

~~SECRET~~

2568

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/07/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLB, Room 7975

foipa # 1073946

From: [Redacted]

JTTF

Contact: TFO [Redacted]

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Approved By: [Redacted]

DATE: 06-12-2007
CLASSIFIED BY: 65179/dmh/rsr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

(U) Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -- 1510

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) TFO [Redacted]
SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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(U) Synopsis: ~~(S)~~ To report possible IOB error.

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

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

(U) ~~(S)~~ 3. Possible IOB Error:

(S) [Redacted]

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(U) ~~(S)~~ 4. Description of IOB Error

(U) ~~(S)~~ A NSL dated 02/08/2006 (TOLLS-133) was submitted to [Redacted] for subscriber information relating to [Redacted] telephone numbers. The results were received from the [Redacted] field office with an EC dated 04/24/2006. Included with the results were toll records, which were not requested in the NSL. Only subscriber information was requested. On 07/07/2006 the toll records were given

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SC Miller [Signature] 07/10/2006
CRS [Redacted] [Signature]

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Yes 07/24/06

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NSL VIO-1009

263-0-u-566

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/07/2006

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to CDC [redacted] to be sequestered. The subscriber information, which was requested in the NSL, is stored in a 1-A.

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(U) ~~(S)~~ A NSL dated 06/08/2006 (TOLLS-[redacted]) was submitted to [redacted] for subscriber information relating to [redacted]. The results were received from the [redacted] field office with an EC dated 07/03/2006. Included with the results were toll records, which were not requested in the NSL. Only subscriber information was requested. On 07/07/2006 the toll records were given to CDC [redacted] to be sequestered.

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(U) ~~(S)~~ None of the aforementioned toll records were entered into [redacted] or ACS.

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/07/2006

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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-1011

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/29/2006

To: [Redacted]

Attn: JTTF

SSA [Redacted]

TFO [Redacted]

CDC [Redacted]

Attn: IIS

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Inspection

From: Office of General Counsel

NSLB/CTLU I

Contact: [Redacted]

Approved By: Thomas Julie [Signature]

DATE: 06-12-2007
CLASSIFIED BY 65179/dmh/kst/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Drafted By: [Redacted] mml

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) *1712*

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

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

(U) ~~(S/NF)~~ Derived From : G-1
Declassify On: 09/12/2031

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 1510

(U) Details: (S) By electronic communication (EC) dated July 7, 2006 and referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

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(S) [Redacted]

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~~OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION~~

DATE: *10/10/06*

~~SECRET~~

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NSL VIO-1012

(U) To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/29/2006

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(U)

(S)

~~(S)~~ [redacted] issued a National Security Letter (NSL) to [redacted] for subscriber information for [redacted] received the results of the NSL on April 24, 2006. The results contained telephone toll records, which were not requested in the NSL. On July 7, 2006 the telephone toll records were given to CDC [redacted] to be sequestered. The subscriber information, which was requested in the NSL, was placed in a 1-A envelope. None of the telephone toll records were entered [redacted]

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~~(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 the errors described here are matters that should be reported to the IOB. We believe that the reported activity does not require IOB notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.¹ For the FBI, OGC submits reports to the IOB.²

(U)

~~(S)~~ ¹ See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The FBI is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

(U)

~~(S)~~ ² See id. at 4.

To: [redacted] From: Office of General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/29/2006

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(S)

~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that [redacted]

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[redacted] NSIG (Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.³

~~(S)~~ In this instance, [redacted] sought information relating to [redacted] associated with the subject of a full investigation, and obtained information beyond the scope of the request but still within the scope of an authorized investigation. Thus, the investigative technique was authorized for purposes of E.O. 12333 and this need not be reported to the IOB pursuant to E.O. 12863.

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

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To: [redacted] From: Office of General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/29/2006

LEAD(s):

Set Lead 1: (Action)

[redacted]

AT [redacted]

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(U) [redacted] Division is instructed to either return the toll records to [redacted] and document the return to the case file; or, destroy the toll records and document the destruction to the case file.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 3: (Info)

COUNTERTERRORISM

AT LIBERTY CROSSING ONE

(U) ITOS I/CONUS II: Read and clear.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/18/2006

To: General Counsel

Attn: NSLB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 65179/dmh/kst/cak

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David Ian

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Drafted By: [redacted] *kas*

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2568
OGC/IOB# 2006-[redacted]

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

Reference: (U) 278-HQ-C1229736-VIO Serial 1510
278-HQ-C1229736-VIO Serial 1712

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 07/07/2006, 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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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/20/2006

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 Ian *[Signature]*

DECLASSIFIED BY 65179/dmh/kar/cak
ON 06-12-2007

Drafted By: [redacted] *[Signature]*

✓ **Case ID #:** (U) 263-HQ-0-U - 566 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2568
OGC/IOB# 2006 [redacted]

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

(U) ~~(S)~~ ~~Derived From:~~ G-3
~~Declassify On:~~ 20311020

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1510

Reference: (U) 278-HQ-C1229736-VIO Serial 1510
278-HQ-C1229736-VIO Serial 1712

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

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

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

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~~SECRET//20311020~~

NSL VIO-1017

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/13/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861
NSLB, Room 7975

From: [redacted]

JTTF

Contact: TFO [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Approved By: [redacted]

DATE: 06-12-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

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Drafted By: [redacted]

Case ID #: (S) [redacted]

Title: (S) [redacted]

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Synopsis: ~~(S)~~ Document destruction of non-pertinent records obtained from Nexus Communications.

(U) ~~(S)~~ ~~Derived From:~~ FBI SCG G-3, Jan. 1997
~~Declassify On:~~ 10/13/2016

Details: ~~(S)~~ [redacted] reported to the receiving offices that [redacted] provided toll records for [redacted] when [redacted] only subscriber information was requested. The [redacted] were included on [redacted] separate National Security Letters (NSLs). The details were documented in 278-HQ-C1229736-VIO serial 1510. b2 b4 b7D b7E

~~(S)~~ [redacted] received General Counsel's response, 278-HQ-C1229736-VIO serial 1712, which advised that the records should either be returned to [redacted] or destroyed. General Counsel's response only referred to the toll records for [redacted] of the NSLs. The case agent contacted [redacted] via e-mail, on 10/13/2006, regarding the tolls records for the [redacted] NSL and whether they could be destroyed. [redacted] advised that these toll records could be destroyed as well. On 10/13/2006 the case agent destroyed the toll records for all [redacted] and this EC is being submitted to document this destruction. b2 b4 b6 b7C b7D b7E

~~SECRET~~

263-0-4-566

~~SECRET~~

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

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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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2



U.S. Department of Justice

Office of the Inspector General

037-8

DATE: December 5, 2006

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2007 BY 65179/dmh/ksr/cak

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

SUBJECT: OIG Complaint No. 2007001304
Subject: Unidentified
[Redacted] Division
FBI No. 263-0-U-566

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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

Received By: [redacted] b6 Date Received: 10/11/2006 How Received: A

b7C

SUBJECT: Unidentified, FBI SSNO:
Title: UNID Pay Plan: D.O.B.:
Component: FBI EOD Date: Alien No.:
Misc: F.B.I.No.:
Home: B.O.P.No.:
Phone: ZIP: D/L No.:
Work: Offenses: 689
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.: b2
Home: [redacted] B.O.P.No.: b6
Phone: () - ZIP: [redacted] D/L No.: b7C
Work: , ,
Phone: [redacted] ZIP:
Confidential: Revealed: Authority: none

Details:

The FBI provided information regarding a potential IOB matter (2006-[redacted] b2
[redacted] the [redacted] b1
Division issued a NSL to a telecommunications provider for subscriber information for [redacted] b2
[redacted] related to the subject of the investigation. b7E

On 4/24/06, [redacted] received the results which contained toll records not requested in the NSL.

FBI/OCC determined that this matter does not need to be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 04/24/2006

TIME:

b2

CITY: [redacted]

State: [redacted]

Zip:

b7E

DISPOSITION DATA: Disposition: M Date: 10/11/2006 Approval: POWELL, GLENN G

Referred to Agency: Date Sent: Component: DEA

Patriot Act: N Civil Rights: N Component Number: 263-0-U-566

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

12/1/06: Predicating material contains classified material which will be stored in a secure container at OIG/INV/HQ. (stp)

DATE: 06-13-2007
FBI INFO.
CLASSIFIED BY 65179/dmh/kex/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

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FEDERAL BUREAU OF INVESTIGATION

2648

Precedence: ROUTINE

Date: 07/28/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLB, Room 7975

From: [Redacted]

CI-2

Contact: SA [Redacted]

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Approved By: [Redacted]

DATE: 06-12-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Drafted By: [Redacted] : lmt 7)

(C) **Case ID #:** (S) 278-HQ-C1229736-VIO -1548
b2 (S) 278 [Redacted]-A95380 -21
b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) SA [Redacted] b6
SSA [Redacted] b7C

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: (S) To report possible IOB error.

(U) (S) ~~Derived From: G-3~~
~~Declassify On: 07/28/2031~~

Details:

(S) 1. [Redacted] b1
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(U) (S) 3. Possible IOB Error: Unintentional collection of information.

(S) [Redacted] b1
b2
b7E

(U) (S) 4. Description of IOB Error (including any reporting delays).

(U) (S) Telephone subscriber information was furnished, pursuant to a National Security Letter (NSL) for individuals other than the subject of the NSL.

sch Miller [Signature] 10/4/06

CRS [Redacted] [Signature] 10/18/06

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NSL VIO-10263-0-U-570

OIG/DOJ Review:
FBI INVEST:
OIG/DOJ INVEST:
DATE:

Provider error

To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/28/2006 b7E

b1 (U) ~~(S)~~ A National Security Letter for telephone subscriber
b2 information of [redacted] in contact with captioned
b7E subject's telephone was issued on 05/31/2006. [redacted]

(S) [redacted] b2
~~(S)~~ The NSL was delivered to [redacted] b4
(U) [redacted] on [redacted] b6
06/28/2006. b7C

(U) ~~(S)~~ Subscriber records of [redacted] telephone numbers were b7D
delivered to ISS [redacted] in response to the NSL and an EC b7E b1
(S) covering the lead was written on 07/03/2006 [redacted] b2
[redacted] (S) [redacted] b6

(U) ~~(S)~~ Records were received by writer and held until b7E
analysis of the records was able to be conducted. During the b6
course of the analysis writer found subscriber information that was b7C
for a telephone number that was not requested. SSA [redacted] was

b2 (U) ~~(S)~~ An attempt to contact [redacted] was made to
b4 determine if the records were in some way related to the requested
b7D telephone numbers. Writer was directed to the voice mail of the
b7E analyst that provided the information. The voice mail indicated
that the analyst was out of the office for 12 weeks on maternity
leave.

(U) ~~(S)~~ SSA [redacted] had writer contact ISS [redacted] b2
ISS [redacted] reviewed the provided information and [redacted] case file b4
number and determined that the subscriber information in question b6
was not related to the telephone numbers listed in the NSL. b7C

(U) ~~(S)~~ After speaking with ADC [redacted] the records not b7D
pertaining to the captioned subject have been separated, segregated b7E
and sealed in the [redacted] Field Office. None of the records have
b2 been uploaded into ACS. Records uploaded [redacted]
b6 [redacted] were deleted on 07/20/2006. b7C

(U) ~~(S)~~ ADC [redacted] provided guidance on how to handle this b6
matter. b7C

To: Inspection From:
Re: ~~278~~ 278-HQ-C1229736-VIO, 07/28/2006

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/30/2006

To: [Redacted]

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

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Counterintelligence

Attn: UC CD-2A

Inspection

Attn: IIS

DATE: 06-12-2007
CLASSIFIED BY: 60179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

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

Approved By: Thomas Julie F. [Redacted]

Drafted By: [Redacted] lk

1651

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
2006 [Redacted] b2

Synopsis: ~~(S)~~ (U) It is the opinion of the Office of the General Counsel (OGC) that this matter be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

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

Reference: (U) 278-HQ-C1229736-1558

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

(U) Details: ~~(S)~~ The referenced electronic communication (EC) from the [Redacted] Division ([Redacted] dated 07/28/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, the FBI is required to report this matter to the IOB.

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~~SECRET~~

OIG/DOJ REVIEW: [Redacted]
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]
DATE: 9/27/06

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 08/30/2006

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(S) [redacted]

[redacted] On 05/31/2006, [redacted] issued a National Security Letter (NSL) requesting subscriber information for [redacted] relating to the subject. However, the service provider responded by providing subscriber information for [redacted]. After a review, [redacted] determined that the subscriber information that was provided for the [redacted] was not related to the [redacted] listed in the NSL and was not related to the subject. Accordingly, [redacted] separated, segregated and sealed the unsolicited records that did not pertain to the subject. None of the records have been uploaded to the ACS. Records uploaded into [redacted] were deleted on 07/20/2006.

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(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 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)

(X) 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 National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need

¹ A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801, et seq., as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act). . . ." See also Section I.C. of the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) (2003).

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 08/30/2006

b2
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(U) 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, such as: (1) subscriber information, toll billing records, and electronic communication transactional records (Electronic Communications Privacy Act (ECPA), 18 U.S.C. 2709); (2) financial records (Right to Financial Privacy Act, 12 U.S.C. 3414(a)(5)(A)); and (3) consumer information (Fair Credit Reporting Act, 15 U.S.C. 1681u and 1681v). Title 18, U.S.C. 2709, provides that the FBI may seek subscriber information from service providers that is relevant to an authorized national security investigation. Section V.12., Investigative Techniques, of the NSIG provides that the NSLs may be issued in conformity with statutory requirements.

(U) ~~(S)~~ In this instance, [redacted] issued a lawful NSL to the service provider, and received in response information both within and beyond the scope of the NSL. [redacted] requested subscriber information for [redacted]. However, due to service provider error, subscriber information for [redacted] was provided. [redacted] determined that the [redacted] was not related to the subject and was provided in error by the service provider. Upon noticing this error, [redacted] correctly separated, segregated and sealed the unsolicited information. The error was committed solely by the service provider. [redacted] committed no error, substantive, administrative, or otherwise. Nevertheless, [redacted] came into possession of material that the service provider was unauthorized to provide to the FBI under the ECPA. Although [redacted] committed no error itself, the mere receipt of unauthorized material pursuant to a lawfully issued NSL must be reported to the IOB. Further, the unauthorized material, the subscriber information for the [redacted] that does not relate to the subject, must remain sealed and sequestered in the CDC's safe.

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(U) ~~(S)~~ Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of E.O. 12863, it is our opinion that this error needs to 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: (U) 278-HQ-C1229736-VIO, 08/30/2006

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b7E

LEAD(s):

Set Lead 1: (Action)

[redacted]

[redacted]

b2
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(U) The unsolicited subscriber information for the [redacted] that does not relate to the subject must remain sealed and sequestered within the CDC's safe until further direction from OGC.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

b6
b7C

CC: Ms. Thomas

[redacted]

IOB Library

◆◆

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 06-12-2007

BY COURIER

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

Dear Mr. Friedman:

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

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

Enclosure

1 - 278-HQ-C1229736-VIO-165

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

NSL VIO-1029

~~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-1030

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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

b2
b7E

(U) ~~(S)~~ By electronic communication dated July 28, 2006, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that they came into possession of unauthorized material. On May 31, 2006, the [REDACTED] Field Office issued a National Security Letter seeking subscriber information, pursuant to Electronic Communications Privacy Act (ECPA), 18 U.S.C. 2709. The [REDACTED] Field Office sought subscriber information for [REDACTED] [REDACTED]. However, the service provider issued subscriber information for [REDACTED] Field Office determined that the [REDACTED] was not related to the subject and was provided by error by the service provider. Upon noticing this error, [REDACTED] Field Office correctly segregated and sealed the unsolicited information. The error was committed solely by the service provider. [REDACTED] Field Office committed no error. Nevertheless, [REDACTED] Field Office came into possession of material that the service provider was unauthorized to provide to the FBI under the ECPA. Although [REDACTED] Field Office committed no error itself, the mere receipt of unauthorized material pursuant to a lawfully issued National Security Letter is a violation that must be reported to the Intelligence Oversight Board.

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b7E

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

~~SECRET~~

~~SECRET~~

NSL VIO-1031

~~SECRET~~

- 4 -

~~SECRET~~

NSL VIO-1032

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/18/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David

b2

Drafted By: [redacted] *kas*

b6

b7C

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2648
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 1558
278-BS-A95380 Serial 27
278-HQ-C1229736-VIO Serial 1651

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 07/28/2006, 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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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 68179/dmh/kst/cak

~~SECRET~~/20311020

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/20/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

b2

Approved By: Miller David Ian *DM*

b6

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Drafted By: [redacted] *Kes*

b7E

Case ID #: (U) 263-HQ-0-U - 570 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2648
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: 20311020~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1558

Reference: (U) 278-HQ-C1229736-VIO Serial 1558
278 [redacted] A95380 Serial 27
278-HQ-C1229736-VIO Serial 1651

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

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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.~~

◆◆

~~SECRET~~/20311020

NSL VIO-1034



U.S. Department of Justice

Office of the Inspector General

DATE: December 7, 2006

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 65179/dmh/kar/cak

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

SUBJECT: OIG Complaint No. 2007001541
Subject: Unidentified
[redacted] Division
FBI No. 263-0-U-570

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. 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-1035

Received By: [redacted] b6 Date Received: 09/27/2006 How Received: A
b7C

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

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: , Authority: none
Phone: [redacted] ZIP:
Confidential: Revealed:

b2
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Details:

The FBI provided information regarding a potential IOB matter (2006-[redacted]).

b2

(S) issued a NSL to a telecommunications provider requesting subscriber information for [redacted] relating the subject of the investigation.

Due to an error by the telecommunications provider, [redacted] received subscriber information for [redacted]. The unsolicited records have been sealed.

FBI/OGC determined that this matter must be reported to the IOB.

b1
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ALLEGATIONS: 689 IOB Violation

Occurrence Date: 05/31/2006

CITY: [redacted]

TIME: [redacted]
State: [redacted]

b2

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Zip:

DISPOSITION DATA: Disposition: M Date: 09/27/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 12/07/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-570

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

12/6/06: Predicating material contains classified material which will be stored in a secure container at OIG/INV/HQ. (stp)

DATE: 05-12-2007
FBI INFO.
CLASSIFIED BY 65172/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

NSL VIO-1036

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#2783

Precedence: ROUTINE

Date: 08/24/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLB, Room 7975

From: [Redacted]

Squad 6, [Redacted]
Contact: SA [Redacted]

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Approved By: [Redacted]

DATE: 06-12-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Drafted By: [Redacted]

emb

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U)

Case ID #: (S) 278-HQ-C1229736-VIO - 1616
(S) 278-[Redacted]-C45386-124
(S) [Redacted]

b1
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Title: (U) SA [Redacted]

SSA [Redacted]
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

b6
b7C

(U)

Synopsis: (S) To report possible IOB error.

(U)

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

Details:

b1

b2 (S) 1.

b6

b7C (S) 2.

(U) b7E

(S) 3.

Possible IOB Error:

(U)

(S)

The Attorney General's Guidelines Provision: Section II, C4

(S)

(U)

(S) 4.

Description of IOB Error (including any reporting delays).

(S)

b1

sc Miller
CRS [Redacted]

VCAA 11/2/06

~~SECRET~~

b6
b7C

NSL VIO-1037

263-0-u-576

downloaded
29/11/06 kas

b2
b7E

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 08/24/2006

(U)

(S)

(U) No investigation has been conducted on captioned subject since the [redacted] b1

(S)

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[redacted]

(S)

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[redacted]

(S)

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[redacted]

(S)

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[redacted]

(S)

b1

[redacted]

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(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 08/24/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-1039

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/19/2006

To: Inspection
Counterterrorism

Attn: IIS
Attn: ITOS I/CONUS II
A/UC [redacted]
Attn: SARA [redacted]
SA [redacted]

From: Office of General Counsel
OGC/NSBL/CTLU I 3S-100
Contact: [redacted]

b2
b6
b7C
b7E

Approved By: Thomas Julie R. [signature]

Drafted By: [redacted] mml

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) ¹⁷⁸⁸

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD
POSSIBLE IOB VIOLATION;
2006 [redacted]

b2

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

(U) (S/AF) ~~Derived From: G-1~~
~~Declassify On: 10/19/2031~~

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 1616

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(U) Details: (S) By Electronic Communication (EC) dated August
24, 2006 and referenced above, [redacted] Division has reported
this potential IOB matter.

(S) [redacted]

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~~SECRET~~

~~OIG/DOJ REVIEW: _____
FBI INVESTIGATION: _____
OIG/DOJ INVESTIGATION: _____~~

DATE: 10/20/06

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NSL VIO-1040

263-0-u-576

To: Inspection From: Office of General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/19/2006

(S)

[Redacted]

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(S)

[Redacted]

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(S)

[Redacted]

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b7C

(S)

[Redacted]

b1

(S)

[Redacted]

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b2
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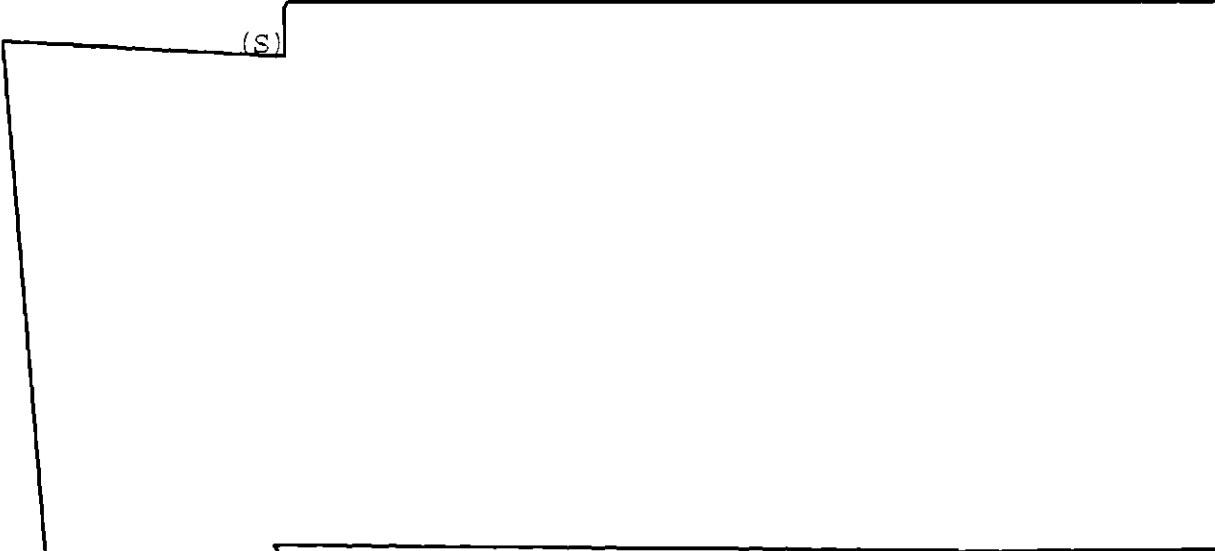
(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or 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

~~SECRET~~

To: Inspection From: Office of General Counsel
(u) Re: - (S) 278-HQ-C1229736-VIO, 10/19/2006

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)



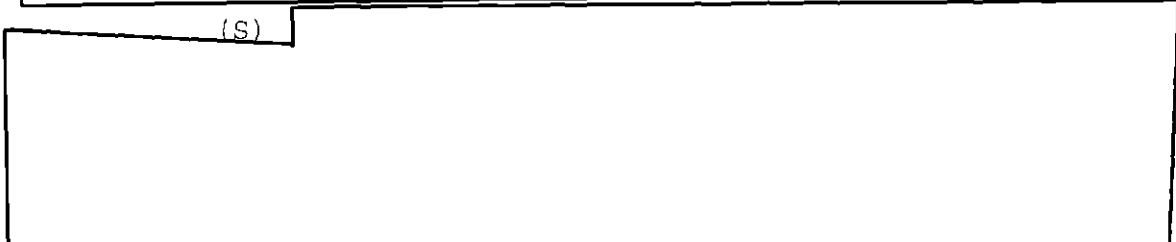
b1

(S)



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(S)



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

~~SECRET~~

~~SECRET~~

(U) To: Inspection From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/19/2006

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

[REDACTED]

AT [REDACTED]

(U) Read and clear.

Set Lead 3: (Info)

COUNTERTERRORISM

AT LIBERTY CROSSING ONE

(U) Read and clear.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/02/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David Ian

b2
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b7C

Drafted By: [redacted] kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2783
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 1616
278-HQ-C1229736-VIO Serial 1788

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 08/24/2006, 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//20311102~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/02/2006

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 Ian *DM*

Drafted By: [Redacted] kas

✓ **Case ID #:** (U) 263-HQ-0-U - 576 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2783
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: 20311102~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1616

Reference: (U) 278-HQ-C1229736-VIO Serial 1616
278-HQ-C1229736-VIO Serial 1788

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//20311102~~

NSL VIO-1045



U.S. Department of Justice

Office of the Inspector General

2783

Washington, D.C. 20530

DATE: December 8, 2006
TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 65179/dmh/ksl/cak

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

SUBJECT: OIG Complaint No. 2007001535
Subject: Unidentified, [redacted]
FBI No. 263-0-U-576

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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-1046

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [redacted] 689-2007-001535-M

Received By: [redacted] b6
b7C Date Received: 10/30/2006 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

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

Details:

The FBI provided information regarding a potential IOB matter

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(S)

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

ALLEGATIONS: 689 IOB Violation

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

DISPOSITION DATA: Disposition: M Date: 12/06/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 12/06/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-0-U-576
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

12/07/06-Sent to Kaiser/FBI/INSD. Predicating material will be maintained within OIG/INW in a secure container. (dz)

DATE: 06-12-2007
FBI INFO.
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

NSL VIO-1047

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

2809

Precedence: ROUTINE

Date: 09/19/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLB, Room 7975

b2
b6
b7C
b7E

From: [redacted]
Squad CI-2
Contact: SA [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: [redacted] KR/AS

DATE: 06-12-2007
CLASSIFIED BY 65179/amh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Drafted By: [redacted] 11 W

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO -1646

Title: (U) SA [redacted] b6
SSA [redacted] b7C
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) **Synopsis:** ~~(S)~~ To report possible IOB error.

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

Details:

(S) 1. [redacted] b1
[redacted] b2
[redacted] b6
(S) 2. [redacted] b7C
[redacted] b7E

(U) ~~(S)~~ 3. Possible IOB Error:

(S) [redacted] b1
[redacted] b2

(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays). b7E b2
b4
(U) * ~~(S)~~ On 08/16/2005, writer documented to the file that e-mail b7D
header information regarding a non-targeted e-mail account was b7E
provided in response to a National Security Letter (NSL) served at [redacted]
[redacted]. The CD of information provided by [redacted] in error was
destroyed.

(U) ~~(S)~~ On 09/15/2006, writer was informed via legal training that
receipt of incorrect information pursuant to an NSL is a reportable
IOB violation.

(S) * [redacted] b1
[redacted] b2
[redacted] b4
[redacted] b6

SC Miller approved in CMS 10/31/06
leah 11/02/06

263-0-4-577 9/28/06
NSL VIO-1048 b7C
b7D
b7E

T: 2622 KOI, 962

~~SECRET~~

b2
b7E

(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/19/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~
2

NSL VIO-1049

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/03/2006

To: [Redacted]

Attn: SSA [Redacted]
SA [Redacted]

Counterintelligence

Attn: CD-2D

Inspection

Attn: IIS, Room 11861

b2
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b7E

From: Office of the General Counsel

NSLB/CILU/Room 7947

Contact: AGC [Redacted]

Approved By: Thomas Julie E. [Redacted]

Drafted By: [Redacted] ctd

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

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(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). 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

Reference: (U) 2006 [Redacted]-123844 Serial 42
(U) 278-HQ-C1229736-VIO Serial 1646

b2
b7E

Details: (U) The referenced electronic communication (EC) from [Redacted] in file 278-HQ-C1229736, dated 09/19/2006, 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.

(S) [Redacted]

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~~SECRET~~

~~OGC/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION~~

DATE: 10/30/06

b6
b7C

263-0-4-577
NSL VIO-1050

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 10/03/2006

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(S)

[redacted]

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b7E

(S)

[redacted]

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b7D

(S)

[redacted]

b7E

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b7E

(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.

(U) ~~(S)~~ Here, a typographical error in an NSL resulted in incorrect information being obtained. However, in mitigation, the case agent acted properly and aggressively in sequestering and destroying the CD as soon as the error was discovered.

(U) ~~(S)~~ Regardless, however, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the FBI's typographical error, and resulting overcollection, must be reported. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOB notification purposes.

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 10/03/2006

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LEAD(s):

Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) For information.

b2
b7E

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

CC: Ms. Thomas
[redacted]
IOB Library

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b7C

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~~SECRET~~

October 3, 2006

BY COURIER

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

Dear Mr. Friedman:

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

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

Enclosure

1 - 278-HQ-C1229736-VIO - 1792

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

NSL VIO-1053

~~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-1054

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-12-2007
CLASSIFIED BY: 65179/dmh/kar/cak
REASON: 1.4 (a)
DECLASSIFY ON: 06-12-2032

INTELLIGENCE OVERSIGHT BOARD MATTER

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

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(S) [redacted]

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b7E

(U) (S) On 08/16/2005, after receiving the requested information from [redacted] the case agent noticed a typographical error in the issuance of the NSL [redacted]

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(S) [redacted] As a result of the typographical error, the agent received information for an individual other than Ershagi.

(U) (S) Upon discovering the error, the case agent immediately sequestered and destroyed the CD of information submitted by [redacted] After attending NSLB training earlier this year, she reported the incident and requested a legal review.

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(U) (S) Here, a typographical error on the FBI resulted in an accidental overcollection of information. 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.

Derived from: G-3
Declassify on: 25X1

~~SECRET~~

~~SECRET~~

NSL VIO-1055

NSL VIO-1056

~~SECRET~~

- 4 -

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/02/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David Ian

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b7C

Drafted By: [redacted] kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2869
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 1646
278-HQ-C1229736-VIO Serial 1791

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 09/19/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein 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//20311102~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/02/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

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b7C
b7E

Approved By: Miller David Ian *DM*

DECLASSIFIED BY 65179/dmh/rsr/cak
ON 06-13-2007

Drafted By: [redacted] kas

✓ **Case ID #:** (U) 263-HQ-0-U - 577 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2869
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: 20311102~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1646

Reference: (U) 278-HQ-C1229736-VIO Serial 1646
278-HQ-C1229736-VIO Serial 1791

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//20311102~~

NSL VIO-1058



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: December 8, 2006
TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 17946/dmh/ksr/cek

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

SUBJECT: OIG Complaint No. 2007001538
Subject: Unidentified, [REDACTED]
FBI No. 263-0-U-577

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-1059

OIG - INVESTIGATIONS DIVISION - Complaint Form OIG NO.: [] 689-2007-001538-M

Received By: [] b6 Date Received: 10/30/2006 How Received: A
b7C

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

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

Details:

The FBI provided information regarding a potential IOB matter.

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b7E

(S) [] The NSL issued for target's e-mail account contained a typographical error that resulted in the collection of information for an individual other than the FBI target. Upon discovering the error, the collected information was sequestered and destroyed.

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

ALLEGATIONS: 689 IOB Violation

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

DISPOSITION DATA: Disposition: M Date: 12/06/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 12/06/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 260-0-U-577

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

12/07/06-Sent to Kaiser/FBI/INSD. Predicating material will be maintained within the OIG/INV in a secure container. (dz)

DATE: 06-12-2007
FBI INFO.
CLASSIFIED BY 65179/dmh/kxx/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

NSL VIO-1060

~~SECRET~~
SECRET

FEDERAL BUREAU OF INVESTIGATION

2928

Precedence: ROUTINE

Date: 09/21/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLB, Room 7975

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b7E

From: [redacted] RA
Contact: SA [redacted]

DATE: 06-12-2007
CLASSIFIED BY 65179/dmh/kxz/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Approved By: [redacted]

Drafted By: [redacted]:ael

(U) Case ID #: (X) 278-HQ-C1229736-VIO -1662
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) SA SA [redacted] b6
SSA SSRA [redacted] b7C
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: (S) To report possible IOB error.

(U) (S) Derived From : G-3
Declassify On: 09/11/2031

Details:

(S) 1. [redacted] b1
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b7C
b7E
(S) 2. [redacted]

(U) (S) 3. Possible IOB Error:

(S) [redacted] b1
b2
b7E

(U) (S) 4. Description of IOB Error (including any reporting delays).

(U) (S) Pursuant to a National Security Letter, [redacted] provided toll records for cellular telephone number [redacted]. This number was provided by captioned subject on employment-related forms. Results of NSL indicated that captioned subject cancelled this telephone number and [redacted] subsequently assigned this phone

264ael05.ec

CRS [redacted] 10/31/06
Rao 11/2/06

~~SECRET~~

263-0-u-578

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NSL VIO-1061

~~SECRET~~

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/21/2006

number to an unassociated USPERSON. [redacted] provided toll records for this unassociated USPERSON.

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(U) ~~(S)~~ ADC [redacted] advised writer on 09/11/2006 that collection of these records represented a possible IOB violation and advised writer to seal records in an envelope and forward the records to ADC [redacted]

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NSL VIO-1062

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~~SECRET~~

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/21/2006

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/13/2006

To: [redacted] RA

Attn: SSRA [redacted]
SA [redacted]
ADC [redacted]

Inspection

Attn: IIS

From: Office of General Counsel
NSLB/CTLU I
Contact: [redacted]

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Approved By: Thomas Julie E. [redacted]

Drafted By: [redacted] sp

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-1785 (Pending)

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

b2

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

(U) ~~(S)~~ Derived From : G-1
Declassify On: 10/13/2031

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1062

(U) Details: ~~(S)~~ By electronic communication (EC) dated September
21, 2006 and referenced above, the [redacted] Division,
RA [redacted] reported to the OGC's National Security Law Branch
(NSLB) and the Inspection Division this potential IOB matter.

b2
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(S) [redacted]
(S) Pursuant to a National Security Letter (NSL), wireless
telephone provider, [redacted] provided toll records for [redacted]
(S) [redacted] Cellular telephone number [redacted]
through employment related [redacted]

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~~OIG/DOJ REVIEW:
FBI INVESTIGATION:
OIG/DOJ INVESTIGATION:~~

DATE: 10/13/06
[redacted]

~~SECRET~~

NSL VIO-1064

263-D-U-578

b2
b7E

To: [redacted] From: Office of General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/13/2006

(S) (U) (S)
(S) The records provided by [redacted] pursuant to the NSL, revealed that [redacted] telephone subscription with [redacted] subsequently assigned [redacted] to an unassociated US person. [redacted] provided toll records of this unassociated US person to [redacted]. These toll records were sealed and forwarded to ADC [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 the errors described here are matters that should be reported to the IOB. We believe that the reported activity does not require IOB notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.¹ For the FBI, OGC submits reports to the IOB.²

(U) ~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence

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

² (S) See id. at 4.

(U) To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/13/2006

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(S) Investigations (NSIG) provide that [redacted] NSIG
[redacted] (Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.³

b1

(S) ~~(S)~~ In this instance, [redacted] properly sought information relating to a cellular telephone number associated with the [redacted]. The communications carrier lawfully responded with information which, upon examination, included information which later proved irrelevant to the investigation. While this irrelevant information should not be uploaded or retained, its mere receipt does not constitute a reportable IOB violation. The investigative technique was authorized for purposes of E.O. 12333 and this need not be reported to the IOB pursuant to E.O. 12863.

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(U) ~~(S)~~ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) [redacted]

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(S) [redacted] (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/13/2006

LEAD(s):

Set Lead 1: (Action)

[redacted]

AT [redacted]

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~~(S)~~ [redacted] Division is instructed to either return the toll records to [redacted] and document the return to the case file; or, destroy the toll records and document the destruction to the case file.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 3: (Info)

COUNTERTERRORISM

AT LIBERTY CROSSING ONE

(U) ITOS I/CONUS II: Read and clear.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/02/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David Ian

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Drafted By: [redacted] kas

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2928
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 1662
278-HQ-C1229736-VIO Serial 1785

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 09/21/2006, 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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~~SECRET//20311102~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/02/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

b2
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b7C
b7E

Approved By: Miller David Ian *DM*

Drafted By: [redacted] *kas*

✓ **Case ID #:** (U) 263-HQ-0-U - 578 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2928
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: 20311102~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1662

Reference: (U) 278-HQ-C1229736-VIO Serial 1662
278-HQ-C1229736-VIO Serial 1785

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//20311102~~



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: December 8, 2006
TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

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

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

SUBJECT: OIG Complaint No. 2007001539
Subject: Unidentified
FBI No. 263-0-U-578

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. 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-1070

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [redacted] 689-2007-001539-M

Received By: [redacted] Date Received: 10/30/2006 How Received: A

SUBJECT: Unidentified, FBI
Title: UNID
Component: FBI
Misc:
Home:
Phone:
Work:
Phone:
Pay Plan:
EOD Date:
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:
D.O.B.: [redacted]
Alien No.:
F.B.I.No.:
B.O.P.No.:
D/L No.:
ZIP:
Revealed:
Authority: none

b2
b6
b7C

Details:

The FBI provided information regarding a potential IOB matter.

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[redacted] A NSL was issued for the target's cellular telephone toll records. The target's cellular telephone was said to be associated to the target through employment related forms. The records provided by the cellular carrier revealed the target had canceled his account for cellular service and the telephone toll records provided were that of a person unassociated with the investigation.

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

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [redacted] TIME: [redacted]
CITY: [redacted] State: [redacted] Zip: [redacted]

b2
b7E

DISPOSITION DATA: Disposition: M Date: 12/06/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 12/06/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-0-U-578
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

12/07/06-Sent to Kaiser/FBI/INSD. Predicating material will be maintained within the OIG/INV in a secure container. (dz)

DATE: 06-12-2007
FBI INFO.
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

NSL VIO-1071

~~SECRET~~
FEDERAL BUREAU OF INVESTIGATION

Handwritten: #2017

Precedence: ROUTINE

Date: 05/18/2006

To: Inspection
General Counsel

Attn: IIS, Room 11861

Attn: NSLB, Room 7975
AGC [Redacted]

b2
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b7E

From: [Redacted] RA

Contact: SA [Redacted]

Approved By: [Redacted]

CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO *1446*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) SA [Redacted]
SSRA [Redacted]
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR
[Redacted] DIVISION

b2
b6
b7C
b7E

Synopsis: ~~(S)~~ To report possible IOB error.

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

Details:

- b1
- b2 (S) 1. [Redacted]
- b6
- b7A
- b7C (S) 2. [Redacted]
- b7E

~~(S)~~ 3. Possible IOB Error:

~~(U)~~ ~~(S)~~ NFIPM Section Reference: Section 2-04(E)(1).

~~(U)~~ ~~(S)~~ 4. Description of IOB Error (including any reporting delays).

(S) [Redacted]

Handwritten: SC Miller 11/16/06

Handwritten: CRS [Redacted] 11/11/06

~~SECRET~~

b6
b7C

Handwritten: 263-0-U-581

NSL VIO-1072

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To: Inspection From: [redacted] RA
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/16/2006

b2
b7E

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b7E

(S)

[redacted]

~~(S)~~ Between 04/25/2006 and 05/15/2006, the only investigative activity in the matter was as follows:

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(S) 1)

[redacted]

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b7D
b7E

(S) 2)

[redacted]

b1
b2
b7A
b7E

(S) 3)

[redacted]

~~SECRET~~

To: Inspection From: [REDACTED] RA
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/16/2006

b2
b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~
3

NSL VIO-1074

~~SECRET~~

DATE: 06-12-2007
CLASSIFIED BY: 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

[redacted] (INSP) (FBI)

To: [redacted] (OGC) (FBI); [redacted] (FBI)
Subject: 2 serials should be done together

b6
b7C

[redacted] and [redacted]

b6
b7C
b1
b6
b7A
b7C

This is regarding 278-HQ-C1229736-VIO serials 1446 and 1482.

(S)

[redacted]

b5
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b7C

[redacted] according [redacted] this is just assigned to you as of now.

These should probably be both reviewed at the same time, by the same [redacted] - namely [redacted]

b6
b7C

Thanks -

[redacted]

Conduct Review Specialist
Initial Processing Unit/IIS/INSD

b2
b6
b7C

[redacted]
Room 3041

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/23/2006

To: Inspection

Attn: IIS, Room 11861

General Counsel

Attn: NSLB, Room 7975
AGC [redacted]

From: [redacted] RA

Squad 13

Contact: SA [redacted]

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Approved By: [redacted] *OB*

[redacted] *JOH*
[redacted] *TCW*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [redacted] *set*

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - *1482*

Title: (U) SA [redacted]

SSRA [redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

[redacted] DIVISION

b2
b6
b7C
b7E

(U) Synopsis: ~~(S)~~ To report possible IOB error.

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

Reference: 278-HQ-C1229736-VIO Serial 1446

(U) Details: ~~(S)~~ The possible IOB violation was initially reported in the referenced communication on 05/18/2006. Since that reporting, additional information was made available by the [redacted]

(S) [redacted] and [redacted] Divisions regarding activities performed in those Divisions during the period when SAC authority did not exist for the [redacted]. Those activities are summarized below to supplement the initial reporting in the referenced communication.

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(U) ~~(S)~~ Between 04/25/2006 and 05/15/2006, the following investigative activity in addition to that reported in the referenced communication took place:

(U) ~~(S)~~ 1) [redacted] Division served a NSL to [redacted] on 05/02/2006 seeking subscriber information for telephone numbers in contact with the telephone number used by the captioned subject. The NSL was drafted and delivered to [redacted]

~~SECRET~~

NSL VIO-1076

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To: Inspection From: [redacted] RA
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/23/2006

(S) [redacted]
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b1
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b7E (S) City Division by [redacted] Division prior to the [redacted]
[redacted] The results submitted in response to the NSL
were not reviewed, copied or entered into any databases, and have
been sequestered by the [redacted] CDC.

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b7E (S) (S) 2) [redacted] Division served a NSL to [redacted] on
05/04/2006. The NSL was drafted and delivered to [redacted]
Division by [redacted] Division [redacted]
[redacted] There were no results from [redacted] as the
company indicated that it was not the carrier for the number
indicated in the NSL.

(S) (S) 3) Return to the [redacted]
and [redacted] Divisions of the results of NSLs
issued by [redacted] prior to the [redacted]
[redacted] seeking subscriber information for telephone numbers
in contact with the telephone number used by the captioned
subject.

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~~SECRET~~

To: Inspection From: [REDACTED] RA
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/23/2006

b2
b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~
3

NSL VIO-1078

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/04/2006

To: [redacted] RA

Attn: [redacted]
CDC [redacted]
SSRA [redacted]
SA [redacted]

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Counterterrorism

Attn: ITOS I/CONUS IV, UC [redacted]

Inspection

Attn: IIS, CRS [redacted]

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

Approved By: Thomas Julie F
[redacted]

Drafted By: [redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -1757

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

b2

(U) Synopsis: ~~(S)~~ The [redacted] Field Office, [redacted] RA
[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 [redacted] of the incidents do not need to be
reported to the IOB. Rather, this EC should be maintained in the
control file for periodic review by Counsel to the IOB. The
remaining incidents, however, must be reported to the IOB. OGC
will prepare and deliver the necessary correspondence to the IOB.
Our analysis follows.

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

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains
information from: (1) the ECs dated 05/18/2006 and 06/23/2006
from [redacted] to OGC reporting a potential IOB matter; and (2)
automated case support (ACS).

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~~SECRET~~

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

DATE: [redacted]

NSL VIO-1079

downloaded for ACS 11/15/06 [redacted]

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 10/04/2006

b2
b7E

Reference:

- (S) [redacted]
- (U) (S) 278-HQ-C1229736-VIO Serial 1446
- (S) 278-HQ-C1229736-VIO Serial 1482

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Details: (S) By ECs dated 05/18/2006 and 06/23/2006, [redacted] requested that OGC review several incidents and determine whether they warrant reporting to the IOB. [redacted] initiated a

(S)

[redacted] Due to an administrative oversight, however, approval from the Acting Special Agent in Charge was not obtained, and [redacted]

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(S)

[redacted]

(U) ~~(S)~~ On 05/11/2006, the case agent noticed that the [redacted]

(S)

The case agent immediately reported the issue to the [redacted] SSRA and to the [redacted] Division [redacted] CDC. In addition, the case agent expeditiously contacted OGC to discuss this matter. The case agent also sequestered all of the improperly obtained NSL results, and forwarded them to the [redacted] CDC. Finally, the case agent sought SAC authority to [redacted]

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(S)

[redacted]

(S)

[redacted]

b1
b7A

[redacted]

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b7A
b7D
b7E

[redacted]

b1
b2
b4
b7A
b7D
b7E

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CL229736-VIO, 10/04/2006

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b4
b7A
b7D
b7E

(S)

[redacted]

(3)

[redacted]

b1
b2
b7A
b7E

(4)

[redacted]

b1
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b4
b7A
b7D
b7E

(5)

[redacted]

b1
b2
b4
b7A
b7D
b7E

(6)

[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 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).

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229716-VIO, 10/04/2006

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(U) This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request.

(S) [redacted]

b1

(U) (S) With regard to conducting investigative activities in the absence of a preliminary investigation, section II.A.2 of the NSIG provide in pertinent part:

The FBI may, without opening [redacted] investigation, engage in the following activities to investigate or collect information relating to threats to the national security, including information on individuals, groups, and organization of possible investigative interest, and information concerning possible targets of international terrorism, espionage, foreign computer intrusion, or other threats to national security:

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(S)

2.

[redacted]

b1

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 10/04/2006

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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b2
b7E

(S) [redacted]

b1

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CI229736-VIO, 10/04/2006

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate. Additionally, INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required for certain incidents, for three years for possible review by the Counsel to the IOB.

Set Lead 2: (Information)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Information)

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[redacted]

AT [redacted]

(U) As already accomplished, the information that was received in response to the NSLs that were served on 04/28/2006, 05/02/2006, and 05/04/2006 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]

IOB Library

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~~SECRET~~

6

NSL VIO-1084

October 11, 2006

BY COURIER

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

Dear Mr. Friedman:

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

b2

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

Enclosure

1 - 278-HQ-C1229736-VIO -1740

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

NSL VIO-1085

~~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-1086

DATE: 06-13-2007
CLASSIFIED BY: 65179/dmh/ker/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

~~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]

b1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

~~SECRET~~

~~SECRET~~

NSL VIO-1087

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/17/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

b2
b6
b7C

Approved By: Miller David Ian

Drafted By: [redacted] *mas*

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2417
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 1446
278-HQ-C1229736-VIO Serial 1482
278-HQ-C1229736-VIO Serial 1739

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 05/18/2006, 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.

b2
b7E

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~~SECRET~~//20311117

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/17/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

b2
b6
b7C
b7E

Approved By: Miller David Ia *DM*

Drafted By: [redacted] *gas*

✓ Case ID #: (U) 263-HQ-0-U - 581 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2417
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: 20311117

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1446
278-HQ-C1229736-VIO Serial 1482

Reference: (U) 278-HQ-C1229736-VIO Serial 1446
278-HQ-C1229736-VIO Serial 1482
278-HQ-C1229736-VIO Serial 1739

b2
b7E

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

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

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

~~SECRET~~//20311117



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: December 8, 2006
TO: Kenneth W. Kaiser
Assistant Director
Inspection Division
Federal Bureau of Investigation

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-13-2007 BY 65179/dmh/kar/cak

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

SUBJECT: OIG Complaint No. 2007001525
Subject: Unidentified,
FBI No. 263-0-U-581

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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-1090

Received By: [redacted] Date Received: 11/15/2006 How Received: A

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

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

The FBI provided information regarding a potential IOB matter.

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

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [redacted] TIME: [redacted]
CITY: [redacted] State: [redacted] Zip: [redacted]
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DISPOSITION DATA: Disposition: M Date: 12/05/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 12/05/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-0-J-581
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

12/07/06-Sent to Kaiser/FBI/INSD. Predicating material will be maintained within the OIG/INV in a secure container. (dz)

DATE: 06-13-2007
FBI INFO.
CLASSIFIED BY 65179/dmh/ksr/sak
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

NSL VIO-1091

~~SECRET~~

DATE: 06-13-2007
CLASSIFIED BY: 65179/dmh/ksr/sak
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

FEDERAL BUREAU OF INVESTIGATION

NOT SENT TO INSD

Precedence: ROUTINE

Date: 08/08/2006

To: General Counsel

Attn: National Security Law Branch
Room 7975

From: [Redacted]
Chief Division Counsel (CDC)
Contact: CDC [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted] jbk

Case ID #: (U) 278-HQ-C1229736-VIO ¹⁵⁸⁰ (Pending)

Title: (U) SPECIAL AGENT (SA) [Redacted] b6
SUPERVISORY SPECIAL AGENT (SSA) [Redacted] b7C
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - FOREIGN COUNTERINTELLIGENCE RELATED

Synopsis: (U) This communication reports a possible IOB violation.

~~(U) (S) Derived From : FBI SCG G-3 1/97
Declassify On: 08/08/2030~~

Details:

1. Personnel and case background

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(U) SA [Redacted] is assigned to the counterintelligence squad [Redacted] of the FBI's [Redacted] Division. His supervisor is SSA [Redacted]

(S) [Redacted]

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2. Possible violation

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(U) ~~(S) (FISA)~~ On 07/06/2006, SA [Redacted] caused a national security letter (or NSL) to be issued on the subject's home

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sc. uuuur
CRS [Redacted] *kas 11/17/06*

~~SECRET~~

263-0-U-586

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NSL VIO-1092

*downloaded from
AES 11/15/06*

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

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telephone number for subscriber information. He also requested toll records for this number. He made these requests in preparation of possible FISA coverage for this case.

(U) ~~(S)~~ By mistake, SA [redacted] typed the wrong phone number on his request, and received subscriber information and telephone records of a business entity. None of this data has been uploaded into FBI files or indices. The hard copies containing the data remain in SA [redacted] possession.

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3. Discovery

(U) ~~(S)~~ SA [redacted] discovered the error on 08/02/2006 - just after he received the information from the provider - and promptly reported the finding to his supervisor and the [redacted] Division CDC.

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4. Possible violation and SAC recommendation

(U) ~~(S)~~ 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 inadvertent collection of information pertaining to a business entity in this instance is obviously not one of those activities. Nonetheless, it was never the intent of the captioned employees to capture information concerning a business entity that is not under investigation.

(U) Because this matter involves only an unintentional act, and no erroneously collected information was entered into any FBI data base, the SAC, [redacted] recommends no administrative action.

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OIG will direct what they need to do.

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 08/08/2006

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LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if this matter should be reported as to the IOB. NSLB is also requested to advise the [REDACTED] Division on the proper disposition of the erroneously collected information.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/30/2006

To: [redacted]

Attn: CDC [redacted]
SSA [redacted]
SA [redacted]

Inspection

Attn: IIS, Room 11861

Counterintelligence

Attn: CD-2D

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] ctd

Case ID #: (U) 278-HQ-C1229736-VIO-1747

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

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(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). 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~~

Reference: (U) 278-HQ-C1229736-VIO Serial 1580

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Details: (U) The referenced electronic communication (EC) from
[redacted] dated 08/08/2006, requested that OGC review the facts
of the captioned matter and determine whether it warrants
reporting to the IOB. Based on the facts of this case, reporting
is necessary. Accordingly, OGC will prepare a cover letter and
memorandum for IOB notification purposes.

(S) [redacted]

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~~SECRET~~

OIG/DOJ REVIEW: ~~[redacted]~~
FBI INVESTIGATION: ~~[redacted]~~
OIG/DOJ INVESTIGATION: ~~[redacted]~~

DATE: 11/15/06
[redacted]

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NSL VIO-1095

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-VIO, 09/30/2006

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(S)

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(S)

[redacted] b1
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In error, the case agent typed the wrong phone number into this request and subsequently received the telephone records of a business entity unrelated to the investigation.

(U)

~~(S)~~ On 08/02/2006, the case agent discovered and reported the error to his Chief Division Counsel (CDC) and his supervisor. Immediately thereafter, he took steps to ensure that the information was never uploaded into FBI files or indices. The hard copies of the information remain in the case agent's possession to this day.

(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.

(U) ~~(S)~~ In this case, the case agent's typographical error in preparing the NSL request resulted in the collection of information unrelated to the investigation.

(U) ~~(S)~~ Nonetheless, it is also appropriate to note the case agent's exemplary conduct in: i) immediately notifying his superiors and CDC; ii) sequestering the information; and iii) ensuring that no dissemination took place.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-VIO, 09/30/2006

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(U) ~~(S)~~ Nevertheless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this error must be reported to the IOB. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOB notification purposes. By this EC, [redacted] is also hereby directed to destroy any and all hard copies or electronic versions of the information remaining. Following the destruction of the materials, no further action is required.

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~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-VIO, 09/30/2006

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LEAD(s) :

Set Lead 1: (Action)

[redacted]

AT

[redacted]

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(U) [redacted] is hereby directed to destroy any and all information gathered as a result of the erroneously issued NSL.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For action deemed appropriate.

CC: Ms. Thomas

[redacted]

IOB Library

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~~SECRET~~

September 30, 2006

BY COURIER

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

DECLASSIFIED BY 65179/dah/ksr/cak
ON 06-13-2007

Dear Mr. Friedman:

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

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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-1745

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

NSL VIO-1099

~~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-1100

~~SECRET~~

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

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(U)

~~(S)~~ By electronic communication dated August 8, 2006, the Federal Bureau of Investigation (FBI), [redacted] Field Office, reported a possible Intelligence Oversight Board (IOB) matter [redacted]

(S)

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typographical error when issuing a national security letter (NSL) on a targeted phone number. As a result of this error, the FBI obtained in error the records of a third-party business, as opposed to the phone records of the [redacted]

(S)
(S)

(U) ~~(S)~~ On 08/02/2006, the case agent discovered and reported his error to his Chief Division Counsel (CDC) and his supervisor. Immediately thereafter, steps were taken to ensure that the information was never uploaded into FBI files or indices.

(U) ~~(S)~~ In this case, the case agent's typographical error in preparing the NSL request resulted in the collection of information unrelated to the investigation. Because this information was immediately sequestered by the case agent and subsequently destroyed at the direction of the FBI Office of General Counsel, no US person was prejudiced as a result of this error. Nevertheless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this error must be reported to the IOB.

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

~~SECRET~~

~~SECRET~~

- 4 -

~~SECRET~~ NSL VIO-1102

FEDERAL BUREAU OF INVESTIGATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2007 BY 65179/dmh/ksr/cak

Precedence: ROUTINE

Date: 11/17/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David Ian

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Drafted By: [redacted] *MAS*

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b7C

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER

INSD/IIS TRACKING# 3133

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 1580

278-HQ-C1229736-VIO Serial 1744

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 08/08/2006, 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//20311117~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/17/2006

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 Ian *MDI*

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 05-13-2007

Drafted By: [Redacted] *KPS*

✓ Case ID #: (U) 263-HQ-0-U - 586 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3133
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: 20311117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1580

Reference: (U) 278-HQ-C1229736-VIO Serial 1580
278-HQ-C1229736-VIO Serial 1744

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

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

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

◆◆

~~SECRET//20311117~~

NSL VIO-1104



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: December 13, 2006

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2007 BY 65179/sml/ker/cak

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

SUBJECT: OIG Complaint No. 2007001648
Subject: Unidentified [redacted]
FBI No. 263-0-U-586

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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-1105

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: [] 689-2007-001648-M

Received By: [] ^{b6} Date Received: 11/15/2006 How Received: A
~~b7C~~

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

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

(S)

Details:
The FBI provided information regarding a potential IOB matter (263-0-U-586).
[] The NSL ^{b1}
contained a error that resulted in an incorrect number being included in the request. ^{b2}
result, the FBI received telephone records of a business that was unrelated to the ^{b7E_a}
investigation. The information was never uploaded into FBI files.
It is the opinion of the office of the General Counsel that this matter need not be reported
to the IOB. (dz)

ALLEGATIONS: 689 IOB Violation
Occurrence Date: TIME: b2
CITY [] State: [] Zip: b7E

DISPOSITION DATA: Disposition: M Date: 12/12/2006 Approval: POWELL, GLENN G
Referred to Agency: ATF Date Sent: 12/12/2006 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-0-U-586
Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:
12/13/06-Sent to Kaiser/FBI, INSD. Predicating material will be maintained within OIG/INV
in a secure container. (dz)

DATE: 05-13-2007
FBI INFO.
CLASSIFIED BY 65179/dmh/Ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 05-13-2032

NSL VIO-1106

(Rev 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION #2021

Precedence: ROUTINE

Date: 03/06/2006

To: Inspection
General Counsel
Counterintelligence

Attn: Internal Investigations Section
Attn: National Security Law Branch
Attn: CD-3D, Room 4166,
SSA [redacted]

From: [redacted]
16C/ [redacted] RA
Contact: SA [redacted]

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Approved By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [redacted] ds *ds*

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) -1240
(S) [redacted]

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(U)

Title: (S) SA [redacted] b6
SSRA [redacted] b7C

(S)

[redacted]

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(U)

Synopsis: (S) Reports potential Intelligence Oversight Board
(IOB) matter.

(U)

(S)

Derived From : G-3
Declassify On: 25X1

(S)

[redacted]

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(U)

Administrative: (S) FISA WARNING STATEMENT-STATUTORY RESTRICTION
THIS INFORMATION OR DOCUMENT, OR PORTIONS THEREOF, IS DERIVED
FROM A COURT-ORDERED 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. (50 U.S.C., SECTION 1806(B), 1825(C)).

12/22/06
01/04/07

~~SECRET~~

263-0-4-589

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NSL VIO-1107

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/06/2006

details: (S)

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[redacted]

(S)

[redacted]

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[redacted]

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[redacted]

(S)

[redacted]

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[redacted]

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b7C

~~SECRET~~

To: Inspection From: [redacted]
Re: (X) 278-HQ-C1229736-VIO, 03/06/2006

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[redacted]

(S)

[redacted]

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(S)

[redacted]

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~~SECRET~~

~~SECRET~~

To: Inspection From: [REDACTED]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/06/2006

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b7E

Set Lead 1: (Action)

INSPECTION

(U) AT WASHINGTON, DC

~~(S)~~ Reports potential IOB matter for IIS
review.

Set Lead 2: (Action)

GENERAL COUNSEL

(U) AT WASHINGTON, DC

~~(S)~~ Reports potential IOB matter for NSLB
review.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

(U) AT WASHINGTON, DC

~~(S)~~ Advises CD-3D of the potential pending
IOB matter.

◆◆

~~SECRET~~

(01/2) ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-13-2007
CLASSIFIED BY 65179/dmh/kar/cak
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/25/2006

To: [Redacted]
Counterintelligence
Inspection

Attn: SAC, CDC
Attn: CD-3D, Room 4166
SSA [Redacted]
Attn: IIS, CRS [Redacted]

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

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Approved By: Thomas Julie F. [Redacted]

Drafted By: [Redacted]

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(U) Case ID #: (S) 278-HQ-C1229736-VIO-1841
(S) [Redacted]

(U) Title: (S) POSSIBLE 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 IOB. A
record of this decision should be maintained in the investigation
control file for review by the Counsel to the IOB.

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

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 1240

(U) Details: (S) The referenced electronic communication (EC) from
the [Redacted] Division, [Redacted] Resident Agency, dated
3/06/06, reports a potential IOB matter. OGC has reviewed the
facts and determined that it warrants reporting to the IOB. Our
analysis follows. b2
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OIG/DOJ REVIEW: [Redacted]
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]
DATE: 10/27/06

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NSL VIO-1111

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006

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(U)

(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(U) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006

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[redacted]

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[redacted]

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[redacted]

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[redacted]

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To: [redacted] From: General Counsel
Re: ~~(U)~~ 278-HQ-C1229736-VIO, 10/25/2006

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[redacted]

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

(U) Title 18, United States Code, Section 2511(2)(f) states that the procedures contained in the FISA and Title III of the 1968 Omnibus Crime Control Act (as amended by the Electronic Communications Privacy Act) "shall be the exclusive means by which electronic surveillance . . . and the interception of domestic wire and oral communications may be conducted." Additionally, Section 2.5 of E.O. 12333 provides that, "[e]lectronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order." Under Title 50, United States Code, Section 1802(b), the FISC is authorized to grant an order approving the electronic surveillance of a foreign power or an agent of a foreign power for the purposes of obtaining foreign intelligence information. Under the pertinent FISA definition, the term "electronic surveillance" means "the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States." 50 U.S.C. § 1801(f)(2).

(S) [redacted]

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(U) [redacted]

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~~SECRET~~

~~SECRET~~

(U) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006

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[redacted]

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While the FISC judges determined that there had been sufficient facts to constitute probable cause in all three Government's filings, absent the overcollected data which had been initially included (before the Government was aware of the erroneous overcollection) (see *infra*, p. 3) there still remained the problem of the overcollected data which was not authorized by the FISC. This erroneous surveillance was not authorized under the Foreign Intelligence Surveillance Act or E.O. 12333. Although the FBI is making every effort to expunge the overcollected data from its indices and recall those intelligence products that contain any overcollected data, this error must be reported to the IOB. OGC will prepare appropriate correspondence to report this matter to the IOB.

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To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006

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Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) Read and clear.

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Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas

[redacted]

IOB Library

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♦♦

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(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/10/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David Ian *DM*

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Drafted By: [redacted] *kas*

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2021
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 1240
278-HQ-C1229736-VIO Serial 1841

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 03/06/2006, 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~~//20320110

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/12/2007

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 Ian *MDI*

Drafted By: [Redacted]: *ks*

Case ID #: (U) 263-HQ-0-U - 589 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2021
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:~~ 20320110

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1240

Reference: (U) 278-HQ-C1229736-VIO Serial 1240
278-HQ-C1229736-VIO Serial 1841

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 11/16/2006 (278-HQ-C1229736 Serial 2570).

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

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~~SECRET~~//20320110

NSL VIO-1118



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: April 9, 2007

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2007 BY 65179/dmh/ksk/cak

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

foipa # 1073946

SUBJECT: OIG Complaint No. 2007004672

Subject: Unidentified
[Redacted] Division
FBI CMS No. 2021

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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

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Received By: [] b6 Date Received: 12/19/2006 How Received: A
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SUBJECT: Unidentified, FBI
Title: UNID Pay Plan: SSNO:
Component: FBI EOD Date: D.O.B.:
Misc: Alien No.:
Home: F.B.I.No.:
Phone: B.O.P.No.:
Work: ZIP: D/L No.:
Phone: ZIP: Offenses: 689

COMPLAINANT: [] b6 SSNO:
Title: UNID Pay Plan: b7C 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
National Security Law Branch, Washington, DC
Phone: ZIP:
Confidential: Revealed: Authority:

WITNESS: [] SSNO: []
Title: SSA Pay Plan: [] D.O.B.: []
Component: FBI EOD Date: [] Alien No.: b2
Misc: F.B.I.No.: b6
Home: [] B.O.P.No.: b7C
Phone: () - ZIP: [] D/L No.: b7E
Work: [] Offenses:
Phone: [] ZIP:

WITNESS: [] SSNO: []
Title: SA Pay Plan: [] D.O.B.: []
Component: FBI EOD Date: [] Alien No.: b2
Misc: F.B.I.No.: b6
Home: [] B.O.P.No.: b7C
Phone: () - ZIP: [] D/L No.: b7E
Work: [] Offenses:
Phone: [] ZIP:

Details:
The FBI provided information regarding a potential IOB matter (2006-[] b2
On 04/08/2005, Foreign Intelligence Surveillance Court (FISC) granted authority for [] b2
[] to initiated an electronic surveillance of an e-mail address belonging to the b7E
subject of an investigation. Through the investigation and NSL a private internet provider
was identified as possessing network access to the subject of the investigations email
address.
In late February 2006, a surge in data being collected by the FBI's Engineering Research
Facility (ERF) was identified by ERF personnel. As a result ERF investigated the issue and
recognized that the collection tools used to collect email communication from the subject of
the investigation were improperly set and appeared to be collecting data on the entire email
domain. Due to an apparent miscommunication, the private internet provider accidentally
collected mail from the entire domain and subsequently conveyed the email to ERF. FBI
informed the private internet provider of the error and instructed them to reset their
filters to collect only those communications from the subject of the investigation's e-mail
address.

NSL VIO-1120

ALLEGATIONS: 689 IOB Violation

Occurrence Date:

TIME:

CITY: []

State: []

Zip:

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DISPOSITION DATA: Disposition: M Date: 12/19/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 04/06/2007 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-589

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

04/06/07

-Sent to Kaiser/FBI

-FBI CMS No. 2021

-Predicating material contains classified informatoin which will be maintained within
OIG/INV in a secure container.