




NSL GUIDANCE BY NSLB

DATE:	TO:	SUMMARY
10-26-2001	EC: All Divisions	Summarizes recent changes to FCI/IT legal authorities relating to NSLs. and describes implementation procedures. <ul style="list-style-type: none"> <li>- Advises of 2001 Patriot Act signing</li> <li>- States and explains new standard predication</li> <li>- Explains statutory delegation authority</li> <li>- includes redline version and clean version of 3 statutes governing NSLs (ECPA, RFPA, FCRA)</li> </ul>
10-1-2003	EC: FO, CTD, CD	Guidance on preparation, approval and service of NSLs to obtain Credit Reports in IT cases pursuant to 15 U.S.C. § 1681v of FCRA. <ul style="list-style-type: none"> <li>- Introduction to Procuring Credit Information</li> <li>- General Policy on the Use of NSL Authority</li> <li>- The Mechanics of Producing NSLs</li> <li>- NSL Preparation Assistance</li> </ul>
3-4-2005 b6 b7c	Email to CDCs from 	Full credit reports in CI cases are available through grand jury subpoenas  Followup to email sent 2-25-2005 which stated that full credit reports in FCI cases with no nexus to terrorism is inappropriate. No 1681v full credit report in a CI matter but can get a 1681u NSL for limited credit information.
5-27-2005	EC: All FO, CTD, CD, CYD	Guidance on change to NSLs to allow for a return date. Due to problems receiving information requested through NSLs in a less than timely fashion,  

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6-29-2005	<p>EC: All FO, CTD, CD, CYD</p> <p>(EC also sent via email to CDCs by [redacted] on 7/1/05)</p>	<p>Provides revised guidance on service of NSLs and the use of approved delivery services. In the past, OGC has opined [redacted]</p> <p>[redacted]</p>
7-22-2005	<p>Email to CDCs from [redacted]</p>	<p>Email sending out the new NSL narrative that would be placed on our website.</p>
8-22-2005	<p>Email to CDCs from [redacted]</p>	<p>Regarding need to have a lead to NSLB for us to report to congress; do not need to reference the 66 NSL file number anymore.</p>
8-25-2005	<p>EC: FO, Legats, CTD, CRIM, CYD, CTD</p>	<p>Emergency Disclosure Provision for information from Service providers under 18 U.S.C. § 2702(b). EC outlines emergency disclosure provision and provides a sample letter. Lays out approval requirements.</p>
11-10-2005	<p>Email to CDCs from [redacted]</p>	<p>Regarding standard that should be applied in getting NSLs [redacted]</p>
11-22-2005	<p>Email to CDCs from [redacted]</p>	<p>Improper NSL collection [redacted]</p>

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2-17-2006	Email to CDCs from [redacted]	Advising CDCs not to hesitate in requiring more facts to support an NSL. EC forms on our website were changed to reflect that the agent had to give a full explanation of the investigation, not just a barebones explanation.
3-9-2006	EC: All Divisions from the Director  3-9-2006 new Standard NSLs and ECS sent out via email to SACs & CDCs  email sent to CDCs on 3-16-2006 advising them of new delegations under the new Patriot Act.	Inform of delegation of: signature authority for NSLs; non-disclosure certification authority; non-disclosure recertification authority. 2005 USAPA IRA enacted 3-9-06 provides for procedural changes in the issuance of NSLs: - FBI must certify that certain harm may come if the NSL recipient disclosed the request. - If NSL is challenged more than one year later, FBI must recertify that certain harm may come if NSL request disclosed. - Recipient of NSL can challenge receipt of NSL. - FBI has explicit enforcement authority and contempt penalties that attach to unlawful noncompliance with NSLs.  EC includes director's delegations of authority to sign NSLs, make the initial non-disclosure certification and any necessary subsequent non-disclosure recertification.
3-16-2006	Email from [redacted]	Email requesting that 7 NSL forms be replaced on website.
3-20-2006	EC: FO, CTD, CD, CYD	Guidance on service of NSLs by fax, and follow-up EC on expansion of approved methods of delivering NSLs. Use of non-secure fax is now permissible by FBI in its service of an NSL upon the recipient. EC outlines conditions to do this. The same is not true of faxing of NSL return information.
3-21-2006	Email to CDCs from [redacted]	Classification guidelines regarding all NSLs. Generally all NSLs should be declassified automatically in 10 years.
4-5-2006	Email to CDCs from [redacted]	email on IOBs and issuance of NSLs

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4-7-2006	Email to CDCs from [redacted]	Email stating current IOB policy, including with respect to receiving information pursuant to an NSL, that was not sought by the NSL.
4-11-2006	EC: CTD, CD, CYD, FO  email with EC sent 5-2-2006	FBI Policy re: reimbursement of costs to recipients of NSLs. Details requirements, or lack thereof, in the 4 statutes that provide for issuances of NSLs. Touches on current variations in cost reimbursement policies among field offices. Provides policy on reimbursement costs incurred by recipients of NSLs under ECPA, and FCRA §§ 1681v, 1681u.
4-14-2006	Email to CDCs from [redacted]	Email of an example of what needs to be in an EC for more accuracy in Congressional reporting.
4-21-2006	Email to CDCs from [redacted]	Email sent out documenting a change in the standard attachment for telephone billing records so that it is clear what we consider "toll billing records;" so that we get additional relevant information; and to obviate some potential IOBs where we get additional account information we didn't ask for.
5-31-2006	Email to CDCs from [redacted]	In response to carriers giving us more than we asked for because of convenience, we changed the transaction record attachment sent with NSLs.
10-27-2006	Email from [redacted]	email to change narratives on website with respect to NSLs.
10-31-2006	Email to CDCs from [redacted]	Reiterating importance of including the following in NSL ECS: whether subject is USP or non-USP; and what kind of NSL is being issued. These details are important for Congressional reporting requirements.
12-7-2006	Email to CDCs from [redacted]	[redacted]
12-8-2006	Email to CDCs from [redacted] on behalf of DGC Julie Thomas	

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FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 12/15/2006

**To:** Can Valerie signout an all Division EC?  
**Attn:** ADIC/SAC

CDC

**From:** Office of the General Counsel  
National Security Law Branch

**Contact:**

[Redacted]

**Approved By:**

Caproni Valerie E  
Thomas Julie F

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**Drafted By:**

[Redacted]

**Case ID #:** (U) 319X-HQ-A1487720-OGC

**Title:** (U) LEGAL ADVICE AND OPINIONS;  
UPLOADING OF NSL RETURN INFORMATION

**Synopsis:** (U)

[Redacted]

[Redacted]

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**Details:** (U)

[Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-26-2007 BY 65179dmh/ksr/lmf

To: All Divisions      From: Office of the General Counsel  
Re: 319X-HQ-A1487720-OGC      12/15/2006

[Redacted]

Any questions about this matter may be directed to AGC

[Redacted]

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

[Redacted]

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[Redacted]

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3-4-2005  b6 b7c	Email to CDCs from <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div>	<div style="border: 2px solid black; width: 100%; height: 100%; min-height: 100px;"></div>

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**From:** [redacted] (OGC) (FBI)  
**Sent:** Tuesday, April 03, 2007 9:56 AM  
**To:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** LAMMERT, ELAINE N. (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI);  
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);  
[redacted] (OGC) (FBI)  
**Subject:** RE: Toll records  
**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

Yes, [redacted] will work with STLU on this. Let us know who that is.

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[redacted]  
Assistant General Counsel  
National Security Law Branch  
Office of General Counsel, FBI  
202-324-[redacted]

*This may be a privileged attorney-client/attorney work product communication.*

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-----Original Message-----  
**From:** [redacted] (OGC) (FBI)  
**Sent:** Tuesday, April 03, 2007 9:48 AM  
**To:** [redacted] (OGC) (FBI); [redacted]  
**Cc:** LAMMERT, ELAINE N. (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI);  
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** RE: Toll records

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

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[redacted]  
Since this is NSL related, should [redacted] work with [redacted] (or the appropriate STLU) person on this?

Thanks.

[redacted]

-----Original Message-----  
**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Tuesday, April 03, 2007 8:46 AM  
**To:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI)  
**Subject:** RE: Toll records

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

OK. Can NSLB and STLU coordinate an EC to CTD telling them that [redacted] [redacted]

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able to provide additional info they MUST coordinate with OGC prior to accepting it.

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

**From:** [redacted] (OGC) (FBI)  
**Sent:** Tuesday, April 03, 2007 8:31 AM  
**To:** CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI)  
**Subject:** RE: Toll records

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**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

Our theory of [redacted]

[Large redacted block]

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I have called [redacted] and left messages. He is not returning my call. I will try again today.

**PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL**

[redacted]

**Associate General Counsel - Unit Chief**

[redacted]

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**Tel.** [redacted]  
**Fax** [redacted]

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

**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Monday, April 02, 2007 7:32 PM  
**To:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Cc:** [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI)  
**Subject:** Toll records  
**Importance:** High

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**SENSITIVE BUT UNCLASSIFIED**

NSL VIO-31305

NON-RECORD



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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

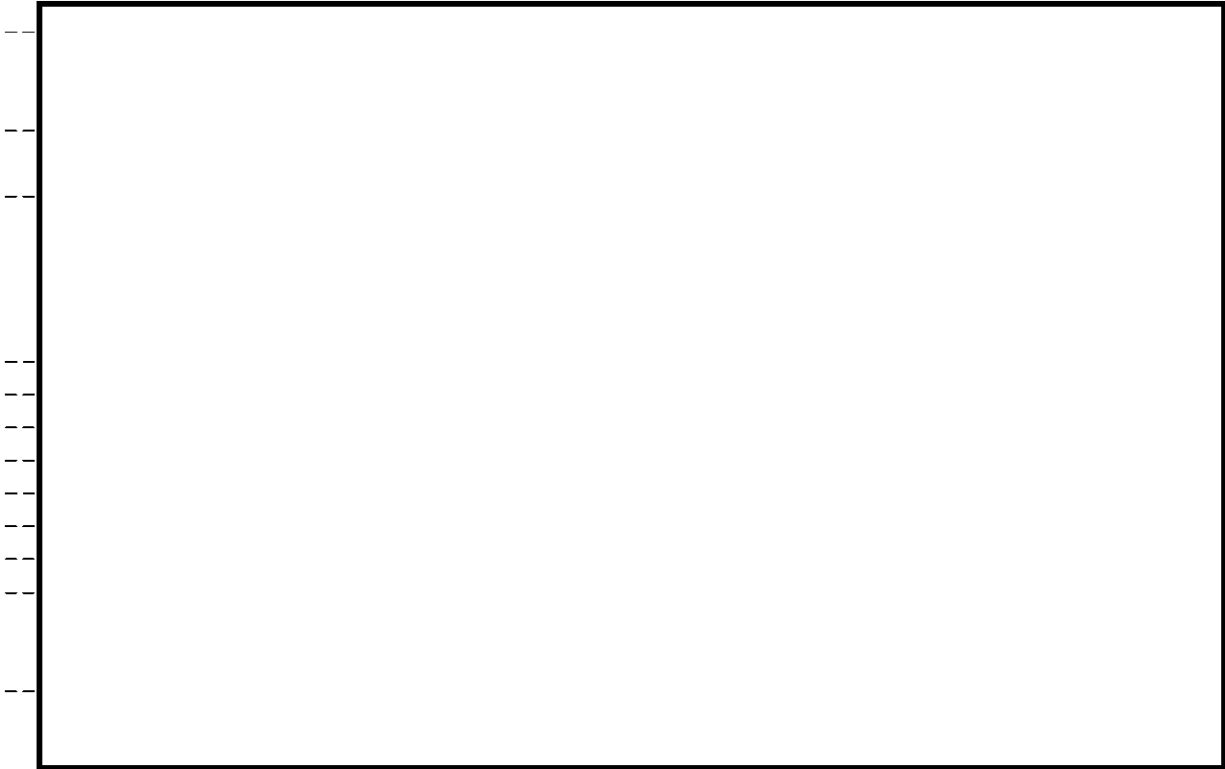
SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-31306

ATTACHMENT

In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be toll billing records in accordance with Title 18, United States Code, Section 2709:



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