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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 06/15/2006

To:

[Redacted]

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Attn:

SAC  
CDC  
SSA  
SA

[Redacted]

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Counterintelligence

Attn:

CD-2A,  
UC  
SSA

[Redacted]

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b7C

Inspection

Attn:

IIS, CRS

[Redacted]

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F

[Redacted]

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DATE: 08-02-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 08-02-2032

Drafted By:

[Redacted]

(S) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1424 (Pending)

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

b2

(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~~

Administrative: ~~(S)~~ This electronic communication (EC) contains information from the following documents: (1) a copy of the National Security Letter (NSL) dated 01/20/2006 to [Redacted]; (2) a copy of the EC dated 01/20/2006 forwarding the NSL to the [Redacted] Field Division to be served on the carrier; and (3) a copy of the EC dated 06/01/2006 from the [Redacted] Field Office [Redacted] to OGC reporting a potential IOB matter.

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NSL VIO-24731

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To: [redacted] From: Office of the General Counsel b2  
Re: 278-HQ-C1229736-VIO, 06/15/2006 b7E

Reference: (S) [redacted] b1

(U) Details: (S) By EC dated 06/01/2006, [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB. b2 b7E

(U) (S) On 01/20/2006, [redacted] drafted an NSL pursuant to 18 U.S.C. § 2709 seeking subscriber and toll billing records for two telephone numbers. Specifically, the NSL sought "the name, address, length of service, and all local and long distance toll billing records associated" with the two telephone numbers from "[i]nception of the account to the present." By EC dated 01/20/2006, the NSL was forwarded to the [redacted] Division to be delivered to [redacted]. b2 b7E b4 b7D

(U) (S) On 02/15/2006, [redacted] received the results of the NSL on a disk. The case agent reviewed the results from the NSL on 02/28/2006. With respect to one telephone number, [redacted] received information pertaining solely to the target. b2 b7E

(U) (S) With respect to the second telephone number, however, [redacted] received NSL results pertaining to two subscribers: the target and another individual.<sup>1</sup> The case agent brought this to the attention of both her supervisor and the Chief Division Counsel (CDC). The case agent also sequestered the telephone records of the individual who was not the subject of the investigation. b2 b7E

(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

(U) (S) With respect to this telephone number, [redacted] received telephone records dated from 08/04/2004 to 09/15/2004 that were associated with the target. With respect to this same telephone number, [redacted] also received records dated 01/31/2005 to 01/16/2006 that were associated with another individual unrelated to the investigation. b2 b7E

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NSL VIO-24732

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/15/2006

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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 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: [redacted]

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~~(S)~~ Here, during an authorized investigation,<sup>2</sup> the FBI properly served an NSL on a telephone carrier. In response to

(S)

<sup>2</sup> (U) [redacted]

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<sup>3</sup> NSL VIO-24733

~~SECRET~~

To:  From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 06/15/2006

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b7E

the properly served NSL, the FBI obtained information regarding another subscriber's records that were not relevant to the investigation.<sup>3</sup> It appears that this information, although lawfully obtained, is not relevant to the investigation and should be segregated to protect the potential privacy interests of United States persons. Once information not relevant to an authorized investigation is received, the field should contact the carrier and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

(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)

~~\_\_\_\_\_~~  
<sup>3</sup> (S) The target's rights were not violated because he was not the subject of the improperly collected information. It is unknown, however, whether the information associated with the other subscriber pertained to a United States Person inasmuch as there has been no review of the information.

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<sup>4</sup> NSL VIO-24734

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 06/15/2006

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: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

AT PENNSYLVANIA

(U) The [redacted] Field Office should contact [redacted] and ask whether the improperly or unintentionally acquired 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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S

NSL VIO-24735

NSL VIO-24736

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/05/2006

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To: [Redacted]

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

Counterintelligence

Attn: CD-2B, SSA [Redacted]

Inspection

Attn: IIS, CRS [Redacted]

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F

[Redacted]

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DATE: 07-27-2007  
CLASSIFIED BY 65179/DNH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 07-27-2032

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1289 (Pending)

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

b2

(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~~

Reference: (S) [Redacted] (Pending)

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(U) Details: ~~(S)~~ By electronic communication (EC) dated 03/29/2006,  
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 11/23/2004, a [Redacted] case agent  
submitted a National Security Letter (NSL) seeking telephone toll  
billing records of a certain target to [Redacted] Due to a

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NSL VIO-24737

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/05/2006

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typographical error, the telephone number on the NSL was erroneously transcribed.<sup>1</sup> On 02/04/2005, 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.<sup>2</sup>

(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 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

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

(U) <sup>2</sup> ~~(S)~~ On 03/27/2006, [redacted] realized that this incident constituted an IOB violation and promptly reported the matter to OGC, the Inspection Division, and the Counterintelligence Division.

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NSL VIO-24738



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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 05/05/2006

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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. [redacted]

(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.

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(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.

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NSL VIO-24739

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To: [redacted] From: Office of the General Counsel b2  
Re: 278-HQ-C1229736-VIO, 05/05/2006 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Information)

[redacted]

AT [redacted]

(U) The [redacted] Field Office should contact [redacted] and ask whether the improperly or unintentionally acquired 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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NSL VIO-24740



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSE/RM  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006 [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

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

NSL VIO-24741

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

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NSL VIO-24742



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

March 28, 2006

Ms. Kathryn Lotrianti, Counsel  
Intelligence Oversight Board  
New Executive Office Building - Room 5020  
725 17th Street, NW  
Washington, DC 20503

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-27-2007 BY 65179/DMH/KSR/RU

Dear Ms. Lotrianti:

I am writing to request your agreement regarding the reporting of third party errors in the collection of information pursuant to a National Security Letter (NSL).

The FBI issues NSLs pursuant to the Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681u and 1681v, the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, and the Right to Financial Privacy Act (RFPA), 12 U.S.C. § 3414.

On occasion, the FBI receives information to which it is not entitled because of a mistake by the recipient of an NSL in providing the information in response to the NSL. Therefore, if the FBI sends an accurate and legal NSL request to an internet provider and the provider misreads or misinterprets the letter and provides additional unauthorized information in response, the FBI agent must report that error to the Office of the General Counsel (OGC) and the Inspection Division as a potential IOB. For example, the FBI may request the identifying information of an email (to, from, subject lines) under the ECPA, but the internet provider mistakenly sends the full content of the email. Even after determining that any overcollection was the result of third party error, FBI OGC currently reports these violations to the IOB despite the fact that the FBI has not violated any statutes, Executive orders, or Presidential directives.

FBI OGC seeks your concurrence to treat these third party errors as non-reportable offenses to the IOB. The improperly collected material would be sealed and returned to the office of the Chief Division Counsel (CDC) who would be responsible for returning the material to the recipient. The CDC would return the material to the NSL recipient with a cover letter explaining why the material is being returned and how the recipient can avoid the problem in the future. The FBI would still require the field office to report any improper collection.

NSL VIO-24744

OIG IOB06 (12/19/06)-IT #2


FBI0000001

under an NSL to both the Inspection Division and OGC as a potential IOB matter. The reporting document would have to explain the circumstances of the improper collection, the disposition of the improperly collected material, as well as the steps taken to assure that the improper material is not searchable or retrievable or in any way available for use or dissemination by the FBI. However, if OGC determines that the improper collection was attributable to an error on the part of the third party recipient of the NSL, OGC would decline to report the matter to the IOB. As with all other non-reportable IOB matters, OGC will keep a record of its determination for your review for three years.

We believe that this new policy conforms with our obligations under Executive Order 12863. In these instances of third party error, the FBI is not acting unlawfully or contrary to Executive order or Presidential directive. Therefore, we believe that it is no longer necessary to report these types of third party errors to the IOB. We seek your concurrence in this determination. Please do not hesitate to contact me at (202) 324- if you have any questions.

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Sincerely,



Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch  
Federal Bureau of Investigation

THE WHITE HOUSE  
WASHINGTON

Intelligence  
Oversight Board

November 13, 2006

Dear Ms. Thomas:

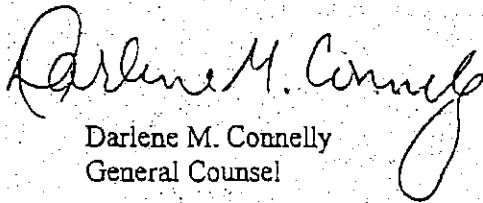
Thank you for your March 28, 2006 letter to the previous Intelligence Oversight Board (IOB) counsel seeking agreement on reporting procedures for third party errors in the collection of information pursuant to a National Security Letter (NSL). As you may know, a response to your proposal was placed on hold pending refinements to the IOB process. While final decisions are still pending, we are now able to respond to your proposal.

We agree that the third party errors you describe should continue to be reported to your office and effectively immediately, they do not have to be reported to the IOB. The procedures described in your letter for handling errors made by recipients in responding to NLSs are acceptable. Thank you for suggesting this important process change, which is not contrary to the letter or spirit of the Executive Order.

Please do not hesitate to contact me at  if you have any questions.

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Sincerely,



Darlene M. Connelly  
General Counsel

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-27-2007 BY 65179/DMH/KSR/RW

Ms. Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001

THE WHITE HOUSE  
WASHINGTON

August 18, 2006

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 07-27-2007 BY 65179/DMH/KSP/RW

MEMORANDUM FOR THE SECRETARY OF STATE  
THE SECRETARY OF THE TREASURY  
THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE SECRETARY OF ENERGY  
THE SECRETARY OF HOMELAND SECURITY  
DIRECTOR OF NATIONAL INTELLIGENCE

SUBJECT: Intelligence Oversight Board Reporting

The Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board (PFIAB) has an important role in keeping the President informed of issues arising from intelligence activities, as provided in Executive Order 12863. Executive Order 12863 requires each Intelligence Community (IC) General Counsel and Inspector General to report to the IOB regarding intelligence activities they have reason to believe may be unlawful or contrary to Executive Order or any other Presidential directive. The IOB, in turn, reports any such activities to the President.

To assist the IOB in fulfilling its responsibilities and the DNI's related oversight obligations, the Office of the Director of National Intelligence (O/DNI) will assume an enhanced role in the reporting process, including by analyzing reports for the IOB, identifying trends or patterns warranting further action, and ensuring remedial actions are carried out. The O/DNI will provide analyses on a quarterly basis to the IOB, as well as interim reports on significant issues, as appropriate.

Consistent with any reporting criteria developed by the IOB and the DNI, the following new procedures will take effect on September 15, 2006:

- IOB reports prepared by General Counsels under E.O. 12863 shall be transmitted to the General Counsel of the PFIAB for sharing with the O/DNI; and



- IOB reports prepared by Inspectors General and any others under E.O. 12863 shall be transmitted to the General Counsel of the PFIAB for sharing with the O/DNI.

Nothing in this effort to improve IOB reporting procedures should be construed as altering the scope of IOB reporting under E.O. 12863. The IOB will continue to have full access to any relevant reports in the custody of the O/DNI, as well as the authority to secure information directly from IC General Counsels and Inspectors General.

I have also asked the IOB to propose any appropriate amendments to E.O. 12863 to clarify the procedural and substantive aspects of IOB reporting and to reflect the IRTPA and establishment of the post of the DNI and the O/DNI. The O/DNI will work closely with the IOB to develop standardized, consistent reporting guidelines to improve this important oversight function. In this regard, I ask that you provide the PFIAB's General Counsel with copies of your department's internal guidelines, practices, and procedures for complying with the requirements of E.O. 12863. ←

Stephen J. Hadley *(Signature)* for

Stephen J. Hadley  
Assistant to the President  
for National Security Affairs

May 2, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/ESR/RM  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006- (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-1347

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. Counsel \_\_\_\_\_
- Asst. Dir.: \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public & Cong. Affs. \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24749

FBI0000007

FBI/DOJ



~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
[redacted] FIELD OFFICE  
IOB MATTER 2006-[redacted] (U)

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~~(S)~~ By electronic communication (EC) dated March 27, 2006, the Federal Bureau of Investigation (FBI) [redacted] Field Office [redacted] reported that, in [redacted] it

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(S)

[redacted] an FBI case agent

forwarded an email to an FBI investigative support specialist (ISS) asking the ISS to create National Security Letters (NSL) for two telephone numbers that were associated with the subject of the investigation. On February 13, 2006, the ISS created NSLs for the two telephone numbers. Due to an inadvertent error, however, one of the telephone numbers was erroneously transcribed. The NSL with the erroneous telephone number was forwarded to [redacted]

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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 [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection.<sup>1</sup> Thus, the matter is being reported to the IOB.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b1  
b2  
b7E

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

~~SECRET~~

DATE: 07-27-2007  
CLASSIFIED BY: 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 07-27-2032

(U)

[redacted]

~~SECRET~~

NSL VIO-24751

May 16, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (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-1374

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. Counsel \_\_\_\_\_
- Asst. Dir.:
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public & Cong. Affs. \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24752

FBI0000024

FBI/DOJ

016-10B06 (12-19-06)-IT#3

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

**APPROVED:**

Crim. Inv.	Inspection	Training
CJIS	Laboratory	Off. of EEO
Finance	National Sec.	Affairs
Director	Gen. Counsel	Off. of Public &
Deputy Director	Info. Res.	Personnel
		Cong. Affs.

*[Handwritten signature]*

~~SECRET~~

NSL VIO-24753

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE

IOB MATTER 2006-[REDACTED] (U)

b2  
b7E

(U)

~~(S)~~ By electronic communication dated March 29, 2006, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that, on November 23, 2004, the FBI submitted a National Security Letter (NSL) seeking telephone toll billing records of a certain target to [REDACTED]. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. [REDACTED] the telephone records were opened and it was determined that they were not the target's records. The telephone records were destroyed without further review.

b2  
b4  
b7D  
b7E  
b1  
b2  
b7E

(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 [REDACTED] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection.<sup>1</sup> Thus, the matter is being reported to the IOB.

DECLASSIFIED BY 65179/DMH/KSR/RM  
ON 08-14-2007

b1  
b2  
b7E

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

~~SECRET~~

(U)

~~(S)~~ [REDACTED]

NSL VIO-24754

FBI0000026

June 16, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSF/RD  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (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-1441

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. Counsel \_\_\_\_\_
- Asst. Dir.: \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public & Cong. Affs. \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24755

FBI0000040

FBI/DOJ

MAIL ROOM

12-10-061-IT#3



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

**APPROVED:** Crim. Inv. \_\_\_\_\_ Inspection \_\_\_\_\_ Training \_\_\_\_\_  
CJIS \_\_\_\_\_ Laboratory \_\_\_\_\_ Off. of EEO \_\_\_\_\_  
Finance \_\_\_\_\_ National Sec. \_\_\_\_\_ Affairs \_\_\_\_\_  
Director \_\_\_\_\_ Gen. Counsel \_\_\_\_\_ OPR \_\_\_\_\_ Off. of Public & \_\_\_\_\_  
Deputy Director \_\_\_\_\_ Info. Res. \_\_\_\_\_ Personnel \_\_\_\_\_ Cong. Affs. \_\_\_\_\_

~~SECRET~~

NSL VIO-24756

OIG-IOB06 (12-19-06) -IT#3

FBI0000041

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE b2  
IOB MATTER 2006-[REDACTED] (U) b7E

(S) ~~(S)~~ By electronic communication dated April 27, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported that a [REDACTED]

b1  
b2  
b7E

(U) ~~(S)~~ Believing that [REDACTED] investigation had been extended, the FBI issued a National Security Letter (NSL) dated February 6, 2006 for local and long distance toll billing records. The results of the NSL were not reviewed and were sequestered.

b2  
b7E

(U) ~~(S)~~ Under the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, effective October 31, 2003, a preliminary investigation must be initiated before an NSL may be issued.

[REDACTED] investigation [REDACTED], and the FBI issued an NSL on [REDACTED]. It was improper for the FBI to issue the NSL, and thus, the matter is being reported to the IOB.

b1  
b2  
b7E

DATE: 07-27-2007  
CLASSIFIED BY: 65179/DHH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 07-27-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~Derived from: G-3  
Declassify on: 25X1~~

~~SECRET~~

SECRET

NSL VIO-24757

OIG-IOB06 (12-19-06)-IT#3

FBI0000042

December 20, 2005

BY COURIER

Mr. James Langdon  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSP/RN  
ON 07-27-2007

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, at [redacted] Resident Agency, IOB Matter 2006-[redacted]" (U)

b2  
b7E

This memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

- 1 - Mr. Hulon
- 1 - Inspection (IOB 2006-[redacted])
- 1 - [redacted]
- 1 - 278-HQ-C1229736-VIO-1087

b2  
b6  
b7C

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. \_\_\_\_\_
- Counsel \_\_\_\_\_
- Asst. Dir.: \_\_\_\_\_
- Adm. Ser. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- OPR \_\_\_\_\_
- Off. of Public & Cong. Affs. \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Director's Office \_\_\_\_\_

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

~~SECRET~~

NSL VIO-24761

OIG-IOB06 (12-18-06)-IT#3

FBI0000136

FBI/DOJ

~~SECRET~~

Mr. James Langdon

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 Gonzales  
Attorney General  
U.S. Department of Justice  
Room 5111
  
- 1 - Mr. James Baker  
Counsel, Office of Intelligence Policy and Review  
U.S. Department of Justice  
Room 6150

**APPROVED:** Grim. Inv. \_\_\_\_\_ Inspection \_\_\_\_\_ Training \_\_\_\_\_  
CJIS \_\_\_\_\_ Laboratory \_\_\_\_\_ Off. of EEO \_\_\_\_\_  
Finance \_\_\_\_\_ National Sec. \_\_\_\_\_ Affairs \_\_\_\_\_  
Director \_\_\_\_\_ Gen. Coun. \_\_\_\_\_ OPR \_\_\_\_\_ Off. of Public & \_\_\_\_\_  
Deputy Director \_\_\_\_\_ Info. Res. \_\_\_\_\_ Personnel \_\_\_\_\_ Cong. Affs. \_\_\_\_\_

*LJK*  
*CT2U II*

- 2 -

~~SECRET~~

NSL VIO-24762

OIG-IOB06 (12-19-06)-IT#3

FBI0000137

~~SECRET~~

b2  
b7E

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
[redacted] DIVISION, AT [redacted] RESIDENT AGENCY  
IOB MATTER 2006-[redacted] (U) b2

The Federal Bureau of Investigation ("FBI") has determined that in [redacted]

[redacted]

(S)

b1  
b6  
b7C

The overcollection was a violation of Section V.11. of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).<sup>1</sup>

In this regard, on 10/01/2004, the [redacted] Resident

(S)

[redacted]

b1  
b2  
b7E  
b6  
b7C

Security Letter was issued to a telephone carrier for the telephone toll billing records of a phone number intended to be identified as that of the target. Instead, the area code was incorrectly identified; thus, the information returned from the carrier was the telephone toll billing records of a wholly unrelated telephone number. The error was discovered upon receipt of the information, and the records were not 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. Thus, the matter is being reported to the IOB. (S)

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

DATE: 07-27-2007  
CLASSIFIED BY: 65179/DNH/KSR/RM  
REASON: 1.4 (c)  
DECLASSIFY ON: 07-27-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

SECRET APPROVED:

Crim. Inv. \_\_\_\_\_ Inspection \_\_\_\_\_ Training \_\_\_\_\_  
CJIS \_\_\_\_\_ Laboratory \_\_\_\_\_ Off. of EEO \_\_\_\_\_  
Finance \_\_\_\_\_ Informational Sec. \_\_\_\_\_ Affairs \_\_\_\_\_  
Director \_\_\_\_\_ Gen. Couns. \_\_\_\_\_ Off. \_\_\_\_\_ Off. of Public &  
Deputy Director \_\_\_\_\_ Info. Res. \_\_\_\_\_ Personnel \_\_\_\_\_ Cong. Affs. \_\_\_\_\_

Dep. Dir. \_\_\_\_\_  
Chief of Staff \_\_\_\_\_  
Off. of Gen. Counsel \_\_\_\_\_  
Asst. Dir. (III) \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
CJIS \_\_\_\_\_  
Finance \_\_\_\_\_  
Info. Res. \_\_\_\_\_  
Insp. \_\_\_\_\_  
Lab. \_\_\_\_\_  
National Sec. \_\_\_\_\_  
Personnel \_\_\_\_\_  
Training \_\_\_\_\_  
Off. of EECA \_\_\_\_\_  
Off. of Public & Cong. Affs. \_\_\_\_\_  
Director's Office \_\_\_\_\_

(S) Section V.11. authorizes use of National Security Letters in conformity with 18 U.S.C. § 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records). The statute requires that information sought is relevant to an authorized national security investigation.

LDK  
CTW II

NSL VIO-24763

FBI0000138

FBI/DOJ

01G-IOB06 (12-19-06) -IT#3

October 11, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 85179/DMH/KSR/RH  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (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 - 1740

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

- Dep. Dir. \_\_\_\_\_
- Chief of \_\_\_\_\_
- Staff \_\_\_\_\_
- Off. of Gen. \_\_\_\_\_
- Counsel \_\_\_\_\_
- Asst. Dir. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24764

FBI0000111

FBI/DOJ

10B06 (12-19-06) - IT#3  
MAIL ROOM

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

**APPROVED:** \_\_\_\_\_

Crim. Inv.	_____	Inspection	_____	Training	_____
CJIS	_____	Laboratory	_____	Off. of EEO	_____
Finance	_____	National Sec.	_____	Affairs	_____
Director	_____	Gen. Counsel	_____	Off. of Public &	_____
Deputy Director	_____	Info. Res.	_____	Cong. Affs.	_____

*[Handwritten signature/initials over the routing table]*

~~SECRET~~

NSL VIO-24765

OIG-IOB06 (12-19-06) -IT#3

FBI0000112

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[redacted] FIELD OFFICE  
IOB MATTER 2006-[redacted] (U)

b2  
b7E

(S) ~~(S)~~ By electronic communications dated [redacted] and [redacted] the Federal Bureau of Investigation (FBI) Field Office, reported that a [redacted]

[redacted]

b1  
b2  
b7E

the FBI served four National Security Letters (NSLs) on [redacted]. The results from these NSL were not analyzed, copied, or entered into any databases. Further, the NSL results were sealed and sequestered by the FBI.

(U) ~~(S)~~ Under the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, effective October 31, 2003, [redacted] must be initiated before an NSL may be served.

b1  
b2  
b7E

[redacted] Here, the [redacted] Believing that [redacted] investigation had been properly extended, the FBI served four NSLs on [redacted]. It was improper for the FBI to serve the NSLs in the absence of a preliminary injunction, and thus, this matter is being reported to the IOB.

b2  
b7E

DATE: 07-27-2007  
CLASSIFIED BY: 65179/DHH/KSE/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 07-27-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~Derived from: G-3  
Declassify on: 25X1~~

~~SECRET~~

~~SECRET~~

NSL VIO-24766

FBI0000113



June 12, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DNH/KSP/RM  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (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-C1228736-VIO-1438

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. Counsel \_\_\_\_\_
- Asst. Dir.:
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public & Com. Affs. \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24767

FBI0000096

FBI/DOJ

DIC-IOB06 (12-19-06) -IT#3

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER

[REDACTED] FIELD OFFICE  
IOB MATTER 2006-[REDACTED] (U)

b2  
b7E

(U)

~~(S)~~ By electronic communication dated May 16, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, on April 14, 2005, during an authorized investigation, the FBI issued a National Security Letter (NSL) pursuant to 18 U.S.C. § 2709. The NSL was issued to [REDACTED] and requested the subscriber, address, length of service, and toll record information for a telephone number [REDACTED]

b2  
b7E  
b4  
b7D

(U)

~~(S)~~ [REDACTED] received a disk containing the NSL results in July 2005. In April 2006, when the NSL results were being uploaded into the FBI application system, [REDACTED] learned that [REDACTED] response exceeded the scope of the NSL. Specifically, while the NSL requested information [REDACTED] the NSL results dated back to [REDACTED]. The case agent immediately advised that only the information from the time period [REDACTED], as requested by the NSL, should be uploaded into the system. The NSL results prior [REDACTED] were neither reviewed nor uploaded.

b2  
b4  
b7D  
b7E

(U)

~~(S)~~ Here, an error on the part of [REDACTED] resulted in the unintentional acquisition of information through an NSL. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, the carrier's mistake must be reported to the IOB.

b4  
b7D

DECLASSIFIED BY 65179/DMH/KSR/RN  
ON 06-14-2007

~~Derived from: G-3  
Declassify on: 25X1~~

~~SECRET~~

~~SECRET~~

NSL VIO-24768

December 19, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (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-1950

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: Multiple Sources  
Declassify On: 20311219~~

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. Counsel \_\_\_\_\_
- Asst. Dir. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public & Cong. Affs. \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24769

FBI0000090

FBI/DOJ

OIG-IOB06 (12-19-06)-IT#3

~~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. James Baker  
Office of Intelligence Policy and Review  
U.S. Department of Justice  
Room 6150

<b>APPROVED:</b>	Crim. Inv. _____	Inspection _____	Training _____
	CJIS _____	Laboratory _____	Off. of EEO _____
	Finance _____	National Sec. _____	Affairs _____
	Director _____	Gen. Counsel _____	OPR _____
	Deputy Director _____	Info. Res. _____	Personnel _____
			Off. of Public & Cong. Affs. _____

~~SECRET~~

NSL VIO-24770

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] DIVISION  
IOB MATTER 2006-[REDACTED] (U)

b2  
b7E

(U) ~~(S)~~ The Electronic Communications Analysis Unit (ECAU) of the Federal Bureau of Investigation (FBI) reported a potential IOB involving a National Security Letter (NSL) requested by ECAU which, through a transcription error, sought information about an email address belonging to a person who was not the subject of an FBI national security investigation.

(S) ~~(S)~~ An analyst in ECAU prepared an NSL for information regarding the [REDACTED]. Shortly after sending the NSL to the field for service, the analyst received an email from the [REDACTED] Field Office indicating that the subject of FBI case and the [REDACTED] [REDACTED] not [REDACTED]. Upon realizing the error, the analyst immediately notified his supervisor and took the proper steps to sequester the information provided in response to the NSL. Nothing from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on the NSL results.

b1  
b2  
b7E

(U) ~~(S)~~ Due to inadvertent typographical error based on the confusion between the typed letters "l" and "I," FBIHQ received NSL results for an email address that was not relevant to a counterterrorism investigation. Therefore, the issuance of the NSL was neither authorized by law nor by the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG). Due to the fact that there was an unauthorized collection, the error is a reportable matter under Section 2.4 of Executive Order 12863.

~~Derived from: Multiple Sources  
Declassify on: 20311219~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 07-27-2007  
CLASSIFIED BY: 65179/DML/KSR/RU  
REASON: 1.4 (c)  
DECLASSIFY ON: 07-27-2032

(S) For ease of reference, the email address [REDACTED] is typed with a capital "L," while the email address [REDACTED] is typed with a lowercase "i." Note that the confusion between the typed letters "l" and "I" may have been what led to the error in the first place.

b1  
b2  
b7E

~~SECRET~~

NSL VIO-24771

May 23, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/IGU  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (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-1393

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. Counsel \_\_\_\_\_
- Asst. Dir.:
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public & Comp. Affs. \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24772

FBI0000072

FBI/DOJ

OIG-IOB06 (12-19-06)-IT#3

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

**APPROVED:**

Crim. Inv. _____	Inspection _____	Training _____
CJIS _____	Laboratory _____	Off. of EEO _____
Finance _____	National Sec. _____	Affairs _____
Director _____	Gen. Counsl _____	Off. of Public & _____
Deputy Director _____	Info. Res. _____	Personnel _____
		Cong. Affs. _____

~~SECRET~~

NSL VIO-24773

FBI0000073

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER

[REDACTED] FIELD OFFICE  
IOB MATTER 2006 [REDACTED] (U)

b2  
b7E

(U)

~~(S)~~ By electronic communication dated April 19, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, pursuant to 28 U.S.C. § 2709, it drafted a National Security Letter (NSL) seeking toll billing records for a certain telephone number. The NSL also listed an address and requested records from a specific date to present. The FBI served the NSL on [REDACTED], and [REDACTED] provided the result to the FBI.

b2  
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(U)

~~(S)~~ Upon review of the NSL results, the FBI learned that [REDACTED] response exceeded the scope of the NSL. The target's telephone number is owned by [REDACTED]

[REDACTED] owns multiple telephone numbers managed under one account number. In addition to providing the target's telephone records, [REDACTED] erroneously provided the FBI with records relating to [REDACTED]

b2  
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[REDACTED] The FBI sealed and sequestered the additional information that exceeded the scope of the NSL and placed the excess information in a safe.

(U)

~~(S)~~ Here, during an authorized investigation, an error on the part of [REDACTED] resulted in the unintentional acquisition of information. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, the carrier's mistake must be reported to the IOB.

b4  
b7D

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 08-16-2007

~~Derived from: G-3  
Declassify on: 25X1~~

~~SECRET~~

~~SECRET~~

NSL VIO-24774



May 25, 2006

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DNH/KSP/RW  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-" (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 - 1414

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

- Dep. Dir. \_\_\_\_\_
- Chief of Staff \_\_\_\_\_
- Off. of Gen. Counsel \_\_\_\_\_
- Asst. Dir.: \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- CJIS \_\_\_\_\_
- Finance \_\_\_\_\_
- Info. Res. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Lab. \_\_\_\_\_
- National Sec. \_\_\_\_\_
- Personnel \_\_\_\_\_
- Training \_\_\_\_\_
- Off. of EEOA \_\_\_\_\_
- Off. of Public & Cong. Affs. \_\_\_\_\_
- Director's Office \_\_\_\_\_

~~SECRET~~

NSL VIO-24775

MAIL ROOM

FBI0000069

FBI/DOJ

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

~~SECRET~~

NSL VIO-24776

OIG-IOB06 (12-19-06)-IT#3

FBI0000070

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD MATTER

[REDACTED] FIELD OFFICE  
IOB MATTER 2006-[REDACTED] U)

b2  
b7E

(U)

~~(S)~~ By electronic communication dated April 27, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, on November 16, 2005, the FBI drafted a National Security Letter (NSL) pursuant to 18 U.S.C. § 2709 seeking electronic communication transactional records from the internet service provider [REDACTED]. The NSL requested the name, address, length of service, and email header information for the subject of the investigation. The NSL specifically directed that [REDACTED] not include message content or subject fields in its response.

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(U)

~~(S)~~ The FBI served the NSL on [REDACTED] and [REDACTED] provided the results to the FBI. On April 26, 2006, the FBI reviewed the results of the NSL. Upon review of the NSL results, the FBI learned that [REDACTED] response exceeded the scope of the NSL. Specifically, in addition to providing the email header information, [REDACTED] improperly provided the "subject" field of each email transaction. The FBI immediately sealed and sequestered the information and placed it in a safe. The FBI did not enter any information into the case file. Moreover, the FBI plans to notify the internet service provider of its error to avoid future mistakes.

b2  
b4  
b7D  
b7E

(U)

~~(S)~~ Here, an error on the part of [REDACTED] resulted in the unintentional acquisition of information through an NSL. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, the carrier's mistake must be reported to the IOB.

b4  
b7D

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 08-16-2007

~~Derived from: G-3  
Declassify on: 25X1~~

~~SECRET~~

~~SECRET~~

NSL VIO-24777

# IOB Chart

Attorney work product

b2  
b7E

FBI0000001

IOB No.	Date Completed		FISA issue	Service Provider's error	IOB violation	Notes
2005	12/14/05			Yes	Yes	Target's phone line was accidentally shared with other person
2006	12/02/05				No	
2006	12/2/05		NSL	No	Yes	NSL - error on letter - wrong email
2005	11/21/05			No	Yes	Wrong phone number
2006	11/08/05					extension - [redacted]
2005	11/09/05					extension - [redacted]
2006	11/02/05					extension - [redacted]
2003	10/25/05				No	No AG authority to use FISA
2005	10/13/05					extension - [redacted]
2005	10/7/05		NSL		No	
2005	10/07/05				Yes	Did interview after [redacted]
2005	10/04/05		AG exempt		No	AG exemption violation - exceeded limit
2005	10/03/05					was not renewed
2005	9/27/05			Yes	No	[redacted]
2005	9/6/05		AG exempt		No	AG exemption violation - deposit overage
2005	8/26/05			Yes	Yes	Provider gave wrong phone numbers
2005	7/6/05			Yes	Yes	[redacted] provided another person [redacted]
2005	7/5/05				No	Pen register/T&T - improperly served - service provider not cleared - security issue
2005	7/1/05				No	Failed to complete timely search return
2005	6/1/05			No	Yes	No renewal authority for fax number
2005	5/18/05			Yes	Yes	Over-collection
2005	5/16/05			Yes	Yes	Over-collection
2005	5/11/05				Yes	Target was no longer using the phone, somebody else was

b2  
b4  
b7C  
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OIG IOB06 (12-19-06) - IT #6

# IOB Chart

Attorney work product

IOB No.	Date Completed		FISA issue	Service Provider's error	IOB violation	Notes
2005	5/6/05				Yes	Target was no longer using the phone, somebody else was
2004	5/3/05		NSL		Yes	Typo on phone on NSL
2005	4/14/05				Yes	Target was no longer using the phone, somebody else was
2005	3/30/05				Yes	Contacted [redacted]
2003	3/29/05			Yes	Yes	Over-collection - service provider failed to [redacted]
2005	3/1/05				Yes	No annual LHM
2005	2/24/05				Yes	Late 90-day and annual LHM
2005	2/17/05			Yes	Yes	Collection on wrong email
2003	2/10/05				Yes	Late 90-day LHM
2004	2/16/05				Yes	FBI accidental [redacted] search results [redacted]
2005	2/24/05				Yes	No 90-day LHM
2005	3/17/05				Yes	Contacted [redacted]
2004	3/15/05					[redacted] did physical surveillance
2002	3/11/05					[redacted] contacted [redacted]
2005	3/1/05		NSL			[redacted] but it did not (new AG guidelines)
2005	2/22/05			No	Yes	Inadvertent recording
2004	2/14/05					[redacted]
2003	2/14/05					[redacted] investigative activity
2003	2/11/05			No	Yes	Unauthorized surveillance [redacted]

FBI0000002

b2  
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OIG IOB06 (12-19-06) -IT #6

b2  
b7E

# IOB Chart

Attorney work product

FBI0000003

IOB No.	Date Completed		FISA issue	Service Provider's error	IOB violation	Notes
2002	2/9/05				No	Did investigative activity [redacted] late
2004	2/3/05				No	Interview [redacted]
2004	1/31/05	NSL		Yes	Yes	Provider gave more info than requested/authorized - gave content
2004	1/19/05				No	Target moved
2004	1/10/05			Yes	Yes	Service provider provided [redacted]
2004	1/10/05			No	Yes	[redacted] phone used by a person that was not the target
2004	1/5/05			Yes	Yes	[redacted] was not the target [redacted]
2004	1/6/05				Yes	[redacted] target no longer used the phone
2004	1/4/05			Yes	Yes	Service provider gave more than authorized and gave to another investigation
2004	10/21/04	NSL			Yes	Obtained banking info without NSL
2004	9/15/04	NSL			Yes	Field cited 1681v instead of 1681u
2004	8/27/04				Yes	[redacted]
2003	8/27/04	AG exemp			No	Needed exemption for 3 items, only got exemption for 2 items
2004	8/26/04				Yes	Agents thought that [redacted]
2006	5/5/06	NSL		No	Yes	Phone number typo on NSL

OIG IOB06 (12-19-06) -IT #6











U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 50209  
New Executive Office Building  
725 17<sup>th</sup> Street, Northwest  
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RSB  
ON 07-27-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006- (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

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

NSL VIO-24834

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

~~SECRET~~

NSL VIO-24835

