As you know, the Office of Intelligence (OI) has begun discussions with the Office of the Director of National Intelligence (ODNI) regarding the nature and scope of future reviews of FBI’s minimization of Section 702-acquired data. It is our belief at this time that such reviews will be modeled upon our existing minimization oversight program regarding other FISA-acquired data. As such, we anticipate future reviews would involve examining communications marked as meeting the foreign intelligence standard with the case coordinator. Such reviews would also examine the actual disseminations of Section 702-acquired data (ECs, IIRs, etc.). Access and query audits would be conducted. In addition, the Section 702 minimization reviews will need to examine compliance with the minimization rules particular to Section 702 collections, specifically those requiring the Government to cease collection and (to the extent required by the minimization procedures) purge collected data when a target proves to be a United States person or was located within the United States at the time the intercept was collected.

In anticipation of our meeting tomorrow, OI is sending in advance the following questions which we would like to discuss, each of which we believe is relevant to establishing the parameters of future Section 702 minimization oversight reviews. We anticipate that ODNI will also have additional/further questions.

In General:

- Does the FBI have a set of standard operating procedures for implementing the minimization procedures in place?

Data Collection and Retention:

- Does FBI have any estimate as to the anticipated volume of Section 702 data being intercepted?
- Does FBI have any estimate as to the anticipated volume of Section 702 data that will be marked/disseminated?
Precisely, how will data be

What information will be included regarding the requirement to notify a case coordinator if the target of the communication appears to be a United States person or located in the United States at the time the communication was acquired?

Cease Collection/Purge Procedures

- In cases where a target later proves to be a U.S. person or located within the U.S. at the time of acquisition, what procedures will be followed in order to ensure that the appropriate data collected on that target is purged?

Will there be a record of purged data (and an indication as to whether purge orders were carried out)?

Training

- What training does FBI plan to give its case coordinators?
- What training does FBI plan to give its case agents?
- For both of the above, what is the time frame for this training?

Future Reviews

- Scheduling/Frequency of Reviews