

PHONE DRAGNET ORDERS AND CHANGES

1. Howard,

Malcolm BR 06-05 (5/24/06)

- Application submitted 5/23/06
- Expires 8/18/06
- One group (al Qaeda) originally approved, a second (or more) added via amendment on August 8, 2006)
- Footnote 1 asserting most calls domestic to domestic (redacted thereafter)
- Probably just 2 providers (plural custodians, but short redaction)
- Includes compensation paragraph dropped with third order
- Footnote 2: 2 numbers per day
- Only 7 people authorized to sign off on RAS: Signals Intelligence Directorate Program Manager for Counterterrorism Special Projects; the Chief or Deputy Chief, Counterterrorism

Advanced Analysis
Division; or one of
the four specially
authorized
Counterterrorism
Advanced Analysis
Shift Coordinators in
the Analysis and
Production Directorate
of the Signals
Intelligence
Directorate

- Classification mark
redacted

2. Howard, Malcolm
BR 06-08 (8/18/06)

- Begin large footnote
modifying names of
(now 2) organizations
cleared for RAS
- 8 authorizers (plus
addition of
"production" to SID
Program Manager),
addition 5th CT Shift
Coordinator
- Add language approving
RAS for FISA targets
- Classification based
on application;
declassification of
President
- 2 (4 pages and 15
pages) Orders of
unknown subject
(10/31/06)

3. Scullin, Frederick,

BR 06-12 (11/15/06)

- Compensation paragraph dropped
- Footnote 2 changed to 3 numbers a day
- Mandate review every 90 days
- Add at least 2 spot checks every 90 days
- Congressional notification regarding implementation of Section 215 authority (1/25/07)
- 43 total BR orders in 2006

4. Broomfield, Robert,
BR 07-04 (2/07/07)

- Add exception to FISC authorization for RAS for FISA docket 06-2081
- Internal Executive Branch email message and attached document regarding implementation of Section 215 authority (3/9/07)

5. Gorton, Nathaniel,
BR 07-10 (5/03/07)

- New associated groups approved via amendment June 2007

6. Gorton, Nathaniel,
BR 07-14 (7/25/07)

- Replace docket 06-2081

exception to FISA
language w/docket
07-449 [see also]

7. Vinson, Roger,
BR 07-16 (10/18/07)

- Replace docket 07-449
FISA exception with
PAA exception
- 17 total BR orders in
2007, 11 originally
not disclosed to
Congress

8. Howard, Malcolm,
BR 08-01 (1/10/08)

- Footnote 5 notes that
“for analytical
efficiency” “a copy of
data” from phone
dragnet data will be
stored on same server
as [EO 12333 and
foreign collected]
data
- Move spot check
language to FISC l
- NSA management cancels
monthly due diligence
meetings (1/08)
- DOJ IG Report on
Section 215, including
2 classified sections
that presumably
include the dragnet
(though only for
2006), as well as
notice of failure to
meet statute’s

minimization

requirement (3/08)

9. Kollar-Kotelly, Colleen,
BR 08-04 (4/3/08)

- Approval for training new NSA analysts?
- 31 newly trained NSA analysts query BR database using 2,373 identifiers without knowing they were doing so (4/08)
- Internal memo addressed to NSD/OI officials including Matthew Olsen in anticipation of filing to FISC (6/6/08)

10. Zagel, James,
BR 08-07 (6/26/08)

- Add IMSI, IMEI to list of metadata included in order [see also]
- Footnote 1, defining identifier, noticeably longer
- NSA shifts the servers the reports are retained on (no word about the records themselves) (7/29/08)
[See also compliance notices on data retention in 2013]
- Disabling of hyperlink allowing CIA, FBI, and NCTC to access BR

metadata directly
(Note, ETE report says
this happened in
"Summer 2008
timeframe") (7/08)

- Distribution of Data Integrity Analysts' defeat list changes (probably expands) in some way (8/08)
- NSA tells FISC about tool to find correlations (8/18/08)
- BR 08-07 (8/20/08)
[see also] approves method of analysis, probably correlations

11. Zagel, James,
BR 08-08 (9/19/08?)

- AG Guidelines for Domestic FBI Operations (9/28/08)
- Notice of April violations (10/17/08)
- Start date for audit as part of E-2-E (11/1/08)
- 27,090 identifiers allowed to be contact chained, as subsequently reported (11/2/08)
- (12/1/08) BR 06-05 and 6 other docket orders first provided to Congressional oversight committees

- Start date for 2 analysts doing 280 queries using non-RAS identifiers (12/10/08)

12. Walton, Reggie,
BR 08-13 (12/11/08)

- Begin requirement of consultation w/DOJ
- Supplemental opinion assess legality under 2702/2703 (12/12/08)
- Notice on "alert" violation; 1,935 of 17,835 identifiers RAS approved (1/15/09)
- End date for 2 analysts making 280 queries for non-RAS identifiers (1/23/09)
- Notice of violation on 280 non-RAS queries (1/26/09)
- Order for more information regarding 1/15/09 notice on "alert" violation (1/28/09)
- Supplemental notice about failed attempt to kluge the automatic notice (2/3/09)
- Memo providing more info on violations (2/15/09)
- Notice of violation on query tool (2/26/09)
- Order setting out new

rules for dragnet
access. (3/2/09)

- Notice of domestic
identifiers being
queried w/o RAS review
(3/4/09)
- 13 total BR orders in
2008

13. Walton, Reggie,
BR 09-01 (3/5/09)

- Notice that "data
integrity" analysts
sharing non user
emails beyond BR
cleared analysts
(5/8/09)

14. Walton, Reggie,
BR 09-06 (5/29/09)

- Secondary order to
provider (Verizon?)
excludes foreign-to-
foreign data
- Supplemental order
(both dockets) on
sharing outside of NSA
(5/29/09)
- Notification of
chaining on correlated
numbers (6/15/09)
- Notification of access
by CIA, FBI, NCTC
(6/16/09)
- Supplemental order in
both dragnets
(6/22/09) [See PR/TT
version]
- End-to-End report

(6/25/09)

- Notification that NSA following USSID 18 instead of minimization procedures (6/26/09)
- Notification of unminimized results shared with unidentified recipient (GCHQ?) (6/29/09)
- End-to-End report shared with FISC (7/2/09)

15. Walton, Reggie, BR 09-09
(7/8/09) [see also]

- New group approved via primary order pp. 5-7
- Order specifically mentions NSA failure to follow BR-specific minimization procedures
- Order requires briefing on legal requirements of dragnet (10)
- Order requires consultation with DOJ, including on automated queries (14)
- Requires explanation why NSA disseminated out of NSA, can't remove credit card info (16-17)
- Order requires weekly

reports

- Approval for data integrity analysts' use of non-user specific identifiers
- 4 new roles approved to approve disseminations
- Notice of ability to obtain fourth hop contact number (8/4/09)
- Submission with E-2-E (8/19/09)

16. Walton, Reggie,
BR 09-13 (9/3/09)

- Begin inclusion of language providing access for discovery purposes
- Order regarding new dissemination violations (9/25/09)
- Briefing materials for FISC regarding implementation of Section 215 authority (9/18/09)

17. Walton, Reggie, BR 09-15
(10/30/09) [See also]

- Supplemental opinion on historical queries and dissemination (11/05/09)
- Briefing materials for government personnel pertaining to

implementation of
Section 215 authority
(11/18/09)

18. Walton, Reggie, BR
09-19 (12/16/09) [see also;
see also]

- 21 total BR orders in 2009
- In 2009, Internet providers started demanding Section 215 orders rather than NSLs.

19. Walton, Reggie, BR
10-10 (2/26/10)

- July 16, 2010 violation showing tech accessing records outside of acceptable time period. Report to FISC on that provided under FOIA shows Verizon Wireless in the docket.

20. Walton, Reggie,
BR 10-17 (5/14/10)

- June 25, 2010: After several delays, new selector tracking tool introduced. (page 91)
- August 2, 2010: DOJ informs John Bates that Data Integrity Analysts could conduct foreign intelligence queries too. (110)

21. Walton, Reggie,

BR 10-49 (8/04/10)

- Includes declaration that NSA would chain beyond 3 hops, which they did once in October. (page 175)

22. Walton, Reggie,
BR 10-70 (10/29/10)

- BR 10-82 (11/23/10) approves collection of financial records for specific investigation, finds such use does not conflict w/financial NSL law
- Memo to Congressional staffer regarding certain acquisition authorities, including Section 215 (12/1/10)
- Changes in reporting, from weekly to monthly. Probably same order restrictions on number of analysts accessing DB lifted. (309)
- 96 total BR orders in 2010

23. Bates, John,
BR, 11-07 (1/20/11)

24. Feldman, Martin,
BR 11-57 (4/13/11)

- Supplemental order requires reporting on credit card number

- purging
 - Migration to new system. (212)
- 25. Bates, John,
BR 11-107 (6/22/11)
 - Supplemental order requires reporting on credit card number purging
- 26. ~9/16/11? BR 11-151
- 27. BR-11-191 12/09? [see also]
 - Expiration of PRTT dragnet, 12/09/11
 - 205 total BR orders in 2011
- 28. ~1/29/12?
- 29. ~4/29/12?
 - May 2012 DOJ NSD says NSA UGC can determine whether terrorists groups are included in those approved by FISC.
- 30. ~7/28/12?
- 31. ~10/26/12, BR 12-178
 - Supplement approval of new automated query, BR 12-178, (11/8/2012) [see also]
 - November 29, 2012: Order requiring tracking of all dissemination changed to cover just tracking of US person dissemination [310]
 - 212 total BR orders in

2012

32. ~1/25/13? BR 13-22:

- April 2, 2013: Analyst shares query results outside of BR FISA analysts
- April 18, 2013: Techs discover data from 2007

33. Vinson, Roger, BR 13-80, (4/25/13)

- May 7, 2013: Notice to Congress of compliance incident: retention of data past 5 years.

34. Eagan, Claire, BR 13-109, (7/18/13)

- Notice to FISC August 2, August 7, October 4 of unreported disseminations.
- September 20, 2013: Notice to Congress of compliance incidents: disseminations not reported to FISC in 30 day reports.

35. McLaughlin, Mary, BR 13-158 (10/11/13)

- November 22, 2013: NSA notifies NSD it obtained 9 cell phone records that would later be shown to include CSLI.
- 178 total BR applications in 2013;

179 total dockets reflecting submission of final minimization procedures.

- December 2013: BR FISA dissemination tracking tool.

36. Hogan, Thomas, BR 14-01 (1/3/14)

- Include reference to Eagan, McLaughlin, Leon, and Pauley opinions.
- Congress can access database to perform oversight
- Supplement gives FISC review over RAS and limits to 2 hops (2/5/14); See also
- Order denying motion to preserve data (3/7/14)
- Order approving preservation of data (3/12/14)
- Memorandum opinion (Collyer) treating mosaic theory (3/20/14)
- Order requiring explanation for material misstatement regarding preservation orders (3/21/14)

37. Collyer, Rosemary, BR 14-67 (3/28/14)

- Add footnote assuring technical controls prevent any foreign intelligence queries without RAS.
- End requirement that OGC and NSD review RAS selection.
- Eliminate description of automated queries.

38. Zagel, James, BR 14-96 (6/19/14) [see also]

- Application made by Deputy Director, not Director.
- July 30, 2014: NSA confirms that 9 cell phone samples from previous year included CSLI.

39. Dearie, Raymond BR 14-125 (9/11/14)

- Adds requirement for First Amendment review twice

40. Mosman, Michael BR-166 (12/4/14)

- Changes “technical controls” footnote to include “that in cases of imminent threat to human life NSA may bypass these technical controls, subject to management controls, to conduct queries using RAS-approved

seeds.”

- Crossed out reauthorization date may stem from FISC preference for Friday reauthorizations.
- 170 total BR applications in 2014

41. Boasberg, James BR 15-24
(2/26/15)

- Application submitted late (on February 23?)
- Move footnote adopting “connection chaining” language used in USAF.
- Merge previous footnotes 12 and 13.
- Eliminate definition of 5 years as 60 months in destruction paragraph.
- Add paragraph ordering government to inform of any changes pursuant to decisions in 3 pending appellate cases.
- Add paragraph scolding government for applying 4 days later and ordering government to include memo addressing any issues of law.
- Current copy lacks at least one page, included extended

deadline and
signature.

- 95-day renewal to coincide with PATRIOT Reauthorization June 1.

42. Mosman, Michael 15-75
(6/29/15)

- Add language reflecting new minimization language in USA Freedom Act.
- Change in redaction for custodian of records.
- Change in language to reflect 2nd Circuit decision in ACLU case.
- Change in provider redaction may reflect additional provider.
- Includes 2 month deadline, plus retroactive collection back to May 31.

43. Mosman, Michael 15-99
(8/27/15)

- Deferred question of whether government could keep data beyond 11/28/15.
- Appointed Preston Burton amicus 9/17/15 to review that question.
- 142 approved applications for all

Section 215.