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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/04/2004

**To:** Counterterrorism

**Attn:** ITOS 1, Conus 3 Team 12,  
SSA [redacted]

Office of General Council

**Attn:** NSLB, Room 7975,  
[redacted]

**Attn:** CDC

**From:** [redacted]

**Contact:** SA [redacted]

**Approved By:** [redacted]

**Drafted By:** [redacted]

**Case ID #:** ~~(S)~~ 278-HQ-1229736-VIO (Pending) - 401

**Title:** ~~(S)~~ SSA [redacted]  
SA [redacted]  
[redacted] DIVISION;  
IOB

**Synopsis:** ~~(S)~~ Reporting of possible violation of the Attorney General Guidelines (AGGs) for FBI National Security Investigations and Foreign Intelligence Collection, which may be a reportable violation to the Intelligence Oversight Board (IOB).

**Details:** (S) [redacted]

[redacted] captioned matter was not administratively closed in ACS [redacted]

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b2 To: Counterterrorism From: [redacted]  
b7E Re: 278-HQ-C1229736 03/04/2004

(S) until [redacted]. On 02/18/2004, the [redacted] Division [redacted] IMA responsible for closing [redacted] in ACS discovered the investigation had one outstanding lead to [redacted] Division for service of a National Security Letter (NSL) for subscriber information and telephone toll records.

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(U) Due to administrative oversight, [redacted] Division, [redacted] failed to discontinue this outstanding lead to the [redacted] Division prior to drafting the closing EC. On 02/18/2004, the outstanding lead to [redacted] Division was discontinued in ACS by [redacted] Division, but no further direct notification to [redacted] Division was made. At that time, [redacted] Division incorrectly assumed the lead had been discontinued and no further investigation was being conducted.

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(U) ~~(S)~~ On 03/03/2004, [redacted] Division contacted [redacted] Division, [redacted] and notified that they had served an NSL [redacted] [redacted] were in receipt of telephone toll records, but a check of ACS had revealed that the matter had been administratively closed by [redacted] Division.

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~~(S)~~ Subsequent checks of ACS revealed that a routine lead was set by [redacted] Division to [redacted] Division to serve the NSL on 11/07/2003 (set in ACS), and assigned at [redacted] Division on 11/10/2003 (routine lead coverage within 60 days). [redacted] Division served the NSL to the telephone provider [redacted] on 11/14/2003, but [redacted] did not provide the requested telephone records until 02/27/2004. The date that [redacted] Division obtained the records was after [redacted] administrative closure of this investigation. [redacted] Division is forwarding the collected telephone records to [redacted] Division. Upon receipt of information from [redacted], no [redacted] personnel will open and/or review the enclosed material. The material will remain in a sealed envelope and be archived within the closed investigative file.

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b2 To: Counterterrorism From: [redacted]  
b7E Re: 278-HQ-C1229736 03/04/2004

**LEAD(s) :**

**Set Lead 1: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) ~~(S)~~ For ITOS 1, Conus 3, Team 12: Read and clear.

**Set Lead 2:**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) ~~(S)~~ For Office of General Council (OGC), NSLB:  
Referred as possible IOB violation, for appropriate action.

**Set Lead 3: (Info)**

[redacted]

AT [redacted]

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(U) ~~(S)~~ Read and clear.

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FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/04/2004

**To:** Counterterrorism

**Attn:** ITOS 1, Conus 3, Team 12,  
SSA [redacted]

Office of General Council

**Attn:** NSLB, Room 7975,  
[redacted]

**Attn:** CDC

**From:** [redacted]

**Contact:** SA [redacted]

**Approved By:** [redacted]

NSL VIO-36690

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**Drafted By:** [redacted]

410

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

(U) **Title:** ~~(S)~~ SSA [redacted]  
SA [redacted]  
[redacted] DIVISION;  
IOB

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**Synopsis:** ~~(S)~~ Reporting of possible violation of the Attorney General Guidelines (AGGs) for FBI National Security Investigations and Foreign Intelligence Collection, which may be a reportable violation to the Intelligence Oversight Board (IOB).

**Details:** (S) [redacted]

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[Large redacted block]

[redacted] captioned matter was not administratively closed in ACS

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DATE: 01-02-2008  
CLASSIFIED BY 65179dmh/ksr/lmf  
REASON: 1.4 (C)  
DECLASSIFY ON: 01-02-2033

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

J:0013/444/064R JHC3.11

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To: Counterterrorism From: [redacted]  
Re: 278-HQ-C1229736 03/04/2004

(S) [redacted] On 02/18/2004, the [redacted] Division, [redacted] IMA responsible for closing [redacted] in ACS discovered the investigation had one outstanding lead to [redacted] Division for service of a National Security Letter (NSL) for subscriber information and telephone toll records.

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(U) Due to administrative oversight, [redacted] Division, [redacted] failed to discontinue this outstanding lead to the [redacted] Division prior to drafting the closing EC. On 02/18/2004, the outstanding lead to [redacted] Division was discontinued in ACS by [redacted] Division, but no further direct notification to [redacted] Division was made. At that time, [redacted] Division incorrectly assumed the lead had been discontinued and no further investigation was being conducted.

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(U) (S) On 03/03/2004, [redacted] Division contacted [redacted] Division [redacted] and notified that they had served an NSL [redacted] [redacted], were in receipt of telephone toll records, but a check of ACS had revealed that the matter had been administratively closed by [redacted] Division.

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(S) Subsequent checks of ACS revealed that a routine lead was set by [redacted] Division to [redacted] Division to serve the NSL on 11/07/2003 (set in ACS), and assigned at [redacted] Division on 11/10/2003 (routine lead coverage within 60 days). [redacted] Division served the NSL to the telephone provider [redacted] on 11/14/2003, but [redacted] did not provide the requested telephone records until 02/27/2004. The date that [redacted] Division obtained the records was after the [redacted] administrative closure of this investigation. [redacted] Division is forwarding the collected telephone records to [redacted] Division. Upon receipt of information from [redacted] no [redacted] personnel will open and/or review the enclosed material. The material will remain in a sealed envelope and be archived within the closed investigative file.

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b7E To: Counterterrorism From: [redacted]  
Re: 278-HQ-C1229736 03/04/2004

**LEAD(s) :**

**Set Lead 1: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) ~~(S)~~ For ITOS 1, Conus 3, Team 12: Read and clear.

**Set Lead 2:**

COUNTERTERRORISM

AT WASHINGTON, DC

NSL VIO-36692

(U) ~~(S)~~ For Office of General Council (OGC), NSLB:  
Referred as possible IOB violation, for appropriate action.

**Set Lead 3: (Info)**

[redacted]  
AT [redacted]

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b7E (U) ~~(S)~~ Read and clear.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 03/09/2004

**To:** Cyber

**Attn:** SSA [Redacted]

C3IU/Room 5931

General Counsel

**Attn:** NSLB

**From:** [Redacted]

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**cc:** SA [Redacted]

**Approve** [Redacted]

**Drafted By:** [Redacted]

NSL VIO-36693

**Case ID #:** [Redacted]

(Pending)

278-HQ-C1229736-VIO (U) (Pending)

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**Title:** ~~(S)~~ [Redacted]

(U) President's Intelligence Oversight Board

**Synopsis:** (U) To report potential Intelligence Oversight Board (IOB) violation by an Electronic Communications/Service Provider who provided data exceeding the scope of the authorized request. The data as provided by the provider is sealed and enclosed for CyD/C3IU to deliver to OIPR for appropriate disposition by the USFISC.

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~~SECRET/ORCON/NOFORN~~

b1  
b2 To: Cyber From [redacted]  
b7E Re: [redacted] 03/08/2004  
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(U) ~~(S)~~ ~~Derived From: G-3~~  
~~Declassify On: X1~~

b6 (U) **Administrative:** (U) Ref 3/8/2004 e-mail with SSA [redacted]

b7C **Enclosure(s):** ~~(S)~~ Enclosed for [redacted] is one sealed CDROM containing  
b1 data from the website [redacted]

b7A **Details:** ~~(S)~~/OC,NF) Intelligence provided in this communication has  
b2 been acquired by techniques authorized in the Foreign Intelligence  
b7E Surveillance Act (FISA). Therefore, the intelligence provided has  
been obtained through methods of intelligence gathering which are  
considered sensitive and singular in nature. No overt investigative  
steps should be taken without first receiving advice and consent from  
FBIHQ and [redacted]

(U) ~~(S)~~/NF) Per 50 U.S.C. 1806(b) of FISA, recipients are  
also reminded that there are to be no further disseminations or use  
of FISA-derived material in any criminal proceeding without prior  
approval from the Attorney General. **NSL VIO-36694** Information may not be  
disseminated to any foreign government without prior Attorney General  
approval.

(U) ~~(S)~~ Captioned investigation arose out of  
information [redacted]  
(S) [redacted]

b1 ~~(S)~~/OC,NF) [redacted] the Bureau received USFISC  
b7A authorization [redacted]  
b6 [redacted]  
b7C [redacted]

b4 ~~(S)~~/OC,NF) The investigation to date has revealed  
b7D [redacted]  
b2 [redacted]  
b7E [redacted]

~~SECRET/ORCON/NOFORN~~



To: Cyber From [redacted]  
Re: [redacted] 03/08/2004

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~~(S//NF)~~ [redacted]  
[redacted] on October 3, 2003, San Francisco issued a National Security Letter (NSL), pursuant to 18 USC 2709, [redacted] requesting the following:

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Name, address, length of service, and electronic communication transactional records, to include existing transaction/activity logs and all e-mail header information (not to include message content and/or subject fields), for [redacted]

~~(S//NF)~~ In addition, the letter contained the following caveat:

This National Security Letter does not request, and you should not provide, information pursuant to this request that would disclose the content of any electronic communication as defined in Title 18, United States Code, Section 2510(8).

NSL VIO-36695

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(U) ~~(S//NF)~~ The letter was sent to the [redacted] Division and delivered to [redacted] On 2/11/2004, [redacted] IA [redacted] sent [redacted] a CDROM which contained the data provided by [redacted] in response to the NSL.

(U) ~~(S//NF)~~ On Sunday 3/7/2004, SA [redacted] reviewed the data on the CDROM and found that, in addition to the requested logs, it appeared to contain content [redacted]

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[redacted] SA [redacted] immediately terminated analysis of the data and contacted ADC [redacted] Per ADC [redacted] instruction, the website logs, which were contained [redacted] which were authorized by the NSL, were extracted and saved to a separate CDROM. The original CDROM from [redacted] was then sealed and was not accessed again.

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(U) On 3/8/2004, SSA [redacted] Cyber [redacted] was notified and requested that the CDROM be sent to him for forwarding to OIPR. The CDROM is enclosed for forwarding to OIPR for an appropriate judicial disposition.

(U) Per a 3/8/2004 communication from the National Security Law Branch (NSLB) regarding revised procedures for handling possible IOB violations, this information is being provided to NSLB for reporting to the IOB if deemed appropriate.

~~SECRET//ORCON//NOFORN~~

To: Cyber      From: [REDACTED]  
Re: 288B-...-132986, 03/08/2004

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**LEAD(s) :**

**Set Lead 1: (Action)**

CYBER

AT CTCL, DC

(U) Deliver sealed CDROM to OIPR for appropriate judicial disposition.

**Set Lead 2: (Discretionary)**

GENERAL COUNSEL

NSL VIO-36696

AT WASHINGTON, DC

(U) Based upon the foregoing, generate a report to IOB if deemed appropriate.

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~~SECRET/ORCON/NOFORN~~