



SECRET//COMINT//ORCON,NOFORN//X1  
NATIONAL SECURITY AGENCY  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: GC/120/06  
28 September 2006

Mr. James A. Baker  
Counsel for Intelligence Policy  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Jim:

(S//SI) The National Security Agency (NSA) is requesting that the Secretary of Defense and the Attorney General approve an amendment to the Classified Annex to Department of Defense Procedures Under Executive Order 12333 (May 27, 1988). That amendment would permit NSA personnel analyzing communications metadata to analyze contacts involving U.S. telephone numbers, e-mail addresses, and other identifiers. While NSA has for several years engaged in such activities, it has heretofore applied procedures in a manner that has precluded it from chaining "from" or "through" communications connections with telephone numbers and electronic communications metadata when it has had reason to believe the communications were those of U.S. persons.

(S//SI//OC,NF) NSA is committed to vigorous and effective oversight of all of its activities that affect the privacy interests of U.S. persons. With respect to the communications metadata of U.S. persons affected by this amendment, NSA wishes to inform you of the following:

1. NSA acquires this communications metadata under its authority to collect, process, and disseminate signals intelligence information under Executive Order 12333. All of the communications metadata that NSA acquires under this authority should have at least one communicant outside the United States.
2. The Oversight and Compliance Office in NSA's Signals Intelligence Directorate conducts oversight of NSA's activities involving communications metadata.
3. NSA restricts access to communications metadata to those analytic and other personnel with a need for this data in the performance of their official duties.

Derived From: NSA/CSSM 1-52  
Dated: 20041123  
Declassify on: 20291123

SECRET//COMINT//ORCON,NOFORN//X1

4. Before NSA or other personnel working under the authority of the Director of NSA obtain access to communications metadata, such personnel will receive mandatory training, approved by the General Counsel of NSA, on the proper use of such databases and chaining tools. That training may be provided on-line. Users will complete and acknowledge the training before access. The training will highlight the sensitivity of the data and the users' obligations when accessing the data, the restriction on use of the data to foreign intelligence purposes only, and the requirement to follow required procedures when disseminating results.

5. Before accessing the data, users will view a banner, displayed upon login and positively acknowledged by the user, that re-emphasizes the key points regarding use of the data and chaining tools, and proper dissemination of any results obtained.

6. NSA creates audit trails of every query made in each database containing U.S. communications metadata, and has a network of auditors who will be responsible for spot-checking activities in the database to ensure that activities remain compliant with the procedures described for the data's use. The Oversight and Compliance Office conducts periodic super audits to verify that activities remain properly controlled.

7. NSA will report any misuse of the information to NSA's Inspector General and Office of General Counsel for inclusion in existing or future reporting mechanisms relating to NSA's signals intelligence activities.

(C) Should any of these statements change, NSA will promptly inform the Assistant Attorney General, National Security Division, U.S. Department of Justice. In this event, NSA will discuss with the Assistant Attorney General what other steps NSA should take to ensure effective oversight of communications metadata of U.S. persons.

(C) In addition, each year by October 15th, I will report to the Attorney General on (i) the kinds of information that NSA is collecting and processing as communications metadata; (ii) NSA's implementation of the steps described above; and (iii) any significant new legal or oversight issues that have arisen in connection with NSA's collection, processing, or dissemination of communications metadata of U.S. persons.

Sincerely,



VITO T. POTENZA  
Acting General Counsel

cc: General Counsel, Department of Defense  
General Counsel, Office of Director of National Intelligence  
Civil Liberties Protection Officer, Office of Director of National Intelligence