



U.S. Department of Justice

National Security Division U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT

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2017 JAN 23 AM 11:53

Washington, D.C. 20530

LEEANN FLYNN HALL
CLERK OF COURT

January 23, 2017

The Honorable Rosemary M. Collyer
United States Foreign Intelligence Surveillance Court
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: (U) Notice regarding FBI queries of Section 702-acquired information designed to return evidence of a crime unrelated to foreign intelligence

Dear Judge Collyer:

b(1) and b(3)

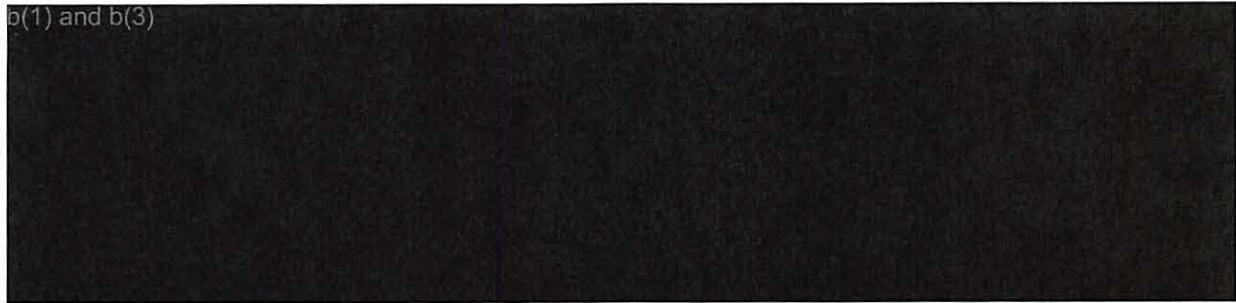
(U) In the 2015 702 Opinion and Order, the Court found, *inter alia*, that the query provisions of FBI's Section 702 Standard Minimization Procedures (FBI Section 702 SMPs) struck a reasonable balance between the privacy interests of United States persons and persons in the United States and the Government's national security interests. 2015 702 Opinion and Order, at 36. The Court determined that FBI's use of the provisions to conduct queries designed to return evidence of crimes unrelated to foreign intelligence did not preclude the Court from finding that, taken together, the FBI's targeting and minimization procedures submitted with the 2015 Section 702 Certifications were consistent with the requirements of FISA and the Fourth Amendment. *Id.* at 44-45. The Court also noted that, "according to the government, FBI queries designed to elicit evidence of crimes unrelated to foreign intelligence rarely, if ever, produce responsive results from the Section 702-acquired data." *Id.* at 44. To "reassure itself that this risk assessment is valid," the Court required the government to submit in writing a report concerning each instance after December 4, 2015, in which FBI personnel receive and review Section 702-acquired information that FBI identifies as concerning a United States person in response to a query that is not designed to find and extract foreign intelligence information. *Id.* at 44 and 78.

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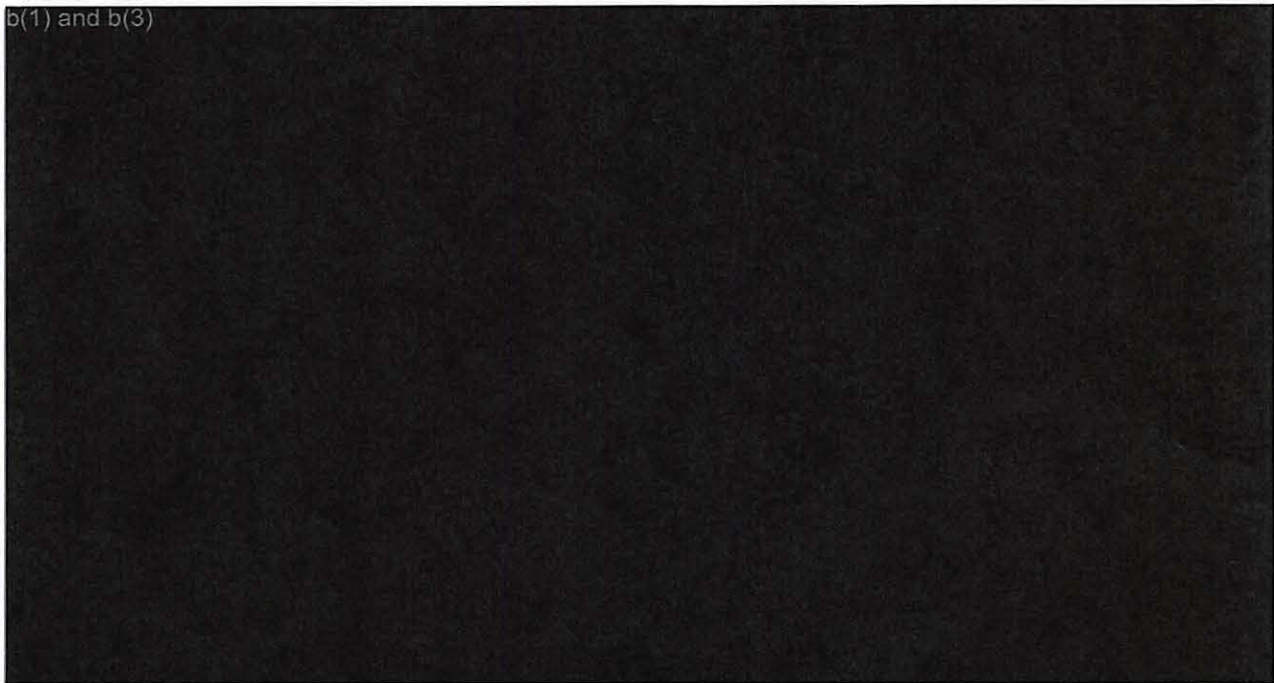
Classified by: Chief, Oversight Section, OI, NSD, DOJ
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Declassify on: 20420123

OI Tracking No. 144665

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Respectfully submitted,

b(6) and b(7)(C)

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

b(1) and b(3)

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