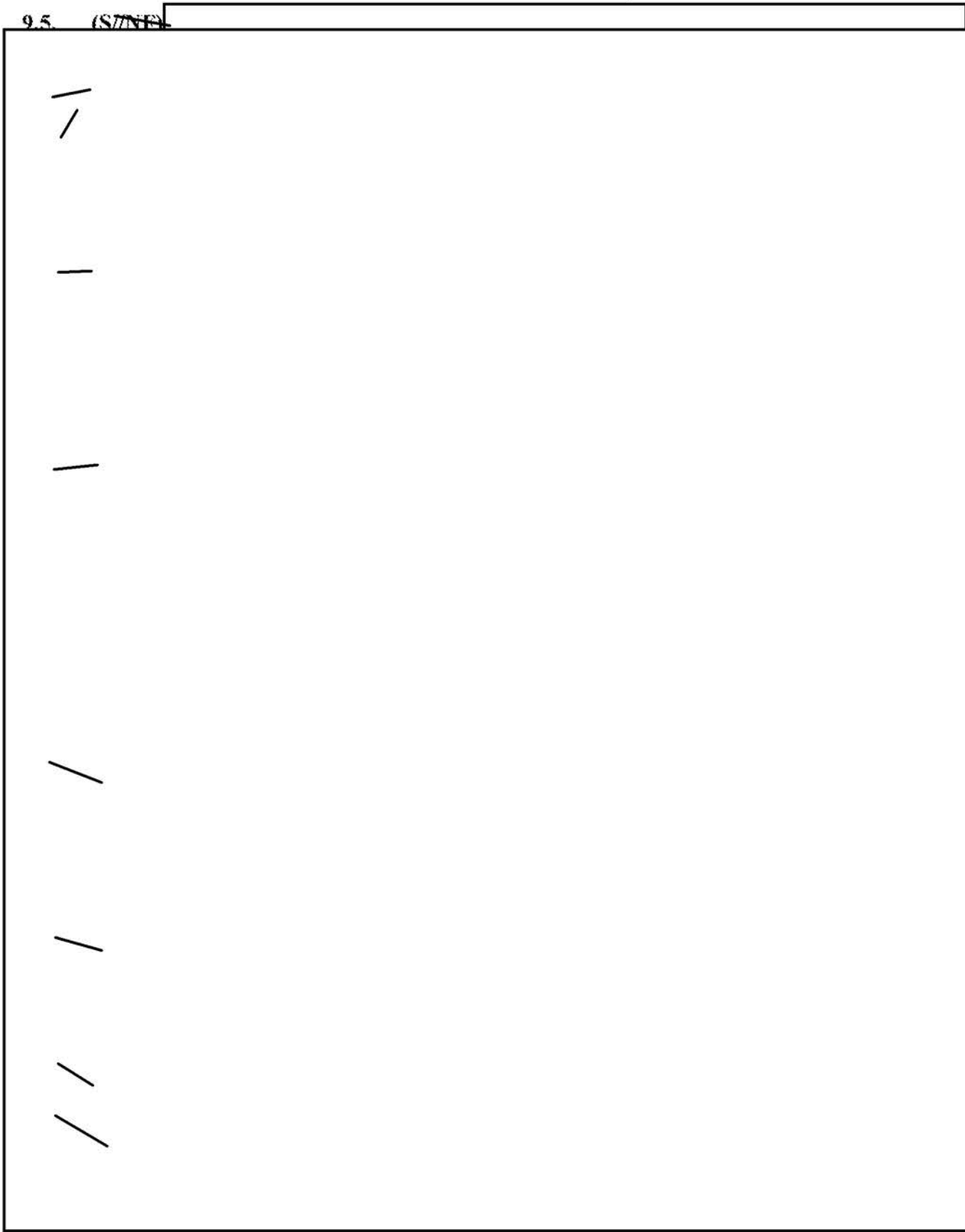


(U//FOUO) In addition, digital evidence must be handled according to the Digital Evidence Policy Guide, 0830PG.

9.4.2. (S//NF)

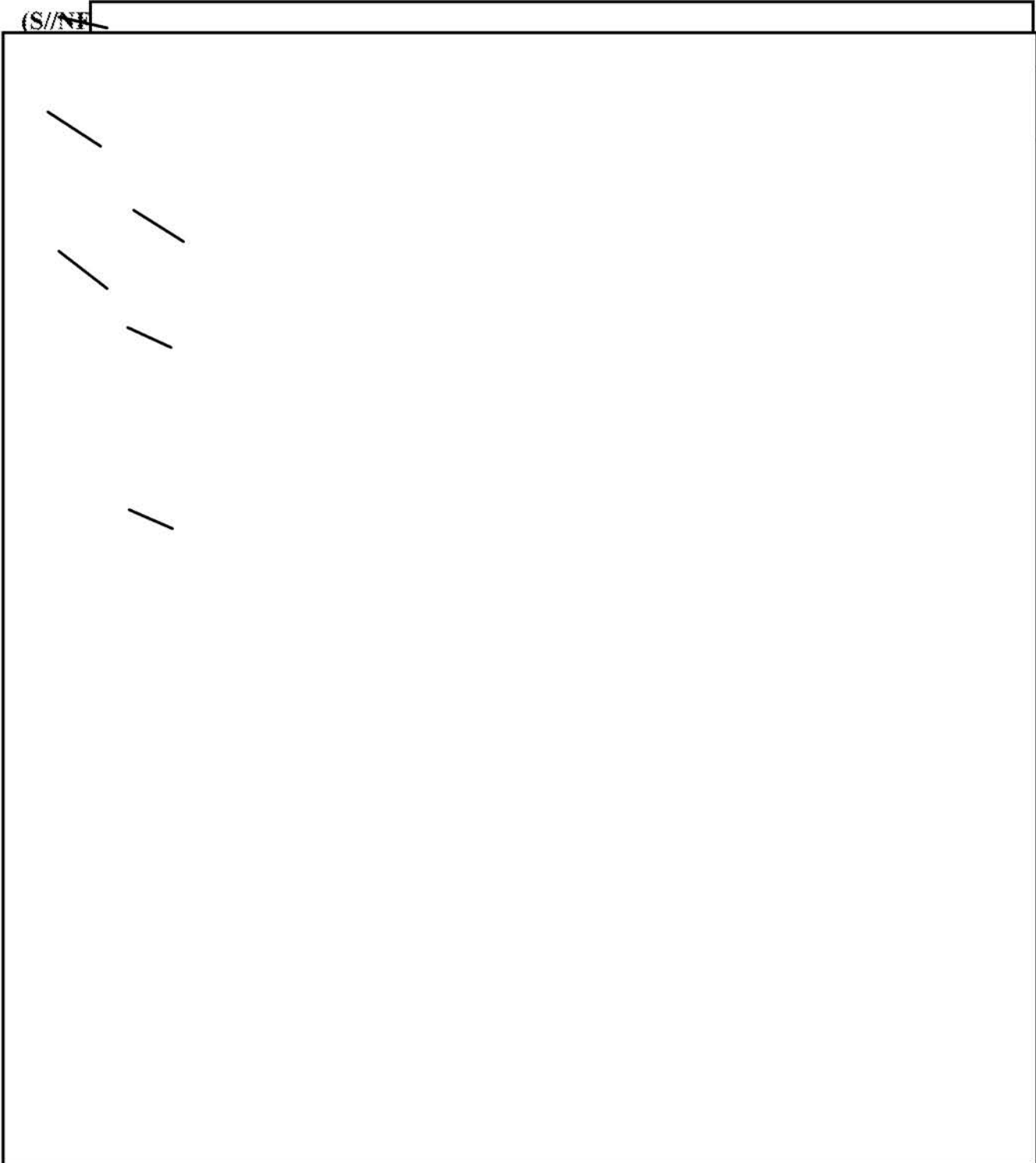


9.5 (S//NF)



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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

~~(S//NF)~~

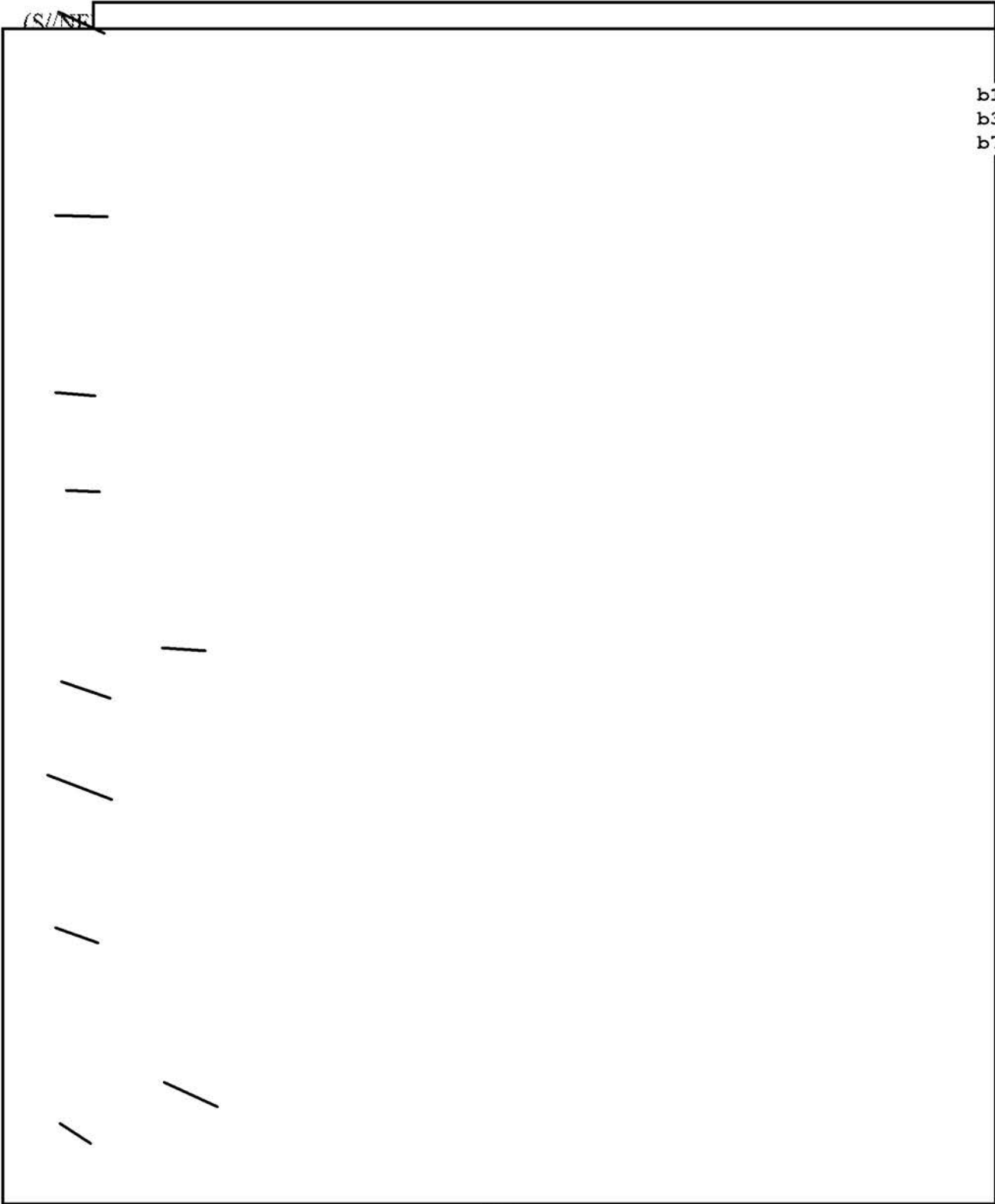


b1 -1
b3 -1
b7E -1,2

10. (U//FOUO) Physical Searches: Special Considerations

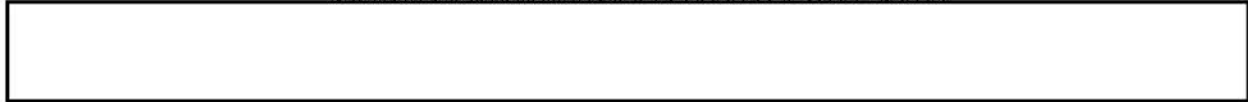
10.1. (U//FOUO) Handling of Information/Items Obtained Pursuant to FISA Physical Search

(S//NF)



b1 -1
b3 -1
b7E -1,2,3,4

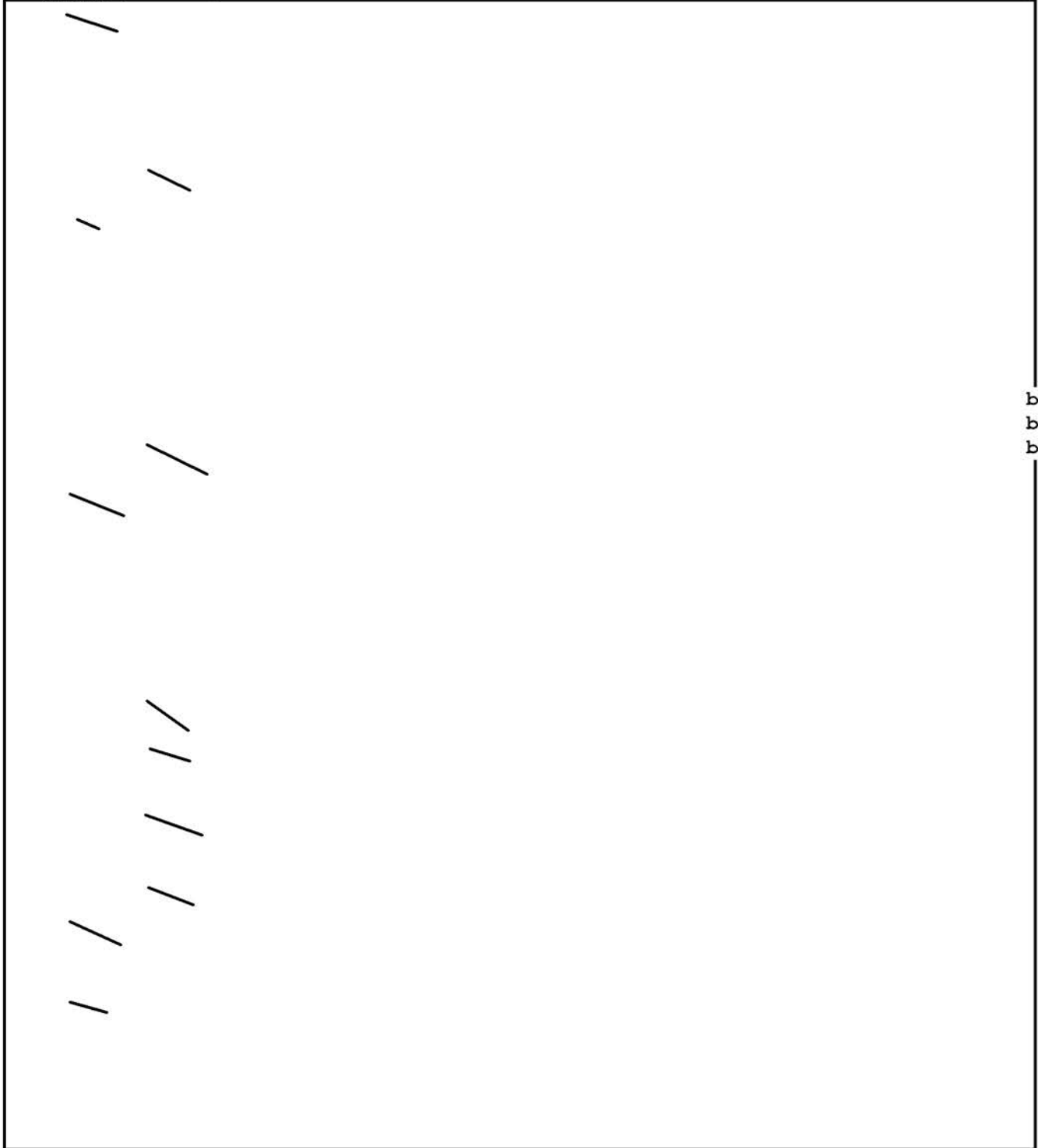
~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide



b1 -1
b3 -1
b7E -1,2

(U//FOUO) In addition, digital evidence will be handled according to the *Digital Evidence Policy Directive and Policy Guide (0639DPG)*.

10.1.3.



b1 -1
b3 -1
b7E -1,2,4

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

10.4. (S//NF)

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[Redacted]

b1 -1
b3 -1
b7E -1,2

11. (S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2

[Redacted]

~~12. (S//NF)~~ [Redacted]

12.1. (U) General Principles

~~(S//NF)~~

[Redacted]

[Redacted]

(S//~~NF~~)

[Redacted]

12.2. (U//~~FOUO~~) Dissemination

(S//~~NF~~)

[Redacted]

(U)

13. ~~(S//NF)~~ Overcollection of FISA Material

(U//FOUO) A FISA overcollection occurs when information is acquired outside the scope of a FISA order, FISA warrant, or other FISA authority (i.e., Section 702 or 705(b) of the FISA Amendments Act). In the business record context, an overcollection also may be called an "overproduction."

(U//FOUO) This policy only applies to information acquired pursuant to FISA authority.³⁵ It does not apply to overcollections resulting from NSLs or criminal process such as grand jury or trial subpoenas.

~~(S//NF)~~

b1 -1
b3 -1
b7E -1,2

13.1. (U) Preventing FISA Overcollections

~~(S//NF)~~

• (U//FOUO)

• ~~(S//NF)~~

• (U//FOUO)

• (U//FOUO)

• ~~(U//FOUO)~~

• (U//FOUO)

b1 -1
b3 -1
b7E -1,2

³⁵ ~~(S//NF)~~

b1 -1
b3 -1
b7E -1

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

- (U//~~FOUO~~) [Redacted]

(U//~~FOUO~~) [Redacted]

b7E -1,2

[Redacted]

13.2. (U) Identifying FISA Overcollections

(U//~~FOUO~~) [Redacted]

[Redacted]

(U//~~FOUO~~) [Redacted]

b7E -1,2

[Redacted]

(U//~~FOUO~~) [Redacted]

[Redacted]

13.3. (U) Notifications

(U//~~FOUO~~) [Redacted]

13.3.1. (U) Initial Notification

(U//~~FOUO~~) [Redacted]

[Redacted]

b7E -1,2

(U//~~FOUO~~) [Redacted]

[Redacted]

b7E -1,2,4

(U//~~FOUO~~) [Redacted]

[Redacted]

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(U//FOUO)

b7E -1,2

13.3.2. (U) Notification of Destruction of Overcollection

(U//FOUO)

b3 -1
b7E -4

13.4. (U) Reporting Potential IOB Matters

(U//FOUO)

b3 -1
b7E -4

13.5. (U) Handling of Overcollected Material

(S//NF)

b1 -1
b3 -1
b7E -1,2

13.6. (U) Sequestration

(S//NF)

b1 -1
b3 -1
b7E -1,2

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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
b3 -1
b7E -1,2

13.7. (U) Destruction

(S//NF)

[Redacted]

b1 -1
b3 -1
b7E -1,2

13.7.1. (U) Authorization for Destruction

(S//NF)

[Redacted]

13.7.2. (U) Method of Destruction

13.7.3. (U) Destruction of Classified Materials

(U//FOUO) The destruction of FISA overcollections must conform with current FBI policies, as articulated in the PD 0506D, *Destruction of Classified and Sensitive Material*, for the destruction of classified material. Any questions with regard to the proper destruction of classified material should be directed to the local FO security officer.

(U//FOUO) FO SSAs are responsible for ensuring that subordinates follow the policies for purging overcollected FISA-acquired information and keeping written records of approvals in the appropriate electronic and paper case files.

13.7.3.1. (U) Destruction of Material in Field Offices

³⁶ (S//NF)

[Redacted]

(S)

b1 -1
b3 -1
b7E -1

~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

(U//FOUO)

b7E -1,2

13.7.3.2. (U) Destruction of Materials at FBIHQ

(U//FOUO)

b7E -1,2

13.7.3.3. (U) Destruction of Materials in the Possession of the NSD OI

(U//FOUO)

13.8. (U) Retrieving Overcollected Information That Has Been Disseminated

(U//FOUO)

b7E -1,2

13.9. (U) Technical Assistance

(U//FOUO)

(S//NF)

b1 -1
b3 -1
b7E -1,2

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
b3 -1
b7E -1,2

(U//FOUO)

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13.10. (U) Other Assistance

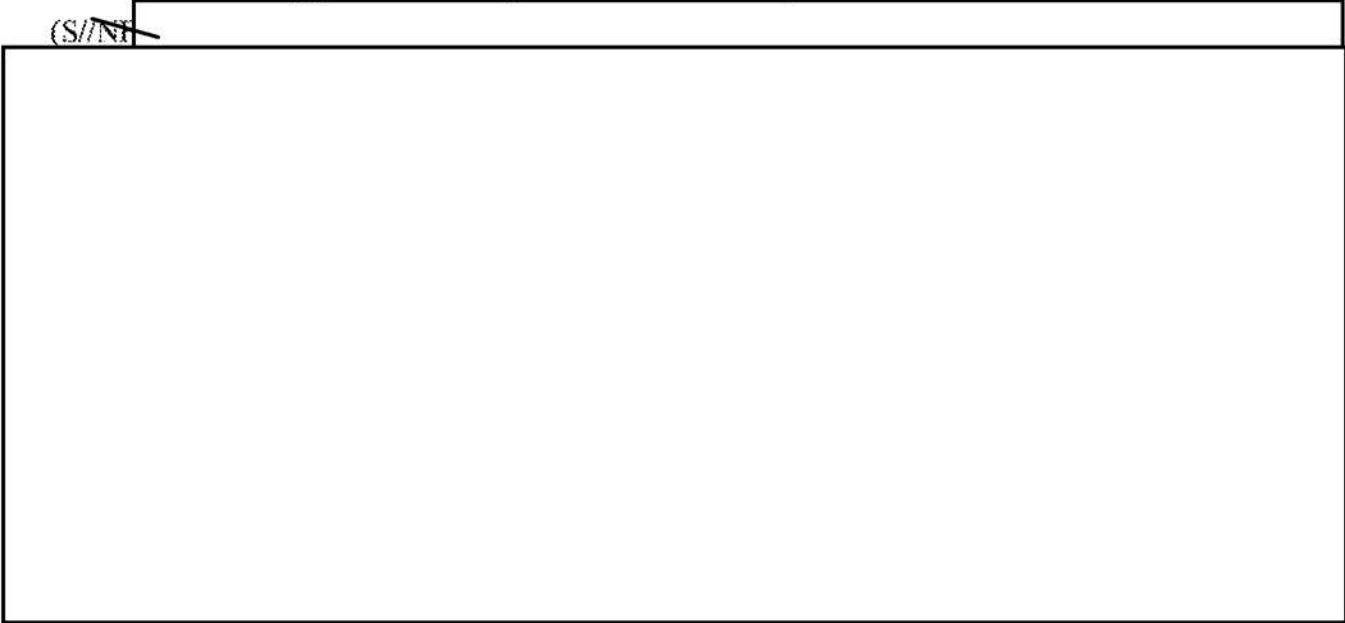
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14. (U//~~FOUO~~) Accuracy

14.1. (U//~~FOUO~~) Paramount Importance of Accuracy

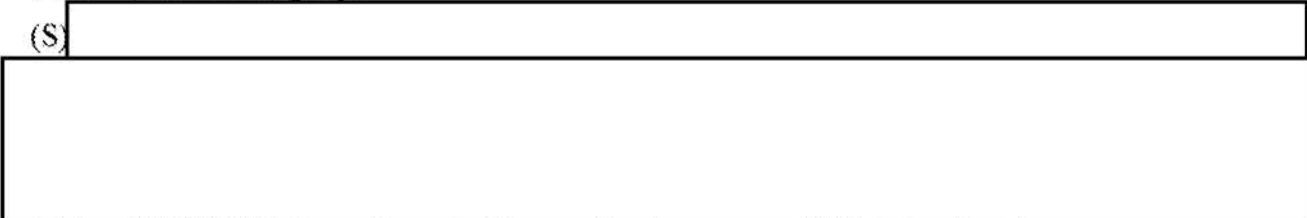
(S//~~NI~~)



b1 -1
b3 -1
b7E -1,2

14.2. (U//~~FOUO~~) Scope

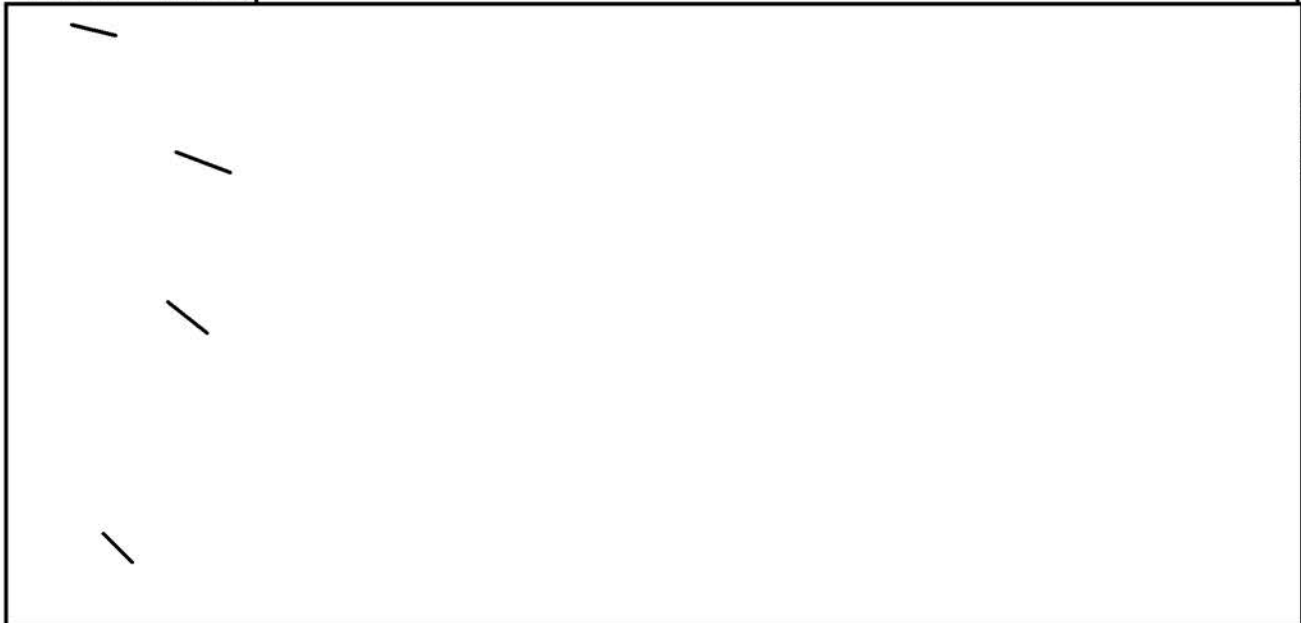
(S)



b1 -1
b3 -1
b7E -1,2

14.3. (U//~~FOUO~~) Procedures to Ensure the Accuracy of FISA Applications

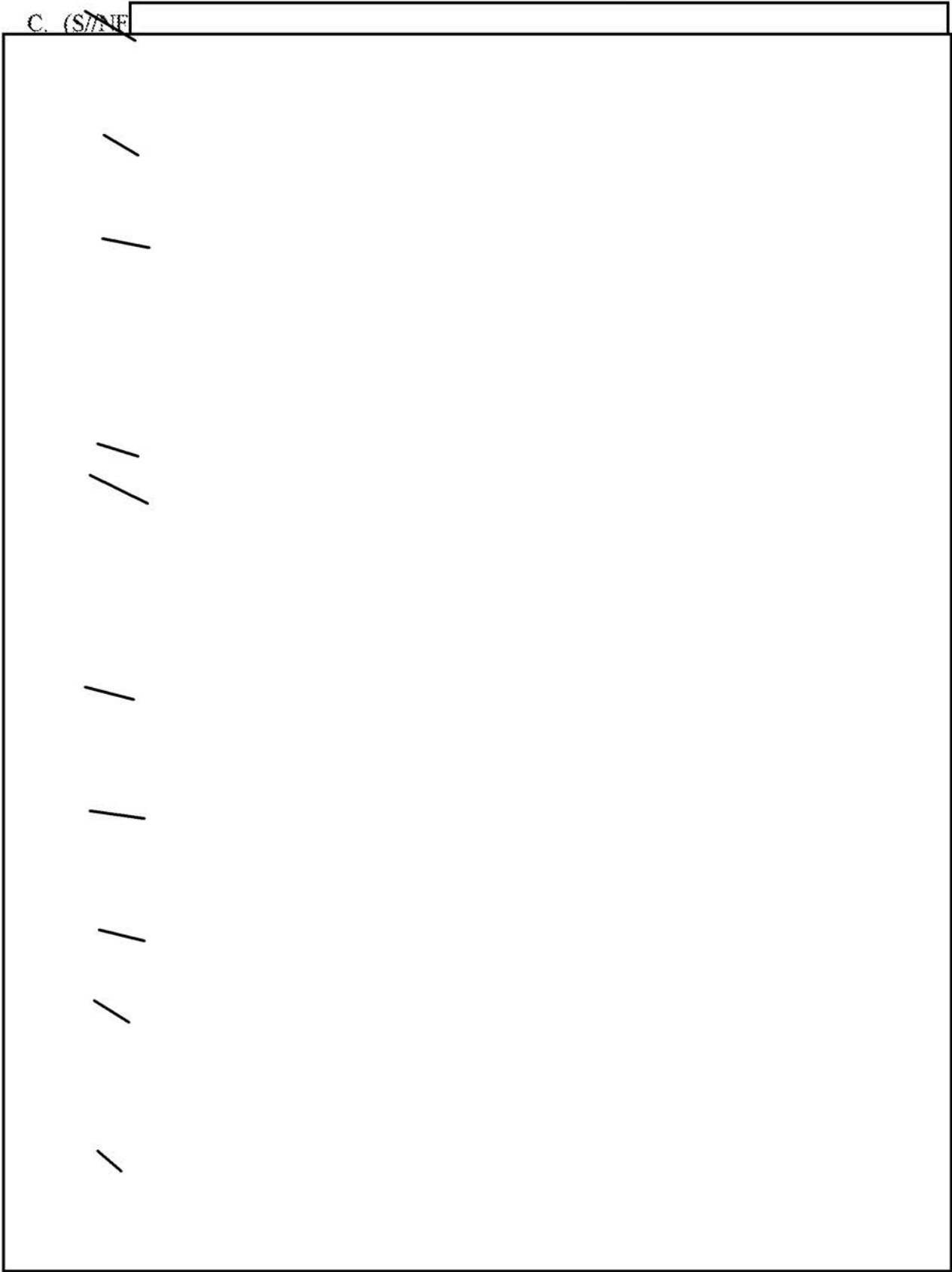
14.3.1. (S//~~NF~~)



b1 -1
b3 -1
b7E -1,2,7

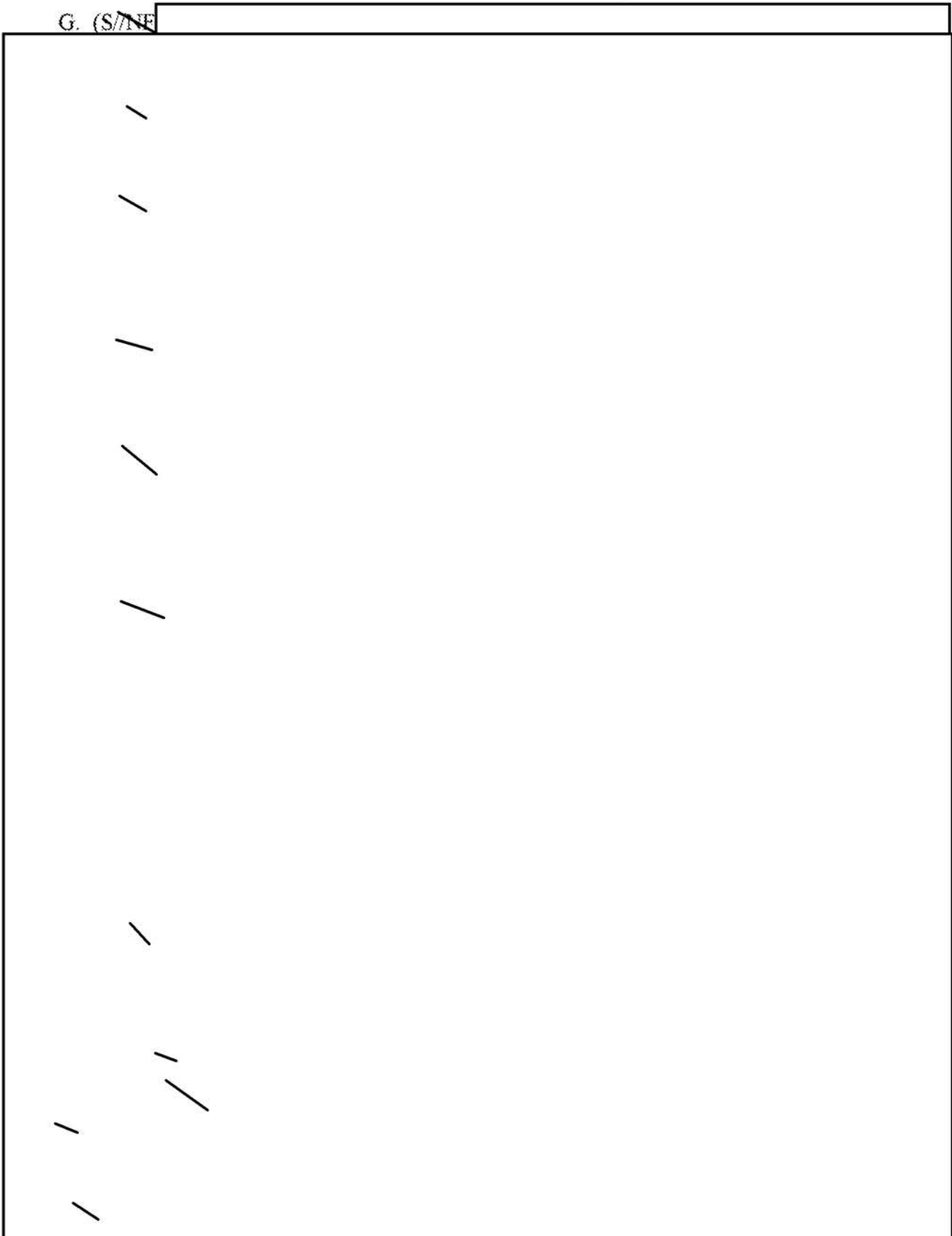
~~SECRET//NOFORN~~
(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

C. (S//NF)



b1 -1
b3 -1
b7E -1,2

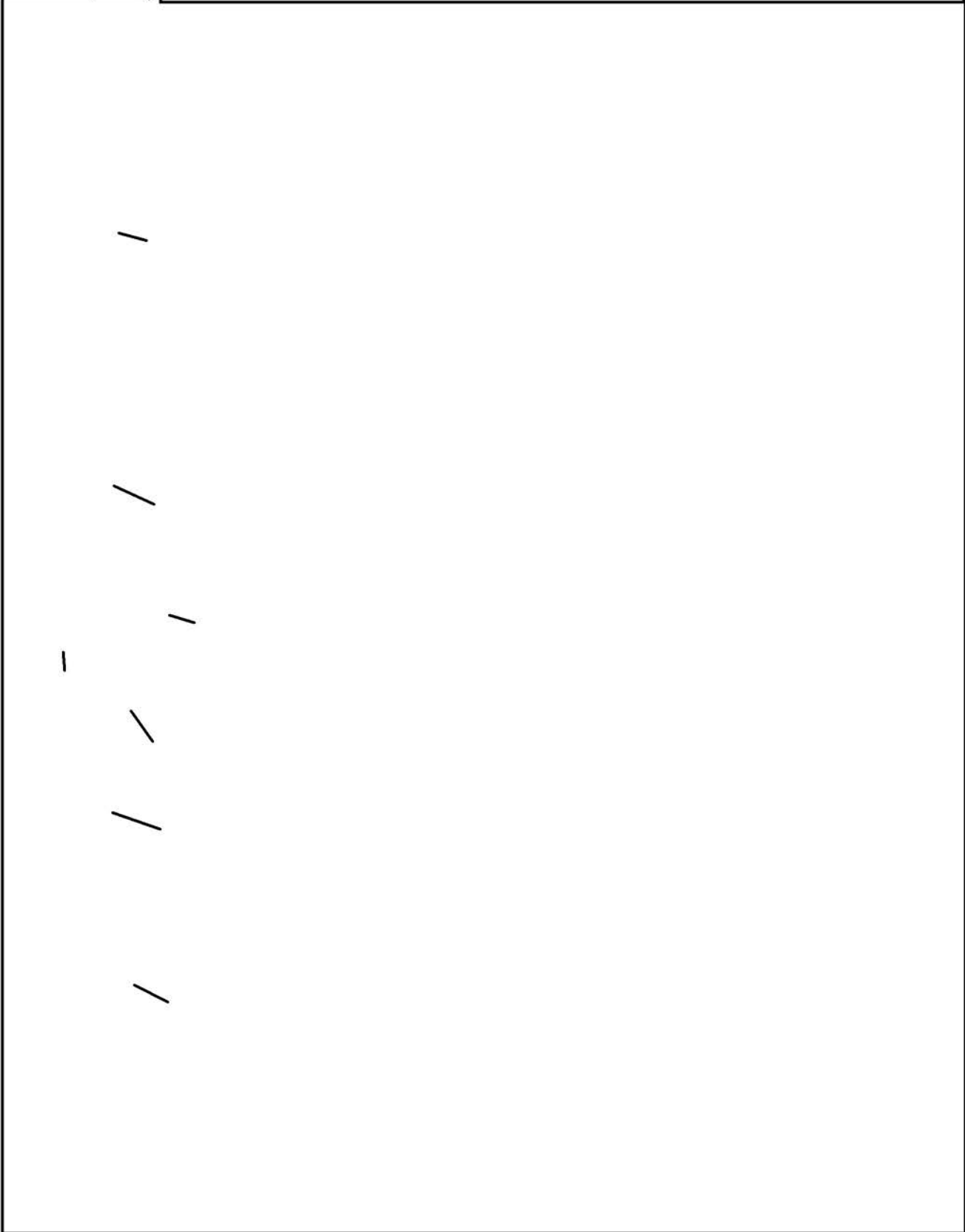
G. (S//NF)



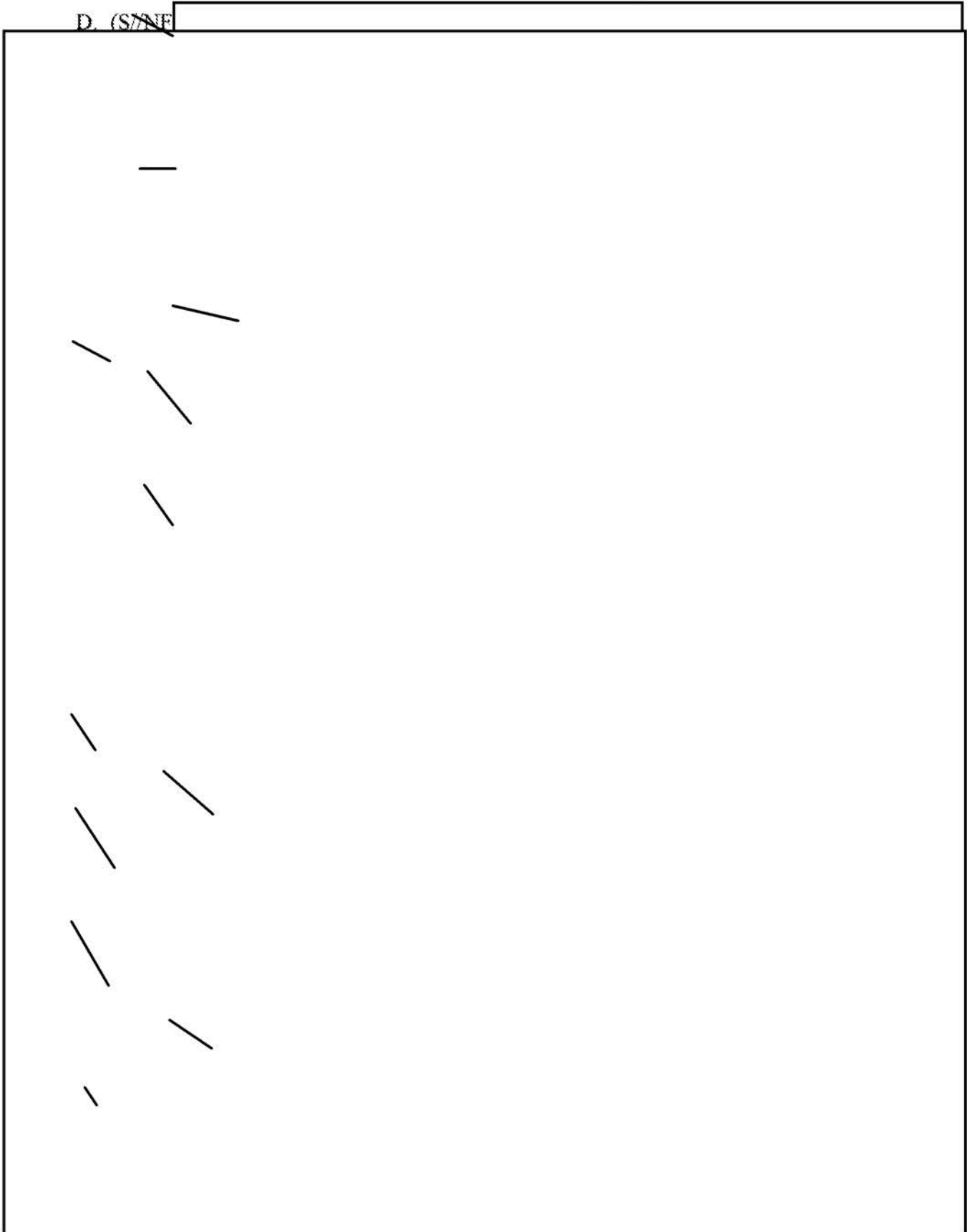
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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

A. (S//NF)

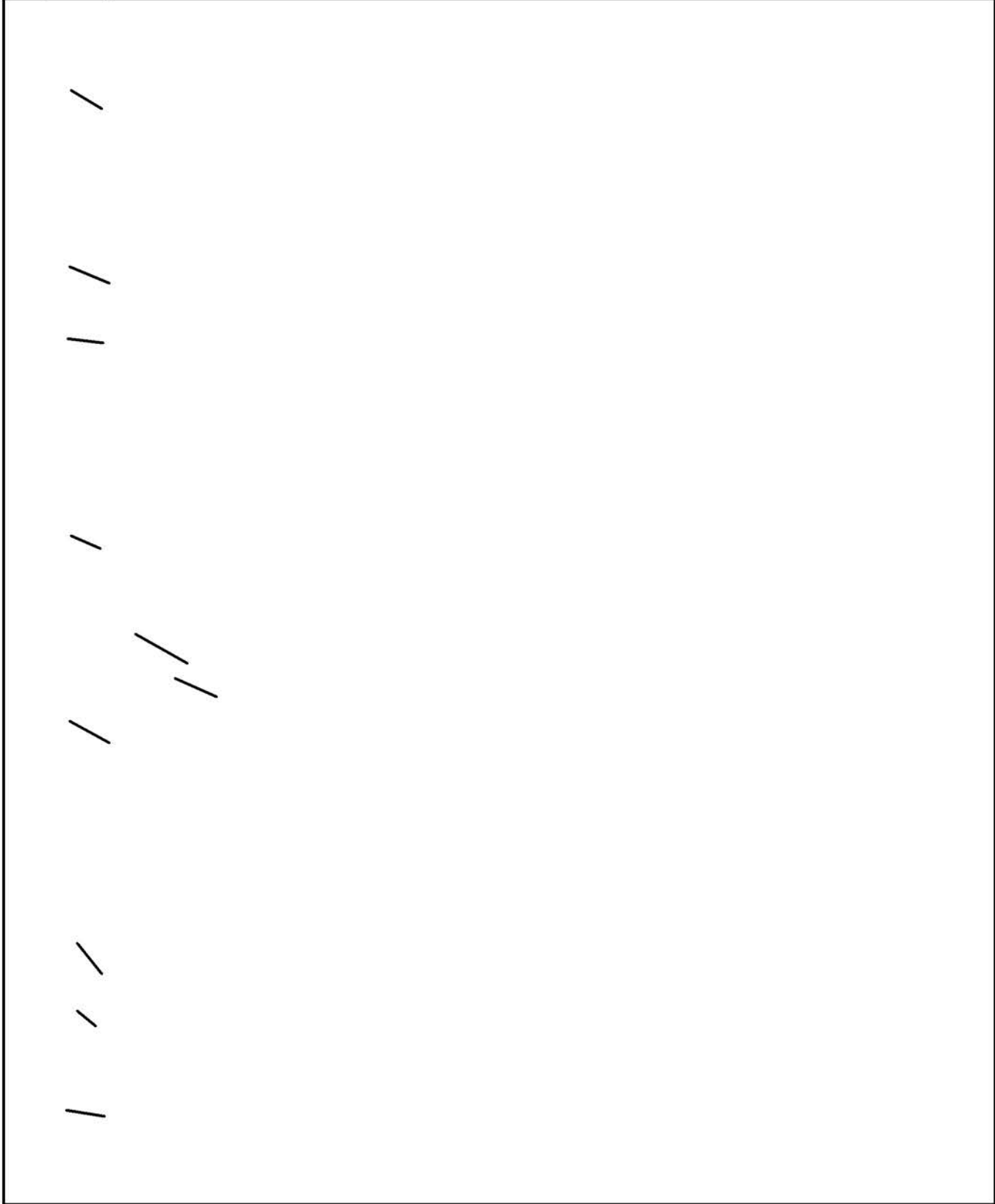
b1 -1
b3 -1
b7E -1,2



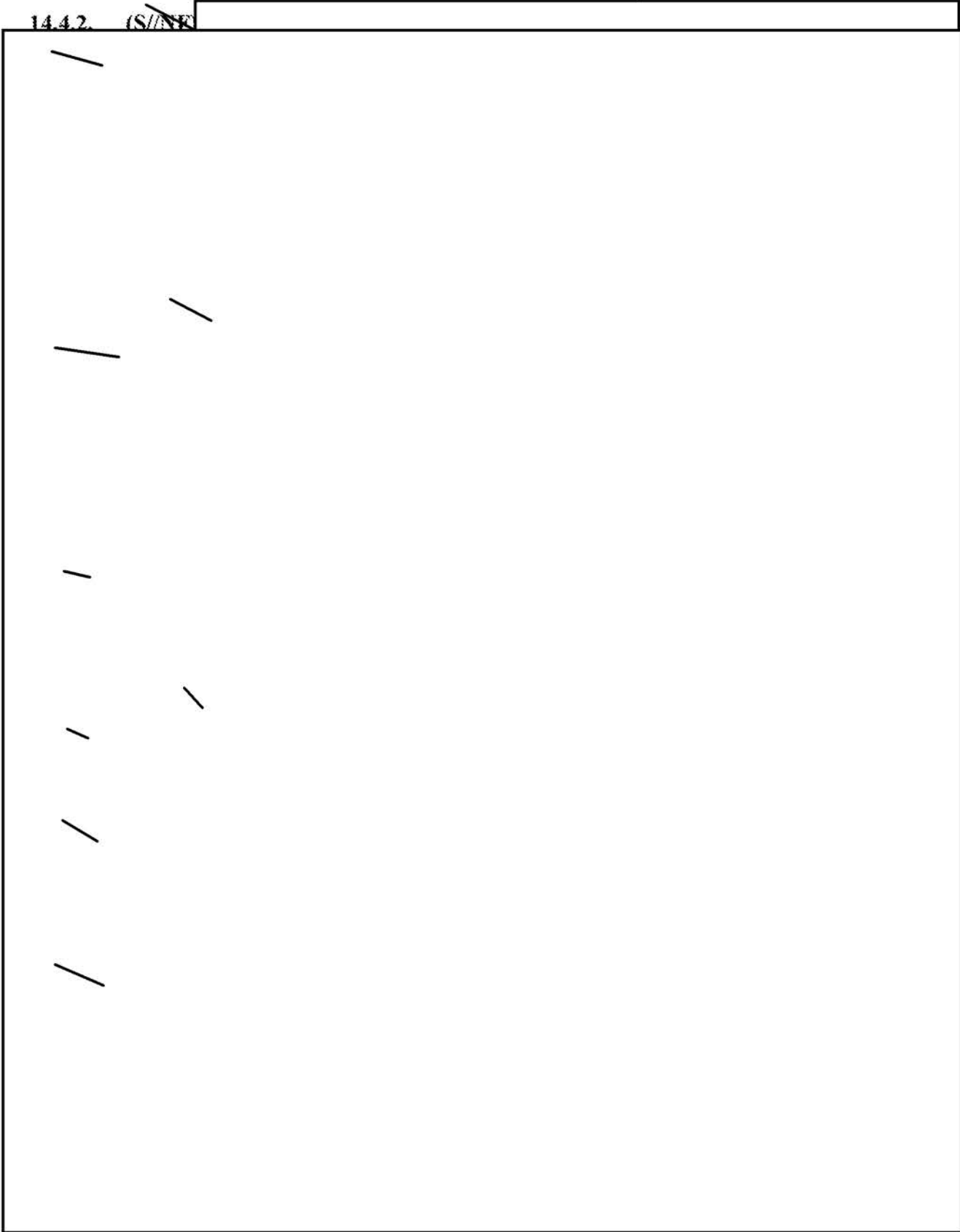
D. (S//NF)



~~(S//NF)~~



14.42. (S//NF)



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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
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b7E -1,2

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b1 -1
b3 -1
b7E -1,2

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

[Redacted]

b1 -1
b3 -1
b7E -1,2

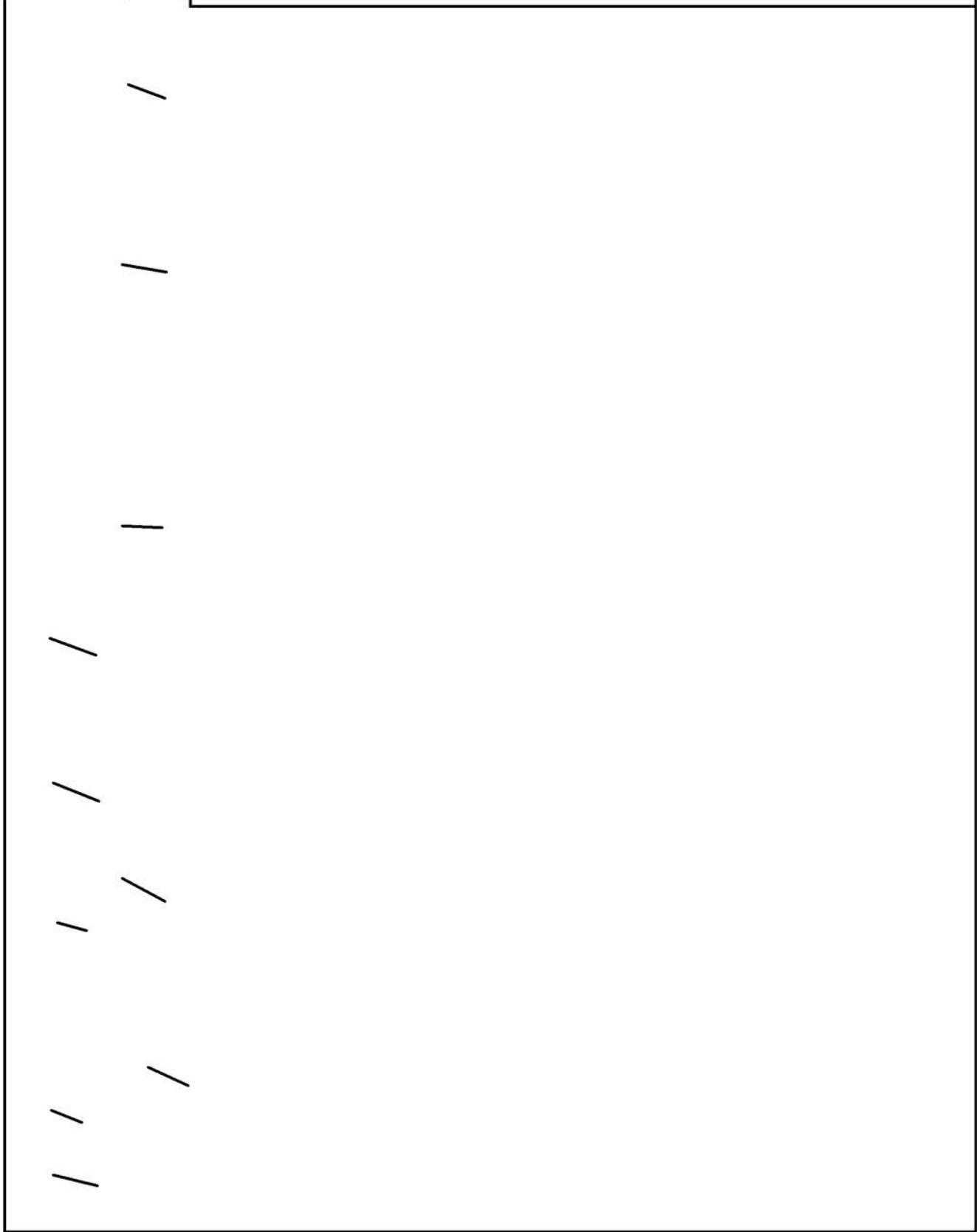
(S//NF)

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(S)

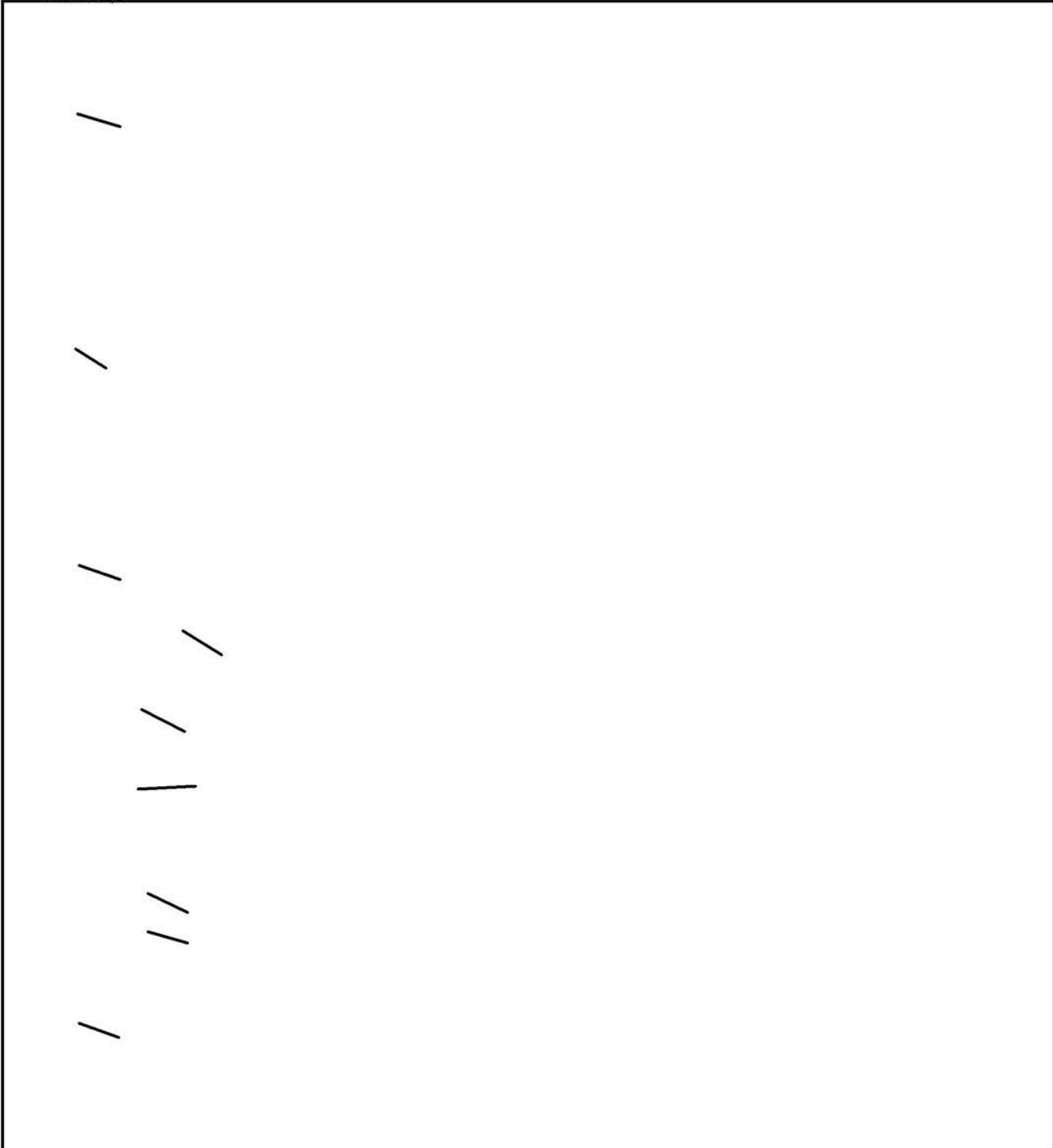
b1 -1
b3 -1
b7E -1,2,3

14.4.3. (S//NF)

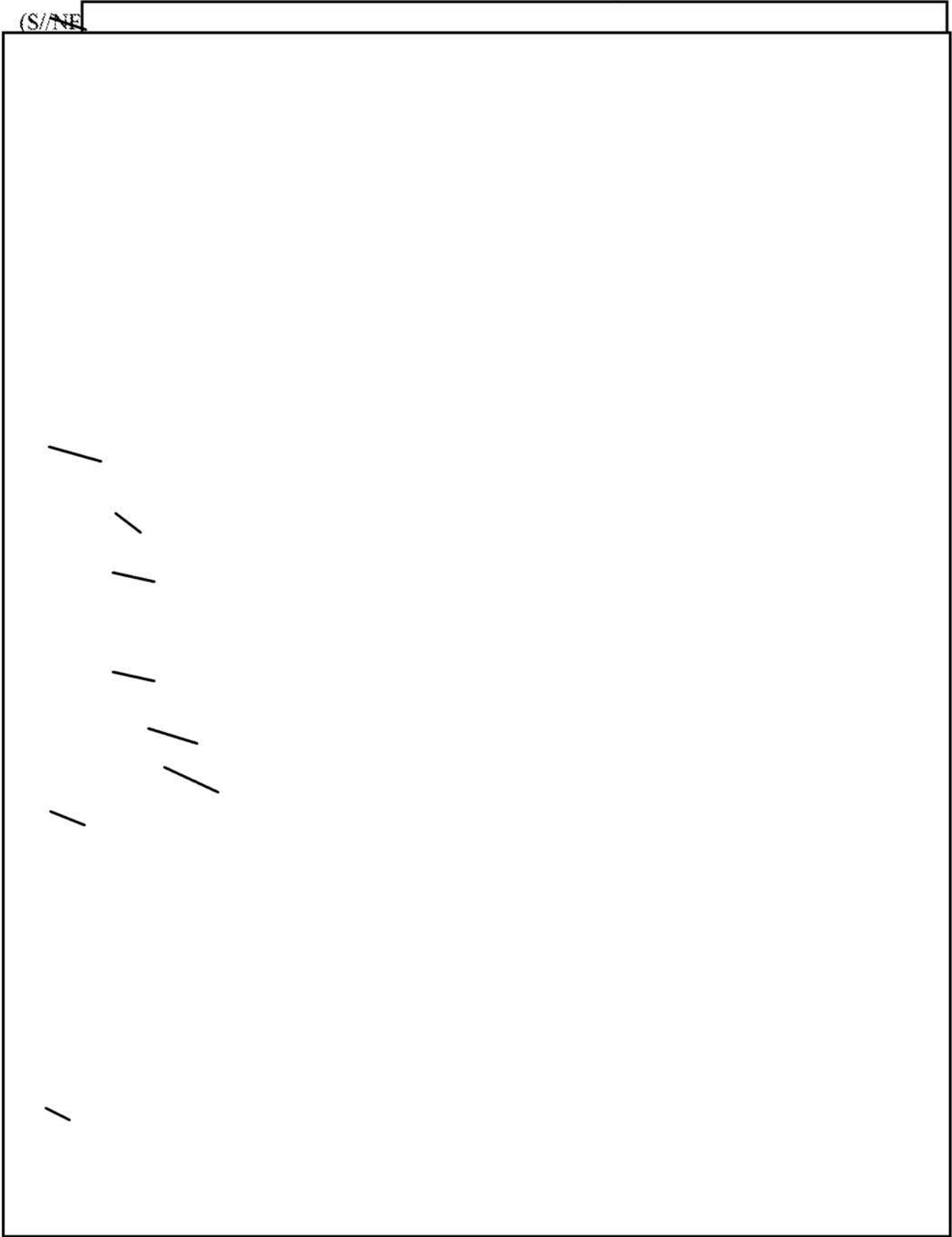




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(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

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b1 -1
b3 -1
b7E -1,2

(S//NF) [Redacted]

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b1 -1
b3 -1
b7E -1,2,5

**Appendix A: (U) Emergency Disclosure of FISA-Acquired
Information to Other Government Officials**

(S//NF)

b1 -1
b3 -1
b7E -1

(U//FOUO) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

Appendix B: (U) List of Higher Authorities

(U//FOUO) Below are links to various higher or related legal authorities referenced throughout this PG:

- (U) *Standard Minimization Procedures for FBI Electronic Surveillance and Physical Search Conducted Under the Foreign Intelligence Surveillance Act* (signed May 17, 2016, effective August 15, 2016)
- (U) • ~~(S//NF)~~ *Minimization Procedures Used by the Federal Bureau of Investigation in Connection with Acquisitions of Foreign Intelligence Information Pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978, as amended* (November 13, 2013)
- (U) *Federal Bureau of Investigation Standard Minimization Procedures for Tangible Things Obtained Pursuant to Title V of the Foreign Intelligence Surveillance Act* (March 7, 2013)
- (U) *Gates Procedures* (March 29, 2013)

(U//~~FOUO~~) Foreign Intelligence Surveillance Act and
Standard Minimization Procedures Policy Guide

Appendix C: (U) Final Approvals

POLICY TITLE: <i>Foreign Intelligence Surveillance Act and Standard Minimization Procedures Policy Guide</i>	
Date of Last Renewal	N/A
Publish Date	2016-08-11
Effective Date	2016-08-11
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APPROVALS	
Sponsoring Executive Approval	Trisha B. Anderson Deputy General Counsel
General Counsel Approval	James A. Baker General Counsel
Final Approval	Andrew G. McCabe Deputy Director

Appendix D: (U) Contact Information

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