

UNCLASSIFIED - FOR OFFICIAL USE ONLY
Domestic Investigations and Operations Guide

16. (U) Undisclosed Participation (UDP)

16.1. (U) Overview

(U//FOUO) Undisclosed participation (UDP) takes place when anyone acting on behalf of the FBI, including but not limited to an FBI employee or confidential human source (CHS), becomes a member or participates in the activity of an organization on behalf of the U.S. Government without disclosing FBI affiliation to an appropriate official of the organization.

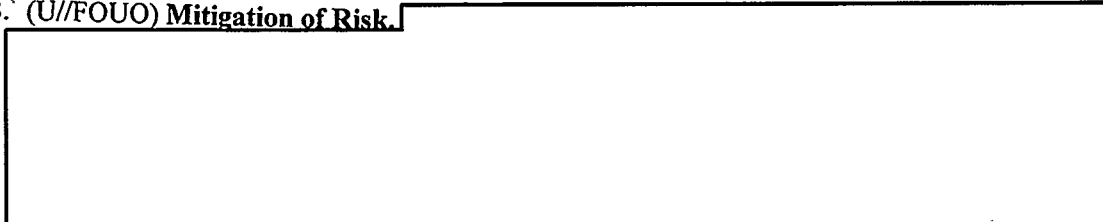
A. (U) **Authorities.** The FBI derives its authority to engage in UDP in organizations as part of its investigative and intelligence collection missions from two primary sources..

(U) First, Executive Order (E.O.) 12333 broadly establishes policy for the United States Intelligence Community (USIC). Executive Order 12333 requires the adoption of procedures for undisclosed participation in organizations on behalf of elements of the USIC within the United States. Specifically, the Order provides "... [n]o one acting on behalf of the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of the any element of the Intelligence Community without first disclosing such person's intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the Intelligence Community element concerned Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the Intelligence Community element head or designee." (E.O. 12333, Section 2.9, Undisclosed Participation in Organizations Within the United States). The Order also provides, at Section 2.2, that "[n]othing in [E.O. 12333] shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency."

(U) Second, in addition to its role as member of the USIC, the FBI is also the primary criminal investigative agency of the federal government with authority and responsibility to investigate all violations of federal law that are not exclusively assigned to another federal agency. This includes the investigation of crimes involving international terrorism and espionage. As a criminal investigative agency, the FBI has the authority to engage in UDP as part of a predicated investigation or an assessment.

(U//FOUO) The FBI's UDP policy is designed to incorporate the FBI's responsibilities as both a member of the USIC and as the primary criminal investigative agency of the federal government and, therefore, applies to all investigative and information collection activities of the FBI. It is intended to provide uniformity and clarity so that FBI employees have one set of standards to govern all UDP. As is the case throughout the DIOG, however, somewhat different constraints exist if the purpose of the activity is the collection of positive foreign intelligence that falls outside the FBI's law enforcement authority. Those constraints are reflected where applicable below.

B. (U//FOUO) **Mitigation of Risk.**



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16.2. (U) Purpose, Scope, and Definitions

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16.3. (U) Requirements for Approval

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B. (U//FOUO) Specific Requirements for General Undisclosed Participation (Non-sensitive UDP):

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16.4. (U) Supervisory Approval Not Required

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16.6. (U) Requests for Approval of Undisclosed Participation

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16.7. (U) Duration

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16.9. (U//FOUO) UDP EXAMPLES

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