



11.9.4. (U) Business Record Under FISA

A. (U) Legal Authority

(U) 50 U.S.C. §§ 1861-63

B. (U) Definition of Method

(U) A FISA order for business records is an order for a third party to produce documents,

records and other tangible information relevant to a predicated national security investigation.

FISA Business Record Orders may not be used to obtain information during a positive

foreign intelligence case if the material sought relates to a United States person. There is no "FISA-derived" impediment to the use of documents obtained pursuant to such orders.

C. (U//FOUO) Approval Requirements

(U//FOUO) All requests for FISA business record orders must be submitted to DOJ Office of Intelligence (OI), through FISAMS. Requests classified up to secret/collateral will be submitted through FISAMS on FBINET. Requests classified Top Secret and/or SCI are submitted through FISAMS on SCION. Field Offices not having SCION access must prepare a paper copy of the request form, route it for appropriate signatures and secure fax the request form to the FBIHQ substantive unit handling the request. The substantive unit will enter the request into FISAMS on SCION. In Field Offices not having SCION access, paper copies of Top Secret (TS) and/or Special Compartmentalized Information (SCI) requests for business records must be signed by the CDC, ASAC and the SAC.

D. (U) Duration of Approval

(U) Duration is established by the court order.

E. (U) Notice and Reporting Requirements

(U) There are no special notice or reporting requirements.

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