

# NSA, DESTROYING THE EVIDENCE

In my obsessions with the poor oversight over the phone dragnet techs, I have pointed to this description several times.

As of 16 February 2012, NSA determined that approximately 3,032 files containing call detail records potentially collected pursuant to prior BR Orders were retained on a server and been collected more than five years ago in violation of the 5-year retention period established for BR collection. Specifically, these files were retained on a server used by technical personnel working with the Business Records metadata to maintain documentation of provider feed data formats and performed background analysis to document why certain contact chaining rules were created. In addition to the BR work, this server also contains information related to the STELLARWIND program and files which do not appear to be related to either of these programs. NSA bases its determination that these files may be in violation of BR 11-191 because of the type of information contained in the files (i.e., call detail records), the access to the server by technical personnel who worked with the BR metadata, and the listed "creation date" for the files. It is possible that these files contain STELLARWIND data, despite the creation date. The STELLARWIND data could have been copied to this server, and that process could have changed the creation date to a timeframe that appears to indicate that they may contain BR metadata.

The NSA just finds raw data mingling with data from the President's illegal program. And that's

all the explanation we get for why!

Well, PCLOB provides more explanation for why we don't know what happened with that data.

In one incident, NSA technical personnel discovered a technical server with nearly 3,000 files containing call detail records that were more than five years old, but that had not been destroyed in accordance with the applicable retention rules. These files were among those used in connection with a migration of call detail records to a new system. Because a single file may contain more than one call detail record, and because the files were promptly destroyed by agency technical personnel, the NSA could not provide an estimate regarding the volume of calling records that were retained beyond the five-year limit. The technical server in question was not available to intelligence analysts.

This is actually PCLOB being more solicitous in other parts of the report. After all, it's not just that there was a 5 year data retention limit on this data, there was also a mandate that techs destroy data once they're done fiddling with it. So this is a double violation.

And yet NSA's response to finding raw data sitting around places is to destroy it, making it all the more difficult to understand what went on with it?