

There are no slide numbers 12 and 19. The presentation was mis-paginated.

DEFENSE INTELLIGENCE AGENCY

V-6

Intelligence Oversight

(b)(1),(b)(3):10
USC 424



November 2013



One Mission. One Team. One Agency.
Committed to Excellence in Defense of the Nation



Agenda

- Authorities
- U.S. Person
- Rules Regarding Collection, Retention, and Dissemination
- Categories of Collectible Information
- Procedure 10
- Procedure 11
- Procedure 13
- Procedure 14
- Procedure 15



Authorities

- Executive Order 12333, as amended, “United States Intelligence Activities”
- DoD 5240.1-R, “Procedures Governing the Activities DoD Intelligence Components That Affect United States Persons”
- DIAR 60-4, “Procedures Governing DIA Intelligence Activities That Affect U.S. Persons”



Intelligence Oversight

DOD 5240.1R

- Implements EO 12333
- Overview
 - Information may be collected about a US person if:
 - Information is germane to Command's assigned mission
 - Information sought falls within 1 of 13 enumerated categories of collectible information
 - Information was properly collected



Intelligence Oversight US Person

- US citizen
- Permanent resident alien
- Unincorporated association substantially composed of US citizens or permanent resident aliens
- Corporation incorporated in the US, except for a corporation directed and controlled by a foreign government



Intelligence Oversight Collection of Information

- Information is collected when it has been received for official use.
- Data acquired by electronic means is collected only when it has been processed into an intelligible form.
- Information is not collected when it is forwarded for a collection determination.



Intelligence Oversight Information Sought

- 13 categories of collectible information
 - Information obtained with consent
 - Publicly available information
 - Foreign intelligence information
 - Agent of foreign power – [REDACTED]
 - Org. owned or controlled directly or indirectly by a foreign power
 - Persons/org engaged in intern. terrorist or intern. narcotics
 - POWs and MIAs
 - Targets, hostages, or victims of intern. terrorist org.
 - Corp/org believed to have some relationship w/foreign powers, org or person
- Counterintelligence information (spy/terrorist)
- Physical security information

(b)(3):10 USC 424,
(b)(5)



Intelligence Oversight Information Sought

- 13 categories of collectible information (continued)
 - Potential source of assistance to intelligence activities
 - Protection of sources or methods (limited to current or former employees)
 - Personnel Security - information to support background investigation
 - Communications security information
 - International narcotics activities
 - Safety of person or organization
 - Overhead reconnaissance not targeted against specific US person
 - Administrative purposes



Intelligence Oversight Retention of Information

- Collection Determination
- Properly obtained information can be retained
- Incidentally acquired information may be retained



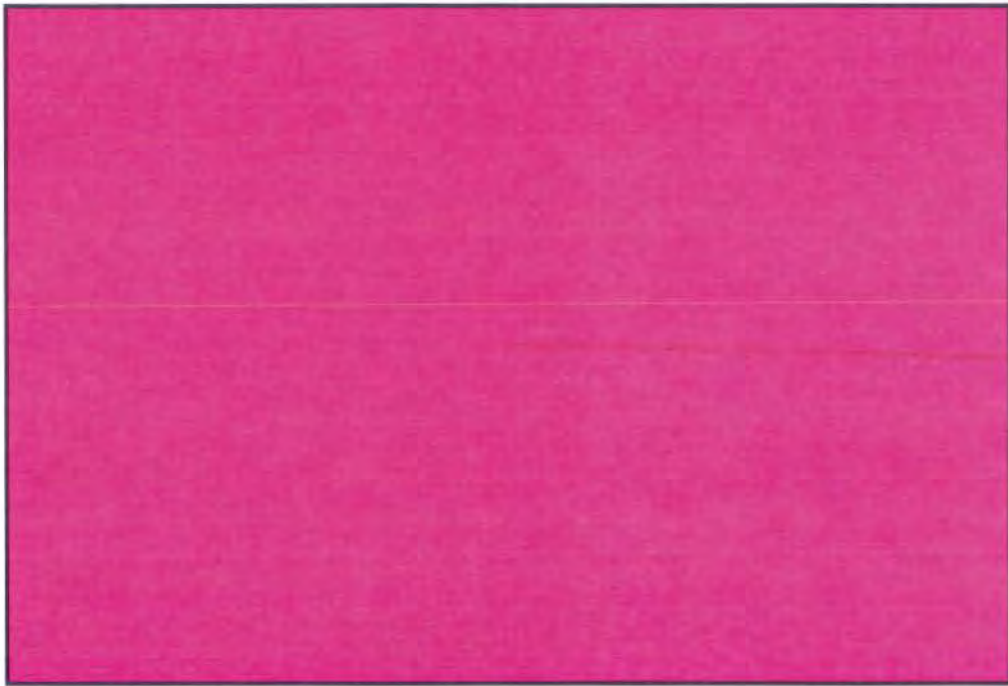
Intelligence Oversight Dissemination of Information

- Information which was properly collected or retained may be disseminated if the recipient has a need to receive such info for the performance of a lawful government function and is:
 - Employee of DOD
 - Law enforcement entity
 - Agency within the intelligence community
 - Agency of the Federal Government
 - Foreign Government pursuant to an agreement



Intelligence Oversight Procedural Rules

-
-
-
-
-
-



(b)(3): 10 USC 424,
(b)(3): 50 USC 3024
(1),(b)(5)



Undisclosed Participation: Procedure 10

(b)(1),(b)(3): 10 USC 424,
(b)(5), 1.4 (c)

- [Redacted]
- [Redacted]

- [Redacted]

(b)(1),(b)(3): 10 USC 424,(b)(5), 1.4 (c)



Undisclosed Participation: Procedure 10

- Organization
 - Any group whose existence is formalized in some manner or otherwise functions on a continuing basis
 - Applies only to organizations within the U.S. or outside the US that constitute a US person



Undisclosed Participation: Procedure 10

- Any action undertaken within the structure of the organization

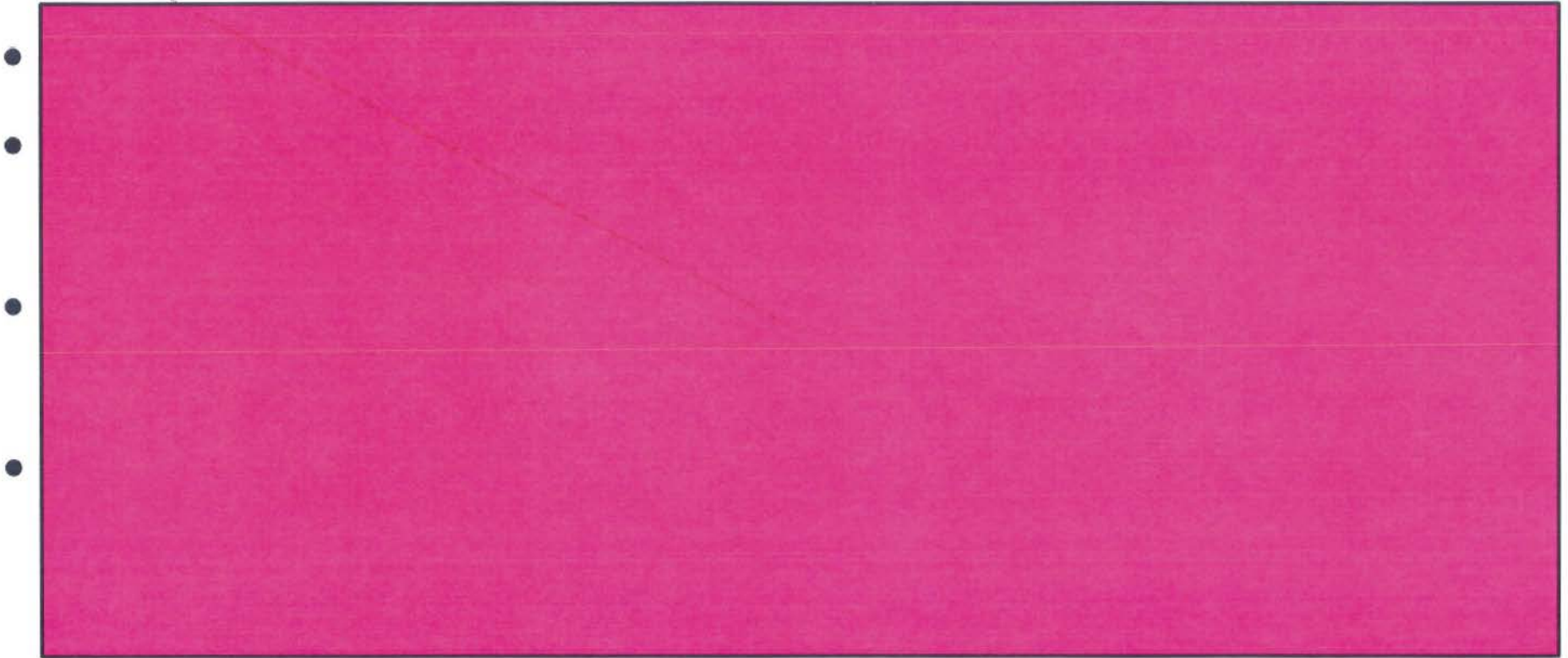
(b)(1),(b)(3):10
USC 424,(b)(5),1.4
(c)





Permissible Purposes

(b)(3): 10 USC 424, (b)(3): 50
USC 3024(i), (b)(5)





UDP Approval Authorities

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

(b)(3); 10 USC 424,(b)
(3); 50 USC 3024(i),(b)(5)



Contracts (Procedure 11)

- Commercial organizations, private institutions, and individuals
- Disclosure of IC affiliation is required unless
 - Contract is for published material available to the general public;
 - Contract is for routine goods or services; or

(b)(3): 10 USC 424,
(b)(3): 50 USC 3024





Experimentation on Human Subjects (Procedure 13)

- Prohibited for Intelligence Purposes unless subject consents



Employee Conduct (Procedure 14)

- Employees must act in accordance with EO 12333 and DoD 5240.1-R
- Employees must be familiar with EO 12333 and DoD 5240.1-R



Questionable Activity (Procedure 15)

- Definition
 - Any conduct that constitutes, or is related to, an intelligence activity that **may** violate the law, any EO, or DoD policy
- Responsibility
 - Of every employee
- Report
 - IG, GC, supervisor, IOO