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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

ES 2020-00158

MEMORANDUM FOR: Distribution

SUBJECT: (U) Declassification: Certain Facts Related to the Operation of the USA FREEDOM Act Call Detail Record Program

REFERENCES: A. Executive Order 12333, United States Intelligence Activities, as amended 30 Jul 2008
B. Executive Order 13526, Classified National Security Information 29 Dec 2009

(U//~~FOUO~~) On 28 January 2020, I received a public interest declassification request from the Privacy and Civil Liberties Oversight Board (PCLOB) with regard to certain facts found in their draft report concerning the operation of the USA FREEDOM Act Call Detail Record (CDR) Program. Pursuant to References A and B, and after consulting with the National Security Agency (NSA) and Federal Bureau of Investigation (FBI), I have declassified portions of the PCLOB draft report. The precise language that has been declassified is on file at Office of the Director of National Intelligence (ODNI) and will be made available upon request. The declassified information concerns the following facts related to the CDR Program, as detailed in the main body of PCLOB's draft report:

- The existence of NSA reporting derived from CDR data related to the 2016 Pulse Nightclub shooting;
- The existence of NSA reporting derived from CDR data related to the 2016 Ohio Machete attack;
- The fact that two of 15 NSA reports derived from CDR data resulted in FBI receiving unique information, resulting in one new FBI foreign intelligence investigation;
- Generic descriptions of the types of information found in other NSA reports derived from CDR data (e.g. a report concerned an "ISIS supporter");
- General facts concerning a 2016 incident in which relevant facts were unintentionally omitted from a Foreign Intelligence Surveillance Act application seeking CDR authority; and
- The fact that in its four years of operation, the CDR program cost the Intelligence Community "over \$100 million dollars".

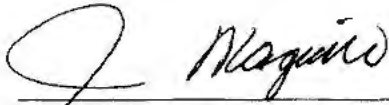
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(U) Departments and agencies shall ensure individual agency or program security
classification guides that may be affected are updated accordingly.

(U//~~FOUO~~) The ODNI point of contact for this effort is Mr. Gregory Koch, the Acting
Director of Information Management, and he may be reached at (b)(3), (b)(6) or
(b)(3), (b)(6).



Joseph Maguire
Acting Director of National Intelligence

Date

19 FEB 20

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