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FEDERAL BUREAU OF INVESTIGATION #1082885-000

Precedence: ROUTINE

Date: 03/23/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From: [Redacted]
Squad [Redacted] JTTF
Contact: SA [Redacted]

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Approved By: [Redacted]

(U) Drafted By: [Redacted] ctr

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

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(U) Title: (U) REPORT OF POTENTIAL IOB MATTER

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

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

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

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

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(U) ~~(S)~~ Possible IOB violation involving SA [Redacted]
[Redacted] SA [Redacted] is supervised by SSA [Redacted] of the
[Redacted] Joint Terrorism Task Force (JTTF).

(U) ~~(S)~~ ~~(S)~~ During an Inspection Division compliance check of
National Security Letters (NSLs) issued in this case, a potential IOB
violation was noted by the inspector.

(S) [Redacted] (S) [Redacted] of this investigation is a NSL addressed to
[Redacted] requesting "all financial records from [Redacted]
[Redacted] pertaining to [Redacted] from [Redacted] to the present.

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(U) To: Inspection From: [redacted]
Re: ~~SI~~ 278-HQ-C1229736-VIO, 03/13/2007

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(S) [redacted]
[redacted]

(U) As part of the normal investigative process in terrorism financing cases, financial records for accounts related to the case subject are sought in order to determine if there are any transactions which may support the investigation.

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(S) [redacted]
[redacted]

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b7C
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b7A

(S) [redacted]
[redacted]

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b7A

(S) [redacted]
[redacted]

(U) ~~SI~~ [redacted] considers this potential IOE violation properly addressed and consequently covered.

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(U) To: Inspection From: [REDACTED] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/23/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/26/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLE, Room 7975

From: [redacted]

Sq [redacted]

Contact: SA [redacted]

Approved By: [redacted]

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(U)

Drafted By: [redacted]:nmh

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

Title: (U) REPORT OF POTENTIAL IOB MATTER

(U)

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

(U)

~~(S)~~

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

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Details:

(S) 1. [redacted]

(S) 2. [redacted] a U.S. Person.

(U)

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

(S) [redacted]

(U)

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

(U)

~~(S)~~ Possible IOB violation involving SA [redacted]. SA [redacted] is supervised by SSA [redacted] of the [redacted] JTTF.

(U)

~~(S)~~ During an Inspection Division compliance check of National Security Letters (NSLs) issued in the above listed case, a potential IOB violation was noted by the inspector.

(S) [redacted]

of this case is an NSL addressed to [redacted]

The letter states: "...pursuant to Title [redacted]"

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

18, U.S.C., Section 2709 (as amended, October 26, 2001), you are hereby directed to provide any and all records pertaining to [redacted] [redacted] to the present, initiated or received by" the subject of the case.

(U) ~~(S)~~ In response to the NSL, [redacted] provided, as requested, all records pertaining to [redacted] for the case subject within the specified date ranges. The records were pertinent to the investigation. The records were used to resolve the issue and eventually close the [redacted]

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~~(S)~~ The potential IOB matter is a result of citing the incorrect statute authority. As noted by the inspector, Section 2709 provides authority to request telephone and email communications records. The NSL should have referenced 18 U.S.C. Section 3414. The records obtained from [redacted] could have been, and should have been, legally obtained via an NSL citing the correct statute.

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(U)

~~To: Inspection From: [redacted] b2~~
~~Re: (S) 278-HQ-C1229736-VIO, 03/16/2007 b7E~~

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From: [Redacted]
Squad [Redacted]

Contact: SSA [Redacted]

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Approved By: [Redacted]

(U) Drafted By: [Redacted]

Case ID #: ~~(S)~~ 078-HQ-C1229736-VTO (Pending)

Title: (U) REPORT POTENTIAL IOB MATTER

Synopsis: (U) To report potential IOB matter.

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: 03/22/2017~~

Details: ~~(S)~~ (U) The following information is provided to OGC and the Inspection Division in order to examine the following potential IOB matter:

(S) A. [Redacted]

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(S) B. [Redacted]

(S) C. Identification of the Subject's status: [Redacted]

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(U) To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007 b7E

(U) ~~(S)~~ D. Explanation of the error believed to have been committed:

(U) ~~(S)~~ (1) When error occurred: 06/27/2003
When error was brought to attention of SSA [redacted] 03/21/2007

(S) [redacted] Division [redacted] was instituted by SA [redacted] on 07/29/2003. The [redacted] was properly extended, and subsequently closed [redacted] A National Security Letter (NSL) addressed to [redacted] requesting financial records on subject [redacted] was signed by SAC [redacted] On 06/27/2003.

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(S) transmittal EC was drafted with the NSL at the time of SAC signature. The NSL was locally delivered to [redacted] representatives in [redacted] On 07/03/2003, SSA [redacted] drafted and approved an EC sent to the attention of the Office of General Council (OGC) to ensure that OGC had the proper information to support Congressional Reporting requirements associated with the NSL. Mitigating factors: It was believed that the transmittal EC was not necessary because service would be handled within the [redacted] Division, and NSLE reporting requirements were met with the subsequent EC.

(U) ~~(S)~~ (2) Controlling law/regulation/NSIG Provision:

NFIP Manual Section 2-17

(U) ~~(S)~~ (3) Status of the matter:

(S) Case ID: [redacted] b1
Type: [redacted] b2
Opened: [redacted] b7C
Closed: [redacted]
Current Status: Closed

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(U)

To: Inspection From: [REDACTED] b2
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 03/22/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action as deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]
Squad [Redacted]
Contact: CDC [Redacted]

Approved By: [Redacted] b2
[Redacted] b6
(U) Drafted By: [Redacted] b7C
[Redacted] b7E

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

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

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

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

Details:

- (S) 1. [Redacted]
- (U) (S) 2. [Redacted] a U.S. Person.
- ~~(S)~~ 3. Possible IOB Error: [Redacted] b1
[Redacted] b2
(S) [Redacted] b6
[Redacted] b7C
[Redacted] b7E
- (U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).
(U) ~~(S)~~ A National Security Letter dated 05/01/2002 directed to [Redacted] was signed by Acting Special Agent in Charge [Redacted]. The ECPA NSL sought "the name, address, length of service, and local and long distance toll billing records" for one telephone number for the period from [Redacted] through the present [Redacted]. The NSL was transmitted to [Redacted] Division for service and the records sought were returned to [Redacted] by [Redacted] by EC dated 06/28/2002.

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/17/2007

Acting SAC [REDACTED] signed the NSL after an opinion was obtained from the National Security Law Unit that an ASAC formally designated by the FBI Director as an Acting SAC could sign a NSL. At a subsequent time (after the NSL was served) guidance was received from FBIHQ that Acting SACs could not sign NSLs. Annual Report LHMs were timely provided to FBIHQ in 2003, 2004 and 2005. The LHM due on 04/30/2006 was not provided due to the investigation being reassigned to a new case agent. The investigation was closed on 08/24/2006.

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(U)

To: Inspection From: [REDACTED] b2
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 03/27/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]

Squad [Redacted]

Contact: CDC [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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b7E

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

Title: (U) SA [Redacted]

SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

~~(U)~~

~~(S)~~

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

a U.S. Person.

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

(S)

[Redacted]

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

(S)

[Redacted]

[Redacted]

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(U)

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b2
b7ETo: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/17/2007

(S)

[REDACTED]
was not provided to FBIHQ. [REDACTED]
and notification of the closing was provided to FBIHQ.b2
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In this same investigation, a NSL was issued on 09/17/2004 to [REDACTED] for financial records of the subject of the investigation. The NSL was properly signed and was transmitted to the [REDACTED] field office for service on the financial institution. By EC, [REDACTED] returned two search slips provided by the financial institution. One search slip reflected a negative search by the subject's social security number. The second search slip reflected a search by the subject's last name. The second search slip reflected the name, address, telephone number and bank account number of a female with the same last name as the subject. There was (and is) no known nexus between the female and the subject other than the same last name. The information on the second search slip was personally identifiable and beyond the scope of the NSL. The search slips (attached to the EC) were included in the case file and the information from the second search slip was included in the narrative of an EC to the file dated 11/10/2004.

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Upon discovery of the above search slips, [REDACTED] CDC [REDACTED] removed the second search slip from the case file. He also permanently charged out the EC containing the information and had it removed from ACS. The case agent then edited the EC to remove the improper information and the edited EC was then uploaded into ACS and a paper file copy was returned to the case file in place of the original EC.

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(U) To: Inspection From: [REDACTED] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/17/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From: [redacted]

Squad [redacted]

Contact: CDC [redacted]

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b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 273-HQ-C1229736-V10 (None)
273-[redacted]-C58730 SUB A (None)

Title: INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: To report seven possible IOB violations.

Enclosure(s): Enclosed for Inspection and General Counsel are seven separate FD-962 reports of possible IOB violations.

Details: An audit of fifty designated [redacted] Division files was conducted as part of a NSL Review. The audit was conducted during the period 03/16/2007 through 03/22/2007 by a designated audit team. During the course of the audit, several potential IOB violations were noted by the auditors. It was agreed that the [redacted] Chief Division Counsel would report the potential IOB violations to OGC and Inspection.

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The enclosed FD-962 Reports were prepared by CDC [redacted] [redacted] for potential IOB violations noted in seven separate closed [redacted] Division cases.

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To: Inspection From:
Re: 278-HQ-C1229736-VIO, 03/27/2007

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LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

Review and take appropriate action.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

Review and take appropriate action.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/26/2007

To: General Counsel
Inspection

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[Redacted]

Attn: CDC

[Redacted]

From:

[Redacted]

[Redacted] Squad

Contact:

[Redacted]

Approved By:

[Redacted]

Drafted By:

[Redacted]

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(S)

Case ID #: (U) 078-HQ-C1229736-VIO (Pending)
(U) [Redacted] (Closed)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER

(S)

[Redacted]

Synopsis: (U) To provide information with regards to possible Intelligence Oversight Board (IOB) violation.

(U)

~~Derived From : G-3~~
~~Declassify On: 20320326~~

Details: (U) On 03/09/2007, DOJ's Office of the Inspector General released a report on the FBI's use of National Security Letters (NSL). Although the OIG found no deliberate or intentional misuse of authorities, the OIG review identified several areas of inadequate auditing and oversight of these vital investigative tools, as well as inappropriate processes.

(U) On 03/16/2007, FBIHQ, Inspection Division initiated an audit of all 56 field offices. The purpose of the audit was to make sure that there were no violations with regard to NSL's. The audit began on 03/16/2007 and ended on 03/23/2007. [Redacted] audit was conducted by SSA [Redacted] from the

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To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

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(S) [redacted] field office. The audit conducted revealed a possible IOP violation for closed case number [redacted]

(S) [redacted]
[redacted]

(U) ~~(S)~~ No active investigation was conducted on the case until it was reassigned to SA [redacted] who advised FBIHQ of the opening of case via EC with an enclosed LHM. FBIHQ notification was on [redacted] and the case was placed in closed status on [redacted]

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(U) ~~(S)~~ This incident was neither discovered previous to the audit conducted by FBIHQ nor by the case agent. As a result of the discovery in other cases, a new standard operating procedure (SOP) was put in place within the squad, where, every time a case is opened and assigned (O&A), an e-mail is sent to the case agent notifying of the assignment. This new step has rectified the problem that arose, and the 10-day notification to FBIHQ are being submitted on time.

(U) This deficiency and the possible IOP violation was reported to ASAC [redacted] CDC [redacted] and SSA [redacted] during the course of the internal audit conducted by FBIHQ.

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(U) The closed case file has been placed in the CDC's safe pending further instructions from Inspection Division and NSLE.

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~~SECRET~~//20320326

To: General Counsel From: b2
Re: (U) 078-HQ-C1229736-VIO, 03/26/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Whatever action deemed appropriate.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ Whatever action deemed appropriate.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-12-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-12-2032

(Rev. 01-31-2003)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]
Squad [Redacted]

Contact: SSA [Redacted] b2
[Redacted] b6
[Redacted] b7C
[Redacted] b7E

Approved By: [Redacted]

Drafted By: [Redacted] : dh

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

Title: (U) REPORT OF POTENTIAL
IOB MATTER

(U)

Synopsis: ~~(S)~~ To report a possible IOB violation(s) for review
by INSD and OGC.

(U)

~~(S)~~ Derived From : G-3
Declassify On: 03/27/2032

(U)

Details: ~~(S)~~ During an Inspection Division/IIS National
Security Letter (NSL) Audit of selected [Redacted] Division
investigations during the week of March 16, 2007 through March
22, 2007, a possible IOB violation(s) was detected.

(S) [Redacted] b1
[Redacted] b2
[Redacted] b6
[Redacted] b7C
[Redacted] b7E

(S)

passive records search [Redacted] was submitted to SITC
[Redacted] No other investigative activity occurred during that
period.

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736, 03/27/2007

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(S)

[redacted]

[redacted]

(U) The case agent of this investigation was SA [redacted].
The supervisor was [redacted].

(U) This possible IOB violation(s) is being submitted for review by INSD and OGC for further action. they deem as appropriate.

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To: Inspection From:
Re: (U) 278-HQ-C1229736, 03/27/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]
Squad [Redacted]

Contact: SSA [Redacted]

Approved By: [Redacted]

b2
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Drafted By: [Redacted]

: dh

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

(U) **Title:** (U) REPORT OF POTENTIAL
IOB MATTER

~~(S)~~ **Synopsis:** (S) To report a possible IOB violation for review by
INSD and OGC.

(U) ~~(S)~~ **Derived From :** G-3
Declassify On: 03/27/2032

~~(S)~~ **Details:** (S) During an Inspection Division/IIS National
Security Letter (NSL) Audit of selected [Redacted] Division
investigations during the week of March 16, 2007 through March
22, 2007, a possible IOB violation(s) was detected.

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(S) (S) During a review of file [Redacted] it was
discovered that a telecommunications company had provided toll
billing records outside of the requested time period [Redacted]
to [Redacted] cited in the NSL, [Redacted]. The toll billing
records provided exceeded the period by one month. However, the
records provided outside the scope of the NSL did not provide any
call detail records. They provided only monthly billing
information such as the detailed costs of various taxes, monthly
service charges, and connections fees.

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736, 03/27/2007

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(S)

[redacted]

[redacted]

(U) The case agent of this investigation was SA [redacted]
The supervisor was [redacted]

(U) This possible IOB violation(s) is being submitted for review by INSD and OGC for further action they deem as appropriate.

~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736, 03/27/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~//20320326

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2 **Date:** 03/26/2007
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To: General Counsel
Inspection

[Redacted]

Attn: CDC [Redacted]

From: [Redacted]

[Redacted] Squad

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: (U) 078-HQ-C1229736-VIO (Pending)
(S) ~~(U)~~ [Redacted] (Closed)

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

Synopsis: (U) To provide information with regards to possible Intelligence Oversight Board (IOB) violation.

(U) ~~Derived From : G-3~~
~~Declassify On: 20320326~~

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b7E

Reference: (S) [Redacted]

(U)

Enclosure(s): ~~(S)~~ One copy of opening communication.

Details: (U) On 03/09/2007, DOJ's Office of the Inspector General released a report on the FBI's use of National Security Letters (NSL). Although the OIG found no deliberate or intentional misuse of authorities, the OIG review identified several areas of inadequate auditing and oversight of these vital investigative tools, as well as inappropriate processes.

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To: General Counsel From: [redacted] b2
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007 b7E

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(U) On 03/16/2007, FBIHQ, Inspection Division initiated an audit of all 56 field offices. The purpose of the audit was to make sure that there were no violations with regard to NSL's. The audit began on 03/16/2007 and ended on 03/23/2007.

[redacted] audit was conducted by SSA [redacted] from the [redacted] field office. The audit conducted revealed a possible IOB violation for closed case number [redacted].

(S)

(S)

[redacted]
[redacted] by SSA [redacted]
[redacted]

(S)

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The [redacted] was assigned to SA [redacted]. Although case was opened and assigned in Automated Case Support (ACS), SA [redacted] was not advised of the new assignment. Due to this, the 10-day notification to FBIHQ was not met. The 10-day notification to FBIHQ was recorded on [redacted] seventy six (76) days after the case was opened. No investigation was conducted between the date the case was assigned and the date in which FBIHQ was advised through the 10-day notification EC.

(U)

~~(S)~~

Although this incident was discovered previous to the audit conducted by FBIHQ by the case agent, it was not treated as an IOB violation. As a result of the discovery, a new standard operating procedure (SOP) was put in place within the squad, where, every time a case is opened and assigned (C&A), an e-mail is sent to the case agent notifying of the assignment. This new step has rectified the problem that arose, and the 10-day notification to FBIHQ are being submitted on time.

(U) This deficiency and the possible IOB violation was reported to ASAC [redacted] CDC [redacted] and SSA [redacted] during the course of the internal audit conducted by FBIHQ.

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(U) The closed case file has been placed in the CDC's safe pending further instructions from Inspection Division and NSLE.

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To: General Counsel From: b2
Re: (U) 278-HQ-C1229736-VIO, 03/26/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Whatever action deemed appropriate.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ Whatever action deemed appropriate.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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DATE: 12-12-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-12-2032

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]
Squad [Redacted]

Contact: SSA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] : dh

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

Title: (U) REPORT OF POTENTIAL
IOB MATTER

(U)

Synopsis: ~~(S)~~ To report a possible IOB violation(s) for review
by INSD and OGC.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 03/27/2032~~

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Details: ~~(S)~~ During an Inspection Division/IIS National
Security Letter (NSL) Audit of selected [Redacted] Division
investigations during the week of March 16, 2007 through March
22, 2007, a possible IOB violation(s) was detected.

(U)

(S) (S) During a review of file [Redacted] it was
discovered that the following NSLs maintained in the
investigative file did not contain the signature of the SAC.
[Redacted] The serials of the affected NSLs were [Redacted]

(S)

(S) (U) Further review of the file indicated the
corresponding ECs [Redacted] of the cited NSLs were
appropriately written and authorized as indicated by the presence
of the signatures of the SSA, CDC, ASAC, and SAC. In addition, b1
documentation of the service and return of the results for each b2
NSL indicates the NSLs were properly authorized and signed, b7E
otherwise results would not have been forwarded to [Redacted]
Divisions which served the cited NSLs failed to return the
original NSLs with their results.

(S)

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736, 03/27/2007

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(U) It is the opinion of the [redacted] division that this was nothing more than a clerical error which has ben rectified through appropriate training provided to the squad SST.

(S)

[redacted]

[redacted]

(U) The case agent of this investigation was SA [redacted] (retired). The supervisor was [redacted]

(U) This possible IOB violation(s) is being submitted for review by INSD and OGC for further action they deem as appropriate.

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To: Inspection From:
Re: (U) 278-HQ-C1229736, 03/27/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS, Room 3041
Attn: NSLB, Room 7947

From: [redacted]
Contact: CDC [redacted]

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Approved By: [redacted]

Drafted By: [redacted] ljb

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
(U) 278 [redacted] 50015

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

(U)

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

(U)

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

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Details:

(S) 1. [redacted]

(S) 2. [redacted] a U.S. Person.

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

(U)

The Attorney General's Guidelines, Section V.12.

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(U) 4. Case Agent at time of incident: TFO [redacted]
Supervisor at time of incident: SSA [redacted]

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~~(S)~~ 5. Description of IOB Error (including any reporting delays).

(U)

~~(S)~~ During an audit conducted by the Inspection Division on or about 03/18/2007, six (6) instances of investigative activity were discovered that require reporting as potential IOB matters. These matters are detailed below:

(S) (U) It was determined that the "Enclosure" section of an EC (dated 04/21/2004, [redacted]) drafted by TFO [redacted] stated that the National Security Letter (NSL) being sent to [redacted] for service on [redacted] sought subscriber information for twelve (12) telephone numbers. The body of the EC listed all twelve numbers, but subsequently stated the request was for subscriber information and toll billing information for two numbers. The NSL (dated 04/21/2004, [redacted])

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

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(S)

[redacted] requested telephone subscriber and billing information on the twelve telephone numbers listed in the EC. The Inspection Division also determined that the EC lacked sufficient predication to support the request.

(S)

(2) It was determined that the "Enclosure" section of an EC (dated 04/21/2004) [redacted] drafted by TFO [redacted] stated that the National Security Letter (NSL) being sent to [redacted] for service on [redacted] sought subscriber information for seventeen (17) telephone numbers. The body of the EC listed all seventeen numbers, but subsequently stated the request was for subscriber information and toll billing information for two numbers. The NSL (dated 04/21/2004) [redacted] requested telephone subscriber and billing information on the seventeen telephone numbers listed in the EC. The Inspection Division also determined that the EC lacked sufficient predication to support the request.

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(3) It was determined that the "Enclosure" section of an EC (dated 04/28/2004) [redacted] drafted by TFO [redacted] stated that the National Security Letter (NSL) being sent to [redacted] for service on [redacted] sought subscriber information for seven (7) telephone numbers. The body of the EC listed all seven numbers, but subsequently stated the request was for subscriber information and toll billing information for two numbers. The NSL (dated 04/29/2004) [redacted] requested telephone subscriber and billing information on the seven telephone numbers listed in the EC. The Inspection Division also determined that the EC lacked sufficient predication to support the request.

(S)

(4) It was determined that the "Enclosure" section of an EC (dated 04/28/2004) [redacted] drafted by TFO [redacted] stated that the National Security Letter (NSL) being sent to [redacted] for service on [redacted] sought subscriber information for seven (7) telephone numbers. The body of the EC listed all seven numbers, but subsequently stated the request was for subscriber information and toll billing information for two numbers. The NSL (dated 04/29/2004) [redacted] requested subscriber information on the seven telephone numbers listed in the EC, but also asked for subscriber and billing information on an additional telephone number used by the subject that was not listed in the EC. Additionally, the certification paragraph in the NSL mentioned subscriber and billing information.

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(5) It was determined that the "Enclosure" section of an EC (dated 04/28/2004) [redacted] drafted by TFO [redacted] stated that the National Security Letter (NSL) being sent to [redacted] for service on [redacted] sought subscriber information for two (2) telephone numbers. The body of the EC listed the two numbers, but subsequently stated the request was for subscriber information and toll billing information. The NSL (dated 04/29/2004) [redacted] requested telephone subscriber information on the two telephone numbers listed in the EC, but the certification paragraph in the NSL mentioned subscriber and billing information.

(S)

(S)

(6) It was determined that the "Enclosure" section of an EC (dated 04/28/2004) [redacted] drafted by TFO [redacted] stated that the National Security Letter (NSL) being sent to [redacted] for service on [redacted] sought subscriber information for three (3) telephone numbers. The body of the EC listed the three numbers, but subsequently stated the request was for subscriber information and toll billing information for two numbers. The NSL (dated 04/29/2004) [redacted] requested telephone subscriber information on the three telephone numbers listed in the EC, but the certification paragraph in the NSL mentioned subscriber and billing information.

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To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO. 03/29/2007

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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-12-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-12-2032

(Rev. 01-31-2003)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/27/2007

To: Inspection

Attn: Internal Investigations
Section (IIS)
Room 11861

General Counsel

Attn: National Security Law Branch
NSLB
Room 7975

From: [Redacted]

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Squad [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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(U) Drafted By: [Redacted] :ehm

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

Title: ~~(S)~~ REPORT OF A POTENTIAL IOE MATTER

(U) Synopsis: ~~(S)~~ To report a possible IOE violation involving the unintentional acquisition of information through a National Security Letter.

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

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Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2570

[Redacted]

(U) Details: ~~(S)~~ In accordance with the reporting requirements relating to known or suspected Intelligence Oversight Board (IOB) violations, per reference 1, notification is being made to the Office of General Counsel, National Security Law Branch (NSLB) regarding the unintentional acquisition of information through an Electronic Communications Privacy Act (ECPA) National Security Letter (NSL).

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To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/17/2007

(U) ~~(S)~~ The following information is relevant regarding the substantive investigation in which the unintentional acquisition of information occurred:

(S) Case Number: [redacted]
[redacted]
Case Agent(s): SA [redacted] From 03/01/2006 - Present
Previous Case Agent - SSA [redacted]

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Supervisor: SSA [redacted] (Current)
A/SSA [redacted] (Previous)

(S) Subject: [redacted] (Non-U.S. Person)

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(U) ~~(S)~~ As detailed in reference 2, the subject of the relevant investigation advised on 04/25/2005 [redacted] home telephone number was [redacted]. Per reference 3, this information was independently corroborated.

(S)

(U) ~~(S)~~ On 12/22/2005, FBI [redacted] composed and sent an ECPA NSL (reference 4) addressed to [redacted]

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[redacted] requesting subscriber name, address, length of service, local and long distance toll billing records associated with telephone number [redacted] from [redacted] present.

(S)

(U) ~~(S)~~ In February 2006, SA [redacted] was transferred to Squad [redacted] and, on 03/01/2006, SA [redacted] was given responsibility for various investigations to include the investigation targeting [redacted]

(U) ~~(S)~~ On 03/24/2006, FBI [redacted] provided, via reference 5, the results of the 12/22/2005 ECPA NSL. According to [redacted] representatives, service for the number was initiated on [redacted] and an individual identified as [redacted] subscribed to telephone number [redacted] included one month of toll billing records pertaining to the account.

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(U) ~~(S)~~ During his initial review of various case files on Squad [redacted] SA [redacted] recalls noting that Subject did not subscribe to the telephone number. SA [redacted] also annotated an informal reminder stating FBI [redacted] should determine [redacted] At the time of the initial review, SA [redacted] did not observe [redacted] toll records.

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/27/2007

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(U) ~~(S)~~ Additionally, Investigative Analyst (IA) [redacted] subsequently advised SA [redacted] on 5/7/07

(S) [redacted] occasions. Upon conducting further research IA [redacted] determined, through reference 5, that [redacted] was most likely utilizing a telephone number that was previously professed to be

(S) [redacted] and, consequently, [redacted]. The exact dates of IA [redacted] disclosures to SA [redacted] are not known, although SA [redacted] maintained the text from an Email message regarding this topic within an informal case management sheet. The text of the Email message is as follows:

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(S) "I (IA [redacted] spoke with you (SA [redacted] last week about this woman and [redacted] had made numerous calls to her phone number [redacted]. I have done some research and found that [redacted] self professed home telephone number [redacted] of this on 9/30/2005). The NSL came back to [redacted] for this case number as of [redacted]. So it appears she followed [redacted] as the subscriber and most likely has no relationship whatsoever to him."

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(S) (S) On 03/27/2007, during a review of [redacted] SA [redacted] observed the toll records which were provided by [redacted] via reference 5. SA [redacted] immediately notified SSA [redacted] and the records were removed from the file and provided to FBI-Senior Management for sequestering with the Chief Division Counsel pending resolution of this matter. Until 03/27/2007, SA [redacted] was unaware of these toll records and had only viewed the subscriber information pertaining to [redacted]

(S) (S) The investigation targeting [redacted] is pending and no Foreign Intelligence Surveillance Act request has been submitted to the Department of Justice, Office of Intelligence Policy and Review.

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1239736-VIO, 03/27/2007

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LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Information provided to IIS per FBI policy.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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[redacted] (U) At NSLE, will review the conduct described by FBI-
and determine if the matter is reportable to the IOE.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS, Room 3041
Attn: NSLB, Room 7947

From: [Redacted]
Contact: CDC [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] ljb

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Case ID #: ~~(S)~~ 278-IHQ-C1229736-VIO
(U) 278-[Redacted]-50015

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

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

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

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

The Attorney General's Guidelines Provision: Section V.12.

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(U) 4. Case Agent at time of incident: SA [Redacted]
Supervisor at time of incident: SSA [Redacted] (retired)

~~(U)~~ ~~(S)~~ 5. Description of IOB Error (including any reporting delays).

~~(U)~~ ~~(S)~~ During an audit conducted by the Inspection Division on 03/18/2007, it was determined that the EC (dated 09/01/2004, [Redacted] documenting approval for the issuance of a National Security Letter (NSL) for telephone subscriber and toll billing records incorrectly reflected that the request was for one telephone number. The NSL (dated 09/01/2004, [Redacted] requested subscriber and toll billing information relating to three telephone numbers. It is noted that the three numbers for which information was sought had been identified through a previous NSL pertaining to the subject's residence telephone number, evidencing contact with the subject's telephone. No other errors regarding this request were detected by the Inspection Division.

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To: Inspection From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007 b2
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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS, Room 3041
Attn: NSLB, Room 7947

From: [redacted]
Contact: CDC [redacted]

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Approved By: [redacted]

Drafted By: [redacted] ljb

(U)

Case ID #: ~~(S)~~ 278-IHQ-C1229736-VIO
(U) 278 [redacted] 0015

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

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

(U) ~~(S)~~ **Derived From:** ~~C-3~~
Declassify On: ~~X-1~~

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Details:

(S) 1. [redacted]

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(S) 2. [redacted] a U.S. Person.

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

The Attorney General's Guidelines Provision: Section V.12.

(U) 4. Case Agent at time of incident: SA [redacted]
Supervisor at time of incident: SSA [redacted]

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

(U)

(S)

~~(S)~~ During an audit of the above-mentioned investigation conducted by the Inspection Division on 03/19/2007, it was determined that a National Security Letter (NSL) (dated 06/10/2005) [redacted] was issued to [redacted] requesting telephone subscriber and toll billing records pertaining to an account in the name of the subject's father at the address where the subject resided with his father. The records were requested for the period commencing [redacted] to the date the request was processed. Upon the Inspection Division's review of the records received pursuant to this NSL, it was determined that among those records was a copy of a billing statement for the pertinent account. That statement reflected the company's billing cycle, which began on [redacted] and, consequently, included information for dates prior to the beginning date requested in the NSL (01/01/2005). These records were

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(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

entered into a database and the information retained in the investigative file (1A1). It is noted that the NSL did not have an attachment describing the types of information the carrier might consider a toll billing record.

LEAD(s):

Set Lead 1: (Action)

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(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

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INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2007

To: Inspection
General Counsel

Attn: IIS
Attn: National Security Law Branch
(NSLB)

From: [Redacted]

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Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:epb

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Case ID #: (S) [Redacted] (Pending)
(S) 178-HQ-CI229736-VIO (Pending)

Title: (S) [Redacted]

OO: [Redacted]

Synopsis: ~~(S)~~ To provide information regarding a possible Intelligence Oversight Board (IOB) violation involving captioned investigation.

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

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Details: ~~(S)~~ The following information pertains to a possible IOB violation involving captioned [Redacted] investigation:

- 1) SA [Redacted] - Case Agent
- SSA [Redacted] - former [Redacted] squad [Redacted] Supervisor

- 2) [Redacted]
- 3) [Redacted]

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To: Inspection From: [redacted] b1
Re: (S) [redacted] 03/08/2007 b2
[redacted] b7E

(S)

- 4) U.S. Person
- 5) [redacted]

[redacted]
[redacted]
[redacted] In accordance with the NFIP Manual, Section 2-04, Summary Guidance and Application for Preliminary Investigations, a FCRA request was submitted on 11/08/2004 to [redacted] for header information pursuant to Title 15, U.S.C. §§1681(u).

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- 6) EXPLANATION:

(S) [redacted]
[redacted]
[redacted] On 11/08/2004, case agent submitted a §1681(u) FCRA NSL to [redacted] requesting "the names and addresses of all financial institutions (as defined in Title 12, U.S.C., Section 3401) at which the below-named consumer maintains or has maintained an account". [redacted] responded to the request on or about 12/07/2004, and provided a document captioned "consumer report" for the subject.

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(U)

(S) The case was subsequently closed [redacted]. The information contained in the [redacted] "consumer report" was not used to further the investigation. The information received from [redacted] was not disseminated to anyone.

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(U)

(S) Case agent was not aware at the time that the report provided by [redacted] was a credit report. The discovery was made during a subsequent review of the file. The [redacted] "consumer report" was immediately removed from the captioned file, and sequestered with [redacted] Chief Division Counsel until the issuance of the IOB opinion by the National Security Law Branch (per NSB electronic communication dated 03/05/2007).

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To: Inspection From: [redacted] b1
Re: (S) [redacted] 03/08/2007 b2
b7E

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ Request IIS review the provided communication.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Request NSL2 to take appropriate action as necessary, in response to this potential IOE matter reported by the [redacted] division.

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~~SECRET~~//20320308

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

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b7E
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b7C

From: [redacted]
Squad [redacted]
Contact: SSA [redacted]

Approved By: [redacted]

Drafted By: [redacted] : dh

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

Title: (U) REPORT OF POTENTIAL
IOB MATTER

(U)

Synopsis: ~~(S)~~ To report a possible IOB violation(s) for review
by INSD and OGC.

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: 03/27/2032~~

(U)

Details: ~~(S)~~ During an Inspection Division/IIS National
Security Letter (NSL) Audit of selected [redacted] Division
investigations during the week of March 16, 2007 through March
22, 2007, a possible IOB violation(s) was detected.

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b7E

(S) During a review of file [redacted] it was
determined [redacted]
[redacted] but the opening EC [redacted] did not document the
expiration date.

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(U)

~~(S)~~ Further review of the file indicated
investigative activity occurred until 09/27/02. No activity
occurred until FBIHQ CD-4C requested a case status on 05/06/2003
(S) [redacted] provided a summary EC [redacted] and
closed the investigation [redacted]

(S)

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(S)

(U) While the opening EC did not properly document the
[redacted]

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~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736, (3/27/2007)

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(S)

[redacted]

(S)

[redacted]

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[redacted]

(U) The case agent of this investigation was SA [redacted]
[redacted] The supervisor was [redacted] (retired).

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(U) This possible IOE violation(s) is being submitted for review by INSD and OGC for further action they deem as appropriate.

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~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736, 03/27/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

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b7C

From: [Redacted]
Squad [Redacted]
Contact: SSA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] dh

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

Title: (U) REPORT OF POTENTIAL
IOB MATTER

(U)

~~(S)~~ Synopsis: To report a possible IOB violation for review by INSD and OGC.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 03/27/2032~~

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(U)

~~(S)~~ Details: During an Inspection Division/IIS National Security Letter (NSL) Audit of selected [Redacted] Division investigations during the week of March 16, 2007 through March 22, 2007, a possible IOB violation(s) was detected.

(U)

(S) During a review of file [Redacted] it was discovered the following NSLs maintained in the investigative file did not contain the signature of the SAC, [Redacted]. The serials of the affected NSLs were [Redacted].

~~(S)~~

(U)

~~(S)~~ Further review of the file indicated the corresponding ECs of the cited NSLs were appropriately written and authorized as indicated by the presence of the signatures of the SSA, CDC, ASAC, and SAC. In addition, documentation of the service and return of the results for each NSL indicates the NSLs were properly authorized and signed, otherwise results would not have been forwarded to [Redacted].

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736, 03/27/2007

(S)

[redacted]

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[redacted]

(U) It is the opinion of the [redacted] Division that this was nothing more than a clerical error which has been rectified through appropriate training provided to the squad SST.

(U) The case agent of this investigation was SA [redacted]
[redacted] The supervisor was [redacted]

b6
b7C

(U) This possible IOB violation(s) is being submitted for review by INSD and OGC for further action they deem as appropriate.

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To: Inspection From: [REDACTED] b2
Re: (U) 278-HQ-C1229736, 03/27/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2 Date: 03/29/2007

To: Inspection b7E
General Counsel b6 Attn: IIS, Room 11361
b7C Attn: NSLB, Room 7975

[Redacted]

Attn: ASAC Counterintelligence
CDC [Redacted]

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :jgc

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(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
~~(S)~~ 62F-[Redacted]-A89455-TOB

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

Synopsis: (U) To report possible IOB error.

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(U)

~~(S)~~

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] is considered a U.S. Person.

(U)

~~(S)~~ 3. Possible IOB Error: E-mail content provided.

(S) [Redacted]

(U)

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

(U) ~~(S)~~ On 02/02/2007, a National Security Letter (NSL) requesting the name, address, length of service, and electronic communication transactional records, to include existing transaction/activity logs and all email header information (not to

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

(S)

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include message content and/or subject fields), for the address holder of [redacted] From [redacted] [redacted] was prepared and approved in accordance with the Attorney General Guidelines. The NSL was served by the [redacted] Division and on 02/13/2007. On instant date, [redacted] received the results of the NSL on one compact disc labeled [redacted] NSL 02/02/2007.

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(U) ~~(S)~~ A review of the results of the NSL, on instant date, revealed that [redacted] supplied what the case agent determined to be message content and/or subject fields. [redacted]

[redacted] followed by information indicative of correspondence subject matter. This information was not utilized by the case agent in any analysis nor was it documented in the case file.

(U)

~~(S)~~ [redacted] Division Counsel was contacted on instant date and advised of the problem. Case agent informed [redacted] Division Counsel that the material deemed to be email content information was deleted from the aforementioned materials and an electronic/soft copy was retained for use by the case agent. Consequently, a redacted version of the NSL results will be utilized for analysis and documentation purposes. [redacted] Division Counsel was provided the original compact disc and intended to sequester the item while awaiting General Council's review of this matter.

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(U)

~~(S)~~ Also, on instant date, case agent contacted the [redacted] [redacted] Division and encouraged that a resolution be sought to avoid similar problems in the future.

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/26/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]:hlm

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

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(U) Title: (U) POTENTIAL INTELLIGENCE OVERSIGHT BOARD (TOP) MATTER

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

~~(S)~~ Derived From: FBI SCG-3, January 1997
Declassify On: 03/26/2032

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a non-U.S. Person.

(U) ~~(S)~~ 3. Possible IOB Error: A carrier providing information beyond the scope of an NSL resulting in the unintentional acquisition of data. b1 b4 b7D b6

(U) ~~(S)~~ The Attorney General's Guidelines Provision: None. b7C b7A

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

(U) ~~(S)~~ On 03/16/2007 it was discovered that on 09/20/2006, pursuant to an authorized FBI NSL, [Redacted] provided financial information about [Redacted] starting from [Redacted] which preceded the specified time period in the NSL, [Redacted] to the Present". b2 b7E

(S) [Redacted]

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/26/2007

(S)

[REDACTED] The additional records were not used for further investigative purposes and were sequestered and remain in the Chief Division Council's office pending resolution of this matter.

b1

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To: Inspection From: [REDACTED] b2
(U) Re: ~~(S)~~ 273-HQ-C1229736-VIO, 03/26/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

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From:

Contact: SA

Approved By:

b6
b7C

Drafted By:

jag

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 03/23/2017~~

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Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Enclosure(s): (S) 1A envelope under investigation containing report dated November 14, 2006.

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(U)

Details: (S) On March 28, 2007, SA [redacted] was informed by his supervisor, SSA [redacted] of a potential IOB matter related to a counterintelligence investigation

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(S)

entitled [redacted] is a U.S. Person.

(S) [redacted]
The case was initiated under the Attorney General Guidelines Section Part II.B.1.d: "An individual, group, or organization is or may be engaging, or has or may have engaged, in activities constituting a threat to the national security (or

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

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related preparatory or support activities) for or on behalf of a foreign power."

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(U) ~~(S)~~ The facts giving rise to a potential ICE matter occurred on or about November 16, 2006, when the [redacted] Field Office received a response to a National Security Letter (NSL) from [redacted] in [redacted]. The NSL giving rise to this response was issued by [redacted] and dated October 10, 2006. The NSL requested the names and addresses of financial institutions at which subject [redacted] maintained an account (i.e., a 1681u(a) report).

(U) ~~(S)~~ In response to the referenced NSL, [redacted] produced a three-page standard report dated November 14, 2006. This record appears to be a standard-form [redacted] credit report. The individual processing [redacted] response to [redacted] NSL redacted all relevant portions of the report produced to the FBI. However, the redaction was accomplished by marking over certain information with a black marker, which allowed certain information under the markings to be readable.

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(U) ~~(S)~~ The information [redacted] attempted to redact includes account numbers, dates of account opening and closing, account balances, etc. The names of the financial institutions and their addresses was not redacted. The standard-form [redacted] report, bearing the referenced redactions, was enclosed in a 1A envelope and filed in [redacted].

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(S) ~~(U)~~ Per the advice of the [redacted] CDC's office, the referenced 1A envelope and [redacted] report bearing the redactions is enclosed herein for purposes of sequestering the information.

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To: Inspection From: [REDACTED] b2
Re: (U) 278-HQ-C1229736-VIO, 03/29/2007 b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Action)

GENERAL COUNSEL

AT NSLE

(U) General Counsel, NSLE, is requested to review this matter and provide guidance as to the disposition of the matter.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/14/2007

To: Inspection Division b2
General Counsel b7E **Attn:** Internal Investigations Section
Counterintelligence b6 **Attn:** NSLR
[Redacted] b7C **Attn:** CD-3C
[Redacted] **Attn:** SA [Redacted]

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :lgw

Case ID #: (U) 078-HQ-C1229736-VIO
(U) [Redacted] (Pending)

Title: (U) REPORT OF A POTENTIAL IOB MATTER
(S) [Redacted]

Synopsis: (U) To report a Potential Intelligence Oversight Board (PIOB) violation.

(U) ~~Derived From : FBI SCG-3~~
~~Declassify On: 03/14/2032~~

(U) (S) ~~(U)~~ [Redacted] (NONUSPER)

(S) **Details:** (S) The substantive investigation in which the PIOB may have occurred to [Redacted] investigation [Redacted] investigation is Special Agent [Redacted] Special Agent [Redacted] supervisor is Supervisory Special Agent [Redacted] The case agent for this investigation at the time of the PIOB violation was Special Agent [Redacted] Special Agent [Redacted] supervisor was Supervisory Special Agent [Redacted]

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To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/14/2007

(S) [redacted] is a Non-United States Person. [redacted]

(S) [redacted] This investigation was initiated as [redacted] and FEIHQ was notified of [redacted] continuance of this investigation on [redacted] This current status of this investigation is Pending.

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(S) (U) On 03/09/2007, in preparation for a routine file review and possible subject interview SA [redacted] reviewed the case file of [redacted] investigation [redacted] This review identified that a National Security Letter (NSL) and corresponding electronic communication (EC) had been prepared, approved, and delivered for subscriber and toll records. The EC requested approval to acquire information on telephone number [redacted] a telephone number associated to [redacted] This EC was dated 02/25/2005 and is documented as [redacted] The NSL delivered to the electronic communications service provider [redacted] however, requested information on telephone number [redacted] This NSL was dated 03/25/2005 and is documented as [redacted] [redacted] communications provided the subscriber information requested by the FBI, but indicated that no toll records for this telephone number were available. This information was documented in an EC dated 06/20/2005 and maintained as [redacted]

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(S) (U) A review of the case file was conducted by SA [redacted] SA [redacted] and Investigative Support Specialist [redacted] in order to determine if there was any relationship between telephone number [redacted] No relationship was identified. It was the consensus of SA [redacted] and SA [redacted] that the NSL to [redacted] requesting subscriber and toll information for telephone number [redacted] was a mistake, and that the request should have been for subscriber and toll information for telephone number [redacted]

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(U) On 03/12/2007, SA [redacted] contacted [redacted] Chief Division Counsel [redacted] and explained the NSL discrepancy. CDC [redacted] informed SA [redacted] that this was a PIOB and advised SA [redacted] to notify his supervisor. SA [redacted] notified SSA [redacted] of the PIOB on 03/13/2007.

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To: Inspection Division From: b2
Re: (U) 278-HQ-C1229736-VIO, 03/14/2007 b7E

(U) No Foreign Intelligence Surveillance Act requests have been made as part of this investigation.

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To: Inspection Division From:
Re: (U) 278-HQ-C1229736-VTO, 03/14/2007

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LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) At CD-3C, read and clear.

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~~SECRET~~//20320314

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-12-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-12-2032

(Rev. 01-31-2003)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection Division
General Counsel
Counterintelligence

Attn: Internal Investigations Section
NSLE
CD-3C

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From: [Redacted]
Squad [Redacted]
Contact: SA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]:mrs

Case ID #: (U) 278 HQ-61229736-VIO
(S) ~~(U)~~ [Redacted] (Closed)

Title: (U) REPORT OF A POTENTIAL IOB MATTER
(S) [Redacted]

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Synopsis: (U) To report a Potential Intelligence Oversight Board (PIOB) violation.

(U) ~~Derived From : FBI SCG-3~~
~~Declassify On: 03/27/2032~~

(S) ~~(U)~~ [Redacted] (NON-USPER).

Reference: (S) [Redacted]
(S) [Redacted]
(S) [Redacted]

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b2
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To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/27/2007

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(U)

~~(S)~~ Details: (S) The substantive investigation in which the PIOB may have occurred is [redacted] investigation [redacted] (Closed), captioned [redacted]. The current case agent for this investigation is Special Agent [redacted]. Special Agent [redacted] supervisor is Supervisory Special Agent [redacted].

(S) (S)

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(S)

~~(S)~~ On 03/18/2007, Inspector SSA [redacted] identified a PIOB that may have occurred in [redacted] for case [redacted]. However, upon further review of the case file by SA [redacted] it was determined that the PIOB actually may have occurred in [redacted].

(S)

(U)

~~(S)~~ On 02/07/2006, Financial records were received from [redacted] for the above captioned case pursuant to an approved National Security Letter (NSL) 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, October 26, 2001).

(U)

~~(S)~~ In the above referenced NSL, FBI [redacted] requested financial records from inception to present for [redacted]. However, [redacted] was unable to locate any information on [redacted] and provided screen prints to FBI [redacted] of the searches that were performed. Those screen prints contained the names, account numbers, phone numbers, and addresses of individuals that were outside the scope of the approved NSL. Furthermore, the screen prints were placed into the case file and not returned to [redacted] or destroyed.

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~~(S)~~ Analysis of the information provided by [redacted] was performed by SA [redacted] on 02/22/2006. The analysis is located at [redacted] and does not utilize the information provided by [redacted] that was outside the scope of the approved NSL.

(S)

(U)

~~(S)~~ FBI [redacted] requests direction from the appropriate authority on the disposition of those records (screen prints) that fall outside the scope of the approved NSL.

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To: Inspection Division From: [REDACTED] b2
Re: (U) 278-HQ-C1229736-VIO, 03/27/2007 b7E

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) At CD-3C, read and clear.

◆◆

~~SECRET~~//20320327

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel

Attn: IIS
Room 11861
Attn: NSLB
Room 7975

From: [Redacted] Chief Division Counsel

Contact: [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]:kag

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

(U) Title: (U) Intelligence Oversight Board (IOE)

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Synopsis: (S) To report possible IOB error.

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

Details: (S) 1. [Redacted]

[Redacted]

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

(U) ~~(S)~~ 3. Description of potential IOB error: [Redacted]

[Redacted] provided telephone toll records for telephone number [Redacted] which [Redacted] had reason to believe belonged to or was used by [Redacted] at the time the NSL was served. However, upon review of the return from [Redacted] the [Redacted] Division discovered the subscriber is not associated with [Redacted]. Therefore, [Redacted] did not enter the return into FBI databases, but has sealed the over-collection.

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(S)

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To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/28/2007

(U)

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

(U)

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

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(U)

~~(S)~~ 6. Due to the fact that this over-collection was identified prior to any information being entered into FBI databases, SAC [REDACTED] recommends no administrative action be taken regarding this matter.

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b7E~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 078-HQ-C1229736-VIO, 03/28/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLR, Room 7975

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From: [Redacted]
Squad [Redacted]
Contact: [Redacted]

Approved By: Fogle Toni Mari
[Redacted]

Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

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

~~(S)~~ Derived From : FBI SCG#3
Declassify On: 03/27/2032

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

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

(S) [Redacted]

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

~~(S)~~ On 08/08/2004, [Redacted] issued a National Security Letter (NSL) pertaining to subject, requesting financial records from [Redacted] for the time period [Redacted] to [Redacted]. By EC dated 09/27/2005, [Redacted] returned results of this request to [Redacted]. Upon review of the results during the NSL audit conducted on 03/20/2007, SSA [Redacted] Division, noted an unintentional over collection in that records were provided unsolicited by [Redacted] to include the period ending 08/11/2005. [Redacted] will issue an additional NSL to [Redacted] to include the information furnished during the over collection period.

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/27/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

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From: [redacted]

Sq [redacted]

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]:nmh

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

Title: (U) REPORT OF POTENTIAL IOB MATTER

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

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

(S)

Enclosure(s): For [redacted] CDC, an envelope containing one page from a charge card account and a complete set of account statements which were provided erroneously by [redacted] to the FBI by the bank pursuant to an NSL request.

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Details:

(S) 1. [redacted]

(S) 2. [redacted] a U.S. Person.

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

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

~~(S)~~ Possible IOB violation involving SA [redacted] SA [redacted] is supervised by SSA [redacted] of the [redacted] JTTF.

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~~SECRET~~

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/17/2007

(S) Upon review of bank records requested via NSL, SA [redacted] discovered a possible over-collection of financial data. [redacted] of this case is an NSL addressed to [redacted] for financial records related to the subject. The NSL requests all records from [redacted] to the present for [redacted]

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(S) In response to the NSL, [redacted] provided copies of [redacted] [redacted] The first monthly statement for this account contained a list of transactions which occurred outside of the date range requested in the NSL. Included on this statement were transactions from [redacted] to [redacted] The writer physically removed the one monthly statement with the offending transactions from the documents provided by [redacted] and provided it to the [redacted] CDC for storage.

(U)

(S) Additionally, [redacted] provided [redacted] records for [redacted] [redacted] is the wife of the subject. These records were not requested in the NSL. These records were provided to the [redacted] CDC for storage.

(U) ~~(S)~~ [redacted] considers this potential IOB matter resolved.

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(U)

From: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/17/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-12-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-12-2032

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE b2
b7E Date: 03/22/2007

To: [Redacted] b6
b7C Attn: SAC
ASA [Redacted]
SSA [Redacted]
SA [Redacted]
SA [Redacted]
CDC
Counterintelligence Attn: CD-1
Inspection Attn: IIS, [Redacted]

From: Office of the General Counsel
NSL/CILU/Room 7947
Contact: [Redacted]

Approved By: Thomas Julie F [Redacted] b6
b7C

Drafted By: [Redacted]: smt

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

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

(U) Synopsis: ~~(S)~~ The [Redacted] Field Office [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this electronic communication (EC) should be maintained in the control file for periodic review by Counsel to the IOB.

(U) (U) ~~Derived From : G-3~~
~~Declassify On: 03/21/2032~~

Administrative: ~~(S)~~ This EC contains information from the EC dated 2/21/2007 from [Redacted] to OGC reporting a potential IOB matter, a phone conversation between author and SSA [Redacted] on 3/13/2007 and an email dated 3/15/2007 from SA [Redacted]

[Redacted] (S) Reference: ~~(S)~~ [Redacted]

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 03/22/2007

(U)

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~~(S)~~ Details: (S) By EC dated 2/21/2007, [redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB.¹ [redacted] initiated a

(S)

[redacted] a non-U.S. person. As part of its investigation, [redacted] sought transactional information pursuant to 18 U.S.C. §2709 for telephone number [redacted] which [redacted] had reason to believe was used by [redacted]. A National Security Letter (NSL) was prepared by [redacted] and served on [redacted] via NSL dated 5/17/2004. The NSL requested the "name, address, length of service, and local and long distance toll billing records associated with [redacted]" (emphasis added)

(S)

(S)

(U)

~~(S)~~ Upon review of the documents provided to [redacted] in July 2004, it was learned that the information provided, pursuant to the NSL, included information concerning an associated telephone number. [redacted] reported that they did not upload nor analyze the results for the associated number because the association alone was the immediate intelligence value and thus there was no further reason to upload the information at that time.

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~~(S)~~ The association was the fact that both numbers were subscribed to by the same individual. Thereafter, since the associated number was provided in the same report as the requested number, the entire report was placed in the file. [redacted] determination at the time was that since the additional number was clearly "associated" with the requested number, the acquisition of this information was entirely lawful and therefore no further action was necessary (i.e. reporting or sequestering).²

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~~(S)~~ Thereafter, the Department of Justice, Office of the Inspector General (OIG) conducted an NSL audit between June 19-30, 2006. The audit called into question the acquisition of the associated number. At that time, [redacted] discussed

¹It should be noted that this submission was at the request of OGC in response to the OIG report on the FBI's use of national security letters wherein they reference 22 instances where they thought a potential IOB submission was in order. As discussed infra, [redacted] was not otherwise required to submit a potential IOB EC to OGC.

²Since that time, on 3/13/2007, author advised [redacted] to sequester the records, out of an abundance of caution.

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 03/22/2007

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this with the OIG "during which it was agreed that the second telephone number was associated with the subject telephone number."³

(U) The plain language and legislative history of §2709 supports the position that the FBI is permitted to acquire information on associated numbers attributable to the same account. The plain language of §2709 allows the FBI to "request . . . toll billing records of a person." (emphasis added) Thereby allowing the FBI to acquire the records for all numbers subscribed to by the "person." Additionally, the legislative history of §2709 defines "toll billing records" and states:

As used in this section, toll billing records consist of information maintained by a wire or electronic communication service provider identifying the telephone numbers called from a particular phone or attributable to a particular account for which a communication service provider might charge a service fee. H.R. REP. 103-46, 1993 U.S.C.C.A.N. 1913. (emphasis added)

(U) Read together, §2709 and its legislative history clearly contemplate the acquisition of "associated" numbers. The use of the word "person" by Congress in section 2709 indicates that it did not seek to limit the acquisition of records to a particular number. The legislative history itself supports this interpretation by defining "toll billing records" as numbers called "from a particular phone" or "attributable to a particular account." Thus, Congress seemingly contemplated that a single subscriber ("person") might have multiply numbers in his/her name.

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(S) Here, [redacted] had reason to believe that [redacted] was used by the subject of an open investigation, thereby making the number relevant to said investigation as required by statute. As a result, [redacted] issued an NSL requesting the "name, address, length of service, and local and long distance toll billing records associated with [redacted]" (emphasis added)

(S)
(S)

In response, [redacted] provided [redacted] with the subscriber name and toll records for [redacted]

(S) [redacted] 3HQ from [redacted] to General Counsel dated 2/21/2007 [redacted]

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To: [REDACTED] From: Office of the General Counsel b2
 Re: (U) 278-HQ-C1E29736-VIO, 03/12/2007 b7E

(S)

[REDACTED] as well as the toll records for the other number subscribed to by the subscriber (i.e. the "associated" number). b2

(U) To prohibit the acquisition of this information would not only contravene the plain language and legislative history of §2709, but would also impede investigations by limiting the information that can be lawfully obtained.

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(U)

~~(S)~~ Moreover, although released after the acquisition of information in this case, the official OGC IOF guidance released on 11/16/2006 is instructive. This guidance does not require reporting in the situation at hand and states in relevant part ". . . conduct that must be reported as potential IOB violations" include situations where, "[A] carrier providing information beyond the scope of the FISC order or other relevant legal authority resulting in the unintentional acquisition of data." This, however, is inapposite to the situation at hand. Here, as discussed above, the associated number was not "beyond the scope of the . . . relevant legal authority," nor did it result in the "unintentional acquisition of data," because the NSL expressly requested "associated" records. Therefore, there was neither a carrier error nor an unlawful request.

(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 IOE "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,

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To: [REDACTED] From: Office of the General Counsel
 Re: (U) 278-HQ-C1229736-VIO, 03/12/2007

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 (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ In the instant case, the collection of information in July 2004 by the FBI was lawful. The plain language of §2709 and the accompanying legislative history allow for the acquisition of records for multiple numbers attributable to the same account. Here, both the requested number and the associated number were attributed to the same account and were relevant to an ongoing investigation. In fact, [REDACTED] had open investigations on all three individuals (the user of the requested number, the user of the associated number, and the subscriber).

(U) ~~(S)~~ Therefore, the acquisition of toll records for the associated number was entirely lawful and did not require reporting to OGC and subsequently does not need to be reported to the IOB.

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/22/2007

LEAD (s) :

Set Lead 1: (Info)

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[redacted]

AT [redacted]

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(S)

(U) The records received pursuant to the 5/17/2004 NSL request pertaining to [redacted] and the associated number, do not require further sequestration and can be analyzed and uploaded as appropriate per logical investigation.

(U) In addition, [redacted] is advised to include the attachment (found on the OGC/NSL website) along with every NSL sent to each carrier.

Set Lead 2: (Info)

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INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

- cc: 1- Ms. Thomas
- 1- [redacted]
- 1- [redacted]
- 1- IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2007

To: [Redacted]

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Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS IV, Team 15

Inspection

Attn: IIS

From: General Counsel
NSLB/CTLU I

Contact: [Redacted]

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Approved By: Thomas Julie E
[Redacted]

(U)

Drafted By: [Redacted] :jpd

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIC (Pending)

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(U)

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

(U)

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

(U)

~~(S)~~ **Derived From :** G-3
Declassify On: 02/26/2032

(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2113

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Details: (S) [Redacted]

a U.S. Person.

Pursuant to this investigation, a National Security Letter (NSL,) in accordance with 18 U.S.C. §2709, was issued requesting subscriber information, transactional logs, and e-mail header information. The response to this NSL was received on

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(U)

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

10/17/2006. As a result of being the only individual assigned to this case, the case agent prioritized review of the take, focusing first on the subscriber information and transactional logs. On 01/16/2007, the case agent reviewed the header information, which had been placed in a 1-A envelope. During this review, the case agent noticed that a subject line was included in the e-mail header information, despite the fact that the NSL specifically noted that message content and subject fields should not be included.

(U)

~~(S)~~ It should be noted that, upon discovery of this information, the case agent immediately sequestered the original and a copy that had been made of the original and notified the CDC as soon as practicable. The CDC has sequestered the improperly provided records. No improper information was entered into ACS.

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

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

(U)

~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers

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(U)

To: [REDACTED] From: Office of the General Counsel
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/16/2007

(Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, section V.12.

(U)

~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL seeking electronic communication transactional records from [REDACTED]. The NSL specifically directed that the response should not include message content or subject fields in its response. Despite this direction, an error on the part of [REDACTED] resulted in unintentional acquisition of content information. The FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive.

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(U)

~~(S)~~ Based on our analysis, the carrier's mistake is a third party error. Therefore, this matter, while reportable to FBI's OGC, does not have to be reported to the IOB as per the agreement between the IOB and FBI regarding reporting requirements for third party errors. This agreement is memorialized in a letter from Darlene Connelly, General Counsel, IOB, to Julie Thomas, Deputy General Counsel, NSLE, FBI, dated November 13, 2006.

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

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To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 273-HQ-C1229736-VIO, 02/26/2007

LEAD(s) :

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Set Lead 1: (Action)

[redacted]

AT

[redacted]

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

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

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

cc:

Ms. Thomas

[redacted]

IOE Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/26/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

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From: [Redacted]

Squad [Redacted]
Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:cas

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(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10 (Pending)
~~(S)~~ 278-[Redacted]-C45386 (Pending)
~~(S)~~ [Redacted] (Closed)

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

(U) Synopsis: ~~(S)~~ To report one possible IOB error for over collection of information.

(U) ~~(S)~~ Derived From : G-3
Declassify On: March 26, 2017

Details:

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(S) 1. [Redacted]

(S) 2. [Redacted] a US Person.

(U) ~~(S)~~ 3. Possible IOB Error: Over collection of information

(S) [Redacted]

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

(U) ~~(S)~~ This EC addresses one potential IOB error involving over collection of information provided pursuant to National Security Letter (NSL).

(S) An NSL dated 3/31/2004 was served on [Redacted] [Redacted] seeking telephone subscriber information as well as toll

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

billing records pursuant to 18 USC §8709. The NSL requested records between [REDACTED] [REDACTED] provided relevant records for approximately one month prior to the dates requested. Because this investigation is closed, a new NSL cannot be issued to cover the over collection, although the information is relevant to the captioned investigation. [REDACTED] will await direction from NSLE regarding this possible IOE error.

(U) ~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

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(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/26/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]

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Contact: SA [Redacted]

Approved By: [Redacted]

(U) Drafted By: [Redacted] jmp

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Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
~~(S)~~ 278-[Redacted]-C63856-VIO

Title: (U) REPORT OF A POTENTIAL IOB MATTER

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

(U) ~~(S)~~ Derived From : G-3
~~(S)~~ Declassify On: 03/20/2032

Details:

(S) 1. [Redacted]

(U) (S) 2. [Redacted] a non-U.S. Person.

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

(U) (S) [Redacted]

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

(U) ~~(S)~~ On or about 03/15/2007, an internal audit of the above listed case file revealed a possible IOB violation regarding bank records received as a result of a properly issued National Security Letter. An NSL dated 06/13/2005 requesting all financial records pertaining to [Redacted] from [Redacted] through [Redacted]

(S) [Redacted] was served by the [Redacted] Division on [Redacted] at [Redacted]

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/20/2007

(U)

~~(S)~~ On 09/15/2005, the results of the NSL were returned to the previous case agent, SA [redacted]. Included in the return was a memo on [redacted] letterhead, signed by [redacted] Legal Order Processing, identifying the provided documents as a signature card and bank statements for the period covering [redacted]. This NSL return information contained an overproduction of records dated [redacted] as well as [redacted]. Pursuant to the internal audit and case review, and upon recognition of the over collection and potential IOB violation resulting from overproduction by [redacted] SSA [redacted] instructed the current case agent, SA [redacted] to sequester the records dated [redacted]. These over collected records were sequestered on 03/19/2007, sealed in an envelope by SA [redacted] and forwarded to the [redacted] CDC, until further guidance is received from the Office of General Counsel.

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To: Inspection From:
Re: ~~(U)~~ 278-HQ-C1229736-VIO, 03/10/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/12/2007

To: [Redacted]

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Attn: SAC
CDC

Counterterrorism
Inspection

Attn: ITOS1, CONUS 1, Team 2
Attn: IIS

From: Office of General Counsel
NSL/CTLU T

Contact: [Redacted]

Approved By: Thomas Julie F

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Drafted By: [Redacted]: lbc

(U)

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

(U)

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

(U)

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

(U)

~~(S)~~ **Derived From :** G-3
Declassify On: 03/12/2032

(U)

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

(U)

Details: ~~(S)~~ By electronic communication ("EC") dated February 16, 2007, the [Redacted] Division [Redacted] reported a potential IOB error in conjunction with its ongoing

(S)

[Redacted] a United States Person as that term is defined in the Attorney General's Guidelines for FBI National Security

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

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(U) Investigations and Foreign Intelligence Collection ("NSIG" or "the Guidelines").¹

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

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

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community Components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was

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

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(U)

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

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known as the President's Intelligence Oversight Board ("PIOB"). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U)

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

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(U)

~~(S)~~ In this instance, [REDACTED] properly served an NSL requesting subscriber toll billing records relevant to the subject of a [REDACTED] investigation. Though no fault of the FBI or [REDACTED] the NSL only listed the telephone number, therefore [REDACTED] provided [REDACTED] with records beyond the scope of the NSL.

(U)

~~(S)~~ Based on our analysis, the over collection of toll billing records was not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. The FBI adequately verified, prior to issuing the NSL, via [REDACTED] telephone application that he was in use of the telephone number listed on the NSL. There is no requirement that the subscriber's name must be listed on the NSL for obtaining toll billing records.

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(U)

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

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

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

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To: [redacted] From: Office of General Counsel
Re: [redacted] 278-HQ-C1229736-VIO, 03/12/2007

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LEAD(s) :

Set Lead 1: (Action)

[redacted]

AT [redacted]

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

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

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

cc: Ms. Thomas [redacted] b6
IOE Library [redacted] b7C

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FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/27/2007

To: Inspection
General Counsel
Counterterrorism

Attn: IIS
Attn: NSLE
Attn: ITOS II

[Redacted]

From:

[Redacted]

Contact: SA

[Redacted]

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Approved By:

[Redacted]

Drafted By:

[Redacted]:am

(U)

Case ID #:

(S) [Redacted] (Pending)
(S) 178-HQ-C1229736-VIO (Pending)

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Title:

(S)

[Redacted]

(U)

Report of a Potential IOE Matter

(S)

SA [Redacted] SSA [Redacted]

Synopsis: (U) Report of potential Intelligence Oversight Board (IOE) Matter in accordance with Section 2-56 of the NFIPM.

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~~(S)~~

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

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~~(U)~~ [Redacted] (USPER)

Not an

Details: (U) In accordance with section 2-56 of the National Foreign Intelligence Program Manual, [Redacted] is submitting documentation of a potential Intelligence Oversight Board Matter.

(S)

[Redacted]

[Redacted]

This

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To: Inspection From: [redacted]
Re: (S) [redacted] 03/27/2007

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[redacted]

(S)

It was surmised that [redacted]

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[redacted] was referenced multiple times in ACS: 66F-
HQ-02-330523, 66F-HQ-01330553, [redacted]

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[redacted]

(U)

(S)

(S) On 08/02/2005, the writer drafted and submitted a
National Security Letter (NSL) to [redacted]
[redacted] for the financial records of [redacted]
[redacted] according to 18 USC, Title 2709. This was the incorrect
statute to reference (Title 2709 relates to telephone and e-mail
records from telephone companies and internet service providers).
The request should have referenced 12 USC, Title 3414 which
pertains to financial records.

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(S) Financial records for [redacted] were
provided to the Case Agent on 09/01/2006 and submitted to the
case file.

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(U) In conclusion, during March 2007 FBIHQ [redacted] NSL
audit it was determined that the aforementioned NSL to [redacted]
[redacted] referenced the incorrect statute as the justification for
a financial records request. This EC is provided to notify the
NSLE of the writer's incorrect citation as the justification for
a financial records request. This notification falls within the
mandatary 14 days reporting requirement of the NEIPM.

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To: Inspection From: [redacted]
Re: (S) [redacted] 03/27/2007

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LEAD (s) :

Set Lead 1: (Action)

INSPECTION

(U) AT WASHINGTON, DC

~~(S)~~ For Internal Investigation Section (IIS): Request IIS open a IOS file and assign a control number for reported possible IOF violation.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

COUNTERTERRORISM

AT WASHINGTON DC

(U) For ITOS [redacted] For information.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/23/2007

To: Inspection

Attn: IIS

General Counsel

Attn: NSLB

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From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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(U) Drafted By: [Redacted]:gaf

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

(U) Title: ~~(S)~~ REPORT OF A POTENTIAL IOB MATTER

(S) [Redacted]

(U) Synopsis: ~~(S)~~ Document the acquisition of non-relevant telephone subscriber and toll record information collected via a National Security Letter. Report potential IOE matter.

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736 Serial 2570

Details: (U) The case agent for the above captioned case is SA [Redacted] FBI [Redacted]. The relevant supervisor is SSA [Redacted] FBI [Redacted]. The above captioned subject is a US Person.

(S) [Redacted]

[Redacted] a naturalized USPER, was authorized in accordance with US Attorney General Guidelines on 01/03/2007 based on information developed [Redacted]

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007

(S) [redacted] Investigation conducted in the [redacted] revealed extensive telephonic contact between telephone numbers

(S) associated with [redacted] Toll records belonging to [redacted] obtained via National Security

(S) Letters (NSL). Both revealed contact with telephone number [redacted]

(S) [redacted] as the subscriber to said telephone number [redacted]

(S) revealed that [redacted]

[redacted] (See [redacted])

(S/NF) [redacted]

[redacted]

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(S) [redacted]

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(U) ~~(S)~~ A check of [redacted] revealed 416 listed activities for target telephone number. A total of 409 entries were listed in case file [redacted]

(S) [redacted]

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007

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[redacted]

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[redacted]

(U) A check of [redacted] listed all potential subscribers to telephone number [redacted]

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[redacted]

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(U) [redacted] specifically listed [redacted]

[redacted]

at the following addresses:

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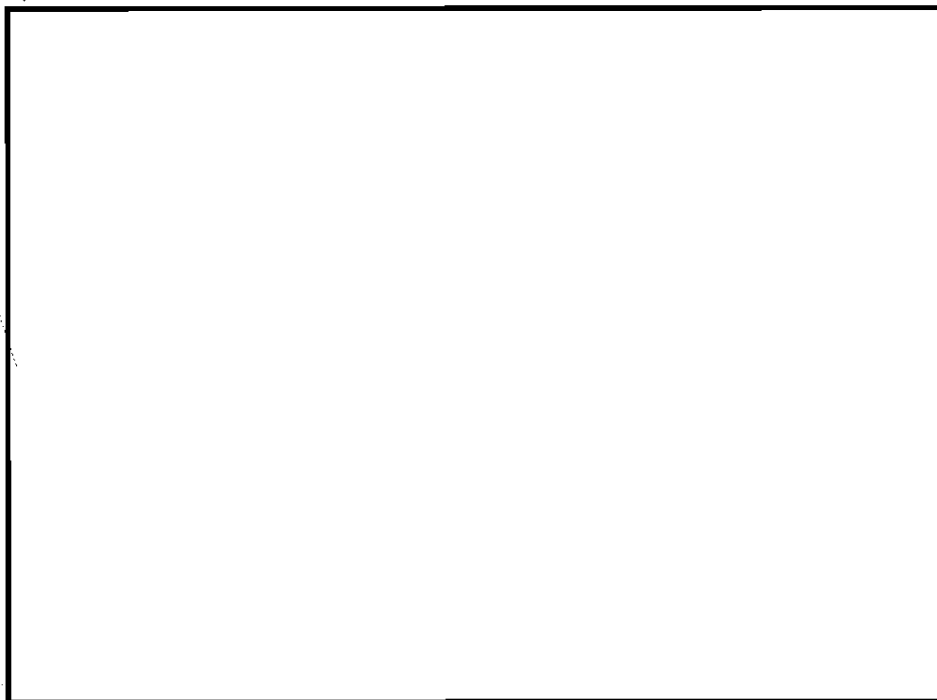
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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 078-HQ-C1229736, 03/23/2007

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(U)

(S) ~~(S)~~ Based on the aforementioned background checks, an NSL dated 02/13/2007 for telephone number [redacted] was served to [redacted] c/o [redacted] requesting subscriber information and toll records from [redacted] through the date of receipt. [redacted] revealed that telephone number [redacted] was in contact with a telephone number [redacted] subscribed to [redacted] times between [redacted], a time period included in the NSL request. The [redacted] and [redacted] checks indicated that [redacted] was still associated with the target telephone number as of [redacted] respectively. Furthermore, [redacted] had not bothered to update his contact data with [redacted] when the subscriber check was conducted. Therefore, it was reasonable to believe [redacted] would still be the subscriber to telephone number [redacted]

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(S) [redacted]
(U) ~~(S)~~ The NSL results provided by [redacted] for telephone number [redacted] were received in [redacted] via FedEx on 03/19/2007. The results revealed that telephone number [redacted] belonged to [redacted] from [redacted] therefore, no subscriber information or toll records were available for that period. The latter date was apparently a termination date because no subscriber information or toll records were available from [redacted] either. This

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007

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(S) four month gap was believed to be a period in which telephone number [redacted] was not assigned to any subscriber. The information provided by [redacted] further revealed that a female, who appears to be unrelated to [redacted] is the current subscriber to telephone number [redacted]. Her service initiated on [redacted].

(S)
(S)

(U) [redacted] also provided monthly billing invoices from [redacted] to [redacted] for telephone number [redacted] encompassing the period in which this other person has been the subscriber. These [redacted] billing invoices [redacted]. The [redacted] billing invoices have been sequestered and forwarded to the [redacted] CDC pending further disposition.

(S)

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(U) The subscriber information associated with the fully identified non-subject subscriber was not indexed into FBI data bases and the toll record call activity associated with this non-subject subscriber was not uploaded [redacted].

[redacted] Any questions regarding this matter can be addressed to SSA [redacted] requests OGC provide feedback regarding approval for destruction of the sequestered non-pertinent records.

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To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736, 03/23/2007

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LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 2: (Action)

GENERAL CONSUL

AT WASHINGTON, DC

(U) [redacted] requests OGC provide feedback regarding approval for destruction of the sequestered non-pertinent records.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2 **Date:** 03/07/2007
To: [Redacted] b7E **Attn:** CT-1
b6
Counterterrorism b7C **Attn:** ITOS 1/CONUS 2/Team 7
Inspection **Attn:** Internal Investigative
Section
Attn: [Redacted] Rm. 11865

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

Approved By: Thomas Julie F
[Redacted]

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(U) **Drafted By:** [Redacted] : afm

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

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

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

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

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

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

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

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(U) Details: ~~(S)~~ By electronic communication (EC) dated February 23, 2007, referenced above,¹ the [redacted] Division [redacted] reported a possible IOB error in conjunction with its [redacted]

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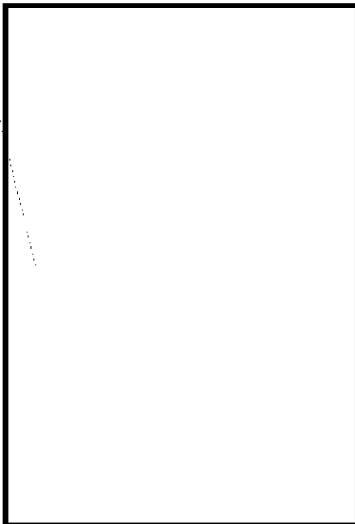
(S)

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

(U) ~~(S)~~ The NSL issued by [redacted] on December 21, 2004³ requested that [redacted] provide subscriber information for the following phone numbers:

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~~(S)~~ Thereafter, on December 29, 2004, [redacted] issued another NSL to [redacted] requesting subscriber information for [redacted] telephone number [redacted]. See, [redacted] [redacted] Both NSL's were properly issued in connection with an [redacted]

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

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(S) ² (U) [redacted] EC.



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

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authorized national security [redacted] EC.

See,

(U)

[redacted] provided two separate sets of responses to the December 21 and December 29, 2004 NSL's. [redacted] maintained these records in [redacted]

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(S)

On March 3, 2005, the [redacted] case agent drafted an EC documenting the subscribed pursuant to the December 21, 2004 NSL.

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

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[redacted]

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[redacted] Although the EC erroneously stated that subscriber information for telephone number [redacted] was obtained pursuant to the December 21, 2004 NSL, this does not constitute an IOE violation. As set forth above, an NSL requesting subscriber information for this telephone number was properly issued to [redacted] on December 29, 2004. The drafter of the EC inadvertently attributed the subscriber results for telephone number [redacted] to the December 21, 2004 NSL, as opposed to the December 29, 2004 NSL. Both NSL's were issued in relation to an ongoing counterterrorism investigation. The provider, [redacted] did not furnish subscriber information that fell outside the parameters of the NSL's. Therefore, no over-collection occurred. The mistake, if any, occurred in drafting a routine EC documenting NSL results.

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(U)

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

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(U)

~~SECRET~~

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

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(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community Components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was 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 NSICs, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." In this instance, the subject NSL's were properly issued in relation to an ongoing counterterrorism investigation. The provider did not exceed the parameters of the NSL's when furnishing the requested telephone subscriber information. Rather, the case agent mistakenly cited to the December 21, 2004 NSL as being the source for subscriber information relating to telephone number [REDACTED] when drafting an EC to the [REDACTED] file.

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(S)

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

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

LEAD(s) :

Set Lead 1: (Info)

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[redacted]

AT [redacted]

(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT ITCS 1/CONUS 2/TEAM 7

(U) Read and clear.

Set Lead 3: (Action)

INSPECTION

AT IIS

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

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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[redacted] provided relevant records but in addition provided subscriber information for three years prior to the period requested. This information is not related to the on-going investigation and has been removed from the file. This information will be maintained by the CDC until resolution of the possible IOB error.

(U) ~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

(S) (U) ~~(S)~~ (2) An NSL dated 11/18/2004 was served on [redacted] seeking telephone subscriber information as well as toll records pursuant to 18 USC §2709. The NSL requested records between [redacted] and the present [redacted] provided relevant records for one day in excess of the period requested. An NSL covering the extra one day of toll information is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

(U) ~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

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(U)

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To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE

Date: 03/26/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]
Squad [Redacted]
Contact: CDC [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:cas

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Case ID #: ~~(S)~~ 278-HQ-C1229736-V10 (Pending)
~~(S)~~ 278-[Redacted]-C45386 (Pending)
~~(S)~~ [Redacted] (Pending)

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

~~(U)~~ ~~(S)~~ **Synopsis:** To report four (4) possible IOB errors for over collection of information and one (1) possible IOB error for late submission of 90 day Letterhead Memorandum.

~~(U)~~ ~~(S)~~ **Derived From:** G-3
Declassify On: March 26, 2017

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

~~(S)~~ 3. Possible IOB Error: Over collection of information and one late Letterhead Memorandum.

(S) [Redacted]

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

~~(S)~~ This EC addresses five (5) potential IOE errors. Four (4) involve over collection of information provided pursuant to National

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/26/2007

Security Letter (NSL), while one (1) involves late (more than 90 days) submission of an annual Letterhead Memorandum to FBI Headquarters.

(U) ~~(S)~~ (1) TFO [redacted] and SSA [redacted] An NSL dated 8/16/2004 was served on [redacted] seeking telephone subscriber information as well as toll records for telephone number [redacted] pursuant to 18 USC §2709. The NSL requested records between [redacted] and present [redacted] provided relevant records for one month in excess of the period requested. In addition, [redacted] provided toll records for another number which was associated with the requested account. An NSL covering the extra month of toll information as well as the extra telephone account and toll information is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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(U) ~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

(U) ~~(S)~~ (2) TFO [redacted] and SSA [redacted] An NSL dated 2/03/2004 was served on [redacted] seeking telephone subscriber information as well as toll records for telephone number [redacted] pursuant to 18 USC §2709. The NSL requested records between [redacted] and present [redacted] provided relevant records for 14 days in excess of the period requested. An NSL covering the extra two weeks of toll information is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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(U) ~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

(S) ~~(S)~~ (3) TFO [redacted] and SSA [redacted] An NSL dated 9/07/2004 was served on [redacted] seeking telephone subscriber and toll records for telephone number [redacted] pursuant to 18 USC §2709. The NSL requested records between [redacted] and present [redacted] provided the information requested, but in addition provided relevant information on a telephone associated with the account requested. An NSL covering the additional associated records is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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(U) ~~(S)~~ (4) TFO [redacted] and SSA [redacted] An NSL dated 2/10/2005 was served on [redacted] seeking bank records pursuant to 12 USC 3414(a)(1)(B), regarding the subject [redacted]. The NSL requested records between [redacted] and present [redacted] provided relevant records between [redacted] and [redacted] one month more than requested. An NSL covering the extra month of banking information is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

(U) ~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

(S) ~~(S)~~ (5) TFO [redacted] and SSA [redacted] Captained [redacted] The first annual LHM was NOT submitted to FBIHQ until 5/29/2006, over ninety (90) days beyond the one year time frame for submission of the LHM. This is in violation of Attorney General Guidelines and established FBI policy.

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(U) ~~(S)~~ The delay in reporting this missed annual LHM deadline is due to the fact that it was not recognized by the TFO as a reportable potential IOB, and it was not brought to the attention of the CDC until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/26/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 03/08/2007

To: [Redacted] **Attn:** Squad [Redacted]
Counterterrorism b2 b7E b6 b7C **Attn:** ITOS 1/CONUS 4/Team 15
Inspection **Attn:** Internal Investigative
Section
Attn: [Redacted]

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

Approved By: Thomas Julie F
[Redacted]

Drafted By: [Redacted] : afm

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

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

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

Derived From : G-3
Declassify On: 03/08/2032

Reference: (S) 278-HQ-C1229736-VIO Serial 2204

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

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

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

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(U) ~~(S)~~ The NSL issued by [redacted] on November 12, 2004 requested that [redacted] provide a copy of a consumer report and all other information contained in its files concerning [redacted]. The NSL properly cited to the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §1681v, as the statutory basis for the request. The NSL was signed by the [redacted] Special Agent in Charge ("SAC") and subsequently served upon [redacted] Sec, [redacted]

(U) ~~(S)~~ The EC accompanying the NSL, which was also signed by the SAC, approved the issuance of an NSL "requesting consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment (or) the names and addresses of all financial institutions at which the subject maintains or has maintained an account" for [redacted] see, [redacted]. The drafter of this EC mistakenly included language requesting consumer identifying information, as opposed to language requesting a full credit report. It was [redacted] intention to obtain a full credit report for [redacted] and the NSL ultimately served upon [redacted] accurately reflected this intent. See, [redacted] EC.

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

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

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² (U) Id.

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

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

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community Components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board ("PIOB"). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

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

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

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

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(U)

To: [redacted] From: General Counsel
Re: [redacted] 078-HQ-C1229736-VIO, 03/08/2007

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LEAD(s) :

Set Lead 1: (Info)

[redacted]

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AT SQUAD [redacted]

(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT ITOS 1/CONUS 2/TEAM 7

(U) Read and clear.

Set Lead 3: (Action)

INSPECTION

AT IIS

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

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/26/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLE, Room 7975

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From: [Redacted]
Squad [Redacted]
Contact: CDC [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :cas

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Case ID #: ~~(S)~~ 278-HQ-C1229736-V10 (Pending)
~~(S)~~ 278-[Redacted]-C45386 (Pending)
(S) [Redacted] (Pending)

Title: (U) SA [Redacted]
A/SSA [Redacted]
SSA [Redacted]
SSA [Redacted]
SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: ~~(S)~~ To report five (5) possible IOB errors for over collection of information.

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~~(S)~~ Derived From : G-3
Declassify On: March 26, 2017

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

~~(S)~~ 3. Possible IOB Error: Over collection of information.

(S) [Redacted]

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

~~(S)~~ This EC addresses five (5) potential IOB errors, all of which involve over collection of information.

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To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

~~(S)~~ (1) SA [redacted] and Acting SSA [redacted] An NSL dated 10/21/2005 was served on [redacted] seeking telephone subscriber information as well as toll records pursuant to 18 USC §2709. The NSL requested records between [redacted] and present [redacted] provided relevant records for ten days prior to the requested period. An NSL covering the extra ten days of toll information is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

~~(S)~~ (2) SA [redacted] and SSA [redacted] An NSL dated 2/22/2005 was served on [redacted] seeking telephone subscriber information as well as toll records pursuant to 18 USC §2709. The NSL requested records between [redacted] and present [redacted] provided relevant records for 10 days prior to the requested period. An NSL covering the extra ten days of toll information is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

~~(S)~~ (3) SA [redacted] and SSA [redacted] An NSL dated 04/02/2003 was served on [redacted] seeking identifying information to include past and present employment information, pursuant to 15 USC §1681u(b). [redacted] provided the information requested in addition to the names and addresses of financial institutions with which the subject had association. An NSL covering the additional associated records is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

~~(S)~~ (4) SA [redacted] and Acting SSA [redacted] An NSL dated 6/30/2006 [redacted] was served on [redacted] seeking e-mail subscriber records pursuant to 18 USC §2709. [redacted] provided relevant records in addition to an user activity report, which was not requested in the NSL. An NSL covering the user activity report is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/26/2007

~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

~~(S)~~ (S) SA [redacted] and SSA [redacted] at [redacted] NSL dated 2/23/2005 was served on [redacted] requesting e-mail subscriber records, pursuant to 18 USC §2709. [redacted] provided the relevant information requested but also provided transactional information (header information) which was not requested in the NSL. An NSL is being prepared covering the header information is being prepared and will be served on [redacted] as the over collected information is relevant to the on-going investigation.

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~~(S)~~ The delay in reporting this over collection is due to the fact that it was not recognized until Inspection Division undertook an audit of NSLs during the week of 3/19/2007.

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(U)

~~From: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007~~

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(01/26/1998)

DATE: 12-12-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-12-2032

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2007

To: Counterterrorism b2
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Inspection b6
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Attn: AD

Attn: Internal Inspection Section

11965

Attn: SAC, CDC

From: General Counsel
National Security Law Branch

Contact:

Approved By: Thomas Julie F

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(U)

Drafted By:

Case ID #:

~~(S)~~ 278-HQ-C1229736-VIO

(U)

Title:

~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
IOB MATTER 2007-

(U)

~~(S)~~ Derived From : G-3

(U)

~~(S)~~ Declassify On: 03/08/2032

Synopsis:

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

(U)

Reference:

~~(S)~~ 278-HQ-C1229736-VIO Serial

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

(U)

~~(U)~~ Details: (S) As discussed in the Electronic Communication (EC) referenced above¹, [REDACTED] reported that on 06/06/2005, [REDACTED] initiated [REDACTED].

(S)

[REDACTED] who is a "United States Person," as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).²

(U)

~~(U)~~ (S) On 04/04/2005, a National Security Letter (NSL) was prepared and approved requesting a copy of a consumer credit report and all information contained in the files of [REDACTED] in accordance with 15 U.S.C. § 1681v of the Fair Credit Reporting Act (as amended) (FCRA). The NSL, while issued under the FCRA, contained language from another NSL statute, Title 12, U.S.C. Section 3414(a)(5)(A), the Right to Financial Privacy Act (RFPA). The language was, to wit: "I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States." While the RFPA permits NSLs for records related to international terrorism or clandestine intelligence activities, the FCRA Section 1681v permits NSLs only for records related to international terrorism.

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

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

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

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

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

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(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOE 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 IOE was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOE. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOE may review them upon request.

CONCLUSION

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

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

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LEAD (s):

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Action)

INSPECTION

AT IIS, WASHINGTON, DC

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

Set Lead 3: (Info)

[redacted]

AT

[redacted]

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(U) Read and clear.

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB Library

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(01/26/1998)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-12-2007
CLASSIFIED BY 65179 DMH/KSR/gb
REASON: 1.4 (c)
DECLASSIFY ON: 12-12-2032

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2
 b7E **Date:** 03/08/2007
 b6
To: Counterterrorism b7C **Attn:** AD

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

[Redacted]

Attr: SAC, CDC

From: General Counsel
 National Security Law Branch
Contact: [Redacted]

Approved By: Thomas Julie F
 [Redacted]

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

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

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

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

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

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

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

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(U) ~~(S)~~ As discussed in the Electronic Communication (EC) referenced above, [redacted] reported that on 03/09/2004, [redacted] initiated [redacted] who is a "United States Person," as that term is used in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).²

(U) ~~(S)~~ On 11/12/2004, a National Security Letter (NSL) was prepared and approved requesting a copy of a consumer credit report and all information contained in the files of [redacted] in accordance with 15 U.S.C. § 1681v of the Fair Credit Reporting Act (as amended) (FCRA). The NSL, while issued under the FCRA, contained language from another NSL statute, Title 12, U.S.C. Section 3414(a)(5)(A), the Right to Financial Privacy Act (RFPA). The language was, to wit: "I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States." While the RFPA permits NSLs for records related to international terrorism or clandestine intelligence activities, FCRA Section 1681v permits NSLs only for records related to international terrorism.

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

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

b2

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

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

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

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(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOE 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 IOE was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOE. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOE may review them upon request.

CONCLUSION

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

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

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LEAD (s):

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Action)

INSPECTION

AT IIS, WASHINGTON, DC

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

Set Lead 3: (Info)

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b7E

[redacted]

(U) Read and clear.

- 1 - Ms. Thomas b6
- 1 - [redacted] b7C
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB Library

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~~SECRET~~

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

(S) [redacted] signature verifying the information and acknowledging [redacted] policy regarding room rentals. [redacted]

(S) [redacted] Front desk personnel felt this was suspicious and in their experience, indicative of drug distribution.

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(U) ~~(S)~~ Case agent obtained the aforementioned information and queried [redacted] name through FBI-net/ACS. As a result, the case agent learned that [redacted] case. Specifically, [redacted] observed [redacted]

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(S) [redacted]
(S) As a result of [redacted]
[redacted]

(S) ~~(S)~~ Unforeseen by the case agent was that on 05/28/2005, cellular service was disconnected at the request of the subscriber, [redacted]. On 07/28/2005, [redacted] was subscribed this [redacted] cellular telephone [redacted] by [redacted]. As a result, the case agent received one month of records during which [redacted] was a subscriber, consisting of eight (8) pages. These records were removed from the file and turned over to the [redacted] Division CDC to be sequestered and maintained under seal. Any information derived from these records which have been uploaded into ACS or other FBI data base(s) has been removed accordingly.

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~~(S)~~ [redacted] considers this potential OIB-violation properly addressed and consequently covered.

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(U)

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

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~//20320308

To: Inspection From: [redacted] b1
Re: (S) [redacted] 03/08/2007 b2
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4) U.S. Person

5)

[redacted]
[redacted] In accordance with the NFIP Manual, Section 3-04, Summary Guidance and Application for Preliminary Investigations, a FCRA request was submitted on 10/18/2004 to [redacted] for header information pursuant to Title 15, U.S.C. §1681(u).

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6) EXPLANATION:
(S) [redacted]

[redacted] case agent submitted a §1681(u) FCRA NSL to [redacted] requesting "the names and addresses of all financial institutions (as defined in Title 12, U.S.C., Section 3401) at which the below-named consumer maintains or has maintained an account". [redacted] responded to the request on or about 10/29/2004, and provided a document captioned "consumer report" for the subject.

(U) ~~(S)~~ Case agent reviewed and summarized the information contained in the "consumer report" in an electronic communication dated 11/09/2004. The case was subsequently closed [redacted]. The information contained in the [redacted] "consumer report" and the summarizing electronic communication was not used to further the investigation. The information received from [redacted] was not disseminated to anyone.

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(U) ~~(S)~~ Case agent was not aware at the time that the report provided by [redacted] was a credit report. The discovery was made during a subsequent review of the file. The [redacted] "consumer report" and the summarizing electronic communication were immediately removed from the captioned file, and sequestered with [redacted] Chief Division Counsel until the issuance of the IOB opinion by the National Security Law Branch (per NSP electronic communication dated 03/05/2007).

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To: Inspection From: [redacted]
Re: (S) [redacted] 03/08/2007

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LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U)

~~(S)~~ Request IIS review the provided communication.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

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(U) Request NSLB to take appropriate action as necessary, in response to this potential IOB matter reported by the [redacted] division.

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WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2 **Date:** 03/28/2007
b7E
To: Inspection b6 **Attn:** Internal Investigations
b7C **Attn:** Sect.
General Counsel **Attn:** Nat'l. Sec. Law Branch
Attn: TFO [redacted]

From: [redacted] Squad [redacted] Legal Unit b1
[redacted] CDC [redacted] b2
Approved By: [redacted] b7E
[redacted] b6
[redacted] b7C
[redacted] b7A

Drafted By: [redacted]
Case ID #: (U) 278-HQ-C1229736-VIO (Pending)
(U) 278-[redacted]-C76506 (Pending)
(S) [redacted] (Closed)

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

Synopsis: (U) To report a potential IOB matter to the
Inspection Division and to the General Counsel.

(U) ~~(S)~~ **Derived From :** G-3
Declassify On: 03/28/2017

(S) **Details:** (S) [redacted] b1
[redacted] b2
[redacted] The investigation was opened b7E
by the Squad [redacted] JTTF SSA [redacted] and assigned to TFO [redacted] b6
[redacted] The subject is a U.S. Person. The predication for the b7C
[redacted] b7A
[redacted] and information which indicated that the subject was in
contact with several members [redacted]
[redacted]
[redacted]

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/28/2007

(U)

~~(S)~~ On 09/23/2005 a National Security Letter (NSL) directed to [redacted] was signed by SAC [redacted]. The NSL sought all financial records relating to the subject for the period of the inception of the account to the "date of this letter" [redacted]. In response [redacted] provided account records to the [redacted] the last billing statement that included 09/23/2005. This included credit card transactions to 10/14/2005.

(S)

(U)

~~(S)~~ This investigation is still pending.

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(U) This investigation was selected for review during the field-wide audit of National Security Letters conducted 03/16-21/2007 in [redacted]. Inspector [redacted] noted the overproduction of records. The file was referred to the CDC on 03/19/2007 and a decision was made by the CDC to refer it as a possible IOB matter on 03/20/2007.

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To: Inspection From: [redacted]
Re: (U) 273-HQ-C1229736-VIO, 03/28/2007

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 referral of this matter as a potential IOB violation.

Set Lead 3: (Action)

[redacted]

b2
b7E

AT [redacted]

(U) Determine if any investigative use was made of [redacted] records produced for the period 09/23/2005 to 10/14/2005. If there was any use made of these records, and sufficient predication still exists to issue an NSL for those records, request an NSL for the records. If no investigative use was made of these records note this fact in the file.

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ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE

Date: 03/15/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC
ADC

[Redacted]

[Redacted]

From:

[Redacted]

Contact: [Redacted]

Approved By:

[Redacted]

b6
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Drafted By:

[Redacted]

L:tlb

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

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Synopsis: (U) EC provides details regarding a potential IOB matter.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 03/15/2017~~

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

(U)

Details: ~~(S)~~ On 03/15/2007, SA [Redacted] informed the acting Supervisor, SA [Redacted] of a potential IOB violation related to a [Redacted] counterintelligence investigation.

(S)

entitled [Redacted] is a U.S. person. The Case Agent is [Redacted] and [Redacted] Supervisor is [Redacted]

(S)

[Redacted]

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The Case was initiated, under the Attorney General Guidelines Section II.E.1. "Circumstances for Opening an Investigation" parts d. "

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/15/2007

An individual, group or organization is or may be engaging, or has or may have engaged, in activities constituting a threat to the national security (or related preparatory or support activities) for on behalf of a foreign power," and f."An individual, group, or organization is, or may be, the target of a recruitment or infiltration effort by an international terrorist, foreign power, or agent of a foreign power under circumstances related to a threat to the national security."

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(S)

~~(S)~~ The potential violation occurred when a National Security Letter (NSL) [redacted] dated 08/30/2006, was sent to [redacted]

The NSL was issued pursuant to Title 18, U.S.C. § 1651d. The NSL specifically requested the names and addresses of all financial institutions where [redacted] records indicate the consumer maintains or maintained an account. The NSL also requested names, addresses, and current and past employers associated with the consumer identified in the NSL.

(U)

(S)

~~(S)~~ In response to the NSL [redacted] provided the delivering office [redacted] credit report dated 09/25/2006. [redacted] received the report on 09/29/2006. [redacted] Division provided the Case Agent, SA [redacted] an electronic communication (EC), dated 10/06/2006, enclosing the [redacted] NSL results in a 1A envelope. [redacted]

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(S)

When the credit report was received by SA [redacted] on or about 10/13/2006, SA [redacted] noted that although a full credit report was provided, [redacted] had made an effort to black out the data to which the FBI was not entitled/had not requested, and placed the report in the file.

(U)

~~(S)~~ To date, four additional leads, sending additional NSLs, have been prepared, approved and sent. These four subsequent NSLs were based on the information provided in the credit report to which the FBI was entitled.

(U)

~~(S)~~ On 3/15/2007, in response to [redacted] Counterintelligence Division's [redacted] was notification by FBIHQ Office of General Counsel of the possibility that full credit reports may have been provided in response to non-Counterterrorism NSLs, SA's [redacted] and [redacted] checked the [redacted] case files identified by [redacted] CDC and confirmed the presence of an EC enclosing an [redacted] credit report in [redacted]. Further inspection of the report revealed that, although an attempt to black out the additional information had been made by [redacted]

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(S)

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To: Inspection From: [REDACTED] b2
Re: (U) 278-HQ-C1229736-VIO, 03/15/2007 b7E

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[REDACTED] the information was still legible. SA [REDACTED] and SA [REDACTED] were unsure whether the blacked information provided by [REDACTED] was, in fact, a potential IOE violation. Accordingly, on 03/15/2007, SA [REDACTED] met with ADC [REDACTED] showed him the NSL results, and was informed by ADC [REDACTED] that the results were in fact a potential IOE violation. The report, enclosed in a 1A envelope, was immediately provided to ADC [REDACTED] on 03/15/2007, who then sequestered the report pending a determination from NSLB as to whether this matter constitutes an IOE violation.

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/15/2007

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LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From: [Redacted]
Squad [Redacted]
Contact: [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]:tmd 088tmd01.ec

(U)

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

(U)

Title: (S) REPORT OF A POTENTIAL IOB MATTER

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(U)

Synopsis: (S) To report potential IOB matter.

(U)

(U)

~~Derived From: G 3
Declassify On: 03/28/2032~~

(S)

Details: (S) 1. Identification of the substantive investigation: The case is [Redacted]

[Redacted] The case agent was [Redacted] and the supervisor was [Redacted]. The case is currently still open.

(U)

(S) 2. Subjects status: Non-US Person.

(U)

(S) 3. Explanation of the error and all relevant facts: By EC dated 12/20/2006, an NSL was submitted to [Redacted] for delivery to [Redacted] correctly requesting Section 1681u(b) information on the subject. By EC dated 02/09/2007 from [Redacted] the results from [Redacted] were submitted to [Redacted] containing a detailed credit report on the subject. The case agent, [Redacted] was on TDY to [Redacted] until 03/16/2007. The supervisor, [Redacted] was notified by email from his SAC that OGC had discovered that [Redacted] may have submitted information to several FBI divisions beyond the scope of the relevant legal authority. SSA

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(U) ----- To: Inspection From: [REDACTED]
----- Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

began a search for relevant [REDACTED] documents and found in SA [REDACTED] mail slot, an unopened envelope inside a 1A envelope containing the above referenced credit report as provided to [REDACTED] by [REDACTED]. This discovery was made on approximately March 14, 2007. SSA [REDACTED] reported it to the SAC by email on March 15, 2007 who reported same to OGC the next day. On March 16, 2007, SSA [REDACTED] was on TDY to [REDACTED] to complete an NSL audit as requested by the Director, delaying reporting of this potential IOE.

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(U)

To: Inspection From: [REDACTED]
Re: ~~(U)~~ 278-HQ-C1229736-VIO, 03/19/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]

Squad [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] jmp

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

(U) Title: (S) REPORT OF A POTENTIAL IOB MATTER

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

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

Administrative: (S) Substantive investigation: [Redacted]
(U) (subject is a presumed U.S. person); Relevant personnel: SA [Redacted]
[Redacted] and SSA [Redacted]

(S) Details: (S) In an NSL dated 02/22/2007, FBI [Redacted]
requested toll billing records for [Redacted]
[Redacted] On 03/29/2007, SA [Redacted]
[Redacted] opened the Federal Express envelope from [Redacted]

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(U) [Redacted] The
packing slip indicated that the envelope was shipped on
03/27/2007 via Standard Overnight. Immediately upon opening the
envelope, SA [Redacted] conducted a cursory review of the information
enclosed to ensure compliance with IOB regulations. SA [Redacted]
determined that records were provided outside of the period
requested, specifically from [Redacted] These records have
been sequestered.

(S) A carrier providing information beyond the scope
of the FISC order or other relevant legal authority resulting in

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

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the unintentional acquisition of data, constitutes a potential IOB violation, which requires mandatory reporting.

[redacted]

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~~SECRET~~

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Review potential IOE matter.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review potential IOB matter.

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~~SECRET~~

(01/26/1998)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/ESR/ch
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/6/07

To: [redacted] b2
b7E

Attn: SAC, CDC
SSA [redacted]
SA [redacted]

Counterintelligence

Attn: CD-3A

Inspection

Attn: IIS, [redacted]
[redacted]

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

Approved By: Thomas Julie F.

[redacted]

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Drafted By: [redacted]

(U)

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

~~(U)~~ Title: ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2006- [redacted]

~~(U)~~ Synopsis: ~~(S)~~ This Electronic Communication (EC) contains a revision of our initial conclusion (EC dated 11/03/06) that there had been an error reportable to the Intelligence Oversight Board (IOB) in this matter.

~~(U)~~ ~~(S)~~ This case involved a cellular telephone number subscribed to by the subject of the investigation, who later terminated the coverage (see discussion *infra*). That same telephone number, unbeknownst to the FBI, was subsequently reassigned to an unknown United States ("US") person. FBI OGC was initially under the misimpression that there had been electronic surveillance of this cellular telephone number, but there was not. In fact, the FBI was in receipt only of telephone toll records for that number, pursuant to a legitimate National Security Letter; there was no unauthorized FISA take on this cellular telephone number, as originally thought. ~~(S)~~

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(U) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/06/07

Thus, it is the current opinion of the Office of the General Counsel (OGC) that no error was committed in this matter, and therefore nothing need be reported to the IOE. A record of this decision should be maintained in the investigation control file for review by the Counsel to the IOE.

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

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Reference: ~~(S)~~ 278-HQ-C1229736-VIO 1851

(U) Details: ~~(S)~~ The referenced electronic communication (EC) from the [redacted] Division, [redacted] dated 7/24/06, reflects that [redacted] a non-U.S. person, [redacted] a sensitive and reliable [redacted] was using a cellular telephone number [redacted]. A National Security Letter (NSL) was prepared for [redacted] on May 9, 2005 requesting subscriber information.

(U) ~~(S)~~ On June 29, 2005, the results were delivered to the [redacted] Field Office, and listed [redacted] as the subscriber, but listed [redacted] home address and work telephone number as contact information.

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[redacted]

(S) [redacted]

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(U) ~~(S)~~ On May 19, 2006, an NSL was prepared requesting toll billing records for the phone number [redacted] for the period of time from [redacted]

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(U) To: [redacted] From: General Counsel b2
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/06/07 b7E

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(S) [redacted] This NSL was prepared based upon the fact of the association of [redacted] along with the subscriber information address and contact telephone number which reflected [redacted] known address and work telephone number.

(S)

(U) ~~(S)~~ On July 24, 2006, SA [redacted] received toll records from [redacted] via the [redacted] Field Office in response to the May 19 NSL. The records received were divided between two subscribers: those of [redacted] and those of a second subscriber. The records from [redacted] reflected that [redacted] subscription to the telephone number in question [redacted] terminated on [redacted], 2005. A new subscriber took over the account on [redacted], 2005. Records for this subscriber, a presumed U.S. person, were provided by [redacted] from [redacted]

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(S)

(S)

(S)

(U) ~~(S)~~ The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 9/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential Directive." This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to

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(U)

To: [REDACTED] From: General Counsel
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/06/07

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the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communications record from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709; (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, Section V.12.

(U)

(S)

(S)

~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL on [REDACTED] a cellular telephone provider, and received telephone toll records for the requested cellular telephone number [REDACTED]. However, unbeknownst to the FBI, the subject, [REDACTED] terminated his subscription to this number on [REDACTED] and a new subscriber, a presumed US person, took over the account on [REDACTED] 2005. Thus, the FBI received information--toll records for this subscriber from [REDACTED]--beyond what it was legally authorized to receive. [REDACTED] has sequestered the [REDACTED] records for this period.

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(U)

~~(S)~~ By agreement with the Counsel to the IOB, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

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(U)

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/06/07

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Set Lead 1: (Action)

[redacted]

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(S)

AT [redacted]

(U)

~~(S)~~ [redacted] is requested to return to [redacted]
the requested toll records of telephone number [redacted]

[redacted]
[redacted]

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas

[redacted]

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IOB Library

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(01/26/1998)

~~SECRET~~

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2
b7E

Date: 03/12/2007

To: [redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
Attn: AD
Attn: IIS

From: General Counsel
Counterterrorism Law Unit II/LX-1 3S100

Contact: [redacted]

Approved By: Thomas, Julie F [redacted] b6
b7C
b2

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

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

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

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

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

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

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

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

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

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

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(S) (U) ~~(S)~~ As discussed in the electronic communication (EC) from [redacted] cited below, on 06/10/1997, [redacted] opened [redacted] [redacted] who is a "United States person" as that term is used in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA),² in order to investigate information or allegations of ties to terrorism.

(U) ~~(S)~~ An NSL was issued on 04/08/03 under the authority of the Electronic Communications Privacy Act (ECPA) seeking toll billing and subscriber information for the subject's telephone account for the period [redacted]. Because [redacted] did not comport with the billing cycle on the subject's telephone, the carrier provided information which dated back to [redacted]. Due to the fact that this possible overcollection was discovered by the OIG during the course of its NSL audit, [redacted] reported this matter as a potential IOE by EC dated 02/23/2007. (See footnote 1, above.) We note that this overcollection should have been reported by [redacted] as a potential IOE within fourteen days of its discovery.

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(U) Section 2.4 of Executive Order (EO) 12363, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOE 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,

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

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

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(U)

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

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 NSIC, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U)

~~(S)~~ Further, by letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to OGC, but are not reportable to the IOB. Prior thereto, third party errors were reportable to the IOB.

(U)

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

CONCLUSION

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

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To: [redacted] From: General Counsel
(U) Re: 278-HQ-61229736-VIO-2183. (S), 03/12/2007

LEAD(s) :

Set Lead 1: (ACTION)

[redacted]

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AT [redacted]

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

Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

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

(U) Other action as deemed appropriate.

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ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSP/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

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To: [redacted] b2
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Attn: SSA [redacted]

Inspection

Attn: Internal Investigative Section
Attn: [redacted] Room 11865

From: General Counsel
National Security Law Branch/CTLJ II/LZ-1 3S-100
Contact: [redacted]

Approved By: Thomas Julie F [redacted] b6
b7C

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

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

Title: (U) Intelligence Oversight Board b2
(IOB) Matter 2007-[redacted]

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

(U) ~~(S)~~ **Derived From:** G-3
Declassify On: 03/08/2032 b1
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(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 2184 b7E
(S) [redacted]

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

(U) **Details:** ~~(S)~~ By electronic communication (EC) dated February 23, 2007 and referenced above, the [redacted] Division [redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOE matter.

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(U)

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

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BACKGROUND

(S) [redacted] initiated [redacted] a United States person. On July 16, 2003 a National Security Letter (NSL) was issued for the subject's subscriber and toll records for the period of [redacted]. When toll records were received from the provider, they covered the period of [redacted]. The period that was covered that was not requested by this NSL was [redacted]. However, a previous NSL had been issued on August 19, 2001 which covered most, but not all, of this overrun period. This overcollection should have been reported within fourteen days of its discovery. It was not reported, however, until discovered pursuant to the OIG NSL audit.

ANALYSIS

(U)

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

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

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To: Counterterrorism From: General Counsel
 Re: ~~(S)~~ ~~(U)~~ 78-HQ-C1229736-VIO, 3/13/2007

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

(U)

~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that "all lawful investigative techniques may be used in full investigations." NSIG (Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.³

(U)

~~(S)~~ In this instance, [redacted] sought information relating to a telephone number associated with the subject of a full investigation, and obtained data for a period greater than requested. However, the information was relevant to the investigation and part of it, but not all, had already been covered by another NSL. Further, the error was made by the carrier. There was no error in the FBI's NSL. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors

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(U)

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

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(U)

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

(U)

~~(S)~~ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) unauthorized investigations; (4) use of methods or techniques other than those authorized in the conduct of preliminary or full investigations; (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

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(U)

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

in the collection of information pursuant to an NSL must be reported to OGC, but are not reportable to the IOB. Prior thereto, third party errors were reportable to the IOB. Under the new policy, this overcollection need not be reported to the IOB.

CONCLUSION

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

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(U)

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

LEAD(s) :

Set Lead 1: (Action)

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[Redacted]
AT [Redacted]

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

Set Lead 2: (Info)

COUNTERTERRORISM

b2

AT ITOS [Redacted]

(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 (IOE) Matters, retain a record of the report of a potential IOE matter for three years for possible review by the Counsel to the IOE, together with a copy of the OGC opinion concerning the basis for the determination that IOB notification is not required.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection Division
Office of the General Counsel

Attn: Internal Inspection
Section
Attn: National Security Law
Branch

From: [Redacted] b2
Squad [Redacted] b7E
Contact: SA [Redacted] b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted]:lli

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

(U) **Title:** (U) REPORT OF POTENTIAL IOB MATTER

Synopsis: ~~(S)~~ The purpose of this communication is to report a potential Intelligence Oversight Board (IOB) matter.

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(U) ~~(S)~~ **Derived From :** G-3
Declassify On: 03/28/2032

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Attachment(s):
(S) (1) Copy of [Redacted] dated 12/19/2006, EC
approving RFFA NSL request to [Redacted]
(S) (2) Copy of [Redacted] dated 12/19/2006,
RFFA NSL request to [Redacted]
(S) (3) Copy of [Redacted] dated 03/26/2007, SAC
letter to [Redacted]
(S) (4) Copy of [Redacted]

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(U) [Redacted]
(S) **Details:** ~~(S)~~ This report of a potential IOB matter is regarding case identification number [Redacted]

[Redacted] (USPER). The case agent is Special Agent (SA) [Redacted]
[Redacted] Squad [Redacted] SA [Redacted]

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To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

supervisor is Supervisory Special Agent [redacted]

[redacted] Squad [redacted]

(U)

(S) On 03/20/2007, Special Agent [redacted] received the referenced EC along with an executed REPA National Security Letter (NSL) addressed to [redacted]

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[redacted] attention: [redacted] and the requested financial records [redacted]

(S)

[redacted]

[redacted] respectively, for period from inception to present.

(U) On 03/23/2007, SA [redacted] reviewed the financial documents and discovered a third party error consisting of 25 documents containing financial information of a person not requested in the NSL. Noting this discrepancy, SA [redacted] subsequently contacted [redacted] to determine [redacted] desire regarding disposal of documents received in error. [redacted] requested SA [redacted] return the documents to [redacted] [redacted] by mail with a note reflecting those documents were received in error.

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(U) On 03/26/2007, documents were returned by FEDEX to [redacted]

(S)

[redacted] attention: [redacted]

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To: Inspection Division From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/18/2007

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LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) Potential IOB matter.

Set Lead 2: (Discretionary)

OFFICE OF THE GENERAL COUNSEL

AT WASHINGTON, DC

(U) Potential IOB matter.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4(c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2007

To: [Redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
Attn: AD
Attn: IIS

From: General Counsel
Counterterrorism Law Unit II/LX-1 38100

Contact: [Redacted]

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Approved By: Thomas, Julie F
[Redacted]

Drafted By: [Redacted]: mjg

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

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

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

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

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

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

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Details: (U) Referenced communication from the [Redacted] Field Office (CFO), dated 02/22/2007, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

(U) ~~(S)~~ As discussed in the electronic communication (EC) from

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

[redacted] cited below, [redacted]
 [redacted]

(U) ~~(S)~~ During the investigation, [redacted] issued an NSL on 07/09/2004. The NSL requested a copy of the subject's consumer credit report under the Fair Credit Reporting Act. The NSL was properly drafted except that the certification included the language for certifying an RFPA NSL. Further, the accompanying Electronic Communication ("EC") was properly drafted except that it stated in the "Synopsis" section that the NSL was being issued under the Right to Financial Privacy Act. Otherwise, its description of the request and the information provided by the EC for congressional reporting purposes were accurate. b2 b7E

(U) Section 2.4 of Executive Order (EO) 12963, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutory requirements, including the FRCA, 15 U.S.C. Section 1681v.

¹ 278-HQ-C1229736-VIO [redacted]

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(U)

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

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

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

CONCLUSION

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

LEAD(s) :

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(U)

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-V10, 03/08/2007

Set Lead 1: (INFO)

[redacted]
AT [redacted]

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(U) Read and Clear.

Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

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

(U) Other action as deemed appropriate

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOE Library

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: [redacted]

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Attn: SAC [redacted]
ASAC [redacted]
CDC [redacted]
SSA [redacted]
TFO [redacted]

Counterterrorism
Inspection

Attn: ITOS 1, CONUS 4

Attn: IIS, [redacted]

From: General Counsel

Counterterrorism Law Unit I/LX-1 33100

Contact: [redacted]

Approved By: Thomas Julie F. [redacted]

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b7C
b2

Drafted By: [redacted]

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

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
MATTER 2007-[redacted]

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

(U) ~~(S)~~ Derived From : G-3
Declassify On: 03/13/2032

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

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

(U) ~~(S)~~ Details: By EC dated 02/21/2007, [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CLE29736-2205, 03/13/2007

our opinion, the FBI is not required to report this matter to the IOB.

(S)

(S) On or about [redacted] during the course of an authorized [redacted] Special Agent In Charge executed two documents (1) a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, on [redacted] and (2) an EC approving the issuance of such NSL. In the NSL, the FBI requested the name, address, and length of service for two telephone numbers believed to belong to a certain target. The NSL specifically requested subscriber information for two telephone numbers as of the date specified for each number:

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(S)

[redacted] from [redacted] to present [redacted]
[redacted] from [redacted] to present [redacted]

(U)

(S)

~~(S)~~ The EC approving the issuance of the NSL contained an error. Due to an apparent typographical error, it mistakenly authorized the issuance of an NSL for [redacted] rather than [redacted]

b1

(S)

[redacted] However, as stated above, the NSL stated the correct telephone numbers.

(U)

~~(S)~~ On or about 02/14/2005 [redacted] provided subscriber information which confirmed that the subject of the investigation was in fact the subscriber for both telephone numbers set forth in the NSL. No information was ever sought or received from [redacted] relating to the wrong number set forth in the authorizing EC.

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

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(S)

[redacted]

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~~SECRET~~b2
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To: [REDACTED] From: Office of the General Counsel
 Re: 278-HQ-C1229736-2205, 03/13/2007

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

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

(U) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which are very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). In addition to FCRA, 15 U.S.C. §§ 1681u(a) and (b) information (financial institutions and consumer identifying information), under 15 U.S.C. 1681u(c), if certain factors are met, the FBI is able to obtain full consumer reports in both counterintelligence and international terrorism investigations by an ex parte court order.

(S)

(S) Here, during the course of an authorized [REDACTED] [REDACTED] the FBI properly served an NSL that requested lawful information. In the NSL, [REDACTED] requested the

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~~SECRET~~b2
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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-2205, 03/13/2007

name, address, and length of service for two telephone numbers which belonged to the subject. Because the NSL contained the correct telephone numbers, the fact that the authorizing EC contained an apparent typographical error neither resulted in the issuance of an erroneous NSL, nor an unauthorized collection in violation of the NSIG and ECPA.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOE. The apparent typographical error in the EC authorizing the issuance of the NSL did not result in the issuance of an inaccurate NSL or an over collection. A record of this decision should be maintained in the control file for future review by the Counsel to the IOE.

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

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

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[redacted]

AT [redacted]

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

cc: Ms. Thomas
[redacted]
IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/12/2007

To: [redacted] b2
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Attn: SAC [redacted]
ASAC [redacted]
CDC [redacted]
SSA [redacted]
SA [redacted]

Counterterrorism

Attn: ITOS I, CONUS IV

Inspection

Attn: [redacted]
Rm 1865

From: General Counsel
National Security Law Branch/CTLU II/LX-1 3S-100
Contact: [redacted]

Approved By: Thomas Julie F. [redacted] b6
[redacted] b7C

(U) Drafted By: [redacted] :1km

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

Title: (U) Intelligence Oversight Board
(IOB) Matter 2007-[redacted]

Synopsis: ~~(S)~~ (U) 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.

(U) ~~(S)~~ Derived From : G-3
(U) ~~(S)~~ Declassify On: 03/07/2032 b1

Reference: ~~(S)~~ 278-HQ-C1229736-VIO serial 2211 b2
278-[redacted]-136372 serial 127 b7E

(S) [redacted]

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

(U) Details: ~~(S)~~ By electronic communication (EC) dated 02/22/2007
(278-HQ-C1229736 Serial [redacted] Field Office [redacted])

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(U)

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

[redacted] reported to the Office of the General Counsel (OGC) this potential IOB matter.

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[redacted]

(S)

[redacted] a United States person. This investigation was closed on [redacted]. Upon opening the [redacted] a National Security Letter (NSL) was issued to [redacted] which requested local and long distance toll billing records for subject [redacted] for periods [redacted] and [redacted] to "the [redacted] In response to the NSL, [redacted] provided telephone records for number [redacted] for dates [redacted] through [redacted] and [redacted] to the date of the NSL. The records from date ranges [redacted] [redacted] which were provided by [redacted] exceeded the scope of the NSL. The agent did not realize at the time that the information was received that the additional information constituted a potential IOB violation. However, when the case agent was informed by the CDC on November 21, 2006 that there was a problem with the additional information, the case agent immediately retrieved the excess information from the closed case file and sequestered the information with the CDC. In addition, the excess records were removed from the Automated Case Support system.

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(U)

~~(S)~~ In this case, an error on the part of [redacted] resulted in the unintentional acquisition of information. Upon learning that there was information received from [redacted] that exceeded the scope of the NSL, the case agent responded immediately by removing and sequestering the information with the CDC pending disposition of the matter.

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(U)

~~(S)~~ Based upon our analysis, the carrier's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. Pursuant to the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Reports of potential IOB matters determined by OGC not to require notification to the IOB will be retained by INSD for three years 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.¹ Accordingly, OGC will request that the Inspection Division retain a record of the

¹ By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to OGC, but are not reportable to the IOB.

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(U)

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

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report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

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(U)

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 273-HQ-1229736-VIO, 03/12/2007

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LEAD(s) :

Set Lead 1: (Action)

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[redacted]

AT

[redacted]

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

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, 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.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4(c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2 **Date:** 03/28/2007
 b7E

To: INSD b6 **Attn:** IIS
 OGC b7C **Attn:** NSLB
 Attn: ACDC

From: [Redacted]
 Squad [Redacted]
Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :mjb

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)
 (U) 278-[Redacted]-50078-A (Pending)

Title: (U) REPORT OF A POTENTIAL IOB MATTER

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

(U) ~~(S)~~ **Derived From:** ~~G-3~~
Declassify On: 25X1

(U) **Details:** [Redacted]

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(S) [Redacted]

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~~SECRET~~

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To: INSD From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

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(S)

[redacted]
[redacted] The investigation was transferred to another case agent [redacted]

(S)

[redacted]
[redacted] is a NON-USFER.

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(U) The potential IOB violation in question is from section N of the REVISED PROCEDURES FOR THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT MATTERS, stating "A carrier providing information beyond the scope of an NSL resulting in the unintentional acquisition of data." The potential IOB violation may involve the over collection of information gathered through the usage of a National Security Letter (NSL).

(U)

~~(S)~~ The NSL was used to collect the toll and billing records for the telephone number the captioned subject subscribed to. The captioned subject's telephone number was identified through public open source information. The telephone number was also associated with the subject [redacted]

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(U)

~~(S)~~ On April 17, 2006, an NSL was approved by [redacted] to request [redacted] provide the toll and billing records for the captioned subject's telephone number from the inception of the telephone number to the present. The NSL only contained the telephone number and did not identify the captioned subject. SSA [redacted] was the supervisor who provided initial approval of the NSL.

(U)

~~(S)~~ On May 30, 2006, [redacted] returned the results of the request. The results contained the toll and billing records for the captioned subject. However, the results also included the toll and billing records for two other subscribers to the telephone number prior to it being assigned to the captioned subject.

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(U)

~~(S)~~ Upon receiving the toll and billing records the records not pertaining to the captioned subject were segregated. A request was made to have the captioned subject's toll and billing records uploaded into the FBI computer system for analysis. Before the upload was completed the investigation was transferred to a case agent on Squad [redacted]. Subsequently, some confusion occurred and the toll and billing records not

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To: INSD From: [REDACTED] b2
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007 b7E

pertaining to the captioned subject were uploaded. As of March 12, 2007, those records were deleted from the system.

(U) The potential IOE violation in question is from section F of the REVISED PROCEDURES FOR THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT MATTERS, stating "A carrier providing information beyond the scope of the FISC order or other relevant legal authority resulting in the unintentional acquisition of data."

(U)

~~(S)~~ This potential IOE violation was not reported sooner because SA [REDACTED] was unaware the additional records received may be a violation. SA [REDACTED] understood an IOE violation would have occurred if the toll and billing records received was for telephone numbers not related to the subject. Due to the captioned subject subscribing to the services for a portion of the period received SA [REDACTED] did not perceive there was an issue. However, SA [REDACTED] understood the records not pertaining to the captioned subject needed to be segregated and not uploaded.

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b7C~~SECRET~~

~~SECRET~~

To: INSD From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

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LEAD(s) :**Set Lead 1: (Discretionary)**INSPECTIONAT WASHINGTON, DC

(U) [REDACTED] is providing the above information regarding a potential IOE violation in compliance with current NSLE directives, for appropriate action.

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Set Lead 2: (Discretionary)GENERAL COUNSELAT WASHINGTON, DC

(U) The Office of The General Counsel is requested to review the circumstances regarding the possible IOE violation and to subsequently provide CDC [REDACTED] direction regarding the disposition of the records which were inadvertently collected.

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(Rev. 01-31-2003) ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~//20320327

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection Division
General Counsel
Counterintelligence

Attn: Internal Investigations Section
Attn: NSLE
Attn: CD-1B
Attn: CDC [redacted]

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From: [redacted]
Squad [redacted]
Contact: SA [redacted]

Approved By: [redacted]

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b7C

Drafted By: [redacted] :tlw

Case ID #: (U) 278-HQ-C1229736-VIO
(S) ~~(U)~~ [redacted] (Closed)

Title: (U) REPORT OF A POTENTIAL IOB MATTER
(S) [redacted]

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Synopsis: (U) To report a Potential Intelligence Oversight
Board (PIOB) violation.

(U) Derived From : ~~FBI SCG-3~~
Declassify On: 03/27/2032

(S) ~~(U)~~ [redacted]

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(S) [redacted] (Closed). (NONUSPER)
Reference: (U) ~~(U)~~ [redacted]
(U) ~~(U)~~ [redacted]

(S) Details: ~~(U)~~ The substantive investigation in which the PIOB
may have occurred is [redacted] investigation. [redacted]
[redacted] The
case agent for this investigation, which is currently closed, was

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~~SECRET~~//20320327

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To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/17/2007

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Special Agent [redacted] Special Agent [redacted] current supervisor is Supervisory Special Agent [redacted] The Supervisory Special Agent during the time of the PLOB violation was [redacted]

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(S) This investigation was initiated as [redacted] after receiving information from FBIHQ / Counterintelligence Division, as well as [redacted] that [redacted] had financial transactions in connection with the purchase of [redacted] for the [redacted] FBIHQ conducted an analysis [redacted]

(S)(S)

(S)

(U) As a part of this investigation, SA [redacted] prepared and issued a National Security Letter (NSL) directing [redacted] to provide financial records on [redacted] for the period of [redacted] On 01/18/2005, [redacted] provided the financial records requested by [redacted] The records were analyzed and placed into the case file.

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(U)

(S) On 03/16/2007, an audit of the case file was conducted by SSA [redacted] SSA [redacted] advised that [redacted] provided more information than was requested by the NSL. On 03/27/2007, SA [redacted] conducted a review of the file and determined that [redacted] complied with the NSL request and provided financial information, to include copies of checks and wire transfers, on [redacted] for the period of [redacted] However, [redacted] included an [redacted] bank account statement for the entire month of [redacted] which included transactional descriptions information from a period [redacted] outside the scope of the approved NSL. [redacted] did not intentionally provide the FBI with information outside the scope of the approved NSL, in that the bank statements are prepared in monthly increments.

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(U) FBI [redacted] requests direction from the appropriate authority on the disposition of those records that fall outside the scope of the approved NSL.

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~~SECRET~~//20320327

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To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/27/2007

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) At CD-3C, read and clear.

Set Lead 4: (Discretionary)

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[redacted]

[redacted]

(U) For action as deemed as appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: General Counsel
Inspection

Attn: NSLB
Attn: IIS, Room. 11861

From: [Redacted]

Contact: [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]:kms

Case ID #: 278-HQ-C1229736-VIO
278-[Redacted]-C48613

Title: INTELLIGENCE OVERSIGHT BOARD MATTERS
NSL AUDIT, 2007
[Redacted] DIVISION

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Synopsis: [Redacted] Division summary of the results of the
2007 NSL audit.

Enclosure(s): 43 INSD/IIS NSL Compliance Checklists

Details: On 03/13/2007, [Redacted] CDC, [Redacted] and CDC
Assistant/PS, [Redacted] conducted an audit of all National
Security Letters (NSL) issued in counterintelligence
investigations, pursuant to the Fair Credit Reporting Act (FCRA).
[Redacted] identified 20 NSLs issued to credit reporting
agencies, in 17 case files, between 01/01/2002 and 12/31/2006.

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Copies of all 20 NSLs were physically located within
the case files and reviewed to determine if any of the NSLs
requested a full credit report, as opposed to limited consumer
information authorized by section 1681u of the FCRA. All of
these NSLs were issued in compliance with statutory authority in
Title 18 USC § 1681u. None of the reviewed NSLs requested a full
credit report.

These 17 case files were also reviewed to determine if
the credit reporting agencies erroneously provided a full credit
report, contrary to the NSL request. NSL results from the credit
reporting agency were located in 16 of the 17 files. One of the
files, involving one of the 20 NSLs, did not contain the NSL
results, although this file did contain an uploaded EC from the
division that delivered the NSL, on behalf of [Redacted] None
of the reviewed files contained a full credit report, in response

b2
b7E

~~SECRET~~

~~SECRET~~

b2
b7E

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

to the NSL request. There is no indication that the NSL results which are missing from one of the 17 files would contain results inconsistent with the results contained in the other 16 files, as the NSL is consistent with the NSL requests in the other 16 files, and was directed to the same credit reporting agency as the other requests.

b2
b7E
b6
b7C

The Inspection staff audit of [redacted] files began on Friday, 03/16/2007, and was conducted by SSA [redacted] and SSA [redacted] from the [redacted] Division. [redacted] was requested to pull 73 investigative files, which included [redacted] files. All 73 files were located and pulled, prior to the arrival of the inspection staff. It was determined that NSLs were issued in 27 of the 73 files. 245 NSLs were issued in these 27 files. [redacted] reviewed each of the 27 files for the purpose of ensuring that the NSLs and NSL results were located within the files and available for inspection. Efforts were made to locate NSL results which were being analyzed, uploaded, or were otherwise unavailable within the case files. [redacted] tabbed each NSL within the case files and made a notation regarding the location of the NSL results (main file, 1A, 1C, etc.).

(S)

Potential IOB matters were divided into two stacks by the inspection staff. The first stack to be reviewed by the CDC included those investigations where a time gap in investigative authority was noted. These included gaps between the expiration of [redacted] and the closing of the case.

b1
b2
b7E

The inspection staff identified 14 files with a time gap in investigative authority. The CDC reviewed these 14 files for the purpose of determining if any investigative activity occurred during a lapse of authority, thereby raising potential IOB issues. 13 of the 14 files revealed no evidence that any investigative activity occurred during any lapse in investigative authority. One of the 14 files revealed activity that could be deemed to be investigative activity, which occurred during a lapse in investigative authority. This potential IOB violation is more fully described as follows:

b1
b2
b7E

(S)

[redacted]

(S)

A review of the case file revealed two potential IOB issues which occurred after the [redacted]. On [redacted] an EC requesting FBIHQ approval to extend the [redacted] was prepared. [redacted] FBIHQ recommended that the case be closed. The case was subsequently closed [redacted]

(S)

b1
b2
b7E

~~SECRET~~

~~SECRET~~

b2
b7E

To: General Counsel From: [redacted]
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• On [redacted] Park was completed. This form was uploaded on [redacted]. The request to [redacted] prepared on [redacted]. This [redacted] was made after investigative authority expired on [redacted].

b1
b2
b7E

(S)

• On [redacted] the FBI received [redacted] [redacted] [redacted] the FBI did receive and review these [redacted] after the [redacted] expired.

b1
b2
b7E

(S)

(S)

The CDC next reviewed a stack of 29 INSD/IIS NSL Compliance Checklists referencing potential IOE matters unrelated to a time gap in investigative authority. These checklists identified 36 potential IOE matters, in 14 case files. The CDC reviewed each of these identified matters to determine if the matter should be reported to OGC as a potential IOE violation. These issues are more fully identified as follows:

b1
b2
b7E

(S)

[redacted]

The NSL Compliance Checklist notes that the ECPA NSL, dated 09/01/2006, [redacted] requested toll billing records beginning 01/01/2005. However, due to billing cycles, the service provider included records from [redacted]

b1

(S)

A review of the file does confirm that [redacted] produced toll billing records for billing date [redacted] which included toll billing records dating back to [redacted]

b2
b4
b7D
b7E

[redacted]

[redacted]

[redacted]

[redacted] No potential IOE violations are noted regarding this NSL.

b1
b2
b7E

(S)

[redacted]

The NSL Compliance Checklist notes that the FCRA NSL, dated 02/19/2003, serial 31, lacked predication in the requesting EC.

~~SECRET~~

~~SECRET~~

b2
b7E

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

b2

A review of the file confirmed that the requesting EC, dated 02/11/2003, [redacted] does lack details to allow for an appropriate review of the NSL request.

(S) [redacted] However, the requesting EC does reference the fact that the case file contains additional facts and details which satisfy the NSL legal standard, including the EC converting [redacted]

b1
b2
b7E

(S) [redacted]

Because facts supporting the requisite legal standard were documented elsewhere in the case file, this identified issue is not an IOE violation, despite the lack of details in the requesting NSL EC,

b1
b2
b7E

(S) [redacted]

The NSL Compliance Checklist notes that the ECPA NSL, dated 11/30/2003, [redacted] "resulted in collection of data not requested in the NSL."

b1
b4
b7D

(S) A review of the file confirmed that the subscriber records provided by [redacted] included an e-mail address for the subscriber. The NSL is [redacted]. The response EC from [redacted] is [redacted].

Because [redacted] provided information beyond the scope of the NSL request, which resulted in inadvertent over collection by the FBI, this constitutes a potential IOE violation.

b1
b4
b7D
b2
b7E

(S) [redacted]

(S) The NSL Compliance Checklist notes that the ECPA NSL, dated 03/20/2006, [redacted] requested toll billing records beginning [redacted] however, due to billing cycles, the service provider included records from 07/31/2005.

A review of the file confirmed that [redacted] produced toll billing records for billing date [redacted] which included toll billing records dating back to [redacted]

Because [redacted] provided records outside the scope of the NSL, this resulted in inadvertent over collection by the FBI, which constitutes a potential IOE violation.

b1
b2
b7E
b4
b7D
b7A

(S) [redacted]

(S) The NSL Compliance Checklist notes that the ECPA NSL, dated 06/07/2006, [redacted] requested transactional records beginning

~~SECRET~~

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

b2
b7E

b4
b7D

[redacted] However, [redacted] included records beginning

A review of the file confirmed that [redacted] produced transactional records dating back to [redacted] pursuant to the NSL dated 06/07/2006, requesting updated records from [redacted]. Although the information from [redacted] was outside the scope of the current NSL, dated 06/07/2006, [redacted] information was previously requested via NSL on 04/15/2005.

b1
b4
b7D

(S)

[redacted] which requested transactional records [redacted] therefore, the case file contained authorization for the acquisition of this otherwise over collection, via a previously authorized NSL request.

b1
b4
b7D
b2
b7E

Because [redacted] provided information outside the scope of the NSL request dated 06/07/2006, this resulted in inadvertent over collection by the FBI. However, because the FBI had previously requested and received this information from [redacted] through valid legal process, this over collection is not deemed to constitute an IOE violation.

(S)

[redacted]

The NSL Compliance Checklist notes that the ECPA NSL, dated 03/03/2003, [redacted] requested toll billing records beginning [redacted]. However, the service provider included records from [redacted]. The checklist also notes that the file copy NSL lacks the SAC's signature.

(S)

b1
b2
b7E

A review of the file does confirm that [redacted] produced toll billing records for billing date [redacted] which included toll billing records dating back to [redacted]. It appears that [redacted] included these records in an effort to capture tolls dating back to [redacted] as the [redacted] billing date is [redacted] resulting in over collection due to the [redacted] billing cycle.

b4
b7D

Because [redacted] provided records outside the scope of the NSL, this resulted in inadvertent over collection by the FBI, which constitutes a potential IOE violation.

b4
b7D

The failure to maintain a copy of the signed NSL would be a potential IOE violation if the NSL was issued without SAC approval. The EC, requesting the NSL, contains the SAC's initials. Because the SAC's approval for the NSL is documented on the request EC, the lack of a signed NSL within the case file will not constitute an IOE violation.

b2
b7E

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

(S) [redacted]

b1
b2
b7E

The NSL Compliance Checklist notes a lack of predication in the opening EC or LHM, for the National Security investigation.

(S) A review of the case file confirmed that the opening communication in this case file lack sufficient predication for opening a National Security investigation. Lack of predication for an investigation constitutes a potential IOB violation. Additional details of the FBIHQ [redacted] which led to this investigation, will be included in the FD-302.

b1

(S) [redacted]

b1
b2
b7E

(S) The NSL Compliance Checklist notes a lack of predication in the NSL EC, for the NSL dated 02/13/2003, [redacted]. The Checklist also notes that some of the NSL results are not located within the case file.

b1

(S) A review of the case file confirms that the approval EC, [redacted] lacks sufficient predication to allow for an appropriate review of the NSL request. However, the opening EC, [redacted] contains sufficient details to predicate the opening of a [redacted]. Therefore, because the case file contains sufficient predication for the investigation, despite the lack of predication within the NSL EC, this matter is deemed to not constitute a potential IOB violation.

b1
b2
b7E

(S) A review of the case file confirms that the original NSL results from [redacted] as well as the original response EC, dated 04/03/2003, [redacted] from [redacted] are not located within the case file. The working copy of the response EC includes the requested subscriber information in the body of the EC. It is not possible to make a determination of whether the NSL results constitute a potential IOB violation without reviewing the records produced as a result of the NSL. The lack of NSL results cannot logically constitute an IOB violation, absent evidence that the NSL results were non-responsive or irrelevant to the investigation.

b1
b2
b7E
b4
b7D

(S) A second NSL Compliance Checklist on file [redacted] notes a lack of predication in the NSL EC, for the NSL dated 02/13/2003, [redacted]. The Checklist also notes that some of the NSL results are not located within the case file. The Checklist also notes that the NSL refers the service provider to the [redacted] field office for questions.

b1
b2
b7E

(S) A review of the case file confirmed that the approval EC, [redacted] lacks sufficient predication to allow for an

b1

~~SECRET~~

b2
b7E

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

(S) [redacted] appropriate review of the NSL request. However, the opening EC, [redacted] contains sufficient details to predicate the opening of a [redacted]. Therefore, because the case file contains sufficient predication for the investigation, despite the lack of predication within the NSL EC, this matter is deemed to not be a potential IOB violation.

b1
b2
b7E

(S) A review of the case file revealed that the original NSL results from [redacted] are included in the case file as [redacted]. A review of those results reveals that [redacted] provided toll billing records beginning on [redacted] as those records are contained on the same page as the records for [redacted]. The NSL requested results beginning on [redacted]. Because [redacted] provided records outside the scope of the NSL request, this resulted in over collection by the FBI by one day, which constitutes a potential IOB violation.

b1
b4
b7D

b1
b2
b7E
b4
b7D

The noted error in the NSL EC, dated 02/13/2003, [redacted] referring [redacted] to the [redacted] Division for questions, is unrelated to IOB issues and would not constitute a potential IOB violation.

(S) [redacted]

b1
b2
b7E

(S) The NSL Compliance Checklist notes an error in the NSL dated 03/14/2005, [redacted]. The noted error is described as an incorrect phone number in the NSL to [redacted].

b4
b7D

(S) A review of the case file confirmed that the NSL, dated 03/14/2005, [redacted] contained a different telephone number from the telephone number contained in the requesting EC, dated 03/14/2005, [redacted]. This error resulted in the over collection of information from [redacted] unrelated to the investigation. Per EC, dated 05/16/2005, [redacted] the error was discovered and the unrelated records destroyed. This error did result in a potential IOB violation.

b1
b4
b7D

(S) [redacted]

b1
b2
b7E
b7A

(S) The NSL Compliance Checklist notes that NSL results pertaining to the ECPA NSL dated 01/14/2005 were not located within the file and were unavailable for review. The Checklist references NSL response EC, [redacted].

(S) A review of the case file confirmed that the NSL results, referenced in the response EC, [redacted] dated 03/17/2005, from [redacted] were not located within the case file. It is not possible, without reviewing the results of the NSL request, to make a determination of whether any potential IOB violations

b1
b4
b7D
b7A

~~SECRET~~

~~SECRET~~

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

b4
b7D
b2
b7E
b7A

exist with respect to these NSL records. It is noted that the response EC from [redacted] states "[r]esults received from [redacted] Corporation are in compliance with National Security Letter dated 02/14/2005, received in [redacted] Division 03/02/2005 and delivered to [redacted] Corporation on 03/07/2005."

(S) Therefore, no reportable IOE violations are evident, based upon the lack of records related to NSL response EC, [redacted] b1
b2

(S) A second NSL Compliance Checklist on file [redacted] b7E
b7A

(S) references an over collection of data with respect to the ECPA NSL dated 07/07/2006, [redacted]

(S) A review of the case file confirmed that the NSL results received from [redacted] through [redacted] included results for the target number outside the dates listed in the EC. It also appears that the NSL results reference telephone numbers not listed in the NSL request EC, [redacted] b1
b4
b7D

(S) Because the NSL results received in response to the NSL dated 07/07/2006, [redacted] appear to contain information outside the scope of the NSL, this over collection constitutes a potential IOE violation. b1

(S) A third NSL Compliance Checklist on file [redacted] b1
b2
b7E

(S) NSL dated 08/29/2006, [redacted]

(S) The ECPA NSL dated 08/29/2006 [redacted] requested toll bidding records on 91 [redacted] A meaningful review of the case file, regarding potential over collection, was not possible for several reasons. The Case Agent is currently TDY at [redacted] and has been for the duration of this NSL audit. The NSL results were not produced in hard copy format, but were produced by [redacted] through [redacted] on five computer disks. One of the computer disks was not in a readily viewable format. It was not possible to determine the extent, if any, of over collection for NSL, serial [redacted] without the assistance of the Case Agent or [redacted] prior to the 03/23/2007 deadline. b1
b4
b7D
b2
b7E

(S) Apparent over collection on this file number was noted with respect to the NSL dated 07/07/2006, [redacted] which was reported as a potential IOE violation. b1

(S) A fourth NSL Compliance Checklist on file [redacted] b1
b2
b7E

(S) Intell references an over collection of data with respect to the ECPA NSL dated 07/16/2003, [redacted] in the Intell subfile. More specifically, the Checklist notes the NSL results included credit card information

~~SECRET~~

~~SECRET~~

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

b2
b7E

(S)

A review of the case file confirmed that the response from [redacted] to the NSL dated 07/16/2003, [redacted] includes the subscribers credit card number and expiration date. The NSL requested "names, addresses, lengths of service, and electronic communication transactional records. ."

b1
b4
b7D
b2

[redacted]

The NSL request was a proper request, tracking statutory language. If the service provider, [redacted] considers the subscriber's credit card number to be "transactional records," there is no reportable IOB violation. If [redacted] does not consider the subscriber's credit card number to be "transactional records," then [redacted] produced records outside the scope of the NSL, which is a potential IOB violation.

b4
b7D

(S)

[redacted]

b1
b2
b7E

The NSL Compliance Checklist notes that no authority was documented in the case file concerning an interview/polygraph of the subject on 04/19/2003 (see serials 4,5,and 6).

[redacted]

~~SECRET~~

b2
b7E
b5

~~SECRET~~

To: General Counsel From: [redacted] b2
Re: 278-HQ-C1229736-VIO, 03/29/2007 b7E

(S) [redacted]

b1
b2
b7E

The NSL Compliance Checklist notes that the NSL EC, regarding the NSL dated 04/29/2003, [redacted] does not contain the e-mail address of the subscriber, allowing for a comparison with the e-mail address contained in the NSL.

A review of the case file confirms that the EC, dated 04/29/2003, serial [redacted] does not reference the e-mail address which is contained in the accompanying NSL request. The absence of the e-mail address in the NSL EC would only constitute an IOE violation if the case file lacks documentation supporting the issuance of the NSL. [redacted] contains details outlining the relationship between the e-mail address contained in the NSL [redacted] and the e-mail address of the subject of another [redacted]

b1
b2
b7E

(S)

(S)

Because the case file contains information which satisfies the relevancy standard for the issuance of the NSL, the absence of the e-mail address in the accompanying EC would not constitute an IOE violation.

(S)

(S)

A second NSL Compliance Checklist on file [redacted] notes that the NSL dated 06/10/2003, [redacted] lacked the signature of the SAC.

b1
b2
b7E

(S)

A review of the case file confirmed that the NSL dated 06/10/2003, [redacted] lacks the initials or signature of the SAC. The failure to maintain a copy of the signed NSL would be a potential IOE violation if the NSL was issued without SAC approval. The NSL EC, dated 06/10/2003, serial [redacted] which documents the approval of the NSL, contains the original initials of the SAC, authorizing the issuance of the NSL.

Because the SAC's approval for the NSL is documented on the request EC, the lack of a signed NSL within the case file will not constitute an IOE violation.

(S)

(S)

Three additional NSL Compliance Checklists on file [redacted] note that the EC, referencing the NSLs dated 06/13/2003, [redacted] failed to include the telephone number for a comparison with the telephone numbers in the NSL.

b1
b2
b7E

(S)

(S)

A review of the case file confirmed that the NSL EC, dated 06/13/2003, [redacted] fails to include the three telephone numbers listed in the accompanying NSLs [redacted] requesting subscriber records to identify individuals who are in contact with the subject. The absence of these telephone numbers in the approval EC would constitute a potential IOE violation if

b1

~~SECRET~~

To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

b2
b7E

(S) the case file lacks sufficient documentation to satisfy the relevancy standard for the issuance of the NSLs.

b1
b2
b7E

(S) A search of [redacted] reveals that the telephone number from NSL [redacted] was in contact with the subject of [redacted] twenty times between [redacted] as well as in contact with the subject of a [redacted] investigation in [redacted]

(S) A search of [redacted] reveals that the telephone number from NSL, [redacted] was in contact with the subject of [redacted] ten times [redacted]

b1
b2
b7E

(S) A search of [redacted] reveals that the telephone number from NSL [redacted] was in contact with the subject of [redacted] times [redacted]

(S) Because the telephone numbers associated with the three NSLs [redacted] were relevant to the pending National security investigation at the time the NSLs were issued, there are no potential IOB violations, despite the absence of the telephone numbers within the accompanying NSL EC.

(S) A sixth NSL Compliance Checklist on file [redacted] notes that the ECPA EC and NSL, dated 06/13/2003 [redacted] requesting transactional records, contains one e-mail address which is not the same on both the NSL and the NSL EC.

b1
b2
b7E

(S) A review of the case file confirmed that the NSL EC, dated 06/13/2003, [redacted] contains one e-mail address which is different from the e-mail address listed in the NSL, [redacted]. The e-mail address contained in the NSL matches the e-mail address included in the original NSL request from the Case Agent. The e-mail address also matches an e-mail address contained in [redacted]. The incorrect e-mail address appears to be limited to the e-mail address contained in the NSL EC, dated 06/13/2003, [redacted] rather than the e-mail address contained in the NSL. [redacted]

b1
b2
b7E

(S) Because the NSL contains the e-mail address requested by the Case Agent, the error in the NSL EC did not result in over collection. This matter is deemed to not constitute a potential IOB violation.

(S) A seventh NSL Compliance Checklist in file [redacted] notes that the whereabouts of the results of the ECPA NSL, dated 04/08/2004, [redacted] are unknown. It should be noted that the NSL Compliance Checklist is believed to be referring to [redacted] which is an NSL dated 04/08/2004. [redacted] is a response [redacted]

b1
b2
b7E

To: General Counsel From: [redacted] b2
Re: 278-HQ-C1229736-VIO, 03/29/2007 b7E

EC from [redacted] dated 09/08/2003, reference an NSL dated 06/10/2003.

b2
b7E

b1
b2
b7E
b4
b7D

(S) A review of the case file revealed no record of a response from CT/CAU regarding the NSL request dated 04/08/2004. [redacted] ACS reveals that the lead to CAU, for delivery of the NSL to [redacted] was cleared on 05/03/2004. However, there is no evidence in ACS which indicates that [redacted] received NSL results from this request. It is not possible to make a determination whether NSL results constitute a potential IOB violation, without reviewing the results. The lack of a response to this NSL may not constitute a potential IOB violation.

(S) [redacted]

b1
b2
b7E

The NSL Compliance Checklist notes that the opening serial which authorized the PI contained a different subject name from the balance of the file.

(S) A review of the file confirmed that the final paragraph in the opening EC contains a name that appears to be unrelated to this investigation. The unrelated name does not appear elsewhere in the case file. The unrelated name in the final paragraph of the opening EC was not indexed. A search of ACS, within file [redacted] confirms that the unrelated name does not appear elsewhere in the case file.

b1
b2
b7E

The balance of the opening EC contains the name of the true subject. The case title in the opening EC contains the name of the true subject. The descriptive data portion of the opening EC contains the name of the true subject, which was indexed for uploading. The LHM [redacted] contained the name of the true subject.

(S) The presence of an inaccurate name in the final paragraph of the opening EC did not create a potential IOB violation.

[redacted]

b1
b2
b7E

(S) The first NSL Compliance Checklist on [redacted]

(S) A review of the case file and ACS confirmed that the [redacted] The last documented annual LHM is dated 01/31/2004. No annual LHMs were noted in the file after that date, resulting in a lapse of sufficient duration to constitute a potential IOB violation.

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To: General Counsel From: [redacted]
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b2
b7E

(S) [redacted] b1
A second NSL Compliance Checklist on file [redacted] b2
(S) notes that the NSL results obtained pursuant to the ECPA NSL, b7E
dated 03/24/2004, [redacted] resulted in over collection, as b4
[redacted] included records outside the date range of the NSL b7D

(S) The Checklist also reports a lack of relevancy in the NSL
EC [redacted] to allow for a sufficient review of the telephone
number contained in the NSL request.

(S) A review of the case file confirmed that the results of the
ECPA NSL, dated 03/24/2004, [redacted] included records outside b1
the scope of the NSL, including records from [redacted] b4
Because [redacted] provided records outside the date range specified b7D
in the NSL, this resulted in an over collection, which b2
constitutes a potential IOB violation. b7E

(S) A review of the case file and ACS confirmed that the NSL EC,
dated 03/24/2004, [redacted] contains minimal details regarding b1
the relevancy of the telephone number contained in the NSL. The b2
absence of details in the NSL EC would constitute a potential IOB b7E
violation if the case file lacked documentation to establish the
relevancy of the requested records, at the time the NSL was
issued. The case file reveals that the telephone number

(S) contained in the NSL was reported to the FBI on 01/31/2004 by the
[redacted] Police Department. [redacted] This
telephone number was reported to belong to the brother of one of
the named subjects. The case file contains documentation which
(S) establishes the relationship of this telephone number to the
Investigation, including [redacted] Because the case
file contains ample details to establish the relevancy of the
telephone number included in the NSL, at the time the NSL was
issued, no potential IOB violations are noted, despite the lack
of details in the NSL EC.

(S) A third NSL Compliance Checklist on file [redacted] notes b1
that the ECPA NSL results related to the NSL dated 03/24/2004, b2
(S) [redacted] were not located within the case file. b7E

(S) The Checklist also reports a lack of relevancy in the NSL
EC [redacted] to allow for a sufficient review of the telephone
numbers contained in the NSL request.

(S) A review of the case file confirmed that the results of the b1
ECPA NSL, dated 03/24/2004, [redacted] are not located within the b2
case file. The original response EC from [redacted] is b7E

(S) not located within the file. However, a working copy of the b4
response EC from [redacted] was uploaded in ACS. This b7D
(S) EC references "enclosed documents" from [redacted]. It is not possible

~~SECRET~~

To: General Counsel From: [redacted] b2
Re: 278-HQ-C1229736-VIO, 03/29/2007 b7E

to make a determination whether the NSL results constitute a potential IOB violation, without reviewing the NSL results. Because the NSL results were unavailable for review, no potential IOB violations were noted with respect to these NSL results.

(S) A review of the case file and ACS confirmed that the NSL EC, dated 03/24/2004, [redacted] lacks sufficient details regarding the relevancy of the telephone numbers contained in the NSL,

b1
b2
b7E

(S) [redacted] The absence of details in the NSL EC would constitute a potential IOB violation if the case file lacked documentation to establish the relevancy of the requested records, at the time the NSL was issued. The case file and [redacted] reveals that the telephone numbers contained in the NSL are connected to the named subjects, family members, or family businesses, based upon [redacted] entries [redacted]. The

(S) [redacted] subfile also contains information which makes [redacted]. In addition, the case file contains documents with additional details relevant to the telephone numbers and individuals associated with the telephone numbers, including

(S) [redacted] Because the case file contains ample details to establish the relevancy of the telephone numbers included in the NSL, [redacted] at the time the NSL was issued,

(S) no potential IOB violations are noted, despite the lack of details in the NSL EC.

(S) A fourth NSL Compliance Checklist on file [redacted] notes that the results of the NSL, dated 04/26/2004, [redacted]

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(S) were not contained within the case file.

(S) The Checklist also reports a lack of relevancy in the NSL EC, [redacted] to allow for a sufficient review of the NSL request.

(S) A review of the case file and ACS confirmed that the results of the RPPA NSL, dated 04/26/2004, [redacted] are not contained within the case file. It is not possible to make a determination of whether the NSL results support a potential IOB violation, without reviewing the results. Because the NSL results were unavailable for review, no potential IOB violations, related to those results, could be noted.

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(S) A review of the case file and ACS confirmed that the NSL EC, dated 04/26/2004, [redacted] contains minimal details regarding the relevancy of the names contained in the NSL. The EC does state that the "financial records are being requested [redacted]

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(S) [redacted] The case file reveals that the names contained in this NSL request [redacted] are subjects of the investigation

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To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

[redacted] of the subjects. The individuals named in the NSL [redacted]

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(S) The case file contains documentation regarding the relevancy of the individuals named in the NSL to the investigation, including [redacted]. Because the case file contains ample details to establish the relevancy of the information requested by the NSL, at the time the NSL was issued, no potential IOB violations are noted, despite the lack of details in the NSL EC.

(S) A fifth NSL Compliance Checklist for file [redacted] notes that the results of the NSL, dated 04/26/2004, [redacted] were not contained within the case file.

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(S) The Checklist also reports a lack of relevancy in the NSL EC, [redacted] to allow for a sufficient review of the NSL request.

(S) A review of the case file and ACS confirmed that the results of the RFFA NSL, dated 04/26/2004, [redacted] are not contained within the case file. There is no record of [redacted] receiving a response EC from [redacted]. Contact was made with [redacted] on 03/16/2007, confirming that [redacted] had no documentation of a response being provided to [redacted] regarding this NSL request. It is not possible to make a determination of whether the NSL results support a potential IOB violation, without reviewing the results. Because there is no record of [redacted] receiving a response to this NSL request, the lack of responsive records may not constitute a potential IOB violation.

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(S) A review of the case file and ACS confirmed that the NSL EC, dated 04/26/2004, [redacted] contains minimal details regarding the relevancy of the names contained in the NSL. The EC does state that the "financial records are being requested to [redacted]"

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(S) [redacted] the case file reveals that the names contained in this NSL request, [redacted] are subjects of the investigation [redacted]. The individuals named in the NSL [redacted]

(S) The case file contains documentation regarding the relevancy of the individuals named in the NSL to the investigation, including [redacted].

(S) [redacted] Because the case file contains ample details to establish the relevancy of the information requested by the NSL, at the time the NSL was issued, no potential IOB violations are noted, despite the lack of details in the NSL EC.

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b7ETo: General Counsel From: [REDACTED]
Re: 278-HQ-C1229736-VIO, 03/29/2007

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(S)

A sixth NSL Compliance Checklist on file [REDACTED] notes that the NSL results of the ECPA NSL, dated 10/07/2004, [REDACTED] are not located within the case file.

(S)

A review of the case file and ACS reveals that [REDACTED] covered the lead regarding delivery of the NSL to [REDACTED]. The original response EC from [REDACTED] as well as any enclosures produced by [REDACTED] are not located within the case file. However, a working copy of the [REDACTED] response EC was available through ACS. This response EC contains the results of the request for subscriber information, but does not contain the results of the toll records request.

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It is not possible to make a determination whether any potential IOB violations have occurred with respect to the NSL results, without reviewing the NSL results. The absence of NSL results in the file, without more, may not constitute a potential IOB violation.

Conclusion

The [REDACTED] Division NSL audit resulted in the identification of 13 matters, within 10 case files, which are reportable to OGC as potential IOB violations, summarized as follows:

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- 3 over collections attributed to billing cycles;
- 4 over collections attributed to service provider;
- 1 over collection attributed to FBI typographical error;
- 2 instances of potential investigative activity during a lapse in investigative authority (one case file);
- 1 lack of predication for the investigation;
- 1 lack of documented authority for [REDACTED]
- [REDACTED]
- 1 lack of annual LHMs;

These 13 potential IOB violations will be more fully detailed in individual FD-962 reports.

[REDACTED] will incorporate all issues raised during the NSL audit into the NSL training session previously scheduled as part of the 2007 annual legal training for [REDACTED] Division Agents.

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To: General Counsel From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/29/2007

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LEAD(s) :

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

[redacted] is providing a summary of the results of the 2007 NSL audit of the [redacted] Division.

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Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

[redacted] is providing a summary of the results of the 2007 NSL audit of the [redacted] Division.

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~~SECRET/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/23/2007

To: Inspection

Attn: IIS

General Counsel

Attn: NSLB

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From:

[Redacted]

Contact: SA

[Redacted]

Approved By:

[Redacted]

Drafted By:

[Redacted]

(U)

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

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(U)

Title: ~~(S)~~ REPORT OF A POTENTIAL IOB MATTER

(S)

[Redacted]

(U)

Synopsis: ~~(S)~~ Document the acquisition of non-relevant telephone subscriber and toll record information collected via a National Security Letter. Report potential IOB matter.

(U)

~~(S)~~

Derived From : G-3
Declassify On: X1

(U)

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

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Details: (U) The case agent for the above captioned case is SA [Redacted] FBI [Redacted]. The relevant supervisor is SSA [Redacted] FBI [Redacted]. The above captioned subject is a US Person.

[Redacted]
[Redacted] a US person, was authorized in accordance with US Attorney General Guidelines [Redacted] [Redacted]

~~SECRET/NOFORN~~

~~SECRET/NOFORN~~

(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007

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[redacted]

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[redacted]

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[redacted]

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(S/NF) Comment: [redacted]

[redacted]

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(U)

~~SECRET~~/NOFORN

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007

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(S/NE)

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(S) A National Security Letter (NSL) dated 01/09/2007 was served on [redacted] via the [redacted] Division. The "Approval Certification" section of the cover EC advised: [redacted]

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~~SECRET/NOFORN~~

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007

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(S)

[redacted]

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(U)

~~(S)~~ Since [redacted] contained [redacted] call activities for [redacted]

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(S)

[redacted]

(S)

investigation, the case agent requested [redacted] toll records [redacted]

(U)

~~(S)~~ The subscriber and toll record response from [redacted] for telephone number [redacted] was received by [redacted] Division on 03/06/2007 and passed to the [redacted] Division via an EC dated 03/07/2007.

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(S)

The case agent received the response from [redacted] via the [redacted] Division on either 03/12/2007 or 03/13/2007. After a cursory review of the response from [redacted] the case agent noted the communications carrier had provided subscriber and toll record information for three subscribers.

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(S)

(U)

~~(S)~~ The first named and fully identified subscriber to telephone number [redacted] was listed as the user from [redacted]

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(S)

Toll records covering the period [redacted] to [redacted] associated with the first subscriber, were provided in hard-copy format. These hard-copy toll records were sequestered and passed to the [redacted] CDC for further disposition. A total of two called telephone numbers were listed in these toll records. The subscriber information associated with this individual was not indexed into FBI data bases and the toll record call activity was not uploaded into the [redacted] database.

(U)

(S)

~~(S)~~ The second unnamed subscriber to telephone number [redacted] was only identified as [redacted] established [redacted] had no subscriber information on record for this prepaid account; however, the case agent has assessed this unnamed subscriber to be identical with the captioned subject for reasons outlined below. Toll records [redacted] which were associated with the prepaid account user, were provided on the same CD-R as the toll records belonging to a possible third subscriber. The CD-R was sequestered and passed to the [redacted] CDC pending further analysis. The toll records [redacted]

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~~SECRET/NOFORN~~

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007

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from [redacted] to [redacted] were printed and have been maintained in hard-copy format in the captioned case file for reasons outlined below.

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(S) ~~(S)~~ It is reasonable to believe that [redacted] [redacted] pertaining to telephone number [redacted] was used by [redacted] [redacted] for the following reasons:

(S) [redacted]

(S) (S) [redacted] advised that [redacted] [redacted] pertaining to telephone number [redacted] [redacted] initiated [redacted] This time frame included the dates of [redacted] to [redacted] that represented the period in which telephone number [redacted]

(S) [redacted] pending). This time frame also included the dates of [redacted] to [redacted] that represented the period in which telephone number [redacted]

(S) (S) [redacted] a telephone number subscribed to [redacted] [redacted] pending). As previously stated above, [redacted]

(S) [redacted]

(S) ~~(S)~~ The third named and fully identified subscriber to telephone number [redacted] was listed as the user from [redacted] [redacted] Toll records from [redacted] to [redacted] were provided on a CD-R which was sequestered and passed to the [redacted] CDC pending further analysis. The subscriber information associated with this third individual was not indexed into FBI data bases and the toll record call activity has not been uploaded into [redacted] yet pending further analysis.

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~~(U)~~ ADC [redacted] Division, conducted a [redacted] analysis of the calls on the CD-R made [redacted]

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~~SECRET/NOFORN~~

To: Inspection From: [redacted]
Re: ~~(S)~~ (U) 098-HQ-C1229736, 03/23/2007

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between the dates of [redacted] to [redacted] that were associated with the third subscriber. [redacted] analysis revealed [redacted] identical telephone numbers were called during the period in which the third individual was listed as the subscriber as were called by the second, unidentified subscriber,

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[redacted] Furthermore, the prepaid account user terminated service [redacted] and the third subscriber initiated service the very next day [redacted] Normally, there is a gap of several weeks or months in between the termination of service for one subscriber and the reassignment and initiation of service to another subscriber. While ADC

(S)

[redacted] was demonstrating how he conducted the preliminary analysis, the case agent recognized the residential telephone number subscribed to [redacted]

(S)

[redacted] (pending) and the residential and cellular telephone numbers subscribed to [redacted]

(S)

[redacted] (pending) as being common telephone numbers called by the second and third subscribers. [redacted] in [redacted]

(S)

For all these reasons, it is reasonable to believe that [redacted] even

[redacted] though it is now subscribed under a different name.

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(S) It is the case agent's assessment that [redacted]

(S)

[redacted] by initiating use as a prepaid account [redacted] and then listing the telephone number under someone else's name [redacted]

[redacted] This assessment would not have been possible without possession of the toll records to accompany the subscriber information.

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(U) The subscriber information associated with the first fully identified non-subject subscriber was not indexed into FBI data bases and the toll record call activity associated with that non-subject subscriber, consisting of two calls, was not uploaded into [redacted] An in-depth call

(S)

[redacted] analysis of the toll records pertaining to the period of [redacted] to [redacted] will be conducted to establish beyond

(S)

[redacted] doubt that [redacted] continued to use telephone number [redacted] and intentionally attempted to hide the fact he is the user of this particular telephone number.

(U) Any questions regarding this matter can be addressed to SSA [redacted] or SA [redacted] requests OGC provide feedback regarding approval for destruction

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(U) To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007 b7E

of the sequestered non-pertinent records associated with the first subscriber.

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(U) To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736, 03/23/2007 b7E

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 2: (Action)

GENERAL CONSUL

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AT WASHINGTON, DC

(U) [redacted] requests OGC provide feedback regarding approval for destruction of the sequestered non-pertinent records associated with the first subscriber.

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~~SECRET/NOFORN~~

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2007

To: [redacted] b2
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Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS 2, Team 7

Inspection

Attn: IIS

From: General Counsel

National Security Law Branch, CTLU1, LX1 3S-129

Contact: [redacted]

Approved By: Thomas Julie F
[redacted]

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Drafted By: [redacted] :ldr

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

Title: (U) Intelligence Oversight Board
(IOB) Matter 2007-[redacted]

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

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~~Derived From : G-3
Declassify On: 03/22/2032~~

Reference: (S) 278-HQ-C1229736-VIO-2225
(S) [redacted]

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

(S) [redacted] a United States Person.

(X) In a 02/01/2007 National Security Letter (NSL), [redacted] requested subscriber information from [redacted]

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(U) To: Counterterrorism From: General Counsel
Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/22/2007

under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications Privacy Act of 1986) (as amended). Specifically sought were the name, address, and length of service with respect to the following telephone numbers:

(S) [Redacted]

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(U)

~~(S)~~ On 02/26/2007, the FBI received the results from [Redacted]. When the case agent, [Redacted] reviewed the results he discovered that [Redacted] had provided additional information that was not described above. The additional information consisted of an email address for the subscriber of telephone number [Redacted] subscriber information predating [Redacted] for telephone number [Redacted] and approximately [Redacted] toll records.

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(S)

(S)

(U) ~~(S)~~ SA [Redacted] contacted AGC [Redacted] in the [Redacted] CDC's office immediately. AGC [Redacted] advised the SA [Redacted] to segregate the email address for the subscriber of telephone number [Redacted] subscriber information predating [Redacted] for telephone number [Redacted] and approximately twenty toll records. AGC [Redacted] advised that this information should be forwarded to the CDC's office in [Redacted]. SA [Redacted] complied with these instructions. The additional information has been received and sequestered in the CDC's office. None of the information was uploaded into ACS or placed in the case file.

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(S)

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

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To: Counterterrorism From: General Counsel
 Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/22/2007

and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12963 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

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

(U)

~~(S)~~ In this instance, [redacted] properly served an NSL requesting subscriber information relating to the telephone numbers relevant to the subject of a preliminary investigation. In addition to the responsive records, due to an error by [redacted] also received records beyond the scope of that requested in the NSL.

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(U) To: Counterterrorism From: General Counsel
 Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/22/2007

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

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

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

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(U) To: Counterterrorism From: General Counsel
 Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/22/2007

LEAD(s) :

Set Lead 1: (Action)

[REDACTED]

AT [REDACTED]

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

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Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

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

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/21/2007

To: [redacted]

From: [redacted]
Squad [redacted]

Contact: SA [redacted]

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Approved By: [redacted]

Drafted By: [redacted] :swr

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending)
(S) 278-[redacted]-75423-VIO (Pending)

(U) Title: (S) POTENTIAL INTELLIGENCE OVERSIGHT
BOARD MATTER;

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

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

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Reference: (S) [redacted]

Enclosure(s): Copy of National Security letter, including
attachments, sent to [redacted]

(U) Details: (S) During an office wide review of documents received
in response to a National Security Letter issued under 12 U.S.C.
Section 3414 (a)(3) (commonly known as the Right to Financial
Privacy Act), it was discovered that among the documents SA
[redacted] received was one full credit report. Chief
Division Counsel [redacted] advised this should be
reported as a potential IOE matter.

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(S) [redacted] The above NSL was issued in pending case [redacted]
[redacted] a USPER.
This investigation was [redacted] The
[redacted]

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(U) To: [redacted] From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/21/2007

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[redacted]

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(U) ~~(S)~~ The NSL for financial records was sent to [redacted] on October 25, 2006, because it was believed those records were [redacted]

(S)

[redacted] with the financial institution. The records would provide information [redacted]

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[redacted]

(U) ~~(S)~~ The NSL was copied verbatim from the NSL copy provided on the National Security Law Branch Website. [redacted]

[redacted]

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(U)

(S)

~~(S)~~ In response to the NSL, the recipient provided numerous records all pertaining to [redacted] had obtained [redacted] report. One of those documents was a full credit

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(U) To: [redacted] From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/11/2007 b7E

(U) ~~(S)~~ The receipt of the response to the NSL was documented in an EC dated 12/26/2006. That document lists numerous pieces of information received, including the credit report. All information received, including the credit report, was attached to the EC and included in the file.

(U) ~~(S)~~ It should be noted that writer did not anticipate or desire that a credit report be included in the recipient's NSL response. Writer did not analyze in detail the information contained in that credit report.

(U) ~~(S)~~ Writer has now removed the pages containing the credit report from the file, placed them in a sealed envelope, and forwarded them to the Chief Division Counsel until further notice.

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080cwr01.EC

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/26/2007

To: Inspection

Attn: IIS

Office of General Counsel

Attn: NSLB

Counterintelligence

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Attn: CD-3D; SSA [redacted]
Room 4166

[redacted]

Attn: Chief Division Counsel
SSA [redacted]

From: [redacted]

Squad [redacted]
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

:pjl

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Case ID #: (S) [redacted]

(Pending)
(U) 278-HQ-C1229736-VIO (Pending)

Title: (S) [redacted]

(U) REPORT OF A POTENTIAL INTELLIGENCE OVERSIGHT
BOARD VIOLATION
SA [redacted] b6
SSA [redacted] b7C

Synopsis: (U) To report a possible intelligence oversight board
(PIOB) violation.

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

Reference: (U) 278-HQ-C1229736-VIO Serial 2570

p107095a.ec

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To: Inspection From: [redacted]
Re: (S) [redacted] 03/26/2007

(U)

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~~(S)~~ **Details:** (S) On 11/15/2006, [redacted] Division drafted an Electronic Communication (EC) to [redacted] Division which reported the results from a National Security Letter (NSL) from [redacted] Division to [redacted] dated 09/05/2006. The original NSL from [redacted] Division requested [redacted] identify the names, addresses, lengths of service and electronic communications transactional records, to include existing transaction/activity logs and all electronic mail (E-Mail) header information (not to include message content and/or subject fields).

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(S)

(U) (S) [redacted] the previous [redacted] Division case agent of the above captioned investigation identified

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[redacted] This information was identified by the original source of the allegation involving [redacted]

(S)

[redacted]

(U) (S) In the corresponding results, [redacted] provided subscriber records, and possibly electronic communications transactional records, for a USPER not identified as [redacted]

(S)

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[redacted] Note: The case agent has not looked at the electronic communications transactional records in depth since the records were initially received, and thus can not recall whether these records even exist End Note.] In addition, [redacted] provided the FBI with subscriber records for the E-Mail address of [redacted]

(S)

[redacted] although this address was not requested by the FBI. According to the [redacted] response, this E-Mail address is subscribed to [redacted]

(S)

[redacted] who was employed as a [redacted]

(U)

(S) Although [redacted] Division received these results no later than 11/27/2006, the case agent was not aware that over-reporting of information by an internet service provider (ISP) was a PIOE. This realization was made after the recent publicity surrounding FBI's NSL issues.

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(U)

(S) The above captioned investigation was initiated as [redacted]

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To: Inspection From: [redacted]
Re: (S) [redacted] 03/26/2007

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(S)

[redacted]

(S)

(S)

(U) ~~(S)~~ The results of the names provided to the FBI from [redacted] were placed into the EC drafted by [redacted] to Baltimore, including [redacted] and the other USEER name redacted by the case agent earlier in this EC. This EC has been uploaded, though neither of the two USPER names were indexed by either division. [redacted] Division has not conducted any additional investigation relating to either [redacted] or the other USPER mis-identified and reported by [redacted] to the FBI.

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(U) ~~(S)~~ SSA [redacted] was the case agent's supervisor at the time the records were sent by [redacted] to the FBI. SSA [redacted] is now retired from the FBI.

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(U) ~~(S)~~ Enclosed with the copy of this EC for [redacted] Division, Chief Division Counsel is a sealed 1A of the original EC from [redacted] as well as the subsequent records and results from [redacted]. In addition, the case agent deleted the electronic folder on the case agent's server folder which was created from the CD Rom obtained by [redacted]. This folder was created to assist with the review of the electronic records obtained from [redacted].

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~//X1

NSL VIO-36482 DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Los Angeles, California 90024
March 22, 2007

REPORT OF A POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTER

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(S) [Redacted]

(S) [Redacted]

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~~Classified by G-3; Declassify on X-1~~

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

(S)

~~SECRET~~//X1



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(S)



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(U) In addition to subscriber name, address, length of service and account number/telephone, the screen printout contained additional information to include social security number, current amount due on bill, and other information regarding their telephone accounts which were not within the scope of information requested in the NSL.

(U) While it can not be determined what the USPER status of the above two subscribers is, they are presumed to be USPERs as they both reside in the U.S.

(U) Subscriber information to include only name, addresses and length of service were entered into FBI telephone applications for the above two telephone numbers. A redacted copy of the screen printout which only lists name, address(es), length of service and telephone number will be maintained in the file. The only existing copy of the unredacted response was sealed in an envelope and forwarded with this communication.

(U) ~~(S)~~ Persons involved in the supervision of captioned case include:

- b6 - SA  case agent
- b7C - SSA  LBRA3 supervisor

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/22/2007

To: Counterintelligence
Office of General Counsel
Inspection

Attn: CD-2D, Room 4844
Attn: NSLE
Attn: IIS
Attn: CDC

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From:

Contact: SA

Approved By:

Drafted By:

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

Title: (S)

Synopsis: (U) Report of a potential IOB matter as required by
NFIP Manual Section 2-56.

(U) ~~Classified By: G-3~~
~~Declassify On: X1~~

(S)

[Redacted]

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Administrative: (S)
(S)

Reference: (U) Email from [Redacted] ADC [Redacted] to all [Redacted]
employees dated 03/22/2007 forwarding email from Julie F. Thomas
(OGC) to all CDCs dated 03/22/2007.

Attachments: (S) Attached for all recipients is a copy of [Redacted]

[Redacted]

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To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/22/2007

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(U)

~~(S)~~ Enclosures: (U) Enclosed for all recipients is a copy of LHM dated 03/22/2007

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(S)

~~(S)~~ Package Copy: (U) for CDC/[redacted] only, a sealed envelope containing the unredacted original of [redacted]

~~(S)~~ Details: (U) Referenced email advised that any information received from an electronic communications service provider in response to a National Security Letter (NSL) for telephone subscriber information other than the customer's name, address, length of service, and/or account/telephone number subscribed to, should be reported to the CDC and a report of a possible IOB violation should be prepared. In accordance with these directions, the enclosed disseminable LHM has been prepared.

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(U) Package copy contains a sealed envelope containing an unredacted copy of the response from [redacted] and a copy which was redacted by writer and will be maintained in [redacted]

(S)

(U) Attached are copies of the EC and letter originally requesting subscriber information from [redacted] for two telephone numbers and a redacted copy of the [redacted] response.

(S)

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~~SECRET~~

To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/22/2007

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LEAD(s) :

Set Lead 1: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For CD-2D, for information only.

Set Lead 2: (Discretionary)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) For NSLE, for appropriate action.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For ITS, for appropriate action.

Set Lead 4: (Action)

[redacted]

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AT [redacted]

(U) For CDC, sequester package copy (sealed envelope) pending adjudication by NSLE.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2007

To: [Redacted]

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Attn: SAC
CDS
ADC [Redacted]

Counterterrorism

Attn: T7081, CONUS I, Team 1
SSA [Redacted]
IA [Redacted]

Inspection

Attn: IIS

From: Office of General Counsel

NSLB/CTLU

Contact: [Redacted]

Approved By: Thomas Julie F
[Redacted]

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(U) **Drafted By:** [Redacted] :mml

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

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

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

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(U) ~~(S)~~ **Derived From:** G-3
Declassify On: 03/05/2032

Reference: (S) [Redacted]

(U) **Details:** ~~(S)~~ By electronic communication (EC) dated February 28, 2007 and referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

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(U) ~~(S)~~ By way of background [Redacted]

(S) [Redacted]

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~~SECRET~~

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

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(S)

[redacted]

(U)

(U) ~~(S)~~ An NSL addressed to [redacted] Regulatory Compliance, [redacted] was served on October 6, 2003. In accordance with 15 U.S.C. § 1681u(a)(2001), the NSL contained the required relevancy certification,, and was duly executed by a Special Agent in Charge at the time, [redacted]

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(S) At the time of submission of the NSL, [redacted]

[redacted]

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(S)

[redacted]

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(S)

(U) ~~(S)~~ The aforementioned NSL submitted to [redacted] requested only names and addresses of all financial institutions at which [redacted] maintains an account. The response to the NSL supplied information beyond that requested [redacted]

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(S)

[redacted]

(S)

[redacted] consumer report. The information obtained outside the scope of the NSL was not sequestered.

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

(U) ~~(S)~~ No use appears was made of any of the information received from [REDACTED] including information to which the requestor was entitled. Review of the file disclosed no requests for information submitted under the Right to Financial Privacy Act to any of the financial institutions listed in the [REDACTED] response. Biographical information contained in the [REDACTED] report such as [REDACTED] birth date, Social Security Account Number, and present and former addresses had already been obtained from other sources at the time the request for information from [REDACTED] was submitted.

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(S)

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

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

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~~SECRET~~

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

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

(U) ~~(S)~~ In this instance, [REDACTED] properly served an NSL requesting financial records relevant to the subject of the preliminary investigation. The NSL was reviewed by the Chief Division Counsel (CDC) for the [REDACTED] Division. In addition to responsive records, due to an error by the financial institution, [REDACTED] also obtained records beyond the scope of the NSL.

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(U) ~~(S)~~ Based on our analysis, the financial institution's mistake was reportable to the IOB at the time of the overcollection. However, pursuant to current FBI policy, and in accordance with a letter dated November 13, 2006, from the IOB's General Counsel, such third party errors need not be reported to the IOB.

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

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

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To: [REDACTED] From: Office of General Counsel
 (U) Re: [REDACTED] 278-HQ-C1229736-V10, 03/12/2007

LEAD(s) :**Set Lead 1: (Action)**b2
b7E[REDACTED]
 AT [REDACTED]

(U) The [REDACTED] Field Office should serve an additional NSL for the relevant records, or in the alternative, contact the financial institution and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. If [REDACTED] has not already done so, the records received which were not requested should be sequestered.

Set Lead 2: (Info)COUNTERTERRORISMAT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)INSECTIONAT WASHINGTON, DC

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

♦♦

~~SECRET~~



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

[Redacted]

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March 26, 2007

REPORT OF A POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTER

(S)

[Redacted]

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[Redacted]

(S)

[Redacted]

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(S)

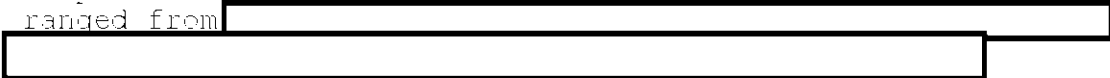
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(U) [redacted] provided information on [redacted] telephone numbers which contained data which were not within the scope of information requested in the NSL. This information ranged from [redacted]

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(U) [redacted] provided information on [redacted] telephone numbers which contained data which were not within the scope of information requested in the NSL. [redacted]

b4
b7D



(U) While it can not be determined what the USPER status of the above subscribers is, they are presumed to be USPERs as they all reside in the U.S.

(U) Subscriber information to include only name, addresses and length of service will be entered into FBI telephone applications for the above telephone numbers. A redacted copy of NSL responses which only lists name, address(es), length of service and telephone/account number will be maintained in the investigative file. The only existing copies of the unredacted responses were sealed in an envelope and forwarded to the Chief Division Counsel at FBI [redacted] with this communication to be sequestered.

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(U) ~~(S)~~ Persons involved in the supervision of captioned case include:

- SA [redacted] case agent
- SSA [redacted] supervisor

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

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Precedence: PRIORITY

Date: 03/26/2007

To: Counterintelligence
Office of General Counsel
Inspection

Attn: CD-2D, Room 4844
Attn: NSLE
Attn: IIS
Attn: CDC

From:

Contact: SA

Approved By:

Drafted By:

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

Title: (S)

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Synopsis: (U) Report of a potential TOB matter as required by
NFIP Manual Section 2-56.

(U) ~~(S)~~ ~~Classified By: G-3~~
~~Declassify On: X1~~

(S)

[redacted]
[redacted] (USPER).

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Administrative: (S) [redacted]
(S) [redacted]

Reference: (U) Email from [redacted] ADC [redacted] to all [redacted]
employees dated 03/22/2007 forwarding email from Julie F. Thomas
(OGC) to all CDCs dated 03/22/2007.

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Attachments: (S) Attached for all recipients is a copy of [redacted]
[redacted] and redacted copies of telephone
subscriber NSL returns from [redacted] and [redacted]

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~~SECRET~~

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To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/26/2007

(U)

Enclosures: ~~(S)~~ Enclosed for all recipients is a copy of LHM dated 03/26/2007

(U)

Package Copy: ~~(S)~~ for CDC [redacted] only, a sealed envelope containing the unredacted original returns from [redacted] (which includes a 3.5" floppy disk) and [redacted] (which includes a CD-R).

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Details: (U) Referenced email advised that any information received from an electronic communications service provider in response to a National Security Letter (NSL) for telephone subscriber information other than the customer's name, address, length of service, and/or account/telephone number subscribed to, should be reported to the CDC and a report of a possible IOE violation should be prepared. In accordance with these directions, the enclosed disseminable LHM has been prepared.

(U) Package copy contains a sealed envelope containing the unredacted documents of the responses from [redacted] and [redacted]. Attached are copies of the EC and letters originally requesting subscriber information from [redacted] and [redacted] for telephone numbers and a redacted copy of the [redacted] and [redacted] response.

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~~SECRET~~

To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/26/2007

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LEAD(s) :

Set Lead 1: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For CD-2D, for information only.

Set Lead 2: (Discretionary)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) For NSLB, for appropriate action.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For TIS, for appropriate action.

Set Lead 4: (Action)

[redacted]

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AT [redacted]

(U) For CDC, sequester package copy (sealed envelope) pending adjudication by NSLB.

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-36497

~~SECRET//X1~~

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

[Redacted]

March 29, 2007

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REPORT OF A POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTER

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(S) [Redacted]

[Large Redacted Area]

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(S) [Redacted]

[Redacted]

~~SECRET//X1~~

~~Classified by G-3, Declassify on X-1~~

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

~~SECRET~~//X1

(S)

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[Redacted]

response for two of these NSLs from [Redacted] and [Redacted] [Redacted] for subscriber information (requesting subscriber information on a total of [Redacted] telephone numbers) were both received by FBI [Redacted] on March 29, 2007 from FBI [Redacted] with a cover communication dated March 19, 2007.

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(U) [Redacted] provided information on six telephone numbers which contained data which were beyond the scope of information requested in the NSL. This information ranged from [Redacted]

[Redacted]

(U) [Redacted] provided information on [Redacted] [Redacted] telephone numbers which contained data which were beyond the scope of information requested in the NSL. This information ranged from [Redacted]

[Redacted]

b4
b7D
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(U) While it can not be determined what the USPER status of the above subscribers is, they are presumed to be USPERs as they all reside in the U.S.

(U) Subscriber information to include only name, addresses and length of service will be entered into FBI telephone applications for the above telephone numbers. The cover communication from FBI [Redacted] also contained some information derived from the responses from the communications providers which were beyond the scope of information requested in the NSL. Text of this document has been removed from the FBI Automated Case File (ACF). A redacted copy of NSL responses and the cover communication from FBI [Redacted] which only lists name, address(es), length of service and telephone/account number will be maintained in the investigative file. A redacted copy of the FBI [Redacted] communication will be provided to FBI [Redacted] to replace the original unredacted copy in their file. The only existing FBI [Redacted] copies of the unredacted responses and the FBI [Redacted] communication were sealed in an envelope and forwarded to the Chief Division Counsel at FBI [Redacted] with this communication to be sequestered.

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(U)

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~~(S)~~ Persons involved in the supervision of captioned case include:

- SA [redacted] case agent
 - SSA [redacted] supervisor
- b6
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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/29/2007

To: Counterintelligence
Office of General Counsel
Inspection

Attn: CD-2D, Room 4844
Attn: NSLE
Attn: IIS
Attn: CDC
Attn: [Redacted]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[Redacted]

Contact: SA [Redacted]

Approved By:

[Redacted]

Drafted By:

[Redacted]

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Case ID #:

(S) [Redacted] (Pending)
(U) 278-HQ-CI229736-VIO (Pending)

Title: (S)

[Redacted]

Synopsis: (U) Report of a potential IOE matter as required by
NFIP Manual Section 2-56.

(S)

(U) ~~(S)~~ **Classified By:** G-3
Declassify On: X1

[Redacted]

[Redacted]

(USPER).

Administrative: (S)
(S)

[Redacted]

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Reference: (U) Email from [Redacted] ADC [Redacted] to all [Redacted]
employees dated 03/22/2007 forwarding email from Julie F. Thomas
(OGC) to all CDCs dated 03/22/2007.

(S) [Redacted]

~~SECRET~~

~~SECRET~~

To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/29/2007

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Attachments: (S) Attached for all recipients is a copy of [redacted] and redacted copies of [redacted] referenced serial and telephone subscriber NSL returns from [redacted]

Enclosures: (U) Enclosed for all recipients is a copy of LHM dated 03/29/2007.

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Package Copy: (U) for CDC/FBI [redacted] only, a sealed envelope containing the unredacted original returns from [redacted] and [redacted] and referenced serial.

Details: (U) Referenced email advised that any information received from an electronic communications service provider in response to a National Security Letter (NSL) for telephone subscriber information other than the customer's name, address, length of service, and/or account/telephonenumber subscribed to, should be reported to the CDC and a report of a possible IOE violation should be prepared. Referenced serial provided results of NSL subscriber requests which included information other than the above. In accordance with these directions, the enclosed disseminable LHM has been prepared.

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(S) (U) Package copy contains a sealed envelope containing the unredacted responses from [redacted] and all FBI [redacted] copies of [redacted]

(S) Attached are copies of the EC and letters originally requesting subscriber information from [redacted] and a redacted copy of [redacted] and the [redacted] responses.

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To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/29/2007

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LEAD(s) :

Set Lead 1: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For CD-2D, for information only.

Set Lead 2: (Discretionary)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) For NSLB, for appropriate action.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For IIS, for appropriate action.

Set Lead 4: (Action)

[redacted]

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b7E

AT [redacted]

(U) For CDC, sequester package copy (sealed envelope) pending adjudication by NSLB.

Set Lead 5: (Action)

[redacted]

(S)

AT [redacted]

[redacted]

~~(U)~~ For ISS, replace original of [redacted] with attached redacted copy and remove text of this serial from ACS in [redacted] file. [redacted] should consult with its CDC to

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To: Counterintelligence
Re: (S) [redacted]

From: [redacted]
03/29/2007

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sequester any unredacted copies of this serial pending adjudication by NSLB.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

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

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]:df

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending)
~~(S)~~ 278-[Redacted]-136372

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(U)

~~(S)~~ Title: TO REPORT A POTENTIAL IOB VIOLATION

(U)

~~(S)~~ Synopsis: Reports potential IOB violation in case identified below.

(U)

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

(S) 3. [Redacted]

(U)

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

(U) On 09/09/2004, a National Security Letter prepared by SA [Redacted] was issued by [Redacted]

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 273-HQ-C1229736-VIO, 03/29/2007

Division. The letter requested Telephone Toll Billing records for the period of [redacted] to the present." The carrier, [redacted] provided toll billing records dating back to [redacted] consistent with that [redacted]

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(U) It should be noted that, at the time of this action, there existed ample, predicated intelligence to justify a request for the records received. The error was, as such, not a matter of substance, but rather a failure to utilize an attachment to the NSL [redacted]

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(U)

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To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975
SSA [redacted]

From: [redacted]

Contact: SFO [redacted]

Approved By: [redacted]

Drafted By: [redacted]

rnr

Case ID #: (S) 278-HQ-C1229736-VIO (Pending)
(S) 278-[redacted]-C136372 (Pending)

Title: (U) REPORT OF A POTENTIAL IOB VIOLATION

Synopsis: (U) To report possible IOB error.

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

Enclosure: (U) Copy of attachment which was sent with NSLs to [redacted] and [redacted]

Details:

(S) 1. [redacted]

a U.S. Person.

(S) 2. Case Agent: SFO [redacted]
Supervisor: SSA [redacted]

(S) 3. Possible IOB Error: Receiving financial records outside the dates requested in the National Security Letter.

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/28/2007

(S) 4. [redacted]

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

(U) SFO [redacted] upon opening the above noted investigation, issued National Security Letters (NSLs) to [redacted] and [redacted] requesting financial records (specifically: opening account statements and account statements) pertaining to customer [redacted]

(S)

[redacted]

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(S)

[redacted] (EC) [redacted]

(S)

(U) Pursuant to the NSL [redacted] sent SFO [redacted] financial records for [redacted]. As noted above, SFO [redacted] requested financial records for date range of [redacted] through the date of the NSL which was 09/13/2005.

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(S)

(U) Upon receipt of financial records requested, SFO [redacted] confirmed that these statements did have subject [redacted] name and address on them. SFO [redacted] then checked to ensure the dates on the statements requested were at least "within" the dates received. [Note: PRIOR to a 2006 review of NSLs by NSLE, SFO [redacted] was not aware that any information received "prior to and after" the specific dates requested, were in violation and needed to be sequestered.]

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(U) At the conclusion of an NSL audit conducted in [redacted] Division during March 2007, SFO [redacted] was notified, via email on 03/23/2007, that in the above noted investigation, financial records were received from [redacted] which were outside of the date range requested in the NSL served on that financial institution. SFO [redacted] reviewed the noted file and identified three such documents (two credit card statements and one checking account statement) which met the criteria as potential IOB violations.

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(S)

(U) The credit card statements requested were from [redacted] to the date of the NSL which was [redacted]. [redacted] provided Credit Card statements for [redacted]. The

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/28/2007

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transaction dates reflected on page 2 of 2 of this statement were from [redacted] through and including [redacted] [The potential IOB violation would be this entire month of transaction records as they were "prior" to the requested date range.] The second credit card statement, for the same credit card, with a closing date of [redacted] reflected transaction dates of [redacted] through and including [redacted] [The potential IOB violation would be the five transaction dates [redacted] which were prior to the requested date range.]

b2

(U) The checking account statement provided by [redacted] reflects account activity during billing cycle [redacted] [The potential IOB violation would be the [redacted] which were" prior to the requested date of 09/13/2003.]

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(U) Enclosed with this EC is a two page copy of the attachment, which accompanied the NSL in question, to [redacted] [redacted] Highlighted portions of both pages of this attachment include [redacted] as items to be sent to the FBI in response to the NSL. Two of the potential IOB issues noted above (credit card statement with closing date of [redacted] and checking account statement of [redacted])

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(S)

[Large redacted block]

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(EC) [redacted] NSL [redacted] (U) Pursuant to the NSL [redacted] sent SFO [redacted] financial records for [redacted] As noted above, SFO [redacted] requested financial records for a date range of [redacted] through the date of the NSL, which was [redacted]

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(S)

(S)

(U) Upon receipt of financial records requested, SFO [redacted] again confirmed that these statements did have subject [redacted] name and address on them. SFO [redacted] then checked to ensure the dates on the statements requested were at least "within" the dates received. [Note: As noted above, PRIOR to a 2006 review of NSLs by NSLE, SFO [redacted] was not aware that any information received "prior to and after" the specific dates

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/28/2007

requested, were in potential violation and possibly needed to be sequestered.]

(U) ~~(S)~~ A review of the closed file for this investigation revealed two statements from [redacted] which contained transaction dates "prior" to the dates requested in the NSL. On page 3 of 8 of statement with closing date [redacted]

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[redacted] This transaction is also "prior" to the requested date.

(U) The potential IOB violations consisted of financial records (noted above) reflecting transactions prior to the date requested by the NSL. Unlike the [redacted] statements, these statements were not a part of statements which included permitted financial information.

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(U) ~~(S)~~ Financial information received outside of the requested dates from both [redacted] and [redacted] was relevant to this investigation as this investigation involved [redacted]

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(U) SFO [redacted] removed the above described documents (both from [redacted] and [redacted] from the noted closed file and forwarded those documents to CDC for sequestering.

(U) Another issue discovered during the audit of the NSL's was the "gap" between the case expiration and extension.

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(S) To clarify, SFO [redacted] sent an EC, [redacted] dated 08/08/2006 [redacted] days prior to expiration) to ITOS [redacted] Attn: SSA [redacted]

(S) [redacted] requesting an extension. An email was sent to SSA [redacted] sometime between 08/08/2006 and 09/11/2006 advising that the lead for the extension had not been cleared. On

(S) 09/11/2006, SFO [redacted] sent an email [redacted] to [redacted] of ITOS 2 advising that email sent to SSA [redacted] returned with an auto reply notifying that she was out of the office until 01/07 and that [redacted] was the point of contact for [redacted]

(S) In this email SFO [redacted] requested [redacted] advise whether this case had been extended. [redacted] was extended. SFO [redacted] provided ample time for ITOS 2 to review and approve the extension, and it should be noted that during the gap

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(U) To: Inspection From: [redacted]
Re: ~~(U)~~ 279-HQ-C1229736-VIO, 03/28/2007

in time between the expiration and approval of the extension, "no
investigation was conducted between [redacted]
(S) This was memorialized in EC dated 09/18/2006, [redacted] from CTD
approving the extension.

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LEAD (s) :

Set Lead 1: (Action)

INSPECTION

~~SECRET~~

(U)

~~SECRET~~

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 279-HQ-C1229736-V10, 03/28/2007

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AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel

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

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]:df

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (Pending)
(S) 278-[Redacted]-136372

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Title: (S) [Redacted]

(S)

Synopsis: ~~(S)~~ TO REPORT POTENTIAL IOB VIOLATION

(U)

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

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

(U)

~~(S)~~ 3. Possible IOB Error: Information was provided that exceeded the scope of the National Security Letter.

(U)

~~(S)~~ 4. Description of IOE error:

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(U) On 10/17/2003, a National Security Letter prepared by SA [Redacted] issued from [Redacted] Division. SA [Redacted] inadvertently utilized an incorrect format in drafting this letter, which requested financial records from a Credit Bureau.

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(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/18/2007

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This resulted in the Credit Bureau's provision of financial records that were beyond the scope of the National Security Letter. Specifically, the bureau provided addresses and employment information for the subject, not requested in the NSL.

(U)

~~(S)~~ It should be noted that, at the time of this action, there existed ample, predicated intelligence to justify a request for the records received. The error was, as such, not a matter of substance, but rather a failure to utilize an NSL format invoking 15 USC 1681, which requests the entire credit file.

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/28/2007

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LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: General Counsel
Inspection Division
Counterintelligence

Attn: NSLB
Attn: IIS
Attn: CD-2A

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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(U) Drafted By: [Redacted] :gc

Case ID #: ~~(S)~~ 273-HQ-C1229736-VIO (Pending)
~~(S)~~ 273-[Redacted]-C136372 (Pending)
(S) [Redacted] (Closed)

(U) Title: ~~(S)~~ REPORT OF A POTENTIAL IOB MATTER;
OO: [Redacted]

(U) Synopsis: ~~(S)~~ This communication reports a potential
Intelligence Oversight Board matter.

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

(U) Details: ~~(S)~~ The purpose of this electronic communication is to
report a potential IOE matter involving a National Security
Letter (NSL) requested by [Redacted] Field Office, as well as
to satisfy the requirements set forth by the 11/16/2006
electronic communication regarding the revised procedures for the
submission of potential intelligence oversight board reports.

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(S) ~~(S)~~ Identification of the substantive investigation in
which the questionable activity occurred: [Redacted] The
Special Agent that drafted the NSL is former Special Agent (SA)
[Redacted] The Supervisory Special Agent who approved
the NSL was SSA [Redacted]

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~~SECRET~~

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(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 273-HQ-C1229736-VIO, 03/28/2007

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(S) Identification of the target [redacted]
[redacted] Identification of the subject's status as a
United States person or non-U.S. person: USPER.

(U) ~~(S)~~ In an NSL dated 12/20/2005 to [redacted] the
name, address, length of service, and telephone toll records for
(S) the cellular telephone number of [redacted] were specifically
requested for the period of [redacted] to the present. In its
response, [redacted] provided toll billing records that began
with a [redacted] billing statement as requested, but also
included call detail for the period [redacted] through [redacted]

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[redacted] This resulted in an over collection of data. Under
the authority of Executive Order 12333, dated December 4, 1981,
and pursuant to Title 18, United States Code (U.S.C.), Section
2709 (Section 201 of the Electronic Communications Privacy Act of
1986) the telephone service provider, [redacted] caused the
FBI to obtain records which were not specifically requested.

(S) (U) ~~(S)~~ The captioned investigation was opened as a
[redacted]

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(U) ~~(S)~~ This PIOB matter was uncovered during the recent
audit and is being reported in accordance with procedures
established as a result of this audit. The information which is
deemed to be an over collection has been sequestered and
forwarded to the [redacted] CDC under separate cover (EC dated
03/28/2007).

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LEAD (s) :

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(U)

To: General Counsel From: [Redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

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Set Lead 1: (Action)

GENERAL COUNSEL

(U)

AT WASHINGTON, DC

~~(S)~~ General Counsel, National Security Law Branch, is requested to take whatever action is necessary to record the incident with the Intelligence Oversight Board.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U)

~~(S)~~ Information only.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U)

~~(S)~~ Information only.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: General Counsel
Inspection

Attn: National Security Law Branch
Attn: Internal Investigation Section

From: [Redacted]

Squad [Redacted]
Contact: [Redacted]

Approved By: [Redacted]

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(U) Drafted By: [Redacted] : gws

Case ID #: (X) [Redacted] (Pending)
(A) 278-HQ-C1229736-VIO (Pending)

Title: (S) [Redacted]

(U)

Synopsis: (X) To address potential Intelligence Oversight Board (IOE) violation.

(U) (X) Derived From : FBI-SCG
Declassify On: 03/28/2032

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(S) (X) [Redacted]

(S) (X) [Redacted]

(U) Details: (X) On March 20, 2007, a potential IOE violation for captioned case was reported during the National Security Letter audit of the [Redacted] Division. Captioned case was reported for investigation conducted after the [Redacted]

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(S) [Redacted] but prior to its being converted to a [Redacted]

(S) [Redacted] During the period of time that the [Redacted] interview was conducted by a Special Agent on the Foreign Counter Intelligence squad and referenced in [Redacted]

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(U) To: ?? From: [redacted] b2
Re: ~~(S)~~ [redacted] 03/28/2007 b7E

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captioned case. On occasion, the interviewing agent has provided [redacted] information [redacted] [redacted] however, in this instance no [redacted] was not done in relation to captioned investigation. Further, the interviewing agent was not tasked to [redacted] on captioned case and SA [redacted] did not conduct any follow-up investigation.

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(S) (U) ~~(S)~~ As no investigative activity occurred during the time the [redacted] SAC [redacted] recommends no administrative action be taken in this matter.

(U) Any further information regarding this matter may be obtained by contacting SA [redacted] telephone [redacted]

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~~SECRET~~

(U)

To: ?? From: [redacted]
Re: [redacted] 03/28/2007

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LEAD (S) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an ICB.

Set Lead 2: (Adm)

GENERAL COUNSEL

AT WASHINGTON, DC

NSLE is requested to determine if the matter related in this communication should be reported as an IOE.

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/K3B/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

(01/26/1998)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

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Date: 3/7/07

To:

[Redacted]

Attn: AD
SAC
CDC
SSA
SA

[Redacted]

Counterintelligence

Attn: AD

Inspection

Attn: IIS, CRS

[Redacted]

From: General Counsel

National Security Affairs/Room 7974

Contact: Julie F. Thomas

Approved By: Thomas Julie F

[Redacted]

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Drafted By:

[Redacted]

(U)

Case ID #:

~~(S)~~ 278-HQ-C1229736-VIO
(S) [Redacted]

(U)

Title:

~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2007- [Redacted]

(U)

Synopsis:

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

(U)

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

(U)

Reference:

~~(S)~~ 278-HQ-C1229736-VIO Serial [Redacted]
(S) [Redacted]

b1
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To:

[Redacted]

From: Office of the General Counsel

~~SECRET~~

~~SECRET~~

Re: 278-HQ-C1229736-VIO, 3/07/07

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(U) ~~(S)~~ Details: After OIG reported on a potential IOB as part of its NSL audit, [redacted] was advised to report this matter as a potential IOB.

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(S) [redacted] noted in the electronic communication (EC) [redacted]

[redacted] A National Security Letter (NSL) dated 12/24/2003 was served on [redacted] the results of which disclosed that [redacted]

(S) [redacted] An NSL dated 3/11/2004 was furnished to [redacted]

(S) [redacted]

(U) ~~(S)~~ On 9/1/2004 [redacted] sent an NSL to [redacted] pursuant to 18 U.S.C. § 2709(b) (2001) requesting subscriber information for the telephone number [redacted]

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(S) [redacted]

(U) ~~(S)~~ In response to the NSL to [redacted] the FBI learned that on [redacted] the telephone number [redacted] was "assigned to an [redacted] Response to the validly executed NSL explained that "[i]nternet access numbers are used to log onto the Internet..."

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(U) ~~(S)~~ The fact that this contact telephone number came back as an internet access number, rather than one assigned to an individual, does not make it an "unauthorized collection by a third party provider." This was not an error by [redacted] or any kind of over collection by [redacted] This number, albeit an internet access number, was disclosed pursuant to a duly authorized NSL [redacted]

(S) [redacted] and as such does not constitute an error reportable to the IOE, (or any error at all). OIG notes that no report of a potential IOE would have been required absent its extraordinary mandate. OIG commends [redacted]

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for its assistance in this matter. A record of this decision should be maintained in the control file for future review by the Counsel to the IOE.

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Set Lead 1: (Info)

[Redacted]

AT

[Redacted]

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(U) Read and clear.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

1-Ms. Thomas

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[Redacted]

1-IOE Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: Inspection
General Counsel
Counterintelligence

Attn: Internal Investigations
Section
Attn: NSIB
Attn: CD-3C

From: [Redacted]
Squad [Redacted]
Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] :cnm

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

Title: (S) [Redacted]

Synopsis: (U) To report a Potential Intelligence Oversight Board (PIOB) violation.

(U) **Derived From:** ~~FBI SCG-3~~
Declassify On: 03/27/2032

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(S) **Details:** [Redacted] The substantive investigation in which the PIOB may have occurred is [Redacted] investigation. [Redacted] The case was placed in closed status [Redacted] the case agent at the time was SA [Redacted] (who has since retired). SA [Redacted] supervisor at the time was Supervisory Special Agent [Redacted]

(S) (U) [Redacted] of captioned subject, who was identified as a NON-USER based upon information provided by FE [Redacted] [Redacted] [Redacted] The [Redacted]

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~~SECRET~~//20320327

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(S) To: Inspection From: [redacted]
Re: [redacted] 03/27/2007

(S) [redacted]

(S) [redacted]

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(S) (U) On 08/29/2003, in preparation for an interview of [redacted] SA [redacted] requested a National Security Letter (NSL) for the telephone number which had been provided by FBI [redacted]. The NSL was approved and was sent via Electronic Communication (EC) dated 08/29/2003. On 10/24/2003, FBI [redacted] via an EC [redacted] transmitted the records provided by [redacted]. Upon receipt, SA [redacted] reviewed the records and determined that they were not pertinent as the subscriber was not identical to the subject. SA [redacted] marked the records as such and maintained the records in an FD-340 in the file.

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(S) ~~SECRET~~ No [redacted] requests were made as part of this investigation.

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(U) This FIOB was discovered on 03/19/2007 by Assistant Inspector In Place, [redacted] during the audit of National Security Letters.

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(S)

To: Inspection From: [redacted]
Re: ~~NY~~ [redacted] 03/27/2007

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LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed necessary.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action as deemed necessary.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) At CD-3C, Read and clear.

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

(U)

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Reference: ~~(S)~~ 278-HQ-C1229736-VIO, serial 2218
(U) 62E [redacted]-97317, serial 63

(U)

~~(S)~~ By EC dated 02/22/2007, [redacted] provided OGC written documentation of eight issues that require a review of the facts in order to determine whether they warrant reporting to the IOB. In our opinion, as to three issues (the one in section A and the two in section B), it does. Our analysis follows.

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(S) A. [redacted]

(S)

[redacted] The issue brought to the attention of [redacted] and OGC, by the OIG, was that [redacted] allegedly issued a National Security Letter (NSL) without obtaining required approval to extend [redacted]. A detailed review of ACS and the [redacted] EC indicate that [redacted] actions may have resulted in an unintentional error.

(S)

(U)

~~(S)~~ On 10/29/2003, [redacted] drafted and submitted an EC to FBIHQ requesting [redacted]

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(S)

The case agent, as taught, provided a [redacted] in his communication requesting an extension, making the assumption his request would be approved. FBIHQ did not respond to his request until [redacted] 2003. In its response, FBIHQ granted [redacted] as opposed to the [redacted]

(S)

(S)

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In its response, FBIHQ did not change the previous expiration date entered by the [redacted] agent. Because of this failure, to all new reading this document, a presumption is made that [redacted] granted by FBIHQ should be added onto the [redacted] 2004 date.

(S)

(S)

(S)

However, this [redacted] 2004 date was never formally approved by FBIHQ. Therefore, [redacted] given by FBIHQ should have been added onto the [redacted] 2003 date which would have made the [redacted]. Since no additional extensions were sought until 2005, the NSL written [redacted]

(S)

(U)

(S)

~~(S)~~ To make the matter above more complicated, FBIHQ, after already having granted [redacted] requested on [redacted] 2004 that [redacted] submit an annual Letterhead Memorandum (LHM) because FBIHQ advised that extensions cannot be granted [redacted] that have been opened longer than one year without an annual LHM. On [redacted] 2004, after receiving an [redacted]

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(S)

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 03/08/2007

(S)

LHM from [redacted] FBIHQ submitted the LHM to OIPR and advised that [redacted] had been granted. However, [redacted] still had to revert back to the last officially known [redacted]

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(S)

(U)

~~(U)~~ It is apparent, that the error was compounded by the fact that a new set of Attorney General Guidelines came into effect on [redacted] 2003, further confusing the proper expiration date. Any error made by [redacted] in the described case was not malicious in nature, and was made in good faith. Had the case agent been aware that the case actually [redacted] and not the mistakenly believed date of [redacted] 2004, this error would have never occurred. Unfortunately for [redacted] the errors reflected on the previous communications in the case file caused an NSL to be issued on 06/23/2004, [redacted]

(S)

(S)

[redacted] Although [redacted] never received any information from the carrier concerning this request, the issuing of the NSL still constitutes a violation which is reportable to the IOB.

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(S) B.

(S)

[redacted] was initiated by [redacted] On 11/23/2004, [redacted] submitted two NSL requests, one to [redacted] and one to [redacted]. Both of the NSLs and the cover EC quoted the statutory authority to be Title 15, USC 1681v. This authority, however, deals solely with terrorism investigations and allows the FBI to obtain full credit reports. The authority that should have been quoted by [redacted] in a counterintelligence investigation was Title 15, USC 1681u(a), which enables the FBI to obtain credit listings (information pertaining to financial institutions, addresses of those institutions, places of employment, etc.), but not full credit reports.

(U)

~~(U)~~ [redacted] advised that all information received by this unintentional oversight was sequestered in the safe of their Chief Division Counsel. [redacted] advised that the improperly obtained information has not been used in their investigation. [redacted] recognizes the error and that the improperly collected information, although unintentional, constitutes a violation which is reportable to the IOB.

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(S) C.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 03/08/2007

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(S) [redacted]

(S)

[redacted] issued three NSLs [redacted] pursuant to Title 15, USC 1681v, the terrorism statute, requesting full credit reports on the subject of the investigation. The cover EC [redacted] used to request the issuance of the three NSLs used the language stating the authority was being granted pursuant to Title 15, USC 1681u(a), the counterintelligence statute. In the cover EC [redacted] only asked for the identity of financial institutions, as opposed to the full credit reports requested in the NSLs.

(U)

~~(S)~~ A review of the 02/22/2007 EC from [redacted] reporting the potential IOB infractions caused some confusion for the writer, so on 03/08/2007 the writer had a phone conversation with the drafter of the [redacted] EC. [redacted] explained that since it was a terrorism case, the verbiage in the NSLs was correct, and each of the NSLs were reviewed and signed.

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[redacted] informed that the EC that was used was a mistake on the part of the agent that drafted the cover document.

[redacted] added that the investigation warranted the requested NSLs and the credit reporting companies never would have been confused by the EC because they do not receive a copy of that document. The EC is merely used as a means of submitting the NSLs (that were attached) to the case file. The mistake in the EC, although sloppy, did not alter the investigation in anyway, and this scrivener's error, citing to 1681u rather than 1681v, did not violate any law. [redacted] had the ability under a terrorism investigation to request credit reports, and they made that request. Therefore, OGC believes that the mistake made by [redacted] was administrative in nature, and does not warrant reporting to the IOB.

(S) D. [redacted]

(S) [redacted]

[redacted] On 10/03/2005, [redacted] issued a NSL which requested that [redacted] send toll records from [redacted] 10/03/2005. Instead, [redacted] sent records to [redacted] for information from [redacted] [redacted] learned of the third-party mistake and took the appropriate steps to sequester the additional five weeks of records that were sent to them. [redacted] advised that they did not do any indexing or follow-up analysis on the over-collected information.

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To: [REDACTED] From: Office of the General Counsel
 Re: 278-HQ-C1229736-V10, 03/08/2007

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(U) ~~(S)~~ Despite the mistake by [REDACTED] the FBI had a legal right to the over-collected information they received. However, since the records were not requested, [REDACTED] sequestered the documents. Therefore, no improper action on the part of [REDACTED] occurred, and OGC believes that this matter does not warrant reporting to the IOB.

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(S) E. [REDACTED]

(S) [REDACTED]

[REDACTED] On 09/26/2005, [REDACTED] issued a NSL requesting information on an email address from [REDACTED] thru 09/26/2005. In response to that request, the provider produced information from [REDACTED] thru [REDACTED]. This additional five months of data (two months prior to the requested date, and three months after the termination date) would have been obtainable by the field office had they requested it. The over-collected information has been sequestered by [REDACTED].

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(U) ~~(S)~~ A review of all the facts in this section demonstrates that [REDACTED] was not at fault in receiving [REDACTED] records outside the scope of the properly issued NSL. OGC believes this matter does not warrant reporting to the IOB.

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SUMMARY

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

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and

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To: [REDACTED] From: Office of the General Counsel b2
 Re: 178-HQ-C1229736-V10, 03/08/2007 b7E

Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

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

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

(U) ~~(S)~~ In these eight potential IOB matters, OGC believes that only three, those in sections A and B, warrant reporting to the IOB. The other five matters are a result of administrative or third-party errors. In regard to the relevant, but unintentionally collected information, [REDACTED] is instructed to keep all information sequestered until a discussion is had with the issuing entity. As to the reportable matters in sections A and B, OGC will prepare a cover letter and a memorandum to report these matters to the IOB.

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

LEAD(s) :

Set Lead 1: (Action)

INSECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

[redacted]

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AT [redacted]

(U) In matters involving over-collected materials, the [redacted] Field Office should contact the parties in which NSLs were served and allow the entities to determine whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. If the information is relevant, a new NSL requesting the previously unrequested information may be submitted to the entity.

(U) [redacted] is reminded of its responsibility, pursuant to Deputy Director Pistole's directive of 03/06/2007, to review all counterintelligence cases utilizing NSLs to determine if other full credit reports under 15 U.S.C. § 1631v were improperly obtained.

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cc: Ms. Thomas
Mr. [redacted]
Mr. [redacted]
IOE Library

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/14/2007

To:

[Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS1, CONUS 2, Team 7

Inspection

Attn: IIS

From: Office of General Counsel
NSLB/CTLU I

Contact:

[Redacted]

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Approved By: Thomas Julie F

[Redacted]

Drafted By:

[Redacted]

ldr

(U)

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

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

(U)

Synopsis: (S) It is the opinion of the Office of General Counsel (OGC) that the above-referenced matter must be reported to the IOB and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

(U)

Derived From : G-3
Declassify On: 03/14/2032

Reference: (S) 278-HQ-C1229736-VIO Serial 2181

(U)

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Details: (S) By electronic communication (EC) dated 02/23/2007 and referenced above, the [Redacted] Division (CG) reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

(U)

(S) [Redacted]
[Redacted] a non-U.S. Person, [Redacted]

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~~SECRET~~b2
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(U) To: [REDACTED] From: Office of General Counsel
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/14/2007

(U) ~~(S)~~ An EC dated 8/12/2004 approved issuance of "an ECPA National Security Letter (NSL)" to [REDACTED]. The acronym ECPA was in reference to the Electronic Communications Privacy Act. The EC enclosed an National Security Letter (NSL) dated 08/12/2004 requesting "all deposits, methods of payments, money transfers, history of transactions and all information regarding the account holder."

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(U) ~~(S)~~ On 08/12/2004, the NSL directed [REDACTED] to provide "all financial records" pertaining to the subject. The first paragraph of the letter cited for authority Executive Order 12333 and, incorrectly, Title 18, U.S.C. Section 2709 (the ECPA). The second paragraph of the letter correctly referenced the Right to Financial Privacy Act, 12 U.S.C. Section 3414(a)(5)(A) and certified that the records were relevant to an authorized investigation. Further, the third paragraph certified that the FBI had complied with Title 12, Section 3403(b) of the RFA.

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(U) ~~(S)~~ On 08/29/2004, the results from the NSL were received from [REDACTED]. The results included the subject's Social Security Number, [REDACTED] credit card number, [REDACTED] credit card number, and the addresses, telephone numbers, credit card numbers, and telephone numbers of three individuals who had transactions with the subject.

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(U) ~~(S)~~ On [REDACTED] the investigation was closed.

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(U) ~~(S)~~ On 02/21/2007, the [REDACTED] CDC advised SSA [REDACTED] [REDACTED] of the potential violation, which had first been identified in the course of an audit by the Office of Inspector General (OIG).

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

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

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To: From: Office of General Counsel b2
 Re: ~~(S)~~ ~~(U)~~ HQ-C1229736-VIO, 03/14/2007 b7E

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

(U)

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

(U)

~~(S)~~ In this instance, the EC did not cite proper legal authority for issuing the NSL. The EC referenced the Electronic Communications Privacy Act, 18 U.S.C. § 2709, which would provide the authority for a request for telephone and email communication records from telephone companies and internet service providers, rather than the Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A) which would provide the authority to request financial information from . In addition to citing the incorrect authority in the EC, the EC did not explain why the investigation justified obtaining the financial records. We note

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(U)

To: [REDACTED] From: Office of General Counsel
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/14/2007

that the facts disclosed in the investigation file would have supported issuance of the NSL under RFFA to [REDACTED]. However, these facts were not articulated in the EC.

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(U)

~~(S)~~ In addition, the NSL dated 08/12/2004 signed by the SAC did not fully and correctly reference the authority to obtain financial records relevant to the subject of the full investigation. Again, the facts of the investigation would have supported issuing the NSL under the legal authority to obtain financial records under RFFA from [REDACTED] however, the NSL did not correctly articulate the authority.

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(U)

~~(S)~~ In conclusion, the EC and NSL were not issued in full compliance with the requirements of the Right to Financial Privacy Act. Accordingly, these errors must be reported to the IOB.

(U) In accordance with reporting requirements of Section 2.4 of EO 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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To: [redacted] From: Office of General Counsel
Re: [redacted] 278-HQ-C1229736-VIO, 03/14/2007

LEAD(s) :

Set Lead 1: (Action)

[redacted]

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AT [redacted]

(U) Provide training and review procedures for requesting and issuing National Security Letters.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

cc:

Ms. Thomas

[redacted]

IOE LIBRARY

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

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Date: 03/09/2007

To: [Redacted]

Attn: SAC [Redacted]
ASAC [Redacted]
SSA [Redacted]
SA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

From: General Counsel
Counterterrorism Law Unit I/LX-1 38100

Contact: [Redacted]

Approved By: Thomas Julie F.

[Redacted]

Drafted By: [Redacted]

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

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

(U)

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

(U) ~~Derived From: G-3~~
~~Declassify On: 25X1~~

(U)

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

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

(U)

Details: ~~(S)~~ By electronic communication (EC) dated 02/23/2007, [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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To: [redacted] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10: 03/08/2007

(U)
(S)

(S) On or about 11/29/2005, during the course of an authorized [redacted] Special Agent In Charge executed a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, on [redacted]. In the NSL, the FBI directed [redacted] to provide [redacted] subscriber information, for the following email account:

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(S)

[redacted] from [redacted] to [redacted] present (11/29/2005).

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

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

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

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to

(S)

[redacted]

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To: [redacted] From: Office of the General Counsel b2
Re: 178-HQ-C1229736-V10: 03/08/2007 b7E

maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

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

(U)

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

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(U)

~~(S)~~ [redacted]

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b7E

To: [redacted] From: Office of the General Counsel
Re: 178-HQ-C1229736-VIO: 03/08/2007

(U)

~~(S)~~ It is important to note that while it remains unclear whether the [redacted] NSL was statutorily authorized, [redacted] never provided a [redacted]. Thus, it is undisputed that there was never an unauthorized collection in violation of the NSIG and ECPA, and the subjects rights were not violated.

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(U)

~~(S)~~ Nonetheless, based upon the fact that the NSL may have inadvertently, but under the advice of legal counsel, sought information unauthorized by the ECPA, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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b7E

To: [redacted] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10: 03/08/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

[redacted]
[redacted]
AT [redacted]

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

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cc: Ms. Thomas
[redacted]
IOE Library

◆◆

~~SECRET~~

~~SECRET~~ 20320329

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]

Squad [Redacted]

Contact: [Redacted]

b1
b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted] tmt

Case ID #: (S) [Redacted] (Closed)
(U) (S) 178-HQ-CI229736-VIO (Pending)

(U) Title: (S) POSSIBLE INTELLIGENCE OVERSIGHT BOARD
SA [Redacted]
SSA [Redacted]

(U) Synopsis: (S) To report a possible IOB violation from the over-
collection of information improperly obtained from the issuance
of a National Security Letter (NSL).

(S) (U) (S) Derived From: FBI SCG-3 January, 1997
Declassify On: 03/29/2032

(S) (U) (S) [Redacted] (USPER), b1
[Redacted] Captioned matter
closed 11/24/2003.

(U) Details: (S) The purpose of this communication is to detail the b1
FBI [Redacted] request and approval of a NSL for subscriber
information, and local and long distance toll billing records for
(S) the following telephone numbers for the period of one year prior
to the date of this correspondence: [Redacted]

(S) (S) [Redacted]
[Redacted]

~~SECRET~~ 20320329

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b1
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b7E
b6
b7C

~~SECRET~~ 20320329

b1
b2
b7E

To: Inspection From: [redacted]
Re: (S) [redacted] 03/29/2007

(S) [redacted]

b1
b2
b7E
b6
b7C

(S) (U) ~~(S)~~ A check with [redacted] showed a telephone number [redacted]. The [redacted] report indicated that this number was for [redacted].

(S) (U) ~~(S)~~ A check with [redacted] of Court Interpreters [redacted].

b1
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b7E
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(S) (U) ~~(S)~~ Based on information summarized above, [redacted] expeditiously submitted NSL requests [redacted] toll billing records and long distance activities.

(S) Additionally it should be noted that [redacted]

b1
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b7C

(U) ~~(S)~~ The requested toll billing records were requested [redacted]

b2
b7E

(U) ~~(S)~~ This electronic communication submitted to request the NSL appropriately documented the SAC's approval and the certification of the enclosed NSL. For mandatory reporting purposes, the enclosed NSL sought subscriber information and local and long distance toll billing records on two (2) telephone numbers.

(U) ~~(S)~~ The information related to the NSL was acquired from [redacted]. The contact at [redacted] was [redacted]. [redacted] The NSL was served on August 6, 2003.

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(U) ~~(S)~~ The information obtained was presumably reviewed for evidentiary purposes. No records obtained from the NSL were placed in the case file. Captioned matter was closed in [redacted] and it is presumed by the writer that all records [redacted]

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~~SECRET~~ 20320329

To: Inspection From: [redacted]
Re: (S) [redacted] 03/29/2007

b1
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b7E

pertaining to the NSL request were destroyed. The writer was not aware that there was an over-collection of information nor is the writer aware of any improprieties in the process of issuing the aforementioned NSL.

b2
b7E

(U) ~~(S)~~ As this NSL was directed toward the acquisition of records pertaining to the legitimate subject of this case, SAC [redacted] recommends no administrative action be taken in this matter.

(U) Any further information regarding this matter may be obtained by contacting SA [redacted]

b6
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b2

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To: Inspection From: [redacted]
Re: (S) [redacted] 03/09/2007

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b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOE.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter related in this communication should be reported as an IOE.

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~~SECRET~~ 20320329

~~SECRET~~//20320329
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From: [Redacted]
Squad [Redacted]
Contact: SA [Redacted]

b1
b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted] :reh

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

b1
b2
b7E
b6
b7C

Title: (U) REPORT OF A POTENTIAL IOB MATTER

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

(U) ~~(S)~~ Derived From : FBI SCG 3
Declassify On: 03/29/2032

Details: (S) [Redacted]

(S) Person [Redacted] SA [Redacted] was assigned as the case agent, the Supervisor was SSA [Redacted] (now retired).

(U) ~~(S)~~ The potential IOB violation was that the issuance of an NSL resulted in an over collection of data. On August 11, 2003, an NSL was issued to a credit reporting agency. The NSL did not request a full credit report, but a full credit report was provided by the credit reporting agency and maintained in the file.

(U) ~~(S)~~ The potential violation was not reported in a timely fashion because it was not identified until the file was reviewed by Inspectors during an audit on 03/19/2007. The credit report has been removed from the file and is stored by the CDC until he receives further guidance regarding the possible IOB violation.

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b2
b7E

(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~//20320329

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From: [Redacted]

Contact: [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted] bbs

Case ID #: 278-HQ-C1229736-V10 (Pending)

b1
b2
b7E
b7A

Title: REPORT OF A
POTENTIAL IOB MATTER

(S)

Synopsis: To report a potential IOB matter

Reference: [Redacted]

b4
b7C
b7D
b2
b7A
b7E

Details: Referenced serial indicates that on 02/06/2006 the FBI requested, via National Security Letter, financial records from [Redacted] for an account belonging to the subject of the referenced investigation. Specifically, the FBI requested all financial records pertaining to the subject and his accounts, for the period of [Redacted] to the present. The NSL specified that the "present" was intended to request information to date of processing of the request. Due to bank billing cycles, [Redacted] response to the NSL included a billing statement with transactions corresponding to [Redacted]. The transactions corresponding to [Redacted] were an overproduction error by the bank.

The case agent was SA [Redacted] the acting supervisor was SA [Redacted]

b6
b7C

(S)

The subject of referenced investigation [Redacted] in the United States [Redacted]

b1

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~~SECRET~~

To: Inspection From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/28/2007

b2
b7E

(S) [redacted] and is thus not a USPER. Case agent had incorrectly listed his status as USPER, believing [redacted] granted USPER status, but it did not.

b1

This investigation was transferred to another terrorism squad due to the subject's connections to a different terrorist group, and the case is still pending.

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~~SECRET~~

To: Inspection From: b2
Re: 278-HQ-C1229736-VIO, 03/29/2007 b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

For information purposes only

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

For information purposes only

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From:

[Redacted]

[Redacted]

b2
b7E
b6
b7C

Contact:

Approved By:

[Redacted]

Drafted By:

[Redacted]

bbs

Case ID #: 278-HQ-C1229736-V10 (Pending)

Title: REPORT OF A
POTENTIAL IOB MATTER

b1
b2
b7E
b7A

Synopsis: To report a potential IOB matter

(S)

Reference:

[Redacted]

Details: Referenced serial indicates that on 08/29/2005 the
FBI requested, via National Security Letter, [Redacted] to
provide the name, address, length of service and local and long
distance toll billing records for the telephone number belonging
to the subject of the referenced investigation. Specifically,
the FBI requested records for the following dates:

b4
b7D
b7A

[Redacted]

b2
b4
b7D
b7A

[Redacted] response to the NSL included the
following overproduction of records:

- 10 calls occurring [Redacted]
- 6 calls occurring [Redacted]
- 7 calls occurring [Redacted]

~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]
Re: 278-HQ-C1229736-VIO, 03/28/2007

b2
b7E

b6
b7C

(S)

The case agent was SA [redacted] the acting supervisor was SA [redacted]

The subject of referenced investigation [redacted] [redacted] and is thus not a USPER. Case agent had incorrectly listed his status as USPER, believing [redacted] granted USPER status, but it did not.

b1
b7A

This investigation was transferred to another terrorism squad due to the subject's connections to a different terrorist group, and the case is still pending.

~~SECRET~~

~~SECRET~~

To: Inspection From: b2
Re: 278-HQ-C1229736-VIO, 03/28/2007 b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

For information purposes only

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

For information purposes only

◆◆

~~SECRET~~

~~SECRET~~//NOFORN
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: Internal Investigations
Section, Room 11861
Attn: National Security Law Branch
(NSLB), Room 7975

From: [Redacted] Squad [Redacted]
Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]:dra

b1
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b7E

Case ID #: (U) 278-HQ-C1229736-VIO
(U) 278-[Redacted]-C136372

(S) [Redacted]

Title: (U) REPORT OF A POTENTIAL IOB MATTER (PIOB)

(U) [Redacted] INTELLIGENCE OVERSIGHT

(S) [Redacted]

b1
b2
b7E

Synopsis: (S) To document a potential IOB matter.

(U) (S) ~~Derived From : G-3~~
~~Declassify On: 03/29/2032~~

(S)

[Redacted]

b1
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b7E

Administrative: (S) FISA Warning - Statutory Restrictions

(S)

Details: Intelligence provided in this communication has been acquired by techniques authorized in the Foreign Intelligence Surveillance Act (FISA). Therefore, the intelligence provided has been obtained through methods of intelligence gathering which are considered sensitive and singular in nature. No overt investigative steps should be taken without first receiving advice and consent from FBIHQ and [Redacted]

~~SECRET~~//NOFORN

(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

b2
b7E

(U)

~~(S//NF)~~ Per 50 U.S.C. 1806(b) of the Foreign Intelligence Surveillance Act, recipients are reminded that this information, or any information derived from it, may only be used in a criminal proceeding, or any other proceeding, with the advance authorization of the Attorney General. FISA derived information involving a U.S. person may not be disseminated to a foreign government without the authorization of the Attorney General.

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Details: (S/NF)

[redacted]

(S)

questionable activity occurred as a result of [redacted]

[redacted] The case Special Agent (SA) requesting the NSL and receipt of the response to the NSL was [redacted]. The Supervisory Special Agent (SSA) for the investigation was SSA [redacted]. Current SSA is [redacted].

(S)

(U)

~~(S//NF)~~ The subject(s), UNSUB(S), are presumed United States Persons.

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~~(S//NF)~~

[redacted]

(S)

[redacted] presumed CSPERS, was authorized in accordance with the Attorney General Guidelines and was initiated when information [redacted]

b1
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[redacted]

(S)

[redacted]

b1
b6
b7C

(S)

[redacted]

(S)

[redacted]

b1
b6
b7C

(S)

[redacted]

(U)

~~(S)~~ According to Intelligence Analysts from FBI Counter Terrorism Division, [redacted] investigation was conducted on the user [redacted]

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(S)

[redacted]

~~SECRET~~//NOFORN

b1
b4
b7D

(U)

~~SECRET~~//NOFORN

b2
b7E

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

(S)

[redacted]

b1
b4
b7D

(U)

[redacted]

(U)

~~(S)~~ On 05/17/2006 a NSL dated 03/27/2006 was served on

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b4
b7D
b6
b7C

(S)

[redacted] for subscriber and
transactional information [redacted] The
results of the NSL were provided to [redacted] on 05/24/2006.
On 10/06/2006 a LHM was drafted and provided to [redacted]
[redacted] containing the above referenced
information.

(U)

~~(S//NF)~~ During a recent NSL audit, it was found that
the below listed paragraph was missing from the NSL. A review of
previous draft version revealed this paragraph was inadvertently
edited out of the NSL during the editing process.

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

(U)

~~(S//NF)~~ The above referenced information has been
provided to OGC to document and determine any possible ICB
violation.

~~SECRET~~//NOFORN

~~SECRET~~//NOFORN

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b7E

(U)

To: Inspection From:
Re: ~~NSL~~ 078-HQ-C1229736-VIO, 03/29/2007

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~//NOFORN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY 65179 DMH/KSR/eb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/29/2007

To: Inspection

b2
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Attn: Internal Investigations
Section, Room 11861

General Counsel

Attn: National Security Law Branch
Room 7975

[Redacted]

Attn: Chief Division Counsel
SSA [Redacted]

From: [Redacted]

Contact: SA [Redacted]

Approved By:

[Redacted] SAC
[Redacted] A/ASAC
[Redacted] CDC
[Redacted] SSA

b6
b7C
b2
b7E

Drafted By:

[Redacted] dcc

(U)

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

(S) 278-[Redacted]-C136372

Title: (U) REPORT OF A POTENTIAL IOB MATTER;

(U)

Synopsis: (S) To report potential Intelligence Oversight Board (PIOB) matter for non-compliance with a requirement of the Attorney General.

(U)

(S) Derived From : G-1
Declassify On: X8

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b7C

Details: (S)

[Redacted] was initiated by FBI - [Redacted] (FBI) on [Redacted]

(S)

At the time of the PIOB, the case agent for this [Redacted] was [Redacted]

[Redacted] and the supervisory special agent was [Redacted]

(S)

(S) [Redacted] did/does not have permanent resident status in the United States and is therefore a non-USPER.

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~~SECRET~~

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/29/2007

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b1
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b7E

(S) [redacted]
[redacted] was closed by FBI-[redacted]

(U) ~~(S)~~ A National Security Letter (NSL) dated 3/03/2004, was issued pursuant to Title 18 of the United States Code §2709 (as amended) requesting electronic subscriber records (name, address, and length of service re: e-mail/IP accounts). This NSL was addressed to [redacted] who returned results that were memorialized in an electronic communication dated 4/15/2004.

(S)

[redacted] Included in these results, [redacted] returned [redacted]
[redacted]
[redacted]

b1
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It appears from the record that the carrier provided more information than FBI-[redacted] requested. However, these results were relevant to the aforesaid investigation and included information that FBI-[redacted] could have sought through the issuance of an NSL.

(S) ~~(S)~~ The NSL mentioned above was issued after this aforesaid investigation was converted. [redacted] In accordance with Section 201 of the Electronic Communications Privacy Act, this NSL requested subscriber information for an e-mail account associated with [redacted]. After receipt of the results responsive to this NSL, FBI-[redacted] discovered the potential IOB violation as a result of the overcollection described above. This overcollection was discovered once INSD conducted an audit, to include the aforementioned investigation on 3/22/2007.

(S)

(S)

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(U) ~~(S)~~ A Foreign Intelligence Surveillance Act (FISA) request has never been submitted to the Office of Intelligence Policy & Review, Department of Justice (OIPR) in connection with the aforementioned investigation.

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(U) ~~(S)~~ FBI-[redacted] has sequestered the aforementioned PIOB material with Chief Division Counsel [redacted] in accordance with the revised procedures for the submission of reports of PIOBs, as set forth in serial 2570 of 278-HQ-C1229736.

~~SECRET~~

~~SECRET~~

b2
b7E

(U)

To: Inspection From: [REDACTED]
Re: ~~(U)~~ 278-HQ-C1229736-VIO, 3/29/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]
Squad [Redacted]
Contact: SA [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted]:bpt

(U) **Case ID #:** (U) 278-HQ-C1229736-VIO
(U) 278-[Redacted]-C136372

~~(S)~~ **Title:** REPORT OF A POTENTIAL IOB MATTER

(U) **Synopsis:** (S) This EC reports a potential IOB error for non-compliance with a requirement of the Attorney General Guidelines.

(U) ~~(S)~~ **Derived From:** G-3
Declassify On: 25X1

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

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential

~~SECRET~~/NOFORN

~~SECRET/NOFORN~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/18/2007

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b7E

Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request.

(S)
(S)
(S)

[redacted]
[redacted] initiated by [redacted]
(USPER), [redacted]
[redacted]

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(U)

(S) Case Agent: SA [redacted]
(A) Supervisors: SSA [redacted] and A/SSA [redacted]

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(U)

(S) Possible IOB Error: A carrier providing information beyond the scope of an NSL resulting in the unintentional acquisition of data.

(U)

(S) On 01/18/2006, SA [redacted] wrote an NSL for consumer credit information from [redacted] pursuant to Title 15, United States Code, section 1681u(a). On 03/27/2006, the requested consumer credit information was received by the FBI [redacted] Information not requested but received on the same date included the personal addresses and employment [redacted]

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(S)

[redacted] and is a presumed USPER.

(S)

[redacted]

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(S) Also, [redacted] and email information was provided [redacted] who is working the

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~~SECRET/NOFORN~~

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~~SECRET~~/NOFORN

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b7E

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/28/2007

(S)

criminal portion of the joint investigation as documented [redacted] b1

[redacted]

[redacted]

(S)

(S) Finally, [redacted] information was acquired by an ECPA NSL as documented in [redacted] There is also

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[redacted]

data available to verify [redacted]

(S)

~~(S)~~

On 03/20/2007, SA [redacted] was made aware of the potential IOB matters, after an NSL audit of the [redacted] Division.

(U)

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~~SECRET~~/NOFORN

~~SECRET~~/NOFORN

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/28/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

(U) AT WASHINGTON, DC

~~(S)~~ Report matter as required.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Report matter as required.

◆◆

~~SECRET~~/NOFORN

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/29/2007

To: Inspection

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Attn: Internal Investigations
Section, Room 11861

General Counsel

Attn: National Security Law Branch
Room 7975

[Redacted]

Attn: Chief Division Counsel
SSA [Redacted]

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:kam

b2
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b7C

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending)
~~(S)~~ 278-[Redacted]-C136372 (Pending)

Title: (U) REPORT OF A POTENTIAL IOB MATTER;

Synopsis: ~~(S)~~ To report potential Intelligence Oversight Board (IOB) matter for non-compliance with a requirement of the Attorney General.

~~(S)~~ **Derived From:** G-1
Declassify On: X8

Reference: (S) [Redacted] (USPER)

Details: ~~(S)~~ [Redacted]

[Redacted] At the time of the IOB, the case agent was Special Agent (SA) [Redacted] and the Supervisory Special Agent was [Redacted]. The investigation is still pending.

(U) A National Security Letter (NSL) was issued pursuant to Title 18 of the United States Code §2709 (as amended)

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(U)

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To: Inspection From: [REDACTED]
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/30/2007

requesting name, address, length of service, and telephone toll records from [REDACTED]. The EC enclosing the NSL is dated 4/20/2006. The actual NSL is dated 4/20/2005. The original date on the NSL of 4/20/2005 is a typographical error and should read 4/20/2006. The NSL was missing the paragraph pertaining to certification for relevancy to a national security investigation. The paragraph below should have been included:

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

(U) On 04/16/2006, [REDACTED] provided records responsive to the NSL. It would appear that the above paragraph was inadvertently omitted during the processing of the NSL. All other provisions/procedures surrounding the issuance of this NSL were properly completed.

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~~SECRET~~

(U)

To: Inspection From: [Redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VTO, 3/30/2007

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b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB 2, Room 7975
AGC [redacted]

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b7C

From: [redacted]
Squad [redacted]
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted] :kjm

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (Pending)
(S) 278 [redacted]-C136372 (Pending)

(U) Title: (S) REPORT OF A POTENTIAL IOB MATTER

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

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

Details: (S) [redacted]

(U) (S) The aforementioned investigation is assigned to SA [redacted] and SA [redacted]. The investigation is supervised by SSA [redacted]. The task of issuing National Security Letters (NSL) in the aforementioned investigation is assigned to SA [redacted].

b6
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(S) [redacted] is a Non-U.S. person.

b1

(S) The above referenced [redacted] is an open investigation in the [redacted] Division. The subject, hereinafter referred to as [redacted]

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(S)

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~~SECRET~~

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/18/2007

(S)

[redacted]

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b7C

~~(S)~~ ~~(U)~~ The rule governing the above potential IOB matter which involves a National Security Letter (NSL) issued to obtain email subscriber information is as follows: Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (as amended, October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names, addresses, and lengths of service for the below-listed email address holder for the designated time period.

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~~(S)~~ ~~(U)~~ The potential IOB matter revolves around a NSL, that was dated 11/16/2005, in the above referenced investigation. The NSL was directed to [redacted] at [redacted]. The NSL requested the following information be provided to the FBI for email accounts: [redacted] names, addresses, and lengths of service for the time period of [redacted] to the present. The purpose behind issuing the NSL was to [redacted]

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(S)

(S)

[redacted]

~~(S)~~ ~~(U)~~ 12/22/2005, SA [redacted] documented the results of the aforementioned NSL to the file. The Electronic Communication (EC) documented only the subscriber's name, address, telephone number, and IP address. In addition, the original results of the NSL were attached to EC. The complete NSL results from [redacted] [redacted] included approximately seven pages of unknown data in addition to subscriber information. Finally, SA [redacted] did not index any of the aforementioned information memorialized in the above referenced EC nor was the NSL results uploaded into the FBI computer system.

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~~(S)~~ ~~(U)~~ Hereafter, on 01/24/2006, [redacted] former Investigative Analyst in the [redacted] Division, emailed SA [redacted] indicating that the four digits documented in the NSL results pertained to an [redacted] account. IA [redacted] proceeded to provide SA [redacted] with the complete account number to include expiration date. Similarly to the above EC, the contents of this email was not indexed.

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~~(S)~~ ~~(U)~~ 01/25/2006, an Electronic Communication (EC) authored by IA [redacted] was written to the above case file

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~~SECRET~~

(U)

To: Inspection From: [REDACTED]
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

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memorializing the subscriber information provided by [REDACTED].
 Similarly, the EC was not indexed.

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(U)

~~(S)~~ In sum, [REDACTED] provided the [REDACTED] Division with additional identifying information regarding the subject of the [REDACTED]. The additional information, if deemed germane to the investigation, could have been obtained through the issuance of additional NSLs. However, the additional information was deemed insignificant in the furtherance of the investigation. Thus, the additional information was never utilized, nor acted upon, in anyway by Agents associated with the investigation.

(S)

(U)

~~(S)~~ Moreover, when [REDACTED] received the additional information, it was unaware of any method by which to sequester NSL information. Accordingly, SA [REDACTED] took measures to separate the information that was within the purview of the NSL and to isolate the additional information. SA [REDACTED] attempted to comply with the spirit of the NSL request by memorializing in an Electronic Communication (EC) only the information germane to the NSL, except for a telephone number. In addition, SA [REDACTED] did not index any of the information produced by the NSL into FBI databases nor did SA [REDACTED] upload the original NSL results into the FBI computer system. Therefore, SA [REDACTED] actions indicate a concerted effort to highlight information applicable under the NSL and sequester the additional information.

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(U)

~~(S)~~ In addition, writer would like to note that the aforementioned case file was inspected circa July of 2006 and was deemed compliant at that point in time.

(U)

~~(S)~~ In close, writer believes that there was no potential IOB in this investigation because [REDACTED] correctly issued the NSL to [REDACTED] and when it received the results, [REDACTED] took appropriate measures, at the time they received the results, to sequester the additional information and thus honor the true intent of the NSL request.

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(U)

~~(S)~~ However, in light of the recent NSL audit and at the direction of [REDACTED] CDC [REDACTED] writer redacted any reference to the additional information from the file and sequestered the original NSL results and all pertinent documents in the case file, with the [REDACTED] Legal Unit. The documents were sequestered with the [REDACTED] Legal Unit on 03/28/2007.

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(U)

~~SECRET~~

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To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/18/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2007

To: Inspection

Attn: Internal Investigations Section

General Counsel

Attn: National Security Law Branch

From: [redacted]

Squad [redacted]

Contact: [redacted]

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b7C

Approved By: [redacted]

Drafted By: [redacted]

b6
b7C

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

Title: (U) REPORT OF POTENTIAL IOB MATTER

Synopsis: (U) Report potential non-NSL IOB violations involving SA [redacted] and SA [redacted]

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(U)

~~Derived From: FBI SCG-3, January, 1997
Declassify On: 03/22/2032~~

Details: (U) During a mandatory Headquarters ordered inspection of field office files pertaining to National Security Letters (NSL), the following non-NSL related potential Intelligence Oversight Board (IOB) violations were discovered in the [redacted] Division:

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(S)

(U) On 03/19/2007, Inspector [redacted] noted the following potential violations in file [redacted] "SA [redacted] failed to submit the initial notification via LHM to FBIHQ by 07/01/2004. SA [redacted] failed to submit the annual LHM [redacted]"

(S)

[redacted]

(U) During a manual review of the captioned file, [redacted] discovered that SA [redacted] submitted the initial LHM for case [redacted]

(S)

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To: Inspection From: [redacted]
Re: Potential IOE (U) 278-HQ-CII29736-V10, 03/22/2007

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(S)

[redacted] (USPER) [redacted] five days after the [redacted] 2004 deadline as reported by Inspector [redacted]

(S)

(U) Pursuant to Inspector [redacted] second potential finding, [redacted] determined that SSA [redacted] reassigned the case from SA [redacted] to SA [redacted] in [redacted] 2004. The notice to reassign the case was handwritten. [redacted]

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(U) Required information pursuant to AGG/NSI Part II.D.4, in the form of an annual LHM was also supposed to be in the case file. While unable to locate an LHM submission to FBIHQ on or before [redacted] 2004 as required, SA [redacted] did submit the required annual LHMs on both [redacted]/2005 and [redacted] 2006, respectively. In attempting to assess the cause of the missing submission, it should be noted that SA [redacted] was assigned to the [redacted] Threat Task Force at FBIHQ during this time [redacted] and when this case issue was brought up, he was informed by SA [redacted] of the LHM that was submitted in [redacted] (see above). With the demands of the TDY assignment at FBIHQ and the TDY assignment to [redacted] right after that, SA [redacted] was out of the [redacted] Division for approximately [redacted] months. Upon returning to the JTTF in [redacted] 2005, [redacted] believed the case file was administratively correct and proceeded to work the case as such, submitting the required LHM's as noted above.

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(U) The potential violation would most likely have resulted as a misunderstanding/mis-communication between the previously assigned case agent and [redacted] on "which LHM" was required and whether it had been previously submitted.

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(U) This case was reassigned in [redacted] 2006 when SA [redacted] was transferred to [redacted]. It is still pending and is assigned to TFO [redacted]. No FISA requests have been submitted relative to this investigation.

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b7C

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To: Inspection From:
Re: Potential IOB (U) 278-EQ-C1229736-VIO, 03/22/2007

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b7E

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) The preceding has been provided for whatever action deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) The preceding has been provided for whatever action deemed appropriate.

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

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(U) telephone numbers from [redacted] to the present (with "the present" meaning the date of the NSL, which was [redacted])

~~(S)~~ Upon review of the toll records, SA [redacted] noted that the subscriber of one of the telephone numbers was not the subject nor related to the subject of this investigation. When SA [redacted] requested the NSL, he was unaware that the subject's phone number had been reassigned to another subscriber.

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(U) ~~(S)~~ The non-pertinent telephone records were not been uploaded into [redacted] or photocopied, and were destroyed without further review.

(U) ~~(S)~~ For reporting purposes, the case agent is SA [redacted] and the supervisor is SSA [redacted]

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

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Review above-referenced facts and determine whether IOE violation exists.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review above-referenced facts and determine whether IOE violation exists.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: [redacted]

Attn: Legal Unit
CDC [redacted]

From: [redacted]

Contact: SFO [redacted]

Approved By: [redacted]

Drafted By: [redacted]

rnr

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO (Pending)
(U) ~~(S)~~ 278-[redacted]-C136372 (Pending)

(U) Title: ~~(S)~~ REPORT OF A POTENTIAL IOB VIOLATION

(U) Synopsis: ~~(S)~~ Sequestering of potential IOB error documents.

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO serial 2713
278-[redacted]-C136372 serial 145

(U) Enclosure: ~~(S)~~ One envelope containing three financial account statements from [redacted] and two financial account statements from [redacted]

(U) Details: ~~(S)~~ The enclosed items were removed from closed file [redacted] after an audit of the National Security Letters (NSLs), issued in this case, revealed the dates of the enclosed financial statements were outside the dates of the NSLs. Enclosed documents are being sent to CDC for sequestering.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/14/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

[Redacted]

[Redacted]

From:

[Redacted]

Contact:

[Redacted]

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Approved By:

[Redacted]

Drafted By:

[Redacted]

cajh

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U)

~~(S)~~

Derived From : G-3
Declassify On: 03/13/2017

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(U)

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

(S)

~~(S)~~

Details: On 03/13/2007, SSA [Redacted] notified writer of a potential IOB violation related to a [Redacted]

[Redacted]
[Redacted] is a U.S. person.

(S)

[Redacted]

The case was initiated under the Attorney General Guidelines Section II.B.1. "Circumstances for Opening an Investigation" part a "An individual is or may be an international terrorist or an agent of a foreign power," and part d "An individual, group, or organization is or may be engaging, or has or may have engaged, in activities constituting a threat to the national security (or

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/14/2007

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related preparatory or support activities) for or on behalf of a foreign power."

(U) ~~(S)~~ The potential violation occurred when a National Security Letter (NSL), dated 11/20/2006, was sent to [redacted]

[redacted] The NSL was issued pursuant to Title 15, U.S.C. § 1681u. The NSL specifically requested the names and addresses of all financial institutions where [redacted] records indicate the consumer maintains or maintained an account.

(S) ~~(S)~~ In response to the NSL, [redacted] provided the delivering office, [redacted] s credit report. [redacted] Division provided writer an electronic communication (EC) dated 12/28/2006 enclosing the [redacted] NSL results in a 1A envelope.

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(S) [redacted] When the credit report was received, writer did not realize it was a full credit report and filed it. To date, no additional leads, NSLs, or other investigative action was conducted based on the information provided in the credit report.

(U) ~~(S)~~ On 3/13/2007, at the request of SSA [redacted] SA [redacted] searched writer's case files for any NSL results from [redacted] SA [redacted] immediately showed her Supervisor, SSA [redacted] the [redacted] credit report. SSA [redacted] and SA [redacted] believed, based on previous consultation with ADC [redacted] the credit report provided by [redacted] appeared to be a full credit report. The report, enclosed in a 1A envelope, was immediately provided to ADC [redacted] on 03/13/2007, where it was sequestered pending a determination from NSLE as to whether this matter constitutes an IOE violation.

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~~SECRET~~

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/14/2007

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLF
Attn: CDC

From:

Contact:

Approved By:

Drafted By:

:ajh

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

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(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 03/13/2017~~

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b6
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(U)

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

(S)

~~(S)~~ On 03/13/2007, SSA [redacted] notified writer of a potential IOB violation related to a [redacted]

[redacted] is a U.S. person.

(S)

[redacted] The case was initiated under the Attorney General Guidelines Section II.B.1. "Circumstances for Opening an Investigation" part d "An individual, group, or organization is or may be engaging, or has or may have engaged, in activities constituting a threat to the national security (or related preparatory or support activities) for or on behalf of a foreign power."

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

(U)

~~(S)~~ The potential violation occurred when a National Security Letter (NSL), dated 10/17/2006, was sent to [redacted]

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[redacted] The NSL was issued pursuant to Title 15, U.S.C. § 1681u. The NSL specifically requested the names and addresses of all financial institutions where [redacted] records indicate the consumer maintains or maintained an account.

(U)

~~(S)~~ In response to the NSL, [redacted] provided the delivering office, [redacted] credit report. [redacted] Division provided writer an electronic communication (EC) dated 12/14/2006 enclosing the [redacted] NSL results in a 1A envelope.

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(S)

~~(S)~~ When the credit report was received, writer did not realize it was a full credit report and filed it. To date, no additional leads, NSLs, or other investigative action was conducted based on the information provided in the credit report.

(U)

~~(S)~~ On 3/15/2007, SSA [redacted] searched writer's case files for any NSL results from [redacted] SSA [redacted] found an [redacted] credit report, that, based on previous consultation with ADC [redacted] SSA [redacted] believed to be a full credit report. The report, enclosed in a 1A envelope, was provided to ADC [redacted] on 03/16/2007, where it was sequestered pending a determination from NSLB as to whether this matter constitutes an IOE violation.

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~~SECRET~~

To: Inspection From: [REDACTED] b2
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007 b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: INSD

Attn: Internal Investigations
Section (IIS)

OGC

Attn: National Security Law
Branch (NSLB)

From: [Redacted]

Contact: [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] :kmr

Case ID #: (S) 278-HQ-C1229736-VIO (Pending)
(U) 278 [Redacted]-136372 (Pending)

Title: (U) ~~(S)~~ REPORT OF A POTENTIAL IOE MATTER;

b1

Synopsis: (U) ~~(S)~~ To report a potential IOE matter related to [Redacted] investigation [Redacted]

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

Details: (U) ~~(S)~~ The purpose of this communication is to report a potential IOE matter as required in Section 2.4 of Executive Order 12863.

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(S) ~~(S)~~ The potential IOE matter occurred in [Redacted]
[Redacted]
[Redacted] The case agent on this investigation at the time the Potential IOE occurred was then- [Redacted]
[Redacted] SA [Redacted] The case was then re-assigned to former [Redacted] SA [Redacted] The Supervisory Special Agent at the time the Potential IOE occurred was SSA [Redacted]

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~~SECRET~~

(U) To: INSD From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

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[redacted] SSA [redacted] is the current supervisor for this squad.

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(S) [redacted] is a United States Person.

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(U) ~~(S)~~ The potential IOB matter being reported relates to the over-collection of information based on the dates requested in the NSL. The NSL, dated 4/3/2003, requested records on telephone number [redacted] for the period [redacted] through [redacted].

(S)

On 5/27/2003, [redacted] responded to the NSL and provided billing records for the billing cycle beginning [redacted]. Included on the bill dated [redacted] were calls made on [redacted]. No further investigative action was taken on these 4 calls.

Included on the bill dated [redacted] was one (1) call made on [redacted].

No further investigative action was taken on that call. Upon further review of the investigative file, it should be noted that a subsequent NSL, dated 6/1/2004, was issued for the same number, [redacted] for the period [redacted].

(S)

The results provided in response to this NSL included the one call made on [redacted].

(U)

~~(S)~~ The above information was requested by the FBI under the authority of Executive Order 12333, dated 12/4/1981, and pursuant to Title 18, United States Code, Section 2709 (as amended, 10/26/2001.) In accordance with Title 18, United States Code, Section 2709(b), the Special Agent in Charge of FBI [redacted] [redacted] certified that the records sought in the NSL dated 4/3/2003, were 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.

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(U)

~~(S)~~ On 3/28/2007 [redacted] was advised of this potential IOB based on the audit conducted by INSD/IIS on 3/19/2007. [redacted] was not aware of this over-collection until 3/29/2007 and is filing this EC in response to the INSD/IIS audit results.

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(U)

~~(S)~~ [redacted] has sequestered the records from billing statements dated [redacted] and [redacted] until further direction from INSD/IIS is provided.

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(U)

To: ~~(S)~~ INSD From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

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LEAD(s) :

Set Lead 1: (Action)

INSD

(U) AT WASHINGTON, DC

~~(S)~~ Review and take appropriate action/notification regarding this FIOB.

Set Lead 2: (Action)

OGC

(U) AT WASHINGTON, DC

~~(S)~~ Review and take appropriate action/notification regarding this FIOB.

◆◆

~~SECRET~~

~~SECRET~~/NOFORN
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: Inspection
General Counsel

Attn: Internal Investigations
Section, Room 11861
Attn: National Security Law Branch
(NSLB), Room 7975

From: [Redacted]
[Redacted]
Contact: SA [Redacted]

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Approved By [Redacted]

(U) Drafted By: [Redacted] mkh

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Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
(U) 278-HQ-C136372
(S) ~~(U)~~ [Redacted]

Title: (U) REPORT OF A POTENTIAL IOB MATTER (PIOB)
(U) [Redacted] INTELLIGENCE OVERSIGHT

(S) [Redacted]
OO [Redacted]

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

(U) ~~(S)~~ Derived From: G-3
Declassify On: 03/29/2032

~~(S)~~ [Redacted]
(U) [Redacted] - Non-USPERS.

(S) Details: ~~(S)~~ The substantive investigation in which the alleged questionable activity occurred is that matter captioned [Redacted]
[Redacted] The case Special Agent (SA) requesting the NSL and receipt of the response to the NSL with questioned results was SA [Redacted] The Supervisory Special Agent (SSA) for the investigation was SSA [Redacted]

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~~SECRET~~/NOFORN

(U) To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007 b7E

~~(S)~~ (U) The subjects, UNSUB(S), are not United States Persons.

(U) A possible IOE error has occurred, namely, a typographic error within records provided by the carrier gave the appearance of collection beyond what was requested in the NSL.

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(S) (S//NF) Captioned [redacted] non-USPERS, was authorized in accordance with the Attorney General Guidelines because of information received from [redacted] Counterintelligence Officer;

(S) [redacted] notified [redacted]

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

[Large redacted block]

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(S) ~~(S)~~ For ease of reading complete identifying information [redacted] are as follows:

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

b1

(S) Separately, source reporting indicated [redacted]

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(S) Therefore, it is highly likely that individual [redacted]

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(U) ~~(S)~~ On 12/05/2006, SA [redacted] sought approval and certification from [redacted] SAC for an NSL requesting,

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~~SECRET~~/NOFORN

~~SECRET~~/NOFORN

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

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"names, addresses, and length of service and electronic communications transactional records, [redacted]

(S) [redacted] from [redacted] to identify a non-USPER. The NSL was approved and certified by the SAC of [redacted]. It was then served to [redacted] by ISS [redacted] Division.

(U) ~~(S)~~ The information sought in the request to [redacted] was for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities. Further, the investigation was not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

(U) ~~(S)~~ On 03/06/2007, ISS [redacted] submitted a copy of the NSL returns to captioned case file. Shortly thereafter, the case file was audited by the Inspection Division (ID), for compliance with policies set out in the Attorney General's Guidelines and the National Foreign Intelligence Program Manual. During the review, an auditor found text in the return letter provided by [redacted] stating, "confidential information provided the FBI Subject to December 6, 2006 Letter [redacted]. The NSL, however, requested information regarding the [redacted]. Given the discrepancy in IP addresses, the ID auditor highlighted the return as a possible IOB violation.

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

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(U) ~~(S)~~ Upon completion of the review, the case file was returned to the SA [redacted] on 03/27/2007, giving him his first opportunity to view the NSL return from [redacted]. [NOTE: SA [redacted] was unable to review the results due to the ID audit and the placing of the return directly into the case file, without his knowledge.]

(S) ~~(S)~~ On 03/27/2007, SA [redacted] and SSA [redacted] reviewed the return of the NSL and confirmed the statement found by the ID auditor. Further examination of the remainder of the return indicated that the data enclosed was actually about [redacted] mentioned in the NSL. SA [redacted] then contacted [redacted] Division's CDC, [redacted] by FBINET e-mail, to notify her of the status of the situation.

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(U) ~~(S)~~ On 03/27/2007, SA [redacted] contacted [redacted] by telephone and left a voice message seeking her assistance in clarifying the appearance of [redacted] in the NSL return.

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~~SECRET~~/NOFORN

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 03/29/2007

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(U)

~~(S)~~ On 03/28/2007, [redacted] contacted SA

(S)

[redacted] by telephone [redacted] confirmed that the appearance of the [redacted] on the NSL return was a typographical error on the part of [redacted]. She continued, stating that the data within the return applied only to [redacted] address sought in the NSL.

(S)

(U)

~~(S)~~ On 03/28/2007, SA [redacted] contacted [redacted] CDC [redacted] via e-mail. After a review of the circumstances surrounding the NSL return, CDC [redacted] determined that while no IOE violation had occurred, a communication should be drafted to document the typographical error.

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~~SECRET~~/NOFORN

~~SECRET/NOFORN~~

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 03/29/2007

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET/NOFORN~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/26/2007

To: Inspection
General Counsel

Attn: Internal Investigations
Section (ISS), Room 11861
Attn: National Security Law Branch
(NSLB), Room 7975

From: [Redacted]

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Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :tb

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Case ID #: (S) 278-HQ-C1229736-VIO
(A) 278-[Redacted]-C63856-VIO

(U) Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (S) To report possible IOE error.

(U) (S) Derived From : FBI SCG-3
Declassify On: 03/26/2031

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

(S) 3. Possible IOE error: [Redacted]

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[Redacted] Subject interviewed thereafter. Case agent was SA [Redacted] SSRA at time of infraction was SSRA [Redacted] Current SSRA is [Redacted]

(S) (S) Description of IOE Error:

(S) The error was in interviewing [Redacted] (but with SSA approval to conduct the interview, as documented in case file). As noted above, this [Redacted]

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~~SECRET~~

(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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(S)

[redacted]

Pursuant to the "Interim Policy implementing the AG's Guidelines" (issued via EC dated that same

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(S)

day); [redacted] On 07/02/2004, SA [redacted] requested authority to [redacted]. This authority was

(S)

granted [redacted]

(S)

[redacted] JTTF members [redacted] This investigation was closed [redacted]

During a recent National Security Letter (NSL) Audit by the Inspection Division, inspectors identified this potential IOB violation and [redacted] Division is taking the necessary steps to self-report this matter, pursuant to reporting requirements under Executive Order 12863, Section 2.4.

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(U)

~~(S)~~ In reviewing the circumstances surrounding this error, SA [redacted] found several contributing factors:

(i) [redacted] SA [redacted] was preparing for trial on, among other charges, [redacted] SA [redacted] was also dealing with [redacted]

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(ii) SA [redacted] was the only FBI Agent on a [redacted] member JTTF.

(iii) Although this investigation was opened in SA [redacted] name, the chief investigator was a JTTF [redacted]

(S)

(iv) [redacted]

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(S)

(v) [redacted]

[redacted]

~~SECRET~~

(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

(086gam02.962)
Precedence: ROUTINE

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Date: 03/27/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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(U) Drafted By: [Redacted]:gm

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
~~(S)~~ 278-[Redacted]-C63856-VIO

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(U) Title: (U) REPORT OF A POTENTIAL IOB MATTER

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

(U) ~~(S)~~ Derived From : G-3
Declassify On: 03/27/2032

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

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

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(S) [Redacted]

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

(U) ~~(S)~~ On or about 03/17/2007, an internal audit of the above listed case file revealed a possible IOB violation regarding telephone bill records received as a result of a properly approved and issued National Security Letter (NSL). Specifically, on 03/04/2005, case agent, TFA [Redacted] requested through an NSL to provider [Redacted] the name, address, and length of service for the subscriber(s) of telephone number [Redacted]. Or 05/10/2005, serial [Redacted] of captioned case file indicated that the [Redacted] Division was in receipt of

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To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/27/2007

NSL records, specifically, a [redacted] cover letter and the subscriber/bill/call detail printout." The records enclosed with the EC consisted of one ten-page [redacted] bill dated [redacted] which included call detail from [redacted] through [redacted] (a total [redacted] calls). These toll records had not been requested through the aforementioned NSL, but were delivered to the [redacted] Division by the communications provider nonetheless. On 10/06/2005, serial 18 of substantive case file indicated that the telephone toll records were being analyzed by [redacted] personnel. On 11/04/2005, [redacted] of substantive case file indicated that the records had been entered into the FBI [redacted] system, and fully analyzed to determine

(S) [redacted]
(S) [redacted] On 07/20/2006, TEA [redacted] submitted an electronic communication, [redacted] substantive case file, documenting anticipated closure of the investigation. TEA [redacted] then left the Joint Terrorism Task Force, and returned to [redacted] Substantive case was then re-assigned to SA [redacted] and administratively closed [redacted]

(U) ~~(S)~~ The following actions have been taken regarding the records not requested via NSL. First, the telephone toll records were removed from the closed case file, sequestered, and submitted to the [redacted] Division legal unit for disposition to be determined upon receipt of guidance from the Office of General Counsel. Next, [redacted] [redacted] have been permanently charged out of the case file and sequestered due to content within regarding analysis of the toll records. Finally, entries uploaded [redacted] [redacted] from the toll records were permanently purged on 03/29/2007, to include all [redacted] records.

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/27/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/28/2007

the period [redacted] through [redacted] was served by the [redacted] Division on [redacted]

(S)

(S) According to [redacted] Division's response to [redacted] [redacted] advised that on 08/12/2005, [redacted] furnished iss [redacted], telephone subscriber information and local and long distance toll billing records for telephone numbers [redacted] from [redacted] through [redacted] in response to the NSL dated 08/01/2005.

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(U) ~~(S)~~ At this time, the EC from [redacted] and the toll billing records cannot be located in [redacted] case file or 1A subsection. The case agent does not recall receiving these records from [redacted] Division. A check of ACS and [redacted]

revealed that no uploading or review of these records was conducted. In an effort to determine whether this discrepancy in date [redacted] was due to [redacted] billing cycle, [redacted] contacted [redacted] but was advised that the billing cycles for all accounts vary. [redacted] advised that in order to determine the billing cycle for a particular account, the individual serving the NSL upon [redacted] would have to re-contact [redacted] to obtain that information. [redacted] contacted [redacted] Division in an effort to obtain this information, but was unsuccessful.

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(U) ~~(S)~~ Based on the above, it is unknown whether [redacted] ever received any records from [redacted] Division or [redacted] or whether those records dated from [redacted] through [redacted] as indicated in the [redacted] EC. If [redacted] EC to [redacted] referenced above is accurate, this NSL response would have included an over-collection of six days which was not requested in the aforementioned NSL. Inasmuch as [redacted] is unable to determine whether such an over-collection occurred, we are reporting this matter as a potential Intelligence Oversight Board violation.

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(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/28/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2007

To: INSD

Attn: IIS

Office of General Counsel

NSLE

Counterintelligence

CD-3B

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From:

[Redacted]

Squad [Redacted]

Contact: SA [Redacted]

Approved By:

[Redacted]

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Drafted By:

[Redacted]

dnd

Case ID #:

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[Redacted]

(Pending)

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(Pending)

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278-HQ-C1229736-VIO (Pending)

(U)

Title:

~~(S)~~

INTELLIGENCE OVERSIGHT BOARD (IOE) MATTER

(U)

Synopsis:

~~(S)~~

To report a potential Intelligence Oversight Board (IOE) violation due to third party over-collection of information provided to FBI.

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~~(S)~~

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

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[Redacted]

(NonUSPER)

Administrative: (U)

Retelcall between SA [Redacted] and

Associate Division Counsel (ADC) [Redacted] on

03/28/2007.

Reference:

(S)

[Redacted]

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Details:

~~(S)~~

This communication serves to report a potential IOB violation due to third party over-collection of information

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~~SECRET~~

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(S) To: INSD From: [redacted]
Re: [redacted] Date: 03/29/2007

(S) provided to the FBI. This information was provided in response to a National Security Letter (NSL) requesting financial information on captioned subject.

(U) ~~(S)~~ SA [redacted] submitted referenced NSL to [redacted] to request all financial records pertaining [redacted] for the period incertion to present. Financial information was requested

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(U) ~~(S)~~ On 03/26/2007, SA [redacted] received the results of referenced NSL provided by [redacted].
[Note: The NSL was approved in 08/2005 and served by a representative of Squad [redacted]. After several months of follow up by SA [redacted] preliminary but incomplete NSL results were available on 01/2006. The official results were received by IA [redacted] on 03/22/2007 and delivered to SA [redacted] on 03/26/2007.

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(S) [redacted] End Note]. After reviewing the financial records, SA [redacted] noticed that [redacted] had provided financial account information for [redacted]

[redacted]

(S) ~~(S)~~ After discussing with ADC [redacted] it was determined that [redacted]'s financial information was an over-collection of information. All financial data relating to [redacted] will be sequestered and will be provided to FBI [redacted] legal unit.

(U) ~~(S)~~ Please note that this communication is being provided within fourteen (14) days of discovery, as per NSLE's requirements.

(U) ~~(S)~~ The subjects involved in this potential IOB matter are not US persons.

(U) ~~(S)~~ Case agent for this investigation is SA [redacted] Squad [redacted] and supervisor is SSA [redacted]

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(S)

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To: [redacted]
Re: [redacted] Date: 03/29/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

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Date: 03/21/2007

To: [Redacted]

Attn: ASAC [Redacted]
CDC [Redacted]
SSA [Redacted]
SA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

From: Office of the General Counsel

CILU/NSLR/OGC/
Contact: AGC [Redacted]

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Approved By: Thomas Julie F [Redacted]

Drafted By: [Redacted] :rr

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending)
~~(S)~~ 62P [Redacted]-A89455-IOB (Pending)

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

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

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

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2130
~~(S)~~ 62P [Redacted]-A89455-IOB Serial 19

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

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

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

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(S) [redacted] requesting all financial records
pertaining to the account of [redacted]
[redacted]
[redacted] for the time
period of [redacted] was prepared and
approved in accordance with the Attorney General Guidelines. The
NSL was served by the [redacted] Field Office and on
09/28/2006, [redacted] reported delivery of the NSL and
retrieval of documentation.

(U) ~~(S)~~ On 02/01/2007, a preliminary review of the results
the NSL revealed that [redacted] supplied thirty-four (34)
financial transactions that occurred in December 2004. This
information was not requested by the FBI. This information was
not utilized by the case agent in any analysis nor was it
documented in the case file. Further, it was sequestered with
[redacted] CDC.

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

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

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(U) To: [REDACTED] From: Office of the General Counsel
 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/11/2007

Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

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

(U) ~~(S)~~ Here, during an authorized investigation,¹ the FBI properly served an NSL on [REDACTED] for the time period of [REDACTED] to the date of the NSL. The bank provided the information requested and provided information outside the time frame requested. Acquisition of this unrequested information by the FBI is not reportable to the IOB as it is third party error. It should be noted that the FBI's response in receiving the unsolicited material was commendable. Upon learning that the bank provided information beyond the scope of the NSL, the FBI sequestered the excess information, did not utilize it in any analysis and did not document it in the case file. The only remaining step to be performed is for [REDACTED] to contact [REDACTED] and ask whether the unrequested information should be returned or destroyed, with appropriate documentation to the file.

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

¹ (S) [REDACTED]

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(U)

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

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

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Set Lead 2: (Action)

[redacted]

AT [redacted]

(U)

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

cc: Ms. Thomas
[redacted]
IOE Library

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~~SECRET~~

(01/26/1998)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE
To: [redacted]

Date: 3/19/07

Attn: ASAC [redacted]
CDC [redacted]
CI-2 [redacted]
Attn: AD [redacted]
Attn: IIS, CRS [redacted]

Counterintelligence
Inspection

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

Approved By: Thomas Julie F [redacted] b2
b7E
b6
b7C

(U) Drafted By: [redacted]

Case ID #: (S) 278-HQ-C1229736-VIO
(S) 62F-[redacted]-A89455

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

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

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

(U) Reference: (S) 278-HQ-C1229736-VIO Serial [redacted]
(S) 62F-[redacted]-A89455-IOB Serial [redacted]

(S) Details: (S) As noted in the electronic communication (EC)
dated 2/09/2007 [redacted]

(S) [redacted] a non-United States person [redacted]
[redacted] a National Security Letter (NSL) was [redacted]

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To: [redacted] From: Office of the General Counsel

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Re: 278-HQ-C1229736-VIO, 3/19/07

(S) [redacted] issued to [redacted] for financial records relating to the account of [redacted] a non-United States person. The NSL requested records of transactions from [redacted] through the present. The [redacted] Field Office reported delivery of the NSL on 10/24/2006 and retrieval of the requested documents on 12/06/2006.

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(S) [redacted] When the [redacted] Field Office [redacted] reviewed the records on 2/09/2007, there were nine transactions that occurred in [redacted] which was prior to the time period requested in the NSL.

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

(S) [redacted] The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 9/13/1993, by Executive Order 12363, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order (E.O.) 12363, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential Directive." This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for

To: [redacted] From: Office of the General Counsel

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~~SECRET~~

Re: 278-HQ-C1229736-VIO, 3/19/07

FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communications record from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709; (2) records of financial institutions (which is very broadly defined)(Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, Section V.12.

(U) ~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL on [REDACTED]. In response to the properly served NSL, the FBI obtained financial records containing information beyond what it is legally authorized to receive. The FBI, having ascertained that nine transactions for December 2004 were beyond the scope of the NSL, forwarded the unmasked for information to the CDC for sequestering and redacted their files to reflect only information responsive to the NSL.

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(U) ~~(S)~~ By agreement with the Counsel to the IOB, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1029736-VIO, 3/19/07

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Set Lead 1: (Action)

[redacted]

AT [redacted]

(U)

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

[redacted]

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Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSECTION

AT WASHINGTON, DC

(U) Read and clear.

1-Ms. Thomas

1- [redacted]

1-IOB Library

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

(U) ~~(S)~~ **Details:** By EC dated 02/20/2007, [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB. b2
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(U) ~~(S)~~ As explained in the above referenced EC, during a review of several counterintelligence case files (referenced above), [redacted] discovered that, in response to NSLs issued in those cases for limited credit report information (pursuant to the authority under 15 U.S.C. §§ 1681u(a) and (b)), the providers had sometimes issued full credit reports. Those reports were obtained as follows: b2
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(S) 1) [redacted] three NSLs issued to three credit agencies. One company sent a full credit report.

(S) 2) [redacted] three NSLs issued to three credit agencies. Two companies sent full credit reports. b1

(S) 3) [redacted] three NSLs issued to three credit agencies. Two companies sent full credit reports. b2
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b7A

(S) 4) [redacted] three NSLs issued to three credit agencies. Two companies sent full credit reports.

(S) 5) [redacted] three NSLs issued to three credit agencies. Two companies sent full credit reports.

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

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential

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To: [REDACTED] From: Office of the General Counsel
 Re: (U) 278-HQ-C1229736-VIO, 03/10/2007

Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12833, dated 11/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

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

(U)

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

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

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

LEAD(s) :

Set Lead 1: (Action) b2
b7E

[redacted]

AI [redacted]

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

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas b6
[redacted] b7C
IOB Library

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2 **Date:** 03/18/2007

To: [redacted] b7E
[redacted] b6
[redacted] b7C **Attn:** SSA [redacted]
SA [redacted]

Inspection **Attn:** IIS, Room 11861

Counterterrorism **Attn:** ITOS II, [redacted]

From: Office of the General Counsel
NSL/CILU/Room 7947

Contact: AGC [redacted]

Approved By: Thomas Julie F [redacted]

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Drafted By: [redacted]:ctd

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

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

Synopsis: ~~(S)~~ ~~(U)~~ is the opinion of the Office of the General
Counsel (OGC) that this matter does not merit reporting to the
Intelligence Oversight Board (IOB). A copy of this opinion
should be retained in the control file for review by Counsel
to the IOB.

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(U) ~~Derived From: O-1~~
~~Declassify On: X1~~

Reference: ~~(S)~~ [redacted]
(U) 278-HQ-C1229736-VIO Serial 1232

Details: (U) The referenced electronic communication ("EC")
from [redacted] in file 278-HQ-C1229736, dated 03/07/2007, requested
that OGC review the facts of the captioned matter and determine
whether it warrants reporting to the IOB. In our opinion, it
does not. Our analysis follows.

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(S) [redacted]
[redacted] a U.S. Person suspected of

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~~SECRET~~b2
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To: [REDACTED] From: Office of the General Counsel
 Re: 278-HQ-C1229736-V10, 03/18/2007

clandestine intelligence gathering for the [REDACTED] Examination of the Automated Case System ("ACS") investigative file indicates that case remains open, having been renewed most recently on 10/13/2006.

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(U)

~~(S)~~ ACS also reflects that, on 01/31/07, a National Security Letter ("NSL") seeking electronic communication transactional records with regard to two email accounts was served upon [REDACTED]

[REDACTED] In its text, the letter requested electronic communication transactional records but expressly stated that such records did not include "message content and/or header fields." See [REDACTED]

(S)

(U)

~~(S)~~ Shortly thereafter, [REDACTED] provided the records but included therewith the target's email subject lines. Immediately upon discovering the error, the case agent sequestered the material and notified [REDACTED] which subsequently provided a "clean" copy of the records. The agent never uploaded any information from the first set of documents to ACS or any of the Bureau's computer systems. The only record remaining of [REDACTED] overproduction of documents is the initial CD-ROM, which is now sequestered within a safe.

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(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 NSIG, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons.

(U)

~~(S)~~ Here, an error on the part of [REDACTED] resulted in the unintentional acquisition of information outside the scope of the NSL. This matter thus constitutes a third-party error in

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To: [REDACTED] From: Office of the General Counsel
 Re: 278-HQ-C1229736-V10, 03/18/2007

responding to the NSL and is therefore not reportable to the IOB.¹

(U) ~~(S)~~ Further, for the sake of completeness, it should be noted that, immediately upon learning that [REDACTED] had provided an overbroad response, the [REDACTED] Field Office took steps to ensure that the information was not disseminated and requested legal guidance. Examination of the record reveals no evidence of unlawful actions by the FBI or actions contrary to Executive Order or Presidential Directive. Accordingly, we opine that this incident is not reportable to the IOB.

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(U) ~~(S)~~ By this EC, we request that the [REDACTED] Field Office sequester and destroy any remaining record of the two email transactions giving rise to this inquiry. Inspection is hereby requested to maintain a copy of this record in the event that it is requested by the Counsel to the IOB.

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¹ On 03/28/2006, NSLE sent a letter to the Counsel for the IOB requesting their concurrence to treat these third party errors as non-reportable, though we will require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to OGC, but are not reportable to the IOB.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 03/19/2007

LEAD(s) :

Set Lead 1: (Action)

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[redacted]
AT [redacted]

(U) [redacted] is requested to destroy the sequestered information erroneously provided by [redacted]

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

CC: Ms. Thomas [redacted] b6
IOE Library [redacted] b7C

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~~SECRET~~

~~SECRET~~/NOFORN

(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/26/2007

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(S)

[redacted] a US person, was authorized in
accordance with US Attorney General Guidelines [redacted]

(S)

[redacted]

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(S)

[redacted]

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b7E
b7A

(S/NF) Comment:

[redacted]

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b7A

End Comment.

Prior history concerning telephone number [redacted]

(S)

(S)

[redacted]

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~~SECRET~~/NOFORN

~~SECRET~~/NOFORN

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(U) To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736, 03/26/2007 b7E

(U) ~~(S)~~ A National Security Letter (NSL) dated 11/05/2002
(S) was served on [redacted] for telephone number [redacted]
(S) requesting subscriber information and toll records from [redacted]
(S) [redacted] to the date of receipt of the NSL [redacted]

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(U) ~~(S)~~ The response from [redacted] sent via the
(S) [redacted] Division [redacted]
(S) [redacted] also provided
(S) toll records from the dates of [redacted]

(S) (S) The toll records for telephone number [redacted]
(S) were posted to the captioned case file [redacted]
(S) [redacted] and a request was sent to [redacted] to conduct toll
(S) record analysis [redacted]

(U) ~~(S)~~ [redacted] analysis of the toll records
(S) pertaining to telephone number [redacted]

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(U) ~~(S)~~ Statistical accomplishments pertaining to the
(S) preparation, approval, and service of an NSL to [redacted] for
(S) telephone number [redacted] were contained in [redacted]

(S/NF)

[redacted]

(S) Current history concerning telephone number [redacted]

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(U) ~~(S)~~ [redacted]

(S) ~~(S)~~ Subsequently an NSL dated 08/07/2006 was served
(S) on [redacted] for telephone number [redacted] requesting subscriber
(S) information and toll records from [redacted] to the date of
(S) receipt of the NSL [redacted] The
(S) purpose of the NSL was to ascertain whether [redacted]

~~SECRET~~/NOFORN

~~SECRET~~/NOFORN

(U) To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736, 03/26/2007 b7E b1
b7A

(S) was still the subscriber to telephone number [redacted] and obtain toll records for analysis if he was.

b1

(U) ~~(S)~~ The response from [redacted] sent via the [redacted] Division, advised that a different person than captioned subject

b2

(S) had been the subscriber to telephone number [redacted] since

b7E

(S) [redacted] Telephone number [redacted] was out of service from [redacted] [redacted] also provided toll records from [redacted] through [redacted] that pertained to the new subscriber.

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(S) The EC from [redacted] Division containing the [redacted] response was dated 09/13/2006. [redacted] In hind sight, case agent should have requested subscriber information first and then followed up with a second NSL for toll records had the information from [redacted] still listed [redacted] as the subscriber.

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(S) (U) ~~(S)~~ Since the toll records received in 09/2006 for telephone number [redacted] no longer pertained to [redacted] case agent did not index the current subscriber information into ACS, did not request an analysis be conducted of the toll records, and did not request the toll record activity be uploaded into [redacted] Case agent felt that shredding was the proper disposition for the non-pertinent toll records; therefore, they were shredded. In cases where non-pertinent toll record information is obtained, the US person's civil liberties are sufficiently protected by not indexing the subscriber information and toll record activity into FBI databases and by shredding the non-pertinent toll records, thus permanently removing them from the possession of the FBI.

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(U) ~~(S)~~ The statistical accomplishments pertaining to the preparation, approval, and service of the latest NSL to [redacted] for telephone number [redacted]

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[redacted] The latter FD-542, dated 09/15/2006, made note that the non-pertinent toll records were shredded.

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(U) Any questions regarding this matter can be addressed to SA [redacted] or SSA [redacted]

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~~SECRET~~/NOFORN

~~SECRET/NOFORN~~

(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736, 03/26/2007

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LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action as deemed appropriate.

Set Lead 2: (Info)

GENERAL CONSUL

AT WASHINGTON, DC

(U) Read and clear.

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

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(S) [redacted] Background investigation revealed [redacted]

(S) [redacted]

(S) [redacted]

(S)

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(S) (U) On or about 07/13/2005, SA [redacted] coordinated with United States Attorney's Office (USAO), [redacted] Chief of Criminal, [redacted] to obtain a Grand Jury subpoena for [redacted] records pertaining to [redacted]. After receiving the subpoena, SA [redacted] went to [redacted] and met with Associate General Counsel [redacted]. SA [redacted] served the subpoena and had some records in hand when he received a call from SSRA [redacted]. SSRA [redacted] had been notified by FBIHQ, ITOS I, CONUS II, Team 6, that the field office was not to utilize a Grand Jury subpoena but must obtain a National Security Letter (NSL). Therefore, SA [redacted] returned the records to [redacted].

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

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(S) (U) On or about 07/14/2005, JTTF Task Force Agent [redacted] served the NSL at [redacted] requesting [redacted] records pertaining to [redacted]. TFA [redacted] does not recall the individual's name to whom the NSL was given. TFA [redacted] was advised by [redacted] that the NSL was not the appropriate documentation to receive [redacted] records and [redacted] declined to honor the NSL.

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

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

(U) Subsequently, SSRA [redacted] was advised by FBIHQ that a Grand Jury subpoena would be obtained out of the [redacted] District [redacted] which was the office of origin on the [redacted] matter, and the Grand Jury subpoena would be forwarded to the [redacted] for service on [redacted].

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

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

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and

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

Foreign Intelligence Collection (NSIC), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

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

(U)

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

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

LEAD(s) :

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Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) For information.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

cc: Ms. Thomas
[redacted]
IOE Library

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March 13, 2007

BY COURIER

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

DECLASSIFIED BY 65179 DMH/KSR/cb
ON 01-15-2008

Dear Mr. Friedman:

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

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

Enclosure

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived From: G-3
Declassify On: 03/07/2032~~

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Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U. S. Department of Justice
Room 2300 C

- 1 - Ms. Margaret Skelly-Nolen
Acting Counsel
Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

DECLASSIFIED BY: 65179 DMH/KSR/cb
ON: 12-17-2007~~SECRET~~INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2007-[REDACTED] (U)b2
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(U)

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

(U)

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

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

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

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~~SECRET/NOFORN~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/23/2007

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[redacted] This case was assigned to SA [redacted]
[redacted] Office, Supervisor [redacted]

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[redacted] and was assigned to SA [redacted] Office, Supervisor [redacted]

[redacted] The error which is described in detail was conducted by SA [redacted]

(U)

~~(S)~~ The error which is described in detail below was not believed to be an IOE error or violation until the case agent, read an email dated 03/22/2007 subject line "ECPA Certification" which requested verification to the reporting requirements for voluntary emergency disclosures under 18 USC 2702(b)(8). Case agent brought this matter to his supervisor's attention on 03/22/2007 to inquire whether this matter pertained to the email described above. Per a conversation with [redacted] Legal Unit [redacted] on 03/23/2007 the below captioned matter was not deemed to be a voluntary emergency disclosures under 18 USC 2702(b)(8), however [redacted] legal unit advised that this matter may be a potential IOE. Based on the 03/23/2007 conversation with the [redacted] Legal Unit the case agent is responding to this matter in accordance with the requirement to report any potential IOE

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To: Inspection From: [redacted] b2
Re: (U) 278-HQ-C1229736-VIO, 03/23/2007 b7E

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violations within 14 days of the discovery of the possible error or violation.

[redacted]

(S)

(S) [redacted] Office [redacted]

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(S)

[redacted] At some point on or around [redacted] Office squad [redacted] at the

(S)

request of squad [redacted] made contact with a liaison at [redacted] in accordance with the then active [redacted]

[redacted] The liaison at [redacted] provided the [redacted] Office with toll records for [redacted] for [redacted] telephone numbers covered [redacted]

(S)

[redacted] Again at some point on or around [redacted] the liaison further provided the [redacted] Office with toll records for [redacted] for [redacted]

(S)

[redacted]

(U)

~~(S)~~ On 04/29/2005 and 05/02/2005 [redacted] Office investigation [redacted]

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(S)

telephone numbers identified by the [redacted] Office as being located [redacted] appeared in the

(S)

toll records for the [redacted] as incoming calls on [redacted] The [redacted] numbers were [redacted]

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[redacted] Another telephone identified [redacted] [redacted]

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

(S)

(U)

[redacted] does not believe that the subscriber information for [redacted] were obtained prior to the NSL being served, however this information is being provided as [redacted] cannot be certain that the information was not obtained prior to the delivery of the NSL. This NSL and EC were delivered to [redacted] through the [redacted] Field Office and the results were received on 08/02/2005.

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[redacted] Both numbers are owned by [redacted] [redacted] with [redacted] provided follow-up information that [redacted] are numbers [redacted]

(S)

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/23/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

Read and clear.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

Read and clear.

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~~SECRET~~/NOFORN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

U.S. Department



Federal Bureau of Investigation

In Reply, Please Refer to
File No.

225095

601 Fourth Street, N.W.
Washington, DC 20535

March 23, 2007



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Dear [redacted]

(S) On October 26, 2006, your office received a National Security Letter from my office [redacted]. Our National Security Letter was dated October 17, 2006, and requested toll billing information on telephone [redacted] for the period [redacted] to present. Your office responded promptly and accurately with the requested records. Thank you.

However, upon reviewing the records you produced, we discovered that the enclosed records are not relevant to our investigation. Therefore, we are returning the only copy of these records (the originals you sent) to you for safekeeping. At this time, we have no investigative interest in the content of the enclosed records and have neither used them nor maintained a copy of them.

(S) Thank you, again, for your cooperation in this matter. Please contact SA [redacted] at telephone [redacted] if you have any questions.

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Sincerely yours,

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Supervisory Special Agent

Enclosures: original records of subscriber and toll billing information covering the period [redacted]

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b6 **Date:** 03/23/2007
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To: Inspection b7E **Attn:** IIS
General Counsel **Attn:** NSLE
 Attn: CDC

From:
Contact: SA

Approved By: b6
b7C

Drafted By: :jag

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U) ~~(S)~~ **Derived From :** ~~G-3~~
Declassify On: 03/23/2017

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Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Enclosure(s): (U) FBI Letter dated March 23, 2007, addressed to

(U) **Details:** ~~(S)~~ On March 22, 2007, SA informed his supervisor, SSA of a potential IOB matter related to a b1
 is a U.S. b6
 person. b7C
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(S)

The case was initiated under the Attorney General Guidelines Section Part II.B.1.d: "An individual, group, or organization is or may be engaging, or has or may have engaged, in activities constituting a threat to the national security (or

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To: Inspection From: [redacted] b2
Re: (U) 278-HQ-C1229736-VIO, 03/23/2007 b7E

(U) related preparatory or support activities) for or on behalf of a foreign power."

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(S) ~~(S)~~ The facts giving rise to a potential ICE matter occurred on or about November 14, 2006, when the [redacted] Office received a response to a National Security Letter (NSL) from [redacted]. The NSL giving rise to this response was dated October 17, 2006, and requested toll billing information for [redacted] for the period [redacted] to present.

(U) ~~(S)~~ In response to the referenced NSL, [redacted] accurately and timely produced the requested records. The records showed that for the period of [redacted]

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[redacted] the cellular telephone at issue was utilized by a person other than the named subject of the investigation. [redacted] produced the totality of records (i.e., for the time frame requested) in two formats.

(U) ~~(S)~~ 1) [redacted] provided hard copy records of the subscriber information and toll billing information for the month of [redacted]. As mentioned above, though these records were responsive to the NSL they were not relevant to the investigation. SA [redacted] recognized this and sequestered those records on Squad CI-9. Those records were not utilized in any investigative activity nor were they referred to after their receipt in November of 2006. None of the records germane to subject [redacted] was included in these hard copy documents.

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(S) ~~(S)~~ 2) [redacted] provided a compact disc (CD) containing subscriber information and toll billing information for the remainder of the time frame requested. These electronic records pertained to the named subject of the investigation, [redacted]. That CD was placed in the appropriate investigative file and has been utilized for intelligence/investigative purposes. None of the records contained on this CD pertained to the previous subscriber of the telephone number at issue.

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(U) ~~(S)~~ On March 23, 2007, SA [redacted] brought this matter to the attention of ADC [redacted] and CDC [redacted]. SA [redacted] was advised to draft a letter from [redacted] signed by SSA [redacted] to [redacted] explaining the above information and returning the original and sole copy of the [redacted] records which were not germane to the investigation under which they were collected. SA [redacted] drafted

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To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/23/2007

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this letter on March 23, 2007, and it was sent via [REDACTED]
[REDACTED] to [REDACTED] on or about March 27, 2007. A copy
of that letter is enclosed herewith for NSLB's review.

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To: Inspection From: b2
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007 b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Action)

GENERAL COUNSEL

AT NSLE

(U) General Counsel, NSLE, is requested to review this matter and provide guidance as to the disposition of the matter.

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(S) To: INSD From: [redacted]
Re: [redacted] 03/19/2007

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~~(S)~~ 4. Description of IOB error:

A full credit report was returned on 06/13/2005 from [redacted] credit reporting agency. The credit return information has not been previously reported.

(U)

~~(S)~~ FACTS/NATURE OF REQUEST:

(S)

On 04/28/2005, SA [redacted] drafted and SSA [redacted] approved a NSL [redacted] to [redacted] credit reporting agency requesting that:

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Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(a) and (b) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with: (1) the names and addresses of all financial institutions (as defined in Title 12, U.S.C., Section 3401) at which the below-named consumer maintains or has maintained an account, and (2) consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment at which the below-named consumer maintains or has maintained an account:

(S)

[redacted]

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~~(S)~~ FACTS/NATURE OF VIOLATION INCLUDE WHEN AND HOW NOTIFIED:

(S)

On 06/13/2005, the NSL lead was covered by the [redacted] Division [redacted] in which attached was a full credit report listing all the names and addresses of all financial institutions at which [redacted] maintains or has maintained an account, and consumer identifying information limited to name, address, former addresses, and place of employment. Additional information retrieved included a partial social security number, date of birth, and partial telephone number. In addition to the name of financial institutions, the account number was provided as well as the payment history. No credit score was provided. Writer did not request any further financial records with RFFPA NSLs, based on any of the information provided by [redacted]

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To: INSD From: [redacted]
Re: [redacted] 03/19/2007

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Based upon the recent FCRA NSL inspection on 03/15/2007, writer learned that receiving a full credit report is a potential IOB violation. Writer further discovered that a review of above-mentioned FCRA NSL showed that a full credit report was not requested but obtained, which must be reported. As a result, the documents in question has been sequestered from the case file and is being provided directly to the [redacted] Legal Unit.

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To: INSD From: [redacted]
Re: ~~NY~~ [redacted] 03/19/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For CD-3D, Read and clear.

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~~SECRET~~

(Rev. 01-31-2003) ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/23/2007

To: Inspection
General Counsel
Counterintelligence

Attn: Internal Investigations Section
Attn: National Security Law Branch
Attn: CD-2D, Room 5437,
SSA [redacted]

From: [redacted]

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Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]:ds S: 002ds2.wpd

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736 - VIO (Pending)
~~(S)~~ 278-HQ-C136372 (Pending)
(S) [redacted] (Pending)

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(U) Title: ~~(S)~~ REPORTS POTENTIAL IOB MATTER
OC: [redacted]

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(U) Synopsis: ~~(S)~~ Reports potential Intelligence Oversight Board
(IOE) matter.

(S) (U) ~~(S)~~ Derived From : G-3
Declassify On: 25X1

(U) ~~(U)~~ [redacted] USPER

(S) Details: ~~(S)~~ The following information relates to the activities
of [redacted]

(U) [redacted]

~~(S)~~ On 03/20/2007, an NSL was served on [redacted]
The NSL and Attachment, identifying the types of information
considered toll billing records according to Title 18 U.S.C. 2709,
directed [redacted] to provide the FBI with the name, address, length of
service and local and long distance toll billing records associated

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736 - VIO (Pending), 03/23/2007

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(S)

with: [redacted] wireless
telephone number [redacted] for the last three billing cycles
starting with [redacted]

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[redacted]

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~~(S)~~ On 03/21/2007, [redacted] provided the results of the NSL
to [redacted] emailed an electronic version of the results to SA
[redacted]. A subsequent review of the results
identified that [redacted] was the wireless telephone's "User".
In addition, [redacted] employer and an identified presumed
USDPF representative were identified as the [redacted]

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(S)

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[redacted] A credit address, billing address, date of
birth, partial social security account number and telephone contact
number were provided for [redacted]
These additional records for [redacted]
were provided by [redacted] without direction from the FBI.

(S)

(S)

(U) ~~(S)~~ On 03/23/2007, Case Agent sequestered one hard copy
and the original electronic copy (compact disk) of the NSL results,
with the [redacted] CDC [redacted]

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(U)

~~(S)~~ [redacted] is reporting this as a potential IOB
matter.

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Set Lead 1: (Action)

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~~SECRET~~

(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736 - VIO (Pending), 03/23/2007

INSPECTION

(U)

AT WASHINGTON, DC

~~(S)~~ Reports potential IOB matter for IIS review.

Set Lead 2: (Action)

GENERAL COUNSEL

(U)

AT WASHINGTON, DC

~~(S)~~ Reports potential IOB matter for NSLE review.

Set Lead 3: (Action)

COUNTERINTELLIGENCE

(U)

AT WASHINGTON, DC

(S)

~~(S)~~ Advises CD-2D of the potential IOB matter and requests that CD-2D advise OGC/OIPK that the pending [redacted] contains redacted NSL data relating to the aforementioned potential IOB matter.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/14/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From:

[Redacted]

Contact: SA

[Redacted]

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Approved By:

[Redacted]

Drafted By:

[Redacted] sk

(U)

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

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Title: (U)

SA [Redacted]
SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U)

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

(U)

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

Details:

(S) 1.

[Redacted]

(U)

(S) 2. [Redacted] a U.S. Person.

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

(U)

~~(S)~~ The Attorney General's Guidelines Provision: VIO

(S)

[Redacted]

(U)

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

(U)

~~(S)~~ As a result of a National Security Letter (NSL) sent to [Redacted] dated 10/26/2006, writer received what appears to be information beyond the scope of Title 15, United States Code (U.S.C.), Section 1681u(a) (the Fair Credit Reporting Act, as amended). The NSL was sent to [Redacted]

(S)

[Redacted]

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073skC1.07

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~~SECRET~~b2
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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/14/2007

(U) ~~(S)~~ This matter is being reported now as a result of the EC request from Headquarters dated 03/05/2007. At the time the information was received, SA [REDACTED] was unaware that the information received by [REDACTED] may have been over-broad in scope. [REDACTED] provided a credit file in response to the limited FBI request for a listing of [REDACTED] financial institutions in accordance with 15 USC 1681u(a). The credit file has been sequestered in the Chief Division Counsel's office in the [REDACTED] Division.

(S)

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(U)

To: Inspection From: [Redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/14/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975
Attn: CDC/Legal Unit

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] ans

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VTO
(S) [Redacted]

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

(U)

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

(U)

~~(S)~~ Derived From : FBI SCG-3, January 1997
Declassify On: 03/22/2032

Details:

(S) 1. [Redacted]

(U)

~~(S)~~ 2. Case Agent: SA [Redacted]
Supervisor: SSA [Redacted]

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(S) 3. [Redacted] a U.S. Person.

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

(U)

~~(S)~~ 5. Possible IOE Error:

(S)

[Redacted]

(U)

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

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007

(U) ~~(S)~~ Captioned investigation was initiated on [redacted]. A National Security Letter was approved by the [redacted] Division and forwarded to the [redacted] Division to be served on [redacted]. This NSL was for toll records related to telephone number [redacted]

(S) [redacted] for the period of inception until present date. On 03/22/2007, SA [redacted] received from the [redacted] Division an EC dated 03/12/2007 [redacted] and NSL results from [redacted]. Upon

(S) immediate review of the NSL results, SA [redacted] discovered that according to the subscriber profile, the subscriber of the listed telephone number was [redacted] until present.

(U) On 03/22/2007, SA [redacted] contacted SSA [redacted] and AGC [redacted] of the [redacted] Division's Legal Unit and advised of what had been returned to her from [redacted].

(U) The over collected information has been sequestered in the [redacted] Division's CDC's office pending additional guidance from NSLE/OGC at the resolution of the potential IOE issue.

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~~SECRET~~

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: Inspection
General Counsel
Counterintelligence

Attn: IIS
Attn: NSLE
Attn: SSA [redacted]
CD-3A

From: [redacted]

Contact: SA [redacted]

Approved By: [redacted]

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Drafted By: [redacted] :awc

Case ID #: (U) 078-HQ-C1229736-VIO (Pending)

(S) [redacted] (Closed)

Title: (U) REPORT OF A POTENTIAL IOE MATTER

Synopsis: (U) Report potential Intelligence Oversight Board (IOE) matter.

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(S)

~~(U)~~ [redacted]

(U)

~~Derived From: G-3
Declassify On: 03/28/2032~~

Details: (S) [redacted]

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(S)

[redacted] a person
[redacted] an error occurred
that could potentially be an Intelligence Oversight Board (IOB)
matter. This communication will set forth the circumstance in
which this matter occurred and the remedial action taken by squad

[redacted] The case agent for this investigation was SA [redacted]
[redacted] and the supervisor of [redacted] was SSA [redacted]

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~~SECRET~~

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/28/2007

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(S) [redacted]

(U)

(S)

~~(S)~~ In a communication dated [redacted] the case was closed citing FBIHQ, [redacted] new policy.

[redacted]

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(S) [redacted]

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(U)

~~(S)~~ During an FBI audit of National Security Letters conducted in March, 2007, it was noted by FBI inspection staff that this case may contain two potential IOB violations. The first potential violation cited was that the investigation was reopened without a 10 day notification letterhead memorandum to FBIHQ reporting this fact. The second potential violation cited was the fact that there was no annual summary letterhead memorandum of the investigation sent to FBIHQ during to course of the investigation.

(U)

~~(S)~~ Concerning the first issue, it was believed at the time that due to the brief period of time in which the case was considered closed, this did not constitute sufficient cause to readdress the investigation with FBIHQ.

(U)

(S)

~~(S)~~ Concerning the second issue, an annual letterhead memorandum was drafted on [redacted] of the investigation. There was no annual letterhead memorandum thereafter.

b1

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2
 b7E **Date:** 03/29/2007
 b6
To: General Counsel b7C **Attn:** NSLB, Room 7975
 INSD **Attn:** IIS, Room 11861
 Counterintelligence **Attn:** CD-3E, Room 4095

From: [Redacted]
Contact: SA [Redacted]

Approved By: [Redacted]

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(U) **Drafted By:** [Redacted] : gwp

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

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

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

~~Derived From : G-3~~
~~Declassify On: 04/09/2032~~

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Details: (S) 1. [Redacted]

(S) 2. [Redacted] Non-USPER

(U) (S) 3. Possible IOB Error: Over collection of Fair Credit Reporting Act (FCRA, 15 U.S.C. §§§§1681u(a) and (b)) records.

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

~~SECRET~~

~~SECRET~~

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(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

(U)

~~(S)~~ On 3/29/2007, writer conducted a review of case files for FCRA NSLs and found two in which the original returns were full credit reports. In 11/2004, then Case Agent SA [redacted] prepared cover ECs enclosing FCRA NSLs for [redacted] and [redacted] that were approved by A/SSA [redacted] CDC [redacted]

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(S)

[redacted] PM [redacted] and signed by then Special Agent in Charge [redacted]. The above cover ECs and NSLs uploaded as [redacted] **do not request** full credit reports, but instead request the following limited information as authorized under the Patriot Act:

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(1) Personal Identifying Information limited to the following items:

(S)

a. Any names associated with this consumer [redacted]

b. Any current or former addresses

c. Any current or former places of employment

(2) Identity of Financial Institutions-names and addresses of all financial institutions (as defined by Title 12, USC Section 3401), at which the below named consumer maintains or has maintained an account:

(S)

[redacted]

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(U)

(S)

~~(S)~~ However, the original returns for the above FCRA NSLs enclosed in [redacted] contain full credit reports that were sent by [redacted] and [redacted]. In 12/2004, [redacted] received [redacted] enclosing a full credit report issued by [redacted]

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(S)

[redacted] In 01/2005, [redacted] received Serial [redacted] enclosing a full credit report issued by [redacted]. The following is a table of the dates of the FCRA NSL requests in [redacted] the corresponding cover ECs in [redacted] and responses received in [redacted]

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(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/19/2007

(S)

Date	[redacted]	Document Type
11/08/2004	[redacted]	FCRA NSL to [redacted]
11/01/2004	[redacted]	EC seeking NSL approval
11/08/2004	[redacted]	FCRA NSL to [redacted]
11/01/2004	[redacted]	EC seeking NSL approval
12/08/2004	[redacted]	EC returning results of Serial [redacted] full credit report
01/12/2005	[redacted]	EC returning results of Serial [redacted] full credit report

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(S) Writer is current Case Agent for captioned [redacted] under the supervision of [redacted] SSA [redacted]. All original returns from the above NSLs that show the full credit report have been removed from the case files and sequestered. The sequestered documents have been provided to the [redacted] Chief Division Counsel in the Legal Unit.

(U)

~~(S)~~ SA [redacted] subsequently issued RFPA NSLs to [redacted] etc using information that the FBI is authorized to receive from the credit reporting agencies regarding the identity and addresses of the financial institutions. Regarding captioned case [redacted] no investigative activity was conducted by [redacted] stemming from any information that the FBI was not authorized to receive in the full credit reports provided by [redacted] and/or [redacted].

(S)

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(U)

~~SECRET~~

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To: General Counsel From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2007

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT CD-4E

(U) Read and clear.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/14/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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(U) Drafted By: [Redacted] jlc (073yjlc01.07)

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

Title: (U) Report of Potential IOB Matter

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(U) Synopsis: ~~(S)~~ Possible IOB error.

(U) ~~(S)~~ Derived From: ~~S-1~~
Declassify On: ~~X8~~

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

(U) ~~(S)~~ 3. Possible IOB Error: Title 15, United States Code (U.S.C.),
Section 1681u(a) (the Fair Credit Reporting Act, as amended)

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(S) [Redacted]

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b7C
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(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).

(U) ~~(S)~~ As a result of a National Security Letter (NSL) sent to
[Redacted] dated 01/15/2007, SA [Redacted] received a full credit
report, which appears to be beyond the scope of Title 15, United

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(S) financial institutions at which the consumer maintains or has
maintained an account. The NSL was sent to [Redacted] as part of

(S) [Redacted] (USPER), a possible
recruitment target of [Redacted]

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(U)

To: ~~Inspection~~ From: [redacted]
Re: ~~278-HQ-C1229736-VIO~~, 03/14/2007

(S)

[redacted] However, none of the unauthorized information contained in the full credit report sent by [redacted] was used in the investigation.

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(U)

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~~(S)~~ The following actions were taken by SA [redacted] to rectify the unauthorized information received from [redacted] a copy of the original credit report document from [redacted] was made and using that copy, all unauthorized information was redacted using a black ink; then a copy of the redacted document was made, which copy was then submitted to the case file; lastly the original credit report document was sealed in an envelope and submitted with this electronic communication to CDC in [redacted] Legal Unit to be sequestered.

(U)

~~(S)~~ This matter is being reported now as a result of the EC request from Headquarters dated 03/05/2007, entitled: Guidance on Use of Fair Credit Reporting Act NSLs in Counterintelligence Investigations; Review of Fair Credit Reporting Act NSLs Issued in CY 2006 in Counterintelligence Investigations. At the time the information was received, SA [redacted] was unaware that the information received by [redacted] may have been beyond the scope.

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~~SECRET~~

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/14/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~//ORCON,NOFORN//X1

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To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/28/2007

(S) Unit, [redacted] and reported on same date in this EC. It should be noted that upon review of the file on 3/28/2007, by [redacted] it was revealed that there was one (1) report on [redacted] dated 12/08/2006. This single report is the only infraction noted in case file [redacted].
(S) An annual LHM will be drafted immediately in concurrence with guidelines set by FBIHQ.

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~~SECRET~~//ORCON,NOFORN//X1

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] yjo (075yjo01.07)

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

Title: (U) Report of Potential IOB Matter

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(U) Synopsis: ~~(S)~~ Possible IOB error.

(U) ~~(S)~~ Derived From: G 1
Declassify On: X8

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person. b1
b2

(U) ~~(S)~~ 3. Possible IOB Error: Title 15, United States Code (U.S.C.), Section 1681u(a) (the Fair Credit Reporting Act, as amended) b7E

(S) [Redacted]

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

(U) ~~(S)~~ This matter is being reported now as a result of the EC request from Headquarters dated 03/05/2007, entitled: Guidance on Use of Fair Credit Reporting Act NSLs in Counterintelligence Investigations; Review of Fair Credit Reporting Act NSLs Issued in CY 2006 in Counterintelligence Investigations. At the time, SA [Redacted] was unaware that the credit report items she reported, which were obtained from [Redacted] in an EC dated 09/26/2006 may have been beyond the scope.

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~~SECRET~~

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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

[redacted] received a credit report from [redacted]. However, [redacted] attempt to redact some of the credit report information considered to be unauthorized was done unsuccessfully because the redacted information remained transparent to the reader. Unfortunately, SA [redacted] was unaware that the transparent information may have been beyond the scope, and reported the following credit report items in an EC dated 09/26/2006 [redacted] which was approved by SSA [redacted] date opened and high credit amounts of financial institutions. As a result of the reporting, the EC was beyond the scope of Title 15, United States Code (U.S.C.), Section 1681u(a)(the Fair Credit Reporting Act, as amended), which authorizes the FBI to obtain the identity of all financial institutions at which the consumer maintains or has maintained an account. However, none of these reported credit report information was ever used in the investigation.

(S)

(U) ~~(S)~~ The following actions were taken by SA [redacted] to rectify the credit report received from [redacted] which contained redacted information that was transparent to the reader: a copy of the original credit report document received from [redacted] was made, which copy no longer having the transparent credit report information was then submitted to the case file in a 1A envelope; the original credit report document was sealed in an envelope and sent to CDC [redacted] Legal Unit to be sequestered.

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(U) ~~(S)~~ The following actions were taken by SA [redacted] to rectify the reporting of the unauthorized credit report items in the above EC dated 09/26/2006, which has been uploaded in the ACS: the original EC was pulled from the case file and sealed in the same envelope containing the original credit report received from [redacted] to be sequestered; the uploaded EC was then permanently charged out from the ACS on 05/03/2007; and a Permanent Charge-Out slip for [redacted] was then submitted to the case file replacing the original EC that was removed for sequestering.

(S)

(U) ~~(S)~~ Please note that this EC dated 03/16/2007 has since been re-drafted for clarification and to indicate that the EC dated 09/26/2006 has been permanently charged out from the ACS on 05/03/2007.

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(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-17-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/14/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]

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Contact: SA [Redacted]

Approved By: [Redacted]

(U)

Drafted By: [Redacted] sk

Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

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Title: (U) SA [Redacted]
SSA [Redacted]

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INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U)

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

Details

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

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

~~(S)~~ [Redacted]

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

~~(S)~~ As a result of a National Security Letter (NSL) sent to [Redacted] dated 10/26/2006, writer received what appears to be information beyond the scope of Title 16, United States Code (U.S.C.), Section 1681u(a) (the Fair Credit Reporting Act, as amended). The NSL was sent to [Redacted]

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~~SECRET~~

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1029736-VIO, 03/14/2007

(DPRK). None of the unauthorized information received from [redacted] was utilized in this investigation.

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(U)

~~(S)~~ This matter is being reported now as a result of the EC request from Headquarters dated 03/05/2007. At the time the information was received, SA [redacted] was unaware that the information received by [redacted] may have been over-broad in scope. [redacted] provided a credit file in response to the limited FBI request for a listing of [redacted] financial institutions in accordance with 15 USC 1681u(a). The credit file has been sequestered in the Chief Division Counsel's office in the [redacted] Division.

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(S)

[redacted] Division.

~~SECRET~~

~~SECRET~~

(U)

To: Inspection From: [Redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/14/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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