

XKeyscore – das Dokument

Wir dokumentieren die Übereinkunft zwischen NSA und Verfassungsschutz im Wortlaut.

VON | 26. August 2015 - 18:12 Uhr

[Read the English version of this article here.](#)

Das folgende Dokument ist die wörtliche Abschrift einer Übereinkunft, die zwischen National Security Agency, Bundesnachrichtendienst und Bundesamt für Verfassungsschutz geschlossen wurde. Die drei Dienste haben sie im April 2013 unterzeichnet und darin geregelt, unter welchen Bedingungen der Verfassungsschutz die Software XKeyscore von der NSA bekommt.

Die Übereinkunft war bislang nicht öffentlich. Abzuwägen war, ob es gerechtfertigt ist, das Dokument in seinem Wortlaut bekannt zu machen.

Wir dokumentieren die Übereinkunft, weil sich die Öffentlichkeit damit selbst ein Bild davon machen kann, welchen Preis deutsche Nachrichtendienste zahlen müssen, wenn sie Hilfe von ihren amerikanischen Kollegen wollen.

Wir dokumentieren sie, weil die Übereinkunft die Gefahr birgt, dass Grundrechte deutscher Staatsbürger verletzt wurden und das Risiko besteht, dass dieser Zustand noch immer nicht beseitigt ist.

Wir dokumentieren sie, weil sie exemplarisch ist für eine ganze Reihe von Abkommen, die ohne detaillierte Unterrichtung der parlamentarischen Kontrollgremien und ohne Chance auf eine Debatte im politischen oder öffentlichen Raum geschlossen wurden. So bleibt unklar, wer die politische Verantwortung trägt.

SOFTWARE GEGEN DATEN

Interne Dokumente belegen, dass der Verfassungsschutz vom amerikanischen Geheimdienst NSA die begehrte Spionagesoftware XKeyscore bekam. Dafür versprachen die Verfassungsschützer, so viele Daten aus deutschen G-10-Überwachungsmaßnahmen an die NSA zu liefern, wie möglich.

Lesen Sie dazu:

Der Datendeal: [Was Verfassungsschutz und NSA miteinander verabredeten](#) – was Parlamentarier und Datenschützer dazu sagen

Read the english version here: [A Dubious Deal with the NSA](#)

Dokument: [Die Übereinkunft zwischen Verfassungsschutz und NSA im Wortlaut](#)

Read the english version here: [XKeyscore - the document](#)

Erläuterung der im Dokument verwendeten Abkürzungen:

S – secret, geheim

SI – SigInt, Signals Intelligence, Aufklärung elektronischer Signale

COMINT – Communication Intelligence, Fernmeldeaufklärung

REL TO – release to, freigegeben für

FOUO – for official use only, Nur für den Dienstgebrauch, niedrigste Geheimhaltungsstufe

U – unclassified, nicht geheim

Das Dokument:

SECRET/SI/REL TO USA, DEU

(S/SI) Terms of Reference between the Bundesnachrichtendienst Sigint Department and the Bundesamt für Verfassungsschutz of the Federal Republic of Germany and the United States National Security Agency for the XKeyscore Computer Network Exploitation Software

I. (U) Purpose

A (S/SI) This Terms of Reference (TOR) is entered into between the Bundesnachrichtendienst (BND) and the Bundesamt für Verfassungsschutz (BfV) of the Federal Republic of Germany and the National Security Agency (NSA) of the United States of America for the purpose of establishing certain obligations for the BND, the BfV and the NSA. It delineates an agreement made in June 2012 to provision the BfV, through the BND, with the NSA-developed XKeyscore computer network exploitation software to improve the BfV's processing analytic capability to encounter extremist threats and, to the maximum extent possible, share all data relevant to NSA's mission.

B (U) Rights to an invention provided under this TOR shall be governed by the treaty between the U.S. and the Federal Republic of Germany, entitled Interchange of Patent Rights and Technical Information for Defense Purposes, signed January 4, 1956.

C (U) This TOR is not intended to create any legally enforceable rights and shall not be construed to be either an international agreement or a legally binding instrument according to international law.

II. (U) Software Description

A (S/SI) XKeyscore is a computer network exploitation system that combines high-speed filtering with Sigint Development (Sigdev). XKeyscore performs filtering and selection to enable analysts to quickly find information they need based on what they already know. It also performs Sigdev functions such as target development to allow analysts to discover new sources of information.

III. (U) Responsibilities

A (U) NSA will:

1. (S/SI) Provide the BND with XKeyscore software with the understanding that this software will be transferred to the BfV.

2. (S/SI) Collaborate with the BND and the BfV on analytic methodologies and provide support for complex problems with the software.

B (U) BND will:

1. (U/FOUO) Provide system installation, operations, maintenance and training support to the BfV.

2. (U/FOUO) Agree that, absent the prior written authorization of the NSA, it will not export, re-export, or transfer any technical information or equipment regarding XKeyscore that is furnished under this TOR.

C (U) BfV will:

1. (S/REL) Be responsible for all costs related to the acquisition of the necessary hardware and software necessary to successfully implement the XKeyscore software as a processing and analysis solution.

2. (U/FOUO) Agree that, absent the prior written authorization of the NSA, it will not export, re-export, or transfer any technical information or equipment regarding XKeyscore that is furnished under this TOR.

3. (U/FOUO) Utilize XKeyscore in a manner consistent with German law and in a manner reasonably likely not to result in the targeting of U.S. persons. The term U.S. persons includes U.S. citizens, an alien lawfully admitted for permanent residence in the U.S., unincorporated groups and associations a substantial number of the members of which are U.S. citizens or resident aliens, or corporations incorporated in the U.S., including U.S. flag nongovernmental aircraft or vessels, but not including those entities which are openly acknowledged by a foreign government or governments to be directed and controlled by them.

4. (S/SI) Ensure that the information processed via XKeyscore will not be used in a judicial or administrative proceeding that is based solely on activities that if conducted by a United States person would be protected by the United States Constitution and Amendments thereto and is in accordance with German law.

5. (U/FOUO) To the maximum extent possible share all data relevant to NSA's mission.

IV. (U) Review and amendments

A (S/SI) The BND, the BfV and the NSA agree that the parties through mutual discussion, cooperation or separate agreement shall resolve all disputes or disagreements concerning this TOR. The parties agree that they will not attempt to enforce the terms of this TOR

in any domestic, foreign, third party or international court or tribunal, nor will they refer disputes or disagreements for resolution in accordance with any international or third party law or procedure.

B (S/SI) This TOR constitutes the entire agreement between the BND, the BfV and NSA to implement the support for the XKeyscore software. Modifications to this TOR shall not be valid unless agreed to in writing by the parties. This TOR shall be classified SECRET/COMINT by all three parties. The BND, the BfV and the NSA agree that no third party shall be made aware of this TOR without the express written consent of the other parties.

C (S/SI) This TOR shall become effective as of the date of the last signature and will be reviewed at least every two years. It may be modified only by mutual written consent of the parties. Termination shall be by mutual agreement in writing. This document may also be terminated unilaterally by either party upon written notice to the other parties via certified mail.

V. (U) Funding

A (U) While no consequential costs are expected, each party will bear all unexpectedly occurring costs by this TOR for the respective party.

VI. (U) Points of contact

(S/SI) The NSA point of contact for this agreement is the Technical Liaison Manager. The BND point of contact is the XKeyscore Liaison Manager. The BfV point of contact is the Head of the Lawful Interception Group.

In witness wherefor each of the parties mutually agrees to the above and has executed with the full intention of being bound thereby.

VII. (U) Signatures

For the Bundesnachrichtendienst
Pauland, SIGINT Director, 08.04.2013

For the National Security Agency
(unleserlich), SIGINT Director, 26.04.2013

For the Bundesamt für Verfassungsschutz
(unleserlich), BfV Director, 05.04.2013

COPYRIGHT: ZEIT ONLINE

ADRESSE: <http://www.zeit.de/digital/datenschutz/2015-08/xks-xkeyscore-vertrag>