



**FEDERAL BUREAU OF INVESTIGATION
POLICY DIRECTIVE**

**Procedures for Unmasking Requests in Intelligence Information
Reports and BLUEGEM Reports Policy Directive
1053D**

General Information

Proponent	Directorate of Intelligence (DI)
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Supersession	<i>Procedures for Unmasking Requests in Intelligence Information Reports and BLUEGEM Reports Policy Notice (1024N)</i>

1. Authorities

- National Security Act of 1947
- Executive Order (EO) 12333, as amended
- EO 13526, as amended
- Intelligence Community Policy Guidance (ICPG) 107.1
- Intelligence Community Directive (ICD) 107
- ICD 112, Annex A (*Dissemination of Congressional Identity Information*)
- Presidential Memorandum for the Director of National Intelligence (DNI) (January 8, 2018)
- 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)

2. Purpose

The purpose of this policy directive (PD) is to establish guidance for responding to requests for the identities of United States persons (USPER) in Federal Bureau of Investigation (FBI)-disseminated intelligence reports, per ICPG 107.1.

3. Scope

This PD applies to all FBI personnel responsible for responding to requests (hereinafter "unmasking requests") submitted to the FBI from requesting entities for nonpublic identity information of known, unconsenting USPERs originally masked in FBI-disseminated intelligence information reports (IIR) and BLUEGEM (BLG) intelligence reports. This policy only applies to raw intelligence reports. Requests for unmasking nonpublic USPER identity information contained in finished intelligence products will be addressed by subjecting the IIRs and BLGs upon which the finished intelligence products are based to the guidelines in Section 5 of this policy.

4. Exemptions

There are no exemptions to this policy.

5. Policy Statement

5.1. Procedures for Recording Requests

5.1.1. The DI's Request for Information (RFI) team must receive and record IIR unmasking requests. The FBI Intelligence Branch (IB) Bureau Control Office (BCO) must receive and record BLG intelligence report unmasking requests. In addition to the requirements outlined in this policy, all unmasking requests involving BLG intelligence reports must follow the procedures described in the *Bureau Control System BLUEGEM Policy Guide (1012PG)* [links to a SECRET//NOFORN document].

5.1.2. All final records of unmasking requests must contain the following criteria:

5.1.2.1. The name or title of the individual who is making the request in an official capacity on behalf of the requesting entity.

5.1.2.2. The name of the requesting entity.

5.1.2.3. Information that identifies the IIR or BLG intelligence report containing the masked identity information being requested.

5.1.2.4. The name of each individual with whom the USPER identity information will be shared.

5.1.2.5. A fact-based justification describing why the USPER's identity information is required by each individual recipient of the unmasked information in order to carry out his or her duties.¹

5.1.2.6. The disposition of the unmasking request (approved or denied).

5.1.2.7. The name, office, and title of the FBI final approver of the unmasking request.

¹ These fact-based justifications are made based on a determination that: (1) identifying an USPER or otherwise including personally identifiable information (PII) concerning an USPER in the IIR and BLG is (a) foreign intelligence information, (b) is necessary to understand foreign intelligence information, and/or (c) is evidence of crime being used for a law enforcement purpose; and (2) the IIR or BLG's dissemination has been narrowly tailored to those non-Intelligence Community (IC) agencies, subagencies, or entities that have the subject matter as one of their authorized functions.

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5.1.2.8. The serial number of the IIR or BLG intelligence report containing the masked identity information being requested (if not included in the request per subsection 5.1.2.3 of this policy).

5.1.2.9. The Bureau name and Federal Bureau of Investigation Headquarters (FBIHQ) division or field office (FO) of the IIR or BLG intelligence report owner.

5.1.3. The DI RFI team and the IB/BCO must retain all records of their respective IIR and BLG intelligence report unmasking requests for a minimum of five years.

5.2. Approvals

5.2.1. Unmasking requests must be substantively reviewed and, if appropriate, approved by IIR or BLG intelligence report owners after the DI RFI team or BCO's initial receipt. (See the RFI Standard Operating Procedure for details on the RFI coordination workflow for IIRs and the BLUEGEM User Guide for details on the RFI coordination workflow for BLG intelligence reports.) Requests approved by IIR or BLG report owners must then be evaluated by the Director or the Director's designee (FBI section chiefs [SCs] or, as discussed further below, a higher-level approver, each an "FBI final approver"), with notice of such approved requests to the AD, DI and the FBI's privacy and civil liberties officer (currently the deputy general counsel [DGC] of the Office of the General Counsel's [OGC] Investigative and Administrative Law Branch). A Director's designee may not further delegate approval authority.

5.2.2. According to the Director's delegation memorandum, FBIHQ operational division heads have discretion to require approval at a higher level than SC within their respective divisions. FBIHQ operational divisions must record the division head's designation of final approval authority at higher than SC level in an electronic communication (EC) and must serialize it to a division administrative file in Sentinel.

5.2.3. When the FBI is not the originating element of the requested information, the FBI Director or the Director's designee (FBI final approver) must obtain the concurrence of the head (or designee) of the originating element before approving an unmasking request.

5.2.4. Prior to their approval, unmasking requests concerning congressional identity information must be coordinated with OGC to ensure compliance with the Office of the Director of National Intelligence's (ODNI) requirements set forth in ICD 112, Annex A (formally known as the Gates Procedures).

5.2.4.1. The FBI Office of Congressional Affairs (OCA) Congressional Oversight Unit and Congressional Liaison Unit 1 must be notified of all disclosures of congressional identity information pursuant to this policy.

5.3. Exigent Circumstances

5.3.1. In the event of an exigent circumstance or for a situation in which a delay could negatively affect intelligence activities, the FBI final approver may approve an immediate disclosure to a requesting entity of unmasked USPER identity information based on an oral or written rationale provided by the requesting entity. Within five business days of this disclosure, the FBI must make a reasonable effort to ensure that the requesting entity formally submits an unmasking request containing the required criteria described in subsection 5.1.2 of this policy.

5.3.2. For exigent circumstances concerning congressional identity information, ICD 112 Annex A's exigent circumstances requirements, outlined in Section C.3.d.iii of that document, must also be met prior to approval.

5.3.3. OCA and OGC must be notified of all disclosures made under exigent circumstances.

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5.4. Procedures During Presidential Transition Periods

5.4.1. Unmasking requests made during a period beginning on the date of a general election for President and ending on the date on which a new President is inaugurated ("Presidential transition period") require additional steps and documentation.

5.4.2. If an unmasking request is made during a Presidential transition period, the documentation required under subsection 5.1.2. must additionally include (1) whether the individual making the request on behalf of the requesting entity has conveyed the knowledge or belief that any USPER identity information sought by the request is of an individual who is a member of the transition team, as identified by the President-elect or Vice President-elect; or (2) if, based on the disseminated intelligence report to which the request pertains, the FBI knows or reasonably believes that any USPER identity information sought by the request is of an individual who is a member of the transition team, as identified by the President-elect or Vice President-elect.

5.4.3. Approvals of unmasking requests that involve the dissemination of USPER identity information of an individual on a transition team described in subsection 5.4.2. also require the concurrence of the FBI general counsel (GC) or the DGC for the National Security and Cyber Law Branch (NSCLB) that the dissemination of such identity information is in accordance with the procedures under subsection 5.1.2.

5.4.4. As required by ICPG 107.1, prior to notifying Congress of any such approvals described in this section, the FBI Director must first consult with the DNI. As required by ICPG 107.1, with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources or other exceptionally sensitive matters, the FBI Director must notify the chairpersons and ranking minority members of the congressional intelligence committees, of any such approval described in this subsection no later than 14 days after the approval date of a request. FBI OCA must provide such notice after consultation with operational executives.

5.5. Annual Report

5.5.1. Each January, the DI RFI team must draft a report consolidating all DI RFI team and IB BCO unmasking request-related metrics for the preceding calendar year. The report must be classified at the appropriate level and must include:

5.5.1.1. The total number of unmasking requests received within the preceding calendar year.

5.5.1.2. The total number of approved requests.

5.5.1.3. The total number of denied requests.

5.5.1.4. The sum total from each requesting entity of approved requests and of denied requests.

5.5.1.5. The total number of requests concerning congressional identity information.

5.5.2. The annual report must be approved by the AD, DI. The DI must obtain an OGC review of the annual report and must then provide the report to OCA by February 1 of each year. At least one week prior to submitting the report to the DNI and to the congressional intelligence committees, OCA must advise the AD of the Office of Public Affairs (OPA) of the expected submission. The FBI must submit the report to the DNI and to the congressional intelligence committees no later than March 1 of each year.

6. Roles and Responsibilities

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6.1. Pursuant to ICPG 107.1, the FBI Director:

6.1.1. Develops and maintains procedures to respond to unmasking requests.

6.1.2. Is the final approver for disclosing the identities of USPERs who were masked in disseminated FBI intelligence reports, with notice to the OGC. The FBI Director has delegated this authority.

6.2. FBIHQ operational division heads must:

6.2.1. Designate the final approval level within their divisions if they deem the level to be higher than that of SC and ensure this designation is serialized in an EC according to the FBI Director's delegation memorandum.

6.3. The DI must:

6.3.1. Produce, coordinate, and submit an annual report detailing these unmasking requests to the DNI in accordance with subsections 5.5., 6.3.3., and 6.7.1. of this PD.

6.3.2. Manage and document incoming IIR unmasking requests and their dispositions.

6.3.3. Maintain records that contain the fields mandated by ICPG 107.1 (see subsection 5.1.2. of this policy).

6.4. The IB BCO must:

6.4.1. Manage and document incoming BLG intelligence report unmasking requests and their dispositions.

6.4.2. Maintain records that contain the fields mandated by ICPG 107.1 and consistent with the recordkeeping requirements outlined in subsection 5.1.2.

6.4.3. Forward all unmasking request-related metrics they possess to the DI RFI team (after the close of each calendar year) for incorporation into the annual report.

6.4.4. Route the approvals of report owners to relevant operational divisions for final approvals following report owner approvals.

6.5. Report owners must:

6.5.1. Route their unmasking approvals for IIRs to the relevant operational divisions.

6.5.2. FBIHQ operational division personnel must route requests to the appropriate Director's designee within their division for final approval.

6.5.3. Route their approvals for BLG intelligence reports to the BCO.

6.6. SC and above serving as his or her FBIHQ operational division's final approver ("Director's designee") must:

6.6.1. Provide approvals or rejections for all IIR or BLG unmasking requests according to subsection 5.2. See subsection 5.2.2 for exceptions to the role of SC as final approver.

6.7. The GC or DGC for NSCLB must approve requests during a presidential transition period, as described in subsection 5.4.3. of this policy.

6.7.1. The OGC must assist in ensuring compliance with ICD 112 Annex A for the disclosure of congressional identity information.

6.8. The OCA must:

6.8.1. Coordinate and submit the annual report to the congressional intelligence committees by March 1 of each year, in accordance with subsection 5.5. of this policy.

6.8.2. Submit notification of the approvals mandated in subsection 5.4. of this policy.

7. References

- 7.1. Bureau Control System BLUEGEM Policy Guide (1012PG) [links to a SECRET//NOFORN document]
- 7.2. Bureau Control System Security Classification Guide (0980CG)
- 7.3. Director's Delegation of Authority for Covered Requests Memorandum (September 9, 2020)

8. Definitions and Acronyms

8.1. Definitions

- 8.1.1. Intelligence Community: has the meaning given to the term in Section 3.5 ("Definitions") of EO 12333.
- 8.1.2. Disseminating element: an element of the IC that disseminated an intelligence report subject to an unmasking request.
- 8.1.3. Originating element: an element of the IC that originated information in a disseminated intelligence report subject to an unmasking request.
- 8.1.4. Requesting entity: an entity of the U.S. government or a state, local, tribal, or territorial government that makes an unmasking request.
- 8.1.5. Report owner: the FBIHQ division, FO, or legal attaché (Legat) office that authored the report subject to the unmasking request.
- 8.1.6. United States person: a U.S. citizen, an alien known by the intelligence element concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.
- 8.1.7. Identity information: information that identifies U.S. persons by name or by individually identifying titles or characteristics as defined in ICPG 107.1.
- 8.1.8. Exigent circumstances: circumstances during which there is a reasonable basis to believe that there is imminent danger to a person's life or physical safety or when there are time-critical needs that pose significant risks to important U.S. interests.
- 8.1.9. Presidential transition period: the period beginning on the date of a general election for President and ending on the date on which a new President is inaugurated.
- 8.1.10. Congressional identity information: refers to information that identifies members of Congress or congressional staffs by name or by individually identifying titles or characteristics.

8.2. Acronyms

AD	assistant director
BCO	Bureau Control Office
BLG	BLUEGEM

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DGC	deputy general counsel
DI	Directorate of Intelligence
DNI	Director of National Intelligence
EC	electronic communication
EO	executive order
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FO	field office
GC	general counsel
IB	Intelligence Branch
IC	Intelligence Community
ICD	Intelligence Community directive
ICPG	Intelligence Community Policy Guidance
IIR	intelligence information report
Legat	Legal attaché [office]
NSCLB	National Security and Cyber Law Branch
OCA	Office of Congressional Affairs
ODNI	Office of the Director of National Intelligence
OGC	Office of the General Counsel
OPA	Office of Public Affairs
PII	personally identifiable information
PD	policy directive
RFI	request for information
SC	section chief
UC	unit chief
USPER	United States person (U.S. person)

Approvals

Sponsoring Executive Approval

Name	Title
Ryan T. Young	Assistant Director Directorate of Intelligence

Final Approval

Name	Title
Stephen C. Laycock	Executive Assistant Director Intelligence Branch