

**Classified Document Receipt**

When filling out this form, please press firmly with ballpoint pen.

**ACCOUNTABILITY**

FROM: (Name) [Redacted] (Organization and Address) DOJ/OIG/HQ/INV

TO: (Name) [Redacted] (Organization and Address) FBI Inspection Div.

SIGNATURE: (of Recipient) & DATE: \_\_\_\_\_

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**DOCUMENT IDENTITY**

SUBJECT & DESCRIPTION: DIG # 2005005031-M

[Redacted] etal.

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FBI # 278-HQ-C1229736-V10-688

Date of Document: 6/2/05 No. of pages: 15

Copy \_\_\_\_\_ of \_\_\_\_\_ Copies.

Classification of Document (Check Appropriate Box(es) Below):

TS  ~~TS~~  CONF  SCI  Q  OTHER

**INTERNAL DOJ ROUTING**

NAME	ORGANIZATION & DATE REC'D
1. [Redacted]	<u>FBI/ENSD 6/3/05</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

INSTRUCTIONS ON BACK OF LAST PAGE

FORM DOJ-34  
JUN. 81

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-26-2007 BY 65179dmh/ksr/prs

~~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]

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Approved By: [Redacted]

Drafted By: [Redacted]

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

(U) Title: ~~(S)~~ 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  
~~(S)~~ Declassify On: X1

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

Details:

(S) 1. [Redacted]

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b6 s) 2. [Redacted] a U.S. Person.

b7C s) 3. Possible IOB Error.

b2  
b7E (S) [Redacted]

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

(S) On 03/02/2005, SA [Redacted] drafted an NSL to [Redacted] which contained an incorrect telephone number. While drafting the NSL document, SA [Redacted] incorrectly combined the Subject's residence telephone number with his cellular phone number to produce a ten digit number. The ten digit telephone number did not belong to subject of the [Redacted] responded to the NSL and delivered the records that corresponded to the incorrect number on the NSL. The records obtained belonged to a different USPER.

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263-0-U-319 NSE-VIO-18145

11 09/21/05

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

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(U) ~~(S)~~ Per instructions from [redacted] in her e-mail dated 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 the [redacted] office. [redacted] contacted the [redacted] office and requested the removal of [redacted] from ACS.

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

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LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) General Counsel to take action requested above.

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NSL VIO-18147

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**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 58-200

Contact: [Redacted]

Approved By: Thomas Julie F

[Redacted]

Drafted By:

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -881 (Pending)  
(S) [Redacted]

*please ensure covered/cleared FBI ACS. 74 06/27/05*

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

Synopsis: (U) It is the [Redacted] of the Office of General Counsel (OGC) that this [Redacted] 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

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

Details: (S) [Redacted]

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(S) On March 2, 2005, Special Agent (SA) [Redacted] drafted a National Security letter (NSL) to [Redacted] which contained an incorrect telephone number. While drafting the NSL document, SA [Redacted] incorrectly combined the Subject's residence telephone

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*lead downloaded 6/23/05 aib*

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

DATE: 9/18/05  
DJ INVEST: [Redacted]

NSL-VIO-18148

SSA [Redacted]

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To: Inspection Division From: General Counsel

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/06/2005

(S) number with his cellular telephone number to produce a ten digit number. The ten digit telephone number did not belong to subject of the [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.

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(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. Clearly, if the telephone number listed in the NSL is not the number used by the subject of the terrorism investigation, the Bureau would not be entitled to the telephone subscriber and toll billing records.

(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."

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To: Inspection Division From: General Counsel  
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)**

[Redacted]

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AT [Redacted]

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(U) Read and clear

**Set Lead 2: (Action)**

INSPECTION (IIS)

AT WASHINGTON, DC

(U) For action deemed appropriate

1 - Ms. Thomas

1 - SSA [Redacted]

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1 - [Redacted]

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1 - IOB File

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(S) The [redacted] Division [redacted] of the Federal Bureau of Investigation (FBI) has reported that a National Security Letter (NSL) to [redacted] on the subject of a preliminary counter terrorism investigation contained an incorrect telephone number.

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(S) [redacted]

[redacted] On March 2, 2005, Special Agent (SA) [redacted] drafted a National Security letter (NSL) to [redacted] which contained an incorrect telephone number. While drafting the NSL document, SA [redacted] incorrectly combined the Subject's residence telephone number with his cellular telephone number to produce a ten digit number. The ten digit telephone number did not belong to subject of the [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.

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(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.

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

NSL-VIO-18151



