

[redacted] (OGC) (FBI)

From: Caproni, Valerie E. (OGC) (FBI)

Sent: Tuesday, March 01, 2005 7:04 PM

To: [redacted] (OCA) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

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Cc: [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI)

Subject: RE: Revised Response to SSCI Re: Data Mining Policy and Practice

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DATE 08-27-2007 BY 65179 DMH/BJA/CAL

3 comments:

1. I didn't get to this until after COB. Pat Kelley will be in on Wednesday and he should see it and be comfortable with the answer.
2. I have always heard the "General Crimes, Racketeering etc" guidelines called the "General Crimes Guidelines" and would suggest that be used as the defined term.
3. I would suggest the first 2 sentences of the next to the last paragraph of the letter be changed to read: "Acknowledging privacy concerns that may arise from FBI engaging in "data mining", the Director established the Information Sharing Policy Group, which is chaired by the E__A__D__s for Intel and admin. This group reviews requests for new data sets, the dissemination and access [I think they also deal with access] controls imposed on data sets, and new systems that permit analysis of large data sets."

I make that suggestion because otherwise the paragraph sets up a non sequitur. You introduce the ISPG as being connected to the development of new systems but then talk about data sets.

-----Original Message-----

From: [redacted] (OCA) (FBI)

Sent: Tuesday, March 01, 2005 4:01 PM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Cc: [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI); Caproni, Valerie E. (OGC) (FBI)

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Subject: RE: Revised Response to SSCI Re: Data Mining Policy and Practice

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Thanks. I just now returned to this. [redacted] thanks for your comments. I've implemented them, though I did not revise the IDW section (I think that section is explaining how it developed, not where it's headed, so I think it's OK from that standpoint) [redacted] pointed out this morning that IDW is a data mart, rather than an example of data mining. I will point that out to [redacted] but I think including it makes the "process" paragraph that follows it more logical, and I think the distinction between a data mart and a data mining vehicle will be lost on those who just think we are looking into citizens' lives too much.

[redacted] are you referring to [redacted] first comment? I think that if you had seen the rest of it, you'd be OK with these revisions. I had an OK idea when I started the paragraph, but I think [redacted] revision improves it.

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I've attached the latest version for the benefit of everyone except Pat, who will just be confused.

Because I understand from [redacted] that GC Caproni is very involved in this topic, and because we were seeking her review earlier today, I've copied GC Caproni. I'm happy to receive comments from

either DGC Kelley or GC Caproni. (I apologize for the miscommunication with GC Caproni earlier today. I was attempting to alert her that [redacted] and I had discussed several revisions [redacted] had recommended and, although I had made all the revisions we continued to agree were needed, I had not made all those noted in the earlier email provided to GC Caproni. Instead of clarifying the state of play, GC Caproni thought I was saying OCA was going to ignore OGC comments. That was, of course, not the case.)

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Thanks for your continued help.

[redacted]
Office of Congressional Affairs
JEH Building Room 7252
202 [redacted]

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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 01, 2005 3:44 PM
To: [redacted] (OGC) (FBI); [redacted] (OCA) (FBI)
Cc: [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI)
Subject: RE: Revised Response to SSCI Re: Data Mining Policy and Practice

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I'm coming into this from the top down of a big e-mail queue, so I haven't read nuthin and I apologize if I've missed all points and am just stating the obvious. But just to be sure, the unclas AGG expressly states it is not intended to be an exclusive list. Thus when it says FBI can do something for CT purposes, that does not mean we are prohibited from doing the something for other purposes.

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 01, 2005 12:17 PM
To: [redacted] (OCA) (FBI)
Cc: [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Revised Response to SSCI Re: Data Mining Policy and Practice

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Sue - The 5th paragraph starts out "In contexts that do not involve counterterrorism" the FBI can conduct topical research. Suggest changing that to something like "In addition, the FBI is authorized to carry out general topical research . . ." We can carry out general topic research in both CT and non-CT matters. Your introductory paragraph makes it sound like topical research only applies in the non-CT context.

Also - the paragraph regarding IDW - I think it is factual as written but I just want you to know that IDW will also be used for criminal and other authorized non-CT investigations as it evolves.

Finally, in the second to last paragraph - half way down - change "This process" to "The PIA process." I'm not sure what "this process" refers to. But I think the correct reference is to the PIA process.

-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Tuesday, March 01, 2005 9:04 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI)
Subject: Revised Response to SSCI Re: Data Mining Policy and Practice

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[redacted] and [redacted]

Thanks for working with me on the proposed response to SSCI re: data mining.

We had agreed on the following sentence as a way of avoiding some of the intricacies of data mining policy: "**When permitted by law, and appropriate to an authorized work activity,** information gleaned from searching non-FBI databases may be included in FBI systems and, once there, may be accessed by employees conducting searches in furtherance of other authorized activities."

Unfortunately, I couldn't get that to fly, since that was the crux of the Senator's inquiry.

Consequently, I've revised the letter to include AG Guideline language. Because it contains some classified content from the NSIG, the letter is now classified.

Could you review and let me know if **you have problems?** If so, we'll need to work them out quickly, since this is currently pending [redacted] review with a view toward getting it out today. I have obtained FTTTF, CIO, and OI approval for everything but the AG Guideline content, which I'm not going to run by them.

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Pat, I'll reflect the letter as approved by you (among others), so feel free to obtain additional review if you believe it necessary.

Thanks to you all.

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[redacted]
Office of Congressional Affairs
JEH Building Room 7252
202 [redacted]

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[redacted] (OGC) (FBI)

From: GRIGG, G. CLAYTON (CTD) (FBI)
Sent: Friday, February 18, 2005 1:06 PM
To: [redacted] (OGC) (FBI); TANNER, MARK A. (DO)(FBI)
Subject: RE: additions to IDW

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[redacted]

Thanks for your summary. I have not seen the DHS MOU and would love to see the link [redacted] I do not know if th [redacted] is governed by the DHS MOU. We will get all of the DHS data from FTTTF including the [redacted]

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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, February 18, 2005 11:18 AM
To: TANNER, MARK A. (DO)(FBI); GRIGG, G. CLAYTON (CTD) (FBI)
Subject: FW: additions to IDW

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Mark/Gervis - out of the list below of data requested to be included in IDW, I understand that items 1, 2, and 4 are governed by the new MOU with DHS regarding [redacted] data. Right? The [redacted] data is coming in separately and is not included in that MOU, right? Is there any MOU that governs our use of [redacted] data? I assume that Gervis will be getting the DHS data from FTTTF for entry into IDW?

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Gervis - have you seen the DHS MOU? If you give me an outside email address I can email it to you.

Thanks!

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, February 17, 2005 2:45 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC)(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: additions to IDW

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NON-RECORD

[redacted] as you are well awared, we'd have to ensure that the special requirements re [redacted] in the [redacted] are properly handled pursuant to the DHS MOU.

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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, February 17, 2005 1:20 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

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