

1073946

~~SECRET~~

To: Office of the Deputy Attorney General

From: Federal Bureau of Investigation
Office of General Counsel
National Security Law Branch

Date: 29 April 2005

Re: National Security Letters - Reporting Requirements
Classified Supplemental Materials

Tab 1	Number of NSLs from 2000 to 2004 (with Charts)
Tab 2	FBI Semiannual Reports of requests for telephone subscriber or toll billing/electronic communication transactional records covering 2004.
Tab 3	FBI Semiannual Reports of requests for financial records covering 2004.
Tab 4	FBI Semiannual Reports of requests for financial institution and consumer identifying information, and consumer credit reports.

~~SECRET~~

NSL VIO-14102

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-28-2007 BY 65178 dmh/ker/gcl

Tab 1

NSL VIO-14103

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-28-2007
CLASSIFIED BY 65179 dmh/ksr/qcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

2000 2001 2002 2003 2004 TOTAL

Toll Records

Total USPER

Different USPER

Total Non USPER

Different Non USPER

Total

Subscriber Records

Total USPER

Different USPER

Total Non USPER

Different Non USPER

Total

Financial Records

Total USPER

Different USPER

Total Non USPER

Different Non USPER

Total

(S)

Financial Institutions

Total USPER

Different USPER

Total Non USPER

Different Non USPER

Total

Consumer Identifying Information

Total USPER

Different USPER

Total Non USPER

Different Non USPER

Total

Court Order Information

Total USPER

Different USPER

Total Non USPER

Different Non USPER

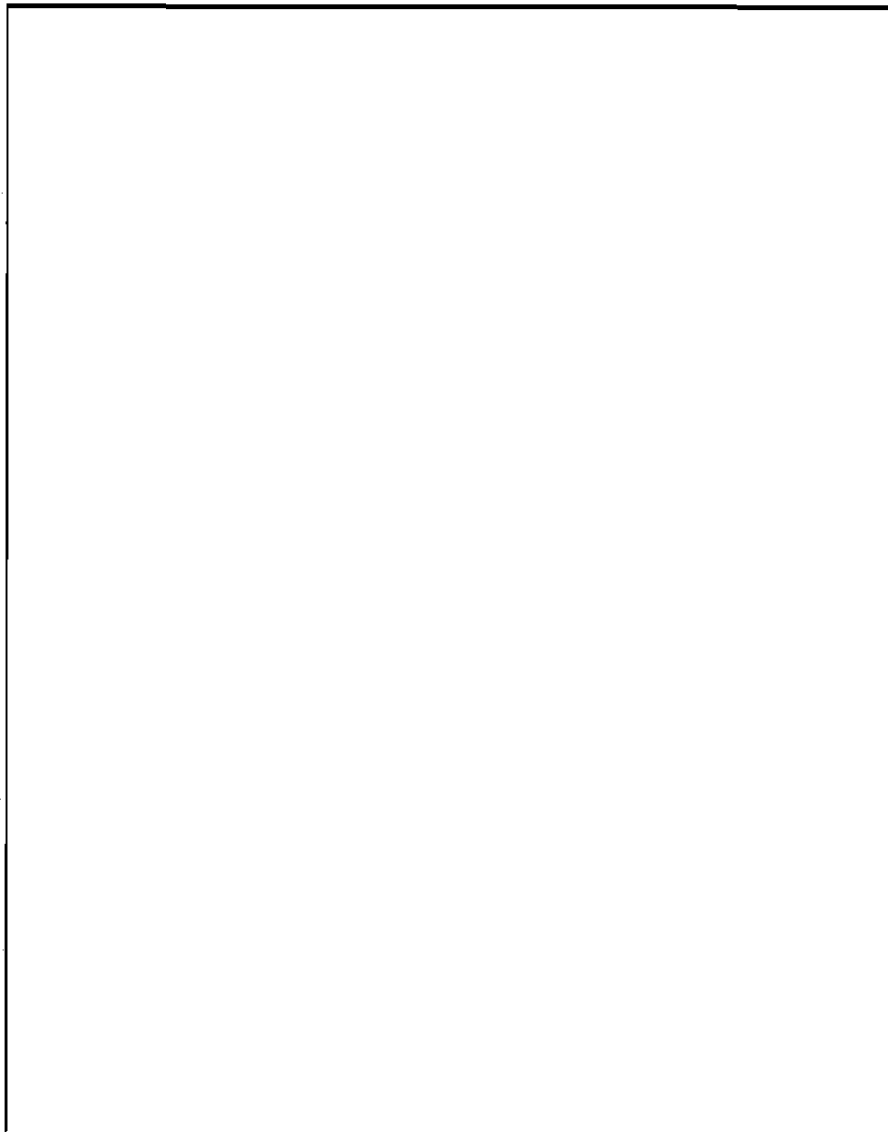
[Redacted Table Area]

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National Security Letters (NSLs) Issued for Toll Records 2000-2004

(S)

Numbers of Records



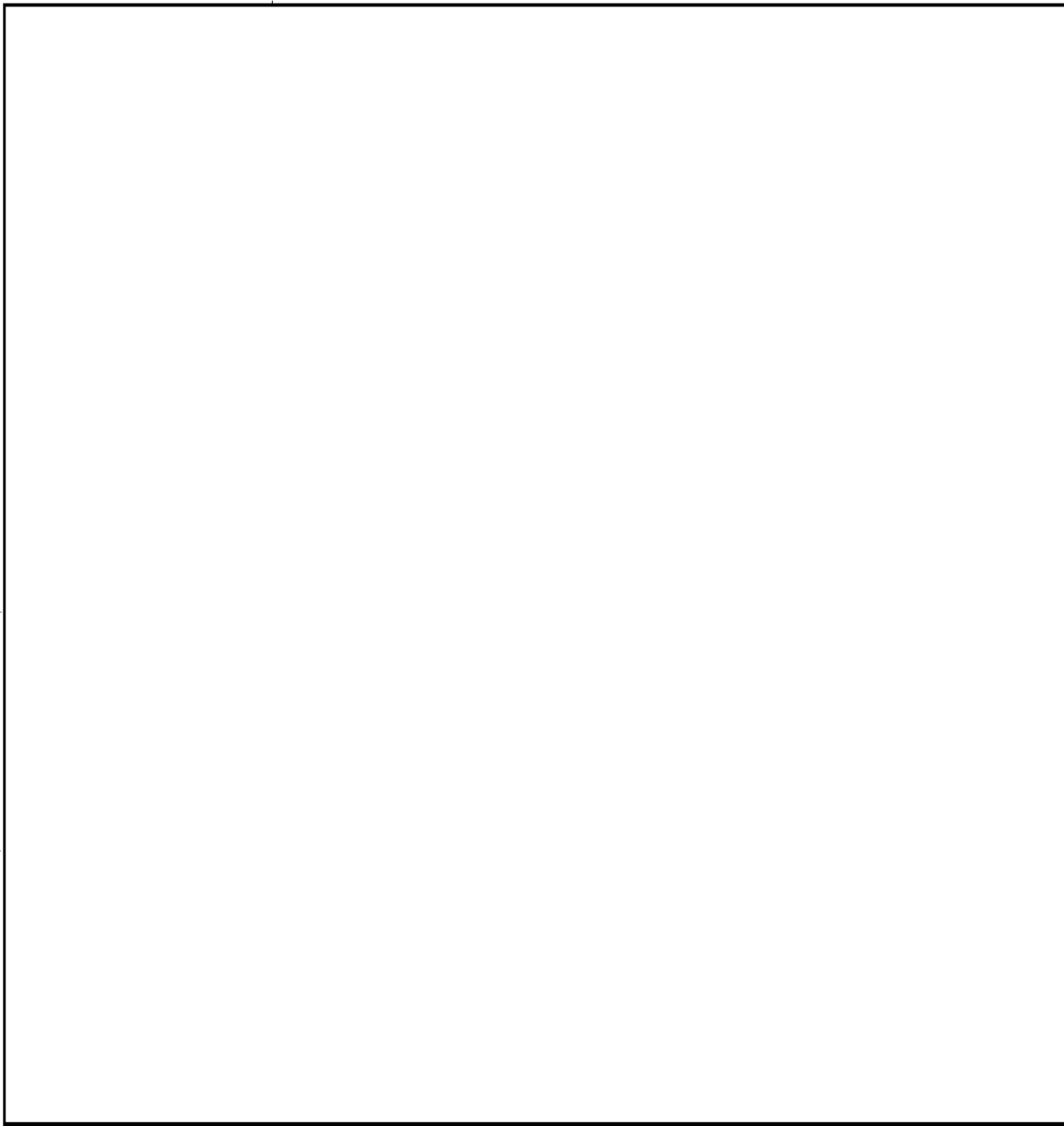
- ◆ Total USPER
- Different USPER
- ▲ Total Non USPER
- ✱ Different Non USPER
- * TOTAL

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2000 2001 2002 2003 2004

Year

National Security Letters (NSLs) Issued for Subscriber Records 2000-2004



Numbers of Records

2000 2001 2002 2003 2004

Year

b1
b2

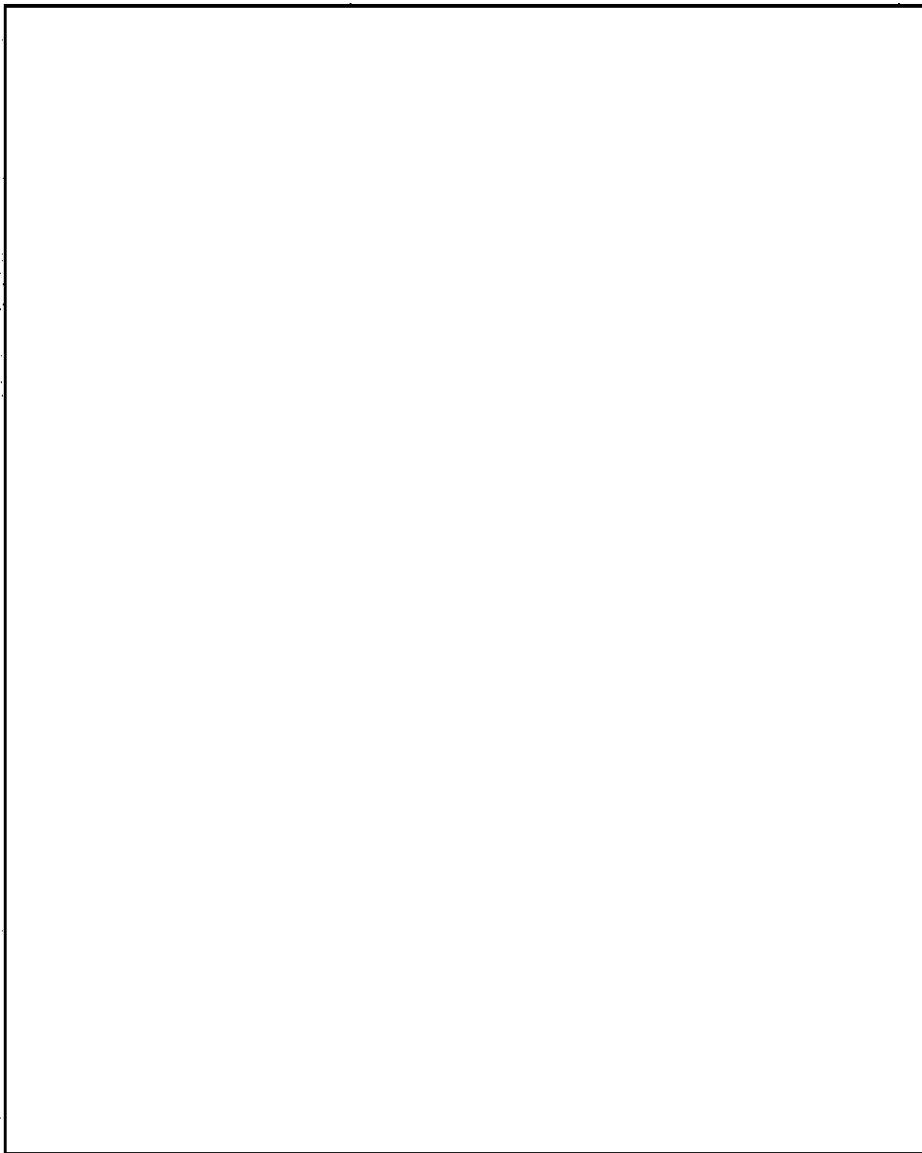
◆ Total

(S)

National Security Letters (NSLs) Issued for Financial Records 2000-2004

(S)

Numbers of Records



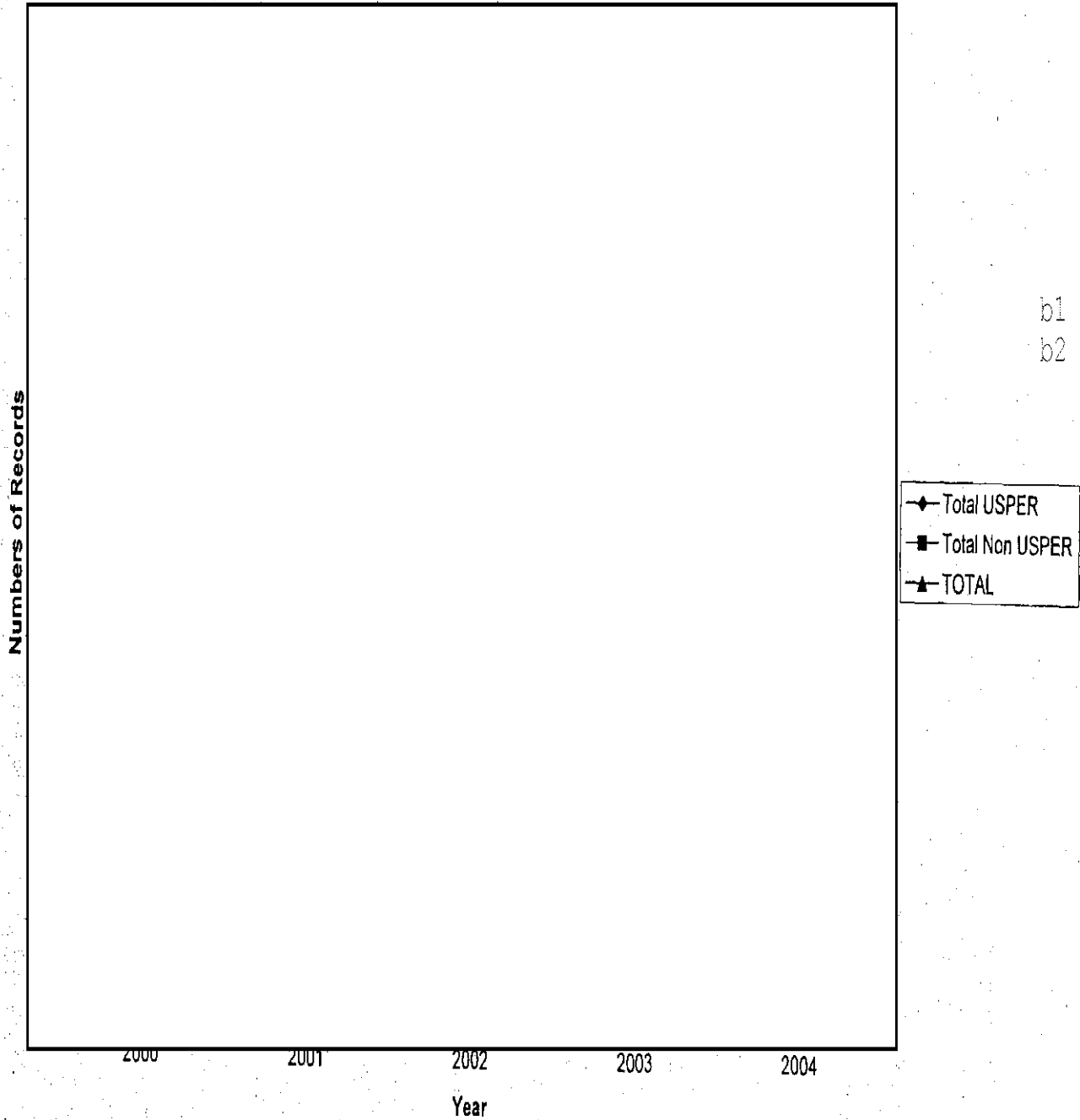
- ◆ Total USPER
- Different USPER
- ▲ Total Non USPER
- ✱ Different Non Usper
- ✱ TOTAL
- ◆

2000 2001 2002 2003 2004

Year

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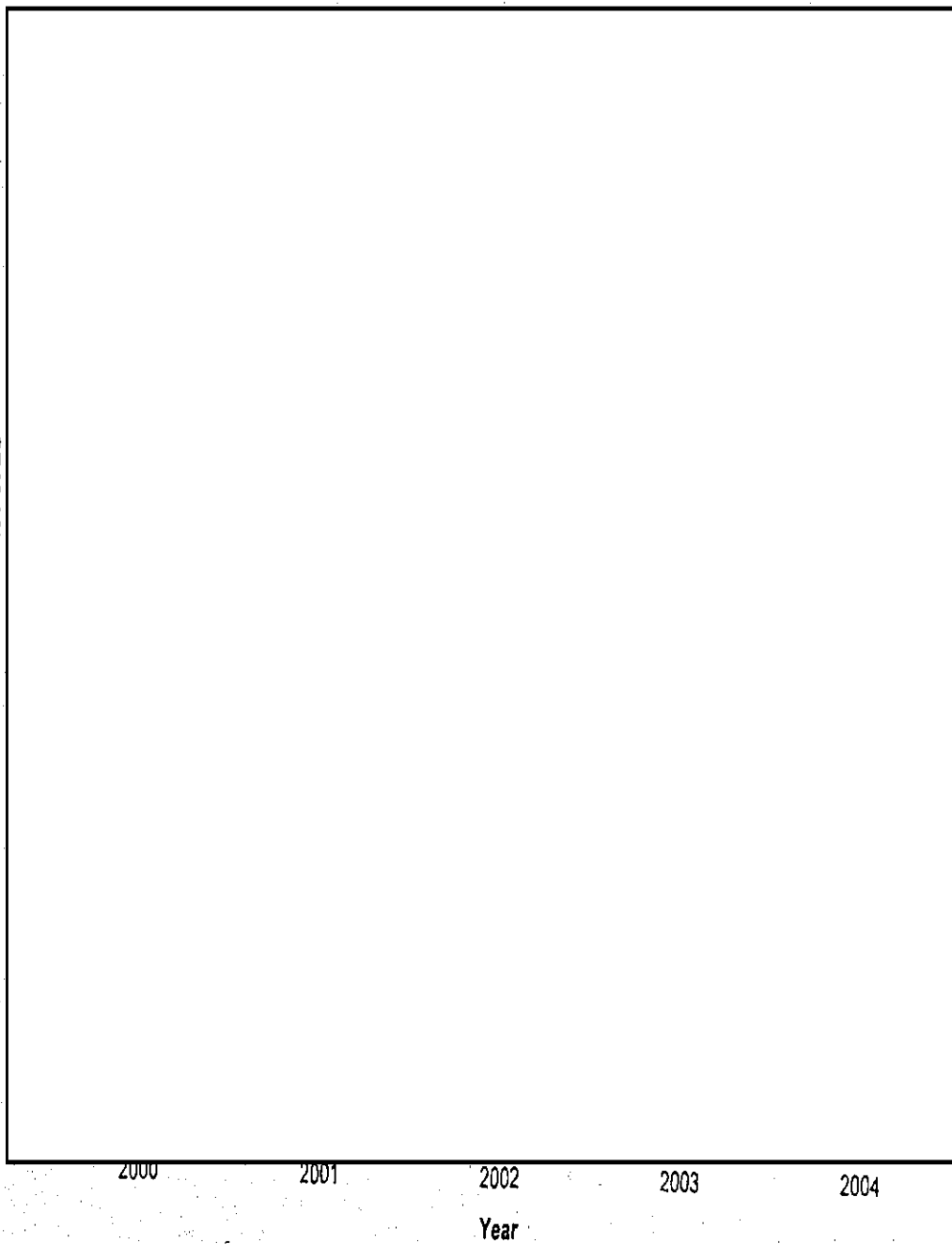
National Security Letters (NSLs) Issued for Financial Institutions 2000-2004



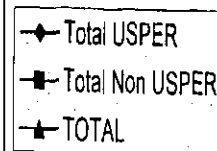
National Security Letters (NSLs) Issued for Consumer Identifying Information 2000-2004

(S)

Numbers of Records



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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-29-2007 BY 65179 dmh/kst/gcl

Tab 2

NSL VIO-14110

~~SECRET~~

March 23, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U)

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM ~~(S)~~

(U) Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of July 1, 2004 to December 31, 2004. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first.

1 - 66F-HQ-C1303375-49128
1 - 66F-HQ-A1255972-NSLPHONE-28
1 - Mr. Pistole
1 - Ms. Caproni
1 - Mr. Bald

1 - Mr. Szady
1 - Ms. Thomas

1 -
1 - NSLB

b6
b7C

EL:bac (9)

SEE NOTE PAGE 2

Classified by: 39645 SC/OGC
Reason: ~~1.4(c)~~
Declassify on: X25-1

~~SECRET~~
NSL VIO-14111

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U) Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U) Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U) Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

Office of the General Counsel, at

(U)

b2
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Enclosure

APPROVED:	Adm. Serv. _____	Gen. Counsel <u>JK</u>	National Sec. _____
	CJIS _____	Ident. Div. _____	OECA _____
	Crim. Inv. _____	Intelligence _____	OPCA _____
Director _____	Contract _____	Inv. _____	OPR _____
Deputy Director _____	Finance _____	Lab. _____	Training _____

(U) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: July 1, 2004 to December 31, 2004. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~
NSL VIO-14112

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-28-2007
CLASSIFIED BY 65179 dmh/kxr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b) (1)

<u>Relating to</u> <u>Investigations</u> <u>of Non-U.S.</u> <u>Persons or</u> <u>Organizations</u>	Total Number of Investigations of <u>Different Non-U.S.</u> Persons or Organizations Predicating Such <u>Requests</u>	<u>Relating to</u> <u>Investigations</u> <u>of U.S. Persons</u> <u>or Organizations</u>	Total Number of Investigations of <u>Different U.S.</u> Persons or Organizations Predicating Such <u>Requests</u>
--	---	--	---

Third & Fourth
Quarters - 2004

×	×	×	×
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b1
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(S)

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b) (2)

Third & Fourth
Quarters - 2004

(S)

(S)

(S)

b1
b2

NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b) (2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, SC/OGC~~

~~Reason: 1.4(c)~~

~~Declassify on: X25-1~~

~~SECRET~~

~~SECRET~~

~~SECRET~~

November 9, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: (U) DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM ~~(S)~~

(U) Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2004 to June 30, 2004. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first.

- 1 - 66F-HQ-C1303375
- 1 - 66F-HQ-A1255972-NSLPHONE -27
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - Mr. Bowman
- 1 - [REDACTED]
- (U) - NSLB

b6
b7C

EL:bac (10)

SEE NOTE PAGE 2

~~Classified by: 39645 SC/OGC~~
~~Reason: 1.5(c)~~
~~Declassify on: X1~~

~~SECRET~~
NSL VIO-14114

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U) Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U) Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U) Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

Office of the General Counsel, at
 (U)

b2
b6
b7C

Enclosure

APPROVED:	Crim. Inv. _____	Info. Res. _____	Training _____
	Crim. Jus. Info. _____	Inspection _____	Office of EEO _____
	Servs. _____	Laboratory _____	Affairs _____
	Director _____	Finance _____	National Sec. _____
Deputy Director _____	Gen. Counsel _____	Personnel _____	Office of Public & Cong. Affairs _____

(U)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: January 1, 2004 to June 30, 2004. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~
NSL VIO-14115

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-28-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

<u>Relating to Investigations of Non-U.S. Persons or Organizations</u>	<u>Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests</u>	<u>Relating to Investigations of U.S. Persons or Organizations</u>	<u>Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests</u>
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First & Second
Quarters - 2004

×	×	×	×
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(S)

b1
b2

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

First & Second
Quarters - 2004

(S)

b1
b2

NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645 SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-28-2007 BY 65179 dmh/ksl/gcl

Tab 3

NSL VIO-14117

~~SECRET~~

November 9, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U)
SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
RECORDS MADE PURSUANT TO TITLE 12,
UNITED STATES CODE (U.S.C.), SECTION 3414,
PARAGRAPH (a)(5), NATIONAL SECURITY
INVESTIGATIONS/FOREIGN COLLECTION (S)

(U) Title 12, U.S.C., Section 3414, paragraph (a)(5), requires financial institutions to comply with a request for a customer's or entity's financial records. Paragraph (a)(5)(C) of Section 3414 requires that, on a semiannual basis, the Attorney General "shall inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph." The attached list contains the number of requests for financial records made by the FBI under this authority during the semiannual period from January 1, 2004 through June 30, 2004. It should be noted that a single investigation may require requests for records from numerous financial institutions. (S)

- 1 - 66F-HQ-C1303371
- 1 - 66F-HQ-A1255972-NSLBANK
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - Mr. Bowman

1 -

(1) - NSLB

b6
b7C

EL:bac (10)

SEE NOTE PAGE 3

Classified by: 39645 SC/OGC
Reason: 1.5(c)
Declassify on: X1

~~SECRET~~
NSL VIO-14118

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U) The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." ~~(S)~~

(U) In response to these questions, the FBI has, in general, experienced some problems with non-compliance by companies served with NSLs. There are currently no express enforcement provisions within the NSL statutes to remedy non-compliance. The FBI has experienced non-compliance with requests for e-mail records and credit card records. The FBI is aware of at least one instance where a bank served with a Right to Financial Privacy Act (RFPA) NSL, contrary to the statute, notified its customer, the subject of the FBI inquiry, that the FBI had requested the records. ~~(S)~~

(U) With regard to compliance by credit card companies, the November 2003 amendment to RFPA provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to

~~SECRET~~

NSL VIO-14119

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Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

(U) resolve this issue in a manner that would result in the company
complying with RFPA NSLs. ~~(S)~~

Should your staff require additional information
regarding the FBI's use of this authority, please contact

[Redacted]
[Redacted] (U)

Office of the General Counsel, at [Redacted]

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b7C

Enclosure

(U)

NOTE: This communication is submitted to the Attorney General
in accordance with the requirements of Title 12, USC,
Section 3414, paragraph (a)(5)(C). It provides the number of
requests for mandatory production of financial records made in
counterintelligence investigations during the following
semiannual period: January 1, 2004 through June 30, 2004. The
Attorney General will forward this information to Congress.

~~(S)~~

APPROVED:

Crim. Inv.	Info. Res.	Training
Crim. Jus. Info.	Inspection	Office of EEO
Servs.	Laboratory	Affairs
Director	Finance	National Sec.
Deputy Director	Gen. Counsel	Personnel
		Office of Public & Cong. Affairs

[Signature]

~~SECRET~~
NSL VIO-14120

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-28-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

~~SECRET~~

(U) NUMBER OF REQUESTS FOR FINANCIAL RECORDS

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a) (5)

FIRST AND SECOND QUARTERS 2004 (S)

(U)

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. (S)

Relating to Investigations of Non-U.S. Persons or Organizations	Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests	Relating to Investigations of U.S. Persons or Organizations	Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests
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(S)

X	/	X	X
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~~Classified By: 39645 AGC/OGC
Reason: 1.5(c)
Declassify On: X1~~

~~SECRET~~

~~SECRET~~

March 23, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U)

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL RECORDS MADE PURSUANT TO TITLE 12, UNITED STATES CODE (U.S.C.), SECTION 3414, PARAGRAPH (a)(5), NATIONAL SECURITY INVESTIGATIONS/FOREIGN COLLECTION ~~(S)~~

(U) Title 12, U.S.C., Section 3414, paragraph (a)(5), requires financial institutions to comply with a request for a customer's or entity's financial records. Paragraph (a)(5)(C) of Section 3414 requires that, on a semiannual basis, the Attorney General "shall inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph." The attached list contains the number of requests for financial records made by the FBI under this authority during the semiannual period from July 1, 2004 through December 31, 2004. It should be noted that a single investigation may require requests for records from numerous financial institutions. ~~(S)~~

- 1 - 66F-HQ-C1303371 - 10748
- 1 - 66F-HQ-A1255972-NSLBANK - 26
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Szady
- 1 - Ms. Thomas

1 -
 ① - NSLB

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b7C

EL:bac (9)

SEE NOTE PAGE 3

~~Classified by: 39645, SC/OGC
 Reason: 1.4(c)
 Declassify on: X25-1~~

~~SECRET~~
NSL VIO-14122

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U) The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." ~~(S)~~

(U) In response to these questions, the FBI has, in general, experienced some problems with non-compliance by companies served with NSLs. There are currently no express enforcement provisions within the NSL statutes to remedy non-compliance. ~~(S)~~

(U) With regard to compliance by credit card companies, the November 2003 amendment to RFPA provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to resolve this issue in a manner that would result in the company complying with RFPA NSLs. ~~(S)~~

~~SECRET~~ VIO-14123

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

Should your staff require additional information
regarding the FBI's use of this authority, please contact

[Redacted]
[Redacted] (U)

Office of the General Counsel, at (202) [Redacted]

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Enclosure

(U)

NOTE: This communication is submitted to the Attorney General
in accordance with the requirements of Title 12, USC,
Section 3414, paragraph (a)(5)(C). It provides the number of
requests for mandatory production of financial records made in
counterintelligence investigations during the following
semiannual period: July 1, 2004 through December 31, 2004. The
Attorney General will forward this information to Congress.

~~(S)~~

APPROVED: Adm. Serv. _____ Gen. Counsel VC National Sec. _____
CJIS _____ Info. Sys. _____ DEEOA _____
Crim. Inv. _____ In. Affs. _____ OPCA _____
Director _____ Counterterror. _____ Inv. _____ OPI _____
Deputy Director _____ Finance _____ Leg. Affs. _____ Training _____

~~SECRET~~ NSL VIO-14124

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-28-2007
CLASSIFIED BY 65179 dmh/ker/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

(U) NUMBER OF REQUESTS FOR FINANCIAL RECORDS

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a)(5)

(U) THIRD AND FOURTH QUARTERS 2004 ~~(S)~~

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

	Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests	Relating to Investigations of U.S. Persons or Organizations	Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests
Relating to Investigations of Non-U.S. Persons or Organizations			

(S)

x	x	x	x
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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-28-2007 BY 65179 dmh/kst/gcl

Tab 4

NSL VIO-14126

~~SECRET~~

November 9, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U)
SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM
(S)

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. The certification standard for obtaining consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

1 - 66F-HQ-C1213150
1 - 66F-HQ-A1295972-NSLFCRA
1 - Mr. Pistole
1 - Ms. Caproni
1 - Mr. Bald

1 - Mr. Szady
1 - Ms. Thomas
1 - Mr. Bowman

1 -
1 - NSLB

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EL:bac (10)

SEE NOTE PAGE 2

~~Classified By: 39545, SC/OGC
Reason: 1.5(c)~~

~~SECRET~~
NSL VIO-14127

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Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 2

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures and court orders to compel production of consumer information, the FBI has established procedures that have been implemented to exercise this authority. (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted]

[redacted] (U)

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Enclosure

(S) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2004 through June 30, 2004. (S)

b1
b2

APPROVED:	Crim. Inv. _____	Info. Res. _____	Training _____
	Crim. Jus. Info. _____	Inspection _____	Office of EEO _____
	Servs. _____	Laboratory _____	Affairs _____
	Director _____	Finance _____	National Sec. _____
Deputy Director _____	Gen. Counsel _____	Personnel _____	Corp. Affairs _____

[Handwritten Signature]

~~SECRET~~
NSL VIO-14128

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DATE: 06-28-2007
CLASSIFIED BY 65179 dmh/esr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

~~SECRET~~

(U) NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

FIRST AND SECOND QUARTERS 2004 ~~(S)~~

(U)

Note: If subject's status as a United States (U.S.) person is unknown, subject is
presumed to be a U.S. person. ~~(S)~~

15 USC 1681u(a) Financial Institution Information USPER/Non-USPER	15 USC 1681u(b) Consumer Identifying Information USPER/Non-USPER	15 USC 1681u(c) Court Ordered Information USPER/Non-USPER	Total Number of 15 USC 1681u Requests For Information USPER/Non-USPER
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(S)

X	X	X	X
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~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

b1
b2

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DATE: 06-28-2007
CLASSIFIED BY: 65179 dmh/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

~~SECRET~~

March 23, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI
(U)

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM
(S)

Title 15, U.S.C., Section 1681u(a) requires consumer
reporting agencies to comply with a request by the FBI for the
names and addresses of all financial institutions at which a
consumer maintains or has maintained an account. (U)

Title 15, U.S.C., Section 1681u(b) requires consumer
reporting agencies to furnish identifying information about
consumers, limited to name, address, former addresses, places
of employment, or former places of employment. (U)

The certification standard for obtaining financial
institution information and consumer identifying information
requires relevance to an authorized investigation "to protect
against international terrorism or clandestine intelligence
activities." (U)

1 - 66F-HQ-C1213150-1396
1 - 66F-HQ-A1255972-NSLFCRA-14
1 - Mr. Pistole
1 - Ms. Caproni
1 - Mr. Bald

1 - Mr. Szady
1 - Ms. Thomas

1 -
(1) - NSLB

b6
b7C

EL:bac (9)

SEE NOTE PAGE 2

~~Classified By: 39645, SC/OGC
Reason: 1.4(c)
Declassify On: X25-1~~

NSL VIO-14130

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~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 2

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures to obtain consumer information pursuant to Sections 1681u(a) and (b), the FBI has established procedures that have been implemented to exercise this authority. (U)

Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact

[redacted] Office of the General Counsel, at [redacted]
[redacted] (U)

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Enclosure

APPROVED:

Adm. Serv. _____	Gen. Counsel <u>VC</u>	National Sec. _____
CJIS _____	Ident. Div. _____	Records _____
Crim. Inv. _____	Intell. Div. _____	Training _____
Director _____	Lab. _____	_____
Deputy Director _____	Finance _____	_____

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: July 1, 2004 through December 31, 2004. (X)

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(S)

~~SECRET~~ NSL VIO-14131

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DATE: 06-28-2007
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REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

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(U) NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

THIRD AND FOURTH QUARTERS 2004 ~~(S)~~

(U)

Note: If subject's status as a United States (U.S.) person is unknown, subject is
presumed to be a U.S. person. ~~(S)~~

15 USC 1681u(a) Financial Institution Information <u>USPER/Non-USPER</u>	15 USC 1681u(b) Consumer Identifying Information <u>USPER/Non-USPER</u>	15 USC 1681u(c) Court Ordered Information <u>USPER/Non-USPER</u>	<u>Total</u> Number of 15 USC 1681u Requests For Information <u>USPER/Non-USPER</u>
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(S)

×	×	×	×
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DATE: 06-28-2007
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2000 2001 2002 2003 2004 TOTAL

Since
10/01

ECFA Toll Records
Total USPER
18-2709 Different USPER
Total Non USPER
Different Non USPER
Total

ECFA Subscriber Records
Total USPER
18-2709 Different USPER
Total Non USPER
Different Non USPER
Total

FCFA Financial Records
Total USPER
2-3414 Different USPER
6/5 Total Non USPER (S)
Different Non USPER
Total

FCFA Financial Institutions
Total USPER
5/681 Different USPER
U+V Total Non USPER
Different Non USPER
Total

FCFA Consumer Identifying Information
Total USPER
15/68 Different USPER
U+V Total Non USPER
Different Non USPER
Total

Court Order Information
Total USPER
Different USPER
Total Non USPER
Different Non USPER

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NSL VIO-14133/



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POC:

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National Security Letters

As of April 2005, some FBI field divisions are not fully complying with congressional reporting requirements regarding the use of National Security Letters (NSLs), as prescribed by law.

All field divisions should ensure that when an NSL is utilized, a copy of the EC is properly reported and uploaded via established FBIHQ control files:

- 66F-HQ-C1303375 - Subscriber and Toll Billing Records
- 66F-HQ-C1303371 - Financial Records
- 66F-HQ-C1213150 - Consumer Credit Records

In addition, for mandatory reporting purposes, it must be recorded in the EC the actual number(s) and/or accounts being sought. This information should be recorded on the second page of the EC. In the first paragraph which starts with "This Electronic communication documents..."

Delegation of NSL Authority

An EC of 10/26/01 explained the new legal standard for issuance of a "National Security Letter," i.e., that the records sought be "relevant" to an authorized FCI/IT investigation. Pursuant to section 505 of the Anti-Terrorism bill passed 10/26/01, an EC dated 11/09/01 delegates authority to sign NSL's to the Deputy Director; the ADIC's and all DAD's of the National Security Division and the Counterterrorism Division; the General Counsel and the Deputy General Counsel for National Security Affairs; the ADIC's and all SAC's of the New York, Washington and Los Angeles field offices; and the SACs in all other field divisions.

The Director's EC notes that the National Security Law Unit will issue comprehensive guidance on the preparation of NSL's, as well as the relevant reporting requirements. On 12/11/2001 the Director approved the EC transmitting NSLU's guidance for implementing this new NSL authority. Any questions regarding this communication or NSL's in general should be directed to Patrice Kopistansky at (202) 324-3951.

Note that the enclosures to this EC are in WordPerfect format; this was in response to requests from the field for more user-friendly ponies. Your feedback as to the effectiveness of formatting them in WordPerfect would be appreciated. We have also had complaints from several people that they cannot access many of documents using Netscape Navigator, and they don't have Internet Explorer. There's not much NSLU can do about that, except forward your problems/comments to IRD for resolution. Your first – and probably

NSL VIO-14134

b2

4/28/2005

best – line of defense is your own computer specialists.

Names and addresses of appropriate offices/persons to whom NSL's should be addressed are also provided, broken down by telephone companies, financial institutions, Internet service providers, and credit bureaus.

The NSL lists are subject to revision/correction from time to time. We have added the "last updated" feature so that in the future you will be able to tell when these lists were last modified. If you become aware of changes to these lists, please forward that information to Barb Colvin by e-mail. You may also call her at 202-324-6651, although e-mail is preferred.

Service on [redacted]

As of [redacted] [redacted] will no longer be able to process requests for any records.

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b7D
b7E

Top of Page

Last Updated: Monday, April 11, 2005

NSL VIO-14135

[redacted]

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4/28/2005

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Laws: Cases and Codes : U.S. Code : Title 18 : Section 2709

Search

Title 18

- United States Code
 - TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
 - PART 1 - CRIMES
 - CHAPTER 121 - STORED WIRE AND ELECTRONIC COMMUNICATIONS TRANSACTIONAL RECORDS ACCESS

U.S. Code as of 01/06/03

Section 2709. Counterintelligence access to telephone toll and transactional records

Related Res

(a) Duty to Provide. - A wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records information, or electronic communication transactional records in its custody or possession made by the Director of the Federal Bureau of Investigation under subsection (b) of this section.

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(b) Required Certification. - The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may

Federal Whit
Crime SurCriminal Law I

(1) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and

(2) request the name, address, and length of service of a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

(c) Prohibition of Certain Disclosure. - No wire or electronic communication service provider, or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

(d) Dissemination by Bureau. - The Federal Bureau of Investigation may disseminate information and records obtained under this section only as provided in guidelines approved by the Attorney General for foreign intelligence collection and foreign counterintelligence investigations conducted by the Federal Bureau

of Investigation, and, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.

(e) Requirement That Certain Congressional Bodies Be Informed. - On a semiannual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under subsection (b) of this section.

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TITLE 12 > CHAPTER 35 > § 3414

§ 3414. Special procedures

Release date: 2004-03-18

(a)

(1) Nothing in this chapter (except sections 3415, 3417, 3418, and 3421 ^[1] of this title) shall apply to the production and disclosure of financial records pursuant to requests from—

(A) a Government authority authorized to conduct foreign counter- or foreign positive-intelligence activities for purposes of conducting such activities;

(B) the Secret Service for the purpose of conducting its protective functions (18 U.S.C. 3056; 3 U.S.C. 202, Public Law 90-331, as amended); or

(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses.

(2) In the instances specified in paragraph (1), the Government authority shall submit to the financial institution the certificate required in section 3403 (b) of this title signed by a supervisory official of a rank designated by the head of the Government authority.

(3) No financial institution, or officer, employee, or agent of such institution, shall disclose to any person that a Government authority described in paragraph (1) has sought or obtained access to a customer's financial records.

(4) The Government authority specified in paragraph (1) shall compile an annual tabulation of the occasions in which this section was used.

(5)

(A) Financial institutions, and officers, employees, and agents thereof, shall comply with a request for a customer's or entity's financial records made pursuant to this subsection by the Federal Bureau of Investigation when the Director of the Federal Bureau of Investigation (or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director) certifies in writing to the financial institution that such records are sought for foreign counter

Search this title:

Search Title 12

Notes
Updates
Parallel authorities
(CFR)
Your comments

NSL VIO-14140

intelligence ^[2] purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

(B) The Federal Bureau of Investigation may disseminate information obtained pursuant to this paragraph only as provided in guidelines approved by the Attorney General for foreign intelligence collection and foreign counterintelligence investigations conducted by the Federal Bureau of Investigation, and, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.

(C) On the dates provided in section 415b of title 50, the Attorney General shall fully inform the congressional intelligence committees (as defined in section 401a of title 50) concerning all requests made pursuant to this paragraph.

(D) No financial institution, or officer, employee, or agent of such institution, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to a customer's or entity's financial records under this paragraph.

(b)

(1) Nothing in this chapter shall prohibit a Government authority from obtaining financial records from a financial institution if the Government authority determines that delay in obtaining access to such records would create imminent danger of—

- (A)** physical injury to any person;
- (B)** serious property damage; or
- (C)** flight to avoid prosecution.

(2) In the instances specified in paragraph (1), the Government shall submit to the financial institution the certificate required in section 3403 (b) of this title signed by a supervisory official of a rank designated by the head of the Government authority.

(3) Within five days of obtaining access to financial records under this subsection, the Government authority shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government authority setting forth the grounds for the emergency access. The Government authority shall thereafter comply with the notice provisions of section 3409 (c) of this title.

NSL VIO-14141

Investigative Tools for Intelligence Investigations

[Redacted]
National Security Law Branch
Federal Bureau of Investigation

~~SECRET~~

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National Security Letters

- **NSLs – administrative subpoenas that allow the FBI to obtain three types of information:**
 - phone and email communication records from telephone companies and internet service providers (Electronic Comm. Privacy Act) (18 USC 2709) (same information as gathered in pen register/TT except historic, not live)
 - financial institution records (Right to Financial Privacy Act) (12 USC 3414(a)(5)(A))
 - credit bureau info – identity of financial institutions where consumer maintains or maintained an account; and consumer identifying information (includes names associated with person, current/former addresses and places of employment) (Fair Credit Reporting Act) (15 USC 1681u (a), (b))

To: Office of the Deputy Attorney General

From: Federal Bureau of Investigation
Office of General Counsel
National Security Law Branch

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HEREIN IS UNCLASSIFIED
DATE 06-29-2007 BY 65179 dah/ksr/gcl

Date: 29 April 2005

Re: National Security Letters - Reporting Requirements

Introduction:

The FBI submits classified reports regularly to Congress on the number of NSLs the FBI issues under each NSL statutory grant of authority, except as to 15 U.S.C. §§ 1681v (credit reports), which does not include statutorily-mandated reporting.

NSL Type	Statute/Reporting Requirement	FBI Compliance
•Telephone Subscriber •Toll Billing •Electronic Comm. Transactional Records	Semiannual Reporting Electronic Communications Privacy Act 18 U.S.C. §2709(e)	Yes
•Financial Records	Semiannual Reporting Right to Financial Privacy Act 12 U.S.C. § 3414(a)(5)	Yes
•Financial Institution •Consumer Identifying Information	Semiannual Reporting Fair Credit Reporting Act 15 U.S.C. § 1681u(h)	Yes
•Full credit reports	No reporting requirement under the Fair Credit Reporting Act.	N/A

Subscriber records, Toll Billing Records, and Electronic Communication Transactional Records:

Pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709(e), the FBI reports semiannually the number of NSLs issued for subscriber records and for toll billing records. As to NSLs for toll billing records, the FBI reports the number of United States Persons (USPs) and non-United States Persons (non-USPs) to which these NSLs relate, as well as the total numbers of NSLs served for USP and non-USP records (it is not unusual to serve multiple NSLs for one person's records).

Due in part to the change of standard for obtaining NSLs (changed to relevance from specific and articulable facts), the gross number of NSLs issued under ECPA for subscriber information and for toll records has increased, although the total number of USPs whose toll records we have obtained remains quite small.

Financial Records:

Pursuant to the Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(C), the FBI reports semiannually the number of NSLs served on financial institutions for financial information on particular customers. As with toll billing records under ECPA, these numbers are broken down into the number of USPs and non-USPs to which they relate, and the total number of USP and non-USP NSLs served. As with NSLs under ECPA, the number of NSLs rose after the standard was changed to a relevance standard, but the overall number of persons as to whom the FBI has obtained financial information pursuant to an NSL remains quite small.

Financial Institution and Consumer Identifying Information:

Pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(h), the FBI reports semiannually the number of NSLs served on credit reporting agencies to obtain a list of the financial institutions with which the person has a relationship and for consumer identifying information. As to these NSLs, the FBI is not required to separately report how many different USPs' and non-USPs' data is being obtained. The FBI does report the number of NSLs served that relate to USPs and the number that relate to Non-USPs. As with the other types of NSLs, there has been an increase in usage in recent years, but the overall number of people affected is very small.

Semiannual Reporting:

The FBI does not make the semiannual reports on the actual number of NSLs issued available to the general public because the information is classified.

