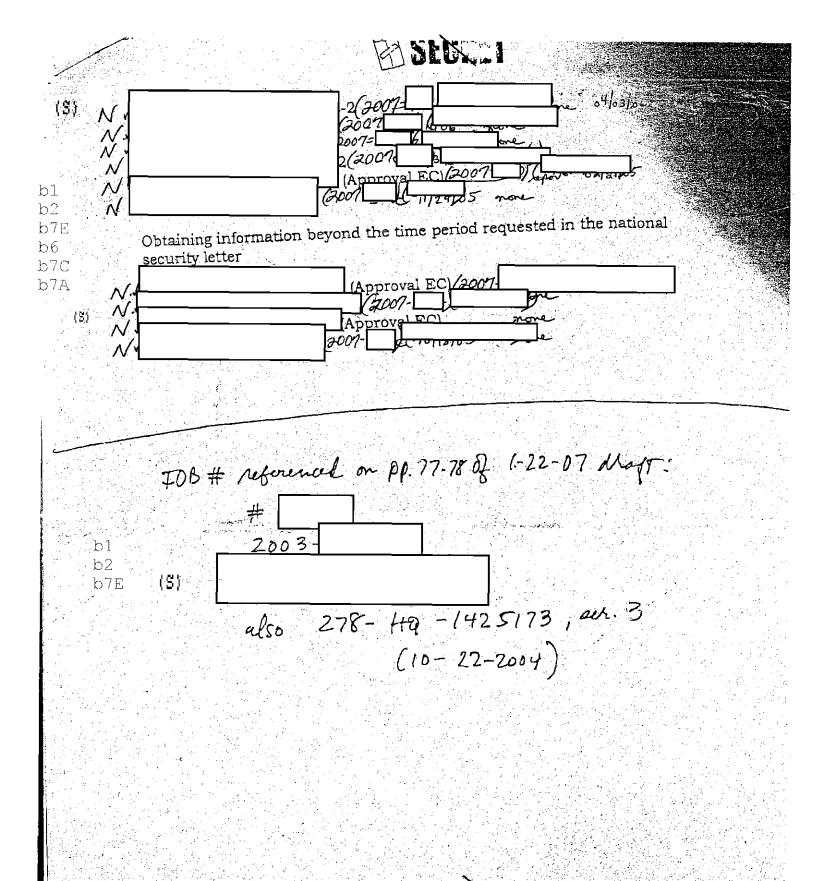
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Improper Requests Under Pertinent National Security Letter Statute Doc Issuing national security letter for subject which constitutes		07 C 1/23/06	
Issuing national security letter for subject: Solution			h1
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Issuing national security letter citing ECPA statute that requests RFPA financial records associated with e-mail accounts (S) Approval EC 2007 C 10/20/04 Fob 03/11		0 t zoo5	bb6 Issuing national bb7C prohibited contempt
Issuing national security letter citing ECPA statute that requests RFPA financial records associated with e-mail accounts (S) (Approval EC/2007) C 10/20/04 FoB 03/17 Issuing national security letter for FCRAV consumer full credit report that included certification language for RFPA financial records and FCRAN Issuing national security letter requesting FCRAV consumer full credit report a counterintelligence case Issuing national security letter requesting FCRAV consumer full credit report when SAC approved national security letter for consumer identifying information or identity of financial institutions under FCRAU D1 D2 D7 OF NSL Subfile) (2007)		7- Berrala non back	sı 2 √
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Issuing national security letter for FCRAv consumer full credit report that included certification language for RFPA financial records of FCRAn both the process of FCRA consumer full credit report a counterintelligence case at the process of FCRAv consumer full credit report when SAC approved national security letter requesting FCRAv consumer full credit report when SAC approved national security letter for consumer identifying information or identity of financial institutions under FCRAu or NSL Subfile) (2007 both the process of NS	8 to 2004	n e-mail accounts	financial record
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included certification language for RFPA financial records of FCRAN Solution Solution Solution Solution Solution		non an annumer full credit report that	
Issuing national security letter requesting FCRAv consumer full credit report a counterintelligence case Security Se		or RFPA financial records	included certific
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Issuing national security letter requesting FCRAv consumer full credit report a counterintelligence case Social Counterintelligence case ALL INFORMATION CONTAINS		(2/ 1/11/06/ none on 600 send	7E 💃
a counterintelligence case ALL INFORMATION CONTAINED	ort in	and d ie ein die Stegenie in der verwarten die die erweisie in d	
Issuing national security letter requesting FCRAv consumer full credit report when SAC approved national security letter for consumer identifying information or identity of financial institutions under FCRAu b1 b2 b7E b6 b7C b7A Unauthorized Collection (Third Party Error) Obtaining information not relevant to an authorized national security	TAINED	ALL INFORMATION CONT	7A a counterintelli
Issuing national security letter requesting FCRAv consumer full credit report when SAC approved national security letter for consumer identifying information or identity of financial institutions under FCRAu D1		06 none WHERE SHOWN OTHERWIS	ρ.
when SAC approved national security letter for consumer identitying information or identity of financial institutions under FCRAu b1 b2 b7E b6 b7C b7A Unauthorized Collection (Third Party Error) Obtaining information not relevant to an authorized national security		. '토로 마' 2016 - 그는 말이 얼마를 하는 것이다.	
information or identity of financial institutions under FCRAU b1 b2 b7E b7E b6 b7C b7A Unauthorized Collection (Third Party Error) Obtaining information not relevant to an authorized national security	ort .	requesting FCRAv consumer full credit repo	Issuing nationa
b2 Or NSL Subfile) (2007 Folia Tone b7E Or NSL Subfile) (2007 Dr. b7C Or NSL Subfile) (2007 Dr. b7A Unauthorized Collection (Third Party Error) Obtaining information not relevant to an authorized national security		cial institutions under FCRAu	information or
b6 b7C b7A Unauthorized Collection (Third Party Error) Obtaining information not relevant to an authorized national security		DI NOD Babine/(2007 [
b7C b7A Unauthorized Collection (Third Party Error) Obtaining information not relevant to an authorized national security		or NSL Subfile) (2007)	`. #1
Unauthorized Collection (Third Party Error) Obtaining information not relevant to an authorized national security			7C N
		rd Party Error)	Unauthorized
		vant to an authorized national security	Obtaining infor
TO A STATE OF THE		ASCENT.	
NSL VIO-24535 DATE: 07-24+2007 CLASSIFIED BY 651 REASON: 1.4 (c)		· · · · · · · · · · · · · · · · · · ·	





As a result of the Department of Justice, Office of the Inspector General's recent report relating to the FBI's use of National Security Letters, the Inspection Division currently is auditing several field office regarding the FBI's use of NSLs. The Office of the General Counsel has been receiving many questions regarding whether errors identified during the audit should be reported to OGC as potential Intelligence Oversight Board (IOB) matters. In light of these questions, a copy of the November 16, 2006 "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board Matters" is attached to this email for your convenience. Further, additional guidance is listed below. OGC is encouraging overreporting of errors as potential IOB matters. If you have any questions about OGC's guidance relating to IOB, please contact an Assistant General Counsel in the National Security Law Branch to discuss the issues.

In addition to the November 16, 2006 IOB guidance, OGC has highlighted the following issues.

The following incidents are reportable as potential IOBs matters:

- A carrier providing information beyond the scope of the NSL whether the information is relevant or not to the investigation. Examples of the carrier providing information outside the scope of the NSL include: (1) information provided beyond the date range; (2) information that we did not ask for (i.e., content); and (3) date of birth and social security number information for ECPA subscriber NSLs;
- ECs and/or NSLs internally inconsistent and cites two different authorities or no legal authorities;
- Substantive typographical errors that result in an overcollection, such as an incorrect telephone number;
 - No SAC signature (Acting SACs cannot sign NSLs)
- If the EC does not cite the appropriate statute or if the EC and NSL cite different statutes:
 - If the EC does not contain telephone number/account number; and
- If the NSL requests tolls and subscriber information on subject for period from 7/16/03 to present, and receives information on a third party during that time period who is not relevant to the investigation.

The following incidents are NOT reportable as potential IOBs matters. However, the error should be noted and corrected:

- USPER/non-USPER is not identified in the EC;
- Using an acronym without explaining it (i.e., saying ECPA instead of the Electronic Communications Privacy Act);
- The CDC or ASAC did not review the EC or NSL. As long as the EC or NSL was signed by the SAC then it is not reportable as a potential IOB matter;

SECRET

	There are no NS	SL or NSL results in 3	ile:	<u> </u>	
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b7E

	As described by	Facts as reported for PIOB – Valerie's	Instance	0 10-	NOT DI-	Did ADC/ CDC review	Should it have been reported as a potential	Is it reportable to the	Was it sequestered? LIMIT ANSWERS TO: Yes,
V	Issuing NSL	Complicated	1 out of		– drafter that issued	Yes	Yes	Yes	N/A
		was at time NSL issued. Violation due to drafter's error.	1		NSL was confused on multiple dates in the case file. Case had actually expired at the time the NSL was issued. Even though no documents were sent by the party that was served, the issuance of an NSL on an expired case is a reportable matter.		If they would have realized the case was expired.		
<i>V</i>	Issuing NSL seeking full credit report in CI case	Occurred - we issued 1681v instead of 1681u NSL.	1 out of 2		on these two NSLs, issued a CT NSL on a CI case. The FBI requested a full credit report, which was not an option.	Yes	Yes	Yes	Yes
ľ			2 out of 2			Yes	Yes	Yes	Yes

HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

CLASSIFIED BY 65179/DMH/KSR/RW

REASON: 1.4 (c)
DECLASSIFY ON 27526
NSL VIO-24538

		Facts as				Did	Should it		Was it sequestered?	
		reported for				ADC/	have been	Is it	LIMIT	1
	As	PIOB -				CDC	reported as	reportable	ANSWERS	ŀ
	described by	Valerie's	Instance			review	a potential	to the	TO: Yes,	
(5)	IG	notes	# ,	Case ID	NSLB's comments	NSL?	IOB matter?	IOB?	No, N/A.	
	Issuing NSL	B/c SAC	1 out of		issued three proper	Yes		No	N/A	1
	seeking full	signed the	3		NSLs in a CT case requesting				i 	
	credit report	NSL for	. :		full credit reports. The cover	EC L				
	(1681v)	broader info,			used the language for a CI cas	e.		,		
. U	when EC	quarrel with			This was an oversight, or typo					
"	authorizes	idea it was not			mistake on the part of the draf	ter				
	only limited	authorized.			of the EC. The FBI was entitle	ed				
	data (1681u)	Sloppy			to the information provided					
		paperwork.			pursuant to the NSL.					
		NSLs were								1
		good asking						1		
		for 1681v, EC								1
	·	asked for					s b			-
		1681u (was								
		wrong).	<u>.</u>	ľ						
.\ i			2 out of			Yes		No	N/A	
ηĹ			3							
(2) _{'1} (2)	/		3 out of			Yes		No	N/A	
121.4.1	, 		3						1	

· · · · · · · · · · · · · · · · · · ·									Was it	
		Facts as				Did	Should it		sequestered?	
		reported for		•		ADC/	have been	Is it	LIMIT	:
	As	PIOB –				CDC	reported as	reportable	ANSWERS	
	described by	Valerie's	Instance			review	a potential	to the	TO: Yes,	
	IG	notes	#	Case II)	NSLB's comments	NSL?	IOB matter?	IOB?	No, N/A.	
(S)	Received	Info was	1 out of		- an NSL was issued	Yes	Yes	No	Yes	
	irrelevant	relevant, but	1		for toll records for a select time					
٠.	info in	exceeded time	-27		period. The company sent the					
" V	response to	period we			records, but included additional					
	NSL	requested;			weeks that were not requested.					
	1	third party								
		error.				1.				b1
•										b7A
	Overcollecti	Relevant info	1 out of		an NSL was issued	Yes	Yes	No	Yes	b2
	on of	for time that	1		for email information. The					b7E
(S) 🖖	relevant info	exceeded			company provided records for a		•			b6
1 1	in response	what we			longer time period than that		·			b7C
	to NSL	requested.			which was requested.					
· · · · · · · · · · · · · · · · · · ·	I	I			<u> </u>	ı	l		l	ן

		,					, 3 			1
									Was it	
		Facts as				Did	Should it		sequestered?	
		reported for				ADC/	have been	Is it	LIMIT	
*	As	PIOB -		1.2		CDC	reported as	reportable	ANSWERS	
	described by	Valerie's	Instance			review	a potential	to the	TO: Yes,	
	IG	notes	,#	Case ID	NSLB's comments	NSL?	IOB matter?	IOB?	No, N/A.	
	Issuing NSL	Illegality of	1 out of		This is being reported	Yes	Yes	Yes		1
(S)	for	this is unclear,	1		out of an abundance of caution.					
- You		no date								
		actually			1]				
2007		obtained.								
ω		outained.			builthe angut not the	J				
0					and the agent got the					
					approval of legal					
					counsel. But we are sending this				· .•	1-1-1
					through because we can not			.*		b1
		, '		Į Į	definitely say that this was not	1 5				b2
` .					content information.					b7E
	ECPA NSL		1 out of		- EC citation was in	Yes	Yes	Yes	*.	b7A
	seeking		1		error (ECPA not RFPA) and did					b6
<i>.</i>	what IG	1.			not describe supporting facts,	1:				b7C
Λ,	believes are				NSL was reference ECPA and				. '	b5
m 1	financial				RFPA in part.					
•	records				The parties					
	1 1									
	requiring									
	RFPA NSL	The second second		<u> </u>	ᆛ	1 - 1				

		Facts as				Did	Should it	_	Was it sequestered?	
	,	reported for		. "		ADC/	have been	Is it	LIMIT	
•	As	PIOB -				CDC	reported as	reportable	ANSWERS	
	described by	Valerie's	Instance			review	a potential	to the	TO: Yes,	ı
	IG	notes	#	Caca ID	NSLB's comments	NSL?	IOB matter?	IOB?	No, N/A.	
101	FCRA NSL	Actual	1 out of		NSL was issued	YES		NO	NO.	
(S)	uses	language	3	}	under 1681v but certification	٠.			N/A	
	certification	differences			used RFPA language (which				NIT	 .
	language	are minor; no			allows for NSL in both IT and CI					b1
	from RFPA	individual			case); since case was IT, the					b2
	-	rights			RFPA language citing both IT					b7E
		affected.		: .	and CI had no legal impact		•			b7A
					Further (and this was the					b6
ď	Y				mistake that the IOB EC picked					b7C
200 ⁷	ال				upon, which OIG had not; the					
. v . v		*			IOB EC does NOT reflect the			:		
					mistake that the OIG found), EC					
					synopsis stated NSL was issued					
					under RFPA but rest of EC was					
					accurate and reflected IT nature					
					of the case and the request for a				•	
					1681v NSL.					

							· · ·	`	
. •									Was it
		Facts as		, Sagar		Did	Should it		sequestered?
		reported for				ADC/	have been	Is it	LIMIT
	As	PIOB -				CDC	reported as	reportable	ANSWERS
i.	described by	Valerie's	Instance			review	a potential	to the	TO: Yes,
	IG	notes	#	CaceID	NSLB's comments	NSL?	IOB matter?	IOB?	No, N/A.
			2 out of		NSL was issued	YES		NO .	-04
(S) <u> </u>		Andrea Control Control Control	3		under 1681v but certification			1. -	l al n
,,, 🗀					used RFPA language (which				NA
					allows for NSL in both IT and CI			,	
۸.					case); since case was IT, the	, .		1	
. N					RFPA language citing both IT				
7 7					and CI had no legal impact. The				
					1 .				
		6 - 6 - 6 - 6 - 6 - 6 - 6 - 6 - 6 - 6 -			EC reflected the IT nature of the				
					case.	77700		370	120
(S)			3 out of		NSL was issued	YES		NO	MO.
\ ⁰ \	<u> </u>		3		under 1681v but certification	1		, , , , , , , , , , , , , , , , , , ,	N/A
					used RFPA language (which				
lh,	Y				allows for NSL in both IT and CI				
<u> </u>	7		21 - 4		case); since case was IT, the		1 1		
v . V	1				RFPA language citing both IT				
					and CI had no legal impact. The				
					EC reflected the IT nature of the				
					case.				
	1			4	TUUUU.	1	1		1

	As described by IG	Facts as reported for PIOB – Valerie's notes	Instance	Case ID	NSLB's comments	Did ADC/ CDC review NSL?	Should it have been reported as a potential IOB matter?	Is it reportable to the IOB?	Was it sequestered? LIMIT ANSWERS TO: Yes, No, N/A.	
(S) 200 ¹	Received irrelevant info in response to NSL	Mischaracteri zed as irrelevant; info was relevant and promptly covered with a new NSL.	l out of		mistakenly cited one NSL as source for subscriber information pertaining to a particular telephone number in an EC to file, when in fact a second NSL was the source for the subscriber information. Both NSL's were properly issued and there is no IOB violation.		**	No.	NA	h1
x001 \	Overcollecti on of relevant info in response to NSL		1 out of 2		received from the provider information that covered two weeks prior to the beginning of the request. That period was consistent with the billing cycle. OIG had stated in report that overruns due to the billing cycle did not even need to be reported as PIOBs. Carrier error/choice involved; not FBI error.	YES	NO	NO	NO	b1 b7A b2 b7E b6 b7C





Facts as reported for AS PIOB - described by Valerie's Instance IG Notes # Case ID NSLB's comments NSL? IOB matter? IOB? No, N/A. 2 out of 2 out of 2 loseing full credit report NSL which covered more than a month of the overrun. Carrier error involved, not FBI error. Issuing NSL B/c SAC 1 out of seeking full credit report NSL for (1681v) when EC quarrel with which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL which was also signed by the NSL was referenced in NSL was referenced in NSL which was also signed by the NSL was referenced in NSL was referenced
As PIOB - described by Valerie's Instance IG notes # Case ID NSLB's comments NSL 10B matter? IOB? No, N/A. S
As described by Valerie's Instance notes # Case ID NSLB's comments NSL? IOB matter? IOB? No, N/A. Case ID NSLB's comments NSL matter NSL matte
described by Valerie's Instance In NSLB's comments IOB matter? IOB? No, N/A. 2 out of 2 the provider information that covered two months prior to the beginning of the request. had issued an earlier NSL which covered more than a month of the overrun. Carrier error involved, not FBI error. Issuing NSL B/c SAC 1 out of seeking full signed the credit report NSL for (1681v) broader info, when EC quarrel with NSL which was also signed by the
IG notes # Case ID NSLB's comments NSL? IOB matter? IOB? No, N/A. 2 out of 2 the provider information that covered two months prior to the heavining of the request. had issued an earlier NSL which covered more than a month of the overrun. Carrier error involved, not FBI error. Issuing NSL B/c SAC 1 out of seeking full credit report NSL for NSL for (1681v) broader info, when EC quarrel with which was also signed by the
Seeking full Seeking full Seeking full Seeking full Seeking full Seeking full Credit report NSL for Credit report NSL Credit report Credit report NSL Credit report Credit rep
the provider information that covered two months prior to the heginning of the request. had issued an earlier NSL which covered more than a month of the overrun. Carrier error involved, not FBI error. Issuing NSL Seeking full credit report NSL for NSL for NSL for were properly described and FCRAv was referenced in NSL which was also signed by the
Issuing NSL B/c SAC 1 out of seeking full signed the 1 credit report NSL for (1681v) broader info, when EC quarrel with which was also signed by the covered two months prior to the beginning of the request. had issued an earlier NSL which covered more than a month of the overrun. Carrier error involved, not FBI error.
Covered two months prior to the heginning of the request. had issued an earlier NSL which covered more than a month of the overrun. Carrier error involved, not FBI error. Issuing NSL B/c SAC 1 out of seeking full signed the 1 credit report NSL for tredit report NSL for were properly described and FCRAv was referenced in NSL when EC quarrel with which was also signed by the
Seeking full Signed the 1 Seeking full Signed the 1 Seeking full Credit report NSL for Seeking full State NSL for NSL
Issuing NSL B/c SAC 1 out of seeking full credit report NSL for (1681v) broader info, when EC quarrel with NSL for when EC quarrel with NSL for which was also signed by the
Issuing NSL B/c SAC 1 out of seeking full credit report NSL for (1681v) broader info, when EC quarrel with NSL for which was also signed by the
Issuing NSL B/c SAC 1 out of Seeking full signed the 1
Issuing NSL B/c SAC 1 out of seeking full—signed the 1 citation was in error, records credit report NSL for were properly described and (1681v) broader info, when EC quarrel with which was also signed by the
Seeking full signed the 1 citation was in error, records
seeking full signed the 1 citation was in error, records were properly described and (1681v) broader info, when EC quarrel with citation was in error, records were properly described and FCRAv was referenced in NSL which was also signed by the
credit report NSL for were properly described and horoxide info, when EC quarrel with which was also signed by the
credit report NSL for
when EC quarrel with which was also signed by the
authorizes idea it was not
only limited authorized.
data (1681u) Sloppy
paperwork.

As described by IG	Facts as reported for PIOB – Valerie's notes	Instance	Case ID	ents	Did ADC/ CDC review NSL?	Should it have been reported as a potential IOB matter?	Is it reportable to the IOB?	Was it sequestered? LIMIT ANSWERS TO: Yes, No, N/A.	
Received irrelevant info in response to NSL		1 out of 2		requested toll billing information from and received information for an associated number. Both the requested number and the associated number were subscribed to by the same individual. This is why the associated number was provided. The NSL was properly issued and there is no IOB violation.	YES	NO	NO	NA	b1 b7A b2 b7E b6 b7C b4 b7D



		Facts as				Did	Should it		Was it sequestered?	
		reported for				ADC/	have been	Is it	LIMIT	
	As	PIOB -				CDC	reported as	reportable	ANSWERS	
	described by	Valerie's	Instance			review	a potential	to the	TO: Yes,	į.
	IG	notes	#	Com ID	NSLB's comments	NSL?	IOB matter?	IOB?	No, N/A.	
			2 out of	Ţ	NSL served upon	Yes	No	No No	No.	
(S)	***************************************		2		provider contained two correct					
					telephone numbers. Authorizing				NIA	
					EC contained typographical				177	
را الم	/				error with respect to one of the					
					numbers. Not reportable: the		,			
W.					fact that the authorizing EC					
					contained an apparent					
					typographical error neither					b1
					resulted in the issuance of an					b7A
-					erroneous NSL, nor an					b2
					unauthorized collection in					b7E
					violation of the NSIG and ECPA.					
	Overcollecti		l out of		received	Yes	Yes	No	No	
']' _'	op of	mana and the second and and	1		records beyond the scope of the					
A L	relevant info				NSL, but since it was carrier					
	in response	;			mistake, it is not reportable					
)	to NSL									<u> </u>
ľ										

								Was it
					Did	Should it		sequestered?
	•				ADC/	have been	ls it	LIMIT
As	1				CDC	reported as	reportable	ANSWERS
1	Valerie's	Instance			review	1 -	to the	TO: Yes,
<u>IG</u>	notes	#	Case ID	NSLB's comments	NSL?	IOB matter?	IOB?	No, N/A.
Received	CDC/ADC	l out of		requested				
irrelevant	reviewed;	2 . [,	subscriber information from			No.	1.
ipato in	matter should			and received				NA
response to	not have been			a number that was not assigned				
NSL	reported;			to an individual, but was an				
	matter was			internet access number. The NSL	· ·			,
	not an IOB.			was properly issued and there is		•		•
		. 5		no IOB violation.				
Received		2 out of		requested specific	Yes	Yes	NA	
information		2		financial information from			$ N_0 $	No?
outside the				financial and				
scope of the		:		received information that was				
XIST (2 1111		outside the scope of the request				
request/				from The NSL was		* * .		
				properly issued, however at the				
				time of the overcollection there				
				would have been an IOB				•
·				violation.				
	described by IG Received irrelevant info in response to NSL Received information outside the scope of the	described by IG notes Received controller info in matter should not have been reported; matter was not an IOB. Received information outside the scope of the NSL	reported for PIOB – Valerie's Instance notes # Received control in matter should not have been NSL reported; matter was not an IOB. Received information outside the scope of the NSL	reported for PIOB – Valerie's Instance notes # Case ID Received complete to reviewed; and response to NSL reported; matter was not an IOB. Received information outside the scope of the NSL	reported for PIOB – Valerie's Instance IG notes # Case ID NSLB's comments Received cDC/ADC I out of irrelevant reviewed; 2 subscriber information from and received to an individual, but was an internet access number. The NSL was properly issued and there is no IOB violation. Received information outside the scope of the NSL request/ Request/ Received information outside the scope of the request from The NSL was properly issued, however at the time of the overcollection there would have been an IOB	reported for PIOB – Valerie's Instance IG notes # Case ID NSLB's comments NSL? Received creviewed; reviewed; reviewed; response to NSL reported; matter was not an IOB. Received information outside the scope of the NSL request/ request for PIOB – Valerie's Instance frequested with the property is subscriber information of the property is subscriber information from and received an umber that was not assigned to an individual, but was an internet access number. The NSL was properly issued and there is no IOB violation. Received information outside the scope of the scope of the scope of the time of the overcollection there would have been an IOB	reported for PIOB – As described by Valerie's Instance IG notes # Case ID NSLB's comments NSL? IOB matter? Received creviewed; reviewed; matter should not have been reported; matter was not an IOB. Received information of the valence information from internet access mumber. The NSL was properly issued and there is no IOB violation. Received information outside the scope of the NSL request/ The NSL was properly issued, however at the time of the overcollection there would have been an IOB.	reported for PIOB – described by Valerie's Instance IG notes # Case ID NSLB's comments NSL? IOB matter? IOB? Received irrelevant reviewed; anumber that was not assigned to an individual, but was an internet access number. The NSL was properly issued and there is no IOB violation. Received information outside the scope of the request from The NSL was properly issued, however at the time of the overcollection there would have been an IOB.

Case Number Claimed Reportable or **Brief Description** Infraction Non Report. Improper $(S)_{\gamma}$ Authorization Reportable Improper This is being reported out of an Request under abundance of caution. Pertinent NSLseekin and the agent got the approval o legal counsel. But we are sending this through because we can not definitely say that this was not content information.. b1 b7A . citing ECPA but Non Reportable although EC citation was in error, b2 requesting records were properly described b7E and RFPA referenced in NSL RFPA citing FCRA Non Reportable NSL was issued under 1681v but including RFPA certification used RFPA language certification (which allows for NSL in both IT and CI case); since case was IT, the RFPA language citing both IT and CI had no legal impact. Further (and this was the mistake that the IOB EC picked upon, which OIG had not; the IOB EC does NOT reflect the mistake that the OIG found), EC synopsis stated NSL was issued under RFPA but rest of EC was accurate and reflected IT nature of the case and the request for a 1681v NSL.

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REASON: 1.4 (c)

DECLASSIFY ON: 07-26-2032



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<u></u>		
citing FCRA including RFPA certification	Non Reportable	NSL was issued under 1681v but certification used RFPA language (which allows for NSL in both IT and CI case); since case was IT, the RFPA language citing both IT and CI had no legal impact. The EC reflected the IT nature of the case.
citing FCRA including RFPA certification	Non Reportable	NSL was issued under 1681v but certification used RFPA language (which allows for NSL in both IT and CI case); since case was IT, the RFPA language citing both IT and CI had no legal impact. The EC reflected the IT nature of the case.
seeking FCRA 1681v in CD case		
seeking FCRA 1681v in CD case		
seeking FCRAv when SAC approved only FCRA 1681u		
seeking FCRAv when SAC approved only FCRA 1681u		
seeking FCRAv when SAC approved only FCRA 1681u		
seeking FCRAv when SAC approved only FCRA 1681u	Non reportable.	Although EC citation was in error, records were properly described and FCRAv was referenced in NSL which was also signed by the SAC.

b1 b2 b7E b7A

	·		
	3d Party Error Obtaining info not relevant to authorized investigation	not reportable	mistakenly cited one NSL as source for subscriber information pertaining to a particular telephone number in an EC to file, when in fact a second NSL was the source for the subscriber information. Both NSL's were properly issued and there is no IOB violation.
to the state of th	3d Party Error Obtaining info not relevant to authorized investigation	not reportable	requested subscriber information from and received a number that was not assigned to an individual, but was an internet access number. The NSL was properly issued and there is no IOB violation.
	3d Party Error Obtaining info not relevant to authorized investigation		
	3d Party Error Obtaining info not relevant to authorized investigation		
	3d Party Error Obtaining info not relevant to authorized investigation	not reportable	requested toll billing information from and received information for a number that was not requested in the NSL. The NSL was properly issued and there is no IOB violation.

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3d Party Error Obtaining info not relevant to authorized investigation	Not Reportable	NSL served upon provider contained two correct telephone numbers. Authorizing EC contained typographical error with respect to one of the numbers. Not reportable: the fact that the authorizing EC contained an apparent typographical error neither resulted in the issuance of an erroneous NSL, nor an unauthorized collection in violation of the NSIG and ECPA.
results exceed date scope of request	Not Reportable	received from the provider information that covered two weeks prior to the beginning of the request. That period was consistent with the billing cycle. OIG had stated in report that overruns due to the billing cycle did not even need to be reported as PIOBs. Carrier error/choice involved; not FBI error.
results exceed date scope of request	Not Reportable	received from the provider information that covered two months prior to the beginning of the request. had issued an earlier NSL which covered more than a month of the overrun. Carrier error involved, not FBI error.
results exceed date scope of request		
results exceed date scope of request	Not Reportable	received records beyond the scope of the NSL, but since it was carrier mistake, it is not reportable.

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PALKING POINTS - NS	L+215 Keports	Inon-reportable to
. 215		Charliesteele
-improper use		
-delays		
-delays - PAS	AMS	
-10Bs		
· NSL - classified		
- findings + recs		
-22 potential 10Bs → to	ppnonty	
FAS WEE		- 1
- statistics + focus on pr	ed from 4 field offices	5 P
- short + to the point	-	- 1
- include sta classifu	ed stats	
· Thursday - What	would questions?	
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		ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
Tam President's Privi	acy Board	DATE 07-26-2007 BY 65179/DMH/KSR/RU
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Tom Culls from	GC	
Tam President's Priva Tpm. Calls from	GC	
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							Did		
		Facts as					ADC/	Should it have	
		reported for	1 .				CDC	been reported	Is it
	As described	PIOB -	Instance				review	as a potential	reportable to
	by IG	Valerie's notes	#	Case ID	<u>.</u>	NSLB's comments	NSL?	IOB matter?	the PIOB?
S) -	Issuing NSL	Complicated	l out of		1 .				
■ ŗ	when	history on	1						
•	expired	extensions			. *				
		was open at	(S)						
		time NSL							
		issued	 				,		
,		Violation							
		had expired					· ·		in the
		due to drafter's			.5				
		error.							
	Issuing NSL	Occurred - we	1 out of						
	seeking full	issued 1681v	2						
	credit report	instead of			+2				
	in CI case	1681u NSL.			Ŀ				
*			2 out of						
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REASON: 1.4 (c)

DECLASSIFY ON: 07-26-2032

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					Did		
	*		7 1				. •
	reported for	,			CDC	been reported	Is it
As described	PIOB-	Instance			review	as a potential	reportable to
by IG	Valerie's notes	#	Case ID	NSLB's comments	NSL?	IOB matter?	the PIOB?
Issuing NSL	B/c SAC	1 out of		*			
seeking full	signed the NSL	3 .					
credit report	for broader					1	
(1681v)	info, quarrel						
when EC	with idea it						
authorizes	was not						
only limited	authorized.						
data (1681u)	Sloppy						
	paperwork.						
1	NSLs were						
	good asking						
	for 1681v, EC	'					
	asked for						
	1681u (was						
	l . ` .						
		2 out of					
		3 .					
		3 out of					
		3				A	
	by IG Issuing NSL seeking full credit report (1681v) when EC authorizes only limited	As described by IG Valerie's notes Issuing NSL seeking full credit report (1681v) info, quarrel with idea it was not authorizes only limited data (1681u) Sloppy paperwork. NSLs were good asking for 1681v, EC asked for	As described by IG PIOB — Valerie's notes # Issuing NSL seeking full credit report (1681v) info, quarrel when EC authorizes only limited data (1681u) Sloppy paperwork. NSLs were good asking for 1681v, EC asked for 1681u (was wrong).	As described by IG Valerie's notes # Case ID Issuing NSL seeking full credit report (1681v) info, quarrel when EC authorizes only limited data (1681u) Sloppy paperwork. NSLs were good asking for 1681v, EC asked for 1681u (was wrong). 2 out of 3	As described by IG Valerie's notes # Case ID NSLB's comments Issuing NSL seeking full credit report (1681v) when EC authorizes only limited data (1681u) Sloppy paperwork. NSLs were good asking for 1681v, EC asked for 1681u (was wrong).	Facts as reported for PIOB — Instance by IG Valerie's notes # Case ID NSLB's comments NSL? Issuing NSL seeking full credit report (1681v) info, quarrel when EC authorizes only limited data (1681u) Sloppy paperwork. NSLs were good asking for 1681v, EC asked for 1681u (was wrong). PIOB — Instance Case ID NSLB's comments NSL?	Facts as reported for PIOB — Instance by IG Valerie's notes # Case ID NSLB's comments NSL? IOB matter? Issuing NSL seeking full credit report (1681v) when EC authorizes only limited data (1681u) Sloppy paperwork. NSLs were good asking for 1681v, EC asked for 1681u (was wrong). 2 out of 3

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	As described by IG	Facts as reported for PIOB – Valerie's notes	Instance	Case ID	NSLB's comments	Did ADC/ CDC review NSL?	Should it have been reported as a potential IOB matter?	Is it reportable to the PIOB?
(S)	Received irrelevant info in response to NSL	Info was relevant, but exceeded time period we requested; third party error.	1 out of					
ν	Overcollection of relevant info in response to NSL	Relevant info for time that exceeded what we requested.	l out of					
(5)	Issuing NSL fo		l out of		This is being reported out of an abundance of caution.	Yes b5	Yes	Yes
			b2 b7E 		agent got the approval of legal counsel. But we are sending this through because we can not definitely say that this was not content information.			

		 		,		
				Did		
Facts as	*			ADC/	Should it have	
reported for				CDC	been reported	Is it
PIOB -	Instance			review	as a potential	reportable to
Valerie's notes	#	Case ID	NSLB's comments	NSL?	· •	the PIOB?
	1 out of		EC citation was in error (ECPA	Yes	Yes	Yes
	1		l	100	100	
Service Control			l			
The same of the sa				.:		·
			Port			
Actual	1 out of		NCI was issued under 1681 what			
	·					
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ngnts affected.						
*			, , ,			٠,
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)	The state of the s			
			, .			
		- -1	was issued under RFPA but rest			
			of EC was accurate and			
			reflected IT nature of the case			
			and the request for a 1681v NSL.			
				l, ·		
	reported for PIOB -	reported for PIOB – Instance Valerie's notes # 1 out of 1 Actual language differences are minor; no individual	reported for PIOB – Instance Valerie's notes # Case ID 1 out of 1 Actual language differences are minor; no individual	reported for PIOB – Instance Valerie's notes # Case ID NSLB's comments 1 out of 1	Facts as reported for PIOB – Instance Valerie's notes # Case IID NSLB's comments NSL? 1 out of EC citation was in error (ECPA not RFPA) and did not describe supporting facts, NSL was reference ECPA and RFPA in part. Actual language differences are minor; no individual rights affected. NSL was issued under 1681v but certification used RFPA language (which allows for NSL in both IT and CI case); since case was IT, the RFPA language citing both IT and CI had no legal impact. Further (and this was the mistake that the IOB EC picked upon, which OIG had not; the IOB EC does NOT reflect the mistake that the OIG found), EC synopsis stated NSL was issued under RFPA but rest of EC was accurate and reflected IT nature of the case	Facts as reported for PIOB – Instance Valerie's notes # Case ID NSLB's comments NSL? IOB matter? 1 out of EC citation was in error (ECPA not RFPA) and did not describe supporting facts, NSL was reference ECPA and RFPA in part. Actual language differences are minor; no individual rights affected. In both IT and CI case); since case was IT, the RFPA language citing both IT and CI had no legal impact. Further (and this was the mistake that the IOB EC picked upon, which OIG had not; the IOB EC does NOT reflect the mistake that the OIG found), EC synopsis stated NSL was issued under RFPA but rest of EC was accurate and reflected IT nature of the case

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		Facts as reported for				Did ADC/ CDC	Should it have been reported	Is it
	As described	PIOB -	Instance			review	as a potential	reportable to
	by IG	Valerie's notes	#	Case ID	NSLB's comments	NSL?	IOB matter?	the PIOB?
	•		2 out of		NSL was issued under 1681v but			
			3		certification used RFPA			
					language (which allows for NSL		"	
					in both IT and CI case); since	-		
					case was IT, the RFPA language	ſ		
					citing both IT and CI had no			
					legal impact. The EC reflected			
					the IT nature of the case.			
•		•	3 out of		NSL was issued under 1681v but			
			3		certification used RFPA			
					language (which allows for NSL			
					in both IT and CI case); since			
					case was IT, the RFPA language			
					citing both IT and CI had no		1	
					legal impact. The EC reflected	:		
j		1	:		the IT nature of the case.			
	Received	Mischaracteriz	1 out of		mistakenly cited one			
	irrelevant	ed as	1		NSL as source for subscriber	,		
	info in	irrelevant; info			information pertaining to a		·	
)*	response to	was relevant			particular telephone number in			
	NSL	and promptly			an EC to file, when in fact a			
		covered with a			second NSL was the source for			
		new NSL	' '		the subscriber information. Both			
	: .	e e			NSL's were properly issued and			
		1			there is no IOB violation.			<u> </u>

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		Facts as				Did ADC/	Should it have	
		reported for		ů,		CDC	been reported	Is it
• •	As described	PIOB -	Instance			review	as a potential	reportable to
	by IG	Valerie's notes	#	Case ID	NSLB's comments	NSL?_	IOB matter?	the PIOB?
(S)	Overcollectio		1 out of		received from the			
lei 	n of relevant		2		provider information that		:	
	info in				covered two weeks prior to the			
	response to				beginning of the request. That			
. l	NSL				period was consistent with the			
И					billing cycle. OIG had stated in			
					report that overruns due to the			
					billing cycle did not even need to be reported as PIOBs. Carrier			
*			* .		error/choice involved; not FBI			
					error.			
			2 out of		received from the			
			2		provider information that			
· 6					covered two months prior to the			
		20	-		beginning of the request.			
		D2			had issued an earlier			
		b7E	Ļ	<u> </u>	NSL which covered more than a			
		b1			month of the overrun. Carrier			4
لہ					error involved, not FBI error.			
				ude et				

As described by IG	Facts as reported for PIOB – Valerie's notes	Instance #	Case ID	NSLB's comments	Did ADC/ CDC review NSL?	Should it have been reported as a potential IOB matter?	Is it reportable to the PIOB?
Issuing NSL seeking full credit report (1681v) when EC authorizes only limited data (1681u)	B/c SAC signed the NSL for broader info, quarrel with idea it was not authorized. Sloppy paperwork.	l out of		Although EC citation was in error, records were properly described and FCRAv was referenced in NSL which was also signed by the SAC.			
Received irrelevant info in response to NSL		l out of 2		information from and received information for an associated number. Both the requested number and the associated number were subscribed to by the same individual. This is why the associated number was provided. The NSL was properly issued and there is no IOB violation.	YES	YES	NO

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	As described by IG	Facts as reported for PIOB – Valerie's notes	Instance	Case ID	NSLB's comments	Did ADC/ CDC review NSL?	Should it have been reported as a potential IOB matter?	Is it reportable to the PIOB?	
(8)			2 out of 2		NSL served upon provider contained two correct telephone numbers. Authorizing EC contained typographical error with respect to one of the numbers. Not reportable: the fact that the authorizing EC contained an apparent typographical error neither	Yes	No	No	
\$	Overcollection of relevant info in response to NSI		1 out of 1 b2 b7E		resulted in the issuance of an erroneous NSL, nor an unauthorized collection in violation of the NSIG and ECPA. received records beyond the scope of the NSL, but since it was carrier mistake, it is not reportable				sequestered

		Facts as reported for				Did ADC/ CDC	Should it have been reported	Is it
	As described by IG	PIOB – Valerie's notes	Instance #	Case ID	NSLB's comments	review NSL?	as a potential IOB matter?	reportable to the PIOB?
(S) A	Received irrelevant info in	CDC/ADC reviewed; matter should	1 out of 2		requested subscriber information from and received a			
1	response to NSL	not have been reported; matter was not an IOB.		,	number that was not assigned to an individual, but was an internet access number. The NSL was properly issued and there is			
10			2 out of 2		no IOB violation.			

b1 b2 b7E b4 b7D

U.S. Department of Justice



Federal Bureau of Investigation :

Washington, D. C. 20535-0001

March 28, 2007

Ms. Darlene Connelly, General Counsel
President's Foreign Intelligence Advisory Board
New Executive Office Building - Room 5020
725 17th Street NW
Washington, DC 20503

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07-26-2007 BY 65179/DMH/KSR/RW

Dear Ms. Connelly:

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

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

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

Improper requests under pertinent NSL statutes: OGC	
has determined that four of the instances noted by the OIG shou	ıld
be reported as IOB matters. Please see enclosed summaries for	•. •
IOB Matters, 2007- (issuing an NSL for ; 2007-	
(issuing an NSL requesting financial records but citing the	—
Electronic Communications Privacy Act (ECPA), among other	
administrative errors); and 2007 (issuing NSLs for full	
credit reports in counterintelligence cases (2 instances)).	

OGC has determined that the other seven instances are not reportable IOB matters. In three instances, the FBI field

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

In the remaining four instances, the FBI field office issued an NSL requesting a full credit report under FCRA, 15 U.S.C. 1681v, but the accompanying electronic communication (EC) mistakenly included language requesting consumer identifying information, 15 U.S.C. 1681u, instead. The mistake in the EC, though sloppy, did not alter the investigation in any way, and this scrivener's error, citing 1681u rather than 1681v, did not violate any law. As these were all international terrorism cases, the FBI field office had the proper legal authority to request full credit reports, and, therefore, this information was not sequestered.

Unauthorized collections: OGC has determined that none of the ten instances noted by the OIG are reportable IOB matters. Six of these instances involved third-party errors in which the carrier provided information beyond the scope of what was asked for in the NSL. Five times, the carrier provided information beyond the date range requested in the NSL, presumably to comply its own billing cycle. In one instance, the carrier, a financial services provider, provided information beyond the names/addresses of financial institutions as requested by the NSL. By letter dated 11/13/2006, the Counsel to the IOB agreed that these third-party errors in the collection of information pursuant to an NSL are not reportable to the IOB.

In one instance, in an internal EC documenting the results of NSL requests, the FBI field office mistakenly cited an NSL issued on 12/21/2004 as the source of the subscriber information in the file when, in fact, that information came from an NSL issued on 12/29/2004. As both NSLs were lawfully issued, there was no unauthorized collection. The mistake, if any, was a scrivener's error in documenting the information in the file.

In another scrivener's error, the accompanying EC contained a typographical error with respect to one of the phone numbers being requested in the NSL. The NSL actually served on the provider contained two correct phone numbers, therefore, there was no unauthorized collection.

One FBI field office served an NSL requesting subscriber information for a particular phone number that was associated with the target of an authorized investigation. In response, the provider indicated that the number was actually an Internet Access Platform used to log on to the internet. When the NSL was sent, the number was relevant to an authorized investigation. The fact that it turned out to be something else does not make this an unauthorized collection (or any error at all).

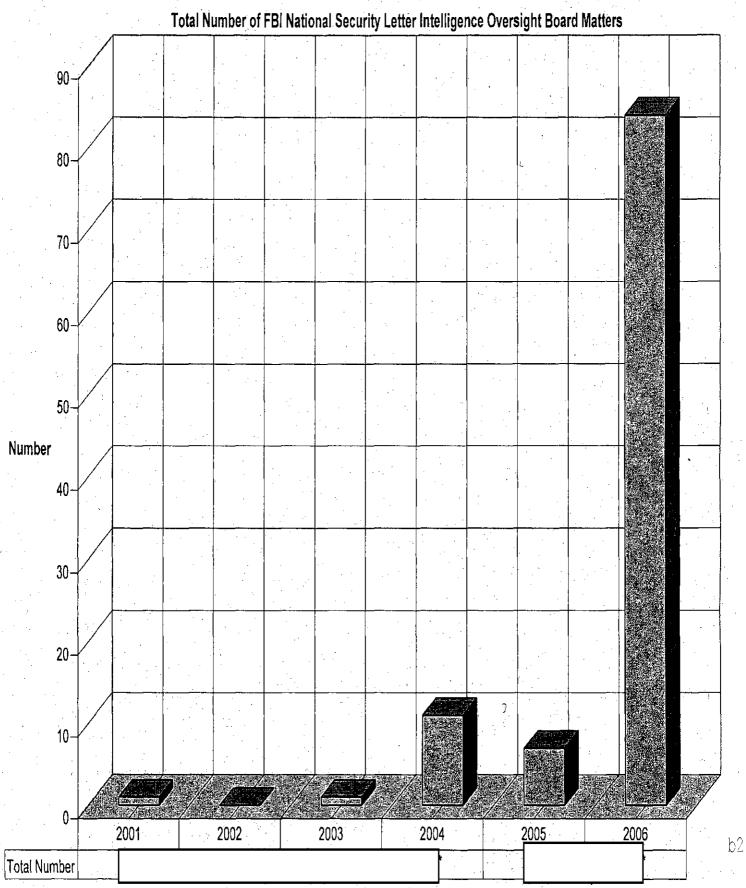
Finally, one FBI field office requested toll billing records "associated" with a particular phone number. In response, they received information for an associated number. Both the requested number and the associated number were subscribed to by the same individual. The plain language of ECPA and the legislative history support the position that the FBI is permitted to request and acquire information on associated numbers attributable to the same account. Therefore, the NSL was lawfully issued and the results should not be considered an unauthorized collection.

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

Please don't hesitate to contact me if you have questions about any of these IOB matters.

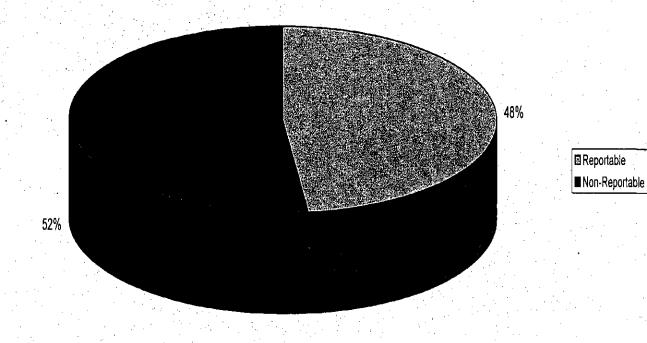
Sincerely

Julie F. Thomas
Deputy General Counsel
National Security Law Branch

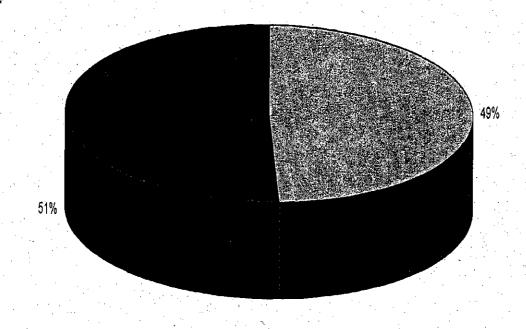


Year *Total number includes identical NSL IOB matters documented twice

Percentage of Reportable vs. Non-Reportable FBI NSL IOB Matters (2001-2006)

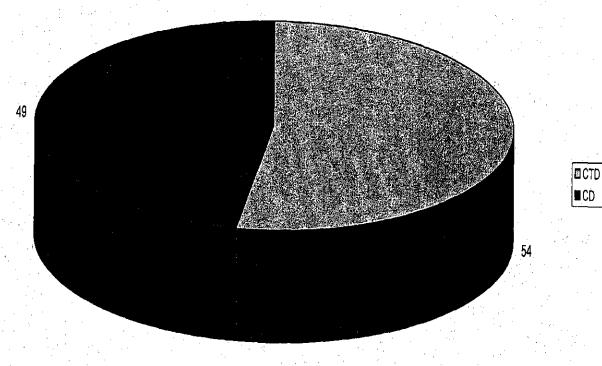


Percentage of Third-Party Errors vs. Non-Third-Party Errors FBI NSL IOB Matters (2001-2006)

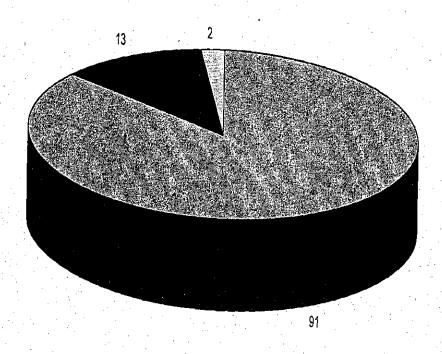


■ Third-Party Error
■ Non-Third-Party Error

Number of FBI National Security Letter Intelligence Oversight Board Matters By Program (2001-2006)

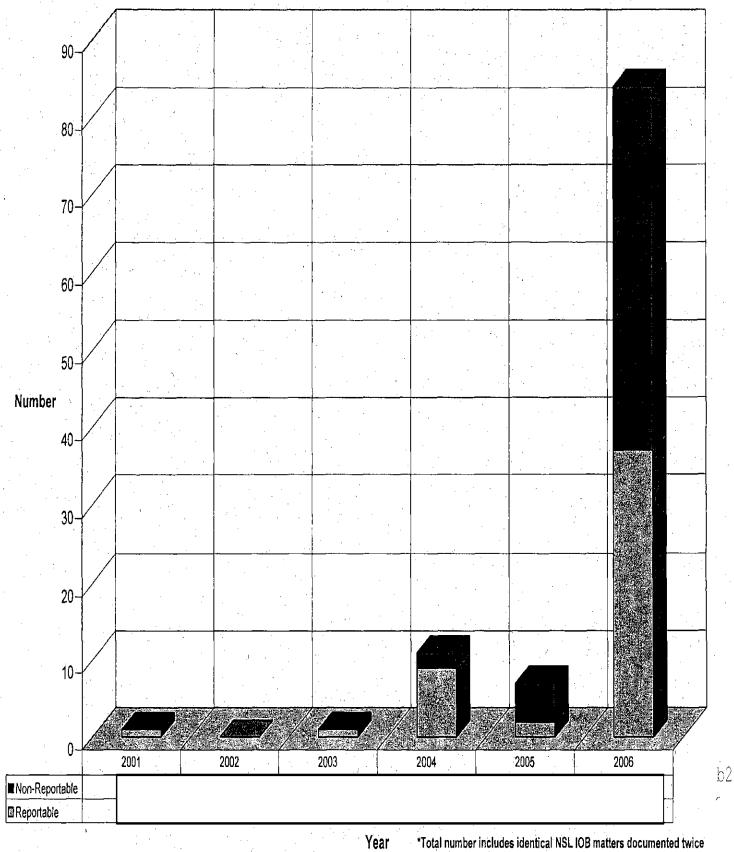


Number of FBI National Security Letters Requested Pursuant to Each Statute (2001-2006)



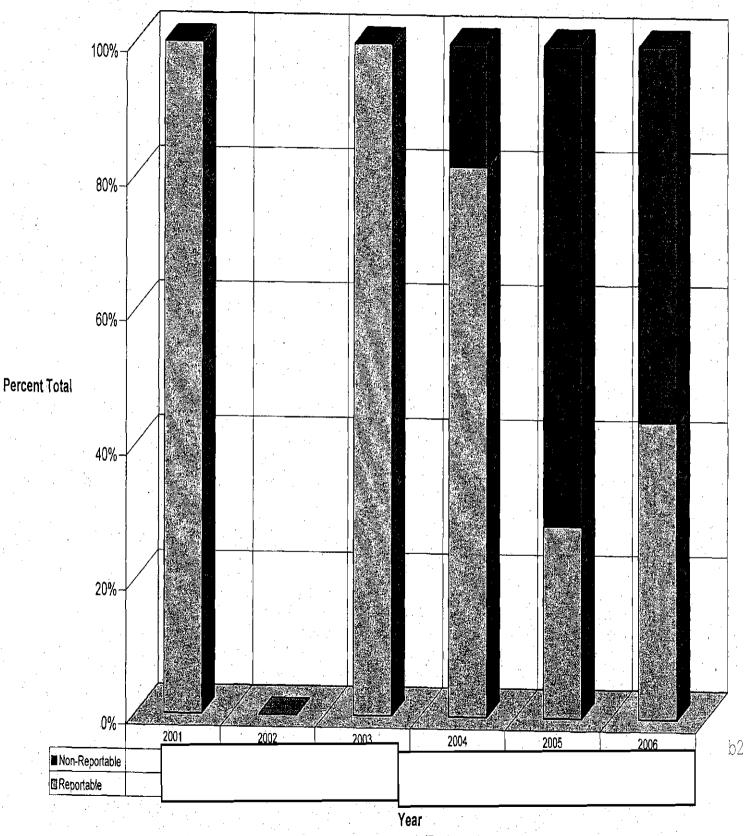
■ECPA ■RFPA □FCRA (1681u and 1681v)

Total Number of FBI National Security Letter Intelligence Oversight Board Matters



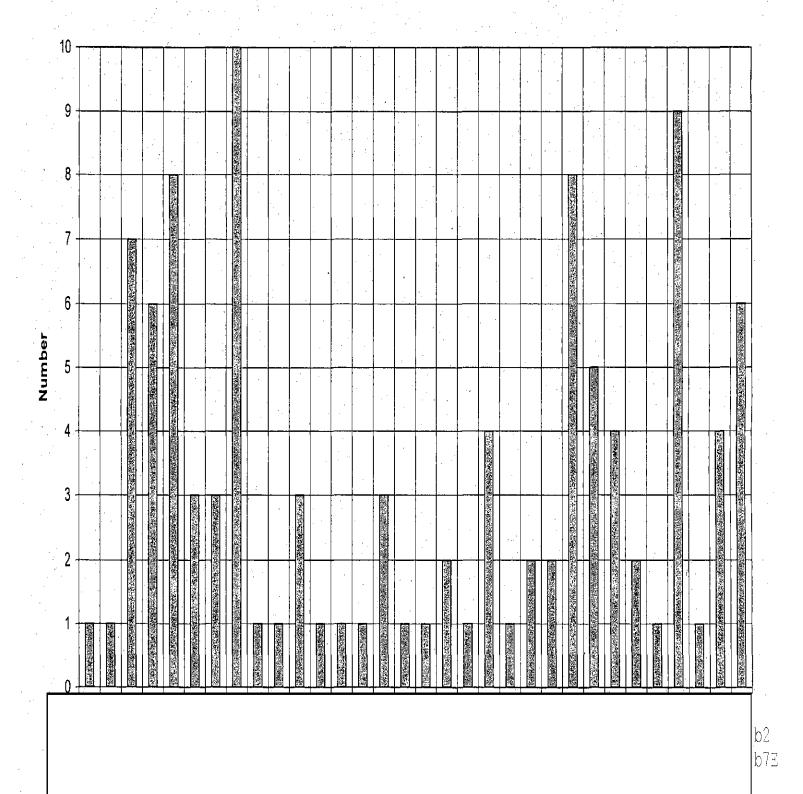
*Total number includes identical NSL IOB matters documented twice

Percent Total of FBI National Security Letter Intelligence Oversight Board Matters



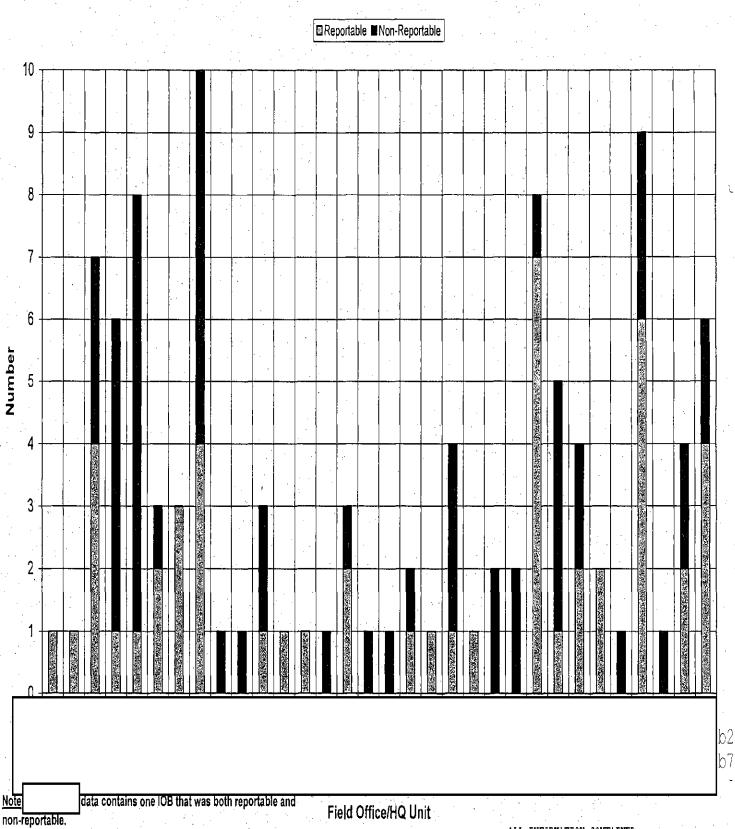
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07-26-2007 BY 65179/DMH/KSR/RW *Total number includes identical NSL IOB matters documented twice

Total Number of FBI National Security Letter Intelligence Oversight Board Matters (Field Office/HQ Unit)

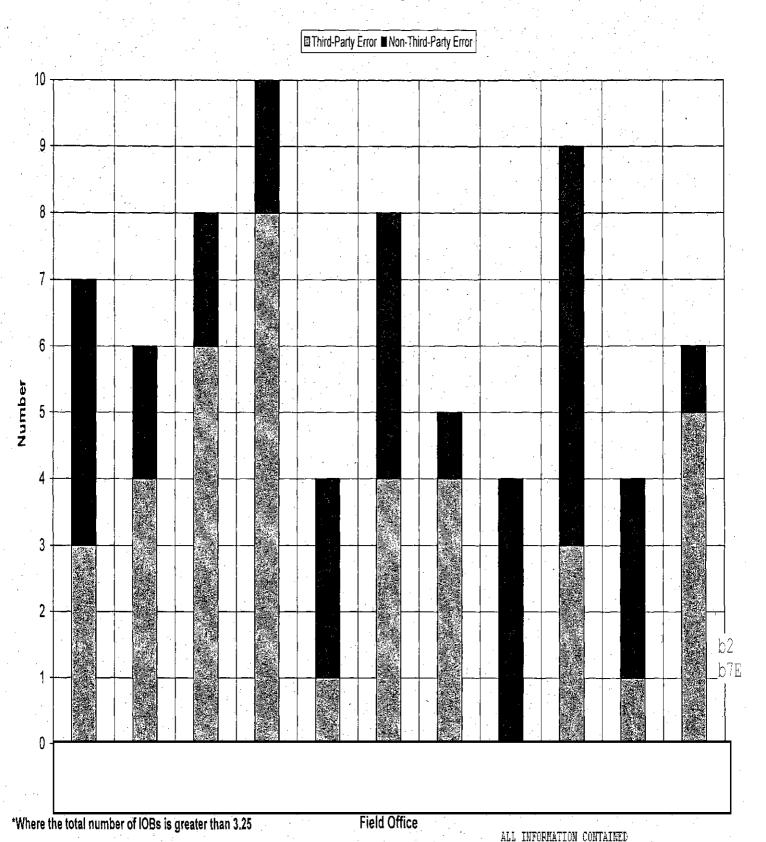


Field Office/HQ Unit

Total Number of FBI National Security Letter Intelligence Oversight Board Matters (Field Office/HQ Unit)



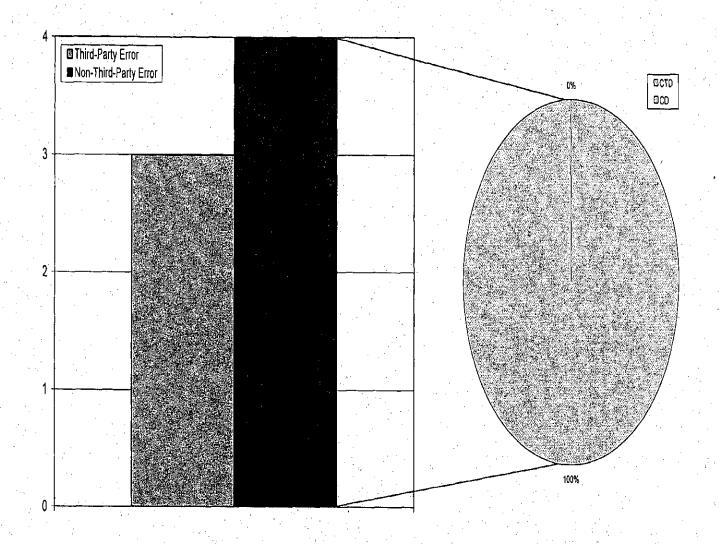
Total Number of FBI National Security Letter Intelligence Oversight Board Matters (Field Offices with Above-Average Number of IOBs*)



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Total Number of FBI National Security Letter Intelligence Oversight Board Matters
Non-Third-Party Errors Attributable to Program Type
(2001-2006)



√ IOB#	Year FoSquad/HG	Program	NSL- Reportable	NSL-Non Reportable	'Act	Violation Subject	CDC/ADC Review	Sequestered	Reason/Remedy	Misc. Notes
22	2001	CTD	1		RFPA	incorrect form used	Unknown		Training regarding	NSL form rather
				ļ	'''	to request				than SAC request
						information	}		CDC review for proper	
						,			use guaranteed prior to	
		·							issuance	
	2003	CD	1		ECPA	Information	Unknown		NSL training provided	Case agent
						provided by source			and related NSL issued	obtained
						without NSL (when			for information	information from
		}				one was		 :	· .	source rather than
					<u> </u>	necessary)				utilizing NSL
	2004	CTD	1		ECPA	NSLs issued after	Unknown			NSLs issued after
		<u> </u>			RFPA	expired	· ·		<u> </u>	expired
	2004	CTD	1	1. A. A.	ECPA	NSL drafting error	Unknown			Incorrect identifier
	· .								uploaded into ACS	used within NSL
		H						<u> </u>		
	2004	CD	1		ECPA	Incorrect	Unknown	X	Recorded forwarded to	l hird-party error
			ĺ			information			ADC	
	2004	H_CD			FORA	provided	(taka asa		0 16	Time a security is a
	2004	CD	1		ECPA	NSL drafting error	Unknown	Х	Records forwarded to FBIHQ	Typographical
	2004	CD	1		ECPA	NSL drafting error	Unknown		Records sealed	error within NSL Typographical
	2004				IEUFA .	NOL dialing error	CHKHOWH .	X	Lecolus sealed	error within NSL
	2004	СТО			ECPA	Incorrect		X	Records forwarded to	Third-party error
	2007		' .		LOIM	information		^ : '	FBIHQ	I mile party onto
			, i			provided				
	2004	CD	1		FCRA .	Incorrect request	Unknown	X	Records sealed and	NSLs issused
	-				(1681v)	for information	0,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, ,	forwarded to FBIHQ	using incorrect
				İ., .	(,					section (1681v
					 -					used rather than
							, ,	· `		1681u) : :
ļ	2004	CTD		1	ECPA	NSL received after	Unknown	Х	Records sealed and	NSL information
						losed (third			archived	received afte
į	<u> </u>			· · ·		party late)				closed
	2004	CTD		1.	ECPA	<u> </u>	Unknown	X	Records sealed and	NSL information
		Į] . [closed (third			archived	received after
		<u> </u>			<u> </u>	party late)		<u></u>		closed
İ	2004	CD	1		RFPA		Unknown		Case agent verbally	Case agent utilize
						obtained prior to			counseled	electronic
		}				NSL drafting				surveillance
										methods to obtain
		" [:					information (rather
<u> </u>		ļ.								than NSL)

	OB# Year	FoSquad/HQ Division		** NSL + Reportable	NSL-Non- Reportable			Review	Sequestered	Reason/Remedy	Misc, Notes
	2004		CTD	1		ECPA	Incorrect Information	Unknown		Sought additional guidance from FBIHQ	Third-party error (case classified as
					·		provided			guidance nom i bii iq	Cyber with threat)
	2005		CTD	1		ECPA	Incorrect information provided	Unknown			Third-party error
Н	2005	•	CTD		1	ECPA	Incorrect	Unknown	Х	Records forwarded to	Reporting source
							subscriber information			FBIHQ for destruction	error
	2005		CD		1	ECPA/RF	Concern regarding	Unknown			NSL information
						PA 1	collecting NSL information without				collected under
							an official investigation				investigations (lawful)
H	2005	ŀ	CD		1	ECPA	not	Unknown	χ	Records secured	not
						•	requested using proper AG			•	requested using proper AG
							Guidelines; NSL				Guidelines; NSL
							information could not be used				information could Di
Н	2005	-	CD		1	ECPA	NSLs received	Unknown			Īγ
					·		afte (third-party late)				NSLs received thereafter (third-
Н	2005		CD		1	ECPA	NSLs received	Unknown			many engin
							afte (third-party late)				NSLs received thereafter (third-
H	2005	-	CTD	1	·	ECPA	NSL drafting error	Unknown	X	Records sealed and	party error) Telephone
						20,11	, rocardining on or			forwarded to FBIHQ	numbers appended linto incorrect NSL
											number
	2008		OTD:	1		ECPA **	Telephone records, requested under -	Unknown	X	Records destroyed	
	2006		CTD	1		ECPA	Incorrect information	Unknown	X	Record CD and hard copies of excess	Third-party error
.							provided			information were sealed and	
										sequestered	

IOB N	AN THE RESIDENCE OF SHIP WAS	iuad/HQ // vision	Program	NSL- Reportable	NSL-Non Reportable	TO THE STATE OF TH	Violation Subject	CDC/ADC Review	Sequestered	Reason/Remedy	Misc. Notes
	2006	0	TD D	1		ECPA	Incorrect	Unknown	Х	Record CD and hard	Third-party error
	l moyo	ľ		, ,		1	information			copies of excess	
{		•	[provided			information were	
										sealed and sequestered	
1	2006	Ċ	TD.		1	ECPA	Information found	Unknown	Х	Records sealed and	Telehopne number
		ľ			•	1	to be unassociated	1		not uploaded	not associated with
		ľ					with subject or		1.		subject or terrorism
 }							terrorism activity				activity
	2006	C	CTD		1	ECPA [NSL issued after	inknown	,		Administrative oversight
1	} .	Ì].			case
											agent unaware and served NSLs)
	2006	C	OT:		1	ECPA	Improper	Unknows			Third-party error.
	. 		}				dissemination of information				Carrier forwarded information to
		<u> </u>				DCD4					wrong location
)	2006	C	TD	1		RFPA		Unknown			Request for
											was sent to wrong division at HQ
<u>]</u>	2006	C	D C	1		ECPA	Incorrect	Unknown	X	Records sealed	Third-party error
						: .	information iprovided				
1	2006	Ĉ	a d		1	ECPA	Incorrect	Unknówn	Х	Record CD containing	Third-party error
				,			information provided			excess information remains in CDC safe	
								2			
	2006	Ċ	D.		. 1	ECPA	Incorrect Information	Unknown	Х	Records sealed	Third-party error
]						provided	<u> </u>			

NSL VIO-24579

IOB#	Year FoSquad/HQ	Program	(2) (1) (C. S. P.	NSL-Non Reportable	+ Act	Violation Subject	CDC/ADC Review	Sequestered	Reason/Remedy	Misc. Notes
	2006	CTD	C P P Qu's	1	ECPA	Incorrect	Unknown	Settle - Decision -		Third-party error.
	2000	CID			LOFA	information	OTIVITOWIT			Not necessary to
					·	provided				sequester records
		[]				(provided 				because the
				12						excess information
	•			,]					provided by the
			- 1. 	:						carrier was within
								* .		the scope of the
				t .						NSL
	·									NOL
	2006	C107		\$ 1 s =	ECPA:	Incorrect telephone	Unknown-	X	Records set aside and	
		1.0				subscriber 🐣 🗽	1000	ile Le	were not used.	
			-				#57.6F			
	2006	Ö		=	ECPA	Incorrect request :: for information:	Unkhown			NSL Drafting error
ľ	2006	CD	1		ECPA	Incorrect	Unknown	Χ	CDC holding	Third-party error
		•				information		ì	information in safe	
						provided		1		
1	2006	CD		1	ECPA	Incorrect	Unknown	X	Records were	Third-party error
		25.0				information		l '	destroyed	
						provided				
Ì	2006	CD .		1	ECPA	Incorrect request	Unknown	X		Incorrect NSL
						for information				served (post USA
	. •					, and the same of				Patriot IRA)
ŀ	2006	CTD		1	ECPA	Incorrect telephone	Unknown	x	Records sealed and	Subscriber
				•		subscriber	0.,,,,,,	1	forwarded to ADC	cancelled
	·					Cabodipoi		,	lornardod to 7 ibo	telephone service
ŀ	2006	CTD		1	RFPA	Incorrect	Unknown	X	Excess records were	Third-party error
				'	(4.7)	information	CAROLOWII	^	segregated and sealed	
			·			provided			in Springfield RA	
						protiudu			an opinignola far	1
ŀ	2006	CD	1		ECPA	Incorrect request	Unknown	X-	Record CD was	NSL Drafting error
			,		- 31,71	for information	O I I I I I I I I I I I I I I I I I I I	^	destroyed	. OE Braining Offor
ŀ	2006	CD	1	<u> </u>	ECPA		Unknown		430110704	Third-party error
			, ,			information	Other Country			but information
	. [14.1				provided				provided still falls
	· [Profided				within investigative
		'.								time frame and FO
			٠.					,		plans to re-issue
			•							an NSL
}	2006	CD	<u> </u>	. 1	ECPA	Incorrect telephone	Unknown	X	Records were	Third-party error
	2000	·		, ,	LUIA	subscriber	OHAHOWII .	^ ·	destroyed	Trillia-hairh ciloi
	· 1	į i		1	ĺ	โจตกจกเกติ			locollohen	

NSL VIO-24580

IOB#	\$P\$ \$ 1 \$C\$ \$P\$ \$P\$ \$P\$ \$P\$ \$P\$ \$P\$ \$P\$ \$P\$ \$P\$	HQ Program	\$3.50 mg/s/ 10 mg/s/ 10 mg/s/	NSL-Non-	127 William 12 (4) (1) (4)	Violation Subject		Sequestered	Reason/Remedy	Misc Notes
	- Divisio		Reportable	Reportable			Review			
	2006	CD	1		ECPA	Incorrect	Unknown	X	Records secured by	Numbers
						information			CDC	transposed by third
			<u> </u>			provided				party
	2006	CD	1		RFPA	Extraneous	Unknown	Х	Records secured by	Third-party error
			et.			information			CDC	<u> </u> -
					<u> </u>	provided	<u> </u>			
	2006	CD		- 1	RFPA	Incorrect	Unknown	X	CDC holding	Third-party error
						information provided			information in safe	
	2006	CTD	1	,	ECPA	Incorrect	Unknown	X	Records sealed and	Third-party error
						information	· ·	^	forwarded to CDC	Trima party circi
] 	1					provided			101112120210 000	
1	2006	CTD	1	,	ECPA	Incorrect	Unknown	Х	Record sealed and	Third-party error
						information			forwarded to CDC	
	<u> </u>					provided				
	2006	CTD	1		ECPA	Incorrect request	Unknown	Х	Record sealed and	NSL Drafting error
	<u> </u>		·			for information			forwarded by CDC	
	2006	CTD	1		ECPA	Incorrect request	Unknown	X	Records were sealed	NSL Drafting error
) . ·	l .	for information	1		by CDC and deleted	
									from ACS	
	2006	CTD	· · ·	1	ECPA	Incorrect	Unknown	<u> </u>	CDC holding	
	2000			'	LOIA	information	Olikilowii	^.	information in safe	Third-party error
	·					provided			intomication in suic	
ĺ	2006	CTD		1	ECPA	Incorrect	Unknown	Х	CDC holding	Third-party error
			í			information	١.,		information in	
						provided			safe/uploaded records	}
	ļ	.							permanentley charged	
		·		,					out	
					<u> </u>		ļ			
	2006	CTD		1 1	ECPA	Incorrect	Unknown	X	CDC holding	Third-party error
				1		information			information in safe	•
	2000	OTD	· ·		5004	provided			2001 11	<u> </u>
	2006	CTD		1 ,	ECPA	Incorrect	Unknown	X	CDC holding	Third-party error
						information provided		1.	information in safe	{
	2006	CTD		1	ECPA	Incorrect	Unknown	X	CDC holidng	Third-party error
				, , , , , , , , , , , , , , , , , , ,	- ·	information	JUNIONII	, · ^	information in safe	Limia-harri elloi
						provided		٠.	mornsmon in saic	
	2006	CD		1	ECPA	Outstanding NSL	Unknown			Case agent
				,		,				change caused
									·	pefore
						}				NSL served

IOB# Year FoSqua Divis	d/.HQ Program	NSL- Reportable	NSL-Non Reportable	Act	Violation Subject	CDC/ADC Review	Sequestered	Reason/Remedy	Misc. Notes
2006	CD			FCRA (1681u)	Incorrect information provided	Unknown	X	CDC holding information in safe	Third-party error
2006	GD.			ECPA	Incorrect telephone number				OGC recommended records to be **** sequestered
2006	CD		1	ECPA	Incorrect telephone subscriber	Unknown			Not necessary to sequester information because records were publicly
2006	CTD	1		ECPA	not linked with subject or terrorism activities	Unknown	X		available not linked with subject or terrorism activities
2006	CD,	1		REPA		Unknown Unknown	X	Records forwarded to OGC Results of erroneous NSL were not reviewed and were sequestered in CDC safe	
2006. 2006.	CTO CTO			ECPA .	Case not opened/converted to 315 matter. Incorrect telephone subscriber.	Unknown Unknown	k k	Records set aside and were not used.	
2006	CTD CTD	1		ECPA ECPA	error resulting in incorrect	20 AST 123 VAN	A PURE THE CHARGE CONTRACTOR OF THE PROPERTY OF THE PARTY	Records forwarded for HQ/ITOS:II 1	Electronic record information was removed, but
2006	CTD.		1	ECPA	information provided Incorrect information provided	Unknown			unknown if hard copy record was sequestered and/or destroyed Third-party error

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IOB#	Year FoSquad/HQ	Program	NSL+ Reportable	NSL-Non Reportable	Act	Violation Subject	CDC/ADC Review	Sequestered	Reason/Remedy."	Misc. Notes
	2006	СТО	1-37dc larende	1	ECPA	Incorrect telephone	Unknown	X	Records not utilized or	Subscribers
						subscriber			uploaded	changed during
										time period
					<u> </u>					considered
	2006	CTD		1	ECPA	Incorrect telephone	Unknown	χ		Subscribers
		1		* 1		subscribers				changed during
					<u>.</u>					time period
							 			considered
	2006	CD	1 1		ECPA		Unknown	1, 1		Improper
						for information				altercation of NSL
							i			to obtain
		•								information. OGC
						1				recommended
										records to be
		ļ	ļ	<u> </u>						sequestered
	2006	CD	1	.,	ECPA	Incorrect	Unknown	ν Х .	CDC holding	Third-party error
						information			information in safe	
	0000				FORA	provided			0001-0	T1:-11
	2006	CD	1 1		ECPA	1	Unknown	X	CDC holding	Third-party error
				* 		information			information in safe	
	2006	CD	1		ECPA	provided	Unkanua		Daniel CD containing	
	2000	CD			CUPA		Unknown	X	Record CD containing excess information	NSL Drafting error
			:			for information				
							. `		remains in CDC safe	
										[
	2006	CD	1		ECPA.	Incorrect	Unknown	X .	Records sealed and	Third-party error
	2000				LOTAL	information	Ontrion	^	forwarded to CDC	Trind-party crior
						provided			liormanded to ODO	}
	2008	00/40/60			ECPA		Unknown.	ader (x. 2 je)	ADC holding	ADCicontacted 200
									information in safe	upon notification of
			39439		6.3		4.8	4.0		violation
	2006	CD		1	ECPA	Case closed before	Unknown	X	CDC holidng	expired; related
				•		NSLs returned			· ·	NSL results
							· · ·		1	sequestered
	2006	CD .			ECPA .	incorrect telephone	Unknown	State X To 1	CDC holding	CDC contacted //
					LATE CONTRACTOR	number			information in safe	upon notification of
	*									violation
	2006	CTD	1		ECPA	Administrative	Unknown	X	Records sealed and	Administrative
					1.	oversight regarding	·	· ·	l ' .	oversight
					· [and		* * * * * * * * * * * * * * * * * * * *	Γ	case
		}				NSLs served				agent unaware and
		j.			:			, , ,		served NSLs)

IOB#	Year FoSquad/HQ Division	Program	NSL-÷ Reportable	NSL-Non- Reportable	Act	Violation Subject	CDC/ADC Review	Sequestered	Reason/Remedy	Misc. Notes
	2006	OTD		1	ECPA	Incorrect information provided	Unknown	X		Third-party error
	2006	CTD		1	ECPA	Incorrect telephone subscriber	Unknown	X	CDC holding information in safe	Third-party error
	2006	CTD		1	ECPA	Extraneous information provided	Unknown	Х		Third-party error
	2006	CD	1		ECPA	Incorrect request for information	Unknown	X	Records were destroyed	NSL Drafting error
	2006	DD .		1	ECPA	Incorrect telephone subscriber	Unknown	X		Subscribers changed during time period considered
	2006	OTD			ECPA ,	incorrect telephone number	Unknown	7 X	Records destroyed/permanently charged out of ACS	
	2006	CTD		1	ECPA/RF	NSL issued afte	Unknown	X		Administrative b2 oversigh b7
										agent unaware and served NSLs)
	2006	CTD	1		ECPA	Incorrect request for information	Unknown	X	Records forwarded to FBIHQ for appropriate action/uploaded	NSL drafting error
									records permanently charged out	
	2006	DD		1	ECPA	Incorrect information provided	Unknown			Incorrect telephone number acquired and used within
	2006	CD	1		ECPA	Incorrect request for information	Unknown	X	Records were destroyed	NSL ,
	2006	CTD	1		ECPA	Incorrect request for information	Unknown			NSL drafting error

NSL VIO-24584

IOE)##(F) PE(P) PoSqui Divis		NSL- Reportable			Violation Subject	CDC/ADG Reviews	Sequestered	#Reason/Remedy	Misc. Notes
	2006	CTD		1	ECPA	Incorrect information	Unknown		Records were destroyed	Third-party error
		1.				provided				
	2006	CTD		1	ECPA	Extraneous information	Unknown	X		Third-party error
	·					provided				
	2006	СТО	1	1	RFPA	NSI issued afte	Unknown			Administrative oversight
			1					. *		case agent unaware and
			·							served NSLs)
	2006	CTD		1	ECPA	Incorrect request for information		Х	Awaiting guidance from carrier	Telephone number obtained from
										source was incorrect. OGC
	2006	CD	1		RFPA	Incorrect information	Unknown	X	Records sealed and forwarded to CDC	recommended Third-party error
		:				provided				· i.
	2006	CD	1		ECPA	Incorrect information provided	Unknown	X	Excess records were placed in safe	Third-party error
	2006	CD	1		ECPA	Incorrect information provided	Unknown	X	Excess records were placed in safe	Third-party error
	2006	CD		1	ЕСРА	Incorrect	Unknown	х	Records placed in safe	Third-party error
		,				information provided				
	2006	CD		1	RFPA	Incorrect information	Unknown	X	Awaiting guidance from carrier	Third-party error
			: .			provided				
	2007	CD		1	ECPA	Incorrect information	Unknown	X		Third-party error
						provided				:
	2007	CD	1.0	1	ECPA	Incorrect information	Unknown	Х	CD of records was sequestered with the	Third-party error
			`. '.			provided			CDC	
					<u> </u>	:	<u></u> _			<u></u>

FBI National Security Letter Intelligence Oversight Board Matters (2001-2006)

IOB#	Year FoSquad/	IQ Program	NSL: Reportable	NSE-Non Reportable	Act	Violation Subject	CDC/ADC Review	With the second second	Reason/Remedy	Misc Notes
	2007	CD			ECPA	Incorrect information provided	Unknown			Third-party error
	2007	CTD		1	ECPA	Incorrect information provided	Unknown	X		Third-party error
	2007	CD		1	ECPA	Incorrect information provided	Unknown		Records returned to provider	Third-party error b2
	2007	CD		1	ECPA	Incorrect information provided	Unknown	X		Third-party error
	2007	CTD		1	ECPA	Incorrect information provided	Unknown	X	Records destroyed	Third-party error

(OGC) (FBI)	
From: Sent: Thursday March 29, 2007 1:31 PM To: (OGC) (FBI) (OGC) (FBI) (OGC) (FBI) (OGC) (FBI) (OGC) (FBI) (These are the outstanding issues that I can remember	(OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
SENSITIVE BUT UNCLASSIFIED NON-RECORD Issues -	
overcollection covered by an NSL 2) can Per email t	to Julie re
4) can similar PIOBs be reported in one EC; our response can be one EC if the sar not similarly handled. Inspection talked to about this today and they are okay all similar issues (they will still count these as multiple PIOBs and will make copies any issue as to accurately reporting the extent of the problem.) 5) do we need to revisit	with one PIOB and one response when 127
6) this is one she hasn't seen but came to me today and that I sent to you,	
.7) confirm	

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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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```
Total Deleted Page(s) ~ 42
Page 55 ~ b5
Page 56 ~ b5
Page 57 ~ b5
Page 58 ~ b5
Page 59 ~ 55
Page 60 ~ 55
Page 61 ~ b5
Page 62 ~ b5
Page 63 ~ 55
Page 64 \sim b1, b5
Page 65 ~ 55
Page 66 ~ 65
Page 67~ b5
Page 68 ~ b5
Page 69 ~ 65
Page 70 ~ b5
Page 71 ~ b5
Page 72 ~ b5
Page 73 ~ b1, b5
Page 74 ~ b5
Page 75 ~ b5
Page 76 ~ b5
Page 77 ~ b5
Page 78 ~ b5
Page 79 ~ b5
Page 80 ~ 65
Page 81 ~ b5
Page 82 ~ b5
Page 83 ~ b5
Page 84 ~ b5
Page 85 ~ b5
Page 86 ~ b5
Page 87 ~ b5
Page 88 ~ 55
Page 89 ~ b1, b5
Page 90 ~ b5
Page 91 ~ b5
Page 92 ~ b5
Page 93 ~ 55
Page 94 ~ b5
Page 95 ~ 65
Page 96 ~ b5
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