

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY
INFORMATION CENTER

Plaintiff,

v.

FEDERAL BUREAU
OF INVESTIGATION

Defendant.

Civil Action No. 14-CV-01311-KBJ

Exhibit Q

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To: Counterterrorism From: Office of the General Counsel
Re: (U) 190-HQ-C1321794, 05/10/2007

6.2 Do individuals have an opportunity and/or right to decline to provide information?

(U) N/A, because notice is not provided. With respect to [redacted] there is no opportunity to decline to provide the information other than through declining to use the [redacted]

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[redacted]

6.3 Do individuals have an opportunity to consent to particular uses of the information, and if so, what is the procedure by which an individual would provide such consent?

(U) N/A.

6.4 Privacy Impact Analysis: Given the notice provided to individuals above, describe what privacy risks were identified and how you mitigated them.

(U) N/A. The privacy risks are managed through system access controls and audits rather than through notice.

**Section 7.0
Individual Access and Redress**

The following questions concern an individual's ability to ensure the accuracy of the information collected about him/her.

7.1 What are the procedures which allow individuals the opportunity to seek access to or redress of their own information?

(S)

[redacted]

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(OGC/PCLU (Rev. 01/05/09))

FBI PRIVACY THRESHOLD ANALYSIS (PTA)
(equivalent to the DOJ Initial Privacy Assessment (IPA))

NAME OF SYSTEM / PROJECT: Delta

Derived From: Not Applicable Classified By: Reason: Declassify On:	SYSTEM/PROJECT POC Name: [Redacted] Program Office: HUMINT Technical Unit (HTU) Division: Directorate of Intelligence (DI) Phone: [Redacted] Room Number: 11100	FBI OGC/PCLU POC Name: [Redacted] Phone: [Redacted] Room Number: 7338

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FBI DIVISION INTERMEDIATE APPROVALS

	Program Manager (or other appropriate executive as Division determines)	Division Privacy Officer
Program Division: Office of IT Program Management (OIPM)	Signature: [Redacted] Date signed: 05/08/09 Name: [Redacted] Title: Program Management Executive	Signature: [Redacted] Date signed: 5/8/09 Name: [Redacted] Title: Information Technology Specialist
FBIHQ Division: Directorate of Intelligence (DI)	Signature: <i>Kevin Favreau</i> Date signed: 5/7/09 Name: Kevin Favreau Title: Assistant Director DI	Signature: [Redacted] Date signed: 5/6/09 Name: [Redacted] Title: Privacy Officer for the Directorate of Intelligence

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Additional division(s) approvals may be added as warranted:

After all division approvals, forward signed hard copy plus electronic copy to FBI OGC/PCLU (JEH 7338).
(The FBI Privacy and Civil Liberties Officer's determinations, conditions, and/or final approval will be recorded on the following page.)

Upon final FBI approval, FBI OGC/PCLU will distribute as follows:

- 1 - Signed original to file 190-HQ-C1321794 (fwd to JEH 1B204 via PA-520)
- Copies (recipients please print/reproduce as needed for Program/Division file(s)):

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- 1 - DOJ Office of Privacy and Civil Liberties (via e-mail to privacy@usdoj.gov)
(if classified, via hand delivery to 1331 Penn. Ave. NW, Suite 940, 20530)
- 2 - FBI OCIO / OIPP (JEH 9376, attn: [redacted])
- 1 - FBI SecD/AU (electronic copy: via e-mail to UC [redacted])
- 1 - RMD/RMAU (attn: [redacted])
- 2 - Program Division POC /Privacy Officer
- 2 - FBIHQ Division POC /Privacy Officer

- 1 - OGC/PCLU intranet
- 1 - PCLU UC
- 1 - PCLU Library
- 1 - PCLU Tickler

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FINAL FBI APPROVAL / DETERMINATIONS / CONDITIONS:

PIA required: No Yes: SORN/SORN revision required: No Yes:

No changes in system to warrant a Privacy Analysis.

Applicable SORN(s): *last PIA done in 2006*

Notify FBI RMD/RIDS per MIOG 190.2.3: No Yes

Memorandum made in 2006 by Sgt. [unclear]

Prepare/revise/add Privacy Act (e)(3) statements for related forms? No Yes-forms affected:

The program should consult with RMD to identify/resolve any Federal records/electronic records issues.

Other:

David C. Larson, Deputy General Counsel
FBI Privacy and Civil Liberties Officer

Signature:
Date Signed:

[Handwritten Signature]
5/6/2007

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I. INFORMATION ABOUT THE SYSTEM / PROJECT

1. Provide a general description of the system or project that includes: name of the system/project, including associated acronyms; structure of the system/project, purpose; nature of the information in the system and how it will be used; who will have access to the information in the system and the manner of transmission to al users.

Name of the system/project: The name of the system is "Delta." "Delta" is not an acronym.

Structure of the system/project: The Delta system [redacted] data regarding Confidential Human Sources (CHSs), [redacted] Delta's users can also [redacted]

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Purpose: In order to respond to a post-9/11 environment and to the recommendations from the 9/11 Commission and the Weapon of Mass Destruction Commission for changes in the intelligence community, significant changes in the FBI's Asset/Informant program were warranted. The Delta system was designed and executed in response to these recommendations and in response to directives from Congress and the Department of Justice (DOJ). It implements improvements for the management and administration of the FBI's CHSs and their intelligence. Delta addresses every aspect of handling information and intelligence derived from CHSs, [redacted]

[redacted] Furthermore, Delta provides enhanced security to protect CHS identifying information and also leverages the existing security enhancements provided by the Public Key Infrastructure (PKI).

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Nature of the information in the system: By policy, Delta contains information that [redacted] each CHS the FBI operates [redacted]

[redacted] is also captured and maintained in Delta. Intelligence information is shared among the operational divisions within the FBI.. Intelligence Analysts also [redacted]

[redacted] Lastly, FBI Agents use the information for case investigation and management.

How information in the system will be used: Delta users are Special Agents, Supervisory Special Agents, Intelligence Analysts, [redacted]

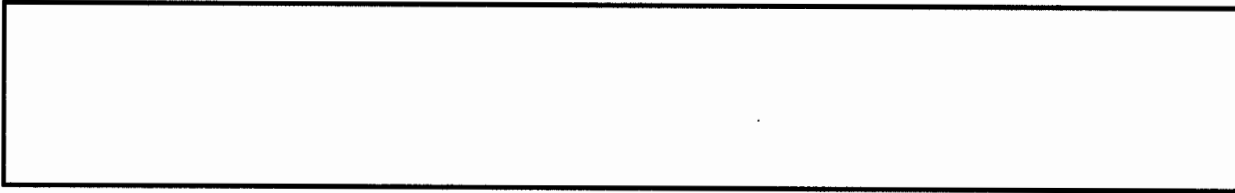
[redacted] in the Delta system [redacted] a Case Agent for the CHS. Access to [redacted] information is highly controlled and strictly enforced by the system.

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Who will have access to the information and the manner of transmission to al users: [redacted]

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2. Does the system/project collect, maintain, or disseminate any information about individuals in identifiable form, i.e., is information linked to or linkable to specific individuals (which is the definition of personally identifiable information (PII))?

NO. [If no, STOP. The PTA is now complete and after division approval(s) should be submitted to FBI OGC/PCLU for final FBI approval. Unless you are otherwise advised, no PIA is required.]

YES. Delta contains information identifying [redacted] a CHS [redacted] CHSS. [redacted] Although Delta contains the name(s) of users [redacted] Delta [redacted]

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3. Does the system/project pertain only to government employees, contractors, or consultants?

NO. YES.

4. Is information about United States citizens or lawfully admitted permanent resident aliens retrieved from the system/project by name or other personal identifier?

NO. YES.

5. Are Social Security Numbers (SSNs) collected, maintained or disseminated from the system/project?

NO. YES. If yes, check all that apply:

SSNs are necessary to establish/confirm the identity of subjects, victims, witnesses or sources in this law enforcement or intelligence activity.

SSNs are necessary to identify FBI personnel in this internal administrative system.

SSNs are important for other reasons. Describe:

The system/project provides special protection to SSNs (e.g., SSNs are encrypted, hidden from all users via a look-up table, or only available to certain users). Describe: SSNs are considered sensitive information about a CHS. Consequently, access to this information is limited by a role-based access security feature in Delta. By policy, only a

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[Redacted]

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[Redacted] will have access to this sensitive identifying information.

It is not feasible for the system/project to provide special protection to SSNs.

Explain:

6. Does the system/project collect any information directly from the person who is the subject of the information?

NO. [If no, proceed to question 7.]

YES.

a. Does the system/project support criminal, CT, or FCI investigations or assessments?

YES. [If yes, proceed to question 7.]

NO.

b. Are subjects of information from whom the information is directly collected provided a written Privacy Act (e)(3) statement (either on the collection form or via a separate notice)? [Redacted]

[Large Redacted Area]

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NO. [The program will need to work with PCLU to develop/implement the necessary form(s).]

YES. Identify any forms, paper or electronic, used to request such information from the information subject:

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7. Has the system undergone Certification & Accreditation (C&A) by the FBI Security Division (SecD)?

NO. If no, indicate reason; if C&A is pending, provide anticipated completion date:

YES. If yes, provide date of last C&A certification/re-certification: May 13, 2008

Don't Know.

8. Is this system/project the subject of an OMB-300 budget submission?

NO. Don't know. YES. If yes, please provide the date and name or title of the OMB submission:

9. Is this a national security system (as determined by the SecD)?

NO. YES. Don't know.

10. Status of System/ Project:

This is a new system/ project in development. [If you checked this block, STOP. The PTA is now complete and after division approval(s) should be submitted to FBI OGC/PCLU for final FBI approval and determination if PIA and/or other actions are required.]

II. EXISTING SYSTEMS / PROJECTS

1. When was the system/project developed?

It was first deployed in a limited pilot to six Field Offices on May 14, 2008.

2. Has the system/project undergone any significant changes since April 17, 2003?

NO. [If no, proceed to next question (II.3).]

YES. If yes, indicate which of the following changes were involved (mark all boxes that apply):

A conversion from paper-based records to an electronic system.

A change from information in a format that is anonymous or non-identifiable to a format that is identifiable to particular individuals.

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- A new use of an IT system/project, including application of a new technology, that changes how information in identifiable form is managed. (For example, a change that would create a more open environment and/or avenue for exposure of data that previously did not exist.)
- A change that results in information in identifiable form being merged, centralized, or matched with other databases.
- A new method of authenticating the use of and access to information in identifiable form by members of the public.
- A systematic incorporation of databases of information in identifiable form purchased or obtained from commercial or public sources.
- A new interagency use or shared agency function that results in new uses or exchanges of information in identifiable form.
- A change that results in a new use or disclosure of information in identifiable form.
- A change that results in new items of information in identifiable form being added into the system/project.
- Changes do not involve a change in the type of records maintained, the individuals on whom records are maintained, or the use or dissemination of information from the system/project.
- Other. [Provide brief explanation]:

3. Does a PIA for this system/project already exist? NO. YES. If yes:

a. Provide date/title of the PIA: January 9, 2006

b. Has the system/project undergone any significant changes since the PIA? NO. YES.

[The PTA is now complete and after division approval(s) should be submitted to FBI OGC/PCLU for final FBI approval and determination if PIA and/or other actions are required .]