

ATTORNEY GENERAL APPROVED U.S. PERSON PROCEDURES UNDER E.O. 12333

March 2021

Executive Order 12333, United States Intelligence Activities (available starting at page 693 at this [link](#)), establishes the Executive Branch framework for the country's national intelligence efforts, and for protecting privacy and civil liberties in the conduct of intelligence activities. It was originally issued by President Ronald Reagan in 1981. It was most recently revised and re-issued by President George W. Bush in 2008. ODNI released an [information paper](#) to explain the 2008 changes.

Part 1 of the Order lays out the various roles and responsibilities of our national security and intelligence elements of the Executive Branch. Restrictions on the conduct of intelligence activities are contained in Part 2 of the Executive Order. Definitions and general terms are addressed in Part 3. Under Section 2.3, Intelligence Community (IC) elements may collect, retain, and disseminate information concerning United States persons pursuant to procedures established by the head of the IC element and approved by the Attorney General after consultation with the DNI (also known as the "Attorney General Guidelines").

Over the last 10 years, IC elements, the Department of Justice, and the Office of the Director of National Intelligence have worked to update these Attorney General procedures. The updates have been designed to ensure that the protections for U.S. person information are appropriately designed to protect privacy and civil liberties the digital environment in which the Intelligence Community conducts its activities. Consistent with the [Principles of Intelligence Transparency](#), these procedures have been redrafted to be as unclassified as permissible and were proactively released to the public when they were completed.

For ease of reference to the public, the following table lists the dates on which each element's Attorney General procedures were approved and provides links to the procedures, if not classified.

IC Element	AG-Approved Procedures	Classification	Notes/Where Posted For Public
Central Intelligence Agency (CIA)	Central Intelligence Agency Intelligence Activities: Procedures Approved by the Attorney General Pursuant to Executive Order 12333 (January 17, 2017)	These documents are UNCLASSIFIED.	<p>The CIA's Attorney General procedures are available at: https://www.cia.gov/static/54871453e089a4bd7cb144ec615312a3/CIA-AG-Guidelines-Signed.pdf</p> <p>A statement on the release of the CIA's Attorney General procedures is available at: https://www.cia.gov/stories/story/statement-on-the-release-of-the-central-intelligence-agencys-updated-executive-order-12333-procedures/</p> <p>CIA's detailed overview of its Attorney General procedures is available at: https://www.cia.gov/static/100ea2eab2f739cab617eb40f98fac85/Detailed-Overview-CIA-AG-Guidelines.pdf</p>

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<p>Department of Defense (DoD) Intelligence Components¹</p>	<p>DoD Manual 5240.1, Procedures Governing the Conduct of DoD Intelligence Activities (August 8, 2016) provides the overall Attorney-General procedures for all DOD Intelligence Activities</p> <p>Signals Intelligence (SIGINT) Annex to DoD Manual (DoDM S-5240.01-A) (January 7, 2021), provides more specific procedures regarding SIGINT activities conducted pursuant to DoD's Attorney General procedures.</p>	<p>DoD Manual 5240.1 is UNCLASSIFIED.</p> <p>The SIGINT Annex is classified "SECRET//SI//REL TO USA, FVEY" but has been released in redacted form.</p>	<p>DoD Manual 5240.01 is posted by DoD is available at: https://dodsioo.defense.gov/Portals/46/DoDM%20%205240.01.pdf?ver=2016-08-11-184834-887</p> <p>The SIGINT Annex is available at: https://www.intelligence.gov/assets/documents/702%20Documents/declassified/Redacted%20Annex%20DODM%205240.01-A(1).pdf</p> <p>In addition, note that NSA also follows United States Signals Directive (USSID) SP0018, Legal Compliance and U.S. Persons Minimization Procedures (January 25, 2011). USSID 18 is classified "SECRET//SI." It has been published in redacted form: http://www.dni.gov/files/documents/1118/CLEANEDFinal%20USSID%20SP0018.pdf</p>

¹ National Security Agency (NSA), Defense Intelligence Agency (DIA), National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), and the intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps.

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Office of the Director of National Intelligence (ODNI) ²	Office of the Director of National Intelligence, Intelligence Activities Procedures Approved by the Attorney General Pursuant to Executive Order 12333 (December 23, 2020)	These documents are UNCLASSIFIED.	<p>The ODNI's Attorney General procedures are available at: https://www.intelligence.gov/assets/documents/702%20Documents/declassified/AGGs/ODNI%20guidelines%20as%20approved%20by%20AG%2012.23.20_OCR.pdf</p> <p>A statement on the release of the ODNI's Attorney General procedures is available at: https://www.dni.gov/index.php/newsroom/press-releases/press-releases-2021/item/2180-odni-releases-odni-attorney-general-procedures-for-conducting-intelligence-activities</p> <p>ODNI's detailed overview of its Attorney General procedures is available at: https://www.intelligence.gov/assets/documents/702%20Documents/declassified/AGGs/ODNI%20Attorney%20General%20Procedures%20Narrative%20Summary_OCR.pdf</p>
Federal Bureau of Investigation (FBI)	The Attorney General Guidelines for Domestic FBI Operations (September 29, 2008)	This document is UNCLASSIFIED.	<p>The FBI's Attorney General procedures are available at: http://www.justice.gov/sites/default/files/ag/legacy/2008/10/03/guidelines.pdf.</p>

² Section 1.7 of EO 12333 sets forth the duties and responsibilities of each IC element. These duties and responsibilities generally include collection, analysis, and dissemination of information to support that IC element's mission. Regarding collection of information, Section 1.7 provides that the following IC elements shall collect information "overtly or through publicly available sources": ODNI (including NCTC); DHS I&A; State INR; Treasury OIA; DEA ONSI; and Energy Office of Intelligence and Counterintelligence.

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Department of Homeland Security Office of Intelligence and Analysis (I&A)	Office of Intelligence and Analysis Intelligence Oversight Program and Guidelines (January 19, 2017).	This document is UNCLASSIFIED.	DHS I&A's Attorney General procedures are posted at: https://www.dhs.gov/sites/default/files/publications/office-of-intelligence-and-analysis-intelligence-oversight-program-and-guidelines.pdf
United States Coast Guard (USCG)- Intelligence and counterintelligence elements	Attorney General Guidance for Coast Guard National Intelligence Element Activities (an appendix to the Coast Guard National Intelligence Activities Instruction Manual) (December 23, 2020)	This document is UNCLASSIFIED	The U.S. Coast Guard's Attorney General procedures are available at: https://www.intel.gov/assets/documents/702%20Documents/declassified/AGGs/CIM_3820.12A_Final_26_JAN_21.pdf%20(CG%20Signature)_OCR.pdf A statement on the release of the U.S. Coast Guard's Attorney General procedures, including answers to frequently asked questions, is available at: https://www.intel.gov/index.php/ic-on-the-record-database/results/1037-assistant-commandant-for-coast-guard-intelligence-promulgates-procedures-for-conducting-intelligence-activities
Department of Energy, Office of Intelligence and Counterintelligence	Department of Energy Procedures for Intelligence Activities (January 17, 2017)	This document is UNCLASSIFIED	The Department of Energy's Attorney General procedures for intelligence activities are at: https://www.directives.doe.gov/files/department-of-energy-procedures-for-intelligence-activities/@@images/file

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Department of Treasury Office of Intelligence and Analysis (OIA)	<p><i>Pending issuance of final procedures, operating pursuant to:</i></p> <p>EO 12333 and statutory responsibilities of the IC element, as advised by supporting legal counsel.</p>	<p>When finalized, document will be UNCLASSIFIED</p>	<p>Not applicable.</p>
Department of State, Bureau of Intelligence and Research (INR)	<p>Department of State Guidelines for Intelligence Activities (August 15, 1989)</p>	<p>This document is UNCLASSIFIED.</p>	<p>The Department of State's Attorney General Guidelines for Intelligence Activities are available at: http://www.dni.gov/files/icotr/State%20Department%201989%20AG%20Guidelines.pdf.</p>

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<p>Drug Enforcement Administration, Office of National Security Intelligence (ONSI)</p>	<p><i>Pending issuance of final procedures, operating pursuant to:</i></p> <p>Guidance of the Office of Chief Counsel, other guidance, and:</p> <p>Attorney General approved “Guidelines for Disclosure of Grand Jury and Electronic, Wire, and Oral Interception Information Identifying United States Persons” (September 23, 2002);</p> <p>Attorney General approved “Guidelines Regarding Disclosure to the Director of Central Intelligence and Homeland Security Officials of Foreign Intelligence Acquired in the Course of a Criminal Investigation” (September 23, 2002).</p>	<p>The two specifically-referenced documents are UNCLASSIFIED</p>	<p>The Guidelines for Disclosure of Grand Jury and Electronic, Wire, and Oral Interception Information Identifying United States Persons are available on page 970 of the following document: https://www.dni.gov/files/documents/OGC/Summer%202016%20IC%20Legal%20Reference%20Book.pdf</p> <p>The Guidelines Regarding Disclosure to the Director of Central Intelligence and Homeland Security Officials of Foreign Intelligence Acquired in the Course of a Criminal Investigation are available on page 837 of the document available at this link: https://www.dni.gov/files/documents/OGC/IC%20Legal%20Reference%20Book%2020.pdf</p>