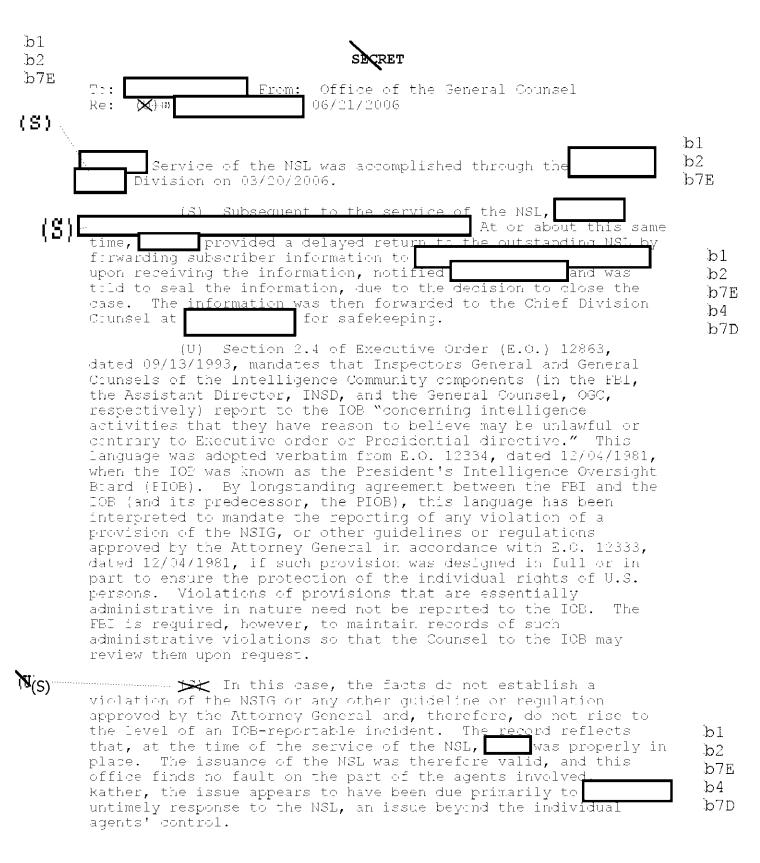
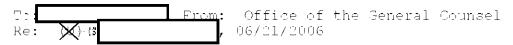


FEDERAL BUREAU OF INVESTIGATION

| | | Precedence: | ROUTINE | | Date: | 06/21/2006 | | |
|------------------------|----------|---|--|--|--------------------------|------------|--|--|
| b2 | | To: Counter: | intelligence | Attn: Attn: | ADC JC | | | |
| b7 b6 b7 | E | NSI | e of the Gener: LB/CTLU/Room 7: ntact: AGC | | 202-3 | 24- | | |
| | b1 b2 | | Thomas Julie | F | 1 | | | |
| (S) | b7 | E :afted By: Case ID #: 🗘 | <u></u> | <u> </u> | J | | | |
| ŀ | >2 | Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER | | | | | | |
| | | Synopsis: (U) (X) It is the opinion of the Office of the General Crunsel (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) | | d From : G-1 Sify On: X1 | | | | |
| b2 b7E | , | | (U) 278-HQ-C1: | 229736 - VIO Ser | ial 2550 | | | |
| | i | facts of the | dated 06/09/2 captioned mat | 2006, requeste ter and determ | d that OGC ine whethe | | | |
| b1 b2 | Ç | (3 |) | | | | | |
| b7E b6 b7C b4 | Ľ | (NSL) was iss determine sub | | 20/2006, a Nat telecommunica mation for tel | tions in o | rder to | | |
| .b7D | CLASSI | 11-28-2007 FIED BY 65719dmh/ | ksr/lmf | SECRET | | | | |
| | | SIFY OW: 11-28-20 | 32 | WHERE SHOWN (| CLASSIFIED EXC | EPT | | |

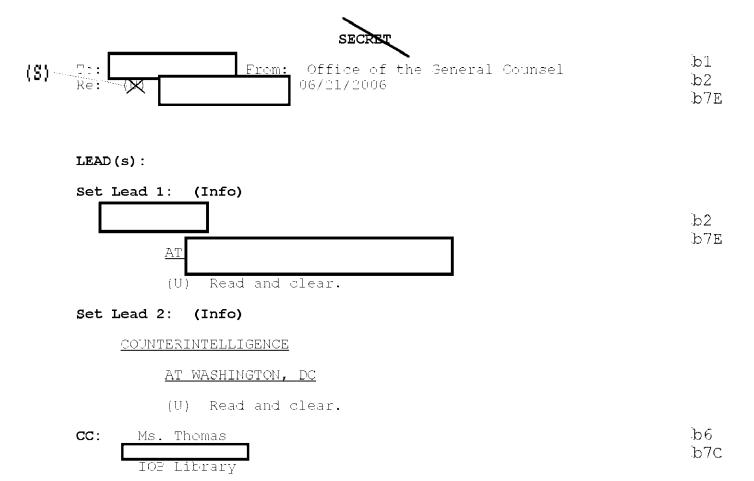




b1 b2 b7E

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)—X) 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.







| | INTELLIGENCE OVERSIGHT BOARD MATTER FIELD OFFICE IOB MATTER 2006 (U) | b2 b7E | | | | |
|-----|---|-------------------|--|--|--|--|
| (S) | By electronic communicat: n dated June 8 2006, the Federal Bureau of Investigation (FBI), Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, on April 27, 2006, the FBI issued a National Security Letter (NSL) pursuant to 18 U.S.C. § 2709. The NSL was issued to and requested the subscriber, address, length of service, and toll record information associated with US person and two telephone numbers from | | | | | |
| | 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 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 erroneously provided the unknown individual's information in the same package as 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. | b7E b6 b7C b4 b7D | | | | |
| (ប) | Here, an error on the part of resulted in the unintentional acquisition of information through an NSL. Eased 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 IOE. | .b4 .b7D | | | | |

DATE: 11-30-2007

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY: ON: 111-30-2032

Derived from: G-3 Declassify on: 25X1

SECRET

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT NSL VIO-31732HERE SHOWN OTHERWISE



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)

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-31734

pg-1

b2

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)

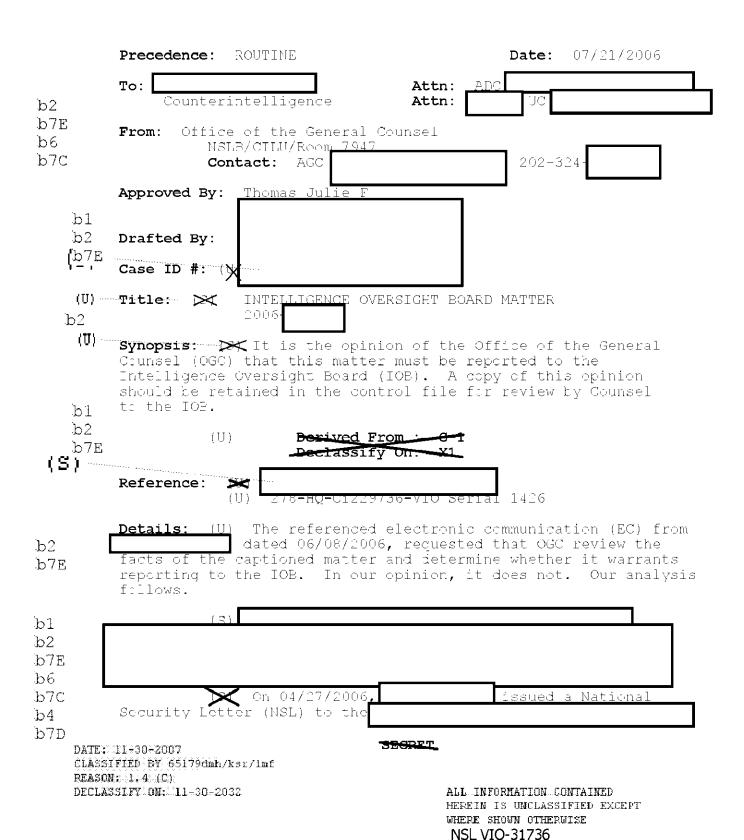
Sincerely,

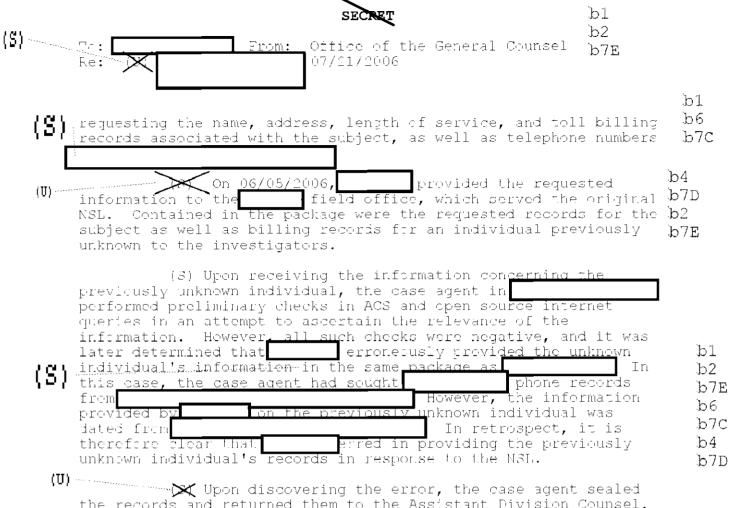
Julie F. Thomas Deputy General Counsel

- 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 615)

pg-2

SECRET FEDERAL BUREAU OF INVESTIGATION





- 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.
- (J) 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 Oversigh's 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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part to ensure the protection of the individual rights of U.S. persons.

Here, an error on the part of resulted in the unintentional acquisition of information. It should be noted that response in receiving the unsaligited material was commendable. Upon learning that provided information beyond the scope of the NSL, 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.

Nevertheless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, 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.

b2 b7E b1

LEAD(s):



b2 b7E

(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

IOB Library

b6 b7c

**



| | INTELLIGENCE OVERSIGHT BOARD MATTER FIELD OFFICE IOB MATTER 2006- (U) | b2 b7E |
|----------------|---|------------------------|
| (ט) ···· | By electronic communication dated June 21, 2006, the Federal Bureau of Investigation (FBI), Field Office, reported a possible Intelligence Oversight Board (IOB) matter. | |
| (8) * | (8) | b2 b7E b1 b7A |
| (U) | Two days later, the error was discovered. Bureau personnel immediately discontinued coverage of the | |
|) 77 1 | number and sequestered all information gained as a result of the overcollection. This information has been reduced to CD- KOM format and is being sent to the DOJ Office of Intelligence Policy and Review (OIPR) for appropriate disposition. | |
| (U) | Here, an error on the part of the FPI resulted in the unintentional overcollection of information. Although the information was gathered in good faith by Eureau personnel, we nevertheless conclude that this incident must be reported to the IOB. | |

DATE: 11-30-2007

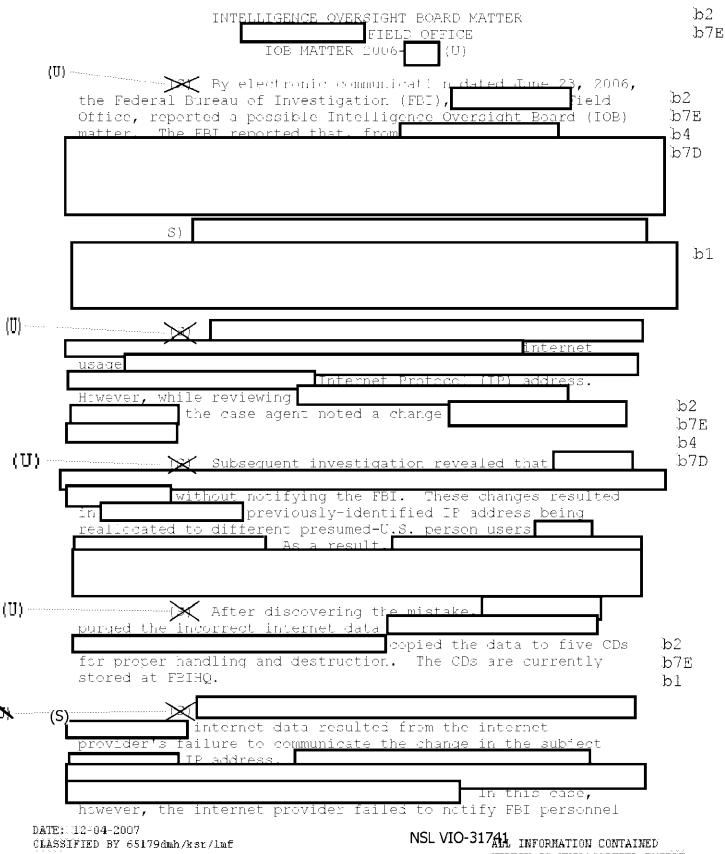
CLASSIFIED BY 65179cmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY ON: 11-30-2032

Derived from: C-3
Declassify on: 25%1

SECRET ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE



REASON: 1.4 (C)

DECLASSIFY ON: 12-04-2032

pg-1

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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 Eureau personnel of

Here, an error on the part of 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.

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 FEI should be reported to the IOB.

Derived from: 0 8 Declassify on: 25%1

SECRET

| | INTELLIGENCE OVERSIGHT BOARD MATTER FIELD OFFICE IOB MATTER 2006 (U) | b2 b71 |
|------------|--|-----------------|
| (U) ··· · | | |
| (S) (V) | By electronic communicat: n dated August 8, 2006, the Federal Bureau of Investigation (FBI), Field Office, reported a possible Intelligence Oversight Board (IOB) matter. The FBI reported that, on 07/06/2006, a case agent 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 the phone records of a third-party business. 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. | b2 b7i b1 |
| (U) ······ | 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 FPI 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. | |

Deciasify on: 25%1

SECRET

DATE: 12-04-2007

CLASSIFIED BY 65179dmh/ksr/lmf

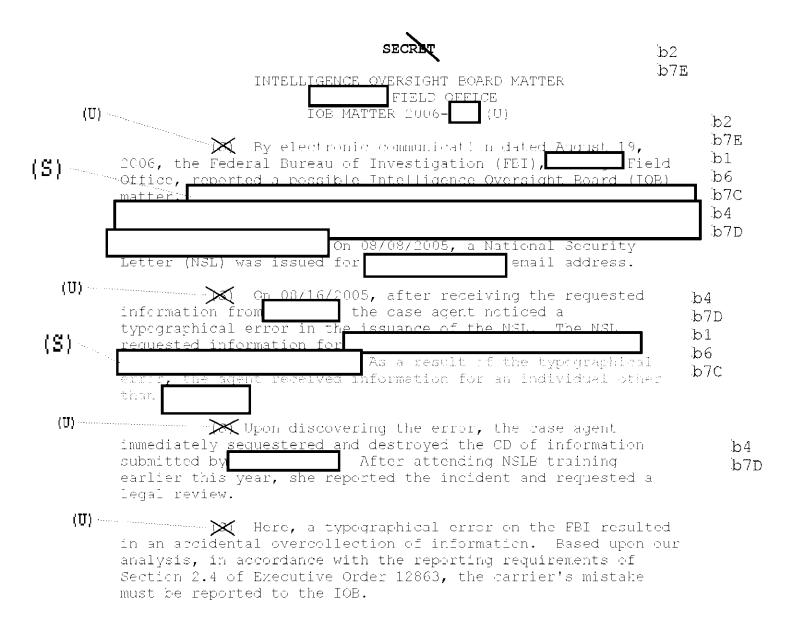
REASON: 1.4 (C)

DECLASSIFY ON: 12-04-2032

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED EXCEPT

NSL VIO-31 HERE SHOWN OTHERWISE

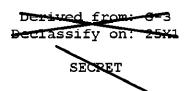


DATE: 11-30-2007

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY OM: 11-30-2032



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

NSL VIO-31744

U.S. Department of Justice



Federal Bureau of Investigation

b2

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)

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

DETACHED FROM
CLASSIFIED ENCLOSURE

Derived From: C 3 Declassify On: 25V1

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

SECRET

NSL VIO-31745

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 615)

SECRET

SECRET FEDERAL BUREAU OF INVESTIGATION

| | Precedence: ROUTINE | | Date: 10/03/2006 | | | | | |
|-----------------|---|--------------------------------------|--|--|--|--|--|--|
| b2 b7E | To: | Attn: | ST SI | | | | | |
| b6 b7C | Counterintelligence | Attn: | CD-2D | | | | | |
| | Inspection | Attn: | IIS, Room. 11361 | | | | | |
| | From: Office of the General Co NSLB/CILU/Room 7947 Contact: AGC | unsel | 202-324 | | | | | |
| b1 | Approved By: Thomas Julie F | | | | | | | |
| b2 b7E | Drafted By: | | | | | | | |
| (U) ···· | Case ID #: 278-HO-C1229736-VIO (Pending) (S) Closed) | | | | | | | |
| | Title: > intelligence oversight board matter b2 | | | | | | | |
| (U) ······ | Synopsis: 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. | | | | | | | |
| b1 b2 | (U) Derived From : 8 1 Declassify On: X1 | | | | | | | |
| ' .b7E | Reference: (U) 278-HQ-C122973 | 86-VIO Sei | rial 1646 | | | | | |
| b2 b7E b1 | Details: (U) The referenced ed in file 278-HQ-C1229736 OGC review the facts of the cap whether it warrants reporting to dies not. Our analysis follows | , dated (tioned ma to the IOE | 09/19/2006, requested that atter and determine | | | | | |
| b€ b7c | (3) | | | | | | | |
| J) (C | | | | | | | | |
| | S: | ECRET | | | | | | |

DATE: 12-04-2007

CLASSIFIED BY 65179dmh/ksr/lmf

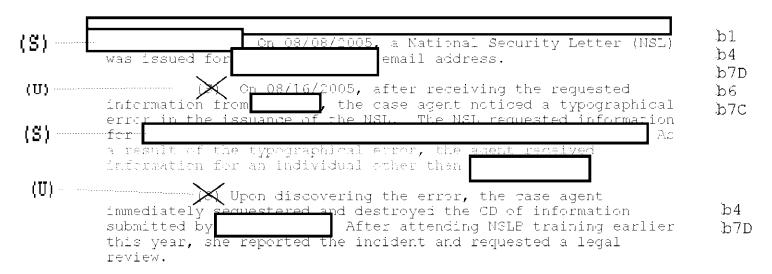
PEASON: 1.4 (C)

DECLASSIFY ON: 12-04-2032



Tr: From: Office of the General Counsel Re: 278-HQ-C1229736-V10, 10/03/2006

. b2 b7е



(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 IOP was known as the President's Intelligence Oversight Brard (FIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with 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.

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.

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, CGC will prepare a cover letter and memorandum for IOB notification purposes.

SECRET



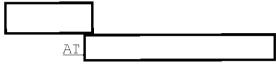
To: From: Office of the General Counsel Ke: 278-HQ-C1229736-VIO, 10/03/2006

b2 b7E

> b2 b7E

LEAD(s):

Set Lead 1: (Info)



(U) For information.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Ms. Thomas

IOB Library

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44



FEDERAL BUREAU OF INVESTIGATION

| | Precedence: Re | DOLLT WE | | Date: 12/15/2006 | | | | |
|-----------|---|---|---------------------------------|---|--|--|--|--|
| b2 | То: | | Attn: | ASA(CDC | | | | |
| b7E b6 | Counterin | telligence | Attn: | CD-15 SSA | | | | |
| b7c | Inspection | ٦ | Attn: | IIS , Room II-ool | | | | |
| | | of the General Co /CILU/Roo <u>m 7947</u> act: AGC | unsel | 202-324 | | | | |
| | Approved By: | Thomas Julie F | 7 | | | | | |
| b2 | Drafted By: | | | | | | | |
| (tb7E | Case ID #: 078-HO-C1229736-VIO (Pending) 60 A89455-IOB (Closed) | | | | | | | |
| (U) | | INTELLIGENCE OVER | SIGHT BO | ARD MATTER | | | | |
| (U) | Counsel (OGÓ) Intelligence O | that this matter (versight Board (I | does not OB). A | Office of the General merit reporting to the copy of this opinion for review by Counsel | | | | |
| | (U) | Derived Fro | | | | | | |
| | Reference: (U | | Serial 4 6-VIO Se | rial 1709 | | | | |
| b2 b7E | in file OGC review the whether it war. | 278-HQ-C1229736, facts of the cap | dated 0 tioned m o the IC | e communication (EC) from 9/22/2006, requested that atter and determine B. In our opinion, it | | | | |

DATE: 12-04-2007

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

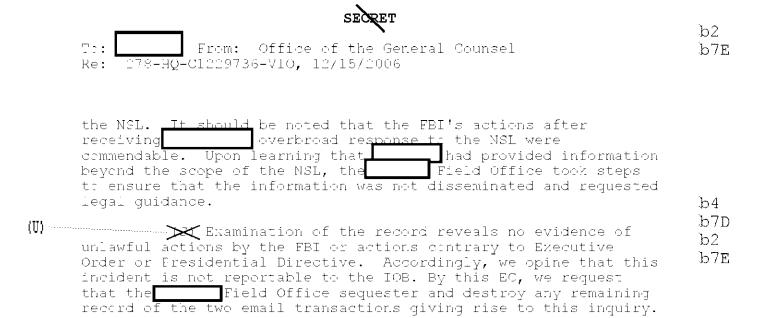
DECLASSIFY ON: 12-04-2032

ALL INFORMATION CONTAINED NSL VIOLET SHOWN OTHERWISE

persons.

(U) Here, an error on the part of resulted in the unintentional acquisition of information outside the scope of b4 b7D

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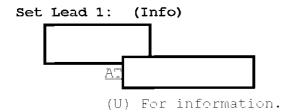
Inspection is hereby requested to maintain a copy of this record in the event that it is requested by the Counsel to the IOB.



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

b2 b7E

LEAD(s):



b2 b7E

Set Lead 2: (Info)

<u>COUNTERINTELLIGENCE</u>

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

IOB Library

b6 b7c

**



FEDERAL BUREAU OF INVESTIGATION

| | Precedence: | ROUTINE | | Date: | 03/18/2007 | | | |
|--------------------------|--|---|--|---------------------------|--------------------------------|--|--|--|
| b2 b7E b6 | To: | | Attn: | SSA SA | | | | |
| | Inspect | ion | Attn: | IIS, Room | 11861 | | | |
| b7C | Counter | terrorism | Attn: | ITOS II, | | | | |
| | NS | e of the Gene LB/CILU/Room ntact: AGC | | 202-3 | 24- | | | |
| | Approved By: | Thomas Jul | ie F | <u> </u> | | | | |
| ,,, b1 | Drafted By: | | | | | | | |
| (U) b7A b2 mb7E | Case ID II. | X) 278-HO-C S) | 1229736-VIO (Pe Pending) | nding) | | | | |
| (U)*** * ***** | Title: 52 INTELLIGENCE OVERSIGHT BOARD MATTER b2 | | | | | | | |
| b1 b7A | Counsel (OGĆ Intelligence |) that this no Oversight Bo | opinion of the matter does not pard (IOB). A e control file | merit repo | rting to the s opinion | | | |
| b2 b7E | (ט) | | wod From · G i assify On: X1 | | | | | |
| (S) | Reference: | (U) 278-HQ-(| C1229736-VIO Se | rial 2232 | | | | |
| b2 b7E | from that OGC rev | lin file 278 iew the fact: arrants repo | enced electroni -HQ-C1229736, d s of the captio rting to the IO follows. | ated C3/O7/ ned matter | 2007, request and determine | | | |
| b1 b7A | (8 | | | | | | | |
| b2 b7E b6 b7C | | | SECRET | | | | | |

DATE: 12-04-2007

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

ĎEČLASSIFY ON: 12-04-2032



| | To: From: Office of the General Counsel Re: 078-HQ-C1209736-V10, 03/18/0007 |
|---|---|
| | |
| _ | 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 |
| | 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 |
| | Shortly thereafter, 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 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 overproduction of documents is the initial CD-ROM, which is now sequestered within a safe. |
| | (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 Brard (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other quidelines or regulations approved by the Attorney General in accordance with 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. |
| | Here, an error on the part of resulted in the unintentional acquisition of information outside the scope of the NSL. This matter thus constitutes a third-party error in |

п.,

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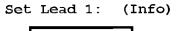
| | To: Erom: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 03/18/2007 | b7E |
|----------|--|------------------------|
| | responding to the NSL and is therefore not reportable to the IOB. $^{\mathrm{1}}$ | |
| (U) · | Further, for the sake of completeness, it should be noted that, immediately upon learning that had provided an overbroad response, the 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 Fresidential Directive. Accordingly, we opine that this incident is not reportable to the IOB. | b7D b4 b2 b7E |
| (V) ···· | By this EC, we request that the 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. | 3.7 E |

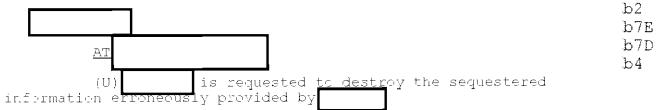
On 03/28/2006, NSLE sent a letter to the Counsel for the IOB requesting their concurrence to treat these third party errors as non-reportable, though we will require the field to continue to report any improper collection under an NSL as a potential IOB matter. By letter dated 11/13/2006, the Counsel 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.



To: From: Office of the General Counsel b7E Re: 278-HQ-C1229736-VIO, 03/18/2007

LEAD(s):





Set Lead 2: (Info)

<u>INSPECTION</u>

AT WASHINGTON, DC

(U) For information.

CC: Ms. Thomas b6
b7C

**



U.S. Department of Justice



Federal Bureau of Investigation

SECRET

Washington, D. C. 20535-0001

BY COURIER

Mr. Stephen Friedman Chairman Intelligence Oversight Board Room 50209 New Executive Office Building 725 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)

o or n **b**2

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

ONCLASSIFIED WHEN DETACHED FOM CLASSIFIED ENCLOSURE

Desired From: C-3 Desired From: 25Y1

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

SECRET

NSL VIO-31758

CHCRET

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 615)

SECRET

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Enclosure

UNCLASSIFIED WHEN DETACHED I COM CLASSIFIED ENCLOSURE

Derived From: 8-3 Declassify On: 25%1

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

SECRET

NSL VIO-31760

pg-1

b2

CHCRHT

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

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 Room 5111
- 1 Mr. James Baker
 Counsel, Office of Intelligence Policy and Review
 U.S. Department of Justice
 Room 615)

SECRET-

U.S. Department of Justice



Federal Bureau of Investigation

b2

SECRE!

Washington, D. C. 20535-0001

BY COURIER

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Enclosure

DETACHED FROM CLASSIFIED ENCLOSURE

Derived From: 6-3 Declassify On: 25X1

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

SECRET

NSL VIO-31762

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 615)

pg-2

SESTET FEDERAL BUREAU OF INVESTIGATION

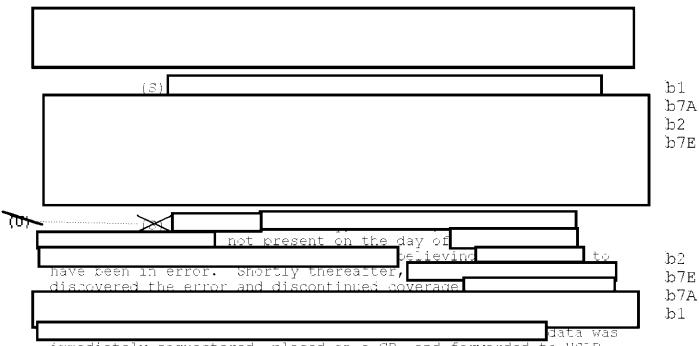
| | Precedence: ROUTINE | | _Date: 0 | 19/22/2006 |
|------------------|--|---|--|---|
| | To: | Attn: | SSA SA | |
| b2 | Inspection | Attn: | IIS, Room II | 861 |
| b7E b6 b7C | Counterintelligence | Attn: | 0D-10 UC | |
| | From: Office of the Ger NSLB/CILU/Room Contact: AGC | | 202-324 | |
| | Approved By: Thomas Jul | ie F | | |
| | Drafted By: | | | |
| !TT\ | Case ID #: (U) 278-HQ-d | c1229736-VIO | _ | |
| (U) b2 | Title: MITELLIGEN | ICE OVERSIGHT BO | ARD MATTER | |
| (U) ······ | Synopsis: It is the Counsel (OGC) that this Intelligence Oversight E should be retained in the to the IOB. | matter must be Board (IOB). A | reported to to copy of this | ine Opinion |
| | | ved From : G-1 | | |
| b2 | Reference: (U) 278-HQ-C | C1229736-VIO Ser | ial 1460 | |
| 62 67E | Details: (U) The refer dated 06/21/20 of the captioned matter reporting to the IOB. It is necessary. According memorandum for IOB notif | 006, requested t and determine w Based on the fac gly, OGC will pr | hat OGC revie hether it war ts of this ca epare a cover | w the facts rrants ise, reporting |
| b1 | (3) | | | |
| b7A | | SECRET | | |

DATE: 12-04-2007

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY ON: 12-04-2032



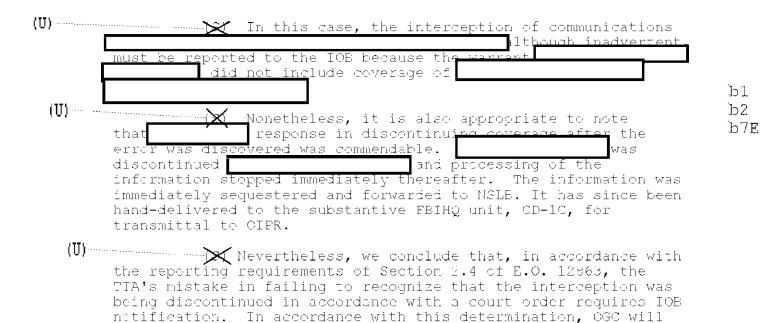
immediately sequestered, placed on a CD, and forwarded to NSLB for safekeeping. NSLB subsequently notified the substantive headquarters unit, CD-1C, of the overcollection. The CD was hand-delivered by NSLB to a CD-1C intelligence analyst, for transmittal to CIPR.

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 TOP was known as the President's Intelligence Oversight Board (FIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with 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.



Tr: From: Office of the General Counsel Re: (U) 278-HQ-d1229736-V10, 09/12/2006

b2 b7E



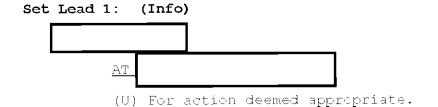
prepare a cover letter and memorandum for IOB notification

purposes.



b2 b7E

LEAD(s):



Set Lead 2: (Info)

TNSPECTION

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.

b6
b7c

44



SECRET FEDERAL BUREAU OF INVESTIGATION

| | Precedence: ROUTINE Date: 03/04/2006 | |
|-------------|--|-----------------|
| b2 b7E | To: Inspection Counterintelligence Attn: SA Attn: IIS, Room II861 Attn: CD-3E, Room 4094. SSA | |
| Ъ6 Ъ7С | From: Office of the General Counsel NSLB/CILU/Room 7947 Contact: AGC 202-324 | |
| | Approved By: Thomas Julie F | |
| (U) | Drafted By: | |
| | Case ID #: 278-HO-C1229736-VIO (S) | b1 b7# |
| (U) ······· | Title: intelligence oversight board matter 2006 b2 | b2 b7E |
| (U) ··· | Synopsis: 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) 278-HQ-C1229736-VIO Serial 1492 | b1 b7# b2 |
| | Details: (U) The referenced electronic communication (EC) from 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. | b7E |
| | (3) | |
| | SECRET | |
| | | |

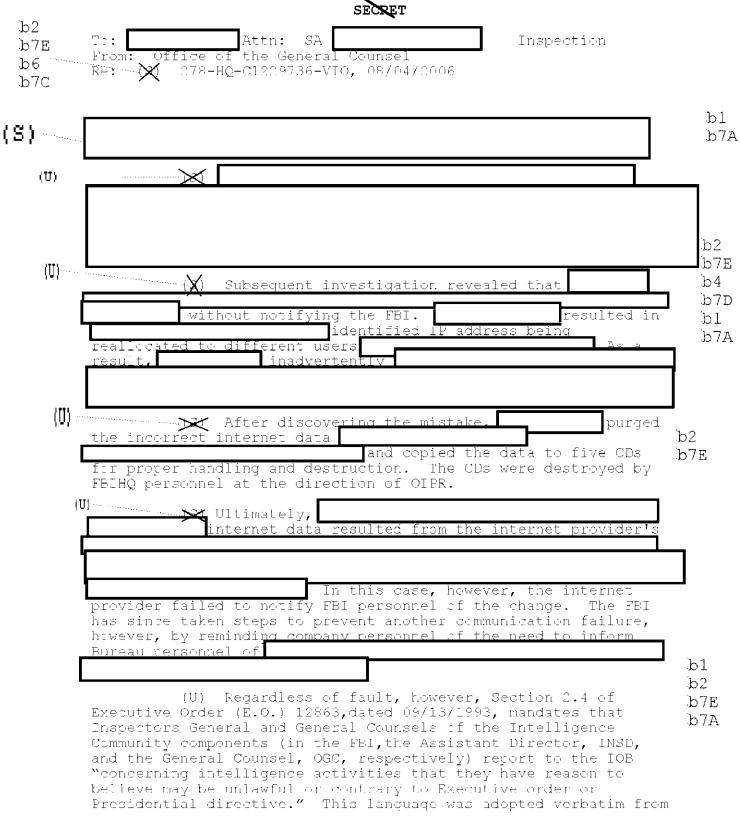
DATE: 12-04-2007

CLASSIFIED BY 65179dmh/ksr/lmf

REASON: 1.4 (C)

DECLASSIFY ON: 12-04-2032

ALL INFORMATION CONTAINED NSL VIOLENT WHERE SHOWN OTHERWISE





Tr: Attn: SA Inspection
From: Office of the General Counsel
Re: 2078-HQ-C1209736-VIO, 08/04/2006

b2 b7E b6 b7C

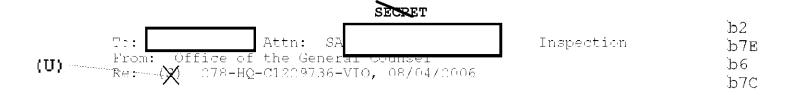
b4

b7D

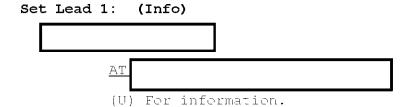
E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOE), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, 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.

Here, an error on the part of 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.

Regardless, we conclude that, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, 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.



LEAD(s):



.b7E

b2

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 b6
b7C



SECRET

FEDERAL BUREAU OF INVESTIGATION

| m: Office NSLE Cont roved By: fted By: | of the General/CILU/Room 79:act: AGC Thomas Julie | 947 F | CDC SSA SA TIS, Room CD-2D | | |
|---|---|---|---|--|---|
| Countering m: Office NSL2 Cont roved By: fted By: e ID #: (U) | of the General/CILU/Room 79:act: AGC Thomas Julie | Attn: al Counsel 947 | TTS, Room CD-2D | | |
| m: Office NSLE Cont roved By: fted By: e ID #: (U) | of the Geners P/CILU/Room 79 Pact: AGC Thomas Julie | al Counsel 947 F | | ≥ 4 | |
| NSLE Controved By: fted By: | CILU/Reem 79 cact: AGC Thomas Julie | 947 F | 202-3 | 24 | |
| fted By: | 278-H Q -c122 | | | | |
| - L e ID #: (U) | | 29736-VIO | | | |
| | | 29736 - VIO | | | |
| le: 🔀 | THURTTACHACE | | | | |
| | 2006 | OVERSIGHT BO | DARD MATTER | `b2 | |
| nsel (OGC) elligence C uld be reta | that this mat eversight Boar | eter must be ed (IOB). A | reported to copy of thi | the s opinion | |
| (U) | | | | | |
| erence: (U) | 278-HQ-C122 | 29736-VIO Ser | dial 1580 | | } |
| dat the caption orting to t necessary. | ed 08/08/2006 led matter and the IOB. Base Accordingly, | 6, requested d determine v ed on the fac . OGC will pr | that OGC rewhether it worth of this cepare a cov | view the facts arrants case, reporting | |
| (3) | | | | | b |
| | | | | | b |
| 1 1 1 | nsel (OGC) elligence Culd be reta the IOB. (U) erence: (U) ails: (U) dat the caption orting to to necessary. | nsel (OGC) that this matelligence Oversight Boar uld be retained in the other IOB. (U) Derived Declass erence: (U) 278-HQ-C122 ails: (U) The reference dated 08/08/2000 the captioned matter and orting to the IOB. Base necessary. Accordingly, crandum for IOP notifices | nsel (OGC) that this matter must be elligence Oversight Board (IOB). A uld be retained in the control file the IOB. (U) Derived From: G-1 Declassify On: X1 erence: (U) 278-HQ-C1229736-VIO Serence: (U) The referenced electronic dated 08/08/2006, requested the captioned matter and determine verting to the IOB. Based on the factored serences ary. Accordingly, OGC will prograndum for IOB notification purpose | nsel (OGC) that this matter must be reported to elligence Oversight Board (IOB). A copy of this uld be retained in the control file for review the IOB. (U) Derived From: 6-1 Declassify On: X1 erence: (U) 278-HQ-C1229736-VIO Serial 1580 ails: (U) The referenced electronic communicated dated 09/08/2006, requested that OGC retained the captioned matter and determine whether it worting to the IOB. Based on the facts of this enecessary. Accordingly, OGC will prepare a coverandum for IOB notification purposes. | (U) Derived From: 6-1 Declassify On: X1 erence: (U) 278-HQ-C1229736-VIO Serial 1580 ails: (U) The referenced electronic communication (EC) from dated 08/08/2006, requested that OGC review the facts the captioned matter and determine whether it warrants orting to the IOB. Based on the facts of this case, reporting necessary. Accordingly, OGC will prepare a cover letter and crandum for IOB notification purposes. |

DATE: 12-04-2007 CLASSIFIED BY 65179dmh/ksr/1mf NSEA/10-31772() DECLASSIFY ON: 12-04-2032

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b1

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b7E

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

In error, the case agent typed the wrong phone number into this request and subsequently received the telephone records

into this request and subsequently received the telephone records of a business entity unrelated to the investigation.

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.

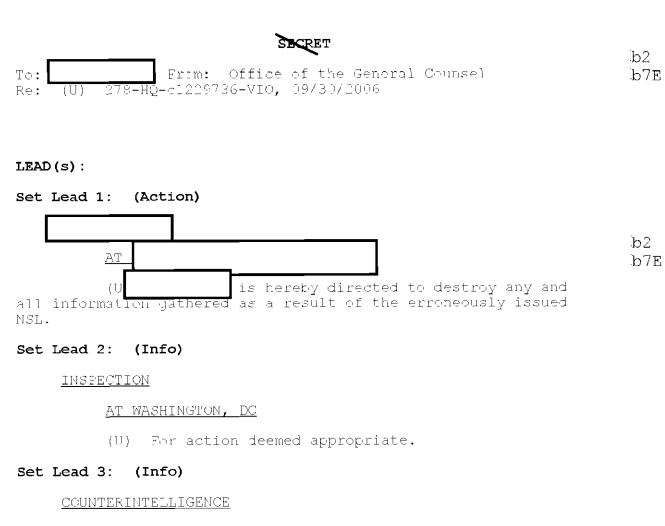
- (U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities 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 IOP was known as the President's Intelligence Oversight Brard (FIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with 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.
- In this case, the case agent's typographical error in preparing the NSL request resulted in the collection of information unrelated to the investigation.
- 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

| | | | | • | | | .b2 |
|-----|------------|---------|---------|---------|---------|---------|-----|
| To: | | From: | Office | of the | General | Counsel | b7E |
| Re: | (U) 278-HQ | -c12297 | 36-VIO, | 09/30/2 | :006 | | |

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. In accordance with this determination, OGC will prepare a cover letter and memorandum for IOB notification purposes. By this EC, 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.



AT WASHINGTON, DC

(U) For action deemed appropriate.

CC: Ms. Thomas b6
b7C

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