

~~SECRET~~

[Redacted]

(FBI)

From: [Redacted] (FBI)
Sent: Thursday, November 16, 2006 11:11 AM
To: [Redacted] (FBI); [Redacted] (FBI)
Subject: FW: Patriot Act Review - 9/25/06 request

b2
b6
b7C
b7E

Importance: High

UNCLASSIFIED
NON-RECORD

[Redacted] and [Redacted] I need copies of the docs mentioned below, the ecs from OGC saying the matters were referred.

b6
b7C

Thanks

[Redacted]

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

From: [Redacted] (FBI)
Sent: Wednesday, November 08, 2006 12:42 PM
To: [Redacted] (INSD) (FBI)
Subject: RE: Patriot Act Review - 9/25/06 request

b2
b6
b7C
b7E

*25 EC to
OGC / OGC-NSLUB /
EOC dated 7/17/2006
26 EC reply*

UNCLASSIFIED
NON-RECORD

[Redacted]

(S) [Redacted] The Case Agent [Redacted] has spoken directly with OIG related to the records that were inadvertently obtained. As far as any communications from OGC there is only an EC stating that the incident reported by [Redacted] would be referred. There were no other communications related to a decision on whether there was a violation.

b1
b2
b6
b7A
b7C
b7E

(S) [Redacted] The Case Agent [Redacted] reported a possible IOB because records were obtained from a source (the 134 file number) that should have/could have been obtained via an NSL on case the case (the 105 number). There are no communications from OGC regarding the status or out come of the possible IOB violation.

b1
b2
b6

(S) [Redacted] After [Redacted] reported the potential IOB there is an ec from OGC saying they are going to report the violation, but there is no other communication from OGC.

b7A
b7C
b7E

b2 I will obtain copies of the two ECs by OGC and send them on to you. [Redacted] has no other information regarding OGC's
b6 analysis, deliberations, and decision memoranda.

b7C [Redacted]
b7E [Redacted]

*11/28/06
[Redacted] this is only
one response deemed.*

b2
b6
b7C
b7E

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

From: [Redacted] (INSD) (FBI)
Sent: Tuesday, November 07, 2006 8:13 AM
To: [Redacted] (FBI)
Cc: [Redacted] (INSD) (FBI); [Redacted] (INSD) (FBI)
Subject: FW: Patriot Act Review - 9/25/06 request
Importance: High

DATE: 07-19-2007
CLASSIFIED BY: 65179dmh/kaz/maj
REASON: 1.4 (c/d)
DECLASSIFY ON: 07-19-2032

UNCLASSIFIED
NON-RECORD

H [Redacted] Are you still the person that I need to contact to find out the status of the 9/25/06 request from the OIG (below)? Could you please tell me the status of this request as soon as you can.

b6
b7C

Thanks so much for all of your assistance with all of these requests.

~~SECRET~~

~~SECRET~~

[Redacted]

Inspection Division
Special Request Response Unit

[Redacted]

b2
b6
b7C

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

From: [Redacted] (INSD) (FBI)
Sent: Thursday, October 26, 2006 11:30 AM
To: [Redacted] (FBI)
Cc: [Redacted] (INSD) (FBI); [Redacted] (INSD) (FBI)
Subject: Patriot Act Review - 9/25/06 request

b2
b6
b7C
b7E

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

Good morning [Redacted]

b6
b7C

This is [Redacted] from Inspection regarding another request from the OIG on the Patriot Act Review. We recently contacted OGC regarding the below request and they wanted us to reach out to the field to see if they could answer this question.

"Documents reflecting action taken or not taken with respect to the reports of possible IOB violations in the following investigations, including any internal FBI-OGC analysis, deliberations, and decision memoranda, and communications with the IOB.

(S)

[Redacted]

b1
b2
b7A
b7E

If you have any questions, please don't hesitate to call.

[Redacted]

Inspection Division
Special Request Response Unit

[Redacted]

b2
b6
b7C

Thank you for all of your help on ALL of these matters from the OIG.

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~

Precedence: ROUTINE

Date: 05/03/2005

To: Director's Office
Counterintelligence

Attn: OPR
Attn: AD
Attn: SAC/CI
CDC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: General Counsel
Counterintelligence Law Unit/Room 7947
Contact: [redacted]

b6
b7C

Approved By: Thomas Julie F

[redacted]

DATE: 07-19-2007
CLASSIFIED BY 65179dmh/ksr/maj
REASON: 1.4 (c/d)
DECLASSIFY ON: 07-19-2032

Drafted By: [redacted]

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

b1
b2
b7A
b7E

Title: (U) ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
IOB 2004 [redacted]

(U) Synopsis: ~~(S)~~ The Office of the General Counsel (OGC) considers that this matter must be reported to the Intelligence Oversight Board (IOB) and to the Office of Professional Responsibility (OPR). A summary of the facts and an analysis of the situation follows.

Details: (S) On 02/20/2004, [redacted] with concurrence of FBIHQ.

[Large redacted block]

b1
b2
b4
b6
b7A
b7C
b7D
b7E

Case ID : 278-HQ-C1229736-VIO Serial : 831

[redacted]

b1
b2
b7A
b7E

(S)

NSL VIO-17943

(U) ~~(S)~~ The foregoing information was obtained from ECs drafted by SA [redacted] on 7/06/04 (see 278-HQ-C1229736, serial 535).

b6
b7C

(U) Pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. 2709, the FBI can issue National Security Letters (NSLs) for: (1) telephone subscriber information (limited to name, address, and length of service); (2) telephone local and long distance toll billing records; and (3) electronic communication transactional records.

(U) ~~(S)~~ Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 the FBI intended to request the telephone and long distance toll billing records of a non-USPER, the subject of a FBI preliminary investigation. When the NSL was drafted, however, a typographical error resulted in the requesting of information derived from a number belonging to the Smith-Ketterwell Eye Research Institute.

(U) Section 2.4 of Executive Order 12863 (September 13, 1993, 58 F.R. 48441) requires Inspectors General and General Counsel of the Intelligence Community, including the FBI, to 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 law or pertinent Attorney General guidelines that are specifically intended to ensure the protection of the individual rights of U.S. persons.

(U) ~~(S)~~ In this case, the inadvertent issuance of an NSL requesting billing information for a phone number utilized by [redacted] constitutes a reportable violation. Consequently, OGC will prepare a cover letter and memorandum to report this matter to the IOB. That correspondence will also inform the IOB that this matter will be referred to FBI's Office of Professional Responsibility.

b6
b7C

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Please read and clear.

Set Lead 3: (Action)

[Redacted]

AT [Redacted]

(U) For action deemed appropriate.

b2
b7E

CC: Ms. Thomas

[Redacted]

IOB Library

b6
b7C