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**FEDERAL BUREAU OF INVESTIGATION**

b2 c7 [ ]

Precedence: ROUTINE

Date: 01/29/2007

To: Inspection  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975  
Attn: CDC/Legal Unit

From: [ ]

Contact: SFO [ ]

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Approved By: [ ]

DATE: 05-25-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-25-2032

Drafted By: [ ]

2007  
2126

1073946

(U) Case ID #: (S) 278-HO-C1229736-VIO  
(U) 278 [ ]-C136372 - 122

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) Synopsis: (S) Report of a potential IOB matter.

(U) (S) Derived From : G-3  
Declassify On: X1

Details:

b1 (S) 1. [ ]

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b2 (S) b6  
b7E b7C Case Agent: [ ]  
Supervisor: SSA [ ]

b1 (S) 3. [ ]

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b7C (S) 4. No Foreign Intelligence Surveillance Act (FISA) request  
has been submitted to Office of Intelligence Policy and Review,  
Department of Justice (OIPR).

(U) (S) 5. Possible IOB Error:

b1 (S) [ ]

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b7E (U) (S) Description of IOB Error (including any reporting delays):

sc Miller Date 4/4/07  
CRS [ ] Date 04/22/07  
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NSL VIO-1661

uid 02/08/07

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(U)  
To: Inspection From: [redacted]  
Re: (S) 278-HQ-C1229736-VIO, 01/29/2007

(S)

This NSL was for toll records [redacted]

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[redacted] Special Federal Officer [redacted] received from [redacted] Division an EC (Serial 302) and a letter response from [redacted] and a CD disk. Upon review of the letter response [redacted] found that according to [redacted]

[redacted] telephone number was subscribed to [redacted] [redacted] discontinued the service on this telephone number [redacted] Upon further review [redacted] found that [redacted] had also forward information on the new subscriber of the telephone number. [redacted] then opened the CD that had been provided [redacted] and discovered that there were [redacted] toll calls [redacted]

[redacted] made a copy of [redacted] and blacked out the other phone numbers [redacted] The other pages were destroyed.

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[redacted] contacted SSA [redacted] and advised of what had been returned to him [redacted] and Paralegal [redacted] of the [redacted] Division's Legal Unit.

[redacted] contacted [redacted] by telephone [redacted] and reported the possible error. [redacted] stated that they had followed the instructions of the NSL that they had received and advised that [redacted] should destroy the CD.

(J) The CD was destroyed on 01/29/2007, by SFO [redacted]. The CD was destroyed by being broken into several pieces and placed in a burn bag.

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To: <sup>(U)</sup> Inspection From: [REDACTED]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/29/2007

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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NSL VIO-1663

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/26/2007

To: [Redacted]

Attn: SAC  
CDC

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Counterterrorism

Attn: ITOS 1, CONUS IV, Team 15

Inspection

Attn: IIS

From: General Counsel  
NSLB/CTLU I  
Contact: SSA [Redacted]

DATE: 05-25-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
CLASSIFY ON: 05-25-2032

Approved By: Thomas Julie [Redacted]

Drafted By: [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) <sup>2343</sup>

(U)

Title: (S) INTELLIGENCE OVERSIGHT BOARD (IOB)  
MATTER 2007-[Redacted]

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Synopsis: (S) The [Redacted] Division requested that the Office of General Counsel (OGC) review a potential Intelligence Oversight Board (IOB) error and determine whether it is reportable to the IOB. It is the opinion of OGC that the above referenced matter need not be reported to the IOB. Our analysis follows.

(U) ~~(S)~~

Derived From: G-3  
Declassify On: 02/26/2032

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Reference: (S) 278-HQ-C1229736-VIO, Serial 2126  
(S) 278-[Redacted] C136372, Serial 122

Details: (S) [Redacted]

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Pursuant to this investigation, a National Security Letter (NSL) was issued in accordance with 18 U.S.C. §2709 seeking telephone toll billing records for [Redacted] telephone number [Redacted]. [Redacted] Unbeknownst to the

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U.S./DOJ REVIEW: [Redacted]  
DATE: 3/26/07  
FBI INVESTIGATION: [Redacted]  
IG/DOJ INVESTIGATION: [Redacted]

NSL VIO-1664

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(U) To: [redacted] From: Office of the General Counsel  
Re: (S) 278-HQ-C1229736-VIO, 02/26/2007

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(S) case agent, [redacted] telephone service was terminated [redacted]. Upon reviewing the records supplied [redacted] the FBI learned that they contained not only information [redacted] was the subscriber to that telephone number but also records related to the individual who was subsequently issued that number [redacted].

(U)  
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(S) Upon discovery of the inadvertently obtained records, FBI [redacted] segregated the records and contacted the telephone carrier, who advised the FBI to destroy the records, which was done.

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

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b2 To: [redacted] From: Office of the General Counsel  
b7E (U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(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. [redacted] [redacted]

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(S) Here, during an authorized investigation, the FBI properly served an NSL on a telephone carrier requesting telephone toll billing records. In response, the FBI inadvertently received information regarding a subsequent subscriber which was not relevant to the investigation. The FBI identified the problem, and properly sequestered the inadvertently obtained records. The records were subsequently destroyed by the FBI upon the request of the telephone carrier.

(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) Since the inadvertently obtained records were already destroyed by [redacted] upon the request of the telephone carrier, no action lead to [redacted] is needed.

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(U) [redacted]  
To: [redacted] From: Office of the General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

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**LEAD(s) :**

**Set Lead 1: (Info)**

[redacted]  
AT [redacted]

(U) For information.

**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  
[redacted]  
b6 IOB Library  
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**FEDERAL BUREAU OF INVESTIGATION**

b7 [ ] b2

**Precedence:** ROUTINE

**Date:** 02/05/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**Attn:** ASAC [ ]  
CDC

**From:** [ ]

**Contact:** SA [ ]

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**Approved By:** [ ]

**Drafted By:** [ ]

DATE: 05-29-2007  
CLASSIFIED BY 65179 DMH/KSR/JM  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

(U) **Case ID #:** (S) 278-HO-C1229736-VIO -2000  
(S) 62P [ ] A89455-IOB -19

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Title:** (U) SA [ ]  
b6 SSA [ ]  
b7C INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ **Derived From:** G-3  
**Declassify On:** 02/05/2032

**Details:**

(S) 1. [ ]

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(S) 2. [ ]

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(S) 3. Possible IOB Error:

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(S) [ ]

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

(S) On 08/28/2006, a National Security Letter (NSL) to [ ]

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[ ] requesting [ ] records pertaining to the [ ]

~~SECRET~~//20320205

sb4  
CRS

[ ]

*Miller*  
*4/24/07*  
*CRS 04/25/07*  
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NSL VIO-1668



b2 u) To: Inspection From: [redacted]  
b7E Re: (S) 278-HQ-C1229736-VIO, 02/05/2007

b1 [redacted]  
b6 [redacted] was prepared and approved in accordance with the  
b7C Attorney General Guidelines. The NSL was served [redacted]  
b7D [redacted]  
b2 [redacted]  
b7E [redacted]

b7A (S) On 02/01/2007, a preliminary review of the results the  
b4 NSL revealed that [redacted] supplied [redacted]  
b1 [redacted] This  
b7D information was not requested by the FBI. This information was not  
b7A utilized by the case agent in any analysis nor was it documented in  
b4 the case file.

b2 (S) On 02/01/2007, [redacted] contacted Office of General Counsel  
b7E (OGC), FBIHQ, to determine the proper handling of the information  
b1 received. Per the advisement of OGC, [redacted] mitigated the errant  
b7D information by completely removing pages containing only  
b4 [redacted] and redacting [redacted]  
[redacted] on pages containing both requested and non-requested information.  
All original pages containing errant information were sent to  
[redacted] CDC.

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To: Inspection From: [REDACTED]  
Re: ~~S~~ 278-HQ-C1229736-VIO, 02/05/2007

(u)

**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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# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/21/2007

To: [Redacted]

Attn: ASA  
CDC  
SSA  
SA

[Redacted]

Inspection

Attn: IIS, CRS

[Redacted]

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From: Office of the General Counsel  
CILU/NSLB/OGC/Room 7947

Contact: [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-HO-C129736-VIO (Pending)  
(S) 62P [Redacted]-A89455-IOB (Pending)

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSR/JU  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

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

(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 the Counsel to the IOB.

(U) (S) Derived From: G-1  
Declassify On: 03/21/2037

(U) Reference: (S) 278-HO-C129736-VIO Serial 2130  
(S) 62P [Redacted]-A89455-IOB Serial 19

(U) Details: (S) By EC dated 02/05/2007, [Redacted] Field Office requested OGC review the facts of the captioned matter and determine whether it warranted reporting to the IOB. As detailed further below, this possible IOB error is not reportable to the IOB.

b1 (S) On 08/28/2006, a National Security Letter (NSL) [Redacted]  
b7D [Redacted]  
b7A [Redacted]

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OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

DATE: 4-19-07

NSL VIO-1671

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To: [redacted] From: Office of the General Counsel  
Re: (S) 278-HQ-C1229736-VIO, 03/21/2007

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[redacted] requesting [redacted] records  
[redacted]  
[redacted] was prepared and approved in accordance with the Attorney General Guidelines. The NSL was served [redacted]  
[redacted]

(S) On 02/01/2007, a preliminary review of the results the NSL revealed [redacted] supplied [redacted]  
[redacted] This information was not requested by the FBI. This information was not utilized by the case agent in any analysis nor was it documented in the case file. Further, it was sequestered with [redacted] CDC.

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(U) The President, by Executive Order (EO) 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by EO 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 EO 12863 mandates that the 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 EO 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

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b7E To: [redacted] From: Office of the General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/21/2007

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. [redacted]

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(S) [redacted] the FBI properly served an NSL [redacted] [redacted] provided the information requested and provided information outside the time frame requested. Acquisition of this unrequested information by the FBI is not reportable to the IOB as it is third party error. It should be noted that the FBI's response in receiving the unsolicited material was commendable. Upon learning that the [redacted] provided information beyond the scope of the NSL, the FBI sequestered the excess information, did not utilize it in any analysis and did not document it in the case file. The only remaining step to be performed is for [redacted] to contact [redacted] and ask whether the unrequested information should be returned or destroyed, with appropriate documentation to the file.

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(U) Based upon these facts, the bank's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

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[redacted]

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(U)

To: [redacted] From: Office of the General Counsel  
Re: (S) 278-HQ-C1229736-VIO, 03/21/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(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.

Set Lead 2: (Action)

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[redacted]

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

cc: Ms. Thomas  
[redacted]  
IOB Library

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**FEDERAL BUREAU OF INVESTIGATION**

b2 c7-

Precedence: ROUTINE

Date: 01/26/2007

To: Inspection  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From:

Contact:

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Approved By:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By:

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 2142

b6 Title: (U) TFO   
b7C SSA

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ Derived From: ~~(S)~~ FBI SCG-3 JANUARY, 1997  
Declassify On: ~~(S)~~ 01/26/2032

Details: (S) 1.

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

b7Eb1 (S)

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

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b7E

iC Miller   
KAC 04/25/07

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2007 EC/LHM sers. 62,63

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NSL VIO-1675

(U) b2 To: Inspection From: [redacted]  
b7E Re: (S) 278-HQ-C1229736-VIO, 01/26/2007

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[redacted]

(S) Due to administrative oversight, an annual Letter Head Memorandum (LHM) was not completed for 2006. During this period of time, the case has been transferred to three different investigators. In November of 2006, investigators used National Security Letters (NSLs) to obtain [redacted]

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[redacted] requesting [redacted] plans on  
NSLs. [redacted] in reference to the results of these  
[redacted]  
[redacted] No other investigative activity has occurred in the last  
year.

[redacted] initiated [redacted]  
Extended [redacted] exp [redacted]  
[redacted]

(S)

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- \* '05 Annual LHM due 02/17/05 -  
Not submitted.
- \* '06 Annual LHM due 02/17/05 -  
Not submitted.
- '07 Annual LHM submitted  
02/01/07.



b2

b7E(U)

To: Inspection From:

Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/26/2007

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~~//20320209

**FEDERAL BUREAU OF INVESTIGATION**

b2 07 [redacted]

**Precedence:** ROUTINE

**Date:** 02/09/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

[redacted]

**Attn:** ASAC  
CDC

[redacted]

**From:**

[redacted]

**Contact:** SA

[redacted]

**Approved By:**

[redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:**

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b7E  
b6  
b7C

**Case ID #:** (S) 278-HO-C1229736-VIO -2159  
(S) 62F [redacted] A89455-IOB -21

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSP/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

**Title:** (U) SA [redacted]  
b6 SSA [redacted]  
b7C INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

**Synopsis:** (S) To report possible IOB error.

**Derived From:** G-3  
**Declassify On:** 02/09/2032

**Details:**

(S) b1<sup>1</sup> [redacted]

b6 [redacted]  
(S) b7C [redacted]

(U) ~~(S)~~ b7A  
~~(S)~~ b2 Possible IOB Error:

(S) b7E  
b1 [redacted]

(U) ~~(S)~~ b2 Description of IOB Error (including any reporting  
b7E delays).

(S) On 08/28/2006 a National Security Letter (NSL) [redacted]

b1 [redacted]  
b7D [redacted]  
b6 [redacted]

b7C - Miller - [redacted] 4/24/07

b7A [redacted] Kas 04/25/07  
b4 [redacted]

~~SECRET~~//20320209

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NSL VIO-1678

b2 J To: Inspection From: [redacted]  
b7E Re: (S) 278-HQ-C1229736-VIO, 02/09/2007

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b6 3)  
b7C  
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b7D

[redacted]  
[redacted] was prepared and approved in accordance with the  
Attorney General Guidelines [redacted]  
[redacted]

b1  
b7D  
b4

(S) On 02/09/2007 a preliminary review of the results the  
NSL revealed that [redacted] supplied [redacted]  
[redacted] This information was  
not requested by the FBI. This information was not utilized by the  
case agent in any analysis nor was it documented in the case file.

b1  
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b7E

(S) Based upon prior advisement to [redacted] by the Office of  
General Counsel (OGC), FBIHQ, in regard to the proper handling of  
such information received [redacted] mitigated the errant information  
by redacting [redacted] All  
original pages containing errant information were sent to the  
[redacted] CDC.

(U) To: Inspection From: [redacted]  
Re: (S) 278-HQ-C1229736-VIO, 02/09/2007

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

b2  
b7E

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

**Set Lead 3: (Action)**

[redacted]  
[redacted]

(U) To report possible IOB violation.

◆◆

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/19/07

To: [Redacted]

Attn: ASAC [Redacted]  
CDC [Redacted]

Counterintelligence  
Inspection

Attn: AD [Redacted]  
Attn: IIS, CRS [Redacted]

b2  
b7E  
b6  
b7C

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F. [Signature]

Drafted By: [Redacted]

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

(U) Case ID #: (S) 278-HQ-C1229736-VIO-3286  
(S) 62F-[Redacted]-A89455-103

(U) Title: (S) POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER  
2007-[Redacted]

(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-Serial 2159  
b2 b7E (S) 62F-[Redacted]-A89455-JOB Serial 21

Details: (S) [Redacted]

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[Redacted] a National Security Letter (NSL) was

~~SECRET~~

OIG/DOJ REVIEW: [Redacted] DATE: 4-19-07  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

b6  
b7C

NSL VIO-1681

b2  
b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 3/19/07

(S)

Issued [redacted]  
[redacted]

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(S) When the [redacted] Field Office [redacted] reviewed the records [redacted] there were [redacted] [redacted] which was prior to the time period requested in the NSL.

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(U) ~~(S)~~ The original documents reflecting the information which was not requested have been forwarded to [redacted] CDC and sequestered. Redacted copies which only reflect information requested by the NSL will be retained for the case file.

b2  
b7E

(U) ~~(S)~~ The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 9/13/1993, 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 (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 has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for

(S)  
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[redacted]

~~SECRET~~

b2  
b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 3/19/07

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 E.O. 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 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 communications record 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. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [redacted]

b1

(S) Here, during an authorized investigation, the FBI properly served an NSL [redacted]. In response to the properly served NSL, the FBI obtained [redacted] records containing information beyond what it is legally authorized to receive. The FBI, having ascertained that [redacted] were beyond the scope of the NSL, forwarded the unasked for information to the CDC for sequestering and redacted their files to reflect only information responsive to the NSL.

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~~(S)~~ By agreement with the Counsel to the IOB, 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.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 3/19/07

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**Set Lead 1: (Action)**

[redacted]

AT

[redacted]

b1  
b7D  
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(S) Return original documents which reflect information beyond the scope of the NSL to [redacted]

[redacted]

**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

b6  
b7C

1 [redacted]  
1  
1

1 JOB Library

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~~SECRET~~



~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 02/16/2007

67  b2

**To:** ✓ Inspection

**Attn:** IIS  
Room 11861

General Counsel

**Attn:** NSLB  
Room 7975

**From:**

Chief Division Counsel

**Contact:**

b2  
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b6  
b7C

**Approved By:**

SA  
SSA

(U) **Drafted By:**

**Case ID #:** (S) 278-HQ-C1229736-VIO - 2164

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U) **Title:** (S) Intelligence Oversight Board (IOB) error

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

DATE: 05-29-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

(U) **Derived From:** G-3  
**Declassify On:** X1

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**Details:** (S) 1.

(S) 2. Potential IOB error: An NFIPM section reference: carrier error in providing agent with information not authorized by NSL.

(S) 3. Description of potential IOB error: (In accordance with an approved ECPA National Security letter dated 01/17/2007  returned to  Division  records for telephone number

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believed  was the subscriber for  to the fact

~~SECRET~~

*DM 4/24/07*  
*RM 04/25/07*

b6  
b7C

NSL VIO-1685

To: Inspection From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/16/2007

(S)

[redacted]

however, returned [redacted] records for three individuals, including [redacted], who have subscribed to the telephone number [redacted] the subscriber for [redacted] was listed [redacted] there were two additional individuals (not FBI subjects) who have subscribed to the telephone number [redacted]. Upon receipt of those additional records from [redacted] records were not reviewed or acted upon and no lead information was developed by the [redacted] Division. The subscriber and [redacted] information for the two additional individuals (not including the subject [redacted] were provided to the Chief Division Counsel for maintenance in his safe.

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(U) ~~(S)~~ 4. The Office of General Counsel guidance per EC dated 11/16/2006, provides that an over-collection of this type must be reported as a potential IOB violation.

(U) ~~(S)~~ 5. [redacted] therefore, is reporting this incident to OGC and the Inspection Division. Due to the fact that no investigative activity was conducted as a result of the over-capture, Philadelphia does not believe this incident to be a reportable IOB violation.

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(S) 6. Due to the fact that this was an error on the part of [redacted] and was not the result of agent error, SAC [redacted] recommends no administrative action be taken regarding this matter.

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~~SECRET~~

b2 (U) To: Inspection From: [REDACTED]  
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/16/2007

**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~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 02/16/2007

**To:** Inspection

**Attn:** IIS

Room 11861

General Counsel

**Attn:** NSLB

Room 7975

**From:** [Redacted]

Chief Division Counsel

**Contact:** [Redacted]

**Approved By:** [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [Redacted]

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSP/JH  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

**Case ID #:** (S) 278-HQ-C1229736-VIO - 2164

**Title:** (S) Intelligence Oversight Board (IOB) error

**Synopsis:** (S) To report possible IOB error.

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

**Details:** (S) 1. [Redacted]

(S) 2. Potential IOB error: An NFIPM section reference: carrier error in providing agent with information not authorized by NSL.

(S) 3. Description of potential IOB error: (In accordance with an approved ECPA National Security letter dated 01/17/2007, [Redacted] returned to the [Redacted] Division [Redacted] records for telephone number [Redacted]

[Redacted] was the subscriber for [Redacted]

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/12/2007

**To:** [Redacted]

**Attn:** SAC  
CDC

Counterterrorism

**Attn:** ITOS1, CONUS 1, [Redacted]

Inspection

**Attn:** IIS

**From:** Office of General Counsel/  
NSLB/CTLU I  
**Contact:** UC [Redacted]

**Approved By:** Thomas Julie F. [Signature]

**Drafted By:** [Redacted]

**Case ID #:** (S) 278-HQ-C1229736-VIO (Pending)  
(S) [Redacted] (Pending)

**Title:** (S) INTELLIGENCE OVERSIGHT BOARD  
IOB MATTER 2007- [Redacted]

**Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

**Derived From:** G-3  
**Declassify On:** 03/12/2032

**Reference:** (S) 278-HQ-C1229736-VIO Serial 2164

**Details:** (S) By electronic communication ("EC") dated February 16, 2007, the [Redacted] Division [Redacted] reported a potential IOB error in conjunction with its ongoing counterterrorism investigations [Redacted], a United States Person as that term is defined in The Attorney General's Guidelines for FBI

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

OIG/DOJ REVIEW [Redacted] DATE: 4-17-07  
FBI INVESTIGATION [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

NSL VIO-1691

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(U) b2 To: [redacted] From: Office of General Counsel  
b7E Re: (S) 278-HQ-C1229736-VIO, 03/12/2007

(S) Investigations and Foreign Intelligence Collection ("NSIG" or "the Guidelines").<sup>1</sup>

(S) By way of background, on January 17, 2007 [redacted] issued an approved ECPA National Security Letter ("NSL") [redacted] for telephone number [redacted] records of subscriber [redacted]. The NSL did not list the subscriber name, only telephone number. The subscriber information [redacted] were adequately verified [redacted] and [redacted] prior to the issuance of the NSL letter. [redacted] returned [redacted] records for three individuals, including [redacted] agents, [redacted] Unbeknownst to the case [redacted] the telephone number, two additional individuals (not FBI subjects) subscribed to telephone number, [redacted] and [redacted] provided their [redacted] records as well. Upon receipt of the additional records from [redacted] the case agents notified their Chief Division Counsel ("CDC") whereby the CDC directed [redacted] records be sequestered and held in his safe. The additional records were not reviewed [redacted] acted upon, nor was any lead information generated by [redacted].

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(S) (S) As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual ("NFIPM"), OGC was tasked to determine whether [redacted] receipt of additional subscriber [redacted] records from [redacted] is a matter which must be reported to the IOB. It is not.

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(U) Section 2.4 of 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

<sup>1</sup>(U) See, referenced EC from the [redacted] to the General Counsel, dated February 16, 2007, Case ID# 278-HQ-C1229736-VIO Serial 2164, titled "Intelligence Oversight Board (IOB) Error."

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~~SECRET~~

(U) To: [redacted] From: Office of General Counsel  
b2 Re: (S) 278-HQ-C1229736-VIO, 03/12/2007  
b7E

known as the President's Intelligence Oversight Board ("PIOB"). By longstanding agreement between the FBI and the IOB (and its predecessor, the PFOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, 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. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(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. [redacted]

b1

(S) In this instance, [redacted] properly served an NSL requesting subscriber [redacted] records [redacted] [redacted] Though no fault of the FBI or [redacted] the NSL only listed the telephone number, therefore [redacted] provided [redacted] with records beyond the scope of the NSL.

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(S) Based on our analysis, the over collection of [redacted] records was not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. The FBI adequately verified, prior to issuing the NSL, [redacted] [redacted] was in use of the telephone number listed on the NSL. [redacted]

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~~SECRET~~

(U) b2

b7E

To: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/12/2007

From: Office of General Counsel

(S) b1  
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[redacted]

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~~(S)~~ Since the additional records in this instance are not relevant to the authorized investigation, [redacted] should contact [redacted] and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

(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.

~~SECRET~~



~~SECRET~~

(U) b2 To: [redacted] From: Office of General Counsel  
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/12/2007

**LEAD(s) :**

**Set Lead 1: (Action)**

[redacted]

b2  
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(S) [redacted] Field Office should contact [redacted] and ask whether the irrelevant unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

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**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, DC

(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  
[redacted]  
IOB Library

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**FEDERAL BUREAU OF INVESTIGATION**

b2 07

**Precedence:** PRIORITY

**Date:** 02/21/2007

**To:** General Counsel  
Inspection  
Charlotte

**Attn:** NSLB  
**Attn:** IIS  
**Attn:** SAC [redacted]  
ASAC [redacted]  
SSA [redacted]  
CDC [redacted]

**From:** Charlotte  
Raleigh Resident Agency  
**Contact:** SA [redacted]

**Approved By:** [redacted]

b6  
b7C  
b2

**Drafted By:** [redacted]

(U)

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

(U)

**Title:** (S) INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
FBIHQ - CHARLOTTE DIVISION

**Synopsis:** (U) Report of a potential Intelligence Oversight Board (IOB) matter.

(U)

~~(S)~~

~~Derived From :~~ G-3  
~~Declassify On:~~ 02/21/2032

(U)

**Reference:** (S) 278-HQ-C1229736 Serial 2570

b1  
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(S) [redacted]  
(S) [redacted]

**Enclosure(s):** (U) Enclosed for NSLB and IIS are the following:  
One copy of a series of e-mails (3 pages) to include

b6  
b7C

an e-mail from [redacted] to ASC [redacted], et al,  
FBIHQ, CTD, dated 07/21/2005.

**Details:** (S) [redacted]

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b2  
b7E

[redacted]

SC Miller [redacted] 4/24/07  
CRS [redacted] KAG 04/25/07

~~SECRET~~

b6  
b7C

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-29-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

NSL VIO-1696

(U) To: General Counsel From: Charlotte  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2007

(S) [redacted]  
b1 [redacted]

(S) ~~(U)~~ As a result of [redacted] investigation  
07/07/2005, [redacted]  
[redacted]

b1  
b6  
b7C (S) [redacted]  
[redacted]

(S) ~~(U)~~ On or about 07/13/2005, SA [redacted] coordinated  
with United States Attorney's Office (USAO), Eastern District of  
North Carolina (EDNC), Chief of Criminal, [redacted] to obtain  
a Grand Jury subpoena [redacted]

(S) [redacted] After receiving the subpoena,  
SA [redacted] went to [redacted] and met with Associate General Counsel  
[redacted] SA [redacted] served the subpoena and had some records  
in hand when he received a call from SSRA [redacted]  
SSRA [redacted] had been notified by FBIHQ, ITOS I, CONUS II, Team 6,  
that we were not to utilize a Grand Jury subpoena and that we  
must obtain a National Security Letter (NSL). Therefore, SA  
[redacted] returned the records to [redacted]

b6  
b7C  
b1 (S) ~~(U)~~ SSRA [redacted] advised FBIHQ that our SAC, [redacted]  
[redacted] was TDY out of the Division and therefore we would need  
to complete an EC addressed to General Counsel requesting an NSL  
be approved at FBIHQ. SSRA [redacted] was then instructed by FBIHQ,  
ITOS I, CONUS II, that Charlotte would be required to draft the  
NSL, due to time constraints, and then obtain approval from a  
neighboring division's SAC. SA [redacted] then drafted an NSL to  
obtain the student records [redacted] and forwarded the NSL to  
SSRA [redacted] for review. The NSL was then forwarded by SSRA  
[redacted] to SAC [redacted] Division, for approval.

(S) ~~(U)~~ [redacted] Agent  
[redacted] served the NSL at [redacted] does not recall

b1  
b6  
b7C

To: General Counsel From: Charlotte  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2007

b1 (S) the individual's name to whom the NSL was given. TFA [redacted] was  
b6 advised that the NSL was not the appropriate documentation to  
b7C (S) receive [redacted] records [redacted] declined to honor the NSL.

(S) SSRA [redacted] then contacted CDC [redacted]  
Charlotte Division, for guidance concerning the matter and the  
b1 (S) questioned legality of the NSL [redacted] CDC [redacted]  
b6 then conferred with legal counsel [redacted] and FBIHQ, OGC [redacted]  
b7C concerning the matter. SSRA [redacted] also contacted ASAC [redacted]  
[redacted] Charlotte Division, who in turn was also in contact  
with FBIHQ.

b1 (S) Subsequently, SSRA [redacted] was advised by FBIHQ that  
b2 a Grand Jury subpoena would be obtained [redacted]  
b7E (S) [redacted] which was the office of origin on the  
b6 [redacted] matter, and the Grand Jury subpoena would be forwarded to  
b7C the Raleigh RA for service on [redacted]

(S) On 07/15/2005, the Raleigh RA received a copy of  
the Grand Jury subpoena [redacted]  
[redacted] SA [redacted] and SA  
b1 [redacted] served [redacted] with the Grand Jury subpoena [redacted]  
b6 [redacted] After [redacted] resistance  
b7C to comply, SA [redacted] advised [redacted] that he had been served.  
b2 SSRA [redacted] was in contact with [redacted] advising of [redacted]  
b7E reluctance to honor the Grand Jury subpoena and at this time [redacted]  
[redacted] contacted [redacted] concerning the matter.  
b3 FGJ Approximately one hour later [redacted] contacted the Raleigh RA and  
(S) advised that the records were waiting for our retrieval.

~~SECRET~~

(U) To: General Counsel From: Charlotte  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2007

LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB; For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) IIS; For information and action deemed appropriate.

◆◆

~~SECRET~~

[Redacted]

(S) (FBI)

b6 From: [Redacted] (CTD) (FBI)  
b7C Sent: Thursday, July 21, 2005 5:23 PM  
b1 To: [Redacted] (CE) (FBI)  
(S) Subject: RE: Facts on [Redacted] needed re [Redacted] NSL letter ASAP

~~UNCLASSIFIED~~  
~~NON-RECORD~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Thanks for the rapid response.

DATE: 05-29-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

b6  
b7C

[Redacted]

-----Original Message-----

b6 From: [Redacted] (CE) (FBI)  
b7C Sent: Thursday, July 21, 2005 5:17 PM  
b1 To: [Redacted] (CTD) (FBI); [Redacted] (CTD) (FBI); [Redacted] (CTD) (FBI);  
(S) Cc: [Redacted] (CTD) (FBI); [Redacted] (CTD) (FBI); [Redacted] (CE)  
(FBI) [Redacted] (CID) (FBI)  
Subject: RE: Facts on [Redacted] needed re [Redacted] NSL letter ASAP

~~UNCLASSIFIED~~  
~~NON-RECORD~~

b6  
b7C

[Redacted]

(S)

(S)

(S) We originally were in the process of obtaining a subpoena in the EDNC for the [Redacted] records along with a sealed court order to be issued by Judge Boyle, (EDNC). This process was stopped at the direction of FBIHQ, CTD, and I was told that we needed to serve an NSL. We prepared the NSL and it was e-mailed to SAC [Redacted] Atlanta Division, signed and returned. Our SAC [Redacted] is currently TDY at FBIHQ. The NSL was then served on [Redacted] and their legal counsel advised that he would not accept/honor the NSL because the NSL was only for [Redacted]

b1 We had our CDC and FBIHQ involved in this throughout the process.  
b3 FGJ FBIHQ, ITOS I, then advised [Redacted] Division would be forwarding us a GJ subpoena to serve. We obtained the GJ subpoena [Redacted] late Friday afternoon and served it on the attorney [Redacted]. He initially declined to honor the subpoena because he stated that we should have presented him with a court order under the Patriot Act and also that he wanted each individual who had records [Redacted] to be named in the subpoena. He also made some additional remarks that I will not go into at this time. Bottom line is we told him to consider himself served and provided him with the subpoena. A/SAC [Redacted] also contacted [Redacted] concerning the matter at this point. About one hour later the [Redacted] attorney called our office and advised the documents were ready to be picked up.

This process delayed us approximately one day in obtaining the records. However, it occupied a great deal of my time and more importantly the time of two agents who could have been focusing on the investigation at hand. I would agree with the obvious, that administrative subpoena power in the field involving CT matters may be the single most important tool that the agents could use to improve/expedite their investigations.

If you require any additional info please let me know.

Thanks [Redacted]

b6  
b7C

~~SECRET~~

-----Original Message-----

**From:** [redacted] (CTD)(FBI)  
**Sent:** Thursday, July 21, 2005 3:55 PM  
**To:** [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CE)  
**Cc:** [redacted] (CTD) (FBI); [redacted] (CTD)(FBI); [redacted] (CE) (FBI)  
**Subject:** FW: Facts of [redacted] needed re [redacted] NSL letter ASAP  
**Importance:** High

b6  
b7C  
b1  
(S)

~~UNCLASSIFIED~~  
~~NON-RECORD~~

[redacted] - Is the below true? Did we go NSL first and then GJS? Pls respond by e-mail.

[redacted] Anyone with full knowledge to get this back to [redacted] by e-mail?

b6  
b7C  
b2

[redacted]

International Terrorism Ops Section 1  
CTD/FBIHQ

[redacted]

-----Original Message-----

**From:** [redacted] (CTD) (FBI)  
**Sent:** Thursday, July 21, 2005 3:10 PM  
**To:** [redacted] (CTD)(FBI); [redacted] (CTD)(FBI)  
**Cc:** [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (DO) (FBI); [redacted] (CTD) (FBI)  
**Subject:** Facts on [redacted] needed re [redacted] NSL letter ASAP  
**Importance:** High

b6  
b7C  
b1  
(S)

~~UNCLASSIFIED~~  
~~NON-RECORD~~

(S) I just got a call from [redacted] of OCA. The Director has requested a write up on the circumstances surrounding the NSL letter issued to [redacted]

(S) It is the Director's understanding that an NSL letter was issued to [redacted] in connection with the London bombing. [redacted] would not honor the NSL letter and because of this the FBI had to issue them a Grand Jury subpoena.

b6  
b7C  
b1  
(S)

The Director would like to use this as an example tomorrow as to why we need administrative subpoenas's to fight the war on terror. In particular, he would like to know how much extra time was spent having to get the Grand Jury subpoena.

Please provide me with an e-mail regarding the particular facts of this incident. Just one paragraph in e-mail form will be sufficient.

12/19/2006

~~SECRET~~

NSL VIO-1701

From: [redacted] (INSD) (FBI)  
 Sent: Thursday, January 04, 2007 2:42 PM  
 To: [redacted] (CE) (FBI); [redacted] (INSD) (FBI)  
 Cc: [redacted] (CE) (FBI)  
 Subject: RE: Charlotte NSL Issue

b6  
b7C

~~UNCLASSIFIED~~  
~~NON-RECORD~~

[redacted]

b6 [redacted] can call [redacted]. We have no problem with that at all. The OIG can call anyone directly, just keep us  
b7C in the loop as to what transpires. Would it be helpful to send you a copy of what we sent the OIG?

b1  
b2 In order to give you a little information, we sent the following:

- b7E 1) E-mail dated 12/19/06 to [redacted] from [redacted] re: FW: Facts on [redacted] needed re [redacted] NSL letter  
(S) ASAP.
- (S) 2) 7/15/05 EC from Charlotte to CTD [redacted] et. Al re: [redacted]
- (S) 3) 7/14/05 EC from Charlotte to CTD and OGC re: [redacted]
- 4) 7/14/05 letter from [redacted] to [redacted] re: [redacted]

If you would like a copy, please let me know and I can send one ASAP to your office.

Thanks.

(S)

b6  
b7C  
b2

-----Original Message-----

From: [redacted] (CE) (FBI)  
 Sent: Wednesday, January 03, 2007 12:34 PM  
 To: [redacted] (INSD) (FBI); [redacted] (INSD) (FBI)  
 Cc: [redacted] (CE) (FBI)  
 Subject: Charlotte NSL Issue

b6  
b7C

~~UNCLASSIFIED~~  
~~NON-RECORD~~

(S) [redacted] Regarding the NSL issue involving our Division and [redacted] one of our Agents [redacted]  
 [redacted] received a call from [redacted] of the IGs office, inquiring about the matter. I contacted [redacted] and she  
 b6 advised that your office had forwarded documents and e-mails regarding the matter to OIG. I'm assuming by that, that  
 b7C you have studied the matter and we are responding to the inquiry. Should I have SA [redacted] call [redacted] and detail his  
 b1 recollections of the matter? He's glad to do it, but I wanted to check with you first to make sure that was what you  
 wanted us to do.

Also, would you please let me know what documents and information was furnished to OIG? I would appreciate it.

Thanks.

[redacted]  
DC Charlotte  
04 [redacted]

b6  
b7C  
b2

~~UNCLASSIFIED~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032



~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/13/2007

**To:** Charlotte

**Attn:** SAC  
CDC

Counterterrorism

**Attn:** ITOS 1, CONUS 2, Team 8

Inspection

**Attn:** IIS

**From:** Office of General Counsel/  
NSLB/CTLU I  
**Contact:** UC [Redacted]

b6 **Approved By:** Thomas Julie F [Signature]

b7C **Drafted By:** [Redacted]

b2 **Case ID #:** (S) 278-HQ-C1229736-VIO (Pending) *3205*

(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD  
IOB MATTER 2007-[Redacted]

(U) **Synopsis:** (S) It is the opinion of the Office of General Counsel (OGC) that the above-referenced matter must be reported to the IOB and to the Inspection Division. OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

(U) **Derived From:** G-3  
**Declassify On:** 03/07/2032

(U) **Reference:** (S) 278-HQ-C1229736-VIO Serial 2180

b1 **Details:** (S) [Redacted]

b6 [Redacted]

b7C [Redacted]

b2 (S) [Redacted]

b7Eb1 [Redacted]

b2 [Redacted]

b7E (S) As a result of the [Redacted] investigation

07/07/2005 [Redacted]

b1 [Redacted]

b6 [Redacted]

b7C [Redacted]

~~SECRET~~

OIG/DOJ REVIEW:

DATE: 4.19.07

FBI INVESTIGATION:

OIG/DOJ INVESTIGATION:

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSP/JW  
REASON: 1.4 (C)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

NSL VIO-1703 DECLASSIFY ON: 05-29-2032

(U) To: Charlotte From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/13/2007

(S) [Redacted]

b1  
b6  
b7C

(S) [Redacted]

(S) ~~(U)~~ On or about 07/13/2005, SA [Redacted] coordinated with United States Attorney's Office (USAO), Eastern District of North Carolina (EDNC), Chief of Criminal, [Redacted] to obtain a Grand Jury subpoena [Redacted]

(S) [Redacted] After receiving the subpoena, SA [Redacted] went to [Redacted] and met with [Redacted] SA [Redacted] served the subpoena and had some records in hand when he received a call from SSRA [Redacted]. SSRA [Redacted] had been notified by FBIHQ, ITOS I, CONUS II, Team 6, that the field office was not to utilize a Grand Jury subpoena but must obtain a National Security Letter (NSL). Therefore, SA [Redacted] returned the records [Redacted]

b1  
b6  
b7C

(S) ~~(U)~~ SSRA [Redacted] advised FBIHQ that their SAC, [Redacted] was TDY out of the Division and therefore FBIHQ would need to complete an EC addressed to General Counsel requesting an NSL be approved at FBIHQ. SSRA [Redacted] was then instructed by FBIHQ, ITOS I, CONUS II, that Charlotte would be required to draft the NSL, due to time constraints, and then obtain approval from a neighboring division's SAC. SA [Redacted] then drafted an NSL to obtain [Redacted] and forwarded the NSL to SSRA [Redacted] for review. The NSL was then forwarded by SSRA [Redacted] to SAC [Redacted] Atlanta Division, for approval.

b1  
b6  
b7C  
b2  
b7E

(S) ~~(U)~~ On or about 07/14/2005, JTTF Task Force Agent [Redacted] served the NSL [Redacted] requesting [Redacted] TFA [Redacted] does not recall the individual's name to whom the NSL was given. TFA [Redacted] was advised [Redacted] that the NSL was not the appropriate

b1  
b6  
b7C

~~SECRET~~

(U) To: Charlotte From: Office of General Counsel  
Re: (S) 278-HQ-C1229736-VIO, 03/13/2007

b1 (S) [redacted]  
b6 documentation [redacted] declined  
b7C to honor the NSL.

b6 (U) SSRA [redacted] then contacted Acting CDC [redacted]  
b7C [redacted] Charlotte Division, for guidance concerning the matter  
b1 (S) and the questioned legality of the NSL for [redacted]  
CDC [redacted] then conferred with legal counsel [redacted] and FBIHQ,  
OGC, concerning the matter. SSRA [redacted] also contacted ASAC  
[redacted] Charlotte Division, who in turn was also in  
contact with FBIHQ.

b1 (S) (U) Subsequently, SSRA [redacted] was advised by FBIHQ  
b3 that a Grand Jury subpoena would be obtained [redacted]  
b6 [redacted] which was the office of origin  
b7C (S) on [redacted] matter, and the Grand Jury subpoena would be  
b2 forwarded to the Raleigh RA for service on [redacted]  
b7E

(S) (U) On 07/15/2005, the Raleigh RA received a copy of  
the Grand Jury subpoena [redacted]  
[redacted] SA [redacted] and  
SA [redacted] served [redacted] with the Grand Jury subpoena [redacted]  
[redacted] After [redacted]  
resistance to comply, SA [redacted] advised [redacted] that he had  
b1 been served. SSRA [redacted] was in contact with ASAC [redacted]  
b3 advising [redacted] reluctance to honor the Grand Jury subpoena  
b6 and at this time [redacted] contacted the [redacted]  
b7C concerning the matter. Approximately one hour later, [redacted]  
b2 contacted the Raleigh RA and advised that the records were  
b7E waiting for FBI retrieval.

(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

~~SECRET~~

~~SECRET~~

(U) To: Charlotte From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/13/2007

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 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. [REDACTED]

b1

(U) ~~(S)~~ In this instance, Charlotte served an NSL requesting records outside the permissible scope of an NSL. OGC notes that, according to Charlotte, Charlotte acted upon the advice and direction of FBIHQ, Charlotte personnel sought legal advice prior to the service of the NSL, and no records were obtained in response to the NSL. These mitigating factors should be considered when judging the performance of Charlotte personnel. However, the circumstances as a whole must be reported to the IOB since the service of the NSL in this case was not in compliance with ECPA and the NSIG.

~~SECRET~~

~~SECRET~~

(U) To: Charlotte From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/13/2007

**LEAD(s) :**

**Set Lead 1: (Info)**

CHARLOTTE

AT CHARLOTTE, NC -

(U) For information.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

b6  
b7C

cc:

Ms. Thomas

IOB Library

◆◆

~~SECRET~~

5

NSL VIO-1707

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

CHARLOTTE DIVISION

(S)

b2

IOB MATTER 2007- [ ] (U)

b1

b3 FGJ

~~(S)~~ The Charlotte Division ("Charlotte") of the Federal Bureau of Investigation ("FBI") reported via electronic communication dated February 21, 2007, that a National Security Letter was served requesting records that were beyond the permissible scope of a National Security Letter. Specifically, the FBI sought to obtain [ ] from a state university for an individual with ties to the July 2005 London bombings. [ ] are outside the scope of records that may be obtained with a National Security Letter. The state university recognized this error and refused to produce any records in response to the National Security Letter. Accordingly, no records were obtained as a result of the service of this National Security Letter. The FBI rescinded the National Security Letter, and instead served a Federal Grand Jury subpoena for [ ]. The state university complied with the Federal Grand Jury subpoena and produced [ ].

(U)

~~(S)~~ The FBI's service of a National Security Letter requesting educational records was in violation of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, even though no records were obtained in response to the National Security Letter. Thus, the matter is being reported to the IOB.

(U) This matter has been reported to the FBI's Inspection Division for appropriate action.

DATE: 05-29-2007  
CLASSIFIED BY 65179 DMH/KSP/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Derived from : G-3  
Declassify on: 03/07/2032

~~SECRET~~

NSL VIO-1708

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2 07

**Precedence:** ROUTINE

**Date:** 02/23/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**From:**

**Contact:** SA

b2  
b7E  
b6  
b7C

**Approved By:**   
**Drafted By:**

(C) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO -2182

**Title:** (U) SA   
SSA   
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ **Derived From:** ~~FBI SCG-3, January 1997~~  
**Declassify On:** ~~02/23/2032~~

**Details:**

(S) 1.

b1  
b6  
b7C

(S) 2.

b7A

~~(S)~~ 3. Possible IOB Error: (See description below.)

b2  
b7E

(S)

b1

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

b6  
b7C  
b2  
b7E

(U) ~~(S)~~ On 02/21/2007,  CDC  advised SSA  of a potential IOB violation identified during an audit by the Office of Inspector General (OIG).

b1  
b6  
b7C  
b7D

(S) On 12/21/2004, Special Agent  (the former case agent on captioned investigation) issued a National Security Letter (NSL)  for subscriber information

b2  
b7E  
b7A  
b4

*C. Miller* *02/24/07*  
S  *had 04/25/07*

~~SECRET~~

b6  
b7C

DATE: 05-29-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

NSL VIO-1709

*03/14/07*

b2  
b7E (U) To: Inspection From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

(S)

b4  
b7D  
b6  
b7C  
b7A

[redacted]

b1  
b2  
b7E

(S)

[redacted]

(S)

[redacted]

b4  
b7D  
b6 (S)  
b7C  
b7A

[redacted]

(S) The last number in the list above, [redacted] was not in the NSL submitted [redacted] as the EC stated. However, it should be noted that the number was not erroneously furnished by [redacted]. An additional NSL [redacted] contained a request for the subscriber information [redacted]. Therefore, the information was not collected in error and was in fact collected as part of an [redacted] National Security matter. [redacted]

b1  
b7A  
b7D  
b4  
b2  
b7E

[redacted]



~~SECRET~~

b2

(U) b7E To: Inspection From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

~~(S)~~ 12/21/2004, when in fact one of the telephone numbers was provided in response to a NSL dated 12/29/2004.

(S) The records mentioned above were received as two separate sets of results [redacted]

b1  
b7D  
b7A  
b6  
b7C  
b4

[redacted]

~~SECRET~~

~~SECRET~~

b2

b7E, (U)

To: Inspection From: [REDACTED]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

**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~~

4

NSL VIO-1712

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/07/2007

**To:** [Redacted]

**Attn:** CT-1

Counterterrorism

**Attn:** ITOS 1/CONUS 2/[Redacted]

Inspection

**Attn:** Internal Investigative Section

**Attn:** [Redacted] Rm. 11865

b2  
b7E  
b6  
b7C

**From:** General Counsel  
National Security Law Branch/CTIU1/LX-1/3S-100

**Contact:** [Redacted]

**Approved By:** Thomas Julie [Signature]

**Drafted By:** [Redacted]

afm AM 2507

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending)  
(S) [Redacted]

b1  
b2  
b7E  
b2 ) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
(IOB) MATTER 2007-[Redacted]

**Synopsis:** ~~(S)~~ It is the opinion of the Office of General Counsel ("OGC") that the above-referenced matter need not be reported to the Intelligence Oversight Board ("IOB"). Our analysis follows.

(U) ~~(S)~~ **Derived From:** ~~G-3~~  
**Declassify On:** ~~03/07/2032~~

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO-2182

**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

DATE: 05-29-2007  
CLASSIFIED BY 85179 DMH/ESR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

b6  
b7C

OIG/DOJ REVIEW [Redacted] DATE: 4-19-07  
FBI INVESTIGATION [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

NSL VIO-1713

b2  
b7E

To: [redacted] From: General Counsel  
Re: (U) ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2007

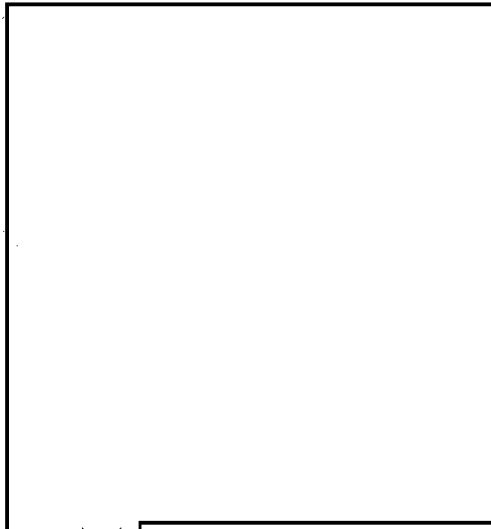
(S) Details: ~~(S)~~ By electronic communication (EC) dated February 23, 2007, referenced above,<sup>1</sup> the [redacted] reported a possible IOB error [redacted]

b1  
b2  
b7E  
b7A

[redacted] In this regard, [redacted] reported that on February 21, 2007, the Office of Inspector General ("OIG") identified a potential IOB violation during its audit. Specifically, OIG advised that [redacted] issuance of a National Security Letter ("NSL") on December 21, 2004 may have constituted an IOB violation.<sup>2</sup>

(S) ~~(S)~~ The NSL issued by [redacted] requested [redacted] information for the following phone numbers:

b4  
b7D  
b2  
b7E (S)  
b7A  
b6  
b7C



(S) [redacted] issued another NSL [redacted] requesting [redacted] information for telephone number [redacted]

b2  
b7E  
b4  
b7A  
b7D  
b1  
b6  
b7C

[redacted] Both NSL's were properly issued in connection with an

<sup>1</sup> (U) See, EC from the [redacted] Division to the General Counsel, dated 02/23/07, Case ID# 278-HQ-C1229736-VIO, Serial 2182, titled "Intelligence Oversight Board Error," hereinafter cited as the [redacted] EC."

<sup>2</sup> (U) [redacted] EC.

(S) [redacted]

b1  
b2  
b7E

b2  
b7EU To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2007

b1  
b7A } [redacted]

b2  
b7E (S) [redacted] provided two separate sets of responses to [redacted] NSL's. [redacted]

[redacted] the [redacted] case ag. (C) [redacted]  
drafted an EC documenting [redacted] information obtained  
pursuant to [redacted] NSL. [redacted]

b4  
b2 In that EC, the agent documented [redacted]  
information for the following phone numbers:

b7E  
b7D  
b7A (S) [redacted]  
b6  
b7C

(S) Although the EC erroneously stated that [redacted] information [redacted] was  
obtained pursuant to [redacted] NSL, this does not  
constitute an IOB violation. As set forth above, an NSL  
requesting [redacted] information for this telephone number  
was properly issued [redacted]. The drafter  
of the EC inadvertently attributed [redacted] results [redacted]

b4  
b7D Both NSL's were issued  
b7A in relation to an ongoing counterterrorism investigation. The  
b6 provider, [redacted] did not furnish subscriber information that  
b7C exceeded the parameters of the NSL's. Therefore, no over-  
collection occurred. The mistake, if any, occurred in drafting  
a routine EC documenting NSL results.

(U) ~~(S)~~ ~~(S)~~ As required by Executive Order (E.O.)  
12863 and Section 2-56 of the National Foreign Intelligence  
Program Manual ("NFIPM"), OGC was tasked to determine whether  
b2 [redacted] issuance of the NSL's described above is a matter  
b7E which must be reported to the IOB. It is not.

~~SECRET~~

b2  
b7E

To: [redacted] From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2007

(U) Section 2.4 of 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 (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, 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. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(S)

b1  
b7A  
b2  
b7E

~~(U)~~ Section 2.4 of 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, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." In this instance, the subject NSL's were properly issued in relation to an ongoing counterterrorism investigation. The provider did not exceed the parameters of the NSL's when furnishing the requested [redacted] information. Rather, the case agent mistakenly cited to the [redacted] NSL as being the source for [redacted] information [redacted] when drafting an EC to the [redacted] file.

(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 need not be reported to the IOB. Further, absent the finding of the OIG, it need not have been reported as a potential IOB under OGC's guidance issued November 16, 2006. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

(U) To: [redacted] From: General Counsel  
Re: (S) 278-HQ-C1229736-VIO, 03/07/2007

b2  
b7E

**LEAD(s) :**

**Set Lead 1: (Info)**

[redacted]

(U) Read and clear.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT ITOS 1/CONUS 2/TEAM 7

(U) Read and clear.

**Set Lead 3: (Action)**

INSPECTION

AT IIS

(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 Counsel to the IOB.

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2 07

**Precedence:** ROUTINE

**Date:** 02/23/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**From:**

**Contact:** SSA

**Approved By:**

**Drafted By:**

DATE: 05-29-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-29-2032

b6  
(U) b7C Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -2172

b2  
b7E **Title:** (U) SA   
b6 SS   
b7C INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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

(U) ~~(S)~~ **Derived From :** G-3  
**Declassify On:** X1

**Details:**

b1 (S) 1.   
b6  
b7C  
b7A (S) 2.

b2  
b7E ~~(S)~~ 3. Possible IOB Error:

b1 (S)   
b2

(U) b7E 4. Description of IOB Error (including any reporting delays).

~~(S)~~ A NSL was issued on 04/08/03 under the authority of the Electronic Communications Privacy Act (ECPA) for the subscriber information and telephone record information for . Upon receipt of requested documents from the telephone company, it was determined that   for the telephone company's convenience, they voluntarily provided  information

b1  
b7A

SC Miller ~~(S)~~ 4/24/07

CRS  Raw 04/25/07

~~SECRET~~

b6  
b7C



~~SECRET~~

b2 To: Inspection From:   
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

**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~~  
2

NSL VIO-1719

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/12/2007

**To:** [Redacted]  
Counterterrorism  
Inspection

**Attn:** SAC, CDC  
**Attn:** AD  
**Attn:** IIS

**From:** General Counsel  
Counterterrorism Law Unit/II/LX-1 3S100  
**Contact:** [Redacted]

**Approved By:** Thomas, Julie F. (JF)

**Drafted By:** [Redacted]

b6  
b7C  
b2  
b7E

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO-2529

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER,  
IOB 2007 [Redacted]

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter does not warrant reporting to the Intelligence Oversight Board (IOB). This matter was reported as a potential IOB because it was referenced in the OIG draft of an NSL report to be issued March 9, 2007. Submission of this matter to the OPR is a matter within the cognizance of the IIS.

(U) ~~(S)~~ **Derived from:** G-3  
**Declassify On:** 03/08/2032

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO-2183

**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

b2 b7E **Details:** (U) Referenced communication from the [Redacted] Field Office [Redacted], dated 02/23/2007, requested that OGC review the facts of the captioned matter and determine whether it warrants

b6  
b7C

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

[Redacted]

**DATE:** 4-19-07

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**DATE:** 05-30-2007  
**CLASSIFIED BY:** 65179 DMH/ESR/JM  
**REASON:** NSL VIO-1720  
**DECLASSIFY ON:** 05-30-2032

~~SECRET~~

b2

b7E (U)

To: [redacted] From: General Counsel  
Re: 278-HQ-C1229736-VIO-2183 ~~(S)~~, 03/12/2007

reporting to the IOB. In our opinion, it does not. Our analysis follows.

b1  
b6  
b7C  
b2  
b7E  
b7A

(S) As discussed in the electronic communication (EC) from [redacted] cited below, [redacted]

[redacted]

~~(S)~~ An NSL was issued on 04/08/03 under the authority of the Electronic Communications Privacy Act (ECPA) seeking toll billing and subscriber information [redacted]

b2  
b7E  
b7D

[redacted] the carrier provided information [redacted]

[redacted] Due to the fact that this possible overcollection was discovered by the OIG during the course of its NSL audit, [redacted] reported this matter as a potential IOB by EC dated 02/23/2007. (See footnote 1, above.) We note that this overcollection should have been reported by [redacted] as a potential IOB within fourteen days of its discovery [redacted]

(U) Section 2.4 of Executive Order (EO) 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 EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight

(U)

~~(S)~~ See 278-HQ-C1229736-VIO, Serial 2183, dated 02/23/2007 and titled, in part, "Intelligence Oversight Board (IOB) Error."

<sup>2</sup> (U) A "United States person" (USP) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ." See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

~~SECRET~~

b2  
b7E

~~SECRET~~

To: [REDACTED] From: General Counsel  
(U) Re: ~~278-HQ-C1229736-VIO-2183~~ (S), 03/12/2007

Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 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. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ Further, 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. Prior thereto, third party errors were reportable to the IOB.

(U) ~~(S)~~ ECPA, 18 U.S.C. 2709, permits telephone toll billing and subscriber information to be gathered pursuant to a national security letter. In this instance, the information provided to the FBI went beyond the scope of the request. Investigation has uncovered the fact that the additional information was provided by the carrier because it comported with the billing cycle of the subject's telephone account. Therefore, the carrier chose to provide the information sought in the manner most convenient to it. Since there was no error on the part of the FBI, this matter is not reportable to the IOB.

#### CONCLUSION

(U) For these reasons, OGC concludes that this matter does not warrant being reported to the IOB. However, the overcollected material must be destroyed or returned to the carrier, depending on the wishes of the provider. If the information is relevant to the investigation, it may be sequestered until such time as another NSL is issued and served, and then the material may be retained and used by the FBI.

~~SECRET~~

~~SECRET~~

(U) To: [redacted] From: General Counsel  
Re: 278-HQ-C1229736-VIO-2183 (S), 03/12/2007

b2  
b7E

**LEAD(s) :**

**Set Lead 1: (ACTION)**

[redacted]

(U) For handling of the overcollected material consistent with this EC.

**Set Lead 2: (INFO)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

**Set Lead 3: (ACTION)**

INSPECTION

AT WASHINGTON, DC

(U) Maintain report of potential IOB, together with a copy of this opinion, for three years for possible inspection by counsel for the IOB

(U) Other action as deemed appropriate.

b6  
b7C

1 - [redacted]

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2  
07

**Precedence:** ROUTINE

**Date:** 02/22/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**From:**

**Contact:** SSA

**Approved By:**

**Drafted By:**

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b6  
b7C  
b2  
b7E

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO -217-

**Title:** (U) SA   
b6 SSA   
b7C INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

DATE: 05-30-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-30-2032

(U) ~~(S)~~ **Derived From :** G-3  
**Declassify On:** X1

**Details:**

b1 ) 1.

b6  
b7C ) 2.

b7A )  
(U) b2 ) 3. Possible IOB Error:  
b7E (S)

b1  
b2 ~~(S)~~ 4. Description of IOB Error (including any reporting delays).  
b7E

(S) A NSL was issued on 07/16/2003 for subject's subscriber

records were received,

b1 A previous NSL was issued on this subject's  
b7A on 08/19/2002 for subscriber information and

(S)

*SC Miller*

*RW 02/24/07*

~~SECRET~~

b6  
b7C

~~SECRET~~

b2 To: Inspection From:   
b7E<sup>J</sup> Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

**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~~

2

NSL VIO-1725

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/13/2007

**To:** [Redacted]

**Attn:** SSA [Redacted]

Inspection  
Section

**Attn:** Internal Investigative

**Attn:** [Redacted] Room 11865

**From:** General Counsel  
National Security Law Branch/CTLU II/IX-1 3S-100  
**Contact:** [Redacted]

**Approved By:** Thomas Julie ~~FK~~ [Redacted]  
**Drafted By:** [Redacted]

b6  
b7C  
b7E

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO-2532

**Title:** (U) Intelligence Oversight Board  
(IOB) Matter 2007 [Redacted] b2

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U) ~~(S)~~ **Derived From:** G-3  
**Declassify On:** 03/08/2032

**Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 2184  
(S) [Redacted]

**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

(U) **Details:** ~~(S)~~ By electronic communication (EC) dated February 22, 2007 and referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

DATE: 05-30-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-30-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

**OIG/DOJ REVIEW:** [Redacted] **DATE:** 4-19-07  
**FBI INVESTIGATION:** [Redacted]  
**CGO/DOJ INVESTIGATION:** [Redacted]

b6  
b7C

NSL VIO-1726



~~SECRET~~

To: Counterterrorism From: General Counsel  
(U) ~~(S)~~ Re: 278-HQ-C1229736-VIO, 3/13/2007

BACKGROUND

(S) [redacted]  
[redacted] a National Security Letter (NSL) was issued for the  
subject's [redacted] records [redacted]  
[redacted] records were received from the  
provider, [redacted]  
The period that was covered that was not requested by this  
NSL [redacted] However, a previous NSL  
had been issued [redacted] which covered most, but not  
all, of this overrun period. This overcollection should have  
been reported within fourteen days of its discovery. It was not  
reported, however, until discovered pursuant to the OIG NSL  
audit.

b1  
b7A  
b6  
b7C  
b2  
b7E

ANALYSIS

(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  
violations of agency procedures issued under E.O. 12333, unless

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2007

they involve purely administrative matters.<sup>1</sup> For the FBI, OGC submits reports to the IOB.<sup>2</sup>

(S)

~~(S)~~

b1

b2

b7E

[redacted] NSIG  
(Introduction) at 4. Section 2-56 of the NFIPM 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.<sup>3</sup>

(U)

~~(S)~~

In this instance [redacted] sought information

b1

b2

b7E

b7A

[redacted] and obtained data for a period greater than requested. However, the information was relevant to the investigation and part of it, but not all, had already been covered by another NSL. Further, the error was made by the carrier. There was no error in the FBI's NSL. 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

(U)

<sup>1</sup> ~~(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)

<sup>2</sup> ~~(S)~~

See id. at 4.

(S)

<sup>3</sup> ~~(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; [redacted]

b1

b2

b7E

[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.

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2007

reported to OGC, but are not reportable to the IOB. Prior thereto, third party errors were reportable to the IOB. Under the new policy, this overcollection need not be reported to the IOB.

#### CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB. However, the overcollected material that was not covered by any NSL must be destroyed or returned to the carrier, depending on the wishes of the provider. If the information is relevant to the investigation, it may be sequestered until such time as another NSL is issued and served, and then the material may be retained and used by the FBI.

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2007

LEAD(s):

Set Lead 1: (Action)



b2  
b7E

(U) For handling of the overcollected material consistent with this EC.

Set Lead 2: (Info)

COUNTERTERRORISM

AT ITOS II/IHSU

(U) Read and Clear.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) As provided in the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, retain a record of the report of a potential IOB matter for three years for possible review by the Counsel to the IOB, together with a copy of the OGC opinion concerning the basis for the determination that IOB notification is not required.

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2

e7 [Redacted]

**Precedence:** ROUTINE

**Date:** 02/22/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**From:** [Redacted]

**Contact:** SSA [Redacted]

b6  
b7C  
b2  
b7E

**Approved By:** [Redacted]  
**Drafted By:** [Redacted]

(C) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO -2195

**Title:** (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:** X1

**Details:**

- (S) 1. [Redacted]
- b1 b6 b7C (S) 2. [Redacted]
- b7A ~~(S)~~ 3. Possible IOB Error:  
b2 (S) [Redacted]
- b7E (U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).

(S) ~~(S)~~ A NSL was authorized on 07/09/04 for a copy of subject's consumer credit report under the Fair Credit Reporting Act (FCRA) authority. Although the proper NSL was drafted, the accompanying Electronic Communication (EC) stated in the "Synopsis" section that this was a Right to Financial Privacy Act (RFPA) authority request.

*SC Miller DM 4/24/07*

b6 CRS [Redacted] *Kaw 04/25/07*  
b7C

DATE: 05-30-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-30-2032

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

NSL VIO-1731

~~SECRET~~

b2 (u) To: Inspection From:   
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

**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~~  
2

NSL VIO-1732

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/08/2007

b6  
b7C  
b2  
b7E

**To:** [redacted]  
Counterterrorism  
Inspection

**Attn:** SAC, CDC  
**Attn:** AD  
**Attn:** IIS

**From:** General Counsel  
Counterterrorism Law Unit II/LX-1 3S100  
**Contact:** [redacted]

**Approved By:** Thomas, Julie F [signature]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [redacted]

DATE: 05-30-2007  
CLASSIFIED BY 65179 DMH/KSR/JD  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-30-2032

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO-2544

(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD MATTER,  
IOB 2007-[redacted]

(U) **Synopsis:** (S) It is the opinion of the Office of the General  
Counsel (OGC) that this matter does not warrant reporting to  
the Intelligence Oversight Board (IOB). Submission of this  
matter to the OPR is a matter within the cognizance of the  
IIS.

(U) (S) **Derived from:** G-3  
**Declassify On:** 03/08/2032

**Reference:** (S) 278-HQ-C1229736-VIO-2185

**Administrative:** (U) This communication contains one or more  
footnotes. To read the footnotes, download and print the  
document in WordPerfect 6.1.

b2  
b7E **Details:** (U) Referenced communication from the [redacted] Field  
Office [redacted] dated 02/22/2007, requested that OGC review the  
facts of the captioned matter and determine whether it

b6  
b7C **OIG/DOJ REVIEW:** [redacted] **DATE:** 4-18-07  
**FBI INVESTIGATION:** [redacted]  
**OIG/DOJ INVESTIGATION:** [redacted]

~~SECRET~~

NSL VIO-1733

~~SECRET~~

b2 J  
b7E

To: [redacted] From: General Counsel  
Re: (S) 278-HQ-C1229736-VIO, 03/08/2007

warrants reporting to the IOB. In our opinion, it does not.  
Our analysis follows.

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(S) [redacted]

(S) [redacted]

[redacted] issued an NSL on 07/09/2004. The NSL requested a copy of the subject's consumer credit report under the Fair Credit Reporting Act. The NSL was properly drafted except that the certification included the language for certifying an RFPA NSL. Further, the accompanying Electronic Communication ("EC") was properly drafted except that it stated in the "Synopsis" section that the NSL was being issued under the Right to Financial Privacy Act. Otherwise, its description of the request and the information provided for congressional reporting purposes were accurate.

b2  
b7E

(U) Section 2.4 of Executive Order (EO) 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 EO 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 (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 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. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review

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<sup>1</sup> 278-HQ-C1229736-VIO-2185

~~SECRET~~



(U)

~~SECRET~~

b2 To: [redacted] From: General Counsel  
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

requirements, including the FCRA, 15 U.S.C. Section 1681v.

(U) The NSL at issue in this case was properly issued under the Fair Credit Reporting Act. The NSL contained language from another NSL statute, Title 12, U.S.C. Section 3414(a)(5)(A), the Right to Financial Privacy Act (RFPA). The language was, to wit: "I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States." While the RFPA permits NSLs for records related to international terrorism or clandestine intelligence activities, the FCRA Section 1681v permits NSLs only for records related to international terrorism.

(U) The clerical error made in the NSL does not affect the legitimacy of the NSL. This was an international terrorism (IT) case, and a description of the IT nature of the case is documented in the EC. Further, the mistake made in the synopsis of the EC, while otherwise a proper FCRA 1681v EC, does not affect the legitimacy of the NSL.

#### CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB.

~~SECRET~~

3

NSL VIO-1735

(U)

~~SECRET~~

To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

b2  
b7E

**LEAD (s) :**

**Set Lead 1: (INFO)**

[redacted]

(U) Read and Clear.

**Set Lead 2: (INFO)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

**Set Lead 3: (ACTION)**

INSPECTION

AT WASHINGTON, DC

(U) Maintain report of potential IOB, together with a copy of this opinion, for three years for possible inspection by counsel for the IOB

(U) Other action as deemed appropriate

1 - Ms. Thomas

1 - [redacted]  
1 - [redacted]

b6  
b7C

1 - IOB Library

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2

07



**Precedence:** ROUTINE

**Date:** 02/22/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
Attn: NSLB, Room 7975

**From:**



**Contact:** SSA



b6  
b7C  
b2  
b7E

**Approved By:**



**Drafted By:**

(C) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 276

b6  
b7C

**Title:** (U)

SA  
SSA



INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ **Derived From :** G-3  
**Declassify On:** X1

**Details:**

(S) 1.



b1

b6 2.

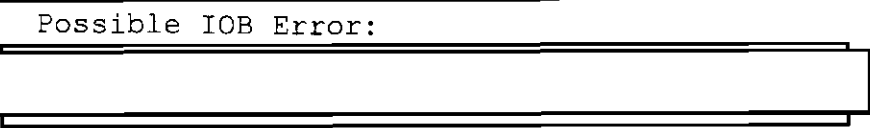


(U)

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b2 (S)



b1, 7E

(U) b2

b7E

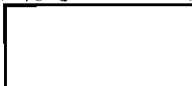
4.

Description of IOB Error (including any reporting delays).

~~(S)~~ A NSL was requested under the Fair Credit Reporting Act (FCRA) authority for subject's consumer credit report on 04/04/05, which was received. During a DOJ/IG review of NSLs, this NSL was identified as being requested under FCRA authority but having language in the certification from the Right to Financial Privacy Act (RFPA). A subsequent review of this NSL is believed to contain the proper language from the FCRA.

*se Miller Dan 2/24/07*

*CRS*



*cao 04/25/07*

b6  
b7C

~~SECRET~~

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

NSL VIO-1737

~~SECRET~~

(U)

b2  
b7E

To: Inspection From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

**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~~

2

NSL VIO-1738



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

09/26/07  
FCRA

[DRAFTING DIVISION]  
[STREET ADDRESS]  
[CITY, STATE, ZIP CODE]  
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [COMPLETE NAME OF POC]  
[TITLE, IF AVAILABLE]  
[NAME OF COMPANY]  
[PHYSICAL STREET ADDRESS - NO P.O. BOX]  
[CITY, STATE - NO ZIP CODE]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179 DMH/KSR/JU

Dear [MR./MRS./MS.] [LAST NAME]:

Pursuant to Executive Order 12333, dated December 4, 1981, and 15 U.S.C. § 1681v of the Fair Credit Reporting Act (as amended), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with a copy of a consumer credit report and all other information contained in your files for the below-listed consumer(s):

NAME(S):

ADDRESS(ES): [if available]

DATE(S) OF BIRTH: [if available]

SOCIAL SECURITY NUMBER(S): [if available]

In accordance with Title 15, U.S.C. § 1681v, I certify that the information sought is necessary to conduct an authorized investigation of, or intelligence or counterintelligence activities or analysis related to, international terrorism.

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement), then include the language in the following 3 paragraphs in the NSL.]

In accordance with 15 U.S.C. § 1681v(c)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or

09C PONY  
RPPA

[DRAFTING DIVISION]  
[STREET ADDRESS]  
[CITY, STATE, ZOP CODE]  
[MONTH DAY, YEAR]

[MR./MRS/MS.] [COMPLETE POC NAME]  
[TITLE, IF AVAILABLE]  
[COMPANY NAME]  
[PHYSICAL STREET ADDRESS - NO P.O. BOX]  
[CITY, STATE - NO ZIP CODE]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179 DMH/KSR/JW

DEAR [MR./MRS./MS.] [LAST NAME]:

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 12, United States Code (U.S.C.), Section 3414(a)(5), you are hereby directed to produce to the Federal Bureau of Investigation (FBI) all financial records pertaining to the customer(s) and/or accounts listed below:

NAME(S) [if available]  
ACCOUNT NUMBER(s): [if available]  
SOCIAL SECURITY NUMBER(S): [if available]  
DATE(S) OF BIRTH: [if available]  
[FOR PERIOD FROM INCEPTION TO PRESENT]  
or  
[FOR PERIOD FROM [SPECIFIC DATE] TO [SPECIFIC DATE]  
or [PRESENT]]

Please see the attachment following this letter for the types of information that your financial institution might consider to be a financial record.

If the time period noted above is to the "present," that term is intended to direct production of information to the date of the processing of this letter. If providing information to the date of processing is not feasible, please provide information to the date of receipt of this letter.

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/08/2007

**To:** Counterterrorism

**Attn:** AD

Inspection

**Attn:** Internal Inspection Section,  
[Redacted] Room  
11865

b6  
b7C  
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b7E

[Redacted]

**Attn:** SAC, CDC

**From:** General Counsel

National Security Law Branch

**Contact:** [Redacted]

DATE: 05-31-2007  
CLASSIFIED BY 65179 DMH/KSP/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-31-2032

**Approved By:** Thomas Julie F. [Signature]

[Redacted]

**Drafted By:** [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO-2512

b1 (S) [Redacted]

(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD MATTER  
IOB MATTER 2007 [Redacted]

b2

(U) (S) ~~Derived From : G-3~~  
~~Declassify On: 03/08/2032~~

(U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB), but, rather, that a record of this decision should be maintained in the investigation control file for review by the Counsel to the IOB. Our analysis follows.

(U) **Reference:** (S) 278-HQ-C1229736-VIO Serial 2186

b6  
b7C

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

[Redacted]

~~SECRET~~  
DATE: 4-19-07

To: CTD From: General Counsel  
b1 re: (S) [redacted] 03/08/2007  
b2  
b7E

Details: (S) [redacted]

b1  
b6  
b7C  
b7A  
b2  
b7E

[redacted]

(S) [redacted] a National Security Letter (NSL) was prepared and approved requesting a copy of a consumer credit report and all information contained in the files [redacted]

(S) contained language from another NSL statute, Title 12, U.S.C. Section 3414(a)(5)(A), the Right to Financial Privacy Act (RFPA). The language was, to wit: "I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States." While the RFPA permits NSLs for records related to international terrorism or clandestine intelligence activities, the FCRA Section 1681v permits NSLs only for records related to international terrorism.

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b7C  
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(U) [redacted] In the case at hand, the NSL was requested in an international terrorism case, so there was no improper collection of records as both the RFPA and the FCRA Section 1681v permit such a request; the error was irrelevant to the particular NSL. In addition, the international terrorism connection is fully articulated in the EC requesting the NSL. Despite these

(U) [redacted] See 278-HQ-C1229736-VIO, Serial 2186, dated 02/22/2007 and titled in part "Intelligence Oversight Board (IOB) Error".

<sup>2</sup> (U) A "United States person" (USP) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ." See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.



~~SECRET~~

To: CTD From: General Counsel

b1 Re: (S [redacted] 03/08/2007

b2

b7E

b2 mitigating factors, [redacted] is encouraged to develop procedures  
b7E to prevent a repetition of these errors.

(U) Section 2.4 of Executive Order (EO) 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 EO 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 (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 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. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

#### CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB. Consistent with our prior opinions on this matter, a record of this decision should be maintained in the control file for future review by Counsel to the IOB.

~~SECRET~~

~~SECRET~~

To: CTD From: General Counsel  
Re: (S) [redacted] 03/08/2007

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**LEAD (s):**

**Set Lead 1: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

**Set Lead 2: (Action)**

INSPECTION

AT IIS, WASHINGTON, DC

(U) For action deemed appropriate, including the maintenance of this report for three years in order to permit its review by the IOB.

**Set Lead 3: (Info)**

b2  
b7E

[redacted]

(U) Read and clear.

1 - Ms. Thomas

1

1

1 - IOB Library

b6  
b7C

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2

07 [Redacted]

**Precedence:** ROUTINE

**Date:** 02/22/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**From:** [Redacted]

**Contact:** SSA [Redacted]

b6  
b7C  
b2  
b7E

**Approved By:** [Redacted]

**Drafted By:** [Redacted]

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

**Title:** (U) SA [Redacted]  
SSA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ **Derived From :** G-3  
**Declassify On:** X1

**Details:**

b1 (S) 1. [Redacted]  
b6  
b7C (S) 2. [Redacted]  
b7A  
b2 ~~(S)~~ 3. Possible IOB Error:  
b7E

(S) [Redacted]

(U) ~~(S)~~ b2 b7E 4. Description of IOB Error (including any reporting delays).

(S) A NSL was requested under the Fair Credit Reporting Act (FCRA) authority for subject's consumer credit report on 11/12/04 which was received. During a DOJ/IG review of NSLs, this NSL was identified as being requested under FCRA authority but having language in the certification from the Right to Financial Privacy Act (RFPA). A subsequent review of this NSL is believed to contain the proper language from the FCRA.

*SC Miller*  
*CRS* [Redacted] *4/24/07*  
*KAC* [Redacted] *04/24/07*

~~SECRET~~

b6  
b7C

DATE: 02-22-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-31-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE  
NSL VIO-1245

~~SECRET~~

b2 To: Inspection From:   
(U) b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

**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~~  
2

NSL VIO-1746



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

Ogc. PONY

FORA

NSL

[DRAFTING DIVISION]  
[STREET ADDRESS]  
[CITY, STATE, ZIP CODE]  
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [COMPLETE NAME OF POC]  
[TITLE, IF AVAILABLE]  
[NAME OF COMPANY]  
[PHYSICAL STREET ADDRESS - NO P.O. BOX]  
[CITY, STATE - NO ZIP CODE]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179 DMH/KSR/JU

Dear [MR./MRS./MS.] [LAST NAME]:

Pursuant to Executive Order 12333, dated December 4, 1981, and 15 U.S.C. § 1681v of the Fair Credit Reporting Act (as amended), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with a copy of a consumer credit report and all other information contained in your files for the below-listed consumer(s):

NAME(S):

ADDRESS(ES): [if available]

DATE(S) OF BIRTH: [if available]

SOCIAL SECURITY NUMBER(S): [if available]

In accordance with Title 15, U.S.C. § 1681v, I certify that the information sought is necessary to conduct an authorized investigation of, or intelligence or counterintelligence activities or analysis related to, international terrorism.

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement), then include the language in the following 3 paragraphs in the NSL.]

In accordance with 15 U.S.C. § 1681v(c)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or

**[MR./MRS./MS.] [COMPLETE NAME]**

physical safety of a person. Accordingly, 15 U.S.C. § 1681v(c)(1) and (3) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 15 U.S.C. § 1681v(c)(3), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 15 U.S.C. § 1681v(c)(4), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

**[Include the following language in all NSLs.]**

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful, and you have the right to challenge the nondisclosure requirement set forth above.

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

You are directed to provide records responsive to this letter **[personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to [OFFICE OF ORIGIN] OR through secure fax]** within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the **[[DELIVERING DIVISION] OR [OFFICE OF ORIGIN],\_depending on whether service is personal or through a delivery service]**. Due to security considerations, you should neither send the records through routine mail service nor non-secure fax, nor disclose the substance of this letter in any telephone conversation.

[MR./MRS./MS.] [COMPLETE NAME]

Your cooperation in this matter is appreciated.

Sincerely,

[ADIC/SAC NAME]  
[ASSISTANT DIRECTOR IN  
CHARGE/  
SPECIAL AGENT IN CHARGE]

OQC PONY

FPA

NSL

[DRAFTING DIVISION]  
[STREET ADDRESS]  
[CITY, STATE, ZOP CODE]  
[MONTH DAY, YEAR]

[MR./MRS/MS.] [COMPLETE POC NAME]  
[TITLE, IF AVAILABLE]  
[COMPANY NAME]  
[PHYSICAL STREET ADDRESS - NO P.O. BOX]  
[CITY, STATE - NO ZIP CODE]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179 DMH/KER/JW

DEAR [MR./MRS./MS.] [LAST NAME]:

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 12, United States Code (U.S.C.), Section 3414(a)(5), you are hereby directed to produce to the Federal Bureau of Investigation (FBI) all financial records pertaining to the customer(s) and/or accounts listed below:

- NAME(S) [if available]
- ACCOUNT NUMBER(s): [if available]
- SOCIAL SECURITY NUMBER(S): [if available]
- DATE(S) OF BIRTH: [if available]
- [FOR PERIOD FROM INCEPTION TO PRESENT]
- or
- [FOR PERIOD FROM [SPECIFIC DATE] TO [SPECIFIC DATE]
- or [PRESENT]]

Please see the attachment following this letter for the types of information that your financial institution might consider to be a financial record.

If the time period noted above is to the "present," that term is intended to direct production of information to the date of the processing of this letter. If providing information to the date of processing is not feasible, please provide information to the date of receipt of this letter.



**[MR./MRS./MS./ COMPLETE NAME]**

In accordance with Title 12, U.S.C. Section 3414(a)(5)(A), I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

In accordance with Title 12, U.S.C., Section 3403(b), I certify that the FBI has complied with all applicable provisions of the Right to Financial Privacy Act.

**[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement) then include the language in the following 3 paragraphs in the NSL.]**

In accordance with 12 U.S.C. § 3414(a)(5)(D), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person. Accordingly, 12 U.S.C. § 3414(a)(5)(D) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 12 U.S.C. § 3414(a)(5)(D)(iii), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 12 U.S.C. § 3414(a)(5)(D)(iv), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

**[Include the following language in all NSLs.]**

[MR./MRS./MS./ COMPLETE NAME]

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful and the right to challenge the nondisclosure requirement set forth above.

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

The FBI does not intend to suggest by the service of the NSL upon your financial institution [REDACTED]

[REDACTED]

[REDACTED] the non-disclosure provision set forth above prohibits the disclosure of the fact of this letter

b2  
b7E

[REDACTED] Further, should you decide to consider [REDACTED]

[REDACTED] the FBI requests that you please notify the below point of contact prior to taking such action, inasmuch as it is expected that information [REDACTED]

[REDACTED]

You are directed to provide records responsive to this letter **[personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to the [OFFICE OF ORIGIN] OR through secure fax]** within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the **[[DELIVERING DIVISION] OR [OFFICE OF ORIGIN],\_depending on whether service is personal or through a delivery service or fax]**. Due to security considerations, you should neither send the records through routine mail service nor disclose the substance of this letter in any telephone conversation.

Your cooperation in this matter is greatly appreciated.

Sincerely,

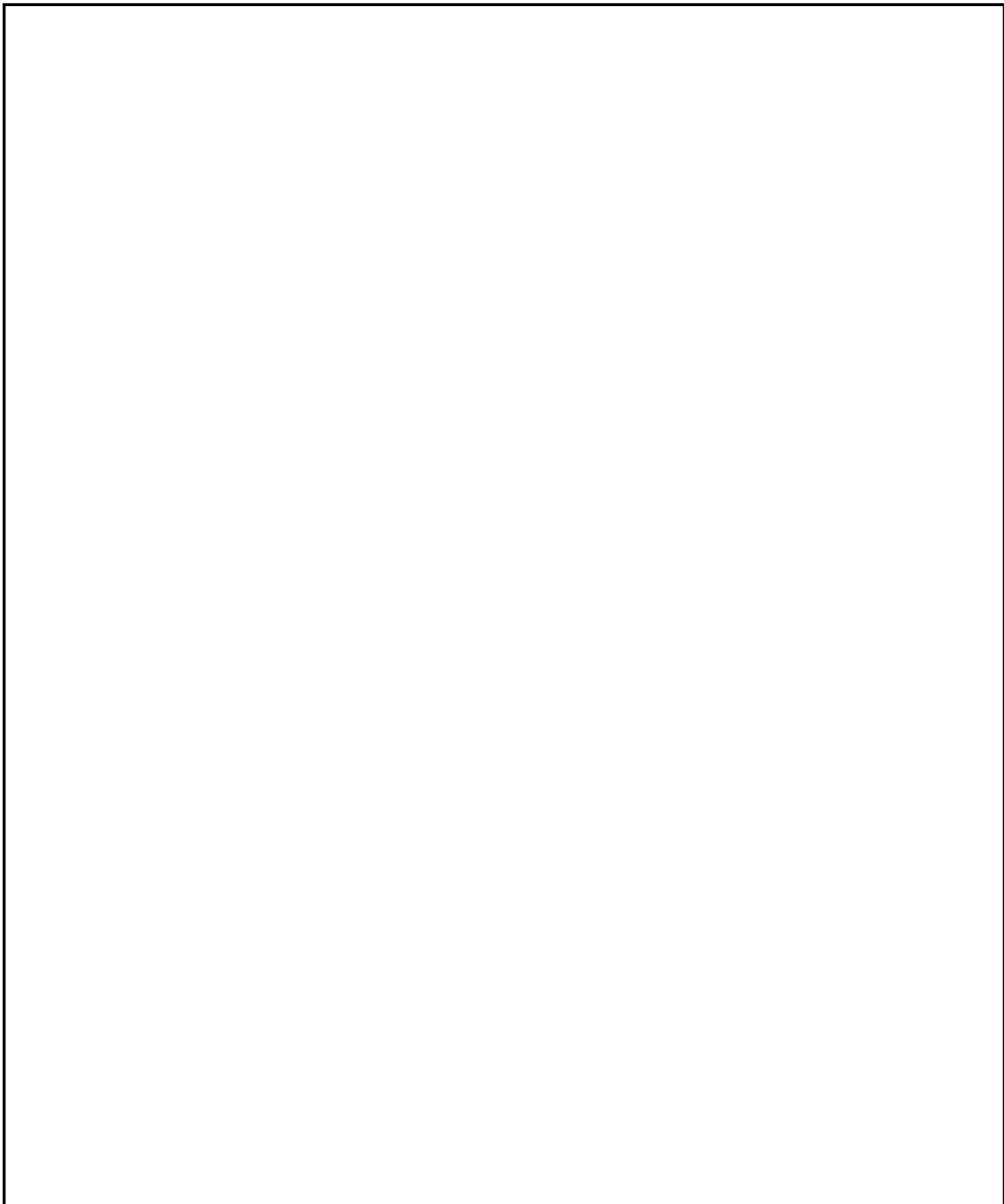
[ADIC/SAC NAME]  
[ASSISTANT DIRECTOR IN  
CHARGE/  
SPECIAL AGENT IN CHARGE]

ATTACHMENT

In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be a financial record in accordance Title 12, United States Code, Section 3401(2) ("original of, copy of, or information known to be derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution"):

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~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2 [ ]  
07 [ ]

**Precedence:** ROUTINE

**Date:** 02/23/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**From:** [ ]  
**Contact:** SSA [ ]

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**Approved By:** [ ]  
**Drafted By:** [ ]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO *2007*

**Title:** (U) SA [ ]  
b6 SSA [ ]  
b7C INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ **Derived From:** G-3  
**Declassify On:** X1

**Details:**

b1 s) 1. [ ]  
b6  
b7C s) 2. [ ]  
b7A

(U) b2 ~~(S)~~ 3. Possible IOB Error:  
b7E [ ]

(U) ~~(S)~~ b2 Description of IOB Error (including any reporting delays).  
b7E

(S) ~~(S)~~ A NSL was issued on 11/29/05 under the authority of the  
Electronic Communications Privacy Act (ECPA) [ ]

b1 [ ] Although this NSL was served [ ] the carrier did  
b7A not furnish this requested information to the FBI. This information  
can not be obtained under ECPA.

*Schiller*  
*CRS* [ ] *Orin 4/24/07*  
*Kas 04/25/07*

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 05-31-2007  
CLASSIFIED BY 65179 DMH/KSF/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-31-2032

~~SECRET~~

(U) To: Inspection From:   
b2 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

b7E LEAD(s):

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

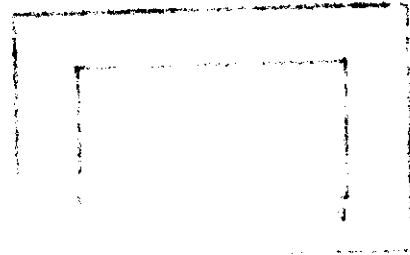
AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

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NSL VIO-1761

~~SECRET~~

U.S. Department of Justice



Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

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(S)

November 29, 2005

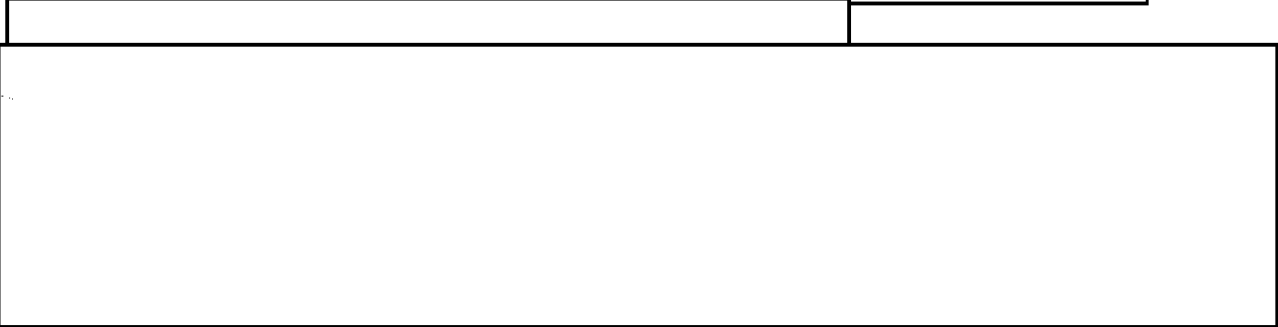


(S)

(S)

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (as amended, October 26, 2001), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) 

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In accordance with Title 18, U.S.C., Section 2709(b), I certify that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

You are further advised that Title 18, U.S.C., Section 2709(c) prohibits any officer, employee or agent of yours from disclosing to any person that the FBI has sought or obtained access to information or records under these provisions.

DATE: 05-31-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-31-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

NSL VIO-1762

~~SECRET~~



~~SECRET~~

You are requested to provide records responsive to this request personally to a representative of [redacted] field office of the FBI. Any questions you have regarding this request should be directed only to [redacted] field office. Due to security considerations, you should neither send the records through the mail nor disclose the substance of this request in any telephone conversation.

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Your cooperation in this matter is greatly appreciated.

Sincerely,

[redacted]

Special Agent in Charge

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NSL VIO-1763

~~SECRET~~

ATTACHMENT

(S) In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be an electronic communication transactional record in accordance with Title 18, United States Code, Section 2709:



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This National Security Letter does not request, and you should not provide, information pursuant to this request that would disclose the content of any electronic communication as defined in Title 18, United States Code, Section 2510(8).

~~SECRET~~



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

[DRAFTING DIVISION]  
[STREET ADDRESS]  
[CITY, STATE, ZIP CODE]  
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [Complete name]  
[TITLE, IF AVAILABLE]  
[NAME OF COMPANY]  
[PHYSICAL STREET ADDRESS - NO P.O. BOX]  
[CITY, STATE - NO ZIP CODE]

Dear [MR./MRS./MS.] [LAST NAME]:

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications Privacy Act of 1986) (as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the name, address, and length of service with respect to the following email/IP account(s):

[provide either or both - 1) person(s) to whom the email/IP address(es) is/was registered and/or 2) the email/IP address(es)

[NAME OF PERSON(S)]

[E-mail/IP ADDRESS(ES)]

[ON A SPECIFIC DATE]

or

[FOR THE PERIOD FROM [SPECIFIC DATE] TO [SPECIFIC DATE]  
[PRESENT]]

or

If the time period noted above is to the "present," that term is intended to direct production of information to the date of the processing of this letter. If providing information to the date of processing is not feasible, please provide information to the date of receipt of this letter.

In accordance with Title 18, U.S.C., Section 2709(b), I certify that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-04-2007 BY 65179 DMH/K3R/JU

NSL VIO-1765

**[MR./MRS./MS] [COMPLETE NAME]**

investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the constitution of the United States.

**[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement) then include the language in the following 3 paragraphs in the NSL.]**

In accordance with 18 U.S.C. § 2709(c)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person. Accordingly, 18 U.S.C. § 2709(c)(1) and (2) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 18 U.S.C. § 2709(c)(3), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 18 U.S.C. § 2709(c)(4), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

**[Include the following language in all NSLs.]**

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful, and you have the right to challenge the nondisclosure requirement set forth above.

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

**[MR./MRS./MS] [COMPLETE NAME]**

You are directed to provide records responsive to this letter **[personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to [OFFICE OF ORIGIN] OR through secure fax]** within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the **[[DELIVERING DIVISION] OR [OFFICE OF ORIGIN],\_depending on whether service is personal or through a delivery service]**. Due to security considerations, you should neither send the records through routine mail service nor non-secure fax, nor disclose the substance of this letter in any telephone conversation.

Your cooperation in this matter is greatly appreciated.

Sincerely yours,

**[ADIC/SAC NAME]  
[ASSISTANT DIRECTOR IN CHARGE/  
SPECIAL AGENT IN CHARGE]**

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/08/2007

**To:** [Redacted]

**Attn:**

SAC [Redacted]  
ASAC [Redacted]  
SSA [Redacted]  
SA [Redacted]

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Inspection

**Attn:**

IIS, CRS [Redacted]

**From:** General Counsel

Counterterrorism Law Unit I/IX-1 39100

**Contact:** [Redacted]

**Approved By:** Thomas Julie F. [Redacted]

**Drafted By:** [Redacted]

**Case ID #:** (U) 278-HQ-C1229736-VIO-2180

(U)

**Title:** (S) INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007 [Redacted]

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(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~~

**Administrative:** (S) This electronic communication (EC) contains information from: (1) the EC dated 02/23/2007 from the [Redacted] Field Office [Redacted] to OGC reporting a potential IOB matter; and (2) automated case support (ACS).

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**Reference:** (U) 278-HQ-C1229736-VIO Serial 2188

**Details:** (S) By electronic communication (EC) dated 02/23/2007, [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.

OIG/DOJ REVIEW: [Redacted]

DATE: 4-18-08  
~~SECRET~~

FBI INVESTIGATION: [Redacted]

OIG/DOJ INVESTIGATION: [Redacted]

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DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSF/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

NSL VIO-1768

~~SECRET~~

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO: 03/08/2007

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(S) [redacted]  
[redacted] Special Agent  
In Charge executed a National Security Letter (NSL) pursuant  
to the Electronic Communications Privacy Act (ECPA), 18 U.S.C.  
§ 2709 [redacted] In the NSL, the FBI directed [redacted]  
to provide [redacted]  
[redacted]  
[redacted]

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(S) [redacted] did not furnish the requested information  
to the FBI.

(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

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[redacted]

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b2 To: [redacted] From: Office of the General Counsel  
b7E Re: 278-HQ-C1229736-VIO: 03/08/2007

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.

(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).  
b1 NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [redacted]

(U) ~~(S)~~ It is an open legal question whether the [redacted] NSL sought records beyond the scope of ECPA, 18 USC § 2709(a). The NSL issued herein received legal counsel b2 approval in the [redacted] Field Office, a legal determination b7E having been made that such records fall within ECPA, which allows the FBI to obtain "subscriber information and toll billing records information, or electronic communication transactional records." 18 USC § 2709(a).

(S) [redacted]

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO: 03/08/2007

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[redacted]

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[redacted]

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~~(S)~~ Nonetheless, based upon the fact that the NSL may have inadvertently, but under the advice of legal counsel, sought information unauthorized by the ECPA, 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: 03/08/2007

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Info)**

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[redacted]

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(S)

~~(U)~~ [redacted] Field Office should not issue any ECPA NSLs seeking [redacted] until or unless official guidance is provided stating that such information may be obtained in such fashion.

cc: Ms. Thomas

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[redacted]

IOB Library

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~~SECRET~~

DECLASSIFIED BY 65179 DMH/KSR/JJM  
ON 06-04-2007

April 2, 2007

Mr. Stephen Friedman, Chairman  
Intelligence Oversight Board  
New Executive Office Building - Room 50209  
725 17th Street, Northwest  
Washington, DC 20503

Dear Mr. Friedman:

As you know, in March 2007, the Department of Justice, Office of the Inspector General (OIG) issued a report entitled, A Review of the Federal Bureau of Investigation's Use of National Security Letters. In Chapter Six of this report, the OIG identified 22 potential Intelligence Oversight Board (IOB) matters relating to national security letters (NSLs) in its review of a sample of investigative files in four FBI field offices. Enclosed, you will find five (5) summaries of reportable IOB matters. The Office of the General Counsel (OGC) has determined that the other 17 matters are not reportable. As always, the FBI will retain copies of those decisions for your review upon request.

The OIG divided the 22 potential IOB matters into three categories: improper authorization (1), improper requests under the pertinent NSL statutes (11), and unauthorized collections (10).

**Improper authorization:** OGC has determined that the one instance of improper authorization should be reported as an IOB matter. Please see enclosed summary for IOB Matter 2007-

b2

Enclosures

1 - 278-HQ-C1229736-VIO - 2498

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassified On: 03/29/2032~~

~~SECRET~~

NSL VIO-1773

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**Improper requests under pertinent NSL statutes:** OGC has determined that four of the instances noted by the OIG should be reported as IOB matters. Please see enclosed summaries for IOB Matters, 2007 [redacted]; 2007 [redacted] (issuing an NSL requesting financial records but citing the Electronic Communications Privacy Act (ECPA), among other administrative errors); and 2007 [redacted] (issuing NSLs for full credit reports in counterintelligence cases (2 instances)).

OGC has determined that the other seven instances are not reportable IOB matters. In three instances, the FBI field office issued an NSL requesting a full credit report under the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681v, however, certification language from the Right to Financial Privacy Act (RFPA), 12 U.S.C. 3414(a)(5)(A) was used later in the NSL. All three are international terrorism cases, and therefore, the FBI was lawfully authorized to request and obtain the full credit reports. As the RFPA applies to both international terrorism and countintelligence cases, citing the certification language from that statute had no legal impact. The information provided in response to these NSLs was not sequestered because the FBI had issued lawful NSLs for that information.

In the remaining four instances, the FBI field office issued an NSL requesting a full credit report under FCRA, 15 U.S.C. 1681v, but the accompanying electronic communication (EC) mistakenly included language requesting consumer identifying information, 15 U.S.C. 1681u, instead. The mistake in the EC did not alter the investigation in any way, and this scrivener's error, citing 1681u rather than 1681v, did not violate any law. As these were all international terrorism cases and inasmuch as the NSL seeking a full credit report was authorized by the Special Agent in Charge through his or her signature on the NSL, the FBI field office had the proper legal authority to obtain full credit reports. Accordingly, this information was not sequestered.

**Unauthorized collections:** OGC has determined that none of the ten instances noted by the OIG are reportable IOB matters. Six of these instances involved third-party errors in which the carrier provided information beyond the scope of what was asked for in the NSL. Five times, the carrier provided information beyond the date range requested in the NSL, presumably to comport with its own billing cycle. In one instance, the carrier, a financial services provider, provided information beyond the names/addresses of financial institutions as requested by the NSL. By letter dated 11/13/2006, the Counsel to the IOB agreed that these third-party errors in the collection of information pursuant to an NSL are not reportable to the IOB.

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b2 In one instance, in an internal EC documenting the results of NSL requests, the FBI field office mistakenly cited an NSL issued [redacted] as the source of the subscriber information in the file when, in fact, that information came from an NSL issued [redacted]. As both NSLs were lawfully issued, there was no unauthorized collection. The mistake, if any, was a scrivener's error in documenting the source of the information in the file.

In another [redacted] error, the accompanying EC contained a typographical error with respect to one of the phone numbers being requested in the NSL. The NSL actually served on the provider contained two correct phone numbers. Therefore, there was no unauthorized collection.

b2 One FBI field office served an NSL requesting subscriber information for a particular phone number that was associated with the target of an authorized investigation. In response, the provider indicated that the number was actually an [redacted] [redacted]. When the NSL was sent, the number was relevant to an authorized investigation. The fact that it turned out to be something else does not make this an unauthorized collection (or any error at all).

Finally, one FBI field office requested toll billing records "associated" with a particular phone number. In response, they received information for an associated number. Both the requested number and the associated number were subscribed to by the same individual. The plain language of ECPA and the legislative history support the position that the FBI is permitted to request and acquire information on associated numbers attributable to the same account. Therefore, the NSL was lawfully issued and the results were not an unauthorized collection.

Please find enclosed summaries of the five IOB matters identified by the OIG report that OGC has determined are, indeed, reportable. Hopefully, the brief explanations above will satisfy you that the remainder of the 17 potential IOB matter identified by the OIG report were not, in fact, reportable. As always, however, the FBI has retained copies of the decisions if you wish to review them.

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Please don't hesitate to contact me or Associate  
General Counsel [redacted] (202-324-[redacted]) if you have questions  
about any of these IOB matters.

Sincerely

Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch

- 1 - The Honorable Alberto Gonzales  
Attorney General  
U.S. Department of Justice  
Room 5111
- 1 - Mr. Matt Olsen  
Deputy Assistant Attorney General  
National Security Division  
U.S. Department of Justice  
Room 2200 C
- 1 - Ms. Margaret Skelly-Nolen  
Acting Counsel  
Office of Intelligence Policy and Review  
U.S. Department of Justice  
Room 6150

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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[redacted] DIVISION  
IOB MATTER 2007-[redacted] (U)

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(S) By electronic communication dated 02/23/2007, the Federal Bureau of Investigation (FBI), [redacted] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. [redacted] reported that, on 11/29/2005, [redacted] Special Agent In Charge executed a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA) 18 U.S.C. § 2709, [redacted] [redacted] [redacted] did not furnish the requested information to the FBI.

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(S) It is an open legal question whether the [redacted] NSL sought records beyond the scope of ECPA, 18 USC § 2709(a). The NSL issued herein received legal counsel approval in the [redacted] Field Office, a legal determination having been made that such records fall within ECPA, which allows the FBI to obtain "subscriber information and toll billing records information, or electronic communication transactional records." 18 USC § 2709(a).

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[redacted]

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(S) While it remains unclear whether [redacted] NSL was statutorily authorized, [redacted] never provided [redacted]. Thus, there was never an unauthorized collection in violation of the NSIG and ECPA; the subjects rights were not violated.

(S) Nonetheless, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, this matter is being reported based upon the fact that the NSL may have inadvertently sought information unauthorized by the ECPA. The Office of General Counsel ("OGC") has reported this matter to the FBI's Inspection Division for appropriate action.

Derived From : G-3  
Declassify On: 03/29/2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

~~SECRET~~

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
b7E [redacted] FIELD OFFICE  
IOB MATTER 2007 [redacted] (U)

(S)

~~(S)~~ By electronic communication dated February 22, 2007, the Federal Bureau of Investigation (FBI) [redacted] Field Office [redacted] reported that, on June 23, 2004, the FBI submitted a National Security Letter (NSL) seeking telephone toll billing records relating to a certain target [redacted]. Due to confusion as to when the investigation was to have expired, the NSL was erroneously issued after the expiration date of the case. Clarification of the expiration date came to the attention of FBI-[redacted] during an Office of Inspector General (OIG) audit in the Summer of 2006. FBI-[redacted] was asked to sequester the provided phone records, but they responded that the carrier provided them with a letter advising that there were no records associated with the NSL request.

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~~(S)~~ By electronic communication dated February 22, 2007, FBI-[redacted] reported that, on November 23, 2004, FBI-Philadelphia submitted two NSLs in an intelligence investigation seeking [redacted] pursuant to a statute specifically made available for terrorism matters only. These NSLs were issued [redacted]. This mistake was an error on the part of FBI-[redacted] who has since sequestered all documents received from these erroneously issued NSLs.

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(U) ~~(S)~~ Due to the incorrect actions stated above, FBI-[redacted] has taken steps to sequester all documents obtained from these two incidents. The errors were discovered during an OIG audit of the FBI's [redacted] Field Office in the Summer of 2006. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected. The improper collection of this information was a violation of the Attorney General's Guidelines for FBI National Security Investigations. Thus, the matter is being reported to the IOB.

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~~Derived from: G-3  
Declassify on: 25X-1~~

~~SECRET~~

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSP/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

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WHERE SHOWN OTHERWISE

SECRET



INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2 [redacted] FIELD OFFICE

b7E IOB MATTER 2007-[redacted]

(S) (S)

(S) The [redacted] Division reported on 02/23/2007 [redacted]

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[redacted] a National  
[redacted] ter (NSL) was issued for financial records [redacted]  
[redacted] under authority of the Electronic Communications  
Privacy Act rather than the Right to Financial Privacy Act. The  
NSL was approved in an EC which also cited the incorrect legal  
authority and did not articulate the facts supporting its  
issuance.

(U) This matter has been reported to the FBI's  
Inspection Division for appropriate action.

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**FEDERAL BUREAU OF INVESTIGATION**

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Precedence: ROUTINE

Date: 02/21/2007

To: Inspection  
General Counsel

Attn: IIS, Room 11861

Attn: NSLB, Room 7975

SSA [ ]

Attn: CDC/Legal Unit

CDC [ ]

From: [ ]

Contact: [ ]

Approved By: [ ]

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Drafted By: [ ]

(U)

Case ID #: (S) 278-HQ-C1229736-VIO - 2200

(U) 278- [ ] -C136372 - 125

(U) Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

Synopsis: (S) Report of a IOB matter.

(U)

(S)

Derived From : G-3

Declassify On: X1

Details:

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(S) 1. [ ]

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(S)

b6 Case Agent: [ ]

b7C Supervisor: SSA [ ]

*Tarshf...*

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(S) 2. [ ]

(S) 4. No Foreign Intelligence Surveillance Act (FISA) request has been submitted to Office of Intelligence Policy and Review, Department of Justice (OIPR).

(U)

(S) 5. IOB Error:

b6 CR8  
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[ ]

*SC Miller DMH 4/24/07  
Kas 02/25/07*

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

NSL VIO-1780

*SC Miller*

b2 To: Inspection From: [redacted]  
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2007

b1 (S)  
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[redacted]

(b7E) ~~(S)~~ Description of IOB Error (including any reporting delays):

(S) [redacted] A  
National Security Letter was approved by the [redacted] Division

(S) b1 [redacted]  
b6 [redacted]

b7C The EC requested consumer identifying information [redacted]

b2 [redacted]  
b7E [redacted]

b7D The NSL requested that the FBI be provided with [redacted]  
b4 [redacted] and all other information [redacted]

(S) [redacted] This appears to be a potential IOB violation due to the NSL requesting FCRA consumer full credit report when the SAC approved an EC for consumer identifying info and financial institutions. It was the writer's intention to request the full credit report at the time of the NSL was prepared and the writer miss read the example for the this type of NSL.

(U) ~~(S)~~ The reasons for the delay on reporting this potential IOB violation are as follows:

b2 (1) [redacted] was not aware of the listed mistake until  
b7E the OIG conducted an NSL audit [redacted]. At that time [redacted]  
b6 [redacted] interviewed by an OIC Inspector over the telephone and was  
b7C not informed that there was an potential IOB violation.

(2) [redacted] was not advised of the potential IOB violation until being notified by CDC [redacted] on 02/21/2007.

*Attached*

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b2 U) To: Inspection From: [REDACTED]  
b7E Re: (S) 278-HQ-C1229736-VIO, 02/21/2007

**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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NSL VIO-1782

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 11/12/2004

**To:** General Counsel

**Attn:** [Redacted]

**From:** [Redacted]

**Contact:** [Redacted]

**Approved By:** [Redacted]

**Drafted By:** [Redacted]

**Case ID #:** (S) [Redacted] (Pending)

b2 (U) (S) 66F-[Redacted]-C212092-NSL  
b7E (U) (S) 66F-HQ-C1213150-NSL

**Title:** ((S)) [Redacted]

**OO:** [Redacted]

**Synopsis:** (X) Approves the issuance of [Redacted] National Security Letter (NSL); [Redacted]

(S) (U) ~~Derived From : G-3~~  
~~Declassify On: X1~~

(S) [Redacted]

**Enclosure(s):** (X) [Redacted]

(S) [Redacted]

~~SECRET~~

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

NSL VIO-1783

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To: General Counsel From: [redacted]  
Re: b1 (X) [redacted] 11/12/2004

(S)

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[redacted]

Details: (S) [redacted]

[redacted]

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[redacted] NSIs  
were issued [redacted]  
[redacted]

[redacted] Due to this possibly FBI Headquarters has  
required [redacted]

[redacted]

(U) Consumer reports received from a consumer reporting agency must be clearly identified when reported in any Bureau communication. Subsequent dissemination of such information is prohibited, except to other Federal agencies or military investigative entities as may be necessary for the approval or conduct of a foreign counterintelligence investigation.

(U) The Supervisor affirms that you, the Case Agent, have checked all of the appropriate FBI databases regarding a prior request by any field office for the material requested. The requested material does not appear to be available from public sources.

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(U) Any questions regarding the above can be directed to [redacted] Field Division, Attention: SFO [redacted] phone number [redacted]

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(S) This electronic communication documents the SAC's approval and certification of the enclosed NSL. [redacted]

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experianci.ec

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To: General Counsel From: [redacted]  
Re: (X) [redacted] 11/12/2004

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[redacted]  
[redacted] [redacted] [redacted]

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(U) A representative [redacted] should deliver the letter [redacted]

(S)

(U) On 11/09/2001, the Director designated the official signing the enclosed letter as authorized to make the required certification.

(S)

(X) [redacted] should remind [redacted] that, under Title 15, United States Code, Section 1681v(c), it is prohibited from disclosing that the FBI has made this request. In addition,

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[redacted]

b4 (S)

(X) Arrangements should be made [redacted] to provide the records personally to a representative of your office. [redacted] should neither send the records through the mail nor utilize [redacted] in any telephone calls to your office. [redacted] should not contact FBIHQ directly in any manner.

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(S) b2  
b7E To: General Counsel From: [redacted]  
b1 Re: (U) [redacted] 11/12/2004

**LEAD(s) :**

**Set Lead 1: (Info)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLU is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLs.

**Set Lead 2: (Action)**

b2 [redacted]  
b7E [redacted]

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(S) Deliver the attached letter [redacted]

[redacted] is requested to submit results to [redacted]

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/08/2007

**To:** [Redacted]  
Counterterrorism  
Inspector

**Attn:** Squad 17A  
**Attn:** ITOS 1/CONUS 4/Team 15  
**Attn:** Internal Investigative  
Section  
**Attn:** [Redacted] Rm. 11865

**From:** General Counsel  
National Security Law Branch/CTLU1/LX-1/3S-100  
**Contact:** [Redacted]

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**Approved By:** Thomas Julie F [Redacted]  
**Drafted By:** [Redacted]

**Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO-2510 (Pending)  
~~(S)~~ [Redacted]

**Titl** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
~~(S)~~ (IOB) MATTER 2007- [Redacted] b2

**Synopsis:** ~~(S)~~ It is the opinion of the Office of General Counsel ("OGC") that the above-referenced matter need not be reported to the Intelligence Oversight Board ("IOB"). Our analysis follows.

**Derived From:** ~~(S)~~ G-3  
**Declassify On:** ~~(S)~~ 03/08/2032

**Reference:** ~~(S)~~ 278-HQ-C1229736-VIO-2204

**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

OIG/DOJ REVIEW: [Redacted]  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]  
DATE: 4-19-07  
[Signature]

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(U) b2  
b7E To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

(S)

b1 Details: ~~(S)~~ By electronic communication (EC) dated February  
b6 21, 2007, referenced above,<sup>1</sup> the [redacted] Division [redacted]  
b7C [redacted] reported a possible IOB error in conjunction with  
b2 its counterterrorism investigation [redacted]  
b7E [redacted] In this regard, [redacted] reported  
that on February 21, 2007, it became aware that the Office of  
Inspector General ("OIG") had identified a potential IOB  
violation during the OIG's previous audit. Specifically, OIG  
advised that [redacted] issuance of a National Security  
Letter ("NSL") on November 12, 2004 may have constituted an  
IOB violation.<sup>2</sup>

(S)

~~(S)~~

~~(S)~~ The NSL issued by [redacted]  
[redacted] requested [redacted] provide a copy of a consumer  
report and all other information contained in its files  
[redacted] The NSL properly cited to the Fair  
Credit Reporting Act ("FCRA"), 15 U.S.C. §1681v, as the  
statutory basis for the request. The NSL was signed by [redacted]  
[redacted] Special Agent in Charge ("SAC") and subsequently  
served [redacted]

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~~(S)~~ The EC accompanying the NSL, which was also  
signed by the SAC, approved the issuance of an NSL "requesting  
consumer identifying information limited to [redacted]"

[redacted]

The drafter of this EC mistakenly included language  
requesting [redacted] as opposed to  
language requesting [redacted]. It was [redacted]  
[redacted] intention to obtain a full credit report [redacted]  
[redacted] and the NSL ultimately served upon [redacted]  
accurately reflected this intent. See, [redacted] EC.

(S)

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~~(S)~~ As required by Executive Order (E.O.) 12863 and  
Section 2-56 of the National Foreign Intelligence Program  
Manual ("NFIPM"), OGC was tasked to determine whether [redacted]

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<sup>1</sup> (U) See, EC from the [redacted] Division to the General Counsel,  
dated 02/21/07, Case ID# 278-HQ-C1229736-VIO, Serial 2204, titled  
"Intelligence Oversight Board Matter."

<sup>2</sup> (U) Id.

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(U)

To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

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[redacted] issuance of the NSL's described above is a matter which must be reported to the IOB. It is not.

(U) Section 2.4 of 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 (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, 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. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) Section 2.4 of 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, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

(S)

~~(S)~~ Although the November 12, 2004 EC erroneously approved the issuance of an NSL requesting consumer identifying information, the NSL served upon the provider correctly requested [redacted] and cited the appropriate statutory authorities for said request. The [redacted] SAC signed the NSL which was served [redacted] and no over-collection occurred when [redacted] furnished [redacted] with responsive [redacted]. These actions constitute a clerical error on behalf of the FBI but do not amount to an IOB and/or FCRA violation.

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b2 To: [redacted] From: General Counsel  
b7E Re: ~~(S)~~ 278-IQ-C1229736-VIO, 03/08/2007

(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 need not be reported to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

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To: [redacted] From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

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**LEAD(s) :**

**Set Lead 1: (Info)**

[redacted]

(U) Read and clear.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT ITOS 1/CONUS 2/TEAM 7

(U) Read and clear.

**Set Lead 3: (Action)**

INSPECTION

AT IIS

(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 Counsel to the IOB.

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**FEDERAL BUREAU OF INVESTIGATION**

b2  
07 [Redacted]

**Precedence:** ROUTINE

**Date:** 02/21/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861

**Attn:** NSLB, Room 7975

SSA [Redacted]

**Attn:** CDC/Legal Unit

CDC [Redacted]

**From:** [Redacted]

**Contact:** [Redacted]

**Approved By:** [Redacted]

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**Drafted By:** [Redacted]

(U)

cb2 ID #: (S) 278-HQ-C1229736-VIO

b7E (U) 278 [Redacted] C136372 - 126

*M 2/20/07*

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTERS

(U) **Synopsis:** (S) Report of a Potential IOB matter.

(U)

(S) **Derived From:** G-3  
**Declassify On:** X1

**Details:**

b1 3) 1. [Redacted]

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b7E (S) b7C

Case Agent: [Redacted]

Supervisor: SSA [Redacted]

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b6 3) 3. [Redacted]

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(S) 4. No Foreign Intelligence Surveillance Act (FISA) request has been submitted to Office of Intelligence Policy and Review, Department of Justice (OIPR).

(U)

(S) 5. IOB Error:

*S. Miller DM 4/24/07*

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[Redacted]

*2/20/07*

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

NSL VIO-1792

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/13/2007

**To:** [Redacted]

**Attn:** SAC [Redacted]  
ASAC [Redacted]  
CDC [Redacted]  
SSA [Redacted]  
TFO [Redacted]

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Counterterrorism

**Attn:** ITOS 1, CONUS 4

Inspection

**Attn:** IIS, CRS [Redacted]

**From:** General Counsel  
Counterterrorism Law Unit I/LX-1 3S100  
**Contact:** [Redacted]

**Approved By:** Thomas Julie [Signature]

**Drafted By:** [Redacted] 2545  
**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending)

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**Title:** (S) INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007-[Redacted]

(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:** 03/13/2032

(U) **Administrative:** (S) This electronic communication (EC) contains information from: (1) the EC dated 02/21/2007 from the [Redacted] Field Office [Redacted] to OGC reporting a potential IOB matter; and (2) automated case support (ACS).

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**Reference:** (U) 278-HQ-C1229736-Serial 2205  
(U) (S) 278-[Redacted]-C136372 Serial 126

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION: [Redacted]  
DATE: 4-19-07 [Signature]  
~~SECRET~~

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-2205, 03/13/2007

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~~(S)~~ By EC dated 02/21/2007, [redacted] requested that OGC review the facts of the captioned matter and determine whether 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) [redacted]

(S) Special Agent In Charge executed two documents (1) a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, [redacted] and (2) an EC approving the issuance of such NSL.

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[redacted]

(S)

~~(S)~~ The EC approving the issuance of the NSL contained an error. Due to an apparent typographical error, it mistakenly authorized the issuance of an NSL [redacted]. However, as stated above, the NSL stated the correct telephone numbers.

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~~(S)~~

[redacted] provided subscriber information which confirmed [redacted] was in fact the subscriber for [redacted] telephone numbers set forth in the NSL. No information was ever sought or received [redacted] relating to the wrong number set forth in the authorizing EC.

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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

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[redacted]



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To: [REDACTED] From: Office of the General Counsel  
Re: 278-HQ-C1229736-2205, 03/13/2007

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 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) 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 are 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). In addition to FCRA, 15 U.S.C. §§ 1681u(a) and (b) information (financial institutions and consumer identifying information), under 15 U.S.C. 1681u(c), if certain factors are met, the FBI

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-2205, 03/13/2007

is able to obtain full consumer reports in both counterintelligence and international terrorism investigations by an ex parte court order.

(U)

(S) Here, [redacted]

[redacted] the FBI properly served an NSL that requested lawful information. In the NSL, [redacted] requested the

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[redacted] Because the NSL contained the correct telephone numbers, the fact that the authorizing EC contained an apparent typographical error neither resulted in the issuance of an erroneous NSL, nor an unauthorized collection in violation of the NSIG and ECPA.

(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. The apparent typographical error in the EC authorizing the issuance of the NSL did not result in the issuance of an inaccurate NSL or an over collection. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-2205, 03/13/2007

**LEAD (s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(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.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Action)**

[redacted]

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(U) [redacted] should issue a corrected EC setting forth these matters. [redacted] should implement steps to ensure that similar errors do not occur in the future.

cc: Ms. Thomas

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[redacted]  
IOB Library

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**FEDERAL BUREAU OF INVESTIGATION**

b2 [redacted]  
07-

**Precedence:** ROUTINE

**Date:** 03/08/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975  
**Attn:** CDC/Legal Unit

**From:** [redacted]

**Contact:** SA [redacted]

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**Approved By:** [redacted]

(U) **Drafted By:** [redacted]

**Case ID #:** (S) 278-HQ-C1229736-VIO - 222  
(S) [redacted]

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

(U) b2 **Synopsis:** (S) The [redacted] Division reports a possible IOB matter and requests that the Office of General Counsel (OGC) review the facts of the captioned matter and determine whether it warrants reporting to the IOB.  
b7E

(U) (S) **Derived From :** G-3  
**Declassify On:** X1

**Details:**

(S) 1. [redacted]

[redacted]

b1  
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b7C  
b7A } (S) 2. A National Security Letter, [redacted] was approved by the [redacted] Division and served [redacted]. This NSL requested [redacted]

b2  
b7E  
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b7D } [redacted] FBI Investigative Analyst [redacted] received and forwarded the returned NSL result to SA [redacted]

(S) (S) The results provided additional information that was not requested in the NSL. This additional information included [redacted]

SC Miller [redacted] 4/26/07  
CR3 [redacted] Raw 04/25/07  
~~SECRET~~

b6  
b7C

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

NSL VIO-1800

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

b2 (U)  
b7E

To: Inspection From: [redacted]  
Re: (S) 278-HQ-C1229736-VIO, 03/08/2007

b1 (S)  
b4  
b7D

[redacted]  
[redacted] The NSL did not  
request any of this information.

(S)

(X) Upon discovery of this information, SA [redacted] contacted [redacted]  
CDC AGC [redacted] and [redacted] Investigative Analyst [redacted] and  
advised them of what had been returned to him [redacted] IA  
[redacted] is the [redacted] Division contact for NSLs regarding  
[redacted] In accordance with CDC ACG [redacted] instructions, SA  
[redacted] separated the improperly provided information. [redacted]

b6  
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b7E

[redacted]  
and presented them to the CDCs office in order for them to be  
sequestered until [redacted] receives clear guidance from NSLB for  
disposition of these documents. The information from these documents  
has not been uploaded into ACS or put into any case file.

~~SECRET~~

2

NSL VIO-1801

~~SECRET~~

b2 To: Inspection From:   
b7E(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

**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-1802

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/22/2007

**To:** [Redacted]

**Attn:** SAC  
CDC

Counterterrorism

**Attn:** ITOS 1, CONUS 2, Team 7

Inspection

**Attn:** IIS

b6  
b7C  
b2  
b7E

**From:** General Counsel

National Security Law Branch CTLU1 LX1 28 229

**Contact:** [Redacted]

**Approved By:** Thomas Julie [Signature]

**Drafted By:** [Redacted]

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO (Pending) *2622*

b1 (S) [Redacted]

b2 **Ti** b2: (U) Intelligence Oversight Board  
b7E (IOB) Matter 2007-[Redacted]

(U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U) (S) **Derived From:** G-3  
**Declassify On:** 03/22/2032

(U) **Reference:** (S) 278-HQ-C1229736-VIO-2225

b1 (S) [Redacted]

(U) **Data:** (S) By electronic communication (EC) dated 03/14/2007 and b7E referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

b2  
b7E

(S) [Redacted]

b1  
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b7C

(S) [Redacted] National Security Letter (NSL) requested subscriber information [Redacted]

b2  
b1

~~SECRET~~

**DIG/DOJ REV**  
**FBI INVESTIGATION**  
**DIG/DOJ INVESTIGATION**

**DATE:** 4-19-07

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/RSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032  
NSL VIO-1803

b7D  
b2  
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b4

(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007

under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications Privacy Act of 1986) (as amended) Specifically sought were [redacted]

(S)

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[Large redacted block]

(S)

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b7C  
b4

~~(S)~~ [redacted], the FBI received the result: [redacted]  
When the case agent, [redacted] reviewed the results he discovered [redacted] had provided additional information that was not described above [redacted]

[Redacted block]

b1  
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b7E  
b7D

~~(S)~~ SA [redacted] contacted AGC [redacted] in the [redacted] CDC's office immediately. AGC [redacted] advised the SA [redacted] to segregate: [redacted]

[Redacted block]

AGC [redacted] advised that this information should be forwarded to the CDC's office in [redacted]. SA [redacted] complied with these instructions. The additional information has been received and sequestered in the CDC's office. None of the information was uploaded into ACS or placed in the case file.

(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



~~SECRET~~

(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007

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 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. [REDACTED]

b1

(S) ~~(S)~~ In this instance, [REDACTED] properly served an NSL requesting subscriber information [REDACTED]

b1 [REDACTED] in addition to the responsive records, due to an error by [REDACTED] also received records beyond the scope of that requested in the NSL.

b7D  
b2  
b7E  
b4

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007

b1  
b7D  
b4

(S) ~~(S)~~ Based on our analysis, [redacted] error is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive.

(U) ~~(S)~~ Based upon these facts, in accordance with the terms implementing 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.

(S)

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b4

~~(S)~~ Since the additional records in this instance are still relevant to the authorized investigation, the additional records may be maintained by the FBI if an additional NSL is served for those records. Otherwise, [redacted] should contact [redacted] and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007

**LEAD(s) :**

**Set Lead 1: (Action)**

b2  
b7E

(S)



(U) The [redacted] Field Office should serve an additional N.L. for the relevant records, or in the alternative, contact [redacted] and as whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

b1  
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**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, DC

(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.

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

[Redacted] b2  
[Redacted]

Precedence: ROUTINE

Date: 02/20/2007

To: Inspection  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

b2  
b7E  
b6  
b7C

Approved By: [Redacted]  
Drafted By: [Redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - 2213

- \* #1 (S)
- #2 (S)
- b1 #3 (S)
- b2 #4 (S)
- b7E #5 (S)

[Redacted]

b7A : (U) REPORT OF A POTENTIAL IOB MATTER

(U) Synopsis: (S) To report a potential IOB matter.

(U) (S) Derived From : G-3  
Declassify On: 02/20/2032

Reference: 278-HQ-C1229736 Serial 2570

(U) Details: (S) On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, [Redacted] FBI issued NSLs under Sections 1681u(a) for [Redacted].

Instead of these limited reports, [Redacted] FBI received [Redacted] from sometimes as many as two of [Redacted] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [Redacted].

b6  
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b7E

*\*\* OGC handled all 5 cases as one OGC# \*\**

*SC Miller DM 4/24/07*  
*CRS [Redacted] Krc 04/25/07*

~~SECRET~~

b6  
b7C

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

NSL VIO-1808

b2

(U) To: Inspection From: [redacted]  
Re: (S) 278-HQ-C1229736-VIO, 02/20/2007

(S)

[redacted] NSLs [redacted] were issued [redacted] returned a response. On [redacted] returned a response. [redacted] returned a result. These materials in an FD-340 (1A) were filed until the writer had sufficient time for review and further production of [redacted] results. During a review [redacted] the response [redacted] was found to be [redacted]

1

(S)

[redacted] NSLs [redacted] were issued [redacted] returned a response. [redacted] returned a result. These materials in a 1A were filed until the writer had sufficient time for review and further production of NSLs based on the results. During a review on [redacted] the responses [redacted] were found to be [redacted]

2

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b7A  
b4

(S)

[redacted] NSLs [redacted] were issued [redacted] returned a response. On [redacted] returned a response. On 12/12/2006, [redacted] returned a result. These materials in a 1A were filed until the writer had sufficient time for review [redacted] During a review [redacted] the responses [redacted] were found to be [redacted]

3

(S)

[redacted] NSLs [redacted] returned a response. [redacted] returned a response. [redacted] returned a result. These materials in a 1A were filed until the writer had sufficient time for review [redacted] the responses [redacted] were found to be [redacted]

4

(S)

[redacted] NSLs [redacted] were issued [redacted] returned a response. [redacted] returned a result. These materials in a 1A were filed until the writer had

5

~~SECRET~~

b2 (U) To: Inspection From: [redacted]  
b7E Re: (S) 278-HQ-C1229736-VIO, 02/20/2007

sufficient time for review [redacted]

[redacted] the

responses from [redacted] were found to be [redacted]

b1  
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This communication, consistent with the directives in the referenced communication, provides this information to report these potential IOB provider errors for whatever action is deemed appropriate.

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3

NSL VIO-1810

~~SECRET~~

(U)

To: Inspection From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/20/2007

b2  
b7E

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~~

4

NSL VIO-1811

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2007

To: [Redacted]

Attn: SAC  
CDC

[Redacted]

SSA  
SA

[Redacted]

[Redacted]

Inspection  
Counterintelligence

Attn: IIS  
Attn: [Redacted]

From: Office of the General Counsel  
National Security Law Branch/CILU/Room 7047  
Contact: AGC [Redacted]

b2  
b7E  
b6  
b7C

Approved By: Thomas Julie E. [Redacted]  
Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) 3192

(S) b1 (U)  
b2 (U)  
b7E (U)  
b7A (U)

[Redacted]

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

(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: X1

Reference: (U) 278-HQ-C1229736-VIO Serial 2213

(S)

b1 (U)  
b2 (U)  
b7E (U)

[Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

OIG/DOJ REVIEW [Redacted] DATE: 4-19-07  
FBI INVESTIGATION [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

b6  
b7C

NSL VIO-1812



~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: (U) 278-HQ-C1229736-VIO, 03/20/2007

(U)

~~(S)~~ Details: By EC dated 02/20/2007, [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

b2  
b7E

(U) ~~(S)~~ As explained in the above referenced EC, during a review of several counterintelligence case files (referenced above), [redacted] discovered that, in response to NSLs issued in those cases for limited credit report information (pursuant to the authority under 15 U.S.C. §§ 1681u(a) and (b)), the providers had sometimes issued [redacted]. Those reports were obtained as follows:

1) [redacted] NSLs issued [redacted]

[redacted] sent a [redacted]

2) [redacted] NSLs issued [redacted]

[redacted] sent [redacted]

3) [redacted] NSLs issued [redacted]

[redacted] sent [redacted]

4) [redacted] NSLs issued [redacted]

[redacted] sent [redacted]

5) [redacted] NSLs issued [redacted]

agencies. [redacted] sent [redacted]

(S)

b1  
b2  
b7E  
b7A

(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

~~SECRET~~

~~SECRET~~

b2  
b7E

To: [REDACTED] From: Office of the General Counsel  
Re: (U) 278-HQ-C1229736-VIO, 03/20/2007

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 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 [REDACTED]

b1

(U) ~~(S)~~ Here, during five authorized investigations, the FBI properly served NSLs [REDACTED]. In response to the properly served NSLs, the FBI obtained [REDACTED] instead of the more limited [REDACTED] which was requested. Once information not requested is received, the field should contact the company and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

b2  
b7E

(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.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: (U) 278-HQ-C1229736-VIO, 03/20/2007

b2  
b7E

**LEAD(s):**

**Set Lead 1: (Action)**

[redacted]

(U) [redacted] Field Office should contact the credit companies and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

**Set Lead 2: (Action)**

INSPECTION

AT WASHINGTON, DC

(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.

**Set Lead 3: (Info)**

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

**CC:** Ms. Thomas

[redacted]

IOB Library

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~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2  
2007

Precedence: ROUTINE

Date: 02/20/2007

To: ~~Inspection~~  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From:   
  
Contact: SA

b2  
b7E  
b6  
b7C

Approved By:

Drafted By:

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - 0213

\* (1) (S)  
(2) (S)  
(3) (S)  
(4) (S)  
(5) (S)

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b7A

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: ~~(S)~~ (U) To report a potential IOB matter.

(U) ~~(S)~~ Derived From: G-3  
Declassify On: 02/20/2032

Reference: 278-HQ-C1229736 Serial 2570

(U) Details: ~~(S)~~ On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, the FBI issued NSLs under Sections 1681u(a)

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limited reports, the  FBI received  from sometimes as many as two of  providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA

*\*\* OGC handled all 5 cases as one OGC#. \*\**

*SC Miller*  
*CRS*  *Kao 04/25/07*

~~SECRET~~

(2007)

b2

b6  
b7C

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSR/JM  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
NSL VIO-1816 WHERE SHOWN OTHERWISE

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2007

To:

Attn: SAC  
CDC

- SSA   
- SA

Inspection  
Counterintelligence

Attn: IIS  
Attn: CD-

b2  
b7E  
b6  
b7C

From: Office of the General Counsel  
National Security Law Branch/CILU/Room 7047  
Contact: AGC

Approved By: Thomas Julie *TJW*

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO *3192* (Pending)

(S)

b1  
b7A  
b2  
b7E  
b2

Title: (S) INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007-

(U) ~~(S)~~ 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: X1

Reference: (U) 278-HQ-C1229736-VIO Serial 2213

(S)

b1  
b7A

DATE: 06-04-2007 b2  
CLASSIFIED BY 6517 b7E KSE/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-20

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

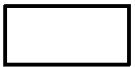
DATE: 4-17-07  
*(1)*

NSL VIO-1820

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2



Precedence: ROUTINE

Date: 02/20/2007

To: ~~Inspection~~  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - 2213

b1  
b7A  
b2  
b7E

\*

(S)  
(S)  
(S)  
(S)  
(S)

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (S) To report a potential IOB matter.

Derived From : G-3  
Declassify On: 02/20/2032

Reference: 278-HQ-C1229736 Serial 2570

Details: (S) [Redacted], the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, FBI issued NSLs under Sections 1681u(a) for [Redacted]

b2  
b7E  
b6  
b7C

Instead of these limited reports, [Redacted] FBI received [Redacted] from sometimes as many as two of [Redacted] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [Redacted]

SC Miller \*\* OGC handled all 5 cases as one OGC#. \*\*

CRS [Redacted] Kas 04/25/07

SECRET



b2

b6  
b7C

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

NSL VIO 1824  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2007

To: [Redacted]

Attn: SAC  
CDC

[Redacted] - SSA  
[Redacted] - SA

b2  
b7E  
b6  
b7C

Inspection  
Counterintelligence

Attn: IIS  
[Redacted]

From: Office of the General Counsel  
National Security Law Branch/CILU/Room 7947  
Contact: AGC [Redacted]

Approved By: Thomas Julie *TLJ*

[Redacted]

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO-3192  
(U)  
(U)  
(U)  
b1 (U)  
b7A (U)  
b2 (U)  
b7E (U)

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

(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: X1~~

Reference: (U) 278-HQ-C1229736-VIO Serial 2213

(S) [Redacted]

b1  
b7A  
b2

b7E ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JM  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

OIG/DOJ REVIEW [Redacted] DATE: 4-19-07  
FBI INVESTIGATION [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

NSL VIO-1828

b6  
b7C

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2 [redacted]

**Precedence:** ROUTINE

**Date:** 02/20/2007

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
NSLB, Room 7975

**From:** [redacted]

**Contact:** SA [redacted]

b2 **Approved By:** [redacted]  
b7E  
b6  
b7C **Typed By:** [redacted]

**Case ID #:** (S) 278-HQ-C1229736-VIO (Pending) - 12(3)

b1  
b7A  
b2

\*

(S)  
(S)  
(S)  
(S)  
(S)  
(S)

**Subject:** (U) REPORT OF A POTENTIAL IOB MATTER

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSP/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

**Synopsis:** (S) To report a potential IOB matter.

(U) (S) **Derived From:** G-3  
**Declassify On:** 02/20/2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Reference:** 278-HQ-C1229736 Serial 2570

**Details:** (S) On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, [redacted] FBI issued NSLs under Sections 1681u(a) for [redacted]

b6  
b7C  
b2  
b7E

Instead of these limited reports, [redacted] FBI received [redacted] from sometimes as many as two of [redacted] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [redacted]

\*\* See HANDED ALL 5 CASES UNDER 1 case # XX  
SC Miller [redacted] 4/2/07  
Crs [redacted] 04/25/07

~~SECRET~~

b6  
b7C

b2

NSL VIO-1832



~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2007

b2  
b7E  
b6  
b7C

To: [Redacted]

Attn: SAC  
CDC

[Redacted] - SSA  
[Redacted] - SA  
[Redacted]

Inspection  
Counterintelligence

Attn: IIS  
Attn: [Redacted]

From: Office of the General Counsel  
National Security Law Branch/CILU/Room 7947  
Contact: AGC [Redacted]

Approved By: Thomas Julie E. [Redacted]

Drafted By:

(S) Case ID #: (U) 278-HQ-C1229736-VIO (Pending) *3192*

b1  
b7A  
b6  
b7C

[Redacted]

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

(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: X1

Reference: (U) 278-HQ-C1229736-VIO Serial 2213

(S) b1  
b7A  
b2  
b7E

[Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b6  
b7C

~~SECRET~~

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

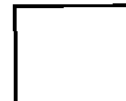
OIG/DOJ REVIEW [Redacted] DATE: 4-19-07  
FBI INVESTIGATION [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

NSL VIO-1836

~~SECRET~~

b2

**FEDERAL BUREAU OF INVESTIGATION**



Precedence: ROUTINE

Date: 02/20/2007

To: Inspection  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From: [Redacted]

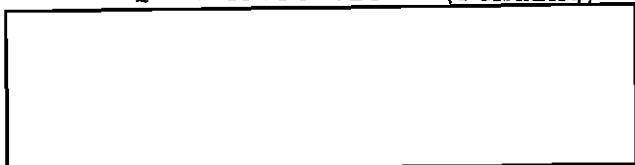
Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) - 2213

- ① (S)
- ② (S)
- ③ (S)
- ④ (S)
- \* ⑤ (S)



b1  
b7A  
b2  
b7E

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) Synopsis: ~~(S)~~ To report a potential IOB matter.

(U) ~~(S)~~ Derived From : G-3  
Declassify On: 02/20/2032

Reference: 278-HQ-C1229736 Serial 2570

(U) Details: ~~(S)~~ On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, the FBI issued NSLs under Sections 1681u(a) for [Redacted]

b6  
b7C  
b2  
b7E

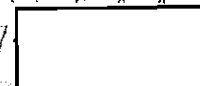
[Redacted] Instead of these limited reports, [Redacted] FBI received [Redacted] from sometimes as many as two of [Redacted] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [Redacted]

*CC-C HANDLED ALL 5 CASES UNDER 1 CC-C # K\**

*sc Miller DM 4/24/07*

~~SECRET~~

*2007*



b6  
b7C  
CRS

DATE: 06-04-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-04-2032

NSL VIO-1840

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b2

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2007

To: [Redacted]

Attn: SAC  
CDC

[Redacted] SSA  
[Redacted] SA

Inspection  
Counterintelligence

Attn: IIS  
[Redacted]

From: Office of the General Counsel  
National Security Law Branch/CILN/Room 3047  
Contact: AGC [Redacted]

b2  
b7E  
b6  
b7C

Approved By: Thomas Julie *[Signature]*  
[Redacted]  
Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO *3192*  
(U) [Redacted]  
(S) [Redacted]  
(U) [Redacted]  
(U) [Redacted]  
(U) [Redacted]  
(U) [Redacted]

(U) ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007-737

(U) ~~(S)~~ **Synopsis:** 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) ~~(S)~~ Derived From : G-3  
Declassify On: X1

Reference: (U) 278-HQ-C1229736-VIO 213  
(S) [Redacted]  
b1 [Redacted]  
b2 [Redacted]  
b7E [Redacted]  
b7A [Redacted]

DATE: 06-04-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b6  
b7C  
OIG/DOJ REV  
FBI INVESTIG  
OIG/DOJ INVESTIGATION: [Redacted]  
DATE: 4-19-07  
*[Signature]*

NSL VIO-1844

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 32

Page 33 ~ Duplicate

Page 34 ~ Duplicate

Page 104 ~ Duplicate

Page 105 ~ Duplicate

Page 106 ~ Duplicate

Page 107 ~ Duplicate

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