

## Like FBI, NSA Overstepped Its Powers Under Patriot Act. .

from The Privacy Times

### WHO'S COUNTING? LEAKED NSA AUDIT REVEALS 2,776 VIOLATIONS IN ONE YEAR

The National Security Agency has broken privacy rules or overstepped its legal authority thousands of times each year since Congress amended the USA Patriot Act in 2008 to expand the agency's powers, according to an internal audit and other top-secret documents, obtained and reported on by The Washington Post.

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Most of the infractions involve unauthorized surveillance of Americans or foreign intelligence targets in the United States, both of which are restricted by statute and executive order. They range from significant violations of law to typographical errors that resulted in unintended interception of U.S. e-mails and telephone calls.

The Post reported that the NSA audit it obtained, dated May 2012, counted 2,776 incidents in the preceding 12 months of unauthorized collection, storage, access to or distribution of legally protected communications.

Most were unintended. Many involved failures of due diligence or violations of standard operating procedure. The most serious incidents included a violation of a court order and unauthorized use of data about more than 3,000 Americans and green-card holders, according to the story.

The documents, provided earlier this summer to The Washington Post by former NSA contractor Edward Snowden, included a level of detail and analysis that was not routinely shared with Congress or the special court that oversees surveillance. In one of the documents, agency personnel were instructed to remove details and substitute more generic language in reports to the Justice Department and the Office of the Director of National Intelligence, the newspaper reported.

“In one instance, the NSA decided that it need not report the unintended surveillance of Americans. A notable example in 2008 was the interception of a “large number” of calls placed from Washington when a programming error confused the U.S. area code 202 for 20, the international dialing code for Egypt, according to a “quality assurance” review that was not distributed to the NSA’s oversight staff,” it said.

In another case, the Foreign Intelligence Surveillance Court, which has authority over some NSA operations, did not learn about a new collection method until it had been in operation for many months. The court ruled it unconstitutional, The Post reported.

In a statement in response to The Post’s questions, the NSA said it attempted to identify problems “at the earliest possible moment, implement mitigation measures wherever possible, and drive the numbers down.” The government was made aware of The Post’s intention to publish the documents that accompany this article online.

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