

## Overseeing Section 702

### Multi-layered Oversight to Protect Privacy and Civil Liberties

Robust internal agency compliance and civil liberties and privacy programs, as well as rigorous external oversight by the Department of Justice (DOJ), the Office of the Director of National Intelligence (ODNI), the Foreign Intelligence Surveillance Court (FISC), and Congress, ensure that the Foreign Intelligence Surveillance Act (FISA) Section 702 program protects privacy and civil liberties.

The culture of compliance that undergirds the Section 702 program starts with individual Intelligence Community (IC) personnel. Access to FISA information requires such personnel, all of whom have been thoroughly vetted by the IC, to receive extensive training on proper operational procedures, how to handle FISA information, and FISA's many privacy and civil liberties protections.

Internal agency programs and processes further serve to protect privacy and civil liberties. Agencies apply both technical and procedural safeguards throughout all aspects of the Section 702 program—from ensuring that no one person alone can initiate Section 702 targeting, to limiting access to Section 702 data, to restricting the sharing of Section 702 information. Each agency has personnel devoted to identifying, reporting, remedying, and preventing the recurrence of compliance incidents.

DOJ and ODNI also jointly conduct regular and comprehensive oversight of the Section 702 program. This joint oversight team reviews every decision to initiate Section 702 collection. DOJ and ODNI also review certain queries of Section 702-acquired data and intelligence reports based on Section 702-acquired information to assess their compliance with the Constitution, FISA, and the Section 702 targeting, minimization, and querying procedures. The joint oversight team, in coordination with the agencies, ensures that any identified incidents of non-compliance are remedied, not only through the deletion of data and the recall of intelligence reports, but also by conducting broader root cause analysis to identify process and training changes that could prevent incidents in the future.

Whether originally identified by an individual, the agencies, or the joint oversight team, a full reporting of each and every identified incident of noncompliance—including the scope and nature of the incident, its cause, and the remedial actions taken in response—is made by DOJ to both the FISC and Congress. The FISC has held hearings and, when necessary, ordered additional remedial actions to protect privacy and civil liberties. In public hearings and classified briefings, Congress has held IC agencies to account to ensure Section 702 activities fully protect privacy and civil liberties.

In addition, and to a degree without parallel in any other country, the IC regularly declassifies and releases to the public FISC opinions, targeting, minimization and querying procedures, and joint DOJ and ODNI compliance assessments regarding Section 702. These declassified opinions, procedures, and assessments allow the public to understand and evaluate for itself the IC's deep commitment to protect privacy and civil liberties when making use of Section 702.

