

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/03/2006

To: General Counsel

Attn: National Security Law Branch
Counterterrorism Law Unit
Room 7975

Inspection Division

Internal Investigations
Section (IIS)

Counterterrorism

SSA [REDACTED]
ITOS I, CONUS I, Team 3

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[REDACTED]

SSA [REDACTED]
ASAC [REDACTED]
CDC [REDACTED]

From: [REDACTED]

Contact: [REDACTED]

Approved By: [REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [REDACTED]

Case ID #: (U) 278-HQ-C1229736-VIO-1716
(U) 278- [REDACTED] 76104 -428
(S) [REDACTED]

DATE: 05-30-2007
CLASSIFIED BY 65179/DMH/KSP/RW
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

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Title: (U) REPORT OF POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTER

1073946

SSA [REDACTED]
TFO [REDACTED]

Synopsis: (U) Report of a potential IOB matter to the National Security Law Branch (NSLB), Counterterrorism Law Unit (CLU), and the Inspection Division (ID) Internal Investigations Section (IIS), as required in the 2/10/2005, Inspection Division's EC to All Divisions entitled "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters".

~~SECRET~~

SC Miller
CRS [REDACTED]

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NSL VIO-1156

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

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(U) ~~(S)~~

~~Derived From: G-3~~
~~Declassify On: X1~~

(S)

Administrative: (S)

(U) ~~(S)~~ Details: As directed in the Inspection Division's EC dated 2/10/2005, the following is being reported to the NSLB, CLU, and to the ID, IIS, as a potential IOB matter:

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b7C ~~(S)~~ 1. Identification of the substantive investigation in which the questionable activity occurred.

(S)

(S) 2.

(S)

~~(S)~~ 3. Identification of the subject's status.

(S)

(U) ~~(S)~~ 4. Controlling administrative requirement.

(S)

~~SECRET~~

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

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(C) ~~(S)~~ 5. Error believed committed.

~~(S)~~

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[REDACTED] identified the fact that the telephone [REDACTED] reassigned to another customer. [REDACTED] was ceased immediately and all appropriate actions were taken pursuant to FBI policy.

(U) ~~(S)~~ Synopsis of investigation:

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(S)

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~~(S)~~

[REDACTED] confirmed via National Security Letter results from [REDACTED]

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(S)

(S)

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~~(U)~~

~~SECRET~~

~~SECRET~~

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

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(S) [redacted]
[redacted]

(S) [redacted]
[redacted]

(S) [redacted]
[redacted]

(S) [redacted]
[redacted]

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(S) [redacted]
[redacted]

(S) [redacted]
[redacted]

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b7C (U) On 9/27/2006 at approximately 10:30 a.m., [redacted] notified
SSA [redacted] at ITOS I, CONUS I of the above information.

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b7E (S) On 9/27/2006 at approximately 10:40 a.m., [redacted]
b2 discontinued [redacted] No
b7E information [redacted] was ever entered [redacted]
b1 [redacted]

(S) On 10/3/2006, SSA [redacted]
b6 [redacted] and this writer spoke with SSA [redacted]
b7C [redacted]
b1 [redacted] turned
b2 over to CDC [redacted] on this date.
b7E [redacted]

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To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

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Errors believed committed.

(S) The above error [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED] was first identified by the TFO [REDACTED]
[REDACTED]

Corrective measures

(U) In view of the above, SAC [REDACTED] has ensured that
corrective measures have been initiated [REDACTED]
[REDACTED]

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To: General Counsel From:
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

LEADS:

Set Lead 1: (Action)

GENERAL COUNSEL
AT WASHINGTON DC

(U) It is requested that the above information be reviewed for a potential IOB violation.

Set Lead 2: (Action)

INSPECTION DIVISION
AT WASHINGTON DC

(U) It is requested that the above information be reviewed for a potential IOB violation.

Set Lead 3: (Info)

COUNTERTERRORISM
AT WASHINGTON DC

(U) Read and clear.

♦♦

~~SECRET~~

~~SECRET~~//NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/13/2006

To:

Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS 1, TEAM 3

Inspection

Attn: IIS

From: Office of the General Counsel

NSLB/CTLU1/ IX1 Room 2810

Contact:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F

Drafted By:

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) ¹⁹³¹

DATE: 05-31-2007
CLASSIFIED BY 65179/DMH/KSR/RM
REASON: 1.4 (c,d)
DECLASSIFY ON: 05-31-2032

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
MATTER 200- ^{b2}

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

(U) ~~Derived From : G-3~~
~~Declassify On: 20311213~~

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO serial 1716

Administrative: (S)

~~SECRET~~//NOFORN

OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION:

DATE: 12/22/06

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NSL VIO-1162

~~SECRET//NOFORN~~

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b7E To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

Details: (S)

(S)

(S)

(S)

(S//NF)

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(S) -

~~(S)~~

(S//NF)

(S//NF)

(S//NF)

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

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b7E

(S//NF) [redacted]
[redacted]

(S//NF) [redacted]
[redacted]

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(S) [redacted]
[redacted]

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(U) On 9/27/2006 at approximately 10:30 a.m., [redacted]
notified SSA [redacted] at ITOS I, CONUS I of the above
information.

(S)

(S//NF) [redacted]
[redacted]

discontinued [redacted] No
information [redacted] was ever entered [redacted]

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(S) On 10/3/2006, SSA [redacted] SSA [redacted]
[redacted] and this writer spoke with SSA [redacted] This
writer was authorized to [redacted]

(S)

[redacted] turned
over to CDC [redacted]

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director,

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(S) In this situation [REDACTED]
[REDACTED]

Consequently, although unintentional, unauthorized interception of presumed U.S. persons occurred. This incident must be reported to the IOB. In accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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(S) [REDACTED]
[REDACTED]

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

b2 To: [REDACTED] From: Office of the General Counsel
b7E Re: 278-HQ-C1229736-VIO, 12/13/2006

LEAD(s) :

Set Lead 1: (Info)

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[REDACTED]
(U) [REDACTED] should ensure that all inadvertently captured information is collected, sequestered, sealed, and delivered to the FBIHQ substantive unit to be submitted to OIPR for appropriate disposition [REDACTED]

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Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) The FBIHQ substantive unit should ensure that all inadvertently captured information is collected, sequestered, sealed, and delivered to OIPR for appropriate disposition [REDACTED]
[REDACTED]

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) For action deemed appropriate.

cc: Ms. Thomas
[REDACTED]
IOB Library

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~~SECRET//NOFORN~~

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NSL VIO-1166

December 13, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RM
ON 05-31-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 [REDACTED]" (U)

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The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

1 - 278-HQ-C1229736-VIO -

1932
~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 20311213~~

~~SECRET~~

NSL VIO-1167

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-1168

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~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-[REDACTED] (U)

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(U) — — — — — (S) The overcollection was a violation of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Thus, the matter is being reported to the IOB.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-31-2007
CLASSIFIED BY 65179/DMH/ESR/RM
REASON: 1.4 (c)
DECLASSIFY ON: 05-31-2032

Derived from: G-3
Declassify on: 20311213

~~SECRET~~

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NSL VIO-1169

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/11/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *DMH/KSR* *Feb 1*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 05-30-2007 BY 65179/DMH/KSR/RM

Drafted By: [REDACTED]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3128
OGC/IOB# 2007 [REDACTED]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1716
278 [REDACTED] 76104 Serial 428
278-HQ-C1229736-VIO Serial 1931

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 10/03/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

♦♦

~~SECRET~~//20320117

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/17/2007

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b7E

To: [REDACTED]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *MDI*

DECLASSIFIED BY 65179/DMH/KSP/RM
ON 05-30-2007

Drafted By: [REDACTED]

Case ID #: (U) 263-HQ-0-U - 635 (Pending)

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Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3128
OGC/IOB# 2007 [REDACTED]

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Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~ ~~Derived From: G-3~~
~~Declassify On: 20320117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1716

Reference: (U) 278-HQ-C1229736-VIO Serial 1716
278 [REDACTED]-76104 Serial 428
278-HQ-C1229736-VIO Serial 1931

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Details: (U) Upon review of [REDACTED] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

♦♦

~~SECRET~~//20320117

NSL VIO-1171



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: January 25, 2007

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179/DMH/KSP/RM

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2007002556

Subject: [REDACTED]

[REDACTED] Division

FBI No. 263-0-U-635

CMS No. 3128

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b7E

☒ We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.

☐ This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.

☐ This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-1172

Received By: [redacted] Date Received: 12/22/2006 How Received: A

SUBJECT: [redacted] SSNO: [redacted]
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]
 Component: FBI EOD Date: [redacted] Alien No.: [redacted]
 Misc: [redacted] F.B.I.No.: [redacted]
 Home: [redacted] B.O.P.No.: [redacted]
 Phone: () - ZIP: [redacted] D/L No.: [redacted]
 Work: , , Offenses: 689
 Phone: (202) [redacted] ZIP: [redacted]

COMPLAINANT: [redacted] SSNO: [redacted]
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]
 Component: FBI EOD Date: [redacted] Alien No.: [redacted]
 Misc: [redacted] F.B.I.No.: [redacted]
 Home: [redacted] B.O.P.No.: [redacted]
 Phone: () - ZIP: [redacted] D/L No.: [redacted]
 Work: , ,
 Phone: (202) [redacted] ZIP: [redacted]
 Confidential: [redacted] Revealed: Authority: none

Details:

(S) The FBI provided information regarding a potential IOB matter (2007- [redacted]) b2
 [redacted] b2
 [redacted] b1
 [redacted] determined [redacted] disconnected b7E
 [redacted] was ceased immediately.
 FBI/OGC determined that this matter must be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 09/27/2006

TIME:

CITY:

b2

Zip:

b7E

DISPOSITION DATA: Disposition: M Date: 12/22/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 01/24/2007 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-635

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Predicating material contains classified information which will be maintained in a secure container at OIG/INV. (stp)

1/25/07: Sent to Kaiser/FBI. (stp)

DATE: 05-30-2007
 FBI INFO.
 CLASSIFIED BY 65179/DMH/KSP/RW
 REASON: 1.4 (c)
 DECLASSIFY ON: 05-30-2032

NSL VIO-1173

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 09/07/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861

Attn: NSLB, Room 7975

Attn: CDC

From: [REDACTED]

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -1749Title: (U) SA [REDACTED] b6
SSA [REDACTED] b7C
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR(U) Synopsis: ~~(S)~~ To report possible IOB error.(U) ~~(S)~~ Derived From: G-3
Declassify On: X1ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEDATE: 05-31-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 05-31-2032

Details:

(S) 1. [REDACTED]

(S) 2. [REDACTED]

(U) b1 ~~(S)~~ 3. Possible IOB Error:b6 (S) [REDACTED]
b7C(U) b2 ~~(S)~~ 4. Description of IOB Error (including any reporting
delays).
b7E

(S) [REDACTED]

~~SECRET~~

NSL VIO-1174

SC Miller Dim/km 12.22.06
CRS [REDACTED] 01/04/07 b6
b7C

~~SECRET~~

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To: Inspection From: [REDACTED]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/07/2006

(S) ~~(U)~~ This NSL was served on [REDACTED] which subsequently provided toll records for this telephone number to [REDACTED] Division, which then forwarded the results of the NSL to [REDACTED]

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(S) ~~(U)~~ [REDACTED] Division received the captioned NSL toll records [REDACTED] Upon initial review of the first-page of the toll record documents, SA [REDACTED] determined that the subscriber was not that of the Captioned Subject and subsequently determined that the records were for [REDACTED] which was the number requested, but that the true number that should have been requested [REDACTED]

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(S) ~~(U)~~ In review of both the NSL requesting EC and the NSL Letter [REDACTED] it was determined that the correct number was listed within the body of the requesting EC, but had been incorrectly annotated in the 'Enclosure' paragraph of the requesting EC, and on the NSL Letter [REDACTED]

b7D
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(S) ~~(U)~~ This FD-962 serves as a record that the information contained within the NSL toll records provided [REDACTED] were not reviewed nor analyzed, no information from these records was recorded or indexed in any database, and that the toll record information was not uploaded [REDACTED] database.

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(S) ~~(U)~~ Per instruction from the CDC, [REDACTED] Division, on 09/07/2006, SA [REDACTED] destroyed all the original NSL toll records provided [REDACTED] This process was witnessed by SA [REDACTED]. This EC also certifies that no other copies of these records were produced nor maintained.

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~~SECRET~~

~~SECRET~~

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(U) To: Inspection From: [REDACTED]
Re: (S) 278-HQ-C1229736-VIO, 09/07/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

3

NSL VIO-1176

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/11/2006

To: [redacted]

tn: SAC [redacted]

ASAC [redacted]

SSA [redacted]

SA [redacted]

Counterterrorism

Attn: AD [redacted]

Inspection

Attn: Internal Investigative Section

Attn: [redacted] Room 11865

From: Office of the General Counsel

NSLB/CTLU II/1/LX-1 3S-100/

Contact: AGC [redacted]

Approved By: Thomas Julie F [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO-1914

(Pending)

DATE: 05-30-2007

CLASSIFIED BY 65179/DWH/KSR/RW

REASON: 1.4 (c)

DECLASSIFY ON: 05-30-2032

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2007 [redacted] b2

(U) Synopsis: (S) It is the opinion of the Office of the General
Counsel (OGC) that this matter must be reported to the
Intelligence Oversight Board (IOB). OGC will prepare and
deliver the necessary correspondence to the IOB.

(U)

~~Derived From: G-3~~

~~Declassify On: 25X1~~

b1

Reference: (S) [redacted]

(U) 278-HQ-C1229736-VIO Serial 1757

(U) Details: (S) By electronic communication (EC) dated
09/07/2006, the [redacted] Field Office [redacted]
requested that OGC review the facts of the captioned matter
and determine whether it warrants reporting to the IOB. In
our opinion, it does. Our analysis follows.

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(U) [redacted] prepared and
approved a National Security Letter (NSL) seeking subscriber

~~SECRET~~

OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION:

DATE: b6 12/21/06
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NSL VIO-1177

~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/11/2006

(U) information and telephone toll records of a certain telephone number. Due to a typographical error, the telephone number on the NSL was erroneously transcribed.¹ On 08/31/2006, the telephone records were opened and it was determined that they were not the target's records. The correct telephone number was listed within the body of the requesting EC, but it had been incorrectly annotated in the "Enclosure" paragraph of the requesting EC, and on the NSL letter to the provider. [REDACTED] [REDACTED] did not review or analyze the records submitted by [REDACTED] in response to the NSL, and no information from those records was recorded or indexed in any database.

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(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally

¹ (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/11/2006

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not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, section V.12.

(U) ~~(S)~~ In this situation, due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Here, the target's rights were not violated because he was not the subject of the improperly collected information. It is unknown whether the erroneous information received pertained to a United States Person, inasmuch as there has been no review of the information. Nonetheless, based upon the fact that information which may be about a USP was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/11/2006

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Information)

[REDACTED]

(S) ~~(S)~~ [REDACTED] Office should contact [REDACTED]
and ask whether the improperly or unintentionally acquired
information should be returned or destroyed with appropriate
documentation to the file.

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cc: Ms. Thomas

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[REDACTED]
IOB Library

♦♦

SECRET

December 11, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 05-31-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 [redacted]" (U)

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The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

1 - 278-HQ-C1229736-VIO - [redacted]

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 25X1~~

~~SECRET~~

NSL VIO-1181

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
National Security Division
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-1182

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
SAN FRANCISCO FIELD OFFICE b2
IOB MATTER 2007 [REDACTED] (U)

(S) ~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that in conducting a [REDACTED] [REDACTED] the FBI improperly used a National Security Letter (NSL) to obtain subscriber information and telephone toll billing records on a telephone number which was not related to the investigation. The overcollection was due to a mistake in the NSL in identifying the telephone number [REDACTED]

(S) [REDACTED] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).¹ In this regard, on [REDACTED]

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(S) [REDACTED] issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709, to a telephone carrier for the telephone subscriber and toll billing records of a telephone number intended to be identified as that of the target. Instead, one of the numbers within the telephone number was incorrectly written; thus, the information returned from the carrier was subscriber information and the telephone toll billing records of a wholly unrelated telephone number. The error was discovered upon receipt of the information, and the records were not reviewed

~~Derived from: G-3
Declassify on: 25X1~~

~~SECRET~~

nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. Thus, the matter is being reported to the IOB.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-30-2007
CLASSIFIED BY: 65179/DMH/ESR/RU
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

¹ (S) [REDACTED]
[REDACTED]

b1

~~SECRET~~

NSL VIO-1183

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/11/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *DM/KAS* *STH*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-30-2007 BY 65179/DMH/KSR/RW

Drafted By: [REDACTED]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3135
OGC/IOB# 2007 [REDACTED] b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1757
278-HQ-C1229736-VIO Serial 1914

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 09/07/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

♦♦

~~SECRET~~//20320117

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/17/2007

To: [REDACTED]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section IPI Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *DM*

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 05-30-2007

Drafted By: [REDACTED]

Case ID #: (U) 263-HQ-0-U - 637 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3135
OGC/IOB# 2007-[REDACTED] b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 20320117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1757

Reference: (U) 278-HQ-C1229736-VIO Serial 1757
278-HQ-C1229736-VIO Serial 1914

Details: (U) Upon review of [REDACTED] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~//20320117

NSL VIO-1185

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OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [REDACTED]

689-2007-002646-M

Received By: [REDACTED] Date Received: 12/21/2006 How Received: A

SUBJECT: [REDACTED] SSNO: [REDACTED]
 Title: SSA Pay Plan: [REDACTED] D.O.B.: [REDACTED]
 Component: FBI EOD Date: [REDACTED] Alien No.: [REDACTED]
 Misc: [REDACTED] F.B.I.No.: [REDACTED]
 Home: [REDACTED] B.O.P.No.: [REDACTED]
 Phone: () - ZIP: [REDACTED] D/L No.: [REDACTED]
 Work: , , [REDACTED] Offenses: 689
 Phone: (202) [REDACTED] ZIP: [REDACTED]

SUBJECT: [REDACTED] SSNO: [REDACTED]
 Title: SA Pay Plan: [REDACTED] D.O.B.: [REDACTED]
 Component: FBI EOD Date: [REDACTED] Alien No.: [REDACTED]
 Misc: [REDACTED] F.B.I.No.: [REDACTED]
 Home: [REDACTED] B.O.P.No.: [REDACTED]
 Phone: () - ZIP: [REDACTED] D/L No.: [REDACTED]
 Work: , , [REDACTED] Offenses: 689
 Phone: (202) [REDACTED] ZIP: [REDACTED]

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COMPLAINANT: [REDACTED] SSNO: [REDACTED]
 Title: ATTY Pay Plan: [REDACTED] D.O.B.: [REDACTED]
 Component: FBI EOD Date: [REDACTED] Alien No.: [REDACTED]
 Misc: [REDACTED] F.B.I.No.: [REDACTED]
 Home: [REDACTED] B.O.P.No.: [REDACTED]
 Phone: () - ZIP: [REDACTED] D/L No.: [REDACTED]
 Work: , , [REDACTED]
 Phone: (202) [REDACTED] ZIP: [REDACTED]
 Confidential: [REDACTED] Revealed: [REDACTED] Authority: none

Details:

The FBI provided information regarding a potential IOB matter (2007 [REDACTED])

On 7/31/06, [REDACTED] prepared an NSL seeking subscriber information and telephone toll records. Due to a typographical error, the telephone number on the NSL was erroneously transcribed; therefore, the telecommunications carrier provided records not associated with the subject of the investigation.

FBI/OGC determined that this matter does not have to be reported to the IOB.

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ALLEGATIONS: 689 IOB Violation

Occurrence Date: [REDACTED] 2006 TIME: [REDACTED]

CITY: [REDACTED] Zip: [REDACTED]

DISPOSITION DATA: Disposition: M Date: 12/21/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 01/29/2007 Component: [REDACTED] b2

Patriot Act: N Civil Rights: N Component Number: 263-0-U-637

Sensitive: N Whistleblower: N Consolidated Case Number: [REDACTED]

ALL FBI INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 06-24-2007 BY 65179/dmh/kst/cak

NSL VIO-1186

Remarks:

1/29/07: Predicating material contains classified information which will be maintained in a secure container at OIG/INV. (stp)

1/30/07: Sent to Kaiser/FBI. (stp)

NSL VIO-1187

~~SECRET~~//20311017**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 10/17/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861

Attn: NSLB, Room 7975

From: [REDACTED]

Contact: SA [REDACTED]

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Approved By: [REDACTED]

DATE: 05-30-2007

CLASSIFIED BY 65179/DMH/KSR/RW

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Drafted By: [REDACTED]

REASON: 1.4 (c)

DECLASSIFY ON: 05-30-2032

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-170-1

Title: (U) SA [REDACTED]

A/SSA [REDACTED]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE(U) Synopsis: ~~(S)~~ To report possible IOB error.~~Derived From: FBI G3, SCG, Jan 1997~~~~Declassify On: 20311017~~

Details:

(S)b1 [REDACTED]

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(S)b7C [REDACTED]

(U) ~~(S)~~ 3. Possible IOB Error:

b1 (S) [REDACTED]

(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).~~(S)~~ The IOB error falls under "Improper NSL Collection".(S) [REDACTED] Division had requested via an approved NSL (serial 438) from
the following information: [REDACTED]

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~~(S)~~ [REDACTED] Division received one packet of results [REDACTED][REDACTED] Upon loading of the information for one target number into
telephone applications as tasked, FA [REDACTED] noticed
information pertaining to an additional number. FA [REDACTED] only loaded~~SECRET~~//20311017

NSL VIO-1188

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~~SECRET~~//20311017

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/17/2006

b6
b7C the information for the requested telephone number. FA [REDACTED] advised SA [REDACTED] of the additional information. SA [REDACTED] completed an electronic communication (EC) on 09/07/2006, stating additional records were received that were beyond the scope of the request. The unrelated records were not uploaded and were destroyed. It should be noted the additional number information was within the time period requested.

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b2 S) On 10/17/2006 SA [REDACTED] contacted [REDACTED] and spoke with [REDACTED] stated the two records were not related in any way and it was simply a mistake on [REDACTED] part to send the additional information to [REDACTED] Division. [REDACTED] further advised [REDACTED]
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b1 :)
b7D [REDACTED]

~~SECRET~~//20311017

~~SECRET~~//20311017

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/17/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~//20311017

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NSL VIO-1190

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~~SECRET~~

To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

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(S) [redacted] received one package of results [redacted]
b2 [redacted] FA [redacted] loaded the records [redacted]
b7E [redacted] and discovered information pertaining to an additional
b6 telephone number. The NSL did not request the toll billing
b7C [redacted] records for this additional telephone number [redacted] did
b1 not load these additional records [redacted] (C)
b6 U) ~~(S)~~ FA [redacted] notified SA [redacted] who documented the
b7C incident in an electronic communication dated September 7, 2006.
b2 The unrelated telephone records were not uploaded [redacted] and
b7E have been destroyed. ¹

(S) A/SSA [redacted] contacted [redacted] on October 17,
b6 2006 and advised them of the additional telephone records: [redacted]
b7C [redacted] advised A/SSA [redacted] that the additional records were
b1 not related to the request [redacted] and
b7D that [redacted] made a mistake when they provided that information.

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863
(Sept. 13, 1993) and Section 2-56 of the National Foreign
Intelligence Program Manual (NFIPM), OGC was tasked to determine
whether the errors described here are matters that should be
reported to the IOB. We believe that the reported activity does
not require IOB notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads
of Intelligence Community components report all information to
the IOB that it deems necessary to carry out its
responsibilities. That section requires Inspectors General and
General Counsel of the Intelligence Community to report
"intelligence activities that they have reason to believe may be
unlawful or contrary to Executive order or Presidential
directive." This language has been interpreted to mandate the
reporting of any violation of guidelines or regulations approved
by the Attorney General, in accordance with E.O. 12333, if such
provision was designed in full or in part to protect the
individual rights of a United States person. This includes

¹(LES) In the future, possible overcollections under NSLs
should be sequestered with the CDC until adjudication of the
potential IOB.

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(C) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.² For the FBI, OGC submits reports to the IOB.³

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(S) [redacted]
[redacted] NSIG
(introduction) at 4. Section 2-56 of the WFIRM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.⁴

b2 ~~(S)~~ In this instance, [redacted] sought information
b7E relating to one telephone number associated with the [redacted] a
b1 [redacted] and obtained information beyond the scope of
b7D the request due to an error [redacted].⁵ The NSL was property

(U) ~~(S)~~ See EC from Inspection Division to All Divisions;
Title: Revised Procedures for the Submission of Reports of
Potential Intelligence Oversight Board (IOB) Matters, Case ID #
66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The FBI is required
to maintain for three years records of administrative violations,
for possible review by the Counsel to the IOB, together with a copy
of the opinion concerning the basis for the determination that IOB
notification was not required. Id. at 6.

(U) ~~(S)~~ See id. at 4.

~~(S)~~ See also id. at 5, identifying reportable matters as
including: (1) activities believed to be unlawful or contrary to
Executive Orders or Presidential directives; (2) suspected
violations of the Constitution; (3) [redacted]

b1 (S) [redacted] (5) initiating a
form of electronic surveillance or a search without authorization
from the FISC, or failing to terminate an authorized surveillance
at the time prescribed by the Court; and (6) failing to adhere to
the minimization or dissemination requirements specified in a FISC
Order.

⁵(U) In a letter from the Intelligence Oversight Board to the
FBI's Office of General Counsel, Deputy General Counsel Julie
Thomas, dated November 13, 2006, the IOB "agreed that third party

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To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

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prepared and executed by [redacted] Thus, the investigative technique was authorized for purposes of E.O. 12333 and this need not be reported to the IOB pursuant to E.O. 12863.

errors should be reported to the FBI's Office of General Counsel, but as a matter of practice would not be reportable to the IOB.

~~SECRET~~

~~SECRET~~

To: [REDACTED] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

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LEAD(s):

Set Lead 1: (Info)



(U) Read and clear.

Set Lead 2: (Discretionary)

COUNTERTERRORISM

AT LIBERTY CROSSING ONE

(U) For review and action deemed appropriate.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

♦♦

~~SECRET~~

~~SECRET~~//20320117

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/17/2007

To: [REDACTED]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *MDI*

Drafted By: [REDACTED]

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 05-30-2007

Case ID #: (U) 263-HQ-0-U - 638 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3137
OGC/IOB# 2007- [REDACTED]

b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U)

~~(S)~~

~~Derived From : G-3~~

~~Declassify On: 20320117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1763

Reference: (U) 278-HQ-C1229736-VIO Serial 1763
278-HQ-C1229736-VIO Serial 1890

Details: (U) Upon review of [REDACTED] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

♦♦

~~SECRET~~//20320117

NSL VIO-1195

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/11/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *DM/KS H/1*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-30-2007 BY 65179/DMH/KSR/RM

Drafted By: [REDACTED]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3137
OGC/IOB# 2007 [REDACTED]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1763
278-HQ-C1229736-VIO Serial 1890

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 10/17/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

♦♦



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: January 26, 2007

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179/DMH/KSR/RJ

SUBJECT: OIG Complaint No. 2007002603
Subject: Unidentified

FBI No. 263-0-U-638
CMS No. 3137

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- ☒ We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- ☐ This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- ☐ This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-1197

Received By: [REDACTED] Date Received: 12/20/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID

Pay Plan:

SSNO:

D.O.B.:

Component: FBI

EOD Date:

Alien No.:

Misc:

F.B.I.No.:

Home:

B.O.P.No.:

Phone:

ZIP:

D/L No.:

Work:

Offenses: 689

Phone:

ZIP:

b6

b7C

b2

COMPLAINANT: [REDACTED]

SSNO: [REDACTED]

Title: ATTY

Pay Plan:

D.O.B.:

Component: FBI

EOD Date:

Alien No.:

Misc:

F.B.I.No.:

Home:

B.O.P.No.:

Phone: () -

ZIP:

D/L No.:

Work: , ,

Phone: (202) [REDACTED]

ZIP:

Confidential: [REDACTED]

Revealed:

Authority: none

Details:

(S) The FBI provided information regarding a potential IOB matter (2007 [REDACTED])

b2

[REDACTED] and on 8/26/06, [REDACTED] issued an NSL to a telecommunications provider for records relating to the subject of the investigation. However, the telecommunications provider inadvertently provided the FBI with records pertaining to an additional telephone number not requested.

b1

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b7E

FBI/OGC determined that this matter does not need to be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [REDACTED]/2006

TIME:

CITY: [REDACTED]

Zip:

b2

b7E

DISPOSITION DATA: Disposition: M Date: 12/20/2006 Approval: POWELL, GLENN G

<P>

Referred to Agency: FBI

Date Sent: 01/26/2007

Component: FBI

Patriot Act: N

Civil Rights: N

Component Number: 263-0-U-638

Sensitive: N

Whistleblower: N

Consolidated Case Number:

Remarks:

Predicating material contains classified information which will be stored in a secure container at OIG/INV. (stp)

1/29/07: Sent to Kaiser/FBI. (stp)

DATE: 05-30-2007

FBI INFO.

CLASSIFIED BY 65179/DNH/KSR/RW

REASON: 1.4 (c)

DECLASSIFY ON: 05-30-2032

NSL VIO-1198

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/03/2006

To: General Counsel
Inspection
Counterintelligence

Attn: NSLB
Attn: IIS
Attn: CD-2F, Room 8672
Attn: OS/IA
Attn: CDC

From:

Contact: SA

Approved By:

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) - 1787
b2 (U) 278- [] C76104 (Pending) - 4-36
b7E (S) []
b1

Title: (U) POTENTIAL IOB MATTER INVOLVING
b6 SA []
b7C SSA []

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-31-2007
CLASSIFIED BY 65179/DMH/KSR/RG
REASON: 1.4 (c,d)
DECLASSIFY ON: 05-31-2032

Synopsis: (U) IOB reporting of carrier [] error
in regard to an NSL.

~~(S) Derived From: G-3
Declassify On: 10/03/2031~~

Reference: (U) Telcal with CDC [] on 10/03/2006.

Details: (S) The following information is being provided in
response to the quarterly EC from CDC []
requesting Intelligence Oversight Board reporting be brought
to the attention of OGC and Inspection Division.

(S)

~~SECRET~~

NSL VIO-1199

~~SECRET~~

b2

b7E

b1

To: General Counsel From: [REDACTED]
Re: (S) [REDACTED], 10/03/2006

(S)

b1

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b2

b7E

b6

b7C

(X) [REDACTED] initially requested NSL subscriber and toll billing information for a telephone number [REDACTED]

(X) Based on the information obtained from that NSL [REDACTED]

(S)

(S)

After [REDACTED] received the results of that subscriber NSL from [REDACTED]

(S)

learned that [REDACTED] had included subscriber information for a telephone number that was not asked for. Consequently, this telephone number and associated subscriber information have not been uploaded and no record of them exist within ACS.

b1

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b7E

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b7C

b7D

[REDACTED] is maintaining the results of this particular NSL [REDACTED]

[REDACTED] in a 1A envelope in the case file. [REDACTED]

learned of [REDACTED] mistake after viewing [REDACTED] therefore, it is being reported within the mandatory 14-day reporting period.

~~SECRET~~

~~SECRET~~

b1
b2
b7E

To: General Counsel From: [REDACTED]
Re: (S) [REDACTED] 10/03/2006

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Information is being provided to NSLB for whatever action is deemed appropriate.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Information is being provided to IIS for whatever action is deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) At CD-2F: Read and clear.

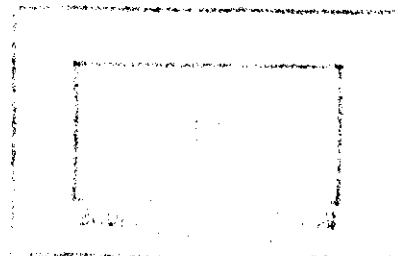
Set Lead 4: (Action)

b2
b7E

[REDACTED]
AT [REDACTED]

(U) Information is being provided to CDC for whatever action is deemed appropriate.

♦♦



~~SECRET~~

(01/26/1998)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/05/06

To: [REDACTED]
Counterintelligence

Attn: SAC, CDC
Attn: CD-2F, Room 8672

Inspection

Attn: IIS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: General Counsel
National Security Affairs/Room 7974
Contact: Julie F. Thomas

Approved By: Thomas Julie F. [REDACTED]

DATE: 05-30-2007
CLASSIFIED BY 65179/DMH/KSE/RW
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

Drafted By: [REDACTED]

Case ID #: (U) 278-HQ-C1229736-VIO-1892
(U) 278 [REDACTED] C76104-452
(S) [REDACTED]

b1

(U) Title: (S) POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2007 [REDACTED] b2

(U) Synopsis: (S) It is the opinion of the Office of the General
Counsel (OGC) that no error was committed in this matter, and
therefore nothing need be reported to the IOB. A record of this
decision should be maintained in the investigation control file
for review by the Counsel to the IOB.

(U) Derived from: G-3
Declassify On: X1

(U) Reference: (S) 278-HQ-C1229736-VIO-1787

Details: (S) [REDACTED]

b1

~~SECRET~~

OIG/DOJ REVIEW:
FBI INVESTIGATION:
OIG/DOJ INVESTIGATION:

b6
b7C
DATE: R/R/KC
(m)

NSL VIO-1202

b2
b7E

~~SECRET~~

(U) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/05/06

(S)
b1
b6
b7C

[redacted]

b2
(S) b7E [redacted] initially requested NSL subscriber and toll
b1 billing information for a telephone number [redacted]

b6
b7C

(S) [redacted] Based upon the information obtained from that NSL
[redacted]

b1 [redacted] After viewing [redacted]

b2 [redacted] learned that
b7E [redacted] included subscriber information for a telephone
b7D number that was not asked for. Consequently, this telephone
number and associated subscriber information have not been
uploaded and no record of them exists within ACS. [redacted] is
maintaining the results of this particular NSL (including the
(S) incorrectly provided subscriber information) [redacted]

[redacted] in a 1A envelope
in the case file.

(S) This NSL was issued during a legitimate [redacted]

(S) [redacted]

b1 [redacted] This erroneous
b7D telephone number and associated subscriber information have not
been uploaded and no record exists within ACS.

(U) Section 2.4 of Executive Order (E.O.) 12863,
dated 09/13/1993, mandates that Inspectors General and General
Counsel of the Intelligence Community components (in the FBI,
the Assistant Director, INSD, and the General Counsel, OGC,
respectively) report to the IOB "concerning intelligence
activities that they have reason to believe may be unlawful or
contrary to Executive order or Presidential directive." This
language was adopted verbatim from E.O. 12334, dated 12/04/1981,
when the IOB was known as the President's Intelligence Oversight
Board (PIOB). By longstanding agreement between the FBI and the
IOB, this language has been interpreted to mandate the reporting
of any violation of a provision of The Attorney General's
Guidelines for FBI National Security Investigations and Foreign

~~SECRET~~

~~SECRET~~

b2
b7E To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/05/06

Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. On 3/28/2006, NSLB sent a letter to the Counsel for the IOB requesting their concurrence to treat these third party errors as non-reportable, though we will require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to OGC, but are not reportable to the IOB.

b7D (S) Here, an error on the part [redacted]
b2 [redacted] resulted in the unintentional acquisition of
b7E information. It should be noted that the FBI's response in
b1 receiving the unsolicited material was commendable. Upon viewing
[redacted] provided [redacted] and
[redacted] realizing that subscriber information for a telephone number that
was not been asked for had been included, [redacted] has maintained
the results in a 1A envelope in the case file, and no results of
this NSL have been uploaded and no record exists in ACS.

(U) ~~(S)~~ Based upon our analysis, the carrier's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive.

~~SECRET~~

~~SECRET~~

(U)

To: [REDACTED] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/05/06

Set Lead 1: (Action)

b2
b7E

[REDACTED]

~~(S)~~ Return

[REDACTED]

b1
b7D

[REDACTED] and
arrange for delivery of correct information
in response to previously issued NSL.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

1-Ms. Thomas

1 [REDACTED]

1-IOB Library

b6
b7C

♦♦

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/12/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian [REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179/DMH/KSP/RN

Drafted By: [REDACTED] /la

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3154
OGC/IOB# 2007-[REDACTED] b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1787
278-[REDACTED]-C76104 Serial 436
278-HQ-C1229736-VIO Serial 1892

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 10/03/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

♦♦

~~SECRET~~//20320117

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/17/2007

To: [REDACTED]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *DM*

DECLASSIFIED BY 65179/DMH/KSR/RU
ON 05-30-2007

Drafted By: [REDACTED]

Case ID #: (U) 263-HQ-0-U - 643 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3154
OGC/IOB# 2007 [REDACTED] b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 20320117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1787

Reference: (U) 278-HQ-C1229736-VIO Serial 1787
278 [REDACTED] C76104 Serial 436
278-HQ-C1229736-VIO Serial 1892

Details: (U) Upon review of [REDACTED] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

♦♦

~~SECRET~~//20320117

NSL VIO-1207

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/09/2007

To: Counterterrorism

Attn: SSA [REDACTED]
ITOS I, CONUS I, Team 3

✓ Inspection
Office of General Counsel

Attn: IIS
Attn: UC [REDACTED] NSLB

From: [REDACTED] w/9/11

Legal Unit

Contact: CDC [REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: (U) ✓ 278-HQ-C1229736-VIO - 2000 (None)

(U) 278- [REDACTED] C76104 (None) *ukc*

b1

(S)

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD
b2 MATTER 2007- [REDACTED]

Synopsis: (U) Newark response to and compliance with FBIHQ EC
to Newark, dated 12/13/2006.

(U)

~~Derived From: G-3~~

~~Declassify On: X1~~

(S) (S)

b2 Administrative: (U) Reference [REDACTED] EC to FBIHQ, dated
b7E 10/3/2006; FBIHQ EC to [REDACTED] dated 12/13/2006.

b1

Enclosure(s): (S) [REDACTED]
[REDACTED]

Details: (S) Via referenced 10/3/2006 EC, [REDACTED] reported a
potential IOB violation consisting [REDACTED]

(S)

b1

b2

b7E

~~SECRET~~

NSL VIO-1208

~~SECRET~~

To: Counterterrorism From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 01/09/2007

b2
b7E

(S) [REDACTED]
[REDACTED] contacted the carrier and learned
that the subject had discontinued service [REDACTED] and
(S)b1 the number had been reassigned to another customer [REDACTED]
coverage was immediately discontinued. [REDACTED]
b2 was removed [REDACTED] and sequestered with [REDACTED]
b7E CDC.

(S) Via EC dated 12/13/2006, OGC set a lead for [REDACTED] to
forward [REDACTED] to
ITOS1 [REDACTED]

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 01/09/2007

b2
b7E

LEAD(s):

Set Lead 1: (Action)

COUNTERTERRORISM

AT WASHINGTON D.C.

(S) [REDACTED]

b1

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

♦♦

~~SECRET~~



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: February 2, 2007

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179/DMH/KSP/RW

SUBJECT: OIG Complaint No. 2007002756

Subject: [redacted] et al.

[redacted] Division

FBI No. 263-0-U-463

CMS No. 3154 643

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We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.



This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.



This complaint will be investigated by the OIG.

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Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-1211

b2

OIG - INVESTIGATIONS DIVISION

Complaint Form.

OIG NO. [REDACTED]

689 2007-002756-M

Received By: [REDACTED]

Date Received: 12/20/2006

How Received: A

SUBJECT: [REDACTED]

Title: SA

Pay Plan: [REDACTED]

SSNO: [REDACTED]

Component: FBI

EOD Date: [REDACTED]

D.O.B.: [REDACTED]

Misc: [REDACTED]

Alien No.: [REDACTED]

Home: [REDACTED]

F.B.I.No.: [REDACTED]

Phone: () [REDACTED]

ZIP: [REDACTED]

B.O.P.No.: [REDACTED]

Work: , , [REDACTED]

D/L No.: [REDACTED]

Offenses: 689

Phone: (202) [REDACTED]

ZIP: [REDACTED]

SUBJECT: [REDACTED]

Title: SSA

Pay Plan: [REDACTED]

SSNO: [REDACTED]

Component: FBI

EOD Date: [REDACTED]

D.O.B.: [REDACTED]

Misc: [REDACTED]

Alien No.: [REDACTED]

Home: [REDACTED]

F.B.I.No.: [REDACTED]

Phone: () [REDACTED]

ZIP: [REDACTED]

B.O.P.No.: [REDACTED]

Work: , , [REDACTED]

D/L No.: [REDACTED]

Offenses: 689

Phone: (202) [REDACTED]

ZIP: [REDACTED]

COMPLAINANT: [REDACTED]

Title: SSA

Pay Plan: [REDACTED]

SSNO: [REDACTED]

Component: FBI

EOD Date: [REDACTED]

D.O.B.: [REDACTED]

Misc: [REDACTED]

Alien No.: [REDACTED]

Home: [REDACTED]

F.B.I.No.: [REDACTED]

Phone: () [REDACTED]

ZIP: [REDACTED]

B.O.P.No.: [REDACTED]

Work: , , [REDACTED]

D/L No.: [REDACTED]

Phone: (202) [REDACTED]

ZIP: [REDACTED]

Confidential: [REDACTED]

Revealed: [REDACTED]

Authority: none

Details:

Information received from the FBI/INSD reporting a potential IOB matter involving the interception of unauthorized information. IOB 2007-[REDACTED]

During an authorized investigation, the FBI, [REDACTED] Division properly served a National Security Letter (NSL) on a communication provider for information relating to the target of an FBI investigation. In response, the FBI unintentionally obtained information beyond the scope of the NSL. The FBI, [REDACTED] Division sequestered the content information.

It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [REDACTED]/2006

TIME: [REDACTED]

CITY: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

DISPOSITION DATA: Disposition: M Date: 12/20/2006 Approval: POWELL, GLENN G

Referred to Agency: [REDACTED]

Date Sent: [REDACTED]

Component: FBI

Patriot Act: N

Civil Rights: N

Component Number: 263-0-U-463, 3154

Sensitive: N

Whistleblower: N

Consolidated Case Number: [REDACTED]

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179/DNH/KSR/RW
NSL VIO-1212

Remarks:

A search of the OIG database revealed that is a subject in another potential IOB matter, #2007-002584-M.

Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.

b6

b7C

2/2/07 - Sent to AD Kaiser, FBI/IND. (yht)

NSL VIO-1213

~~SECRET~~
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/21/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861

Attn: NSLB, Room 7975

From: [REDACTED]

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

Contact: [REDACTED]

Approved By: [REDACTED]

b2
 b7E
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 b7C

Drafted By: [REDACTED]

DATE: 05-30-2007
 CLASSIFIED BY 65179/DML/KSR/RM
 REASON: 1.4 (c,d)
 DECLASSIFY ON: 05-30-2032

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -1806

Title: (U) [REDACTED] - [REDACTED] [REDACTED]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) Synopsis: ~~(S)~~ To report possible IOB error.

(U) ~~(S)~~ Derived From : G-3
~~(S)~~ Declassify On: 10/17/2031

Details:

(S) 1. [REDACTED]

b6
 b7C
 b1

(S) 2. [REDACTED]

(U) ~~(S)~~ 3. Possible IOB Error:

(S)
 b1

(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).

(S)

b6
 b7C
 b1

~~SECRET~~

b6
 b7C

NSL VIO-1214

b2

b7E

~~SECRET~~

To: Inspection From: [REDACTED]

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/21/2006

b1

b6

b7C:}

[REDACTED]

(U) ~~(S)~~ On 10/13/2006, [REDACTED]

b6

b7C

b2

b7E

[REDACTED] determined that the content of the e-mail messages was included with the header and footer information. TFO advised SRA [REDACTED] of the situation. Contact was made with [REDACTED] Associate Division Counsel [REDACTED] who provided details on how to report the incident and handle the material.

(U) There were no reports written or leads set as a result of obtaining these records. Efforts are currently underway to separate the header and footer information from content. The original disk will then be forwarded to [REDACTED] Chief Division Counsel or FBIHQ as directed.

b2

b7E

~~SECRET~~

2

NSL VIO-1215

~~SECRET~~

b2
b7E

To: Inspection From: [REDACTED]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/21/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

3

NSL VIO-1216

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/13/2006

To: [REDACTED]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS 3, [REDACTED]

Inspection

Attn: IIS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2 From: Office of the General Counsel
b7E NSLB/CTLU1/LX1 Room 3S119
b6 Contact: UC [REDACTED]
b7C

Approved By: Thomas Julie F. [REDACTED]

Drafted By: [REDACTED]

DATE: 05-30-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 05-30-2032

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) 1899

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2007 [REDACTED] b2

(U) Synopsis: (S) It is the opinion of the Office of the General
Counsel (OGC) that this matter is not reportable to the
Intelligence Oversight Board (IOB). Rather, it should be
maintained in the control file for periodic review by Counsel to
the IOB. Our analysis follows.

(U) Derived From: G-3
Declassify On: 20311213

(U) Reference: (S) 278-HQ-C1229736-VIO serial 1806

(U) Details: (S) The referenced serial from [REDACTED] requested that
b2 OGC review the facts of the captioned matter and determine whether
b7E it warrants reporting to the IOB. As explained below, in our
opinion, the FBI is not required to report this matter to the IOB.

(S) Pursuant to authorized preliminary investigation

b1 [REDACTED]
b6 [REDACTED]
b7C(S) [REDACTED] a National
Security Letter (NSL) for [REDACTED] e-mail account
requesting electronic communications transactional information.

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OGC/DOJ REVIEW [REDACTED] DATE: 12/20/06
FBI INVESTIGATION [REDACTED]
OGC/DOJ INVESTIGATION: [REDACTED]

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NSL VIO-1217

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b7E To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

(U) Upon viewing the information provided [REDACTED] in response to the NSL, [REDACTED] determined that the content of the e-mail messages was included with the header and footer information. TFO advised SRA [REDACTED] of the situation. Contact was made with [REDACTED] Associate Division Counsel [REDACTED] who provided details on how to report the incident and handle the material.

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(U) There were no reports written or leads set as a result of obtaining these records. Efforts are currently underway to separate the header and footer information from content. The original disk will then be forwarded to the [REDACTED] Chief Division Counsel or FBIHQ as directed.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, section V.12.

(U) ~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL on an electronic communications service provider. In response to the properly served NSL, the FBI obtained information beyond the scope of the NSL (email content information). FBI [REDACTED] identified the problem, and properly sequestered the email content information. There were no reports written or leads set as a result of the email content information.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

(U) [REDACTED] should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. [REDACTED] should not view any content information but should request the carrier to provide only that information authorized by law.

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

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b7E LEAD(s):

Set Lead 1: (Info)

[REDACTED]

(U) [REDACTED] should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

cc: Ms. Thomas
b6 [REDACTED]
b7C IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/12/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *DM/Kuo* *CH*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179/DMH/KSF/RM

Drafted By: [REDACTED]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3159
OGC/IOB# 2007-[REDACTED] b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1806
278-HQ-C1229736-VIO Serial 1899

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 10/21/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/17/2007

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To: [REDACTED]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [REDACTED]

Approved By: Miller David Ian *ott*

Drafted By: [REDACTED]

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 05-30-2007

Case ID #: (U) 263-HQ-0-U - 644 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3159
OGC/IOB# 2007 [REDACTED] b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 20320117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1806

Reference: (U) 278-HQ-C1229736-VIO Serial 1806
278-HQ-C1229736-VIO Serial 1899

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Details: (U) Upon review of [REDACTED] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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NSL VIO-1222



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: January 30, 2007

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179/DMH/KSR/RW

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2007002647

b2 Subject: Unidentified

b7E [redacted] Division

FBI No. 263-0-U-644

CMS No. 3159

☒ We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.

☐ This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.

☐ This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-1223

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [REDACTED]

M

Received By: [REDACTED]

Date Received: 12/20/2006

How Received: [REDACTED]

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SUBJECT: Unidentified, FBI

SSNO: [REDACTED]

Title: UNID

Pay Plan: [REDACTED]

D.O.B.: [REDACTED]

Component: FBI

EOD Date: [REDACTED]

Alien No.: [REDACTED]

Misc: [REDACTED]

F.B.I.No.: [REDACTED]

Home: [REDACTED]

B.O.P.No.: [REDACTED]

Phone: [REDACTED]

ZIP: [REDACTED]

D/L No.: [REDACTED]

Work: [REDACTED]

Offenses: 689

Phone: [REDACTED]

ZIP: [REDACTED]

COMPLAINANT: [REDACTED]

SSNO: [REDACTED]

Title: SSA

Pay Plan: [REDACTED]

D.O.B.: [REDACTED]

Component: FBI

EOD Date: [REDACTED]

Alien No.: [REDACTED]

Misc: [REDACTED]

F.B.I.No.: [REDACTED]

Home: [REDACTED]

B.O.P.No.: [REDACTED]

Phone: () - [REDACTED]

ZIP: [REDACTED]

D/L No.: [REDACTED]

Work: , , [REDACTED]

Phone: (202) [REDACTED]

ZIP: [REDACTED]

Confidential: [REDACTED]

Revealed: [REDACTED]

Authority: none

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Details:

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The FBI provided information regarding a potential IOB matter (2007 [REDACTED])

(S)

[REDACTED] on 10/3/06, the [REDACTED] Division issued an NSL requesting electronic communication transactional information for the subject of its investigation. A review of the information provided revealed that the content of the email messages was included with the header and footer information.

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FBI/OGC determined that this matter does not need to be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [REDACTED] 2006

TIME: [REDACTED]

CITY: [REDACTED]

Zip: [REDACTED]

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DISPOSITION DATA: Disposition: M Date: 12/20/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI

Date Sent: 01/29/2007

Component: FBI

Patriot Act: N

Civil Rights: N

Component Number: 263-0-U-644

Sensitive: N

Whistleblower: N

Consolidated Case Number: [REDACTED]

Remarks:

Predicating material contains classified information which will be maintained within OIG/INV.

1/30/07: Sent to Kaiser/FBI. (stp)

DATE: 05-30-2007

FBI INFO.

CLASSIFIED BY 65179/DMH/KSP/RW

REASON: 1.4 (c)

DECLASSIFY ON: 05-30-2032

NSL VIO-1224