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2FW207208letter.txt

b6 b7C	From
	UNCLASSIFIED NON-RECORD
ı	Attached is a copy of a form letter sent to me via one of the U.S. Attorney's Offices.
b5	
•	Is this an OGC/NSLB approved letter?
b6	PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL Associate General Counsel - Unit Chief
b7C b2	Tel.
	Fax
b6 b7C	From:(ITOD)(CON) Sent: Friday, November 12, 2004 8:59 AM To:(ITD) (FBI) Subject: 207208 letter
	UNCLASSIFIED NON-RECORD

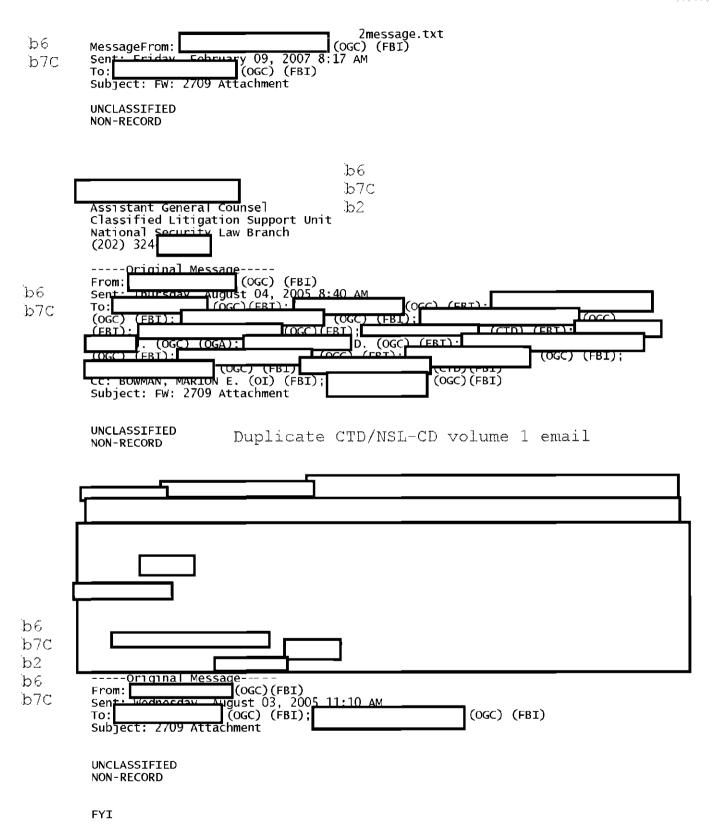
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Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI
202-324
Voice
Pager
202-324
Secure Fax
Fax

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National Security Letters (NSL) - An NSL is an administrative demand for documents or records which can be made by the FBI in support of either a Preliminary or Full National Security Investigation. There are presently eight variations of the three statutorily permitted NSL demands. They include requests permitted by the Right to Financial Privacy Act (RFPA) (Title 12, U.S.C. §§ 3414(a)(5)) for 1) financial institution records. They also include requests permitted by the Fair Credit Reporting Act (FCRA), Title 15, U.S.C. §§1681u and v. for 2) the identity of financial institutions (15 U.S.C. § 1681u(a)); 3) consumer identifying information (15 U.S.C. § 1681 u(b)); and 4) full credit reports in international terrorism cases (15 U.S.C.§1681v). Lastly, they include requests permitted by the Electronic Communications Privacy Act (Title 18, U.S.C. § 2709): for 5) telephone subscriber information; 6) toll billing records; 7) electronic communication subscriber information; and 8) electronic communication transactional records. As a general matter, all NSLs are unclassified and all information returned pursuant to an NSL is unclassified. The fact that particular information sought by an NSL is related to an authorized investigation is unclassified. However, the manner in which information sought by an NSL is related to a particular authorized investigation most likely is classified.

a. Financial Account Records pursuant to Title 12, U.S.C. § 3414(a)(5)¹

- 1. In accordance with provisions of the Right to Financial Privacy Act (RFPA), a financial institution shall provide the FBI with financial information pursuant to a written request from the Director of the FBI or the Director's designee upon certification to the financial institution that the records are sought for foreign counterintelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States Person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution.
- 2. The RFPA applies only if the entity from which the government is seeking financial records of a "financial institution," as defined in the statute. For purposes of the section of the RFPA, "financial institution" includes insured bank; commercial bank or trust company; private banker; credit union; thrift institution; broker or dealer registered with the SEC; investment banker or investment company;, currency exchange; issuer, redeemer or cashier of travelers' checks, checks, money orders; operator of a credit card system; insurance company; pawnbroker; loan or finance company; travel agency; licensed sender of money; telegraph company; persons involved in real estate closings and settlements; U.S. Postal Service, agency of U.S./state/local government carrying out any of foregoing; casino; any business similar to the above list; any business whose cash transactions have high degree of usefulness in criminal, tax or regulatory matters.
- 3. The RFPA defines a"[F]inancial record" as an original of, a copy of, or

See recommended model REPAINSL and approving LC HYPERLINK to NSLB WEB)

information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

- 4. By EC dated 11/09/2001, the Director designated approval authority to the following Bureau officials: (1) the Deputy Director; (2) the Assistant Directors (AD) and all Deputy Assistant Directors (DAD) of the Counterterrorism Division (CTD) and the Counterintelligence Division (CD);² (3) the General Counsel and Deputy General Counsel for National Security Affairs; (4) the Assistant Director in Charge and SACs of the New York, Los Angeles, and Washington field offices; and (5) the SACs of all other field offices. By EC dated 10/17/2003, the Director designated approval authority to the Senior Counsel for National Security Affairs. By EC dated 10/31/2003, the Director also designated approval authority to the EAD for Counterterrorism/Counterintelligence, and to the AD and DAD for the Cyber Division. Approval authority is not delegable below the SAC level, and an acting SAC does not have approval authority.
- 5. Congress has imposed reporting requirements for the FBI's use of NSLs to obtain financial records under the Right to Financial Privacy Act. The National Security Law Branch (NSLB) of the Office of General Counsel is responsible for compiling the necessary information and submitting the requisite reports to Congress. To ensure that NSLB can accurately report to Congress on RFPA NSLs, all communications documenting the approval and issuance of national security letters from the field or FBIHQ Divisions should include NSLB in the "To" section and must include NSLB in the lead section.
- b. **Identity of Financial Institutions** pursuant to Title 15, U.S.C. § 1681u(a).³
 - 1. In accordance with provisions of the Fair Credit Reporting Act, a consumer credit bureau (Experian, Equifax, TransUnion) shall provide the FBI with information about the financial institutions with which the consumer maintains an account or has maintained an account, pursuant to a written request from the Director of the FBI or the Director's designee upon certification that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution of the United States.

² At the time of the delegation the Counterintelligence Division was titled National Security Division.

³ SEE RECOMMENDED Model FCRA 1681n(a) NSL and approving ES AISTERLINK TO NSLR WEB;

- 2. By EC dated 11/09/2001, the Director designated approval authority to the following Bureau officials: (1) the Deputy Director; (2) the Assistant Directors (AD) and all Deputy Assistant Directors (DAD) of the Counterterrorism Division (CTD) and the Counterintelligence Division (CD); (3) the General Counsel and Deputy General Counsel for National Security Affairs; (4) the Assistant Director in Charge and SACs of the New York, Los Angeles, and Washington field offices; and (5) the SACs of all other field offices. By EC dated 10/17/2003, the Director designated approval authority to the Senior Counsel for National Security Affairs. By EC dated 10/31/2003, the Director also designated approval authority to the EAD for Counterterrorism/Counterintelligence, and to the AD and DAD for the Cyber Division. Approval authority is not delegable below the SAC level, and an acting SAC does not have approval authority.
- 3. Congress has imposed reporting requirements for the FBI's use of NSLs to obtain financial institution listings under the Fair Credit Reporting Act. NSLB is responsible for compiling the necessary information and submitting the requisite reports to Congress. To ensure that NSLB can accurately report to Congress on FCRA §1681u(a) NSLs, all communications documenting the approval and issuance of national security letters from the field or FBIHQ Divisions must include NSLB in the lead section.
- c. Consumer Identifying Information pursuant to Title 15, U.S.C. § 1681u(b)⁴
 - 1. In accordance with provisions of the Fair Credit Reporting Act, a consumer credit bureau (Experian, Equifax, TransUnion) shall provide the FBI with consumer account identification information pursuant to a written request from the Director of the FBI or the Director's designee upon certification that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution of the United States.
 - Consumer Identifying Information includes the name, address, former address, place of employment and former places of employment of the consumer.
 - 3. By EC dated 11/09/2001, the Director designated approval authority to the following Bureau officials: (1) the Deputy Director; (2) the Assistant Directors (AD) and all Deputy Assistant Directors (DAD) of the Counterterrorism Division (CTD) and the Counterintelligence Division

⁴ SEE RECOMMENDED Model ICRA 168 In(b)NSL and approving EC (ITYPERLINK TO NSLB ITEB)

- (CD); (3) the General Counsel and Deputy General Counsel for National Security Affairs; (4) the Assistant Director in Charge and SACs of the New York, Los Angeles, and Washington field offices; and (5) the SACs of all other field offices. By EC dated 10/17/2003, the Director designated approval authority to the Senior Counsel for National Security Affairs. By EC dated 10/31/2003, the Director also designated approval authority to the EAD for Counterterrorism/Counterintelligence, and to the AD and DAD for the Cyber Division. Approval authority is not delegable below the SAC level, and an acting SAC does not have approval authority.
- 4. Congress has imposed reporting requirements for the FBI's use of NSLs to obtain consumer identifying information under the Fair Credit Reporting Act. NSLB is responsible for compiling the necessary information and submitting the requisite reports to Congress. To ensure that NSLB can accurately report to Congress on FCRA §1681u(b) NSLs, all communications documenting the approval and issuance of national security letters from the field or FBIHQ Divisions should include NSLB in the "To" section and must include NSLB in the lead section.
- d. Full Consumer Credit Reports for Counterterrorism Matters pursuant to Title 15, U.S.C. § 1681(v) ⁵
 - 1. A consumer credit bureau (Experian, Equifax, TransUnion) shall provide the FBI with a full consumer credit report and all other information in a consumer's file pursuant to a written request from the Director of the FBI or the Director's designee upon certification that such information is necessary for the conduct of an authorized investigation, activity, or analysis related to international terrorism.
 - 2. By EC dated 8/22/2003, the Director designated approval authority to the following Bureau officials: (1) the Deputy Director; (2) the EAD for Counterterrorism/Counterintelligence; (3) the Assistant Directors and all Deputy Assistant Directors of the Counterterrorism Division (CTD); (4) the General Counsel, Deputy General Counsel, and Senior Counsel for National Security Affairs; (5) the Assistant Director in Charge and SACs of the New York, Los Angeles, and Washington field offices; and (6) the SACs of all other field offices. Approval authority is not delegable below the SAC level, and an acting SAC does not have approval authority. *This access is exclusive to counterterrorism investigative matters and is not available for other national security investigative matters*.
 - 3. While Congress has not imposed reporting requirements for the FBI's use of NSLs to obtain full credit reports under the Fair Credit Reporting Act,

SEE RECOMMENDED FCRA 168 by model NSL and UC AUPPERLINK TO NSLB WFB)

nonetheless. NSLB does compile this information in the event that it is asked to provide such information to Congress. To ensure that NSLB can accurately report to Congress on FCRA §1681v NSLs, if asked, all communications documenting the approval and issuance of national security letters from the field or FBIHQ Divisions should include NSLB in the "To" section and must include NSLB in the lead section.

- d. Telephone Toll Billing, and Subscriber Identification, Electronic Subscriber Information and Electronic Communication Transactional Records Information pursuant to Title 18, U.S.C. § 2709.⁶
 - 1. An electronic communications service provider, its officers, employees and agents are to comply with a written request for customer account business records maintained by the service provider when the Director of the FBI or the Director's designee certifies in writing to the service provider that the records are sought for foreign counterintelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States Person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution.
 - 2. By EC dated 11/09/2001, the Director designated approval authority to the following Bureau officials: (1) the Deputy Director; (2) the Assistant Directors and all Deputy Assistant Directors of the Counterterrorism Division (CTD) and the Counterintelligence Division (CD); (3) the General Counsel and Deputy General Counsel for National Security Affairs; (4) the Assistant Director in Charge and SACs of the New York, Los Angeles, and Washington field offices; and (5) the SACs of all other field offices. By EC dated 10/17/2003, the Director designated approval authority to the Senior Counsel for National Security Affairs. By EC dated 10/31/2003, the Director also designated approval authority to the EAD for Counterterrorism/Counterintelligence, and to the AD and DAD for the Cyber Division. Approval authority is not delegable below the SAC level, and an acting SAC does not have approval authority.
 - 3. Congress has imposed reporting requirements for the FBI's use of NSLs to obtain electronic communications service provider records pursuant to the Electronic Communications Privacy Act (ECPA). NSLB is responsible for compiling the necessary information and submitting the requisite reports to Congress. To ensure that NSLB can accurately report to Congress on ECPA §2709 NSLs, all communications documenting the approval and issuance of national security letters from the field or FBIHQ Divisions should include NSLB in the "To" section and must include NSLB in the lead section.

⁶ SEE RECOMMENDED ACEA model NSLs and EC's (APPELINK TO NSLB WEB)

The following commentary will discuss the features that respective NSLs share in common and highlight the differences and provide a recommended pattern for submitting requests for approval.

Note - there are model NSLs and approving ECs for each type of NSL on the NSLB/OGC website. Please follow these models.

- 1. All NSLs must be addressed to an appropriate company point of contact. The responsibility for ensuring that the company point of contact is up-to-date belongs to the drafting field division. Many POCs are listed on the NSLB website.
- 2 The first paragraph of an NSL provides the appropriate statutory authority for the request, identifies the types of records requested, and provides available identifying information so that the company can process the NSL request. It is this first paragraph that contains the differences that warrant the eight NSL varieties.
 - a Telephone subscriber and electronic subscriber NSLs should have a specific date for each of the phone numbers/e-mail addresses requested or a range of dates. The date range may be from inception to present, or some other specified date range relevant to the investigation. Any phone numbers identified in a subscriber request should contain all ten digits of the phone number, including the area code.
 - b Toll billing record and electronic communication transactional record requests should have a range of dates for each of the phone numbers/e-mail addresses requested. The date range may be from inception to present, or some other specified date range relevant to the investigation. Any phone numbers identified in a toll billing record request should contain all ten digits of the phone number, including the area code.
 - e Financial record requests should include all available identifying information to facilitate the financial institution's records search. Typically, such identifying information includes: name, account numbers, social security number, and date of birth. The time period for financial record requests is typically from inception of account(s) to present, although a more specific date range may be used.
 - d Credit bureau record requests are similar to financial requests in that they should include available identifying information to facilitate the credit bureau's records search. Typically, such identifying information includes: name, social security number, and date of birth. There is no need to specify a date range for credit record

- requests because these requests seek either a full credit report, or specified information from a full credit report, as the credit report is currently constituted in the files of the credit bureau. So a time frame has no relevance to this request.
- The second paragraph of every NSL contains the statutorily required certification language. The certification language is virtually identical for every NSL (except the certification for FCRA §1681v full credit reports references only international terrorist activities since these NSLs are not available in counterintelligence cases). Financial records also contain an additional certification that the FBI has complied with all applicable provisions of the RFPA. Use of the model NSLs will ensure that the proper certifications are made.
- The next paragraph contains an admonition for the phone company, ISP, financial institution, or credit bureau receiving the NSL. The paragraph warns that no officer, employee, or agent of the company may disclose that the FBI has sought or obtained access to the requested information or records. Some of the non-disclosure provisions specifically exempt from the rule disclosure within the entity to those whose assistance is needed to respond to the NSL. However, this concept is inherent in all NSLs. regardless of whether the NSL statute so states. Further, the FBI has interpreted non-disclosure provisions to allow the entity to consult with legal counsel as to its rights and obligations with respect to the NSL.
- The last substantive paragraph instructs the company point of contact to provide the records personally to a representative of the delivering field division or to use a delivery service such as Federal Express or United States Post Office controlled delivery service to return the records to the requesting field office. (Information may not be returned through routine U.S. mail.) As a matter of practice, an entity will not incur such costs on its own so if a field office wants the records returned via a delivery service, it needs to provide the entity with either a Federal Express office account number or a prepaid package or something of that kind. Otherwise, the entity can be expected to contact the local field office to pick up the records. The NSL also states that any questions should be directed to the delivering field division or, if the delivery has been made by Federal Express, to the requesting field office.
- The model NSLs for financial records, telephone toll billing records, and electronic communication transactional records each have a separate attachment. These attachments provide examples of information which the company might consider to be financial, toll billing, or electronic communication transactional records. As a general matter, the NSL itself should only request information in the form of the standard language found in the statute. If there is a particular type of information that you are seeking that is not found in the attachment and that you believe is within the parameters of the statute, please consult with you chief division counsel or

NSLB concerning amending the attachment.

Finally, the disseminated NSL is an unclassified document because it does not detail the specific relevance of the requested records to an authorized FBI investigation. There is no need to classify the NSL when attaching it to the cover EC.

8 The Cover EC

The Cover EC serves four essential functions in the NSL a) process: (1) it documents the predication for the NSL by recording why the information sought is relevant to an investigation; (2) it documents the approval of the NSL by relevant supervisors and the legal review of the document; (3) it contains the information needed to fulfill the Congressional reporting requirements for each type of NSL; and (4) when the NSL package is being personally delivered, it transmits the NSL to the delivering field office for delivery to the appropriate telecommunications carrier, ISP, financial institution, or credit bureau; when the NSL package is being delivered by Federal Express or other controlled delivery service, it notifies the local field office of the NSL in the event that the entity contacts the local field office to retrieve the information responsive to the NSL. As stated above, there are eight varieties of model ECs drafted by NSLB and available on its website: Those are (1) financial records from financial institutions; (2) credit bureau list of financial institutions at which a customer maintains/has maintained an account; (3) consumer identifying information from credit bureaus; (4) full credit report in international terrorism cases from credit bureaus; (5) telephone subscriber information (6) toll billing records (7) electronic communication subscriber information; and (8) electronic communication transactional records. When preparing an NSL request, the field should use one of these model ECs. If a change to the model EC is thought necessary in a particular situation, please consult with your chief division counsel or NSLB.

b) Field Descriptors

This section will generally explain how most of the EC field descriptors should be completed. The "Precedence" descriptor will typically be "ROUTINE." The "Date" descriptor should reflect the date the NSL and the EC were approved. The "To" descriptor will always include "General Counsel" and the requesting squad's field division. It may also include the name of the delivering field division and the office of origin, if applicable. The "Attn" descriptor should include the National Security Law Branch (NSLB), and the squad supervisors and case agents from the requesting squad, delivering field division, and office of origin, if applicable and if known. The "From" descriptor should identify the certifying official's field

division, and include the title of the certifying official. The "Contact" descriptor should reflect the name and phone number of the requesting squad case agent. The "Drafted By" descriptor should reflect the name of the person who prepared the NSL package. The "Case ID #" descriptor must contain the case file number relevant to the request, and the control file number maintained by the field. The "Title" descriptor should list the subject's name, any known aliases, whether the investigation is an FCI or IT investigation directed at a particular foreign power, and identify the office of origin, e.g., WILLIAM BADGUY, AKA BILL BADGUY, FCI-IRAQ, OO: NEW YORK. The "Synopsis" descriptor should use the standard boilerplate contained in the appropriate model EC. The "Derived From" descriptor should be "G-3" in bold typeface. The "Declassify On" descriptor should be "X-1" in bold typeface. The "Preliminary **Investigation Instituted " or "Full Investigation Instituted"** descriptor should contain the date the national security investigation was opened on the subject. The remaining descriptors can be filled in accordance with the model EC being used.

c) Predication and Relevance

The USA PATRIOT Act has greatly simplified the NSL process. The FBI official authorizing the issuance of an NSL is no longer required to certify that there are specific and articulable facts giving reason to believe that the information sought pertains to a foreign power, or an agent of a foreign power. NSLs may now be issued upon a certification of relevance to an authorized national security investigation.

Accordingly, the first paragraph in the "Details" section of the EC should contain the predication for the national security investigation, including whether the subject is a U.S. Person, and identify the relevance of the requested records to the investigation. Both the predication and relevance should be stated clearly and concisely.

d) Service of NSLs

NSLs may be served by using secure fax, by personal service by the field office nearest the entity, or by delivery via Federal Express, United States Post Office controlled delivery service, or some other controlled delivery service that provides for delivery directly to a named individual. However, many companies and field offices have an established relationship such that both prefer that service be personal by the local field office. These companies are noted on the NSLB website.

e)Payment for NSLs

DATE 11-09-2007 BY 65179/dmh/ksr/cak

ECPA does not provide for reimbursement of costs; thus, there is no legal obligation to pay for telephone and email subscriber records, toll billing records, or electronic communication transactional records. Some offices choose to pay, however. presumably because payment serves to help maintain a good relationship with the provider. RFPA requires reimbursement of costs; Title 12, CRF Part 219, and the appendix, provide a reimbursement cost schedule. FCRA, §1681u requires reimbursement of costs but no reimbursement schedule has been promulgated. However, FCRA §1681v does not provide for reimbursement of costs.

e) Dissemination of NSL Information

Information obtained through the use of an NSL may be disseminated in accordance with general standards set forth in The Attorney General's Guidelines for FBI National Security Investigation and Foreign Intelligence Collection (NSIG). Dissemination is further subject to specific statutory limitations (e.g., ECPA, 18 U.S.C. §2709, and RFPA, 12 U.S.C. §3414(a)(5)(B), permit dissemination if per NSIG and information is clearly relevant to responsibilities of recipient agency; FCRA, 15 U.S.C. §1681u, permits dissemination to other federal agencies as may be necessary for the approval or conduct of an FCI investigation; no special statutory rules for dissemination under FCRA, 15 U.S.C. §1681v).

Since the information obtained through an NSL is not classified, the information itself, in raw form, may be disseminated in accordance with the NSIG and specific statutory provisions without regard to classification issues. However, if information obtained from an NSL is discussed in the context of a national security investigation, it may be classified. Thus, if disseminating this information with an explanation of how it pertains to a given investigation, it is likely that there will be classification issues. If such information is to be used in a criminal proceeding, then steps to declassify are in order. If such information is to be disseminated to a foreign government, then DIDO authority will be required. Again, neither of those steps is necessary if only disseminating the information in raw form, without any context.

b6 b7C	MessageFrom:	2REDraftLtrReTheValueofTh (OGC) (FBI)	eBankSecrecyActBSA.txt	
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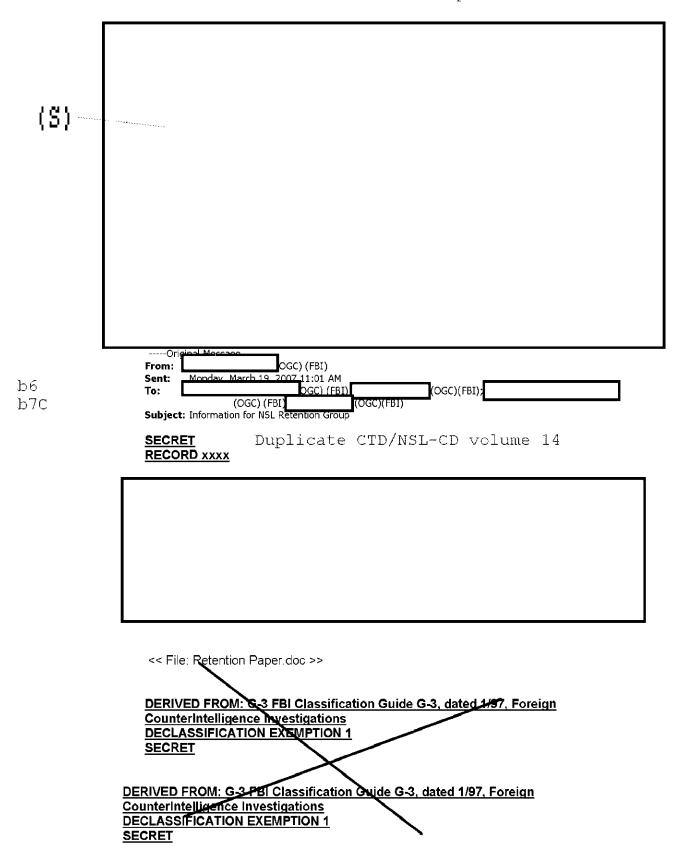
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REASON: 1.4 (c) DECLASSIFY ON: 11-28-2032 TOD) (FBI) From: <u>Tuesday March 20 2007 7</u>12 AM Sent: OGC) (FBI) (OGC) (FBI); To: **b**6 OGC)(FBI) (OGC) (FBI); b7C (OGC)(EBI) Cc: (CTD) (FBI) (ITSD)(FBI); (OGC) (FBI) DGC) (FBI) Subject: RE Duplicate CTD/NSL-CD volume 14 **SECRET RECORD XXXX** -----Original 🏖 OGC) (FBI) From: Sent: Monday March 19 2007 1:29 PM **b**6 GC) (FBI) (OGC)(FBI) (OGC) To: b7C OGC)(FB (ITOD) (FBI) Cc: (CTD) (FBI (ITSD)(FBI); OGG RE: Information for NSL Retention Group . (OGC) (FBI) OGC) (FBI) Subject: **SECRET** Duplicate CTD/NSL-CD volume 14 **RECORD XXXX (S)**

SECRET

DATE: 11-28-2007

CLASSIFIED BY 65179/dmh/ksr/cak

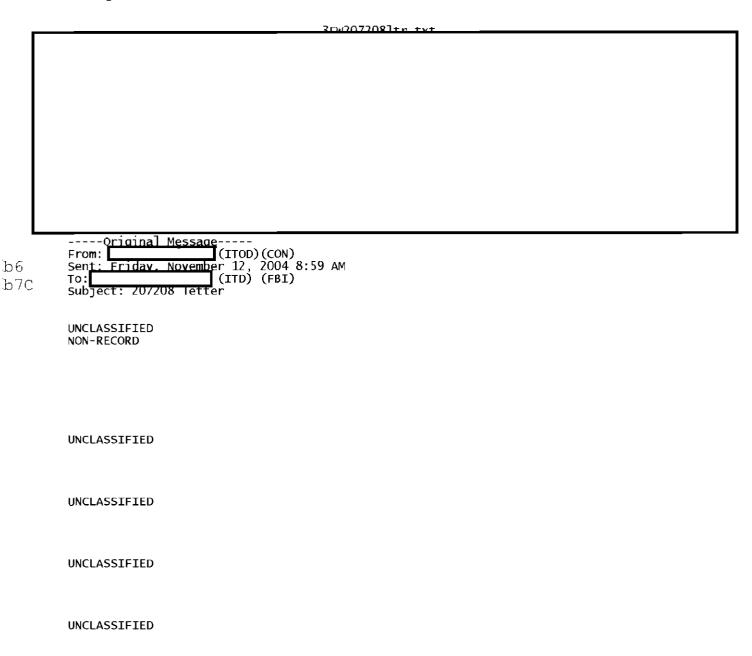


NSL VIO-28997

SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET

b6 b7C	MessageFrom: 3FW207208ltr.txt (OGC) (FBI) Sent: Friday. February 09, 2007 8:10 AM To: (OGC) (FBI) Subject: FW: 207208 letter
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2	Assistant General Counsel Classified Litigation Support Unit National Socurity Law Branch (202) 324
b6 b7C	Original Message From: OGC) (FBI) Sent: Thursday. November 18, 2004 8:16 AM To: (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI);
	(OGC) (FBI) Subject: FW: 207208 letter
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	Page 1



b6 b7C	MessageFrom: (OGC) (FBI) Sent: Tuesday October 25 2005 I:56 PM
	Cc: (CID) (FBI); (OGC) (FBI) Subject: RE: Drafat Letter re: The Value of The Bank Secrecy Act (BSA) UNCLASSIFIED NON-RECORD Duplicate CTD/NSL-CD volume 2 NON-RECORD
	Original Message
Ъ6 Ъ7С	From: Sent: Tuesday October 25, 2005 1:53 PM To: OGC)(FBI); (FBI): (CC: OGC) (FBI) Subject: RE: Drafat Letter re: The Value of The Bank Secrecy Act (BSA) Duplicate CTD/NSL-CD volume 2 UNCLASSIFIED
	NON-RECORD
	Original Message From OGC)(FBI)
b6 b7C	Sent: Tuesday, October 25, 2005 1:00 PM To: (OGC) (FBI) Cc: Subject: FW: Drafat Letter re: The Value of The Bank Secrecy Act (BSA)
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Ì	Subject: FW: Drafat Letter re: The Value of The Bank Secrecy Act (BSA)
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	From: OCA) (FBI) Sent: Tuesday October 25 2005 9:33 AM To:
٦	(CTD) (FRT): HARRINGTON, T. J. (CTD) (FRT): SWECKER, CHRTS (CTD) (FRT): (FBI); THOMAS, JULIE F. (OGC) (FBI);
	CC: (OCA) (FBI); BOWMAN, MARION E. (OI) (FBI); (OGC) (FBI)
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${\tt 5REDraftLtrReTheValue} of {\tt TheBankSecrecyActBSA.txt}$

Tot	(OCA) (FBI) CTODER 25, 2005 9:33 AM (OGC) (FBI); FRI) HARRINGTON T 1 (CTD) (FRI) SWECKER CHRIS (CTD) (FRI)
(FB1); (FRT): (OGC)(FRT) CC; Subject: Drarat t	(OCA) (FBI); THOMAS, JULIE F. (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OCA) (FBI) Letter re: The Value of The Bank Secrecy Act (BSA)
UNCLASSIFIED NON-RECORD	Duplicate

UNCLASSIFIED

UNCLASSIFIED

(FBI);	(OGC) (FBI);	(CID) (FBI);	
Subject: RE: Drafat	Letter re: The Value of	The Bank Secrecy Act (BSA) ate CTD/NSL-CD volume	2
UNCLASSIFIED NON-RECORD	Dapite	ate CID/NSD-CD volume	J
<u>∩rininal Mes</u> s			
	(OGC) (FBI) Ther 25, 2005 12:54	, , , ,	
To: (FBI)	(OGC) (FBI);	(OGC) (FBI);	(OG
Subject: Fw: Drafa		of The Bank Secrecy Act (BSA)	
UNCLASSIFIED NON-RECORD	.Dup1.	icate	

Page 1

To: (CTD) (FBI):	(OCA) (FBI) 25, 2005 9:33 AM (OGC) (FBI); HARRINGTON, I. J. (CTD) (FRI): SWECKER, CHRIS (CTD) (FBI):
(FBI):	(CTD) (FBI); THOMAS, JULIE F. (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OCA) (FBI); (
UNCLASSIFIED NON-RECORD	Duplicate

UNCLASSIFIED

UNCLASSIFIED

In preparing your response to this request, you should determine whether your company maintains the following types of information which may be considered by you to be an electronic communications transactional record in accordance with Title 18 United States Code Section 2709.

We are not requesting and you should not provide information pursuant to this request that would disclose the content of any electronic communication as defined in Title 18 United States Code Section 2510(8). Subject lines of e-mails are content information and should not be provided pursuant to this request.

If the records provided are particularly large we request that you provide this information in electronic format preferably on a CR-ROM.

NSLB 7-28-05

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-27-2007 BY 65179/dmh/ksr/cak

Account information to include:

b2 b7E

DATE: 11-28-2007 (01/26/1998)

CLASSIFIED BY 65179/dmh/ksr/cak

PEASON: 1.4 (c)

DECLASSIFY ON: 11-28-2032

SECRET FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 00/00/2006

To: General Counsel Attn: Julie Thomas

Deputy General Counsel, NSLB

[COUNTERTERRORISM/ Attn: [UNIT]

COUNTERINTELLIGENCE/CYBER]

[REQUESTING OFFICE] Attn: SSA [SQUAD SUPERVISOR]

SA [CASE AGENT]

[OFFICE OF ORIGIN] Attn: SA [CASE AGENT]

SQUAD] [X]

[DELIVERING DIVISION] Attn: SSA [SQUAD SUPERVISOR]

(if using personal service) [SQUAD] [X]

From: [DRAFTING DIVISION]

[APPROVING OFFICIAL]

Contact: [CASE AGENT, telephone number (000) 000-

0000)

Approved By: [ADIC NAME (IF APPLICABLE)]

[SAC NAME] [ASAC NAME] [CDC NAME] [SSA NAME]

Drafted By: [LAST, FIRST, MIDDLE NAME: INITIALS]

Case ID #: [CASE FILE NUMBER] (Pending)

(U) Title: (X) [SUBJECT]

[AKA] [ALIAS (IF APPLICABLE)] [IT/FCI - FOREIGN POWER] OO: [OFFICE OF ORIGIN]

Synopsis: (U) Approves the issuance of an ECFA National Security Letter (NSL) for email subscriber information; provides

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT

WHERE SHOWN OTHERWISE



reporting data; and, if necessary, transmits the NSL for delivery to the electronic communications service provider.

Derived From: G-3
Declassify On: [10 years from date of EC]

FULL/PRELIMINARY Investigation Instituted: X [00/00/2006]

Reference: (X) [CASE FILE NUMBER Serial XXX]

Enclosures: (U) Enclosed for [DELIVERING DIVISION or OFFICE OF ORIGIN, depending on whether service is personal or through a restricted delivery service or fax] is an NSL dated [00/00/2006], addressed to [COMPANY POC NAME], [TITLE (if available)], [COMPANY NAME], [COMPANY ADDRESS - NO P.O. BOX], [CITY, STATE - NO ZIP CODE if using personal service], requesting the name, address, and length of service for the e-mail address holder(s) listed.

Details: A [FULL/PRELIMINARY] [INTERNATIONAL/FOREIGN COUNTERINTELLIGENCE] investigation of the subject, a [USPER/NON-USPER], was authorized in accordance with the Attorney General Guidelines because [Give a full explanation of the justification for opening and maintaining an investigation of the subject; barebones facts will not suffice and will cause the request to be rejected for lack of legal sufficiency]. This electronic subscriber information is being requested to [Fully state the relevance of the requested records to the investigation].

- (U) This electronic communication documents the [APPROVING OFFICIAL's] approval and certification of the enclosed NSL. For mandatory reporting purposes, the enclosed NSL seeks subscriber information on [NUMBER OF] [e-mail/IP address(es)] from [ISP #1]; [NUMBER OF] [e-mail/IP address(es)] from [ISP #2], etc.
- (U) Arrangements should be made with the electronic communication service provider to provide the records [personally to an employee of the DELIVERING division OR through use of a delivery service or secure fax to OFFICE OF ORIGIN] within [NUMBER OF] business days of receipt of this request. The electronic communication service provider should neither send the records through routine mail service nor utilize the name of the subject of the request in any telephone calls to the FBI.





(U) Re: [CASE FILE NUMBER, 00/00/2006] [CRAFTING DIVISION]

DISCLOSURE PROVISIONS

[Certification and Activation of the Nondisclosure Requirement: There is no longer an automatic prohibition that prevents the recipient of a National Security Letter from disclosing that the FBI has requested the information. To activate the nondisclosure requirement, the senior FBI official approving this EC must use Option 1 below and include in the EC (but not in the NSL) a brief statement of facts that justify the nondisclosure requirement. Option 2 is to be used in all cases where Option 1 is not used.]

[Option 1 - Invoking Nondisclosure Requirement]

(U) In accordance with 18 U.S.C. § 2709(c) I, the senior official approving this EC, certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person.

Brief statement of the facts justifying my certification in this case:

[Option 2 - Declining to invoke the nondisclosure requirement]

(U) I, the senior official approving this EC, have determined that the facts of this case d: not warrant activation of the nondisclosure requirements under the applicable National Security Letter statute.

[Include the next 2 paragraphs in all ECs]

(U) Information received from an electronic communications service provider may be disseminated in accordance with the Attorney General Guidelines on National Security Investigations and Foreign Intelligence Collection and, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.



SECRET

To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]
Re: [CASE FILE NUMBER, 00/00/2006]

(U) Any questions regarding the above can be directed to [CASE AGENT, telephone number (000) 000-0000].

SECRET



To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]

(U) Re: [CASE FILE NUMBER, 00/00/2006]

LEAD (s):

Set Lead 1:

GENERAL COUNSEL

AT WASHINGTON, DC

 $\,$ (U) NSLB is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLs.

Set Lead 2: (Info)

[COUNTERTERRORISM/COUNTERINTELLIGENCE/CYBER]

AT WASHINGTON, DC

(U) At [Unit] Read and Clear

Set Lead 3:

[DELIVERING DIVISION - fif using personal service]

AT [CITY, STATE]

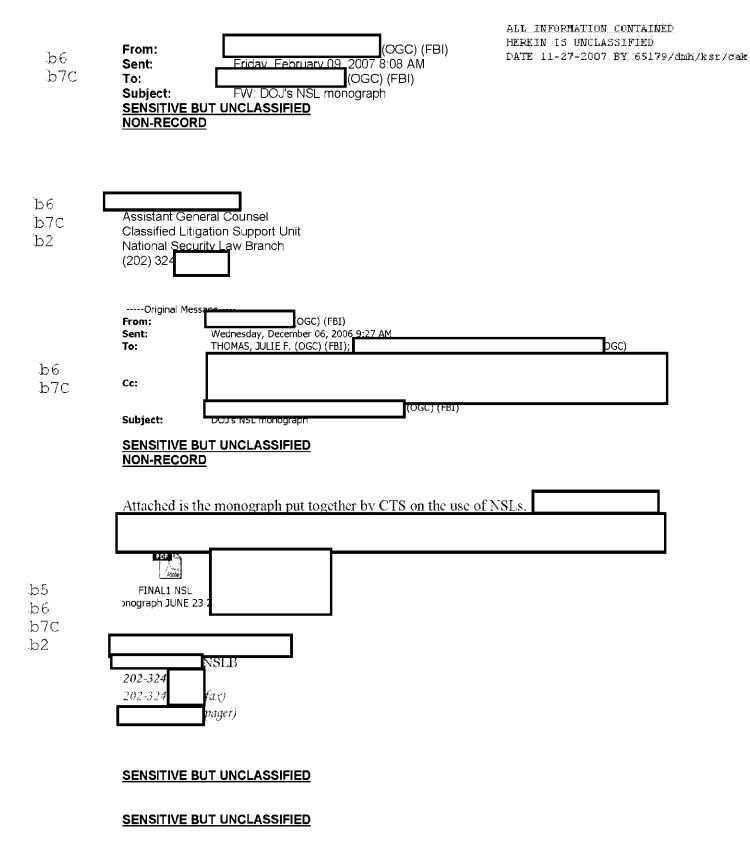
(U) Deliver the enclosed NSL as indicated above. Upon receipt of the information requested, [DELIVERING DIVISION] is requested to submit results to [DRAFTING DIVISION] and [OFFICE OF ORIGIN, if applicable].





FW207208letter.txt

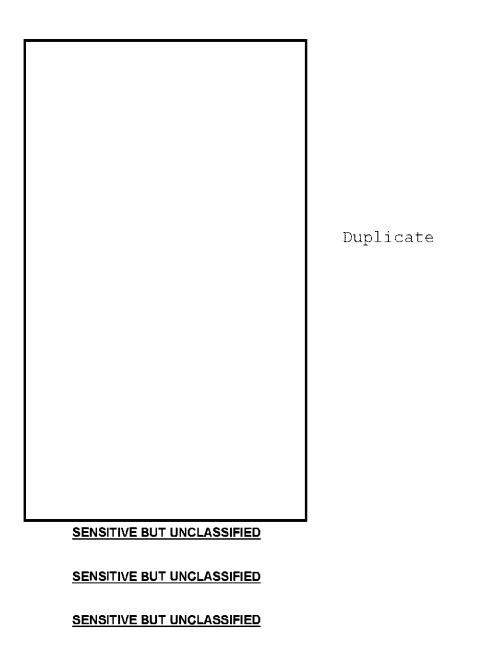
UNCLASSIFIED



b6 b7C	From: Sent: To: Subject: SENSITIVE BUT UNCLASSIFIED NON-RECORD GOGC) (FBI) Fridav. February 09, 2007 8:20 AM OGC) (FBI) FW: model NSL ECs (documents 1,3,5,7,9,11,13, and 15 on our website)
o6 o7C o2	Assistant General Counsel Classified Litigation Support Unit National Security Law Branch (202) 324
.b6 .b7с	Original Message (OGC) (FBI) Sent: Wednesday, August 02, 2006 11:29 AM To: FBI ALL CDCs Cc: OGC)(FBI);
	(OGC) (FRI): THOMAS, JULIE F. (OGC) (FRI): OGC)(FBI); (OGC) (FBI)
	Subject: FW: model NSL ECs (documents 1,3,5,7,9,11,13, and 15 on our website) SENSITIVE BUT UNCLASSIFIED Duplicate OIG- LOGs and Ponies NON-RECORD

Duplicate OIG- Logs and Ponies

From: Sent: To: Cc:	Sent: Tuesday, August 01, 2006 3:31 PM To: HQ_DIV04_FBIHOME Cc: (OGC) (FBI); (OGC)(FBI)			
Subject: SENSITIVE NON-RECO	BUT UNCLASSIFIED RD	Duplicate OIG-Logs and Ponies		
]			



MessageFrom: Sent: Friday Fobruary 09, To: Cosc (OGC) Subject: FW: NSLs	Message.txt (OGC) (FBI) 2007 8:19 AM (FBI)	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-27-2007 BY 65179/dk
SENSITIVE BUT UNCLASSIFIED NON-RECORD		
Assistant General Counsel Classified Litigation Suppo National Security Law Brand (202) 324		
From: Sent: Friday. December U2, To: (OGC)(FR	(OGC) (FBI) 2005 2:30 PM T):	
JULIE F. (OGC) (FRT)		TOGC) (ERT): THOMAS,
JULIE F. (OGC) (FRT) (OGC)(FBI); Subject: FW: NSLS SENSITIVE BUT UNCLASSIFIED NON-RECORD	CTD) (FBI) Duplicate CTD/N	VSL-CD volume 8
(OGC)(FBI); Subject: FW: NSLS SENSITIVE BUT UNCLASSIFIED	David de mate a CMD /N	
(OGC)(FBI); Subject: FW: NSLS SENSITIVE BUT UNCLASSIFIED	David de mate a CMD /N	
(OGC)(FBI); Subject: FW: NSLS SENSITIVE BUT UNCLASSIFIED	David de mate a CMD /N	
(OGC)(FBI); Subject: FW: NSLS SENSITIVE BUT UNCLASSIFIED	David de mate a CMD /N	

b6

b7C

----<u>Original Message----</u> From (OGC) (FBI)
Sent: Thursday, November 10, 2005 12:22 PM
To: FBI_ALL CDCs
C: Caproni, Valerie E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI);
[OGC) (FBI); (OGC) (FBI)
Subject: NSLs Duplicate CTD/NSL-CD volume 8 SENSITIVE BUT UNCLASSIFIED NON-RECORD

Message.txt

SENSITIVE BUT UNCLASSIFIED

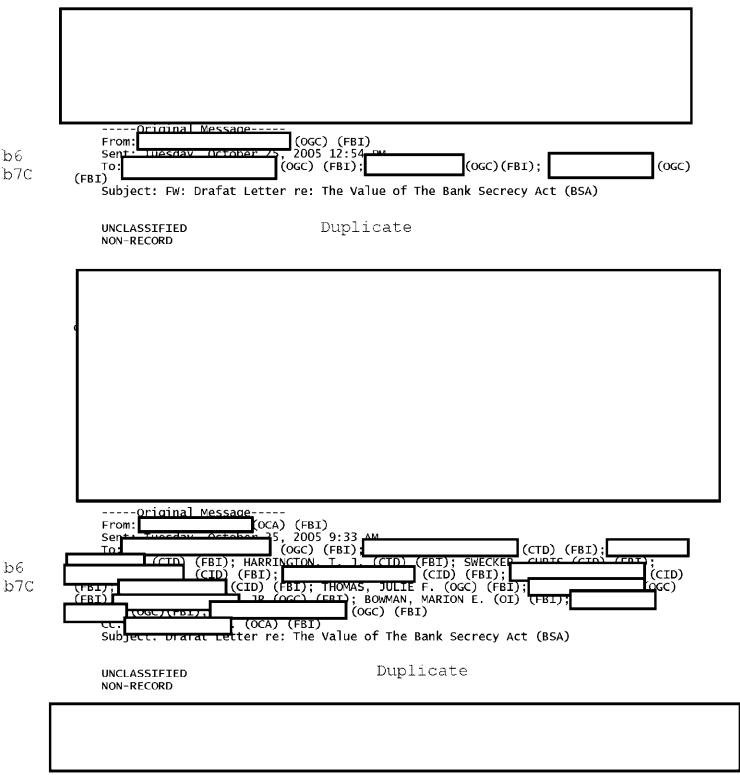
SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

	<pre>REDraftLtrReTheValueofTheBankSecrecyActBSA.txt MessageFrom: (OGC) (FBI)</pre>					
b6	Sent: Tuesday October 2 To:	(OGC) (FBI);	(OGC) (FBI)			
b7C	(OGCT (FREE)	(OGC) (FBI):	(OGC) (FBI)	(OGC) (FBI)		
	Subject: RE: Drafat Lette	er re: The Value of Th	e Bank Secrecy Act (BSA)		
	UNCLASSIFIED NON-RECORD		Duplicate			
			1.			
	Orininal Message-	 (OCC) (ERT)				
.b6	From: Sent: <u>Tuesday. October</u> To: (OGC)	(OGC) (FBI) 25, 2005 1:53 PM (ERI);	(OGC) (FBI);	(0)	GC)	
b7C	(FBI)	(OGC) (FBI)] (OGC) (FB1),		GC)	
	Subject: RE: Drafat Le	tter re: The Value of	The Bank Secrecy Act	(BSA)		
	UNCLASSIFIED					
	NON-RECORD		Duplicate			
г						
L						
	Original Massage					
	Sen <u>t: Tuesday. Octobe</u> r	C)(FBI) 25, 2005 1:00 PM	(0.55) (50.7)	. —		
b 6	(OGC) (FBI)	(OGĆ) (FBI);	(OGC) (FBI			
b7C	Cc: Subject: FW: Drafat Le	(OGC) (FBI); tter re: The Value of	Ine Bank Secrecy Act	GC) (FBI) (BSA)		
	UNCLASSIFIED					
	NON-RECORD					

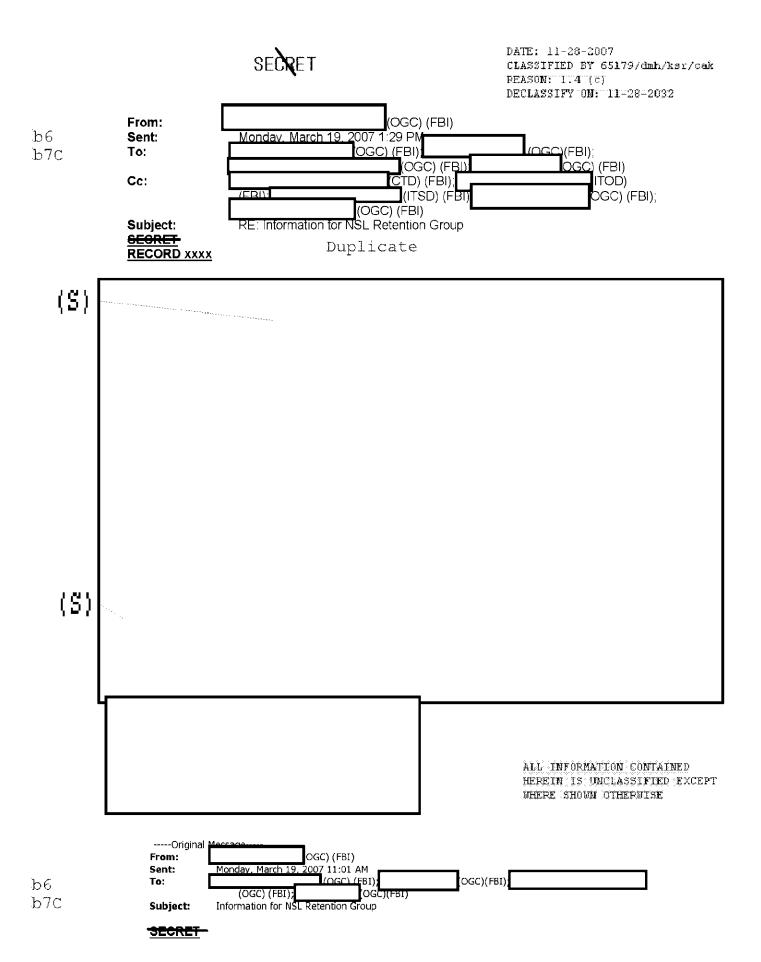
Page 1

REDraftLtrReTheValueofTheBankSecrecyActBSA. Duplicate



Duplicate

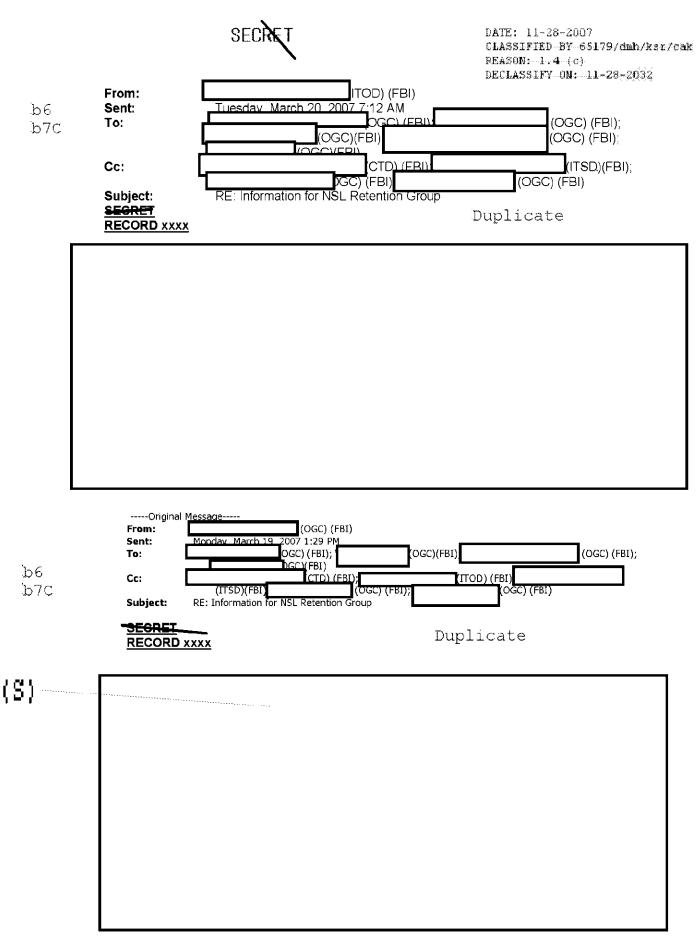
REDraftitrReTheValueofTheRankSecrecvActRSA.txt			
UNCLASSIFIED			

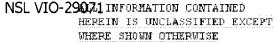




Duplicate

RECORD xxxx	Dapiroace
DERIVED FROM: G-3 FBI Classification Guide G- Counterintelligence Investigations DECLASSIFICATION EXEMPTION 1	-3, dated 1/97, Foreign
SECRET	
DERIVED FROM: G-3 FBI Classification Guide G-3, d Investigations	lated 1/97, Foreign Counterintelligence
DECLASSIFICATION EXEMPTION 1 SECRET	





NSL VIO-29072

DERIVED FROM: G'S FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1

SECRET