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U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT
2006 DEC 13 AM 11:06
KAREN E. SUTTON CLERK

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EXHIBIT F

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D. C.

IN RE [redacted] :

: Docket Number: [redacted]

: (S) :

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

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

CIA MINIMIZATION PROCEDURES FOR INFORMATION
FROM FISA ELECTRONIC SURVEILLANCE
CONDUCTED BY NSA

The following procedures shall apply to processing and minimization by the Central Intelligence Agency (CIA) of the raw results of electronic surveillance conducted by the National Security Agency (NSA) pursuant to the Foreign Intelligence Surveillance Act, 50 U.S.C. §§ 1801-1811, in the above-captioned docket number. These procedures shall be implemented as described in the application filed with the Foreign Intelligence Surveillance Court (FISC) and captioned as above. (S)

1. As used herein, the terms "Attorney General," "foreign power," "agent of a foreign power," "United States person," "person," "foreign intelligence information,"

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Classified by: Michael V. Hayden, Director of the CIA
Reason: 1.4(c)-(d)
Declassify on: X1

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"international terrorism," and "sabotage" have the meanings specified in 50 U.S.C. § 1801. (U)

2. Information about a United States person may be retained within CIA and disseminated to authorized recipients outside of CIA if the identity of the United States person and all personally identifiable information are deleted. A generic term may be substituted which does not identify the United States person in the context of the message. If the information cannot be sanitized in such a fashion because the identity is necessary, or it is reasonably believed that it may become necessary, to understand or assess the information, that identity may be retained or disseminated outside of CIA along with the information if:

a. The information falls within one or more of the following categories:

(1) The information indicates that the United States person has acted or may be acting as an agent of a foreign power, including information indicating that a United States person was in contact with a foreign power under facts and circumstances indicating that he intends to collaborate with a foreign power or become an agent of a foreign power;

(2) The information indicates that a United States person may be a target of intelligence activities of a foreign power;

(3) The information indicates that a United States person has engaged or may be engaging in the unauthorized disclosure of properly classified national security information;

(4) The information concerns corporations or other commercial organizations the deletion of which would hamper the correlation of foreign intelligence information on the same subject;

b. The information is enciphered or contains secret meaning;

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c. The information is needed to protect the safety of any persons or organizations, including those who are targets, victims, or hostages of groups engaged in international terrorism;

d. The information concerns a United States person who is or reasonably appears to be, on the basis of that or other information, an agent of a foreign power;

e. The information involves a United States person who has consented to the retention or dissemination of his communications or other information concerning him;

f. The information indicates that a United States person is engaged or may be engaged in international terrorism or activities in preparation therefor;

g. The information is needed and retained solely to identify individuals in contact with a foreign power or an agent of a foreign power (including for purposes of this subparagraph (g) any person, regardless of location, who engages in international terrorism or activities in preparation therefor; who aids, abets, or conspires with persons to engage in such activities; or who acts as a member of a group engaged in such activities);

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

i. The information concerns a person or activity that poses a threat of sabotage, international terrorism, actual or potential attack or other grave hostile act, to any facility or personnel of any agency with the Intelligence Community, or any department containing such an agency;

j. The personally identifiable information concerning the United States person is publicly available.

A communication to or from, or information about, a United States person which does not qualify for retention or dissemination in accordance with this paragraph must be destroyed. ~~(S)~~

3. Nothing in paragraph 2 above shall prohibit:

a. The retention or disclosure of information necessary for the purpose of determining whether the requirements of these procedures are satisfied, provided that the recipient under this paragraph does not retain or disclose the identity of a United States person where it is determined that the requirements of these procedures do not permit dissemination;

b. The retention of communications necessary for the maintenance of technical data bases, so long as only collection or technical personnel have access to such data bases;

c. The retention or dissemination of information concerning corporations or other commercial organizations which is limited to their identities as manufacturers of equipment and related nomenclature or their locations; or

d. The retention or dissemination of information required by law to be retained or disseminated. ~~(S)~~

4. CIA shall also follow the following procedures:

a. Privileged communications: As soon as it becomes apparent to CIA personnel processing a communication acquired by electronic surveillance conducted by NSA that such communication is between a person who is known to be under criminal indictment and an attorney that represents that individual in the matter under indictment (or someone acting on behalf of the attorney), monitoring or processing of that communication will cease and the communication shall be identified as an attorney-client communication in a log maintained for that purpose. The relevant portion of the tape, document or other material containing the privileged communication will be placed under seal and the Department of Justice, National Security Division (NSD) shall be notified so that appropriate

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procedures may be established to protect such communications from review or use in any criminal prosecution, while preserving foreign intelligence information contained therein. With respect to any other communication where it is apparent to CIA processing personnel that the communication is between a person and the person's attorney (or someone acting on behalf of the attorney) concerning legal advice being sought by the former from the latter, such communications relating to foreign intelligence information may be retained and disseminated within the U.S. Intelligence Community if the communications are specifically labeled as being privileged. However, such communications may not be disseminated outside of the U.S. Intelligence Community without the prior approval of the NSD. ~~(S)~~

b. Non-pertinent Communications and Particularized Minimization Procedures: (U)

(1) Communications determined to fall within categories of non-pertinent communications provided by NSA to CIA regarding a particular electronic surveillance should not be retained unless they contain information that may be retained or disseminated under paragraphs 2 and 3 above. (U)

(2) CIA processing personnel may review all communications, including those that initially appear to fall within established categories until they can reasonably determine that the communication cannot be retained or disseminated under paragraphs 2 and 3 above. ~~(S)~~

(3) Information that appears to be foreign intelligence information may be retained even if it is acquired as a part of a communication falling within a category that is generally non-pertinent. ~~(S)~~

(4) NSD shall periodically determine that information concerning communications of or concerning United States persons that is retained meets the requirements of these procedures and the Foreign Intelligence Surveillance Act. ~~(S)~~

c. Dissemination to Foreign Governments: Nonpublicly available identity or

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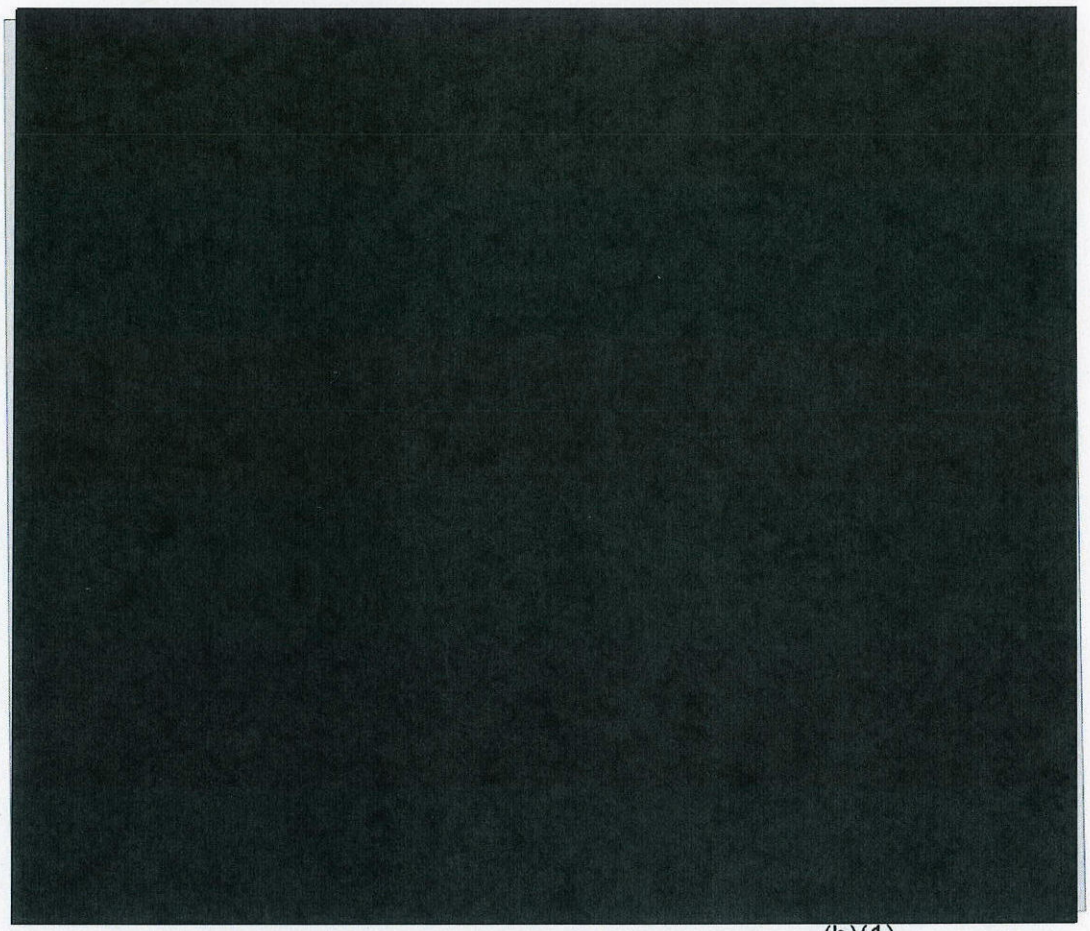
personally identifiable information concerning United States persons may be disseminated to foreign governments, provided that the information to be disseminated is foreign intelligence information, and the dissemination is (i) approved by the Attorney General, or (ii) approved pursuant to such procedures as the Attorney General may establish for the dissemination of such information by CIA. In addition, to the extent authorized by the Director of the Central Intelligence Agency (DCIA) and in accordance with DCIA directives, CIA may make such disseminations without specific Attorney General approval subject to the following procedures: (S)



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

(3) CIA will make a written record of each dissemination approved pursuant to these procedures, and information regarding such disseminations and approvals shall be made available for review by the NSD on at least an annual basis. (~~S~~)

d. Compliance With Crimes Reporting Obligations: Notwithstanding any of the foregoing, 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 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. 12,333, and, where applicable, the crimes reporting procedures set out in the August 1995 "Memorandum of Understanding: Reporting of Information Concerning Federal Crimes," or any successor document. (~~S~~)