

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-377 (U)

(U) On [redacted], the Federal Bureau of Investigation ("FBI") initiated a [redacted] on a U.S. person, the investigation was extended on [redacted]. On 03/21/2008, the FBI issued a National Security Letter ("NSL") for telephone subscriber information. The telephone company responded to the NSL by providing a compact disk ("CD") containing telephone toll billing records, information that was beyond the scope of the request. The FBI compounded the error by uploading the information from the CD into a database. Upon realizing the error, the FBI removed all of the toll billing record information from the same database. The CD was returned to the telephone company.

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(U) The Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. § 2709, permits the FBI to use an NSL to obtain subscriber records for telephone numbers and email accounts, as well to gather toll billing records and electronic communications transactional records, that are relevant to an authorized investigation. In this case the FBI properly issued an NSL seeking subscriber information. The telephone company provided a CD containing telephone toll billing records. This constituted an over production by the telephone company. By agreement with the Counsel to the IOB, third party errors in the over production of information pursuant to an NSL are only reportable to the IOB when the FBI compounds the error by uploading the overproduction into an FBI database or otherwise using the overproduction for investigative purposes. Here, the information was uploaded into an FBI database. In light of such compounding, this matter is being reported to the IOB.

(U) The FBI took prompt action to minimize the impact of the compounding. Upon realizing the error, the FBI removed all of the toll billing record information from its database. Additionally, the CD was returned to the telephone company.

Responis
Responis

278-HQ-C1229736-V10-6943

uploaded
6/13/08 mjs

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-436 (U)

(U) On [redacted] the [redacted] Field Office
[redacted] initiated a [redacted] on a U.S.
person but submitted a late notice of initiation.
Consequently, the Department of Justice (DOJ) had no
opportunity for oversight for a period of nineteen (19)
months.

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(U) The purpose of the notification required in the
The Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection (NSIG), is
to enable the DOJ to provide appropriate oversight of
investigative activities by the Federal Bureau of
Investigation (FBI). The standard by which the Office of
General Counsel (OGC) reviews tardiness in reporting or a
failure to report altogether is whether the tardiness or
omission "substantially impaired" DOJ's ability to provide
meaningful oversight. Where, as here, the initial notice was
submitted approximately nineteen (19) months after the
initiation of the investigation, there could consequently be
no oversight of the case by DOJ. Accordingly, this matter is
being reported to the IOB.

(U) [redacted] is in the process of implementing a field
office wide tickler system to avoid these types of administrative
errors in the future.

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Responsive.

278-HQ-C/229736-V10 - Serial 7186

Cardozo-IOB-2

UNCLASSIFIED

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-401 (U)

(U) On August 08, 2007, the [] Field Office [] issued a National Security Letter (NSL) for transactional information on three e-mail accounts associated with the subject of an authorized counterintelligence investigation. The letter was served on the provider by agents in the [] office. The provider returned results responsive to the request to [], which then memorialized the results in an EC that was uploaded to ACS. A subsequent review of the records by [] determined that two of the requested e-mail accounts did not belong to the subject. The EC was purged from ACS and the CD containing the results was sequestered with the [] Chief Division Counsel. By previous agreement between the Board and FBI OGC, NSLB is reporting this matter as a compounding error.

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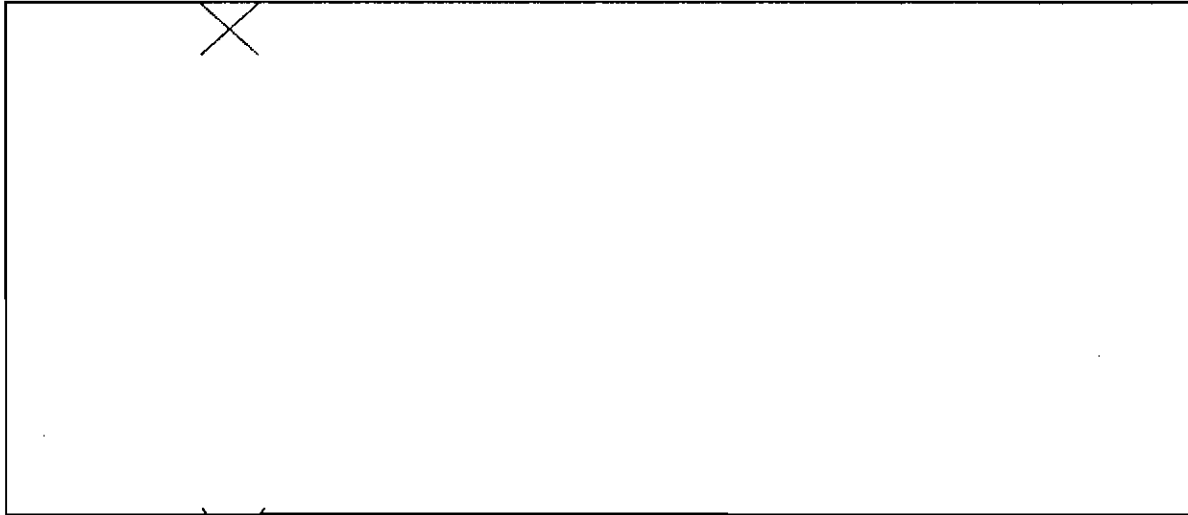
Response
Response

UNCLASSIFIED

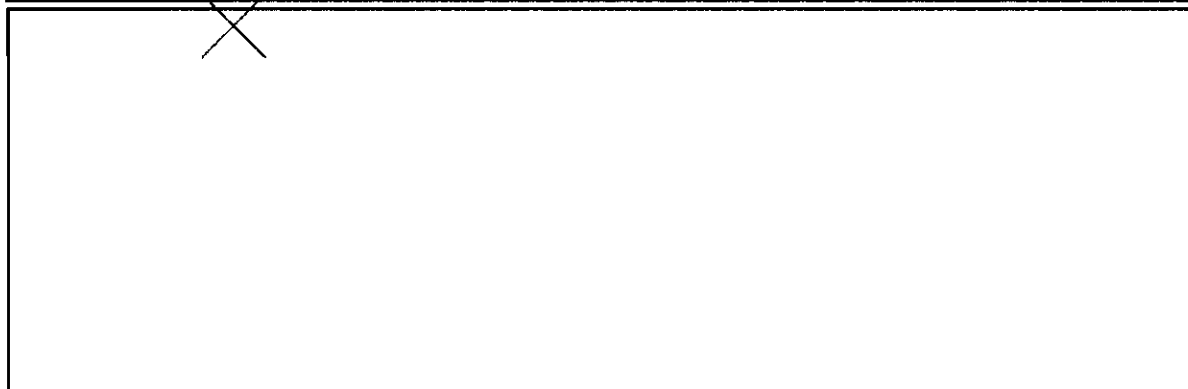
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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-317 (U)



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~~(S)~~ Based upon our analysis, in accordance with the reporting requirements of Executive Order 13462, this error must be reported to the IOB because the error resulted in the [redacted] that did not belong to and was not being used by an agent foreign power and therefore was not subject to monitoring under the Foreign Intelligence Surveillance Act or Executive Order 12333.

Derived From : ~~FBI 10/31/2003 NATIONAL SECURITY INVESTIGATIVE GUIDELINES~~

~~SECRET~~



U.S. Department of Justice

~~SECRET~~ Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

April 30, 2008

BY COURIER

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

Dear Mr. Friedman:

Pursuant to Executive Order 13462 and the April 17, 2007 memorandum authored by Stephen J. Hadley, Assistant to the President for National Security Affairs, the Office of the General Counsel, Federal Bureau of Investigation (FBI), submits the enclosed reports of violations to the Intelligence Oversight Board (IOB) for the period of January through March 2008.

As you are aware, under Executive Order 13462, the heads of departments concerned are now responsible for providing, to the extent permitted by law, to the President's Intelligence Advisory Board (PIAB) and the IOB such information and assistance as they may need to perform their respective functions.

By Order Number 2956-2008, dated April 4, 2008, the Attorney General designated and authorized the Director of the FBI to provide, to the extent permitted by law, to the PIAB and the IOB such information and assistance as they may need to perform their functions under Executive Order 13462. A copy of this order is enclosed.

UNCLASSIFIED WHEN DETACHED
FROM CLASSIFIED ENCLOSURES

Derived From: FBI NSISCG-20080301
Declassified On: 04/30/2018

DECLASSIFIED BY 65179DMH/plj
ON 05-08-2010

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Cardozo-IOB-5

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The Director of the FBI intends to delegate his IOB adjudicating and reporting responsibilities to the Office of the General Counsel (OGC) and the Inspection Division. OGC is submitting the FBI's report for the First Quarter of 2008 on behalf of the Director.

Because OGC had neither the authority to adjudicate nor the authority to report IOB matters since February 29, 2008, there has been a suspension in the adjudication of FBI matters since that time. Once the authority to adjudicate IOB matters is delegated to OGC, OGC will continue to carefully review all potential IOB matters to determine whether they meet the IOB's reporting standards, and if so, such matters will be reported to the IOB.

As discussed in prior correspondence, in March 2007, the United States Department of Justice, Office of the Inspector General, released a comprehensive report reviewing the FBI's use of National Security Letters (NSLs). Following the Inspector General's report, the FBI conducted a 10 percent audit of all national security cases by the FBI. As a result of this audit, the FBI's Office of the General Counsel received a significant number of additional reports of potential IOB matters.

In addition to auditing 10 percent of national security cases, the FBI conducted an audit of all counterintelligence investigations from 2002 through 2006 where the FBI issued National Security Letters pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681 (FCRA). The purpose of the audit was to determine whether full credit reports were improperly requested or received pursuant to FCRA. Again, as a result of this audit, the FBI's Office of the General Counsel received an increased number of potential IOB matters.

Finally, the FBI's Office of the General Counsel received reports of potential IOB matters that were not generated as a result of either of the two audits mentioned above. Rather, they were reported to the Office of the General Counsel under the regular reporting requirements.

Many of the matters that have been received by the FBI's Office of the General Counsel pursuant to these audits have already been reported to the IOB during the Second, Third, and Fourth Quarters of 2007. To date, approximately 2,500 potential IOB matters generated from the audits and OIG report in 2007 have been adjudicated. Of those approximately 330 met the criteria to report to the IOB.

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For the period of January through March 2008, OGC is reporting 79 IOB matters. Of these matters, 57 pertain to United States or presumed United States persons and 22 pertain to non-United States persons.

Of the 79 IOB matters, 20 matters relate to errors where a carrier provided the FBI with more information than was requested in an NSL, and the FBI compounded the third party error. In all of these matters, OGC advised [REDACTED]

[REDACTED]

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Additionally, 9 matters involve other types of NSL-related errors. These errors include: inadvertently listing an incorrect telephone number in the NSL due to a typographical mistake; failing to include a correct certification in the NSL; and requesting information beyond the scope of what was permitted by statute. Again, in these situations, OGC advised [REDACTED]

[REDACTED]

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The FBI has taken substantial corrective actions regarding its use of NSLs to ensure that these types of errors will not reoccur. Among its most significant actions, the FBI has: (1) instituted mandatory NSL training; (2) fully deployed an automated workflow system for issuing NSLs that is designed to facilitate compliance with NSL statutes and to accumulate the data necessary for Congressional reporting (called the NSL Subsystem); (3) in conjunction with DOJ, implemented a program for regularly reviewing national security investigations, including but not limited to compliance with NSL statutes; (4) established an Office of Integrity and Compliance to facilitate the efforts of executive management to identify and mitigate significant areas of risk; and (5) issued a comprehensive policy on the use of NSLs, including the mandate that all information received in response to an NSL be reviewed prior to uploading the information into FBI databases and the mandate of legal review of all NSLs.

In addition, 17 of the IOB matters relate to incidents where the FBI acquired [REDACTED]

[REDACTED]

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[REDACTED]

In all 17 situations, OGC

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advised [redacted]

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[redacted]

There was one FISA-related matter that I believe should be highlighted in this letter. [redacted]

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Please do not hesitate to contact me or [redacted] if you have any questions regarding the enclosed IOB matters.

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Sincerely,

Julie F. Thomas
Julie F. Thomas
Deputy General Counsel
National Security Law Branch

- 1 - Mr. J. Patrick Rowan
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C
- 2 - Mr. Benjamin A. Powell
General Counsel
Office of the Director of National Intelligence
DIAC, Bolling AFB
Washington, D.C. 20511

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Cardozo-IOB-8



Office of the Attorney General
Washington, D.C.

ORDER NO. 2956-2008

DESIGNATION AND AUTHORIZATION OF THE DIRECTOR OF THE
FEDERAL BUREAU OF INVESTIGATION TO PROVIDE CERTAIN
INFORMATION AND ASSISTANCE TO THE PRESIDENT'S INTELLIGENCE
ADVISORY BOARD AND THE INTELLIGENCE OVERSIGHT BOARD

Pursuant to the authority vested in the Attorney General by law, including 28 U.S.C. § 510 and Executive Order 13462 of February 29, 2008 ("President's Intelligence Advisory Board and Intelligence Oversight Board"), I hereby order as follows:

1. The Director of the Federal Bureau of Investigation (FBI) is designated and authorized to:

(a) Provide, to the extent permitted by law, to the President's Intelligence Advisory Board (PIAB) and the Intelligence Oversight Board (IOB) such information and assistance as they may need to perform functions under Executive Order 13462.

(b) Ensure that the Director of National Intelligence (DNI) receives (i) copies of reports submitted to the IOB pursuant to section 1.7(d) of Executive Order 12333, or a corresponding provision of any successor order, and (ii) such information and assistance as the DNI may need to perform functions under Executive Order 13462.

(c) Designate the adjudication officials, having a rank no lower than that of a Deputy Assistant Director or the equivalent, within the FBI who shall submit reports to the IOB required by Executive Order and inform the DNI and the IOB of such designations.

(d) Ensure that the FBI complies with instructions issued by the DNI under subsection 7(a)(ii) of Executive Order 13462.

(e) If the FBI does not implement a recommendation from the PIAB under subsection 4(b) of Executive Order 13462 or from the IOB under subsections 6(c) or 6(d) of Executive Order 13462, the FBI shall promptly report through the DNI to the Board that

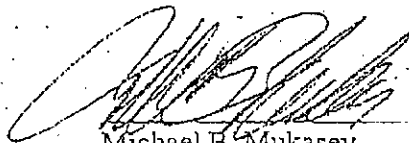
Cardozo-IOB-9

made the recommendation, or to the President, the reasons for not implementing the recommendation.

2. The FBI shall only report on IOB matters that originate from the FBI.
3. The FBI shall provide to the Assistant Attorney General for National Security copies of any reports provided to the DNI pursuant to subsection 1(b)(i) or subsection 1(e) of this order.

4/4/08

Date



Michael B. Mukasey
Attorney General



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Office of the General Counsel

Washington, D.C. 20535

June 3, 2008

VIA SECURE FACSIMILE
AND U.S. MAIL

Homer S. Pointer, Counsel
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503
Secure Facsimile: [redacted]

COPY

Dear Mr. Pointer:

(U) This letter is in response to your request that the Federal Bureau of Investigation, Office of the General Counsel (OGC), clarify three of its recent reports to the Intelligence Oversight Board and the Office of the Director of National Intelligence. The three matters to which you seek clarification are: 2007-1402; 2007-1733; and 2007-2160.

(U) ~~(S)~~ In 2007-1402, the [redacted] Field Office opened a [redacted] of a United States person on [redacted]. The [redacted] was extended on [redacted] and converted to a [redacted] on [redacted]. No. [redacted] notification of this investigation was provided to FBI Headquarters (FBIHQ) until [redacted].

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(U) ~~(S)~~ [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (AGG), effective March 8, 1999. However, once the investigation was

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(U) Derived From : FBI NSISCG 20080301
Declassify On: 06/03/2018

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(U) ~~(S)~~ [REDACTED] was further required to provide annual summaries of the [REDACTED] under both the AGG and The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective October 31, 2003. This did not occur until March 26, 2007, more than three years after the case was converted to a [REDACTED]. As such, OCC determined that OIPR's oversight ability was impaired, and reported the matter to the IOB.

(U) ~~(S)~~ Next, in IOB matter 2007-1733, on April 11, 2005, [REDACTED] issued an approved Right to Financial Privacy Act (RFPA) National Security Letter (NSL) to a financial institution for the subject's financial records from [REDACTED]. The financial institution returned financial records for the time period requested, plus additional records prior to [REDACTED]. [REDACTED] analyzed the results and uploaded a summary to an FBI database. The data exceeding the scope of the NSL has since been sequestered and purged from the FBI database. [REDACTED] was unaware of the need to report this matter as a potential IOB error until the Inspection Division (INSD) audit of March 2007.

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(U) ~~(S)~~ By agreement with the Counsel to the IOB, third party errors in the collection of information pursuant to an NSL are not reportable unless the FBI has compounded the error. Here, [REDACTED] analyzed and uploaded the overproduction into an FBI database, thus compounding the error. Accordingly, OGC reported this matter to the IOB.

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(U) ~~(S)~~ OGC advised [REDACTED]

[REDACTED]

(U) ~~(S)~~ Finally, in IOB matter 2007-2160, the [REDACTED] Field Office [REDACTED] reported that, on [REDACTED] it opened a [REDACTED] on a non-United States person. The [REDACTED] expired on [REDACTED]. Following the expiration of the [REDACTED] on [REDACTED]

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[redacted] a mail cover was initiated on the subject of the [redacted] in violation of the NSIG.

(U) ~~(S)~~ As a mitigating factor, [redacted] was under the mistaken belief that it could suspend the investigation and could place the investigation into a "pending inactive" status from [redacted]. Upon removing the investigation from the "pending inactive" status, [redacted] was under the erroneous belief that the deadline for the expiration of the investigation had been [redacted].

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(U) ~~(S)~~ OGC instructed [redacted]

[redacted] On May 1, 2008, [redacted] notified OGC that that all information received from the mail cover request was purged from FBI databases, physically removed from the file, and destroyed.

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(U) I hope that this letter resolves the questions that you have pertaining to the three IOB matters. Please do not hesitate to contact me or [redacted] if you have any additional questions regarding these or any other IOB matters.

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Sincerely,

Julie F. Thomas

Julie F. Thomas
Deputy General Counsel
National Security Law Branch

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U.S. Department of Justice

~~SECRET~~

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

June 11, 2008

VIA SECURE FACSIMILE
AND COURIER

Benjamin A. Powell
General Counsel
Office of the Director of National Intelligence
Liberty Crossing Two
Room 2B-200
McLean, VA 22102

(Note: Not to be delivered by courier until June 16, 2008)
Secure Facsimile: [REDACTED] b2

Dear Mr. Powell:

(U) By memorandum dated February 5, 2008, the Office of the Director of National Intelligence requested that the FBI's Office of the General Counsel (OGC) inform your office if the FBI has records of matters that were considered but not reported to the Intelligence Oversight Board (IOB) between January 2001 to the present. OGC was to review such matters under the reporting guidelines set forth in the April 17, 2007 memorandum from the Assistant to the President for National Security Affairs.

(U) On February 12, 2007, I met with [REDACTED] and [REDACTED] to discuss this issue. During our meeting, I advised Ms. [REDACTED] and Ms. [REDACTED] that our IOB matters for calendar years 2004, 2005, 2006, and 2007 have been heavily scrutinized by the Office of the Inspector General (OIG). Additionally, the FBI has provided all nonreportable IOB decisions from 2004 to 2006 to the Counsel for the IOB for review. Because the FBI's matters for those years have already been reviewed, [REDACTED] agreed that it is only necessary for the FBI to review matters for calendar years 2001, 2002, and 2003.

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(U) Derived From : FBI NSISCG 20080301
Declassify On: 06/11/2018

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DECLASSIFIED BY 65179DMH/plj
ON 05-08-2010

Cardozo-IOB-14

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(U) To gather matters that were considered but not reported to the IOB for calendar years 2001, 2002, and 2003, FBI OGC searched the following sites: (1) file cabinets located in the office space of OGC, National Security Law Branch (NSLB); (2) NSLB's IOB database; and (3) an FBI database, Automated Case Support (ACS), for IOB matters that were adjudicated between the period of January 1, 2001 to December 31, 2003. After searching these places, NSLB located 16 matters for calendar year 2001; 10 matters for calendar year 2002; and 13 matters for calendar year 2003.

(U) Additionally, FBI OGC contacted the FBI's Inspection Division to determine whether other nonreportable IOB matters for calendar years 2001 through 2003 were located there. The Inspection Division determined that there were two additional nonreportable IOB matters, both for calendar year 2002.

(U) After reviewing the 41 matters, I determined that, under current FBI policy and the April 17, 2007 memorandum from the Assistant to the President for National Security Affairs, the following four matters would now be reported. These matters are set forth below:

(U) ~~(S)~~ In IOB matter 2002-27, the FBI initiated a [redacted] on a United States person. The [redacted] expired on [redacted]. Due to an administrative error, and after the [redacted] had expired, [redacted] of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG), effective March 8, 1999. The [redacted] was properly renewed on [redacted].

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(U) ~~(S)~~ In IOB matter 2002-28, the FBI initiated a [redacted] on a non-United States person. The [redacted] expired on [redacted]. Due to an administrative error, and after the [redacted] had expired, the FBI conducted several investigative interviews in violation of section III.B.3.h of the FCIG. It should be noted that because the FBI neither interviewed the subject of the investigation nor conducted a [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective October 31, 2003, [redacted]

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(U) ~~(S)~~ In IOB matter 2003-04, the FBI initiated a [redacted] on a non-United States person. The [redacted] [redacted] Due to an administrative error, and after the [redacted] had expired, the FBI conducted an

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[redacted]

(U) ~~(S)~~ Finally, in IOB matter 2003-25, the FBI initiated a [redacted] on a United States person. The [redacted] expired on [redacted] Due to administrative error, and after the expiration of the [redacted] the FBI interviewed the subject of the inquiry on [redacted] Upon realizing that the [redacted] had expired, the FBI extended the investigation.

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[redacted]

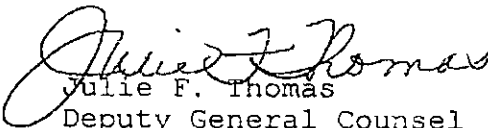
(U) ~~(S)~~ [redacted]

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(U) Please do not hesitate to contact [redacted] or me if you have any questions regarding these or any other IOB matters.

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Sincerely,



Julie F. Thomas
Deputy General Counsel
National Security Law Branch

~~SECRET~~

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Cardozo-IOB-16

~~SECRET~~

1 - Homer S. Pointer, Counsel (by secure facsimile and courier)
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503
Secure Facsimile: b2

1 - Mark A. Bradley (by courier)
Chief, Oversight Section
U.S. Department of Justice
National Security Division
Office of Intelligence
950 Pennsylvania Ave. NW, Suite 6150
Washington, DC 20530
Telephone: (202) 514-5600

~~SECRET~~

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Cardozo-IOB-17

June 23, 2008

BY COURIER

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

Dear Mr. Friedman:

During the First Quarter of Calendar Year 2008, all employees in the FBI's Headquarters (FBIHQ), Field Divisions, and Legats, were canvassed for information regarding known or suspected violations which should be reported to the Intelligence Oversight Board (IOB). This survey was conducted pursuant to the reporting requirements of Section 2.4 of Executive Order 12863. As a result of this survey, no violations which meet the IOB's reporting criteria were identified.

As you are aware, violations were reported within the FBI through means other than the required quarterly surveys. These reports are being reviewed to determine if they meet the reporting criteria set forth by the IOB.

In addition to the normal reporting means, during the First Quarter of CY 2007, an audit of ten percent (10%) of all National Security Cases was performed by the FBI's Inspection Division in response to the Department of Justice, Office of Inspector General's March, 2007 Use of National Security Letters report. As a result of this audit, a significant number of additional reports of potential intelligence oversight matters were made during the First Quarter and Second Quarter of 2007. These violations are being carefully reviewed at FBIHQ to determine whether they meet the reporting criteria set forth by the IOB. Should they meet this criteria, they will be reported to your office under separate cover.

- Dep. Dir. _____
- Chief of Staff _____
- Off. of Gen. Counsel _____
- Asst. Dir.: _____
- Crim. Inv. _____
- CJIS _____
- Finance _____
- Info. Res. _____
- Insp. _____
- Lab. _____
- National Sec. _____
- Personnel _____
- Training _____
- Off. of EEOA _____
- Off. of Public & Cong. Affs. _____
- Director's Office _____

- Mrs. b6
 - Mrs. b7C
 - Mrs.
 - 278-HQ-C1229736-02-2906

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-08-2010 BY 65179DMH/plj

FBI/DOJ

MAIL ROOM

Cardozo-IOB-18

Mr. Stephen Friedman

Sincerely yours,

Julie F. Thomas
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

- 1 - The Honorable Michael B. Mukasey
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 2200 C
- 1 - Mr. Benjamin A. Powell
General Counsel
Office of the Director of National
Intelligence
Liberty Crossing Two
Room 2B-200
McLean, Virginia

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

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06/23/2008

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 2004

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: 4/20/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 U.S.C. § 2709)

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section:)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-02-2010 BY 69179DMR/plj

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1385 (U)

(U)

~~(S)~~ The [REDACTED] Field Office of the Federal Bureau of Investigation [REDACTED] has reported an error in conjunction with a [REDACTED]. In this regard, an NSL sought telephone subscriber and local and long distance toll record information pertaining to one telephone number. The provider's response included records that were outside the time period requested by the NSL. This overproduction was compounded when [REDACTED] uploaded the additional information into an FBI database [REDACTED].

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(U) If the additional information is relevant to the investigation, [REDACTED] may issue a subsequent NSL to the same provider expanding the date range of the request to include the material that was originally an overproduction.

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Derived from : FBI NSISCG 20080301
Declassify on: 06/24/2018

DECLASSIFIED BY 65179DMH/plj
ON 05-08-2010

~~SECRET~~

Cardozo-IOB-21



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

July 10, 2008

BY COURIER AND SECURE
FACSIMILE

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

Dear Mr. Friedman:

Pursuant to Executive Order 13462 and the April 17, 2007 memorandum authored by Stephen J. Hadley, Assistant to the President for National Security Affairs, the Office of the General Counsel, Federal Bureau of Investigation (FBI), submits the enclosed report to the Intelligence Oversight Board (IOB).

The FBI has determined that, on July 17, 2007 and on July 19, 2007, a clerical support employee of the FBI mishandled national security information classified at the "Secret" level, and bearing the handling caveat "No Foreign" distribution. This information included two National Intelligence Estimate (NIE) documents. This unauthorized distribution was quickly reported to the FBI, and vigorous steps were immediately taken to locate and delete every copy of email and to obtain written affirmations from each recipient that the information would not be further disclosed. The employee responsible for the lapse received a security awareness briefing on the issues involved.

On July 23, 2007, the FBI Office of General Counsel orally notified the Counsel to the Intelligence Oversight Board of the details of this incident, and memorialized that report in the form of a letter dated July 27, 2007. As of June 6, 2008, no recipient has disclosed this information, nor has it appeared in any public medium.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-08-2010 BY 65179DMH/plj


Cardozo-IOB-22

The FBI's prompt and effective remedial action demonstrates the Bureau's awareness of the importance of compliance with the relevant statutes and other authorities. The FBI continues to train and emphasize the importance of proper handling of classified and sensitive information in an effort to prevent this from occurring in the future.

Please do not hesitate to contact me or [redacted] if you have any questions regarding the enclosed IOB matters.

b6
b7c

Sincerely,


Julie F. Thomas
Deputy General Counsel
National Security Law Branch

- 1 - Mr. J. Patrick Rowan (by courier only)
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C
- 1 - Mr. Benjamin A. Powell (by secure facsimile only)
General Counsel
Office of the Director of National Intelligence
Secure facsimile: [redacted]

b2

UNCLASSIFIED

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2007-2099

The Federal Bureau of Investigation ("FBI") has determined that, on July 17, 2007 and on July 19, 2007, a clerical support employee of the FBI mishandled national security information classified at the "Secret" level, and bearing the handling caveat "No Foreign" distribution. This information included two National Intelligence Estimate (NIE) documents. This employee improperly reduced the level of classification of the information and later disseminated it to 126 individuals both inside and outside the FBI by means of an unclassified email system.

In this regard, on July 27, 2007, the field office reported that the employee created an email consisting of the text of a Secret/NoForn email from headquarters, together with classified and unclassified attachments of that email, into an email having the "Sensitive but Unclassified" label. She then distributed this mislabeled email within the field office. Two days later, at the request of two supervisory special agents, she distributed those documents to 126 email recipients, both within and outside of the FBI. To accomplish this distribution, the employee physically moved those documents from the FBI secure network to the FBI's unclassified network.

This unauthorized distribution was quickly reported to the FBI, and vigorous steps were immediately taken to locate and delete every copy of email and to obtain written affirmations from each recipient that the information would not be further disclosed. The employee responsible for the lapse received a security awareness briefing on the issues involved.

On July 23, 2007, the FBI Office of General Counsel orally notified the Counsel to the Intelligence Oversight Board of the details of this incident, and memorialized that report in the form of a letter dated July 27, 2007. As of June 6, 2008, no recipient has disclosed this information, nor has it appeared in any public medium.

Although the employee's unauthorized mislabeling and distribution of this information violated Executive Order 12958, there was no indication that the employee's lapses were intentional or deliberate. The FBI's prompt and effective remedial action demonstrates the Bureau's awareness of the importance of compliance with the relevant statutes and other authorities. The FBI continues to train and emphasize the importance of proper handling of classified and sensitive

Cardozo-IOB-24

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-08-2010 BY 65179DMH/plj

UNCLASSIFIED

information in an effort to prevent this from occurring in the future. Based upon the facts summarized above, it is the opinion of the Office of General Counsel that this matter warrants reporting to the Intelligence Oversight Board (IOB), based upon the standards set forth in Executive Order 13462, and in accordance with an April 17, 2007, memorandum from Stephen J. Hadley, Assistant to the President for National Security Affairs.

- 2 -

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Cardozo-IOB-25

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**FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET**

10

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

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(b)(7)(B)

(b)(7)(C)

(b)(7)(D)

(b)(7)(E)

(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

(j)(1)

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(k)(2)

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(k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

_____ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

_____ Page(s) were not considered for release as they are duplicative of

_____ Page(s) withheld for the following reason(s):_

The following number(s) is (are) to be used for reference regarding these pages :

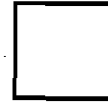
Cardozo-IOB-26 through Cardozo-IOB-35

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-983



March 2007

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(U)

~~(S)~~ On 03/30/2007, the FBI, pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, submitted a National Security Letter (NSL) seeking telephone toll billing records of a certain target. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. It is unknown whether the subscriber of the erroneous number was a US person since no review of the content was conducted.

(U) ECPA permits telephone subscriber and toll billing records to be gathered pursuant to a NSL. In this situation, due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was not related to an authorized investigation. Therefore, the information was improperly collected, though unintentionally so, in violation of ECPA.

(U) All records on the erroneous number have been destroyed, and there are no records on any FBI database.

~~Derived From : FBI NSISCG 20080301
Declassify on: 12/15/2018~~

~~SECRET~~ Cardozo-IOB-36

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 3/30/2007

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: 12/04/2007

DATE REPORT SUBMITTED TO OTHER ENTITY: N/A

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 U.S.C. Sec. 2709)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: The erroneously obtained information was destroyed.

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-37

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-930



March 2008

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(U) ~~(S)~~ On 03/31/2008, the FBI, pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, submitted a National Security Letter (NSL) seeking telephone toll billing records of a certain target. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. It is unknown whether the subscriber of the erroneous number was a US person since no review of the content was conducted.

(U) ECPA permits telephone subscriber and toll billing records to be gathered pursuant to a NSL. In this situation, due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was not related to an authorized investigation. Therefore, the information was improperly collected, though unintentionally so, in violation of ECPA.

(U) All records on the erroneous number have been sequestered and returned, and there are no records on any FBI database.

~~Derived From: FBI NSISCG 20080301
Declassify on: 12/19/2018~~

~~SECRET~~ Cardozo-IOB-38

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 3/31/2008

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: 12/04/2007

DATE REPORT SUBMITTED TO OTHER ENTITY: N/A

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 U.S.C. Sec. 2709)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: The erroneously obtained information was returned.

*DATE OF FINAL DISPOSITION:

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**FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET**

5

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) _____
- _____
- _____
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
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- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

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_____ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

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_____ Page(s) withheld for the following reason(s):_

The following number(s) is (are) to be used for reference regarding these pages :

Cardozo-IOB-40 through Cardozo-IOB-44

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-28-2010 BY 60322/UC/LRP/PLJ/sdb

U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

December 17, 2008

BY COURIER

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

COPY

Dear Mr. Friedman:

Pursuant to Executive Order 13462 and the July 17, 2008 Intelligence Oversight Reporting Criteria, the Office of the General Counsel (OGC), Federal Bureau of Investigation (FBI), submits this report to the Intelligence Oversight Board (IOB). The matter involves the issuance of an authorized national security letter (NSL) to Internet Archive (Archive), a digital library.

On or about November 26, 2007, the FBI served an authorized NSL, pursuant to 18 U.S.C. § 2709, on Archive for records pertaining to the internet protocol (IP) address and transactional data of a user who uploaded a file to Archive's server. The NSL was served on the Electronic Frontier Foundation (EFF), attorneys for Archive, at Archive's request.

By letter dated December 17, 2007, Archive, through its attorney, indicated that it was unwilling to provide information responsive to the NSL. Archive subsequently filed a civil action against the FBI in the United States District Court for the Northern District of California.

A settlement agreement signed by both parties was filed with the Court on or about April 21, 2008. As part of the settlement, the FBI agreed to withdraw the NSL, Archive was able to publicly state it was served with an NSL, but it had to keep certain non-disclosure provisions in effect until 2012.

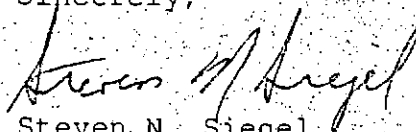
Cardozo-IOB-45

On May 15, 2006, the FBI received a letter from Congress requesting information about the matter. The FBI is in the process of drafting a response.

If you have any questions regarding this matter, please contact me (202-324-0328) or [REDACTED]

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b7c

Sincerely,



Steven N. Siegel
Acting Deputy General Counsel
National Security Law Branch

- 1 - Mr. J. Patrick Rowan (by courier)
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C
- 1 - Matthew G. Olsen (by courier)
Deputy Assistant Attorney General
Office of Intelligence
National Security Division
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 6150
Washington, D.C. 20530
- 1 - Mark Bradley (by courier)
Acting Chief
Office of Intelligence
National Security Division
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 6150
Washington, D.C. 20530
- 2 - Office of the Director of National Intelligence (by courier)
Office of the General Counsel
Liberty Crossing 2
Suite 2B200
Attn: [REDACTED]
McLean, VA 22102

b6
b7c



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET//NOFORN~~

Office of the General Counsel

Washington, D.C. 20535

COPY

DECLASSIFIED BY 65179/DMH/sdb
ON 05-06-2010

October 30, 2008

BY COURIER

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

Dear Mr. Friedman:

Pursuant to Executive Order 13462 and the July 17, 2008 Intelligence Oversight Reporting Criteria, the Office of the General Counsel (OGC), Federal Bureau of Investigation (FBI), submits this report of matters to the Intelligence Oversight Board (IOB) for the period of July 1, 2008 through September 30, 2008.

For the period of July 1, 2008 through September 30, 2008, OGC is reporting 38 IOB matters. Of these matters, seven pertain to United States or presumed United States persons and 31 pertain to non-United States persons.

Of the 38 IOB matters, 33 matters involve instances where the FBI failed to timely notify the Department of Justice (DOJ), National Security Division (NSD), Office of Intelligence, of the initiation of an investigation. The 33 matters of untimely reporting involve: 29 [redacted] initiated on non-United States persons; three [redacted] initiated on United States persons; and one [redacted]

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~~UNCLASSIFIED WHEN DETACHED
FROM CLASSIFIED ENCLOSURES~~

~~Derived From: FBI NSISCG-20080301
Declassified On: 10/30/2033~~

~~SECRET//NOFORN~~ Cardozo-IOB-47

initiated on a non-United States person.

The following Field Offices each had one occurrence of an untimely notifications incident matter: [redacted]

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[redacted] and [redacted]. The remaining 29 incidents of untimely reporting originated from the [redacted] Field Office. All of the incidents from the [redacted] Field Office occurred in [redacted]. In all of these matters, OGC advised [redacted]

It is important to note that the new Attorney General's Guidelines for Domestic FBI Operations (AGG-DOM) will be effective on December 1, 2008. The AGG-DOM substantially revises the current notification requirements as set forth in the NSIG. Under the AGG-DOM, the FBI will be required to provide notice to DOJ within 30 days of the initiation of a [redacted] if: (1) a [redacted] involves a sensitive investigative matter; (2) a [redacted] of a United States person relates to a threat to national security; (3) the initiation of a [redacted] assesses the suitability of a potential human source; or (4) FBI Headquarters disapproves an initiation of a [redacted] relating to a threat to national security on the ground that the [redacted] is insufficient.

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Additionally, two matters relate to errors where a carrier provided the FBI with more information than was requested in a national security letter (NSL), and the FBI compounded the third party error. With regard to the first matter involving the [redacted] Field Office (June 2006), OGC instructed [redacted]

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[redacted]. In the second matter involving the [redacted] Field Office (June 2007), it should be noted that the Field Office acted quickly in undertaking prompt remedial action. Upon discovery, the errant information was purged from the electronic database and physical copies were destroyed at the request of the third party provider. The FBI continues to train and emphasize the importance of timely and accurate evidence review and management in an effort to prevent these types of issues from reoccurring. Further, new improvements to the NSL subsystem underscore the importance of reviewing NSL returns for overproduction prior to uploading the information into an FBI database.

Finally, three matters involve other types of NSL-related errors. These errors include: (1) inadvertently listing an incorrect telephone number in the NSL due to a typographical error [redacted] September 2005); (2) failing to include the requisite certification language in an NSL [redacted] April 2006); and (3) issuing an NSL after the [redacted] had expired [redacted]

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It is significant that the majority of these NSL-related errors occurred before the FBI issued its comprehensive NSL policy on June 1, 2007. Further, since the errors occurred, the FBI has taken substantial corrective actions regarding its use of NSLs to ensure that these types of errors will not reoccur. Among its most significant actions, the FBI has: (1) instituted mandatory NSL training; (2) fully deployed an automated workflow system for issuing NSLs that is designed to facilitate compliance with NSL statutes and to accumulate the data necessary for Congressional reporting (called the NSL subsystem); (3) in conjunction with DOJ, implemented a program for regularly reviewing national security investigations, including but not limited to compliance with NSL statutes; and (4) established an Office of Integrity and Compliance to facilitate the efforts of executive management to identify and mitigate significant areas of risk.

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OGC believes [REDACTED]

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Please do not hesitate to contact me or [REDACTED]
[REDACTED] if you have any questions
regarding this report.

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Sincerely,

Julie F. Thomas

Julie F. Thomas
Deputy General Counsel
National Security Law Branch

- 1 - Mr. J. Patrick Rowan **(by courier)**
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C
- 1 - Matthew G. Olsen **(by courier)**
Deputy Assistant Attorney General
Office of Intelligence
National Security Division
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 6150
Washington, D.C. 20530
- 1 - Mark Bradley **(by courier)**
Acting Chief
Office of Intelligence
National Security Division
United States Department of Justice
950 Pennsylvania Avenue, N.W., Room 6150,
Washington, D.C. 20530
- 2 - Office of the Director of National Intelligence **(by courier)**
Office of the General Counsel
Liberty Crossing 2
Suite 2B200
Attn: [REDACTED]
McLean, VA 22102

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Cardozo-IOB-50

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**FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET**

3

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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(d)(5)

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(b)(3) _____

(b)(7)(C)

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(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

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_____ Page(s) were not considered for release as they are duplicative of

_____ Page(s) withheld for the following reason(s):_

The following number(s) is (are) to be used for reference regarding these pages :

Cardozo-IOB-51 through Cardozo-IOB-53

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~~SECRET~~

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTERS 2008-102, and 2008-128 to 2008-136 (U) (a)

(S) On [redacted] the [redacted] Field Office [redacted] initiated [redacted] on non-U.S. persons but did not submit notices of initiation. The [redacted] [redacted] but notices of initiation of these investigations were not provided to the Department of Justice until on or about [redacted]. Consequently, the Department of Justice (DOJ) had no opportunity for oversight of these investigations for a period of almost 1 year.

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(U) The purpose of the notification required in The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, including subsequent annual reports, is to enable DOJ to provide appropriate oversight of investigative activities by the Federal Bureau of Investigation (FBI). The standard by which the FBI Office of the General Counsel reviews tardiness in reporting or a failure to report altogether is whether the tardiness or omission "substantially impaired" DOJ's ability to provide meaningful oversight. Where, as here, there is no notice whatsoever of the existence of the investigations for almost a year, there can be no oversight. Accordingly, this matter is being reported to the IOB.

(U) To ensure that these types of lapses do not occur in the future, it has been recommended that [redacted] set up electronic reminders for each case to remind the agents of the various due dates.

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~~Derived From : FBI NSISCG 20080301
Declassify On: 09/01/2018~~



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~~SECRET~~

Cardozo-IOB-54

~~SECRET~~

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTERS 2008-108 to 2008-126 (U) (19)

(S) On [redacted] the [redacted] Field Office [redacted] initiated [redacted] on non-U.S. persons but did not submit notices of initiation. The [redacted] [redacted] but notices of initiation of these investigations were not provided to the Department of Justice until on or about [redacted]. Consequently, the Department of Justice (DOJ) had no opportunity for oversight of these investigations for a period of almost 1 year.

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(U) The purpose of the notification required in The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, including subsequent annual reports, is to enable DOJ to provide appropriate oversight of investigative activities by the Federal Bureau of Investigation (FBI). The standard by which the FBI Office of the General Counsel reviews tardiness in reporting or a failure to report altogether is whether the tardiness or omission "substantially impaired" DOJ's ability to provide meaningful oversight. Where, as here, there is no notice whatsoever of the existence of the investigations for almost a year, there can be no oversight. Accordingly, this matter is being reported to the IOB.

(U) To ensure that these types of lapses do not occur in the future, it has been recommended that [redacted] set up electronic reminders for each case to remind the agents of the notification dates required by the NSIG.

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~~Derived From : FBI NSISec 20080301
Declassify On: 09/01/2018~~



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Cardozo-IOB-55

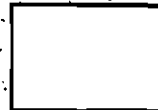
UNCLASSIFIED

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-516 (U)

On [redacted] the FBI initiated a [redacted] on a non-U.S. person but did not submit a notice of initiation until approximately 8 months later. Consequently, the Department of Justice had no opportunity for oversight for a period of approximately 8 months.

The purpose of the notification required in the NSIG, is to enable the Department of Justice to provide appropriate oversight of investigative activities by the FBI. The standard by which OGC reviews tardiness in reporting or a failure to report altogether is whether the tardiness or omission "substantially impaired" DOJ's ability to provide meaningful oversight. Accordingly, this matter is being reported to the IOB.

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2007-1180 (U) (1) *W*

(U)

~~(S)~~ On or about [redacted] the Federal Bureau of Investigation (FBI) initiated a [redacted] to determine whether the purchaser of airline tickets for a target of a [redacted] was a threat to national security. The investigation was efficiently conducted in one month and the [redacted] No notice of this [redacted] was forward to the Department of Justice; Office of Intelligence as required in the Attorney General's Guidelines. It is noted, that the notice of initiation of [redacted] was **not** required under the 1999 Attorney General Guidelines governing national security investigations. (emphasis added).

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(U)

~~(S)~~ The new Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) are dated and officially took effect on 10/31/2003. An FBIHQ Interim Policy addressing the new Notice Requirements of the NSIG, was not disseminated until [redacted] [redacted] However, this Interim Policy implementing the NSIG could not modify the reporting requirements of any case initiated after the NSIG took effect. [redacted] [redacted] Regrettably, that did not happen in this case.

(U) Despite any confusion that might have existed among FBI Field Offices regarding the effective date as to when the old standards in the 1999 Guidelines were changed to require notice reporting, the FBI is reporting this issue to the IOB because the FBI was not in compliance with the NSIG in this instance.

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~~Derived from : FBI NSISCG 20080301
Declassify On: 20180924~~



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(U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-139 (U) (1)

(S) On [redacted] the [redacted] Field Office
[redacted] initiated a [redacted] on a U.S.
person but did not submit a notice of initiation. The
[redacted] was renewed on [redacted] but
notice of the initiation was not provided to the Department of
Justice until [redacted]. Consequently, the Department of
Justice had no opportunity for oversight for a period of over 8
months.

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(U) The purpose of the notification required in the
NSIG, including subsequent annual reports, is to enable the
Department of Justice to provide appropriate oversight of
investigative activities by the FBI. The standard by which the
FBI Office of the General Counsel (OGC) reviews tardiness in
reporting or a failure to report altogether is whether the
tardiness or omission "substantially impaired" DOJ's ability to
provide meaningful oversight. Where, as here, there is no notice
whatsoever of the existence of the investigation, there can be no
oversight. Accordingly, this matter is being reported to the
IOB.

(U) To ensure these types of lapses do not occur in the
future, OGC has recommended that [redacted]
[redacted]

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~~Derived From: FBI NSISCG 20080301
Declassify On: 09/01/2018~~



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Cardozo-IOB-58

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(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-481 (U) (1)

~~(S)~~ On [redacted] the [redacted] Field Office [redacted] initiated a [redacted] on a U.S. person but did not submit a notice of initiation; the investigation was closed approximately one year later on [redacted] did not submit the subsequent annual report. Consequently, the Department of Justice had no opportunity for oversight for a period of one year.

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(U) The purpose of the notification required in The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), including subsequent annual reports, is to enable the Department of Justice to provide appropriate oversight of investigative activities by the FBI. The standard by which OGC reviews tardiness in reporting or a failure to report altogether is whether the tardiness or omission "substantially impaired" DOJ's ability to provide meaningful oversight. Where, as here, there is no notice whatsoever of the existence of the investigation, there can be no oversight. Accordingly, this matter is being reported to the IOB.

~~Derived From : FBI NSISCG 20080301
Declassify On: 20180728~~



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Cardozo-IOB-59

UNCLASSIFIED

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-517 (U) (1)

On [redacted] the FBI initiated a [redacted] [redacted] on a U.S. person. On 06/02/2006, the FBI properly issued an NSL for subscriber and toll billing records for a specified time period. In response to the NSL, the telephone company provided records that included 3 months prior to the dates requested. Upon receipt of the records, the FBI uploaded the information into a database.

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By agreement with the Counsel to the IOB, third party errors in the over production of information pursuant to an NSL must be reported to the IOB if the FBI compounded the error by uploading the overproduction into an FBI database or otherwise using the overproduction for investigative purposes. Accordingly, this matter is being reported to the IOB.

The FBI field office has requested that the records be removed from the database. In addition, the field office has been instructed to either destroy or return the information to the telephone company, according to the company's desires.

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER.
IOB MATTER 2008-576 (U) (1)

(U)

~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that, while conducting a counterterrorism investigation of a United States person, a field office appropriately requested subscriber information pursuant to a National Security Letter (NSL) for a telephone number which was relevant to the investigation. The telephone service provider mistakenly produced subscriber information for a number one digit different from the requested number, however. This error was not immediately recognized, despite a timely review of the records received, and this erroneous information was uploaded into FBI databases.

(U) Upon discovery, the errant information was purged from the electronic systems of records and physical copies were destroyed at the request of the Third Party provider. An audit by the field office revealed that the erroneous information was not otherwise used or disseminated.

(U) Although the inadvertent uploading compounded the provider's error, the field office's prompt remedial action demonstrates their awareness of the importance of compliance with the relevant statutes and other authorities. The FBI continues to train and emphasize the importance of timely and accurate evidence review and management in an effort to prevent these types of issues from occurring in the future.

~~Derived from: FBI NSISec 20080301
Declassify on: 08/06/2018~~

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Cardozo-IOB-61

UNCLASSIFIED

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-795 (U) (1)

On September 2, 2005, the FBI issued a National Security Letter (NSL) to a telecommunications provider requesting toll billing records pertaining to a U.S. person who is the subject of a [REDACTED]. The NSL contained a typographical error and therefore, requested information about a telephone number not connected to an authorized investigation. The provider's response was destroyed by the case agent. No use was made of this errant information in any way; nor was the information uploaded into any FBI databases. When the issue was discovered, a new NSL with the correct telephone number was issued to the telephone provider.

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The Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, permits the FBI to use an NSL to obtain subscriber records for telephone numbers and email accounts, as well to gather toll billing records and electronic communications transactional records, that are relevant to an authorized investigation. In this case, during the course of issuing an NSL for toll billing records, the FBI sought and received information that was not relevant to an authorized investigation because it made an error in drafting the NSL. Therefore, because the improper collection was due to FBI error this matter is being reported to the IOB.

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-549 (U)

(U)

~~(S)~~ On [redacted] the [redacted] Field Office [redacted] initiated a [redacted] on a presumed U.S. person. On April 25, 2006, an Electronic Communications Privacy Act (ECPA) National Security Letter (NSL) for subscriber and transactional information was issued to a service provider. That same day, the requested information was received by [redacted] from the service provider and was later disseminated to another federal agency.

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(U) During a subsequent review, it was found that, although the investigative file contained sufficient predication for the issuance of the NSL, the NSL's drafter inadvertently omitted statutorily required language during the editing process. The omission of this language rendered the NSL statutorily defective under Title 18, U.S.C., Section 2709(b). Further, followup with the case agent has revealed that the case has been closed, therefore rendering the issuance of a curative NSL impossible.

(U) As a corrective measure, [redacted] has been instructed to purge the data from FBI databases, and either destroy or return the hard copy to the service provider, at the provider's instructions. Further, [redacted] must inform the recipient agency of the error and request that the information be removed from its databases and destroyed.

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~~Derived From : FBI NSISCG 20080301
Declassify On: 07/08/2018~~

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-532 (U) ①

(U)

~~(S)~~ On or about April 26, 2006, the Federal Bureau of Investigation (FBI) issued a National Security Letter ("NSL") pursuant to the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681v, seeking a copy of a consumer credit report and all other information contained in a credit reporting agency's files for a non-U.S. person, who was the subject of a [redacted] and later the subject of a [redacted]

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[redacted] Accordingly, there was a gap from [redacted] [redacted] during which the FBI did not have an open investigation on the subject. It was during this period that the FBI issued the above-referenced NSL.

(U) By agreement with the Counsel to the IOB, the over-production of information from a credit reporting agency acting pursuant to an NSL must be reported to OGC as a potential IOB matter when the FBI compounded the error. In this case, the FBI incorrectly issued an NSL to a consumer reporting agency because it did not have an authorized open investigation on the subject at the time the NSL was issued on or about [redacted]

[redacted] As explained above, there was a gap from [redacted] [redacted] during which the FBI did not have an open investigation on the subject.

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(U) The FBI's Office of General Counsel (OGC) advised [redacted]

[redacted] If already produced, the FBI should ensure that all overproduction remains sequestered with the Chief Division Counsel, is not uploaded to any databases or used to further an investigation, and the credit reporting agency is contacted to determine whether the credit report and all additional information should be returned or destroyed, with appropriate documentation to the file.

~~Derived From : FBI NSISCG 20080301
Declassify on: 07/16/2018~~

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Cardozo-IOB-64

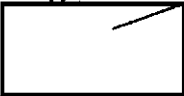


U.S. Department of Justice

COPY

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Federal Bureau of Investigation



Office of the General Counsel

Washington, D.C. 20535


DECLASSIFIED BY 65179/DMH/sch
ON 05-06-2010

September 25, 2008

BY COURIER


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

Dear Mr. Friedman:

Pursuant to Executive Order 13462, the April 17, 2007 memorandum authored by Stephen J. Hadley, Assistant to the President for National Security Affairs, and the July 17, 2008 Intelligence Board Reporting Criteria, the Office of the General Counsel, Federal Bureau of Investigation, submits the enclosed report, IOB 2008-1194, to the Intelligence Oversight Board. 

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If you have any questions regarding the enclosed IOB matter, please do not hesitate to contact me (202-324-8528) or 

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Sincerely,

Julie F. Thomas

Julie F. Thomas
Deputy General Counsel
National Security Law Branch

~~UNCLASSIFIED WHEN DETACHED
FROM CLASSIFIED ENCLOSURES~~

~~Derived From: FBI NSISCG-20080301
Declassified On: 09/25/2033~~

Cardozo-IOB-65

~~SECRET~~

~~SECRET~~

1 - Mr. J. Patrick Rowan (by courier)
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C

1 - Office of the Director of National Intelligence (by courier)
Office of the General Counsel
Liberty Crossing 2
Suite 2B200
Attn:
McLean, VA 22102

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~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER
2008-1194

60322 UC LP/PLJ/LCW
per discussion with UC LP and SLAS DB
5/14/2010

(S)

~~(S)~~ [Redacted]

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[Redacted]

(S)

~~(S)~~ [Redacted]

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(U) The FBI initiated an internal investigation into this matter on [Redacted] after receiving the investigation completed by the United States Army. The following facts are derived from the FBI's internal investigation: The FBI Office of the General Counsel did not conduct an independent investigation.

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~~(S)~~ [Redacted]

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(S)

~~(S)~~ [Redacted]

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The FBI SA could not recall whether [Redacted] was provided in the first or second interview.

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~~Derived From : FBI NSISCG 20080301
Declassify On: 09/25/2033~~

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Cardozo-IOB-67

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(U) ~~(S)~~ Because the search required significant coordination with the United States military, the FBI team contacted the United States Army. The main point of contact with the Army was an Army Liaison Officer Captain (Army Captain).

(S) ~~(S)~~ The Army Captain explained that the Army

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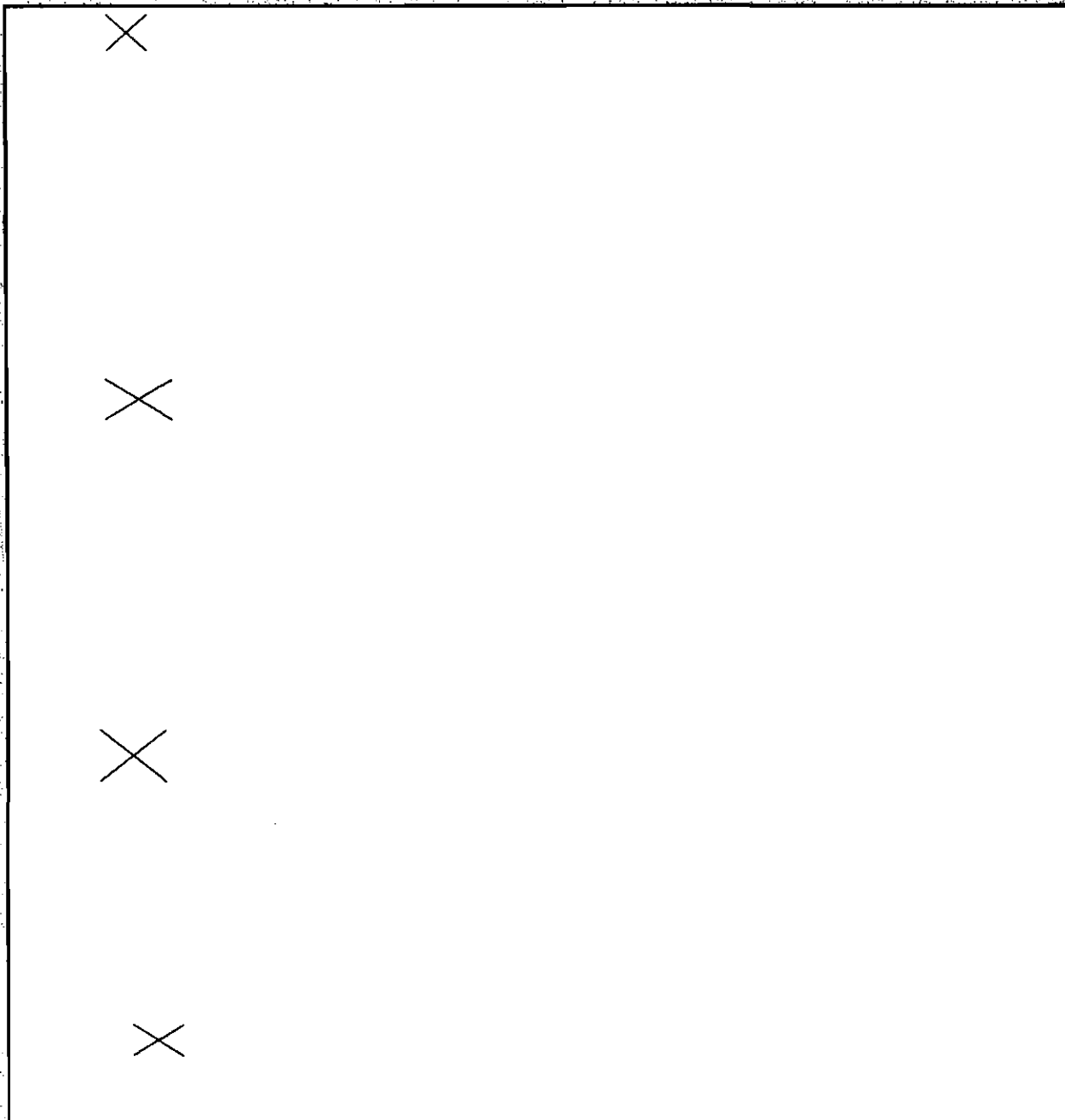
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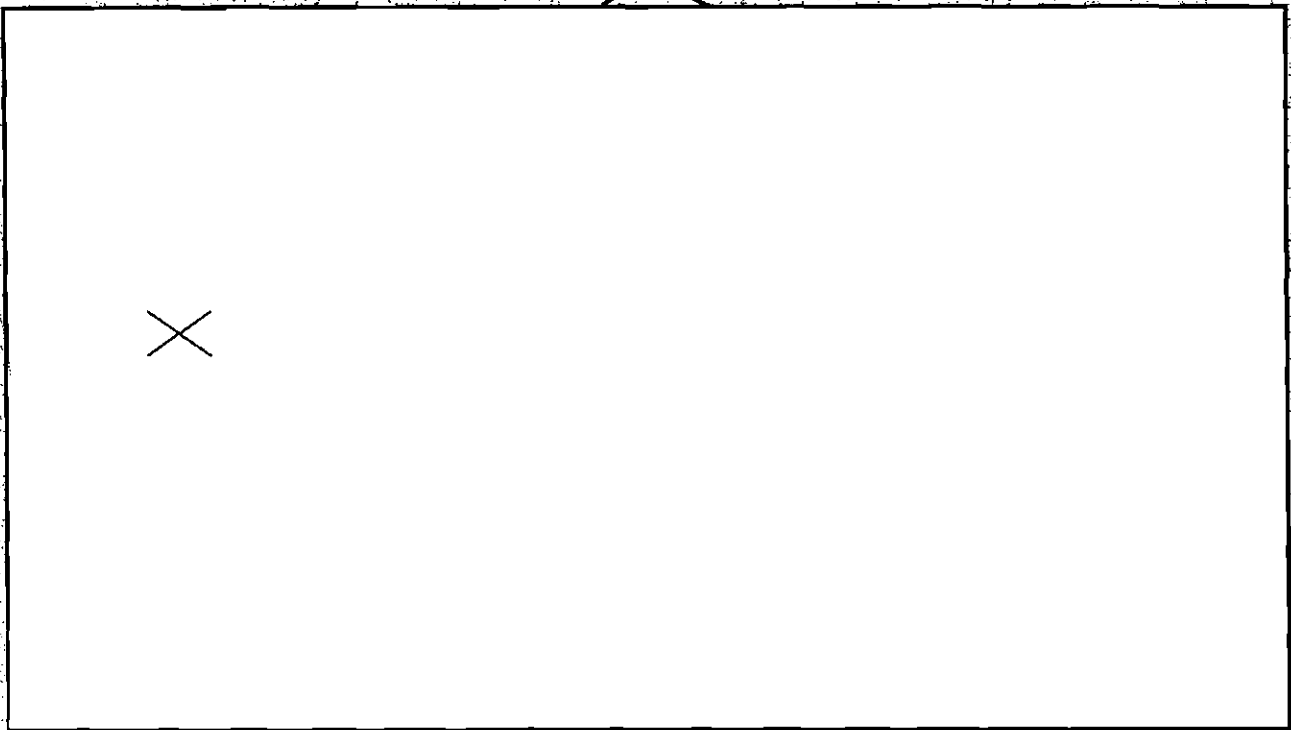


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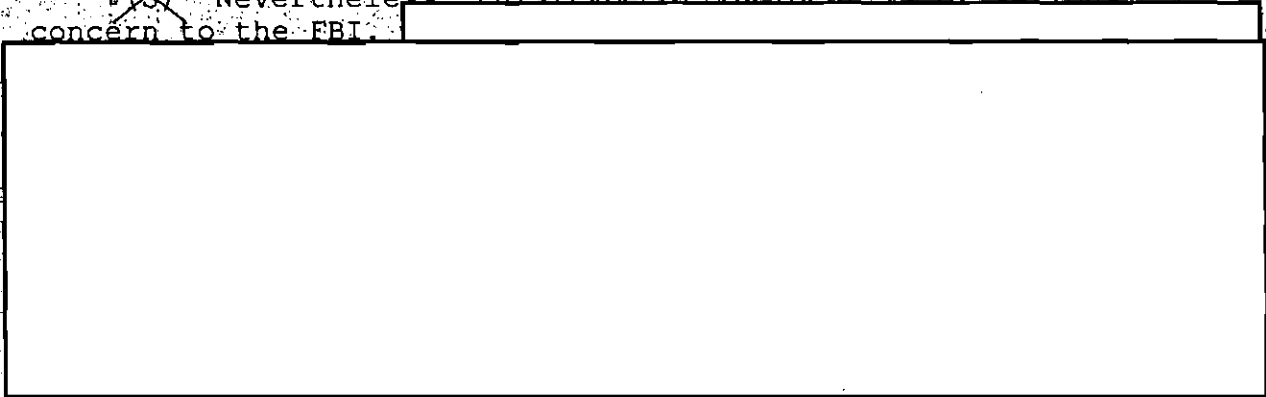
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~~(S)~~ Nevertheless, this type of incident is of serious concern to the FBI.



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(U) Pursuant to Executive Order 13462, the memorandum authored by Stephen J. Hadley, Assistant to the President for National Security Affairs on 04/17/2007, and the July 17, 2008 Intelligence Board Reporting Criteria, due to the highly sensitive nature of this matter, and to provide additional information to the IOB regarding the circumstances of this incident, FBI OGC reports this matter to the IOB.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-06-2010 BY 65179/DMH/sdb

September 24, 2008

BY COURIER

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

Dear Mr. Friedman:

Pursuant to Executive Order 13462, the April 17, 2007 memorandum authored by Stephen J. Hadley, Assistant to the President for National Security Affairs, and the July 17, 2008 Intelligence Board Reporting Criteria, the Office of the General Counsel, Federal Bureau of Investigation (FBI), submits the enclosed report, IOB 2008-255, to the Intelligence Oversight Board (IOB).

On or about April 10, 2008, OGC orally notified the Counsel to the Intelligence Oversight Board of the details of this incident, and memorialized that report in the form of a letter dated April 15, 2008. The enclosed memorandum provides greater details about this matter.

This matter involves the alleged activities of an FBI Supervisory Special Agent (SSA) between 2004 and 2006 in which he allegedly violated FBI policies and may have violated Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG). This matter was investigated by the DOJ Office of Inspector General (OIG), as well as the FBI's Office of Professional Responsibility (OPR).

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The FBI Office of General Counsel (OGC) did not conduct its own independent investigation; thus, it can not attest to the accuracy of the allegations. However, assuming that the facts are as alleged, they constitute violations of FBI policy and they also possibly constitute a violation of the NSIG.

If you have any questions regarding the enclosed IOB matter, please do not hesitate to contact me (202-324-8528) or [redacted]

Sincerely,

Julie F. Thomas
Deputy General Counsel
National Security Law Branch

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b7C

- 1 - Mr. J. Patrick Rowan (**by courier**)
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C

- 1 - Office of the Director of National Intelligence (**by courier**)
Office of the General Counsel
Liberty Crossing 2
Suite 2B200
Attn: [redacted]
McLean, VA 22102

Cardozo-IOB-72

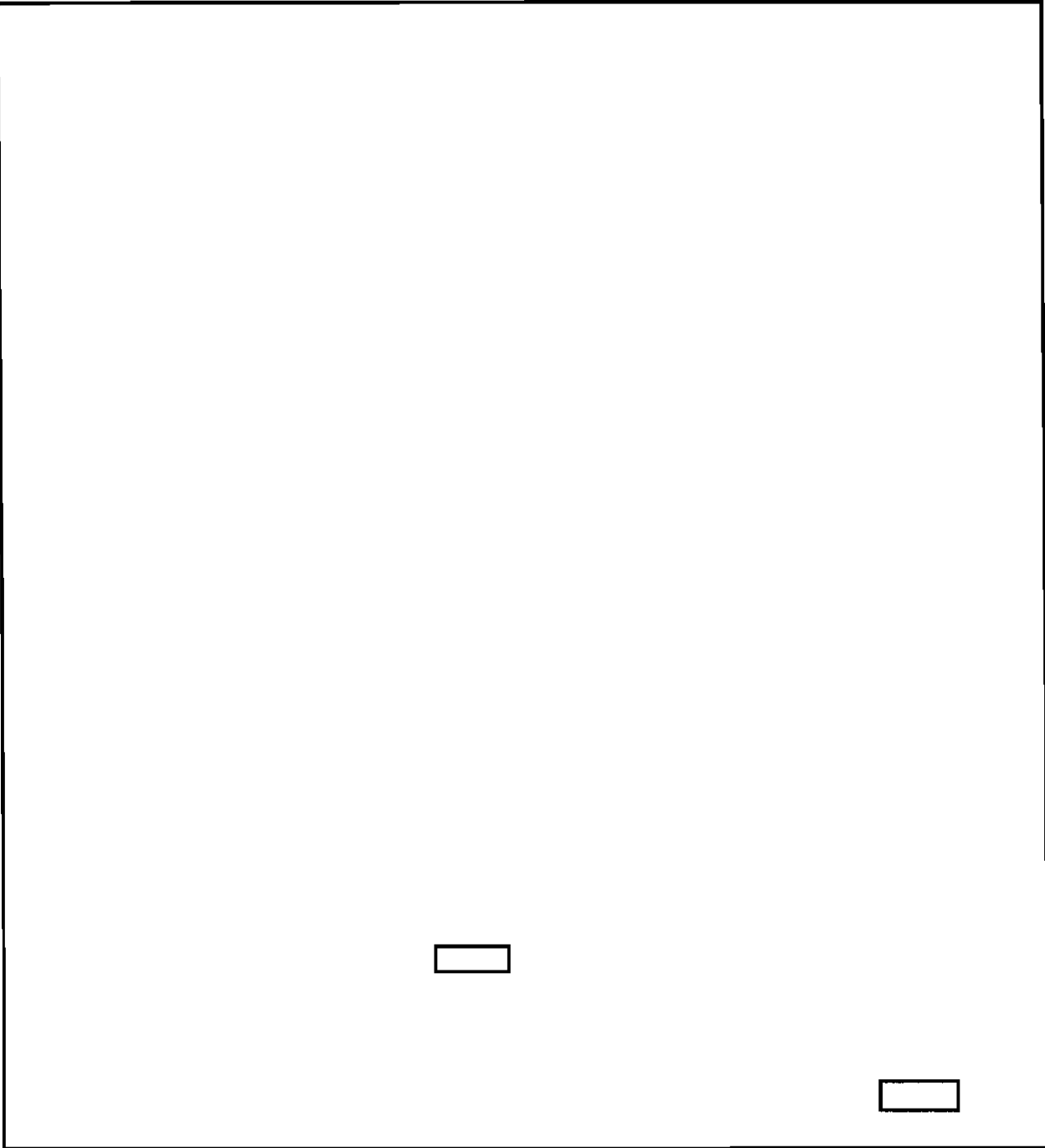
INTELLIGENCE OVERSIGHT BOARD MATTER
2008-255

This adjudication relates to a series of alleged actions by FBI Special Agent [redacted] (SSA [redacted]) which were the subject of a Department of Justice Office of the Inspector General (OIG) and FBI internal investigation. The alleged facts of this case have already been brought to the attention of the IOB. On or about April 10, 2008, OGC orally notified the Counsel to the Intelligence Oversight Board of the details of this incident, and memorialized that report in the form of a letter dated April 15, 2008. This memorandum provides greater details about the matter.

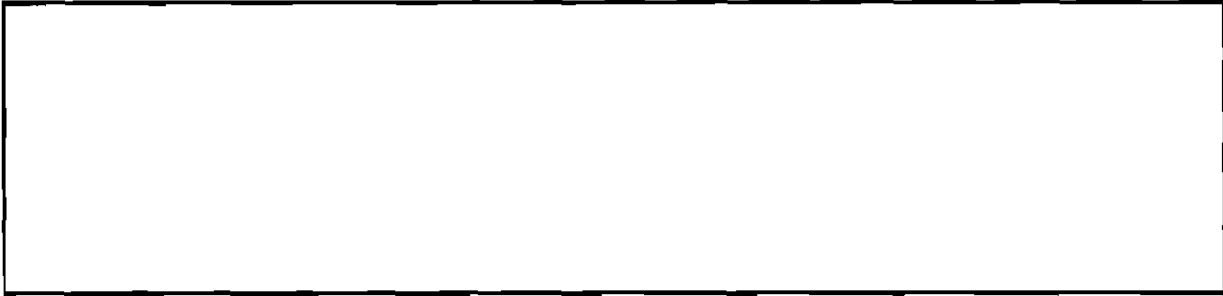
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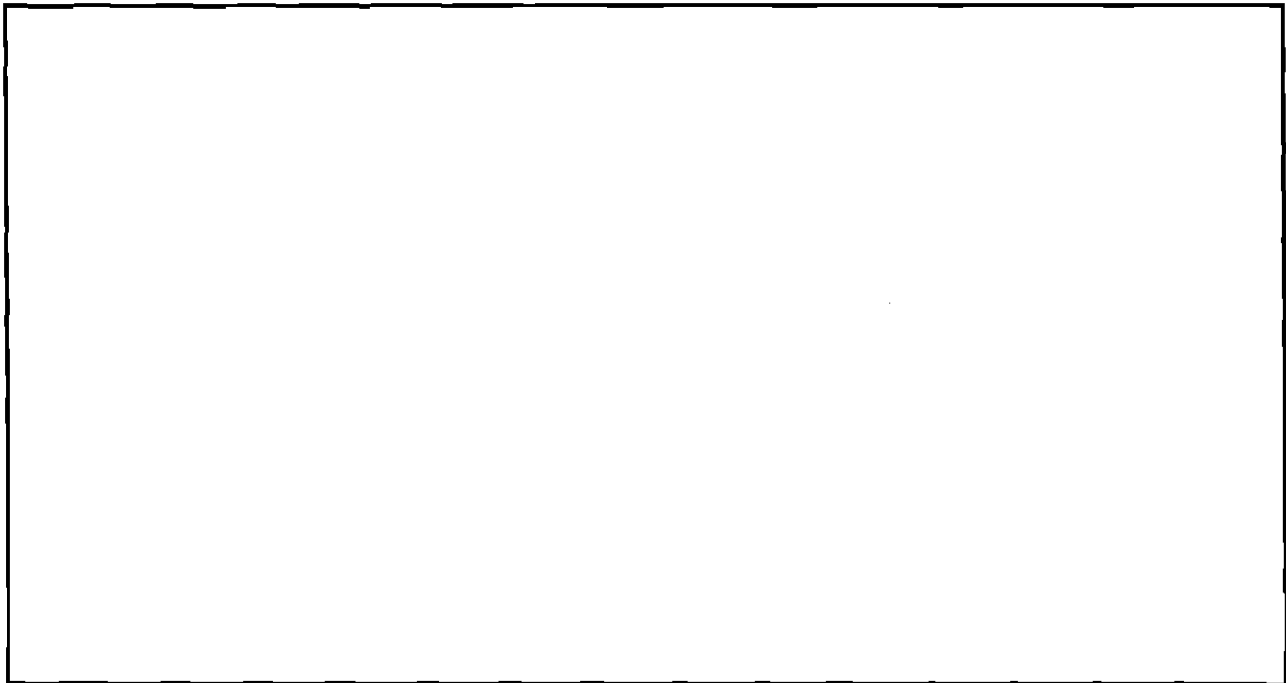
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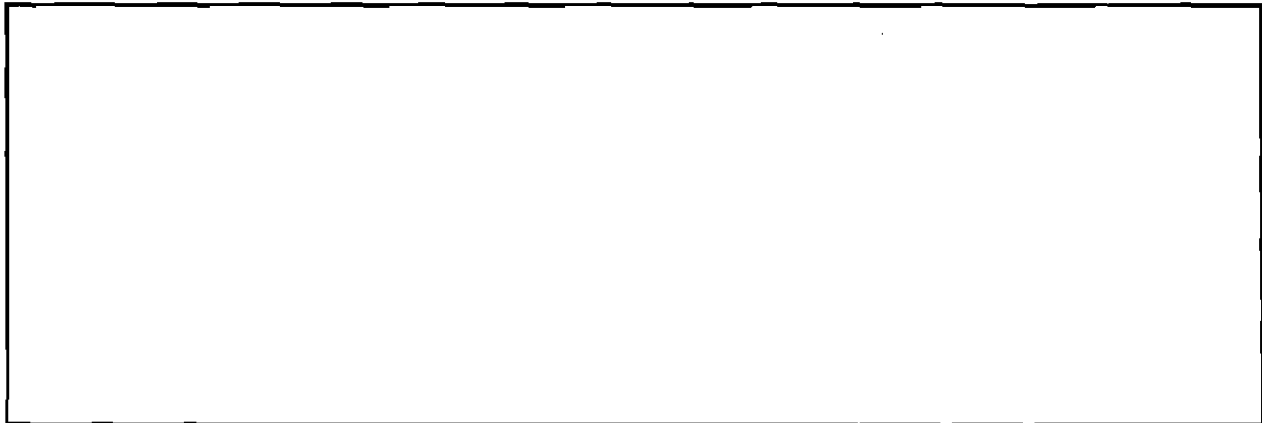
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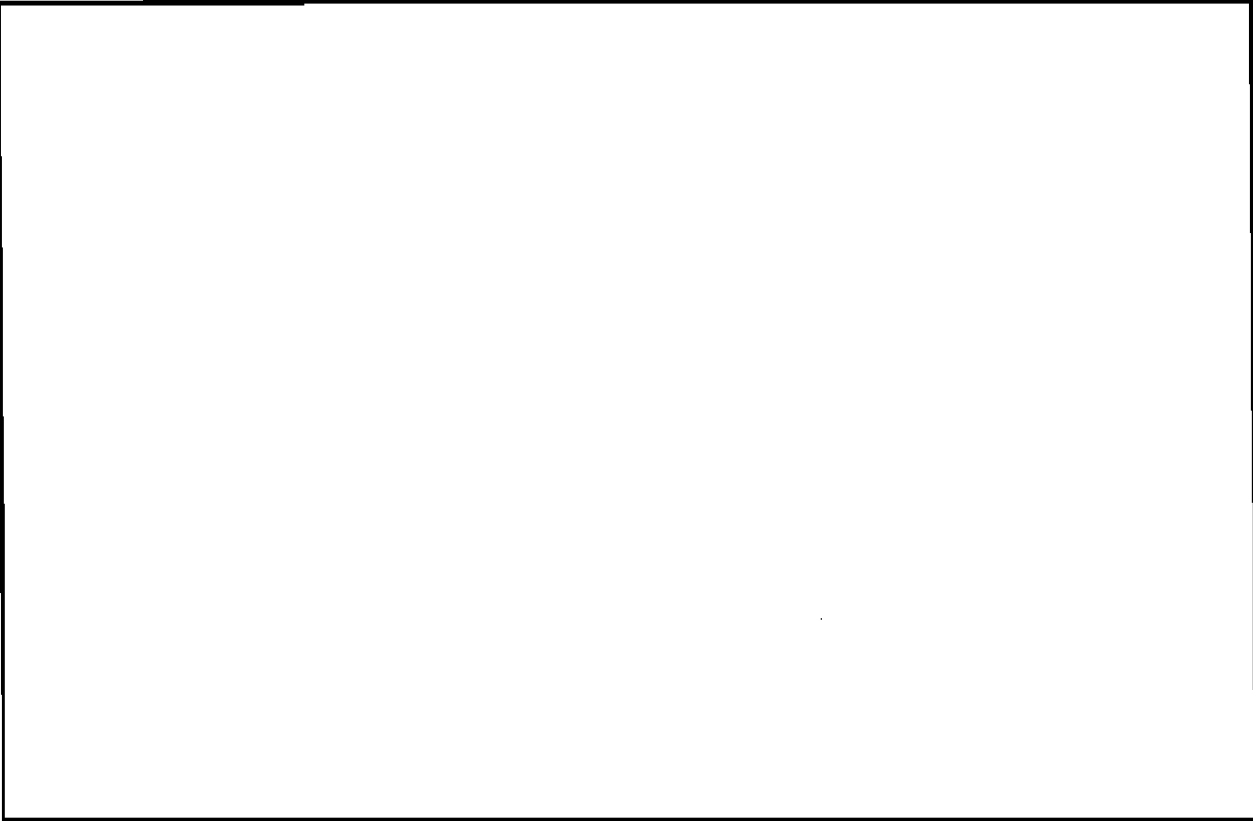


Lapses of internal FBI controls or FBI policies, without more, are generally not reportable to the IOB. In the instant case, however, OGC is reporting these FBI policy violations to the IOB based upon the scope of these alleged offenses and for the reasons described below.



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Further, OGC concludes that these matters may constitute a violation of the Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), [redacted]

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Internal FBI review found while some of SSA [redacted]s



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OGC does not believe any other provisions of the NSIG are implicated by SSA [redacted]s alleged misconduct.

Accordingly, OGC concludes that SSA [redacted]s alleged misconduct is reportable to the IOB pursuant to Executive Order 13462, the July 17, 2008 Intelligence Board Reporting Criteria, and the April 17, 2007 memorandum authored by Stephen J. Hadley, Assistant to the President for National Security Affairs.

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U.S. Department of Justice

Federal Bureau of Investigation



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Office of the General Counsel


Washington, D.C. 20535

~~SECRET~~

DECLASSIFIED BY 60322/UC/LRP/PLJ/sdb
ON 04-29-2010

August 6, 2008

VIA SECURE FACSIMILE
AND FEDERAL EXPRESS

Homer S. Pointer, Counsel
Intelligence Oversight Board
Room 5020
New Executive Office Building
725, 17th Street, N.W.
Washington, D.C. 20503
Secure Facsimile: 

b2.

Dear Mr. Pointer:

This letter and the attached factual summary is provided to the Intelligence Oversight Board for information.

The substantive issue concerned in this correspondence is specifically referenced as "Case 2" on page sixty-two of the March 2008 DOJ, Office of the Inspector General Report entitled "A Review of the FBI's Use of Section 215 Orders for Business Records in 2006." The FBI Office of General Counsel has determined that no intelligence activity occurred which violated any statute or is otherwise unlawful or contrary to Executive Order or Presidential Directive. Further the FBI Office of General Counsel and the DOJ National Security Division concur that the material at issue can be maintained and exploited for investigative purposes.

~~UNCLASSIFIED WHEN DETACHED
FROM CLASSIFIED ENCLOSURES~~

~~Derived From: FBI NSISec 20080301
Declassify On: 20330806~~

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Cardozo-IOB-77

~~SECRET~~

Please do not hesitate to contact me if you have any additional questions regarding this or any other IOB matter.

Sincerely,

Julie F. Thomas

Julie F. Thomas
Deputy General Counsel
National Security Law Branch

CC:

- 1 - Mr. J. Patrick Rowan (by courier)
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C
- 2 - Office of the Director of National Intelligence (by courier)
Office of the General Counsel
Liberty Crossing 2
Suite 2B200
Attn:
McLean, VA 22102

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Cardozo-IOB-78

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U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET/NOFORN~~

Office of the General Counsel

Washington, D.C. 20535

DECLASSIFIED BY 65179\DMH\sdb
DN 05-05-2010

July 31, 2008

BY COURIER

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

Dear Mr. Friedman:

Pursuant to Executive Order 13462 and the April 17, 2007 memorandum authored by Stephen J. Hadley, Assistant to the President for National Security Affairs, the Federal Bureau of Investigation (FBI), Office of the General Counsel (OGC), submits the enclosed reports of violations to the Intelligence Oversight Board (IOB) for the period of April through June 2008.

First, we are in receipt of the June 17, 2008 memorandum regarding the Intelligence Oversight Reporting Criteria from the IOB and Director of National Intelligence (DNI). In the memorandum, the IOB and DNI requested that the components of the Intelligence Community review their respective internal processes, guidelines, and training for reporting intelligence oversight matters to the IOB and DNI, and provide a progress report of the review by July 30, 2008.

We appreciate your detailed guidance and look forward to working with the IOB and DNI to ensure that our revised IOB policies are consistent with Part 1.6(c) of Executive Order 12333 and Executive Order 13462. FBI OGC has carefully reviewed the

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FROM CLASSIFIED ENCLOSURES~~

~~Derived From: FBI NSISCG-20080301
Declassified on: 07/31/2018
Cardozo-IOB-79~~

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IOB and DNI's June 17, 2008 reporting criteria and our own internal IOB policies. In light of the IOB and DNI's guidelines, the FBI has begun to substantially revise its own internal IOB policies.

As discussed in prior correspondence, in March 2007, the United States Department of Justice, Office of the Inspector General, released a comprehensive report reviewing the FBI's use of National Security Letters (NSLs). Following the Inspector General's report, the FBI conducted a 10 percent audit of all national security cases by the FBI. As a result of this audit, the FBI's Office of the General Counsel received a significant number of additional reports of potential IOB matters.

In addition to auditing 10 percent of national security cases, the FBI conducted an audit of all counterintelligence investigations from 2002 through 2006 where the FBI issued National Security Letters pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681 (FCRA). The purpose of the audit was to determine whether full credit reports were improperly requested or received pursuant to FCRA. Again, as a result of this audit, the FBI's Office of the General Counsel received an increased number of potential IOB matters.

Finally, the FBI's OGC received reports of potential IOB matters that were not generated as a result of either of the two audits mentioned above. Rather, they were reported to the Office of the General Counsel under the regular reporting requirements.

Many of the matters that have been received by the FBI's Office of the General Counsel pursuant to these audits have already been reported to the IOB during the Second, Third, and Fourth Quarters of 2007 and the First Quarter of 2008. OGC is continuing to process and evaluate potential IOB reports that were generated from the Audits of 2007. Once a potential IOB matter is submitted to FBI OGC, the facts are carefully reviewed under the IOB's reporting standards to determine if the matter warrants reporting to the DNI and IOB.

For the period of April through June 2008, OGC is reporting 28 IOB matters. Of these matters, 14 pertain to United States or presumed United States persons and 14 pertain to non-United States persons.

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Cardozo-IOB-80

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Of the 28 IOB matters, five matters relate to errors where a carrier provided the FBI with more information than was requested in an NSL, and the FBI compounded the third party error. In all of these matters, OGC advised the field office that, if applicable, the overproduction must be purged from FBI databases, and the overproduction must be returned or destroyed. In the alternative, if the overproduction was relevant to an authorized, open investigation, the FBI could issue a curative NSL.

On June 1, 2007, FBI OGC issued a comprehensive NSL policy. One of the requirements of the NSL policy is that, before uploading information received in response to an NSL into any database, the FBI must ensure that the information is responsive to the NSL request. Four of the reported instance where compounding of an overproduction occurred were in 2004, 2005, and 2006, before OGC issued the NSL comprehensive policy. Only one instance of compounding occurred after the NSL comprehensive policy was issued.

Additionally, five matters involve other types of NSL-related errors. These errors include: (1) transcribing an incorrect telephone number during an interview, then using the telephone number in an NSL, and including an incorrect statement in a Foreign Intelligence Surveillance Act (FISA) application (April 2005, August 2006); (2) failing to include the requisite certification language in an NSL (May 2006); (3) including an email address that was deemed not relevant to the instigation in an NSL (June 2007); (4) failing to properly document the issuance of an NSL, and as a result, failing to notify the United States Congress of the issuance of this particular NSL (April 2004); and (5) without realizing that a [REDACTED] had expired, serving an NSL (March 2007). Again, it is significant that the majority of these NSL-related errors occurred before the FBI issued its comprehensive NSL policy.

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The FBI has taken substantial corrective actions regarding its use of NSLs to ensure that these types of errors will not reoccur. Among its most significant actions, the FBI has: (1) instituted mandatory NSL training; (2) fully deployed an automated workflow system for issuing NSLs that is designed to facilitate compliance with NSL statutes and to accumulate the data necessary for Congressional reporting (called the NSL Subsystem); (3) in conjunction with DOJ, implemented a program for regularly reviewing national security investigations, including but not limited to compliance with NSL statutes; (4) established an Office of Integrity and Compliance to

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Cardozo-IOB-81

facilitate the efforts of executive management to identify and mitigate significant areas of risk; and (5) as mentioned above, issued a comprehensive policy on the use of NSLs, including the mandate of legal review of all NSLs.

[Redacted]

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[Redacted] In all four situations, OGC advised [Redacted]

[Redacted]

Further, a substantial portion of the FBI's reporting for this quarter (12 reports) involves instances where the FBI failed to timely notify the Department of Justice, Office of Intelligence, of the initiation or continuation of an investigation.

[Redacted]

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[Redacted]

Please do not hesitate to contact me or [redacted] if you have any questions regarding the enclosed IOB matters [redacted]

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Sincerely,

Julie F. Thomas
Julie F. Thomas

Deputy General Counsel
National Security Law Branch

- 1 - Mr. J. Patrick Rowan (by courier)
Acting Assistant Attorney General
National Security Division
United States Department of Justice
Room 2200 C

- 2 - Office of the Director of National Intelligence (by courier)
Office of the General Counsel
Liberty Crossing 2
Suite 2B200
Attn: [redacted]
McLean, VA 22102

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~~SECRET/NOFORN~~

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**FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET**

19

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) _____

- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

_____ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

_____ Page(s) were not considered for release as they are duplicative of

_____ Page(s) withheld for the following reason(s):_

The following number(s) is (are) to be used for reference regarding these pages :

Cardozo-IOB-84 through Cardozo-IOB-102

XXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this page X
XXXXXXXXXXXXXXXXXXXXX

XXXXXX
XXXXXX

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER
IOB MATTER 2007-708

(U)

~~(S)~~ As reported on [redacted] a Field Office opened a [redacted] [redacted] of a non- U.S. Person, in order to investigate information or allegations of ties to terrorism.

b2
b7E

(U) As part of the [redacted] a National Security Letter ("NSL") was issued for telephone toll billing records associated with a telephone number believed by the FBI to be ascribed to by the target based on information provided during an interview. However, the correct telephone number given by the target during the interview was inaccurately recorded in the typewritten notes of the interviewer and used for purposes of the NSL. Records related to the incorrect phone number were produced to the FBI and uploaded into a database. The records were recognized at the time as not belonging to the target; it was presumed, consistent with other evasive behaviors during the interview, that the target had intentionally given the FBI a wrong number.

(U)

[redacted]

(U)

~~(S)~~ The interviewers mistake resulted in the FBI improperly collecting telephone records of a presumed US Person unrelated to an investigation. [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Further, the overcollection was compounded when uploaded. In addition, the misstatement contained in the FISA application is also being noticed to the IOB.

b2
b7E

(U) All unauthorized information has been purged from databases and the Office of Intelligence, Department of Justice has been notified of the FISA application issue.

~~Derived from: FBI NSISCG 20080301
Declassify on: 06/12/2018~~

~~SECRET~~

Cardozo-IOB-103

IOB SUMMARY SHEET

Name of Department or Agency: FBI OGC

CY Quarterly Report: 2008

DATE OF INCIDENT: 04/14/2005 (issuance of NSLs)

DATE OF REPORT TO IOB: 06/30/08

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: 01/25/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 USC 2709)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Advised field that matter is being reported to IOB

*DATE OF FINAL DISPOSITION:

~~SECRET//20180301~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER 2007-2183 (U)

b2
b7E

(U) On [redacted] Field Office [redacted] opened a [redacted] on a non-United States person. On two occasions in the course of the investigation, [redacted] failed to submit appropriate case notifications and updates.

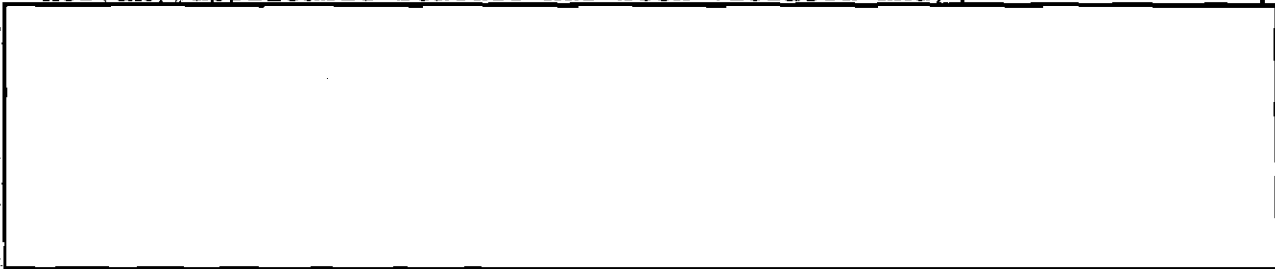
(U) ~~(S)~~ [redacted] of the Attorney General's Guidelines for FBI national Security Investigations and Foreign Intelligence Collection (NSIG), [redacted]

[redacted]
In this instance, a thorough review of the case file reveals that [redacted] failed to file a notification of the existence of a [redacted] [redacted] which was required beginning 2/1/2004 with FBIHQ and OIPR as a result of the NSIG going into effect. In addition, no annual summary report could be found for 2004. [redacted] did, however, subsequently submit annual LHMs in 2005, 2006, and 2007. Although OIPR is now aware of the [redacted] [redacted] OGC concludes that [redacted]'s failure to timely submit both the notice of the existence of the investigation and the annual LHM in 2004 substantially impaired OIPR's oversight ability, as OIPR did not have notice of the existence of this [redacted] for approximately 15 months. This particular matter, therefore, is being reported to the IOB.

b2
b7E

(U) ~~(S)~~ Having determined that the [redacted] was operating without notice to OIPR for approximately 15 months, we turn to the handling of information acquired thereby. Exclusion is a remedy of judicial origin created to address violations of constitutional dimension. In addition, some statutes, such as the Foreign Intelligence Surveillance Act, provide for an exclusionary rule. In this instance, neither the Constitution nor any applicable statute has been violated and, [redacted]

b2
b5
b7E



~~Derived from: G-3
Declassify on: 20180301~~

~~SECRET//20180301~~
Cardozo-IOB-105

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENTS: 02/01/2004 and [redacted]

DATE OF REPORT TO IOB: 03/31/2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 08/28/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info.

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines [redacted]

b2
b7E

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET//20180301~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2007-3038 (U)

(U) ~~(S)~~ On [REDACTED] opened a [REDACTED] [REDACTED] on a non-United States person. At this time, [REDACTED] provided notice to OIPR of the initiation of a [REDACTED]. The case was converted to a [REDACTED]. However, [REDACTED] failed to provide FBI Headquarters (FBIHQ) with a notice of conversion of the [REDACTED] to a [REDACTED] [REDACTED] which notice was required to reach the Office of Intelligence Policy and Review (OIPR) of the Department of Justice (DOJ) within 10 days of the opening of the [REDACTED]. Ultimately, [REDACTED] submitted an annual LHM on the investigation to FBIHQ for passage to OIPR on 06/12/2006.

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(U) [REDACTED] failed to submit to FBIHQ the opening LHM once it converted the [REDACTED] to a [REDACTED]. As a result, OIPR had no notice of the [REDACTED] for approximately 15 months.

(U) ~~(S)~~ Having determined that the [REDACTED] was being conducted without notice to OIPR, we turn to the handling of information acquired thereby. Exclusion is a remedy of judicial origin created to address violations of constitutional dimension. In addition, some statutes, such as the Foreign Intelligence Surveillance Act, provide for an exclusionary rule. In this instance, neither the Constitution nor any applicable statute has been violated and, [REDACTED]

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b5
b7D

[REDACTED] However, the FBI is reporting this matter to the IOB.

~~Derived from: G-3
Declassify on: 20180301~~

~~SECRET//20180301~~
Cardozo-IOB-107

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 3/31/2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 07/18/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines

b2
b7E

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-108

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-535 (U)

(U)

~~(S)~~ On [redacted] the [redacted] Field Office [redacted] initiated a [redacted] on a non-U.S. person but did not submit a notice of initiation until [redacted]. Consequently, the Department of Justice (DOJ) had no opportunity for oversight for a period of approximately one year.

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(U) The purpose of the notification required in the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection ("NSIG"), including subsequent annual reports, is to enable DOJ to provide appropriate oversight of investigative activities by the FBI. The standard by which the FBI's Office of General Counsel reviews tardiness in reporting or a failure to report altogether is whether the tardiness or omission "substantially impaired" DOJ's ability to provide meaningful oversight. Where, as here, there is no notice whatsoever of the existence of the investigation, there can be no oversight. Accordingly, this matter is being reported to the IOB.

(U) The Field Office did submit a notice of initiation on [redacted] and [redacted].

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(U)

~~(S)~~
~~Derived From : FBI NSISCG 20080301~~
~~Declassify On: 05/27/2018~~

~~SECRET~~

Cardozo-IOB-109

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: 2nd Quarter

DATE OF INCIDENT: April 2005

DATE OF REPORT TO IOB: July 31, 2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 11/29/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)
 Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)
 Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
 Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: The FBI submitted an initial 10-day notification on

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b7E

*DATE OF FINAL DISPOSITION: May 2007

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER

[REDACTED] DIVISION IOB MATTERS:

(U) 2007-3412, -3417, -3428, -3411, -3420, -3419 and -3418

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b7E

(U) ~~(S)~~ In late September 2007, the Federal Bureau of Investigation (FBI), [REDACTED] Division [REDACTED] reported seven potential Intelligence Oversight Board (IOB) violations in counterintelligence cases directed against non-U.S. persons. All the errors involved the late or lack of notification of initiation of [REDACTED] to the Office of Intelligence Policy and Review (OIPR).

~~(S)~~ A brief summary of each case is provided below:

(U) • On [REDACTED] opened a [REDACTED] on a non-U.S. person. The initial notification due on [REDACTED] none the less was not submitted until [REDACTED] with the assistance of OIPR, received warrants from the FISC to target the subject through 2005, 2006 and 2007. Due to OIPR's oversight of the case via FISA, the notification of the case was approximately 12 months late.

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• On [REDACTED] opened a [REDACTED] on a non-U.S. person. [REDACTED] did not submit the initial 10-day notification LHM to FBIHQ or OIPR. Also, [REDACTED] did not submit the 2006 Annual LHM. The Annual LHM for 2007 was submitted on [REDACTED]

• On [REDACTED] opened a [REDACTED] on a non-U.S. person. FBIHQ was notified of the investigation on [REDACTED] however there is no record [REDACTED] submitted the notification LHM for OIPR by [REDACTED] Also, [REDACTED] did not submit Annual LHMs for 2004, 2005, 2006 and 2007.

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• On [REDACTED] opened a [REDACTED] on a non-U.S. person. The initial 10-day notification due on [REDACTED] was submitted on [REDACTED] approximately 37 months late. Also, [REDACTED] did not submit Annual LHMs for 2005, 2006 and 2007.

• On [REDACTED] opened a [REDACTED] on a non-U.S. person. [REDACTED] did not submit the initial 10-day notification LHM to FBIHQ or OIPR.

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b7E

~~SECRET~~

Cardozo-IOB-111

~~SECRET~~

Also, [redacted] did not submit the 2007 Annual LHM.

• On [redacted] opened a [redacted] on a non-U.S. person. The initial 10-day notification due on [redacted] was submitted on [redacted] approximately 34 months late. Also, [redacted] did not submit Annual LHMs for 2005 and 2006.

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b7E

• On [redacted] opened a [redacted] on a non-U.S. person. The initial 10-day notification due on [redacted] was submitted on [redacted] approximately 13 months late.

(U)

~~(S)~~ [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003 (NSIG), [redacted]

[redacted] After receiving the notice from the field office, FBIHQ shall provide notice to the Office of Intelligence Policy and Review (OIPR) and to the Criminal Division. OIPR shall then notify the Attorney General and Deputy Attorney General.

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b7E

(U)

~~(S)~~ The FBI reports that failure to notify OIPR of the investigations in a timely manner "substantially impaired" the oversight of these cases. Here, notifications were either never submitted or submitted in an untimely manner, thus providing no formal notice of the investigations. In addition, Annual LHMs were not provided to summarize the cases that would allow OIPR the ability to exercise oversight.

(U)

(U) [redacted] is now cognizant and fully aware of the reporting requirements under the NSIG. Special Agents specifically in the counterintelligence squads in [redacted] have been trained on these requirements.

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b7E

~~Derived From: G-3
Declassify On: 03/24/2018~~

~~SECRET~~

Cardozo-IOB-112

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENTS: 2004-2007

DATE OF REPORT TO IOB: 4/30/2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 07/13/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)
 Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info
 Section 2.4 preamble: least intrusive collection
 Section 2.4(a) CIA electronic surveillance w/in US
 Section 2.4(b) unconsented physical search w/in US
 Section 2.4(c) physical surveillance of USP w/in US
 Section 2.4(d) physical surveillance of USP abroad
 Section 2.5 AG approval w/in US or against USP abroad
 Section 2.6 assistance to law enforcement
 Section 2.7 contracting
 Section 2.9 undisclosed participation
 Section 2.10 human experimentation
 Section 2.11 prohibition on assassination
 Section 2.12 indirect participation
 AG Approved EO 12333 Guidelines (_____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)
 Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
 Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

_____ has been cautioned to ensure all investigations comply with reporting requirements of the Attorney General's Guidelines

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b7E

*DATE OF FINAL DISPOSITION:

~~SECRET//20180221~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2008-220-NSL (U)

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b7E

(U) ~~(S)~~ On [REDACTED] initiated a [REDACTED] [REDACTED] of a non- United States person. On May 30, 2006, [REDACTED] drafted a National Security Letter (NSL) to a financial institution, seeking the subject's financial records from [REDACTED]. The NSL was drafted as part of an authorized investigation, but was styled pursuant to the Electronic Communications Privacy Act (ECPA), Title 18, U.S.C., Section 2709, instead of the Right to Financial Privacy Act (RFPA), Title 12, U.S.C., Section 3421(a)(5). As such, the NSL lacked the requisite certification that the FBI had "complied with all applicable provisions" of the RFPA, " 12 U.S.C. § 3403(b)". Because this certification is statutorily designed in part to protect the rights of individuals, its omission is substantive.

(U) [REDACTED] has been instructed to purge its electronic databases of this NSL collection, and sequester any and all physical copies with the CDC. If the collection remains relevant to an ongoing investigation, [REDACTED] may issue a curative NSL to request the records. Otherwise, [REDACTED] must either return or destroy the records, in accordance with the financial institution's instructions, with appropriate documentation to file.

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b7E

~~Derived from: G-3
Declassify on: 20180221~~

~~SECRET//20180221~~

Cardozo-IOB-114

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB:

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b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: December 17, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (RFPA, Title 12, U.S.C., Section 3421(a)(5))

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5: AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-115

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2007-3391 (U)

(U) ~~(S)~~ By electronic communication dated September 18, 2007, the Federal Bureau of Investigation (FBI), [redacted] Field Office, reported that a [redacted] on a non-United States Person was initiated on [redacted] and closed on [redacted]. At the time the investigation was opened, [redacted] notified FBI Headquarters of the opening of the investigation in an electronic communication. However, [redacted] failed to provide an LHM within 10 days of opening the investigation, as well as failed to file a report at the one year anniversary.

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b7E

(U) [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective October 31, 2003; [redacted]

[redacted] Within ten working days of receipt of notice from the field, FBIHQ shall provide notice of the investigation to OI and to the Criminal Division. OI shall then notify the Attorney General and Deputy Attorney General.

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b7E

(U) Under the NSIG, [redacted]

In this case, the Field Office gave FBI headquarters notice of the investigation, but there is no indication that OI was made aware of the investigation within the time period required by the NSIG. It is FBI policy to report the matter to the IOB if there is no initial 10-day notification over the life of the investigation. The case is now closed and no significant investigation occurred during its pendency.

(U) ~~Derived From : FBI NSISCG 20080301
Declassify On: 20180530~~

~~SECRET~~

Cardozo-IOB-116

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [redacted]

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: September 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

b2
b7E

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines [redacted]

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET//20180310~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1765 (U)

b2
b7E

(U)

~~(S)~~ During a [REDACTED] of a "non-United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978,

[REDACTED] Field Office [REDACTED] issued a National Security Letter (NSL) to an internet service provider (ISP) seeking electronic communications transactional records. Notwithstanding specific instructions not to produce message content or subject fields, the ISP produced "thread topic" information which appears to include some information about "subject" fields of emails. In an abundance of caution, the FBI is currently treating "thread topic" information as "content" information. Therefore, this resulted in an overproduction by the ISP which [REDACTED] compounded when uploading all the results from the ISP, some of which included this thread topic information, onto Automated Case Support (ACS).

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b7E

(U) [REDACTED] has removed from ACS the thread topic information and has sequestered all hard copies of the overproduction. [REDACTED] has been instructed to contact the ISP and ask whether the information should be returned or destroyed, with documentation to the file.

b2
b7E

~~Derived from : G-3
Declassify on: 03/10/2018~~

~~SECRET//20180310~~

Cardozo-IOB-118

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT: 6/15/2006

DATE OF REPORT TO IOB: 3/31/2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 6/4/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office): _____

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 U.S.C. § 2709)

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO. 12333 Guidelines (Guidelines name and section:)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

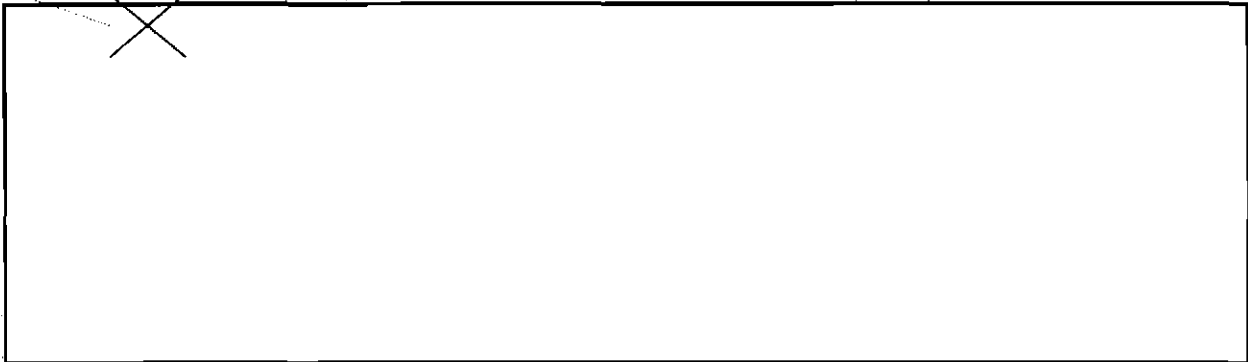
*DATE OF FINAL DISPOSITION:

Cardozo-IOB-119

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-0163

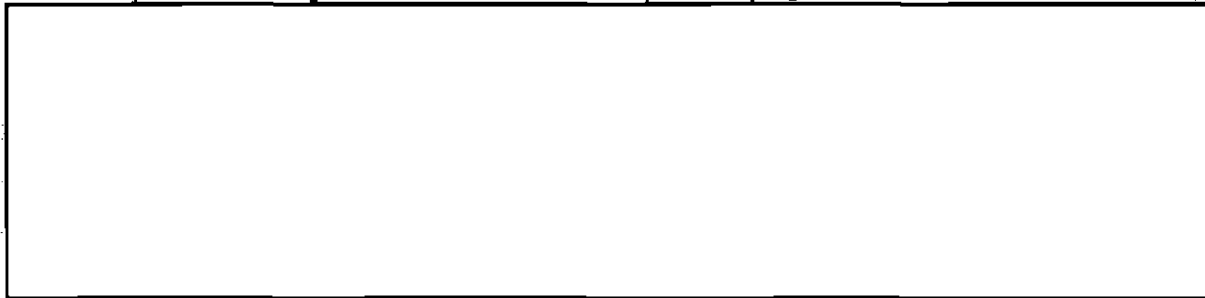
(U)



b2
b7E

(U) Here, while not intentional, the FBI received communications from a U.S. person's cellular telephone without appropriate authority due to a third party error. As such, the acquisition is in violation of Title 18, United States Code, Section 2511(2)(f). [REDACTED]

(U) On 09/07/2007, the issue was reported to DOJ's Office of Intelligence Policy and Review (OIPR). On 09/19/2007, OIPR advised that they had notified the [REDACTED] by letter, of a



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~~Derived From: FBI NSISCG 20080301
Declassify On: 06/12/2018~~

~~SECRET~~

Cardozo-IOB-120

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: 11/02/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

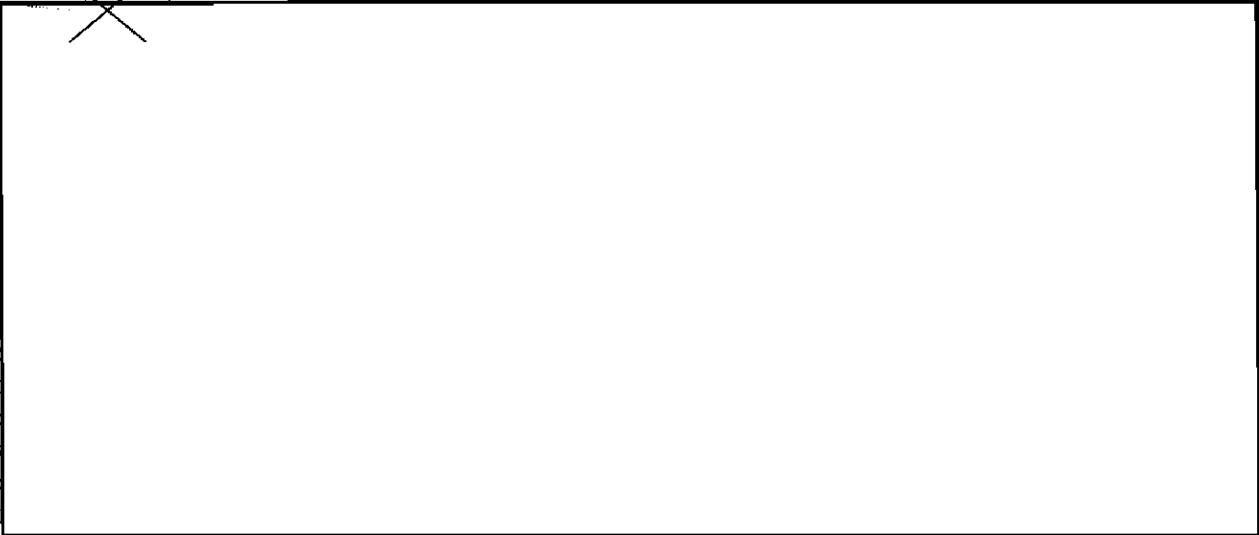
DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2008-070

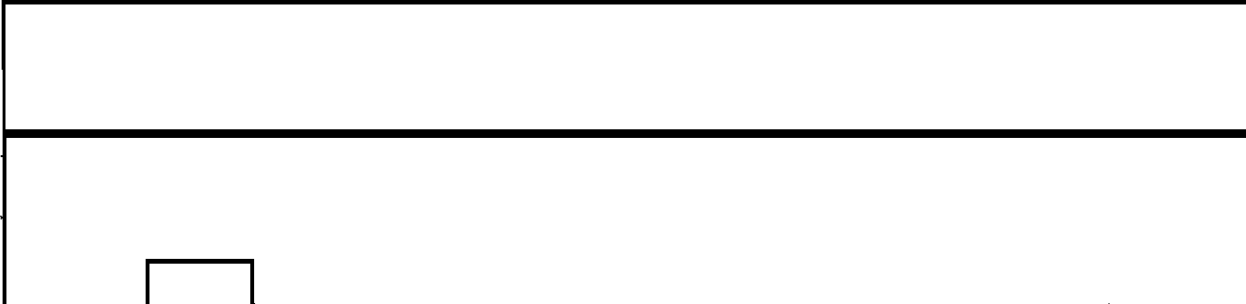
(U)



(U)

~~(S)~~ Here, while not intentional, the FBI received communications from a person's account without appropriate authority due to a third party error. As such, the acquisition is in violation of Title 50, United States Code, Section 1801 et seq. While the [redacted] authorized the FBI to conduct [redacted]

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Derived From : ~~FBI NSISCG 20080301~~
Declassify On: ~~06/25/2018~~

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Cardozo-IOB-122

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: 11/16/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
 Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info.
 Section 2.4 preamble: least intrusive collection
 Section 2.4(a) CIA electronic surveillance w/in US
 Section 2.4(b) unconsented physical search w/in US
 Section 2.4(c) physical surveillance of USP w/in US
 Section 2.4(d) physical surveillance of USP abroad
 Section 2.5 AG approval w/in US or against USP abroad
 Section 2.6 assistance to law enforcement
 Section 2.7 contracting
 Section 2.9 undisclosed participation
 Section 2.10 human experimentation
 Section 2.11 prohibition on assassination
 Section 2.12 indirect participation
 AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

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OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
 Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
 Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB)
MATTER 2007-1942

(U)

~~[REDACTED]~~

(S) On [REDACTED] after reviewing intercepted conversations from [REDACTED] and [REDACTED] and confirming with the carrier, [REDACTED] determined that a targeted phone number had been reassigned to another customer. The telephone service provider further stated that this phone number had been discontinued on [REDACTED] at the request of the customer.

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(U) [REDACTED] will therefore consider all telephone activity intercepted on this number after [REDACTED] as over-collected and subject to sequestration, to prevent its use or further dissemination. [REDACTED]

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~~Derived from: FBI NSISCG 20080301
Declassify on: 20180523~~

~~SECRET~~

Cardozo-IOB-124

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 3/31/2008

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b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: June 11, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)
 Other (U.S.C. citation: _____)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines:

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)
 Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
 Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

Our collection is being submitted to the DOJ, Office of Intelligence

*DATE OF FINAL DISPOSITION:

~~SECRET~~

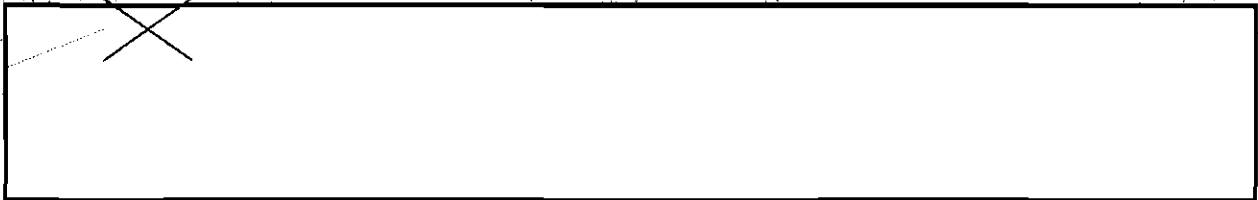
INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2007-1676

(U)



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(U)



(U) Although the error in this instance is not directly attributable to conduct on the part of FBI personnel, the unauthorized surveillance is nevertheless a reportable matter.

~~Derived from: FBI NSISCG 20080301
Declassify on: 20180523~~

~~SECRET~~

Cardozo-IOB-126

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB:

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: April 11, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)
 Other (U.S.C. citation: _____)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines:

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)
 Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
 Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET~~

(U) INTELLIGENCE OVERSIGHT BOARD MATTERS,
[REDACTED] DIVISION
IOB MATTERS 2007-3367 (U)

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(S) On September 12, 2007 the Federal Bureau of Investigation (FBI), [REDACTED] Division [REDACTED] reported a potential Intelligence Oversight Board (IOB) violation involving the issuance of an NSL during a lapse in investigative authority.

(U) (S) [REDACTED] opened a [REDACTED] on [REDACTED] with an expiration date of [REDACTED]. As required by the Attorney General Guidelines [REDACTED] prepared and submitted the notification of the opening of the investigation on [REDACTED]. On this notification a typographical mistake was made, indicating that the investigation was actually opened on [REDACTED]. This created a period of time (approximately 35 days) during the months of [REDACTED] when the investigation was not properly authorized by FBIHQ, as they relied upon the [REDACTED] date of initiation before authorizing an extension of the investigation.

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(U) (S) On [REDACTED] of the [REDACTED] Soon after receiving this [REDACTED] noticed the discrepancy and submitted a corrected notification describing the [REDACTED] initiation discrepancies. Due to the discrepancy in initiation and expiration dates, however, the [REDACTED] lapsed between [REDACTED]. On [REDACTED] served an NSL that had been authorized prior to the expiration of the [REDACTED] (e.g. before [REDACTED])

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(U) (S) Therefore, in this instance, an NSL was served, even though properly authorized and as a result of an administrative mistake, [REDACTED]

[REDACTED] The ECPA statute requires that an NSL be issued in conjunction with an "authorized investigation." Because [REDACTED] did not have an authorized investigation at the time of delivery, the service of this NSL is being reported as an IOB. All NSL results will be destroyed and purged from FBI systems.

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~~Derived From: G-3
Declassify On: 03/24/2018~~

~~SECRET~~

Cardozo-IOB-128

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [redacted]

DATE OF REPORT TO IOB: 4/30/2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 09/12/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 U.S.C. 2709)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines [redacted]

b2
b7E

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

Results will be purged from FBI systems and either destroyed or returned, based on the desires of the provider.

*DATE OF FINAL DISPOSITION:

~~SECRET//20180310~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2007-2153 (U)

(U)

~~(S)~~ A [REDACTED] of United States persons was initiated on [REDACTED]. The investigation expired on [REDACTED]. No letterhead memorandum (LHM) was prepared upon the initiation of the investigation. The [REDACTED] expired without providing notification of investigation to OIPR.

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(U)

~~(S)~~ [REDACTED] After receiving notice from the field office, FBIHQ provides notice to the Office of Intelligence Policy and Review (OIPR) and to the Criminal Division. OIPR then notifies the Attorney General and Deputy Attorney General. If OIPR's oversight ability has "substantially been impaired," the matter must be reported to the IOB.

(U) Here, no notice of the investigation's initiation and predicate was provided to allow OIPR the opportunity for oversight over the course of the investigation. Therefore, we find that OIPR's oversight ability has been substantially denied and this matter must be reported to the IOB.

~~Derived from: G-3
Declassify on: 20180310~~

~~SECRET//20180310~~
Cardozo IOB-130

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 3/31/08

DATE OF REPORT TO DEPARTMENT/AGENCY: August 7, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other

b2
b7E

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2007-2013

(U)

~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that while assessing the reliability of a confidential human source in [redacted] the FBI [redacted] Field Office [redacted]

[redacted] Because the March 8, 1999, Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (March 8, 1999 Guidelines) [redacted]

b2
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[redacted] subsequently opened a [redacted] on the confidential human source in [redacted]

(U) It should be noted that The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) dated October 31, 2003, [redacted]

(U) Because [redacted] eventually opened a [redacted] to operate this confidential human source in [redacted] no further remedial action is being taken.

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~~(S)~~ Derived From ~~FBI NSISCG 20080522~~
~~Declassify On: 06/02/2018~~

~~SECRET~~

Cardozo-IOB-132

IOB SUMMARY SHEET
2007-2013

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: 07/10/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: _____)

b2
b7E

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 March 8, 1999, Attorney

General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: No remedial action required.

*DATE OF FINAL DISPOSITION:

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB MATTER 2007-3403 (U)

(U)

~~(S)~~ On [redacted] the FBI initiated a [redacted] of a U.S. person. [redacted]
[redacted] The case agent did not request an extension beyond one year, thus the [redacted] expired on [redacted]. Nor was there a request made to have the subject's name be removed from the [redacted] [redacted] when the [redacted] expired. On [redacted] the subject was referred for a secondary search at an airport because his name was in [redacted]. Although the FBI did not request a secondary search, the subject was still referred to secondary. By the time the subject reached secondary, the screeners were informed that no secondary search had been requested, resulting in the subject being allowed to proceed after a few routine questions.

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(U) This matter is being reported because of the Field Office's failure to request the removal of the subject's name from [redacted] was the "but for" cause of the questioning of the subject.

(U) We now turn to the handling of the information acquired from the secondary search. Exclusion is a remedy of judicial origin created to address violations of constitutional dimension. In addition, some statutes, such as the Foreign Intelligence Surveillance Act, provide for an exclusionary rule. In this instance, neither the Constitution nor any applicable statute has been violated and [redacted]

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(U)

~~(S)~~ Derived From: ~~FBI NSISCG 20080301~~
~~Declassify On: 06/12/2018~~

~~SECRET~~

Cardozo-IOB-134