(Rev. 01-31-2003)



DATE: 12-05-2007

CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

# FEDERAL BUREAU OF INVESTIGATION

#1082884

	Precedence: ROUTINE		Date: 12/29/2006				
	To:	Attn:	SAC ASA:				
			SSA IA				
b2 b7E	Counterterrorism	Attn:	CTD/ITOS II/PRGU				
b6 b7C	Inspection	Attn:	Internal <u>Investigative</u> Section Attn: Room 11865				
	From: Office of General Counsel  NSLB/CTLJ-2/LX-1, 3S-10  Contact:	00					
	Approved By: Thomas Julie F						
(U) ······	Drafted By:						
	Case ID #: 278-HQ-C1229736-	-V10 Ser	ial (Pending)				
b2	Title: \( \tag{U}\) INTELLIGENCE OVERSIGHT BOARD  MATTER 2006-						
	Synopsis: It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter must be reported to the Intelligence Oversight Board (IOB). Our analysis follows.						
	Derived From : G-3 Declassify On: 12/29/2016						
(U) ·	Reference: 278-HQ-C1229736-	-VIO Se.	rial 1549				
(U) b2 b7E	Details: By electronic come and referenced above, the that OGC review the facts of the whether it warrants reporting to our analysis follows.	captione	ed matter and determine				

b1 b2 b7E was and remains a "United States person" as that term is used in **b**6 Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 b7C (FISA).3 (U) ------During the grurse of the investigation, issued National Security Letters (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect **b**2 against international terrorism or clandestine intelligence b7E activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States." The error in this instance occurre after the initial toll records were received from b4 results listed a telephone number ending with the digits <del>D</del>eina subscribed to by the target. b7D ter was scanned **b**2 errant spreadsheet was produced. The spreadsheet indicated target had subscribed to seven sequential telephone numbers. inadvertent regults had the same area code and initial Hgils, but ended with 💥 A follow-up NSL dated 10/17/2005 was addressed to requesting subscriber information for the seven inadvertently added telephone numbers On 11/07/2005,

(U) 278-HQ-C1229736-VIC Serial 1549.

<sup>2</sup> (U) A "United States person" (USP) is defined in Section 101(i) of the <u>Foreign Intelligence Surveillance Act</u> (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ." <u>See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.</u>



 $<sup>^{2}</sup>$  (U) In order to avoid any further dissemination of the incorrect telephone numbers, the phone numbers referenced in this EC will only list the last four digits.

<sup>4 (</sup>U) See, id.

b2 b7E	SECRET	
35 7 12	To: From: General Counsel Re: 278-HQ-C1229736-VIO, 12/29/2006	
	responded with subscriber printouts for the requested information. The subscriber results were initially uploaded into	b4 b7D b2
(U) ·····	In the course of performing telephone analysis in point of contact at FBIHQ was asked	b7E
[	to remove the inadvertently uploaded numbers In addition, removed all references to the inadvertently uploaded numbers from FBI records including Automated Case Support (ACS) In addition, coordinated with the Division to remove the EC documenting the subscriber information belonging to the seven errant numbers provided by directly coordinates toll record NSLs requests for the FBI with	b4 b7D b2 b7E
	(U) To prevent future errors, additional quality control steps have been added to the telephone record scanning process. The process of scanning phone records as opposed to hand-entering the information was only initiated in earlier in 2005. The above-referenced telephone records were some of the first scanned records. Since that time, control/quality assurance has improved and is only performed by trained personnel.	b2 b7E
7	(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that	
(>	was permanently charged out in December 2006 removing the last reference to these errant telephone numbers in ACS.  The charged-out serial is being forwarded from to	b1 b2 b7E
	See, Id.	
	SECRET	



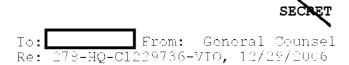
T: From: General Counsel Re: 278-HQ-C1229736-VIO, 12/29/2006

are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutory requirements, including 19 U.S.C. § 2709. Title 18, U.S.C. § 2709 provides that the FBI may seek toll billing information from telephone carriers that is relevant to an authorized national security investigation. Clearly, the information obtained by the FBI was not relevant to an authorized national security investigation because there was an errant request for unsubstantiated telephone numbers. Thus, the FBI received telephone toll billing records concerning telephone numbers that were not under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Clearly, the rights of the target were not infringed because he was not the subject of the improperly collected information. It is unknown whether this information was gathered about United States Persons or not, inasmuch as there has been no review of the information. Nonetheless, based on the fact that information which may be about United States persons was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of E.O. 12863, OGC will prepare a cover letter and an memorandum to report this matter to the IOB.





b2 b7E

#### LEAD(s):

### Set Lead 1: (Discretionary)

### INSPECTION

### AT WASHINGTON, DC

(U) For action deemed appropriate.

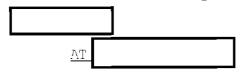
### Set Lead 2: (Information)

### COUNTERTERRORISM

#### AT ITOS II/PRGU

(U) For review and action deemed appropriate.

### Set Lead 3: (Discretionary)



b2 b7E

(U) For review and action deemed appropriate.

IOB Library

b6 b7c



#### 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.

Dear Mr. Friedman:

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

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: I/02/2017

SECRET

b2

#### 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

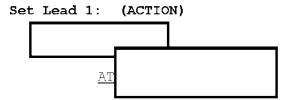
- 1 The Honorable Alberto R. Gonzales Attorney General U.S. Department of Justice Room 5111
- 1 Mr. James Baker
   Counsel, Office of Intelligence Policy and Review
  National Security Division
  U.S. Department of Justice
  Room 6150

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOP was known as the President's Intelligence Oversight Board (F10B). By longstanding agreement between the FB1 and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the ICB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the TCB may review them upon request.

Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. Title 18, U.S.C. § 2709 provides that the FBI may seek till billing information from telephone carriers that is relevant to an authorized national security investigation. Clearly, the information obtained by the FBI was not relevant to an authorized national security investigation because there was an error in the NSL in transmitting the appropriate telephone number. Thus, the FEI received telephone toll billing records concerning a telephone number that was not under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Clearly, the rights of the target were not infringed because he was not the subject of the improperly collected information. It is unknown whether this information was gathered about a United States Person or not, inasmuch as there has been no review of the information. Nonetheless, based on 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 E.O. 12863, OGC will prepare a cover letter and an memorandum to report this matter to the IOB.

### LEAD(s):



b2 b7**E** 

(U) For review and action deemed appropriate.

### Set Lead 2: (ACTION)

### COUNTERTERRORISM

### AT WASHINGTON, DO

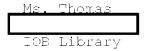
(U) Read and Clear.

### Set Lead 3: (ACTION)

### INSPECTION

### AT WASHINGTON, DC

(U) For review and action deemed appropriate.



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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

(01/26/1998)

ASSIFIED EXCEPT DATE: 12-05-2007

CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

### 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]

(II) Drafted By: [LAST, FIRST, MIDDLE NAME: INITIALS]

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

Title: [SUBJECT]

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

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

(U)

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

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

U

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

FULL/PRELIMINARY Investigation Instituted:

[00/00/2006]

(U) Reference:

Reference: 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.

## SECRET

(U) To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]
[CASE FILE NUMBER, 00/00/2006]

#### 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 or 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.



(U) 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].



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

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].

\*\*



ALL INFORMATION CONTAINED HEPEIN IS UNCLASSIFIED

DATE 12-05-2007 BY 65179 DMH/KSR/cb

From: HQ\_OFFICE\_OF\_PUBLIC\_AFFAIRS
Sent: Friday, March 09, 2007 10:40 AM

To: FBI\_HQ AND FO POCS

Subject: Inspector General Report on National Security Letters

UNCLASSIFIED NON-RECORD

This message is being sent to: All employees at Headquarters, Field Offices, and Legats. Please check with the appropriate authority prior to dissemination of this message to all employees within your division to avoid duplication.

Today the DOJ Inspector General released a report on the FBI's use of National Security Letters. You may see a number of media stories regarding this report and the Director will be conducting a press availability at 11:30 AM EST today to further discuss the report and the FBI's response. So that you can be knowledgeable about the report and the FBI's response, we have collected resources for you on the FBI Intranet homepage and will be updating the story throughout the day.

NSLs
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http

[Currently includes: FBI press release, FAQs, and IG Report]

John J. Miller Assistant Director Office of Public Affairs

### **UNCLASSIFIED**

b2

DATE: 12-05-2007

CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

IOB MAT  (U)  By Electronic Of By Electr	he course of a national secu ted States person" as that	(FBIHQ) of ociated rity	b1 b2 b7E b6 b7C
During the cour issued National Security Letter Communications Privacy Act, 18 the FBI to request subscriber records that are "relevant to against international terroris activities, provided that such person is not conducted solely by the first amendment to the	8 U.S.C. § 2709. That statu information and telephone to an authorized investigation sm or clandestine intelligend h an investigation of a Unite y on the basis of activities	te permits oll billing to protect se ed States protected	b2 b7E
The error in to after the initial toll records results listed a telephone nur subscribed to by the target.  was scanned spreadsheet was produced. The	mber ending with the digits However, when the NSL resul	The being t letter an errant	b4 b7D b2

 $<sup>^3</sup>$  (U) In order to avoid any further dissemination of the incorrect telephone numbers, the phone numbers referenced in this EC will only list the last four digits.



<sup>(</sup>U) \_\_\_\_\_\_\_ 278-HQ-C1229736-VIO Serial 1549.

<sup>&</sup>lt;sup>2</sup> (U) A "United States person" (USP) is defined in Section 101(i) of the <u>Foreign Intelligence Surveillance Act</u> (FISA) (codified at 50 U.S.C. § 1801 <u>et seq.</u>) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ." <u>See also</u> Section II.W of <u>The Attorney General's Guidelines for FBI Foreign Intelligence Collection and <u>Foreign Counterintelligence Investigations</u>.</u>



#### Declassify On: 12/29/2016

	had subscribed to seven sequential telephone numbers. The inadvertent results had the same area gode and initial three digits, but ended with	
(0)	A follow-up NSL dated 10/17/2005 was addressed to requesting subscriber information for the seven inadvertently added telephone numbers On 11/07/2005, responded with subscriber printouts for the requested information. The subscriber results were initially uploaded into ACS by	b4 b7I
(U)	In the course of performing telephone analysis in  June 2006, the errors were discovered and remedied by  point of contact at FBIHQ was asked to remove the inadvertently uploaded numbers. In addition, removed all references to the inadvertently uploaded numbers from FBI records, and Automated Case Support (ACS). In addition, coordinated with the Division (Newark) to remove the EC documenting the subscriber information belonging to the seven errant numbers provided by directly coordinates toll record NSL requests for the FBI with  (U) To prevent future errors, additional quality control steps have been added to process. The process  was only initiated in earlier in 2005. The acove-referenced telephone records were some of the first records. Since that time, control/quality assurance has improved and is only performed by trained personnel.  (U) Section 2.4 of Executive Order (EO) 12863,	b2 b7E b4 b7D
b1 b2 b7E	4 (U) See, id.  was permanently charged out in December 20 removing the last reference to these errant telephone numbers in ACS. The charged-out serial is being forwarded from to See, Id.	06
	- 2 - Secret	

# SECRET

dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other quidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

Section V.11., Investigative Techniques, of The (U)Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutiry requirements, including 18 U.S.C. § 2709. Title 18, U.S.C. § 2709 provides that the FBI may seek toll billing information from telephone carriers that is relevant to an authorized national security investigation. Clearly, the information obtained by the FBI was not relevant to an authorized national security investigation because there was an errant request for unsubstantiated telephone numbers. Thus, the FBI received telephone toll billing records concerning telephone numbers that were not under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Clearly, the rights of the target were not infringed because he was not the subject of the improperly collected information. It is unknown whether this information was gathered about United States Persons or not, inasmuch as there has been no review of the information. Nonetheless, based on the fact that information which may be about United States persons was improperly, although inadvertently, collected, and in accordance



with the reporting requirements of Section 2.4 of E.O. 12863, this matter is being to the IO3.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE: 12-05-2007

CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

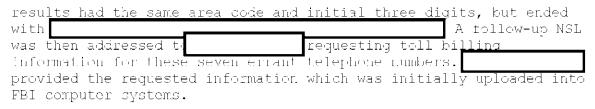


(U) <	INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER b2  FIELD OFFICE b7E  IOB MATTER 2006- (U)	
(S) (S)	By Electronic Communication (EC) dated July 17, 2006, Division notified FBI Headquarters (FBIHQ) of an inadvertent acquisition of tell record information associated with unknown individuals in the course of a national security investigation.	b1 b2 b7E b6
(5)	was and remains a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA).1	b7C
(v) ]	issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 27092 for toll record information associated with the target error occurred after the initial records were received from  The results listed a telephone number ending with the digits being subscribed to by the target. However, when the NSL result letter was scanned with new software, an errant spreadsheet was produced.	b2 b7E b4 b7D
(U) ······	The spreadsheet indicated that the target had subscribed to seven sequential telephone numbers. The inadvertent	
	Declassify On: 12/29/2016	

<sup>1 (</sup>U) A "United States person" (USP) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seg.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ." See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

<sup>&</sup>lt;sup>2</sup> The statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to 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 on the basis of activities protected by the first amendment to the Constitution of the United States."

 $<sup>^3</sup>$  (U) In order to avoid any further dissemination of the incorrect telephone numbers, the phone numbers referenced in this EC will only list the last four digits.



b4

b2 b7E

b7D

Immediately upon discovery, the errors were remedied by All references to the errant telephone numbers have been removed from FBI computer systems. To prevent future errors, additional quality control steps and software training have been added to the telephone record scanning process. The above-referenced telephone records were some of the first scanned records.

Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. Title 18, U.S.C. § 2709 provides that the FBI may seek toll billing information from telephone carriers that is relevant to an authorized national security investigation. Clearly, the information obtained by the FBI was not relevant to an authorized national security investigation because there was an errant request for unsubstantiated telephone numbers. Thus, the FBI received telephone toll billing records concerning telephone numbers that were not under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Clearly, the rights of the target were not infringed because he was not the subject of the improperly collected information. It is unknown whether this information was gathered about United States Persons or not, inasmuch as there has been no review of the information. Nonetheless, based on the fact that information which may be about United States persons was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this matter is being to the IOB.



<sup>&</sup>lt;sup>4</sup> (U) See, id.

### Key Excerpts from the Unclassified IG Report

### The FBI self-identified the inaccurate reporting, and told Congress a year ago

(pg. xvii and 33): In March 2006, the FBI acknowledged to the Attorney General and Congress that NSL data in the semiannual classified reports may not have been accurate and stated that the data entry delays affected an unspecified number of NSL requests. After the FBI became aware of these delays, it took steps to reduce the impact of the delays to negligible levels for the second half of CY 2005.

#### The IG Found No Criminal Misconduct

(pg. xxviii, fn.26): In this report, we use the terms "improper or illegal use" as contained in the Patriot Reauthorization Act. As noted below, the improper or illegal uses of the national security letter authorities we found in our review did not involve criminal misconduct. However, as also noted below, the improper or illegal uses we found included serious misuses of national security letter authority.

### No deliberate or intentional violations; but rather, good faith mistakes; confusion

(pg. xxx): Our examination of the 26 possible IOB violations reported to FBI OGC did not reveal deliberate or intentional violations of NSL statutes, the Attorney General Guidelines or internal FBI policy. Although the majority of the possible violations - 22 of 26 - arose from FBI errors, most of them occurred because of typographical errors or the case agent's good faith but erroneous belief that the information requested related to an investigative subject.

(pg. xxxiii:) Our review did not reveal intentional violations of national security letter authorities, the Attorney General Guidelines or internal FBI policy. Rather, we found confusion about the authorities available under the various NSL statutes.

### IG found in most cases we sought information we were entitled to

(pg. xlviii and 124): Finally, in evaluating the FBI's use of national security letters, it is important to note the significant challenges the FBI was facing during the period covered by our review and the major organizational changes it was undergoing. Moreover, it is also important to recognize that in most cases the FBI was seeking to obtain information that it could have obtained properly if it had followed applicable statutes, guidelines, and internal policies. We also did not find any indication that the FBI's misuse of NSL authorities constituted criminal misconduct.

### FBI seeking information to which it was entitled

(pg. 67): In evaluating this matters, it is important to recognize that in most cases,

the FBI was seeking to obtain information that it could have obtained properly if it had followed applicable statutes, guidelines, and internal policies. We also did not find any indication that the FBI's misuse of NSL authorities constituted criminal misconduct.

### Errors were not deliberate attempts to circumvent statutes

(pg. 77): While the errors resulted in the acquisition of information not relevant to an authorized investigation, they did not manifest deliberate attempts to circumvent statutory limitations or Departmental policies and appropriate remedial action was taken.

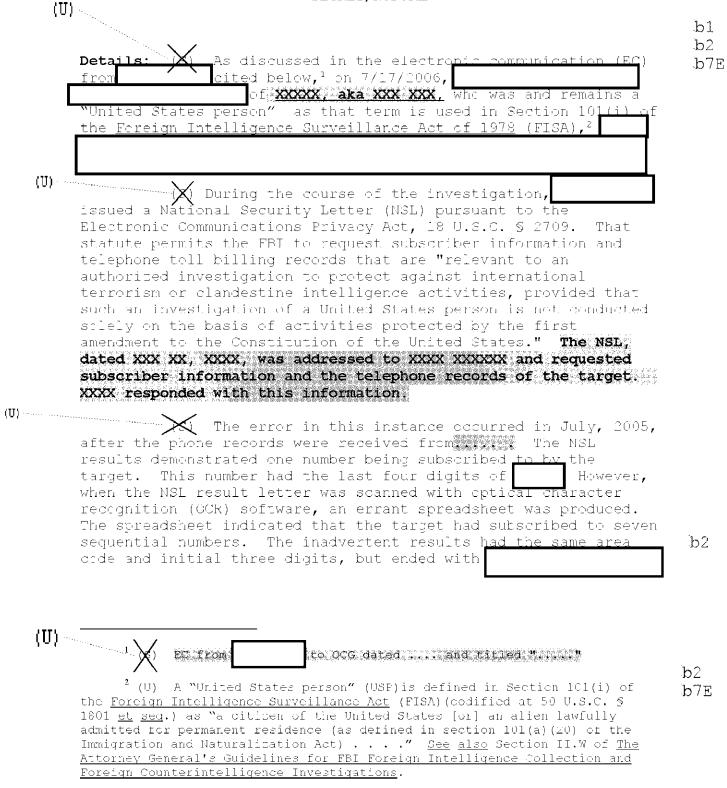
(pg. 103) (control file issue) We believe that the CAU officials and the EOPS Unit. Chief concluded in good faith that the FBI had sufficient predication either to connect these national security letters with existing investigations or to open new investigations in compliance with the Attorney General's NSI Guidelines.

### FBI has now provided the needed guidance

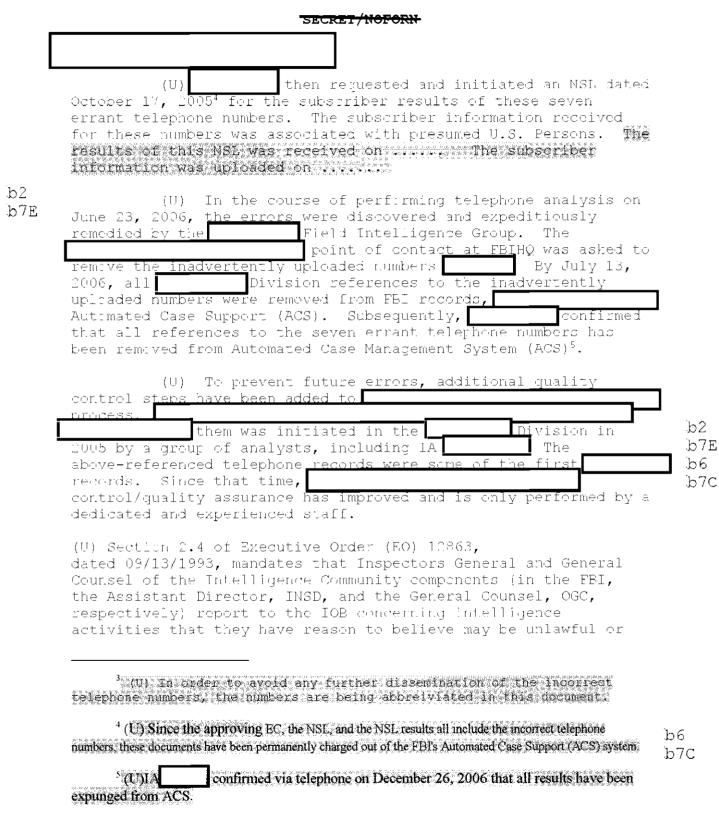
(pg. 107): Overall, we believe that the FBI has now provided needed guidance and support to field personnel to facilitate production of approval documentation compliant with statutory requirements, Attorney General Guidelines and internal FBI policies. Nonetheless, we believe the FBI should improve its compliance with the internal controls governing its exercise of national security letter authorities...

(pg. 126) We believe that these recommendations, if fully implemented, can improve the accuracy of the reporting of the FBI's use of national security letters and ensure the FBI's compliance with the requirements governing their use.

#### SECRET/NOFODN



SECRET/NOFORN



SECRET/NOFORN

#### SECRET/NOFORN

centrary to Executive order or Presidential directive. This language was adopted verbatim from EO 10334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (FIOB). By longstanding agreement between the FBI and the TOB (and its predecessor, the PTOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FEI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. Title 18, U.S.C. § 2709 provides that the FBI may seek till billing information from telephone carriers that is relevant to an authorized national security investigation. Clearly, the information obtained by the FBI was not relevant to an authorized national security investigation because there was an error in the NSL in transmitting the appropriate telephone number. Thus, the FEI received telephone toll billing records concerning a telephone number that was not under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

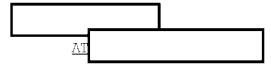
(U) Clearly, the rights of the target were not infringed because he was not the subject of the improperly collected information. It is unknown whether this information was gathered about a United States Person or not, inasmuch as there has been no review of the information. Nonetheless, based on the 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 E.O. 12863, OGC will prepare a cover letter and an memorandum to report this matter to the ICB.

SECRET/NOFORN

#### SECRET/NOFORN

### LEAD(s):

Set Lead 1: (ACTION)



b2 b7E

(U) For review and action deemed appropriate.

### Set Lead 2: (ACTION)

### COUNTERTERRORISM

# AT WASHINGTON, DO

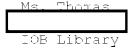
(U) Read and Clear.

### Set Lead 3: (ACTION)

### INSPECTION

### AT WASHINGTON, DC

(U) For review and action deemed appropriate.



b6 b7C

\*\*

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HEREIN IS UNCLASSIFIED EX WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

SECRET

DATE: 12-05-2007

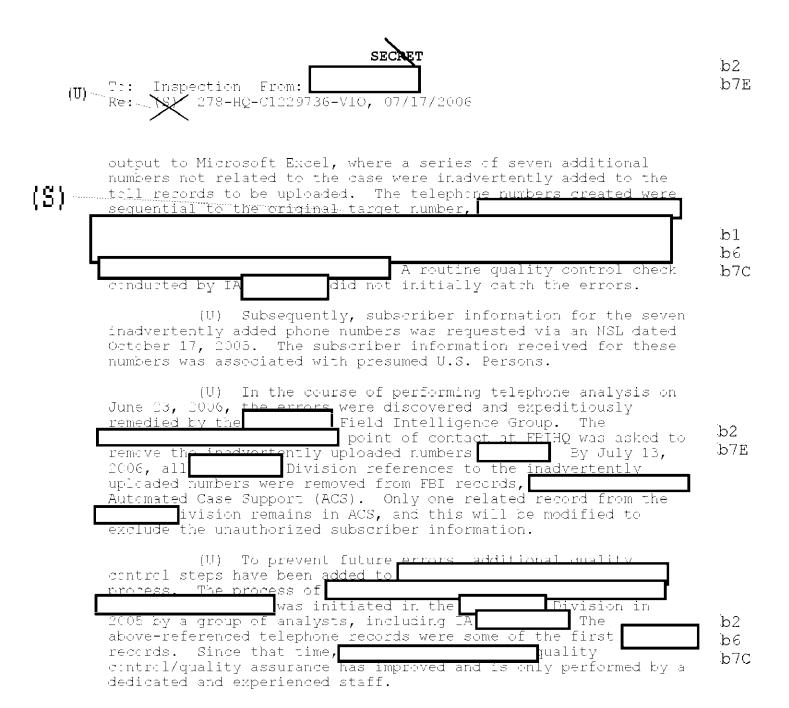
CLASSIFIED BY 65179 DMH/KSR/cb

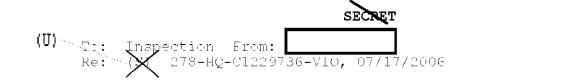
REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

# FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTIN	E		Date:	07/17/2006
	To: Inspect	ion		Attn:	IIS	
	General	. Counse	1	Attn:	Rm. 11861 NSLB Rm. 7975	
	From:					
	Co	ntact:				
b2 b7E b6	Approved By					
b7c	Drafted By:					
(U) ·	Case ID #: (	278 278	-HQ-C1229736- C26391 (	VIO ( Pending		
	Title: (U)	INTEL SSA IA	LIGENCE OVERS	IGHT BO	ARD MATTER	
b2 b7E			nt and unauth	on repo. orized .	rts a poten receipt of	tial IOB matter telephone
		(U)	Derived From Declassify 0			
	intelligence receipt of t Intelligence	nauthor Analys		B) matt e subsc inad	riber infor ve <mark>rtently a</mark>	g inadvertent mation.
b6 b7c b2				number	s believed a	nt telephone to be used by errors.
b7E (u)	records rece	The ived vi	error occurre a National Se	d during	g July, 200 Letter (NSL	b, after phone b) were scanned
			SE	RET		





b2 b7E

LEAD(s):

Set Lead 1: (Action)

**INSPECTION** 

### AT WASHINGTON, DC

(U) Request IIS take appropriate action as necessary in response to this potential IOB matter reported by the Division. It is further requested that the resulting IOB matter be counted as one potential violation.

#### Set Lead 2: (Action)

#### GENERAL COUNSEL

### AT WASHINGTON, DC

(U) Request NSLB take appropriate action as necessary, in response to this potential IOB matter reported by the Division. It is further requested that the b7E resulting IOB matter be counted as one potential violation.

\*\*



(Rev. 01-31-2003)

DATE: 12-05-2007

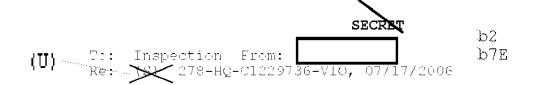
CLASSIFIED BY 65179 DMH/KSR/cb

PEASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

# FEDERAL BUREAU OF INVESTIGATION

	Prece	edence:	ROUTINE			Date:	07/17/2006	
	To:	Inspect	ion	At	tn:	IIS Rm. 11861		
		General	Counsel	At	tn:			
	From	:						
b2 b7E		Co	ntact:					
b6 b7C	Appro	oved By:						
270								
	Dwafi	tod Div						
(U) ·····		Drafted By:						
1-1	Case	π. /	Ž 278	-C26391 (Per.				
	Title	e: (U)	INTELL SSA	IGENCE OVERSIGH	T BO.	ARD MATTER		
			IA					
	invel			t and unauthori			tial IOB matter telephone	
				Derived From : Declassify On:				
	<b>Detai</b>		U) oversia	Division ht board (IOB)		rts a poten er involvin		
b2	recei	ipt of u	nauthori	zed telephone s (IA)	ubsc	riber infor	mation.	
b7E b6			<u>oll re</u> co	rds that were e In this instanc	nter	ed		
b7C				or telephone nu bject due to el				
(U) ···		×	<b>1</b> 1110 0	rror occurred d	urir.	g July, 200	5, after phone	
	recti	rds rece	ived via	National Secur	ity_	Letter (NSL	) were scanned	<b>b</b> 2
				SECRET	·			



### LEAD(s):

#### Set Lead 1: (Action)

#### INSPECTION

### AT WASHINGTON, DC

(U) Request IIS take appropriate action as necessary, in response to this potential IOB matter reported by the Division. It is further requested that the b7E resulting rob matter be counted as one potential violation.

#### Set Lead 2: (Action)

#### GENERAL COUNSEL

#### AT WASHINGTON, DC

(U) Request NSLB take appropriate action as necessary, in response to this potential IOB matter reported by the Division. It is further requested that the b7E resulting IOB matter be counted as one potential violation.

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(01/26/1998)

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WHERE SHOWN OTHERWISE

DATE: 12-05-2007

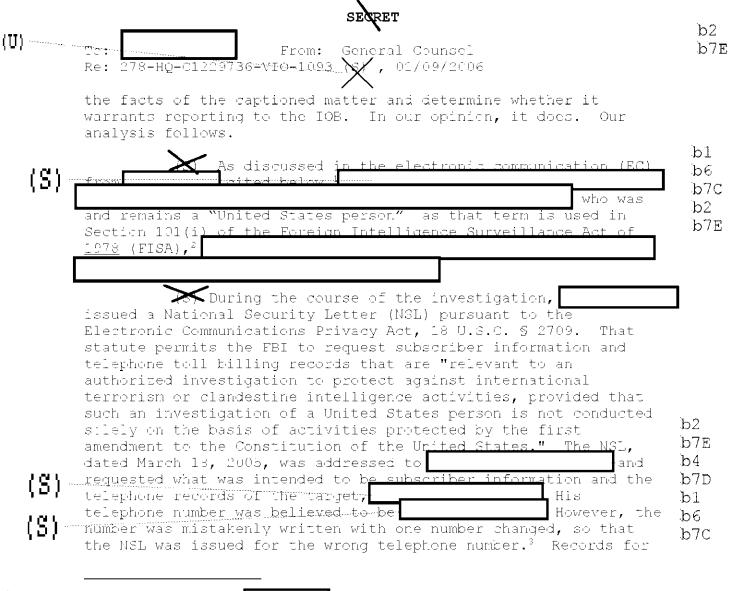
CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

# FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE	<b>Date:</b> 02/09/2006	
	To: Counterterrorism Inspection	Attn: SAC, CDC Attn: AD Attn: IIS	
b2 b7E b6	From: General Counsel Counterrorism Law Un Contact:	iit II/LX-1 3S100	
b7C	Approved By: Thomas, Julie F		
U)	Drafted By:		
JTTS	Case ID #: 278-HQ-C122973	36-VIO	
(0) ** *****	SA INTELLIGENCE OVE	RSIGET BOARD MATTER,	lb2
(U) ·····	Counsel (OGC) that this matter intelligence Oversight Board ( letter and a letterhead memora the Assistant Director, Inspec	10B). OGC will prepare a cover andum for the General Counsel and stion Division (INSD), for ssion of this matter to the OPR is a	
(U)	Derived from Declassify C	n : G-3 on: X-1	
(U)	<b>Reference:</b> 278-HQ-C1229736-VIC	0 <del>-1093</del> ()	
	· ·	numication contains one or more otes, download and print the	
	Details: (II) Referenced commu Office , dated 12/	nication from the Field 14/2005, requested that OGC review	b2 b7E
		SECRET	

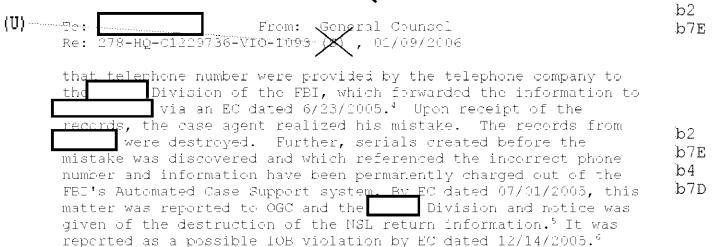


b2 **])** --b7E b6 b7C Agent (SA) Possible Intelligence Oversight Board (IOE)Matter - International Terrorism Related."

<sup>2 (</sup>U) A "United States person" (USF) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ." See also Section II.W of The Attorney General's Guidelines for FEI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

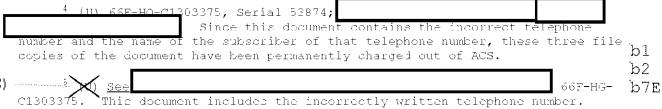
<sup>&</sup>lt;sup>3</sup> (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document. Since the EC approving the NSL and the NSL itself include the incorrect telephone





(U) Section 2.4 of Executive Order (EO) 12363, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Brand (FIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 10/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S.

number, these documents have been permanently charged out of the FBI's Automated Case Support (ACS) system.



C1303375. This document includes the incorrectly written telephone number. However, this document has not been deleted from ACS because the document itself reveals the mistaken nature of the telephone number, and provides a record for the fact that the information was obtained and then destroyed.

<sup>&</sup>lt;sup>6</sup> (U) <u>See</u> 273-HQ-C1229736-VIO-1093, addressed to O*3*C.

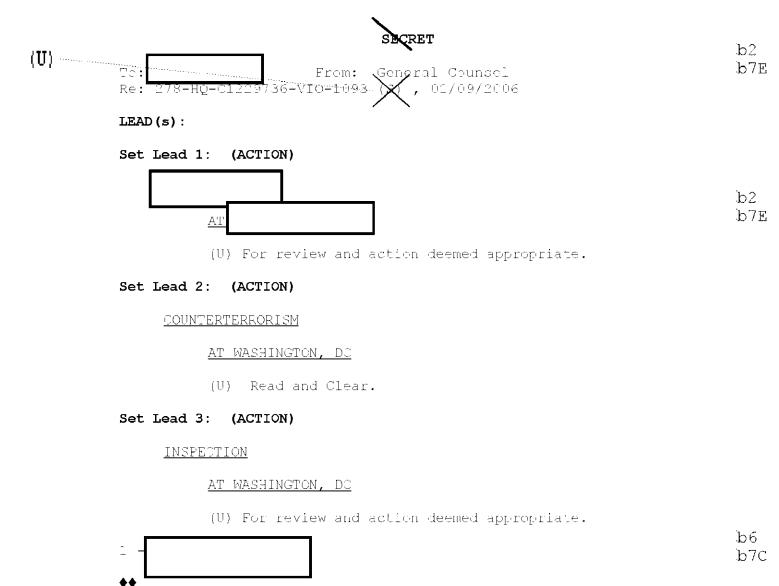
From: General Counsel de: 278-HQ-C1229736-VIO-1093 (\$1, 01/09/2006) b2 b7E

persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) provides that National Security Letters may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. Title 18, U.S.C. § 2709 provides that the FBI may seek tall billing information from telephone carriers that is relevant to an authorized national security investigation. Clearly, the information obtained by the FBI was not relevant to an authorized national security investigation because there was an error in the NSL in transmitting the appropriate telephone number. Thus, the FBI received telephone toll billing records concerning a telephone number that was not under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Clearly, the rights of the target were not infringed because he was not the subject of the improperly collected information. It is unknown whether this information was gathered about a United States Person or not, inasmuch as there has been no review of the information. Nonetheless, based on 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 E.O. 12863, OGC will prepare a cover letter and an memorandum to report this matter to the TOB.



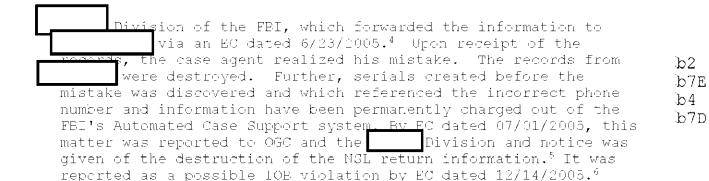


Details: (U) Referenced communication from the Field b2 , dated 12/14/2005, requested that OGC review Office b7E the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows. As discussed b1 b6 who was and remains a b7C as that term is used in Section 101(i) b2 ib7E During the course of the investigation, (U) ···· issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect against international b2 terrorism or clandestine intelligence activities, provided that b7E such an investigation of a United States person is not conducted b4 solely on the basis of activities protected by the first b7D amendment to the Constitution of the Undated March 13, 2005, was addressed to requested what was intended to be subscriber information and the telephone records of the target, XXXXX. His telephone number was believed to be (XXX)-XXX-XXXX. However, the number was mistakenly written with one number changed, so that the NSL was issued for the wrong telephone number.3 Records for that telephone number were provided by the telephone company to the (U) ------ ... 1... >s to OCG dated 12/14/2005 and titled "Special Possible Intelligence Oversight Board b2 (IOB)Matter - International Terrorism Related." b7E **b**6

.b7C

<sup>&</sup>lt;sup>2</sup> (U) A "United States person" (USF) is defined in Section 101(i) of the <u>Foreign Intelligence Surveillance Act</u> (FISA) (codified at 50 U.S.C. § 1801 <u>et seq.</u>) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ." <u>See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.</u>

<sup>&</sup>lt;sup>3</sup> (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document. Since the EC approving the NSL and the NSL itself include the incorrect telephone number, these documents have been permanently charged out of the FBI's Automated Case Support (ACS) system.



Since this document contains the incorrect telephone number and the name of the subscriber of that telephone

number, these three file copies of the document have been permanently charged out of ACS.

b1

b2

b7E

66F-HG-C1303375. This document includes the incorrectly written telephone number. However, this document has not been deleted from ACS because the document itself reveals the mistaken nature of the telephone number, and provides a record for the fact that the information was obtained and then destroyed.

 $<sup>^{6}</sup>$  (U) See 273-HQ-C1229736-VIC-1093, addressed to OGC.



#### U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

#### CECDEE

BY COURIER

Mr. Stephen Friedman Chairman, Intelligence Oversight Board New Executive Office Building Washington, D.C.

Dear Mr. Friedman:

	Enclosed f	or your	informa	ation i	is a	self-e	emplan:	atory
memorandum							(IOE)	Matter,
	Division,	IOB Mat	tter 200	06-	11	(U)		

b2 b7E

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

Enclosure

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Declassify on: 3-3 Declassify on: 405-1

SECRET

NSL VIO-34686

#### SECRES.

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.

Sincerely,

Julie F. Thomas Deputy General Counsel

1- The Honorable Alberto Gonzales Attorney General U.S. Department of Justice Room 5111

1 - Mr. James A. Baker Crunsel, Office of Intelligence Policy and Review U.S. Department of Justice Room 4303

SECRET

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CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DATE: 12-05-2007

DECLASSIFY ON: 12-05-2032

SECRET

## FEDERAL BUREAU OF INVESTIGATION

Date: 00/00/2006 Precedence: ROUTINE

To: General Counsel Attn: Julie Thomas

Deputy General Counsel,

NSLB

(01/26/1998)

[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 FILE NUMBER] (Pending)

[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 telephone subscriber information;



(U) [DELIVERING DIVISION] From: [DRAFTING DIVISION] Re: | [CASE FILE NUMBER, 00/00/2006]

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

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

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

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

Enclosures: (U) Enclosed for [DELIVERING DIVISION of OFFICE OF ORIGIN, depending on whether service is personal or through 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 telephone subscriber information.

- Details: A [FULL/PRELIMINARY] [INTERNATIONAL TERRORISM/FOREIGN COUNTERINTELLIGENCE] investigation of subject, a [U.S. PERSON/NON-USPER], was authorized in accordance with Attorney General Guidelines because [Give a full explanation of the justification for opening and maintaining the investigation on the subject; barebones facts will not suffice and will cause the request to be rejected for legal insufficiency]. This telephone subscriber information is being requested to [Fully state the relevance of the requested records to the investigation].
  - 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] telephone number(s) from [telephone company #1]; the [NUMBER OF] telephone number(s) from [telephone company #2], etc.
    - (U) Arrangements should be made with the wire communications 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. wire communications service provider should neither send the

(U) To: [DELIVERING DIVISION]

Re: [CASE FILE NUMBER, 00/00/2006]

records through routine mail service nor utilize the name of the subject of the request in any telephone calls to the FBI.

#### 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 do 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 a wire communication service provider may be disseminated in accordance with the Attorney General Guidelines on National Security Investigations and Foreign Intelligence Collection and, and, with respect to dissemination to an agency of the United States, only if such

SECRET



(U) — To: [DELIVERING DIVISION] From: [DRAFTING DIVISION] Reference [CASE FILE NUMBER, 00/00/2006]

information is clearly relevant to the authorized responsibilities of such agency.

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



# SECRET

(U) To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]

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 - if using peresonal service]

# AT [CITY, STATE]

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

++



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HEREIN IS UNCLASSIFIED EXCEPT

(01/26/1998) WHERE SHOWN OTHERWISE



DATE: 12-05-2007

CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

## 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)

Title:

[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 toll billing records; provides reporting data; and, if necessary, transmits the NSL for delivery to the wire communications service provider.



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

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

(U) [FULL/PRELIMINARY] Investigation Instituted: [00/00/2006]

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

Enclosures: (U) Enclosed for [DELIVERING DIVISION or OFFICE OF ORIGIN, depending on whether service is personal or through 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, length of service and local and long distance toll billing records for the phone number(s) listed.

Details: A [FULL/PRELIMINARY] [INTERNATIONAL TERRORISM/FOREIGN COUNTERINTELLIGENCE] investigation of 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 the investigation on the subject; barebones facts will not suffice and will cause the request to be rejected for legal insufficiency]. These toll billing records are being requested to [Fully state the relevance of the requested records to the investigation].

This electronic communication documents the [APPROVING OFFICIAL's] approval and certification of the enclosed NSL. For mandatory reporting purposes, the enclosed NSL seeks lical and long distance toll billing records for [NUMBER OF] telephone number(s) from [telephone company #1]; [NUMBER OF] telephone number(s) from [telephone company #2], etc. [In the case of multiple phone numbers to the same telephone company, if you know how many different persons attach to those phone numbers, please state. If request is for person(s) other than the subject of the investigation or in addition to the subject of the investigation, please state USP status of those persons. In other words, do your best to give as much information as you can, for congressional reporting purposes.]



(U)

Re: [DELIVERING DIVISION]

Re: [CASE FILE NUMBER, 00/00/2006]

[CASE FILE NUMBER, 00/00/2006]

(U) Arrangements should be made with the wire communications 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 wire communications 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.

#### DISCLOSURE PROVISIONS

[Sertification 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 do not warrant activation of the nondisclosure requirements under the applicable National Security Letter statute.

[Include the next 2 paragraphs in all ECs.]



:من (۱۱) [DELIVERING DIVISION] From: [DRAFTING DIVISION] Re: [CASE FILE NUMBER, 00/00/2006]

- (U) Information received from a wire communication 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.
- (U) Any questions regarding the above can be directed to [CASE AGENT, telephone number (000) 000-0000].

 $(\mathbf{U})$  .

Eram: [DELIVERING DIVISION] From: [DRAFTING DIVISION]

Re: YM [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 - if using personal service]

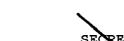
## [AT [CITY, STATE]

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

\*\*

SECRET

(Rev. 08-28-2000)



DATE: 12-05-2007

CLASSIFIED BY 65179 DMH/KSR/cb

REASON: 1.4 (c)

DECLASSIFY ON: 12-05-2032

## 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: INITIALS]

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

|| Title: SUBJECT|

[AKA [ALIAS] (IF APPLICABLE) [FCI/IT - FOREIGN POWER]

[OO: OFFICE OF ORIGIN]

**Synopsis:** (U) Approves the issuance of an ECPA National Security Letter (NSL) for electronic communications transactional records; provides reporting data; and, if necessary, transmits the NSL for delivery to the electronic communications service provider.





[DRAFTING DIVISION]

(U) [DELIVERING DIVISION] From:
[CASE FILE NUMBER, 00/00/2006]

Declassify On: [10 Years from date of EC]

[FULL/PRELIMINARY] Investigation Instituted:

(U) Reference: [CASE FILE NUMBER SERIAL XXX]

Enclosure(s): (U) Enclosed for [DELIVERING DIVISION or OFFICE OF ORIGIN, depending on whether service is personal or through 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 names, addresses, lengths of service, and electronic transactional records for the [e-mail/IP]  $\{ igcup_i \}$  address holder(s) listed.

Details: () A [FULL/PRELIMINARY] [FOREIGN COUNTERINTELLIGENCE/ INTERNATIONAL TERRORISM] investigation of subject, a [U.S. PERSON/NON-U.S. PERSON], was authorized in accordance with the Attriney General Guidelines because [Give a full explanation of the justification for opening and maintaining the investigation on the subject. Barebones facts will not suffice and will cause the request to be rejected for legal insufficiency]. These electronic communications transactional records are being requested to [Fully state the relevance of the requested records to the investigation].

 $(\mathbf{U})$ 

This electronic communication documents the [APPROVING OFFICIAL's√ acproval and certification of the enclosed NSL. For mandatory reporting purposes, the enclosed NSL seeks electronic communication transactional records on [NUMBER OF] [e-mail/IP address(es)] from [ISP #1]; [NUMBER OF] [e-mail/IP address(es)] from [ISP #2], etc. [In the case of multiple addresses to the same ISP, if you know how many different persons attach to those addresses, please state. If request is for person(s) other than the subject of the investigation or in addition to the subject of the investigation, please state USP status of those persons. In other words, do your best to give as much information as you can, for congressional reporting purposes.]

(U) Arrangements should be made with the electronic communications 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 communications 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: [DELIVERING DIVISION] From: [DRAFTING DIVISION]

Re: [CASE FILE NUMBER, 00/00/2006]

[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.]

#### DISCLOSURE PROVISIONS

#### [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 do not warrant activation of the nundisclosure 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 for FBI National Security Investigations and Foreign Intelligence Collection, and, with respect to dissemination th an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.
- (U) Any questions regarding the above can be directed to [CASE AGENT, telephone number (000) 000-0000].



(U) [DELIVERING DIVISION]

From: [CASE FILE NUMBER, 00/00/2006]

[DRAFTING DIVISION]

LEAD(s):

Set Lead 1: (Action)

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)

[COUNERTERRORISM/COUNTERINTELLIGENCE/CYBER]

AT WASHINGTON, DC

(U) At [Unit] Read and Clear.

Set Lead 3: (Action)

[DELIVERING DIVISION - if using personal service]

[AT CITY, STATE]

(U) Deliver the attached NST as indicated above. Upon receipt of information from the electronic communication service provider, [DELIVERING DIVISION] is requested to submit results to [DRAFTING DIVISION] and [OFFICE OF ORIGIN, if applicable].

