

~~SECRET~~

----- Working Copy -----

Precedence: ROUTINE

Date: 04/20/2005 #1044

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

From: [Redacted]

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

b2
b7E
b6
b7C
b1
Case ID #: (U) 278-HQ-C1229736-VIO (Pending)
(S) [Redacted] (Pending)

Title:

(S)
(U)
(S)

REPORT OF POSSIBLE IOB VIOLATION

*handle +
PMT lead in
ACG. 4
@ [Signature]*

Synopsis: (S) EC to report a possible IOB violation committed by writer in investigation. [Redacted]

(U)
(S)

Derived From: G-3
Declassify On: X1

b1
b6
b7C

Enclosure(s): (S) Enclosed for NSLB are an EC dated 03/21/2005 with all of it's enclosures, [Redacted] containing toll records received. [Redacted]

b1
b7D

(S) Details: (U) A potential IOB violation occurred during investigation. [Redacted]

[Redacted]

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(S)

[Redacted]

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b7C
b7D

[Redacted] writer prepared a NSL for service requesting subscriber information [Redacted] records [Redacted]. A response to the NSL was [Redacted]

you

Case ID: 278-HQ-C1229736-VIO

(S)

Serial : 823
38

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b1 ~~SECRET~~

DATE: 06-01-2007
CLASSIFIED BY: 65179dmb/kar/pes
REASON: 1.4 (c/d)
DECLASSIFY ON: 06-01-2032

(S)

~~SECRET~~

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[Redacted]

b1
b7D

(S) (U) ~~(S)~~ Writer began to review the response from (S) [Redacted]
[Redacted] Upon reading the subscriber information, writer
(S) realized the name was not identifiable with [Redacted]

[Redacted]

b1
b6
b7C
b7D

(S) [Redacted] (Note: There is only
one digit difference between [Redacted] and [Redacted] which
was the nuber [Redacted] (C) [Redacted] which
Writer then checked [Redacted] Database for this
number [Redacted]

(S) [Redacted] Upon realization of this error, writer telephoned CDC
[Redacted] and advised him of these details. CDC [Redacted]
requested writer prepare a report of possible IOB violation.

(S) (U) ~~(S)~~ Writer was unable to determine if the incorrect
telephone number was the result of [Redacted] providing
incorrect information or a mistake [Redacted] by the writer

b7D
b1

[Redacted]

(U) ~~(S)~~ Writer has enclosed the results of the NSL for
destruction as they are not needed for, or related to, the
current investigation.

LEAD(s) :

Set Lead 1: (Info)

ALL RECEIVING OFFICES

(U) For info only.

(01/26/1998)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/01/2005

To: Inspection
Counterterrorism

Attn: IIS
Attn: AD
Attn: SAC, CDC

From: General Counsel
Counterterrorism Law Unit II

Contact: [Redacted]

Approved By: Thomas Julie F

Drafted By: [Redacted]

b2
b7E
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b7C
b1

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 8157
(S)

Title: ~~(S)~~ SA [Redacted]
(U) SSA [Redacted]

b2
POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
IOB 2005 [Redacted]

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB), but, rather, that a record of this decision should be maintained in the investigative control file for review by the Counsel to the IOB.

~~(S)~~
(U) **Derived from:** G-3
Declassify On: X-25-1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 823

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 8.0.

Details: (S) [Redacted]

b1
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b7C

~~SECRET~~

DATE: 06-01-2007
CLASSIFIED BY: 65179dmh/kst/prs
REASON: 1.4 (c/d)
DECLASSIFY ON: 06-01-2032

b6
b7C

Handwritten notes: "100- handle IIB + ... in ACC. 11"

~~SECRET~~

To: Inspection From: General Counsel
 (U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/10/2005

b1
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 b7C

[REDACTED]

(S) [REDACTED]
 provider, SA [REDACTED] realized that the subscriber information did not correspond with that of the target [REDACTED]. Subsequent research has revealed [REDACTED] correct [REDACTED] phone number to be [REDACTED]. The error appears to have been the result [REDACTED] providing incorrect information or mistaken [REDACTED] by SA [REDACTED].

b1
 b6
 b7C

[REDACTED]

b6 (U) ~~(S)~~ Immediately upon reviewing the subscriber information, SA [REDACTED] discontinued his review of the records. At no time did he or his supervisor, SSA [REDACTED] view the [REDACTED]. Rather, he has submitted the results of the NSL to OGC, for final disposition.

(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 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.

~~SECRET~~

~~SECRET~~

(U) To: Inspection From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/10/2005

(U) ~~(S)~~ In the instant matter, SA [redacted] erroneously issued an NSL for an incorrect phone number. However, he did so in good faith, [redacted]

b6
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b7D

[redacted] Further, immediately upon reviewing the subscriber information, he discontinued his review of the records and properly sequestered the information.

(U) ~~(S)~~ Consequently, based on the above analysis, this matter will be treated by OGC as essentially administrative in nature. In accordance with the above guidance, OGC will maintain a record of this matter for possible future reference by the Oversight Board and forward [redacted] to OIPR to be sequestered. Inspection is also requested to maintain a copy of this opinion, documenting the nonreportable nature of this issue.

b7D

~~SECRET~~

#831

~~SECRET~~

---- Working Copy ----

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Precedence: ROUTINE

Date: 06/27/2003

To: Counterterrorism

Attn: ITOS I, CONUS II, Team 6

General Counsel

Attn: [Redacted]
Unit Chief
National Security Law Unit

Inspection

Attn: [Redacted]

From: [Redacted]

Contact: [Redacted]

b6
b7C
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b7E

Approved By: [Redacted]

DATE: 06-23-2007
CLASSIFIED BY 65179 dmh/kxr/jhf
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-23-2032

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-1229736-VIO (Pending)
(U) [Redacted] 278-0 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER (IOB)
[Redacted] DIVISION

Synopsis: (U) To seek guidance regarding possible IOB violation.

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

Details: (S) [Redacted]

[Redacted]

(S) [Redacted]

b1
b6
b7C
b3 FGJ

[Redacted]

Case ID : 278-HQ-C1229736-VIO
b2 [Redacted] 278-0
b7E

Serial : 110
95

268-0-0-

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14

~~SECRET~~

---- Working Copy ----

Page 2

(U) ~~(S)~~ On June 18, 2003, FBIHQ advised [redacted] Division to
 b2 discontinuue serving subpoenas because of the statutory provisions
 b7E requiring authorization by the Attorney General (AG). [redacted]
 b3 [redacted]

(U) ~~(S)~~ [redacted] Division in turn contacted the United
 States Attorney's Office, Western District of [redacted] and requested
 that all pending requests for Grand Jury subpoenas be suspended until
 further notice. NSLs will be used to identify [redacted] in the
 interim.

b2 (U) ~~(S)~~ [redacted] was unaware that the term "Criminal
 b7E proceeding" had been interpreted by the AG Guidelines to include
 Federal Grand Jury (FGJ) subpoenas and proceedings. [redacted]
 Division has disseminated this guidance internally and will ensure
 future compliance with the AG Guidelines regarding this issue.

(U) ~~(S)~~ [redacted] requests that FBIHQ consider and determine
 whether the AG authority within [redacted] itself fulfills the
 AG approval requirement.

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Review information and advise FBI [redacted] as to any
 findings on this matter.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON D.C.

(U) Review information and advise FBI [redacted] as to any
 findings on this matter.

Set Lead 3: (Info)

COUNTERTERRORISM

AT ITOSI\CONUSII

(U) For information.

~~SECRET~~

~~SECRET~~
~~----- Working Copy -----~~

~~SECRET~~

~~SECRET~~

---- Working Copy ----

Precedence: ROUTINE

Date: 06/07/2004

To: [Redacted]

Attn: SAC

Counterterrorism

Attn: ITOS I/CONUS III

Director's Office

Attn: Office of Professional Responsibility

b2
b7E
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b7C

From: General Counsel

National Security Law Branch/Rm 7974

Contact: [Redacted]

Approved By: Curran John F

DATE: 06-04-2007
CLASSIFIED BY 65179 dmh/kar/prs
REASON: 1.4 (c/d)
DECLASSIFY ON: 06-04-2032

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-1229736-VIO

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER 2003 [Redacted]

b2

(U) 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.

~~(U)~~ ~~(S)~~ Derived from : G-3
Declassify on: X-1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) Reference: ~~(S)~~ 278-HQ-1229736-VIO

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

(S) Details: ~~(S)~~ By electronic communication (EC) dated 06/27/03 (cited below) 11, [Redacted] Division [Redacted] reported a possible IOB error in conjunction with [Redacted]

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b7C
b3 FGJ

[Redacted]

~~SECRET~~

~~SECRET~~

---- Working Copy ----

Page

2

(S)

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(U) Pursuant to Sections 1806(b), 1825(c), and 1845(b) of the FISA, FISA-derived information may not be disclosed for law enforcement purposes or used in a criminal proceeding without prior authorization of the Attorney General. Pursuant to a memorandum of the Attorney General dated March 6, 2002, the issuance of a grand jury subpoena falls within the definition of a "criminal proceeding" as that term is used in the FISA. Thus, a subpoena containing FISA-derived information requires prior authorization of the Attorney General before it is disclosed or used in a criminal proceeding.

(U) Section 2.4 of Executive Order (EO) 12863, dated September 13, 1993, requires the General Counsel for the Intelligence Community, including FBI/OGC, to report to the IOB intelligence activities that they have reason to believe are unlawful or contrary to executive order or presidential directive.

(U) ~~(S)~~ Pursuant to the FISA, a grand jury subpoena containing FISA-derived information may not be disclosed without prior authorization of the Attorney General. The Division served a federal grand jury subpoena containing FISA-derived information on a third party without obtaining the Attorney General's prior authorization. It is the opinion of Office of General Counsel that this constitutes a violation of the FISA that must be reported to the IOB.

b2
b7E

(U) ~~(S)~~ Based upon the above analysis, and consistent the reporting requirements of Section 2.4 of E.O. 12863, OGC will prepare a cover letter and an LHM to report this matter to the IOB. That correspondence will also advise the IOB that this matter will be referred to the FBI's Office of Professional Responsibility.

Lead(s):

Set Lead 1: (Action)

COUNTERTERRORISM DIVISION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Action)

~~SECRET~~

~~SECRET~~
----- Working Copy -----

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For action deemed appropriate.

Set Lead 3: (Action)

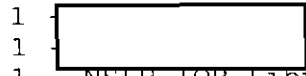
b2
b7E



(U) For action deemed appropriate.

1 - Mr. Curran




b6
b7C



1 - NSLB IOB Library

****FOOTNOTES****

b2
b7E

il: (U) See EC from  Division to the General Counsel, dated 06/27/03, Case ID# 278-HQ-1229736-VIO, titled "Intelligence Oversight Board Matter (IOB)  Division," hereinafter cited as  EC."

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

#1156

Precedence: ROUTINE

Date: 04/22/2005

To: General Counsel

Attn: National Security Law Branch,
Room 7975

From: [Redacted]

Contact: SA [Redacted]

b2
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Approved By [Redacted]

Drafted By: [Redacted]

(C) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 820

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

(U)

Synopsis: ~~(S)~~ Possible IOB error for non-compliance with a requirement of the National Foreign Intelligence Program Manual (NFIPM).

(U)

~~(S)~~

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) Enclosures: ~~(S)~~ Telephone records requested by General Counsel.

Details:

(S) 1. [Redacted]

b1 (S) 2. [Redacted]

b6

(U) ~~b7C~~ ~~(S)~~ 3. Possible IOB Error.

b1 (S) [Redacted]

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

(U) ~~(S)~~ [Redacted] drafted an NSL ~~(S)~~ [Redacted] which contained an incorrect telephone number. [Redacted]

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(S) [Redacted]
[Redacted] responded to the NSL and delivered the records that corresponded to the incorrect number on the NSL. [Redacted]
[Redacted]

~~SECRET~~

DATE: 06-04-2007
CLASSIFIED BY: 65179dmh/kex/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-04-2032

4/29/21/05

~~SECRET~~b2
b7E

To: General Counsel From: [REDACTED]

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/22/2005

(U) ~~(S)~~ Per instructions from [REDACTED] in her e-mail dated
(S) 04/21/2005 to [REDACTED] CDC [REDACTED] the acquired
telephone records are enclosed along with copies of the original NSL
and cover EC to be forwarded to OIPR. All the communications that
contain the incorrect number were permanently charged out and removed
from ACS in [REDACTED] office. [REDACTED] contacted the [REDACTED]
office and requested the removal [REDACTED] from
ACS.

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b7E
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b7C~~SECRET~~

~~SECRET~~

b2
b7E

(U) To: General Counsel From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/22/2005

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) General Counsel to take action requested above.

◆◆

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/06/2005

To: Inspection

Attn: Internal Investigation Section

[Redacted]

Attn: SA [Redacted]
CDC [Redacted]

From: General Counsel
National Security Law Branch/CTLU I/LX1 56-200
Contact: [Redacted]

Approved By: Thomas Julie F

Drafted By: [Redacted]

- please ensure covered / cleared FBI ACS. 24 06/27/05

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b7C

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

b1
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b7C
b2

Title: (U) INTELLIGENCE OVERSIGHT BOARD
SA [Redacted]
IOB MATTER 2005- [Redacted]

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

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO-820

Details: ~~(S)~~ As reported by the [Redacted] Division [Redacted] in the April 22, 2005 electronic communication, on December 6, 2004, [Redacted]

b2
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(U) ~~(S)~~ [Redacted] Special Agent (SA) [Redacted] drafted a National Security letter (NSL) [Redacted] which contained an incorrect telephone number. [Redacted]

b6
b7C

~~SECRET~~

OIG/DOJ Review: [Redacted]
FBI INVEST: [Redacted]
OPR UC INITIALS: [Redacted]

DATE: 9/18/05
VEST: [Redacted]

[Redacted] SSA [Redacted]
[Redacted]

DATE: 06-04-2007
CLASSIFIED BY: 65179dmh/ksr/prs
REASON: 1.4.(c)
DECLASSIFY ON: 06-04-2032

b6
b7C
4/05/05

~~SECRET~~

To: Inspection Division From: General Counsel
 (U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/06/2005

(S)

b1
 b6
 b7C
 b7D

[REDACTED] responded to the NSL and delivered the telephone records that corresponded to the incorrect number listed in the NSL. Upon review of the telephone records, it was discovered that they belonged to a different U.S. Person.

(U) ~~(S)~~ When the error was discovered, the telephone records were sealed along with the original NSL and forwarded to Headquarters together with a report of the incident. (See 278-HQ-C1229736-VIO Series 820). These records will be forwarded to the Office of Intelligence Policy and Review (OIPR) All communications that contained the incorrect telephone number were permanently charged out and removed from FBI Automated Case Support system (ACS).

(U) ~~(S)~~ Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM) requires OGC to determine whether the facts related above are required to be reported to the IOB. For the reasons discussed below this matter needs to be reported.

(U) ~~(S)~~ The Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709 authorizes the issuance of a National Security Letter for telephone subscriber information, telephone toll billing records and electronic communication transactional records for telephone numbers used by the subject of the investigation. The USA PATRIOT Act, P.L. 107-56, authorizes the issuance of an NSL for a subject upon a certification of relevance to an authorized investigation to protect against international terrorism or clandestine intelligence activities

b5

(U) Section 2.4 of the 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, Inspection Division, and the General Counsel, OGC, respectfully) report to the IOB all information "concerning the intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive."

~~SECRET~~

~~SECRET~~

To: Inspection Division From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/06/2005

(U) In the instant matter, while the error in combining the two telephone numbers appears to be inadvertent, it resulted in obtaining another U.S. Person's telephone records without authorization. Even though the production of the wrong telephone records resulted from a typographical error, the delivery of the telephone records was contrary to 18 USC § 2709. Consequently, based on the above analysis, and in accordance with the reporting requirements of Section 2.4 of E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB.

LEAD(s):

Set Lead 1: (Action)

b2
b7E



(U) Read and clear

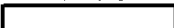
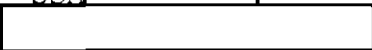
Set Lead 2: (Action)

INSPECTION (IIS)

AT WASHINGTON, DC

(U) For action deemed appropriate

b6
b7C

- 1 - Ms. Thomas
- 1 - SSA 
- 1 - 
- 1 - IOB file

~~SECRET~~

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May 6, 2005

BY COURIER

James Langdon, Chairman
Intelligence Oversight Board
New Executive Office Building
725 17th Street, N.W., Room 5020
Washington, D.C. 20503

Dear Chairman Langdon:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2005 [redacted] (U)

b2

The enclosure 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. (U)

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

b6 1 - Ms. Thomas
b7C 1 - SSA [redacted]

1 - [redacted]
1 - 278-HQ-C1229736-VIO-882

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

-2-

Chairman James Langdon

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

Enclosure

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~SECRET~~

~~SECRET~~

(S) ~~(U)~~ ~~(S)~~ [redacted] of the Federal
 b2 Bureau of Investigation (FBI) has reported that a National
 b7E Security Letter (NSL) [redacted]
 b1 [redacted] contained an
 b7D incorrect telephone number.

(S) ~~(S)~~ [redacted]
 [redacted] drafted
 (S) a National Security letter (NSL) [redacted] which contained
 an incorrect telephone number. [redacted]

b1 (S) [redacted]
 b6 [redacted]
 b7C [redacted] responded to the NSL and
 b7D delivered the telephone records that corresponded to the
 incorrect number listed in the NSL. Upon review of the telephone
 records, it was discovered that they belonged to a different U.S.
 Person.

(U) ~~(S)~~ When the error was discovered, the telephone records
 were sealed along with the original NSL and forwarded to FBI
 Headquarters together with a report of the incident. All
 communications that contained the incorrect telephone number were
 permanently charged out and removed from FBI Automated Case
 Support system (ACS). In addition, the matter has been referred
 to the FBI's Internal Inspection Section for any action that is
 deemed appropriate.

~~SECRET~~

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

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

DATE: 06-04-2007
 CLASSIFIED BY: 65179dmh/prs
 REASON: 1.4 (c)
 DECLASSIFY ON: 06-04-2032

(Rev. 01-31-2003)

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 09/26/2005**To:** General Counsel**Attn:** NSLB**From:** Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [REDACTED]b6
b7C
b2**Approved By:** Fogle Toni Mari**Drafted By:** [REDACTED]**(U)** **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending)**(U)** **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1156
OGC/IOB# 2005 [REDACTED]

b2

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:~~ X1**(U)** **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 820
~~278-HQ-C1229736-VIO Serial 881~~b2
b7E**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 4/22/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆

DECLASSIFIED BY 65179dah/ksr/prs
ON 08-04-2007~~SECRET~~

(Rev. 01-31-2003)

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 09/26/2005**To:** [REDACTED]**Attn:** SAC (Personal Attention)**From:** Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [REDACTED]b6
b7C
b2**Approved By:** Fogle Toni Marij [REDACTED]**Drafted By:** [REDACTED]**(U)** **Case ID #:** ~~(S)~~ 263-HQ-0-U - 319 (Pending)**(U)** **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1156 b2
OGC/IOB# 2005 [REDACTED]

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

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

Enclosure(s): (U) EC from [REDACTED] Division dated 04/22/2005

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 820
278-HQ-C1229736-VIO Serial 881

Details: (U) Upon review of [REDACTED] Division's captioned report of a potential IOB violation, it is IIS's opinion the incident is not indicative of willful misconduct. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

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(U) IIS does, however, suggest this incident be potentially considered a possible performance related issue with respect to the employee and respective supervisor, and relegates any future action relative to this incident to the discretion of the [REDACTED] Division. IIS recognizes and appreciates this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/30/2005

To: Counterterrorism
General Counsel

Attn: ITOS I\CONUS 2\Team 7
UC [redacted]
Attn: NSLB
AGC [redacted]

From: Inspection
Internal Investigations Section, IPU, Room 11102
Contact: CRS [redacted]

Approved By: [redacted]
Drafted By: [redacted]

b6
b7C
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(U) b7E

(U) **Case ID #:** ~~(S)~~ 263-HQ-0-U (Pending) 2005
~~(S)~~ 263-HQ-C1229736-VIO (Pending) 2005

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
SSA [redacted]
TFC [redacted]
[redacted] DIVISION
OGC # 2005 - [redacted]

Synopsis: (U) Forwarding material to Counterterrorism Division for appropriate handling.

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

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 688
(U) ~~(S)~~ 278-HQ-C1229736-VIO Serial 754

(U) **Enclosure(s):** ~~(S)~~ Enclosed for Counterterrorism Division (CTD), ITOS I, CONUS 2, Team 7 are the following:

(U) ~~(S)~~ A copy of 278-HQ-C1229736-VIO, serial 688 enclosing:

(S)

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[redacted]

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: Inspection
(U) Re: ~~(S)~~ 263-HQ-0-U, 09/30/2005

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(S)

[Redacted]

(U) ~~(S)~~ A copy of 278-HQ-C1229736-VIO, serial 754 enclosing:

(U) b1

A CD containing material inadvertently gathered [Redacted]

Details: ~~(S)~~ By way of 278-HQ-C1229736-VIO serials 688 and 754, [Redacted] Division forwarded to Inspection Division (INSD), Internal Investigations Section (IIS) the enclosed unauthorized collected material inadvertently obtained pursuant to: 1) an NSL

(S)

[Redacted]

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By standard practice, this material should have been provided by [Redacted] Division to CTD\ITOS I\CONUS 2\Team 7, the substantive unit supervising the investigations in which the material was collected. In turn, that unit SSA should turn it over to the Office of Intelligence Policy and Review (OIPR), [Redacted]

b2

[Redacted]

(U) ~~(S)~~ Accordingly, INSD, IIS is forwarding the enclosed material to CTD\ITOS I\CONUS 2\Team 7 for appropriate handling.

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: Inspection
(U) Re: ~~(S)~~ 263-HQ-0-U, 09/30/2005

LEAD(s):

Set Lead 1: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For ITOS I\CONUS 2\Team 7 to review EC and provide enclosed material to OIPR.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Provided to NSLB for information only.

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FEDERAL BUREAU OF INVESTIGATION

#1200

Precedence: ROUTINE

Date: 02/25/2005

To: Inspection
General Counsel

Attn: Internal Investigations Sect.
Attn: Natl. Sec. Law Branch Asst. Genl. Counsel

From:

[Redacted]

Legal Unit

Contact: CDC

[Redacted]

Approved By:

[Redacted]

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Drafted By:

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

Title: (U)

TFO
SSA
POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

Synopsis: (U) To report potential IOB matter to the Inspection Division and to the General Counsel.

(U)

(U)

~~(S)~~

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

Enclosure(s): ~~(S)~~ Enclosed for the Inspection Division, Internal Investigations Section are the following:

(S)

(U)

~~(S)~~

1. A CD containing material [Redacted] pursuant to a National Security Letter (NSL).

WARNING: This CD may contain a virus and should not be placed in any computer until a virus scan is performed.

(S) 2.

[Redacted]

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[Redacted]

ET

[Redacted]

409/23/05

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4/19/05

ENCLOSURE

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 02/25/2005

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(U) ~~(S)~~ 3. An EC dated 02/04/2005 [redacted]
[redacted] transmitting the results [redacted]

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[redacted]

(S) [redacted] a NSL was signed
by [redacted] SAC [redacted] The NSL

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b7E (S)

[redacted] The NSL sought [redacted]
[redacted] information [redacted]
[redacted] not to include [redacted]
[redacted]

(S) [redacted] served the NSL [redacted] returned to
[redacted] pursuant to the NSL.

~~(S)~~ Upon receiving the CD the case agent in this
matter, TFO [redacted] examined the CD and determined
that it contained [redacted]

[redacted] With the help of [redacted]
[redacted] TFO [redacted]

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He then reported what he had found to [redacted]
supervisor, SSA [redacted] On the same day the matter
was reported to him, 02/14/2005, SSA [redacted] telephonically
reported this matter to Chief Division Counsel (CDC) [redacted]
[redacted] CDC [redacted] advised SSA [redacted] to seal the CD in an
envelope and send it to CDC [redacted] On 02/16/2005 CDC [redacted]
telephonically contacted NSLPTU Unit Chief [redacted] for
guidance. This call was returned the same date by Assistant
General Counsel (AGC) [redacted] who advised [redacted]
[redacted] information retrieved from the CD should not be
used for any purpose even though the NSL did not request any
such information. On 2/23/2005 CDC [redacted] e-mailed AGC

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~~SECRET~~

To: Inspection From: [REDACTED]
 Re: (U) 278-HQ-C1229736-VIO, 02/25/2005

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[REDACTED] to determine if this matter should be reported as a potential IOB violation. On 2/24/2005 she responded that it should be reported.

(U)

[REDACTED] believes the following should be considered by the Inspection Division and the General Counsel in determining if this matter should be reported to the IOB. First the NSL specifically stated that e-mail content information was not requested. Any violation of Title 18, U.S. Code Section 2711 was committed by the internet service provider, not by the FBI. The statute does not specifically prohibit the FBI from viewing e-mail content information provided pursuant to a NSL and it does not specifically prohibit the use of such information by the FBI. The statute prohibits the FBI from requesting the content information and prohibits the provider from releasing such information. Second, any violation of the "intent" of the statute was inadvertent. The case agent sought guidance from his supervisor shortly after viewing the information and the supervisor immediately contacted the CDC. Guidance was then sought from OGC.

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~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 02/25/2005

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Review this EC and attachments and take action as appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review this EC and advise the Inspection Division, IIS on the referral of this matter as a potential IOB violation.

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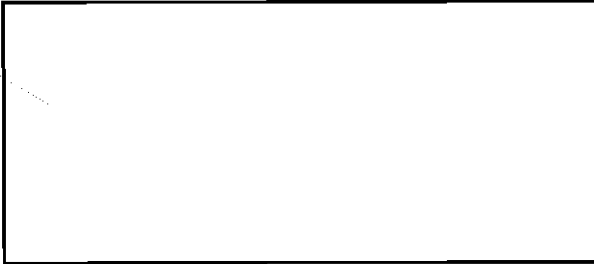
Secret

U.S. Department of Justice




Federal Bureau of Investigation

In Reply, Please Refer to
File No.

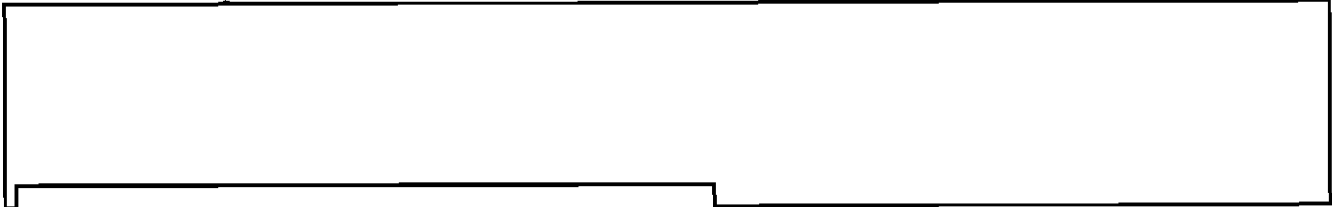


(S)

(s)

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (as amended, October 26, 2001), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) 

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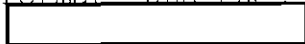
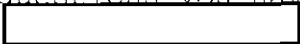
(S)

In accordance with Title 18, U.S.C., Section 2709(b), I certify that all records being sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and 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.

(S)

You are further advised that Title 18, U.S.C., Section 2709(c) prohibits any officer, employee or agent of yours from disclosing to any person that the FBI has sought or obtained access to information or records under these provisions.

(S)

You are requested to provide the records in an electronic format, specifically in comma separated value format and then provide them personally to a representative of  Division of the FBI. Any questions you have regarding this request should be directed only to  Division. Due to security considerations, you should neither send the records through the mail nor disclose the substance of this request in any telephone conversation.

(S)

~~Secret~~

Your cooperation in this matter is greatly appreciated.

Sincerely yours,

[Redacted Signature]

Special Agent in Charge

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~~Secret~~

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/04/2005

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To: [Redacted]

Attn: [Redacted] Ra
[Redacted]
TFO [Redacted]

From: [Redacted]

Contact: ISS [Redacted]

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

2/14/05

b1 (S) Case ID #: [Redacted]

Title: (S) [Redacted]
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(S) b6
b7C
(U)

b2 Synopsis: ~~(S)~~ To provide results of National Security Letter (NSL) [Redacted]

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

Enclosure(s): ~~(S)~~ Enclosed for [Redacted] are records, [Redacted]

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[Redacted] listed in the originating NSL.

Details: (S) [Redacted]

b1 (S)
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b7D (S)

(S) [Redacted]

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b7C (S) [Redacted]

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-07-2007
CLASSIFIED BY: 65179dmh/kcr/ptc
REASON: 1.4 (c)
DECLASSIFY ON: 06-07-2032

~~SECRET~~

b2 To: [redacted] From: [redacted]
 b7E Re: [redacted]
 b1 S)
 b1 :) [redacted]
 b6 [redacted]
 b7C [redacted]
 b2 (U) All leads set for [redacted] have been completed.
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LEAD(s) :

Set Lead 1: (Info)

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[redacted]

(U) Read and clear.

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~~SECRET~~

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/21/2005

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOSI/CONUSII

Inspection

Attn: Internal Investigation Section

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From: General Counsel

National Security Law Branch/LX Crossing Room 5S200

Contact: [Redacted]

Approved By: Thomas Julie F.

Drafted By: [Redacted]

(C) **Case #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending)
b1 (S) [Redacted] (Pending)

(S) **Title:** (S) Intelligence Oversight Board (IOB)
b6 SSA [Redacted]
b7C TFO [Redacted] 2005 [Redacted]
b2

(U)

Synopsis: ~~(S)~~ It is the opinion of the Office of General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB) and to the Inspection Division (INSD), FBIHQ. OGC will prepare and deliver the necessary correspondence to the IOB. Our analysis follows.

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: X25-1~~

Reference: (S) 278-HQ-C1229736-VIO Serial 580

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

DATE: 05-08-2007
CLASSIFIED BY: 65179 dmh/ksl/prs
REASON: 1.4 (c)
DECLASSIFY ON: 05-08-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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~~SECRET~~

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/21/2005

(U)

~~(S)~~ Details: ~~(S)~~ By electronic communication (EC) dated February 25, 2005 (cited below),¹ [redacted] Division [redacted] reported a potential IOB error. [redacted]

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[redacted] A NSL was signed by [redacted] SAC [redacted] [redacted] to provide all subscriber information pertaining [redacted] pursuant to 18 U.S.C. Section 2709. The NSL specifically stated [redacted]

~~(S)~~

[redacted] returned [redacted] a CD [redacted] pursuant to the NSL.

~~(S)~~

Case agent [redacted] determined that the CD contained [redacted] TFO [redacted] with assistance. was able [redacted]

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[redacted] reported [redacted] information to his supervisor SSA [redacted] SSA [redacted] telephonically contacted CDC [redacted] regarding the content information. CDC [redacted] advised that the CD should be sealed in an envelope and sent to him. He then consulted with NSLPTU. On 02/16/05 Assistant General Counsel [redacted] advised that the e-mail content information should not be used for any purpose, even though the content information was not requested and sent inadvertently by the service provider. On 02/24/05 NSLB advised that the matter should be reported as a potential IOB violation.⁵

¹ (U) See EC from [redacted] Division, dated 02/25/05, Case ID# 278-HQ-C1229736-VIO, titled "TFO [redacted] SSA [redacted] Potential Intelligence Oversight Board (IOB) Matter," hereinafter cited as [redacted] EC."

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² (S) [redacted]
³ (U) [redacted] EC.
⁴ (U) Id.
⁵ (U) Id.

~~SECRET~~

~~SECRET~~b2
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To: [REDACTED] From: General Counsel
 Re: (S) 278-HQ-C1229736-VIO, 04/21/2005

(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) ~~(S)~~ 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." The USA Patriot Act revised existing law governing

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[REDACTED]
 [REDACTED] At the same time, the Act made several changes to emphasize that [REDACTED] may not be used for the purpose [REDACTED]

[REDACTED] Consequently, any viewing of the content of electronically transmitted communications must be obtained pursuant to a court order.⁶

(S)

(U) ~~(S)~~ In the present case, it is clear that the service provider [REDACTED] erroneously provided [REDACTED] and that the FBI unintentionally received that content information not contemplated by the NSL [REDACTED]. However, under these circumstances, it is OGC's opinion that the error, although inadvertent, must be reported to IOB.

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(U) ~~(S)~~ In accordance with the reporting requirements of E.O. 12863, OGC will prepare the correspondence required to report this matter to IOB.

⁶There are certain enumerated exceptions to this prohibition. See 50 U.S.C. Section 1802.

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~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/21/2005

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LEAD(s) :

Set Lead 1: (Adm)

[redacted]

(U) Read and clear. Take action consistent with this memorandum.

Set Lead 2: (Action)

INSPECTION

INTERNAL INSPECTIONS SECTION, WASHINGTON, DC

(U) For action deemed appropriate

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- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB File

~~SECRET~~

April 21, 2005

BY COURIER

Mr. James Langdon
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Langdon:

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b7E

Enclosed for your information is a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, 2005-[redacted]"

This enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

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b7C

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - 278-HQ-C1229736-VIO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

(U)

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

~~SECRET~~

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.

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2 [redacted] DIVISION

b7E 2005- [redacted] (U)

(S)

Investigation of this IOB matter has determined that, [redacted] SAC [redacted] signed a NSL [redacted]

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[redacted] The NSL specifically stated not to include [redacted] content. [redacted] received a CD provided [redacted] The CD contained non-requested [redacted] [redacted] The CDC was contacted the same day and the CD was sealed in an envelope and delivered to the CDC. On February 16, 2005 [redacted] contacted OGC, NSLPTU. NSLPTU advised [redacted] not to use [redacted] information for any purpose. The matter was then reported as a potential IOB violation (S).

(U) This matter has been referred to the FBI's Inspection Division for action deemed appropriate ~~(S)~~

DATE: 06-08-2007
CLASSIFIED BY: 65179 dmh/ksr/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-08-2032

~~Derived from : G-3
Declassify on: X25-1~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 09/27/2005**To:** General Counsel**Attn:** NSLB**From:** Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [REDACTED]b6
b7C
b2**Approved By:** Fogle Toni Mari**Drafted By:** [REDACTED]~~(U)~~ ~~(S)~~ **Case ID #:** 278-HQ-C1229736-VIO (Pending)~~(U)~~ ~~(S)~~ **Title:** INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1200
OGC/IOB# 2005- [REDACTED] b2**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: X1~~(U)~~ ~~(S)~~ **Reference:** 278-HQ-C1229736-VIO Serial 688
278-HQ-C1229736-VIO Serial 824b2
b7E**Details:** (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 2/25/2005, 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 error attributed to the Internet Company in providing unauthorized information relative to an NSL request and not the FBI or its personnel. 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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DECLASSIFIED BY 65179 dmh/prs
ON 06-08-2007~~SECRET~~

(Rev. 01-31-2003)

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 09/28/2005**To:** [REDACTED]**Attn:** SAC (Personal Attention)**From:** Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [REDACTED]**Approved By:** Rosenthal Russell H**Drafted By:** [REDACTED](U) ~~(S)~~ **Case ID #:** 263-HQ-0-U - 324 (Pending)(U) ~~(S)~~ **Title:** [REDACTED]

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b2

TFO
SSA [REDACTED]

INTELLIGENCE OVERSIGHT BOARD MATTER

INSD/IIS TRACKING# 1200

OGC/IOB# 2005- [REDACTED]

b2

Synopsis: (U) To advise the 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 incident is remanded back to the field for whatever action deemed necessary and appropriate. Case closed at IIS.

(U)

~~(S)~~~~Derived From : G-3~~~~Declassify On: X1~~**Enclosure(s):** (U) EC from [REDACTED] dated 02/25/2005(U) ~~(S)~~ **Reference:** 278-HQ-C1229736-VIO Serial 688
278-HQ-C1229736-VIO Serial 824

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Details: (U) Upon review of [REDACTED] Division's captioned report of a potential IOB violation, it is IIS's opinion the incident described therein was an error attributed to the Internet Company in providing unauthorized information relative to an NSL request and not the FBI or its personnel. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

(U) IIS does, however, recognize this matter was brought to our attention as required by the revisions

~~SECRET~~DECLASSIFIED BY 65179 dmh/ker/pre
ON 06-08-2007

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To: From: Inspection
Re: 263-HQ-0-U - 324, 09/28/2005

mandated by National Security Law Branch/OGC EC, dated 03/18/2005
(319X-HQ-A1487720 serial 6).

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~~SECRET~~



CAM 1200

Washington, D.C. 20530

DATE: June 2, 2005

TO: Charlene B. Thornton
Assistant Director
Inspection Division
Federal Bureau of Investigation

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

SUBJECT: **OIG Complaint No. 2005005031**
Subject: [redacted] et al.
[redacted]
FBI No. 278-HQ-C1229736-VIO-688

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We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.

This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.

This complaint will be investigated by the OIG.

IMPORTANT NOTICE

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

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

Attachment

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-11-2007 BY 65179 dmh/k/r/pes

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324

OIG - INVESTIGATIONS DIVISION - IDMS

OIG NO. [redacted] 412-2005005031 M

Received By: [redacted] Date Received: 04/18/2005 How Received: A

SUBJECT: [redacted] SSNO: [redacted]
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]
 Component: FBI EOD Date: [redacted] Alien Number: [redacted]
 Misc: [redacted] F.B.I. No.: [redacted]
 Home: , , B.O.P. No.: [redacted]
 Phone: [redacted] ZIP: [redacted] D/L STATE: [redacted]
 Work: [redacted] No.: [redacted]
 Phone: [redacted] ZIP: [redacted]
 Judicial Action: Administrative Action:

SUBJECT: [redacted] SSNO: - -
 Title: SA Pay Plan: [redacted] D.O.B.: / /
 Component: FBI EOD Date: [redacted] Alien Number:
 Misc: [redacted] F.B.I. No.: b6
 Home: , , B.O.P. No.: b7C
 Phone: [redacted] D/L STATE: b2
 Work: [redacted] No.: b7E
 Phone: [redacted] ZIP: [redacted]
 Judicial Action: Administrative Action:

COMPLAINANT: [redacted] SSNO: - -
 Title: ATTY Pay Plan: GS- / D.O.B.: / /
 Component: FBI EOD Date: / / Alien Number:
 Misc: [redacted] F.B.I. No.:
 Home: , , B.O.P. No.:
 Phone: [redacted] D/L STATE:
 Work: [redacted] No.:
 Phone: [redacted] ZIP:
 Contact: Confidential: N Revealed: Authority:

ALLEGATIONS: Offense: 412 - Job Performance Failure
 Occurrence Date: Time: City: State: [redacted]
 Details:
 The FBI provided information reporting a potential IOB matter.

DISPOSITION DATA: Office: [redacted] Date: 04/18/2005 Disposition: M Approval: GGP
 Referred To Agency: FBI INSPECTION DIVISION Component: FBI
 Patriot Act: N Civil Rights: N Priority: N
 Other Number: 2781229736 Consolidated Case Number:
 Remarks:
 Predicating material contains information that has been classified and has been returned to the FBI. (yht)

REFERRAL INFORMATION:
 Agency Control No.: 2781229736 Date Sent to Component: 06/02/2005
 Last contacted on: / / Date Closed: - / -
 Status: CASE REFERRAL TO THORNTON/FBI (YHT)

(Rev 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/25/2005

To: Inspection
General Counsel

Attn: Internal Investigations Sect.
Attn: Natl. Sec. Law Branch Asst. Genl. Counsel

From:

Squad 1, Legal Unit
Contact: CDC

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Approved By:

DATE: 08-09-2007
CLASSIFIED BY: 65179 dmh/kax/prs
REASON: 1.4 (c)
DECLASSIFY ON: 08-09-2032

Drafted By:

-688

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

Title: (U) TFO b6
SSA b7C
POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

Synopsis: (U) To report potential IOB matter to the Inspection Division and to the General Counsel.

U ~~(S)~~

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

Enclosure(s): ~~(S)~~ Enclosed for the Inspection Division, Internal Investigations Section are the following:

(S)
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(U) ~~(S)~~ 1. A CD containing material furnished by pursuant to a National Security Letter (NSL).
WARNING: This CD may contain a virus and should not be placed in any computer until a virus scan is performed.

b1
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(S) 2.

~~SECRET~~

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4/19/05
INVEST: _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

UC INITIALS

