

(U//FOUO) Attention, SIGINT Analysts: E.O. 12333 Transit Communications -- What Are They?

FROM: [redacted]
Deputy Chief, SID Oversight & Compliance (SV)
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(U//FOUO) Introduction: This article clarifies the difference between NSA's longstanding authority to collect "transit communications" and FISA Amendment Act (FAA) Section 702 authorizations.

(TS//SI//REL) In 1988, NSA received an "extra" measure of authority to collect communications contained in specific Executive Order 12333 wire communications obtained from service-provider accesses located in the United States. This extra measure of E.O. 12333 authority allows NSA to collect communications that transit the United States from a source located outside of the United States to a destination location also outside of the United States. Based on predetermined selection criteria, service providers identify and forward foreign communications transiting their networks for subsequent processing and selection. This supports transit content collection as well as transit-authorized bulk metadata.

(TS//SI//REL) This E.O. 12333 transit communications authority is different from the FISA Amendments Act Section 702 authorizations, which authorize NSA to acquire communications based on specific selectors about intelligence targets associated with a foreign power, foreign territory, foreign government, foreign-based political organization, individual(s) or group(s) engaged in international terrorism, or individuals or groups engaged in proliferating weapons of mass destruction.

(TS//SI//REL) The Office of Special Source Operations (SSO - S353) within SID accesses and exploits the E.O. 12333 transit communications, which include DNR and DNI (limited) traffic. There are three transit programs currently collecting E.O. 12333 transit communications: US-990, US-983, and US-3273. Data collected under SIGAD US-3251 prior to and including 17 May 2012 also falls under transit authority guidelines.

(TS//SI//REL) Analysts working with E.O. 12333 transit communications data: please review an informative slide deck, recently updated by SID and OGC, by clicking HERE or by accessing the S2 Analysis and Production website and selecting the "Transit Training Information" hyperlink. (Note: You must have an NSA TOP SECRET PKI certificate in order to access these slides.)

(U//FOUO) POC for this article: [redacted] ([redacted]), Communications Lead, SV.

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