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U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT
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CLERK OF COURT

EXHIBIT G

(U) MINIMIZATION PROCEDURES USED BY THE NATIONAL COUNTERTERRORISM CENTER IN CONNECTION WITH ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION PURSUANT TO SECTION 702 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED

(U) With respect to unminimized information the National Counterterrorism Center (NCTC) receives from the National Security Agency (NSA) or the Federal Bureau of Investigation (FBI) that is acquired pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978, as amended (FISA or "the Act"), NCTC will follow the following minimization procedures:

(U) In addition, Section E of these procedures applies to minimized information NCTC receives from FBI's general indices.

A. (U) GENERAL PROVISIONS

1. (U) In accordance with 50 U.S.C. §§ 1801(h), 1821(4), and 1881a(c)(1)(A), these NCTC minimization procedures govern the retention, processing, and dissemination of information acquired by targeting non-United States persons reasonably believed to be located outside the United States pursuant to section 702 of FISA, 50 U.S.C. § 1881a. The Attorney General, in consultation with the Director of National Intelligence (DNI), has adopted these procedures after concluding that they meet the definition of minimization procedures under 50 U.S.C. §§ 1801(h) and 1821(4), because they are specific procedures that are reasonably designed in light of the purpose and technique of the particular surveillance or physical search to minimize the retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information and otherwise comport with the statutory definition of minimization procedures. In accordance with 50 U.S.C. § 403-1(f)(6), the DNI has provided assistance to the Attorney General with respect to the dissemination procedures set forth herein so that section 702-acquired information may be used efficiently and effectively for foreign intelligence purposes.

2. (U) No information acquired pursuant to section 702 may be used or disclosed by NCTC employees except for lawful purposes. Information acquired pursuant to section 702 concerning United States persons may be used and disclosed by NCTC employees without the consent of such United States persons only in accordance with these minimization procedures. These procedures do not apply to publicly available information concerning United States persons, and do not apply to information that is acquired, retained, or disseminated with a United States person's consent. Except for the provisions set forth below regarding attorney-client communications, the use of section

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702-acquired information in proceedings in the United States and foreign countries, the disclosure of raw section 702-acquired information, and the use of caveats and other markings on section 702-acquired or section 702-derived information, these procedures do not apply to information solely concerning non-United States persons.

3. (U) **Definitions.** These procedures adopt all definitions set forth in sections 101 and 701 of the Act, including those for the terms "foreign intelligence information," "United States person," and "Attorney General." In addition, as used herein:

   a. "metadata" means dialing, routing, addressing, or signaling information associated with a communication, but does not include information concerning the substance, purport, or meaning of the communication.

   b. "NCTC employee" means (i) individuals directly employed by NCTC, (ii) personnel detailed to NCTC from other departments or agencies who work under NCTC management and supervision in a manner substantially the same as individuals directly employed by NCTC, and (iii) contractors working under NCTC management and supervision who are authorized to perform services in support of NCTC on FISA-related matters.

   c. "nonpublicly available information" means information that a member of the public could not obtain on request, by research in information generally available to the public, or by casual observation.

   d. "raw" information is section 702-acquired information that (i) is in the same or substantially the same format as when NSA or FBI acquired it, or (ii) has been processed only as necessary to render it into a form in which it can be evaluated to determine whether it reasonably appears to be foreign intelligence information or to be necessary to understand foreign intelligence information or assess its importance.

   e. "review" of section 702-acquired information occurs when an NCTC employee actually accesses information.

   f. "technical database" means a data repository containing information retained for system performance, compliance, or an emergency data backup. A technical database is not accessible by personnel engaged in intelligence analysis.

   g. "United States person identity" means (1) the name, unique title, or address of a United States person, or (2) other personal identifiers of a United States person when appearing in the context of activities conducted by that person or activities conducted by others that are related to that person. A reference to a product by brand name or manufacturer's name, or the use of a name in a descriptive sense, *e.g.*, "Monroe Doctrine," is not a United States person identity.

4. (U) **Presumptions.** For the purposes of these procedures:

   a. If an individual is known to be located in the United States, he or she should be presumed to be a United States person unless the individual is identified as an alien who has not been admitted for permanent residence, or unless the totality of circumstances gives rise to the reasonable belief that the individual is not a United States person.

   b. If an individual is known or reasonably believed to be located outside the United States, he or she should be presumed to be a non-United States person unless the individual is identified as a United States person or the totality of circumstances gives rise to the reasonable belief that the individual is a United States person.

   c. A person who at any time has been known to have been an alien admitted for lawful permanent residence is treated as a United States person, unless a determination that such person is no longer a United States person is made in consultation with the office of NCTC Legal Counsel.

   d. An unincorporated association whose headquarters or primary office is located outside the United States is presumed not to be a United States person unless there is information indicating that a substantial number of its members are citizens of the United States or aliens lawfully admitted for permanent residence.

   e. If it is not known whether an individual is located in or outside the United States, he or she should be presumed to be a non-United States person unless the individual is identified as a United States person or the totality of circumstances gives rise to the reasonable belief that the individual is a United States person.

5. (U) **Departures.**

   a. (U) If NCTC believes that a situation requires it to act inconsistently with these procedures to protect the national security of the United States, or to protect life or property from serious harm, NCTC will promptly contact the Office of Intelligence of the National Security Division (NSD) of the Department of Justice (DOJ) to request that these procedures be modified. Any modification to these procedures must be made in accordance with 50 U.S.C. § 1881a(j)(1)(C).

   b. (U) If, in order to protect against an immediate threat to human life, NCTC determines that it must take action in apparent departure from these procedures and that it is not feasible to obtain a timely modification of these procedures in accordance with 50 U.S.C. § 1881a(j)(1)(C), NCTC shall promptly report the action taken to NSD and the Office of the Director of National Intelligence (ODNI). NSD will promptly notify the Foreign Intelligence Surveillance Court (FISC) of any such activity.

6. (U) Nothing in these procedures shall prohibit:

   a. (U) The retention or processing of information necessary for the maintenance of technical databases, so long as only administrative or technical personnel have access to such databases;

   b. (U) The retention or processing of information in emergency data backup systems, provided that only administrative or technical personnel have access to such systems. In the event that information from such systems must be used to restore lost, destroyed, or inaccessible data, NCTC shall apply these procedures to the transferred data;

   c. (U) NCTC's access to minimized section 702-acquired information that FBI (except as provided in Section E), NSA, or the Central Intelligence Agency (CIA) may disseminate to NCTC pursuant to their respective FISC-authorized minimization procedures;

   d. (U) The retention, processing, analysis, or dissemination of information necessary to comply with a specific congressional mandate or order of a court within the United States; or

   e. (U) The lawful oversight functions of NSD, ODNI, or the applicable Offices of the Inspectors General, or the provision by NCTC of the assistance necessary for these entities to perform their lawful oversight functions.

   f. (U) NCTC's performance of lawful training functions of its personnel, or creating, testing, or maintaining its systems.

   g. (U) NCTC's performance of lawful oversight functions of its personnel or systems, which includes: activities performed in support of NCTC's investigation and remediation of a possible compliance incident, and activities performed to identify information subject to destruction. Should NCTC intend to rely on the provision regarding lawful oversight functions of its personnel or systems, in whole or in part, to deviate from an aspect of these procedures and the purpose of such deviation is not listed above, NCTC shall consult with NSD prior to conducting such an activity. NSD shall then report the deviation promptly to the FISC. Each such report shall describe the nature of the deviation from the procedures and identify the specific oversight activity for which the deviation was necessary.

7. (U) **Compliance With Crimes Reporting Obligations.** Notwithstanding other provisions of these minimization procedures, information that is not foreign intelligence information, but reasonably appears to be evidence of a crime that has been, is being, or is about to be committed, may be retained and disseminated (including United States person identities) to the FBI and other appropriate federal law enforcement authorities, in accordance with 50 U.S.C. §§ 1806(b) and 1825(c), Executive Order No. 12333 (as amended), and any other applicable crimes reporting requirements or procedures.

8. (U) **Identification of Information.** Except as specifically provided herein, all information acquired pursuant to section 702 of the Act and provided to NCTC in raw form shall be identified in NCTC records, systems, documents, disseminations, and other products as having been acquired pursuant to the Act. This requirement applies to information regardless of whether NCTC has subjected it to minimization procedures.

B. (U) RETENTION

1. (U) NCTC may maintain raw section 702-acquired information. Raw section 702-acquired information must be maintained in a manner that (a) clearly identifies it as raw section 702 information acquired pursuant to the Act, (b) only permits such information to be accessed by NCTC employees who have received training in applying these procedures to raw section 702-acquired information, and (c) enables NCTC to mark or otherwise identify communications or other information that meet the standard set forth in paragraph B(3) herein. The retention provisions herein apply notwithstanding other Attorney General guidelines governing NCTC's retention of information.

2. (U) Subject to the above:

   a. (U) Raw section 702-acquired information in NCTC systems that NCTC does not review shall be destroyed five years from the expiration date of the certification authorizing the collection unless the Deputy Director for Intelligence or the Deputy Director of Terrorist Identities of NCTC determines that an extension is necessary because the information is reasonably believed to contain significant foreign intelligence information, or evidence of a crime that has been, is being, or is about to be committed. An extension under this paragraph may apply to a specific category of information, and must be documented in writing, renewed on an annual basis, and promptly reported to NSD and ODNI.

   (U)

   b. ~~(S//NF)~~ Raw section 702-acquired information that NCTC reviews, but does not mark or otherwise identify as meeting the standard set forth in paragraph B(3) herein, may be retained and be fully accessible by authorized personnel for further review and analysis for ten years from the expiration date of the certification authorizing the collection. No longer than ten years from the expiration date of the certification authorizing the collection, access to such information in electronic and data storage systems will be limited to search capabilities that would produce notice to an authorized user that information responsive to a query exists. Approval from the Deputy Director for Intelligence or the Deputy Director of Terrorist Identities of NCTC or designee will be required to gain full access to the information. Information that has not been marked or otherwise identified as meeting the standard set forth in paragraph B(3) shall be destroyed no later than fifteen years from the expiration date of the certification authorizing the collection of the information unless specific authority is obtained from the Director of NCTC and NSD to retain the information, and the FISC approves a new retention period upon a finding that such modification is consistent with the applicable statutory definition of "minimization procedures."

c. (U) Any communications acquired pursuant to section 702 that contain a reference to, but are not to or from, a person targeted in accordance with section 702 targeting procedures are unauthorized acquisitions and therefore will be destroyed upon recognition.[1]

3. (U) Nonpublicly available information concerning an unconsenting United States person that an NCTC employee responsible for applying these procedures has determined reasonably appears to be foreign intelligence information, to be necessary to understand foreign intelligence information or assess its importance, or to be evidence of a crime may also be retained and used for further analysis without the limitations set forth in paragraph B(1) above. Such information shall be clearly identified in NCTC systems and records as information that was acquired pursuant to FISA and that is subject to these procedures. These procedures do not limit the time period for which NCTC may retain such information. Information that is evidence of a crime that has been, is being, or is about to be committed, but is not foreign intelligence information, may only be retained or disseminated for law enforcement purposes.

4. (U) Any information received by NCTC that is acquired through the targeting of a person who at the time of targeting was reasonably believed to be a non-United States person located outside the United States but is in fact located inside the United States at the time such information is acquired or is subsequently determined to be a United States person will be promptly destroyed upon recognition, unless the Director of NCTC specifically determines in writing that each specific item of acquired information to be retained is reasonably believed to contain significant foreign intelligence information or evidence of a crime that has been, is being, or is about to be committed.

5. (U) NCTC may temporarily retain specific section 702-acquired information that would otherwise have to be destroyed under these procedures, if NSD determines that such information is reasonably believed to be necessary for, or potentially discoverable in, administrative, civil, or criminal litigation. Such determination shall be made in writing and shall identify the specific information to be retained and the particular litigation for which it is retained. Personnel unconnected to the particular litigation matter shall not access the raw section 702-acquired information that is being temporarily retained for such litigation matter. Personnel shall only access the information being retained for litigation-related reasons on a case-by-case basis after consultation with NSD. Once section 702-acquired information is no longer reasonably believed to be necessary for, or potentially discoverable in, such litigation matters, the information shall be promptly destroyed pursuant to these procedures. Each year, NCTC will provide NSD with a summary of: (a) all administrative, civil, or criminal litigation matters necessitating preservation of section 702-acquired information that would otherwise be subject to a destruction requirement pursuant to these procedures, (b) a description of the section 702-acquired information preserved for each such litigation matter, and (c) if possible, based on the information available to NCTC, a description of the status of each such litigation matter.

[1] (U) In applying this provision, note that any user of a tasked selector is regarded as a person targeted for acquisition.

(U) NCTC may retain specific section 702-acquired information subject to a destruction requirement other than those specified in these procedures if NSD determines that such information is reasonably believed to be necessary for, or potentially discoverable in, administrative, civil, or criminal litigation. NCTC will provide NSD with a summary of: (a) all administrative, civil, or criminal litigation matters necessitating preservation of section 702-acquired information that would otherwise be subject to a destruction requirement other than those specified in these procedures, (b) a description of the section 702-acquired information preserved for each such litigation matter, and (c) if possible, based on the information available to NCTC, a description of the status of each such litigation matter. NSD will promptly notify and subsequently seek authorization from the FISC to retain the information as appropriate and consistent with law. NCTC will restrict access to and retain such information in the manner described in the paragraph above until either the FISC denies a government request for authorization to retain the information or the Department of Justice notifies NCTC in writing that such information is no longer required to be preserved for such litigation matters. After receiving such notice, NCTC shall promptly destroy such section 702-acquired information.

C. (U) PROCESSING

1. (U) Queries of unminimized information acquired in accordance with section 702 of the Act are governed by the Querying Procedures Used in Connection with Acquisitions of Foreign Intelligence Information Pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978, as Amended. All such queries conducted by NCTC personnel must be made in accordance with those procedures. Authorized NCTC users with access to unminimized section 702-acquired information should process the results of an appropriate query of unminimized section 702-acquired information in accordance with these minimization procedures.

2. (U) NCTC may make raw section 702-acquired information available to authorized NCTC employees on a continuing basis for review, translation, analysis, and use in accordance with these procedures. Authorized NCTC employees may continue to access raw section 702-acquired information to determine whether it reasonably appears to be foreign intelligence information, necessary to understand foreign intelligence information, or necessary to assess the importance of foreign intelligence information, notwithstanding the fact that other NCTC employees may have previously evaluated such information.

3. (U) NCTC employees may query NCTC electronic and data storage systems that contain metadata to find, extract, and analyze metadata pertaining to communications acquired under section 702 of the Act, regardless of whether such communications are determined to satisfy the standards set forth in these procedures for retention or dissemination. Such queries must be reasonably likely to return foreign intelligence information, as defined in FISA. NCTC may use such metadata to analyze communications and may upload or transfer some or all of such metadata to NCTC electronic and data storage systems for authorized foreign intelligence purposes. Section 702-acquired metadata shall be identified as such in NCTC data repositories and shall be subject to the retention time periods specified in paragraphs B(2) and B(3). Any dissemination outside of NCTC of

metadata from communications acquired under section 702 of the Act must be made in accordance with the applicable provisions of these procedures.

4. (U) **Sensitive Information.** Particular care should be taken when reviewing information that is sensitive information, as defined below. No sensitive information may be used in an analysis or report unless it is first determined that such information reasonably appears to be foreign intelligence information, necessary to understand foreign intelligence information or assess its importance, or evidence of a crime. Information that reasonably appears to be foreign intelligence information, necessary to understand foreign intelligence information, or necessary to assess the importance of foreign intelligence information may be retained, processed, and disseminated in accordance with these procedures even if it is sensitive information. Information that reasonably appears to be evidence of a crime may be retained, processed, and disseminated for law enforcement purposes in accordance with these procedures, even if it is sensitive information. Sensitive information consists of:

   a. Religious activities of United States persons, including consultations with clergy;

   b. Educational and academic activities of United States persons, including consultations among professors or other teachers and their students;

   c. Political activities of United States persons, including discussions with Members of Congress and their staff, and other elected officials;

   d. Activities of United States persons involving the press and other media;

   e. Sexual and other highly personal activities of United States persons;

   f. Medical, psychiatric, or psychotherapeutic activities of United States persons; and

   g. Matters pertaining to United States person minor children, including student requests for information to aid in academic endeavors.

5. (U) **Privileged Communications.** NCTC may receive unminimized communications, acquired pursuant to section 702 of FISA, to which an attorney is a party. These provisions address the retention, dissemination, and use of information in such communications and apply when NCTC employees processing a communication acquired pursuant to section 702 of FISA determine (based on the information in the communication or other information of which the NCTC processing employees are aware) that the communication is between an attorney (or any person who, based on the information in the communication, appears clearly to be communicating on behalf of an attorney, such as a paralegal or administrative assistant) and a client.

   a. (U) ~~(S//NF)~~ After discovering such a communication, if NCTC employees processing a communication make an affirmative determination that the communication does not contain foreign intelligence information or evidence of a crime, the communication

must be destroyed irrespective of whether the communication contains information protected by the attorney-client privilege.

b. (U) If NCTC employees processing such a communication determine that the communication appears to contain foreign intelligence information or evidence of a crime, the employees processing the communication must bring the communication to the attention of the office of NCTC Legal Counsel for action as set forth below.

c. ~~(S//NF)~~ Privileged Communications Pertaining to a Criminal Charge in the United States. [redacted] If the communication contains privileged information pertaining to a criminal charge in the United States, the communication shall be segregated.

d. [redacted]

e. [redacted]

f. [redacted]

g. (~~S//NF~~) [redacted] dissemination of attorney-client privileged information [redacted]

outside NCTC shall be limited to the greatest extent practicable, accompanied by appropriate handling controls, and shall include language advising recipients (1) that the report contains information obtained from communications that may be subject to the attorney-client privilege, (2) that use of the information is provided for intelligence purposes only and may not be used in any trial, hearing, or other proceeding absent express approval by the Attorney General, and (3) that further dissemination is prohibited absent express approval of the Assistant Attorney General for National Security or his or her designee. [redacted]

h. [redacted]

i. [redacted] NCTC shall keep a record of all disseminations outside NCTC of attorney-client privileged information of the type described in subparagraphs (c) and (e) above.

D. (U) DISSEMINATION AND DISCLOSURE

1. (U) NCTC may disseminate to federal, state, local, territorial, or tribal agencies or officials with responsibilities relating to national security that require access to foreign intelligence information any nonpublicly available information concerning an unconsenting United States person that reasonably appears to be foreign intelligence information, necessary to understand foreign intelligence information, or necessary to assess the importance of foreign intelligence information, if the United States person identity is deleted or otherwise sanitized to prevent the search, retrieval, or review of the identifying information. A generic term may be substituted which does not identify the United States person in the context of the data. If the information cannot be sanitized in such a manner because such person's identity is necessary to understand foreign intelligence information or assess its importance, NCTC may disseminate that identity. NCTC may only disclose section 702-acquired or section 702-derived information received from NSA or FBI in raw form as provided herein.

2. (U) Information that is evidence of a crime that has been, is being, or is about to be committed, but is not foreign intelligence information, may only be retained or disseminated for law enforcement purposes.

(U)

3. ~~(S//NF)~~ **Dissemination to Foreign Governments**: NCTC may disseminate to officials of foreign governments section 702-acquired information concerning United States persons that reasonably appears to be foreign intelligence information, is necessary to understand foreign intelligence information or assess its importance, or is evidence of a crime being disseminated for a law enforcement purpose, either if the Attorney General approves the dissemination or subject to the following procedures and consistent with Department of Justice guidance:

[redacted]

[redacted] NCTC shall undertake reasonable steps to ensure that the disseminated information will be used in a manner consistent with United States law, including Executive Order No. 12333 (as amended) and applicable federal criminal statutes.

4. (U) In addition to disseminations otherwise permitted by these procedures, NCTC may disclose to FBI, CIA, and/or NSA raw section 702-acquired information, provided that the receiving agency handle such raw information in accordance with FISC-approved minimization and querying procedures applicable to that agency. All disclosures of raw information under this paragraph shall be conducted in a manner that clearly indicates to the receiving agency or agencies that the disclosed information is raw section 702-acquired information.

5. (U) **Procedures for technical or linguistic assistance.** NCTC may receive information or communications that, because of their technical or linguistic content, may require further analysis by other federal agencies (collectively, "assisting federal agencies") to assist NCTC in determining their meaning or significance. Consistent with the other provisions of these procedures, NCTC is authorized to disclose raw section 702-acquired information to assisting federal agencies for further processing and analysis. The following restrictions apply with respect to any materials so disseminated:

   a. (U) Disclosure to assisting federal agencies will be solely for translation or analysis of such information or communications. Assisting federal agencies will make no use of any information or any communication of or concerning any person except to provide technical or linguistic assistance to NCTC.

   b. (U) Disclosure will be only to those personnel within assisting federal agencies involved in the translation or analysis of such information or communications. The number of such personnel shall be restricted to the extent reasonably feasible. There shall be no further disclosure of this raw data within assisting federal agencies.

   c. (U) Assisting federal agencies shall make no permanent agency record of information or communications of or concerning any person referred to in section 702-acquired information disclosed by NCTC to assisting federal agencies, provided that assisting federal agencies may maintain such temporary records as are necessary to enable them to assist NCTC with the translation or analysis of such information. Records maintained by assisting federal agencies for this purpose may not be disclosed within the assisting federal agency, except to personnel involved in providing technical assistance to NCTC.

   d. (U) Upon the conclusion of such technical assistance to NCTC, all copies in any form of the section 702-acquired information will either be returned to NCTC or be destroyed, with an accounting of such destruction made to NCTC.

   e. (U) Any information that assisting federal agencies provide to NCTC as a result of such technical assistance may be disseminated by NCTC in accordance with the applicable minimization procedures.

6. (U) **Caveats.**

   a. (U) Disseminations pursuant to paragraphs D(1) or (2) by NCTC of section 702-acquired or -derived information to federal, state, local, territorial, or tribal agencies or officials of or within the United States will bear a legend indicating, in substance, that: (i) the dissemination includes FISA-acquired or FISA-derived information; (ii) the information, and any information derived therefrom, may only be used in, or in connection with, a domestic or foreign legal or administrative proceeding with the advance authorization of the Attorney General; and (iii) any reproduction, dissemination, or communication (including but not limited to oral briefings) of the disseminated information must be accompanied by a statement of these restrictions. Wherever feasible, NCTC will indicate which portions of documents contain FISA-acquired or FISA-derived information, to permit recipients to identify the information to which the FISA-related restrictions apply.

   b. (U) All disseminations pursuant to paragraph D(3) by NCTC of section 702-acquired information will bear a legend indicating that the disseminated information may not be used or disseminated for any purpose by the recipient without the advance authorization of the Director of NCTC. Such legend need not indicate that the information was acquired pursuant to FISA. NCTC shall refer any request for authorization to use or disseminate section 702-acquired information to NSA or FBI Headquarters, as appropriate. This caveat and authorization process may also be substituted for the caveat and process in subparagraph D(6)(a) for specific disseminations under circumstances (e.g., security concerns) that require nondisclosure of the agency that collected the disseminated information, or nondisclosure of the authority pursuant to which the disseminated information was acquired.

   c. (U) Any dissemination made for a law enforcement purpose must bear a caveat stating, in substance, that the disseminated information may only be used in a legal or administrative proceeding with the advance authorization of the Attorney General.

7. (U) In addition to disseminations otherwise authorized under these procedures, NCTC may disseminate foreign intelligence information as defined in 50 U.S.C. § 1801(e) to federal, state, local, territorial, and tribal authorities, foreign officials and entities, and private sector entities that have a substantial bearing on homeland security for the purposes of and in accordance with Homeland Security Presidential Directive 6 and the Memorandum of Understanding on the Integration and Use of Screening Information to Protect Against Terrorism and applicable addenda thereto. Disseminations made pursuant to this provision are not subject to the caveat requirements set forth above in subparagraphs D(6)(a), (b), and (c).

E. (U) INFORMATION IN FBI GENERAL INDICES

~~(S//NF)~~

~~(U)~~ With respect to section 702-acquired information that FBI has determined satisfies the applicable retention and dissemination requirements in the FBI Section 702

Minimization Procedures, and that FBI has uploaded or otherwise placed into FBI general indices [redacted] under case classifications that are reasonably likely to contain information related to terrorism or counterterrorism, the following provisions shall apply. None of the following provisions affect additional restrictions that FBI may impose on the retention, use, or dissemination of such information:

1. (U) For the purpose of these procedures, NCTC may consider all section 702-acquired information that it accesses in FBI general indices, and that reasonably appears to be foreign intelligence information, necessary to understand foreign intelligence information, or necessary to assess the importance of foreign intelligence information, to have been disseminated by FBI to NCTC in accordance with the FBI Section 702 Minimization Procedures.

2. (U) If NCTC accesses section 702-acquired information in FBI general indices that is evidence of a crime, but does not reasonably appear to be foreign intelligence information or necessary to understand or assess the importance of foreign intelligence information, NCTC may not retain, use, or disseminate this information.

3. (U) If NCTC ingests or transfers section 702-acquired information from FBI general indices into NCTC systems before reviewing such information, NCTC may presume that such information reasonably appears to be foreign intelligence information, is necessary to understand or assess the importance of foreign intelligence information, or is evidence of a crime. If NCTC discovers any section 702-acquired information transferred from FBI general indices to NCTC systems that NCTC determines is evidence of a crime, but does not reasonably appear to be foreign intelligence information or necessary to understand or assess the importance of foreign intelligence information, NCTC shall promptly remove such information from all NCTC systems.

4. (U) NCTC personnel may only access FBI general indices, or review section 702-acquired information from FBI general indices that has been ingested or transferred into NCTC systems, if they first receive training regarding these limitations.

F. (U) TRAINING, DATA STORAGE AND ACCESS, AND OVERSIGHT

1. (U) In consultation with NSD and ODNI, NCTC will develop and deliver training regarding the applicable procedures to ensure NCTC employees responsible for applying these procedures understand their responsibilities under these procedures.

2. (U) NCTC will ensure that raw section 702-acquired information is only accessible to NCTC employees (as defined above) who have received the required training. NCTC will maintain logs or records of users authorized to access the raw information. NCTC will ensure that the marking, moving, or other identification of information received in raw form as meeting the standard set forth in paragraph B(3) is tracked and auditable, and that a user who moves a particular communication is identifiable.

3. (U) All section 702-acquired information retained by NCTC will be retained under appropriately secure conditions that limit access to such information only to authorized users and recipients in accordance with these procedures. The retention procedures herein apply to section 702-acquired information retained in any form. NCTC electronic and data storage systems may permit multiple authorized users to access the information simultaneously or sequentially and to share or transfer section 702-acquired information between systems.

4. (U) NCTC's compliance with these procedures shall be subject to periodic review by NSD and ODNI. NSD and ODNI shall be permitted access to all information and materials necessary to evaluate NCTC's compliance with these procedures, consistent with the need to protect the security of NCTC sources and methods. NCTC shall maintain copies of disseminations of nonpublicly available information concerning unconsenting United States persons and make such disseminations available for review by NSD and ODNI.

5. (U) NCTC shall refer all significant questions relating to the interpretation of these procedures to NSD and ODNI.

3/23/18
Date

Jeff Sessions
Attorney General of the United States