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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/21/2006

To: [redacted]
Counterintelligence

Attn: ADC [redacted]
Attn: [redacted] JC [redacted]

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From: Office of the General Counsel
NSLR/CTIU/Room 7947

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

Approved By: Thomas Julie F

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b7Erafted By: [redacted]

(S)

Case ID #: ~~(S)~~ [redacted]

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

Synopsis: (U) ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

(S)

(U) Derived From: G-1
Declassify On: X1

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Reference: ~~(S)~~ [redacted]
(U) 278-HQ-C1229736-VIO Serial 2550

Details: (U) The referenced electronic communication (EC) from [redacted] dated 06/09/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

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(S) [redacted]
[redacted]
[redacted] On 03/20/2006, a National Security Letter (NSL) was issued to [redacted] telecommunications in order to determine subscriber information for telephone number [redacted]

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DATE: 11-28-2007
CLASSIFIED BY: 65719cmh/ksr/lmf
REASON: 1.4(C)
DECLASSIFY ON: 11-28-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-31728

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ [redacted] 06/21/2006

(S)

[redacted] Service of the NSL was accomplished through the [redacted]
[redacted] Division on 03/20/2006.

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(S)

(S) Subsequent to the service of the NSL, [redacted]
[redacted] At or about this same
time, [redacted] provided a delayed return to the outstanding NSL by
forwarding subscriber information to [redacted]
upon receiving the information, notified [redacted] and was
told to seal the information, due to the decision to close the
case. The information was then forwarded to the Chief Division
Counsel at [redacted] for safekeeping.

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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 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 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.

~~(S)~~

~~(S)~~ In this case, the facts do not establish a
violation of the NSIG or any other guideline or regulation
approved by the Attorney General and, therefore, do not rise to
the level of an IOB-reportable incident. The record reflects
that, at the time of the service of the NSL, [redacted] was properly in
place. The issuance of the NSL was therefore valid, and this
office finds no fault on the part of the agents involved.
Further, the issue appears to have been due primarily to [redacted]
untimely response to the NSL, an issue beyond the individual
agents' control.

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To: [REDACTED] From: Office of the General Counsel
Re: ~~(U)~~ [REDACTED], 06/21/2006

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~~(U)~~ Further, the record also reflects that no personal or identifying information was entered into ACS as a result of the NSL return. Additionally, it should be noted that the field performed no investigative measures based upon the information gained from the NSL return. The subject suffered no prejudice, and there is no evidence of misconduct on the part of either field office.

~~(U)~~ To the extent that this incident involves any error on the part of the Bureau, it is administrative in nature and may be placed in the control file for periodic review by the Counsel to the IOB. This is consistent with our prior opinions in such cases. Nothing in this instance warrants deviating from this approach. No further administrative measures are required.

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(S)

To: [redacted] From: Office of the General Counsel
Re: (X) [redacted] 06/21/2006

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LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) Read and clear.

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Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas

[redacted]
IOE Library

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

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~~(S)~~ By electronic communication dated June 8, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, on April 27, 2006, [REDACTED] the FBI issued a National Security Letter (NSL) pursuant to 18 U.S.C. § 2709. The NSL was issued to [REDACTED] and requested the subscriber, address, length of service, and toll record information associated with US person [REDACTED] and two telephone numbers from [REDACTED]

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(S) On June 5, 2006, [REDACTED] received the requested information, along with the telephone records of a previously unknown individual. Upon receiving the information concerning the previously unknown individual, the case agent in [REDACTED] performed preliminary checks in ACS and open source internet queries in an attempt to ascertain the relevance of the information. However, all such checks were negative, and it was later determined that [REDACTED] erroneously provided the unknown individual's information in the same package as [REDACTED]. The unknown individual's information was later sequestered in the Chief Division Counsel's safe, and no personal identifying information concerning her was ever entered into ACS.

(U) ~~(S)~~ Here, an error on the part of [REDACTED] resulted in the unintentional acquisition of information through an NSL. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, the carrier's mistake must be reported to the IOB.

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DATE: 11-30-2007
CLASSIFIED BY: 65179dmh/ksr/lmf
REASON: 1.4(C)
DECLASSIFY ON: 11-30-2032

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

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-31732

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NSL VIO-31733



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

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

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The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 25X1~~

DECLASSIFIED BY 65179 DMH/KSR/LMF
ON 12-11-2007

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NSL VIO-31734

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

pg-2

~~SECRET~~

NSL VIO-31735

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/21/2006

To: [Redacted]
Counterintelligence

Attn: ADC [Redacted]
Attn: [Redacted] JC [Redacted]

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

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

Approved By: Thomas Julie F

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Drafted By: [Redacted]
Case ID #: (U) [Redacted]

(b7E)

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

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Synopsis: ~~(U)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

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(U) ~~Derived From: S1
Declassify On: X1~~

(S)

Reference: ~~(U)~~ [Redacted]
(U) 278-HQ-C1229736-VIO Serial 1426

Details: (U) The referenced electronic communication (EC) from [Redacted] dated 06/08/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

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(S)

[Redacted]
[Redacted]
[Redacted] On 04/27/2006, [Redacted] issued a National Security Letter (NSL) to the [Redacted]

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DATE: 11-30-2007
CLASSIFIED BY: 65179cmh/ksr/lmf
REASON: 1.4(C)
DECLASSIFY ON: 11-30-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-31736

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(S) To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ [redacted] 07/21/2006

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(S) requesting the name, address, length of service, and toll billing records associated with the subject, as well as telephone numbers

[redacted]

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(U) ~~(S)~~ On 06/05/2006, [redacted] provided the requested information to the [redacted] field office, which served the original NSL. Contained in the package were the requested records for the subject as well as billing records for an individual previously unknown to the investigators.

(S) Upon receiving the information concerning the previously unknown individual, the case agent in [redacted] performed preliminary checks in ACS and open source internet queries in an attempt to ascertain the relevance of the information. However, all such checks were negative, and it was later determined that [redacted] erroneously provided the unknown individual's information in the same package as [redacted]. In this case, the case agent had sought [redacted] phone records from [redacted]. However, the information provided by [redacted] on the previously unknown individual was dated from [redacted]. In retrospect, it is therefore clear that [redacted] erred in providing the previously unknown individual's records in response to the NSL.

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(U) ~~(S)~~ Upon discovering the error, the case agent sealed the records and returned them to the Assistant Division Counsel. The Assistant Division Counsel then secured the information in the Chief Division Counsel's safe. The case agent never uploaded any personal or identifying information concerning the previously unknown individual onto ACS, and no other checks were conducted.

(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 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

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(S)

To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ [redacted] 07/21/2006

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part to ensure the protection of the individual rights of U.S. persons.

(U)

~~(S)~~ Here, an error on the part of [redacted] resulted in the unintentional acquisition of information. It should be noted that [redacted] response in receiving the unsolicited material was commendable. Upon learning that [redacted] provided information beyond the scope of the NSL, [redacted] sequestered the excess information and placed it in the Chief Division Counsel's safe. No personal or identifying information was entered into ACS as a result of the error, and the previously unidentified individual was not prejudiced in any way.

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(U)

~~(S)~~ Nevertheless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12963, the telecommunication company's mistake in providing the previously unknown individual's information should be reported to the IOB. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOB notification purposes.

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(S)

To: [redacted] From: Office of the General Counsel
Re: (X) [redacted] 07/21/2006

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LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT

[redacted]

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(U) With respect to the information that exceeded the scope of the NSL, please seal it and sequester it within the CDC's safe. The information should continue to remain sealed and sequestered in the CDC's safe until further direction from OGC.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

CC: Ms. Thomas

[redacted]

IOB Library

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INTELLIGENCE OVERSIGHT BOARD MATTER

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

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(U) ~~(S)~~ By electronic communication dated June 21, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. [REDACTED]

(S)

[REDACTED]

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(S)

[REDACTED]

(U) ~~(S)~~ Two days later, the error was discovered. Bureau personnel immediately discontinued coverage of the number and sequestered all information gained as a result of the overcollection. This information has been reduced to CD-ROM format and is being sent to the DOJ Office of Intelligence Policy and Review (OIPR) for appropriate disposition.

(U) ~~(S)~~ Here, an error on the part of the FBI resulted in the unintentional overcollection of information. Although the information was gathered in good faith by Bureau personnel, we nevertheless conclude that this incident must be reported to the IOB.

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

DATE: 11-30-2007
CLASSIFIED BY: 65179dmh/ksr/lmf
REASON: 1.4(C)
DECLASSIFY ON: 11-30-2032

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-31740

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

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(U) ~~(S)~~ By electronic communication dated June 23, 2006, the Federal Bureau of Investigation (FBI), [redacted] field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, from [redacted]

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[redacted]

(S)

[redacted]

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(U) ~~(S)~~ [redacted] internet usage [redacted] Internet Protocol (IP) address. However, while reviewing [redacted] the case agent noted a change [redacted]

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(U) ~~(S)~~ Subsequent investigation revealed that [redacted] without notifying the FBI. These changes resulted in [redacted] previously-identified IP address being reallocated to different presumed-U.S. person users [redacted]. As a result, [redacted]

(U) ~~(S)~~ After discovering the mistake, [redacted] purged the incorrect internet data [redacted] copied the data to five CDs for proper handling and destruction. The CDs are currently stored at FBIHQ.

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~~(U)~~ (S) ~~(S)~~ [redacted] internet data resulted from the internet provider's failure to communicate the change in the subject [redacted] IP address. [redacted] In this case, however, the internet provider failed to notify FBI personnel

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of the change. The FBI has since taken steps to prevent another communication failure, however, by reminding company personnel of the need to inform Bureau personnel of [redacted]

[redacted]

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(U)

~~(S)~~ Here, an error on the part of [redacted] [redacted] resulted in the unintentional acquisition of information. However, because none of this information was ever attributed to any identifiable individual, it appears likely that no prejudice occurred as a result of this error.

(U)

~~(S)~~ Regardless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12363, the internet provider's mistake and resulting overcollection by the FBI should be reported to the IOB.

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

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- 2 -

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NSL VIO-31742

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

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(U) [REDACTED] By electronic communication dated August 8, 2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, on 07/06/2006, a case agent [REDACTED] committed a typographical error when issuing a national security letter (NSL) on a targeted phone number. As a result of this error, the FBI obtained in error the records of a third-party business, as opposed to the phone records of [REDACTED]

(S)

(U) [REDACTED] On 08/02/2006, the case agent discovered and reported his error to his Chief Division Counsel (CDC) and his supervisor. Immediately thereafter, steps were taken to ensure that the information was never uploaded into FBI files or indices.

(U) [REDACTED] In this case, the case agent's typographical error in preparing the NSL request resulted in the collection of information unrelated to the investigation. Because this information was immediately sequestered by the case agent and subsequently destroyed at the direction of the FBI Office of General Counsel, no US person was prejudiced as a result of this error. Nevertheless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this error must be reported to the IOB.

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

SECRET

DATE: 12-04-2007
CLASSIFIED BY: 65179dmh/ksr/lmf
REASON: 1.4 (C)
DECLASSIFY ON: 12-04-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-31743

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

(U) [redacted]
(S) ~~(S)~~ By electronic communication dated August 19, 2006, the Federal Bureau of Investigation (FBI), [redacted] Field Office, reported a possible Intelligence Oversight Board (IOB) matter [redacted]

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[redacted] On 08/09/2005, a National Security Letter (NSL) was issued for [redacted] email address.

(U) ~~(U)~~ On 08/16/2005, after receiving the requested information from [redacted] the case agent noticed a typographical error in the issuance of the NSL. The NSL requested information for [redacted]

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(S) [redacted] As a result of the typographical error, the agent received information for an individual other than [redacted]

(U) ~~(U)~~ Upon discovering the error, the case agent immediately sequestered and destroyed the CD of information submitted by [redacted]. After attending NSLE training earlier this year, she reported the incident and requested a legal review.

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(U) ~~(U)~~ Here, a typographical error on the FBI resulted in an accidental overcollection of information. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, the carrier's mistake must be reported to the IOB.

DATE: 11-30-2007
CLASSIFIED BY: 65179cmh/ksr/lmf
REASON: 1.4(C)
DECLASSIFY ON: 11-30-2032

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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NSL VIO-31744



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

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

b2

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: C-3
Declassify On: 25X1~~

DECLASSIFIED BY 65179 DMH/KSR/LMF
ON 12-11-2007

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Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

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NSL VIO-31746

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/03/2006

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To: [Redacted]

Attn: SA [Redacted]
SA [Redacted]

Counterintelligence
Inspection

Attn: CD-2D
Attn: IIS, Room 11961

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

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

Approved By: Thomas Julie F

Drafted By: [Redacted]

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

(U)

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER b2
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). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

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(U) ~~Derived From: C-1
Declassify On: X1~~

Reference: ~~(S)~~ [Redacted]
(U) 278-HQ-C1229736-VIO Serial 1646

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Details: (U) The referenced electronic communication (EC) from [Redacted] in file 278-HQ-C1229736, dated 09/19/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

(S) [Redacted]
[Redacted]

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10, 10/03/2006

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(S) [redacted] On 08/08/2005, a National Security Letter (NSL) was issued for [redacted] email address.

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(U) ~~(S)~~ On 08/16/2005, after receiving the requested information from [redacted], the case agent noticed a typographical error in the issuance of the NSL. The NSL requested information

(S) for [redacted]. As a result of the typographical error, the agent received information for an individual other than [redacted].

(U) ~~(S)~~ Upon discovering the error, the case agent immediately sequestered and destroyed the CD of information submitted by [redacted]. After attending NSLE training earlier this year, she reported the incident and requested a legal review.

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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 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, when the IOE was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOE (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 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.

(U) ~~(S)~~ Here, a typographical error in an NSL resulted in incorrect information being obtained. However, in mitigation, the case agent acted properly and aggressively in sequestering and destroying the CD as soon as the error was discovered.

(U) ~~(S)~~ Regardless, however, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the FBI's typographical error, and resulting overcollection, must be reported. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOE notification purposes.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 10/03/2006

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LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) For information.

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b7E

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

CC: Ms. Thomas

[redacted]

IOE Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/15/2006

To:

[Redacted]

Attn: ASAC
CDC

[Redacted]

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Counterintelligence

Attn: CD-IE
SSA

[Redacted]

Inspection

Attn: IIS, Room 11501

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

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

Approved By: Thomas Julie E.

[Redacted]

Drafted By:

[Redacted]

b2
(b7E)

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

(U)

~~(S)~~ 62 [Redacted] A89455-IOB (Closed)

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER

(U)

b2 ~~(S)~~ 2006- [Redacted]

Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter does not merit reporting to the Intelligence Oversight Board (IOB). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

(U)

(U) ~~Derived From : G-1~~
~~Declassify On: X1~~

Reference: (U) 62 [Redacted] A89455 Serial 4
(U) 278-HQ-C1229736-VIO Serial 1709

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Details: (U) The referenced electronic communication (EC) from [Redacted] in file 278-HQ-C1229736, dated 09/22/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

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To: [redacted] From: Office of the General Counsel
Re: 178-HQ-C1229736-V10, 12/15/2006

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(S) [redacted]

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(S) On 08/17/2006, a Electronic Communication Privacy Act (ECFA) National Security Letter (NSL) requesting the name, address, length of service, and electronic communication transactional records for [redacted] email address, [redacted]. The NSL was properly prepared and served in accordance with the Attorney General Guidelines, and [redacted] the email provider, forwarded responsive records to the [redacted] Field Office.

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(U) ~~(S)~~ Among the responsive records, however, [redacted] Field Office found two email transactions labeled "Thread-Topic" apparently containing subject line content or similar information. These two transactions contained information outside the scope of the information sought by the NSL and triggered this inquiry. Upon discovering the apparent error, the case agent took note that the information was never utilized by the FBI in any way, nor was it included or documented in the case file.

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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 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, 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 PIÖB), 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 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.

(U) ~~(S)~~ Here, an error on the part of [redacted] resulted in the unintentional acquisition of information outside the scope of

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 12/15/2006

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the NSL. It should be noted that the FBI's actions after receiving [redacted] overbroad response to the NSL were commendable. Upon learning that [redacted] had provided information beyond the scope of the NSL, the [redacted] Field Office took steps to ensure that the information was not disseminated and requested legal guidance.

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(U) ~~(S)~~ Examination of the record reveals no evidence of unlawful actions by the FBI or actions contrary to Executive Order or Presidential Directive. Accordingly, we opine that this incident is not reportable to the IOB. By this EC, we request that the [redacted] Field Office sequester and destroy any remaining record of the two email transactions giving rise to this inquiry. Inspection is hereby requested to maintain a copy of this record in the event that it is requested by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/15/2006

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LEAD(s) :

Set Lead 1: (Info)

[redacted]
AT [redacted]

(U) For information.

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b7E

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

CC: Mr. Thomas [redacted]
IOE Library

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/18/2007

To: [Redacted]

Attn: SSA [Redacted]
SA [Redacted]

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Inspection

Attn: IIS, Room 11861

Counterterrorism

Attn: ITOS II, [Redacted]

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

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

Approved By: Thomas Julie F

Drafted By: [Redacted]

b1
(U) b7A
b2
(U) b7E

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

Title: ~~SECRET~~ INTELLIGENCE OVERSIGHT BOARD MATTER b2
2007 [Redacted]

(U) **Synopsis:** (X) It is the opinion of the Office of the General Counsel (OGC) that this matter does not merit reporting to the Intelligence Oversight Board (IOB). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

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(U) ~~Derived From : G-1
Declassify On: X1~~

(S) **Reference:** (X) [Redacted]
(U) 278-HQ-C1229736-VIO Serial 2232

b2
b7E **Details:** (U) The referenced electronic communication ("EC") from [Redacted] in file 278-HQ-C1229736, dated 03/07/2007, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does not. Our analysis follows.

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b7A (S) [Redacted]
b2 [Redacted]
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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 03/18/2007

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(S)

[redacted]

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(U) ~~(S)~~ ACS also reflects that, on 01/31/07, a National Security Letter ("NSL") seeking electronic communication transactional records with regard to two email accounts was served upon [redacted]

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[redacted] In its text, the letter requested electronic communication transactional records but expressly stated that such records did not include "message content and/or header fields." See [redacted]

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(U) ~~(S)~~ Shortly thereafter, [redacted] provided the records but included therewith the target's email subject lines. Immediately upon discovering the error, the case agent sequestered the material and notified [redacted] which subsequently provided a "clean" copy of the records. The agent never uploaded any information from the first set of documents to ACS or any of the Bureau's computer systems. The only record remaining of [redacted] overproduction of documents is the initial CD-ROM, which is now sequestered within a safe.

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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 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 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.

(U)

~~(S)~~ Here, an error on the part of [redacted] resulted in the unintentional acquisition of information outside the scope of the NSL. This matter thus constitutes a third-party error in

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 03/18/2007

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responding to the NSL and is therefore not reportable to the IOB.¹

(U) ~~XXXX~~ Further, for the sake of completeness, it should be noted that, immediately upon learning that [redacted] had provided an overbroad response, the [redacted] Field Office took steps to ensure that the information was not disseminated and requested legal guidance. Examination of the record reveals no evidence of unlawful actions by the FBI or actions contrary to Executive Order or Presidential Directive. Accordingly, we opine that this incident is not reportable to the IOB.

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(U) ~~XXXX~~ By this EC, we request that the [redacted] Field Office sequester and destroy any remaining record of the two email transactions giving rise to this inquiry. Inspection is hereby requested to maintain a copy of this record in the event that it is requested by the Counsel to the IOB.

¹ On 03/28/2006, NSLE sent a letter to the Counsel for the IOB requesting their concurrence to treat these third party errors as non-reportable, though we will 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 OGC, but are not reportable to the IOB.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 03/18/2007

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LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT

[redacted]

(U) [redacted] is requested to destroy the sequestered information erroneously provided by [redacted]

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Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

CC: Ms. Thomas

[redacted]
IOE Library

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~~SECRET~~



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

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

b2

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: C-3
Declassify On: 25X1~~

DECLASSIFIED BY 65179 DMH/KSR/LMF
ON 12-11-2007

~~SECRET~~

NSL VIO-31758

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-31759



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

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

b2

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 25X1~~

DECLASSIFIED BY 65179 DMH/KSR LMF
ON 12-11-2007

~~SECRET~~

NSL VIO-31760

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

NSL VIO-31761



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

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

b2

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 25X1~~

DECLASSIFIED BY 65179 DMH/KSR/LMF
ON 12-11-2007

~~SECRET~~

NSL VIO-31762

~~SECRET~~

Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas
Deputy General Counsel

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

- 1 - Mr. James Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

pg-2

~~SECRET~~

NSL VIO-31763

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/22/2006

To: [Redacted]

Attn: SSA [Redacted]
SA [Redacted]

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Inspection

Attn: IIS, Room 11861

Counterintelligence

Attn: CD-10
UC [Redacted]

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

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

Approved By: Thomas Julie F

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-c1229736-VIO

(U) b2 **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
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). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

(U) ~~Derived From : O-1~~
~~Declassify On: X1~~

Reference: (U) 278-HQ-C1229736-VIO Serial 1460

b2
b7E **Details:** (U) The referenced electronic communication (EC) from [Redacted] dated 06/21/2006, requested that OCC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. Based on the facts of this case, reporting is necessary. Accordingly, OGC will prepare a cover letter and memorandum for IOB notification purposes.

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b7A (S) [Redacted]

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-V10, 09/12/2006

[redacted]

(S)

[redacted]

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~~(U)~~

[redacted] not present on the day of [redacted] believing [redacted] to have been in error. Shortly thereafter, [redacted] discovered the error and discontinued coverage [redacted]

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[redacted]

[redacted] data was immediately sequestered, placed on a CD, and forwarded to NSLB for safekeeping. NSLB subsequently notified the substantive headquarters unit, CD-1C, of the overcollection. The CD was hand-delivered by NSLB to a CD-1C intelligence analyst, for transmittal to CIPR.

(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 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.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-V10, 09/12/2006

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(U) ~~(S)~~ In this case, the interception of communications [redacted] although inadvertent, must be reported to the IOE because the warrant [redacted] did not include coverage of [redacted].

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(U) ~~(S)~~ Nonetheless, it is also appropriate to note that [redacted] response in discontinuing coverage after the error was discovered was commendable. [redacted] was discontinued [redacted] and processing of the information stopped immediately thereafter. The information was immediately sequestered and forwarded to NSLE. It has since been hand-delivered to the substantive FBIHQ unit, CD-1C, for transmittal to CIPR.

(U) ~~(S)~~ Nevertheless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the TIA's mistake in failing to recognize that the interception was being discontinued in accordance with a court order requires IOE notification. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOE notification purposes.

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-VIO, 09/22/2006

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LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT [redacted]

(U) For action deemed appropriate.

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b7E

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) CD-1C is directed to deliver the CD-ROM to OIFR,
for final disposition.

CC: Ms. Thomas

[redacted]
IOB Library

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/04/2006

To: [Redacted]
Inspection
Counterintelligence

Attn: SA [Redacted]
Attn: IIS, Room 11861
Attn: CD-3E, Room 4094
SSA [Redacted]

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

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

Approved By: Thomas Julie F

Drafted By: [Redacted]

(U)

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

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(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). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

(U)

~~Derived From : G-1~~
~~Declassify On: X1~~

Reference: (S) [Redacted]
~~(S)~~ 278-HQ-C1229736-VIO Serial 1492

(U)

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Details: (U) The referenced electronic communication (EC) from [Redacted] dated 06/23/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, the incident must be reported to the IOB. Our analysis follows.

(S)

[Redacted]

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To: [redacted] Attn: SA [redacted]
From: Office of the General Counsel
Re: ~~(S)~~ 078-HQ-C1229736-VTO, 08/04/2006

Inspection

(S) [redacted]

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(U) ~~(S)~~ [redacted]

[redacted]

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(U) ~~(S)~~ Subsequent investigation revealed that [redacted]

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[redacted] without notifying the FBI. [redacted] resulted in [redacted] identified IP address being reallocated to different users [redacted] As a result, [redacted] inadvertently [redacted]

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[redacted]

(U) ~~(S)~~ After discovering the mistake, [redacted] purged the incorrect internet data [redacted]

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[redacted] and copied the data to five CDs for proper handling and destruction. The CDs were destroyed by FBIHQ personnel at the direction of OIPR.

(U) ~~(S)~~ Ultimately, [redacted] internet data resulted from the internet provider's [redacted]

[redacted]

[redacted] In this case, however, the internet provider failed to notify FBI personnel of the change. The FBI has since taken steps to prevent another communication failure, however, by reminding company personnel of the need to inform Bureau personnel of [redacted]

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(U) Regardless of fault, however, 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

~~SECRET~~

To: [redacted] Attn: SA [redacted] Inspection
(U) From: Office of the General Counsel
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 08/04/2006

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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 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.

(U) ~~(S)~~ Here, an error on the part of [redacted] [redacted] resulted in the unintentional acquisition of information. However, because none of this information was ever attributed to any identifiable individual, it appears likely that no prejudice occurred as a result of this error.

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(U) ~~(S)~~ Regardless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12363, the internet provider's mistake and resulting overcollection by the FBI should be reported to the IOB. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOB notification purposes.

~~SECRET~~

~~SECRET~~

To: [redacted] Attn: SA [redacted]
From: Office of the General Counsel
Re: (S) 078-HQ-C1229736-VTO, 08/04/2006

Inspection

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(U)

LEAD(s) :

Set Lead 1: (Info)

[redacted]

AT

[redacted]

(U) For information.

b2
b7E

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

CC: Ms. Thomas

[redacted]

IOB Library

b6
b7C

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/30/2006

To: [Redacted]

Attn: CDC [Redacted]
SSA [Redacted]
SA [Redacted]

Inspection

Attn: TTS, Room 11861

Counterintelligence

Attn: CD-2D

b2
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From: Office of the General Counsel
NSLB/CILU/Room 7947

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

Approved By: Thomas Julie F
[Redacted]

Drafted By: [Redacted]

Case ID #: (U) 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). A copy of this opinion should be retained in the control file for review by Counsel to the IOB.

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

Reference: (U) 278-HQ-C1229736-VIO Serial 1580

b2
b7E

Details: (U) The referenced electronic communication (EC) from [Redacted] dated 08/08/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. Based on the facts of this case, reporting is necessary. Accordingly, OGC will prepare a cover letter and memorandum for IOB notification purposes.

b1
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(S) [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 12-04-2007
CLASSIFIED BY 65179dmh/kxr/lmf
NSE-10-3172(C)
DECLASSIFY ON: 12-04-2032

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-V10, 09/30/2006

b2
b7E

(S)

[redacted]

b1
b2
b7E

(S) On 07/06/2006, the case agent caused a national security letter (NSL) to be issued for [redacted] home telephone number [redacted]

b6
b7C

[redacted] In error, the case agent typed the wrong phone number into this request and subsequently received the telephone records of a business entity unrelated to the investigation.

b1
b2
b7E

(U)

~~(S)~~ On 08/02/2006, the case agent discovered and reported the error to his Chief Division Counsel (CDC) and his supervisor. Immediately thereafter, he took steps to ensure that the information was never uploaded into FBI files or indices. The hard copies of the information remain in the case agent's possession to this day.

(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 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.

(U)

~~(S)~~ In this case, the case agent's typographical error in preparing the NSL request resulted in the collection of information unrelated to the investigation.

(U)

~~(S)~~ Nonetheless, it is also appropriate to note the case agent's exemplary conduct in: i) immediately notifying his superiors and CDC; ii) sequestering the information; and iii) ensuring that no dissemination took place.

~~SECRET~~

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-VIO, 09/30/2006

b2
b7E

(U)

~~(S)~~ Nevertheless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this error must be reported to the IOE. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOE notification purposes. By this EC, [REDACTED] is also hereby directed to destroy any and all hard copies or electronic versions of the information remaining. Following the destruction of the materials, no further action is required.

b2
b7E

~~SECRET~~

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-c1229736-VIO, 09/30/2006

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

[redacted]

AT [redacted]

(U) [redacted] is hereby directed to destroy any and all information gathered as a result of the erroneously issued NSL.

b2
b7E

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For action deemed appropriate.

CC: Ms. Thomas

[redacted]
IOB Library

b6
b7C

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~~SECRET~~