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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 10/20/2006

To: [Redacted]

Attn: CDC [Redacted]

Inspection

Attn: Internal Investigative Section

Attn: [Redacted] Room 11865

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From: General Counsel

National Security Law Branch [Redacted]

Contact: [Redacted]

Approved By: Thomas Julie E. [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-1888

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

Title: (U) Intelligence Oversight Board  
(IOB) Matter 2006 [Redacted] b2

(U)

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

(U)

~~(S)~~

~~Derived From : G-3  
Declassify On: 10/12/2016~~

(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1602 (Pending)  
b1 (S) [Redacted] (Pending)

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

(U)

Details: ~~(S)~~ By electronic communication (EC) dated August 23, 2006 and referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

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OIG/DOJ REVIEW: [Redacted]

DATE: 12/14/06

FBI INVESTIGATION [Redacted]

OIG/DOJ INVESTIGATION: [Redacted]

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To: Counterterrorism From: General Counsel  
(C) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/20/2006

BACKGROUND

(S) [Redacted]

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(U) ~~(S)~~ [Redacted] issued a National Security Letter (NSL) to the provider in order to obtain subscriber information and toll records for the two identified telephone numbers for the period of [Redacted]

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(S) [Redacted] Division received the results of the NSL [Redacted] (C) [Redacted] in reviewing the record (C) [Redacted] learned that one of the tele(S)ne numbers in questi(C) was subscribed by two separate individuals during the requested period of coverage. [Redacted]

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[Redacted]

(S)

[Redacted] did not provide any toll information outside the period requested in t(S) NSL.

ANALYSIS

(U)

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

(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if

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(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/20/2006

such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.<sup>1</sup> For the FBI, OGC submits reports to the IOB.<sup>2</sup>

(U) ~~(S)~~

[Redacted] NSIG (Introduction) (S)

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at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.<sup>3</sup>

~~(S)~~ In this instance, [Redacted] sought information relating to two telephone numbers that were believed to be subscribed to by the subject [Redacted]. The provider responded by submitting subscriber information outside the scope of the request for one of the telephone numbers. The information provided indicated that [Redacted] the subscriber of one of the telephone numbers was the target of a duly authorized

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(U) ~~(S)~~ <sup>1</sup> See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The FBI is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

(U) ~~(S)~~ <sup>2</sup> See id. at 4.

~~(S)~~ <sup>3</sup> See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) [Redacted]

(S)

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[Redacted] (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

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(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/20/2006

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(S) investigation. A legitimately issued NSL resulted in obtaining information that indicated that the target of the investigation, [redacted] had indeed been the subscriber of one of the telephone numbers [redacted]. The information obtained falls within [redacted] as described in the NSIG and thus, need not be reported to the IOB pursuant to E.O. 12863.

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(U) To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/20/2006

LEAD(s):

Set Lead 1: (Discretionary)

[Redacted]  
[Redacted]  
AT [Redacted]

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(U) For review and action deemed appropriate.

Set Lead 2: (Discretionary)

COUNTERTERRORISM

AT ITOS II

(U) For review and action deemed appropriate.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

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

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(Rev. 01-31-2003)

# FEDERAL BUREAU OF INVESTIGATION

IN

**Precedence:** ROUTINE

**To:** General Counsel

**From:** Inspection

**Attn:** NSLB

**Date:** 01/11/2007

**Contact:** Internal Investigations Section, IPU, Room 3041  
CRS [redacted]

**Approved By:** Miller David Ian [redacted] *DMH/KSR*

**Drafted By:** [redacted] kas

**Case ID #:**

(U) 278-HQ-C1229736-VIO

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**Title:** (U)

INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2751  
OGC/IOB# 2006-[redacted]

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1602  
278-HQ-C1229736-VIO Serial 1888

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 08/23/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

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JSUR

Received By: [redacted] Date Received: 12/19/2006 How Received: A

SUBJECT: [redacted] SSNO: [redacted]  
 Title: SA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.: [redacted]  
 Misc: [redacted] F.B.I.No.: [redacted]  
 Home: [redacted] B.O.P.No.: [redacted]  
 Phone: ( ) - [redacted] D/L No.: [redacted]  
 Work: [redacted] Offenses: 689  
 Phone: (202) [redacted] ZIP: [redacted]

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COMPLAINANT: [redacted] SSNO: [redacted]  
 Title: ATTY Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.: [redacted]  
 Misc: [redacted] F.B.I.No.: [redacted]  
 Home: [redacted] B.O.P.No.: [redacted]  
 Phone: ( ) - [redacted] D/L No.: [redacted]  
 Work: [redacted]  
 Phone: (202) [redacted] ZIP: [redacted]  
 Confidential: [redacted] Revealed: Authority: none

Details:  
 (S) The FBI provided information regarding a potential IOB matter (2006 [redacted])  
 [redacted] issued a  
 NSL to a telecommunications provider to obtain subscriber information and toll records for  
 two telephone numbers.  
 Upon reviewing the requested information, [redacted] determined that one of the telephone  
 numbers was subscribed to by two separate individuals during the requested period of  
 coverage.  
 FBI/OGC determined that this matter does not need to be reported to the IOB.

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ALLEGATIONS: 689 IOB Violation  
 Occurrence Date: [redacted] 2006 TIME: [redacted]  
 CITY: [redacted] State: [redacted] Zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 12/19/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 01/30/2007 Component: FBI  
 Patriot Act: N Civil Rights: N Component Number: 263-0-U-598  
 Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:  
 Predicating material contains classified information which will be maintained in a secure  
 container at OIG/INV. (stp)  
 1/31/07: Sent to Kaiser/FBI. (stp)

DATE: 06-23-2007  
 FBI INFO.  
 CLASSIFIED BY 65179/dmh/ksr/cak  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 06-23-2032

~~SECRET~~//20310922  
**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 09/22/2006

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**Attn:** ASAC  
CDC

**From:** [Redacted]

CI-1

**Contact:** SA [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Approved By:** [Redacted]

**Drafted By:** [Redacted]

**Case ID #:** (S) 278-HQ-C1229736-VIO - 1709  
(S) 62P [Redacted] - A89455-IOB - 4

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

**Title:** (U) SA [Redacted]  
b6 SSA SSA [Redacted]  
b7C INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) **Synopsis:** (S) To report possible IOB error.

(U) ~~(S) **Derived From:** G-3  
**Declassify On:** 09/22/2031~~

**Details:**

(S) 1. [Redacted]

(S) 2. [Redacted]

(U) (S) 3. Possible IOB Error:

(S) [Redacted]

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(U) (S) 4. Description of IOB Error (including any reporting delays).

(S) [Redacted]

~~SECRET~~//20310922

SC Miller DM/FAO 12-22-06

Cfs [Redacted]

cas 01/04/07 b6  
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To: Inspection From: [redacted]

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/22/2006

(S)

[redacted]

[redacted] was prepared and approved in accordance with the Attorney General Guidelines. The NSL was served by [redacted] Office and on [redacted] provided the results of the NSL to [redacted] Field Office.

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(S) A review of the results of the NSL revealed that [redacted]

[redacted]

[redacted] was not requested by the FBI. This information was not utilized by the case agent in any analysis nor was it documented in the case file.

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To: Inspection From:   
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/22/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

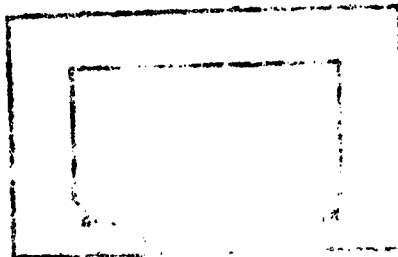
**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/15/2006

To: [Redacted]

Attn: ASAC [Redacted]  
CDC

Counterintelligence

Attn: CD-1B  
SSA [Redacted]

Inspection

Attn: IIS, Room 11861

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

Contact: AGC [Redacted]

Approved By: Thomas Julia [Redacted]

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

Drafted By: [Redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) 1913  
(S) 62F [Redacted]-A89455-IOB (Closed) -9

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD MATTER  
2007 [Redacted] b2

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b2 Reference: (U) 62F [Redacted]-A89455 Serial 4  
b7E (U) 278-HQ-C1229736-VIO Serial 1709

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.

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

[Redacted] DATE: 12/21/06  
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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/15/2006

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(S) [redacted]  
[redacted]  
[redacted]

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(S) [redacted] a Electronic Communication Privacy Act (ECPA) National Security Letter (NSL) [redacted]

(S) [redacted] The NSL was properly prepared and served in accordance with the Attorney General Guidelines, [redacted] forwarded responsive records to [redacted] Field Office.

(U) (X) Among the responsive records, however, [redacted] Field Office found [redacted]

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[redacted] 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.

(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.

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

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

(S) the NSL. It should be noted that the FBI's actions after receiving [redacted] overbroad response to the NSL were  
b7D (S) commendable. Upon learning that [redacted] had provided information  
b1 beyond the scope of the NSL, the [redacted] Field Office took steps  
b2 to ensure that the information was not disseminated and requested  
b7E legal guidance.

(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  
b2 that the [redacted] Field Office sequester and destroy any remaining  
b7E 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.

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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.

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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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/11/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

**Approved By:** Miller David Iant *DM/KAS EPM*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2930  
OGC/IOB# 2007-[redacted]

b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1709  
278-HQ-C1229736-VIO Serial 1913

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 09/22/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/24/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

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**From:** Inspection  
Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted]

**Approved By:** Miller David Ian *MDI*

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-30-2007

**Drafted By:** [Redacted] *MDI*

**Case ID #:** (U) 263-HQ-0-U - 610 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2930  
OGC/IOB# 2007 [Redacted] b2

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

~~(U) (S) Derived From : G-3  
Declassify On: 20320124~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1709

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1709  
278-HQ-C1229736-VIO Serial 1913

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

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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U.S. Department of Justice  
Office of the Inspector General

Washington, D.C. 20530

**DATE:** January 24, 2007  
**TO:** Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

**FROM:** Glenn G. Powell  
Special Agent in Charge  
Investigations Division

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-31-2007 BY 65179/DMH/KSR/RW

**SUBJECT:** OIG Complaint No. 2007002509  
Subject: Unidentified [REDACTED]  
FBI No. 263-0-U-610

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- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

**IMPORTANT NOTICE**

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

**Attachment**

Received By: [redacted] b6 b7C Date Received: 12/21/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID Component: FBI Misc: Home: Phone: Work: Phone: Pay Plan: EOD Date: ZIP: SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Offenses: [redacted] b2

COMPLAINANT: [redacted] Title: ATTY Component: FBI Misc: Home: Phone: Work: Phone: Confidential: Pay Plan: EOD Date: ZIP: Revealed: SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Authority: none b6 b7C b2

Details:

The FBI provided information regarding a potential IOB matter (2007 [redacted]) (S) b2 b1

Among the responsive records, it was learned that two transaction contained information outside the scope sought by the National Security Letter (NSL). Upon discovering the error, it was noted the information was never utilized by the FBI nor included or documented in the case file.

It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB. (dz)

ALLEGATIONS: 689 IOB Violation

Occurrence Date: CITY: TIME: State: Zip: b2 b7E

DISPOSITION DATA: Disposition: M Date: 01/23/2007 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 01/23/2007 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-610

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Predicating material contains classified information that will be maintained in a secure container within OIG/INV/HQ.

01/24/07: Sent to Kaiser/FBI/INSD (dz)

DATE: 06-23-2007 FBI INFO. CLASSIFIED BY 65179/dmh/kar/cak REASON: 1.4 (c) DECLASSIFY ON: 06-23-2032

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/11/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

**Approved By:** Miller David Ian *DM/KAS 5/11*

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ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-30-2007 BY 65179/DMH/KSR/RM

**Drafted By:** [redacted] kas

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2930  
OGC/IOB# 2007 [redacted] b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1709  
278-HQ-C1229736-VIO Serial 1913

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 09/22/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

b2  
b7E

◆◆

*Freedom of Information  
and  
Privacy Acts*

**SUBJECT: NATIONAL SECURITY LETTERS**  
**FOLDER: 263-0-U- Volume 18**



*Federal Bureau of Investigation*

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

10-03-06

**Precedence:** ROUTINE

**Date:** 10/03/2006

**To:** General Counsel

**Attn:** National Security Law Branch  
Counterterrorism Law Unit  
Room 7975

Inspection Division

Internal Investigations  
Section (IIS)

Counterterrorism

SSA [redacted]  
ITOS I, CONUS I, Team 3

b2  
b7E  
b6  
b7C

[redacted]

SSA [redacted]  
ASAC [redacted]  
CDC [redacted]

**From:** [redacted]

**Contact:** [redacted]

**Approved By:** [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [redacted]

**Case ID #:** (U) 278-HQ-C1229736-VIO-1716

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

(U) 278 [redacted] 76104-428  
(S) [redacted]

b2  
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**Title:** (U) REPORT OF POTENTIAL INTELLIGENCE  
OVERSIGHT BOARD (IOB) MATTER

1073946

SSA [redacted]  
TFO [redacted]

**Synopsis:** (U) Report of a potential IOB matter to the National Security Law Branch (NSLB), Counterterrorism Law Unit (CLU), and the Inspection Division (ID) Internal Investigations Section (IIS), as required in the 2/10/2005, Inspection Division's EC to All Divisions entitled "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters".

SC Miller  
CRS [redacted] 01/08/07  
b6  
b7C

~~SECRET~~

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

(U) ~~(S)~~

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

(S)

[redacted]

Administrative: (S)

[redacted]

(U) ~~(S)~~ Details: As directed in the Inspection Division's EC dated 2/10/2005, the following is being reported to the NSLB, CLU, and to the ID, IIS, as a potential IOB matter:

b1  
b6  
b7C

(U) ~~(S)~~ 1. Identification of the substantive investigation in which the questionable activity occurred.

(S) [redacted]

[redacted]

(S) 2. [redacted]

(S) [redacted]

~~(S)~~ 3. Identification of the subject's status.

(S) [redacted]

(U) ~~(S)~~ 4. Controlling administrative requirement.

(S) [redacted]

[redacted]

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

~~(U)~~ ~~(S)~~ 5. Error believed committed.

~~(S)~~

[redacted] identified the fact that the telephone [redacted] reassigned to another customer. [redacted] was ceased immediately and all appropriate actions were taken pursuant to FBI policy.

b1

~~(U)~~ ~~(S)~~ Synopsis of investigation:

(S)

[redacted]

b1  
b6  
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(S)

[redacted]

b1  
b7D  
b6  
b7C

~~(S)~~

[redacted] confirmed via National Security Letter results from [redacted]

b1  
b2  
b7E  
b6  
b7C

(S)

[redacted]

b1

(S)

[redacted]

b1  
b6  
b7C

~~(S)~~

[redacted]

~~(S)~~

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

(S)

[redacted]

(S)

[redacted]

(S)

[redacted]

(S)

[redacted]

b1  
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b7C

(S)

[redacted]

(S)

[redacted]

b6  
b7C  
b2  
b7E  
(U) On 9/27/2006 at approximately 10:30 a.m., [redacted] notified  
SSA [redacted] at ITOS I, CONUS I of the above information.

(S) (X) On 9/27/2006 at approximately 10:40 a.m., [redacted]  
discontinued [redacted] No  
information [redacted] was ever entered [redacted]

b2  
b7E  
b1

(S) (X) On 10/3/2006, SSA [redacted]  
[redacted] and this writer spoke with SSA [redacted]

b6  
b7C  
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b7E  
[redacted] turned  
over to CDC [redacted] on this date.



~~SECRET~~

b2  
b7E

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

Errors believed committed.

(S) The above error [redacted]

b1

[redacted]  
[redacted]  
was first identified by the TFO [redacted]  
[redacted]

Corrective measures

(U) In view of the above, SAC [redacted] has ensured that  
corrective measures have been initiated [redacted]  
[redacted]

b2  
b7E

~~SECRET~~

~~SECRET~~

b2  
b7E

To: General Counsel From:   
Re: (U) 278-HQ-C1229736-VIO, 10/03/2006

**LEADS:**

**Set Lead 1: (Action)**

GENERAL COUNSEL  
AT WASHINGTON DC

(U) It is requested that the above information be reviewed for a potential IOB violation.

**Set Lead 2: (Action)**

INSPECTION DIVISION  
AT WASHINGTON DC

(U) It is requested that the above information be reviewed for a potential IOB violation.

**Set Lead 3: (Info)**

COUNTERTERRORISM  
AT WASHINGTON DC

(U) Read and clear.

◆◆

~~SECRET~~

~~SECRET//NOFORN~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 12/13/2006

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b7E  
b6  
b7C

**To:** [Redacted]

**Attn:** SAC  
CDC

Counterterrorism

**Attn:** ITOS 1, CONUS 1, TEAM 3

Inspection

**Attn:** IIS

**From:** Office of the General Counsel

NSLB/CTLU1 / IV1 Room 26110

**Contact:** [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Approved By:** Thomas Julie *FLK*

**Drafted By:** [Redacted]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending) <sup>1931</sup>

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
MATTER 2003 [Redacted] <sup>b2</sup>

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

(U) ~~Derived From : G-3  
Declassify On: 20311213~~

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO serial 1716

**Administrative:** (S) [Redacted]

[Large Redacted Block]

b1

~~SECRET//NOFORN~~

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

[Redacted]

DATE: 12/22/06  
*(m)*

b6  
b7C

b2  
b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/13/2006

Details: (S) [redacted]

[redacted]

(S) [redacted]

[redacted]

(S) [redacted]

[redacted]

(S) [redacted]

[redacted]

(S//NF) [redacted]

[redacted]

b1  
b6  
b7C  
b7D  
b2  
b7E

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

[redacted]

(S//NF) [redacted]

[redacted]

(S//NF) [redacted]

[redacted]

(S//NF) [redacted]

[redacted]

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/13/2006

(S//NF) [redacted]

(S//NF) [redacted]

b1  
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b7C

(S) [redacted]

b6  
b7C

(U) On 9/27/2006 at approximately 10:30 a.m., [redacted] notified SSA [redacted] at ITOS I, CONUS I of the above information.

(S)

(S//NF) [redacted]

discontinued [redacted] No information [redacted] was ever entered [redacted]

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b7E  
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(S) On 10/3/2006, SSA [redacted] SSA [redacted] [redacted] and this writer spoke with SSA [redacted] This writer was authorized to [redacted]

(S)

[redacted] turned over to CDC [redacted]

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

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director,

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/13/2006

Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(S) In this situation [redacted]

[redacted]  
[redacted]  
Consequently, although unintentional, unauthorized interception of presumed U.S. persons occurred. This incident must be reported to the IOB. In accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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(S) [redacted]  
[redacted]

~~SECRET//NOFORN~~

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/13/2006

**LEAD(s) :**

**Set Lead 1: (Info)**

b2  
b7E

[redacted]

(U) [redacted] should ensure that all inadvertently captured information is collected, sequestered, sealed, and delivered to the FBIHQ substantive unit to be submitted to OIPR for appropriate disposition [redacted]

b1

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) The FBIHQ substantive unit should ensure that all inadvertently captured information is collected, sequestered, sealed, and delivered to OIPR for appropriate disposition [redacted]

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, D.C.

(U) For action deemed appropriate.

b6  
b7C

cc: Ms. Thomas  
[redacted]  
IOB Library

◆◆

~~SECRET//NOFORN~~

December 13, 2006

BY COURIER

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

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-31-2007

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 [redacted]" (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

1 - 278-HQ-C1229736-VIO - 1932

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassify On: 20311213~~

~~SECRET~~



~~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~~

~~SECRET~~

b2  
b7E

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
[redacted] FIELD OFFICE  
IOB MATTER 2007-[redacted] (U)

b2

(S)

b1  
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b7E

[redacted]

(U) ~~(S)~~ The overcollection was a violation of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Thus, the matter is being reported to the IOB.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

~~Derived from: G-3  
Declassify on: 20311213~~

~~SECRET~~

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/11/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

b6  
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b2

**Approved By:** Miller David Ian *Miller*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3128  
OGC/IOB# 2007 [redacted]

b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1716  
278 [redacted]-76104 Serial 428  
278-HQ-C1229736-VIO Serial 1931

b2  
b7E

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 10/03/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~//20320117

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/17/2007

b2  
b7E

**To:** [redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection  
Internal Investigations Section, IPU, Room 3041  
**Contact:** CRS [redacted]

**Approved By:** Miller David Ian *DM*

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-30-2007

**Drafted By:** [redacted]

**Case ID #:** (U) 263-HQ-0-U - 635 (Pending)

b6  
b7C  
b2

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3128  
OGC/IOB# 2007 [redacted]

b2

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

(U) ~~(S)~~

~~Derived From: G-3  
Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1716

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1716  
278-[redacted]-76104 Serial 428  
278-HQ-C1229736-VIO Serial 1931

b2  
b7E

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

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

◆◆

~~SECRET~~//20320117



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: January 25, 2007

TO: Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

FROM: Glenn G. Powell  
Special Agent in Charge  
Investigations Division

SUBJECT: ~~OIG Complaint No. 2007002556~~

b6  
b7C

b2  
b7E

Subject: [redacted]  
[redacted] Division  
FBI No. 263-0-U-635  
CMS No. 3128

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

**IMPORTANT NOTICE**

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

Received By: [redacted] Date Received: 12/22/2006 How Received: A

SUBJECT: [redacted] SSNO: [redacted]  
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.: [redacted]  
 Misc: [redacted] F.B.I.No.: [redacted]  
 Home: [redacted] B.O.P.No.: [redacted] b6  
 Phone: () - ZIP: [redacted] D/L No.: [redacted] b7C  
 Work: , , Offenses: 689 b2  
 Phone: (202) [redacted] ZIP: [redacted]

COMPLAINANT: [redacted] SSNO: [redacted]  
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.: [redacted]  
 Misc: [redacted] F.B.I.No.: [redacted]  
 Home: [redacted] B.O.P.No.: [redacted]  
 Phone: () - ZIP: [redacted] D/L No.: [redacted]  
 Work: , ,  
 Phone: (202) [redacted] ZIP: [redacted]  
 Confidential: [redacted] Revealed: Authority: none

Details: [redacted] b2  
 The FBI provided information regarding a potential IOB matter (2007- [redacted])  
 [redacted] b2  
 [redacted] b1  
 [redacted] determined [redacted] disconnected b7E  
 [redacted] was ceased immediately.  
 FBI/OGC determined that this matter must be reported to the IOB.

ALLEGATIONS: 689 IOB Violation  
 Occurrence Date: 09/27/2006 TIME: [redacted] b2  
 CITY: [redacted] b7E Zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 12/22/2006 Approval: POWELL, GLENN G  
 Referred to Agency: FBI Date Sent: 01/24/2007 Component: FBI  
 Patriot Act: N Civil Rights: N Component Number: 263-0-U-635  
 Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:  
 Predicating material contains classified information which will be maintained in a secure container at OIG/INV. (stp)  
 1/25/07: Sent to Kaiser/FBI. (stp)

DATE: 05-30-2007  
 FBI INFO.  
 CLASSIFIED BY 65179/DMH/KSR/RW  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 05-30-2032

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 09/07/2006

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975  
**Attn:** CDC

**From:** [Redacted]

**Contact:** SA [Redacted]

b2  
b7E  
b6  
b7C

**Approved By:** [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [Redacted]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO -1757

**Title:** (U) SA [Redacted] b6  
SSA [Redacted] b7C

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) **Synopsis:** ~~(S)~~ To report possible IOB error.

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

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

**Details:**

(S) 1. [Redacted]

(S) 2. [Redacted]

(U) b1 ~~(S)~~ 3. Possible IOB Error:

b6  
b7C  
b2  
b7E

(S) [Redacted]

(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).

(S) [Redacted]

[Redacted]

SC MILLER *Dm/kms* 12.22.06  
CRS [Redacted] 01/04/07 b6  
b7C

~~SECRET~~

~~SECRET~~

b2  
b7E

To: Inspection From: [redacted]  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/07/2006

(S) ~~(U)~~ This NSL was served on [redacted] which subsequently provided toll records for this telephone number to [redacted] Division which then forwarded the results of the NSL to [redacted]

b7D  
b2  
b7E  
b1

(S) ~~(U)~~ [redacted] Division received the captioned NSL toll records [redacted] Upon initial review of the first-page of the toll record documents, SA [redacted] determined that the subscriber was not that of the Captioned Subject and subsequently determined that the records were for [redacted] which was the number requested, but that the true number that should have been requested [redacted]

b1  
b6  
b7C  
b2  
b7E  
b7D

(S) ~~(U)~~ In review of both the NSL requesting EC and the NSL Letter [redacted] it was determined that the correct number was listed within the body of the requesting EC, but had been incorrectly annotated in the 'Enclosure' paragraph of the requesting EC, and on the NSL Letter [redacted]

b7D  
b1

(S) ~~(U)~~ This FD-962 serves as a record that the information contained within the NSL toll records provided [redacted] were not reviewed nor analyzed, no information from these records was recorded or indexed in any database, and that the toll record information was not uploaded [redacted] database.

b7D  
b1  
b2  
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(S) ~~(U)~~ Per instruction from the CDC, [redacted] Division, on 09/07/2006, SA [redacted] destroyed all the original NSL toll records provided [redacted] This process was witnessed by SA [redacted]. This EC also certifies that no other copies of these records were produced nor maintained.

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b7E  
b6  
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b7D  
b1

~~SECRET~~



~~SECRET~~

b2  
b7E

(U) To: Inspection From: [REDACTED]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 09/07/2006

**LEAD(s):**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/11/2006

To:

[Redacted]

tn:

SAC [Redacted]

ASAC [Redacted]

SSA [Redacted]

SA [Redacted]

b2  
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Counterterrorism

Attn:

AD [Redacted]

Inspection

Attn:

Internal Investigative Section

Attn:

[Redacted]

Room 11865

From: Office of the General Counsel

NSLB/CTLU II/1/LX-1 3S-100/

Contact: AGC [Redacted]

Approved By: Thomas Julie F [Signature]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By:

[Redacted]

2000  
20 12/14/06

(U)

Case ID #: (S) 278-HQ-C1229736-VIO-1914

(Pending)

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

(U)

Title: (S) INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007- [Redacted] b2

(U)

Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

(U)

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

b1

Reference: (S)

[Redacted]

278-HQ-C1229736-VIO Serial 1757

(U)

Details: (S) By electronic communication (EC) dated 09/07/2006, the [Redacted] Field Office [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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(U)

[Redacted] prepared and approved a National Security Letter (NSL) seeking subscriber

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OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

DATE: b6 12/21/06  
b7C

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b7E

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/11/2006

(U) information and telephone toll records of a certain telephone number. Due to a typographical error, the telephone number on the NSL was erroneously transcribed.<sup>1</sup> On 08/31/2006, the telephone records were opened and it was determined that they were not the target's records. The correct telephone number was listed within the body of the requesting EC, but it had been incorrectly annotated in the "Enclosure" paragraph of the requesting EC, and on the NSL letter to the provider. [redacted] [redacted] did not review or analyze the records submitted by [redacted] in response to the NSL, and no information from those records was recorded or indexed in any database.

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

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally

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<sup>1</sup> (U) In order to avoid any further dissemination of this incorrect telephone number, the number is not being listed in this document.

~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/11/2006

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not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, section V.12.

(U) ~~(S)~~ In this situation, due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

(U) Here, the target's rights were not violated because he was not the subject of the improperly collected information. It is unknown whether the erroneous information received pertained to a United States Person, inasmuch as there has been no review of the information. Nonetheless, based upon the fact that information which may be about a USP was improperly, although inadvertently, collected, and in accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/11/2006

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b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Information)

[redacted]

(S)

~~(U)~~

[redacted]

Office should contact

[redacted]

and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

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cc: Ms. Thomas

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[redacted]

IOB Library

◆◆

SECRET

December 11, 2006

BY COURIER

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

DECLASSIFIED BY 65179/DNH/KSR/RW  
ON 05-31-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 [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

1 - 278-HQ-C1229736-VIO 111

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

~~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  
National Security Division  
U.S. Department of Justice  
Room 6150

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
SAN FRANCISCO FIELD OFFICE b2  
IOB MATTER 2007 [redacted] (U)

(S) ~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that in conducting a [redacted] [redacted] the FBI improperly used a National Security Letter (NSL) to obtain subscriber information and telephone toll billing records on a telephone number which was not related to the investigation. The overcollection was due to a mistake in the NSL in identifying the telephone number [redacted]

(S) [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG)<sup>1</sup>. In this regard, on [redacted]

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(S) [redacted] issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709, to a telephone carrier for the telephone subscriber and toll billing records of a telephone number intended to be identified as that of the target. Instead, one of the numbers within the telephone number was incorrectly written; thus, the information returned from the carrier was subscriber information and the telephone toll billing records of a wholly unrelated telephone number. The error was discovered upon receipt of the information, and the records were not reviewed

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

~~SECRET~~

nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. Thus, the matter is being reported to the IOB.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

(S) [redacted]

b1

~~SECRET~~



# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/11/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

b6  
b7C  
b2

**Approved By:** Miller David Iam *DM/KAS* *SM*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3135  
OGC/IOB# 2007 [redacted]

b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1757  
278-HQ-C1229736-VIO Serial 1914

b2  
b7E

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 09/07/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~//20320117

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/17/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPIU, Room 3041

**Contact:** CRS [Redacted]

**Approved By:** Miller David Ian *DM*

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-30-2007

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U - 637 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3135  
OGC/IOB# 2007-[Redacted] b2

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

(U)

~~(S)~~

~~Derived From : G-3  
Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1757

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1757  
278-HQ-C1229736-VIO Serial 1914

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

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(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~//20320117

Received By: [ ] Date Received: 12/21/2006 How Received: A

SUBJECT: [ ] Title: SSA Component: FBI Misc: [ ] Home: [ ] Phone: ( ) - [ ] Work: [ ] Phone: (202) [ ] Pay Plan: [ ] EOD Date: [ ] SSNO: [ ] D.O.B.: [ ] Alien No.: [ ] F.B.I.No.: [ ] B.O.P.No.: [ ] D/L No.: [ ] Offenses: 689

SUBJECT: [ ] Title: SA Component: FBI Misc: [ ] Home: [ ] Phone: ( ) - [ ] Work: [ ] Phone: (202) [ ] Pay Plan: [ ] EOD Date: [ ] SSNO: [ ] D.O.B.: [ ] Alien No.: [ ] F.B.I.No.: [ ] B.O.P.No.: [ ] D/L No.: [ ] Offenses: 689

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COMPLAINANT: [ ] Title: ATTY Component: FBI Misc: [ ] Home: [ ] Phone: ( ) - [ ] Work: [ ] Phone: (202) [ ] Confidential: [ ] Pay Plan: [ ] EOD Date: [ ] SSNO: [ ] D.O.B.: [ ] Alien No.: [ ] F.B.I.No.: [ ] B.O.P.No.: [ ] D/L No.: [ ] Authority: none

Details:

The FBI provided information regarding a potential IOB matter (2007 [ ])

On 7/31/06, [ ] prepared an NSL seeking subscriber information and telephone toll records. Due to a typographical error, the telephone number on the NSL was erroneously transcribed; therefore, the telecommunications carrier provided records not associated with the subject of the investigation.

FBI/OGC determined that this matter does not have to be reported to the IOB.

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ALLEGATIONS: 689 IOB Violation

Occurrence Date [ ] 2006 TIME: [ ]

CITY: [ ] Zip: [ ]

DISPOSITION DATA: Disposition: M Date: 12/21/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 01/29/2007 Component: [ ] b2

Patriot Act: N Civil Rights: N Component Number: 263-0-U-637

Sensitive: N Whistleblower: N Consolidated Case Number: [ ]

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-24-2007 BY 65179/dmh/ksr/cak

Remarks:

1/29/07: Predicating material contains classified information which will be maintained in a secure container at OIG/INV. (stp)

1/30/07: Sent to Kaiser/FBI. (stp)

~~SECRET~~//20311017  
**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 10/17/2006

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
**Attn:** NSLB, Room 7975

**From:** [Redacted]

**Contact:** SA [Redacted]

**Approved By:** [Redacted]

**Drafted By:** [Redacted]

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

**Title:** (U) SA [Redacted]  
A/SSA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Synopsis:** ~~(S)~~ To report possible IOB error.

~~Derived From: FBI G3, SCG, Jan 1997  
Declassify On: 20311017~~

**Details:**

(S)<sup>b1</sup> 1.  
b6  
b7C

(S) 2.

(U) ~~(S)~~ 3. Possible IOB Error:

b1 (S)

(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).

~~(S)~~ The IOB error falls under "Improper NSL Collection".

(S) [Redacted] Division had requested via an approved NSL (serial 438) from the following information: [Redacted]

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b1

(S)

~~(S)~~ [Redacted] Division received one packet of results [Redacted]

Upon loading of the information for one target number into telephone applications as tasked, FA [Redacted] noticed information pertaining to an additional number. FA [Redacted] only loaded

~~SECRET~~//20311017

*DM/RMO*  
*kuo 01/04/07*

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To: Inspection From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/17/2006

(U)

the information for the requested telephone number. FA [redacted] advised SA [redacted] of the additional information. SA [redacted] completed an electronic communication (EC) on 09/07/2006, stating additional records were received that were beyond the scope of the request. The unrelated records were not uploaded and were destroyed. It should be noted the additional number information was within the time period requested.

b6  
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~~(S)~~ On 10/17/2006 SA [redacted] contacted [redacted] and spoke with [redacted] stated the two records were not related in any way and it was simply a mistake on [redacted] part to send the additional information to [redacted] Division. [redacted] further advised [redacted]

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(S)  
(S)

[redacted]

~~SECRET//20311017~~

b6  
b7C

(U) To: Inspection From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/17/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET//20311017~~

~~SECRET~~

To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

b1  
(S) b6  
b7C [redacted]

b2 (S) [redacted] received one package of results [redacted]  
b7E FA [redacted] loaded the records [redacted]  
b6 [redacted] and discovered information pertaining to an additional  
b7C telephone number. The NSL did not request the toll billing  
b1 records for this additional telephone number [redacted]

b7D (S) [redacted] FA [redacted] did  
not load these additional records [redacted] (C)

b6 (U) ~~(S)~~ FA [redacted] notified SA [redacted] who documented the  
b7C incident in an electronic communication dated September 7, 2006.  
b2 The unrelated telephone records were not uploaded [redacted] and  
b7E have been destroyed. <sup>1</sup>

b6 (S) A/SSA [redacted] contacted [redacted] on October 17,  
b7C 2006 and advised them of the additional telephone records. [redacted]  
b1 [redacted] advised A/SSA [redacted] that the additional records were  
b7D not related to the request [redacted] and  
(S) that [redacted] made a mistake when they provided that information.

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

(U) Section 2.4 of E.O. 12863 mandates that the heads  
of Intelligence Community components report all information to  
the IOB that it deems necessary to carry out its  
responsibilities. That section requires Inspectors General and  
General Counsel of the Intelligence Community to report  
"intelligence activities that they have reason to believe may be  
unlawful or contrary to Executive order or Presidential  
directive." This language has been interpreted to mandate the  
reporting of any violation of guidelines or regulations approved  
by the Attorney General, in accordance with E.O. 12333, if such  
provision was designed in full or in part to protect the  
individual rights of a United States person. This includes

<sup>1</sup>(LES) In the future, possible overcollections under NSLs  
should be sequestered with the CDC until adjudication of the  
potential IOB.

~~SECRET~~



(C) To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.<sup>2</sup> For the FBI, OGC submits reports to the IOB.<sup>3</sup>

b1

[redacted]  
[redacted] NSIG

(introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.<sup>4</sup>

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b7E (S) ~~(S)~~ In this instance, [redacted] sought information relating to one telephone number associated with the [redacted] a [redacted] and obtained information beyond the scope of the request due to an error [redacted]<sup>5</sup> The NSL was property

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

(U) ~~(S)~~ <sup>3</sup> See id. at 4.

<sup>4</sup> ~~(S)~~ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) [redacted]

b1  
(S) [redacted] (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

<sup>5</sup>(U) In a letter from the Intelligence Oversight Board to the FBI's Office of General Counsel, Deputy General Counsel Julie Thomas, dated November 13, 2006, the IOB "agreed that third party

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To: [redacted] From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

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prepared and executed by [redacted] Thus, the investigative technique was authorized for purposes of E.O. 12333 and this need not be reported to the IOB pursuant to E.O. 12863.

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errors should be reported to the FBI's Office of General Counsel, but as a matter of practice would not be reportable to the IOB.

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(U) To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 11/28/2006

b2  
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**LEAD (s) :**

**Set Lead 1: (Info)**



(U) Read and clear.

**Set Lead 2: (Discretionary)**

COUNTERTERRORISM

AT LIBERTY CROSSING ONE

(U) For review and action deemed appropriate.

**Set Lead 3: (Discretionary)**

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

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~~SECRET~~

~~SECRET//20320117~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/17/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

b2  
b7E  
b6  
b7C

**From:** Inspection  
Internal Investigations Section, IPU, Room 3041  
**Contact:** CRS [Redacted]

**Approved By:** Miller David Ian *DM*

**Drafted By:** [Redacted]

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-30-2007

**Case ID #:** (U) 263-HQ-0-U - 638 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3137  
OGC/IOB# 2007-[Redacted]

b2

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

(U) ~~(S)~~ ~~Derived From : G-3~~  
~~Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1763

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1763  
278-HQ-C1229736-VIO Serial 1890

b2  
b7E

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

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET//20320117~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/11/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted]

**Approved By:** Miller David Ian *DM/KS* *2/11*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

b6  
b7C  
b2

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3137  
OGC/IOB# 2007 [redacted]

b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1763  
278-HQ-C1229736-VIO Serial 1890

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 10/17/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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U.S. Department of Justice  
Office of the Inspector General

Washington, D.C. 20530

DATE: January 26, 2007

TO: Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

FROM: Glenn G. Powell  
Special Agent in Charge  
Investigations Division

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

SUBJECT: **OIG Complaint No. 2007002603**  
**Subject: Unidentified**

FBI No. 263-0-U-638  
CMS No. 3137

b2  
b7E

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

**IMPORTANT NOTICE**

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

Received By: [redacted] Date Received: 12/20/2006 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID Component: FBI Misc: Home: Phone: Work: Phone: Pay Plan: EOD Date: ZIP: SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Offenses: 689

COMPLAINANT: [redacted] Title: ATTY Component: FBI Misc: Home: Phone: Work: Phone: Confidential: Pay Plan: EOD Date: ZIP: SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Authority: none

Details:

The FBI provided information regarding a potential IOB matter (2007 [redacted]) and on 8/26/06, [redacted] issued an NSL to a telecommunications provider for records relating to the subject of the investigation. However, the telecommunications provider inadvertently provided the FBI with records pertaining to an additional telephone number not requested.

FBI/OGC determined that this matter does not need to be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [redacted]/2006 TIME:

CITY: [redacted] Zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 12/20/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 01/26/2007 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-638

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Predicating material contains classified information which will be stored in a secure container at OIG/INV. (stp)

1/29/07: Sent to Kaiser/FBI. (stp)

DATE: 05-30-2007 FBI INFO. CLASSIFIED BY 65179/DMH/KSR/RW REASON: 1.4 (c) DECLASSIFY ON: 05-30-2032

SA [Redacted]

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 10/03/2006

**To:** General Counsel  
Inspection  
Counterintelligence

**Attn:** NSLB  
**Attn:** IIS  
**Attn:** CD-2F, Room 8672  
**Attn:** OS/IA [Redacted]  
**Attn:** CDC [Redacted]

b2  
b7E  
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b7C

**From:** [Redacted]

**Contact:** SA [Redacted]

**Approved By:** [Redacted]

10/20/06  
0/20/06  
[Signature]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [Redacted]

awp/awp

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending) - 1787  
b2 (U) 278-[Redacted]-C76104 (Pending) - 436  
b7E (S) [Redacted]  
b1

**Title:** (U) POTENTIAL IOB MATTER INVOLVING  
b6 SA [Redacted]  
b7C SSA [Redacted]

DATE: 05-31-2007  
CLASSIFIED BY 65179/DWH/KSR/RJ  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

b7D

**Synopsis:** (U) IOB reporting of carrier [Redacted] error  
in regard to an NSL.

(U) ~~(S) Derived From: G-3  
Declassify On: 10/03/2031~~

**Reference:** (U) Telcal with CDC [Redacted] on 10/03/2006.

(U) b6 ~~(S)~~ **Details:** The following information is being provided in  
b7C response to the quarterly EC from CDC [Redacted]  
requesting Intelligence Oversight Board reporting be brought  
to the attention of OGC and Inspection Division.

(S)

b1  
b6  
b7C

[Large Redacted Block]

~~SECRET~~

b6  
b7C

[Redacted] 12-22-06  
[Redacted] 01/04/07

F/C



~~SECRET~~

b2  
b7E  
b1

To: General Counsel From: [redacted]  
Re: (S) [redacted], 10/03/2006

(S)  
b1  
b6  
b7C

[redacted]

b2  
b7E  
b6  
b7C

(X) [redacted] initially requested NSL subscriber and toll billing information for a telephone number [redacted]

[redacted]

(S)

(X) Based on the information obtained from that NSL [redacted]

[redacted]

(S)

After [redacted] received the results of that subscriber NSL from [redacted]

[redacted] learned that [redacted] had included subscriber information for a telephone number that was not asked for. Consequently, this telephone number and associated subscriber information have not been uploaded and no record of them exist within ACS.

b1  
b2  
b7E  
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b7C  
b7D

[redacted] is maintaining the results of this particular NSL [redacted]

(S)

[redacted] in a 1A envelope in the case file. [redacted]

[redacted] learned of [redacted] mistake after viewing [redacted] therefore, it is being reported within the mandatory 14-day reporting period.

(S)

~~SECRET~~

~~SECRET~~

b1  
b2  
b7E

To: General Counsel From: [redacted]  
Re: (S) [redacted] 10/03/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Information is being provided to NSLB for whatever action is deemed appropriate.

**Set Lead 2: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) Information is being provided to IIS for whatever action is deemed appropriate.

**Set Lead 3: (Info)**

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) At CD-2F: Read and clear.

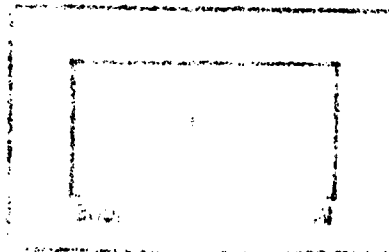
**Set Lead 4: (Action)**

[redacted]  
[redacted]  
AT [redacted]

b2  
b7E

(U) Information is being provided to CDC for whatever action is deemed appropriate.

◆◆



~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/05/06

To: [Redacted]  
Counterintelligence

Attn: SAC, CDC  
Attn: CD-2F, Room 8672

[Redacted]

Inspection

Attn: IIS  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b2  
b7E  
b6  
b7C

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

Approved By: Thomas Julie F. [Signature]

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO-1892  
(U) 278 [Redacted] C76104-452  
(S) [Redacted]

b1

(U) Title: ~~(S)~~ POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER  
2007 [Redacted] b2

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General  
Counsel (OGC) that no error was committed in this matter, and  
therefore nothing need be reported to the IOB. A record of this  
decision should be maintained in the investigation control file  
for review by the Counsel to the IOB.

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO-1787

Details: (S) [Redacted]

[Redacted]

b1

b6  
b7C

~~SECRET~~

OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION:

DATE: 12/26/06

[Signature]

(U) To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/05/06

(S) b1  
b6  
b7C

[redacted]

b2  
b7E  
(S) b1  
b6  
b7C

~~(S)~~ [redacted] initially requested NSL subscriber and toll  
billing information for a telephone number [redacted]

[redacted]

~~(S)~~ Based upon the information obtained from that NSL

(S)

[redacted]

b1  
b2  
b7E  
b7D

After viewing [redacted]

[redacted] learned that  
[redacted] included subscriber information for a telephone  
number that was not asked for. Consequently, this telephone  
number and associated subscriber information have not been  
uploaded and no record of them exists within ACS. [redacted] is  
maintaining the results of this particular NSL (including the  
incorrectly provided subscriber information) [redacted]

(S)

[redacted] in a 1A envelope  
in the case file.

~~(S)~~ This NSL was issued during a legitimate

(S)

[redacted]

b1  
b7D

[redacted] This erroneous  
telephone number and associated subscriber information have not  
been uploaded and no record exists within ACS.

(U) Section 2.4 of Executive Order (E.O.) 12863,  
dated 09/13/1993, mandates that Inspectors General and General  
Counsel of the Intelligence Community components (in the FBI,  
the Assistant Director, 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, this language has been interpreted to mandate the reporting  
of any violation of a provision of The Attorney General's  
Guidelines for FBI National Security Investigations and Foreign

~~SECRET~~

b2  
b7E

(U)

To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/05/06

Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. On 3/28/2006, NSLB 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.

b7D  
b2  
b7E  
b1

(S)

~~(S)~~ Here, an error on the part [redacted] [redacted] resulted in the unintentional acquisition of information. It should be noted that the FBI's response in receiving the unsolicited material was commendable. Upon viewing [redacted] provided [redacted] and realizing that subscriber information for a telephone number that was not been asked for had been included, [redacted] has maintained the results in a 1A envelope in the case file, and no results of this NSL have been uploaded and no record exists in ACS.

(U)

~~(S)~~ Based upon our analysis, the carrier's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive.

~~SECRET~~

~~SECRET~~

(U)

To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/05/06

Set Lead 1: (Action)

b2  
b7E

[redacted]

~~(S)~~ Return [redacted] b1

[redacted] and b7D  
arrange for delivery of correct information  
in response to previously issued NSL.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

1-Ms. Thomas

1 [redacted]

b6  
b7C

1-IOB Library

◆◆

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/12/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted]

**Approved By:** Miller David Ian [Signature]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

b6  
b7C  
b2

**Drafted By:** [Redacted] /la

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3154  
OGC/IOB# 2007-[Redacted] b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1787  
278-[Redacted]-C76104 Serial 436  
278-HQ-C1229736-VIO Serial 1892

b2  
b7E

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [Redacted] Division dated 10/03/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~//20320117

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/17/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [Redacted]

**Approved By:** Miller David Ian *DM*

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-30-2007

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U - 643 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3154  
OGC/IOB# 2007 [Redacted] b2

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

(U)

~~(S) Derived From : G-3  
Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1787

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1787  
278 [Redacted] C76104 Serial 436  
278-HQ-C1229736-VIO Serial 1892

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

b2  
b7E

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET~~//20320117



~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/09/2007

To: Counterterrorism

Attn: SSA [redacted]  
ITOS I, CONUS I, Team 3

✓ Inspection  
Office of General Counsel

Attn: IIS  
Attn: UC [redacted] NSLB

From: [redacted] w/9/11  
Legal Unit

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Contact: CDC [redacted]

b2  
b7E  
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b7C

Approved By: [redacted]

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

Drafted By: [redacted]

Case ID #: (U) ✓ 278-HQ-C1229736-VIO - 2007 (None)  
(U) 278- [redacted] C76104 (None) ✓  
(S) [redacted]

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

Synopsis: (U) Newark response to and compliance with FBIHQ EC to Newark, dated 12/13/2006.

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

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

b2 Administrative: (U) Reference [redacted] EC to FBIHQ, dated  
b7E 10/3/2006; FBIHQ EC to [redacted] dated 12/13/2006.

b1 Enclosure(s): (S) [redacted]

Details: ~~(S)~~ Via referenced 10/3/2006 EC, [redacted] reported a potential IOB violation consisting [redacted]

(S) [redacted]

b1  
b2  
b7E

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: [REDACTED]  
Re: (U) 278-HQ-C1229736-VIO, 01/09/2007

b2  
b7E

(S) [REDACTED]  
[REDACTED] contacted the carrier and learned that the subject had discontinued service [REDACTED] and the number had been reassigned to another customer [REDACTED] coverage was immediately discontinued. [REDACTED] was removed [REDACTED] and sequestered with [REDACTED] CDC.

(S) b1  
b2  
b7E

(S) Via EC dated 12/13/2006, OGC set a lead for [REDACTED] to forward [REDACTED] to ITOS1 [REDACTED]

~~SECRET~~

~~SECRET~~

b2  
b7E

To: Counterterrorism From: [REDACTED]  
Re: (U) 278-HQ-C1229736-VIO, 01/09/2007

LEAD(s):

Set Lead 1: (Action)

COUNTERTERRORISM

AT WASHINGTON D.C.

(S) [REDACTED]

b1

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

◆◆

~~SECRET~~



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: February 2, 2007

TO: Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

FROM: Glenn G. Powell  
Special Agent in Charge  
Investigations Division

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RM

SUBJECT: OIG Complaint No. 2007002756  
Subject: [redacted] et al.  
[redacted] Division  
FBI No. 263-0-U-~~463~~  
CMS No. 3154 643

b6  
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b7E

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

**IMPORTANT NOTICE**

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Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

Received By: [redacted] Date Received: 12/20/2006 How Received: A

SUBJECT: [redacted] Title: SA Component: FBI Misc: Home: Phone: ( ) - Work: , , Phone: (202) [redacted] Pay Plan: [redacted] EOD Date: [redacted] SSNO: [redacted] D.O.B.: [redacted] Alien No.: [redacted] F.B.I.No.: [redacted] B.O.P.No.: [redacted] D/L No.: [redacted] Offenses: 689

SUBJECT: [redacted] Title: SSA Component: FBI Misc: Home: Phone: ( ) - Work: , , Phone: (202) [redacted] Pay Plan: [redacted] EOD Date: [redacted] SSNO: [redacted] D.O.B.: [redacted] Alien No.: [redacted] F.B.I.No.: [redacted] B.O.P.No.: [redacted] D/L No.: [redacted] Offenses: 689

b6  
b7C  
b2

COMPLAINANT: [redacted] Title: SSA Component: FBI Misc: Home: Phone: ( ) - Work: , , Phone: (202) [redacted] Confidential: [redacted] Pay Plan: [redacted] EOD Date: [redacted] SSNO: [redacted] D.O.B.: [redacted] Alien No.: [redacted] F.B.I.No.: [redacted] B.O.P.No.: [redacted] D/L No.: [redacted] Authority: none

Details:  
Information received from the FBI/INSD reporting a potential IOB matter involving the interception of unauthorized information. IOB 2007-[redacted]  
During an authorized investigation, the FBI, [redacted] Division properly served a National Security Letter (NSL) on a communication provider for information relating to the target of an FBI investigation. In response, the FBI unintentionally obtained information beyond the scope of the NSL. The FBI, [redacted] Division sequestered the content information.  
It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.

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ALLEGATIONS: 689 IOB Violation Occurrence Date: [redacted]/2006 CITY: [redacted] State: [redacted] TIME: [redacted] Zip: [redacted]

DISPOSITION DATA: Disposition: M Date: 12/20/2006 Approval: POWELL, GLENN G Referred to Agency: [redacted] Date Sent: [redacted] Component: FBI Patriot Act: N Civil Rights: N Component Number: 263-0-U-463, 3154 Sensitive: N Whistleblower: N Consolidated Case Number: [redacted]

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-06-2007 BY 65179/DMH/KSR/RW

Remarks:

A search of the OIG database revealed that [redacted] is a subject in another potential IOB matter, #2007-002584-M.

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b7C

Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.

2/2/07 - Sent to AD Kaiser, FBI/IND. (yht)

~~SECRET~~  
**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 10/21/2006

**To:** Inspection  
General Counsel

**Attn:** IIS, Room 11861  
NSLB, Room 7975

**From:** [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Contact:** [Redacted]

**Approved By:** [Redacted]

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-30-2032

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b7C

**Drafted By:**

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO -1806

**Title:** (U) [Redacted] - [Redacted] [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) **Synopsis:** ~~(S)~~ To report possible IOB error.

(U) ~~(S)~~ ~~Derived From : G-3~~  
~~Declassify On: 10/17/2031~~

**Details:**

b6  
b7C  
b1

(S) 1. [Redacted]

(S) 2. [Redacted]

(U) ~~(S)~~ 3. Possible IOB Error:

(S) b1 [Redacted]

(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).

(S) [Redacted]

[Large Redacted Block]

b6  
b7C  
b1

*Scattered DMH/ANL 12.22.06*  
[Redacted] *01/04/07*

~~SECRET~~

b6  
b7C

*-607*

b2  
b7E

~~SECRET~~

To: Inspection From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/21/2006

b1  
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b7C

(S)

[redacted]

(U) ~~(S)~~ On 10/13/2006. [redacted]

b6  
b7C  
b2  
b7E

[redacted] determined that the content of the e-mail messages was included with the header and footer information. TFO advised SRA [redacted] of the situation. Contact was made with [redacted] Associate Division Counsel [redacted] [redacted] who provided details on how to report the incident and handle the material.

b2  
b7E

(U) There were no reports written or leads set as a result of obtaining these records. Efforts are currently underway to separate the header and footer information from content. The original disk will then be forwarded to [redacted] Chief Division Counsel or FBIHQ as directed.

~~SECRET~~



~~SECRET~~

b2  
b7E

To: Inspection From:   
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/21/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/13/2006

To: [Redacted]

Attn: SAC  
CDC

Counterterrorism

Attn: ITOS 1, CONUS 3, [Redacted]

Inspection

Attn: IIS

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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b7C

From: Office of the General Counsel  
NSLB/CTLU1/LX1 Room 3S119

Contact: UC [Redacted]

Approved By: Thomas Julie F. [Signature]

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-30-2032

Drafted By: [Redacted]

1899

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

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD  
MATTER 2007 [Redacted] b2

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

(U) ~~(S) Derived From : G-3  
Declassify On: 20311213~~

(U) Reference: (S) 278-HQ-C1229736-VIO serial 1806

(U) b2 b7E Details: (S) The referenced serial from [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

(S) Pursuant to authorized preliminary investigation [Redacted]

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(S) [Redacted] a National Security Letter (NSL) for [Redacted] e-mail account requesting electronic communications transactional information.

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OIG/DOJ REVIEW [Redacted] DATE: 12/20/06  
FBI INVESTIGATION: [Redacted] (m)  
OIG/DOJ INVESTIGATION: [Redacted]

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/13/2006

(U) Upon viewing the information provided [redacted] in response to the NSL, [redacted] determined that the content of the e-mail messages was included with the header and footer information. TFO advised SRA [redacted] of the situation. Contact was made with [redacted] Associate Division Counsel [redacted] who provided details on how to report the incident and handle the material.

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(U) There were no reports written or leads set as a result of obtaining these records. Efforts are currently underway to separate the header and footer information from content. The original disk will then be forwarded to the [redacted] Chief Division Counsel or FBIHQ as directed.

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

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

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/13/2006

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

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, section V.12.

(U) ~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL on an electronic communications service provider. In response to the properly served NSL, the FBI obtained information beyond the scope of the NSL (email content information). FBI [redacted] identified the problem, and properly sequestered the email content information. There were no reports written or leads set as a result of the email content information.

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

(U) [redacted] should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. [redacted] should not view any content information but should request the carrier to provide only that information authorized by law.

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 12/13/2006

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**LEAD(s) :**

**Set Lead 1: (Info)**

[redacted]

(U) [redacted] should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, D.C.

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

cc:  
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Ms. Thomas

[redacted]  
IOB Library

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~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/12/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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**Contact:** CRS [redacted]

**Approved By:** Miller David Ian *DM/ko* *DM*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

**Drafted By:** [redacted]

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

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3159  
OGC/IOB# 2007-[redacted] b2

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1806  
278-HQ-C1229736-VIO Serial 1899

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 10/21/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/17/2007

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**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection  
Internal Investigations Section, IPU, Room 3041  
**Contact:** CRS [Redacted]

**Approved By:** Miller David Ian *Miller*

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-30-2007

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U - 644 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 3159  
OGC/IOB# 2007 [Redacted] b2

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

(U)

~~(S) Derived From : G-3  
Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1806

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1806  
278-HQ-C1229736-VIO Serial 1899

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

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

**DATE:** January 30, 2007

**TO:** Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

**FROM:** Glenn G. Powell  
Special Agent in Charge  
Investigations Division

**SUBJECT:** OIG Complaint No. 2007002647  
b2 Subject: Unidentified  
b7E [redacted] Division  
FBI No. 263-0-U-644  
CMS No. 3159

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

**IMPORTANT NOTICE**

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

**Attachment**



OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [redacted]

M

Received By: [redacted]

Date Received: 12/20/2006

How Received: b7C

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SUBJECT: Unidentified, FBI

SSNO:

Title: UNID

Pay Plan:

D.O.B.:

Component: FBI

EOD Date:

Alien No.:

Misc:

F.B.I.No.:

Home:

B.O.P.No.:

Phone:

ZIP:

D/L No.:

Work:

Offenses: 689

Phone:

ZIP:

COMPLAINANT: [redacted]

SSNO: [redacted]

Title: SSA

Pay Plan: [redacted]

D.O.B.:

Component: FBI

EOD Date: [redacted]

Alien No.:

Misc:

F.B.I.No.:

Home: [redacted]

B.O.P.No.:

Phone: ( ) -

ZIP: [redacted]

D/L No.:

Work: , ,

Phone: (202) [redacted]

ZIP:

Authority: none

Confidential:

Revealed:

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Details:

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The FBI provided information regarding a potential IOB matter (2007 [redacted])

[redacted] on 10/3/06, the [redacted] Division issued an NSL requesting electronic communication transactional information for the subject of its investigation. review of the information provided revealed that the content of the email messages was included with the header and footer information.

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FBI/OGC determined that this matter does not need to be reported to the IOB.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: [redacted] 2006

TIME:

b2

CITY: [redacted]

Zip:

b7E

DISPOSITION DATA: Disposition: M Date: 12/20/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 01/29/2007 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-644

Sensitive: N Whistleblower: N Consolidated Case Number:

Remarks:

Predicating material contains classified information which will be maintained within OIG/INV.

1/30/07: Sent to Kaiser/FBI. (stp)

DATE: 05-30-2007

FBI INFO.

CLASSIFIED BY 65179/DMH/KSR/RW

REASON: 1.4 (c)

DECLASSIFY ON: 05-30-2032

*Freedom of Information  
and  
Privacy Acts*

*SUBJECT: NATIONAL SECURITY LETTERS  
FOLDER: 263-0-U - Volume 20*



*Federal Bureau of Investigation*

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 3  
Page 54 ~ Duplicate EC dated 1/10/07  
Page 55 ~ Duplicate  
Page 56 ~ Duplicate

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X Deleted Page(s) X  
X No Duplication Fee X  
X for this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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**FEDERAL BUREAU OF INVESTIGATION**



Precedence: ROUTINE

Date: 07/03/2006

To: Inspection  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-31-2032

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO -1517

Title: (U) SA [Redacted]  
SSRA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

1073946

(U) Synopsis: ~~(S)~~ To report possible IOB error.

(U) ~~(S)~~ Derived From : G-3  
~~(S)~~ Declassify On: 07/02/2031

Details:

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- (S) 1. [Redacted]
- (S) 2. [Redacted]

- (U) ~~(S)~~ 3. Possible IOB Error:
- ~~(S)~~ NFIPM Section Reference: Section 2-02.

(S) b1 b7A [Redacted]

- (U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).
- (S) [Redacted]

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[Redacted]

SC Miller [Signature] 4/9/07  
Ces [Redacted] kaw 01/09/07

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~~SECRET~~

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(U) To: Inspection From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/03/2006

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(S) in the NSL for the time period requested, but indicated also in the materials returned that [redacted] prior to the time period requested in the NSL. Therefore, the toll records provided [redacted]

(S) [redacted]

(S) ~~(S)~~ After opening the results to begin analysis a few days after receiving the toll records [redacted] SA [redacted] noticed the error and promptly notified the [redacted] CDC via email. Due to trainings and conferences out of state during the month of June, [redacted] CDC was not able to respond until 06/30/2006 to SA [redacted]

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(S) [redacted] inquiries regarding an opinion on the need to report [redacted] error. The toll records [redacted] have not been analyzed or added to any databases, and have been sequestered with the [redacted] CDC.

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(U)

To: Inspection From:   
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/03/2006

**LEAD(s):**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

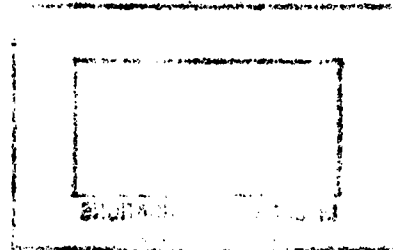
**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 12/28/2006

**To:** [Redacted]

**Attn:** SAC [Redacted]  
CDC [Redacted]  
SSRA [Redacted]  
SA [Redacted]

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Counterterrorism  
Inspection

**Attn:** ITOS II, GOU

**Attn:** [Redacted] IIS,  
Rm 11865

**From:** General Counsel

National Security Law Branch/CTLJ II/LX-1 3S-100

**Contact:** [Redacted]

**Approved By:** Thomas Julie F. [Signature]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [Redacted] b1/b7E

**Case ID #:** (S) 278-HQ-C1229736-VIO (pending) 1986

(U)

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

**Title:** (U) Intelligence Oversight Board (IOB) Matter 2006 [Redacted] b2

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

(U)

~~(S) Derived From: G-3  
Declassify On: 12/28/2031~~

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(U)

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

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

**Details:** (S) By electronic communication (EC) dated July 3, 2006 (278-HQ-C1229736 Serial1517), [Redacted] Field Office [Redacted] reported to the Office of the General Counsel (OGC) this potential IOB matter.

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OIG/DOJ REVIEW: [Redacted]

DATE: 1-9-07

FBI INVESTIGATION: [Redacted]

OIG/DOJ INVESTIGATION: [Redacted]

~~SECRET~~

b2  
b7E  
(U) To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/28/2006

(S) [redacted]

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[redacted] When [redacted] discovered [redacted] error, [redacted] Chief Division Counsel (CDC) was promptly notified. [redacted] reported that the toll records were not analyzed or added to any databases, and the records have been sequestered with the CDC.

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

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(S) In this case, an error on [redacted] [redacted] resulted in the unintentional acquisition of information. Upon learning [redacted] provided information beyond the scope of the NSL, the FBI sealed and sequestered the excess information with the CDC.

(U) ~~(S)~~ Based upon our analysis, the carrier's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. Pursuant to the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Reports of potential IOB matters determined by OGC not to require notification to the IOB will be retained by INSD for three years for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required.<sup>1</sup> Accordingly, OGC will request that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

<sup>1</sup> See 66F-HQ-A1247863 Serial 172 at 6 (2/10/2005).

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(U)

To: X From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/28/2006

**LEAD(s) :**

**Set Lead 1: (Action)**



(U) The field should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed, with appropriate documentation to the file.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, DC

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

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 01/12/2007

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

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b7C

Internal Investigations Section, IPU, Room 3041

**Contact:** CRS [redacted] Ext [redacted]

**Approved By:** Miller David Ian *David Ian Miller*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RW

**Drafted By:** [redacted] kas

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

b2

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2569  
OGC/IOB# 2006 [redacted]

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

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1517  
278-HQ-C1229736-VIO Serial 1986

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] dated 07/03/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

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**Date:** 01/17/2007

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 3041

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b7C

**Contact:** CRS [Redacted] Ext. [Redacted]

**Approved By:** Miller David Ian *[Signature]*

DECLASSIFIED BY 65179/DMH/KSR/RW  
ON 05-30-2007

**Drafted By:** [Redacted]

**Case ID #:** (U) 263-HQ-0-U - 678 (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 2569  
OGC/IOB# 2006-[Redacted]

b2

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

(U)

~~(S) Derived From : G-3  
Declassify On: 20320117~~

**Enclosure(s):** (U) 278-HQ-C1229736-VIO Serial 1517

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1517  
278-HQ-C1229736-VIO Serial 1986

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

b2  
b7E

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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~~SECRET//20320117~~



U.S. Department of Justice  
Office of the Inspector General

Washington, D.C. 20530

**DATE:** January 29, 2007

**TO:** Kenneth W. Kaiser  
Assistant Director  
Inspection Division  
Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-30-2007 BY 65179/DMH/KSR/RJ

**FROM:** Glenn G. Powell  
Special Agent in Charge  
Investigations Division

**SUBJECT:** OIG Complaint No. 2007002618

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b7C  
b2  
b7E

Subject: [REDACTED]

[REDACTED]  
FBI No. 263-0-U-678  
CMS No. 2569

- We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.
- This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.
- This complaint will be investigated by the OIG.

**IMPORTANT NOTICE**

Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

**Attachment**

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO. [redacted] 689-2007-002618-M

Received By: [redacted] Date Received: 01/08/2007 How Received: A

SUBJECT: [redacted] SSNO: [redacted]  
 Title: SA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.:  
 Misc: F.B.I.No.:  
 Home: [redacted] B.O.P.No.:  
 Phone: ( ) - ZIP: [redacted] D/L No.:  
 Work: , , Offenses: 689  
 Phone: (202) [redacted] ZIP:

SUBJECT: [redacted] SSNO: [redacted]  
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.:  
 Misc: F.B.I.No.: b6  
 Home: [redacted] B.O.P.No.: b7C  
 Phone: ( ) - ZIP: [redacted] D/L No.: b2  
 Work: , , Offenses: 689  
 Phone: (202) [redacted] ZIP:

COMPLAINANT: [redacted] SSNO: [redacted]  
 Title: SSA Pay Plan: [redacted] D.O.B.: [redacted]  
 Component: FBI EOD Date: [redacted] Alien No.:  
 Misc: F.B.I.No.:  
 Home: [redacted] B.O.P.No.:  
 Phone: ( ) - ZIP: [redacted] D/L No.:  
 Work: , ,  
 Phone: (202) [redacted] ZIP:  
 Confidential: Revealed: Authority: none

Details:  
 Information provided by the FBI/INSD reporting a potential IOB matter involving improperly received information. IOB #2006 [redacted]  
 During an authorized investigation, the FBI properly served a National Security Letter (NSL) on a communications provider for information regarding the target of the FBI investigation. In response, the FBI obtained information beyond the scope of the NSL. The FBI [redacted] Division identified the problem and indicated that the unauthorized information has not been analyzed or added to any databases and has been sequestered with [redacted] CDC.  
 It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB.

ALLEGATIONS: 689 IOB Violation  
 Occurrence Date: 06/08/2006  
 CITY: [redacted]

TIME: [redacted]  
 State: [redacted] Zip:

DISPOSITION DATA: Disposition: M Date: 01/08/2007 Approval: POWELL, GLENN G

Referred to Agency: Date Sent: Component: FBI  
 Patriot Act: N Civil Rights: N Component Number: 263-0-U-678, 2569  
 Sensitive: N Whistleblower: N Consolidated Case Number:

ALL FBI INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 06-06-2007 BY 65179/DMH/KSR/RW

Remarks:

Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.

1/29/07 - Sent to AD Kaiser, FBI/INSD. (yht)

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 10/25/2006

**To:** Office of the General Counsel

**Attn:** NSLB  
Room 7947

Inspection

Internal Investigations  
Section  
Room 3041

Cyber

SSA [Redacted]  
C3IU-1  
Room 5931

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**From:** [Redacted]

**Contact:** SA [Redacted]

**Approved By:** [Redacted]

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

**Drafted By:** [Redacted]

(U) **Case ID #:** (S) 278-HO-C1229736-VIC-1794 (Pending)  
(S) [Redacted] (Pending)  
(S) [Redacted] (Pending)

b2  
b7E  
b6  
b7C  
b7A

(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD  
(IOB) MATTER

(U) **Synopsis:** (S) To report possible IOB violation.

(U) **Derived From:** (S) FBI SCG G-3  
**Declassify On:** 10/25/2031

b1  
b7A

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

b2  
b7E  
b7A

(U) **Details:** (S) [Redacted]

b1  
b7D  
b7A

me063001.ec

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*Se Miller DM/PA 1/9/07*  
[Redacted] *01/09/07*  
*1/8/07*

b6  
b7C

(U) To: Office of the General Counsel From: [Redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006

(S)

[Redacted]

b1  
b7D  
b7A

(S)

[Redacted]

b1  
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b7E  
b7A

(S)

[Redacted]

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b7E  
b7A

(S)

[Redacted]

b1  
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b7E  
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~~SECRET~~

(U) To: Office of the General Counsel From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006

b2  
b7E

[redacted] analysis of the material. SA [redacted] then reported the matter to  
[redacted] SSA [redacted] As per the NSLB guidelines, this  
communication has been prepared.

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(S) [redacted]

b1  
b6  
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b7E  
b7D

~~SECRET~~

~~SECRET~~

(U) To: Office of the General Counsel From:  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 10/25/2006



b2  
b7E

**LEAD(s) :**

**Set Lead 1: (Info)**

OGC (NSLB)

AT WASHINGTON, DC

(U) Please provide guidance as to how to handle overreported information.

**Set Lead 2: (Info)**

CYBER

AT WASHINGTON, DC

(U) Read and Clear.

**Set Lead 3: (Info)**

INSPECTION

AT WASHINGTON, DC

(U) Please provide guidance as to how to handle overreported information.

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 12/12/2006

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b7C

To: [Redacted]

Attn: [Redacted]

Counterintelligence

Attn: SSA [Redacted] C3IU-1

Inspection Division

Attn: IIS, CRS [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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

Contact: AGC [Redacted]

Approved By: Thomas Julie F. [Signature]

DATE: 05-31-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-31-2032

Drafted By: [Redacted]

1987

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

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

b2

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

b2  
b7E

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

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

b2  
b7E

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1794

~~SECRET~~

OGC/DOJ REVIEW: [Redacted] DATE: 7-8-07  
FBI INVESTIGATION: [Redacted] (14)  
OGC/DOJ INVESTIGATION: [Redacted]

b6  
b7C

~~SECRET~~

b2  
b7E

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

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

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b7E

(S) [redacted]

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b7A

(S) [redacted]

b1  
b2  
b7E  
b7D  
b7A

(S) [redacted]

b1  
b2  
b7E  
b7D  
b6  
b7C  
b7A

(S) [redacted]

b1  
b2  
b7E  
b6  
b7C  
b7D  
b7A

~~SECRET~~

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To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 12/12/2006

b2  
b7E

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

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

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

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b7E

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~~SECRET~~

To: [redacted] From: Office of the General Counsel  
Re: 278-HQ-CI229736-VIO, 12/12/2006

b2  
b7E

LEAD(s):

Set Lead 1: (Information)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Information)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

At

[redacted]

b2  
b7E

(U) For action deemed appropriate.

cc: 1- Ms. Thomas

1-

1-

1- IOB Library

b6  
b7C

◆◆

~~SECRET~~