

## STATUS OF ATTORNEY GENERAL APPROVED U.S. PERSON PROCEDURES UNDER E.O. 12333

July 14, 2016

[Executive Order 12333, United States Intelligence Activities](#), establishes the Executive Branch framework for the country's national intelligence efforts, and for protecting privacy and civil liberties in the conduct of intelligence activities. It was originally issued by President Ronald Reagan in 1981. It was most recently revised and re-issued by President George W. Bush in 2008. ODNI released an [information paper](#) to explain the 2008 changes.

Part 1 of the Order lays out the various roles and responsibilities of our national security and intelligence elements of the Executive Branch. Restrictions on the conduct of intelligence activities are contained in Part 2 of the Executive Order. Definitions and general terms are addressed in Part 3. Under Section 2.3, Intelligence Community elements may collect, retain, and disseminate information concerning United States persons pursuant to procedures established by the head of the IC element and approved by the Attorney General after consultation with the DNI.

In February 2015, as part of the ongoing [dialogue](#) between the Privacy and Civil Liberties Oversight Board and the Intelligence Community, the ODNI compiled a table providing information about the Attorney-General approved guidelines under EO 12333. The table lists the dates on which each element's guidelines were adopted and provides links to the guidelines if not classified.

The table is now updated to reflect additional publicly available documents.

IC Element	AG-Approved Procedures	Classification	Notes/Where Posted For Public
Central Intelligence Agency (CIA)	<p><b><i>Pending issuance of updated procedures, operating pursuant to:</i></b></p> <p>Attorney General Approved - CIA Guidelines Outside the United States (June 17, 1982)</p> <p>Attorney General Approved - CIA Guidelines Inside the United States (July 20, 2005)</p> <p>Appendices</p>	These documents have been released.	<p>AR 2-2A (U) ANNEX A -- GUIDANCE FOR CIA ACTIVITIES OUTSIDE THE UNITED STATES (FORMERLY HR 7-1ANNA)  <a href="http://www.foia.cia.gov/sites/default/files/DOC_0006235714.pdf">http://www.foia.cia.gov/sites/default/files/DOC_0006235714.pdf</a></p> <p>AR 2-2B (U) ANNEX B -- GUIDANCE FOR CIA ACTIVITIES WITHIN THE UNITED STATES (FORMERLY HR 7-1ANNB)  <a href="http://www.foia.cia.gov/sites/default/files/DOC_0006235715.pdf">http://www.foia.cia.gov/sites/default/files/DOC_0006235715.pdf</a></p> <p>AR 2-2G (U) APPENDICES TO ANNEXES A AND B (FORMERLY HR 7-1APP1)  <a href="http://www.foia.cia.gov/sites/default/files/DOC_0006235760.pdf">http://www.foia.cia.gov/sites/default/files/DOC_0006235760.pdf</a></p>
Department of Defense (DoD) Intelligence Components <sup>1</sup>	<p><b><i>Pending issuance of updated procedures, operating pursuant to:</i></b></p> <p>DoD 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons (December 1982)</p> <p>Classified Annex to DoD 5240.01-R Procedures (May 27, 1988)</p> <p>Supplemental Procedures [to DoD 5240.1-R] Governing Communications Metadata Analysis (approved by AG Mukasey, SECDEF Gates) (January 3, 2008)</p>	<p>DoD 5240.1-R is UNCLASSIFIED.</p> <p>The Classified Annex is classified "SECRET//SI."</p> <p>The Supplemental Procedures were originally classified "SECRET//SI"</p>	<p>DoD 5240.1-R is publicly posted by DoD in multiple locations. See, for example, <a href="http://www.dtic.mil/whs/directives/corres/pdf/524001r.pdf">http://www.dtic.mil/whs/directives/corres/pdf/524001r.pdf</a>.</p> <p>The Classified Annex has been published in redacted form on IC on the Record - beginning on page 118 of this document:  <a href="http://www.dni.gov/files/documents/1118/CLEANED022.%20NSA%20Core%20Intelligence%20Oversight%20Training.pdf">http://www.dni.gov/files/documents/1118/CLEANED022.%20NSA%20Core%20Intelligence%20Oversight%20Training.pdf</a>.</p> <p>The Supplemental Procedures have been declassified and published without redaction:  <a href="http://www.dni.gov/files/documents/0909/DoD%20Supplemental%20Procedures%2020080314.pdf">http://www.dni.gov/files/documents/0909/DoD%20Supplemental%20Procedures%2020080314.pdf</a></p> <p>In addition, note that NSA also follows United States Signals Directive (USSID) SP0018, Legal Compliance and U.S. Persons Minimization Procedures (January 25, 2011). USSID 18 is classified "SECRET//SI." It has been published in redacted form:  <a href="http://www.dni.gov/files/documents/1118/CLEANEDFinal%20USSID%20SP0018.pdf">http://www.dni.gov/files/documents/1118/CLEANEDFinal%20USSID%20SP0018.pdf</a></p>

<sup>1</sup> National Security Agency (NSA), Defense Intelligence Agency (DIA), National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), and the intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps.

IC Element	AG-Approved Procedures	Classification	Notes/Where Posted For Public
Office of the Director of National Intelligence (ODNI) <sup>2</sup>	ODNI Instruction 20.01 (April 21, 2005) adopting CIA AG-approved Guidelines.	The ODNI Instruction is UNCLASSIFIED	<p>The ODNI publicly posts “Intelligence Community Directives” which apply to the IC as a whole. It does not publish its internal policies (referred to as “Instructions”). ODNI Instruction 20.01 is a general policy that adopts CIA regulations until superseded by an applicable ODNI Instruction.</p> <p>The National Counterterrorism Center (NCTC) is part of the ODNI, and has its own AG-approved procedures - Guidelines for Access, Retention, Use, and Dissemination by the National Counterterrorism Center And Other Agencies of Information in Datasets Containing Non-Terrorism Information (March 22, 2012). This document is UNCLASSIFIED, and is posted on NCTC’s public website at <a href="http://www.nctc.gov/transparency.html">http://www.nctc.gov/transparency.html</a>.</p>
Federal Bureau of Investigation (FBI)	The Attorney General Guidelines for Domestic FBI Operations (September 29, 2008)	This document is UNCLASSIFIED.	This unclassified document is posted on the Department of Justice public website at <a href="http://www.justice.gov/sites/default/files/ag/legacy/2008/10/03/guidelines.pdf">http://www.justice.gov/sites/default/files/ag/legacy/2008/10/03/guidelines.pdf</a> .

---

<sup>2</sup> Section 1.7 of EO 12333 sets forth the duties and responsibilities of each IC element. These duties and responsibilities generally include collection, analysis, and dissemination of information to support that IC element’s mission. Regarding collection of information, Section 1.7 provides that the following IC elements shall collect information “overtly or through publicly available sources”: ODNI (including NCTC); DHS I&A; State INR; Treasury OIA; DEA ONSI; and Energy Office of Intelligence and Counterintelligence.

IC Element	AG-Approved Procedures	Classification	Notes/Where Posted For Public
Department of Homeland Security Office of Intelligence and Analysis (I&A) <sup>3</sup>	<p><b><i>Pending issuance of final procedures, operating pursuant to:</i></b></p> <p>Interim Intelligence Oversight Procedures, issued jointly by the Under Secretary for Intelligence and Analysis and the Associate General Counsel for Intelligence (April 3, 2008).</p>	This document is UNCLASSIFIED.	This unclassified document is posted on the DHS public website at <a href="http://www.dhs.gov/sites/default/files/publications/interim-intelligence-oversight-procedures-%20for-the-office-of-intelligence-and-analysis.pdf">http://www.dhs.gov/sites/default/files/publications/interim-intelligence-oversight-procedures-%20for-the-office-of-intelligence-and-analysis.pdf</a> .
United States Coast Guard (USCG)- Intelligence and counterintelligence elements	<p><b><i>Pending issuance of final procedures, operating pursuant to:</i></b></p> <p>Commandant Instruction - COMDINST 3820.12, Coast Guard Intelligence Activities (August 28, 2003).</p>	This document is UNCLASSIFIED	This unclassified document is posted on the USCG public website at <a href="http://www.uscg.mil/directives/cim/3000-3999/CIM_3820_12.pdf">http://www.uscg.mil/directives/cim/3000-3999/CIM_3820_12.pdf</a> .
Department of Energy, Office of Intelligence and Counterintelligence	<p><b><i>Pending issuance of updated procedures, operating pursuant to:</i></b></p> <p>DOE/IN-0000, Department of Energy Procedures for Intelligence Activities (October 19, 1992)</p>	This document is UNCLASSIFIED	This unclassified document is posted on the DOE public website at: <a href="https://www.directives.doe.gov/related-items/doe-procedures-for-intelligence-activities">https://www.directives.doe.gov/related-items/doe-procedures-for-intelligence-activities</a> .

IC Element	AG-Approved Procedures	Classification	Notes/Where Posted For Public
Department of Treasury Office of Intelligence and Analysis (OIA)	<p><b><i>Pending issuance of final procedures, operating pursuant to:</i></b></p> <p>EO 12333 and statutory responsibilities of the IC element, as advised by supporting legal counsel.</p>	<p>When finalized, document will be UNCLASSIFIED</p>	<p>Not applicable.</p>
Department of State, Bureau of Intelligence and Research (INR)	<p>Department of State Guidelines for Intelligence Activities (August 15, 1989)</p>	<p>This document is UNCLASSIFIED.</p>	<p>This unclassified document is posted at <a href="http://www.dni.gov/files/icotr/State%20Department%201989%20AG%20Guidelines.pdf">http://www.dni.gov/files/icotr/State%20Department%201989%20AG%20Guidelines.pdf</a>.</p>

IC Element	AG-Approved Procedures	Classification	Notes/Where Posted For Public
<p>Drug Enforcement Administration, Office of National Security Intelligence (ONSI)</p>	<p><b><i>Pending issuance of final procedures, operating pursuant to:</i></b></p> <p>Guidance of the Office of Chief Counsel, other guidance, and:</p> <p>Attorney General approved “Guidelines for Disclosure of Grand Jury and Electronic, Wire, and Oral Interception Information Identifying United States Persons” (September 23, 2002);</p> <p>Attorney General approved “Guidelines Regarding Disclosure to the Director of Central Intelligence and Homeland Security Officials of Foreign Intelligence Acquired in the Course of a Criminal Investigation” (September 23, 2002).</p>	<p>The two specifically-referenced documents are UNCLASSIFIED</p>	<p>The first document is posted at:  <a href="http://www.dni.gov/index.php/about/organization/ic-legal-reference-book-2012/ref-book-disclosure-of-information-identifying-usps">http://www.dni.gov/index.php/about/organization/ic-legal-reference-book-2012/ref-book-disclosure-of-information-identifying-usps</a></p> <p>The second document is posted at:  <a href="http://www.dni.gov/index.php/about/organization/ic-legal-reference-book-2012/ref-book-foreign-intelligence-acquired-in-the-course-of-a-criminal-investigation">http://www.dni.gov/index.php/about/organization/ic-legal-reference-book-2012/ref-book-foreign-intelligence-acquired-in-the-course-of-a-criminal-investigation</a></p>