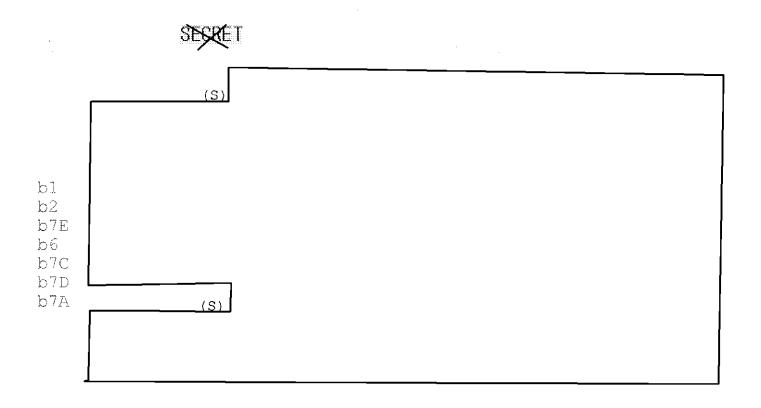
## SECRET

	FEDERAL BUREAU OF INVE	STIGATION	b2
		41307	1
	Precedence: ROUTINE	Date: 02/07/2006	
2	To: Inspection Attn: /Int	ternal Investigations	
7Ε >6	General Counsel Attn: NSI	_B	
o7C	Attn: SSA		
	Attn: SA		
	From: Counterterrorism ITOS 1/CONUS 4/Team 15	ALL INFORMATION CONTAINE HEREIN IS UNCLASSIFIED E	11
	Contact: IA	WHERE SHOUN OTHERWISE	
	Approved By:		b1 b7A
	Drafted By:		b2
	Case ID #: (S)	1073946	b7E
) ·· ···· ··	278-HQ-C1229736-VIO (Pen	ding) - 1152	
1	Title: (S)	ATE: 05-30-2007	omonya mene
6	(3)	LASSIFIED BY 6517 EASON: 1.4 (c,d)	
7C 7A		ECLASSIFY ON: 05-	30-2032
	Synopsis: Report possible Intelligence	e Oversight Board	
<b>U</b> )	(IOB) violation.  Derived From: G-3		
- 1	Derived From: G-3 Declassify On: X1	b1 b7A	
S)-	Details: (X)		
-,	/\	b6	_
	(U) The Case Agent was SA	b70	bl
(S) -	,		b6
_	(S)		b7C b7A
			K) ( £7)
L			b1
	SECRET		b7A
2 <u>111</u>	Leer Dim (AND) 1/3/07 66 NSL VIO-1		
<u>S</u>		1225	



# 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.

Set Lead 3: (Info)

AT

(U)

Set Lead 4: (Info)

For information.

b2 b7E

# SECULT

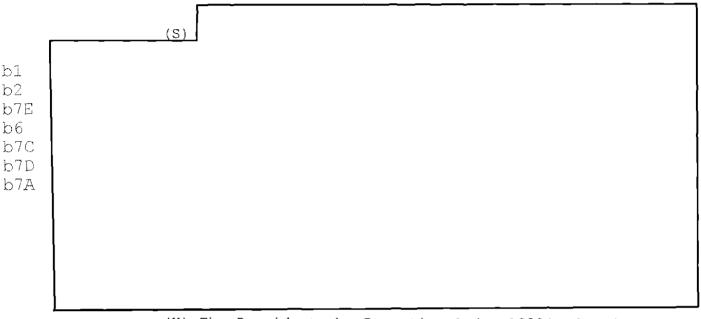
# FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE		Date: 12/20/2006	
	To: Counterterrorism	Attn:	ITOS 1, CONUS 4, TEAM	15
b2 b7E		Attn:	SSA SA CDC	
b6 b7C		Attn:	SA CDC ALL IMPORMATION CONTA	111111111111111111111111
	Inspection	Attn:	IIS WHERE SHOWN OTHERWISE	
	From: Office of the General Co NSLB/CTLU1/LX1 Room 3 Contact: UC			
	Approved By: Thomas Julie F	)() -	DATE: 05-30-2007 CLASSIFIED BY 6\$179/DE FEASON: 1.4 (c,d)	
(U)	Case ID #: 8 278-HQ-C1229736	-VIO (Pe	946 peclassify on: 05-30-2 anding)	<b>1032</b>
U)	Title: INTELLIGENCE OVER MATTER 2006-	SIGHT BO	DARD	b2
(U)	Synopsis: (S) It is the opini Counsel (OGC) that this matter Intelligence Oversight Board (I maintained in the control file to the IOB. Our analysis follo	is not r OB). Ra for peri	reportable to the ather, it should be	
(U)	Derived Fro			
(U)	Reference: 278-HQ-C122973	6-VIO se	erial 1152	
(U)	Details: The referenced s Division requested that OGC rev matter and determine whether it As explained below, in our opin report this matter to the IOB.	iew the warrant	facts of the captioned s reporting to the IOB.	
	si 	XRET		
	OIGIDOJ REVIEW: DATE: 1 46 6	- <del></del>	b6 b7C	
	Fall AVESTIGATION: OIG DOJ INVESTIGATION:	NSL	VIO-1229	



To: Counterterrorism From: Office of the General Counsel

Re: 278-HQ-C1229736-VIO, 12/20/2006



(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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

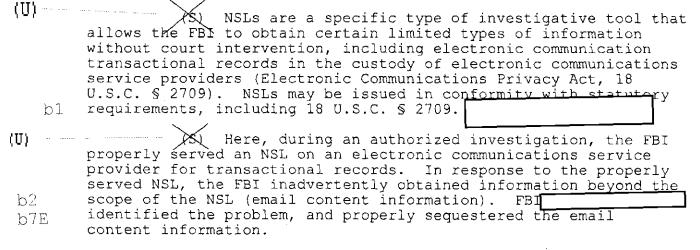
b1 b7A		other	guidelines	or	regulations	approved	by	the	Attorney	General
(\$) ↔	*****			_						
						CRET				

2

# SECRET

To: Counterterrorism From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

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. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.



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

b2 bhould contact the carrier (or coordinate through and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.



To: Counterterrorism From: Office of the General Counsel

Re: 278-HQ-C1229736-VIO, 12/20/2006

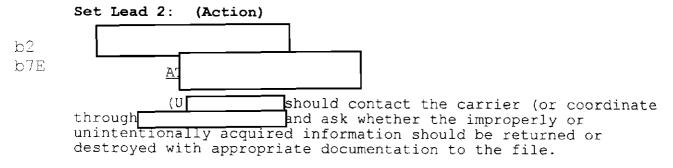
### LEAD(s):

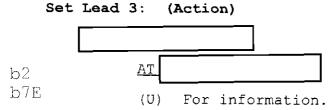
Set Lead 1: (Info)

### COUNTERTERRORISM

### AT WASHINGTON, D.C.

(U) For information.





### Set Lead 4: (Action)

### INSPECTION

### AT WASHINGTON, D.C.

(U) 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 three years for possible review by the Counsel to the IOB.

b6	cc:	Ms.	Thomas
b7C			Library

SECKET

4

### **FEDERAL BUREAU OF INVESTIGATION**

	Precedence:	ROUTINE		Date:	01/12/2007
	To: General	Counsel	Attn: NSLB		
o6		ction cernal Investigation ntact: CRS	s Section, IPU	_	3041
b7C	Approved By:	Miller David längu	Mous Fr 1	ti Throdmi	ATION CONTAINED
b2	Drafted By:		———— i	ierein is t	MCLASSIFIED -2007 BY 65179/DMH/KSR/RW
	Case ID #:	(U) 278-HQ-C122973	6-VIO (Pendi	.ng)	
	Title: (U)	INTELLIGENCE OVERS INSD/IIS TRACKING# OGC/IOB# 2006		rter b2	
		J) To report a poten to the Office of Ge NSLB).			
	Reference:	(U) 278-HQ-C1229736 278-HQ-C1229736			
	an EC from Co a possible IC it is the IIS administrativ	The Internal Invest punterterrorism Divi OB error. Based upo S's opinion the inci we in nature. There	sion dated 02/ on a review of dent described fore, no inter	07/2006 the ref l therei	, reporting erenced EC n is

will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

44

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### **FEDERAL BUREAU OF INVESTIGATION**

	Precedence: ROUTINE Date: 01/17/2007
o2	To: Counterterrorism  Attn: AD (Personal Attention)  Attn: SAC (Personal Attention)  Attn: SAC (Personal Attention)
o7E o6 o7C	From: Inspection Internal Investigations Section, IPU, Room 3041 Contact: CRS Ext.
	ALL INFORMATION CONTAINED  Approved By: Miller David Ian HEREIN IS UNCLASSIFIED EXCEPT  WHERE SHOWN OTHERWISE
	Drafted By:  Case ID #: (U) 263-HQ-0-U - 652 (Pending)  Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER  INSD/IIS TRACKING# 1807
(U)	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.  Derived From: G-3
	Declassify On: 20320117  Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1152 b7A
J)	Reference: \$2 278-HO-C1229736-VIO Serial 1152 b2 b7E
	Details: (U) Upon review of Counterterrorism 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 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

GEGRANA (000001

**NSL VIO-1234** 



### U.S. Departme of Justice

Office of the Inspector General

DATE:	January 24, 2007		
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation		ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE CS-31-2007 BY 65179/DMH/KSR/R
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division		
		b2	
SUBJEC	Γ; OIG Complaint No. 2007002521	b7E b6	
3020	Subject:	b7C	
	Division		
	FBI No. 263-0-U-652 FBI CMS No. 1807		
	PDI CMS No. 1007		
for an	e consider this a management matter. The whatever action you deem appropriate in the regulations. A copy of your findings and IG.	n accordance	with your agency's policy
	nis matter is referred to your agency for in ith a copy of your final report on this mat	_	Please provide the OIG
	his complaint will be investigated by the C	OIG.	
	<u>IMPORTAN</u>	<u>r notice</u>	
lde	entifying information may have been redacted from the	attached OIG Ren	ort/Referral nursuant to 8.7 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

OlG - INVESTIGATIONS DI	VISION Com	mplaint For	m	OIG NO.:	689-2007-0	02521-M
Received By:		Date	Received:	01/04/2007	How Recei	ved: A
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () Work: Phone:		ay Plan: OD Date: ZIP: ZIP:	]	D. Alien F.B.I B.O.P D/L	.No.:	b6 b7C b2
COMPLAINANT: Title: INTEL Component: FBI Misc: Home: Phone: () - Work: , _		ay Plan: OD Date: ZIP		D. Alien F.B.I B.O.P	.No.:	
Phone: Confidential:	R	ZIP: evealed:		Author	ity: none	b2
Information received obtained information.  During an authorized on an electronic comm FBI obtained informat problem and properly  It is the opinion of the 10E.	investigation unication services the sequestered the sequester	, the FBI p vice provid e scope of he content	roperly se er for tran the NSL. ' information	rved a Nation sactional re The FBI	al Security of the security of	Letter (NSL) esponse, the d the b2 b7
ALLEGATIONS: 689 IOB Occurrence Date: 10/04, CITY		TIME: State:			Zip:	b2 b7E
DISPOSITION DATA: Disp	position: M	Date: 01	/04/2007	Approval: P	OWELL, GLENN	
Referred to Agency:	Dat	e Sent:		Component: F	BI TV	
Patriot Act: N Civ	vil Rights: N		Compon	ent Number: 2	63-0-U-652,	1807
Sensitive: N Whis	stleblower: N	Cons	olidated C	ase Number:		
Remarks:  Predicating material container within OIG/  1/24/07 - Sent to AD	'INV/HQ.		rmation th	at will be st	ored in a se	cure

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-06-2007 BY 65179/DMB/KSE/RUIO-1236

Page 1 of 1



# FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE	<b>Date:</b> 05/19/2006	
To: General Counsel	Attn: National Security Law Br	anch
Inspection Operational Technology	Attn: Internal Investigation South	ection b2
	Attn: Squad 11 SA	b7E
From: Counterterrorism CXS/ECAU/Room 4343 Contact: IA		b6 b7C
Approved By: Hulon Willie T W (Lewis John E Ag)	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EX WHERE SHOWN OTHERWISE	San concern
	DATE: 05-30-2007 CLASSIFIED BY 6517: REASON: 1.4 (c.d)	9/d <b>M</b> H/KSR/RU
Drafted By:	DECLASSIFY ON: 05-	30-2032
(U) Case ID #: (S) 278-HO-C1229736-V (S)  U) Title: (S) REPORT OF POTENTIAL IA	b7A b2 b7E	
(U) (U) SSA  (S) Synopsis: To document the n	b7C b6	С
S) collection on the email address	minimizacion or addinenia	$\neg$
Derived From Declassify On	: G-3 1: 05/16/2031	<b>→</b> b1 b7D b7A
Reference: (S)		
SC M. 00 - DIM FIRE 1/16 0 SECRETION SECRETION	on/noforn	А
b6 / 18 /36 b7C	NSL VIO-1237	

### SECRET/ORCON/NOFORN

To: Operational Technology From: Counterterrorism 278-HQ-C1229736-VIO, 05/19/2006 (U) ---Administrative: (S/OC/NF) This document is classified SECRET//ORCON/NOFORN. Portions of this document carrying classification markings may not be incorporated into any criminal affidavit, criminal court proceedings or unclassified investigative file. The information in this document is intended to be used for lead or background purposes only. No further dissemination of the material classified in this document may be made without prior approval of the originating agency. b2 b7E  $\{U\}$ . (2) b1 Electronic Communications Analysis Unit (ECAU) is subordinate to the Communications Exploitation Section Counterterrorism Division b1 b7E The rollowing analysis was conducted b2 based on queries of logical intelligence databases available to ECAU. Details: (S//OC/NE) b1b7D b7A SECRET/ORCON/NOFORN

# SECRET ORCON/NOFORN

To: Operational Technology From: Counterterrorism Re: 278-HQ-C1229736-VIO, 05/19/2006 (S//OC/NF) b1 **b**6 b7C b7D b2 b7E (S) b7A b6 b7C (S) b1 b6 b7C b7D b2 b7E b7A SECRETORCON/NOFORN



J) To: Operational Technology From: Counterterrorism Re: 278-HQ-C1229736-VIO, 05/19/2006	b1 b6 b7C
(S//OC/NF)	b7D b7A
On Monday 05/15/2006 IA notified the ECAU Unit Chi of the discrepancy, and the results of his research.	b6 b70 ef b1
(S//OC/NF)	b6 b7 b7 b2
(s)	b7 b1 b7
(S//OC/NF)	b7
	b1 b6 b7C b7D b7A



To: Operational Technology From: Counterterrorism (U) - Re: (S) 278-HQ-C1229736-VIO, 05/19/2006

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

### AT WASHINGTON, DC

(U) For NSLB - For information and action as deemed appropriate.

Set Lead 2: (Action)

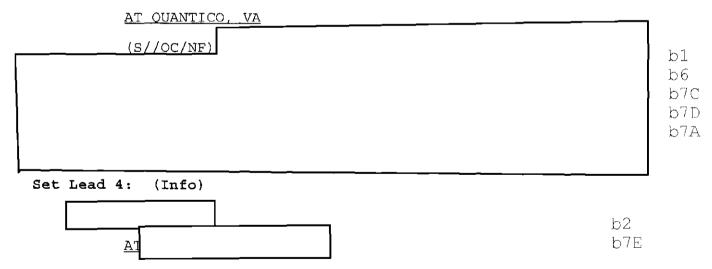
INSPECTION

### AT WASHINGTON, DC

 $\ensuremath{(\mbox{\sc U})}$  For IIS - For information and action as deemed appropriate.

Set Lead 3: (Action)

### OPERATIONAL TECHNOLOGY DIVISION



(U) For Squad 11 - For information only.

secret orcon/noforn

5



# FEDERAL BUREAU OF INVESTIGATION

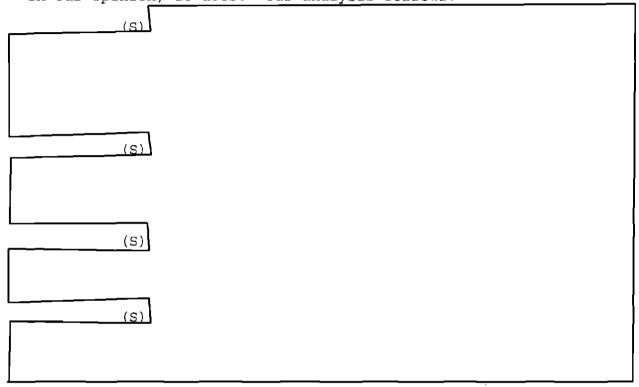
	Precedence: ROUTINE		Date:	12/19/2006
b2	To: Counterterrorism 1	IA		
b7E	Inspection	SS Attn: II	s <b></b>	
b6 b7C	Operational Technology		S/DITU	
		UC Attn: Sq SA	pad 11	
	From: Office of the General Count NSLB/CILU/Room 7947 Contact:	sel	HER	INFORMATION CONTAINED EIN IS UNCLASSIFIED EXCEPT BE SHOWN OTHERWISE
	Approved By: Thomas Julie F	) ·	CLA	E: 05-30-2007 SSIFIED BY 65179/DMH/KSR/RW
	Drafted By:	] 195		50N: 1.4 (c,d) LASSIFY ON: 05-30-2032
S)	Case ID #: (U) 278-HO-C1229736-V	[0 / Bon	dinal	b1 b7A b2
	Title: (U) INTELLIGENCE OVERSION	HT BOARD	b2	b7E
(U) · ····	Synopsis: (X) It is the opinion Counsel (OGC) that this matter must Intelligence Oversight Board (IOB) the necessary correspondence to the	st be rep ). OGC w	ffice of orted to	the
(U)	Derived From Declassify On:	Multip : 203112	le Source	es
	Reference: (U) 278-HQ-C1229736-V	/IO Seria	1 1387	
	Administrative: (U) This communifootnotes. To read the footnotes, document in Corel WordPerfect.	cation condoa	ontains o d and pri	one or more int the
(U)	Details: The referenced election the Electronic Communications Anal 05/19/2006, requested that OGC rev	lysis Uni	t (ECAU).	dated
	SEOK	, ET		•
	CIG DOJ REVIEW: DATE: // DATE:	` NSL VÌĐ		·



Counterterrorism From: Office of the General Counsel

278-HQ-C1229736-VIO, 12/19/2006 Re:

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



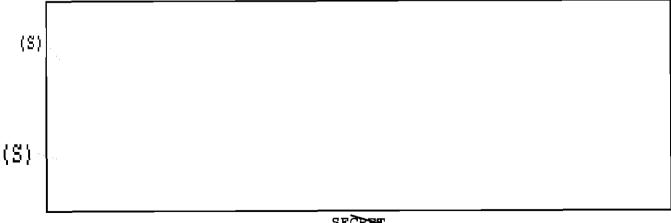
b1 b2 b7E b6

b7C b7D b7A

> b1 b2 b7E b6 b7C

b7D b7A

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



SECRET



To: Counterterrorism From: Office of the General Counsel

Re: (U) 278-HO-C1229736-VIO, 12/19/2006

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 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. Violations of provisions that are merely administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) Under the Electronic Communications Privacy Act (ECPA), the FBI may seek telephone and email communication records from telephone companies and internet service providers when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." 18 U.S.C. § 2709. Moreover, under the NSIG, NSLs are an authorized technique and may be issued in conformity with statutory requirements during a preliminary or full investigation.

b1

Due to inadvertent typographical error based on the confusion between the FBIHQ

(U) received NSL results for an error appress that was not relevant

b7A

received NSL results for an email address that was not relevant to an authorized counterterrorism investigation. Therefore, the issuance of the NSL was neither authorized by law nor by the NSIG. Upon realizing the error, the analyst immediately notified his supervisor and took the proper steps to sequester the information. Nothing from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on the NSL results. However, due to the fact that there was an unauthorized collection, we must report this to the IOB.

To: Counterterrorism From: Office of the General Counsel Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

LEAD(s):

Set Lead 1: (Action)

COUNTERTERRORISM

### AT WASHINGTON, DC

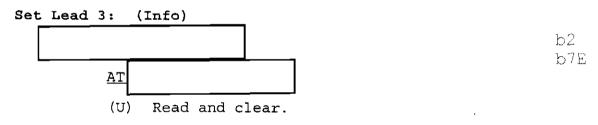
(U) ECAU should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

### Set Lead 2: (Action)

### INSPECTION

### AT WASHINGTON, DC

(U) For action deemed appropriate.



Set Lead 4: (Info)

### OPERATIONAL TECHNOLOGY

### AT WASHINGTON, DC

(U) Read and clear.



December 19, 2006

BY COURIER

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

DECLASSIFIED BY 65179/DMH/KSR/RW DN 05-31-2007

Dear Mr. Friedman:

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

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

Enclosure

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived From: Multiple Sources Declassify On: 20311219

SECRET NSL VIO-1246

b2



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
   Office of Intelligence Policy and Review
   U.S. Department of Justice
   Room 6150

SECKET

	INT	ELLIG <u>ENCE OVERSIGHT</u> BOARI		b2
		DIVI		b7E
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		eau of Investigation (FB:		
		National Security Lette: a transcription error, se		
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b1	rbi nacional se	curry investigation.		
	(S)	_		
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b7E				[/(U)
b6				<i>i</i>
b7C				Ï
b7D			/ Upon reali:	zing the
4	error, the analy	yst immediately notified		
b7A		to sequester the inform		
		NSL. Nothing from the		
		ne FBI computer systems,	nor was any inv	estigative
	action taken bas	sed on the NSL results.		_
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(S)		) <mark>inadvertent typographi</mark>	<b>_</b>	
	confusion between			received
		an email address that wa		
b7A			fore, the issuan	
	NSL was neither	authorized by law nor by	y the <u>Attorney G</u>	<u>eneral</u>
	Guidelines for i	National Security Invest	igations and For	<u>eign</u>
	interrigence co.	llection (NSIG). Due to	the fact that t	nere was
	under Section ?	collection, the error is	s a reportable m	atter
	under Section 2	.4 Of Executive Order 12	003.	
			_	
		Derived from: Multiple	Sources	
			11219	
			<u> </u>	
ALL INFORMA	TION CONTAINED		pate: 05-3	23:22:00:7
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~		NSL	VIO-1248	

(Rev. 01-31-2003)

### FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date:	01/12/2007
	To: General	Counsel	Attn: NSLB		
		ction ternal Investigation ntact: CRS	s Section, IPU		3041
b6	Approved By:	Miller David Ia	Kus Hara	700.700.000	RMATION CONTAINED
b7C	Drafted By:			7.7777	S DNCLASSIFIED 31-2007 BY 65179/DMH/KSP/RW
b2	Case ID #:	(U) 278-HQ-C122973	6-VIO (Pendi	ng)	
	Title: (U)	INTELLIGENCE OVERS INSD/IIS TRACKING# OGC/IOB# 2006		TER	
		U) To report a poten to the Office of Ge NSLB).			
	Reference:	(U) 278-HQ-C1229736 278-HQ-C1229736			
	Dak-41 /II	\		/TT	a)

Details: (U) The Internal Investigations Section (IIS) received an EC from Counterterrorism Division dated 05/19/2006, 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.

\*\*

### FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 01/17/2	007
To: Counterterrorism Attn: AD (Personal Attention	n)
From: Inspection Internal Investigations Section, IPU, Room 3041 Contact: CRS Ext	
Approved By: Miller David Ian DECLASSIFIED BY 65179/	'dmh/ksr/rw
Drafted By:	b6
Case ID #: (U) 263-HQ-0-U - 654 (Pending)	b7C b2
Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2286 OGC/IOB# 2006	
Synopsis: (U) To advise that captioned reporting of potentia Intelligence Oversight Board (IOB) violation has been reviewe the Internal Investigations Section (IIS), and is not conside	d by

Derived From : G-3
Declassify On: 20320117

willful misconduct. This matter is returned to the field for

corrective action as appropriate. Case closed at IIS.

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1387

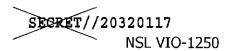
Reference: (U) 278-HQ-C1229736-VIO Serial 1387 278-HQ-C1229736-VIO Serial 1955

**Details:** (U) Upon review of Counterterrorism 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 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

**\*** 





### U.S. Departme. of Justice

### Office of the Inspector General

	Washington, D.C. 20530				
DATE:	January 26, 2007				
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE US-31-2007 BY 65179/DMH/KSR/RU			
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division				
SUBJECT:	OIG Complaint No. 2007002573  Subject  FBI No. 263-0-U-654  FBI CMS No. 2286	b6 b7C b2 b7E			
for v	consider this a management matter. The whatever action you deem appropriate in regulations. A copy of your findings and	information is being provided to you accordance with your agency's policy			
1 1	matter is referred to your agency for inv a copy of your final report on this matte	•			
This	complaint will be investigated by the OI	G.			
	IMPORTANT ?	NOTICE			
Identi IG Ac	ifying information may have been redacted from the attet or because an individual has (a) requested confidenti:	ached OIG Report/Referral pursuant to § 7 of the ality or (b) expressed a fear of reprisal. If you			

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.

believe that it is necessary that redacted information be made available to your Agency, you may contact the

### Attachment

Assistant Inspector General for Investigations.

OIG - INVESTIGATIONS DIVISION -	- Complaint Form	OIG NO.	689-2007-002573-M
Received By:	Date Received:	01/04/2007	How Received: A
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () -	Pay Plan: EOD Date:	Alien F.B.I B.O.F D/L	.No.: !.No.: !No.: b6
Work: , , Phone	ZTP:	Offe	nses: 689 b7C
SUBJECT: Title: 1NTEL Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	D. Alien F.B.I 3.O.F D/I	SSNO: O.B.: No.: No.: No.: No.: nses: 689
COMPLAINANT: Title: ATTY Component: FBI Misc: Home: Phone:	Pay Plan: EOD Date: ZIP:	Alien F.B.I B.O.F	SSNO: O.B.: No.: .No.: .No.:
Work: Office of the General Cour National Security Law Bran Phone: Confidential:		Author	b2 b2: none b7
Details: The FBI provided information r On April 11, 2006, a National pertaining to the target of an field for service, it was lear the NSL) had been misidentified Immediate steps were taken to	Security Letter (NSL) was FBI investigation. Shor med that due to a typogra ed and as a result was not	s issued reque ttly after sen aphical error, t connected wi	ding the NSL to the the target (listed in
It is the opinion of the Office to the IOB. (dz) ALIEGATIONS: 689 IOB Violation Occurrence Date:		that this mat	ter need not be reported
CITY:	State:		Zip:
DISPOSITION DATA: Disposition:  teferred to Agency: FBI Patriot Act: N Civil Rights ensitive: N Whistleblower	Date Sent: 01/25/2007	Component: F	OWELL, GLENN G  TL'  BT  63-0-U-654, 2286

.

ALL FEI INFORMATION CONTAINED HEREIN NSUNIDSHAFE DATE 06-06-2007 BY 65179/DMH/KSR/PW

		 b2
OIG	NΩ	689-2007-002573-1

OIG - INVESTIGATIONS DIVISION - Complaint Form

Remarks:

Predicating material contains classified information that will be maintained in a secure container within  ${\tt OIG/INV/HQ}$ .

01/26/07-Sent to Kaiser/FBI/INSD (dz)

NSL VIO-1253

# FEDERAL BUREAU OF INVESTIGATION

	Precedence: R	COUTINE		Date: 05	5/18/2006	
	To: Inspection General C		Attn: IIS	S, Room 118 LB, Room 79	361 975	
	From: Squa	d act: SA				o2 o7E
	Approved By:		HER	INFORMATION C EIN IS UNCLASS PE SHOWN OTHER	ontained k ified except	56 57C
(U) ··· · · · · ·	Drafted By: Case ID #:	7 278- <u>HO-C1229736</u> 278	1425	CLASSIF: REASON:	5-30-2007 IED BY 65179/DMH, 1.4 (c,d)	
	I	SĀ NTELLIGENCE OVERSI		IOB) ERROR	IFY ON: 05-30-203	<u>(2)</u>
(U)	(U) Synopsis: (S)	To report possibl	LIGENCE OVE			
	Details: (S) 1.	Derived From Declassity 0	_:G-3	•		
(U)	(S) 2. 3. POSS	ible 10B Error:				b1 b7A
(U)	(s)	ription of IOB Erro		ng anv rend	orting delays	3)
CAS	Lew OI	118/67 66 08/07 b6 b7C	NSL VIO-	1254		b1 b6 b7C b7D b7A

(U) <	SECRET	b2
	To: Inspection From: Re: 278-HQ-C1229736-VIO, 05/18/2006	b7E
S) 👡	. , ,,=====	
· · ·		
		b1
ſ	(S)	b2   b7
		b6
		b7
(S)	The above incident was memorialized via EC in investigation	b7 captioned
(5)		b1
		b7A
		b2 b7E

(U) To: Inspection From: Re: 278-HQ-C1229736-VIO, 05/18/2006

b2 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

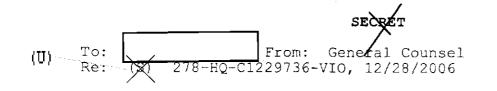
AT WASHINGTON, DC

(U) For action deemed appropriate.

# SECRET

# FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE		<b>Date:</b> 12/28/20	006
	То:	Attn:	SAC CDC	
	Counterterrorism	Attn:	ITOS 1, CONUS 4, TH	EAM 13 b2 b7E
	Inspection	Attn:	IIS	b6
	From: General Counsel	Law Unit	- #1/IX1_3S119 	b7C
	Approved By: Thomas Julie E	<b>30</b> 0 T	ALL INFORMATION HEREIN IS UNCLA WHERE SHOWN OTH	SSIFTED EXCEPT
(U)	Drafted By: 278-HQ-C1229736	-v10/(  - 109/(	pate: 05-31-2 classified by Pending) prason: 1.4 ( Pending) preciassify on	65179/DMH/KSR/RW c,d]
(U)	Title: S) POSSIBLE INTELLIG	ENCE OVE	RSIGHT BOARD (IOB)	
(U)	Synopsis: (S) It is the opini Counsel (OGC) that the above re reported to the IOB. Our analy	ierenced	matter need not be	
(U) · ······	Derived Fro	m : G-3 On: 203	11228	
	Administrative: (U) This comm footnotes. To read the footnot document in Corel WordPerfect 8	es. down	n contains one or mo load and print the	re
(U)	Reference: 278-HQ-C1229736-VIO	Serial :	1425	
	Details: (8) By electronic com (cited below), the	municatio Divisi	on (EC) <u>dated Mav 18</u> on	
	(U) <u>See</u> EC from the and General Counsel, dated May 18, 200 1425, titled "INTELLIGENCE OVERSIGHT F	)6. Case Ti	sion to the Inspection D D# 278-HQ-C1229736-VIO S ) ERROR" hereinafter cit	1222
	SE	SEET.		
	CIG/DOJ REVIEW DATE: 7 4 0 7 FBI INVESTIGATION: / (PL)	NSL	VIO-1257	b6 b7C
•	OIG/DOJ INVESTIGATION:			

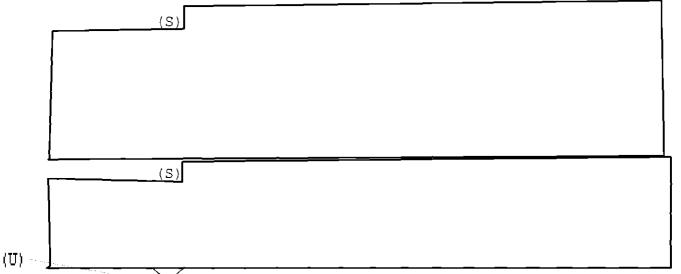


b2 b7E

> b1 b2 b7E b6 b7C b7D

b7A

reported a potential IOB involving a National Security Letter (NSL) issued by which, through an error on the part of the provider, yielded cellular telephone subscriber information belonging to the wrong number, a number which was not the subject of an FBI national security investigation.

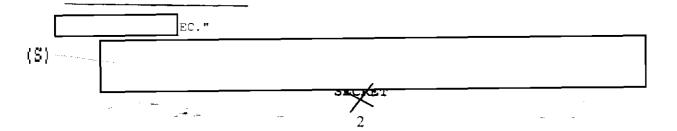


As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the error described here is a matter which must be reported to the IOB. We believe that the reported activity does not require IOB notification

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This has been interpreted to include violations of the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection ("Attorney

b2 b7E

> b1 b7A

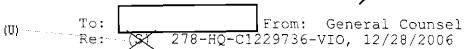


(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

(U) Since already contacted the provider	b2
and shredded the inadvertently obtained material, there is no	b71
longer a need for an action lead to	

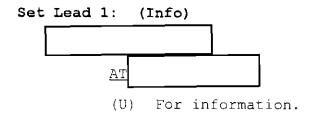
SECRET





LEAD(s):

b2 b7E



Set Lead 2: (Info)

### COUNTERTERRORISM

### AT WASHINGTON, DC

(U) For information.

### Set Lead 3: (Action)

### INSPECTION

### AT WASHINGTON, DC

(U) 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 three years for possible review by the Counsel to the IOB.



SECRET

4

Precedence:	ROUTINE		Date:	01/12/2007	,	
To: General	Counsel	Attn: NSLB				
Cor	ernal Investigations	Ext		3041		
Approved By:	Miller David Ian	Kus Elle 1				
Drafted By:			CCLASSIFIE N 05-30-20	D BY 65179/DME 07	i/ksr/rv b6	
Case ID #:	(U) 278-HQ-C122973	6-VIO (Pendin	ıg)		b7C b2	
Title: (U)	INTELLIGENCE OVERS: INSD/IIS TRACKING# OGC/IOB# 2006		ER			
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 278-HQ-C1229736					
an EC from possible IOB is the IIS's administrative will be condu	The Internal Investors Division error. Based upon a opinion the incident of in nature. Therefucted by the IIS and for whatever action to the second s	n dated 05/18/2 a review of the c described the fore, no intern this matter is	:006, re refere rein is al inve being	eporting a enced EC it s estigation relegated	b2	

(U)  $\cdot$ 

# SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date: 01/17/2007	
To: Attn: SAC (Per	rsonal Attention)	
From: Inspection Internal Investigations Section, IPU, Contact: CRS Ext		
TIPPEOTOGE DIE TIERECE DUITE CUIT / 1/2/2	CLASSIFIED BY 65179/DMH/KS   05-30-2007	ir/Ri
Drafted By:	b2	
Case ID #: (U) 263-HQ-0-U - 657 (Pending)	b7E	
Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTI INSD/IIS TRACKING# 2450 OGC/IOB# 2006	ER b6 b7C	
Synopsis: (U) To advise that captioned reporting Intelligence Oversight Board (IOB) violation has the Internal Investigations Section (IIS), and willful misconduct. This matter is returned to corrective action as appropriate. Case closed and Derived From: G-3 Declassify On: 20320117	s been reviewed by is not considered the field for	
Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 14	425	
Reference: (U) 278-HQ-C1229736-VIO Serial 142 278-HQ-C1229736-VIO Serial 197	1 bi	
Details: (U) Upon review of Divisoreport of a potential IOB violation, IIS did not indicative of willful misconduct. IIS only addrawhere deliberate and/or aggravated misconduct is	sion's captioned t find the matter resses allegations	7E
(U) IIS recognizes and appreciates the brought to our attention as required by the revi National Security Law Branch/OGC EC, dated 11/16 (278-HQ-C1229736, serial 2570).	isions mandated by	
THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLAS	SSIFIED ENCLOSURE.	
<b>♦♦</b>		



# U.S. Departme. of Justice

# Office of the Inspector General

<u> </u>	Washington, D.C. 20530
DATE:	January 26, 2007
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation
FROM:	ALL FEI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW Special Agent in Charge Investigations Division b6 b7C
SUBJECT:	OIG Complaint No. 2007002578 b2 Subject: b7E FBI No. 263-0-U-657 FBI CMS No. 2450
for w	onsider this a management matter. The information is being provided to you whatever action you deem appropriate in accordance with your agency's policy regulations. A copy of your findings and/or final action is not required by the
1 1	matter is referred to your agency for investigation. Please provide the OIG a copy of your final report on this matter.
This	complaint will be investigated by the OIG.
	IMPORTANT NOTICE
IG Act believe	ying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the correction or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you that it is necessary that redacted information be made available to your Agency, you may contact the int Inspector General for Investigations.

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

#### Attachment

OIG - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.:	689-2007-002578	; <b>-</b> M
Received By:	Date Received:	: 01/04/2007	How Received:	A
SUBJECT: Title: SSA Component: FB1 Misc: Home: Phone: () - Work: , ,	Pay Plan: EOD Date:  ZIP:  ZIP:	D. Alien F.B.I B.O.P D/L	.No.:	]
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () - Work: , , Phone:	Pay Plan: EOD Date:  ZIP:  ZIP:	D. Alien F.B.I B.O.P D/L	.No.:	b6 b7C b2
COMPLAINANT: Title: DDIR Component: FBI Misc: Home: Phone: () - Work: Phone: Confidential:	Pay Plan: EOD Date:  ZIP:  ZIP: Revealed:	D. Alien F.B.I B.O.P D/L	.No.:	]
Details:  The FBI provided information response of the substitution of the organization. The information of the organization of the Office of the substitution of the office of the substitution of the office of the opinion of the office opinion of the opinion opinion of the opinion of the opinion o	ter (NSL) was served to onformation that was provious of the investigation, steps were taken to obtain the contraction sent in error, of	btain informat: ded to the FBI n. Upon discort tain the inform which none was	was of another vering the FBI ha mation pertaining s uploaded into F	d been to the BI
to the IOB. (dz)  ALLEGATIONS: 689 IOB Violation Occurrence Date: CITY:		onse ento mer.	Zip:	b2 b7E
ISPOSITION DATA: Disposition:	M Date: 01/25/2007	Approval: P(	OWELL, GLENN G	<u>=</u>
eferred to Agency: FBI atriot Act: N Civil Rights ensitive: N Whistleblower	6: N Compo		53-0-U- <b>6</b> 57, 2450	

Page 1 of 2

					<del></del>	7
OIG -	ENVESTIGATIONS	DIVISION	-	Complaint Form	OIG NO.:	689

OTG	NO.:	689-2007-002578-
$O \perp O$	1467	003-2007-002370

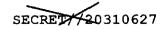
Remarks:

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

01/26/07-Sent to Kaiser/FBI/INSD. (dz)

# SECRET//20310627

	Precede	ence:	ROUTINE			]	Date:	06/27/200	16	
		nspecti eneral	ion Counsel		Attn: Attn:		Room , Room		b6 b7 b2	C
	From:	CT-							b7	
			-	Α			ALI, TN	FORMATION CON	PATNED	
	Approve	ed By:					HEREIN	IS UNCLASSIF SHOWN OTHERWI	IED EXCEP	Î
	Drafted	a By:							· ·	
(U)	Case II	#: >	278-	HQ-C1229736	5-VIO		CLA	E: 05-30-2007 SSIFIED BY 65		sr/pu
	Title:	(U)	SA SSA				DEC	SON: 1.4 (c) LASSIFY ON: 0	5-30-2032	
(U)	Synopsi	is:	/	ence oversi ort possibl		,	OB) ER	KOK		
(U)		) is		erived From		27/20	31			b1 b2 b7E
	Details	s:								b6
	(S) 1.									b7C b7A
							1			
1771	(S) 2.									b1 b6
(U) *****.	3.	. Po:	ssible IC	B Error:						b7C
(U) ·····	(5	5)							b1 b7A	b7A
(0)	delays)		scription	of IOB Err	for (inc)	ludin	g any	reporting	1,7711	
(U) ·	Letter request number prepare contain	ting some belied accorded the	#1) direcubscriberved to be ording to then cu	01/2006 ted to a la f, toll and long to about the then-carrent non-carrent another	arge tele billing ove liste current l disclosur	ecommon recon ed in PATRIC re was	unicat rds fo dividu OT Act rning.	r a teleph al. NSL # provisior NSL #1 w	iny none 1 was ns, and vas	bZ b7E
5(1) (1)	Lillar I	Las D		b6 b7C <b>secr</b>	<b>≭</b> √20310	0627				



To: [Inspection From: 278-HQ-C1229736-VIO, (U)On or about 03/13/2006, and after the transmittal of NSL #1 to the other field office, but before it was served, the PATRIOT Act was revised, changing, among other things, the law regarding the non-disclosure procedures for NSLs. On 03/13/2006, telephonically notified the other field office not to serve NSL #1, and a new NSL (NSL #2) complying with the revised Act with a new non-disclosure provision was prepared for the same b2information. NSL #2 was approved and transmitted to the other field office for service. b7E On 03/21/2006, the other field office mistakenly served NSL #1 on the telecommunications provider. NSL #2 was served on 03/28/2006. On 05/24/2006, the telecommunications provider responded to NSL #1, providing subscriber information on the telephone number, but noted that it had received NSL #2 for the same telephone number, and indicated that it would provide toll and billing records in its response to NSI #2. (U) ··· became aware of the issue upon receiving the information regarding the response to NSL #1 on 06/20/2006. The response to NSL #1 has been sequestered.

(U) To: Inspection From:
Re: (3) 278-HQ-C1229736-VIO, 06/2

b2 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

# AT WASHINGTON, DC

(U) For action deemed appropriate.

# Set Lead 2: (Action)

GENERAL COUNSEL

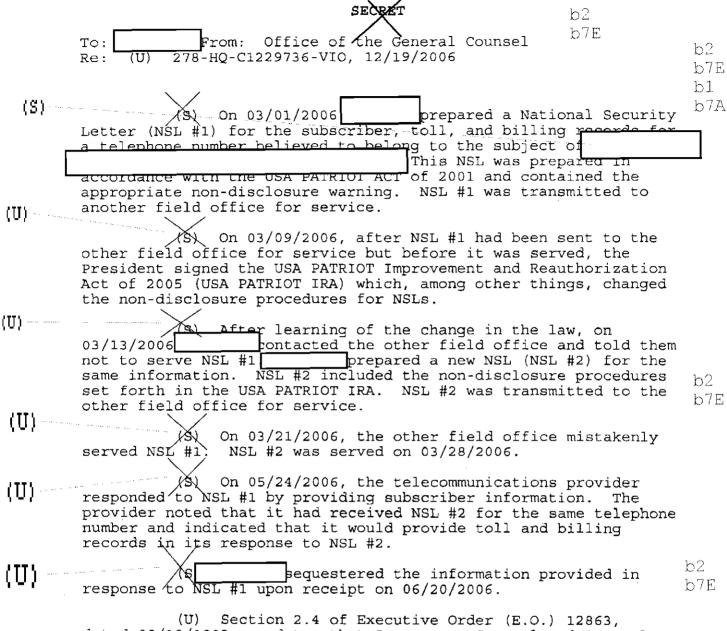
# AT WASHINGTON, DC

(U) For action deemed appropriate.

44

SECRET/720310627

	Precedence: ROUTINE	b2			Date:	12/19/2006	
	То:	b7E	Attn:	SA SSA			
	Inspection	b6 b7C	Attn:	CDC IIS CRS			
	From: Office of the ONSLB/CILU/ROCONTACT:		nsel			ALL INFORMATION CONT HEREIN IS UNCLASSIFI WHERE SHOWN OTHERVIS	ED EXCEPT
	Approved By: Thomas C	Tulie F	]				
	Drafted By:  Case ID #: (U) 278-HQ	)-C1229736-	VIO (	(80 Pend:		DATE: 05-31-2007 CLASSIFIED BY 65179, REASOM: 1.4 (c)	
/TT\	Title: (U) INTELLIG	SENCE OVERS	SIGHT BO	ARD	·	DECLASSIFY ON: 05-3)	÷2032
(U)	Synopsis: (S) It is Counsel (OGC) that this Intelligence Oversight should be retained in to the IOB.	s matter n Board (IC	need not B). A	be 1 copy	reporte of thi	ed to the s opinion	•
(U) ····		rived From		tiple	Source	es	
	Reference: (U) 278-H	Q-C1229736	-VIO Se	rial	1469		
	Administrative: (U) footnotes. To read the document in Corel Word	e footnote	nicatio s, down	n cor load	ntains and pr	one or more int the	
(U)	Details: The ref the Division OGC review the facts of whether it warrants re does not. Our analysi	of the capt porting to	dated 0 ioned m the IO	6/27/ atter	/2006, and d	tion (EC) from requested that etermine opinion, it	b2 b7E
		SE	жет				
	CIG/DOJ REVIEW: F3I INVESTIGATION: OIG/DOJ INVESTIGATION:	DATE: 1, 4 s		be bī VIO-1	7 C		



(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 (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 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



To: From: Office of the General Counsel Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

b2 b7E

ensure the protection of the individual rights. Violations of provisions that are merely administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

- (U) Under the Electronic Communications Privacy Act (ECPA), the FBI may seek telephone and email communication records from telephone companies and internet service providers. 18 U.S.C. § 2709. Moreover, under the NSIG, NSLs are an authorized technique and may be issued in conformity with statutory requirements during a preliminary or full bl investigation.
- (V) Here, during an authorized investigation, the FBI properly served two (2) NSLs on a telecommunications provider. Due to a change in the USA PATRIOT Act, the non-disclosure provisions of these two NSLs were different. However, the language of the non-disclosure provisions does not effect the legality of the NSL. Both NSL #1 and NSL #2 were properly and legally served under an authorized investigation. Therefore, the FBI has not violated the law and is permitted to keep and use the information provided in response to both of these NSLs.
- (U) Based upon these facts, in accordance with the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB.

		b1 b7 <i>F</i>
(5)		
	SESPET	·



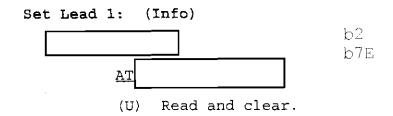
b2 b7E

ro: Fr

From: Office of the General Counsel

Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

#### LEAD(s):



# Set Lead 2: (Action)

# INSPECTION

# AT WASHINGTON, DC

(U) 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 three years for possible review by the Counsel to the IOB.

CC:	Ms.	Thomas		
				b6
				b70
	TOB	Library	<del></del>	

SECRET

# SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date:	01/17/2007	
	To:		Attn: SAC (	Personal	Attention)	
	Īn	ction ternal Investigation ntact: CRS		U, Room 3	3041	
	Approved By:	Miller David Ia	21 .111111111 2222	ED BY 65179/	DMH/KSR/RU	b2
	Drafted By:		ON 05-30-Z	007		b7E b6
	Case ID #:	(U) 263-HQ-0-U -	659 (Pending	1)		b7C
	Title: (U)	INTELLIGENCE OVER INSD/IIS TRACKING OGC/IOB# 2006		TTER		
	Intelligence the Internal willful misc	U) To advise that c Oversight Board (I Investigations Sec onduct. This matte ction as appropriat  Derived Fro Declassify	OB) violation tion (IIS), an r is returned e. Case close	has been d is not to the fi	reviewed b considered leld for	
(U)	Enclosure(s)	: (U) 278-HQ-C1229	736-VIO Serial	1469		
	Reference:	(U) 278-HQ-C122973 278-HQ-C122973				b2 b7E
	of a potenti indicative o	D) Upon review of al IOB violation, I f willful misconductate and/or aggrava	IS did not fin t. IIS only a	d the mat ddresses	allegation	s
	mandated by	) IIS recognizes a to our attention as National Security L 9736, serial 2570).	required by t	he revisi	ons	6
	THIS EC IS U	NCLASSIFIED WHEN SE	PARATED FROM C	LASSIFIED	ENCLOSURE	



# U.S. Departmen of Justice

# Office of the Inspector General

•	Washington, D.C. 20530					
DATE: TO:	January 29, 2007  Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW				
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division	b6 b7C				
SUBJECT:	OIG Complaint No. 2007002605 Subject FBI No. 263-0-U-659 FBI CMS No. 2480	b2 b7E				
for w	hatever action you deem appropriategulations. A copy of your finding	The information is being provided to you ate in accordance with your agency's policy and/or final action is not required by the				
	matter is referred to your agency for a copy of your final report on this	or investigation. Please provide the OIG matter.				
This	complaint will be investigated by the	he OIG.				
	IMPORT	TANT NOTICE				
IG Act believe	t or because an individual has (a) requested con	the attached OIG Report/Referral pursuant to § 7 of the fidentiality or (b) expressed a fear of reprisal. If you be made available to your Agency, you may contact the				
right t <u>cases</u> ,	o have access to an OIG Report/Referral or to t	ntemplated, the subject of an investigation does not have a the identities of complainants or witnesses, and that, <u>in all</u> ection from reprisal pursuant to the Inspector General Act				

Attachment

OIG - INVESTIGATIONS DIV	VISION - Complaint Form	OIG NO.	689-2007-002605-M		
Received By:	Date Received	: 01/04/2007	How Received: A		
SUBJECT: Tirle: SA Component: FBI Misc:	Pay Plan: EOD Date:				
Home: Phone: () - Work: Phone:	ZIP:		.Nc.: b6 No.: b7C nses: 689 b7C		
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () -	Pay Plan: EOD Date: ZIP:	D. Alien F.B.I B.O.? D/L	.No.:		
Phone:  COMPLAINANT: Title: ATTY Component: FBI Misc: Home: Phone:	ZIP:  Pay Plan: EOD Date:  ZIP:	D. Alien F.B.I B.O.F	.No.:		
Work: Office of the Gene					
Details:  The FBI provided information regarding a potential IOB matter (2006 b7E  On March 1, 2006 FBI prepared the first National Security Letter (NSL) and transmitted it to another field office for service. On March 9, 2006, the USA PATRIOT Improvement and Reauthorization Act of 2005, which changed the non-disclosure procedures for NSLs, was signed. On March 13, 2006, the field office is contacted and advised not to serve NSL #1;NSL #2 is prepared and transmitted to the field office for service.  NSL #1 was mistakenly served on March 21, 2006; NSL #2 was served on March 28, 2006. The FBI received a response to NSL #1; the information was sequestered upon receipt on June 20, 2006.  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 Occurrence Date:	Violation TIME: State:		Zip:		
DISPOSITION DATA: Dispo	osition: M Date: 01/26/2007	Approval: P	OWELL, GUENN G		
Referred to Agency: FBI Patriot Act: N Civ		-	B1 63-(-3-859, 2480		
Sensitive: N Whise	tleblower: N Consolidated ALL FBI INFORMATION CONTAINE HEREIN IS UNCLASSIFIED DATE 06-06-2007 FY 65179/DM:				

0+45 1 54 0

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.

-689-2007-002605-M

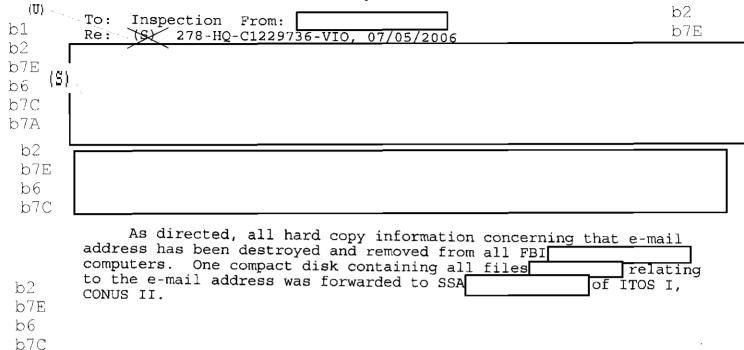
#### Remarks:

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

01/29/07-Sent to Kaiser/FBI/INSD. (dz)

Precedence:	ROUTINE		<b>Date:</b> 07/05/2006	
<b>To:</b> <u>Inspec</u> Genera	ction al Counsel	Attn: IIS,	Room 11861 3, Room 7975	b2 b7E
From:	Squad 1			b6 b7C
	Contact: CDC		ALL INFORMATION CON HEREIN IS UNCLASSIF WHERE SHOWN OTHERWI	IED EXCEPT
Drafted By:			DATE: 05-31-2007	· · · · ·
(U) Case ID #:	278-HQ-Ç12297	36-VIO-1496	CLASSIFIED BY 65179 ———— REASON: 1,4 (c,d)	
Title: (U)	SA		DECLASSIFY ON: 05-3	reanor
(U) Synopsis: (	INTELLIGENCE OVER To detail verba		OB) ERROR ossible IOB error.	
γ (U)	Derived Fr Declassify			
Details:				b1 b2
(S) 1. (S) 2.				b7E b6 b7C b7A
(U) (S) 3. P	ossible IOB Error:			
(U) × 1:	nitiating a form of ithout probable caus	electronic sur	rveillance or a sea	
	escription of IOB E		g any reporting del	b7( b71 Lavs).
(s)				b71
(S)				
Schiller Anformation Kan o	0/1/907 b6 b7C	SECRET  NSL VIO-1	1277	b1 b2 b7E b7D b7A





SECRET

 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



			,		
	Precedence:	ROUTINE		Date:	12/22/2006
	To:		b2	Attn:	SAC
	L		b7E		CDC
	Counter	terrorism	<b>b</b> 6	Attn:	ITOS 1, CONUS 2, TEAM 7
	00011001	COLLOLADII	b7C	1100111	1100 1, 001100 2, 11111 /
	Inspect	ion		Attn:	IIS ALL INFORMATION CONTAINED
					HEREIN IS UNCLASSIFIED LAGEFI
		e of the Gene			WHERE SHOWN CTHERVISE
		LB/CTLU1/ LX1 ontact: UC	l Room 3 <b>\$</b> 1	.19	
	CC	incace: oc_	- /XY/\T	г	
	Approved By:	Thomas Juli	ie F		DATE: 05-31-2007
	Drafted By:		<del></del>	- 201	CLASSIFIED BY 65179/DMH/KSR/RO REASON: 1.4 (c,d)
U) ·				-19/19	ngolisarry om: 05-31-2032
	Case ID #: (	278-HQ-C	1229736-VI	O (Pending	g)
(U)	Title:	INTELLIGEN	CE OVERSIO	HT BOARD	
	/\	INTELLIGENO MATTER 2006	5		
(U) ·····	Synopsis:	X) It is the	opinion	of the Of	fice of the General
101	Counsel (OGC	:) that this r	natter mus	st be repo:	rted to the
					ll prepare and
	deliver the	necessary con	rresponden	ice to the	IOB.
	(U) (U		ved From		
U)	(0)	Decla	assify On:	2031122	2
U)	Reference:	278-HQ-0	C1229736-V	710 serial	1490
	Administrati	ve: (S) This	s document	contains	information obtained or
	derived from	an electroni	ic surveil	lance or p	physical search conducted
	Section 1806	(b). Such in	igence sur iformation	veillance	Act ("FISA"), 50 U.S.C. t be used in any criminal
	or administr	ative proceed	iing, incl	uding gran	nd jury proceedings and
	warrant affi	davits, with	out the pr	ior writte	en approval of the
•	information	may not be di	Julted Sta Isseminate	ites. U.S.	. Person FISA derived reign government without
	the prior wr	itten approva	al of the	Attorney (	General of the United
	States.			•	
			SECRET//	noforn	b6
				n	b7C .
	OIG/DOJ REVIE	W: DATI	E: 1-4 "	<i>i</i>	
	FRI INVESTIGA	```• <b></b>		<u> </u>	
			<del>)</del>	NSL VIO-1	1280
	OIG/DOJ INVES	HUAHUN			

 $(\mathbf{U})$ The referenced serial from requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is required to report this matter to the IOB. (S) b1 b2 b7E b6 b7C b7D b7A b1b2 (S/NF) b7E b6 b7C b7A (S/NF) b1 b2b7E **b**6 b7C b7A (S) As directed, all hard copy information

To:

Re:

b2

b7E

b7C

b6

from all FBI

containing all files

was forwarded to SSA

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB)

concerning that e-mail address has been destroyed and removed

SECREZ//NOFORN

computers. One compact disk

relating to the e-mail address

of ITOS I, CONUS II.

**b**2 b7E

b1

Office of the General Counsel From: To: 278-HQ-C1229736-VIO, 12/22/2006

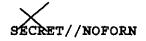
and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

- Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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 quidelines 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. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(S)

In this situation, the FBI and OIPR (II) inadvertently included an email account not associated with the FBI subject in a FISA application. This resulted in court-ordered electronic surveillance and physical search of an email facility that was not associated with the FBI subject, in violation of the NSIG. This incident must be reported to the IOB. In accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will

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3



To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/22/2006

b2 b7E

prepare a cover letter and a memorandum to report this matter to the IOB.

(U) Because the inadvertently captured information has already been collected, sequestered, sealed and delivered to CTD, ITOS1, there is no action lead to the field. If not already done, CTD, ITOS1 should ensure that all inadvertently captured information is delivered to OIPR for appropriate disposition by the FISC.

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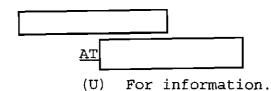
To: \_\_\_\_\_From: Office of the General Counsel

Re: 278-HQ-C1229736-VIO, 12/22/2006

LEAD(s):

b2 b7E

Set Lead 1: (Info)



Set Lead 2: (Action)

# COUNTERTERRORISM

#### AT WASHINGTON, D.C.

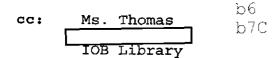
(U) The FBIHQ substantive unit should ensure that all inadvertently captured information is delivered to OIPR for appropriate disposition by the FISC.

# Set Lead 3: (Action)

#### INSPECTION

# AT WASHINGTON, D.C.

(U) For action deemed appropriate.



SECRET NOFORN

5

December 22, 2006

BY COURIER

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

DECLASSIFIED BY 65179/DMH/KSR/RU ON 05-31-2007

Dear Mr. Friedman:

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

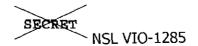
b2

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

Enclosure

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE
Derived From: G-3
Declassify On: 20311222





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

(S)

SECRET

(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
FIELD OFFICE

b2 b7E

IOB MATTER 2006 (U)

(S) By electronic communication dated July 5, 2006, the Federal Bureau of Investigation (FBI Field Office reported that the FBI and the Office of Intelligence Policy and Review (OIPR) inadvertently included an email account not associated with the FBI subject in a Foreign Intelligence Surveillance Act (FISA) application. This resulted in court-ordered electronic surveillance and physical search of an email facility that was not associated with the FBI subject. The inadvertently intercepted material was sequestered and will be filed with the Foreign Intelligence Surveillance Court.

b1

The court-ordered electronic surveillance and physical

search of an email facility that was not associated with the FBI subject violated the NSIG. Thus, the matter is being reported to the IOB.

DATE: 07-05-2007

CLASSIFIED BY 65179 dmh /ksr/rw

PEASON: 1.4 (1)

DECLASSIFY ON: 07-05-2032

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Derived from: G-3 Declassify on: 20311222

SECRET

SECKET

SEXRET

Precedence:	ROUTINE	Date:	01/12/2007
To: General	Counsel Attn: N	ISLB	
	tion ernal Investigations Section tact: CRS	IPU, Room :	3041
Approved By:	Miller David Ian Miller David	U HEREIN IS U	
Drafted By:		DATE (05-31-)	2007 BY 65179/DMH/KSP/RW
Case ID #:	(U) 278-HQ-C1229736-VIO (	·	o6
Title: (U)	INTELLIGENCE OVERSIGHT BOAF INSD/IIS TRACKING# 2492 OGC/IOB# 2006	כוביויים עואל עול	o7C o2
	) To report a potential Inte to the Office of General Cou SLB).		
Reference: (	U) 278-HQ-C1229736-VIO Ser: 278-HQ-C1229736-VIO Ser:		
an EC from possible IOB is the IIS's of a performa will be condu	The Internal Investigations Division dated 07 error. Based upon a review opinion the incident describ nce issue. Therefore, no in cted by the IIS and this mat or whatever action they deem	7/05/2006, report of the reference therein is natural investations in the real control of the real control	porting a b2 enced EC it b7E s indicative tigation relegated

# SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE Date: 01/17/200	7
	To: SAC (Personal Attention)	Į
	From: Inspection Internal Investigations Section, IPU, Room 3041 Contact: CRS Ext	
	Approved By: Miller David Ian	b2
	Drafted Rv. I	b7E b6
		b7C
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2492 OGC/IOB# 2006-	
	Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.	
(U)	Derived From: G-3 Declassify On: 20320117	
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1490	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1490 278-HQ-C1229736-VIO Serial 1974	b2
	Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegation where deliberate and/or aggravated misconduct is evident.	b7E r ns
	(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 recognize 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).	ès ;
	THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE	ē.
	♦♦  DECLASSIFIED BY 65179/DMH/RSR/ ON 05-31-2007	RW
	SECRET//20320117	



# U.S. Departmen & Justice

# Office of the Inspector General

	Washington, D.C. 20530				
DATE:	January 29, 2007				
CO: Kenneth W. Kaiser  Assistant Director  Inspection Division  Federal Bureau of Investigation  ALL FRI INFORMATION CONTAINED  HEREIN IS UNCLASSIFIED  DATE 05-31-2007 BY 65179/DMH/KSR/RW  Federal Bureau of Investigation					
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division		b6 b7C		
SUBJECT:	OIG Complaint No. 2002 Subject: FBI No. 263-0-U-661 FBI CMS No. 2492	7002615	b2 b7E		
for w	hatever action you deem a regulations. A copy of you	t matter. The information is bein ppropriate in accordance with y r findings and/or final action is r	our agency's policy		
	matter is referred to your a copy of your final report	agency for investigation. Please on this matter.	provide the OIG		
This	complaint will be investiga	ated by the OIG.			
		IMPORTANT NOTICE			
IG Act believe	t or because an individual has (a) re	dacted from the attached OIG Report/Refer quested confidentiality or (b) expressed a fe nformation be made available to your Agenc tions.	ar of reprisal. If you		

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

Attachment

and the Whistleblower Protection Act.

Old - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.:	689-2007-00261	5-M
Received By:	Date Received:	01/04/2007	How Received:	А
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () - Work: , , Phone:	Pay Plan: EOD Date: ZIP:	D. Alien F.B.I B.O.P D/L	.No.:	
SUBJECT: Title: TFO Component: USM Misc: Home: Phone: Work: Phone:	Pay Plan: EOD Date:  7TP: ZIP:	O. Alien F.B.I B.O.P D/L	.No.:	b6 b7C b2
COMPLAINANT: Title: LEGAI. Component: FB1 Misc: Home: Phone: () - Work: , Phone: Confidential:	Pay Plan: EOD Date:  ZIP: Revealed:	D. Alien F.B.1 B.O.P	.No.: .No.: No.:	
Details: (S)  The FBI provided information is and a National Security Letter associated with the target of another NSL requesting information to the target. The information computers.  It is the opinion of the Office to the IOB. (dz)  ALLEGATIONS: 689 IOB Violation	c (NSL) was issued. In rethe investigation was ideation revealed that the information obtained was desired of the General Counsel	sponse to the entified. Howe formation pre- troyed and ren	ever results from viously obtained noved from all FR	n did not b7. BI ceported
Docurrence Date:	TIME: State:		Zip:	b2 b7E
DISPOSITION DATA: Disposition:	M Date: 01/26/2007	Approval: Po	OWELL, GLENN G	
Referred to Agency: FBI Patriot Act: N Civil Right: Gensitive: N Whistleblower	Compor	Component: Fl	The	2

DATE: 05-31-2007

FBI INFO. NSL VI**O:1291** ied by 65179/dmi/Ksr/RW

PEASON: 1.4 (c)

DECLASSIFY ON: 05-31-2032

O1G - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.

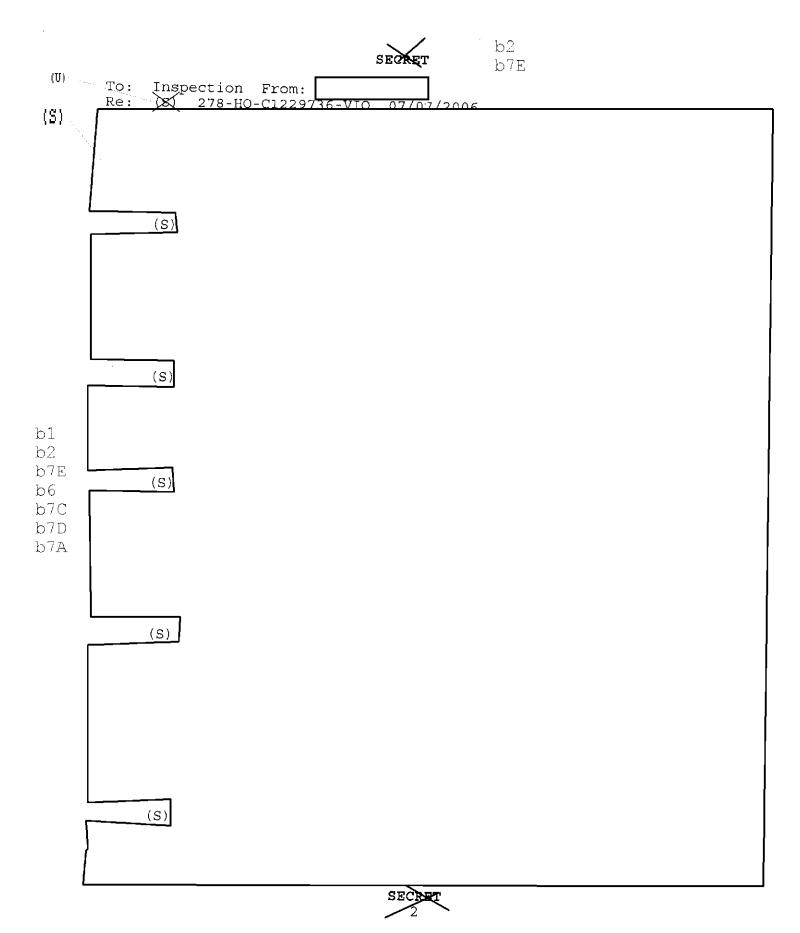
689-2007-002615-М

#### Remarks:

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

01/29/07-Sent to Kaiser/FBI/INSD. (dz)

Precede	ence: ROUTINE		Date: 07	7/07/2006
	nspection eneral Counsel	Attn: Attn:	IIS, Room 118 NSLB, Room 79	
From: [	JTTF Contact: TFO			b6 b7C
Approve	ed By:	nelukh	HEREIN	DRMATION CONTAINED IS UNCLASSIFIED EXCEPT HOWN OTHERWISE
Drafted (U) Case ID Title:	(U) TFO	C1229736-VIO	1505 CLASS	05-31-2007 IFIED BY 65179/DMH/KSR/RW N: 1.4 (c,d) SSIFY OM: 05-31-2032
(U) Synopsi	To report	E OVERSIGHT BOA  possible IOB e		b1 b2 b7E
Details		assify On: X1	_	b6 b70
(S) 1. (S) 2. (U) 3.	Possible IOB E	rror:		b7 <i>I</i>
(S				b1 b7A
(II) (S				
CRS 27/24/06	kas 01/08/01	b6 NSL	VIO-1293	b1 b2 b7E b7D b7A



b2 b7E

To: Inspection From: Re: 278-HQ-C1229736-VIO,

LEAD(s):

Set Lead 1: (Action)

# INSPECTION

# AT WASHINGTON, DC

(U) For action deemed appropriate.

# Set Lead 2: (Action)

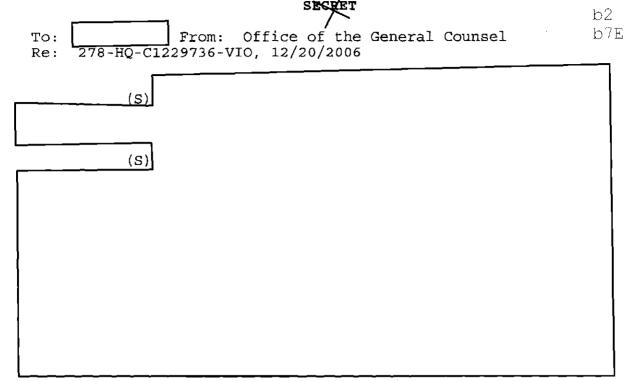
# GENERAL COUNSEL

# AT WASHINGTON, DC

(U) For action deemed appropriate.

	Precedence:	ROUTINE	b2		Dat	<b>e:</b> 12/20,	/2006
	To:		b7E b6	Attn:	SAC CDC		
	Counter	rterrorism	b7C	Attn:	ITOS 1,	CONUS 2,	TEAM 6
	Inspect	cion		Attn:	IIS		LASSIFIED EXCEPT
	NS	ce of the Gen SLB/CTLU1/LX1 ontact: UC			<u>·</u>	WHERE SHOUN (	otherwise
	Approved By	Thomas Jul	ie W	U			·······Et.
U)	Drafted By:			19	47	REASON: 1.4 (	65179/DMH/KSR/RW c,d)
	Case ID #:	∖S∕ 278-HQ-C	1229736-	VIO (Per	nding)	DECLASSIFY ON	: 05-31-2032
U) · · · · · · · · · · · · · · · · · · ·	Title:	INTELLIGEN MATTER 200	CE OVERS	IGHT BO	ARD		
(U) · · · · · · · · · · ·	Counsel (OGO Intelligence maintained i	It is the C) that this is oversight B in the contro	matter i oard (IO l file f	s not re B). Rai or perio	eportabl ther, it	e to the should be	2
(V)		Deri Decl	ved From	: G-3 h: 203;	11220		
(U) · · · · ·	Reference:	278-НО-	C1229736	-VIO se	rial 150	5	b2 b7E
(U) · · · ·	determine wheeplained be	The reference to the matter to the	s of the rants reposition,	caption	ned matt	er and IOB. As	ested

	SECRET				
OIG/DOJ REVIEW:	DATE: 1-7-67	b6 b7C			
FBI INVESTIGATION: OIG/DOJ INVESTIGATION:	(C)	NSL VIO-1296			



b1 b2 b7E b7D b7A

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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

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b2

b7E

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

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. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

(S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention, including subscriber information and electronic communication transactional records in the custody of electronic communications service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709).

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

Here, during an authorized investigation, the FBI properly served an NSL on an electronic communications service provider requesting subscriber information. In response to the properly served NSL, the FBI inadvertently obtained information beyond the scope of the NSL (electronic communication transactional records). FBI b7E identified the problem, and properly sequestered the electronic communication transactional records.

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

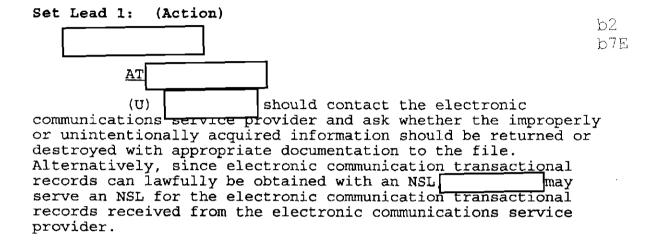
(U) should contact the electronic communications service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. Alternatively, since electronic communication transactional records can lawfully be obtained with an NSL may serve an NSL for the electronic communication transactional records received from the electronic communications service provider.

SECRET

SECRET

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

LEAD(s):



### Set Lead 2: (Info)

#### COUNTERTERRORISM

### AT WASHINGTON, D.C.

(U) For information.

#### Set Lead 3: (Action)

### INSPECTION

### AT WASHINGTON, D.C.

(U) 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 three years for possible review by the Counsel to the IOB.

Ms. Thomas b6 b7C

SECRET

Precedence:	ROUTINE		Date:	01/12/2007	
To: General	Counsel	Attn: NSLB			b6
	ction ternal Investigation ntact: CRS	s Section, IPU		3041	b7C b2
Approved By:	Miller David Ian	year Etc1	77777	ATION CONTAINEI UNCLASSIFIED	5
Drafted By:		L		-2007 BY 65179,	/DMH/KSR/F
Case ID #:	(U) 278-HQ-C122973	6-VIO (Pendi:	ng)		
Title: (U)	INTELLIGENCE OVERS INSD/IIS TRACKING# OGC/IOB# 2006		TER		
Synopsis: (U (IOB) matter Law Branch (N	J) To report a poten to the Office of Ge JSLB).	tial Intellige neral Counsel,	nce Over Nationa	sight Board al Security	É
Reference: (	(U) 278-HQ-C1229736 278-HQ-C1229736				
an EC from possible IOB is the IIS's of a performa will be condu	The Internal Inves Division da error. Based upon opinion the inciden ance issue. Therefo acted by the IIS and for whatever action	ted 07/07/2006 a review of the t described the re, no internal this matter is	, report e refere erein is l invest s being	ing a enced EC it s indicative igation relegated	b2 b7E

NSL VIO-1301

	Precedence: ROUTINE Date: 01/17/2007	
	To: SAC (Personal Attention)	
	From: Inspection Internal Investigations Section. IPU, Room 3041 Contact: CRS Ext	
	Approved By: Miller David Ian (M)  Drafted By:  (U) 263-HQ-0-U - 663 (Pending)  DECLASSIFIED BY 65179/DMH/KSR/PW	
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER b7C INSD/IIS TRACKING# 2563 OGC/IOB# 2006	
	Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.	
U)	Derived From: G-3 Declassify On: 20320117	
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1505	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1505 278-HQ-C1229736-VIO Serial 1947	
	Details: (U) Upon review of 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 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 11/16/2006 (278-HQ-C1229736, serial 2570).  THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.	
	THIS IS IN CHOCKERSTITED WHEN SELANATED FROM CHASSITIED ENCHOSURE.	

SECRET//20320117 NSL VIO-1302



# U.S. Departme of Justice

# Office of the Inspector General

	Washington, D.C. 208/g				
DATE	:	January 31, 2007			
то:		Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW		
FROM	1:	Glenn G. Powell Special Agent in Charge Investigations Division	b6 b7C		
SUBJI	ECT:	OIG Complaint No. 2007002641 Subject:  Division  FBI No. 263-0-U-663  CMS No. 2563	b2 b7E		
	for w	hatever action you deem appropriate	The information is being provided to you in accordance with your agency's policy and/or final action is not required by the		
	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.		
		<u>IMPORTA</u> !	NT NOTICE		
	IG Act believe	or because an individual has (a) requested confid	e attached OIG Report/Referral pursuant to § 7 of the entiality or (b) expressed a fear of reprisal. If you made available to your Agency, you may contact the		
			mplated, the subject of an investigation does not have a identities of complainants or witnesses, and that, <u>in all</u>		

cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act

Attachment

and the Whistleblower Protection Act.

O1G - INVESTIGATIONS DIVISION -	Complaint Form	OIG NO.:	689-2007-002641-M
Received By:	Date Received:	01/04/2007	How Received: A
SUBJECT: Title: TFO Component: FBI Misc: Home: Phone: Work: Phone:	Pay Plan: EOD Date:  ZIP:  ZIP:	D.G Alien F.B.I B.O.P D/L	.No.: 52
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date:  ZIP:  ZIP:	D. Alien F.B.I B.O.P D/L	.No.:
COMPLAINANT:  Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone: Confidential:	Pay Plan: EOD Date:  ZIP:  ZIP: Revealed:	D. Alien F.B.I B.O.P	.No.: .No.: No.:
Details:  Information received from FBI/received information. IOB #20  During an authorized investigation an electronic communication investigation. In response, the FBI Division identified information. The Office of General contact the electronic communication unintentionally acquired information to the file.	tion, the FBI properly sees provider for information to the FBI obtained information of the problem and property (OGC) advisorations service provider	erved a Nation on regarding to ion beyond the perly sequeste sed the FBI and ask wheth	al Security Letter (NSL) he target of the FBI scope of the NSL. The red the unauthorized Division to er the improperly or
It is the opinion of the OGC to ALLEGATIONS: 689 IOB Violation Occurrence Date: 06/20/2006 CITY:	hat this matter need not TIME: State:	be reported t	o the IOB. b2 b7E== Zip:
DISPOSITION DATA: Disposition:  Referred to Agency:  Patriot Act: N Civil Rights  Sensitive: N Whistleblower	Date Sent: : N Compo	Component: F	OWELL, GLENN G 7:-/ BI 63-0-U-663, 2563

NSL VIO-1304 ALL PBI IMPORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-06-2007 BY 65179/DMH/KSR/RW

OIG - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.	689-2007-002641-M
Remarks:  A search of the OIG databas	a revealed additional mate	tors involving	and
	e additional IOB matters M and 2007-0026 <u>20-M)</u> It	(2006-009161-M, should be noted	2007-001245-M, thatis also
Predicating material contai container within OIG/INV/HQ		that will be st	b70
1/31/07 - Sent to AD Kaiser	, FBI/INSD. (yht)		

kar07/24/06

# SECKET FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE	Date	:: 07/10/2006
To: Inspect General		Attn: IIS, Roc Attn: NSLB, Ro	oom 7975 b2
	TTF Ontact: TFO		b7E b6 b7C
Approved By:		<u></u>	
Drafted By:		/	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
(U) - Case ID #:	278-НQ-С1229736-	vio -1506	
Title: (U)	TFO SSA INTELLIGENCE OVERSIG	HT BOARD (IOB)	ERROR
(U) Synopsis:	To report possible		
(U) ————————————————————————————————————	Derived From Declassify On	: 0-3 CI : X1 RE	TE: 05-31-2007 ASSIFIED BY 65179/DMH/KSR/RW ASON: 1.4 (c,d) CLASSIFY ON: 05-31-2032
b1 Details:			
b2 (s) 1. b7E			
b6 b7C (s) 2.		_	
(U)b7A (S) 3. Po	ossible IOB Error:		
b1 (s) b7A			
(U) 4. De	escription of IOB Erro		
b1 (s)		,	
b2 b7E			
b6 b7C b7D			
b7A C Uller Dim G	W 1867 s	——————————————————————————————————————	
( 0 0	01/08/07 b6 b7C	NSL VIO-1306	

(U)	To: Inspection From: b2 b7E	
(S)	Re: \SY 278-HQ-C12297\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	b1 b6 b70 b70 b7 <i>P</i>
(U) ·	None of the aforementioned toll records were entered into  The additional toll records that were provided for were already requested in a previous NSL, therefore they were already entered into	b1 b6 b7C b2 b7E b7A

b2 b7E

LEAD(s):

### Set Lead 1: (Action)

### INSPECTION

### AT WASHINGTON, DC

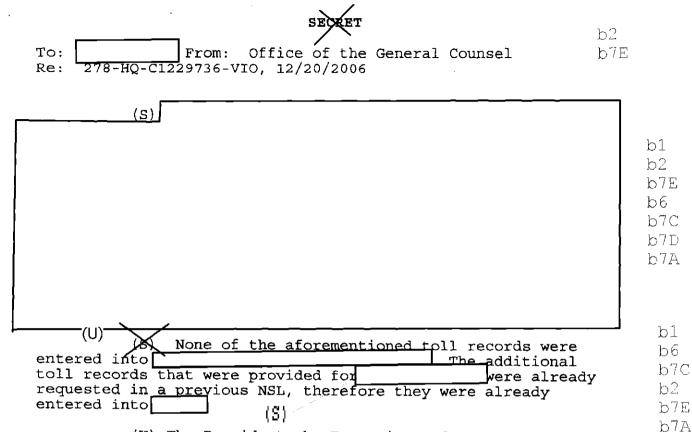
(U) For action deemed appropriate.

### Set Lead 2: (Action)

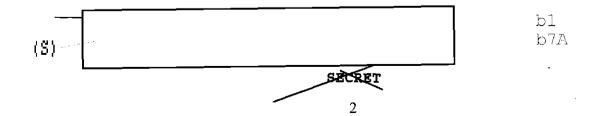
### GENERAL COUNSEL

### AT WASHINGTON, DC

(U) For action deemed appropriate.



(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.



To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

b7E

Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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. determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention, including subscriber information and toll billing records in the custody of wire communication service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) ·

Here, during an authorized investigation, the FBI properly served an NSL on a wire communication service provider requesting subscriber information and toll billing records. In response to the properly served NSL, the FBI inadvertently obtained information beyond the scope of the NSL (toll billing records for a period of time not requested, and toll billing records in response to a request for only subscriber information). FBI identified the problem, and properly sequestered the toll billing records.

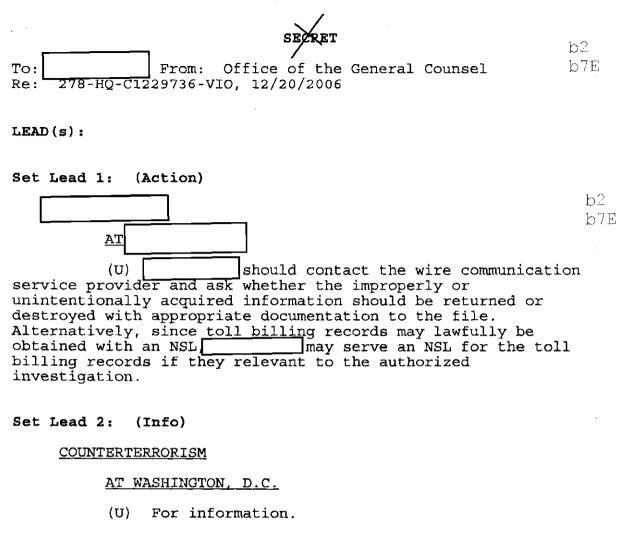
b2 b7E

b1





ro rom. Office of the General Counsel	
Re: 278-HQ-C1229736-VIO, 12/20/2006	
2	
(U) Based upon these facts, in accordance with the	
terms implementing the reporting requirements of Section 2.4	1- ()
of EO 12863, it is our opinion that this error is not	b2
	b7E
reportable to the IOB. A record of this decision should be	
maintained in the control file for future review by the	
Counsel to the IOB.	
(U)should contact the wire communication	
service provider and ask whether the improperly or	
unintentionally acquired information should be returned or	
destroyed with appropriate documentation to the file.	
Alternatively, since toll billing records may lawfully be	
obtained with an NSL,may serve an NSL for the toll	
may serve an NSL for the toll	
billing records if they relevant to the authorized	
investigation.	

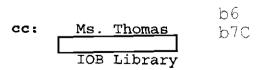


#### Set Lead 3: (Action)

### INSPECTION

#### AT WASHINGTON, D.C.

(U) 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 three years for possible review by the Counsel to the IOB.



SECKET

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Precedence:	ROUTINE		Date:	01/12/2007	
To: General	Counsel	Attn: NSLB			
	tion ernal Investigations tact: CRS	Section, IPU		3041	
Approved By:	Miller David Ian	<i>12.4</i> •0 Y/W//√ 15555	INFORMATI EIN IS UNC	ON CONTAINED LASSIFIED	
Drafted By:		DAT	T 05-31-20	07 BY 65179/DNH	/KSR/RW
Case ID #:	 (U) 278-HQ-C1229736	-VIO (Pendi	ng)		b6 b7C
Title: (U)	INTELLIGENCE OVERSI INSD/IIS TRACKING# OGC/IOB# 2006		TER		b2
<b>Synopsis:</b> (U (IOB) matter Law Branch (N	) To report a potent to the Office of Gen SLB).	ial Intellige eral Counsel,	nce Over Nationa	ssight Board al Security	Ė
Reference: (	U) 278-HQ-C1229736- 278-HQ-C1229736-				b2
an EC from possible IOB is the IIS's administrative will be condu	The Internal Invest Division dat error. Based upon a opinion the incident e in nature. Theref cted by the IIS and or whatever action t	ed 07/10/2006 review of th described th ore, no interthis matter i	, report e refere erein is nal inve s being	cing a enced EC it s estigation relegated	

# SECRET//20320117

# FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date:	01/17/2007	
To:	At	.tn: SAC	(Personal	Attention)	
In	ction ternal Investigations S ntact: CRS	Section. I	PU, Room I	3041	
Approved By:	Miller David Ian	1	DECLASSIFIED ON 05-31-200	BY 65179/DMH/KSR. 7	/RW
Drafted By:		]		b2 b7E	Ē
Case ID #:	(U) 263-HQ-0-U - 664	(Pendin	ıg)	b6	
Title: (U)	INTELLIGENCE OVERSIGH INSD/IIS TRACKING# 25 OGC/IOB# 2004		IATTER	b7(	2
Intelligence the Internal willful misco corrective ac	U) To advise that capti Oversight Board (IOB) Investigations Section onduct. This matter is ction as appropriate.  Derived From: Declassify On:	violation (IIS), a returned Case clos	has been and is not to the fixed at IIS.	reviewed by considered leld for	
Enclosure(s)	: (U) 278-HQ-C1229736-	VIO Seria	1 1506		
Reference:	(U) 278-HQ-C1229736-VI 278-HQ-C1229736-VI				
report of a prindicative of	) Upon review of potential IOB violation willful misconduct. rate and/or aggravated	, IIS did	addresses	the matter allegations	b2 b7E
brought to ou National Secu	) IIS recognizes and apur attention as requiredurity Law Branch/OGC EC 9736, serial 2570).	d by the	revisions	matter was mandated by	
THIS EC IS UN	NCLASSIFIED WHEN SEPARA	TED FROM	CLASSIFIE	ENCLOSIDE	

SESRET//20320117 NSL VIO-1314



### U.S. Departme of Justice

### Office of the Inspector Cenural

DATE:	Washington, D.C. 20230  ATE: January 29, 2007					
то:		Kenneth W. Kaiser  ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  Assistant Director DATE 05-31-2007 BY 65179/DMH/KSR/I Inspection Division Federal Bureau of Investigation				
FROM	:	Glenn G. Powell Special Agent in Charge Investigations Division	b6			
SUBJE	CT:	OIG Complaint No. 20070024 Subject  Division  FBI No. 263-0-U-664 CMS No. 2564	b7C b2 b7E			
	for w	hatever action you deem approp	ter. The information is being provided to you priate in accordance with your agency's policy ings and/or final action is not required by the			
I I		matter is referred to your agenc a copy of your final report on th	ey for investigation. Please provide the OIG nis matter.			
	This	complaint will be investigated b	y the OIG.			
		IMPO	RTANT NOTICE			
			from the attached OIG Report/Referral pursuant to § 7 of the			

believe that it is necessary that redacted information be made available to your Agency, you may contact the

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

Attachment

Assistant Inspector General for Investigations.

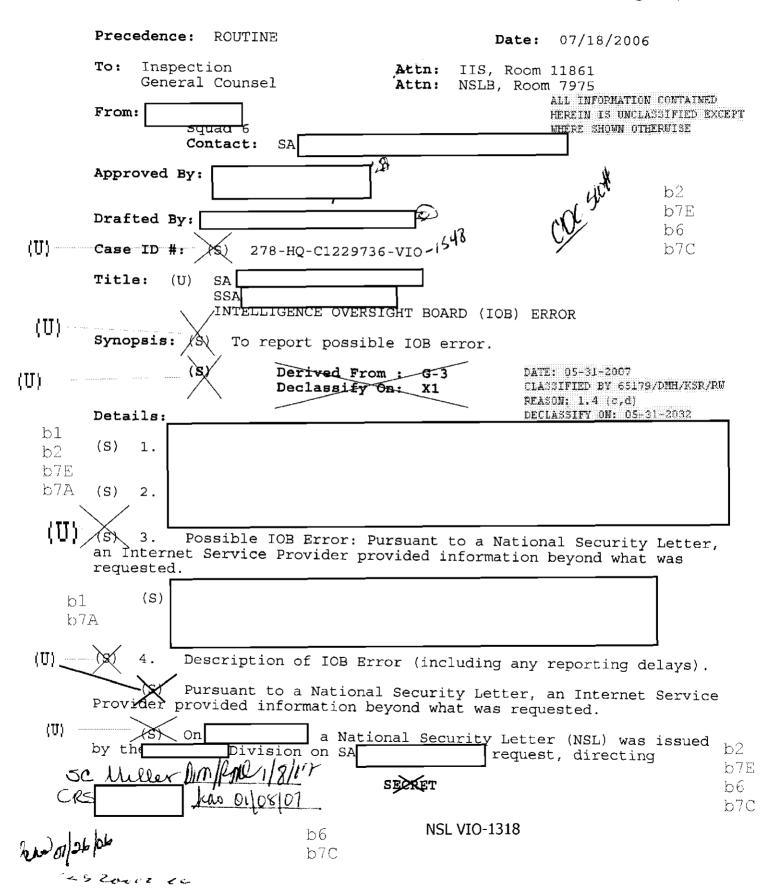
and the Whistleblower Protection Act.

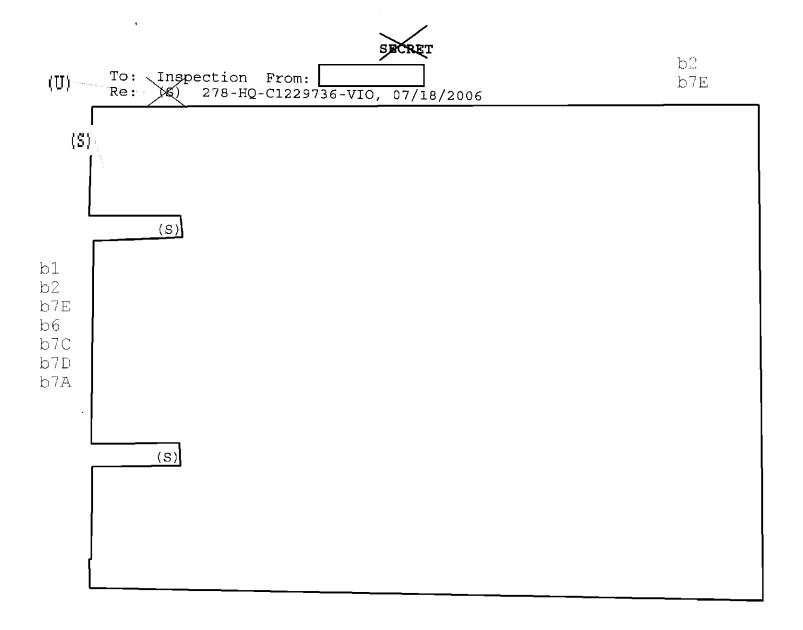
OIC - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.	689-2007-002620 M
Received By:	Date Received:	01/04/2007	How Received: A
SUBJECT: Title: TFO Component: FBI Misc: Home: Phone: Work:	Pay Plan: EOD Date:  ZIP:	D.C Alier: F.B.I B.O.P D/L	.No.: b7C
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	D.G Allen F.B.I B.O.P D/L	.No.:
COMPLAINANT:  Title: SSA Component: FBI Misc: Home: Phone: () - Work: , Phone: Confidential:	Pay Plan: EOD Date:  ZIP: Revealed:	O. Allen F.B.I B.O.P	.No.: .No.: No.:
Details: information received from Fireceived information. 10B  During an authorized invest on a communications provide In response, the FBI obtain Division identified the profofice of General Counsel (communications service province or destroyed with	#2006 igation, the FBI properly so a for information regarding ed information beyond the soblem and properly sequester OGC) advised the FBI ider and ask whether the until the appropriate documentation	served a National the target of scope of the NS: sed the unautho Divísion authorized infaton to the file	al Security Letter (NSL) the FBI investigation.  L. The FBI rized information. The to contact the commutation should be b2.
ALLEGATIONS: 689 IOB Violat Occurrence Date: 06/29/2006 CITY:	ion TIME: State		Zip:
DISPOSITION DATA: Disposition Referred to Agency: Patrio' Act: N Civil Rig Sensitive: N Whistleblo	Date Sent:	Component: F	OWELL, GLENN G TO A BI 63-0-U-664, 2564

Remarks:

A search of the OIG database revealed four additional potential IOB matters (2006-009161-M, 2007-001245-M, 2007-001248-M and 2007-001276-M) involving As well as, one additional matter (2005-001465-M) involving and Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.

1/29/07 - Sent to AD Kaiser, FBI/INSD. (yht)





LEAD(s):

Set Lead 1: (Action)

INSPECTION

### AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

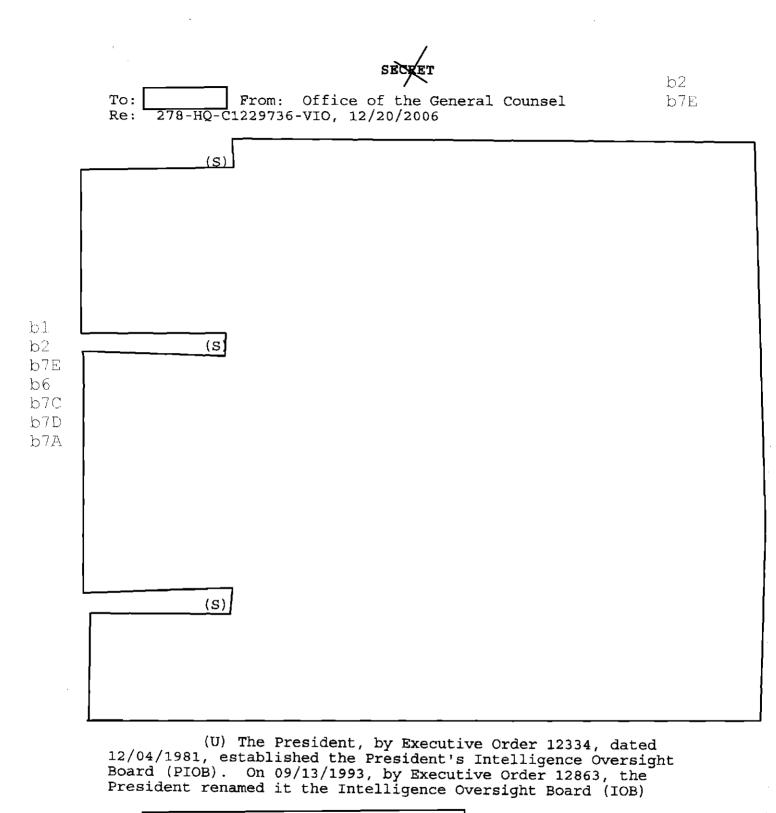
### AT WASHINGTON, DC

(U) For action deemed appropriate.



	Precedence:	ROUTINE			1	Date:	12/	/20/	2006	
	To:		b2 b7E	Attn:	SAC CDC					
	Counter	terrorism	b6 b7C	Attn:	ITOS	1, 0	ONUS	4,	TEAM	16
	Inspect	ion		Attn:	IIS	THE 12 (1971)	IFORMAT			
	From: Office of the General Counsel WHERE SHOWN OTHERWISE  NSLB/CTLU1/LX1 Room 3S119/ Contact: UC									heart Fil
	Approved By:	Thomas Jul:	ie F	M		na delicana	05-31	2057		
U) ·····	Drafted By:			]	49	CLASS PEASC	IFIED : N: 1.4	8Y 65 (c)	179/DN	H/KSR/RV
	Case ID #:	<b>8</b> 278-HQ-C:	1229736-	VIO (Pe	nding	) DECLA	SSIFY	gn: O	5-31-2	USZ
(U) ······	Title: INTELLIGENCE OVERSIGHT BOARD MATTER 2006									
<b>U)</b>	Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.									
Derived From: 9-3 Declassify On: 20311220										
(U) · ····	Reference:	278-HQ-0	C1229736	-VIO se	rial 1	1548		•		
(U)	Details: Some that OGC revidetermine whe explained be report this	ether it war: low, in our o	s of the rants repopinion,	caption porting	ned ma	he IO	B. A	ıs		b2 b7E

	7 sect	ET
OIG/DOJ REVIEW:	DATE: 1 4-07	b6 b7C
FBI INVESTIGATION:	(pa)	NSL VIO-1321
OIG/DOJ INVESTIGATION:		



(S)

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To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

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and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

- Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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. 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. determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.
- (U) (S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention, including subscriber information and electronic communication transactional records in the custody of electronic communications service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709).

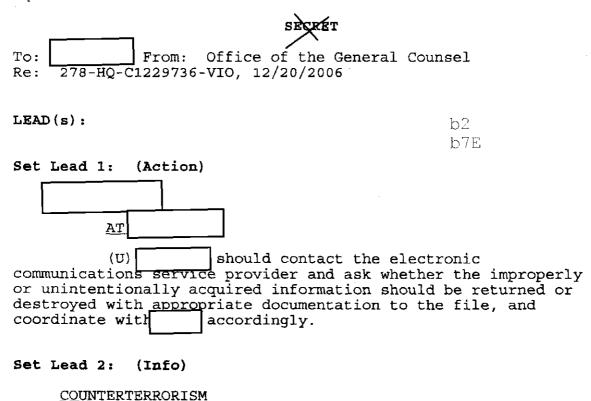
  NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) (S) Here, during an authorized investigation, the FBI properly served an NSL on an electronic communications service provider requesting subscriber information and electronic communication transactional records. In response to the properly served NSL, the FBI inadvertently obtained information beyond the scope of the NSL (email content

SECRET



To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006	
information). The FBI identified the problem, and properly sequestered the content information.	b2 b7E
(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.	
(U) should contact the electronic communications service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file, and coordinate with accordingly.	



### AT WASHINGTON, D.C.

(U) For information.

### Set Lead 3: (Action)

### INSPECTION

### AT WASHINGTON, D.C.

(U) 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 three years for possible review by the Counsel to the IOB.

cc:	Ms. Thomas	b6 b7C
	IOB Library	

SECRET

.

Precedence:	ROUTINE		Date:	01/12/2007		
To: General	Counsel	Attn: NSLB				
Con	ternal Investigations	Ex:		041		
Approved By:	Miller David Ian	Jean Geli				
Drafted By: [ Case ID #:	(U) 278-HQ-C1229736	5-VIO (Pendi	ng)	b6 b7C b2		
Title: (U)	INTELLIGENCE OVERSI INSD/IIS TRACKING# OGC/IOB# 2006		TER			
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- 278-HQ-C1229736-				<b>1</b> - 0	
an EC from possible IOB is the IIS's administrative will be condu	The Internal Invest Division dated error. Based upon a opinion the incident of in nature. Therefacted by the IIS and for whatever action to the second secon	l 07/18/2006, : review of the described the fore, no intern this matter is	reportine refere erein is nal inve s being	g a nced EC it stigation relegated	b2 b7E	

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW

	Precedence: ROUTINE Date: 01/17/2007	7				
	To: SAC (Personal Attention)					
	From: Inspection Internal Investigations Section. IPU, Room 3041 Contact: CRS Ext Ext					
	Approved By: Miller David Ian Off	aj				
	Drafted By:  Drafted By:  Drafted By:  DECLASSIFIED BY 65179/DMH/KSR/F	<b>b</b> 2				
	Case ID #: (U) 263-HQ-0-U - 666 (Pending)	b7E b6				
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2579 OGC/IOB# 2006	b7C				
U)	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.  Derived From: 9-3 Declassify On: 20320117					
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1548					
	Reference: (U) 278-HQ-C1229736-VIO Serial 1548 278-HQ-C1229736-VIO Serial 1949	b2				
	Details: (U) Upon review of Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegation where deliberate and/or aggravated misconduct is evident.	b7E				
	(U) IIS recognizes and appreciates that this matter wa 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).	s Y				
	THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE					

SECRET//20320117 NSL VIO-1327



### U.S. Departme. of Justice

### Office of the Inspector Central

DATE:		Washington, D.C. 705/0  January 29, 2007				
TO: FROM:		Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSB/RU			
		Glenn G. Powell Special Agent in Charge Investigations Division				
SUBJE	ест: [	OIG Complaint No. 2007002617 Subject:  Division FBI No. 263-0-U-666 CMS No. 2679 2.5 7 9	b6 b7C b2 b7E			
	for w	natever action you deem appropriate i	e information is being provided to you n accordance with your agency's policy d/or final action is not required by the			
	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.					
		<u>IMPORTAN</u>	<u>r notice</u>			
	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, <u>in all cases</u>, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act

Attachment

and the Whistleblower Protection Act.

OIG - INVESTIGATIONS DIVISION -	Complaint Form	OIG NO.	689-2007-002617-M			
Received By:	Date Receiv	red: 01/04/2007	How Received: A			
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: , , Phone:	Pay Plan: EOD Date:  ZIP  ZIP:	Alie: F.B. B.O.	SSNO: .0.B.: n No.: I.No.: P.No.: b6 enses: 689 b7C			
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () Work: Phone:	Pay Plan: EOD Date:  ZIP:  ZIP:	Alie: F.B. B.O. D/3	SSNO: .O.B.: n No.: I.No.: P.No.: L No.: enses: 689			
Details:  The FBI provided information reporting a possible IOB matter involving information improperly received. IOB #2006  During an authorized investigation, the FBI properly served a National Security Letter (NSL) on an electronic communication service provider for information regarding the target of the FBI investigation. In response, the FBI obtained information beyond the scope of the NSL. The FBI Division identified the problem and indicated that the excess information will be removed from the stand-alone computer, sequestered and stored pending further determination.  It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.  ALLEGATIONS: 689 IOB Violation						
Occurrence Date: 03/17/2006 CITY:	TIME: State:		b^2 	2 7 E		
Patriot Act: N Civil Rights: Sensitive: N Whistleblower:	Date Sent:	Component:	POWELL, GLENN G デン FBI 263-0-U-666, 2679			
Remarks:  A search of the OIG database reinvolving  Predicating material contains container within OIG/INV/HQ.  1/29/07 - sent to AD Kaiser, FE	classified informatio		#2003-00875-M: tored in a secure	b6 b7C		

NSL VIO-1329
ALL FBI INFORMATION CONTAINED
HERELN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179/DMI/KSE/RW

# SECRES 20310911 FEDERAL BUREAU OF INVESTIGATION

09/11/2006 Date: Precedence: ROUTINE b2Attn: IIS, Room 11861 Inspection / b7E To: Attn: NSLB, Room 7975 General Counsel b6 b7C From: CI-1 Contact: ALL INFORMATION CONTAINED Approved By: HEREIN IS UNCLASSIFIED EXCEPT Drafted By: (U) ----278-HO-C1229736-VIO Case ID #: DATE: 05-31-2007 CLASSIFIED BY 65179/DMH/KSR/RW PEASON: 1.4 (c,d)  $(\mathbf{U})$ DECLASSIFY ON: 05-31-2032 Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR To report possible IOB error. (U)Synopsis: Derived From : G-3 (U) b1 Details: b2 b7E (S) 1. b6 b7C (S) 2. Possible IOB Error: b1(S) Description of IOB Error (including any reporting (S) b1 b7D SECRET 20310911 Sc. Miller amp

b6

b7C

**NSL VIO-1330** 

(U) Re: 278-HQ-C1229736-VIO, 09/11/2006

(S) (S) (S) (S) (S)

To: Inspection From: Re: (\$\frac{278-HQ-C1229736-VIO, 09/11/2006}{}

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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SECREST//20310911

### **FEDERAL BUREAU OF INVESTIGATION**

	Precedence:	ROUTINE	b2		Da	te: 12/18/2006	
	To:	]	b7E b6 b7C	Attn:	SAC CDC SSA SA		
	Counter	intelligence		Attn:	UC CD-	2C ALL INFORMATION CONTAINED	
	Inspect	ion		Attn:	IIS	HEREIN IS UNCLASSIFIED EX WHERE SHOWN OTHERWISE	CEPT
	NS	e of the Gen LB/CILU/Room ntact: AGC		insel /			
	Approved By:	Thomas Jul	ie FOO	3)		DATE: 05-31-2007 CLASSIFIED BY 65179/DMH/ REASON: 1.4 (c)	***************************************
	Drafted By:			1	941	DECLASSIFY ON: 05-31-203	<b>(2</b>
(U)	Case ID #:	278-HQ-C	1229736-	VIO (Pe	nding)		
U)	Title: (S)	INTELLIGEN MATTER 200	CE OVERS	SIGHT BO	ARD		,
(U)	Counsel (OGC Intelligence	) that this Oversight B n the contro	matter i oard (IC l file f	s not r B). Ra	eportabl ther, it		
	(ט		ved From				
(U) ···	from th potential IO	from the fol Field Of B matter; (2	lowing s fice ) Nation	ources: tal Secu telepho	(1) EC o OGC re rity Let ne conve	ation (EC) contains dated 09/11/2006 eporting a tter issued by ersations between 006 and 12/15/2006.	b2 b7E b6 b7C
(U) -	Reference:		278-HQ-C	1229736	V <b>30</b> - Serial	1629	
			SE	RET		•	
					b6		
	OIG/DOJ REVIEW:	DATE	14.		b70		
	FBI INVESTIGATI OIG/DOJ INVESTI	ON: (A)		NSL	VIO-1333		
	しょうしいしょ はりとしまし						



To: From: Office of the General Counsel Re: 278-HO-C1229736-VIO, 12/18/2006

Details: By EC dated 09/11/2006 requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.	b2 b7E
Letter (NSL) pursuant to 18 U.S.C. § 2709 seeking subscriber information for a telephone number relating to a subject of an investigation. On 09/06/2006, obtained the NSL results from the service provider. After a review, on 09/11/2006, determined that the service provider not only provided the subscriber information as requested pursuant to the NSL, but also provided additional information, such as, all outbound telephone calls placed through the service provider's system did not review or listen to the unsolicited records	

- (U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.
- Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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



From: Office of the General Counsel Re: 278-HO-C1229736-VIO, 12/18/2006

b2 b7E

b1

b2

b7E

Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

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

In this investigation issued a lawful NSL to the service provider, and received in response information both within and beyond the scope of the NSL requested subscriber information for a telephone number relating to the subject. However, due to service provider error, additional information was provided quickly determined that the additional information was beyond the scope of the NSL did not review or listen to the unsolicited records erroneously provided by the service provider. The erroneously provided information should be segregated to protect the potential privacy interests of United States persons. Further should contact the service provider and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

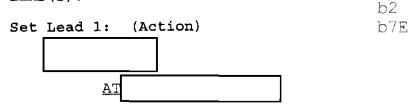
(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB¹. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

It is noted that in the past third-party errors were reported to the IOB. However, by letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the OGC, but are not reportable to the IOB.

## SECKET

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/18/2006

### LEAD(s):



(U) should contact the service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

### Set Lead 2: (Info)

### COUNTERINTELLIGENCE

### AT WASHINGTON, DC

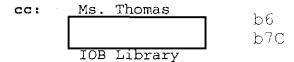
(U) For information.

### Set Lead 3: (Action)

### INSPECTION

### AT WASHINGTON, DC

(U) 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 three years for possible review by the Counsel to the IOB.



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# **FEDERAL BUREAU OF INVESTIGATION**

Precedence:	ROUTINE	Date	01/12/2007
To: General	Counsel At	tn: NSLB	
	ction ternal Investigations S ntact: CRS	ection, IPU, Roc	om 3041
Approved By: Drafted By:	Miller David Ian	HEREIN IS	MATION CONTAINED UNCLASSIFIED 1-2007 BY 65179/DMH/KSR/RU
Case ID #: Title: (U)	(U) 278-HQ-C1229736-V INTELLIGENCE OVERSIGH INSD/IIS TRACKING# 28 OGC/IOB# 2006	T BOARD MATTER	b6 b7C b2
	U) To report a potentia to the Office of Gener NSLB).		
Reference:	(U) 278-HQ-C1229736-VI 278 Ser: 278-HQ-C1229736-VI	ial 28	b2 b7E
an EC from IOB error. IIS's opinion nature. Thereby the IIS and	Division dated 09 Based upon a review of the incident describe refore, no internal invent this matter is being ion they deem appropria	1/11/2006, report the referenced I d therein is addressigation will relegated to the	ting a possible b2 BC it is the b7E ministrative in b7E be conducted

NSL VIO-1337

# SECRET//20320117

# FEDERAL BUREAU OF INVESTIGATION

Precedenc	e: ROUTINE	Date:	01/17/2007
To:	Att	tn: SAC (Personal	Attention)
From: In	spection Internal Investigations Se Contact: CRS	Ext.	
Approved	By: Miller David Ian	DECLASSIFII ON 05-31-20	ED BY 65179/DMH/KSR/RW 907
Drafted B	y:		b2
Case ID #	(U) 263-HQ-0-U - 670	(Pending)	b7E b6
Title: (	U) INTELLIGENCE OVERSIGH INSD/IIS TRACKING# 28 OGC/IOB# 2006		b7C
Intellige the Inter willful m	(U) To advise that caption of the control of the co	violation has beer (IIS), and is not returned to the f	n reviewed by considered Field for
(U)	Derived From : Declassify On:	G-3 20320117	
Enclosure	e(s): (U) 278-HQ-C1229736-	VIO Serial 1629	
Reference		al 28	<b>b</b> 2
indicativ	(U) Upon review of ential IOB violation, IIS does not willful misconduct. The iberate and/or aggravated in the control of the	id not find the ma IIS only addresses	oned report b7E atter s allegations
National	(U) IIS recognizes and appoint of a cour attention as required Security Law Branch/OGC EC 21229736, serial 2570).	d by the revisions	s mandated by
THIS EC I	S UNCLASSIFIED WHEN SEPARA	red from classifii	ED ENCLOSURE.
**	•		

SECRET//20320117 NSL VIO-1338



### U.S. Departme. of Justice

### Office of the Inspector General

		Washington, D.C. 20530
DATE:	January 25, 2007	
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FEI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 55179/DMH/KSR/RW
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division	b2 b7E
SUBJECT:	OIG Complaint No. 2007002557 Subject: FBI No. 263-0-U-670 FBI CMS No. 2854	
for w	vhatever action you deem appropriate regulations. A copy of your findings a	he information is being provided to you in accordance with your agency's policy and/or final action is not required by the
	matter is referred to your agency for a copy of your final report on this ma	investigation. Please provide the OIG tter.
This	complaint will be investigated by the	OIG.
	<u>IMPORTAN</u>	NT NOTICE
IG Ac believ	t or because an individual has (a) requested confident	e attached OIG Report/Referral pursuant to § 7 of the entiality or (b) expressed a fear of reprisal. If you nade available to your Agency, you may contact the
Please	be advised that, where adverse action is not conte	mplated, 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

Attachment

and the Whistleblower Protection Act.

OIG - INVESTIGATIONS DIVISION -	Complaint Form	OIG NO.	689-2007-002557	7 <b>-</b> M
Received By:	Date Received:	01/04/2007	How Received:	A
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () -	Pay Plan: EOD Date: ZIP:	D.C Alien F.B.I. B.O.P. D/L	No.:	
Phone:	ZIP:			
SUBJECT: Title: SSA Component: FB1 Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date:  ZIP:  ZIP:	D.C Alien F.B.I. B.O.P. D/L	.No.:	b6 b7C b2
COMPLAINANT: Title: ATTY Component: FBI Misc: Home: Phone: () - Work: , Phone: Confidential:	Pay Plan: EOD Date:  ZIP:  ZIP: Revealed:	D.O Alien F.B.I B.O.P	.No.: .No.: No.:	
On April 17, 2006 a National Service provider. The results the results on by FB.  It is the opinion of the Office to the IOB. (dz)  ALLEGATIONS: 689 IOB Violation Occurrence Date:	Security Letter (NSL) was not the NSL were obtained revealed that the inf	served to a wide on supplementation supplementation supplementation supplementation supplementations and supplementations are supplemen	A revi	ed to
		7		
DISPOSITION DATA: Disposition: Referred to Agency: FBI Patriot Act: N Civil Rights Sensitive: N Whistleblowe:	Date Sent: 01/24/2007  S: N Compor  T: N Consolidated (	Component: Fl nent Number: 20 Case Number: DATE: 05-31-20 FBI INFO.	63-0U-670, 28 907 65179/DMH/KSP/RW	5 ≟

Page 1 of 2 Printed 01/25/2007 9:44:24

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.

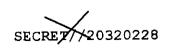
689-2007-002557<del>-</del>M

### Remarks:

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

01/25/07-Sent to Kaiser/FBI/INSD. (dz)

NSL VIO-1341



- 354

# FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date:	02/28/2007	b2
	To: General	Counsel	Attn:	NSLB/CILU/ AGC	Room 7947	b7E b6
	Counter Inspect	intelligence ion	Attn: Attn: Attn:	CD-2C, Roo		b7C
	From:	•			ALL INFORMATION HEREIN IS UNCLA WHERE SHOWN OTH	SSIFIED EXCEPT
	Co Approved By:	ntact: SA			DATE: 05-31-2007 CLASSIFIED BY 651	79/DMH/KSR/RW
)TT (	Drafted By:				REASON: 1.4 (c) DECLASSIFY ON: 0.5	
(U)	Case ID #:	5) 278-HQ-C1229736- 278-	-VIO ( <u>P</u> ending	(Pending) - 2	216 <u>14</u>	b1 b2
		INTELLIGENCE OVERS	SIGHT BO	DARD	b2	b7E
(U)	authorization acquired inf	To document control to destroy improper formation pursuant to the NSLB, CILU.	erly or	unintentior	nally	
(U) ·		Derived From Declassify	m : G : On: 02	3 / <del>28/2</del> 032	بر ح <b>س</b> ر	ser 1629
(U) —	facts of the warranted readvised matter to the service provunintentions	On 09/11/2006 captioned matter a porting to the IOB. that the FBI was 10B. However, rider and ask whether ally acquired informath appropriate documents.	nd determent By EC not record was record with a second record rec	rmine whether dated 12/18 quired to restance to me advised to mproperly or hould be restance.	er it 8/2006, OGC eport the o contact the r turned or	b2 b7E b1 b2
Γ	(5	3)				b7E b6
Ţ		SECRET	Y <b>2</b> 03202			b7C b7D
		5_51_57				

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b2 b7E

it returned. On 02/28/2007 destroyed the improperly or unintentionally acquired information according to FBI protocol.

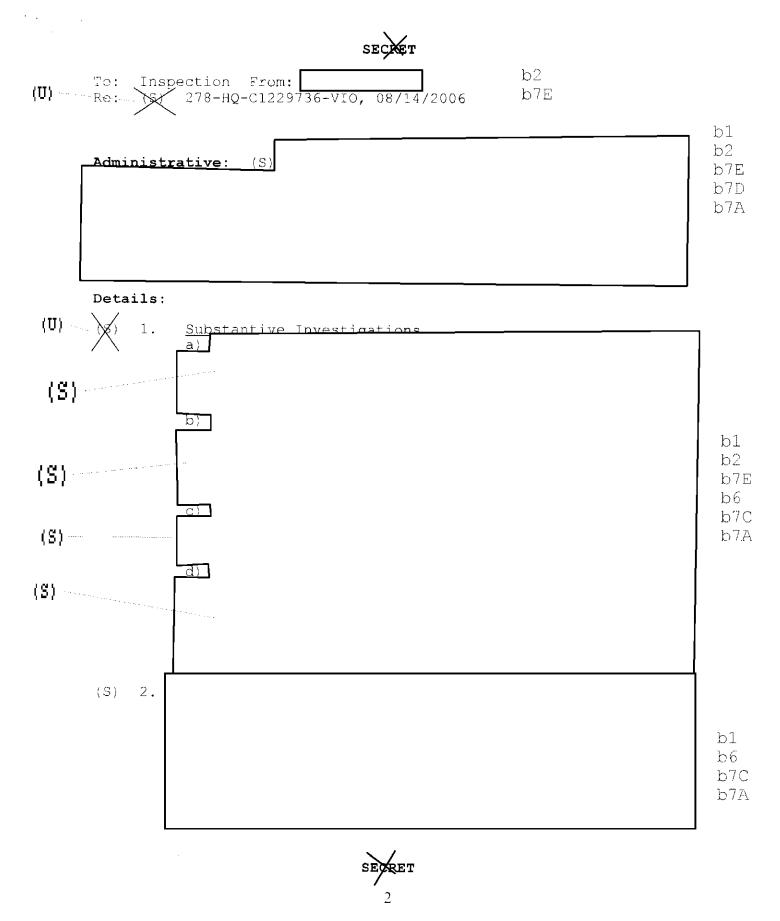
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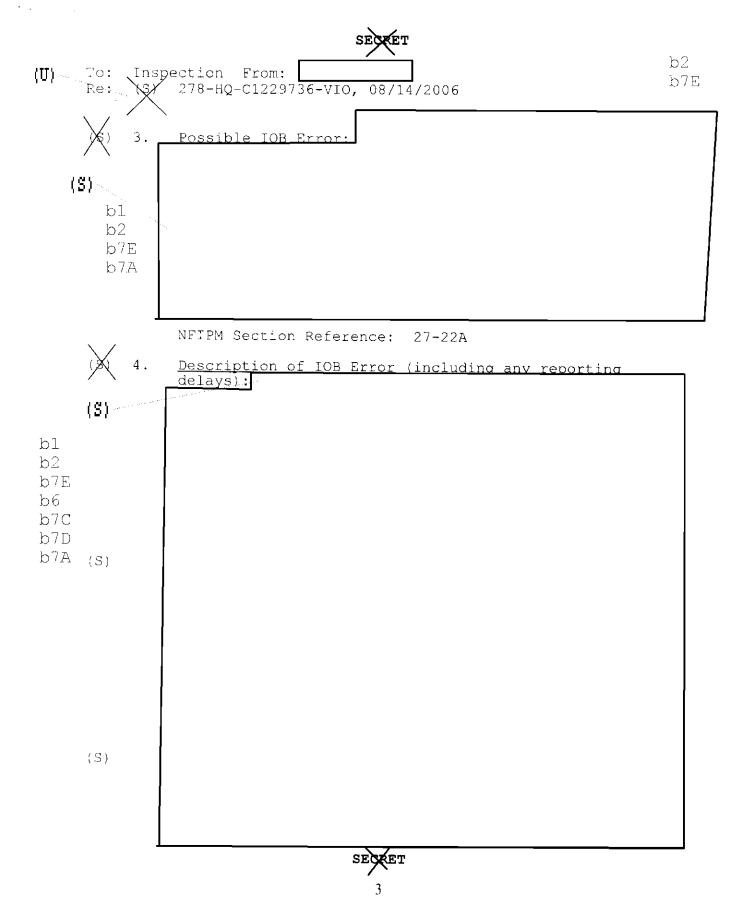


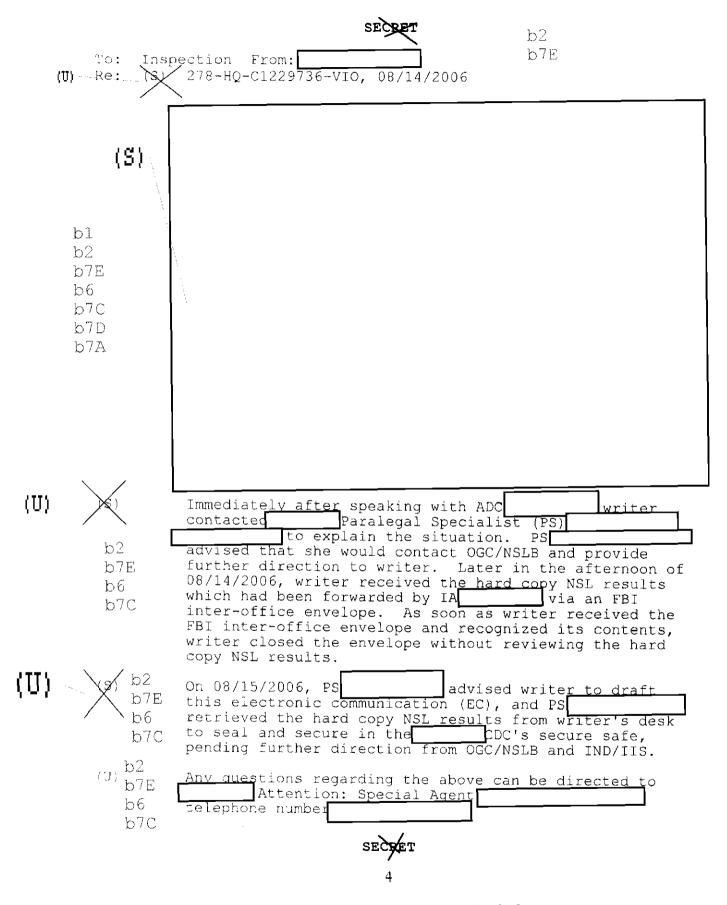
# FEDERAL BUREAU OF INVESTIGATION

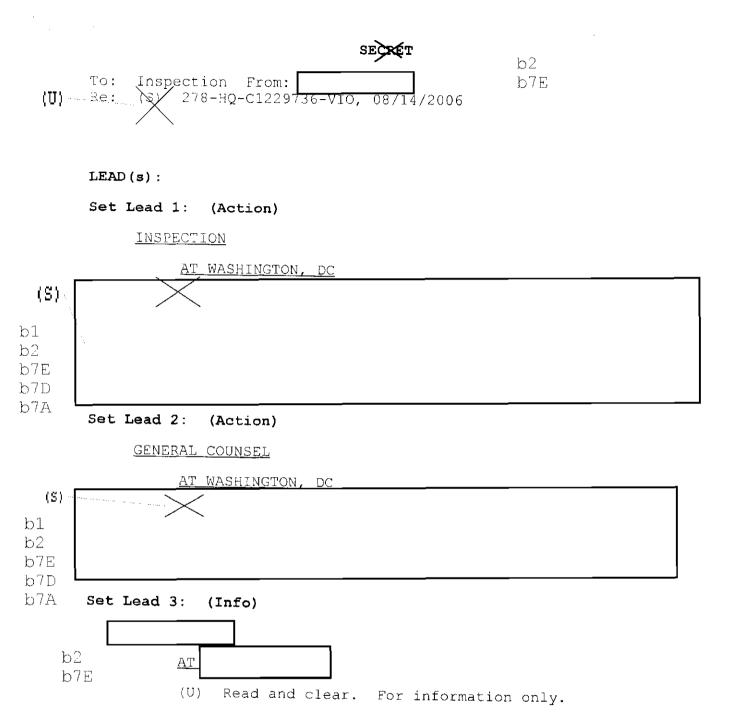


Precedence: ROUTINE		<b>Date:</b> 08/14/200	
To: Unspection	Attn:	Internal Investigat: Section (IIS). Room CRS	
General Counsel	Attn:	National Security La (NSLB), Room 7947 Deputy General Co	aw Branch
	Attn:	Julie F. Thomas Office of Division ( CDC ADC	Counse]
From: Foreign Count Contact: SA	terintelligence (	FCI) Squad, Room 421	<u> </u>
Approved By:			
Drafted By:		CLASSIFIED REASON: 1.4	BY 65179/DMH/KSR/PW
(U) Case ID #: (278-HO- (S) (S) (S) (S) (S)	-C1229736-VIO (		b1 b2 b7E b7A
U) Title: SA SSA INTELLIGE	NCE OVERSIGHT BOX	ARD (IOB) MATTER	b6 b7C
<b>Synopsis:</b> (U) To repo provider error.	ort possible IOB	matter resulting from	a
(U) Der Dec	rived From : FBI classify On: 08/	SCG #3, October 1997 14/2031	
Reference: (S)			b1 b2 b7E b7A
	o6 7C <b>NS</b> L	. VIO-1344	,









SECRET

# SECRET

# FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTI	NE	Date:	12/14/2006	
b2 b7E	To:	Attn	: SAC ASAC		
b6 b7C			SSA SA		
		Attn	: CDC ADC		
	Inspection	Attn	: IIS, CRS		
	From: Office of the NSLB/CILU Contact:	ne General Counsel J/Room 7947 / AGC		ALL INFORMATION CONTAI	TATES IN
		as Julie F(\)		HEREIN IS UNCLASSIFIED WHERE SHOWN OTHERWISE	** ::::::::::::::::::::::::::::::::::::
JTTL	Drafted By:		1945 i	ATE: 05-31-2007	
(U)	Case ID #: /S 278	B-HQ-C1229736-VIO (	Pending)	LASSIFIED BY 65179/DM PEASON: 1.4 (c,d)	H/KSR/RW
(U) · · · · · · ·	Title: S INTERMATTE	LIGENCE OVERSIGHT I		DECLASSIFY ON: 05-31-2	032
(U)	Synopsis: (S) It Counsel (OGC) that Intelligence Oversimaintained in the other IOB. Our analy	.gnt Board (10B). E	reportable t	to the	
	(U)	Derived From : G- Declassify On: 25	-3 5 <b>X1</b>		
(U)	Reference:	278-HQ-C12297	36-VIO Seria	1 1633(Pandina)	1
		(S) (S) (S)			b1 b7A b2
(U) [	Details By E requested	C dated 08/14/2006, that OGC review the	the facts of the	Field Office	┛ b7E
	matter and determin	e whether it warran	ts reporting	to the IOB. As	b2 b7E
		SECRET		·	
		•	h G		
	OIG/DOJ REVIEW:	DATE: 1-4-6)	b6 b7C <b>SL VIO-1349</b>		
	FBI INVESTIGATION: / OIG/DOJ INVESTIGATION:		SL VIU-1349		
	CINING HARASIMUSION				

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

explained below, in our opinion, the FBI is not required to report this matter to the IOB. (S) b1 b2 b7E b7D b7A b1 (S) b2 b7E b6 b7C b7D b7A (S)b1 **b**2 b7E b6 b7C b7A

b2

b7E

b7D

	To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006	b1
(S)		
	(S) In response to the properly served NSLs, however, erroneously provided information beyond the scope of the NSLs. Through no fault of the FBI, the FBI obtained complete credit	
	reports pertaining to subjects of foreign counterintelligence	_ bl

- Through no fault of the FBI, the FBI obtained complete credit reports pertaining to subjects of foreign counterintelligence investigations. When the case agent received the NSL results, he immediately sealed and sequestered them. This excess information currently is sequestered in the safe of the Counsel.

  (U) The President, by Executive Order 12334, dated

  12/04/1981 established the President's Intelligence Oversight
- (U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.
- (U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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 Executive Order 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.
- (U) 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. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such



To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

b7E

administrative violations must be reported as potential IOB matters.

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

(U) Here, during the course of several authorized foreign b1counterintelligence investigations, the FBI served\_\_ The NSLs requested lawful information and were properly served. b7D In response provided the FBI with information outside the scope of the NSLS and with information that was not permitted b2 b7E under 15 U, S C & S 1681u(a) and (b). In other words, an error on the part of resulted in the unintentional acquisition of b7A information by the FBI. b1(U) carrier's mistake is not reportable to the IOB as b7D (S) · the FBI has not acted unlawfully or contrary to Free 🗝 Order b2 or Presidential Directive. | should contact and ask b7E whether the unintentionally acquired information should be b7A returned or destroyed with appropriate documentation to the file.

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





To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

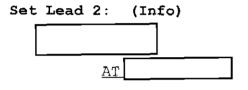
LEAD(s):

Set Lead 1: (Action)

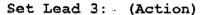
INSPECTION

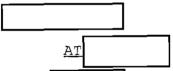
### AT WASHINGTON, DC

(U) INSD should retain a record of the report of the b2 potential IOB matter, as well as a copy of the OGC opinion b7E concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.



(U) For information.





(U) should contact the carrier and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

ca:	Ms.	Thomas	
	LOB	Library	b6
	100	DIDIGIY	b7(
4 4			

# **FEDERAL BUREAU OF INVESTIGATION**

Precedence:	ROUTINE	Date:	01/12/2007	
To: General	Counsel Attn: NSLB			
Con	ternal Investigations Section, IPU		3041	b6 b7C b2
Approved By:			ATION CONTAINED	
Drafted By:	<del></del>		UNCLASSIFIED -2007 BY 65179/	DMH/KSR/RW
Case ID #:	(U) 278-HQ-C1229736-VIO (Pendir	ng)		
Title: (U)	INTELLIGENCE OVERSIGHT BOARD MATTINSD/IIS TRACKING# 2855 OGC/IOB# 2006	ΓER		
	J) To report a potential Intelligen to the Office of General Counsel, NSLB).			ī
Reference: (	(U) 278-HQ-C1229736-VIO Serial 16 278-HQ-C1229736-VIO Serial 19			
an EC from IOB error. EIIS's opinior nature. Thereby the IIS ar	The Internal Investigations Sector Division dated 08/14/2006, research the reference the incident described therein is refore, no internal investigation and this matter is being relegated to they deem appropriate.	eporting ced EC i s admini will be	g a possible it is the istrative ir conducted	b2

# SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE Date: 01/17/2007	
	To: SAC (Personal Attention)	
	From: Inspection Internal Investigations Section. IPU, Room 3041 Contact: CRS Ext	
	Approved By: Miller David Ian DECLASSIFIED BY 65179/DMH/KSR/RW	
	Drafted By: b2	
	Case ID #: (U) 263-HQ-0-U - 671 (Pending) b7E	
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2855 OGC/IOB# 2006	
	Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.	
(U)	Derived From: G-3 Declassify On: 20320117	
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1633	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1633 278-HQ-C1229736-VIO Serial 1945	
	Where deliberate and/or aggravated misconduct is evident	)2 )7E
	(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.	
	<b>**</b>	

**NSL VIO-1355** 



### U.S. Departme. of Justice

### Office of the Inspector General

		Washington, D.C. 20530
DATE:	January 25, 2007	
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSE/RW
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division	b2
SUBJECT:	OIG Complaint No. 2007002560 Subject: FBI No. 263-0-U-671 FBI CMS No. 2855	b7E b6 b7C
for w	hatever action you deem appropria	The information is being provided to you te in accordance with your agency's policy and/or final action is not required by the
1 1	matter is referred to your agency for a copy of your final report on this n	or investigation. Please provide the OIG natter.
This	complaint will be investigated by th	e OIG.
	<u>IMPORT</u>	ANT NOTICE

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

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

### Attachment

OIG - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.: 689-2007-	-002560-M				
Received By:	Date Received:	01/04/2007 How Rece	eived: A				
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date:  ZIP:  ZIP:	SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Offenses: 689					
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date:  ZIP:  ZIP:	SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Offenses: 689	b6 b7C b2				
COMPLAINANT: Title: SAC Component: FBI Misc: Home: Phone: Work: Phone: Confidential:	Pay Plan: EOD Date:  ZIP:  ZIP: Revealed:	SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Authority: none					
Details: The FBI provided information regarding a potential IOB matter (2006  A National Security Letter (NSL) was served on a credit reporting company in furtherance of an investigation. The FBI properly served the NSL however, an error on the part of the company resulted in the unintentional acquisition of information. Upon discovering that some of the information provided exceeded the scope of the NSL, the FBI sealed and sequestered the excess information and placed it in a secure safe.  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 Violati Occurrence Date: CITY	on TIME: State:	Zip:	b2 b7E				
Disposition DATA: Disposition Referred to Agency: FBI Patrict Act: N Civil Right Sensitive: N Whistleblow	Date Sent: 01/24/2007	Approval: POWELL, GLEN Component: FBI nent Number: 263-0-U-671, Case Number:					

ALL FOI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-06-2007 BY 65179/DMH/KSR/RW NSL VIO-1357

DIG -	-	INVESTIGATIONS	DIVISION	_	Complaint	Form

OIG NO.

-689-2007-002560-M

### Remarks:

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

01/25/07-Sent to Kaiser/FBI/INSD. (dz)

NSL VIO-1358

# SECRET FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date: 09/19/2006
To: Inspection Att General Counsel Att	•
From: Squad CI-2 Contact: SA	b2 b7E
Approved By:	b6 b7C
Drafted By:	D/C
(U) Case ID #: 278-HQ-C1229736-VIC	~ 나 기 ALL INFORMATION CONTAINED
Title: (U) SA SSA INTELLIGENCE OVERSIGHT	HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
(U) Synopsis: To report possible IO	B error.
	G-3  DATE: 05-31-2007  CLASSIFIED BY 65179/DMH/KSR/PU  FEASON: 1.4 (c,d)  DECLASSIFY ON: 05-31-2032
Details:	b1
(S) 1. (S) 2. (U)	b2 b7E b6 b7C
(S) 3. Possible IOB Error:	
(S)	b1
(U) Description of IOB Error (:	including any reporting delays).
On 01/06/2006, writer document	DI Mented to the file that tolophore 57D
records of a non-targeted subject were National Security Letter (NSL) served provided in error were destroyed.	Te provided in response to a Lo
On 09/15/2006, writer was in receipt of incorrect information pursuits IOB violation.	nformed via legal training that suant to an NSL is a reportable
*	
(S) —	b1 b2 b7E
SCHULLEN THING HOLLING BAINGO	NSL VIO-1359
T. 21021-K10301 b6	

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.

\* \*



### FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Da	ate: 12/14/2006	
	To:		Attn:	SAC CDC SSA SA		)2 )7E )6
	Counteri	ntelligence	Attn:	CD-2A	 	57C
	Inspecti	on.	Attn:	IIS	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCE	PT
	NSI	e of the General Cou LB/CILU/Room 7947 Ltact: AGC	unsel		WHERE SHOWN OTHERWISE	
	Approved By:	Thomas Julie	<u> </u>			
U)	Drafted By: [Case ID #:			_	DATE: 05-31-2007 CLASSIFIED BY 65179/DMH/KSR PEASON: 1.4 (c)	/RW
U)	Title:	INTELLIGENCE OVERS	IGHT BO	ARD	DECLASSIFY ON: 05-31-2032	
	Counsel (OGC) Intelligence maintained in	It is the opinion that this matter is oversight Board (IC) the control file for analysis follows.	s not re B). Rat	eportak ther, i	ole to the	
	(U)	Derived From Declassify		1		
(U)	from the potential IOB	rom the following s Field Office matter; (2) inform nd AGC versation between S	ation fr dated 10	(1) EC to OGC rom an 0/11/20	reporting a email between SA 006; and (3) and AGC	b2 b7E b6 b7C
		SEC	ET.			
	C'G/DOJ REVI	ATION:	<u>(=0-2</u> NSL		b6 b7C <b>1</b>	
	OIG/DOJ INVE	STIGATION:	<del></del> ==			



From: Office of the General Counsel 278-HQ-C1229736-VIO, 12/14/2006 Details: By EC dated 09/19/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB. (U) --On 07/06/2005 issued an National Security Letter (NSL) pursuant to 18 U.S.C. § 2709 seeking subscriber and toll billing records for various telephone numbers. Upon review of the records provided by the service provider, on noticed that the service provider responded by providing telephone records of a person who is not a target of the investigation or is in anyway related to the investigation. Upon noticing this error promptly destroyed the records that were provided in error. The investigation was closed on 04/18/2006. The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection. Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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 submitted this error as a potential IOB violation  $_{
m b2}$ on 09/19/2006 after it has been learned, via legal training, that the b7E receipt of incorrect information pursuant to an NSL must be reported as a potential IOB violation.

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

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. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

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

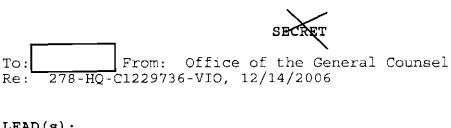
(U)

(S) In this investigation properly served an NSL on a service provider. In response to the properly served NSL, the FBI obtained information regarding another person's records. quickly determined that this information, although lawfully obtained, was not relevant to the investigation. Upon noticing this error, promptly destroyed the telephone records provided in error.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the  $\rm IOB^2$ . A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

(I) 2 (S) It is noted that in the past third-party errors were reported to the IOB. However, by letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the OGC, but are not reportable to the IOB.





LEAD(s):



(U) For information. In the future, in similar cases where the service provider provides information on non-targeted subject that is not relevant to an investigation, should contact the service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

### Set Lead 2: (Info)

### COUNTERINTELLIGENCE

### AT WASHINGTON, DC

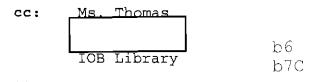
(U) For information.

### Set Lead 3: (Action)

### INSPECTION

### AT WASHINGTON, DC

(U) 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 three years for possible review by the Counsel to the IOB.



# **FEDERAL BUREAU OF INVESTIGATION**

Precedence:	ROUTINE	Date: 0	1/12/2007
To: General	Counsel Attn: NSLB		h C
	ternal Inve <u>stigations Section,</u> I	PU, Room 30	b6 b7C b2
	Miller David Ian Mas		ATION CONTAINED
Drafted By:			MCLASSIFIED -2007 BY 65179/DMH/KSR/PI
Case ID #:	(U) 278~HQ-C1229736-VIO (Pend	ding)	
Title: (U)	INTELLIGENCE OVERSIGHT BOARD MIINSD/IIS TRACKING# 2870 OGC/IOB# 2006	ATTER	
Synopsis: ( (IOB) matter Law Branch (	U) To report a potential Intellic to the Office of General Counse NSLB).	gence Overs l, National	ight Board Security
Reference:	(U) 278-HQ-C1229736-VIO Serial 2 278-HQ-C1229736-VIO Serial		
an EC from possible IOB is the IIS's of a perform will be cond	The Internal Investigations Secondary  Division dated 09/19/2006  error. Based upon a review of the opinion the incident described the described ance issue. Therefore, no interplaced by the IIS and this matter for whatever action they deem approximately.	, reporting the referen therein is nal investi- is being r	a ced EC it b2 indicative b7E gation

# SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

					and the second s
	Precedence:	ROUTINE		Date:	01/17/2007
	To:		Attn: SAC (1	Personal	Attention)
	Īn	ction ternal Investigatio ntact: CRS		U, Room 3 xt	041
	Approved By:	Miller David Ian		.SSIFIED BY 6 3-31-2007	65179/DMH/KSP/RW
	Drafted By:			file of the TV . Let TV it TANK to be	b2
	Case ID #:	(U) 263-HQ-0-U -	672 (Pending	3)	b7E b6
	Title: (U)	INTELLIGENCE OVER INSD/IIS TRACKING OGC/IOB# 2006		ITER	b7C
(U)	Intelligence the Internal willful misc	U) To advise that c Oversight Board (I Investigations Sec onduct. This matte ction as appropriat (S)  Derived From	OB) violation lation (IIS), and r is returned to e. Case closed	has been d is not to the fi	reviewed by considered eld for
	,		On: 20320117	_	
	Enclosure(s)	: (U) 278-HQ-C1229	736-VIO Serial	1647	
	Reference:		6-VIO Serial 1 6-VIo Serial 1		b2 b7E
	of a potenti indicative o	) Upon review of al IOB violation, I f willful misconduc rate and/or aggrava	<del>IS did</del> not find t. IIS only ad	d the mat ddresses	ned report ter allegations
	related issu supervisor. matter is le and apprecia required by Branch/OGC E	) IIS views this ma e with respect to the Therefore, appropr ft to the discretion tes that this matter the revisions manda C, dated 11/16/2006	he employee and iate action relate action relate in of the divisor was brought the ted by National (278-HQ-C1229)	d respect lative to ion. IIS to our at Securit 736 seria	ive this recognizes tention as y Law 1 2570).
	THIS EC IS U	NCLASSIFIED WHEN SE	PARATED FROM CI	JASSIFIED	ENCLOSURE.

NSL VIO-1366



U.S. Departme. of Justice

Office of the Inspector Cien, ral

		Washington, D.C. 205.03			
DATE:	January 31, 2007				
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE OS-31-2007 BY 65179/DMH/KSR/PW			
FROM	: Glenn G. Powell Special Agent in Charge Investigations Division				
SUBJE	CCT: OIG Complaint No. 2007002648 Subject: Division FBI No. 263-0-U-672 CMS No. 2870	b2 b7E b6 b7C			
	We consider this a management matter. The for whatever action you deem appropriate and regulations. A copy of your findings at OIG.	n accordance with your agency's policy			
	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 C	OIG.			
	<u>IMPORTAN</u>	T NOTICE			
	Identifying information may have been redacted from the IG Act or because an individual has (a) requested confide	· · · · · · · · · · · · · · · ·			

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.

believe that it is necessary that redacted information be made available to your Agency, you may contact the

Attachment

Assistant Inspector General for Investigations.

O±G	INVESTIGATIO	ONS DIVISION -	Complaint	Form	OIG NO.	-689-2007-00	2648-M
Rece	ived By:		Da	te Received:	01/04/2007	How Receiv	ed: A
Compo Misc Home	e: SA onent: FBI : : : :		Pay Plan: EOD Date: ZIP: ZIP:	1	Alie F.B. B.O. D/1	SSNO: .C.B.: n No.: I.No.: P.No.: L No.: enses: 689	
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Title Compo Misc Home Phone Work Phone	: e: () - : , <u>,</u>		Pay Plan: EOD Date: ZIP: ZIP: Revealed:		Alie F.B. B.O. D/	SSNO: .O.B.: n No.: I.No.: P.No.: L No.: rity: none	
Infacco Dur on inv the	Details:  Information received from FBI/INSD reporting a potential IOB matter involving the acquisition of information unrelated to an FBI investigation. IOB #2006  During an authorized investigation, the FBI properly served a National Security Letter (NSL) on a communication service provider for information regarding the target of the FBI investigation. In response, the FBI obtained information regarding an individual other than the target of the investigation. The records provided in error were destroyed.  It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.						
	GATIONS: 689 rrence Date: 1		TIME State			Zip:	b2 b7E
DISP	OSITION DATA:	Disposition: M	Date:	01/04/2007	Approval:	POWELL, GLENN	G
Fatr	rred to Agency iot Act: N itive: N	y: ! Civil Riches: Whistleblower:		Compor Onsolidated C		<i>f⊷</i> FBI 263-0-U-672, 2	870
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ALL FOI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179/DMH/KSR/RU

NSL VIO-1368

b2 Org - Investigations division - Complaint Form Old No.: 689-2007-002648	- M
Remarks:  A search of the OIG database revealed that is the subject of complaint	
Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.  1/31/07 - Sent to AD Kaiser, FBI/IND. (vht)	b6 b7C