

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] Ext [redacted]

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Approved By: Miller David Ian *DM/ra*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-31-2007 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# 3155
OGC/IOB# 2007 [redacted]

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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 1794
278-HQ-C1229736-VIO Serial 1987

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] dated 10/25/2006, 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: [Redacted] (Personal Attention)

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

Approved By: Miller David Ian *[Signature]*

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

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 682 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3155
OGC/IOB# 2007 [Redacted]

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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 1794

Reference: (U) 278-HQ-C1229736-VIO Serial 1794
278-HQ-C1229736-VIO Serial 1987

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.

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(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~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/30/2006

To: General Counsel
Inspection
Counterintelligence

Attn: NSLB
Attn: IIS ✓
Attn: CD-2A, Room 4133
Attn: CDC [redacted]

From: [redacted]

Contact: SA [redacted]

Approved By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [redacted]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) - 1798
(U) 278 [redacted] C76104 (Pending) [redacted]
(S) [redacted]

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(U) **Title:** ~~(S)~~ POTENTIAL IOB MATTER INVOLVING
SA [redacted]
SSA [redacted]

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

(S) **Synopsis:** ~~(U)~~ IOB reporting of carrier [redacted]

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(U) ~~(S)~~ **Derived From:** G-3
Declassify On: 10/30/2031

Reference: (U) Conversation with CDC [redacted] on 10/18/2006.

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

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(S) [redacted]

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Sculler DM/PAD 1/9/07
[redacted] 9/07
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~~SECRET~~

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 10/30/2006

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[redacted]

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(S) [redacted] initially requested NSL subscriber information [redacted]

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[redacted]

(S) [redacted] received a reply to the NSL [redacted]

[redacted] In addition to [redacted]

[redacted] were received. [redacted]

information received was incorrectly given by [redacted]

[redacted] no [redacted] information was requested. None [redacted]

[redacted] received have been uploaded into ACS or

placed in the file of the substantive case. [redacted]

were returned [redacted]

[redacted] mistake is being reported within the mandatory 14-day reporting period.

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~~SECRET~~

To: General Counsel From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 10/30/2006

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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-2A: Read and clear.

Set Lead 4: (Action)

[redacted]

AT

[redacted]

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

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3158

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/12/2006

To: [Redacted]

Attn: SAC [Redacted]
CDC
SA

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Counterintelligence
Inspection Division

Attn: SSA [Redacted] CD-2A
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. [Redacted]

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

Drafted By: [Redacted]

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

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

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

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

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

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(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO -1798

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

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OIG/DOJ REVIEW: [Redacted] DATE: 7-8-07
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

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

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the IOB [redacted]

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

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~~(S)~~ [redacted] reported that they returned [redacted]
[redacted]

(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

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

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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.

(S)

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

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

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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)

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[redacted]

AT [redacted]

(S)

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

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

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/12/2007

To: General Counsel

Attn: NSLB

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From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext [redacted]

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-31-2007 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# 3158
OGC/IOB# 2007 [redacted]

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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 1798
278-[redacted]-C76104 Serial 450
278-HQ-C1229736-VIO Serial 1988

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Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 10/30/2006, 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

To: [Redacted]

Attn: SAC (Personal Attention)

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From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [Redacted] Ext [Redacted]

Approved By: Miller David Ian

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

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 683 (Pending)

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Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3158
OGC/IOB# 2007 [Redacted]

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

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

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1798

Reference: (U) 278-HQ-C1229736-VIO Serial 1798
278 [Redacted] C76104 Serial 450
278-HQ-C1229736-VIO Serial 1988

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

SUBJECT: OIG Complaint No. 2007002584
Subject:
FBI No. 263-0-U-683
FBI CMS No. 3158

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

SUBJECT: [] SSNO: []
Title: SA 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: (202) [] ZIP:

SUBJECT: [] SSNO: []
Title: SSA 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: (202) [] ZIP:

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COMPLAINANT: [] SSNO: []
Title: ATTY 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: , ,
Phone: (202) [] ZIP:
Confidential: [] Revealed: Authority: none

Details: (S)

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

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The National Security Letter (NSL) requested subscriber information, however the reply to the NSL provided toll records. None of the toll records were uploaded into FBI databases and the erroneously provided information was reported within the mandatory 14 day reporting period.

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: b2 TIME: []
CITY: [] b7E State: [] Zip:

DISPOSITION DATA: Disposition: M Date: 01/25/2007 Approval: POWELL, GLENN G

referred to Agency: Date Sent: Component: FBI
Patriot Act: N Civil Rights: N Component Number: 263-0-U683, 3158
Sensitive: N Whistleblower: N Consolidated Case Number:

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

Remarks:

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

01/26/07-Sent to Kaiser/FBI/INSD. (dz)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/03/2006

To: Inspection
General Counsel

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

From: [Redacted]

Contact: SFO [Redacted]

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

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

Case ID #: (S) 278-HQ-C1229736-VIO-1353

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) SFO [Redacted]
SSRA [Redacted]

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INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: (S) To report possible IOB error, unauthorized, unintentional collection of information.

~~(U) (S) Derived From : G-3
Declassify On: 05/03/2006~~

Details:

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(S) 1. [Redacted]

(S) 2. [Redacted]

(U) (S) 3. Possible IOB Error: Unintentional collection of information.

b1 (S) [Redacted]

(U) (S) 4. Description of IOB Error (including any reporting delays). Financial records were furnished, pursuant to a National Security Letter (NSL) for individuals other than the subject of the NSL.

Scinner Dim/EO 11/2/07
CBS [Redacted] [Redacted] 01/08/07

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(U) To: Inspection From: [redacted]
b2 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/03/2006
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(S) A National Security Letter for financial records of [redacted] captioned subject was requested [redacted]

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(U) ~~(S)~~ Records were received by writer and held until the analysis of those records was able to be conducted. During the course of the analysis writer found records that were in the names of individuals other than the captioned subject. SSRA [redacted] was advised of this.

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(U) ~~(S)~~ After speaking with ADC [redacted] and [redacted] of OGC, the records not pertaining to captioned subject have been separated, segregated and sealed [redacted] none of those records have been uploaded into ACS or other FBI record systems. ADC [redacted] and [redacted] provided guidance on how to handle this matter.

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(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/03/2006

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: 12/26/2006

To:

[Redacted]

Attn: SAC
CDC

Attn: SSRA [Redacted]

Attn: ITOS II

Attn: IIS, CRS [Redacted]

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Counterterrorism
Inspection

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: Office of the General Counsel
NSLB/CTLUII/LX1/Room 3S-110

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]

(U)

Case ID #: (S) 278-HQ-C1229736-VIO Serial 1970 (Pending)

(U)

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

(U)

Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that this matter 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.

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~~Derived From : G-3
Declassify On: 20311226~~

Reference:

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(S)

[Redacted]

(U)

278-HQ-C1229736-VIO-1353

Details: (S) By EC dated 05/03/2006, [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.

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

[Redacted]

DATE: 1-4-07
[Signature]

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/26/2006

(S) On 11/10/2005, [redacted] drafted an NSL pursuant to 18 U.S.C. § 2709 seeking financial records of the target of an authorized investigation [redacted]

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[redacted]

(S)

[redacted]

(S)

[redacted]

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(S)

[redacted]

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(U) ~~(S)~~ The records not pertaining to captioned subject [redacted] have been separated, segregated and sealed in [redacted] [redacted] none of those records have been uploaded into ACS or other FBI record systems.

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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

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/26/2006

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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 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 a financial institution. In

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To: From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/26/2006

response to the properly served NSL, the FBI obtained information regarding other individuals that were not relevant to the investigation.¹ It appears that this information, although lawfully obtained, is not relevant to the investigation and was properly segregated to protect the potential privacy interests of United States persons. Once information not relevant to an authorized investigation is received, the field should contact the carrier and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

(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) ~~(S)~~ The target's rights were not violated because he was not the subject of the improperly collected information. It is unknown, however, whether the information associated with the other subscriber pertained to a United States Person inasmuch as there has been no review of the information.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/26/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]
[redacted]

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

cc: Ms. Thomas

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[redacted]
IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/10/2007

To: General Counsel

Attn: NSLB/CTLUII
LX1
Room 3S-110
AGC [redacted]

Counterterrorism
Inspection

Attn: ITOS II
Attn: IIS
CRS [redacted]

Attn: Associate Division Counsel
SSA [redacted]

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From: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO (Pending) *2019*

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

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

Synopsis: (S) Destruction of records which were inadvertently provided [redacted]

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(U) ~~(S) **Derived From :** G-3
Declassify On: 20320110~~

(U) **Reference:** (S) 278-HQ-C1229736-VIO Serial 1970

b2
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Details: (S) Referenced EC requested FBI [redacted] to determine if the unintentionally acquired information [redacted] which was obtained via a National Security Letter (NSL), should be returned or destroyed with appropriate documentation to the file.

(U) ~~(S)~~ Those specific documents which were unintentionally acquired by FBI [redacted] were previously segregated, sealed and maintained by FBI [redacted] Chief Division Counsel. On January 10, 2007, Associate Division Counsel (ADC) [redacted] opened the sealed package to review the documents, not for its content, but to determine if the documents were originals or copies. A review of the documents revealed they

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(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/10/2007

(S) [redacted] Based upon ADC [redacted]
review, on January 10, 2007, ADC [redacted] shredded those documents
which were unintentionally acquired [redacted]

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(U) b2 ~~(S)~~ As the unintentionally acquired documents have
b7E been destroyed, [redacted] considers the lead covered.

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~~SECRET~~

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To: General Counsel From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/10/2007

LEAD(s):

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

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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

Contact: CRS [redacted]

Approved By: Miller David Ian *MDI*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 05-31-2007 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# 2176
OGC/IOB# 2006-[redacted]

b2

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

Reference: (U) 278-HQ-C1229736-VIO Serial 1353
278-HQ-C1229736-VIO Serial 1970

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 05/03/2006, 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]

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Approved By: Miller David Ian *MDI*

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

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 684 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 2176
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 1353

Reference: (U) 278-HQ-C1229736-VIO Serial 1353
278-HQ-C1229736-VIO Serial 1970

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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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~~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 05-31-2007 BY 65179/DMH/KSR/RW

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

SUBJECT: **OIG Complaint No. 2007002639**

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Subject
FBI No. 263-0-U-684
FBI CMS No. 2176

- 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: [] Date Received: 01/04/2007 How Received: A

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

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

Details:

The FBI provided information regarding a potential IOB matter (2006- [] b2

During an authorized investigation, the FBI properly served a National Security Letter (NSL) on a financial institution. In response to the NSL, the FBI was provided with information associated with individuals who were not relevant to the investigation. The information was properly segregated to protect the potential privacy of the individuals.

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: [] TIME: [] b2
CITY: [] b7E Zip: []

DISPOSITION DATA: Disposition: M Date: 01/29/2007 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-684, 2176
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.

01/29/07-Sent to Kaiser/FBI/INSD (dz)

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

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: 263-0-U. Volume 22



Federal Bureau of Investigation

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

1073946

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Precedence: ROUTINE

Date: 01/04/2007

To: Inspection
General Counsel

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

From: [Redacted]

Contact: ISS [Redacted]

Approved By: [Redacted]

KPK

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b7E

Drafted By: [Redacted]

ksh

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) - 2037
(U) 278 [Redacted]-C26391 (Pending) - 274 b1
(S) [Redacted] (Pending) - 23

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB);
[Redacted]
SUPERVISORY SPECIAL AGENT
[Redacted]
SPECIAL AGENT
[Redacted]
REPORT OF A POTENTIAL IOB MATTER

b6
b7C



(S)

Synopsis: ~~(S)~~ To report a possible IOB violation involving receipt of unsolicited telephone toll records [Redacted]

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

~~(S)~~



Reference: (S) ~~(S)~~ [Redacted] Serial 11
(U) 278-HQ-C1229736 Serial 2570

b1

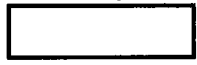
Details: ~~(S)~~ In accordance with reporting requirements relating to known or suspected Intelligence Oversight Board (IOB) violations, per reference 2, notification is being made to the Office of General Counsel regarding unsolicited telephone toll

~~SECRET~~

3/24/07

b6 X
b7C X

30/01/07
CRS [Redacted] *03/26/07*



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b7C

01-18-07

138

~~SECRET~~

To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 01/04/2007

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records [redacted]
[redacted]

(S)

(S) [redacted] send a National Security Letter (NSL) to
[redacted] requesting subscriber information [redacted]
[redacted]

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(S) [redacted] received the
requested subscriber information [redacted]
[redacted] of telephone toll records.
These toll records were not requested in the NSL.

(S)

b1

[redacted]

(S)

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[redacted] records, [redacted]
[redacted] less National
[redacted] have been turned over to [redacted]
CDC (A/CDC) [redacted] pending a response from the National
Security Law Branch regarding this matter. A/CDC [redacted] secured
the toll records within his office safe.

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~~SECRET~~

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 01/04/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Request IIS take appropriate action as necessary in response to this potential IOB matter.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) At NSLU, review information provided herein and act as deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/05/2007

To: [Redacted]

Attn: IIS [Redacted]
A/CDC [Redacted]

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

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Counterintelligence

Attn: CD-2

DATE: 05-25-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-25-2032

Inspection

Attn: IIS, [Redacted]

From: Office of the General Counsel

NSLB/CILU/Room 7947

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

Approved By: Thomas Julie F. [Redacted]

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2199 (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) Derived From: G-3
Declassify On: 02/05/2032

b2
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b1 (U) Administrative: ~~(S)~~ This electronic communication (EC) contains information from the EC dated 01/04/2007 from the [Redacted] Field Office [Redacted] to OGC reporting a potential IOB matter.

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

b2
b7E (U) Details: ~~(S)~~ By EC dated 01/04/2007, [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

- 2037

~~SECRET~~

OIG/DOJ REVIEW [Redacted] DATE: 3/14/07 b6
FBI INVESTIGATION: [Redacted] b7C
OIG/DOJ INVESTIGATION: [Redacted]

~~SECRET~~

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b7E

To: [redacted] Office of the General Counsel
Re: 278-HQ-C1229730 VIO, 02/05/2007

(S)

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(S) [redacted] drafted an NSL pursuant to 18 U.S.C. § 2709 seeking subscriber information for a telephone number that was believed to be used by subject. The NSL was sent to [redacted]

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(S) [redacted] received the requested subscriber information along [redacted] toll records pertaining to the requested number. [redacted] the toll records was immediately turned over to the Acting Chief Division Counsel for sequestration.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12852, 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

~~SECRET~~

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

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

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

b2
b7E

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

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

~~SECRET~~

~~SECRET~~

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

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]
[redacted]
AT [redacted]

b2
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(S) (X) If deemed relevant [redacted] should submit the appropriate NSL requesting the toll records or return [redacted] If the information is not relevant or [redacted] does not seek their return, [redacted] should be destroyed with appropriate documentation placed in the file.

cc: Ms. Thomas
[redacted]
IOB Library

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

Approved By: Miller David Ian

b6
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b2

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3443
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 2037
278-HQ-C1229736-VIO Serial 2199

b2
b7E

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 01/04/2007, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is an administrative issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-25-2007 BY 65179 DMH/KSR/JW

~~SECRET~~//20320328

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

b2
b7E

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [Redacted] Ext. [Redacted]

Approved By: Miller David Ian *MDI*

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-25-2007

b6
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b2

Drafted By: [Redacted] *mas*

Case ID #: (U) 263-HQ-0-U - 738 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3443 b2
OGC/IOB# 2007-[Redacted]

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

(U) ~~(S)~~ ~~Derived From:~~ G-3
~~Declassify On:~~ 20320328

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 2037

Reference: (U) 278-HQ-C1229736-VIO Serial 2037
278-HQ-C1229736-VIO Serial 2199

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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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~~SECRET~~//20320212
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/12/2007

To: [redacted]
Inspection
General Counsel

Attn: ADC [redacted]
Attn: IIS, Room 11861
Attn: NSLB, Room 7975 ✓

From: [redacted]
[redacted]

Contact: SA [redacted]

b2
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b6
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Approved By: [redacted]

Drafted By: [redacted] kdz ✓

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) **Case ID #:** (S) 278-HO-C1229736-VIO - 2154
(S) 278 [redacted] A95380 - 068
(S) 62 [redacted] A89455-IOB - 20

Title: (U) REPORT OF POTENTIAL
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

DATE: 05-25-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-25-2032

(U) ~~(S)~~ **Derived From:** G-3
Declassify On: 02/12/2032

Details:

(S) 1. [redacted]

(S) 2. [redacted]

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

(S) [redacted]

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

(S) A National Security Letter (NSL) [redacted]
[redacted] for records [redacted]

b1
b7D

[redacted]

EM 3/20/07

~~SECRET~~//20320212

b6
b7C

CRS [redacted] *kdz 03/26/07*

210 - 757

To: Inspection From: [redacted]

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/12/2007

b2
b7E
b1
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(S) [redacted] reviewed the records [redacted]
[redacted] and found [redacted] [redacted]
[redacted]

(U) ~~(S)~~ The original documents reflecting the information which was not requested have been forwarded to [redacted] ADC for sequestering. Redacted copies only reflecting the requested information will be retained for the case file.

b2
b7E

~~SECRET~~//20320212

b2 To: Inspection From:
b7E (U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/12/2007

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~~//20320212

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 3/2/07

To: [Redacted]
Counterintelligence
Inspection

Attn: SAC, CDC, ADC
Attn: AD
Attn: IIS, CRS [Redacted]

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

b6
b7C
b2
b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F. [Signature]

Drafted By: [Redacted]

DATE: 05-25-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-25-2032

(U) Case ID #: (S) 278-HQ-C1229736-VIO-2234
(S) 278 [Redacted]-A95380-75
(S) 62F [Redacted]-A89455-101

(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 Serial 2154
b2 (S) 278 [Redacted]-A95380
b7E (S) 62F [Redacted]-A89455

Details: (S) [Redacted]

b1
b7D

b6
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~~SECRET~~

OGI/DOJ REVIEW [Redacted] DATE: 3/14/07
FBI INVESTIGATION [Redacted]
OGI/DOJ INVESTIGATION [Redacted]

~~SECRET~~

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b7E

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/02/07

(S)

[redacted]

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b1
b7D

(S) [redacted] reviewed
the records received [redacted] two

[redacted]
[redacted] which was prior to the time period requested in
the NSL.

b2
b7E

(U) ~~(S)~~ The original documents reflecting the information
which was not requested have been forwarded to [redacted] ADC and
sequestered. Redacted copies which only reflect information
requested by the NSL will be retained for the case file.

(U) ~~(S)~~ The President, by Executive Order 12334, dated
12/04/1981, established the President's Intelligence Oversight
Board (PIOB). On 9/13/1993, 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 (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 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
E.O. 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

~~SECRET~~

~~SECRET~~

b2
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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/02/07

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.

(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 communications record 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. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [redacted]

b1

(S) Here, during an authorized investigation, the FBI properly served an NSL [redacted]. In response to the properly served NSL, the FBI obtained [redacted] containing information beyond what it is legally authorized to receive. The FBI, having ascertained [redacted] were beyond the scope of the NSL, forwarded the unasked for information to the ADC for sequestering and redacted their files to reflect only information responsive to the NSL.

b1
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(U) ~~(S)~~ By agreement with the Counsel to the IOB, 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.

SECRET

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/02/07

b2
b7E

Set Lead 1: (Read and Clear)

[redacted] [redacted] *make contact with the provider and*
(S) Return original documents which reflect
information beyond the scope of the NSI [redacted]
[redacted]

b1
b7D

Set Lead 2: (Info) *for destroy, at the provider's option,*

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
1- [redacted] b7C
1-IOB Library

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

b6
b7C
b2

Approved By: Miller David Ian

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-25-2007

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3618
OGC/IOB# 2007-[redacted]

b2

(U)

Synopsis: (X) 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 2154
278-[redacted]-A95380 Serial 68
278-HQ-C1229736-VIO Serial 2234

b2
b7E

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 02/12/2007, 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~~//20320328

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

b2
b7E

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [Redacted] Ext. [Redacted]

Approved By: Miller David Ian *MDI*

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-25-2007

b6
b7C
b2

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 754 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3618
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: 20320328

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 2154

Reference: (U) 278-HQ-C1229736-VIO Serial 2154
278-[Redacted]-A95380 Serial 68
278-HQ-C1229736-VIO Serial 2234

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~~//20320201
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/01/2007

To: Inspection
General Counsel

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

Attn: ASAC [redacted]
CDC [redacted]

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] jgc

(C) Case ID #: (S) 278-HO-C1229736-VIO - 2119
(S) 62F- [redacted] A89455-IOB - 17

DATE: 05-25-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-25-2032

Title: (U) SA [redacted]

SSA [redacted]
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) (S) Derived From: G-3
Declassify On: 02/01/2032

Details:

(S) 1. [redacted]

(S) 2. [redacted]

(S) 3. Possible IOB Error [redacted]

b2
ERROR NOT THE SAME
AS IN [redacted]

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(S) [redacted]

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

(S) [redacted]

[redacted]

SC Miller [redacted] 3/20/07
CRS [redacted] has 03/26/07
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~~SECRET~~//20320201

745

(U)

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b7E To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 02/01/2007

(S)

[redacted]

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b7E

(S)

supplied [redacted]

[redacted]

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[redacted] that 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.

(S)

The case agent first reviewed [redacted]

[redacted] Division Counsel was contacted [redacted] and it was determined that a possible IOB error occurred. Case agent contacted [redacted] Division Investigative Support Specialist (ISS) [redacted]

(S)

[redacted]

(S)

(S)

[redacted] regarding this matter. [redacted] explained that [redacted] was contacted regarding this error. [redacted]

[redacted] in error and he requested that [redacted] be destroyed. Additionally [redacted]

[redacted]

b2
b7E

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007

b1 (S)

[redacted]

(S)

[redacted]

[redacted]

(S)

[redacted]

(S)

[redacted] destroyed the original [redacted]

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[redacted]

~~SECRET~~//20320201

(U) To: Inspection From:
b2 Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007
b7E

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~~//20320201
4

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/21/2007

To: [Redacted]

Attn: SSA [Redacted]
SA
CDC

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Counterintelligence

Attn: CD-4

Inspection

Attn: IIS, CRS [Redacted]

From: Office of the General Counsel

NSLB/CILU/Room 7947

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

Approved By: Thomas Julie [Signature]

Drafted By: [Redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) 2d02
(S) 62E [Redacted]-A89455-JOB 22

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

b2 (U) Synopsis: (S) The [Redacted] Field Office [Redacted] requested that
b7E 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.

(U) Derived From: G-3
Declassify On: 2/21/2032

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

(U) Reference: (S) 278-HQ-C1229736-VIO Serial 2119

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

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

OGC/DOJ REVIEW [Redacted] DATE: 3/14/07 b6
FBI INVESTIGATION [Redacted] b7C
OGC/DOJ INVESTIGATION: [Redacted]

~~SECRET~~

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b7E

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

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

(S)

[redacted] A National Security Letter (NSL) was prepared [redacted] and served [redacted]. The NSL requested only [redacted] information for [redacted]. The NSL results were provided to [redacted]. [redacted]

b1

(X) [redacted] case agent reviewed [redacted] [redacted] discovered that in addition to the requested [redacted] had provided information that appeared to be [redacted]. The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel. On 1/17/2007 the case agent contacted [redacted]. The POC then contacted the appropriate [redacted] and [redacted] provided the information in error. Subsequently, [redacted] destroyed [redacted]. [redacted]

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(S)

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

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~~SECRET~~

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[redacted] From: Office of the General Counsel
Re. 78-HQ-C1229736-VIO, 2/21/2007

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

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

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

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~~SECRET~~

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

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

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(S)

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

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

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted]

Ext. [redacted]

Approved By: Miller David Ian

ALL INFORMATION CONTAINED

Drafted By: [redacted]

b6

HEREIN IS UNCLASSIFIED

b7C

DATE 05-26-2007 BY 65179DMH/KSR/JW

b2

Case ID #:

(U) 278-HQ-C1229736-VIO

(Pending)

Title: (U)

INTELLIGENCE OVERSIGHT BOARD MATTER

b2

INSD/IIS TRACKING# 3555

OGC/IOB# 200 [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 2119

278-HQ-C1229736-VIO Serial 2202

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 02/01/2007, 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~~//20320328

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [Redacted] Ext. [Redacted]

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Approved By: Miller David Ian *[Signature]*

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 749 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3555
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: 20320328~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 2119

Reference: (U) 278-HQ-C1229736-VIO Serial 2119
278-HQ-C1229736-VIO Serial 2202

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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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/05/2007

To: Inspection Division

Attn: IIS

Office of the General Counsel

Attn: NSLB

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

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

(U) 278 [Redacted]-C136372 (Pending)

DATE: 05-26-2007^{b2}
CLASSIFIED BY 65^{b7E} DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) To report potential Intelligence Oversight Board (IOB) matter.

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

Details:

Case Background and Case Agent

(S) [Redacted]

Case ID#: (S) [Redacted]

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~~SECRET~~

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b7C

SC Miller DM 3/20/07

CRS [Redacted] KNO 03/26/07

noed 02/16/07

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/05/2007

To: Inspection Division

Attn: IIS

Office of the General Counsel

Attn: NSLB

From: [Redacted]

Contact: [Redacted]

Approved By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) - 2182

(U) 278-[Redacted]-C136372 (Pending) - 124

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) To report potential Intelligence Oversight Board (IOB) matter.

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

Details:

Case Background and Case Agent

(S) [Redacted]

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Case ID#: [Redacted]

b1

~~(S)~~

~~SECRET~~

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To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 02/05/2007

(S)
Title: [redacted]

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(S)
[redacted] The case agent of [redacted] is SA [redacted]
SA [redacted] supervisor is SSA [redacted]

Report of Potential IOB Matter

(S)
(S) [redacted] approved directing [redacted]
[redacted], to produce to the Federal Bureau of Investigation
(FBI) all financial records pertaining to [redacted]
[redacted]

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[Large redacted block]

2.

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

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

To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 02/05/2007

(S) [redacted] (S)

The records provided [redacted]

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In addition, [redacted] included records [redacted]

[redacted]

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[redacted]

(S) (S) The NSL served [redacted] specifically requested financial records for [redacted]

[redacted] never requested or provided any correspondence requesting records for [redacted]

(S) [redacted] Legal guidance provided by OGC and NSLB noted that a potential IOB violation includes "a carrier providing information beyond the scope of a NSL resulting in the unintentional acquisition of data" [278-HQ-C1229736-2570.]

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(S) (S) On 02/05/2007, SA [redacted] contacted [redacted] Chief Divisional Counsel, [redacted] Division and informed her of this matter. At the request of [redacted] and in accordance with procedure stipulated in 278-HQ-C1229736-2570, the records provided [redacted]

[redacted] were sequestered and provided to [redacted]

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To: Inspection Division From:
Re: (U) 278-HQ-C1229736-VIO, 02/05/2007

LEAD(s):

Set Lead 1: (Action)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/05/2007

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS1, CONUS 4, [Redacted]

Inspection

Attn: IIS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: Office of General Counsel
NSLB/CTLU I

Contact: [Redacted]

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Approved By: Thomas Julie E. [Signature]

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Drafted By: [Redacted]

(C) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending) ²²³³

(U) ~~(S)~~ 278- [Redacted] - 130 (Pending)

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(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
IOB MATTER 2007- [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: 03/05/2032

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 2153

(U) **Details:** ~~(S)~~ By electronic communication (EC) dated February 5, 2007 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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(C) [Redacted]

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~~SECRET~~

[Redacted]

3/14/07

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NO FORN DISSEM
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

~~SECRET~~

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To: [redacted] From: Office of General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/05/2007

(S) ~~(S)~~ [redacted], pursuant to this authorized investigation, a National Security Letter (NSL) was issued to produce all financial records pertaining to [redacted]

(S) ~~(S)~~ [redacted] provided the records and they were received by SA [redacted]. Upon review, SA [redacted] found [redacted] provided the records requested but had also included records for [redacted] which had not been requested.

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~~(S)~~ SA [redacted] contacted [redacted] Chief Division Counsel, [redacted] who advised [redacted] send the [redacted] records [redacted] to be sequestered.

(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

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b7E (U) To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/05/2007

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.

(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. [redacted]

b1

(U) ~~(S)~~ In this instance, [redacted] properly served an NSL requesting financial records relevant to the subject of the preliminary investigation. In addition to responsive records, due to an error by the financial institution, [redacted] [redacted] also obtained records beyond the scope of the NSL.

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

(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) Since the additional records in this instance are still relevant to the authorized investigation, the additional records may be maintained by the FBI if an additional NSL is served for those records. Otherwise, [redacted]

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(U) To: [redacted] From: Office of General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/05/2007

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[redacted] should contact the financial institution and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

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To: [redacted] From: Office of General Counsel
(U) Re: (S) 278-HQ-C1229736-VIO, 03/05/2007

LEAD(s) :

Set Lead 1: (Action)

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[redacted]

AT

[redacted]

(U) [redacted] Field Office should serve an additional NSL for the relevant records, or in the alternative, contact the financial institution 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) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

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

cc: Ms. Thomas
[redacted]
IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [redacted] Ext. [redacted]

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Approved By: Miller David Ian

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-26-2007 BY 65179 DMH/KSR/JW

Drafted By: [redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3619
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 2153
278 [redacted]-C136372 Serial 124
278-HQ-C1229736-VIO Serial 2233

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Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 02/05/2007, 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~~//20320328

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: CRS [Redacted] Ext. [Redacted]

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Approved By: Miller David Ian *DM*

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 755 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3619
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: 20320328

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 2153

Reference: (U) 278-HQ-C1229736-VIO Serial 2153
278-[Redacted]C136372 Serial 124
278-HQ-C1229736-VIO Serial 2233

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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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~~SECRET~~//20320328

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3619

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2007

To: []
Counterterrorism

Attn: CDC []

Attn: ITOS [], Conus []

Inspection

Attn: IIS

From: []

Contact: SA []

Approved By: [] *pm/ST*

Drafted By: [] *mac*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

(U) 278 []-C136372 (Pending)

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) To report resolution of potential Intelligence Oversight Board (IOB) matter.

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

Reference: (U) 278-HQ-C1229736-VIO-2233

(U) 278 []-C136372-130

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Details:

Case Background and Case Agent

(S) []

[]

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

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

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Report of Potential IOB Matter

(S) [redacted] A National Security Letter (NSL) approved [redacted] to produce to the Federal Bureau of Investigation (FBI) all financial records [redacted]

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1. [redacted]
2. [redacted]

(S)

(S)

(S) The NSL [redacted] specifically requested the financial records to be provided for [redacted]

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(S) [redacted] personally provided to ISS [redacted] records requested in the NSL [redacted]

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

(S) [redacted] received the results of the
NSL [redacted] The records provided [redacted]
[redacted] as
requested. In addition, [redacted] included records
[redacted]

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(S)

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(S)

[redacted]

~~(S)~~ The NSL served [redacted]
specifically requested [redacted] records for only [redacted]
[redacted] Division at [redacted] never
requested or provided any correspondence requesting records for
[redacted]

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Legal guidance provided by OGC and NSLB noted
that a potential IOB violation includes "a carrier providing
information beyond the scope of a NSL resulting in the
unintentional acquisition of data" [278-HQ-C1229736-2570.]

(S)

~~(S)~~ On 02/05/2007, SA [redacted] contacted
[redacted] Chief Divisional Counsel, [redacted] Division
and informed her of this matter. At the request of CDC [redacted]
and in accordance with procedure stipulated in 278-HQ-C1229736-
2570, the records provided [redacted]
[redacted] were sequestered and provided to CDC [redacted]

(S)

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~~(S)~~ On 03/12/2007, SA [redacted] received referenced ECs via
[redacted] Division's CDC [redacted] Referenced ECs
were drafted by the Office of General Counsel. The referenced
ECs noted the following: "Based on our analysis, the financial
institution's mistake is not reportable to the IOB as the FBI has
not acted unlawfully or contrary to Executive Order or
Presidential Directive." Further, [redacted] Division at [redacted]
[redacted] was directed to "contact the financial institution and ask
whether the improperly or unintentionally acquired information
should be returned or destroyed with appropriate documentation to
the file".

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

(S)

~~(S)~~ On 03/12/2007, SA [redacted] contacted CDC [redacted] to acknowledge receipt of the referenced ECs. CDC [redacted] directed [redacted] to contact [redacted]

[redacted] to contact [redacted]

[redacted] would desire the "improperly or unintentionally acquired information" returned or destroyed. On 03/12/2007, SA [redacted] contacted [redacted] Division, via electronic mail.

(S)

~~(S)~~ On 03/14/2007, [redacted] reported [redacted]

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(S)

[redacted] requested the "improperly or unintentionally acquired information" to be destroyed by the FBI, [redacted] Division. [redacted] would provide a written communication documenting [redacted] to the captioned cases.

(S)

~~(S)~~ On 03/16/2007, CDC [redacted] was informed [redacted] request for [redacted] Division to destroy the "improperly or unintentionally acquired information" [redacted] stated that the "improperly or unintentionally acquired information" would be destroyed by the [redacted] Division. Further, CDC [redacted] noted that a written communication would be drafted by the Legal Unit to confirm the destruction of the aforementioned files to the captioned cases.

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

LEAD(s) :

Set Lead 1: (Info)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

[redacted]
AT [redacted]

(U) For information.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/01/2007

To: Inspection
General Counsel

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

[Redacted]

Attn: ASAC [Redacted]
CDC [Redacted]

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(C) **Case ID #:** (S) 278-HQ-C1229736-VIO -2170 b6
(S) 62F [Redacted]-A89455-IOB -18 b7C
b2
b7E

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Title: (U) SA [Redacted]
SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) (S) ~~Derived From: G-3~~
~~Declassify On: 02/01/2032~~

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

b1 (S) 3. Possible IOB Error [Redacted] ERROR AS IN [Redacted] b2
b2
b7E

(S) 4. [Redacted]

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

(S) [Redacted] a National Security Letter (NSL)
[Redacted]

SCM Miller DM 3/20/07
CRG [Redacted] Kaw 03/26/07

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200 2130

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007

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

b1 [redacted] was prepared and approved in
b6 accordance with the Attorney General Guidelines. The NSL was
b7C served [redacted]
b2 [redacted] provided the results of the NSL to [redacted] Field
b7E Office via e-mail as a courtesy, noting that a hard copy of the
information was in transit to [redacted]

b7D ~~(S)~~ A review of the results of the NSL revealed that
(S) [redacted] supplied what the case agent determined to be [redacted]

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

(U) ~~(S)~~ The case agent [redacted]
[redacted] Division Counsel
was contacted on [redacted] to advised of the problem.

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b7E (S) ~~(S)~~ [redacted], case agent contacted [redacted]
b6 Division [redacted]

[redacted]

explain why the information was provided, or to identify that an
error was made. Case agent requested that [redacted]

[redacted]

(S) ~~(S)~~ [redacted]
[redacted] explained that [redacted] was contacted regarding this
error. [redacted] noted that he could not explain why this error
occurred, yet, he aimed to correct the problem.

(S) ~~(S)~~ [redacted] destroyed [redacted]
[redacted], per the request of [redacted]
[redacted]

(U)

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To: Inspection From: [redacted]
Re: (X) 278-HQ-C1229736-VIO, 02/01/2007

(S)

provided a new CD-R which contained the appropriate information that was originally requested by the NSL served [redacted]

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(S) [redacted] case agent permanently deleted the e-mail message received [redacted] which contained [redacted] information.

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(U) (Note: This was the second possible IOB error that resulted from the same request. Both errors were identified as separate incidences. These comments are provided to clarify any confusion associated with the two extremely similar incidences occurring in an extremely close time period.)

~~SECRET~~//20320201

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(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/01/2007

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~~//20320201

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/21/2007

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To:

[Redacted]

Attn: SSA
SA
CDC

[Redacted]

Counterintelligence

Attn: CD-4

Inspection

Attn: IIS,

[Redacted]

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Approved By: Thomas Julie [Signature]

[Redacted]

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Drafted By:

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-2003 (Pending)

(U)

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

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

(U) ~~(S)~~ Derived From : G-3
Declassify On: 2/21/2032

(U)

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

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(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 2120

(U)

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

~~SECRET~~

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[Redacted]

DATE: 3/14/07
(m)

OGC/DOJ REVIEW
FBI INVESTIGATION:
OGC/DOJ INVESTIGATION:

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 2/27/2007

(S)

the IOB. [redacted]

(S)

[redacted] A National Security Letter (NSL) was served [redacted]. The NSL requested only transactional information [redacted]. The NSL results were provided [redacted].

b1

(S)

[redacted] case agent [redacted]

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[redacted] discovered that in addition to the requested [redacted] had provided information [redacted].

The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel [redacted]. The case agent contacted [redacted].

The POC then contacted the appropriate [redacted] had provided the information in error.

(S)

Subsequently, [redacted] destroyed [redacted] and deleted [redacted] regarding [redacted]. [redacted] provided the requested information in compliance with the initial NSL request. [redacted] case agent similarly deleted the relevant [redacted].

(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

~~SECRET~~

~~SECRET~~

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

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

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

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

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 2/21/200

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

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(U) For information.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

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

cc: 1- Ms. Thomas

1- [redacted]

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1- IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: [REDACTED]

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Approved By: Miller David Ian

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-26-2007 BY 65179 DMH/KSR/JW

Drafted By: [REDACTED]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3556
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 2120
278-HQ-C1229736-VIO Serial 2203

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Details: (U) The Internal Investigations Section (IIS) received an EC from [REDACTED] Division dated 02/01/2007, 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

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Precedence: ROUTINE

Date: 03/28/2007

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: [Redacted]

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b7C
b2

Approved By: Miller David Ian *DM*

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

Drafted By: [Redacted]

Case ID #: (U) 263-HQ-0-U - 756 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3556
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:~~ 20320328

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 2120

Reference: (U) 278-HQ-C1229736-VIO Serial 2120
278-HQ-C1229736-VIO Serial 2203

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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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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/03/2007

To: INSD

Attn: IIS

To: OGC

Attn: NSLB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Drafted By: [Redacted]

Case ID #: (X) 278-HO-C1229736-VIO (Pending) - 2090

(S)

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Title: (X) REPORT OF A POTENTIAL IOB MATTER;

Synopsis: (X) To report a potential IOB matter.

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

Reference: (S) [Redacted]

Details: (X) [Redacted] an ECPA National Security Letter (NSL) was served [Redacted]

[Large Redacted Block]

[Redacted] The NSL specifically requested subscriber information for [Redacted]

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SC Miller @ AM 3/20/07
CRS [Redacted] 03/20/07

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278-HO-C1229736-VIO

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To: INSD From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/03/2007

(S) [redacted]

(S) [redacted] the NSL was executed [redacted]

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[redacted] provided the subscriber information [redacted]
[redacted] as of the date of execution,
[redacted] and not for the dates specified on the NSL.
The subscriber information provided [redacted]

(S) [redacted] Furthermore the time period the
subject is listed as the active subscriber covers the dates
requested in the NSL. Thus information supplied [redacted]
[redacted] was consistent with the request of
the NSL. However, subscriber information provided [redacted]
[redacted] was not identifiable to the
subject of this investigation. Therefore [redacted]

(S) [redacted] erroneously provided subscriber information to the FBI on a
person who is not relevant to the investigation [redacted]

(S) [redacted]

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(S) [redacted] The
NSL was drafted by the Case Agent [redacted]
[redacted] requested the subscriber information [redacted]
[redacted] The erroneous subscriber information
provided [redacted]
was sequestered by the Chief Division Council of [redacted]
Office [redacted] Reporting of this matter was
delayed pending review by ADC [redacted] of new
procedures outlined in EC captioned "REVISED PROCEDURES FOR
THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT
BOARD MATTERS", dated 11/16/2006.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/21/2007

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To: [Redacted]

Attn: [Redacted]

Inspection

Attn: IIS, [Redacted]

From: Office of the General Counsel

NSLB/CILU/Room 7947

Contact: AGC [Redacted]

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Approved By: Thomas Julie F. [Signature]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO (Pending) ²²²⁹

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

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

(U) ~~(S)~~ **Synopsis:** 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: 25X1

(U) ~~(S)~~ **Administrative:** This electronic communication (EC) contains information from: (1) the EC dated 01/03/2007 from [Redacted] Field Office [Redacted] to OGC reporting a potential IOB matter; (2) conversation between [Redacted] and OGC regarding this potential IOB matter on 02/12/2007; (3) an email from [Redacted] to OGC dated 02/15/2007; and (4) automated case support (ACS).

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Reference: b1 (U) 278-HQ-C1229736-VIO Serial 2090 (Pending)
(S) [Redacted] Serial 21 (Pending)

(U) ~~(S)~~ **Details:** By EC dated 01/03/2007, [Redacted] requested that OGC review the facts of the captioned matter and determine whether it

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OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION:

[Redacted]

DATE: 3/14/07

[Signature]

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/21/2007

warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

(S) [redacted]

[redacted] the FBI served a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, [redacted]

(S)

[redacted]

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(S) [redacted] provided a response to the NSL.

In so doing [redacted] provided the subscriber information [redacted]

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[redacted] as of the date of the response, [redacted] and not for the date's specified in the NSLs. [redacted]

[redacted] information provided [redacted]

[redacted] was that of the subject of the investigation.

(S) Subscriber information provided [redacted]

[redacted] was not identifiable to the subject of the investigation. [redacted]

[redacted] This information has been sequestered with the Chief Division Counsel.

(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,

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[redacted]

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To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/21/2007

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 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) 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 are 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). In addition to FCRA, 15 U.S.C. §§ 1681u(a) and (b) information (financial institutions and consumer identifying information), under 15 U.S.C. 1681u(c), if certain factors are met, the FBI is able to obtain full consumer reports in both counterintelligence and international terrorism investigations by an ex parte court order.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/21/2007

(S)

[redacted] he FBI properly served an NSL that requested lawful information. [redacted]

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(S)

[redacted]

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(S)

(S) Subscriber information provided [redacted] was not identifiable to the subject of the investigation. [redacted]

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[redacted] Although lawfully obtained, because the information obtained through the NSL was not associated with the target, as already accomplished, the information should be sequestered with the CDC to protect the potential privacy interests of United States persons. Further, [redacted] should contact [redacted] and ask whether the information unrelated to the target should be returned or destroyed with appropriate documentation to the file.

(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. The carrier's mistake is not reportable to the IOB because the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 02/21/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Action)

(S)

[redacted]

(S) With respect to the information received that was not associated with the target, [redacted] should contact [redacted] and ask whether such 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

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/27/2007

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 3041

Contact: [Redacted]

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b7C
b2

Approved By: Miller David Ian

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

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

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3532
OGC/IOB# 2007-[Redacted]

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

b2

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

(U) ~~(S)~~ ~~Derived From :~~ G-3
~~Declassify On:~~ 20320327

Reference: (U) 278-HQ-C1229736-VIO Serial 2090
(S) [Redacted]
(U) 278-HQ-C1229736-VIO Serial 2229

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Details: (U) The Internal Investigations Section (IIS) received an EC from [Redacted] Office dated 01/03/2007, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident(s) described therein an administrative 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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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/28/2007

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To: [Redacted]

Attn: ADIC (Personal Attention)

From: Inspection
Internal Investigations Section, IPU, Room 3041

Contact: [Redacted]

Approved By: Miller David Ian *MDI*

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Drafted By: [Redacted]

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

✓ **Case ID #:** (U) 263-HQ-0-U - 757 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 3532
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: 20320328

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 2090

Reference: (U) 278-HQ-C1229736-VIO Serial 2090
278-HQ-C1229736-VIO Serial 2229

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Details: (U) Upon review of [Redacted] Office'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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FEDERAL BUREAU OF INVESTIGATION

#1808

Precedence: ROUTINE

Date: 02/07/2006

To: General Counsel
Inspection Division

Attn: National Security Law Branch,
Room 7975
Internal Investigations Sect.

From: [Redacted]

Contact: [Redacted]

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

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO (PENDING) -- 112
(S) 278 [Redacted] C71404 (PENDING) -- 12

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

(U) **Synopsis:** (S) Possible IOB error for an unauthorized dissemination of information.

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

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

b6
b7C (S) [Redacted]

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

(S) An NSL [Redacted]

[Redacted] was served [Redacted]
[Redacted] the requested records were received [Redacted]
[Redacted] and processed [Redacted] Through an error in
the mail handling of the responding EC and records, the NSL and
records were erroneously sent to [Redacted]

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SC Miller DDM 4/4/07
CPS [Redacted] kaw 04/04/07

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263-0-u-758

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12/23/06
[Redacted]

(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/07/2006

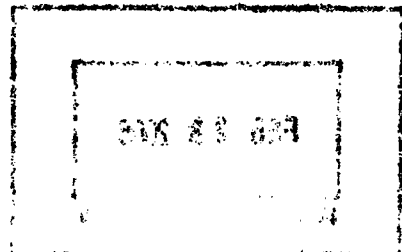
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(S) [redacted] A copy of the records were returned [redacted]
[redacted] The originals were picked up by an Agent [redacted]
[redacted]

[redacted] was informed of the mishap and will ensure corrective action is taken.

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Questions concerning this EC or others aspects of the IOB process may be addressed to either CDC [redacted] and/or OGC, National Security Law Branch.



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To: General Counsel From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/07/2006

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/24/2006

To: [redacted] b2
Counterterrorism b7E
Inspection

Attn: SAC, CDC
Attn: AD
Attn: IIS

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

From: General Counsel
Counterterrorism Law Unit II [redacted]
Contact: Patrice I. Kapistansky, [redacted]

Approved By: Thomas, Julie [redacted] b6
[redacted] b7C
[redacted] b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 2010

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

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General
Counsel (OGC) that this matter does not warrant reporting to the
Intelligence Oversight Board (IOB). Submission of this matter to
the OPR is a matter within the cognizance of the IIS.

(U) ~~(S)~~ Derived from : G-3
Declassify On: 03/24/2016

(U) Reference: 278-HQ-C1229736-VIO ~~(S)~~ - 1155

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

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Details: (U) Referenced communication from the [redacted] Field
Office [redacted] dated 02/07/2006, requested that OGC review the
facts of the captioned matter and determine whether it warrants
reporting to the IOB. In our opinion, it does not. Our analysis
follows.

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OGC/DOJ REVIEW: [redacted] DATE: 3/30/07
FBI INVESTIGATION: [redacted] (14)
OIG/DOJ INVESTIGATION: [redacted]

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To: [redacted] From: General Counsel
Re: 278-HQ-C1229736-VIO-1155 ~~(S)~~, 03/24/2006

(U)

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[redacted]

(S) During the course of the investigation, [redacted] issued a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act, 18 U.S.C. § 2709. That statute permits the FBI to request subscriber information and telephone toll billing records that are "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States." The NSL was addressed to [redacted]

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(S)

[redacted]

The requested records were received from [redacted]. The records were supposed to be sent to [redacted].

(S)

However, [redacted] clerks who work on the night shift packaged the records and inadvertently sent them to [redacted].

An employee [redacted] who handles its NSLs ultimately obtained possession of the records and realized that they were the records of [redacted]. That person contacted [redacted] and sent it a copy of the records. [redacted] contacted [redacted] learned that the original records and EC that were intended for [redacted] were at [redacted] and arranged for [redacted] field office [redacted] to physically pick them up and send them back to [redacted].

(U)

~~(S)~~ See 278-HQ-C1229736-VIO, Serial 1155, dated 02/07/2006 and titled "Intelligence Oversight Board (IOB) Matter"

2 (U)

[redacted]

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~~SECRET~~

(U) To: [redacted] From: General Counsel
Re: 278-HQ-CI229736-VIO-1155 ~~(S)~~, 03/24/2006

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[redacted] updated the paperwork and forwarded the originals to [redacted]. By EC dated 02/07/2006, [redacted] reported this matter as a possible IOB violation. (See footnote 1, above.)

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

(U) ~~(S)~~ Section V.11., Investigative Techniques, of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG)

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[redacted]

(U) ~~(S)~~ However, the improper dissemination was not of a nature of which the NSIG are concerned. The NSIG focus upon assuring that information disseminated to other government

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(U) To: [REDACTED] From: General Counsel
Re: 278-HQ-CI229736-VIO-1155-~~(S)~~, 03/24/2006

agencies or to foreign governments is proper since those entities have the ability to adversely impact a person's constitutional rights if they misuse information. Since this activity involved improper dissemination to another private wire communications service provider, which does not have the same apparent ability to adversely impact the rights of the telephone subscriber, we have determined that this event need not be reported to the IOB. This was simply an administrative error by night clerical staff in sending unclassified telephone records to a service provider other than the service provider who owned the records. An employee of the other wire communications service provider, a person familiar with the NSL process and thus, presumably familiar with the non-disclosure aspect of it, immediately recognized the mistake and reported it to the records' owner, [REDACTED] and the mistake was rectified. There does not appear to be any potential damage to national security. There was no impact upon the rights of a United States person, nor, apparently, the non-USP subscriber. There was no improper collection of information.

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(S)

CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB.

~~SECRET~~

~~SECRET~~

(U) To: [redacted] From: General Counsel
Re: 278-HQ-C1229736-VIO-1155-~~(S)~~, 03/24/2006

LEAD(s) :

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b7E

Set Lead 1: (INFO)

[redacted] FIELD OFFICE

(U) Read and Clear.

Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

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[redacted]

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~~SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: 263-0-0- Volume 23



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 8
Page 32 ~ Duplicate EC dated 12/18/06
Page 33 ~ Duplicate
Page 34 ~ Duplicate
Page 35 ~ Duplicate EC dated 3/22/06
Page 71 ~ Duplicate EC dated 2/26/07
Page 72 ~ Duplicate
Page 73 ~ Duplicate
Page 74 ~ Duplicate

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

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

b2

07 [Redacted]

Precedence: ROUTINE

Date: 12/19/2006

To: Inspection
General Counsel

Attn: IIS, Room 7825
Attn: NSLB, Room 7947

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]

L:plp

Case ID #: (U) 278-HQ-C1229736-VIO -1933 (Pending)

Title: (U)(~~S~~) REPORT OF A POTENTIAL IOB MATTER;

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Synopsis: (U) Report of a potential IOB Matter.

(U)(~~S~~)

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

1073946

b1 **Reference:** (S) [Redacted]

b6 b7C **Details:** (~~S~~) The substantive investigation and serials of the potential IOB matter is referenced above. The relevant personnel involved is SA [Redacted] Her supervisor is SSA [Redacted]

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(S)

b1 b7D b6 b7C (S) The potential IOB matter was discovered on 12/18/2006 when SA [Redacted] was conducting a thorough review of results from a National Security Letter (NSL) [Redacted] [Redacted] received the results on or [Redacted] but did not conduct a thorough review of the material until [Redacted]

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(S) [Redacted] prepared a NSL which was accompanied by an electronic communication (EC) [Redacted]

~~SECRET~~

[Redacted]

SC Miller DM 4/4/07
CRS [Redacted] kas 04/04/07

2600-11705

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-V10, 12/19/2006

(S)

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[redacted]
In the EC, this agent requested information for telephone number [redacted] when the number was intended to be [redacted]. Therefore, the NSL contained a substantive typographical error. Although the NSL was reviewed for errors, SA [redacted] did not discover the incorrect number.

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(S) The NSL was forwarded [redacted] with the incorrect number which resulted in the acquisition of data that is not relevant to an authorized investigation. [redacted] SA [redacted] received a compact disc (CD) with results from the NSL. A thorough review of the material on the CD was conducted [redacted] which alerted SA [redacted] to a problem. This potential IOB violation was immediately reported to her supervisor and ADC [redacted]

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(S) This NSL did glean pertinent information towards the substantive case. Only the relevant material from the CD has been printed and placed in the substantive file. The material inadvertently obtained that is not relevant to the investigation has not been utilized in any manner. The CD has been sealed in an envelope which is stored in SSA [redacted] safe. It will remain there until FBIHQ advises [redacted] on the disposition of the CD.

OGC advises

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~~SECRET~~

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To: Inspection From:
Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Proceed as mandated.

Set Lead 2: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Proceed as mandated.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE

Date: 02/01/2007

To: [Redacted]

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

Inspection

Attn: IIS [Redacted]
CRS [Redacted]

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

Contact: [Redacted] (202) 324-[Redacted]

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Approved By: Thomas Julie F. [Signature]

[Redacted]

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

Drafted By:

2293

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

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

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

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

(U) ~~(S)~~ **Derived From:** Multiple Sources
Declassify On: 02/01/2032

Reference: (U) 278-HQ-C1229736-VIO Serial 1933

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

(U) ~~(S)~~ **Details:** The referenced electronic communication (EC) from [Redacted] dated 12/19/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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~~(U)~~ [Redacted] prepared a National Security Letter (NSL) requesting [Redacted]

~~SECRET~~

(S)

OIG/DOJ REVIEW: [Redacted] DATE: 3/23/07
FBI INVESTIGATION: [Redacted]
OIG/DOJ INVESTIGATION: [Redacted]

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~~SECRET~~

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To: [redacted] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 02/01/2007

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[redacted] (S)
[redacted] (S)
NSL also requested [redacted] (S)

[redacted] Due to an administrative error in drafting the NSL and the accompanying EC, the case agent requested information for the wrong telephone number. Therefore, the NSL contained a substantive typographical error when it was sent to the provider. (S)

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[redacted] (S) (U) [redacted] the case agent received a [redacted] the NSL results. On 12/18/2006, upon a thorough review of the material [redacted] the case agent realized the error.

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[redacted] (S) (U) [redacted] did contain some pertinent information relevant to an authorized investigation. The pertinent material was printed and placed in the substantive case file. However, the non-pertinent material was not printed, [redacted] itself has been sequestered.

(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 (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 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. Violations of provisions that are merely administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of

¹ A "United States person" is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801, et seq., as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act). . . ." See also Section I.C fo the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG) (2003).

~~SECRET~~

~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 02/01/2007

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

(U) Under the Electronic Communications Privacy Act (ECPA), the FBI may seek telephone and email communication records from telephone companies and internet service providers when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." 18 U.S.C. § 2709. Moreover, under the NSIG, NSLs are an authorized technique and may be issued in conformity with statutory requirements during a preliminary or full investigation. [REDACTED]

b1

(U) ~~(S)~~ Due to inadvertent typographical error, [REDACTED] received NSL results on a telephone number that was not associated with the subject of an authorized investigation. Upon realizing the error, the case agent immediately notified her supervisor and took the proper steps to sequester the information. None of the non-relevant information from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on this information. However, due to the fact that there was an unauthorized collection of presumed U.S. person information, we must report this to the IOB.

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~~SECRET~~

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To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 02/01/2007

LEAD(s) :

Set Lead 1: (Action)

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[REDACTED]

(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: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

CC: Ms. Thomas

[REDACTED]

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IOB Library

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~~SECRET~~

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

February 1, 2007

BY COURIER

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

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-" (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 - 2294

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: Multiple Sources
Declassify On: 02/01/2032~~

~~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. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

~~SECRET~~

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b7E [REDACTED] DIVISION
IOB MATTER 2007-[REDACTED] (U)

(S) ~~(S)~~ [REDACTED] of the Federal Bureau
of Investigation (FBI) reported a potential IOB involving a
National Security Letter (NSL) requested by [REDACTED] which, through a
transcription error, sought information about a telephone number
belonging to a person who was not the subject of an FBI national
security investigation.

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(S) [REDACTED] prepared an NSL requesting subscriber information
[REDACTED]

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b1 Due to an administrative
error in drafting the NSL and the accompanying EC, the case agent
requested information for the wrong telephone number. Therefore,
the NSL contained a substantive typographical error when it was
sent to the provider.

(S) [REDACTED] upon a thorough review of the NSL
results, the case agent noticed the discrepancy in the telephone
number. The case agent immediately notified her supervisor and
took the proper steps to sequester the information. None of the
non-relevant information from the original NSL results was
uploaded into the FBI computer systems, nor was any investigative
action taken based on this information.

b1

~~(S)~~ Due to inadvertent typographical error, [REDACTED] received
NSL results on a telephone number that was not associated with
the subject of an authorized investigation. However, due to the
fact that there was an unauthorized collection of presumed U.S.
person information, the error is a reportable matter under
Section 2.4 of Executive Order 12863.

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Derived from: ~~Multiple Sources~~
Declassify on: 02/01/2032

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FEDERAL BUREAU OF INVESTIGATION

07 b2

Precedence: ROUTINE

Date: 12/18/2006

To: Inspection
General Counsel

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

From:
 RA
Contact: SA

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Approved By:

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Drafted By:

(C) **Case ID #:** ~~(S)~~ 278-HO-C1229736 - VIO (Pending) -1995
b2 ~~(S)~~ 278 -C136372 (Pending) -111
b7E ~~(S)~~ 278 -113 (Pending) -14

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: (U) REPORT OF POTENTIAL
IOB MATTER

(U) **Synopsis:** ~~(S)~~ Possible IOB error for non-compliance with a
requirement of the Attorney General.

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

b1 **Reference:** (S)

Enclosure(s): (U) Enclosed for the case files are one copy of
the referenced EC.

Details: (S)

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(U) ~~(S)~~ **Case Agents:** SA
b6 SA
b7C

SC Miller ~~DM~~ 4/4/07
CRS Kao
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~~SECRET~~

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To: Inspection From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736 - VIO, 12/18/2006

(U) ~~(S)~~ b6 Supervisors: SSA [redacted]
b7C A/SSA [redacted]

(U) ~~(S)~~ Possible IOB Error:
Collection of toll billing records via National Security Letter (NSL) on a person not related to the investigation.

(S) SA [redacted] submitted an NSL [redacted]

[redacted]
[redacted] for the telephone subscriber [redacted]
[redacted]

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(S) [redacted] SA [redacted] was assigned the case and reviewed the records provided by [redacted] in response to the NSL.

(S) Upon review of the records, SA [redacted] identified that the incorrect telephone number, [redacted] was requested in the NSL and records provided by [redacted] were for an unrelated third party. The unrelated third party is presumed to be an USPER.

(S)

~~(S)~~ On 03/15/2006, SA [redacted] destroyed all documents provided [redacted] and documented the destruction of the documents in EC, [redacted]

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~~(S)~~ An NSL [redacted] was then submitted to [redacted]

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[redacted]

~~(S)~~ On 12/18/2006, SA [redacted] was advised that the above mentioned actions needed to be reported as an IOB violation.

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(U)

~~SECRET~~

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736 - VIO, 12/18/2006

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b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to record the appropriate information needed to fulfill the Congressional reporting requirements.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2006

To: [Redacted]

From: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: (S) [Redacted] (Pending) b1

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Title: (S) [Redacted]

(S) Synopsis: (X) Documents destruction of incorrect results from
[Redacted] pertaining to National Security Letter (NSL) [Redacted]

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

(S) (X) [Redacted]

Details: (X) [Redacted] an NSL was issued [Redacted]

(U) (S) On 03/14/2005 SA [Redacted] was assigned the case.

(S) Upon review of the results of the NSL provided by
SA [Redacted] determined that the incorrect phone number had been
sought in the original NSL.

(S) All such documents provided [Redacted] were destroyed
on 03/22/2006.

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~~SECRET~~

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(Rev. 01-31-2003)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/23/2007

To:

[Redacted]

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Attn:

SAC
ASAC
CDC
SSA
A/SSA
SA
SA

[Redacted]

[Redacted]

[Redacted]

[Redacted]

b6
b7C

Inspection

Attn:

IIS,

[Redacted]

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

Contact: SSA

[Redacted]

Approved By: Thomas Julie F. [Signature]

[Redacted]

b6
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b2

Drafted By:

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) ²²⁴³

(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)

(U)

Derived From : G-3
Declassify On: 25X1

(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1995

(U)

Details: ~~(S)~~ By electronic communication (EC) dated 12/18/2006, 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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(S)

[Redacted] case agent, submitted a National Security Letter (NSL) seeking

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DIG/DOJ REVIEW: [Redacted]
FBI INVESTIGATION: [Redacted]
DIG/DOJ INVESTIGATION: [Redacted]

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b7C

DATE: 3/20/07

~~SECRET~~

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 01/23/2007

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(S)

telephone [redacted] records of a certain target. Due to a typographical error, the telephone number on the NSL was erroneously transcribed.¹ [redacted] SA [redacted] was assigned the case and he reviewed the telephone records and determined that they were not the target's records. [redacted] immediately ceased review of the telephone records. On 03/15/2006, SA [redacted] destroyed all improperly collected documents and records and provided an EC to the case file.²

(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

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

(U) ² (S) On 12/18/2006, [redacted] realized that this incident constituted an IOB violation and promptly reported the matter to OGC and the Inspection Division.

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 01/23/2007

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.

(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. [redacted]

b1

(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.

~~SECRET~~

~~SECRET~~

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 01/23/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

[redacted]

AT [redacted]

b2
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(U [redacted] Field Office, under normal circumstances, should contact the provider of the information and determine whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. This matter is moot, however, since the information has already been destroyed and an EC has already been placed in the subject's case file.

cc: Ms. Thomas

[redacted]

b6
b7C

IOB Library

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~~SECRET~~

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

January 23, 2007

BY COURIER

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

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 200 [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 - 2244

~~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. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2
b7E

[REDACTED] FIELD OFFICE
IOB MATTER 2007-[REDACTED] (U)

(S) ~~(S)~~ By electronic communication dated December 18, 2006, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that, [REDACTED] the FBI submitted a National Security Letter (NSL) seeking telephone [REDACTED] records relating to a certain target [REDACTED]. Due to a typographical error, the telephone number on the NSL was erroneously transcribed. On March 14, 2006, the telephone records were opened and it was determined that they were not the target's records. [REDACTED] immediately ceased review of the telephone records.

b1
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~~(S)~~ Due to the incorrect number stated in the NSL, the FBI received [REDACTED] records pertaining to a telephone number that was neither under investigation nor related to an investigation. The error was discovered upon receipt of the information, and the records were neither reviewed nor used for any investigative purpose. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a telephone number unrelated to an investigation. The overcollection was a violation [REDACTED]

(U)
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[REDACTED] Thus, the matter is being reported to the IOB.

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~Derived from: G-3
Declassify on: 25X-1~~

~~SECRET~~

~~SECRET~~

~~SECRET/OC/CON/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

a7- [] b2

Precedence: PRIORITY

Date: 12/18/2006

To: Inspection
General Counsel
Counterterrorism

Attn: IIS, Room 11861
Attn: NSLB, Room 7975
Attn: SSA []

From: []
Squad 1, []
Contact: []

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2
b7E
b6
b7C

Approved By: []

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Drafted By: []

Case ID #: (S) [] (Pending) - 564
278-HQ-C1229736-170-2183

b1
b6
b7C
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Title: (S) []

Synopsis: (S//OC/NF) To report that [] provided
excessive data that was not requested []
[] to document the
sequestering and destruction of this data in FBI databases.

b1
b7D

(U) ~~(S)~~ Derived From: ~~FBI SCG G-3, Jan. 1997~~
Declassify On: ~~12/18/2031~~

(U) ~~Enclosure(s):~~ ~~(S)~~ LHM for CTD to disseminate to the Office of
Intelligence and Policy Review (OIPR).

Details: (S//OC/NF) []
[]

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b7C

[] data that was received []

Sc. Miller [] 1/4/07
[] [] 04/25/07

b6
b7C

~~SECRET/OC/CON/NOFORN~~

b2
b7E

To: Inspection From: [redacted]
Re: (S) [redacted] 12/18/2006

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(C)

[redacted]

(S//OC/NF)

b1
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b7C
b7D

[redacted]

(S//OC/NF)

TFO [redacted] noticed [redacted] that [redacted] provided [redacted]

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b7C

[redacted]

TFO [redacted] checked [redacted] that was received through the issuance of National Security Letters (NSLs) [redacted]. Based upon NSL results it appeared that [redacted] provided [redacted] information that was dated prior [redacted]. TFO [redacted] contacted [redacted] about this matter [redacted].

(S)

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TFO [redacted] and [redacted] continued to follow up [redacted] requesting that the excessive data [redacted] be sequestered. On [redacted] TFO [redacted] called [redacted], who is a supervisor [redacted] and explained that previous requests were made since [redacted] to sequester data [redacted]. An e-mail was also sent to [redacted] regarding this matter the same day.

(S)

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b6
b7C

TFO [redacted] continued to contact [redacted] regarding this matter. [redacted] that information be provided as to what specific records needed to be sequestered. TFO [redacted] provided the e-mail that was sent to [redacted].

(S)

b1
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b7E
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TFO [redacted] noticed that the data was sequestered [redacted]. [redacted] would be contacting TFO [redacted] regarding the request to sequester this data as well.

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b1

To: Inspection From: [redacted]
Re: (S) [redacted] 12/18/2006

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(S) [redacted] advised that she had the disks with the sequestered data [redacted] On [redacted] contacted [redacted] and advised that the disks were not received as of yet. [redacted] asked for the address of where to mail [redacted] received [redacted]

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(S) [redacted] was contacted [redacted] regarding sequestering data [redacted] [redacted] complied with this request [redacted] [redacted] advised that the request was being assigned to an analyst and would be completed shortly. [redacted]

[redacted] received confirmation [redacted] that the records were sequestered [redacted]

(S//OC/NF)

[redacted] contained the sequestered data for [redacted] destroyed [redacted]

b1
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[redacted] destroyed [redacted]

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(S) [redacted] contacted [redacted] regarding the removal of the data [redacted] [redacted] is responsible for sequestering the data. [redacted] contacted [redacted]

[redacted]

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(S//OC/NF) [redacted] confirmed, [redacted] that the appropriate data was removed [redacted] sequestered [redacted]

b2
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b1

To: Inspection From: [redacted]
Re: (S) [redacted] 12/18/2006

b1
b7D } [redacted] that did not need to be sequestered, and
b2 } is in the process of recovering this data [redacted]

(S//OC/NF) [redacted] asserts that none of [redacted]
[redacted] data was used in [redacted] investigation [redacted]
[redacted] was able to independently obtain [redacted]

b1
b2 } [redacted] through the issuance of NSLs.
b7E

(S) [redacted] requests CTD provide the enclosed LHM to
OIPR [redacted]

b2 To: Inspection From: [redacted]
b7E Re: (S) [redacted] 12/18/2006
b1

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information and action if deemed appropriate.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information and action if deemed appropriate.

Set Lead 3: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

LHM. (U) ~~(S)~~ Request that CTD provide OIPR with the enclosed

◆◆

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ For information and action if deemed appropriate.

Set Lead 3: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) ~~(S)~~ Request that CTD provide OIPR with the enclosed

LHM.

~~SECRET//NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2007

To:

Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1/CONUS 2/Team 6

Inspection

Attn: IIS

From: General Counsel

National Security Law Branch/CTIU

Contact:

Approved By: Thomas Julie *(Signature)*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By:

Case ID #: ~~(S)~~ 278-HO-C1229736-VIO (Pending) ²³⁴⁹

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

~~(S)~~ (Pending) ⁶²⁹

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER 2007-704

Synopsis: ~~(S)~~ It is the opinion of the Office of General Counsel (OGC) that the above-referenced matter must be reported to the IOB and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

~~(S)~~ Derived From: G-3
Declassify On: 02/26/2032

Reference: (S)

Administrative: (S)

~~SECRET//NOFORN~~

OIG/DOJ REVIEW DATE: 3/28/07
FBI INVESTIGATION
OIG/DOJ INVESTIGATION:

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(U)
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(U)

(U)
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b7C

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b7E

To: [redacted] From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(S)

[redacted]

b1

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

Details: (S//NF) By electronic communication (EC) dated December 18, 2006, referenced above,¹ [redacted] Division, [redacted] reported a possible IOB error in conjunction with its ongoing counterterrorism investigation [redacted]

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[redacted]

(S//NF)

[redacted]

b1
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(S)

¹ ~~(U)~~ See, EC from the [redacted] Division to the General Counsel dated 12/18/06, [redacted] hereinafter cited as [redacted] EC.

b2
b7E
b1

² (U) [redacted] EC.

³ (U) Id.

b2 (U) To: [redacted] From: General Counsel
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(S) [redacted]

(S) (S) ~~(S)~~/NF [redacted]

b1 it reported the matter to both NSLB and the Office of Intelligence
b6 Policy and Review ("OIPR"). In addition, [redacted] verified that
b7C [redacted] data was sequestered [redacted]
b2 [redacted]
b7E [redacted]

[redacted] sequestered data [redacted]
[redacted] were destroyed
[redacted]

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the surveillance errors described here are matters which must be reported to the IOB. They must.

(U) Section 2.4 of 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, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

(S) In this instance [redacted]

b1 [redacted] Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB, which this Office will do.

(S) Since all inadvertently obtained information has already been destroyed, no action lead to [redacted] is necessary.

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b7E

⁴ (U) Id.

⁵ Id.

~~SECRET//NOFORN~~

b2
b7E

(U)

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(S)

b1
b2

For future reference, information inadvertently obtained [redacted]
[redacted] should not be destroyed unless directed by [redacted]
Rather, the material should be collected, sequestered, sealed and
delivered to OIPR for appropriate disposition [redacted]

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

JTTA
b2
b7E

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

LEAD(s):

Set Lead 1: (Info)

[redacted]

b2
b7E

(U) For information.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION DIVISION

AT WASHINGTON, D.C.

(U) For review and action deemed appropriate.

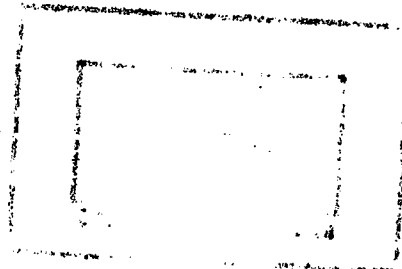
cc: Ms. Thomas

[redacted]
IOB Library

b6
b7C

◆◆

~~SECRET//NOFORN~~



February 26, 2007

BY COURIER

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

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

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 " (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 - 2350

~~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. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C

- 1 - Ms. Margaret Skelly-Nolen
Acting Counsel
Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

~~SECRET~~

b2
b7E

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2007-[REDACTED] (U)

(S)

[REDACTED]
Federal Bureau of Investigation ("FBI") has reported electronic surveillance errors in conjunction with its ongoing counterterrorism investigation of an identified U.S. person ("USPER"). [REDACTED]

[REDACTED] noticed that [REDACTED] provided [REDACTED]

[REDACTED] also noticed [REDACTED]

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(S) [REDACTED] determined that [REDACTED] provided [REDACTED]

thereby resulting in an inadvertent over-collection, it reported the matter to both NSLB and the Office of Intelligence Policy and Review ("OIPR"). In addition, [REDACTED]

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b7D

(U) This matter has been reported to the FBI's Inspection Division for appropriate action.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION b2

Precedence: ROUTINE

Date: 01/25/2007

To: Inspection
General Counsel

Attn: IIS, Room 11861

Attn: NSLB, Room 7975

Attn: ASAC
ADC

From:

Contact: SA

Approved By

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Drafted By:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO, 2/12

Title: (U) REPORT OF POTENTIAL IOB MATTER

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

(U) ~~(S)~~ **Derived From:** ~~(S)~~ FBI SCG-3, January 1997
Declassify On: ~~(S)~~ 01/25/2032

Details:

(S) The captioned potential Intelligence Oversight Board matter

b1
b7A

* (S) A National Security Letter (NSL) was issued in the above referenced case to obtain subscriber information

b1
b7A

During the preparation of the NSL, two of the digits in the telephone number were transposed resulting in the request for subscriber information for telephone number instead of The NSL was approved and issued, and the carrier provided records for telephone number

* serial 4 11/27/06

SC Miller Date 4/4/07
CR [redacted] KAO 04/25/07

~~SECRET~~

b6
b7C

~~SECRET~~

b2
(b7E) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/25/2007

b1
b2
b7E(S)

[redacted]

(S) ~~(S)~~ After the carrier's return of the NSL and corresponding records, an analyst from another division discovered that the numbers had been transposed and telephonically notified [redacted] Agent, Special Agent [redacted] who prepared the NSL. [redacted]

b6
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[redacted] informed his supervisor, Supervisory Senior Resident Agent (SSRA) [redacted] of the error. [redacted] SA [redacted] and SSRA [redacted] reviewed 319X-HQ-A1487720-OGC, Serial 290, dated 01/03/2007, for guidance in reporting the matter and taking corrective action.

(S) ~~(S)~~ After receiving 319X-HQ-A1487720-OGC, Serial 290, SA [redacted] contacted Associate General Counsel (AGC) Patrice Kopistansky who advised him to contact [redacted] Division's Chief Division Counsel and to also remove the records [redacted] On January 9, 2007, SA Gaylord notified [redacted] Associate Division Counsel (ADC)

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[redacted] of the error SA [redacted] also facilitated the removal of the records [redacted] Per ADC [redacted] direction, [redacted] records were secured [redacted] stored in a safe [redacted]

~~SECRET~~

(U)

~~SECRET~~

b2 To: Inspection From: [REDACTED]
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/25/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For appropriate action.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

b2 (U) General Counsel is requested to review the
b7E circumstances regarding the possible IOB violation and to subsequently
provide ADC [REDACTED] direction regarding the disposition of the
records which were inadvertently collected.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2007

To: [Redacted]

Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS IV

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Inspection

Attn: IIS

From: General Counsel
NSLB/CTLU I
Contact: SSA [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F [Redacted]

DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

Drafted By: [Redacted]

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) *2320*

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

(U) Synopsis: (S) The [Redacted] Division requested that the Office of
b2 General Counsel (OGC) review a potential Intelligence Oversight
b7E Board (IOB) error and determine whether it is reportable to the
IOB. It is the opinion of OGC that this matter must be reported
to the IOB. OGC will prepare and deliver the necessary
correspondence to the IOB.

(U) (S) Derived From : G-3
Declassify On: 02/26/2032

(U) Reference: (S) 278-HQ-C1229736-VIO, Serial 2112

Details: (S) [Redacted]

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b7A

Pursuant to this investigation, a National Security Letter (NSL) was issued requesting subscriber information [Redacted] records in accordance with 18 U.S.C. §2709. During the preparation of the NSL two of the digits in [Redacted] telephone number were transposed [Redacted]

~~SECRET~~

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OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION

DATE: 3/26/07

~~SECRET~~

(U)
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To: [redacted] From: Office of the General Counsel
Re: (S) 278-HQ-C1229736-VIO, 02/26/2007

(S)
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information [redacted] records of a number that was not relevant to a FBI investigation. [redacted] [redacted] prior to discovery of the error.

b2
b7E

(S) It should be noted that, upon discovery of this error, the case agent immediately sought advice as to how to rectify the situation. The case agent, pursuant to this advice, removed the information [redacted] and stored the original data, as well as one copy, in a safe.

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

~~SECRET~~

~~SECRET~~

(U)
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b7E

To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

(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. [redacted]

b1

(U) ~~(S)~~ Here, due to the incorrect number stated in the NSL, the FBI received records pertaining to a telephone number that was not relevant to an authorized investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA. Accordingly, this incident must be reported to the IOB.

(U) ~~(S)~~ 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.

~~SECRET~~

~~SECRET~~

(U)

To: [redacted] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

b2
b7E

LEAD (s) :

Set Lead 1: (Action)

[redacted]

(U) [redacted] Field Office 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) For action deemed appropriate.

cc:

Ms. Thomas

[redacted]
IOB Library

b6
b7C

◆◆

~~SECRET~~

February 26, 2007

BY COURIER

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

DECLASSIFIED BY 65179 DMH/KSR/JW
ON 05-26-2007

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-" (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 - 2321

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 02/26/2032~~

~~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. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U. S. Department of Justice
Room 2200 C
- 1 - Ms. Margaret Skelly-Nolen
Acting Counsel
Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

~~SECRET~~

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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b7E

[REDACTED] FIELD OFFICE

IOB MATTER 2007-[REDACTED] (U)

(S) By electronic communication dated January 25, 2007, the Federal Bureau of Investigation (FBI) [REDACTED] Field Office reported that [REDACTED] the FBI issued a National Security Letter (NSL) seeking subscriber information [REDACTED] [REDACTED] records. Due to a typographical error made by the FBI on the NSL, the FBI obtained [REDACTED] [REDACTED] records pertaining to a telephone number that was not relevant to an authorized investigation, [REDACTED]
[REDACTED]

b1
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Thus, the matter is being reported to the IOB.

(S) The FBI deleted the information [REDACTED] [REDACTED] and sequestered the data. The FBI will return the inadvertently obtained data to the telephone carrier, or destroy the data with documentation to the file.

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DATE: 05-26-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-26-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Derived from: G-3
Declassify on: 02/26/2032

~~SECRET~~

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FEDERAL BUREAU OF INVESTIGATION

07

Precedence: ROUTINE

Date: 01/19/2007

To: Inspection
General Counsel

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

From:

Contact: TFO

Approved By:

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Task Force Officer

Drafted By:

(U)

DATE: 05-27-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-27-2032

Case ID #: ~~(S)~~ 278-HO-C1229736-VIO -2113
b1 ~~(S)~~
~~(S)~~

Title: (U) POSSIBLE INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

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

Details:

(S) 1.
b1
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(S) 2.

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

b1 (S)

(U) ~~(S)~~ 4. Description of IOB Error.

(S) A National Security Letter (NSL)

was submitted requesting

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information

SC Miller *DM 4/24/07*
CRS *Rue 04/25/07*

~~SECRET~~

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(U)
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~~SECRET~~

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/19/2007

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[redacted]

(S)

(S) [redacted] provided the NSL results in paper format. The [redacted] information [redacted]

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[redacted]

[redacted] the case agent did not review [redacted] information until [redacted] On [redacted] the case agent noticed [redacted]

[redacted] (The NSL that was served to [redacted] specifically noted [redacted] should **not** be included). The case agent immediately sequestered the original results that were stored in the 1-A envelope as well as the copy that was made from the original. Since the [redacted] CDC was out of the office on 01/16/2007 and 01/17/2007, the case agent was not able to notify the CDC about this matter until 01/18/2007. On 01/18/2007 the case agent provided the original and copy of the records to [redacted] CDC [redacted]

(S) [redacted] records provided [redacted] It was determined that [redacted] provided [redacted]

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[redacted]

[redacted] CDC [redacted] sequestered and sealed those records [redacted] CDC [redacted] will maintain the sequestered and sealed records under locked conditions in his office. [redacted] the improperly provided [redacted] information to the case agent for investigative purposes in that such records were properly provided [redacted] to the [redacted] Division in response to the above-stated NSL.

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(S) No information pertaining to the tainted [redacted] information was entered into ACS. [redacted] information [redacted] is being stored in the 1-A at this time.

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(U)

~~SECRET~~

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To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/19/2007

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~~