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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
[REDACTED] DIVISION  
IOB MATTER 2003-115 (U)

b2  
b7E

(U)

~~(S)~~ Inquiry has determined that on 07/09/03, a federal grand jury subpoena was issued in connection with a [REDACTED] criminal investigation based upon a telephone number obtained pursuant to a Pen Register and Trap and Trace device authorized by the Foreign Intelligence Surveillance Court (FISC). The federal grand jury subpoena was obtained requesting [REDACTED]

b3 FGJ

[REDACTED] The Foreign Intelligence Surveillance Act of 1978 (FISA) requires that the Attorney General approve any use of FISA-derived information in a criminal proceeding.<sup>1</sup> The Office of Intelligence Policy and Review (OIPR) of the Department of Justice (DOJ) considers the issuing of a federal grand jury subpoena based upon FISA-derived information to be the use of such information in a criminal proceeding. Since [REDACTED] actions constituted a violation of the FISA statute, this report is being made to the Intelligence Oversight Board. ~~(S)~~ (U)

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~~Derived from : G-3  
Declassify on: X1~~

DECLASSIFIED BY 65179/DHB/KSR/RB  
ON 08-20-2007

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<sup>1</sup> (U) Title 50 United States Code (U.S.C.) Section 1845(b) (pertaining to pen register or trap and trace devices) provides that "no information acquired pursuant to this subchapter shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General." (Emphasis added.)

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