

PROC 4 FAQs

1. When used for an intelligence or intelligence-related purpose is intentionally collected automated air traffic data on American Airlines Flight 141 (AA141) from London to JFK, a U.S. person which would require marking, retention, and dissemination controls per DoDM 5240.01?

Answer: The air traffic data above is U.S. person information (USPI) because “American Airlines” fits the definition of “U.S. person” in DoDM 5240.01 and linking “American Airlines” to flight data ties that information to a specific U.S. person. The information in this example may be intentionally collected if the information is publicly available and reasonably believed to be necessary for the performance of an authorized intelligence mission or function assigned to the Component. Retention and dissemination rules in Procedures 3 and 4 apply.

2. May I collect, retain, and disseminate publicly available U.S. person information?

Answer: Since publicly available U.S. person information falls within one of the 13 categories in DoDM 5240.01, paragraph 3.2.c., it may be intentionally collected if the information sought is reasonably believed to be necessary for the performance of an authorized intelligence mission or function. Regardless of whether the information is intentionally or incidentally collected or voluntarily provided, it must be evaluated, after collection, for permanent retention in accordance with DoD Manual 5240.01, paragraph 3.3.e. If the USPI is properly collected and retained, it is eligible for dissemination in accordance with DoD Manual 5240.01, paragraph 3.4.c.