



# PROCEDURE

OFFICE OF INTELLIGENCE AND ANALYSIS

**OIA Procedure Number** OIA-PRO-11-003-A  
**Title** Identification/Covered Requests Procedure  
**Effective Date** December 21, 2018

## 1) Purpose and Background

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The following procedure responds to Intelligence Community Policy Guidance (ICPG) 107.1, concerning requests (“IDENTs,” or “covered requests”) for the nonpublic identity information with respect to known unconsenting U.S. persons that were originally omitted from disseminated intelligence reports. The Department of Treasury’s Office of Intelligence and Analysis (OIA) periodically disseminates intelligence reports that include masked identities of U.S. persons. The following procedure outlines the process for unmasking U.S. person information at the request of the consumer of an intelligence report. The procedure covers handling procedures and information gathering of requests, additional actions that may be taken, and annual reporting instructions.

## 2) Scope

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This procedure is applicable to all OIA employees.

## 3) Procedure

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OIA employees must follow the steps below for processing IDENT requests.

- 1) All IDENT requests based on Treasury-disseminated intelligence reports must be logged by OIA. Each request must capture the following information:
  - a. Name, title (if available), and work group of the individual who is making the request in an official capacity on behalf of the requesting entity;
  - b. Information that identifies the disseminated intelligence report containing the requested information;

- c. Name or title of each individual who will receive the U.S. person identity information; and
  - d. A fact-based justification describing why such U.S. person identity information is required by each individual who will receive it.
- 2) Once the request is logged, the OIA Assistant Secretary, or a delegee approved in writing by the Assistant Secretary, in consultation with the Treasury Department Office of the General Counsel, will consider the request. If OIA is not the originating element, OIA shall obtain the concurrence of the head or designee of the originating element before approving a covered request.
- 3) OIA will respond in writing to the requesting entity with a denial (including the reasons for denial) or approval of the information.
- 4) In the event of exigent circumstances or where delay could negatively impact intelligence activities, the release may be approved (and written documentation provided within five business days after such a disclosure) with permission by the OIA Assistant Secretary or delegee.
- 5) OIA will retain records of covered requests for no less than five years. All records will show which requests have been approved or denied, and the name of the OIA officer who approved or denied the request.

#### **A. Additional Requirements Related to General Election and Inauguration**

- 1) If an IDENT request is made during a period beginning on the date of a general election for President and ending on the date on which such President is inaugurated, the required documentation in section 3(1) of this procedure must include:
  - a. whether the requesting entity has conveyed the knowledge or belief that any U.S. person 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; and
  - b. whether, based on the disseminated intelligence report to which the request pertains, the disseminating or originating IC elements know or reasonably believe that any U.S. person 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.

- 2) Final approval of a covered request that contains such U.S. person information requires the concurrence of the General Counsel or the Assistant General Counsel for Enforcement and Intelligence, the senior Departmental legal officer supporting OIA, that the dissemination of such identity information is in accordance with these Procedures.
- 3) Consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the OIA Assistant Secretary will, in consultation with OGC and the Office of the Director of National Intelligence (ODNI), notify the chairmen and ranking minority members of the congressional intelligence committees or an approval described in this Section no later than 14 days after the date of the approval.

## **B. Annual Reporting Instructions**

No later than March 1 of each year beginning in 2019, the OIA Assistant Secretary will submit to the ODNI and the congressional intelligence committees a report documenting the following information with respect to the preceding calendar year:

- 1) The total number of IDENT requests received, per requesting agency;
- 2) Of that total number, the number of requests approved per requesting agency; and
- 3) Of that total number, the number of requests denied per requesting agency.

*NOTE: The DNI will publicly report the total numbers above in the annual Statistical Transparency Report Regarding Use of National Security Authorities per the IC's Principles of Intelligence and where permitted by the requirements of EO 13526.*

## 4) Related Policies and Guidance

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Executive Order 12333, as amended. United States Intelligence Activities. December 4, 1981.

Intelligence Community Policy Guidance 107.1. "Requests for Identities of U.S. Persons in Disseminated Intelligence Reports." January 11, 2018

## 5) Definitions

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<b>Disseminating Element</b>	An element of the IC that disseminated an intelligence report subject to a covered request.
<b>Exigent Circumstances</b>	Circumstances when 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.
<b>Identity Information</b>	Information that identifies U.S. persons by name or by individually identifying titles or characteristics.
<b>Originating Element</b>	An element of the IC that originated information in a disseminated intelligence report subject to a covered request.
<b>Requesting Entity</b>	An entity of the U.S. Government or a state, local, tribal, or territorial government that makes a covered request.
<b>U.S. Person</b>	As defined in section 3.5 of Executive Order 12333.