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-- ~~(S//SI)~~ NSA Inspector General Activity: (b)(3):P.L. 86-36

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(b)(1),(b)(3): 18 U.S.C. § 798; (b)(3): 50 USC § 403(g) Section 6; (b)(3):P.L. 86-36

-- ~~(FOUO)~~ Unauthorized Request for Civilian Telephone Transaction and Toll Records: A Special Agent assigned to a unit under the U.S. Army's Intelligence and Security Command inappropriately requested civilian telephone transaction records/toll records, from a private telecommunication company, in violation of U.S. Code 18, Section 2709. Section 2709 specifically authorizes the FBI to request such records for CI access and prohibits communication companies from notifying anyone, including the customer, that any request was made or that records were provided. The law does not allow the Army to make requests for these records directly to a communication company. The investigation revealed the Special Agent made three direct requests; one was honored and two others were pending-- information that had been provided was destroyed when the violation was discovered. The Army investigation determined the requests had been coordinated with the local FBI field office. However, neither the Army unit nor the FBI Field Offices were aware that these requests had to be made by the FBI. As a result of the investigation, the Army's investigative handbook has been updated to clarify the ambiguity. The Army also provided a copy of its investigation to FBI Headquarters with the recommendation that the FBI advise its offices of the proper procedures for such requests.

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