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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/05/2007

To: Inspection

Attn: [Redacted]
Internal Investigative
Section (IIS), Room 11865

Counterterrorism

Attn: AD b2
Attn: SAC b7E
CDC b6
b7C

From: Office of the General Counsel
NSLB/CTLU II/LX-1 38-118

Contact: [Redacted]

Approved By: Thomas Julie F
[Redacted]

(U) Drafted By: [Redacted]

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

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

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

(U) ~~(S) Derived From: G-3
Declassify On: 20320104~~

(U) References: (S) 278-[Redacted]-C45386 Serial 125

(U) Details: (S) By electronic communication (EC) dated 08/24/2006, the [Redacted] Field Office [Redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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DATE: 12-12-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-12-2032

~~SECRET~~

(U) To: Inspection From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-V10, 01/05/2007

(S) [Redacted]

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(S) [Redacted]

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[Redacted]

b1

[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).

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(U)

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To: Inspection From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-V10, 01/05/2007

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(S)

[Redacted]

~~(S)~~ SA [Redacted] states that, on or about 12/16/2005, she submitted an EC to [Redacted] request [Redacted]

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(S)

[Redacted] however, according to SA [Redacted] the EC was lost or misplaced.

[Redacted]

~~(S)~~ SA [Redacted]

(S)

[Redacted]

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[Redacted]

² There is no EC in the file documenting CTD's concurrence [Redacted] There is, however, evidence that [Redacted] request was received by CTD and that the lead was cleared, indicating concurrence

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(U) To: Inspection From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-V10, 01/05/2007

(S)

[Redacted]

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~~(S)~~ This matter was reported as a potential ICB violation

(S)

[Redacted]

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

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

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

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To: Inspection From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/05/2007

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(S)

[Redacted]

(S)

[Redacted]

b1

[Redacted]

[Redacted]

Accordingly, OGC has determined that [Redacted] has failed to follow the guidelines set forth in Section II.C.4 of the NSIG and an IOB violation has occurred. Therefore, OGC will prepare a cover letter and a memorandum to report this matter to the ICB.

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(U) To: Inspection From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/05/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Information)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Information)

[Redacted]

AT

[Redacted]

(U) For information.

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cc: Ms. Thomas

[Redacted]

IOB Library

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/10/2007

To: General Counsel

Attn: NSLB/CTLUII

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LX1
Room 38-110
AGC

Counterterrorism
Inspection

Attn: ITOS 11
Attn: IES
CRS

Attn: Associate Division Counsel
SSA

From:

Contact: SA

Approved By:

DECLASSIFIED BY 65179/DMH/KSR/RU
ON 12-11-2007

Drafted By:

rtw

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

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

Synopsis: (S) Destruction of records which were inadvertently
provided to FBI by

~~Derived From : G-3
Declassify On: 20320110~~

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

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

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

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

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were copies from a computer screen. Based upon ADC [redacted] review, on January 10, 2007, ADC [redacted] shredded those documents which were unintentionally acquired from [redacted]

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

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

(U)

LEAD(s) :

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/04/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

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From: [Redacted]
Squad 9

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] ksh

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

b1

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

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

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

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

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(S) Reference: ~~(U)~~ [Redacted]
(U) 278-HQ-C1229736 Serial 1570

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

DATE: 12-11-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-11-2032

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSF-VIC-95590

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

records received from [redacted]
Florida.

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(S)

~~(S)~~ Referenced EC, dated 11/30/2006, directed [redacted] Division to send a National Security Letter (NSL) to [redacted] via Fed-Ex [redacted] requesting subscriber information for telephone number [redacted]. This NSL was sent via Fed-Ex on 12/15/2006.

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(U)

~~(S)~~ On 12/26/2006, [redacted] Division received the requested subscriber information from [redacted] of telephone toll records. These toll records were not requested in the NSL.

[redacted]

b1

(U)

~~(S)~~ The [redacted] containing the toll records, along with the [redacted] National Compliance Center, have been turned over to the [redacted] Acting CDC (A/CDC) [redacted] pending a response from the National Security Law Branch regarding this matter. A/CDC [redacted] secured the toll records within his office safe.

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

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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

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NSL VIO-35592

~~SECRET~~//20320112
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/12/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

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Contact: IA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :kss

Case ID #: (U) 078-HQ-C1229736-VIO

(S)

~~(S)~~ [Redacted]

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

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

(U) ~~Derived From: G-3
Declassify On: 01/12/2032~~

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

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

(S) [Redacted]

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

~~(S)~~ [Redacted] provided records in response to a national security letter that were beyond the scope of what was requested in the NSL. Writer sent an NSL to [Redacted] via Federal Express on 01/09/2007. The NSL response was received via Federal Express on 01/11/2007. The NSL requested subscriber information and toll records for the time periods

(S) [Redacted] and [Redacted] through present for telephone numbers [Redacted] response included subscriber information and billing statements dated [Redacted] and [Redacted] As these billing statements

~~SECRET~~//20320112

[Redacted] 012KSS01

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DATE: 12-11-2007
CLASSIFIED BY 65179/DMH/KSP/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-11-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
NSL VIO 85598 DOWN OTHERWISE

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 078-HQ-C1229735-V10, 01/11/2007

do not reflect charges from the beginning of each month until the end of each month, there are toll records included in [redacted] response that b4 are outside the scope of the NSL and were not redacted by [redacted]. The b7D bill dated 10/05/2005 contains toll records for the time period 08/23/2005 through 09/20/2005, all of which are outside the scope of the NSL. The bill dated 11/05/2005 has toll records for the time period 09/21/2005 through 10/20/2005. Those records prior to 10/02/2005 are outside of the scope of the NSL.

(U)

~~(S)~~ Writer contacted [redacted] ADC [redacted] on 01/11/2007 and advised of the situation. A copy of the records was made with all toll records noted above as being outside the scope of the NSL redacted to be used in the investigation. The entire original copy of [redacted] response was forwarded to ADC [redacted] as requested.

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[redacted] 012KSS01

To: Inspection From: [Redacted]
Re: (S) 278-HQ-C1229736-VIO, 01/12/2007

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(U)

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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012KSS01

~~SECRET~~/ORCON/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/18/2007

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To: Inspection
Office of General Counsel
Operational Technology

Attn: IIS [redacted]
CRS [redacted]
Attn: NSLB/CILU/Room 7947
[redacted]
Attn: DES/DITU
UC [redacted]
Attn: [redacted]
SA [redacted]
Attn: ISS [redacted]

[redacted]

From: Counterterrorism
Communications Exploitation Section/
Electronics Communications Analysis Unit/ Room 4343
Contact: [redacted] (202) 324-[redacted]

Approved By: Billy Joseph Jr
Frahm Charles E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[redacted]

Drafted By: [redacted]:rdg

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

DATE: 12-11-2007
CLASSIFIED BY: 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-11-2032

(U) **Title:** (X) REPORT OF POTENTIAL IOB MATTER
IA [redacted]
SSA [redacted]

(U) (X) ELECTRONIC COMMUNICATIONS ANALYSIS
NATIONAL SECURITY/PATRIOT ACT LETTER MATTERS

(3) [redacted]

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Synopsis: (S) To document the destruction of the National Security Letter results obtained from [redacted] regarding the accidental collection on the email address: [redacted]

(S) (S) ~~Derived From : G-3~~
~~Declassify On: 01/18/2032~~

(U) **Reference:** (X) 278-HQ-C1229736-VIO Serial 1955

(U)

~~SECRET~~/ORCON/NOFORN

(U)

To: Office of General Counsel From: Counterterrorism
Re: ~~(S)~~ 278-HQ-C1329736-VIO, 01/18/2007

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(S)

~~(S)~~ Details: ~~(S)~~ On December 19, 2006, the Office of the General Counsel (OGC) referred the accidental collection on the email address [redacted] by Intelligence Analyst [redacted] of the Electronic Communication Analysis Unit (ECAU) to the Intelligence Oversight Board (IOB). OGC directed ECAU to contact the carrier to determine whether the improperly acquired data regarding [redacted] needed to be returned to the originator, or can be destroyed by the Federal Bureau of Investigation (FBI).

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(S)

~~(S)~~ On or about 01/11/2007, Investigative Support Specialist (ISS) [redacted] of the [redacted] Resident Agency spoke with [redacted] doing business as (dba) [redacted] stated that the FBI could destroy the transactional data provided by [redacted], for the email address [redacted] instead of returning the records to the company. [redacted] did not require a letter from the FBI to document the destruction of the records.

(S)

~~(S)~~ On 1/18/2007, Supervisory Special Agent (SSA) [redacted] and Supervisory Intelligence Analyst (SIA) [redacted] destroyed the records for [redacted] which were provided by [redacted]. The hardcopy results were shredded and the Compact Disc (CD-ROM) was placed in a CD-ROM declassification device and made unreadable.

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(U) To: Office of General Counsel From: Counterterrorism
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/18/2007

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

OPERATIONAL TECHNOLOGY

AT WASHINGTON, DC

(U) Read and clear.

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Set Lead 4: (Info)

[Redacted]

AT [Redacted]

(U) Read and clear.

Set Lead 5: (Action)

[Redacted]

AT [Redacted]

~~(S)~~ [Redacted] to verify [Redacted] of [Redacted]
[Redacted]

(S) that the NSL results obtained from [Redacted] for the email
address [Redacted] were appropriately destroyed by the FBI
on 1/18/2007.

♦♦

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/03/2007

To: INSD

Attn: IIS

To: OGC

Attn: NSLB

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] :tdm

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

Title: (S) REPORT OF A POTENTIAL IOE MATTER;

Synopsis: (S) To report a potential IOE matter.

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

Reference: (S) [Redacted]

Details: (S) On or about November 22, 2006, an ECPA National Security Letter (NSL) was served to [Redacted]

[Redacted] requesting the name, address, and length of service for the mobile telephone numbers believed to belong to [Redacted]

The NSL, submitted pursuant to 18 U.S.C. § 2709, was drafted by Case Agent [Redacted] of [Redacted] which is supervised by SSA [Redacted]. The NSL specifically requested subscriber information for each of the following three mobile telephone numbers as of the date specified for each number:

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DATE: 12-11-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-11-2032

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WHERE SHOWN OTHERWISE

NSL VIO-35599

(U) To: INSD From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-V10, 01/03/2007

(S) [redacted]

(S) On December 1, 2006, the NSL was executed [redacted]. In executing this NSL, [redacted] provided the subscriber information for each of the aforementioned numbers as of the date of execution, [redacted] and not for the dates specified on the NSL. [redacted]

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(S) Furthermore the time period [redacted] is listed as the active subscriber covers the dates requested in the NSL. Thus information supplied by [redacted] for these two numbers was consistent with the request of the NSL. However, subscriber information provided for [redacted] on December 01, 2006, was not identifiable to [redacted].

(S) Therefore [redacted] erroneously provided subscriber information to [redacted] a person who is not relevant to the investigation of [redacted].

~~(S)~~ Reporting from a sensitive and reliable [redacted] source indicated that [redacted] was the subscriber of mobile telephone number [redacted] on April 03, 2006. The NSL was drafted by the Case Agent based on this reporting and clearly requested the subscriber information for this number on April 03, 2006. The erroneous subscriber information provided by [redacted] for this number on December 1, 2006, was sequestered by the Chief Division Council of the [redacted] Office on December 11, 2006. Reporting of this matter was delayed pending review by ADC [redacted] of new procedures outlined in EC captioned "REVISED PROCEDURES FOR THE SUBMISSION OF REPORTS OF POTENTIAL INTELLIGENCE OVERSIGHT BOARD MATTERS", dated 11/16/2006.

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FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE

Date: 01/23/2007

To: Counterterrorism

Attn: ITOS T

Inspection

Attn: IIS

Office of the General Counsel

Attn: NSIP

[Redacted]

Attn: CDC

From: [Redacted]

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

(U) **Title:** (S) REPORT OF POTENTIAL IOB MATTER b1
(S) UNKNOWN SUBSCRIBER; b2
(S) PRESUMED USER b7E
(S) [Redacted] b7A

(U) **Synopsis:** (S) Report of potential IOB matter regarding captioned investigation.

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

Details: (S) Consistent with guidelines regarding the reporting of potential IOB violations, [Redacted] is advising that a [Redacted]

(S) [Redacted]

(U) (S) During a routine file review conducted by A/SSA [Redacted] on January 10, 2006, A/SSA observed that the [Redacted]

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DATE: 12-11-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-11-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35601

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/23/2007

(S) required notification to Counterterrorism and a Letter Head
(S) Memorandum were not submitted to FBIHQ or case file [redacted]
captioned [redacted]

[redacted] OO: [redacted]
[redacted]

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[redacted] Division to be served on [redacted] in [redacted]

(S) ~~(S)~~ On September 19, 2006 [redacted] replied to the [redacted]
NSL request with an EC found [redacted] The EC
(S) advised the telephone number [redacted] does not belong to [redacted]
[redacted] and if toll records are still desired a new NSL should be
sent to [redacted]

(U) ~~(S)~~ Following this response, no further investigative
activity was conducted related to this case and no subscriber or
toll information has ever been obtained. [redacted]

[redacted] The subject of this case is a presumed U.S.
person [redacted]
The error in not preparing the opening communication and LHM was
an administrative oversight by [redacted]

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~~(S)~~ Pursuant to the Attorney General guidelines, an
[redacted]

(S) An opening EC and LHM have been submitted to Counterterrorism
regarding this matter. Upon receipt of the opening
communications, ITOS 1 will forward them to DOJ-OIGR.

~~SECRET~~

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(U) ~~To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 01/23/2007~~

(U) ~~(S)~~ On January 11, 2007 [redacted] ADC [redacted] and [redacted] ASAC [redacted] were briefed by A/SSA [redacted] regarding the discovery of this potential IOE violation.

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(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/13/2007 b2
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LEAD(s) :

Set Lead 1: (Info)

ALL RECEIVING OFFICES

(U) For Information.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/25/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SSRA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

Case ID #: ~~278-HQ-C1009736-VIO~~
[Redacted] (Pending)

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

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

~~(S)~~ Derived From : G-3
Declassify On: 01/25/2032

Administrative: (S//NF//FISA DERIVED) [Redacted]

(S) [Redacted] 50 U.S.C. Section 1806(b). Such information shall not be used in any criminal or administrative proceeding, including grand jury proceedings and warrant affidavits, without the prior written approval of the Attorney General of the United States. U.S. Person FISA derived information may not be disseminated to a foreign government without the prior written approval of the Attorney General of the United States. For further policy on dissemination, please consult the FBI Office of General Counsel, National Security Law Branch.

Details:
(S) 1. [Redacted] the case agent is SA [Redacted] and the supervisor is is SSRA [Redacted]

(S) 2. [Redacted]

~~SECRET~~//NOFORN//FISA DERIVED

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To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/15/2007

(U)

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

(U)

(S)

[redacted]

(U)

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

[redacted]

[redacted]

(S)

~~(S)~~ [redacted] TFO [redacted] the case agent for [redacted] at that time made numerous attempts to arrange an interview with [redacted] TFO [redacted] advised that [redacted] repeatedly avoided the interview. Finally, on 02/23/2005, [redacted] acquiesced and made himself available for an interview with the [redacted] accompanied by his attorney, was interviewed by [redacted] USSS SA [redacted] and FBI SA [redacted] as considered by the interviewing agents to be "hostile, defiant, arrogant" and "not forthcoming" during the interview.

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~~(S)~~ On 02/24/2005, TFO [redacted] wrote the FD-302 for the interview listing [redacted]

[redacted]

[redacted]

~~(S)~~ On 04/14/2005, a NSL directing the production of subscriber information and toll records was sent to [redacted] Later in 04/2005, the results of the NSL were received by the [redacted] The subscriber of [redacted] as determined to be individuals who were not subjects in this case.

(S)

~~(S)~~ As a result of the NSL's findings being contrary to TFO [redacted] reported information in the FD-302, as well as [redacted] the members of the [redacted] assumed [redacted]

(S)

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(U) To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 01/15/2007

(S) (S) On 10/27/2006, USSS SA [redacted] met with the SSRA [redacted] to report that there was a possibility that the statement that [redacted] had made a false statement concerning his cellular telephone was inaccurate and SA [redacted] would check his notes to verify.

(S) (S) On 11/01/2006, SA [redacted] advised personnel in the [redacted] that a review of his notes from the 02/23/2005 interview of [redacted] reported in the interview FD-302 by TFO [redacted]. The next day SA [redacted] showed SSRA [redacted] his original notes to verify this fact. TFO [redacted] did not retain his original notes.

(U) (S) On 11/02/2006, ADC [redacted] was alerted to the possible IOB concerning incorrect ancillary information placed in a [redacted]

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(S) (S) Upon investigation of this claim, ADC [redacted] determined that based on the inadvertent error resulting when one number was transposed for another, subscriber and toll information was collected on the wrong person(s). Additional investigation determined that both persons associated with [redacted] were presumed USPERS.

(U) (S) On 11/07/2006, SA [redacted] prepared a draft EC describing the possible IOB.

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(U) (S) On 12/05/2006, SA [redacted] contacted ADC [redacted] to inform him that she was rechecking the collected information to determine the extent of the over collection.

On 12/06/2006, SA [redacted] contacted ADC [redacted] to inform him that the over collected information had been requested to be removed from [redacted]

(S) On 12/07/2006, Intelligence Analyst [redacted] confirmed that FBI [redacted] received the toll billing records for [redacted] number with a 10/26/2005 NSL to [redacted]

On 01/18/2007, SA [redacted] contacted ADC [redacted] via e-mail to inform him that she had the e-mail chain verifying the removal of the over collection material from [redacted]

The first report of a possible IOB violation was centered on the fact that a false statement had mistakenly been added to the [redacted]. Further investigation determined the IOB to center more on the inadvertent over collection issue. On 12/18/2006, ADC [redacted] discussed this potential IOB with [redacted] of NSLB to determine the best way to handle this IOB in conjunction with the

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~~SECRET~~//NOFORN//FISA DERIVED

(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/15/2007

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revised procedures of reporting potential IOE matters. Additional delays occurred in an effort to provide due diligence in assuring there was no further, nor additional, over collection and to correct any practices that may have led to the possible IOE(s).

~~SECRET~~//NOFORN//FISA DERIVED

~~SECRET~~//NOFORN//FISA DERIVED

(U)

To: Inspection From: b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/15/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~//NOFORN//FISA DERIVED

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/25/2007

To: Inspection
General Counsel

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Attn: IIS, Room 11361
Attn: NSLB, Room 7975

[Redacted]

Attn: ASAC
ADC

[Redacted]

From:

[Redacted]

Squad

Contact: SA

[Redacted]

Approved By:

[Redacted]

Drafted By:

[Redacted]

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
278- [Redacted] 50078-A

Title: (U) REPORT OF POTENTIAL IOB MATTER

(U)

Synopsis: ~~(S)~~ To report possible IOE error.

(U)

~~Derived From: FBI SCG-3, January 1997
Declassify On: 01/25/2032~~

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Details:

(S)

~~(S)~~ The captioned potential Intelligence Oversight Board matter arises from a [Redacted]

[Redacted]

currently pending.

(S) A National Security Letter (NSL) was issued in the above referenced case to obtain subscriber information and approximately three months of toll records for telephone number [Redacted]

[Redacted]

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

~~SECRET~~

DATE: 12-13-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-13-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-35610

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/15/2007

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the CD were then uploaded into [redacted] prior to discovery of the error.

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(U) After the carrier's return of the NSL and corresponding records, an analyst from another division discovered that the numbers had been transposed and telephonically notified a [redacted] Agent, Special Agent (SA) [redacted] who prepared the NSL. On January 5, 2007, SA [redacted] informed his supervisor, Supervisory Senior Resident Agent (SSRA) [redacted] of the error. On January 8, 2007, SA [redacted] and SSRA [redacted] reviewed [redacted] for guidance in reporting the matter and taking corrective action.

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(U) After receiving [redacted] SA [redacted] contacted Associate General Counsel (AGC) [redacted] who advised him to contact [redacted] Division's Chief Division Counsel and to also remove the records from Telephone Applications. On January 9, 2007, SA [redacted] notified San Diego Associate Division Counsel (ADC) [redacted] of the error. SA [redacted] also facilitated the removal of the records from Telephone Applications by the Information Technology Operations Division (ITOD). Per ADC [redacted] direction, the original and one copy of the CD containing the subscriber information and toll records were secured by SA [redacted] and stored in a safe located in the [redacted]

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NSL VIO-35611

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 273-HQ-C1229736-VIO, 01/25/2007 b2
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LEAD(s) :

Set Lead 1: (Action)

INSECTION

AT WASHINGTON, DC

(U) For appropriate action.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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

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NSL VIO-35612

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/19/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: TFO [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] :kg

(U) Case ID #: ~~(S)~~ 078-HQ-C1229736-VIO
~~(S)~~ [Redacted]
~~(S)~~

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

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

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted] a U.S. Person.

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

(S) [Redacted]

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

(S) A National Security Letter (NSL) dated 09/12/2006 [Redacted]

[Redacted] was submitted to [Redacted] requesting subscriber information, transactional logs, and e-mail header information for [Redacted]

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(U)

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

(S)

the NSL was served by FBI [redacted]. The results were received by [redacted] on [redacted] and were forwarded to [redacted] with an EC dated [redacted].

(S)

(S) [redacted] provided the NSL results in paper format. The subscriber information and transactional logs (log on/log off times) were immediately reviewed for use [redacted]. [redacted] The e-mail header information was copied and the original was placed in a 1-A envelope. The copy of the e-mail header information was put aside for review at a later date. The case agent is the only person assigned to this investigation. Due to the high volume of information received, the case agent prioritizes results to review as it is received. In this matter, the case agent did not review the [redacted] e-mail header information until [redacted]. On [redacted] the case agent noticed that a subject line was included in the e-mail header information. (The NSL that was served to [redacted] specifically noted that message content and subject fields should **not** be included). The case agent immediately sequestered the original results that were stored in the 1-A envelope as well as the copy that was made from the original. Since the [redacted] CDC was out of the office on [redacted] and [redacted] the case agent was not able to notify the CDC about this matter until [redacted]. On [redacted] the case agent provided the original and copy of the records to [redacted] CDC [redacted].

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(S)

(S) On [redacted] CDC [redacted] conducted a taint review of the records provided by [redacted]. It was determined that [redacted] provided two sets of records to the [redacted] Division. One set (numbered page 1 through page [redacted]) contained the improperly provided e-mail header information. The other set (beginning at the bottom of page [redacted] through page [redacted]) contained the same records but without the improperly provided e-mail header information. On [redacted] CDC [redacted] sequestered and sealed those records which contained the improperly provided e-mail header information. CDC [redacted] will maintain the sequestered and sealed records under locked conditions in his office. CDC [redacted] returned the records which did not contain the improperly provided e-mail header information to the case agent for investigative purposes in that such records were properly provided by [redacted] to the [redacted] Division in response to the above-stated NSL.

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(S)

(S) No information pertaining to the tainted e-mail header information was entered [redacted]. Subscriber information, transactional records, and the proper e-mail header information (without the subject line) is being stored in the 1-A at this time.

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

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-35615

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/12/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

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From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :lgc

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
(U) ~~(S)~~ 278- [Redacted] C136372

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) [Redacted] INTELLIGENCE OVERSIGHT

~~(S)~~ [Redacted]

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

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

Details: [Redacted]

(S) 1.

(S) 2.

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

(S) [Redacted]

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

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(U) To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 01/12/2007

(S) [redacted] requesting the subscriber and call record information for telephone numbers [redacted]

(S) (U) On 10/13/2005, case number [redacted] was transferred to SA [redacted] due to the transfer of [redacted]

(U) (S) On 12/22/2005, ISS [redacted] forwarded to [redacted] records received from [redacted] as a result of the NSL described above. These records were contained digitally in a Memorex CD-R. There is no indication that SA [redacted] reviewed the records received from [redacted]

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(S) (U) On 04/12/2006, case number [redacted] was transferred to SA [redacted]. In a communication dated 07/31/2006, SA [redacted] specifically noted that review and analysis of the records received from [redacted] was still to be completed. On or about 11/03/2006, SA [redacted] printed out the records received from [redacted] on to paper. SA [redacted] submitted these paper copies to the IA section of case file [redacted]. However, SA [redacted] did not review or analyze the paper copies.

(S) (S) On 10/31/2006, case number [redacted] was transferred to SA [redacted]. On 01/09/2007, the writer conducted an initial review of the paper records printed out by SA [redacted]. The writer noted that records were correctly received for telephone numbers [redacted]

(S) [redacted]. However, no records were received for telephone number [redacted] but records for another telephone number were received. Apparently, [redacted] inadvertently provided telephone records for the wrong telephone number.

(U) On 01/09/2007, the writer segregated the paper records and the original CD-R containing the records that were incorrectly sent by [redacted]. This FD-962 serves as documentation that the telephone records that were incorrectly sent were **not** analyzed. Information from these records was **not** recorded or indexed in FBI Telephone Applications or any other database. Finally, these records were not copied or retained in any form.

(S) (U) Per instruction from Assistant CDC [redacted] Division, on 01/12/2007 the writer destroyed all segregated paper records for the telephone number that [redacted] incorrectly provided to the FBI. The writer also destroyed the original disk sent by [redacted]. This process was witnessed by SA [redacted]. Only the paper records for the correct telephone numbers, [redacted] were

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To: Inspection From: [redacted]

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/12/2007

retained for analysis and retention in the 1-A section of case number

(S) [redacted]

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To: Inspection From: [REDACTED]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/12/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-35619

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/08/2007

To: Inspection Division

Attn: Internal Investigations Section (ISS), Room 3041

Office of General Counsel

Attn: National Security Law Branch (NSLB), Room 7947

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted]:mrm

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

(U) ~~(S)~~ **Title:** (S) REPORT OF A POTENTIAL INTELLIGENCE OVERSIGHT BOARD MATTER

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

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

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(U) ~~(S)~~ **Enclosure(s):** (S) Enclosed are the Electronic Communication and National Security Letter (NSL) submitted to [Redacted]

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(S) ~~(S)~~ **Details:** (S) The circumstances surrounding this potential IOB were solely the responsibility of [Redacted] FBI [Redacted] is, however, reporting the potential violation as required. By way of background [Redacted]

[Redacted] a United States person, by Special Agent (SA) [Redacted] which is set to expire on 01/11/2007 (request for extension pending).

(U) ~~(S)~~ On or about 08/15/2006, an NSL was submitted to [Redacted] requesting electronic communications transactional records information, to include name, address, length of service, and transactional records, for the [Redacted]

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(S)

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(U) ~~To: Office of General Counsel From: [redacted]
Re: (S) 278-HQ-C1229736-V10, 01/08/2007~~

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[redacted] provided [redacted] with the subject's name and email address.

(U) ~~(S)~~ On or about 09/12/2006, the results of the NSL were received by [redacted]. The results included a hard copy of the subscriber information for the subject [redacted] and a 3.5" floppy disk. A preliminary review of the hard copy documentation revealed that the appropriate subscriber information was submitted by [redacted].

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(U) ~~(S)~~ On or about 10/20/2006, a second review of the received information from [redacted] revealed that the hard copy information was the subject's subscriber information, which was appropriate. A cursory review of the 3.5" floppy disk revealed that it contained email content for the subject; this information was inappropriate for [redacted] to submit. At no time was the content of the subject's email requested, only the subscriber information. Upon the realization that this information was not officially requested via the proper format, this information was appropriately secured and subsequent notifications were made. The email content was not thoroughly reviewed by the case agent or any other Federal Bureau of Investigation employee.

(U) ~~(S)~~ As of 01/08/2007, the 3.5" floppy disk and the printed content of the 3.5" floppy disk are double wrapped and secured in Supervisory Special Agent (SSA) [redacted] the case agent's supervisor, safe in his office. This information will be maintained in a secure environment pending adjudication and subsequent instructions as to its disposition.

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To: Office of General Counsel From: [REDACTED]
(U) Re: ~~(S)~~ 278-HQ-C1229736-V10, 01/08/2007

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LEAD(s) :

Set Lead 1: (Action)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U)

~~(S)~~ For action deemed appropriate. To advise the National Security Law Branch (NSLB) that the documents that are potentially in violation of IOE matters are currently sealed and secured in the SSA's safe. [REDACTED] will await NSLB's guidance to determine the appropriate action regarding the disposition of these documents.

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Set Lead 2: (Action)

INSPECTION DIVISION

AT WASHINGTON, DC

(U)

~~(S)~~ For action deemed appropriate.

♦♦

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/01/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

[Redacted]

Attn: ASAC [Redacted]
CDC [Redacted]

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From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] jgc

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
(U) ~~(S)~~ 62F-[Redacted]-A89455-TOB

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

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

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

(S) 3. Possible IOB Error: E-mail content provided.

(S) [Redacted]

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

(U) ~~(S)~~ On 11/06/2006, a National Security Letter (NSL) requesting the name, address, length of service, and electronic communication transactional records, to include existing transaction/activity logs and all email header information (not to

~~SECRET~~//20320201

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

(S) [redacted] include message content and/or subject fields), for the address holder of [redacted] from [redacted] [redacted] was prepared and approved in accordance with the Attorney General Guidelines. The NSL was served by the [redacted] b1 [redacted] Division and on 01/11/2007, [redacted] provided the b2 results of the NSL to the [redacted] Field Office via e-mail as a b7E courtesy, noting that a hard copy of the information was in transit to b4 [redacted]

(U) ~~(S)~~ A review of the results of the NSL revealed that [redacted] supplied what the case agent determined to be message content and/or subject fields. Specifically, the term "Subject:" was identified various times followed by a message topic. Also, case agent identified correspondences between individuals. The details of these items were not memorized, however, case agent discerned that message greetings, the body of messages, and message closings were identified, indicating message content that was not requested by the FBI. This information was not utilized by the case agent in any analysis nor was it documented in the case file.

(U) ~~(S)~~ The case agent first reviewed the 01/11/2007 e-mail from [redacted] Division on 01/16/2007. [redacted] Division Counsel was contacted on 01/17/2007 and it was determined that a possible IOB error occurred. Case agent contacted [redacted] Division Investigative Support Specialist (ISS) [redacted] as she b2 was the sender of the soft copy content material. ISS [redacted] b7E was advised of the situation and verified that she did not save a copy b6 of the material on her computer. ISS [redacted] noted that the b7C information was only sent to SA [redacted] the case agent who submitted the NSL and writer of this correspondence. ISS [redacted] [redacted] noted that she has never experienced this problem with [redacted] in the past. ISS [redacted] agreed to query her [redacted] contact regarding the information provided as a means for [redacted] to explain why the information was provided, or to identify that an error was made. Case agent requested that ISS [redacted] permanently delete any copies of the original e-mail transaction that was possibly still maintained within her e-mail.

(S) ~~(S)~~ On 01/18/2007, case agent received an e-mail from ISS [redacted] regarding this matter. ISS [redacted] explained that [redacted] of [redacted] was contacted regarding this error. [redacted] noted that he included content for the [redacted] account in error and he requested that the CD-R which he initially provided be destroyed. Additionally, [redacted] advised that he would provide a new CD-R to include only header information for this account. ISS [redacted] noted that she would delete the e-mail message she originally sent which also contained the content information. b1 b6 b7C b4 b7D

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

(U) (S) On 01/22/2007 case agent permanently deleted the original e-mail message which was received from ISS [redacted]

(U) (S) On 01/31/2007 case agent received an e-mail message from ISS [redacted] noting that she destroyed the original CD-R on 01/31/2007. Additionally, ISS [redacted] noted that [redacted] of [redacted] provided a new CD-R which contained the appropriate information that was originally requested by the NSL served on [redacted]

b2
b7E
b6
b7C

(U)

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

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~//20320201
FEDERAL BUREAU OF INVESTIGATION

b2
b7E
b6
b7C

Precedence: ROUTINE

Date: 02/01/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

[Redacted]

Attn: ASAC [Redacted]
CDC [Redacted]

From: [Redacted]

Contact: SA [Redacted]

b1
b2
b7E
b6
b7C
b7D

Approved By: [Redacted]

(U) Drafted By: [Redacted] :jgc

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
~~(S)~~ 62F-[Redacted]-A89455-TOB

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

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

b1
b2
b7E
b7D

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

Details: [Redacted]

(S) 1. [Redacted]

(S) 2. [Redacted]

(U) ~~(S)~~ 3. Possible IOB Error: E-mail content provided.

(S) [Redacted]

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

(U) ~~(S)~~ On 11/06/2006, a National Security Letter (NSL) requesting the name, address, length of service, and electronic communication transactional records, to include existing transaction/activity logs and all email header information (not to

~~SECRET~~//20320201

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

(U) [redacted] include message content and/or subject fields) for the address holder
(S) [redacted] from [redacted]
[redacted] was prepared and approved in accordance with the Attorney General Guidelines. The NSL was served by the [redacted] Division and on 01/11/2007, [redacted] provided the results of the NSL to the [redacted] Field Office via e-mail as a courtesy, noting that a hard copy of the information was in transit to [redacted]

b1
b2
b7E

(U) ~~(S)~~ A review of the results of the NSL revealed that [redacted] supplied what the case agent determined to be message content and/or subject fields. Specifically, the term "Subject:" was identified one time followed by a message topic. Also, the term "Thread Topic" was identified three times, followed by information indicative of correspondence subject matter. This information was not utilized by the case agent in any analysis nor was it documented in the case file.

b4
b7D
b6
b7C

(U) ~~(S)~~ The case agent first reviewed the 01/19/2007 e-mail from [redacted] Division on 01/22/2007. [redacted] Division Counsel was contacted on 01/22/2007 to advised of the problem.

(U) ~~(S)~~ On 01/22/2007, case agent contacted [redacted] Division Investigative Support Specialist (ISS) [redacted] as she was the sender of the soft copy content material. ISS [redacted] was advised of the situation and verified that she did not save a copy of the material on her computer. ISS [redacted] noted that the information was only sent to SA [redacted] the case agent who submitted the NSL and writer of this correspondence. ISS [redacted] agreed to query her [redacted] contact regarding the information provided as a means for [redacted] to explain why the information was provided, or to identify that an error was made. Case agent requested that ISS [redacted] permanently delete any copies of the e-mail transaction, which included the content material, that was possibly still maintained within her e-mail.

(U) ~~(S)~~ On 01/25/2007, case agent received an e-mail from ISS [redacted] regarding this matter. ISS [redacted] explained that [redacted] of [redacted] was contacted regarding this error. [redacted] noted that he could not explain why this error occurred, yet, he aimed to correct the problem.

b2
b7E
b6
b7C
b4
b7D

(U) ~~(S)~~ On 01/31/2007 case agent received an e-mail message from ISS [redacted] noting that she destroyed the CD-R which contained e-mail content, per the request of [redacted] of [redacted]. Additionally, ISS [redacted] noted that [redacted] provided a new CD-R which contained the appropriate information that was originally requested by the NSL served on [redacted]

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

(U)

~~(S)~~ On 02/01/2007 case agent permanently deleted the e-mail message received from ISS [redacted] which contained the content information.

(U)

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

b2
b7E
b6
b7C

b2
b7E

(U)

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

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/29/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From:

[Redacted]

Contact:

[Redacted]

b2
b7E
b6
b7C

Approved By:

[Redacted]

Drafted By:

[Redacted]

: scc

(U)

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

b1
b2
b7E
b6
b7C
b7A

Title: (U)

SA [Redacted]
SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U)

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

~~(S)~~

~~Derived From : G-3
Declassify On: 01/29/2032~~

Details:

(S) 1.

[Redacted]

(S) 2.

(U)

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

~~(S)~~ NEIPM Section Reference: 1236

(S)

[Redacted]

(U)

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

[Redacted]

~~SECRET~~

b1
b2
b7E
b7A

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35631

~~SECRET~~

(U)

To: Inspection From: [redacted]
Re: [redacted] 278-HQ-C1229736-VIO, 01/29/2007

b2
b7E
b6
b7C
b7A

believed that the extensions had been granted by Counterterrorism. [redacted] issued one National Security Letter to a financial institution [redacted] and Primary Case Agent [redacted] completed quarterly case reviews and submitted a [redacted]

(U) By reviewing the case files, Primary Case Agent has since discovered that the electronic communications requesting the extensions had not been uploaded, and are still saved in the drafts folder on the [redacted] Division shared hard drive. Although the National Security Letter has been delivered to the financial institution, no information has been collected from that institution, and [redacted] has been collected. Primary Case Agent has contacted the financial institution and instructed them to disregard the National Security Letter. No investigative activity has occurred since the expiration of the Preliminary Investigations. ITOS II, PRGU has been advised by separate communication.

b2
b7E
b7A

~~SECRET~~

~~SECRET~~

(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/29/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

3

NSL VIO-35633

~~SECRET~~

(U)

~~To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 01/31/2007~~

sufficient justification to warrant the extension. TFO [redacted]
took no further action on the PI and is waiting on ITOS II
extension approval.

b1
b2
b7E
b6
b7C

(S)

~~(S) Attorney General Guidelines require the work on a~~
[redacted]

~~SECRET~~

~~SECRET~~

(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/31/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

b2
b7E
b6
b7C

Date: 01/29/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975
Attn: CDC/Legal Unit

From:

Contact: SFO

Approved By:

Drafted By:

:scm

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VTO
(U) 278- [redacted] C136372

b1
b2
b7E
b6
b7C
b7A

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

(U) Synopsis: ~~(S)~~ Report of a potential IOB matter.

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

Details:

(S) 1. [redacted]

(U) ~~(S)~~ 2. Case Agent: SFO [redacted]
Supervisor: SSA [redacted]

(S) 3. [redacted]

(U) ~~(S)~~ 4. No Foreign Intelligence Surveillance Act (FISA) request has been submitted to Office of Intelligence Policy and Review, Department of Justice (OIPR).

(U) ~~(S)~~ 5. Possible IOB Error:

(S) [redacted]

b1
b6
b7C
b7A

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

DATE: 12-11-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-11-2032

b2
b7E
b7A

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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

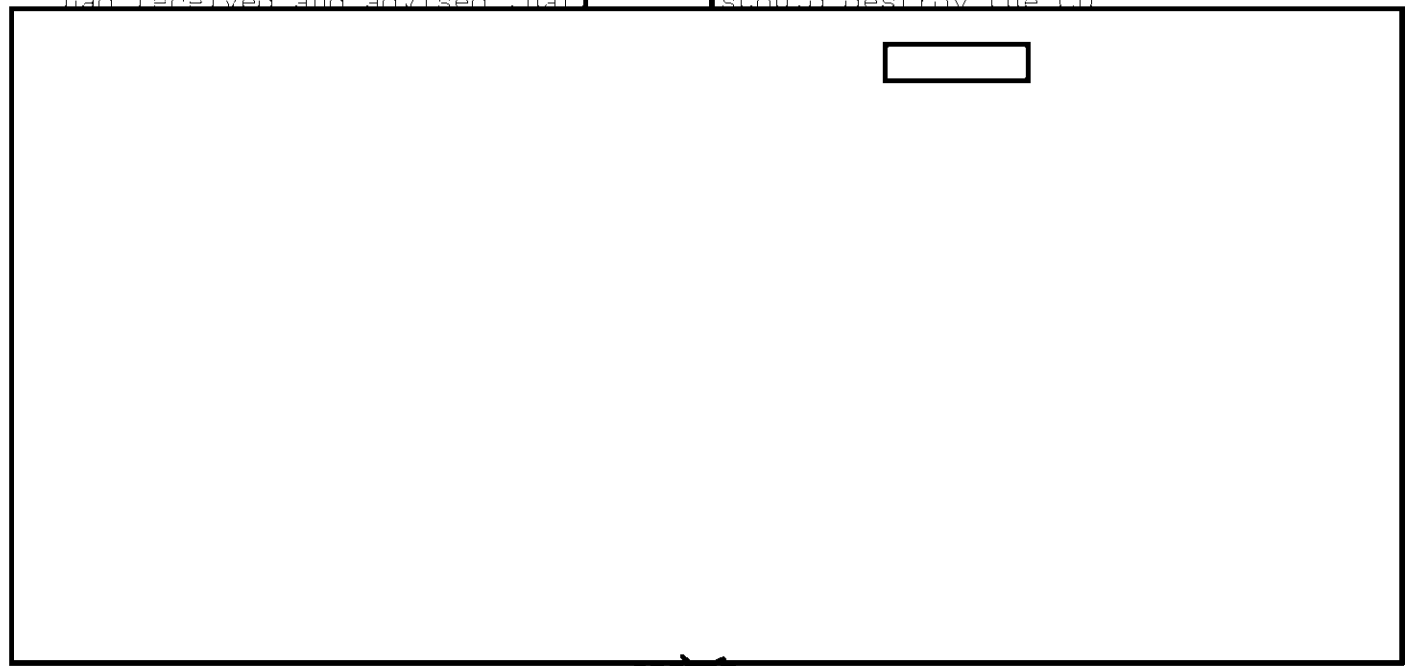
b2
b7E
b6
b7C
b7A
b4
b7D

(S) [redacted] A National Security Letter was approved by [redacted] and [redacted] served on [redacted]. This NSL was for toll records related to telephone number [redacted]. [redacted] Special Federal Officer [redacted] received [redacted] a letter response from [redacted] and a CD disk. Upon review of the letter response [redacted] found that according to the subscriber profile the listed telephone number was subscribed to by [redacted]. As of [redacted] discontinued the service on this telephone number for non-payment. Upon further review [redacted] found that [redacted] had also forward information on the new subscriber of the telephone number. [redacted] then opened the CD that had been provided by [redacted] and discovered that there were 45 pages of toll calls for both local and long distance. [redacted] also found that the first 30 telephone calls were during the time [redacted] had subscribed to the telephone number. [redacted] made a copy of page one and blacked out the other phone numbers on that page. The other pages were destroyed.

(U) [redacted] contacted SSA [redacted] and advised of what had been returned to him from [redacted] and Paralegal [redacted] of the [redacted] Division's Legal Unit.

b6
b7C
b2
b7E

(U) [redacted] contacted [redacted] by telephone [redacted] and reported the possible error. [redacted] stated that they had followed the instructions of the NSL that they had received and advised that [redacted] should destroy the CD.



~~SECRET~~

b2
b7E

(U)

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

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

3

NSL VIO-35639

~~SECRET~~//20320205
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/05/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

[Redacted]

Attn: ASAC [Redacted]
CDC [Redacted]

b1
b2
b7E
b6
b7C

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:jsb

Case ID #: ~~(S)~~ [Redacted] VIO
(S) [Redacted]

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

b1
b2
b7E
b6
b7C
b7A

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

~~(S)~~ Derived From : G-3
Declassify On: 02/05/2032

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

(S) 3. Possible IOB Error:
[Redacted]

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

b1
b4
b7D
b6
b7C
b7A
(S) [Redacted] a National Security Letter (NSL) to [Redacted]
[Redacted] requesting all financial records pertaining to the
account of [Redacted]
[Redacted]

~~SECRET~~//20320205

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

(U)

[redacted] for the time period [redacted]

(S)

was prepared and approved in accordance with the Attorney General Guidelines. The NSL was served by the [redacted] Field Office and on [redacted] reported delivery of the NSL and retrieval of documentation.

~~(S)~~

b4
b7D
b2

On 02/01/2007, a preliminary review of the results the NSL revealed that [redacted] financial transactions that occurred in [redacted]. This information was not requested by the FBI. This information was not utilized by the case agent in any analysis nor was it documented in the case file.

(U)

b2
b7E

~~(S)~~ On 02/01/2007, [redacted] contacted Office of General Counsel (OGC), FBIHQ, to determine the proper handling of the information received. Per the advisement of OGC, [redacted] mitigated the errant information by completely removing pages containing only transactions occurring in December 2004 and redacting transactions on pages containing both requested and non-requested information. All original pages containing errant information were sent to [redacted] CDC.

b2
b7E

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

(U)

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

b2
b7E
b6
b7C

Date: 01/12/2007

To: [redacted]

Attn: SAC [redacted]
ASAC [redacted]
SSA [redacted]
CDC [redacted]

Counterintelligence
Inspection Division

Attn: SSA [redacted]
Attn: IIS, CRS [redacted]
Attn: ISS Unit [redacted]

From: [redacted]

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

mrf

(U)

Case ID #: [redacted]

~~(S)~~

(Pending)

(U)

Title: [redacted]

~~(S)~~

INTELLIGENCE OVERSIGHT BOARD
MATTER 2006-[redacted]

(U)

Synopsis: [redacted]

~~(S)~~

Disposition of erroneously provided financial records.

(U)

~~(S)~~

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

(U)

Reference: [redacted]

~~(S)~~

278-HQ-C1229736-VIO Serial 1560

(S)

Details: [redacted]

~~(S)~~

By EC dated 07/21/2006, [redacted] requested that OGC review an incident and determine whether it warrants reporting to the TOB. On 4/16/2002, [redacted]

b1
b2
b7E
b6
b7C
b4
b7D

(S)

[redacted] As part of its investigation, [redacted] sought and received permission to obtain financial records belonging to [redacted]. A National Security Letter (NSL) [redacted] was prepared by [redacted] and served by FBI [redacted] on [redacted]. The NSL requested all financial records pertaining to the subject and his account.

~~SECRET~~

DATE: 12-14-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-14-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35643

~~SECRET~~

(U) To: [redacted] From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-V10, 01/12/2007

(U) ~~(S)~~ Upon receipt and review of the documents, [redacted] discovered that what [redacted] provided, exceeded that which was requested. [redacted] reported the error to OGC. [redacted] separated, wrapped, and secured the excess information in the [redacted] SSA safe. Pursuant to the EC dated 11/24/2006 from the Office of General Counsel, [redacted] contacted [redacted] the provider of the improper information. [redacted] advised that the records may be destroyed by [redacted] has destroyed the aforementioned records.

b2
b7E
b7D
b4
b7D

~~SECRET~~

b2
b7E

(U) To: [redacted] From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/12/2007

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) ~~(S)~~ For information only.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) ~~(S)~~ For Information only.

Set Lead 3: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ Read and clear.

Set Lead 4: (Action)

[redacted]

b2
b7E

AT [redacted]

(U) ~~(S)~~ Read and clear.

◆◆

b1
b7C
b7E

b2
b7E

(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/16/2007

(S)

[redacted]

(S)

~~(S)~~ Due to administrative oversight, an annual Letter Head Memorandum (LHM) was not completed for 2006. During this period of time, the case has been transferred to three different investigators. In November of 2006, investigators used National Security Letters (NSLs) to obtain [redacted] credit history, telephone subscriber information, and telephone toll records. [redacted] plans on requesting analysis from the [redacted] in reference to the results of these NSLs. Spot checks of [redacted] place of employment have been conducted

[redacted] No other investigative activity has occurred in the last year.

b1
b6
b7C
b2
b7E
b7A

(U) To: Inspection From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/16/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/05/2007

To: Inspection Division

Attn: IIS

Office of the General Counsel

Attn: NSLP

From:

[Redacted]
[Redacted]
Contact: SA [Redacted]

b2
b7E
b6
b7C

Approved By:

[Redacted]

Drafted By:

[Redacted] :mac

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

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

Title: (U) REPORT OF A POTENTIAL IOE MATTER

(U) REPORT OF A POTENTIAL IOE MATTER

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

(U)

~~(S)~~

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

Details:

Case Background and Case Agent

[Redacted]

b1
b2
b7E
b6
b7C
b7A

The Case ID# and Title is noted as follows:

Case ID#:

[Redacted]

(S)

~~SECRET~~

DATE: 12-14-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-14-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIC-35649

~~SECRET~~

To: Inspection Division From: [redacted]
Re: (U) 278-HQ-C1229736-V10, 02/05/2007

(S)

Title: [redacted]

b1
b2
b7E
b6
b7C
b7A

(S)

[redacted] The case agent of [redacted] is SA [redacted]
SA [redacted] supervisor is SSA [redacted]

Report of Potential IOB Matter

(U)

~~(S)~~ On 12/12/2006, A National Security Letter (NSL) was drafted and subsequently approved directing [redacted] to produce to the Federal Bureau of Investigation (FBI) all financial records pertaining to the customer(S) and/or accounts listed below:

1. NAME: [redacted]
ACCOUNT NUMBER: [redacted]
SOCIAL SECURITY NUMBER: [redacted]
DATE OF BIRTH: [redacted]

b6
b7C
b7A

2. NAME: [redacted]
ACCOUNT NUMBER: [redacted]
SOCIAL SECURITY NUMBER: [redacted]
DATE OF BIRTH: [redacted]

(U) The NSL dated 12/12/2006, specifically requested the financial records to be provided for the [redacted]

b6
b7C
b2
b4
b7D

(U) On 01/29/2007 [redacted] personally provided to ISS [redacted] records requested in the NSL dated 12/12/2006.

~~SECRET~~

b2
b7E
b7D
b6
b7C
b7A

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

(U) On 02/05/2007, SA [redacted] received the results of the NSL dated 12/12/2006. The records provided by [redacted] included financial records for [redacted] for the period [redacted] to the present as requested. In addition, [redacted] included records for [redacted] for the following monthly statements:

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

(U) (S) The NSL served to [redacted] specifically requested financial records for only the **Period to the Present.** [redacted] Division at [redacted] never requested or provided any correspondence requesting records for the period [redacted] to [redacted] for [redacted]. Legal guidance provided by OGC and NSLB noted that a potential IOB violation includes "a carrier providing information beyond the scope of a NSL resulting in the unintentional acquisition of data" [278-HQ-C1229736-2570.]

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

~~SECRET~~

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

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION DIVISION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

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

Precedence: ROUTINE

Date: 02/12/2007

To: [redacted]
Inspection
General Counsel

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

From: [redacted]

Contact: SA [redacted]

Approved By: [redacted]

b2
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b7C

Drafted By: [redacted]:kdz

- (U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10
- (U) ~~(S)~~ 278 [redacted]-A95380
- (U) ~~(S)~~ 62E [redacted]-A89455-IOB

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b6
b7A

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

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

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

Details:

(S) 1. [redacted]

(S) 2. [redacted]

(U) ~~(S)~~ 3. Possible IOB Error:
(S) [redacted]

b4
b7D
b7A

(U) ~~(S)~~ 4. Description of IOB Error (including any reporting delays).
(U) ~~(S)~~ A National Security Letter (NSL) dated 11/03/2006 directed to [redacted] for records related to the account of above espionage subject was requested, approved and served. The NSL requested records of transactions from [redacted] through the present.

(U) ~~(S)~~ On 02/12/2007, [redacted] reviewed the records received from [redacted] and found that two statements reflected transactions and account balances from [redacted]

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~~SECRET~~//20320212

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

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

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

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 1/18/07

To: [Redacted]
Counterintelligence
Inspection

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

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

Approved By: Thomas Julie F.

b2
b7E
b6
b7C

Drafted By:

[Redacted]

Case ID #: (U) 278-HQ-C1229736-VIO
(S) 62P-[Redacted]-A89455

(U)

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

(U)

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

(U)

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

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b7E

Reference: (S) 278-HQ-C1229736-VIO-1808

(U)

Details: (S) As noted in the electronic communication (EC) dated 10/31/2006 [Redacted]

(S)

[Large Redacted Area]

To: [Redacted] From: Office of the General Counsel

~~SECRET~~

DATE: 12-14-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-14-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-35656

~~SECRET~~

Re: 078-HQ-C1029736-VIO, 1/18/07

(S) [redacted] initially sent a National Security Letter (NSL) to [redacted] requesting the name, address, length of service, and electronic communication transactional records, to include existing transaction/activity logs and all email header information (not to include message content/body/content fields), for the address holder of [redacted]. The NSL was served by the [redacted] Field Office and on 10/17/2006, the [redacted] Field Office provided the results of the NSL to the [redacted] Field Office via email.

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(U) (S) On 10/24/2006, a preliminary review of the results of this NSL revealed that [redacted] had supplied thirty (30) email transactions that included information labeled [redacted]. This information appeared to be possible subject line content or similar information. This information was not utilized by the case agent in any analysis nor was it documented in the case file. As of the date of this EC, the [redacted] Field Office was still awaiting the physical results of the NSL. Subsequently, [redacted] produced a CD-ROM with the all of the information. This CD-ROM has been stored in a 1-A envelope, and sequestered with the CDC.

(U) (S) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 9/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential Directive." This language has been interpreted to mandate the reporting of any

To: [redacted] From: Office of the General Counsel

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NSL VIO-35657

Re: 278-HQ-C1229736-VIO, 1/18/07

violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communications record from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709; (2) records of financial institutions (which is very broadly defined)(Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. NSIG, Section V.12.

(U) ~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL on an internet service provider, [redacted]. In response to the properly served NSL, the FBI obtained email transaction information beyond what it is legally authorized to receive, i.e. content information. It should be noted that the FBI's response in receiving the unsolicited material was commendable. Upon reviewing the information in email that had been provided by the [redacted] Field Office, [redacted] quickly concluded that some of it was not information that had been requested. [redacted] has maintained the CD-ROM with all of the information in a 1A envelope with the CDC, and no results of this NSL have been uploaded and no record exists in ACS.

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~~SECRET~~

(U) ~~(S)~~ By agreement with the Counsel to the IOB, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

Set Lead 1: (Action)

~~SECRET~~

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[Redacted]

(U) ~~(S)~~ Return original CD-ROM to [Redacted] and request a replacement which contains only the information responsive to the NSL.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

1-Ms. Thomas

[Redacted]

b6
b7C

1-LOB Library

◆◆

~~SECRET~~//20320209
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/09/2007

To: Inspection
General Counsel

b2
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b7C

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

[Redacted]

Attn: ASAC
CDC
CI-2

[Redacted]
[Redacted]
[Redacted]

From:

[Redacted]

Contact: SA

[Redacted]

Approved By:

[Redacted]

Drafted By:

[Redacted] :jsb

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VTO
~~(S)~~ 62E [Redacted]-A89455-IOB

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

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

(U) ~~(S)~~ Derived From : G-3
Declassify On: 02/09/2032

Details:

(S) 1.

[Redacted]

(S) 2.

[Redacted]

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

[Redacted]

(S)

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

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b7C
b7A
(S) [Redacted] a National Security Letter (NSL) to [Redacted]
[Redacted]
requesting all financial records pertaining to the account of [Redacted]

~~SECRET~~//20320209

(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/09/2007

b1 [redacted]
b6 (S) [redacted]
b7C [redacted] was prepared and
b2 approved in accordance with the Attorney General Guidelines. [redacted]
b7E reported delivery of the NSL [redacted] and retrieval of the
b7A requested documentation on [redacted]

~~(S)~~ On 02/09/2007, a preliminary review of the results the NSL revealed that [redacted] supplied nine (9) financial transactions that occurred in [redacted]. This information was not requested by the FBI. This information was not utilized by the case agent in any analysis nor was it documented in the case file.

b4
b7D
b2 | ~~(S)~~ Based upon prior advisement to [redacted] by the Office of General Counsel (OGC), FBIHQ, in regard to the proper handling of such information received, [redacted] mitigated the errant information by redacting transactions that occurred prior to 01/01/2005. All original pages containing errant information were sent to the [redacted] CDC.

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(U)

To: Inspection From: [redacted]
Re: ~~NSL~~ 278-HQ-C1229736-VIO, 02/09/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Action)

[redacted]

At [redacted]

(U) To report possible ICB violation.

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b7E

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~~SECRET~~//20320131
FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE

Date: 01/31/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]
[Redacted]
Contact: IA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] kss

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

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

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b7E
b6
b7C
b7A

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

(U) ~~Derived From : G-3~~
~~Declassify On: 01/31/2032~~

Details:

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b7E

(S) 1. [Redacted]

(S) 2. [Redacted]

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

(S) [Redacted]

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

(S) Writer issued a National Security Letter (NSL) on [Redacted]
[Redacted] for subscriber information and toll records
[Redacted]
included additional numbers on the account and toll records for those
additional numbers on the account. At the time the NSL was generated
and the response received, the primary case agent, SA [Redacted] was
in [Redacted] HQ office rather than [Redacted]. The co-case agent, SA

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~~SECRET~~//20320131

[Redacted] 031K3304

DATE: 12-14-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-14-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-35664

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To: Inspection From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/31/2007

[redacted] was at [redacted] When the NSL response was received, writer entered subscriber information into [redacted] including the additional numbers, and forwarded the records to SA [redacted] in [redacted] for handling as the analysis was not going to be done at [redacted] Subscriber information for the additional numbers was entered on 07/28/2006.

(U) ~~(S)~~ On 11/07/2006 the investigation was reassigned with SA [redacted] designated as the primary investigator and the case was transferred to [redacted] At that time writer and SA [redacted] noted that no toll records had been loaded into [redacted] An effort was made to locate the records and get them loaded into [redacted] Photocopies of the records were subsequently located and a request to upload them was dated 12/08/2006.

(U) ~~(S)~~ On 01/30/2007 the writer was provided the NSL response with a note that the records were uploaded and ready to be analyzed. While reviewing the records on 01/31/2007, writer observed that [redacted] [redacted] response included not only the additional numbers but also toll records for those additional records. These toll records were NOT loaded into [redacted] Writer immediately notified SSA [redacted] and SA [redacted] of this matter.

(U) The original response from [redacted] is being forwarded to ADC [redacted] per previous handling guidance.

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[redacted] 031K3304

To: Inspection From: [Redacted]

(U)

Re: ~~(S)~~ 278-HQ-C1229736-VIO, 01/31/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

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b7E

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

[Redacted] 031K3304

b6
b7C

~~SECRET~~//20320206
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/06/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

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b7C
b7A

Contact: IA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :kss

Case ID #: (U) 278-HQ-C1009736-VIO

(S)

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

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b7A

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

(U) ~~Derived From : G-3
Declassify On: 02/06/2032~~

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

(U)

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

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(S) [Redacted]

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

(S) Writer issued a National Security Letter (NSL) to [Redacted] for subscriber information and toll records for [Redacted]

[Redacted] 7, 2006. On February 6, 2007, writer received [Redacted] response via [Redacted] response consists of billing statements for the accounts which include [Redacted] provided billing statements for toll records beginning [Redacted] through [Redacted] In all, approximately six years of toll records were provided in the billing statements in response to an NSL

(S)

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~~SECRET~~//20320206

[Redacted] 037K3301
DATE: 12-14-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-14-2032

ALL INFORMATION CONTAINED
IN THIS DOCUMENT IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIC 8566

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(U)
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b7A

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/06/2007

requesting six months of toll records. The relevant billing statements responsive to the NSL are from [redacted] through [redacted]

(U) [redacted] original response will be forwarded to ADC [redacted] per previous handling guidance. A redacted copy of the relevant toll records will be maintained with the case file for analytical purposes.

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[redacted] 037K3801

(U)

To: Inspection From: [REDACTED]
Re: (S) 278-HQ-C1229736-VIO, 02/06/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

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[REDACTED] 037K3301

~~SECRET~~/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/09/2007

To: Inspection

Attn: IIS

Office General Counsel

Attn: NSLB

From: [Redacted]

Contact: SA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) To report potential IOB violation to Inspection Division (INSD), Internal Investigations Section (IIS).

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: X25-1~~

Enclosure(s): (U) Copy of LHM Submitted to ITOS II, PRGU 02/07/2007.

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Details: ~~(S)~~ The purpose of this communication is to report a potential IOB violation for failure to submit Annual LHM. The possible violation relates to [Redacted] investigation [Redacted] into the activities of [Redacted]. The case agent for the investigation is SA [Redacted]. SA [Redacted] supervisor is SSA [Redacted]. Prior to SSA [Redacted] SA [Redacted] supervisor was SSA [Redacted] (now ASAC [Redacted]).

(S)

(S)

(S) The subject of the investigation [Redacted] is a U.S. Person, but is not a United States Citizen.

(S) The potential violation consists of the failure to submit Annual LHMs. [Redacted]

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~~SECRET~~/NOFORN

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To: Inspection From: [redacted]
Re: (U) 278-HQ-C1229736-VIO, 02/09/2007

(S)

[redacted]

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(S)

~~(S)~~ It should be noted that the investigation into [redacted] is for the most part a criminal investigation. [redacted] information sought relating to [redacted] has been sought via Federal Grand Jury subpoena rather than by FISA. No FISA requests have been submitted for coverage of [redacted].

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~~(S)~~ [redacted]

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~~(S)~~ Additionally, there has been regular consultation with DOJ relating to this case. Due to the nature of the criminal investigation, SA [redacted] has been in regular contact with the United States Attorney's Office [redacted].

[redacted] As a result the advances made during the criminal investigation of [redacted] FBI [redacted] participated in the execution of a Search Warrant at [redacted].

(S)

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~~SECRET~~/NOFORN

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b7E

To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 02/09/2007

[REDACTED]

Annual LHMs and discovered the failure to submit. SA [REDACTED] thereafter advised SSA [REDACTED]

(U)

~~(S)~~ The case is ongoing and moving towards indictment of [REDACTED] for Mail Fraud, Wire Fraud, Money Laundering and other tax charges. The entirety of the investigation currently focuses on the criminal activities of [REDACTED]

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(U) The failure to submit was an oversight on the behalf of SA [REDACTED]. This error is being immediately addressed by the [REDACTED] Division. The error in ACS that should have produced a tickler has been corrected. An Annual LHM was drafted 02/07/2007.

~~SECRET~~/NOFORN

~~SECRET~~/NOFORN

To: Inspection From: [REDACTED] b2
Re: (U) 278-HQ-C1229736-VIO, 02/09/2007 b7E

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) To report potential IOE violation to Inspection Division (INSD), Internal Investigations Section (IIS).

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) information only.

◆◆

~~SECRET~~/NOFORN

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/16/2007

To: Inspection
General Counsel

Attn: IIS
Room 11861
Attn: NSLB
Room 7975

From: [Redacted]

Chief Division Counsel

Contact: [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted] :kag

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(U)

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

(U)

Title: ~~(S)~~ Intelligence Oversight Board (IOB) error

(U)

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

(U)

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

Details: ~~(S)~~ 1. [Redacted]

(S)

[Redacted]

(U)

~~(S)~~ 2. Potential IOB error: An NFIPM section reference carrier error in providing agent with information not authorized by NSL.

(S)

~~(S)~~ 3. Description of potential IOB error: (In accordance with an approved ECPA National Security letter dated [Redacted] returned to the [Redacted] toll billing records for telephone number [Redacted])

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DATE: 12-14-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-14-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO 35674

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To: Inspection From: [redacted]
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/16/2007

(S)

[redacted]

[redacted] As a result, there were two additional individuals (not FBI subjects) who have subscribed to the telephone number [redacted]. Upon receipt of those additional records from [redacted] the toll billing records were not reviewed or acted upon and no lead information was developed by the [redacted] Division. The subscriber and toll billing information for the two additional individuals (not [redacted]) were provided to the Chief Division Counsel for maintenance in his safe.

(U) ~~(S)~~ 4. The Office of General Counsel guidance per EC dated 11/16/2006, provides that an over-collection of this type must be reported as a potential IOB violation.

(U) ~~(S)~~ 5. [redacted] therefore, is reporting this incident to OGC and the Inspection Division. Due to the fact that no investigative activity was conducted as a result of the over-capture, [redacted] does not believe this incident to be a reportable IOB violation.

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(U) ~~(S)~~ 6. Due to the fact that this was an error on the part of [redacted] and was not the result of agent error, SAC [redacted] recommends no administrative action be taken regarding this matter.

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 273-HQ-C1229/36-VIO, 02/16/2007

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LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/15/2007

To: INSD
General Counsel

Attn: IIS
Attn: NSLE, Room 7947

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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Drafted By: [Redacted] dcp

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO
~~(S)~~ 278-[Redacted]-50078-A

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) Synopsis: ~~(S)~~ To report a potential IOB matter based on the inadvertent collection of telephone toll information for a telephone not subscribed to by the subject of the investigation.

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

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

Details: (S) [Redacted]

[Redacted]

The case agent is Special Agent (SA) [Redacted]
the supervisor is Supervisory Special Agent (SSA) [Redacted]

[Redacted]

~~(S)~~ During the course of the investigation in 08/2005, SA [Redacted] conducted a query of the Lexis/Nexis database in an attempt to identify any telephone numbers associated with the subject. The results of his efforts identified telephone number [Redacted]

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(S) [Redacted]

~~SECRET~~

DATE: 12-14-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-14-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35677

(U) To: INSD From: [redacted]
Re: Case ID #: [redacted] 278-HQ-C1229736-V10, 02/15/2007

(S) [redacted] Referenced [redacted] NSL [redacted]
[redacted]

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present. The subscriber information returned by the telephone carrier indicated that the subject was not the subscriber for the telephone and that the telephone number was not in use as of 7/2005. The responsive toll records did not belong to the subject and as such were not loaded into any computerized database maintained by the FBI; the records were placed in 1A envelope and maintained in the file. Based on the fact that the data provided by the telephone carrier was not integrated into the FBI [redacted] SA [redacted] was unaware that he was under an obligation to report the matter to the IOB.

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(S) [redacted] Referenced [redacted] NSL [redacted] dated 12/23/2006, requested the telephone subscriber information and toll records for a group of telephone numbers. Inadvertently, SA [redacted] included in that group a request for subscriber information and telephone toll records from 07/21/2005 to the present for [redacted] XXXX. In late 01/2007, the subscriber information and toll records for all of the telephone numbers was returned by the telephone carrier. After a review of the records by SA [redacted] he recognized that the subscriber for [redacted] XXXX was not the subject of the investigation. None of the data from the records for [redacted] XXXX was loaded into any of the computerized databases maintained by the FBI. The records were isolated by SA [redacted] and never placed in a 1A envelope.

(U) [redacted] In late 01/2007, SA [redacted] informed SSA [redacted] Acting/Chief Division Counsel, [redacted] that he had collected telephone subscriber information and toll records on a person not related to his investigation. SA [redacted] indicated that he believed that the telephone number had at one time belonged to the subject, although at the time he spoke to SSA [redacted] he was unsure of what factual information he had relied on to come to that conclusion. SSA [redacted] directed SA [redacted] to review the information available to him in order to ascertain the information necessary to report the matter as an IOB. SSA [redacted] also directed SA [redacted] to remove from the 1A envelope, the set of records that did not belong to subject, and to isolate both sets of records in a sealed envelope. SA [redacted] complied with this directive.

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(U) [redacted] SA [redacted] was TDY to [redacted] from [redacted] On [redacted] SA [redacted] reported to [redacted]

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~~SECRET~~

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(U) To: INSD From: [redacted]
Re: Case ID #: [redacted] ~~(S)~~ 178-HQ-C1229736-V10, 02/15/2007

SSA [redacted] the above facts. On 02/14/2007, SSA [redacted] directed SA [redacted] to provide written documentation of the incident to INSD and NSLB.

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~~SECRET~~

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(U) To: INSD From: [REDACTED]
Re: Case ID #: [REDACTED] 278-HQ-C1229736-VIO, 02/15/2007

LEAD(s) :

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) The Office of The General Counsel is requested to review the circumstances regarding the possible IOE violation and to subsequently provide CDC [REDACTED] direction regarding the disposition of the records which were inadvertently collected.

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b7E

LEAD(s) :

Set Lead 2: (Discretionary)

INSPECTION

AT AT INTERNAL INVESTIGATIVE SECTION, WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b6 Date: 01/19/2007
To: Inspection b7C
General Counsel b2 Attn: IIS, Room 11361
b7E Attn: NSLB, Room 7975

From: [Redacted]
Contact: SA [Redacted]

Approved By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [Redacted] bwb

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(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

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

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

(U) ~~(S)~~ Derived From: G-3
~~Declassify On: 01/19/2032~~

Details: [Redacted]

(S) 1. [Redacted] The case
[Redacted] agent was SA [Redacted] and the supervisor is SSA [Redacted]

(S) 2. [Redacted]

(U) ~~(S)~~ 3. Possible IOB Error:
[Redacted]

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

[Large Redacted Block]

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DATE: 12-12-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-12-2032

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~~SECRET~~

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

(S) During the course of [redacted] investigation, it was determined that [redacted] in the past, and the results from a National Security Letter (NSL) dated 05/28/2006 to [redacted]

(S) [redacted] confirmed that [redacted] had been the subscriber to this account since [redacted]. An EPCA NSL dated 06/19/2006 to [redacted] returned that [redacted] is not an email provider and that this service is provided by [redacted] which is owned by [redacted]

(S) A 07/03/2006 telephone call by SA [redacted] to [redacted] confirmed that [redacted] could provide the transactional records for [redacted]. On 07/03/2006, these electronic communications transactional records were requested with another EPCA NSL to further identify [redacted] associates and his possible international terrorism connections.

(U) SA [redacted] received the results from [redacted] in response to the EPCA NSL on or about 07/14/2006. The results were provided on a CD-ROM. A preliminary examination of the results provided on the CD-ROM immediately revealed that full message content was provided by the company instead of just header information. Upon noticing this error, SA [redacted] turned the CD-ROM over to [redacted] Assistant Division Counsel [redacted] for whatever action was deemed necessary. No analysis was performed by the case agent on the unfiltered content provided by [redacted]

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(U) FBI [redacted] continues to work with this growing problem of inadvertent over collections, as well as deal the changes in the IOE reporting process as discussed with AGC [redacted] FBI [redacted] has delayed reporting until these two situations have been sufficiently addressed.

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(U)

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

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-35683

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/05/2007

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To: Inspection
General Counsel

Attn: IIS
Attn: NSLE

From:

[Redacted]

Contact: TFO

[Redacted]

Approved By:

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By:

[Redacted]

ajm

(U)

Case ID #: ~~(S)~~ 078-HQ-C1229736-VIO (Pending)
(S) [Redacted] (Pending)

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Title: (U) REPORT OF A POTENTIAL IOB MATTER

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

(U)

~~Derived From : G-3
Declassify On: 02/05/2032~~

Details:

[Redacted]

[Redacted] subsequently authorized the initial six month extension. By EC dated 04/10/2006 Task Force Officer (TFO) [Redacted] the Primary Investigator, requested FBIHQ, Counterterrorism Division approval for an additional [Redacted]. FBIHQ did not respond to the [Redacted].

(S)

(U) ~~(S)~~ During the period from 04/05/2006 until the extension was granted on 08/09/2006, the investigation continued.

[Redacted]

~~(S)~~

[Redacted]

(U)

[Redacted]

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DATE: 12-12-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-12-2032

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(U)

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(S)

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

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[Large redacted block]

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(S)

~~(S)~~ Attorney General Guidelines require the work on a PI to cease after the expiration date until FBIHQ approves the extension.

(U)

~~(S)~~ TFC [redacted] was the Primary Investigator during the period when the [redacted] He has since left the JTTF. SA [redacted] was the Acting Squad 16 Supervisor during the investigation. The mistake was discovered when newly assigned [redacted] SSA [redacted] conducted a file review with recently assigned JTTF TFC [redacted] on 01/31/2007.

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(S)

(S) [redacted] under FBIHQ extension authority.

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~~SECRET~~

(U)

To: Inspection From: [REDACTED] b2
Re: ~~ISI~~ 273-HQ-C1229736-VIO, 02/05/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 02/21/2007

To: General Counsel b2
Inspection b7E
[Redacted] b6
[Redacted] b7C

Attn: NSLB
Attn: IIS
Attn: SAC [Redacted]
ASAC [Redacted]
SSA [Redacted]
CDC [Redacted]

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted] b2
[Redacted] b7E
[Redacted] b6

Drafted By: [Redacted] mjs b7C

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

(U) ~~(S)~~ **Title:** INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION
FEIHQ - [Redacted] DIVISION

Synopsis: (U) Report of a potential Intelligence Oversight Board (IOB) matter.

(U) ~~(S)~~ **Derived From:** G-3
Declassify On: 02/21/2032

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

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Enclosure(s): (U) Enclosed for NSLB and IIS are the following:
One copy of a series of e-mails (3 pages) to include an e-mail from former SSRA [Redacted] to ASC [Redacted] et al, FEIHQ, CTD, dated 07/21/2005.

(S) ~~(S)~~ **Details:** This matter refers to [Redacted]
[Redacted]

~~SECRET~~

DATE: 12-13-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-13-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35687

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b7E

(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-V10, 02/11/2007

(S) [redacted]

[redacted]

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[redacted]

~~(U)~~ On or about 07/13/2005, SA [redacted] coordinated with United States Attorney's Office (USAO), [redacted]

[redacted] Chief of Criminal, [redacted] to obtain a Grand Jury subpoena for [redacted]

records pertaining to [redacted]. After receiving the subpoena, SA [redacted] went to [redacted] and met with Associate General Counsel [redacted]

SA [redacted] served the subpoena and had some records in hand when he received a call from SSRA [redacted]

SSRA [redacted] had been notified by FBIHQ, ITOS I, CONUS II, Team 6, that we were not to utilize a Grand Jury subpoena and that we must obtain a National Security Letter (NSL). Therefore, SA [redacted]

returned the records to [redacted]

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(U) SSRA [redacted] advised FBIHQ that our SAC, [redacted] was TDY out of the Division and therefore we would need to complete an EC addressed to General Counsel requesting an NSL be approved at FBIHQ. SSRA [redacted] was then instructed by FBIHQ, ITOS I, CONUS II, that [redacted] would be required to draft the NSL, due to time constraints, and then obtain approval from a neighboring division's SAC. SA [redacted] then drafted an NSL to obtain the [redacted] records from [redacted] and forwarded the NSL to SSRA [redacted] for review. The NSL was then forwarded by SSRA [redacted] to SAC [redacted] Division, for approval.

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(U) On or about 07/14/2005, JTTF Task Force Agent [redacted] served the NSL at [redacted]. TEA [redacted] does not recall [redacted]

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(U) To: General Counsel From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-V10, 02/11/2007

(S) the individual's name to whom the NSL was given. TFA [redacted] was advised that the NSL was not the appropriate documentation to receive [redacted] records and [redacted] declined to honor the NSL.

(U) SSRA [redacted] then contacted CDC [redacted] for guidance concerning the matter and the questioned legality of the NSL for [redacted] records. CDC [redacted] then conferred with legal counsel at [redacted] and FBIHQ, OGC, concerning the matter. SSRA [redacted] also contacted ASAC [redacted] who in turn was also in contact with FBIHQ.

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(U) Subsequently, SSRA [redacted] was advised by FBIHQ that a Grand Jury subpoena would be obtained out of the [redacted] which was the office of origin on the [redacted] and the Grand Jury subpoena would be forwarded to the [redacted] for service on [redacted]

(S) On 07/15/2005, the [redacted] received a copy of the Grand Jury subpoena from the [redacted] requesting [redacted] records for [redacted] SA [redacted] and SA [redacted] served [redacted] with the Grand Jury subpoena (as documented in [redacted]). After [redacted] resistance to comply, SA [redacted] advised [redacted] that he had been served. SSRA [redacted] was in contact with ASAC [redacted] advising of [redacted] reluctance to honor the Grand Jury subpoena and at this time ASAC [redacted] contacted the [redacted] concerning the matter. Approximately one hour later, [redacted] contacted the [redacted] and advised that the [redacted] were waiting for cur retrieval.

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(U) To: ~~General Counsel~~ From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/11/2007

LEAD(s) :

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB; For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) IIS; For information and action deemed appropriate.

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~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/23/2007

To: Inspection
General Counsel

Attn: IIS, Room 11961
Attn: NSLB, Room 7975

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From: [Redacted]

Contact: SSA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:ddb

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

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

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

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

Details:

(S) 1. [Redacted]

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(S) 2. [Redacted]

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

(S) [Redacted]

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

(U) ~~(S)~~ On 02/21/2007, [Redacted] CDC [Redacted] advised SSA [Redacted] of a potential IOB violation identified during an audit by the Office of Inspector General (OIG).

[Redacted]

(U) ~~(S)~~ On or around 08/12/2004, a National Security Letter (NSL) was issued to [Redacted] requesting financial records pertaining to

DATE: 12-13-2007
CLASSIFIED BY: 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-13-2032

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NSL VIO-35691

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/13/2007

(S) [redacted] subject and two associated e-mail addresses, [redacted]
[redacted] Although financial records were requested, the NSL was issued under authority of Executive Order 12333, dated 12/04/1981, and pursuant to Title 18, U.S.C. Section 2709 (as amended, 10/26/2001). The NSL certified that the FBI complied with all applicable provisions of the Right to Financial Privacy Act (RFPA) in accordance with Title 12, U.S.C. Section 3403(b).

(S) ~~(S)~~ Further, a review of the initiating EC dated 08/12/2004 showed a request for an Electronic Communications Privacy Act (ECPA) NSL be approved and authorized to [redacted] communication transactional records. [redacted] The EC stated for mandatory reporting purposes that the accompanying NSL sought financial documentation records for two e-mail addresses associated with subject. b1
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(U) At the time of the above, SA [redacted] was the case agent and SSA [redacted] was the supervisor. This investigation was closed on 11/05/2004.

(U) ~~(S)~~ It should be noted that a previous potential IOB violation reported on this investigation, [redacted] was determined by the Office of General Counsel (OGC) as non-reportable, [redacted]

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~~SECRET~~

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/13/2007

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(U)

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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NSL VIO-35693

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/23/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

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(U) Drafted By: [Redacted] :psa

Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

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

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INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

(U) ~~(S)~~ ~~Derived From: FBI SCG-3, January 1997~~
~~Declassify On: 02/23/2032~~

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

(U) ~~(S)~~ 3. Possible IOB Error: (See description below.)

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(S) [Redacted]

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

(U) ~~(S)~~ On 02/21/2007, [Redacted] CDC [Redacted] advised SSA [Redacted] of a potential IOB violation identified during an audit by the Office of Inspector General (OIG).

(S) ~~(S)~~ On 12/21/2004, Special Agent [Redacted] (the former case agent on captioned investigation) issued a National Security Letter (NSL) to [Redacted] for subscriber information for the following phone numbers: [Redacted]

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

To: Inspection From: [redacted]
Re: (S) 278-HC-C1229736-VIO, 02/23/2007

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(S)

[redacted]

(U) (S) A review of [redacted] and ACS revealed that each of the numbers for which subscriber information was requested had relevance to an authorized [redacted] Investigation.

(S) (S) On 03/03/2005, SA [redacted] drafted an EC [redacted] to document subscriber information received pursuant to a NSL submitted on 12/21/2004 [redacted]. The EC documented subscriber information for the following phone numbers:

(S)

[redacted]

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(S) (S) The last number in the list above, [redacted] was not in the NSL submitted to [redacted] dated 12/21/2004 as the EC stated. However, it should be noted that the number was not erroneously furnished by [redacted]

(S) [redacted] Therefore, the information was not collected in error and was in fact collected as part of an authorized [redacted] Investigation pertaining to a National Security matter. As such, the EC dated 03/03/2005 erroneously stated that all of the results that followed were in response to a NSL dated [redacted]

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(U) To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

12/21/2004, when in fact one of the telephone numbers was provided in response to a NSL dated 12/29/2004.

(U) ~~(S)~~ The records mentioned above were received as two separate sets of results from [redacted] and are currently maintained in [redacted].
(S) [redacted] item numbers 58 and 59. It should also be noted that not all of the subscribers requested in the 12/21/2004 NSL were provided by [redacted] and thus were not reported in the 03/03/2005 EC. It is unclear why subscribers for a couple of the telephone numbers were not provided by [redacted]. At the time of the above, SA [redacted] was the case agent and SSA [redacted] was the supervisor.

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~~SECRET~~

(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 02/23/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

4

NSL VIO-35697

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/23/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From: [Redacted]

Contact: SSA [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted]:rar

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

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

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

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b7E
b6
b7C
b7A

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

Details:
(S) 1. [Redacted]

(S) 2. [Redacted]

(U) ~~(S)~~ 3. Possible IOB Error:
(S) [Redacted]

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

(U) ~~(S)~~ A NSL was issued on 04/08/03 under the authority of the Electronic Communications Privacy Act (ECPA) for the subscriber information and telephone toll record information for subject's telephone account [Redacted]. Upon receipt of requested documents from the telephone company, it was determined that due to the starting date of the request, [Redacted] falling in the middle of a billing cycle, that for the telephone company's convenience, they voluntarily provided toll record information dating back to [Redacted].

DATE: 12-13-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-13-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-35608

~~SECRET~~

b2
b7E

(U) To: Inspection From: [REDACTED]
Re: [REDACTED] 278-HQ-C1229736-VIO, 02/23/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

2

NSL VIO-35699

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/22/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SSA [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted]: rar

Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

(U)

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

b1
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b7E
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b7C
b7A

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

(U)

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

Details: [Redacted]

(S) 1.

(S) 2.

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

(S)

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

(U)

~~(S)~~ A NSL was issued on 07/16/2003 for subject's subscriber information and toll records for the period [Redacted] to the present. When the toll records were received, they were covering the period [Redacted] to [Redacted]. A previous NSL was issued on this subject's same telephone account on 08/19/2002 for subscriber information and toll records for the period [Redacted] to [Redacted] covering the [Redacted].

b4
b7D

DATE: 12-13-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-13-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35700

~~SECRET~~

b2
b7E

(U) To: Inspection From: [REDACTED]
Re: (U) 278-HQ-C1229736-VIO, 02/22/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

2

NSL VIO-35701

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/22/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SSA [Redacted]

Approved By: [Redacted]

b2
b7E
b6
b7C

Drafted By: [Redacted]:rar

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

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

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

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

Details:

(S) 1. [Redacted]

(S) 2. [Redacted]

~~(S)~~ Possible IOB Error:
(S) [Redacted]

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b7C

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

(U) ~~(S)~~ A NSL was authorized on 07/09/04 for a copy of subject's consumer credit report under the Fair Credit Reporting Act (FCRA) authority. Although the proper NSL was drafted, the accompanying Electronic Communication (EC) stated in the "Synopsis" section that this was a Right to Financial Privacy Act (RFPA) authority request.

DATE: 12-13-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-13-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35702

~~SECRET~~

b2
b7E

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

(U)

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

NSL VIO-35703

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/22/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SSA [Redacted]

b2
b7E
b6
b7C

Approved By: [Redacted]

Drafted By: [Redacted]:rar

(U) Case ID #: (S) 278-HQ-C1229736-V10

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

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

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

Details:

b1 (S) 1. [Redacted]
b2
b7E

b6 (S) 2. [Redacted]

b7C (U) ~~(S) 3. Possible IOB Error:~~
(S) [Redacted]

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

(U) (S) A NSL was requested under the Fair Credit Reporting Act (FCRA) authority for subject's consumer credit report on 11/12/04 which was received. During a DOJ/IG review of NSLs, this NSL was identified as being requested under FCRA authority but having language in the certification from the Right to Financial Privacy Act (RFPA). A subsequent review of this NSL is believed to contain the proper language from the FCRA.

DATE: 12-13-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-13-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35704

~~SECRET~~

b2
b7E

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 078-HQ-C1229736-VIO, 02/22/2007

(U)

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

2

NSL VIO-35705

~~SECRET~~

To: Inspection From: [REDACTED] b6
(U) Re: (X) 278-HQ-C1229736-VIO, 02/22/2007 b7C

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

2

NSL VIO-35707

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/23/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLE, Room 7975

From: [Redacted]

Contact: SSA [Redacted]

b2
b7E
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b7C

Approved By: [Redacted]

Drafted By: Rehling Roger A : rar

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-V10

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

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(U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

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

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

Details: [Redacted]
(S) 1. [Redacted]

(S) 2. [Redacted]

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b7E
b7A

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

(S) [Redacted]

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

(S) ~~(S)~~ A NSL was issued on 11/29/05 under the authority of the Electronic Communications Privacy Act (ECPA) [Redacted]

[Redacted] Although this NSL was served on the [Redacted] carrier, the carrier did not furnish this requested information to the FBI. This information can not be obtained under ECPA.

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DATE: 12-13-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-13-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35708

~~SECRET~~

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b7E

(U)

To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

NSL VIO-35709

~~SECRET~~

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b7E

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

(S) [redacted]
[redacted] On 11/30/2006 [redacted] drafted an NSL pursuant to 18 U.S.C. § 2709 seeking subscriber information for a telephone number that was believed to be used by subject. The NSL was sent to [redacted] via Federal Express on 12/15/2006.

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(U) ~~(S)~~ On 12/26/2006, [redacted] received the requested subscriber information along with a disk containing [redacted] of toll records pertaining to the requested number. The disk containing the toll records was immediately turned over to the Acting Chief Division Counsel for sequestration.

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

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

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

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

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

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

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

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-CLE29736-VIO, 02/05/2007

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LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

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Set Lead 3: (Action)

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

cc: Ms. Thomas b6
Mr. [redacted] b7C
Mr. [redacted]
IOB Library

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 2/21/2007

To: [redacted]

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Attr: SSA [redacted]
SA [redacted]
CDC [redacted]

Counterintelligence

Attr: CD-4

Inspection

Attr: IIS, CRS [redacted]

From: Office of the General Counsel
NSLE/CILU/Room 7947
Contact: AGC [redacted]

Approved By: Thomas Julie F [redacted]

Drafted By: [redacted] smt

(U)

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

(U)

(S) 62P [redacted]-A89455-IOB

(U)

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

(U)

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

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(U)

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

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

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(U)

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

DATE: 12-17-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4.(c)
DECLASSIFY ON: 12-17-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35714

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 2/21/2007

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(S)

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

[redacted] As part of its investigation, [redacted] sought transactional information for an email account relevant to the ongoing investigation. A National Security Letter (NSL) was prepared by [redacted] and served on [redacted]. The NSL requested only transactional information for the relevant email account. The NSL results were provided to [redacted] in an email by the [redacted] [redacted] Division on 1/11/2007, with the CD-ROM to be sent later.

(U)

~~(S)~~ On 1/16/2007, the [redacted] case agent reviewed the email and discovered that in addition to the requested transactional information, [redacted] had provided information that appeared to be content. For example, some of the information appeared to originate from the subject line of the email. The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel. On 1/17/2007 the case agent contacted the [redacted] point of contact (POC) for the NSL. The POC then contacted the appropriate [redacted] representative and confirmed that [redacted] had provided the information in error. Subsequently, the [redacted] POC destroyed the CD-ROM and deleted all emails regarding this message. On 1/22/2007 the [redacted] case agent similarly deleted the relevant email.

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

~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 2/21/2007

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

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

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

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To: [redacted] From: Office of the General Counsel
Re: 273-HQ-C1229736-VIO, 2/22/2007

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]

[redacted]

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

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- cc: 1- Ms. Thomas
- 1- [redacted] b6
- 1- [redacted] b7C
- 1- TOB Library

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~~SECRET~~

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-V10, 2/21/2007

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(S)

[redacted] the top [redacted]
[redacted] As part of its investigation, [redacted] sought transactional information for an email account relevant to the ongoing investigation. A National Security Letter (NSL) was prepared by [redacted] and served on [redacted]. The NSL requested only transactional information for the relevant email account. The NSL results were provided to [redacted] in an email by the [redacted] [redacted] Division on 1/11/2007, with the CD-ROM to be sent later.

(U)

~~(S)~~ On 1/22/2007, the [redacted] case agent reviewed the email and discovered that in addition to the requested transactional information, [redacted] had provided information that appeared to be content. For example, some of the information appeared to originate from the subject line of the email. The case agent immediately ceased the review and reported the incident to [redacted] Division Counsel. On 1/22/2007 the case agent contacted the [redacted] point of contact (POC) for the NSL. The POC then contacted the appropriate [redacted] representative and confirmed that [redacted] had provided the information in error. Subsequently, the [redacted] POC destroyed the CD-ROM and deleted all emails regarding this message. On 1/31/2007, [redacted] provided the requested information in compliance with the initial NSL request. On 2/01/2007, the [redacted] case agent similarly deleted the relevant email.

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

~~SECRET~~

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b7E

To: [redacted] Office of the General Counsel
Re: T78-HQ-C1229736-V10, 2/21/2007

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

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

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

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b7E

~~SECRET~~

~~SECRET~~

b2
b7E

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

LEAD(s):

Set Lead 1: (Info)

INSPECTION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[redacted]
[redacted]

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

b2
b7E
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cc: 1- Ms. Thomas
1- [redacted] b6
1- [redacted] b7C
1- IOE Library

◆◆

~~SECRET~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/21/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361

Attn: NSLP, Room 7975

SSA [redacted]

Attn: CDC/Legal Unit

CDC [redacted]

From: [redacted]

Contact: SFO [redacted]

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Approved By: [redacted]

Drafted By: [redacted] : scm

b1
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(U) Case ID #: (S) 278-HQ-C1229736-VIO
(U) 278-[redacted]-C136372

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

(U) Synopsis: (S) Report of a IOB matter.

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

Details:

(S) 1. [redacted]

(U) (S) 2. Case Agent: SFO [redacted]
Supervisor: SSA [redacted]

(S) 3. [redacted]

(U) (S) 4. No Foreign Intelligence Surveillance Act (FISA) request has been submitted to Office of Intelligence Policy and Review, Department of Justice (OIPR).

(U) (S) 5. IOB Error:

(S) [redacted]

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~~SECRET~~

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2007

(U)

~~(S)~~ Description of IOE Error (including any reporting delays):

~~(S)~~ [redacted] A National Security Letter was approved by the [redacted] Division and forwarded to the [redacted] Division to be served on [redacted]. The EC requested consumer identifying information limited to name, address, former addresses, places of employment, or former places of employment (or) the names and addresses of all financial institutions at which the subject maintains or has maintained an account. The NSL requested that the FBI be provided with a copy of the consumer report and all other information contained in your files for [redacted].

(S)

[redacted] This appears to be a potential IOE violation due to the NSL requesting FICRA consumer full credit report when the SAC approved an EC for consumer identifying info and financial institutions. It was the writer's intention to request the full credit report at the time of the NSL was prepared and the writer miss read the example for the this type of NSL.

(U)

~~(S)~~ The reasons for the delay on reporting this potential IOE violation are as follows:

b2
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(1) [redacted] was not aware of the listed mistake until the OIG conducted an NSL audit in 06/19/2006. At that time SFO [redacted] interviewed by an OIG Inspector over the telephone and was not informed that there was an potential IOE violation.

(2) SFO [redacted] was not advised of the potential IOE violation until being notified by CDC [redacted] on 02/21/2007.

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~~SECRET~~

(U)

To: Inspection From: [REDACTED]
Re: (S) 278-HQ-C1229736-VIO, 02/11/2007

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b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

3

NSL VIO-35724

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE b2 **Date:** 02/21/2007

To: Inspection b7E
General Counsel b6
[Redacted] b7C

Attn: IIS, Room 11361
Attn: NSLE, Room 7975
SSA [Redacted]
Attn: CDC/Legal Unit
CDC [Redacted]

From: [Redacted]

Contact: SFO [Redacted]

Approved By: [Redacted]

b2
b7E
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b7C

Drafted By: [Redacted] : scm

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(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO
(U) 278-[Redacted]-C136372

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTERS

(U) **Synopsis:** ~~(S)~~ Report of a Potential IOB matter.

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

Details:

(S) 1. [Redacted]

(U) ~~(S)~~ 2. Case Agent: SFO [Redacted]
Supervisor: SSA [Redacted]

(S) 3. [Redacted]

(U) ~~(S)~~ 4. No Foreign Intelligence Surveillance Act (FISA) request has been submitted to Office of Intelligence Policy and Review, Department of Justice (OIPR).

(U) ~~(S)~~ 5. IOB Error:
(S) [Redacted]

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~~SECRET~~

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(U) To: ~~Inspection~~ From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2007

(U) ~~(S)~~ Description of IOE Error (including any reporting delays):

(S) ~~(S)~~ [redacted] A National Security Letter was approved by the [redacted] Division and forwarded to the [redacted] Division to be served on [redacted]. This NSL was for toll records related to telephone numbers [redacted] and [redacted] as well as for [redacted] for the period of [redacted] until [redacted].
(S) After approval of the NSL by SAC [redacted] the NSL was served on [redacted]. During an inspection of [redacted] NSLs it was found that the EC [redacted] and the NSL [redacted] did not have the same phone numbers listed. The EC shows the phone number of [redacted] and the NSL shows the correct phone number of [redacted]. The request for toll records on the NSL had the correct phone number. The potential IOE violation is that the EC had the wrong telephone number listed on it. [redacted] did not receive any information from [redacted] regarding the wrong phone number.

(U) ~~(S)~~ The reasons for the delay or reporting this potential IOE violation are as follows:

- (1) [redacted] was not aware of the listed mistake until the OIG conducted an NSL audit in 06/19/2006. At that time SFO [redacted] interviewed by an OIG Inspector over the telephone and was not informed that there was a potential IOE violation. b2 b7E
- (2) SFO [redacted] was not advised of the potential IOE violation until being notified by CDC [redacted] on 02/21/2007.

~~SECRET~~

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(U) To: Inspection From: [REDACTED]
Re: (S) 278-HQ-C1229736-VIO, 02/11/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~
3

NSL VIO-35727

(U)

To: Counterintelligence From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-V10, 02/12/2007

Orders, this communication is being submitted to report a potential IOB matter. The following information is provided:

b6
b7C

(1). Name of case agent and case supervisor (at the time of the possible IOB violation): case agent, SA [redacted] and case supervisor SSA [redacted]

(2). Identification of the substantive investigation in which the questionable activity occurred:

(S)

[redacted]

(3). Identification of the target:

(S)

[redacted]

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(S)

[redacted]

(5). Explanation of the error believed committed and when it occurred:

Writer submitted a National Security Letter (NSL) to [redacted] on 10/25/2006 in order to obtain financial records related to [redacted]. [redacted] is believed to have held with [redacted]. These records were requested for the period [redacted]. Writer received the results of this NSL from [redacted] on 02/12/2007.

(S)

[redacted] provided records for credit card account number [redacted] which does not appear to be related to a [redacted] but did not provide records for any [redacted]

(S)

[redacted] provided account information on [redacted] account number [redacted] from [redacted]

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(S)

[redacted] One month beyond the scope of the request. Since the information provided by [redacted] appears to be relevant to this investigation, writer submitted a second NSL, dated 02/12/2007, to [redacted]. This NSL requested financial information for account number [redacted] for the period [redacted] in order to cover the information sent by [redacted] in response to the NSL dated 10/25/2006.

(S)

~~SECRET~~

(U)

To: Counterintelligence From: [REDACTED] b2
Re: (S) 278-HQ-C1229736-V10, 02/12/2007 b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

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

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

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

Set Lead 3: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Request CD-2D review the provided communication and take any necessary action(s).

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~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/22/2007

To: Inspection
General Counsel

Attn: IIS, Room 11361
Attn: NSLP, Room 7975
SSA [redacted]

From: [redacted]

Contact: SFC [redacted]

Approved By: SAC [redacted]
ASAC [redacted]
CDC [redacted]
SSA [redacted]

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Drafted By: [redacted] : rnr

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO (Pending)
(S) 278 [redacted] 136372 (Pending)

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

Synopsis: (U) To report possible IOB error.

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

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Data: [redacted]
(S)

(U) ~~(S) 2. Case Agent: SFO [redacted]
Supervisor: SSA [redacted]~~

(U) ~~(S) 3. Possible IOB Error: Receiving telephone records
outside the dates requested in the National Security
Letter.~~

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

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DATE: 12-11-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-11-2032

~~SECRET~~

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

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(U) To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 02/12/2007

(U) (S) 5. Description of possible IOB Error (including any reporting delays).

(U) (S) SFC [redacted] upon opening the above noted investigation, issued a National Security Letter (NSL) to [redacted] requesting local and long distance toll billing records associated with subject [redacted]

(S) [redacted]

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(U) Pursuant to the NSL, [redacted] sent SFC [redacted] telephone records for [redacted]. As noted above, SFC [redacted] requested telephone records for two sets of date ranges. SFC [redacted] upon receipt of the telephone records checked to make sure the telephone number and the name of the subscriber matched the name and telephone number requested. Additionally, SFC [redacted] checked to make sure the telephone date ranges requested were "included".

(S) [redacted]

(U) During a 2006 review of NSL's by NSLE SFC [redacted] was notified that information not requested by the NSL noted above had been received. A review of the NSL related to this matter revealed records requested for the first set of dates were [redacted] [redacted] Records actually received addressing that date range were [redacted] [redacted] [The possible IOB violation would be the records received "prior to and after" the requested date range. These dates were identified as [redacted]

b6
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b2

(U) Telephone records requested for the second set of dates were for [redacted] (date of NSL). Records actually received addressing this date range were [redacted] [redacted] [The possible IOB violation would be the telephone records received "prior to" the requested date range. These dates were identified as [redacted]

b2

(U) SFC [redacted] was interviewed during the NSL review by NSLE regarding the excess information received from [redacted]. There was no notification at that time that this was a possible IOB violation. SFC [redacted] was notified by CDC on November 21, 2007 that this was a possible IOB violation.

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~~SECRET~~

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(U)

To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

(U) Upon notification by CDC of the possible violation, SFO [redacted] retrieved the above noted file from closed files and manually removed the telephone records suspected of being possible IOB violations. The removed records were subsequently sequestered with the [redacted] Division CDC pending results of the IOB inquiry. Additionally, [redacted] [redacted] was notified and initiated the process of removing the noted records from ACS.

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~~SECRET~~

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(U)

~~To: Inspection From: [REDACTED]
Re: (S) 278-HQ-C1229736-VIO, 02/22/2007~~

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~//20320227
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/27/2007

To: General Counsel

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b7E
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b7C

Attn:

[Redacted]
NSLE
[Redacted]

NSLE

Attn: ADC

[Redacted]

From:

[Redacted]

Contact: SA

[Redacted]

Approved By:

[Redacted]

Drafted By:

[Redacted]:ra

(U)

Case ID #:

~~(S)~~ 078-HQ-C1229736-VIO
~~(S)~~ 62E [Redacted]-A89455-IOB

Title:

(U)

SA [Redacted]
SSA [Redacted]
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U)

Synopsis:

~~(S)~~ To report update to possible IOB error and coverage of referenced lead.

(U)

~~(S)~~

~~Derived From: G-3
Declassify On: 02/27/2032~~

(U)

Enclosure(s):

~~(S)~~ One CD-ROM containing the electronic results of a NSL with possible IOB violation content (enclosure only for ADC).

b2
b7E

Reference(s):

62E [Redacted]-A89455, serial 100

Details:

~~(S)~~ On 08/28/2006, a National Security Letter (NSL) requesting the name, address, length of service, and electronic communication transactional records, to include existing transaction/activity logs and all email header information (not to include message content and/or subject fields), for the address holder of [Redacted] from [Redacted]

(S)

[Redacted] was prepared and approved in accordance with the Attorney General Guidelines. The NSL was served by the [Redacted] Field Office and on 10/17/2006, [Redacted] provided the results of the NSL to the [Redacted] Field Office via email.

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DATE: 12-18-2007
CLASSIFIED BY: 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-18-2032

~~SECRET~~//20320227

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WHERE SHOWN OTHERWISE
NSL VIO-35735

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b7E

(U) ~~(S)~~ To: General Counsel From: [redacted]
Re: (S) 278-HQ-C1229736-V10, 02/27/2007

(U) ~~(S)~~ On 10/24/2006, a preliminary review of the results the NSL revealed that [redacted] supplied [redacted] email transactions that included information labeled [redacted]. This information appeared to be possible subject line content or similar information and was not requested by the FBI. This information was not utilized by the case agent in any analysis nor was it documented in the case file. b4
b7D

(U) ~~(S)~~ Based on the current efforts of the Office of General Counsel (OGC) to understand whether the [redacted] information will be designated content or not, the writer will sequester the NSL results with the [redacted] ADC instead of returning the results to [redacted] as dictated by the referenced serial. The results will be handled as deemed appropriate by OGC upon an official decision regarding the [redacted] issue. [redacted] considers the lead set forth in the referenced serial covered.

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(U)

To: General Counsel From: [redacted] b2
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/27/2007 b7E

LEAD(s) :

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Info)

[redacted]
[redacted]

(U) Read and clear.

b2
b7E

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~~SECRET~~
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/20/2007

To: Inspection
General Counsel

Attn: IIS, Room 11861
Attn: NSLE, Room 7975

From: [Redacted]

b2
b7E
b6
b7C

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:ttt

(U) **Case ID #:** ~~(S)~~ 273-HQ-C1229736-VIO (Pending) b1
~~(S)~~ [Redacted] (Pending) b2
~~(S)~~ [Redacted] (Pending) b7E
~~(S)~~ [Redacted] (Pending) b7A
~~(S)~~ [Redacted] (Pending)

(U) **Title:** (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: ~~(S)~~ To report a potential IOB matter.

(U) ~~(S)~~ ~~Derived From : G-3~~
~~Declassify On: 02/20/2032~~

Reference: 273-HQ-C1229736 Serial 2570

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(U) **Details:** ~~(S)~~ On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, the [Redacted] FBI issued NSLs under Sections 1681u(a) for lists of financial institutions with which the subjects had business relationships. Instead of these limited reports, the [Redacted] FBI received full credit reports from sometimes as many as two of the three providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [Redacted]

DATE: 12-11-2007
CLASSIFIED BY: 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 12-11-2032

~~SECRET~~

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

(U) To: Inspection From: [redacted]

b1 [redacted]
b2 [redacted]
b7E [redacted]
b4 [redacted]

b7D [redacted] a 01/08/2007, [redacted] returned a response. On
b7A 12/21/2006, [redacted] returned a response. On 12/11/2006, [redacted]
returned a result. These materials in an FD-340 (1A) were filed until
the writer had sufficient time for review and further production of
NSLs based on the results. During a review on 02/15/2007 to issue
additional NSLs, the response from [redacted] was found to be a full
credit report.

b1 [redacted]
b2 [redacted]
b7E [redacted]
b4 [redacted]

b7D [redacted] On 12/21/2006, [redacted] and [redacted] returned a response.
On 12/12/2006, [redacted] returned a result. These materials in a 1A
were filed until the writer had sufficient time for review and further
production of NSLs based on the results. During a review on
02/15/2007 to issue additional NSLs, the responses from [redacted]
and [redacted] were found to be full credit reports.

b1 [redacted]
b2 [redacted]
b7E [redacted]
b4 [redacted]

b7D [redacted] agencies. On 12/21/2006, [redacted] returned a response. On
12/20/2006, [redacted] returned a response. On 12/12/2006, [redacted]
returned a result. These materials in a 1A were filed until the
writer had sufficient time for review and further production of NSLs
based on the results. During a review on 02/15/2007 to issue
additional NSLs, the responses from [redacted] and [redacted] were found
to be full credit reports.

b1 [redacted]
b2 [redacted]
b7E [redacted]
b4 [redacted]

b7D [redacted] On 12/27/2006, [redacted] returned a response. On 12/01/2006,
b7A [redacted] returned a response. On 12/11/2006, [redacted] returned a
result. These materials in a 1A were filed until the writer had
sufficient time for review and further production of NSLs based on the
results. During a review on 02/15/2007 to issue additional NSLs, the
responses from [redacted] and [redacted] were found to be full credit
reports.

b1 [redacted]
b2 [redacted]
b7E [redacted]

b4 [redacted] On 01/11/2007, [redacted] returned a response. On 12/01/2006,
b7D [redacted] returned a response. On 12/12/2006, [redacted] returned a
b7A result. These materials in a 1A were filed until the writer had

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/10/2007

sufficient time for review and further production of NSLs based on the results. During a review on 02/15/2007 to issue additional NSLs, the responses from [REDACTED] and [REDACTED] were found to be full credit reports.

This communication, consistent with the directives in the referenced communication, provides this information to report these potential IOB provider errors for whatever action is deemed appropriate.

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NSL VIO-35740

~~SECRET~~

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(U)

To: Inspection From: [REDACTED]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/20/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

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~~SECRET~~

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NSL VIO-35741

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/21/2007

To: Inspection
General Counsel

Attn: Internal Investigations
Section, Room 3041
Attn: National Security Law Branch
Room 7947

From: [Redacted]

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Contact: SSA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted] :ajp

(U) Case ID #: ~~(S)~~ 078-HQ-C1229736-VTO (Pending)
(U) ~~(S)~~ 078- [Redacted] C136372 (Pending)
(S) [Redacted] (Pending)

Title: (U) IOB MATTER

(U) Synopsis: (U) Report of a previously addressed IOB matter.

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

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(U) [Redacted]

Reference: (U) 078-HQ-C1229736 Serial 2570
(S) [Redacted]
(S) [Redacted]
(S) [Redacted]

Administrative: (U) This IOB matter was addressed during an FBI [Redacted] June 19-30, 2006 OIG audit. Per 04/05/2006 6:31 AM email from OGC's [Redacted] regarding NSL overcollection, in cases where the FBI overcollects because of the provider, if the information that the provider gave the FBI beyond what was asked for (e.g., more telephone accounts of the same subscriber) is relevant to an authorized investigation, it will not have to be reported as an IOB.

DATE: 12-13-2007
CLASSIFIED BY: 65179/DNH/KSR/RW
REASON: 1.4(c)
DECLASSIFY ON: 12-13-2032

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-35742

~~SECRET~~

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(U) To: ~~Inspection~~ From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/11/2007

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b7C

Enclosure(s): (U) For all recipients: 278-HQ-C1229736 Serial 2570, dated 11/16/2006; and 04/05/2006 6:31 AM email from OGC's [redacted] regarding overcollection.

Details: (U) The purpose of this EC is to report a previously-cleared potential IOB matter involving an NSL for telephone toll records requested by SA [redacted] as well as to satisfy the new requirements set forth by referenced serial 2570, dated 11/16/2006, regarding the revised procedures for submission of potential IOB matters.

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(U) ~~(S)~~ 1. Identification of the substantive investigation in which the activity occurred, including the names of relevant personnel including the case agent and his

(S) supervi [redacted]
CaseID# [redacted]
Case Agent: SA [redacted]
Supervisor at time of activity: [redacted] (retired)
Supervisor during June 19-30, 2006 OIG audit: [redacted]

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(U) 2. Identification of subject's status as USPer or non-USPer: Non-USPer

(U) 3. Complete and thorough explanation of matter, including all relevant facts:

(U) 3(a). Statement regarding when matter occurred (including, in instances of delayed reporting, explanation for delayed reporting): Referenced [redacted] dated 07/13/2004, and referenced [redacted] dated 07/26/2004, advised of results of initial NSL (referenced [redacted] dated 05/17/2004). Per OGC guidance at the time (referenced email dated 04/05/2006 at 6:31 AM), [redacted] determined the NSL results, which contained a second associated telephone number, did not constitute an IOB violation, thus a potential IOB was not reported.

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b7E

(U) 3(b). Statement concerning controlling law, regulation or NSIG provision pertaining to the matter: Under authority of EO 12333, dated December 4, 1981, and pursuant to Title 18, U.S.C., §2709 (Section 201 of ECPA of 1936) (as amended), a communications carrier was directed to provide to the FBI the name, address, length of service, and local and long distance toll billing records associated with a telephone number.

(U) 3(c). Complete statement of status of matter, including when it was initiated and whether it currently is

~~SECRET~~

~~SECRET~~

b2
b7E

To: Inspection From: [REDACTED]
(U) ~~Re: (S)~~ 278-HQ-C1229736-VIO, 02/11/2007

opened or closed: During an OIG audit of FBI [REDACTED] NSLs from June 19-30, 2006, the results of the subject NSL were called into question by the IG as a potential IOB violation, since a second telephone number was identified by the communications carrier in their reply. The Case Agent was interviewed by the IG, during which it was agreed that the second telephone number was associated with the subject telephone number. At the time, this was allowed (per referenced OGC email dated 04/05/2006 at 6:31 AM), as it was a situation where the information provided by the communications carrier beyond what was asked for was relevant to an authorized investigation, and did not have to be reported as an IOB. [REDACTED] considers this matter closed.

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To: Inspection From: [redacted]
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/21/2007

LEAD(s) :

Set Lead 1: (Info)

INSPECTION

AT IIS, DC

(U) For information.

Set Lead 2: (Info)

GENERAL COUNSEL

AT NSLB, DC

(U) For information.

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CC: 1 - CDC [redacted]
1 - SA [redacted]
1 - SSA [redacted]

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FEDERAL BUREAU OF INVESTIGATION

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Precedence: ROUTINE

Date: 03/01/2007

To: [Redacted]

Attn: SA [Redacted]
Chief Division Counsel

From: [Redacted]

Contact: SA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]:bfa

Case ID #: (U) 278-HQ-C1229736-VTO (Pending)
(U) 278-[Redacted]-C136372 (Pending)

Title: REPORT OF A POTENTIAL IOB MATTER

Synopsis: (U) Report potential IOB violation; send non-pertinent telephone records to be sequestered with CDC [Redacted]

(U)

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

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(S)

[Redacted]

Enclosure(s): (U) For CDC [Redacted] in a 1A envelope, telephone records which do not pertain to SA [Redacted] investigation.

(S)

Details: ~~(S)~~ On 02/28/2007, pursuant to a National Security Letter (NSL) dated 01/22/2007, writer received subscriber information and toll records from [Redacted] for the [Redacted]

(S)

The subject was previously unknown, and one of the reasons for the NSL was to identify the subscriber. The [Redacted] subscriber information identified the subject as [Redacted] male, presumed USPER.

(U)

~~(S)~~ Before sending the toll records to be uploaded, SA [Redacted] immediately reviewed them to ensure that they corresponded with the information requested in the aforementioned

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~~SECRET~~

(U)

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

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(S) [redacted] NSL, which was subscriber information and toll records from [redacted] (with "the present" meaning the date of the NSL, which was 01/23/2007). Upon review of the toll records, SA [redacted] noted that [redacted] as the subscriber of the subject telephone number from [redacted]. The subject's telephone service was disconnected on [redacted]. SA [redacted] also noted that between [redacted] there were two other subscribers. [redacted] provided subscriber information and toll records for these subscribers even though they are not the subject of SA [redacted] PI. When SA [redacted] issued the NSL, she was unaware that the subject's phone had been disconnected.

(U) (S) The non-pertinent telephone records have not been uploaded into [redacted] or photocopied, and they have been sequestered by SA [redacted].

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(U) (S) For reporting purposes, the case agent is SA [redacted] and the supervisor is SSA [redacted].

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