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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/06/06

To: Director's Office

Attn: OPR

[Redacted]

Attn: CDC

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

DATE: 06-27-2007
CLASSIFIED BY: 65179 DMH/KSE/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-27-2032

Approved By: Thomas Julie F.

[Redacted]

Drafted By:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Case ID #: (U) (S) 278-HQ-C1229736-VIO-1177

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

Synopsis: (S) It is the opinion of the Office of the 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) **Derived from :** G-3
Declassify On: X1

Reference: (U) (S) 278-HQ-C1229736-VIO-1114

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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OIG/DOJ REVIEW:
FBI INVESTIGATION:
OIG/DOJ INVESTIGATION:

[Redacted]

DATE: 3-1-06

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To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/06/2006

(S)

~~(S)~~ As part of this investigation, an NSL dated 6/23/05 was issued to [redacted]

(S) [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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(S) ~~(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: [redacted]

(S)

[redacted]
[redacted] 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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(S)

~~(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 production [redacted] of two documents unrelated to the subject of the NSL 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

¹ This 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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b2 (U) To: [redacted] From: General Counsel
b7E Re: (S) 278-HQ-C1229736-VIO, 02/06/2006

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

b1 [redacted] of two documents concerning an individual who is
b7D most probably a United States person was done without the
(S) 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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b2 (U) [redacted]
b7E To: [redacted] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 02/06/2006

Set Lead 1: (Action)

[redacted]

AT

[redacted]

(S)

Return sealed documents to [redacted]

[redacted]

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Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

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

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DECLASSIFIED BY 65179 DMH/KSR/JW
ON 06-27-2007

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear Mr. Friedman:

b2 This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2006 (U)

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

Enclosure

1 - 278-HQ-C1229736-VIO -1178

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from: Multiple Sources
Declassify on: February 7, 2031~~

~~SECRET~~

NSL VIO-18351

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kso*

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker III
Counsel for Intelligence Policy and Review
U.S. Department of Justice
Room 6000

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-2-

NSL VIO-18352

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

(S)

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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, [redacted] in response to a National Security Letter (NSL) [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.

(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
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WHERE SHOWN OTHERWISE

DATE: 06-27-2007
CLASSIFIED BY: 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-27-2032

~~SECRET~~

NSL VIO-18353

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/07/2006

To: [Redacted]
/ Director's Office
General Counsel

Attn: [Redacted]
Attn: OPR
Attn: AGC [Redacted]

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From: [Redacted]

Contact: CDC [Redacted]

Approved By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

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(U) Case ID #: (S) [Redacted]
(S) 278-HQ-C1229736-VIO (Pending)-1209

DATE: 06-28-2007
CLASSIFIED BY 65179 MDH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-28-2032

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

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(U) Synopsis: (S) To return material provided pursuant to an NSL
to the financial institution.

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

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 1177

(S)

Enclosure(s): (S) Enclosed for [Redacted] is a 1A
envelope containing material provided by [Redacted]

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pursuant to a National Security Letter (NSL) issued by SAC
[Redacted]

(S) Details: (S) [Redacted] issued an NSL as part of an
investigation titled [Redacted]

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[Redacted] for financial records
relating to the subject. By EC dated 08/02/2005 [Redacted]
forwarded documents responsive to this NSL to [Redacted] in
December 2005 while reviewing the documents the [Redacted]

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To: [redacted] From: [redacted]
Re: (S) [redacted] 03/07/2006

case agent noted that several documents were not related to the subject. The records were not further reviewed and were secured by the CDC pending notification of a possible Intelligence Oversight Board (IOB) Matter. General Counsel, in the referenced EC, directed Cincinnati to return this material to [redacted] for return to the financial institution [redacted]

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To: [redacted] From: [redacted]
Re: (S) [redacted] 03/07/2006

LEAD(s):

Set Lead 1: (Action)

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[redacted]
AT [redacted]

(S) Return the enclosed documents to [redacted]

b7D

Set Lead 2: (Info)

DIRECTOR'S OFFICE

AT OPR

(U) ~~(S)~~ Read and clear.

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Read and clear.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/07/2006

To: [Redacted]
Director's Office
/General Counsel

Attn: [Redacted]
Attn: OPR
Attn: AGC [Redacted]

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From [Redacted]

Contact: CDC [Redacted]

Approved By: [Redacted]

DATE: 06-28-2007
CLASSIFIED BY 65179 DMH/RSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-28-2032

Drafted By: [Redacted]

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(U)

Case ID #: (S) [Redacted]
(U) (S) / 278-HQ-C1229736-VIO (Pending)

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U)

Synopsis: (S) To return material provided pursuant to an NSL
to the financial instiution.

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

(U) Reference: (S) 278-HQ-C1229736-VIO-Serial 1177

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(S) Enclosure(s): (S) Enclosed for [Redacted] is a 1A
envelope containing material provided by [Redacted]

[Redacted] pursuant to a National Security Letter (NSL) issued by SAC
[Redacted]

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(S) Details: (S) [Redacted] issued an NSL as part of an
investigation to [Redacted]
[Redacted] for financial records
relating to the subject. By EC dated 08/02/2005 [Redacted]
forwarded documents responsive to this NSL to [Redacted] in
December 2005 while reviewing the documents the [Redacted]

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To: [redacted] From: [redacted]
Re: (S) [redacted] 03/07/2006

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case agent noted that several documents were not related to the subject. The records were not further reviewed and were secured by the CDC pending notification of a possible Intelligence Oversight Board (IOB) Matter. General Counsel, in the referenced EC, directed [redacted] to return this material to [redacted] for return to the financial institution [redacted]

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~~SECRET~~

To: [redacted] From: [redacted]
Re: (S) [redacted] 03/07/2006

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LEAD(s):

Set Lead 1: (Action)

[redacted]

AT [redacted]

~~(S)~~ Return the enclosed documents to [redacted]

[redacted]

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Set Lead 2: (Info)

DIRECTOR'S OFFICE

AT OPR

(U) ~~(S)~~ Read and clear.

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Read and clear.

♦♦

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/31/2006

To: [Redacted]
Director's Office
General Counsel

Attn: CDC [Redacted]
Attn: OPR [Redacted]
Attn: AGC [Redacted]

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From: [Redacted]
Contact: ISS [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: [Redacted]
Drafted By: [Redacted]
Case ID #: (S) [Redacted] (U) [Redacted] 278-HQ-C1229736-VIO (Pending)

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

DATE: 05-28-2007
CLASSIFIED BY: 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-28-2032

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Synopsis: (S) NSL material returned to financial institution [Redacted]

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

Reference: (S) [Redacted]

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Details: ~~(S)~~ On 03/31/06, ISS [Redacted] returned documents that were provided to [Redacted] in error by [Redacted] in response to an NSL to [Redacted]

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[Redacted]

(U) Lead 1, Serial [Redacted] covered at [Redacted]

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NSL VIO-18360

de3-0-396

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To: [redacted]
Re: (S) [redacted] 03/31/2006

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LEAD(s) :

Set Lead 1: (Info)

[redacted]
AT [redacted]

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(U) For information only.

Set Lead 2: (Info)

DIRECTOR'S OFFICE

AT OPR

(U) Read and clear.

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, D.C.

(U) Read and clear.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 1/20/2006

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To: [Redacted] **Attn:** CDC [Redacted]
Counterterrorism **Attn:** ITOS I, Conus 2, Team 4
Inspection **Attn:** IIS [Redacted]

From: General Counsel
National Security Law Branch/CTLU 1/LX-1 5S-216
Contact: SSA [Redacted]

Approved By: Thomas Julie F

DATE: 06-30-2007
CLASSIFIED BY: 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-30-2032

Drafted By: [Redacted]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 1135

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Title: (U) Intelligence Oversight Board
(IOB) Matter 2006 [Redacted]

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

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

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Reference: (S) [Redacted]

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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(U) **Details:** ~~(S)~~ By electronic communication (EC) dated December 9, 2005 (278-HQ-C1229736-VIO Serial 1092), the [Redacted] Field Office [Redacted] reported to the Office of the General Counsel (OGC) this potential IOB matter.

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(S) [Redacted]

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OIG/DOJ Review
FBI INVEST. [Redacted]

DATE: 2/21/06
DOJ INVEST. [Redacted]

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NSL VIO-18364

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b2 (U) To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 1/20/2006

b2 [redacted] a National Security Letter (NSL) was issued seeking
b7E toll records for the subject's [redacted] telephones; [redacted]
b1 (S) [redacted] was submitted and approved; and an NSL was served
b6 on [redacted] requesting financial records
b7C pertaining [redacted] Id. At the time of [redacted]
b7D the case agent was Joint Terrorism Task Force Officer (TFO) [redacted]
b4 [redacted] supervised by SSA [redacted]
[redacted] ~~(S)~~ [redacted] TFO [redacted] departed [redacted]
b1 [redacted] for a temporary duty assignment [redacted]
b2 [redacted] Although SSA [redacted] had intended to request an
b7E [redacted] a death in his family caused him to be on
b6 leave [redacted] so he
b7C (S) did not seek an extension. TFO [redacted] returned from [redacted]
[redacted] he drafted an
Electronic Communication (EC) requesting [redacted] extension. See
[redacted]
(S) [redacted] ~~(S)~~ [redacted]
[redacted] received financial documents from
b2 [redacted] In addition, [redacted]
b7E [redacted]
b7D (S) retaining documents in a sealed container. [redacted]
[redacted] requested that [redacted] discontinue [redacted]
b4 (S) [redacted] requested [redacted] extension of
b1 [redacted] FBI Headquarters granted an
extension [redacted]

(S) (U) ~~(S)~~ As required by Executive Order (E.O.) 12863
(Sept. 13, 1993) and Section 2-56 of the National Foreign
Intelligence Program Manual (NFIPM), OGC was tasked to determine
whether the errors described herein are matters that should be
reported to the IOB. We believe that the reported activity does
not require IOB notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads
of Intelligence Community components report all information to
the IOB that it deems necessary to carry out its
responsibilities. That section requires Inspectors General and
General Counsel of the Intelligence Community to report
"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 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 protect the

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To: [redacted] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 1/20/2006

individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.¹ The Office of the General Counsel (OGC) submits reports to the IOB.²

(S) ~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that "all lawful investigative techniques may be used [redacted] NSIG (Introduction) at 4. Section 2-56.G.3 of the NFIPM identifies as reportable to the IOB [redacted] is conducted for a period longer than authorized, without receiving an extension. Although the provision of the NSIG regarding the duration [redacted] Investigations is primarily administrative in nature, it was designed in part to protect the rights of United States persons by limiting the length of time that the FBI can conduct [redacted] without periodic oversight by the proper authorities. Pursuant to an agreement between the FBI and IOB, [redacted] overruns are not reported to the IOB if they are both inadvertent and de minimus in time. To determine whether a possible violation of the NSIG is "inadvertent" and "de minimus in time," OGC considers all the facts relevant to the incident.

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(S) ~~(S)~~ In this instance, OGC is not required to report the potential IOB error in accordance with E.O. 12863 and Section 2-56 of the NFIPM. Although investigative results were obtained outside the authorized investigation period, the facts surrounding [redacted] failure to seek a timely extension of [redacted] indicate that the possible violation of the NSIG was both inadvertent and de minimus in time. No active investigative steps, including surveillance, were conducted after expiration of [redacted]. The facts surrounding the extension indicate that the failure to timely seek an extension were inadvertent. Although it is unclear why an extension was not sought with SSA [redacted] return to the [redacted]

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(U) ~~(S)~~ See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The FBI's INSD is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

(U) ~~(S)~~ See Id. at 4.

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(U) [redacted]
To: [redacted] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 1/20/2006

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office from leave [redacted] sought an extension soon after TEO
[redacted] return from his temporary duty [redacted]

(U) (S) It is noted that [redacted] indicates that it will
take steps to assure [redacted] are kept up to date.

(U) (S) NSLB believes that this potential IOB error need
not be reported in accordance with E.O. 12863 and Section 2-56 of
the NFIPM. Pursuant to the Revised Procedures for the Submission
of Reports of Potential Intelligence Oversight Board (IOB)
Matters, Reports of potential IOB matters determined by OGC not
to require notification to the IOB will be retained by INSD for
three years for possible review by the Counsel to the IOB,
together with a copy of the opinion concerning the basis for the
determination that IOB notification was not required. See 66F-
HQ-A1247863 Serial 172 at 6 (2/10/2005).

(S) [redacted] requested that NSLB advise concerning
the appropriate disposition of the documents obtained through the
[redacted] which remain in the possession
of the USFIS. As these were obtained pursuant to a valid [redacted]
(S) [redacted] request, NSLB believes that documents obtained during the
authorized investigation period may be used in the investigation.
[redacted] should direct the [redacted] to destroy documents obtained
outside the authorized investigation period [redacted]
[redacted]

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(U) (S) OGC will request that the Inspection Division
retain a record of the report of a potential IOB matter for three
years, together with a copy of this opinion for possible review
by the Counsel to the IOB.³

³(S) See Id. at 6.

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(U) [redacted]
To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 1/20/2006

LEAD(s):

Set Lead 1: (Action)

[redacted]
[redacted]
AT [redacted]

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(U) For review and action deemed appropriate as discussed herein.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) As provided in the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, retain a record of the report of a potential IOB matter for three years for possible review by the Counsel to the IOB, together with a copy of the OGC opinion concerning the basis for the determination that IOB notification is not required.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/10/2006

To: Director's Office

Attn: OPR



Attn: CDC

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From: General Counsel
National Security Affairs/Room 7947

Contact: Julie F. Thomas

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F



Drafted By:

DATE: 06-30-2007
CLASSIFIED BY: 55179 DMH/KSE/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-30-2032

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO -1179

b2

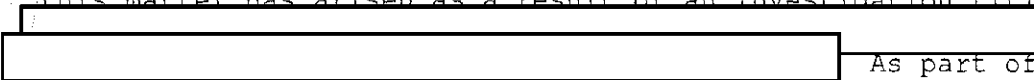
Title: (U) ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2006-

Synopsis: ~~(S)~~ It is the opinion of the Office of the 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) **Derived from:** G-3
Declassify On: X1

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

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



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



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~~SECRET~~

OIG/DOJ REVIEW: **DATE:** 3-1-06
FBI INVESTIGATION: (M)
OIG/DOJ INVESTIGATION:

NSL VIO-18372

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03/01/06
Kao*

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

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(S) [redacted] This NSL sought
subscriber and toll records for telephone number [redacted]
[redacted] served the NSL and, via an EC dated 12/30/2005, returned
(S) 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.

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(S) (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) (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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(S) (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 production
of documents by [redacted] pursuant to the erroneous
telephone number in the NSL drawn up by Cincinnati and served by
[redacted] is a matter which must be reported to the IOB. It is.

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b7D (S)

(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-

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: ~~(S)~~ 278-HQ-C1229736-VIO-1113, 2/10/2006

56 of the NFIPM, the error must be reported to the IOB, which this Office will do.

Set Lead 1: (Action)

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(S)

AT

Return sealed documents to [redacted]

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, D.C.

(U) For appropriate action.

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

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~~SECRET~~

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 06-30-2007

Dear Mr. Friedman:

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

b2

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

Enclosure

1 - 278-HQ-C1229736-VIO - 1180

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived from: Multiple Sources
Declassify on: February 10, 2031~~

~~SECRET~~

NSL VIO-18375

*downloaded
03/01/06
Jew*

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker III
Counsel for Intelligence Policy and Review
U.S. Department of Justice
Room 6000

~~SECRET~~

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

(S)

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~~(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.

(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~~

DATE: 06-30-2007
CLASSIFIED BY: 65179 DMH/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-30-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

NSL VIO-18377

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/09/2006

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted]

Approved By: Miller David Ia *DM/ka*

b6

Drafted By: [redacted]

b7C

b2

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1603
OGC/IOB# 2006 [redacted] b2

Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

Reference: (U) 278-HQ-C1229736-VIO Serial 1113

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 1/4/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-30-2007 BY 65179 DMH/KSR/JW

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/09/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted]

Approved By: Miller David *DM*

DECLASSIFIED BY 65179 DMH/KSR/JU
ON 06-30-2007

Drafted By: [redacted]

Case ID #: (U) 263-HQ-0-U - 397 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 1603
OGC/IOB# 2006-[redacted]

Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

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

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1113

Reference: (U) 278-HQ-C1229736-VIO Serial 1113

Details: (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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NSL VIO-18379

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1603

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/13/2006

To: [redacted]
Director's Office
General Counsel

Attn: CDC [redacted]
Attn: OPR [redacted]
Attn: AGC [redacted]

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From: [redacted]
Investigative Support Specialist Unit
Contact: ISS [redacted]

Approved By: [redacted]
Drafted By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Case ID #: (S) [redacted]
(U) (S) 278-HQ-C1229736 (Pending) - 2539
(S) [redacted]

DATE: 06-30-2007
CLASSIFIED BY: 65179 DMH/KSR/JH
REASON: 1.4 (C)
DECLASSIFY ON: 06-30-2032

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

b2
b7E (U) Synopsis: (S) To document [redacted] response to [redacted] EC
dated 03/07/2006 regarding captioned matter.

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

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Reference: (S) [redacted]
(U) (S) 278-HQ-C1229736 Serial 2538
(S) [redacted]

(U) Enclosure(s): (S) Copy of NSL dated 10/21/2005.

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b7E (S) Details: (S) In response to [redacted] EC to [redacted] dated
03/07/2006 regarding the case agent's oversight in providing
b6 [redacted] with incorrect telephone
b7C number [redacted] as outlined in NSL dated 10/21/2005, ISS
[redacted] did return all telephone records to [redacted]
b4 [redacted] on
b7D 03/10/2006.

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b7C (S) On 03/10/2006, ISS [redacted] learned that the number
outlined in referenced NSL was incorrect and as directed by
b4 General Counsel returned the documents to [redacted] on
b7D

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To: [redacted] From: [redacted]
Re: (S) [redacted] 03/13/2006

(S) 03/10/2006. The case agent noted his error regarding telephone number [redacted] which was not the subject's and resubmitted a new NSL to [redacted] requesting subject's correct telephone number.

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To: [redacted] From: [redacted]
Re: (S) [redacted] 03/13/2006

LEAD(s):

Set Lead 1: (Info)

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[redacted]
AT [redacted]

(U) ~~(S)~~ Read and Clear.

Set Lead 2: (Info)

DIRECTOR'S OFFICE

AT OPR

(U) ~~(S)~~ Read and Clear.

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Read and Clear.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

1603
397

Precedence: ROUTINE

Date: 03/07/2006

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To: [Redacted]
/Director's Office
General Counsel

Attn: ISS Unit
ISS [Redacted]
Attn: OPR
Attn: AGC [Redacted]

From: [Redacted]
Contact: CDC [Redacted]

Approved By: [Redacted]
Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Case ID #: (S) [Redacted]
(S) [Redacted]
(U) (S) 278-HQ-C1229736 (Pending) - 2338

DATE: 06-30-2007
CLASSIFIED BY 65179 DMH/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-30-2032

b2

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

Synopsis: (U) (S) To return material provided pursuant to an NSL
to the electronic service provider.

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

(U) Reference: (S) 278-HQ-C1229736-VIO : Serial 1179

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(S) Enclosure(s): (S) Enclosed for [Redacted] is material provided
by [Redacted] pursuant to a National Security Letter
(NSL) issued by SAC [Redacted]

Details: (S) [Redacted] issued an NSL as part of an
investigation titled [Redacted]

(c) [Redacted] for
subscriber information and toll records relating to telephone
number [Redacted] By EC dated 12/30/2005 [Redacted] forwarded

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NSL VIO-18383

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To: [redacted] From: [redacted]
Re: (S) [redacted] 03/07/2006

(S)

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documents responsive to this NSL to [redacted] Upon receipt of the documents the [redacted] case agent noted that the telephone number was not the subject's which was [redacted]. The records were not reviewed and were secured by the CDC pending notification of a possible Intelligence Oversight Board (IOB) Matter. General Counsel, in the referenced EC, directed [redacted] to return this material to [redacted] for return to the electronic service provider.

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To: [redacted] From: [redacted]
Re: (S) [redacted] 03/07/2006

LEAD(s):

Set Lead 1: (Action)

[redacted]

AT [redacted]

~~(S)~~ Return the enclosed documents to [redacted]

[redacted]

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Set Lead 2: (Info)

DIRECTOR'S OFFICE

AT OPR

(U) ~~(S)~~ Read and clear.

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Read and clear.

♦♦

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/09/2006

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To: [Redacted]
Counterterrorism
Inspection

Attn: SAC, CDC
Attn: AD
Attn: IIS

From: General Counsel
Counterterrorism Law Unit II/LX-1 3S100
Contact: [Redacted]

Approved By: Thomas, Julie F

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-1191

DATE: 06-30-2007
CLASSIFIED BY: 65179 DMH/PSE/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-30-2032

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(U)

Title: ~~(S)~~ SA [Redacted]
INTELLIGENCE OVERSIGHT BOARD MATTER,
IOB 2006- [Redacted]

(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 letterhead memorandum for the General Counsel and the Assistant Director, Inspection Division (INSD), for submission to the IOB. Submission of this matter to the OPR is a matter within the cognizance of the IIS.

(U)

~~(S)~~

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

(U)

Reference: 278-HQ-C1229736-VIO Serial 1093 ~~(S)~~

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

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Details: (U) Referenced communication from the [Redacted] Field Office [Redacted] dated 12/14/2005, requested that OGC review

~~SECRET~~

NSL OIG/DOJ INVESTIGATION: [Redacted]

DATE: 3-7-06

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03/01/06*

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(U) [redacted]
To: [redacted] From: General Counsel
Re: 278-HQ-C1229736-VIO-1093 ~~(S)~~, 02/09/2006

the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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~~(S)~~ As discussed in the electronic communication (EC) from [redacted] cited below,¹ on 10/17/2003, [redacted]

[redacted]

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~~(S)~~ During the course of the investigation, [redacted] issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States." The NSL, dated March 18, 2005, was addressed to [redacted] and requested what was intended to be subscriber information and the telephone records of the target, [redacted]. His telephone number was believed to be [redacted]. However, the number was mistakenly written with one number changed, so that the NSL was issued for the wrong telephone number.³ Records for

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(U) ¹ ~~(S)~~ EC from [redacted] to OCG dated 12/14/2005 and titled "Special Agent (SA) [redacted] Possible Intelligence Oversight Board (IOB) Matter - International Terrorism Related."

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

³ (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document. Since the EC approving the NSL and the NSL itself include the incorrect telephone number, these documents have been permanently charged out of the FBI's

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(U) [redacted]
To: [redacted] From: General Counsel
Re: 278-HQ-C1229736-VIO-1093-~~(S)~~, 02/09/2006

(S)

that telephone number were provided by the telephone company to the [redacted] Division of the FBI, which forwarded the information to [redacted] via an EC dated 6/23/2005.⁴ Upon receipt of the records, the case agent realized his mistake. The records from [redacted] were destroyed. Further, serials created before the mistake was discovered and which referenced the incorrect phone number and information have been permanently charged out of the FBI's Automated Case Support system. By EC dated 07/01/2005, this matter was reported to OGC and the [redacted] Division and notice was given of the destruction of the NSL return information.⁵ It was reported as a possible IOB violation by EC dated 12/14/2005.⁶

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(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially

Automated Case Support (ACS) system.

(S) ⁴ ~~(X)~~ [redacted] 66F-HQ-C1303375, Serial 53874; [redacted]

[redacted] Since this document contains the incorrect telephone number and the name of the subscriber of that telephone number, these three file copies of the document have been permanently charged out of ACS.

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(S) ⁵ ~~(X)~~ [redacted]; 66F-HG-C1303375. This document includes the incorrectly written telephone number. However, this document has not been deleted from ACS because the document itself reveals the mistaken nature of the telephone number, and provides a record for the fact that the information was obtained and then destroyed.

⁶ (U) See 278-HQ-C1229736-VIO-1093, addressed to OGC.

~~SECRET~~

~~SECRET~~

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b7E

To: [REDACTED] From: General Counsel
Re: 278-HQ-C1229736-VIO-1093 (S) , 02/09/2006

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

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

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: 278-HQ-CI229736-VIO-1093 (S) , 02/09/2006

LEAD(s) :

Set Lead 1: (ACTION)

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[redacted]
AT [redacted]

(U) For review and action deemed appropriate.

Set Lead 2: (ACTION)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

b6
b7C

1 [redacted]
◆◆

~~SECRET~~

BY COURIER

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

DECLASSIFIED BY 65179 DMH/KSR/JM
ON 06-30-2007

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory
b7E memorandum entitled "Intelligence Oversight Board (IOB) Matter,
[redacted] Field Office, IOB Matter 2006 [redacted]" (U)

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

Enclosure

b2 1 - Mr. Hulon
b6 1 - Inspection (IOB 2006 [redacted])
b7C 1 - [redacted]
1 - 218-HQ-C1229136-VIO-1192

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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03/01/06
Kaw*

NSL VIO-18394

~~SECRET~~

Mr. Stephen Friedman

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 2 -

~~SECRET~~

NSL VIO-18395

DATE: 06-30-2007
CLASSIFIED BY 65179 DMH/KSR/JH
REASON: 1.4 (C)
DECLASSIFY ON: 06-30-2032

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ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

Mr. Stephen Friedman

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

(S)

~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that in conducting [REDACTED] the FBI improperly used a National Security Letter (NSL) to obtain subscriber information and telephone toll billing records on a telephone number which was not related to the investigation. The overcollection was due to a mistake in the NSL in identifying the telephone number of [REDACTED] whose number was intended to be the subject of the request. The overcollection was a violation of Section V.11. of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).¹ In this regard, on 10/17/2003, [REDACTED]

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(S)

(S)

[REDACTED]
During the course of the investigation, Pittsburgh issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709, to a telephone carrier for the telephone subscriber and toll billing records of a telephone number intended to be identified as that of the target. Instead, one of the numbers within the telephone number was incorrectly written; thus, the information returned from the carrier was subscriber information and the telephone toll billing records of a wholly unrelated telephone number. The error was discovered upon receipt of the information, and the records were not reviewed nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. Thus, the matter is being reported to the IOB.

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

~~SECRET~~

¹ (U)
~~(S)~~ Section V.11. authorizes use of National Security Letters in conformity with 18 U.S.C. § 2709 (relating to subscriber information, toll billing records, and electronic communication transactional records). The statute requires that information sought is relevant to an authorized national security investigation.

NSL VIO-18396

~~SECRET~~

Mr. Stephen Friedman

- 4 -

~~SECRET~~

NSL VIO-18397

