

JOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: APRIL-JUNE 2007

DATE OF INCIDENT: [ ]

b2  
b7E

DATE OF REPORT TO IOB:

7/31/07

DATE OF REPORT TO DEPARTMENT/AGENCY: [ ]

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

\_\_\_ FISA (50 U.S.C. 1801)

\_\_\_ Other (U.S.C. citation: \_\_\_\_\_)

EXECUTIVE ORDER 12333:

- \_\_\_ Section 2.3 collection & dissemination of USP info
- \_\_\_ Section 2.4 preamble: least intrusive collection
- \_\_\_ Section 2.4(a) CIA electronic surveillance w/in US
- \_\_\_ Section 2.4(b) unconsented physical search w/in US
- \_\_\_ Section 2.4(c) physical surveillance of USP w/in US
- \_\_\_ Section 2.4(d) physical surveillance of USP abroad
- \_\_\_ Section 2.5 AG approval w/in US or against USP abroad
- \_\_\_ Section 2.6 assistance to law enforcement
- \_\_\_ Section 2.7 contracting
- \_\_\_ Section 2.9 undisclosed participation
- \_\_\_ Section 2.10 human experimentation
- \_\_\_ Section 2.11 prohibition on assassination
- \_\_\_ Section 2.12 indirect participation

X. AG APPROVED EO 12333 GUIDELINES (Guideline name and section: [ ])

b2  
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OTHER EXECUTIVE ORDER (SPECIFY)

\_\_\_ Creation of unauthorized SAP (EO 12958, as amended)

\_\_\_ Other (EO citation: \_\_\_\_\_)

PRESIDENTIAL DIRECTIVE (SPECIFY)

\_\_\_ COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

\_\_\_ Other (Presidential Directive citation: \_\_\_\_\_)

DEPARTMENT/AGENCY ACTION:

Reported to FBI OGC as potential IOB

DATE OF FINAL DISPOSITION:

4/25/07

Hofmann-IOB-3339



JOB SUMMARY SHEET

Name of Department or Agency: FBI CY Quarterly Report: APRIL-JUNE 2007

DATE OF INCIDENT: [REDACTED] DATE OF REPORT TO IOB: 7/31/07

DATE OF REPORT TO DEPARTMENT/AGENCY: [REDACTED]

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)  
\_\_\_ FISA (50 U.S.C. 1801)  
\_\_\_ Other (U.S.C. citation: \_\_\_\_\_)

- EXECUTIVE ORDER 12333:
- \_\_\_ Section 2.3 collection & dissemination of USP info
  - \_\_\_ Section 2.4 preamble: least intrusive collection
  - \_\_\_ Section 2.4(a) CIA electronic surveillance w/in US
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  - \_\_\_ Section 2.10 human experimentation
  - \_\_\_ Section 2.11 prohibition on assassination
  - \_\_\_ Section 2.12 indirect participation

AG APPROVED EO 12333 GUIDELINES (Guideline name and section: [REDACTED])

OTHER EXECUTIVE ORDER (SPECIFY)  
\_\_\_ Creation of unauthorized SAP (EO 12958, as amended)  
\_\_\_ Other (EO citation: \_\_\_\_\_)

PRESIDENTIAL DIRECTIVE (SPECIFY)  
\_\_\_ COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION  
\_\_\_ Other (Presidential Directive citation: \_\_\_\_\_)

DEPARTMENT/AGENCY ACTION: Reported to FBI OGC as potential IOB

DATE OF FINAL DISPOSITION: 4/18/07

Agency: FBI  
Type of Report: ~~Security Report~~

~~SECRET~~

Date of Report to IOB: 10/31/2006

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER:

[redacted] FIELD OFFICE  
IOB MATTER 2007-819(U)

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(S) ~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that in conducting [redacted] of [redacted] the FBI [redacted] Field Office [redacted] [redacted] improperly failed to notify FBIHQ or OIPR of the opening of [redacted]. The failure to provide notice of the opening of [redacted] was a violation of [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).<sup>1</sup> In this regard, on [redacted] opened [redacted] of [redacted] in order

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(S)

[redacted]

[redacted] within ten working days, so that FBIHQ could notify OIPR, [redacted] failed to do so. Subsequently, the [redacted] was extended and eventually expired on [redacted]. A second extension was requested but was never granted. On or about [redacted] FBIHQ notified [redacted] that there had never been a notification of OIPR of the opening of [redacted]. By EC dated 10/31/2006, [redacted] notified FBIHQ of the potential IOB matter. Inasmuch as this failure to provide notification substantially impaired OIPR's ability to provide oversight of the investigation, this matter is being reported to the IOB.

~~Derived from: G-3  
Declassify on: 04/18/2017~~

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(U)

<sup>1</sup> (S) [redacted] requires that a field office file a notice of the opening of an authorized investigation within 10 days of the opening and submit the notice to FBIHQ, for transmittal to OIPR.

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IOB SUMMARY SHEET

Name of Department or Agency: FBI CY Quarterly Report: APRIL-JUNE 2007

DATE OF INCIDENT: [ ] b2 DATE OF REPORT TO IOB: 7/31/07  
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: [ ]

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DOJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

X FISA (50 U.S.C. 1801)

Other (U.S.C. citation: \_\_\_\_\_)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG APPROVED EO 12333 GUIDELINES (Guideline name and section: \_\_\_\_\_)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: \_\_\_\_\_)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: \_\_\_\_\_)

DEPARTMENT/AGENCY ACTION:

Unauthorized collection terminated, and related data deleted from FBI databases. Disks with unauthorized data forwarded to DOJ, OIPR for

DATE OF FINAL DISPOSITION: sequestration

5/13/07

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DATE OF REPORT TO ICE: [REDACTED]

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] DIVISION

IOB MATTER 2007-1135 (U)

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(S) ~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that in conducting [REDACTED] on [REDACTED]

[REDACTED] a collection error occurred in the execution of a properly authorized [REDACTED]

On [REDACTED]

[REDACTED] initiated a [REDACTED] of [REDACTED]

(S) [REDACTED] a U.S. Person (USPER), as that term is used in the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG or

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[REDACTED] .<sup>1</sup> On [REDACTED]

[REDACTED]

(S) ~~(S)~~ (Un) [REDACTED] discovered that [REDACTED]

[REDACTED]

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[REDACTED] Although [REDACTED] was diligent in immediately remedying and reporting the improper collection, the collection that did occur was not authorized under the [REDACTED] [REDACTED] or E.O. 12333.

~~Derived from: G-3~~  
~~Declassify on: 20320613~~

<sup>1</sup> A "United States person" is defined in [REDACTED] of the Guidelines as "an individual who is... [a] United States citizen...or...a permanent resident alien..." This regulatory definition is based on the definition of a "United States person" as that term is used in section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. Sect. 1801 et seq. The latter states, in pertinent part, that a "'United States person' means 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)..."

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Hofmann-IOB-3344

JOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: APRIL-JUNE 2007

DATE OF INCIDENT: 10/20/06

DATE OF REPORT TO IOB: 7/31/07

DATE OF REPORT TO DEPARTMENT/AGENCY: 1/3/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18USC2709 )

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation

AG APPROVED EO 12333 GUIDELINES (Guideline name and section: \_\_\_\_\_)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: \_\_\_\_\_)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: \_\_\_\_\_)

DEPARTMENT/AGENCY ACTION: Information purged

\*DATE OF FINAL DISPOSITION:

4/27/07

Hofmann-IOB-3345

DATE: 07-02-2010  
CLASSIFIED BY 65179DMH/PLJ/CC  
REASON: 1.4  
DECLASSIFY ON: 07-02-2035

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

~~SECRET~~

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER [redacted] b2  
[redacted] FIELD OFFICE b7E  
IOB MATTER 2007-628 (S)

(S) The [redacted] Field Office [redacted] of the  
Federal Bureau of Investigation has reported an error in  
conjunction with that division's [redacted] of the  
[redacted] b1  
[redacted] b2  
[redacted] b4  
[redacted] b7D  
[redacted] b7E  
[redacted]  
[redacted]  
[redacted]

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

Derived from : G-3  
Declassify on: 04/25/2032

~~SECRET~~

Hofmann-IOB-3346



JOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: APRIL-JUNE 2007

DATE OF INCIDENT: 9/13/07

DATE OF REPORT TO IOB: 7/31/07

DATE OF REPORT TO DEPARTMENT/AGENCY:

b2  
b7E

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 USC 2709)

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation

AG APPROVED EO 12333 GUIDELINES (Guideline name and section: \_\_\_\_\_)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: \_\_\_\_\_)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: \_\_\_\_\_)

DEPARTMENT/AGENCY ACTION: Information purged

DATE OF FINAL DISPOSITION: 9/29/05

~~SECRET~~  
INTELLIGENCE OVERSIGHT BOARD MATTER - b2  
[redacted] DIVISION - b7E  
IOB MATTER 2007-521 (S) (U)

(U) (S) As reported by the [redacted] Division by EC dated [redacted] opened [redacted] on [redacted] a non-U.S. Person.

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(U) (S) As part of the [redacted] submitted a National Security Letter ("NSL") to [redacted]. The NSL requested [redacted] and [redacted] of the Subject. Due to a typographical error, the [redacted] on the NSL was erroneously transcribed. On or about [redacted] produced the [redacted] on the incorrect [redacted] to [redacted].

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(U) (S) On [redacted] it was determined that [redacted] was not the appropriate [redacted] so a second NSL was prepared and submitted to [redacted]. The second NSL was submitted to [redacted] before [redacted] realized that the [redacted] was incorrect. Upon learning of the typographical error regarding the [redacted] recalled the NSL sent to [redacted]. No records were produced to the FBI in response to the second NSL. In addition, [redacted] took measures to remove all [redacted] and [redacted] associated with the erroneous [redacted] from the FBI's database.

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(U) (S) Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected on a [redacted] unrelated to an investigation. The [redacted] was a violation of [redacted] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Thus, the matter is being reported to the IOB.

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~~Derived from: G-3  
Declassify on: 05/11/2032~~



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Mr. Friedman:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2007 681 (U)

The enclosure 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. (U)

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived from: Multiple Sources  
Declassify on: April 17, 2032~~

~~SECRET~~

Hofmann-IOB-3349

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.

Sincerely,

Julie F. Thomas  
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzalez  
Attorney General  
U.S. Department of Justice  
Room 5111
- 1 - Mr. Matt Olsen  
Deputy Assistant Attorney General  
U.S. Department of Justice  
Room 2200C
- 1 - Ms. Peggy Skelly-Nolan  
Acting Counsel  
Office of Intelligence Policy and Review  
U.S. Department of Justice  
Room 6150

~~SECRET~~

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

3

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

3 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-989 through Hofmann-IOB-991**

\_\_\_\_\_ Page(s) withheld for the following reason(s)

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3351 through Hofmann-IOB-3353**

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

3

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Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
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3 Page(s) were not considered for release as they are duplicative of Hofmann-IOB-989 through Hofmann-IOB-992

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

Hofmann-IOB-3354 through Hofmann-IOB-3357

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

4

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Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

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4 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-907 through Hofmann-IOB-910**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3358 through Hofmann-IOB-3361**

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

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\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

4 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-985 through Hofmann-IOB-988**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages : **Hofmann-IOB-3362 through Hofmann-IOB-3365**

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

3

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Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

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\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

3 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-1009 through Hofmann-IOB-1011**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3366 through Hofmann-IOB-3368**

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

3 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_  
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- (b)(4)
- (b)(5)
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- (b)(7)(A)
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- (b)(8)
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- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

3 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-1033 through Hofmann-IOB-1035**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3369 through Hofmann-IOB-3371**

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**FEDERAL BUREAU OF INVESTIGATION  
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Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

**Section 552**

**Section 552a**

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- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

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\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

  2   Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-1036 through Hofmann-IOB-1037**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

⊗ The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3372 through Hofmann-IOB-3374 (two of Hofmann-1037)**

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U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-718." (U)

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

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassify On: 03/14/2032~~

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Hofmann-IOB-3375

~~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. Kenneth L. Wainstein  
Assistant Attorney General  
National Security Division  
U. S. Department of Justice

~~SECRET~~

Hofmann-IOB-3376

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER b2  
[REDACTED] FIELD OFFICE b7E  
IOB MATTER 2007-718

(U) ~~(S)~~ The [REDACTED] Division reported on 02/23/2007 that in a [REDACTED] initiated on [REDACTED] and closed on [REDACTED] a National Security Letter (NSL) was issued for [REDACTED] from [REDACTED] under authority of the Electronic Communications Privacy Act rather than the Right to Financial Privacy Act. The NSL was approved in an EC which also cited the incorrect legal authority and did not articulate the facts supporting its issuance.

b2  
b4  
b7D  
b7E

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

UNCLASSIFIED



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

October 31, 2007

Stephen Friedman, Chairman  
Intelligence Oversight Board  
New Executive Office Building - Room 5020  
725 17th Street, NW  
Washington, DC 20503

Dear Mr. Friedman:

(U) I am writing regarding the status of the FBI's review of the practice of issuing so-called exigent letters and blanket National Security Letters (NSLs). Both Valerie Caproni and I have spoken to [redacted] previously on this issue. In short, the FBI is still examining the legal and operational issues pertaining to many of the telephone numbers relevant to these matters to determine what corrective steps are necessary. Although at this time we cannot provide specifics on the violations found and actions taken to address the situation, I will generally describe these issues. In a future communication, we will formally report all violations discovered during the course of the review.

b6  
b7c

(U) As you are aware, the 9 March 2007 DOJ Inspector General Report discussed in detail the limited but not insignificant practice of issuing so-called exigent letters. These letters cited emergency circumstances but provided no details, yet promised future legal service in the form of an NSL or grand jury subpoena. In many cases, the Inspector General found no emergency situation connected to the letter and no additional legal process was issued.

(U) In a 1 March 2007 electronic communication (EC), the Office of General Counsel (OGC) barred the use of exigent letters. OGC has determined that the use of the exigent letters in these cases, while not illegal, *per se*, is improper. However, under 18 U.S.C. § 2702, a service provider may voluntarily disclose information when the provider believes that an emergency "involving danger of death or serious injury to any person" warrants disclosure of information related to the emergency. The exigent letters discussed in the Inspector General Report and addressed in this letter did not contain a description of the

Hofmann-IOB-3378

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emergency. In addition, for some of these letters, there is no documentation indicating that an emergency existed in relation to the information sought. Accordingly, once the FBI's review is complete, we will report this issue to the Intelligence Oversight Board as it pertains to those exigent letters for which an emergency did not exist pursuant to 18 U.S.C. § 2702.

(U) To correct the lack of documentation regarding these exigent letters, the FBI's Counterterrorism Division issued eleven "blanket NSLs." These blanket NSLs were composed primarily of the telephone numbers contained in exigent letters and were intended to provide the legal service promised in the exigent letters, not to request additional records from the telephone companies.

(U) However, none of these blanket NSLs were accompanied by EC. It is FBI policy that all NSLs be accompanied by an EC. This EC is required to document the basis for the appropriate FBI official's certification that the information sought is relevant to a national security investigation. In addition, the EC has been the means by which information is reported to the National Security Law Branch for Congressional reporting purposes. Although the EC is not a legal requirement and its absence is not per se reportable as a violation to the IOB, its absence for such a large volume of records rises to a violation in that it impacts Congressional reporting and hinders oversight. Accordingly, once the FBI's review is complete, we will report the absence of an EC documenting the issuance of these particular NSLs as a violation to the Intelligence Oversight Board.

(U) In addition to the lack of ECs, some of the blanket NSLs were signed by FBI Headquarters (FBIHQ) officials not authorized to issue NSLs. Section 2709 of the Electronic Communications Privacy Act requires that officials no lower than Deputy Assistant Director (DAD) approve NSLs. Some of these letters were signed by acting DADs or Section Chiefs, neither of which meets the statute's explicit certification requirements. Accordingly, once the FBI's review is complete, we will be reporting this improper approval as a violation to the Intelligence Oversight Board.

(U) Although the FBI's review preliminarily indicates that the vast majority of the numbers for which a blanket NSL was issued were relevant to national security investigations, we have also determined a fraction of the numbers contained in some of the NSLs were relevant to criminal investigations unrelated to national security or had no apparent and documented relevance to national security investigations. As 18 U.S.C. § 2709 explicitly



UNCLASSIFIED

requires that the FBI certify the records sought by an NSL are relevant to a national security investigation, the use of NSLs to obtain information not relevant to a national security investigation is a violation of statute. Accordingly, we will be reporting this improper use of NSL as a violation to the Intelligence Oversight Board.

(U) As a part of FBI's review, we are examining the phone numbers on which exigent letters and blanket NSLs were served to determine what records the FBI may legally retain. If the records were relevant to an FBI investigation at the time an exigent letter was issued, and that investigation remains pending, the FBI will issue corrective NSLs or grand jury subpoenas to provide authority for the retention of the information. In fact, the FBI has already issued such corrective NSLs for a portion of the numbers contained in blanket NSLs. Unlike the blanket NSLs, these corrective NSLs have/will undergo legal review and have been/will be supported by ECs. In addition, if the information obtained was related to an emergency situation at the time of issuance of the exigent letter, the FBI has legal authority to retain the records pursuant to 18 U.S.C. 2702. Where, however, we determine that the FBI has no legal authority under any of the above circumstances to retain records on a given number, those records will be purged from FBI databases.

(U) As we develop more specific information and finalize the results of this review, we will provide more information as to its outcome. As stated above, we will formally report any and all Intelligence Oversight Board violations discovered during the course of the review. If you have any questions about this process, please do not hesitate to contact me at (202) 324-8528.

Sincerely,

Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch  
Federal Bureau of Investigation



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-828." (U)

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

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassify On: 03/13/2017~~

~~SECRET~~ Hofmann-IOB-3381

~~SECRET~~

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

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Hofmann-IOB-3382

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER [redacted] b2  
[redacted] FIELD OFFICE IOB MATTER 2007-828 (U) b7E

(U) ~~(S)~~ By electronic communication dated 03/13/2007, the Federal Bureau of Investigation (FBI) [redacted] Field Office [redacted] indicated that [redacted] had opened [redacted] on a USP. b2 b7E

(U) ~~(S)~~ The [redacted] was initiated by [redacted] on [redacted]. Upon continuation of the investigation, [redacted] executed [redacted] on the target of [redacted]. Consistent with the [redacted] [redacted] was required to obtain SAC approval before conducting the above mentioned [redacted]. However, [redacted] failed to do so. b2 b7E

(U) ~~(S)~~ The error was discovered during the review of the case file. Despite the inadvertent nature of the mistake, the fact remains that [redacted] failed to obtain the necessary approval to carry out [redacted] as required by [redacted]. Thus, the matter is being reported to the IOB. b2 b7E

~~Derived from: G-3  
Declassify on: 03/13/2017~~

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Hofmann-IOB-3383



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-678." (U)

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

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassify On: 04/27/2017~~

~~SECRET~~

Hofmann-IOB-3384

~~SECRET~~

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

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Hofmann-IOB-3385

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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- (b)(7)(D)
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- (k)(4)
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- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

2 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-3335 through Hofmann-IOB-3336**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages : **Hofmann-IOB-3386 (duplicate page Hofmann-3336)**

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U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-641." (U)

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

Enclosure

UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE

Derived From: G-3  
Declassify On: 04/25/2017

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Hofmann-IOB-3387



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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

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

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Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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- (b)(4)
- (b)(5)
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- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

1 Page(s) were not considered for release as they are duplicative of Hofmann-IOB-3340

\_\_\_\_\_ Page(s) withheld for the following reason(s)

The following number(s) is (are) to be used for reference regarding these pages :

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**FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET**

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Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

**Section 552**

**Section 552a**

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Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

2 Page(s) were not considered for release as they are duplicative of Hofmann-IOB-3317 through Hofmann-IOB-3318

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages : Hofmann-IOB-3390 through Hofmann-IOB-3392 (duplicate page of Hofmann-3318)

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U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-639." (U)

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

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassify On: 04/30/2017~~

~~SECRET~~

Hofmann-IOB-3393

~~SECRET~~

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

Sincerely,

Julie F. Thomas  
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales  
Attorney General  
U.S. Department of Justice  
Room 5111
- 1 - Mr. James Baker  
Counsel, Office of Intelligence Policy and Review  
U.S. Department of Justice  
Room 6150
- 1 - Ms. Margaret Skelly-Nolen  
Acting Counsel  
Office of Intelligence Policy and Review  
U.S. Department of Justice  
Room 6150

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Hofmann-IOB-3394

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
[REDACTED] FIELD OFFICE  
IOB MATTER 2007-639 (U)

b2  
b7E

(S) ~~(S)~~ By electronic communication dated 11/06/2006, the Federal Bureau of Investigation (FBI), [REDACTED] Field Office, [REDACTED] indicated that [REDACTED] had opened [REDACTED] on [REDACTED]

b2  
b7E

(U) ~~(S)~~ The [REDACTED] was initiated by [REDACTED] on [REDACTED]. However, SAC approval to open the investigation was not obtained. Consistent with The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, [REDACTED] was required to obtain SAC approval before conducting the above mentioned investigation. However, [REDACTED] inadvertently did not do so.

b2  
b7E

(U) ~~(S)~~ Despite the inadvertent nature of the mistake, the fact remains that [REDACTED] failed to obtain the necessary approval to initiate [REDACTED] as required by [REDACTED] of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG). Thus, the matter is being reported to the IOB.

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b7E

~~Derived from: G-3  
Declassify on: 04/30/2017~~

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Hofmann-IOB-3395

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

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Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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2 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-3347 through Hofmann-IOB-3348**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages : **Hofmann-IOB-3396 through Hofmann-IOB-3398 (duplicate page Hofmann-3348)**

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U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-502." (U)

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

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE.~~

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

~~SECRET~~

Hofmann-IOB-3399



~~SECRET~~

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

Sincerely,

Julie F. Thomas  
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales  
Attorney General  
U.S. Department of Justice  
Room 5111
  
- 1 - Mr. James Baker  
Counsel, Office of Intelligence Policy and Review  
U.S. Department of Justice  
Room 6150

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Hofmann-IOB-3400

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**FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET**

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**Section 552**

**Section 552a**

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\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

1 Page(s) were not considered for release as they are duplicative of Hofmann-IOB-849

\_\_\_\_\_ Page(s) withheld for the following reason(s)

The following number(s) is (are) to be used for reference regarding these pages :

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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3 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-1054 through Hofmann-IOB-1056**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages : **Hofmann-IOB-3402 through Hofmann-IOB-3404**

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**FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET**

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**Section 552**

**Section 552a**

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2 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-3343 through Hofmann-IOB-3344**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages : **Hofmann-IOB-3405 through Hofmann-IOB-3407 (duplicate page Hofmann-3344)**

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

3

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Section 552

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3 Page(s) were not considered for release as they are duplicative of Hofmann-IOB-889 through Hofmann-IOB-891

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

Hofmann-IOB-3408 through Hofmann-IOB-3410

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Section 552

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2 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-3321 through Hofmann-IOB-3322**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :  
**Hofmann-IOB-3411 through Hofmann-IOB-3413 (duplicate page Hofmann-3322)**

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Section 552

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3 Page(s) were not considered for release as they are duplicative of Hofmann-IOB-3378 through Hofmann-IOB-3380

\_\_\_\_\_ Page(s) withheld for the following reason(s)

The following number(s) is (are) to be used for reference regarding these pages :

Hofmann-IOB-3414 through Hofmann-IOB-3416

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FEDERAL BUREAU OF INVESTIGATION  
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Section 552

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3 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-993 through Hofmann-IOB-995**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3417 through Hofmann-IOB-3419**

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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

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2 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-3331 through Hofmann-IOB-3332**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

☒ The following number(s) is (are) to be used for reference regarding these pages :  
**Hofmann-IOB-3420 through Hofmann-IOB-3422 (duplicate page Hofmann-3332)**

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

May 11, 2007  
BY COURIER

Mr. Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory letterhead memorandum (LHM), entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, IOB Matter 2007-552." (U) b2 b7E

This LHM sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, and/or laws, Executive Orders, or Presidential Directives that govern FBI foreign counterintelligence and international terrorism investigations. (U)

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE  
Derived from: G-3  
Declassify on: 25X1~~

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Hofmann-IOB-3423

~~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

Enclosure

- 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

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER  
[REDACTED] DIVISION  
IOB MATTER 2007-552 (U)

b2  
b7E

The Federal Bureau of Investigation ("FBI") has determined that actions taken by FBI's [REDACTED] Division [REDACTED] during [REDACTED] of a United States Person should be reported to the IOB. ~~(S)~~ (U)

b2  
b7E

On [REDACTED] initiated [REDACTED]

(S) [REDACTED] of United States Person [REDACTED]

[REDACTED] Review of the file showed that the [REDACTED] was set to expire on [REDACTED] On [REDACTED] [REDACTED] sought through an EC directed to the [REDACTED] [REDACTED] an extension to the [REDACTED] Without receiving an extension or written notification from [REDACTED] that the [REDACTED] had been extended, the case agent requested and received approval for the issuance of a Right to Financial Privacy Act (RFPA) National Security Letter (NSL). On [REDACTED] the case agent received a letter from the [REDACTED]

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[REDACTED] advising that FBI Headquarters had not granted an extension and that the request for an extension had erroneously gone to [REDACTED] instead of [REDACTED] Investigative activity was conducted after the [REDACTED] expiration in [REDACTED] - an NSL was issued. In view of the above mentioned set of facts, the Special Agent in Charge (SAC) in [REDACTED] has ensured that corrective measures are taken to avoid similar mistakes in the future. With respect to the information obtained through the abovementioned NSL [REDACTED]

The Office of the General Counsel has referred this matter to the FBI's Inspection Division for action deemed appropriate.

(U) ~~(S)~~

Derived From : G-3  
Declassify On: 05/11/2017

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Hofmann-IOB-3425

April 2, 2007

Mr. Stephen Friedman, Chairman  
Intelligence Oversight Board  
New Executive Office Building - Room 50209  
725 17th Street, Northwest  
Washington, DC 20503

Dear Mr. Friedman:

As you know, in March 2007, the Department of Justice, Office of the Inspector General (OIG) issued a report entitled, A Review of the Federal Bureau of Investigation's Use of National Security Letters. In Chapter Six of this report, the OIG identified 22 potential Intelligence Oversight Board (IOB) matters relating to national security letters (NSLs) in its review of a sample of investigative files in four FBI field offices. Enclosed, you will find five (5) summaries of reportable IOB matters. The Office of the General Counsel (OGC) has determined that the other 17 matters are not reportable. As always, the FBI will retain copies of those decisions for your review upon request.

The OIG divided the 22 potential IOB matters into three categories: improper authorization (1), improper requests under the pertinent NSL statutes (11), and unauthorized collections (10).

**Improper authorization:** OGC has determined that the one instance of improper authorization should be reported as an IOB matter. Please see enclosed summary for IOB Matter 2007-733.

Enclosures

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3  
Declassified On: 03/29/2032~~

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Hofmann-IOB-3426

**Improper requests under pertinent NSL statutes:** OGC has determined that four of the instances noted by the OIG should be reported as IOB matters. Please see enclosed summaries for IOB Matters, 2007-720 (issuing an NSL for a [redacted] 2007-718

[redacted]

b2  
b7E

OGC has determined that the other seven instances are not reportable IOB matters. In three instances, the FBI field office issued an NSL requesting a full credit report under the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681v, however, certification language from the Right to Financial Privacy Act (RFPA), 12 U.S.C. 3414(a)(5)(A) was used later in the NSL. All three are international terrorism cases, and therefore, the FBI was lawfully authorized to request and obtain the full credit reports. As the RFPA applies to both international terrorism and countintelligence cases, citing the certification language from that statute had no legal impact. The information provided in response to these NSLs was not sequestered because the FBI had issued lawful NSLs for that information.

In the remaining four instances, the FBI field office issued an NSL requesting a full credit report under FCRA, 15 U.S.C. 1681v, but the accompanying electronic communication (EC) mistakenly included language requesting consumer identifying information, 15 U.S.C. 1681u, instead. The mistake in the EC did not alter the investigation in any way, and this scrivener's error, citing 1681u rather than 1681v, did not violate any law. As these were all international terrorism cases and inasmuch as the NSL seeking a full credit report was authorized by the Special Agent in Charge through his or her signature on the NSL, the FBI field office had the proper legal authority to obtain full credit reports. Accordingly, this information was not sequestered.

b2  
b7E

**Unauthorized collections:** OGC has determined that none of the ten instances noted by the OIG are reportable IOB matters. Six of these instances involved third-party errors in which the [redacted] provided information beyond the scope of what was asked for in the NSL. [redacted]

[redacted]

b2  
b7E

NSL. By letter dated 11/13/2006, the Counsel to the IOB agreed that these third-party errors in the collection of information pursuant to an NSL are not reportable to the IOB.

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In one instance, in an internal EC documenting the results of NSL requests, the FBI field office mistakenly cited an NSL issued on [redacted] as the source of the [redacted] [redacted] in the file when, in fact, that information came from an NSL issued on [redacted]. As both NSLs were lawfully issued, there was no unauthorized collection. The mistake, if any, was a scrivener's error in documenting the source of the information in the file.

b2  
b7E

In another scrivener's error, the accompanying EC contained a [redacted]

b2  
b7E

[redacted] Therefore, there was no unauthorized collection.

One FBI field office served an NSL requesting [redacted] for a particular [redacted] that was associated with the target of an authorized investigation. In response, [redacted] indicated that [redacted] [redacted] When the NSL was sent, the number was relevant to an authorized investigation. The fact that it turned out to be something else does not make this [redacted] (or any error at all).

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Finally, one FBI field office requested [redacted]

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[redacted] Therefore, the NSL was lawfully issued and the results were not an unauthorized collection.

Please find enclosed summaries of the five IOB matters identified by the OIG report that OGC has determined are, indeed, reportable. Hopefully, the brief explanations above will satisfy you that the remainder of the 17 potential IOB matter identified by the OIG report were not, in fact, reportable. As always, however, the FBI has retained copies of the decisions if you wish to review them.

~~SECRET~~

Please don't hesitate to contact me or Associate  
General Counsel [redacted] if you have questions  
about any of these IOB matters.

b6  
b7c

Sincerely

Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch

- 1 - The Honorable Alberto 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





U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

BY COURIER

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

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007-733." (U)

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

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~

Hofmann-IOB-3430

~~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~~

Hofmann-IOB-3431

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER [redacted] b2  
[redacted] FIELD OFFICE b7E  
IOB MATTER 2007-733 (U)

(U) ~~(S)~~ By electronic communication dated February 22, 2007, the Federal Bureau of Investigation (FBI) [redacted] Field Office [redacted] reported that, on [redacted] the FBI submitted a National Security Letter (NSL) seeking [redacted] [redacted] records relating to a certain target to [redacted]. Due to confusion as to when the investigation was to have expired, the NSL was erroneously issued after the expiration date of the case. Clarification of the expiration date came to the attention of FBI [redacted] during an Office of Inspector General (OIG) audit in the [redacted] FBI [redacted] was asked to sequester the provided [redacted] but they responded that the [redacted] provided them with a letter advising that there were no records associated with the NSL request. b2 b4 b7D b7E

(U) ~~(S)~~ By electronic communication dated February 22, 2007, FBI [redacted] reported that, on [redacted] FBI [redacted] submitted two NSLs in an intelligence investigation seeking [redacted] pursuant to a statute specifically made available for terrorism matters only. These NSLs were issued to [redacted]. This mistake was an error on the part of FBI [redacted] who has since sequestered all documents received from these erroneously issued NSLs. b2 b4 b7D b7E

(U) ~~(S)~~ Due to the incorrect actions stated above, FBI [redacted] has taken steps to sequester all documents obtained from these two incidents. The errors were discovered during an OIG audit of the FBI's [redacted] Field Office in the [redacted] [redacted]. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected. The improper collection of this information was a violation of the Attorney General's Guidelines for FBI National Security Investigations. Thus, the matter is being reported to the IOB. b2 b7E

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

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Hofmann-IOB-3432

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**FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET**

  3   Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

**Section 552**

**Section 552a**

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(b)(4)

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(b)(9)

(d)(5)

(j)(1)

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(k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

  3   Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-889 through Hofmann-IOB-891**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3433 through Hofmann-IOB-3435**

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U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D. C. 20535-0001

February 14, 2007

BY COURIER

[Redacted]  
General Counsel  
New Executive Office Building  
Room 5020  
725 - 17th Street, NW  
Washington, DC 20503

COPY

b6  
b7c

Dear [Redacted]

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006-336." (U)

The memorandum sets forth details of investigative activity which the FBI has determined was not 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. It is the opinion of OGC that the collection of information in this matter was lawful. The Office of Intelligence Policy and Review provided a preliminary letter of non-compliance to the Foreign Intelligence Surveillance Court. Despite this fact, it is the opinion of OGC that no report to the IOB is warranted. We are alerting you of these particular circumstances in the event you want to exercise your oversight prerogative and review the case. (U)

Enclosure

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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

~~SECRET~~ Hofmann-IOB-3436

~~SECRET~~

Ms. Darlene Connelly

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*  
Julie F. Thomas  
Deputy General Counsel

~~SECRET~~ Hofmann-IOB-3437

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER b2  
[redacted] FIELD OFFICE b7E  
IOB MATTER 2007-336(U)

(S) (S) The Federal Bureau of Investigation ("FBI") has  
determined that in conducting [redacted] of [redacted]  
[redacted] and while conducting [redacted]

[redacted] It is b1  
the opinion of OGC that the collection of information in this b2  
matter was lawful. The Office of Intelligence Policy and Review b6  
(OIPR) provided a preliminary letter of non-compliance to [redacted] b7C  
[redacted] b7E

Despite this  
fact, it is the opinion of OGC that no report to the IOB is  
warranted. In this regard, on [redacted] Field Office (S)

(S) [redacted] initiated [redacted]  
[redacted]. The [redacted] (S)  
converted into [redacted] on [redacted] is a (S)  
U.S. person born in [redacted] The investigation on [redacted] was  
predicated on FBI's belief that [redacted] (S)

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

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

(S) (S) The FBI now believes that [redacted] b1  
[redacted] b2  
[redacted] b6  
[redacted] b7C  
[redacted] b7E

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(S)

(S)

(S)

(S)

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constitute a violation of the guidelines or regulations approved by the Attorney General. It is our opinion that in this instance there was no violation of the target's rights or of the guidelines or regulations approved by the Attorney General. But we also believe that because this matter has been brought to the attention of the [redacted] as a possible incident of non-compliance we needed to bring it to your attention. The Office of General Counsel filed memoranda with the Office of Intelligence and Policy Review on [redacted] stating the opinion set forth above.

- 2 -

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Hofmann-IOB-3439



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FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

7 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

(j)(1)

(k)(1)

(k)(2)

(k)(3)

(k)(4)

(k)(5)

(k)(6)

(k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

7 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-1066 through Hofmann-IOB-1072**

\_\_\_\_\_ Page(s) withheld for the following reason(s):\_

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3440 through Hofmann-IOB-3446**

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

July 27, 2007

[Redacted] General Counsel  
Intelligence Oversight Board  
New Executive Office Building - Room 5020  
725 17th Street, NW  
Washington, DC 20503

b6  
b7C

Dear [Redacted]

(U) I am writing to confirm information provided to you orally on July 23, 2007 concerning a potential IOB regarding the unauthorized dissemination of classified information.

(U) [Redacted]  
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[Redacted]  
b2  
b7E

~~Classified by: Julie F. Thomas, DGC, NSLB  
Reason: 1.4(C)  
Declassify on: 27 July 2032~~

~~SECRET~~

Hofmann-IOB-3447

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[Redacted]

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(U)

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[Redacted]

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(U)

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[Redacted]

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[Redacted]

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[Redacted]

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[Redacted]

(U) As indicated in [Redacted] and [Redacted] the FBI notified the National

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~~SECRET~~

Hofmann-IOB-3448

~~SECRET~~

Security Division, Department of Justice of the incident. The FBI did not notify congressional oversight committees as the ODNI indicated it would brief regarding the disclosure of this information.

(U) I personally advised the Chief Division Counsel,  Division to report this matter as a potential IOB in accordance with internal FBI procedures. As you are aware, this report of a potential IOB will be made both to the Internal Investigations Section of the FBI's Inspection Division and the Office of General Counsel, NSLB. b2  
b7E

(U) If I can be of further assistance, please do not hesitate to contact me at 202-324-8528:

Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch

~~SECRET~~

Hofmann-IOB-3449

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**FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET**

3 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

**Section 552**

**Section 552a**

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
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- (d)(5)
- (j)(1)
- (k)(1)
- (k)(2)
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- (k)(4)
- (k)(5)
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- (k)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another government agency (OGA). These documents were referred to that agency(ies) for review and you will be advised by the FBI as to the releasability of this information.

\_\_\_\_\_ Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

3 Page(s) were not considered for release as they are duplicative of **Hofmann-IOB-3378 through Hofmann-IOB-3380**

\_\_\_\_\_ Page(s) withheld for the following reason(s)

The following number(s) is (are) to be used for reference regarding these pages :

**Hofmann-IOB-3450 through Hofmann-IOB-3352**

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~~SECRET~~

December 27, 2007

Homer S. Pointer, Counsel  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Mr. Pointer:

(U) As the result of several National Security reviews conducted jointly by the Federal Bureau of Investigation (FBI) and the National Security Division, it has come to my attention that, contrary to the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIQ), in some cases, certain field offices of the FBI have attempted to extend [redacted] beyond the initial six-month period without the proper authority. I am writing to clarify the policy of the FBI, Office of the General Counsel (OGC), with respect to adjudicating this issue when reported as a potential IOB matter.

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(U) As you are aware, section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. FBI OGC interprets this language to mandate the reporting of any violation of a provision of the NSIQ if such provision was designed to ensure the protection of individual rights.<sup>1</sup>

<sup>1</sup> (U) This interpretation of the reporting requirements was furnished to the FBI by the PIOB during a meeting on June 18, 1982. William H. Webster, then Director of the FBI, concurred with this interpretation and confirmed the immediate implementation of reporting procedures in adherence to this interpretation in a letter, dated July 14, 1982, to Dr. W. Glenn

(continued...)

Dep. Dir. \_\_\_\_\_  
Chief of Staff \_\_\_\_\_  
Dir. of Gen. Inv. \_\_\_\_\_  
Gen. Counsel \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Admin. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
CJIS \_\_\_\_\_  
Finance \_\_\_\_\_  
Info. Res. \_\_\_\_\_  
Lab. \_\_\_\_\_  
National Sec. \_\_\_\_\_  
OPR \_\_\_\_\_  
Off. of Public & Cong. Affs. \_\_\_\_\_  
Training \_\_\_\_\_  
Off. of EEOA \_\_\_\_\_  
Director's Office \_\_\_\_\_

~~SECRET~~

Hofmann-IOB-3453

MAIL ROOM □

333-HQ-A1487720-433

FBI/DOJ

~~SECRET~~

(U) ~~(S)~~ The NSIG require that [redacted] be completed within six months of the date of initiation. NSIG, [redacted] In [redacted] initiated by a field office, the Special Agent in Charge (SAC) or, as authorized by the SAC, an Assistant Special Agent in Charge (ASAC) responsible for the investigation, may authorize an extension for an additional six-month period "if warranted by facts or information obtained in the course of the investigation." NSIG, [redacted]

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(U) ~~(S)~~ While the NSIG require that an SAC or, if delegated, an ASAC, extend [redacted] beyond the initial six-month period, several field offices mistakenly believed that the authority to extend the investigation could be further delegated to the Supervisory Special Agent (SSA) level. Based upon this misinterpretation, SSAs in several FBI field offices, including [redacted] attempted to extend [redacted] beyond the initial six-month period.

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(U) ~~(S)~~ By email dated May 1, 2007, OGC advised [redacted]  
[redacted]  
Moreover, OGC advised [redacted]  
[redacted]

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(U) ~~(S)~~ Once OGC received a report of a potential IOB matter relating to this issue, [redacted]

[redacted]

(U)

(...continued)

Campbell, Chairman of the PIOB. This interpretation was confirmed by Mary C. Lawton, Counsel for Intelligence Policy, Office of Intelligence Policy and Review, Department of Justice, by letter dated April 8, 1983.

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Hofmann-IOB-3454

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~~SECRET~~

[Redacted]

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[Redacted]

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(U)

[Redacted]

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~~SECRET~~

[redacted] I  
have discussed this rationale with Ms. Margaret Skelly-Nolen in  
the context of National Security reviews conducted jointly by  
OIPR and NSLB. [redacted]

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[redacted]  
(U) Please do not hesitate to contact me or Associate  
General Counsel [redacted] if you have any  
questions regarding these IOB matters. b6  
b7C

Sincerely,

Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch

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

~~SECRET~~

Hofmann-IOB-3456

4



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

January 8, 2008

Mr. Homer S. Pointer  
General Counsel  
Intelligence Oversight Board  
New Executive Office Building, Room 5020  
725 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20503

Dear Mr. Pointer:

This letter confirms my original oral report to you on

[REDACTED]

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Division. I am currently reviewing this as a potential violation of Executive Order 12958 and 50 U.S.C. § 1806.

[REDACTED] indicates that [REDACTED] the [REDACTED] Division issued a national security letter to [REDACTED] in order to obtain both the [REDACTED] and [REDACTED] belonging to a subject of a national security investigation. On [REDACTED] responded to the request, and delivered voluminous printouts of responsive documents, [REDACTED]

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[REDACTED]

[REDACTED] FBI agents contacted the [REDACTED] to whom the NSL was addressed, and

[REDACTED]

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b7D  
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Our office has received the potential IOB error from the [redacted] Division, and we are currently in the process of adjudicating the potential error. If you have any questions, please do not hesitate to contact me at (202) 324-8528.

b2  
b7E

Sincerely,

[redacted]

b6  
b7C

Willie F. Thomas  
Deputy General Counsel  
National Security Law Branch



U.S. Department of Justice

~~SECRET~~ Federal Bureau of Investigation

DECLASSIFIED BY 65179DMH/PLJ/CC  
ON 07-07-2010

Office of the General Counsel

Washington, D.C. 20535

October 31, 2007

BY COURIER

Stephen Friedman, Chairman  
Intelligence Oversight Board  
Room 5020  
New Executive Office Building  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Mr. Friedman:

Pursuant to Executive Order 12863 and your updated procedures dated April 17, 2007, the Office of the General Counsel, Federal Bureau of Investigation (FBI), submits the enclosed reports of violations to the Intelligence Oversight Board (IOB) for the period of July 2007 through September 2007.

In March 2007, the United States Department of Justice, Office of the Inspector General, released a comprehensive report reviewing the FBI's use of National Security Letters. Following the Inspector General's report, the FBI conducted a 10 percent audit of all national security cases. As a result of this audit, the FBI's Office of the General Counsel received approximately 1470 reports from the field offices regarding potential IOB matters.

In addition to auditing 10 percent of national security cases, the FBI conducted an audit of all counterintelligence investigations since January 1, 2002 where the FBI issued National Security Letters. The purpose of the audit was to determine whether [redacted] were improperly requested or received pursuant to the [redacted]

b2  
b7E

[redacted] As a result of this audit, the FBI's Office of the General Counsel received approximately 270 reports from the field offices regarding potential IOB matters.

~~UNCLASSIFIED WHEN DETACHED  
FROM CLASSIFIED ENCLOSURES  
Derived From: G-3  
Declassified On: 10/31/2032~~

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~~SECRET~~

Finally, during this time, the FBI's Office of the General Counsel received reports of potential IOB matters that were not generated as a result of either of the two audits mentioned above. Rather, they were reported to the Office of the General Counsel under the regular reporting requirements.

Currently, the FBI's Office of the General Counsel has adjudicated approximately 50 percent of the potential IOB matters that it has received since April 2007. Based upon the Office of the General Counsel's review of these potential IOB matters, and applying the reporting requirements established by the IOB, it was determined that 141 matters are reportable to the IOB. Of these, 102 pertain to United States persons and 39 pertain to non-United States persons. The remaining potential IOB matters are being carefully reviewed by the Office of the General Counsel to determine whether they meet the IOB's reporting standards.

Please do not hesitate to contact me or Associate General Counsel [redacted] if you have any questions regarding these IOB matters.

b6  
b7c

Sincerely,

[redacted]

b6  
b7c

Julie F. Thomas  
Deputy General Counsel  
National Security Law Branch

- 1 - The Honorable Peter D. Keisler  
Acting Attorney General  
United States Department of Justice  
Room 5111
  
- 1 - Mr. Matt Olsen  
Deputy Assistant Attorney General  
National Security Division  
United States Department of Justice  
Room 2200 C

~~SECRET~~

Hofmann-IOB-3460