

[redacted] OGC) (FBI)

From: [redacted] (OGC) (FBI)  
Sent: Tuesday, April 18, 2006 2:16 PM  
To: [redacted] (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI)  
Subject: GC Caproni's REVISED SSCI QFRS [CONGRESSIONAL / TRIM Document : 06/DO/933]

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Congressional SSCI's 17+1 QFRs NSL CHART (SSCI  
thanking the FBI... (REVISED, 11 ... Bfg, 8 Mar 06)...

~~SECRET~~

RECORD NSIGs; NSLs

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As you and I discussed this afternoon, the referenced ExecSec tasking is NOT new. It relates to the SSCI QFRs on which we've been working for the last few weeks.

Attached you'll find (1) GC Caproni's responses to those SSCI QFRs, REVISED in accordance with her instructions in her 11 April e-mail to us, and (2) the NSL Chart that's incorporated by reference in the responses to QFR Nos. 1 and 3. BOTH attachments are necessary to satisfy this tasking.

I believe that the two attachments, taken together, now represent a "FINAL" response to this tasking.

REQUEST that you review this response, discuss it with Julie, and then route it as appropriate.

Thanks!

[redacted]

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

From: THOMAS, JULIE F. (OGC) (FBI)  
Sent: Tuesday, April 18, 2006 12:18 PM  
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: FW: CONGRESSIONAL / TRIM Document : 06/DO/933 : Congressional thanking the FBI for briefing and materials provided to the Senate Select Committee on Intelligence and requesting a written response to outstanding questions related to the FBI's use of NSL's

UNCLASSIFIED  
NON-RECORD

FYI

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

From: KELLEY, PATRICK W. (OGC) (FBI)  
Sent: Tuesday, April 18, 2006 11:48 AM  
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI)  
Subject: FW: CONGRESSIONAL / TRIM Document : 06/DO/933 : Congressional thanking the FBI for briefing and materials provided to the Senate Select Committee on Intelligence and requesting a written response to outstanding questions related to the FBI's use of NSL's

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~~UNCLASSIFIED~~  
NON-RECORD

For action.

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

From: ExecSec (RMD)

Sent: Monday, April 17, 2006 1:51 PM

To: [REDACTED] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI)

Cc: [REDACTED] (OCA) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); KALISCH, ELENI P. (OCA) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (DO) (FBI)

Subject: CONGRESSIONAL / TRIM Document : 06/DO/933 : Congressional thanking the FBI for briefing and materials provided to the Senate Select Committee on Intelligence and requesting a written response to outstanding questions related to the FBI's use of NSL's and

OTHER outside the

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b2

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DECLASSIFY ON: 20160418  
SECRET~~

OTHER outside the scope

	2001	2002	2003	2004	2005	TOTAL
<b>Toll Records 18 USC 2709(b)(1)</b>						
Total USPER NSLs						
Different USPER						
Total Non USPER NSLs						
Different Non USPER						
Total NSLs						
<b>Subscriber Records 18 USC 2709(b)(2)</b>						
Total USPER NSLs						
Different USPER						
Total Non USPER NSLs						
Different Non USPER						
Total NSLs						
<b>Financial Records 12 USC 3414(a)(5)</b>						
Total USPER NSLs						
Different USPER						
Total Non USPER NSLs						
Different Non USPER						
Total NSLs						
<b>Financial Institutions 15 USC 1681u(a)</b>						
Total USPER NSLs						
Different USPER						
Total Non USPER NSLs						
Different Non USPER						
Total NSLs						
<b>Consumer Identifying Info 15 USC 1681u(b)</b>						
Total USPER NSLs						
Different USPER						
Total Non USPER NSLs						
Different Non USPER						
Total NSLs						
<b>Court Order Info 15 USC 1681u(c)</b>						
Total USPER NSLs						
Different USPER						
Total Non USPER NSLs						
Different Non USPER						
Total NSLs						

(S)

b1

DATE: 08-06-2007  
 CLASSIFIED BY 65179dah/ksr/lmf  
 REASON: 1.4 (C)  
 DECLASSIFY ON: 08-06-2032

[Redacted] (OGC) (FBI)

From: b6 [Redacted] (OGC) (FBI)  
Sent: Tuesday, April 18, 2006 8:55 AM  
To: b7C [Redacted] (OGC) (FBI)  
Subject: Thx! (IOB para for SSCI QFRs)

~~SECRET~~  
~~RECORD xxx~~

Sincere thanks, [Redacted]  
[Redacted]

b6  
b7C -----Original Message-----

From: [Redacted] (OGC) (FBI)  
Sent: Monday, April 17, 2006 5:29 PM  
To: [Redacted] (OGC) (FBI)  
Subject: IOB para

~~SECRET~~  
~~RECORD xxx~~

[Redacted]  
The following should be inserted [Redacted]

b5

[Large Redacted Block]

I'll be in San Diego Tuesday-Thursday, but I'll be back on Friday if you have any questions.

Thanks,

[Redacted] b6  
b7C

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~~DECLASSIFICATION EXEMPTION 1~~  
~~SECRET~~

DECLASSIFIED BY 65179dah/kst/lmf  
ON 08-02-2007



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## Intelligence Oversight Board EPIC Releases

- I. On October 24, 2005, the Washington Post published an article titled, "FBI Papers Indicate Intelligence Violations." The article reports on 13 reports to the Intelligence Oversight Board (IOB) that were made by the FBI during Fiscal Years 2003 and 2004, that had been disclosed to the Electronic Privacy Information Center (EPIC), an advocacy group in response to a Freedom of Information Act (FOIA) request for records relating to the Patriot Act.
  - A. The specifics of the IOB reports that were released to EPIC in response to a FOIA request are as follows:
    1. the majority involved purely administrative errors (overrunning a preliminary investigation (PI), failing to submit a timely annual report)
    2. only five involved more substantive errors (carrier errors, obtaining financial documents without prior approval).
  - B. On December 30, 2005, an additional seven IOB reports were released in response to a FOIA request.
- II. Establishment of the Intelligence Oversight Board
  - A. The President, by Executive Order 12334 of December 4, 1981, established the President's Intelligence Oversight Board. On September 13, 1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. The IOB has been given the authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.
  - B. The FBI, as a member of the Intelligence Community, is obligated to report violations of the Constitution, laws, executive orders, and Presidential Directives to the IOB. This includes violations of agency procedures if such provisions were intended to protect the individual rights of a US person.
- III. FBI Reporting Procedures for Possible IOB Violations
  - A. All FBI employees have an obligation to report potential IOB matters to

the Office of the General Counsel (OGC) and the Inspection Division within 14 days of discovery of the potential error or violation. In addition to the foregoing, on a quarterly basis, each field office and FBI Headquarters division is required to submit to OGC a document certifying that all employees of the office or division were contacted concerning the requirement to report potential IOB matters.

- B. OGC reviews the reports to determine if the potential error or violation requires notification to the IOB. If OGC determines that the reported matter requires notification to the IOB, OGC prepares the necessary correspondence to the IOB setting forth the basis of the notification. OGC will also notify the Office of Intelligence Policy and Review (OIPR) and the FBI's Inspection Division.
- C. The FBI's Inspection Division is responsible for reviewing the potential violations to determine whether any discipline should be taken against the employee and for detecting trends of violations that should be addressed systematically.
- D. If the IOB violation involves the unintentional acquisition of information under the Foreign Intelligence Surveillance Act (FISA), that information is sequestered with OIPR for eventual destruction by order the Foreign Intelligence Surveillance Court pursuant to Section 106(i) of the Act. If the IOB violation involves the unintentional acquisition of information unrelated to a FISA court order, the FBI will take appropriate remedial action and take steps to obtain the information correctly.
- E. OIPR reports FISA violations to the Foreign Intelligence Surveillance Court and to Congress.
- F. The FBI takes all reports of possible IOB violations seriously and has a comprehensive process for reporting, conducting legal reviews, and referring violations to the Intelligence Oversight Board, Office of Intelligence Policy and Review and Congress.

POC:

[Redacted]

Director's Research Group

(202)324-

[Redacted]

Information provided by:

[Redacted]

National Security Law Branch  
Office of the General Counsel

Dated: 01/17/2006

Approved by DGC Julie F. Thomas

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[redacted] (OGC) (FBI)

From: [redacted] (OGC) (FBI)  
Sent: Wednesday, April 12, 2006 1:16 PM  
To: [redacted] (OGC) (FBI)  
Subject: Thx! (GC Caproni's Further Revisions to QFRs Re NSLs)

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b6 RECORD xxx  
b7C

Sincere thanks, [redacted] A HUGE HELP!

[redacted]

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

From: [redacted] (OGC) (FBI)  
Sent: Wednesday, April 12, 2006 11:27 AM  
To: [redacted] (OGC) (FBI)  
Subject: RE: GC Caproni's Further Revisions to QFRs Re NSLs

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RECORD xxx

My thoughts:

[redacted]

[redacted] need to check.

[redacted] I have nothing else to offer

[redacted] - check with [redacted] for standard for IOBs (could also check the standard language of an IOB - I've attached what I use in my IOBs)



standardioblanguag  
e.wpd (3 KB)...

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[Large redacted area]



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[Redacted]

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

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**From:** [Redacted] (OGC) (FBI)  
**Sent:** Wednesday, April 12, 2006 11:02 AM  
**To:** [Redacted] (OGC) (FBI)  
**Subject:** GC Caproni's Further Revisions to QFRs Re NSLs

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**RECORD xxx**

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[Redacted]

As you'll recall, we submitted proposed NSL-related QFR responses to GC Caproni a couple of weeks ago. She subsequently spent a tremendous amount of time and effort in substantially revising them.

Attached you'll find, FYI, GC Caproni's revised responses. They're still in need of spellchecking and proofreading in numerous respects. But, more importantly, she imbedded within her responses **numerous questions which still need to be addressed** before we can submit the document to OCA and then, in turn, to DOJ and SSCI.

b5

If you've an opportunity, please review the questions imbedded within the following: [Redacted]  
[Redacted] Any additional comments that you wish to offer regarding any or all of those would be most appreciated.

I conferred with OCA's Action Officer yesterday. We agreed that our submission to OCA could await the return of Julie and [Redacted] next week.

Thanks!

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[Redacted]

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

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**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Tuesday, April 11, 2006 12:01 PM  
**To:** [Redacted] (OGC) (FBI)  
**Cc:** [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)  
**Subject:** QFRs

**SECRET//ORCON,NOFORN**  
**RECORD xxx**



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Attached is a redraft of these QFRs. There are a number of embedded questions that need to be answered. We also should individually portion mark the different paragraphs.

VC



qfrsscimarch2006.0  
01.wpd (19 K...

~~DERIVED FROM: Multiple Sources~~  
~~DECLASSIFY ON: 20160411~~  
~~SECRET//ORCON,NOFORN~~

SSCI QFRs (Pending)

[Redacted] (OGC) (FBI)

From: [Redacted] (OGC) (FBI)  
Sent: Tuesday, April 11, 2006 1:59 PM  
To: CAPRONI, VALERIE E. (OGC) (FBI)  
Subject: Thx! (QFRs)

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~~RECORD xxx~~

Sincere thanks, Ma'am!

[Redacted]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)  
Sent: Tuesday, April 11, 2006 12:01 PM  
To: [Redacted] (OGC) (FBI)  
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)  
Subject: QFRs

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~~RECORD xxx~~

[Redacted]

Attached is a redraft of these QFRs. There are a number of embedded questions that need to be answered. We also should individually portion mark the different paragraphs.

VC



qfrsscimarch2006.0  
01.wpd (23 K...)

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11 Apr 06

Follow-on office conf  
w/ [Redacted] in OCA.

Agreed that we'd shoot  
for Fri, 21 Apr, as deadline.

DECLASSIFIED BY 65179dmh/rsr/inf  
ON 08-02-2007

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[Redacted]

OGC) (FBI)

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**From:** CAPRONI VALERIE E. (OGC) (FBI)  
**To:** [Redacted] (OGC) (FBI)  
**Sent:** Tuesday, April 11, 2006 2:11 PM  
**Subject:** Read: Thx! (QFRs)

Your message

**To:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Subject:** Thx! (QFRs)  
**Sent:** 4/11/2006 1:59 PM

was read on 4/11/2006 2:11 PM.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-06-2007 BY 65179dmh/kar/lme

