



RESPONSE TO CONGRESS:

SECRETARY OF DEFENSE REPORT ON FEDERAL DATA MINING PROGRAMS
WITHIN THE DEPARTMENT OF DEFENSE

Fiscal Year 2015

Preparation of this study/report cost the
Department of Defense a total of approximately
\$8,632.72 for Fiscal Year 2015

Generated on 2015 November 24 RefID USI003692-15

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Copy No. _____
Case No. 16-F-0722
SCI No. 16-SI-004
Document No. 1

(U) The Office of the Secretary of Defense is pleased to provide Congress this report pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007, entitled *The Federal Agency Data Mining Reporting Act of 2007* ("the Act").

(U) **Congressionally Directed Action Requirement:** This report responds to a congressional request for the Department of Defense to provide information on its data mining activities as directed by the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 804 of that legislation, the Data Mining Reporting Act, requires the head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining, as defined by the act, to submit a report on all such activities to Congress.

(U) **Background and Scope:** On August 3, 2007, President Bush signed into law the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 804 of that legislation, the Federal Agency Data Mining Reporting Act, requires annual reports on government data mining programs beginning 180 days from the Data Mining Reporting Act's enactment. This Fiscal Year (FY) 2015 report was prepared by the Office of the Under Secretary of Defense for Intelligence, in coordination with the Defense Privacy and Civil Liberties Division, and responds to the above requirement.

- (U) Each of the Department of Defense Components that engaged in data mining activities during FY 2015 was tasked to submit a report that contained the following information in accordance with Section 804:
 - (U) A thorough description of the data mining activity, its goals and, where appropriate, the target dates for the deployment of the data mining activity.
 - (U) A thorough description of the data mining technology that was or will be used, to include the basis for determination of whether a particular pattern or anomaly was indicative of terrorist or criminal activity.
 - (U) A thorough description of the data sources that were used.
 - (U) An assessment of the efficacy or likely efficacy of the data mining activity to provide accurate information consistent with and valuable to the stated goals and plans for the data mining activity.
 - (U) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.
 - (U) A list and analysis of the laws and regulations that govern the information collected, reviewed, gathered, analyzed, or used in conjunction with the data

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mining activity, to the extent applicable in the context of the data mining activity.

- (U) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to:
 - (U) Protect the privacy and due process rights of individuals, such as redress procedures; and
 - (U) Ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(U) **Department of Defense Response:** The report was developed from inputs from all relevant DoD Components, in coordination with the Defense Privacy and Civil Liberties Division. The report is separated into UNCLASSIFIED and CLASSIFIED responses.

(U) For the FY 2015 reporting period:

- (U) **Military Services:** The U.S. Army, U.S. Air Force, U.S. Navy, and U.S. Marine Corps reported they did not engage in any data mining activities as defined by the Federal Data Mining Activity Reporting Act of 2007.
- (U) **Combatant Commands:** The Joint Staff, U.S. Central Command, U.S. Pacific Command, U.S. Northern Command, U.S. Africa Command, U.S. Transportation Command, U.S. Strategic Command, U.S. Special Operations Command, U.S. Southern Command, U.S. European Command, and U.S. Forces Korea reported they did not engage in data mining activities as defined by the Federal Data Mining Activity Reporting Act of 2007.
- (U) **National Security Agency (NSA):** NSA reported it engaged in data mining as defined under definition contained in the Federal Data Mining Activity Reporting Act of 2007 pursuant to its mission for foreign intelligence purposes to include the detection of terrorist activities. NSA classified report is contained in Annex A.
- (U) **National Geospatial-Intelligence Agency (NGA):** NGA reported it engaged in data mining activities as defined under the definition of the Federal Data Mining Activity Reporting Act of 2007 in support of its mission to provide timely, relevant, and accurate geospatial intelligence in support of national security. The NGA classified report is contained in Annex B.
- (U) **Joint Improvised-Threat Defeat Agency (JIDA):** JIDA reported it engaged in data mining activities as defined under the definition of the Federal Data Mining Activity Reporting Act of 2007 to perform searches on data compiled from a variety

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of databases used by U.S. and coalition military forces. JIDA's unclassified report is contained in Annex C, and its classified report is contained in Annex D.

- **(U) Defense Intelligence Agency (DIA) and National Reconnaissance Office (NRO):** Both DIA and the NRO reported they did not engage in data mining activities as defined by the Federal Data Mining Activity Reporting Act of 2007.

(U) Conclusion: The Department of Defense has compiled this report for Congress in compliance with the Federal Data Mining Activity Reporting Act of 2007. The Department continues to ensure the effectiveness of data mining programs while protecting all applicable privacy and due process rights of individuals.

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