

~~SECRET~~

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

642

Precedence: ROUTINE

Date: 05/12/2004

To: Inspection

Attn: Inspection Management Unit
Room 7837

General Counsel

Attn: National Security Law Unit

From

[Redacted]

Contact: SA [Redacted]

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approved By:

[Redacted]

DATE: 06-09-2007
CLASSIFIED BY 65179 dmh/kar/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-09-2032

Drafted By:

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

Title: b1 J) SSA [Redacted]
b6 SA [Redacted]
b7C [Redacted] DIVISION;
b2 IOB
b7E

Synopsis: (U) This communication reports a potential Intelligence Oversight Board matter.

b4
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~~(S)~~ Derived From : G-3
~~(S)~~ Declassify On: X1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Enclosure(s): ~~(S)~~ Original electronic communication [Redacted] dated 4/30/2004 with information [Redacted] attached.

~~(U)~~ Details: ~~(S)~~ The purpose of this electronic communication is to report a potential IOB matter involving a National Security letter requested by SA [Redacted], FBI [Redacted] as well as to satisfy the requirements set forth by the 3/8/2004 electronic communication regarding the revised procedures for the submission of potential intelligence oversight board reports.

b1 (S) [Redacted]
b2 [Redacted]
b7E [Redacted]

Case ID : 278-HQ-C1229736-VIO

Serial : 464

(S) [Redacted]
278- [Redacted] C138372

b1
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NSL VIO-19

5/10/05

(S) [redacted] NSL VIO-20
[redacted]

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(U) ~~(S)~~ 3. Identification of the subject's status as a United States person or non-U.S. person: NONUSPER

(U) ~~(S)~~ 4. Legal authority: Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code, Section 2709 (as amended, October 26, 2001).

(S) 5. Statement of error: On 03/09/2004, a National Security Letter (NSL) electronic communication request was submitted by SA [redacted] FBI-[redacted]. The request was addressed to [redacted]

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[redacted] The NSL requested [redacted] billing records for the phone number [redacted]. Due to a typographical error, the telephone number on the accompanying National Security Letter was erroneously typed [redacted]

(S) The 04/30/2004 the enclosed electronic communication [redacted] with along with the information from [redacted] was mailed [redacted]

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(U) ~~(S)~~ On 05/06/2004, the envelope was opened and the error was discovered.

(S) A CD sent by [redacted] has been enclosed in a 1A envelope to the file.

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---- Working Copy ----
NSL VIO-21

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled Intelligence Oversight Board (IOB) Matter, [redacted] Division, IOB Matter 2004 [redacted] (U)

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b7E

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

Enclosure

- 1 - AD Szady
- 1 - DGC Thomas
- 1 - UC [redacted]
- 1 - 278-HQ-C1229736-VIO-

b6
b7C

DATE: 06-09-2007
CLASSIFIED BY 65179 amh/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-09-2032

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~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. Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2004-[REDACTED] (U)

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b7E

(S) [REDACTED] Division [REDACTED] of the Federal Bureau of Investigation ("FBI") has reported that it issued a National Security Letter (NSL) for records [REDACTED] telephone number [REDACTED]. The FBI served that NSL [REDACTED] and received the results of the NSL [REDACTED].

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Due to a typographical error, the NSL was issued for [REDACTED]

NSL VIO-23

(U) telephone records of a telephone that is neither relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, nor that is related to the subject of a national security investigation.

(U) ~~(S)~~ Issuance of this NSL was not authorized by law, since 18 U.S.C. 2709 only authorizes the FBI to seek relevant records from a wire or electronic communication service provider when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." In addition issuance of this NSL was not authorized by the Attorney General's Guidelines [redacted]

[redacted]

b1

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

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

~~SECRET~~ NSL VIO-24

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/21/2005

To: [Redacted]

Attn: ASAC - CI
Squad [Redacted]
SSA [Redacted]
SA [Redacted]

b2 Counterintelligence

b7E

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b7C

Inspection

Attn: CD-1
Attn: Inspection Division

From: General Counsel

National Security Law Branch/CILU/ HQ room 7975

Contact: UC [Redacted]

Approved By: Thomas Julie F

Drafted By: [Redacted]

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

(S) [Redacted] (Pending)

(U) **Title:** ~~(S)~~ SSA [Redacted]
SA [Redacted]
[Redacted] Division
IOB 2004 [Redacted]

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

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: 02/21/2030~~

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

DATE: 06-15-2007
CLASSIFIED BY 65179 dmh/ksr/prs
REASON: 1.4 (c/d)
DECLASSIFY ON: 06-15-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2
b7E To: [redacted] From: General Counsel NSL VIO-25
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2005

(U)

~~(S)~~ Details: By electronic communication (EC) dated May 12, 2004 (cited below),¹ the [redacted] Division reported a potential IOB involving a National Security Letter (NSL) requested by [redacted] which, through typographical error, sought information about [redacted] telephone number belonging to a person who was not the subject of an FBI national security investigation.

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(S)

[redacted]
[redacted]
[redacted] case agent SA [redacted] requested an NSL for [redacted] telephone, [redacted]

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[redacted] Due to a typographical error, the NSL, which was prepared at the [redacted] Division and signed by the Special Agent in Charge, sought records for cellular telephone number [redacted] By EC dated [redacted]

[redacted] That EC listed the subject's [redacted] telephone number correctly, but [redacted] NSL contained the incorrectly typed [redacted] telephone number.⁵

[redacted] received the results of the NSL request [redacted]
[redacted]

¹ (U) See EC from the [redacted] Division to the Inspection Division and General Counsel, dated May 12, 2004, Case ID# 278-HQ-C1229736-VIO Serial 464, titled "SSA [redacted] SA [redacted] Division; IOB" hereinafter cited as [redacted] EC."

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² (U) See [redacted] EC.

³ (U) See [redacted] EC. It is unclear from the information submitted whether this typographical error was contained in the case agent's request for the NSL, or if it was first made in the preparation of the NSL itself. Since it was the case agent's duty to review the NSL for accuracy prior to his sending the NSL [redacted] this fact is of no consequence to this opinion.

⁴ (S) [redacted]

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⁵ (U) Id.

b2
b7E To: [redacted] From: General Counsel NSL VIO-26
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2005

(S) [redacted] The results of the NSL include [redacted]
[redacted]
b1 [redacted] records associated [redacted] telephone service of a
b2 person who is not the subject of an FBI national security
b7E investigation. Upon receipt of the results of the NSL, [redacted]
[redacted] discovered the error.⁷

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

(U) Section 2.4 of E.O. 12863, dated 09/13/1993,
mandates that Inspectors General and General Counsel of the
Intelligence Community components (in the FBI, the Assistant
Director, Inspection Division, and the General Counsel, OGC,
respectively) report to the IOB all information "concerning
intelligence activities that they have reason to believe may
be unlawful or contrary to Executive order or Presidential
directive." This has been interpreted to include violations of
the Attorney General's Guidelines for FBI National Security
Investigations and Foreign Intelligence Collection ("Attorney
General's Guidelines"), the implementation of which is mandated
by Executive Order 12333.

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

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b7C Here, issuance of an NSL which requested records for telephone
(U) number [redacted] was neither authorized by law, nor was it
authorized by the Attorney General's Guidelines, since that
telephone number is not relevant to a counterintelligence
investigation.

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b7E
6 (s) [redacted]
[redacted]
(U) Ser [redacted] 50

~~SECRET~~

b2
b7E (U) To: [redacted] From: General Counsel NSL VIO-27
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2005

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

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2005

(U)

NSL VIO-28

b2 LEAD(s):

b7E

Set Lead 1: (Info)

[redacted]

(U) Read and clear.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

◆◆

~~SECRET~~

Precedence: ROUTINE

Date: 02/21/2005

To: [Redacted]

Attn: ASAC - CT

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b7E

b6

b7C

Counterintelligence

Attn: CD-1

Inspection

Attn: Inspection Division

From: General Counsel

National Security Law Branch/CILU/ HO room 7975

Contact: UC [Redacted]

Approved By: Thomas Julie F [Redacted]

Drafted By: [Redacted]

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

b1 (S) [Redacted] (Pending)

b6

Tit: b7C (S)

SSA [Redacted]

b2

SA [Redacted]

b7Eb2

[Redacted] Division

IOB 2004 [Redacted]

DATE: 06-09-2007
CLASSIFIED BY 65179 dmh/ksr/pes
REASON: 1.4 (C)
DECLASSIFY ON: 06-09-2032

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

(U)

~~(S)~~

Derived From : G-3
Declassify On: 02/21/2030

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

(U) Details: ~~(S)~~ By electronic communication (EC) dated My 12 2004 (cited below), il' the [Redacted] Division [Redacted]

b2 reported a potential IOB involving a National Security Letter
b7E (NSL) requested by [Redacted] which, through typographical
Error, sought information about a cellular telephone number
belonging to a person who was not the subject of an FBI national
security investigation.

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b7C

(S) [Redacted]

Case ID: 278 HO-C1229736-VIO

Page: 6

[Redacted]

b1 ~~SECRET~~
b2
b7E

[Redacted]

NSL VIO-30

(S) [Redacted]

case agent SA [Redacted] requested an NSL for the subject's telephone [Redacted]

[Redacted] Due to a typographical error, the NSL, which was prepared at [Redacted] Division and signed by the Special Agent in Charge, sought records for [Redacted] telephone number [Redacted]

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[Redacted] That EC listed the subject's telephone number correctly, but the attached NSL contained the incorrectly typed [Redacted] telephone number [Redacted]

[Redacted] received the results [Redacted]

The results of the NSL [Redacted]

[Redacted] records associated with [Redacted] telephone service of a person who is not the subject of an FBI national security investigation. Upon receipt of the results of the NSL, [Redacted] discovered the error. i7'

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

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This has been interpreted to include violations of the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection ("Attorney General's Guidelines"), the implementation of which is mandated by Executive Order 12333.

(U) (S) [Redacted]

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b7C

(S) here, issuance of [Redacted] which requested records for telephone number [Redacted] is neither authorized by law, nor was it authorized by the Attorney General's Guidelines, since that telephone number is not relevant to a [Redacted] intelligence investigation.

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

****FOOTNOTES****

i1': (U) See EC from the [redacted] Division to the Inspection Division and General Counsel, dated May 12, 2004, Case ID# 278-HQ-C1229736-VIO Serial

[redacted] titled "SSA [redacted] SA [redacted] [redacted] Division; IOB" hereinafter cited as "[redacted] EC."

b6 i2': (U) [redacted] EC.

b7C i3': (U) See [redacted] EC. It is unclear from the b2 information

b7E submitted whether this typographical error was contained in the case agent's request for the NSL, or if it was first made in the preparation of the NSL itself. Since it was the case agent's duty to review the NSL for accuracy prior to his sending the NSL [redacted] for service, this fact is of no consequence to this opinion.

i4': (S) [redacted]

b1 [redacted]
b6 [redacted]

i5': (U) Id.

b7C [redacted]
b2 [redacted]
b7E [redacted]

i6': (S) [redacted]

i7': (U) [redacted] EC.

LEAD(s) :

Set Lead 1: (Info)

b2 [redacted]
b7E [redacted]

(U) Read and clear.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

~~SECRET~~

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

Page 4

NSL VIO-32

(U) For review and action deemed appropriate.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

~~SECRET~~

~~SECRET~~

NSL VIO-33

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/22/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPH, Room 11102

Contact: CRS [redacted]

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b7C
b2

Approved By: [redacted]

b6
b7C

Drafted By: [redacted]

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

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 642

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

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

b1
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b7E

Reference: (S) [redacted]
278-HQ-C1229736-VIO Serial 464
OGC # 2004 [redacted]

b2
b7E

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division, dated 5/12/2004, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆

DATE: 06-09-2007
CLASSIFIED BY: 65179 dmh/kar/pes
REASON: 1.4 (c)
DECLASSIFY ON: 06-09-2032

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WHERE SHOWN OTHERWISE

~~SECRET~~



U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

DATE: July 17, 2006

TO: Charlene B. Thornton
Assistant Director
Inspection Division
Federal Bureau of Investigation

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

SUBJECT: OIG Complaint No. 2006004289
Subject: Unidentified
FBI No. 263-0-U-224

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-11-2007 BY 65179 dmh/ksr/pls

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

IMPORTANT NOTICE

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

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

Attachment

Received By [redacted] Date Received: ^{NSL VIO-35} 08/08/2005 How Received: A

SUBJECT: [redacted] SSNO: [redacted]
 Title: SA Pay Plan: [redacted] D.O.B.: [redacted]
 Component: FBI EOD Date: [redacted] Alien No.: [redacted]
 Misc: F.B.I.No.: [redacted]
 Home: B.O.P.No.: b2
 Phone: [redacted] ZIP: [redacted] D/L No.: b6
 Work: [redacted] ZIP: [redacted] Charges: 689 b7C
 Phone: [redacted] ZIP: [redacted]

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

Details:
 The FBI provided information reporting a possible IOB matter involving the collection of unauthorized information interception of unauthorized communications. As a consequence of a typographical error, the FBI unintentionally obtained unauthorized information.

ALLEGATIONS: 689 IOB Violation
 Occurrence Date: 03/09/2004 b2 TIME:
 CITY: [redacted] b7E State [redacted] Zip:

DISPOSITION DATA: Disposition: M Date: 08/08/2005 Approval: POWELL, GLENN G
 Referred to Agency: FBI Date Sent: 07/14/2006 Component: FBI
 Patriot Act: N Civil Rights: N Component Number: 263-0-U-224
 Sensitive: N Whistleblower: Consolidated Case Number:

Remarks:
 07/17/06- Sent to AD Thornton, FBI/INSD. Predicating material will be maintained within the OIG/INV in a secure container.

ALL FBI INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 06-12-2007 BY 65179 dmh/ksl/pks

U.S. Department of Justice

Classified Document Receipt

When filling out this form, please press firmly with ballpoint pen.

ACCOUNTABILITY

FROM: (Name) [Redacted] (Organization and Address) DOJ/OIG/HQ/INV
 TO: (Name) [Redacted] (Organization and Address) FBI/INSD
 SIGNATURE: (of Recipient) & DATE: _____
 If sent outside DOJ, Return this copy to: _____

DOCUMENT IDENTITY

SUBJECT & DESCRIPTION: OIG Complaint Nos. 2006004279-M, 2006004112-M, 2006004249-M, 2006004264-M, 2006004272-M, 2006004275-M, 2006004281-M, 2006004285-M, 2006004301-M, 2006004289-M, 2006004286-M, 2006004306-M, 2006004527-M, 2006004111M

Date of Document: July 17, 2006 No. of pages: _____

Copy _____ of _____ b6 Copies.

Classification of Document (Check Appropriate Box(es) Below): b7C

TS S CONF SCI Q OTHER

INTERNAL DOJ ROUTING

NAME OF RECIPIENT (Print Name)	ORGANIZATION & DATE REC'D.
1. [Redacted]	<u>INSD/FBI 07/18/06</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

INSTRUCTIONS ON BACK OF LAST PAGE

FORM DOJ-34 JUN. 81

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 65179 dmh/KSL/SLS

#923

~~SECRET~~

NSL VIO-37

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 07/15/2004

Date: 07/06/2004

To: General Counsel

Attn: National Security Law Branch

Counterintelligence

Attn: CD-2C, Room 4066
SSA [redacted]

[redacted]

Attn: A/Chief Division Counsel
SA [redacted]

From:

[redacted]

Contact: SA [redacted]

b2
b7E
b6
b7C

Approved By:

[redacted]

Drafted By:

[redacted]

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending) ⁵³⁵

(S) [redacted] (Pending) b1

Title: ~~(S)~~ SSA [redacted]

b6 b2 b7E

SA [redacted] b7C

[redacted] DIVISION
IOB

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(U) **Synopsis:** ~~(S)~~ To report a possible Intelligence Oversight Board (IOB) matter.

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

(S) ~~(U)~~

[redacted]

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(U) **Reference:** ~~(S)~~ (a) 66F-HQ-A1247863 Serial 149

(S)

[redacted]

~~SECRET~~

DATE: 06-11-2007
CLASSIFIED BY: 65179 dmh/ksr/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-11-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

2003-0-0-111

b2

2004

[redacted]

1 09/01/05

b2 To: From: [redacted]
b7E Re: 278-HQ-C1229736-VIO, 07/06/2004 NSL VIO-38

b1 (U) [redacted]
b2 (c) [redacted]

b7E **Details:** ~~(S)~~ In accordance with the instructions outlined in reference (a), information on the following possible IOB matter is forwarded to FBIHQ.

CASE BACKGROUND (U)

b1 (S) [redacted]
b2 [redacted]
b7E [redacted]

[redacted]

b1 (S) [redacted]
b6 [redacted]

b7C [redacted]
b2 [redacted]
b7E [redacted]

(S) [redacted]

b1 [redacted]
b6 [redacted]
b7C [redacted]
b2 [redacted]
b7E [redacted]

(U) ~~POSSIBLE IOB VIOLATION BACKGROUND (S)~~

(S) [redacted] writer was informed by [redacted] that

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~~SECRET~~

b2 To: From: [redacted]
b7E Re: 278-HQ-C1229736-VIO, 07/06/2004 NSL VIO-39

(S) the results of a National Security Letter (NSL) served [redacted]
[redacted] included [redacted] records for an unrelated
party, [redacted]

b1 [redacted] See
b7D [redacted]
b2 reference (b). Further investigation determined that these
b7E records were unintentionally and erroneously requested due to a
b6 typographic error in the original NSL. See reference (c). The
b7C number that should have been requested was [redacted]

b4 (U) ~~(S)~~ On 07/06/2004, writer consulted with [redacted]
[redacted] Writer was
b2 informed by the A/CDC that the material received constituted an
b7E IOB violation and should be reported. Under separate Electronic
Communication (EC), writer forwarded said material to CD-2C for
sequestration [redacted]

~~SECRET~~

~~SECRET~~

b2 To: From: [redacted]
b7E Re: 278-HQ-C1229736-VIO, 07/06/2004 NSL VIO-40

LEAD (s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Division 9, General Counsel, National Security Law Branch, is requested to take whatever action is necessary to record the incident with Intelligence Oversight Board.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For CD-2C, read and clear.

Set Lead 3: (Info)

[redacted]

b2
b7E

(U) For [redacted] read and clear.

◆◆

~~SECRET~~

~~SECRET~~

NSL VIO-41

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/03/2005

To: Director's Office
Counterintelligence

Attn: OPR
Attn: AD
Attn: SAC/CI
CDC

From: General Counsel
Counterintelligence Law Unit/Room 7947

Contact: [Redacted]

b6
b7C

Approved By: Thomas Julie F

Drafted By: [Redacted]

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

Tit: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
b2
b7E IOB 2004-[Redacted]

please handle & cover lead in HQ.
[Signature]

(U) ~~(S)~~ Synopsis: The Office of the General Counsel (OGC) considers that this matter must be reported to the Intelligence Oversight Board (IOB) and to the Office of Professional Responsibility (OPR). A summary of the facts and an analysis of the situation follows.

Details: (S) [Redacted]

[Redacted] a National Security Letter (NSL) was
[Redacted] On 04/28/04 [Redacted]
provided the requested records to the FBI. The telephone number
to be targeted should have been [Redacted] However, due to a
typographical error in the NSL, the number actually requested was
[Redacted]
[Redacted] realized that the results of the
information provided in response to the NSL included the phone
billing records of [Redacted]

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

b6
b7C

OIG/DOJ Review [Redacted] DATE: 8/1/05
FBI INVEST.: [Redacted] OIG/DOJ INVEST.:
OPR UC INITIALS: [Redacted]

~~SECRET~~

To: Director's Office From: General Counsel
Re: (U) 278-HQ-C1229736-VIO, 05/03/2005 NSL VIO-42

(U) ~~(S)~~ On 07/06/04 the inadvertently obtained material was segregated and forwarded to FBIHQ for sequestration. At no time was any further investigative action taken with respect to the information received pertaining to the [redacted]
b1 (S) [redacted] No written summaries of communications were made.

b6 (U) ~~(S)~~ The foregoing information was obtained from ECs
b7C drafted by SA [redacted] on 7/06/04 (see 278-HQ-C1229736, serial 535).

(U) Pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2709, the FBI can issue National Security Letters (NSLs) for: (1) telephone subscriber information (limited to name, address, and length of service); (2) telephone local and long distance toll billing records; and (3) electronic communication transactional records.

(U) ~~(S)~~ Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 [redacted]
b1 (S) [redacted] When the NSL was
b2 drafted, however, a typographical error resulted in the
b7E requesting of information derived from a number belonging to the [redacted]

(U) Section 2.4 of Executive Order 12863 (September 13, 1993, 58 F.R. 48441) requires Inspectors General and General Counsel of the Intelligence Community, including the FBI, to report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language has been interpreted to mandate the reporting of any violation of law or pertinent Attorney General guidelines that are specifically intended to ensure the protection of the individual rights of U.S. persons.

(U) ~~(S)~~ In this case, the inadvertent issuance of an NSL request for [redacted] for a phone number utilized by [redacted] constitutes a reportable violation. Consequently, OGC will prepare a cover letter and memorandum to report this matter to the IOB. That correspondence

~~SECRET~~

~~SECRET~~

To: Director's Office From: General Counsel
Re: (U) 278-HQ-C1229736-VIO, 05/03/2015 NSL VIO-43

will also inform the IOB that this matter will be referred to
FBI's Office of Professional Responsibility.

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Please read and clear.

Set Lead 3: (Action)

b2
b7E



(U) For action deemed appropriate.

CC: Ms. Thomas

b6
b7C



IOB Library

◆◆

~~SECRET~~

NSL VIO-44

May 3, 2005

Mr. James Langdon
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Langdon:

b2 This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB), Matter 2004-" (U)

The enclosure 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 which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

b6 1 - Ms. Thomas
b7C 1 -
1 -
1 - 278-HQ-C1229736-VIO-~~831~~

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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

DECLASSIFIED BY 65179 dmh/kar/pes
ON 06-12-2007

~~SECRET~~

~~SECRET~~ NSL VIO-45

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)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

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

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

~~SECRET 2~~

~~SECRET~~ NSL VIO-46

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER 2004-
b7E DIVISION
FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS (FBIHQ) (U)

(S) Investigation of this IOB matter has revealed that pursuant to a National Security Letter (NSL) served [redacted] provided telephone billing records to the FBI. The telephone number to be targeted should have been [redacted]. However, due to a typographical error in the NSL, the number actually requested was [redacted]. [redacted] realized that the results of the information provided in response to the NSL included [redacted]. Upon discovery of the error, on 07/06/04 the inadvertently obtained material was segregated and forwarded to FBIHQ for sequestration. At no time was any further investigative action taken with respect to the information received pertaining to [redacted]. No written summaries of communications were made.

b1
b7D
b2
b7E
b4

A copy of this submission to the IOB has been provided to the FBI's Executive Assistant Director for Counterterrorism/Counterintelligence and to the Office of Professional Responsibility for action as deemed appropriate. (U)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

~~SECRET~~

DATE: 06-12-2007
CLASSIFIED BY: 65179 dmh/ksr
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

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

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

NSL VIO-47

Precedence: ROUTINE

Date: 08/02/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted]

Approved By: Fogle Toni Mari

Drafted By: [redacted]

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

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 923
OGC/IOB# 2004-[redacted]

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

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

Reference: (U) ~~(S)~~ 278-HQ-c1229736-vio Serial 535

[redacted]
278-HQ-C1229736-VIO Serial 831

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 7/6/2004, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-12-2007
CLASSIFIED BY 65179 Gmb/kxz/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

~~SECRET~~



U.S. Department of Justice

Office of the Inspector General
NSL VIO-48

Washington, D.C. 20530

DATE: May 9, 2006

TO: Charlene B. Thornton
Assistant Director
Inspection Division
Federal Bureau of Investigation

Glenn G. Powell

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

SUBJECT: OIG Complaint No. 2006004830
Subject: Unidentified
FBI No. 263-0-U-247



We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.



This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.



This complaint will be investigated by the OIG.

IMPORTANT NOTICE

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

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

Attachment

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-12-2007 BY 65179 dmh/ker/puz

Received By: [redacted] Date Received: **NSL VIO 4/19/2005** How Received: A

SUBJECT: Unidentified, FBI SSNO:
 Title: UNID Pay Plan: D.O.B.:
 Component: FBI EOD Date: Alien No.:
 Misc: F.B.I.No.:
 Home: B.O.P.No.:
 Phone: ZIP: D/L No.:
 Work: b2
 Phone: ZIP: b6

COMPLAINANT: [redacted] SSNO: b7C
 Title: UNID Pay Plan: D.O.B.:
 Component: FBI EOD Date: Alien No.:
 Misc: F.B.I.No.:
 Home: B.O.P.No.:
 Phone: ZIP: D/L No.:
 Work: General Counsel
 National Security Affairs, Washington, DC
 Phone: (202)324-[redacted] ZIP:
 Confidential: [redacted] Revealed: Authority: none

ALLEGATIONS: 689 IOB Violation
 Occurrence Date: 04/20/2004 TIME:
 CITY: [redacted] Zip: b2
 b7E

Details:
 The FBI provided information reporting a possible IOB matter involving the interception of unauthorized communications. As a consequence of a typographical error, the FBI unintentionally obtained unauthorized information.

DISPOSITION DATA: Date: 08/01/2005 Disposition: M Approval: POWELL, GLENN G
 Referred to Agency: Component: FBI
 Civil Rights: N Sensitive: N
 Component Number: 263-0-U-247 Consolidated Case Number:

Remarks:
 5/9/06 - Sent to AD Thornton, FBI/INSD. The predicating material will be maintained within
 OIG/INV in a secure container. (yht)

When filling out this form, please press firmly with ballpoint pen.

NSL VIO-50

ACCOUNTABILITY

FROM: (Name)

[Redacted Name]

b6 (Organization and Address)

DOJ/OIG/HQ/INV

TO: (Name)

b7C (Organization and Address)

FBI/INSD

SIGNATURE: (of Recipient) & DATE:

If sent outside DOJ, Return this copy to:

DOCUMENT IDENTITY

SUBJECT & DESCRIPTION:

OIG Complaint No.

2006004862-M, 2006004827-M, 2006004830-M, 2006004833-M, 2006004763-M, 2006004532-M, 2006004908-M, 2006004538-M, 2006004905-M, 2006004814-M, 2006004810-M, 2006004838-M, 2006004845-M

Date of Document: 5/19/06

No. of pages: 28

Copy _____ of _____ Copies.

Classification of Document (Check Appropriate Box(es) Below):

TS S CONF SCI Q OTHER

INTERNAL DISTRIBUTION

b6

b7C

[Redacted Distribution List]

ORGANIZATION & DATE REC'D.

DOJ, 5/22/06

- 2. _____
3. _____
4. _____
5. _____

INSTRUCTIONS ON BACK OF LAST PAGE

FORM DOJ-34 JUN. 81

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-12-2007 BY 65179 dmh/ksr/pls

~~SECRET~~

NSL VIO-51

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 09/01/2004

To: General Counsel

Attn: National Security Law Branch
Room 7975

From: [Redacted]

/Legal Unit

Contact: [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO -573
(U) 278-[Redacted]-C63856-VIO

Title: (U) PRESIDENT'S INTELLIGENCE OVERSIGHT
BOARD (IOB);
POTENTIAL IOB ERROR OR VIOLATION

b1 (S)

b6

b7C

b2
b7E

Synopsis: (U) Report from [Redacted] of potential IOB violation.

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

Reference: (S)
(S)
(S)
b1 (S)
b2 (S)
b7E (S)

(U)

Enclosure(s): ~~(S)~~ Enclosed for OGC/NSLB are copies of the
above-referenced serials, and a copy of the 06/17/2004 Memo from
[Redacted] Division.

b2
b7E

(U) **Details:** ~~(S)~~ This EC reports a potential IOB matter to OGC/NSLB,
as instructed per EC dated 03/08/2004, see 66F-HQ-A1247863 Serial
149. Immediately upon discovering this potential IOB violation

~~SECRET~~

DATE: 06-12-2007
CLASSIFIED BY 65179 dmh/ker/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-12-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Handwritten signature/initials

b2 To: General Counsel From: [redacted]
b7E Re: (U) 278-HQ-C1229736-VIO, 09/01/2004 NSL VIO-52

b6 on 08/19/2004, CDC [redacted] notified Unit Chief [redacted]
b7C OGC/NSLB.

b2 [redacted]
b7E [redacted]
b1 [redacted]
b6 (S) [redacted]
b7C [redacted]
b2 (S) [redacted]
b7E [redacted]

3. Subject's Status: US Person

4. [redacted]

(S) [redacted]
b1 [redacted]
b6 [redacted]
b7C [redacted]

b2 5. Statement of Error Committed: On 08/19/2004, FBI
b7E [redacted] Division, received a Memo [redacted]

b2 [redacted] The Memo indicated
b7E } that the National Security Letter (NSL) which [redacted]
b1 [redacted] required a change in
b7D } verbiage.
b4 [redacted]

Upon reviewing the NSL request [redacted]
[redacted] determined that the Paralegal
Specialist who drafted the request for Case Agent SA [redacted]
[redacted] had inadvertently cited to Title 15, United States Code
(U.S.C.), Section (§) 1681v of the Fair Credit Reporting Act
(FCRA) instead of § 1681u. In accordance with Public Law 107-56
(USA Patriot Act) and FBI policy, the use of § 1681v to obtain
consumer reports is limited to international terrorism (IT)
investigations [redacted]

(S) [redacted]

[redacted] immediately discontinued
further processing of the request [redacted] In the same EC,
(S) [redacted] also had requested [redacted] deliver an NSL to
[redacted] also

b1 based upon § 1681v. Therefore, [redacted] immediately attempted to
b7D } discontinue these leads which inadvertently cited to § 1681v.

b2 Unfortunately, [redacted]
b7E [redacted] provided the results to [redacted]
b4 [redacted]. The results in their
entirety from [redacted] were immediately sealed
and are enclosed [redacted]

(S)

~~SECRET~~

b2 To: General Counsel From: [redacted] NSL VIO-53
b7E Re: (U) 278-HQ-C1229736-VIO, 09/01/2004

After further discussion with SA [redacted] the current Case Agent, it was learned that upon her receipt of the results [redacted] a copy of the results were disseminated to

b2 [redacted]
b7E [redacted]
b6 [redacted]. Contact was immediately made
b7C [redacted] and [redacted] instructed to return all
b4 resulting documentation provided [redacted]
returned this documentation [redacted] advising that he had not utilized this information. This documentation was immediately sealed on 08/20/2004 and is enclosed.

b2 A review of the [redacted] Legal Unit's entire NSL file and
b7E Automated Case Support (ACS) since the enactment of Public Law
b1 107-56 revealed that 15 U.S.C. § 1681v has not been cited in any

[redacted]

(S)

~~SECRET~~

~~SECRET~~

To: General Counsel From:
Re: (U) 278-HQ-C1229736-VIO, 09/01/2004 NSLVIO-54

b2
b7E

LEAD(s) :

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For information of OGC/NSLB and for any further action deemed appropriate by OGC/NSLB.

◆◆

~~SECRET~~

NSL VIO-55

Precedence: PRIORITY

Date: 09/01/2004

To: General Counsel

Attn: National Security Law Branch
Room 7975

From: [redacted]

b2 [redacted] Legal Unit

b7E Contact: [redacted]

b6
b7C Approved By: [redacted]

Drafted By: [redacted]

Case ID #: (U) 278-HQ-C1229736-VIO
(U) 278-[redacted]-C63856-VIO

Title: (U) PRESIDENT'S INTELLIGENCE OVERSIGHT
BOARD (IOB);
POTENTIAL IOB ERROR OR VIOLATION

b1 (S) [redacted]
b6

Sync b7D : (U) Report from [redacted] of potential IOB violation.
b2

(U) b7E ~~(S)~~ Derived From : G-3
Declassify On: X1

Reference: (S) [redacted]

b1 (S) [redacted]
b2 (S)
b7E (S)
(S)

(U) Enclosure(s): ~~(S)~~ Enclosed for OGC/NSLB are copies of the
b2 above-referenced serials, and a copy of the 06/17/2004 Memo from
b7E [redacted] Division.

(U) Details: ~~(S)~~ This EC reports a potential IOB matter to OGC/NSLB,
b2 s instructed per EC dated 03/08/2004, see 66F-HQ-A1247863 Serial
b7E 49. **Immediately upon discovering this potential IOB violation**
b6 n 08/19/2004, CDC [redacted] notified Unit Chief [redacted]
b7C GC/NSLB.

b1 (S) [redacted]

Case ID : 278-HQ-C1229736-VIO
278-[redacted]-63856-VIO

Serial : 573

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2
b7E ~~SECRET~~

DATE: 06-18-2007
CLASSIFIED BY 65179 dah /kxr/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-18-2032

(S) 2. Subject: [redacted] NSL VIO-56

b1
b6
b7C

(S) 3. Subject's Status: US Person

(S) 4. Controlling Legal Authority: [redacted]

[redacted]

b1
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b7C
b2
b7E

(S) 5. Statement of Error Committed: [redacted]

[redacted] that the National Security Letter (NSL) which [redacted] required a change in verbiage.

b1
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Upon reviewing the NSL request [redacted]

(S) [redacted] determined that the Paralegal Specialist who drafted the request for Case Agent SA [redacted] had inadvertently cited to Title 15, United States Code (U.S.C.), Section () 1681v of the Fair Credit Reporting Act (FCRA) instead of 1681u. In accordance with Public Law 107-56 (USA Patriot Act) and FBI policy, the use of 1681v to obtain consumer reports is limited to international terrorism (IT) investigations. However, as indicated previously, the request made by [redacted] immediately discontinued further processing of the request [redacted] in the same EC, [redacted] also had requested that [redacted] also based upon 1681v. Therefore, [redacted] immediately attempted to discontinue these leads which inadvertently cited to 1681v.

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(S) Unfortunately, [redacted] already delivered the NSLs and provided the results [redacted] entirety [redacted] were immediately sealed and are enclosed.

b1
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b7D
b4

(S) After further discussion with SA [redacted] the current Case Agent, it was learned that upon her receipt of the results from [redacted] a copy of the results were disseminated to [redacted] Contact was immediately made with [redacted] was instructed to return all resulting documentation provided [redacted] returned this documentation [redacted] advising that he had not utilized this information. This documentation was immediately sealed on 08/20/2004 and is enclosed.

b1
b6
b7C
b7D
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b7E
b4

A review of the [redacted] Legal Unit's entire NSL file and Automated Case Support (ACS) since the enactment of Public Law

b2
b7E

b1 107-56 revealed that 15 U.S.C. 1681v has not been cited in any

NSL VIQ-57

[REDACTED]

(S)

LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For information of OGC/NSLB and for any further action deemed appropriate by OGC/NSLB.

~~SECRET~~

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

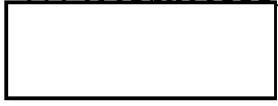
NSL VIO-58

Precedence: ROUTINE

Date: 09/15/2004

To: Director's Office
Counterintelligence

Attn: OPR
Attn: AD
Attn: SAC
Attn: SAC
CDC



b6
b7C

b2 om: Office of the General Counsel
b7E NSLB/CILU/Rm 7975

Contact:

Approved By: Curran John F.

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO (Pending)
b1 (S) Pending)

Title b2 (U) INTELLIGENCE OVERSIGHT BOARD MATTER
b7E IOB*2004

Synopsis: (U) The Office of the General Counsel considers that this matter warrants a report to the Intelligence Oversight Board and to the Office of Professional Responsibility. Our analysis follows.

(U)

(S)

~~(S) Derived From: G- b6 JIG/DOJ Review
Declassify On: X1 b7C FBI INVEST: DATE: 8/1/05
OPR UC INITIALS: J/DOJ INVEST: _____~~

Details: (S)

b1
b6
b7C
b2
b7E

(S)

(S) On 5/21/2004, the SAC authorized the issuance of National Security Letters (NSLs) seeking credit reports from The letters, which cited Title 15, United States Code, Section 1681v (15 USC 1681v), requested "a copy of a consumer report and all other information contained in your files for the below listed consumer i.e., the subject". NSLs included a

b4

b1 ID : 278-HQ-C1229736-VIO Serial : 595

b2

b7E ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 06-18-2007
CLASSIFIED BY: 65179 dmh /ket/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-18-2032

(S)

certification by the SAC, purportedly "in accordance with 15 USC 1681v(b)," that "the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities ietc."

NSL VIO-59

(U)

(S) ~~(S)~~ The letters were duly delivered to two of the three companies, both of which provided the requested credit information.

b4
b7D
b2
b7E

[redacted] was returned unexecuted [redacted] by [redacted] intelligence analyst who noticed that it referred to 15 USC 1681v instead of 15 USC 1681u.

(U) ~~(S)~~ After learning of the error, [redacted] office determined that [redacted] had already been disseminated [redacted]

b2
b7E
b7D

[redacted] were retrieved, sealed, and forwarded to Headquarters together with a report of the incident. (See 278 [redacted]-C1229736-VIO, serial 573.)

(U) The section of law cited in the three NSLs, 15 USC 1681v, was added by the USA Patriot Act, P.L. 107-56. It provides in part that "a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities and analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct of such investigation, activity or analysis." (Emphasis added.)

(U) By way of contrast, 15 USC 1681u is an older statute that applies to both counterintelligence and counterterrorism investigations. In connection with an authorized investigation of such cases, the FBI may use an NSL to obtain the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. If additional information is needed, such as a consumer report, a designated Bureau official is required to seek an ex parte court order directing the consumer reporting agency to furnish the report to the FBI.

(U) To obtain the ex parte order, the FBI must show "that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States."

(U) ~~(S)~~ The Office of the General Counsel issued instructions regarding the differences between 15 USC 1681u and 15 USC 1681v, together with sample forms, in an EC dated 10/1/2003. (See 66F-HQ-A1255972, serial 32.)

(U) [redacted] office cited the ~~NSL VIO-60~~ section of the Fair Credit Reporting Act in three NSLs that requested credit reports of a U.S. person in connection with a counterintelligence investigation. Moreover, the letters included a certification that was misleading although not untrue. (The certification stated, correctly, that the information was needed in connection with an authorized investigation to protect against international terrorism or clandestine intelligence activities. Section 1681v, however, refers only to international terrorism.) Two of the three letters resulted in the production of credit information that would not have been available solely through an NSL if the correct section had been cited.

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(U) In weighing the gravity of this matter, the Office of the General Counsel notes that [redacted] citation of 15 USC 1681v does not appear to have been a deliberate effort to circumvent the requirements of section 1681u. Once apprised of the error, [redacted] immediately took appropriate action to recover and seal the information that it obtained based of the error and to report the matter to Headquarters. The question of intent is relevant because 15 USC 1681u(j) suggests that Congress did not consider disciplinary action by an agency to be warranted unless "the circumstances surrounding the violation raise questions of whether or not an employee of the agency or department acted wilfully or intentionally with respect to the violation. . . ."

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(U) We are also mindful of the fact that the [redacted] office could have obtained exactly the same result (i.e., the subject's credit report) if it had followed the two step process set forth in 15 USC 1681u, namely, an NSL followed by an ex parte application for a court order. The proof required for such an order is minimal and the facts in this case would have justified it.

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(U) Nevertheless, in preserving a distinct provision for obtaining credit information in counterintelligence cases, Congress apparently intended to apply a different standard to this type of case. By using Section 1681v rather than Section 1681u for a counterintelligence case, [redacted] office contravened the intent of Congress, albeit inadvertently. The matter should therefore be referred to the Intelligence Oversight Board and to the Office of Professional Responsibility. OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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(U) The action of Intelligence Analyst [redacted] in detecting this error and calling it to the attention of the [redacted] office is to be commended.

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LEAD(s) :

NSL VIO-61

Set Lead 1: (Action)

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Please read and clear.

Set Lead 3: (Action)



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(U) For action deemed appropriate

Set Lead 4: (Discretionary)



(U) For action deemed appropriate.

NSL VIO-62

~~SECRET~~

BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2004 [redacted]" (U) b2

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)

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

- 1 - Mr. Curran
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB Library
- 1 - 278-HQ-C1229736-VIO

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b7C

~~Derived from: G-3
Declassify on: X25-1~~

DECLASSIFIED BY 65179 dmh /esr/ptg
ON 06-18-2007

~~SECRET~~

~~SECRET~~

-2-

~~SECRET~~

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

Page 2

General Brent Scowcroft (USAF Retired) NSL VIO-63

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,

John F. Curran
Deputy General Counsel

Enclosure

- 1 - The Honorable John D. Ashcroft
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

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2004 (U) b2

~~SECRET~~

NSL VIO-64

(U)

~~(S)~~ Investigation of this IOB matter has determined that the [redacted] Field Office obtained consumer credit reports from two credit reporting companies in connection with an authorized counterintelligence investigation using a National Security Letter (NSL) that referred to Title 15, United States Code, Section 1681v, when in fact that section only permits the use of NSLs to request credit reports for authorized counterterrorism cases. Title 15, United States Code, Section 1681u, allows the FBI to use an NSL to obtain certain information from credit reporting agencies in authorized counterintelligence cases, specifically, the names and addresses of financial institutions at which the subject of the investigation maintains an account. In order for the FBI to obtain a credit report in a counterintelligence case, it must apply for an ex parte court order under the terms of Title 18, United States Code, Section 1681u(c).

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(U)

~~(S)~~ The credit reports that were procured from credit reporting companies by citing 15 U.S.C. 1681v were not properly obtained. Although the error in statutory citation appears to have been inadvertent, and the [redacted] office immediately retrieved and sealed the credit reports once the error was discovered, this matter has been referred to the FBI's Office of Professional Responsibility for such action as may be appropriate.

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~~Derived from: G-3
Declassify on: X25-1~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

NSL VIO-05

Precedence: ROUTINE

Date: 08/02/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted]

Approved By: Fogle Toni Mari

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Drafted By: [redacted]

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

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 939
OGC/IOB# 2004- [redacted]

b2

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

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 573
278-HQ-C1229736-VIO Serial 595

Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 9/1/2004, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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DECLASSIFIED BY 65159 dmh/ksr/prs
ON 06-13-2007

~~SECRET~~



U.S. Department of Justice

Office of the Inspector General
NSL VIO-66

Washington, D.C. 20530

DATE: July 31, 2006

TO: Charlene B. Thornton
Assistant Director
Inspection Division
Federal Bureau of Investigation

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

SUBJECT: OIG Complaint No. 2006005273
Subject: Unidentified

FBI No. 263-0-U-253

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

IMPORTANT NOTICE

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

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

Attachment

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2007 BY 65179 dmh/kst/pls

Received By: [redacted] Date Received: 08/15/2005 How Received: A

NSL VIO-67

SUBJECT: Unidentified, FBI SSNO:
Title: UNID Pay Plan: D.O.B.:
Component: FBI EOD Date: Alien No.:
Misc: F.B.I.No.:
Home: B.O.P.No.:
Phone: ZIP: D/L No.: b2
Work: Charges: 689 b6
Phone: ZIP: b7C

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

Details:

The FBI provided information regarding a possible IOB matter. The FBI [redacted] Office cited the wrong section of the Fair Credit Reporting Act in three National Security Letters (NSL) that requested the credit reports of a U.S. person in connection with a counterintelligence investigation. Moreover, the letters included a certification that was misleading although not untrue. Two of the letters resulted in the production of credit information that would not have been available solely through an NSL if the correct section had been cited. The FBI, Office of General Counsel advised that the FBI [redacted] office did not deliberately use the wrong section.

ALLEGATIONS: 689 IOB Violation

Occurrence Date: 05/21/2004

TIME: [redacted]

CITY: [redacted]

State: [redacted]

Zip:

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DISPOSITION DATA: Disposition: M Date: 08/01/2005 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 07/28/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-253

Sensitive: N Whistleblower: Consolidated Case Number:

Remarks:

Sent to AD Thornton, FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container. (ant)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2007 BY 65179 dmh/k3r/pes

U.S. Department of Justice

Classified Document Receipt

When filling out this form, please press firmly with ballpoint pen.

ACCOUNTABILITY

FROM: (Name)



(Organization and Address)

DOJ/OIG/HQ/INV

TO: (Name)

(Organization and Address)

FBI/INSD

SIGNATURE: (of recipient) & DATE:

If sent outside DOJ, Return this copy to:

DOCUMENT IDENTITY

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SUBJECT & DESCRIPTION: OIG Complaint No. 2006 005360-M, 2006005345-M, 2006005231-M, 2006005273-M, 2006005276-M, 2006005275-M, 2006005285-M, 2006005346-M, 2006005358-M, 2006005322-M, 2006005315-M, 2006005319-M, 2006005326-M, 2006005297-M

Date of Document:

7/31/06

No. of pages:

31

Copy

of

Copies.

Classification of Document (Check Appropriate Box(es) Below):

- TS
- S
- CONF
- SCI
- Q
- OTHER

INTERNAL DOJ ROUTING



ORGANIZATION & DATE REC'D.

INSD/INSD 08/01/06

3.

4.

5.

INSTRUCTIONS ON BACK OF LAST PAGE

FORM DOJ-34
JUN. 81

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-18-2007 BY 65179 dmh/kst/prc

#941

NSL VIO-69

Precedence: IMMEDIATE

Date: 09/24/2004

To: Office of General Counsel Attn: CTLU-1

UC [redacted]

Attn: SAC [redacted]
A/SSA [redacted]
CDD [redacted]
SA [redacted]

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b7C com: Counterterrorism

ITOS I/ CONUS I/ Team 4, Room 4W158

Contact: SSA [redacted]

Approved By: Bald Gary M
Hulon Willie T
Cummings Arthur M

[redacted]

Drafted By: [redacted]

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

(Pending)

b1 (S) [redacted]

b2 title: (S) POTENTIAL IOB VIOLATIONS

b7E b1 (S) [redacted]
b6 (S) [redacted]

DATE: 06-13-2007
CLASSIFIED BY 65179 dmh/ksr/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

Synops: (S) To advise [redacted]
[redacted] of potential Intelligence Oversight Board
(IOB) violations, and [redacted]

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(S) (U) ~~(S)~~ Derived From: (C) SCG G-3 01/97
Declassify On: (C) 4/2029

(S) [redacted]

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Reference: [redacted]

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Case ID : 278-HQ-C1229736-VIO Serial : 580

b1 (S) [redacted]

b2 INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
b7E WHERE SHOWN OTHERWISE

104- [redacted]

b2

Handwritten signature/initials

Administrative: (U) 09/16/2004 e-mail and ~~telecall~~ ^{NSL VIO-70} from SSA

[redacted] ITOS I, CONUS I, to A/SSA [redacted]

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(S) [redacted] Division discussing this matter.

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Details: (S) [redacted]

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[redacted]

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

[redacted] was improperly extended by [redacted] without FBIHQ authorization.

[redacted] investigation [redacted]

[redacted] constituted unauthorized investigation.

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[redacted]

(U) "Unauthorized investigations" comprises a category of IOB Matters which must be reported to the Office of General Counsel (OGC) within fourteen days of discovery. The OGC is thereafter responsible for the review of the reported IOB incident. After a review, OGC will issue a written opinion as to whether the IOB requires notification.

(U) In light of the above, [redacted] is instructed to cease any investigation [redacted] and close this investigation. Analysis of any documentation obtained prior to 05/15/2004 is authorized; however, any outstanding leads or request for documentation set out after 05/15/2004 must be discontinued and the appropriate entities advised of same.

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(U) This administrative oversight is not meant to minimize or discourage [redacted] investigative efforts. [redacted] has the option of requesting ITOS I, CONUS I to authorize [redacted]

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[redacted] if additional leads are needed to resolve it. However, absent extenuating circumstances [redacted]

(U) The AGG requires that [redacted] extensions past one year must be approved by FBIHQ (ITOS I, CONUS I) and the Office of Intelligence and Policy Review (OIPR) advised of same. An extension request must articulate the reason for the request or it will not be approved.

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(U) Should [redacted] determine that all logical investigation re this matter has been conducted and no

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terrorism nexus exist, a closing EC should be submitted which articulates the justification for closing this investigation. ~~NSI VIO 71~~

LEAD(s) :

Set Lead 1: (Action)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) Is requested to review the potential IOB violations noted herein and ascertain if IOB should be notified.

Set Lead 2: (Action)

COUNTERTERRORISM


AT ITOS I/ CONUS I, TEAM 4

(U) Will document that CTLU-1 has been advised within fourteen days of the potential IOB violation noted herein.

Set Lead 3: (Action)



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(U) Will discontinue all investigation re captioned  pursuant to the instructions noted herein and advise ITOS I/ CONUS I, Team 4 via EC.

~~SECRET~~

NSL VIO-72

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/03/2005

To:

Attn: SAC
CDC

Counterterrorism

Attn: ITOS1/CONUS1
SSA

Inspection

Attn: SC Toni Fogle

From: General Counsel
National Security Law Branch/LX Crossing Room 5S200
Contact:

Approved By: Thomas Julie F

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Drafted By:

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

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(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER 2004-

(U) Synopsis: ~~(S)~~ It is the ~~opinion~~ of the Office of the General Counsel (OGC) that this ~~matter must be reported~~ to the Intelligence Oversight Board (IOB) and to the Inspection Division (INSD), FBIHQ. OGC will prepare and deliver the necessary correspondence to the IOB. Our analysis follows.

(U) ~~(S)~~ Derived from : G-3
~~Declassify On: X25-1~~

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 580
278-HQ-C1229736-VIO Serial 106

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

~~SECRET~~

OIG/DOJ Review:
FBI INVEST:
OPR UC INITIALS:

DATE: 8/1/05
DOJ INVEST:

Handwritten signature

DATE: 06-13-2007
CLASSIFIED BY: 65179 dmh/kss/pas
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

~~SECRET~~

To: [redacted] From: General Counsel

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Re: ~~(S)~~ 278-HQ-C1229736-VIO , 02/01/2003 NSL VIO-73

Details: (S) As reported by the Counterterrorism Division in an Electronic Communication (EC) dated 09/24/2004, [redacted]

[redacted]

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(S)

~~(S)~~ [redacted] was improperly extended [redacted] without FBIHQ authorization. [redacted]

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[redacted]

(S)

[redacted]

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(S)

~~(U)~~ Upon it's report of the matter, FBIHQ instructed [redacted] to cease any further investigation into the captioned matter and to close this investigation. FBIHQ further directed [redacted]

[redacted] must be discontinued [redacted]

[redacted]

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

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO , 02/09/2003 ~~NSI/VIO-74~~

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(S)

[redacted]

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(U)

~~(S)~~ Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM) requires OGC to determine whether the facts related above are required to be reported to the IOB. Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." The investigative activity that took place [redacted] was unauthorized and in violation of Section II.C.4 of the NSIG, a regulation approved by the Attorney General in accordance with E.O. 12333. Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error, even if inadvertent, must be reported to the IOB, which this Office will do. b2

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~~SECRET~~

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To: [redacted] From: General Counsel
(U) - - - Re: ~~(S)~~ 278-HQ-C1229736-VIO , 02/03/2003 ~~NSL VIO-75~~

LEAD (s):

Set Lead 1: (Info)

[redacted]

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(U) Read and Clear.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

1 - Ms. Thomas

1 - [redacted]

1 - IOB File

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~~SECRET~~

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NSL VIO-76

March 11, 2005

BY COURIER

Mr. James Langdon
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Mr. Langdon:

Enclosed for your information is a self-explanatory memorandum, entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Field Office, IOB Matter 2004 [redacted] (U)

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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 which govern FBI foreign counterintelligence and international terrorism investigations.
(U)

Enclosure

- 1 - Ms. Thomas
- 1 - [redacted] b6
- 1 - 278-HQ-C1229736-VIO b7C
- 1 - OPR (IOB 2004 [redacted]) b2

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

~~Derived from: G-3
Declassify on: X25-1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

DATE: 06-13-2007
CLASSIFIED BY 65179 Gmb/ksj/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-13-2032

Mr. James Langdon

Case ID : 278-HQ-C1229736-VIO

Serial : 732

~~SECRET~~

~~SECRET~~

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

Page 2

NSL VIO-77

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 Gonzalez
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. James A. Baker
Counsel, Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE
IOB MATTER 2004-[REDACTED] (U)

(S)

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~~SECRET~~

(S) [Redacted] NSL VIO-78

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improperly extended [Redacted] without FBI Headquarters authorization. (S)

(S) [Redacted]

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[Redacted] Because Headquarters authorization [Redacted] was not obtained, investigation into this matter after [Redacted] constituted unauthorized investigation. (S)

(S) Upon it's report of the matter, **FBI Headquarters** instructed [Redacted] to cease any further investigation into the captioned matter, close this investigation [Redacted]

[Redacted]

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[Redacted]

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

~~Derive from: G-3
Declassify on: X25-1
SECRET~~

~~SECRET~~

---- Working Copy ----

Page 4

NSL VIO-79

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

NSL VIO-80

Precedence: ROUTINE

Date: 08/02/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted]

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Approved By: Fogle Toni Mari

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Drafted By: [redacted]

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

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 941
OGC/IOB# 2004 [redacted]

b2

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

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

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 580
278-HQ-C1229736-VIO Serial 731

Details: (U) The Internal Investigations Section (IIS) received an EC from Counterterrorism Division dated 9/24/2004, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆

DECLASSIFIED BY 65179 dah/ksr/prs
ON 06-13-2007

~~SECRET~~




U.S. Department of Justice


Office of the Inspector General
NSL VIO-81

Washington, D.C. 20530

DATE: July 31, 2006

TO: Charlene B. Thornton
Assistant Director
Inspection Division
Federal Bureau of Investigation

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

SUBJECT: OIG Complaint No. 2006005276
Subject: Unidentified
 Division
FBI No. 263-0-U-255

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

IMPORTANT NOTICE

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

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

Attachment

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-13-2007 BY 65179 dmh/kst/pjs

Received By: [redacted] Date Received: 08/25/2005 How Received: A

NSI VIO-82

SUBJECT: Unidentified, FBI

Title: UNID

Pay Plan:

SSNO:

D.O.B.:

Component: FBI

EOD Date:

Alien No.:

Misc:

F.B.I.No.:

Home:

B.O.P.No.:

Phone:

ZIP:

D/L No.:

Work:

Charges: 689

Phone:

ZIP:

b2

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COMPLAINANT: [redacted]

SSNO: [redacted]

Title: ATTY

Pay Plan: [redacted]

D.O.B.:

Component: FBI

EOD Date:

Alien No.:

Misc:

F.B.I.No.:

Home:

B.O.P.No.:

Phone:

ZIP:

D/L No.:

Work: General Counsel

National Security Law Branch

Phone [redacted]

ZIP:

Confidential:

Revealed:

Authority: none

Details:

(S)

The FBI provided information reporting a possible IOB matter. On 5/8/04, the FBI Division improperly extended without FBI/HQ authorization.

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ALLEGATIONS: 689 IOB Violation

Occurrence Date: 05/15/2004

TIME: [redacted]

b2

CITY: [redacted]

State: [redacted]

zip:

b7E

DISPOSITION DATA: Disposition: M Date: 05/11/2006 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 07/28/2006 Component: FBI

Patriot Act: N Civil Rights: N Component Number: 263-0-U-255

Sensitive: N Whistleblower: Consolidated Case Number:

Remarks:

Sent to AD Thornton, FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container. (ant)

DATE: 06-27-2007

FBI INFO.

CLASSIFIED BY 65179dmh/ksr/jbf

REASON: 1.4 (c)

DECLASSIFY ON: 06-27-2032

U.S. Department of Justice

Classified Document Receipt

When filling out this form, please press firmly with ballpoint pen.

ACCOUNTABILITY

FROM: (Name)

[Redacted Name]

b6 (Organization and Address) DOJ/OIG/HQ/INV

TO: (Name)

b7C (Organization and Address) FBI/INL/D

SIGNATURE: (of Recipient) & DATE:

If sent outside DOJ, Return this copy to:

DOCUMENT IDENTITY

SUBJECT & DESCRIPTION: OIG Complaint No. 2006 005360-M, 2006005345-M, 2006005281-M, 2006005273-M, 2006005276-M, 2006005275-M, 2006005285-M, 2006005346-M, 2006005358-M, 2006005322-M, 2006005315-M, 2006005319-M, 2006005326-M, 2006005283, 2006005297-M

Date of Document: 7/3/06

No. of pages: 31

Copy _____ of _____ Copies.

Classification of Document (Check Appropriate Box(es) Below):

TS S CONF SCI Q OTHER

INTERNAL DOJ ROUTING

[Redacted Internal DOJ Routing]

ORGANIZATION & DATE REC'D.

INSD/INL 07/01/06

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4. _____
5. _____

INSTRUCTIONS ON BACK OF LAST PAGE

FORM DOJ-34
JUN. 81

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-13-2007 BY 65179 dmh/ksl/pes

NSL VIO-84

Precedence: ROUTINE

Date: 12/06/2004

To: General Counsel

Attn: National Security Law Branch,
Room 7975
Unit Chief [redacted]

From: [redacted] Field Office

Contact: SSRA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

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(S) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
~~(S)~~ 278 [redacted] C65943

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

(U) Synopsis: ~~(S)~~ Possible IOB error for over collection of information through National Security Letter (NSL) process.

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

Details:

(S) [redacted]

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(S) 2. [redacted]

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

(U) ~~(S)~~ Over collection of information in response to NSL dated 09/27/2004.

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

(S) [redacted] an ECPA NSL was issued by SAC, [redacted]

[redacted]

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Case ID : 278-HQ-C1229736-VIO
b2 278 [redacted] 65943

Serial : 632 [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

b2 [redacted]
2004 [redacted]

DATE: 06-18-2007
CLASSIFIED BY 65179 dmh/ksr/pks
REASON: 1.4 (c)
DECLASSIFY ON: 06-18-2032

Handwritten notes:
4/20/05

(S) [redacted] NSL VIO-85

(S) On 11/27/2004 the case agent received the results of the NSL request [redacted] Division. The requested records were contained on a CD inside a sealed envelope. Upon reviewing the CD, the case agent determined the subscriber of the telephone number. Additional review of the CD determined that [redacted] had also provided [redacted] information was voluntarily provided by [redacted] and was not responsive to the NSL or requested by the FBI.

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(U) ~~(S)~~ Upon realizing that the CD contained non-responsive content information, the Case Agent immediately contacted the [redacted] took possession of the original CD. The Case Agent confirmed that the CD had not been copied, and no information outside the scope of the NSL request has been maintained by the FBI or used in the investigation.

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(U) ~~(S)~~ The original CD will be maintained in the possession of the [redacted] until it can be submitted to NSLB with a request that the material be forwarded to DOJ/OIPR for submission [redacted] for proper destruction.

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(S) It is the opinion of [redacted] that this intelligence activity is not a reportable IOB matter because the error was on the part of the provider, [redacted] and not the FBI. In light of the fact that no FBI personnel caused the error, and that FBI [redacted] personnel immediately discovered the error and implemented remedial measures to mitigate the situation, SAC [redacted] recommends no administrative action be taken regarding this matter.

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LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Precedence: ROUTINE

Date: 12/06/2004

103 10PD

~~SECRET~~

NSL VIO-86

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/31/2005

To: Director's Office

Attn: OPR
Attn: SAC
ADC
SSR

From: Office of the General Counsel
National Security Law Branch

Contact: AGC

Approved By: Thomas Julie F

Drafted By:

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*Handley
copy AC
lead.
AJ*

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-
(U) ~~(S)~~ 278- [redacted] C65943-280

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD (IOB)
MATTER 2004 [redacted]

b2

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel ("OGC") that this matter must be reported to the IOB. OGC will prepare a cover letter and a letter head memorandum to report this matter to the IOB. Our analysis follows.

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

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO-632

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

(U) Details: ~~(S)~~ By electronic communication (EC) dated December 6, 2004 (cited below)¹, the [redacted] Division [redacted]

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(U) ~~(S)~~ See EC from the [redacted] Division to the General Counsel, dated December 6, 2004, Case ID # 278-HQ-C1229736-VIO Serial 632, titled "Intelligence Oversight Board (IOB) Matter," hereinafter cited as [redacted] EC."

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OIG/DOJ Review
FBI INVEST: [redacted]
OPR UC INITIALS: [redacted]

b6
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DATE: 8/1/05
DOJ INVEST: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-14-2007
CLASSIFIED BY 65179 gmb/kst/pls
REASON: 1.4 (c)
DECLASSIFY ON: 06-14-2032

To: Director's Office From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO-632, 01/15/87 ~~NSL/VIO-87~~

reported a possible IOB error in conjunction with an on-going foreign counterintelligence investigation. In short, the recipient of a National Security Letter ("NSL") provided, unresponsive, unsolicited material on a compact disc ("CD") to [redacted] together with material responsive to the NSL.

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(S) [redacted]
[redacted]
[redacted] issued a NSL, pursuant to the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. §2709, [redacted]. The NSL included a request for [redacted] "billing records" associated [redacted] telephone number [redacted].

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(S) [redacted] the case agent received a CD from [redacted] in response to the NSL. The CD contained information both responsive and non-responsive to the NSL. The non-responsive information [redacted]. This non-responsive information was voluntarily provided by [redacted] but was beyond the scope of the information requested in the NSL.³

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(U) ~~(S)~~ The case agent immediately turned this CD over to the [redacted] upon recognizing the unresponsive material as such. No copies of the CD were made, and [redacted] continues to safeguard it.⁴

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(S) ~~(S)~~ As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the receipt of unsolicited material described herein is a matter which must be reported to the IOB. It must.

² (S) [redacted] EC.
³ (S) Id.
⁴ (S) Id.

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~~SECRET~~

To: Director's Office From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO-632, 01/NSL/VIO-88

(S)

(U) Section 2.4 of E.O. 12863, dated September 13, 1993, mandates that Inspector Generals and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to an EO or Presidential Directive. This language was adopted verbatim from EO 12334, dated December 4, 1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated December 4, 1981, if such provisions were specifically intended to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(S) In this instance [redacted] issued a lawful NSL [redacted] and received in response information both within and beyond the scope and description of that requested by the NSL. The error here was committed solely by [redacted], which was not acting as agents for [redacted] or the FBI as a whole. [redacted] committed no error, substantive, administrative, or otherwise, and did not itself impinge on the rights of any known U.S. person. Nevertheless, [redacted] came into the possession of material that [redacted] was unauthorized to provide to the FBI under ECPA. Though [redacted] committed no error itself, the mere receipt of unauthorized material pursuant to a lawfully issued NSL should be reported to the IOB, in accordance with the reporting requirements of Section 2.4 of E.O. 12863.

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~~SECRET~~

~~SECRET~~

To: Director's Office From: Office of the General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO-632, 01/11/2005 ~~NSL/VIO-89~~

LEAD(s):

Set Lead 1: (Info)

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) Read and clear.

Set Lead 2: (Action)

[Redacted]

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(S) The CD provided by [Redacted] must be forwarded to the appropriate FBI Headquarters Section with oversight of this case, or if none, to the author of this EC, for forwarding to OIPR [Redacted]

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CC: Ms. Thomas
SSA [Redacted]

[Redacted]
NSLB IOB Library

b6
b7C

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~~SECRET~~

January 31, 2005

Mr. James Langdon
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear Langdon:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB), Matter 2004-" (U) b2

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-14-2007
CLASSIFIED BY: 65172 dmh/ksr/prs
REASON: 1.4 (c)
DECLASSIFY ON: 06-14-2032

Enclosure

- 1 - Mr. Szady
- 1 - SAC
- 1 - Ms. Thomas
- 1 - Mr.
- 1 - OPR b6
- 1 - 278-HQ-C1229736-VIO b7C
- Mr.

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

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)

~~SECRET~~

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

Page 2

NSL VIO-91

Very truly yours,

Julie F. Thomas
Deputy General Counsel

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

b2

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER b7E

[REDACTED] DIVISION

IOB MATTER 2004-[REDACTED] (U)

(U) ~~(S)~~ [REDACTED] Division of the Federal
Bureau of Investigation has reported the receipt of unsolicited

~~SECRET~~

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NSL VIO-92

material
in response to a National Security Letter ("NSL").

b1 (S) [redacted]
b7D [redacted]

b2 [redacted] issued a NSL, pursuant to the Electronic Communications
b7E Privacy Act ("ECPA"), 18 U.S.C. 2709, [redacted]

b4 [redacted] The NSL included a request for [redacted]
[redacted]

[redacted] telephone number related to
[redacted] investigation.

(S) On November 27, 2004, the case agent received a compact
disc ("CD") [redacted] in response to the NSL. The
CD contained information both responsive and non-responsive to the NSL.
b4 The non-responsive information included [redacted]
b7D [redacted]

b2 This non-responsive information was voluntarily provided by [redacted]
b7E [redacted] but was beyond the scope of the information requested in
the NSL, and that authorized by ECPA. The case agent immediately turned
b1 this CD over to the [redacted] upon
recognizing the unresponsive material as such. No copies of the CD were
made.

(S) As a consequence of this inadvertent error by [redacted]
[redacted] the FBI obtained information that it was not authorized
to receive under the ECPA. Although the information provided was not
solicited, because the information was not authorized to be provided,
b4 this matter is being reported to the Intelligence Oversight Board.
b7D

~~SECRET~~

---- Working Copy ----

Page 4

NSL VIO-93

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION
NSL VIO-94

Precedence: ROUTINE

Date: 08/02/2005

To: General Counsel

Attn: NSLB

From: Inspection

Internal Investigations Section, IPU, Room 11102

Contact: CRS [redacted] Ext. [redacted]

Approved By: Fogle Toni Mari

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Drafted By: [redacted]

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

Title: (S) INTELLIGENCE OVERSIGHT BOARD MATTER
INSD/IIS TRACKING# 958
OGC/IOB# 2004-[redacted]

b2

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

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

DECLASSIFIED BY 65179 DMH/ESP/JHF
ON 06-27-2007

Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 632
278-[redacted]C65943 Serial 280
278-HQ-C1229736-VIO Serial 803

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Details: (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 1/31/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of an administrative issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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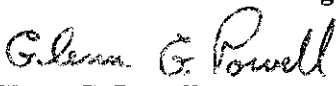
U.S. Department of Justice


Office of the Inspector General
NSL VIO-95

Washington, D.C. 20530

DATE: July 31, 2006

TO: Charlene B. Thornton
Assistant Director
Inspection Division
Federal Bureau of Investigation

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

SUBJECT: OIG Complaint No. 2006005285
Subject: Unidentified
 Division
FBI No. 263-0-U-258

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We consider this a management matter. The information is being provided to you for whatever action you deem appropriate in accordance with your agency's policy and regulations. A copy of your findings and/or final action is not required by the OIG.

This matter is referred to your agency for investigation. Please provide the OIG with a copy of your final report on this matter.

This complaint will be investigated by the OIG.

IMPORTANT NOTICE

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

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

Attachment

ALL FBI INFORMATION CONTAINED
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DATE 06-14-2007 BY 65179 dmh/esr/pls

Received By: b6 Date Received: NSL VIOL-96/2005 How Received: A

SUBJECT: Unidentified, FBI

Title: UNID	Pay Plan:	SSNO:	
Component: FBI	EOD Date:	D.O.B.:	
Misc:		Alien No.:	
Home:		F.B.I.No.:	b2
Phone:	ZIP:	B.O.P.No.:	b6
Work:		D/L No.:	b7C
Phone:	ZIP:	Charges: 689	

COMPLAINANT: <input type="checkbox"/>		SSNO:	
Title: ATTY	Pay Plan:	D.O.B.:	
Component: FBI	EOD Date:	Alien No.:	
Misc:		F.B.I.No.:	
Home:		B.O.P.No.:	
Phone:	ZIP:	D/L No.:	
Work: Office of the Gneral Counsel National Security Law Branch/CILU, Washington, DC			
Phone:	ZIP:		
Confidential:	Revealed:	Authority:	none

Details:

The FBI provided information reporting a possible IOB matter. The recipient of a National Security Letter (NSL) provided unresponsive, unsolicited material on a compact disc to the FBI together with material response to the NSL. The CD was turned over to the FBI and no copies of the CD were made.

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ALLEGATIONS: 689 IOB Violation

Occurrence Date: 09/27/2004	TIME:		b2
CITY: <input type="checkbox"/>	State: <input type="checkbox"/>	Zip:	b7E

DISPOSITION DATA: Disposition: M Date: 08/01/2005 Approval: POWELL, GLENN G

Referred to Agency: FBI Date Sent: 07/28/2006 Component: FBI *JPC*

Patriot Act: N Civil Rights: N Component Number: 263-0-U-258

Sensitive: N Whistleblower: Consolidated Case Number:

Remarks:

Sent to AD Thornton, FBI/INSD. Predicating material will be maintained within OIG/INV in a secure container. (ant)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-14-2007 BY 65179 dmh/esl/prs

U.S. Department of Justice

Classified Document Receipt

When filling out this form, please press firmly with ballpoint pen.

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ACCOUNTABILITY

FROM: (Name) [Redacted] (Organization and Address) DOJ/OIG/HQ/INV

TO: (Name) [Redacted] (Organization and Address) FBI/INL

SIGNATURE: (of Recipient) & DATE: _____

If sent outside DOJ, Return this copy to: _____

DOCUMENT IDENTITY

SUBJECT & DESCRIPTION: OIG Complaint No. 2006 005360-M, 2006005345-M, 2006005231-M, 2006005273-M, 2006005276-M, 2006005275-M, 2006005285-M, 2006005346-M, 2006005358-M, 2006005322-M, 2006005315-M, 2006005319-M, 2006005326-M, 2006005283.

Date of Document: 7/3/06 No. of pages: 31

Copy _____ of _____ Copies.

Classification of Document (Check Appropriate Box(es) Below):

TS S CONF SCI Q OTHER

INTERNAL DOJ ROUTING

Organization	Organization & Date Rec'd
[Redacted]	<u>INSD/INS 07/01/06</u>

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4. _____
5. _____

INSTRUCTIONS ON BACK OF LAST PAGE

FORM DOJ-34
JUN. 81

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-14-2007 BY 65179 dmh/kst/prs

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[redacted] DIVISION
IOB MATTER 2004-[redacted] (U)

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(U) ~~(S)~~ The [redacted] Division of the Federal Bureau of Investigation has reported the receipt of unsolicited material in response to a National Security Letter ("NSL").

(S) [redacted]

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September 27, 2004, [redacted] issued a NSL, pursuant to the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. §2709, [redacted]

[redacted] The NSL included a request for [redacted] "billing records" associated with [redacted] telephone number related to [redacted] investigation.

(S) On November 27, 2004, the case agent received a compact disc ("CD") from [redacted] in response to the NSL. The CD contained information both responsive and non-responsive to the NSL. The non-responsive information included [redacted]

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This non-responsive information was voluntarily provided by [redacted] but was beyond the scope of the information requested in the NSL, and that authorized by ECPA. The case agent immediately turned this CD over to the [redacted] upon recognizing the unresponsive material as such. No copies of the CD were made.

(S) As a consequence of this inadvertent error by [redacted] the FBI obtained information that it was not authorized to receive under the ECPA. Although the information provided was not solicited, because the information was not authorized to be provided, this matter is being reported to the Intelligence Oversight Board.

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

~~SECRET~~