

There are no slide numbers 12 and 19. The presentation was mis-paginated.

# DEFENSE INTELLIGENCE AGENCY

V-6

## Intelligence Oversight

(b)(1),(b)(3):10  
USC 424



November 2013



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# 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 – [REDACTED]
  - 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

(b)(3):10 USC 424,  
(b)(5)



# 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

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

(b)(3): 10 USC 424,  
(b)(3): 50 USC 3024  
(1),(b)(5)



# Undisclosed Participation: Procedure 10

(b)(1),(b)(3): 10 USC 424,  
(b)(5), 1.4 (c)

- [Redacted]
- [Redacted]

- [Redacted]

(b)(1),(b)(3): 10 USC 424,(b)(5), 1.4 (c)



# Undisclosed Participation: Procedure 10

- Organization

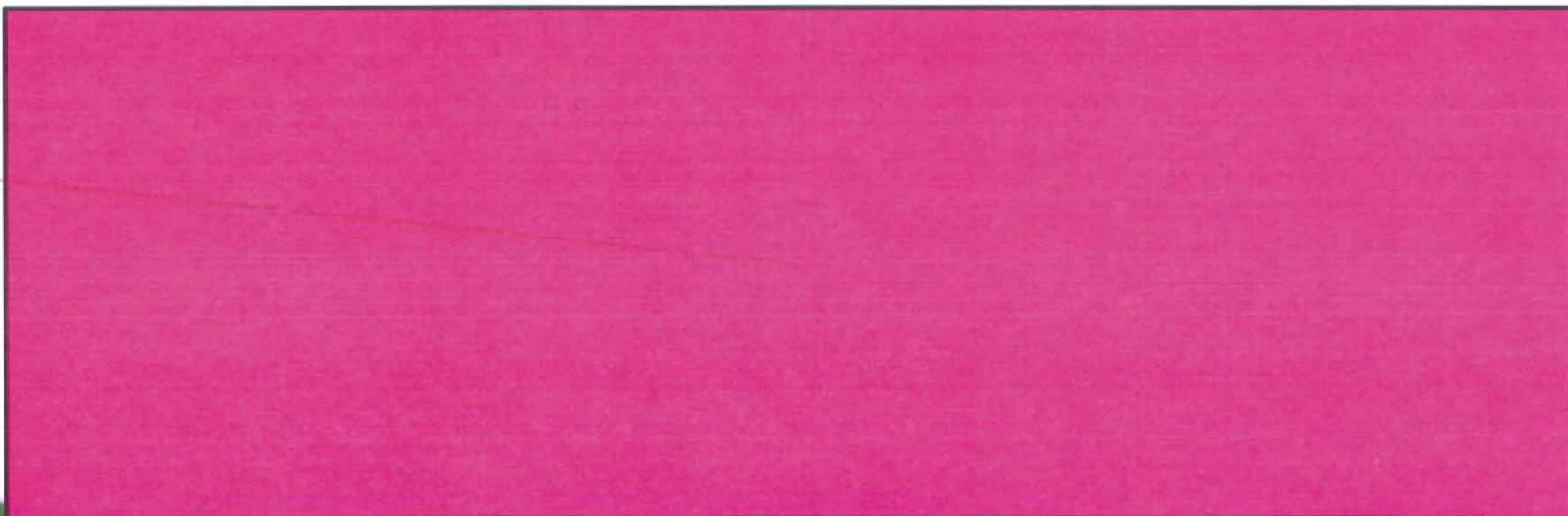
- Any group whose existence is formalized in some manner or otherwise functions on a continuing basis
- Applies only to organizations within the U.S. or outside the US that constitute a US person



# Undisclosed Participation: Procedure 10

- Any action undertaken within the structure of the organization

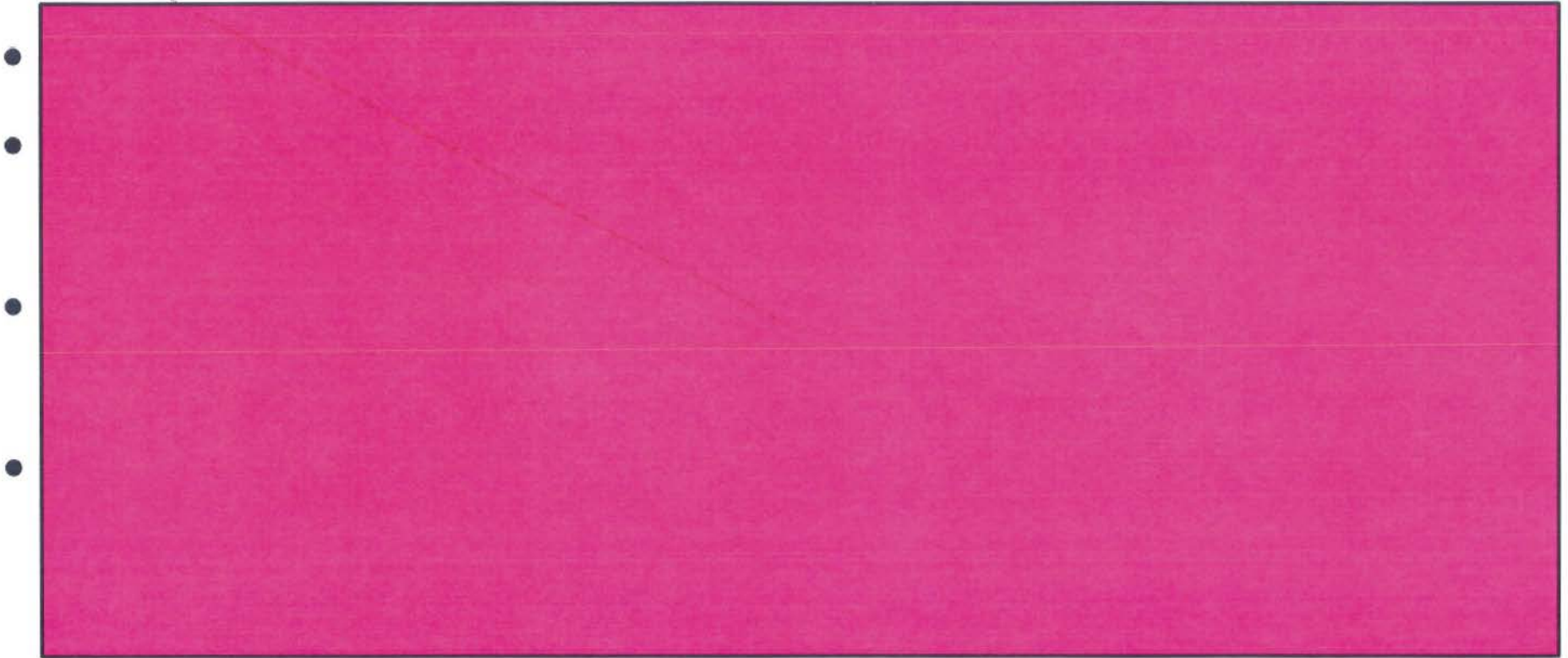
(b)(1),(b)(3):10  
USC 424,(b)(5),1.4  
(c)





# Permissible Purposes

(b)(3): 10 USC 424, (b)(3): 50 USC 3024(i), (b)(5)





# UDP Approval Authorities

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

(b)(3); 10 USC 424,(b)  
(3); 50 USC 3024(i),(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

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





# 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