

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: 1st Q 2007

DATE OF INCIDENT: [REDACTED]

DATE OF REPORT TO IOB: December 31, 2007

DATE OF REPORT TO DEPARTMENT/AGENCY: April 5, 2007

4/30/08

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info.

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 [REDACTED]

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OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Reported to the IOB

*DATE OF FINAL DISPOSITION:

~~SECRET//20180118~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1733 (U)

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(U) By electronic communication dated March 22, 2007, the [REDACTED] Field Office [REDACTED] reported a potential IOB error in conjunction with its ongoing investigation of a United States Person.

(U)

~~(S)~~ On 04/11/2005, [REDACTED] issued an approved Right to Financial Privacy Act (RFPA) National Security Letter (NSL) to a financial institution, for subject records from [REDACTED]. [REDACTED] The financial institution returned responsive records as well as additional records prior to [REDACTED] analyzed the results and uploaded a summary to an FBI database, thereby compounding the error. The data has since been sequestered with the field office counsel and purged from the FBI database.

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(U) The field office has been instructed to continue to sequester the overproduction, and either issue a curative NSL or return or destroy the additional data in accordance with the financial institution's wishes.

DECLASSIFIED BY 65179/DMH/sdb
ON 05-10-2010

~~Derived from: G-3
Declassify on: 20180118~~

~~SECRET//20180118~~

~~Cardezo-IOB-241~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 4/11/05

DATE OF REPORT TO IOB: 4/30/08

DATE OF REPORT TO DEPARTMENT/AGENCY: 3/22/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (RFFPA, 12 U.S.C. § 3414 (a) (5) (A))

FISA (50 U.S.C. 1801)

Other (U.S.C. citation:)

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation:)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation:)

DEPARTMENT/AGENCY ACTION: Return or destroy

*DATE OF FINAL DISPOSITION:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdb

~~SECRET//20180221~~

INTELLIGENCE OVERSIGHT BOARD MATTER

(U)

[REDACTED] DIVISION
IOB MATTER 2007-1608 (U)

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~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that in conducting a counterintelligence investigation of a United States person, the [REDACTED] Field Office [REDACTED] received toll billing records in response to a subscriber NSL. This third party overproduction was documented in an electronic communication (EC) which was uploaded into the FBI's Automated Case Support (ACS).

(U)

~~(S)~~ As stated above, [REDACTED] prepared a subscriber NSL for service on a provider in relation to an ongoing counterintelligence investigation. The NSL was forwarded to the [REDACTED] Field Office [REDACTED] for service. In response, the carrier provided the requested records as well toll records related to the account. Upon receipt of the results from the carrier, [REDACTED] documented the toll records information into an EC and uploaded the EC into the ACS case file for [REDACTED]. Upon review of the results, [REDACTED] identified the over-production and provided the toll records to their CDC for sequestration.

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(U) FBI offices geographically located with telecommunications and financial services companies around the country, whose personnel are asked to serve NSLs for all the FBI, have been advised of this challenge. These offices are making efforts through training and protocols to prevent third party over-productions from being compounded when transmitting the results back to the requesting office.

~~Derived from: G-3
Declassify on: 02/21/2018~~

~~SECRET//20180221~~

Cardozo-IOB-243

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/2008

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DATE OF REPORT TO DEPARTMENT/AGENCY: 04/03/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office): _____

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 USC 2709)

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info.
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section:)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

Sequester and either issue a new NSL or destroy or return the results to the provider.

*DATE OF FINAL DISPOSITION:

~~SECRET//20180222~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1371 (U)

(U)

(S) [REDACTED] issued a National Security Letter ("NSL") to a provider for electronic subscriber information (name, date and length of service). On 4/04/2007, while reviewing the response from the provider, [REDACTED] discovered that the provider had produced information beyond the scope of the NSL. Specifically, the provider produced information for a time period more than six months after the time period delineated in the NSL. By the time [REDACTED] discovered the over-production, it had already uploaded the information into Automated Case Support (ACS).

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(U) This matter is being reported because the field office compounded the provider's third party error by uploading the information onto ACS.

DECLASSIFIED BY 65179/DNH/sdb
ON 05-10-2010

~~Derived from : G-3
Declassify on: 02/22/2018~~

~~SECRET//20180222~~

Cardozo-IOB-245

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/2008

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DATE OF REPORT TO DEPARTMENT/AGENCY: 4/05/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 U.S.C. § 2709)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section:)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

Overproduction will either be purged from database, then destroyed or returned to provider. Field Office given the option to issue curative NSL to appropriately acquire these results if relevant to an open investigation.

*DATE OF FINAL DISPOSITION:

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-779-FCRA (U)

(U)

(S) During an authorized [REDACTED] [REDACTED] of a U.S. person, [REDACTED] sent a National Security Letter (NSL) to a credit reporting agency seeking both consumer identifying information and financial institution names and addresses under the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681u. The credit reporting agency produced a full credit report in response to the NSL. [REDACTED] summarized the full credit report in an EC, which was uploaded onto an FBI database. Upon discovering the over-production, [REDACTED] purged the documents containing the summary of the full credit report. [REDACTED] also sequestered the original production with an Associate Division Counsel (ADC).

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(U) In this case, an error was committed by the field office when it uploaded the over-produced information onto an FBI database. The field office has been instructed to purge the summary of the full credit report and redact all over-produced information from any other hard and uploaded records. The field office has been informed that it may maintain a copy of the full credit report with the over-produced information fully redacted. Finally, the field office has been instructed to contact the credit reporting agency and ask whether the original full credit report should be returned or destroyed, with appropriate documentation to the file.

DECLASSIFIED BY: 65179/DMH/sdb
ON 05-10-2010

~~SECRET~~

Cardozo-IOB-247

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08

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DATE OF REPORT TO DEPARTMENT/AGENCY: 03/13/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office): _____

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: Fair Credit Reporting Act, 15 U.S.C. § 1681u)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-3288-FCRA (U)

(U)

~~(S)~~ During a [REDACTED] of a U.S. person, [REDACTED] issued two (2) FCRA NSLs under 15 U.S.C. § 1681u(a) seeking financial institution names and addresses. In response, both credit reporting agencies produced full credit reports for the target. [REDACTED] drafted and uploaded onto an EC analyzing the full credit reports onto an FBI database. The EC contained substantive information from the full credit reports and was sent to the Counterintelligence Division (CD).

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(U) In this case, although the FBI obtained both full credit reports because of third party errors by the credit reporting agencies, the field office compounded the third party errors by uploading substantive information from the full credit reports on an FBI database and by disseminating the information to CD.

(U) The field office has been instructed to redact or purge all over-produced information from all hard and uploaded records, including its analysis on the FBI database. In addition, the field office has been instructed to contact the credit reporting agencies and ask whether the original full credit reports should be returned or destroyed, with appropriate documentation to the file.

DECLASSIFIED BY 65179/DMH/sdb
ON 05-10-2010

~~SECRET~~

Cardozo-IOB-249

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdb

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08

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DATE OF REPORT TO DEPARTMENT/AGENCY: 04/16/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: Fair Credit Reporting Act, 15 U.S.C. § 1681u)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET//20180130~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1883 (U)

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(U)

(S) The Federal Bureau of Investigation ("FBI") has determined that the [REDACTED] Field Office [REDACTED] issued an NSL, in response to which the carrier returned toll records for a period of time beyond the time period requested and the information was uploaded into a database.

(U)

(S) In this regard, on or about [REDACTED] initiated a [REDACTED] of a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA). During the course of this investigation, an NSL dated 06/13/2003 was issued pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, for toll billing information. The carrier returned information responsive to the request but, in doing so, also provided information for two years prior to the NSL time frame. The information was uploaded into a database. By EC dated 04/07/2007, the potential IOB violation was reported. [REDACTED] has been advised to remove the information from the database, to the extent it has not already done so, and to either destroy or return the material to the carrier, depending on the wishes of the carrier. (S)

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(U)

(U) The IOB has instructed OGC to report matters in which information overcollected due to carrier error is uploaded into a database. Thus, this situation is being reported to the IOB.

~~Derived From: G-3
Declassify on: 01/30/2018~~

~~SECRET//20180130~~

Cardozo-IOB-251

IOB SUMMARY SHEET

Name of Department or Agency: FBI OGC

CY Quarterly Report: 2007

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 07/31/08

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DATE OF REPORT TO DEPARTMENT/AGENCY: 04/07/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 USC 2709)

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines-name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Advised field to purge database; destroy or return overcollected material.
destroyed.

*DATE OF FINAL DISPOSITION:

~~SECRET//20180116~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

DIVISION

IOB MATTER 2007-897-NSL (U)

(U)

~~(S)~~ On or about 01/06/2004, properly prepared and issued a National Security Letter (NSL) requesting subscriber information for a telephone number believed to be associated with a U.S. person who was the subject of an authorized investigation. In response, the carrier provided the information requested for that telephone number plus information on eleven additional numbers associated with the subject. This information was beyond the scope of the NSL. Upon receiving this information from the carrier, uploaded it into an FBI database.

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(U) The field office was advised to either issue a curative NSL, or remove all records from any FBI database(s) and contact the carrier to determine whether the records should be returned or destroyed, with appropriate documentation to the file.

~~Derived From : G-3
Declassify On: 01/16/2018~~

~~SECRET//20180116~~

~~Cardozo IOB-253~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: 1stQ FY08

DATE OF INCIDENT: 01/06/2004

DATE OF REPORT TO IOB: ~~4/30/2007~~ 4/30/08

DATE OF REPORT TO DEPARTMENT/AGENCY: 04/10/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office): N/A

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)
 Other (U.S.C. citation: 18 U.S.C. 2709)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info
 Section 2.4 preamble: least intrusive collection
 Section 2.4(a) CIA electronic surveillance w/in US
 Section 2.4(b) unconsented physical search w/in US
 Section 2.4(c) physical surveillance of USP w/in US
 Section 2.4(d) physical surveillance of USP abroad
 Section 2.5 AG approval w/in US or against USP abroad
 Section 2.6 assistance to law enforcement
 Section 2.7 contracting
 Section 2.9 undisclosed participation
 Section 2.10 human experimentation
 Section 2.11 prohibition on assassination
 Section 2.12 indirect participation
 AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)
 Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
 Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Field office advised to remove records from FBI database(s) and contact the carrier to determine whether the records should be returned or destroyed.

*DATE OF FINAL DISPOSITION: ~~12/22/2007~~

~~SECRET//20180123~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] DIVISION

IOB MATTER 2006-0399NSL (U)

(U)

(S) On December 1, 2005, the [REDACTED] Division properly prepared and issued a National Security Letter (NSL) requesting e-mail address information for a U.S. person who was the subject of an authorized investigation. In response, the carrier provided the requested information but also provided history logs that were beyond the scope of the NSL. Upon receiving this information from the carrier, [REDACTED] conferred with its Chief Division Counsel (CDC) and it was interpreted that the carrier willingly provided the history logs.

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(S) [REDACTED] subsequently issued two NSLs based on information from the history logs. In response, the carrier provided IP address information, which [REDACTED] filed but never uploaded into any FBI databases.

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(U) (S) In May 2006, [REDACTED] learned that the history logs obtained pursuant to the original NSL were an overproduction of records. Upon discovery, [REDACTED] coordinated efforts to identify, remove and sequester all over-produced data. [REDACTED] gave the original results from the initial NSL and subsequent NSLs to the CDC for sequestration and ensured that only subscriber account information within the scope of the original NSL was filed. If not already accomplished, OGC advised [REDACTED]

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(U) By agreement with the Counsel to the IOB, third party errors in the production of information pursuant to an NSL must be reported to OGC as a potential IOB, but they are not reportable to the IOB unless the FBI compounded the error by uploading the excess information or undertaking other investigative activity on the basis of that information. In this case, [REDACTED] inadvertently compounded the third party error by issuing NSLs based on information derived from over-produced data. Therefore, this matter is reportable to the IOB.

~~Derived From : G-3
Declassify on: 01/23/2018~~

~~SECRET//20180123~~

Cardozo-IOB-255

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: 1stQ FY08

DATE OF INCIDENT: [REDACTED]

DATE OF REPORT TO IOB: 4/30/08

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DATE OF REPORT TO DEPARTMENT/AGENCY: 07/07/2006

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office): N/A

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 U.S.C. 2709)

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Upon discovery, the

[REDACTED]

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*DATE OF FINAL DISPOSITION:

~~SECRET//20180226~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2006-402 (U)

(U)

~~(S)~~ On February 27, 2006, the [REDACTED] Division [REDACTED] properly prepared and issued a National Security Letter (NSL) requesting e-mail address information from [REDACTED] for a United States person who was the subject of an authorized investigation. In response, the carrier provided the requested information but also provided records pertaining to the requested account from [REDACTED]

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(U)

~~(S)~~ On [REDACTED] sealed the results from the NSL and provided them to the [REDACTED] Chief Division Counsel to be sequestered. [REDACTED] also purged the over-produced information from FBI databases. Finally, [REDACTED] submitted a new NSL, dated May 16, 2006, requesting records for the email account from the date of inception through the time of service.

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(U) By agreement with the Counsel to the IOB, third party errors in the production of information pursuant to an NSL must be reported to OGC as a potential IOB, but they are not reportable to the IOB unless the FBI compounded the error by uploading the excess information or undertaking other investigative activity on the basis of that information. In this case, the FBI compounded the third party error by uploading information derived from over-produced data into an FBI database. Therefore, this matter is reportable to the IOB.

(U)

~~(S)~~

~~Derived From : G-3
Declassify On: 02/23/2018~~

~~SECRET//20180226~~

Cardozo-IOB-257

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT: Approximately

DATE OF REPORT TO IOB: 4/30/08

DATE OF REPORT TO DEPARTMENT/AGENCY: July 7, 2006

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DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 U.S.C. § 2709)

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section:)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: The FBI sequestered the overproduced information and purged the overproduced data from FBI databases. The FBI served a new NSL requesting records for the email account from the date of inception through the time of service.

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-258

~~SECRET//20180211~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-850-NSL (U)

(U)

(S) The Federal Bureau of Investigation ("FBI") has determined that in conducting an investigation the [REDACTED] Field Office [REDACTED], issued an NSL to which the carrier returned information beyond the scope of the request, namely information corresponding to the billing cycle of the customer, and the information was uploaded into a database.

b2
b7E

(U)

(S) In this regard, on [REDACTED] [REDACTED] opened a [REDACTED] of a "United States person" as that term is used in Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (FISA). On or about 08/16/2005, an NSL was issued pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, for telephone toll billing records. The carrier returned information responsive to the request but, in addition, provided records outside the time frame set forth in the NSL. The overcollected information was entered into [REDACTED] [REDACTED]. By EC dated 03/22/2007, the potential IOB violation was reported. Subsequently, the records were removed from the database and the case file and sequestered with the Chief Division Counsel.

b2
b7E

(U) The IOB has instructed OGC to report matters in which information overcollected due to carrier error is uploaded into a database. Thus, this situation is being reported to the IOB.

~~Derived from: G-3
Declassify on: 02/11/2018~~

~~SECRET//20180211~~

Cardozo-IOB-259

IOB SUMMARY SHEET

Name of Department or Agency: FBI OGC

CY Quarterly Report: 2007

DATE OF INCIDENT: 08/16/05 (issuance of NSL)

DATE OF REPORT TO IOB: 07/30/08

DATE OF REPORT TO DEPARTMENT/AGENCY: 03/22/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 USC 2709)

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Advised that matter was being reported to IOB; that information should be destroyed or returned to carrier. Information already purged from database.

*DATE OF FINAL DISPOSITION:

~~SECRET//20180213~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1106 (U)

b2
b7E

(U)

(S) On April 03, 2007, the [REDACTED] Division [REDACTED] reported a potential IOB error in conjunction with its ongoing [REDACTED] of a United States Person.

(U)

(S) By way of background, in January 2006, [REDACTED] issued an approved Right to Financial Privacy Act National Security Letter for financial records related to the subject for the time period between [REDACTED]. The NSL also requested the account inception date.

(U) In addition to providing the legally and properly requested information, the Bank also provided checks, ATM deposits and monthly statements that pre-dated [REDACTED] which resulted in an overproduction of records beyond the scope of the NSL request.

b2
b7E

(U)

(S) Subsequently, [REDACTED] analyzed the results of the information and uploaded some of the overproduced information onto Automated Case Support (ACS), which compounded the bank's error. The overproduction came to [REDACTED]'s attention during the NSL inspection of March 2007. Upon discovery of the overproduction, [REDACTED] immediately sequestered the information with the [REDACTED] Chief Division Counsel.

(U)

(S) [REDACTED] has been instructed to contact the Bank and ask whether the overproduced information should be returned or destroyed, with appropriate documentation to the file. [REDACTED] has also been instructed to remove the overproduced records from ACS and any other FBI database or investigative file. Finally, if the overproduced information is relevant to the investigation, [REDACTED] has been instructed that it has the option to issue a new NSL covering the overproduced period. If [REDACTED] issues a new NSL, the overproduced information must remain sequestered with the CDC until the bank properly responds to the new NSL request.

b2
b7E

~~Derived From: G-3
Declassify On: 02/13/2018~~

Cardozo-IOB-261

~~SECRET//20180213~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [redacted]

DATE OF REPORT TO IOB: April 30, 2008

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY:

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 12 U.S.C. Section 2709, Right to Financial Privacy Act)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: [redacted] has been instructed to contact the and ask whether the overproduced information should be returned or destroyed, with appropriate documentation to the file [redacted] has also been instructed to removed the overproduced records from ACS and any other FBI database or investigative file. Finally, if the overproduced information is relevant to the investigation, [redacted] has been instructed that it has the option to issue a new NSL covering the overproduced period. If [redacted] issues a new NSL, the overproduced information must remain sequestered with the CDC until the bank properly responds to the new NSL request.

b2
b7E

*DATE OF FINAL DISPOSITION:

~~SECRET//20180104~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE
IOB MATTER 2007-3161-FCRA (U)

(U)

~~(S)~~ During an authorized [REDACTED] of a U.S. person, [REDACTED] sent a National Security Letter (NSL) to a credit reporting agency seeking financial institution information under 15 U.S.C. § 1681u(a). [REDACTED] requested the names and addresses of all financial institutions with which this individual has or has had accounts as well as identifying information with regard to the individual. In response to the NSL, the credit reporting agency produced a "full credit report," which included information that was not requested in the NSL. [REDACTED] subsequently used the account numbers contained in the full credit report in its NSLs to a bank and credit card company pursuant to the Right to Financial Privacy Act (RFPA), 12 U.S.C. § 3414(a)(5), uploaded the NSLs which contained the account numbers into a database, and provided a copy of the full credit report to FBI, Headquarters.

b2
b7E

(U)

~~(S)~~ In this case, mistakes were made by [REDACTED] when it compounded the third party error by including the account number information in its RFPA NSLs to the bank and credit card company, uploading the RFPA NSLs which contained the account numbers into the database, as well as when disseminating the full credit report to FBI, Headquarters.

b2
b7E

(U) Given that the field office could have issued the RFPA NSLs based upon authorized financial institution information received pursuant to FCRA, 15 U.S.C. § 1681u(a), and would have ultimately discovered via the RFPA NSLs the subject's account numbers and the status of these accounts, we did not instruct the field office to redact the over-produced account number information from the RFPA NSL. The field office has been instructed, however, to contact FBI, Headquarters and direct it to destroy its copy of the full credit report. We also instructed the field office to contact the credit reporting agency to determine whether the original full credit report should be returned or destroyed, with appropriate documentation to the file.

~~(S) Derived from: G-3
Declassify On: 1/4/2018~~

~~SECRET//20180104
Cardozo IOB-263~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [redacted]

DATE OF REPORT TO IOB: 4/30/08

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: 04/19/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress; Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: Fair Credit Reporting Act, 15 U.S.C. § 1681u (a))

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Instructed [redacted] to contact FBI, Headquarters and direct it to destroy its copy of the full credit report. Also, instructed [redacted] to contact [redacted] to determine whether the original full credit report should be returned or destroyed, with appropriate documentation to the file. Given that [redacted] could have issued the Right to Financial Privacy Act (RFPA), 12 U.S.C. § 3414(a)(5), NSLs based upon authorized financial institution information properly received pursuant to FCRA, 15 U.S.C. § 1681u(a), and would have ultimately discovered via the RFPA NSLs the subject's account numbers and the status of these accounts, we did not instruct [redacted] to redact the over-produced information from the RFPA NSL. This investigation was closed by [redacted]

b2
b7E
b4
b7D

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-264

~~SECRET//12171228~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2007-1077 (U)

b2
b7E

(U) By electronic communication ("EC") dated April 4, 2007, the [REDACTED] Division [REDACTED] reported a potential IOB error in conjunction with its [REDACTED] of a United States Person.

(U) (S) By way of background, on June 13, 2005, [REDACTED] issued an approved Right to Financial Privacy Act National Security Letter ("NSL") for financial records related to the target. In response to the request, the provider returned financial records information belonging to other individuals with the same last name, but not joint account holders with the target. [REDACTED] initially uploaded the information into FBI databases.

b2
b7E

(U) The compounding of this third-party overproduction by the FBI is reportable to the IOB. The field office has been instructed to consider issuing a new NSL from an open case file for the overproduction if it is still relevant to an investigation. If not, the information will be purged from databases and the overproduction will be destroyed or returned, at the discretion of the provider.

~~Derived From: G-3
Declassify On: 12/28/2017~~

~~SECRET//12171228~~

Cardozo-IOB-265

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 05-10-2010 BY 65179/DMH/sdb

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT:

DATE OF REPORT TO IOB: _____

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: 4/4/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office): _____

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 12 U.S.C. 3414 (RFPA))

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Issuing new NSL from open file or purging and destroying information.

*DATE OF FINAL DISPOSITION: _____

Cardozo-IOB-266

~~SECRET//20180108~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1458 (U)

b2
b7E

(U) The [REDACTED] Field Office of the Federal Bureau of Investigation has reported an error in conjunction with an investigation conducted by that Division.

(U) (S) In this regard, an NSL sought subscriber information for several telephone numbers that had frequent contact with the subject of a counterintelligence investigation. The provider's response included information outside the date range requested and subscriber information for a telephone number not requested. These records were then uploaded into FBI databases, but were subsequently deleted.

(U) The field office has two options in handling the overcollection. If the information is relevant to an on-going investigation, the field office can issue another NSL to cover this information. If no additional NSL is issued, the field office has been directed to, either destroy the additional materials or return them at the discretion of the carrier.

~~(S) Derived from: G-3
Declassify on: 01/08/2018~~

~~SECRET//20180108~~

Cardozo-IOB-267

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB:

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: 4/12/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 U.S.C. § 2709)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section:)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET//12171228~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1738 (U)

b2
b7E

(U) By electronic communication ("EC") dated March 22, 2007, the [REDACTED] Field Office [REDACTED] reported a potential IOB error in conjunction with its closed [REDACTED] [REDACTED] of a United States Person.

(U) As required under 12 U.S.C. § 3303(b), Right to Financial Privacy Act, (RFPA) an employee of the United States Government who obtains financial records of a customer utilizing an administrative subpoena or summons is required to certify they have complied with all provisions of RFPA before they receive the records. This procedure is normally accomplished through the statutory language in the National Security Letter (NSL) template for RFPA requests.

(U) In this investigation, the field office appears to have inadvertently utilized the Electronic Communications Privacy Act NSL template (which does not require compliance under 3303(b)) into their RFPA NSL requests, thereby omitting the requisite statutory language and certifications required under 3303(b).

(U) OGC cannot determine from the record whether compliance under 12 U.S.C. § 3303(b) was accomplished prior to the FBI receiving the requested records, and is therefore reporting this matter to the IOB. The field office has been advised to remove all records obtained through invalid NSLs and destroy the information. In the alternative, the field office has been advised that an accurate NSL with appropriate certifications can be issued to cover the records, if they are still relevant to an open investigation.

~~Derived From: G-3
Declassify On: 12/28/2017~~

~~SECRET//12171228~~

Cardozo IOB-269

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: 1st Q 2008

DATE OF INCIDENT:

DATE OF REPORT TO IOB: April 30, 2008

DATE OF REPORT TO DEPARTMENT/AGENCY:

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 12 U.S.C. § 3303)

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: The field office has been advised to remove all records obtained through invalid NSLs and destroy the information. In the alternative, the field office has been advised that an accurate NSL with appropriate certifications can be issued to cover the records, if they are still relevant to an open investigation.

*DATE OF FINAL DISPOSITION:

~~SECRET//20180131~~

(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1209-NSL (U)

b2
b7E

~~(S)~~ During an authorized [REDACTED] [REDACTED] of a presumed U.S. person, [REDACTED] sent a National Security Letter (NSL) under the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709. The NSL requested subscriber information and transactional records from the service provider. [REDACTED] did not, however, include in the NSL a certification that the information sought was relevant to an authorized investigation to protect against international terrorism and that the investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States. Notwithstanding the lack of certification, the service provider produced materials in response to the NSL.

(U) This matter is being reported because the field office's NSL did not comply with the requirements imposed by ECPA to obtain subscriber information and transactional records. Specifically, the NSL did not include the appropriate certification. The field office was instructed to sequester the NSL results. The [REDACTED] has expired; therefore, the field office cannot issue a curative NSL at this time. The field office must contact the service provider and ask whether the NSL results should be returned or destroyed, with appropriate documentation to the file.

b2
b7E

(U)

~~(S) Derived From: G-3
Declassify On: 11/30/2017~~

~~SECRET//20180131~~

Cardozo-IOB-271

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08 ^{b2}
_{b7E}

DATE OF REPORT TO DEPARTMENT/AGENCY: 03/29/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 U.S.C. s. 2709)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET//20180222~~

(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-835 (U)

b2
b7E

~~(S)~~ The Federal Bureau of Investigation ("FBI") has determined that in conducting a counterintelligence investigation of an United States person, [REDACTED] Field Office [REDACTED] received electronic toll records from a carrier in response to an NSL only seeking subscriber information. The toll records were relevant to the investigation and were included in the case file and FBI databases. The records have been purged and sequestered with the CDC.

b2
b7E

(U)

~~(S)~~ In this regard, on 03/01/2005, [REDACTED] properly prepared and issued an NSL pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, for subscriber information for a telephone number relevant to the target of the investigation. In response, the carrier provided subscriber information and toll records on the account.

(U) The FBI is authorized to acquire electronic toll records, but under a different provision of the ECPA that was not cited in the NSL at issue. Because the field office did not properly request the toll records and included the materials in the case file, this is being reported to the IOB.

(U) If the field office assesses that the information is still relevant to an authorized investigation, an ECPA toll billing records NSL can be issued to properly receive and maintain the information. If this course of action is pursued, the information will remain sequestered. In the alternative, the field office will contact the carrier to determine whether the transactional records should be returned or destroyed.

~~Derived from: G-3
Declassify on: 02/22/2018~~

~~SECRET//20180222~~

Cardozo-IOB-273

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 3/1/2005

DATE OF REPORT TO IOB: 3/30/2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 3/16/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 18 U.S.C. 2709)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

Records were purged and will be destroyed or returned to the provider. Field Office has option to issue NSL to cover these records if they are relevant to an open investigation.

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-274

~~SECRET//20180102~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE
IOB MATTER 2007-1967 (U)

b2
b7E

(U) During a [REDACTED] of a U.S. person, [REDACTED] served a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, seeking "subscriber information, to include name, address, social security number, length of service, and call detail records, both incoming and outgoing" for a particular telephone number.

(U) Because social security numbers are not specifically listed in ECPA, 18 U.S.C. § 2709(b)(2), as part of subscriber information that may be requested in an NSL, this matter is being reported to the Intelligence Oversight Board.

~~Derived from: G-3
Declassify on: 01/02/2018~~

DECLASSIFIED BY: 65179 DMH/sdb
ON 05-05-2010

~~SECRET//20180102~~

Cardozo-IOB-275

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 05/13/2005

DATE OF REPORT TO IOB: 4/30/08

DATE OF REPORT TO DEPARTMENT/AGENCY: 6/12/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 U.S.C. § 2709)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section:)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET//20180214~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[redacted] FIELD OFFICE
IOB MATTER 2008-217-NSL (U)

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b7E

(U)

(U) On or about 4/11/2007 [redacted] Field Office [redacted] documented two reportable IOB matters arising in the course of a [redacted] of a U.S. person.

~~(S)~~ In the investigation, on 6/7/2005 [redacted] issued to a bank a National Security Letter (NSL) pursuant to the Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A) (RFPA). The NSL, however, did not include a certification that the investigation of the U.S. person was not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States. Then on [redacted] interviewed the subject.

b2
b7E

(U)

~~(S)~~ The FBI has concluded that WFO may retain and use for investigative purposes the information obtained during the interview of the target. Exclusion is a remedy of judicial origin created to address violations of constitutional dimension. In addition, some statutes, such as the Foreign Intelligence Surveillance Act, provide for an exclusionary rule. In this instance, neither the Constitution nor any applicable statute has been violated and, [redacted]

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b5
b7E

(U) With regards to the financial records obtained from the bank, the field office has been instructed to contact the bank to ask whether the records should be returned or destroyed, with appropriate documentation to the file.

(U)

~~(S) Derived From: G-3
Declassify On: 02/14/2018~~

~~SECRET//20180214
Cardozo-IOB-277~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT: 06/07/2005

DATE OF REPORT TO IOB: 03/31/2008

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b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: 04/11/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: 12 U.S.C. § 3414(a)(5) - Right to Financial Privacy Act)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

Return or destroy the NSL results

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-278

~~SECRET//20171228~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] DIVISION
IOB MATTER 2007-929-NSL(U)

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b7E

(U) The Federal Bureau of Investigation ("FBI") has determined that in conducting an investigation on a United States Person, an error may have occurred in the authorization of a National Security Letter (NSL).

(U) (S) A National Security Letter (NSL) dated 05/01/2002 requesting the name, address, length of service, and local and long distance toll billing records for the period from [REDACTED] [REDACTED] was prepared in accordance with Title 18, United States Code (U.S.C.), Section 2709 (section 201 of the Electronic Communications Privacy Act, as amended). However, the NSL was issued under the signature of the Acting SAC of the [REDACTED] Division at that time.

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(U) At the time this NSL was issued, FBI OGC legal advice [REDACTED]

[REDACTED] In or around February, 2003 about eight months after this NSL was issued, the Department of Justice opined that an acting SAC could not sign an NSL under any circumstance. Because of the confusion surrounding signature authority, OGC is reporting this matter to the IOB for your consideration.

(U) (S) [REDACTED] has been instructed that if the information gathered by the NSL in question is still relevant to an open investigation, [REDACTED] may issue a new NSL from that case file to authorize the retention of the information. If such an NSL is not issued, [REDACTED] must retrieve and destroy the information obtained from the NSL, including purging any such information that may have been entered into any database.

b2
b7E

~~Derived from: G-3
Declassify on: 12/28/2017~~

~~SECRET//20171228~~

Cardozo IOB-279

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 5/1/2002

DATE OF REPORT TO IOB: 4/30/02

DATE OF REPORT TO DEPARTMENT/AGENCY: 3/27/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 U.S.C. 2709 ECPA)

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Issue involves the approval of an NSL by the Acting SAC in a Field Office. A new NSL may be issued if the information is still relevant to an open investigation. Otherwise, the information will be purged and destroyed or returned to the provider at their discretion.

*DATE OF FINAL DISPOSITION:

(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1535-FCRA (U)

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b7E

~~(S)~~ During a [REDACTED] of a U.S. person, [REDACTED] issued an NSL under 15 U.S.C. § 1681u to a credit reporting agency. [REDACTED] requested "consumer identifying information, limited to name, address, former addresses, places of employment, or former places of employment, all financial account number(s) and the names and addresses of all financial institutions at which the below-named consumer maintains or has maintained an account. . . ."

(U) In this case, an error was committed by the field office when it requested "financial account number(s)" in its NSL. FCRA, 15 U.S.C. § 1681u(a) does not allow the FBI to request such information. The field office has been instructed to redact from all documents any account numbers that it received due to the FCRA NSL.

DECLASSIFIED BY 6579 DMH/sdb
DN 05-05-2010

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdb

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: 04/24/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: Fair Credit Reporting Act, 15 U.S.C. § 1681u)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-282

~~SECRET//20180208~~

(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-734 (U)

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[REDACTED]

(U)

[REDACTED]

b2
b7E

(U)

[REDACTED]

(U)

[REDACTED]

b2
b7E

(U) Notwithstanding the fact that physical surveillance placed the subject at the residence subsequent to the presumed "move-out" date, this matter has been treated as an overcollection and reported to OIPR and to the [REDACTED] as such. Accordingly, OGC has determined it appropriate to report this matter to the Board in the same manner.

~~Derived From: G-3
Declassify On: 02/08/2018~~

~~SECRET//20180208~~

Cardozo-IOB-283

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DNH/sdh

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [REDACTED]

DATE OF REPORT TO IOB: 07/30/2008

DATE OF REPORT TO DEPARTMENT/AGENCY: 2/20/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)
 Other (U.S.C. citation: _____)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info
 Section 2.4 preamble: least intrusive collection
 Section 2.4(a) CIA electronic surveillance w/in US
 Section 2.4(b) unconsented physical search w/in US
 Section 2.4(c) physical surveillance of USP w/in US
 Section 2.4(d) physical surveillance of USP abroad
 Section 2.5 AG approval w/in US or against USP abroad
 Section 2.6 assistance to law enforcement
 Section 2.7 contracting
 Section 2.9 undisclosed participation
 Section 2.10 human experimentation
 Section 2.11 prohibition on assassination
 Section 2.12 indirect participation
 AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

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OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)
 Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
 Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

[REDACTED]

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-284

~~SECRET//20180110~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1471 (U)

(U)

[REDACTED]

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(U)

[REDACTED]

b2
b7E

(U)

(S) On [REDACTED] [REDACTED] determined that the overcollection occurred because there was an error in inputting a the correct termination date. [REDACTED]

(U)

[REDACTED]

sequestered all files of overcollection in a safe where they remained until [REDACTED] when the CDC took physical possession of them for sequestration. [REDACTED] did not examine or conduct analysis on any of the over-collected data. If not already accomplished, OGC advised [REDACTED]

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(U)

[REDACTED]

(S) Here, [REDACTED] resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the oversight is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications from a number not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/10/2018~~

~~SECRET//20180110-IOB-285~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: April 9, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

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*DATE OF FINAL DISPOSITION:

~~SECRET//20180114~~

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1722 (U)

b2
b7E

(U) [REDACTED]

(S)

[REDACTED]

b2
b7E

(U) (S) Upon discovery, [REDACTED] immediately stopped all collection on the e-mail address and coordinated efforts to sequester all over-collected data. [REDACTED] has not used any over-collected data to further an investigation. If not already accomplished, OGC advised [REDACTED]

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b5
b7E

[REDACTED]

(U) (S) Here, collection on the wrong e-mail address resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the oversight is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications for an e-mail address mistakenly authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/14/2018~~

~~SECRET//20180114~~

Cardozo-IOB-287

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT: [REDACTED]

DATE OF REPORT TO IOB: 4/30/08

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: May 18, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation):

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 13333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: [REDACTED]

OGC advised FBI [REDACTED]

If not already accomplished, [REDACTED]

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*DATE OF FINAL DISPOSITION:

~~SECRET//20180128~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD FIELD OFFICE
IOB MATTER 2007-3364 (U)

(U)

[REDACTED]

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b7E

(U)

[REDACTED]

b2
b7E

(U)

[REDACTED]

(U)

(S) [REDACTED] undertook substantial efforts to identify, remove and sequester all original and derivative over-collected data from all files and FBI databases. Furthermore, FBI policy has been changed to require all TS personnel receive additional training regarding court orders and new checks must be conducted before discontinuing or reconstituting a line. [REDACTED] advised it will hand deliver to FBI HQ all electronic and hard-copy over-collected data. If not already accomplished, OGC advised [REDACTED]

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b7E

[REDACTED]

(U)

(S) Here, collection [REDACTED] resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the oversight is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications from a number not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/28/2018~~

~~SECRET//20180128~~ 20-IOB-289

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08

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b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: September 17, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
If not already accomplished, OGC advised		

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*DATE OF FINAL DISPOSITION:

Cardozo-IOB-290

~~SECRET//20180104~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-2976 (U)

(U) [REDACTED]

b2
b7E

(U) [REDACTED]

(U) [REDACTED] promptly sequestered the overcollection and reported the matter to OGC for adjudication.

(U) (S) From [REDACTED] while conducting a review of intercepts captured in a [REDACTED] [REDACTED] again discovered audio [REDACTED]

(U) (S) [REDACTED] concluded that overcollection in this instance occurred for the same reasons as the above-referenced overcollection discovered on [REDACTED]. Notably, the timeframe for both instances of overcollection are the same.

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(U) (S) OGC advised [REDACTED]
[REDACTED]

b2
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b7E

(U) (S) Here, an error on the part of a provider resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the provider's mistake is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications from a number not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/04/2018~~

~~SECRET//20180104 IOB-291~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [redacted]

DATE OF REPORT TO IOB: 4/30/08

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b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: September 11, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdb

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA: electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: The Office of the General Counsel has advised [redacted]

b5

*DATE OF FINAL DISPOSITION:

~~SECRET//20180103~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1399 (U)

(U)

~~(S)~~ On April 24, 2007, the [REDACTED] Field Office

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b7E

[REDACTED]

(U)

~~(S)~~ [REDACTED] determined that it previously had monitored the telephone line in question in a [REDACTED]

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b7E

[REDACTED]

(U)

~~(S)~~ [REDACTED]

(U)

~~(S)~~ [REDACTED]

[REDACTED] Furthermore, OGC advised [REDACTED]

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b7E

[REDACTED]

(U)

~~(S)~~ Here, an error on the part of a provider resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the provider's mistake is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications from a number not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/03/2018
Cardozo-IOB-293
SECRET//20180103~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [redacted]

DATE OF REPORT TO IOB: 4/30/08

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: May 3, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdb

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: [redacted]
the General Counsel has advised [redacted]

The Office of

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*DATE OF FINAL DISPOSITION:

~~SECRET//20180115~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-2044 (U)

(U) ~~(S)~~ [REDACTED]

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(U) ~~(S)~~ [REDACTED]

b2
b7E

(U) ~~(S)~~ [REDACTED]

b2
b5
b7E

(U) ~~(S)~~ [REDACTED]

[REDACTED] If not already accomplished, OGC
advised [REDACTED]

(U) ~~(S)~~ Here, collection on a number after there was a change in users resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the oversight is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications for a user not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/15/2018~~

~~SECRET//20180115-IOB-295~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT: [REDACTED]

DATE OF REPORT TO IOB: 4/30/08

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DATE OF REPORT TO DEPARTMENT/AGENCY: June 28, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdb

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333-Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: [REDACTED]

[REDACTED]

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If not already accomplished, OGC advises [REDACTED]

*DATE OF FINAL DISPOSITION:

~~SECRET//20180109~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-2103 (U)

(U)

[REDACTED]

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(U)

[REDACTED]

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b7E

(U)

[REDACTED]

(U)

[REDACTED]

[REDACTED] If not already accomplished, OGC advised [REDACTED]

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[REDACTED]

(U)

(S) Here, collection on the number after there was a change in subscribers resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the oversight is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications for a subscriber not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/09/2018~~

~~SECRET//20180109~~ ~~Cardozo-IOB-297~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: [redacted]

DATE OF REPORT TO IOB: 4/30/08

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b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: July 17, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other (U.S.C. citation: _____)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-10-2010 BY 65179/DMH/sdb

EXECUTIVE ORDER 13333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in-US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: [redacted]

[redacted]

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If not already accomplished, Office of General Counsel advises FBI [redacted]

[redacted]

*DATE OF FINAL DISPOSITION:

~~SECRET//20180129~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-3134 (U)

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(U)

[REDACTED]

(U)

[REDACTED]

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b7E

(U)

[REDACTED]

(U)

[REDACTED]

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b5
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[REDACTED] If not already
accomplished, OGC advised [REDACTED]

(U)

[REDACTED]

(S) Here, the carrier's error in collecting unrelated intercepts resulted in the unintentional acquisition of electronic communications. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the carrier's error is being reported to the IOB because the surveillance resulted in the unintentional acquisition of communications on users not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

~~Derived From : G-3
Declassify on: 01/29/2018~~

~~SECRET//20180129 IOB-299~~

JOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08

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b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: 05/25/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdh

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info.
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

not already accomplished, OGC advises

b2
b5
b7E

*DATE OF FINAL DISPOSITION:

~~SECRET//20180205~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-1693 (U)

b2
b7E

(U)

[REDACTED]

(U)

[REDACTED]

b2
b7E

(U)

[REDACTED]

(U)

[REDACTED]

b2
b7E

(U)

(S) [REDACTED]

[REDACTED] Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the CL's unauthorized activities of logging onto the target's [REDACTED] with the target's username and password, and downloading activity reports from the target's account must be reported to the IOB because the surveillance resulted in the unauthorized acquisition of information from a [REDACTED] [REDACTED] not authorized to be monitored under the Foreign Intelligence Surveillance Act or Executive Order 12333.

Derived From : G-3

Declassify on: 02/05/2019
Cardozo IOB-301

~~SECRET//20180205~~

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report: _____

DATE OF INCIDENT:

DATE OF REPORT TO IOB: 4/30/08

b2
b7E

DATE OF REPORT TO DEPARTMENT/AGENCY: April 3, 2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: _____)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

(U)

DEPARTMENT/AGENCY ACTION:

b2
b7E

*DATE OF FINAL DISPOSITION:

~~SECRET//20180104~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
[REDACTED] FIELD OFFICE
IOB MATTER 2007-3240 (U)

The Federal Bureau of Investigation ("FBI") has determined that while conducting two counterterrorism investigations of a permanent resident alien and a non-United States person, [REDACTED] Division [REDACTED] mistakenly requested and received subscriber information and toll billing records pursuant to an NSL for two telephone numbers which were not relevant to the investigation. This overcollection was uploaded into FBI databases. The overcollected information is being returned to the carrier or destroyed at their request, and the uploaded overcollection is being purged. (U)

b2
b7E

(U) In this regard, on 8/10/2007, [REDACTED] issued two separate NSLs pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, for subscriber information and toll billing records. Two incorrect telephone numbers were listed in the NSL requesting information about 35 different numbers relevant to the investigation. The last digit of the area codes were wrong by one number (i.e., XX3-XXX-XXXX was erroneously listed as XX2-XXX-XXX). (S)

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(U) In response, the carrier provided the records requested to include information associated with the errant telephone numbers. Because of the urgency of the investigation, the NSLs were drafted with the support of FBI Headquarters where the initial mistake occurred. The NSL results were quickly documented and uploaded into databases by FBI Headquarters before they were reviewed by the lead Case Agent who was actively involved in other aspects of the investigation during the first few days of this investigation. When the Case Agent reviewed the results the erroneous number was discovered and the overcollection was sequestered. The errant information has been redacted and will be purged from the databases. (S)

While it is not an excuse, it is noted that this mistake occurred in the course of a time sensitive investigation involving hundreds of phone numbers, requiring coordination with multiple field divisions and numerous Headquarters offices. The FBI continues to train and emphasize the importance of accurate document preparation in an effort to prevent these types of issues from occurring in the future. (U)

~~Derived from: G-3
Declassify on: 12/31/2017~~

~~SECRET//20180104~~

Cardozo-IOB-303

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 8/10/2007

DATE OF REPORT TO IOB: 4/3/08

DATE OF REPORT TO DEPARTMENT/AGENCY: 9/11/2007

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

FISA (50 U.S.C. 1801)

Other: 18 USC 2709(b)(2) (ECPA Toll Billing Records Request)

EXECUTIVE ORDER 12333:

Section 2.3 collection & dissemination of USP info

Section 2.4 preamble: least intrusive collection

Section 2.4(a) CIA electronic surveillance w/in US

Section 2.4(b) unconsented physical search w/in US

Section 2.4(c) physical surveillance of USP w/in US

Section 2.4(d) physical surveillance of USP abroad

Section 2.5 AG approval w/in US or against USP abroad

Section 2.6 assistance to law enforcement

Section 2.7 contracting

Section 2.9 undisclosed participation

Section 2.10 human experimentation

Section 2.11 prohibition on assassination

Section 2.12 indirect participation

AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

Creation of unauthorized SAP (EO 12958, as amended)

Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION

Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION:

*DATE OF FINAL DISPOSITION:

~~SECRET//20180212~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE
IOB MATTER 2008-210 (U)

(U)

~~(S)~~ In a National Security Letter (NSL) dated April 4, 2003, [REDACTED] Field Office [REDACTED] issued an Electronic Communications Privacy Act (ECPA) NSL requesting subscriber information from a communications carrier for one telephone number. Due to a typographical error, the requested telephone number was not related to the investigation. In response, the carrier stated that the requested number belonged to a different communications carrier. Not recognizing the mistake at that time, [REDACTED] then served a second NSL on a different carrier for subscriber records related to the erroneous telephone number. In its response, the second carrier produced records related to the erroneous telephone number. Upon receipt of these records, the case agent recognized the error and segregated the records for destruction.

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(U)

~~(S)~~ Under ECPA, the FBI may seek telephone and email communication records from telephone companies and internet service providers when those records "are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." 18 U.S.C. § 2709.

(U) In this case, the NSL was issued for subscriber information on a telephone number that was incorrectly transcribed. As a result, the FBI received information, presumably about a United States person, that was not relevant to an open investigation. The field office has been instructed to contact the carrier and arrange for either the return or the destruction of the information with appropriate documentation to the file. In addition, the field office has been directed to purge this subscriber information if it was incidentally uploaded into any database.

~~Derived from: G-3~~

~~Declassify on: 20180212~~

~~SECRET//20180212~~

Cardozo-IOB-305

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-10-2010 BY 65179/DMH/sdb

IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: 04/04/03

DATE OF REPORT TO IOB:

DATE OF REPORT TO DEPARTMENT/AGENCY: 03/21/07

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (18 U.S.C. § 2709)

EXECUTIVE ORDER 13333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333

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OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: Return or destroy

*DATE OF FINAL DISPOSITION:

Cardozo-IOB-306

~~SECRET//20180129~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE
IOB MATTER 2007-836 (U)

(U)

(S) [REDACTED] requested that the Office of General Counsel (OGC) review an incident and determine whether it warrants reporting to the IOB. [REDACTED] initiated a [REDACTED] on a United States Person on [REDACTED]. As part of its investigation, [REDACTED] sought subscriber information pursuant to 18 U.S.C. § 2709 for "name, address, and length of service" of a telephone number that [REDACTED] had reason to believe was used by the target for the time period of August 2005. A National Security Letter (NSL) was prepared by [REDACTED] and served on a telephone company via NSL dated 04/12/2006.

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(U)

(S) The telephone company responded to the 04/12/2006 request and advised that "[N]umber not found for the time period requested." After review, it was determined that the initial request inadvertently contained a misplaced digit. Thereafter, on 08/10/2006, a subsequent NSL was issued for the correct phone number for the [REDACTED]

(U)

(S) The telephone company responded to the 08/10/2006 request on [REDACTED] and provided subscriber information for the correct telephone number from [REDACTED]. This response revealed information on an individual other than the target (USPER #1).

(U)

(S) At that time, however, the error (i.e. the date range) was not discovered and [REDACTED] proceeded with the understanding that the telephone number was in fact subscribed to by USPER #1 in [REDACTED]

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(U)

[REDACTED]

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

(U)

Derived From : G-3
Declassify On: 2018/01/29
EAD/2018/01/29

~~SECRET//20180129~~

(U) to the IOB. Moreover, by letter dated 08/01/2007, the Counsel to the IOB clarified this position by stating that if the FBI "compounded a third party error by utilizing . . . or uploading the information into Bureau databases then the matter must be reported to the IOB . . ."

(U) ~~(S)~~ In this situation, due to the incorrect number stated in the NSL, even though the FBI did not receive anything in response to its request, the FBI sought subscriber information pursuant to 18 U.S.C. §2709 pertaining to a telephone number that was neither under investigation nor related to an investigation. Therefore, the FBI sought the information, although unintentionally so, in violation of the NSIG and ECPA.

(U) ~~(S)~~ Moreover, the subsequent inclusion of information pertaining to USPER #1 into the FISA initiation request, although later withdrawn, is arguably "utilization" of this information contrary to the August 2007 letter. In addition, the subsequent uploading of USPER #1's information (i.e. name and address), although only for the purpose of reporting the IOB matter, is also contrary to the August 2007 letter.

~~(S)~~ It should be noted, however, that nothing further was done with USPER #1's information. The initiation request was later withdrawn for administrative reasons and not further included or disseminated and the information was in fact sequestered with [redacted] s CDC office.

(U) The FBI's Office of the General Counsel (OGC) advised [redacted]

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IOB SUMMARY SHEET

Name of Department or Agency: FBI

CY Quarterly Report:

DATE OF INCIDENT: April 12, 2006 and [redacted]

DATE OF REPORT TO IOB: 4/3/08 b2 b7E

DATE OF REPORT TO DEPARTMENT/AGENCY:

DATE REPORT SUBMITTED TO OTHER ENTITY (i.e., DoJ, Congress, Civil Liberties Office):

POSSIBLE VIOLATION OF:

STATUTE (United States Code Citation)

- FISA (50 U.S.C. 1801)
- Other (U.S.C. citation: 18 U.S.C. § 2709)

EXECUTIVE ORDER 12333:

- Section 2.3 collection & dissemination of USP info
- Section 2.4 preamble: least intrusive collection
- Section 2.4(a) CIA electronic surveillance w/in US
- Section 2.4(b) unconsented physical search w/in US
- Section 2.4(c) physical surveillance of USP w/in US
- Section 2.4(d) physical surveillance of USP abroad
- Section 2.5 AG approval w/in US or against USP abroad
- Section 2.6 assistance to law enforcement
- Section 2.7 contracting
- Section 2.9 undisclosed participation
- Section 2.10 human experimentation
- Section 2.11 prohibition on assassination
- Section 2.12 indirect participation
- AG Approved EO 12333 Guidelines (Guidelines name and section: _____)

OTHER EXECUTIVE ORDER (SPECIFY)

- Creation of unauthorized SAP (EO 12958, as amended)
- Other (EO citation: _____)

PRESIDENTIAL DIRECTIVE (SPECIFY)

- COVERT ACTION FINDING/MEMORANDUM OF NOTIFICATION
- Other (Presidential Directive citation: _____)

DEPARTMENT/AGENCY ACTION: OGC advised the [redacted] OGC further advised [redacted]

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*DATE OF FINAL DISPOSITION: