

WERE THE 58-61,000 INTERNET TARGETS PART OF NSA'S 73,000 TARGETS?

As I noted, Google, Yahoo, and Microsoft all released transparency reports today.

During the second half of 2012, Microsoft had FISA requests affecting 16,000-16,999 accounts, Google had 12,000 – 12,999. We don't have Yahoo's numbers for that period, but for the following six month period they had requests affecting 30,000 – 30,999 accounts; given that numbers for the other two providers dropped during this six month period, it's likely Yahoo's did too, so the 30,000 is conservative for the earlier period. So the range for the big 3 email providers in that period is likely around 58,000 – 60,997. [Update: Adding FaceBook would bring it to 62,000 – 64,996. h/t CNet]

I'd like to compare what they report with what this report on FISA Amendments Act compliance shows. I think pages 23 through 26 of the report show that NSA had an average of 73,103 selectors selected via NSA targeting on any given day during the period from June 1, 2012 to November 30, 2012. That's because the notification delays from the period (212 – see page 26) should be .29% of the average daily selectors (see amount on 23 less amount without the notification delays on page 34).

But remember: these are not the same measurement. The government report number is based on average daily selectors, so it reflects the total of selectors tasked on any given day. Whereas the providers are (I think the numbers must therefore show) the total number of customer selectors affected across the entire 6-month period, and they almost certainly weren't all tasked across the entire 6 month period (though some surely were).

There's one possible (gigantic) flaw in this logic. The discussion of the FBI targeting is largely redacted in the government memo. And there have been hints – pretty significant ones – that the FBI takes the lead with the PRISM providers. If so, these numbers are totally unrelated.

Also remember, there are at least two other kinds of 702 targeting: the upstream collection that makes up about 9% of the volume of 702 collection, and phone collection, which is going up again.

This would sure be a lot easier if the government actually backed its claims to transparency.