

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC 20511

ES 2014-00870

MEMORANDUM FOR: Distribution

SUBJECT: Office of the Director of National Intelligence Presidential Policy Directive 28 Policies and Procedures

REFERENCES: A. Presidential Policy Directive 28, Signals Intelligence Activities  
B. Executive Order 12333, United States Intelligence Activities, as amended

**I. Introduction**

Presidential Policy Directive 28, *Signals Intelligence Activities*, (PPD-28) issued January 17, 2014, articulates principles to guide why, whether, when, and how the United States conducts signals intelligence activities for authorized foreign intelligence and counterintelligence purposes. Section 4 of PPD-28 requires Intelligence Community (IC) elements to have procedures for safeguarding the personal information, collected from signals intelligence activities, of all persons, regardless of nationality.<sup>1</sup> This document constitutes the Office of the Director of National Intelligence's (ODNI) policies and procedures required by Section 4 of PPD-28.

**II. General Provisions, Authorities, and Applicability**

The ODNI is an element of the IC pursuant to Section 3 of the National Security Act of 1947, as amended, and Section 3.5(h) of Executive Order 12333, "United States Intelligence Activities," as amended.

Pursuant to Sections 1.3(a), 1.5(a), and 1.7(j) of Executive Order 12333, ODNI "shall have access to all information and intelligence" that is "relevant to the national security or that otherwise is required for the performance of the [DNI's] duties," with limited exception, and is authorized to "collect (overtly or through publicly available sources), analyze, produce, and disseminate information, intelligence, and counterintelligence to support the missions of the [ODNI], including the National Counterterrorism Center, and to support other national missions."

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<sup>1</sup> These procedures do not alter the rules applicable to U.S. persons found in the Foreign Intelligence Surveillance Act or orders issued pursuant to the Act, Executive Order 12333, guidelines approved by the Attorney General pursuant to Section 2.3 of Executive Order 12333, or other applicable law.

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The policies and procedures in this document apply to the ODNI's safeguarding of personal information collected through signals intelligence activities. ODNI components, including major analytical centers and research activities, are not authorized to conduct—and do not conduct—signals intelligence activities. They also do not have access to unevaluated or unminimized signals intelligence, including such signals intelligence collected in bulk, but they receive, from other IC elements, signals intelligence information<sup>2</sup> that has been evaluated, minimized, or otherwise included in finished intelligence products subject to, among other requirements, the provisions of PPD-28.<sup>3</sup> If ODNI Components identify signals intelligence disseminated to ODNI that they believe may have been collected in a manner that is not consistent with PPD-28, they shall so notify appropriate officials at the IC element that collected the signals intelligence.

For purposes of these procedures, “personal information” shall mean the same types of information covered by “information concerning U.S. persons” under Section 2.3 of Executive Order 12333, without reference to nationality.

### III. Safeguarding Personal Information Collected through Signals Intelligence

#### (A) *Minimization*

##### (i) Dissemination

For purposes of these policies and procedures, “dissemination” shall mean the transmission, communication, sharing, or passing of information outside of the ODNI by any means, including oral, electronic, or physical means. ODNI components will disseminate personal information of non-U.S. persons collected through signals intelligence activities only if dissemination of comparable information concerning U.S. persons would be permitted under section 2.3 of Executive Order 12333. If an ODNI component is disseminating personal information of a non-U.S. person because it is foreign intelligence, the information must relate to an authorized intelligence requirement, and cannot be disseminated solely because of the person's foreign status. Unless they

<sup>2</sup> The origins of specific information contained in evaluated or finished intelligence products—or the specific means by which such information was collected—may not in all cases be evident to the ODNI as a recipient of such intelligence products.

<sup>3</sup> Such PPD-28 provisions include those in Section 1, such as (i) the United States shall not collect signals intelligence for the purpose of suppressing or burdening criticism or dissent, or for disadvantaging persons based on their ethnicity, race, gender, sexual orientation, or religion; (ii) signals intelligence shall be collected exclusively where there is a foreign intelligence or counterintelligence purpose to support national and departmental missions and not for any other purposes; (iii) it is not an authorized foreign intelligence or counterintelligence purpose to collect foreign private commercial information or trade secrets to afford a competitive advantage to U.S. companies and U.S. business sectors commercially; and (iv) signals intelligence activities shall be as tailored as feasible.



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possess specific information to the contrary, ODNI components will presume that any evaluated or minimized signals intelligence information they receive from other IC elements meets this standard. ODNI components will disseminate such information in accordance with applicable ODNI and IC policies and procedures.

ODNI components will disseminate personal information collected through signals intelligence activities to a foreign government only if the dissemination: is consistent with the interests of the United States, including U.S. national security interests; complies with any laws, policies, treaties, or agreements imposing additional requirements on the dissemination or use of the information; and complies with national and IC foreign disclosure release guidance.

(ii) Retention

For purposes of these policies and procedures, "retention" shall mean the maintenance of personal information in either hard copy or electronic format regardless of how the information was collected. ODNI components will retain personal information of non-U.S. persons collected through signals intelligence activities only if retention of comparable information concerning U.S. persons would be permitted under section 2.3 of Executive Order 12333. If an ODNI component is retaining personal information of a non-U.S. person because it is foreign intelligence, the information must relate to an authorized intelligence requirement, and cannot be retained solely because of the person's foreign status. ODNI components will presume, unless they possess specific information to the contrary, that any evaluated or minimized signals intelligence information they receive from other IC elements meets this standard. ODNI components will retain such information in accordance with applicable ODNI and IC policies and procedures.

(B) *Data Security and Access*

ODNI components will maintain all personal information of both U.S. and non-U.S. persons collected through signals intelligence activities to the same data security and access standards.

Access to personal information collected through signals intelligence activities is restricted to those personnel who have a need to access that information in the performance of authorized duties in support of ODNI missions. Such information,

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in either electronic or physical form, will be maintained in secure facilities protected by physical and technical safeguards, and with security measures designed to properly limit access to it. Such information will be safeguarded in accordance with applicable laws, rules, and policies, including those of the ODNI, IC, and U.S. Government.

Classified information collected through signals intelligence activities will be stored appropriately in secured, certified, and accredited facilities, in secured databases and containers, and in accordance with other applicable requirements. The ODNI's electronic systems in which such information may be stored will comply with applicable law, Executive Orders, and IC and U.S. Government policies and procedures regarding information security, including with regard to access controls and monitoring.

(C) *Data Quality*

ODNI Components will maintain all personal information of both U.S. and non-U.S. persons collected through signals intelligence activities to the same data quality standard.

Personal information collected through signals intelligence activities—where such information can be so identified—shall be included in ODNI intelligence products only as consistent with applicable IC standards of analytic tradecraft as set forth in relevant directives, including IC Directive 203, *Analytic Standards*. Particular care should be taken to apply standards relating to the relevance and reliability of the information, consideration of alternative sources of information and interpretations of data, and objectivity in performing analysis. Personal information should be included in ODNI intelligence products only when necessary to understand the product.

(D) *Oversight*

The Civil Liberties and Privacy Office (CLPO) shall audit and review implementation of these policies and procedures periodically and report to the DNI regarding the application of the safeguards contained herein and in Section 4 of PPD-28 more generally, as applicable.

All ODNI personnel should report instances of non-compliance with these policies and procedures to the CLPO. The CLPO, in consultation with the Office of General Counsel (OGC), shall determine what, if any, corrective actions are necessary. Any significant instance of non-compliance shall be reported promptly to the DNI or Principal Deputy DNI (PDDNI) by the CLPO.



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**IV. Training**

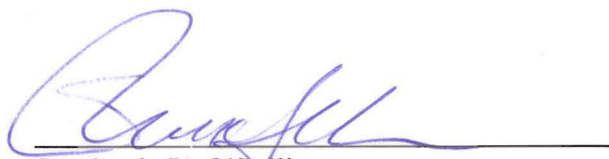
All ODNI personnel who have access to information that is subject to this policy will receive annual training on the requirements of this policy. Successful completion of such training is a prerequisite to access information that is subject to this policy.

**V. Deviations from these Procedures**

The DNI or PDDNI, or designee, must approve in advance any departures from these procedures, after consultation with the National Security Division of the Department of Justice. If there is not time for such approval and a departure from these procedures is necessary because of the immediacy or gravity of a threat to the safety of persons or property or to the national security, an ODNI component's director may approve a departure from these procedures. The DNI or PDDNI, or designee, and the General Counsel will be notified of any such departures as soon thereafter as possible. The General Counsel will provide prompt written notice of any such departures to the National Security Division of the Department of Justice. Notwithstanding this paragraph, all activities in all circumstances must be carried out in a manner consistent with the Constitution and laws of the United States.

**VI. Internal Guidance and Interpretation**

These procedures are set forth solely for internal guidance within ODNI. Questions on the applicability or interpretation of these procedures should be directed to the CLPO who shall determine such applicability or interpretation, in consultation with the OGC as appropriate. This policy memorandum will be included as an annex to the ODNI's Attorney General-approved guidelines implementing Executive Order 12333, once those guidelines are complete.

  
Stephanie L. O'Sullivan

21 JAN 2015  
Date

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All ODNI Components

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