



UNDER SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-5000

OCT 03 2023

**INTELLIGENCE
AND SECURITY**

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL
OPERATIONS/LOW INTENSITY CONFLICT
HEADQUARTERS UNITED STATES ARMY, DEPUTY CHIEF
OF STAFF FOR INTELLIGENCE G-2
DEPUTY CHIEF OF NAVAL OPERATIONS FOR
INFORMATION WARFARE/DIRECTOR OF NAVAL
INTELLIGENCE N2N6
UNITED STATES AIR FORCE DEPUTY CHIEF OF STAFF
FOR INTELLIGENCE, SURVEILLANCE,
RECONNAISSANCE, AND CYBER EFFECTS
OPERATIONS A2/A6
DIRECTOR OF MARINE CORPS INTELLIGENCE
UNITED STATES SPACE FORCE DEPUTY CHIEF OF SPACE
OPERATIONS FOR INTELLIGENCE S-2
UNITED STATES COAST GUARD INTELLIGENCE CG-2
JOINT STAFF, DIRECTOR FOR INTELLIGENCE J-2
DIRECTOR, NATIONAL SECURITY AGENCY/CHIEF,
CENTRAL SECURITY SERVICE
DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
DIRECTOR, DEFENSE INTELLIGENCE AGENCY
DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE
AGENCY

SUBJECT: Department of Defense Intelligence Community Element Compliance with
Executive Order 14086, "Enhancing Safeguards for United States Signals
Intelligence Activities"

Executive Order (E.O.) 14086, "Enhancing Safeguards for United States Signals
Intelligence Activities," dated October 7, 2022, further enhances the rigorous privacy and
civil liberties safeguards that apply to U.S. signals intelligence (SIGINT) activities,
reinforcing that such activities must take into account that all persons should be treated with
dignity and respect, regardless of their nationality or wherever they might reside, and that all
persons have a legitimate privacy interest in the handling of their personal information.
These additional safeguards include:

- A requirement that SIGINT activities be conducted only in pursuit of specific, enumerated objectives;
- A prohibition on conducting SIGINT activities for the purpose of pursuing specific, enumerated impermissible objectives;

- A requirement that SIGINT activities be conducted only following a determination, based on a reasonable assessment of all relevant factors, that the activities are necessary to advance a validated intelligence priority, and conducted only to the extent and in a manner that is proportionate to the validated intelligence priority for which they have been authorized; and
- An independent and binding mechanism enabling qualified individuals to seek redress for alleged violations of the protections established by the E.O.¹

Section 2(c)(iv) of the E.O. requires the head of each element of the Intelligence Community (IC) to update policies and procedures issued pursuant to Presidential Policy Directive (PPD)-28. These updates will be necessary to implement the privacy and civil liberties safeguards contained in the E.O.

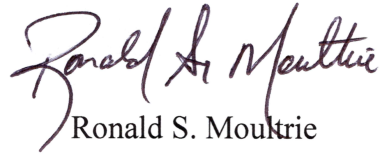
Pursuant to E.O. 12333, Section 1.3(12)(A)(i), the National Security Agency (NSA) is the IC's Functional Manager for SIGINT. On January 12, 2015, NSA published United States Signals Intelligence Directive 18 Annex, "Supplemental Procedures for the Collection, Processing, Querying, Retention, and Dissemination of Signals Intelligence Information and Data Containing Personal Information of Non-United States Persons" (Supplemental Procedures), which prescribes binding policy guidance for NSA/CSS personnel and other members of the United States SIGINT System. USD(I) Memorandum, "Department of Defense (DoD) Compliance with Section 4 of Presidential Policy Directive-28, 'Signals Intelligence Activity' of January 20, 2015, extended the Supplemental Procedures to all DoD Intelligence Community (IC) elements.

NSA has updated the Supplemental Procedures to implement the privacy and civil liberties safeguards contained in E.O. 14086. This Memorandum requires that DoD IC elements, except the National Reconnaissance Office, which has issued its own updated procedures, conduct SIGINT activities governed by E.O. 14086 in accordance with the Supplemental Procedures. DoD IC elements shall update any subsidiary element-specific guidance to reflect revisions to the Supplemental Procedures and must report to NSA, Office of the Under Secretary of Defense for Intelligence and Security, and the DoD Office of General Counsel upon completion of the updates.

DoD IC elements shall coordinate with NSA and DoD Office of General Counsel to develop and maintain training to ensure that all employees with access to personal information collected through SIGINT know and understand the E.O.'s requirements as implemented through the Supplemental Procedures, and the policies and procedures for reporting and remediating incidents of non-compliance with applicable United States law. Such training shall further ensure that each DoD IC element applies the Supplemental Procedures consistent with its authorities and mission requirements.

¹ (U) The definitions of "qualifying state," "qualifying complaint," and "covered violation" are set forth in E.O. 14086 and incorporated into these policies and procedures by reference.

This Memorandum revokes and replaces USD(I) Memorandum, “DoD Compliance with Section 4 of Presidential Policy Directive-28, ‘Signals Intelligence Activity’” of January 20, 2015.



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