



Section 702 Compliance Violation Chart

This timeline records compliance violations with Section 702 of the Foreign Intelligence Surveillance Act (Section 702), broken down by category of violation in reverse chronological order. It was developed by reviewing all of the publicly released materials on Section 702, including declassified Foreign Intelligence Surveillance Court (FISC) opinions, quarterly reports and semi-annual assessments, government reports to Congress and to the FISC, and the Privacy and Civil Liberties Oversight Board's report on Section 702. Because significant portions of these materials are redacted, including information about the number of violations and their duration and impact, and not all relevant materials have been released in declassified form, this document cannot represent a comprehensive accounting of all compliance violations.

Instead, this document provides a summary only of the violations about which details have been made public. Many of these details are represented in statistical form, such as the percent a particular category of violations accounted for out of all violations in a reporting period. For example, while the total number of violations in semi-annual assessments is redacted in all but one available report, those reports do publicly disclose that X% of all NSA compliance violations may have resulted from tasking violations, while another Y% resulted from detasking violations, and so on. In order to ensure that every violation represented on this timeline is fully contextualized, these percentages and the percentage increase or decrease in violations as compared to the previous reporting period are repeated in every entry derived from the same semi-annual assessment. Some entries cite more than one document that refer to the same compliance violation, such as where an incident is described in both a FISC opinion and also in a Semiannual report to Congress. In some instances, however, it may be the case that the same incident is being described in multiple entries, but it was not readily apparent from the unclassified documents that these were the same incident.

Finally, this timeline is the only resource currently available to provide a comprehensive view of the types and patterns of compliance violations over the course of the existence of Section 702. These violations are not willful; they are inadvertent or unintentional. However, they are of the most concern because, as this timeline shows, they represent systemic problems that result from the scope and complexity of the Section 702 surveillance program. As such, and as many of the reports acknowledge, the impact of these unintentional violations on Americans' privacy can be significant and prolonged.

A glossary of terms and an index for navigating this document can be found on Pages 62-63.

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Tasking Violation: NSA analysts failed to make reasonable efforts to ensure targets were non-U.S. persons located abroad before beginning surveillance (Pg. 75).	FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017	The NSA developed a new tool to enhance the review process to better ensure, before surveillance begins, that U.S. persons are not targeted (Pg. 74). In addition, the FISC required the NSA to "exercise due diligence" which may require additional research, rather than relying entirely on a particular tool.

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<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, 58.8% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 31). In 49% of those violations, a single NSA target office targeted people or accounts for surveillance when it did not have information that was necessary to establish that their targets were likely to possess, receive, and/or communicate the approved category of foreign intelligence information for which they were conducting surveillance (Pg. 36). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The target office retook the NSA's Section 702 online training course, and the NSA issued guidance on the NSA's targeting requirements (Pg. 36).</p>
<p>Tasking Violation: During this reporting period, 58.8% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 31). In 23% of those violations, NSA analysts failed to sufficiently establish that targets were non-U.S. persons located abroad, or failed to establish this requirement in a timely manner (Pg. 36). In at least two instances, U.S. persons were targeted for surveillance (Pg. 46). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Relevant personnel were reminded of Section 702 tasking requirements, and the NSA conducted a refresher training for all NSA targeting adjudicators (Pg. 36). All data collected as a result of improperly targeting U.S. persons were deleted (Pg. 46).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, 58.8% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 31). Typographical errors resulted in approximately 4% of these violations (Pg. 42). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Data acquired as a result of these violations were required to be purged (Pg. 43).</p>
<p>Tasking Violation: During this reporting period, 58.8% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 31). 2% of these violations resulted from a technical problem that resulted in automated re-tasking, where surveillance was re-started on targets that had been detasked by the NSA, CIA, or FBI, without the application of the NSA's targeting procedures to check for U.S. person status or location (Pg. 44). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The tool was modified to address this problem (Pg. 44-45).</p>
<p>Tasking Violation/Detasking Violation: During this reporting period, there was one incident where the FBI did not comply with targeting procedures (Pg. 49). The incident did not involve targeting a U.S. person or someone located in the United States, but it is not clear if it concerned the improper targeting of a person or account for surveillance, or if it concerned a failure to stop surveillance after it was no longer authorized or needed. Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, 42.3% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 30). Approximately 64% of these violations resulted from analysts failing to conduct sufficient pre-targeting checks to ensure a target was not located in the U.S., or because of too long of a delay between when the check was conducted and the surveillance began (Pg. 35). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>All data that were acquired where it was not sufficiently established that targets were located abroad were deleted, and where the targets wound up being persons located in the U.S., the surveillance was stopped (Pg. 35, FN 46).</p>
<p>Tasking Violation: During this reporting period, 42.3% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 30). Approximately 8% of these violations resulted from typographical errors (Pg. 37). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, 42.3% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 30). Approximately 5% of these violations resulted from a technical problem that resulted in automated re-tasking, where surveillance was re-started on targets that had been detasked without the application of the NSA's targeting procedures to check for U.S. person status or location. A modification to the tasking tool to prevent these incidents was recommended in the previous three semi-annual assessments, but as of the date of this report, that recommended fix had not been implemented (Pg. 39). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Unknown</p>
<p>Tasking Violation: During this reporting period, there were a redacted number of violations where the NSA improperly targeted people or accounts for Section 702 surveillance (Pg. 5). Pages 5-55 of the report were not disclosed in any form, so details about these violation(s) are not provided in the publicly released version of the report.</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>Unknown</p>
<p>Tasking Violation/Detasking Violation: During this reporting period, there were a redacted number of violations of FBI targeting procedures. Details about the nature, scope, and duration of those violations are redacted (Pg. 43). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, 36.9% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 27). Technical problems with NSA tools accounted for a redacted number or percentage of these violations. One technical problem impeded comprehensive checks of information that is necessary to making targeting decisions (Pg. 37). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40).</p>
<p>Tasking Violation: During this reporting period, 36.9% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 27). Technical problems with NSA tools accounted for a redacted number or percentage of these violations (Pg. 37). Approximately 8% of these violations resulted from a technical problem that resulted in automated re-tasking, where surveillance was re-started on targets that had been detasked without the application of the NSA's targeting procedures to check for U.S. person status or location (Pg. 40-41). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40).</p>
<p>Tasking Violation: During this reporting period, 36.9% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 27). Typographical errors accounted for 18% of these violations (Pg. 39). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, 36.9% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 27). One of these violations occurred when one NSA targeting office issued a report which indicated that a target was a non-U.S. person, but the FBI later determined that the target was a U.S. person, so surveillance on the target was stopped. A second NSA targeting office that was unaware of the FBI report re-tasked that target (Pg. 32). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40).</p>
<p>Tasking Violation: During this reporting period, 36.9% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 27). An unspecified number of violations occurred because NSA employees targeted legal permanent residents for surveillance, who are U.S. persons and may not be targeted for surveillance under Section 702. In previous reporting periods, analysts, officers, and agents at the NSA, CIA, and FBI have engaged in this type of violation, as well (Pg. 42). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40). The relevant personnel were given updated written guidance instructing them to consult with legal personnel in these types of situations (Pg. 42).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, 36.9% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 27). 43% of those violations resulted from NSA analysts failing to sufficiently establish that a target was located outside of the U.S. (Pg. 34). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40).</p>
<p>Tasking Violation: A redacted number of times, NSA analysts improperly targeted people or accounts for surveillance (Pg. 5). 10 pages of the report that may provide details about these violations are redacted (Pg. 5-16).</p>	<p>Quarterly Section 702 Compliance Report to the FISC , Dec. 1, 2013-Feb. 28, 2014</p>	<p>Unknown</p>
<p>Tasking Violation: A redacted number of times, FBI analysts failed to complete a step of their targeting procedures that is required for processing a request to begin surveillance on an account to ensure the target is not a U.S. person or located in the U.S.. Information describing the incomplete step and the type of request are redacted (Pg. 41). Overall, the violation rate in this reporting period decreased 14% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013</p>	<p>FBI personnel were reminded to follow Section 702 targeting and minimization procedures (Pg. 41).</p>
<p>Tasking Violation: During this reporting period, a redacted number of times, the NSA knew or should have known that its target was a U.S. person (Pg. 32). Overall, the violation rate in this reporting period decreased 14% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013</p>	<p>The NSA, DOJ, and ODNI revised NSA training materials and were provided clearer guidance to avoid these types of errors (Pg. 32).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, an unspecified number of times, NSA analysts improperly targeted a person or account for surveillance because of typographical errors entering information into the collection system or at an earlier point in the targeting process (Pg. 38). Overall, the violation rate in this reporting period decreased 14% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013</p>	<p>Unknown</p>
<p>Tasking Violation: Of all violations that the government reported to the FISC in 2013, 12% pertained to improperly targeting people or accounts for surveillance (Pg. 140).</p>	<p>NSA IG Report on Section 702 from 2010-2013</p>	<p>Unknown</p>
<p>Tasking Violation: A redacted number of targets were surveilled that the FBI later determined were located in the U.S. (Pg. 5).</p>	<p>FBI Report to FISC Judge Hogan, Sept. 1, 2012-Aug. 31, 2013</p>	<p>Unknown</p>
<p>Tasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 48 of those violations pertained to improper targeting of people or accounts for surveillance (Pg. 26). One violation occurred as a result of poor inter-agency communication where the NSA did not act on DHS's notice that its target was a legal permanent resident, and surveilled that target under Section 702 (Pg. 29).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 29).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 48 of those violations pertained to improper targeting of people or accounts for surveillance (Pg. 26). A redacted number of violations pertained to the improper surveillance of phone numbers or online accounts as a result of typographical errors (Pg. 33, FN 21).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 29).</p>
<p>Tasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 48 of those violations pertained to improper targeting of people or accounts for surveillance (Pg. 26). A redacted number of violations involved the improper retasking of targets who were the subject of surveillance that was stopped because it was no longer authorized or needed. The details about the nature and scope of these violations are redacted (Pg. 33).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 29).</p>
<p>Tasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 48 of those violations pertained to improper targeting of people or accounts for surveillance (Pg. 26). In one violation, the FBI accidentally approved acquisition for someone known to be located in the U.S.. A system failsafe that should have stopped the collection did not work (Pg. 36).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>Data that were acquired as a result of the violation were deleted and the software was updated (Pg. 29, 36).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 48 of those violations pertained to improper targeting of people or accounts for surveillance (Pg. 26). In a redacted number of these violations, an FBI agent targeted someone for surveillance and after the acquisition was approved, it was determined the agent did not have a sufficient basis to believe the target was a non-U.S. person located abroad (Pg. 36).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>FBI personnel were reminded of the importance of following procedures (Pg. 36).</p>
<p>Tasking Violation: During this reporting period, the NSA targeted a redacted number of people or accounts for surveillance that were later found to be in the U.S. (Pg. 2).</p>	<p>IG Report to SSCI, Sept. 1, 2011-Aug. 31, 2012</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Tasking Violation: During this reporting period, the NSA targeted an unspecified number of people or accounts for surveillance under the wrong authorized category for surveillance, called a certification (Pg. 2).</p>	<p>IG Report to SSCI, Sept. 1, 2011-Aug. 31, 2012</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Tasking Violation: During this reporting period, the NSA targeted an unspecified number of people or accounts for surveillance as a result of errors in the entry for the target (Pg. 2).</p>	<p>IG Report to SSCI, Sept. 1, 2011-Aug. 31, 2012</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Tasking Violation: During this reporting period, the NSA targeted a redacted number of people or accounts for surveillance that were later found or suspected to be located in the U.S. (Pg. 1).</p>	<p>IG Report to HPSCI, Sept. 1, 2010-Aug. 31, 2011</p>	<p>The government corrected the mistakes and updated its procedures (Pg. 2).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Tasking Violation: During this reporting period, NSA surveilled a redacted number of targets who were later found or suspected of being in the U.S. (Pg. 1).	IG Letter to HPSCI, Sept. 1, 2009-Aug. 31, 2010	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Tasking Violation: During this reporting period, the NSA surveilled an unspecified number of targets under the wrong authorized category for surveillance, called a certification (Pg. 2).	IG Letter to HPSCI, Sept. 1, 2009-Aug. 31, 2010	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Tasking Violation: During this reporting period, the NSA surveilled an unspecified number of targets before the categories for surveillance called a certification was approved (Pg. 2).	IG Letter to HPSCI, Sept. 1, 2009-Aug. 31, 2010	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Tasking Violation: On several occasions the government improperly targeted people or accounts for surveillance as a result of typographical errors and mistaken targeting (Pg. 28).	FISC Judge McLaughlin, Memorandum Opinion & Order, Apr. 7, 2009	Unknown
Tasking Violation: U.S. persons who were targeted for surveillance under different FISA authorities were improperly targeted under Section 702 (Pg. 28).	FISC Judge McLaughlin, Memorandum Opinion & Order, Apr. 7, 2009	Unknown
Tasking Violation: During this reporting period, there were an unspecified number of violations that involved surveillance of targets that were later determined to have U.S. citizenship (Pg. 2).	IG Report to HPSCI, Sept. 1, 2008-Aug. 31, 2009	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Tasking Violation: During this reporting period, the NSA targeted a redacted number of people for surveillance that were later found or suspected to be located in the U.S. (Pg. 1).	IG Report to HPSCI, Sept. 1, 2008-Aug. 31, 2009	The NSA corrected the mistakes and updated its procedures (Pg. 2).

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Tasking Violation: During this reporting period, there were an unspecified number of violations where the NSA targeted people or accounts for surveillance under the wrong authorized category for surveillance, called a certification (Pg. 1).</p>	<p>IG Report to HPSCI, Sept. 1, 2008-Aug. 31, 2009</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Reverse Targeting Violation: During this reporting period, 42.3% of all NSA violations pertained to the improper targeting of people or accounts for surveillance (Pg. 30). In one violation, an NSA analyst targeted a non-U.S. person abroad in order to acquire the communications of a U.S. person, which is illegal (Pg. 33-34). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Unknown</p>
<p>Reverse Targeting Violation: An NSA analyst targeted a non-U.S. person abroad in order to collect the communications of a non-U.S. person who was located in the U.S., which is illegal (PCLOB Report, Pg. 79; Semiannual Assessment, Pg. 33). Overall, compliance violations for this reporting period decreased by 14% over the previous reporting period (Semiannual Assessment, Pg. 26).</p>	<p>PCLOB Report on Section 702, July 2, 2014</p> <p>AG & DNI Semiannual Assessment, Dec. 1, 2012 - May 31, 2013</p>	<p>The analyst was retrained on the appropriate targeting procedures and data acquired as a result of the violation were deleted (PCLOB Report, Pg. 79; Semiannual Assessment, Pg. 33).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Reverse Targeting Violation: An NSA analyst targeted a non-U.S. person abroad in order to collect the communications of a U.S. person who was located abroad, which is illegal (PCLOB Report, Pg. 79; Semiannual Assessment, Pg. 33). Overall, compliance violations for this reporting period decreased by 14% over the previous reporting period (Semiannual Assessment, Pg. 26).</p>	<p>PCLOB Report on Section 702, July 2, 2014</p> <p>AG & DNI Semiannual Assessment, Dec. 1, 2012 - May 31, 2013</p>	<p>The NSA analyst was retrained on who can be targeted under Section 702 (PCLOB Report, Pg. 79; Semiannual Assessment, Pg. 33).</p>
<p>Post-Tasking Review Violation: On an unspecified number of occasions, NSA analysts failed to conduct reviews after targeting a person or account for surveillance to ensure persons located in the U.S. hadn't been inadvertently targeted. A survey of post-tasking reviews showed compliance rates with this policy of 79% and 99%, though the subjects of those statistics are redacted (Pg. 76, FN 61; Pg. 77).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>The government must report future deviations from the policy requiring post-tasking reviews to the FISC (Pg. 77).</p>
<p>Post-Tasking Review Violation: During this reporting period, 58.8% of all NSA violations pertained to improperly targeting people or accounts for surveillance (Pg. 31). An unspecified number of these violations related to a technical problem that impeded NSA analysts' ability to conduct reviews after targeting a person or account to ensure that it is reasonably likely that the targets were not located in the U.S. and that the surveillance would provide foreign intelligence information (Pg. 42). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The NSA resolved the technical problems that led to the failure to conduct post-tasking reviews in October 2015 (Pg. 41).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Post-Tasking Review Violation/Detasking Violation/Data Retention Violation: There were two violations where the NSA failed to conduct the required reviews after targeting telephone numbers for surveillance to ensure that targets were not located inside the U.S. (Walton Aug. Order, Pg. 6; NSA IG Report, Pg. 2). The FISC noted that this failure likely resulted in collection in violation of Section 702 pertaining to targets that should have been detasked, and the failure to identify wholly domestic communications which were required to be purged (Walton Aug. Order, Pg. 11, FN 7; Walton Dec. Opinion, Pg. 8-10). The details of the second incident are redacted (Walton Dec. Opinion, Pg. 13-14).</p>	<p>FISC Judge Walton, Memorandum Opinion & Order, Aug. 30, 2013</p> <p>FISC Judge Walton, Memorandum Opinion & Order, Dec. 13, 2013</p> <p>NSA IG Report, Reporting Period Sept. 1, 2012-Aug. 31, 2013</p>	<p>The NSA implemented a four-part framework to identify targets that have roamed into the U.S.. The first part is redacted, but the other steps required analysts who wanted to use data acquired during the period of the violation to confirm by other means that the target was reasonably believed to be outside of the U.S. at the time of the acquisition, to determine the full scope of the incident, and to identify and delete data subject to a purge requirement (Walton Dec. Opinion, Pg. 11-12, 15-16). The NSA also implemented procedures to ensure improperly collected data wouldn't be used in intelligence reports, FISA applications, or Section 702 targeting decisions without further review (NSA IG Report, Pg. 2).</p>
<p>Post-Tasking Review Violation: The NSA had a substantial backlog in conducting reviews after targeting people or accounts that may have been used inside the U.S. (Bates, Pg 9-10). A two page description that appears to be related to this violation is redacted (McLaughlin, Pg. 20-22).</p>	<p>FISC Judge Bates, Memorandum Opinion & Order, 2010</p> <p>FISC Judge McLaughlin, Memorandum Opinion & Order, 2010</p>	<p>The NSA dedicated additional resources to post-tasking reviews, and imposed timing requirements for resolution of the reviews (McLaughlin, Pg. 22).</p>
<p>Detasking Violation: During this reporting period, 21.5% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 31). Some of those violations concerned delays that resulted from technical problems including data that was corrupted, data that was not processed due to a server backlog, and system errors (Pg. 41). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The NSA resolved the technical problems in October 2015 (Pg. 41).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: During this reporting period, 21.5% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 31). Approximately 14% of those detasking delays resulted from inadvertent errors like analysts stopping surveillance on some, but not all, accounts or phone numbers used by the target (Pg. 42). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Data acquired as a result of these violations were required to be purged (Pg. 43).</p>
<p>Detasking Violation: During this reporting period, 21.5% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 31). Approximately 21% of those detasking delays resulted from faulty analysis for misunderstanding procedures (Pg. 42). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Data acquired as a result of these violations were required to be purged (Pg. 43).</p>
<p>Detasking Violation: During this reporting period, 21.5% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 31). Approximately 6% of those detasking delays resulted from poor inter and intra-agency communication (Pg. 48). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Data acquired as a result of these violations were required to be purged (Pg. 43).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: During this reporting period, 24.3% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 30). Approximately 15% of these detasking delays resulted from poor inter and intra-agency communication (Pg. 34). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Data acquired as a result of these violations have been purged (Pg. 38).</p>
<p>Detasking Violation: During this reporting period, 24.3% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 30). Approximately 14% of these detasking delays resulted from inadvertent errors, though the nature of these errors is redacted (Pg. 38). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Data acquired as a result of these violations have been purged (Pg. 38).</p>
<p>Detasking Violation: During this reporting period, 24.3% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 30). Approximately 27% of these detasking delays resulted from faulty analyses or misunderstanding procedures (Pg. 38). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Data acquired as a result of these violations have been purged (Pg. 38).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: On Jan. 14, 2014, the NSA notified the DOJ of compliance violations, the details of which are redacted. The letter references targeting procedures, detasking requirements (where the NSA must stop surveillance of a target), and problems with training on detasking (Attachment B: PDF Pg. 41-43).</p>	<p>DOJ Letter to FISC Judge Walton, Jan. 29, 2014, Attachment B (PDF Pg. 41-43)</p>	<p>Unknown</p>
<p>Detasking Violation: For a “protracted” period of time, the NSA failed to stop surveillance on a target it determined was a U.S. person (Pg. 28, FN 27).</p>	<p>FISC Judge Hogan, Memorandum Opinion & Order, Aug. 26, 2014</p>	<p>Unknown</p>
<p>Detasking Violation: During this reporting period, 27% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 27). 16% of those violations were the result of poor inter and intra-agency communication (Pg. 31). Several of these violations resulted from detasking a target who entered the U.S., but failing to stop surveillance on all of that target’s phone numbers or accounts (Pg. 32). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: During this reporting period, 27% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 27). Approximately 16% of these violations resulted from inadequate inter and intra-agency communications (Pg. 31). The report provides some examples of this type of detasking violation the details of which are too heavily redacted to provide any description (Pg. 33). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39-40).</p>
<p>Detasking Violation: During this reporting period, 27% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 27). A redacted number of technical and system errors resulted in some detasking delays at the NSA and CIA (Pg. 37). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violation were deleted (Pg. 39).</p>
<p>Detasking Violation: During this reporting period, 27% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 27). Inadvertent errors resulted in 12% of those violations, but descriptions of the nature of those errors appear to be redacted (Pg. 39). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violations were deleted (Pg. 39).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: During this reporting period, 27% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 27). 17% of those violations resulted from faulty analyses or misunderstanding procedures (Pg. 39). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violations were deleted (Pg. 39).</p>
<p>Detasking Violation: During this reporting period, 27% of all NSA violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 27). Several of those detasking violations occurred when analysts knew that there was no longer a legal basis for collection but delayed detasking for several days nonetheless. Information that may describe these violations is redacted (Pg. 42). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Data that were acquired as a result of the violations were deleted (Pg. 39) and trainings should emphasize the importance of promptly stopping surveillance of targets when it is no longer authorized (Pg. 42).</p>
<p>Detasking Violation: a redacted number of times, NSA analysts failed to stop surveillance of targets when it was no longer authorized or needed (Pg. 16). 26 pages of the report that may provide details about these violations are redacted (Pg. 16-42). The government is investigating one additional possible violation (Pg. 16, FN 19).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: A redacted number of times, NSA analysts failed to stop surveillance once they determined targets were U.S. persons, or had traveled to, or were located inside the U.S. The number of detasking violations that involved U.S. persons increased since the prior reporting period (Pg. 33).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013</p>	<p>The NSA revised its training and system modifications are being considered, and it will increase intra-agency communication and coordination (Pg. 33, 36).</p>
<p>Detasking Violation: Of all violations that the government reported to the FISC in 2013, 19% pertained to violations where surveillance of a target did not immediately stop when it was no longer authorized (Pg. 140).</p>	<p>NSA IG Report on Section 702 from 2010-2013</p>	<p>Unknown</p>
<p>Detasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 51 of those violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 26). In one instance, a target was later determined to be a U.S. person, and the NSA stopped surveillance on some of the target's accounts, but failed to stop surveillance on one of their telephone numbers for three weeks (Pg. 29).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>The government implemented better record-keeping and updated detasking procedures (Pg. 29).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 51 of those violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 26). Two system errors resulted in delays in stopping surveillance on targets who were found to be located in the U.S., and one of those system errors resulted in detasking delays for a redacted number of accounts of up to three days (Pg. 32).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>The government implemented better record-keeping and updated detasking procedures (Pg. 29).</p>
<p>Detasking Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 51 of those violations pertained to the failure to stop surveillance of targets when it was no longer authorized or needed (Pg. 26). Several incidents involved surveillance of targets that were later found to be in or travelling into the U.S.. In one of these incidents, an NSA analyst stopped surveillance on some, but not all, of the target's modes of communication and the error was not discovered for five weeks (Pg. 33).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>The government implemented better record-keeping and updated detasking procedures (Pg. 29).</p>
<p>Detasking Violation: On June 29, 2011, the NSA notified the DOJ that the NSA failed to stop surveillance of targets after it was no longer authorized. Details about the detasking violations are redacted, but the letter indicates the detasking violation may have involved continued collection targeting a U.S. person (Attachment A: PDF Pg. 37-39).</p>	<p>DOJ Letter to FISC Judge Bates, Jan. 11, 2012, Attachment A (PDF Pg. 37-39)</p>	<p>The NSA deleted the improperly acquired data (Attachment A: PDF Pg. 39).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Detasking Violation: The NSA failed to stop surveillance when a target was known to be entering the U.S., and also failed to detect when a target entered the U.S. (McLaughlin, Pg. 28). The FISC was not formally notified of these detasking delays. It found out about them through casual conversations between DOJ attorneys and court staff. The FISC noted that the FBI and NSA had consistently failed to formally notify the court of this category of compliance violations (Hogan, Pg. 12).</p>	<p>FISC Judge McLaughlin, Memorandum Opinion & Order, Apr. 7, 2009</p> <p>FISC Judge Hogan, Memorandum Opinion & Order, 2009</p>	<p>The FISC required the government to report all compliance violations with targeting and minimization procedures going forward and the NSA instituted a new process, the details of which are undisclosed (Hogan, Pg. 12-13).</p>
<p>Detasking Violation: During this reporting period, there were a redacted number of violations where the NSA failed to stop surveillance of targets when it was no longer authorized or needed (Pg. 2).</p>	<p>IG Report to HPSCI, Sept. 1, 2008-Aug. 31, 2009</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Overcollection Violation: The NSA improperly collected internet communications from facilities that only partially matched authorized Section 702 targets (Pg. 79). The violation started in Apr. 2015 and was discovered on Jan. 26, 2016. It is unclear when the FISC was first notified, but it was given supplemental notice on Sept. 30, 2016 (Pg. 79).</p>	<p>FISC Judge Collyer, FISC Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>As of Jan. 27, 2016, the NSA corrected the issue on an ongoing basis and identified and purged improperly acquired data (Pg. 79).</p>
<p>Overcollection Violation: During this reporting period, 0.3% of all NSA violations pertained to overcollection (Pg. 27). One more substantial violation resulted from a technical issue that caused the overcollection of an unspecified type of telephony data (Pg. 37). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Overcollection Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. Two of those violations pertained to overcollection of data beyond what was authorized by the Section 702 certifications, but further details are redacted (Pg. 26, 31-32).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>Software was updated to prevent future overcollection (Pg. 32).</p>
<p>Overcollection Violation: In November 2011, the government notified the FISC of incidents where the NSA overcollected information beyond what was authorized. Details of the violation are redacted. The government continued to provide updates about this violation in quarterly compliance reports covering the dates of Sept. 2011 through May 2014. As of July 30, 2014, the NSA had no further updates on the violation (Pg. 8).</p>	<p>DOJ Letter to FISC Judge Hogan, July 30, 2014</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Overcollection Violation: The NSA knowingly and intentionally acquired tens of thousands of wholly domestic communications through upstream collection (Bates Oct. 2011, Pg. 46, 48). A survey of six months of upstream collection showed that the NSA collected between 996 and 4,965 Multi-Communication Transactions (MCTs) that contained wholly domestic communications not to, from, or about a target (Bates Oct. 2011, Pg. 33, FN 31). The FISC also estimated that the NSA annually collected 7,000 to 8,000 MCTs where the active user is located in the U.S., and 97,000 to 140,000 MCTs where it could not determine if the user who initiated the transaction was located inside or outside the U.S. (Bates, Oct. 2011, Pg. 38-40). “About collection,” and thus the collection of wholly domestic communications, began no later than 2006, but it was not until 2011 that the government explained that upstream collection included “internet transactions” and was therefore much broader than the FISC previously understood. (Bates, Sept. 20, 2012, Pg. 26). Prior to providing the FISC with a clarification concerning the nature of upstream “about” collection on May 2, 2011 (Bates, Oct. 2011, Pg. 5; DOJ Letter), the government misrepresented critical details regarding upstream collection. The FISC noted that this was the third time “in less than three years in which the government has disclosed a substantial misrepresentation regarding the scope of a major collection program” (Bates, Oct. 2011, Pg. 16, FN 14).</p>	<p>FISC Judge Bates, Memorandum Opinion & Order, Oct 3, 2011</p> <p>FISC Judge Bates, Memorandum Opinion & Order, Nov. 30, 2011, P1</p> <p>FISC Judge Bates Memorandum Opinion & Order, Nov. 30, 2011, P2</p> <p>FISC Judge Bates, Memorandum Opinion & Order, Sept. 20, 2012</p> <p>FISC Judge Bates, Memorandum Opinion, Sept. 25, 2012</p> <p>DOJ Letter to FISC Judge Bates, May 2, 2011</p>	<p>The FISC found that, as applied, targeting and minimization procedures for collection of some MCTs did not meet Fourth Amendment requirements, so collection was temporarily stopped (Bates Oct. 2011, Pg. 80). It also noted that the “sheer volume of transactions acquired by NSA through its upstream collection [renders]...any meaningful review of the entire body of the transactions...not feasible” (Bates Oct. 2011, Pg. 31).</p> <p>Later, the FISC reauthorized collection, requiring the NSA to segregate and limit access to MCTs that are most likely to contain non-target information concerning U.S. persons, limit their retention of data collected via upstream surveillance to two years, destroy communications known to be wholly domestic, and when feasible mark communications that are known to be to or from a U.S. person (Bates Nov 2011 P1, Pg. 7-10). In Apr. 2012, the NSA decided to delete all upstream communications collected before Oct. 31, 2011 (Bates Sept. 25, 2012, Pg. 30). The government also agreed not to use reports that cite to upstream collection acquired before Oct. 31, 2011 in any FISC application (Bates, Sept. 25, 2012, Pg. 32).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Overcollection Violation: There was a violation concerning overcollection of data under Section 702, but details about the violation are redacted (Pg. 2-3).	DOJ Letter to FISC Judge Bates, April 19, 2011	Details concerning the remedy are either redacted or unspecified in the letter, except that the DOJ noted that the NSA ensured that improperly collected data was handled properly (Pg. 2).
Overcollection Violation: During this reporting period, software malfunctions caused unintended collection (Pg. 2).	IG Report to HPSCI, Sept. 1, 2009-Aug. 31, 2010	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Overcollection Violation: There were several incidents where the NSA collected internet communications that were unrelated to the target, at least some of which likely belonged to U.S. persons or persons inside the U.S. (Pg. 3, 27).	FISC Judge McLaughlin, Memorandum Opinion & Order, Apr. 7, 2009	Some communications were purged (Pg. 19), the NSA designed a new system to alert technical personnel so corrective actions could be taken (Pg. 21), and the NSA implemented IP filters to avoid intentionally collecting wholly domestic communications (Pg. 24, FN 19).
Overcollection Violation: During this reporting period, a redacted number of software malfunctions caused unintended collection (Pg. 1).	IG Report to HPSCI, Sept. 1, 2008-Aug. 31, 2009	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Unauthorized Access Violation: A redacted number of FBI employees improperly accessed Section 702 data (Collyer, Pg. 68). It is unclear how long this violation went on. This incident may have resulted from a failure of the FBI's access controls to ensure unauthorized people could not access Section 702 data, but details about that violation appear to be redacted (Hogan, Pg. 52-55).	FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017 FISC Judge Hogan, Memorandum Opinion & Order, Nov. 6, 2015	By an unspecified date, all unauthorized users deleted Section 702-acquired information from their systems (Collyer, Pg. 69).

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Unauthorized Access Violation: The FBI deliberately disclosed unminimized Section 702 data to an entity whose name is redacted that “is largely staffed by private contractors” in violation of minimization procedures (Pg. 83-84; Pg. 87, FN 69). The violation was identified in the DOJ’s Mar. 9, 2016 compliance review (Pg. 83), but it was not disclosed to the FISC until Oct. 4, 2016 (Pg. 85).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>By Apr. 18, 2016 the FBI stopped providing its contractors improper access to unminimized Section 702 data (Pg. 84).</p>
<p>Unauthorized Access Violation: Technical processes the NSA was required to implement to identify and segregate Multi-Communication Transactions that are likely to include a U.S. person communicant failed, allowing analysts to improperly access those communications (Pg. 80). The violation started in Apr. 2015 and was discovered on Jan. 26, 2016. It is unclear when the FISC was first notified, but it was given supplemental notice on Sept. 30, 2016 (Pg. 79).</p>	<p>FISC Judge Collyer, FISC Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>The NSA implemented new minimization procedures and the results from upstream collection during the relevant timeframe were segregated and destroyed (Pg. 80-81).</p>
<p>Unauthorized Access Violation: The FBI gave a contractor whose name is redacted access to unminimized Section 702 data, in violation of rules that only permit the FBI to give access to assisting federal agencies, and not to a private entity (Pg. 85-86).</p>	<p>FISC Judge Collyer, FISC Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>While the FISC considered this a compliance violation, the government did not, so the FISC ordered the FBI to provide additional information regarding contractors’ access to unminimized Section 702 data and the FISC noted concerns about the FBI’s disregard of minimization rules. The unauthorized access was discontinued (Pg. 86-87).</p>
<p>Unauthorized Access Violation: In 2015, an NSA analyst stored unminimized Section 702 data in a database where NSA employees who were not authorized to access those data were able to and did view it (Pg. 66).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The data was deleted from that database and the relevant personnel were reminded of Section 702 data access requirements (Pg. 66).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Unauthorized Access Violation: In 2015, due to a typographical error, an NSA analyst sent an email containing unminimized Section 702 data to an NSA employee who was not authorized to access it (Pg. 66-67).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015	The email was deleted and relevant personnel were reminded of the need to carefully review emails before sending them (Pg. 67).
Unauthorized Access Violation: In 2015, an NSA instructor who was not authorized to access unminimized Section 702 data reviewed a student's work product that contained some. It is unclear if the other students in the class who had access to unminimized Section 702 data through the class had the necessary authorizations (Pg. 67).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015	All Section 702 data was purged, but details concerning from where the data was purged are redacted (Pg. 67).
Unauthorized Access Violation: An analyst held a position where s/he had access to daily query results that contained unminimized Section 702 data. The analyst changed positions and should have lost access to those query results and the unminimized data, but did not, resulting in the potential for daily unauthorized access to unminimized Section 702 data (Pg. 67).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015	The analyst did not view the query results after being transferred and access was removed in 2015 (Pg. 67).
Unauthorized Access Violation: In 2014, an NSA analyst emailed unminimized Section 702 data to NSA employees who were not authorized to have access to it (Pg. 66).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015	The emails were deleted and the analyst was reminded of Section 702 data access requirements (Pg. 66).

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Unauthorized Access Violation: For a redacted period of time, including during some or all of Mar. 2014 through May 2014, a redacted number of NSA personnel who were not authorized to access Section 702 data were added to an email distribution list that regularly received unminimized Section 702 data (Pg. 4-5).</p>	<p>DOJ Letter to FISC Judge Hogan, July 30, 2014</p>	<p>The personnel were removed from the email list and were instructed to delete the relevant emails (Pg. 5).</p>
<p>Unauthorized Access Violation: In 2014, while testing the functionality of a database, an NSA technical analyst determined that unminimized Section 702 data was accessible through this test database and viewed some of that unminimized Section 702 data. A total of seven employees who had access to this test database did not have Section 702 training and were thus not permitted access to unminimized data (Pg. 52-53).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>The NSA removed access to the test database (Pg. 52).</p>
<p>Unauthorized Access Violation: On June 6, 2011 the NSA reported an incident that may have involved individuals who were able to access Section 702 data, though they did not have authorization to do so. Details about this incident are redacted (Attachment A: PDF Pg. 37-39).</p>	<p>DOJ Letter to FISC Judge Bates, Jan. 11, 2012, Attachment A (PDF Pg. 37-39)</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Attorney-Client Privilege Violation: The FISC noted that failure to establish required review teams to ensure agents involved in prosecutions did not get access to a defendant’s privileged communications had been a “focus of the FISC’s concern since 2014.” In one violation, there was a two year delay in establishing the required review team, and in another violation, there was a one month delay (Pg. 89). Causes for these violations included poor training, lack of coordination between field offices, and some that are redacted (Pg. 93).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>The review team requirement must continue to be emphasized in training and oversight efforts, and the government has taken unspecified steps for identifying and routing data subject to a review team requirement (Pg. 93).</p>
<p>Attorney-Client Privilege Violation: A redacted number of times, when an FBI agent knew that a person targeted under Section 702 faced criminal charges, s/he failed to establish review teams that are required to ensure agents involved in prosecutions do not get access to a defendant’s privileged communications. The FISC also noted a redacted number of other instances of compliance violations, and raised concerns that there may be a “significant rate of non-compliance” (Hogan Aug. Opinion, Pg. 35-36; Hogan Hearing, Pg. 22-23). The government later reported additional instances of noncompliance, and the FISC “was extremely concerned” about them (Hogan Nov. Opinion, Pg. 50). These violations were identified in quarterly reviews for Dec. 2013-May 2014 (DOJ Letter, Pg. 5-6).</p>	<p>FISC Judge Hogan, Memorandum Opinion & Order, Aug. 26, 2014</p> <p>FISC Judge Hogan, FISC Hearing, Aug. 4, 2014</p> <p>FISC Judge Hogan, Memorandum Opinion & Order, Nov. 6, 2015</p> <p>DOJ Letter to FISC Judge Hogan, July 30, 2014</p>	<p>The DOJ reminded individual case agents of the review team requirement and ensured all case agents received training on the requirement, and the FBI modified its collection system to require case agents to check, before initiating collection, whether the target of surveillance had been or was likely to be charged with a federal crime. If the target is, headquarters would be notified to ensure a review team is established. Case agents were also required to update information about their Section 702 targets every 90 days (Hogan Nov. Opinion, Pg. 50-52).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Attorney-Client Privilege Violation: There was an FBI violation with regard to the marking of Attorney-Client communications. The details of the violation are redacted (Pg. 68).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>Unknown</p>
<p>Query Violation: NSA analysts searched data collected via Section 702 upstream collection using U.S. person identifiers (Pg. 19), which the FISC deemed “significant noncompliance” (Pg. 4), and “a very serious Fourth Amendment issue” (Pg. 19). The Inspector General discovered the violations in the first three months of 2015 (Pg. 19), but oral notice was not given to the FISC until Oct. 24, 2016 (Pg 4). In response to the NSA’s significant delay in notifying the FISC of the problem, the FISC accused it of an “institutional ‘lack of candor’” (Pg. 19).</p>	<p>Collyer, FISC Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>After two requests for extensions from the FISC (Pg. 3), the NSA ultimately determined that it was unable to resolve the noncompliance and on Mar. 30, 2017, told the FISC it would suspend upstream “about” collection. The NSA also planned to sequester and destroy all previously collected raw upstream internet data in its systems (Pg. 23-24).</p>
<p>Query Violation: NSA analysts mislabeled communications acquired through upstream collection which may have resulted in the NSA improperly searching through that Section 702 derived data (Pg. 23 FN 24). This incident seems to be separate from but related to the improper querying of upstream collection that the NSA notified the FISC about on Oct. 24, 2016. The FISC was given notice on Apr. 7, 2017 (Pg. 4).</p>	<p>Collyer, FISC Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>The NSA told the FISC that it it would suspend “about” collection on Mar. 30, 2017 (Pg. 24).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: During this reporting period, 9.9% of all NSA violations pertained to violations of required minimization procedures (Pg. 31). Approximately 56% of those violations related to improperly searching through Section 702 data. Just over half of these query violations resulted from overbroad searches that were not adequately constructed to return foreign intelligence information because of typographical errors or problems with how the queries were constructed (Pg. 43). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Unknown</p>
<p>Query Violation: During this reporting period, 9.9% of all NSA violations pertained to violations of required minimization procedures (Pg. 31). Approximately 56% of those violations were query violations, involving improperly searching through Section 702 data. Just under half of these query violations resulted from analysts searching for U.S. person information without obtaining the required pre-approval, searches that exceeded the scope of the authorization, and/or searching for U.S. person information in Section 702 upstream data, which is prohibited. In one instance, an NSA analyst searched for a U.S. person's information in Section 702 data for over 3 months beyond when the analyst was authorized to do so (Pg. 43). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The relevant personnel were reminded of Section 702 query requirements, the query was stopped, and the results of the queries that were conducted beyond the authorized timeframe were deleted (Pg. 43).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: During this reporting period, there were an unspecified number of violations of the FBI's minimization procedures that resulted from misapplication or misunderstanding of the procedures, or from technical problems. One incident involved an FBI employee conducting an improper search of Section 702 data, but the details of this violation are redacted (Pg. 48). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The FBI employee was reminded of Section 702 query requirements (Pg. 48).</p>
<p>Query Violation: During this reporting period, 14.8% of all NSA violations pertained to violations of required minimization procedures (Pg. 30). Approximately 29% of those violations resulted from overbroad searches of Section 702 acquired data that were not constructed to return foreign intelligence information as a result of typographical errors or poorly constructed search terms (Pg. 38). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Unknown</p>
<p>Query Violation: Over approximately three weeks, an FBI employee repeatedly searched unminimized Section 702 data for their own communications and at least three other FBI employees' communications. The searches were not conducted to find foreign intelligence information or evidence of a crime (Pg. 43).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>The FBI reminded the employee of requirements for querying Section 702 data, and provided retraining to relevant personnel (Pg. 43).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: In 2014, NSA analysts searched Section 702-acquired data for U.S. persons' information in violation of query requirements. The violations may have resulted from analysts' failures to obtain the required pre-approval or from analysts searching data acquired through upstream collection for U.S. persons' communications, which is prohibited. However, details about the number of violations and the the nature of the queries are redacted (Pg. 58).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>NSA analysts were reminded of Section 702 query requirements (Pg. 58).</p>
<p>Query Violation: In 2014, an NSA analyst ran an overly broad search that was not limited to ensure it returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 58).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst cancelled the query and deleted the results. The analyst was also reminded of query requirements (Pg. 58).</p>
<p>Query Violation: In 2014, an NSA analyst ran an overly broad search that was not limited to ensure it returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 59).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst deleted the query results (Pg. 59).</p>
<p>Query Violation: In 2014, an NSA analyst searched for a U.S. person's information in data acquired through several surveillance authorities, including Section 702 upstream collection, which is prohibited. In addition, the analyst failed to obtain the required prior approval for using a U.S. person identifier to search other Section 702-acquired data (Pg. 59).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The query and corresponding results were deleted and the analyst was reminded of Section 702 query requirements (Pg. 59).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: In 2014, an NSA analyst ran an overly broad search that was not limited to ensure it returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702, due to a typographical error (Pg. 59).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst was reminded of Section 702 query requirements (Pg. 59).</p>
<p>Query Violation: In 2014, an NSA analyst ran overly broad searches that were not limited to ensure they returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 60).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst deleted the results, and was reminded of Section 702 query requirements (Pg. 60).</p>
<p>Query Violation: In 2014, an NSA analyst ran overly broad searches that were not limited to ensure they returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 60).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The relevant personnel were reminded of Section 702 query requirements (Pg. 60).</p>
<p>Query Violation: In 2014, an NSA linguist ran an overly broad search that was not limited to ensure it returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 60).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The results aged-off of NSA systems and the linguist was reminded of Section 702 query requirements (Pg. 60).</p>
<p>Query Violation: In 2015, an NSA analyst ran an overly broad search that was not limited to ensure it returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 60-61).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst deleted the results and was reminded of Section 702 query requirements (Pg. 60-61).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: In 2015, an NSA analyst searched Section 702 data for a U.S. person's information without obtaining the required pre-approval to use the U.S. person identifier. In addition the data searched included Section 702 upstream collection, and the NSA rules prohibited the use of U.S. person identifiers when searching upstream data (Pg. 61).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>All results were deleted and the analyst was reminded of Section 702 query requirements (Pg. 61).</p>
<p>Query Violation: In 2015, an NSA analyst searched Section 702-acquired data for information about someone presumed to be a U.S. person without obtaining the required pre-approval (Pg. 61).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The results of the query were deleted and the analyst was reminded of Section 702 query requirements (Pg. 61).</p>
<p>Query Violation: In 2015, an NSA analyst searched Section 702 upstream data, for a U.S. person's emails, which is prohibited, and also failed to obtain the required pre-approval before using a U.S. person identifier to search through other Section 702 data (Pg. 61-62).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst was reminded of Section 702 query requirements (Pg. 61-62).</p>
<p>Query Violation: In 2015, an NSA analyst searched Section 702 upstream data, for a U.S. person's information, which is prohibited, and also failed to obtain the required pre-approval before using a U.S. person identifier to search through other Section 702 data (Pg. 62).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The results of the query were deleted and the analyst was reminded of Section 702 query requirements (Pg. 62).</p>
<p>Query Violation: In 2015, an NSA analyst searched Section 702 upstream data for a U.S. person's information, which is prohibited, and also failed to obtain the required pre-approval before using a U.S. person identifier to search through other Section 702 data (Pg. 65).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The results of the query were deleted and the analyst was reminded of Section 702 query requirements (Pg. 65).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: In 2015, an NSA analyst searched Section 702 data for a U.S. person's information without obtaining the required pre-approval (Pg. 65).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The results of the query were deleted and the analyst was reminded of Section 702 query requirements (Pg. 65).</p>
<p>Query Violation: In 2015, an NSA analyst ran an overly broad search that was not limited to ensure it returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 65-66).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The results of the query were deleted and the analyst was reminded of Section 702 query requirements (Pg. 65-66).</p>
<p>Query Violation: In 2015, an NSA analyst ran an overly broad search that was not limited to ensure it returned results that were likely to contain foreign intelligence information across data collected through several surveillance authorities, including Section 702 (Pg. 63).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The results of the query were deleted and the analyst was reminded of Section 702 query requirements (Pg. 63).</p>
<p>Query Violation: From 2014-2015, an NSA analyst conducted searches to obtain information that she or he did not realize pertained to U.S. persons. The searches were conducted against information collected pursuant to several authorities, possibly including Section 702 upstream collection, which is prohibited. The analyst also failed to obtain the required pre-approval before using a U.S. person identifier to search through other Section 702 data. Some details of the violation are redacted (Pg. 62-63).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst identified the violation in 2015 and attempted to cancel the queries, but because of an unknown error additional searches were conducted using that U.S. person's identifiers on one occasion. All results from all queries were deleted, and the analyst was reminded of Section 702 query requirements (Pg. 62-63).</p>
<p>Query Violation: In 2013, an NSA analyst searched Section 702 data for a U.S. person's information without obtaining the necessary approval (Pg. 47).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>The results were deleted and the analyst was reminded of Section 702 query requirements (Pg. 47).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Query Violation: In 2013, an NSA analyst searched Section 702 data for U.S. person information after the approval to use that U.S. person identifier had expired (Pg. 48-49).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The analyst deleted the query and results (Pg. 49).
Query Violation: An NSA analyst conducted a number of overly broad searches of Section 702 information in rapid succession where s/he did not place reasonable limits on the searches to avoid retrieving U.S. person information (Pg. 48).	Quarterly Section 702 Compliance Report to the FISC , Dec. 1, 2013-Feb. 28, 2014	The query results were deleted (Pg. 48).
Query Violation: A new NSA analyst conducted an overly broad search that was not reasonably likely to return foreign intelligence information against Section 702 data in order to familiarize herself with the query programs she learned about during training (Pg. 49).	Quarterly Section 702 Compliance Report to the FISC , Dec. 1, 2013-Feb. 28, 2014	The analyst and her team members received additional training (Pg. 49).
Query Violation: An NSA analyst searched for a U.S. person's communications against multiple surveillance authorities, including Section 702 upstream, which is prohibited, and without obtaining the required approval before using a U.S. person identifier to search through other Section 702 data (Pg. 50).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Sometime in 2014 the query stopped and the results were deleted. The analyst was reminded to be more careful (Pg. 50).
Query Violation: An NSA analyst searched Section 702 upstream data using a foreign phone number to obtain U.S. persons' communications (Pg. 50).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The query results were not saved in the system that was searched (Pg. 50).
Query Violation: An NSA analyst conducted an overly broad search that was not reasonably likely to return foreign intelligence information against Section 702 data (Pg. 51).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The analyst deleted the query and the results, and was instructed and tested on how to properly query in this tool (Pg. 51).

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Query Violation: An NSA analyst conducted an overly broad search that was not reasonably likely to return foreign intelligence information against Section 702 data (Pg. 51).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The analyst deleted the query and results, and the analyst received additional instruction (Pg. 51).
Query Violation: An NSA analyst conducted an overly broad search that was not reasonably likely to return foreign intelligence information against Section 702 data (Pg. 51).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The analyst deleted the query and results, and the analyst was reminded to ensure that queries were properly constructed to meet the requirements (Pg. 52).
Query Violation: An NSA analyst conducted an overly broad search that was not reasonably likely to return foreign intelligence information against Section 702 data (Pg. 52).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The query and results were deleted and the analyst was reminded to ensure that queries meet the requirements (Pg. 52).
Query Violation: An NSA analyst searched for a U.S. person's communications in Section 702 data without obtaining the required approval (Pg. 54).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The search and results were deleted in 2014, and the analyst was reminded of 702 query requirements (Pg. 54).
Query Violation: An NSA analyst ran an overly broad search that was not reasonably likely to return foreign intelligence information against Section 702 data (Pg. 54).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The analyst was reminded to ensure queries are reasonably likely to return foreign intelligence information (Pg. 54).
Query Violation: In 2014, an NSA analyst ran an overly broad search that was not likely to return foreign intelligence information against Section 702 upstream data a redacted number of times (Pg. 55).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The query and results were deleted, and the analyst was reminded to ensure queries are reasonably likely to return foreign intelligence information (Pg. 55).
Query Violation: In 2014, an NSA analyst searched Section 702 data for U.S. person communications without obtaining the required authorization (Pg. 55).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: In 2011, the NSA determined that a particular email account was used by a U.S. person. In 2014, an NSA analyst improperly searched Section 702 upstream data using that U.S. person's email address (Pg. 55).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>The analyst deleted all results from the query and was reminded to take greater care in selecting data sets to query (Pg. 55).</p>
<p>Query Violation: In 2013, the NSA determined that a U.S. person used modes of communication targeted under Section 702. The NSA stopped surveillance of those communications accounts, but the U.S. person's identifiers were not removed from the search tool, and were used in searching Section 702 data an unknown number of times. The NSA determined that at least one analyst ran that search every work day for a redacted period of time in 2014 (Pg. 53).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>The search was deleted and the NSA reminded relevant personnel of Section 702 query requirements (Pg. 53).</p>
<p>Query Violation: The FBI conducted some type and number of unauthorized queries of Section 702 data during the reporting period, but the details of the violation(s) are redacted (Pg. 64-65).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>Unknown</p>
<p>Query Violation: The NSA stopped surveillance on a target that may have been a U.S. person, but an analyst continued to search for that U.S. person's information after the target was detasked (Pg. 47-48).</p>	<p>Quarterly Section 702 Compliance Report to the FISC , Dec. 1, 2013-Feb. 28, 2014</p>	<p>The analyst deleted the query result in 2013 (Pg. 48).</p>
<p>Query Violation: An NSA analyst searched data acquired through E.O. 12333 and Section 702 for U.S. person information without obtaining the required approval and after the surveillance target's email account was de-tasked (Pg. 49-50).</p>	<p>Quarterly Section 702 Compliance Report to the FISC , Dec. 1, 2013-Feb. 28, 2014</p>	<p>The queries were terminated in 2013 and the analyst was reminded of Section 702 query requirements (Pg. 50).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: In 2013, the NSA determined that a U.S. person used modes of communication targeted under Section 702. The NSA detasked them, but the U.S. person's identifiers were not removed from the search tool and may have been improperly used in searching Section 702 data (Pg. 53).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014</p>	<p>The NSA removed the U.S. person's modes of communication from the query tool when the violation was discovered in 2014 (Pg. 53).</p>
<p>Query Violation: A redacted number of times, NSA analysts conducted improper searches for U.S. person information or using over-broad search terms. The number of query violations decreased from last reporting period (Pg. 34).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013</p>	<p>The joint oversight team will continue oversight of NSA querying for U.S. persons' information (Pg. 34).</p>
<p>Query Violation: NSA analysts used U.S. person identifiers to search through Section 702 datasets, but did not follow the particular requirements in NSA minimization procedures that applied to one of the datasets. The NSA sampled queries of Section 702 data that were conducted during a six month period using U.S. person identifiers that were targeted under FISA Sections 704 and 705(b), and found a non-compliance rate of 85% (Pg. 81-82). The violation was discovered in approximately 2012, but it was not reported to the ODNI and DOJ until May and June of 2016. It is unclear when the incident was reported to the FISC (Pg. 81).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>The FISC's demands are not described, but the NSA added additional training measures to help educate the analysts (Pg. 82-83).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Query Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 15 concerned minimization requirements, and a redacted number of those violations involved NSA analysts improperly searching Section 702 data for U.S. person information (Pg. 26, 30).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>Unknown</p>
<p>Query Violation: During this reporting period, an unspecified number of violations resulted from poorly designed searches for information in Section 702 data that were not constructed to yield foreign intelligence information (Pg. 2).</p>	<p>IG Letter to SSCI, Sept. 1, 2011-Aug. 31, 2012</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Query Violation: During this reporting period, an unspecified number of violations resulted from poorly designed searches for information in Section 702 data that were not constructed to yield foreign intelligence information (Pg. 1).</p>	<p>IG Letter to HPSCI, Sept. 1, 2010-Aug. 31, 2011</p>	<p>The government corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Query Violation: From Sept. 1, 2009 to Aug. 31, 2010, an unspecified number of violations resulted from poorly designed searches for information in Section 702 data that were not constructed to yield foreign intelligence information (Pg. 2).</p>	<p>IG Letter to HPSCI, Sept. 1, 2009-Aug. 31, 2010</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Dissemination Violation: During this reporting period, 9.9% of all NSA violations pertained to violations of required minimization procedures (Pg. 31). One of those violations involved the improper dissemination of U.S. person information. Details about this violation appear to be redacted (Pg. 46-47). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Dissemination Violation: During this reporting period, 14.8% of all NSA violations pertained to violations of required minimization procedures (Semiannual Assessment, Pg. 30). An unspecified number of those violations involved the improper dissemination of Section 702-acquired data, including data that concerned U.S. persons (Semiannual Assessment, Pg. 33). In 1 of these violations, an NSA analyst improperly disseminated a wholly domestic communication that should have instead been promptly deleted when it was identified (Quarterly Report, Pg. 63). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Semiannual Assessment, Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p> <p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The analyst recalled the disseminated communication and marked it for deletion (Quarterly Report, Pg. 63).</p>
<p>Dissemination Violation: During this reporting period, 14.8% of all NSA violations pertained to violations of required minimization procedures (Semiannual Assessment, Pg. 30). An unspecified number of those violations involved the improper dissemination of Section 702-acquired data, including data that pertained to U.S. persons (Semiannual Assessment, Pg. 33). In two of those violations, the NSA issued a report that included a U.S. person's name even though their identity was not foreign intelligence information, which is prohibited (Quarterly Report, Pg. 64). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Semiannual Assessment, Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p> <p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The reports were recalled and reissued without the U.S. persons' identities (Quarterly Report, Pg. 64).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Dissemination Violation: A redacted number of times, the FBI improperly disseminated U.S. person information (Pg 43). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).	AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015	Unknown
Dissemination Violation: The NSA improperly disseminated a report which included the identities of U.S. persons located outside of the U.S. that were not foreign intelligence information (Pg. 52).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	In 2014, the report was recalled and not reissued (Pg. 52).
Dissemination Violation: In 2014, the NSA disseminated a report, and an analyst from a different agency then determined that the report contained U.S. person information that was not foreign intelligence information (Pg. 54).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	The report was recalled and re-released without the U.S. person information (Pg. 54).
Dissemination Violation: The FBI improperly disseminated Section 702-acquired data that included U.S. person identities. Details about the two noticed violations are redacted (Pg. 65-66).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown
Dissemination Violation: During this reporting period, the FBI improperly disseminated Section 702-acquired information that included U.S. person identities. Details about the violation(s) are redacted (Pg. 66).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown
Dissemination Violation: During this reporting period, the FBI improperly disseminated Section 702-acquired information that included a U.S. person identity. Details about the violation(s) are redacted (Pg. 66).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Dissemination Violation: During this reporting period, the NSA improperly disseminated a U.S. person's identity (Pg. 34).	AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013	The joint oversight team continued oversight of NSA dissemination of U.S. persons' information (Pg. 34).
Dissemination Violation: During this reporting period, a redacted number of times, NSA analysts used automation to disseminate FISA-acquired information that had not been evaluated to determine if it included U.S. person information, and if it did, whether that U.S. person information constituted foreign intelligence information. Descriptions of additional violations are redacted (Pg. 37).	AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013	The NSA revised its policy to require NSA Office of General Counsel approval, but what the approval is for is redacted (Pg. 37).
Dissemination Violation: During this reporting period, a redacted number of times, CIA analysts disseminated information for law enforcement purposes without the required notice that the information or information derived from it can only be used in a criminal proceeding with the AG's approval. Details about these incidents, and possible other CIA minimization violations, are redacted (Pg. 40).	AG & DNI Semiannual Assessment, Dec. 1, 2012 - May 31, 2013	Unknown
Dissemination Violation: During this reporting period, an unspecified number of violations pertained to the improper dissemination of Section 702 data (Pg. 2).	IG Letter to SSCI, Sept. 1, 2011-Aug. 31, 2012	Mistakes were corrected and processes were reviewed and updated (Pg. 2).
Dissemination Violation: A CIA employee failed to properly minimize reports with Section 702 information and disseminated them to the NSA, FBI, and DOJ. The FISC described this as a "profound misunderstanding of minimization procedures" (Pg. 11-12).	FISC Judge Hogan, Memorandum Opinion & Order, 2009	That CIA employee no longer works with FISA information, but it is not clear if that is related to this violation. ODNI, NSD, and DOJ implemented procedures to comprehensively oversee the CIA's application of its minimization procedures, and the CIA updated its processes and training (Pg. 12).

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Data Retention Violation: The NSA improperly retained Section 702-acquired data that it was required to purge, at least in part because of a “technical malfunction” and a misconfiguration. The records were acquired as far back as 2011, but notice was not given to the FISC until July 13, 2015 (Pg. 70).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>By Feb 2016, the NSA deleted all Section 702-acquired data related to this incident that was subject to purge requirement (Pg. 71).</p>
<p>Data Retention Violation: The NSA intentionally retained certain categories of Section 702-acquired data that were subject to purge or age-off requirements. Those data were stored in a manner potentially inconsistent with minimization procedures (Pg. 71).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>All improperly retained data related to this incident was purged by Sept. 9, 2016 (Pg. 72).</p>
<p>Data Retention Violation: The FBI was indefinitely retaining unminimized Section 702 data on certain classified systems even though the 702 data was subject to a shorter retention limit. While remedial measures began in Jan. 2017, the FISC describes its notification as being “recent” (Pg. 87-89).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>In Jan. 2017 the government began an effort to solve problem, but as of Apr. 2017 it was unresolved (Pg. 89).</p>
<p>Data Retention Violation: CIA software failed to delete communications content and metadata that were required to be purged. During the course of the investigation concerning this violation, additional related violations were discovered in Mar. 2017, but the CIA never told the FISC how far back the problem went (Pg. 94-95).</p>	<p>FISC Judge Collyer, Memorandum Opinion & Order, Apr. 26, 2017</p>	<p>The CIA has completed most of the required purges, except for one redacted category that it is still addressing. The FISC encouraged the government to take proactive measures to verify that the automated processes are functioning as intended (Pg. 94-95).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Data Retention Violation: The government filed several compliance notices from June-Aug. 2010 concerning unlawful surveillance under Section 702. Details about the nature, scope, and duration of those violations are not publicly available (Pg. 56). The FISC required the government to purge the unlawfully collected information, but on July 13, 2015, the government notified the FISC that it had not deleted the data from all repositories as required. The FISC stated that it was “very surprised to learn” about the government’s failure to delete all data subject to the purge requirement. The FISC also stated that it was even “more disturbing and disappointing” that it took the government more than four years to disclose the fact that it was intentionally retaining this data (Pg. 56-58).</p>	<p>FISC Judge Hogan, Memorandum Opinion & Order, Nov. 6, 2015</p>	<p>On July 13, 2015, the NSA notified the FISC that it reconfigured its system to purge the relevant data (Pg. 58, FN 45). On Oct. 5, 2015, it notified the FISC the purge was complete (Pg. 58), but then provided a later notice to the FISC on Oct. 28, 2015, that the purge was incomplete because of a technical problem. The FISC stated that it expected the NSA to provide an update on its completion of the required purge (Pg. 59).</p>
<p>Data Retention Violation: During this reporting period, 9.9% of all NSA violations pertained to violations of required minimization procedures (Pg. 31). An unspecified number of those violations concerned the NSA’s failure to delete Section 702 data that were subject to a purge requirement. Some of these violations resulted from a failure of the NSA’s technical process for identifying data that were subject to a purge requirement (Pg. 38). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The NSA conducted an assessment to verify that data subject to a purge requirement had been deleted, and identified and resolved the technical problems that led to the violation. The NSA also compared the items on the Master Purge List to those contained in one of its systems to identify data that were required to be deleted (Pg. 38-39).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Data Retention Violation: During this reporting period, 9.9% of all NSA violations pertained to violations of required minimization procedures (Pg. 31). An unspecified number of those violations concerned the NSA's failure to delete Section 702 data that were subject to a purge requirement. Two of these violations were described as having "more substantial implications" than other data retention violations (Pg. 39). In one of those, Section 702 data were improperly retained in two systems, one of which was used for pre-targeting analyses to ensure targets are neither U.S. persons nor located in the U.S., and the other of which was used to conduct post-targeting reviews for the same purpose. Additional details about this violation are redacted (Pg. 40). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The NSA deleted all data that were collected as a result of unauthorized surveillance, and data subject to a purge requirement pursuant to NSA's targeting and minimization procedures, from these two databases (Pg. 40). The NSA also implemented a three-phase plan to delete data subject to a purge requirement, historical data, and to ensure compliance going forward (Pg. 41).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Data Retention Violation: During this reporting period, 9.9% of all NSA violations pertained to violations of required minimization procedures (Semiannual Review, Pg. 31). A redacted number of those violations related to the NSA's failure to delete Section 702 data that was subject to a purge requirement. Two of these violations were described as having "more substantial implications" than other data retention violations. In one of those, the NSA had never conducted required purges of Section 702 records in two of its "mission management" systems, including failing to purge certain information regarding domestic communications that were in one of the systems and had been added to the Master Purge List and deleted from other systems (Semiannual Review, Pg. 39). The FISC, which was notified on July 13, 2013 of this violation, indicated that phone and internet communications that were improperly retained continued to be used by the NSA, which asserted that the use was for "collection avoidance" (to avoid targeting U.S. persons) but did not impose sufficient limits to ensure such restricted use (Hogan Opinion, Pg. 65-68, 71). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Semiannual Review, Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p> <p>FISC Judge Hogan, Memorandum Opinion & Order, Nov. 6, 2015</p>	<p>The systems were redesigned to ensure data subject to a purge requirement would be deleted going forward, such data that were already stored in those systems were identified and deleted, and one of those systems no longer contained FISA-acquired information (Semiannual Review, Pg. 39). Certain data was permitted to be retained solely for the purpose of collection avoidance (avoiding targeting a U.S. person), but the government was required to develop better procedures to ensure that the data would be used only for this purpose (Hogan Opinion, Pg. 65-68, 71).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Data Retention Violation: During this reporting period, there was one violation due to a technical issue with one of the CIA's systems where data that were subject to a purge requirement were not deleted (Pg. 48). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>The data were identified and deleted two weeks after the date when they were required to be purged (Pg. 48).</p>
<p>Data Retention Violation: During this reporting period, 14.8% of all NSA violations pertained to violations of required minimization procedures (Semiannual Assessment, Pg. 30). An unspecified number of those violations involved the failure to delete data that was subject to a purge requirement (Semiannual Assessment, Pg. 33). Some portion of these violations related to notifications by the government to the FISC in May and July 2014 and Mar. 2015 that the FBI had not deleted Section 702-acquired raw data that were subject to a purge requirement because of gaps in its system. Details about the violation are redacted (Quarterly Report, Pg. 5, FN 10). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Semiannual Assessment, Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p> <p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Data Retention Violation: During this reporting period, 14.8% of all NSA violations pertained to violations of required minimization procedures (Semiannual Assessment, Pg. 30). An unspecified number of those violations concerned the failure to delete data that were subject to a purge requirement (Semiannual Assessment, Pg. 33). Some portion of these violations occurred in 2013 and 2014, because data that were subject to an NSA purge requirement were improperly marked, resulting in a delay of the purge (Quarterly Report, Pg. 57-58). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Semiannual Assessment, Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p> <p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>As of a redacted point in 2014, all of the mislabeled data were placed on the NSA's Master Purge List (Quarterly Report, Pg. 57-58).</p>
<p>Data Retention Violation: The CIA failed to delete unreviewed Section 702 data within the required 5-year timeframe (Pg. 41). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>The relevant data were removed from CIA systems (Pg. 41).</p>
<p>Data Retention Violation: During this reporting period, 25.2% of all violations concerned NSA minimization requirements (Semiannual Assessment, Pg. 27). One "moderately more substantial" violation resulted from a technical issue that caused the NSA's systems to fail to identify and delete all data that were required to be purged (Semiannual Assessment, Pg. 37). This violation persisted at least through May 2014 (DOJ Letter, Pg. 7). Overall, the violation rate in this reporting period increased 16% over the previous period (Semiannual Assessment, Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p> <p>DOJ Letter to FISC Judge Hogan, July 30, 2014</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Data Retention Violation: In this reporting period, the CIA failed to purge data in one of its repositories as required (Pg. 43). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).	AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014	The error was corrected and the relevant data were purged (Pg. 43).
Data Retention Violation/Dissemination Violation: During this reporting period, there were an unspecified number of violations of FBI minimization procedures. One of those violations concerned data retention and dissemination, but details about that violation are redacted (Pg. 44). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).	AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014	Unknown
Data Retention Violation: In May 2014 and June 2014, the FBI advised the FISC about compliance violations involving incomplete purges of Section 702 data (Pg. 7).	DOJ Letter to FISC Judge Hogan, July 30, 2014	Unknown
Data Retention Violation: Annual NSA studies covering 2011-2013 found that each year, the NSA failed to delete data it was required to purge (Hogan, Pg. 34, FN 31). The NSA did not notify the FISC of the 2011 and 2012 studies until March 18, 2014 (DOJ Letter, Pg. 1).	FISC Judge Hogan, Memorandum Opinion & Order, Aug. 26, 2014 DOJ Letter to FISC Judge Hogan, May 29, 2014 Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	All data subject to purge were deleted from all NSA systems by 2014 and additional processes were implemented to ensure that data subject to purge are not collected or re-collected after purge (Quarterly Report, Pg. 61).
Data Retention Violation: The NSA failed to purge partially minimized transcripts of communications containing U.S. person information (Pg. 35).	AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013	The NSA continued training analysts about the legal requirements and the tools they use (Pg. 35).

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Data Retention Violation: The NSA violated minimization procedures that allowed waivers to retention limits on a case-by-case basis by issuing an advance waiver for an entire category of communications (Pg. 39-40, FN 21). The advance waiver was issued in March 2011 (Pg. 39, FN 21) but the NSA did not determine this was a violation until September 2011, and did not notify the FISC until Oct. 2011 (Pg. 39, FN 21).</p>	<p>FISC Judge Bates, Memorandum Opinion & Order, Sept. 20, 2012</p>	<p>The NSA relied upon the waivers until Sept. 2011. While the issuance of the advance waiver violated minimization procedures, it is not clear that communications were improperly retained as a result. The FISC encouraged the NSA to improve coordination with FISA authorities (Pg. 40, FN 21).</p>
<p>Data Retention Violation: During this reporting period, an unspecified number of violations pertained to the failure to delete data that were subject to a purge requirement because their collection was unauthorized (Pg. 1).</p>	<p>IG Letter to HPSCI, Sept. 1, 2010-Aug. 31, 2011</p>	<p>The government corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Data Retention Violation: The NSA failed to delete from several databases communications that it was not authorized to collect. Some of those data were used in finished intelligence reports that the NSA disseminated (Pg. 3, 13).</p>	<p>FISC Judge McLaughlin Memorandum Opinion & Order, 2010</p>	<p>A description of the remedial actions is redacted (Pg. 14-18).</p>
<p>Data Retention Violation: The NSA failed to delete Section 702 data that were subject to a purge requirement (Pg. 9).</p>	<p>FISC Judge Bates, Memorandum Opinion & Order, 2010</p>	<p>Unknown</p>
<p>Data Retention Violation: During this reporting period, an unspecified number of violations pertained to the failure to delete data that were subject to a purge requirement because their collection was unauthorized (Pg. 2).</p>	<p>IG Letter to HPSCI, Sept. 1, 2009-Aug. 31, 2010</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Data Retention Violation: During this reporting period, were a redacted number of violations pertained to the failure to delete data that were subject to a purge requirement because their collection was unauthorized (Pg. 2).	IG Letter to HPSCI, Sept. 1, 2008-Aug. 31, 2009	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Documentation Violation: During this reporting period, 2.2% of all NSA violations pertained to incidents where NSA analysts did not provide sufficient documentation to support their targeting decisions (Pg. 31). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).	AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015	Unknown
Documentation Violation: During this reporting period, 4.9% of all NSA violations pertained to incidents where NSA analysts did not provide sufficient documentation to support their targeting decisions (Pg. 30). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).	AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015	Unknown
Documentation Violation: There were a redacted number of violations where NSA analysts did not provide sufficient documentation to support their targeting decisions (Pg. 56-57).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015	Unknown
Documentation Violation: During this reporting period, 0.6% of all NSA violations pertained to incidents where NSA analysts did not provide sufficient documentation to support their targeting decisions (Pg. 27). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).	AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014	Unknown

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Documentation Violation: The total number of violations in 2013 is undisclosed. Of those violations, 5% pertained to incidents where NSA analysts did not provide sufficient documentation to support their targeting decisions (Pg. 140).</p>	<p>NSA IG Report on Section 702 from 2010-2013</p>	<p>Unknown</p>
<p>Documentation Violation: During this reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 10 of those violations pertained to incidents where NSA analysts did not provide sufficient documentation to support their targeting decisions (Pg. 26).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>Unknown</p>
<p>Documentation Violation: During this reporting period, there were an unspecified number of violations for “insufficient foreignness support” or incidents where NSA analysts did not provide sufficient documentation to support their targeting decisions (Pg. 2).</p>	<p>IG Letter to SSCI, Sept. 1, 2011-Aug. 31, 2012</p>	<p>The NSA corrected the mistakes and updated its procedures (Pg. 2).</p>
<p>Documentation Violation: The NSA failed to provide the DOJ oversight personnel required documentation on analysts’ targeting decisions (Pg. 10).</p>	<p>FISC Judge Bates, Memorandum Opinion & Order, 2010</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Notification Violation: During this reporting period, 5.2% of all NSA violations pertained to incidents where notifications pursuant to NSA targeting procedures were not made to the relevant entity in the required timeframe (Pg. 31). Some of those incidents resulted from a technical problem that caused an NSA system to fail to generate a record of targets for DOJ as required (Pg. 42). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015</p>	<p>Unknown</p>
<p>Notification Violation: During this reporting period, 8.7% of all NSA violations pertained to incidents where notification pursuant to NSA targeting procedures were not made to the relevant entity in the required timeframe (Semiannual Assessment, Pg. 30). From Dec. 1, 2014-Feb. 28, 2015, the delay in reporting averaged 19 business days, but ranged up to 131 business days. In one of these incidents, the NSA failed to provide the DOJ with the required notification that it had mistakenly targeted a U.S. person (Quarterly Report, Pg. 56). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Semiannual Assessment, Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p> <p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>Details about the remedy are redacted, but the NSA and CIA deleted improperly acquired data (Quarterly Report, Pg. 56).</p>
<p>Notification Violation: During this reporting period, 6.3% of all NSA violations pertained to incidents where notifications pursuant to NSA targeting procedures were not made to the relevant entity in the required timeframe (Pg. 27). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Notification Violation: From approximately Sept. 2013 through May 2014, there were a redacted number of times the NSA failed to provide required notice to the relevant entity in the required timeframe (DOJ Letter, Pg. 4). From Dec. 1, 2013-Feb. 28, 2014, reporting delays averaged 11 business days, and in one instance the delay was 409 business days, where the required time period was five business days (Quarterly Compliance Report, Pg. 43, Pg. 43 FN 30). Nonetheless, the number of notification delays during this period, as compared to previous reporting periods, significantly decreased (DOJ Letter, Pg. 4).</p>	<p>DOJ Letter to FISC Judge Hogan, July 30, 2014</p> <p>Quarterly Section 702 Compliance Report to the FISC , Dec. 1, 2013-Feb. 28, 2014</p>	<p>Unknown</p>
<p>Notification Violation: The total number of incidents in 2013 is undisclosed. Of those violations, 57% pertained to incidents where notifications pursuant to NSA targeting procedures were not made to the relevant entity in the required timeframe (NSA IG Report, Pg. 140). 54% of all compliance violations from Dec. 1, 2012-May 31, 2013 involved notification delays where the median delay was two business days (Semiannual Assessment, Pg. 26).</p>	<p>NSA IG Report on Section 702 from 2010-2013</p> <p>AG & DNI Semiannual Assessment, Dec. 1, 2012-May 31, 2013</p>	<p>The NSA worked with the DOJ and ODNI to address the delays (Semiannual Assessment, Pg. 20).</p>
<p>Notification Violation: For the reporting period, the NSA, CIA, and FBI had 338 violations of targeting and minimization procedures. 212 of those violations pertained to incidents where notifications pursuant to NSA targeting procedures were not made to the relevant entity in the required timeframe. The median delay was one business day (Pg. 24, 26).</p>	<p>AG & DNI Semiannual Assessment, June 1, 2012-Nov. 30, 2012</p>	<p>The NSA worked with the DOJ and ODNI to address the delays (Pg. 24).</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
General Minimization Violation: There are almost four pages concerning minimization violations that are completely redacted (Pg. 44-47).	Quarterly Section 702 Compliance Report to the FISC , Dec. 1, 2013-Feb. 28, 2014	Unknown
General Minimization Violation: The total number of incidents in 2013 is undisclosed. Of those incidents, 6% pertained to minimization violations that may have included querying, reporting, and retention violations (Pg. 140).	NSA IG Report on Section 702 from 2010-2013	Unknown
General Minimization Violation: During this reporting period, a redacted number of violations pertained to delays in implementing minimization procedures (Pg. 1).	IG Letter to HPSCI, Sept. 1, 2010-Aug. 31, 2011	The government corrected the mistakes and updated its procedures (Pg. 2).
General Minimization Violation: During this reporting period, an unspecified number of violations pertained to delays in implementing minimization procedures (Pg. 2).	IG Letter to HPSCI, Sept. 1, 2009-Aug. 31, 2010	The NSA corrected the mistakes and updated its procedures (Pg. 2).
Unknown Violation: During this reporting period, 2.5% of all NSA violations pertained to incidents that are categorized as “Other” (Pg. 31). Overall, compliance violations for this reporting period increased by 49% over the previous reporting period (Pg. 3).	AG & DNI Semiannual Assessment, June 1, 2015-Nov. 30, 2015	Unknown
Unknown Violation: During this reporting period, 4.9% of all NSA violations pertained to incidents that are categorized as “Other” (Pg. 30). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).	AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015	Unknown

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Unknown Violation: The FBI had an unspecified number of violations of its targeting procedures during this reporting period, but details about the nature, scope, and remedy of the violation(s) are redacted (Pg. 42). Overall, compliance violations for this reporting period decreased by 5% over the previous reporting period (Pg. 3).</p>	<p>AG & DNI Semiannual Assessment, Dec. 1, 2014-May 31, 2015</p>	<p>Unknown</p>
<p>Unknown Violation: The details of this violation are redacted, but it appears that it may have involved a violation of minimization procedures that pertained to unminimized data and improper dissemination of 702 data (Pg. 63).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The remedy is redacted, except for a note that the NSA emergency detasked collection of one source of communications in 2015 (Pg. 64).</p>
<p>Unknown Violation: The details of the violation are redacted, but it appears that it may have involved a violation of minimization procedures that pertained to the improper dissemination of 702 data (Pg. 64).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>The remedy is redacted (Pg. 64).</p>
<p>Unknown Violation: The details of an FBI violation, including the nature, scope, duration, and remedy, are redacted (Pg. 69).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>Unknown</p>
<p>Unknown Violation: The details of an FBI violation, including the nature, scope, duration, and remedy, are redacted (Pg. 70).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>Unknown</p>
<p>Unknown Violation: The details of an FBI violation, including the nature, scope, duration, and remedy, are redacted, except that it pertained to email accounts (Pg. 70-71).</p>	<p>Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2014-Feb. 28, 2015</p>	<p>Unknown</p>

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
Unknown Violation: During this reporting period, 3.6% of all NSA violations pertained to unknown violations that are categorized as “Other” (Pg. 27). Overall, the violation rate in this reporting period increased 16% over the previous period (Pg. 25).	AG & DNI Semiannual Assessment, June 1, 2014-Nov. 30, 2014	Unknown
Unknown Violation: The quarterly report includes 1.5 pages of redactions that pertained to unknown violations categorized as “Other” (Pg. 55-57).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown
Unknown Violation: A category of violations, including a 1.5 page description, is redacted in its entirety (Pg. 59-61).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown
Unknown Violation: The details of an FBI violation, including the nature, scope, duration, and remedy, are redacted, except that it pertained to a violation of FBI targeting procedures (Pg. 67).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown
Unknown Violation: The details of an FBI violation, including the nature, scope, duration, and remedy, are redacted, except that it pertained to a violation of FBI targeting procedures (Pg. 67-68).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown
Unknown Violation: The details of an FBI violation, including the nature, scope, duration, and remedy, are redacted (Pg. 68).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown
Unknown Violation: The details of an FBI violation, including the nature, scope, duration, and remedy, are redacted (Pg. 69).	Quarterly Section 702 Compliance Report to the FISC, Dec. 1, 2013-Feb. 28, 2014	Unknown

<u>Category of Non-Compliance</u>	<u>Source</u>	<u>Remedy</u>
<p>Unknown Violation: The total number of incidents in 2013 is undisclosed. Of those incidents, 1% pertained to violations that are categorized as “Other” (Pg. 140).</p>	<p>NSA IG Report on Section 702 from 2010-2013</p>	<p>Unknown</p>
<p>Unknown Violation: The DOJ notified the FISC of compliance violations and updated it about previously notified violations. The details of those violations are redacted, except for references to data retention requirements and post-targeting analyses (Attachment C: PDF Pg. 45-47).</p>	<p>DOJ Letter to FISC Judge McLaughlin, May 21, 2010, Attachment C (PDF Pg. 45-47)</p>	<p>Unknown</p>

GLOSSARY

Tasking Violation: Improperly targeting a person or account for surveillance under Section 702.

Reverse Targeting Violation: Targeting a non-U.S. person abroad in order to acquire the communications of a U.S. person.

Post-Tasking Review Violation: Failure to conduct reviews after targeting a person or account for surveillance to ensure U.S. persons or persons located in the U.S. hadn't been inadvertently targeted.

Detasking Violation: Failing to stop surveillance of particular targets or accounts when it was no longer authorized or needed.

Overcollection Violation: Collection of data beyond of that which was authorized to be collected.

Unauthorized Access Violation: When a person who is not authorized to do so accesses data collected under Section 702, including unminimized data.

Attorney-Client Privilege Violation: Failing to establish required review teams to ensure agents involved in prosecutions did not get access to a defendant's privileged communications, or failing to properly mark communications that are protected by attorney-client privilege.

Query Violation: Conducting a search through data collected pursuant to Section 702 that did not meet requirements in minimization procedures.

Dissemination Violation: Improperly circulating Section 702-acquired information.

Data Retention Violation: Failing to delete data that were subject to a purge requirement because they were improperly collected or because they had exceeded the limit on how much time those data were permitted to be retained.

Documentation Violation: Failing to provide sufficient documentation to support targeting decisions.

Notification Violation: Failing to provide required notifications to the relevant entity in the timeframe specified by NSA targeting procedures.

General Minimization Violation: Violations of minimization procedures where specific details of the nature of the violation are unspecified. These violations could have pertained to requirements such as those for querying, reporting, and data retention.

Unknown Violation: Violations where information was either redacted such that the nature, scope, and remedy for the violation could not be discerned, or that were categorized as "Other" without additional details.

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