

INTERNET DRAGNET

This timeline provides known dates for the PRTT Internet dragnet, important related dates in the phone dragnet, upstream 702 collection, and SPCMA (overseas Internet dragnet). In addition, it provides links to the documents in this release; see this post for the listing of documents.

May 6, 2004: Jack Goldsmith opinion authorizes phone dragnet but not Internet dragnet.

Before July 14, 2004: Government applies for Internet dragnet. X. Application for Pen Register/Trap and Trace Devices for Foreign Intelligence Purposes, Y. Memorandum of Law and Fact in Support of Application for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes, Z. Declaration of General Michael V. Hayden, U.S Air Force, Director, NSA, in Support of Pen Register/Trap and Trace Application

July 14, 2004: Colleen Kollar-Kotelly approves Internet dragnet, specifies categories of metadata (Document A in 8/12 dump).

Before October 12, 2004: the government provides notice it exceeded scope included in first order, in follow-up declarations attributes overcollection to poor management (response probably includes Paul Wolfowitz, Michael Hayden, and Joel Brenner)

Around October 12, 2004: Government reapplies without some collection, promises monthly spot checks.

April 27, 2005: In briefing leading up to PATRIOT reauthorization, Alberto Gonzales makes no mention of PRTT Internet dragnet.

November 17, 2007: Executive begins (internal) approval process for contact chaining on already-collected data which will become SPCMA.

December, year uncertain: Another compliance problem due to typographical error; government asks FISC to adjust order, but Court refuses.

January 15, 2009: DOJ reports phone dragnet compliance problem to FISC.

Before March 5, 2009: Government submits 90 day report in conjunction with Internet dragnet reauthorization application. HH: Tab 1 Declaration of NSA Chief, Special Oversight and Processing, Oversight and Compliance, Signals Intelligence:

Before March 5, 2009 (placed earlier because typeface matches earlier FISC documents):
B. PRTT Primary Order: This is an Internet dragnet order signed by Reggie Walton, probably in early 2009, not least because it has some of the same features as Walton added to the phone dragnet with his March 5, 2009 order. It was turned over pursuant to FAA requirements on March 13, 2009.

January 28, 2009: Walton order in response to phone dragnet violations requires a report by February 15; Walton also orders NSA to check Internet dragnet for similar problems:

The Honorable Reggie B. Walton of this Court ordered the government to verify that access to the bulk PR/TT metadata complied with comparable restrictions, noting "the similarity between the querying practices and requirements employed"

February 15 (17), 2009: submission to FISC in phone dragnet notes NSA will conduct a similar review of other sensitive programs

SIGINT Director has directed similar reviews for some of the other sensitive activities NSA undertakes pursuant to its SIGINT authorities, to include certain activities that are regulated by the FISA, such as NSA's analysis of data received pursuant to the [redacted] If

the Agency identifies any compliance issues related to activities undertaken pursuant to FISC authorization, NSA will bring such issues to the attention of DoJ and the Court.

Unknown date: Application and statement. AA. Application for Use of Pen Register/Trap and Trace Devices for Foreign Intelligence Purposes, BB. Declaration of NSA Chief, Special FISA Oversight and Processing, Oversight and Compliance, Signals Intelligence Directorate.

Before February 25, 2009 (probably February 15): NSA alerts FISC of manual queries involving US persons who had been in contact with RAS approved selectors; Walton authorizes continued Internet dragnet surveillance; government announces End-to-End report on Internet dragnet. This appears to be M. Government's Response to a FISC Order and N. Declaration of Lieutenant General Keith B. Alexander, U.S. Army, Director, NSA, Concerning NSA's Compliance with a FISC Order.

February 25, 2009: Congressional notification regarding both phone and Internet dragnet programs; only one violation of Internet dragnet identified.

March 2, 2009: Walton phone dragnet order.

March 5, 2009: Submission to Congressional Committees on significant FISC filings, including both Section 215 and pen register; includes February 15 phone dragnet submission and March 2 order, probably includes Walton renewal of Internet dragnet.

March 31, 2009: DOJ lawyers do first spot check of PR/TT program; NSA's own systemic check had found nothing.

April 10, 2009: According to a notification to Congress, NSA had not yet found major violations in PR/TT.

May 7, 2009: Congressional

notification regarding implementation of Section 215 authority (does not mention Internet dragnet).

May 8, 2009: **Notice** to FISC of phone dragnet defeat list.

May 2-12, 2009: Quarantining of phone dragnet FISA derived defeat list terms.

Before May 29, 2009: NSA alerts FISC of using identifiers that met RAS but didn't have tie to foreign power, defeat list tech work (perhaps on May 8 in conjunction with same issue on phone dragnet side?).

Before May 29, 2009: NSA alerts FISC that number of reports is higher. K. **Supplemental Declaration of Chief, Special FISA Oversight and Processing, Oversight and Compliance, Signals Intelligence Directorate, the National Security Agency.**

May 29, 2009: Supplemental order requiring additional briefing on dissemination, master defeat list, and total number of reports.

C. **FISC Supplemental Order.** Walton appears to have approved a Primary Order at the same time.

June 12, 2009: NSA **alerts** Congress to Internet dragnet master defeat list.

June 16, 2009: NSA notifies of access by CIA, FBI, and NCTC to **both** the phone and Internet dragnet databases.

Before June 18, 2009: Government response to May 29 order on reporting. Includes L. **Government's Response to the FISC's Supplemental Order Requesting a Corrective Declaration** and H. **Declaration of NSA Chief, Special FISA Oversight and Processing, Oversight and Compliance, Signals Intelligence Directorate, the National Security Agency,**

June 18, 2009: Government response to May 29, 2009 order. Includes I. **Government's Response to the FISC's Supplemental Order,** J. **Declaration of NSA Chief, Special FISA Oversight and Processing, Oversight and Compliance, Signals**

Intelligence Directorate, the National Security Agency.

June 22, 2009: FISC Order on dissemination outside of NSA (phone dragnet version; Internet dragnet version; **combined**) Included in order (though this maybe production error) is supplemental Dragnet order approving use of defeat list, referencing document J.

June 25, 2009: Phone dragnet **End-to-End report**.

June 29, 2009: While providing phone dragnet End-to-End report (which still needed one new section), NSA **tells** Congress it has recently started Internet dragnet End-to-End report.

July 9, 2009: Walton **halts** production of some phone dragnet production (probably one provider who provided international data).

~July 2009: Pilot program on new SPCMA contact chaining **begins**.

August 19, 2009: **Phone dragnet submission** to FISC.

No later than August 27, 2009: Walton reapproval of Internet dragnet.

September 1, 2009: Briefing materials for FISC.

September 14, 2009: DOJ **provides** recommendations Feinstein and Bond asked for in March; also provides to Pat Leahy (claiming only that SSCI members aware of secret programs).

No later than November 25, 2009: Government submits new application in Internet metadata; after Walton expresses concern, government chooses not to submit final application.

October 5, 2009: House Judiciary Committee members Conyers, Nadler, Scott **only know** of problems with phone dragnet, not Internet dragnet.

October 19, 2009: FBI General Counsel Valerie Caproni **briefs** Senate Judiciary Committee members in closed session, and SJC and Senate Intelligence Committee staffers on PATRIOT's

expiring provisions.

October 21, 2009: Statement for the record before a Congressional Committee closed hearing on PATRIOT Reauthorization; no apparent mention of Internet dragnet.

Before October 31, 2009: DD: NSA's Pen Register Trap and Trace FISA Review Report,

Before October 31, 2009: Preliminary notice to FISC of over-collection. O. Preliminary Notice of Potential Compliance Incident.

Probably October 30, 2009: Supplemental order shutting down the dragnet. E. FISC Supplemental Order.

After October 31, 2009: EE: DOJ Report to the FISC NSA's Program to Collect Metadata, CC. Declaration Lieutenant General Keith B. Alexander, U.S. Army, Director, NSA, Concerning NSA's Implementation of Authority to Collect Certain Metadata.

November 2009: Per training program (page 15), date before which Internet dragnet data must receive special treatment (suggesting collection cut off in late October or November)

December 17, 2009: Letter to Conyers, Nadler, Scott refusing to make public more on Section 215; Letter to Intelligence Committee Chairs admitting phone and Internet dragnet

December 17, 2009: Latest possible date before Internet dragnet expired (120 days after June 22).

Before January 29, 2010: Government submits application substantially similar to July 2010 one. Bates meets with the government and they provide three letters answering his questions. U. First Letter in Response to FISC Questions Concerning NSA bulk Metadata Collection Using Pen Register/Trap and Trace Devices, V. Second Letter in Response to FISC Questions concerning NSA bulk Metadata Collection Using Pen Register/Trap and Trace Devices, W. Third Letter in Response to FISC

Questions Concerning NSA Bulk Metadata Collection Using Pen Register/Trap and Trace Devices.

January 29, 2010: John Bates letter asking for more information.

February 16, 2010: **Second Letter in Response to FISC Questions concerning NSA bulk Metadata Collection Using Pen Register/Trap and Trace Devices**, (Dates per Vaughn Index submitted with [this declaration.](#))

est. July 2010: Application that would lead to **Bates opinion** (**see post** for explanation on date). I believe that's what was released because of the Appendix with previous correspondence. Q: **Government's Application for Use of Pen Register/Trap and Trace Devices for Foreign Intelligence Purposes**. R. **Memorandum of Law and Fact in Support of Application for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes**, S. **Declaration of General Keith B. Alexander, U.S. Army, Director, NSA, in Support of Pen Register/Trap and Trace Application**, T. **Exhibit D in Support of Pen Register/Trap and Trace Application**. U. **First Letter in Response to FISC Questions Concerning NSA bulk Metadata Collection Using Pen Register/Trap and Trace Devices**: V. **Second Letter in Response to FISC Questions concerning NSA bulk Metadata Collection Using Pen Register/Trap and Trace Devices**, W. **Third Letter in Response to FISC Questions Concerning NSA Bulk Metadata Collection Using Pen Register/Trap and Trace Devices**.

July 2010: Bates issues his **opinion** and order. G. **FISC Memorandum Opinion Granting in Part and Denying in Part Application to Reinitiate, in Expanded Form, Pen Register/Trap and Trace Authorization**, F. **FISC Primary Order**.

July to August 2010: First of clarifying letters on dragnet order. FF: **Government's First Letter to Judge Bates to Confirm Understanding of Issues Relating to the FISC's Authorization to Collect Metadata**.

August 2010: Second clarifying letter on dragnet order. GG: **Government's Second Letter to Judge Bates to Confirm Understanding of Issues Relating to the FISC's Authorization to Collect Metadata:**

October 2010: Date after which PRTT data stored/treated differently (**see page 15**).

November 29, 2010: NSA **signs** management directive rolling out new metadata program.

December 1, 2010: In **notice to SSCI**, NSA references FISC opinion describing approved categories of Internet metadata; also reveals test geolocation program.

January 3, 2011: NSA rolls out **new contact-chaining approach**, using EO 12333 collected data without restrictions on either foreign intelligence purpose or nationality.

October 3, 2011: John Bates **rules** parts of upstream 702 unconstitutional.

Before October 6, 2011:
Government **considers** appealing Bates ruling.

October 13, 2011: Bates **issues** briefing order on illegally collected upstream data. Government responds by arguing 1809(a)(2) doesn't apply to it.

Unknown date (either fall 2009 or winter 2011):
NSA IG starts audit to ensure compliance with FISC order. NN: **NSA IG Memo Announcing its Audit of NSA's Controls to Comply with the FISA Court's Order Regarding Pen Register/Trap and Trace Devices.**

Unknown date (either fall 2009 or winter 2011):
NSA shuts down Internet dragnet audit because it was not applying for reauthorization. OO: **NSA IG Memo Suspending its Audit of NSA after the NSA's PRTT Metadata Program Expired.**

December 9, 2011: PRTT order **expires** without renewal, NSA **discontinues** PRTT Internet dragnet and destroys all data.

Late 2011: Government **decides** to start

mitigating upstream 702 data.

April 2012: Government orally informs Bates it will purge upstream 702 data collected prior to October 31, 2011.