

BUSINESS RECORDS

□ Non-Disclosure

➤ If the business discloses the court order to others for purposes of compliance, the business must also inform those individuals of the non-disclosure requirement.

➤ The FBI may ask the business to identify those individuals to whom disclosure has been made (except the identity of an attorney consulted for legal advice).

BUSINESS RECORDS

□ Judicial Challenge of the court order

➤ The recipient of a FISA Business Record court order may challenge the legality of the order in the FISA Court.

➤ Relief may be granted only if the court order does not meet legal requirements.

BUSINESS RECORDS

□ Judicial challenge of non-disclosure

➤ 1 year after service of the court order, the recipient may challenge the non-disclosure provision

➤ If the non-disclosure provision is still necessary for national security, the FBI or AG can certify the need to continue the non-disclosure provision.

BUSINESS RECORDS

□ Minimization

- Within 180 days of enactment of the USA Patriot Reauthorization Act, the AG shall adopt minimization procedures governing retention and dissemination of FISA Business Record information, relating to unconsenting US Persons.