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AR 2-2A ANNEX A -- GUIDANCE FOR CIA ACTIVITIES OUTSIDE THE UNITED STATES (Formerly HR 7-1ANNA)

OGC - AGENCY REGULATION SERIES 2 (INTELLIGENCE ACTIVITIES) PUBLISHED ON 23 DECEMBER 1987

Regulation Summary

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I. (U) Policy

GUIDANCE FOR CIA ACTIVITIES OUTSIDE THE UNITED STATES

This annex is not in the usual Agency regulatory format and is printed to retain the original wording of the agreed procedures implementing Sections 2.3 and 2.4 of Executive Order 12333 approved by the Director of Central Intelligence and the Attorney General.

GUIDANCE FOR CIA ACTIVITIES OUTSIDE THE UNITED STATES

I. INTRODUCTION

A. *SCOPE*-Executive Order 12333 outlines the duties and responsibilities of CIA as well as limitations upon intelligence activities undertaken by the Agency. The Order reflects the requirements of the National Security Act of 1947, the CIA Act of 1949, and other laws, regulations, and directives, as well as intelligence policies. These revised procedures, which implement Sections 2.3 and 2.4 of the new Order, were prepared by CIA, were approved by the Attorney General, and are issued by the Director of Central Intelligence.

These procedures supersede all existing procedures addressing the same subject matter. However, employees must also comply with Agency regulations that reflect the requirements of the new Order and Agency policies regulating employee conduct abroad.

B. *PURPOSES*-These procedures are intended to:

1. Permit and encourage legitimate intelligence activities to the maximum extent possible so that an aggressive and effective intelligence effort may be carried out free of unnecessary restrictions;
2. Provide legal protection to employees who follow the procedures by providing authority for intelligence activities; and
3. Assure the American public and intelligence oversight mechanisms that all CIA activities outside the United States involving U.S. persons are lawful and related to legitimate intelligence objectives.

II. *RESPONSIBILITIES*-CIA is responsible outside the United States for:

- A. Collecting and disseminating foreign intelligence and counterintelligence, including information not otherwise obtainable;
- B. Conducting counterintelligence activities and coordinating counterintelligence activities by any other departments or agencies within the Intelligence Community;
- C. Collecting and disseminating intelligence on foreign aspects of narcotics production and trafficking;
- D. Conducting research, development (including testing), and procurement of technical systems and devices relating to authorized functions;

- E. Protecting the security of its installations, activities, information, property, and employees by appropriate means;
- F. Conducting Intelligence Community services of common concern as directed by the NSC;
- G. Conducting special activities in support of national foreign policy objectives abroad approved by the President and consistent with applicable laws;
- H. Coordinating the collection of intelligence information not otherwise obtainable;
- I. Conducting relationships with intelligence and security services of foreign governments and coordinating, in accordance with policies formulated by the DCI, foreign intelligence and counterintelligence relationships between other departments and agencies and the intelligence and security services of foreign governments; and
- J. Conducting administrative and technical support activities necessary to perform the functions described above.

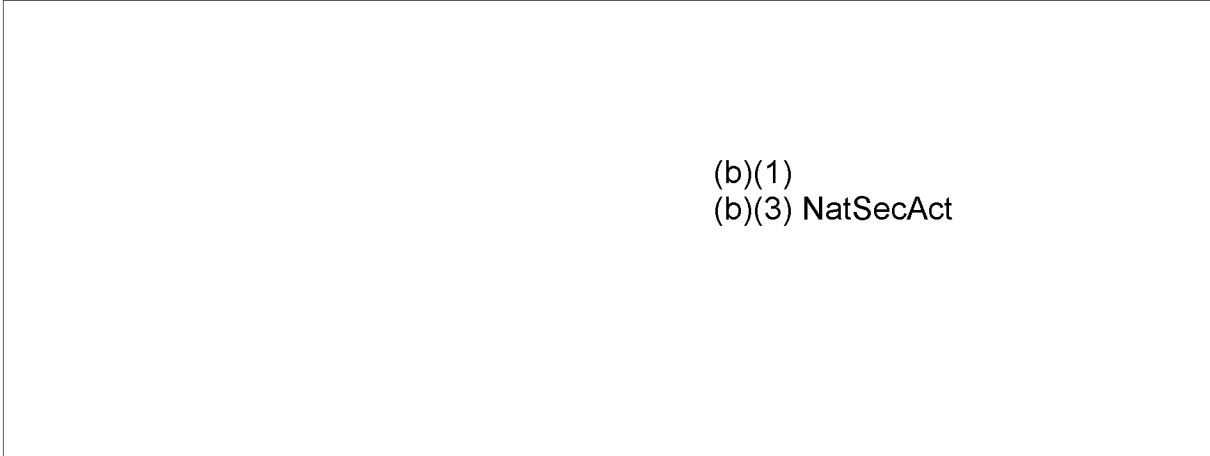
III. *AUTHORITIES*-All CIA activities outside the United States must be related to the responsibilities identified above and must be authorized as outlined in these procedures.

IV. *GENERAL PRINCIPLES*

A. *ACTIVITIES COVERED*-These procedures apply only to CIA activities abroad involving U.S. persons. There are no restrictions under these procedures on activities not involving U.S. persons. However, employees must also comply with existing Agency policies regulating employee conduct abroad.

B. *INDIVIDUALS TO WHOSE ACTIVITIES THESE PROCEDURES APPLY*-These procedures apply to the activities of all CIA employees, including individuals assigned to or acting for CIA, such as contractors and agents.

C



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(b)(3) NatSecAct

undertaken directly by CIA. (S)

D. *LEAST INTRUSIVE TECHNIQUE FEASIBLE*-A certain collection technique may be used only if a less intrusive technique cannot acquire intelligence of the nature, reliability, and timeliness required. As a rule,

[redacted] are less intrusive than [redacted]

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(b)(3) NatSecAct

E. *EMERGENCIES*

1. *LIFE OR PHYSICAL SAFETY*-Nothing in these procedures shall be construed to prohibit, where a person's life or physical safety is reasonably believed to be in imminent danger, the collection by

[redacted] (see (b)(1) (b)(3) NatSecAct

pages 8 and 9), retention, or dissemination of information concerning U.S. persons that is relevant to the danger or its prevention, reduction, or elimination, if the authority who must normally approve such activities is advised as soon as possible. (S)

2. *RISK OF INTELLIGENCE LOSS*-Nothing in these

procedures shall be construed to prohibit a CIA employee from [REDACTED]

[REDACTED], if the time required to secure prior approval would cause failure or significant delay in obtaining significant intelligence and an official who must normally approve such technique is advised as soon as possible. An emergency

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(b)(3) NatSecAct

[REDACTED] may not be used for this purpose unless there are facts and circumstances indicating that the subject U.S. person is an agent of a foreign power, the intelligence sought is significant, and the technique is not directed at an individual within the United States. Approval by the most senior official possible should be obtained if time permits. An emergency

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(b)(3) NatSecAct

[REDACTED] may not be conducted for more than 72 hours without approval of the Attorney General. ~~(S)~~

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(b)(3) NatSecAct

F. *ADMINISTRATION*-Nothing in these procedures shall prohibit collection, retention, or dissemination of information concerning U.S. persons necessary for administrative purposes (including contracting, building maintenance, construction, fiscal matters, internal accounting procedures, disciplinary matters, and investigations of alleged crimes or improprieties by Agency employees) by Agency components authorized to perform such functions.

V. *COLLECTION DIRECTED AT U.S. PERSONS*

A. *WHAT IS A U.S. PERSON?*- A U.S. person is a U.S. citizen, an alien known by CIA to be a permanent resident alien, an unincorporated association substantially composed of U.S. citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and

controlled by a foreign government. A *person or organization outside the United States may be presumed not to be a U.S. person, unless specific information to the contrary is obtained.* (See Annex C for complete definition.)

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(b)(3) NatSecAct

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(b)(3) NatSecAct

2. *APPROVAL AUTHORITY* requires
no approvals under these procedures.

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(b)(1)
(b)(3) NatSecAct

[Redacted]

(b)(1)
(b)(3) NatSecAct

3. *APPROVAL AUTHORITY*-A Chief of Station, Chief of Installation, Chief of Base, or other senior official specified in Appendix B may approve the use, on a case-by-case basis, of [Redacted]

(b)(1)
(b)(3) NatSecAct

[Redacted] directed at a U.S. person if the facts and circumstances available to him at the time indicate that one or more of the types of information described in paragraph 2 above may be obtained. Approving officials may consult with Headquarters prior to authorizing [Redacted]

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(b)(3) NatSecAct

and should advise Headquarters of any approvals to use such techniques. [Redacted] to collect foreign intelligence abroad may be approved only to obtain significant information that cannot reasonably be acquired by other means. [Redacted]

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(b)(3) NatSecAct

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(b)(3) NatSecAct

[Redacted] may not be used solely to acquire information about [Redacted]

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(b)(3) NatSecAct

[Redacted]

(b)(1)
(b)(3) NatSecAct

[Redacted]

(b)(1)
(b)(3) NatSecAct

a. Electronic surveillance (telephone surveillance, microphone surveillance, signals intelligence). Acquiring a communication with the consent of one of the parties to the communication or one of the parties visibly present is not electronic surveillance (See Annex C for complete definition.);

b. Monitoring

(b)(1)
(b)(3) NatSecAct

(See Annex C for complete definition.);

c. Unconsented physical searches (searches of real or personal property, including property entrusted to Agency employees or assets); and

(b)(1)
(b)(3) NatSecAct

d.

2 . WHEN MAY APPROVAL FOR

BE SOUGHT?-

Approval for directed at a U.S. person outside the United States

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(b)(1)
(b)(3) NatSecAct

may be sought if:

a. The facts and circumstances indicate that the person at whom the surveillance is directed is reasonably believed to be an agent of a foreign power (See Annex C for complete definition.);

b. The information sought is necessary and significant foreign intelligence or counterintelligence, and the purpose of the surveillance is to obtain such intelligence; and

c. The information cannot reasonably be acquired by

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(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

3 . **APPROVAL AUTHORITY**-Headquarters approval must be obtained prior to [redacted]

[redacted] outside the United States. The request will be forwarded through the General Counsel for his concurrence. Headquarters may permit use of [redacted]

(b)(1)
(b)(3) NatSecAct

[redacted] if Attorney General approval, based upon his finding of probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power, is obtained, or if, in the case of monitoring, the General Counsel determines that a warrant would not be required if undertaken for law enforcement purposes. (S)

(b)(1)
(b)(3) NatSecAct

4. **LIMITATION**-The warrantless opening of mail in U.S. postal channels is prohibited. (See Annex C for complete definition of mail in U.S. postal channels.)

[redacted]

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(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

5. [redacted] may be directed abroad at non-U.S. persons abroad [redacted]

[redacted]

(b)(1)
(b)(3) NatSecAct

VI. PROCESSING OF U.S. PERSON INFORMATION

A . RETENTION AND DISSEMINATION OF INFORMATION NOT DERIVED FROM [redacted]

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(b)(3) NatSecAct

[redacted] (b)(1)
(b)(3) NatSecAct

1. **RETENTION**-Information about a U.S. person that is not derived from [redacted] may

(b)(1)
(b)(3) NatSecAct

be retained if it falls within any one of the following criteria:

- a. The information is publicly available, consensual, or identifying information (see Part V.B.1. above).
- b. The information is foreign intelligence or counterintelligence; information concerning international terrorist activities; information concerning international narcotics activities; information needed to protect the safety of persons or organizations; information needed to protect foreign intelligence or counterintelligence sources and methods from unauthorized disclosure; information concerning personnel, physical, or communications security; information acquired by overhead reconnaissance; information that may indicate involvement in activities that may violate federal, state, local, or foreign laws; or information necessary for administrative purposes.

c.

(b)(1)
(b)(3) NatSecAct

d. The information is retained in such a manner that

it cannot be retrieved by reference to the person's name or other identifying data.

- e. The information is processed to delete the identity of the U.S. person and all personally identifiable information. In such cases a generic term which does not identify the U.S. person in the context of the information, such as "businessman," may be substituted.
- f. The information is (1) necessary for the purposes of oversight, accountability, or redress, (2) relevant to an administrative, civil, or criminal proceeding or investigation, (3) required by law to be retained, or (4) necessary to be retained for the purpose of determining that the requirements of these procedures are satisfied.

g. (b)(1)
(b)(3) NatSecAct

h. Such retention is necessary to a lawful activity of the United States, and the General Counsel, in consultation with the Department of Justice, determines that such retention is lawful.

i. Such retention is necessary for a reasonable period to determine whether the information falls within one of the categories above.

2. *DISSEMINATION*-Information about a U.S. person may be disseminated within CIA to employees who need to know the information in the course of their official duties and to each appropriate agency within the Intelligence Community for purposes of allowing the agency to determine whether the information is relevant to its responsibilities and can be retained by it. In addition, such information which may be

retained about a U.S. person in accordance with paragraph 1 above may be disseminated:

- a. To the President, the Vice President, the National Security Council, and Chiefs of Mission;
- b. To executive agencies and military departments which need the information to perform their lawful functions;
- c. To appropriate law enforcement agencies having jurisdiction or responsibility for the investigation or prosecution of activities to which the information relates, provided that no such information will be disseminated to the Law Enforcement Assistance Administration except through the FBI;
- d. To entities of cooperating foreign governments (including information obtained from lawful agency records checks for dissemination to these entities for any lawful purpose such as determining suitability for employment and immigration), provided they agree to such further restrictions on dissemination as may be necessary;
- e.

(b)(1) (b)(3) NatSecAct

- f. To governmental entities if the information was not used, knowingly retained, or processed within CIA, such as when the Agency acts as a mere conduit for information intended solely for other entities;
- g. To other recipients, if the subject of the information provides prior consent in writing; or

h. To other recipients, if such dissemination is necessary to a lawful activity of the United States, and the General Counsel, in consultation with the Department of Justice, determines that such dissemination is lawful. (S)

3. The identity of a U.S. person may be retained and disseminated along with information concerning him if the information qualifies for retention and dissemination under paragraph 1 or 2 above and if the identity is necessary or if it is reasonably believed that it may become necessary to understand or assess such information.

(b)(1)
(b)(3) NatSecAct

B. RETENTION AND DISSEMINATION OF INFORMATION DERIVED FROM [redacted]

[redacted] Information about a U.S. person [redacted]

(b)(1)
(b)(3) NatSecAct

[redacted] may be retained or disseminated if it qualifies under Appendix D. This Appendix applies to

(b)(1)
(b)(3) NatSecAct

(See Annex C for complete definition.)

[redacted] Information about a U.S. person derived from [redacted]

[redacted] should be carefully segregated, and special care should be taken that such information is processed in strict accordance with Part VI.A. above as well as [redacted] procedures approved by the Attorney General. (S)

(b)(1)
(b)(3) NatSecAct

VII. ADMINISTRATION AND EFFECTIVE DATE

- A. A person who is officially acting in the absence of an employee may exercise the powers of that employee.
- B. Authority granted to an employee, other than the General Counsel, may be exercised by any person who is senior in the Agency's channel of authority.
- C. Nothing in these procedures is intended to confer any substantive or procedural right or privilege on any person or organization.
- D. These procedures shall become effective seven days from the date they are approved by both the Attorney General and the DCI.

APPROVED

I approve the foregoing procedures in accordance with Executive Order 12333. In my opinion, intelligence activities conducted pursuant to and in accordance with these procedures are lawful.

3 June 1982 _____ /s/ William French Smith _____

Date Attorney General

I approve and establish the foregoing procedures in accordance with Executive

Order 12333.

17 June 1982 _____ /s/ _____ William J. Casey _____

Date Director of Central Intelligence