



MS. MARCIA HOFMANN
ELECTRONIC FRONTIER FOUNDATION
SUITE 650
1875 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20009

August 6, 2007

Subject: NATIONAL SECURITY LETTERS/USE

FOIPA No. 1073946- 000

Dear Ms. Hofmann:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- List of exemptions including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7)

2502 page(s) were reviewed and 2434 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other

individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

This is the second interim release of documents. Set forth below is a list of the documents being released with this letter:

- 263-O-U- volume 5
- 263-O-U- volume 7
- 263-O-U- volume 12
- 263-O-U- volume 15
- 263-O-U- volume 19
- 263-O-U- volume 25
- OIG-Exigent Letters/2004 #3
- OIG-Exigent Letters/2005 #4
- OIG-Exigent Letters/2004 #5
- OIG-Exigent Letters/2005 #6
- OIG-Exigent Letters/2003 #7
- OIG ◇- Data-NSL-Usage (1-3-6-3) - volumes 2 and 3
- OIG-Data-NSL-Usage- volumes 4, 12, 13, 15 and 19
- OIG-Sample EC (1-17-06)
- OIG-EC-NSL (12-1-03)
- OIG-Item 6 (8-20-06)
- OIG-Briefing Congressional- volumes 8 and 11
- OIG-Briefing Material Congressional- volume 3
- CTD-CD- volumes 4, 6, 7, 9, 10, 11, 12 and 14

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD-CO Volume 4



Federal Bureau of Investigation

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, March 14, 2007 5:49 PM
To: HQ-Div09-NSLB
Cc: KAISER, KENNETH W. (INSD) (FBI); [REDACTED] (INSD) (FBI)
Subject: Audit of NSL

UNCLASSIFIED
NON-RECORD

b6
b7C

As some of you may have heard, the Director has ordered a special inspection of all field offices' use of NSLs. Inspectors are hitting the field offices on Friday and will work through the weekend sampling files that are known to have NSLs and those that are not known to have NSLs. We need a lawyer or 2 to be on call for any questions that might arise. [REDACTED] can you get those names to [REDACTED]

Also, there is some likelihood that DoJ will want to send NSD lawyers out to at least a few of the field offices next week to observe the process. If that happens, I would like to pair an OGC attorney with each NSD attorney. So, we may need a few people to take trips next week. I will know more on Friday.

Thanks,

VC

UNCLASSIFIED

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD- CD Volume 6



Federal Bureau of Investigation

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 12, 2006 9:52 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: Accuracy of NSL reporting requirements

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] however you decide to handle this is fine with me. I'm just concerned with accurately capturing the correct information for reporting purposes. [redacted]

b2
b5

[redacted]

b6
b7C
b2

[redacted]
Paralegal Specialist
National Security Law Branch
Office of the General Counsel
Room 7975/ext [redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 12, 2006 8:58 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: Accuracy of NSL reporting requirements

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] I am not sure that these problems aren't our fault, since the field presumably is using our standard ECs. Can you check our website and see if you think there are problems with the standard ECs we have there because that's where the change needs to come, probably. If our forms are okay, and the field is not following the forms, then I'll send an email to the field letting them know the problems.

b6
b7C

[redacted] and I were going to go back through the ECs to make sure they were completely correct. We changed them after the new Patriot Act but there were still some problems so we still need to go over them word for word and make sure we have all the kinks out of them.

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 11, 2006 12:16 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: Accuracy of NSL reporting requirements

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2007 BY 65179 dmh/ksr/prs

[Redacted]

This is a follow-up to my conversation with you last week re sending an EC to the CDCs for a more accurate reporting in NSL ECs. [Redacted]

[Redacted]

b6
b7C
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b5

If you can help me by getting this out I would greatly appreciate it and time wouldn't be wasted making calls to the field or sending e-mails to clarify what's in an EC.

[Redacted]

b6
b7C
b2

Paralegal Specialist
National Security Law Branch
Office of the General Counsel
Room 7975/ext. [Redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD-CD volume 7



Federal Bureau of Investigation

~~SECRET~~

b6
b7C MessageFrom: [redacted] Message.txt
b2 Sent: Friday, June 25, 2004 10:47 AM (FBI)
b7E To: [redacted] (OGC) (FBI)
Subject: RE: Possible IOB Violation

~~SECRET~~
RECORD 278-hq-c1229736 Serial 401

b6
b7C [redacted] Yes, the information was sent to [redacted] to [redacted] At that point the
b2 information was not reviewed. The package was sealed up and sent to [redacted] in
b7E order to be archived.
Thanks for your help.

[redacted]

-----Original Message-----
From: [redacted] (OGC) (FBI)
b6 Sent: Friday, June 25, 2004 9:35 AM
b7C To: [redacted] (FBI)
b2 Subject: FW: Possible IOB Violation
b7E

~~SECRET~~
RECORD 278-hq-c1229736 Serial 401

[redacted]

b6 I'm following up on my email to you earlier this week. I would appreciate it
b7C if you, or someone else on your behalf, can answer the question below so that
b2 I can close this IOB,

Thanks

[redacted]

Assistant General Counsel
Counterterrorism Law Unit I
National Security Law Branch
Office of the General Counsel, FBI, JEH, Room 7975
202-324-[redacted]

DATE: 06-28-2007
CLASSIFIED BY 65179 dmh /ksr/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

b6
b7C -----Original Message-----
b2 From: [redacted] (OGC) (FBI)
b7E Sent: Monday, June 21, 2004 2:50 PM
To: [redacted] (FBI)
Subject: Possible IOB Violation

~~SECRET~~
RECORD 278-hq-c1229736 Serial 401

121

b1 I am trying to close out a possible IOB violation that you notified HO of in
b6 case ID # 278-HQ-C1229736 VIO Serial 401 (03/04/2004), concerning [redacted]
b7C copy attached.

b2 Can you please verify for me that [redacted] did forward the information
b7E collected from the NSL to [redacted] and that [redacted] has in fact sealed and archived
the NSL info as you stated that you planned to do in the last paragraph of you

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

Message.txt

EC?

Thanks

b6
b7C
b2

Assistant General Counsel
Counterterrorism Law Unit I
National Security Law Branch
Office of the General Counsel, FBI, JEH, Room 7975
202-324-

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFY ON: 20290621
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFY ON: 20290621
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFY ON: 20290621
SECRET~~

SECRET

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD-CD volume 9



Federal Bureau of Investigation

Message.txt

MessageFrom: LAMMERT, ELAINE N. (OGC) (FBI)

Sent: Friday, July 01, 2005 12:57 PM

To: [redacted] (OGC) (FBI)

Cc: [redacted] (OGC) (FBI); [redacted]

b6
b7C

[redacted]

[redacted] (OGC) (FBI)

Subject: RE: NSL Signature

UNCLASSIFIED
NON-RECORD

b5

[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)

Sent: Friday, July 01, 2005 12:55 PM

To: LAMMERT, ELAINE N. (OGC) (FBI)

Cc: [redacted] (OGC) (FBI); [redacted]

b6
b7C

[redacted]

[redacted] (OGC) (FBI)

Subject: RE: NSL Signature

UNCLASSIFIED
NON-RECORD

b6
b7C
b5
b2

[redacted]

Counterterrorism Law Unit I

(371) [redacted]

-----Original Message-----

From: LAMMERT, ELAINE N. (OGC) (FBI)

Sent: Friday, July 01, 2005 8:51 AM

To: HQ-Div09-NSLB

Subject: NSL Signature

UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2007 BY 65179 dmh/ksr/prs

Message.txt

Just a reminder that Julie is out until 7/11/05. Please advise your clients that NSLs need to carry Valerie Caproni on the signature line and the EC needs to have her on the approval and state that the General Counsel (not the Deputy General Counsel) has approved the request. Thanks.

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD-CO Volume 10



Federal Bureau of Investigation

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b7C
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b7E

From: [redacted] (OGC)(FBI)
Sent: Monday, July 10, 2006 5:41 PM
To: [redacted] (CTD) (FBI)
Cc: [redacted] (OGA)
Subject: NSL overcollection
[redacted]

I spoke to my Unit Chief today concerning [redacted] NSL overcollection issue in order to clear up contradictory opinions on this matter which have been circulating through NSLB. My Unit Chief advised that as long as the case agent has issued a *new* NSL and therefore properly obtained the information that was inadvertently provided [redacted] in response to the *first* NSL, you will be covered. There is consequently no need to draft an EC reporting the NSL overcollection as a potential IOB matter.

b7D
b6
b7C

[redacted] I am sorry for any unnecessary paperwork the previous guidance may have generated. NSLB and OGC apparently are contemplating whether or not they should draft written policy with respect to these carrier error/overcollection issues (and other potential IOB issues). I believe that having written guidance on these matters would greatly help the field, CTD and NSLB and voiced that opinion to my Unit Chief.

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Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: CTD- CD volume II



Federal Bureau of Investigation

NSL GUIDANCE BY NSLB

| DATE: | TO: | SUMMARY |
|---------------------------|---|--|
| 10-26-2001 | EC: All Divisions | Summarizes recent changes to FCI/IT legal authorities relating to NSLs, and describes implementation procedures. <ul style="list-style-type: none"> - Advises of 2001 Patriot Act signing - States and explains new standard predication - Explains statutory delegation authority - includes redline version and clean version of 3 statutes governing NSLs (ECPA, RFPA, FCRA) |
| 10-1-2003 | EC: FO, CTD, CD | Guidance on preparation, approval and service of NSLs to obtain Credit Reports in IT cases pursuant to 15 U.S.C. § 1681v of FCRA. <ul style="list-style-type: none"> - Introduction to Procuring Credit Information - General Policy on the Use of NSL Authority - The Mechanics of Producing NSLs - NSL Preparation Assistance |
| 3-4-2005 b6 b7C | Email to CDCs from <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div> | Full credit reports in CI cases are available through grand jury subpoenas Followup to email sent 2-25-2005 which stated that full credit reports in FCI cases with no nexus to terrorism is inappropriate. No 1681v full credit report in a CI matter but can get a 1681u NSL for limited credit information. |

| | | |
|----------------------------|--|--|
| 5-27-2005 | EC: All FO, CTD, CD, CYD | Guidance on change to NSLs to allow for a return date. Due to problems receiving information requested through NSLs in a less than timely fashion, OGC opines: <ul style="list-style-type: none"> - NSLs may contain a return date which info must be provided. - Date must be reasonable & not oppressive, but should also account for how quickly the info is needed. - Actual time allotted is an operational call. - Suggest date be stated in terms of time that has elapsed since the NSL was served upon the recipient. - Absent extraordinary circumstances, OGC suggests a recipient be given at least 10 business days to produce - Suggestion of where return date should be inserted until OGC model is updated. |
| 6-29-2005 b6 b7C | EC: All FO, CTD, CD, CYD (EC also sent via email to CDCs by [redacted] on 7/1/05) | Provides revised guidance on service of NSLs and the use of approved delivery services. In the past, OGC has opined that NSLs should be personally served or secure faxed to recipient, and responsive information personally delivered or secure faxed (extensive discussion on security issues in EC). Due to delays as a result of this policy, OGC revises restrictions on service as follows: <ul style="list-style-type: none"> - Use of controlled delivery services (such as USPS & FedEx) to serve NSLs upon recipients now allowed to designated person. - Use of controlled delivery services to return responsive information to FBI.. - Prohibition on use of non-secure fax to serve NSLs and return responsive information to FBI remains unchanged. |
| 7-22-2005 | Email to CDCs from [redacted] | Email sending out the new NSL narrative that would be placed on our website. |
| 8-22-2005 | Email to CDCs from [redacted] | Regarding need to have a lead to NSLB for us to report to congress; do not need to reference the 66 NSL file number anymore. |

| | | |
|------------|---|---|
| 8-25-2005 | EC: FO, Legats, CTD, CRIM, CYD, CTD | Emergency Disclosure Provision for information from Service providers under 18 U.S.C. § 2702(b). EC outlines emergency disclosure provision and provides a sample letter. Lays out approval requirements. |
| 11-10-2005 | Email to CDCs from [redacted] | Regarding standard that should be applied in getting NSLs - we generally cannot get second generation calls unless we know something about first generation calls. |
| 11-22-2005 | Email to CDCs from [redacted] | Improper NSL collection Provides stopgap measures on how to handle information on what to do if FBI obtains information improperly from issuance of an NSL, whether it be from FBI mistake or carrier mistake. - seal & sequester; remove any information uploaded into ACS. |
| 2-17-2006 | Email to CDCs from [redacted] | Advising CDCs not to hesitate in requiring more facts to support an NSL. EC forms on our website were changed to reflect that the agent had to give a full explanation of the investigation, not just a barebones explanation. |
| 3-9-2006 | EC: All Divisions from the Director 3-9-2006 new Standard NSLs and ECS sent out via email to SACs & CDCs email sent to CDCs on 3-16-2006 advising them of new delegations under the new Patriot Act. | Inform of delegation of: signature authority for NSLs; non-disclosure certification authority; non-disclosure recertification authority. 2005 USAPA IRA enacted 3-9-06 provides for procedural changes in the issuance of NSLs: - FBI must certify that certain harm may come if the NSL recipient disclosed the request. - If NSL is challenged more than one year later, FBI must recertify that certain harm may come if NSL request disclosed. - Recipient of NSL can challenge receipt of NSL. - FBI has explicit enforcement authority and contempt penalties that attach to unlawful noncompliance with NSLs. EC includes director's delegations of authority to sign NSLs, make the initial non-disclosure certification and any necessary subsequent non-disclosure recertification. |

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|-----------|---|--|
| 3-16-2006 | Email from [redacted] | Email requesting that 7 NSL forms be replaced on website. |
| 3-20-2006 | EC: FO, CTD, CD, CYD | Guidance on service of NSLs by fax, and follow-up EC on expansion of approved methods of delivering NSLs. Use of non-secure fax is now permissible by FBI in its service of an NSL upon the recipient. EC outlines conditions to do this. The same is not true of faxing of NSL return information. |
| 3-21-2006 | Email to CDCs from [redacted] | Classification guidelines regarding all NSLs. Generally all NSLs should be declassified automatically in 10 years. |
| 4-5-2006 | Email to CDCs from [redacted] | email on IOBs and issuance of NSLs |
| 4-7-2006 | Email to CDCs from [redacted] | Email stating current IOB policy, including with respect to receiving information pursuant to an NSL that was not sought by the NSL. |
| 4-11-2006 | EC: CTD, CD, CYD, FO email with EC sent 5-2-2006 | FBI Policy re: reimbursement of costs to recipients of NSLs. Details requirements, or lack thereof, in the 4 statutes that provide for issuances of NSLs. Touches on current variations in cost reimbursement policies among field offices. Provides policy on reimbursement costs incurred by recipients of NSLs under ECPA, and FCRA §§ 1681v, 1681u. |
| 4-14-2006 | Email to CDCs from [redacted] | Email of an example of what needs to be in an EC for more accuracy in Congressional reporting. |
| 4-21-2006 | Email to CDCs from [redacted] | Email sent out documenting a change in the standard attachment for telephone billing records so that it is clear what we consider "toll billing records;" so that we get additional relevant information; and to obviate some potential IOBs where we get additional account information we didn't ask for. |
| 5-31-2006 | Email to CDCs from [redacted] | In response to carriers giving us more than we asked for because of convenience, we changed the transaction record attachment sent with NSLs. |

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| | | |
|------------|--|--|
| 10-27-2006 | Email from [redacted] | email to change narratives on website with respect to NSLs. |
| 10-31-2006 | Email to CDCs from [redacted] | Reiterating importance of including the following in NSL ECS: whether subject is USP or non-USP; and what kind of NSL is being issued. These details are important for Congressional reporting requirements. |
| 12-7-2006 | Email to CDCs from [redacted] | OGC believes Congressional reporting requirements apply to the subject of the NSL even though it is unclear that NSL ECS have only been reporting the USP status of the target of the investigation. |
| 12-8-2006 | Email to CDCs from [redacted] on behalf of DGC Julie Thomas | FBI should not issue NSLs in cases involving leaks to the media.. |

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/15/2006

To: Can Valerie signout an all Division EC?
Attn: ADIC/SAC

CDC

From: Office of the General Counsel
National Security Law Branch

Contact: [Redacted]

Approved By:

Caproni Valerie E
Thomas Julie F

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b7C
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Drafted By: [Redacted]

Case ID #: (U) 319X-HQ-A1487720-OGC

Title: (U) LEGAL ADVICE AND OPINIONS;
UPLOADING OF NSL RETURN INFORMATION

Synopsis: (U) Provides guidance to the field as to the need to review NSL return information prior to uploading the information into FBI databases.

Details: (U)

It has come to the attention of the Office of General Counsel, National Security Law Branch (NSLB), that there may be occasions in which NSL information has been uploaded into Telephone Applications and other databases prior to having been reviewed by any FBI personnel. This is particularly likely to occur if the information is received in electronic form. However, a problem arises if the information that was received is not responsive to the NSL and thus, not relevant to an authorized national security investigation, or, alternatively, if there was a mistake by the FBI in the NSL such that the records are responsive but not relevant to an authorized investigation. Such deficiencies in the NSL return information may never be discovered, or, discovered too late to prevent the use of information that the FBI did not properly collect. Therefore, it is imperative that the records be reviewed before uploading to assure that they are relevant to an authorized national security investigation. Thereafter, if the records were properly obtained,

To: All Divisions From: Office of the General Counsel
Re: 319X-HQ-A1487720-OGC 12/15/2006

they may be uploaded into a database. If there is a problem with the manner in which they were obtained, other steps need to be taken.¹

Any questions about this matter may be directed to AGC

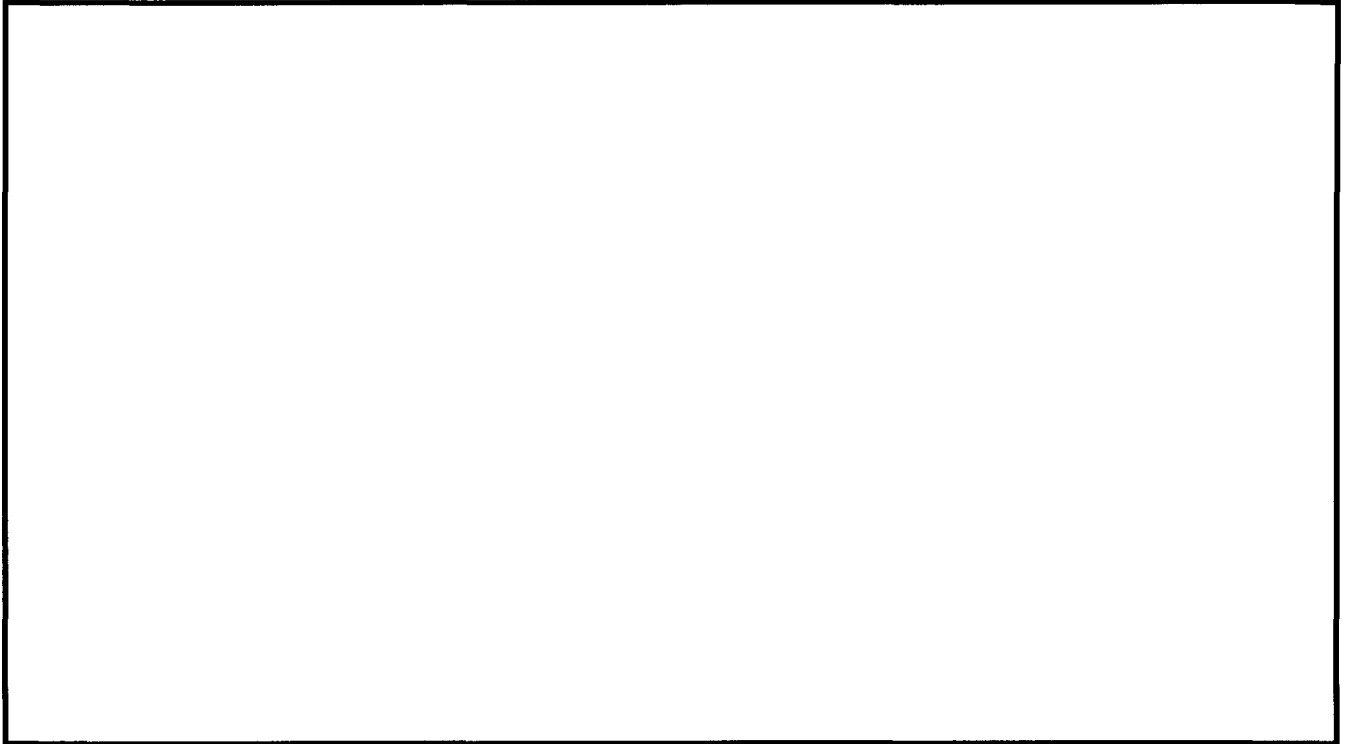
b2
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b7C

- [REDACTED]
- 1- Ms. Caproni
 - 1- Ms. Thomas
 - 1- [REDACTED]

¹ If the records were not properly obtained, i.e., there was a mistake by the carrier or the FBI in the NSL process, then the records should be sequestered with the CDC, and a potential IOB reported to NSLB. Thereafter, in its responsive EC, NSLB will indicate the proper disposition of the records. If the records were in fact properly obtained (e.g., the records are covered by the attachment, if not the body of the NSL)), they may be retained and uploaded. If the records were not properly obtained but are relevant to an authorized investigation (e.g., exceed the time frame of the NSL but pertain to the subject of the NSL), the records should remain sequestered until another NSL is issued to cover those records. If the records were not properly obtained and are not relevant to an authorized investigation, the CDC is expected to contact the owner of the records and determine if the entity wants the records returned to it or destroyed by the FBI. For a full explanation of the manner in which NSL records should be maintained for IOB purposes, see EC, dated 11/16/2006, 278-HQ-C1229736, serial 2570.

ATTACHMENT

In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be toll billing records in accordance with Title 18, United States Code, Section 2709:



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b7E

We are not requesting, and you should not provide, information pursuant to this request that would disclose the content of any electronic communication as defined in Title 18, United States Code, Section 2510(8).

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD-CD Volume 12



Federal Bureau of Investigation

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b7C
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From: [redacted] (CTD) (FBI)
Sent: Monday, March 19, 2007 1:35 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC)(FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Cc: [redacted] (ITOD) (FBI); [redacted] (ITSD) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Information for NSL [redacted]
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[redacted]

-----Original Message-----

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From: [redacted] (OGC) (FBI)
Sent: Monday, March 19, 2007 12:29 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC)(FBI); [redacted] (OGC)
(FBI); [redacted] (OGC)(FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (ITOD) (FBI); [redacted]
(ITSD)(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Information for NSL [redacted]
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[redacted]

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[Redacted]

PRIVILEGED COMMUNICATION.

[Redacted]

Assistant General Counsel
Classified Litigation Support Unit
National Security Law Branch
(202) 324-[Redacted]

-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Monday, March 19, 2007 11:01 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI)
Subject: Information for NSI [Redacted]

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All,
Could you please take a quick look at the attached? [Redacted]
[Redacted]

Thanks
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<< File [Redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: CTD- CD

Volume 14



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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Serial Description ~ COVER SHEET

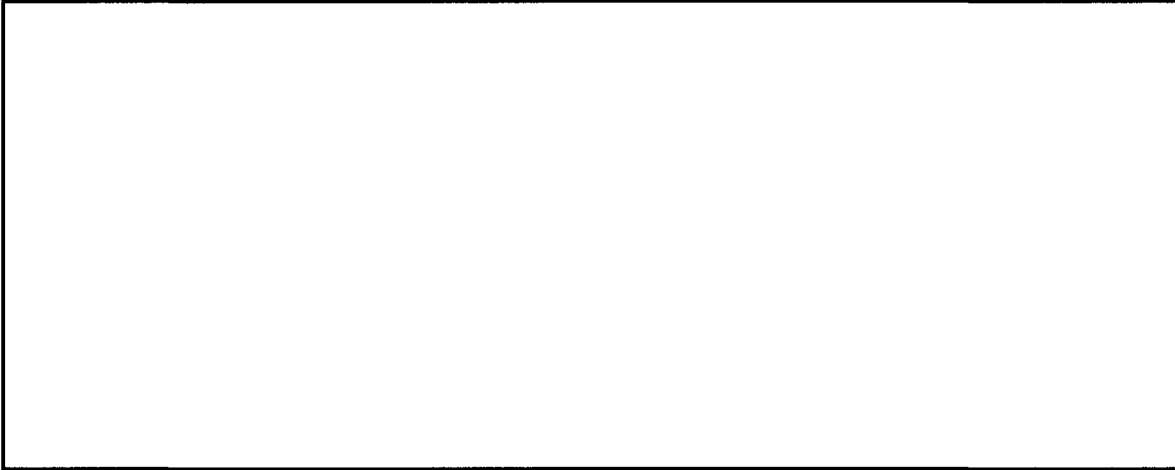
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Page 5 ~ Duplicate
Page 6 ~ Duplicate

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From: [redacted] (ITOD) (FBI)
Sent: Tuesday, March 20, 2007 7:12 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] C. (ITSD) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Information for NSL [redacted]

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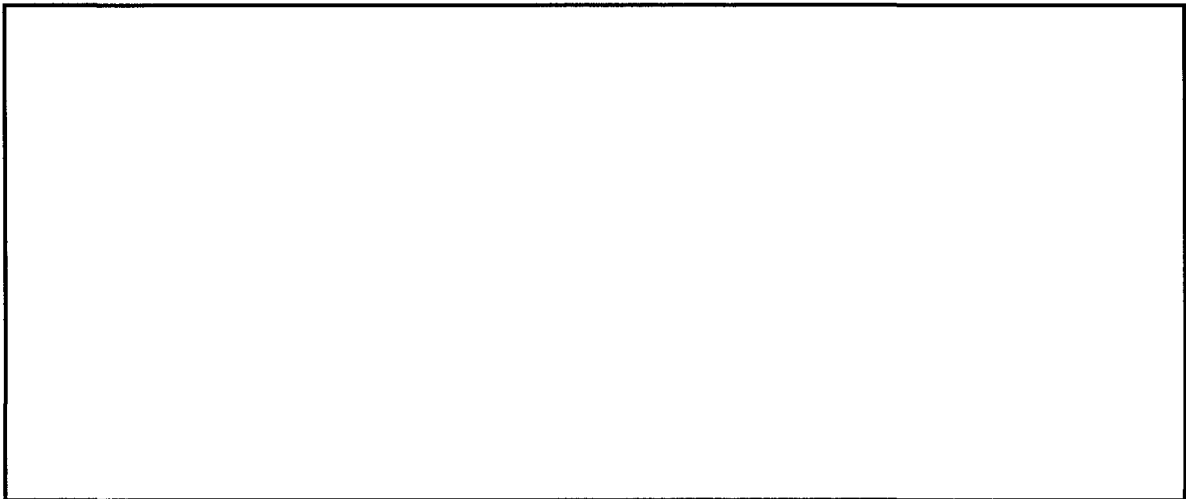
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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Monday, March 19, 2007 1:29 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (ITSD) (FBI); [redacted] (CTD) (FBI); [redacted] (ITOD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Information for NSL [redacted]

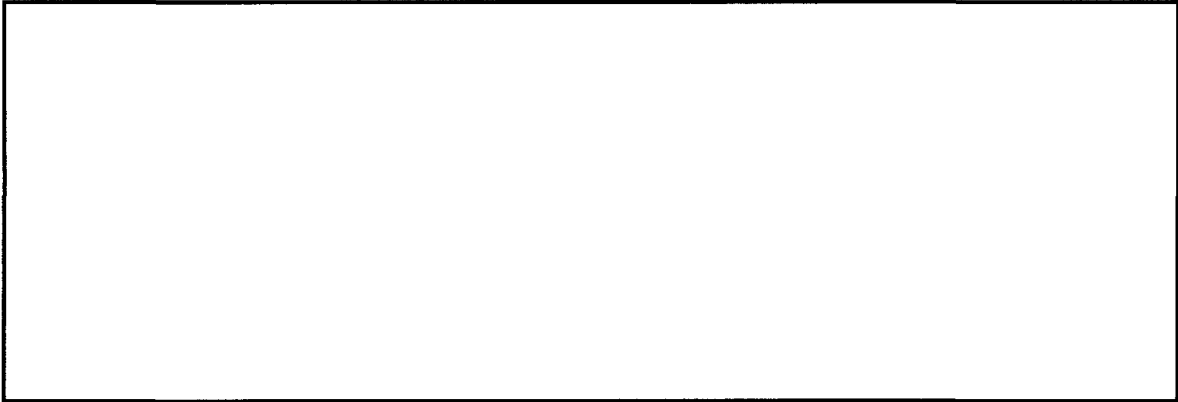
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PRIVILEGED COMMUNICATION.

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[Redacted]
Assistant General Counsel
Classified Litigation Support Unit
National Security Law Branch
(202) 324 [Redacted]

-----Original Message-----

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From: [Redacted] (OGC) (FBI)
Sent: Monday, March 19, 2007 11:01 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI)
Subject: Information for NSL [Redacted]

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~~**RECORD xxxx**~~

All,
Could you please take a quick look at the attached? [Redacted]

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Thanks,
[Redacted]

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<< File: [Redacted] doc >>

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations**~~
~~**DECLASSIFICATION EXEMPTION 1**~~
~~**SECRET**~~

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations**~~
~~**DECLASSIFICATION EXEMPTION 1**~~
~~**SECRET**~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence
Investigations~~

~~DECLASSIFICATION EXEMPTION 1~~

~~SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: OIG - BRIEFING MATERIAL CONGRESSIONAL Volume 3



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
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*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: OIG- BRIEFING CONGRESSIONAL volume 8



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-27-2007 BY 65179 dmh/ksr/gcl

NSLPTU
Review of SSCI
Revised USA
PATRIOT Act

#8

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|-------|-------------|---|
| TAB 1 | 12 May 2005 | NSLPTU Review of SSCI USA PATRIOT Reauthorization Bill |
| TAB 2 | 17 May 2005 | NSLPTU Review of SSCI USA PATRIOT ACT Reauthorization Bill |
| | | |

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: 016- BRIEFING CONGRESSIONAL volume 11



Federal Bureau of Investigation

05/29/2003

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To: Adrien Silas, DOJ/OLA

From: [REDACTED] FBI/OCA
(202) 324 [REDACTED]

Adrien:

The Investigative Law Unit (ILU) of the FBI's Office of General Counsel provided the following comments re the Intelligence Authorization Act of 2004

Subject: Intelligence Authorization Act of 2004

This responds to the request for review of the Intelligence Authorization Act of 2004. Specifically noted for ILU review were two sections: Section 321, which serves to return (on December 31, 2005) the statutory provisions amended by the USA PATRIOT Act and described in the PATRIOT Act's section 224(a) as sunset provisions to the same versions in effect the day prior to enactment of the PATRIOT Act; and Section 354, which amends the definition of "financial institution" in the Right to Financial Privacy Act (12 U.S.C. 3401(1)), but only for the purposes of section 3414 of that Act. The amendment would broaden the definition to include the same financial entities listed in 31 U.S.C. 5312(a)(2), and include any of those named institutions that have a part located in the United States or its territories, the District of Columbia, Puerto Rico, Guam, American Samoa, or the U.S. Virgin Islands. This amendment, in effect, greatly increases the types of financial entities where a national security letter can be used to obtain financial information. Since Section 3414, itself, exempts government authorities from compliance with most of the onerous RFPA provisions, the definitional change will provide another useful tool for intelligence/counterintelligence and terrorism/counterterrorism investigations and analyses.

ILU has no objections to the content of the two amendments.

E-mailed to Silas 5/29

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Per CA# 05-CV-0845

The "Wall", the USA PATRIOT Act and the Evolution of FBI International
Terrorism Investigations Since 9/11

(U) A major benefit of the USA PATRIOT Act ("the Act"), as it pertains to the so-called "Wall" that existed prior to 9/11 between the law enforcement and intelligence communities, has to do with speed and efficiency. There are specific provisions in the Act that authorized the sharing of intelligence information gathered via criminal investigative techniques with the intelligence community. These include Section 203, which, for example, allowed federal grand jury and wiretap information to be shared with the intelligence community. The sections of the Act having to do with the activities of the intelligence community were geared towards harmonizing the law to fit contemporary technological realities. They were also meant to ease somewhat the thresholds required to obtain certain types of information in intelligence investigations. The broad effect of the Act was thus to foster an environment in which information could flow between the two communities robustly and sensibly. Law enforcement and intelligence personnel are now able to work together at the earliest possible stages in order to combat international terrorism. Nothing can replace the raw investigative effort exerted by criminal and intelligence investigators. But the PATRIOT Act has enabled these investigators to do their jobs more quickly, with fewer barriers and with more ability to integrate information.

(U) ~~(S)~~ Once the PATRIOT Act had been passed in October 2001, information began to flow more readily between law enforcement and the intelligence community. One of the more crucial examples of this movement was the sharing of information between the national security side of the FBI and the DOJ Criminal Divisions and U.S. Attorneys. In March 2002, the Attorney General issued intelligence sharing procedures mandating that FBI counterterrorism officials would be required to provide international terrorism case file information with criminal prosecutors. This sharing initially began as a review of files and later evolved into a close working relationship between the FBI Counterterrorism Division (CTD) and the DOJ Criminal Division's Counterterrorism Section (CTS). CTS, moreover, helps to act as a bridge between the FBI and the United States Attorneys throughout the country.

(U) ~~(S)~~ Later, in July 2002, the Foreign Intelligence Surveillance Court (FISC) added a new component to the spectrum of intelligence sharing. Up to that time, the minimization procedures adopted pursuant to the Foreign Intelligence Surveillance Act (FISA) did not allow for the dissemination – from FBI to CIA or NSA – of international terrorism foreign intelligence data that had been collected under FISA authority to be shared in its so-called "raw" form. In other words, the FBI would have to have first minimized the data before sharing it with the CIA or the NSA. The FISC changed this by allowing NSA and CIA to have access to the data. Those agencies thus could greatly speed up the process of bringing their resources to bear in working on the common transnational terrorism threats we now face. Moreover, because the PATRIOT Act had brought the criminal investigators closer to the intelligence community through the FBI, by mid-2002 there began to emerge true integration among several of the agencies engaged in this effort.

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(U) ~~(S)~~ In August 2002, the Attorney General enhanced intelligence sharing with international partners. The AG issued procedures allowing the CIA and NSA to disseminate FISA-derived foreign intelligence relating to United States Persons (USPERs) to foreign governments without having to return to the AG for authorization in each discrete instance. The Attorney General instead required that, while the CIA and NSA could disseminate the information on an ongoing basis, they had to report the disseminations to him in a report on at least an annual basis. Thus, the same protections could be kept while ensuring that vital information moved to our international partners quickly.

(U) In September 2002, the Attorney General issued guidelines regarding the movement of intelligence information from criminal investigations and proceedings into the intelligence community. These guidelines focused on Sections 203 and 905 of the PATRIOT Act. Intelligence acquired during the course of criminal investigations is mandated by Section 905 to be disclosed to the Director of Central Intelligence and Homeland Security officials. Section 203 more specifically authorizes grand jury, electronic, wire and oral interception information to be shared with the intelligence community.

(U) Overall, the PATRIOT Act made a number of specific changes that directly benefited the FBI in its investigations. Section 505 allowed National Security Letters (NSLs) to be issued under a relevance standard. This requires the FBI to demonstrate that the request is relevant to an ongoing national security investigation. Section 206 gave the FBI roving wiretap authority under FISA. The roving provision operates like roving authority under criminal law statutes. Section 207 increased the duration of FISA coverage to permit FBI field offices to monitor FISAs for longer periods. All agents of a foreign power searches increased from 45 to 90 days and for Non-U.S. Person officers or employees of foreign powers the initial FISA period of coverage increased to 120 days. Renewals on such applications were extended to one year of coverage. Section 203 (mentioned above) has allowed intelligence gathered through certain criminal process to be shared with the intelligence community. Section 214 changed the FISA Pen Register/Trap and Trace standard to relevance. This has allowed for robust use of the Pen Register/Trap and Traces in the initial stages of national security investigations and has helped the FBI to build a better picture of connections among suspected international terrorist subjects. Finally, Section 208 modified the FISA statute by increasing the number of judges on the court. This has eased the burden on all involved in the FISA process. Moreover, three FISA judges are now located within fifty miles of Washington, DC. All of the above tools have greatly enabled the FBI to ensure that the law enforcement and intelligence communities have the ability to share information in the effort to confront international terrorism.

(U) In November 2002, the last vestiges of the "Wall" disintegrated when the Foreign Intelligence Surveillance Court of Review issued its very first opinion. In that opinion, the court affirmed the March 2002 Attorney General intelligence information sharing procedures (the FISC had limited them somewhat in May 2002). Further, the Foreign Intelligence Surveillance Court of Review opinion had the effect of declaring the

“Wall” to have been a misinterpretation of the FISA statute and other guidance. The court stated that under the FISA statute as originally written, the government needed to show that only “a purpose” for the collection or search was to gather foreign intelligence rather than the “sole purpose.” The court noted that the PATRIOT Act modified the standard to a “significant purpose.” The overall effect of the opinion was to bolster the push behind the PATRIOT Act to integrate law enforcement and intelligence efforts, within clear guidance, and to banish misperceptions about the “Wall.”

(U) In January 2003, the President announced the creation of the Terrorist Threat Integration Center (TTIC) in his State of the Union Address. TTIC and its successor, the National Counterterrorism Center (NCTC)(created by executive order in August 2004 and affirmed by statute in December 2004), have been responsible for integrating all terrorism analytical threat reporting in a single entity. All intelligence community databases are accessible at NCTC. Intelligence information gleaned from criminal proceedings, such as federal grand juries, is disseminated to NCTC and is integrated into national intelligence reporting. Section 203 of the PATRIOT Act has allowed this to happen.

(U) ~~(S)~~ In October 2003, the Attorney General issued revised Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG). These guidelines reflect the evolution of changes in national security law, intelligence collection and international terrorism investigations that occurred over the preceding two years. The NSIG reflect the integrated nature of national security investigations and recognize the need to use all available investigative tools, both criminal and intelligence, to combat current transnational threats. The NSIG themselves are a powerful statement on new realities, ones that reflect the need for information integration between criminal investigations and intelligence investigations.

(U) In the year and a half since the creation of the NSIG, the 9/11 Commission has issued its reports and recommendations, and the President signed intelligence reform legislation. The FBI continues to evolve, working towards building a strong Directorate of Intelligence while continuing its law enforcement mission. As the integrated approach to battling International Terrorism evolves, the FBI continues to rely on the provisions of the PATRIOT Act. The Act has enabled the FBI to obtain important information more efficiently than before, allowing its investigators to focus more effectively on their cases. The Act is one of the underpinnings of bringing law enforcement and intelligence services together. If the Congress were to allow the Sunset provisions to lapse, it would be depriving the intelligence and law enforcement communities of valuable and necessary tools. It also would send a signal at odds with the evolution in national security investigations over the last three and half years. The intelligence community has been told repeatedly to “connect the dots” since 9/11. With the help of the law enforcement community, it has made progress. The 9/11 Commission has embraced the value of the PATRIOT Act. The FBI asks that Congress reinforce these views.

Business Records Requests as of March 30, 2005

"This FISA technique allows the FBI to obtain the same type of information that criminal PR/TT's under "Section 2703 (d)" can obtain. Specific CTD advantages are:

[Redacted]

[Redacted]

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HOME
FBI



NATIONAL SECURITY LAW BRANCH

Financial Rec

OGC Intranet

NSLB Home | Branches/Units | OGC Home | Search | Sitemap

NSL Page > EC > Encl 5

FEDERAL BUREAU OF INVESTIGATION
Letterhead

[Drafting] Field Division
[Street Address]
[City, State, Zip]

[Month Date, Year]

[Mr./Mrs.] [COMPANY POINT OF CONTACT]
[TITLE]
[COMPANY]
[STREET ADDRESS]
[CITY, STATE No Zip Code]

Dear [Mr./Mrs.] [LAST NAME]:

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 12, United States Code (U.S.C.), Section 3414(a)(5), (as amended, October 26, 2001), you are hereby directed to produce to the Federal Bureau of Investigation (FBI) all financial records pertaining to the customer and/or accounts listed below:

Name: [if available]
Account Number(s): [if available]
Social Security Number: [if available]
Date of Birth: [if available]

For period from inception of account(s) to present. [OR SPECIFIC DATE RANGE] Please see the attachment following this request for the types of information that your financial institution might consider to be a financial record.

In accordance with Title 12, U.S.C. Section 3414(a)(5)(A), I certify that the requested records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and 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.

In accordance with Title 12, U.S.C., Section 3403(b), I certify that the FBI has complied with all applicable provisions of the Right to Financial Privacy Act.

Please be advised that Title 12, U.S.C., Section 3414(a)(5)(D), prohibits any financial institution, or officer, employee or agent of such institution, from disclosing to any person that the FBI has sought or obtained access to a customer's or entity's financial records under this statute.

You are requested to provide records responsive to this request personally to a representative of the [DELIVERING DIVISION] field office of the FBI. Any questions you have regarding this request should be



directed only to the [DELIVERING DIVISION] field office. Due to security considerations, you should neither send the records through the mail nor disclose the substance of this request in any telephone conversation.

Your cooperation in this matter is greatly appreciated.

Sincerely,

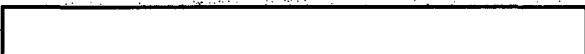
[ADIC/SAC Name]
Assistant Director/Special Agent in Charge

ATTACHMENT

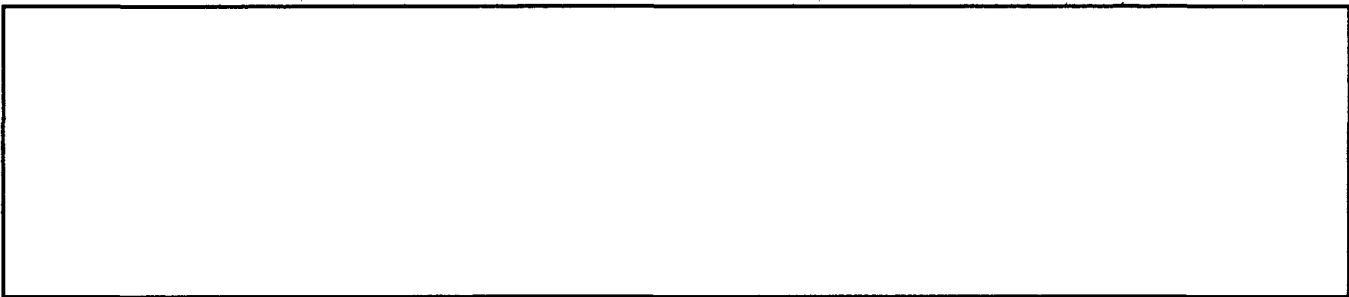


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4/21/2005



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Top of Page

Last Updated: Wednesday, June 30, 2004

Change in Scope of National Security Letters under the Right to Financial Privacy Act

1. On 13 December, 2003, the President signed the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177). Section 374 of that Act significantly expanded the definition of "financial institution" for National Security Letters (NSLs) (12 U.S.C. 3414(a)(5)) obtained under the Right to Financial Privacy Act of 1978.
2. Previously, the definition of "financial institution" to which these NSLs applied was restricted to "a bank, savings bank, card issuer as defined in section 1602(n) of Title 15, industrial loan company, trust company, savings association, building and loan, or homestead association (including cooperative banks), credit union, or consumer finance institution" located in the U.S., its territories, and possessions. See 12 U.S.C. 3401(1).
3. Under this expanded definition (see paragraph 4 below), the FBI can now use 12 U.S.C. 3414 NSLs to request financial records from a wide variety of additional entities including pawnbrokers, travel agencies, telegraph companies, security dealers and brokers, and commodity futures transactions.
4. Section 374 of Public Law 108-177 amended 12 U.S.C. 3414 to state that the applicable definition of "financial institution" for NSLs obtained under 12 U.S.C. 3414 is now the definition located at 31 U.S.C. 5312(a)(2) and (c)(1) which read:

31 U.S.C. 5312(a)(2) "financial institution" means--

- (A) an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));
- (B) a commercial bank or trust company;
- (C) a private banker;
- (D) an agency or branch of a foreign bank in the United States;
- (E) any credit union;
- (F) a thrift institution;
- (G) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);
- (H) a broker or dealer in securities or commodities;
- (I) an investment banker or investment company;
- (J) a currency exchange;
- (K) an issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments;
- (L) an operator of a credit card system;
- (M) an insurance company;

(N) a dealer in precious metals, stones, or jewels;

(O) a pawnbroker;

(P) a loan or finance company;

(Q) a travel agency;

(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system;

(S) a telegraph company;

(T) a business engaged in vehicle sales, including automobile, airplane, and boat sales;

(U) persons involved in real estate closings and settlements;

(V) the United States Postal Service;

(W) an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this paragraph;

(X) a casino, gambling casino, or gaming establishment with an annual gaming revenue of more than \$1,000,000 which--

(i) is licensed as a casino, gambling casino, or gaming establishment under the laws of any State or any political subdivision of any State; or

(ii) is an Indian gaming operation conducted under or pursuant to the Indian Gaming Regulatory Act other than an operation which is limited to class I gaming (as defined in section 4(6) of such Act);

(Y) any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation, to be an activity which is similar to, related to, or a substitute for any activity in which any business described in this paragraph is authorized to engage; or

(Z) any other business designated by the Secretary whose cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters.

31 U.S.C. 5312(c)(1) -

(c) Additional definitions. --For purposes of this subchapter, the following definitions shall apply:

(1) Certain institutions included in definition. --The term "financial institution" (as defined in subsection (a)) includes the following:

(A) Any futures commission merchant, commodity trading advisor, or commodity pool operator registered, or required to register, under the Commodity Exchange Act [7 U.S.C.A. § 1 et seq.].

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: 016- ECS- NSL 12/1/03



Federal Bureau of Investigation

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[Redacted]

OIG ACS Request
November 2, 2006

[Redacted]

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2. Copies of ECs responsive to the following ACS queries for the period 01/01/2003 - 12/31/2005:

- a. "TFOS" and "request" and "NSL" – should be approximately 2,400 records – please print the **list of all records** responsive to the query and print 10 ECs from 2003, 10 from 2004, and 10 from 2005, selected randomly
- b. "Federal Reserve" and "TFOS" and "action lead" – should be approximately 700 records – please print the **list of all records** responsive to the query and print 10 ECs from 2003, 10 from 2004 and 10 from 2005, selected randomly

3. Copies of ECs requesting the issuance of national security letters where EOPS was the "office of origin" during the period CYs 2003 – 2005. *10 each year*

b1 (S) 4. Copies of all ECs requesting national security letters issued from [Redacted]

[Redacted]

5. Copies of all national security letters issued from [Redacted]

(S) 6. Copies of all national security letters issued from [Redacted]

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Search Document Text

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Type the required and any additional search criteria; then press Enter.

Words/Phrases >> +

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Case ID . . . > + UCFN Local Office > .. +

Orig. Office . > .. +

To >

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Document Type > +

Document Dates > through (required for most searches)

| Set | Description | Documents |
|-------------------|---|-----------------|
| #3 | NSL | b1 b2 b7E |
| Command | > | + |

F1=Help F2=View F3=Exit F4=Prompt F5=Refresh F12=Cancel

4AU

07,020

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-28-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

11/06/06
10:29:21

(C) Search Document Text

ECFSTOMO

Type the required and any additional search criteria; then press Enter.

Words/Phrases >> +

Classification > ... + (not for use with Case ID)

Case ID . . . > + UCFN Local Office >... +

Orig. Office . > .. +

To >

From >

Document Type > +

Document Dates > through (required for most searches)

| Set | Description | | Documents |
|--------|--|-----------------|-----------|
| (S) #4 | NSL | B1 B2 B7E | 1 |

Command . . . > +

F1=Help F2=View F3=Exit F4=Prompt F5=Refresh F12=Cancel

4A0

07,020

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/01/2003

To:

Attn:

SA

b2
b7E
b6
b7C

From:

Contact: SA

Approved By:

DATE: 06-28-2007
CLASSIFIED BY 65179 DMH/KSR/cb
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2032

Drafted By:

(S)

Case ID #

b1
b2
b7E
b7A

Title: Counterterrorism Investigative Lead

OO

(S)

Synopsis: Followup to request to locate and interview

b1
b6
b7C

Reference:

b1
b2
b7E
b7A

Administrative: Reference email dated 11/24/2003 to SA

b6
b7C

Enclosure(s): One (1) copy of email dated 11/24/2003 to SA

Details: Office received the above referenced lead to contact and interview

b1
b2
b7E
b6
b7C

(S)

On 11/24/2003, the [redacted] contacted SA [redacted] via phone and email to assist with this matter. Writer has a working relationship with [redacted] but requires the legal documents such as an National Security Letter (NSL) or subpoena from [redacted] to obtain the requested information. [redacted] Writer is unfamiliar with the investigation and therefore unable to articulate the facts to obtain one (1) of these legal documents herself.

b1
b6
b7C
b2
b7E
b7D

(S)

Writer requests [redacted] to provide the [redacted] with the appropriate legal documents so that the [redacted] may assist in obtaining the requested information.

b2
b7E

At this time, the [redacted] considers the above mentioned lead covered.

b2
b7E

(S
b2
b7E
b1

To: [redacted] F [redacted]
Re: [redacted] 12/01/2003

~~SECRET~~

LEAD(s) :

Set Lead 1: (Action)

[redacted]

b2
b7E
b7D
b1

Provide the [redacted] with either an NSL or subpoena for
requested information from [redacted]

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 10/12/2005

To: General Counsel

Attn: Julie Thomas
Deputy General Counsel,
NSLB

Counterterrorism

Attn: ITOS 1/ CONUS 2
SSA [Redacted]

b2
b7E
b6
b7C

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

b1
b2
b7E

Case ID #: (S) [Redacted]

(U) 66F-HQ-CI384970

Title: (S) [Redacted]

b1

(U)

Synopsis: ~~(S)~~ Approves the issuance of an ECPA National Security Letter (NSL) for subscriber information; provides reporting data; and, if necessary, transmits the NSL for delivery to the wire communications service provider.

(U)

~~(S)~~

~~Derived From: G-3~~

~~Declassify On: X-1~~

b1
b2
b7E

Reference: (S) [Redacted]

Enclosures: (U) Enclosed for NSLB is one (1) copy of NSL. Enclosed for [Redacted] is an original and one (1) copy of a letter dated

b2
b7E

~~SECRET~~

b2
b7E
b1

To: General Counsel From: [redacted]
Re: (S) [redacted]

[redacted]

(S)

b1
b7D
b6
b7C

(U) Details: ~~(S)~~ [redacted] has received a lead from [redacted] requesting subscriber information. An investigation referenced above, was authorized in accordance with Attorney General Guidelines because based on [redacted]

b2
b7E
b7D

[redacted] This subscriber information is being requested in order to provide [redacted] with the information.

(U) ~~(S)~~ This electronic communication documents the SAC's approval and certification of the enclosed NSL. For mandatory reporting purposes, the enclosed NSL seeks subscriber information [redacted]

[redacted]

b7D
b1
b6
b7C

(S)
(S)
(S)

[redacted]

(U) Arrangements should be made with the wire communications service provider to provide the records **personally** to an employee of your office. The wire communications service provider should neither send the records through routine mail service nor utilize the name of the subject of the request in any telephone calls to the FBI.

(U) You should remind the wire communication service provider that it is prohibited from disclosing that the FBI has made this request.

(U) On 11/09/2001 the Director designated the official signing the enclosed letter as authorized to make the required certification.

~~SECRET~~

b2
b7E
b1

To: General Counsel From: [REDACTED]
Re: (S) [REDACTED]

(U) If a preliminary investigation is opened on the subscriber identified, it is the responsibility of the office opening the preliminary investigation to advise FBIHQ. This may be done by routing slip to the National Security Law Branch, Office of the General Counsel, Room 7947, the FBIHQ entity handling the operational legal needs of the Counterterrorism Division. This reporting is necessary in order to provide information to Congress regarding the FBI's use of this authority as mandated by Congress.

b6
b7C
b2

(U) Any questions regarding the above can be directed to SA [REDACTED]

(C)

Accomplishment Information:

Number: 1

~~SECRET~~

To: General Counsel From: [redacted]
Re: (S) [redacted]

b2
b7E
b1

Type: NSL TO COMMUNICATION CARRIER PREPARED & APPROVED
ITU: NATIONAL SECURITY LETTER

Claimed By: [redacted]
SSN: [redacted]
Name: [redacted]
Squad: [redacted]

b6
b7C
b2

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: (S) [REDACTED]

b2
b7E
b1

LEAD (s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) At ITOS 1, CONUS 2 Read and Clear

~~SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: OIG-SAMPLE-EC (1-17-06)



Federal Bureau of Investigation

~~SECRET/ORCON/NOFORN~~

1073946

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 01/17/2006

To: Counterterrorism

Attn: ITOS II/ISLU

[Redacted]

Attn: SA [Redacted]

International Operations

Attn: [Redacted]

[Redacted]

Attn: [Redacted]

b2
b7E
b6
b7C

From: Counterterrorism

[Redacted]

Contact: IS [Redacted]

Approved By: Hulon Willie T
Lewis John E

[Redacted]

Drafted By:

Case ID #: (S)
(S)
(S)

[Redacted]

Title: (S)

[Redacted]

b1
b7A

(S)

(S)

b1
b6
b7C
b7A

(S) Synopsis: ~~(S//OC/NF)~~ To summarize the results of a National Security Letter [Redacted] in reference [Redacted]

(U) ~~(S)~~ Derived From : G-3
Declassify On: 20310117

(S) ~~(U)~~ [Redacted]

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: Counterterrorism
Re: (S) [redacted] 01/17/2006

b1

Administrative:

(U) 1. ~~(S)~~ This document is classified ~~SECRET~~. Portions of this document carrying classification markings may not be incorporated into any criminal affidavit, criminal court proceeding or unclassified investigative file. The information in this document is intended to be used for lead or background purposes only.

(U) 2.

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

b2
b7E
b1

(U) 3.

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

(U) 4.

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

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

[redacted]

b1
b7A

b1

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: Counterterrorism
Re: (S) [redacted] 01/17/2006

b1
b2
b7E
b6
b7C
b7A

~~(S//OC/NF)~~ Accordingly [redacted] requested a National Security Letter (NSL) in reference to [redacted]. The purpose of the NSL was to determine [redacted].

(S)

(S//OC/NF) On 12/13/2005 [redacted] issued a NSL [redacted] Field Office to [redacted]. On 01/13/2006 [redacted] received the results from this request.

b2
b7E
b1
b7D
b7A

(S)

~~(S)~~ [redacted]

b1
b6
b7C
b7A

(S)

~~(S)~~ [redacted]

~~SECRET/ORCON/NOFORN~~

b1 To: Counterterrorism From: Counterterrorism
Re: (S) [redacted] 01/17/2006

(S)

[redacted]

b1
b6
b7C
b7D
b7A

(S)

~~(S)~~

[redacted]

(U) ~~(S)~~ A search of ACS on this data returned no pertinent results outside of the captioned cases.

(S//NF)

[redacted]

b1
b6
b7C
b2
b7E
b7A

(S//OC/NF)

[redacted]

(U)

~~(S)~~

[redacted] have been forwarded to the [redacted] information has been forwarded to the [redacted] for analysis.

b2

b1 To: Counterterrorism From: Counterterrorism
Re: (S) [redacted] 01/17/2006

b2 (U) ~~(S)~~ [redacted] has conducted [redacted]
b7E [redacted] referenced in this EC and have not
found [redacted]

(S//OC/NF)

b2
b6
b7C
b7A

[redacted]

b1 To: Counterterrorism From: Counterterrorism
Re: (S) [redacted] 01/17/2006

LEAD(s):

Set Lead 1: (Info)

COUNTERTERRORISM

[redacted]

b2 (U) For information only.

Set Lead 2: (Info)

b2
b7E

[redacted]

(U) For information only.

Set Lead 3: (Info)

b2

[redacted]

(U) For information only.

Set Lead 4: (Info)

b2
b7E

[redacted]

(U) For information only.

◆◆

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: OIG ITEM 6 - 8-30-06



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 1
Page 6 ~ Duplicate EC dated 9/21/99

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

1073946

OIG'S PATRIOT ACT REVIEW

DOCUMENT REQUEST: DOJ-OIG REQUEST of AUGUST 30, 2006

SUBJECT: COPIES OF ALL SIGNED NSLS ISSUED OUT OF FBI CONTROL FILES, ALONG WITH ANY ELECTRONIC COMMUNICATIONS (ECS) OR OTHER DOCUMENTATION AUTHORIZING THE USE OF CONTROL FILES FOR ISSUING SUCH NSLS.

FBI TRACKING # : OIG REQ-PAR (08-30-06) - ITEM #6

**PACKET: #1
{OCTOBER 4, 2006}**

| DATE | TYPE of DOCUMENT | SUBJECT | TOTAL PAGES | BATE STAMP #s |
|--|--------------------------------------|---|----------------|------------------|
| UNDATED | LHM | NSLB FIL NUMBERS | 3 | 001-003 |
| 09/21/99 | OGC EC | TOLL RECORDS; NATIONAL SECURITY LETTERS (NSLS) | 1 | 004 |
| 09/21/99 | OGC EC | FINANCIAL RECORDS; NATIONAL SECURITY LETTERS (NSLS) | 1 | 005 |
| 09/07/06 | PRINTOUT | ACS PRINTOUT - REQUEST FOR A NEW CONTROL FILE | 1 | 006 |
| 07/18/03 | OGC EC | FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA) BUSINESS RECORDS | 2 | 007-008 |
| 12/17/04 | RMD EC | RECORDS MANAGEMENT DIVISION, POLICY MATTERS; 319 CLASSIFICATION IMPLEMENTATION | 8 | 009-016 |
| 12/17/04 ^{b6} _{b7C} | [REDACTED] TO HQ-DIV09- OGC EMAIL | REVISED: NEW 319 CLASSIFICATION | 2 | 017-018 |
| 02/28/05 | OGC EC | NATIONAL SECURITY MATTERS INFORMATION CONCERNING EXECUTIVE BRANCE EMPLOYEES SUSPECTED OF ESPIONAGE CREATION OF FILE FOR UPLOADING AND AND REPOSITORY PURPOSES | 2 | 019-020 |
| TOTAL PAGES | | | 20 | |

NSLB FILE NUMBERS

66F-HQ-A1247863 "Foreign Counterintelligence Guidelines, Foreign
Counterintelligence (FCI)/International Terrorism
(IT)"

General file for legal guidance on FCI/IT matters issued by the Unit; A copy of all written
FCI/IT guidance should be uploaded to this file.

66F-HQ-A1258990 "Internal Administration"

General file for administrative matters (but not security-related matters)

261C-HQ-C1274575 "OGC Security Officer Matters"

66F-HQ-A1255972-OUTSIDEUS Reporting of Operational Activity Outside the U.S.

66F-HQ-C1446842 NSLB Foreign Intelligence Surveillance ACT Matters

66F-HQ-C1446845 NSLB Immigration Matters

66F-HQ-C1446846 NSLB Intelligence Oversight Board Matters

66F-HQ-C1446847 NSLB Undercover Matters

66F-HQ-C1446848 NSLB Congressional Matters

66F-HQ-C1446849 NSLB Correspondence Matters

"National Security Letters"

66F-HQ-C1303375 Subscriber and Toll Billing Records

66F-HQ-C1303371 Financial Records

66F-HQ-C1213150 Consumer Credit Information

66F-HQ-A1431182 Business Records

65-HQ-C1493228 Espionage

* Neo → 3194-HQ-A1487720 -OGC
Legal-Advice & Opinions

8/17/2007

Due to the discontinuance of the 66 classification files and the implementation of the new 319 classification files, future NSLB correspondence should reflect a dual caption/subject. For instance, all NSLB ECs providing legal advice and opinions should be filed in 319X-HQ-A1487720-OGC. The subject for this file is "Legal Advice and Opinions." Your EC should also specify the particular type of legal advice given, such as "Financial Records," "Consumer Credit Information," "NSLB Congressional Matters," etc.. Therefore, the Title/Subject of the EC might be:

Legal Advice and Opinions;
Business Records

Notice the semi-colon after the first subject. Communications must contain this semi-colon to separate the two subjects. You would **not** file this EC in the old 66F-HQ-A1431182.

In the future, administrative NSLB communications usually designated for a 66 classification file must be filed in an appropriate 319 classification file. You can find a list of 319 file numbers on the intranet at http://rmd.fbinet.fbi/rpas/classification_319/319s/. The following 66 files should **not** be used:

NSLB FILE NUMBERS

66F-HQ-A1247863 "Foreign Counterintelligence Guidelines, Foreign Counterintelligence (FCI)/International Terrorism (IT)"

General file for legal guidance on FCI/IT matters issued by the Unit; A copy of all written FCI/IT guidance should be uploaded to this file.

66F-HQ-A1258990 "Internal Administration"

General file for administrative matters (but not security-related matters)

66F-HQ-A1255972-OUTSIDEUS Reporting of Operational Activity Outside the U.S.

66F-HQ-C1446842 NSLB Foreign Intelligence Surveillance ACT Matters

66F-HQ-C1446845 NSLB Immigration Matters

66F-HQ-C1446846 NSLB Intelligence Oversight Board Matters

66F-HQ-C1446847 NSLB Undercover Matters

66F-HQ-C1446848 NSLB Congressional Matters

66F-HQ-C1446849

NSLB Correspondence Matters

"National Security Letters"

66F-HQ-C1303375

Subscriber and Toll Billing Records

66F-HQ-C1303371

Financial Records

66F-HQ-C1213150

Consumer Credit Information

66F-HQ-A1431182

Business Records

Instead, they should be filed in 319X-HQ-A1487720-OGC with the appropriate dual caption/subject.

Any questions may be directed to me at ext. or to RMD, a

b6
b7C
b2

~~SECRET~~

----- Working Copy -----

Precedence: ROUTINE

Date: 09/21/1999

To: Information Resources

Attn:

[Redacted]

Room 5334

From: Office of the General Counsel

National Security Law Unit, Room 7975

Contact: SSA

[Redacted]

b6
b7C
b2

Approved By:

[Redacted]

Drafted By:

:tpw

Case ID #: (U) 66F-HQ-C1303371

Title: ~~(S)~~ FINANCIAL RECORDS;
(U) NATIONAL SECURITY LETTERS (NSLs)

Synopsis: (U) Open Universal Case File (UCF) for Financial Record NSLs and transmittal ECs.

(U) ~~(S)~~ Classified By: 14833, AGC/OGC
Reason: 1.5(c)
Declassify On: X1

(U) ~~(S)~~ Details: Captioned matter involves the delivery of NSLs to financial institutions in furtherance of certain foreign counterintelligence and international terrorism investigations. These NSLs are prepared at FBIHQ, are transmitted to the Field as an enclosure to an Electronic Communication (EC), and are then delivered to the appropriate financial institution.

(U) ~~(S)~~ HQ 62-118103 currently serves as the control file for the above. This file will be closed and not consolidated into the new control file.

Case ID : 66F-HQ-C1303371

Serial : 1

~~SECRET~~

----- Working Copy -----

Page 1

Precedence: ROUTINE

Date: 02/28/2005

To: Records Management

Attn:

[Redacted]
Room 5334

From: General Counsel

National Security Law Branch/LX-1 5S200

Contact:

[Redacted]

b6
b7C
b2

Approved By: Thomas Julie F

[Redacted]

Drafted By:

Case ID #: 65-HQ-C1493228
62F-HQ-C1487441

Title: NATIONAL SECURITY MATTERS
INFORMATION CONCERNING EXECUTIVE BRANCH
EMPLOYEES SUSPECTED OF ESPIONAGE
CREATION OF FILE FOR UPLOADING AND
AND REPOSITORY PURPOSES

Synopsis: To request a file for uploading and repository purposes for the NSLB of records relating to National Security Letters issued pursuant to 50 U.S.C. Section 436.

Details: The National Security Law Branch has authority over requests for National Security Letters (NSLs) sought by the FBI for information about executive branch employees under investigation for espionage. Guidance to the field as to procedures to be followed in procuring such records is currently being drafted. Such NSLs, when received by NSLB, will require a control file for purposes of uploading this information and keeping track of such requests.

As these NSLs involve espionage cases, Records Management Division is requested to create a "65" espionage control file with the title: Section 436 NSLs.

Any questions concerning this request may be directed to

[Redacted]

b6
b7C
b2

LEAD(S)

Set Lead 1: (Action)

RECORDS MANAGEMENT

Case ID:

[Redacted]

Serial : 1

1

b2

AT WASHINGTON, D.C.

Upon approval, open requested
file.

1 - Ms. Thomas

1 -

1 -



b6
b7C