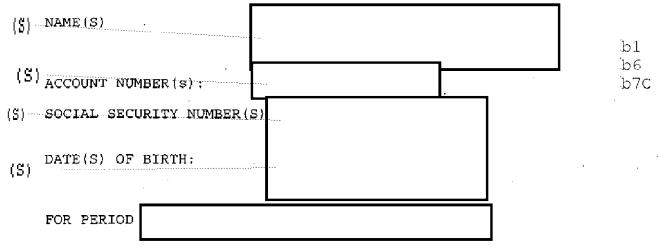


Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 12, United States Code (U.S.C.), Section 3414(a)(5), (as amended, December 13, 2003), you are hereby directed to produce to the Federal Bureau of Investigation (FBI) all financial records pertaining to the customer(s) and/or accounts listed below:



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

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

In accordance with Title 12, U.S.C. Section 3414(a)(5)(A), I certify that the requested 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.

Please be advised that Title 12, U.S.C., Section 3414(a)(5)(D), prohibits any financial institution, or officer, employee or agent of such institution, from disclosing to any person that the FBI has sought or obtained access to a customer's or entity's financial records under this statute.

You are requested to provide records records request personally to a representative of the Division within 25 business days of receipt of this request.

Any questions you have regarding this request should be directed only to the Division, SA Due to security considerations, you should neither send the records through routine mail service nor disclose the substance of this request in any telephone conversation.

Your cooperation in this matter is greatly appreciated.

Sincerely,

b2 b7E

b2 b7E

.b6

b7c

Special Agent in Charge

ATTACHMENT

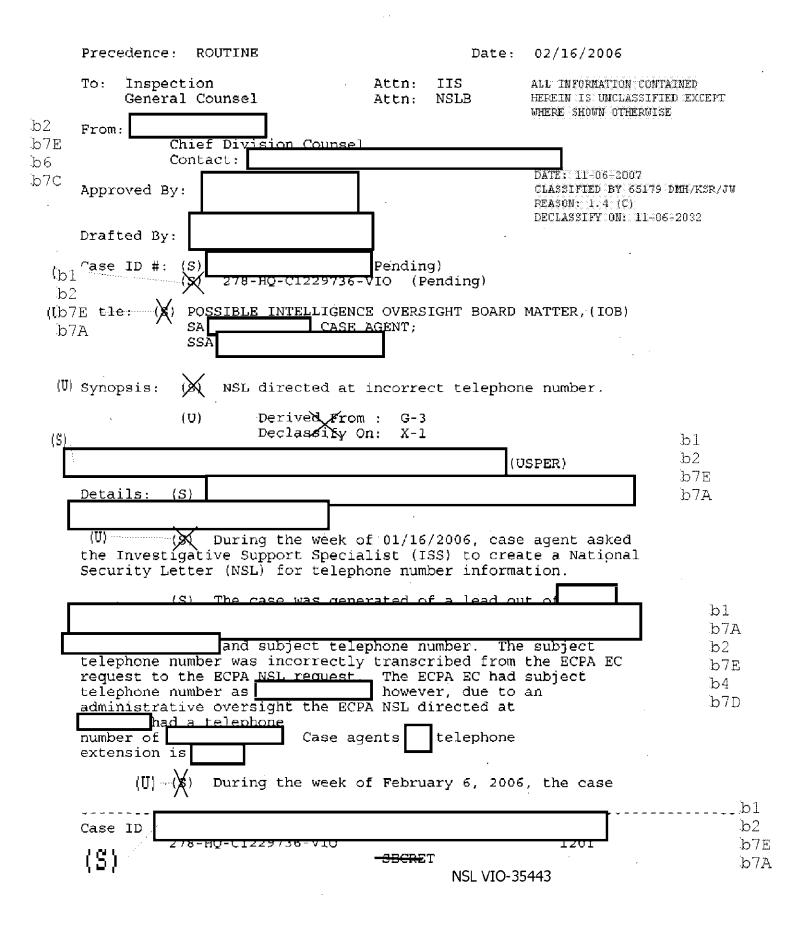
In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be a financial record in accordance Title 12, United States Code, Section 3401(2):

b2 b7E

	Working Copy	 Page	3
			b 2
			b2 b7E

b2 b7E

SECRET NSL VIO-35442



2

agent received the NSL response. On February 10, 2006, the case agent opened the results and immediately noticed the discrepancy in the telephone number. The case agent immediately notified his supervisor and put the original in a sealed envelope and submitted it to the Chief Division Counsel. Nothing from the original NSL was uploaded.

(U) No personal or identifying information on the
incorrect telephone number was uploaded into ACS from the NS
return. Additionally, no ACS checks, or other
restricted government data base checks were run on any
information from the NSL return. Also, no
checks were done on the information.

(U) A copy of the original NSL as well as the resultant information is being maintained in the Chief Division Counsel's safe.

As nothing from the NSL has been reviewed, SAC recommends no administrative action be taken in this matter.

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

CET DEM

NSL VIO-35444

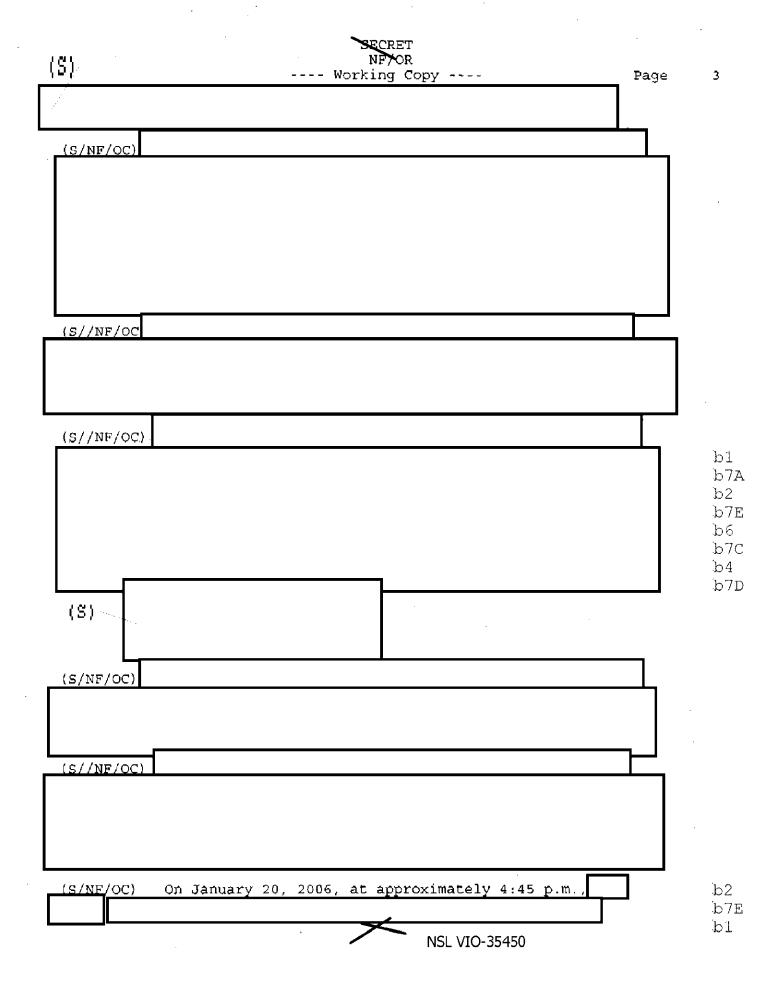
b2 b7E

(8)	SECRET Working Copy	Page
**************************************	and the second s	
10)		
	-	
(g)		
(S) (S) The poss	ible violation occur <u>red in connect:</u>	<u> </u>
SL dated 07/29/2005 a he NSL, which was pre	and its approving EC	
ask Force Officer	remested toll record	
	teleph <u>one numbe</u> r, however, v	
nadvertently misident nformation unrelated		
ervice provider via a		ted 09/14/2005
	taken toll records were sealed by t	the
	ief Division Counsel (CDC) being maintained in a secure manne	er <u>in the</u>
<u>DC's office. Th</u> e NSI	L d <u>ated 07/2</u> 9/2005, its a <u>pproving </u>	
	theresponsive ECically referenced the incorrect tel	lenhone
umber, have been perm	manently charged out of ACS. Furth	hermore,
	number nor any records received win uploaded into FBI databases, incl	
<u>t nave otherwise beer</u>	upibaded into rbi databases, inc	ruarng
	_	
EAD(s):		
et Lead 1: (Info)		
INSPECTION		
AT WASH	INGTON, DC	
(U) X For	r information.	
et Lead 2: (Info)		
GENERAL COUNS	SEL	
AT WASH	INGTON, DC	
•	c brea prim	

(U) For information.

NF/OR

	Precedence:	PRIORITY	Date:	01/25/2006	
	To: General	Counsel	Attn: NSLB		
	Counter	terrorism	Attn: ITOS IT UC SSA SSA		
b2	From:	·	•		
b7E b6	Co	ntact: A/SSA			
b7C	Approved By:			DATE: 11-08-2007 CLASSIFIED BY 65179 DMH/KSR/ REASON: 1.4 (C) DECLASSIFY ON: 11-08-2032	JW
b1	Drafted By:				
b7A b2 b7E	(U)	S) 278-HQ-C1229736- 278 C45386	VIO (Pending) Pending)	ALL INFORMATION CONTAINED EX WHERE SHOWN OTHERWISE	
b6 b7C	Title: (S)				
	(U) 📉	INTELLIGENCE OVERS	SIGHT BOARD		
		SQ To report potent rage of subject.	ial IOB violation	during course	
	(U) —(X	Derived From Declassify	FBI 8CG G-3, J. n: January 25, 20	anuary 1997 31	
(8)	(X)				`h 1
·	investigation	OR/NF) The following of subject, ne electronic surveine	USPER,		b1 b2 b7E b6 b7C
	(S)				b7A
(S)	Case ID 278	B-HQ-C1229736-VIO BC45386	SECRET	b1 1145 b7A b2 b7E	-
		•	NSL VIO-35	448	



ECRET

NSL VIO-35451

(U) For information.

NF/OR
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Page

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025cc01.ec

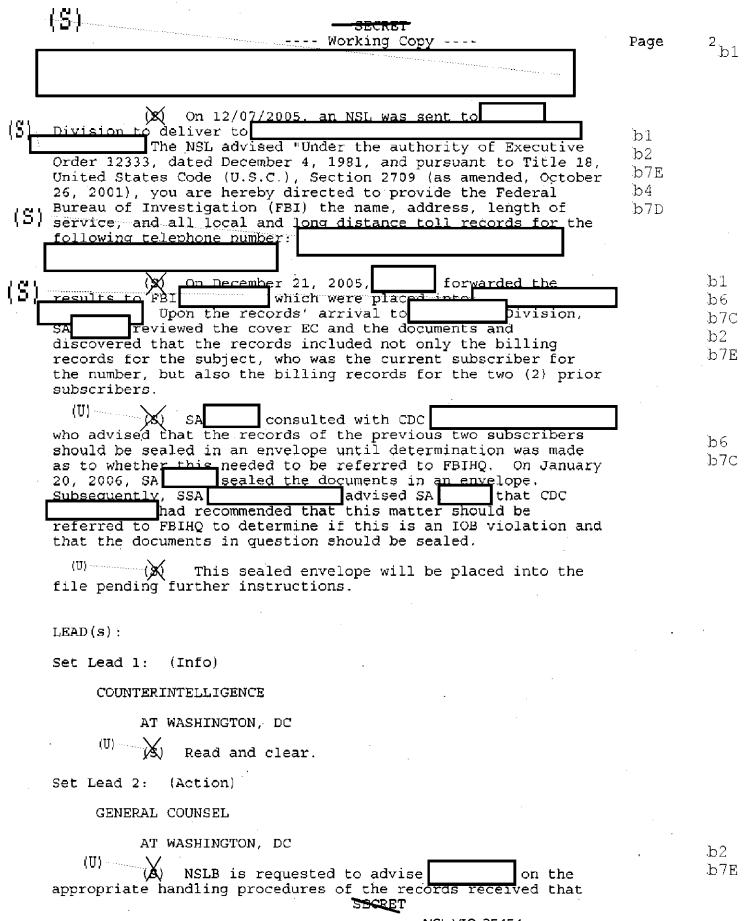
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Page

REASON: 1:4 (C)

TOY DECLASSIFY ON: 11-14-2032

Precedence: ROUTINE Date: 02/10/2006 Counterintelligence Attn: CD-2C, \$\$A General Counsel NSLB · Attn: Inspection Attn: IIS **b**2 b7E From: b6 SA Contact: b7C Approved By: b1Ъ2 Drafted By: b7E Case ID #: **b**6 (U) 278-HQ-C1229736-VIO b7C Title: (S) (U) ···· Synopsis: (X) To advise FBIHQ of facts that could conceivably be reportable to the IOB. The sent an NSL requesting billing and subscriber records for a cellular phone believed to be owned by the subject, however in b2 addition, the company returned the records of the two b7E prior subscribers for that telephone number. forwarding the facts surrounding this incident to FBIHQ to determine whether there is a reportable IOB violation. Derived From : (S) \cdot Declas/sify On: 02/10/2031 b1b2 b7E b4 Enclosure(s): (S) A copy of the original National Security b7D Letter cover EC; a copy of the National Security Letter; and a copy of the EC documenting the collection of records from and submission of results to the file. b1Details: (S) On 11/14/2005 SA requested a National b2 Security Letter (NSL) to be drafted for the "subscriber name, b7E address, length of service, and local and long distance toll .b6 billing records for cell telephone number b7C -b1 -----Case ID **b**2 278-HQ-C1229736-VIO 1261 b7E SECRET



Page 3

were outside the scope of the NSL.

Set Lead 3: (Info)

IIS

AT INSD

(U) Read and clear.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT DATE: 11-14-2007 WHERE SHOWN OTHERWISE CLASSIFIED BY 65179 DMH/KSR/JW Working Copy Page 1 REASON: 1.4 (C) DECLASSIFY ON: 11-14-2032 Precedence: ROUTINE 03/07/2006 Date: To: Attn: OPR Director's Office Attn: General Counsel Attn: AGC From: Lega CDC Contact: Approved By: Drafted By: cbl ID #: b2 278-HQ-C1229736-VIO POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER 2006-To return material provided pursuant to an NSL Synopsis: to the financial institution. Derived From : G-3 Declaraify On: X1 | Reference: (X 278-HQ-C1229736-VIO Serial 1177 b2 b7E (S) Enclosed for Enclosure(s): b7D envelope containing material provided by b4 <u>bursuant to a</u> National Security Letter (NSL) issued by SAC Detaila b1 b2 for financial <u>records</u> relating to the subject. By EC dated 08/02/2<u>005</u> b7E forwarded documents responsive to this NSL to Τn **b**6 December 2005 while reviewing the documents the .b7C case agent noted b7D that several documents were not related to **b**4 the subject. The records were not further reviewed and were secured by the CDC pending notification of a possible

b2

b7E **b**6

b7C

(U) ···..

(S) Case ID 278-HQ-C1229736-VIO 1209 b1

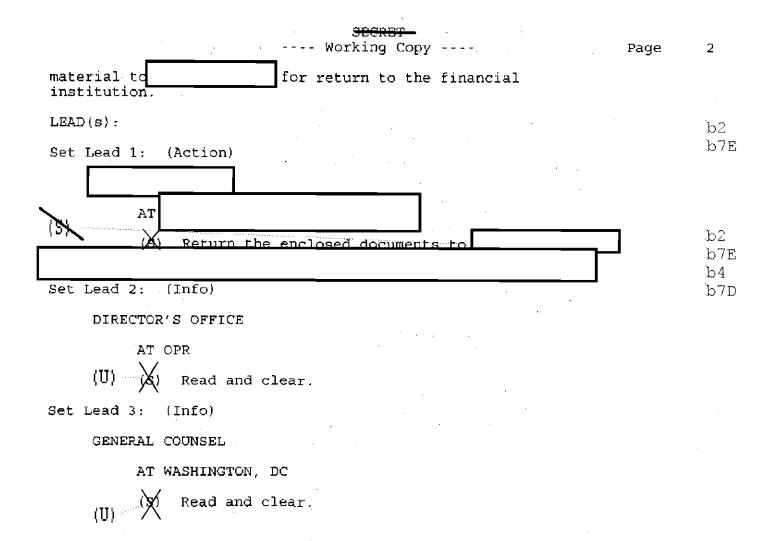
in the referenced EC, directed

Intelligence Oversight Board (IOB) Matter, General Counsel,

NSL VIO-35456

to return this

b2 b7E



DATE: 11-14-2007

SLASSIFIED BY 65179 DMH/KSR/JMge

REASON: 1.4 (C)

NSL VIO-35458

DECLASSIFY ON: 11-14-2032

Precedence: ROUTINE Date: 02/07/2006 Inspection Internal Investigations To: Attn: General Counsel Attn: NSLE AGO Attn: SSA **b**2 b7E Attn: **b**6 Counterterrorism b7c rom: ITOS 1/CONUS 4/Team 15 Contact: ΙA Approved By: b1 b2 afted By: b7E b7A = ID #: (S) 278-HQ-C1229736-V10 **b**6 b7C Title: (S) (U)Report possible Intelligence Oversight Board Synopsis: (IOB) violatiòn. b1 Derived From : **b**2 G-3 Declassify On: b7E Cb6 ails: b7C b7A The Case Agent was SA (U) (S) The name of the subject is **(X**) The subject is a non-U.S. person. b1 b2 b7E b7A **(S)** A National Security Letter (NSL) was submitted in b6 captioned investigation) for email account b7C b4 On or about 10/04/2005, received b7D the results of this NSL from However, in addition to accidentally providing header and subscriber information, b1 **b**2 Case ID b7E 278-HO-C1229736-VIO 1152 b7A SECRET

(U) For information.

Set Lead 3: (Info)

AT

(U) For information.

Set Lead 4: (Info)

b2

b7E

For information.

Page

2

b2

b7E

b7C

b7D b7A

b6

b4

NSL VIO-35460

-- Working Copyreason: 1.4 (c)

Page

1

DECLASSIFY ON: 11-14-2032

Precedence: ROUTINE Date: 01/04/2006 Internal Investigations To: Inspection Attn: Sect. General Counsel Attn: Natl. Sec. Law Branch <u> Asst. Genl. Counsel</u> From egal <u>IInit</u> Contact: CDC Approved By: b2 b7E b6 Drafted By: b7C Case ID #: (U) 278-HQ-C1229736-VIO (Pending) Title: (U) DIVISION POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER Synopsis: (U) To report potential IOB matter to the Inspection Division and to the General Counsel. Derived From : G-3 Declassify On: X1 b1 b7A Details: (S) This <u>matter has risen as the result of an</u> **b**6 <u>investigation</u> titled b7C b1 b7A As part of this investigation a NSL was signed SAC b2 bn 10/21/2005. The NSL b7E The NSL sought b6 subscriber and toll records for telephone number b7C served the NSL and, via an EC dated 12/30/2005, b4 returned to _____ a package of material provided by the telecommunications company. The _____ EC includes the name b7D and address of the subscriber to this telephone number. Hopn receiving the material the case agent, SA ___ noted that the telephone number subscriber was unknown to him. He then checked the telephone number and noted that the NSL should have requested subscriber/toll information for telephone number In b6 the CDC prepares NSLs upon the request from case agents. b7C b2 b7E Case ID : 278-HQ-C1229736-VIO Serial: 1113 b1

	SECTION .		
Wo	orking Copy	Page	2
		b 6	
Apparently CDC imp	properly typed the telephone	b7C	
number when preparing it. The nu	umber was correctly stated on	b2	
the transmittal EC.		b7E	
(U) The package of mat	terial from	b4	
	en opened and will be stored	b7D	
in a secure <u>location in the land</u>	office pursuant to an	b6	
email of AGC	to all CDCs dated 11/22/2005.	b7C	

LEAD(s):

Set Lead 1: (Action)

INSPECTION ·

AT WASHINGTON, DC

(U) Review this EC and take action as appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review this EC and advise the Inspection Division, IIS on the referal of this matter as a potential IOB violation.

CLASSIFIED BY 65179 DMH/KSR/JW

Page

1

Working CopyREASON: 1.4 (C) WHERE SHOWN OTHERWISE

DECLASSIFY OM: 11-14-2032

Precedence: ROUTINE 01/04/2006 Date: To: Inspection Attn: Internal Investigations Sect. General Counsel Attn: Natl. Sec. Law Branch <u> Asst. Genl. Counsel</u> From: **b**2 Legal Unit b7E CDC Contact: b6 b7C pproved By: Drafted By: Case ID #: (U) 278-HQ-C1229736-VIO (Pending) Title: (U) POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER Synopsis: (U) To report potential IOB matter to the Inspection Division and to the General Counsel. bl Derived From : b7A Declays ty On: b6 b7C This matter has risen as the result Details: b2. b7E <u>As part of this investigation</u> **b**2 b7E b7D icial records of the subject This NSL was transmitted by EC to for **b**4 service. By EC dated 08/02/2005, **trans**mitted the results of the NSL received from to SA the case agent in b2 reviewing the documents and in December this matter b7E noted that had provided two documents were unrelated to the subject of the NSL. One is a b6 Letter of Authorization for a wire transfer and the other is a b7C letter from an individual who appears to be b4 Case ID : 278-HQ-C1229736-VIO Serial: 1114

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Review this EC and take action as appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review this EC and advise the Inspection Division, IIS on the referal of this matter as a potential IOB violation.

DATE: 11-14-2007

CLASSIFIED BY 65179 DMH/KSR/JW

REASON: 1.4 (C)

Copy DECLASSIFY ON: 11-14-2032

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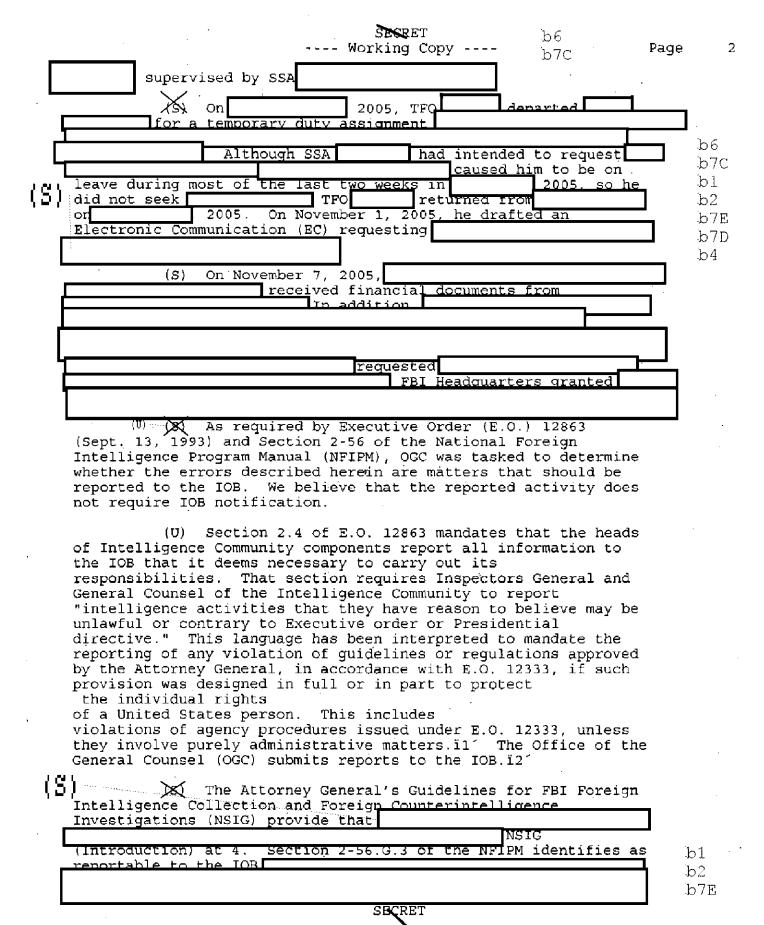
Precedence: ROUTINE Date: 01/03/2006 To: Counterintelligence Att.: SSF LX 1 Room 4W-100 **b**2 From b7E Contact: SA .b6 Approved By: b7C (U) Drafted By: Case ID #: (**X**) (Pending) 278-HQ-C1229736-VIO POTENTIAL IOB MATTERS Synopsis: (X) Provide additional background to b2 Counterintelligence as to generic of error in instant matter; enclose copy of letter sent by Legal Unit to OIPR. b7E Enclosures: (S) Unexecuted copy of letter from b1OIPR enclosing four pertinent to instant b7A matter and describing error which occurred regarding cellular telephone number **b**6 b7C Derived From : b2 Declassing On: b7E Details: (X) OIPR, in their draft of a letter to the United States Foreign Intelligence Surveillance Court, which was provided to the FBI for review and clarification of certain matters, requested additional information as to why the error in b2this matter occurred. While the above-referenced letter from the b7E Legal Unit to OIPR succinctly sets forth the circumstances surrounding the error, this communication provides additional information as requested by OIPR as to the source of the error. .b1 <u>led</u> to the b7A .b6 b7C b2 b7E b7D Case ID : 278-HQ-C1229736-VIO

billing records for each of the cellular numbers were prepared and leads set for their service to the offices with jurisdiction for the particular carrier.	
(s)	\neg
At that timehad not yet responded to the lead for service of the NS <u>L for the above number, as well</u> as for ce <u>llular</u>	
talankane numbersfor which	
was also the carrier. then, the case agent asked another agent,	
who had been assigned the task of determining the subscribers for the cellular telephone numbers, to contact and stress the need for an immediate response to the lead	b1 b7A
(S) Several days <u>later</u> , this second agent advised that he had received a reply from The case agent does not recall the exact substance of what the second agent advised; however,	b4 b7D b6
the case agent then submitted	b7C
	b2 b7E
This leads the case agent to conclude that he had been advised that	,J. / 111
was the subscriber for the two telephone	
numbers for which coverage was requested, but had discontinued service for the third number.	
(8)	ר
(S)]
The case agent then emailed]
]
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was	3
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for	3
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for the above numbers, and the results thereto. As indicated above, had been subscribed to	b 1
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for the above numbers, and the results thereto. As indicated above, had been subscribed to but service was disconnected was	b7A
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for the above numbers, and the results thereto. As indicated above, had been subscribed to but service was disconnected also subscribed to was also subscribed to	b7A b€
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for the above numbers, and the results thereto. As indicated above, had been subscribed to but service was disconnected also subscribed to	b7A
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for the above numbers, and the results thereto. As indicated above, had been subscribed to but service was disconnected also subscribed to was also subscribed to	b7A b€
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for the above numbers, and the results thereto. As indicated above, had been subscribed to but service was disconnected was also subscribed to but service had been disconnected (U) (X) The case agent then advised the Legal Unit, in person, that a potential IOB violation had occurred as above-described. (S) (X) Questions pertaining to the above may be directed to the case agent for the instant matter, SA	b7A b6 b7C
The case agent then emailed and asked that coverage of this number be terminated. (S) The case agent then reviewed ACS and saw that there was an EC uploaded on 03/30/2004 relative to service of the NSL for the above numbers, and the results thereto. As indicated above, had been subscribed to but service was disconnected was also subscribed to but service had been disconnected (U) (X) The case agent then advised the Legal Unit, in person, that a potential IOB violation had occurred as above-described. (S) Questions pertaining to the above may be directed to the case agent for the instant matter, SA	b7A b6 b7C

CLASSIFIED BY 65179 DMH/KSR/JU

REASON: 1.4 (C)

Precedence: ROUTINE Date: 1/20/2006 CDC To: Attn: b2 Counterterrorism Attn: ITOS I, Conus 2, Team 4 b7E b6 Inspection IIS SC Toni Fogle Attn: b7C General Counsel From: National Securi Contact: SSA <u>Thomas Julie F</u> Approved By: Drafted By: (U) Case ID #: (X) 278-HQ-C1229736-VIO Serial 1092 (U) Intelligence Oversight Board $\mathbf{T}_{\mathrm{b2}} ::$ (IOB) Matter 2006-Synopsis: S It is the opinion of the Office of the General Counsel that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows. b1 Derived From : G-3b2Declassify On: X1 - 25b7E Reference: (S) Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect. b2 By electronic communication (EC) dated December 9, Details: < b7E 29736-VIO Serial 1092), the 2005 (278 Office , reported to the Office of the General this potential IOB matter. Counse T (OGC) b1b2 b7E **b**6 b7C National Security Letter (NSL) was issued seeking toll records for the subject's home and office telephones; a mail b7D cover request was submitted and approved; and an NSL was served **b**4 requesting financi on pertaining to At the time the case agent was Joint Terrorism Task Force Officer (TFO Case ID : 278-HQ-C1229736-VIO Serial : 1135

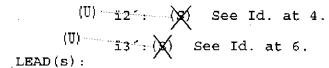


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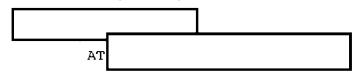
b2 b7E

 $(\mathbf{U})_{\infty}$

il: 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 FBIs INSD 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.



Set Lead 1: (Action)



.

(U) For review and action deemed appropriate as discussed herein.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(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.

Page 1

	Precedence: ROUTINE	Date: 1/05/2006	
	To:	Attn:	
	Inspection	IIS ITOSII/GOU	
	Counterterrorism	SSA	
b2 b7E		SSA	
b6 b7C	From: Office of the General National Security I Contact: AGC	Counsel Law Branch/CILU/Room 7947	
270	Approved By: Thomas Julie F		
	Drbl ad By:		
(U)	cab2 + #: (s) 278-но-с12297 b6	(Pending) (Pending)	
(U)	Tib2 SSA		
,-,	/ SA INTE <u>LLICENCE</u> OV	VERSIGHT BOARD MATTER	
	2006-		
(U)	Counsel (OGĆ) that this matte	(IOB). OGC will prepare and deliver	
	(U) Derived Declassif	Yrom : G-3 Y On: X1	
	Reference: 278-HQ-C1229		
	Details: (X) The FBI Office of the facts of the captioned mawarrants reporting to the IOE analysis follows.		
·	the Freld Office	1 12/28/05, reported a possible IOB	o1 o2 o7E
		reported that on July 7, 2005, the	- / week
	Case ID : 278-HO-C1229736-VIO		-
	(S)	D1 b2 b7E b7E	

	SECRET. Working Copy	Page 2
ı	United States Foreign Intelligence Surveillance Court (FISC)	b1
		.b7С
		b2 b7E
		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
		'n a
•	Around the time of the discovery that there might	b1 b6
(S)	be two IP addresses that was providing, and another belonging to another individual, an FBI contract employee from contacted	b70 b4
78T	in turn responded that it was only providing material associated with	b7I
1-1	(S) On 8/31/05, prepared a National Security Letter	
(S) -	(NSL) for requesting that provide the names, addresses and lengths of service for the additional internet	•
	account address on which had been providing information to the FBI when providing information internet	
	account. The NSL covered the period from the date that response to the	•
•	NSL was received by the FBI. The results of the NSL revealed that the internet account belonged to another USPER,	
	who also resided in	<u> </u>
(S)	In October 2005, the case agents subsequently	b1 b2
\⊡\ 1	and upon review of the	b7E b 6
	the internet account belonging to	b7C
res.	the other USPER The aforementioned employee contacted again	b4 b7D
,5)	with this new information, and advised that the IP address for the USPERs internet account was originally the IP address for account.	
ar F	On approximatley /05, a new IP address was issued for account and the old IP address was dropped from	
S)	account and the old if address was dropped from account. account and reassigned to the other USPERs account. did not notice their error the first time they were	
ı	notified by the FBI employee, but discovered their error when they were recontacted 2005; ceased receiving	
	information on the other USPERs account in realized the error.	
	(U) (X) Upon learning of the error from purged	.b4
	_SECRET	b7D

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels 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 Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection

received the matter for review and handling.

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.

(NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated

(S) SW In this instance. the internet service provider, changed IP address (S) without notifying the FBI. In addition, b1 the FBI detected what it **b**6 <u>believed</u> was erroneous L on an account other than b7C of this error. and notified **b**2 (S)mistakenly advised that the questionable internet account was The FBI used due diligence and sent an NSL to b7E <u>letermine</u> if in fact the questionable internet account was b4 The FBI subsequently discovered it was not, but b7E rather belonged to another USPER. The FBI confronted with these facts, and only then did realize and adm its error in providing content from another USPERs internet (S) realize and admit -SECRET

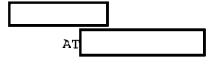
4

account. The FBI then took corrective action to remedy the situation.

Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the carriers mistake must be reported to the IOB because the surveillance was not authorized under the Foreign Intelligence Surveillance Act or Executive Order 12333. OGC will prepare an appropriate cover letter and an enclosure for the Deputy General Counsel to report this matter to the IOB.

LEAD(s):

Set Lead 1: (Info)



b2 b7E

(U) Read and clear.

Set Lead 2: (Info)

CTD-ITOS II

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

CC: Ms. Thomas b6

IOB Library b7C

1

DECLASSIFIED EY 65179 DMH/KSR/JU ON 11-14-2007

BY COURIER

Mr. Stephen Friedman, Chairman Intelligence Oversight Board New Executive Office Building - Room 5020 725 17th Street, NW Washington, D.C. 20503

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure, entitled Intelligence Oversight Board (IOB) Matter, Division, 2006 " (U)

b2 b7E

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

Enclosure

b6 1 - Ms. Thomas 1 -1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived From: G-3 Declassify On: X1

Case ID : 278-HQ-C1229736-VIÒ

ecxet

Serial : 1137

SECRET

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas Deputy General Counsel

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

ALL INFORMATION CONTAINED HÉREIN IS UNCLASSIFIED EXCEPT ·1 -- Working Copy Page WHERE SHOWN OTHERWISE DATE: 12-03-2007 CLASSIFIED BY 65179 DMH/KSR/JW REASON: 1.4 (C) DECLASSIFY OM: 12-03-2032 INTELLIGENCE OVERCICHT BOARD (IOB) MATTER b2 DIVISION b7E IOB MATTER 2006-(S) Division) of the Federal Bureau of Investigation (FBI) has reported that, owing to an error on the part of a communications carrier, conducted electronic surveillance of internet communications beyond those authorized b1 **b**6 b7C **b**2 b7E b4 b7D b1 lpha Around the $\underline{ t time of}$ the discovery that there $\underline{ t might}$ be two IP addresses that was providing, one for **b**6 FBI contract and anoth b7C contacted employee **b**4 in turn responded that it was only and b7D providing material associated with 2005. prepared a National requesting that provide Security Letter (NSL) for requesting that provide names, addresses and lengths of service for the additional internet account address on which had been providing ___had been providing b1 information to the FBI when providing information on b2 <u>internet account. The NSL cov</u>ered the perio<u>d from</u> b7E the date that response to the NSL was received by the FBI. The results of the NSL **b**6 revealed that the internet account belonged to another USPER, not b7C who also resided in .b4 b7D case agents subsequently (S) \cdot to review the information, and unon review of the aforementioned FBI employee contacted again SECRET

SECRET	10.00
(S) Copy	Pag ^{b2} 2
with this new information, and advised that the IP	b4
address for the USPERs internet account	D b7D
was originally the IP address for account.	
On approximatley a new IP address was issued for	Or T
and the old IP address was dropped from	.b /C
and reassigned to the other USPERs account.	b1
did not notice their error the first time they were	
notified by the FBI employee, but discovered their error who	en
they were recontacted in 2005; ceased receiving	
information on the other USPERs account in 2005, after	.b4
realized the error.	b7D
(S) Upon learning of the error from	b6
purged the of the other USPER from	b7C
the pasefile. The physical (paper) copies that were	b1
logged were also	b 2
obtained and forwarded to FBI HQ along with the EC from November	r 22 b7E
2, 2005.	٠, ٠,
(s) radvised that some information	
A A T I SEC CHAC SOME INTO MACTON	
advised the FISC of the error	
	b1
	b2
(U) Although this error is not directly attributable	b7E
to conduct on the part of FBI personnel, the unauthorized	
surveillance is nevertheless a reportable matter under Section	1
2.4 of Executive Order 12863.	
\	
Derived from: G-3	
Declassify on X1	

DECLASSIFIED BY 65179 DMH/KSR/JW ON 11-14-2007

January 18, 2006

BY COURIER

Mr. Stephen Friedman Chairman Intelligence Oversight Board Room 5020 New Executive Office Building 725 17th Street, N.W. Washington, D.C. 20503

Dear Mr. Friedman:

This letter forwards for your information a selfexplanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2006 _ (U)

b2

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1	-	M⊳	Thomac			
1	4			(Acti	on	UC)
1	-					
1	-	278	-HQ-C12:	29736-	VIC)

b6 b7C

UNCLASSIFZED WHEN DETACHED FROM CLASSIFIER ENCLOSURE

Case ID : 278-HQ-C1229736-VIO

Serial : 1142

NSL VIO-35481

Declassify on: January 18, 2031

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 The Honorable Alberto R. Gonzalez
 Attorney General
 U.S. Department of Justice
 Room 5111
- 1 Mr. James A. Baker III
 Counsel for Intelligence Policy and Review
 U.S. Department of Justice
 Room 6000

DATE: 06-08-2007

CLASSIFIED BY 65179 DMH/KSR/GCL

SECRET

---- Working Copy REASON: 1.4 (C)

DECLASSIFY ON: 06-08-2032 Page 1

	Precedence: ROUTINE		Date: 02/14/2006	
	To: General Counsel	Attn:	National Security Law B	ranch
	Inspection Division	Attn:	Inspection Management U	nit
I- 0		Attn:	CDC	
b2 b7E	From:			
b6 b7C	Contact:			
	Approved By:			
	Drafted By:			
(U	02 = ID #: (8) 278-HO-C1229730 07E (8) 278 C63856-1			•
	n 6.	MIO		
	b7C le: (x) SSA SA			
	(U) Potential IOB Mate	ter		
	Synopsis: (x) Notification to the Inspection Division of poss: violation regarding an investiga	ible Int		
b1 b2	(U) Derived From Declassity	ar : G-3 Sq: 01/		
b7E	Reference: (S)		,	
٠.	IOB violations are to be reporte matter was discovered on January Counsel notified via electronic	ed to FE y 9, and mail or	the Office of general	.b2
•	dissemination of this communicat			
	Details: (S) On January 9, 200 pursuant to an NSL submitted to		received recor	b6
ļ	(USPER)	for	records pertaining to	b 70 b2
	full legal name of the subject, security number and address. Up			b7I b7I b4
	Case ID : 278-HQ-C1229736-VIO 278	SECRE	Serial : 1159 10 b2	<u>-</u>
	•	DECRE	NSL VIO-35492 b7E	

err	SECRET		
	Working Copy	Page	2
	however, learned that the material that of an individual bearing the same name as bject, but a different person altogether.		
investigative	No data regarding the financial records received uploaded into FBI indices nor any other e database. The above mentioned records will be aintained by the Division Chief Division Division will advise of the error.	:	b4 b7I b2 b7E
Set Lead 1:	(Action)		
GENERAL	COUNSEL		
AT	WASHINGTON, DC		
Branch to ful	The information in this communication is provided of the General Counsel, National Security Law lfill notification requirements to the Office of Policy Review, which this incident might		
Set Lead 2:	(Action)		
GENERAL	COUNSEL		
АТ	WASHINGTON, DC		
contacting	Provide guidance to with regards to to advise of the administrative error which potential IOB.		b2 b7E b7E
Set Lead 3:	(Info)		b4
INSPECT	ION DIVISION		
AT	WASHINGTON, DC		
(U) -{ X	Information provided for information only.		

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

DATE: 11-14-2007 CLASSIFIED BY 65179 DMH/KSR/JW REASON: 1.4 (C)

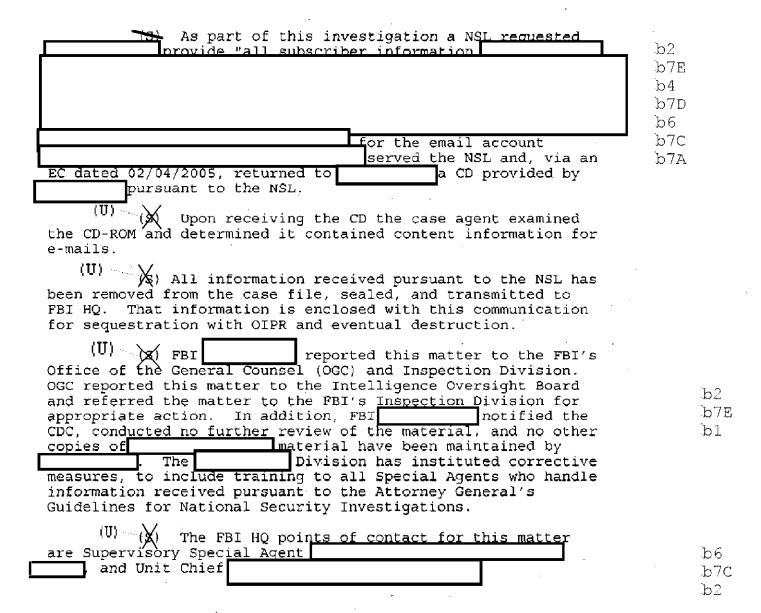
DECLASSIFY ON: 11-14-2032

NSL VIO-35494

SECRET//OC/NF

b7E

Mr. James A. Baker 02/06/2006 Counsel, Office of Intelligence Policy and Review From : Mr. Willie T. Hulon, Assistant Director (S) Counterterrorism Division Subject b1 **b**6 b7C b7A ACTION MEMORANDUM Enclosed for sequestration with the Department of Justice, Office of Intelligence, Policy and Review (OIPR) and eventual destruction is information obtained by a National Security Letter (NSL). (U) This memorandum sets forth details of investigative activity which the FBI has determined was b1 conducted contrary to the Attorney General Guidelines for FBI **b**2 Foreign Intelligence Collection and Foreign b7E Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign **b**6 counterintelligence and international terrorism b7C investigations. b7A (S): 1- Mr. Willie T. Hulon 1- Mr. Joseph Billy 1-1- Mr. Michael J. Heimbach 1-Ms. 1~ 1b6 b7C (S/<u>/OC.NF) Thi</u>s matter has risen as the result of an in the investigation b1b2 b7E 278-HQ-C1229736-VIO Case ID : <u>Serial</u>:





HEREIN IS UNCLASSIFIED EXCEPT THERE SHOULD OTHERWISE

DATE: 11-14-2007 CLASSIFIED BY 65179 DMH/KSR/JW DECLASSIFY ON: 11-14-2032

BY COURTER

Mr. Stephen Friedman Chairman Intelligence Oversight Board New Executive Office Building Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum, entitled "Intelligence Oversight Board (108) Natter, field Office, 108 Matter 2006

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (V)

Enclosure

1 - Ms. Thomas

278-KQ-C1229736-VIO		1	
Inspection Division	(108	2006	
		278-KG-C1229736-VIO Inspection Division (108	278-HQ-C1229736-VIO Inspection Division (108 2006

b6

b7C b2

Case ID : 278-HQ-C1229736-VIO

serial: 176



1 - Mr. Bulon

UNCLASSIFYED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived (fon: G-3 Declassing on: X-1



Mr. Stephen Friedman

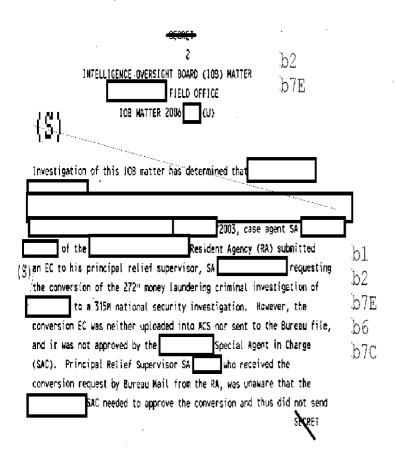
Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas Ceputy General Counsel

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

SECRET



the EC up the chain for approval. Nevertheless, SA had proper authority to conduct a 315 investigation, and on 10/21/2003, he submitted a National Security Letter (NSL) for toll and billing records of the subject. The WSL was served and the results transmitted by the delivering division on 01/06/2004. At this point, the case egent realized that the conversion of his investigation had not yet occurred, so he re-submitted the conversion EC on 02/02/2004. This EE, too, was never approved by the SAC. However, SA continued to investigate the subject under the 315 classification. The error was discovered on Iduring and inspection o conducted by the Inspection Division. Still, submitted a request for even though no had even been properly initiated. During the conducted this investigation as a 315 matter, no period that SA notification of the conversion (which he assumed to have occurred) was made to FBI Headquarters and no annual letterhead memorandum was submitted. In November 2005, following the submission of the potential 1DB violation to the Office of the General Counsel, the Chief Division Counsel instructed SA 📐 on the proper means to convert a criminal investigation to a 315 national security investigation. The continued investigation of the subject by SA as a 315 national security investigation beginning when he submitted a request for an NSL on 10/21/2003, violated The Attorney General's Guidelines for F61 National Security Investigations and Foreign Intelligence Collection (NSIG), Section II.C. 🗱

This matter also has been referred to the FBI's Internal Investigations Section of the Inspection Division for action deemed appropriate. (U) ${\bf P}$

Derived from: G-3 Declassion: X- b6 b70

b7E b1

SECKET

FOOTNOTES

ili: (S) status is not that of a United States person. The term United States person is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA)(codified at 50 U.S.C. 1801 et seq.) and is defined as a citizen of the United States for an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Maturalization Act) See also Section I.C of The Attorney General's Guidelines for FBI Mational Security Investigations and Foreign Intelligence Collection (NSIG).

b1 b6 b7C

SECRET

DECLASSIFIED BY 65179 DMH/KSR/JW ON 11-14-2007

BY COURIER

Mr. Stephen Friedman Chairman Intelligence Oversight Board Room 5020 New Executive Office Building 725 17th Street, N.W. Washington, D.C. 20503

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2006 (U)

b2

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIQ

UNCLASSIFIED WHEN
DETACHES FROM
CLASSIFIED ENCLOSURE

Derived from Multiple Sources Declassify on February 7,2031

Case ID : 278-HQ-C1229736-VIO

Serial: 1178

SECRET

NSL VIO-35504

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

Sincerely,

Julie F. Thomas Deputy General Counsel

- 1 The Honorable Alberto R. Gonzalez
 Attorney General
 U.S. Department of Justice
 Room 5111
- 1 Mr. James A. Baker III
 Counsel for Intelligence Policy and Review
 U.S. Department of Justice
 Room 6000

Page 1₃

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER FIELD OFFICE IOB MATTER 2006 (S)	b2 b7E
(S) The Field Office of the Federal Bureau of Investigation has reported an error in conjunction with that division's In this regard, in response to a National Security Letter (NSL) to	b1
erroneously provided two documents which were unrelated to the subject of the NSL, which were associated with a customer who is probably a United States person.	b2 b7E b6 b7c
(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.	b4 b7E

Derived from: C-3 Declassify on: 25X1

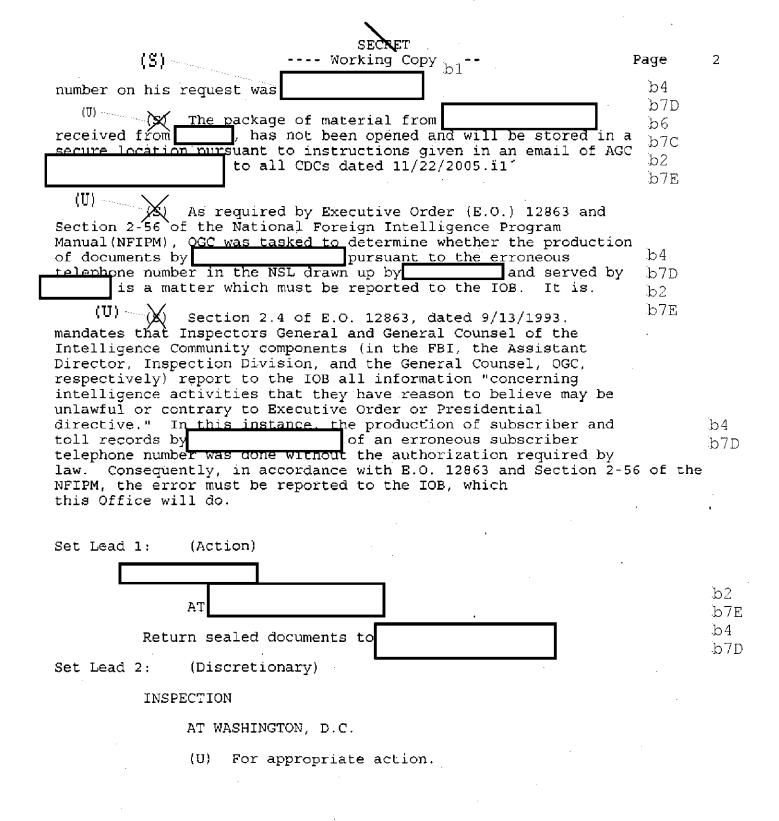
SECKET

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE: II-I4-2007 CLASSIFIED BY 65179 DMH/KSR/JW REASON: 1.4 (C) DECLASSIFY ON: 11-14-2032

WHERE SHOWN OTHERWISE

Precedence: ROUTINE	•	Date:	2/10/2006
To: Director's Office	Attn: OPR		
	Attn: CDC		
02 07E om: General Counsel 06 National Security Affairs/F 07C Contact: Julie F. Thomas	Room 7947		
Approved By: Thomas Julie F			
Drafted By:			
(U) Case ID #: 278-HQ-C1229736-VIO			
Title: (U) (S) POSSIBLE INTELLIGENCE (U) 2006 (U) Synopsis: (S) It is the opinion of Counsel (OGC) that the above-reference to the IOB and to the FBI's Office of (OPR). OGC will prepare and deliver to the IOB. Our analysis follows.	the Office of the Ger ced matter must be re f Professional Respon	neral ported sibility	
(U) Derived from: G-3 Declassify On: X1 Reference: (A) 278-HQ-C1229736-VIO-1	L113		
Details: (S) As noted in the elect		tled 7	b1 b6 b7C b4
investigation, a National Security Le			b7D
subscriber and toll records for telep served the NSL and, via an EC- to a package of material p	chone number dated 12/30/2005. re- crovided by ne name and address o eccived the material, criber was unknown to ne subject and determ	f the he him. ined	b2 . b7E
the NSL was drawn up from his request Case ID: 278-HQ-C1229736-VIO	Serial : 117:		

NSL VIO-35507



·1 -	Ms. Thomas	h 6
1 -	(Acting UC)	.50 '570
1 -		٦/ د.
1 -	IOB Library	

Page

3

FOOTNOTES

fl´:This email instructed the CDCs in Field Offices
to seal and
sequester information
improperly received from a carrier pursuant to an NSL

--- Working Copy ----

DECLASSIFIED BY 65179 DMH/KSR/JW ON 11-14-2007

BY COURIER

Mr. Stephen Friedman Chairman Intelligence Oversight Board Room 5020 New Executive Office Building 725 17th Street, N.W. Washington, D.C. 20503

Dear Mr. Friedman:

This letter forwards for your information a selfexplanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2006

b2

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIO

UNCLASSIBIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived from: Multiple Sources Declassify on: February 10, 2031

Case ID : 278-HQ-C1229736-VIQ

Serial: 1180

NSL VIO-35510

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

Sincerely,

Julie F. Thomas Deputy General Counsel

- 1 The Honorable Alberto R. Gonzalez Attorney General U.S. Department of Justice Room 5111
- 1 Mr. James A. Baker III
 Counsel for Intelligence Policy and Review
 U.S. Department of Justice
 Room 6000

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER b2 b7E IOB MATTER 2006- (S)	
of Investigation has reported an error in conjunction with that division's In this regard, a telephone number in an NSL to was erroneously transposed, and produced subscriber and toll records for a customer who was not the subject of the NSL.	b1 b2 b7E b6 b7C
(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.	b4 b7D

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

> ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

DATE: 11-14-2007

CLASSIFIED BY 65179 DMH/KSR/JW

REASON: 1.4 (C)

DECLASSIFY ON: 11-14-2032



Precedence: ROUTIME	Date: 02/09/2006
ī	Attn: SAC, CDC
Counterterrorism	Attn: AD
Inspection	Attn: IIS b2
	b7E
From: General Counsel	b6
Counterrorism Law Unit 11/LX - 3	ainn
Contact:	b7C
Approved By: Thomas, Julie F	ALL THEORYATION CONTAINED
	HEPEIN IS UNCLASSIFIED EXCEPT
1	WEITE SHOWN CONERWISE
Drafted By:	
(II)	·
56 se 10 #; 0x0 278-H0-C1229736-V10	DATE: 11-14-2003
~ <u>`</u>	CLASSIFIED BY 65179 DMH/RSP/J
O7C (III) Vey 5 M	PEASON: 1.4 (C)
02 NTELLIGENCE OVERSTENT BOARD	MATTER DECLASSIFY OF: 11-14-2032
10B 2006	
Synopsis: (8) It is the opinion of the D	ffice of the General
structures held as an all more and all manages	

Synopsis: (8) It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IDB). OGC will prepare a cover letter and a letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (IKSD), for submission to the IOB. Submission of this matter to the OPR is a matter within the cognizance of the IIS.

Derived From: G-3

Declassiff On: X-1

Reference: 278-HQ-C1229736-VIO Serial 1093 (S)

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

Case ID : 278-KQ-C1229736-VIO

Serial : 1191

---- Working Copy ----

document in wordrentect o.i.	
· —	.b2
Details: (U) Referenced communication from the Field	b7E
Office dated 12/14/2005, requested that	.D / Ц
OGC review the facts	
of the captioned matter and determine whether it	
warrants reporting to the 10B. In our opinion, it does. Our	
analysis follows.	
· · · · · · · · · · · · · · · · · · ·	
(S) As discussed in the electronic communication (EC)	
from cited below,ï1	b1
· who was	b2
and remains a United States person as that term is used in	
Section 101(i) of the Foreign Intelligence Surveillance Act of	.b7E
1978 (FISA), 121	.b6
·	b7C
(5) During the course of the investigation,	•
issued a National Security Letter (NSL) pursuant to the	
Electronic Communications Privacy Act, 18 U.S.C. 2709. That	
statute permits the FBI to request subscriber information and	
telephone toll billing records that are "relevant to an	
authorized investigation to protect against international	
terrorism or clandestine intelligence activities, provided 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." The MSL.	
dated March 18, 2005, was addressed to and	
•	
requested what was intended to be subscriber information and the telephone records of	b 1
However, the	.b6
number was mistakenly written with one number changed, so that	
the WSE was issued for the wrong telephone number.73 Records for that	b7C
telephone number were provided by the telephone company to	, p4
the Division of the FBI, which forwarded the information to	b7D
via an EE dated 6/23/2005.341 Upon receipt of the	b2
records, the case agent realized his mistake. The records from	b7E
were destroyed. Further, serials created before the	D/L
mistake was discovered and which referenced the incorrect phone	
number and information have been permanently charged out of the	

---- Working Copy ----

FBI's Automated Case Support system. By EC dated 07/01/2005, this matter was reported to OGC and the Division and notice was given of the destruction of the MSL return information. IS' It was reported as a possible IOB violation by EC dated 12/14/2005. I6

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, GGC, 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 108 (and its predecessor, the P108), this language has been interpreted to mandate the reporting of any violation of a provision of the #SIG, 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.

Attorney General's Guidelines for FBI Mational Security
Investigations and Foreign Intelligence Collection (NSIG)
provides that Mational Security Letters may be issued in
conformity with statutory requirements, including 18 U.S.C.
2709. Title 16, U.S.C. 2709 provides that the FBI may seek
toll billing information from telephone carriers that is relevant
to an authorized national security investigation. Clearly, the
information obtained by the FBI was not relevant to an authorized
national security investigation because there was an error in the
NSL in transmitting the appropriate telephone number. Thus, the
FBI received telephone toll billing records concerning a
telephone number that was not under investigation nor related to

CI TO



an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Clearly, the rights of the target were not infringed because he was not the subject of the improperly collected information. It is unknown whether this information was gathered about a United States Person or not, inasmuch as there has been no review of the information. Nonetheless, based on the fact that information which may be about a USP was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of E.O. 12863, OGC will prepare a cover letter and an memorandum to report this matter to the 108.

FOOTNOTES

(II)

11: EC from to OCG dated

12/14/2005 and titled b

Possible Intelligence Oversight Board (IOB)Matter - International Terrorism Related."

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 for 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 FB: Foreign intelligence Collection and Foreign
Counterintelligence Investigations.

i3': (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this

SECRET

document. Since the

EC approving the NSL and the NSL itself include the incorrect telephone number, these documents have been permanently charged out of the FBI's Automated Case
Support (ACS) system.

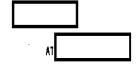
Since this document contains the incorrect telephone number and the name of the subscriber of that telephone number, these three file copies of the document have been permanently charged out of ACS.

(S) 15 : 00 See

HG-C1303375. This document includes the incorrectly written telephone number. However, this document has not been deleted from ACS because the document itself reveals the mistaken nature of the telephone number, and provides a record for the fact that the information was obtained and then destroyed.

161: (U) See 278-HD-C1229736-V10-1093, addressed to OGC. LEAD(s):

Set Lead 1: (ACTION)



(U) For review and action deemed appropriate.

Set Lead 2: (ACTION)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Réad and Clear,

Set Lead 3: (ACTION)

SECLET

b2 b7 INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

1

b6 b7C

b2 b7E

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE: 11-14-2007

CLASSIFIED BY 65179 DMH/KSR/JW

REASON: 1.4 (C)

DECLASSIFY ON: 11-14-2032

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory
memorandum entitled Intelligence Oversight Board (IOB) Matter,
Field Office, IOB Matter 2006 (U)
This memorandum sets forth details of investigative
activity which the FBI has determined was conducted contrary to
The Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection and/or laws,
Executive Orders, or Presidential Directives which govern FBI
foreign counterintelligence and international terrorism
investigations. (U)
Enclosure
•
1 Mrs. Hulon

1 - Inspection (IOB 2006 b2 UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Case ID : 278-HQ-C1229736-VIO

Serial : 1192

SECRET

NSL VIO-35519

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

Sincerely,

Julie F. Thomas Deputy General Counsel

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

	INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER $^{52}_{\mathrm{b7e}}$	
	FIELD OFFICE IOB MATTER 2006 U)	
l	The Federal Bureau of Investigation ("FBI") has	
1	determined that in conducting	
	the FBI improperly used a	
•	National Security Letter (NSL) to obtain subscriber information	1- 1
	and telephone toll billing records on a telephone number which	b1
(S)	was not related to the investigation. The overcollection was due	b6
	to a mistake in the NSL in identifying the telephone number of	b70
	whose number was intended to be the subject of the	3070
	request. The overcollection was a violation of Section V.11. of	
	The Attorney General's Guidelines for FBI National Security	
	<u> </u>	
	SECRET	
	NSL VIO-35520	

Page

3

Investigations and Foreign Intelligence Collection (NSIG).il In this regard, on 10/17/2003,

b1 b2 b7E

b6

b7C

During the course of the investigation, issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. 2709, to a telephone carrier for the telephone subscriber and toll billing records of a telephone number intended to be identified as that of the Instead, one of the numbers within the telephone number was incorrectly written; thus, the information returned from the carrier was subscriber information and the telephone toll billing records of a wholly unrelated telephone number. The error was discovered upon receipt of the information; and the records were not reviewed nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. Thus, the matter is being reported to the IOB.

Derived/from: G-3 Declassify on: X-1

SECRET

FOOTNOTES

ii (V) Section V.11. authorizes use of National Security Letters in conformity with 18 U.S.C. 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records). The statute requires that information sought is relevant to an authorized national security investigation.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE: 11:14:2007

CLASSIFIED BY 65179 DMH/KSR/JW

PEASON: 1,4 (E)

DECLASSIFY ON: 11-14-2032

<<Date>>
BY COURIER

Mr. Stephen Friedman Chairman Intelligence Oversight Board Room 5020 New Executive Office Building 725 17th Street, N.W. Washington, D.C. 20503

Dear Mr. Friedman:

Enclosed for your i	nformation is a self-explanatory	
letterhead memorandum (I	HM), entitled "Intelligence Ove <u>rsigh</u> t	
Board (IOB) Matter,	DIVISION, IOB Matter 2006-	(U)
	·	

b2 b7E

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, and/or laws, Executive Orders, or Presidential Directives that govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosuse

1 - Ms. Thomas

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived from: G-3 Declassify on: X25-1

Case ID : 278-HQ-C1229736-VIO

Serial : 1223

SECRET

Page

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

Sincerely,

Julie F. Thomas Deputy General Counsel

Enclosure

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

b7E INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER DIVISION The Federal Bureau of Investigation ("FBI") has determined that in conducting a the FBI improperly used a National Security Letter (NSL) b1to obtain subscriber information and telephone toll billing b2 records on a telephone number that was not related to the b7E investigation. The Division reported this b6 potential IOB matter. b7C

NSL VIO-35531

b2

b1 b2 b7E b6 b7C

The overcollection was due to a mistake in the	: NSL in
identifying the telephone number whose	number was
intended to be the subject of the request. The overco	llection
was a violation of Section V of The Attorney General's	
for FBI National Security Investigations and Foreign I	
Collection (NSIG) [1] In this regard, on March 11, 20	
	•
	During the

course of the investigation, such as NSL pursuant to the Electronic Communications Privacy Act, 18 U.S.C. 2709, to a telephone carrier for the records of a telephone number intended to be identified as that of the target. Instead, the telephone number was misidentified and the information returned from the carrier consisted of records of a wholly unrelated telephone number. The error was discovered upon receipt of the information, and the records were not reviewed nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. Thus, the matter is being reported to the IOB.

OGC has referred this matter to the FBI's Inspection Division for action deemed appropriate. (U)

(U) /

Derived From : G-3-Declassity On: X1

FOOTNOTES

(U) Section V.11. authorizes use of National Security Letters in conformity with 18 U.S.C. 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records). The statute requires that information sought is relevant to an authorized national security investigation.

SECRET Working Copy .

DATE: 11-26-2607 CLASSIPIED BY 65179 DHH/KSR/JW PEASON: 1,4 (C)

Page

Precedence: ROUTINE Date: 03/08/2006 Attn: SAC, CDC Attn: AD Counterterrorism Inspection Attn: JIS h2 From: General Counsel b7E Counterrorism Law Unit 1/LX-1 3S100 **b6** Contact: b70 Approved By: Thomas Julie F Drafted By: Case ID #: **b**6 b7C INTELLIGENCE OVERSIGHT BOARD MATTER 108 2006 $(V) \sim$ Synopsis: (X) It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (108). OCC will prepare a cover letter and a letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (INSD), for submission to the IOB. Submission of this matter to the OPR is a matter within the cognizance of the IIS. Reference: \$ 278-HQ-C1229736-VIO Serial 1148 Administrative: (J) This communication contains one or more footnotes. To read the footnotes, download and print the Case ID : 278-KO-C1229736-VIO Serial : 1225



document in WordPerfect 6.1.

Details: (II) Referenced communication from the	b 2	
Office dated 1/16/2006, requested that OGC review the	facts of b7E	
the captioned matter and determine whether it warrants	10000 0 30 1 111	
reporting to the IOB. In our opinion, it does. Our analysis		
follows.	b 2	
(\$) As discussed in the electronic communication	b7E	
(EC)from cited below,il	_ b1	
who was and remains a	b 6	
United States person as that term is used in Section 101(i) of	b7c	
the Foreign Intelligence Surveillance Act of 1978 (FISA).i2	30 ; 0	
m		
(U) During the course of the investigation,	•	
issued two National Security Letters (NSL) pursuant to the	ìn	
Electronic Communications Privacy Act, 18 U.S.C. 2709. That	.b2	
statute permits the FBI to request subscriber information and	b7E	
telephone toll billing records that are "relevant to an		
authorized investigation to protect against international		
terrorism or clandestine intelligence activities, provided 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."		
181	b2	
$(S) \setminus lacksquare$ On October 14, 2005 served two NSL's,	b7E	
including the subject one, relating to the above referenced	b7D	
<u> </u>	b1	
N.		
The subject MSL requested subscriber and transactional records	b6	
for email account:	b7C	
(\$) On or about October 20, 2005 responded to		
the two MSLs by transmitting information responsive to both on a	'n	2
single compact disk (CD). Subsequently determined that		
the CD contained full email content for both accounts.		7E
III) And the leading starts to the second of the second	b	1
(U) Vpon learning that the CD contained full email content,	jb	71
of NSLB, SA sealed and sequestered in A1 envelopes	b2	
	CRET D7E	
36		
	.b6	
	.b7C	

٠ - ١	ESPET	
Workii	ng Copy ····	
	b2	
the \mathfrak{W}_{i} along with all paper copies of its contents.	b7E	
(3) On December :, 2005 contacted at	b 6	
and advised him of the overproduction and requested	b7C	
he verify compliance with the limits of National Security	b7D	b2
Letters.	עוע	
ecitera.		b7E
(S) In the interest of administrative purity, on December		b1
10, 2005 served with another NSL, addresses	d	bб
to <u>requesting subscriber and transactional records for</u>		b7C
email account		
	b2	b7D
(U) On January 3, 2006, transmitted a CD to the	e b7E	
FBI Office. Once again information responsive to	b7D	
multiple WSLs was included on the CD.	2012	
·	3 0	
(S) On January 4, 2006, SA took the CD to	b6	
CART and had the information separated by email account/NSL. A	b7C	
duplicate of the original CD was produced as well as two working	b1	
copies of information regarding SA SA		
provided the copies to SA	•	
		b2
(U) On January 6, 2006, reviewed the contents of th	e	
original CD and determined that despite (a) the fact that the $\$\$$	L	b7E
expressly sought only transactional records, and (b) the fact	_	b 6
that had been personally contacted regarding]	b7C
prior overproduction, full email content was again		b7D
provided by		10 1 20
(U) SSA retrieved all copies of the CD prior to		
the information being sent to the case file. Based upon advice	- b6	
of CDC and NSLB SA took corrective action. SA	J b7C	
ensured that the CDs, along with all paper copies of their	b2	
contents, were sealed and sequestered in 1A envelopes. They will		
be preserved in the case file.	b7E	
(U) \searrow As required by Executive Order (E.O.) 12863 and Section	in .	
2:56 of the National Foreign Intelligence Program Manual (NFIPM)		
OGC was tasked to determine whether the over collection errors	,	
described here are matters which must be reported to the IOB.		
time are matroid autout many an imported to the table		

They must.

content, or if the content was gathered pursuant to subsequent surveillance. Over cultection of stored email content could violate the Electronic Communications Privacy Act, 18 U.S.C. 2701 et seq. (ECFA), whereas over collection of subsequent surveillance could violate the Foreign Intelligence Surveillance Act (FISA) pen register provisions.

(U) Section 2.4 of E.O. 12863, dated D9/13/1993, 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.

Pursuant to ECPA, in the absence of a appropriate authorization, it is unlawful to "access", or for a provider to "divulge" the content of any stored electronic communications. 18 U.S.C. 2701(a)(1), and 2702(a). Consequently, any viewing of the content of any stored electronic communications must be obtained pursuant to a court order.

The USA Patriot Act revised existing law governing the installation and use of pen registers and trap and trace devices to clarify that pen/trap orders not only apply to hard-wired line telephones but also to wireless telephones, e-mail service, Internet communications, and any number of communications technologies. At the same time, the Act made several changes to emphasize that a pen/trap device may not be used for the purpose of collecting the content of wire or electronic communications. Consequently, any viewing of the content of electronically transmitted communications must be obtained pursuant to a court order. i3

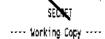
(U) \nearrow In the present case, it is clear that the service

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b7D

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The	···- Working Copy ···-			Page 5
concerning an e-mail account and content information not contempla		b7D		
requesting the subscriber informa circumstances, it is OGCs opinion inadvertent, must be reported to	that the error, although		ı	
(U) (I) In accordance with the r 12863, OGC will prepare the corre this matter to 108.	eporting requirements of E.O. spondence required to report			
LEAD(s);				
Set Lead 1: {ACTION}		•		
AT	b2 b7E			·
already done so, sequester the do await further instructions regard	on deemed appropriate. If not cuments at issue with the COC and: ling disposition by MSLB.			
Set Lead 2: (ACTION) COUNTERTERRORISM				
AT WASHINGTON, DC				
(U) Read and Clear.	·			
FOOTNOTES				
il: DX EC from and titled "SA	to OCG dated 01/16/2006			
Intelligence Oversight Boa	rd (IOB) Violation - Division."	•		
	person (USP) is defined in Section 101(i) of ence Act (FISA)(codified at 50 %.S.C. 1801			,

b2 b7E b6 b7C



et seq.) as a citizen of the United States for 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.

i3':There are certain enumerated exceptions to this prohibition. See 50 U.S.C. Section 1802.

Set Lead 3: (ACTION)

INSPECTION

AT WASFINGTON, DC

(U) For review and action deemed appropriate.

SECRET Working Coby

AGE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE: 11-19-2007 CLASSIFIED BY 65179 DMH/KSR/JV REASON: 1.4 (C) DECLASSIFY ON: 11-19-2032

March 13, 2006 BY COURTER

Mr. Stephen Friedman Chairman Intelligence Oversight Board New Executive Office Building Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (103) Natter, Counterterrorism Division, IOB Matter 2006-(U)

b2

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, and/or laws, Executive Orders, or Presidential Directives that govern FBI foreign counterintelligence and international terrorism investigations.

Case ID : 278-WO-C1229736-VIO

Serial: 1226

SECRO

(0)

Enclosure

1 - 278-HC-C1229736-VIO

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived\from: G-3 Declassify on: X25-1

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

Sincerely,

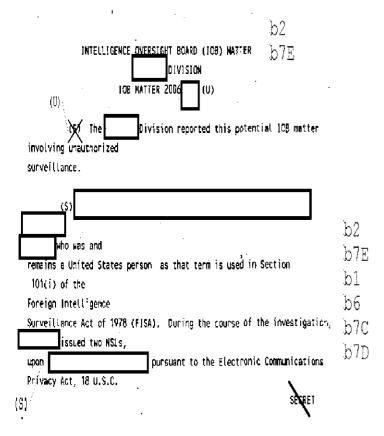
Julie F. Thomas Deputy General Counsel

- 1 The Hemorable Alberto R. Gonzales Attorney General U.S. Department of Justice Room 5111
- 1 Mr. James A. Baker

 Counsel, Office of Intelligence Policy and Review



U.S. Department of Justice Room 6150



(S)	SE CRE T	
161	···· Working Copy ···· b1	
	b6	
2709. The subject NSL requested subscriber	and transactional records for	
email account:	.b7	C .
In October 2005,	responded to the two MSLs by	b7D
transmitting	reference to one the uses w)	
information responsive to both on a single:	commact disk (CD) Subsequently	b2
determined	towns as an interest and actives	b7E
that the CD contained full email content for	r both accounts. Dureusot to the	b6
direction of NSLB, SA	petil decidits. For sadit to tile	b7C
		DIU
	nwelopes the CD, along with all	
paper copies of its	,	
contents.		
2005		b1
	ontacted and advised	b2
regarding		
overproduction and requested verification of	r compliance with the limits of	b7E
National Security Letters.		b7D
In the interest of administrative purity, or	n December 10, 2005, served	b6
with		
another MSL, requesting subscriber and trans		b7C
On January 3, 2006	transmitted a CD to the	
FBI		
Office. Once again information responsive	to multiple NSLs was included on	
the CD.		
(6) On January 6, 2006, after havin	ng the information separated by	
email account/NSL,	–	b6
determined that once again	had provided full email	b7C
content. Based upon	→ . □	
advice of CDC and NSLB SSA	and SA took corrective	b7D
action and		b2
ensured that the CDs, along with all paper	copies of their contents, were	b7E
seated and sequestered in		
1A envelopes.	4	
	L	
(S) Cespite the fact that	limited the scope of the subject	b2
NSL to subscriber		
	information concerning an e-mail	b7E
account. Thus, the	center	b7D
	CEPSET	



FBI unintentionally received that content information not contemplated by the NSL. Such viewing

of stored electronic communications and/or electronic surveillance was not authorized under the

Electronic Communications Privacy Act, Foreign Intelligence Surveillance Act and/or E.O. 12333.

Under these circumstances, it is OGCs opinion that the error, although inadvertent, must be reported to IOB.

(U) QGC has referred this matter to the FBI's Inspection Division for action deemed appropriate. $\label{eq:continuous} % \begin{center} \end{center} \begin{center} \end{center} % \beg$

) (X)Derived From: G-3 Declassity On: X1

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DATE: 11-19-2007 CLASSIFIED BY 65179 DHM/XSR/JU PRASON: 1.4 (6) DRCMASSIFY OW: 11-19-2032

Page

Precedence: RQUTINE	Date:	03/08/2006		
To: Attn: SAC, CDC				
Counterterrorism Attn: AO				
Inspection Attn: IIS	b 2			
	b7I	7.		
From: General Counse.		 l		
Counterrorism Law Unit I/LX-1 35168	_ b6			
Cantact:	.b7(· ·		
Approved By: Thomas Julie f				
			•	
Orafted By:				
Case ID #: 06) 278-HQ-C1229736-VIO	مر وا			
(U).	b6			
Title: X SA	b7C	-		
INTELLIGENCE OVERSIGHT BOARD MATTER,	b2		•	
. 108 2006	9J Z			
(0)			•	
	L. Parasal			
Synopsis: It is the opinion of the Office of the				
Counse((OGC) that this matter must be reported to the			·	
Intelligence Oversight Board (108). OGC will prepare			x · · · ·	
letter and a letterhead memorandum for the General C				
the Assistant Director, Inspection Division ([NSD),				
submission to the ICB. Submission of this matter to	the OPR is	a		
matter within the cognizance of the IIS.				
(U) Derived From: G-3				
QeclassiNy Qn: X·1				
(U) <			•	
Reference: (**) 278-HO-C1229736-VIO Serial 1147				
Administrative: (U) This communication contains one	or more			
footnotes. To read the footnotes, download and prin				
Section 69. The Long City Toucher 69 Meditions and him	t tilly			
Case ID : 278-HQ-C1229736-VIO Serial	: 1227		•	



document in WordPerfect 6.1. h2 Details: (U) Referenced communication from th dated 1/16/2006, requested that OGC review the facts of b7Ethe captioned matter and determine whether it warrants Teporting to the IOB. In our opinion, it does. Our analysis follows. b1 b2 (S) As discussed in the electronic communication b7E bited below.iii (EC) from **b**6 who was and remains a United States person as that term is used in Section 101(i) of · b7C the Foreign Intelligence Surveillance Act of 1978 (FISA).32 During the course of the investigation, issued Mational Security Letters (NSL) pursuant to the Electronic b2 Communications Privacy Act, 18 U.S.C. 2709. That statute b7E permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided 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." b7C (S) On October 14, 2005 served two NSL's, b70 including the subject one, relating to the above referenced The subject WSL requested subscriber and transactional records for email account NO On or about October 20, 2005 responded to b2 the two NSLs by transmitting information responsive to both on a single compact disk (CD). Subsequently determined that b7E the CD contained ful; email content for both accounts. b2 Upon learning that the CD contained full email content. b7E COC and MSLB were contacted. Pursuant to the direction sealed and sequestered in Al envelopes b6

b7C

	26.63E.I				
	- Working Copy	•		Pag	ge 3
1	b2				
the CD, along with all paper copies of its contents.	b7E .			į	٠
on December 1, 2005 contacted	at b6			·	
and advised him of the overproduction and re	quested b7C				
he verify compliance with the limits of National Security	b7D	b7D			
Letters.	70 I SW				
		b1			
(S) In the interest of administrative purity, on Dec	ember	b6			
10, 2005 served with another WSL, a		b7C	•		
to requesting subscriber and transactional reco	rds for	b2			
email account	b7D	b7E			
transmitted a C	n to the b2	ж/ <u>п</u>			
FBI Office. Once again information responsive to	5 15 11C				-
multiple MSis was included on the CD.					
marcipio mago mas introduce on the sort	1				
(S) On January 4, 2006, SA took the	on to b1				
CART and had the information separated by email account/M	λ/1. C Ι .				
duplicate of the original CD was produced as well as two	working 170				
copies of information regarding SA	b7C				1
provided the copies to SA	 !				
Ne) V					
On January 6, 2006, reviewed the content	hh				
original CD and determined that despite (a) the fact that	. tile mat 1.77 o				
expressly sought only transactional records, and (b) the	b7D		4		
prior overproduction, full email content was again	,				
provided by					
P	b7E				
(U) \$5A retrieved all copies of the C	D prior	'i .c			
to the inform <u>ation being</u> sent to the case file. Based up	oọn	b6			
advice of CDC and MSLB SA took corrective ac	tion.	b7C		•	
SAensured that the CDs, along with all paper copies	of	b2		•	
their contents, were sealed and sequestered in 1A envelop	es. They	b7E			
will be sequestered by the Chief Division Counsel.					
(I) \\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	l markina				
As required by Executive Order (E.O.) 12863 and					
2-56 of the National Foreign Intelligence Program Manual OGC was tasked to determine whether the over collection s					
described here are matters which must be reported to the					
wearninged here are matters whitch must be reported to the	iwo.				

They must.

unknown whether collected historical stored email content, or if the content was gathered pursuant to subsequent surveillance. Over collection of stored email content could violate the Electronic Communications Privacy Act, 18 U.S.C. 2701 et seq. (ECPA), whereas over collection of subsequent surveillance could violate the Foreign Intelligence Surveillance Act (FISA) pen register provisions.

b7D

- (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 10B ali information concerning intelligence activities that they have reason to believe may the unlawful or contrary to Executive order or Presidential directive.
- Pursuant to ECPA, in the absence of a appropriate authorization, it is unlawful to "access", or for a provider to "divulge" the content of any stored electronic communications. 18 U.S.C. 2701(e)(1), and 2702(a). Consequently, any viewing of the content of any stored electronic communications must be obtained pursuant to a court order.
- The USA Patriot Act revised existing law governing the installation and use of pen registers and trap and trace devices to clarify that pen/trap orders not only apply to hard-wired line telephones but also to wireless telephones, e-mail service, Internet communications, and any number of communications technologies. At the same time, the Act made several changes to emphasize that a pen/trap device may not be used for the purpose of collecting the content of wire or electronic communications. Consequently, any viewing of the content of electronically transmitted communications must be obtained pursuant to a court order. 13
- (U) $\xrightarrow{}_{\text{N}}$ In the present case, it is clear that the service

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provider, erroneously provided conte	ent information	b7:
concerning an e-mail account and that the FBI unit	ntentionally received that	IJ1.
content information not contemplated by the MSL		
requesting the subscriber information. However, (under these	
circumstances, it is OGCs opinion that the error,	al though	
inacvertent, must be reported to IOB.		
(III) X		
(U) \searrow In accordance with the reporting requires		
12863, OGC will prepare the correspondence require	ed to report	
this matter to IOB.		
LEAD(s):		
gas and 4 morrows	b2	
Set Lead 1: (ACTION)		
	b7E	
<u> </u>	•	
(U) For review and action deemed approp	riate of mot	
already done so, sequester the documents at issue	*	
await further instructions regarding disposition I		
	_,	
Set Lead 2: (ACTION)		
COUNTERTERRORISM		
AT MASHINGTON, DC		
(U) Read and Clear.	•	
FOOTNOTES		
(U) (U)		
ii: 💢 EC fromto OCG dated	01/16/2006	
and titled "SA		<i>'</i> '
	[.]	b2
ntelligence Oversight Board (108) Violatio	on - Division."	b7
200 and a second of the second of the second of	riand in Angelia 404/15 -4	b6

i2': (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 for an alter lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration b7E b6 b7C Page

NSL VIO-35548



and Naturalization Act) See also Section [1.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

i3 :There are certain enumerated exceptions to this prohibition. See 50 U.S.C. Section 1802.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

Page

age

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOUL OTHERWISE DATE: 11-19-2007 CLASSIFIED BY 65179 DME/KSR/JW REASON: 1.4 (C) DECLASSIFY ON: 11-19-2032

March 8, 2006 BY COURIER

Nr. Stephen Friedman Chairman

Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory letterhead memorandum (LRM), entitled "Intelligence Oversight Board (10B) Matter, Counterterrorism Division, IOB Matter 2006-

b2

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI Mational Security Investigations and Foreign Intelligence Collection, and/or laws, Executive Orders, or Presidential Directives that govern FBI foreign counterintelligence and international terrorism investigations.

Enclosure

1 - 278-HQ-C1229736-VIQ

Case ID : 278-HQ-C1229736-V10

Serial : 1228



UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived from: G-3 Declassify on: X25-

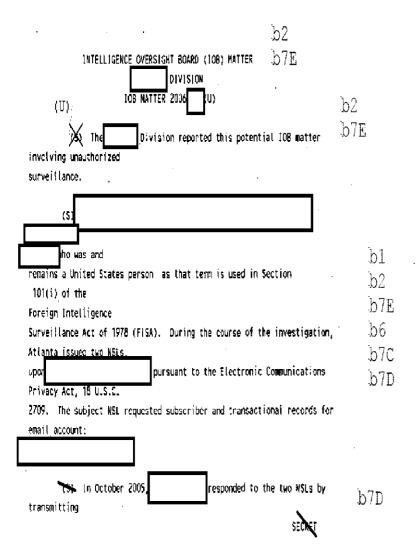
Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas Deputy General Counsel

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

SECRET



SESSET	
 Working Copy	

Page 4

		b6	
	information responsive to both on a single compact disk (CD). Subsequently	b70	Γ
	determined		v
	that the CD contained full email content for both accounts. Pursuant to the	b2	
	direction of MSLB, SA	b7:	E
ı	sealed and sequestered in Al envelopes the CD, along with all		
•	paper copies of its		
	contents.		
	(\$) On December 1, 2005 contacted and advised		1- O
	regarding		b2
	overproduction and requested verification of compliance with the limits of		b7E
	Mational Security Letters.		b6
	In the interest of administrative purity, on December 10, 2005, serve	d	b7C
ı	víth		
•	another MSL, requesting subscriber and transactional records for email accoun	ı,	b7D
ľ	On January 3, 2006, transmitted a CD to the		b1
	FB.		
	Office. Once again information responsive to multiple NSLs was included on		
	the CD.		
	On January 6, 2006, after having the information separated by	b	2
	email account/NSL,	b	7E
I	determined that once again had provided full email		7D
•	content. Based upon		
	advice of CDC and MSLB SSA and SA took corrective	, D	6
	action and	þ	7C
	ensured that the CDs, along with all paper copies of their contents, were		,
	sealed and sequestered in		
	1A envelopes.		
	<u></u>		
	Cespite the fact that limited the scope of the subject		
	NSL to subsc <u>riber</u>		
	information, provided content information concerning an e-mail		
	account. Thus, the		
	FBI unintentionally received that content information not contemplated by the	ļ	, .
	NSL. Such viewing		b2
	of stored electronic communications and/or electronic surveillance was not		b7E
	authorized under the		b7D
	Electronic Communications Privacy Act, Foreign Intelligence Surveillance Act		·NID
	and/or E.O. 12333.		

Under these circumstances, it is OGCs opinion that the error, although inadvertent, must be reported to ${\tt IOB}.$

(U) OGC has referred this matter to the FBI's Inspection Division for action deemed appropriate. (U

ADDER VERY From : G-3 Declasmin On: X1

DECLASSIFIED BY 65179 DMH/KSR/JW ON 11-21-2007

March 8, 2006

Mr. Stephen Friedman, Chairman Intelligence Oversight Board New Executive Office Building - Room 5020 Washington, D.C. 20503

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB),

Division, IOB Matter 2006- " (U)

b2 b7E

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney Generals Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Case ID : 278-HQ-C1229736-VIO

Serial: 1243

SECRET



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

Very truly yours,

Julie F. Thomas Deputy General Counsel

- 1 The Honorable Alberto R. Gonzales Attorney General U.S. Department of Justice Room 5111 2 - Mr. James A. Baker
- Counsel, Office of Intelligence Policy and Review U.S. Department of Justice Room 6150

SECKET .b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER b7E DIVISION IOB MATTER 2006

(U) (X) The Division of the Federal Bureau of Investigation (FBI) reported a potential IOB involving a b2National Security Letter (NSL) requested by b7E which, through a transcription error, sought information about a telephone number belonging to a person who was not the subject of an FBI national security investigation.

(S) The US person had the phone number On b1 01/16/2006, the case agent directed the investigative support specialist b2 (ISS) to draft an NSL requesting information regarding the subject phone b7E number. The request had the subject telephone number as however, due to an administrative oversight, the NSL sent **b**6 telephone company had the telephone number as The case b7C agent's telephone extension in

(U) (S) On 02/10/2006, the case agent opened the NSL results and noticed the discrepancy in the telephone number. The case agent immediately notified his supervisor and put the original results in a sealed envelope for sequestration with the Chief Division Counsel (CDC). SESRET

NSL VIO-35569

Nothing from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on the NSL results.

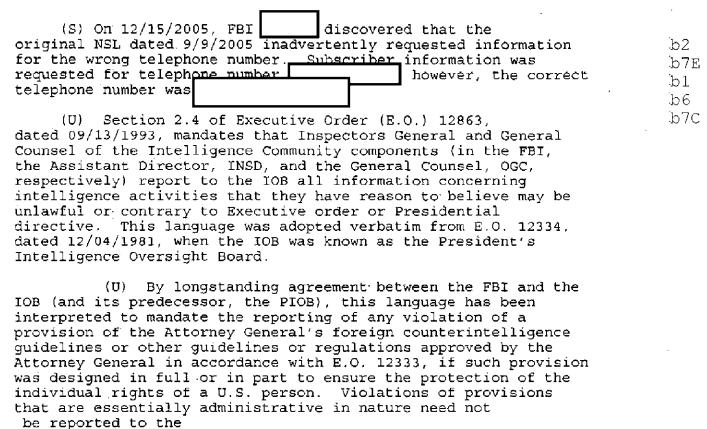
(U) Due to inadvertent typographical error, received NSL results on a telephone number that was not associated with the subject of an authorized investigation. However, due to the fact that there was an unauthorized collection of presumed U.S. person information, the error is a reportable matter under Section 2.4 of Executive Order 12863.

b2 b7E

Derived from: G-3 Declassity on: X1

SECKET

	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT	SECRET	DW	Page 1
	WHERE SHOWN OTHERWISE	DATE: 11-28-2807 CLASSIFIED BY 651		
	Precedence: ROUTINE	REASON: 1.4 (C) DECLASSIFY ON: 11	-28-2032	Date: 3/8/2006
	To:	Attn: S. S. C:	A	
52	Inspection	T	oni Mari Fogle	
o7E o6 o7C	Jounterintelligence		SA D-3B	
	From: Office of the Ger	neral Counsel rity Law Branch/CI	LU/Room 7975	
	Approved By: Thomas Jul	Lie F		
	Drafted By:			
(U) ··	Case ID #: (x) 278-HQ-C1	1229736-VIO		- 10
(U) ·	Title: () INTELLIGEN	NCE OVERSIGHT BOAR	D MATTER 2006]
(U)	Synopsis: It is the Counsel ("OGC") that the Intelligence Oversight Fletter and a letter head IOB. Our analysis follows:	is matter must be : Board (IOB), OGC o I memorandum to rej	reported to the will prepare a cove	r
	(U) — (X)	~	G-3 K-1 b1	
	Reference: (X) 278-HQ-(S)	C1229736-VIO Seria	*	
		ed OGC review of a print of a pri		in b7E
	(S) On 9/9/2005, I Letter (NSL) to obtain s number Th			b2 b7E
				b7D
	Case ID : 278-HQ-C122973	36-VIO SECR BT	Serial : 1257	b6 b7c
_			NSL VIO-35571	



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.

(V) In this case, this matter must be reported to the IOB because FBI requested information on a number that had no relevance to an ongoing investigation as required by statute. This error was compounded by the fact that the results from this NSL were documented in an EC and subsequently entered into the FBIs

b2 b7E

(U) Based upon these facts, in accordance with the NSIG and the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error must be reported to the IOB.

Page 3

in in the second	
Set Lead 1:	
AT	b2 b7E
(U) Implement procedures to ensure the accuracy of information contained in NSL requests. Sequester all information from this NSL with Chief Division Counsel, and purge all information from FBI databases. NSLB will provide further guidance to the CDC regarding the sequestered information.	
Set Lead 2:	
COUNTERINTELLIGENCE	
AT WASHINGTON, DC	b 2
(U) Coordinate with Division to ensure that appropriate procedures are in place to ensure the accuracy of information contained in NSL requests and that the information is properly sequestered and purged.	b7E
1 - Ms. Thomas 1 - 1 - 1 - NSLB Library	b6 b7c

DECLASSIFIED BY 65179 DMH/KSR/JW ON 11-28-2007

March 8, 2006

Mr. Stephen Friedman Chairman Intelligence Oversight Board New Executive Office Building Washington, D.C.

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB), Matter 2006 " (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney Generals Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIQ

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

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

Case ID : 278-HQ-C1229736-VIO

SECRET

Serial: 1258

NSL VIO-35574

b2

Very truly yours,

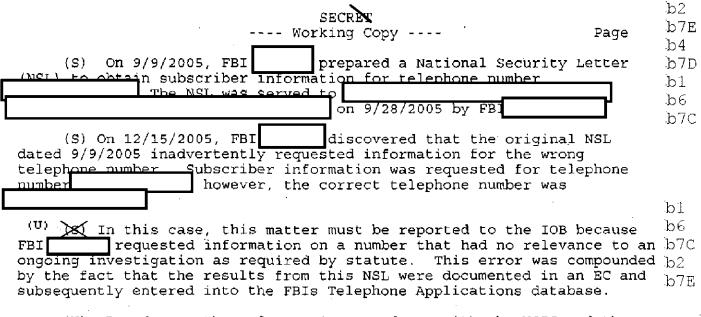
Julie F. Thomas Deputy General Counsel

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

	INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER	
	DIVISION	
	IOB MATTER 2006 (U)	b2
(U)	The Division of the Federal Bureau of Investigation has	b7E
	reported a possible violation in conjunction with an ongoing	
	counterintelligence investigation. By electronic communication (EC)	
	dated 12/19/2005 requested FBI Office of General	
	Counsel review	
	of this possible IOB error. The following facts are derived from this	
	EC.	

SECRET

NSL VIO-35575



(U) Based upon these facts, in accordance with the NSIG and the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error must be reported to the IOB.

Precedence: ROUTINE		Date: 03/09/2006		
Counterterrorism Inspection	Attn: SAC, CDC AD Internal Inspecti	ion Section	ALL INFORMATION CONTAINED MEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE	
From: Seneral Counsel National Security Law (Contact:	Branch (NSLB)	b2 b7E b6 b7C	DATE: 11-28-2007 CLASSIFIED BY 55175 DMH/KSF/JU REASON: 1.4 (C) DECLASSIFY ON: 11-28-2032	·
Approved By: Thomas Julie F				•
Orafted By: (%) 278-HD-C122973	b1 6-VID (Pending) b2			
(S) (U).	b7E			
Title: 05) TFO SSA		.b(.b(
POSSIBLE INTELLIGE IOB MATTER 2006 (T)	NCE OVERSIGHT BOARD MATTE	ER .	b2	, , , , , , , , , , , , , , , , , , ,
Synopsis: XX It is the opinion (OGC) that this matter must be no	n of the Office of the Ge eported to the Intelliger			
Board (108) and to the FB1 Inspe			•	
cover letter and a memorandum for	• •	nsel to repa	r t	. '
this matter to the IOB. Our ana	lysis follows.			
(U) Derived From : Declarsify On:		·.		
Details: (S) As discussed in the referenced belowil'	electronic communication	(EC)	7in b1	
accordance with the Attorney Gen	eral's Guidelines for FB!	National	b 2	
Security Investigations and Fore	ign Intelligence Collect	on (NSIG).	b7E	1
During the investigation of a U.	S. person (as that term	is used in S		
Case 1D : 278-10-C1229736-V10	Serial : 120	52 SFCNE	······································	· <u>-</u>

101(i) of the Foreign Intelligence Surveillance Act of 1978

(FISA),12 a National Security Letter (NSL) was submitted for toll records for the subject's home telephone number for the time the NSL was issued. Due to an error on the part of the Joint Terrorism Task Force Officer working on the case, the telephone number was misidentified. Consequently, records unrelated to the subject were received. The error was quickly reconsized, and the records have been sealed by the

unrelated to the subject were received. The error was quickly recognized, and the records have been sealed by the CDC.

All relevant records have been permanently charged out of the FBI's Automated Case Support system. Neither the incorrect number nor any

records received with respect to the number were uploaded into FBI databases.

(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, CGC, respectively) report to the 108 all information 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 108 was known as the President's Intelligence Oversight Board.

(U) When the FBI issues an NSL for coll

records, it must certify in accordance with Title 18, U.S.C., Section 2709(b), that "the name, address, length of service, and toll billing records sought are 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." This means that the subject of the NSL need not be the subject of an FBI investigation but there must be "relevance" to some authorized FBI national security investigation. In this case, despite the honest mistake of the Task force Officer, the FBI received telephone records for which no relevance existed to an authorized investigation.

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b7C

b2

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b2 b7E

NSI_VIO-35578

ESCET

Therefore, we believe this matter must be reported.

(U) OGC will prepare an appropriate cover letter and memorandum for the Deputy General Counsel to report this matter to the IOB.

F00TNOTES

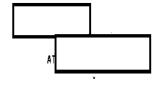
il: xx EC from the Division, dated 01/25/2006 and titled	b2
Intelligence Oversight Board (108) Matter (hereinafter cited as	b7E
In .	W I E

A United States person 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 ion an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)

(II) 14: (A) Part V.12 list use of NSLs as an authorized investigative technique "in conformity with . . . 18 U.S.C. 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records)."

LEAD (s)

Set Lead 1: (Action)



b2 b7F

(U) For action deemed appropriate.

Set Lead 2: (1nfo)

COUNTERTERRORISM

AT WASHINGTON, DC

SECRET

Page 4

(U) For action consistent with this opinion.

Set Leac 3:

(Action)

INSPECTION

AT 11S, WASHINGTON, DC

(U) For action deemed appropriate.

1 - Ms. Thomas 1 - Ms. Thomas 1 - Ms. Thomas 1 - Ms. Thomas

SECRE