

May 20, 2020

The Honorable Richard Grenell
Acting Director
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Director Grenell,

I am writing to inquire whether public reporting on the use of Section 215 of the PATRIOT Act would capture the government's collection of web browsing and internet searches. As you know, on May 13, 2020, 59 U.S. Senators voted to prohibit this form of warrantless surveillance, reflecting the broad, bipartisan view that it represents a dangerous invasion of Americans' privacy.

There have also been long-standing concerns about the inadequacy of public reporting on the use of Section 215, including whether the data released annually by the Director of National Intelligence adequately captures the extent of the government's collection activities and its impact on Americans. These concerns are magnified by the lack of clarity as to how the public reporting requirements would apply to web browsing and internet searches.

Current law requires the DNI to report publicly on the number of targets of Section 215 collection and the number of "unique identifiers used to communicate information" the government collects. In its annual Statistical Transparency Report, the Office of the Director of National Intelligence has used email addresses as an example of a "unique identifier." While this may help put into context the scale of the government's collection of email communications, I am concerned it does not necessarily apply to web browsing and internet searches. This ambiguity creates the likelihood that Congress and the American people may not be given the information to realize the scale of warrantless government surveillance of their use of the internet. I therefore request that you respond to the following questions:

How would the government apply the public reporting requirements for Section 215 to web browsing and internet searches? In this context, would the target or "unique identifier" be an IP address?

If the target or "unique identifier" is an IP address, would the government differentiate among multiple individuals using the same IP address, such as family members and roommates using the same Wi-Fi network, or could numerous users appear as a single target or "unique identifier"?

If the government were to collect web browsing information about everyone who visited a particular website, would those visitors be considered targets or "unique identifiers" for

purposes of the public reporting? Would the public reporting data capture every internet user whose access to that website was collected by the government?

If the government were to collect web browsing and internet searches associated with a single user, would the public reporting requirement capture the scope of the collection? In other words, how would the public reporting requirement distinguish between the government collecting information about a single visit to a website or a single search by one person and a month or a year of a person's internet use?

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator