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Office of the Director of National Intelligence

2016 Data Mining Report

For the Period January 1, 2016, through December 31, 2016

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I. Introduction

The Office of the Director of National Intelligence (ODNI) provides this report pursuant to the Federal Agency Data Mining Reporting Act of 2007, section 804 of Public Law 110-53 (codified at Title 42 United States Code section 2000ee-3) (the “Data Mining Reporting Act” or the “Act”).

A. Scope

This report covers the activities of all ODNI components from January 1, 2016, through December 31, 2016. Consistent with the Act, constituent elements of the Intelligence Community (IC) will report their activities to Congress through their own departments or agencies. An annex provides summary information on an effort administered by the National Counterterrorism Center (NCTC) that does not meet the criteria for full reporting in this report.

B. Reporting Requirement

The Act requires that, each year, “the head of each department or agency of the Federal Government that is engaged in an activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency.”¹ The Act defines “data mining” as:

“... a program involving pattern-based queries, searches or other analyses of one or more electronic databases, where —

- 1) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;
- 2) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases;² and

¹ 42 U.S.C. § 2000ee-3(c)(1).

² As stated in prior reports, certain analytic tools and techniques, such as link-analysis tools, rely on “personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals,” such as a known or suspected terrorist, or other subject of foreign intelligence interest, and use various methods to uncover links or relationships between the known subject and potential associates or other persons with whom that subject has a “link” (a contact or relationship). Such tools and techniques are not considered to meet the “data mining” definition of the Act.

- 3) The purpose of the queries, searches, or other analyses is not solely — (i) the detection of fraud, waste, or abuse in a Government agency or program; or (ii) the security of a Government computer system.³

C. Report Content

In recent years, we have followed a format that we believe enhances clarity and readability. Specifically, Part II of the report describes activities that meet the definition of “data mining” under the Act, as well as programs that meet some, but not all, of the criteria defining “data mining.” We report the latter category of activities in the interest of transparency. Part III provides updates on programs included in the prior year’s report. Part IV of this report provides an overview of the Privacy and Civil Liberties infrastructure within which ODNI conducts its activities.

II. **New Activities**

The ODNI has undertaken the following reportable activities in the current report period.

A. Intelligence Advanced Research Project Activity (IARPA)

(i) Mercury Research Program

The Mercury Research Program began in 2016 and is expected to end in 2019. The program is developing and testing methods to forecast significant group-level and societal-level events, such as political instability, disease outbreaks, military mobilization, and terrorist activities. The Mercury Research Program is solely focused on using already collected, foreign Signals Intelligence (SIGINT) data for developing and testing forecasting methods. Research teams are evaluating entity extraction approaches and prediction models that are applicable to large volumes of streaming SIGINT data and that can be used to detect changes in patterns of communications that precede events of interest. The focus is not on individuals and particular entities; rather, the data is analyzed only in relation to data features as broadly defined. The Mercury Research Program does not generate individuals’ identities and therefore does not constitute data mining as defined in the statute, but has been reported in the interest of transparency.

B. Acquisition, Technology and Facilities (AT&F) Science and Technology (S&T)

(i) Community Video Analytics Lab (CVAL)

The CVAL is an activity led by the IC Video Collaboration Initiative (VCI) under ODNI/S&T. The VCI is a collaborative group of technical domain experts that serves to advance video analytic capabilities across the IC. The CVAL provides technical evaluations of video analytics capabilities and frameworks and manages a repository of

³ 42 U.S.C. § 2000ee-3(b)(1).

test data to support these evaluations. While neither the VCI nor CVAL constitute data mining, resulting advancements in video analytic technologies and capabilities across the community could potentially be applied to support data mining for the purpose of identifying terrorist or criminal actors in video records.

III. Updates on Previously Reported Activities

As previously discussed, this section provides updates on programs that were described in last year's report.

A. NCTC Threat Analysis

The NCTC continues to conduct "threat analyses" as described in the 2013 Data Mining Report. As noted in the 2013 report, this is an analytic technique to narrow the pool of information within NCTC databases that analysts will assess in response to specific threat reports. This technique does not meet all of the statutorily defined criteria for data mining, but has been reported in the interest of transparency.

B. IARPA

IARPA continues to invest in high-risk, high-payoff research programs that have the potential to provide the United States with an overwhelming intelligence advantage over future adversaries. As a scientific research funding organization, IARPA does not use, nor does it expect to make use of, data mining technology. IARPA programs are experimental by nature, and are designed to produce new capabilities, such as those described in previous reports and recapped here.

(i) Knowledge Discovery and Dissemination (KDD) Program.

The KDD program completed its final period in December 2014. Since the KDD program ceased operations and did not operate at all in 2016, it will no longer be reported.

(ii) Automated Low-level Analysis and Description of Diverse Intelligence Video (Aladdin Video) Program.

The Aladdin Video research program is in its final year.

The objective of the Aladdin Video program is to enable analysts to query large video data sets to quickly and reliably locate those video clips that show a specific type of event, thus automating a triage process that is currently performed manually. Although not "data mining," technologies that result from Aladdin Video research could potentially be applied by operational organizations to support capabilities that involve pattern recognition.

Aladdin Video research addresses three significant technical areas: (1) high-speed processing of large numbers of video clips to extract information needed to support generation of effective queries about each clip's contents; (2) generation of effective queries from small sets of example video clips and a textual description; and (3) robust

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query processing that identifies the clips of interest and summarizes the rationale for their selection. Aladdin Video research results have been evaluated by IARPA and the National Institute for Standards and Technology. In 2016, the Aladdin Video research phase ended and a 1-year transition phase began, to end in late 2017, to make Aladdin Video research software compatible with cloud computing.

(iii) Security and Privacy Assurance (SPAR) Program.

The SPAR program completed its final phase of research in June 2014. Since the SPAR program ceased operations and did not operate at all in 2016, it will no longer be reported.

IV. Protection of Privacy and Civil Liberties

The ODNI Office of Civil Liberties, Privacy, and Transparency (CLPT) works closely with the ODNI Office of General Counsel, ODNI components, and the IC elements to ensure that appropriate legal, privacy, and civil liberties safeguards are incorporated into policies, processes, and procedures that support the intelligence mission. CLPT is led by the Civil Liberties Protection Officer (CLPO), a position established by the Intelligence Reform and Terrorism Prevention Act of 2004. The duties of the CLPO are set forth in that Act, and include: “ensuring that the protection of civil liberties and privacy is appropriately incorporated in the policies of the ODNI and the IC; overseeing compliance by the ODNI with legal requirements relating to civil liberties and privacy; reviewing complaints about potential abuses of privacy and civil liberties in ODNI programs and activities; and ensuring that technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information.”⁵ In addition, the CLPO also serves as the ODNI’s Chief Transparency Officer and chairs the Intelligence Transparency Council, and leads and coordinates the IC’s efforts to enhance transparency. Before any innovative capabilities or technology could be used in an operational setting, the use of the capability or technology would need to be examined pursuant to Executive Order (EO) 12333, the Privacy Act, and other applicable requirements to determine how these tools could be used consistent with the framework for protecting U.S. persons (USP) information.

The IC has in place a protective infrastructure built in principal part on a core set of USP rules derived from EO 12333. This EO requires each IC element to maintain procedures, approved by the Attorney General, governing the collection, retention and dissemination of USP information. These procedures limit the type of information that may be collected, retained, or disseminated to the categories listed in part 2.3 of the EO. Each IC element’s Attorney General-approved USP guidance is interpreted, applied, and overseen by that element’s Office of General Counsel, Office of Inspector General, and other compliance offices as appropriate. Violations are reported to the Intelligence Oversight Board of the President’s Intelligence Advisory Board. In addition to EO 12333, IC elements are subject to the requirements of the Privacy Act, which protects information about U.S. citizens and permanent resident aliens that a government agency maintains and retrieves by name or unique identifier. The IC also conforms to policies and procedures under Presidential Policy Directive (PPD) 28, relating to protections for all personal information contained in SIGINT.

⁵ National Security Act of 1947, as amended by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), 50 U.S.C. § 403-3d.

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The IC's privacy and civil liberties protective infrastructure is bolstered further by guidance and directives issued by the Office of Management and Budget pertaining to the protection of personally identifiable information and the development, procurement, and operation of information technology systems that administer personally identifiable information.

Finally, the IC has developed and established two sets of principles that have been adopted as "foundational" to the IC mission: The Principles of Professional Ethics for the Intelligence Community, and the Principles of Intelligence Transparency for the Intelligence Community. These two sets of principles inform the IC's approaches to applying appropriate protections for the types of activities described in this report.

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