

Precedence: ROUTINE

Date: 06/22/2006

To: Inspection

Attn: IIS

Room 11102

General Counsel

Attn: NSLB

Room 7975

From:

[Redacted]

Chief Division Counsel

Contact: CDC

[Redacted]

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Approved By:

[Redacted]

DATE: 11-15-2007
CLASSIFIED BY: 65179 DMH/KSR/DK
REASON: 1.4(C)
DECLASSIFY ON: 11-15-2032

Drafted By:

[Redacted]

Case ID #: (S) [Redacted] (Pending)

(U) ~~(S)~~ 278-HQ-C1229736-VIO (Pending)
278-0

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Title: ~~(S)~~ Possible Intelligence Oversight Board Matter (IOB)

SA [Redacted]

SSA [Redacted]

Synopsis: ~~(S)~~ Provides notification of potential IOB matter for reporting as necessary.

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

Details: ~~(S)~~ SA [Redacted] is assigned to the [Redacted] Division's International Terrorism squad [Redacted] under supervision of [Redacted] SA [Redacted] is the case agent for the investigation captioned [Redacted]

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(S)

[Redacted]

[Redacted]

Case ID:

[Redacted]

278-HQ-C122973

278-0

→ pending

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NSL VIO-34928

(S)

[Redacted]

(S)

[Redacted]

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(S)

[Redacted]

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~~(S)~~ An NSL dated 01/11/2006 for subscriber information and toll billing records was issued to the communications provider of the above telephone number for the period [Redacted] through present, [Redacted]

(S)

~~(S)~~ Results of the NSL issued by [Redacted] were received from the serving office [Redacted] on 05/10/2006. A FD-542 communication was submitted to [Redacted] claiming a statistic for service of an NSL. SA [Redacted] reviewed this communication on or about 05/23/2006 and learned the following:

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(S)

~~(S)~~ 1) The telephone number was subscribed to by [Redacted] through the date of the NSL (01/11/2006). Hard copy toll records for this period were provided by the communications carrier and were forwarded to [Redacted] by [Redacted]

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(S)

~~(S)~~ 2) The telephone number was also subscribed to by a party other than [Redacted] for the period [Redacted] through [Redacted]. Hard copy toll records for the period [Redacted] were provided by the communications carrier and were forwarded to [Redacted] by [Redacted]

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(S)

(S)

~~(S)~~ Per review of ACS, the party other than [Redacted] was identified only in the FD-542 communication sent by [Redacted]. Otherwise, the party other than [Redacted] was identified only through review of the hard copy results provided by the communications carrier. No steps were taken in an attempt to further identify the other party. The toll records provided by the communications carrier with regard to the other party have

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~~SECRET~~

~~SECRET~~

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

Page 3

not been utilized or uploaded by [REDACTED]

(U) ~~(S)~~ On 06/08/2006, through office-provided training, it was brought to the attention of SA [REDACTED] that the above incident may constitute an IOB violation. On the same day, SA [REDACTED] brought this matter to the attention of his supervisor, SSA [REDACTED] as well as the [REDACTED] Division CDC.

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(U) ~~(S)~~ Remedial action, if deemed appropriate, will include the permanent ACS charge-out of the communication identifying the other party, as well providing all hard-copy toll records related to the other party to CDC for whatever action deemed appropriate.

(U) ~~(S)~~ The National Foreign Intelligence Program Manual, Section 2-02, states that there are certain investigative activities which are permitted in the absence of formally authorized inquiries and investigations. The collection of information pertaining to the other party as described above is not one of those activities. Nonetheless, it was not the intention of the captioned employees to capture information concerning an individual who is not under investigation.

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigation Section is requested to determine if the matter described in this communication constitutes a reportable IOB issue.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter described in this communication constitutes a reportable IOB issue.

~~SECRET~~

NSL VIO-34930

~~SECRET~~

(S) EC dated March 15, 2006, [redacted] requested that ITOS II, [redacted] FBIHQ [redacted] in the EC the TFO included the following language:

(S) (b) [redacted]

(S) [redacted] These ECs included a request to [redacted] and a National Security Letter (NSL).

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(S) (b) [redacted] in an EC dated May 1, 2006, the TFO requested and received authority to conduct [redacted] [redacted] By EC dated, July 10, 2006, the TFO requested and received approval for the issuance of an RFPA NSL for financial records of the subject. A copy of the EC was forwarded to ITOS 1, Conus III/Team 12. On August 23, 2006, a financial review of the subject's financial records was completed by the TFO.

Errors believed committed.

(S) (X) The above errors [redacted] and the issuance of the RFPA NSL [redacted] were [redacted] The TFO received an e-mail from SSA [redacted] ITOS, [redacted] advising that FBIHQ [redacted] did not grant [redacted] and that the request went to [redacted]

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Corrective measures

In view of the above, SAC [redacted] has ensured that corrective measures have been initiated, whereby the investigative paperwork of Task Force Officers working National Security Investigations are provided the appropriate oversight by National Security SSAs in the division.

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LEAD (s):
Set Lead 1: (Action)

~~SECRET~~

~~SECRET~~

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Page

4

GENERAL COUNSEL
AT WASHINGTON DC

(U) It is requested that the above information be reviewed for a potential IOB violation.

Set Lead 2: (Action)

INSPECTION DIVISION
AT WASHINGTON DC

U) It is requested that the above information be reviewed for a potential IOB violation.

~~SECRET~~

NSL VIO-34932

~~SECRET~~

Precedence: ROUTINE

Date: 10/17/2006

To: Inspection
General Counsel

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

From:

[Redacted]

Contact: SA

[Redacted]

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Approved By:

[Redacted]

Drafted By:

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

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

Title: (U) SA
SSA

[Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

^(U) ~~(S)~~

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

DATE: 11-30-2007
CLASSIFIED BY 65179 dmh/ksr/dk
REASON: 1.4 (c)
DECLASSIFY ON: 11-30-2032

Details:

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(b7C) (S) 2.

[Redacted]

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

[Redacted]

^(U) ~~(S)~~

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

^(U) ~~(S)~~ SA [Redacted] submitted a National Security Letter (NSL) seeking telephone subscriber information and telephone toll records of a certain target from [Redacted]. The NSL was dated August 18, 2005. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. The telephone records were received by an investigative analyst working with case agent on or about September 13, 2005, and subsequently provided to SA [Redacted] shortly thereafter. Because these records indicated that [Redacted] was not the appropriate carrier to obtain the telephone toll records, a second NSL dated September 29, 2005 was prepared and submitted to [Redacted] before learning that the subscriber information provided by [Redacted] was likely not that of the target. Upon learning of the typographical error contained on the NSL to [Redacted] the second NSL was recalled from

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Case ID : 278-HQ-C1229736-VIO

Serial : 1783

[redacted] by SA [redacted] and no records were provided to the FBI pursuant to this NSL. The original NSL served on [redacted] was returned to SA [redacted] and received in October of 2005.

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(U) ~~(S)~~ Thereafter, SA [redacted] took measures to remove all communications and telephone records associated with the erroneous phone number from FBI databases. This action was based on an e-mail dated November 27, 2005 from Office of General Counsel which was sent to the [redacted] Chief Division Counsel and further disseminated to the [redacted] division.

[redacted]

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The paper serials and electronic entries associated with this phone number were removed. Because this e-mail did not discuss reporting this issue as an Intelligence Oversight Matter (IOB) violation and SA [redacted] handled the removal of the innocent information from the case file only.

(U) ~~(S)~~ On October 17, 2006, SA [redacted] telephonically contacted [redacted] at Office of General Counsel to determine whether this action was in fact, reportable as an IOB matter. [redacted] advised that the matter should be reported as an IOB violation.

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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Precedence: ROUTINE

Date: 10/17/2006

Precedence: ROUTINE

Date: 10/30/2006

To: Inspection
General Counsel

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

From:

[Redacted]

Contact: SA

[Redacted]

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Approved By:

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By:

Case ID #: (U) ~~(S)~~ 278-HQ-C1229736-VIO
278- [Redacted] C45386

DATE: 11-30-2007
CLASSIFIED BY: 65179 dmh/kst/dk
REASON: 1.4 (c)
DECLASSIFY ON: 11-30-2032

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

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ Derived From : FBI SCS 8-3, January 1997
Declassify On: ~~10/30/2031~~

Details:

(S) 1.

[Redacted]

(S) 2.

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

(S)

[Redacted]

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

(U) ~~(S)~~ I wrote a National Security Letter requesting toll records for the captioned subject's home telephone number. Upon receiving the records, I realized that I inadvertently transposed two digits in the telephone number, consequently requesting records for the wrong number.

(U) ~~(S)~~ The records have been sent back to the [Redacted] requesting that they be

communications, [Redacted]

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Case ID : 278 HQ C12297
278 [Redacted] 45386

Serial : 1818
135

- pending

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Page 2

Georgia.
LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

~~SECRET~~

NSL VIO-34962

~~SECRET~~

Precedence: ROUTINE

Date: 11/14/06

To: [redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
[redacted]
Attn: AD
Attn: IIS, CRS [redacted]
[redacted]

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From: General Counsel
National Security Affairs/Room 7947
Contact: Julie F. Thomas

Approved By: Thomas Julie F
[redacted]

Drafted By: [redacted]

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

Title: ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2004 [redacted]

DATE: 11-30-2007
CLASSIFIED BY: 65179 dmh/ksr/3K
REASON: 1.4 (c)
DECLASSIFY ON: 11-30-2032

Synopsis: ~~(S)~~ It is the opinion of the Office of the General
Counsel (OGC) that no error was committed in this matter, and
therefore nothing need be reported to the IOB. A record of this
decision should be maintained in the investigation control file
for review by the Counsel to the IOB.

~~(U) Derived from G-3
Declassify On: Y1~~

Reference: ~~(S)~~ 278-HQ-C1229736-V10 Serial 1613

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Details: (S) As noted in the electronic communication (EC),
[redacted]

(S)

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[Redacted]

(U) ~~(S)~~ The gap of one month was because the original case agent was transferred out of the [Redacted] [Redacted] and the case was given to a second agent. However, during that time period the RA had a new [Redacted] Headquarter's city supervisor and then a new SSRA, so there was no continuity in management that normally would have caught the omission. Since the original agent was no longer at the RA to file a timely extension, the new handling agent did so as soon as he realized what had happened.

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(U) ~~(S)~~ The factors in mitigation are: it was only a one month lapse, and most importantly, no investigative activity took place--no NSLs were issued, no background checks were performed, and no information was obtained from the source.

(U) Section 2.4 of Executive Order (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, INSD, and the General Counsel, GGC, 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 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, 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 (NSIC), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights 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.

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(S)

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Page 3

(S) Based upon these facts, the one month gap between [redacted] constitutes a minor administrative oversight, especially since [redacted]

[redacted] Since this oversight was administrative in nature, it did not impair the Office of Intelligence and Policy Review's ability to provide meaningful oversight and review of the investigation. As such, this matter will not be reported to the IOB, but will be placed in the control file for periodic review by the Counsel to the IOB. No further administrative measures are required.

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Set Lead 1: (Info)

~~SECRET~~

NSL VIO-34965

~~SECRET~~

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Page 4



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(U) Read and clear.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas



ICB Library

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~~SECRET~~

NSL VIO-34966

Precedence: ROUTINE

Date: 11/24/2006

To: [Redacted]

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

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Counterintelligence

Attn: SSA [Redacted]

Inspection Division

Attn: IIS, CRS [Redacted]

[Redacted]

Attn: ISS Unit

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

Approved By: Thomas Julie F
[Redacted]

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

Drafted By:

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

DATE: 12-04-2007
CLASSIFIED BY 65179 DMH/KSR/DK
REASON: 1.4 (C)
DECLASSIFY ON: 12-04-2032

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
(U) MATTER 2006-[Redacted]

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Synopsis: (U) ~~(S)~~ [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

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

Administrative: (U) ~~(S)~~ This electronic communication (EC) contains information from: (1) the EC dated 07/21/2006 from [Redacted] to OGC reporting a potential IOB matter; and (2) automated case support (ACS).

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Reference: (U) ~~(S)~~ 278-HQ-C1229736-VIO, serial 1560

Details: (U) ~~(S)~~ By EC dated 07/21/2006, [Redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB.

(S) [Redacted]

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Case ID : 278-HQ-C1229736-VIO

Serial : 1861

(S) [redacted]

[redacted] A National Security Letter (NSL) dated 05/02/2006 was prepared by [redacted] and served by the FBI [redacted]

[redacted] The NSL requested all financial records pertaining to the subject [redacted]

(S) [redacted] The NSL requested documents from [redacted] received a response from [redacted] on 07/11/2006, and began reviewing the documents on 07/17/2006.

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(S) (S) Upon review of the documents provided to [redacted] it was learned that the information [redacted] provided, pursuant to the NSL, exceeded that which was requested. The information received consisted of documents not only pertaining to the subject [redacted]

(S) [redacted] The error by [redacted] was apparently caused by the similar names of the subject and the two other parties, [redacted] citizens also employed at the [redacted]

(U) [redacted] reported that they have separated the excess information from the originally requested information. The excess information was wrapped by [redacted] and is being secured in a safe awaiting further guidance. The originally requested information is being maintained in the subject's case file.

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(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community 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 E.O. 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 a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights 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) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report

any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the FBI OGC, but are not reportable to the IOB.

(U) In the instant case the collection of information by the FBI that did not pertain to the subject was not the fault of FBI [redacted]. Once the case agent discovered that he had received information on a person other than the subject, the case agent immediately sequestered the information and made arrangements to report the matter to OGC.

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(U) [redacted] is requested to keep the information sequestered until they have had the opportunity to contact the carrier who provided the improper information and determine whether the carrier wants the improperly acquired information returned or destroyed with the appropriate documentation being provided to the case file.

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

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AT [redacted]

(U) [redacted] is requested to contact the carrier and ask whether the improperly or unintentionally acquired information should be returned to the carrier or destroyed with the appropriate documentation provided to the case file.

- | | | |
|-----|----------------|-----|
| cc: | 1- Ms. Thomas | b2 |
| | 1- [redacted] | b7E |
| | 1- [redacted] | b6 |
| | 1- IOB Library | b7C |

**

Precedence: ROUTINE

Date: 11/27/2006

To: [Redacted]

Attn: Acting SAC [Redacted]
CDC [Redacted]
SSA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]
Room 3041

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

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F [Redacted]
Drafted By: [Redacted]

DATE: 12-04-2007
CLASSIFIED BY: 65170 DMH/KSR/DK
REASON: 1.4 (C)
DECLASSIFY ON: 12-04-2032

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

Title: (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2006 [Redacted]

Synopsis: (U) (S) The [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

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

Administrative: (S) This electronic communication (EC) contains information from: (1) the EC dated 07/24/2006 from [Redacted] to OGC reporting a potential IOB matter, (2) automated case support (ACS); and (3) an email message from SA [Redacted] to OGC received on 11/27/2006.

Reference: (U) (S) 278-HQ-C1229736-VIO Serial 1551

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Details: (S) By EC dated 07/24/2006, [Redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB.

On 10/19/2005, [Redacted] issued a National Security Letter (NSL) on [Redacted] regarding the subject of [Redacted].
[Redacted] The records received from [Redacted]

(S)

Case ID : 278-HQ-C1229736-VIO
278 [Redacted] A67604-VIO

Serial : 1862
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pursuant to the NSL on 07/20/2006 contained information unrelated to the subject of the referenced investigation. An email from SA [redacted] on 11/27/2006 indicated that there were financial records within the documents that appeared to belong to the [redacted]. Once SA [redacted] discovered these records, they were immediately turned over the CDC of [redacted] for storage until this matter could be properly addressed with OGC. SA [redacted] also indicated that the unrelated documents were obtained at no fault of [redacted].

(U) [redacted] reported that they separated the excess information from the originally requested information. The excess information was secured in a safe with the [redacted] CDC awaiting further guidance. The originally requested information is being maintained in the subject's case file, along with additional information that was received once the error was pointed out to [redacted].

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(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OCC, 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 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 a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights 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) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the FBI OGC, but are not reportable to the IOB.

(U) In the instant case the collection of information by the FBI that did not pertain to the subject was not the fault of [redacted]. Once the case agent discovered that she had received information on a person other than the subject, the case

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agent immediately sequestered the information and made arrangements to report the matter to OGC.

(U) [redacted] is requested to keep the information sequestered until they have had the opportunity to contact [redacted] and determine whether they want the improperly acquired information returned or destroyed with the appropriate documentation being provided to the case file.

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LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

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Set Lead 2: (Action)

[redacted]

AT

[redacted]

(U) [redacted] is requested to contact [redacted] and ask whether the improperly or unintentionally acquired information should be returned to the bank or destroyed with the appropriate documentation provided to the case file.

cc:

1- Ms. Thomas

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1- IOB Library

**

Precedence: ROUTINE

Date: 11/27/2006

To: [Redacted]

Attn: SSA [Redacted]
TFO [Redacted]

Counterterrorism

Attn: ITOS I/CONUS IV/ Team 15
SSA [Redacted]

Inspection

Attn: IIS

From: General Counsel
National Security Law Branch/CTLU I/LX-1 3S-127
Contact: UC [Redacted]

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Approved By: Thomas Julie F
[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Drafted By: [Redacted]

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

DATE: 12-04-2007
CLASSIFIED BY 65179 DMH/KSR/DK
REASON: 1.4 (C)
DECLASSIFY ON: 12-04-2032

Title: (U) Intelligence Oversight Board
(U) IOB Matter 2006- [Redacted]

Synopsis: ~~(S)~~ It is the opinion of the Office of General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U) ~~(S/NF)~~ Derived From: G-1
(U) ~~Declassify On: 03/17/2031~~

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1389

Details: ~~(S)~~ By electronic communication (EC) dated May 18, 2006, the [Redacted] reported to the Inspection Division and the Office of General Counsel (OGC) this potential IOB matter.

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(S) ~~(S)~~ On September 12, 2005, TFO [Redacted] submitted a request for a bank records canvass under the PATRIOT ACT and 31 CFR 103.100. Prior to the request being fulfilled, the [Redacted]

(S) In March 2006, upon [redacted] inquiry, FBI-HQ advised that the National Security Letter (NSL) bank records request had not been received and that [redacted] should submit another request, which TFO [redacted] did on March 27, 2006. Thereafter, [redacted] realized that the [redacted] [redacted] then TFO submitted the second request for the issuance of an NSL. As such, on May 18, 2005, [redacted] reported this action to the Inspection Division and OGC as a potentially reportable IOB violation. [redacted] [redacted] to accommodate the outstanding bank records request as well as other outstanding matters. This [redacted] One month later, the NSL was approved and issued on July 6, 2006.

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(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether or not the matter described herein should be reported to IOB. We believe the reported activity does not require notification.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community 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." 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 National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights 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) ~~(S)~~ With regard to the continuation of an FBI PI, Section II.C.4 of the NSIG provides in pertinent part that:

Preliminary investigations shall be completed within six months of the date of initiation. In a preliminary investigation initiated by a field office, the SAC or as authorized by the SAC, an Assistant SAC, responsible for the investigation, may authorize an extension for an additional six month period if warranted by facts or information obtained in the course of the investigation. An extension of a PI beyond the initial one-year

period requires FBI Headquarters approval and may be granted in six month increments. All extensions shall be in writing and include the justification for the extension. (Emphasis added.)

(U)

~~(S)~~ Although this provision of the NSIG is primarily administrative in nature, it was designed in part to protect the rights of U.S. persons by limiting the length of time that the FBI can conduct a PI without periodic oversight.

(S)

~~(S)~~ In the instant matter, [redacted] took no investigative action outside of the FBI after the [redacted] [redacted] Accordingly, despite [redacted] failure to expeditiously pursue the investigation, OGC has determined that [redacted] actions amount to administrative error, not a

(S)

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(S)

reportable IOB violation because [redacted] had already renewed the [redacted] when the NSL was actually approved and issued on July 6, 2006.

LEAD(s):

Set Lead 1: (Info)

[redacted]

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AT [redacted]

(U) Read and clear.

Set Lead 2: (Discretionary)

COUNTERTERRORISM

AT LIBERTY CROSSING ONE

(U) For review and action deemed appropriate.

Set Lead 3: (Discretionary)

~~SECRET~~

NF

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Page

4

INSPECTION

AT WASHINGTON, DC

(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

**

~~SECRET~~

NSL VIO-34981

Precedence: ROUTINE

Date: 11/28/2006

To: [Redacted]

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

Counterterrorism

Attn: ITOS I/CONUS IV

A/UC [Redacted]

SSA [Redacted]

IA [Redacted]

Inspection

Attn: IIS, [Redacted]

From: General Counsel

National Security Law Branch/CTLO I/LX-1 3S-127

Contact: UC [Redacted]

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Approved By: Thomas Julie F

[Redacted]

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WHERE SHOWN OTHERWISE

Drafted By:

[Redacted]

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

Title: (U) Intelligence Oversight Board
IOB Matter 2007 [Redacted]

DATE: 12-05-2007
CLASSIFIED BY 65179 DMH/KSR/DK
REASON: 1.4 (C)
DECLASSIFY ON: 12-05-2032

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U) ~~(S/NF)~~ Derived From: G-1
Declassify On: 11/05/2031

Reference: (U) ~~(S)~~ 278-HQ-C1229736-VIO Serial 1763

Details: (U) ~~(S)~~ By electronic communication (EC) dated October 17, 2006 the [Redacted] reported to the Inspection Division and the Office of General Counsel (OGC) this potential IOB matter.

(S) [Redacted]

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(S) [Redacted] received one package of results from [Redacted]
[Redacted] loaded the records pertaining to [Redacted]

Precedence: ROUTINE

Date: 11/07/2006

To: Inspection
General Counsel

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

From: [redacted]

Contact: IA [redacted]

Approved By: [redacted]

DATE: 12-05-2007
CLASSIFIED BY: 65179 dmh/ksr/dk
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032

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Drafted By: [redacted]

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) SA [redacted]

A/SSA [redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U)

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

~~Derived From: FBI G3 SCG, Jan 1997
Declassify On: 20311107~~

(S)

(U)

Details: (S) 1 [redacted]

initiated by Special Agent (SA) [redacted]

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(S) 2. [redacted]

(U)

~~(S)~~ 3. Possible IOB Error: Improper NSL Collection

(U)

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

~~(S)~~ [redacted] requested via an approved NSL (serial 213) from [redacted] the following information: the names, addresses, lengths of service and electronic communications transactional records, to include existing transaction/activity logs and all electronic mail (e-mail) header information (not to include message content and/or subject fields), for the following e-mail address [redacted]

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[redacted] for [redacted] the time periods [redacted]

Case ID : 278-HQ-C1229736-VIO

Serial : 1937

(U)

(S) [redacted] received one disk of email header results from [redacted] on 10/02/2006. Intelligence Analyst (IA) [redacted] downloaded the header information from the disk into an excel worksheet. IA [redacted] was drafting an Electronic Communication (EC) of the results and research completed on the header information on 11/06/2006 and noticed that [redacted] provided header information for the dates [redacted] which is outside the parameters of the data requested. IA [redacted] advised Case Agent [redacted] of the error on 11/06/2006. All data that was included in the EC to be uploaded into Automated Case Support (ACS) was deleted from the EC. The unrelated records have been sealed and sequestered in a 1a.

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(U)

(S) On 11/09/2006, IA [redacted] received a communication from ISS [redacted] ISS [redacted] spoke with [redacted] on 11/09/2006, at approximately 11:15am PST regarding the previously mentioned NSL. [redacted] acknowledged that is was [redacted] mistake for supplying the information from [redacted] and not what was specifically requested on the NSL.

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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

**

Precedence: ROUTINE

Date: 12/20/2006

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITCS 1, CONUS 2, TEAM 6

Inspection

Attn: IIS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: Office of the General Counsel

NSLB/CTLU1/LX1 Room 3S119

Contact: UC [Redacted]

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Approved By: Thomas Julie F

DATE: 12-06-2007
CLASSIFIED BY: 65179 DMH/KSR/DK
REASON: 1.4 (C)
DECLASSIFY ON: 12-06-2032

Drafted By: [Redacted]

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

Title: (U) (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2006-[Redacted]

Synopsis: (U) (S) It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.

(U) (S) Derived From: G-3
Declassify On: 20311220

Reference: (U) (S) 278-HQ-C1229736-VIO serial 1506

Details: (U) (S) The referenced serial from [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

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(S) [Redacted] a National Security Letter (NSL) dated 06/08/2006 [Redacted] was submitted to [Redacted] for toll records relating to one telephone number, [Redacted] and subscriber information relating to another telephone number [Redacted]. The results were received from the [Redacted] with an EC dated 06/29/2006. Included in the results were toll records for [Redacted] for a time period that was not requested. In addition, [Redacted] provided toll records for [Redacted] when only subscriber information was requested. On 07/10/2006 the additional toll records were given

Case ID : 278-HQ-C1229736-VIO

Serial : 1948

Precedence: ROUTINE

Date: 12/4/2006

To: Inspection
General Counsel

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

From: [Redacted]
Contact: [Redacted]

Approved By: [Redacted]
Drafted By: [Redacted]
(U)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

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

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

DATE: 12-06-2007
CLASSIFIED BY 65179 DMH/KSR/DK
REASON: 1.4 (c)
DECLASSIFY ON: 12-06-2032

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

Details:
(S) 1. [Redacted]

(S) 2. [Redacted]

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

(S) ~~(S)~~ NFIPM Section Reference: 19-03.C.3 19-03.D.1.
The Attorney General's Guidelines Provision: II.B.2.

(S) [Redacted]

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

(S) ~~(S)~~ Brief Description: Captioned matter converted to a [Redacted] in a manner inadvertently inconsistent with ordinary FBI procedures.

~~(S)~~ Reference: This report should be reviewed in

Case ID: 278-HQ-C1229736-VIO Serial: 1963
[Redacted]

(S) ~~SECRET~~

(S) [redacted] conjunction with the 12/5/2006 FD-962 report submitted in [redacted]

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(S) Narrative: By way of background, in August of 2005, the Executive Management of [redacted] began to enforce the change in supervision of Residence Agents working CT matters. The decision was that all RA CT agents would be supervised by a remote JTTF supervisor if the RA did not have a SSA dedicated solely to Counterterrorism matters. As a result, SSRA in [redacted] no longer had CT supervision responsibilities, the sole [redacted]

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(S) [redacted] CT agent would now be daily supervised by SSA [redacted] who sat in the [redacted] In order to minimize the impact on investigation because of time delay to send documents between the [redacted] RA and JTTF

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(S) [redacted] (requiring transit via [redacted] HQ mailroom), SA [redacted] would email the documents to the SSA [redacted] for review. Once the documents were approved, SSA would email SA [redacted] that they were approved. SA [redacted] a qualified Relief Supervisor, would initial for SSA [redacted] and have the documents uploaded into ACS. If the documents required the signature of the ASAC, SSA [redacted] would print the documents, initial them and forward to the ASAC [redacted] for approval. Once approved, the documents would be routed to SA [redacted] for initialing and to have the [redacted] SST upload the documents into ACS and placed into the case files, which were maintained in [redacted]

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(S) [redacted]

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(S)

~~SECRET~~

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[Redacted]

(S) On 12/21/2005, SA [Redacted] submitted the [Redacted]

(S)

[Redacted]

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(S) After the Christmas holidays, SA [Redacted] submitted an EC to consolidate [Redacted]

(S)

[Redacted]

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(S)

(S) On 01/09/2006, SA [Redacted] submitted two ECs to make the necessary changes. One EC, which was approved by SSA [Redacted]

[Redacted]

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[Redacted], in the footer in the lower left side of the front document that was uploaded into ACS.

(S)

(S) On 01/09/2006, SA [Redacted] drafted a second EC [Redacted]

[Redacted]

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(S)

(S) It was the belief of SA [Redacted] that there was an [Redacted]

[Redacted]

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(S)

[Redacted]

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(S)

(S) On 7/19/2006, a National Security Letter requesting subscriber information and toll records was approved. [Redacted]

[Redacted]

Results were received and uploaded to [Redacted] No other investigation conducted.

(S)

(S) Summary: Although SA [Redacted] submitted an EC and LHM to FBIHQ identifying captioned subject and articulating the specific facts predicated [Redacted]

[Redacted]

anticipation of consolidating the investigations into one group case. The consolidation was abandoned to comply with NFIPM and AGG NSI requirements, but due to unintentional oversight the EC and LHM were not re-drafted and resubmitted.

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[Redacted]

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

**

Precedence: ROUTINE

Date: 12/26/2006

To: Inspection
General Counsel

Attn: IIS
Attn: NSLB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From:

[Redacted]

Contact: SSA

[Redacted]

Approved By:

[Redacted]

DATE: 12-07-2007
CLASSIFIED BY: 65179 DMH/KSR/DK
REASON: 1.4 (C)
DECLASSIFY ON: 12-07-2032

Drafted By:

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

Title: (U) REPORT OF POTENTIAL
(U) IOB MATTER

Synopsis: (S) To report a possible IOB violation for review by
INSD and OGC (Unintentional acquisition of unrelated information
via a NSL).

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

Details: (S) On 12/14/2006, while reviewing NSL results
provided by [Redacted]

[Redacted] SA
[Redacted] found an unrelated file [Redacted] on a CD
provided by [Redacted] which contained a statement covering
period [Redacted] of an individual not related to this
investigation.

(S) While the financial institution complied with the
NSL request and provided all relevant information about [Redacted] and
his accounts, the institution unintentionally provided additional
information unrelated to the investigation. As a result,
[Redacted] made a copy of the authorized and relevant
information to a separate magnetic disk so as to continue its
investigation. The original magnetic disk containing both the
relevant and unrelated information has been sequestered with the
CDC pending further instruction from OGC/NSLB.

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(U) The case agent is SA [Redacted]
[Redacted] The supervisor for [Redacted] is SSA
[Redacted]

(U) This possible IOB violation is being submitted for
review by INSD and OGC for further action they deem as

appropriate.

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

