

~~SECRET~~

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b7C

MessageFrom: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 3:52 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: RE: Question . . .

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RECORD 66

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-16-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-16-2032

Now that I've opened this can of worms:

First, I wasn't trying to accuse [redacted] of glibness. I was just trying to stimulate some honest debate, discussion, etc.

I think [redacted] initial advice is pretty sound. And I like [redacted] notion

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Let me hasten to add that while I think [redacted] gut reaction was a good one, I also think the additional discussion has been healthy. I wish we had time to do more of it.

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:53 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: RE: Question . . .

~~SECRET~~
RECORD 66

b5

[Large redacted block]

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:33 PM
To: [redacted] (OGC) (FBI)

~~SECRET~~

b6
b7C

Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
(OGC) (OGA); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Question . . .

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RECORD 66

[Large redacted block]

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b7C

[redacted]

---Original Message---

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:22 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
(OGC) (OGA); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: RE: Question . . .

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RECORD 66

[Large redacted block]

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

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b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:07 PM
To: [redacted] (OGC) (FBI)

~~SECRET~~

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b7C

Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
(OGC) (FBI); [redacted] (OGC) (OGA); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Question . . .

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RECORD 66

[Large redacted block]

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

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b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:00 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (OGA); [redacted]
(OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: RE: Question . . .

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RECORD 66

[Large redacted block]

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 1:43 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (OGA); [redacted] (OGC) (FBI); [redacted]
(OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: RE: Question . . .

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~~SECRET~~
RECORD 66

i agree with [redacted] therefore, it must be right!!!

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

From: [redacted] (OGC) (FBI)

Sent: Friday, August 19, 2005 1:31 PM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA);

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);

[redacted] (OGC) (FBI)

Subject: RE: Question . . .

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~~SECRET~~
RECORD 66

[redacted]

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

From: [redacted] (OGC) (FBI)

Sent: Friday, August 19, 2005 1:28 PM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);

[redacted] (OGC) (OGA); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: FW: Question . . .

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~~SECRET~~
RECORD 66

[redacted]
[redacted] called me w/ this question below. [redacted]

[redacted]

b5

~~SECRET~~

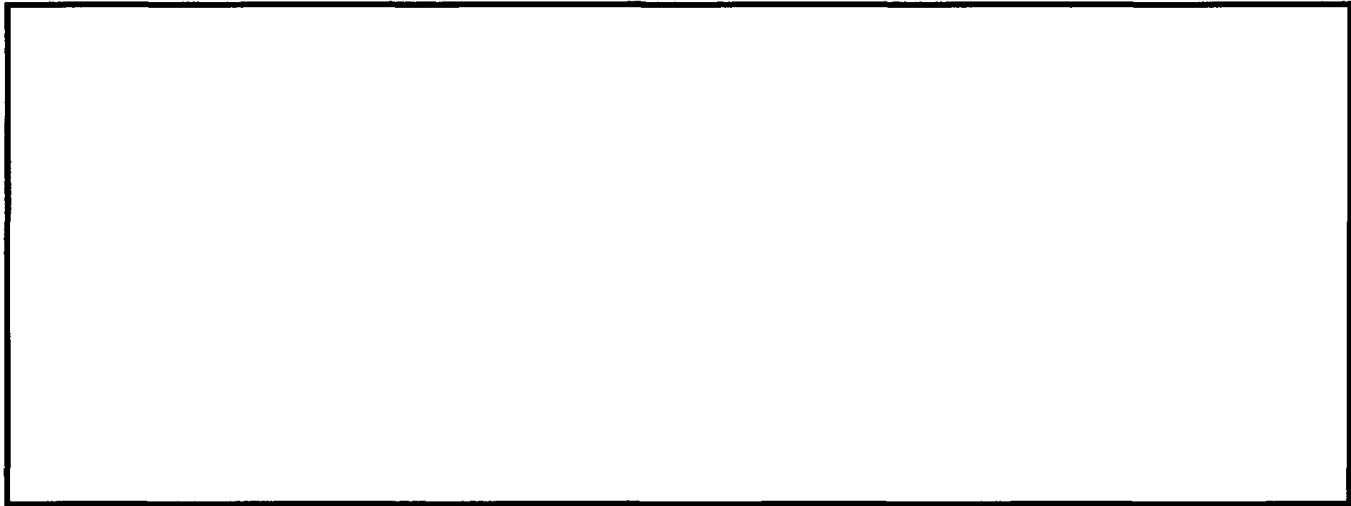


b6
b7C

-----Original Message-----
From: [redacted] (FBI)
Sent: Friday, August 19, 2005 1:17 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (PH) (FBI)
Subject: Question . . .

~~SECRET~~
RECORD 66

(S)



b1
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b7E
b5

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97,
Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1~~

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CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
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DECLASSIFICATION EXEMPTION 1
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CounterIntelligence Investigations
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
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CounterIntelligence Investigations
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTO | CD | volume 16



Federal Bureau of Investigation

~~SECRET~~

RE Question.txt

b6
b7C

MessageFrom: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:53 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Question . . .

~~SECRET~~
RECORD 66

[redacted]

b5

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:33 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Question . . .

~~SECRET~~
RECORD 66

[redacted]

b5

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

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 2:22 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Question . . .

DATE: 06-15-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-15-2032
1073946

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]

b6
b7C

Subject: RE: Question . . .

~~SECRET~~
RECORD 66

i agree with [redacted] therefore, it must be right!!!

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

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 1:31 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA); [redacted]
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Question . . .

b6
b7C

~~SECRET~~
RECORD 66

[redacted]

b5

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

From: [redacted] (OGC) (FBI)
Sent: Friday, August 19, 2005 1:28 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA); [redacted]
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
[redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
M. (OGC) (FBI)
Subject: FW: Question . . .

b6
b7C

~~SECRET~~
RECORD 66

[redacted] called me w/ this question below. [redacted]
[redacted]

b5
b7D

Any thoughts [redacted]

thanks [redacted]

b6
b7C

-----Original Message-----
From: [redacted] (FBI)
Sent: Friday, August 19, 2005 1:17 PM

~~SECRET~~

To: [redacted] RE Question.txt
Cc: [redacted] (OGC) (FBI)
Subject: Question . . . (FBI)

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b7C

~~SECRET~~
RECORD 66

(S)
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[redacted]

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SSA [redacted]
[redacted]

[redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign
CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD | CD | Volume 17



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 43
Page 1 ~ Duplicate 2007 1681 u (a) and (b) ec
Page 2 ~ Duplicate
Page 3 ~ Duplicate
Page 4 ~ Duplicate
Page 5 ~ Duplicate
Page 6 ~ Duplicate 2007 1681 u (a) ec
Page 7 ~ Duplicate
Page 8 ~ Duplicate
Page 9 ~ Duplicate
Page 10 ~ Duplicate
Page 11 ~ Duplicate 2077 1681 u (b) ec
Page 12 ~ Duplicate
Page 13 ~ Duplicate
Page 14 ~ Duplicate
Page 15 ~ Duplicate
Page 16 ~ Duplicate 16811681 v ec full credit report
Page 17 ~ Duplicate
Page 18 ~ Duplicate
Page 19 ~ Duplicate
Page 20 ~ Duplicate
Page 42 ~ Duplicate E-mail subscriber ec
Page 43 ~ Duplicate
Page 44 ~ Duplicate
Page 45 ~ Duplicate
Page 46 ~ Duplicate
Page 68 ~ Duplicate RPPA ec I
Page 69 ~ Duplicate
Page 70 ~ Duplicate
Page 71 ~ Duplicate
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Page 83 ~ Duplicate
Page 84 ~ Duplicate
Page 85 ~ Duplicate
Telephone subscriber ec I
Toll record ec I
Transactional record ec I

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X No Duplication fee X
X For this page X
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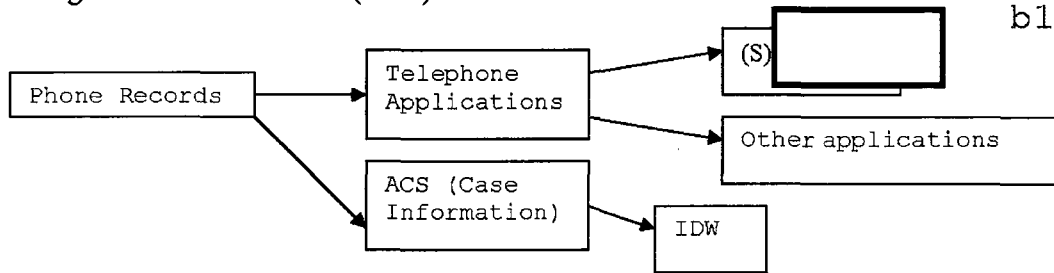


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Typical NSL Retention and Database Use

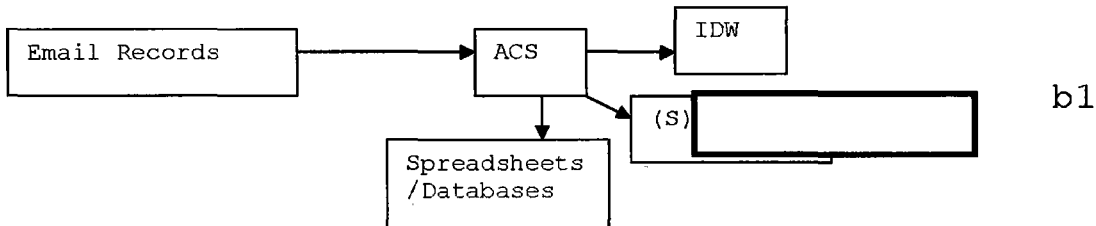
Phone Records:

(S) b1 b2 NSL toll billings records are typically uploaded into Telephone Applications (TA) after receipt. A subset of Counterterrorism information is uploaded into (S) [redacted] for analysis. The information can also be uploaded from TA to other applications (such as [redacted] for analysis. NSL-derived toll billings records are also placed in Automated Case Support (ACS) with case information. ACS information is uploaded into Investigative Data Warehouse (IDW).



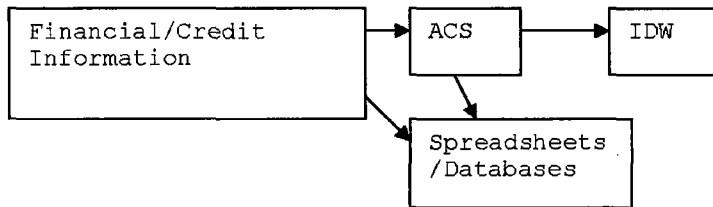
Email Records:

(S) NSL electronic transactional information is typically entered into ACS upon receipt. ACS information is uploaded into Investigative Data Warehouse (IDW). Counterterrorism email information can be manually entered into (S) [redacted] email information may in some cases be entered into spreadsheets and other databases for analysis.



Financial and Credit Information:

Financial and credit information is typically entered into ASC upon receipt. ACS information is uploaded into Investigative Data Warehouse (IDW). Financial and credit information may in some cases be entered into spreadsheets and other databases for analysis.



1073946

DATE: 06-15-2007
 CLASSIFIED BY 65179/DMH/KSR/RW
 REASON: 1.4 (g)
 DECLASSIFY ON: 06-15-2032

~~SECRET~~

Effect of Closing a Case in ACS:

A case is closed when all investigative and legal activity has ceased. It is still as accessible as it was while it was opened. Documentation is placed in ACS to indicate that the case is closed. Action leads cannot be set from closed cases. Records are maintained according to the records disposition schedule for the particular file classification or the General Records Schedule. Criminal cases are kept for a minimum of 20 years and intelligence for 30 years before disposition.

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 03/02/2007

To: All Field Offices

Attn: ADIC
SAC
CDC
FCI Supervisors
Attn: AD Bereznay
DADs
Section Chiefs

Counterintelligence

From: National Security Branch

Contact: [redacted] 202-324 [redacted]

1073946

Approved By: Hulon Willie T

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-08-2007 BY 65179/DNH/KSR/RW

Drafted By: [redacted] bls

Case ID #: 319X-HQ-A1487720-OGC

Title: GUIDANCE ON USE OF FAIR CREDIT
REPORTING ACT NSLS IN COUNTERINTELLIGENCE INVESTIGATIONS;
REVIEW OF FAIR CREDIT REPORTING ACT
NSLS ISSUED IN CY 2006 IN
COUNTERINTELLIGENCE INVESTIGATIONS

Synopsis: Provides guidance on the statutory restrictions controlling the issuance of national security letters (NSLs) to obtain full credit reports in counterintelligence investigations. Directs Counterintelligence Division (CD) and Field Office personnel involved in counterintelligence investigations to review NSLs issued pursuant to the Fair Credit Reporting Act (FCRA) to determine if full credit reports were improperly requested or received; and to report the results of such review.

Details: The FCRA provides for the protection of personal information assembled by credit reporting agencies. Two provisions of the FCRA, 1681u and 1681v, authorize the FBI to obtain information from credit reporting agencies in the context of national security investigations. Section 1681u(a) authorizes the FBI to obtain the identity of all financial institutions at which the consumer maintains or has maintained an account; 1681u(b) authorizes the FBI to obtain consumer identifying information, that is, the name, address, former addresses, place of employment, and former places of employment of the consumer. This information can be obtained when "sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities."

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To: All Field Offices From: National Security Branch
Re: 319X-HQ-A1487720-OGC, 03/02/2007

Section 1681v of the FCRA was added by the 2001 USA PATRIOT Act. This section authorizes the FBI to obtain full consumer credit reports. However, NSLs can be issued pursuant to this section only to conduct investigations related to international terrorism. **The FBI may not use an NSL to obtain a full credit report in a counterintelligence investigations absent an international terrorism nexus.**

Nonetheless, it has come to the attention of the National Security Branch (NSB) that in some instances full credit reports for counterintelligence investigations unrelated to international terrorism have been obtained or requested under a FCRA Section 1681v NSL. The request or receipt of such information in this context violates FCRA statutory requirements.

Therefore, receiving offices are directed to review FCRA NSLs issued in CY 2006 in the context of a counterintelligence investigations unrelated to international terrorism in order to determine if any such NSLs requested full credit reports or resulted in the receipt of full credit reports. If such reports were requested or obtained, the incident should be reported to the National Security Law Branch (NSLB) as a potential Intelligence Oversight Board (IOB) violation (regardless of who was at fault). NSLB will determine whether in fact the incident should be reported to the IOB.

Further, if such information has been obtained improperly, the information should be sequestered with the Chief Division Counsel pending the issuance of the IOB opinion by NSLB. The EC that is issued by NSLB will provide guidance as to how the information is to be permanently handled. Most likely, NSLB will suggest that the information be returned to the credit reporting agency.

AN EC TO NSB AND NSLB DOCUMENTING THE RESULTS OF THIS SEARCH IS MANDATORY, EVEN IF THE SEARCH IS NEGATIVE. RESULTS OF THIS SEARCH SHOULD BE SENT WITHIN 30 DAYS FROM THE DATE OF THIS EC.

You may direct any questions concerning this matter to NSLB attorney [redacted] at 202-324-[redacted]

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To: All Field Offices From: National Security Branch
Re: 319X-HQ-A1487720-OGC, 03/02/2007

LEAD(s) :

Set Lead 1: (Action)

ALL RECEIVING OFFICES

Receiving offices are directed to review FCRA NSLs issued in CY 2006 in the context of a counterintelligence investigation and determine if any such NSLs requested full credit reports or resulted in the receipt of full credit reports. If such reports were requested or obtained, the incident should be reported to NSLB as a potential IOB violation. Further, the results of such review must be reported by EC to NSB and NSLB within 30 days of the date of this EC.

◆◆

From: [redacted] (OGC) (FBI)
Sent: Friday, March 02, 2007 5:30 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC)
[redacted] (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: Comprehensive EC and Issue List

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RECORD xxxx~~

All,
In case it comes up while I'm out, attached is the latest version of the Uber EC and the preliminary NSL issue list. The EC definitely needs to be tightened up and certain issues will need to be inserted once the shorter ECs go out. Hopefully that won't need to happen until I come back.



Comprehensive NSL EC.wpd (65 K...
National Security Letter Cheat...

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations**
DECLASSIFICATION EXEMPTION 1
SECRET~~

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 06-08-2007

1073946

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

14 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

_____ (b)(7)(D)

(k)(2)

_____ (b)(7)(E)

(k)(3)

_____ (b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

Information pertained only to a third party with no reference to you or the subject of your request.

Information pertained only to a third party. Your name is listed in the title only.

Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s): _____

For your information: _____

The following number is to be used for reference regarding these pages:

CTD. CD. Volume 17

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXXXXXX

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 20, 2007 9:50 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI)
Subject: Document for DOJ/DNI NSL Retention Working Group

b6
b7C

~~**Subject:**
SECRET
RECORD xxxx~~

All,
Pat Kelley and I are in a DOJ/DNI working group examining the FBI's retention of NSL-derived information. The group has asked that we provide a chart outlining how NSL-derived information is used and where it is stored. They also asked us for a description of what effect closing a case has on the accessibility of the case. Please take a look at the attached and let me know if you have any comments. If you would like to run this by operators, feel free. The group is composed of DOJ/DNI and other intelligence agencies, and is cleared at least to the Secret level.

If you have any comments, please get them to me by 2pm tomorrow.

Thanks

[redacted]

b6
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Retention
Paper.doc (42 KB)

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations**
DECLASSIFICATION EXEMPTION 1
SECRET~~

From: [redacted] (OGC) (FBI)
Sent: Monday, March 05, 2007 4:21 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Telephone EC and NSL

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b7C

Importance: High

~~**SECRET//NOFORN**
RECORD xxxx~~

At the bottom is the banner we added on March 9 to assure that everyone knew the changes were effective immediately

b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 15, 2006 9:33 AM
To: [redacted] (OGC) (FBI)
Subject: Telephone EC and NSL
Importance: High

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 06-08-2007

~~**SECRET//NOFORN**
RECORD xxxx~~

1073946

[redacted]
Assistant General Counsel
National Security Law Policy and Training Unit
National Security Law Branch
Office of the General Counsel, FBI, JEH, Room 7947

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b2

Unclassified email: [redacted] gov
[redacted] gov
[redacted] gov

This is a Privileged Attorney-Client/Attorney Work Product Communication

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 09, 2006 3:20 PM
To: [redacted] (OGC) (FBI); [redacted] (ITOD)(CON)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: URGENT OGC NSLB Revisions - New EC and NSL ponies and Banner for posting on OGC website
Importance: High

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[redacted] you have it correct.

Attached are the two missing documents for links 1 and 2 (Telephone Subscriber EC and Telephone Subscriber NSL). I have also attached the EC just approved by the Director that delegates signature authorities for NSLs. There is no existing link for this document. Please add it to the other 16.



NSL delegation EC approved by ...



subscriber EC.wpd



(subscriber NSL.wpd)

Finally, please edit the banner for this folder to delete the last sentence: "NOTE: NEW NSLs SHOULD NOT BE APPROVED UNTIL THE DIRECTOR HAS DELEGATED THE SIGNING AUTHORITY." -- as that has now occurred in the document you are posting.

Thanks to you both for your WONDERFUL HELP on this on such short notice.

[Redacted]

[Redacted]

Assistant General Counsel
National Security Law Policy and Training Unit
National Security Law Branch
Office of the General Counsel, FBI, JEH, Room 7947

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[Redacted]

Unclassified email: [Redacted] gov

[Redacted] gov

[Redacted] gov

This is a Privileged Attorney-Client/Attorney Work Product Communication

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, March 09, 2006 2:38 PM
To: [Redacted] (ITOD)(CON)
Cc: [Redacted] (OGC) (FBI)
Subject: FW: URGENT OGC NSLB Revisions - New EC and NSL ponies and Banner for posting on OGC website
Importance: High

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[Redacted]

Thank you. This is my best interpretation of what NSLB needs.

First, please disable the links for the model EC and NSLs listed about three-fourths of the way down the National Security Letters webpage [Redacted] DO NOT DELETE the files on your end as I don't know if NSLB will need them in the future.

b2

At the top and bottom of the NSL webpage please post the following notation - in bold/caps, etc.

The President will be signing the USA PATRIOT Improvement and Reauthorization Act at approximately 3 p.m.(EST) today, March 9, 2006. At that point, all NSLs

Importance: High

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H [redacted]

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We have 14 documents that need to be posted to our website this afternoon if at all possible. The President is signing the PATRIOT Act renewal at about 3:00 pm today and it changes the rules regarding NATIONAL SECURITY LETTERS. There are seven different types of NSLs. The attached documents are 7 ECs and the corresponding 7 NSL forms.

Please post them under the Banner below in the email from [redacted]

<< File: transactional record NSL 2006.03.09.wpd >> << File: 1681u(a) NSL 2006.03.09.wpd >> << File: 1681u(b) EC 2006.03.09.wpd >> << File: 1681u(b) NSL 2006.03.09.wpd >> << File: 1681v EC 2006.03.09.wpd >> << File: 1681v NSL 2006.03.09.wpd >> << File: email EC 2006.03.09.wpd >> << File: email NSL 2006.03.09.wpd >> << File: RFPA ec 2006.03.09.wpd >> << File: RFPA NSL 2006.03.09.wpd >> << File: toll record EC 2006.03.09.wpd >> << File: toll record NSL 2006.03.09.wpd >> << File: transactional record EC 2006.03.09.wpd >> << File: 1681u(a) EC 2006.03.09.wpd >>

Please let us know when they are available on the website.

Many thanks

[redacted]

[redacted]

Assistant General Counsel
National Security Law Policy and Training Unit
National Security Law Branch
Office of the General Counsel, FBI, JEH, Room 7947

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Unclassified email: [redacted] gov

[redacted] gov
[redacted] gov

This is a Privileged Attorney-Client/Attorney Work Product Communication

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 09, 2006 12:50 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Banner for webpage re new NSLs.

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NON-RECORD~~

[redacted]

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The new NSL forms should be posted with this banner prominently displayed at the top and bottom of the page.

The President will be signing the USA PATRIOT Improvement and Reauthorization Act at approximately 3 p.m.(EST) today, March 9, 2006. At that point, all NSLs must comply with the new law. FBI OGC NSLB has posted new NSL forms on this website. The new law makes adjustments to the Director's delegation authority. Under the new law, FBI HQ Section Chiefs do not have the authority to approve NSLs. NOTE: NEW NSLs SHOULD NOT BE APPROVED UNTIL THE DIRECTOR HAS DELEGATED THE SIGNING AUTHORITY.

[Redacted]
Assistant General Counsel
National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III: [Redacted]
Unclassified Fax: [Redacted]
Secure Fax: [Redacted]

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Privileged Attorney-Client/Attorney Work Product Communication

UNCLASSIFIED

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DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20160309
SECRET//NOFORN

From: [redacted] (OGC) (FBI)
Sent: Monday, March 19, 2007 11:01 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC)(FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

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Subject:
SECRET
RECORD xxxx

Information for NSL Retention Group

All,
Could you please take a quick look at the attached? The DOJ/DNI NSL Retention Working group has asked for a description and chart of NSL analysis/retention and a description of the effect of closing a case in ACS. Let me know if anything is wrong or missing. I will send this to UCs later today but wanted you to have a look first.

Thanks,

[redacted]

b6
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Retention
Paper.doc (41 KB)

~~**DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations**
DECLASSIFICATION EXEMPTION 1
SECRET~~

From: [redacted] OGC) (FBI)
Sent: Friday, March 02, 2007 5:41 PM
To: [redacted] (OGC) (FBI); [redacted] OGC)
[redacted] (FBI); [redacted] OGC) (FBI)
Cc: [redacted] OGC) (FBI)
Subject: Latest Version of ECs
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

All,
Attached are the latest versions of the other ECs I've been working on, in case action is required while I'm out. You probably already have these, but I wanted to make sure. They are also in the NSLPTU Folder [redacted] EC Drafts. If you need to contact me, I will have my cell (703-635-[redacted])

Thanks,
[redacted]



CD - Full Credit
EC.wpd (15 KB...



NSL Retention EC
(with edits)....



NSL C of S.wpd (7
KB)

SENSITIVE BUT UNCLASSIFIED

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

_____ (b)(7)(D)

(b)(7)(D)

(k)(2)

_____ (b)(7)(E)

(b)(7)(E)

(k)(3)

_____ (b)(7)(F)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

Information pertained only to a third party with no reference to you or the subject of your request.

Information pertained only to a third party. Your name is listed in the title only.

Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s): _____

For your information: _____

The following number is to be used for reference regarding these pages:

CTD - CD - Volume 17 PAGES

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CERTIFICATE OF SERVICE OF A NATIONAL SECURITY LETTER

Personal Service

Date, Time, and Place of Service _____
NSL Custodian of Record (including business name) _____
NSL Recipient (if different from above) _____
Served by _____
Serving Office _____
Originating Office (if different) _____
Type of NSL Request (cite statute used) _____

Delivery Service (attach return receipt)

Date, Time, and Place of Pickup _____
Date, Time, and Place of Delivery _____
NSL Custodian of Record (including business name) _____
Name and Type of Delivery Service (overnight, two day, etc) _____
Served by _____
Serving Office _____
Type of NSL Request (cite statute used) _____

Fax (attach fax cover letter and return receipt)

Date, Time, and Place of Fax _____
Recipient of Fax _____
NSL Custodian of Record (including business name) _____
Type of NSL Request (cite statute used) _____
Serving Office _____

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DATE 06-08-2007 BY 65179/DMH/KSR/RW

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Certificate of Service of a National Security Letter is true and correct.

Executed on _____
Date

By: _____
Signature of Server

Inquiries Regarding Production May Be Directed to:

[Name], Special Agent
Federal Bureau of Investigation
[Name of] Field Office
[Telephone number]

From: [redacted] (OGC) (FBI)
Sent: Monday, March 12, 2007 3:05 PM
To: [redacted] (INSD) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: NSL Checklist for INSD

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NON-RECORD

[redacted]

Attached is the checklist we discussed. As I said, it has not been approved by the General Counsel. I will go about putting together another checklist to meet your needs but any input on what you are looking for would be appreciated.

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b7C

Thanks.

[redacted]



NSL REVIEW
CHECKLIST.doc (74 K)

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**FEDERAL BUREAU OF INVESTIGATION
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Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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(b)(7)(A)

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(b)(7)(C)

(k)(1)

_____ (b)(7)(D)

(k)(2)

_____ (b)(7)(E)

(k)(3)

_____ (b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

Information pertained only to a third party with no reference to you or the subject of your request.

Information pertained only to a third party. Your name is listed in the title only.

Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s): _____

For your information: _____

The following number is to be used for reference regarding these pages:

CTD - CD - Volume 17 pages

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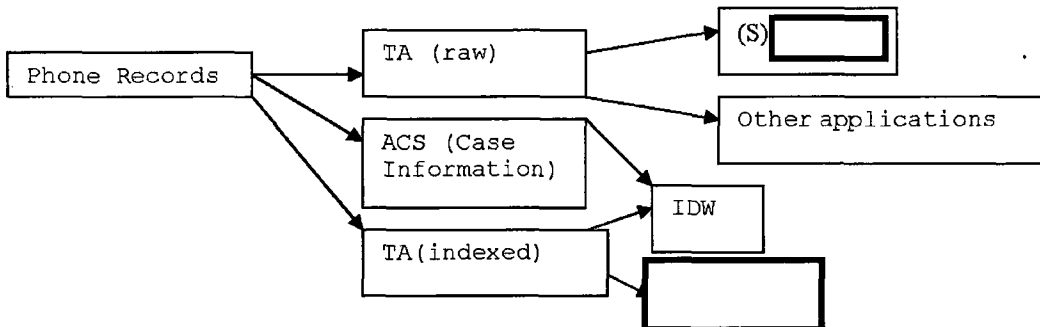
Typical NSL Retention and Database Use

Phone Records:

(S)

(S) NSL toll billings records are typically uploaded into Telephone Applications (TA) after receipt. Most information in TA is uploaded into FBI [redacted] for analysis. TA is shared in two forms: a "raw" version that contains individual phone call events, and an "indexed" version that does not contain individual phone call events. Most indexed TA information is a dataset of IDW and FTTTF. The information can also be uploaded from TA to other applications (such as [redacted] for analysis. NSL-derived information is also placed in Automated Case Support (ACS) with case information. With the exception of designated restricted case files, most ACS information is available as a dataset in Investigative Data Warehouse (IDW).

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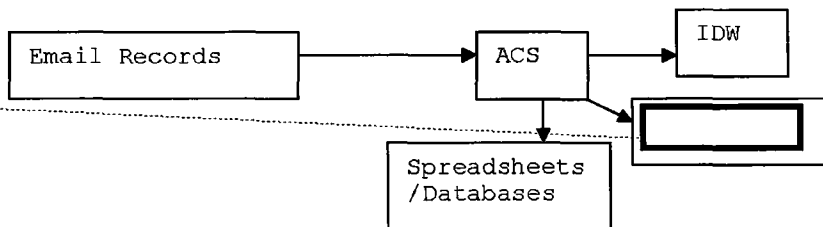
b1

Email Records:

(S)

(S) NSL electronic transactional information is typically entered into ACS upon receipt. With the exception of designated restricted case files, most ACS information is available as a dataset in IDW. Counterterrorism email information can be manually entered into FBI [redacted] Email information may in some cases be entered into spreadsheets and other databases for analysis.

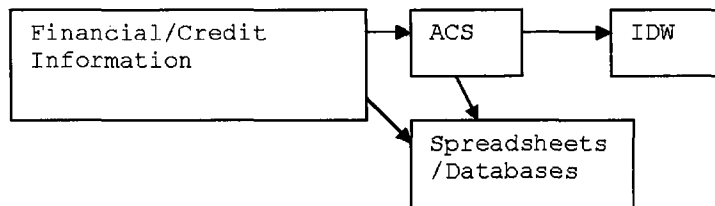
b1



b1

Financial and Credit Information:

(U) Financial and credit information is typically entered into ACS upon receipt. ACS information is uploaded into Investigative Data Warehouse (IDW). Financial and credit information may in some cases be entered into spreadsheets and other databases for analysis.



DATE: 06-15-2007
CLASSIFIED BY 675179/DNH/KSR/RW
REASON: 1.4 (g)
DECLASSIFY ON: 06-15-2032

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WHERE SHOWN OTHERWISE

~~SECRET~~

Effect of Closing a Case in ACS:

(U) A case is closed when all investigative and legal activity has ceased. The closed case is as accessible as it was while it was opened. Documentation is placed in ACS to indicate that the case is closed. Action leads cannot be set from closed cases. Records in ACS are maintained according to the records disposition schedule for the particular file classification or the General Records Schedule. Criminal cases are kept for a minimum of 20 years and intelligence for 30 years before disposition. Retention can be extended if one of various exceptions apply.

~~SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTO|CD| volume 18



Federal Bureau of Investigation

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*Freedom of Information
and
Privacy Acts*

*SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD | CD | Volume 20*



Federal Bureau of Investigation

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 15, 2007 8:24 AM
To: HQ-Div09-NSLB
Subject: FW: Audit of NSL

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DATE 06-06-2007 BY 65179/DMH/KSR/RJ

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NON-RECORD

1073946

Please let [redacted] know if you are available for a quick trip next week to destinations unknown. We need to have a roster put together of available people by COB today.

Thanks.

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, March 14, 2007 5:49 PM
To: HQ-Div09-NSLB
Cc: KAISER, KENNETH W. (INSD) (FBI); [redacted] (INSD) (FBI)
Subject: Audit of NSL

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NON-RECORD

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As some of you may have heard, the Director has ordered a special inspection of all field offices' use of NSLs. Inspectors are hitting the field offices on Friday and will work through the weekend sampling files that are known to have NSLs and those that are not known to have NSLs. We need a lawyer or 2 to be on call for any questions that might arise. [redacted] can you get those names to [redacted]?

Also, there is some likelihood that DoJ will want to send NSD lawyers out to at least a few of the field offices next week to observe the process. If that happens, I would like to pair an OGC attorney with each NSD attorney. So, we may need a few people to take trips next week. I will know more on Friday.

Thanks,

VC

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UNCLASSIFIED

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From: [redacted] (OGC) (FBI)
Sent: Sunday, March 18, 2007 11:28 AM
To: HQ-Div09-NSLB
Subject: Inspection Division's Special NSL Audit
UNCLASSIFIED
NON-RECORD

Many of you are already aware but beginning last Friday and continuing this week, the Inspection Division is conducting a Special NSL Audit in all 56 field offices. Over the weekend [redacted] were on call to take questions from the auditors regarding NSLs. They were busy and we should expect a lot of question this week. Additionally, the AG has directed that NSD attorneys -from OIPR specifically- attend certain of these audits to serve as "observers." Ms. Caproni has directed that NSLB also have an attorney in attendance with OIPR. Currently six offices are scheduled to be visited by NSD/OIPR. They are:

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Monday:

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[redacted] OGC atty [redacted]
[redacted] OGC atty [redacted]

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DATE 06-06-2007 BY 65179/DMH/KSR/RW

Tuesday:

[redacted] OGC atty [redacted]
[redacted] OGC atty [redacted]

Wed or Thurs:

[redacted] OGC atty [redacted]
[redacted] TO BE DESIGNATED

For your info, I have attached the scope of the audit as stated by Inspection Division.

Director Mueller has mandated that a National Security Letter (NSL) Audit be conducted within all 56 field offices beginning Friday, March 16, 2007. The audit will take approximately one week to complete in each office.

Each ADIC/SAC is immediately requested to identify the names of AIIPs who currently are involved in the inspection process or who may have already been certified. At a minimum, small field offices are requested to identify two AIIPs, medium sized field offices three AIIPs, and larger field offices at least seven AIIPs

who can travel to another field office on Friday, March 16, 2007, to conduct the audit. The names of these individuals should be provided to Inspector [redacted] by close of business Tuesday, March 13, 2007.

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Additionally, each ADIC/SAC should prepare for a team to arrive in his/her office on Friday, March 16th, to begin the audit. Upon notification of the number of personnel assigned to each team, field offices should ensure hotel rooms are reserved for personnel, office space and supplies are available, and all files containing NSLs are available review. ADICs/SACs are also requested to identify their CDC as the point of contact for the Inspection Division Team Leader.

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From: [REDACTED] OGC) (FBI)
Sent: Wednesday, March 14, 2007 3:13 PM
To: HQ-Div09-NSLB
Subject: Valerie Caproni tasking

Importance: High

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If you worked one of the 22 NSL related IOB's, Valerie has requested that we had 3 points of consideration to our chart. Specifically, Valerie wants to know: 1. did the CDC/ADC review the NSL/NSL-EC; 2. under the existing guidance controlling at the time, should the matter have been reported to OGC as a potential IOB; and 3. in the final analysis, is the matter reportable to the IOB. The chart has been augmented and is saved now as a Word document on the s drive, OGC, units, CILU as "Valerie's chart." Please augment the chart as soon as possible as Valerie needs this to prepare for her testimony.

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and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD | CD | volume 21



Federal Bureau of Investigation

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#07-168: 03-20-07 Fact Sheet: Department Of Justice Corrective Actions on the FBI's Use of National Security Letters

FOR IMMEDIATE RELEASE
TUESDAY, MARCH 20, 2007
WWW.USDOJ.GOVNSD
(202) 514-2007
TDD (202) 514-1888

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DATE 06-08-2007 BY 65179 DMH/KSR/JW

Fact Sheet:

1073946

Department Of Justice Corrective Actions

on the FBI's Use of National Security Letters

WASHINGTON - Nearly two weeks ago, the Attorney General commended the work of the Inspector General in uncovering serious problems in the FBI's use of National Security Letters (NSLs). The Attorney General and the Director of the FBI agreed that that such mistakes would not be tolerated, and the Attorney General ordered the FBI and the Justice Department to put in place safeguards to ensure greater oversight and controls over the use of NSLs.

Since that time, the FBI and Justice Department have moved expeditiously to implement the recommendations of the Inspector General's report and to create additional safeguards to ensure that NSLs are used properly. Below are some of the actions that the FBI and Justice Department have taken to date and will be taking in the near future to address these shortcomings:

New Oversight and Auditing of the FBI's Use of NSLs

*Initial Audit - Last Friday, the FBI's Inspection Division launched a retrospective audit of the use of NSLs in all 56 FBI field offices nationwide. The FBI consulted with and received input from the Justice Department's National Security Division (NSD) and the Department's Chief Privacy and Civil Liberties Officer (CPCLO) in developing its plan for the audit, which is based upon the Inspector General's methodology for identifying potential Intelligence Oversight Board (IOB) violations. While this audit is being led by the FBI's Inspection Division, the Justice Department's NSD and CPCLO are also participating in the audits at various FBI field offices.

*Regular Audits Going Forward - Starting next month, the Justice Department's NSD, in conjunction with the CPCLO, the FBI's Inspection Division and the FBI's Office of General Counsel, will begin conducting comprehensive reviews of the use of NSLs at FBI headquarters and in field offices around the country. It is expected that the findings of the FBI's initial audit will inform the process of these ongoing reviews. This is a new level of oversight by Department of Justice lawyers with years of experience in intelligence and law enforcement.

Prohibition on the Use of "Exigent" Letters

*On March 5, 2007, the FBI issued a Bureau-wide directive prohibiting the use of the exigent letters described in the Inspector General's report. All FBI field offices have been asked to identify any use in their office of an exigent letter or anything akin to an exigent letter.

*The FBI Director in February 2007 ordered an expedited review by the Inspection Division of the unit that issued the exigent letters described in the Inspector General's report, for the purpose of determining management accountability.

*The NSL audits described above will also include a review of whether exigent letters described in the Inspector General's report were issued in other FBI field offices.

*The Associate Deputy Attorney General and the Justice Department's Office of Professional Responsibility are also examining the role FBI officials played in the use of NSLs and exigent letters.

New Oversight of FBI-Reported IOB Violations

*The Justice Department's NSD will now review all Intelligence Oversight Board (IOB) violations that the FBI reports to the IOB. When reviewing these IOB

referrals from the FBI, the NSD will promptly notify the Attorney General if it appears that the incident suggests the need for a change in policy, training or oversight mechanisms. The NSD will also report to the CPCLO any IOBs that raise serious civil rights or privacy issues. *The NSD will also report to the Attorney General every six months on all IOB referrals reported by the FBI during the preceding six-month period. This mechanism will help identify trends and potential future problems.

New Measures to Address NSL Tracking

*In early 2006, the FBI began developing a new NSL tracking database. The Web-based system will be piloted in the FBI's Washington Field Office in the summer of 2007 and will be deployed to four large field offices in late 2007. The new system will include a field that will identify whether the NSL recipient complied with the request and will possibly allow for entry of notes or comments on the response.

*Until the new system is deployed, FBI field offices will report monthly on NSLs that have been issued. The FBI Office of General Counsel will ensure that the NSLs comply with applicable statutes, guidelines, and policies.

*To obtain a better accounting of past use of NSLs and correct inaccuracies in past Congressional reports, the FBI Director has ordered an intensive process to query other computer systems to locate files where NSLs may have been issued but not reported to FBI Office of General Counsel for inclusion in its tracking database. In addition, the FBI Office of General Counsel is correcting any data entry errors in the existing database. The Attorney General has also mandated that the Justice Department's NSD and CPCLO advise him on additional steps that should be taken to correct the inaccurate numbers reported to Congress.

*On March 5, 2007, the FBI issued a new policy requiring the retention of copies of signed NSLs.

New Training and Guidance on NSLs

*The FBI will re-issue comprehensive guidelines throughout the Bureau concerning the proper use of NSLs. The FBI Office of General Counsel will evaluate existing guidance and make necessary revisions in consultation with the Department of Justice's National Security Division.

*The FBI has begun developing a new training course on the proper use of NSLs that will be available to FBI personnel through the Internet. After the course development is complete, the FBI will issue a directive mandating training for all Special Agents-in-Charge, Assistant Special Agents-in-Charge, as well as all appropriate FBI agents and analysts.

*In the meantime, the FBI has ordered that anytime an FBI Office of General Counsel attorney is traveling in the field for any reason, the attorney must schedule mandatory NSL training. The FBI will consider whether additional training on NSLs for new agents is needed.

*The Justice Department's Executive Office of U.S. Attorneys will review its existing training materials and guidance for terrorism investigations and prosecutions to ensure that NSLs are properly described in such materials.

New Oversight of the Use and Retention of NSL-Derived Information

*A working group co-chaired by the Office of the Director of National Intelligence and the Justice Department's CPCLO has been convened to examine how NSL-derived information is used and retained by the FBI. The FBI's Privacy Officer as well as a representative from the Justice Department's NSD will be represented on this working group. The working group will examine how the NSL records are stored and disseminated and determine the retention practices of other agencies with NSL authorities.

Review of Role of FBI's Division Counsel

*The Justice Department's NSD and the FBI have begun examining whether the FBI's organizational structure should be changed to have FBI's Division Counsel in field offices report to the FBI's Office of General Counsel in Headquarters rather than to field office Special-Agents-in-Charge.

Proposed Legislation

*The Inspector General recommended in its report that the term "toll billing records information" in the Electronic Communications Privacy Act NSL statute be clarified. The Justice Department and FBI are developing a proposal to address this concern.

Future Oversight

*The Attorney General has asked the Inspector General to report to him in four months on the FBI's implementation of the recommendations contained in the Inspector General report.

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(OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
(OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (NSB) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted]
(OGC) (FBI); [redacted] (FBI); [redacted]
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
DOJ Fact Sheet RE NSL corrective actions

Subject:
UNCLASSIFIED
NON-RECORD



DOJ_Fact_sheet_N
SL_corrective_...

UNCLASSIFIED

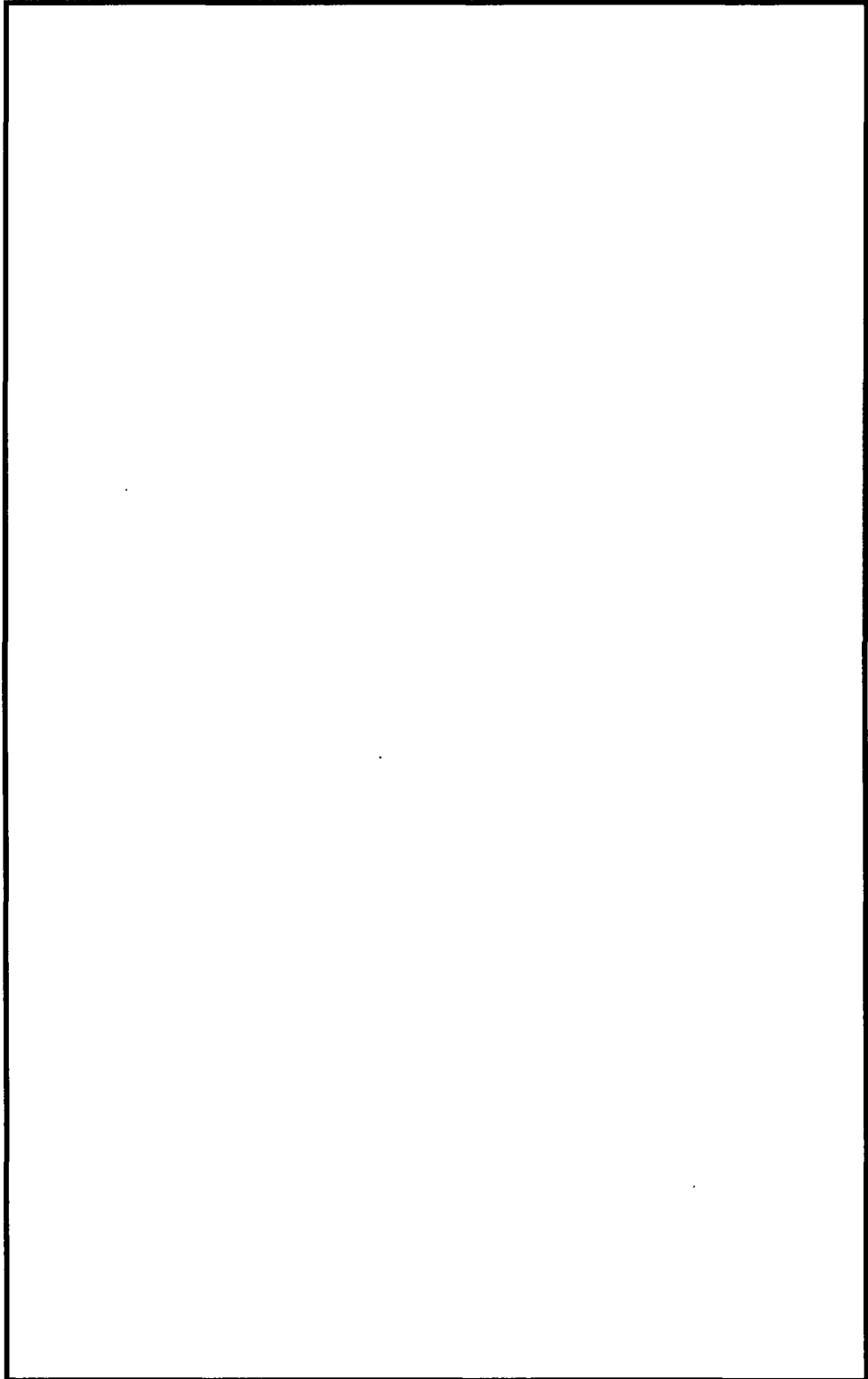
From:
Sent:
To:



(OGC) (FBI)

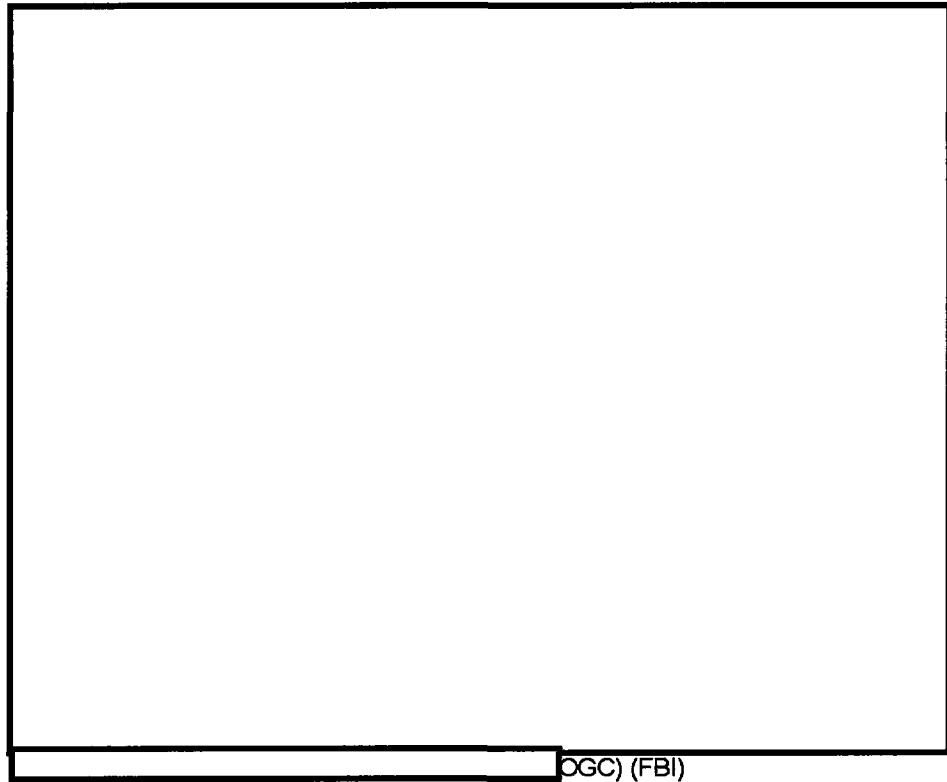
Wednesday, August 16, 2006 4:52 PM

CARRONI VALERIE E. (OGC) (FBI); LAMMERT ELAINE N. (OGC) (FBI);



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b7C



Subject: DOJ Guidance RE National Security Letters
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

OGC) (FBI)

Ladies and Gentlemen,

Attached is a recent DOJ Monograph titled, **Guidance on the Use of National Security Letters to Obtain Certain Information Relevant to an FBI National Security Investigation (June 2006).**

As soon as the next CD for DOJ USABOOK comes out, this will be added to the OGC Law Library webpage.



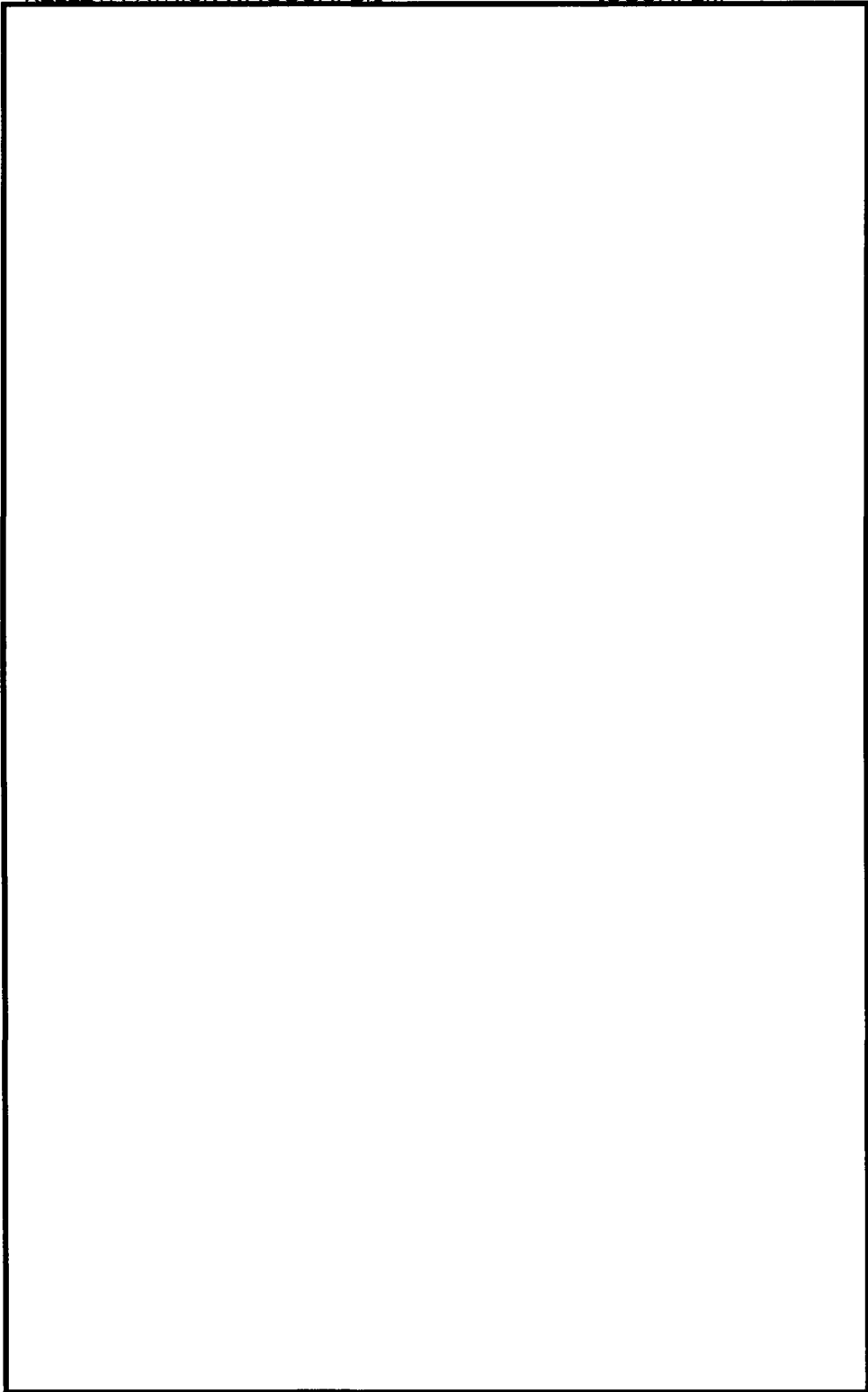
nslm.wpd (358 KB)

Please forward to appropriate personnel.

SENSITIVE BUT UNCLASSIFIED

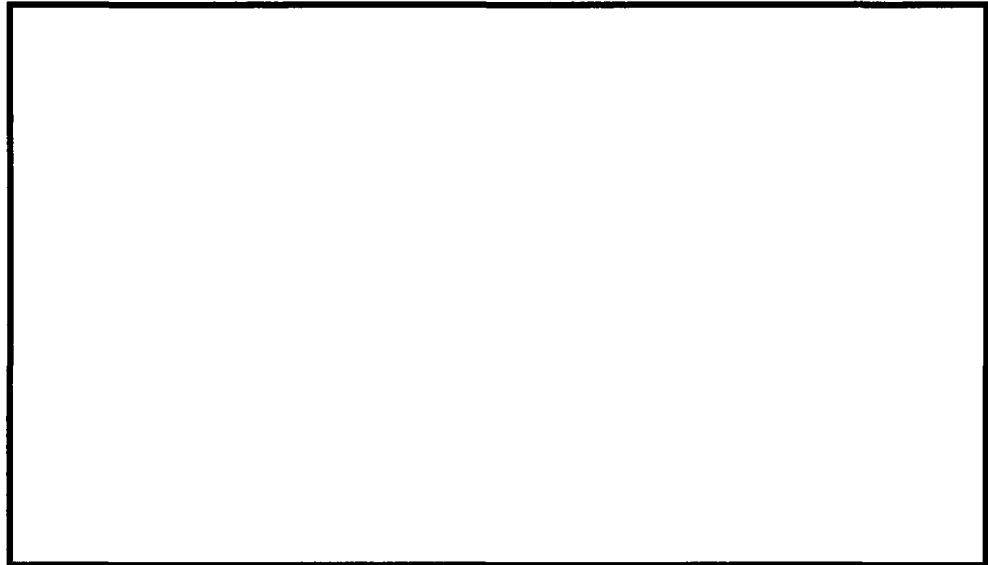
From:
Sent:
To:

[Redacted] (OGC) (FBI)
Wednesday, March 14, 2007 5:40 PM
KELLEY, PATRICK W. (OGC) (FBI) [Redacted] (OGC) (FBI)



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Subject: DOJ IG Reports
UNCLASSIFIED
NON-RECORD

CDCs/ADCs:

Please note that the **DOJ IG Reports RE "National Security Letters" and "Section 215 Orders for Business Records"** are now available on the OGC Main Law Library website http://30.30.204.57/libraries/doj_ig_reports/

I believe DGC Elaine Lammert has already sent you an e-mail RE the IG report on NSLs.

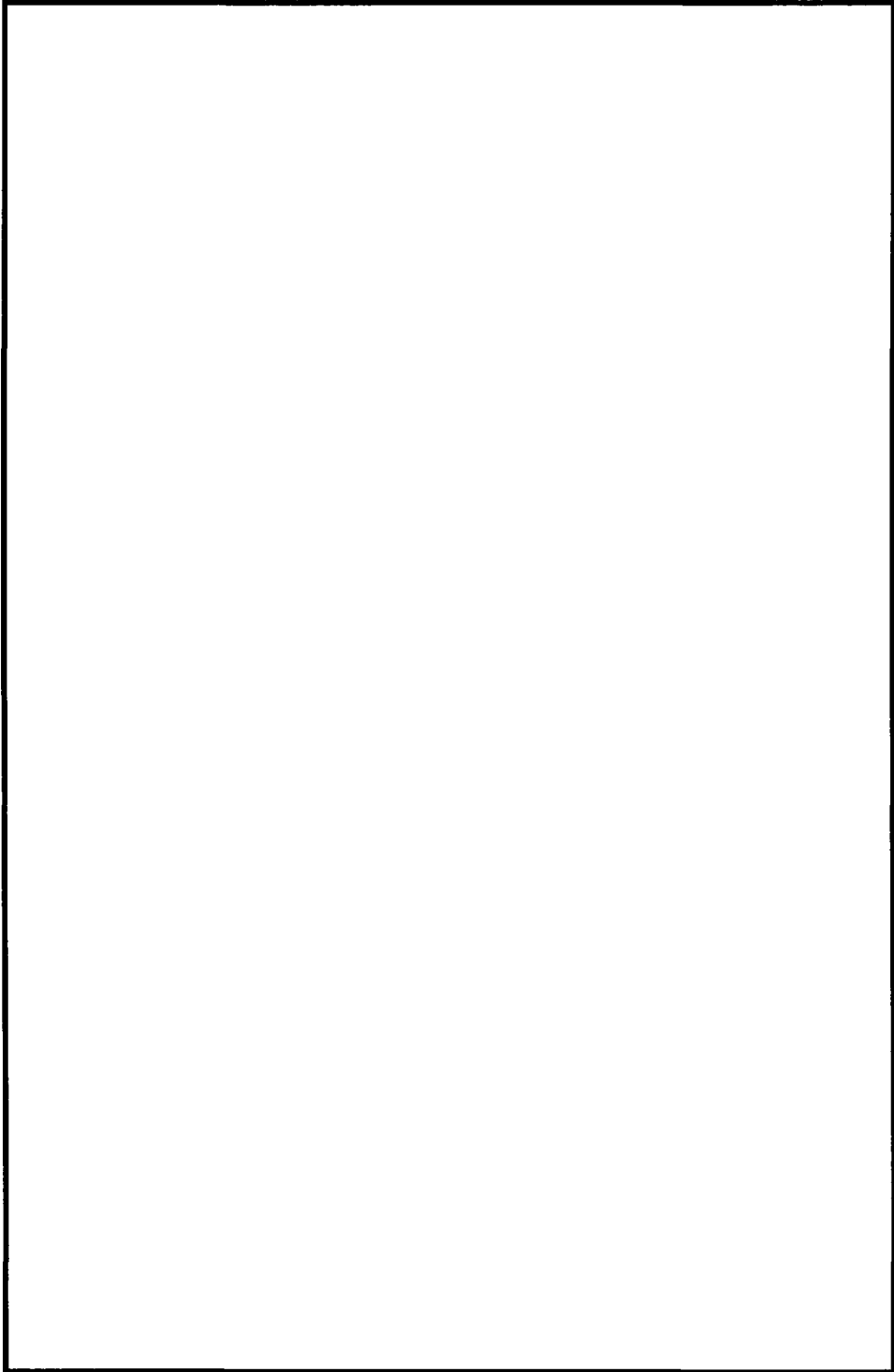
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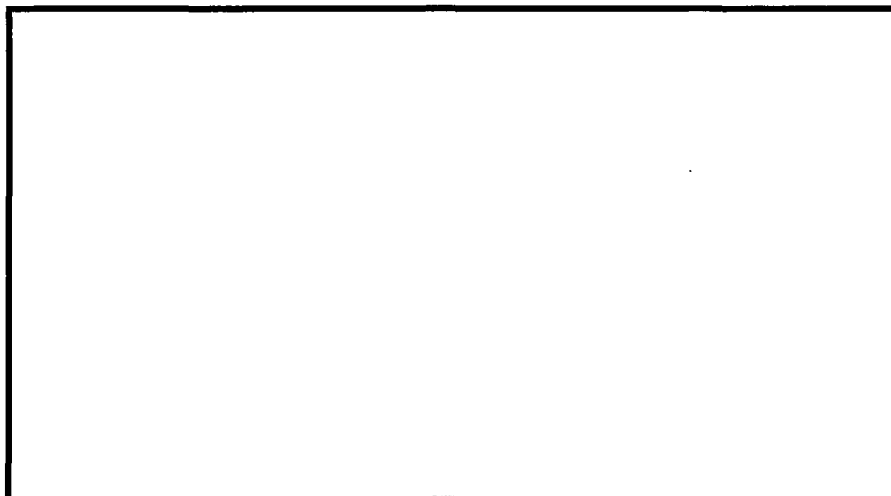
From:
Sent:
To:

[Redacted] (OGC) (FBI)
Tuesday, December 06, 2005 4:00 PM
CAPRONI, VALERIE E. (OGC) (FBI); STEELE, CHARLES M. (DO) (FBI);
WEISSMANN, ANDREW (DO) (OGA); WILLIAMS, JEFFERY A. (OGC) (FBI);
BOWMAN, MARION E. (OI) (FBI) [Redacted]



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Subject:
UNCLASSIFIED
NON-RECORD

DOJ's response to Congress re Washington Post article on NSLs

Attached is the letter from William Moschella, AAG at DOJ, to the House and Senate Judiciary Committees, re the *Washington Post* article from last month re NSLs (which I previously sent all of you).



NSL_rebuttal_letter
.pdf (529 K...

UNCLASSIFIED

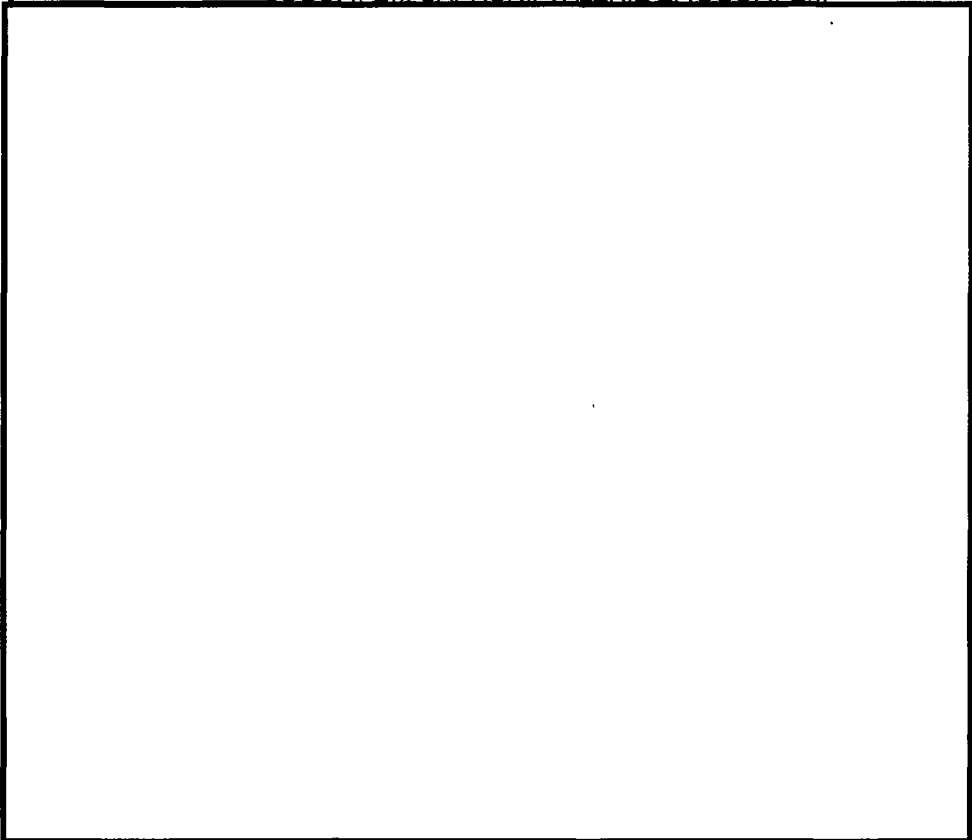
From:
Sent:
To:

[Redacted]

(OGC) (FBI)

Tuesday, March 13, 2007 4:02 PM

[Redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI);



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b7C

Subject: IG report
UNCLASSIFIED
NON-RECORD

[Redacted]

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The OIG Report RE NSLs is now on the Main Law Library website under the DOJ IG REPORTS Category http://30.30.204.57/libraries/doj_documents/ig_national_security_letters.pdf
*****Note that because this is such a large document, it may take a minute or two for some folks to open*****

[Redacted]

will post the IG Report RE section 215 of the PATRIOT Act tomorrow.

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DATE 06-08-2007 BY 65179 DMH/KSR/JW

*Freedom of Information
and
Privacy Acts*

*SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTO | CD | Volume 22*



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 9

Page 2 ~ b5

Page 3 ~ b2, b5, b7E

Page 4 ~ b1, b2, b5, b7E

Page 5 ~ b1, b5

Page 6 ~ Duplicate EC dated 3/28/07/IOB Guidance

Page 7 ~ Duplicate

Page 8 ~ Duplicate

Page 9 ~ Duplicate

Page 10 ~ Duplicate

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X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
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From: [redacted] (FBI)
Sent: Wednesday, March 28, 2007 2:12 PM
To: [redacted] (OGC) (FBI); HQ-Div09-NSLB; FBI_ALL CDCs;
CAPRONI, VALERIE E. (OGC) (FBI)
Subject: RE: Further Guidance Relating to IOB Issues

b2
b7E
b6
b7C

~~SECRET~~
~~RECORD IOB~~

[redacted] Thanks for your helpful FAQs. Just a few comments in regard to Numbers 7 and 11.

In regard to [redacted]

[redacted]

b7D
b5
b2
b7E

In regard to [redacted]

[redacted]

[redacted]

[redacted]

DECLASSIFIED BY 65179/DMH/KSR/RM
ON 06-08-2007

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b7C
b2
b7E
b6
b7C

CDC [redacted]
[redacted]

1073946

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 11:40 AM
To: HQ-Div09-NSLB; FBI_ALL CDCs; CAPRONI, VALERIE E. (OGC) (FBI)
Subject: Further Guidance Relating to IOB Issues

~~SECRET~~
~~RECORD IOB~~

*Freedom of Information
and
Privacy Acts*

*SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD|CD|Volume 23*



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 5
Page 6 ~ Duplicate 3/20/07 letter
Page 7 ~ Duplicate
Page 8 ~ Duplicate EC dated 3/24/07
Page 9 ~ Duplicate
Page 11 ~ Duplicate 3/19/07 letter

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U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216

One Hundred Tenth Congress

March 20, 2007

Ms. Valerie Caproni
General Counsel
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

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DATE 06-09-2007 BY 65179 DMH/KSR/JW

Dear Ms. Caproni:

As part of our oversight regarding the Inspector General's Review of the F.B.I.'s Use of National Security Letters, please provide us with the following information (by close of business on April 4 if possible):

- 1) copies of all e-mails, memoranda, and other documents that relate to the F.B.I.'s use of "exigent letters," as well as transcripts of your interviews conducted on the issue.
- 2) please identify all of the F.B.I. personnel who participated in the creation and issuance of the "exigent letters."
- 3) copies of all documents, including internal memoranda, pertaining to the F.B.I.'s Communications Analysis Unit's contracts with the three telephone companies identified in the Inspector General's Report, and identify all F.B.I. attorneys who participated in the review and approval of those contracts.
- 4) copies of all documents pertaining to the information that the F.B.I. acquired through the use of National Security Letters (NSLs) pertaining to individuals who the F.B.I. concluded were irrelevant to terrorism investigations.
- 5) copies of all documents pertaining to the F.B.I.'s standards regarding the maintenance of the Office of General Counsel's National Security Letter database.
- 6) please detail the internal F.B.I. standards for the reporting of possible Intelligence Oversight Board violations, and provide any documents related thereto.
- 7) please identify F.B.I. standards pertaining to the review of investigative files to ensure that supervisory review of National Security Letter approval memoranda has occurred, and that the relevant authorizing statutes are in the NSLs.

8) copies of all internal communications relating to the F.B.I.'s use of Certificate Letters to obtain financial records from the Federal Reserve Bank.

9) please detail the F.B.I.'s reasons for the retention of data pertaining to individuals who the F.B.I. has concluded are irrelevant to terrorism investigations.

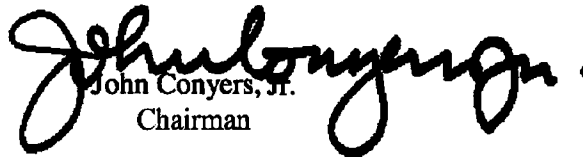
10) please explain why the F.B.I. had no policy or directive requiring the retention of signed copies of NSLs, or any requirement to upload NSLs in the F.B.I.'s case management system. Provide any documents relating to any decisions pertaining to this issue.

11) please detail why the F.B.I. does not have a uniform system for tracking responses to NSLs, either manually or electronically. Provide any documents relating to any decisions pertaining to this issue.

12) please detail why the F.B.I.'s database was unable to filter NSL requests for the same person in the same investigation.

13) please explain why the F.B.I. does not maintain records on NSL usefulness in criminal investigations and prosecutions.

Sincerely,


John Conyers, Jr.
Chairman

cc: Hon. Lamar S. Smith

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Saturday, March 24, 2007 1:44 PM
To: HQ-Div09-NSLB
Subject: FW: Congressional Request for Documents relating to OIG Review of NSLs / CAU Use of Exigent Letters

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NON-RECORD

Please read and begin gathering all email and other memoranda with respect to the exigent letter issue.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324- [redacted]
202-324- [redacted] (fax)

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DATE 06-11-2007 BY 65179 DMH/KSR/JW

b2

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Saturday, March 24, 2007 11:11 AM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: Congressional Request for Documents relating to OIG Review of NSLs / CAU Use of Exigent Letters

UNCLASSIFIED
NON-RECORD

Please have people gather all their email and documents relative to the exigent letter issue. Please interpret that broadly so all the recent email traffic on the spring audit, etc. should be included.

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

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Friday, March 23, 2007 12:46 PM
To: [redacted] (INSD) (FBI); [redacted] (INSD) (FBI); [redacted] (INSD) (FBI)
Cc: HARDY, DAVID (RMD) (FBI); [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); KALISCH, ELENI P. (OCA) (FBI); [redacted] (OCA) (FBI)
Subject: Congressional Request for Documents relating to OIG Review of NSLs / CAU Use of Exigent Letters

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Following up on our conversations, we have two congressional oversight requests for copies of documents relating to issues raised in the OIG audits on FSLs. Specifically, the **Senate Judiciary Committee** requests copies of any and all unclassified e-mails related to the exigent letters issued by CAU and **House Judiciary Committee** requests copies of all e-mails, memoranda, and other documents that relate to the F.B.I. use of exigent letters and copies of all documents, including internal memoranda, pertaining to the FBI CAU's contracts with the three telephone companies identified in the Inspector General's Report.

Based on my conversation with [redacted] I understand that documents that may be responsive to these requests were provided to the OIG by INSD and that INSD can provide copies of this production to OCA. To the extent that there are documents responsive to the congressional request that were not produced to the OIG, [redacted] advised that the material will be gathered in connection with the anticipated CAU inspection and a set of the gathered material provided to OCA.

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I've also cc'd Dave Hardy and [redacted] to this email as there is a pending FOIA request that overlaps with the requests made by congressional oversight committees. If material is gathered in connection with the FOIA request that would be responsive to the congressional requests, please provide OCA with a copies of these documents.

Finally, I've attached an email from [redacted] in ITOD responding to our query concerning the ability to pull backups of email. She identified individuals in ITOD who can assist in gathering emails that people still have. That info is offered to assist INSD, if appropriate, for the upcoming CAU inspection.

Welcome further discussion and appreciate your assistance. Thanks,

Beth Beers
Office of Congressional Affairs
202-324-[redacted]



RE: E-Mails



Conyers incoming
re NSLs.pdf (...)



Grassley request
for CAU email...

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EXEC Ser

United States Senate
WASHINGTON, DC 20510

March 19, 2007

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

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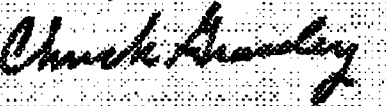
Dear Director Mueller:

I am writing today in response to the Justice Department Inspector General's March 9, 2007, report entitled "A Review of the Federal Bureau of Investigation's Use of National Security Letters" and in anticipation of the Inspector General's testimony next week before the Judiciary Committee. In my view, the most troubling section of the report begins on p. 86 and is entitled "Using 'Exigent Letters' rather than ECPA National Security Letters." That section describes how an FBI headquarters division known as the Communications Analysis Unit ("CAU") obtained information on about 3,000 telephone numbers by issuing 739 so-called "exigent letters."

In exercising our oversight responsibilities, it is critical for the Judiciary Committee to obtain a fuller understanding of who at the FBI knew what about these exigent letters, and when they knew it. Therefore, in order to prepare for next week's hearing, please provide copies of any and all unclassified e-mails related to the exigent letters issued by CAU.

If you have any questions about this request, please contact [redacted] at (202) 224-[redacted]. A copy of all correspondence in reply should be sent electronically in PDF format to [redacted] or via facsimile to (202) [redacted].

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Sincerely,

Charles E. Grassley
U.S. Senator

cc: Senator Patrick Leahy, Chairman
Committee on the Judiciary

Senator Arlen Specter, Ranking Member
Committee on the Judiciary

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Friday, March 09, 2007 8:59 AM
To: HQ-Div09-NSLB
Subject: FW: Key excerpts

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Food for thought

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-8528
202-324-1023 (fax)
Julie.Thomas@ic.fbi.gov

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

From: MONACO, LISA (DO) (OGA)
Sent: Thursday, March 08, 2007 8:36 PM
To: PISTOLE, JOHN S. (DO) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); MILLER, JOHN J. (OPA) (FBI);
KORTAN, MICHAEL P. (OPA) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); KALISCH, ELENI P. (OCA)
(FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: Key excerpts

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All -- attached is a document worked up by Val's folks with a few additions by me with key quotes



NSL quotes unclass
report.wpd ...

from the report. The boss will have it in the a.m.

UNCLASSIFIED

UNCLASSIFIED

Key Excerpts from the Unclassified IG Report

The FBI self-identified the inaccurate reporting, and told Congress a year ago

(pg. xvii and 33) : In March 2006, the FBI acknowledged to the Attorney General and Congress that NSL data in the semiannual classified reports may not have been accurate and stated that the data entry delays affected an unspecified number of NSL requests. After the FBI became aware of these delays, it took steps to reduce the impact of the delays to negligible levels for the second half of CY 2005.

The IG Found No Criminal Misconduct

(pg. xxviii, fn.26) : In this report, we use the terms "improper or illegal use" as contained in the Patriot Reauthorization Act. As noted below, the improper or illegal uses of the national security letter authorities we found in our review did not involve criminal misconduct. However, as also noted below, the improper or illegal uses we found included serious misuses of national security letter authority.

No deliberate or intentional violations; but rather, good faith mistakes; confusion

(pg. xxx): Our examination of the 26 possible IOB violations reported to FBI OGC did not reveal deliberate or intentional violations of NSL statutes, the Attorney General Guidelines or internal FBI policy. Although the majority of the possible violations - 22 of 26 - arose from FBI errors, most of them occurred because of typographical errors or the case agent's good faith but erroneous belief that the information requested related to an investigative subject.

(pg. xxxiii:) Our review did not reveal intentional violations of national security letter authorities, the Attorney General Guidelines or internal FBI policy. Rather, we found confusion about the authorities available under the various NSL statutes.

IG found in most cases we sought information we were entitled to

(pg. xlvi and 124): Finally, in evaluating the FBI's use of national security letters, it is important to note the significant challenges the FBI was facing during the period covered by our review and the major organizational changes it was undergoing. Moreover, it is also important to recognize that in most cases the FBI was seeking to obtain information that it could have obtained properly if it had followed applicable statutes, guidelines, and internal policies. We also did not find any indication that the FBI's misuse of NSL authorities constituted criminal misconduct.

FBI seeking information to which it was entitled

(pg. 67): In evaluating this matters, it is important to recognize that in most cases, the FBI was seeking to obtain information that it could have obtained properly if it had followed applicable statutes, guidelines, and internal policies. We also did not find any indication that the FBI's misuse of NSL authorities constituted criminal misconduct.

Errors were not deliberate attempts to circumvent statutes

(pg. 77): While the errors resulted in the acquisition of information not relevant to an authorized investigation, they did not manifest deliberate attempts to circumvent statutory limitations or Departmental policies and appropriate remedial action was taken.

(pg. 103) (control file issue) We believe that the CAU officials and the EOPS Unit. Chief concluded in good faith that the FBI had sufficient predication either to connect these national security letters with existing investigations or to open new investigations in compliance with the Attorney General's NSI Guidelines.

FBI has now provided the needed guidance

(pg. 107): Overall, we believe that the FBI has now provided needed guidance and support to field personnel to facilitate production of approval documentation compliant with statutory requirements, Attorney General Guidelines and internal FBI policies. Nonetheless, we believe the FBI should improve its compliance with the internal controls governing its exercise of national security letter authorities...

(pg. 126) We believe that these recommendations, if fully implemented, can improve the accuracy of the reporting of the FBI's use of national security letters and ensure the FBI's compliance with the requirements governing their use.

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 21, 2007 2:24 PM
To: HQ-Div09-NSLB
Subject: Please await an all CDC email

UNCLASSIFIED
NON-RECORD

We are getting a tremendous amount of questions from the CDCs reflecting confusion about the ongoing NSL audit in the field offices. I have met with Inspection Division and will shortly send out an all CDC email giving some additional guidance regarding the reporting of potential IOBs. Please wait to read that advice before answering questions that are not clearly set forth in the November 2006 external guidance.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324- [redacted]
202-324- [redacted] (fax)

b2

[redacted]

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DATE 06-11-2007 BY 65179 DMH/KSR/JW

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From: [redacted] (ITOD) (FBI)
Sent: Thursday, March 22, 2007 7:45 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: HARDY, DAVID (RMD) (FBI); [redacted] (ITOD) (FBI)
Subject: RE: E-Mails

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NON-RECORD

Beth,

Unfortunately, we only keep backups of emails for 90 days. There is no way that we can go back to this time period and search for emails. If there is a requirement to search on-line emails that people still have, the ESOC can assist in that. You can contact [redacted]

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[redacted] Sorry we couldn't have helped out with this.

[redacted]

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DATE 06-11-2007 BY 65179 DMH/KSR/JW

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

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Wednesday, March 21, 2007 5:26 PM
To: [redacted] (ITOD) (FBI)
Cc: HARDY, DAVID (RMD) (FBI)
Subject: FW: E-Mails

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UNCLASSIFIED
NON-RECORD

[redacted] Per our conversation, we have two congressional requests seeking copies of any and all unclassified e-mails related to the exigent letters issued by the Communications Analysis Unit (CAU), Counterterrorism Division. Copies of the letters are attached. For your background, the DOJ OIG Rpt referenced in the letters reviewed the use of 'exigent letters' by CAU during the 2003 - 2005 timeframe. I've provided a link to the OIG Rpt in the event it can assist in determining ability to retrieve potentially responsive records.

b2

b6
b7C

[redacted]

In addition, I'm aware that FOIA is in receipt of a request seeking emails TO, FROM and CC'd to [redacted] on topics addressed in recent NY Times and Wash Post articles regarding NSLs. I've cc'd Dave Hardy of the FOIA Section

I look forward to talking with you tomorrow re whether ITOD can assist in retrieving responsive records. Thanks,

<< File: Conyers incoming re NSLs.pdf >> << File: Grassley request for CAU emails.pdf >>

Beth Beers
Office of Congressional Affairs
202-324-[redacted]

b2

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

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Wednesday, March 21, 2007 5:01 PM
To: [redacted] (ITOD)(FBI)
Cc: [redacted] (ITOD)(FBI); [redacted] (ITOD)(FBI); BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: RE: E-Mails

b6
b7C

UNCLASSIFIED

NON-RECORD

Thanks so much for the response. OCA will be in touch to follow up on the requests.

b6
b7C

-----Original Message-----
From: [REDACTED] (ITOD)(FBI)
Sent: Wednesday, March 21, 2007 4:54 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (ITOD)(FBI); [REDACTED] (ITOD)(FBI)
Subject: RE: E-Mails

UNCLASSIFIED
NON-RECORD

Eleni,

b6
b7C
b2

Good Afternoon. Your contact regarding Congressional requests for copies of FBI E-mails is [REDACTED]. She is the ITOD Unit Chief over the E-Mail Unit.

[REDACTED]

-----Original Message-----
From: [REDACTED] (ITOD)(FBI) On Behalf Of [REDACTED] (ITOD) (FBI)
Sent: Wednesday, March 21, 2007 4:35 PM
To: [REDACTED] (ITOD) (FBI); [REDACTED] (ITOD)(FBI)
Subject: FW: E-Mails

UNCLASSIFIED
NON-RECORD

[REDACTED]

I talked to [REDACTED] regarding this email and he asks that you respond back to Eleni Kalisch soon. He thinks this is time sensitive.

b6
b7C

thanks

-----Original Message-----
From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Wednesday, March 21, 2007 2:16 PM
To: [REDACTED] (ITOD) (FBI)
Cc: AZMI, ZALMAI (DO) (FBI)
Subject: E-Mails

UNCLASSIFIED
NON-RECORD

[REDACTED]

We are receiving Congressional requests for copies of FBI e-mails by the Communications Analysis Unit and others regarding the use of exigent letters in lieu of National Security Letters. Please let me know who the ITOD contact will be for my office to work with in ensuring that these requests are addressed expeditiously.

Thanks,
Eleni

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

b6
b7C

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 9:07 AM
To: FBI ALL CDCs; HQ-Div09-NSLB
Cc: [REDACTED] (INSD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Subject: Receipt of Information in Response to NSLs

UNCLASSIFIED
NON-RECORD

As the current NSL inspection continues, NSLB continues to receive numerous questions. Of particular note, in response to an NSL for subscriber information only, certain carriers are providing information in excess of that which is requested. NSLB/OGC is determining the appropriate manner in which to proceed. In the interim, regarding NSLs for subscriber information only -- if you receive information from a phone carrier in response to a subscriber-only NSL, and it contains **ANY** information other than the customer's name, address, length of service, and/or account/telephone number subscribed to, please notify your CDC/ADC as soon as practical. **DO NOT** enter or upload that information into any file system or database, especially Social Security Numbers and dates of birth. CDCs and ADCs are instructed to sequester this information and await forthcoming guidance.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[REDACTED]
202-324-[REDACTED] (fax)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-11-2007 BY 65179 DMH/KSR/JU

b2

[REDACTED]

UNCLASSIFIED



From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Thursday, March 22, 2007 12:27 PM
To: FBI_ALL CDCs
Cc: CAPRONI, VALERIE E. (OGC) (FBI); HQ-Div09-NSLB
Subject: Response to Guidance

UNCLASSIFIED
NON-RECORD

Thank you to all for the responses we have been receiving to interim guidance we have been giving. I look forward to those responses but, unfortunately, the press of business will not allow me to respond individually to each. They are being reviewed and will assist us as we craft **permanent** guidance going forward.

I know this is an extremely difficult and uncertain time. OGC/NSLB is doing everything humanly possible to respond to Congress, the OIG, and the field's concerns about the use of NSLs and our other national security tools.

Thank you for your patience.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-
202-324-

ALL INFORMATION CONTAINED
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DATE 06-11-2007 BY 65179 DMH/KSR/JW

1073946

b2

UNCLASSIFIED

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: C 7 D | C D | volume 24



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 17

Page 1 ~ Duplicate 8/19/05 e-mail/Folder 15/CTD
Page 2 ~ Duplicate
Page 3 ~ Duplicate
Page 4 ~ Duplicate
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Page 12 ~ Duplicate 8/19/05 e-mail/CTD folder 16
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X Deleted Page(s) X
X No Duplication Fee X
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*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS
FOLDER: CTD| CD| volume 25



Federal Bureau of Investigation

b6
b7C
b5

2RE Drafat Letter re: [redacted] txt
MessageFrom: [redacted] (OGC) (FBI)
Sent: Tuesday, October 25, 2005 2:34 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (CID) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Drafat Letter re: [redacted]

UNCLASSIFIED
NON-RECORD

The letter for the most part looks fine to me.

[Large redacted block]

b5
b2
b7E

[redacted]

b6
b7C
b2

Assistant General Counsel
National Security Law Branch
Room [redacted]
571 [redacted]
Ext. [redacted] (internal use only)

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

b6
b7C
b5

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 25, 2005 2:06 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (CID) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Drafat Letter re: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

b6
b7C
b5

Should I recommend t [redacted]
[redacted]

[redacted]

b6
b7C
b2

Assistant General Counsel
National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III: (202) 324 [redacted]
Unclassified Fax: (202) 324 [redacted]
Secure Fax: (202) [redacted]

1073946

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179/DMH/KSR/RW

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

2RE Drafat Letter re [redacted].txt
From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 25, 2005 1:56 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (CID) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Drafat Letter re [redacted]

b6
b7C
b5

UNCLASSIFIED
NON-RECORD

[redacted] I sent this to CID [redacted]
[redacted]

b5
b2
b7E
b6
b7C
b2

[redacted]
Assistant General Counsel
Policy & Training Unit
National Security Law Branch
(202) 324 [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 25, 2005 1:53 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: Drafat Letter re: [redacted]

b6
b7C
b5

UNCLASSIFIED
NON-RECORD

[redacted]

b5
b2
b7E

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 25, 2005 1:00 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Drafat Letter re: [redacted]

b6
b7C
b5

UNCLASSIFIED

b5
b6
b7C
b2

2RE Drafat Letter re [redacted] ext
the reasons for your division's position. If your division opposes the letter fully or
in part, but believes that it can be remedied by changes in the verbiage, please
describe in detail what should be added, deleted, or changed, including recommendations
for substitute language sufficient to correct the objectionable section(s).

Please E-mail your comments to SSA [redacted] (ext. [redacted] with a cc to [redacted]
[redacted] Your comments should be prepared in Microsoft Word format which is suitable for
dissemination to DOJ and to congressional staff. Please send these comments to the OCA
contact person as an attachment to your E-mail. If you have additional comments which
are not suitable for dissemination, please include them in the body of your E-mail
separate and apart from the attachment. If your division is not taking a position and
has no comments, please send an E-mail to the OCA contact person stating such.

DEADLINE COB 10-25-05. We appreciate your attention to this matter.

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

b6
b7C
b5

RE: Drafat Letter re: [redacted].txt
MessageFrom: [redacted] (OGC) (FBI)
Sent: Tuesday, October 25, 2005 2:34 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (CID) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Drafat Letter re: [redacted] (BSA)

UNCLASSIFIED
NON-RECORD

The letter for the most part looks fine to me.

[Large redacted block]

b5
b2
b7E

[redacted]
Assistant General Counsel
National Security Law Branch
Room [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179/DMH/KSR/RW

b6
b7C
b2
b6
b7C
b5

Ext. [redacted] (internal use only)
-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 25, 2005 2:06 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] LAURA F. (CID) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Drafat Letter re: [redacted]

UNCLASSIFIED
NON-RECORD

b6
b7C
b5
b6
b7C
b2

[redacted]
Should I recommend [redacted]

Assistant General Counsel
National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III: (202) 324-[redacted]
Unclassified Fax: (202) 324-[redacted]
Secure Fax: (202) 324-[redacted]

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

RE Drafat Letter re [redacted] txt
the reasons for your division's position. If your division opposes the letter fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).

b5
b6
b7C
b2

Please E-mail your comments to SSA [redacted] (ext. [redacted] with a cc to [redacted] [redacted]. Your comments should be prepared in Microsoft Word format which is suitable for dissemination to DOJ and to congressional staff. Please send these comments to the OCA contact person as an attachment to your E-mail. If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment. If your division is not taking a position and has no comments, please send an E-mail to the OCA contact person stating such.

DEADLINE COB 10-25-05. we appreciate your attention to this matter.

UNCLASSIFIED

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*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: CTD | CD | Volume 26



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 9
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Page 2 ~ b1, b2, b6, b7C, b7E
Page 3 ~ b2, b7E
Page 10 ~ Duplicate e-mail 6/23/06
Page 11 ~ Duplicate
Page 12 ~ Duplicate
Page 13 ~ Duplicate E-mail dated 6/30/06
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Page 15 ~ Duplicate

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X Deleted Page(s) X
X No Duplication Fee X
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~~SECRET~~

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Monday, July 03, 2006 9:12 AM
To: [redacted] (OGC)(FBI)
Subject: FW: Overcollection of Records RELATED TO ISSUED NSLs

(S) b1

~~SECRET~~
~~RECOR~~ [redacted]

[redacted]

NSL embedded below for review per your request.

b6
b7C

[redacted]

b2

Supervisory Special Agent
CTD/ITOS I/CONUS II

[redacted]

[redacted] (Desk)
[redacted] (Pager)

b6
b7C

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

b2
b7E

From: [redacted] (OGA)
Sent: Monday, July 03, 2006 8:55 AM
To: [redacted] (CTD) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: Overcollection of Records RELATED TO ISSUED NSLs

(S)

b1

~~SECRET~~
~~RECOR~~ [redacted]

b6
b7C

[redacted]

I am attaching the NSL that I submitted [redacted] and ended up getting an overcollection of information. I asked for records from [redacted] through the present and got records that were available from the date of inception through the "present." I had written two ECs that included information that was listed in the "overcollection." I already charged one of them out, because when I submitted a new NSL for all available records from the date of inception through the present some of the data had changed. I removed any data that was not included with the NEW results. Regarding the second EC I wrote using information from the "overcollection" - if the data is the same can I keep my original EC in ACS or should I charge it out? Right now it appears that times that some of the e-mails were sent may vary, based on it being reported [redacted]

(S)

b1
b7D

[redacted] I didn't know if this second serial should be charged out since it was dated prior to the NEW results being received. Or if it can stand as it is.

b6
b7C
b2

[redacted]

DATE: 06-08-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-08-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~



14.NSL (42 KB)

b6
b7C

b6
b7C
b2
b7E

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

From: [redacted] (CTD) (FBI)
Sent: Friday, June 30, 2006 5:33 PM
To: [redacted] (OGA)
Cc: [redacted] (FBI); [redacted] (CTD) (FBI); [redacted] (OGC)(FBI)
Subject: RE: Overcollection of Records RELATED TO ISSUED NSLs

(S)

~~SECRET~~
~~RECORD~~ [redacted]

b1

[redacted]

One more necessary evil, but it could be of benefit.

NSLB would like to get copies of the NSLs you've issued that resulted in the Provider sending more than what was requested. We would like to check the specific language to see if there is anything in the body that would cover the extra material they gave. If not, as in the past "over collections," they will need to be reported as "potential IOBs" even if you've issued a new NSL for that info.

b6
b7C

[redacted] here have no way of know which ones resulted in the Provider errors. If you could attach all the related ones to a reply e-mail with some background explanation related to each we will review them. Let's hope that the boiler plate language covers you regardless of your specific listed time frames, but [redacted] is a you know what. Any questions, let me know. Thanks.

[redacted]

b6
b7C
b2

Supervisory Special Agent
CTD/ITOS I/CONUS II

[redacted] (Desk)
[redacted] (Pager)

b6
b7C
b2
b7E

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

From: [redacted] (OGA)
Sent: Friday, June 23, 2006 9:00 AM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Cc: [redacted] (FBI)
Subject: Overcollection of Records

(S)

~~SECRET~~
~~RECORD~~ [redacted]

b1

[redacted]

b6
b7C

~~SECRET~~

(S) b1
b6
b7C

I just wanted to inform you about an overcollection of records [redacted]
[redacted] I am working on getting the situation corrected at this time. There were a couple of instances within the past few months and even though I didn't ask for these records I need to report it to the IOB.

b1
b7D
b6
b7C

The first instance [redacted] provided records [redacted] I did not realize that it was a big deal to use the "extra" records. [redacted] No NSLs were issued off the "extra" records. [redacted] Our CDC brought up the "overcollection" issue since it has been in the news. [redacted] I am not supposed to use these records [redacted] I submitted another NSL to ask for the records again.

b1
b7D
b6
b7C
b2

The problem I am running into now - is the records are not exactly the same - since [redacted] I will charge out the EC and resubmit another without [redacted] so I can be in compliance with not "overcollecting." [redacted] was not referenced in any other ECs associated with my case. However, it did pop up in another [redacted] No references were made to my case based upon [redacted] in any other case investigations.

b7E

The second serial I wrote has to do with [redacted] I got the same results from the second NSL results, [redacted] are off by 8 hours - which probably has to do with how [redacted] captures it - whether it is GMT or PST. I asked San Francisco to check with [redacted] on the times - so I will know if the times reported in my original EC are correct. If they are not, I can charge out that EC and fix the times. If you think I should charge it anyways, since I wasn't supposed to have those records at that time - I can do that and resubmit another EC with the same information, but dated later. By the way, with the new NSL results there is also one more [redacted] that showed up [redacted]

b1
b7D
b6
b7C

One of the phone companies gave me subscriber results I did not request, so that will be reported to the IOB. I wanted subscriber information for the phone number they provided, they just gave it to me for the wrong time period.

b1
b2
b7E
b6
b7C

Also - it appears that I got "extra" records [redacted]
[redacted]

(S)
b1
b7D
b2
b7E

[Redacted]
[Redacted] I have been working with [Redacted] and the [Redacted] tech guys to get this resolved. Our CDC thinks these records should be sequestered - so it is up to [Redacted] to do this. I will let you know when it is done.
[Redacted]

(S)
b1
b7D
b2
b7E

I will most likely report to the IOB that [Redacted] gave me transactional records I did not request. At the time I got them our CDC thought it would be good enough for [Redacted] to document that [Redacted] willingly provided the records - and that was the end of it. [Redacted]
[Redacted] Now we are re-visiting this, I am going to double check with our CDC and make sure these records need to be sequestered.

I am keeping my fingers crossed that there are no more after this.... If you have any questions, and I have thoroughly confused you let me know. I will provide you with a copy of the EC regarding the IOB violations when it is done.

b6
b7C
b2

[Redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

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DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

b6
b7C
b2
b7E

From: [redacted] (CTD) (FBI)
Sent: Friday, June 30, 2006 3:43 PM
To: [redacted] (OGC) (OGA)
Cc: [redacted] (OGA) [redacted] (OGC)(FBI); [redacted] (OGC) (FBI)
Subject: FW: Overcollection of Records

(S) ~~SECRET~~
~~RECORD~~ [redacted] b1

b6
b7C
(S) b1

[redacted] has advised that after the provider was served the court orders [redacted] they inadvertently provided [redacted] pre-dated the court authorization period. Correct me if I'm wrong, but we will probably want to let the FISC know about the Provider error. We should be able to issue an NSL to legally collect that data if necessary.

b6
b7C
b2

Supervisory Special Agent
CTD/ITOS I/CONUS II

[redacted] (Desk)
[redacted] (ager)

b6
b7C
b2
b7E

-----Original Message-----
From: [redacted] (OGA)
Sent: Friday, June 23, 2006 9:00 AM
To: [redacted] (CTD) (FBI) [redacted] (CTD) (FBI)
Cc: [redacted] (FBI)
Subject: Overcollection of Records

(S) ~~SECRET~~
~~RECORD~~ [redacted] b1

b6
b7C

Hi [redacted]

I just wanted to inform you about an overcollection of records [redacted]
I am working on getting the situation corrected at this time. Appears that I got "extra" records [redacted]

b1
b6
b7C
b2
b7E

(S) [redacted]

[redacted] I have been working with [redacted] to get this resolved. Our CDC thinks these records should be sequestered - so it is up to [redacted] to do this. I will let you know when it is done.

b6
b7C
b2

[redacted]

DATE: 06-08-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-08-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence
Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence
Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~SECRET~~

*Freedom of Information
and
Privacy Acts*

SUBJECT: NATIONAL SECURITY LETTERS

FOLDER: CTD | CD | volume 27



Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 5
Page 2 ~ Duplicate 8/19/05 e-mail/folder 8
Page 3 ~ Duplicate
Page 4 ~ Duplicate
Page 5 ~ Duplicate
Page 6 ~ Duplicate

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

b6
b7C
b2

MessageFrom: [redacted] Question.txt (FBI)
Sent: Friday, August 19, 2005 1:17 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (FBI)
Subject: Question . . .

~~SECRET~~
RECORD 66

b6
b7C

[redacted]

(S)

[redacted]

b1
b5

b6
b7C
b2

SSA [redacted]
[redacted]

[redacted]

b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

DATE: 06-15-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-15-2032
1073946

ALL INFORMATION CONTAINED
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