

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#1802 b2

Precedence: ROUTINE

Date: 12/19/2005

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From: [Redacted]

Squad 14

Contact: SA [Redacted]

Approved By: [Redacted]

DATE: 05-25-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-25-2032

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Drafted By: [Redacted]

bab

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

(S) ~~(U)~~ [Redacted]

Title: (U) SA [Redacted]

SA REPORT OF POSSIBLE IOB VIOLATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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(S)

Synopsis: ~~(U)~~ EC to report a possible IOB violation committed by writer. [Redacted]

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(U) ~~(U)~~

Derived From: G-3
Declassify On: X1

Details: ~~(U)~~ A potential IOB violation occurred during investigation of [Redacted]

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(S)

(U) ~~(U)~~ On 9/9/2005, a National Security Letter (NSL) was prepared by writer to obtain subscriber information for [Redacted]

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(S)

(U) ~~(U)~~ Results in compliance with the aforementioned NSL were received on 10/11/2005 by [Redacted] SSU1 Unit and documented in an EC dated 10/12/2005.

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CRS [Redacted]
SC Miller

has 01/30/06
GAM 4/24/06

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NSL VIO-579

278-HQ-C1229736-VIO-411

278-HQ-C1229736-VIO-411

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 12/16/2005

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(U)

(S)

~~(S)~~ On 12/15/2005, it was discovered that on the original NSL dated 9/9/2005, the number was inadvertently transposed. Subscriber information was requested for

[redacted]

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(U) ~~(S)~~ On 12/15/2005, [redacted] CDC [redacted] was contacted and advised of the error. CDC [redacted] requested writer to prepare a report of possible IOB violation.

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(U) ~~(S)~~ The results of the NSL and any serials with reference to the results of the NSL can be destroyed or permanently charged out of the original file as they are not needed for, or related to, the current investigation.

(U)

~~(S)~~ [redacted] will await guidance from Inspection Division regarding removal of subscriber information from [redacted] and ACS.

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~~SECRET~~

2

NSL VIO-580

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 12/16/2005

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LEAD(s) :

Set Lead 1: (Info)

ALL RECEIVING OFFICES

(U) For information only.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/8/2006

To: [Redacted]

Attn:

SA [Redacted]
SA [Redacted]
CDC [Redacted]

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b7E
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Inspection

Toni Mari Fogle

Counterintelligence

SSA [Redacted]
CD-3B

From: Office of the General Counsel

National Security Law Branch/CILU/Room 7975

Contact: [Redacted]

Approved By: Thomas Julie F

[Redacted]

DATE: 05-25-2007
CLASSIFIED BY 65179 dmh/ksl/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-25-2032

Drafted By:

[Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 1257

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

Synopsis: ~~(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 letter head memorandum to report this matter to the IOB. Our analysis follows.

~~(U)~~

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

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1115

~~(S)~~ [Redacted]

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~~SECRET~~

OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION

[Redacted]

DATE: 4/20/06
[Signature]

b6
b7C

Confidential - not for release

~~SECRET~~

To: [redacted]
From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/8/2006

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b7E

(U)

Details: ~~(S)~~ By electronic communication (EC) dated 12/19/2005, b2
[redacted] Division requested OGC review of a possible IOB error in b7E
conjunction with an ongoing counterintelligence investigation.
The following facts are derived from this EC.

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(U) ~~(S)~~ On 9/9/2005, FBI [redacted] prepared a National Security
Letter (NSL) to obtain subscriber information for [redacted]

(S)

[redacted]

(U) ~~(S)~~ On 12/15/2005, FBI [redacted] discovered that the
original NSL dated 9/9/2005 inadvertently requested information
for the wrong telephone number. [redacted]

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(S)

[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) 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's foreign counterintelligence
guidelines or other 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 ensure the protection of the
individual rights of a U.S. person. Violations of provisions
that are essentially administrative in nature need not be

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To: [REDACTED]
From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/8/2006

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)~~ In this case, this matter must be reported to the IOB because FBI [REDACTED] requested information on a number that had no relevance to an ongoing investigation as required by statute. This error was compounded by the fact that the results from this NSL were documented in an EC and subsequently entered into the FBI's Telephone Applications database.

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(U) Based upon these facts, in accordance with the NSIG and the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error must be reported to the IOB.

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To: [redacted]
From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/8/2006

Lead(s):

Set Lead 1:

[redacted]

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AT

[redacted]

(U) Implement procedures to ensure the accuracy of information contained in NSL requests. Sequester all information from this NSL with [redacted] Chief Division Counsel, and purge all information from FBI databases. NSLB will provide further guidance to the CDC regarding the sequestered information.

Set Lead 2:

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Coordinate with [redacted] Division to ensure that appropriate procedures are in place to ensure the accuracy of information contained in NSL requests and that the information is properly sequestered and purged.

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- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - NSLB Library

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~~SECRET~~

March 8, 2006

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

Dear Mr. Friedman:

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

b2

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 - 1,258

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

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

~~SECRET~~

NSL VIO-586

~~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

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

~~SECRET 2~~

NSL VIO-587

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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

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(U) ~~(S)~~ The [redacted] Division of the Federal Bureau of Investigation has reported a possible violation in conjunction with an ongoing counterintelligence investigation. By electronic communication (EC) dated 12/19/2005 [redacted] requested FBI Office of General Counsel review of this possible IOB error. The following facts are derived from this EC.

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(S)

~~(S)~~ On 9/9/2005, FBI [redacted] prepared a National Security Letter (NSL) to obtain subscriber information for [redacted]

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(S)

~~(S)~~ On 12/15/2005, FBI [redacted] discovered that the original NSL dated 9/9/2005 inadvertently requested information for the wrong telephone number. [redacted]

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(S)

(U) ~~(S)~~ In this case, this matter must be reported to the IOB because FBI [redacted] requested information on a number that had no relevance to an ongoing investigation as required by statute. This error was compounded by the fact that the results from this NSL were documented in an EC and subsequently entered into the FBI's Telephone Applications database.

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b7C
b7A

(U) Based upon these facts, in accordance with the NSIG and the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error must be reported to the IOB.

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

~~SECRET 3~~

~~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] Ext. [redacted]

Approved By: [redacted]

DATE: 06-12-2007

CLASSIFIED BY 55179 dmh/kar/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-12-2032

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Drafted By: [redacted] kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1802
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

b1
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Reference: (U) 278-HQ-C1229736-VIO Serial 1115
(S) [redacted]
(U) 278-HQ-C1229736-VIO Serial 1257

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 12/19/2005, 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: CRS [redacted] Ext. [redacted]

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Approved By: [redacted]

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 05-29-2007

b6
b7C

Drafted By: [redacted] *ds*

Case ID #: (U) 263-HQ-0-U - 441 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1802
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 1115

Reference: (U) 278-HQ-C1229736-VIO Serial 1115
278-HQ-C1229736-VIO Serial 1257

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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.

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~~SECRET~~



U.S. Department of Justice

Office of the Inspector General

DATE: November 22, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-29-2007 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. 2007001069
Subject: Unidentified
[redacted] Division
FBI No. 263-HQ-0-U-441

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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

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-591

Received By: [] Date Received: 04/20/2006 How Received: A

SUBJECT: Unidentified, FBI

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Title: UNID

b7C, ay Plan:

SSNO:

Component: FBI

EOD Date:

D.O.B.:

Misc:

Alien No.:

Home:

F.B.I.No.:

Phone:

ZIP:

B.O.P.No.:

Work:

D/L No.:

Phone:

ZIP:

Offenses: 689

COMPLAINANT: []

SSNO: []

Title: ATTY

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: ,

Phone: []

ZIP:

Confidential:

Revealed:

Authority: none

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Details:

The FBI provided information regarding a potential IOB matter.

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On 9/9/05, FBI [] Division prepared a National Security Letter (NSL) to obtain subscriber information. On 12/15/05, it was discovered that the NSL inadvertently requested information for the wrong telephone number.

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ALLEGATIONS: [] IOB Violation

Occurrence Date: 09/09/2005

TIME:

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CITY: []

State: []

Zip:

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DISPOSITION DATA: Disposition: M Date: 04/20/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/21/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number:

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

11/21/06: Predicating material contains classified information which will be stored in a secure container at OIG/INV/HQ. (stp)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 65179 dmh/ksr/gcl

NSL VIO-592

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#1806

b2

Precedence: ROUTINE

Date: 02/02/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From: [Redacted]

Squad 15

Contact: SA [Redacted]

Approved By: [Redacted]

DATE: 05-29-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

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Drafted By: [Redacted] gak

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

(S) [Redacted]

Title: (U) [Redacted]

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(U) REPORT OF POSSIBLE IOB VIOLATION

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Synopsis: (S) EC to report a possible IOB violation committed by writer in [Redacted]

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Administrative: (S) The following information is FISA-derived and singular in nature. No dissemination is to be made outside of the FBI of any information provided by the source without close coordination with the [Redacted] division.

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Details: (S) [Redacted]

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[Redacted]

has out/106

cc: Miller [Redacted] ~~SECRET~~
1/24/06

NSL VIO-593

scid. 2/27/06

278-HQ-C1229736-VIO, 157

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 02/02/2006

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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b7D
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(S) [redacted]

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(S) [redacted]

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 02/02/2006

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LEAD(s) :

Set Lead 1: (Info)

ALL RECEIVING OFFICES

(U) For information only.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/07/06

To:

Attn: SAC, CDC

From: General Counsel
National Security Affairs/Room 7947
Contact: Julie F. Thomas

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Approved By: Thomas Julie F

DATE: 05-29-2007
CLASSIFIED BY: 65179 dmh/ksf/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO ¹⁰³¹

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Title: (U) ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2006- b2

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that no error was committed in this matter, and therefore nothing need be reported to the IOB. A record of this decision should be maintained in the investigation control file for review by the Counsel to the IOB.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Reference: (U) 278-HQ-C1229736-VIO Serial 1157

(S)

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Details: (S)

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~~SECRET~~

OIG/DOJ REVIEW: DATE: 4-20-06
FBI INVESTIGATION: _____
OIG/DOJ INVESTIGATION: _____

NSL VIO-596

Handwritten notes:
2/20/06
10/10/06
10/10/06

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/07/06

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(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 "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 (PIOB). By longstanding agreement between the FBI and the IOE, this language has been interpreted to mandate the reporting

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/07/06
(U)

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of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or 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. (U)

(S)

~~(S)~~ The NSIG provide that [redacted] including the techniques listed in Part V of these Guidelines..." Section II.D.3. These techniques include the issuance of National Security Letters. NSIG, Section V.12.

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(S) [redacted]

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We do not believe that any of these actions constitutes a violation of the NSIG or any other guidelines or regulations approved by the Attorney General in accord with E.O. 12333.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that there was no error committed and thus nothing should be reported to the IOB in this matter. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

Set Lead 1: (Info)

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/07/06

(U)

[redacted]

AT

[redacted]

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1 - [redacted]
1 - IOB Library

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~~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] Ext. [redacted]

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Approved By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-29-2007 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# 1806
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 1157
278-HQ-C1229736-VIO Serial 1231

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 02/02/2006, 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 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.

b2
b7E

◆◆

~~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

Contact: CRS [redacted] Ext. [redacted]

b2
b7E
b6
b7C

Approved By: [redacted]

DECLASSIFIED BY 65179 dmh/kst/gcl
ON 05-29-2007

Drafted By: [redacted] *has*

✓ **Case ID #:** (U) 263-HQ-0-U - 442 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1806
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 1157

Reference: (U) 278-HQ-C1229736-VIO Serial 1157
278-HQ-C1229736-VIO Serial 1231

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

1806

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. 2007001072
Subject: Unidentified
[redacted] Division
FBI No. 263-HQ-0-U-442

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

Received By: [redacted] b6 Date Received: 04/20/2006 How Received: A

b7C

UBJECT: 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: Thomas, Julie F

Title: EXECG

Component: FBI

Misc:

Home:

Phone: () -

Work:

Phone:

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

b6
b7C
b2

Details:

(S)The FBI provided information regarding a potential IOB matter.

b1

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 02/02/2006

CITY:

TIME:

State:

b2

b7E

Zip:

DISPOSITION DATA: Disposition: M Date: 04/20/2006 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-442

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: 06-13-2007
FBI INFO.
CLASSIFIED BY 55179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#2118

Precedence: ROUTINE

Date: 10/26/2005

To: Counterintelligence
General Counsel
INSD

Attn: CD-4D, SSA [redacted]
Attn: NSLB
Attn: IIS

From: [redacted]
Squad 23

Contact: SA [redacted]

b2
b7E
b6
b7C

Approved By: [redacted]

DATE: 05-29-2007
CLASSIFIED BY: 65179 dmh/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By: [redacted]

rmy

b1
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b7A

Case ID #: (S) [redacted]

(U) ~~(S)~~ 278-HQ-C1229736 (Pending)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U)

Title: (S) [redacted]

b1
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b7A

Synopsis: ~~(S)~~ To advise FBIHQ of facts that could conceivably be reportable to the IOB. The [redacted] Division sent an NSL requesting records for an email address believed to be the subject's work email address, however the company returned the records of the internet domain account of the subject's employer, not the subject's email. [redacted] is forwarding the facts surrounding this incident to FBIHQ to determine whether there is a reportable IOB violation.

b2
b7E

(U) ~~(S)~~

~~Derived From: G-3
Declassify On: 10/26/2030~~

(S)

[redacted]

b1

(S)

(U)

Enclosure(s): ~~(S)~~ A copy of the original National Security Letter cover EC; a copy of the National Security Letter; and a copy of the EC documenting the collection of records from [redacted]

b1
b7D

(S)

[redacted] and submission of results to the file.

Details: ~~(S)~~ On February 11, 2005, SA [redacted] requested a National Security Letter (NSL) be drafted for [redacted]

b6
b7C

(U)

(S)

~~SECRET~~

b1
b7D

[redacted]

kas 05/10/06

b6
b7C

NSL VIO-604

downloaded 01/24/06

~~SECRET~~

b2
b7E
b1
b7A

To: Counterintelligence From: [redacted]
Re: (S) [redacted] 10/26/2005

(S)

[redacted]

b1
b7D
b7A

(S)

[redacted]

b1
b2
b7E
b7A
b7D

(S)

[redacted]

b1
b6
b7C
b2
b7E
b7A

(U) ~~(S)~~ On or around October 13, 2005, SA [redacted] asked SA [redacted] who is assigned to the FBI [redacted] Squad 22, Cyber Squad, to assist in reviewing the records to determine what information the documents provided. Upon review, it was determined that the documents provided no information [redacted]

b2
b7E
b1

(S)

[redacted] Upon this discovery, SA [redacted] consulted with SSA [redacted] who referred the issue to CDC [redacted] CDC [redacted] subsequently advised that this matter should be referred to FBIHQ to determine if this is an IOB violation and that the documents in question should be sealed.

b7A
b7D
b6
b7C

(U) ~~(S)~~ On October 26, 2005, SA [redacted] was advised of CDC [redacted] instructions and sealed the documents in an [redacted]

b6
b7C

~~SECRET~~

~~SECRET~~

To: Counterintelligence From: [redacted]
Re: (S) [redacted] 10/26/2005

b1
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envelope. This sealed envelope will be placed into the file pending further instructions.

~~SECRET~~

~~SECRET~~

To: Counterintelligence From: [redacted]
Re: (S) [redacted] 10/26/2005

b1
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LEAD(s) :

Set Lead 1: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) ~~(S)~~ Read and clear.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Read and Clear.

Set Lead 3: (Info)

IIS

AT INSD

(U) ~~(S)~~ Read and clear.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/24/06

To: Director's Office

Inspection
[redacted]

Attn: [redacted] IIS

Attn: CDC

b2
b7E
b6
b7C

From: General Counsel
National Security Affairs/Room 7947
Contact: Julie F. Thomas

Approved By: Thomas Julie F
[redacted]

DATE: 05-29-2007
CLASSIFIED BY: 65179 dmb/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By: [redacted]

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-V10-1315
(S) [redacted]

b1
b2
b7E
b7A

Title: (U) ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2006- [redacted] b2

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~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Reference: (U) ~~(S)~~ 278-HQ-C1229736 Serial 2526

Details: (U) ~~(S)~~ As noted in the electronic communication (EC), this matter has arisen as a result of a National Security Letter (NSL) issued by [redacted] in a full field counterintelligence investigation.

b2
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b6
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~~SECRET~~

OIG/DOJ REVIEW: [redacted] DATE: 4-27-06
FBI INVESTIGATION: [redacted]
OIG/DOJ INVESTIGATION: [redacted]

NSL VIO-608

Handwritten notes:
[unclear]

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/24/2006

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(U)

(S) [redacted]

b1
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b7C
b7A

(S) [redacted]

b1
b2
b7E
b7A

(S) [redacted]

Upon review, it was discovered that the documents provided no information for [redacted]

b1
b2
b7E

[redacted]

~~(U)~~ ~~(S)~~ The matter was referred to the CDC, who advised that it should be directed to FBIHQ, and that the documents in question should be sealed.

~~(U)~~ ~~(S)~~ On October 26, 2006, the documents were sealed and placed in the file pending further instructions.

(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 erroneous production by [redacted] of records unrelated to the subject but pertaining to [redacted] is a matter which must be reported to the IOB. It is.

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b7D

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/24/2006

b2
b7E

(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 [redacted] of records unrelated to the subject, but pertaining to [redacted] 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.

b7D
b1

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-V10, 3/24/2006
(U)

b2
b7E

Set Lead 1: (Action)

[redacted]

(S) AT [redacted]
[redacted]

b2
b7E
b1
b7D

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB Library

b6
b7C

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~~SECRET~~

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:

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

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 - (S)

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived from: Multiple Sources~~
~~Declassify on: March 22, 2031~~

~~SECRET~~

NSL VIO-612

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~~

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

b2
b7E

(U)

~~(S)~~

The [redacted] Field Office of the Federal Bureau of Investigation has reported an error in conjunction with a response to a National Security Letter (NSL) [redacted] pursuant to the NSL, did not

(S)

[redacted]

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b2
b7E

(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~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/11/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

Approved By: [redacted] *TAM*

b6
b7C

Drafted By: [redacted] *Wade*

b2

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2118
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 Serial 2526
278-HQ-C1229736-VIO Serial 1315

Details: (U) The Internal Investigations Section (IIS) received an EC from Baltimore Division dated 10/26/2005, 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 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: 05/11/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

b2
b7E
b6
b7C

Approved By: [redacted] *ki*

Drafted By: [redacted] *has*

✓ **Case ID #:** (U) 263-HQ-0-U-450 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2118
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): (S) [redacted]
(U) 278-HQ-C1229736 Serial 2526

Reference: (S) [redacted]
(U) 278-HQ-C1229736 Serial 2526
(U) 278-HQ-C1229736-VIO Serial 1315
(S) [redacted]

b1
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b7A

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.

b2
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).

◆◆

~~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 05-29-2007 BY 65179 dmh/kxl/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. 2006008196**
Subject: Unidentified
 Division
FBI No. 263-0-U-450

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

NSL VIO-617

b2
b7E

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: 689-2006-008196-M

Received By

b6
b7C

Date Received: 05/11/2006

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

COMPLAINANT: Thomas, Julie F.

Title: ATTY

Component: FBI

Misc:

Home:

Phone:

Work: General Counsel,

Phone:

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 interception 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: 02/16/2005

TIME:

b2

CITY

State:

b7E

Zip:

DISPOSITION DATA: Disposition: M Date: 04/27/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI

Date Sent: 11/15/2006

Component: FBI

Patriot Act: N

Civil Rights: N

Component Number:

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-618

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

2002
(06-) b2

Precedence: ROUTINE

Date: 03/27/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From: [Redacted]
Chief Division Counsel

Contact: [Redacted]

Approved By:

[Redacted] *Burl*
[Redacted] *EW*

DATE: 05-29-2007
CLASSIFIED BY 65172 dmh/esr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

b2
b7E
b6
b7C

Drafted By:

[Redacted] *Jed*

Case ID #: (S)

[Redacted]

(U) ~~(S)~~ 278-HQ-C1229736 (Pending) - 2/27/06

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b7E
b7A

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

POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER, (IOB)

(U)

SA [Redacted]
SSA [Redacted]

b6
b7C

Synopsis: ~~(S)~~

NSL directed at incorrect telephone number.

(U)

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(S) ~~(U)~~

[Redacted]

Details: (S)

[Redacted]

b1

(S)

[Redacted]

b1
b7A

(S)

[Redacted]

b1
b6
b7C
b7D
b7A

SC Miller
CRS [Redacted] *5/12/06*
kw 5/15/06

~~SECRET~~

[Redacted Stamp]

b6
b7C

NSL VIO-619/10-10-06

~~SECRET~~

To: Inspection From: [redacted]
Re: (S) [redacted] 03/27/2006

b1
b2
b7E
b7A

(U) ~~(S)~~ On 03/23/2006, case agent received the toll records results on a CD. On 03/24/2006 case agent opened the toll record results on his computer and immediately noticed the discrepancy in the telephone number. The case agent immediately notified his supervisor and put the original CD in a CD box which was then sealed and submitted to the custody of the Chief Division Counsel.

(U) ~~(S)~~ Nothing from the original NSL was uploaded. No personal or identifying information on the incorrect telephone number was uploaded into ACS from the NSL return. Additionally, No ACS checks, IDW, [redacted] or other restricted government data base b2 checks were done on any information from the NSL return. Also, no open source or internet checks were done on the information.

(U) ~~(S)~~ A copy of the original NSL as well as the resultant information is being maintained in the Chief Division Counsel's safe.

(U) ~~(S)~~ As nothing from the NSL has been reviewed, A/SAC [redacted] b2 recommends no administrative action be taken in this b7E matter.

~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]
Re: (S) [redacted] 03/27/2006

b1
b2
b7E
b7A

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: 04/18/2006

b2
b7E
b6
b7C

To: [Redacted]

Attn: CDC [Redacted]
SSA [Redacted]
SA [Redacted]

Counterintelligence

Attn: CD-2A, UC [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

From: Office of the General Counsel
NSLB/CILU/Room 7947

Contact: AGC [Redacted]

Approved By: Thomas Julie F. [Redacted]

DATE: 05-29-2007
CLASSIFIED BY: 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1346 (Pending)

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
MATTER 2006-280

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

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Reference: (S) [Redacted]

Details: ~~(S)~~ By electronic communication (EC) dated 03/27/2006, the [Redacted] Field Office [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants

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OIG/DOJ REVIEW: [Redacted] DATE: 5/11/06
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

~~SECRET~~

*downloaded by ACS
05/10/06. kaw*

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 04/18/2006

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b7E

reporting to the IOB.¹ In our opinion, it does. Our analysis follows.

[redacted] (S)

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(U) ~~(S)~~ On 02/09/2006, during the course of the investigation, a case agent forwarded an email to an investigative support specialist (ISS) asking the ISS to create National Security Letters (NSL) for two telephone numbers that were associated with the subject of the investigation. On 02/13/2006, the ISS created NSLs for the two telephone numbers. Due to an inadvertent error, however, one of the telephone numbers was erroneously transcribed.³ The NSL with the erroneous telephone number was [redacted]

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(S) (U) ~~(S)~~ On 03/23/2006, the case agent received the toll records on a CD. On 03/24/2006, the case agent opened the toll records and immediately noticed the discrepancy in the telephone number. The case agent promptly notified his supervisor and placed the original CD in a CD box. The CD box was sealed and submitted to the custody of the Chief Division Counsel.

(U) ~~(S)~~ Nothing from the original NSL was uploaded. Specifically, no personal or identifying information on the incorrect telephone number was uploaded into ACS from the NSL return. Further, no ACS checks, IDW, [redacted] or other restricted government data base checks were performed on any information from the NSL return.

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¹ ~~(S)~~ EC from [redacted] to OCG dated 03/27/2006 and titled "Possible Intelligence Oversight Board Matter, (IOB) SA [redacted] SSA [redacted]"

² (U) A "United States person" (USP) is defined in Section 101(i) of 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)"

³ (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 04/18/2006

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Finally, no open source or internet checks were conducted on the information.

(U) ~~(S)~~ A copy of the original NSL and the information received are being maintained by the Chief Division Counsel in his safe.

(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 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).

(U) 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's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), or other 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)~~ NSLs are administrative subpoenas that allow the FBI to obtain three types of information: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act (ECPA)) (18 U.S.C. § 2709); (2) financial institution records (Right to Financial Privacy Act) (12 U.S.C. § 3414(a)(5)(A)); and (3) credit bureau information (Fair Credit Reporting Act) (15 U.S.C. § 1681u (a), (b)). ECPA, 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. Section V.12., Investigative Techniques, of the NSIG provides that NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) ~~(S)~~ In this situation, the information obtained by the FBI was not relevant to an authorized national security investigation. Due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CI229736-VIO, 04/18/2006

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Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIC and ECPA.

(U) ~~(S)~~ It should be noted that [redacted] response in receiving the erroneous information was commendable. Upon receiving the incorrect toll records, the case agent immediately noticed the discrepancy, notified his supervisor, and placed the original CD in a CD box. Proper procedures were then undertaken by sealing the CD box and submitting the box to the Chief Division Counsel's custody. No personal or identifying information on the incorrect telephone number was uploaded into ACS from the NSL return. Further, no ACS checks, IDW, [redacted] or other restricted government data base checks were performed on any information from the NSL return. Finally, no open source or internet checks were conducted on the information.

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(U) Here, the target's rights were not violated because he was not the subject of the improperly collected information. It is unknown whether the erroneous information received pertained to a United States Person, inasmuch as there has been no review of the information. Nonetheless, based upon the fact that information which may be about a USP was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 04/18/2006

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

AT [redacted]

(U) The CDC should continue to retain custody of the improperly received information. This information should continue to remain sealed and sequestered in the CDC's safe until further direction from OGC.

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cc: Ms. Thomas
[redacted]
IOB Library

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~~SECRET~~

5

NSL VIO-626

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 05-29-2007

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (U)

b2

The 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 Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

1 - 278-HQ-C1229736-VIO-1347

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

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

~~SECRET~~

NSL VIO-627

~~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 Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-628

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-29-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2006-[REDACTED] U)

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(S) [REDACTED]

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On February 2, 2006, an FBI case agent forwarded an email to an FBI investigative support specialist (ISS) asking the ISS to create National Security Letters (NSL) for two telephone numbers that were associated with the subject of the investigation. On February 13, 2006, the ISS created NSLs for the two telephone numbers. Due to an inadvertent error, however, one of the telephone numbers was erroneously transcribed. The NSL with the erroneous telephone number was

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(S) [REDACTED]

(U) ~~(S)~~ Due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. The error was discovered upon receipt of the information, and the records were neither 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. The overcollection was a violation of Section V.12. of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection.¹ Thus, the matter is being reported to the IOB.

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

~~SECRET~~

~~(U)~~

¹ ~~(S)~~ Section V.12. authorizes use of National Security Letters in conformity with 18 U.S.C. § 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records). The statute requires that information sought is relevant to an authorized national security investigation.

~~SECRET~~

NSL VIO-629

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/15/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section IPU, Room 11865
Contact: CRS [redacted] Ext. [redacted]

Approved By: [redacted]

Drafted By: [redacted] *JAS*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-23-2007 BY 65179 dmh/ksl/gww b2 b6 b7C

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2022
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 Serial 2540
278-HQ-C1229736-VIO Serial 1346

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 03/27/2006, 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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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/15/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [Redacted] Ext. [Redacted]

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Approved By: [Redacted]

DECLASSIFIED BY: 65179 dmh/ksr/gcl
ON: 05-29-2007

Drafted By: [Redacted] /s/

Case ID #: (U) 263-HQ-0-U - 454 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2022
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 Serial 2540

Reference: (U) 278-HQ-C1229736 Serial 2540
278-HQ-C1229736-VIO Serial 1346

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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(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~~



U.S. Department of Justice

Office of the Inspector General

DATE: November 21, 2006

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-29-2007 BY 65179 gmh/kse/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. 2007001022

Subject: Unidentified

[Redacted] Division

FBI No. 263-HQ-0-U-454

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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

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-632

Received By: [] b6 Date Received: 05/11/2006 How Received: A

b7C

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: [] Title: ATTY Component: FBI Misc: Home: Phone: () - Work: Phone: 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: (S) The FBI provided information regarding a potential IOB matter.

On 2/9/06, during the course of a [] in the [] Division, a case agent requested an Investigative Support Specialist (ISS) to create National Security Letters (NSL) for two telephone numbers. The ISS inadvertently transcribed one of the (S) telephone numbers incorrectly and the NSL with the erroneous telephone number []

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ALLEGATIONS: 689 IOB Violation Occurrence Date: 02/13/2006

CITY: [] TIME: [] State: [] Zip: []

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DISPOSITION DATA: Disposition: M Date: 05/11/2006 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-454 Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

11/20/06: The predicating material contains classified information which is being stored in a secure container at OIG/INV/HQ.

DATE: 05-29-2007
FBI INFO.
CLASSIFIED BY 65179 dmh/ker/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

NSL VIO-633

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

20600

Precedence: ROUTINE

Date: 03/13/2006

To: Counterintelligence
General Counsel
Inspection

Attn: CD-2C, SSA [redacted]
Attn: NSLB
Attn: IIS

From: [redacted]

Squad 23
Contact: SA [redacted]

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Approved By: [redacted]

DATE: 05-29-2007
CLASSIFIED BY: 65179 dmh/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By: [redacted]

rmyln

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Case ID #: (S) [redacted]
(U) ~~(S)~~

278-HQ-C1229736-VIO (Pending) - 1254

Title: (S) [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Synopsis: ~~(S)~~ (U) To advise FBIHQ of facts that could conceivably be reportable to the IOB. The [redacted] Division sent an NSL requesting billing and subscriber records for a cellular phone believed to be owned by the subject, however in addition, the company returned the records of the prior subscribers for that telephone number. [redacted] is forwarding the facts surrounding this incident to FBIHQ to determine whether there is a reportable IOB violation.

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~~(U)~~ ~~(S)~~ Derived From: G-3
Declassify On: 03/13/2031

b1

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

Enclosure(s) (U) ~~(S)~~ A copy of the original National Security Letter cover EC; a copy of the National Security Letter; and a copy of the EC documenting the collection of records from [redacted]

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Details: (S) [redacted]

b1

CIS [redacted] [handwritten initials]

~~SECRET~~

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NSL VIO-634

~~SECRET~~

To: Counterintelligence From: [redacted]
Re: (S) [redacted] 03/13/2006

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(S) [redacted]

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b7D

(S) [redacted]

b1
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b7C
b7D

(S) [redacted]

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b7D

(U) ~~(S)~~ Upon this discovery, SA [redacted] sealed the disk in an envelope in preparation for possible advisement by SSA [redacted] and CDC [redacted] that this matter should be referred to FBIHQ to determine if this is an IOB violation and that the documents in question should be sealed.

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(U) ~~(S)~~ This sealed envelope will be placed into the file pending further instructions.

~~SECRET~~

~~SECRET~~

To: Counterintelligence From: [REDACTED]
Re: (S) [REDACTED] 03/13/2006

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LEAD(s):

Set Lead 1: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) ~~(S)~~ Read and clear.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ NSLB is requested to advise [REDACTED] on the appropriate handling procedures of the records received that were outside the scope of the NSL.

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Set Lead 3: (Info)

IIS

AT INSD

(U) ~~(S)~~ Read and clear.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/19/2006

To: [Redacted]

Attn: SSA [Redacted]
SA [Redacted]

Counterintelligence

Attn: CD-2C, SSA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

From: Office of the General Counsel
NSLB/CILU/Room 7947

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Contact: AGC [Redacted]

Approved By: Thomas Julie F
[Redacted]

DATE: 05-29-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By: [Redacted]

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO (Pending) 1574

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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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). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.

Administrative: (U) ~~(S)~~ This electronic communication (EC) contains information from the following documents: (1) a copy of the National Security Letter (NSL) dated 10/25/2005; (2) a copy of the EC dated 10/25/2005 forwarding the NSL to the [Redacted] Field Division to be served on the carrier; (3) a copy of the EC dated 02/01/2006 delivering the results of the NSL to the [Redacted] Field Office [Redacted] and (4) a copy of the EC dated 03/13/2006 from [Redacted] to OGC reporting a potential IOB matter.

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Reference: (S) [Redacted]

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

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

DATE: 5-18-06

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SECRET

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 05/19/2006

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(U)

~~(S)~~ By EC dated 03/13/2006, [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

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(S)

[redacted]

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(U) ~~(S)~~ On 02/01/2006, the [redacted] Division forwarded the results of the NSL to [redacted]. The results arrived in two formats, paper and CD. Upon receipt of the information, [redacted] reviewed the paper format. The paper copy detailed the subject's telephone records and identified the subject as the user of the cellular telephone number. [redacted] assumed that the CD contained the same information.

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(U) ~~(S)~~ However, on 03/13/2006, [redacted] viewed the contents from the CD and learned that the CD contained more information than the paper copy. The information contained in the disk included the records of prior subscribers for that same telephone number. Upon the discovery of this additional information not relevant, although lawfully obtained, the case agent sealed the disk in an envelope and informed her supervisor and the Chief Division Counsel (CDC) of the incident. Currently, the disk remains in a sealed envelope.

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(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 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).

(U) 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's Guidelines for FBI National

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 05/19/2006

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Security Investigations and Foreign Intelligence Collection (AG Guidelines), or other 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)~~ NSLs are administrative subpoenas that allow the FBI to obtain three types of information: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act (ECPA)) (18 U.S.C. § 2709); (2) financial institution records (Right to Financial Privacy Act) (12 U.S.C. § 3414(a)(5)(A)); and (3) credit bureau information (Fair Credit Reporting Act) (15 U.S.C. § 1681u (a), (b)). ECPA, 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. Section V.12., Investigative Techniques, of the AG Guidelines provides that NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) ~~(S)~~ Here, during an authorized investigation,¹ the FBI properly served an NSL on a telephone carrier. In response to the properly served NSL, the FBI obtained information regarding prior subscribers' records that were not relevant to the investigation.² It appears that this information, although lawfully obtained, is not relevant to the investigation and should be segregated to protect the potential privacy interests of United States persons. As already accomplished in this matter, once information not relevant to an authorized investigation is received, the field shall seal and sequester such information.

(S) [redacted]

b1

² The target's rights were not violated because he was not the subject of the improperly collected information. It is unknown, however, whether the information of prior subscribers' records pertained to a United States Person inasmuch as there has been no review of the information.

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 05/19/2006

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(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error need not be reported to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 05/19/2006

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b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

b2
b7E

[redacted]

AT [redacted]

(U) With respect to the information that was improperly received from the carrier, please seal it and sequester it within the CDC's safe. The information should continue to remain sealed and sequestered in the CDC's safe until further direction from OGC.

cc: Ms. Thomas

b6
b7C

[redacted]

IOB Library

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

Approved By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-29-2007 BY 65179 amh/kak/gcl

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Drafted By: [redacted]

kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2060
OGC/IOB# 2006-0287

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 1254
278-HQ-C1229736-VIO Serial 1379

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 03/13/2006, reporting a possible IOB error. Based upon a review of the referenced EC, it is 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~~//20310605

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

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Approved By: [redacted]

Drafted By: [redacted]

kas

✓ **Case ID #:** (U) 263-HQ-0-U Serial 459 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2060
OGC/IOB# 2006 [redacted]

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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: 20310605~~

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Enclosure(s): (S) [redacted]

Reference: (S) [redacted]

(U) 278-HQ-CI229736-VIO Serial 1254

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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 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~~//20310605



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20531

DATE: November 20, 2006
TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-29-2007 BY 65179 dmh/ksr/gcl

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

SUBJECT: OIG Complaint No. 2007000989
Subject: Unidentified,
FBI No. 263-0-U-459

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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

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-644

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] -689-2007-000989-M

Received By: [redacted] b6 Date Received: 05/19/2006 How Received: A
b7C

SUBJECT: Unidentified, Unknown

Title: UNID
Component: UNK
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:
Confidential:

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

ZIP: [redacted]

ZIP:
Revealed:

SSNO: [redacted]
D.O.B.: [redacted]
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 information obtained from a telephone carrier via a properly served National Security Letter (NSL). The FBI obtained information regarding prior subscribers' records that was not relevant to the investigation. (dz)

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [redacted] TIME: [redacted] b2
CITY: [redacted] State: [redacted] b7E zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 11/17/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/17/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-C-U-459

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:
Case referral to Kaiser/FBI/INSD, 11/20/06 (dz)

~~SECRET~~//20310330

FEDERAL BUREAU OF INVESTIGATION

115123

Precedence: ROUTINE

Date: 03/30/2006

To: General Counsel

[Redacted]

Attn: NSLB

Attn: SSA

TFO

SIA

[Redacted]

Inspection Division

Attn: Internal Investigations Section

DATE: 05-29-2007

CLASSIFIED BY 65179 dal/kai/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 05-29-2032

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From: Counterterrorism

ITOS 1/CONUS 1/TEAM 3

Contact: SSA

[Redacted]

Approved By: Hulon Willie T
Billy Joseph Jr
Heimbach Michael J

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Drafted By:

[Redacted]

jat

Case ID #: (S)

[Redacted]

(U) 278-HQ-C1229736-VIO (Pending) - 1305

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Title: (S)

[Redacted]

OO: BA

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(U) INTELLIGENCE OVERSIGHT BOARD MATTERS

Synopsis: ~~(S)~~ This communication alerts Office of General Counsel (OGC)/National Security Law Branch (NSLB) of a potential Intelligence Oversight Board (IOB) matter pertaining to the

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(S)

[Redacted]

(U)

~~(S)~~

~~Derived From: G-3~~
~~Declassify On: 03/30/2031~~

(S)

[Redacted]

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~~SECRET~~//20310330

2006 4

sc Miller
CRS
NSL VIO-646
[Redacted]

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downloaded
03/31/06

To: General Counsel From: Counterterrorism
Re: (S) [redacted] 03/30/2006

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Reference: (S) [redacted]

Details: (S) [redacted]

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(S) [redacted]

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(S) [redacted]

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

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~~SECRET~~//20310330

To: General Counsel From: Counterterrorism
Re: (S) [redacted] 03/30/2006

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

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(S) [redacted]

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~~SECRET~~//20310330
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NSL VIO-648

To: General Counsel From: Counterterrorism
Re: (S) [redacted] 03/30/2006

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LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For action as deemed appropriate.

Set Lead 2: (Info)

[redacted]

AT [redacted]

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

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Set Lead 3: (Info)

INSPECTION DIVISION

AT WASHINGTON, DC

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

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/24/2006

To: Counterterrorism

Attn: ITOS 1, Conus 1, Team III

General Counsel

Attn: NSLB

Attn: SSA

TFO

From:

20

Contact: TFO

Approved By:

DATE: 05-29-2007

CLASSIFIED BY 65179 dmh/kbr/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 05-29-2032

Drafted By:

Case ID # - (S)

(U) - ~~(S)~~

278-HQ-C1229736-VIO - 1255 (Pending)

Title: (S)

OO: BA

Synopsis: (U) To advise FBIHQ of facts that may need to be reported to the Intelligence Oversight Board (IOB).

(U) - ~~(S)~~

~~Derived From: G-3~~

~~Declassify On: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(S)

[Redacted]

Enclosure(s) (U) - ~~(S)~~ Enclosed for the Office of General Counsel (OGC), National Security Law Branch (NSLB), is one copy of a National Security Letter (NSL) provided to [Redacted]

Details: (S)

[Redacted]

~~SECRET~~

50 Miller *[Signature]* 5/22/06
CRS [Redacted] NSL-VIO-650

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b7C

[Handwritten notes]

~~SECRET~~

To: Counterterrorism From: [redacted]
Re: (S) [redacted] 03/24/2006

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[redacted]

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[redacted]

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(S)

[redacted]

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(S)

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[redacted]

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[redacted]

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~~SECRET~~

To: Counterterrorism From: [redacted]
Re: (S) [redacted] 03/24/2006

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(S) [redacted]

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(U) The information contained in this EC is being provided to OGC, NSLB and CTD for the purpose of enabling those entities to: 1) make a determination as to whether this matter should be reported to the IOB, and if so, to make such a report; and 2) provide guidance to [redacted] Division as to how the material in question should be handled.

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To: Counterterrorism From: [redacted]
Re: (S) [redacted] 03/24/2006

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LEAD(s):

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Consult with OGC, NSLB, and
1) determine whether the facts contained in this
communication should be reported to the IOB, and if so make such
a report; and

2) advise [redacted] as to how the material in
question should be handled within the [redacted] Division.

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Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

U) Consult with CTD, and
1) determine whether the facts contained in this
communication should be reported to the IOB, and if so make such
a report; and

2) advise [redacted] as to how the material in
question should be handled within the [redacted] Division.

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~~SECRET//NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 4/26/2006

To: [Redacted]

Attn: SAC

Counterterrorism

Attn: ITOS I/CONUS 1/Team 3

Inspection

Attn: Internal Investigative Section
Attn: [Redacted] Room 11865

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From: General Counsel

National Security Law Branch/CTLU 1/LX-1 3S-100

Contact: [Redacted]

Approved By: Thomas Julie F

[Redacted]

DATE: 05-29-2007
CLASSIFIED BY 65179 dah/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By: [Redacted] jkf

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO - 1360

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

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

Reference: (U) ~~(S)~~ 278-HQ-C1229736-VIO Serial 1255 (Pending)

[Redacted]

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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.

Detail: (U) ~~(S)~~ By electronic communication (EC) dated March 24, 2006 and referenced above, the [Redacted] Division [Redacted] reported to the Counterterrorism Division and the Office of the General Counsel's National Security Law Branch (NSLB) this potential IOB matter.

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OIG/DOJ REVIEW: [Redacted] DATE: 5-17-06

FBI INVESTIGATION

~~SECRET//NOFORN~~ OIG/DOJ INVESTIGATION: [Redacted]

*3/20/06
2010/01/06*

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 4/26/2006

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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

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ANALYSIS

(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

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 4/26/2006

(U)

whether the surveillance errors described here are matters that should be reported to the IOB. We believe that the reported activity does not require IOB 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. For the FBI, the Office of the General Counsel (OGC) submits reports to the IOB.²

(S) [redacted] NSIG

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(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)~~ 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

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~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 4/26/2006
(U)

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~~(U)~~ In this instance, due to a broad reading of an NSL by the telephone company, [redacted] received information on several telephone numbers associated with the subject of the NSL (all on the same account), even though [redacted] did not specifically request information for these numbers. All of the information received was relevant to an authorized national security investigation. The broad reading of the NSL by the telephone company does not be reported to the IOB.

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~~(U)~~ OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB

(S)

violations of the Constitution; (3) [redacted]

[redacted] (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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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 4/26/2006
(U)

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LEAD (s) :

Set Lead 1: (Discretionary)

[redacted]

AT [redacted]

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(U) For review and action deemed appropriate.

Set Lead 2: (Information)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) As provided in the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, retain a record of the report of a potential IOB matter for three years for possible review by the Counsel to the IOB, together with a copy of the OGC opinion concerning the basis for the determination that IOB notification is not required.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

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Approved By: [redacted]

DATE: 05-29-2007
CLASSIFIED BY 65179 dmh/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

Drafted By: [redacted]

kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2123
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: (S) [redacted]
(U) 278-HQ-C1229736-VIO Serial 1255
(S) [redacted]
(U) 278-HQ-C1229736-VIO Serial 1305
(U) 278-HQ-C1229736-VIO Serial 1360

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Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 03/24/2006, 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~~//20310605

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: [redacted]
Counterterrorism

Attn: SAC (Personal Attention)
Attn: AD (Personal Attention)

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From: Inspection

Internal Investigations Section IPU, Room 11865
Contact: CRS [redacted] Ext. [redacted]

Approved By: [redacted]

DATE: 05-30-2007
CLASSIFIED BY 65199 dmh/kat/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

Drafted By: [redacted] kas

✓ Case ID #: (U) 263-HQ-0-U Serial 461 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2123
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: 2031~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1255

Reference: (S) [redacted]
(U) 278-HQ-C1229736-VIO Serial 1255
(S) [redacted]
(U) 278-HQ-C1229736-VIO Serial 1305
(U) 278-HQ-C1229736-VIO Serial 1360

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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.

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(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~~//20310605

NSL VIO-660



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20535

DATE: November 20, 2006

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

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-29-2007 BY 65179 dmh/ksr/gcl

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

SUBJECT: OIG Complaint No. 2007000998
Subject: Unidentified,
FBI No. 263-0-U-461

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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

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-661

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OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] 689-2007-000998-M

Received By: [redacted]

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Date Received: 05/19/2006

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

COMPLAINANT: [redacted]

Title: ATTY
Component: FBI
Misc:
Home:
Phone: () -
Work:
Phone:
Confidential:

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

SSNO: [redacted]
D.O.B.: [redacted]
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 broad reading of a National Security Letter (NSL) by a telephone company, which resulted in the FBI receiving information on several telephone subscribers associated with the target of the NSL. (The FBI did not specifically request information for those subscribers). (dz)

ALLEGATIONS: 689 IOB Violation

Occurrence Date:

TIME:

CITY: [redacted]

State: [redacted]

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Zip:

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DISPOSITION DATA: Disposition: M Date: 11/17/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/17/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-461

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Case referral to Kaiser/FBI, INSD, 11/20/06 (dz)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/29/2006

To: General Counsel
Inspection Division
Counterintelligence

Attn: National Security Law Branch

Attn: IIS

Attn: CD-2B, IA [Redacted]
Room 4134

From: [Redacted]

16E/ [Redacted]
Contact: SA [Redacted]

Approved By: Ford, Joseph [Signature]

[Redacted]
[Redacted] *BMH/gam*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Drafted By: [Redacted] *bc sk*

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO (Pending) *-1239*
(S) [Redacted]

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Title: ~~(S)~~ SSA [Redacted]
(U) SA [Redacted] DIVISION;
IOB

DATE: 05-29-2007
CLASSIFIED BY 65179 dmh/kst/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-29-2032

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Synopsis: (U) ~~(S)~~ This communication reports a potential
Intelligence Oversight Board matter.

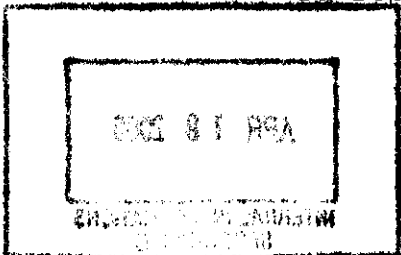
(U) ~~(S)~~ Derived From: G-3
Declassify On: X1

b1

(S) ~~(S)~~ [Redacted]

Details: (U) ~~(S)~~ The purpose of this electronic communication is
to report a potential IOB matter involving a National Security
Letter requested by SA [Redacted] Field
Office, as well as to satisfy the requirements set forth by
the 02/10/2005 electronic communication regarding the revised
procedures for the submission of potential intelligence
oversight board reports.

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~~SECRET~~

5/24/06
NSL VIO-663

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sent 14/8/06

~~SECRET~~

To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2006

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(U)

(S)

~~(S)~~ 1. Identification of the substantive investigation in which the questionable activity occurred:

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b7A b7A

[redacted]

(S) 2.

[redacted]

(S)

[redacted]

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(U)

~~(S)~~ 4. Legal authority: Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code, Section 2709 (as amended, October 26, 2001).

(S)

[redacted]

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~~(S)~~

Reason for delayed response: SA [redacted] regrets that he was not cognizant that this incident constituted an IOB violation upon receipt of the incorrect toll records. It was not until 03/27/2006, that SA [redacted] became aware that such an incident constituted an IOB violation. Upon discovery that this incident constituted an IOB violation, SA [redacted] has taken immediate steps to report the violation.

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~~SECRET~~

To: General Counsel From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/29/2006

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(U)

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ General Counsel, National Security Law Branch,
is requested to take whatever action is necessary to record
the incident with the Intelligence Oversight Board.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ Information only.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) ~~(S)~~ Information only.

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~~SECRET~~

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/05/2006

To: [Redacted]

Attn: SSA [Redacted]
SA [Redacted]

Counterintelligence

Attn: CD-2B, SSA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

From: Office of the General Counsel

NSLB/CILU/Room 7947

Contact: AGC [Redacted]

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Approved By: Thomas Julie F

[Redacted]

DATE: 05-30-2007
CLASSIFIED BY: 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

Drafted By: [Redacted]

Case ID #: (U) (S) 278-HQ-C1229736-VIO (Pending) 1573

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

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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)

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Reference: (S) [Redacted]

Details: (U) (S) By electronic communication (EC) dated 03/29/2006, the [Redacted] Field Office [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB.¹ In our opinion, it does. Our analysis follows.

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(U) ¹ (S) EC from [Redacted] to OGC dated 03/29/2006 and titled "SSA [Redacted] SA [Redacted] [Redacted] Division; IOB."

~~SECRET~~

OIG/DOJ REVIEW: [Redacted] DATE: 5-23-06
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

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Handwritten notes:
2/2/06
1/2/06

(U)

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 05/05/2006

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(S)

~~(S)~~ On 11/23/2004, a [redacted] case agent submitted a National Security Letter (NSL) seeking telephone toll billing records of [redacted]. Due to a typographical error, the telephone number on the NSL was erroneously transcribed.² On 02/04/2005, the telephone records were opened and it was determined that they were not the target's records. The telephone records were destroyed without further review.³

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(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 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).

(U) 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's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), or other 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)~~ NSLs are administrative subpoenas that allow the FBI to obtain three types of information: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act (ECPA)) (18 U.S.C. § 2709); (2) financial institution records (Right to Financial Privacy Act) (12 U.S.C. § 3414(a)(5)(A)); and (3) credit bureau information

² (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.

(U) ~~(S)~~ On 03/27/2006, [redacted] realized that this incident constituted an IOB violation and promptly reported the matter to OGC, the Inspection Division, and the Counterintelligence Division.

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 05/05/2006

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(Fair Credit Reporting Act) (15 U.S.C. § 1681u (a), (b)). ECPA, 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. Section V.12., Investigative Techniques, of the NSIG provides that NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) ~~(S)~~ In this situation, due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Here, the target's rights were not violated because he was not the subject of the improperly collected information. It is unknown whether the erroneous information received pertained to a United States Person, inasmuch as there has been no review of the information. Nonetheless, based upon the fact that information which may be about a USP was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

~~SECRET~~

SECRET

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 05/05/2006

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Information)

[redacted]

AT [redacted]

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(U) In the future, when improper data resulting from an NSL is received, the data should be sequestered and given to the CDC. The information should remain sealed and sequestered in the CDC's safe until further direction from OGC. It is anticipated that OGC will provide guidance regarding improperly collected NSL information in the near future.

cc: Ms. Thomas

[redacted]

IOB Library

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NSL VIO-669

DECLASSIFIED BY 65179 dmh/ksr/gcl
ON 05-30-2007

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (U) b2

The 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 Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

1 - 278-HQ-C1229736-VIO -1374

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

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

~~SECRET~~

NSL VIO-670

~~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 Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-671

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 05-12-2007
CLASSIFIED BY: 65179 dmh/kar/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2006 [REDACTED] (U)

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(S)

(S) By electronic communication dated March 29, 2006, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that, on November 23, 2004, the FBI submitted a National Security Letter (NSL) seeking telephone toll billing records of [REDACTED]. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. On February 4, 2005, the telephone records were opened and it was determined that they were not the target's records. The telephone records were destroyed without further review.

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(U) ~~(S)~~ Due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. The error was discovered upon receipt of the information, and the records were neither 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. The overcollection was a violation of Section V.12. of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection.¹ Thus, the matter is being reported to the IOB.

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

~~SECRET~~

(U) ~~(S)~~ Section V.12. authorizes use of National Security Letters in conformity with 18 U.S.C. § 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records). The statute requires that information sought is relevant to an authorized national security investigation.

~~SECRET~~

NSL VIO-672

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

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Approved By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 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# 2063
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 1289
278-HQ-C1229736-VIO Serial 1373

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 03/29/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is 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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~~SECRET//20310605~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

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Approved By: [redacted]

DECLASSIFIED BY 65179 dmh/ksp/gcl
ON 05-30-2007

Drafted By: [redacted]

kas

✓ **Case ID #:** (U) 263-HQ-0-U Serial 463 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2063
OGC/IOB# 2006-[redacted]

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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: 20310605~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1289

Reference: (U) 278-HQ-C1229736-VIO Serial 1289
278-HQ-C1229736-VIO Serial 1373

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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.

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~~SECRET//20310605~~

NSL VIO-674



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

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179 dmh/kse/gcl

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

SUBJECT: OIG Complaint No. 2007000992
Subject: Unidentified, [REDACTED]
FBI No. 263-0-U-463

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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

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-675

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [] 689-2007-000992-M

Received By: [] b6 Date Received: 05/23/2006 How Received: A
b7C

SUBJECT: Unidentified, FBI

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
Phone: ZIP:

COMPLAINANT: [] SSNO: []
Title: ATTY Pay Plan: [] D.O.B.: []
Component: FBI EOD Date: [] Alien No.:
Misc: F.B.I.No.: b2
Home: [] B.O.P.No.: b6
Phone: () - ZIP: [] D/L No.: b7C
Work: ,
Phone: [] ZIP:
Confidential: Revealed: Authority: none

Details:
The FBI provided information reporting a possible IOB matter involving the information obtained from a telephone carrier via a properly served National Security Letter (NSL). The NSL contained a typographical error which resulted in disclosure of information relevant to a telephone subscriber who was neither under investigation nor related to an investigation. (dz)

ALLEGATIONS: 689 IOB Violation

Occurrence Date: TIME: CITY: [] State: [] Zip: [] b2
b7E

DISPOSITION DATA: Disposition: M Date: 11/17/2006 Approval: POWELL, GLENN G
File

Referred to Agency: FBI Date Sent: 11/17/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-0-U-463
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:
Case referral to Kaiser/FBI/INSD, 11/20/06, (dz)

NSL VIO-676

~~SECRET~~/ORCON/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 01/25/2006

To: General Counsel

Attn: NSLB

Counterterrorism

Attn: ITOS II/IHSU

UC

SSA

SSA

From:

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Contact: A/SSA

Approved By:

Drafted By:

cc

Case ID #: (S)

(U) ~~(S)~~ 278-HQ-CI229736-VIO - 1145 (Pending)

(U) ~~(S)~~ 278-OM-C45386 - 105 (Pending)

Title: (S)

(U) ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD

Synopsis: (S)

(U) ~~(S)~~

~~Derived From: FBI SCG G-3, January 1997
Declassify On: January 25, 2031~~

(S) ~~(U)~~

Details: (S/OR/NF)

~~SECRET~~/ORCON/NOFORN

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DATE: 05-30-2007
CLASSIFIED BY 65179 dmh/kse/gel
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

NSL VIO-677

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Handwritten notes and signatures at the bottom left of the page.

To: General Counsel From: [redacted]
Re: (S) [redacted] 01/25/2006

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(S/NF/OC) [redacted]

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(S/NF/OC) [redacted]

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To: General Counsel From: [redacted]
Re: (S) [redacted] 01/25/2006

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(S/NF/OC) [redacted]

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To: General Counsel From: [redacted]
Re: (S) [redacted] 01/25/2006

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(S/NF/OC) [redacted]

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To: General Counsel From: [redacted]
Re: (S) [redacted] 01/25/2006

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[redacted]

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~~SECRET~~/ORCON/NOFORN

~~SECRET/ORCON/NOFORN~~

To: General Counsel From: [REDACTED]
Re: (S) [REDACTED] 01/25/2006

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LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Forward notification through proper channels for review of potential IOB violation.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

025cc01.ec

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~~SECRET/ORCON/NOFORN~~

~~SECRET~~//NOFORN,ORCON

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/17/2006

To: [redacted]
Inspection

Attn: SAC, CDC
Attn: Internal Inspection Section,
[redacted] Room
11865

Counterterrorism

Attn: AD

From: General Counsel
National Security Law Branch

Contact: [redacted]

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Approved By: Thomas Julie F

[redacted]

DATE: 05-30-2007
CLASSIFIED BY 65179 dmh/ksl/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

Drafted By: [redacted]

Case ID #

(U) (S) [redacted]
(U) ~~(S)~~ 278-HQ-C1229736-VIO - 1317
(U) ~~(S)~~ 278-OM-C45386 - 107

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

SSA [redacted]
INTELLIGENCE OVERSIGHT BOARD MATTER
IOB MATTER 2006 [redacted]

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(U) ~~(S)~~ **Derived From :** G-3
Declassify On: X25-1

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 Inspection Division, FBIHQ. OGC will prepare and deliver the necessary correspondence to the IOB. Our analysis follows.

Reference: (U) ~~(S)~~

278-HQ-C1229736-VIO Serial 1145

Details: (U) ~~(S)~~

As discussed in the Electronic Communication (EC) dated January 25, 2006 referenced above, the [redacted] Division (Omaha) requested that OGC review a set of facts to determine

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~~SECRET~~//NOFORN,ORCON

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OIG/DOJ REVIEW: [redacted] DATE: 5-28-06
FBI INVESTIGATION: [redacted]
OIG/DOJ INVESTIGATION: [redacted]

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO; 03/17/2006
(U)

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(S)

[redacted]

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(S/NF/OC) [redacted]

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(S/NF/OC) [redacted]

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(S/NF/OC) [redacted]

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(S/NF/OC) [redacted]

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO; 03/17/2006

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(S)

[redacted]

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[redacted]

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[redacted]

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(U) ~~(S)~~/NF/OC [redacted] then contacted FBI Headquarters (FBIHQ), ITOS-II, IHSU, and NSLB, CTLU-II, to report the situation. Upon direction from FBIHQ, [redacted] sequestered the cellular data with [redacted] Chief Division Counsel, documented the circumstances and submitted the sequestered data to NSLB for forwarding to OIPR and for reporting to the IOB. It is noted that [redacted] appropriately coordinated and consulted with the Chief Division Counsel, NSLB and IHSU during this process.

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(U) ~~(S)~~ The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection state that electronic surveillance may be conducted in conformity with the procedures contained in the Foreign Intelligence Surveillance Act (FISA), Title III of the Omnibus Crime Control Act [as amended by the Electronic Communications Privacy Act] or

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO; 03/17/2006
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Executive Order 12333 Section 2.5.¹ Under the pertinent FISA definition, the term electronic surveillance means "the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States."² In this instance, the FBI properly obtained and initiated electronic surveillance on this cellular telephone under the FISA statute and Executive Order 12333.

(S) [redacted]

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(S) [redacted]

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¹ The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), October 31, 2003, Section V.

² 50 U.S.C. Section 1801(f)(2).

³ Attorney General's Standard Minimization Procedures for Electronic Surveillance of a United States Person Agent of a Foreign Power, Section 3(b), adopted by the FISC on September 19, 1997.

~~SECRET~~//NOFORN,ORCON

To: From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO; 03/17/2006

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~~(U)~~

~~(U)~~ ~~(S)~~ Consistent with the reporting requirements of Section 2.4 of E.O. 12863, OGC will prepare the correspondence required to report this matter to the IOB. That correspondence will also advise the IOB that this matter will be referred to the FBI's Inspection Division.

~~SECRET~~//NOFORN,ORCON

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO; 03/17/2006
(U)

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LEAD (s) :

Set Lead 1: (INFO)

[redacted]

AT [redacted]

(U) Read and clear.

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Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (ACT)

INSPECTION

AT IIS, WASHINGTON, DC

(U) For action deemed appropriate.

1 - Ms. Thomas

1 - [redacted]
1 - [redacted]

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~~SECRET~~

DECLASSIFIED BY 65179 dmh/kst/gcl
ON 05-30-2007

BY COURIER

Mr. Stephen Friedman, Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

Dear Mr. Friedman:

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

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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

- 1 - Mr. Hulon
- 1 - 278-HQ-C1229736-VIO - 1318
- 1 - Inspection Division (IOB 2006-[redacted])
- 1 - [redacted]

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**UNCLASSIFIED WHEN DETACHED
FROM CLASSIFIED ENCLOSURE**

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

~~SECRET~~

NSL VIO-689

~~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-690

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-30-2007
CLASSIFIED BY 65179 dmh/ksr/gcl
REASON: 1.4 (c)
DECLASSIFY ON: 05-30-2032

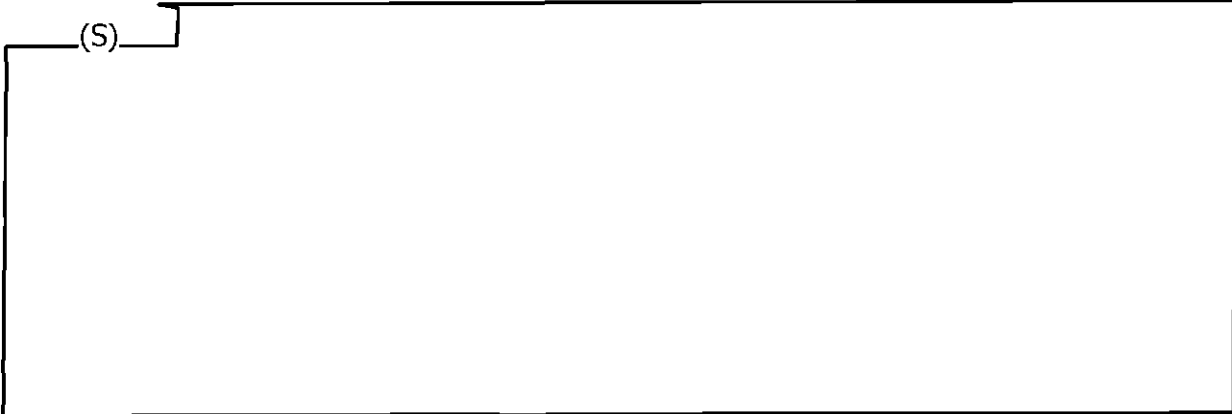
~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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

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The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection state that electronic surveillance may be conducted in conformity with the procedures contained in the Foreign Intelligence Surveillance Act (FISA), Title III of the Omnibus Crime Control Act [as amended by the Electronic Communications Privacy Act] or Executive Order 12333 Section 2.5. The electronic surveillance was therefore not conducted in conformity with any of those laws. The collection has been sequestered in [REDACTED] and will be ultimately sent to OIPR for sequestration. The matter also has been reported to the FBI's Inspection Division for action deemed appropriate. ~~(S)~~ (U)

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

~~SECRET~~

SECRET

NSL VIO-691

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: UC [redacted] Ext. 9284

Approved By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179 dmh/kel/gcl

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Drafted By: [redacted]

kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2217
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 1145
278-HQ-C1229736-VIO Serial 1317

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 01/25/2006, 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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~~SECRET//20310605~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/05/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

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Approved By: [redacted]

DECLASSIFIED BY 65179 dmh/kar/gcl
ON 05-30-2007

Drafted By: [redacted] kas

✓ **Case ID #:** (U) 263-HQ-0-U Serial 465 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2217
OGC/IOB# 2006 [redacted]

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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: 20310605~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1145

Reference: (U) 278-HQ-C1229736-VIO Serial 1145
278-HQ-C1229736-VIO Serial 1317

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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 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//20310605~~



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

Washington, D.C. 20530

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY 65179 dmh/kak/gcl

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. 2007001002
Subject: Unidentified [REDACTED]
FBI No. 263-0-U-465

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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

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-694

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: 689-2007-001002-M

Received By: Date Received: 05/23/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID

Component: FBI

Misc:

Home:

Phone:

Work:

Phone:

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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:

Title: ATTY

Component: FBI

Misc:

Home:

Phone: () -

Work:

Phone:

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

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Details:

The FBI provided information reporting a possible IOB matter. The FBI provided what turned out to be a wrong phone number for their target to an internet provider and received unauthorized intercepted communications. (dz)

ALLEGATIONS: 689 IOB Violation

Occurrence Date:

CITY:

TIME:

State:

Zip:

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DISPOSITION DATA: Disposition: M Date: 11/17/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/17/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-465

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Case referral to Kaiser/FBI, INSD (dz)

1073946

NSL VIO-695