

[Redacted]

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[Large Redacted Area]

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NSL VIO-30917

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/12/2006

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To: [Redacted]

Attr: [Redacted]

Counterintelligence

Attr: SSA [Redacted] C3IU-1

Inspection Division

Attr: IIS, CRS [Redacted]

From: Office of the General Counsel

NSL/CILU/Room 7947

Contact: AGC [Redacted] 202-324 [Redacted]

Approved By: Thomas Julie F [Redacted]

Drafted By: [Redacted]

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

b2

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

(U) Synopsis: ~~(S)~~ The [Redacted] Office [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

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

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from: the EC dated 10/25/2006 from [Redacted] to OGC reporting a potential IOB matter.

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

(U)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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DATE: 12-03-2007
CLASSIFIED BY 65179 DHM/KSR/TE
REASON: 1.4 (c)
DECLASSIFY ON: 12-03-2032

NSL VIO-30918

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 12/12/2006

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b7E J) Details: ~~(S)~~ By EC dated 10/25/2006, [redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB.

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~~(S)~~ During the investigation, [redacted] issued an NSL to [redacted]

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b7A) requesting names, addresses, length of service and electronic communications transactional records, to include existing transaction/activity logs and all electronic mail (e-mail) header information (excluding content and/or subject fields) for the following IP addresses: [redacted]
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b7D [redacted]

(U) ~~(S)~~ The [redacted] NSL was approved and signed on 05/22/2006, then transmitted to [redacted] Division, [redacted] [redacted] On 06/12/2006, [redacted] delivered the NSL to [redacted] On 06/20/2006, [redacted] provided the FBI with a response on CD-ROM. During the week of July 10, 2006, SA [redacted] reviewed the CD from [redacted] and noticed that they had forgotten to complete the section relating to additional email addresses. During the week of 07/17/2006, SA [redacted] called [redacted] directly and notified them of the missing data. [redacted] told SA [redacted] that they had inadvertently forgot to put [redacted] in the email addresses and would prepare another CD-rom for [redacted]

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b7D U) ~~(S)~~ Due to numerous delays, including the [redacted] [redacted] finally provided a second CD-ROM to [redacted] which was provided to [redacted] along with an EC dated 09/25/2006. SA [redacted] first reviewed the second CD-rom on 10/25/2006 and discovered that, in addition to the requested email addresses, [redacted] provided a ZIP file that contained some e-mail content. This content was not requested by SA [redacted] nor authorized by the NSL. Upon discovering [redacted] error, SA [redacted] returned the second CD-ROM NSL response to its envelope and ceased his analysis of the material. SA [redacted] then reported the matter to [redacted] SSA [redacted] who then sealed the envelope containing the second CD-ROM and placed it in the safe in the [redacted] SSA office.

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To: [REDACTED] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10, 12/12/2006

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community 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 E.O. 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 Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the FBI OGC, but are not reportable to the IOB.

(U) In the instant case the collection of information by the FBI was not the fault of [REDACTED]. Once the case agent discovered that he had received information beyond the scope of the NSL request, the case agent immediately sequestered the information, placed the information in a secure safe and reported the matter to OGC.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-01229736-VIO, 12/12/2006

LEAD(s):

Set Lead 1: (Information)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

AT

[redacted]

(U) For action deemed appropriate.

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cc: 1- Ms. Thomas

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[redacted]

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1- IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/05/2007

To: [redacted]

Attr: IIS [redacted]
A/CDC [redacted]

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Counterintelligence

Attr: CD-2

Inspection

Attr: IIS, CRS [redacted]

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

Contact: AGC [redacted] 202-324-[redacted]

Approved By: Thomas Julie F
[redacted]

Drafted By:

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2037 (Pending)

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

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.

(U) ~~Derived From : G-3
Declassify On: 02/05/2032~~

b2 (U) Administrative: ~~(S)~~ This electronic communication (EC) contains
b7E information from the EC dated 01/04/2007 from the [redacted]
Office [redacted] to OGC reporting a potential IOB matter.

b1 Reference: (S) ~~(U)~~ [redacted]

(U) Details: ~~(S)~~ By EC dated 01/04/2007, [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 12-03-2007
CLASSIFIED BY 65179 DHM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 12-03-2032

SECRET

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/05/2007

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[redacted] On 11/30/2006, [redacted] drafted an NSL pursuant to 18 U.S.C. § 2709 seeking subscriber information for a telephone number that was believed to be used by subject. The NSL was sent to [redacted] via Federal Express on 12/15/2006.

(U)

~~(S)~~ On 12/26/2006, [redacted] received the requested subscriber information along with a disk containing [redacted] toll records pertaining to the requested number. The disk containing the toll records was immediately turned over to the Acting Chief Division Counsel for sequestration.

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

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in

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b2 To: [REDACTED] From: Office of the General Counsel
b7E Re: 278-HQ-C1229736-VIO, 02/05/2007

nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the FBI OGC, but are not reportable to the IOB.

b2 (U) In the instant case the collection of toll record
b7E information was not the fault of [REDACTED]. Once it was discovered that the information was beyond the scope of the NSL request, the information was immediately sequestered and the matter was reported to OGC.

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

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/05/2007

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

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[REDACTED]
AT [REDACTED]

(U) If deemed relevant to the investigation, [REDACTED] should submit the appropriate NSL requesting the toll records or return the disk to [REDACTED]. If the information is not relevant or [REDACTED] does not seek their return, then the disk should be destroyed with appropriate documentation placed in the file.

cc: Ms. Thomas

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[REDACTED]
IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 03/22/2007

To:

[Redacted]

Attn: SAC
ASAC
SSA
SA
SA
CDC

[Redacted]

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Counterintelligence
Inspection

Attn: CD-1

Attn: IIS, CRS

[Redacted]

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

Contact: AGC

[Redacted]

Approved By: Thomas Julie F

[Redacted]

Drafted By:

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

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

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(U) Synopsis: ~~(S)~~ The [Redacted] Field Office [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this electronic communication (EC) should be maintained in the control file for periodic review by Counsel to the IOB.

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(U) ~~Derived From : G-3~~
~~Declassify On: 03/21/2032~~

(U) Administrative: ~~(S)~~ This EC contains information from the EC dated 2/21/2007 from [Redacted] to OGC reporting a potential IOB matter, a phone conversation between author and SSA [Redacted] on 3/13/2007 and an email dated 3/15/2007 from SA [Redacted]

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(S) Reference: ~~(S)~~ [Redacted]

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 12-03-2007
CLASSIFIED BY 65179 DHM/KSR/JB
REASON: 1.4 (c)
DECLASSIFY ON: 12-03-2032

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 03/22/2007

(S) ~~(S)~~ Details: ~~(S)~~ By EC dated 2/21/2007, [redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB. [redacted] initiated a counterintelligence investigation on [redacted] a non-U.S. person. As part of its investigation, [redacted] sought transactional information pursuant to 18 U.S.C. §2709 for telephone number [redacted] which [redacted] had reason to believe was used by [redacted]. A National Security Letter (NSL) was prepared by [redacted] and served on [redacted] via NSL dated 5/17/2004. The NSL requested the "name, address, length of service, and local and long distance toll billing records associated with . . . [redacted]" (emphasis added)

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(U) ~~(U)~~ Upon review of the documents provided to [redacted] in July 2004, it was learned that the information [redacted] provided, pursuant to the NSL, included information concerning an associated telephone number. [redacted] reported that they did not upload nor analyze the results for the associated number because the association alone was the immediate intelligence value and thus there was no further reason to upload the information at that time.

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(U) ~~(U)~~ The association was the fact that both numbers were subscribed to by the same individual. Thereafter, since the associated number was provided in the same report as the requested number, the entire report was placed in the file. [redacted] determination at the time was that since the additional number was clearly "associated" with the requested number, the acquisition of this information was entirely lawful and therefore no further action was necessary (i.e. reporting or sequestering).²

(U) ~~(U)~~ Thereafter, the Department of Justice Office of the Inspector General (OIG) conducted an NSL audit [redacted] [redacted] The audit called into question the acquisition of the associated number. At that time, [redacted] discussed

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¹It should be noted that this submission was at the request of OGC in response to the OIG report on the FBI's use of national security letters wherein they reference 22 instances where they thought a potential IOB submission was in order. As discussed infra, [redacted] was not otherwise required to submit a potential IOB EC to OGC.

²Since that time, on 3/13/2007, author advised [redacted] to sequester the records, out of an abundance of caution.

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 03/22/2007

this with the OIG "during which it was agreed that the second telephone number was associated with the subject telephone number."³

(U) The plain language and legislative history of §2709 supports the position that the FBI is permitted to acquire information on associated numbers attributable to the same account. The plain language of §2709 allows the FBI to "request . . . toll billing records of a person." (emphasis added) Thereby allowing the FBI to acquire the records for all numbers subscribed to by the "person." Additionally, the legislative history of §2709 defines "toll billing records" and states:

As used in this section, toll billing records consist of information maintained by a wire or electronic communication service provider identifying the telephone numbers called from a particular phone or attributable to a particular account for which a communication service provider might charge a service fee. H.R. REP. 103-46, 1993 U.S.C.C.A.N. 1913. (emphasis added)

(U) Read together, §2709 and its legislative history clearly contemplate the acquisition of "associated" numbers. The use of the word "person" by Congress in section 2709 indicates that it did not seek to limit the acquisition of records to a particular number. The legislative history itself supports this interpretation by defining "toll billing records" as numbers called "from a particular phone" or "attributable to a particular account." Thus, Congress seemingly contemplated that a single subscriber ("person") might have multiple numbers in his/her name.

(S) Here, [redacted] had reason to believe that [redacted] was used by the subject of an open investigation, thereby making the number relevant to said investigation as required by statute. As a result, [redacted] issued an NSL requesting the "name, address, length of service, and local and long distance toll billing records associated with . . ." [redacted] (emphasis added) In response, Cingular provided [redacted] [redacted] with the subscriber name and toll records for [redacted]

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³EC from [redacted] to General Counsel dated 2/21/2007 [redacted]

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To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 03/12/2007

[REDACTED] as well as the toll records for the other number subscribed to by the subscriber (i.e. the "associated" number).

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(U) To prohibit the acquisition of this information would not only contravene the plain language and legislative history of §2709, but would also impede investigations by limiting the information that can be lawfully obtained.

(U) Although the attachment was not provided in this case it is nonetheless instructive on the point of whether [REDACTED] should have reported this as a potential ICB. The attachment lists several items that can be considered "toll billing records" to include:

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All telephone numbers associated with the targeted account or account-holder in this letter, to include any and all of the above information [the toll billing records] for any secondary or additional telephone numbers identified by you as belonging to the targeted account or account-holder.

(U) This attachment language mirrors the types of records contemplated by Congress and otherwise comports with the mandates of §2709.

(U) ~~(U)~~ Moreover, although released after the acquisition of information in this case, the official OGC IOF guidance released on 11/16/2006 is instructive. This guidance does not require reporting in the situation at hand and states in relevant part ". . . conduct that must be reported as potential ICB violations" include situations where, "[A] carrier providing information beyond the scope of the FISC order or other relevant legal authority resulting in the unintentional acquisition of data." This, however, is inapposite to the situation at hand. Here, as discussed above, the associated number was not "beyond the scope of the . . . relevant legal authority," nor did it result in the "unintentional acquisition of data," because the NSL expressly requested "associated" records. Therefore, there was neither a carrier error nor an unlawful request.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOE "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 E.O. 12334, dated 12/04/1981,

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To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-V10, 03/12/2007

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 Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ In the instant case, the collection of information in July 2004 by the FBI was lawful. The plain language of §2709 and the accompanying legislative history allow for the acquisition of records for multiple numbers attributable to the same account. Here, both the requested number and the associated number were attributed to the same account and were relevant to an ongoing investigation. In fact, [REDACTED] had open investigations on all three individuals (the user of the requested number, the user of the associated number, and the subscriber).

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(U) ~~(S)~~ Therefore, the acquisition of toll records for the associated number was entirely lawful and did not require reporting to OGC and subsequently does not need to be reported to the IOB.

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/22/2007

LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT [redacted]

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(X) The records received pursuant to the 5/17/2004 NSL request pertaining to [redacted] and the associated number, do not require further sequestration and can be analyzed and uploaded as appropriate per logical investigation.

(U) In addition, [redacted] is advised to include the attachment (found on the OGC/NSLB website) along with every NSL sent to each carrier.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

cc: 1- Ms. Thomas
1- [redacted]
1- [redacted]
1- IOE Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/21/2007

To:

[Redacted]

Attr: SSA
SA
CDC

[Redacted]

Counterintelligence

Attr: CD-4

Inspection Division

Attr: IIS, CRS

[Redacted]

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

Contact: AGC [Redacted] 202-324-[Redacted]

Approved By: Thomas Julie F.

[Redacted]

Drafted By:

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

(S) 62F [Redacted] A89455-IOB

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

(U)

Synopsis: (S) The [Redacted] Field Office [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

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~~Derived From : G S
Declassify On: 2/21/2032~~

(U) Administrative: (S) This electronic communication (EC) contains information from: the EC dated 2/01/2007 from [Redacted] to OGC reporting a potential IOB matter.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 12-03-2007
CLASSIFIED BY 65179 DDM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 12-03-2032

NSL VIO-30957

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 2/21/2007

Details: ~~(S)~~ By EC dated 2/01/2007, [redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB. [redacted]

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[redacted] As part of its investigation, [redacted] sought transactional information for an email account relevant to the ongoing investigation. A National Security Letter (NSL) was prepared by [redacted] and served on [redacted]. The NSL requested only transactional information for the relevant email account. The NSL results were provided to [redacted] in an email by the [redacted] Division on 1/11/2007, with the CD-ROM to be sent later.

(U) ~~(S)~~ On 1/16/2007, the [redacted] case agent reviewed the email and discovered that in addition to the requested transactional information [redacted] had provided information that appeared to be content. For example, some of the information appeared to originate from the subject line of the email. The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel. On 1/17/2007 the case agent contacted the [redacted] point of contact (POC) for the NSL. The POC then contacted the appropriate [redacted] representative and confirmed that [redacted] had provided the information in error. Subsequently, the [redacted] POC destroyed the CD-ROM and deleted all emails regarding this message. On 1/22/2007 the [redacted] case agent similarly deleted the relevant email.

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(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community 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 E.O. 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 PTOR), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights 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

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b7E To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 2/21/2007

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

(U) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the FBI OGC, but are not reportable to the IOB.

(U) In the instant case the collection of information by the FBI was not the fault of FBI [redacted]. Once the case agent discovered that he had received information beyond the scope of the NSL request, the case agent immediately notified the [redacted] CDC and notified [redacted]. Thereafter, all copies and emails regarding this request were deleted and or destroyed. As a result, this matter does not need to be reported to the IOB.

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b2
b7E

To: [redacted] From: Office of the General Counsel
Re: T78-HQ-C1229736-V10, 2/21/2007

LEAD(s):

Set Lead 1: (Information)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]
[redacted]
AT [redacted]

(U) [redacted] is requested to coordinate with [redacted] to ensure that [redacted] has the appropriate protocols in place to prevent similar types of disclosures in the future.

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b7C

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

◆◆

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~~SECRET~~

b6
b7C
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b7E

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 9:40 AM
To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS
SECRET
RECORD xxxxxxxx

Thanks.

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

b6
b7C
b2

-----Original Message-----

From: [redacted] (FBI)
Sent: Wednesday, March 14, 2007 4:47 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS

b6
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SECRET
RECORD xxxxxxxx

[redacted]
I believe [redacted] just sent you the EC, and in response to question 2, yes, the CDC reviewed this NSL.

Thanks

[redacted]
SSA [redacted]
[redacted]

b6
b7C
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b7E

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 14, 2007 12:22 PM
To: [redacted] (FBI)
Cc: [redacted] (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS
Importance: High

SECRET
RECORD xxxxxxxx

[redacted]

A couple more questions regarding this potential IOB.

1. Could you please send me the EC that requested the NSL?

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 12-03-2007
CLASSIFIED BY 65179 DHM/KSR/JE
REASON: 1.4 (c)
EXPIRES ON: 12-03-2032

~~SECRET~~

NSL VIO-30961

2. Did the CDC/ADC review this NSL?

Thanks, hopefully I will have my EC finished by the end of the week.

b6
b7C
b2

[Redacted]
Assistant General Counsel
National Security Law Branch
202-324-[Redacted]

b6
b7C
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b7E

-----Original Message-----
From: [Redacted] (FBI)
Sent: Thursday, March 08, 2007 7:50 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (FBI); [Redacted] (FBI);
Subject: RE: IOB QUESTIONS

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RECORD xxxxxxxx

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[Redacted]
I believe [Redacted] answered this question earlier an via e-mail to [Redacted]. The results from the associated number were a part of the same account and all records were placed in the file. I would appreciate knowing if/why anyone in OGC thinks the records should be sequestered.

Thanks
[Redacted]
SSA [Redacted]
[Redacted]

b6
b7C
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-----Original Message-----
From: [Redacted] (OGC) (FBI)
Sent: Thursday, March 08, 2007 9:50 AM
To: [Redacted] (FBI)
Subject: RE: IOB QUESTIONS

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RECORD xxxxxxxx

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What did we do with the results from the second number? Did we sequester them with the CDC?

[Redacted]
Assistant General Counsel
National Security Law Branch
202-324-[Redacted]

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-----Original Message-----
From: [Redacted] (FBI)
Sent: Thursday, March 08, 2007 12:43 PM

~~SECRET~~

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To: [REDACTED] (OGC) (FBI)
Subject: RE: IOB QUESTIONS

SECRET
RECORD xxxxxxxx

[REDACTED]

I am now back in the office. I trust [REDACTED] has satisfied your inquiries, but if not please do not hesitate to reach out to me directly by phone.

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Regards,

[REDACTED]

SSA [REDACTED]

[REDACTED]

-----Original Message-----

b6
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b7E

From: [REDACTED] (OGC) (FBI)
Sent: Tuesday, March 06, 2007 1:07 PM
To: [REDACTED] (FBI) [REDACTED] (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: IOB QUESTIONS
Importance: High

SECRET
RECORD xxxxxxxx

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[REDACTED]

Could you please provide the answers to the following questions, thanks. I need to submit this by COB Thursday. Please call if any questions.

~~(S)~~ By EC dated 2/21/2007, [REDACTED] requested that OGC review an incident and determine whether it warrants reporting to the IOB. [REDACTED] initiated a

(S) counterintelligence investigation on [REDACTED] on [REDACTED] [DATE], a non-U.S. person. As part of its investigation, [REDACTED] sought transactional information pursuant to 18 U.S.C. §2709 for a telephone belonging to [REDACTED] [TRUE? Or did we only seek subscriber info]. A National Security Letter (NSL) was prepared by [REDACTED] and served on [REDACTED] [PROVIDER] on [REDACTED] [DATE OF SERVICE]. [WHAT DID THE NSL REQUEST? Please provide the exact language

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NSL VIO-30963

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~~SECRET~~

in the NSL request].

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[REDACTED]

Assistant General Counsel
National Security Law Branch
202-324 [REDACTED]

~~DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
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~~DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: Multiple Sources
DECLASSIFICATION EXEMPTION 1
SECRET~~

NSL VIO-30964

~~SECRET~~

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From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 10:15 AM
To: [redacted] (OGC) (FBI)
Subject: RE: NSL Audit-CDC Role in Potential IOB Matters

UNCLASSIFIED
NON-RECORD

Julie already given me an answer

[redacted]

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b7C
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-----Original Message
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 9:51 AM
To: [redacted] (FBI); [redacted] (FBI)
Subject: RE: NSL Audit-CDC Role in Potential IOB Matters

UNCLASSIFIED
NON-RECORD

I will get this question to Julie Thomas ASAP and get you an answer by COB today. How long b/f they finish the audit?

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[redacted]

Assistant General Counsel
National Security Law Branch
202-324-[redacted]

b6
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b7E

-----Original Message
From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 9:08 AM
To: [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: NSL Audit-CDC Role in Potential IOB Matters
Importance: High

UNCLASSIFIED
NON-RECORD

[redacted]

I would like to have a little clarification on precisely what the CDCs role is

[redacted]

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Please respond as soon as possible as I need an answer before the inspectors leave. I have made a couple of phone calls to others in NSLB about this and have not received a response.

Thank you very much

[redacted]

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HEREIN IS UNCLASSIFIED
DATE 12-03-2007 BY 65179 DHM/KSR/JB

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/21/2007

To:

[Redacted]

Attr: SSA
SA
CDC

[Redacted]

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Counterintelligence

Attr: CD-4

Inspection Division

Attr: IIS, CRS

[Redacted]

From: Office of the General Counsel

NSL/CILU/Room 7947

Contact: AGC

[Redacted]

202-324-

[Redacted]

Approved By: Thomas Julie F

[Redacted]

Drafted By:

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

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

b2

(U) Synopsis: ~~(S)~~ The [Redacted] Field Office [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

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(U) ~~Derived From : G-3
Declassify On: 1/21/2032~~

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from: the EC dated 2/01/2007 from [Redacted] to OGC reporting a potential IOB matter.

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

(U) Details: ~~(S)~~ By EC dated 2/01/2007, [Redacted] requested that OGC review an incident and determine whether it warrants reporting to

DECLASSIFIED BY 65179 DHM/KSR/JB
ON 12-05-2007

~~SECRET~~

~~SECRET~~

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 2/21/2007

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the IOB. On 7/26/2006, [redacted] [redacted] sought transactional information for an email account relevant to the ongoing investigation. A National Security Letter (NSL) was prepared by [redacted] and served on [redacted]. The NSL requested only transactional information for the relevant email account. The NSL results were provided to [redacted] in an email by the [redacted] [redacted] Division on 1/11/2007, with the CD-ROM to be sent later.

(U)

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~~(S)~~ On 1/22/2007, the [redacted] case agent reviewed the email and discovered that in addition to the requested transactional information, [redacted] had provided information that appeared to be content. For example, some of the information appeared to originate from the subject line of the email. The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel. On 1/22/2007 the case agent contacted the [redacted] point of contact (POC) for the NSL. The POC then contacted the appropriate [redacted] representative and confirmed that [redacted] had provided the information in error. Subsequently, the [redacted] POC destroyed the CD-ROM and deleted all emails regarding this message. On 1/31/2007, [redacted] provided the requested information in compliance with the initial NSL request. On 2/01/2007, the [redacted] case agent similarly deleted the relevant email.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community 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 E.O. 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 Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights 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

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b7E

To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 2/21/2007

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

(U) On 03/28/2006, the FBI's National Security Law Branch (NSLB) sent a letter to the Counsel for the IOB requesting their concurrence to treat third party errors as non-reportable, though NSLB would still require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the FBI OGC, but are not reportable to the IOB.

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(U) In the instant case the collection of information by the FBI was not the fault of FBI [REDACTED]. Once the case agent discovered that he had received information beyond the scope of the NSL request, the case agent immediately notified the [REDACTED] CDC and notified [REDACTED]. Thereafter, all copies and emails regarding this request were deleted and or destroyed. As a result, this matter does not need to be reported to the IOB.

~~SECRET~~

~~SECRET~~

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 2/21/2007

LEAD(s):

Set Lead 1: (Information)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]
[redacted]
AT [redacted]

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(U) [redacted] requested to coordinate with [redacted] to ensure that [redacted] has the appropriate protocols in place to prevent similar types of disclosures in the future.

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

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From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 9:40 AM
To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS
SECRET
RECORD xxxxxxxx

Thanks.

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[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

b6
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-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, March 14, 2007 4:28 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS

SECRET
RECORD xxxxxxxx

<< File: NSLEC >>
Serial 325

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 14, 2007 12:22 PM
To: [redacted] (FBI)
Cc: [redacted] (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS
Importance: High

SECRET
RECORD xxxxxxxx

Duplicate 3/14/07 email this file

[redacted]

[redacted]

-----Original Message-----

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WHERE SHOWN OTHERWISE

DATE: 12-05-2007
CLASSIFIED BY: 65179 DHM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032

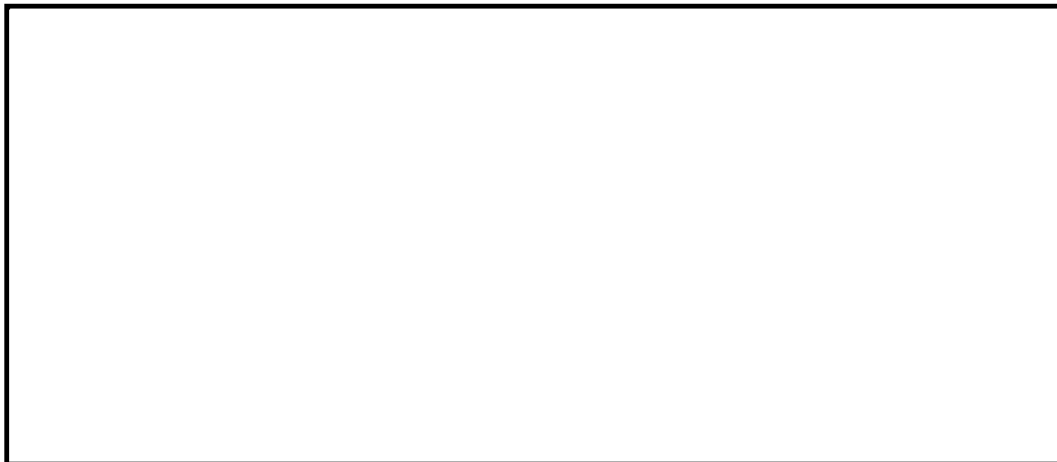
NSL VIO-30981

~~SECRET~~

b6
b7C
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From: [redacted] (FBI)
Sent: Thursday, March 08, 2007 7:50 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS

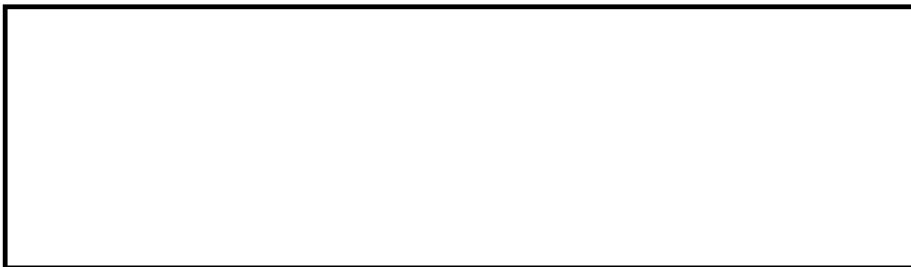
SECRET Duplicate 3/8/07 email this file
RECORD xxxxxxxx



b6
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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, March 08, 2007 9:50 AM
To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS

SECRET Duplicate 3/8/07 email this file
RECORD xxxxxxxx



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-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 08, 2007 12:43 PM
To: [redacted] (OGC) (FBI)
Subject: RE: IOB QUESTIONS

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RECORD xxxxxxxx



~~SECRET~~

Duplicate 3/8/07 email this file



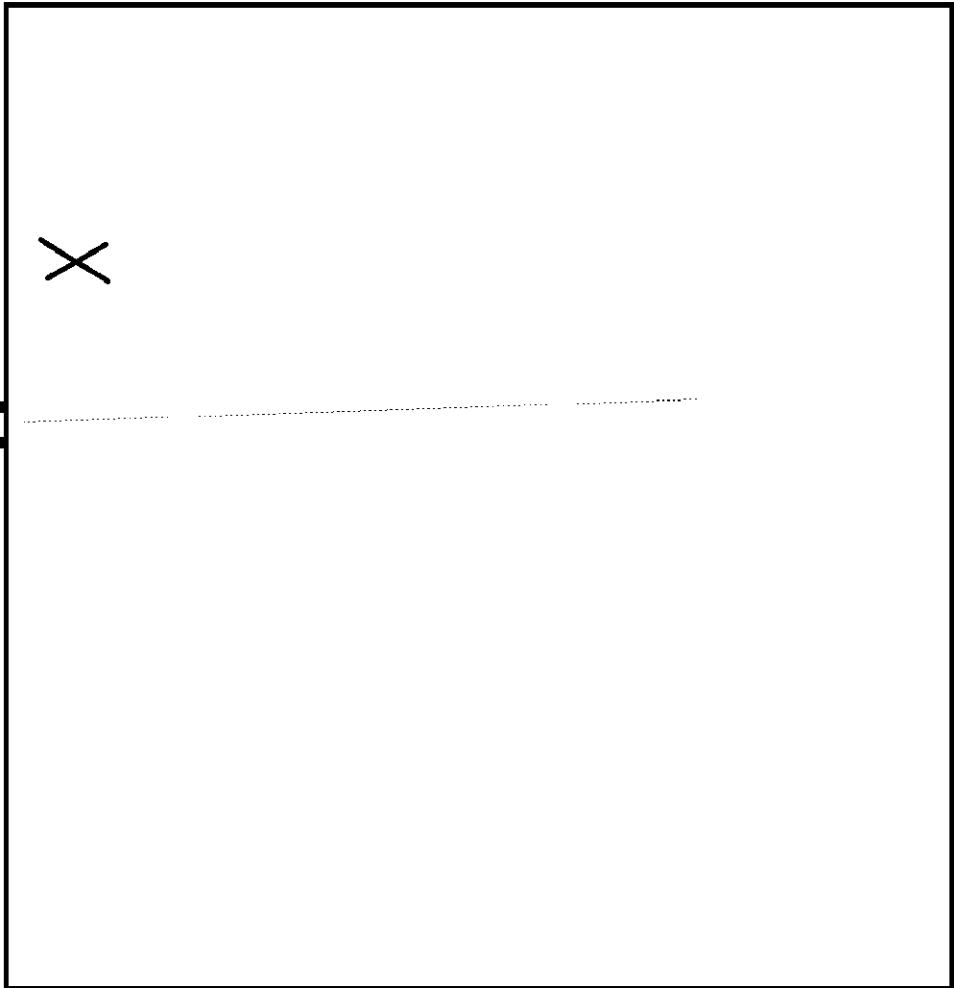
b6
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-----Original Mes

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 06, 2007 1:07 PM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: IOB QUESTIONS
Importance: High

Duplicate 3/6/07 email this file

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RECORD xxxxxxxx



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~~SECRET~~ NSL VIO-30983

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~~DECLASSIFICATION EXEMPTION 1~~
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~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
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~~DECLASSIFICATION EXEMPTION 1~~
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NSL VIO-30984

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From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 14, 2007 3:22 PM
To: [redacted] (FBI)
Cc: [redacted] (FBI) [redacted]
Subject: RE: IOB QUESTIONS

Importance: High

SECRET
RECORD xxxxxxxx

Duplicate 3/14/07 email this file

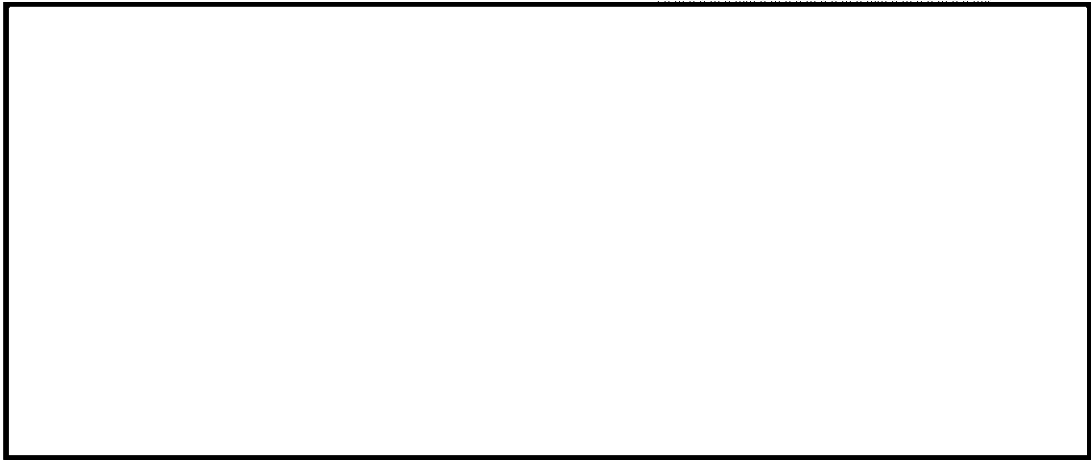


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-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 08, 2007 7:50 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (FBI); [redacted]
Subject: RE: IOB QUESTIONS

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RECORD xxxxxxxx

DATE: 12-05-2007
CLASSIFIED BY: 65179 DHM/KSR/JB
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032



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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, March 08, 2007 9:50 AM

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NSL VIO-30989

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To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS

Duplicate 3/8/07 email this file

SECRET
RECORD xxxxxxxx

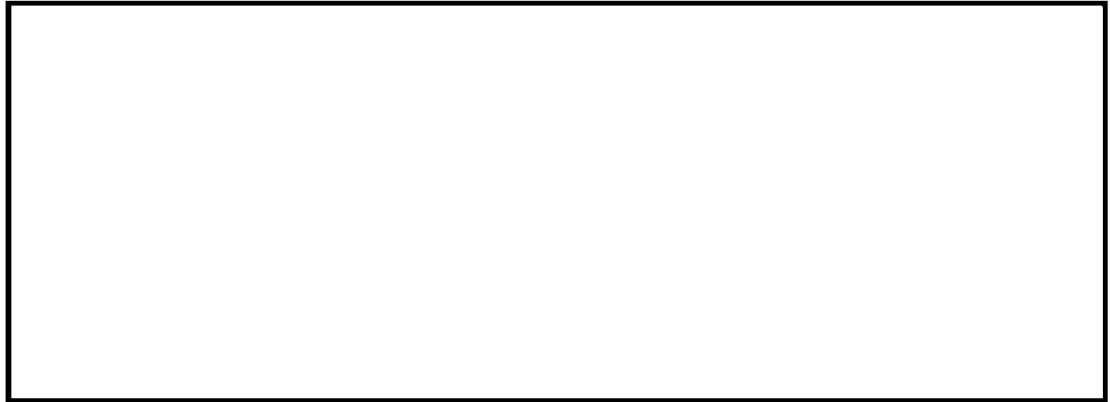


-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 08, 2007 12:43 PM
To: [redacted] (OGC) (FBI)
Subject: RE: IOB QUESTIONS

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b7C
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Duplicate 3/8/07 email this file

SECRET
RECORD xxxxxxxx

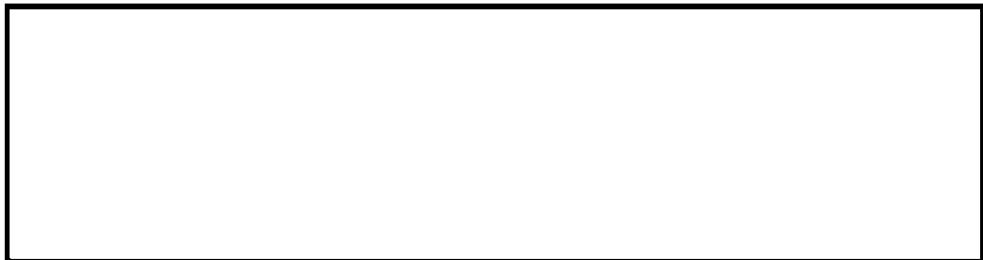


-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 06, 2007 1:07 PM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: IOB QUESTIONS
Importance: High

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RECORD xxxxxxxx



NSL VIO-30990

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~~DECLASSIFICATION EXEMPTION 1~~
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~~DECLASSIFICATION EXEMPTION 1~~
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NSL VIO-30991

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From: [redacted] (OGC) (FBI)
Sent: Thursday, March 08, 2007 12:50 PM
To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS Duplicate 3/8/07 email this file
SECRET
RECORD xxxxxxxx

[redacted]

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b7E

-----Original Message-----
From: [redacted] (FBI)
Sent: Thursday, March 08, 2007 12:43 PM
To: [redacted] (OGC) (FBI) Duplicate 3/8/07 email this file
Subject: RE: IOB QUESTIONS

SECRET
RECORD xxxxxxxx

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[redacted]

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 06, 2007 1:07 PM
To: [redacted] (FBI); PIERCE, ANDREW J. (SF) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: IOB QUESTIONS
Importance: High

SECRET
RECORD xxxxxxxx

Duplicate 3/6/07 email this file

[redacted]

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NSL VIO-30992

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(S)

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~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
SECRET

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~~DECLASSIFICATION EXEMPTION 1~~
SECRET

~~SECRET~~

NSL VIO-30993

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~~SECRET~~

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 11:57 AM
To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS

SECRET
RECORD xxxxxxxx

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My UC [redacted] and DGC, Julie Thomas.

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

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-----Original Message-----

From: [redacted] (FBI)
Sent: Thursday, March 15, 2007 11:17 AM
To: [redacted] (OGC) (FBI)
Subject: RE: IOB QUESTIONS

SECRET
RECORD xxxxxxxx

You're welcome. Could you tell me who will be on the approval line of the EC?

SSA [redacted]
[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 6:40 AM
To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS

SECRET
RECORD xxxxxxxx

DATE: 12-05-2007
CLASSIFIED BY: 65179 DHM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032

Thanks.

b6
b7C
b2

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

-----Original Message-----

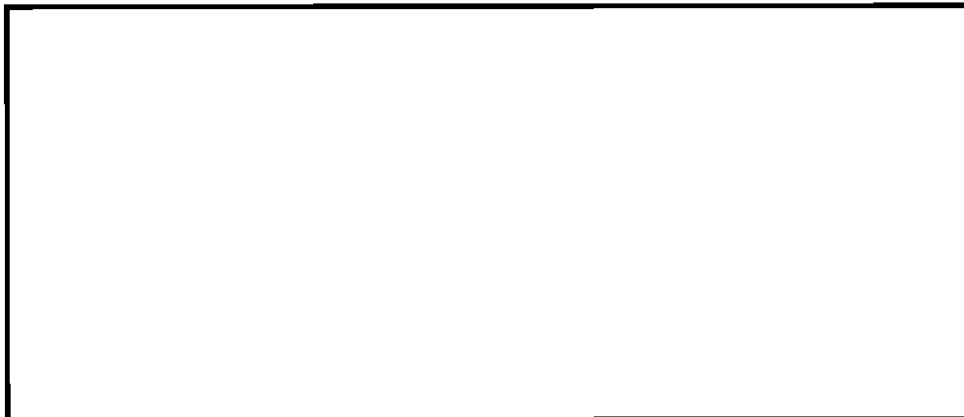
From: [redacted] (FBI)
Sent: Wednesday, March 14, 2007 4:47 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS

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SECRET
RECORD xxxxxxxx

~~SECRET~~ NSL VIO-30994

Duplicate 3/14/07 email this file



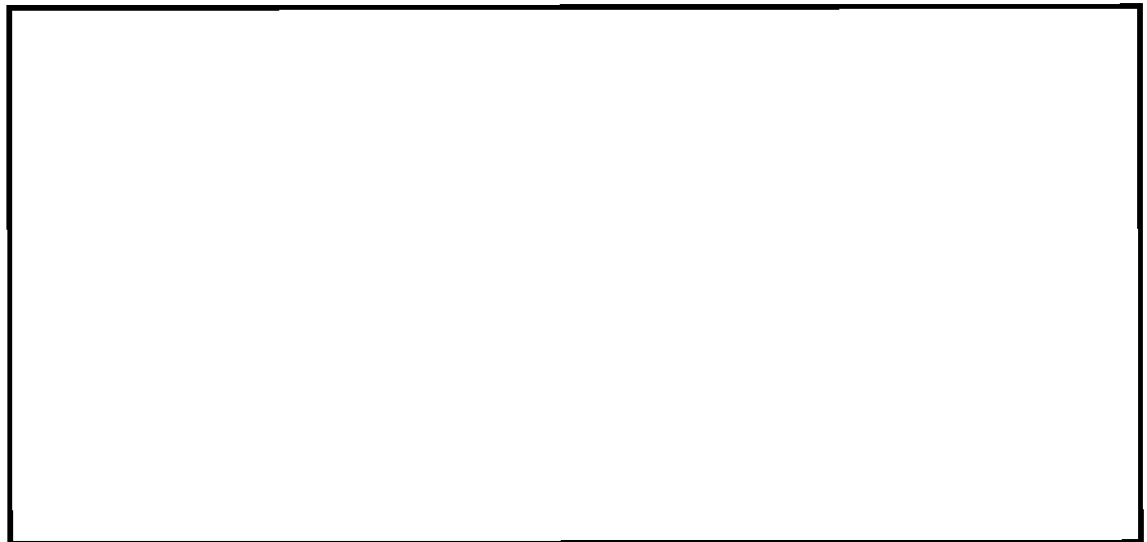
b6
b7C
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-----Original Message-----

From: [redacted] OGC (FBI)
Sent: Wednesday, March 14, 2007 12:22 PM
To: [redacted] (FBI)
Cc: [redacted] (FBI); [redacted] (FBI); [redacted]
Subject: RE: IOB QUESTIONS
Importance: High

Duplicate 3/14/07 email this file

SECRET
RECORD xxxxxxxx



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-----Original Message-----

From: [redacted] (FBI)
Sent: Thursday, March 08, 2007 7:50 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] OGC (FBI); [redacted] (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS

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RECORD xxxxxxxx



SECRET

NSL VIO-30995

Duplicate 3/8/07 email this file

~~SECRET~~



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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 08, 2007 9:50 AM
To: [redacted] (FBI)
Subject: RE: IOB QUESTIONS

Duplicate 3/8/07 email this file

SECRET
RECORD xxxxxxxx



b6
b7C
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b7E

-----Original Message-----

From: [redacted] (FBI)
Sent: Thursday, March 08, 2007 12:43 PM
To: [redacted] (OGC) (FBI)
Subject: RE: IOB QUESTIONS

Duplicate 3/8/07 email this file

SECRET
RECORD xxxxxxxx



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b7C

-----Original Message-----

From: [redacted] (OGC) (FBI)

~~SECRET~~

NSL VIO-30996

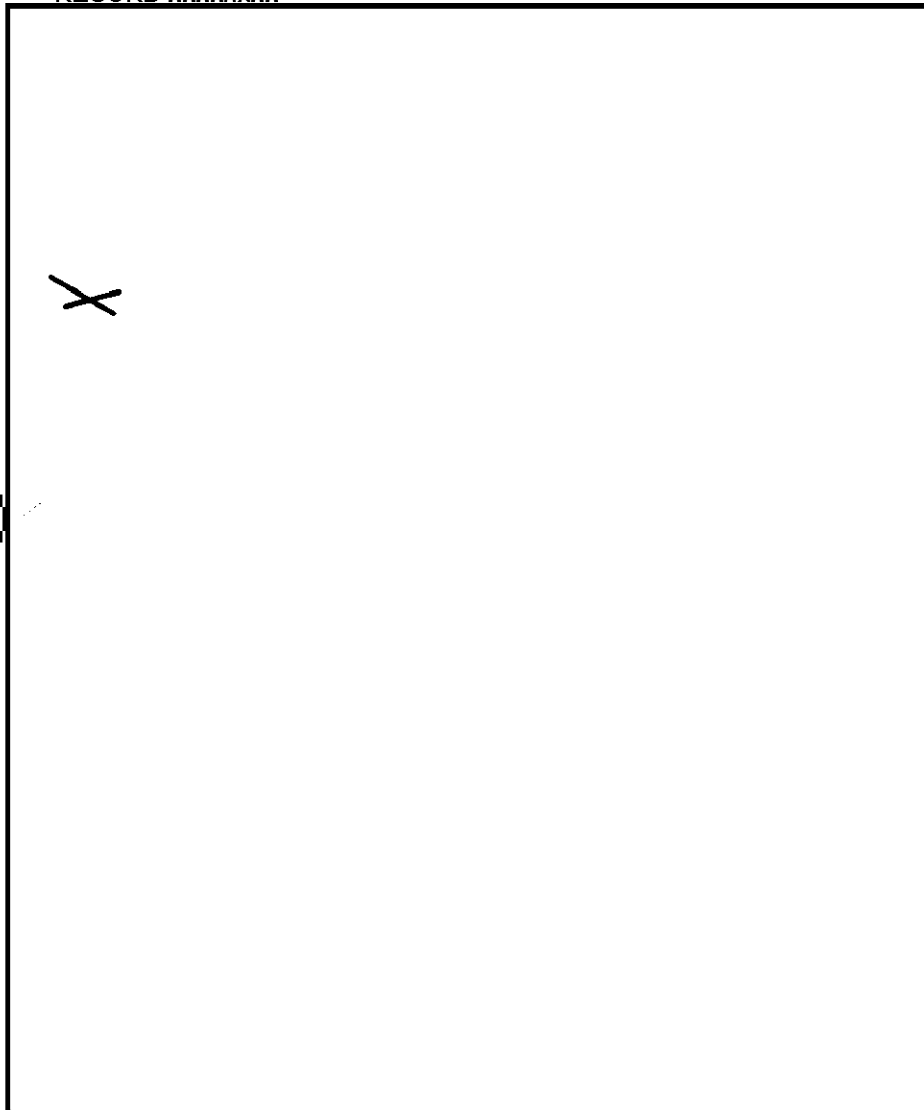
~~SECRET~~

b6
b7C
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Sent: Tuesday, March 06, 2007 1:07 PM
To: [redacted] (FBI) [redacted]
(FBI)
Cc: [redacted] (OGC) (FBI)
Subject: JOB QUESTIONS
Importance: High

Duplicate 3/6/07 email this file

~~SECRET~~
RECORD xxxxxxxx



~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

~~SECRET~~

NSL VIO-30997

~~SECRET~~

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
SECRET

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
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~~DECLASSIFICATION EXEMPTION 1~~
SECRET

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
SECRET

~~SECRET~~

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, March 16, 2007 9:59 AM
To: [redacted], (OGC) (FBI)
Subject: FW: INSD/IIS NSL Compliance Checklist - Potential IOBs
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C
b2

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

-----Original Message-----

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 2:24 PM
To: [redacted] (OGC) (FBI)
Subject: FW: INSD/IIS NSL Compliance Checklist - Potential IOBs

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

This is the IOB one.

-----Original Message-----

b6
b7C

From: MILLER, DAVID IAN (INSD) (FBI)
Sent: Wednesday, March 14, 2007 2:00 PM
To: [redacted] (FBI); [redacted] (INSD) (FBI)
Cc: THOMAS, JULIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI)
Subject: INSD/IIS NSL Compliance Checklist - Potential IOBs

SENSITIVE BUT UNCLASSIFIED
NON-RECORD



1NSLIOBChecklist.w
pd

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-05-2007 BY 65179 DHM/KSR/JB

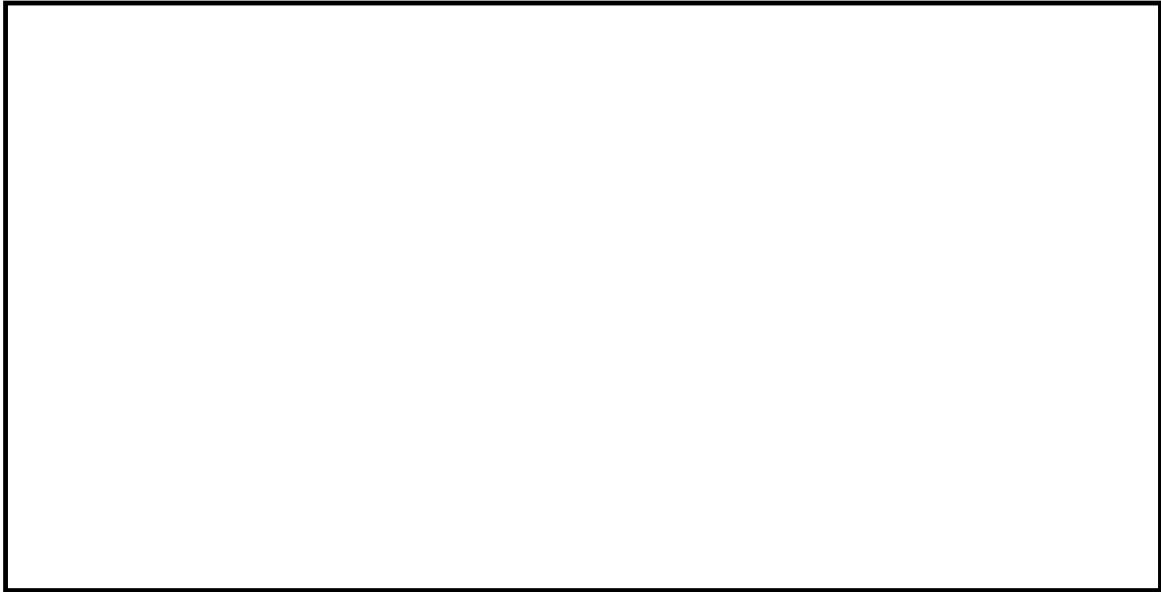
Continued from yesterday.

Editorial: [redacted]

After various conversations this morning, the attached works for IIS, and hopefully for you all.

b5
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Under Inspectors [redacted] tasking, SSA [redacted]
[redacted]
SC Dave Evans suggested [redacted]
[redacted]



b5
b6
b7C

Thanks.

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 10:14 AM
To: [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: FW: NSL Audit-CDC Role in Potential IOB Matters

b6
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Importance: High
UNCLASSIFIED
NON-RECORD

[redacted]

Julie Thomas has been kind enough to call me and give me an answer to my question.
Thanks, [redacted]

b6
b7C

-----Original Message-----

From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 9:05 AM
To: [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: NSL Audit-CDC Role in Potential IOB Matters
Importance: High

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UNCLASSIFIED
NON-RECORD

[redacted] would like to have a little clarification on precisely what [redacted]
[redacted]

b6
b7C
b5

Please respond as soon as possible [redacted] I have made a couple of phone calls to others in NSLB about this and have not received a response.
Thank you very much

[redacted]

UNCLASSIFIED

UNCLASSIFIED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-05-2007 BY 65179 DHM/KSR/JE

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, March 16, 2007 9:59 AM
To: [redacted] (OGC) (FBI)
Subject: FW: NSL Checklist Audit
~~SECRET//ORCON~~
~~RECORD xxxx~~

b6
b7C
b2

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

-----Original Message-----

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 2:24 PM
To: [redacted] (OGC) (FBI)
Subject: FW: NSL Checklist Audit

~~SECRET//ORCON~~
~~RECORD xxxx~~

b6
b7C

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 13, 2007 6:11 PM
To: [redacted] (INSD) (FBI); [redacted] (INSD) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: NSL Checklist Audit

~~SECRET//ORCON~~
~~RECORD xxxx~~

DECLASSIFIED BY 65179 DHM/KSR/JB
ON 12-05-2007

b6
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b5

[redacted]
See attached your checklist with changes. I would like to take another look at it tomorrow morning and have my Deputy take a look as well. I think it looks good but I will need to look at it systematically tomorrow with fresh eyes. [redacted]
[redacted]

Someone from your office had contacted someone else from my office on a similar issue (I think NSL IOBs). I wanted to make sure you were aware of that and we are not all doing double work.

Again - sorry it took so long to get back to you.

b6
b7C

Thank you,
[redacted]



NSL Audit
Form.wpd

~~DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government
Information
DECLASSIFICATION EXEMPTION 1
SECRET//ORCON~~

~~DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government
Information
DECLASSIFICATION EXEMPTION 1
SECRET//ORCON~~

~~DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government
Information
DECLASSIFICATION EXEMPTION 1
SECRET//ORCON~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/8/2006

To: [redacted]

Attn:

SA [redacted]
SA [redacted]
CDC [redacted]

b2
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b6
b7C

Inspection Division

Counterintelligence

SSA [redacted]
CD-3E

From: Office of the General Counsel
National Security Law Branch/CILU/Room 7975
Contact: [redacted] 202-324-[redacted]

Approved By: Thomas Julie F

Drafted By: [redacted]

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

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER 2006-[redacted] b2

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel ("OGC") that this matter must be reported to the Intelligence Oversight Board ("IOB"). OGC will prepare a cover letter and a letter head memorandum to report this matter to the IOB. Our analysis follows.

(U) ~~(S)~~

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

b1
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b7E

Reference: (S) [redacted]

DATE: 12-05-2007
CLASSIFIED BY 65179 DHM/KSR/JB
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

To: [redacted]
From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 3/8/2006

b2
b7E

(U) Defaults: ~~(S)~~ By electronic communication (EC) dated 12/19/2005, [redacted] Division requested OGC review of a possible IOB error in conjunction with an ongoing counterintelligence investigation. The following facts are derived from this EC.

b2
b7E

b2
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b1
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b4
b7D

(S)

~~(S)~~ On 9/9/2005, FBI [redacted] prepared a National Security Letter (NSL) to obtain subscriber information for telephone number [redacted]. The NSL was served to [redacted] on 9/23/2005 by FBI [redacted].

~~(S)~~ On 12/15/2005, FBI [redacted] discovered that the original NSL dated 9/9/2005 inadvertently requested information for the wrong telephone number. Subscriber information was requested for telephone number [redacted] however, the correct telephone number was [redacted].

b1
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(S)

(U) Section 2.4 of Executive Order (E.O.) 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 all information "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 E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board.

(U) 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 Attorney General's foreign counterintelligence guidelines or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, if such provision was designed in full or in part to ensure the protection of the individual rights of a U.S. person. Violations of provisions that are essentially administrative in nature need not be

~~SECRET~~

~~SECRET~~

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b7E

To: [REDACTED]
From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 3/8/2006

reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ In this case, this matter must be reported to the IOB because FBI [REDACTED] requested information on a number that had no relevance to an ongoing investigation as required by statute. This error was compounded by the fact that the results from this NSL were documented in an EC and subsequently entered into the FBI's [REDACTED] database.

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(U) Based upon these facts, in accordance with the NSIG and the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error must be reported to the IOB.

~~SECRET~~

~~SECRET~~

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b7E

To: [redacted]
From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 3/8/2006

Lead(s):

Set Lead 1:

[redacted] DIVISION
AT [redacted]

b2
b7E

(U) Implement procedures to ensure the accuracy of information contained in NSL requests. Sequester all information from this NSL with [redacted] Chief Division Counsel, and purge all information from FBI databases. NSLB will provide further guidance to the CDC regarding the sequestered information.

Set Lead 2:

COUNTERINTELLIGENCE DIVISION

AT WASHINGTON, DC

(U) Coordinate with [redacted] Division to ensure that appropriate procedures are in place to ensure the accuracy of information contained in NSL requests and that the information is properly sequestered and purged.

b2
b7E

- 1 - Ms. Thomas
- 1 - [redacted] b6
- 1 - [redacted] b7C
- 1 - [redacted]
- 1 - NSLE Library

◆◆

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2
b7E

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

(U) ~~(S)~~ The [REDACTED] Division of the Federal Bureau of Investigation has reported a possible violation in conjunction with an ongoing counterintelligence investigation. By electronic communication (EC) dated 12/19/2005, [REDACTED] requested FBI Office of General Counsel review of this possible IOB error. The following facts are derived from this EC.

b2
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~~(S)~~ On 9/9/2005, FBI [REDACTED] prepared a National Security Letter (NSL) to obtain subscriber information for telephone number [REDACTED]. The NSL was served to [REDACTED] on 9/28/2005 by FBI [REDACTED].

~~(S)~~ On 12/15/2005, FBI [REDACTED] discovered that the original NSL dated 9/9/2005 inadvertently requested information for the wrong telephone number. Subscriber information was requested for telephone number [REDACTED] however, the correct telephone number was [REDACTED].

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(U) ~~(S)~~ In this case, this matter must be reported to the IOB because FBI [REDACTED] requested information on a number that had no relevance to an ongoing investigation as required by statute. This error was compounded by the fact that the results from this NSL were documented in an EC and subsequently entered into the FBI's [REDACTED] database.

b2
b7E

(U) Based upon these facts, in accordance with the NSIG and the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error must be reported to the IOB.

~~SECRET~~

DATE: 12-05-2007
CLASSIFIED BY: 65179 DHM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032

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WHERE SHOWN OTHERWISE

NSL VIO-31008



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

March 8, 2006

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

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB), Matter 2006 [redacted]" (U)

b2

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

Enclosure

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

DECLASSIFIED BY 65178 DHM/KSR/JE
ON 12-05-2007

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

~~SECRET~~

NSL VIO-31009

~~SECRET~~

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)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

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

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

~~SECRET~~ 2

NSL VIO-31010

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/12/2006

b2
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b6
b7C

To: [Redacted]

Attr: SAC [Redacted]
CDS
SA

Counterintelligence

Attr: SSA [Redacted]

Inspection Division

Attr: IIS, CRS [Redacted]

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

Contact: AGC [Redacted] 202-324-[Redacted]

Approved By: Thomas Julie F.
[Redacted]

Drafted By:

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

b2

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

(U) Synopsis: ~~(S)~~ The [Redacted] Field Office [Redacted] requested that the Office of the General Counsel (OGC) review an incident and determine whether it warrants reporting to the Intelligence Oversight Board (IOB). It is the opinion of OGC that the incident does not need to be reported to the IOB. Rather, this EC should be maintained in the control file for periodic review by Counsel to the IOB.

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

(U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from: the EC dated 10/30/2006 from [Redacted] to OGC reporting a potential IOB matter.

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

(U) Details: ~~(S)~~ By EC dated 10/30/2006, [Redacted] requested that OGC review an incident and determine whether it warrants reporting to

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 12-05-2007
CLASSIFIED BY 65179 DHM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 10/30/2006

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b6 (S)
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the IOB. [redacted]
[redacted] As part of its
investigation, [redacted] sought subscriber information for a
telephone belonging to [redacted]. A National Security Letter (NSL)
was prepared by Newark and served on [redacted]. The
NSL requested only subscriber information for the time period
[redacted]. On 10/20/2006, [redacted] responded to
this request and in addition to the basic subscriber information,
also provided toll record information.

(U) ~~(S)~~ Upon review of the documents provided to [redacted]
it was learned that the information [redacted] provided, pursuant to
the NSL, exceeded that which was requested. The error by [redacted]
was apparently a misunderstanding on its part as to the nature of
the request, since requests for toll billing information and
subscriber information are requested separately by the FBI.

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(U) [redacted] reported that they returned the toll record
information to [redacted] on 10/26/2006.

(U) Section 2.4 of Executive Order (E.O.) 12863,
dated 09/13/1993, mandates that Inspectors General and General
Counsels of the Intelligence Community 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 E.O. 12334, dated 12/04/1981,
when the IOE 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 Attorney General Guidelines for National
Security Investigations and Foreign Intelligence Collection
(NSIG), or other guidelines or regulations approved by the
Attorney General in accordance with E.O. 12333, dated 12/04/1981,
if such provision was designed in full or in part to ensure the
protection of the individual rights of U.S. persons. Violations
of provisions that are essentially administrative in nature need
not be reported to the IOB. The FBI is required, however, to
maintain records of such administrative violations so that the
Counsel to the IOB may review them upon request.

(U) On 03/28/2006, the FBI's National Security Law
Branch (NSLB) sent a letter to the Counsel for the IOB requesting
their concurrence to treat third party errors as non-reportable,
though NSLB would still require the field to continue to report

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 10/30/2006

any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to the FBI OGC, but are not reportable to the IOB.

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(U) In the instant case the collection of information by the FBI was not the fault of FBI [redacted]. Once the case agent discovered that he had received information beyond the scope of the NSL request, the case agent immediately sequestered the information, returned said information to [redacted] and reported the matter to OGC.

~~SECRET~~

~~SECRET~~

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 10/30/2006

LEAD(s):

Set Lead 1: (Information)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

b2
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[redacted]
[redacted]
AT [redacted]

(U) [redacted] is requested to contact [redacted] to ensure that the appropriate protocols are in place to prevent similar types of disclosures in the future.

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

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~~SECRET~~

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From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 06, 2007 4:07 PM
To: [redacted] (FBI); [redacted] (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: IOB QUESTIONS

Importance: High Duplicate 3/6/07 email this file
SECRET
RECORD xxxxxxxx



~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

DATE: 12-05-2007
CLASSIFIED BY: 65179 DHM/KSR/JE
REASON: 1.4(c)
DECLASSIFY ON: 12-05-2032

~~SECRET~~

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From: [redacted] (FBI)
Sent: Wednesday, March 21, 2007 9:08 AM
To: [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: NSL Audit-CDC Role in Potential IOB Matters

Importance: High
UNCLASSIFIED
NON-RECORD

[redacted] I would like to have a little clarification on precisely what [redacted]

[redacted]

Please respond as soon as possible [redacted] I have made a couple of phone calls to others in NSLB about this and have not received a response.

Thank you very much

[redacted]

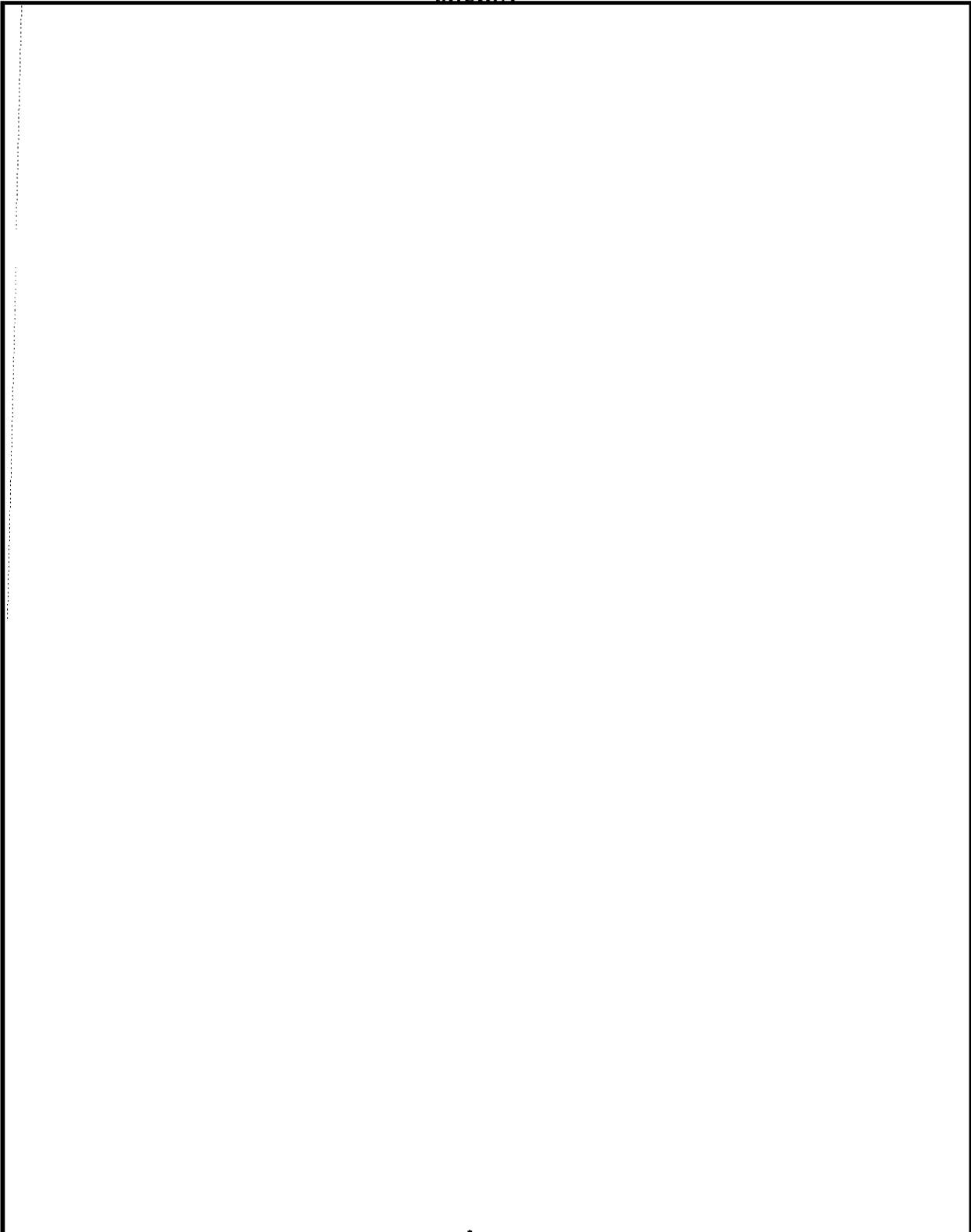
b6
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UNCLASSIFIED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-05-2007 BY 65179 DHH/KSR/JE

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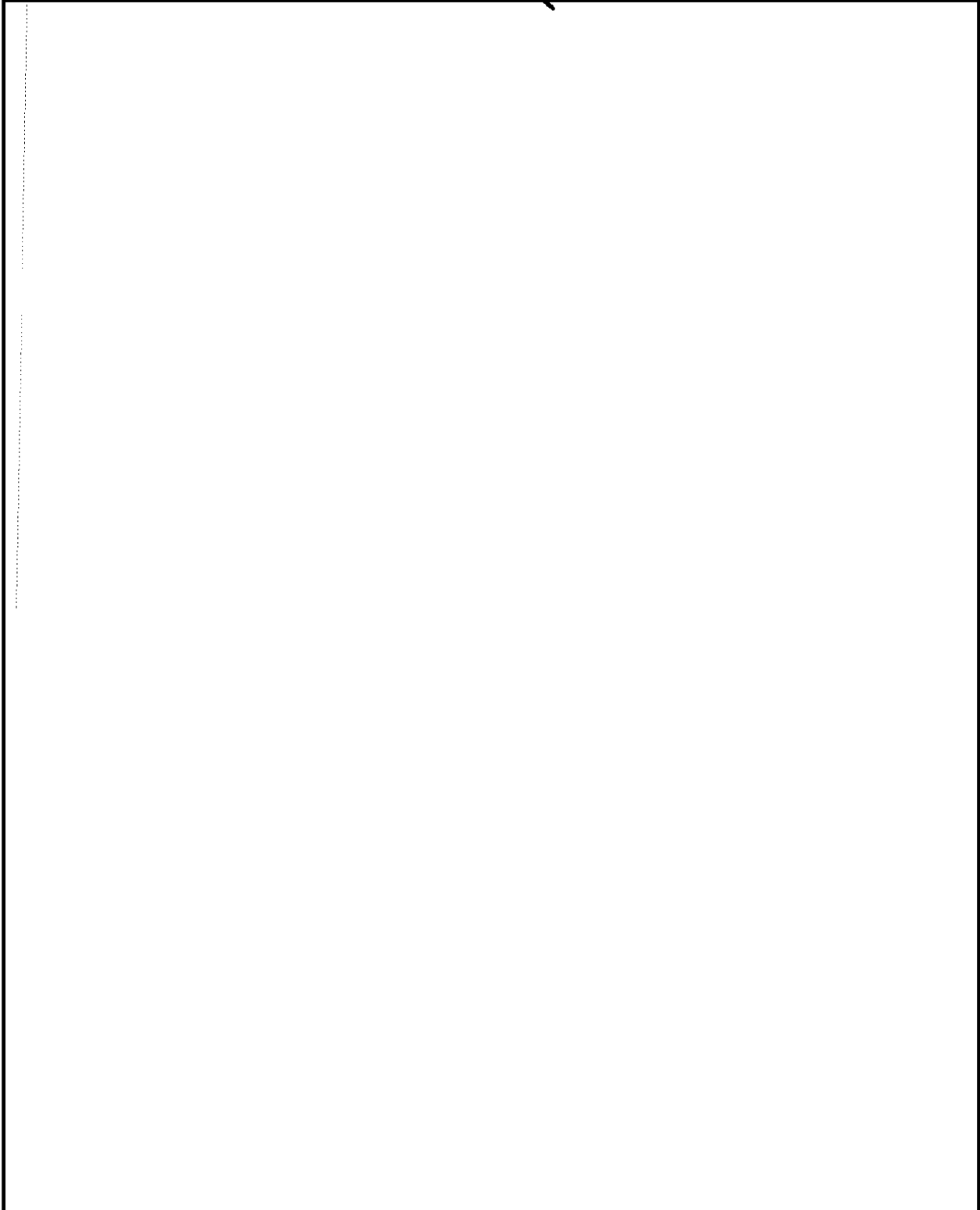
DATE: 12-06-2007
CLASSIFIED BY: 65179 DMH/KSR/JB
REASON: 1.4 (c)
DECLASSIFY ON: 12-06-2032

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WHERE SHOWN OTHERWISE
NSL VIO-31025

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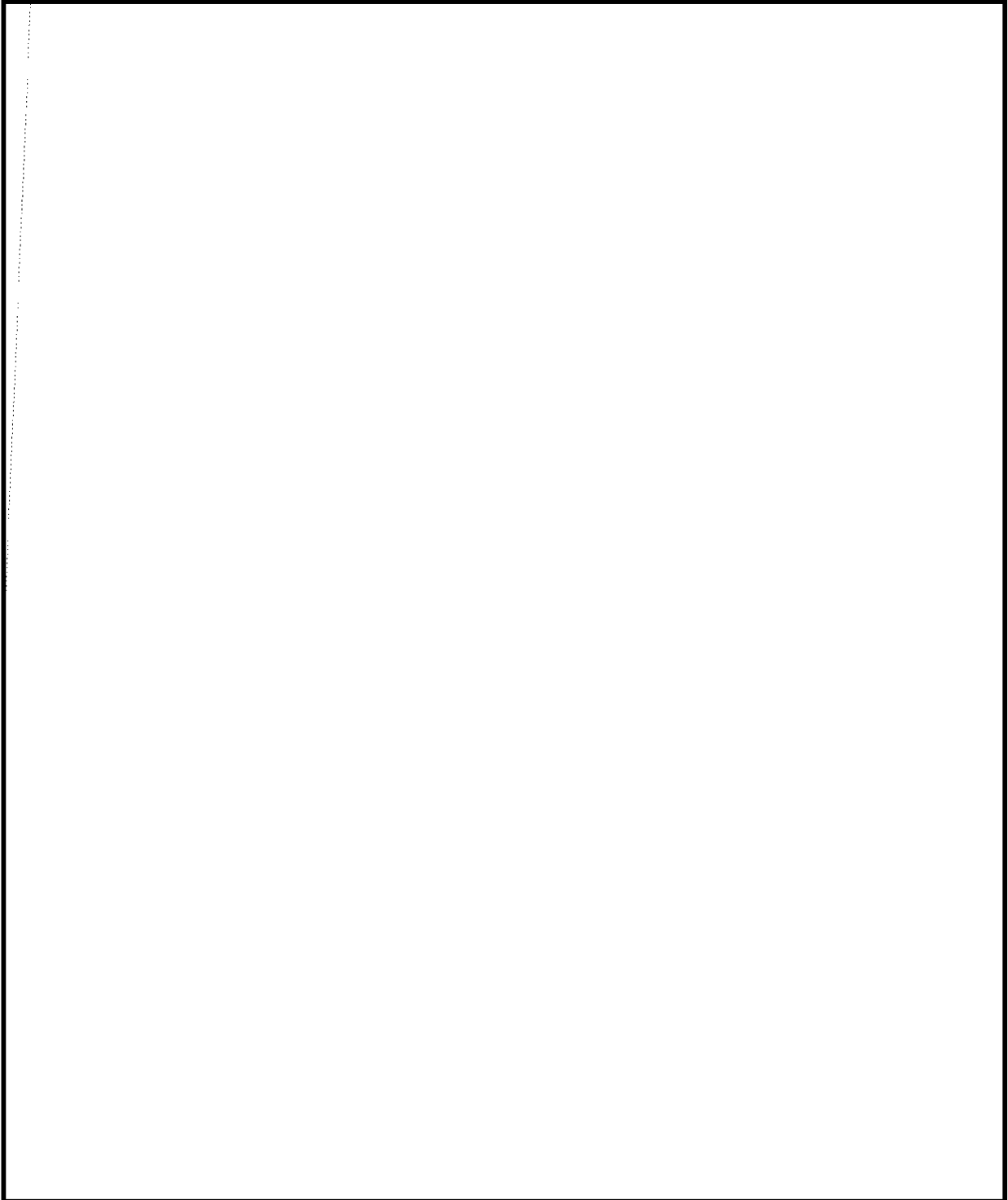
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NSL VIO-31026

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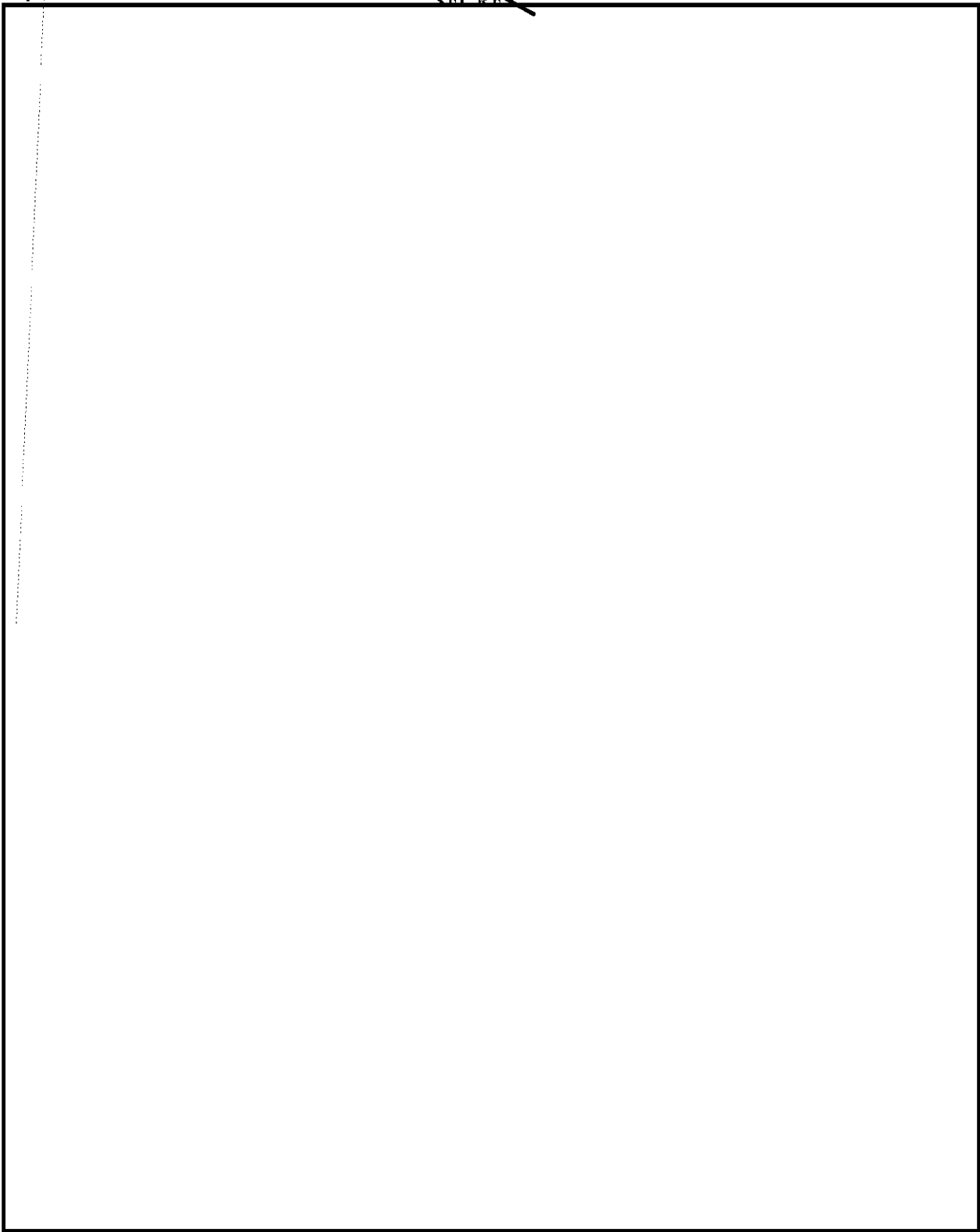
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NSL VIO-31027

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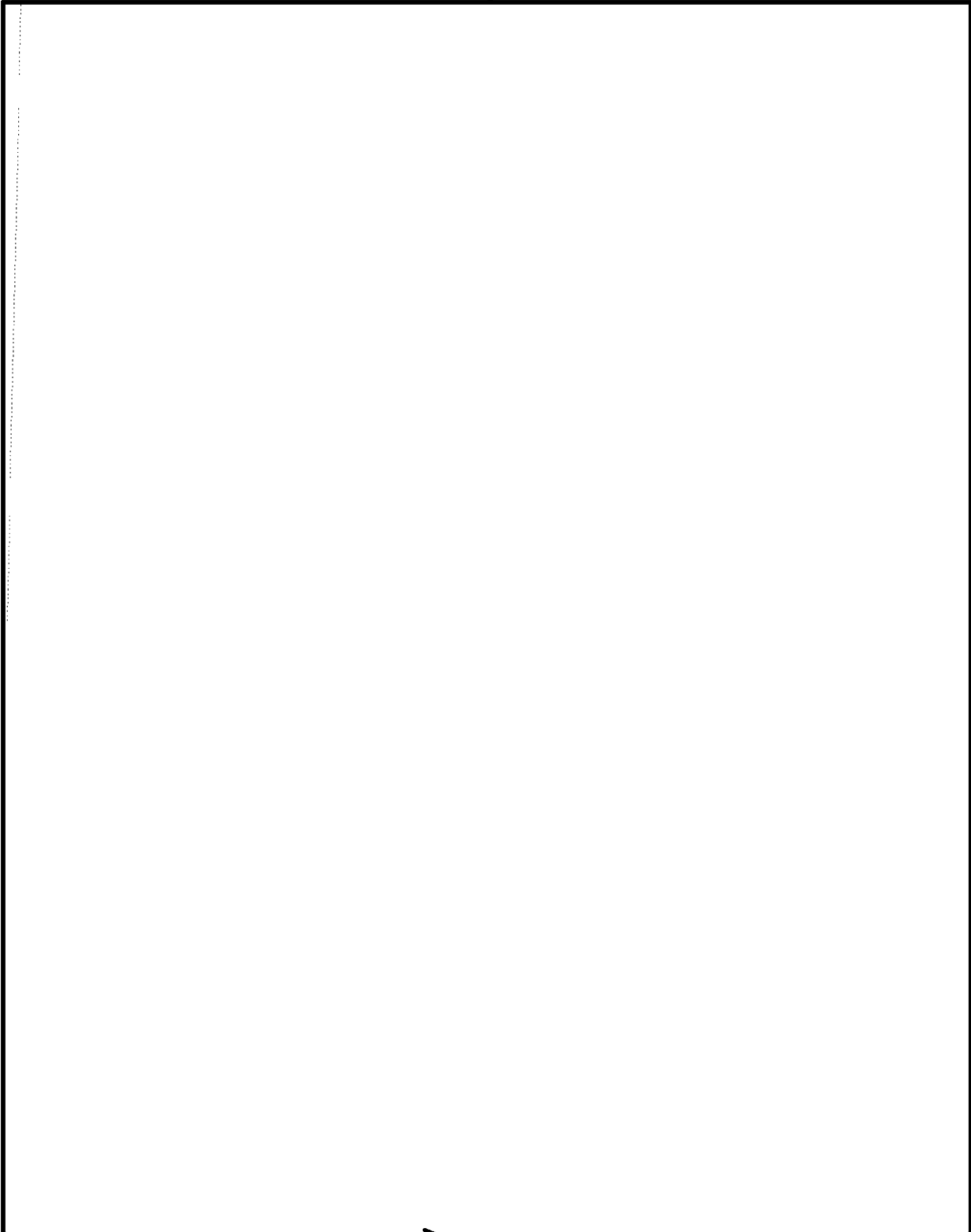
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NSL VIO-31028

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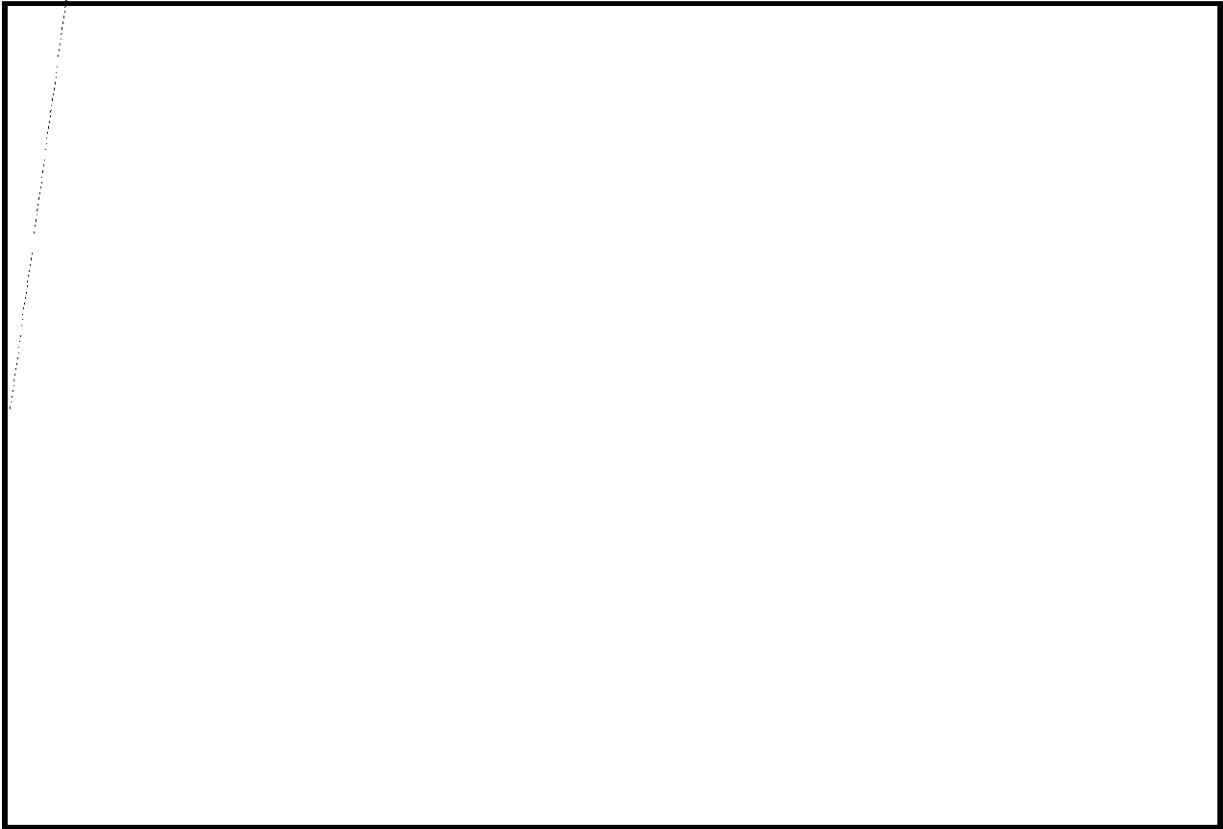
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NSL VIO-31030

(S)

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NSL VIO-31031

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 9:18 AM
To: [redacted] (INSD) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Another PIOB question
UNCLASSIFIED
NON-RECORD

Probably answered already, but this would be beyond the scope of the request, carrier error PIOB.

b6
b7C
b2

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

-----Original Message-----

b6
b7C

From: [redacted] (INSD) (FBI)
Sent: Monday, March 19, 2007 1:41 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Another PIOB question

UNCLASSIFIED
NON-RECORD

Hi [redacted]

I have another PIOB question:

NSL requested toll and subscriber records from 8/25/2005 to present. Provider records were sent from 8/1/2005 based on billing cycle. In 8/1/2005's bill there were 6 calls from 07/2005.

Please advise if this is "carrier providing information beyond the scope" of the NSL resulting in unintentional acquisition. Thank you.

b6
b7C
b2

SS [redacted]
Inspection Division
desk: 202-324-[redacted]

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DATE 12-05-2007 BY 65179 DHM/KSR/JE

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UNCLASSIFIED

From: [redacted] (OGC) (FBI) b6
Sent: Friday, February 23, 2007 10:55 AM b7C
To: [redacted] (OGC) (FBI)
Subject: RE: IOB 2007 [redacted] b2
~~**SECRET**~~
~~**REGORD xxxxxxxxx**~~

  b2
IOB2007 [redacted].wpd IOB2006 [redacted].wpd

[redacted] b6
Assistant General Counsel b7C
National Security Law Branch b2
202-324 [redacted]

DECLASSIFIED BY 65179 DHM/KSR/JE
ON 12-05-2007

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Friday, February 23, 2007 10:23 AM
To: [redacted] (OGC) (FBI)
Subject: IOB 2007 [redacted]

b6
b7C
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~~**UNCLASSIFIED**~~
~~**NON-RECORD**~~

Julie has signed these IOBs. Please submit to me all necessary electronic copies for uploading into ACS. Thanks.

2/23/2007

UNCLASSIFIED

~~**DERIVED FROM: Multiple Sources**~~
~~**DECLASSIFICATION EXEMPTION 1**~~
~~**SECRET**~~

~~SECRET~~

b6
b7C
b2
b7E

From: [redacted] OGC (FBI)
Sent: Wednesday, March 07, 2007 10:29 AM
To: [redacted] (FBI)
Cc: [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS
SECRET RECORD [redacted]
b1
b2
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(S)

One more question. What did we receive? The EC states "another telephone number," did we receive transaction records on different number than what we requested or did we receive transaction records "related" to the number we requested only? Thanks.

b6
b7C
b2

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

DATE: 12-05-2007
CLASSIFIED BY: 65179 DHM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 12-05-2032

b6
b7C
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b7E

-----Original Message-----
From: [redacted] (FBI)
Sent: Tuesday, March 06, 2007 6:41 PM
To: [redacted] OGC (FBI)
Cc: [redacted] (FBI); [redacted] (FBI)
Subject: RE: IOB QUESTIONS

(S)

SECRET RECORD [redacted]
b1
b2
b7E
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[redacted]

Attached is the actual NSL, which gives the exact language of the request:
<< File [redacted] cell phone NSL.wpd >>
I have answered your red questions in blue below:

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b7C
b4
b7D
b2
b7E
b1

~~NSL~~ By EC dated 2/21/2007, [redacted] requested that OGC review an incident and determine whether it warrants reporting to the IOB. [redacted] initiated a counterintelligence investigation on [redacted] a non-U.S. person. As part of its investigation, [redacted] sought transactional information [True] pursuant to 18 U.S.C. §2709 for a telephone utilized by [redacted]. A National Security Letter (NSL) dated 05/17/2004, was prepared by [redacted] and served on [redacted] by [redacted]. [redacted] provided [redacted] the results in summary format in a communication dated 07/13/2004, which stated that a 1A envelope was attached with the reply from [redacted]. The actual DATE OF SERVICE is unknown, since the 1A envelope could not be located. [See actual NSL above for exact language in the request.]

~~SECRET~~

NSL VIO-31034

~~SECRET~~

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b7C
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[Redacted]
v
o [Redacted]

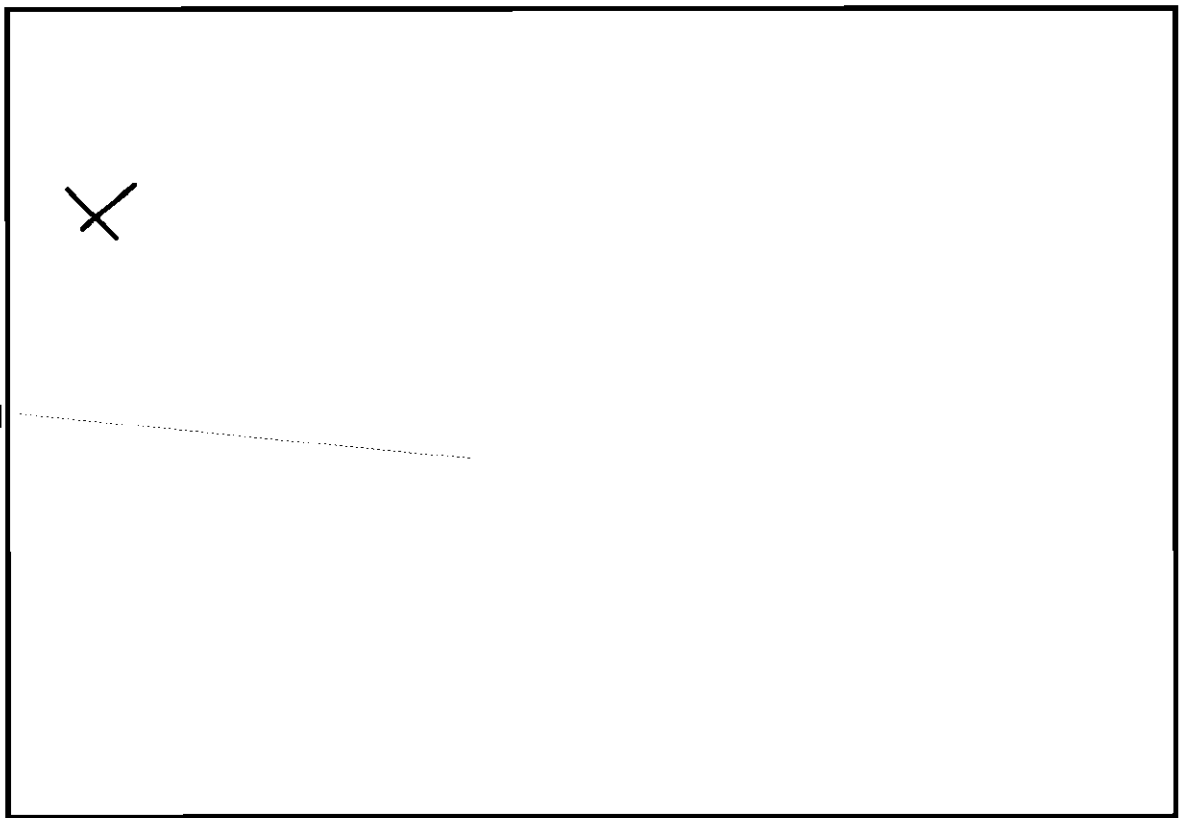
-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, March 06, 2007 1:07 PM
To: [Redacted] (FBI) [Redacted] (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: IOB QUESTIONS
Importance: High

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Duplicate 3/6/07 email this file

SECRET
RECORD xxxxxxxx



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~~DECLASSIFICATION EXEMPTION 1~~
SECRET

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
SECRET

~~SECRET~~

NSL VIO-31035

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

NSL VIO-31036

b6
b7C
b2
b7E

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 9:51 AM
To: [redacted] (FBI); [redacted] (FBI)
Subject: RE: NSL Audit-CDC Role in Potential IOB Matters
UNCLASSIFIED
NON-RECORD

I will get this question to Julie Thomas ASAP and get you an answer by COB today. How long b/f they finish the audit?

b6
b7C
b2

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

-----Original Message-----

b6
b7C
b2
b7E

From: [redacted] (BA) (FBI)
Sent: Wednesday, March 21, 2007 9:08 AM
To: [redacted] (FBI); [redacted] (GC) (FBI)
Subject: NSL Audit-CDC Role in Potential IOB Matters
Importance: High

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[redacted] I would like to have a little clarification on precisely what [redacted]
[redacted]

b6
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b5

Please respond as soon as possible [redacted] I have made a couple of phone calls to others in NSLB about this and have not received a response.

Thank you very much
[redacted]

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From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 10:46 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL Questions

b6
b7C

UNCLASSIFIED
NON-RECORD

In addition to the dozens of the most basic questions concerning NSL/IOB/AGG, here a few of the more substantive questions I encountered:

1. [redacted]
[redacted] Is this a PIOB? Answer: Yes, per my discussion with [redacted] Julie, Valerie.
2. [redacted] Not sure on this one [redacted]
3. [redacted]
[redacted] They should be able to confirm this by looking in the case file.

b5
b6
b7C

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

b6
b7C
b2

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DATE 12-05-2007 BY 65179 DMH/KSP/JB

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 20, 2007 2:53 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: NSL Questions

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]

When you get a chance could you send me some of the issues you encountered over the weekend (and probably last night if you're like me) regarding NSLs? I'd like to put together a list of FAQs regarding NSL IOBs to put out and hopefully clarify the issues for everyone and save us from continuing to get calls over dinner.

b6
b7C

Thanks,
[redacted]

UNCLASSIFIED

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From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 21, 2007 9:16 AM
To: [redacted] (INSD) (FBI); [redacted] (OGC) (FBI)
Subject: RE: PIOB Question

b6
b7C

UNCLASSIFIED
NON-RECORD

I just returned to the office today. Has this question been answered?

[redacted]
Assistant General Counsel
National Security Law Branch
202-324-[redacted]

b6
b7C
b2

-----Original Message-----

From: [redacted] (INSD) (FBI)
Sent: Sunday, March 18, 2007 10:46 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: PIOB Question

b6
b7C

UNCLASSIFIED
NON-RECORD

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

[redacted]

I believe I have a PIOB if I have boxes unchecked in the EC form. I wanted to confirm:

1. If [redacted] is it an PIOB violation?
2. If [redacted] is it a PIOB violation?

b6
b7C
b5

Please advise. Thank you.

SSA [redacted]
Inspection Division
desk: 202-324-[redacted]

b6
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No Duplication Fees are charged for Deleted Page Information Sheet(s).

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