

WHAT IS 702 & WHY SHOULD I CARE?

★ The broad definition of 702 authority allows surveillance of just about anything. Do you follow social activists from another country on Facebook? Do you email professors abroad? Well, your emails + phone calls may be swept up in 702.

Section 702 of the FISA Amendments Act gives authority for the NSA and FBI to search internet traffic and phone calls for “for intelligence related to U.S. foreign affairs.”

Though billed as foreign surveillance only targeting non-U.S. persons who are not in the U.S., 702 programs have significant implications on U.S. citizens & domestic policing.

★ In 2015, the Foreign Intelligence Surveillance Court (FISC) ruled that 702 “sweeps up substantial quantities” of information concerning U.S. persons.

Section 702 expires on December 31, 2017.

Congress must ACT to either reform or reauthorize before then.

CONGRESS MUST REFORM 702 TO PROTECT OUR CIVIL RIGHTS

702 surveillance incidentally collects data on US citizens - *without a warrant*.

HOW 702 WORKS

A look at the two 702 programs we know the most about

702 Part 1 “Upstream”

NSA directly queries & collects data on the physical internet cables that run from the U.S. across oceans.

Both of these programs are granted warrants ONCE A YEAR by the FISA Court. These warrants are meant to provide broad discretion for the NSA to get as much information as possible about a given foreign policy objective (i.e. “the Taliban”)

NSA Databases

The NSA collects and retains the data whether it was incidentally collected or not. The NSA grants access to this data (minimized Upstream data and raw PRISM data) to other agencies in the intelligence community, including the FBI and CIA.

702 Part 2 PRISM

NSA compels privately owned internet service providers to query traffic on their platforms & then provide the results to them.

Internet Platforms include:

- Dropbox
- Apple
- AOL
- Facebook
- Microsoft
- Google
- Yahoo

? **How is your data incidentally collected?** Like drinking from a firehose, the NSA collects more records than it intends to. Most troublingly, upstream searches are non-specific. Instead of searching for specific email addresses or phone numbers, they can search the contents of communication for key words, which inevitably collects erroneous, extraneous communications.

U.S. CITIZEN DATA INCIDENTALLY COLLECTED WITHOUT A WARRANT CAN BE USED BY THE FBI TO OVER-POLICE & CRIMINALIZE COMMUNITIES OF COLOR

702 & THE FBI

FBI agents are able to search through this “foreign surveillance” to find evidence of *any* crime, whether or not it was related to foreign intelligence or not. This data then can be used to investigate and even as evidence in a trial. All without having to prove probable cause to obtain a warrant.

It can also inform some of the most rights-infringing, egregious FBI programs that target Americans on the basis of race, ethnicity, religion, and political opinions.

REFORMING 702 MATTERS TO THE CIVIL RIGHTS AND CIVIL LIBERTIES OF ALL AMERICANS INCLUDING ACTIVISTS AND PEOPLE OF COLOR, WHO ARE OFTEN THE TARGET OF DISCRIMINATORY SURVEILLANCE AND POLICING.

CONGRESS MUST ACT TO LIMIT THE SCOPE OF 702 SURVEILLANCE & RESTRICT ACCESS TO 702 DATA TO THE FBI.