

*Freedom of Information  
and  
Privacy Acts*

**SUBJECT: NATIONAL SECURITY LETTERS**  
**FOLDER: 263-0-U- Volume 8**



*Federal Bureau of Investigation*

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Precedence: ROUTINE

Date: 04/20/2005 #1044

To: Inspection  
General Counsel

Attn: IIS  
Attn: NSLB

From: [Redacted]

Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

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

Title: (S) [Redacted]  
(U) [Redacted]  
REPORT OF POSSIBLE IOB VIOLATION

*handle +  
PMT lead in  
ACG. 24  
@ [Signature]*

Synopsis: (S) EC to report a possible IOB violation committed by writer in investigation [Redacted]

b1  
b6  
b7C

Derived From: G-3  
Declassify On: X1

Enclosure(s): (S) Enclosed for NSLB are an EC dated 03/21/2005 with all of it's enclosures, [Redacted] containing toll records received [Redacted]

b1  
b7D

(S) Details: (U) A potential IOB violation occurred during investigation [Redacted]

b1  
b6  
b7C

(S) [Redacted]

[Redacted] writer prepared a NSL for service requesting subscriber information [Redacted] records [Redacted] A response to the NSL was [Redacted]

*you [Signature]*

Case ID : 278-HQ-C1229736-VIO

(S) [Redacted]

b1

~~SECRET~~

Serial : 823  
38

DATE: 06-01-2007  
CLASSIFIED BY 65179dmh/ksr/prs  
REASON: 1.4 (c/d)  
DECLASSIFY ON: 06-01-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(S)

[Redacted]

b1  
b7D

(S) (U) ~~(S)~~ Writer began to review the response from (S) [Redacted]  
[Redacted] Upon reading the subscriber information, writer  
(S) realized the name was not identifiable with [Redacted]

(S) [Redacted]  
(S) [Redacted] (Note: There is only  
one digit difference between [Redacted] and [Redacted] which  
was the nuber [Redacted]  
Writer then checked [Redacted] (C) Database for this  
number [Redacted]

b1  
b6  
b7C  
b7D

(S) [Redacted] Upon realization of this error, writer telephoned CDC  
[Redacted] and advised him of these details. CDC [Redacted]  
requested writer prepare a report of possible IOB violation.

(S) (U) ~~(S)~~ Writer was unable to determine if the incorrect  
telephone number was the result of [Redacted] providing  
incorrect information or a mistaker [Redacted] by the writer  
[Redacted]

b7D  
b1

(U) ~~(S)~~ Writer has enclosed the results of the NSL for  
destruction as they are not needed for, or related to, the  
current investigation.

LEAD(s) :

Set Lead 1: (Info)

ALL RECEIVING OFFICES

(U) For info only.

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 06/01/2005

**To:** Inspection  
Counterterrorism

**Attn:** IIS  
**Attn:** AD  
**Attn:** SAC, CDC

**From:** General Counsel  
Counterterrorism Law Unit II

**Contact:** [Redacted]

**Approved By:** Thomas Julie F

**Drafted By:** [Redacted]

b2  
b7E  
b6  
b7C  
b1

~~(U)~~ **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 8101  
(S) [Redacted]

**Title:** ~~(S)~~ SA [Redacted]  
(U) SSA [Redacted]  
b2 POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER  
IOB 2005 [Redacted]

~~(U)~~ **Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB), but, rather, that a record of this decision should be maintained in the investigative control file for review by the Counsel to the IOB.

~~(U)~~ ~~(S)~~ **Derived from:** G-3  
**Declassify On:** X-25-1

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~(U)~~ **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 823

**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 8.0.

**Details:** (S) [Redacted]

b1  
b6  
b7C

DATE: 9/1/05  
CLASSIFIED BY 65179dmh/ksr/prs  
REASON: 1.4 (c/d)  
DECLASSIFY ON: 06-01-2032

~~SECRET~~

100-  
handle 11/13  
lead + [unclear]  
in [unclear] 17

~~SECRET~~

To: Inspection From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/10/2005

b1  
b7D  
b6 }  
b7C }

[REDACTED]

(S) [REDACTED]  
provider, SA [REDACTED] realized that the subscriber information did not correspond with that of the target [REDACTED]. Subsequent research has revealed [REDACTED] correct [REDACTED] phone number to be [REDACTED]. The error appears to have been the result [REDACTED] providing incorrect information or mistaken [REDACTED] by SA [REDACTED].

b1  
b6  
b7C

[REDACTED]

(U) (S) Immediately upon reviewing the subscriber information, SA [REDACTED] discontinued his review of the records. At no time did he or his supervisor, SSA [REDACTED] view the [REDACTED]. Rather, he has submitted the results of the NSL to OGC, for final disposition.

b6  
b7C

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 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 guidelines or regulations approved by the Attorney General in accordance with EO 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 maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

~~SECRET~~

~~SECRET~~

(U) To: Inspection From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/10/2005

(U) ~~(S)~~ In the instant matter, SA [redacted] erroneously issued an NSL for an incorrect phone number. However, he did so in good faith, [redacted]

b6  
b7C  
b7D

[redacted] Further, immediately upon reviewing the subscriber information, he discontinued his review of the records and properly sequestered the information.

(U) ~~(S)~~ Consequently, based on the above analysis, this matter will be treated by OGC as essentially administrative in nature. In accordance with the above guidance, OGC will maintain a record of this matter for possible future reference by the Oversight Board and forward [redacted] to OIPR to be sequestered. Inspection is also requested to maintain a copy of this opinion, documenting the nonreportable nature of this issue.

b7D

~~SECRET~~

#831

~~SECRET~~

---- Working Copy ----

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Precedence: ROUTINE

Date: 06/27/2003

To: Counterterrorism

Attn: ITOS I, CONUS II, Team 6

General Counsel

Attn: [Redacted]  
Unit Chief  
National Security Law Unit

Inspection

Attn: [Redacted]

From: [Redacted]

Contact: [Redacted]

Approved By: [Redacted]

DATE: 06-23-2007  
CLASSIFIED BY 65179 dmh/ksr/jhf  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 06-23-2032

Drafted By: [Redacted]

Case ID #: (U) 278-HQ-1229736-VIO (Pending)  
(U) [Redacted] 278-0 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER (IOB)  
[Redacted] DIVISION

Synopsis: (U) To seek guidance regarding possible IOB violation.

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

Details: (S) [Redacted]

[Redacted]

(S) [Redacted]

[Redacted]

Case ID : 278-HQ-C1229736-VIO

Serial : 110  
95

b2 [Redacted] 278-0  
b7E

~~SECRET~~

263-0-0-

b6  
b7C  
b2  
b7E

b1  
b6  
b7C  
b3 FGJ

4



(U) ~~(S)~~ On June 18, 2003, FBIHQ advised [redacted] Division to  
b2 discontinine serving subpoenas because of the statutory provisions  
b7E requiring authorization by the Attorney General (AG). [redacted]  
b3

[redacted]

(U) ~~(S)~~ [redacted] Division in turn contacted the United  
States Attorney's Office, Western District of [redacted] and requested  
that all pending requests for Grand Jury subpoenas be suspended until  
further notice. NSLs will be used to identify [redacted] in the  
interim.

(U) ~~(S)~~ [redacted] was unaware that the term "Criminal  
b2 proceeding" had been interpreted by the AG Guidelines to include  
b7E Federal Grand Jury (FGJ) subpoenas and proceedings. [redacted]  
Division has disseminated this guidance internally and will ensure  
future compliance with the AG Guidelines regarding this issue.

(U) ~~(S)~~ [redacted] requests that FBIHQ consider and determine  
whether the AG authority within [redacted] itself fulfills the  
AG approval requirement.

LEAD(s) :

Set Lead 1: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Review information and advise FBI [redacted] as to any  
findings on this matter.

b2 Set Lead 2: (Discretionary)  
b7E

GENERAL COUNSEL

AT WASHINGTON D.C.

(U) Review information and advise FBI [redacted] as to any  
findings on this matter.

Set Lead 3: (Info)

COUNTERTERRORISM

AT ITOSI\CONUSII

(U) For information.

~~SECRET~~  
----- Working Copy -----

~~SECRET~~

Precedence: ROUTINE

Date: 06/07/2004

To: [Redacted]

Attn: SAC

Counterterrorism

Attn: ITOS I/CONUS III

Director's Office

Attn: Office of Professional Responsibility

b2  
b7E  
b6  
b7C

From: General Counsel

National Security Law Branch/Rm 7974

Contact: [Redacted]

Approved By: Curran John F

DATE: 06-04-2007  
CLASSIFIED BY 65179 dmh/ksr/prs  
REASON: 1.4 (c/d)  
DECLASSIFY ON: 06-04-2032

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HQ-1229736-VIO

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
(IOB) MATTER 2003 [Redacted]

b2

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

~~(U)~~ ~~(S)~~ Derived from : G-3  
Declassify on: X-1

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U) Reference: ~~(S)~~ 278-HQ-1229736-VIO

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

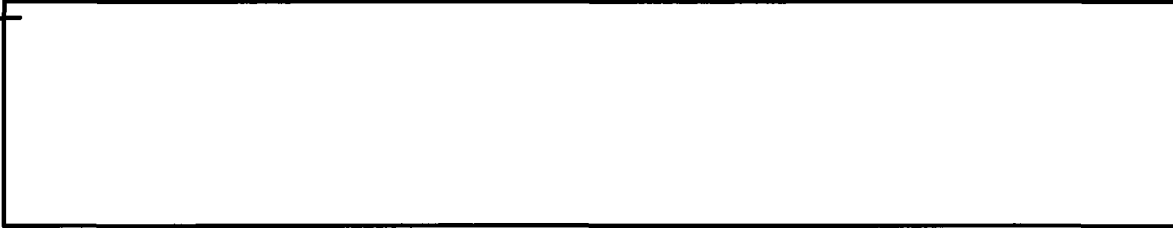
(U) Details: ~~(S)~~ By electronic communication (EC) dated 06/27/03 (cited below) 11, [Redacted] Division [Redacted] reported a possible IOB error in conjunction with [Redacted]

(S)

b1  
b6  
b7C  
b3 FGJ

(S)

b1  
b3



(U) Pursuant to Sections 1806(b), 1825(c), and 1845(b) of the FISA, FISA-derived information may not be disclosed for law enforcement purposes or used in a criminal proceeding without prior authorization of the Attorney General. Pursuant to a memorandum of the Attorney General dated March 6, 2002, the issuance of a grand jury subpoena falls within the definition of a "criminal proceeding" as that term is used in the FISA. Thus, a subpoena containing FISA-derived information requires prior authorization of the Attorney General before it is disclosed or used in a criminal proceeding.

(U) Section 2.4 of Executive Order (EO) 12863, dated September 13, 1993, requires the General Counsel for the Intelligence Community, including FBI/OGC, to report to the IOB intelligence activities that they have reason to believe are unlawful or contrary to executive order or presidential directive.

(U) Pursuant to the FISA, a grand jury subpoena containing FISA-derived information may not be disclosed without prior authorization of the Attorney General. The [redacted] Division served a federal grand jury subpoena containing FISA-derived information on a third party without obtaining the Attorney General's prior authorization. It is the opinion of Office of General Counsel that this constitutes a violation of the FISA that must be reported to the IOB.

b2  
b7E

(U) Based upon the above analysis, and consistent the reporting requirements of Section 2.4 of E.O. 12863, OGC will prepare a cover letter and an LHM to report this matter to the IOB. That correspondence will also advise the IOB that this matter will be referred to the FBI's Office of Professional Responsibility.

Lead(s) :

Set Lead 1: (Action)

COUNTERTERRORISM DIVISION

AT WASHINGTON, DC

(U) For information.

Set Lead 2: (Action)

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For action deemed appropriate.

Set Lead 3: (Action)

b2  
b7E

(U) For action deemed appropriate.

1 - Mr. Curran

b6  
b7C

1 - NSLB IOB Library

**\*\*FOOTNOTES\*\***

b2  
b7E

i1': (U) See EC from  Division to the General Counsel, dated 06/27/03, Case ID# 278-HQ-1229736-VIO, titled "Intelligence Oversight Board Matter (IOB)  Division," hereinafter cited as  EC."

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

# 1156

Precedence: ROUTINE

Date: 04/22/2005

To: General Counsel

Attn: National Security Law Branch,  
Room 7975

From: [Redacted]

Contact: SA [Redacted]

b2  
b7E  
b6  
b7C

Approved By [Redacted]

Drafted By: [Redacted]

(C) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO - 820

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

(U)

Synopsis: ~~(S)~~ Possible IOB error for non-compliance with a requirement of the National Foreign Intelligence Program Manual (NFIPM).

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U) Enclosures: ~~(S)~~ Telephone records requested by General Counsel.

Details:

(S) 1. [Redacted]

b1  
b6  
b7C

(S) 2. [Redacted]

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

b1 (S) [Redacted]

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

(U) ~~(S)~~ [Redacted] drafted an NSL [Redacted] which contained an incorrect telephone number. [Redacted]

(S) [Redacted]

b1  
b6  
b7C  
b7D

[Redacted] responded to the NSL and delivered the records that corresponded to the incorrect number on the NSL. [Redacted]

[Redacted]

~~SECRET~~

DATE: 06-04-2007  
CLASSIFIED BY 65179dmh/ksr/prs  
REASON: 1.4 ((c))  
DECLASSIFY ON: 06-04-2032

*4/09/21/05*

~~SECRET~~

b2  
b7E

To: General Counsel From: [redacted]  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/22/2005

(U) ~~(S)~~ Per instructions from [redacted] in her e-mail dated  
(S) 04/21/2005 to [redacted] CDC [redacted] the acquired  
b2 telephone records are enclosed along with copies of the original NSL  
b7E and cover EC to be forwarded to OIPR. All the communications that  
b1 contain the incorrect number were permanently charged out and removed  
b6 from ACS in [redacted] office. [redacted] contacted the [redacted]  
b7C office and requested the removal [redacted] from  
ACS.

~~SECRET~~

~~SECRET~~

b2  
b7E

(U) To: General Counsel From:   
Re: ~~S~~ 278-HQ-C1229736-VIO, 04/22/2005

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) General Counsel to take action requested above.

◆◆

~~SECRET~~



~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 05/06/2005

**To:** Inspection

**Attn:** Internal Investigation Section

[Redacted]

**Attn:** SA [Redacted]  
CDC [Redacted]

b2  
b7E  
b6  
b7C

**From:** General Counsel  
National Security Law Branch/CTLU I/LX1 56-200  
**Contact:** [Redacted]

**Approved By:** Thomas Julie F

**Drafted By:** [Redacted]

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

b1  
b6  
b7C  
b2

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD  
SA [Redacted]  
IOB MATTER 2005- [Redacted]

*- please ensure covered / cleared f1 ACS. 74 06/27/05*

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

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO-820

**Details:** ~~(S)~~ As reported by the [Redacted] Division [Redacted] in the April 22, 2005 electronic communication, on December 6, 2004, [Redacted]

b2  
b7E  
b1  
b6  
b7C  
b1  
b6  
b7C  
b7D

(S) [Redacted]  
(U) ~~(S)~~ [Redacted] Special Agent (SA) [Redacted] drafted a National Security letter (NSL) [Redacted] which contained an incorrect telephone number. [Redacted]

b6  
b7C

~~SECRET~~

OIG/DOJ Review: [Redacted]  
FBI INVEST: [Redacted]  
OPR UG INITIALS: [Redacted]

DATE: 9/18/05  
VEST: [Redacted]

[Redacted] SSA [Redacted]  
[Redacted]

DATE: 06-04-2007  
CLASSIFIED BY 65179dmh/ksr/prs  
REASON: 1.4 ((c))  
DECLASSIFY ON: 06-04-2032

b6  
b7C

~~SECRET~~

To: Inspection Division From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/06/2005

(S)

b1  
b6  
b7C  
b7D

[Redacted] responded to the NSL and delivered the telephone records that corresponded to the incorrect number listed in the NSL. Upon review of the telephone records, it was discovered that they belonged to a different U.S. Person.

(U) ~~(S)~~ When the error was discovered, the telephone records were sealed along with the original NSL and forwarded to Headquarters together with a report of the incident. (See 278-HQ-C1229736-VIO Series 820). These records will be forwarded to the Office of Intelligence Policy and Review (OIPR) All communications that contained the incorrect telephone number were permanently charged out and removed from FBI Automated Case Support system (ACS).

(U) ~~(S)~~ Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM) requires OGC to determine whether the facts related above are required to be reported to the IOB. For the reasons discussed below this matter needs to be reported.

(U) ~~(S)~~ The Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709 authorizes the issuance of a National Security Letter for telephone subscriber information, telephone toll billing records and electronic communication transactional records for telephone numbers used by the subject of the investigation. The USA PATRIOT Act, P.L. 107-56, authorizes the issuance of an NSL for a subject upon a certification of relevance to an authorized investigation to protect against international terrorism or clandestine intelligence activities

b5

[Redacted]

(U) Section 2.4 of the Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectfully) report to the IOB all information "concerning the intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive."

~~SECRET~~

~~SECRET~~

To: Inspection Division From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/06/2005

(U) In the instant matter, while the error in combining the two telephone numbers appears to be inadvertent, it resulted in obtaining another U.S. Person's telephone records without authorization. Even though the production of the wrong telephone records resulted from a typographical error, the delivery of the telephone records was contrary to 18 USC § 2709. Consequently, based on the above analysis, and in accordance with the reporting requirements of Section 2.4 of E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB.

**LEAD(s):**

**Set Lead 1: (Action)**

b2  
b7E



(U) Read and clear



**Set Lead 2: (Action)**

INSPECTION (IIS)

AT WASHINGTON, DC

(U) For action deemed appropriate

b6  
b7C

- 1 - Ms. Thomas
- 1 - SSA 
- 1 - 
- 1 - IOB FILE

~~SECRET~~

~~SECRET~~

May 6, 2005

BY COURIER

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

Dear Chairman Langdon:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2005 [redacted] (U)

b2

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

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

b6  
b7C

1 - Ms. Thomas  
1 - SSA [redacted]

1 - [redacted]  
1 - 278-HQ-C1229736-VIO-882

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

DECLASSIFIED BY 65179dmh/ksr/prs  
ON 06-04-2007

~~SECRET~~

Chairman James Langdon

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

Sincerely,

Julie F. Thomas  
Deputy General Counsel

Enclosure

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

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

~~SECRET~~

~~SECRET~~

(S)

b2  
b7E  
b1  
b7D

~~(U)~~ [redacted] of the Federal Bureau of Investigation (FBI) has reported that a National Security Letter (NSL) [redacted] contained an incorrect telephone number.

(S)

~~(S)~~

(S)

[redacted] drafted a National Security letter (NSL) [redacted] which contained an incorrect telephone number.

b1  
b6  
b7C  
b7D

(S)

[redacted] responded to the NSL and delivered the telephone records that corresponded to the incorrect number listed in the NSL. Upon review of the telephone records, it was discovered that they belonged to a different U.S. Person.

(U)

~~(S)~~ When the error was discovered, the telephone records were sealed along with the original NSL and forwarded to FBI Headquarters together with a report of the incident. All communications that contained the incorrect telephone number were permanently charged out and removed from FBI Automated Case Support system (ACS). In addition, the matter has been referred to the FBI's Internal Inspection Section for any action that is deemed appropriate.

~~SECRET~~

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-04-2007  
CLASSIFIED BY 65179dmh/prs  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-04-2032

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 09/26/2005

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 11102

**Contact:** CRS [redacted]

b6  
b7C  
b2

**Approved By:** Fogle Toni Mari

**Drafted By:** [redacted]

(U)

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

(U)

**Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1156  
OGC/IOB# 2005 [redacted]

b2

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

(U)

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

(U)

**Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 820  
278-HQ-C1229736-VIO Serial 881

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**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 4/22/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

◆◆

DECLASSIFIED BY 65179dmh/ksr/prs  
ON 06-04-2007

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 09/26/2005

**To:** [Redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 11102

**Contact:** CRS [Redacted]

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**Approved By:** Fogle Toni Marij [Redacted]

**Drafted By:** [Redacted]

(U) **Case ID #:** ~~(S)~~ 263-HQ-0-U - 319 (Pending)

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1156 b2  
OGC/IOB# 2005 [Redacted]

**Synopsis:** (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This incident is remanded back to the field for whatever action deemed necessary and appropriate. Case closed at IIS.

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

**Enclosure(s):** (U) EC from [Redacted] Division dated 04/22/2005

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 820  
278-HQ-C1229736-VIO Serial 881

**Details:** (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, it is IIS's opinion the incident is not indicative of willful misconduct. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

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(U) IIS does, however, suggest this incident be potentially considered a possible performance related issue with respect to the employee and respective supervisor, and relegates any future action relative to this incident to the discretion of the [Redacted] Division. IIS recognizes and appreciates this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 09/30/2005

**To:** Counterterrorism  
General Counsel

**Attn:** ITOS I\CONUS 2\Team 7  
UC [redacted]  
**Attn:** NSLR  
AGC [redacted]

**From:** Inspection  
Internal Investigations Section, IPU, Room 11102  
**Contact:** CRS [redacted]

**Approved By:** [redacted]  
**Drafted By:** [redacted]

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(U) **Case ID #:** ~~(S)~~ 263-HQ-0-U (Pending) ~~(S)~~  
~~(S)~~ 263-HQ-C1229736-VIO (Pending)

(U) **Title:** ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD  
SSA [redacted]  
TFC [redacted]  
[redacted] DIVISION  
OGC # 2005 - [redacted]

**Synopsis:** (U) Forwarding material to Counterterrorism Division for appropriate handling.

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

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 688  
(U) ~~(S)~~ 278-HQ-C1229736-VIO Serial 754

(U) **Enclosure(s):** ~~(S)~~ Enclosed for Counterterrorism Division (CTD), ITOS I, CONUS 2, Team 7 are the following:

(U) ~~(S)~~ A copy of 278-HQ-C1229736-VIO, serial 688 enclosing:

(S)

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[redacted]

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: Inspection  
(U) Re: ~~(S)~~ 263-HQ-0-U, 09/30/2005

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(S)

[Redacted]

(U) ~~(S)~~ A copy of 278-HQ-C1229736-VIO, serial 754 enclosing:

(U) b1 A CD containing material inadvertently gathered [Redacted]

**Details:** ~~(S)~~ By way of 278-HQ-C1229736-VIO serials 688 and 754, [Redacted] Division forwarded to Inspection Division (INSD), Internal Investigations Section (IIS) the enclosed unauthorized collected material inadvertently obtained pursuant to: 1) an NSL

(S)

[Redacted] By standard practice, this material should have been provided by [Redacted] Division to CTD\ITOS I\CONUS 2\Team 7, the substantive unit supervising the investigations in which the material was collected. In turn, that unit SSA should turn it over to the Office of Intelligence Policy and Review (OIPR), [Redacted]

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(U) ~~(S)~~ Accordingly, INSD, IIS is forwarding the enclosed material to CTD\ITOS I\CONUS 2\Team 7 for appropriate handling.

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~~SECRET~~

To: Counterterrorism From: Inspection  
(U) Re: ~~(S)~~ 263-HQ-0-U, 09/30/2005

LEAD(s):

Set Lead 1: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For ITOS I\CONUS 2\Team 7 to review EC and provide enclosed material to OIPR.

Set Lead 2: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Provided to NSLB for information only.

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~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

#1200

**Precedence:** ROUTINE

**Date:** 02/25/2005

**To:** ✓ Inspection  
General Counsel

**Attn:** Internal Investigations Sect.  
**Attn:** Natl. Sec. Law Branch  
Asst. Genl. Counsel

**From:**

[Redacted]

Legal Unit

**Contact:** CDC

[Redacted]

**Approved By:**

[Redacted]

**Drafted By:**

688

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

**Title:** (U) TFO  
SSA [Redacted]  
POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

**Synopsis:** (U) To report potential IOB matter to the Inspection Division and to the General Counsel.

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

**Enclosure(s):** (S) Enclosed for the Inspection Division, Internal Investigations Section are the following:

(S)

(U) ~~(S)~~ 1. A CD containing material [Redacted]

[Redacted] pursuant to a National Security Letter (NSL).

WARNING: This CD may contain a virus and should not be placed in any computer until a virus scan is performed.

(S) 2. [Redacted]

[Redacted]

[Redacted]

[Redacted]

2/09/23/05

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4/19/05

UC INITIALS

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To: Inspection From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 02/25/2005

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(U) ~~(S)~~ 3. An EC dated 02/04/2005 [redacted]  
[redacted] transmitting the results [redacted]

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

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(S) [redacted] a NSL was signed  
by [redacted] SAC [redacted] The NSL

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b7E

[redacted] The NSL sought [redacted]  
[redacted] information [redacted]

(S)

[redacted] not to include [redacted]  
[redacted]

(S)

served the NSL [redacted] returned to  
(S) [redacted] pursuant to the NSL.

(U) ~~(S)~~ Upon receiving the CD the case agent in this  
matter, TFO [redacted] examined the CD and determined  
that it contained [redacted]

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[redacted] With the help of [redacted]  
[redacted] TFO [redacted]

He then reported what he had found to [redacted]  
supervisor, SSA [redacted]

On the same day the matter was reported to him, 02/14/2005, SSA [redacted] telephonically  
reported this matter to Chief Division Counsel (CDC) [redacted]

[redacted] CDC [redacted] advised SSA [redacted] to seal the CD in an  
envelope and send it to CDC [redacted] On 02/16/2005 CDC [redacted]  
telephonically contacted NSLPTU Unit Chief [redacted] for  
guidance. This call was returned the same date by Assistant  
General Counsel (AGC) [redacted] who advised [redacted]

[redacted] information retrieved from the CD should not be  
used for any purpose even though the NSL did not request any  
such information. On 2/23/2005 CDC [redacted] e-mailed AGC

~~SECRET~~

~~SECRET~~

To: Inspection From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 02/25/2005

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[redacted] to determine if this matter should be reported as a potential IOB violation. On 2/24/2005 she responded that it should be reported.

(U)

~~(S)~~

[redacted] believes the following should be considered by the Inspection Division and the General Counsel in determining if this matter should be reported to the IOB. First the NSL specifically stated that e-mail content information was not requested. Any violation of Title 18, U.S. Code Section 2711 was committed by the internet service provider, not by the FBI. The statute does not specifically prohibit the FBI from viewing e-mail content information provided pursuant to a NSL and it does not specifically prohibit the use of such information by the FBI. The statute prohibits the FBI from requesting the content information and prohibits the provider from releasing such information. Second, any violation of the "intent" of the statute was inadvertent. The case agent sought guidance from his supervisor shortly after viewing the information and the supervisor immediately contacted the CDC. Guidance was then sought from OGC.

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~~SECRET~~

To: Inspection From:   
Re: (U) 278-HQ-C1229736-VIO, 02/25/2005

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**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) Review this EC and attachments and take action as appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review this EC and advise the Inspection Division, IIS on the referral of this matter as a potential IOB violation.

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~~SECRET~~



In Reply, Please Refer to  
File No.

[Redacted]

(S) [Redacted]  
(s)

(S) Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (as amended, October 26, 2001), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) [Redacted]

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[Redacted]

(S) [Redacted]

In accordance with Title 18, U.S.C., Section 2709(b), I certify that all records being sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

~~(S)~~ You are further advised that Title 18, U.S.C., Section 2709(c) prohibits any officer, employee or agent of yours from disclosing to any person that the FBI has sought or obtained access to information or records under these provisions.

~~(S)~~ You are requested to provide the records in an electronic format, specifically in comma separated value format, and then provide them personally to a representative of [Redacted] Division of the FBI. Any questions you have regarding this request should be directed only to [Redacted] Division. Due to security considerations, you should neither send the records through the mail nor disclose the substance of this request in any telephone conversation.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-07-2007  
CLASSIFIED BY 65179dmh/ksr/prs  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-07-2032



~~Secret~~

Your cooperation in this matter is greatly appreciated.

Sincerely yours,

[Redacted Signature]

Special Agent in Charge

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~~Secret~~

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/04/2005

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To: [Redacted]

Attn: [Redacted] Ra  
[Redacted]  
TFO [Redacted]

From: [Redacted]

Contact: ISS [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

*2/14/05*

b1 (S) Case ID #: [Redacted]

Title: (S) [Redacted]  
b1  
(S) b6  
b7C

Synopsis: ~~(S)~~ To provide results of National Security Letter (NSL) [Redacted]

b2

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

Enclosure(s): ~~(S)~~ Enclosed for [Redacted] are records, [Redacted]

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[Redacted] listed in the originating NSL.

Details: (S) [Redacted]

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(S) [Redacted] (S) [Redacted]

b1  
b6  
b7C (S) [Redacted]

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~~SECRET~~

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To: [redacted] From: [redacted]  
Re: [redacted]

(S)

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(S)

[redacted]

(U) All leads set for [redacted] have been completed.

LEAD(s) :

Set Lead 1: (Info)

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[redacted]

(U) Read and clear.

◆◆

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~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 04/21/2005

**To:** [Redacted]  
Counterterrorism  
Inspection

**Attn:** SAC  
CDC  
**Attn:** ITOSI/CONUSII  
**Attn:** Internal Investigation Section

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**From:** General Counsel  
National Security Law Branch/LX Crossing Room 5S200  
**Contact:** [Redacted]

**Approved By:** Thomas Julie F.

**Drafted By:** [Redacted]

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

**Title:** ~~(S)~~ Intelligence Oversight Board (IOB)  
b6 SSA [Redacted]  
b7C TFO [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) and to the Inspection Division (INSD), FBIHQ. OGC will prepare and deliver the necessary correspondence to the IOB. Our analysis follows.

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

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

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

DATE: 06-08-2007  
CLASSIFIED BY 65179 dmh/ksr/prs  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-08-2032

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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To: [redacted] From: General Counsel  
Re: ~~ISX~~ 278-HQ-C1229736-VIO, 04/21/2005

(U)

~~(S)~~ Details: ~~(S)~~ By electronic communication (EC) dated February 25, 2005 (cited below),<sup>1</sup> [redacted] Division [redacted] reported a potential IOB error. [redacted]

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[redacted] A NSL was signed by [redacted] SAC [redacted] [redacted] to provide all subscriber information pertaining [redacted] pursuant to 18 U.S.C. Section 2709. The NSL specifically stated [redacted]

[redacted] returned [redacted] a CD [redacted] pursuant to the NSL.

(S)

~~(S)~~ Case agent [redacted] determined that the CD contained [redacted] TFO [redacted] with assistance, was able [redacted] reported [redacted] information to his supervisor SSA [redacted] SSA [redacted] telephonically contacted CDC [redacted] regarding the content information. CDC [redacted] advised that the CD should be sealed in an envelope and sent to him. He then consulted with NSLPTU. On 02/16/05 Assistant General Counsel [redacted] advised that the e-mail content information should not be used for any purpose, even though the content information was not requested and sent inadvertently by the service provider. On 02/24/05 NSLB advised that the matter should be reported as a potential IOB violation.<sup>5</sup>

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<sup>1</sup> (U) See EC from [redacted] Division, dated 02/25/05, Case ID# 278-HQ-C1229736-VIO, titled "TFO [redacted] SSA [redacted] Potential Intelligence Oversight Board (IOB) Matter," hereinafter cited as [redacted] EC."

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<sup>2</sup> (S) [redacted]  
<sup>3</sup> (U) [redacted] EC.  
<sup>4</sup> (U) Id.  
<sup>5</sup> (U) Id.

~~SECRET~~

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To: [redacted] From: General Counsel  
Re: (S) 278-HQ-C1229736-VIO, 04/21/2005

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

(U) ~~(S)~~ Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." The USA Patriot Act revised existing law governing

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[redacted]  
[redacted] At the same time, the Act made several changes to emphasize that [redacted] may not be used for the purpose [redacted]

[redacted] Consequently, any viewing of the content of electronically transmitted communications must be obtained pursuant to a court order.<sup>6</sup>

(S) (U) ~~(S)~~ In the present case, it is clear that the service provider [redacted] erroneously provided [redacted] and that the FBI unintentionally received that content information not contemplated by the NSL [redacted]. However, under these circumstances, it is OGC's opinion that the error, although inadvertent, must be reported to IOB.

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(U) ~~(S)~~ In accordance with the reporting requirements of E.O. 12863, OGC will prepare the correspondence required to report this matter to IOB.

---

<sup>6</sup>There are certain enumerated exceptions to this prohibition. See 50 U.S.C. Section 1802.

~~SECRET~~

~~SECRET~~

To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/21/2005

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**LEAD(s) :**

**Set Lead 1: (Adm)**

[redacted]

(U) Read and clear. Take action consistent with this memorandum.

**Set Lead 2: (Action)**

INSPECTION

INTERNAL INSPECTIONS SECTION, WASHINGTON, DC

(U) For action deemed appropriate

b6  
b7C

1 - Ms. Thomas

1 - [redacted]

1 - [redacted]

1 - IOB File

~~SECRET~~

April 21, 2005

BY COURIER

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

Dear Mr. Langdon:

b2  
b7E

Enclosed for your information is a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB) Matter, [redacted] Division, 2005-[redacted]"

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

Enclosure

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b7C

- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - 278-HQ-C1229736-VIO

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE

(U)

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



~~SECRET~~

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

Sincerely,

Julie F. Thomas  
Deputy General Counsel

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

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2 [redacted] DIVISION  
b7E 2005- [redacted] (U)

(S)

Investigation of this IOB matter has determined that, [redacted] SAC [redacted] signed a NSL [redacted]

(S)

The NSL specifically stated not to include [redacted] content. [redacted] received a CD provided [redacted]. The CD contained non-requested [redacted]

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[redacted] The CDC was contacted the same day and the CD was sealed in an envelope and delivered to the CDC. On February 16, 2005 [redacted] contacted OGC. NSLPTU. NSLPTU advised [redacted] not to use [redacted] information for any purpose. The matter was then reported as a potential IOB violation (S).

(U)

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

DATE: 06-08-2007  
CLASSIFIED BY 65179 dmh/ksr/prs  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-08-2032

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

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 09/27/2005

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 11102

**Contact:** CRS [redacted]

b6  
b7C  
b2

**Approved By:** Fogle Toni Mari

**Drafted By:** [redacted]

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

(U) ~~(S)~~ **Title:** INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1200  
OGC/IOB# 2005 [redacted] b2

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

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

(U) ~~(S)~~ **Reference:** 278-HQ-C1229736-VIO Serial 688  
278-HQ-C1229736-VIO Serial 824

b2  
b7E

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 2/25/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is an error attributed to the Internet Company in providing unauthorized information relative to an NSL request and not the FBI or its personnel. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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DECLASSIFIED BY 65179 dmh/prs  
ON 06-08-2007

~~SECRET~~

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 09/28/2005

**To:** [redacted]

**Attn:** SAC (Personal Attention)

**From:** Inspection

Internal Investigations Section, IPU, Room 11102

**Contact:** CRS [redacted]

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b7C

**Approved By:** Rosenthal Russell H

**Drafted By:** [redacted]

(U) **Case ID #:** ~~(S)~~ 263-HQ-0-U - 324 (Pending)

(U) **Title:** ~~(S)~~

TFO [redacted]

SSA [redacted]

INTELLIGENCE OVERSIGHT BOARD MATTER

INSD/IIS TRACKING# 1200

OGC/IOB# 2005-[redacted]

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**Synopsis:** (U) To advise the captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This incident is remanded back to the field for whatever action deemed necessary and appropriate. Case closed at IIS.

(U)

~~(S)~~

~~Derived From : G-3~~

~~Declassify On: X1~~

**Enclosure(s):** (U) EC from [redacted] dated 02/25/2005

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 688  
278-HQ-C1229736-VIO Serial 824

b2  
b7E

**Details:** (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, it is IIS's opinion the incident described therein was an error attributed to the Internet Company in providing unauthorized information relative to an NSL request and not the FBI or its personnel. IIS only actively pursues investigations where deliberate and/or aggravated misconduct is evident, and accordingly, this case is closed at IIS.

(U) IIS does, however, recognize this matter was brought to our attention as required by the revisions

~~SECRET~~

~~SECRET~~

b2  
b7E

To:  From: Inspection  
Re: 263-HQ-0-U - 324, 09/28/2005

mandated by National Security Law Branch/OGC EC, dated 03/18/2005  
(319X-HQ-A1487720 serial 6).

◆◆

~~SECRET~~



U.S. Department of Justice  
Office of the Inspector General

CAM 1200

Washington, D.C. 20530

DATE: June 2, 2005

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

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

SUBJECT: **OIG Complaint No. 2005005031**  
Subject: [redacted] et al.  
[redacted]  
FBI No. 278-HQ-C1229736-VIO-688

b6  
b7C  
b2  
b7E

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

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

This complaint will be investigated by the OIG.

**IMPORTANT NOTICE**

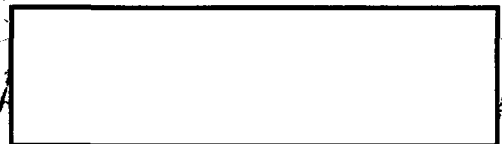
Identifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you believe that it is necessary that redacted information be made available to your Agency,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

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

Attachment

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-11-2007 BY 65179 dmh/k/r/prs

b6  
b7C



OIG - INVESTIGATIONS DIVISION - IDMS

OIG NO. [ ] 412-2005005031-M

Received By: [ ] Date Received: 04/18/2005 How Received: A

SUBJECT: [ ] SSNO: [ ]  
 Title: SSA Pay Plan: [ ] D.O.B.: [ ]  
 Component: FBI EOD Date: [ ] Alien Number: [ ]  
 Misc: F.B.I. No.: [ ]  
 Home: , , B.O.P. No.: [ ]  
 Phone: , , ZIP: [ ] D/L STATE: [ ]  
 Work: [ ] No.: [ ]  
 Phone: [ ] ZIP: [ ]  
 Judicial Action: Administrative Action:

SUBJECT: [ ] SSNO: - -  
 Title: SA Pay Plan: [ ] D.O.B.: / /  
 Component: FBI EOD Date: [ ] Alien Number:  
 Misc: F.B.I. No.: b6  
 Home: , , B.O.P. No.: b7C  
 Phone: [ ] D/L STATE: b2  
 Work: [ ] No.: b7E  
 Phone: [ ] ZIP: [ ]  
 Judicial Action: Administrative Action:

COMPLAINANT: [ ] SSNO: - -  
 Title: ATTY Pay Plan: GS- / D.O.B.: / /  
 Component: FBI EOD Date: / / Alien Number:  
 Misc: F.B.I. No.:  
 Home: , , B.O.P. No.:  
 Phone: [ ] D/L STATE:  
 Work: [ ] No.:  
 Phone: [ ] ZIP:  
 Contact: Confidential: N Revealed: Authority:

ALLEGATIONS: Offense: 412 - Job Performance Failure  
 Occurrence Date: Time: City: State: [ ]  
 Details:  
 The FBI provided information reporting a potential IOB matter.

DISPOSITION DATA: Office: [ ] Date: 04/18/2005 Disposition: M Approval: GGP  
 Referred To Agency: FBI INSPECTION DIVISION Component: FBI  
 Patriot Act: N Civil Rights: N Priority: N  
 Other Number: 2781229736 Consolidated Case Number:  
 Remarks:  
 Predicating material contains information that has been classified and has been returned to the FBI. (yht)

REFERRAL INFORMATION:  
 Agency Control No.: 2781229736 Date Sent to Component: 06/02/2005  
 Last contacted on: / / Date Closed: - / /  
 Status: CASE REFERRAL TO THORNTON/FBI (YHT)

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/25/2005

To:  Inspection  
General Counsel

Attn: Internal Investigations Sect.  
Attn: Natl. Sec. Law Branch  
Asst. Genl. Counsel

From: [Redacted]  
Squad 1, Legal Unit  
Contact: CDC [Redacted]

[Redacted]

b6  
b7C  
b2

Approved By: [Redacted]

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

b7E

Drafted By:

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

Title: (U) TFO [Redacted] b6  
SSA [Redacted] b7C  
POTENTIAL INTELLIGENCE OVERSIGHT  
BOARD (IOB) MATTER

Synopsis: (U) To report potential IOB matter to the Inspection Division and to the General Counsel.

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

~~(S)~~ Enclosure(s): ~~(S)~~ Enclosed for the Inspection Division, Internal Investigations Section are the following:

(S)  
b1  
b7D

(U) ~~(S)~~ 1. A CD containing material furnished by [Redacted] pursuant to a National Security Letter (NSL).  
WARNING: This CD may contain a virus and should not be placed in any computer until a virus scan is performed.

b1  
b7D

(S) 2. [Redacted]

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

b6  
b7C

[Redacted]  
INVEST:  
INITIALS

DATE: 4/19/05



*Freedom of Information  
and  
Privacy Acts*

**SUBJECT: NATIONAL SECURITY LETTERS**  
**FOLDER: 263-0-U- volume 10**



*Federal Bureau of Investigation*

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 01/04/2006

To: Inspection  
General Counsel

Attn: Internal Investigations Sect.  
Attn: Natl. Sec. Law Branch  
Asst. Genl. Counsel

b6  
b7C

From: [Redacted]  
Squad 1, Legal Unit  
Contact: CDC [Redacted]

Approved By: [Redacted] b2  
b7E  
b6  
b7C

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO-1114 (Pending)

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

Synopsis: (U) To report potential IOB matter to the Inspection Division and to the General Counsel.

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(S)

Details: ~~(S)~~ This matter has risen as the result of a NSL issued in an investigation titled: [Redacted]

b1  
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~~(S)~~ As part of this investigation [Redacted] SAC [Redacted] issued an NSL [Redacted]

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(S) This NSL was transmitted [Redacted] transmitted the results of the NSL received from [Redacted] to [Redacted]

(S)

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b7C

~~SECRET~~

[Redacted]

1/3/06  
1/12/06

SE. Miller DM 3/7/06

DATE: 05-25-2007  
CLASSIFIED BY 65179 dmh/ksr/gcl  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-25-2032

~~SECRET~~

To: Inspection From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 01/04/2006

b2  
b7E

(U)  
(S) [redacted] the case agent in  
this matter, began reviewing the documents [redacted]  
(S) noted that [redacted] had provided two documents which  
were unrelated to the subject of the NSL. [redacted]

b1  
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b7D

[redacted]  
[redacted] made no use of these documents and  
(S) notified [redacted] CDC [redacted] who requested that he  
forward the documents to the CDC. [redacted] assumes the  
documents relate to [redacted] who is a U.S. Person.  
[redacted] has secured these documents pursuant to an email  
from AGC [redacted] to all CDCs dated 11/22/2005.  
Nothing from these documents has been uploaded into any  
database or stored in any file.

(U) (S) [redacted] notes that there is nothing in the  
NSL which should have led [redacted] to produce the two documents  
detailed above.

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b2  
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(S)

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~~SECRET~~

To: Inspection From:   
Re: (U) 278-HQ-C1229736-VIO, 01/04/2006

b2  
b7E

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) Review this EC and take action as appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review this EC and advise the Inspection Division, IIS on the referral of this matter as a potential IOB violation.

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~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 01/04/2006

To: / Inspection  
General Counsel

Attn: Internal Investigations  
Sect.  
Attn: Natl. Sec. Law Branch  
Asst. Genl. Counsel

From: [Redacted]  
Squad 1, Legal Unit  
Contact: CDC [Redacted]

Approved By: [Redacted]

b2  
b7E  
b6  
b7C

Drafted By:

Case ID #: (U) 278-HQ-C1229736-VIO-1113 (Pending)

Title: (U) CDC [Redacted] DIVISION  
POTENTIAL INTELLIGENCE OVERSIGHT  
BOARD (IOB) MATTER

Synopsis: (U) To report potential IOB matter to the  
Inspection Division and to the General Counsel.

(U) ~~(S)~~

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(S)

Details: (U) ~~(S)~~ This matter has risen as the result of an  
investigation titled [Redacted]

b1  
b6  
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(S) (U) ~~(S)~~ As part of this investigation a NSL was signed  
by [Redacted] SAC [Redacted] The NSL  
was directed to [Redacted]

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(S) The NSL sought  
[Redacted] subscriber and toll records for telephone number [Redacted]  
[Redacted] served the NSL and, via an EC dated [Redacted]  
returned to [Redacted] a package of material provided by the  
telecommunications company. [Redacted] EC includes the name  
and address of the subscriber to this telephone number.

b6  
b7C

~~SECRET~~

HQ-C

DATE: 05-25-2007  
CLASSIFIED BY 65179 dmh/ksr/gcl  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-25-2032

# 1073946

*PKS* [Redacted] *03/12/06*  
*Se. Miller* *BM 3/7/06*

~~SECRET~~

b2  
b7E

To: Inspection From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 01/04/2006

(U)

(S)

~~(S)~~ Upon receiving the material the case agent, SA [redacted] noted that the telephone number subscriber was unknown to him. He then checked the telephone number and noted that the NSL should have requested subscriber/toll information for telephone number [redacted] the CDC prepares NSLs upon the request from case agents. Apparently CDC [redacted] improperly typed the telephone number when preparing it. The number was correctly stated on the transmittal EC.

b1  
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(S)

(S)

~~(S)~~ The package of material from [redacted] [redacted] has not been opened and will be stored in a secure location in [redacted] office pursuant to an email of AGC [redacted] to all CDCs dated 11/22/2005.

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~~SECRET~~

~~SECRET~~

To: Inspection From:  b2  
Re: (U) 278-HQ-C1229736-VIO, 01/04/2006 b7E

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) Review this EC and take action as appropriate.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) Review this EC and advise the Inspection Division, IIS on the referral of this matter as a potential IOB violation.

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~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

*Not sent to INSD*

*#1756*

**Precedence:** ROUTINE

**Date:** 12/14/2005

**To:** General Counsel

**Attn:** National Security Law Branch  
Room 7975

**From:** [Redacted]

Chief Division Counsel (CDC)

**Contact:** CDC [Redacted]

b2  
b7E  
b6  
b7C

**Approved By:** [Redacted]

**Drafted By:** [Redacted] jbk

**Case ID #:** (U) 278-HQ-C1229736-VIO - 1093 (Pending)

**Title:** (U) SPECIAL AGENT (SA) [Redacted]  
POSSIBLE INTELLIGENCE OVERSIGHT BOARD  
(IOB) MATTER - INTERNATIONAL TERRORISM RELATED

*SSA*

b6  
b7C

**Synopsis:** (U) This communication reports a possible IOB violation.

(U) ~~(S)~~

~~Derived From: FBI SCG G-3 1/97  
Declassify On: 12/14/2030~~

**Details:**

(U) 1. Personnel and case background

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(U) SA [Redacted] is assigned to [Redacted] of the [Redacted] Division, and [Redacted] Joint Terrorism Task Force.

(S) [Redacted]

[Redacted]

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(U) ~~(S)~~ By electronic communication (EC) dated 06/23/2005, the [Redacted] Division sent materials responsive to the NSL to SA [Redacted]

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b6  
b7C

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

*CRS* [Redacted] *lms 01/30/06*  
*SC Miller* [Redacted] *3/7/06*  
*download 01/30/06*

DATE: 05-25-2007  
CLASSIFIED BY 65179 dmh/ksr/gcl  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-25-2032 # 1073946



~~SECRET~~

To: General Counsel From: [redacted]  
Re: (U) 278-HQ-C1229736-VIO, 12/14/2005

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(U) 2. Discovery and immediate corrective action

(U) ~~(S)~~ Upon receipt of the records, SA [redacted] discovered that he mistakenly provided the wrong phone number in his NSL request. [redacted]

b1  
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(U) ~~(S)~~ After discovery, the records received from the [redacted] Division were destroyed. [redacted]

(S)

(S)

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(U) ~~(S)~~ By EC dated 07/01/2005, this matter was reported to the National Security Law Branch and [redacted] Division. But it was not officially reported as a possible IOB violation.

b2  
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(U) 3. Possible violation and SAC recommendation

(U) ~~(S)~~ The "Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection," contemplates use of NSLs only for predicated subjects. Obviously, the mistaken target of the 03/18/2005 NSL was not a subject.

(U) This matter appears to be a minor administrative oversight. It is certainly mitigated by SA [redacted] immediate discovery of the error, and his immediate corrective action. Accordingly, the SAC, [redacted], recommends no administrative action.

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~~SECRET~~

To: General Counsel From:   
Re: (U) 278-HQ-C1229736-VIO, 12/14/2005

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b7E

**LEAD(s) :**

**Set Lead 1: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) The National Security Law Branch is requested to determine if this matter should be reported as to the IOB.

(U) The National Security Law Branch is also requested to provide guidance concerning the proper disposition of mistakenly gathered information in cases such as these.

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~~SECRET~~

*Freedom of Information  
and  
Privacy Acts*

**SUBJECT: NATIONAL SECURITY LETTERS**  
**FOLDER: 263-0-0- Volume 14**



*Federal Bureau of Investigation*

# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 05/17/2006

**To:** General Counsel  
Inspection  
Operational Technology  
Counterterrorism

**Attn:** NSLB  
Julie F. Thomas  
**Attn:** IIS  
**Attn:** ERF  
**Attn:** EOPS  
SSA [redacted]  
UC [redacted]

**From:** [redacted]

C-5

**Contact:** SA [redacted]

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**Approved By:** [redacted]

**Drafted By:** [redacted]

dnv

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

(S)

b1

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

**Synopsis:** (U) Pursuant to NFIPM, Section 2-56, the following is a report of an error in a FISA matter.

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

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**Administrative:** (S) Reference contact between SA [redacted] [redacted] Division and UC [redacted] Electronic Surveillance Operations & Sharing Unit (EOPS); contact between SA [redacted] and EE [redacted] Data Intercept Technology Unit (DITU); contact between SA [redacted] and SSA [redacted] International Terrorism Operations Section (ITOS); [redacted]

(S)

**Details:** (U) SA [redacted] of the [redacted] Division was participating in a 60-day TDY assignment (02/26/2006 - 04/26/2006) to the Counterterrorism Division, EOPS Unit, when an alleged error in FISA collection occurred.

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[redacted]

rand 08/03/06

7/31/06

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263-D-11-500

b2  
b7E

To: General Counsel From:

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/17/2006

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(S)

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(S)

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b7A

To: General Counsel From: [redacted]

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b7E

(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/17/2006

(S) [redacted]

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(S) [redacted]

b1  
b7D  
b7A

(S) [redacted]

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b7A

(S) [redacted]

b1  
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b7A

(S) [redacted]

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[redacted]

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(S) [redacted]

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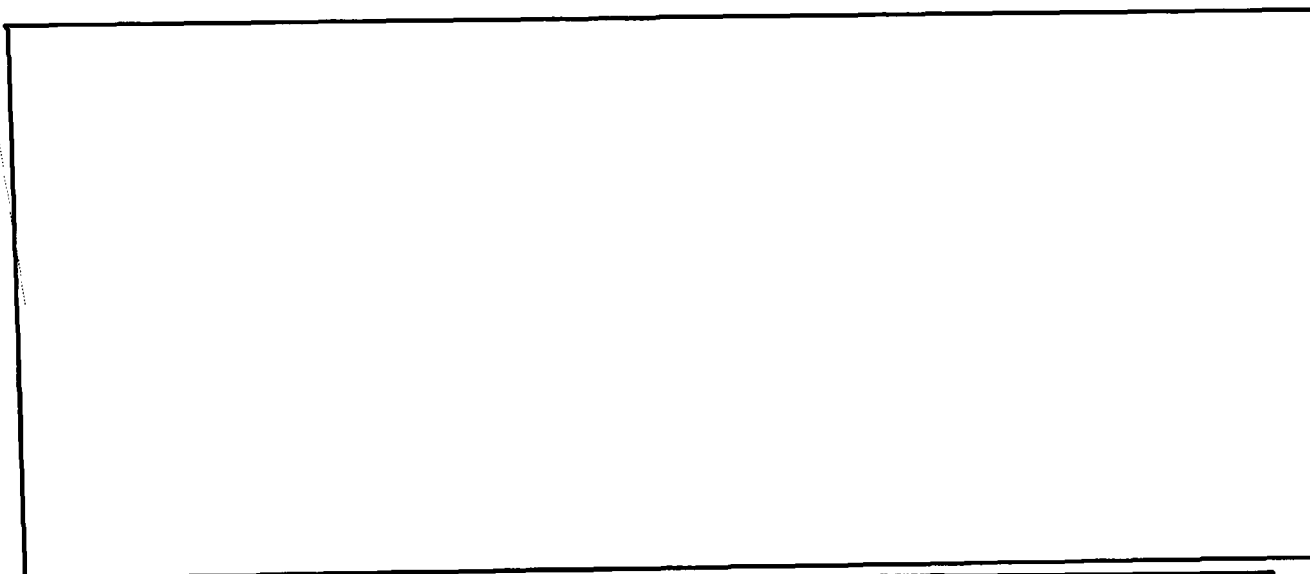
~~SECRET~~/ORCON/NOFORN

To: General Counsel From:

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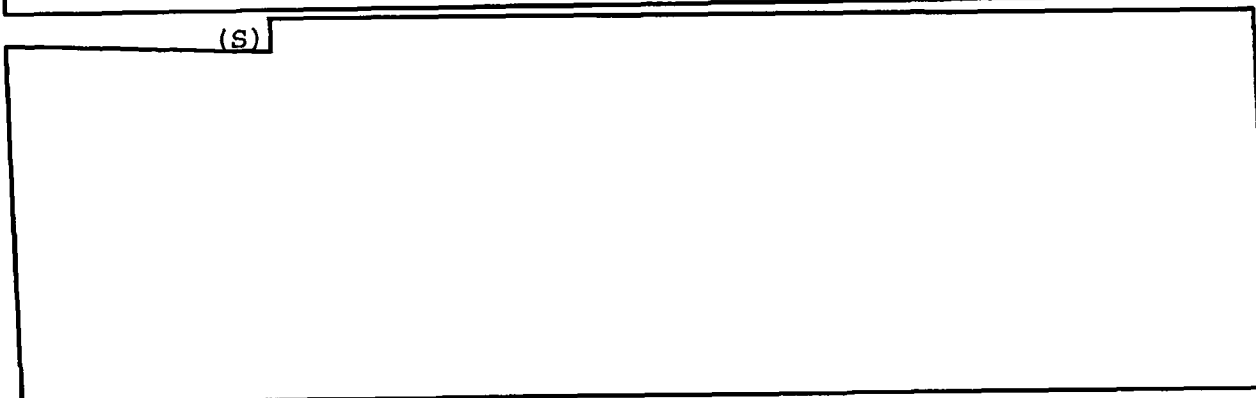
Re: (S) 278-HQ-C1229736-VIO, 05/17/2006

(S)



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(S)



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~~SECRET~~/ORCON/NOFORN

~~SECRET/ORCON/NOFORN~~

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b7E

To: General Counsel From:   
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/17/2006

LEAD(s) :

Set Lead 1: (Action)

OPERATIONAL TECHNOLOGY

AT ERF - DITU, QUANTICO, VA

(S)

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~~SECRET/ORCON/NOFORN~~



~~SECRET~~

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

# FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 05/12/2006

Date: 05/09/2006

To: General Counsel  
Inspection

Attn: NSLB  
Attn: Internal Investigations

From: [Redacted] RA  
Contact: SA [Redacted]

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Approved By: [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [Redacted] ber

1357

Case ID #: 278-HQ-C1229736-VIO (Pending)  
278 [Redacted] C71404 - SR

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b7C

Title: SA [Redacted]  
SSRA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
[Redacted] DIVISION

Synopsis: Report of IOB violation for [Redacted] Division.

b2  
b7E

Reference: 278-HQ-C1229736-VIO Serial 355  
278-HQ-C1229736 Serial 1347  
66F-HQ-A1247863 Serial 149  
66F-HQ-A1247863 Serial 172

(S) Details: [Redacted]

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Contact has been made between writer and  
Counterterrorism ITOS 1/ CONUS 2 to take corrective measures to

[Redacted]

teaw 08/03/06

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SECRET 7/31/06

263-C-U-501

~~SECRET~~

To: General Coun. 1 From: [redacted]  
Re: 278-HQ-C1229736-VIO, 05/09/2006

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include an additional extension from FBIHQ and assurance that future IOB violations will not occur.

To avoid future conflicts with pending paperwork between [redacted] and FBIHQ all future requests will be submitted with a deadline and a tickler will be set for follow-up. A tickler will be set 30 days prior to expiration of any PIs for submission of extension EC. A follow-up tickler will then be set for 15 days prior to expiration, and a final tickler will be set for five days prior to extension if no approval has been received from FBIHQ.

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~~SECRET~~

To: General Coun. 11 From:   
Re: 278-HQ-C1229736-VIO, 05/09/2006

~~SECRET~~

b2  
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**LEAD(s):**

**Set Lead 1: (Discretionary)**

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

**Set Lead 2: (Discretionary)**

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

◆◆

~~SECRET~~

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 07/17/2006

To:  Attn: SAC, CDC  
 Counterterrorism Attn: AD, ITOS I, CONUS 2  
 Inspection Attn: IIS

b2  
b7E  
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From: Office of the General Counsel

NSLB/CTLU I/LX-1 3S100

Contact:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie R *[Signature]*

b6  
b7C

Drafted By:

1536

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

(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD MATTER, IOB 2006  b2

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U) ~~(S)~~ Derived From: G-3  
Declassify On: 06/20/2031

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO-1357

b2  
b7E

(U) Details: ~~(S)~~ By electronic communication (EC) from  dated May 9, 2006, The  Field Office reported possible IOB error in conjunction with a counterterrorism investigation.

~~SECRET~~

OIG/DOJ REVIEW:   
 FBI INVESTIGATION:   
 OIG/DOJ INVESTIGATION:

DATE: 7/20/06  
 (12)

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~~SECRET~~

To: [redacted] Field Office  
From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 07/17/2006

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(S)

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(U)

~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the errors described herein are matters that should be reported to the IOB. We believe that the reported activity does not require IOB notification.

(U)

~~(S)~~ Section II.C.4. of the October 31, 2003 AG Guidelines states in pertinent part:

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To: [redacted] Field Office  
From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 07/17/2006

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(U)

~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provision regarding the duration of Preliminary Investigations is primarily administrative in nature. It was designed in part to protect the rights of United States persons by limiting the length of time that the FBI can conduct a PI without periodic oversight by the proper authorities.

~~(S)~~ In this instance, OGC is not required to report the potential IOB error because the only investigative activity which [redacted] undertook with respect to the non-USPER subject was to have the results of previously served NSLs analyzed. [redacted]

(S)

[redacted]

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(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 any error which may have been committed by Atlanta need not be reported to the IOB.

(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

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To: [redacted] Field Office  
From: Office of the General Counsel  
Re: 278-HQ-C1229736-VIO, 07/17/2006

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Action)

[redacted]

AT [redacted]

(U) For action deemed appropriate.

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- 1 - Ms. Thomas
- 1 - [redacted]
- 1 - [redacted]
- 1 - IOB Library

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 06/07/2006

To: Inspection  
General Counsel

Attn: IIS, Room 11861  
Attn: NSLB, Room 7975

From: [Redacted]

Sq 8

Contact: SSA [Redacted]

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Approved By: [Redacted]

Drafted By: [Redacted]

(U) Case ID #: ~~(S)~~ 278-HO-C1229736-VIO-1456  
(S) [Redacted]

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

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

(U) ~~(S)~~ Derived From: G-3  
~~Declassify On: 06/07/2016~~

Details:

(S) 1. [Redacted]

b1

(S) 2. [Redacted]

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

(S) [Redacted]

b1

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

(S) [Redacted]

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*7/31/06*

263-0-U-509



To: Inspection From:

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b7E

(S) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 06/07/2006

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~~SECRET~~

To: Inspection From:   
Re: (S) 278-HQ-C1229736-VIO, 06/07/2006

b2  
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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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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 07/14/2006

To: [Redacted]

Attn: CDC

Attn: SSA [Redacted]

Counterintelligence  
Inspection

Attn: CD-3D

Attn: IIS  
CRS [Redacted]

b2  
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b7C

From: Office of the General Counsel  
National Security Law Branch/CILU/Room 7947  
Contact: AGC [Redacted]

Approved By: Thomas Julie F. [Signature] [Redacted]

Drafted By: [Redacted] mjg 1537

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

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

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel ("OGC") that the referenced matter need not be reported to the Intelligence Oversight Board ("IOB"). A copy of this opinion should be retained in the control file for review by counsel to the IOB.

(U) ~~Derived From : G-3  
Declassify On: 25X1~~ b1  
b2  
b7E

Reference: (S) [Redacted]

(U) Details: ~~(S)~~ By way of Electronic Communication dated 06/07/2006 (the "EC"), 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 not. Our analysis follows. b2  
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OIG/DOJ REVIEW: [Redacted] DATE: 7/24/06  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

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(S) [REDACTED]

(S) [REDACTED]

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(S) [REDACTED]

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(S) [REDACTED]

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(S) [REDACTED]

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(S) [REDACTED]

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(U) ~~(S)~~ [REDACTED] timely brought this matter to the attention of the FBI OGC, National Security Law Branch, and the FBI Inspection Division. OGC and the Inspection Division received the matter for review and handling on 6/28/2006.

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(U) ~~(S)~~ Section 2-56 of the National Foreign Intelligence Policy Manual (NFIPM) requires the OGC to determine whether the facts discussed above must be reported to the IOB.

(U) Section 2.4 of Executive Order (EO) 12863, dated September 13, 1993, mandates that Inspectors General and the General Counsel of Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and OGC respectively), report to the IOB all information "concerning intelligence activities that they have reason to believe may be

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unlawful or contrary to Executive Order or Presidential Directive".

(U) ~~(S)~~ In this case, [redacted] failure to extend or close the Investigation prior to the date that the Investigation expired constitutes an administrative oversight and was not an attempt to circumvent the preliminary investigation process. Support for this position lies in the fact that the reason for this oversight appears to be the original agent's retirement combined with the subsequently assigned agent's review of the Investigation's file in order to become familiar with the facts therein. Once SA [redacted] was familiar with the Investigation, she was able to determine whether to resume the Investigation or close it.

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(U) ~~(S)~~ Moreover, the late extension request was de minimus. No investigation took place during the time that the Investigation had expired. SA [redacted] commenced a timely review of the File and discovered that an NSL was outstanding in the Investigation. SA [redacted] then waited until the requested extension of the Investigation was granted before collecting the documents pursuant to the authority under the NSL.

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(U) ~~(S)~~ Based upon the foregoing, this matter will not be reported to the IOB, but will be placed in the control file for a period of three (3) years for review by the Counsel to the IOB.

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LEAD(s) :

Set Lead 1: (Info)

[REDACTED]

AT

[REDACTED]

(U) Read and clear.

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Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Discretionary)

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 (3) years, for possible review by the Counsel to the IOB.

CC: Ms. Thomas

[REDACTED]

IOB Library

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** DEADLINE 06/14/2006

**Date:** 06/30/2006

**To:** General Counsel  
Inspection Division

**Attn:** NSLB  
**Attn:** Internal Investigations  
Section

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**From:** [Redacted]  
SAC Squad  
**Contact:** ASAC [Redacted]

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

**Approved By:** [Redacted]

**Drafted By:** [Redacted] WC

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending)- 1474  
(U) 278-AT-C71404-93

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**Title:** (U) SA [Redacted]  
SSA [Redacted]  
INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
ATLANTA DIVISION

**Synopsis:** (U) Report of IOB violation for Atlanta Division.

**Reference:** (U) 278-HQ-C1229736 Serial 355  
278-HQ-C1229736 Serial 1347  
66F-HQ-A1247863 Serial 149  
66F-HQ-A1247863 Serial 172

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**Details:** (S) [Redacted]

(S) [Redacted]

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(S) [Redacted]

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[Redacted] Law 08/03/06

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*[Handwritten signature]*  
7/31/06

263-0-0-511

To: General Counsel From:   
Re: 278-HQ-C1229736-VI, 06/30/2006

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(U) This report is made past deadline due to administrative oversight.

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To: General Counsel From:   
Re: 278-HQ-C1229736-VI, 06/30/2006

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**LEAD(s) :**

**Set Lead 1: (Discretionary)**

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

**Set Lead 2: (Discretionary)**

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** DEADLINE 06/14/2006

**Date:** 07/06/2006

**To:** General Counsel

**Attn:** NSLB

Inspection Division

**Attn:** Internal Investigations  
Section

**From:** [Redacted]

IT-1/JTTF

**Contact:** SA [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Approved By:** [Redacted]

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**Drafted By:** [Redacted]

wc *ac*

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

(U) 278-AT-C71404 (Pending)

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(S)

[Redacted]

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

SSA [Redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION  
[Redacted] DIVISION

**Synopsis:** (U) Correction of telephone number included in report  
of IOB violation for [Redacted] Division.

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b1

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1474

278-AT-C71404 Serial 93

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[Redacted]

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**Details:** (S)

[Redacted]

(S)

[Redacted]

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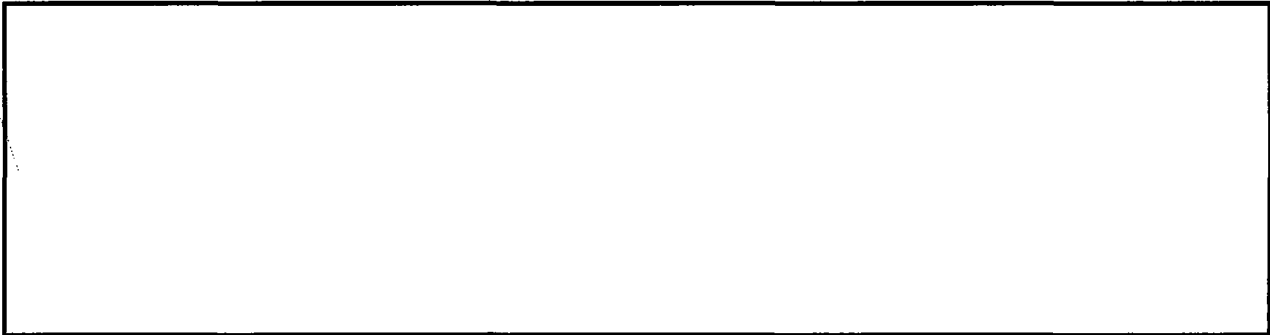
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To: General Counsel From:   
Re: 278-HQ-C1229736-VIO, 07/06/2006

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To: General Counsel From:   
Re: 278-HQ-C1229736-VIO, 07/06/2006

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**LEAD(s):**

**Set Lead 1: (Discretionary)**

GENERAL COUNSEL

AT WASHINGTON, DC

For information and action deemed appropriate.

**Set Lead 2: (Discretionary)**

INSPECTION

AT WASHINGTON, DC

For information and action deemed appropriate.

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 7/11/2006

**To:** [Redacted]

**Attn:** [Redacted]  
SAC Squad

Inspection

**Attn:** Internal Investigative Section  
Attn: [Redacted] Room 11865

**From:** General Counsel  
National Security Law Branch/CTLU 1/LX-1 3S-100  
**Contact:** [Redacted]

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**Approved By:** Thomas Julie F  
[Redacted]

**Drafted By:** [Redacted] jkf

(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO - 1500

**Title:** (U) Intelligence Oversight Board  
(IOB) Matter 2006-[Redacted]

b2

(U) **Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

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

(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO Serial 1474 (Pending)  
~~(S)~~ 278-AT-C71404 Serial 93 (Pending)  
~~(S)~~ [Redacted]

b1

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

(U) **Details:** ~~(S)~~ By electronic communication (EC) dated June 30, 2006 and referenced above, the [Redacted] Division [Redacted] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

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OIG/DOJ REVIEW: [Redacted]  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]

DATE: 7/26/06  
(11)

To: Counterterrorism From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 7/11/2006

**BACKGROUND**

(S) [Redacted]

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(S) ~~(S)~~ [Redacted]

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(S) ~~(S)~~ [Redacted]

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**ANALYSIS**

(S) [Redacted]

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(S) [Redacted]

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To: Counterterrorism From: General Counsel

Re: ~~(S)~~ 27<sup>3</sup>-HQ-C1229736-VIO, 7/11/2006

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the errors described here are matters that should be reported to the IOB. We believe that the reported activity does not require IOB notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "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 guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.<sup>3</sup> For the FBI, OGC submits reports to the IOB.<sup>4</sup>

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(S)

NSIG

(Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope

(U) ~~(S)~~ <sup>3</sup> See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The FBI is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

(U) <sup>4</sup> ~~(S)~~ See id. at 4.

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To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 7/11/2006

of permitted activities, and failing to adhere to minimization requirements.

(U) ~~(S)~~ In this instance, the FBI sought telephone records for a telephone number believed to be used by the investigative subject based on current information,<sup>6</sup> and obtained electronic data on a telephone number via an NSL that was properly authorized. Thus, the investigative method was authorized for purposes of E.O. 12333. See National Foreign Intelligence Program Manual (NFIPM) Section 2-56.G.5. Accordingly, this need not be reported to the IOB pursuant to Section 2.4 of E.O. 12863.

<sup>5</sup> ~~(S)~~ See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; (3) [redacted]

(S)

[redacted] (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

<sup>6</sup> (S) [redacted]

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE  
(Rev. 01-31-2003)



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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 07/10/2006

To: Inspection  
Counterterrorism

Attn: IIS  
Attn: ITOS 1/CONUS 4/Team 15

SSA [Redacted]

IA [Redacted]

Attn: SSA [Redacted]

SA [Redacted]

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From: General Counsel

National Security Law Branch/CTLU I/LX-1 3S-123

Contact: [Redacted]

Approved By: Thomas Julie F. [Signature]

Drafted By: [Redacted] kdm

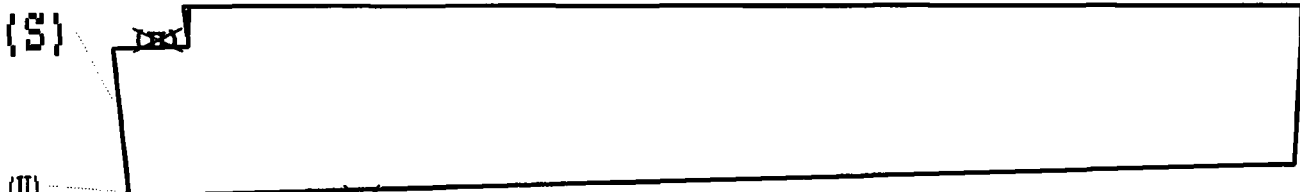
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(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) <sup>152i</sup>  
~~(S)~~ 278-[Redacted]136372 (Pending)

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

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of General  
Counsel (OGC) that this matter need not be reported to the  
Intelligence Oversight Board (IOB). Our analysis follows.

(U) ~~(S)~~ Derived From: G-3  
Declassify On: 07/10/2031



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(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 1453

~~(S)~~ 278-[Redacted]136372 Serial 62  
[Redacted]

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OIG/DOJ REVIEW: [Redacted]  
FBI INVESTIGATION: [Redacted]  
OIG/DOJ INVESTIGATION: [Redacted]  
DATE: 7-11-06  
[Signature]

~~SECRET~~

To: Inspection From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

b2  
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(U) Details: ~~(S)~~ By Electronic Communications (EC) dated June 15, 2006 and referenced above, the [redacted] Division reported this potential IOB matter.

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(S) [redacted]

(S) [redacted]

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(S) [redacted]

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(U) <sup>1</sup> Safeguards are now in place to prevent such problems in the future. [redacted] has disseminated a revised "sample" EC, to ensure that the correct items will be placed in the lead and attention blocks. Furthermore, FBI HQ (CTD) instructed the field to forebear all investigative activity prior to the receipt of written authorization granting extensions.

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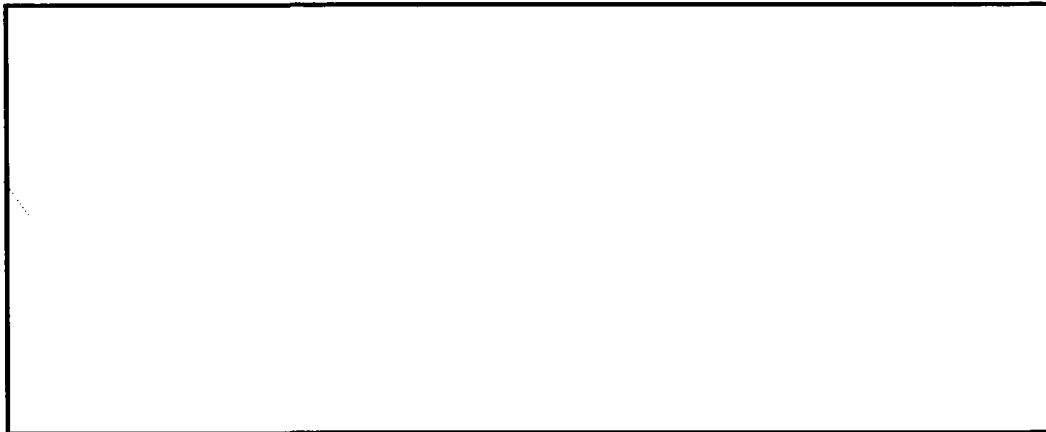
~~SECRET~~

To: Inspection From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

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

(U) ~~(S)~~ With regard to the continuation of an FBI PI, Section II.C.4 of the NSIG provides in pertinent part that:

(S)



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(U) ~~(S)~~ Although this provision of the NSIG is primarily administrative in nature, it was designed in part to protect the rights of U.S. persons by limiting the length of time that the FBI can conduct a PI without periodic oversight.

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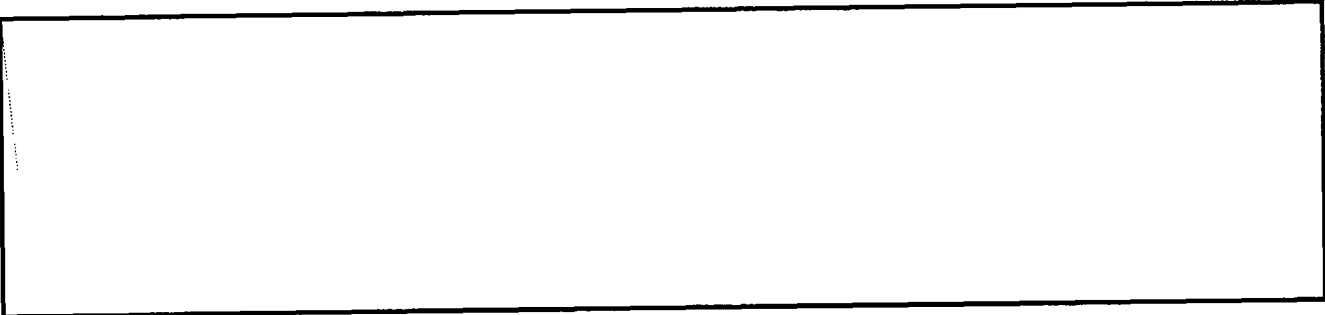
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To: Inspection From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

(S)



(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

<sup>2</sup>(U) Section II.A.1 of the NSIG, which is about Threat Assessments, provides in pertinent part that:

The FBI may, without opening a preliminary or full investigation, engage in the following activities to investigate or collect information relating to threats to the national security, including information on individuals

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~~(S)~~

In the NSIG, Section VIII, the definition of publicly available includes "information that ..... is obtained by visiting any place or attending any event that is open to the public." (U)

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~~SECRET~~

(U) To: Inspection From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 07/10/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) OGC requests that the Inspection Division retain a record of the report of a potential IOB matter for three years, together with a copy of this opinion for possible review by the Counsel to the IOB.

**Set Lead 2: (Info)**

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

**Set Lead 3: (Discretionary)**

[Redacted]

AT [Redacted]

(U) For action deemed appropriate.

b2  
b7E

◆◆

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 7/11/2006

**LEAD(s) :**

**Set Lead 1: (Discretionary)**

[REDACTED]

AT [REDACTED]

(U) For review and action deemed appropriate.

b2  
b7E

**Set Lead 2: (Discretionary)**

COUNTERTERRORISM

AT ITOS1/CONUS 2, WASHINGTON, DC

(U) For review and action deemed appropriate.

**Set Lead 3: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) As provided in the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, retain a record of the report of a potential IOB matter for three years for possible review by the Counsel to the IOB, together with a copy of the OGC opinion concerning the basis for the determination that IOB notification is not required.

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~~SECRET~~

*Freedom of Information  
and  
Privacy Acts*

**SUBJECT: NATIONAL SECURITY LETTERS**

**FOLDER: 263-0-U- Volume 17**



*Federal Bureau of Investigation*

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description - COVER SHEET

Total Deleted Page(s) ~ 10  
Page 28 ~ Duplicate EC dated 9/22/06  
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Page 31 ~ Duplicate EC dated 12/15/06  
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Page 36 ~ Duplicate EC dated 1/24/06  
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~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 10/03/2006

**To:** General Counsel

**Attn:** National Security Law Branch  
Counterterrorism Law Unit  
Room 7975

Inspection Division

Internal Investigations  
Section (IIS)

Counterterrorism

SSA [redacted]  
ITOS I, CONUS I, Team 3

b2  
b7E  
b6  
b7C

[redacted]

SSA [redacted]  
ASAC [redacted]  
CDC [redacted]

**From:** [redacted]

**Contact:** [redacted]

**Approved By:** [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Drafted By:** [redacted]

**Case ID #:** (U) 278-HQ-C1229736-VIO-1716  
(U) 278- [redacted] 76104-428  
(S) [redacted]

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

b2  
b7E  
b1  
b6  
b7C

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

1073946

SSA [redacted]  
TFO [redacted]

**Synopsis:** (U) Report of a potential IOB matter to the National Security Law Branch (NSLB), Counterterrorism Law Unit (CLU), and the Inspection Division (ID) Internal Investigations Section (IIS), as required in the 2/10/2005, Inspection Division's EC to All Divisions entitled "Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters".

SC Miller  
CRS [redacted] 04/08/07  
b6  
b7C

~~SECRET~~

~~SECRET/ORDON/NOFORN~~

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 08/23/2006

**To:** Inspection

**Attn:** IIS  
Room 11102

General Counsel

**Attn:** NSLB  
Room 7975

**From:** [Redacted]

Chief Division Counsel

**Contact:** CDC [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Approved By:** [Redacted]

DATE: 05-30-2007  
CLASSIFIED BY 65179/DMH/KSR/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-30-2032

**Drafted By:** [Redacted]

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

1073946

**Title:** (S) ~~(S)~~ Possible Intelligence Oversight Board Matter

**Synopsis:** (S) ~~(S)~~ Provides notification of potential IOB matter for reporting as necessary.

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

**Details:** (S) ~~(S)~~ [Redacted] is assigned to the

under supervision of [Redacted] is the case agent for the investigation captioned [Redacted]

[Redacted]

~~SECRET/ORDON/NOFORN~~

[Redacted]

*SC [Redacted] DM/AD 12-22-06*  
*Kas 01/04/07*

b2  
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b6  
b7C

b1  
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(U)  
b6  
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b1  
b6  
b7C

b6  
b7C

b2  
b7E  
b1

To: Inspection From: [redacted]  
Re: (S) [redacted] 08/23/2006

(S) [redacted]

[redacted]

(S/OC/NF) [redacted]

[redacted]

(S/OC/NF) [redacted]

[redacted]

b1  
b6  
b7C

(S/OC/NF) [redacted]

[redacted]

(S/OC/NF) [redacted]

[redacted]

(S/OC/NF) [redacted]

[redacted]

b1

b2  
b7E  
b1

To: Inspection From: [redacted]  
Re: (S) [redacted] 08/23/2006

b1  
b6  
b7C

(S) [redacted]

(U) The name, [redacted], was queried through on-line commercial databases with positive results

[redacted]

b6  
b7C

(U) On 04/10/2006 [redacted] learned that the previous residence of [redacted] had been vacated [redacted]

[redacted]

(U) [redacted] learned that [redacted]

[redacted]

(S) An NSL [redacted] for subscriber information and toll billing records was issued to the communications provider of the above telephone numbers [redacted]

[redacted]

(S) [redacted]

[redacted]

b1  
b2  
b7E  
b6  
b7C

(S) 1) [redacted]

[redacted]

[redacted]

(S) 2) The telephone number was also subscribed to by a party other than [redacted]

[redacted]

b2  
b7E  
b1

~~SECRET/ORCON/NOFORN~~

To: Inspection From: [redacted]  
Re: (S) [redacted] 08/23/2006

(S) [redacted]

*overcoll.*

(S) 4) The telephone number was also subscribed to by a party other than [redacted]

*no*

(S) [redacted]

b1  
b6  
b7C  
b2  
b7E

[redacted] The toll records provided by the communications carrier with regard to the other parties have not been utilized or uploaded by [redacted]

(U) ~~(S)~~ On 08/22/2006, it was brought to the attention of [redacted] that the above incident may constitute an intelligence Oversight Board violation. On the same day [redacted] brought this matter to the attention of [redacted] Division CDC.

b6  
b7C  
b2  
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(U) ~~(S)~~ Remedial action, if deemed appropriate, will include the permanent ACS charge-out of the communication identifying the other party, as well providing all hard-copy toll records related to the other party to CDC for whatever action deemed appropriate.

(U) ~~(S)~~ The National Foreign Intelligence Program Manual, Section 2-02, states that there are certain investigative activities which are permitted in the absence of formally authorized inquiries and investigations. The collection of information pertaining to the other party as described above is not one of those activities. Nonetheless, it was never the intent of the captioned employees to capture information concerning an individual who is not under investigation.

~~SECRET/ORCON/NOFORN~~

~~SECRET/ORCON/NOFORN~~

b2  
b7E  
b1

To: Inspection From: [redacted]  
Re: (S) [redacted] 08/23/2006

**LEAD(s) :**

**Set Lead 1: (Action)**

INSPECTION

AT WASHINGTON, DC

(U) The Internal Investigation Section is requested to determine if the matter described in this communication constitutes a reportable IOB issue.

**Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to determine if the matter described in this communication constitutes a reportable IOB issue.

◆◆

~~SECRET/ORCON/NOFORN~~