

(01/26/1998)

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FEDERAL BUREAU OF INVESTIGATION

#1082884

Precedence: ROUTINE

Date: 05/11/05

To: Director's Office
Counterintelligence

Attn: OPR
Attn: AD

From: General Counsel
National Security Law Branch/Rm. 7975

Contact: [Redacted]

Approved By: Thomas Julie F

[Redacted]

Drafted By:

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

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
(IOR) MATTER 2005-[Redacted] b2

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of General Counsel (OGC) that the above referenced matter must be reported to the IOE and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOE. Our analysis follows.

(U) ~~(S)~~ **Derived from :** G-3
Declassify on: 25X-1

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 794

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

~~SECRET~~

(U) To: Counterintelligence From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/11/05

Details: (S) By electronic communication (EC) April 4, 2005, (cited below)¹, the Counterintelligence Division ("CD") reported a possible IOB error in conjunction with its [redacted]

(S) [redacted] In this regard, [redacted] reported that, on June 10, 2004, the United States Foreign Intelligence Surveillance Court (FISC) authorized electronic surveillance [redacted]

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(S) [redacted]

The original authorization was based, in part, on the results of a National Security Letter to [redacted] which verified that as of [redacted]

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(S) [redacted]

Subsequent electronic surveillance of the number confirmed that [redacted] was the user, and on October 3, 2004, it was learned that [redacted]

(S) [redacted]

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(S) Because electronic surveillance for the cellular telephone number was [redacted]

[redacted]

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Activity on the cellular telephone number resumed on [redacted] the activity

(S) [redacted] could not discern [redacted] due to the vague and minimal content of the calls. On December 17, 2004, at the request of the FBI, [redacted] advised that [redacted] was not the

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(S) current subscriber of cellular telephone number [redacted]

¹ (U) See EC from the Counterintelligence Division to the General Counsel, dated 04/04/05 Case ID# 278-HQ-C1229736-VIO Serial 794, titled "Intelligence Oversight Board Matter."

~~SECRET~~

To: Counterintelligence From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/11/05

On December 17, 2004, electronic surveillance of this cellular telephone was discontinued at 10:55 a.m. EST.

CD is providing OIPR [redacted]

(S)

[redacted]

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[redacted]

[redacted] retained by the FBI
[redacted] the original in the field. [redacted]

[redacted] is being provided to OIPR.

(U)

~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the surveillance error described here is a matter which must be reported to the IOB. It is.

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." In this instance, the FISA collection on telephone number [redacted] was done without the authorization required by law. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB, which this Office will do.

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Lead(s) :

Set Lead 1: (Action)

DIRECTOR'S OFFICE

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~~SECRET~~

(U) To: Counterintelligence From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/11/05

AT GPR, FO, DC

(U) For review and action deemed appropriate.

Set Lead 2: (Action)

COUNTERINTELLIGENCE DIVISION

AT WASHINGTON, DC

(U) CD-3A is requested to ensure that [redacted] CD's EC 278-HQ-C12229736-VIO, Serial 794, has been submitted to the Office of Intelligence Policy and Review, Department of Justice.

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- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - [redacted]
- 1 - NSLE IOE Library

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
COUNTERINTELLIGENCE DIVISION
IOB MATTER 2005 [REDACTED] (U)

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(U)

~~(S)~~ The Counterintelligence Division ("CD") of the Federal Bureau of Investigation ("FBI") has reported an electronic surveillance error in conjunction with that division's

(S)

[REDACTED]

(S)

In this regard, on June 10, 2004, the United States Foreign Intelligence Surveillance Court authorized electronic surveillance on several telephone numbers, including cellular telephone number [REDACTED]

(S)

[REDACTED] Subsequent investigation revealed that this cellular telephone number was not being utilized [REDACTED] On December 17, 2004, electronic surveillance of this number was discontinued at 10:55 a.m. CD is providing the Office of Intelligence Policy and Review ("OIPR"), Department of Justice [REDACTED]

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(S)

[REDACTED]

(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

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

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(01/26/1998)

DATE: 11-27-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 11-27-2032

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 1/06/06

To: Director's Office

Attn: OPR

[Redacted]

Attn: CDC

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From: General Counsel

National Security Law Branch/Rm. 7975

Contact: [Redacted]

Approved By: Thomas Julie F

[Redacted]

Drafted By:

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

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
b2 (IOB) MATTER 2006 [Redacted]

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of General Counsel (OGC) that the above referenced matter must be reported to the IOB and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

(U) ~~(S)~~ **Derived from:** ~~G-3~~
Declassify on: ~~25X-1~~

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 794

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

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 1/06/06

Details: ~~(S)~~ By electronic communication (EC) October 5, 2005, (cited below)¹, [redacted] reported a possible IOB error [redacted]

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[redacted]

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(S)

[redacted] In June 2005, the case agent asked the Investigative Support Specialist (IIS) to create National Security Letters (NSLs) for two telephone numbers that belonged to the subject of the above-referenced matter.

The case agent provided the IIS with two telephone numbers: one number was correct and no problems arose with respect to that telephone number. The second number was incorrect--the telephone number provided by the case agent was [redacted] when in fact, the correct number was [redacted]

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In September 2005, the case agent received the results of the NSL and made an immediate working copy of the information and placed the original in a 1A envelope and submitted it to the file. No information from the original NSL was uploaded.

On 10/03/05, the case agent started working with the working copy and discovered that the name of the subscriber was not the name of the subject of the above-referenced matter. The case agent checked in ACS to ascertain what telephone number was listed on the NSL and realized it was an incorrect number. The case agent then contacted his supervisor and he and the supervisor then contacted the Chief Division Counsel.

No personal or identifying information on the incorrect number was uploaded into ACS from the NSL return. Additionally, no subscriber information was added to the telephone applications. No ACS checks, [redacted] [redacted] data base checks were run on the

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¹ (U) See EC from [redacted] to the General Counsel, dated 10/05/05 Case ID# 278-HQ-C1229736-VIO Serial 1050, titled "Possible Intelligence Oversight Board Matter."

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 1/06/06

information. No open source or internet checks were done, either. The original NSL, as well as the responsive information which consisted of subscriber information and toll records, was turned over to the Chief Division Counsel and is secured in his safe.

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the collection error described here is a matter which must be reported to the IOB. It is.

(S)

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." In this instance, the collection on telephone number [redacted] pursuant to the NSL was done without the authorization required by law. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB, which this Office will do.

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Lead(s) :

Set Lead 1: (Action)

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[redacted]

(U) Coordinate with FBIHQ, the Counterintelligence Division, to ensure that all information collected pursuant to the NSL is sequestered, sealed and delivered to the Counterintelligence Division for submission to the Office of Intelligence Policy and Review, Department of Justice, for destruction.

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 1/06/06

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For appropriate action.

Set Lead 3: (Info)

Counterintelligence

AT WASHINGTON, D.C.

(U) For information only.

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- 1 - Ms. Thomas
- 1 - [redacted] (Acting UC)
- 1 - [redacted]
- 1 - NSLE IOE Library

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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

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(S) The [redacted] Field Office [redacted] of the Federal Bureau of Investigation ("FBI") has reported an error in conjunction with that division's [redacted] investigation of a United States person. In this regard, two National Security Letters (NSL) were created for two telephone numbers. One telephone number-- [redacted] was incorrect; the correct number was, in fact, [redacted]. Subscriber information and toll records were collected for the incorrect number pursuant to the NSL. When [redacted] realized its error, it secured the records produced for the incorrect number in the safe of [redacted] Chief Division Counsel. [redacted] will provide these records to the Office of Intelligence Policy and Review ("OIPR"), Department of Justice.

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(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

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

~~SECRET~~

(01/26/1998)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 11-27-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 11-27-2032

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/24/06

To: Director's Office
Inspection

Attn: [redacted] IIS
Attn: CDC

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

Approved By: Thomas Julie F

Drafted By:

[redacted]

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

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

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Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above-referenced matter must be reported to the IOE and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOE. Our analysis follows.

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

Reference: ~~(S)~~ 278-HQ-C1229736

(U) Details: ~~(S)~~ As noted in the electronic communication (EC), this matter has arisen as a result of a National Security Letter (NSL) issued by Baltimore in a full field counterintelligence investigation.

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NSL VIO-34037

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b7E To: [redacted] From: General Counsel
Re: ~~(S)~~ 279-HQ-C1229736, 3/22/2006

b2 (U) ~~(S)~~ As part of this investigation, an NSL was sent to
b7E the [redacted] Field Office [redacted] on February 16, 2005, to
b1 deliver to [redacted] "for the name, address, length of
b4 service, and electronic communication transactional records, to
b7D include existing transaction/activity logs and all email header
(S) information (not to include message content and/or subject
fields) for email address holder: [redacted]
[redacted]

(U) ~~(S)~~ On April 1, 2005, [redacted] forwarded the results to FBI
[redacted] which were placed into [redacted]
b2 (S) When they arrived in [redacted] the case agent quickly reviewed
b7E the documents and did not see header information for the
b1 requested subject's email address. The agent did not fully
understand at that time that **no** information regarding the
subject's email address had been included in the documents.

(U) ~~(S)~~ In October of the same year, the case agent
requested the assistance of another agent who had been assigned
b2 to a [redacted] to assist in reviewing the records to
b7E determine what information the documents had provided. Upon
b1 review, it was discovered that the documents provided no
information for [redacted] but rather provided billing and
(S) other company records for [redacted]

(U) ~~(S)~~ The matter was referred to the CDC, who advised
(U) that it should be directed to FBIHQ, and that the documents in
question should be sealed.

(U) ~~(S)~~ On October 26, 2006, the documents were sealed and
placed in the file pending further instructions.

~~(S)~~ As required by Executive Order (E.O.) 12863 and
Section 2-56 of the National Foreign Intelligence Program Manual
(NFIPM), OGC was tasked to determine whether the erroneous
b7D production by [redacted] of records unrelated to the
b4 subject but pertaining to [redacted] is a matter which
b1 must be reported to the IOB. It is.

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(U)

To: [redacted] From: General Counsel
Re: (S) 279-HQ-C1229736, 3/22/2006

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~~(S)~~ Section 2.4 of E.O. 12863, dated 9/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential directive." In this instance, the erroneous production by Network Solutions of records unrelated to the subject, but ~~(S)~~ pertaining to [redacted] was done without the authorization required by law. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NEIPM, the error must be reported to the IOB, which this Office will do.

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Set Lead 1: (Action)

[redacted]

AT [redacted]

Return sealed documents to [redacted]

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Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB Library

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

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(U) (S) The [REDACTED] Field Office of the Federal Bureau of Investigation has reported an error in conjunction with a response to a National Security Letter (NSL) to [REDACTED] [REDACTED] pursuant to the NSL, did not provide records which were related to the subject's email address, as requested, but rather, erroneously provided records pertaining to the domain.

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(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

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

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(01/26/1998)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/10/06

To: Director's Office

Attn: OPR

[Redacted]

Attn: CDC

From: General Counsel

National Security Affairs/Room 7974

Contact: Julie F. Thomas

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Approved By: Thomas Julie F.

[Redacted]

Drafted By:

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-1113

(b2)

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

(U)

Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above-referenced matter must be reported to the IOE and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOE. Our analysis follows.

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

(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO-1113

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(U)

Details: ~~(S)~~ As noted in the electronic communication (EC), this matter has arisen as a result of an investigation titled

[Redacted]

As part of this investigation, a National Security Letter (NSL) was issued by

[Redacted] to [Redacted]

[Redacted] This NSL sought

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~~SECRET~~

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(U) To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO-1113, 2/10/2006

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(S) [redacted] subscriber and toll records for telephone number [redacted] served the NSL and, via an EC dated 12/30/2005, returned to [redacted] a package of material provided by [redacted]. Included in the EC from [redacted] was the name and address of the subscriber to this telephone number.

(U) ~~(S)~~ When the case agent received the material, he noted that the telephone number subscriber was unknown to him. He checked the telephone number of the subject and determined that the telephone number had been erroneously transposed when the NSL was drawn up from his request: the correct telephone number on his request was [redacted].

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(S) (U) ~~(S)~~ The package of material from [redacted] received from [redacted] has not been opened and will be stored in a secure location pursuant to instructions given in an email of AGC [redacted] to all CDCs dated 11/22/2005.¹

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(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIEM), OGC was tasked to determine whether the production of documents by [redacted] pursuant to the erroneous telephone number in the NSL drawn up by [redacted] and served by [redacted] is a matter which must be reported to the IOB. It is.

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(U) ~~(S)~~ Section 2.4 of E.O. 12863, dated 9/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential directive." In this instance, the production of subscriber and toll records by [redacted] of an erroneous subscriber telephone number was done without the authorization required by law. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIEM, the error must be reported to the IOB, which this Office will do.

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¹This email instructed the CDCs in Field Offices to seal and sequester information improperly received from a carrier pursuant to an NSL

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To: [redacted] From: General Counsel
Re: ~~(U)~~ 278-HQ-C1229736-VIO-1113, 2/10/2006

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(U)

Set Lead 1: (Action)

[redacted]

AT

[redacted]

Return sealed documents to

[redacted]

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Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

- 1 - Ms. Thomas
- 1 - [redacted] (Acting UC)
- 1 - [redacted]
- 1 - IOE Library

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(01/26/1998)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/06/06

To: Director's Office

Attn: OPR

[Redacted]

Attn: CDC

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

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Approved By: Thomas Julie F.

[Redacted]

Drafted By:

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

(U) Title: b2 ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2006 [Redacted]

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above-referenced matter must be reported to the IOE and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOE. Our analysis follows.

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

Reference: ~~(S)~~ 278-HQ-C1229736-VIO-578

(U) Details: ~~(S)~~ As noted in the electronic communication (EC), this matter has arisen as a result of a National Security Letter (NSL) issued by [Redacted]

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[Redacted]

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To: [redacted] From: General Counsel
Re: ~~(S)~~ 279-HQ-C1229736-VIO-578, 10/7/2005

(U)

~~(S)~~ As part of this investigation, an NSL dated 6/23/05 was issued to [redacted] for financial records pertaining to the subject. The NSL was transmitted by EC to [redacted] for service. By EC dated 8/02/05, [redacted] transmitted the results of the NSL received from [redacted] to [redacted]

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(U)

~~(S)~~ The case agent began reviewing the documents and in December noticed that [redacted] had provided two documents which were unrelated to the subject of the NSL: one is [redacted] Letter of Authorization for [redacted] the second is a letter from an individual who appears to be [redacted] customer requesting that [redacted] noted in the first document. The case agent assumed that this customer was a United States person. He made no use of these documents; nothing from them has been uploaded into any database or stored in any file. The case agent informed the Chief Division Counsel(CDC), who requested that the agent forward the documents to him. The CDC has secured these documents pursuant to instructions given by AGC [redacted] in an email to all CDCs dated 11/22/05.¹ [redacted] notes that there is nothing in the NSL which should have led [redacted] to produce those two documents.

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(U)

~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIEM), OGC was tasked to determine whether the erroneous production by [redacted] of two documents unrelated to the subject of the NSL is a matter which must be reported to the IOE. It is.

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(U)

~~(S)~~ Section 2.4 of E.O. 12863, dated 9/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOE all information "concerning

¹ This email instructed the CDCs in Field Offices to seal and sequester information improperly received from a carrier pursuant to an NSL.

(U)

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO-578, 10/7/2005

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intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential directive." In this instance, the erroneous production by [redacted] of two documents concerning an individual who is most probably a United States person was done without the authorization required by law. Consequently, in accordance with E.O. 12963 and Section 2-56 of the NEIEM, the error must be reported to the ICB, which this Office will do.

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Set Lead 1: (Action)

[redacted]

AT

[redacted]

Return sealed documents to

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Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

- 1 - Ms. Thomas
- 1 - [redacted] (Acting UC)
- 1 - [redacted]
- 1 - IOE Library

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~~SECRET~~

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

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(S)

~~(S)~~ The [redacted] Field Office of the Federal Bureau
of Investigation has reported an error in conjunction with that
division's [redacted] In this regard,
in response to a National Security Letter (NSL) to [redacted]
[redacted] erroneously provided two documents which were
unrelated to the subject of the NSL, which were associated with a
[redacted] customer who is probably a United States person.

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(U) This matter has been reported to the FBI's Office
of Professional Responsibility for appropriate action.

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

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 11-27-2007
CLASSIFIED BY: 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 11-27-2032

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2
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[redacted] FIELD OFFICE

(U) IOB MATTER 2006- [redacted] (S)

(S)

~~(S)~~ The [redacted] Field Office of the Federal Bureau of Investigation has reported an error in conjunction with that division's [redacted] In this regard, a telephone number in an NSL to [redacted] was erroneously transposed, and [redacted] produced subscriber and toll records for a customer who was not the subject of the NSL.

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(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

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

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(01/26/1998)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/27/06

To: Director's Office

Attn: OPR



Attn: CDC

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

Approved By: Thomas Julie F



Drafted By:

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-1159

(U) Title ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2006-

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above-referenced matter must be reported to the IOE and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOE. Our analysis follows.

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO-1159

(U) Details: ~~(S)~~ As noted in the electronic communication (EC), this matter has arisen as a result of a National Security Letter (NSL) issued by

(S)



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(U)

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO-1159, 2/14/2006

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~~(S)~~ As part of this investigation, an NSL dated 1/9/2006 was issued to [redacted] [redacted] for financial records pertaining to the subject. [redacted] was provided with the full legal name of the subject, his date of birth, social security number and address.

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(U)

~~(S)~~ Upon reviewing the documents provided by [redacted] in response to the NSL, [redacted] learned that the material provided by [redacted] was that of a completely different individual, bearing the same name. This unrelated person may be a United States person.

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~~(S)~~ No data regarding the financial records received in error was uploaded into FBI indices nor any other investigative database. The Chief Division Counsel has sealed these documents and will maintain them. [redacted] will be notified of their error.

(U)

~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIEM), OGC was tasked to determine whether the erroneous production by [redacted] of financial records unrelated to the subject of the NSL is a matter which must be reported to the IOB. It is.

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~~(S)~~ Section 2.4 of E.O. 12863, dated 9/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential directive." In this instance, the erroneous production by [redacted] of financial records concerning an individual who may be a United States person, was done without the authorization required by law. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIEM, the error must be reported to the IOB, which this Office will do.

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(U)
To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1029736-VIO-1159, 2/14/2006

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Set Lead 1: (Action)

[redacted]

AT [redacted]

Return sealed documents to [redacted]

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Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

- 1 - Ms. Thomas
- 1 - [redacted] (Acting UC)
- 1 - [redacted]
- 1 - IOE Library

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#1082884

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

(U) [redacted] FIELD OFFICE
IOB MATTER 2006 [redacted] ~~(S)~~

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(S)

~~(S)~~ [redacted] Field Office of the Federal Bureau of
Investigation has reported an error in conjunction with that
division's [redacted] In this
regard, in response to a National Security Letter (NSL) to [redacted]
[redacted] erroneously provided financial records which were
unrelated to the subject of the NSL, which were associated with a
[redacted] customer who may be a United States person.

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(U) This matter has been reported to the FBI's Office
of Professional Responsibility for appropriate action.

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

~~SECRET~~