SECURITY CLASSIFICATION

## NSA STAFF PROCESSING FORM

DIRECTOR	EXREG CONTROL NUMBER 86022		KCC CONTROL NUMBER IG-10123-03		
	TARIAT e Intelligence Oversight Board st Quarter FY03 (U// <del>FOUO)</del>	X	ON APPROVAL SIGNATURE INFORMATION	EXREG SUSPENSE  KCC SUSPENSE  ELEMENT SUSPENSE	
DISTRIBUTION		L			

SUMMARY

**PURPOSE**: To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

BACKGROUND: Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. Enclosed memorandum covers all activities reportable to the PIOB known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. Director's signature signifies that no other activities which require reporting to the PIOB are known to him.

**RECOMMENDATION**: Director sign the enclosed memorandum.

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation) (b) (3) - P.L. 86 - 36

## DECLASSIFY UPON REMOVAL OF THE ENCLOSURE(S)

		COORDINATION	APPROVAL			
OFFICE	NAME AND DATE	SECURE OFFICE		NAME AN	SECURE PHONE	
		//	205	Wayne	3/21/03	320
Acting GC	Vito Potenza	5548s			, , .	<b></b>
AGC(O)		121s				
G	Joel F. Brenner	3544s				
D/IG		3544s				
ORIGINATOR			ORG. D11	PHONE (Secure) 963-3544	DATE PREPARI	
FORM A6796	EER 04 DEPLYED	FROM: NSA/CSS	M 192.9	SECURITY CLASSIFICA	TION	<del></del>

NSN: 7540-FM-001-5465

DERIVED FROM: NSA/CSSM 123-2 DATED: 24 February 1998 DECLASSIFY ON: X1

SECURITY CLASSIFICATION

TOP SECRET//COMINT//NOFORN//X1

4165183





## NATIONAL SECURITY AGENCY **CENTRAL SECURITY SERVICE**

FORT GEORGE G. MEADE, MARYLAND 20755-6000

25 March 2003

### MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//<del>FOUO)</del> Report to the Intelligence Oversight Board on NSA

Activities - INFORMATION MEMORANDUM

(U/<del>FOUO)</del> Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 December 2002 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//<del>FOUO)</del> The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

> OEL F. BRENNER Inspector General

VITO T. POTENZA Acting General Counsel

(U/<del>FOUO)</del> I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

MICHAEL V. HAYDEN

Michael V. Harde

Lieutenant General, USAF

Director, NSA/Chief, CSS

Encl: a/s

This Memorandum is Unclassified **Upon Removal of Enclosure** 

**DERIVED FROM: NSA/CSSM 123-2 DATED: 24 FEB 98 DECLASSIFY ON: X1** 

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# 1. (U) INSPECTOR GENERAL ACTIVITIES

a. (C//SI) During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and DoD and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

b. (S//NF) The NSA OIG completed an inspection of the
organization (b)(3)-P.L. 86-
chartered to develop
As executive agent, the DIRNSA provides with people,
intelligence information, and administrative and enabling support. The inspection
found that the NSA affiliates assigned to detailed to
NSA organizations are well versed in their intelligence oversight responsibilities.
c. (U/ <del>FOUO)</del> Along with inspectors
the NSA OIG conducted a Joint Inspection of the
The inspection found several weaknesses in the
Intelligence Oversight (IO) program. Thehad not formally designated
Intelligence Oversight (IO) program. Thehad not formally designated
Intelligence Oversight (IO) program. The had not formally designated an IO Officer. Binders containing all of the required IO references were found in the
Intelligence Oversight (IO) program. The had not formally designated an IO Officer. Binders containing all of the required IO references were found in the workspaces throughout the However, all IO references were not readily
Intelligence Oversight (IO) program. The had not formally designated an IO Officer. Binders containing all of the required IO references were found in the workspaces throughout the However, all IO references were not readily accessible on the home page on the NSA intranet and the web-based IO refresher training did not meet DoD and NSA minimum requirements. Remedial
Intelligence Oversight (IO) program. The had not formally designated an IO Officer. Binders containing all of the required IO references were found in the workspaces throughout the However, all IO references were not readily accessible on the home page on the NSA intranet and the web-based

# 2. (U) GENERAL COUNSEL ACTIVITIES

— (C//SI) The NSA Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or

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concerning U.S. persons; the reporting of possible violations of federal criminal law contained in SIGINT product; the testing of electronic equipment; and the applicability of the FISA. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. The OGC did not file any reports with the Intelligence Oversight Board during this quarter.

# 3. (U) SIGINT ACTIVITIES

## a. (S//SI) Collection Against U.S. Persons

	(1) (U) Intentional
	(S//SI) During this quarter, the DIRNSA granted approval for consensual collection against persons; DIRNSA-approved consensual collection (b) (1) (b) (3) -P.L. 86-36 against U.S. persons was routinely terminated this quarter.
	(S//SI) The Attorney General granted authority to collect the communications of ten U.S. persons during this quarter.  (b) (1) (b) (3) -P.L. 86-36 (b) (3) -18 USC 798
0)(1)	(2) (U) Unintentional
o)(3)-P.L. 86-36 -	<del>(TS//SI)</del> while targeting
	intercepted a telephone conversation
	between a probable U.S. person in and a probable U.S. person
	Only the communicant
	in was audible. A request to waive the destruction of the
	probable U.S. to U.S. communication was drafted but not pursued,
	although the traffic was retained. Due to the passage of time and the
	tentative nature of the communication, the waiver will not be sought, and
	the traffic will be destroyed.
-	entered the cell phone identifiers of the
	into the
	without proper authorization. As soon as the error was
	(b) (1) (b) (3) -P.L. 86-36
	(b) (3) -18 USC 798 DRV FM: NSA/CSSM 125-2
	(b) (3) -50 USC 3024(i) Dated: 24 Feb 98
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DOCID: 41	03103		· (b) (1)				
(3)-P.L. 86-36 (3)-50 USC 3024(i)			(b) (3)	-P.L. 86-36			
The state of the s	TOP SECRET//COM	NIIINOFORN		-18 USC 798			
***************************************		anneteen er	(b)\(3)	-50 USC 3024(i)			
****			<b>-</b> // ,/ ,, . ,				
	identified by Headquarters, it		and all identifie	rs.			
	related to both persons were imme  No hits occurred on eith		a rrom				
	TNO IIIIS OCCUITED ON EILI	er identifier.	/•				
_	<del>(TS//SI)</del> In an effort to target fore	an T	<del>-/</del>				
	site cond	-	/	<del>- \ \</del>			
	John Corta	- decised		<del></del>			
	<b> </b>	/ /		\ \			
	wa	s downloaded	into	7			
	processing system for target develo	pment. Identif	iers found to belon	ng to U.S.			
	persons were removed from	imme	diately upon recog	nition.			
b) (1)							
D) (3) -P: 1. 80-30	<del>(S//SI//NF)</del> This quarter, uninter	<u>ıtional retrieval</u>					
		A 11	raw traffi				
	resulted in incidents against U.S			orted to			
	responsible oversight officials and	corrective action	*,	o)(3)-P.L. 86-36			
<b>h</b> (1	1/FOLIO) Discomination of II S. Ida	ntition	. (1	))(3)-P.L. 00-30			
<b>D.</b> (0	J/ <del>/FOUO)</del> Dissemination of U.S. Ide	nuues		0)(1)			
	(1) (II) Intentional		(l	o)(3)-P.L. 86-36			
	(1) (U) Intentional						
	—(S//SI) In accordance with section						
	disseminated. The following table						
	instances of dissemination: In the						
	revealed in a serialized end produc		<u>*</u>	ı, a U.S.			
	identity was released to a user at th	e user's reques	t.				
	JUSTIFICATION	Unmasked	User Requested	TOTAL			
	7.2.c Necessary			(b)(1) (b)(3)-P.L. 86-36			
	7.2.c.1 Foreign Official						
	7.2.c.2 Disclosure of class. info			\			

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7.2.c.3 International narcotics

7.2.c.7 U.S. Government Official

**TOTAL** 

7.2.c.4 Criminal activity

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	(2) (U) Unintentional
(b) (1)	—(S//SI) During this quarter, SIGINT products were canceled because they contained the identities of U.S. persons, organizations, or entities.
(b) (3) -P.L. 86-36	(3) (U) Raw Traffic Dissemination Outside the SIGINT Production Chain (b) (1) (b) (3)-P.L. 86-36 (b) (3)-18 USC 798 (b) (3)-50 USC 3024(i)
	provided raw traffic electronically to personnel Once it was realized that this activity was occurring, the release of raw SIGINT to unauthorized users was immediately terminated. A concept of operations has since been developed detailing strict handling and dissemination procedures designed to ensure adequate protection of the raw data.  (b) (3)-P.L. 86-36  (S//SI) An individual in improperly disseminated raw traffic via e-mail to an NSA
•	contractor who is not in the SIGINT production chain. The unintentional recipient subsequently purged the e-mail.  U) OTHER ACTIVITIES  (b)(1) (b)(3)-P.L. 86-36
	<del>-(S//SI//NF)</del> During this quarter,
	In all cases, these individuals were provided with USSID 18 training.
Orga	nizations having integrees at NSA included
(U) A	Assistance to Law Enforcement (b) (3) -P.L. 86-36
	(S//SI//NF) provided support to

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OCID:	4165183			Sec. 1 (4)
		TOP SECRET//COMI	NTHNOFORNHX1	(b) (1) (b) (3)-P.L. 86-36 (b) (3)-18 USC 798 (b) (3)-50 USC 3024(i)
_	during the quar	ter. This support included		
[				
[		the NSA Office of wherein data is collected encountered at NSA arding unusual and/or sus process is disseminated to er investigation.	picious activity acquir	red during the
L		or mit confunction.		(b) (1) (b) (3)-P.L. 86-36
_	(U// <del>FOI</del>	<del>JO) T</del> he Office of Security <sub>J</sub>	provided	
				at the request
	of the FBI and w	vith concurrence of the NSA	A OGC.	

# (U) Working Aids

(U) No new working aids were developed during the quarter.

# (U) Databases

<del>-(S//SI)</del> Numerous branches in	(b)(1)
consistent with OGC guidance,	(b)(3)-P.L. 86-36
to avoid USSID-18 violations.	• //
Only information that is essential to understanding the intelligence is included.	//
	_//
Additionally, many Offices of Primary Interest	<del>/ -</del>
in order to ensure that they are not collecte	d
against or named in product.	

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1. SECURITY CLASSIFICATION

## **INSTRUCTIONS ON REVERSE!!**

# TRANSMITTAL OF MATERIAL

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This transmittal may be downgraded to upon removal of the enclosure(s).					
	declassified upon removal of the enclosure(s).	<del></del>			
a. to ATSD (I/O)	4. FROM (Return Address)  Department of Defense	5. CONTROL NUMBER 1G-001-03 6. PREPARAT 27 Marc			
7200 Defense Pentagon	Office of the Inspector General	7. WRAPPED	8. FORM A1295A		
•	Suite 6247	U S XD	X YES		
Washington, D. C.	9800 Savage Road	9. NUMBER OF PACKAGES	10. COMSEC		
Attn:	Ft. Meade, MD	· · · · · · · · · · · · · · · · · · ·			
DCS ACCOUNT NUMBER	20755-6247	REMARKS BY COURIER		S X NO	
11. ITEM NO. COPY OR SERIAL NO. UNCLASSIFIED TITLE/ DESCRIPTION OF ITEM				CLASS. OF ITEM (abbreviated)	
NSA (Activi	ties	gence Oversight Board on NS	iA.	S//SI//NF	
13. PREPARED BY (Typed Name) (b) (3	)-P.L. 86-36		D1	#01-688-6666	
FORM A1295A REV MAY 2000 (Supersedes A1295A REV DEC 94 which will be used until depleted)  NSN: 7540 FM-001-3738  DO NOT STAMP RECEIPT PORTION WITH CLASSIFICATION					
RECEIPT	(Please sign and return	immediately. Avoid tracer acti	ion)		
RETURN TO Department of Defense	ATSD (I/O)	Receipt is hereby acknowledged for the this control number.	material or docu	ments listed under	
Office of the Inspector General Suite 6247	7200 Defense Pentagon Washington, D. C.	CONTROL NUMBER IG-001-03			
9800 Savage Road Ft. Meade, MD	Attn:	DATE RECEIVED			
20755-6247		NAME (Typed or Printed)			
		SIGNATURE			