
Using Domestic Networks to Spy on the World

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NSA Spying I

1. The Collection of Metadata

- Verizon – was ordered to hand over *all* metadata associated with *all* telephone communications originating or terminating within the United States (as well as calls wholly within the United States).
 - Authorized by the Foreign Intelligence Surveillance Court (FISC), a secret court established under the Foreign Intelligence Surveillance Act (FISA);
 - **Business records power** (section 215 of the USA PATRIOT Act, codified as [50 USC §1861](#))
 - Under the business records power, the U.S. Government can compel production of ‘**any tangible thing**’ reasonably believed to be relevant to an authorized investigation conducted for the purpose of obtaining **foreign intelligence**.

NSA Spying II

1. The PRISM requests: FISA orders intended to target non-American persons outside of the United States.
 - Reports suggest that PRISM information collection interfaces are designed to limit exposure of U.S.-based targets on a balance of probabilities: “designed to produce at least 51 percent confidence in a target’s foreignness.”
 - **General acquisition and interception power** (section 702 of FISA, codified as 50 USC §1881a):
 - This general acquisition and interception power allows U.S. government agencies to compel access –*possibly in real-time* – to information from a diverse range of communications and data processing services. This second power has played a central role in populating the PRISM program.
 - FISA is designed to protect the rights of “U.S. persons” (citizens, permanent residents, and others on U.S. soil) in the face of operations targeting foreigners. Privacy expert, Caspar Bowden, has gone so far as to say that U.S. foreign intelligence powers “offer[] zero protection to foreigners’ data in U.S. Clouds.”

NSA Spying III

- An additional leak provided further insight into the immense amount of data sets collected by the NSA on a monthly basis. For example, in March 2013 alone, it seems the NSA collected 97 *billion* pieces of intelligence from [computer networks worldwide](#), bringing new meaning to the term 'big data'.
 - According to the Guardian, the United Kingdom's NSA counterpart, the Government Communications Headquarters, apparently has had access to the PRISM database, generating 197 intelligence [reports in 2012](#) – far less than the 2,000 reports [per month](#) issued by the NSA, but still not an insubstantial amount.
 - This raises concerns as the PRISM database is populated through extra-ordinary NSA foreign intelligence powers that far exceed what most democratic governments would be allowed to accomplish under their own laws
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