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FEDERAL BUREAU OF INVESTIGATION

#1769

Precedence: ROUTINE

Date: 01/25/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB
Attn: SA

From: [Redacted]
Front Office
Contact: CDC [Redacted]

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Approved By: [Redacted]

DATE: 06-05-2007
CLASSIFIED BY: 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

Drafted By: [Redacted]

Case ID #: (U) (S) 278-HQ-C1229736-VIO - 1143 (Pending)

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Title: (U) (S) INTELLIGENCE OVERSIGHT BOARD (IOB)
TFO [Redacted]
SSA [Redacted]
[Redacted] DIVISION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) (S) Report possible Intelligence Oversight Board (IOB) violation.

(U) (S) ~~Derived From: G-3~~
~~Declassify On: X1~~

Details: (S) (U) [Redacted]

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(U) The Case Agent is [Redacted]

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b1 (S) [Redacted]
b6 [Redacted]

b7C (U) (S) The subject is a U.S. person.

(S) [Redacted]

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[Redacted]

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SC Miller

9/30/06
DAU 4/5/06

NSL VIO-362-0-24c

download
01/30/06

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[Redacted]

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[Redacted]

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[Redacted]

(S) A National Security Letter (NSL) was submitted in this investigation [Redacted]

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[Redacted]

(S) The possible violation occurred in connection with an NSL dated 11/25/2005 and its approving EC [Redacted]

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[Redacted] The NSL, which was prepared by [Redacted] Division [Redacted] sought to request toll record information for [Redacted] telephone number for the period [Redacted] telephone number, however, was inadvertently misidentified by TFO [Redacted] and telephone record information unrelated to [Redacted] was received from the telephone service provider via an EC from the [Redacted] Division dated 01/18/2006 [Redacted]

(S)

(S) The mistaken telephone records were sealed by the [Redacted] Division Chief Division Counsel (CDC) [Redacted] on 01/25/2006 and are being maintained in a secure manner in the CDC's office. The NSL dated 11/25/2005, its approving EC [Redacted]

(S)

[Redacted] and the [Redacted] responsive EC [Redacted] all which specifically referenced the incorrect telephone number, have been permanently charged out of ACS. Furthermore, neither the incorrect number nor any records received with respect to it have otherwise been uploaded into FBI databases [Redacted]

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LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/09/2006

To: [Redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
AD
Internal Inspection Section

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From: General Counsel
National Security Law Branch (NSLB)

Contact: [Redacted]

Approved By: Thomas Julie F

DATE: 06-05-2007
CLASSIFIED BY: 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

Drafted By: [Redacted]

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO (Pending) - 1262
(S) [Redacted]

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Title: (U) ~~(S)~~ TFO [Redacted]
SSA [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
IOB MATTER 2006- [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB) and to the FBI Inspection Division. OGC will prepare a cover letter and a memorandum for the Deputy General Counsel to report this matter to the IOB. Our analysis follows.

(U) ~~(S)~~ **Derived From:** G-3
Declassify On: X1

(U)

Details: (S) ~~(S)~~ As discussed in the electronic communication (EC) referenced below, [Redacted] in accordance with the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG). During the investigation of a U.S. person (as that term is used in

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(U) ~~(S)~~ EC from the [Redacted] Division, dated 01/25/2006 and titled "Intelligence Oversight Board (IOB) Matter" (hereinafter cited as [Redacted] EC).

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OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION: [Redacted]
DATE: 4/3/06
(m)

*downloaded
03/21/06
fca*

b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/09/2006
(U)

(S) Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA), [redacted] a National Security Letter (NSL) was submitted for toll records for the subject's home telephone number [redacted]

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[redacted] Due to an error on the part of the Joint Terrorism Task Force Officer working on the case, the telephone number was misidentified. Consequently, records unrelated to the subject were received. The error was quickly recognized, and the records have been sealed by the [redacted] CDC. All relevant records have been permanently charged out of the FBI's Automated Case Support system. Neither the incorrect number nor any records received with respect to the number were uploaded into FBI databases [redacted]

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board.

~~(U)~~ According to Part V of the NSIG⁴, NSLs may be issued as an authorized investigative technique when [redacted] is opened. When the FBI issues an NSL for toll records, it must certify in accordance with Title 18, U.S.C., Section 2709(b), that "the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence

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~~(U)~~ A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)"

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³ (U) [redacted] EC.
⁴ ~~(U)~~ [redacted]
[redacted]

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b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/09/2006

(U)

activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States." This means that the subject of the NSL need not be the subject of an FBI investigation but there must be "relevance" to some authorized FBI national security investigation. In this case, despite the honest mistake of the Task Force Officer, the FBI received telephone records for which no relevance existed to an authorized investigation. Therefore, we believe this matter must be reported.

(U) OGC will prepare an appropriate cover letter and memorandum for the Deputy General Counsel to report this matter to the IOB.

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/09/2006
(U) ~~(S)~~

LEAD (s)

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Set Lead 1: (Action)

[redacted]

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For action consistent with this opinion.

Set Lead 3: (Action)

INSPECTION

AT IIS, WASHINGTON, DC

(U) For action deemed appropriate.

1 - Ms. Thomas

1 - [redacted]

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NSL VIO-368

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BY COURIER

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 06-05-2007

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

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory
memorandum, entitled "Intelligence Oversight Board (IOB) Matter,
b7E [redacted] Division, IOB Matter 2006 [redacted] (U)

This memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Inspection Division. (U)

Enclosure

**UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE**

b6 1 - Mr. Hulon
1 - 278-HQ-C1229736-VIO - 1263
b7C 1 - Inspection Division (IOB 2006-[redacted]) b2
1 - [redacted]
LDK:ldk

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

~~SECRET~~

NSL VIO-369

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie F. Thomas
Deputy General Counsel

1- Honorable Alberto Gonzalez
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-370

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] DIVISION
IOB MATTER 2006-[REDACTED] (U)

(S)

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Inquiry has determined that during the investigation of a U.S. person (as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978), [REDACTED] National Security Letter (NSL) was submitted for toll records for the subject's home telephone number for [REDACTED]

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[REDACTED] Due to an error on the part of the Joint Terrorism Task Force Officer working on the case, the telephone number was misidentified. Consequently, records unrelated to the subject were received. The error was quickly recognized, and the records have been sealed by the [REDACTED] CDC. All relevant records have been permanently charged out of the FBI's Automated Case Support system. Neither the incorrect number nor any records received with respect to the number were uploaded into FBI databases [REDACTED]

(S)

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[REDACTED] When the FBI issues an NSL for toll records, it must certify in accordance with Title 18, U.S.C., Section 2709(b), that "the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States." This means that the subject of the NSL need not be the subject of an FBI investigation but there must be "relevance" to some authorized FBI national security investigation. In this case, the FBI received telephone records for which no relevance existed to an authorized investigation. Therefore, we are reporting this matter. This has also been referred to the FBI's Internal Investigations Section of the Inspection Division for action deemed appropriate. ~~AS~~

~~Derived from : C-3
Declassify on: X25-1~~

~~-X-~~

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: UC [redacted] Ext. [redacted]

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Approved By: Miller David [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 65179 dmh/ksr/gcl

Drafted By: [redacted]:kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1769

b2 OGC/IOB# 2006 [redacted]

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1262
278-HQ-C1229736-VIO Serial 1143

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Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 1/25/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted]

Ext. [redacted]

Approved By: Miller David [signature]

DECLASSIFIED BY 65179 dmh/kar/gcl
ON 06-05-2007

Drafted By: [redacted]

Case ID #: (U) 263-HQ-0-U - 218 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1769
OGC/IOB# 2006 [redacted]

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~

~~Derived From : G-3~~
~~Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1143

Reference: (U) 278-HQ-C1229736-VIO Serial 1262
278-HQ-C1229736-VIO Serial 1143

Details: (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~

NSL VIO-373

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U.S. Department of Justice
Office of the Inspector General

Washington, D.C. 20530

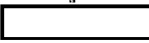
DATE: November 15, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 65179 dmh/ksr/gcl

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: 
Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009068
Subject: Unidentified

b2  Division
b7E FBI No. 263-HQ-0-U-418

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-374

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] 689-2006-009068-M

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:

Pay Plan:
EOD Date:

ZIP:
ZIP:

SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Offenses: 689

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COMPLAINANT: [redacted]

Title: ATTY
Component: FBI
Misc:
Home:
Phone:
Work:
Phone: (202)324-[redacted]
Confidential:

Pay Plan: [redacted]
EOD Date: [redacted]

ZIP:
ZIP:
Revealed:

SSNO: [redacted]
D.O.B.: [redacted]
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:

Authority: none

Details:

Information provided by the FBI reporting a possible IOB matter. As a consequence of an error on the part of the Joint Terrorism Task Force Officer working on the investigation, the FBI received unauthorized information.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 08/01/2003

TIME: [redacted]

CITY: [redacted]

State: [redacted]

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Zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 04/03/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/15/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-418

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

11/15/06- Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container.

NSL VIO-375

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/17/2005 #1772

To: Inspection
General Counsel
Counterterrorism

Attn: Internal Investigations Section
Attn: NSLB
Attn: SSA [redacted] CAU

From: [redacted]

Contact: SSA [redacted]

b2 Approved By: [redacted]

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DATE: 06-08-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-08-2032

Drafted By: [redacted]

Case ID #:

278-HQ-C1229736-VIO (Pending) - 1117

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[redacted] 66F-1516 (Pending) - 128

b7E

Title: UNSUB(S);
POTENTIAL IOB MATTER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: To report potential IOB matter as defined and directed by below referenced communication.

Reference: 66F-HQ-A1247836 Serial 172

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Administrative: Re forwarded e-mail dated 11/17/2005 from CDC [redacted] to SSA [redacted] regarding OGC's response to [redacted] question of issuing a National Security Letter from a Threat Assessment or Control file.

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Enclosure(s): Enclosed for the recipients is a five page e-mail string beginning 08/22/2005 and concluding 11/14/2005; a one page e-mail from SSA [redacted] to IA [redacted] dated 11/29/2005; a one page e-mail string between CDC [redacted] and OGC; and a one page e-mail from OGC [redacted] to SSA [redacted] dated 11/22/2005.

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Details: In referenced communication, the Inspection Division, Internal Investigations Section delineates the procedures for reporting potential IOB matters in order to facilitate the timely review, investigation and disposition of reports of intelligence activities conducted by the FBI which may have been unlawful or contrary to Executive Orders, Presidential Directives or

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CRS

[redacted]

has 01/20/06

Schiller

EM 4/5/06

- Way to cautious
[redacted] NSL VIO 376

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OGC 1.4(d)

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b2 To: Inspection From: [redacted]
b7E Re: 278-HQ-C1229736-VIO, 11/17/2005

Departmental guidelines within 14 days of the discovery of the possible violation.

b2 As directed in referenced communication the [redacted]
b7E Division is formally notifying OGC, NSLB and INSD, IIS of a potential IOB matter discovered on 11/17/2005. The [redacted] Division [redacted] has addressed each of the six notification elements below.

b2 1. The matter is not part of a substantive [redacted] case and
b7E occurred with the anticipated utilization of the [redacted]. Therefore, there is no case agent or case supervisor to be captioned in the title section of this communication.

b1 2. As noted in item number 1, there is no substantive
b2 } investigation in which the questionable activity occurred. The
b7E file number referenced in the initial e-mail which the potential violation occurred is the [redacted] control file, [redacted]

b2 3. There was no identifiable target as the lead from
b7E the [redacted] Division only provided the [redacted] Division with the telephone numbers captured on the complainants caller identification. There were no requests completed by the [redacted] or [redacted] Division for subscriber information on the telephone numbers.

4. As noted in item number 3, there was no identifiable target to determine the person's or persons' status as a U.S. person or non-U.S. person.

b1 5. The controlling legal authority pertaining to the
b2 } potential IOB matter is the Attorney General's Guidelines for FBI
b7E National Security Investigations and Foreign Intelligence Collection. [redacted] which provides investigative techniques available for usage [redacted] [redacted] discuss authorized techniques and reference [redacted] which includes NSLs.

b2 6. Referenced [redacted] 0-file communication advised the
b7E [redacted] Division of suspicious telephone calls originating in [redacted] and received by [redacted] resident, [redacted] subscribing to telephone number [redacted]. The [redacted] communication states that 2-3 weeks prior to the date (08/05/2005) of the EC, the complainant, who did not save the initial call information, received "suspicious telephone messages" (no quantity provided) possibly [redacted]

~~SECRET~~

b2 To: Inspection From: [redacted]
b7E e: 278-HQ-C1229736-VIO, 11/17/2005

b1 (S) On 08/03/2005 the complainant noted a missed call from
b6 [redacted] telephone number [redacted] No message was left.
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b7D (S) On 08/04/2005 the complainant received a message from
[redacted] telephone number [redacted] The message was in
English with what the complainant believes was an [redacted] accent

(S) [redacted]
b1 [redacted]
b6 [redacted]
b7C [redacted]
b7D [redacted]

b1 (S) [redacted]
b6 [redacted]
b7C [redacted]

(S) On 08/22/2005, upon the [redacted] receipt of the above information an [redacted] Intelligence Analyst, under the supervision of a new Supervisory Intelligence Analyst, requested, via e-mail, the CTD, Communications Analysis Unit (CAU) [redacted]

[redacted]

[redacted] CTD, CAU SSA [redacted] via e-mail on 08/22/2005, agreed [redacted]

b2 immediately and offered to run toll records as well,
b7E provided [redacted] would craft a National Security Letter (NSL) for
b1 presentation to the telephone service providers at a later date.
[redacted] IA agreed to have the tolls run also via e-mail on 08/22/2005. No further e-mail communication occurred until 08/29/2005. In this e-mail, SSA [redacted] notified the [redacted] IA she was attaching the data requested [redacted] IA responded to SSA [redacted] e-mail [redacted]

(S) [redacted] She requested this because of its apparent association with numerous FBI investigations. She also planned to "set a lead to [redacted] A copy of the e-mail string has been attached to this communication.

On 08/22/2005, [redacted] IA telephonically contacted the LCRA Squad 6 Primary Relief Supervisor (PRS) regarding the [redacted] information. The IA inferred the information was part of an ongoing substantive investigation by the [redacted] Division with a bleed over into the LCRA territory. A copy of the [redacted] communication was not immediately provided. The IA requested the PRS begin crafting a NSL requesting information on the telephone numbers identified in the [redacted] communication. During this conversation, the Squad 6 PRS was not advised the IA had already requested the numbers from CTD. Therefore, unbeknownst to the Squad 6 PRS, the request for the NSL was to substantiate her

b2 To: Inspection From: [redacted]
b7E Re: 278-HQ-C1229736-VIO, 11/17/2005

previously sent e-mail request to CTD, CAU. The Squad 6 PRS agreed to review and assign the lead to a Squad 6 SA who would assess the information and if deemed appropriate issue a NSL.

b2 Upon receipt of the actual [redacted] communication, the Squad 6 PRS observed the communication was written from a 315-0 file and did not merit the immediate crafting of a NSL. The Squad 6 PRS immediately communicated this to the Squad 6 SA assigned to review the matter and [redacted] IA.

The Squad 6 SA assigned to this matter treated the "discretionary action" lead as [redacted] and conducted a thorough review of the facts to determine if cause existed to initiate [redacted]. He found no such cause. The Squad 6 SA's review included attempting to validate the

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[redacted]

b2 When the IA again requested the Squad 6 SA produce a NSL, the IA was advised there was not sufficient predication to justify the initiation [redacted] which is a mandated prerequisite. The IA was also advised by the Squad 6 SSA, via e-mail dated 08/29/2005, of the lack of predication necessary to initiate [redacted] and therefore a NSL. The IA contended [redacted] was justified because the toll records, produced by CTD, CAU and received by [redacted] IA, included [redacted] [redacted] (as noted above in the summary of e-mail communications) which was associated with numerous FBI investigations. The lead agent determined this to be false as proven by [redacted]. The telephone number believed by the IA to be [redacted] was in fact an [redacted]. This information (S) was also conveyed to the IA. It should be noted the information received by the [redacted] IA from CTD CAU was forwarded to the Squad 6 SA who did not utilize it in furtherance of his assessment and destroyed the information.

b1 Upon receipt of a follow-up e-mail dated 11/10/2005, (S)b2 from CTD SSA [redacted] providing verbiage for and requesting a NSL for the telephone number information provided to [redacted] IA in August 2005, it was again determined predication did not exist to warrant [redacted]. In consideration of CTD's b7E commitment to the telephone companies to provide legal means for obtaining the information, [redacted] Division considered issuing a b6 NSL from the division [redacted] control file, [redacted] b7C [redacted] which was the file number provided to CTD on the IA's initial request.

~~SECRET~~

b2 To: Inspection From: [REDACTED]
b7E Re: 278-HQ-C1229736-VIO, 11/17/2005

On 11/17/2005, [REDACTED] CDC received official guidance from OGC stating a NSL could not be issued from [REDACTED] file or a control file unless prior approval was received. Inasmuch as [REDACTED] did not request nor receive prior approval to issue a NSL from [REDACTED] file and did not initiate [REDACTED] [REDACTED] has no means of issuing an NSL for the information received from CTD, CAU.

~~SECRET~~

~~SECRET~~

b2
b7E To: Inspection From:
Re: 278-HQ-C1229736-VIO, 11/17/2005

LEAD(s):

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

For whatever action is deemed necessary.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

For whatever action is deemed necessary.

Set Lead 3: (Info)

COUNTERTERRORISM

AT COMMUNICATIONS ANALYSIS UNIT

For informational purposes only.

◆◆

~~SECRET~~

[Redacted] (FBI)

b6
b7C From: [Redacted] (FBI) DATE: 06-08-2007
b2 Sent: Monday, November 14, 2005 12:50 PM CLASSIFIED BY 65179 dah/ksj/gcl
b7E To: [Redacted] (FBI) REASON: 1.4 (c)
b1 Cc: [Redacted] (FBI) DECLASSIFY ON: 06-08-2032

Subject: FW: HOT CALL [Redacted] - Follow-Up
Importance: High

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[Redacted]

I talked with [Redacted] for a second time regarding this Zero lead from [Redacted]. I completely agree with [Redacted] that this does not merit further investigation (it probably didn't merit the attention that it has already received). [Redacted] forwarded the below text to me so that I'd be fully informed.

b6 I have no intention of opening [Redacted] to justify an over-zealous request from [Redacted] for action by FBIHQ. To do so would only justify [Redacted] policy of acting unilaterally, rather than consulting the appropriate and affected agent (s) involved.

b2
b7E [Redacted] has suggested a follow-up interview with one individual in [Redacted]. I will attempt that on my next trip there and if any interview is conducted, I will report it via our [Redacted] file with a lead for review by [Redacted]. I understand from [Redacted] that you are in agreement.

Thank you,

[Redacted]

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

(S) From: [Redacted] (FBI)
Sent: Monday, November 14, 2005 10:34 AM
To: [Redacted] (FBI)
Subject: FW: HOT CALL [Redacted] Follow-Up
Importance: High

b6
b7C
b2
b7E
b1

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

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

(S) From: [Redacted] (CTD) (CON)
Sent: Thursday, November 10, 2005 3:14 PM
To: [Redacted] (FBI)
Cc: [Redacted] (FBI); [Redacted] (CTD) FBI
Subject: RE: HOT CALL [Redacted] Follow-Up
Importance: High

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

NSL VIO-382

Good afternoon,

I am working to clear this matter off my desk, and I still haven't received the NSL mentioned in the email chain below. As you requested, we provided toll records for the following numbers:

(S) [redacted] We provided all records available
[redacted] Please craft an NSL with the following verbiage:

....."Please provide any and all available information/call detail records to include:

(S) [redacted]

[redacted]

b4
b7D
b6
b7C
b2
b7E
b6
b7C
b1

Address the subpoena/NSL to the following name and address:

(S) [redacted]

b4
b7D
b2
b6
b7C

Additionally, please make sure to forward the signed, hard copy of the NSL directly to me via Bu Mail (HQ-CAU, Rm 4315). I need to deliver the hardcopy directly to our [redacted] reps personally.

Please contact me at 202-[redacted] if you have any questions. I would like to resolve this issue as soon as possible, as it puts our commercial carriers in a difficult position to be waiting on paperwork for long periods of time.

Thank you for your prompt attention to this matter,

[redacted]

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

From: [redacted] (FBI)
Sent: Monday, August 29, 2005 2:44 PM
To: [redacted] (CTD) (CON)
Cc: [redacted] (FBI)
Subject: RE: HOT CALL [redacted] - Follow-Up

(S)

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

(S) Hi [redacted] Is telephone number [redacted]
[redacted] this way. I could set a lead to [redacted]
[redacted]

b6
b7C
b2
b7E
b1
b4
b7D

NSL VIO-383

b2
b7E

Please run [redacted]

P.S. I spoke to the Supervisor re NSL letter, and he is working on one as promised.

Thank you

(S) -----Original Message-----
From: [redacted] (CTD) (CON)
Sent: Monday, August 29, 2005 8:04 AM
To: [redacted] (FBI)
Subject: RE: HOT CALL [redacted]

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

b6
b7C
b1
b4
b7D
b2
b7E

[redacted]
As per our conversation last week, I am attaching the data [redacted]
[redacted] Unfortunately, we're swamped here and I haven't had time to manipulate the
data and "pretty it up" for you. However, it's in the proper format for you to do your own
manipulations. I am also attaching [redacted] for your review. Please make sure to
follow the restrictive caveats [redacted]

As we discussed last week, I'll need an NSL from you to cover [redacted] for the tolls they
provided.

Thanks,
[redacted]
202 [redacted]

(S)
b6
b7C
b2
b7E
b1

-----Original Message-----
From: [redacted] (FBI)
Sent: Monday, August 22, 2005 1:48 PM
To: [redacted] (CTD) (CON)
Cc: [redacted] (FBI)
Subject: RE: HOT CALL [redacted]

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

Yes - If anything comes up - will do.

(S) -----Original Message-----
From: [redacted] (CTD) (CON)
Sent: Monday, August 22, 2005 11:23 AM
To: [redacted] (FBI)
Subject: RE: HOT CALL [redacted]

b6
b7C
b2
b7E
b1

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

[redacted]
I'll run those numbers immediately. Are you interested in having tolls run as
well? If something comes up, all I need to know is that you'll be able to provide
an NSL down the road to cover the books.

NSL VIO-384

b6
b7C

[Redacted]

(S)

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

From: [Redacted] (FBI)
Sent: Monday, August 22, 2005 12:45 PM
To: [Redacted] (CTD) (FBI); [Redacted] (CTD)
(CON)
Cc: [Redacted] (FBI)
Subject: HOT CALL [Redacted]

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

H [Redacted]

[Redacted] left a message for both of you to call me back. Either you or
[Redacted] please run the below listed numbers:

b6
b7C
b2
b7E
b1

[Redacted]

(S)

Thank you.

[Redacted]

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

NSL VIO-385

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

[Redacted] (FBI)

From: [Redacted] (FBI)

Sent: Monday, August 29, 2005 2:50 PM

To: [Redacted] (FBI)

Subject: NSL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 65179 dmh/kxl/gcl

b6
b7C
b2
b7E

UNCLASSIFIED
NON-RECORD

[Redacted]

I sat with [Redacted] and discussed [Redacted] and the NSL. We are having difficulty finding the predication for [Redacted]. It appears [Redacted] had the right idea sending it to a 0-file. If there is something there [Redacted] is the person to find it. If not, we won't have the requisite predication to initiate [Redacted].

I reviewed [Redacted]
[Redacted] We'll continue to dig
and let you know what we come up with. [Redacted]

UNCLASSIFIED

[Redacted] (FBI)

From: b6 [Redacted] (FBI)
Sent: b7C Thursday, November 17, 2005 4:10 PM
To: b2 [Redacted] (FBI)
Subject: b7E FW: NSL question

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

The word from the NSL guru...

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, November 17, 2005 2:08 PM
To: [Redacted] (FBI)
Subject: RE: NSL question

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 65179 dmh/kar/gel

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

b5
b2
b7E
b6
b7C

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

From: [Redacted] (FBI)
Sent: Wednesday, November 16, 2005 5:36 PM
To: [Redacted] (OGC) (FBI)
Subject: NSL question

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hi, [Redacted] I have an NSL question, and was hoping I could trouble you for a little guidance.

[Redacted]

b6
b7C
b2
b7E
b5

The IA was [Redacted] she tended to do pretty much what she wanted, in spite of the agent's input.

b6
b7C

Thanks. Sorry to waste your time. I know you are busy.

[Redacted]
CDC, [Redacted]
[Redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-388

[Redacted]

(FBI)

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, November 22, 2005 11:19 AM
To: [Redacted] (FBI)
Subject: RE: NSL question

b6
b7C
b2
b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 65179 gah/kex/gcl

UNCLASSIFIED
NON-RECORD

[Redacted]

b5
b2
b7E

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

From: [Redacted] (FBI)
Sent: Tuesday, November 22, 2005 10:15 AM
To: [Redacted] (OGC) (FBI)
Subject: NSL question

b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted]

[Redacted]

b6
b7C
b2
b7E
b5

SSA [Redacted]
[Redacted]

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/21/2006

To: Inspection
Counterterrorism
[Redacted]

Attn: Internal Investigations
Attn: AD
Attn: SAC/CI
CDC

From: General Counsel
Counterterrorism LX 1 Room 3S100
Contact: [Redacted]

Approved By: Thomas Julie F
[Redacted]

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) . 12-69
(S) [Redacted]

Title: (U) ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
IOB 2006- [Redacted]

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

Details: (U) ~~(S)~~ The foregoing information was obtained from an EC drafted by SSA [Redacted] on 11/17/04 (see 278-HQ-C1229736, serial 1117).

(U) ~~(S)~~ On August 8, 2003, a complainant [Redacted] subscriber to [Redacted] noticed a missed phone call [Redacted]. No message was left. On August 4, 2005, the complainant received a second call from [Redacted] number [Redacted] and the caller this time left a message. The message was in English but complainant detected an [Redacted] accent. The message stated [Redacted]

~~Derived From : G-3
Declassify On: X1
SECRET~~

OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION: [Redacted]

DATE: 4/3/06
[Signature]

b6
b7C

*Downloaded
3/21/06 10:15*

To: Inspection From: General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/21/2006

(S) [redacted]
b1 [redacted] As a result, complainant notified the [redacted] division
b2 who created an O file. [redacted] then sent a lead to the
b7E [redacted] Division [redacted] opened it as [redacted]
with the phone number communication.

(U) ~~(S)~~ On August 22, 2005, the [redacted]
[redacted] received the communication and [redacted] Intelligence Analyst
(IA) under the supervision of the Supervisory Intelligence
Analyst (SIA) requested, via e-mail, that the Communications
Analysis Unit (CAU), run [redacted] numbers [redacted]
[redacted] numbers included [redacted] numbers captured by
b2 the complainant's Caller ID and the number of the complainant's
b7E cellular telephone. Via E-mail, the CAU SSA responded that she
would run the numbers and also offered to obtain toll records.
The SSA of CAU stated that she could procure toll records only if
[redacted] would draft National Security Letters (NSLs) for presentation
to the telephone service providers soon thereafter. On that same
day, the [redacted] IA agreed, via e-mail, to request the tolls be run
and to obtain the NSLs.

(U) ~~(S)~~ Later, on August 22, 2005, the IA contacted the LCRA
Squad Primary Relief Supervisor (PRS) and requested that they
begin crafting the NSLs. According to the PRS, the IA inferred
b2 that the information was part of an ongoing substantive
b7E investigation by the [redacted] division with a bleed over into the
LCRA territory. At that time, an actual copy of the [redacted]
communication was not provided. The PRS was not told nor was he
aware that the NSL was to substantiate the IA's earlier request
for toll records from CAU. The PRS agreed to assign the NSL
request.

(U) ~~(S)~~ The PRS assigned an agent to review the case. The case
agent found that the [redacted] communication was from a 315 0 file
which would not authorize the issuance of an NSL. The assigned
special agent treated the "discretionary action" lead as [redacted]
[redacted] and conducted a thorough review to determine whether
there was enough information to warrant [redacted]
[redacted] The agent's review included [redacted]

(S) [redacted]
b1 [redacted]
b2 [redacted]
b7E [redacted]
b7D [redacted]

To: Inspection From: General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/21/2006

(U) ~~(S)~~ On August 29, 2005, the CAU SSA notified the [] IA that she had received and was sending the results for the requested information. After receiving the toll records, the [] IA then requested CAU SSA to []

(S) [] The IA requested this further information because one of the numbers had an apparent association with numerous FBI investigations. The IA asked [] SA for the NSL. On August 29, 2005, the [] SA advised the [] IA that there was not a sufficient predication [] which would be a necessary prerequisite for obtaining an NSL. Without the information from the toll records, which should not have been obtained, there was not enough information to justify [] The IA, in reply, contended that [] was justified because the toll records produced by CAU [] possible pay phone number that had been associated with numerous FBI investigations. The SA reported to the IA []

b1
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b7E
b6
b7C

(S) [] All of this CAU information was forwarded to the special agent who later destroyed it.

(U) ~~(S)~~ On November 10, 2005, the SSA from CAU again requested an NSL for the information that CAU had provided in August. On November 14, 2005, [] agent confirmed that he was not to open [] "to justify an overzealous request from our [] for action by FBIHQ. To do so would only justify [] policy of acting unilaterally rather than consulting the appropriate affected agent(s) involved."¹ On November 17, 2005, NSLB directed [] that an NSL could not be issued from [] file.

b2
b7E

(U) ~~(S)~~ Pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2709, the FBI can issue National Security Letters (NSLs) for: (1) telephone subscriber information (limited to name, address, and length of service); (2) telephone local and long distance toll billing records; and (3) electronic communication transactional records. The FBI is authorized to request an NSL in []
[] The FBI is not authorized to request an NSL for toll records in []³

b2
b7E

¹See E-mail from [] to [] dated November 14, 2005.

²See Attorney General Guidelines, []

³See Attorney General Guidelines, []

b6
b7C
b1

~~SECRET~~

To: Inspection From: General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/21/2006

(U) ~~(S)~~ Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709, [redacted] requested and received subscriber and toll billing records for a phone number that originated from a [redacted] Lead. At the time the [redacted] IA requested the telephone information, neither the [redacted] division nor the assigned [redacted] agent had opened [redacted] investigation. Pursuant to the Attorney General Guidelines, the toll records should not have been obtained because there was no authority to issue an NSL [redacted]

b2
b7E

(U) Section 2.4 of Executive Order 12863 (September 13, 1993, 58 F.R. 48441) requires Inspectors General and General Counsel of the Intelligence Community, including the FBI, to report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language has been interpreted to mandate the reporting of any violation of law or pertinent Attorney General guidelines that are specifically intended to ensure the protection of the individual rights of U.S. persons.

(U) ~~(S)~~ In this case, [redacted] requested toll records representing that it would provide an NSL for the records, and the toll records were provided. An NSL was never authorized or issued because no [redacted] investigation was pending. This action resulted in an ECPA violation and must be reported to the IOB. Consequently, OGC will prepare a cover letter and memorandum to report this matter to the IOB.

b2
b7E

~~SECRET~~

~~SECRET~~

To: Inspection From: General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/21/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Please read and clear.

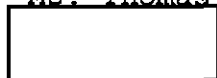
Set Lead 3: (Action)

b2
b7E



(U) For action deemed appropriate.

CC: Ms. Thomas



IOB Library

b6
b7C

◆◆

~~SECRET~~

March 21, 2006

BY COURIER

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

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure, entitled "Possible Intelligence Oversight Board Matter."

This enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted.
(U)

Enclosure

1 - Ms. Thomas
1 - SSA
1 - Ms.
1 - 278-HQ-C1229736-VIO

b6
b7C

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived From: G-3~~
~~Declassify On: X1~~

1270

~~SECRET~~

NSL VIO-395

~~SECRET~~

Mr. Stephan Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James Baker
Counsel for Intelligence Policy, OIPR
U.S. Department of Justice

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2 [redacted] DIVISION
b7E IOB MATTER 2006- [redacted] (U)

(U) ~~(S)~~ By electronic communication (EC) dated October 5, 2005
the [redacted] Division [redacted] reported a potential IOB involving
a National Security Letter (NSL) requested by [redacted] in a
[redacted] case.

b2
b7E

~~(S)~~ On August 8, 2003, a complainant [redacted] subscriber
[redacted] noticed a missed phone call
(S) from [redacted] number [redacted]. No message was left.
On August 4, 2005, the complainant received a second call from
b2 (S) another [redacted] number [redacted] and the caller this time
b7E (S) left a message. The message was in English but complainant
b7D (S) detected an [redacted] accent. The message stated [redacted]

b1
b2
b7E
b7D
b6
b7C(S)

[redacted] As a result,
complainant notified the [redacted] division who created an O file.
[redacted] then sent a lead to the [redacted] Division [redacted]
opened it [redacted] with the phone number
communication.

~~(S)~~ On August 22, 2005, [redacted]
[redacted] received the communication and the [redacted] Intelligence Analyst
(IA) under the supervision of the Supervisory Intelligence
Analyst (SIA) requested, via e-mail, that the Communications
Analysis Unit (CAU), run [redacted] numbers [redacted]
[redacted] numbers included the [redacted] numbers [redacted]

b1
b7D
b6
b7C
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b7E

[redacted] Via E-mail, the CAU SSA responded that she
would run the numbers and also offered to obtain toll records.
The SSA of CAU stated that she could procure toll records only if
[redacted] would draft National Security Letters (NSLs) for presentation
to the telephone service providers soon thereafter. On that same
day, the [redacted] IA agreed, via e-mail, to request the tolls be run
and to obtain the NSLs.

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

~~SECRET~~

(U)

~~(S)~~ Later, on August 22, 2005, the IA contacted the LCRA Squad Primary Relief Supervisor (PRS) and requested that they begin crafting the NSLs. According to the PRS, the IA inferred that the information was part of an ongoing substantive investigation by the [redacted] division with a bleed over into the LCRA territory. At that time, an actual copy of the [redacted] communication was not provided. The PRS was not told nor was he aware that the NSL was to substantiate the IA's earlier request for toll records from CAU. The PRS agreed to assign the NSL request.

b2
b7E

~~(S)~~ The PRS assigned an agent to review the case. The case agent found that the [redacted] communication was from a 315 0 file which would not authorize the issuance of an NSL. The assigned special agent treated the "discretionary action" lead as [redacted] and conducted a thorough review to determine whether there was enough information to warrant opening [redacted]. The agent's review included [redacted].

(S)

~~(S)~~ On August 29, 2005, the CAU SSA notified the [redacted] IA that she had received and was sending the results for the requested information. After reviewing the toll records, the [redacted] IA then requested CAU SSA to [redacted].

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b7D
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b7E

(S) [redacted] The IA requested this further information because one of the numbers had an apparent association with numerous FBI investigations. The IA asked [redacted] SA for the NSL. On August 29, 2005, the [redacted] SA advised the [redacted] IA that there was not a sufficient predication [redacted] which would be a necessary prerequisite for obtaining an NSL. Without the information from the toll records, which should not have been obtained, there was not enough information to justify opening [redacted]. The IA, in reply, contended that [redacted] was justified because the toll records produced by CAU involved a possible pay phone number that had been associated with numerous FBI investigations. The SA reported to the IA that he had [redacted].

(S)

[redacted] and determined [redacted]. All of this CAU information was [redacted].

~~SECRET~~

NSL VIO-398

~~SECRET~~

forwarded to the special agent who later destroyed it.

(U) ~~(S)~~ On November 10, 2005, the SSA from CAU again requested an NSL for the information that CAU had provided in August. On November 14, 2005, the [] agent confirmed that he was not to open [] "to justify an overzealous request from [] for action by FBIHQ. To do so would only justify [] policy of acting unilaterally rather than consulting the appropriate affected agent(s) involved."¹ On November 17, 2005, NSLB directed [] that an NSL could not be issued from [] file.

b2
b7E

(U) The error is a reportable matter under Section 2.4 of Executive Order 12863.

b6
b7C

¹See E-mail from [] to [] dated November 14, 2005.

~~SECRET~~

NSL VIO-399

~~SECRET~~

~~SECRET~~

NSL VIO-400

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: UC [REDACTED]

Approved By: Miller David *DM*

Drafted By: [REDACTED]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1772

b2 OGC/IOB# 2006-[REDACTED]

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1269
278-HQ-C1229736-VIO Serial 1117

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 11/17/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆

~~SECRET~~

DECLASSIFIED BY 65179 dmh/kar/gcl
ON 06-08-2007

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [Redacted]

b2
b7E
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Approved By: Miller David [Signature]

Drafted By: [Redacted]

✓ Case ID #: (U) 263-HQ-0-U - 419 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1772
OGC/IOB# 2006 [Redacted]

b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

~~(U) (S)~~ . ~~Derived From : G-3~~
~~Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1117

Reference: (U) 278-HQ-C1229736-VIO Serial 1269
278-HQ-C1229736-VIO Serial 1117

b2
b7E

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

◆◆

~~SECRET~~

NSL VIO-402



U.S. Department of Justice


Office of the Inspector General

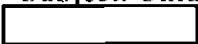
Washington, D. C. 20530

DATE: November 15, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179 dmh/ker/gcl

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: 
Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009071
Subject: Unidentified
 Division
FBI No. 263 -0-U-419

b2
b7E

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted]-689-2006-009071-M

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:

Pay Plan:
EOD Date:
ZIP:
ZIP:

SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
R.O.P.No.:
D/L No.: b2
Offenses: 689 b6
b7C

COMPLAINANT: [redacted]

Title: ATTY
Component: FBI
Misc:
Home:
Phone: () -
Work: , ,
Phone: (202) [redacted]
Confidential: [redacted]

Pay Plan:
EOD Date:
ZIP:
ZIP:
Revealed:

SSNO: [redacted]
D.O.B.: [redacted]
Alien No.: [redacted]
F.B.I.No.: [redacted]
B.O.P.No.: [redacted]
D/L No.:
Authority: none

Details:

The FBI provided information reporting a possible IOB matter involving the collection of unauthorized information.

ED [redacted] requested and received phone records representing that they would provide a National Security Letter (NSL) in the near future.

As no [redacted] investigation was pending, an NSL was never authorized or issued. The records should not have been obtained since there was no authority to issue the NSL.

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ALLEGATIONS: 689 IOB Violation

Occurrence Date: 04/08/2005

TIME: [redacted]

CITY: [redacted]

State: [redacted]

Zip:

DISPOSITION DATA: Disposition: M Date: 09/04/2003 Approval: POWELL, GLENN G
SPC

Referred to Agency: FBI Date Sent: 11/15/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-J-419

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Predicating material contains classified information and will be maintained in a secure container within OIG/INV/HQ.

11/20/06- Sent to AD Kaiser/FBI (NSL) (tap)

NSL VIO-404

~~SECRET/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

#1796
b2

Precedence: ROUTINE

Date: 02/14/2006 ^{Sec 6}

To: General Counsel

Attn: National Security Law Branch

Inspection Division

Attn: Inspection Management Unit

Attn: CDC

From:

Contact:

b2 Approved By:

b7E

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b7C

Drafted By:

DATE: 06-08-2007
CLASSIFIED BY 65179 dmb/kxz/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-08-2032

Case ID #: (U) (S) 278-HQ-C1229736-VIO - 1159

(U) (S) 278--C63856-VIO - 10

Title: (U) (S) SSA

SA

Division

Potential IOB Matter

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis (U) (S) Notification to the Office of General Counsel and the Inspection Division of possible Intelligence Oversight Board violation regarding an investigation at

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(U) (S)

~~Derived From : G-3
Declassify On: 01/25/2031~~

Reference: (S)

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Administrative: is cognizant of the fact that potential IOB violations are to be reported to FBIHQ within 14 days. This matter was discovered on January 9, and the Office of general Counsel notified via electronic mail on January 26, however, the relocation of the office interrupted the immediate dissemination of this communication.

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Details: (S) received banking records pursuant to an NSL submitted

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~~SECRET/NOFORN~~

[Handwritten signature]

clear 2/23/06

260-0-0-152 NSL VIO-405

b6
b7C

[Handwritten initials]

b2 To: General Counsel From: [redacted]
b7E Re: 278-HQ-c1229736-VIO , 02/14/2006

(S)

[redacted]

b1 [redacted]
b4 [redacted]

b7D Upon reviewing the documents
b2 provided by [redacted] however [redacted] learned that the material
b7E received was that of an individual bearing the same name as
captioned subject, but a different person altogether.

b6 (U) ~~(S)~~ No data regarding the financial records received
b7C in error was uploaded into FBI indices nor any other
b2 investigative database. The above mentioned bank records will be
b7E sealed and maintained by the [redacted] Division Chief Division
(S) Counsel. [redacted] Division will advise [redacted] of the error.

b7D

b2 To: General Counsel From: [redacted]
b7E Re: 278-HQ-c1229736-VIO , 02/14/2006

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ The information in this communication is provided to the Office of the General Counsel, National Security Law Branch to fulfill notification requirements to the Office of Intelligence Policy Review, which this incident might necessitate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Provide guidance to [redacted] with regards to contacting [redacted] to advise of the administrative error which led to this potential IOB.

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Set Lead 3: (Info)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) ~~(S)~~ Information provided for information only.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/27/06

To: Director's Office

Attn: OPR



Attn: CDC

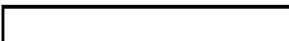
From: General Counsel

National Security Affairs/Room 7947

Contact: Julie F. Thomas

DATE: 06-05-2007
CLASSIFIED BY 65179 dmh/kar/gel
REASON: 1.4 (3)
DECLASSIFY ON: 06-05-2032

Approved By: Thomas Julie F



Drafted By:



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO-1229

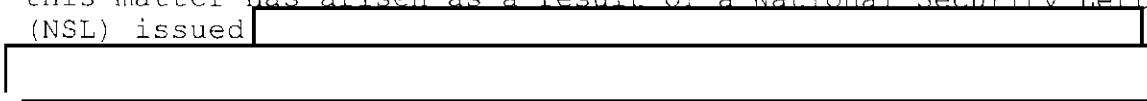
Title: (U) ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2006-

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above-referenced matter must be reported to the IOB and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

(U) ~~Derived from : G-3
Declassify On: X1~~

Reference: (U) ~~(S)~~ 278-HQ-C1229736-VIO-1159

Details: ~~(S)~~ As noted in the electronic communication (EC), this matter has arisen as a result of a National Security Letter (NSL) issued



~~SECRET~~

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OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION:

DATE: 3/27/06

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circumstances have changed

~~SECRET~~

b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 2/27/2006

~~(U)~~

b1
b4 (S) As part of this investigation, an NSL dated
b7D 1/9/2006 was issued [redacted]
b6 [redacted] for financial records pertaining to the subject. [redacted]

b7C [redacted]
b2
b7E (S) Upon reviewing the documents provided by [redacted] in
b1 response to the NSL, [redacted] learned that the material provided by
b7I(S) [redacted] was that of a completely different individual, bearing
b4 the same name. This unrelated person may be a United States
b2 person.

b7E (S) No data regarding the financial records received in
b4 error was uploaded into FBI indices nor any other investigative
(S) b7D database. The Chief Division Counsel has sealed these documents
b1 and will maintain them. [redacted] will be notified of their error.

b4 (S) As required by Executive Order (E.O.) 12863 and
b7D Section 2-56 of the National Foreign Intelligence Program Manual
b1 (NFIPM), OGC was tasked to determine whether the erroneous
production by [redacted] of financial records unrelated to the
subject of the NSL is a matter which must be reported to the IOB.
It is.

~~(U)~~ ~~(S)~~ Section 2.4 of E.O. 12863, dated 9/13/1993,
mandates that Inspectors General and General Counsel of the
Intelligence Community components (in the FBI, the Assistant
Director, Inspection Division, and the General Counsel, OGC,
respectively) report to the IOB all information "concerning
intelligence activities that they have reason to believe may be
unlawful or contrary to Executive Order or Presidential
directive." In this instance, the erroneous production by US
Bank of financial records concerning an individual who may be a
United States person, was done without the authorization required
by law. Consequently, in accordance with E.O. 12863 and Section
2-56 of the NFIPM, the error must be reported to the IOB, which
this Office will do.

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 2/27/2006
(U)

Set Lead 1: (Action)

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[redacted]

If not already done so, sequester the documents at issue with the CDC and await further instructions regarding disposition by NSLB.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

b6 1 - Ms. Thomas
b7C 1 - [redacted] (Acting UC)
1 - [redacted]
1 - IOB Library

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~~SECRET~~

DECLASSIFIED BY 65179 dmh/kxr/gcl
ON 06-05-2007

BY COURIER

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

Dear Mr. Friedman:

b2 This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2006 [] (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIO-1230

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived from: Multiple Sources~~
~~Declassify on: February 27, 2031~~

~~SECRET~~

NSL VIO-411

10/11/06 08:10/16

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker III
Counsel for Intelligence Policy and Review
U.S. Department of Justice
Room 6000

~~SECRET~~

~~SECRET~~

DATE: 06-05-2007
CLASSIFIED BY: 65179 dah/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b2 [redacted] FIELD OFFICE
b7E IOB MATTER 2006 [redacted] (S)

~~(S)~~ The [redacted] Field Office of the Federal Bureau of Investigation has reported an error in conjunction with that division's [redacted] In this regard, in response to a National Security Letter (NSL) to [redacted] [redacted] erroneously provided financial records which were unrelated to the subject of the NSL, which were associated with a [redacted] customer who may be a United States person.

(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

~~Derived from: G-3
Declassify on: 25X1~~

SECRET

~~SECRET~~

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b7E(S)
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b7E(S)
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(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: [REDACTED]

Approved By: Miller David *DM*

Drafted By: [REDACTED]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1796

b2

OGC/IOB# 2006-[REDACTED]

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1159
278-[REDACTED]-C63856-VIO Serial 10

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 2/14/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: [Redacted]

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Approved By: Miller David *DM*

DECLASSIFIED BY 65179 dmh/kaz/gcl
ON 06-05-2007

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 420 (Pending)

b2

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1796
OGC/IOB# 2006 [Redacted]

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~ ~~Derived From: G-3~~
~~Declassify On: XI~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1159

Reference: (U) 278-HQ-C1229736-VIO Serial 1229
278-HQ-C1229736-VIO Serial 1159
278 [Redacted]-C63856-VIO Serial 10

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Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

◆◆

~~SECRET~~




U.S. Department of Justice
Office of the Inspector General

Washington, D.C. 20530

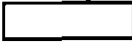
DATE: November 15, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 55179 dmh/kar/gsl

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: 
Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009072
Subject: Unidentified

b2  Division
b7E FBI No. 263-HQ-0-U-420

We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.

This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.

This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-416

OIG - INVESTIGATIONS DIVISION - Complaint Form

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: Unidentified, FBI
Title: UNID Pay Plan: SSNO:
Component: FBI EOD Date: D.O.B.:
Misc: Alien No.:
Home: F.B.I.No.: b2
Phone: ZIP: B.O.P.No.: b6
Work: ZIP: D/L No.: b7C
Phone: ZIP: Offenses: 689

COMPLAINANT: Thomas, Julie F
Title: EXECG Pay Plan: [redacted] SSNO: [redacted]
Component: FBI EOD Date: [redacted] D.O.B.: [redacted]
Misc: [redacted] Alien No.: [redacted]
Home: [redacted] F.B.I.No.: [redacted]
Phone: () - ZIP: [redacted] B.O.P.No.: [redacted]
Work: , , ZIP: [redacted] D/L No.: [redacted]
Phone: (202) [redacted] ZIP: [redacted] Authority: none
Confidential: [redacted] Revealed:

Details:
The FBI provided information reporting a possible IOB matter regarding the collection of unauthorized information. FBI [redacted] issued a National Security Letter (NSL) to a financial institution for the financial records pertaining to the target of the investigation. As a consequence of an error on the part of the financial institution, the FBI erroneously received unauthorized information.
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b7E

ALLEGATIONS: 689 IOB Violation
Occurrence Date: 01/09/2006 TIME:
CITY: [redacted] State: Zip:

DISPOSITION DATA: Disposition: M Date: 03/27/2006 Approval: POWELL, GLENN G
Referred to Agency: FBI Date Sent: 11/15/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-C-U-420
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:
11/15/06- Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container.

NSL VIO-417

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 01/20/2006

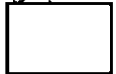
Date: 01/16/2006

#1804

To: General Counsel

Attn: NSLB

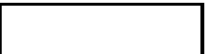
b2



Inspection Division

Attn: Internal Investigations

From:



SAC Square

Contact:



Approved By:



DATE: 06-05-2007
CLASSIFIED BY 65179 dmh/kst/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

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Drafted By:

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

278 [redacted] C71404

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: SA [redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION
[redacted] DIVISION

17-1

Synopsis: Report of IOB violation for [redacted] Division.

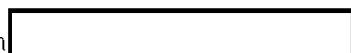
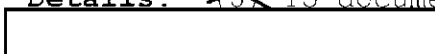
Reference: 278-HQ-C1229736 Serial 355
278-HQ-C1229736 Serial 1347
66F-HQ-A1247863 Serial 149
66F-HQ-A1247863 Serial 172

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(S)



Details: ~~TO~~ To document overproduction from [redacted] in response to an NSL.



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(S) On 10/04/2005, a National Security Letter (NSL) was drafted and approved [redacted]

[redacted] requesting subscriber and transactional records for email account [redacted]



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~~SECRET~~

[Handwritten signature] 4/5/06



4/6/06

NSL VIO-418

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b7C

me d 02/27/06 kaw

~~SECRET~~

To: General Counsel From: [redacted]
Re: SA [redacted] 278-HQ-C1229736-VI, 01/16/2006

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(S) ~~(S)~~ [redacted] subsequently provided one CD which contained information requested by [redacted] FBI for two separate email accounts. It was also determined that the CD contained full email content for both accounts. Corrective action was taken by SA [redacted] on advice from CDC [redacted] and SSA [redacted] as detailed in serial [redacted]. On 12/1/2005, SSA [redacted] also contacted [redacted] and advised him of the overproduction and requested he verify compliance with the limits of National Security Letters.

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(S) On or about 12/5/2005, an NSL addressed to [redacted] [redacted] requesting subscriber and transactional records for email account [redacted] was reissued for administrative purity and served for the second time.

b1
b7D
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(S) ~~(S)~~ On 01/03/2005, [redacted] provided one CD to the FBI [redacted] Office. Upon returning to the office, it was determined that information from multiple NSLs from FBI [redacted] Office was again included on one CD.

b2
b7E
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b7D

(S) ~~(S)~~ On 01/04/2005, SA [redacted] took the CD [redacted] and had the information separated. A duplicate of the original CD was produced as well as two working copies of information [redacted].

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(S) ~~(S)~~ On 01/06/2006, FBI [redacted] reviewed the contents of the original CD and determined that despite an NSL request only for transactional records, full email content was again provided by [redacted].

b7E
b2
b7E
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b7D

(S) ~~(S)~~ Corrective action was taken by SA [redacted] as previously determined after reviewing an email dated 11/22/2005, from Office of General Counsel (OGC) [redacted] to ALL FBI CDC's regarding improper NSL collection. The email instructs the recipient to seal and sequester (within the office) the information and have the information removed from ACS [redacted] (provided that any was uploaded). The original CD from [redacted] and all copies were placed in a [redacted] envelope and sealed and will be preserved in the [redacted] case file.

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b7C
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~~SECRET~~

NSL VIO-419

~~SECRET~~

b2 To: General Counsel From: [REDACTED]
b7E Re: SA [REDACTED] 278-HQ-C1229736-VI, 01/16/2006

b6
b7C LEAD (s) :

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

◆◆

~~SECRET~~

NSL VIO-420

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2006

To: [Redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
Attn: AD DATE: 06-12-2007
Attn: IIS CLASSIFIED BY 65179 dmh/ksj/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

From: General Counsel
Counterterrorism Law Unit I/LX-1 3S100

Contact: [Redacted]

b2
b7E
b6
b7C

Approved By: Thomas Julie F

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By:

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO -1227

Title: (U) ~~(S)~~ SA [Redacted] sub SA [Redacted]
INTELLIGENCE OVERSIGHT BOARD MATTER,
IOB 2006-[Redacted]

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare a cover letter and a letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (INSD), for submission to the IOB. Submission of this matter to the CPR is a matter within the cognizance of the IIS.

(U) ~~(S)~~ ~~Derived from : G-3~~
~~Declassify On: X-1~~

Reference: (U) ~~(S)~~ 278-HQ-C1229736-VIO Serial 1147

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

Details: (U) Referenced communication from the [Redacted] Field Office [Redacted] dated 1/16/2006, requested that OGC review the

b2
b7E
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~~SECRET~~

OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION

[Redacted]

DATE: 3/27/06

b2 To: [redacted] (U) From: General Counsel
b7E Re: 278-HQ-C1229736-VIO-~~(S)~~, 03/8/2006

facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

b1 (S) As discussed in the electronic communication
b2 (EC) from [redacted] cited below,¹ [redacted]
b7E [redacted] who was and remains a
b6 "United States person" as that term is used in Section 101(i) of
b7C the Foreign Intelligence Surveillance Act of 1978 (FISA).²

b2 (U) ~~(S)~~ During the course of the investigation, [redacted]
b7E issued National Security Letters (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States."

b1 (S) On October 14, 2005, [redacted] served two NSL's,
b7D including the subject one, relating to the above referenced
b6 [redacted] upon [redacted]
b7C [redacted]
b2 The subject NSL requested subscriber and transactional records
b7E for email account [redacted]

b1 (S) On or about October 20, 2005, [redacted] responded to
b7D the two NSLs by transmitting information responsive to both on a
b2 single compact disk (CD). Subsequently [redacted] determined that
b7E the CD contained full email content for both accounts.

b2 (U) ~~(S)~~ Upon learning that the CD contained full email content,
b7E (U) CDC [redacted] and NSLB were contacted. Pursuant to the direction

b2 (U) ~~(S)~~ EC from [redacted] to OCG dated 01/16/2006 and titled "SA [redacted]
b7E [redacted] Intelligence Oversight Board (IOB) Violation - Atlanta Division."

b2 ² (U) A "United States person" (USP) is defined in Section 101(i) of
b7E the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801
b6 et seq.) as "a citizen of the United States [or] an alien lawfully admitted
b7C for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

~~SECRET~~

b2
b7E To: [redacted] (U) From: General Counsel
b6 Re: 278-HQ-C1229736-VIO (S), 03/8/2006
b7C

of NSLB, SA [redacted] sealed and sequestered in A1 envelopes the CD, along with all paper copies of its contents.

(S) On December 1, 2005, [redacted] contacted [redacted] and advised him of the overproduction and requested he verify compliance with the limits of National Security Letters.

(S) In the interest of administrative purity, on December 10, 2005, [redacted] served [redacted] with another NSL, addressed to [redacted] requesting subscriber and transactional records for email account [redacted]

(S) ~~(S)~~ On January 3, 2006, [redacted] transmitted a CD to the FBI [redacted] Office. Once again information responsive to multiple NSLs was included on the CD.

(S) On January 4, 2006, SA [redacted] took the CD [redacted] and had the information separated by email account/NSL. A duplicate of the original CD was produced as well as two working copies of information regarding [redacted] SA [redacted] provided the copies to SA [redacted]

~~(S)~~ On January 6, 2006, [redacted] reviewed the contents of the original CD and determined that despite (a) the fact that the NSL expressly sought only transactional records, and (b) the fact [redacted] had been personally contacted regarding [redacted] prior overproduction, full email content was again provided by [redacted]

(U) SSA [redacted] retrieved all copies of the CD prior to the information being sent to the case file. Based upon advice of CDC [redacted] and NSLB SA [redacted] took corrective action. SA [redacted] ensured that the CDs, along with all paper copies of their contents, were sealed and sequestered in 1A envelopes. They will be sequestered by the Chief Division Counsel.

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the over collection errors described here are matters which must be reported to the IOB. They must.

(U) ~~(S)~~ Because the email content was never analyzed, it is unknown whether [redacted]

~~SECRET~~

~~SECRET~~

b2
b7E

To: [redacted] (U) From: General Counsel
Re: 278-HQ-C1229736-VIO-~~(S)~~, 03/8/2006

content, or if the content was gathered pursuant to subsequent surveillance. Over collection of stored email content could violate the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq. (ECPA), whereas over collection of subsequent surveillance could violate the Foreign Intelligence Surveillance Act (FISA) pen register provisions.

(U) ~~(S)~~ Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

(U) ~~(S)~~ Pursuant to ECPA, in the absence of a appropriate authorization, it is unlawful to "access", or for a provider to "divulge" the content of any stored electronic communications. 18 U.S.C. §§ 2701(a)(1), and 2702(a). Consequently, any viewing of the content of any stored electronic communications must be obtained pursuant to a court order.

(U) ~~(S)~~ The USA Patriot Act revised existing law governing the installation and use of pen registers and trap and trace devices to clarify that pen/trap orders not only apply to hard-wired line telephones but also to wireless telephones, e-mail service, Internet communications, and any number of communications technologies. At the same time, the Act made several changes to emphasize that a pen/trap device may not be used for the purpose of collecting the content of wire or electronic communications. Consequently, any viewing of the content of electronically transmitted communications must be obtained pursuant to a court order.³

(S) In the present case, it is clear that the service provider, [redacted] erroneously provided content information concerning an e-mail account and that the FBI unintentionally received that content information not contemplated by the NSL requesting the subscriber information. However, under these

b1
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³There are certain enumerated exceptions to this prohibition. See 50 U.S.C. Section 1802.

~~SECRET~~

~~SECRET~~

b2 To: [redacted] From: (U) General Counsel
b7E Re: 278-HQ-C1229736-VIO ~~(S)~~, 03/8/2006

circumstances, it is OGC's opinion that the error, although inadvertent, must be reported to IOB.

(U) ~~(S)~~ In accordance with the reporting requirements of E.O. 12863, OGC will prepare the correspondence required to report this matter to IOB.

LEAD(s) :

Set Lead 1: (ACTION)

b2
b7E

[redacted]
(U) For review and action deemed appropriate. If not already done so, sequester the documents at issue with the CDC and await further instructions regarding disposition by NSLB.

Set Lead 2: (ACTION)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

~~SECRET~~

~~SECRET~~

b2
b7E To: [REDACTED] From: General Counsel
Re: 278-HQ-C1229736-VIO ~~(S)~~ , 03/8/2006
(U)

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

◆◆

~~SECRET~~

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 06-07-2007

March 8, 2006
BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, Counterterrorism Division, IOB Matter 2006-
b2 [redacted] (U)

This LHM sets forth details of investigative activity which
the FBI has determined was conducted contrary to the Attorney
General's Guidelines for FBI National Security Investigations and
Foreign Intelligence Collection, and/or laws, Executive Orders,
or Presidential Directives that govern FBI foreign
counterintelligence and international terrorism investigations.
(U)

Enclosure

1 - 278-HQ-C1229736-VIO -1228

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

NSL VIO-430

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-431

~~SECRET~~

b2

b7E

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[redacted] DIVISION
IOB MATTER 2006 [redacted] (U)

DATE: 06-07-2007
CLASSIFIED BY: 65179 dmh/kez/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

b2 (U) [redacted] Division reported this potential IOB matter involving unauthorized
b7E surveillance.

(S) [redacted] who was and remains a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA). During the course of the investigation [redacted] issued two NSLs,

b1 (S) [redacted] pursuant to the Electronic Communications Privacy Act, 18 U.S.C. §
b7D 2709. The subject NSL requested subscriber and transactional records for email account:

b2 (S) [redacted]
b7E [redacted]
b6 (S) In October 2005, [redacted] responded to the two NSLs by transmitting
b7C information responsive to both on a single compact disk (CD). Subsequently [redacted] determined
(S) that the CD contained full email content for both accounts. Pursuant to the direction of NSLB, SA
[redacted] sealed and sequestered in A1 envelopes the CD, along with all paper copies of its
contents.

b1 (S) On December 1, 2005 [redacted] contacted [redacted] and advised regarding
b7D overproduction and requested verification of compliance with the limits of National Security Letters.
b2 In the interest of administrative purity, on December 10, 2005 [redacted] served [redacted] with
b7E (S) another NSL, requesting subscriber and transactional records for email account
b6 [redacted] On January 3, 2006, [redacted] transmitted a CD to the FBI [redacted]
b7C Office. Once again information responsive to multiple NSLs was included on the CD.

b1 (S) On January 6, 2006, after having the information separated by email account/NSL,
b7D [redacted] determined that once again [redacted] had provided full email content. Based upon
b6 advice of CDC [redacted] and NSLB SSA [redacted] and SA [redacted] took corrective action and
b7C ensured that the CDs, along with all paper copies of their contents, were sealed and sequestered in
b2 1A envelopes.

b7E (S) Despite the fact that [redacted] limited the scope of the subject NSL to subscriber
information [redacted] provided content information concerning an e-mail account. Thus, the
b2 FBI unintentionally received that content information not contemplated by the NSL. Such viewing
b7E of stored electronic communications and/or electronic surveillance was not authorized under the
b2 Electronic Communications Privacy Act, Foreign Intelligence Surveillance Act and/or E.O. 12333.
b7D Under these circumstances, it is OGC's opinion that the error, although inadvertent, must be reported
b1 to IOB.

(U) OGC has referred this matter to the FBI's Inspection Division for action deemed appropriate.

(U) ~~(S) Derived From: G-3~~
~~Declassify On: X1~~

~~SECRET~~ NSL VIO-432

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: [REDACTED]

Approved By: Miller David *DM*

Drafted By: [REDACTED]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1804
OGC/IOB# 2006-[REDACTED]

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1147
278-HQ-C1229736-VIO Serial 69

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 1/16/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: [Redacted]

b2
b7E
b6
b7C

Approved By: Miller David *DM*

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 421 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1804
OGC/IOB# 2006-[Redacted]

b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~

~~Derived From: G-3
Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1147

Reference: (U) 278-HQ-C1229736-VIO Serial 1147
278-HQ-C1229736-VIO Serial 69

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

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b7E

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

◆◆

~~SECRET~~



U.S. Department of Justice

Office of the Inspector General

DATE: November 20, 2006

Washington, D.C. 20530

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-07-2007 BY 65179 dmh/ksr/gcl

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009075
Subject: Unidentified

b2
b7E



FBI No. 263-HQ-0-U-421

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [redacted] 689-2006-009075-M

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:

Pay Plan:
EOD Date:

ZIP:

ZIP:

SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Offenses: 689

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b7C

COMPLAINANT: [redacted]
Title: SSA
Component: FBI
Misc:
Home: [redacted]
Phone: () - [redacted]
Work: , , [redacted]
Phone: (202) [redacted]
Confidential: [redacted]

Pay Plan:
EOD Date:

ZIP:

ZIP:
Revealed:

SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:

Authority: none

Details:

The FBI provided information reporting a possible IOB matter regarding the over collection of information. As a consequence of an error on the part of a service provider, the FBI, [redacted] Division obtained unauthorized information.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 10/14/2005

TIME:

CITY [redacted]

State: [redacted]

zip:

b2

b7E

DISPOSITION DATA: Disposition: M Date: 03/27/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI

Date Sent: 11/15/2006

Component: FBI

Patriot Act: N

Civil Rights: N

Component Number: 263-0-U-421

Sensitive: N

Whistleblower: N

Consolidated Case Number:

Remarks:

11/15/06- Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container.

NSL VIO-436

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 01/20/2006

Date: 01/16/2006

#1805

To: General Counsel

Attn: NSLB

b2

Inspection Division

Attn: Internal Investigations

From:

[Redacted]

SAC Squad

Contact:

[Redacted]

b2
b7E
b6
b7C

Approved By:

[Redacted]

Drafted By:

[Redacted]

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

278-[Redacted]-C71404. 70

DATE: 06-05-2007

CLASSIFIED BY 65179 dmh/ksr/j.gcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-05-2032

Title: SA

[Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION

[Redacted] DIVISION

b2
b7E

Synopsis: Report of IOB violation for [Redacted] Division.

Reference: 278-HQ-C1229736 Serial 355
278-HQ-C1229736 Serial 1347
66F-HQ-A1247863 Serial 149
66F-HQ-A1247863 Serial 172

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b1
b2
b7E

(S)

[Redacted]

Details(S) ~~(S)~~ To document overproduction from [Redacted] in response to an NSL.

b1
b7D

(S) On 10/04/2005, a National Security Letter (NSL) was drafted and approved [Redacted]

b1
b7D
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b6

[Redacted] requesting subscriber and transactional records for email account [Redacted]

[Redacted]

b7C
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b7D
b6
b7C
b2
b7E

(S) ~~(S)~~ [Redacted] subsequently provided one CD which contained information requested by [Redacted] FBI for two separate email accounts. It was also determined that the CD contained full email content for both accounts. Corrective action was taken by SA [Redacted] on advice from CDC [Redacted] and SSA [Redacted]

cid 02/27/06
Roz

NSL VIO-437

b6
b7C

[Redacted]

4/5/06

~~SECRET~~

b2 To: General Counsel From: [redacted]
b7E Re: SA [redacted] 278-HQ-C1229736-VI, 01/16/2006
b6

b7C (S)

[redacted]
b1 12/1/2005, SSA [redacted] also contacted [redacted] and advised
b7D him of the overproduction and requested he verify compliance with
b6 the limits of National Security Letters.

b7C (S) On 12/10/2005, an NSL [redacted]
b2 [redacted] requesting subscriber and
b7E transactional records for email account [redacted] was
reissued for administrative purity and served for the second
time.

b1 (S) ~~(S)~~ On 01/03/2005, [redacted] provided one CD to the FBI
b7D [redacted] Office. Upon returning to the office, it was determined
b2 that information from multiple NSLs from FBI [redacted] Office was
b7E again included on one CD.

b1 (U) ~~(S)~~ On 01/04/2005, SA [redacted] took the CD to
b7D [redacted] and had the information separated. A duplicate of the
b6 original CD was produced as well as two working copies of
b7C (S) information regarding [redacted] SA [redacted] provided the
copies to SA [redacted]

b2 (S) ~~(S)~~ On 01/06/2006, FBI [redacted] reviewed the contents of
b7E the original CD and determined that despite an NSL request only
b2 for transactional records, full email content was again provided
b7D (S) by [redacted]

b1 (U) ~~(S)~~ SSA [redacted] retrieved all copies of the CD prior
to the information being sent to the case file. Corrective
action was taken by SA [redacted] as previously determined after
reviewing an email dated 11/22/2005, from Office of General
Counsel (OGC) [redacted] to ALL FBI CDC's regarding
improper NSL collection. The email instructs the recipient to
seal and sequester (within the office) the information and have
b1 the information removed from ACS (provided that any was
b7D uploaded). The original CD from [redacted] and all copies
b6 (S) were placed in a 1A envelope and sealed and will be preserved in
b7C the case file.

~~SECRET~~

NSL VIO-438

~~SECRET~~

b2 To: General Counsel From: [REDACTED]
b7E Re: SA [REDACTED] 278-HQ-C1229736-VI, 01/16/2006
b6
b7C

LEAD(s) :

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

◆◆

~~SECRET~~

NSL VIO-439

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2006

b2
b7E
b6
b7C

To: [Redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
Attn: AD **DATE:** 06-05-2007
Attn: IIS **CLASSIFIED BY:** 65179 dmh/Hsr/jcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

From: General Counsel
Counterterrorism Law Unit I/LX-1 3S100
Contact: [Redacted]

Approved By: Thomas Julie F

Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b6
b7C

Case ID # (U) ~~(S)~~ 278-HQ-C1229736-VIO -- 1225

Title: (U) ~~(S)~~ SA [Redacted]
INTELLIGENCE OVERSIGHT BOARD MATTER,
IOB 2006 [Redacted]

b2

Synopsis. (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare a cover letter and a letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (INSD), for submission to the IOB. Submission of this matter to the OPR is a matter within the cognizance of the IIS.

(U) ~~(S)~~ **Derived from:** G-3
Declassify On: X-1

Reference: (U) ~~(S)~~ 278-HQ-C1229736-VIO Serial 1148

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

b2
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Details: (U) Referenced communication from the [Redacted] Field Office [Redacted], dated 1/16/2006, requested that OGC review the

~~SECRET~~

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b7C

OIG/DOJ REVIEW [Redacted] **DATE:** 3-27-06
FBI INVESTIGATION (M)
OIG/DOJ INVESTIGATION: _____

Handwritten notes:
100-100000-1000000

~~SECRET~~

b2
b7E To: [redacted] (U) From: General Counsel
Re: 278-HQ-C1229736-VIO-~~(S)~~, 03/08/2006

facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

b2 (S) As discussed in the electronic communication
b7E (EC) from [redacted] cited below, [redacted]
b1 [redacted] who was and remains a
b6 "United States person" as that term is used in Section 101(i) of
b7C the Foreign Intelligence Surveillance Act of 1978 (FISA).²

(U) ~~(S)~~ During the course of the investigation, Atlanta issued two National Security Letters (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States."

b2 (S) On October 14, 2005, [redacted] served two NSL's,
b7E including the subject one, relating to the above [redacted]

b1 [redacted]
b6 The subject NSL requested subscriber and transactional records
b7C for email account [redacted]
b7D

(S) On or about October 20, 2005, [redacted] responded to the two NSLs by transmitting information responsive to both on a single compact disk (CD). Subsequently [redacted] determined that the CD contained full email content for both accounts.

b2 (U) ~~(S)~~ Upon learning that the CD contained full email content,
b7E CDC [redacted] and NSLB were contacted. Pursuant to the direction

(U) ~~(S)~~ EC from [redacted] to OCG dated 01/16/2006 and titled "SA [redacted]
[redacted] Intelligence Oversight Board (IOB) Violation - [redacted] Division."

b2 ² (U) A "United States person" (USP) is defined in Section 101(i) of
b7E the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801
b6 et seq.) as "a citizen of the United States [or] an alien lawfully admitted
b7C for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

~~SECRET~~

b2 To: [redacted] (C) From: General Counsel
b7E Re: 278-HQ-C1229736-VIO-~~(S)~~, 03/08/2006

b6 of NSLB, SA [redacted] sealed and sequestered in A1 envelopes
b7C the CD, along with all paper copies of its contents.

b2 (S) On December 1, 2005, [redacted] contacted [redacted]
b7E [redacted] advised him of the overproduction and requested
b6 he verify compliance with the limits of National Security
b7C Letters.

b1 (S) In the interest of administrative purity, on December
b1 10, 2005, [redacted] served [redacted] with another NSL, [redacted]
b7D [redacted]

b6 [redacted]
b7C [redacted]

b2 (S) On January 3, 2006 [redacted] transmitted a CD to the
b7E BI [redacted] Office. Once again information responsive to
b7D multiple NSLs was included on the CD.

b7E (U) ~~(S)~~ On January 4, 2006, SA [redacted] took the CD [redacted]
b6 [redacted] and had the information separated by email account/NSL. A
b7C duplicate of the original CD was produced as well as two working
b1 copies of information regarding [redacted] SA [redacted]
b2 provided the copies to SA [redacted]

b7E (S) ~~(S)~~ On January 6, 2006, [redacted] reviewed the contents of the
b1 original CD and determined that despite (a) the fact that the NSL
b7D expressly sought only transactional records, and (b) the fact
b6 that [redacted] had been personally contacted regarding [redacted]
b7C [redacted] prior overproduction, full email content was again
b2 provided by [redacted]

b7E (U) SSA [redacted] retrieved all copies of the CD prior to
b6 the information being sent to the case file. Based upon advice
b7C of CDC [redacted] and NSLB SA [redacted] took corrective action. SA [redacted]
b2 ensured that the CDs, along with all paper copies of their
b7E contents, were sealed and sequestered in 1A envelopes. They will
b6 be preserved in the case file.

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section
2-56 of the National Foreign Intelligence Program Manual (NFIPM),
OGC was tasked to determine whether the over collection errors
described here are matters which must be reported to the IOB.
They must.

~~SECRET~~

b2
b7E To: [redacted] (U) From: General Counsel
Re: 278-HQ-C1229736-VIO (S), 03/08/2006

b1
b7D (S) Because the email content was never analyzed, it is unknown whether [redacted] collected historical stored email content, or if the content was gathered pursuant to subsequent surveillance. Over collection of stored email content could violate the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq. (ECPA), whereas over collection of subsequent surveillance could violate the Foreign Intelligence Surveillance Act (FISA) pen register provisions.

(U) ~~(S)~~ Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

(U) ~~(S)~~ Pursuant to ECPA, in the absence of a appropriate authorization, it is unlawful to "access", or for a provider to "divulge" the content of any stored electronic communications. 18 U.S.C. §§ 2701(a)(1), and 2702(a). Consequently, any viewing of the content of any stored electronic communications must be obtained pursuant to a court order.

(U) ~~(S)~~ The USA Patriot Act revised existing law governing the installation and use of pen registers and trap and trace devices to clarify that pen/trap orders not only apply to hard-wired line telephones but also to wireless telephones, e-mail service, Internet communications, and any number of communications technologies. At the same time, the Act made several changes to emphasize that a pen/trap device may not be used for the purpose of collecting the content of wire or electronic communications. Consequently, any viewing of the content of electronically transmitted communications must be obtained pursuant to a court order.³

b1
b7D (S) In the present case, it is clear that the service provider, [redacted] erroneously provided content information concerning an e-mail account and that the FBI unintentionally

³There are certain enumerated exceptions to this prohibition. See 50 U.S.C. Section 1802.

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b2 To: [redacted] (U) From: General Counsel
b7E Re: 278-HQ-C1229736-VIO ~~(S)~~, 03/08/2006

received that content information not contemplated by the NSL requesting the subscriber information. However, under these circumstances, it is OGC's opinion that the error, although inadvertent, must be reported to IOB.

(U) ~~(S)~~ In accordance with the reporting requirements of E.O. 12863, OGC will prepare the correspondence required to report this matter to IOB.

LEAD(s) :

Set Lead 1: (ACTION)

[redacted]

b2
b7E

(U) For review and action deemed appropriate. If not already done so, sequester the documents at issue with the CDC and await further instructions regarding disposition by NSLB.

Set Lead 2: (ACTION)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

~~SECRET~~

~~SECRET~~

b2
b7E

To: From: General Counsel
Re: 278-HQ-C1229736-VIO-~~(S)~~, 03/08/2006

(U)

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

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DECLASSIFIED BY 65179 dmh/kst/gcl
ON 06-07-2007

March 13, 2006
BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, Counterterrorism Division, IOB Matter 2006-
[redacted]" (U)

This LHM sets forth details of investigative activity which
the FBI has determined was conducted contrary to the Attorney
General's Guidelines for FBI National Security Investigations and
Foreign Intelligence Collection, and/or laws, Executive Orders,
or Presidential Directives that govern FBI foreign
counterintelligence and international terrorism investigations.
(U)

Enclosure

1 - 278-HQ-C1229736-VIO -/226

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

NSL VIO-449

[Handwritten scribbles]

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-450

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b7E [redacted] DIVISION
IOB MATTER 2006-[redacted] (U)

b2 (U) ~~(S)~~ The [redacted] Division reported this potential IOB matter involving unauthorized
b7E surveillance.

b1 (S) [redacted] who was and
b6 remains a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence
b7C Surveillance Act of 1978 (FISA). During the course of the investigation [redacted] issued two NSLs,
b2 [redacted] pursuant to the Electronic Communications Privacy Act, 18 U.S.C. §
b7E 2709 [redacted]
b7D [redacted]

(S) In October 2005 [redacted] responded to the two NSLs by transmitting
b2 information responsive to both on a single compact disk (CD). Subsequently [redacted] determined
b7E that the CD contained full email content for both accounts. Pursuant to the direction of NSLB, SA
b6 [redacted] sealed and sequestered in A1 envelopes the CD, along with all paper copies of its
b7C contents.
b7D

b1 (S) On December 1, 2005 [redacted] contacted [redacted] and advised regarding
b2 overproduction and requested verification of compliance with the limits of National Security Letters.
b7E In the interest of administrative purity, on December 10, 2005, [redacted] served [redacted] with
b7D another NSL, requesting subscriber and transactional records for email account
b1 [redacted] On January 3, 2006, [redacted] transmitted a CD to the FBI [redacted]
b6 Office. Once again information responsive to multiple NSLs was included on the CD.
b7C

b1 (S) On January 6, 2006, after having the information separated by email account/NSL,
b7D [redacted] determined that once again [redacted] had provided full email content. Based upon
b2 advice of CDC [redacted] and NSLB SSA [redacted] and SA [redacted] took corrective action and
b7E ensured that the CDs, along with all paper copies of their contents, were sealed and sequestered in
b6 1A envelopes.
b7C

(S) Despite the fact that [redacted] limited the scope of the subject NSL to subscriber
b2 information, [redacted] provided content information concerning an e-mail account. Thus, the
b7E FBI unintentionally received that content information not contemplated by the NSL. Such viewing
b1 of stored electronic communications and/or electronic surveillance was not authorized under the
b7D Electronic Communications Privacy Act, Foreign Intelligence Surveillance Act and/or E.O. 12333.
Under these circumstances, it is OGC's opinion that the error, although inadvertent, must be reported
to IOB.

(U) OGC has referred this matter to the FBI's Inspection Division for action deemed appropriate.

(U) ~~(S) Derived From : G-3~~
~~Declassify On: X1~~

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: UC [REDACTED]

Approved By: Miller David Ian

Drafted By: [REDACTED]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1805
OGC/IOB# 2006 [REDACTED]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1148
278 [REDACTED]-C71404 Serial 70

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 1/16/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPIU, Room 11865

Contact: CRS [Redacted]

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b7C

Approved By: Miller David [Signature]

DECLASSIFIED BY 65179 dmh/kxr/gcl
ON 06-07-2007

Drafted By: [Redacted]

✓ **Case ID #:** (U) 263-HQ-0-U - 422 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1805
OGC/IOB# 2006-[Redacted]

b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) - ~~(S)~~

~~Derived From : G-3
Declassify On : X1~~

b2
b7E

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1148

Reference: (U) 278-HQ-C1229736-VIO Serial 1148
278-[Redacted] C71404 Serial 70

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~



U.S. Department of Justice


Office of the Inspector General

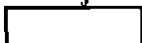
Washington, D.C. 20530

DATE: November 15, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-07-2007 BY 65179 dmh/rsr/gcl

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: 
Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009160
b2 Subject: Unidentified
b7E  Division
FBI No. 263-HQ-0-U-422

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-454

OIG INVESTIGATIONS DIVISION - Complaint Form OIG NO. [redacted] 689-2006-009160-M

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: Unidentified, FBI SSNO:
Title: UNID Pay Plan: D.O.B.:
Component: FBI EOD Date: Alien No.:
Misc: F.B.I.No.:
Home: B.O.P.No.:
Phone: ZIP: D/L No.:
Work: Offenses: 689 b2
Phone: ZIP: b6

COMPLAINANT: [redacted] SSNO: [redacted] b7C
Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]
Component: FBI EOD Date: [redacted] Alien No.: [redacted]
Misc: [redacted] F.B.I.No.: [redacted]
Home: [redacted] B.O.P.No.: [redacted]
Phone: () - ZIP: [redacted] D/L No.:
Work: , , ZIP: [redacted]
Phone: (202) [redacted] ZIP: [redacted]
Confidential: [redacted] Revealed: Authority: none

Details:
The FBI provided information reporting a possible IOB matter regarding the collection of unauthorized information. As a consequence of an error on the part of a communications carrier, the FBI unintentionally obtained unauthorized information.

ALLEGATIONS: 689 IOB Violation
Occurrence Date: 10/14/2005 TIME: [redacted] b2
CITY: [redacted] State: [redacted] zip: [redacted] b7E

DISPOSITION DATA: Disposition: M Date: 03/27/2006 Approval: POWELL, GLENN G
Referred to Agency: FBI Date Sent: 11/15/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-422
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:
11/15/06- Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container.

NSL VIO-455

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#1011
b2
[Redacted]

Precedence: ROUTINE

Date: 02/06/2006

To: Inspection
General Counsel
[Redacted]

Attn: IIS
Attn: NSIP
Attn: SA [Redacted]

From: [Redacted]
Contact: TFO [Redacted]

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Approved By: [Redacted]

DATE: 06-07-2007
CLASSIFIED BY 65179 dmh/kst/gel
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Case ID #: (S) [Redacted]

b1
b7A

(U) ~~(S)~~ 278-HO-C1229736-VIO (Pending).-1100

Title: (U) ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD (IOB)
TFO [Redacted]
SSA [Redacted]
[Redacted] DIVISION

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Synopsis: (U) ~~(S)~~ Report possible Intelligence Oversight Board (IOB) violation.

(U) ~~(S)~~ Derived From: ~~FBI SCG G-3, Jan. 1997~~
Declassify On: 02/06/2016

b6
b7C

Details: (U) The Case Agent is Joint Terrorism Task Force Officer (TFO) [Redacted]

(S) [Redacted]

(U) ~~(S)~~ The subject is a U.S. person.

(S) [Redacted]

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[Large Redacted Block]

~~SECRET~~

Handwritten signature and date: 4/5/06

declassified 23/01/06 [initials]

NSI VIO-456
b7C

[Redacted]

Handwritten date: 02/06/06

(S) [Redacted]

(S)

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[Redacted]

(S)

[Redacted]

[Redacted]

(S) The possible violation occurred in connection with a NSL dated 07/29/2005 and its approving EC [Redacted]. The NSL, which was prepared by [Redacted] Division Joint Terrorism Task Force Officer [Redacted] requested toll record information for [Redacted]

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b2 (S)
b7E (S)
b6
b7C

[Redacted] telephone number, however, was inadvertently misidentified by TFC [Redacted] and telephone record information unrelated to [Redacted] was received from the telephone service provider via an EC from the [Redacted] Division dated 09/14/2005 [Redacted]

(b) (S) The mistaken toll records were sealed by the [Redacted] Division Chief Division Counsel (CDC) [Redacted] on 02/06/2006 and are being maintained in a secure manner in the CDC's office. The NSL dated 07/29/2005, its approving EC [Redacted] and the [Redacted] responsive EC [Redacted]

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[Redacted] all which specifically referenced the incorrect telephone number, have been permanently charged out of ACS. Furthermore, neither the incorrect number nor any records received with respect to it have otherwise been uploaded into FBI databases [Redacted]

~~SECRET~~

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/08/2006

To: [Redacted]

Attn: CDC [Redacted]

Counterterrorism

Attn: ITOS I, Conus 2

Inspection

Attn: IIS SC Toni Fogle

From: General Counsel

National Security Law Branch/CTLU 1/LX-1 3S-120

Contact: SSA [Redacted]

Approved By: Thomas Julie F

DATE: 06-07-2007

CLASSIFIED BY 65179 dmh/kar/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-07-2032

Drafted By:

[Redacted]

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO -1222

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) Intelligence Oversight Board
(IOB) Matter 2006 [Redacted]

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel that the above referenced matter must be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U) ~~(S)~~ Derived From: G-3
Declassify On: X1-25

Reference: (S) ~~(S)~~ [Redacted]

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

Details: (U) ~~(S)~~ By electronic communication (EC) dated February 6, 2006, the [Redacted] Field Office [Redacted] reported to the Inspection Division (Inspection) and the Office of the General Counsel (OGC) this potential IOB matter.

(S) [Redacted]

[Redacted]

~~SECRET~~

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OIG/DOJ REVIEW: [Redacted] DATE: 3/27/06
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

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Approved by [Redacted] 3/8/06

b2
b7E To: [redacted] From: General Counsel
Re: ~~(U)~~ ~~(S)~~ 278-HQ-C1229736-VIO, 3/8/2006

b1 (S)
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[redacted]

(S) b1 a National Security Letter (NSL) dated July 29, 2005, and its
b7A approving EC [redacted] Division Joint
b6 Terrorism Task Force (JTTF) Officer (TFO) [redacted] prepared the
b7C NSL, which requested toll record information for [redacted]
(S) b2 telephone number [redacted]. In the request, TFO [redacted]
(S) b7E inadvertently misidentified [redacted] telephone number, with the
result that [redacted] received telephone record information unrelated
to [redacted] from the telephone service provider via an EC from the
[redacted] Division [redacted]

(S) b1 Upon learning of this, the [redacted] Division Chief
b7A Division Counsel (CDC) [redacted] sealed the mistaken toll
(S) b6 NSL dated July 29, 2005, the approving EC [redacted]
b7C and the [redacted] EC [redacted], each of which
b2 specifically referenced the incorrect telephone number, have been
b7E permanently charged out of ACS. Neither the incorrect number nor any
records received with respect to it have been uploaded into FBI
databases, [redacted]

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether or not the matters described herein should be reported to the IOB. We believe that the reported activity requires notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That

(S) 1 [redacted]

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b7A
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b7C

(S) 2 [redacted]

~~SECRET~~

b2
b7E

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/8/2006
~~(U)~~

section requires Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.³ For the FBI, the Office of the General Counsel (OGC) submits reports to the IOB.⁴

~~(U)~~ ~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that "all lawful investigative techniques may be used in full investigations." NSIG (Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.⁵

~~(U)~~ ~~(S)~~ In this instance, OGC is required to report the potential IOB error in accordance with E.O. 12863 and Section 2-56 of the NFIPM, because investigative results were obtained on a U.S.

~~(U)~~ ~~(S)~~ See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The Inspection Division is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

~~(U)~~ ~~(S)~~ See id. at 4.

~~(U)~~ ~~(S)~~ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) unauthorized investigations; (4) use of methods or techniques other than those authorized in the conduct of [redacted] investigations; (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

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b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/8/2006
(U)

person who was not the subject of an authorized investigation. See NFIPM Section 2-56.G.1. In accordance with the reporting requirements of Section 2.4 of E.O. 12863, the error must be reported to the IOB.

(U) ~~(S)~~ OGC notes that [redacted] made efforts to remove all non-authorized information from FBI systems of records, sequester it and provide it to the CDC to be secured. [redacted] did not review any b2 of the unauthorized information provided by the telephone service b7E provider. OGC recommends that [redacted] take action to prevent a repetition of this or a similar overcollection.

(U) ~~(S)~~ Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. Thus, OGC is required to report this matter to the IOB in accordance with E.O. 12863 and Section 2-56 of the NFIPM. OGC will prepare and deliver the required correspondence.

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~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/8/2006
(U)

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LEAD(s):

Set Lead 1: (Action)

[redacted]

(U) For review and action deemed appropriate as discussed herein.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

◆◆

~~SECRET~~

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 06-07-2007

March 27, 2006
BY COURIER

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

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory
b7E letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, [REDACTED] DIVISION, IOB Matter 2006 [REDACTED]" (U)

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, and/or laws, Executive Orders, or Presidential Directives that govern FBI foreign counterintelligence and international terrorism investigations.
(U)

Enclosure

1 - Ms. Thomas
1 - 278-HQ-C1229736-VIO -1223

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived from: G-3~~
~~Declassify on: X25-1~~

~~SECRET~~

NSL VIO-464

Handwritten notes:
2007/03/27
[unclear]

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

Enclosure

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-465

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b2 [redacted] DIVISION
b7E IOB MATTER 2006-[redacted] (U)

b1 The Federal Bureau of Investigation ("FBI") has
b7A determined that in conducting [redacted]
(S) [redacted] the FBI improperly used a National Security Letter (NSL)
b6 to obtain subscriber information and telephone toll billing
b7C records on a telephone number that was not related to the
b2 investigation. The [redacted] Division [redacted] reported this
b7E potential IOB matter. ~~(S)~~

(S) The overcollection was due to a mistake in the NSL in
identifying the telephone number of [redacted] whose number was
intended to be the subject of the request. The overcollection
was a violation of Section V of The Attorney General's Guidelines
for FBI National Security Investigations and Foreign Intelligence
Collection (NSIG).¹ In this regard, [redacted]

(S) [redacted]
[redacted] During the
course of the investigation, [redacted] issued an NSL pursuant to
the Electronic Communications Privacy Act, 18 U.S.C. § 2709, to a
telephone carrier for the records of a telephone number intended
to be identified as that of the target. Instead, the telephone
number was misidentified and the information returned from the
carrier consisted of records of a wholly unrelated telephone
number. The error was discovered upon receipt of the
information, and the records were not reviewed nor used for any
investigative purpose. Despite the inadvertent nature of the
mistake, the fact remains that information was improperly
collected on a telephone number unrelated to an investigation.
Thus, the matter is being reported to the IOB.

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(U) OGC has referred this matter to the FBI's Inspection
Division for action deemed appropriate. ~~(S)~~

(U) ~~(S)~~

~~Derived From: G-3
Declassify On: XI~~

(U) [redacted]
[redacted]

b1

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: UC [redacted]

Approved By: Miller David *DM*

DATE: 06-07-2007

CLASSIFIED BY: 65179 dmh/kst/jcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-07-2032

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER

INSD/IIS TRACKING# 1811

b2 OGC/IOB# 2006-[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) To report a potential Intelli (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1160

(S) [redacted]

(S) [redacted]

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 2/6/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

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From: Inspection
Internal Investigations Section, IPU, Room 11865
Contact: CRS [Redacted]

Approved By: Miller David *[Signature]*

DATE: 06-07-2007
CLASSIFIED BY 65179 dmh/ksj/gel
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 423 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1811
OGC/IOB# 2006-[Redacted]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) To advise that captioned report Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

~~(S)~~ (U) ~~Derived From: G-3~~
~~Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO 1160

Reference: (U) 278-HQ-C1229736-VIO Serial 1160
(S) [Redacted]
(S) [Redacted]

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Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

◆◆

~~SECRET~~



U.S. Department of Justice


Office of the Inspector General



Washington, D.C. 20530

DATE: November 15, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-07-2007 BY 65179 dmh/ksr/gcl

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: 
Glenn G. Powell
Special Agent in Charge
Investigations Division

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SUBJECT: OIG Complaint No. 2006009161
Subject: 
 Division
FBI No. 263-HQ-0-U-423

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted]-689-2006-009161-M

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: [redacted] SSNO:
Title: TFO Pay Plan: D.O.B.:
Component: FBI EOD Date: Alien No.:
Misc: F.B.I.No.:
Home: B.O.P.No.:
Phone: [redacted] ZIP: D/L No.:
Work: [redacted] Offenses: 689 b2
Joint Terrorism Task Force, [redacted] b6
Phone: [redacted] ZIP: b7C

COMPLAINANT: [redacted] SSNO: [redacted]
Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]
Component: FBI EOD Date: [redacted] Alien No.: [redacted]
Misc: [redacted] F.B.I.No.: [redacted]
Home: [redacted] B.O.P.No.: [redacted]
Phone: () - [redacted] ZIP: [redacted] D/L No.: [redacted]
Work: [redacted] ZIP: [redacted]
Phone: (202) [redacted] ZIP: [redacted]
Confidential: [redacted] Revealed: Authority: none

Details:
The FBI provided information reporting a possible IOB matter involving the interception of unauthorized communications. As a consequence of a typographical error, the FBI unintentionally obtained unauthorized information.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 07/29/2005

TIME: [redacted]

CITY: [redacted]

State: [redacted]

Zip: [redacted]

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DISPOSITION DATA: Disposition: M Date: 03/27/2006 Approval: POWELL, GLENN G

See

Referred to Agency: FBI Date Sent: 11/15/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-423

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:
11/15/06- Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container.

NSL VIO-470

(Rev 01-31-2003)

~~SECRET/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

#1815
b2
IOB 2006

Precedence: ROUTINE

Date: 02/01/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB
Attn: SA

From:

Contact: TFO

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Approved By:

*Per DGC - each case in this
serial will be treated as
a separate IOB. This one
is one page 1.*

Drafted By:

Case ID #:

~~(S)~~
(U) ~~(S)~~ 278-HQ-CI229736-VIO - (Pending) - 1153
(S)
(S)

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Title: (U) ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD (IOB)
TFO
SSA
 DIVISION

Synopsis: (U) ~~(S)~~ Report possible Intelligence Oversight Board (IOB) violations.

(U) ~~(S)~~ Derived From: ~~FBI SCG G-3, Jan. 1997~~
Declassify On: ~~02/01/2016~~

Details: (U) The Case Agent for both cases is Joint Terrorism Task Force Officer (TFO)

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(S)

(U) ~~(S)~~ The subject is a U.S. person.

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(S)

~~SECRET/NOFORN~~

2076

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ERS *kw b3/02/06*
4/11/06
Schiller *Peter*

NSL VIO-471

*downloaded
3/01/06*

(S) [Redacted]

b1 (S/NE) [Redacted]
b7A [Redacted]
b6 [Redacted]
b7C [Redacted]

(S) The possible violation occurred in connection with results received from a communication carrier, [Redacted]

b1 [Redacted] TFO [Redacted] requested subscriber information
b7A from [Redacted] furnished
b4 results to [Redacted] Division, who in turn forwarded the
b7D results to TFO [Redacted]. The results were provided along with a ^{BY NSL}
FD-542 from [Redacted]. The correct _{hd}
b2 phone number was identified in the FD-542, however, the _{11/28/05}
b7E subscriber information provided in this communication was for [Redacted]
b6 another telephone number that was not requested by TFO [Redacted]
b7C [Redacted] mistyped the phone number that was requested, which
resulted in information that does not relate to this investigation.

(S) The mistaken telephone record was sealed by the [Redacted]
[Redacted] Division Chief Division Counsel (CDC) [Redacted]
[Redacted] on 01/30/2006 and is being maintained in a secure manner in
the CDC's office. The [Redacted] responsive EC [Redacted]
[Redacted], which specifically referenced incorrect subscriber
information, has been permanently charged out of ACS. The
incorrect subscriber information has not been uploaded into FBI
databases [Redacted]

b1 [Redacted]
b7A [Redacted]
b6 [Redacted]
b7C [Redacted]
b2 [Redacted]
b7E [Redacted] b2
[Redacted] #2006 - [Redacted]

(U) (S) The subject is a U.S. person.

(S) [Redacted]

b1 [Redacted]
b7A [Redacted]
b6 [Redacted]
b7C [Redacted]
b2 [Redacted]
b7E [Redacted]

(S)

[Redacted]

[Redacted]

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~~(S)~~ The possible violation occurred in connection with results received from a communication carrier. [Redacted] TFO Garewal requested toll records from [Redacted] [Redacted] furnished results on a CD-Rom to the [Redacted] Division, who in turn forwarded the results to TFO [Redacted]. The results were provided along with a FD-542 from [Redacted]. The correct phone number and subscriber information was identified in the FD-542, however, the toll records provided on the CD-Rom included partial records for [Redacted] as well as another telephone number that was not requested by TFO [Redacted] does not know how this occurred.

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(S) b7A
b4
b7D
(S) b2
b7E
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(S) b7C

~~(S)~~ The mistaken toll records were sealed by the [Redacted] Division Chief Division Counsel (CDC) [Redacted] on 01/30/2006 and are being maintained in a secure manner in the CDC's office. The [Redacted] responsive EC [Redacted] did not reference the incorrect phone number that was provided on the CD-Rom, therefore there it has not been charged out of ACS. The incorrect toll records were not uploaded into FBI databases [Redacted]

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(S) b7A
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b7C
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~~SECRET/NOFORN~~

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

◆◆

~~SECRET/NOFORN~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/21/2006

To:

[Redacted]

Attn:

CDC

[Redacted]

Counterterrorism

Attn:

ITOS I, Conus 2

Inspection

Attn:

IIS,

[Redacted]

From: General Counsel

National Security Law Branch/CTLU 1/LX-1 3S-120

Contact: SSA

[Redacted]

Approved By:

Thomas Julie F

[Redacted]

DATE: 06-07-2007

CLASSIFIED BY 65179 dmh/kar/gcl

REASON: 1.4 (b)

DECLASSIFY ON: 06-07-2032

Drafted By:

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b7A

Case ID #:

(U)

278-HQ-C1229736-VIO 1275

(S)

(S)

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U)

Intelligence Oversight Board

b2

(IOB) Matter 2006- [Redacted]

2006

Synopsis (U)

(S)

It is the opinion of the Office of the General Counsel that the above referenced matter must be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U)

(S)

Derived From: G-3

Declassify On: X1-25

b1
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Reference: (S)

(S)

[Redacted]

Administrative: (U)

(U)

This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

b2
b7E

Details: (U)

(S)

By electronic communication (EC) dated February 1, 2006, the [Redacted] Field Office [Redacted] reported to the Inspection Division (Inspection) and the Office of the General Counsel (OGC) two potential IOB matters.

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(S)

The first involved [Redacted] investigation

[Redacted]

~~SECRET~~

OIG/DOJ REVIEW

FBI INVESTIGATION

OIG/DOJ INVESTIGATION:

DATE:

7/6/06

b6
b7C

See serials 10/10/06 Kar

(U)
b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006

(S) [redacted]

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b7A
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b7C

(S/NF)

[redacted]

(S) The potential IOB violation occurred in connection with results received from a communication carrier, [redacted]

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b7A
(S) b4
b7D
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(S) b7C
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(S) b7E

TFO [redacted] requested subscriber information from [redacted]. This correct telephone number was provided to [redacted] along with a FD-542 from [redacted] Division in [redacted]. However, the subscriber information provided back to [redacted] from [redacted] was for another telephone number that was not requested by TFO [redacted]. [redacted] mistyped the phone number that was requested which resulted in information that does not relate to the investigation of subject [redacted].

(S) [redacted] Division Chief Division Counsel (CDC) [redacted] sealed the mistaken telephone records on 01/30/2006 and secured them in the CDC's office. [redacted] Division's responsive EC [redacted] which specifically referenced incorrect subscriber information, has been permanently charged out of ACS. The incorrect subscriber information has not been uploaded into FBI databases [redacted].

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(S) The second potential violation involved [redacted]

[redacted]

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b7C
b2
b7E

(S)

[redacted]

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b7D
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The potential IOB violation occurred in connection with the results received from the communications carrier, [redacted]. TFO [redacted] requested toll records from [redacted] [redacted] furnished the results on a CD-Rom to the [redacted] Division, which in turn forwarded the results to TFO [redacted]. The results were provided along with a FD-542 from [redacted].

~~SECRET~~

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(U) [redacted]
To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006

b1
b7A (S)
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(S) b7D
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-

[redacted] The correct phone number and subscriber information was identified in the FD-542, however, the toll records provided on the CD-Rom included partial records for [redacted] as well as another telephone number that was not requested by TFO. [redacted] reportedly could not explain how this occurred.

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b7A (S)
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b7E

~~(S)~~ The mistaken toll records were sealed by the [redacted] Division Chief Division Counsel (CDC) [redacted] on 01/30/2006 and are being maintained in a secure manner in the CDC's officer. [redacted] Division's responsive EC [redacted] did not reference the incorrect phone number that was provided on the CD-Rom, therefore it has not been charged out of ACS. The incorrect toll records were not uploaded into FBI databases [redacted]

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether or not the matters described herein should be reported to the IOB. We believe that though the "over collections" reported herein occurred through no fault of the case agent, the reported activity requires notification.

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(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.¹ However, it should be noted, no error, administrative or otherwise, was committed by the [redacted] Division

(U) ~~(S)~~ See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The Inspection Division is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

~~SECRET~~

~~SECRET~~

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(U) [redacted]
To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006

b6
b7C

or TFO [redacted] in the overcollection reported herein. For the FBI, the Office of the General Counsel (OGC) submits reports to the IOB.²

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(U) ~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that "all lawful investigative techniques may be used [redacted] investigations." NSIG (Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.³

(U) ~~(S)~~ In this instance, OGC is required to report the potential IOB errors in accordance with E.O. 12863 and Section 2-56 of the NFIPM, because investigative results were obtained on U.S. persons who were not the subject of an authorized investigation. See NFIPM Section 2-56.G.1. In accordance with the reporting requirements of Section 2.4 of E.O. 12863, the error must be reported to the IOB.

b2
b7E

(U) ~~(S)~~ OGC notes that the over collections of records reported herein were in no way due to errors made by the [redacted] Division or any other FBI entity. Further, [redacted] took appropriate steps to remove all non-authorized information from FBI systems of records, sequester it and provide it to the CDC to be secured. [redacted] did not review any of the unauthorized information provided by the telephone service provider.

(U) ~~(S)~~ Despite the inadvertent nature of the mistake made by the communications carriers that provided the records, the fact remains that information was improperly collected telephone records unrelated to an authorized investigation. Thus, OGC is required to report this matter to the IOB in accordance with E.O. 12863 and

(U) ~~(S)~~ ² See id. at 4.

b1
b2
b7E

(U) ~~(S)~~ ³ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) unauthorized investigations; (4) use of methods or techniques other than those authorized in the conduct of [redacted] investigations; (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

~~SECRET~~

~~SECRET~~

b2

b7E

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006

~~(U)~~

Section 2-56 of the NFIPM. OGC will prepare and deliver the required correspondence.

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006
(U)

b2
b7E

LEAD(s):

Set Lead 1: (Info)

[redacted]

(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

◆◆

~~SECRET~~

March 21, 2006
BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 06-07-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, Counterterrorism Division, IOB Matter 2006-
[redacted] (U)

b2

This LHM sets forth details of investigative activity which
the FBI has determined was conducted inadvertently contrary to
the Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection, and/or laws,
Executive Orders, or Presidential Directives that govern FBI
foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIO - 1276

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived from: G-3~~
~~Declassify on: X25-1~~

~~SECRET~~

NSL VIO-481

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-482

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b7E [redacted] FIELD OFFICE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

IOB MATTER 2006 [redacted] (U)

DATE: 06-07-2007
CLASSIFIED BY 65179 dmh/kxr/gcl
REASON: 1.4 (b)
DECLASSIFY ON: 06-07-2032

Investigation of this IOB matter has determined with regard to two reported potential

IOBs:

(S) The first involved a [redacted] Division investigation [redacted]

b1 [redacted] The IOB violation occurred in connection with
b7A results received from a communication carrier, [redacted]
(S) b6 TFO [redacted] requested subscriber information from [redacted]
b7C [redacted] This correct telephone number was
b4 provided to [redacted] along with a FD-542 from [redacted] Division in [redacted]
b7D [redacted] However, the subscriber information provided
b2 back [redacted] from [redacted] was for another telephone
(b7E) number that was not requested by TFO [redacted] mistyped the
phone number that was requested which resulted in information that
does not relate to the investigation of subject [redacted] X

(S) [redacted] Division Chief Division Counsel (CDC) [redacted]
b1 [redacted] sealed the mistaken telephone records on 01/30/2006 and
b7A secured them in the CDC's office. [redacted] Division's responsive EC
b6 [redacted] which specifically referenced incorrect
b7C subscriber information, has been permanently charged out of ACS. The
b2 incorrect subscriber information has not been uploaded into FBI
b7E databases [redacted] X

(S) The second potential violation involved [redacted] Division
investigation [redacted]

b1 [redacted]
b7A [redacted]
b6 [redacted]
b7C [redacted]
b2 [redacted]
b7E [redacted] X

(S) The potential IOB violation occurred in connection with the
results received from the communications carrier, [redacted] TFO [redacted]
requested toll records from [redacted] [redacted] furnished the
b1 results on a CD-Rom to the [redacted] Division, which in turn forwarded
b7A the results to TFO [redacted] The results were provided along with a
b4 FD-542 from [redacted] The correct phone
b7D number and subscriber information was identified in the FD-542,
b6 however, the toll records provided on the CD-Rom included partial
b7C records for [redacted] as well as another telephone number that was
(S) b2 not requested by TFO [redacted] [redacted] reportedly could not explain how
b7E this occurred.

~~SECRET~~

b6
b7C
b1
(S) b7A
b2
b7E

Once again, the mistaken telephone records were sealed by the [redacted] Division Chief Division Counsel (CDC) [redacted] on 01/30/2006 and are being maintained in a secure manner in the CDC's officer. [redacted] Division's responsive EC [redacted] did not reference the incorrect phone number that was provided on the CD-Rom, therefore it has not been charged out of ACS. The incorrect toll records were not uploaded into FBI databases, [redacted]. ~~(S)~~

b2
b7E

(U) As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether or not the matters described herein should be reported to the IOB. We believe that though the "over collections" reported herein occurred through no fault of the case officer or [redacted] Division, the reported activity nonetheless requires notification. Despite the inadvertent nature of the mistake made by the communications carriers that provided the records, the fact remains that information was improperly collected telephone records unrelated to an authorized investigation. Thus, OGC is required to report this matter to the IOB in accordance with E.O. 12863 and Section 2-56 of the NFIPM. ~~(S)~~

b2
b7E

(U) OGC notes that the over collections of records reported herein were in no way due to errors made by the [redacted] Division or any other FBI entity. Further, [redacted] took appropriate steps to remove all non-authorized information from FBI systems of records, sequester it and provide it to the CDC to be secured. [redacted] did not review any of the unauthorized information provided by the telephone service provider. ~~(S)~~

(U) This matter has been referred to the FBI's Inspection Division for their information. ~~(S)~~

(U) ~~(S) Derived From : C-3~~
~~Declassify On: X1~~

~~SECRET~~

~~SECRET~~

- 5 - NSL VIO-485

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: UC [redacted]

Approved By: Miller David *DM*

DATE: 06-07-2007

CLASSIFIED BY 65179 dmh/kar/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-07-2032

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1815

b2 OGC/IOB# 2006 [redacted]

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1275

(S) [redacted]

278-HQ-C1229736-VIO Serial 1153

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 2/1/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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b7C
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b7E

SECRET

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

b2
b7E
b6
b7C

From: Inspection
Internal Investigations Section, IPU, Room 11865

Contact: CRS [Redacted]

Approved By: Miller David *DM*

DATE: 06-07-2007
CLASSIFIED BY: 65179 dmh/kex/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

Drafted By: [Redacted]

✓ Case ID #: (U) 263-HQ-0-U - 424 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER

INSD/IIS TRACKING# 1815
OGC/IOB# 2006 [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2

Synopsis: (U) To advise that captioned Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~ ~~Derived From: G-3~~
~~Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1153

Reference: (U) 278-HQ-C1229736-VIO Serial 1275

(S) [Redacted]
(U) 278-HQ-C1229736-VIO Serial 1153

b1
b7A
b2
b7E

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

◆◆

SECRET

NSL VIO-487



U.S. Department of Justice

Office of the Inspector General

DATE: November 20, 2006

Washington, D.C. 20530

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-07-2007 BY 65179 dab/ksr/gcl

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009165
Subject: Unidentified

b2
b7E

FBI No. 263-HQ-0-U-424

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-488

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/27/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB
Attn: SA [redacted]

From: [redacted]

Contact: TFO [redacted]

b2
b7E
b6
b7C

Approved By: [redacted]

DATE: 06-07-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (b)
DECLASSIFY ON: 06-07-2032

Drafted By: [redacted]

Case ID #: (S) [redacted]

~~(U)~~ (S) 278-HQ-C1229736-VIO (Pending) 132/

b1 (S) [redacted]

b7A [redacted]

Title: (U) ~~(S)~~

INTELLIGENCE OVERSIGHT BOARD (IOB)
TFO [redacted]
SSA [redacted]

b6
b7C
b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b7E Synopsis (U) ~~(S)~~

(IOB) violation. Report possible Intelligence Oversight Board

~~(U)~~ ~~(S)~~

~~Derived From: FBI SCG G-3, Jan. 1997~~
~~Declassify On: 02/27/2016~~

b1
b7A

Reference: (S) [redacted]

b2 Details: (U)
b7E Office: (U) TFO

The Case Agent is Joint Terrorism Task Force [redacted]

b1 b6 b7C (S) [redacted]

b6
b7C
b7A

~~(U)~~ ~~(S)~~ The subject is a U.S. person.

b1
b6
b7C
b7A

(S) [redacted]

~~SECRET~~

SEARCHED
SERIALIZED
INDEXED
FILED

b2
b7E

SC [redacted] 2/23/06
[redacted] 4/11/06

NSL VIO-489

2163-10 0-0-405

(S)

[Redacted]

b1
b6
b7C
b7A
b2
b7E

(S)

[Redacted]

(S) The possible violation occurred in connection with results received from a communication carrier [redacted] TFO [redacted] requested toll records from [redacted] [redacted] furnished results on a CD-Rom to the [redacted] Division, who in turn forwarded the results to TFO [redacted]. The results were provided along with a FD-542 from [redacted]. The correct phone number and subscriber information was identified in the FD-542, however, the toll records provided on the CD-Rom included partial records for [redacted] as well as another telephone number that was not requested by TFO [redacted]. TFO [redacted] contacted [redacted] and was advised that there was an error in the way data was captured for the telephone number that TFO [redacted] requested. The corruption in the file caused data for the other phone number to be captured in addition to the number that was requested. [redacted] is providing another disk and will exclude the data pertaining to the non-pertinent phone number. It should be noted that this error was made previously by [redacted] which is documented in the above referenced serial.

(S) b1
b4
b7D
b6
b7C
b2
b7E
b7A
(S)

(S) The mistaken toll records were sealed by the [redacted] Division Chief Division Counsel (CDC) [redacted] on 02/16/2006 and are being maintained in a secure manner in the CDC's office. The [redacted] responsive EC [redacted] did not reference the incorrect phone number that was provided on the CD-Rom, therefore there it has not been charged

(S) b6
b7C
b2
b7E
b1
b7A

~~SECRET~~

b2 out of ACS. The incorrect toll records were not uploaded into
b7E FBI databases,

~~SECRET~~

~~SECRET~~

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

◆◆

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET/NOFORN~~

DATE: 06-07-2007
CLASSIFIED BY: 65179 dmh/ksl/gpl
REASON: 1.4 (b)
DECLASSIFY ON: 06-07-2032

FEDERAL BUREAU OF INVESTIGATION #1816

IOB 2006

Precedence: ROUTINE

Date: 02/01/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB
Attn: SA

b2
b7E
b6
b7C

From: Cleveland
Contact: TFO

Approved By:

Drafted By:

*Per OAC - each case
in this serial will
be treated as a
separate IOB. See
Page 2 for
this one.*

Case ID #: (S) ~~(U)~~ ~~(S)~~ 278-HQ-C1229736-VIO - (Pending) - 1153

b1
b7A
b6
b7C
b2
b7E

INTELLIGENCE OVERSIGHT BOARD (IOB)
TFO
SSA
DIVISION

Synopsis: (U) ~~(S)~~ Report possible Intelligence Oversight Board (IOB) violations.

(U) ~~(S)~~ ~~Derived From: FBI SCG G-3, Jan. 1997~~
~~Declassify On: 02/01/2016~~

b6
b7C

Details: (U) The Case Agent for both cases is Joint Terrorism Task Force Officer (TFO)

(S)

b1
b6
b7C
b7A
b2
b7E

(U) ~~(S)~~ The subject is a U.S. person.

(S)

~~SECRET/NOFORN~~

CAS

has BPs/IOB

b6
b7C

sc Miller

NSL VIO-493

*downloaded
23/01/06
to real*

425

(S)

[Redacted]

b1
b6
b7C
b7A

(S/NF)

[Redacted]

(S)

~~(S)~~ The possible violation occurred in connection with results received from a communication carrier, [Redacted]

b1
b6
b7C
b4
b7D
b2
b7E
b7A

[Redacted] TFO [Redacted] requested subscriber information from [Redacted] [Redacted] furnished results to the [Redacted] Division, who in turn forwarded the results to TFO [Redacted]. The results were provided along with a FD-542 from [Redacted]. The correct phone number was identified in the FD-542, however, the subscriber information provided in this communication was for another telephone number that was not requested by TFO [Redacted]. [Redacted] mistyped the phone number that was requested, which resulted in information that does not relate to this investigation.

(S)

~~(S)~~ The mistaken telephone record was sealed by the [Redacted] Division Chief Division Counsel (CDC) [Redacted]

b2
b7E
(S)
b6
b7C
b7A

[Redacted] on 01/30/2006 and is being maintained in a secure manner in the CDC's office. The [Redacted] responsive EC [Redacted], which specifically referenced incorrect subscriber information, has been permanently charged out of ACS. The incorrect subscriber information has not been uploaded into FBI databases [Redacted]

(S)

[Redacted]

(U) ~~(S)~~ The subject is a U.S. person.

#2006 [Redacted]

(S)

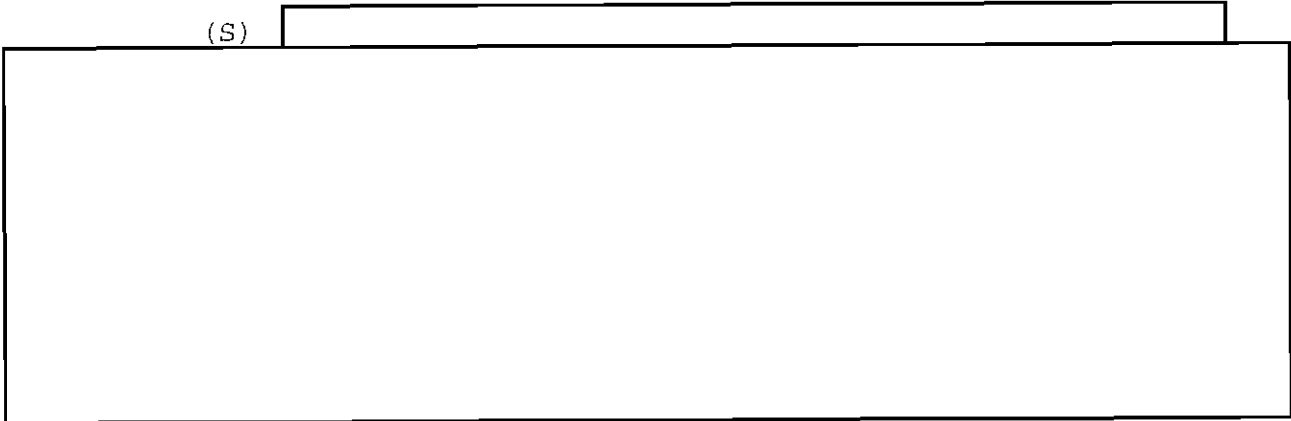
[Redacted]

b1
b6
b7C
b7A
b2
b7E

(C)
16

b2

(S)



b1
b6
b7C
b7A
b2
b7E

~~(S)~~ The possible violation occurred in connection with results received from a communication carrier. [redacted] TFO [redacted] requested toll records from [redacted] [redacted] furnished results on a CD-Rom to the [redacted] Division, who in turn forwarded the results to TEO [redacted]. The results were provided along with a FD-542 from [redacted]. The correct phone number and subscriber information was identified in the FD-542, however, the toll records provided on the CD-Rom included partial records for [redacted] as well as another telephone number that was not requested by TFO [redacted]. [redacted] does not know how this occurred.

(S) b1
b6
b7C
b2
b7E
b4
b7D
b7A

~~(S)~~ The mistaken toll records were sealed by the [redacted] Division Chief Division Counsel (CDC) [redacted] on 01/30/2006 and are being maintained in a secure manner in the CDC's office. The [redacted] responsive EC [redacted] did not reference the incorrect phone number that was provided on the CD-Rom, therefore there it has not been charged out of ACS. The incorrect toll records were not uploaded into FBI databases [redacted].

(S) b2
b7E
b6
b7C
b1
b7A

By NSL dtd 10/26/05
[redacted]

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/21/2006

To: [Redacted]

Attn: CDC [Redacted]

b2 Counterterrorism

Attn: ITOS I, Conus 2

b7E Inspection

Attn: IIS, [Redacted]

b6 From: General Counsel

b7C

National Security Law Branch/CTLU 1/LX-1 3S-120
Contact: SSA [Redacted]

Approved By: Thomas Julie F [Redacted]

DATE: 06-07-2007
CLASSIFIED BY 65179 dmh/kal/scl
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

Drafted By: [Redacted]

Case ID #: (U) ~~(S)~~ 278-HO-C1229736-VIO - 1275

b1 (S) [Redacted]
b7A (S) [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2 (U) Intelligence Oversight Board
b7E (U) (IOB) Matter 2006 [Redacted] also 2006 - [Redacted]

Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel that the above referenced matter must be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U) ~~(S)~~
~~Derived From: G-3~~
~~Declassify On: XI-25~~

b1 Reference: (S) [Redacted]
b2

b7E Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

b2 Details (U) ~~(S)~~ By electronic communication (EC) dated February 1,
b7E 2006, the [Redacted] Field Office [Redacted], reported to the Inspection Division (Inspection) and the Office of the General Counsel (OGC) two potential IOB matters.

b2

(S) [Redacted] [Redacted] (C)

b1
b6
b7C
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b7E

SECRET

b6
b7C
OIG/DOJ REVIEW: [Redacted] DATE: 7/1/06
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

revised 11/15/06

b2
b7E

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006
(U)

b1
b6
b7C
b4
b7D

(S) [redacted] The correct phone number and subscriber information was identified in the FD-542, however, the toll records provided on the CD-Rom included partial records for [redacted] as well as another telephone number that was not requested by TFO [redacted] reportedly could not explain how this occurred.

(b)

~~(S)~~ The mistaken toll records were sealed by the [redacted] Division Chief Division Counsel (CDC) [redacted] on 01/30/2006 and are being maintained in a secure manner in the CDC's office. [redacted] Division's responsive EC [redacted] did not reference the incorrect phone number that was provided on the CD-Rom, therefore it has not been charged out of ACS. The incorrect toll records were not uploaded into FBI databases [redacted]

b1
b6
(S) b7C
b2
b7E

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether or not the matters described herein should be reported to the IOB. We believe that though the "over collections" reported herein occurred through no fault of the case agent, the reported activity requires notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.¹ However, it should be noted, no error, administrative or otherwise, was committed by the [redacted] Division

b2
b7E

(U) ~~(S)~~ See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The Inspection Division is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

~~SECRET~~

~~SECRET~~

b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006
(U)

b6 or TFO [redacted] in the overcollection reported herein. For the FBI,
b7C the Office of the General Counsel (OGC) submits reports to the IOB.²

(U) ~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that "all lawful investigative techniques may be used in full investigations." NSIG (Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.³

(U) ~~(S)~~ In this instance, OGC is required to report the potential IOB errors in accordance with E.O. 12863 and Section 2-56 of the NFIPM, because investigative results were obtained on U.S. persons who were not the subject of an authorized investigation. See NFIPM Section 2-56.G.1. In accordance with the reporting requirements of Section 2.4 of E.O. 12863, the error must be reported to the IOB.

b2 (U) ~~(S)~~ OGC notes that the over collections of records reported
b7E herein were in no way due to errors made by the [redacted] Division or any other FBI entity. Further, [redacted] took appropriate steps to remove all non-authorized information from FBI systems of records, sequester it and provide it to the CDC to be secured. [redacted] did not review any of the unauthorized information provided by the telephone service provider.

(U) ~~(S)~~ Despite the inadvertent nature of the mistake made by the communications carriers that provided the records, the fact remains that information was improperly collected telephone records unrelated to an authorized investigation. Thus, OGC is required to report this matter to the IOB in accordance with E.O. 12863 and

(U) ~~(S)~~ See id. at 4.

(U) ~~(S)~~ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) unauthorized investigations; (4) use of methods or techniques other than those authorized in the conduct of [redacted] investigations; (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

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b2
b7E To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006
~~(U)~~

Section 2-56 of the NFIPM. OGC will prepare and deliver the required correspondence.

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/21/2006
(U)

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b7E

LEAD(s):

Set Lead 1: (Info)

[redacted]

(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

◆◆

~~SECRET~~

March 21, 2006
BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory
letterhead memorandum (LHM), entitled "Intelligence Oversight
Board (IOB) Matter, Counterterrorism Division, IOB Matter 2006-
b2 [redacted]" (U)

This LHM sets forth details of investigative activity which
the FBI has determined was conducted inadvertently contrary to
the Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection, and/or laws,
Executive Orders, or Presidential Directives that govern FBI
foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

1 - 278-HQ-C1229736-V10 - 1276

**UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE**

~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

NSL VIO-503

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-504

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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[redacted] FIELD OFFICE
IOB MATTER 2006-[redacted] (U)

Investigation of this IOB matter has determined with regard to two reported potential IOBs:

(S) The first involved a [redacted] Division investigation [redacted]

b1 [redacted]
b6 [redacted] The IOB violation occurred in connection with
b7C results received from a communication carrier, [redacted]
b4 TFO [redacted] requested subscriber information from [redacted]
b7D [redacted] This correct telephone number was
b2 provided to [redacted] along with a FD-542 from [redacted] Division in [redacted]
b7E [redacted] However, the subscriber information provided
back to [redacted] from [redacted] was for another telephone
number that was not requested by TFO [redacted] mistyped the
phone number that was requested which resulted in information that
does not relate to the investigation of subject [redacted] ~~(S)~~

S

[redacted] Division Chief Division Counsel (CDC) [redacted]

b1 [redacted] sealed the mistaken telephone records on 01/30/2006 and
b2 secured them in the CDC's office. [redacted] Division's responsive EC
b7Es [redacted] which specifically referenced incorrect
b6 subscriber information, has been permanently charged out of ACS. The
b7C incorrect subscriber information has not been uploaded into FBI
databases [redacted] ~~(S)~~

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(S) The second potential violation involved [redacted] Division investigation [redacted]

b1 [redacted]
b6 [redacted]
b7C [redacted]
b2 [redacted]
b7E [redacted] ~~(S)~~

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(S) The potential IOB violation occurred in connection with the results received from the communications carrier, [redacted] TFO [redacted] requested toll records from [redacted] [redacted] furnished the results on a CD-Rom to the [redacted] Division, which in turn forwarded the results to TFO [redacted]. The results were provided along with a FD-542 from [redacted]. The correct phone number and subscriber information was identified in the FD-542, however, the toll records provided on the CD-Rom included partial records for [redacted] as well as another telephone number that was not requested by TFO [redacted] reportedly could not explain how this occurred.

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Once again, the mistaken telephone records were sealed by the [redacted] Division Chief Division Counsel (CDC) [redacted] on 01/30/2006 and are being maintained in a secure manner in the CDC's officer. [redacted] Division's responsive EC [redacted] [redacted] did not reference the incorrect phone number that was provided on the CD-Rom, therefore it has not been charged out of ACS. The incorrect toll records were not uploaded into FBI databases [redacted]

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(U) As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether or not the matters described herein should be reported to the IOB. We believe that though the "over collections" reported herein occurred through no fault of the case officer or [redacted] Division, the reported activity nonetheless requires notification. Despite the inadvertent nature of the mistake made by the communications carriers that provided the records, the fact remains that information was improperly collected telephone records unrelated to an authorized investigation. Thus, OGC is required to report this matter to the IOB in accordance with E.O. 12863 and Section 2-56 of the NFIPM. ~~(S)~~

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(U) OGC notes that the over collections of records reported herein were in no way due to errors made by the [redacted] Division or any other FBI entity. Further, [redacted] took appropriate steps to remove all non-authorized information from FBI systems of records, sequester it and provide it to the CDC to be secured. [redacted] did not review any of the unauthorized information provided by the telephone service provider. ~~(S)~~

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This matter has been referred to the FBI's Inspection Division for their information. (U)

~~(U) (S) Derived From : G-3
Declassify On: X1~~

~~SECRET~~

NSL VIO-507

- 5 -

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2006

To: [Redacted]
Counterterrorism

Attn: CDC [Redacted]
Attn: ITOS I/CONUS II [Redacted]
UC [Redacted]
T/SSA [Redacted]
IA [Redacted]
Attn: IIS, [Redacted]

Inspection

From: General Counsel
National Security Law Branch/CTLU I/LX-1 3S-127
Contact: UC [Redacted]

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Approved By: Thomas Julie F. [Redacted]

DATE: 06-07-2007
CLASSIFIED BY 65179 dan/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

Drafted By: [Redacted]

Case ID #. ~~(U)~~ (S) 278-HQ-C1229736-VIO (Pending)

b2 Title: (U) Intelligence Oversight Board
IOB Matter 2006-[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~(U)~~ (S) Synopsis: It is the opinion of the Office of the General Counsel that the above referenced matter must be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

~~(U)~~ (S//NF) Derived From : G-1
Declassify On: 03/17/2031

Reference: (S) [Redacted]

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Details: ~~(U)~~ (S) By electronic communication (EC) dated February 27, 2006, the [Redacted] Field Office [Redacted], reported to the Inspection Division and the Office of General Counsel (OGC) this potential IOB matter.

(S) [Large Redacted Block]

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OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION

DATE: 4/6/06

Handwritten notes:
2007-2008-2009
2/10/06
[Signature]

b2 To: [redacted] From: General Counsel
b7E : (U) ~~(S)~~ 278-HQ-C1229736-VIO, 03/20/2006

(S) [redacted]

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~~(S)~~ Task Force Officer (TFO) [redacted] requested toll records for telephone number [redacted] from the communications carrier [redacted] furnished results for this telephone number on a CD-ROM to the [redacted] Division, who forwarded the results to [redacted]. The results were provided along with a FD-542 from [redacted]. The correct telephone number and subscriber information was identified on the FD-542, however, the toll records provided on the CD-ROM contained the target telephone number, [redacted] and another telephone number not requested by TFO [redacted]. TFO [redacted] immediately contacted [redacted] and was advised there was an error in the way the data was captured for the telephone number TFO [redacted] requested. It should be noted that this error has been made by [redacted] in previous requests.

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~~(S)~~ The mistaken toll records were sealed by [redacted] Chief Division Counsel (CDC) [redacted] on February 16, 2005 and are securely maintained in the CDC's office. The [redacted] responsive EC [redacted] did not reference the incorrect telephone number that was provided on CD-ROM, and has not been charged out of ACS. The incorrect toll records were not uploaded into FBI databases [redacted].

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(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether or not the matter described herein should be reported to IOB. We believe the reported activity requires notification.

(U) ~~(S)~~ Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires the Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive". This language has been interpreted to mandate the reporting of any violation of guidelines or regulations, approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/20/2006
(U)

individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters. For the FBI, the Office of the General Counsel (OGC) submits reports to the IOB.

(U) ~~(S)~~ The Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that "all lawful investigative techniques may be used in full investigations." Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.

(S)
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~~(S)~~ In this instance OGC is required to report the potential IOB error, albeit the error of [redacted] in accordance with E.O. 12863 and Section 2-56 of the NFIPM, because investigative results were obtained on a presumed USPER who was not the subject of the request for subscriber information and toll records.

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~~(S)~~ OGC notes that once it was apparent that the CD-ROM contained telephone information for one other than [redacted] TFO [redacted] contacted [redacted] and advised [redacted] of the error and did not conduct any analysis on the toll records. The mistaken toll records were sealed by the CDC in [redacted]

(U) ~~(S)~~ OGC is required to report this matter to the IOB in accordance with E.O. 12863 and Section 2-56 of the NFIPM. OGC will prepare and deliver the required correspondence.

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/20/2006
(U)

LEAD(s):

Set Lead 1: (Info)

[redacted]

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(U) Read and clear.

Set Lead 2: (Discretionary)

COUNTERTERRORISM

AT LIBERTY CROSSING ONE, WASHINGTON, DC

(U) For review and action deemed appropriate.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

◆◆

~~SECRET~~

March 21, 2006
BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, DC

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 06-06-2007

Dr. Mr. Friedman:

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Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, [REDACTED] DIVISION, IOB Matter 2006 [REDACTED]" (U)

The LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, and /or laws, Executive Orders, or Presidential Directives that govern FBI foreign counterintelligence and international terrorism investigations.
(U)

Enclosures

1 - Ms. Julie F. Thomas
1 - [REDACTED]
b6 1 - 276-HQ-CI229736-VIO - 1237
b7C 1 - Inspection (IOB 2006-267)

Unclassified when detached
from classified document.

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

NSL VIO-512

Should you or any member of your staff require additional information concerning this matter, or oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto Gonzales
Attorney General
US Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
US Department of Justice
Room 6150

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
IOB MATTER 2006 [redacted]

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b4 The Federal Bureau of Investigation's [redacted] Division
b7n [redacted] reported this potential IOB matter involving
b2 unauthorized receipt of telephone toll records from the
b7SE communications carrier, [redacted] (X)

(S) [redacted]
[redacted]

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Task Force Officer (TFO) [redacted] requested toll
records for telephone number [redacted] from the
communications carrier [redacted] furnished results for this
telephone number on a CD-ROM to the [redacted] Division, who
forwarded the results to [redacted]. The results were provided
along with a FD-542 from [redacted].
The correct telephone number and subscriber information was
identified on the FD-542, however, the toll records provided on
the CD-ROM contained the target telephone number, [redacted]
and another telephone number not requested by TFO [redacted]. TFO
[redacted] immediately contacted [redacted] and was advised there was an
error in the way the data was captured for the telephone number
TFO [redacted] requested. (X)

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The mistaken toll records were sealed by [redacted] Chief
Division Counsel (CDC) [redacted] on February 16, 2005
and are securely maintained in the CDC's office. The [redacted]
responsive EC [redacted] did not reference the
incorrect telephone number that was provided on CD-ROM, and has
not been charged out of ACS. The incorrect toll records were not
uploaded into FBI databases, [redacted]

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(U) OGC has referred this matter or the FBI's Inspection
Division for action deemed appropriate. (X)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section IPII Room 11865

Contact: UC [redacted]

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Approved By: Miller David *DM*

DATE: 06-06-2007
CLASSIFIED BY 65179 dmh/kst/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-06-2032

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1816
OGC/IOB# 2006- [redacted]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

(U) ~~(S)~~ ~~Derived From: G-3~~
~~Declassify On: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Reference: (U) 278-HQ-C1229736-VIO Serial 1279
(U) 278-HQ-C1229736-VIO Serial 1221
(S) [redacted]
(S) [redacted]

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Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 2/1/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [Redacted]

Approved By: Miller David *[Signature]*

DATE: 06-06-2007
CLASSIFIED BY 65179 dmb/kst/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-06-2032

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 425 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1816
b2 OGC/IOB# 2006 [Redacted]

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1221

Reference: (U) 278-HQ-C1229736-VIO Serial 1279

b1 (U) 278-HQ-C1229736-VIO Serial 1221

b2 (S) [Redacted]

b7E

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

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~~SECRET~~




U.S. Department of Justice
Office of the Inspector General


Washington, D.C. 20530

DATE: November 15, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-06-2007 BY 65179 dmh/kak/gcl

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: 
Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009166
Subject: Unidentified
b2  Division
b7E FBI No. 263-HQ-0-U-425

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-517

OIG - INVESTIGATIONS DIVISION - Complaint Form

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: Unidentified, FBI
Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:
Pay Plan:
EOD Date:
ZIP:
ZIP:
SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Offenses: 689
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COMPLAINANT: [redacted]
Title: SSA
Component: FBI
Misc:
Home: [redacted]
Phone: () -
Work: , ,
Phone: (202) [redacted]
Confidential:
Pay Plan:
EOD Date:
ZIP:
ZIP:
Revealed:
SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Authority: none

Details:

The FBI provided information reporting a possible IOB matter regarding the collection of unauthorized information. As a consequence of an error on the part of a communications carrier, the FBI unintentionally obtained unauthorized information.

ALLEGATIONS: 689 IOB Violation
Occurrence Date: 06/04/2004

CITY: [redacted] TIME: [redacted] State: [redacted] zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 04/06/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/15/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-425
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

11/15/06- Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container.

NSL VIO-518

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Handwritten notes:
[Illegible]

Precedence: ROUTINE

Date: 02/16/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

DATE: 06-07-2007
CLASSIFIED BY 65179 dmh/ksc/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

From: [Redacted]
Chief Division Counsel

Contact: [Redacted]

Approved By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Drafted By: [Redacted]

Case ID #: (S) [Redacted]
(U) ~~(S)~~ 278-HQ-CL229736-VIO (Pending) - (S)

Title: (U) ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER, (IOB)
(U) SA [Redacted] CASE AGENT;

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b7C
SSA [Redacted]

Synopsis: (U) ~~(S)~~ NSL directed at incorrect telephone number.

(U) ~~(S)~~ Derived From: G-3
Declassify On: X-1

(S)

Details: (S) [Redacted]

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(U) ~~(S)~~ During the week of 01/16/2006, case agent asked the Investigative Support Specialist (ISS) to create a National Security Letter (NSL) for telephone number information.

(S)

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The subject telephone number was incorrectly transcribed from the ECPA EC request to the ECPA NSL request. The ECPA EC had subject telephone number as [Redacted] however, due to an administrative oversight the ECPA NSL directed at [Redacted] had a

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~~SECRET~~

Handwritten: [Illegible] 4/4/06
[Redacted]

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b7C

NSL VIO-519

Handwritten: 207-0-1-120

~~SECRET~~

To: Inspection From: [redacted]
Re: (S) [redacted]

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b6 (S) telephone number of [redacted] Case agent's [redacted] telephone
extension is [redacted]

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b7E (U) ~~(S)~~ During the week of February 6, 2006, the case agent received the NSL response. On February 10, 2006, the case agent opened the results and immediately noticed the discrepancy in the telephone number. The case agent immediately notified his supervisor and put the original in a sealed envelope and submitted it to the Chief Division Counsel. Nothing from the original NSL was uploaded.

(U) ~~(S)~~ No personal or identifying information on the incorrect telephone number was uploaded into ACS from the NSL return. [redacted]

b2
b7E [redacted]

(U) ~~(S)~~ A copy of the original NSL as well as the resultant information is being maintained in the Chief Division Counsel's safe.

b2
b7E (U) ~~(S)~~ As nothing from the NSL has been reviewed, SAC [redacted] recommends no administrative action be taken in this matter.

~~SECRET~~

~~SECRET~~

To: Inspector From: [REDACTED]
Re: (S) [REDACTED]

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b7E
b1

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/07/2006

To: [Redacted]

Attn: SA [Redacted]
SSA [Redacted]
CDC [Redacted]

Counterintelligence
Inspection

Attn: CD [Redacted]
Attn: IIS [Redacted]

From: Office of the General Counsel
NSLB/CILU/Room 7947

Contact: AGC [Redacted]

Approved By: Thomas Julie F

DATE: 06-06-2007
CLASSIFIED BY: 65179 dmb/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-06-2032

b2
b7E
b6
b1

Drafted By: [Redacted]

Case ID #: (S) 278-HO-C1229736-VIO -1242 (Pending)

Title (U) (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2006 [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) (S) It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

(U) (S) ~~Derived From: G-3~~
~~Declassify On: X1~~

Reference: (S) 278-HO-C1229736-VIO Serial 1201

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Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

Details (U) (S) The referenced electronic communication (EC) from the [Redacted] Division [Redacted], dated 02/16/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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~~SECRET~~

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OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION

DATE: 3-27-06
(M)

~~SECRET~~

b2 To: [redacted] From: Office of the General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2006

(U)

(S)

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[redacted]

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b7CS
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b7E S

~~(S)~~ On 01/16/2006, the case agent directed the investigative support specialist (ISS) to draft a National Security Letter (NSL) requesting information regarding the subject phone number. The EC had the subject telephone number as

[redacted] however, due to an administrative oversight, the NSL sent to the telephone company had the telephone number as

[redacted] The case agent's telephone extension in

[redacted] is [redacted]

(U) ~~(S)~~ On 02/10/2006, the case agent opened the NSL results and noticed the discrepancy in the telephone number. The case agent immediately notified his supervisor and put the original results in a sealed envelope for sequestration with the Chief Division Counsel (CDC). Nothing from the original NSL was uploaded into ACS nor were any searches or database checks run on any information from the NSL results.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or

¹ A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801, *et seq.*, as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act). . . ." See also Section I.C fo the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) (2003).

~~SECRET~~

~~SECRET~~

b2 To: [redacted] From: Office of the General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2006
(U)

regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(S)

[redacted]
[redacted]
[redacted] 18 U.S.C.

2709 authorizes the FBI to seek relevant records from a wire or electronic communication service provider when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." Here, issuance of an NSL which requested records for telephone number [redacted] was neither authorized by law, nor was it authorized by the Attorney General's Guidelines, since telephone number [redacted] is not relevant to a counterintelligence investigation.

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(U) ~~(S)~~ Due to inadvertent typographical error, [redacted] received NSL results on a telephone number that was not associated with the subject of an authorized investigation. Upon realizing the error, the case agent immediately notified his supervisor and took the proper steps to sequester the information. Nothing from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on the NSL results. However, due to the fact that there was an unauthorized collection of presumed U.S. person information, we must report this to the IOB.

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~~SECRET~~

~~SECRET~~

b2 To: [redacted] From: Office of the General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2006
(U)

LEAD(s) :

Set Lead 1: (Info)

[redacted]

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b7E

(U) Read and clear.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas

[redacted]

b6
b7C

IOB Library

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~~SECRET~~

~~SECRET~~

DECLASSIFIED BY dmh/ksr/gcl
ON 06-06-2007

March 8, 2006

Mr. Stephen Friedman, Chairman
Intelligence Oversight Board
New Executive Office Building - Room 5020
Washington, D.C. 20503

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB),
[redacted] Division, IOB Matter 2006-[redacted]" (U)

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The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - 278-HQ-C1229736-VIO - 1243

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

NSL VIO-526

~~SECRET~~

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 2 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

~~SECRET~~

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b7E [redacted] DIVISION
IOB MATTER 2006-[redacted] (U)

~~(S)~~ (U) he [redacted] Division [redacted] of the Federal
Bureau of Investigation (FBI) reported a potential IOB involving a
National Security Letter (NSL) requested by [redacted] which, through
a transcription error, sought information about a telephone number
belonging to a person who was not the subject of an FBI national
security investigation.

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(S) [redacted]
[redacted] had the phone number [redacted] On
01/16/2006, the case agent directed the investigative support specialist
(ISS) to draft an NSL requesting information regarding the subject phone
number. The request had the subject telephone number as [redacted]
however, due to an administrative oversight, the NSL sent to the
telephone company had the telephone number as [redacted] The case
agent's telephone extension in [redacted] is [redacted]

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b7E

(U) ~~(S)~~ On 02/10/2006, the case agent opened the NSL results and
noticed the discrepancy in the telephone number. The case agent
immediately notified his supervisor and put the original results in a
sealed envelope for sequestration with the Chief Division Counsel (CDC).
Nothing from the original NSL results was uploaded into the FBI computer
systems, nor was any investigative action taken based on the NSL
results.

(U) Due to inadvertent typographical error, [redacted] received
NSL results on a telephone number that was not associated with the
subject of an authorized investigation. However, due to the fact that
there was an unauthorized collection of presumed U.S. person
information, the error is a reportable matter under Section 2.4 of
Executive Order 12863.

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

~~SECRET~~

~~3~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: UC [redacted]

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b7C
b2

Approved By: Miller David *DM*

DATE: 06-12-2007
CLASSIFIED BY 65179 dmh/kxr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER

INSD/IIS TRACKING# 1862

b2

OGC/IOB# 2006-[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) To report a potential Intel (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB). rd

Reference: (U) 278-HQ-C1229736-VIO Serial 1201

(S)

[redacted]
278-HQ-C1229736-VIO Serial 1242

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Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 2/16/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

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b7E
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From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [Redacted]

Approved By: Miller David [Signature]

DATE: 06-12-2007
CLASSIFIED BY 65179 dmh/kxr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Drafted By: [Redacted]

✓

Case ID #: (U) 263-HQ-0-U - 426 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1862
OGC/IOB# 2006-[Redacted]

b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~

~~Derived From: G-3~~
~~Declassify On: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1201

Reference: (U) 278-HQ-C1229736-VIO Serial 1201
(S) [Redacted]
(U) 278-HQ-C1229736-VIO Serial 1242

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Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

◆◆

~~SECRET~~



U.S. Department of Justice


Office of the Inspector General

Washington, D.C. 20530

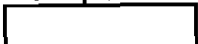
DATE: November 15, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179 dmh/kar/gcl

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: 
Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2006009170

b2 Subject: Unidentified
b7E  Division
FBI No. 263-HQ-0-U-426

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-531

OIG INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted]-689-2006-009170 M

Received By: [redacted] Date Received: 04/13/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:

Pay Plan:
EOD Date:
ZIP:
ZIP:

SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.: b2
Offenses: 689 b6
b7C

COMPLAINANT: [redacted]

Title: ATTY
Component: FBI
Misc:
Home: [redacted]
Phone: () -
Work: , ,
Phone: (202) [redacted]
Confidential: [redacted]

Pay Plan:
EOD Date:
ZIP:
ZIP:
Revealed:

SSNO: [redacted]
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Authority: none

Details:

The FBI provided information reporting a possible IOB matter involving the interception of unauthorized communications. As a consequence of an administrative oversight, the FBI unintentionally obtained unauthorized information.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 01/16/2006

TIME:

CITY: [redacted]

State: [redacted]

zip: b2
b7E

DISPOSITION DATA: Disposition: M Date: 03/27/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/15/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-426

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

11/15/06- Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container.

NSL VIO-532

~~SECRET~~

#1967

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/09/2006

To: Inspection
General Counsel

Attn: Internal Investigations

Attn: NSLB
AGC

Counterintelligence

Attn: CD- Room 4371

Counterintelligence

Attn: CD- Room 8672

Attn: SSA [Redacted] Section

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From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

DATE: 06-05-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

b1

Title: (S) SPECIAL AGENT [Redacted]
b2 SUPERVISORY SPECIAL AGENT [Redacted]
b7E REPORT OF POSSIBLE IOB VIOLATION

Synops: (S) Report of possible IOB violation.

(C) (S) ~~Derived From: G-1~~
~~Declassify On: 25X1~~

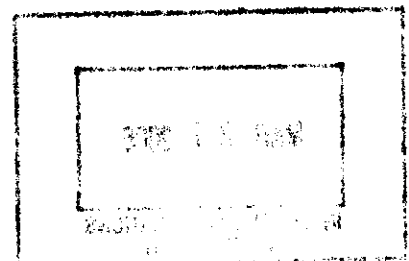
Reference: (S)

(S)
b1 (S)
b7A (S)
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b7E

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~~SECRET~~

NSL VIO-533



Handwritten notes:
CAS [Redacted]
SC Walter [Redacted]
Dep [Redacted]
of [Redacted]

b2
b7E

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/09/2006

(U)

Administrative: (S)

[redacted]

b1 (S)

Case#:

b7A

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b7C

b2 (S)

b7E

(S)

[redacted]

b6

(U)

The Case Agent was SA

b7C

(U)

Possible IOB violation identified by the current Case Agent SA

Details: (S)

[redacted]

[redacted]

b1
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b2 To: Inspection From: [redacted]
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/09/2006

(U)

(S) Per the reference, [redacted] a NSL was requested to obtain residential telephone records [redacted] The NSL, dated May 9, 2005, requested [redacted] to provide the FBI with [redacted] associated with the following information:

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~~(S)~~ Name: [redacted]
Address: [redacted]
As of This Date: [redacted]

(U) ~~(S)~~ and all local and long distance toll billing records associated with that subscriber/account for:

(U) ~~(S)~~ Requested Period for Toll Records:
From [redacted]

(S) b4 returned telephone records for billing date [redacted] b7D [redacted] did not provide records for the period required of [redacted] as requested in the NSL. The b2 current case agent was unable to locate any other telephone b7E records, associated with the administrative reference and the b7A NSL, stored or filed within the [redacted] Division.

(S) b4 Per the reference, [redacted] SA [redacted] sent a b7D lead from [redacted] to Counterintelligence, attention [redacted] and b7A S [redacted], requesting analytical assistance [redacted] for subscriber information and related cases. [redacted] were b2 referenced from the results of the aforementioned NSL. Per the b7E S reference, [redacted] the following was stated:

11/02/05

(S) "An NSL was issued for the telephone records [redacted]"

[redacted]

(S) Per the administrative reference,

[redacted]

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~~SECRET~~

b2 To: Inspection From: [redacted]
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/09/2006
(U)

(S) Per the reference, [redacted] a lead was sent to Counterintelligence, attention [redacted] requesting a six month extension [redacted]

b1 S [redacted]
b7A [redacted] The six month extension request was based on the
b2 dated telephone records from [redacted] which were incorrectly
b7E provided by the telephone company, rather than the requested records [redacted]

(U) ~~(S)~~ In furtherance of rectifying this matter, [redacted] intends to reissue the aforementioned NSL, specifically for the telephone records currently in our possession. [redacted] also intends to issue an additional NSL, specifically requesting telephone records for the original time frame [redacted]
[redacted] believes that both time frames falls within the scope of the administratively referenced pending investigation.

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b7E
b7A

~~SECRET~~

~~SECRET~~

b2

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To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/09/2006

~~(U)~~

LEAD(s) :

Set Lead 1: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

~~(S)~~ Hold in abeyance all activity associated with [redacted] of the reference, until [redacted] provides notification of another NSL reissued for the telephone records associated with [redacted].
(S) b2 b7E b7A (S) Hold in abeyance the generation of any leads and intelligence reports based on information derived from information associated with [redacted] of the reference. Recall any leads and intelligence reports already generated based on information derived from information associated with [redacted] of the reference.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2006

To: Inspection
Counterintelligence

Attn: [Redacted] Room 11865
Internal Investigative Section

Attn: CD [Redacted] Room 4371
CD [Redacted] Room 8672

Attn: SSA [Redacted] Room 4371
SSA [Redacted]

b2
b7E
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b7C

From: Office of the General Counsel
National Security Law Branch/CILH/Room 7947

Contact: SSA [Redacted]

DATE: 06-05-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

Approved By: Thomas Julie F

[Redacted Signature]

Drafted By:

Case ID: (U) (S) 278-HQ-C1229736-VIO (Pending)

b2

Title: (U) (S) INTELLIGENCE OVERSIGHT BOARD MATTER
IOB # 2006-[Redacted]

Synopsis: (U) (S) It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

(U) (S) ~~Derived From: G-3~~
~~Declassify On: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Reference: (U) (S) 278-HQ-C1229736-VIO Serial 1210

b1
b7A (S)

Details: (S)

[Redacted Details]

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b2
b7E
b7A

(S) By electronic communication (EC) dated February 9, 2006, [Redacted] reported a possible IOB violation in conjunction with an ongoing foreign counterintelligence investigation.

b2
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~~SECRET~~

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b7C
OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION

DATE: 4/6/06

declassified on 1/2/06

~~SECRET~~

To: Inspection From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2006

(U)

[redacted] reported that on May 9, 2005, they requested
b4 [redacted] through a National Security Letter (NSL), provide
(S) b7D all local and long distance toll billing records associated with
b2 a subscriber account for the time period [redacted]
b7E [redacted]. Instead [redacted] was provided toll records for the billing
b7A date [redacted]. No other toll records were provided.

~~(S)~~ The case agent at the time of the NSL request was
Special Agent (SA) [redacted]. Upon receiving the records from
b6 S [redacted] SA [redacted] requested analytical assistance from the
b7C Counterintelligence Division at FBIHQ. The records she received
contained [redacted]

b4 [redacted]
b7D S [redacted] SA [redacted] did not catch the error made by
b1 [redacted] prior to her request to FBIHQ for assistance in
b7A analyzing the records.

(S) In late [redacted] SA [redacted] requested an
b6 extension [redacted] Part
b7C of the reason cited in the extension request was the analysis of
b1 the phone records by FBIHQ.
b7A

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

~~(S)~~ Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to 18 U.S.C. 2709, the FBI intended to request the telephone and long distance toll billing records for an USPER. The request was properly drafted and b4
b7D erved upon [redacted] however, the request was
S b2 misinterpreted by [redacted] and the wrong records were
b7E returned to [redacted]
b7A

(U) Section 2.4 of Executive Order 12863, dated September 13, 1993, mandates that Inspectors General and General Counsel of the Intelligence Community, including the FBI, report to the IOB all information concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential directive. This language has been interpreted to mandate the reporting of any violation of law or pertinent Attorney General guideline that are specifically

~~SECRET~~

~~SECRET~~

To: Inspection From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2006

(U)

intended to ensure the protection of the individual rights of
USPERS.

(S) In this case, [redacted] incorrectly forwarded
the wrong records to [redacted]. Although the mistake of
[redacted] could have been caught by the case agent, it could
not have been remedied at that point. The collection had already
taken place. The case agent's desire for a quick and timely
analysis of the records caused her to forward the records to the
Counterintelligence Division at FBIHQ without noticing that she
had been sent records belonging to her subject that were not
within the time period stated in the NSL. Although the above
facts technically constitute an example of an over-collection,
the obtaining of the records was not the fault of the case agent.

~~(S)~~ [redacted] believes that the above over-collection is
easily rectifiable. [redacted] believes that the records they
received still fall within the investigative time frame of their
case and could have been obtained by the extension of the time
period listed on the face of the NSL. [redacted]

[redacted] in order to rectify the
current situation, [redacted] now intends on reissuing an NSL
specifically for the telephone records initially received from
[redacted] also intends to issue an additional NSL,
specifically requesting telephone records for the original time
period [redacted] believes that
both time periods fall within the scope of the referenced pending
investigation.

(U) ~~(S)~~ This matter is being brought to the attention of
the IOB for proper review. OGC will prepare an appropriate cover
letter and an enclosure for the Deputy General Counsel to report
this matter.

~~SECRET~~

~~SECRET~~

To: Inspection From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2006

(U)

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

~~(U) (S)~~ For whatever action deemed appropriate.

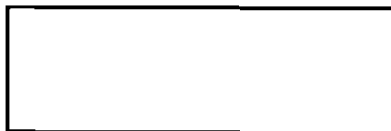
Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC



~~(U) (S)~~ For information.

Set Lead 3: (Info)



b2
b7E

~~(U) (S)~~ For information.

- 1 - Ms. Thomas
- b6 1 - 
- b7C 1 - 
- 1 - NSLB IOB Library

◆◆

~~SECRET~~

March 16, 2006

BY COURIER

Mr. Stephen Friedman, Chairman
Intelligence Oversight Board
New Executive Office Building - Room 5020
Washington, D.C. 20503

Dear Mr. Friedman:

b2 This letter forwards for your information a self-explanatory
enclosure entitled "Intelligence Oversight Board Matter, IOB #
2006- (U)

The enclosure sets forth details of investigative activity
which the FBI has determined was conducted contrary to the
Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection and/or laws,
Executive Orders, or Presidential Directives which govern FBI
foreign counterintelligence and international terrorism
investigations. (U)

Enclosure

b6 1 - Ms. Thomas
b7C 1 -
1 -
1 - 278-HQ-C1229736-VIO - *12/17*

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

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

~~SECRET~~

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 2 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-543

b2
INTELLIGENCE OVERSIGHT BOARD MATTER
COUNTERINTELLIGENCE DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS
IOB MATTER 2006- [redacted]

b1 (S) [redacted]
b6 [redacted]
b7C [redacted]
b2 [redacted]
b7E [redacted]

b7A (S) On May 9, 2005, [redacted] requested [redacted] through a
b4 National Security Letter (NSL), provide all local and long distance toll
b7D billing records associated with a subscriber account [redacted]
b7A for [redacted]. Instead [redacted] was provided toll records
provided. No other toll records were

b4 (S) Upon receiving the records from [redacted] the case agent
b7D requested analytical assistance from the Counterintelligence Division at
b1 FBIHQ. The records contained [redacted]
b7A [redacted] the case agent did not catch the error
made by [redacted] prior to the request to FBIHQ for assistance in
analyzing the records.

b1 (S) [redacted] the case agent requested an
b7A extension [redacted] Part of the
reason cited in the extension request was the analysis of the phone
records by FBIHQ.

b4 (S) [redacted] had incorrectly forwarded the wrong records to
b7D [redacted] Although the mistake of [redacted] could have been caught
b2 by the case agent, it could not have been remedied at that point. The
b7E collection had already taken place. The case agent's desire for a quick
b7A and timely analysis of the records caused the case agent to forward the
records to the Counterintelligence Division at FBIHQ without noticing
that the wrong records had been sent.

b2 (U) ~~(S)~~ Although the above facts technically constitute an example of
b7E an over-collection, the obtaining of the records was not the fault of
the case agent. The over-collection issue can be rectified by [redacted]

(U) ~~(S)~~ This matter is being brought to the attention of the IOB for

~~SECRET~~

proper review in accordance with Section 2.4 of Executive Order 12863.

~~SECRET~~

NSL VIO-545

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/13/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPI Room 11865

Contact: UC [redacted]

b6
b7C
b2

Approved By: Miller David *DM*

DATE: 06-05-2007

CLASSIFIED BY 65179 dmh/kst/qcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-05-2032

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1967
OGC/IOB# 2006-[redacted]

b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

(U) ~~(S)~~ **Derived From:** ~~G-3~~
Declassify On: ~~XI~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Reference: (U) 278-HQ-C1229736-VIO Serial 1210

(S) [redacted]

(U) 278-HQ-C1229736-VIO Serial 1281

b1

b7A

b2

b7E

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 2/9/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section IPU Room 11865

Contact: CRS [redacted]

b6
b7C
b2
b7E

Approved By: Miller David [signature]

DATE: 06-05-2007

CLASSIFIED BY 65179 dmh/ksr/gcl

Drafted By: [redacted]

REASON: 1.4 (c)

DECLASSIFY ON: 06-05-2032

✓ **Case ID #:** (U) 263-HQ-0-U - 428 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER

INSD/IIS TRACKING# 1967

b2

OGC/IOB# 2006-[redacted]

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~

~~Derived From: G-3~~

~~Declassify On: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1210

Reference: (U) 278-HQ-C1229736-VIO Serial 1210

(S) [redacted]

(U) 278-HQ-C1229736-vio Serial 1281

b1
b7A
b2
b7E

Details: (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

◆◆

~~SECRET~~

NSL VIO-547



U.S. Department of Justice

Office of the Inspector General

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-04-2007 BY 65179 dmh/ksr/gcl

DATE: November 22, 2006

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: OIG Complaint No. 2007001062

b2 Subject: Unidentified
b7E [redacted] Division
FBI No. 263-HQ-0-U-428

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-548

Received By: [redacted] Date Received: 04/06/2006 How Received: A

SUBJECT: Unidentified, FBI
Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:
Pay Plan:
EOD Date:
ZIP:
ZIP:
SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Offenses: 689
b2
b6
b7C

COMPLAINANT: [redacted]
Title: SA
Component: FBI
Misc: [redacted]
Home: [redacted]
Phone: () -
Work: , ,
Phone: (202) [redacted]
Confidential:
Pay Plan: [redacted]
EOD Date: [redacted]
ZIP: [redacted]
ZIP: [redacted]
Revealed:
SSNO: [redacted]
D.O.B.: [redacted]
Alien No.: [redacted]
F.B.I.No.: [redacted]
B.O.P.No.: [redacted]
D/L No.: [redacted]
Authority: none

Details:

The FBI provided information regarding a potential IOB matter.

(S) [redacted] on 5/9/05, submitted a National Security Letter (NSL) requesting billing records for the target of the investigation [redacted]. Instead of receiving the requested records, [redacted] received toll records for the billing date [redacted] and the error was not immediately noticed by the case agent.

b2
b7E
b1
b7A

ALLEGATIONS: 689 IOB Violation
Occurrence Date: 05/09/2005
CITY: [redacted] State: [redacted] Zip: [redacted]
TIME: [redacted]
b2
b7E

DISPOSITION DATA: Disposition: M Date: 04/06/2006 Approval: POWELL, GLENN G
Referred to Agency: FBI Date Sent: 11/21/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-428
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

11/21/06: Predicating material contains classified information which will be maintained in a secure container at OIG/INV/HQ. (stp)

DATE: 06-05-2007
FBI INFO.
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

NSL VIO-549

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#1526

b2

Precedence: ROUTINE

Date: 12/01/2005

To: Inspection

Attn: IIS, Room 11861

General Counsel

Attn: NSLB, Room 7975

From:

[Redacted]

DATE: 06-05-2007
CLASSIFIED BY: 65179 dmh/ksr/gol
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

Contact: SA

[Redacted]

b2
b7E
b6
b7C

Approved By:

[Redacted]

2/1/05

Mark lead as covered/
or close case

Drafted By:

Date 1/2005

Case ID #: (U) (S) 278-HQ-C1229736-VIO

053

Initials

Title: (U) SA

[Redacted]
SSA [Redacted]

TO: CDC ARAC SAC

INTELLIGENCE OVERSIGHT BOARD (IOB) E

b2
b7E

Synopsis: (U) (S) To report possible IOB error.

(U) (S)

Derived From: G-3
Declassify On: X1

Possible IOB Error
Date 12/1/2005
Initials [Signature]

Details:

b1 (S) 1.

[Redacted]

b6
b7C

b2 (S) 2.

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b7E
(U) (S)

3. Possible IOB Error:

(U) (S) The Attorney General's Guidelines Provision: Section V
(12)

b1 (S) [Redacted]

(U) (S) 4. Description of IOB Error:

(S) [Redacted]

b1
b6
b7C
b7A

[Redacted]
The use of an National Security Letter
(NSL) in conformity with 18 U.S.C. 2709, relating to subscriber

b6
b7C

[Redacted]
[Signature] 4/24/06 ~~SECRET~~

NSL VIO-550

b2 (U)
b7E To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/01/2005

b1
b6 information, toll billing records, and electronic communication
b7C transactional records, was an authorized investigative technique [redacted]

b2 [redacted]
b7E (S) [redacted]
b7A [redacted]

b1
b6
b7C
b2
b7E
b7A

b1
b6 (S) [redacted]
b7C [redacted]
b2 [redacted]

b7E (S) [redacted]
b1 [redacted]
b7A [redacted]
b6 [redacted]
b7C [redacted]
b2 [redacted]

b7E (S) [redacted]

b1 A [redacted]
b6 [redacted]
b7C [redacted]
b2 [redacted]
b7E [redacted]
b7A [redacted]

b1 (S) [redacted]
b6 [redacted]
b7C [redacted]
b2 [redacted]

b7E (S) [redacted] Agent in good faith
b7A [redacted] requested subscriber and toll information for telephone number
b1 [redacted]
b6 [redacted]

b7C (S) On 11/07/2005, Agent received subscriber information and
b7A toll records for telephone number [redacted] Agent noticed
the current subscriber for the telephone number was not [redacted]

b1 [redacted] Once Agent determined there
b6 was no connection [redacted]
b7C Agent informed the [redacted] Division's Chief Division Counsel
b2 (CDC), [redacted] about the subscriber information and toll
b7E records. CDC [redacted] then notified AGC [redacted] about
b7A the records.

(U) ~~(S)~~ The subscriber information and toll records were not
b2 uploaded [redacted] but were immediately sealed
b7E and submitted to ITOS I/CONUS III. Agent also ensured the squad

~~SECRET~~

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/01/2005

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b7A

rotor removed any reference in ACS for the actual subscriber's
name, address and email address for case file [redacted]

(S)

~~SECRET~~

~~SECRET~~

b2
b7E

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/01/2005
(U)

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

4

NSL VIO-553

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/29/06

To: [Redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
Attn: AD
Attn: [Redacted]
Internal Investigative
Section, Room 11865

b6
b7C
b2
b7E

From: General Counsel
Counterterrorism Law Unit II/LX-1 3S100
Contact: [Redacted]

Approved By: Thomas, Julie F

DATE: 06-05-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

Drafted By: [Redacted]

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO - 1308

Title: ~~(S)~~ SA [Redacted]
(U) SS7 [Redacted]
INTELLIGENCE OVERSIGHT BOARD [Redacted],
IOB 2006 [Redacted]

b6
b7C
b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB), but, rather, that a record of this decision should be maintained in the investigation control file for review by the Counsel to the IOB.

~~(S)~~ - (U) ~~Derived from : G-3~~
~~Declassify On: X1~~

Reference: (S) [Redacted]

b1
b2
b7E
b7A

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

b6
b7C

~~SECRET~~

OIG/DOJ REVIEW:
FBI INVESTIGATION
OIG/DOJ INVESTIGATION
NSL VIO-554

[Redacted] **DATE:** 4-20-06
[Redacted]

Handwritten notes:
1/27/06 [Redacted]

~~SECRET~~

b2 (U) To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2006

Details: (U) Referenced communication from the [redacted] Field Office [redacted] to OGC, dated 12/01/2005, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

(S) As discussed in the electronic communication (EC) from [redacted] cited below, [redacted]

[redacted] that is, a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA),² in order to investigate information or allegation of [redacted]

b1
b6
(S)b7C
b2
b7E
b7A

(U) ~~(S)~~ During the course of the investigation, [redacted] issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request telephone toll billing records that are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States."

~~(S)~~ On or about September 30, 2005, a National Security Letter (NSL) was issued to a telephone carrier for the telephone toll billing records of a phone number identified as that of the target. Prior to issuing the NSL for subscriber information and

(U) ~~(S)~~ EC from [redacted] to Inspection and OGC dated 12/01/2005 and titled "SA [redacted] SSA [redacted] Intelligence Oversight Board (IOB) Error."

b2
b7E
b6
b7C

² (U) A "United States person" (USP) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

~~SECRET~~

~~SECRET~~

b2
b7E To: (U) [redacted] From: General Counsel
b2 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2006

(S) b7E toll records, [redacted] field office confirmed telephone number
b1 was a number used by [redacted] through the following means:

b6
b7C
b7A

(S)

[redacted]

b2
b7E
b1
b6
b7C
b7A

(S)

[redacted]

b1
b6
b7C
b7A

(S) The results obtained from the carrier in response to the NSL identified the subscriber of the telephone as someone other than [redacted] thus, the information returned from the carrier was the telephone toll billing records of a wholly unrelated individual. Upon receipt of the records, the error was discovered by the case agent and the records were set aside and not reviewed or used for any other investigative purpose.

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the

~~SECRET~~

~~SECRET~~

b2
b7E

To: [REDACTED] From: General Counsel
Re (U) ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2006

IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutory requirements, including 18 U.S.C. §2709. Title 18, U.S.C. § 2709 provides that the FBI may seek toll billing information from telephone carriers that is relevant to an authorized national security investigation. At the time [REDACTED] issued the NSL for the toll billing records, it had a reasonable basis to believe that the records it was requesting were relevant to an authorized national security investigation. Whether or not [REDACTED] might have done more vetting given the conflicting information is not a legal decision for OGC to ponder. NSLs are the appropriate vehicle for verifying subscribers and at the time the NSL was issued, [REDACTED] had the appropriate legal authority to issue the NSL. Therefore, OGC does not find that a violation occurred.

b2
b7E

(U) It is our opinion that this matter need not be reported to the IOB. Consistent with our prior opinions, a record of this decision should be maintained in the control file for future review by Counsel to the IOB.

~~SECRET~~

b2
b7E

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2006
(U)

LEAD (s) :

Set Lead 1: (ACTION)

b2
b7E

[redacted]

(U) For review and action deemed appropriate.

Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

b6 1 -
b7C

[redacted]

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/27/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted]

Approved By: Miller David Ian

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 06-05-2007 BY 65179 dmh/kar/gcl

b6
b7C
b2

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1526
OGC/IOB# 2006-[redacted]

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1053
278-HQ-C1229736-VIO Serial 1308

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 12/1/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is not considered willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

b2
b7E

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/01/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

b6
b7C
b2

Contact: CRS [Redacted]

Approved By: Miller David [Signature]

DECLASSIFIED BY 65179 dmh/ksj/grl
ON 06-05-2007

Drafted By: [Redacted]

✓ **Case ID #:** (U) 263-HQ-0-U - 436 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1526
OGC/IOB# 2006 [Redacted]

b2

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U) ~~(S)~~ ~~Derived From: G-3~~
~~Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1053

Reference: (U) 278-HQ-C1229736-VIO Serial 1053
278-HQ-C1229736-VIO Serial 1308

b2
b7E

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

◆◆

~~SECRET~~



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20537

DATE: November 20, 2006

TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: **OIG Complaint No. 2007001036**
b2 Subject: Unidentified [REDACTED]
b7E FBI No. 263-HQ-0-U-436

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 65179 dmh/kst/gcl

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

NSL VIO-561

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] -689-2007-001036-M

Received By: [redacted] Date Received: 04/20/2006 How Received: A

SUBJECT: Unidentified, FBI
Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:
Pay Plan:
EOD Date:
ZIP:
ZIP:
SSNO:
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Offenses: 689
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COMPLAINANT: [redacted]
Title: ATTY
Component: FBI
Misc:
Home: [redacted]
Phone: () -
Work: , ,
Phone: (202) [redacted]
Confidential:
Pay Plan:
EOD Date:
ZIP:
ZIP:
Revealed:
SSNO: [redacted]
D.O.B.:
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
Authority: none

Details:
The FBI provided information reporting a possible IOB matter involving subscriber information obtained from a NSL which yielded data information associated with a party different and unrelated to the FBI target. (dz)

ALLEGATIONS: 689 IOB Violation
Occurrence Date:
CITY: [redacted] TIME: [redacted] State: [redacted] b2
b7E ip:

DISPOSITION DATA: Disposition: M Date: 11/20/2006 Approval: POWELL, GLENN G
Referred to Agency: FBI Date Sent: 11/20/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-436
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:
Case referral to Kaiser/FBI/INSD, 11/20/06 (dz)

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO , 10/21/2005

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proper authority, submitted a National Security Letter on 10/21/2003 for toll and billing records of the subject. The National Security Letter was served and results transmitted to [REDACTED] by the delivering division on 01/06/2004. The case agent re-submitted the conversion electronic communication on 02/02/2004. However, the conversion was not properly authorized because it was not signed by the Special Agent in Charge (SAC).

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(S)

No FBIHQ notification was made upon the conversion to a 315 matter and no annual Letterhead Memorandum (LHM) was submitted. Those oversights are generally non-reportable administrative matters. Although facts existed which would have supported a 315 [REDACTED] no SAC authorization for a 315 [REDACTED] was obtained prior to the issuance of a National Security Letter. Based on the foregoing, [REDACTED] reports this matter as a potential IOB violation. [REDACTED]

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b2 To: General Counsel From: [REDACTED]
b7E Re: (U) 278-HQ-C1229736-VIO , 10/21/2005

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

b2 (U) The [REDACTED] Division advises NSLB of a
b7E potential IOB matter.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/02/2005

To: [Redacted]

Attn: SAC
CDC

Counterterrorism
Inspection

Attn: AD
Attn: Internal Investigations
Section (IIS)

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From: General Counsel
National Security Law Branch/LX Crossing, Room 5S200
Contact: [Redacted]

Approved By: Thomas Julie F

DATE: 06-05-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-05-2032

Drafted By: [Redacted]

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

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Title (U) ~~(S)~~ SA [Redacted]
SA [Redacted]
b2 INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER 2006 [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB) and to the Internal Investigations Section of the Inspection Division, FBIHQ. OGC will prepare and deliver the necessary correspondence to the IOB. Our analysis follows.

(U) ~~(S)~~ ~~Derived from : G-3~~
~~Declassify On: X-1~~

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OIG/DOJ REVIEW: [Redacted]
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

DATE: 12/2/05

Handwritten notes:
12/2/05
640/40

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/02/2005

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~~(U)~~
Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1035
(U) 278-[redacted]-C85270 Serial 158

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

Details: ~~(S)~~ As reported by the [redacted] Division
[redacted] in an Electronic Communication (EC) dated
10/27/2005, [redacted]

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~~(S)~~ On 10/07/2003, case agent SA [redacted] of the
[redacted] Resident Agency ("RA") submitted an EC to
his principal relief supervisor, SA [redacted] requesting
the conversion of [redacted] criminal
investigation of [redacted] to a "315 [redacted] national security
investigation. However, the conversion EC was neither uploaded
into ACS nor sent to the Bureau file, and it was not approved by
the [redacted] Special Agent in Charge (SAC). Principal Relief
Supervisor SA [redacted] who received the conversion request by
Bureau Mail from the RA was unaware that the [redacted] SAC
needed to approve the conversion and thus did not send the EC up
the chain for approval. Nevertheless, SA [redacted] believed he had
proper authority to conduct a 315 investigation, and on
10/21/2003, he submitted a National Security Letter ("NSL") for
toll and billing records of the subject. The NSL was served and
the results transmitted to [redacted] by the delivering
division on 01/06/2004.

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(S) At this point, the case agent realized that the conversion of his investigation had not yet occurred, so he re-

(S) [redacted] The term "United States person" is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA) (codified at 50 U.S.C. § 1801 et seq.) and is defined as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act)" See also Section 1.C of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).

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b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/02/2005
(U)

b6 submitted the conversion EC on 02/02/2004. This EC, too, was
b7C never approved by the SAC. However, SA [redacted] continued to
b1 investigate the subject [redacted]. The error
b2 was discovered on [redacted] 2005 during an inspection of [redacted]
b7E conducted by the Inspection Division. Still, on 10/28/2005, SA
[redacted] submitted a request for an extension of this case, citing
it [redacted] even though no [redacted]
[redacted] had ever been properly initiated.

b6 (U) ~~(S)~~ During the period that SA [redacted] conducted this
b7C investigation as a 315 matter, no notification of the conversion
b2 (which he assumed to have occurred) was made to FBI Headquarters
and no annual letterhead memorandum was submitted.

b6 (U) ~~(S)~~ In November 2005, following the submission of the
b7C potential IOB violation to the Office of the General Counsel, the
b2 Indianapolis Chief Division Counsel instructed SA [redacted] on the
proper means to convert a criminal investigation to a 315
national security investigation.

(U) Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM) requires OGC to determine whether the facts related above are required to be reported to the IOB. Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

b6 (U) ~~(S)~~ Applying these principles to the case at hand, OGC
b7C concludes that the continued investigation of the subject which
b2 SA [redacted] has errantly conducted as a 315 national security
b7E investigation beginning when he submitted a request for an NSL on
10/21/2003, violated The Attorney General's Guidelines for FBI
National Security Investigations and Foreign Intelligence
Collection (NSIG), Section II.C. The NSIG requires that a
National Security investigation be open on a subject before
investigative techniques may be used. In this case, the
[redacted] SAC had not approved conversion of the 272
investigation to a 315 investigation, and the subsequent
investigation, which included the service of an NSL, was

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To: From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/02/2005

~~(U)~~

conducted without appropriate authorization. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the inadvertent error must be reported to the ICB, which this Office will do.

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To: [redacted] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 12/02/2005

b2 (U)

b7E LEAD (s):

Set Lead 1: (Info)

[redacted]

(U) Read and Clear.

Set Lead 2: (Action)

INSPECTION

AT INTERNAL INVESTIGATIONS SECTION, DC

(U) For action deemed appropriate.

Set Lead 3: (Action)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For action deemed appropriate

- 1 - Ms. Thomas
- b6 1 - [redacted]
- b7C 1 - [redacted]
- 1 - IOB File

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BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum, entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Field Office, IOB Matter 2006-[redacted]. (U)

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This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

- 1 - Ms. Thomas
- 1 - [redacted]
- b6 1 - 278-HQ-C1229736-VIO
- b7C 1 - Inspection Division (IOB 2006-[redacted]-1176)
- b2 1 - Mr. Hulon

**UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE**

~~Derived from: G-3
Declassify on: X-1~~

~~SECRET~~

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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NSL VIO-572

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2 [redacted] FIELD OFFICE
b7E IOB MATTER 2006 [redacted] (U)

(S) Investigation of this IOB matter has determined that [redacted]

[redacted] On 10/07/2003, case agent SA [redacted] of [redacted] Resident Agency ("RA") submitted an EC to his principal relief supervisor, SA [redacted] requesting the conversion of [redacted] criminal investigation of [redacted] to [redacted] national security investigation. However, the conversion EC was neither uploaded into ACS nor sent to the Bureau file, and it was not approved by the [redacted] Special Agent in Charge (SAC). Principal Relief Supervisor SA [redacted] who received the conversion request by Bureau Mail from the RA, was unaware that the [redacted] SAC needed to approve the conversion and thus did not send the EC up the chain for approval. Nevertheless, SA [redacted] believed he had proper authority to conduct a 315 investigation, and on 10/21/2003, he submitted a National Security Letter ("NSL") for toll and billing records of the subject. The NSL was served and the results transmitted to [redacted] by the delivering division on 01/06/2004. At this point, the case agent realized that the conversion of his investigation had not yet occurred, so he re-submitted the conversion EC on 02/02/2004. This EC, too, was never approved by the SAC. However, SA [redacted] continued to investigate the subject under the 315 classification. The error was discovered on [redacted] 2005 during an inspection of [redacted] conducted by the Inspection Division. Still, on 10/28/2005, SA [redacted] submitted a request for an extension of this case, citing it as a [redacted] even though no [redacted] had ever been properly initiated. During the period that SA [redacted] conducted this investigation as a 315 matter, no notification of the conversion (which he assumed to have occurred) was made to FBI Headquarters and no annual letterhead memorandum was submitted. In November 2005, following the submission of the potential IOB violation to the Office of the General Counsel, the Indianapolis Chief Division Counsel instructed SA [redacted] on the proper means to

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NSL VIO-573

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convert a criminal investigation to a 315 national security investigation. The continued investigation of the subject by SA as a 315 national security investigation beginning when he submitted a request for an NSL on 10/21/2003, violated The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), Section II.C. ~~ⓧ~~

(U) This matter also has been referred to the FBI's Internal Investigations Section of the Inspection Division for action deemed appropriate. ~~ⓧ~~

~~Derived from: G-3
Declassify on: X-1~~

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~~SECRET~~

NSL VIO-574

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/27/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: [REDACTED]

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Approved By: Miller David Ian

Drafted By: [REDACTED]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1743
OGC/IOB# 2006-[REDACTED]

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Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1035
278-HQ-C1229736-VIO Serial 1175

Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 10/27/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/01/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection
Internal Investigations Section, IPU, Room 11865

Contact: [Redacted]

Approved By: Miller David Ian

DECLASSIFIED BY 65179 dmh/kar/gcl
ON 06-05-2007

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 438 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1743
OGC/IOB# 2006 [Redacted]

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

~~(U) (S)~~ Derived From: G-3
Declassify On: X1

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1035

Reference: (U) 278-HQ-C1229736-VIO Serial 1035
278-HQ-C1229736-VIO Serial 1175

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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NSL VIO-576

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U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: November 22, 2006
TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-05-2007 BY 65179 dmh/ksl/gcl

FROM: Glenn G. Powell
Special Agent in Charge
Investigations Division

SUBJECT: **OIG Complaint No. 2007001070**
Subject: Unidentified [REDACTED]
FBI No. 263-HQ-0-U-438

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- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

IMPORTANT NOTICE

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Attachment

NSL VIO-577

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [redacted] -689-2007-001070-M

Received By: [redacted] Date Received: 04/20/2005 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID

Component: FBI

Misc:

Home:

Phone:

Work:

Phone:

Pay Plan:

EOD Date:

ZIP:

ZIP:

SSNO:

D.O.B.:

Alien No.:

F.B.I.No.:

B.O.P.No.:

D/L No.:

Offenses: 689

COMPLAINANT: [redacted]

Title: ATTY

Component: FBI

Misc:

Home:

Phone: () -

Work: , ,

Phone: (202) [redacted]

Confidential: [redacted]

Pay Plan:

EOD Date:

ZIP:

ZIP:

Revealed:

SSNO: [redacted]

D.O.B.:

Alien No.:

F.B.I.No.:

B.O.P.No.:

D/L No.:

Authority: none

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Details:

The FBI provided information reporting a possible IOB matter involving the conversion of an Electronic Communication (EC) that was neither uploaded into ACS nor sent to the bureau file and was not approved by the [redacted] SAC. (dz)

ALLEGATIONS: 689 IOB Violation

Occurrence Date:

TIME:

CITY: [redacted]

State: [redacted]

Zip:

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DISPOSITION DATA: Disposition: M Date: 11/21/2006 Approval: POWELL, GLENN G

referred to Agency: FBI Date Sent: 11/21/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-HQ-0-U-438

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Case referral to Kaiser/FBI/INSD, 11/22/06 (dz)

NSL VIO-578

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 6

Page 64 ~ Duplicate

Page 65 ~ Duplicate

Page 66 ~ Duplicate

Page 83 ~ Duplicate

Page 84 ~ Duplicate

Page 85 ~ Duplicate