



U.S. Department of Justice

National Security Division

U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT

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Washington, D.C. 20530

LEEANN FLYNN HALL
CLERK OF COURT

March 18, 2014

The Honorable Reggie B. Walton
United States Foreign Intelligence Surveillance Court
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: (S) Notice of NSA's Assessment of Purge Practices
and Discovery of Incomplete Purges

Dear Judge Walton:

(S) In describing its remedial efforts regarding most compliance incidents, the Government reports to the Court regarding when data has been purged from Government systems. On January 16, 2014, the National Security Agency (NSA) reported to the National Security Division (NSD) and the Office of the Director of National Intelligence (ODNI) that two studies of NSA's purge practices (in 2011 and 2012, respectively) had identified incompletely purged data.¹ The purge studies were conducted to verify and improve NSA's purge protocol, which was extensively briefed to the Court in 2010. The purge studies identified a small percentage of communications that had been added to NSA's Master Purge List (MPL), but had not been purged from all relevant NSA systems. The incomplete purges appear to have resulted from mistakes in [redacted] aspects of the purge process.

(S) In 2011, NSA's Office of the Director of Compliance led a purge verification study by taking a sample of [redacted] identifiers that had been added to the MPL [redacted] to identify whether the underlying objects had in fact been purged from NSA's [redacted] storage systems. NSA identified [redacted] objects from that sample that had not been initially purged [redacted]. The [redacted] objects were associated with a total of [redacted] different incidents where a purge was required. [redacted]

[redacted] NSA advises that it cannot confirm when it completed its reexecution of the purges to remove these [redacted] objects from its systems, but can confirm that as of [redacted] all objects have been removed from NSA systems.

¹ (S) NSA's report was the result of NSD follow-up questions in reference to a recommendation made in a March 2013 NSA Office of the Inspector General report regarding [redacted] NSA's purge processes.

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~~Classified by: Tashina Gauhar, Deputy Assistant
Attorney General, NSD, DOJ~~

~~Reason: 1.4(e)~~

~~Declassify on: March 18, 2039~~



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(S) In 2012, NSA's Oversight and Compliance section led a similar purge verification study using a sample of [redacted] unique identifiers added to the MPL between [redacted] NSA identified [redacted] records related to one event that had not been purged [redacted]

The communications were purged from the [redacted] in [redacted]

(S) Although the communications described above were not initially purged from certain NSA systems as intended, the unique identifiers of these objects were on NSA's MPL to prevent use in NSA reporting, in FISA applications, or to target pursuant to Section 702.

(S) NSA has made efforts and continues to make efforts to improve its purge processes. Furthermore, as discussed in the Quarterly Report, in addition to its standard purge discovery process, NSA has implemented several supplemental processes to [redacted] any data that is identified is removed from NSA systems upon discovery. See Quarterly Report to the Foreign Intelligence Surveillance Court Concerning Compliance Matters Under Section 702 of the Foreign Intelligence Surveillance Act, December 2013, n. 8; see also Semiannual Report of the Attorney General Concerning Acquisitions Under Section 702 of the Foreign Intelligence Surveillance Act, September 2012, n. 12.

(S) The Department of Justice will include this issue in its quarterly report to the Court regarding Section 702 compliance occurrences.

Respectfully submitted,

(b)(6)

Kevin J. O'Connor
Chief, Oversight Section
Office of Intelligence, NSD
U.S. Department of Justice

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