

~~SECRET//COMINT//REL TO USA, AUS, CAN, GBR, NZL//20291123~~

~~(S//SI)~~ Department of Defense Supplemental Procedures Governing
Communications Metadata Analysis

Sec. 1: Purpose

~~(S//SI)~~ These procedures supplement the Procedures found in DoD Regulation 5240.1-R and the Classified Annex thereto. These procedures govern NSA's analysis of data that it has already lawfully collected and do not authorize collection of additional data. These procedures also clarify that, except as stated in section 3 below, the Procedures in DoD Regulation 5240.1-R and the Classified Annex thereto do not apply to the analysis of *communications metadata*.

Sec. 2: Definitions

~~(S//SI)~~ *Communications metadata* means the dialing, routing, addressing, or signaling information associated with a communication, but does not include information concerning the substance, purport or meaning of the communication. The two principal subsets of *communications metadata* are telephony metadata and electronic communications metadata.

(a) Telephony "metadata" includes the telephone number of the calling party, the telephone number of the called party, and the date, time, and duration of the call. It does not include the substance, purport, or meaning of the communication.

(b) For electronic communications, "metadata" includes the information appearing on the "to," "from," "cc," and "bcc" lines of a standard e-mail or other electronic communication. For e-mail communications, the "from" line contains the e-mail address of the sender, and the "to," "cc," and "bcc" lines contain the e-mail addresses of the recipients. "Metadata" also means (1) information about the Internet-protocol (IP) address of the computer from which an e-mail or other electronic communication was sent and, depending on the circumstances, the IP address of routers and servers on the Internet that have handled the communication during transmission; (2) the exchange of an IP address and e-mail address that occurs when a user logs into a web-based e-mail service; and (3) for certain logins to web-based e-mail accounts, inbox metadata that is transmitted to the user upon accessing the account. "Metadata" associated with electronic communications does not include information from the "subject" or "re" line of an e-mail or information from the body of an e-mail.

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~~(S//SI)~~ Contact chaining. Contact chaining is a process by which communications metadata is organized. It shows, for example, the telephone numbers or e-mail addresses that a particular telephone number or e-mail address has been in contact with, or has attempted to contact. Through this process, computer algorithms automatically identify not only the first tier of contacts made by the seed telephone number or e-mail address, but also the further contacts made by the first tier of telephone numbers or e-mail addresses and so on.

Sec. 3: Procedures

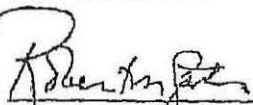
(a) ~~(S//SI)~~ NSA will conduct contact chaining and other communications metadata analysis only for valid foreign intelligence purposes.

(b) ~~(S//SI)~~ NSA will disseminate the results of its contact chaining and other analysis of communications metadata in accordance with current procedures governing dissemination of information concerning US persons. See Section 4.A.4 of the Classified Annex to Procedure 5 of DoD Regulation 5240.1-R.

(c) ~~(U//FOUO)~~ Any apparent misuse or improper dissemination of metadata shall be investigated and reported to appropriate oversight organization(s). See Procedure 15 of DoD Regulation 5240.1-R.

Sec. 4: Clarification


~~(S//SI)~~ For purposes of Procedure 5 of DoD Regulation 5240.1-R and the Classified Annex thereto, contact chaining and other metadata analysis do not qualify as the "interception" or "selection" of communications, nor do they qualify as "us[ing] a selection term," including using a selection term "intended to intercept a communication on the basis of . . . [some] aspect of the content of the communication."



Dr. Robert Gates
Secretary of Defense

10-19-07

Date

Approved by: 

Michael B. Mukasey
Attorney General
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1/3/08

Date

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