

# FINDING THE FOREIGN INTELLIGENCE INFORMATION

## Queries of Section 702 Information

After initiating Section 702 collection, Intelligence Community (IC) professionals must analyze the resulting raw data (emails, telephone calls, etc.) to find foreign intelligence information. One of the primary ways they conduct this analysis—both to protect privacy and civil liberties and for efficiency—is by performing queries.

In some ways, queries operate much like an Internet search engine: a trained IC professional conducts a query by entering one or more query terms and reviews the results. Unlike a search engine, however, Section 702 queries are restricted, run only against data that has already been lawfully collected by the government, and are subject to significant oversight.

Specifically, queries of Section 702 data may only be conducted pursuant to special querying procedures that are adopted by the Attorney General, in consultation with the Director of National Intelligence, and approved by the Foreign Intelligence Surveillance Court (FISC). The querying procedures dictate that queries may be conducted only by trained personnel at the NSA, CIA, FBI, or NCTC. Trained personnel at each of these agencies only have access to subsets of Section 702 data that has already been lawfully collected and that they need-to-know in order to accomplish their national security mission.

Every query of raw Section 702 data must comply with the query standard: the query must be reasonably likely to retrieve foreign intelligence information or, only in the case of queries conducted by FBI, evidence of a crime. This query standard encompasses three requirements: (1) every query must have an authorized purpose, (2) every query must be reasonably designed in light of that purpose (e.g., the query terms may not be overbroad, but instead must be tailored to that authorized purpose), and (3) IC personnel must have a specific factual basis to believe that the query is reasonably likely to retrieve foreign intelligence information or (again, only in the case of FBI) evidence of a crime.

This same standard applies to all queries, protecting the privacy and civil liberties of both U.S. persons and non-U.S. persons. The use of queries is both privacy protective and efficient—instead of requiring IC professionals to wade through irrelevant collection, queries allow IC professionals to hone in on only those communications most relevant to a national security threat.

The IC agencies, the Department of Justice, and ODNI conduct rigorous oversight of Section 702 queries. Any incidents of noncompliance with the query standard, and the steps taken to remedy the noncompliance, are reported to Congress and the FISC.

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### Why can FBI query for evidence of a crime?

Congress requires that procedures governing FISA allow agencies to properly handle evidence of other criminal acts that may be revealed in the course of surveillance. If a 702 target is discovered to also produce child pornography, for example, the FBI may conduct an evidence of a crime query to discover the scope of the criminal activity and take actions to protect victims. An additional court order may be required, however, to review the contents of such a query.

