



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

14 OCT 2015

Ref: 15-F-0311

Mr. Steven Aftergood
Federation of American Scientists
1725 DeSales Street NW
Suite 600
Washington, DC 20036

Dear Mr. Aftergood:

This is the final response to your enclosed November 13, 2014, Freedom of Information Act (FOIA) request for "a copy of a recent report to Congress from the Under Secretary of Defense (Intelligence) regarding data mining in FY 2012 and FY 2013." Your request was received in this office on November 13, 2014, and assigned FOIA case number 15-F-0311. We ask that you use this number when referring to your request. Please note that other similar requests were being processed at the time your request was received. We have included the document released for those other requests as well.

The Office of the Under Secretary of Defense for Intelligence (USD(I)), a component of the Office of the Secretary of Defense, conducted a search of their records systems and located two documents, totaling 160 pages, determined to be responsive to your request. Mr. Garry P. Reid, Director for Defense Intelligence (Intelligence and Security), an Initial Denial Authority for the USD(I), has determined that information which has been redacted from the documents is exempt from release pursuant to 5 U.S.C. § 552 (b)(1), which pertains to information that is currently and properly classified in the interest of national security pursuant to Executive Order 13526, as amended, applying Section 1.4 (a) concerning the protection of military plans, weapons, systems, or operations; Section 1.4 (c) concerning the protection of Intelligence activities (including covert action), intelligence sources or methods, or cryptology; and Section 1.4 (e), concerning the protection of scientific, technological, or economic matters relating to the national security, including the defense against transnational terrorism. The information in these records is currently and properly classified in the interest of national defense.

Your request is now closed in this Office. If you are not satisfied with this action, you may petition the Appellate Authority, the Director of Administration, Office of the Secretary of Defense, by writing directly to the Freedom of Information Division, ATTN: Appeals Office, 1155 Defense Pentagon, Washington, D.C. 20301-1155; you may also submit your appeal electronically at the following link: <http://pal.whs.mil/palMain.aspx>. Your appeal should be postmarked within 60 calendar days of the date of this mail, should cite case number 15-F-0311, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Stephanie L. Carr
Chief

Enclosures:
As stated



RESPONSE TO CONGRESS:

SECRETARY OF DEFENSE REPORT ON FEDERAL DATA MINING PROGRAMS
WITHIN THE DEPARTMENT OF DEFENSE

Fiscal Years 2012 & 2013

Preparation of this study/report cost the
Department of Defense a total of approximately
\$53,220 for the 2014 Fiscal Year

Generated on 2014 August 28 RefID: US1800641-14

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Case No. _____
SCI No. 15-F-0383
Document No. 15-SI-018

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(U) The Office of the Secretary of Defense is pleased to provide to the Congress this report pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007, entitled *The Federal Agency Data Mining Reporting Act of 2007* ("the Act").

(U) **Congessionally Directed Action Requirement:** This report responds to a congressional request for the Department of Defense to provide information on its data mining activities as directed by the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 804 of that legislation, the Data Mining Reporting Act, requires the head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining, as defined by the act, to submit a report on all such activities to Congress.

(U) **Background and Scope:** On August 3, 2007, President Bush signed into law the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 804 of that legislation, the Federal Agency Data Mining Reporting Act, requires annual reports on government data mining programs beginning 180 days from the Data Mining Reporting Act's enactment. This 2012-2013 report was prepared by the Office of the Under Secretary of Defense for Intelligence and responds to the above requirement.

- (U) Each of the Department of Defense Components that uses or develops data mining was tasked to submit a report. That report was required to contain the following information in accordance with Section 804:
 - (U) A thorough description of the data mining activity, its goals and, where appropriate, the target dates for the deployment of the data mining activity.
 - (U) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.
 - (U) A thorough description of the data sources that are being or will be used.
 - (U) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.
 - (U) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.
 - (U) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in

conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

- (U) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to:
 - (U) Protect the privacy and due process rights of individuals, such as redress procedures; and
 - (U) Ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(U) **Department of Defense Response:** This year's report covers both the FY 2012 and FY 2013 reporting periods. The report was developed from inputs from all relevant DoD Components, in coordination with the Defense Privacy Officer, and shall be made available to the public as required by the Act. The combined report is split into the two reporting periods and separated into UNCLASSIFIED and CLASSIFIED responses.

(U) For the FY 2012 reporting period:

- (U) **Military Services:** The U.S. Navy reported they engage in data mining activities as defined under the Federal Data Mining Activity Reporting Act of 2007. The Navy's report is classified and is contained in Annex D. The U.S. Army, Air Force, and Marine Corps report they do not engage in data mining activities as defined by the Act.
- (U) **Combatant Commands:** Two Combatant Commands (USEUCOM and USSOUTHCOM) reported they engage in data mining activities as defined under the Federal Data Mining Activity Reporting Act of 2007. These reports are unclassified, and are contained in Annex A and B respectively. The Joint Staff, USCENTCOM, USPACOM, USNORTHCOM, USAFRICOM, USTRANSCOM, USSTRATCOM, USSOCOM, and U.S. Forces Korea reported they do not engage in data mining activities as defined by the Act.
- (U) **Joint Improvised Explosive Device Defeat Organization (JIEDDO):** JIEDDO performs searches on data that has been compiled from a variety of databases used by the U.S. and coalition military forces. Annex C is the unclassified report and Annex E contains the classified report.
- (U) **National Security Agency (NSA):** NSA engages in data mining activities it believes fall under definition contained in the Federal Data Mining Activity Reporting Act of 2007. Annex F contains the classified report.
- (U) **National Geospatial-Intelligence Agency (NGA):** NGA's engages in data mining activities it believes fall under definition contained in the Federal Data Mining Activity Reporting Act of 2007. Annex G contains the classified report.

- **(U) Defense Intelligence Agency (DIA) and National Reconnaissance Office (NRO):** Both DIA and the NRO reported they do not engage in data mining activities as defined by the Act.

(U) For the FY 2013 reporting period:

- **(U) Military Services:** The U.S. Navy reported they engage in data mining activities as defined under the Federal Data Mining Activity Reporting Act of 2007. The Navy's report is classified and is contained in Annex D. The U.S. Army, Air Force, and Marine Corps report they do not engage in data mining activities as defined by the Act.
- **(U) Combatant Commands:** Two Combatant Commands (USEUCOM and USSOUTHCOM) reported they engage in data mining activities as defined under the Federal Data Mining Activity Reporting Act of 2007. These reports are unclassified, and are contained in Annex A and B respectively. The Joint Staff, USCENTCOM, USPACOM, USNORTHCOM, USAFRICOM, USTRANSCOM, USSTRATCOM, USSOCOM, and U.S. Forces Korea reported they do not engage in data mining activities as defined by the Act.
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- **(U) National Geospatial-Intelligence Agency (NGA):** NGA's engages in data mining activities it believes fall under definition contained in the Federal Data Mining Activity Reporting Act of 2007. Annex G contains the classified report.
- **(U) Defense Intelligence Agency (DIA) and National Reconnaissance Office (NRO):** Both DIA and the NRO reported they do not engage in data mining activities as defined by the Act.

(U) Conclusion: The Department of Defense has compiled this report to Congress on its data mining activities as required by the Data Mining Reporting Act. The Department continues to ensure the effectiveness of data mining programs, while protecting all applicable privacy and due process rights of individuals.

106 remaining pages
denied in full
pursuant to 5 U.S.C.
§ 552 (b)(1)