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**FEDERAL BUREAU OF INVESTIGATION**



Precedence: ROUTINE

Date: 07/03/2006

To: Inspection  
General Counsel

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

From: [Redacted]

Contact: SA [Redacted]

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RJ  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -1517

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

1073946

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

(U) ~~(S)~~ Derived From : G-3  
~~(S)~~ Declassify On: 07/02/2031

Details:

b1 (s) 1.  
b6  
b7C  
b7A (s) 2.

[Redacted]

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

(S) ~~(S)~~ NFIPM Section Reference: Section 2-02.

(S) b1 [Redacted]  
b7A

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

(S) [Redacted]

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[Redacted]

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SC Miller [Signature] 4/9/07  
Ces [Redacted] kaw 01/09/07

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NSL VIO-1370

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(U) To: Inspection From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/03/2006

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(S) in the NSL for the time period requested, but indicated also in the materials returned that [redacted] prior to the time period requested in the NSL. Therefore, the toll records provided [redacted]

(S) [redacted]

(S) ~~(S)~~ After opening the results to begin analysis a few days after receiving the toll records [redacted] SA [redacted] noticed the error and promptly notified the [redacted] CDC via email. Due to trainings and conferences out of state during the month of June, [redacted] CDC was not able to respond until 06/30/2006 to SA [redacted]

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(S) [redacted] inquiries regarding an opinion on the need to report [redacted] error. The toll records [redacted] have not been analyzed or added to any databases, and have been sequestered with the [redacted] CDC.

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To: Inspection From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/03/2006

(U)

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

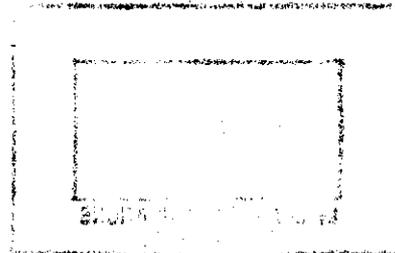
Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-1372

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/28/2006

To: [Redacted]

Attn: SAC [Redacted]  
CDC [Redacted]  
SSRA [Redacted]  
SA [Redacted]

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Counterterrorism  
Inspection

Attn: ITOS II, GOU  
Attn: [Redacted] IIS,  
Rm 11865

From: General Counsel  
National Security Law Branch/CTLU II/LX-1 3S-100  
Contact: [Redacted]

Approved By: Thomas Julie F. [Signature]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [Redacted] b1/b7E

Case ID #: (S) 278-HQ-C1229736-VIO (pending) 1986

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

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

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

~~Derived From: G-3  
Declassify On: 12/28/2031~~

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b7A

Reference: (S) [Redacted]

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

Details: (S) By electronic communication (EC) dated July 3, 2006 (278-HQ-C1229736 Serial1517), [Redacted] Field Office [Redacted] reported to the Office of the General Counsel (OGC) this potential IOB matter.

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OIG/DOJ REVIEW: [Redacted] DATE: 1-8-07  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

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NSL VIO-1373

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(U) b7E To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/28/2006

(S) [redacted]

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[redacted] When [redacted] discovered [redacted] error, [redacted] Chief Division Counsel (CDC) was promptly notified. [redacted] reported that the toll records were not analyzed or added to any databases, and the records have been sequestered with the CDC.

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

(S) In this case, an error on [redacted] [redacted] resulted in the unintentional acquisition of information. Upon learning [redacted] provided information beyond the scope of the NSL, the FBI sealed and sequestered the excess information with the CDC.

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(U) ~~(S)~~ Based upon our analysis, the carrier's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. Pursuant to the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Reports of potential IOB matters determined by OGC not to require notification to the IOB will be retained by INSD for three years for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required.<sup>1</sup> Accordingly, OGC will request that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

<sup>1</sup> See 66F-HQ-A1247863 Serial 172 at 6 (2/10/2005).

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NSL VIO-1374

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(U) b7E To:  From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/28/2006

LEAD(s):

Set Lead 1: (Action)



(U) The field 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: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

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

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NSL VIO-1375

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/12/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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

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**Approved By:** Miller David Ian *DM/IAS JMI*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 63179/DHE/KSR/RW

**Drafted By:** [redacted] kas

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

b2

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2569  
OGC/IOB# 2006 [redacted]

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1517  
278-HQ-C1229736-VIO Serial 1986

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] dated 07/03/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE      b2      **Date:** 01/17/2007

**To:** [Redacted]      b7E      **Attn:** SAC (Personal Attention)

**From:** Inspection      b6  
Internal Investigations Section, IPU, Room 3041      b7C  
**Contact:** CRS [Redacted] Ext. [Redacted]

**Approved By:** Miller David Ian *[Signature]*      DECLASSIFIED BY 65179/DMH/KSR/RN  
ON 05-30-2007

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U - 678 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2569      b2  
OGC/IOB# 2006-[Redacted]

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

(U) ~~(S)~~ ~~Derived From : G-3~~  
~~Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1517

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1517  
278-HQ-C1229736-VIO Serial 1986

**Details:** (U) Upon review of [Redacted] captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.      b2  
b7E

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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

Washington, D.C. 20530

DATE: January 29, 2007

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

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DME/KSR/RW

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

SUBJECT: OIG Complaint No. 2007002618

Subject: [REDACTED]

[REDACTED]

FBI No. 263-0-U-678

CMS No. 2569

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

**IMPORTANT NOTICE**

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

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

Attachment

NSL VIO-1378

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [redacted] 689-2007-002618 M

Received By: [redacted] Date Received: 01/08/2007 How Received: A

SUBJECT: [redacted] SSNO: [redacted]  
 Title: SA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.:  
 Misc: F.B.I.No.:  
 Home: [redacted] B.O.P.No.:  
 Phone: ( ) - ZIP: [redacted] D/L No.:  
 Work: , , Offenses: 689  
 Phone: (202) [redacted] ZIP:

SUBJECT: [redacted] SSNO: [redacted]  
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.:  
 Misc: F.B.I.No.: b6  
 Home: [redacted] B.O.P.No.: b7C  
 Phone: ( ) ZIP: [redacted] D/L No.:  
 Work: , , Offenses: 689 b2  
 Phone: (202) [redacted] ZIP:

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

Details:  
 Information provided by the FBI/INSD reporting a potential IOB matter involving improperly received information. IOB #2006 [redacted]  
 During an authorized investigation, the FBI properly served a National Security Letter (NSL) on a communications provider for information regarding the target of the FBI investigation. In response, the FBI obtained information beyond the scope of the NSL. The FBI [redacted] Division identified the problem and indicated that the unauthorized information has not been analyzed or added to any databases and has been sequestered with [redacted] CDC.  
 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: 06/08/2006

TIME: [redacted]  
State: [redacted]

CITY: [redacted]

Zip:

b2  
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DISPOSITION DATA: Disposition: M Date: 01/08/2007 Approval: POWELL, GLENN G

Referred to Agency: Date Sent: Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263 0 U 678, 2569

Sensitive: N Whistleblower: N Consolidated Case Number:

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-06-2007 BY 65179 DMH/KSR/RW  
NSL VIO-1379



Remarks:

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)

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 10/25/2006

To: Office of the General Counsel

Attn: NSLB  
Room 7947

Inspection

Internal Investigations  
Section  
Room 3041

Cyber

SSA [Redacted]  
C3IU-1  
Room 5931

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

DATE: 05-30-2007  
CLASSIFIED BY: 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

Drafted By: [Redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO-1794 (Pending)  
(S) [Redacted] (Pending)  
(S) [Redacted] (Pending)

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(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD  
(S) (IOB) MATTER

(U) Synopsis: (S) To report possible IOB violation.

(U) Derived From: (S) FBI SCG G-3  
Declassify On: 10/25/2031

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(S) (U) [Redacted]

(U) Reference: (S) [Redacted]

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(U) Details: (S) [Redacted]

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*se Miller DM/PA 1/9/07*  
*01/09/07*

NSL VIO-1381

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*1/8/06*

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

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

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analysis of the material. SA [redacted] then reported the matter to  
[redacted] SSA [redacted] As per the NSLB guidelines, this  
communication has been prepared.

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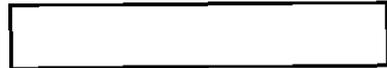
(S)

[redacted]

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(U) To: Office of the General Counsel From:  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006

LEAD(s):

Set Lead 1: (Info)

OGC (NSLB)

AT WASHINGTON, DC

(U) Please provide guidance as to how to handle overreported information.

Set Lead 2: (Info)

CYBER

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Please provide guidance as to how to handle overreported information.

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/12/2006

To: [Redacted]

Attn: [Redacted]

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Counterintelligence

Attn: SSA [Redacted] C3IU-1

Inspection Division

Attn: IIS, CRS [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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

Approved By: Thomas Julie F. [Signature]

DATE: 05-31-2007  
CLASSIFIED BY: 65179/DMH/KSR/RG  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

Drafted By: [Redacted]

1987

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

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007 [Redacted]

b2

(U) Synopsis: ~~(S)~~ [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

b2  
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(U) ~~Derived From: G-3  
Declassify On: 25X1~~

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from: the EC dated 10/25/2006 from [Redacted] to OGC reporting a potential IOB matter.

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(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1794

~~SECRET~~

OIG/DOJ REVIEW: [Redacted]

DATE: 7-8-07

FBI INVESTIGATION: [Redacted]

OIG/DOJ INVESTIGATION: [Redacted]

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NSL VIO-1385

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

(U) Details: ~~(S)~~ By EC dated 10/25/2006 [redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB.

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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(S) [redacted]

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

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(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative 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) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report any improper collection under an NSL as a potential IOB matter. 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 FBI OGC, but are not reportable to the IOB.

(U) In the instant case the collection of information by the FBI was not the fault of [redacted]. Once the case agent discovered that he had received information beyond the scope of the NSL request, the case agent immediately sequestered the information, placed the information in a secure safe and reported the matter to OGC.

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

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LEAD(s):

Set Lead 1: (Information)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

A [redacted]

(U) For action deemed appropriate.

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

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/12/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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

b6  
b7C

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

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

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3155  
OGC/IOB# 2007 [redacted]

b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1794  
278-HQ-C1229736-VIO Serial 1987

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] dated 10/25/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~//20320117

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/17/2007

To: [Redacted]

Attn: [Redacted]

(Personal Attention)

b2  
b7E  
b6  
b7C

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [Redacted] Ext. [Redacted]

Approved By: Miller David Ian *MDI*

DECLASSIFIED BY 65179/DMH/ESP/RM  
DN 05-31-2007

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 682 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3155  
OGC/IOB# 2007 [Redacted]

b2

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

(U) ~~(S)~~ ~~Derived From : G-3~~  
~~Declassify On: 20320117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1794

Reference: (U) 278-HQ-C1229736-VIO Serial 1794  
278-HQ-C1229736-VIO Serial 1987

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

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(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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NSL VIO-1390

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 10/30/2006

To: General Counsel  
Inspection  
Counterintelligence

Attn: NSLB  
Attn: IIS ✓  
Attn: CD-2A, Room 4133  
Attn: CDC

From:

Contact: SA

Approved By:

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) - 1748  
(U) 278- [redacted] - C76104 (Pending)

(U) Title: ~~(S)~~ POTENTIAL IOB MATTER INVOLVING  
SA [redacted]  
SSA [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/EM  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

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(S) Synopsis: ~~(U)~~ IOB reporting of carrier [redacted]

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~~(S)~~ Derived From : G-3  
~~(U)~~ Declassify On: 10/30/2031

Reference: (U) Conversation with CDC [redacted] on 10/18/2006.

(U) Details: ~~(S)~~ The following information is being provided in  
response to the quarterly EC from CDC [redacted]  
requesting Intelligence Oversight Board reporting be brought  
to the attention of the OGC and Inspection Division.

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(S) [redacted]

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~~SECRET~~

*Samuel Dim/PAD 4/9/07*

NSL VIO-1391

CR# [redacted] 9/07 b6  
b7C

~~SECRET~~

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 10/30/2006

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(S)

[redacted]

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(S) [redacted] initially requested NSL subscriber information [redacted]

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[redacted]

(S) [redacted] received a reply to the NSL [redacted]

[redacted] In addition to [redacted]

[redacted] were received. [redacted]

information received was incorrectly given by [redacted]

[redacted] no [redacted] information was requested. None [redacted]

[redacted] received have been uploaded into ACS or [redacted]

placed in the file of the substantive case. [redacted]

were returned [redacted]

[redacted] mistake is being reported within the mandatory 14-day reporting period.

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~~SECRET~~

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 10/30/2006

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LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Information is being provided to NSLB for whatever action is deemed appropriate.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Information is being provided to IIS for whatever action is deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) At CD-2A: Read and clear.

Set Lead 4: (Action)

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[redacted]  
AT [redacted]

(U) Information is being provided to CDC for whatever action is deemed appropriate.

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~~SECRET~~

3158

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/12/2006

To: [redacted]

Attn: SAC  
CDC  
SA [redacted]

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Counterintelligence

Attn: SSA [redacted]

CD-2A

Inspection Division

Attn: IIS, CRS [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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

Approved By: Thomas Julie F. [redacted]

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

Drafted By: [redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) *1988*

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007 [redacted]

b2

(U) Synopsis: ~~(S)~~ [redacted] Field Office [redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

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

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from the EC dated 10/30/2006 from [redacted] to OGC reporting a potential IOB matter.

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(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO -1798

(U) Details: ~~(S)~~ By EC dated 10/30/2006 [redacted] requested that OGC review an incident and determine whether it warrants reporting to

~~SECRET~~

OIG/DOJ REVIEW: [redacted] DATE: 7-8-07  
FBI INVESTIGATION: [redacted]  
OIG/DOJ INVESTIGATION: [redacted]

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NSL VIO-1394

~~SECRET~~

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

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the IOB.

(S)

[redacted]

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(S) Upon review of the documents provided to [redacted] it was learned that the information [redacted] provided, pursuant to the NSL, exceeded that which was requested. The error by [redacted] was apparently a misunderstanding on its part as to the nature of the request, since requests for [redacted] information and subscriber information are requested separately by the FBI.

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(S)

~~(S)~~ [redacted] reported that they returned [redacted]  
[redacted]

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative 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) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report

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To: [redacted] From: Office of the General Counsel  
Re: 273-HQ-C1229736-VIO, 12/12/2006

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(U)  
(S)

any improper collection under an NSL as a potential IOB matter. 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 FBI OGC, but are not reportable to the IOB.

(S)

~~(U)~~ In the instant case the collection of information by the FBI was not the fault of FBI [redacted]. Once the case agent discovered that he had received information beyond the scope of the NSL request, the case agent immediately sequestered the information, returned said information to [redacted] and reported the matter to OGC.

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

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LEAD(s):

Set Lead 1: (Information)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

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[redacted]

At

[redacted]

[redacted]

(S)

(U) [redacted] is requested to [redacted] to ensure that the appropriate protocols are in place to prevent similar types of disclosures in the future.

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

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/12/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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

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b7C

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179/DHH/KSR/RM

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3158  
OGC/IOB# 2007 [redacted]

b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1798  
278 [redacted]-C76104 Serial 450  
278-HQ-C1229736-VIO Serial 1988

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b7E

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 10/30/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~//20320117

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/17/2007

To:

Attn: SAC (Personal Attention)

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From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS  Ext

Approved By: Miller David Ian

DECLASSIFIED BY 65179/DMM/KSR/RW  
ON 05-31-2007

Drafted By:

Case ID #: (U) 263-HQ-0-U - 683 (Pending)

b2

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3158  
OGC/IOB# 2007

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

(U)

~~(S) Derived From : G-3  
Declassify On: 20320117~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1798

Reference: (U) 278-HQ-C1229736-VIO Serial 1798  
278  C76104 Serial 450  
278-HQ-C1229736-VIO Serial 1988

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.

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b7E

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~//20320117

NSL VIO-1399



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

**DATE:** January 26, 2007  
**TO:** Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

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

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

**SUBJECT:** OIG Complaint No. 2007002584  
Subject:   
FBI No. 263-0-U-683  
FBI CMS No. 3158

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

IMPORTANT NOTICE

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

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

Attachment

NSL VIO-1400

Received By: [redacted] Date Received: 01/08/2007 How Received: A

SUBJECT: [redacted] SSNO: [redacted]
Title: SA Pay Plan: [redacted] D.O.B.: [redacted]
Component: FBI EOD Date: [redacted] Alien No.:
Disc: [redacted] F.B.I.No.:
Home: [redacted] B.O.P.No.:
Phone: ( ) - ZIP: [redacted] D/L No.:
Work: , , Offenses: 689
Phone: (202) [redacted] ZIP:

SUBJECT: [redacted] SSNO: [redacted]
Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]
Component: FBI EOD Date: [redacted] Alien No.:
Disc: [redacted] F.B.I.No.:
Home: [redacted] B.O.P.No.:
Phone: ( ) - ZIP: [redacted] D/L No.:
Work: , , Offenses: 689
Phone: (202) [redacted] ZIP:

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b7C
b2

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

Details: (S)

b2

The FBI provided information regarding a potential IOB matter (2007- [redacted])

b1

The National Security Letter (NSL) requested subscriber information, however the reply to the NSL provided toll records. None of the toll records were uploaded into FBI databases and the erroneously provided information was reported within the mandatory 14 day reporting period.

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

ALLEGATIONS: 689 IOB Violation

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

DISPOSITION DATA: Disposition: M Date: 01/25/2007 Approval: POWELL, GLENN G

referred to Agency: Date Sent: Component: FBI
Statutory Act: N Civil Rights: N Component Number: 263-0-0683, 3158
Sensitive: N Whistleblower: N Consolidated Case Number:

DATE: 05-31-2007
FBI INFO.
NSL VIO-1401 CLASSIFIED BY 65179/DNH/KSP/RW
REASON: 1.4 (c)
DECLASSIFY ON: 05-31-2032



Remarks:

Producing 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)

NSL VIO-1402

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 05/03/2006

**To:** Inspection  
General Counsel

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

**From:** [Redacted]

**Contact:** SFO [Redacted]

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

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

**Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO-1353

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Title:** (U) SFC [Redacted] b6  
SSRA [Redacted] b7C  
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

**Synopsis:** ~~(S)~~ To report possible IOB error, unauthorized, unintentional collection of information.

~~(U) (S) Derived From : G-3  
Declassify On: 05/03/2006~~

**Details:**

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b2 (S) 1. [Redacted]  
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b7C (S) 2. [Redacted]

~~(U) (S) 3. Possible IOB Error: Unintentional collection of information.~~

b1 (S) [Redacted]

~~(U) (S) 4. Description of IOB Error (including any reporting delays). Financial records were furnished, pursuant to a National Security Letter (NSL) for individuals other than the subject of the NSL.~~

*Scinner Dim/PAO 11/2/07*  
*CRS [Redacted] 01/08/07*

~~SECRET~~

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NSL VIO-1403

(M) To: Inspection From: [redacted]  
b2 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/03/2006  
b7E

(S) A National Security Letter for financial records of  
captioned subject was requested [redacted]

(S) [redacted]

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(S) [redacted]

b6 (U)  
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~~(S)~~ Records were received by writer and held until the analysis  
of those records was able to be conducted. During the course of the  
analysis writer found records that were in the names of individuals  
other than the captioned subject. SSRA [redacted] was advised of  
this.

(S) [redacted]

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(S) [redacted]

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(U)

~~(S)~~ After speaking with ADC [redacted] and [redacted]  
of OGC, the records not pertaining to captioned subject have been  
separated, segregated and sealed [redacted] none of  
those records have been uploaded into ACS or other FBI record  
systems. ADC [redacted] and [redacted] provided guidance on how to  
handle this matter.

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(U) To: Inspection From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/03/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-1405

# 2176

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/26/2006

To:

[Redacted]

Attn: SAC  
CDC

Attn: SSRA [Redacted]

Attn: ITOS II

Attn: IIS, CRS [Redacted]

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Counterterrorism

Inspection

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: Office of the General Counsel  
NSLB/CTLUII/LX1/Room 3S-110

Contact: AGC [Redacted]

Approved By: Thomas Julie F [Signature]

DATE: 05-31-2007  
CLASSIFIED BY 65179/DWH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

Drafted By:

[Redacted]

(U)

Case ID #: (S) 278-HQ-C1229736-VIO Serial 1970 (Pending)

(U)

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

(U)

Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that this matter 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.

(U)

Derived From : G-3  
Declassify On: 20311226

Reference:

b1 (S) [Redacted]

(U)

Details: (S) By EC dated 05/03/2006, [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

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

DATE: 2/4/07

NSL VIO-1406

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/26/2006

(S) On 11/10/2005, [redacted] drafted an NSL pursuant to 18 U.S.C. § 2709 seeking financial records of the target of an authorized investigation [redacted]

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[redacted]

(S)

[redacted]

(S)

[redacted]

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b7D

(S)

[redacted]

b2  
b7E

(U) ~~(S)~~ The records not pertaining to captioned subject [redacted] have been separated, segregated and sealed in [redacted] none of those records have been uploaded into ACS or other FBI record systems.

(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

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/26/2006

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b7E

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 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) ~~(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. NSIG, section V.12.

(U) ~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL on a financial institution. In

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To:  From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/26/2006

response to the properly served NSL, the FBI obtained information regarding other individuals that were not relevant to the investigation. It appears that this information, although lawfully obtained, is not relevant to the investigation and was properly segregated to protect the potential privacy interests of United States persons. Once information not relevant to an authorized investigation is received, the field should contact the carrier 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 IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

---

(U) ~~(S)~~ The target's rights were not violated because he was not the subject of the improperly collected information. It is unknown, however, whether the information associated with the other subscriber pertained to a United States Person inasmuch as there has been no review of the information.

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/26/2006

LEAD(s):

Set Lead 1: (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.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]  
[redacted]

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b7E

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

cc: Ms. Thomas  
b6 [redacted]  
b7C IOB Library

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/10/2007

**To:** General Counsel

**Attn:** NSLB/CTLUII  
LX1  
Room 3S-110  
AGC [redacted]

Counterterrorism  
Inspection

**Attn:** ITOS II  
**Attn:** IIS  
CRS [redacted]

**Attn:** Associate Division Counsel  
SSA [redacted]

**From:** [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Contact:** SA [redacted]

**Approved By:** [redacted]

**Drafted By:** [redacted]

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO (Pending) - 2019

DATE: 05-31-2007  
CLASSIFIED BY: 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

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

**Synopsis:** (S) Destruction of records which were inadvertently provided [redacted]

b2  
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b1  
b7D

(U) ~~(S) **Derived From:** G-3  
**Declassify On:** 20320110~~

(U) **Reference:** (S) 278-HQ-C1229736-VIO Serial 1970

**Details:** (S) Referenced EC requested FBI [redacted] to determine if the unintentionally acquired information [redacted] which was obtained via a National Security Letter (NSL), should be returned or destroyed with appropriate documentation to the file.

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b1  
b7D

(U) ~~(S)~~ Those specific documents which were unintentionally acquired by FBI [redacted] were previously segregated, sealed and maintained by FBI [redacted] Chief Division Counsel. On January 10, 2007, Associate Division Counsel (ADC) [redacted] opened the sealed package to review the documents, not for its content, but to determine if the documents were originals or copies. A review of the documents revealed they

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NSL VIO-1411

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~~SECRET~~

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(U) To: General Counsel From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/10/2007

(S) [redacted] Based upon ADC [redacted]  
review, on January 10, 2007, ADC [redacted] shredded those documents  
which were unintentionally acquired [redacted]

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(U) b2 - ~~(S)~~ As the unintentionally acquired documents have  
b7E been destroyed, [redacted] considers the lead covered.

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~~SECRET~~

To: General Counsel From:   
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/10/2007

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b7E

**LEAD(s) :**

**Set Lead 1: (Info)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

**Set Lead 3: (Info)**

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

◆◆

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3

~~SECRET~~ NSL VIO-1413

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/12/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

**Approved By:** Miller David Ian *MDI*

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

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2176  
OGC/IOB# 2006-[redacted]

b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1353  
278-HQ-C1229736-VIO Serial 1970

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 05/03/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/17/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted]

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b7C

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

DECLASSIFIED BY 65179/DMH/KSF/RW  
ON 05-31-2007

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U - 684 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2176  
OGC/IOB# 2006-[Redacted] b2

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

(U)

~~(S) Derived From : G-3  
Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1353

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1353  
278-HQ-C1229736-VIO Serial 1970

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

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~//20320117

NSL VIO-1415



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

**DATE:** January 29, 2007  
**TO:** Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

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

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

**SUBJECT:** OIG Complaint No. 2007002639

b6 Subject   
b7C FBI No. 263-0-U-684  
b2 FBI CMS No. 2176  
b7E

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

IMPORTANT NOTICE

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

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

Attachment

NSL VIO-1419

Received By: [redacted] Date Received: 01/04/2007 How Received: A

SUBJECT: [redacted] SSNO: [redacted]
Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]
Component: FBI EOD Date: [redacted] Alien No.: [redacted]
Last: [redacted] F.B.I.No.: [redacted]
Home: [redacted] B.O.P.No.: [redacted]
Phone: ( ) - ZIP: [redacted] D/L No.: [redacted]
Work: , , Offenses: 689
Home: (202) [redacted] ZIP: [redacted]

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b2

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

Details:

The FBI provided information regarding a potential IOB matter (2006-[redacted])
During an authorized investigation, the FBI properly served a National Security Letter (NSL) on a financial institution. In response to the NSL, the FBI was provided with information associated with individuals who were not relevant to the investigation. The information was properly segregated to protect the potential privacy of the individuals.
It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB. (dz)

b2

ALLEGATIONS: 689 IOB Violation
Occurrence Date: [redacted] TIME: [redacted]
CITY: [redacted] Zip: [redacted]

b2
b7E

DISPOSITION DATA: Disposition: M Date: 01/29/2007 Approval: POWELL, GLENN G
Referred to Agency: FBI Date Sent: 01/29/2007 Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-3-U-684, 2176
Sensitive: N Whistleblower: N Consolidated Case Number:

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)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179/DMH/KSE/RW

NSL VIO-1420

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
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