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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/22/2007

To: General Counsel

Attn: SSA [redacted]
National Security Law Branch
Counterintelligence Law Unit

From: [redacted]
Chief Division Counsel

Contact: [redacted]

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

(U) Case ID #: ~~(S)~~ 278-HO-C1229736-VIO b2
(U) 62F [redacted] 97317 b7E

Title: (U) Potential IOBs

(U) ~~Synopsis:~~ ~~(S)~~ Response to NSLB review/document request made by OGC
on 02/20/2007.

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

(U) Enclosure(s): ~~(S)~~ Documents responsive to NSLB request.

(U) Details: ~~(S)~~ The enclosed documentation is provided to the NSLB as
requested in the 02/20/2007 e-mail to the [redacted] Division. b1
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(S) A. [redacted]

(S) 1. [redacted]

(S) ~~2.~~ Potential IOE error: The National Security Letter was issued
without approval to extend the preliminary inquiry. b1

(S) ~~3.~~ Description of potential IOE error: [redacted] Division b2
submitted an ~~EC~~ [redacted] to Counterterrorism, ITOS I, on b7E
10/21/2003 requesting Headquarters approval for a [redacted]

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(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-V10, 02/22/2007

(S)

[redacted] Per the NFIP manual,
[redacted] Division needed such approval for [redacted]
[redacted] and therefore, [redacted] Division's
EC of 10/29/2003 was well in advance [redacted]
Counterterrorism responded via an EC on 12/01/2003 [redacted]
[redacted] Since [redacted]
[redacted] views the 07/29/2004 b1
date [redacted] Since the EC and the National Security b2
Letter in question were written on 06/23/2004, [redacted] was well b7E
within the authorization period. [redacted] Division does note that
an EC [redacted] was written on 01/06/2006 which noted the
expiration date of 06/01/2004. [redacted] Division believes the
author of serial 28 used the date of the EC (12/01/2003, [redacted]
[redacted] when calculating the expiration date.

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(S) B. [redacted]

(S) 1. [redacted]

(U) ~~(S)~~ 2. Potential IOB error: A National Security Letter requesting
FCRA consumer full credit report data was issued in a
counterintelligence case.

(U) ~~(S)~~ 3. Description of potential IOB error: In this case, [redacted]
National Security Letters were issued for financial data, [redacted]
[redacted] The National Security Letter cites b2
Title 15, USC, section 1681v. This is the legal provision allowing b4
for full credit reports in terrorism matters. In counterintelligence b7D
matters, under Title 15, USC 1681u(a), agents are entitled to credit
listings (information pertaining to financial institutions, addresses
of these institutions, places of employments, etc.), but not to a full
credit report.

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(S) C. [redacted]

(S) 1. [redacted]

(U) ~~(S)~~ 2. Potential IOB error: The National Security Letter contained a
typographical error.

(U) ~~(S)~~ 3. Description of potential IOB error: An electronic
communication dated 04/11/2005 requested the issuance of [redacted] FCRA b2
National Security Letters pursuant to Title 15, USC, section 1681u(a)

To: General Counsel From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-V10, 02/22/2007

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and 1681u(b). The National Security Letters, also dated 04/11/2005, contained the language that, pursuant to Executive Order 12333, dated 12/04/1981, and Title 15, USC, section 1681v. There was a typographical error on the part of the drafter of the National Security Letter who, instead of properly drafting 1681u(a) and 1681u(b), drafted 1681v on all three National Security Letters.

(U) ~~(S)~~ 4. The Office of General Counsel guidance per EC dated 11/16/2006 provides that a typographical error of this type must be reported as a potential IOB violation.

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(S) D. [redacted]

(S) 1. [redacted]

(U) ~~(S)~~ 2. Potential IOB error: The information obtained was not relevant to an authorized National Security investigation as it was a third party error.

(U) ~~(S)~~ 3. Description of potential IOB error: The specific request was to [redacted] for subscriber information from 01/01/2003 to the present. A review of the response from [redacted] revealed that there were toll records [redacted] mixed in with the package of subscriber results provided to the [redacted] Division of the FBI. The amount of material received from [redacted] was voluminous. As such, the case agent did not catch this as it appears to be an over-collection. None of this information was indexed and no follow up investigation was conducted on the toll record information.

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(S) E. [redacted]

(S) 1. [redacted]

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(U) ~~(S)~~ 2. Potential IOB error: Carrier error in providing agent with information not authorized by National Security Letter.

(S) 3. Description of potential IOB error: In accordance with an approved ECEA National Security Letter dated 09/26/2005, [redacted] returned to the [redacted] Division records for e-mail [redacted] for January, 2005 to the present. Additionally, records were also provided to the [redacted] Division from [redacted]. This error was on the part of [redacted] and not [redacted].

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To: General Counsel From: [REDACTED]
(U) Re: ~~(S)~~ 278-HQ-C1229736-V10, 02/22/2007

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the case agent. The National Security Letter specifically requested records for the e-mail account from [REDACTED]

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To: General Counsel From: [Redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~//20320222
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/22/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: RA [Redacted]
IA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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

(S)

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U)

~~(S)~~ Derived From : G-3
~~(S)~~ Declassify On: 02/22/2032

Details:

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(S) 1. [Redacted]

[Redacted] The case agent is SA [Redacted] and the supervisor is SSRA [Redacted]

(S) 2. [Redacted]

(U)

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

(S) [Redacted]

(U)

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

~~(S)~~ [Redacted] provided records in response to a national security letter (NSL) that were beyond the scope of what was requested in the NSL. Writer sent an ECPA NSL to [Redacted] via Federal Express on 01/09/2007. [Redacted] NSL response was received via Federal Express on 01/17/2007. The NSL requested subscriber information and toll records for the time periods [Redacted]

[Redacted] for telephone number [Redacted] response included [Redacted]

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[Redacted]

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 02/22/2007

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subscriber information and billing statements dated 10/05/05, 11/05/05, 12/05/05, 10/17/06, 11/17/06, and 12/17/06. As these billing statements do not reflect charges from the beginning of each month until the end of each month, there are toll records included in [redacted] response that are outside the scope of the NSL and were not redacted by [redacted]. The bill dated 10/05/05 contains toll records for the time period 08/23/05 through 09/20/05, all of which are outside the scope of the NSL. The bill dated 11/05/05 has toll records for the time period 09/21/05 through 10/20/05. Those records prior to 10/02/05 are outside the scope of the NSL.

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(U) ~~(S)~~ Writer contacted [redacted] ADC [redacted] on 01/11/07 and and advised of the situation. The entire original copy of [redacted] response was forwarded to ADC [redacted] as requested. A copy of the original records was made with all toll records noted above as being outside the scope of the NSL redacted. A second copy was made of the redacted records to be used in the investigation. The initial copy of the original records was destroyed.

(U)

~~(S)~~ Writer contacted [redacted] ADC [redacted] again on 02/22/07 regarding necessary changes to the initial IOE submission for this matter which was dated 01/12/07.

(U)

~~(S)~~ FBI [redacted] has been delayed in reporting this IOE initially in order to determine the scope and extent of the overcollection and to review procedures to determine if such overcollection is preventable in the future. Further delays were the result of compliance with the revised procedures for reporting IOE matters.

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[redacted]

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To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 02/22/2007

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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.

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[REDACTED]

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~~SECRET~~//20320226
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: RA [Redacted]
IA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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(S) Case ID #: (U) 379 HQ G1320/36 VIO
~~(S)~~ [Redacted]

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) Synopsis: ~~(S)~~ To report possible IOB error.
(U) ~~Derived From : G-3~~
~~Declassify On: 02/26/2032~~

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

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

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(S) [Redacted]

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

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NSL VIO-35756

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/16/2007

statements for toll records beginning [redacted]
[redacted] In all, approximately six years of toll records were provided in the billing statements in response to an NSL requesting six months of toll records. The relevant billing statements responsive to the NSL are from [redacted]

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(S) [redacted] entire original response will be forwarded with this communication to ADC [redacted] per previous handling guidance. A copy of only the pertinent original records was made with extraneous records redacted. A subsequent copy of the redacted records was made for investigative purposes. The initial copy was destroyed.

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(U) ~~(S)~~ FBI [redacted] has been delayed in reporting this IOB initially in order to determine the scope and extent of the overcollection and to review procedures to determine if such overcollection is preventable in the future. Further delays were the result of compliance with the revised procedures for reporting IOE matters.

[redacted]

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(U) To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 02/16/2007

~~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.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/28/2007

To: Inspection
General Counsel

Attn: Internal Investigations
Section, Room 11861
Attn: National Security Law Branch
(NSLE), Room 7975

From: [Redacted]
Contact: ADJ [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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

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

(U) Synopsis: ~~(S)~~ Response to telephonic and e-mail mandate by NSLE of 02/20/2007 to report as a potential IOB matter, a National Security Letter (NSL) believed by the Office of the Inspector General (OIG), Department of Justice, to be an IOB matter.

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

Details:

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- (S) 1. The substantive investigation in which the alleged questionable activity occurred is that matter captioned, [Redacted] OO [Redacted] case number [Redacted] the case special Agent (SA) at the time of the issuance of the questioned NSL and receipt of the response to the NSL was SA [Redacted]. The Supervisory Special Agent (SSA) for the investigation was former SSA [Redacted].
- 2. The subject, [Redacted] is a United States Person.
- 3. No IOB error occurred. This report is purely perfunctory:

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To: Inspection From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/28/2007

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4. (S) [redacted] was advised 02/20/2007 that OIG had brought to the attention of NSL a NSL found at [redacted] which OIG believed was an ICB matter [redacted] attached. is a copy of a NSL [redacted] and dated October 6, 2003. In accordance with 15 U.S.C. § 1681u(a)(2001), the NSL contained the required relevancy certification, (NSL at 1), and was duly executed by a Special Agent in Charge at the time, [redacted] NSL at 2).

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(S) At the time of submission of the NSL, [redacted] was the subject of a [redacted] instituted 06/12/2003, [redacted] EC to General Counsel, [redacted] and Counterterrorism captioned, [redacted] dated 10/06/2003, at 1.) [redacted] one [redacted] made [redacted] from his cell phone to telephone number [redacted] a number subscribed to by [redacted] (Exhibit U, Serial [redacted] EC to Counterterrorism and Inspection captioned, [redacted] dated 07/15/2003, at 1.) [redacted] was being investigated as part of the [redacted] investigation. (Exhibit V, Serial [redacted] EC captioned, [redacted] IT," dated 07/14/2003, at 2.)

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(S) [redacted]

(S) [redacted] The aforementioned questioned NSL submitted to [redacted] requested only names and addresses of all financial institutions at which [redacted] maintains an account. (NSL at 1.) The response to the NSL supplied information beyond that requested including information obtained from public records, adverse account information, identification of companies that have received

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/18/2007

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(S)

[redacted]

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(U) ~~(S)~~ No policy prior to the General Counsel EC captioned "REVISED PROCEDURES FOR THE SUEMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT BOARD MATTERS," dated 11/16/2006, characterized as a PIOB matter, a provision of information beyond the scope of an NSL resulting in the unintentional acquisition of data. (See Inspection EC to All Divisions, captioned, "INTELLIGENCE OVERSIGHT BOARD," dated 12/24/2002; Director's EC to All Divisions captioned "REVISED PROCEDURES FOR THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT BOARD MATTERS," dated 03/08/2004; Inspection EC to All Divisions, captioned, "REVISED PROCEDURES FOR THE SUEMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB) MATTERS," dated 02/10/2005. Inasmuch as the EC of 11/16/2006 was not the controlling authority at the time the results of the questioned were received and as no use was made of those results, no PIOB violation occurred.

(S)

[redacted]

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To: Inspection From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/19/2007

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(U) General Counsel EC captioned "REVISED PROCEDURES FOR THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT BOARD MATTERS," dated 11/16/2006 observes that:

Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components ... 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 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), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB.¹

(GC EC at 2.) The instant case involves no violation of any Executive Order, Presidential Directive, guideline, ethics rules or any other rule, regulation, order, or policy.

¹ (U) This interpretation of the reporting requirements was furnished to the FBI by the PIOB during a meeting on 06/18/1982. William H. Webster, then Director of the FBI, concurred with this interpretation and confirmed the immediate implementation of reporting procedures in adherence to this interpretation in a letter, dated 07/14/1982, to Dr. W. Glenn Campbell, Chairman of the PIOB. This interpretation was confirmed by Mary C. Lawton, Counsel for Intelligence Policy, Office of Intelligence Policy and Review, Department of Justice, by letter dated 04/08/1983.

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NSL VIO-35762

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/18/2007

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LEAD(s) :

Set Lead 1: (Action)

INSECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-35763

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-18-2007
CLASSIFIED BY 65179dmh/zst/maj
REASON: 1.4 (c)
DECLASSIFY ON: 12-18-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/23/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SSA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

(U)

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U)

Synopsis: (S) To report potential IOB error.

(U)

~~(S) Derived From : G-3
Declassify On: X8~~

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(S) 1. The substantive investigation in question is a [Redacted] The case agent is SSA [Redacted] and the supervising agent is SSA [Redacted]

(S) 2. [Redacted]

(S) 3. Possible IOB Error: Conducting investigative activity subsequent to the expiration of a [Redacted]

(S) 4. [Redacted] initiated on [Redacted] extended [Redacted]

(S) 5. [Redacted]

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[Redacted]

(S) [Redacted]

(S) [Redacted]

~~SECRET~~

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

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[redacted]

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[redacted]

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(S) There were no sophisticated investigative techniques used subsequent to the expiration date. There was no physical surveillance conducted on [redacted] and there were no National Security Letters served or issued subsequent to the expiration date. There was no other investigation conducted subsequent to the expiration date, other than what has been documented in this EC.

(U) ~~(S)~~ As noted above, the investigation subsequent to the expiration date focused on criminal activity. Specifically a possible criminal fraud scheme and the affiliated laundering of the ill-gotten proceeds.

(U) ~~(S)~~ The following circumstances may have contributed to the potential error:

(U) ~~(S)~~ The case was reassigned within a month of the expiration date to an agent unfamiliar with the protocols of Counterterrorism preliminary investigations. The new case agent was not advised of the protocols in a timely manner. Additionally, as a result of the recent transfer of the agent no file review had been conducted which would have highlighted the impending expiration date.

~~(S)~~ According to documentation in the case file, there appeared to be confusion over the status of the investigation. An EC to

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To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/13/2007

the file dated 11/30/2006 refers to the investigation as a full investigation; however, no conversion EC was drafted.

(U) ~~(S)~~ The SSA relied solely on the SST and the previously established manual tickler system for tracking case deadlines.

(U) ~~(S)~~ Effective immediately, the SSA will personally maintain a tickler system to track all case deadlines for use in conjunction with the [redacted] tickler system. Additionally, the SSA will ensure that the case agents will also personally maintain a tickler system for their case load. Particular attention will be given to the case status and impending deadlines when reassigning cases. Finally, all new agents to the Counterterrorism program will be advised of the protocols in a timely manner.

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(S) [redacted]

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To: Inspection From: [REDACTED]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

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.

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NSL VIO-35767

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLE, Room 7975
Attn: CDC/Legal Unit

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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

(S) [Redacted]

Title: (U) REPORT OF A POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

(U) Synopsis: ~~(S)~~ The [Redacted] Division reports a possible IOB matter and requests that the Office of General Counsel (OGC) review the facts of the captioned matter and determine whether it warrants reporting to the IOB.

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(U) ~~(S)~~

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

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Details:

(S) 1. [Redacted]

[Redacted] The Case Agent is SA [Redacted]
[Redacted] The supervisor is SSA [Redacted]

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(S)

~~(S)~~ 2. A National Security Letter, dated 02/01/2007, was approved by the [Redacted] Division and served on [Redacted]. This NSL requested subscriber information for several telephone numbers including [Redacted] from [Redacted] and [Redacted] from [Redacted]. On February 26, 2007, FBI Investigative Analyst [Redacted] received and forwarded the returned NSL result to SA [Redacted].

(U)

~~(S)~~ The results provided additional information that was not requested in the NSL. This additional information included an email

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To: Inspection From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/03/2007

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(S) [redacted] address for the subscriber of [redacted] subscriber information regarding telephone number [redacted] for a period before [redacted] and approximately twenty tolls/calls. The NSL did not request any of this information.

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(U) Upon discovery of this information, SA [redacted] contacted [redacted] CDC ACC [redacted] and [redacted] Investigative Analyst [redacted] and advised them of what had been returned to him from [redacted] TA [redacted] is the [redacted] Division contact for NSLs regarding [redacted] In accordance with CDC ACG [redacted] instructions, SA [redacted] separated the improperly provided information, containing the email address, subscriber information before [redacted] and tolls, and presented them to the CDCs office in order for them to be sequestered until [redacted] receives clear guidance from NSLB for disposition of these documents. The information from these documents has not been uploaded into ACS or put into any case file.

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To: Inspection From:
(U) Re: ~~IS~~ 278-HQ-C1229736-VTO, 03/08/2007

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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.

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NSL VIO-35770

(01/26/1998)

DATE: 12-18-2007
CLASSIFIED BY 65179dmh/kxr/maj
REASON: 1.4 (c)
DECLASSIFY ON: 12-18-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/11/2007

To: Counterterrorism
Inspection

Attn: AD

Attn: Internal Inspection Section,
[Redacted] Room
11865

[Redacted]

Attn: SAC, CDC

From: General Counsel
National Security Law Branch
Contact: [Redacted]

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Approved By: Thomas Julie F
[Redacted]

Drafted By: [Redacted]

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

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
IOB MATTER 2007- [Redacted]

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~~(U) (S) Derived From : G-3
Declassify On: 10/31/2031~~

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1808

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To: CTD From: General Counsel
Re: (S) [redacted] 02/11/2007

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Details: (S) As discussed in the Electronic Communication (EC) referenced above, [redacted] reported that on 11/15/2004, [redacted]

[redacted]

(S)

that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA). [redacted]

[redacted]

~~(S)~~ On 08/28/2006, a National Security Letter (NSL) requesting the name, address, length 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 address holder of [redacted] from [redacted]

(S)

[redacted] was prepared and approved in accordance with Title 18, United States Code (U.S.C.), Section 2709 (section 201 of the Electronic Communications Privacy Act, as amended). The NSL was served by the [redacted] field office and on 10/17/2006, [redacted] provided the results of the NSL to [redacted] via email. As of the date of [redacted] EC, [redacted] was awaiting the physical results of the NSL.

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~~(U)~~ A preliminary review of the results of the NSL revealed that [redacted] supplied thirty (30) e-mail transactions that included information labeled "Thread-Topic:". This information on its face does not appear to be email "header information" which is permissible for [redacted] to provide; it may instead possibly be "message content and/or subject fields" which were explicitly excluded in the NSL request. [redacted] stated that the

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(U)

~~(S)~~ See 278-HO-C1229736-VIO, Serial 1808, dated 10/31/2006 and titled "SA [redacted] SSA [redacted] Intelligence Oversight Board (IOB) Error".

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² (U) A "United States person" (USP) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (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)" See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

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To: CTD From: General Counsel
Re: (S) [redacted] 02/11/2007

information appeared to be possible subject line content or similar information, and noted that the information was not utilized by the case agent in any analysis nor was it documented in the case file.

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the 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.

(U)

~~(S)~~ The issue is whether the apparent inclusion of information which may be considered content of communications violated the NSL statute. Section 2709, U.S.C. Title 18, provides that a national security letter may be used to obtain electronic transaction communication records from electronic communications service providers. That provision has been interpreted generally to preclude obtaining any information that may be considered "content" of communications. The information that was obtained by [redacted] was observed to include information that [redacted] believed may have been beyond the transactional records that it requested and arguably was content information. Assuming, without concluding, that the information was content, and that such information was not subject to being produced via a national security letter, the error was by the NSL recipient. Therefore,

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To: CTD From: General Counsel
Re: (S) [REDACTED] 02/11/2007

pursuant to an agreement with the IOB, the collection is not reportable.³

CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB. Consistent with our prior opinions on this matter, a record of this decision should be maintained in the control file for future review by Counsel to the IOB.

Should [REDACTED] receive a physical copy of the records described above, the records should be sequestered with the Chief Division Counsel until such time as the NSL recipient can be contacted to ascertain its preference as to whether the records should be returned or destroyed.

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[REDACTED] should assure that no such records are made available in any FBI file or database, or in any other way, available for review.

³ By letter dated 11/13/2006, counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL are not reportable to the IOB.

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To: CFB From: General Counsel
Re: (S) [redacted] 02/11/2007

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LEAD (s):

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Action)

INSPECTION

AT IIS, WASHINGTON, DC

(U) For action deemed appropriate, including the maintenance of this report for three years in order to permit its review by the IOB.

Set Lead 3: (Action)

[redacted]

AT

[redacted]

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(U) For action consistent with this report.

1 - Ms. Thomas

1 - [redacted]

1 - [redacted]

1 - IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/21/2007

To: [redacted]

Attn: AD [redacted]
SAC [redacted]
CDC [redacted]
SSA [redacted]
SA [redacted]

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Inspection

Attn: IIS, CRS [redacted]

From: Office of the General Counsel
NSL/CILU/Room 7947

Contact: AGC [redacted]

Approved By: Thomas Julie F
[redacted]

Drafted By: [redacted]

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

~~(U)~~ **Title:** (S) INTELLIGENCE OVERSIGHT BOARD b2
MATTER 2007-[redacted]

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

(U) ~~Administrative:~~ (S) This electronic communication (EC) contains b2
information from: (1) the EC dated 01/03/2007 from the [redacted] b7E
Field Office [redacted] to OGC reporting a potential IOB matter;
(2) conversation between [redacted] and OGC regarding this
potential IOB matter on 02/12/2007; (3) an email from [redacted] to
OGC dated 02/15/2007; and (4) automated case support (ACS). b1

Reference: (U) 278-HQ-C1229736-VIO Serial 2090 (Pending) b2
(S) [redacted] (Pending) b7E

(U) ~~Details:~~ (S) By EC dated 01/03/2007, [redacted] requested that OGC
review the facts of the captioned matter and determine whether it

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/21/2007

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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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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CI229736-VIO, 02/21/2007

(S) On 11/22/2006, during the course of an [redacted] [redacted] the FBI served a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, on [redacted]. In the NSL, the FBI requested the name, address, and length of service for the mobile telephone numbers believed to belong to a certain target. The NSL specifically requested subscriber information for each of the following three telephone numbers as of the date specified for each number:

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(S)

[redacted]

~~(S)~~ On 12/01/2006, [redacted] provided a response to the NSL. In so doing, [redacted] provided the subscriber information for each of the above telephone numbers as of the date of the response, 12/01/2006, and not for the dates specified in the NSLs. [redacted] received the name, address, and length of service for the numbers listed on the NSL. The subscriber information provided for [redacted] mobile telephone numbers:

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(S)

[redacted]

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(S) Subscriber information provided for [redacted] on 12/01/2006, however, was not identifiable to the subject of the investigation. Reporting from a sensitive and reliable source indicated that the subject was the subscriber of this telephone number. This information has been sequestered with the Chief Division Counsel.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(S)

[redacted]

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/21/2007

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(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which are very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). In addition to FCRA, 15 U.S.C. §§ 1681u(a) and (b) information (financial institutions and consumer identifying information), under 15 U.S.C. 1681u(c), if certain factors are met, the FBI is able to obtain full consumer reports in both counterintelligence and international terrorism investigations by an ex parte court order.

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(S) Here, during the course of an [REDACTED] [REDACTED] the FBI properly served an NSL that requested lawful information. In the NSL, [REDACTED] requested the name, address, and length of service for the mobile telephone numbers

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CI229736-VIO, 02/21/2007

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believed to belong the subject. [redacted] asked for each telephone number on the specific date.

(U) [redacted] responded to the NSL on 12/01/2006. In so doing, [redacted] provided the subscriber information, i.e., the name, address, and length of service, for the telephone numbers listed in the NSL as of the date of the response, 12/01/2006, and not for the dates specified in the NSLs. The subscriber information provided for the mobile telephone numbers [redacted] was that of the subject of the investigation and within the scope of the NSL. The NSL specifically requested the name, address, and length of service for the target, and that was the information received by [redacted]

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(S) Subscriber information provided for [redacted] on 12/01/2006, however, was not identifiable to the subject of the investigation. [redacted] learned of this telephone number from a reliable source. Although lawfully obtained, because the information obtained through the NSL was not associated with the target, as already accomplished, the information should be sequestered with the CDC to protect the potential privacy interests of United States persons. Further, [redacted] should contact [redacted] and ask whether the information unrelated to the target should be returned or destroyed with appropriate documentation to the file.

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(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. The carrier's mistake is not reportable to the IOB because the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. A record of this decision should be maintained in the control file for future review by the Counsel to the IOE.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CLE29736-VIO, 02/21/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

Set Lead 2: (Action)

[redacted]
AT [redacted]

(U) With respect to the information received that was not associated with the target, [redacted] should contact [redacted] and ask whether such information should be returned or destroyed with appropriate documentation to the file.

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cc: Ms. Thomas
[redacted]
IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/07/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975
Attn: CDC/Legal Unit

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD (IOE) ERROR
(S) [Redacted]

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(U) Synopsis: ~~(S)~~ To report a potential IOE matter.

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

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(S) [Redacted]

Details: (S) 1. [Redacted]

[Redacted] set forth above, with appropriate extensions and approvals obtained from FEIHQ, Counterterrorism Division.

(U) ~~(S)~~ 2. Case Agent: SA [Redacted]
Supervisor: SSA [Redacted]

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(S) 3. Subject: [Redacted]

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~~SECRET~~

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2007

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(U) ~~(S)~~ 4. No Foreign Intelligence Surveillance Act (FISA) request has been submitted to the Office of Intelligence Policy and Review, Department of Justice (OIPR).

(U) ~~(S)~~ 5. Description of potential IOE error:

[redacted]

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(S) For information, FBI [redacted] opened an

[redacted]

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(S//OC/NF//FISA)

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[redacted]

~~(S)~~ On 01/13/2007, a National Security Letter (NSL) was prepared for [redacted] requesting a full consumer credit report for [redacted] and [redacted]. On 02/16/2007, the NSL was served to [redacted] and the records were subsequently provided to [redacted].

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To: ~~Inspection~~ From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2007

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(U)

~~(S)~~ On 03/05/2007, SA [redacted] reviewed [redacted] response to the 01/13/2007 NSL and discovered that [redacted] had provided a two page credit report for one [redacted] of [redacted]. The information received was not requested by SA [redacted] in the 01/13/2007 NSL.

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(S)

~~(S)~~ On 03/07/2007, SA [redacted] informed Chief Division Counsel [redacted] of this matter. The aforementioned credit report received by [redacted] will be locked in a safe maintained by SSA [redacted] until an appropriate resolution to this matter is determined.

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(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For whatever action is deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For whatever action is deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/07/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From: [Redacted]

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Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

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

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

(U) ~~(S)~~ Derived From: FBI G3 SCG, Jan. 1997
Declassify On: 20320307

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Details:

- (S) 1. [Redacted]
- (S) 2. [Redacted]

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

(S) [Redacted]

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

~~(S)~~ Improper NSL collection due to an error of the recipient, a senior associate general counsel in the Office of General Counsel at [Redacted] who had never dealt with an NSL before. The NSL results for e-mail header information for two [Redacted] e-mail addresses included a subject line, therefore including content, expressly prohibited in the NSL provided to the Office of General Counsel.

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(U) To: Inspection From:
Re: (S) 278-HQ-C1229736-VIO, 03/07/2007

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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.

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NSL VIO-35787

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/05/2007

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS1, CONUS 4, Team 15

Inspection

Attn: IIS

From: Office of General Counsel
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Contact: [Redacted]

Approved By: Thomas Julie F

[Redacted]

Drafted By: [Redacted]

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(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending)
(S) [Redacted] (Pending)
(U) (S) 278 [Redacted] C136372 (Pending)

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD
(U) IOB MATIER 2007- [Redacted]

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

(U) (S) ~~Derived From: G-3
Declassify On: 03/05/2032~~

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 2153

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(U) Details: (S) By electronic communication (EC) dated February 5,
2007 and referenced above, the [Redacted] Division [Redacted]
reported to the OGC's National Security Law Branch (NSLB) and the
Inspection Division this potential IOB matter.

(S) [Redacted]

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To: [redacted] From: Office of General Counsel
(U) Re: ~~(S)~~ 278-HQ-CI229736-VIO, 03/05/2007

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(U) ~~(S)~~ On 12/12/2006, pursuant to this authorized investigation, a National Security Letter (NSL) was issued directing [redacted] to produce all financial records pertaining to the subject's accounts for the period of January 2004 to the date of the request.

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(U) On 01/29/2007, [redacted] provided the records and they were received by SA [redacted] on 02/05/2007. Upon review, SA [redacted] found that [redacted] provided the records requested but had also included records for the period of [redacted] which had not been requested.

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(U) SA [redacted] contacted [redacted] Chief Division Counsel, [redacted] who advised him to send the bank records for the period of May to December 2003 to her to be sequestered.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (FIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of

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(U) To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-CLE29736-VIO, 03/05/2007

such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, section V.12.

(U) ~~(S)~~ In this instance, [redacted] properly served an NSL requesting financial records relevant to the subject of the [redacted]. In addition to responsive records, due to an error by the financial institution, [redacted] also obtained records beyond the scope of the NSL.

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(U) ~~(S)~~ Based on our analysis, the financial institution's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

(U) Since the additional records in this instance are still relevant to the authorized investigation, the additional records may be maintained by the FBI if an additional NSL is served for those records. Otherwise, [redacted] should contact the financial institution and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

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(U)

To: [redacted] From: Office of General Counsel
Re: (S) 278-HQ-C1229736-V10, 03/05/2007

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LEAD(s) :

Set Lead 1: (Action)

[redacted]
[redacted]
AT [redacted]

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(U) The [redacted] Field Office should serve an additional NSL for the relevant records, or in the alternative, contact the financial institution and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required for three years for possible review by the Counsel to the IOB.

cc: Ms. Thomas
[redacted]
IOB Library

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(01/26/1998)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/2/07

To: [Redacted]
Counterintelligence
Inspection

Attn: SAC, CDC, ADC
Attn: AD
Attn: IIS, CRS [Redacted]

From: General Counsel
National Security Affairs/Room 7974
Contact: Julie F. Thomas

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Approved By: Thomas Julie F
[Redacted]

(U) Drafted By: [Redacted]

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(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
~~(S)~~ 278- [Redacted] A95380
(S) [Redacted]

(U) Title: ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2007- [Redacted]

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(U) 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: X1~~

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2154
~~(S)~~ 278- [Redacted] A95380
(S) [Redacted]

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(S) Details: ~~(S)~~ As noted in the electronic communication (EC) dated 2/12/2007, [Redacted] and a National Security Letter (NSL) dated 11/03/2006 was directed to [Redacted] for records relating to the

To: [Redacted] From: Office of the General Counsel

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Re: 078-HQ-C1029736-VIO, 3/02/07

account of [REDACTED] a United States person. The NSL requested records of transactions from 1/1/2003 through the present.

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(U) ~~(S)~~ When the [REDACTED] Field Office [REDACTED] reviewed the records received from USAA on 2/12/2007, there were two statements that reflected transactions and account balances from December 2002, which was prior to the time period requested in the NSL.

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(U) ~~(S)~~ The original documents reflecting the information which was not requested have been forwarded to [REDACTED] ADC and sequestered. Redacted copies which only reflect information requested by the NSL will be retained for the case file.

(U) ~~(S)~~ The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 9/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(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, 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 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), effective 10/31/2003, 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 to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1029736-VIO, 3/02/07

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deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communications record from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709; (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, Section V.12.

(U) ~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL on a savings bank, [redacted]. [redacted] In response to the properly served NSL, the FBI obtained two statements containing information beyond what it is legally authorized to receive. The FBI, having ascertained that two statements were beyond the scope of the NSL, forwarded the unasked for information to the ADC for sequestering and redacted their files to reflect only information responsive to the NSL.

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(U) ~~(S)~~ By agreement with the Counsel to the IOB, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/02/07

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Set Lead 1: (Action)

[redacted]

(U) AT [redacted]
~~(S)~~ Return original documents which reflect
information beyond the scope of the NSL to [redacted]
[redacted]

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Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

1-Ms. Thomas

[redacted]

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1-LOB Library

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/28/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975
Attn: CDC/Legal Unit

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: ~~(S)~~ 078-HQ-C1229736-VIO (Pending)
(S) [Redacted] (Pending)

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~~(U)~~ Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD (IOE) ERROR

~~(U)~~ Synopsis: ~~(S)~~ To report a potential IOE matter.

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

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~~(S)~~ Details: ~~(S)~~ 1. [Redacted]

forth above, with appropriate extensions and approvals obtained
by FBIHQ, Counterterrorism Division.

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~~(U)~~ ~~(S)~~ 2. Case Agent: SA [Redacted]
Supervisor: SSA [Redacted]

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~~(U)~~ ~~(S)~~ 3. [Redacted]

~~SECRET~~

To: Inspection From: [redacted]
(U) ~~Re: (S)~~ 278-HQ-C1229736-VIO, 02/18/2007

(U) ~~(S)~~ 4. No Foreign Intelligence Surveillance Act (FISA) request has been submitted to the Office of Intelligence Policy and Review, Department of Justice (OIPR).

(U) ~~(S)~~ 5. Description of IOE Error (including any reporting delays):

(S) [redacted]
[redacted] was initiated based upon information that [redacted] had listed [redacted]

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[redacted]

(S) On 07/20/2006, the [redacted] reported that the subject of [redacted] full field investigation [redacted]

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[redacted]

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(S) FBI [redacted] reporting has also indicated that [redacted]

(S) During a traffic stop on [redacted] [redacted] stated to an officer of the [redacted] Police Department during a traffic stop that he is employed by [redacted] and a [redacted]

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To: Inspection From: [redacted]
(U) ~~Re: (S) 278-HQ-C1229736-VIO, 02/19/2007~~

(S)

current work telephone number for him is [redacted] On 01/10/2007, a National Security Letter (NSL) was prepared for [redacted] requesting subscriber information and toll billing records from [redacted] through the present for this telephone number. On 02/20/2007, [redacted] provided the [redacted] Division with records for their response to this NSL.

~~X~~

On 02/27/2006, SA [redacted] reviewed [redacted] response to the 01/10/2007 NSL and discovered that [redacted] provided records that were over-inclusive to the request of the NSL. The request specified that the name of the owner of the telephone number was [redacted] and the telephone number was [redacted]. [redacted] provided photocopies of the actual [redacted] telephone bills sent to [redacted] for the time period in question. These bills included all telephone numbers owned and operated by [redacted] as they are all billed together. By sending these bills in total and not redacting the bills to reflect only calls from the telephone number requested, [redacted] provided [redacted] with telephone numbers and toll billing records for those numbers, all apparently owned and utilized by [redacted], that were not requested by SA [redacted] in the 01/10/2007 NSL.

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(S)

~~X~~

On 02/28/2007, SA [redacted] informed Associate Division Counsel [redacted] of this matter. SA [redacted] then contacted [redacted] liaison to [redacted] to report the over-inclusive response by [redacted] so that contact could be made to appropriate [redacted] personnel to inform them of these issues. All documents included in the response by [redacted] will be locked in a safe maintained by SSA [redacted] until appropriate resolution of the matter is determined.

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~~SECRET~~

(U) ~~To: Inspection From: [REDACTED]~~
~~Re: (S) 278-HQ-C1229736-VIO, 02/18/2007~~

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For whatever action is deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For whatever action is deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/20/2007

To: [Redacted]

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

Counterintelligence

Attn: AD [Redacted]
DAD [Redacted]
SC [Redacted] CD-1

Inspection

Attn: IIS [Redacted]
CRS [Redacted]

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From: Office of the General Counsel
NSLE/CILU/Room 7947

Contact: [Redacted]

Approved By: Thomas Julie F.

[Redacted]

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Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)
(U) 278-HQ-1425173 (Pending)
(S) [Redacted] Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD
MATTER 2003-[Redacted]

(U) ~~(S)~~ Synopsis: In A Review of the Federal Bureau of Investigation's Use of National Security Letters, draft dated 01/22/2007, the Department of Justice (DOJ), Office of Inspector General (OIG) noted on page 77-78 that it disagreed with the FBI's analysis of IOB Matter 2003-[Redacted]. Upon further review of this particular matter, the Deputy General Counsel has determined that her earlier decision was erroneous and this matter should be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

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~~(S)~~

~~Derived From: Multiple Sources
Declassify On: 02/20/2032~~

Reference: (U) 278-HQ-C1229736-VIO Serial 90
(U) 278-HQ-1425173 Serial 3

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-CI229736-V10, 02/10/2007

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Administrative: (U) This electronic communication (EC) supersedes the previous opinion on this matter, dated 10/22/2004, referenced above as 278-HQ-1425173, Serial 3.

(U) ~~(S)~~ **Details:** (S) The EC from the [redacted] Division [redacted], dated 04/25/2003 and referenced above as 278-HQ-CI229736-V10, Serial 90, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. Initially, OGC determined that this issue was not reportable to the IOB because [redacted] actions did not impact any U.S. persons. However, in its report, the OIG noted that it disagreed with the FBI's decision not to report this incident. Upon further analysis, we must agree with the OIG. It is now our opinion that this matter is reportable to the IOB. Our analysis follows.

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(S) [redacted]

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(U) ~~(S)~~ The FBI did not issue a national security letter (NSL) for this information because the case agent and his supervisor were under the erroneous belief that [redacted]

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[redacted]

(U) ~~(S)~~ Upon discovery of the mistake, an appropriate NSL was prepared and issued covering the period of [redacted]. Also following discovery of this mistake, additional training and advice was provided to [redacted] regarding the proper use of an NSL and the restrictions pertaining to obtaining billing and subscriber information [redacted] without an NSL.

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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 (in the FBI, the Assistant

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 02/10/2007

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 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. Violations of provisions that are merely 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) The Electronic Communications Privacy Act (ECPA) prohibits wire or electronic communications service providers from "knowingly divulg[ing] a record or other information pertaining to a subscriber to or customer of such service...to any governmental entity." 18 U.S.C. § 2702(a)(3). However, there is an exception to this general prohibition. Upon proper certification by the Director or his designee, the FBI may seek telephone and email communication records from wire or electronic communications service providers when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." 18 U.S.C. § 2709. Moreover, under the NSIC, NSLs are an authorized technique and may be issued in conformity with statutory requirements during a preliminary or full investigation. NSIG, V.12.

(U) ~~(S)~~ In this instance, or [redacted] provided the case agent [redacted] [redacted] was prohibited by law from divulging this information to the FBI without a proper NSL certified by the Director (or his designee) as required by Section 2709 of ECPA. Therefore, the acceptance and collection of this information [redacted] was neither authorized by law nor by the NSIG.

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(U) ~~(S)~~ Upon realizing the error, [redacted] issued an NSL to cover the period in question. However, due to the fact that there was an unlawful collection, we must report this to the IOB.

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-CI229736-VIO, 02/20/2007

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LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) For information.

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Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

CC: Ms. Thomas

[redacted]

IOB Library

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~~SECRET~~

February 20, 2007

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:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2003- (U)

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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

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived From: Multiple Sources
Declassify On: 02/20/2032~~

~~SECRET~~

NSL VIO-35804

~~SECRET~~

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

- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

~~SECRET~~

NSL VIO-35805

DATE: 12-19-2007
CLASSIFIED BY 65179dmh/ksr/maj
REASON: 1.4 (c)
DECLASSIFY ON: 12-19-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2003-[REDACTED] (U)

(U) ~~(S)~~ In A Review of the Federal Bureau of Investigation's Use of National Security Letters, draft dated 01/22/2007, the Department of Justice (DOJ), Office of Inspector General (OIG) noted that it disagreed with the FBI's analysis of IOB Matter 2003-[REDACTED]. Upon further review of this particular matter, the Office of the General Counsel (OGC) has determined that this matter does need to be reported to the Intelligence Oversight Board (IOB).

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(S) [REDACTED]

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The FBI did not issue a national security letter (NSL) for this information.

(U) The Electronic Communications Privacy Act (ECPA) prohibits wire or electronic communications service providers from "knowingly divulg[ing] a record or other information pertaining to a subscriber to or customer of such service...to any governmental entity." 18 U.S.C. § 2702(a)(3). However, upon proper certification by the Director or his designee, the FBI may seek telephone and email communication records from wire or electronic communications service providers when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." 18 U.S.C. § 2709.

(U) ~~(S)~~ In this instance, [REDACTED] the case agent [REDACTED] was prohibited by law from divulging this information to the FBI without a proper NSL certified by the Director (or his designee) as required by Section 2709 of ECPA. Therefore, the acceptance and collection of this information from [REDACTED] was neither authorized by law nor by the NSIG. Upon realizing the error, [REDACTED] issued an NSL to cover the period in question.

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~~Derived from: Multiple Sources
Declassify on: 02/20/2032~~

NSL VIO-35806

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/23/2007

To: [Redacted]

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

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Inspection

Attn: IIS, CRS [Redacted]

From: Office of the General Counsel
NSL/CILU/Room 7947

Contact: SSA [Redacted]

Approved By: Thomas Julia F. [Redacted]

Drafted By: [Redacted]

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

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD b2
MATTER 2007 [Redacted]

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

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

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 1995

(U) **Details:** ~~(S)~~ By electronic communication (EC) dated 12/19/2006, the [Redacted] Field Office [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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(U) ~~(S)~~ On 11/17/2005, SA [Redacted] a [Redacted] case agent, submitted a National Security Letter (NSL) seeking

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To: [redacted] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10, 01/23/2007

telephone toll billing records of a certain target. Due to a typographical error, the telephone number on the NSL was erroneously transcribed.¹ On 03/14/2006, SA [redacted] was assigned the case and he reviewed the telephone records and determined that they were not the target's records. [redacted] immediately ceased review of the telephone records. On 03/15/2006, SA [redacted] destroyed all improperly collected documents and records and provided an EC to the case file.²

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(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of 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 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), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to

¹ (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.

(U) ² (S) On 12/18/2006, [redacted] realized that this incident constituted an IOB violation and promptly reported the matter to OGC and the Inspection Division.

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~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10, 01/23/2007

ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right of Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, section V.12.

(U)

~~(S)~~ In this situation, 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. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(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 received 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.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 01/23/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

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Set Lead 2: (Information)

[redacted]

AT [redacted]

(U) The [redacted] Field Office, under normal circumstances, should contact the provider of the information and determine whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. This matter is moot, however, since the information has already been destroyed and an EC has already been placed in the subject's case file.

cc: Ms. Thomas

[redacted]

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IOB Library

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~~SECRET~~

January 23, 2007

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:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007- (U)

b2

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

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived From: G-3
Declassify On: 25X1~~

~~SECRET~~

NSL VIO-35811

~~SECRET~~

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

- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

~~SECRET~~

NSL VIO-35812

~~SECRET~~

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-[REDACTED] (U)

(U)

~~(S)~~ By electronic communication dated December 18, 2006, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that, on November 17, 2005, the FBI submitted a National Security Letter (NSL) seeking telephone toll billing records relating to a certain target to [REDACTED]. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. On March 14, 2006, the telephone records were opened and it was determined that they were not the target's records. [REDACTED] immediately ceased review of the telephone records.

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(U)

~~(S)~~ 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 The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Thus, the matter is being reported to the IOB.

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

~~SECRET~~

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NSL VIO-35813

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/14/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]

Contact: CDC [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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Case ID #: (U) 078-HO-C1229736-VTO (Pending)
(U) [Redacted]

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) Synopsis: ~~(S)~~ Report of a potential violation of Title 15,
United States Code (U.S.C.), Sections 1681u(a), 1681u(b), and
1681v.

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

Details:

Background

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~~(S)~~ [Redacted] is reporting this matter as a potential
violation of the Fair Credit Reporting Act (FCRA), Title 15,
U.S.C., Sections 1681u(a), 1681u(b), and 1681v. During the

[Redacted]

(S) [Redacted] a National Security Letter (NSL) was issued pursuant
to the FCRA directing [Redacted] to provide the names and addresses
of financial institutions at which the subject maintained
accounts. The letter, signed by [Redacted] SAC [Redacted]
[Redacted] was dated 10/17/2006, and forwarded to the [Redacted]
[Redacted] (FD-542, dated 10/17/2007,
[Redacted] The Case Agent received records from

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/14/2007

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(S) [redacted] in response to the NSL on 10/28/2006, and thereafter reviewed those records, documenting his review by EC, dated 12/28/2006 (serial 33). Among other things, this EC recorded information acquired from the [redacted] information concerning [redacted] current and previous addresses, aliases, current and former employment, active credit accounts pertaining to [redacted] including account numbers, credit limits, balances, and payment activity.

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(U) The Case Agent for this investigation is SA [redacted]. The SSA at the time the NSL was issued was SSA [redacted] (subsequently transferred to Counterintelligence Division); the Acting SSA at the time the records were received at [redacted] to the present is Acting SSA [redacted].

Detection of Potential IOB Matter

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(S) On 03/05/2007, during the [redacted] [redacted] for FCRA NSLs as directed by the National Security Branch (see NSB EC to All Field Offices, dated 03/05/2007, 319X-HQ-A1487720-OGC, serial 329), Richmond Chief Division Counsel (CDC) SSA [redacted] determined that the information contained in file number [redacted] provided by [redacted] in response to [redacted] 10/17/2006 NSL comprised the entire credit file, dated 11/17/2006, of the subject [redacted] despite the fact that [redacted] requested only the identification of financial institutions). Upon a cursory review of the credit file, CDC observed that [redacted] attempted to "redact" most of the information which was not authorized under the NSL. However, the redaction, which had been made with a black marker, was such that the underlying information was still easily readable.

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(S) ~~(S)~~ Further inquiry into this matter determined that, based on the information contained in the credit file, the Case Agent drafted additional NSLs, both dated 10/20/2006 (serials 35 and 37), and both issued pursuant to the Right to Financial Privacy Act (Title 12, U.S.C., Section 3414(a)(5)). These NSLs were directed to [redacted] and requested financial records pertaining to [redacted].

(U) It is noted that the identities of these two financial institutions were obtained through the [redacted] information, as authorized by Title 15, U.S.C., Section 1681u(a). However, the Case Agent mistakenly included in the RFPA NSLs the [redacted]

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/14/2007

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account numbers which he had obtained from the "redacted" credit report. Section 1681u(a) of the FCRA does not permit the disclosure of account information, and, therefore, the Case Agent was not permitted to use that information in the RFEA NSLs.

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(S) ~~X~~ Additionally, the [redacted] credit history included [redacted] current and former addresses, and current and former employments, information which was not available pursuant to Section 1681u(a). (That information may be requested pursuant to Title 15, U.S.C., Section 1681u(b).) The Case Agent documented this information in an EC (serial 33), but made no further use of it.

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(S) ~~X~~ Records in response to the NSL pertaining to the account of [redacted] were sent to [redacted] by letters dated 02/13/2007 and 03/01/2007. These records have not been analyzed, entered into any database, or used for any purpose. Since discovery of the error on 03/05/2007, these records have been sequestered by the [redacted] CDC and will be retained by the CDC during the pendency of this potential IOB matter.

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(U) No records responsive to the [redacted] NSL have been received to date. The Case Agent will contact [redacted] and direct them not to respond to the NSL. Should the results nonetheless be received at [redacted] they too will be sequestered by the CDC. Additionally, the serial documenting the Case Agent's review of the [redacted] credit file (serial 33) as well as the [redacted] credit file itself (attached to serial 33) have been permanently charged out of the file and sequestered by the CDC. The CDC has reviewed the entire investigative file and discovered no other instances in which the credit file information was used or documented.

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(U) [redacted] is reporting this matter as a potential IOB in light of the fact that the Case Agent documented in an EC information contained in a full credit file to which he was not lawfully entitled, and included some information acquired from the credit file in subsequent RFEA NSLs, all potentially in violation of Title 15, U.S.C., Sections 1681u(a), 1681u(b), and 1681v.

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To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/14/2007

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LEAD(s) :

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Reporting potential IOE matter.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Reporting potential IOE matter.

◆◆

~~SECRET~~

~~SECRET~~//20170306
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/06/2007

To: Inspection
General Counsel

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

From: [Redacted]

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Contact: FA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10
(S) [Redacted]

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ Derived From : G-3
~~(S)~~ Declassify On: 03/06/2032

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

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

(S) [Redacted]

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

~~(S)~~ On 3/14/2005, National Security Letters were issued on 3/14/2005 under 15 USC 1681u(a) or 15 USC 1681u(b) to [Redacted]

(U) [Redacted] and [Redacted]
[Redacted] However, the

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~~SECRET~~//20170306

To: Inspection From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/06/2007

credit reporting agencies, [redacted] and [redacted] provided full credit reports on 3/24/2005 and 5/5/2005, respectively.

(U) ~~(S)~~ The Intelligence Oversight Error was discovered on 3/6/2007. The credit report and any ECs that resulted from their review have been permanently charged out of the files and turned over to ADC [redacted]. [redacted] Only the information requested is being maintained.

(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/06/2007

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~~//20170306

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/06/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: FA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10
(S) [Redacted]

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Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ Derived From : G-3
Declassify On: ~~03/06/2032~~

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

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

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(S) 15 USC 1681u(a) or 15 USC 1681u(b) [Redacted]

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

(U) ~~(S)~~ On 8/9/2004, National Security Letters were issued under 15 USC 1681u(a) or 15 USC 1681u(b) to [Redacted]

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[Redacted] and [Redacted]

[Redacted] However, the three credit reporting agencies, [Redacted]

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(U) To: Inspection From: [redacted]
Re: (S) 278-HQ-C1029736-VIO, 03/06/2007

[redacted] and [redacted] provided full credit reports on 9/7/2004, 8/11/2004, and 8/30/2004.

(U) (S) The Intelligence Oversight Error was discovered on 3/6/2007. The credit reports and any ECs that resulted from their review have been permanently charged out of the files and turned over to ADC [redacted]. [redacted] Only the information requested is being maintained.

(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 273-HQ-C1229736-VIO, 03/06/2007

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LEAD(s) :

Set Lead 1: (Action)

INSECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~//20170306

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/06/2007

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLE, Room 7975

From: [Redacted]

Contact: EA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

~~Derived From: G-3
Declassify On: 03/06/2032~~

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

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

(S) 15 USC 1681u(a) or 15 USC 1681u(b)
[Redacted]

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

~~(S)~~ On 3/14/2005, National Security Letters were
issued to [Redacted]

However, the two credit reporting [Redacted]

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/06/2007

agencies, [redacted] and [redacted] provided full credit reports on 3/24/2005 and 5/5/2005, respectively.

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(U)

~~(S)~~ The Intelligence Oversight Error was discovered on 3/6/2007. The credit reports and any ECs that resulted from their review have been permanently charged out of the files and turned over to ADC [redacted]. Only the information requested is being maintained.

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229735-VIO, 08/06/2007

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.

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~~SECRET~~//20170306
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/06/2007

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLE, Room 7975

From: [Redacted]

Contact: FA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

~~(U)~~ ~~(S)~~ Derived From: G-3
Declassify On: 03/06/2032

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

~~(U)~~ 3. Possible IOB Error: Inadvertent Overcollection

(S) 15 USC 1681u(a) or 15 USC 1681u(b).

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

~~(U)~~ ~~(S)~~ On 3/14/2005, National Security Letters were issued under the 15 USC 1681u(a) or 15 USC 1681u(b) to [Redacted]

[Redacted] However, [Redacted]

~~SECRET~~//20170306

NSL VIO-35827

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/06/2007

[redacted] and [redacted] provided full credit reports on 3/24/2005 and 5/5/2005, respectively.

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(U)

~~(S)~~ The Intelligence Oversight Error was discovered on 3/6/2007. The credit reports and any ECs that resulted from their review have been permanently charged out of the files and turned over to ADC [redacted] [redacted] Only the information requested is being maintained.

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To: Inspection From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/06/2007

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.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/09/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

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From:

Contact:

Approved By:

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Drafted By:

Case ID #: (U) [redacted] (Pending)

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U) ~~(S)~~

~~Derived From: G-3
Declassify On: 03/09/2017~~

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Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Details: ~~(S)~~ On 03/08/2007, [redacted] SA [redacted] informed his supervisor, SSA [redacted] of a potential IOB violation.

(S)

[redacted]

(S)

[redacted]

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(U) The potential violation occurred when a National Security Letter (NSL), dated 12/14/2005, was sent to [redacted]

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/09/2007

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[redacted]
[redacted] The NSL was issued pursuant to Title 15, U.S.C., § 1681u. The NSL specifically requested personal identifying information from [redacted] files relating to the consumer or consumer account but [redacted] limited to names associated with the consumer, current or former addresses, and current or former places of employment. The NSL also requested the names and addresses of any financial institutions where [redacted] records indicate the consumer maintains or maintained an account.

(U) In response to the National Security letter [redacted] sent a credit report regarding the subject of the case. When the credit report was received on 2/2/2006, the case agent did not realize it was a full credit report and placed it into the file. No additional leads or NSL's were sent out based on information provided in the credit report.

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(U) On 3/8/2007, when e-mails circulated related to the use of NSL's and the possibility [redacted] was sending out full credit reports, SA [redacted] recalled he had received a credit report from [redacted] in the [redacted] investigation and reviewed his file. The report was reviewed by the writer and ASAC [redacted] and determined to be a full credit report. The report was immediately placed into an envelope and provided to A/CDC [redacted] [redacted] on 3/12/2007, where it was sequestered pending a determination from NSLB as to whether this matter constitutes an IOB violation.

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/09/2007

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LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

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~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-19-2007
CLASSIFIED BY 65179dmh/ksr/maj
REASON: 1.4 (c)
DECLASSIFY ON: 12-19-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/15/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From: [Redacted]

Contact: CDC [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) ~~(S)~~ Synopsis: Report of a potential violation of Title 15,
United States Code (U.S.C.), Section 1681v.

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

Details:

Background

(S) ~~(S)~~ [Redacted] is reporting this matter as a potential
violation of the Fair Credit Reporting Act (FCRA), Title 15,
U.S.C., Section 1681v. [Redacted]

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[Redacted] National Security Letter (NSL) was issued
pursuant to Sections 1681u(a) and (b) of the FCRA directing
[Redacted] to provide consumer identifying information and the names
and addresses of financial institutions at which the subject
maintained accounts.

(S) ~~(S)~~ The letter, signed by then-[Redacted] SAC [Redacted]
[Redacted] and dated 03/17/2003, was forwarded to the
Division for service upon [Redacted] (EC dated 10/17/2007 [Redacted])
[Redacted] The Case Agent received records from [Redacted]
in response to the NSL on or about 04/15/2003.

~~SECRET~~

NSL VIO-35833

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/15/2007

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(S) ~~(S)~~ The information received from [redacted] pursuant to the NSL was a full credit history [redacted] none of which was redacted or excised in any way. This credit history was filed in a 1-A envelope [redacted]

(U) The Case Agent for this investigation was SA [redacted] [redacted] RA. The SSA was SSRA [redacted] (retired).

Detection of Potential IOB Matter

b1
b2
b7E
b4
b7D
b6
b7C

(S) ~~(S)~~ On 03/05/2007, during the review of counterintelligence investigations for FCRA NSLs as directed by the National Security Branch (see NSB EC to All Field Offices, dated 03/05/2007, 319X-HQ-A1487720-OGC, serial 329), [redacted] Chief Division Counsel (CDC) SSA [redacted] determined that the information contained in file number [redacted] provided by [redacted] in response to [redacted] 03/17/2003 NSL consisted of the credit history, dated 04/04/2003, of the subject [redacted] (despite the fact that [redacted] requested only consumer identifying information and the identification of financial institutions). As noted above, the credit history had no redactions or excisions.

(U) The credit history has been charged out of the file and will be sequestered by the [redacted] CDC during the pendency of this potential IOB matter. Additionally, [redacted] CDC has reviewed the entire investigative file and discovered no instances in which the credit file information was used, documented in another communication, entered into any database, or disseminated.

b2
b7E

~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 078-HQ-C1229736-VIO, 03/15/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Reporting potential IOB matter for whatever action deemed appropriate.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Reporting potential IOB matter for whatever action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

[Redacted]

From:

[Redacted]

Contact: SSA [Redacted]

b2
b7E
b6
b7C

Approved By:

[Redacted]

Drafted By:

[Redacted]

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 03/09/2017~~

b1
b2
b7E
b6
b7C

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Details: (S) On 03/07/2007, [Redacted] SA [Redacted] informed his supervisor, SSA [Redacted] of a potential IOB violation related to a [Redacted]

[Redacted]

(S)

(S)

[Redacted]

b1
b2
b7E

(U) The potential violation occurred when a National Security Letter (NSL), dated 12/29/2006, was sent to [Redacted]

[Redacted]

b4
b7D
b6
b7C

~~SECRET~~

~~SECRET~~

b2
b7E

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

[redacted] The NSL was issued pursuant to Title 15, U.S.C., Section 1681u. The NSL specifically requested personal identifying information from [redacted] files relating to the consumer or consumer account but limited to names associated with the consumer, current or former addresses, and current or former places of employment. The NSL also requested the names and addresses of any financial institutions where [redacted] records indicate the consumer maintains or maintained an account.

b6
b7C
b4
b7D

(U) In response to the National Security letter [redacted] sent a credit report regarding the subject of the case. The credit report was received in early [redacted] (the case agent does not recall the specific date the NSL was received from [redacted] February, 2007, was reviewed by the case agent in early March, 2007, at which time the case agent noted the information was a full credit report. As noted above, the case agent sought guidance from his supervisor on 03/07/2007. The credit report was never serialized into the file, and no additional leads or NSL's were sent out based on information provided in the credit report. The credit report was immediately placed into an envelope and sequestered with ADC [redacted] on 03/09/2007 pending a determination from NSLB as to whether this matter constitutes an IOB violation.

b2
b7E
b6
b7C

~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLE

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

[Redacted]

From: [Redacted]

b2
b7E
b6
b7C

Contact: SSA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: 03/09/2017~~

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Details: (S) On 03/07/2007, [Redacted] informed his supervisor, SSA [Redacted] of a potential IOB violation related to a [Redacted]

b2
b7E
b1
b7A

[Redacted]

[Redacted]

b1
b2
b7E

(U) The potential violation occurred when a National Security Letter (NSL), dated 12/18/2006, was sent to [Redacted]

b6
b7C

~~SECRET~~

~~SECRET~~

To: Inspection From: WFO
Re: (U) 278-HQ-C1229736-V10, 03/13/2007

[REDACTED]
[REDACTED] The NSL was issued pursuant to Title 15, U.S.C., Section 1681u. The NSL specifically requested personal identifying information from [REDACTED] files relating to the consumer or consumer account but [REDACTED] limited to names associated with the consumer, current or former addresses, and current or former places of employment. The NSL also requested the names and addresses of any financial institutions where [REDACTED] records indicate the consumer maintains or maintained an account.

b6
b7C
b4
b7D

(U) In response to the National Security letter [REDACTED] sent a credit report regarding the subject of the case. The credit report was received in early [REDACTED] (the case agent does not recall the specific date the NSL was received from [REDACTED] February, 2007, was reviewed by the case agent in early March, 2007, at which time the case agent noted the information was a full credit report. As noted above, the case agent sought guidance from his supervisor on 03/07/2007. The credit report was never serialized into the file, and no additional leads or NSL's were sent out based on information provided in the credit report. The credit report was immediately placed into an envelope and sequestered with ADC [REDACTED] on 03/09/2007 pending a determination from NSLB as to whether this matter constitutes an IOB violation.

b2
b7E
b4
b7C
b6
b7C

~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-V10, 03/13/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

[Redacted]

From: [Redacted]

Contact: SSA [Redacted] b2

Approved By: [Redacted]

b7E
b6
b7C

Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U) ~~(S)~~ Derived From : G-3
Declassify On: 03/09/2017

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

b2
b7E
b6
b7C
b1

Details: ~~(S)~~ On 03/13/2007, [Redacted] SA [Redacted] informed his supervisor, SSA [Redacted] of a potential IOB violation related to a [Redacted] investigation.

(S)

[Redacted]

(S) [Redacted] b1
[Redacted] b2
[Redacted] b7E

(U) The potential violation occurred when a National Security Letter (NSL), dated 01/11/2007, was sent to [Redacted]
[Redacted]

b6
b7C
b4
b7D

~~SECRET~~

~~SECRET~~

b2
b7E

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

b6
b7C
b4
b7D

[redacted] The NSL was issued pursuant to Title 15, U.S.C., Section 1681u. The NSL specifically requested personal identifying information from [redacted] files relating to the consumer or consumer account but limited to names associated with the consumer, current or former addresses, and current or former places of employment. The NSL also requested the names and addresses of any financial institutions where [redacted] records indicate the consumer maintains or maintained an account.

(U) In response to the National Security letter [redacted] sent a credit report regarding the subject of the case. The credit report was received at [redacted] in mid-February, 2007, and reviewed by the case agent on 02/23/2007. When the credit report was reviewed, the case agent did not realize it was a full credit report and placed it into the file. No additional leads or NSL's were sent out based on information provided in the credit report.

b4
b7D
b2
b7E

(U) On 3/13/2007, upon reviewing e-mails circulated related to the use of NSL's and the possibility [redacted] was sending out full credit reports, SA [redacted] recalled he had received a credit report from [redacted] in the [redacted] investigation and reviewed his file. The report was reviewed by the writer and determined to be a full credit report. The report was immediately placed into an envelope and provided to A/CDC [redacted] on 3/13/2007, where it was sequestered pending a determination from NSLB as to whether this matter constitutes an FOIA violation. An EC which summarized the results of the NSL [redacted] (serial 25) was removed from the file, placed into an envelope, and provided to ADC [redacted] on 03/13/2007. The uploaded copy of the same EC was removed from ACS on 03/13/2007.

b2
b7E
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b7D
b6
b7C
b1

(S)

~~SECRET~~

~~SECRET~~

b2
b7E

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

From:

Contact: SSA

Approved By:

Drafted By:

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 03/09/2017~~

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Details: ~~(S)~~ On 03/07/2007, [redacted] SA [redacted] informed his supervisor, SSA [redacted] of a potential IOB violation related to a [redacted] investigation.

(S)

[redacted]

(S)

[redacted]

(U) The potential violation occurred when a National Security Letter (NSL), dated 11/29/2006, was sent to [redacted]

[redacted] The NSL was issued pursuant to [redacted]

~~SECRET~~

b2
b7E
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b7C

b2
b7E
b6
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b1

b1
b2
b7E

b4
b7D
b6
b7C

~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

b2
b7E

Title 15, U.S.C., Section 1681u. The NSL specifically requested personal identifying information from [REDACTED] files relating to the consumer or consumer account but limited to names associated with the consumer, current or former addresses, and current or former places of employment. The NSL also requested the names and addresses of any financial institutions where [REDACTED] records indicate the consumer maintains or maintained an account.

b4
b7D

[REDACTED] (U) In response to the National Security letter [REDACTED] sent a credit report regarding the subject of the case. The credit report was received in early February (the case agent does not recall the specific date the NSL was received at [REDACTED] from [REDACTED], 2007, was reviewed by the case agent in early March, 2007, at which time the case agent noted the information was a full credit report. As noted above, the case agent sought guidance from his supervisor on 03/07/2007. The credit report was never serialized into the file, and no additional leads or NSLs were sent out based on information provided in the credit report. The credit report was immediately placed into an envelope and sequestered with ADC [REDACTED] on 03/09/2007 pending a determination from NSLB as to whether this matter constitutes an IOB violation.

b2
b7E
b4
b7D
b6
b7C

~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLE

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

[Redacted]

From: [Redacted]

Contact: SSA [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

b1
b2
b7E

Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

b1
b2
b7E
b4
b7D
b6
b7C
b7A

(U) ~~(S)~~ ~~Derived From: G-3~~
~~Declassify On: 03/09/2017~~

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Details: ~~(S)~~ On 03/12/2007, SA [Redacted] informed his supervisor, SSA [Redacted] of a potential IOE violation related to a [Redacted] investigation captioned

(S) [Redacted]

(S) [Redacted]

[Redacted]

(U) ~~(S)~~ The potential violation occurred when a National Security Letter (NSL), dated 02/06/2007, was sent to [Redacted]

[Redacted]

b4
b7D
b6
b7C

~~SECRET~~

~~SECRET~~

b2
b7E

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

b6
b7C

[redacted] The NSL was issued pursuant to Title 18, U.S.C., Section 2709(a). The NSL specifically requested toll billing records related to [redacted] telephone numbers.

b2

(U) In response to the National Security letter [redacted] sent a series of files with toll records regarding the telephone numbers identified in the NSL. The toll records were received via email at [redacted] on 03/06/2007, and reviewed on 03/12/2007. When the toll records were reviewed, it was discovered that information on one telephone number not identified in the NSL had been provided as part of the data. No additional leads or NSL's were sent out based on information provided in the credit report.

b4
b7D
b2
b7E

(U) On 3/13/07, FBIHQ, OGC, NSLE AGC [redacted] [redacted] advised [redacted] via E-mail that this is a FIOE and that the information should be returned to [redacted]. Based on guidance from [redacted], OGC, FBIHQ, the email with the toll record files was deleted on 03/13/2007. The EC with CD containing the toll records was received at [redacted] on 03/13/2007, and was immediately provided to A/CDC [redacted] on the same day, where it was sequestered pending a determination from NSLE as to whether this matter constitutes an IOB violation.

b2
b7E
b6
b7C

~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

◆◆

~~SECRET~~

~~SECRET~~//20320313

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: [Redacted]
Inspection
General Counsel

Attn: ADC [Redacted]
Attn: IIS, Room 11861
Attn: NSLB, Room 7975

b2
b7E
b6
b7C

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

b1
b2
b7E

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10
~~(S)~~ [Redacted] IOB
(U) ~~(S)~~ 278-[Redacted] A95380

Title: (U) POSSIBLE INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: (S) To report possible IOB error.

b1
b2
b7E

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: 03/13/2032~~

Details:

(S) 1. [Redacted]
(S) 2. [Redacted]

(U) ~~(S)~~ 3. Possible IOB Error:
b1
b2
b7E
(S) [Redacted]

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

(U) ~~(S)~~ A National Security Letter (NSL) was properly prepared, approved and served on [Redacted] for records of an account belonging to [Redacted]. The NSL requested records beginning on 01/01/2001. [Redacted] provided results including a statement dated 01/08/2001, which included transactions in December, 2000.

b4
b7D

(U) ~~(S)~~ Although results of the NSL were received in 2006, the possible IOB violation was not discovered until analysis of this statement occurred on 03/13/2007.

~~SECRET~~//20320313

NSL VIO-35851

~~SECRET~~//20320313

b2
b7E

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/13/2007

(U) ~~(S)~~ The December 2000 results have been redacted from the results kept in the case file. The original results have been forwarded to [redacted] ADC for sequestering.

b2
b7E

~~SECRET~~//20320313

NSL VIO-35852

b2
b7E

To: Inspection From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/13/2007

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~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2007

To: Inspection
General Counsel

Attn: IIS
Attn: NSLE
Attn: CDC

b2
b7E
b6
b7C

From:

Contact:

Approved By:

Drafted By:

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) EC provides details regarding a potential IOB matter.

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify on: 03/13/2017~~

b1
b2
b7E
b6
b7C

Reference: (U) EC dated 11/16/2006, file 278-HQ-C1229736.

Details: ~~(S)~~ On 03/08/2007, SA [redacted] informed her Supervisor, SSA [redacted] of a potential IOB violation related to a [redacted] counterintelligence investigation

(S)

b1
b2
b7E

(U) ~~(S)~~ The potential violation occurred when a National Security Letter (NSL), dated 10/17/2006, was sent to [redacted]

b6
b7C

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

[redacted]
[redacted] The NSL was issued pursuant to Title 15, U.S.C. § 1681u. The NSL specifically requested the names and addresses of all financial institutions where [redacted] records indicate the consumer maintains or maintained an account.

b4
b7D
b6
b7C

~~(S)~~ In response to the NSL, [redacted] provided the delivering office [redacted] credit report dated 11/28/2006. On 12/14/2006, [redacted] Division provided the initial case agent, SA [redacted] an electronic communication (EC) enclosing the [redacted] NSL results in a 1A envelope. [redacted]

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b7C
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b7D

(S) [redacted] When the credit report was received on or about 01/05/2007, the subsequent case agent, SA [redacted] did not realize it was a full credit report and filed it. To date, no additional leads, NSLs, or other investigative action was conducted based on the information provided in the credit report.

(U) ~~(S)~~ On 3/08/2007, when [redacted] Counterintelligence Division was notified by FBIHQ Office of General Counsel of the possibility that full credit reports may have been provided in response to non-Counterterrorism NSLs, SA [redacted] checked her current case files and noticed an EC enclosing an [redacted] credit report. SA [redacted] immediately showed her Supervisor, SSA [redacted] the [redacted] credit report. SSA [redacted] and SA [redacted] were unsure whether the information provided by [redacted] was a full credit report and therefore a potential IOB violation. Accordingly, on 03/13/2007, SSA [redacted] and SA [redacted] met with ADC [redacted] showed him the NSL results, and was informed by ADC [redacted] that the results appeared to be a full credit report. The report, enclosed in a 1A envelope, was immediately provided to ADC [redacted] on 03/13/2007, where it was sequestered pending a determination from NSLE as to whether this matter constitutes an IOB violation.

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b7E
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b7C

~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/13/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT ISS

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB

(U) General Counsel is requested to review this matter and provide guidance as to the disposition of the sequestered materials.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection
General Counsel

Attn: IIS, Room 3041
Attn: NSLE, Room 7975

From: [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted]

(U)

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

Title: (U) REPORT OF A POTENTIAL
INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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

~~(S)~~ Derived From : G-1
~~(S)~~ Declassify On: 03/16/2017

(U)

Details:

b1
b2
b7E
b6
b7C

(S) 1. [Redacted]

(S) 2. [Redacted]

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

b1
b2
b7E

~~(S)~~ 4. On 09/09/2004, SA [Redacted] issued a National Security
Letter (NSL) to [Redacted]
requesting the names and addresses of all financial institutions, as
defined in Title 12, U.S.C., Section 3401, at which [Redacted]
maintains or had maintained an account. The NSL cited this request
was authorized by Executive Order 12333, and pursuant to Title 15,
U.S.C., Section 1681n(a). The NSL is documented in case file

(S) [Redacted]

b1
b2
b7E
b4
b7D

~~SECRET~~

b1
b2
b7E
b6
b7C

~~SECRET~~

b2
b7E

To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 03/16/2007

~~(S)~~ On 10/19/2004, [redacted] returned the results of the NSL which included a full credit report on [redacted]

b1
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b7D
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b7E
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b7C

~~(S)~~ On 12/13/2004, SA [redacted] issued an NSL to [redacted] financial institution requesting records for [redacted] based on the information contained on the credit report. SA [redacted] included an account number associated with [redacted] from the credit report in the subsequent NSL [redacted] SA [redacted] would have issued the NSL regardless of the additional account information contained in the credit report; and the information provided by the financial institution in turn would have, and in fact did, reveal the account numbers from the credit report.

~~(S)~~ SA [redacted] did not use the additionally provided information, that is information in addition to names and addresses of financial institutions, contained in the credit report to request additional records for [redacted] or to conduct further investigative activity. Furthermore, the full credit report has not been uploaded into any FBI database to include ACS, and the [redacted] records have been removed from the case file and sequestered by CDC [redacted]

b1
b6
b7C
b4
b7D

~~SECRET~~

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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.

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-19-2007
CLASSIFIED BY 65179dmh/ksr/maj
REASON: 1.4 (c)
DECLASSIFY ON: 12-19-2032

SECRET
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection
General Counsel

Attn: IIS, Room 3041
Attn: NSLE, Room 7975

From: [Redacted]

Contact: [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL
INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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

(U) ~~(S)~~ **Derived From :** G-3
Declassify On: 03/16/2017

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Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

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

(S) [Redacted]

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

~~(S)~~ On 03/14/2005, SA [Redacted] submitted a request for a National Security Letter (NSL) to [Redacted]

[Redacted] requesting the names and addresses of all financial institutions as defined in Title 12, U.S.C., Section 3401, at which [Redacted] maintains or had maintained an account. The NSL cited this request was authorized by Executive Order 12333, and pursuant to

(S)

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2289.WED

NSL VIO-35860

To: Inspection From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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(S) Title 15, U.S.C., Section 1681u(a). The NSL is documented in case file [redacted]

~~(S)~~ On 04/08/2005, [redacted] Division returned the results of the NSL to [redacted] which included a full credit report for [redacted]

(S) On 04/26/2005, SA [redacted] issued NSL's to [redacted] separate financial institutions requesting records for [redacted] based on the information contained on the returned documents. SA [redacted] listed account numbers associated with [redacted] from the credit report in each of the [redacted] subsequent NSL's, documented in [redacted]

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(U) ~~(S)~~ SA [redacted] would have issued the [redacted] NSL's regardless of the additional account information contained on the credit report since such information would have legally identified those financial institutions via a proper response from the credit reporting agency. The information provided by the [redacted] financial institutions in turn would have, and in fact did, reveal the account numbers from the credit report.

(S) ~~(S)~~ SA [redacted] did not use the additionally provided information, that is the information in addition to names and addresses of financial institutions contained in the credit report, to request additional records for [redacted] or to conduct further investigative activity. Furthermore, the full credit report was not uploaded into any FBI database to include ACS. The [redacted] records have been removed from the case file and sequestered by CDC [redacted]

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(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/16/2007

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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.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection

Attn: Internal Investigations
Room 11102

General Counsel

Attn: NSLB
Room 7975

From: [Redacted]

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b7C

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

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b7C

Title: (U) SPECIAL AGENT (SA) [Redacted]
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

Synopsis: (U) To provide notification of a possible IOB violation and to request that this matter be reported as an IOB violation - if appropriate.

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(U)

~~Derived From : FBI SCG G-3 1/97
Declassify On: 03/16/2032~~

Details: (U) SA [Redacted] was assigned to the [Redacted] Division [Redacted] His supervisor during this investigation was SSA [Redacted] (retired).

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(S) SA [Redacted] was the case agent for the [Redacted]

[Redacted]

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[Redacted]

~~SECRET~~

~~SECRET~~

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

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(S)



On 03/09/2007, an audit was conducted by SA [redacted] and ISS [redacted] Division, reviewing this file for potential IOE violations.

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On 03/12/2007, a review of this file was also conducted by SSA [redacted] revealed that [redacted] provided a full credit report, resulting in an inadvertent over-collection of information. Accordingly, [redacted] Division hereby reports this over-collection as a possible IOE violation.

~~SECRET~~

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To: Inspection From:
Re: (U) 278-HQ-C1229756-VIO, 03/16/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter related in this communication should be reported as an IOB.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/09/2007

To: INSD

Attn: IIS

General Counsel

Attn: NSLP, Room 7947

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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b7E

Case ID #: (U) 278-HQ-C1229736-VIO
278 [Redacted] 50078-A

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) ~~(S)~~ **Synopsis:** To report a potential IOB matter based on the inadvertent collection of consumer credit information.

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

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Reference: (S)
(S)
(S)
(S)
(S)

[Redacted]

(U) ~~(S)~~ **Administrative:** In the referenced serials, National Security Letters (NSL) were requested from [Redacted]

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Details: (U) Case Agent: SA [Redacted]

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(U) Supervisor: SSA [Redacted]

(S) 1. [Redacted]

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(U) To: INSD From:
Re: ~~(S)~~ 278-HQ-C1229736 - VIO, 03/09/2007

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(S) 2.

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(S) 3.

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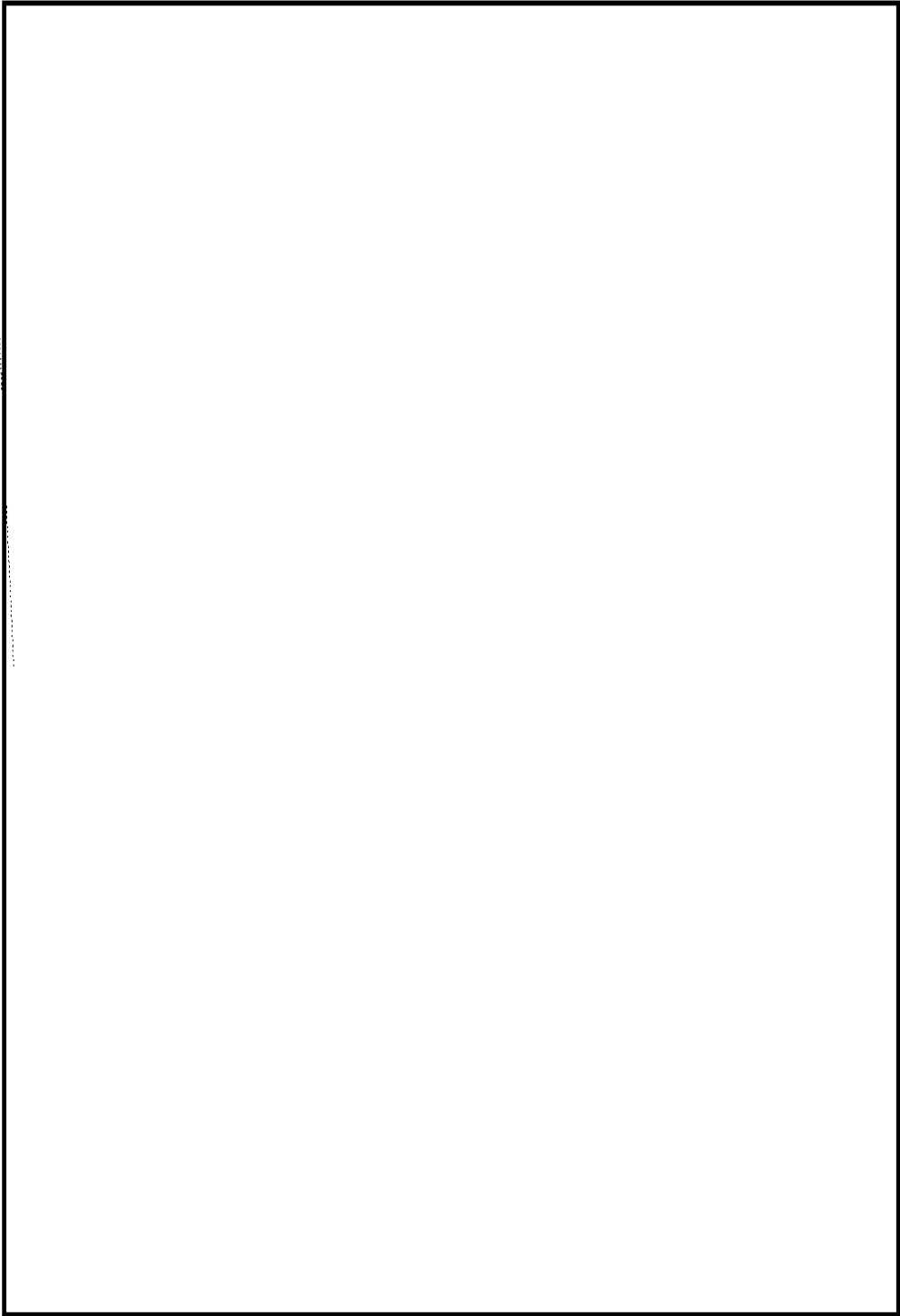
~~SECRET~~

(U) To: INSD From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736 - VIO, 03/09/2007

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To: INSD From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-CI229736 - VIO, 03/09/2007

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(S)

[redacted]

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(U) No derivative information was requested or collected as a result of these inadvertent requests/collecting.

(U)

~~(S)~~ FBIHQ EC (319W-HQ-A1487699-CD, serial 4), dated 03/05/2007, provided prior guidance on the statutory restrictions controlling the issuance of NSLs to obtain full credit reports in counterintelligence investigations. On 03/08/2007, upon learning that three of the requests were improperly requested, writer was advised by SSA [redacted] to seal and sequester all NSLs and results pertaining to credit reports and place it in the secure safe of the [redacted] Chief Division Counsel (CDC). This was completed on 03/09/2007 for the serials and results listed in the reference section.

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(U) Any questions regarding the above can be directed to [redacted] Attention: Special [redacted] [redacted] telephone number [redacted]

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To: INSD From: [REDACTED]
(U) Re: (S) 278-HQ-C1229736 - VIO, 03/09/2007

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LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) The Office of The General Counsel is requested to review the circumstances regarding the possible IOE violation and to subsequently provide CDC [REDACTED] direction regarding the disposition of the records which were inadvertently collected.

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LEAD(s) :

Set Lead 2: (Discretionary)

INSPECTION

AT AT INTERNAL INVESTIGATIVE SECTION, WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/09/2007

To: INSD
General Counsel

Attn: IIS
Attn: NSLE, Room 7947

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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(U) **Case ID #:** ~~(S)~~ 278-HO-C1229736-VIO
~~(S)~~ 278-[Redacted]-50078-A

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) **Synopsis:** ~~(S)~~ To report a potential IOB matter based on the inadvertent collection of telephone toll information for a telephone not subscribed to by the subject of the investigation.

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

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Reference: (S) [Redacted]

Details: (S) [Redacted]

12/27/2006. The case agent is Special Agent (SA) [Redacted]
[Redacted] the supervisor is Supervisory Special Agent
(SSA) [Redacted]

(U) ~~(S)~~ During the course of the investigation in 01/2007, SA [Redacted] conducted a query of the [Redacted] database in an attempt to identify any telephone numbers associated with the subject. The results of his efforts identified telephone number [Redacted]-XXXX.

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(S) Referenced [Redacted] NSL [Redacted] dated 01/16/2007, requested the telephone subscriber information and toll records for [Redacted] from [Redacted]

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~~SECRET~~

(U) To: INSD From: [redacted]
Re: Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO, 03/09/2007

[redacted] This was the time period that [redacted] had associated the telephone number with the subject. On 02/21/2007, the subscriber information returned by the telephone carrier and indicated two subscribers during the time period. Neither was listed as the subject, however it was possible that both or one of the individuals listed might be associated with the subject. On 02/23/2007, writer contacted SSA [redacted] Acting/Chief Division Counsel, [redacted] and informed him of the matter, and also indicated that he would conduct a logical investigation to determine if the subscribers were associated with the subject.

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(U) ~~(S)~~ Writer conducted a logical investigation and could not confirm that either subscriber was associated with the subject. The possibility that the subject may have at one time lived with either subscribers does exist, but could not be confirmed by writer through a series of records checks. Since the responsive toll records could not be confirmed to be associated with the subject, they were not loaded into any computerized database maintained by the FBI.

(U) ~~(S)~~ On 03/09/2007, SA [redacted] informed SSA [redacted] that he could not confirm an association with the subscribers and the subject. SSA [redacted] directed SA [redacted] to isolate both sets of records in a sealed envelope, and report the above incident to INSD and NSLB. SA [redacted] complied with this directive.

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SECRET

(U)

To: INSD From: [REDACTED]
Re: Case ID #: (S) 178-HQ-C1219736-V10, 03/09/2007

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LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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(U) The Office of The General Counsel is requested to review the circumstances regarding the possible IOE violation and to subsequently provide CDC [REDACTED] direction regarding the disposition of the records which were inadvertently collected.

LEAD(s) :

Set Lead 2: (Discretionary)

INSPECTION

AT AT INTERNAL INVESTIGATIVE SECTION, WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/01/2007

To: [Redacted]

Attn: SA [Redacted]
SSA [Redacted]

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Inspection

Attn: IES [Redacted]
CRS [Redacted]

From: Office of the General Counsel
NSL/CILU/Room 7947

Contact: [Redacted]

Approved By: Thomas Julie F
[Redacted]

Drafted By: [Redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD b2
MATTER 2007-[Redacted]

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

(U) ~~(S)~~ **Derived From:** Multiple Sources
Declassify On: 02/01/2032

Reference: (U) 278-HQ-C1229736-VIO Serial 1933

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

(U) ~~(S)~~ **Details:** The referenced electronic communication (EC) from the [Redacted] Office [Redacted] dated 12/19/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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(U) ~~(S)~~ On 10/25/2006, [Redacted] prepared a National Security Letter (NSL) requesting subscriber information on two telephone

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DATE: 12-19-2007
CLASSIFIED BY: 65179dmh/ksr/maj
REASON: 1.4.(c)
DECLASSIFY ON: 12-19-2032

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 02/01/2007

(S)

numbers associated with [redacted] the
NSL also requested any phone numbers for the [redacted]
[redacted] Due to an administrative error in drafting
the NSL and the accompanying EC, the case agent requested
information for the wrong telephone number. Therefore, the NSL
contained a substantive typographical error when it was sent to
the provider.

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(U) ~~(S)~~ On or about 12/05/2006, the case agent received a
compact disc (CD) with the NSL results. On 12/18/2006, upon a
thorough review of the material on this CD, the case agent
realized the error.

(U) ~~(S)~~ The CD did contain some pertinent information
relevant to an authorized investigation. The pertinent material
was printed and placed in the substantive case file. However,
the non-pertinent material was not printed, and the CD itself has
been sequestered.

(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 (in the FBI, the Assistant
Director, INSD, and the General Counsel, OGC, respectively)
report to the ICB "concerning intelligence activities that they
have reason to believe may be unlawful or contrary to Executive
order or Presidential directive." 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 12/04/1991,
if such provision was designed in full or in part to ensure the
protection of the individual rights. Violations of provisions
that are merely administrative in nature need not be reported to
the IOB. The FBI is required, however, to maintain records of

¹ A "United States person" is defined in Section 101(i) of the
Foreign Intelligence Surveillance Act (FISA), 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). . . ." See also Section I.C to the Attorney General's
Guidelines for FBI National Security Investigations and Foreign Intelligence
Collection (NSIG) (2003).

~~SECRET~~

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 02/01/2007

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such administrative violations so that the Counsel to the IOB may review them upon request.

(U) Under the Electronic Communications Privacy Act (ECPA), the FBI may seek telephone and email communication records from telephone companies and internet service providers when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." 18 U.S.C. § 2709. Moreover, under the NSIC, NSLs are an authorized technique and may be issued in conformity with statutory requirements during a preliminary or full investigation. NSIC, V.12.

(U) ~~(S)~~ Due to inadvertent typographical error, [REDACTED] received NSL results on a telephone number that was not associated with the subject of an authorized investigation. Upon realizing the error, the case agent immediately notified her supervisor and took the proper steps to sequester the information. None of the non-relevant information from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on this information. However, due to the fact that there was an unauthorized collection of presumed U.S. person information, we must report this to the IOB.

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 02/01/2007

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LEAD(s) :

Set Lead 1: (Action)

[redacted]
[redacted]
AI [redacted]

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(U) The field should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

CC: Ms. Thomas
[redacted]
IOB Library

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~~SECRET~~

February 1, 2007

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:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 [redacted]" (U)

b2

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

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived From: Multiple Sources
Declassify On: 02/01/2032~~

~~SECRET~~

NSL VIO-35878

~~SECRET~~

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

- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

~~SECRET~~

NSL VIO-35879

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] DIVISION
IOB MATTER 2007 [redacted] (U)

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(U)

~~(S)~~ The [redacted] of the Federal Bureau of Investigation (FBI) reported a potential IOB involving a National Security Letter (NSL) requested by [redacted] which, through a transcription error, sought information about a telephone number belonging to a person who was not the subject of an FBI national security investigation.

(U)

~~(S)~~ [redacted] prepared an NSL requesting subscriber information on two telephone numbers associated a non-U.S. person who is the target of an authorized investigation. Due to an administrative error in drafting the NSL and the accompanying EC, the case agent requested information for the wrong telephone number. Therefore, the NSL contained a substantive typographical error when it was sent to the provider.

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(U)

~~(S)~~ On 12/18/2006, upon a thorough review of the NSL results, the case agent noticed the discrepancy in the telephone number. The case agent immediately notified her supervisor and took the proper steps to sequester the information. None of the non-relevant information from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on this information.

(U) Due to inadvertent typographical error, [redacted] received NSL results on a telephone number that was not associated with the subject of an authorized investigation. However, due to the fact that there was an unauthorized collection of presumed U.S. person information, the error is a reportable matter under Section 2.4 of Executive Order 12863.

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~~Derived from: Multiple Sources
Declassify on: 07/01/2032~~

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FEDERAL BUREAU OF INVESTIGATION

066bp02.ec

Precedence: ROUTINE

Date: 03/08/2007

To: Inspection

Attn: Internal Investigations
Section

General Counsel

Attn: National Security Law Branch

From: [Redacted]

Resident Agency

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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Case ID #: (U) 278-HQ-C1229736-VIO (Pending)
(U) 278-[Redacted]-C136372 (Pending)

Title: REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) Report potential IOB violation.

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

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~~(U) (S)~~ [Redacted]

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Reference(s): (U) 278-[Redacted]-C136372 Serial 129

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Details: ~~(U) (S)~~ On 02/28/2007, pursuant to a National Security Letter (NSL) dated 01/22/2007, writer received subscriber information and toll records from [Redacted] for the subject of a [Redacted]. The subject was previously unknown, and one of the reasons for the NSL was to identify the subscriber.

(S)

~~(U) (S)~~ Before sending the toll records to be uploaded, SA [Redacted] immediately reviewed them to ensure that they corresponded with the information requested in the aforementioned NSL, which was subscriber information and toll records from [Redacted] to the present (with "the present" meaning the [Redacted])

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~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 279-HQ-C1229736-VIO, 03/08/2007

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date of the NSL, which was 01/22/2007). Upon review of the toll records, SA [redacted] noted that the subject of [redacted] investigation was the subscriber of the subject telephone number from 10/10/2005 until 05/08/2006. The subject's telephone service was disconnected on 05/08/2006. SA [redacted] also noted that between 05/08/2006 and 01/22/2007, there were two other subscribers. [redacted] provided subscriber information and toll records for these subscribers even though they are not the subject of SA [redacted]. When SA [redacted] issued the NSL, she was unaware that the subject's phone had been disconnected.

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(U) ~~(S)~~ The non-pertinent telephone records have not been uploaded into [redacted] or photocopied, and they have been sequestered with CDC [redacted] (referenced serial).

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(U) ~~(S)~~ For reporting purposes, the case agent is SA [redacted] and the supervisor is SSA [redacted]

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~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/08/2007

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Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Review above-referenced facts and determine whether IOE violation exists.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review above-referenced facts and determine whether IOE violation exists.

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~~SECRET~~/ORCON/NOFORN

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection

Attn: Internal Investigations
Room 11102

General Counsel

Attn: NSLB
Room 7975

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From: [Redacted]

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

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b7C

Title: (U) SPECIAL AGENT (SA) [Redacted]
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

Synopsis: (U) To provide notification of a possible IOB violation and to request that this matter be reported as an IOB violation - if appropriate.

(U)

~~(S)~~

~~Derived From : FBI SCG G-3 1/97
Declassify On: 03/16/2032~~

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(U) ~~Details:~~

~~(S)~~

SA [Redacted] was assigned to the [Redacted] Division [Redacted] His supervisor during this investigation was SSA [Redacted] (retired).

(S) SA [Redacted] was the case agent for [Redacted]

[Redacted]

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~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-V10, 03/16/2007

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(U) ~~(S)~~ [redacted] is the [redacted] Information was received [redacted] indicating that [redacted] Based on investigation a limited consumer identifying information report was requested via an NSL issued to [redacted] [redacted] pursuant to U.S. Code, Section 1681u(a) and (b) of the Fair Credit Report Act (as amended on 10/26/2001), which authorized the FBI to obtain limited names and addresses of all financial institutions, and consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment associated with this consumer.

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On 03/09/2007, an audit was conducted by SA [redacted] and ISS [redacted] Division, reviewing this file for potential IOB violations.

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On 03/12/2007, a review of this file was also conducted by SSA [redacted] revealed that [redacted] provided a full credit report, resulting in an inadvertent over-collection of information. Accordingly, [redacted] Division hereby reports this over-collection as a possible IOB violation.

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To: Inspection From: [REDACTED]
Re: (U) 078-HQ-C1229736-VIC, 03/16/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLE is requested to determine if the matter related in this communication should be reported as an IOB.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection

Attn: Internal Investigations
Room 11102

General Counsel

Attn: NSLB
Room 7975

From: [Redacted]

Contact: ISS [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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

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b7C

Title: (U) SPECIAL AGENT (SA) [Redacted]
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

Synopsis: (U) To provide notification of a possible IOB violation and to request that this matter be reported as an IOB violation - if appropriate.

(U)

~~(S)~~

~~Derived From : FBI SCG G-3 1/97
Declassify On: 03/16/2032~~

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Details: (U) ~~(S)~~ SA [Redacted] was assigned to the [Redacted] Division [Redacted] His supervisor during this investigation was SSA [Redacted] (retired).

(U)

~~(S)~~

[Redacted]

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~~(S)~~

[Redacted]

b1
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~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

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(S)

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On 03/09/2007, an audit was conducted by SA [redacted] and ISS [redacted] Division, reviewing this file for potential IOB violations.

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On 03/12/2007, a review of this file was also conducted by SSA [redacted] revealed that [redacted] provided a full credit report, resulting in an inadvertent over-collection of information. Accordingly, [redacted] Division hereby reports this over-collection as a possible IOB violation.

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~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter related in this communication should be reported as an IOB.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/23/2007

To: Inspection
General Counsel

Attn: Internal Investigations
Section, Room 11861
Attn: National Security Law Branch
(NSLB), Room 7975

From: [Redacted]

Contact: ADC [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL
IOB MATTER

(U) ~~(S)~~ Synopsis: ~~(S)~~ Response to telephonic and e-mail mandate by NSLE of 02/20/2007 to report as a potential IOB matter, a National Security Letter (NSL) believed by the Office of the Inspector General (OIG), Department of Justice, to be an IOB matter.

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

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Details:

(S) 1. [Redacted]

case SA at the time of receipt of the response to the NSL was SA [Redacted] and the Supervisory Special Agent (SSA) for the investigation was SSA [Redacted]

2. [Redacted]

3. No IOB error occurred. This report is purely perfunctory:

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~~SECRET~~

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/13/2007

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(S) 4. [redacted] was advised 02/09/2007 that OIG had brought to the attention of NSLB a NSL, found at [redacted] which OIG believed was an IOB matter. Serial [redacted] Exhibit A, attached, is a copy of a NSL addressed to [redacted] and dated September 1, 2004. In accordance with 18 U.S.C. § 2709(b) (2001), the NSL contained the required relevancy certification, [redacted] NSL at 1), and was duly executed by the Special Agent in Charge at the time, [redacted] NSL at 2).

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[Large redacted block]

(S) ~~(S)~~ In response to the questioned [redacted] NSL, [redacted] received a letter dated 02/13/2005 from [redacted] letter dated 02/13/2005 from [redacted]. The letter stated that telephone number [redacted] was "assigned to an [redacted] letter.) The letter observed that "[i]nternet access numbers are used to log onto the Internet" [redacted] letter.)

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[Large redacted block]

(U) General Counsel EC captioned "REVISED PROCEDURES FOR THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT BOARD MATTERS," dated 11/16/2006 observes that:

~~SECRET~~

(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/13/2007

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Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components ... 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 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), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB.¹

{GC EO at 2.} The instant case involves no violation of any Executive Order, Presidential Directive, guideline, ethics rules or any other rule, regulation, order, or policy.

¹ (U) This interpretation of the reporting requirements was furnished to the FBI by the PIOB during a meeting on 06/18/1982. William H. Webster, then Director of the FBI, concurred with this interpretation and confirmed the immediate implementation of reporting procedures in adherence to this interpretation in a letter, dated 07/14/1982, to Dr. W. Glenn Campbell, Chairman of the PIOB. This interpretation was confirmed by Mary C. Lawton, Counsel for Intelligence Policy, Office of Intelligence Policy and Review, Department of Justice, by letter dated 04/08/1983.

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NSL VIO-35892

~~SECRET~~

(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 273-HQ-C1229736-VIO, 02/23/2007

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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.

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NSL VIO-35893

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/12/2007

To: Inspection Division
General Counsel

Attn: IIS
National Security Law Branch

From: [Redacted]

Contact: SSA [Redacted]

Approved By: [Redacted]

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b7C

Drafted By: [Redacted]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending)
~~(S)~~ 278-[Redacted]-50078-A

(U) **Title:** ~~(S)~~ REPORTING OF A POTENTIAL IOB VIOLATION

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(S) **Synopsis:** ~~(S)~~ [Redacted] is reporting a potential IOB violation for improperly requesting credit records on the subject [Redacted]

[Redacted]

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

(S) **Details:** ~~(S)~~ Pursuant to a directive from the National Security Law Branch on 03/05/2007, [Redacted] conducted a preliminary review of National Security Letters (NSL) issued for credit records in counterintelligence investigations: [Redacted]

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[Redacted] of a counterintelligence matter wherein [Redacted] issued an NSL requesting a full credit check on the subject. Details are as follows:

(S) [Redacted] is currently conducting a [Redacted]

[Large Redacted Block]

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~~SECRET~~

(U) To: Inspection Division From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/12/2007

(S) [redacted] b1
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~~(S)~~ On 07/05/2006, Case Agent [redacted] created an NSL and a cover EC requesting credit information on the subject from [redacted] SA [redacted] created the NSL after consultations with [redacted] SSA [redacted] regarding an investigative strategy to pursue in the investigation. SSA [redacted] suggested requesting a credit check on [redacted] to facilitate efforts to determine [redacted] b1
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(S) [redacted] b4
b7D

(U) ~~(S)~~ SA [redacted] consulted with the [redacted] Chief Division Counsel (CDC) office to determine proper paperwork and procedure for issuing the request. The NSL and accompanying EC indicated the request was for a full consumer credit report and indicated the case was a counterintelligence matter. The EC also noted the subject was suspected of conducting counterintelligence activities. b2
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(U) ~~(S)~~ According to ACS records, [redacted] Division served to [redacted] and forwarded the results back to [redacted] on 08/08/2006. Records included identifying information, previous employment, credit account information (including account numbers, balance information, type of account, dates opened and closed and scheduled payments), and bank account information. Credit scores and payment history information were not included in the response. b2
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(U) ~~(S)~~ On 10/27/2006, SA [redacted] analyzed the information and documented his findings in an EC to the file (serial 129). The information was not uploaded to any other database. b6
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(U) ~~(S)~~ Per referenced EC from NSLB, full credit checks are only authorized in the pursuit of counterterrorism investigations. Further, the referenced EC mandated that field offices should conduct a review of NSLs issued on counterintelligence cases to determine if any improper request

~~SECRET~~

(U) To: ~~(S)~~ Inspection Division From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/12/2007

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was made or if any response contained prohibited credit information. Inasmuch as the NSL in question specifically requested a full consumer credit report, [redacted] is reporting the request as a potential Intelligence Oversight Board violation as directed. In addition, [redacted] is providing the information on the results of the request for NSLB's evaluation to determine if they constitute a Full Credit Report in content. The information reported did not include credit scores, payment history or other such information normally delineated in a full credit report used by credit issuers and financial institutions. [redacted] has permanently removed the NSL and the information received from FBI files and sequestered the information with the CDC, pending NSLB guidance on the matter.

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(U) ~~(S)~~ [redacted] also notes that information provided in this request was used to issue two other NSLs. Specifically, the information provided by the [redacted] identified a previously unknown bank account. The [redacted] case agent used the identification of the bank account number to issue an additional NSL addressed to the bank. Since a request for this type of information would have been allowable under the existing authorities for counterintelligence investigations, [redacted] is not sequestering this NSL or the results. Should NSLB determine otherwise, [redacted] should be notified and will comply with any guidance provided.

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~~SECRET~~

(U) To: ~~(S)~~ Inspection Division From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736, 03/12/2007

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LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) [redacted] ~~(S)~~ Will evaluate the above information and provide with a determination if the incident is a reportable IOB violation. If so, General Counsel will provide the proper notification.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/15/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL
INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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

(U) ~~(S)~~ Derived From : G-3
Declassify On: ~~03/16/2017~~

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Details:

(S) 1 [Redacted]

(S) 2 [Redacted]

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

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

(U) ~~(S)~~ On Electronic Communication (EC) dated 03/02/2006, serial #47, writer made a request through National Security Letter's (NSL) serial's #44, #45, #46 for financial institution names and addresses under FCRA Section 1681u(a) to three credit reporting companies.

~~SECRET~~

~~SECRET~~

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/15/2007

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(U) ~~(S)~~ The NSL's were submitted to [redacted] and [redacted] respectively. Received records from [redacted] serial #64 and [redacted] serial #50 disclosed only names and addresses as specified in the NSL.

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(U) ~~(S)~~ After further case review, writer identified records received from [redacted] serial #49, containing a full credit report. A detailed review of the file shows that no data was uploaded from the credit report and which was not uploaded into the ACS computer system or any other FBI database. Furthermore, there were no subsequent NSL's request made based on the returned data from [redacted]

(U) ~~(S)~~ The [redacted] records have been removed from the case file and sequestered by CDC [redacted]

~~SECRET~~

~~SECRET~~

(U) To: Inspection From: [REDACTED]
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 03/15/2007

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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.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/19/2007

To: General Counsel

Attn: National Security Law Branch
Counterintelligence

National Security Branch

Internal Investigations
Section (IIS)

From: [Redacted]

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Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO
(U) ~~(S)~~ 319W-HQ-A1487699-CD
319X-HQ-A1487720-OGC

Title: (U) REPORT OF POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTER

GUIDANCE ON USE OF FAIR CREDIT REPORTING ACT NSLS
IN COUNTERINTELLIGENCE INVESTIGATIONS; REVIEW OF
FAIR CREDIT REPORTING ACT NSLS ISSUED IN CY 2006 IN
COUNTERINTELLIGENCE INVESTIGATIONS

Synopsis: (U) Report of a potential IOB matter to the National Security Law Branch (NSLB), Counterintelligence Law Unit (CLU), and the results of the review of FCRA NSLS issued SINCE January 1, 2002, in the context of counterintelligence investigations to the National Security Branch (NSB) as required in the March 5, 2007, National Security Branch EC to All Divisions entitled "GUIDANCE ON USE OF FAIR CREDIT REPORTING ACT NSLS IN COUNTERINTELLIGENCE INVESTIGATIONS; REVIEW OF FAIR CREDIT REPORTING ACT NSLS ISSUED IN CY 2006 IN COUNTERINTELLIGENCE INVESTIGATIONS."

(U) ~~(S)~~

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

~~SECRET~~

~~SECRET~~

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To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-V10, 03/19/2007

Details: (U) As directed in the National Security Branch EC dated March 5, 2007, the following is being reported to the NSLB and NSB:

(U) Since January 1, 2002, the [REDACTED] Division issued [REDACTED] FCRA NSLs in Counterintelligence Investigations (CI) which cited Title 15, United States Code Section 1681(u). No NSLs were issued citing Title 15, United States Code Section 1681(v) in these CI investigations.

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(U) Below are the CI investigations, the verbiage in the NSL that was used to request information from the credit bureau, the information that was provided by the credit bureau and the current status of the information received from the credit bureau.

[REDACTED] files identified from the audit which currently contain and reference full credit reports

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(U) As a result of the audit, (Re: NSE EC to All Division March 5, 2007,) two (2) NSL [Title 15, United States Code Section 1681(u)] requests to [REDACTED] in 2004, were sent in which consumer credit reports were provided to the [REDACTED] Division by the credit bureau. Listed below are the investigations:

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(S) [REDACTED]

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(U) An NSL [Title 15, United States Code Section 1681(u)] was sent to [REDACTED] via FBI [REDACTED] by EC dated June 30, 2004. In the NSL dated June 30, 2004, the following was requested:

(U) "Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code, Section 1681(u) (Fair Credit Reporting Act), you are requested to provide the Federal Bureau of Investigation (FBI) the names and addresses of all financial institutions at which the below listed individual maintains or has maintained an account. In addition, the FBI is requesting the account number of any account (s) maintained by the individual at those institutions, to the extent that the information exists in the

~~SECRET~~

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To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

files of your agency. The individual on whom the information is sought is identified below:"

(U) Also listed in the June 30, 2004, NSL letter was a reference to an attachment. The attachment stated:

(U) "In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information in accordance with Title 12, U.S.C., Section 3401 (2):

[redacted]

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(U) By EC dated September 14, 2004, an [redacted] consumer credit report was forwarded to the [redacted] division.

(U) As instructed in referenced EC, the full credit report was removed from the 1-A section of the file on March 12, 2007. In addition to the credit report, an EC to the file (serial 18) which contained information obtained from the credit report was removed from ACS. Both the credit report and the serial are being sequestered with the Chief Division Counsel pending the issuance of the IOB opinion by NSLE. In reviewing this case the consumer credit information provided was not used for furthering the case via an investigative lead or to extend the investigation.

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(S) [redacted]

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(U) An NSL [Title 15, United States Code Section 1681(u)] was sent to [redacted] via FBI [redacted] by EC dated June 30, 2004. In the NSL dated June 30, 2004, the following was requested:

(U) "Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

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Code, Section 1681(u) (Fair Credit Reporting Act), you are requested to provide the Federal Bureau of Investigation (FBI) the names and addresses of all financial institutions at which the below listed individual maintains or has maintained and account. In addition, the FBI is requesting the account number of any account (s) maintained by the individual at those institutions, to the extent that the information exists in the files of your agency. The individual on whom the information is sought is identified below:"

(U) Also listed in the June 30, 2004, NSL letter was a reference to an attachment. The attachment stated:

(U) "In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information in accordance with Title 18, U.S.C., Section 3401 (2):

[REDACTED]

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(U) By EC dated August 26, 2004, an [REDACTED] consumer credit report was forwarded to the [REDACTED] Division.

(U) As instructed in referenced EC, the full credit report was removed from the 1-A section of the file on March 16, 2007. In addition to the credit report, on March 12, 2007, an EC to the file (serial 30) which contained information obtained from the credit report was removed from ACS. Both the credit report and the serial are being sequestered with the Chief Division Counsel pending the issuance of the IOE opinion by NSLB. In reviewing this case the consumer credit information provided was not used for furthering the case via an investigative lead or to extend the investigation.

Credit reports destroyed prior to the NSLB audit request

(U) [REDACTED] NSL requests, [REDACTED] and [REDACTED] [REDACTED] resulted in the credit bureau providing consumer credit

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~~SECRET~~

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

reports. When it was determined that the credit reports were provided, [redacted] CDC advised the appropriate SSA and Agents that these reports should not be used but destroyed. Listed below are the four files which contained the five (5) NSL requests:

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(S) [redacted]

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(U) An NSL [Title 15, United States Code Section 1681u (a)] was sent to [redacted] via FBI [redacted] by EC dated January 31, 2005. In the NSL dated January 31, 2005, the following was requested:

(U) "Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (USC), Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names and addresses of all financial institutions (as defined in Title 12, USC, Section 3401) at which the below-named consumer maintains or has maintained an account:"

(U) By EC dated February 23, 2005, a [redacted] credit report was provided to the [redacted] Division. Following the receipt of the credit report, [redacted] Division reported that credit reports were being provided because of [redacted] inability to separate the credit information. SSA and case agents were advised to destroy the credit report(s) from [redacted] By EC dated April 14, 2005, case agent documented the removal of credit report from file.

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(S) [redacted]

(U) An NSL [Title 15, United States Code Section 1681(u)] was sent to [redacted] via FBI [redacted] by EC dated April 22, 2004. In the NSL dated April 22, 2004, the following was requested:

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(U) "Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code, Section 1681(u) (Fair Credit Reporting Act), you are requested to provide the Federal Bureau of Investigation (FBI)

~~SECRET~~

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b7E

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-V10, 03/19/2007

the names and addresses of all financial institutions at which the below listed individual maintains or has maintained and account. In addition, the FBI is requesting the account number of any account (s) maintained by the individual at those institutions, to the extent that the information exists in the files of your agency. The individual on whom the information is sought is identified below:"

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b4
b7D

(U) By EC dated July 14, 2004, an [redacted] credit report was provided to the [redacted] Division. After the case Agent became aware of the issue regarding [redacted] providing full credit reports, the case agent destroyed the file's credit report. The file did not indicate the exact date the credit report was destroyed.

b1
b2
b7E
b7A

(S)

[redacted]

b2
b7E
b4
b7D

(U) An NSL [Title 15, United States Code Section 1681(u)] was sent to [redacted] via FBI [redacted] by EC dated December 3, 2004. In the NSL the following was requested:

(U) Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names and addresses of all financial institutions (as defined in Title 12, U.S.C., Section 3401) at which the below-named consumer maintains or has maintained an account:"

b2
b7E
b4
b7D

(U) By EC dated March 15, 2005, an [redacted] credit report was forwarded to the [redacted] Division. A notation on the March 15, 2005, EC by the [redacted] case agent stated that the NSL records were destroyed per CDC.

b1
b2
b7E
b6
b7C

(S)

[redacted]

(U) An NSL [Title 15, United States Code Section 1681u (b)] was sent to [redacted] via FBI [redacted] by EC dated December 10, 2004. In the NSL the following was requested:

b2
b7E
b4
b7D

~~SECRET~~

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(b) and Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with consumer identifying information, limited to: name, address, former addresses, places of employment, former places of employment, and all financial institutions (as defined in Title 12, U.S.C. Section 3401) at which the below-named consumer maintains or has maintained an account:"

(U) By EC dated January 4, 2005, an [redacted] credit report was forwarded to the [redacted] Division. By EC dated January 19, 2005, the [redacted] case agent documented the destruction of the credit report.

b2
b7E
b4
b7D

(U) An NSL [Title 15, United States Code Section 1681u (b)] was sent to [redacted] via FBI [redacted] by EC dated February 4, 2005. In the NSL the following was requested:

"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(b) and Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with consumer identifying information, limited to: name, address, former addresses, places of employment, former places of employment, and all financial institutions (as defined in Title 12, U.S.C. Section 3401) at which the below-named consumer maintains or has maintained an account:"

b4
b7D
b2
b7E

(U) By EC dated March 16, 2005 an [redacted] credit report was provided to the [redacted] Division. By EC dated March 31, 2005, the [redacted] case agent documented the destruction of the credit report.

b1
b2
b7E
b6
b7C
b7A

(S) [redacted]

(U) An NSL [Title 15, United States Code Section 1681u (a)] was sent to [redacted] via FBI [redacted] by EC dated January 31, 2005. In the NSL the following was requested:

b2
b7E
b4
b7D

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-V10, 03/19/2007

b2
b7E

(USC), Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names and addresses of all financial institutions (as defined in Title 12, USC, Section 3401) at which the below-named consumer maintains or has maintained an account:"

(U) By EC dated February 23, 2005, FBI [REDACTED] advised [REDACTED] that lead was covered. A review of the file and the 1-A section did not reveal a credit report or indicate an EC containing credit information.

b2
b7E

(U) It is believed that a credit report was sent by [REDACTED] and that the Special Agent (retired) previously assigned this case destroyed the report. This belief is based on the following facts: 1) Special Agent (retired) assigned this case was also assigned above case 65W-[REDACTED] 51724; 2) both this case and above case set a lead to [REDACTED] on same date (January 31, 2005) and the lead was covered on same date (February 23, 2005); 3) Special Agent destroyed the credit report in 65W-[REDACTED] 51724; and 4) no credit report or credit information was located in either file.

b2
b7E
b4
b7D

Discontinued leads to serve NSLs

(U) Four (4) NSL [Title 15, United States Code Section 1681(u)] requests, to [REDACTED] were discontinued by the [REDACTED] Division prior to being served by the [REDACTED] Division. These leads were discontinued in January 2005, after [REDACTED] determined that [REDACTED] was providing credit reports and not the credit information requested in the NSLs. In these four (4) NSLs to [REDACTED] dated November 12, 2004, the following was requested:

b2
b7E
b4
b7D

(U) Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(b) and Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with consumer identifying information, limited to: name, address, former addresses, places of employment, former places of employment, and all financial institutions (as defined in Title 12, U.S.C. Section 3401) at which the below-named consumer maintains or has maintained an account:"

(U) The leads that were discontinued were in the following investigations:

~~SECRET~~

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/19/2007

b2
b7E

b1
b2
b7E
b6
b7C

(S) [redacted]
(S) [redacted]
(S) [redacted]
(S) [redacted]

b2
b7E

Accurate credit information provided to [redacted]

b1
b2
b7E
b4
b7D
b6
b7C

(U) Two (2) NSL [Title 15, United States Code Section 1681(u)] requests to [redacted] resulted in the correct information being provided to [redacted] NSL request.

(S) [redacted]

b4
b7D

(U) In the NSL to [redacted] dated May 23, 2005, the following was requested:

(U) "Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names and addresses of all financial institutions (as defined in Title 12, U.S.C., Section 3401) at which the below-named consumer maintains or has maintained an account:"

(U) By EC dated July 5, 2005, [redacted] Division provided the [redacted] "credit profile" of the subject.

b1
b2
b7E
b4
b7D
b6
b7C

(S) [redacted]

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (U) 278-HQ-C1229736-V10, 03/19/2007

b2
b7E

(S)

[REDACTED]

b1

(U) In the NSL to [REDACTED] dated June 1, 2005, the following was requested:

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(U) "Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(a) of the Fair Credit Reporting Act (as amended on October 26, 2001), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names and addresses of all financial institutions (as defined in Title 12, U.S.C., Section 3401) at which the below-named consumer maintains or has maintained an account:"

b2
b7E
b4
b7D

(U) By EC August 3, 2005, [REDACTED] division provided the [REDACTED] "credit profile" of the subject.

LEAD (s):

Set Lead 1: (Action)

GENERAL COUNSEL
AT WASHINGTON DC

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

Set Lead 2: (Action)

NATIONAL SECURITY BRANCH
AT WASHINGTON DC

(U) To provide the NSB with the results of the NSL review for FCRA issued since January 1, 2002.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection

Attn: Internal Investigations
Room 11102

General Counsel

Attn: NSLB
Room 7975

From: [Redacted]

b2
b7E
b6
b7C

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) SPECIAL AGENT (SA) [Redacted]
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

b6
b7C

Synopsis: (U) To provide notification of a possible IOB violation and to request that this matter be reported as an IOB violation - if appropriate.

(U) ~~(S)~~ ~~Derived From : FBI SCG G-3 1/97~~
~~Declassify On: 03/16/2032~~

b2
b7E
b6
b7C

(U) **Details:** (S) SA [Redacted] is assigned to the [Redacted] division [Redacted] His supervisor during this investigation was SSA [Redacted] (retired).

[Redacted]

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b7E
b6
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(S)

(U) ~~(S/EISA)~~ [Redacted]

b6
b7C
b2
b7E
b7D

~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

b2
b7E

[redacted]
Based on investigation a limited consumer identifying information report was requested via an NSL issued to [redacted] [redacted] pursuant to U.S. Code, Section 1681u(a) and (b) of the Fair Credit Report Act (as amended on 10/26/2001), which authorized the FBI to obtain limited names and addresses of all financial institutions, and consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment associated with this consumer.

b6
b7C
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On 03/09/2007, an audit was conducted by SA [redacted] [redacted] and ISS [redacted] Division, reviewing this file for potential IOB violations.

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On 03/12/2007, a review of this file was also conducted by SSA [redacted] revealed that [redacted] provided a full credit report, resulting in an inadvertent over-collection of information. Accordingly, [redacted] Division hereby reports this over-collection as a possible IOB violation.

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b2
b7E

~~SECRET~~

~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter related in this communication should be reported as an IOB.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection

Attn: Internal Investigations
Room 11102

General Counsel

Attn: NSLB
Room 7975

From: [Redacted]

b2
b7E
b6
b7C

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) SPECIAL AGENT (SA) [Redacted]
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

b6
b7C

Synopsis: (U) To provide notification of a possible IOB violation and to request that this matter be reported as an IOB violation - if appropriate.

(U) ~~(S)~~ ~~Derived From: FBI SCG G-3 1/97~~
~~Declassify On: 03/16/2032~~

b2
b7E
b6
b7C

(U) ~~(S)~~ ~~Details:~~ SA [Redacted] is assigned to the [Redacted] Division [Redacted]. His supervisor during this investigation was SSA [Redacted] (retired).

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(S) [Redacted]

(S/EISA) [Redacted]

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b7E
b7D
b6
b7C
b7A

~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

b2
b7E

(S) [redacted] Based on investigation a limited consumer identifying information report was requested via an NSL issued to [redacted] pursuant to U.S. Code, Section 1681u(a) and (b) of the Fair Credit Report Act (as amended on 10/26/2001), which authorized the FBI to obtain limited names and addresses of all financial institutions, and consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment associated with this consumer.

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b7D

On 03/09/2007, an audit was conducted by SA [redacted] and ISS [redacted] Division, reviewing this file for potential IOB violations.

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b7E
b6
b7C

b2
b7E
b4
b7D
b6
b7C

On 03/12/2007, a review of this file was also conducted by SSA [redacted] revealed that [redacted] provided a full credit report, resulting in an inadvertent over-collection of information. Accordingly, [redacted] Division hereby reports this over-collection as a possible IOB violation.

~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter related in this communication should be reported as an IOB.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection

Attn: Internal Investigations
Room 11102

General Counsel

Attn: NSLB
Room 7975

From: [Redacted]

b2
b7E
b6
b7C

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) SPECIAL AGENT (SA) [Redacted]
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

b6
b7C

Synopsis: (U) To provide notification of a possible IOB violation and to request that this matter be reported as an IOB violation - if appropriate.

~~(U) (S)~~

~~Derived From: FBI SEC G-3 1/97
Declassify On: 03/16/2032~~

b2
b7E
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b7C

(U) **Details:** (S) SA [Redacted] is assigned to the [Redacted] Division [Redacted] His supervisor during this investigation was SSA [Redacted] (retired).

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(S) SA [Redacted] was the case agent for the [Redacted]

[Redacted]

(S/FISA) [Redacted]

[Redacted]

~~SECRET~~

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b7C

~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

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b7E

limited consumer identifying information report was requested via an NSL issued to [REDACTED] pursuant to U.S. Code, Section 1681u(a) and (b) of the Fair Credit Report Act (as amended on 10/26/2001), which authorized the FBI to obtain limited names and addresses of all financial institutions, and consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment associated with this consumer.

b4
b7D

On 03/09/2007, an audit was conducted by SA [REDACTED] and ISS [REDACTED] Division, reviewing this file for potential IOB violations.

On 03/12/2007, a review of this file was also conducted by SSA [REDACTED] revealed that [REDACTED] provided a full credit report, resulting in an inadvertent over-collection of information. Accordingly, [REDACTED] Division hereby reports this over-collection as a possible IOB violation.

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b7C

~~SECRET~~

~~SECRET~~

To: Inspection From:
Re: (U) 078-HQ-C1229736-VIC, 03/16/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLE is requested to determine if the matter related in this communication should be reported as an IOB.

◆◆

~~SECRET~~

DATE: 12-20-2007
CLASSIFIED BY: 65179dmh/ksr/maj
REASON: 1.4 (c)
DECLASSIFY ON: 12-20-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/16/2007

To: Inspection

Attn: Internal Investigations
Room 11102

General Counsel

Attn: NSLB
Room 7975

From: [Redacted]

b2
b7E
b6
b7C

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

b6
b7C

Title: (U) SPECIAL AGENT (SA) [Redacted]
SUPERVISORY SPECIAL AGENT (SSA) [Redacted]
POSSIBLE INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER - COUNTERINTELLIGENCE RELATED

Synopsis: (U) To provide notification of a possible IOB violation and to request that this matter be reported as an IOB violation - if appropriate.

~~(U) (S) Derived From: FBI SCG G-3 1/97
Declassify On: 03/16/2032~~

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b7E

(U) Details: (S) SA [Redacted] is assigned to the [Redacted] Division. His supervisor during this investigation was SSA [Redacted] (retired).

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b7C

(S) SA [Redacted] was the case agent for the [Redacted]

[Redacted]

(S) Information was received that [Redacted]
[Redacted] Based upon [Redacted]

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b7C

~~SECRET~~

~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

b2
b7E

investigation and information, a limited consumer identifying information report was requested via an NSL issued to [REDACTED] [REDACTED] pursuant to U.S. Code, Section 1681u(a) and (b) of the Fair Credit Report Act (as amended on 10/26/2001), which authorized the FBI to obtain limited names and addresses of all financial institutions, and consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment associated with this consumer.

On 03/09/2007, an audit was conducted by SA [REDACTED] [REDACTED] and ISS [REDACTED] Division, reviewing this file for potential IOB violations.

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b7E
b4
b7D
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b7C

On 03/12/2007, a review of this file was also conducted by SSA [REDACTED] revealed that [REDACTED] provided a full credit report, resulting in an inadvertent over-collection of information. Accordingly, [REDACTED] Division hereby reports this over-collection as a possible IOB violation.

~~SECRET~~

~~SECRET~~

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 03/16/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigations Section is requested to determine if the matter related in this communication should be reported as an IOB.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLE is requested to determine if the matter related in this communication should be reported as an IOB.

◆◆

~~SECRET~~

3

NSL VIO-35922

DATE: 12-20-2007
CLASSIFIED BY 65179dmh/ksr/maj
REASON: 1.4 (c)
DECLASSIFY ON: 12-20-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/01/2007

To: AD, Inspection Division
General Counsel

Attn: IIS

Attn: NSLP

Attn: ADC [redacted]

From: [redacted]

Contact: [redacted]

Approved By: [redacted]

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b7E
b6
b7C

Drafted By: [redacted]

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b2
b7E

Case ID #: (S) 078-HQ-C1229736-VIO (Pending)
[redacted] (Pending)

Title: (S) REPORT OF A
POTENTIAL IOB MATTER;

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b7E
b7A

(S) Synopsis: ~~(S)~~ Communication to report a potential IOB Matter in
[redacted]

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

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b7E
b7A

Details: (S) [redacted]

(U) On January 5, 2007, [redacted] drafted a National
Security Letter (NSL) request under Executive Order 12333 and

b2
b7E

~~SECRET~~

~~SECRET~~

b2
b7E

To: AD, Inspection Division. From: [redacted]
Re: 078-HQ-C1229736-VIO, 03/01/2007

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b4
b7D

(S) Title 15, United States Code (U.S.C.), Section 1681u (Fair Credit Reporting Act) for [redacted] to provide the following information pertaining to the [redacted]

Personal Identifying Information

- a. Any names associated with this consumer,
- b. Any current or former addresses,
- c. Any current or former places of employment

Identity of Financial Institutions

Including names and addresses of any financial institutions (as defined by 12 U.S.C. §3401) for records that indicate this consumer maintains or has maintained an account.

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b7E
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b7D
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(U) On March 1, 2007, [redacted] received from the [redacted] Division of the FBI a response to a [redacted] NSL. The [redacted] information was reviewed by the case agent [redacted] and after examining the first couple of pages of the credit bureau information it appeared that the carrier provided information beyond the scope of the NSL, resulting in unintentional acquisition of data by the Federal Bureau of Investigation.

(U) SA [redacted] discussed this matter with SSA [redacted] SA [redacted] and ADC [redacted]. The only agents that reviewed the [redacted] information was SA [redacted] and ADC [redacted]. The information in question was secured by the case agent, SA [redacted] and the information was not used in furtherance of the investigation. On March 1, 2007, SA [redacted] relinquished the information to ADC [redacted] in order for the information to be sequestered until a final determination is made concerning the report in question.

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b7C

Set Lead 1: (Info)

~~SECRET~~

~~SECRET~~

To: AD, Inspection Division From: [REDACTED]
Re: 278-HQ-C1229736-V10, 03/01/2007

b2
b7E

ASSISTANT DIRECTOR, INSPECTION DIVISION

AT WASHINGTON, DC

(U) IIS, Read and clear.

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) OGC/NSLB, distribute this electronic communication to appropriate offices.

Set Lead 2: (Info)

[REDACTED]

AT [REDACTED]

(U) [REDACTED] Read and clear.

b2
b7E

◆◆

~~SECRET~~