

# BUSINESS RECORDS

- The legal standard for a FISA Business Records court order remains the same:
  - ➔ "Reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation."



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## Relevance:

➤ Tangible things are presumptively relevant if they pertain to:

- A foreign power or an agent of a foreign power;
- The activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or
- An individual in contact with, or known to, a suspected agent of a foreign power who is the subject of such authorized investigations.



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- FISA Business Records Court Order:
  - Describe the tangible things with **sufficient particularity**;
  - Provide a **date for return** by which the items must be provided;
  - Allow a **reasonable period of time** for compliance;
  - The order may only require production of tangible things that would be available with a subpoena or court order (standard privileges apply).



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## □ Non-Disclosure Provision

- No person shall disclose the fact that the FBI has sought tangible things under this authority, with these exceptions:
  - Persons necessary for compliance;
  - An attorney for legal advice.