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FOIPA # 1073946

**FEDERAL BUREAU OF INVESTIGATION**

#2030

Precedence: ROUTINE

Date: 02/10/2006

To: Counterintelligence  
General Counsel  
Inspection

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [redacted]

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: (S) [redacted]  
~~(S)~~ 278-HQ-CI229736-VIO (Pending), 1201

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(U) Title: (S) [redacted]

Synopsis: ~~(S)~~ 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 two (2) 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: 02/10/2031

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(S) [redacted]

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] and submission of results to the file.

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[redacted] 07/19/06

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NSL VIO-696

1/23/ [redacted] 02 EC

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To: Counterintelligence From: [redacted]  
Re: (S) [redacted] 02/10/2006

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Details: (S) [redacted]

[redacted]

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(S) ~~(S)~~ On 12/07/2005, an NSL was sent to [redacted] Division to deliver to [redacted]

The NSL advised under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (as amended, October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the name, address, length of service, and all local and long distance toll records for the following telephone number: [redacted] from date of inception to present".

(S)

(S) ~~(S)~~ On December 21, 2005 [redacted] Forwarded the results to FBI [redacted] which were placed into [redacted] Upon the records' arrival to [redacted] Division, SA [redacted] reviewed the cover EC and the documents and discovered that the records included not only the billing records for the subject, who was the current subscriber for the number, but also the billing records for the two (2) prior subscribers.

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b6  
b7C

(U) ~~(S)~~ SA [redacted] consulted with CDC [redacted] who advised that the records of the previous two subscribers should be sealed in an envelope until determination was made as to whether this needed to be referred to FBIHQ. On January 20, 2006, SA [redacted] sealed the documents in an envelope. Subsequently, SSA [redacted] advised SA [redacted] that CDC [redacted] had recommended 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.

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

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To: Counterintelligence From: [redacted]  
Re: (S) [redacted] 02/10/2006

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.

Set Lead 3: (Info)

IIS

AT INSD

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

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# FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 12/21/2005

To: [Redacted]

Attn: SA [Redacted]

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From: [Redacted]

SSS/Investigative Support Specialist Unit  
Contact: ISS [Redacted]

Approved By: [Redacted]  
Drafted By: [Redacted]

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Case ID #: (S) [Redacted]  
(U) (S) 66F [Redacted] C101278-ECPA NSLS (Pending) - 2968

Title: (S) [Redacted]

00: [Redacted]

(U) ~~(S)~~ Synopsis: To advise [Redacted] Field Office of the results of a National Security Letter (NSL) request.

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

(S) Administrative: [Redacted]

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

Reference: (S) [Redacted]

(U) ~~(S)~~ 66F [Redacted] C101278-ECPA NSLS Serial 2958

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Enclosure(s): (S) [Redacted]

~~(S)~~ One (1) photocopy of an NSL, dated 12/07/2005.

Details: (S) [Redacted]

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To: [redacted]  
Re: (S) [redacted]

From: [redacted]  
12/21/2005

b6  
b7C Support Specialist (ISS) [redacted] in response to an  
NSL, dated 12/07/2005 for the following number:

(S)

[Large redacted block]

(S)

(S)

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(S)

(S)

[redacted]

(U) (S) [redacted] investigation is complete.

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To: [redacted]  
Re: (S) [redacted]

From: [redacted]  
12/21/2005

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b1

Set Lead 1: (Info)

[redacted]  
AT [redacted]

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

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: IMMEDIATE

Date: 12/07/2005

To: General Counsel

Attn: National Security Law Branch

Room 7975

SSA [redacted]

SA [redacted]

SA [redacted]

[redacted]

From: [redacted]

SAC [redacted]

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: (S) [redacted]

(U)

~~(S)~~

66F [redacted]

CI01278-ECPA NSLS (Pending) - 2958

Title: (S) [redacted]

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**Synopsis:** (U) Approves the issuance of an ECPA National Security Letter (NSL); provides reporting data; and, if necessary, transmits the NSL for delivery to the telephone company.<sup>1</sup>

<sup>1</sup>Caveat: ~~(S)~~ This document contains information that is Foreign Intelligence Surveillance Act (FISA) derived. This information, and any information derived from it, may only be used in a criminal proceeding or any other proceeding with the advance authorization of the Attorney General of the United States. This information may not be disseminated to a foreign government without Attorney General approval. All access to FISA information by any FBI employee working on a criminal investigation must be reported to the case agent responsible for the FISA.

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To: General Counsel From: [redacted]  
Re: (S) [redacted] 12/07/2005

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

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

[redacted]

(S) Enclosure(s): ~~(S)~~ [redacted]

[redacted]

Details: (S) [redacted]

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[redacted]

(S)

[redacted]

(S)

[redacted]

(U) Arrangements should be made with the institution receiving the enclosed letter to produce the records personally to an employee of your office. The institution should neither send the records through the mail

~~SECRET~~



~~SECRET~~

To: General Counsel From: [redacted]  
Re: (S) [redacted] 12/07/2005

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nor utilize the name of the subject in any telephone calls to your office. The institution should not contact FBIHQ directly in any manner.

(U) You should remind the telephone company that it is prohibited from disclosing the FBI has made this request.

(U) On 11/09/2001, the Director designated the official signing the enclosed letter as authorized to make the required certification.

(U) Any questions regarding the above can be directed to the [redacted] Field Office, Attention: SA [redacted] phone number [redacted]

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To: General Counsel From: [redacted]  
Re: (S) [redacted] 12/07/2005

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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(U) NSLB is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLs.

Set Lead 2: (Info)

[redacted]

AT

[redacted]

(S)

~~(S)~~ [redacted] Field Office is requested to deliver the attached letter to [redacted] Upon receipt of the information from the telephone company, [redacted] Office is requested to submit the results to [redacted] Field Office, Attn: SA [redacted]

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

U.S. Department of Justice



Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

[Redacted]

December 7, 2005

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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[Redacted]

(S) (u) (X) Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (as amended October 26, 2001), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the name, address, length of service, and all local and long distance toll records for the following telephone number:

(S)

[Redacted]

(U) In accordance with Title 18, U.S.C., Section 2709(b), I certify that the name, address, length of service, and local and long distance toll information sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

1 - Addressee

1 - [Redacted]

1 - 66F-[Redacted]-C101278-ECPA NSLS

Derived From: G-3  
Declassify On: X1

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NSL VIO-706

100-211-101

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(S)

[Redacted]

(U) You are further advised that Title 18, U.S.C., Section 2709(c), prohibits any officer, employee or agent of yours from disclosing to any person that the FBI has sought or obtained access to information or records under these provisions.

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(U) You are requested to provide records to the [Redacted] Field Office of the FBI within five business days from the date of receipt of this letter. Any questions you have regarding this request should be directed only to the [Redacted] Field Office. Due to security considerations, you should neither send the records through the mail nor disclose the substance of this request in any telephone conversation.

(U) Your cooperation in this matter is greatly appreciated.

Sincerely,

[Redacted]

Special Agent In Charge

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~~SECRET 2~~

NSL VIO-707

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 05/22/2006

**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

**Contact:** AGC [Redacted]

**Approved By:** Thomas Julie F

**Drafted By:** [Redacted]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 1382 (Pending)

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

(U) **Synopsis:** ~~(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.

(U) **Administrative:** ~~(S)~~ This electronic communication (EC) contains information from the following documents: (1) a copy of the National Security Letter (NSL) dated 12/07/2005; (2) a copy of the EC dated 12/07/2005 forwarding the NSL to [Redacted] Field Division to be served on the carrier; (3) a copy of the EC dated 12/21/2005 delivering the results of the NSL to [Redacted] Field Office [Redacted] and (4) a copy of the EC dated 02/10/2006 from [Redacted] to OGC reporting a potential IOB matter.

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

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

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~~OIG/DOJ REVIEW:  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:  
NSL VIO-708~~ **DATE:** [Redacted]

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/22/2006

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(U) ~~(S)~~ Details: By EC dated 02/10/2006, [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 12/21/2005, the [redacted] Division forwarded the results of the NSL to [redacted]. Upon receipt of the information, [redacted] reviewed the NSL results and learned that the records included not only the billing records for the subject, who was the current subscriber for the number, but also the billing records for the two prior subscribers. [redacted] subsequently sealed and sequestered the telephone records of the two prior subscribers.

(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 (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.

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/22/2006

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). 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,<sup>1</sup> 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.<sup>2</sup> 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.

(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.

(S)

[redacted]

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(S)

[redacted]

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/22/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

b2

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(U) For action deemed appropriate.

**Set Lead 2: (Info)**

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Action)**

[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

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[redacted]

IOB Library

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(Rev. 01-31-2003)

## FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPIL Room 3041

**Contact:** CRS [REDACTED]

b6  
b7C  
b2

**Approved By:** Miller David Ian [REDACTED]

**Drafted By:** [REDACTED]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2030  
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 1261  
278-HQ-C1229736-VIO Serial 1382

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 02/10/2006, 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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NSL VIO-712

~~SECRET//20310724~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [redacted]  
Counterintelligence

**Attn:** SAC (Personal Attention)  
**Attn:** CD-2C  
**SSA:** [redacted]

**From:** Inspection  
Internal Investigations Section IPU, Room 3041  
**Contact:** CRS [redacted] Ext. [redacted]

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**Approved By:** Miller David *DM*

**Drafted By:** [redacted] *DF*

DECLASSIFIED BY 65179/amb/kar/cak  
ON 05-30-2007

**Case ID #:** (U) 263-HQ-0-U Serial 470 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2030  
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: 07/24/2031~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1261

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1261  
278-HQ-C1229736-VIO Serial 1382

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

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

**THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.**  
◆◆

~~SECRET//20310724~~

NSL VIO-713



U. S. Department of Justice

Office of the Inspector General

2630

**DATE:** November 27, 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. 2007001083  
Subject: Unidentified  
  
FBI No. 263-0-U-470

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179/dmh/kst/cak

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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-714

b2

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179/dmk/ksj/cak

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [redacted] 689-2007-001083-M

Received By: [redacted] Date Received: 06/05/2006 How Received: A

SUBJECT: Unidentified, FBI

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

b6  
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COMPLAINANT: [redacted]

Title: ATTY	Pay 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:	
Confidential:	Revealed:	Authority: none

Details:

The FBI provided information regarding a potential IOB matter.

On 12/07/05, FBI [redacted] drafted a National Security Letter (NSL) seeking telephone records related to the target of an investigation.

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Upon receipt of the information from the telephone provider, [redacted] learned that the data not only included the information they were seeking, but also comprised records from the phone number's two prior subscribers. As a result, the FBI received unauthorized information.

It is the opinion of the Office of the General Counsel that this matter must be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 12/21/2005

TIME:

CITY: [redacted]

State: [redacted]

Zip:

DISPOSITION DATA: Disposition: M Date: 06/05/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/27/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-C-U-470

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

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

11/27/06- Sent to Kaiser/FBI INSD (ant)

NSL VIO-715

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 04/03/2006

To: Counterterrorism

Attn: ITOS1/CONUS2/Team7

UC

SSA

Inspection  
General Counsel

Attn: IIS

Attn:

NSLB

From:

Contact: SA

Approved By:

Drafted By:

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

Title: (U) (S) SA  
SSA  
POTENTIAL INTELLIGENCE OVERSIGHT  
BOARD (IOB) MATTERS

(S)

Synopsis: (S) Report of a possible IOB violation.

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

(S) (S) Details: (S) In order to facilitate a timely review, investigation, and disposition of intelligence activity conducted by the FBI which may have been unlawful or contrary to Executive

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NSL VIO-716

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SEARCHED [initials] 7/13/06  
[initials] 07/19/06

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To: Counterterrorism From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/03/2006

Orders, this communication is being submitted to report a potential IOB matter. The following information is provided:

(1). Name of case agent and case supervisor (at the time of the possible IOB violation):

SA [redacted]  
SSA [redacted]

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(2). Identification of the substantive investigation in which the questionable activity occurred:

(S) [redacted]

(3). Identification of the target:

(S) [redacted]

(4). Identification of the subject's status as a U.S. person or non-U.S. person: U.S. person.

(5). Explanation of the error believed committed and when it occurred:

(S) [redacted]

[redacted]

(S) [redacted]

[redacted]

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To: Counterterrorism From: [redacted]

Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/03/2006

(S) [redacted]

(S) (S) [redacted]

[redacted]

(S) [redacted]

[redacted]

(S) [redacted]

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[redacted]

(S) [redacted]

[redacted]

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[redacted]

(S) [redacted]

[redacted]

(S) [redacted]

[redacted]

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To: Counterterrorism From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/03/2006

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To: Counterterrorism From: [redacted]  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/03/2006

(S) [redacted]

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(S)

[redacted]

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(U) ~~(S)~~ On 10/05/2005 and 10/06/2005, SA [redacted] notified the squad supervisor of the possible over-collection issue. Contemporaneous to this event, SA [redacted] telephonically contacted DOJ Office of Intelligence and Policy Review (OIPR) [redacted] and notified him of the possible over-collection issue. On 11/29/2005, SA [redacted] sent an EC to Counterterrorism ITOS1/CONUS2/Team 7, advising of the possible over-collection [redacted] At meetings in [redacted] on 12/15-16/2005, [redacted] was again advised of the possible over-collection issue.

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(U) ~~(S)~~ On 03/20/2006, while completing a FISA Application for initiating coverage on subject's current residence, work and cellular telephone numbers, SA [redacted] discovered in the case file the 02/08/2005 EC to [redacted] Attn: SA [redacted] for NSL results showing that service to subject's cellular telephone number [redacted] had been terminated on 10/29/2004. Immediately thereafter, SA [redacted] informed his supervisor and initiated a thorough review of the substantive case files for purposes of completing a time-line and reporting to IOB.

(S)

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(S) On 03/29/2006 and 03/30/2006, [redacted] Division initiated efforts to mitigate the over-collection [redacted]

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To: Counterterrorism From: [redacted]  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/03/2006

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(U) ~~(S)~~ 1. Telephonic contact with NSLB by [redacted] Associate Division Counsel [redacted] advising of a possible over-collection issue, and that an EC would follow providing details of the same.

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(U) ~~(S)~~ 2. Telephonic contact with ITOS1/CONUS2/Team 7 SSA [redacted] by SSA [redacted] advising of a possible over-collection issue, and that an EC would follow providing details of the same.

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(U) ~~(S)~~ 3. Requested [redacted]  
[redacted]  
[redacted]

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(S) 4. Located [redacted] removed [redacted]  
[redacted] will be provided to OIPR for destruction).

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(U) ~~(S)~~ 5. Coordinated removal of all over-collected calls, pen-register information, and subscriber information from [redacted] for dates of over-collection.

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(U) ~~(S)~~ The following coordination efforts will be made in a timely manner to complete the over-collection mitigation:

(U) ~~(S)~~ (1). Delete from [redacted] all over-collected calls.

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(U) ~~(S)~~ (2). Provide to NSLB for destruction [redacted]  
[redacted]

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~~SECRET~~

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To: Counterterrorism From:   
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/03/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) Request IIS to take appropriate action as necessary, in response to this potential IOB matter.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Request NSLB to take appropriate action as necessary, in response to this potential IOB matter.

**Set Lead 3: (Action)**

COUNTERTERRORISM

AT CONUS 2, D.C.

(U) Request ITOS1/CONUS2/Team 7, review the provided communication and take any necessary action(s).

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~~SECRET/ORCON/NOFORN~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 06/29/2006

To: Counterterrorism

Attn: ITOS I/CONIS II

UC

SSA

IA

Attn: CDC

Attn: ISS

[Redacted]

Inspection

[Redacted]

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From: Office of General Counsel  
OGC/NSLB/CTLU I/3S-100

Contact: UC

[Redacted]

Approved By: Thomas Julie *RCH/1*

Drafted By:

[Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO <sup>1475</sup> (Pending)

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
b2 IOB MATTER 2006 [Redacted]

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

~~(U)~~

~~(S/NF)~~

Derived From: G-1

Declassify On: 06/29/2031

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1283

Details: ~~(S)~~ By electronic communication (EC) dated April 3, 2006, the [Redacted] Field Office [Redacted], reported to the Inspection Division and the Office of General Counsel (OGC) this potential IOB matter.

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(S//NF)

[Redacted]

~~SECRET/ORCON/NOFORN~~

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OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

[Redacted]

DATE: 7/6/06

NSL VIO-723

~~SECRET/ORCON/NOFORN~~

(U) To: Counterterrorism From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/29/2006

(S)

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(S//NF)

[Redacted]

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[Redacted]

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[Redacted]

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/29/2006

(S)

[Redacted]

(S//NF)

[Redacted]

[Redacted]

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

(U) ~~(S)~~ Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires the Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be

(U) To: Counterterrorism From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/29/2006

(U) 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.

(S)

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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.

(U) ~~(S)~~ In this instance OGC is required to report the potential IOB error in accordance with E.O. 12863 and Section 2-56 of the NFIPM, because investigative results were obtained on cellular telephone of a presumed USPER who was not the subject of an FBI investigation.

To: Counterterrorism From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/29/2006

LEAD(s):

Set Lead 1: (Discretionary)

COUNTERTERRORISM

[Redacted]

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(U) For review and action deemed appropriate.

Set Lead 2: (Action)

[Redacted]  
[Redacted]  
AT [Redacted]

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~~(S)~~ [Redacted] Field Office is directed to ensure that all records pertaining to cellular telephone number [Redacted] are removed from all databases.

(S)

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

◆◆



June 29, 2006  
BY COURIER

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

Dear Mr. Friedman:

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

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

Enclosures

- 1 - Ms. Julie F. Thomas
- 1 - [REDACTED]
- 1 - 278-HQ-C1229736-VIO *14/16*
- 1 - Inspection (IOB 2006-[REDACTED])

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~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived from: G-3  
Declassify on: 06/29/2016~~

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

Sincerely,

Julie F. Thomas  
Deputy General Counsel

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

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] DIVISION

IOB MATTER 2006-[REDACTED]

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The Federal Bureau of Investigation's [REDACTED] Division  
[REDACTED] reported this potential IOB matter involving  
unauthorized receipt of telephone intercepts. ~~(S)~~

(S)

[REDACTED]

~~(S//NF)~~

(S)

(S)

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~~(S//NF)~~

(S)

[REDACTED]

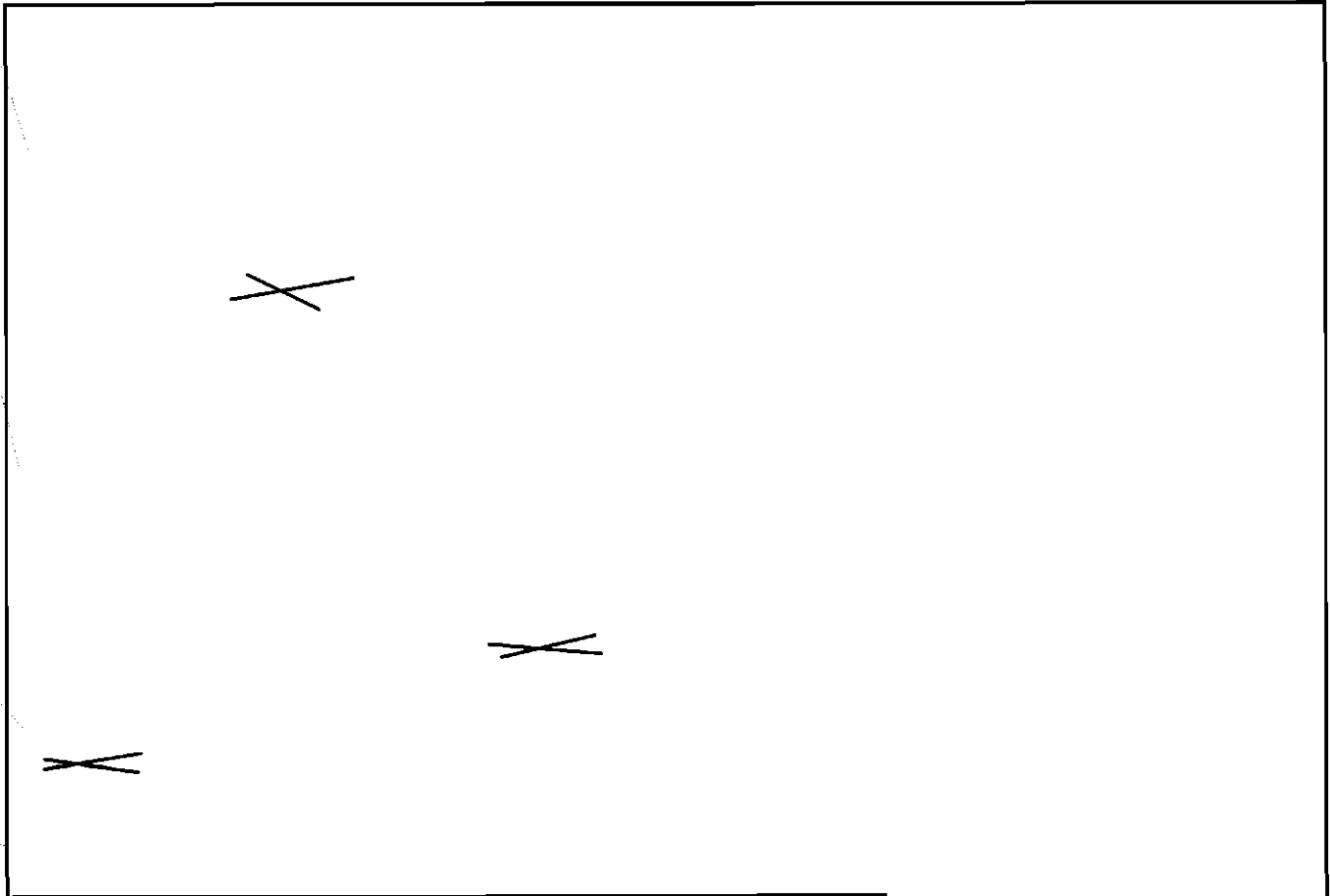
~~(S//NF)~~

(S)

[REDACTED]

(S//NF)

(S)



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(S)

(S)



~~(S//NF)~~

(S)

From March 29, 2006 thru March 30, 2006 [redacted] took steps to mitigate the over collection on cellular telephone [redacted] to include; [redacted]

[redacted] removal of all over-collected telephone calls pen-register information, and subscriber information from [redacted] and removal of all [redacted]

(S)

[redacted] In addition [redacted] will delete the over collected calls from [redacted] and destroy the over collected telephone calls. ~~(S//NF)~~

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

(Rev. 01-31-2003)

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [REDACTED]

**Approved By:** Miller David Iap *DM/KM*

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**Drafted By:** [REDACTED]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2066  
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 1283  
278-HQ-C1229736-VIO Serial 1475

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 04/03/2006, 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//20310724~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [Redacted]  
Counterterrorism

**Attn:** SAC (Personal Attention)  
**Attn:** ITOS 1/CONUS 2/Team 7

**From:** Inspection  
Internal Investigations Section, IPU, Room 3041  
**Contact:** CRS [Redacted]

**Approved By:** Miller David [Redacted]

**Drafted By:** [Redacted]

✓ **Case ID #:** (U) 263-HQ-0-U Serial 471 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2066  
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: 07/24/2031~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1283

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1283  
278-HQ-C1229736-VIO Serial 1475

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

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

**THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.**

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~~NSL VIO-733~~

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U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20536

DATE: November 29, 2006

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

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. 2007001214

Subject: SA [redacted]

[redacted]

FBI No. 263-0-U-471

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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.
- 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

b2

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [ ] 689-2007-001214-M

Received By: [ ] Date Received: 07/06/2006 How Received: A

SUBJECT: [ ] SSNO: [ ]  
 Title: SA 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 b6  
 Phone: [ ] ZIP: [ ] b7C  
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COMPLAINANT: [ ] SSNO: [ ]  
 Title: SSA 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: [ ] Authority: none  
 Confidential: [ ] Revealed: [ ]

Details:  
 Information received from the FBI regarding a potential IOB matter.  
 On 2/22/04, SA [ ] issued a National Security Letter to a  
 communications provider. In response to the request, the provider notified the FBI that the  
 [ ]  
 [ ]  
 [ ] transferred squads and the investigation was reassigned. Shortly  
 thereafter, the new case agent learned [ ]  
 [ ]  
 It is the opinion of the Office of the General Counsel that this matter must be reported to  
 the IOB.

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ALLEGATIONS: 689 IOB Violation  
 Occurrence Date: 10/24/2004 TIME: [ ]  
 CITY: [ ] State: [ ] Zip: [ ]

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DISPOSITION DATA: Disposition: M Date: 07/06/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/29/2006 Component: FBI  
 Patriot Act: N Civil Rights: N Component Number: 263-0-U-471  
 Sensitive: N Whistle-blower: N Consolidated Case Number:

Remarks:  
 Predicating material contains classified information that will be stored in a secure  
 container within OIG/INV/HQ.  
 11/29/06- Sent to AD Kaiser FBI/INSD (tap)

NSL VIO-735



~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

# 2/162  
(06) [ ]

Precedence: ROUTINE

Date: 04/27/2006

To: Inspection

Counterintelligence  
General Counsel

[ ]

Attn: Internal Investigations  
Section

Attn: A/SC [ ] CD-4

Attn: National Security Law Branch

Attn: [ ]

From: [ ]

Contact: SA [ ]

Approved By: [ ]

Drafted By: [ ]

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - 1363  
(S) [ ]

(U) Title: (S) Potential Intelligence Oversight Board  
Violation regarding an internet service provider  
(ISP) National Security Letter (NSL)

Synopsis: (S) [ ]

(U) (S) ~~Derived From : G-3~~  
~~Declassify On: 25X-1~~

Enclosure(s): (S) Enclosed with this communication is a copy  
of the original NSL that was served to the internet service  
provider.

Details: (S) [ ]

(S)

td061181.ec

~~SECRET~~

SC Miller

Call 6/15/06

[ ]

kas 07/19/06

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NSL VIO-736

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To: Inspection From: [redacted]  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/27/2006

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(U) ~~(S)~~ Immediately upon discovering this [redacted] sealed the information and sequestered it in a safe for storage. Additionally, no information was entered into the case file. [redacted] will take the appropriate steps through the [redacted] Division to notify the internet service provider in order to avoid any re-occurrences of this error.

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(U) ~~(S)~~ [redacted] is reporting this potential Intelligence Oversight Board violation pursuant to the mandates of EO 12863, which requires reporting of any potential violation of the Constitution, the laws of the United States, Executive Orders or Presidential Directives. [redacted] maintains the aforementioned potential Intelligence Oversight Board violation is reportable but does not constitute a violation on the part of the FBI.

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(U) ~~(S)~~ [redacted] will maintain the NSL information sealed in [redacted] SSA safe at [redacted] until such time as FBIHQ advises [redacted] regarding the outcome of NSLB's review of this matter. If it is determined that no investigation regarding this matter is warranted, the sealed information will then be destroyed.

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~~SECRET~~

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



U.S. Department of Justice

Federal Bureau of Investigation

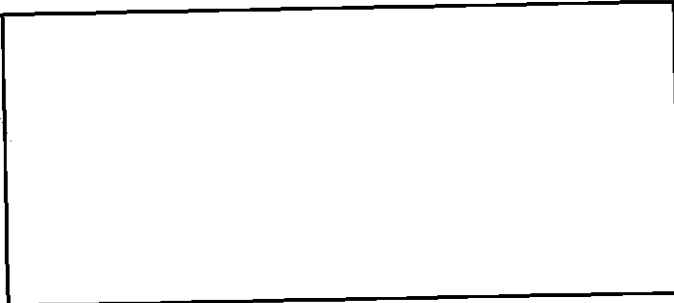
In Reply, Please Refer to  
File No.



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November 16, 2005

(S)



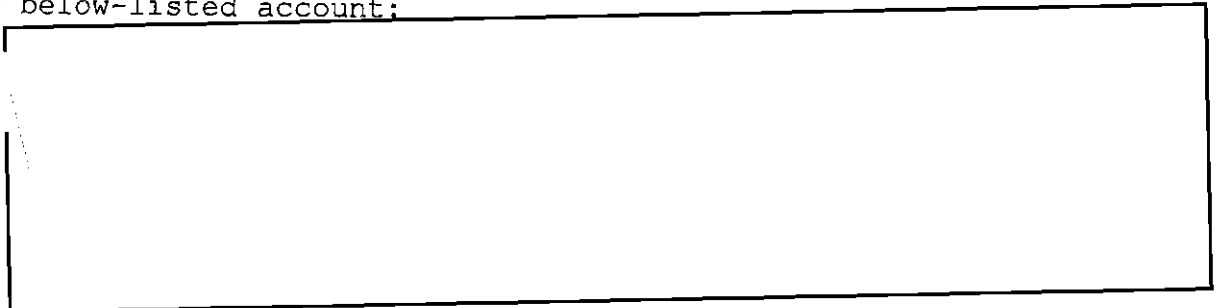
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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Pursuant to Executive Order 12333 and Title 18 U.S.C. §2709(a) you are directed to provide the Federal Bureau of Investigation (FBI) with the name, address, length of service and electronic communication transactional records, including e-mail header information (not to include message content or subject fields) for the below-listed account:

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(S)



In accordance with 18 U.S.C. §2709(b), I certify that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities.

Please note that 18 U.S.C. §2709(c) prohibits your company; any officer, employee, or agent of your company; or any other wire or electronic communication service provider or agent thereof; from disclosing to any person that the FBI has sought or obtained access to information or records under this provision.

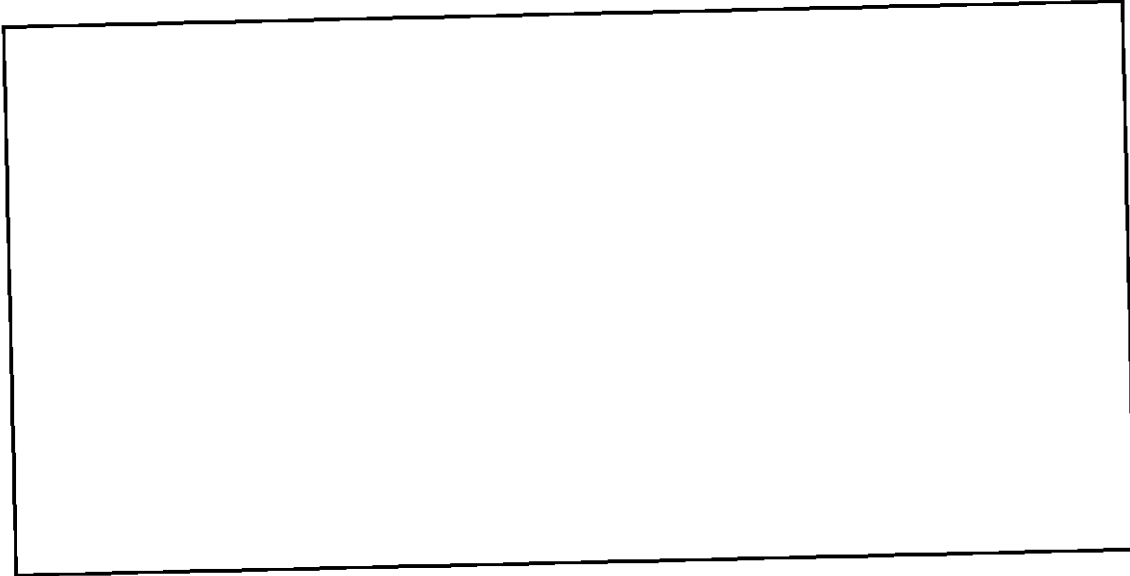
You are requested to provide the records responsive to this request to an FBI employee from the office that served the request. You should not send the records through the mail or discuss the substance of this request in any telephone conversation.

~~SECRET~~

NSL VIO-738

~~SECRET~~

In preparing your response, you should determine whether your company maintains or possesses the following types of information which you may consider to be an electronic communication transactional record subject to 18 U.S.C. §2709(a):



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We are not requesting, and you should not provide, information that would disclose the content of any electronic communication as defined in 18 U.S.C. §2510(8).

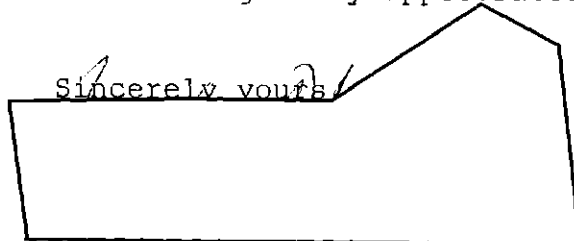
This request relates to a sensitive ongoing FBI investigation. We therefore request that this request and any documents or materials generated as a result of this request be stored by your company in a secure manner. This would include limiting access to those employees with a legitimate need to know about the existence of this request.

Any questions regarding this request should be directed to Special Agent [redacted] telephone number [redacted]

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Your cooperation in this matter is greatly appreciated.

Sincerely yours,



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Special Agent in Charge

~~SECRET~~

NSL VIO-739

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 05/25/2006

**To:** [Redacted]

**Attn:** SAC [Redacted]  
ADC  
SSA  
SA

Counterintelligence

**Attn:** CD-4, A/SC [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]

**Drafted By:** [Redacted]

**Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 1413 (Pending)

**Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2006- [Redacted] b2

**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.

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

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

**Details:** ~~(S)~~ By electronic communication (EC) dated 04/27/2006, the [Redacted] requested that OGC review the

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~~SECRET~~

OIG/DOJ REVIEW [Redacted] **DATE:** 6/1/06  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

~~SECRET~~

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/25/2006

(U)

facts of the captioned matter and determine whether it warrants reporting to the IOB.<sup>1</sup> As explained below, in our opinion, the FBI is required to report this matter to the IOB.

(S) [redacted]

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(S) [redacted]

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[redacted] immediately sealed and sequestered the information and placed it in a safe. [redacted] did not enter any information into the case file. Moreover [redacted] through [redacted] [redacted] plans to notify the internet service provider of its error to avoid future mistakes.

(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

(U) ~~(S)~~ EC from [redacted] to OGC dated 04/27/2006 and titled "Potential Intelligence Oversight Board Violation Regarding an Internet Service Provider (ISP) National Security Letter (NSL)."

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/25/2006

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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 (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 a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). 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.

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(S) Here, an error on the part of [redacted] resulted in the unintentional acquisition of information. It should be noted that [redacted] response in receiving the unsolicited material was commendable. Upon learning that [redacted]

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 05/25/2006

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(S) [redacted] provided information beyond the scope of the NSL [redacted] sealed and sequestered the excess information. Moreover [redacted] then undertook steps to prevent this mistake from reoccurring by notifying [redacted] of its error.

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(S) Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the carrier's mistake must be reported to the IOB. OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

~~SECRET~~



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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/25/2006

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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]

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AT [redacted]

(U) With respect to the information that exceeded the scope of the NSL, 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

[redacted]

IOB Library

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~~SECRET~~

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

BY COURIER

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

Dear Mr. Friedman:

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

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 - 1414

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassify On: 25X1~~

~~SECRET~~

NSL VIO-745

~~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-746

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-30-2007  
CLASSIFIED BY 55179/dah/ksr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER

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

(S) By electronic communication dated April 27,  
2006, the Federal Bureau of Investigation (FBI), [REDACTED]  
[REDACTED] reported a possible Intelligence Oversight Board  
(IOB) matter. [REDACTED]

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[REDACTED]

(S)

[REDACTED]

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The FBI immediately sealed and sequestered the  
information and placed it in a safe. The FBI did not enter any  
information into the case file. Moreover, the FBI plans to  
notify the internet service provider of its error to avoid  
future mistakes.

(S) Here, an error on the part of [REDACTED]  
resulted in the unintentional acquisition of information  
through an NSL. Based upon our analysis, in accordance with  
the reporting requirements of Section 2.4 of Executive Order  
12863, the carrier's mistake must be reported to the IOB.

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

~~SECRET~~

~~SECRET~~ NSL VIO-747

(Rev. 01-31-2003)

## FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU Room 3041

**Contact:** CRS [REDACTED] Ext [REDACTED]

**Approved By:** Miller David Ian *DM/kes*

b6  
b7C  
b2

**Drafted By:** [REDACTED]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2168  
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 1363  
278-HQ-C1229736-VIO Serial 1413

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] dated 04/27/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein was an error attributed to the Internet company in providing unauthorized information relative to the issuance of an NSL. 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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NSL VIO-748

(Rev. 01-31-2003)

~~SECRET//20310724~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [Redacted]  
Counterintelligence

**Attn:** [Redacted] (Personal Attention)  
**Attn:** CD-4  
A/SC [Redacted]

**From:** Inspection  
Internal Investigations Section, IPU, Room 3041  
**Contact:** CRS [Redacted] Ext. [Redacted]

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**Approved By:** Miller David [Signature]

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U Serial 472 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2168  
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.

~~(S)~~ ~~Derived From: G-3~~  
(U) ~~Declassify On: 07/24/2031~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1363

(U) ~~(S)~~ **Reference:** 278-HQ-C1229736-VIO Serial 1363  
278-HQ-C1229736-VIO Serial 1413

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**Details:** (U) Upon review of [Redacted] 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//20310724~~

NSL VIO-749



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

*2/10*

DATE: November 27, 2006

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179/dmh/ksl/cak

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. 2007001108  
Subject: Unidentified  
  
FBI No. 263-0-U-472

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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

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] 689-2007-001108-M

Received By: [redacted] Date Received: 06/14/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID Component: FBI Misc: Home: Phone: Work: Phone: Pay Plan: FOD Date: 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: Revealed: SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Authority: none

b6 b7C b2

Details:

The FBI provided information regarding a potential IOB matter.

[redacted] drafted a National Security Letter (NSL) seeking electronic communications data related to a target of an investigation.

On 4/26/06, [redacted] learned that the Internet provider's response contained information that was not included in the NSL. As a result the FBI received unauthorized information.

It is the opinion of the Office of the General Counsel that this matter must be reported to the IOB.

b2 b7E

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 04/26/2006

TIME: [redacted] State: [redacted]

CITY: [redacted]

Zip:

DISPOSITION DATA: Disposition: M Date: 06/14/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/27/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-472

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

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

11/27/06- Sent to Kaiser/FBI INSD (ant)

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-15-2007 BY 65179/dma/ksr/cak NSL VIO-751



(Rev. 01-31-2003)

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION



Precedence: ROUTINE

Date: 03/28/2006

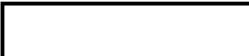
To: Inspection Division

Attn: IIS ✓

Office of the General Counsel

Attn: NSLB

From:



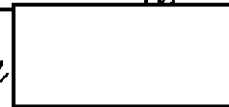
Contact: SA



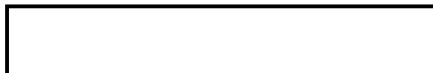
Approved By:



*A/SAC*



Drafted By:

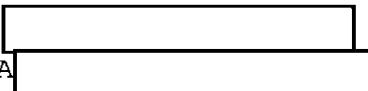


Case ID #: (U) 278-HQ-C1229736-VIO

*1349*

Title: (U)

SA  
SSA



Synopsis: (U) To report a potential Intelligence Oversight Board matter.

(U)

~~Derived From: G-1~~

~~Declassify On: X25-1~~

(U)

~~(S)~~ FISA WARNING STATEMENT - STATUTORY RESTRICTIONS

(U)

~~(S)~~ This information or document, or portions thereof, is derived from a court-authorized FISA order and such information or any information derived therefrom may only be used in a criminal or other proceeding (including but not limited to use in search/arrest warrants or affidavits or grand jury subpoenas and proceedings) with the advance authorization of the Attorney General. See 50 U.S.C. Section 1806(b), 1825(c).

Details: (S)



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UPLOADED  
WITH/TEXT  
WITHOUT/TEXT  
BY  
DATE *5/3/06*

SECRET

NSL VIO-752

*203-44415*

~~SECRET~~

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To: Inspection Division From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 02/10/2005

(S)

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[redacted]

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[redacted]

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~~SECRET~~

~~SECRET~~

To: Inspection Division From: [Redacted]  
Re: (U) 278-HQ-C1229736-VIO, 02/10/2005

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[Redacted]

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To: Inspection Division From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 02/10/2005

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(S) [redacted]

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~~SECRET~~

To: Inspection Division From:   
Re: (U) 278-HQ-C1229736-VIO, 02/10/2005

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LEAD(s):

Set Lead 1: (Action)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) Review and take appropriate action.

Set Lead 2: (Action)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review and take appropriate action, to include notifying OIPR and FISC.

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**FEDERAL BUREAU OF INVESTIGATION**



b2

Precedence: ROUTINE

Date: 04/19/2006

To: INSD  
OGC

Attn: IIS  
NSLB  
CDC

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From:

Contact:

Approved By:

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b6  
b7C

Drafted By:

1355

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

(U) Title: ~~(S)~~ NATIONAL SECURITY LETTER MATTER;  
OVERPRODUCTION BY TELEPHONE COMPANY PERSONNEL;  
NOTIFICATION OF POTENTIAL IOB MATTER

(U) Synopsis: ~~(S)~~ To report notification of potential IOB matter  
by non-FBI personnel.

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

Administrative: (S)

Details: (S)

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(S)

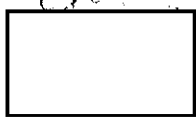
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NSL VIO-757

kas 07/19/06.

CC [Redacted]  
CRS [Redacted]



2/20/06  
2/21/06

~~SECRET~~

To: INSD From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/19/2006  
(U)

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[redacted]

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(S)

[redacted]

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(U)

~~(S)~~ [redacted] separated the excess information from the originally requested information. The excess information is wrapped and secured in a safe, pending guidance on how to proceed with the information. The information originally requested is maintained with the case file and is pending review.

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To: INSD From: [Redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/19/2006

(U)

Set Lead 1: (Action)

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[Redacted]

AT

[Redacted]

(S)

[Redacted]

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~~SECRET~~

~~SECRET~~  
NSL VIO-759



(Rev. 01-31-2003)

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 05/23/2006

**To:** [Redacted]

**Attn:** ADC [Redacted]  
SSA [Redacted]  
SA [Redacted]

Counterintelligence

**Attn:** CD-1, SC [Redacted]

Inspection

**Attn:** IIS, CRS [Redacted]

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

**Contact:** AGC [Redacted]

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b7C

**Approved By:** Thomas Julie F  
[Redacted]

**Drafted By:** [Redacted]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 1391 (Pending)

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

b2

(U) **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.

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

b1  
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(U) ~~Derived From : G-3~~  
~~Declassify On: 25X1~~

(U) **Details:** ~~(S)~~ By electronic communication (EC) dated 04/19/2006, the [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants

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~~SECRET~~

~~OIG/DOJ REVIEW: [Redacted] DATE: 4/19/06~~  
~~FBI INVESTIGATION: [Redacted]~~  
~~OIG/DOJ INVESTIGATION: [Redacted]~~

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 05/23/2006

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reporting to the IOB.<sup>1</sup> As explained below, in our opinion, the FBI is required to report this matter to the IOB.

(S) [redacted]

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(S) [redacted]

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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

(U) ~~(S)~~ EC from [redacted] to OGC dated 04/19/2006 and titled "National Security Letter Matter; Overproduction by Telephone Company Personnel; Notification of Potential IOB Matter."

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To: [REDACTED] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 05/23/2006

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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 (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 a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). 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.

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/23/2006

(S) Here, during an authorized investigation,<sup>2</sup> an error on the part of [redacted] resulted in the unintentional acquisition of information. It should be noted that [redacted] response in receiving the unsolicited material was commendable. Upon learning that [redacted] provided information beyond the scope of the NSL, [redacted] sealed and sequestered the excess information.<sup>3</sup>

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(U) ~~(S)~~ Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the carrier's mistake must be reported to the IOB. OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

**LEAD (s) :**

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<sup>2</sup> (S)

[redacted]

<sup>3</sup> (S)

[redacted]

b1

~~SECRET~~

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/23/2006

**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)**

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[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

[redacted]

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IOB Library

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-31-2007  
CLASSIFIED BY 65179/dmh/ksr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

(Rev. 01-31-2003)

## FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [REDACTED] Ext. [REDACTED]

b6  
b7C  
b2

**Approved By:** Miller David Ian *DM/Kus*

**Drafted By:** [REDACTED]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2187  
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 1355  
278-HQ-C1229736-VIO Serial 1391

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] dated 04/19/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein was an error on the part of the telephone company in providing unauthorized information relative to the issuance of an NSL. 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~~

NSL VIO-765

~~SECRET//20310724~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/24/2006

To: [Redacted]

Attn: [Redacted] (Personal Attention)  
Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [Redacted] Ext [Redacted]

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Approved By: Miller David *[Signature]*

Drafted By: [Redacted]

✓ Case ID #: (U) 263-HQ-0-U Serial 4796 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2187  
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) ~~Derived From : G-3~~  
~~Declassify On: 07/24/2031~~~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1355

Reference: (U) 278-HQ-C1229736-VIO Serial 1355  
278-HQ-C1229736-VIO Serial 1391

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Details: (U) Upon review of [Redacted] 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//20310724~~

NSL VIO-766



U. S. Department of Justice

Office of the Inspector General

2187

DATE: November 27, 2006

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

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179/dml/ksl/cak

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

SUBJECT: OIG Complaint No. 2007001080  
Subject: Unidentified  
  
FBI No. 263-0-U-476

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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-767



OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] 689-2007-001080-M

Received By: [redacted] Date Received: 06/05/2006 How Received: A

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

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

Details:  
The FBI provided information regarding a potential IOB matter.  
On 9/29/05, [redacted] drafted a National Security Letter (NSL) seeking telephone records related to multiple targets of an investigation.  
Upon review of the NSL results, [redacted] learned that the telephone carrier's response included data that exceeded the dates authorized. As a result the FBI received unauthorized information.  
It is the opinion of the Office of the General Counsel that this matter must be reported to the IOB.

ALLEGATIONS: 689 IOB Violation  
Occurrence Date: 10/04/2005 TIME: [redacted]  
CITY: [redacted] State: [redacted] Zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 06/05/2006 Approval: POWELL, GLENN G  
Referred to Agency: FBI Date Sent: 11/27/2006 Component: FBI  
Patriot Act: N Civil Rights: N Component Number: 263-0-U-476  
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:  
Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.  
11/27/06- Sent to Kaiser/FBI INSD (ant)

NSL VIO-768

~~SECRET~~

(Rev. 01-31-2003)

b2

**FEDERAL BUREAU OF INVESTIGATION**

(06)

Precedence: DEADLINE 05/12/2006

Date: 05/09/2006

To: General Counsel  
Inspection

Attn: NSLB  
Attn: Internal Investigations

From:

Contact: SA

Approved By:

DATE: 05-31-2007  
CLASSIFIED BY: 65179/dmh/ksr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

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b7C

Drafted By:

Case ID #: 278-HQ-C1229736-VIO (Pending)  
278  C71404

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Title: SA

SSRA

INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION

Synopsis: Report of IOB violation for

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

Details:

(S)

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Contact has been made between writer and  
Counterterrorism ITOS 1/ CONUS 2 to take corrective measures to

SC MILLER *EDM* 6/15/06

CAS  *haw* 07/19/06

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NSL VIO-769

~~SECRET~~

~~SECRET~~

To: General Cou 1 From:   
Re: 278-HQ-C1229736-VIO, 05/08/2006

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include an additional extension from FBIHQ and assurance that future IOB violations will not occur.

Inasmuch as it was believed extension had been granted by FBIHQ all future requests will be submitted with a deadline and a tickler will be set for follow-up. A tickler will be set 30 days prior to expiration of any PIs for submission of extension EC. A follow-up tickler will then be set for 15 days prior to expiration, and a final tickler will be set for five days prior to extension if no approval has been received from FBIHQ.

~~SECRET~~

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To: General Cou 1 From:   
Re: 278-HQ-C1229736-VIO, 05/08/2006

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LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/02/2006

To: [Redacted]

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Attn: SSRA [Redacted]  
SA [Redacted]

Counterterrorism

Attn: ITOS 1/CONUS 2

From: Office of the General Counsel  
NSLB/CTLU 1, LX-1 3S-100

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Contact: [Redacted]

Approved By: Thomas Julie F  
[Redacted]

Drafted By: [Redacted]

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b7E

Case ID # (U) (S) 278-HQ-C1229736-VIO - 1418 (Pending)

(S) 278 [Redacted] C71404 - 90 (Pending)

(S) [Redacted]

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

b2

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

(U) (S)

Derived From: G-3  
Declassify On: 06/02/2031

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 1356

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

Details: (S) [Redacted]

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~~SECRET~~

OIG/DOJ REVIEW: [Redacted]

DATE: 6/14/06

FBI INVESTIGATION: [Redacted]

OIG/DOJ INVESTIGATION: [Redacted]

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To: [redacted] From: Office of the General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/02/2006

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[redacted]

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(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community Components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they

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<sup>1</sup>(U) See, referenced EC from the [redacted] Division to the General Counsel, dated May 9, 2006, Case ID# 278-HQ-C1229736-VIO Serial 1356, titled "Report of IOB violation for [redacted] Division."

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To: [redacted] From: Office of the General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/02/2006

(U)

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 IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, 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. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(S)

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(U)

~~(S)~~ Although these provisions are primarily administrative in nature, they were designed, in part, to protect the rights of U.S. persons because they limit the length of time that the FBI can conduct a PI of an individual without authorized extension or conversion to an FI. By longstanding agreement between the FBI and the IOB, PI overruns need not be reported to the IOB if they are both "inadvertent" and "de minimis in time." To determine whether a possible violation of the NSIG is inadvertent and de minimis in time, all facts relevant to the matter must be considered in their totality.

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To: [redacted] From: Office of the General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/02/2006

(S)

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[redacted]

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[redacted]

(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 must be reported to the IOB, which this office will do.

~~SECRET~~



~~SECRET~~

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To: [redacted] From: Office of the General Counsel  
Re: ~~SECRET~~ 278-HQ-C1229736-VIO, 06/02/2006

(U)

LEAD(s):

Set Lead 1: (Action)

[redacted]

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AT [redacted]

(U) Implement procedures to ensure that investigations are extended or converted in compliance with the NSIG. In addition, ensure that communications with FBIHQ are sent to the proper unit.

Set Lead 2: (Info)

COUNTERTERRORISM

AT ITOS 1/CONUS 2 TEAM 8, WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksl/cak  
ON 05-31-2007

June 2, 2006  
BY COURIER

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

Dear Mr. Friedman:

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

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

Enclosure

1 - 278-HQ-C1229736-VIO - 1419

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE  
Derived from: G-3  
Declassify on: X25-1~~

~~SECRET~~

NSL VIO-777

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas

Deputy General Counsel

Enclosure

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



~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-31-2007  
CLASSIFIED BY: 65179/dmh/kxz/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

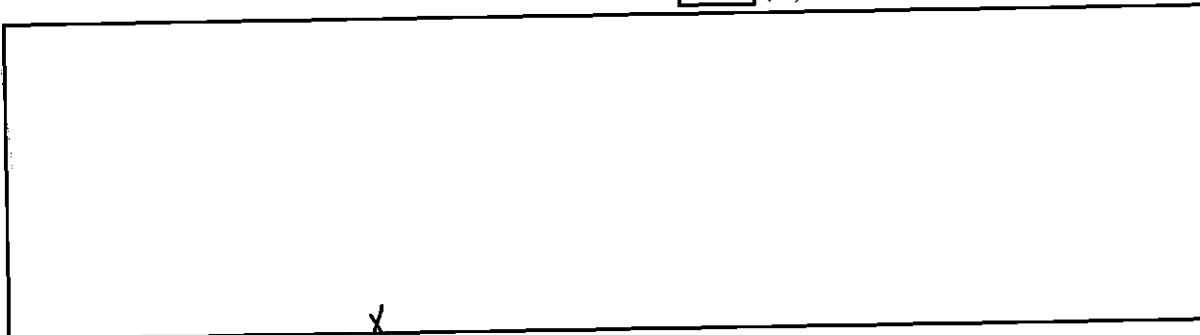
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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

 DIVISION  
IOB MATTER 2006  (U)

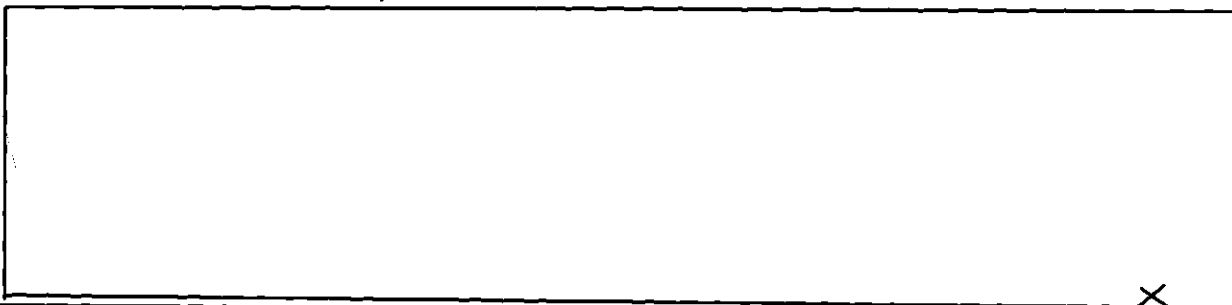
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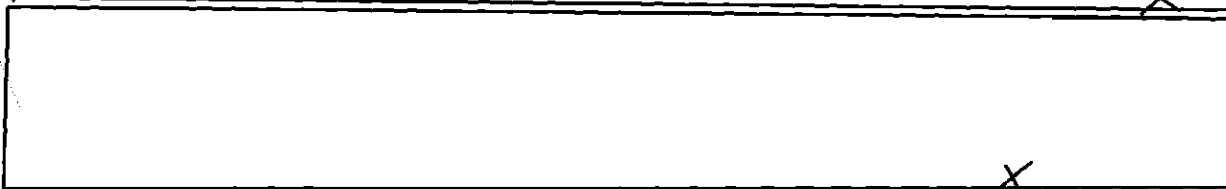
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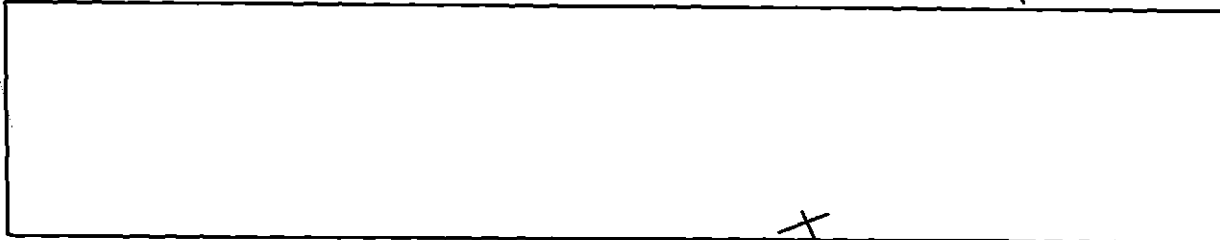
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The Office of General Counsel ("OGC") has reported this matter to the FBI's Inspection Division for appropriate action. (U)

~~(S)~~

Derived From : G-3

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~~Declassify On:~~ X1

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NSL VIO-780

(Rev. 01-31-2003)

## FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted] Ext. [redacted]

**Approved By:** Miller David Ian *DM/KW*

**Drafted By:** [redacted]

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b2

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2219  
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 1356  
278-HQ-C1229736-VIO Serial 1418  
278-HQ-C1229736-VIO Serial 1419

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 05/09/2006, 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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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted] Ext. [Redacted]

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**Approved By:** Miller David [Signature]

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U Serial 477 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2219  
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) ~~Derived From~~ : G-3  
~~Declassify On~~ : 07/24/2031

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1356

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1356  
278-HQ-C1229736-VIO Serial 1418

**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).

◆◆



U. S. Department of Justice

Office of the Inspector General

DATE: November 27, 2006

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

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 85199/dmr/kse/cak

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

SUBJECT: OIG Complaint No. 2007001098  
Subject: Unidentified

FBI No. 263-0-U-477

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-783



~~SECRET~~

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] 689-2007-001098-M

Received By: [redacted] Date Received: 06/14/2006 How Received: A

SUBJECT: Unidentified, FBI  
 Title: UNID  
 Component: FBI  
 Misc:  
 Home:  
 Phone:  
 Work:  
 Phone:

Pay Plan:  
 EOD Date:  
 ZIP:  
 ZIP:

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

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 b7C  
 b2

COMPLAINANT: [redacted]  
 Title: ATTY  
 Component: FBI  
 Misc:  
 Home: [redacted]  
 Phone: [redacted]  
 Work: [redacted]  
 Phone: [redacted]  
 Confidential:

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

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

DATE: 05-31-2007  
 FBI INFO.  
 CLASSIFIED BY 65179/dmh/ksr/cak  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 05-31-2032

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

[redacted]

It is the opinion of the Office of the General Counsel that this matter must be reported to the IOB.

b1  
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ALLEGATIONS: 689 IOB Violation

Occurrence Date: 11/15/2005

TIME:

CITY [redacted]

State: [redacted]

Zip:

DISPOSITION DATA: Disposition: M Date: 06/14/2006 Approval: POWELL, GLENN G

b2  
 b7E

Referred to Agency: FBI Date Sent: 11/27/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-477

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Predicating material contains classified information that will be stored in a secure container with OIG/INV/HQ.

11/27/06- Sent to Kaiser/FBI INSD (ant)

~~SECRET~~

NSL VIO-784

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

b2



Precedence: ROUTINE

Date: 05/16/2006

To: Inspection  
General Counsel

Attn: IIS  
Attn: NSLB

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From:

Chief Division Counsel

Contact:

b2  
b7E  
b6  
b7C

Approved By:

Drafted By:

b1  
b7A  
b2  
b7E

Case ID #: (S)

(U) ~~(S)~~ 278-HQ-CI229736-VIO - 1394

Title: (S) Possible Intelligence Oversight Board Matter

SA   
SSA

Synopsis: (U) Over-collection of information improperly obtained from the issuance of a National Security Letter (NSL).

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

Administrative: (S)

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b7C  
b7D  
b7A  
b4

Details: (S)

(S)

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b7C  
b7D  
b7A

*05/16/06*  
*30 Miller* *Batch 107 06*

~~SECRET~~

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b7C

~~SECRET~~

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b7A

To: Inspection From: [redacted]  
Re: (S) [redacted] 05/16/2006

(S) [redacted]

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(U) (S) A disk with the requested records was received by the [redacted] Division on or about 07/21/2005.

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(S) [redacted]

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(U) (S) There has been no review of the telephone numbers prior to 2003 either by the case agent or [redacted] Resident Agency.

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(U) (S) SA [redacted] immediately telephoned the Chief Division Counsel (CDC) of the [redacted] Division and her immediate supervisor upon discovery of this situation. Nothing from the time period which was not authorized by the NSL was uploaded or viewed.

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(U) (S) A copy of the original NSL as well as the resultant information obtained by the period unauthorized by the NSL is being maintained in the CDC's safe.

(U) (S) As no unauthorized information from the NSL has been reviewed, SAC [redacted] recommends no administrative action be taken in this matter.

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~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]  
Re: (S [redacted] 05/16/2006

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b1

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For information.

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~~SECRET~~

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/12/2006

To: [Redacted]

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

Counterintelligence

Attn: CD-2, SC [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

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

Contact: AGC [Redacted]

Approved By: Thomas Julie F [Signature]  
[Redacted]

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b7C

Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial-1437

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

b2

(U) 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.

Reference: (S) [Redacted]

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

(U) Details: ~~(X)~~ By electronic communication (EC) dated 05/16/2006,  
the [Redacted] requested that OGC  
review the facts of the captioned matter and determine whether it

b2  
b7E

~~SECRET~~

IG/DOJ REVIEW  
FBI INVESTIGATION  
IG/DOJ INVESTIGATION  
NSL VIO-788

DATE: 6/27/06

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b7C

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b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 06/12/2006

warrants reporting to the IOB. As explained below, in our opinion, the FBI is required to report this matter to the IOB.

(S) On 04/14/2005, during an authorized investigation,<sup>1</sup> the FBI issued a National Security Letter (NSL) pursuant to 18 U.S.C. § 2709. [redacted]

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[redacted]

(S) [redacted]

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The NSL results prior to 2003 were neither reviewed nor uploaded. A copy of the NSL results that exceeded the scope of the NSL are being maintained in the Chief Division Counsel's 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).

(S) [redacted]

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 06/12/2006

b2  
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(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 (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 a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). 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.

(S) Here, an error on the part of [redacted] resulted in the unintentional acquisition of information. It should be noted that [redacted] response in receiving the unsolicited material was commendable. Upon learning that [redacted] provided information beyond the scope of the NSL, [redacted] sequestered the excess information and placed it in the CDC's safe.

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~~SECRET~~

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/12/2006

b2  
b7E

(U) ..... (S) Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the carrier's mistake must be reported to the IOB. 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, 06/12/2006

b2  
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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]

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AT [redacted]

(U) With respect to the information that exceeded the scope of the NSL, 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

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[redacted]

IOB Library

♦♦

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak  
ON 06-01-2007

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006 [redacted] (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-C1228736-VIO - 1438

UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE

~~Derived From: G-3~~  
~~Declassify On: 25X1~~

~~SECRET~~ NSL VIO-793

~~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-794

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-01-2007  
CLASSIFIED BY: 65179/dmh/ksr/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-01-2032

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER

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b7E

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

(S) By electronic communication dated May 16, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, on April 14, 2005, during an authorized investigation, the FBI issued a National Security Letter (NSL) pursuant to 18 U.S.C. § 2709. [REDACTED]

(S)

[REDACTED]

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(S)

[REDACTED]

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b7A  
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(S)

[REDACTED]

Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, the carrier's mistake must be reported to the IOB.

b1  
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b4

Derived from: G-3  
Declassify on: 25X1

~~SECRET~~

~~SECRET~~ NSL VIO-795

(Rev. 01-31-2003)

## FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [REDACTED] Ext. [REDACTED]

**Approved By:** Miller David Ian *DM/ka*

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b2

**Drafted By:** [REDACTED]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2275  
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 1394  
278-HQ-C1229736-vio Serial 1437

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 05/16/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein was an error attributed to the telephone company in providing unauthorized information in response to an NSL, and not the FBI or its personnel. 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//20317024~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU Room 3041

**Contact:** CRS [Redacted] Ext [Redacted]

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**Approved By:** Miller David [Signature]

**Drafted By:** [Redacted]

✓ **Case ID #:** (U) 263-HQ-0-U Serial 481 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2275  
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:~~ 07/24/2031

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1394

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1394  
278-HQ-C1229736-vio Serial 1437

**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).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET//20317024~~

NSL VIO-797



U.S. Department of Justice


Office of the Inspector General

Washington, D.C. 20530

DATE: November 29, 2006

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-01-2007 BY 65179/dmh/kxr/cak

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. 2007001164  
Subject: Unidentified



FBI No. 263-0-U-481

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.
- 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-798

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** DEADLINE 05/12/2006

**Date:** 05/09/2006

**To:** General Counsel  
Inspection

**Attn:** NSLB  
**Attn:** Internal Investigations

**From:** [Redacted]

**Contact:** SA [Redacted]

**Approved By:** [Redacted]

**Drafted By:** [Redacted]

**Case ID #:** 278-HQ-C1229736-VIO - 1358 (Pending)  
278 [Redacted] C71404 - 83

**Title:** SA [Redacted]  
SSRA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
[Redacted] DIVISION

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

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

**Details:** [Redacted]

Contact has been made with Counterterrorism ITOS 1/  
CONUS 2 to take corrective measures to include an additional

SC [Redacted] 6/15/06  
CRS [Redacted] 07/19/06

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~~SECRET~~

To: General Council From: [REDACTED]  
Re: 278-HQ-C1229736-VIO, 05/09/2006

extension from FBIHQ and assurance that future IOB violations will not occur.

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b7E

To avoid future conflicts with pending paperwork between [REDACTED] and FBIHQ all future requests will be submitted with a deadline and a tickler will be set for follow-up. A tickler will be set 30 days prior to expiration of any PIs for submission of extension EC. A follow-up tickler will then be set for 15 days prior to expiration, and a final tickler will be set for five days prior to extension if no approval has been received from FBIHQ.

~~SECRET~~

~~SECRET~~

To: General Coun. 1 From:   
Re: 278-HQ-C1229736-VIO, 05/09/2006

b2  
b7E

LEAD(s) :

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

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~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 05/30/2006

To: Inspection

Attn: IIS

Attn: SSA [redacted]

SA [redacted]

From: Office of the General Counsel

NSLB/CTLU1/LX-1 3S100

Contact: SSA [redacted]

Approved By: Thomas Julie F

Drafted By: [redacted]

Case ID #: (U) 278-HQ-C1229736-VIO - 1422 (Pending)

(U) 278-[redacted]-C71404 - 91 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER

IOB 2006 [redacted]

~~(S)~~ Synopsis: It is the opinion of the Office of the General Counsel that this matter does not warrant reporting to the Intelligence Oversight Board (IOB).

(U) ~~(S)~~ Derived From: G-3  
Declassify On: 05/30/2031

Reference: (U) 278-HQ-C1229736-VIO Serial 1358

(U) 278-[redacted]-C71404 Serial 83

Details: (U) Referenced communication from [redacted] dated 05/09/2006, requested that OGC review the facts of captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not.

(S) [Large redacted block]

~~SECRET~~

OIG/DOJ REVIEW: [redacted]

DATE: 6/14/06

FBI INVESTIGATION: [redacted]

OIG/DOJ INVESTIGATION: [redacted]

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~~SECRET~~

To: Inspection From: Office of the General Counsel  
Re: (U) 278-HQ-C1229736-VIO, 05/30/2006

(S)

[Redacted]

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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 concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the 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.

~~(S)~~ Section II.C.4, Preliminary Investigations, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG)

(S)

[Redacted]

b1

(S)

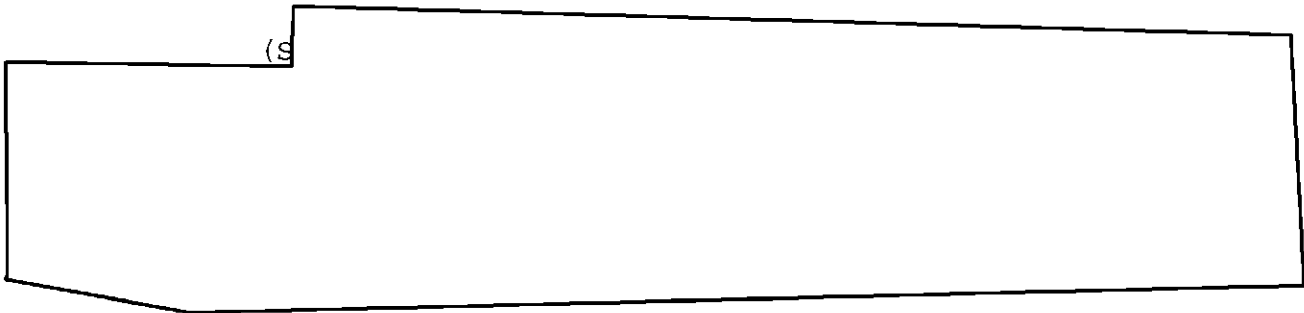
[Redacted]

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~~SECRET~~

~~SECRET~~

To: Inspection From: Office of the General Counsel  
Re: (U) 278-HQ-C1229736-VIO, 05/30/2006



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~~SECRET~~

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To: Inspection From: Office of the General Counsel  
Re: (U) 278-HQ-C1229736-VIO, 05/30/2006

LEAD(s):

Set Lead 1: (Info)

[REDACTED]

At

[REDACTED]

(U) Read and clear.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For information and action deemed appropriate.

◆◆

b2  
b7E

~~SECRET~~

(Rev. 01-31-2003)

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted] Ext. [redacted]

**Approved By:** Miller David Ian *DM/KCS*

b6  
b7C  
b2

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2273  
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 1358  
278-HQ-C1229736-VIO Serial 1422

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 05/09/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

b2  
b7E

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(Rev. 01-31-2003)

## FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [REDACTED]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [REDACTED] Ext. [REDACTED]

b6  
b7C  
b2

**Approved By:** Miller David *DM*

**Drafted By:** [REDACTED]

✓ **Case ID #:** (U) 263-HQ-0-U Serial 485 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2273  
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.

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1358

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1358  
278-HQ-C1229736-VIO Serial 1422

**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).

◆◆

NSL VIO-807





U. S. Department of Justice

Office of the Inspector General

2273

DATE: November 27, 2006

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-01-2007 BY 65179/dmh/ksk/cak

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. 2007001109

Subject: Unidentified

[Redacted]

FBI No. 263-0-U-485

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-808

SUBJECT: Unidentified, FBI      SSNO:  
Title: UNID      Pay Plan:      D.O.B.:      b6  
Component: FBI      EOD Date:      Alien No.:      b7C  
Misc:      DATE: 06-01-2007      F.B.I.No.:      b2  
Home:      FBI INFO.      B.O.P.No.:  
Phone:      CLASSIFIED BY 65179/dmh/ksr/cak      ZIP:      D/I. No.:  
Work:      REASON: 1.4 (c)      Offenses: 689  
Phone:      DECLASSIFY ON: 06-01-2032      ZIP:

COMPLAINANT: [ ]      SSNO:  
Title: SSA      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: General Counsel      b1  
National Security Law Branch/CTLU1/1LX-1, Tysons Corner, VA      b2  
Phone:      ZIP:      Authority: none      b7E  
Confidential:      Revealed:      b7A

Details:  
(S) The FBI provided information regarding a potential IOB matter.  
[ ]  
It is the opinion of the Office of the General Counsel that this matter does not warrant reporting to the IOB.

ALLEGATIONS: 689 IOB Violation  
Occurrence Date: 11/02/2005      TIME: [ ]      b2  
CITY: [ ]      State: [ ]      Zip:      b7E

DISPOSITION DATA: Disposition: M      Date: 06/14/2006      Approval: POWELL, GLENN G  
Referred to Agency: FBI      Date Sent: 11/27/2006      Component: FBI  
Patriot Act: N      Civil Rights: N      Component Number: 263-0-U-485  
Sensitive: N      Whistleblower: N      Consolidated Case Number:

Remarks:  
Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.  
11/27/06- Sent to Kaiser/FBI INSD (ant)

NSL VIO-809

(Rev. 01-31-2003)

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/09/2006

To: Inspection  
General Counsel

Attn: IIS  
Attn: NSLB

From: [Redacted]  
Chief Division Counsel  
Contact: ADC [Redacted]

Approved By: [Redacted]

b2  
b7E  
b6  
b7C

Drafted By: [Redacted]

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

b1  
b2  
b7E

(U) Title: (S) POSSIBLE INTELLIGENCE OVERSIGHT BOARD MA  
SA [Redacted]  
SSA [Redacted]

(U) Synopsis: (S) Collection of information improperly obtained  
from the issuance of a National Security Letter (NSL).

(U) (S) Derived From: G-3  
Declassify On: 06/09/2016

b1  
b2  
b7E

Reference: (S) [Redacted]

(S) (S) [Redacted]

Details: (S) [Redacted]

b1  
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b7E  
b7D  
b4

(S) [Redacted]

b1  
b2  
b7E

(S) [Redacted]

02/14/07 1306  
[Redacted] raw 07/19/06

~~SECRET~~

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b7C

NSL VIO-810

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*Handwritten notes at bottom left*

~~SECRET~~

To: Inspection From: [redacted]

Re: (S) [redacted] 06/09/2006

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b1

(S)

[redacted]

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(S)

[redacted]

b1  
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(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, SAC [redacted] recommends no administrative action be taken in this matter.

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To: Inspection From: [REDACTED]  
Re: (S [REDACTED] 06/09/2006

b2  
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b1

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

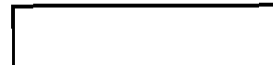
(U) Read and clear.

◆◆

~~SECRET~~

DATE: 06-01-2007  
CLASSIFIED BY 65179/dmh/kst/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-01-2032

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b7C



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/21/2006

To: [Redacted]  
Counterintelligence

Attn: ADC [Redacted]  
Attn: CD-3A UC [Redacted]

From: Office of the General Counsel  
NSLB/CILU/Room 7947  
Contact: AGC [Redacted]

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Approved By: Thomas Julie F. [Signature]  
[Redacted]

Drafted By: [Redacted]

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b7E

(S) Case ID #: (X) [Redacted]

(U) Title: (S) 278-HQ-C1229736-VJO-1451  
INTELLIGENCE OVERSIGHT BOARD MATTER  
2006 [Redacted]

b2

(U) Synopsis: (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). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

(U) ~~Derived From : G-1~~  
~~Declassify On: X1~~

b1  
b2  
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(S) Reference: (X) [Redacted]  
(U) 278-HQ-C1229736 Serial 2550

Details: (U) The referenced electronic communication (EC) from [Redacted] dated 06/09/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

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(S) [Redacted]

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~~SECRET~~

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

DATE: 7/6/06

b6  
b7C NSL VIO-813

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: ~~(S)~~ [redacted] 06/21/2006

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(S)

[redacted]

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(S)

[redacted]

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b7D

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." 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 IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the 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. 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)~~ In this case, the facts do not establish a violation of the NSIG or any other guideline or regulation approved by the Attorney General and, therefore, do not rise to the level of an IOB-reportable incident. The record reflects that, at the time of the service of the NSL, a PI was properly in place. The issuance of the NSL was therefore valid, and this office finds no fault on the part of the agents involved

(S)

[redacted]

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~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: ~~(S)~~ [redacted] 06/21/2006

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(S)

(U) ~~(S)~~ Further, the record also reflects that no personal or identifying information was entered into ACS as a result of the NSL return. Additionally, it should be noted that the field performed no investigative measures based upon the information gained from the NSL return. The subject suffered no prejudice, and there is no evidence of misconduct on the part of either field office.

(U) ~~(S)~~ To the extent that this incident involves any error on the part of the Bureau, it is administrative in nature and may be placed in the control file for periodic review by the Counsel to the IOB. This is consistent with our prior opinions in such cases. Nothing in this instance warrants deviating from this approach. No further administrative measures are required.

~~SECRET~~



~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: (S) ~~(U)~~ [redacted] 06/21/2006

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b1

LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) Read and clear.

b2  
b7E

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas  
[redacted]  
IOB Library

b6  
b7C

◆◆

~~SECRET~~

(Rev. 01-31-2003)

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted] Ext. [redacted]

**Approved By:** Miller David Ian *DM/KAS*

b6  
b7C  
b2

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2413  
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 2550  
278-HQ-C1229736-VIO Serial 1451

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 06/09/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. 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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(Rev. 01-31-2003)

~~SECRET~~//20310724

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted] Ext. [Redacted]

b2  
b7E  
b6  
b7C

**Approved By:** Miller David *[Signature]*

**Drafted By:** [Redacted]

✓ **Case ID #:** (U) 263-HQ-0-U Serial 489) (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2413  
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:~~ 07/24/2031

**Enclosure(s):** (U) 278-HQ-C1229736 Serial 2550

**Reference:** (U) 278-HQ-C1229736 Serial 2550  
278-HQ-C1229736-VIO Serial 1451

**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).

~~THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.~~

◆◆

~~SECRET~~//20310724

NSL VIO-818



U.S. Department of Justice


Office of the Inspector General

Washington, D.C. 20530

DATE: November 29, 2006

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

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-01-2007 BY 65179/dml/ksl/cak

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

SUBJECT: OIG Complaint No. 2007001184

Subject: Unidentified



FBI No. 263-0-U-489

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.
- 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-819

Received By: [redacted] Date Received: 07/06/2006 How Received: A

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

COMPLAINANT: [redacted]
Title: ATTY
Component: FBI
Misc:
Home: [redacted]
Phone: ( ) -
Work: ,
Phone: [redacted]
Confidential:
Pay Plan: [redacted]
EOD Date: [redacted]
ZIP: [redacted]
ZIP:
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:
Information received from the FBI regarding a potential IOB matter.
[redacted]
[redacted] did not review the data, and subsequently sealed the information.
It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.

ALLEGATIONS: 689 IOB Violation
Occurrence Date: 04/26/2006
CITY: [redacted] State: [redacted] Zip: [redacted]
TIME:

b2
b7E

DISPOSITION DATA: Disposition: M Date: 07/06/2006 Approval: POWELL, GLENN G
Referred to Agency: FBI Date Sent: 11/29/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-0-U-489
Sensitive: N Whistleblower: N Consolidated Case Number:

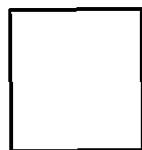
Remarks:
Predicating material contains classified information that will be stored in a secure container within OIG/INV/EQ.
11/29/06- Sent to AD Kaiser FBI/INSD (tap)

DATE: 06-15-2007
FBI INFO.
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-15-2032

NSL VIO-820

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**



Precedence: ROUTINE

Date: 04/27/2006

To: General Counsel

Attn: NSLB

From: [Redacted]

Contact: CDC [Redacted]

Approved By: [Redacted]

DATE: 06-01-2007  
CLASSIFIED BY: 65179/dmh/Kar/cak  
REASON: 1.4 (1)  
DECLASSIFY ON: 06-01-2032

Drafted By: [Redacted]

Case ID #: (U) 278-HO-C1229736-VIO (Pending) 15 27  
(U) 278- [Redacted]-C85270 (Pending) 16 3

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Title: (U) POTENTIAL IOB MATTER

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

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

Details: ~~(S)~~ The following information is provided for the Office of General Counsel, NSLB, on a potential IOB matter in the [Redacted] Division, [Redacted]

- (S) 1. File Number: [Redacted]
- (S) 2. Subject Name: [Redacted]
- (U) 3. US Person Status: US Person (Presumed)
- (U) 4. Date Initiated: 07/18/2005
- (S) 5. [Redacted]

[Redacted]

(S) [Redacted]

[Redacted]

07/19/06

~~SECRET~~

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NSL VIO-821

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b2  
b7E

*[Handwritten notes]*

~~SECRET~~

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 04/27/2006

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(S)

[redacted]

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[redacted]

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[redacted]

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(U) ~~(S)~~ On 02/08/2006, SA [redacted] requested a CAU analysis of international telephone numbers obtained from the previous and proper NSL. On 03/21/2006, SA [redacted] submitted an analysis of the toll records received from the previous and proper 09/21/2006 NSL. SA [redacted] properly reported the potential IOB violation and no further activity on this matter has occurred.

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(U) ~~(S)~~ Although facts existed which would have supported an extension of the Preliminary Investigation, the case agent sought SAC authorization and believed she had obtained it, no SAC authorization for the extension was actually obtained. Based on the foregoing, [redacted] reports this matter as a potential IOB violation.

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b7E

~~SECRET~~

~~SECRET~~

To: General Counsel From: [REDACTED]  
Re: (U) 278-HQ-C1229736-VIO, 04/27/2006

LEAD(s):

b2  
b7E

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) The [REDACTED] Division advises NSLB of a potential IOB matter.

◆◆

~~SECRET~~



~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/16/2006

To: [Redacted]

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b7E  
b6  
b7C

Attn: SAC [Redacted]  
CDC [Redacted]  
SSA [Redacted]  
SA [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. [Signature] [Redacted]

Drafted By: [Redacted] bss

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial-1440 (Pending)

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

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(U) Synopsis: ~~(S)~~ The [Redacted] requested that the Office of the General Counsel (OGC) review several incidents and determine whether they warrant reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the majority of the incidents need not be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB. One incident, however, must be reported to the IOB. OGC will prepare and deliver the necessary correspondence to the IOB. Our analysis follows.

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

(U) Administrative: ~~(S)~~ By electronic communication (EC) dated 04/27/2006, [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. On 06/14/2006, Assistant General Counsel [Redacted]

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~~SECRET~~

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

DATE: 6/16/06  
(11)

b6  
b7C NSL VIO-824

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/16/2006

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[redacted] contacted SA [redacted] and discussed this matter in further detail. This EC contains information from both the 04/27/2006 EC and the 06/14/2006 conversation.

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(U) ~~(S)~~ Reference: 278-[redacted]-C85270 Serial 168 (Pending)

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(U) ~~(S)~~ Details: By EC dated 04/27/2006, [redacted] requested that OGC review several incidents and determine whether they warrant reporting to the IOB. As explained below, in our opinion, the majority of the incidents need not be reported to the IOB. One incident, however, must be reported to the IOB.

(S)

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(U) ~~(S)~~ On 12/21/2005, the case agent submitted an EC requesting Special Agent in Charge (SAC) authority to extend the preliminary investigation. Due to an administrative error, however, approval from the SAC was not obtained. Further, although the EC included the substantive unit at FBI Headquarters, no lead was sent to this unit.

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(S)

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~~SECRET~~

To: [REDACTED] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/16/2006

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(X) The results of the NSL dated 02/06/2006 were not reviewed and were sequestered.

(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, effective 10/31/2003, (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.

(X) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). 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

~~SECRET~~

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/16/2006

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provides that NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) ~~(S)~~ With regard to conducting investigative activities in the absence of a preliminary investigation, sections II.A.2 and II.A.3 of the AG Guidelines provide in pertinent part:

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[redacted]

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[redacted]

(S) 3.

[redacted]

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[redacted]

(S)

[redacted]

~~SECRET~~

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/16/2006

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(S) [redacted] The information that was received in response to the 02/06/2006 NSL should be sealed and sequestered within the CDC's safe.

(S) [redacted]

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(U) (X) However, the issuance of the NSL dated 02/06/2006 in the absence of a preliminary investigation contravened the AG Guidelines and must be reported to the IOB. 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.

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/16/2006

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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]

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AT [redacted]

(U) The information that was received in response to the 02/06/2006 NSL should be sealed and sequestered within the CDC's safe. The information should remain sealed and sequestered in the CDC's safe until further direction from OGC.

**cc:** Ms. Thomas

[redacted]

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IOB Library

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~~SECRET~~

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17<sup>th</sup> 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

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassify On: 25X1~~

~~SECRET~~

NSL VIO-830

~~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-831



DATE: 06-01-2007  
CLASSIFIED BY 65179/gmh/kst/cak  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-01-2032

~~SECRET~~

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

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(S) [REDACTED]

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(S) [REDACTED]

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(S) [REDACTED]

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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

~~SECRET~~

~~SECRET~~  
NSL VIO-832

(Rev. 01-31-2003)

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted] Ext [redacted]

**Approved By:** Miller David *DM*

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**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2416  
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 1339  
278-HQ-C1229736-VIO Serial 1440

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 04/27/2006, 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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(Rev 01-31-2003)

~~SECRET//20310724~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted] Ext [Redacted]

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**Approved By:** Miller David [Signature]

**Drafted By:** [Redacted]

✓ **Case ID #:** (U) 263-HQ-0-U Serial 492 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2416  
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: 07/24/2031~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1339

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1339  
278-HQ-C1229736-VIO Serial 1440

**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//20310724~~

NSL-VIO-834



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: November 29, 2006

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

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-01-2007 BY 65179/dmh/ksr/cak

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

SUBJECT: OIG Complaint No. 2007001194

~~Subjects Unidentified~~

FBI No. 263-0-U-492

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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.
- 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-835

Received By: [redacted] Date Received: 07/06/2006 How Received: A

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

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

DATE: 06-01-2007  
 FBI INFO.  
 CLASSIFIED BY 65179/dmh/ksr/cak  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 06-01-2032

Details:  
 Information received from the FBI regarding a potential IOB matter.

On 7/18/05, FBI [redacted] initiated a preliminary investigation (PI) that was due to expire on 1/18/06. On 12/21/05 an extension request was submitted.

(S)

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It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.

ALLEGATIONS: 689 IOB Violation  
 Occurrence Date: 01/18/2006 TIME:  
 CITY: [redacted] State: [redacted] Zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 07/06/2006 Approval: POWELL, GLENN G  
 [initials]

Referred to Agency: FBI Date Sent: 11/29/2006 Component: FBI  
 Patriot Act: N Civil Rights: N Component Number: 263-0-U-492  
 Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:  
 Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.  
 11/29/06- Sent to AD Kaiser FBI/INSD (tap)

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**



Precedence: ROUTINE

Date: 06/01/2006

b2

To: Inspection

Attn: Internal Investigations  
Section

Room 11102

General Counsel

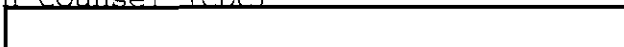
Attn: NSLB  
Room 7975

From:



Chief Division Counsel (CDC)

Contact: CDC



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Approved By:



Drafted By:



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

-1424

Title: (U) SPECIAL AGENT (SA) [Redacted]  
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]  
POSSIBLE INTELLIGENCE OVERSIGHT BOARD  
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

Synopsis: (U) To provide notification of a possible IOB and to request that this matter be reported as an IOB if appropriate.

(U)

~~(S)~~

Derived From: FBI SCG G-3 1/97  
Declassify On: 06/01/2031

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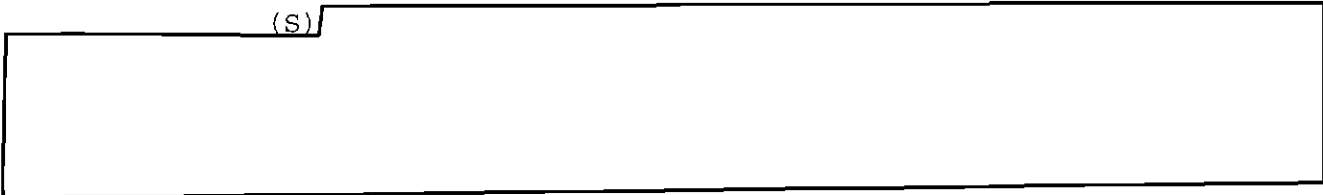
(U)

Details: ~~(S)~~ SA [Redacted] is assigned to the [Redacted]  
Division [Redacted] Her supervisor is  
SSA [Redacted]

(S)



(S)



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*7/13/06 sc Miller*  
*Year 07/19/06 CR8*



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NSL VIO-837

*Handwritten notes at bottom left*

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To: Inspection From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 06/01/2006

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

(S) [redacted]

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(S) [redacted]

(S) [redacted]

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(S) [redacted]

(S) [redacted]

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(S) [redacted]

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~~SECRET~~

b2 To: Inspection From: [redacted]  
b7E Re: (U) 278-HQ-C1229736-VIO, 06/01/2006

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

(U) (S) SA [redacted] brought this matter to the attention of her supervisor, SSA [redacted] on 05/26/2006. She brought this matter to the attention of the [redacted] Division CDC on 05/30/2006.

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(S) [redacted]  
[redacted]

(U) The National Foreign Intelligence Program Manual, Section 2-02, states that there are certain investigative activities which are permitted in the absence of formally authorized inquiries and investigations. The collection of information pertaining to the unidentified person in this instance is not one of those activities. Nonetheless, it was never the intent of the captioned employees to capture information concerning an individual who is not under investigation.

~~SECRET~~



~~SECRET~~

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To: Inspection From:   
Re: (U) 278-HQ-C1229736-VIO, 06/01/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter related in this communication should be reported as an IOB.

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~~SECRET~~

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 06/15/2006

**To:** [Redacted]

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

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Counterintelligence

**Attn:** CD-2A [Redacted]  
UC [Redacted]  
SSA [Redacted]

Inspection

**Attn:** IIS, CRS [Redacted]

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

**Contact:** [Redacted]

**Approved By:** Thomas Julie F

**Drafted By:** [Redacted]

**Case ID #:** (S) 278-HQ-C1229736-V10 (Pending) - 1439

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

b2

**Synopsis:** (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.

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

**Administrative:** (S) This electronic communication (EC) contains information from the following documents: (1) a copy of the National Security Letter (NSL) [Redacted]

b1 [Redacted]  
b2 [Redacted]  
b7E [Redacted] a copy of the EC dated 06/01/2006 from the  
b7A [Redacted] to OGC reporting a potential  
b4 IOB matter.

~~SECRET~~

OIG/DOJ REV  
FBI INVESTIG  
OIG/DOJ INVESTIGATION: [Redacted]

b6  
NSL VIO-841  
b7C

~~SECRET~~

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b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/15/2006

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Reference: (S) [redacted]

(U) Details: (S) By EC dated 06/01/2006, [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]

[redacted]

(S) [redacted]

[redacted]

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(S) [redacted]

[redacted] (C)

The case agent brought this to the attention of both her supervisor and the Chief Division Counsel (CDC). The case agent also sequestered the telephone records of the individual who was not the subject of the investigation.

(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

(S) [redacted]

[redacted]

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~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 06/15/2006

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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 (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 a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). 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,<sup>2</sup> the FBI properly served an NSL on a telephone carrier. In response to the properly served NSL, the FBI obtained information regarding another subscriber's records that were not relevant to the

(S)

<sup>2</sup> ~~(U)~~

~~SECRET~~

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 06/15/2006

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b7E

investigation.<sup>3</sup> 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. Once information not relevant to an authorized investigation is received, the field shall seal and sequester such information.

(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.

<sup>3</sup> (S) [redacted]

b1 [redacted]

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/15/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

b2  
b7E

(U) For action deemed appropriate.

**Set Lead 2: (Info)**

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Action)**



(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



IOB Library

◆◆

~~SECRET~~

(Rev. 01-31-2003)

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [REDACTED]

**Approved By:** Miller David I *DM*

b6  
b7C  
b2

**Drafted By:** [REDACTED]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2422  
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 1424  
278-HQ-C1229736-VIO Serial 1439

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 06/01/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. 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//20310724~~

FOIPA # 1073946

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 07/24/2006

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted]

b6  
b7C  
b7E

**Approved By:** Miller David *DM*

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U Serial 493 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2422  
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:~~ 07/24/2031

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1424

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1424  
278-HQ-C1229736-VIO Serial 1439

**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//20310724~~

NSL VIO-847





U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: November 29, 2006

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-01-2007 BY 65179/dmh/ksr/cak

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. 2007001199  
Subject: Unidentified

  
FBI No. 263-0-U-493

b2  
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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.
- 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-848

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] 689-2007-001199-M

Received By: [redacted] Date Received: 07/07/2006 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

b6

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b2

COMPLAINANT: [redacted]

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

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-23-2007 BY 65179/dmh/sar/eah

Details:

Information received from the FBI regarding a potential IOB matter.

On 1/20/06, FBI [redacted] issued a National Security Letter (NSL) to a communications provider.

On 2/15/06, [redacted] received the NSL requested information. After reviewing the results, the case agent determined that the data included information on both the target of the investigation, as well as another individual. [redacted] reports that they immediately sealed the unauthorized information.

It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 02/15/2006

CITY: [redacted]

TIME:

State: [redacted]

Zip:

b2

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DISPOSITION DATA: Disposition: M Date: 07/07/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 11/29/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-493

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

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

11/29/06- Sent to AD Kaiser FBI/INSD (tap)

NSL VIO-849