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FEDERAL BUREAU OF INVESTIGATION

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07



Precedence: ROUTINE

Date: 12/19/2006

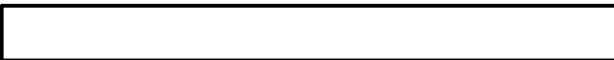
To: Inspection
General Counsel

Attn: IIS, Room 7825
Attn: NSLB, Room 7947

From:



Contact: SA



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Approved By:



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By:



L:plp

Case ID #: (U) 278-HQ-C1229736-VIO -1937 (Pending)

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

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

Synopsis: (U) Report of a potential IOB Matter.

(U) ~~(S)~~

Derived From : G-3
Declassify On: X1

1073946

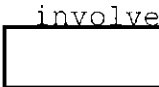
b1 Reference: (S)



(U) details: ~~(S)~~

The substantive investigation and serials of the potential IOB matter is referenced above. The relevant personnel involved is SA Her supervisor is SSA

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(S)



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(S) The potential IOB matter was discovered on 12/18/2006 when SA was conducting a thorough review of results from a National Security Letter (NSL) received the results on or but did not conduct a thorough review of the material until

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(S)
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(S) prepared a NSL which was accompanied by an electronic communication (EC)



~~SECRET~~

SC Miller DM 4/4/07

CR: kaw 4/6/07

263-1-1765

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NSL VIO-1605

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b2 To: Inspection From: [redacted]
b7E Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

(S)

[redacted]
b1 In the EC, this agent requested information for telephone number [redacted]
b6 [redacted] when the number was intended to be [redacted]
b7C Therefore, the NSL contained a substantive typographical error. Although the NSL was reviewed for errors, SA [redacted] did not discover the incorrect number.

(S) The NSL was forwarded [redacted]
[redacted] with the incorrect number which resulted in the acquisition of data that is not relevant to an authorized investigation. [redacted] SA [redacted] received a compact disc (CD) with results from the NSL. A thorough review of the material on the CD was conducted [redacted] which alerted SA [redacted] to a problem. This potential IOB violation was immediately reported to her supervisor and ADC [redacted]

(S) This NSL did glean pertinent information towards the substantive case. Only the relevant material from the CD has been printed and placed in the substantive file. The material inadvertently obtained that is not relevant to the investigation has not been utilized in any manner. The CD has been sealed in an envelope which is stored in SSA [redacted] safe. It will remain there until FBIHQ advises [redacted] on the disposition of the CD.

↓
OGC
advises

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b7E To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Proceed as mandated.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Proceed as mandated.

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FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE

Date: 02/01/2007

To: [Redacted]

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

Inspection

Attn: IIS [Redacted]
CRS [Redacted]

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

Contact: [Redacted] (202) 324-[Redacted]

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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-2293 (Pending)

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

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

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

(U) ~~(S)~~ Derived From: Multiple Sources
Declassify On: 02/01/2032

Reference: (U) 278-HQ-C1229736-VIO Serial 1933

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

(U) ~~(S)~~ Details: The referenced electronic communication (EC) from [Redacted] dated 12/19/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

b1 ~~(S)~~ (U) [Redacted] prepared a National Security
b2 Letter (NSL) requesting [Redacted]
b7E [Redacted]

~~SECRET~~

(S)

OIG/DOJ REVIEW: [Redacted] DATE: 3/23/07
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

b6
b7C NSL VIO-1608

~~SECRET~~

b2 To: [redacted] From: Office of the General Counsel
b7E Re: (U) 278-HQ-C1229736-VIO, 02/01/2007

b1 [redacted]
b6 [redacted] (S)
b7C NSL also requested [redacted]

[redacted] Due to an administrative error in drafting the NSL and the accompanying EC, the case agent requested information for the wrong telephone number. Therefore, the NSL contained a substantive typographical error when it was sent to the provider. (S)

b1 [redacted] the case agent received a
b7D [redacted] the NSL results. On 12/18/2006, upon a thorough review of the material [redacted] the case agent realized the error.

b1 [redacted] did contain some pertinent information
b7D relevant to an authorized investigation. The pertinent material was printed and placed in the substantive case file. However, the non-pertinent material was not printed, [redacted] itself has been sequestered.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights. Violations of provisions that are merely administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of

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

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b2 To: [REDACTED] From: Office of the General Counsel
b7E Re: (U) 278-HQ-C1229736-VIO, 02/01/2007

such administrative violations so that the Counsel to the IOB may review them upon request.

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

b1

(U) ~~(S)~~ Due to inadvertent typographical error, [REDACTED] received NSL results on a telephone number that was not associated with the subject of an authorized investigation. Upon realizing the error, the case agent immediately notified her supervisor and took the proper steps to sequester the information. None of the non-relevant information from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on this information. However, due to the fact that there was an unauthorized collection of presumed U.S. person information, we must report this to the IOB.

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 02/01/2007

LEAD(s):

Set Lead 1: (Action)

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[redacted]

(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: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

CC:

Ms. Thomas

[redacted]

IOB Library

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

February 1, 2007

BY COURIER

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

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-" (U)

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

Enclosure

1 - 278-HQ-C1229736-VIO - 2294

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: Multiple Sources
Declassify On: 02/01/2032~~

~~SECRET~~

NSL VIO-1612

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Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

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NSL VIO-1613

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

~~SECRET~~

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b7E [redacted] DIVISION
IOB MATTER 2007-[redacted] (U)

(S) ~~(S)~~ [redacted] of the Federal Bureau
of Investigation (FBI) reported a potential IOB involving a
National Security Letter (NSL) requested by [redacted] which, through a
transcription error, sought information about a telephone number
belonging to a person who was not the subject of an FBI national
security investigation.

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(S) [redacted] prepared an NSL requesting subscriber information
[redacted]

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[redacted] Due to an administrative
error in drafting the NSL and the accompanying EC, the case agent
requested information for the wrong telephone number. Therefore,
the NSL contained a substantive typographical error when it was
sent to the provider.

(S) [redacted] upon a thorough review of the NSL
results, the case agent noticed the discrepancy in the telephone
number. The case agent immediately notified her supervisor and
took the proper steps to sequester the information. None of the
non-relevant information from the original NSL results was
uploaded into the FBI computer systems, nor was any investigative
action taken based on this information.

b1

(S) ~~(S)~~ Due to inadvertent typographical error, [redacted] received
NSL results on a telephone number that was not associated with
the subject of an authorized investigation. However, due to the
fact that there was an unauthorized collection of presumed U.S.
person information, the error is a reportable matter under
Section 2.4 of Executive Order 12863.

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Derived from ~~Multiple Sources~~
Declassify on: ~~02/01/2032~~

~~SECRET~~

SECRET

NSL VIO-1614

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

07 b2

Precedence: ROUTINE

Date: 12/18/2006

To: Inspection
General Counsel

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

From:

Contact: SA

Approved By:

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

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Drafted By:

(C) Case ID #: ~~(S)~~ 278-HO-C1229736 - VIO (Pending) -1995
b2 ~~(S)~~ 278--C136372 (Pending) -111
b7E ~~(S)~~ 278--113 (Pending) -14

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) REPORT OF POTENTIAL
IOB MATTER

(U) Synopsis: ~~(S)~~ Possible IOB error for non-compliance with a
requirement of the Attorney General.

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

b1 Reference: (S)

Enclosure(s): (U) Enclosed for the case files are one copy of
the referenced EC.

Details:

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(U) ~~(S)~~ Case Agents: SA
b6 SA
b7C

SC Miller *DM* 4/4/07
CRS Kao b6
b7C

~~SECRET~~

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b7E To: Inspection From: [redacted]

(U) Re: ~~(S)~~ 278-HQ-C1229736 - VIO, 12/18/2006

(U) ~~(S)~~ b6 Supervisors: SSA [redacted]
b7C A/SSA [redacted]

(U) ~~(S)~~ Possible IOB Error:
Collection of toll billing records via National Security Letter (NSL) on a person not related to the investigation.

(S) SA [redacted] submitted an NSL [redacted]

[redacted]
[redacted] for the telephone subscriber [redacted]
[redacted]

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(S) [redacted] SA [redacted] was assigned the case and reviewed the records provided by [redacted] in response to the NSL.

(S) Upon review of the records, SA [redacted] identified that the incorrect telephone number, [redacted] was requested in the NSL and records provided by [redacted] were for an unrelated third party. The unrelated third party is presumed to be an USPER.

(S)

b6 ~~(S)~~ On 03/15/2006, SA [redacted] destroyed all documents
b7C provided [redacted] and documented the destruction of the documents
b7D in EC, [redacted]

bb1 ~~(S)~~ An NSL [redacted] was then submitted to [redacted]

b7D
(S)

b6 ~~(S)~~ On 12/18/2006, SA [redacted] was advised that the above
b7C mentioned actions needed to be reported as an IOB violation.

(U)

~~SECRET~~

(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736 - VIO, 12/18/2006

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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2006

To: [redacted]

From: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: (S) [redacted] (Pending) b1

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

Title: (S) [redacted]

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b7C

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b7D

(S) ~~(U)~~ Synopsis: ~~(S)~~ Documents destruction of incorrect results from [redacted] pertaining to National Security Letter (NSL) [redacted]

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

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

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b6 (U) ~~(S)~~ Details: ~~(S)~~ [redacted] an NSL was issued [redacted]

b7C On 03/14/2005 SA [redacted] was assigned the case.

b6 ~~(S)~~ Upon review of the results of the NSL provided by [redacted] SA [redacted] determined that the incorrect phone number had been sought in the original NSL.

b7D
b1 (S) ~~(S)~~ All such documents provided [redacted] were destroyed on 03/22/2006.

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(Rev. 01-31-2003)

DATE: 05-30-2007
CLASSIFIED BY 69179 DMH/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-30-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/23/2007

To: [Redacted]

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Attn: SAC [Redacted]
ASAC [Redacted]
CDC [Redacted]
SSA [Redacted]
A/SSA [Redacted]
SA [Redacted]
SA [Redacted]

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Inspection

Attn: IIS, [Redacted]

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

Approved By: Thomas Julie E. [Redacted]

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Drafted By: [Redacted]

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) ²²⁴³

(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 must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1995

(U) Details: ~~(S)~~ By electronic communication (EC) dated 12/18/2006, the [Redacted] Field Office [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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(S) [Redacted] case agent, submitted a National Security Letter (NSL) seeking

~~SECRET~~

01G/DOJ REVIEW

FBI INVESTIGATION: [Redacted]

01G/DOJ INVESTIGATION: [Redacted]

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DATE: 3/20/07

NSL VIO-1619

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 01/23/2007

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(S) telephone [redacted] records of a certain target. Due to a typographical error, the telephone number on the NSL was erroneously transcribed.¹ [redacted] SA [redacted] was assigned the case and he reviewed the telephone records and determined that they were not the target's records. [redacted] immediately ceased review of the telephone records. On 03/15/2006, SA [redacted] destroyed all improperly collected documents and records and provided an EC to the case file.²

(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.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to

¹ (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.

(U) ---
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² (S) On 12/18/2006, [redacted] realized that this incident constituted an IOB violation and promptly reported the matter to OGC and the Inspection Division.

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 01/23/2007

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. [REDACTED]

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(S) In this situation, due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Here, the target's rights were not violated because he was not the subject of the improperly collected information. It is unknown whether the erroneous information received pertained to a United States Person, inasmuch as there has been no review of the information. Nonetheless, based upon the fact that information which may be about a USP was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 01/23/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

[redacted]
[redacted]
AT [redacted]

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(U) [redacted] Field Office, under normal circumstances, should contact the provider of the information and determine whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. This matter is moot, however, since the information has already been destroyed and an EC has already been placed in the subject's case file.

cc: Ms. Thomas
[redacted]
IOB Library

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

January 23, 2007

BY COURIER

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

Dear Mr. Friedman:

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

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

Enclosure

1 - 278-HQ-C1229736-VIO - 2244

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

NSL VIO-1623

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

~~SECRET~~

NSL VIO-1624

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2

[REDACTED] FIELD OFFICE

b7E

IOB MATTER 2007-[REDACTED] (U)

(S) ~~(S)~~ By electronic communication dated December 18,

b1

2006, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that, [REDACTED] the FBI

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submitted a National Security Letter (NSL) seeking telephone [REDACTED]

b2

[REDACTED] records relating to a certain target [REDACTED] Due to a

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typographical error, the telephone number on the NSL was erroneously transcribed. On March 14, 2006, the telephone records were opened and it was determined that they were not the target's records. [REDACTED] immediately ceased review of the telephone records.

~~(S)~~ Due to the incorrect number stated in the NSL, the

(U)

FBI received [REDACTED] records pertaining to a telephone number that was neither under investigation nor related to an investigation. The error was discovered upon receipt of the information, and the records were neither reviewed nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. The overcollection was a violation [REDACTED]

b1

b7D

[REDACTED] Thus, the matter is being reported to the IOB.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Derived from: G-3
Declassify on: 25X-1

~~SECRET~~

~~SECRET~~

NSL VIO-1625

~~SECRET/OC/CON/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

a7- [] b2

Precedence: PRIORITY

Date: 12/18/2006

To: Inspection
General Counsel
Counterterrorism

Attn: IIS, Room 11861
Attn: NSLB, Room 7975
Attn: SSA []

From: []

Squad 1, []

Contact: []

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: []

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

Drafted By: []

Case ID #: (S) []

(Pending) - 564

278-HQ-C1229736-170 2183

Title: (S) []

Synopsis: (S//OC/NF) To report that []
excessive data that was not requested []

provided

[] To document the
sequestering and destruction of this data in FBI databases.

(U)

~~(S)~~

Derived From: ~~FBI SCG G-3, Jan. 1997~~
Declassify On: ~~12/18/2031~~

(U) Enclosure(s): ~~(S)~~ LHM for CTD to disseminate to the Office of
Intelligence and Policy Review (OIPR).

Details: (S//OC/NF) []

[]

[] data that was received []

Schiller [] 1/4/07

Ces []

Class 04/25/07

~~SECRET/OC/CON/NOFORN~~

b2
b7E
b1

To: Inspection From: [redacted]
Re: (S) [redacted] 12/18/2006

b1
b7D(c) [redacted]

(S//OC/NF)

b1
b6
b7C
b7D

[redacted]

(S//OC/NF) TFO [redacted] noticed [redacted] that [redacted] provided [redacted]

b1
b7D
b6
b7C

[redacted] TFO [redacted] checked [redacted] that was received through the issuance of National Security Letters (NSLs) [redacted] Based upon NSL results it appeared that [redacted] provided [redacted] information that was dated prior [redacted] TFO [redacted] contacted [redacted] about this matter [redacted]

(S) TFO [redacted] and [redacted] continued to follow up [redacted]

b1
b7D
b6
b7C
b2

[redacted] requesting that the excessive data [redacted] be sequestered. On [redacted] TFO [redacted] called [redacted], who is a supervisor [redacted] and explained that previous requests were made since [redacted] to sequester data [redacted] An e-mail was also sent to [redacted] regarding this matter the same day.

(S) TFO [redacted] continued to contact [redacted] regarding this matter. [redacted]

b1
b6
b7C

[redacted] that information be provided as to what specific records needed to be sequestered. TFO [redacted] provided the e-mail that was sent to [redacted]

(S) TFO [redacted] noticed that the data was sequestered [redacted]

b1
b2
b7E
b6
b7C

[redacted] would be contacting TFO [redacted] regarding the request to sequester this data as well.

b2 To: Inspection From: [redacted]
b7E Re: (S) [redacted] 12/18/2006
b1

(S) [redacted] advised that she had the disks with the sequestered data [redacted] On [redacted] b1 [redacted] contacted [redacted] and advised that the b6 disks were not received as of yet. [redacted] asked b7C for the address of where to mail [redacted] received [redacted]

(S) [redacted] was contacted [redacted] b1 [redacted] regarding sequestering data [redacted] b6 [redacted] complied with this request. [redacted] b7C [redacted] advised that the b2 request was being assigned to an analyst and would be completed b7E shortly. [redacted]

[redacted] received confirmation [redacted] that the records were sequestered [redacted]

(S//OC/NF) [redacted] contained the sequestered data for [redacted] destroyed

b1 [redacted] b6 [redacted] b7C destroyed [redacted] b2 [redacted] b7E [redacted]

(S) [redacted] contacted [redacted] b1 regarding the removal of the data [redacted] b6 [redacted] is responsible for sequestering the data. [redacted] b7C [redacted] contacted [redacted] b2 [redacted] b7E [redacted]

(S//OC/NF) [redacted] confirmed, b1 [redacted] that the b6 appropriate data was removed [redacted] b7C sequestered [redacted] b2 [redacted] b7E [redacted]

b2

b7E fo: Inspection From: [redacted]

b1 Re: (S) [redacted] 12/18/2006

b1

b7D [redacted] that did not need to be sequestered, and
b2 is in the process of recovering this data [redacted]

(S//OC/NF) [redacted] asserts that none of [redacted]

[redacted] data was used in [redacted] investigation [redacted]

[redacted] was able to independently obtain [redacted]

b1

[redacted] through the issuance of NSLs.

b2

b7E OIPR (S) [redacted] requests CTD provide the enclosed LHM to

[redacted]

b2 To: Inspection From: [redacted]
b7E Re: (S) [redacted] 12/18/2006
b1

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information and action if deemed appropriate.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information and action if deemed appropriate.

Set Lead 3: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

LHM. (U) ~~(S)~~ Request that CTD provide OIPR with the enclosed

◆◆

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information and action if deemed appropriate.

Set Lead 3: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) ~~(S)~~ Request that CTD provide OIPR with the enclosed

LHM.

~~SECRET//NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2007

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1/CONUS 2/Team 6

Inspection

Attn: IIS

From: General Counsel

National Security Law Branch/CTLU1 [Redacted]

Contact: [Redacted]

Approved By: Thomas Julie [Signature]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

Case ID #: (S) 278-HO-C1229736-VIO (Pending) - 2349

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

Title: (S) INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER 2007-704 - 629

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

Derived From: G-3
Declassify On: 02/26/2032

Reference: (S) [Redacted]

Administrative: (S) [Redacted]

[Large Redacted Block]

~~SECRET//NOFORN~~

OIG/DOJ REVIEW [Redacted]

DATE: 3/28/07

FBI INVESTIGATION [Redacted]

OIG/DOJ INVESTIGATION: [Redacted]

NSL VIO-1636

b2
b7E
b6
b7C

(U)
b1
(U)

b1
b7A

b6
b7C

b2
b7E, (U) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(S)

[redacted]

b1

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

Details: (S//NF) By electronic communication (EC) dated December 18, 2006, referenced above, [redacted] Division, [redacted] reported a possible IOB error in conjunction with its ongoing counterterrorism investigation [redacted]

b1
b2
b7E
b6
b7C
b7D
b7A

[redacted]

(S//NF)

[redacted]

b1
b6
b7C

(S)

¹ ~~(S)~~ See, EC from the [redacted] Division to the General Counsel dated 12/18/06, [redacted] hereinafter cited as [redacted] EC.

b2
b7E
b1

² (U) [redacted] EC.

³ (U) Id.

b2 (U) To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(S) [redacted]

(S) (S) ~~(S)~~ / (NF) [redacted]

b1 [redacted] it reported the matter to both NSLB and the Office of Intelligence Policy and Review ("OIPR"). In addition, [redacted] verified that

b6 [redacted] data was sequestered [redacted]

b7C [redacted]

b2 [redacted] sequestered data [redacted]

b7E [redacted] were destroyed [redacted]

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the surveillance errors described here are matters which must be reported to the IOB. They must.

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

(S) In this instance [redacted]

b1 [redacted] Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB, which this Office will do.

b2 (S) Since all inadvertently obtained information has already been destroyed, no action lead to [redacted] is necessary.
b7E

⁴ (U) Id.

⁵ Id.

~~SECRET//NOFORN~~

b2 (U) To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(S) For future reference, information inadvertently obtained [redacted]
[redacted] should not be destroyed unless directed by [redacted]
b1 Rather, the material should be collected, sequestered, sealed and
b2 delivered to OIPR for appropriate disposition [redacted]

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

JTTI

b2 To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

LEAD(s) :

Set Lead 1: (Info)

[redacted]

b2
b7E

(U) For information.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION DIVISION

AT WASHINGTON, D.C.

(U) For review and action deemed appropriate.

cc: Ms. Thomas

[redacted]
IOB Library

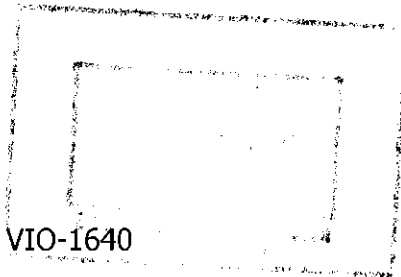
b6
b7C

◆◆

~~SECRET//NOFORN~~

5

NSL VIO-1640



February 26, 2007

BY COURIER

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

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

Dear Mr. Friedman:

b2

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 " (U)

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

Enclosure

1 - 278-HQ-C1229736-VIO - 2350

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ NSL VIO-1641

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111

- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

- 1 - Ms. Margaret Skelly-Nolen
Acting Counsel
Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-1642

~~SECRET~~

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b7E [redacted] DIVISION
IOB MATTER 2007-[redacted] (U)

(S)

[redacted]
Federal Bureau of Investigation ("FBI") has reported electronic surveillance errors in conjunction with its ongoing counterterrorism investigation of an identified U.S. person ("USPER"). [redacted]

[redacted] noticed that [redacted] provided [redacted]

b1
b2
b7E
b7D

[redacted] also noticed [redacted]

(S) [redacted] determined that [redacted] provided [redacted]

b1
b2
b7E
b7D

thereby resulting in an inadvertent over-collection, it reported the matter to both NSLB and the Office of Intelligence Policy and Review ("OIPR"). In addition, [redacted]

(U) This matter has been reported to the FBI's Inspection Division for appropriate action.

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

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

NSL VIO-1643

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

b2

Precedence: ROUTINE

Date: 01/25/2007

To: Inspection
General Counsel

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

[Redacted]

Attn: ASAC [Redacted]
ADC [Redacted]

From: [Redacted]

Contact: SA [Redacted]

b2
b7E
b6
b7C

Approved By

[Redacted Signature Box]

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

Drafted By:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO, J112

Title: (U) REPORT OF POTENTIAL IOB MATTER

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

(U) ~~(S)~~ Derived From: ~~(S)~~ FBI SCG-3, January 1997
Declassify On: ~~(S)~~ 01/25/2032

Details:

(S) The captioned potential Intelligence Oversight Board matter

b1
b7A

[Redacted]

* (S) A National Security Letter (NSL) was issued in the above referenced case to obtain subscriber information [Redacted]

[Redacted]

b1
b7A

[Redacted] During the preparation of the NSL, two of the digits in the telephone number were transposed resulting in the request for subscriber information [Redacted] for telephone number [Redacted] instead of [Redacted] The NSL was approved and issued, and the carrier provided records for telephone number [Redacted]

* serial 4 11/27/06

SC Miller [Redacted] 4407

CA [Redacted] Kao 04/25/07

b6
b7C

~~SECRET~~

NSL VIO-1644

b2
b7E To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/25/2007

b1 [redacted]
b2 (S) [redacted]
b7E [redacted]

(S) ~~(S)~~ After the carrier's return of the NSL and corresponding records, an analyst from another division discovered that the numbers had been transposed and telephonically notified [redacted] Agent, Special Agent [redacted] who prepared the NSL. [redacted] informed his supervisor, Supervisory Senior Resident Agent (SSRA) [redacted] of the error. [redacted] SA [redacted] and SSRA [redacted] reviewed 319X-HQ-A1487720-OGC, Serial 290, dated 01/03/2007, for guidance in reporting the matter and taking corrective action.

(S) ~~(S)~~ After receiving 319X-HQ-A1487720-OGC, Serial 290, SA [redacted] contacted Associate General Counsel (AGC) Patrice Kopistansky who advised him to contact [redacted] Division's Chief Division Counsel and to also remove the records [redacted]. On January 9, 2007, SA Gaylord notified [redacted] Associate Division Counsel (ADC) [redacted] of the error. SA [redacted] also facilitated the removal of the records [redacted]. Per ADC [redacted] direction, [redacted] records were secured [redacted] stored in a safe [redacted].

(U)

~~SECRET~~

b2
b7E

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/25/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For appropriate action.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

b2
b7E

(U) General Counsel is requested to review the circumstances regarding the possible IOB violation and to subsequently provide ADC [REDACTED] direction regarding the disposition of the records which were inadvertently collected.

◆◆

~~SECRET~~

3

NSL VIO-1646

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2007

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS IV

b2
b7E
b6
b7C

Inspection

Attn: IIS

From: General Counsel
NSLB/CTLU I
Contact: SSA [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F [Redacted]

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 (Pending) *2320*

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

(U) Synopsis: (S) The [Redacted] Division requested that the Office of
General Counsel (OGC) review a potential Intelligence Oversight
Board (IOB) error and determine whether it is reportable to the
IOB. It is the opinion of OGC that this matter must be reported
to the IOB. OGC will prepare and deliver the necessary
correspondence to the IOB.

(U) (S) Derived From : G-3
Declassify On: 02/26/2032

(U) Reference: (S) 278-HQ-C1229736-VIO, Serial 2112

Details: (S) [Redacted]

b1
b7A

Pursuant to this investigation, a National Security Letter (NSL) was issued requesting subscriber information [Redacted] records in accordance with 18 U.S.C. §2709. During the preparation of the NSL two of the digits in [Redacted] telephone number were transposed [Redacted]

~~SECRET~~

b6
b7C
OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION

DATE: 3/26/07

NSL VIO-1647

~~SECRET~~

(U)
b2

b7E To: [redacted] From: Office of the General Counsel
Re: (S) 278-HQ-C1229736-VIO, 02/26/2007

(U)

b1
b2
b7E

information [redacted] records of a number that was not relevant to a FBI investigation. [redacted] [redacted] [redacted] prior to discovery of the error.

b2
b7E

(S) It should be noted that, upon discovery of this error, the case agent immediately sought advice as to how to rectify the situation. The case agent, pursuant to this advice, removed the information [redacted] [redacted] and stored the original data, as well as one copy, in a safe.

(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 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.

~~SECRET~~

~~SECRET~~

b2
b7E

To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(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)~~ Here, due to the incorrect number stated in the NSL, the FBI received records pertaining to a telephone number that was not relevant to an authorized investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA. Accordingly, this incident must be reported to the IOB.

(U) ~~(S)~~ In accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

~~SECRET~~

~~SECRET~~

(U)

To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

b2 LEAD(s):

b7E Set Lead 1: (Action)

[redacted]

(U) [redacted] Field Office 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, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) For action deemed appropriate.

cc: Ms. Thomas
[redacted]
IOB Library

b6
b7C

◆◆

~~SECRET~~

February 26, 2007

BY COURIER

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

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 03-26-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-" (U)

b2

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

Enclosure

1 - 278-HQ-C1229736-VIO - 2321

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 02/26/2032~~

~~SECRET~~

NSL VIO-1651

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U. S. Department of Justice
Room 2200 C
- 1 - Ms. Margaret Skelly-Nolen
Acting Counsel
Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-1652

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2

[REDACTED] FIELD OFFICE

b7E

IOB MATTER 2007-[REDACTED] (U)

b1

b2

b7E

(S) By electronic communication dated January 25, 2007, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that, [REDACTED] the FBI issued a National Security Letter (NSL) seeking subscriber information [REDACTED] [REDACTED] records. Due to a typographical error made by the FBI on the NSL, the FBI obtained [REDACTED] [REDACTED] records pertaining to a telephone number that was not relevant to an authorized investigation, [REDACTED]

Thus, the matter is being reported to the IOB.

b2

b7E

(S) The FBI deleted the information [REDACTED] [REDACTED] and sequestered the data. The FBI will return the inadvertently obtained data to the telephone carrier, or destroy the data with documentation to the file.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Derived from: G-3
Declassify on: ~~02/26/2032~~

~~SECRET~~

~~SECRET~~ NSL VIO-1653

~~SECRET~~

b2

FEDERAL BUREAU OF INVESTIGATION

07 [Redacted]

Precedence: ROUTINE

Date: 01/19/2007

To: Inspection
General Counsel

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

From: [Redacted]

Contact: TFO [Redacted]

Approved By: [Redacted]

b2
b7E
b6

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Task Force officer

(U) Ed By: [Redacted]

DATE: 05-27-2007
CLASSIFIED BY: 65179 DMH/KSR/3W
REASON: 1.4 (C)
DECLASSIFY ON: 05-27-2032

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -2113

b1 (S)
[Redacted]

Title: (U) POSSIBLE INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

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

Details:

(S) 1.
b1
b6
(S) b7C

[Redacted]

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

b1 (S)

[Redacted]

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

(S) A National Security Letter (NSL) [Redacted]
was submitted [Redacted] requesting [Redacted]

information [Redacted]

b1
b7D
b6
b7C

[Redacted]

SC Miller
CRS
4/24/07
Rev 04/25/07

~~SECRET~~

NSL VIO-1654

b6
b7C

(U)
b2

b7E To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/19/2007

b1
b2
b7E

[redacted]

(S)

(S) [redacted] provided the NSL results in paper format. The [redacted] information [redacted]

b1
b7D
b6
b7C
b2
b7E

[redacted]

[redacted] the case agent did not review [redacted] information until [redacted] On [redacted]

[redacted] the case agent noticed [redacted] (The NSL that was served to [redacted] specifically noted [redacted] should not be included). The case agent immediately sequestered the original results that were stored in the 1-A envelope as well as the copy that was made from the original. Since the [redacted] CDC was out of the office on 01/16/2007 and 01/17/2007, the case agent was not able to notify the CDC about this matter until 01/18/2007. On 01/18/2007 the case agent provided the original and copy of the records to [redacted] CDC [redacted]

(S) [redacted] records provided [redacted] It was determined that [redacted] provided [redacted]

b1
b6
b7C
b2
b7E
b7D

[redacted]

[redacted] CDC [redacted] sequestered and sealed those records [redacted] CDC [redacted] will maintain the sequestered and sealed records under locked conditions in his office. [redacted] the improperly provided [redacted] information to the case agent for investigative purposes in that such records were properly provided [redacted] to the [redacted] Division in response to the above-stated NSL.

b1

(S) No information pertaining to the tainted [redacted] information was entered into ACS. [redacted] information.

[redacted] is being stored in the 1-A at this time.

(U)

~~SECRET~~

b2
b7E

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/19/2007

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~~

3

NSL VIO-1656

