

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

1073946

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Precedence: ROUTINE

Date: 01/04/2007

To: Inspection  
General Counsel

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

From: [Redacted]

Contact: ISS [Redacted]

Approved By: [Redacted]

*K Ref*

b6  
b7C  
b2  
b7E

Drafted By: [Redacted]

ksh

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)-2037  
(U) 278-[Redacted]-C26391 (Pending)-274 b1  
(S) [Redacted] (Pending)-23

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB);

[Redacted]  
SUPERVISORY SPECIAL AGENT  
[Redacted]  
SPECIAL AGENT  
[Redacted]

b6  
b7C

REPORT OF A POTENTIAL IOB MATTER

(S)

Synopsis: ~~(S)~~ To report a possible IOB violation involving receipt of unsolicited telephone toll records [Redacted]

b1  
b7D

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

(S) ~~(S)~~

Reference: (S) ~~(S)~~ [Redacted] Serial 11  
(U) 278-HQ-C1229736 Serial 2570

b1

Details: ~~(S)~~ In accordance with reporting requirements relating to known or suspected Intelligence Oversight Board (IOB) violations, per reference 2, notification is being made to the Office of General Counsel regarding unsolicited telephone toll

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b7C X

*SEARCHED*  
*CS* [Redacted] *3/20/07*  
[Redacted] *03/26/07*

NSL VIO-1533

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[Redacted]

01-18-07

*2736*

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To: Inspection From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 01/04/2007

b2  
b7E

(S)

b1 [redacted]  
b7D records [redacted]

(S)

(S) [redacted] send a National Security Letter (NSL) to [redacted]  
[redacted] requesting subscriber information [redacted]

b1 [redacted]  
b2 (S) [redacted] received the  
b7E requested subscriber information [redacted]

b7D [redacted] of telephone toll records.  
These toll records were not requested in the NSL.

(S)

b1 [redacted]

(S)

b1 [redacted] records, [redacted]  
[redacted] less National  
b7D [redacted] have been turned over to [redacted]  
b6 CDC (A/CDC) [redacted] pending a response from the National  
b7C Security Law Branch regarding this matter. A/CDC [redacted] secured  
the toll records within his office safe.

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2

NSL VIO-1534

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b2  
b7E

To: Inspection From:   
Re: (U) 278-HQ-C1229736-VIO, 01/04/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) At NSLU, review information provided herein and act as deemed appropriate.

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~~SECRET~~

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NSL VIO-1535

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/05/2007

To: [Redacted]

Attn: IIS [Redacted]  
A/CDC [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Counterintelligence

b6  
b7C  
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Attn: CD-2

DATE: 05-25-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-25-2032

Inspection

Attn: IIS, [Redacted]

From: Office of the General Counsel

NSLB/CILU/Room 7947

Contact: AGC [Redacted] 202-324 [Redacted]

Approved By: Thomas Julie F. [Signature]

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2199 (Pending)

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007- [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: 02/05/2032

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains  
information from the EC dated 01/04/2007 from the [Redacted] Field  
Office [Redacted] to OGC reporting a potential IOB matter.

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b7E  
b1

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

(U) Details: ~~(S)~~ By EC dated 01/04/2007, [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.

b2  
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2037

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OGC/DOJ REVIEW [Redacted] DATE: 3/14/07 b6  
FBI INVESTIGATION: [Redacted] b7C  
OGC/DOJ INVESTIGATION: [Redacted]

NSL VIO-1536

~~SECRET~~

b2  
b7E To: [redacted] Office of the General Counsel  
Re: 278-HQ-C1229750 VIO, 02/05/2007

(S)

b1 [redacted] drafted an NSL pursuant  
b2 to 18 U.S.C. § 2709 seeking subscriber information for a  
b7E telephone number that was believed to be used by subject. The  
b7D NSL was sent to [redacted]

b2 [redacted] received the requested  
b7E subscriber information along [redacted]  
b7D toll records pertaining to the requested number. [redacted]  
b1 [redacted] the toll records was immediately turned over to the  
Acting Chief Division Counsel for sequestration.

(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 12852, 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 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

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-V10, 02/05/2007

nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(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.

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(U) In the instant case the collection of toll record information was not the fault of [redacted]. Once it was discovered that the information was beyond the scope of the NSL request, the information was immediately sequestered and the matter was reported to OGC.

(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.

~~SECRET~~

~~SECRET~~

b2 To: [redacted] From: Office of the General Counsel  
b7E Re: 278-HQ-C1229736-VIC, 02/05/2007

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]  
AT [redacted]

b2  
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(S) (A) If deemed relevant [redacted] should submit the appropriate NSL requesting the toll records or return [redacted] If the information is not relevant or [redacted] does not seek their return, [redacted] should be destroyed with appropriate documentation placed in the file.

cc: Ms. Thomas  
[redacted]  
IOB Library

b6  
b7C

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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

**Approved By:** Miller David Ian

b6

b7C

**Drafted By:** [redacted]

b2

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3443  
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 2037  
278-HQ-C1229736-VIO Serial 2199

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 01/04/2007, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is an administrative issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-25-2007 BY 65179 DMH/KSR/JW



~~SECRET~~//20320328

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

b2  
b7E

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

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

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

DECLASSIFIED BY 65179 DMH/KSR/JW  
ON 05-25-2007

b6  
b7C  
b2

**Drafted By:** [Redacted] *mas*

**Case ID #:** (U) 263-HQ-0-U - 738 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3443  
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:~~ 20320328

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 2037

**Reference:** (U) 278-HQ-C1229736-VIO Serial 2037  
278-HQ-C1229736-VIO Serial 2199

b2  
b7E

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

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

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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NSL VIO-1541

~~SECRET~~//20320212  
**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/12/2007

To: [Redacted]  
Inspection  
General Counsel

Attn: ADC [Redacted]  
Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From: [Redacted]  
[Redacted]

Contact: SA [Redacted]

b2  
b7E  
b6

Approved By: [Redacted]

Drafted By: [Redacted] kdz

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U) Case ID #: (S) 278-HO-C1229736-VIO - 2154  
(S) 278 [Redacted] A95380 - 068  
(S) 621 [Redacted] A89455-IOB - 20

Title: (U) REPORT OF POTENTIAL  
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

DATE: 05-25-2007  
CLASSIFIED BY 65179 DMH/KSR/JM  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-25-2032

(U) (S) Derived From : G-3  
Declassify On: 02/12/2032

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

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

(S) [Redacted]

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

(S) A National Security Letter (NSL) [Redacted]  
[Redacted] for records [Redacted]

b1  
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[Redacted]

*EM 3/20/07*

~~SECRET~~//20320212

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b7C

CRS [Redacted]

*Lead 02/26/07*

NSL VIO-1542

*266* *737*

To: Inspection From: [redacted]

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/12/2007

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(S) [redacted] reviewed the records [redacted]  
[redacted] and found [redacted]

(U) ~~(S)~~ The original documents reflecting the information which was not requested have been forwarded to [redacted] ADC for sequestering. Redacted copies only reflecting the requested information will be retained for the case file.

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~~SECRET~~//20320212

b2 To: Inspection From:   
b7E (U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/12/2007

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~//20320212

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NSL VIO-1544

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/2/07

To:   
Counterintelligence  
Inspection

Attn: SAC, CDC, ADC  
Attn: AD  
Attn: IIS, CRS

From: General Counsel  
National Security Affairs/Room 7974  
Contact: Julie F. Thomas

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b2  
b7E

Approved By: Thomas Julie *[Signature]*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By:

DATE: 05-25-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-25-2032

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 2234  
~~(S)~~ 278  - A95380 - 75  
~~(S)~~ 62F  - A89455 - 101

(U) Title: ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER  
2007- b2

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

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2154  
b2 ~~(S)~~ 278  - A95380  
b7E ~~(S)~~ 62F  - A89455

Details: (S)

b1  
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b6  
b7C

~~SECRET~~

OGI/DOJ REVIEW  
FBI INVESTIGATION  
OGI/DOJ INVESTIGATION

DATE: 3/14/07

NSL VIO-1545

~~SECRET~~

b2

b7E To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 3/02/07

(S)

[redacted]

b2

b7E

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b7D

(S) [redacted] reviewed  
the records received [redacted] LWO

[redacted] which was prior to the time period requested in  
the NSL.

b2

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(U) ~~(S)~~ The original documents reflecting the information  
which was not requested have been forwarded to [redacted] ADC and  
sequestered. Redacted copies which only reflect information  
requested by the NSL will be retained for the case file.

(U)

~~(S)~~ The President, by Executive Order 12334, dated  
12/04/1981, established the President's Intelligence Oversight  
Board (PIOB). On 9/13/1993, 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 (E.O.) 12863,  
dated 09/13/1993, mandates that Inspectors General and General  
Counsel of the Intelligence Community components (in the FBI,  
the Assistant Director, INSD, and the General Counsel, OGC,  
respectively) report to the IOB "concerning intelligence  
activities that they have reason to believe may be unlawful or  
contrary to Executive order or Presidential Directive." This  
language 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  
E.O. 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

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b2  
b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 3/02/07

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 communications record 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. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [redacted]

b1

(S) Here, during an authorized investigation, the FBI properly served an NSL [redacted]. In response to the properly served NSL, the FBI obtained [redacted] containing information beyond what it is legally authorized to receive. The FBI, having ascertained [redacted] were beyond the scope of the NSL, forwarded the unasked for information to the ADC for sequestering and redacted their files to reflect only information responsive to the NSL.

b1  
b7D

(U) ~~(S)~~ By agreement with the Counsel to the IOB, 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.

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 3/02/07

b2  
b7E

Set Lead 1: (Read and Clear)

[redacted] [redacted] *make contact with the provider and*  
(S)  Return original documents which reflect  
information beyond the scope of the NSI [redacted]

b1  
b7D

Set Lead 2: (Info) *for destroy, at the provider's option,*

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

1-Ms. Thomas  
1- [redacted] b6  
1- [redacted] b7C  
1-IOB Library

◆◆

~~SECRET~~



# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

Ext. [redacted]

b6

b7C

b2

**Approved By:** Miller David Ian

**Drafted By:** [redacted]

DECLASSIFIED BY 65179 DMH/KER/JW  
ON 05-25-2007

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3618  
OGC/IOB# 2007- [redacted]

b2

(U)

**Synopsis:** (X) 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 2154  
278- [redacted]-A95380 Serial 68  
278-HQ-C1229736-VIO Serial 2234

b2

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**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 02/12/2007, 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~~//20320328

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

b2

b7E

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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

b6

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

DECLASSIFIED BY 85179 DMH/KSF/JU  
ON 05-25-2007

b7C

**Drafted By:** [Redacted]

b2

**Case ID #:** (U) 263-HQ-0-U - 754 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3618  
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:~~ 20320328

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 2154

**Reference:** (U) 278-HQ-C1229736-VIO Serial 2154  
278 [Redacted] A95380 Serial 68  
278-HQ-C1229736-VIO Serial 2234

b2

b7E

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

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

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~//20320328

NSL VIO-1550

~~SECRET~~//20320201  
**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/01/2007

To: Inspection  
General Counsel

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

Attn: ASAC [redacted]  
CDC [redacted]

From: [redacted]

Contact: SA [redacted]

b2  
b7E  
b6  
b7C

Approved By: [redacted] ✓

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [redacted] jgd

(C) Case ID #: (S) 278-HO-C1229736-VIO - 2119  
(S) 62F- [redacted] A89455-IOB - 17

DATE: 05-25-2007  
CLASSIFIED BY 65179 DMH/KSR/OW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-25-2032

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

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

(U) (S) Derived From: G-3  
Declassify On: 02/01/2032

Details:

(S) 1. [redacted]

(S) 2. [redacted]

(S) 3. Possible IOB Error [redacted]

b2  
ERROR NOT THE SAME  
AS IN [redacted]

b1  
b2  
b7E

(S) [redacted]

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

(S) [redacted]

SC Miller SAM 3/20/07  
CRB [redacted] 03/26/07  
b6  
b7C

~~SECRET~~//20320201

NSL VIO-1551

1-743

(U)

b2 To: Inspection From: [redacted]  
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007

(S)

[redacted]

b1  
b6  
b7C  
b7D  
b2  
b7E

(S)

supplied

[redacted]

b1  
b6  
b7C  
b2  
b7E  
b7D

[redacted] that was not requested by the FBI. This information was not utilized by the case agent in any analysis nor was it documented in the case file.

~~(S)~~ The case agent first reviewed [redacted]

[redacted] Division Counsel was contacted [redacted] and it was determined that a possible IOB error occurred. Case agent contacted [redacted] Division Investigative Support Specialist (ISS) [redacted]

(S)

[redacted]

(S)

(S)

[redacted] regarding this matter. [redacted] explained that [redacted] was contacted regarding this error. [redacted] in error and he requested that [redacted] be destroyed. Additionally [redacted]

b2  
b7E

To: Inspection From: [redacted]  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007

b1 (S)

[redacted]

(S)

[redacted]

[redacted]

(S)

[redacted]

(S)

[redacted] destroyed the original [redacted]

b1  
b6  
b7C  
b7D

[redacted]

(U) To: Inspection From:   
b2 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007  
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

Date: 2/21/2007

To: [Redacted]

Attn: SSA [Redacted]  
SA  
CDC

b6  
b7C Counterintelligence  
b2  
b7E Inspection

Attn: CD-4  
Attn: IIS, CRS [Redacted]

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

202-324-[Redacted]

Approved By: Thomas Julie [Signature]

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending)  
~~(S)~~ 62E-[Redacted]-A89455-IOB

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007-[Redacted] b2

b2 (U) Synopsis: ~~(S)~~ The [Redacted] Field Office [Redacted] requested that  
b7E 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.

(U) Derived From : G-3  
Declassify On: 2/21/2032

Administrative: ~~(S)~~ This electronic communication (EC) contains  
information from: the EC dated 2/01/2007 from [Redacted] to OGC  
reporting a potential IOB matter.

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2119

DATE: 05-30-2007  
CLASSIFIED BY: 65179 DMH/RSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-30-2032

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

OGC/DOJ REVIEW  
FBI INVESTIGATION  
OGC/DOJ INVESTIGATION

DATE: 3/14/07 b6  
[Signature] b7C

NSL VIO-1555

~~SECRET~~

b2  
b7E To: [redacted] From: Office of General Counsel  
Re: 278-HQ-C1229736-VIO, 2/21/2007

(S) Details: (X) By EC dated 2/01/2007, [redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB. [redacted]

[redacted] A National Security Letter (NSL) was prepared [redacted] and served [redacted]. The NSL requested only [redacted] information for [redacted]. The NSL results were provided to [redacted].

b1  
(S) [redacted] case agent reviewed [redacted] [redacted] discovered that in addition to the requested [redacted] [redacted] had provided information that appeared to be [redacted]. The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel. On 1/17/2007 the case agent contacted [redacted]. The POC then contacted the appropriate [redacted] and [redacted] provided the information in error. Subsequently, [redacted] destroyed [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

~~SECRET~~



~~SECRET~~

b2 [redacted] From: Office of the General Counsel  
b7E Re: 078-HQ-C1229736-VIO, 2/21/2007

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.

b2 (U) In the instant case the collection of information  
b7E 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 notified the [redacted] CDC and notified [redacted]. Thereafter, all copies and emails regarding this request were deleted and or destroyed. As a result, this matter does not need to be reported to the IOB.

~~SECRET~~

~~SECRET~~

b2  
b7E To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 2/21/2007

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

b2  
b7E

[redacted]  
[redacted]  
(S) [redacted] is requested to coordinate with [redacted] to ensure [redacted] has the appropriate protocols in place to prevent similar types of disclosures in the future.

b2  
b7E  
b7D  
b1

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

b6  
b7C

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~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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

**Approved By:** Miller David Ian

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-26-2007 BY 65179DMH/KSR/JW

**Drafted By:** [redacted]

b6  
b7C  
b2  
(remaining)

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3555  
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 2119  
278-HQ-C1229736-VIO Serial 2202

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 02/01/2007, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

b2  
b7E

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~~SECRET~~//20320328

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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

b6  
b7C  
b2  
b7E

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

**Drafted By:** [Redacted]

DECLASSIFIED BY 65179 DMH/KSR/JU  
ON 05-25-2007

**Case ID #:** (U) 263-HQ-0-U - 749 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3555  
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: 20320328~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 2119

**Reference:** (U) 278-HQ-C1229736-VIO Serial 2119  
278-HQ-C1229736-VIO Serial 2202

b2  
b7E

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

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

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

◆◆

~~SECRET~~//20320328

NSL VIO-1560

A

3619

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 02/05/2007

**To:** Inspection Division

**Attn:** IIS

Office of the General Counsel

**Attn:** NSLB

**From:** [Redacted]

**Contact:** SA [Redacted]

**Approved By:** [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [Redacted]

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

(U) 278 [Redacted]-C136372 (Pending)

DATE: 05-26-2007  
CLASSIFIED BY: [Redacted] b2 MMH/KSR/JW  
REASON: 1.4 (C) b7E  
DECLASSIFY ON: 05-26-2032

**Title:** (U) REPORT OF A POTENTIAL IOB MATTER

(U) REPORT OF A POTENTIAL IOB MATTER

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

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

**Details:**

Case Background and Case Agent

(S) [Redacted]

b1  
b6  
b7C

Case ID#:

(S)

b1

SC Miller *DM* 3/20/07

~~SECRET~~

CRS

[Redacted]

*know* 03/26/07

b6  
b7C

NSL VIO-1561

*need* 02/16/07 *has*

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 02/05/2007

**To:** Inspection Division

**Attn:** IIS

Office of the General Counsel

**Attn:** NSLB

**From:**

[Redacted]

**Contact:**

[Redacted]

**Approved By:**

[Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:**

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/ESP/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2038

b2  
b7E  
b6  
b7C

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending) - 21

(U) 278-[Redacted]-C136372 (Pending) - 124

**Title:** (U) REPORT OF A POTENTIAL IOB MATTER

(U) REPORT OF A POTENTIAL IOB MATTER

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

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

**Details:**

Case Background and Case Agent

(S)

[Redacted]

b1  
b6  
b7C

Case ID#:

[Redacted]

b1

(S)

~~SECRET~~

b2  
b7E

To: Inspection Division From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 02/05/2007

(S) Title: [redacted]

b1 (S) [redacted] The case agent of [redacted] is SA [redacted]  
b6 [redacted] SA [redacted] supervisor is SSA [redacted]  
b7C [redacted]

b2 **Report of Potential IOB Matter**  
b7E

(S) [redacted] approved directing [redacted]  
[redacted], to produce to the Federal Bureau of Investigation  
(FBI) all financial records pertaining to [redacted]

1.

[redacted]

(S)

b1  
b6  
b7C  
b7D

2.

(S) [redacted]

[redacted]

(S)

(S) [redacted]

To: Inspection Division From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 02/05/2007

(S) [redacted]

b1  
b6  
b7C  
b7D

The records provided [redacted]  
In addition, [redacted] included records [redacted]

(S) [redacted]  
b1

(S) [redacted] The NSL served [redacted] specifically requested financial records for [redacted] never requested or provided any correspondence requesting records for [redacted]

(S) [redacted] Legal guidance provided by OGC and NSLB noted that a potential IOB violation includes "a carrier providing information beyond the scope of a NSL resulting in the unintentional acquisition of data" [278-HQ-C1229736-2570.]

b1  
b7D  
b2  
b7E  
b6  
b7C

(S) [redacted] On 02/05/2007, SA [redacted] contacted [redacted] Chief Divisional Counsel, [redacted] Division and informed her of this matter. At the request of [redacted] and in accordance with procedure stipulated in 278-HQ-C1229736-2570, the records provided [redacted]

[redacted] were sequestered and provided to [redacted]



~~SECRET~~

b2  
b7E

To: Inspection Division From: [REDACTED]  
Re: (U) 278-HQ-C1229736-VIO, 02/05/2007

LEAD(s):

Set Lead 1: (Action)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 03/05/2007

To: [Redacted]

Attn: SAC  
CDC

Counterterrorism

Attn: ITOS1, CONUS 4, [Redacted]

Inspection

Attn: IIS

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: Office of General Counsel  
NSLB/CTLU I

Contact: [Redacted]

b2  
b7E  
b6  
b7C

Approved By: Thomas Julie E. [Signature]

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/KSE/JH  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

Drafted By: [Redacted]

(C)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) <sup>2233</sup>

(U) ~~(S)~~ 278-[Redacted]-C136372-130 (Pending)

b1  
b2  
b7E

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
IOB MATTER 2007-[Redacted] b2

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

(U) ~~(S)~~ Derived From: G-3  
Declassify On: 03/05/2032

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2153

(U) Details: ~~(S)~~ By electronic communication (EC) dated February 5, 2007 and referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and [Redacted] the Inspection Division this potential IOB matter.

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b7C  
b7A

~~SECRET~~

[Redacted]

3/14/07  
[Signature]

b6  
b7C

NSL VIO-1566

~~SECRET~~

b2  
b7E To: [redacted] From: Office of General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/05/2007

(S) ~~(S)~~ [redacted], pursuant to this authorized investigation, a National Security Letter (NSL) was issued to produce all financial records pertaining to [redacted]

(S) [redacted] provided the records and they were received by SA [redacted]. Upon review, SA [redacted] found [redacted] provided the records requested but had also included records for [redacted] which had not been requested.

b1  
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b7C  
b2  
b7E  
b7D ~~(S)~~ SA [redacted] contacted [redacted] Chief Division Counsel, [redacted] who advised [redacted] send the [redacted] records [redacted] to be sequestered.

(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 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

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~~SECRET~~

b2 To: [redacted] From: Office of General Counsel  
b7E (U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/05/2007

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. [redacted]

b1

(U) ~~(S)~~ In this instance, [redacted] properly served an NSL requesting financial records relevant to the subject of the preliminary investigation. In addition to responsive records, due to an error by the financial institution, [redacted] [redacted] also obtained records beyond the scope of the NSL.

b2  
b7E

(U) ~~(S)~~ Based on our analysis, the financial institution's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive.

(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 the additional records in this instance are still relevant to the authorized investigation, the additional records may be maintained by the FBI if an additional NSL is served for those records. Otherwise, [redacted]

b2  
b7E

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~~SECRET~~

(U) To: [redacted] From: Office of General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/05/2007

b2  
b7E

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

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/05/2007

LEAD(s):

Set Lead 1: (Action)

b2  
b7E

[redacted]

AT

[redacted]

(U)

[redacted]

Field Office should serve an additional NSL for the relevant records, or in the alternative, contact the financial institution 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) 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.

cc: Ms. Thomas  
[redacted]  
IOB Library

b6  
b7C

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~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

Ext. [redacted]

b6  
b7C  
b2

**Approved By:** Miller David Ian

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-26-2007 BY 65179 DMH/KSR/JW

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3619  
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 2153  
278-[redacted]-C136372 Serial 124  
278-HQ-C1229736-VIO Serial 2233

b2  
b7E

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 02/05/2007, 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~~//20320328

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

b2  
b7E  
b6  
b7C

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

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

DECLASSIFIED BY 65179 DMH/KSR/JM  
ON 05-26-2007

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U - 755 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3619  
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:** 20320328

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 2153

**Reference:** (U) 278-HQ-C1229736-VIO Serial 2153  
278-[Redacted]-C136372 Serial 124  
278-HQ-C1229736-VIO Serial 2233

b2

**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.

◆◆

~~SECRET~~//20320328

NSL VIO-1572



~~SECRET~~

3619

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 03/22/2007

**To:** [ ]  
Counterterrorism

**Attn:** CDC [ ]

**Attn:** ITOS [ ], Conus [ ]

Inspection

**Attn:** IIS

**From:** [ ]

**Contact:** SA [ ]

**Approved By:** [ ] *m/mt*

**Drafted By:** [ ] *mac*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending) - 12/17

(U) 278 [ ]-C136372 (Pending)

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

**Title:** (U) REPORT OF A POTENTIAL IOB MATTER

(U) REPORT OF A POTENTIAL IOB MATTER

**Synopsis:** (U) To report resolution of potential Intelligence Oversight Board (IOB) matter.

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

**Reference:** (U) 278-HQ-C1229736-VIO-2233 b2  
(U) 278 [ ]-C136372-130 b7E

**Details:**

Case Background and Case Agent

(S) [ ]

[ ]

b2  
b7E  
b6  
b7C

b1  
b6  
b7C

~~SECRET~~

~~SECRET~~

To: [redacted] From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 03/22/2007

b2  
b7E

Case ID#: (S) [redacted]  
Title: (S) [redacted]

b1  
b2  
b7E

Report of Potential IOB Matter

(S) [redacted] A National Security Letter (NSL) approved [redacted] to produce to the Federal Bureau of Investigation (FBI) all financial records [redacted]

b1  
b6  
b7C  
b7D

1.

(S)

2.

(S)

[Large redacted area]

(S) The NSL [redacted] specifically requested the financial records to be provided for [redacted]

b1

(S) [redacted] personally provided to ISS [redacted] records requested in the NSL [redacted]

b1  
b6  
b7C  
b7D

~~SECRET~~

~~SECRET~~

b2  
b7E

To: [redacted] From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 03/22/2007

(S) [redacted] received the results of the  
NSL [redacted] The records provided [redacted]  
[redacted] as  
requested. In addition, [redacted] included records

b1  
b7D  
b6  
b7C

[redacted]

(S)

b1

(S)

[redacted]

(S) The NSL served [redacted]  
specifically requested [redacted] records for only [redacted]  
[redacted] Division at [redacted] never  
requested or provided any correspondence requesting records for

b7D

b6  
b7C  
b2

[redacted] Legal guidance provided by OGC and NSLB noted  
that a potential IOB violation includes "a carrier providing  
information beyond the scope of a NSL resulting in the  
unintentional acquisition of data" [278-HQ-C1229736-2570.]

b7E  
b1

(S) On 02/05/2007, SA [redacted] contacted  
[redacted] Chief Divisional Counsel, [redacted] Division  
and informed her of this matter. At the request of CDC [redacted]  
and in accordance with procedure stipulated in 278-HQ-C1229736-  
2570, the records provided [redacted]

(S)

[redacted] were sequestered and provided to CDC [redacted]

(S)

b2  
b7E  
b6  
b7C  
b7D

(S) On 03/12/2007, SA [redacted] received referenced ECs via  
[redacted] Division's CDC [redacted] Referenced ECs  
were drafted by the Office of General Counsel. The referenced  
ECs noted the following: "Based on our analysis, the financial  
institution's mistake is not reportable to the IOB as the FBI has  
not acted unlawfully or contrary to Executive Order or  
Presidential Directive." Further, [redacted] Division at [redacted]  
[redacted] was directed to "contact the financial institution and ask  
whether the improperly or unintentionally acquired information  
should be returned or destroyed with appropriate documentation to  
the file".

SECRET

~~SECRET~~

b2  
b7E

To: [redacted] From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 03/22/2007

(S)

~~(X)~~ On 03/12/2007, SA [redacted] contacted CDC [redacted] to acknowledge receipt of the referenced ECs. CDC [redacted] directed [redacted] to contact [redacted] to contact [redacted]

[redacted] would desire the "improperly or unintentionally acquired information" returned or destroyed. On 03/12/2007, SA [redacted] contacted [redacted] Division, via electronic mail.

(S)

~~(X)~~ On 03/14/2007, [redacted] reported [redacted]

b6  
b7C  
b2  
b7E  
b1  
b7D  
(U) [redacted] requested the "improperly or unintentionally acquired information" to be destroyed by the FBI, [redacted] Division. [redacted] would provide a written communication documenting [redacted] to the captioned cases.

~~(X)~~ On 03/16/2007, CDC [redacted] was informed [redacted] request for [redacted] Division to destroy the "improperly or unintentionally acquired information" [redacted] stated that the "improperly or unintentionally acquired information" would be destroyed by the [redacted] Division. Further, CDC [redacted] noted that a written communication would be drafted by the Legal Unit to confirm the destruction of the aforementioned files to the captioned cases.

~~SECRET~~

~~SECRET~~

To: [redacted] From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 03/22/2007

**LEAD(s) :**

**Set Lead 1: (Info)**

b2  
b7E

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For information.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

**Set Lead 3: (Info)**

[redacted]  
AT [redacted]

(U) For information.

◆◆

~~SECRET~~

~~SECRET~~//20320201

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/01/2007

To: Inspection  
General Counsel

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

Attn: ASAC [redacted]  
CDC [redacted]

From: [redacted]

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(C) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -2120  
~~(S)~~ 62F [redacted]-A89455-IOB -18

b6  
b7C  
b2  
b7E

DATE: 05-26-2007  
CLASSIFIED BY: 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

Title: (U) SA [redacted]

SSA [redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ Derived From: G-3  
Declassify On: 02/01/2032

Details:

(S) 1. [redacted]

(S) 2. [redacted]

b1 (S) 3. Possible IOB Error [redacted]

ERROR AS IN [redacted]

b2

b2  
b7E (S)

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

(S) [redacted] a National Security Letter (NSL)

[redacted]

b1

SC Miller DM 3/20/07

~~SECRET~~//20320201

CR [redacted] KAW 03/20/07

b6  
b7C

NSL VIO-1578

1/16

(U) To: Inspection From: [redacted]  
Re: (S) 278-HQ-C1229736-VIO, 02/01/2007

(S) [redacted]  
[redacted]

b1 [redacted] was prepared and approved in  
b6 accordance with the Attorney General Guidelines. The NSL was  
b7C served [redacted]  
b2 [redacted] provided the results of the NSL to [redacted] Field  
b7E Office via e-mail as a courtesy, noting that a hard copy of the  
b7D information was in transit to [redacted]

(S) (S) [redacted] A review of the results of the NSL revealed that  
[redacted] supplied what the case agent determined to be [redacted]  
[redacted]  
[redacted] This  
information was not utilized by the case agent in any analysis nor  
was it documented in the case file.

(U) (S) The case agent [redacted]  
[redacted] Division Counsel  
was contacted on [redacted] to advised of the problem.

b1 (S) (S) [redacted], case agent contacted [redacted]  
b2 vision [redacted]  
b7E [redacted]

b6 [redacted]  
b7C [redacted]  
b7D [redacted]

explain why the information was provided, or to identify that an  
error was made. Case agent requested that [redacted]

(S) [redacted]

(S) (S) [redacted]  
[redacted] explained that [redacted] was contacted regarding this  
error. [redacted] noted that he could not explain why this error  
occurred, yet, he aimed to correct the problem.

(S) (S) [redacted]  
[redacted] destroyed [redacted]  
[redacted] per the request of [redacted]  
[redacted]

(U)

~~SECRET~~//20320201

b2  
b7E

To: Inspection From: [redacted]  
Re: (X) 278-HQ-C1229736-VIO, 02/01/2007

(S)

provided a new CD-R which contained the appropriate information that was originally requested by the NSL served [redacted]

b1  
b7D  
b6  
b7C  
[redacted] ~~(S)~~ [redacted] case agent permanently deleted the e-mail message received [redacted] which contained [redacted] information.

(U) (Note: This was the second possible IOB error that resulted from the same request. Both errors were identified as separate incidences. These comments are provided to clarify any confusion associated with the two extremely similar incidences occurring in an extremely close time period.)

~~SECRET~~//20320201

3

NSL VIO-1580



~~SECRET~~//20320201

b2  
b7E

(U)

To: Inspection From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007

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~~//20320201

4

NSL VIO-1581

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 2/21/2007

b2  
b7E

To: [Redacted]

Attn: SSA [Redacted]  
SA  
CDC

Counterintelligence

Attn: CD-4

Inspection

Attn: IIS, [Redacted]

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b6  
b7C  
b2

Approved By: Thomas Julie [Signature]

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-2003 (Pending)

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007 [Redacted] b2

b2  
b7E

Synopsis: ~~(S)~~ (U) The [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.

(U) Derived From : G-3  
Declassify On: 2/21/2032

Administrative: ~~(S)~~ This electronic communication (EC) contains information from: the EC dated 2/01/2007 from [Redacted] to OGC reporting a potential IOB matter.

b2  
b7E (U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO SERIAL 2120

(U) Details: ~~(S)~~ By EC dated 2/01/2007, [Redacted] requested that OGC review an incident and determine whether it warrants reporting to

~~SECRET~~

b6  
b7C  
[Redacted]  
DATE: 3/14/07  
[Signature]  
OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION

NSL VIO-1582

b2

b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 2/2/2007

(S)

the IOB. [redacted]

(S)

[redacted] A National Security Letter (NSL) was served [redacted]. The NSL requested only transactional information [redacted]. The NSL results were provided [redacted].

b1

(S)

[redacted] case agent [redacted]

b7D

[redacted] discovered that in addition to the requested [redacted]

b2

b7E

[redacted] had provided information [redacted]

The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel [redacted] the case agent contacted [redacted]

The POC then contacted the appropriate [redacted] [redacted] had provided the information in error.

(S)

Subsequently, [redacted] destroyed [redacted] and deleted [redacted] regarding [redacted] [redacted] provided the requested information in compliance with the initial NSL request. [redacted] case agent similarly deleted the relevant [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

~~SECRET~~

b2

b7Eo. [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 2/21/2007

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.

b2

b7E

(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 notified the [redacted] CDC and notified [redacted]. Thereafter, [redacted] [redacted] regarding this request were deleted and or destroyed. As a result, this matter does not need to be reported to the IOB.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 2/21/200

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

b2 (U) For information.

b7E Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

b2 (U) [redacted] is requested to coordinate with [redacted] to  
b7E ensure that [redacted] has the appropriate protocols in place to prevent  
b7D similar types of disclosures in the future.

cc: 1- Ms. Thomas

1- [redacted]

b6  
b7C

1- IOB Library

◆◆

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** [REDACTED]

b6  
b7C  
b2

**Approved By:** Miller David Ian

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-26-2007 BY 65179 DMH/RSP/JW

**Drafted By:** [REDACTED]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3556  
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 2120  
278-HQ-C1229736-VIO Serial 2203

b2  
b7E

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 02/01/2007, 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~~//20320328

# FEDERAL BUREAU OF INVESTIGATION

b2 Precedence: ROUTINE Date: 03/28/2007

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

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

b6 Approved By: Miller David Ian *DM*

b7C Drafted By: [Redacted]

DECLASSIFIED BY 65179 DMH/KSR/JW  
ON 05-26-2007

b2 Case ID #: (U) 263-HQ-0-U - 756 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3556  
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: 20320328

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 2120

Reference: (U) 278-HQ-C1229736-VIO Serial 2120  
278-HQ-C1229736-VIO Serial 2203

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

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

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~//20320328

NSL VIO-1587

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 01/03/2007

To: INSD

Attn: IIS

To: OGC

Attn: NSLB

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

b2  
b7E  
b6  
b7C

Drafted By: [Redacted]

Case ID #: (X) 278-HQ-C1229736-VIO (Pending) - 2090

(S) [Redacted]

b1

(U) Title: (X) REPORT OF A POTENTIAL IOB MATTER;

(U) Synopsis: (X) To report a potential IOB matter.

(U)

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

Refere : (S) [Redacted]

(S)

Details: (X) [Redacted] an ECPA National Security Letter (NSL) was served [Redacted]

b1  
b6  
b7C  
b7D  
b2  
b7E

[Redacted] requested subscriber information for [Redacted]

The NSL specifically [Redacted]

~~SECRET~~

SC Miller @ DM 3/20/07  
CRS [Redacted] 03/20/07

b6  
b7C

NSL VIO-1588

*[Handwritten signature]*



b2

~~SECRET~~

b7E

To: INSD From: [redacted]

(U) Re: (X) 278-HQ-C1229736-VIO, 01/03/2007

(S) [redacted]

(S) (X) [redacted] the NSL was executed [redacted]

b1 [redacted] provided the subscriber information [redacted]  
b6 [redacted] as of the date of execution,  
b7C [redacted] and not for the dates specified on the NSL.  
b7D The subscriber information provided [redacted]

(S) [redacted] Furthermore the time period the  
subject is listed as the active subscriber covers the dates  
requested in the NSL. This information supplied [redacted]  
[redacted] was consistent with the request of  
the NSL. However, subscriber information provided [redacted]  
[redacted] was not identifiable to the

(S) [redacted] erroneously provided subscriber information to the FBI on a  
person who is not relevant to the investigation [redacted]

(S) [redacted]

(S) [redacted] The  
NSL was drafted by the Case Agent [redacted]

b1 [redacted] requested the subscriber information [redacted]  
b2 (S) [redacted] The erroneous subscriber information  
b7E provided [redacted]  
b7D was sequestered by the Chief Division Council of [redacted]  
Office [redacted] Reporting of this matter was  
delayed pending review by ADC [redacted] of new  
procedures outlined in FC captioned "REVISED PROCEDURES FOR  
THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT  
BOARD MATTERS", dated 11/16/2006.

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~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/21/2007

b2  
b7E

To: [Redacted]

Attn: [Redacted]

Inspection

Attn: IIS, [Redacted]

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

Contact: AGC [Redacted]

b2  
b6  
b7C

Approved By: Thomas Julie F. [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) <sup>2229</sup>

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007 [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~~ : 25X1

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from: (1) the EC dated 01/03/2007 from [Redacted] Field Office [Redacted] to OGC reporting a potential IOB matter; (2) conversation between [Redacted] and OGC regarding this potential IOB matter on 02/12/2007; (3) an email from [Redacted] to OGC dated 02/15/2007; and (4) automated case support (ACS).

b2  
b7E

Reference: b1 (U) 278-HQ-C1229736-VIO Serial 2090 (Pending)  
(S) [Redacted] Serial 21 (Pending)

(U) Details: ~~(S)~~ By EC dated 01/03/2007, [Redacted] requested that OGC review the facts of the captioned matter and determine whether it

b2  
b7E

~~SECRET~~

b6  
b7C

OIG/DOJ REVIEW [Redacted] DATE: 3/14/07  
FBI INVESTIGATION [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

NSL VIO-1590

~~SECRET~~

b2  
b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 02/21/2007

warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

(S)

[redacted] the FBI served a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, [redacted]

(S)

[redacted]

b2  
b7E

b1 (S) [redacted] provided a response to the NSL. In so doing [redacted] provided the subscriber information [redacted]

b7D [redacted] as of the date of the response, [redacted] and not for the date's specified in the NSLs. [redacted]

[redacted] information provided [redacted] was that of the subject of the investigation.

(S) Subscriber information provided [redacted]

(S) [redacted] was not identifiable to the subject of the investigation. [redacted]

[redacted] This information has been sequestered with the Chief Division Counsel.

(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,

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[redacted]

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To: [REDACTED] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 02/21/2007

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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.

(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 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.

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b7E To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 02/21/2007

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: (Action)

(S)

[redacted]

(S) ~~(U)~~ With respect to the information received that was not associated with the target, [redacted] should contact [redacted] and ask whether such information should be returned or destroyed with appropriate documentation to the file.

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cc: Ms. Thomas  
[redacted]  
IOB Library

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/27/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** [Redacted]

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**Approved By:** Miller David Ian

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [Redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3532  
OGC/IOB# 2007-[Redacted] b2

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/KSR/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

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

(U) ~~(S)~~ **Derived From:** G-3  
**Declassify On:** 20320327

**References:** (U) 278-HQ-C1229736-VIO Serial 2090  
(S) [Redacted]  
(U) 278-HQ-C1229736-VIO Serial 2229

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**Details:** (U) The Internal Investigations Section (IIS) received an EC from [Redacted] Office dated 01/03/2007, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident(s) described therein an administrative issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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NSL VIO-1595

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/28/2007

b2  
b7E **To:** [Redacted]

**Attn:** ADIC (Personal Attention)

**From:** Inspection  
Internal Investigations Section, IPU, Room 3041

**Contact:** [Redacted]

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

b6  
b7C  
b2 **Drafted By:** [Redacted]

DECLASSIFIED BY 65179 DMH/KSR/JW  
ON 05-26-2007

✓ **Case ID #:** (U) 263-HQ-0-U - 757 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3532  
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:** 20320328

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 2090

**Reference:** (U) 278-HQ-C1229736-VIO Serial 2090  
278-HQ-C1229736-VIO Serial 2229

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b7E **Details:** (U) Upon review of [Redacted] Office'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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NSL VIO-1596



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**FEDERAL BUREAU OF INVESTIGATION**

#1808

Precedence: ROUTINE

Date: 02/07/2006

To: General Counsel  
Inspection Division

Attn: National Security Law Branch,  
Room 7975  
Internal Investigations Sect.

From:

[Redacted]

Contact:

[Redacted]

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Approved By:

[Redacted]

Drafted By:

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (PENDING) - 1/16/06

(U)

(S) 278 [Redacted] C71404 (PENDING) - 1/12/06

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

(U)

Synopsis: (S) Possible IOB error for an unauthorized dissemination of information.

(U) (S)

Derived From : G-3  
Declassify On: X1

Details:

(S) 1.

[Redacted]

(S) 2.

[Redacted]

b1 (U) (S)  
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b7C

3. Possible IOB Error:

(S)

[Redacted]

(U)

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

(S) An NSL [Redacted]

[Redacted] was served [Redacted]  
[Redacted] the requested records were received [Redacted]  
[Redacted] and processed [Redacted] Through an error in  
the mail handling of the responding EC and records, the NSL and  
records were erroneously sent to [Redacted]

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L. Miller [Signature] 4/4/07  
CPS [Redacted] has 04/04/07

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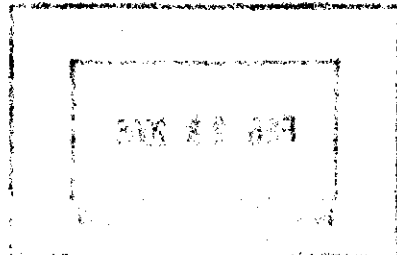
263-0-u-758  
NSL VIO-1597

[Redacted]

(U) To: General Counsel From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/07/2006

(c)  
b1 [redacted] A copy of the records were returned [redacted]  
b2 [redacted] The originals were picked up by an Agent [redacted]  
b7E [redacted]  
b7D [redacted]  
[redacted] was informed of the mishap and  
will ensure corrective action is taken.

b6 Questions concerning this EC or others aspects of the IOB  
b7C process may be addressed to either CDC [redacted] and/or OGC,  
National Security Law Branch.



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To: General Counsel From:   
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/07/2006

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-1599

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 03/24/2006

To: [redacted] b2  
Counterterrorism b7E  
Inspection

Attn: SAC, CDC  
Attn: AD  
Attn: IIS

DATE: 05-26-2007  
CLASSIFIED BY 65179 DMH/KSR/JU  
REASON: 1.4 (C)  
DECLASSIFY ON: 05-26-2032

From: General Counsel  
Counterterrorism Law Unit/II [redacted]  
Contact: Patrice I. Kopistansky, [redacted]

Approved By: Thomas, Julie [signature] b6  
[redacted] b7C  
[redacted] b2

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 2016

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

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General  
Counsel (OGC) that this matter does not warrant reporting to the  
Intelligence Oversight Board (IOB). Submission of this matter to  
the OPR is a matter within the cognizance of the IIS.

(U) ~~(S)~~ Derived from : G-3  
~~(S)~~ Declassify On: 03/24/2016

(U) Reference: 278-HQ-C1229736-VIO ~~(S)~~ - 1155

Administrative: (U) This communication contains one or more  
footnotes. To read the footnotes, download and print the  
document in WordPerfect 6.1.

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Details: (U) Referenced communication from the [redacted] Field  
Office [redacted] dated 02/07/2006, requested that OGC review the  
facts of the captioned matter and determine whether it warrants  
reporting to the IOB. In our opinion, it does not. Our analysis  
follows.

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INFO/DOJ REVIEW: [redacted]  
FBI INVESTIGATION: [redacted] DATE: 3/30/07  
OIG/DOJ INVESTIGATION: [redacted] 17

NSL VIO-1600

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(U)

To: [redacted] From: General Counsel  
Re: ~~278-HQ-C1229736-VIO-1155~~ (S), 03/24/2006

(S)

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(S) During the course of the investigation, [redacted] issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States." The NSL was addressed to [redacted]

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(S) [redacted] the requested records were received from [redacted]. [redacted] The records were supposed to be sent to [redacted]. However, [redacted] clerks who work on the night shift packaged the records and inadvertently sent them to [redacted]. An employee [redacted] who handles its NSLs ultimately obtained possession of the records and realized that they were the records of [redacted]. That person contacted [redacted] and sent it a copy of the records. [redacted] contacted [redacted] learned that the original records and EC that were intended for [redacted] were at [redacted] and arranged for [redacted] field office [redacted] to physically pick them up and send them back to [redacted]

(S)

(U) ~~(S)~~ See 278-HQ-C1229736-VIO, Serial 1155, dated 02/07/2006 and titled "Intelligence Oversight Board (IOB) Matter"

2 (m)

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(U) To: [redacted] From: General Counsel  
Re: 278-HQ-CI229736-VIO-1155--(X) , 03/24/2006

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[redacted] updated the paperwork and forwarded the originals to [redacted]. By EC dated 02/07/2006, [redacted] reported this matter as a possible IOB violation. (See footnote 1, above.)

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG)

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[redacted]

(U) ~~(S)~~ However, the improper dissemination was not of a nature of which the NSIG are concerned. The NSIG focus upon assuring that information disseminated to other government

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(U) To: [redacted] From: General Counsel  
Re: 278-HQ-CI229736-VIO-1155-~~(S)~~, 03/24/2006

agencies or to foreign governments is proper since those entities have the ability to adversely impact a person's constitutional rights if they misuse information. Since this activity involved improper dissemination to another private wire communications service provider, which does not have the same apparent ability to adversely impact the rights of the telephone subscriber, we have determined that this event need not be reported to the IOB. This was simply an administrative error by night clerical staff in sending unclassified telephone records to a service provider other than the service provider who owned the records. An employee of the other wire communications service provider, a person familiar with the NSL process and thus, presumably familiar with the non-disclosure aspect of it, immediately recognized the mistake and reported it to the records' owner, [redacted] and the mistake was rectified. There does not appear to be any potential damage to national security. There was no impact upon the rights of a United States person, nor, apparently, the non-USP subscriber. There was no improper collection of information.

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(S)

#### CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB.

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(U) To: [REDACTED] From: General Counsel  
Re: 278-HQ-C1229736-VFO-1155 (S) , 03/24/2006

LEAD(s) :

b2 Set Lead 1: (INFO)

b7E [REDACTED] FIELD OFFICE

(U) Read and Clear.

Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

b6 1 - [REDACTED]  
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