There are no slide numbers 12 and 19. The presentation was mis-paginated.
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
    - 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
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
(10 USC 5)
Undisclosed Participation: Procedure 10

(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
Permissible Purposes

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