FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/05/2009

To: General Counsel
Attn: NSLB

Cyber
Attn: SSA

From: CY-1

Contact: 

Approved By: 
Colgan Mark P
Chamberlain Robert W

Drafted By: 

Case ID #: (Pending) 

Title: 

Synopsis: REPORT OF POTENTIAL IOB MATTER

Derived From: FBI NSISCG-20080301
Declassify On: 20340805

(U) Full Investigation Initiated: 11/24/2008

SECRET/ORCON/NOFORN

Patriot Act-538
To: General Counsel
From: 
Re: 08/05/2009

(U) 1. Full Initiated: 11/24/2009
(U) 2. Case Agent: SA
(U) 3. Supervisor: SSA

(S) 5. Possible IOB error

(U) 6. Description of the error:

on at approximately

Patriot Act-539
To: General Counsel From: [Redacted]
Re: [Redacted] 08/05/2009

In addition, a co-case agent will verify final packages.
Great. Just as a quick follow-up with respect to the cases:

Status: No opinion yet by OGC/NSLB, but after reviewing it, is will almost definitely not be reported to the IOB, and in fact, is no longer considered a matter that must be reported to OGC/NSLB as a potential IOB matter. However, this type of NSL overproduction must be reported to OGC/NSLB for tracking purposes.

Status: Opinion dated 02/09/2006, 278-HQ-C1229736-VIO serial 1168, reported to the IOB.

Status: Opinion dated 09/21/2007, 278-HQ-C1229736-VIO serial 4735, not reported to the IOB.

This is exactly what I was looking for. Thank you very much for putting this together.

and searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:


Patriot Act-548
Report of potential IOB, 278-HQ-C1229736-VIO, serial 648; IOB Opinion, 278-HQ-C1229736-VIO serial 1068

2. Potential IOB Matter 2008-1178
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: no opinion by OGC/NSLB yet

Please let me know if there is any other information that you need.

From: (CTO) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: OGC (FBI); OGC (FBI)
Subject: IOB database

SECRET
RECORD 415-HQ

Hello,

I suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations or cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

Case is currently in but the authority was used when the case was in

Patriot Act-549
Case 1:10-cv-00755-RLW Document 149 Filed 03/04/11 Page 21 of 50

From: (OGC) (FBI)
Sent: Monday, September 21, 2009 1:56 PM
To: (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); b6 -1
Cc: (OGC) (FBI) b7C -1
Subject: RE: Roving Authority Issue
Attachments: 278-HQ-C1229736-VIO-8121[1].EC.WPD

Attached is the only EC from [redacted] that hit in both ACS and Sentinel searches from 4/17-present. The IOB number assigned is: IOB # 1668 and assigned to [redacted]

This communication contains privileged and confidential attorney work product/attorney client information.

From: (OGC) (FBI)
Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); OGC1 (FBI)
Cc: OGC (FBI) b7C -1
Subject: Roving Authority Issue
Importance: High

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NCT being used by our target.

[redacted] and [redacted] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

[redacted] is checking now to determine whether we had any reports from April 2009 to present.

Patriot Act-758
Case 1:10-cv-00755-RLW   Document 14-9    Filed 03/04/11   Page 24 of 50

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 04/22/2009

To: General Counsel Attn: AGC

From: CDC1

Contact:

Approved By:

Drafted By:

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

Title: REPORTING OF POTENTIAL IOB VIOLATION:
OVER COLLECTION OF FISA DERIVED INFORMATION

Synopsis: To report a potential Intelligence Oversight Board (PIOB) matter relative to the over collection of FISA derived information.

Derived From: G-1
Declassify On: 04/22/2034

Reference: 278-HQ-C1229736-VIO Serial 5693 and serial 3726.

Details: This EC advises OGC/NSLB of a PIOB violation involving the over collection of FISA derived information pursuant to an FBI Division Resident Agency (RA).

The RA case agent assigned to this investigation is SA and the SSA is

Patriot Act-761
SECRE'T//NOFORN

To: General Counsel  From:  
( U)  Re:  278-HQ-C1229736-VIO, 04/22/2009

SECRE'T//NOFORN

Patriot Act-763
To: General Counsel  From:  
Re: 278-HQ-C1229736-VIO, 04/22/2009

LEAD(s):  
Set Lead 1: (Action)

GENERAL COUNSEL
AT WASHINGTON, DC

(✓) To report a potential Intelligence Oversight Board (PIOB) matter relative to the over collection of FISA-related information.

Patriot Act-764