July 06, 2004

BY COURIER

General Brent Scowcroft (USAF Retired) Chairman Intelligence Oversight Board New Executive Office Building Washington, D.C.

Dear General Scowcroft:

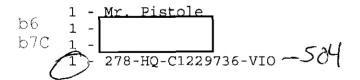
NSL VIO-36711

Enclosed for your information is a self-explanatory enclosure, entitled "Intelligence Oversight Board (IOB) Matter, CONUS I, International Terrorism Operations Section, Federal Bureau of Investigation Headquarters (FBI HQ), 2004

This 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)

Enclosure

b2



UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

DECLASSIFIED BY 65179dmh/ksr/lmf ON 01-07-2006 Derived from: 6-3
Declassify on: X1-25

General Brent Scowcroft (USAF Retired)

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,

John F. Curran Depu**nsi VHO-26712**Counsel

1 - The Honorable John D. Ashcroft
 Attorney General
 U.S. Department of Justice
 Room 5111

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THE FROM LO	CJ16	Gen. Counsel Into: Fire.	National Sec OEEOA
	Crim. inv.	Inspection my Serv Laboratory	OPCA OPR

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
CONUS I, INTERNATIONAL TERRORISM OPERATIONS SECTION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ)
2004 (U)

(S) Investigation of this IOB matter has determined that, On October 3, 2003, issued a National Security Letter to the internet service provider named requesting the name, address, length of service, and electronic communication transactional records for a website. The National Security Letter did not request email content. inadvertently provided email content information in its response (CDROM), which is not authorized under Title 18, United States Code, Section 2709 or Executive Order 12333. discovered the problem, and immediately took steps to Sie 1235413 the unauthor ized data collection to prevent its use or further dissemination. extracted the information which was authorized by the National Security Letter and then sealed the CDROM for delivery to the Office of Intelligence Policy and Review for appropriate action. In accordance with the reporting requirements of Section (U) 2.4 of Executive Order 12863, the error must be reported to the IOB. SX VA/-

APPROVED:		Gen. Corned hito Res.	National Sec
	•	inspection	O86
Director Deputy Director	Corrience Figures	I anoraku	

Derived from : G-3
Declassify on: X1

DATE: 01-07-2008

CLASSIFIED BY 65179dmh/ksr/lmf

PEASON: 1.4 (C)

DECLASSIFY ON: 01-07-2033

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

b2

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FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE			Date: 06/11/04
	To: Counterterrorism	Attn:	AD	
		Attn:	SAC CDC	
b2 b7E b6 b7C	Contact:		Room 794 <u>7</u> 202-324	
	Approved By: Curran Jo	ohn F / } C		
(U) · · · ·	Drafted By:	NS	L VIO-36714	
	Case ID #: 278-H	Q-C1229736-VIO (Pending)	
(U) (U)	Title: (%) INTELLIGE MATTER 20		ARD b2	
(U)·····	Synopsis: (X) It is to Counsel (OGC) that this Intelligence Oversight the required correspond	s matter must be : Board (IOB). OG	reported to C will prepa	the are and deliver
b2 ·b7E	References: (1) (2) 27	78-HQ-C1229736-VI 88B 132986 Se:	O Serial 41 rial 257	.9
	Administrative: (U) To footnotes. To read the document in WordPerfect	footnotes, down		
	(U) ————————————————————————————————————	Derived From : @ Declassify On: X	<u>-3</u> 1-25(U)	

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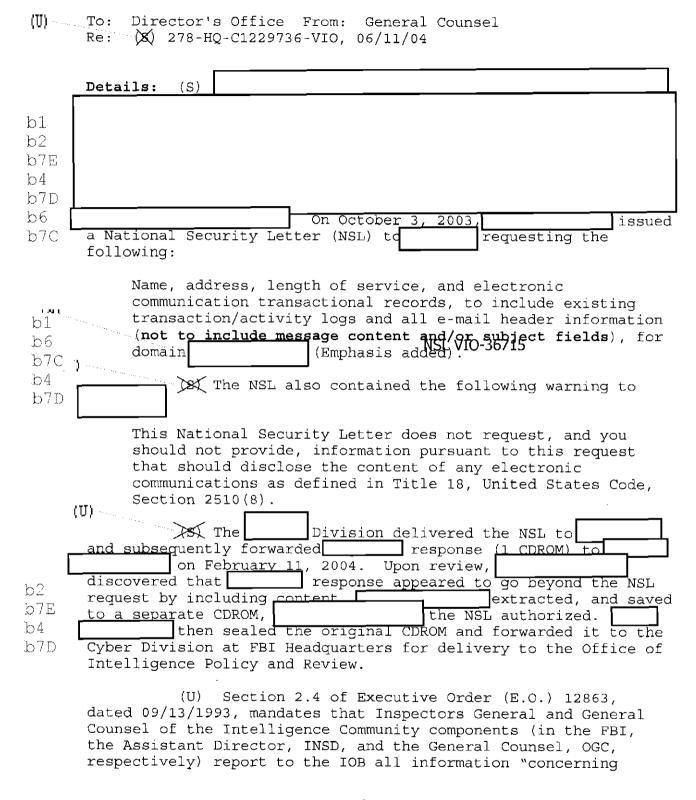
DATE: 01-07-2008

CLASSIFIED BY 65179dml:/ksr/lmf

REASOM: 1.4 (C)

DECLASSIFY ON: 01-07-2033

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE



To: Director's Office From: General Counsel

Re: 278-HQ-C1229736-VIO, 06/11/04

intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board.

- Title 18, United States Code, Section 2709, provides the mechanism for obtaining counterintelligence access to telephone toll and transactional records. It states in relevant part that a "wire or electronic communication service provider shall comply with a request for subscriber information and ... electronic communication transactional records in its custody or possession made by the Director of the Federal Bureau of Investigation." The production of email content by the service provider is not authorized under the statute.
- (U) In this instance, as a $^{NSI}_{est}$ $^{10}_{est}$ $^{10}_{est}$ communications carrier, it appears the FBI unintentionally obtained email content. Thus, the information was not authorized under Title 18, United States Code, Section 2709. Although San Francisco took the appropriate steps to sequester the unauthorized information to prevent its use or further dissemination, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the matter must be reported to the IOB. OGC will prepare the correspondence required to report this matter to the IOB.

To: Director's Office From: General Counsel

Re: 278-HQ-C1229736-VIO, 06/11/04

LEAD (s)

Set Lead 1: (Action)

CYBER DIVISION

AT WASHINGTON, DC

(U) If it has not already been accomplished, coordinate with the ______ Division, to ensure that all information related to the unauthorized production is collected, sequestered, sealed and delivered to FBIHQ for submission to the Office of Intelligence Policy and Review, Department of Justice.

b2 b7E

Set	Lead 2	:	(Action)

NSL VIO-36717

(U) Coordinate with FBIHQ, to ensure that all information related to the unauthorized production is collected, sequestered, sealed and delivered to FBIHQ for submission to the Office of Intelligence Policy and Review, Department of Justice.

- Mr. Curran b6 b7C 1 - IOB Library

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE		Date:	06/30/2004
To: Director's Office Counterterrorism	Attn:	OPR UC, CONUS III SAC; CDC SAC; CDC	
From: General Counsel National Security Counterterrorism b2 Contact: b7E b6 Approved By: Curran John b7C Drafted By: (U) Case ID #: \$\infty\$ 278-HQ-	Law Unit I/Room (202)	L VIO-36718	
Title: b2 INTELLIGENG MATTER 2004 Synopsis: S It is the Counsel (OGC) that the all be reported to the Intell analysis follows.	opinion of the pove referenced	e Office of the matter does no	t need to
Declass	l From : FBI SC sif y On: June 2 C1229736-VIO Ser	9, 2029	1, 1997
Details: (S)			
	Due to administr	ative backlog	and the

SECRET

DATE: 01-07-2008

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY ON: 01-07-2033

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE b1 b2 b7E

(II) To: Director's Office From: General Counsel Re: 38 278-HQ-C1229736-VIO, 06/30/2004 b2 subsequent captioned matter was not b7E administratively closed On 11/07/2003, set a routine lead to the Division to serve a National Security b2 <u>Letter (NSL)</u> in this case. City served the NSL to the b7E telephone provider on 11/14/2003, but did not provide the requested telephone records to until b4 02/27/2004, administrative b7D closure of this investigation. On 03/03/2004, notified that they had received the telephone toll records requested by b2 NSL, but a check of ACS revealed that had closed the b7E subsequently forwarded the collected

. Without reviewing the telephone investigation. telephone records to records, sealed the telephone religiously 36719 envelope and archived the sealed envelope within the closed investigation ([])

Section 2-56 of the <u>National Foreign Intelligence</u>

<u>Program Manual (NFIPM)</u> requires OGC to determine whether the facts related above are required to be reported to the IOB.

For the reasons discussed below, this matter need not be reported to the IOB.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated September 13, 1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive". This language was adopted verbatim from E.O. 12334, dated December 4, 1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign

To: Director's Office From: General Counsel Re: (X) 278-HQ-C1229736-VIO, 06/30/2004

Counterintelligence Investigations (FCIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated December 4, 1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ************************************
of <u>The</u>
Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection (NSIG)
<u></u>
Pursuant to this
authority, on 11/07/2003, lawfully issued a NSL for
that requested telephone records in th VI VIQ-36720n 11/14/2003,
properly served the NSL on
subsequent failure to cancel this lead at the time they closed
the case was an administrative error that did not affect the
lawfulness of the previously served NSL. properly sealed
and archived the telephone records received from the NSL because
the case was no longer open at the time of their receipt.
The late receipt of the telephone records in this
case constitutes an administrative error, not a substantive
violation of law or regulation designed to protect the individual
rights of U.S. persons. As discussed above, under longstanding
agreement between the FBI and the IOB, administrative errors are
not reportable to the IOB. slow response in this case
did not affect the lawfulness of the NSL. has already
sealed and archived the records in question. Additionally, none
of these records were reviewed or used by in its
investigation. Under these circumstances, it is OGC's opinion
that the late receipt of these telephone records by
on behalf is not an error that must be reported to the
IOB.

b2 b7E b4 b7D

b2 b7E

The FCIG was superseded on October 31, 2003, by the Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection (NSIG).



To: Director's Office From: General Counsel

Re: X 278-HQ-C1229736-VIO, 06/30/2004

(U) A copy of our opinion should be retained in the Counterterrorism Division control file for review by Counsel to the IOB, if requested.

NSL VIO-36721

(U) To: Director's Office From: General Counsel Re: 278-HQ-C1229736-VIO, 06/30/2004

LEAD (s)

Set Lead 1: (Action)

DIRECTOR'S OFFICE

AT OPR, FO, DC

(U) For action deemed appropriate.

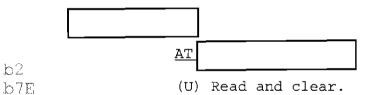
Set Lead 2: (Action)

COUNTERTERRORISM

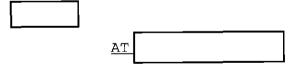
AT WASHINGTON, DC NSL VIO-36722

(U) Read and clear.

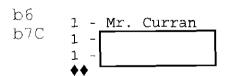
Set Lead 3: (Action)



Set Lead 4: (Action)



(U) Read and clear.



FEDERAL BUREAU OF INVESTIGATION

	Prec	edence:	ROUTIN	E	;	Date:	12/01/2004		
	To:	Director Counter				Attn:	OPR AD SAC CDC		
b2 b7E b6	From	Nati Cont	tact:	ecurity Law		∆m 797	5		
b7C		oved By:	Thoma	s Julie F ζ	190 12/16/07				
(U)		_	(X) 27	8-HQ-C12297	36-VIO-	VIO-36 (₽€	5723 ending)		
			(IOE	NTIAL INTEL MATTER 20	04-				
(U) ~ ~ ~ ~	Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that this matter should not be reported to the Intelligence Oversight Board (IOB). With respect to these matters, a record of this decision should be maintained in the investigative control file for review by the Counsel to the IOB.								
	(U)) <u></u>	Į		om : G-3 On: X25				
ı	Deta	ils: (S)				_	1	
b1 b2 r		_						<u> </u>	
b7E b6 b7C	was :	not admi	nistrat	ively close			strative back captioned ma		
					SECRET				

DATE: 01-07-2008

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY ON: 01-07-2093

ALL INFOPMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

To: Director's Office From: General Counsel Re: 278-HQ-C1229736-VIO-410, 12/01/2004

	(U)
b1	On 11/07/2003, set a routine
b2	lead to the Division to serve a
	National Security Letter (NSL) in this case.
b7E	served the NSL to the telephone provider on
(s ,b4 ,b7D	11/14/2003, but did not provide the requested telephone
(5 _{b7D}	records to until 02/27/2004, after the
	administrative closure of this
	investigation.
	(U)
	that they had received the telephone toll records
- 0	requested by NSL, but a check of ACS revealed that
o <u>2</u> г	had closed the investigation. subsequently
57E	forwarded the collected telephone records to Without
	reviewing the telephone records sealed the telephone
	records in an envelope and archived the sealed envelope within
	the aloged investigation file
	NSL VIO-36724
(\mathbf{U})	Section 2-56 of the <u>National Foreign</u>
	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 need

not be reported to the IOB.

Section 2.4 of Executive Order (E.O.) (U) 12863, dated September 13, 1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive". This language was adopted verbatim from E.O. 12334, dated December 4, 1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG), or other guidelines or regulations

The <u>FCIG</u> was superseded on October 31, 2003, by the <u>Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).</u>

To: Director's Oflice From: General Counsel
Re: (U) - (SX) 278-HQ-C1229736-VIO-410, 12/01/2004

approved by the Attorney General in accordance with E.O. 12333, dated December 4, 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.

)	
of The Attorney General's Guidelines for FBI National Security	
Investigations and Foreign Intelligence Collection (NSIG)	
Pursuant	
to this authority, on 11/07/2003, lawfully issued a NSL	
for that requested telephone records in this case. On	
11/14/2003, properly served the NSL vio 35729n	
subsequent failure to cancel this lead at the time	
they closed the case was an administrative error that did not	
affect the lawfulness of the previously served NSL properly sealed and archived the telephone records received	
from the NSL because the case was no longer open at the time	
of their receipt.	
-	
(U) The late receipt of the telephone	
records in this case constitutes an administrative error, not	
a substantive violation of law or regulation designed to	
protect the individual rights of U.S. persons. As discussed	
above, under longstanding agreement between the FBI and the	
IOB, administrative errors are not reportable to the IOB.	
slow response in this case did not affect the	
lawfulness of the NSL. has already sealed and archived	
the records in question. Additionally, none of these records	
were reviewed or used byin its investigation. Under	
these circumstances, it is OGC's opinion that the late receipt of these telephone records by on behalf is	
not an error that must be reported to the IOB.	

b2 b7E b4 b7D

b2 b7E b4 b7D

(U) A copy of our opinion should be retained in the Counterterrorism Division control file for review by Counsel to the IOB, if requested.

To: Director's Ollice From: General Counsel Re: (U) 278-HQ-C1229736-VIO-410, 12/01/2004 LEAD (g) Set Lead 1: (Action) DIRECTOR'S OFFICE AT OPR, FO, DC (U) For action deemed appropriate. Set Lead 2: (Action) COUNTERTERRORISM AT WASHINGTON, DC (U) Read and Clear. Set Lead 3: (Action) <u>AT</u> (U) Read and clear. b2 b7E Set Lead 4: (Action) (U) Read and clear. 1 - Ms. Thomas

FEDERAL BUREAU OF INVESTIGATION

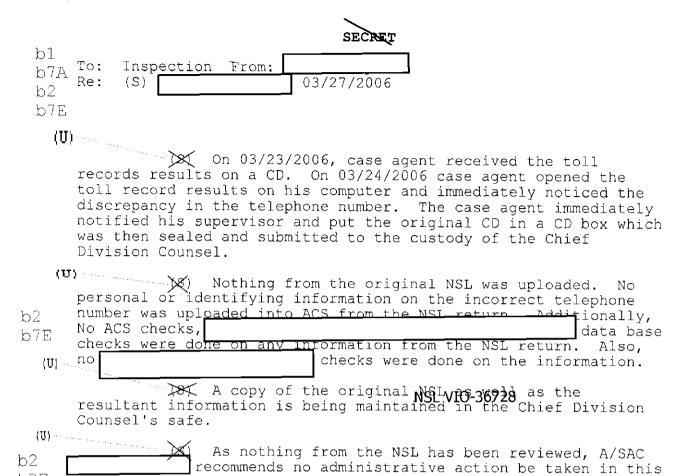
	Precedence:	ROUTINE		Date:	03/27/2006
	To: Inspect General		Attn: II Attn: NS		
b2 b7E b6	From: Ch	ief Division Counsel			
b7C	Approved By:				
b1	Drafted By:				
(v) -b2 b71 b72	Case ID #: (S) 278-HQ-C1229736	(Pend yg lgV	IO-36727	
(U)·····	b6 b7C	POSSIBLE INTELLIGE SA SSA	INCE OVERSI	GHT BOARE	MATTER, (IOB)
(0)	Synopsis:	X NSL directed at	incorrect	telephone	e number.
	(U	Derived From Declassify C			
(S)	THE THE PERSON NAMED IN COLUMN TO SERVICE AND ADDRESS OF THE PERSON NAMED ADDRESS OF THE PERSON NAMED ADDRESS OF THE PERSON NAMED AND ADDR				
b1 b7A	Details: (S)			
b2	(S) <u> </u>			<u>_</u>
b7E (U)					
(S)	asking the I	On 02/09/2006, can nvestigative Support <u>urity</u> Letter (NSL) f	: Specialis	t (ISS) t	o <u>create a </u>
b1 b7A b6 b7C b4 b7D	and investigation referenced to oversight te	associated with n. On 02/13/2006, the elephone numbers, hole lephone number from the case agent. The NSL with the	th the subject of the ISS creed wever, due was 02/09/20 erroneous	ect of th ated NSLs to an ac s erroned 06 email	nis s for the two dministrative busly as
		SE	CRET		

DATE: 01-07-2008

CLASSIFIED BY 65179dmh/ksr/lmf

FEASON: 1.4 (C)

DECLASSIFY ON: 01-07-2033



b7E

matter.

b1
b7A To: Inspection From:
b2 Re: (S) , 03/27/2006
b7E

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

NSL VIO-36729



FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE		Date: 04/18/2006					
b2 b7E	To:	Attn:	CDC SSA SA					
	Counterintelligence	Attn:	CD-2A, UC					
b6 b7C	Inspection	Attn:	IIS, CRS					
	From: Office of the General Counsel NSLB/CILU/Room 7947 Contact: AGC 202-324							
	Approved By: Thomas Julie F	NS	SL VIO-36730					
(U)·······	Drafted By:		,4¢					
	Case ID #: > 278-HQ-C1229736-	-VIO	(Pending)					
(U)b2 (U)	Title: NATTER 2006-	SIGHT BO	DARD					
	Synopsis: It is the opinion (OGC) that this matter must be a Board (IOB). OGC will prepare a correspondence to the IOB.	reported	to the Intelligence Oversight					
b1 b7A	(U) Derived From Declassify (I .					
b2 b7E	Reference: (S)							
b2 b7E	By electronic con Field Office facts of the captioned matter and		requested that OGC review the					

SECRET

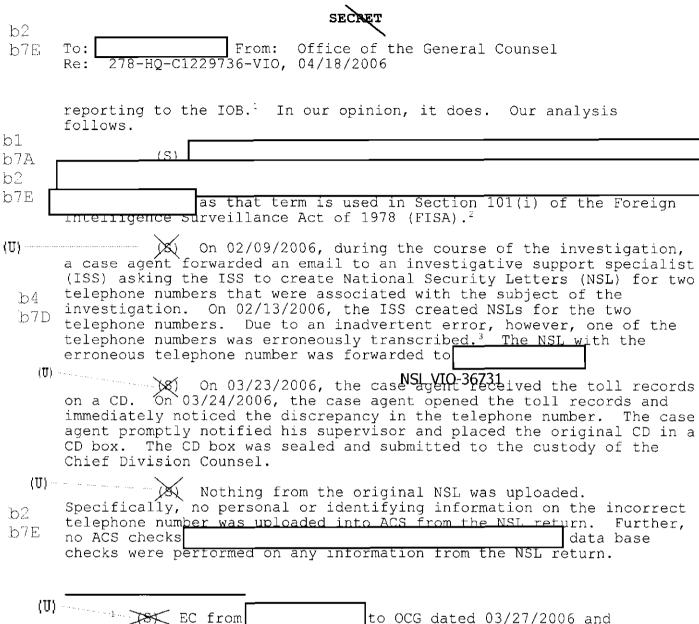
DATE: 01-07-2006

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY ON: 01-07-2033

ALL INFOPMATION CONTAINED HEPEIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE



(U)		798	EC fi	-om			. 000	: dated	03/27/	2006	and	
b2 .	titled	"Possi	ble	Intel	<u>lidence</u>	Oversi	iaht	Board	Matter,	(IOF	3) S	ŀΑ
b7E			SSA									
b6 '												

 2 (U) A "United States person" (USP) is defined in Section 101(i) of FISA (codified at 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) . . ."

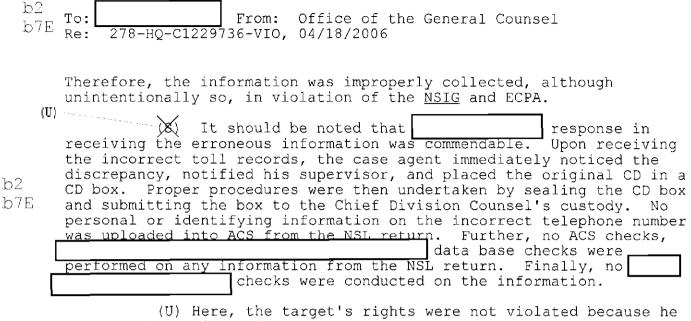
 3 (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.



.b2	-												
b7E	To: Re:	278-HQ-	C12297		Office of 04/18/200		neral	Counsel					
b2 b7E	Fina	illy, no				checks	were	conducted	on	the			
	info	rmation.		-									

- (\mathbb{U}) A copy of the original NSL and the information received are being maintained by the Chief Division Counsel in his safe.
 - (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 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).
 - (U) By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.
- NSLs are administrative subpoenas that allow the FBI to obtain three types of information: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act (ECPA)) (18 U.S.C. § 2709); (2) financial institution records (Right to Financial Privacy Act) (12 U.S.C. § 3414(a)(5)(A)); and (3) credit bureau information (Fair Credit Reporting Act) (15 U.S.C. § 1681u (a), (b)). ECPA, 18 U.S.C. § 2709, provides that the FBI may seek toll billing information from telephone carriers that is relevant to an authorized national security investigation. Section V.12., Investigative Techniques, of the NSIG provides that NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.
- was not relevant to an authorized national security investigation. 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.





(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 reserved 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.



b2 To: From: Office of the General Counsel b7E Re: 278-HQ-C1229736-VIO, 04/18/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

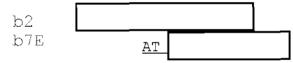
COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

NSL VIO-36734

Set Lead 3: (Action)



(U) The CDC should continue to retain custody of the improperly received information. This information should continue to remain sealed and sequestered in the CDC's safe until further direction from ${\tt OGC}$.

b6
b7C

Ms. Thomas

IOB Library

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May 2, 2006 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:

NSL VIO-36735

Enclosed for your information is a self-explanatory memo<u>randu</u>m entitled "Intelligence Oversight Board Matter b2 2006 " (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

Dep. Dir. Chief of

Staff Off. of Gen Counsel Crim. Inv. CHS Finance Info. Res. insp._ Lab. National Sec.

Personnei Training

Off, of EEOA Off. of Public

& Cong. Affs.

Director's Office

278-HQ-C1229736-VIO - 1347

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Declassify On: X1-

Derived From: G-3

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ON 01-02-2008

MAIL ROOM

SECRET

FBI/00J

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

NSL VIO-36736

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

APPROVED:	Crim. Inv. Inspection CJIS Laboratory	7
Director	Finance Netional Sec.	Off. of EEO Affairs
Deputy Director	Info. Res. Personnel	Off. of Public & Cong. Affs.

-SECRET-

	$ ag{b2}$
	b7E INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER FIELD OFFICE IOB MATTER 2006- (U)
	(S)
b1 	On February 2, 2006,
$_{ m b7A}^{ m -}$ 1	an FBI case agent
67A • b2 b7E	forwarded an email to an FBI investigative support specialist (ISS) asking the ISS to create National Security Letters (NSL) for two telephone numbers that were associated with the subject
b4	of the investigation. On February 13, 2006, the ISS created NSLs
b7D	for the two telephone numbers. Due to an inadvertent error,
	however, one of the telephone numbers was erroneously transcribed. The NSL with the erroneous telephone number was
	forwarded to
7TT 1	
\U	NSL VIO-36737 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. 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 of Section V.12. of <u>The</u>
	Attorney General's Guidelines for FBI National Security
	<u>Investigations and Foreign Intelligence Collection</u> . Thus, the
	matter is being reported to the IOB.

Derived from: G-3
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Section V.12. authorizes use of National Security Letters in conformity with 18 U.S.C. § 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records). The statute requires that information sought is relevant to an authorized national security investigation.

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DATE: 01-02-2008

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REASON: 1.4 (C)

DECLASSIFY ON: 01-02-2033

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