

**U.S. Department of State
Bureau of Intelligence and Research
Presidential Policy Directive 28 – Policies and Procedures**

I. Introduction

Presidential Policy Directive 28 regarding signals intelligence activities (hereinafter “PPD-28”), issued January 17, 2014, articulates principles to guide why, whether, when, and how the United States conducts signals intelligence activities for authorized foreign intelligence and counterintelligence purposes. Specifically, Section 4 of PPD-28 sets forth principles for safeguarding personal information collected from signals intelligence activities and requires Intelligence Community (“IC”) elements to establish policies and procedures to apply such principles, consistent with technical capabilities and operational needs. This document constitutes the PPD-28 policies and procedures of the Bureau of Intelligence and Research (INR). INR is a bureau of the U.S. Department of State (the “Department”) but also an element of the Intelligence Community pursuant to Section 3 of the National Security Act of 1947, as amended, and Section 3.5(h) of Executive Order 12333, as amended.

INR provides independent analysis of events to Department policymakers drawing on all-source intelligence; ensures that intelligence activities support foreign policy and national security purposes; serves as the focal point in the Department for ensuring policy review of sensitive intelligence, counterintelligence, and law enforcement activities; serves in a liaison capacity for the Department with the IC; and represents the Department in a variety of intelligence-related fora.

II. General Provisions and Authorities

Pursuant to Section 1.7(i) of Executive Order 12333, as amended, INR is to “[c]ollect (overtly or through publicly available sources), analyze, produce, and disseminate information, intelligence, and counterintelligence to support national and departmental missions.”

INR is not authorized to conduct – and does not conduct – signals intelligence activities.

III. Safeguarding Personal Information Collected through Signals Intelligence

The following policies and procedures apply to INR’s safeguarding of personal information of non-U.S. persons collected through signals intelligence activities.¹ These policies and procedures do not apply to information collected through diplomatic reporting.

¹ These procedures do not alter the rules applicable to U.S. persons found in the Foreign Intelligence Surveillance Act, Executive Order 12333, INR’s guidelines approved by the Attorney General pursuant to Sec. 2.3 of Executive Order 12333, or other applicable law.

(A) *Minimization*

INR does not have access to unevaluated, raw, or unminimized signals intelligence, including signals intelligence collected in bulk, but it receives, from other IC elements, signals intelligence information² that has been evaluated, minimized, or otherwise included in finished intelligence products subject to – among other requirements – the provisions of PPD-28.³

(i) Dissemination

INR will disseminate personal information of non-U.S. persons collected through signals intelligence activities only if dissemination of comparable information concerning U.S. persons would be permitted under Section 2.3 of Executive Order 12333. INR will disseminate personal information concerning a non-U.S. person that is foreign intelligence only if the information relates to an authorized intelligence requirement and not solely because of the person's foreign status. Unless it possesses specific information to the contrary, INR will presume that any evaluated or minimized signals intelligence information it receives from other IC elements meets this standard. INR will disseminate such information in accordance with applicable Bureau and IC policies and procedures. For purposes of these policies and procedures, "dissemination" shall mean the transmission, communication, sharing, or passing of information outside of INR by any means, including oral, electronic, or physical.

(ii) Retention

INR will retain personal information of non-U.S. persons collected through signals intelligence activities only if retention of comparable information concerning U.S. persons would be permitted under Section 2.3 of Executive Order 12333. INR will retain personal information concerning a non-U.S. person that is foreign intelligence only if the information relates to an authorized intelligence requirement and not solely because of the person's foreign status. Unless it possesses specific information to the contrary, INR will presume that any evaluated or

² The sources of or methods of obtaining specific information contained in evaluated or finished intelligence products may not in all cases be evident to INR or to the Department as a recipient of such intelligence products.

³ Such PPD-28 provisions include those in Section 1, such as (i) the United States shall not collect signals intelligence for the purpose of suppressing or burdening criticism or dissent, or for disadvantaging persons based on their ethnicity, race, gender, sexual orientation, or religion; (ii) signals intelligence shall be collected exclusively where there is a foreign intelligence or counterintelligence purpose to support national or departmental missions and not for any other purposes; (iii) it is not an authorized foreign intelligence or counterintelligence purpose to collect foreign private commercial information or trade secrets to afford a competitive advantage to U.S. companies and U.S. business sectors commercially; and (iv) signals intelligence activities shall be as tailored as feasible. If INR suspects that signals intelligence disseminated to it may have been collected or disseminated in a manner inconsistent with PPD-28, it shall so notify appropriate officials at the IC element that disseminated the SIGINT.

minimized signals intelligence information it receives from other IC elements meets this standard. INR will retain such information in accordance with applicable record retention policies.

(B) Data Security and Access

Access to all personal information collected through signals intelligence activities – irrespective of the nationality of the person whose information is collected – is restricted to those personnel who have a need to access that information in the performance of authorized duties in support of INR or Department missions. Such information will be maintained in either electronic or physical form in secure facilities protected by physical and technological safeguards, and with access limited by appropriate security measures. Such information will be safeguarded in accordance with applicable laws, rules, and policies, including those of INR, the Department, and the IC.

Classified information will be stored appropriately in a secured, certified, and accredited facility, in secured databases or containers, and in accordance with other applicable requirements. INR's electronic system in which such information may be stored will comply with applicable law, Executive Orders, and IC and Department policies and procedures regarding information security, including with regard to access controls and monitoring.

(C) Data Quality

Personal information of both U.S. and non-U.S. persons collected through signals intelligence activities – when identifiable – shall be included in INR intelligence products only as consistent with applicable IC standards of analytic tradecraft as set forth in relevant IC directives.

(D) Oversight

INR's Director of Analytic Effectiveness shall review implementation of these policies and procedures annually, focusing particularly on relevant provisions of PPD-28 regarding privacy and civil liberties, and shall report to the Assistant Secretary regarding the application of the safeguards contained herein and in Section 4 of PPD-28 more generally, as applicable.

Instances of non-compliance with these policies and procedures shall be reported to the Director of Analytic Effectiveness, who shall report them to the Principal Deputy Assistant Secretary. The Principal Deputy Assistant Secretary, in consultation with the Office of the Legal Adviser (L/LEI) and Office of the Inspector General, as appropriate, shall determine what corrective actions are necessary, if any.

Significant instances of non-compliance with these policies and procedures involving the personal information of any person collected through signals intelligence

activities shall be reported promptly to the Assistant Secretary, who in turn will report them to the DNI pursuant to Section 4 of PPD-28.

IV. Training

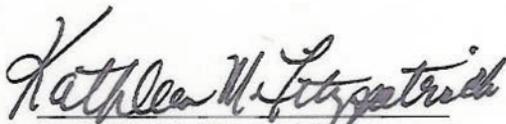
INR personnel whose duties require access to personal information collected through signals intelligence activities will receive annual training on the requirements of these policies and procedures.

V. Deviations from these Procedures

The Assistant Secretary of INR must approve in advance any departures from these procedures, after consultation with the Office of the Director of National Intelligence and the National Security Division of the Department of Justice. If there is not time for such approval and a departure from these procedures is necessary because of the immediacy or gravity of a threat to the safety of persons or property or to the national security, the Assistant Secretary or the Assistant Secretary's senior representative present may approve a departure from these procedures. The Assistant Secretary and the Office of the Legal Adviser will be notified as soon thereafter as possible. INR will provide prompt written notice of any such departures to the Office of the Director of National Intelligence and the National Security Division of the Department of Justice. Notwithstanding this paragraph, all activities in all circumstances must be carried out in a manner consistent with the Constitution and laws of the United States.

VI. Conclusion

These procedures are set forth solely for internal guidance within INR. Questions on the applicability or interpretation of these procedures should be directed to the Assistant Secretary, who shall determine such applicability or interpretation, in consultation with the Office of the Legal Adviser as appropriate.

Approved: 
Kathleen M. Fitzpatrick
Assistant Secretary, Acting
Bureau of Intelligence and Research

Date: 