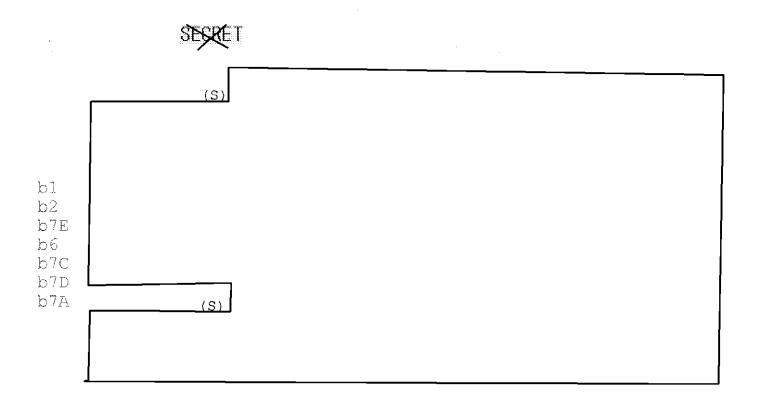
SECRET

	FEDERAL BUREAU OF INVE	STIGATION	b2
		41307	1
	Precedence: ROUTINE	Date: 02/07/2006	
2	To: Inspection Attn: /Int	ternal Investigations	
7Ε >6	General Counsel Attn: NSI	_B	
o7C	Attn: SSA		
	Attn: SA		
	From: Counterterrorism ITOS 1/CONUS 4/Team 15	ALL INFORMATION CONTAINE HEREIN IS UNCLASSIFIED E	11
	Contact: IA	WHERE SHOUN OTHERWISE	
	Approved By:		b1 b7A
	Drafted By:		b2
	Case ID #: (S)	1073946	b7E
) ·· ···· ··	278-HQ-C1229736-VIO (Pen	ding) - 1152	
1	Title: (S)	ATE: 05-30-2007	omonya mene
6	(3)	LASSIFIED BY 6517 EASON: 1.4 (c,d)	
7C 7A		ECLASSIFY ON: 05-	30-2032
	Synopsis: Report possible Intelligence	e Oversight Board	
U)	(IOB) violation. Derived From: G-3		
- 1	Derived From: G-3 Declassify On: X1	b1 b7A	
S)-	Details: (X)		
-,	/\	b6	_
	(U) The Case Agent was SA	b70	bl
(S) -	,		b6
_	(S)		b7C b7A
			K) (£7)
L			b1
	SECRET		b7A
2 <u>111</u>	Leer Dim (AND) 1/3/07 66 NSL VIO-1		
<u>S</u>		1225	



LEAD(s): Set Lead 1: (Info) INSPECTION AT WASHINGTON, DC (U) ---For information. Set Lead 2: (Info) GENERAL COUNSEL AT WASHINGTON, DC (U) --- ---For information. Set Lead 3: (Info) b2 ΑT b7E For information. (U) ----Set Lead 4: (Info)

For information.

NSL VIO-1228

SECULT

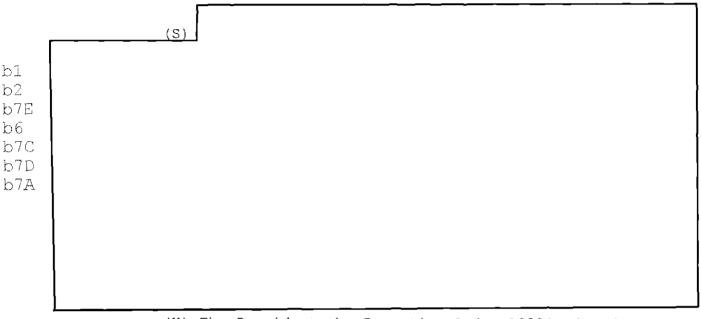
FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE		Date: 12/20/200	6
	To: Counterterrorism	Attn:	ITOS 1, CONUS 4, TEA	M 15
b2 b7E		Attn:	SSA SA CDC	
b6 b7C		Attn:	SA CDC ALL INFORMATION CO	T. 114
	Inspection	Attn:	IIS WHERE SHOWN OTHERW	A. J. 1995
	From: Office of the General Co NSLB/CTLU1/LX1 Room 3 Contact: UC			
	Approved By: Thomas Julie F	<i>JVV</i>	DATE: 05-36-2007 CLASSIFIED BY 6\$179 REASON: 1.4 (c,d))/d h H/KSR/RV
	Drafted By:	'ار	940 declassify on: 05-2	10-2032
(U)	Case ID #: 278-HQ-C1229736			
U)	Title: INTELLIGENCE OVER MATTER 2006			b2
(U)	Synopsis: (S) It is the opini Counsel (OGC) that this matter Intelligence Oversight Board (I maintained in the control file to the IOB. Our analysis follows:	is not r [OB]. Ra for peri	eportable to the ther, it should be	
U)	Declassity	On: 203		
U)	Reference: 278-HQ-C122973	6-VIO se	rial 1152	
•	Details: The referenced so Division requested that OGC revenues and determine whether it As explained below, in our opin report this matter to the IOB.	serial fr view the warrant	om Counterterrorism facts of the captioned s reporting to the IO	В.
			•	÷
	si si	EXRET		
	NATE: 1 4 6	- 	b6 b7C	
	OIG DOJ REVIEW: DATE: 1 9 6 F31 MVESTIGATION: 1	NSL	VIO-1229	
	OIG DOLINVESTIGATION	prist stater .		



To: Counterterrorism From: Office of the General Counsel

Re: 278-HQ-C1229736-VIO, 12/20/2006



(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General

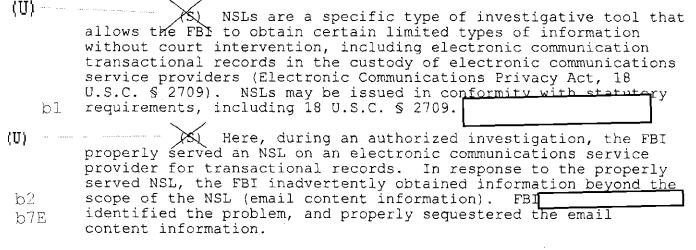
b1 b7A		other	guidelines	or	regulations	approved	by	the	Attorney	General
(\$) ↔	*****			_						
						CRET				

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SECRET

To: Counterterrorism From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.



(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

b2 bhould contact the carrier (or coordinate through and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.



To: Counterterrorism From: Office of the General Counsel

Re: 278-HQ-C1229736-VIO, 12/20/2006

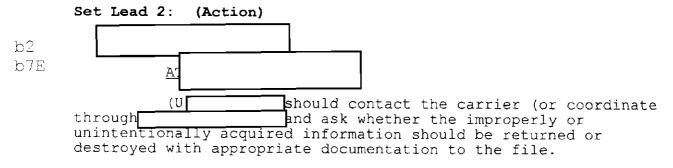
LEAD(s):

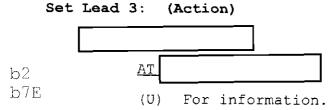
Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.





Set Lead 4: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

b6	cc:	Ms.	Thomas
b7C			Library

SECKET

4

FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date:	01/12/2007
	To: General	Counsel	Attn: NSLB		
o6		ction ternal Investigation ntact: CRS	ns Section, IPU		3041
b7C b2	Approved By:	Miller David Tangu	Men To 1	il INFORMA	TION CONTAINED
04	Drafted By:			ierein is t	MCLASSIFIED 2007 BY 65179/DMH/KSR/RU
	Case ID #:	(U) 278-HQ-C122973	86-VIO (Pendi	lng)	
	Title: (U)	INTELLIGENCE OVERS INSD/IIS TRACKING# OGC/IOB# 2006		r ter b2	
		U) To report a poter to the Office of Ge NSLB).			
	Reference:	(U) 278-HQ-C1229736 278-HQ-C1229736			
) The Internal Inves			S) received

Details: (U) The Internal Investigations Section (IIS) received an EC from Counterterrorism Division dated 02/07/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is administrative in nature. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

++

**

FEDERAL BUREAU OF INVESTIGATION

	Precedence: F	ROUTINE		Date:	01/17/2007
o2	To: Counterte	errorism	Attn: AD (Per Attn: SAC (Per Attn: S	ersonal	
o7E o6 o7C		cion ernal Investigations cact: CRS	Ext	t.	3041 ION CONTAINED
	Approved By:	Miller David Ian	W HE		CLASSIFIED EXCEPT
	Drafted By:			,	05-30-2007
	Case ID #:	(U) 263-HQ-0-U - 6	552 (Pending)	PEASO1	IFIED BY 65179/DNH/KSP/RW J: 1.4 (c,d)
	Title: (U)	INTELLIGENCE OVERS: INSD/IIS TRACKING# OGC/IOB# 2006		CECLA: CER	ssify on: 05-36-2032
	Intelligence (the Internal I willful miscor	To advise that cap Oversight Board (ION Investigations Sect: Iduct. This matter Lion as appropriate	B) violation hation (IIS), and is returned to	as been is not the fi	reviewed by considered eld for
(U)		Derived From Declassify Or			
	Enclosure(s):	(U) 278-HQ-C122973	36-VIO Serial 1	1152	b1 b7A
J)	Reference: > 8	278-HO-C1229736 278-HQ-C1229736			b2 b7E
	captioned repo	Upon review of Cour ort of a potential D dicative of willful nere deliberate and/	OB violation, misconduct.	IIS did	l not find addresses

(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

SECRET + 2032011

NSL VIO-1234



U.S. Departme of Justice

Office of the Inspector General

DATE:	January 24, 2007	
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE CS-31-2007 BY 65179/DMH/KSR/R
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division	b2
		b7E
SUBJECT	Γ: OIG Complaint No. 2007002521 Subject:	b6 b7C
	Division FBI No. 263-0-U-652 FBI CMS No. 1807	
for	e consider this a management matter. The whatever action you deem appropriate in d regulations. A copy of your findings and G.	accordance with your agency's policy
	nis matter is referred to your agency for in th a copy of your final report on this matte	•
Th	is complaint will be investigated by the O	IG.
	IMPORTANT	NOTICE
lde	ntifying information may have been redacted from the a	ttached OIG Report/Referral pursuant to § 7 of the

believe that it is necessary that redacted information be made available to your Agency, you may contact the Assistant Inspector General for Investigations.

Please be advised that, where adverse action is not contemplated, the subject of an investigation does not have a right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all

IG Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you

right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act and the Whistleblower Protection Act.

Attachment

OlG - INVESTIGATIONS DI	VISION Com	mplaint For	m	OIG NO.:	689-2007-0	02521-M
Received By:		Date	Received:	01/04/2007	How Recei	ved: A
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () Work: Phone:		ay Plan: OD Date: ZIP: ZIP:]	D. Alien F.B.I B.O.P D/L	.No.:	b6 b7C b2
COMPLAINANT: Title: INTEL Component: FBI Misc: Home: Phone: () - Work: , _		ay Plan: OD Date: ZIP		D. Alien F.B.I B.O.P	.No.:	
Phone: Confidential:	R	ZIP: evealed:		Author	ity: none	b2
Information received obtained information. During an authorized on an electronic comm FBI obtained informat problem and properly It is the opinion of the 10E.	investigation unication services the sequestered to	, the FBI p vice provid e scope of he content	roperly se er for tran the NSL. ' information	rved a Nation sactional re The FBI	al Security of the security of	Letter (NSL) esponse, the d the b2 b7
ALLEGATIONS: 689 IOB Occurrence Date: 10/04, CITY		TIME: State:			Zip:	b2 b7E
DISPOSITION DATA: Disp	position: M	Date: 01	/04/2007	Approval: P	OWELL, GLENN	
Referred to Agency:	Dat	e Sent:		Component: F	BI TV	
Patriot Act: N Civ	vil Rights: N		Compon	ent Number: 2	63-0-U-652,	1807
Sensitive: N Whis	stleblower: N	Cons	olidated C	ase Number:		
Remarks: Predicating material container within OIG/ 1/24/07 - Sent to AD	'INV/HQ.		rmation th	at will be st	ored in a se	cure

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-06-2007 BY 65179/DMB/KSE/RUIO-1236

Page 1 of 1



FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE	Date: 05/19/2006	
To: General Counsel	Attn: National Security Law Br	anch
Inspection Operational Technology	Attn: Internal Investigation South	ection b2
	Attn: Squad 11 SA	b7E
From: Counterterrorism CXS/ECAU/Room 4343 Contact: IA		b6 b7C
Approved By: Hulon Willie T W (Lewis John E Ag)	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EX WHERE SHOWN OTHERWISE	San comment
	DATE: 05-30-2007 CLASSIFIED BY 6517: REASON: 1.4 (c.d)	9/d M H/KSR/RU
Drafted By:	DECLASSIFY ON: 05-	30-2032
(U) Case ID #: (S) 278-HO-C1229736-V (S) U) Title: (S) REPORT OF POTENTIAL IA	b7A b2 b7E	
(U) (U) SSA (S) Synopsis: To document the n	b7C b6	С
S) collection on the email address	minimizacion or addinenia	\neg
Derived From Declassify On	: G-3 1: 05/16/2031	→ b1 b7D b7A
Reference: (S)		
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b6 / 18 /36 b7C	NSL VIO-1237	

SECRET/ORCON/NOFORN

To: Operational Technology From: Counterterrorism 278-HQ-C1229736-VIO, 05/19/2006 (U) ---Administrative: (S/OC/NF) This document is classified SECRET//ORCON/NOFORN. Portions of this document carrying classification markings may not be incorporated into any criminal affidavit, criminal court proceedings or unclassified investigative file. The information in this document is intended to be used for lead or background purposes only. No further dissemination of the material classified in this document may be made without prior approval of the originating agency. b2 b7E $\{U\}$. (2) b1 Electronic Communications Analysis Unit (ECAU) is subordinate to the Communications Exploitation Section Counterterrorism Division b1 b7E The rollowing analysis was conducted b2 based on queries of logical intelligence databases available to ECAU. Details: (S//OC/NE) b1b7D b7A SECRET/ORCON/NOFORN

SECRET ORCON/NOFORN

To: Operational Technology From: Counterterrorism Re: 278-HQ-C1229736-VIO, 05/19/2006 (S//OC/NF) b1 **b**6 b7C b7D b2 b7E (S) b7A b6 b7C (S) b1 b6 b7C b7D b2 b7E b7A SECRETORCON/NOFORN



To: Operational Technology From: Counterterrorism Re: 278-HQ-C1229736-VIO, 05/19/2006	b1 b6 b7C
(S//OC/NF)	b7D b7A
On Monday 05/15/2006 IA notified the ECAU Unit Chicof the discrepancy, and the results of his research.	b6 b7(ef b1
(S//OC/NF)	b6 b7 b7 b2
(s)	b7 b1 b7
(S//OC/NF)	b7
	b1 b6 b7C b7D b7A



To: Operational Technology From: Counterterrorism (U) - Re: (S) 278-HQ-C1229736-VIO, 05/19/2006

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For NSLB - For information and action as deemed appropriate.

Set Lead 2: (Action)

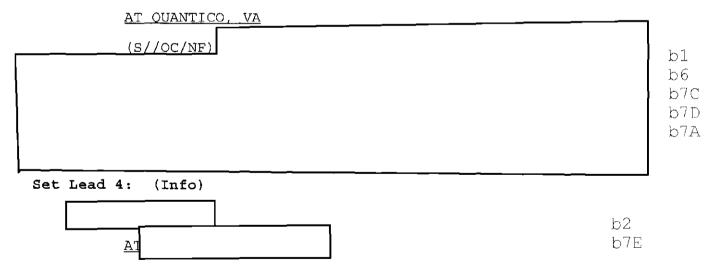
INSPECTION

AT WASHINGTON, DC

 $\ensuremath{(\mbox{\sc U})}$ For IIS - For information and action as deemed appropriate.

Set Lead 3: (Action)

OPERATIONAL TECHNOLOGY DIVISION



(U) For Squad 11 - For information only.

secret orcon/noforn

5



FEDERAL BUREAU OF INVESTIGATION

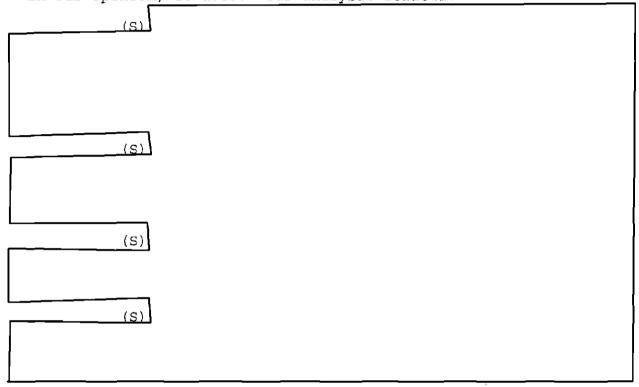
	Precedence: ROUTINE		Date:	12/19/2006
b2	To: Counterterrorism 1	IA		
b7E	Inspection	SS Attn: II	s 	
b6 b7C	Operational Technology		S/DITU	
		UC Attn: Sq SA	pad 11	
	From: Office of the General Count NSLB/CILU/Room 7947 Contact:	sel	HER	INFORMATION CONTAINED EIN IS UNCLASSIFIED EXCEPT BE SHOWN OTHERWISE
	Approved By: Thomas Julie F) ·	CLA	E: 05-30-2007 SSIFIED BY 65179/DMH/KSR/RW
	Drafted By:] 195		50N: 1.4 (c,d) LASSIFY ON: 05-30-2032
S)	Case ID #: (U) 278-HO-C1229736-V	[0 / Bon	dinal	b1 b7A b2
	Title: (U) INTELLIGENCE OVERSION	HT BOARD	b2	b7E
(U) · ····	Synopsis: (X) It is the opinion Counsel (OGC) that this matter must Intelligence Oversight Board (IOB) the necessary correspondence to the	st be rep). OGC w	ffice of orted to	the
(U)	Derived From Declassify On:	Multip : 203112	le Source	es
	Reference: (U) 278-HQ-C1229736-V	/IO Seria	1 1387	
	Administrative: (U) This communifootnotes. To read the footnotes, document in Corel WordPerfect.	cation condoa	ontains o d and pri	one or more int the
(U)	Details: The referenced election the Electronic Communications Anal 05/19/2006, requested that OGC rev	lysis Uni	t (ECAU).	dated
	SEOK	, ET		•
	CIG DOJ REVIEW: DATE: // DATE:	` NSL VÌĐ		·



Counterterrorism From: Office of the General Counsel (U) 278-HQ-C1229736-VIO, 12/19/2006 To:

Re:

matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.



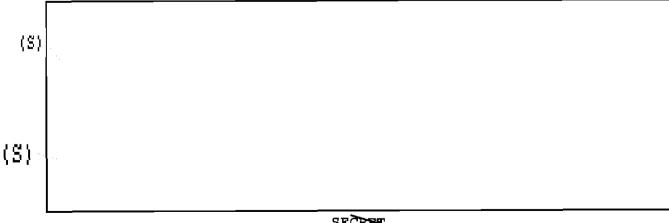
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> b1 b2 b7E b6 b7C

b7D b7A

Section 2.4 of Executive Order (E.O.) 12863, (U) dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they



SECRET



To: Counterterrorism From: Office of the General Counsel

Re: (U) 278-HO-C1229736-VIO, 12/19/2006

have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights. Violations of provisions that are merely administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) Under the Electronic Communications Privacy Act (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. Moreover, under the NSIG, NSLs are an authorized technique and may be issued in conformity with statutory requirements during a preliminary or full investigation.

b1

Due to inadvertent typographical error based on the confusion between the FBIHQ

(U) received NSL results for an error appress that was not relevant

b7A

received NSL results for an email address that was not relevant to an authorized counterterrorism investigation. Therefore, the issuance of the NSL was neither authorized by law nor by the NSIG. Upon realizing the error, the analyst immediately notified his supervisor and took the proper steps to sequester the information. Nothing from the original NSL results was uploaded into the FBI computer systems, nor was any investigative action taken based on the NSL results. However, due to the fact that there was an unauthorized collection, we must report this to the IOB.

To: Counterterrorism From: Office of the General Counsel Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

LEAD(s):

Set Lead 1: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

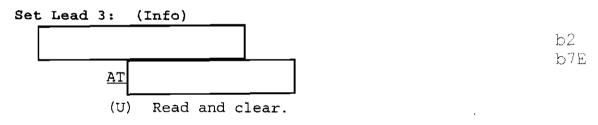
(U) ECAU should contact the carrier and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.



Set Lead 4: (Info)

OPERATIONAL TECHNOLOGY

AT WASHINGTON, DC

(U) Read and clear.



December 19, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW DN 05-31-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006 (U)

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Derived From: Multiple Sources Declassify On: 20311219

SECRET NSL VIO-1246

b2



Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas Deputy General Counsel

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

SECKET

	INT	ELLIG <u>ENCE OVERSIGHT</u> BOARI		b2
		DIVI		b7E
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		National Security Lette: a transcription error, se		
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b7C				Ï
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4	error, the analy	yst immediately notified		
b7A		to sequester the inform		
		NSL. Nothing from the		
		ne FBI computer systems,	nor was any inv	estigative
	action taken bas	sed on the NSL results.		_
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(S)) <mark>inadvertent typographi</mark>	_	
	confusion between			received
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	NSL was neither	authorized by law nor by	y the <u>Attorney G</u>	<u>eneral</u>
	Guidelines for i	National Security Invest	igations and For	<u>eign</u>
	interrigence co.	llection (NSIG). Due to	the fact that t	nere was
	under Section ?	collection, the error is	s a reportable m	atter
	under Section 2	.4 Of Executive Order 12	003.	
			_	
		Derived from: Multiple	Sources	
			11219	
			<u> </u>	
ALL INFORMA	TION CONTAINED		pate: 05-3	23:22:00:7
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(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date: 01/12/2007
b6 b7C b2	To: General	Counsel	Attn: NSLB	
		ction ternal Investigation ntact: CRS	s Section, IPU	
	Approved By:	Miller David Ia	Kas Jara	ALL INFORMATION CONTAINED
	Drafted By:			HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSP/RW
	Case ID #:	(U) 278-HQ-C122973	6-VIO (Pendi	ng)
	Title: (U)	INTELLIGENCE OVERS INSD/IIS TRAC <u>KING#</u> OGC/IOB# 2006		TER
		U) To report a poten to the Office of Ge NSLB)		

Reference: (U) 278-HQ-C1229736-VIO Serial 1387 278-HQ-C1229736-VIO Serial 1955

Details: (U) The Internal Investigations Section (IIS) received an EC from Counterterrorism Division dated 05/19/2006, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the incident described therein is indicative of a performance issue. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

**

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 01/17/2	007
To: Counterterrorism Attn: AD (Personal Attention	n)
From: Inspection Internal Investigations Section, IPU, Room 3041 Contact: CRS Ext	
Approved By: Miller David Ian DECLASSIFIED BY 65179/	'dmh/ksr/rw
Drafted By:	b6
Case ID #: (U) 263-HQ-0-U - 654 (Pending)	b7C b2
Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2286 OGC/IOB# 2006	
Synopsis: (U) To advise that captioned reporting of potentia Intelligence Oversight Board (IOB) violation has been reviewe the Internal Investigations Section (IIS), and is not conside	d by

Derived From : G-3
Declassify On: 20320117

willful misconduct. This matter is returned to the field for

corrective action as appropriate. Case closed at IIS.

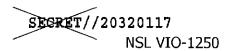
Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1387

Reference: (U) 278-HQ-C1229736-VIO Serial 1387 278-HQ-C1229736-VIO Serial 1955

Details: (U) Upon review of Counterterrorism Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.





U.S. Departme. of Justice

Office of the Inspector General

		Washington, D.C. 20530		
DATE:	January 26, 2007			
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE US-31-2007 BY 65179/DMH/KSR/RU		
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division			
SUBJECT:	OIG Complaint No. 2007002573 Subject FBI No. 263-0-U-654 FBI CMS No. 2286	b6 b7C b2 b7E		
for v	consider this a management matter. The whatever action you deem appropriate in regulations. A copy of your findings and	information is being provided to you accordance with your agency's policy		
1 1	matter is referred to your agency for investigation. Please provide the OIG a copy of your final report on this matter.			
This	complaint will be investigated by the OI	G.		
	IMPORTANT ?	NOTICE		
Identi IG Ac	ifying information may have been redacted from the attet or because an individual has (a) requested confidenti:	ached OIG Report/Referral pursuant to § 7 of the ality or (b) expressed a fear of reprisal. If you		

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

believe that it is necessary that redacted information be made available to your Agency, you may contact the

Attachment

Assistant Inspector General for Investigations.

OIG - INVESTIGATIONS DIVISION -	- Complaint Form	OIG NO.	689-2007-002573-M
Received By:	Date Received:	01/04/2007	How Received: A
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () -	Pay Plan: EOD Date:	Alien F.B.I B.O.F D/L	.No.: !.No.: !No.: b6
Work: , , Phone	ZTP:	Offe	nses: 689 b7C
SUBJECT: Title: 1NTEL Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	D. Alien F.B.I 3.O.F D/I	SSNO: O.B.: No.: No.: No.: No.: nses: 689
COMPLAINANT: Title: ATTY Component: FBI Misc: Home: Phone:	Pay Plan: EOD Date: ZIP:	Alien F.B.I B.O.F	SSNO: O.B.: No.: No.: No.:
Work: Office of the General Cour National Security Law Bran Phone: Confidential:		Author	b2 b2: none b7
Details: The FBI provided information r On April 11, 2006, a National pertaining to the target of an field for service, it was lear the NSL) had been misidentified Immediate steps were taken to	Security Letter (NSL) was FBI investigation. Shor med that due to a typogra ed and as a result was not	s issued reque ttly after sen aphical error, t connected wi	ding the NSL to the the target (listed in
It is the opinion of the Office to the IOB. (dz) ALIEGATIONS: 689 IOB Violation Occurrence Date:		that this mat	ter need not be reported
CITY:	State:		Zip:
DISPOSITION DATA: Disposition: teferred to Agency: FBI Patriot Act: N Civil Rights ensitive: N Whistleblower	Date Sent: 01/25/2007	Component: F	OWELL, GLENN G TL' BT 63-0-U-654, 2286

.

ALL FEI INFORMATION CONTAINED HEREIN NSUNIDSHAFE DATE 06-06-2007 BY 65179/DMH/KSR/PW

		b2
OIG	NΩ	689-2007-002573-1

OIG - INVESTIGATIONS DIVISION - Complaint Form

Remarks:

Predicating material contains classified information that will be maintained in a secure container within ${\tt OIG/INV/HQ}$.

01/26/07-Sent to Kaiser/FBI/INSD (dz)

NSL VIO-1253

FEDERAL BUREAU OF INVESTIGATION

	Precedence: R	COUTINE		Date: 05	5/18/2006	
	To: Inspection General C		Attn: IIS	S, Room 118 LB, Room 79	361 975	
	From: Squa	d act: SA				o2 o7E
	Approved By:		HER	INFORMATION C EIN IS UNCLASS PE SHOWN OTHER	ontained k ified except	56 57C
(U) ··· · · · · ·	Drafted By: Case ID #:	7 278- <u>HO-C1229736</u> 278	1425	CLASSIF: REASON:	5-30-2007 IED BY 65179/DMH, 1.4 (c,d)	
	I	SĀ NTELLIGENCE OVERSI		IOB) ERROR	IFY ON: 05-30-203	<u>(2)</u>
(U)	(U) Synopsis: (S)	To report possibl	LIGENCE OVE			
	Details: (S) 1.	Derived From Declassity 0	_:G-3	•		
(U)	(S) 2. 3. POSS	ible 10B Error:				b1 b7A
(U)	(s)	ription of IOB Erro		ng anv rend	orting delays	3)
CAS	Lew OI	118/67 66 08/07 b6 b7C	NSL VIO-	1254		b1 b6 b7C b7D b7A

(U) <	SECRET	b2
	To: Inspection From: Re: 278-HQ-C1229736-VIO, 05/18/2006	b7E
S) 👡	. , ,,=====	
· · ·		
		b1
ſ	(S)	b2 b7
		b6
		b7
(S)	The above incident was memorialized via EC in investigation	b7 captioned
(5)		b1
		b7A
		b2 b7E

(U) To: Inspection From: Re: (x) 278-HQ-C1229736-VIO, 05/18/2006

b2 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

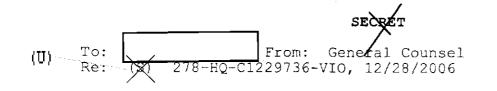
AT WASHINGTON, DC

(U) For action deemed appropriate.

SECRET

FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE		Date: 12/28/2006	
	To:	Attn:	SAC CDC	
	Counterterrorism	Attn:	ITOS 1, CONUS 4, TEAM 1	3 b2 b7E
	Inspection	Attn:	IIS	b6
	From: General Counsel	sm Law Unit	_#1/IX1_38119	b7C
	Approved By: Thomas Julie E.		ALL INFORMATION CONTAI HEREIN IS UNCLASSIFIEI WHERE SHOWN OTHERWISE	
(U)	Case ID #: (\$) 278-HQ-C12297	736-VIO (1	pate: 05-31-2007 classified by 65179 Pending) peason: 1.4 (c,d) Pending) pectassify on: 05-3	
(U)	\	— 10 f	RSIGHT BOARD (IOB)	
(U)	Synopsis: (S) It is the opinion Counsel (OGC) that the above reported to the IOB. Our ana	referenced	e Office of General matter need not be	
(U) · ·····	Derived I	From : G-3 y On: 2031	11228	
	Administrative: (U) This confootnotes. To read the footnotes document in Corel WordPerfect	otes. downl	n contains one or more load and print the	
(U)	Reference: 278-HQ-C1229736-V	'IO Serial 1	425	
	Details: By electronic content (cited below), the	communicatio Divisi	on (EC) dated May 18. 200 on)6
	(U) <u>See</u> EC from the and General Counsel, dated May 18, 1425, titled "INTELLIGENCE OVERSIGN	2006. Case II	ion to the Inspection Division # 278-HQ-C1229736-VIO Serial ERROR" hereinafter cited as	1.) L
		SECRET		
	OIG/DOJ REVIEW DATE: 7 4 0 1	NSL '	b6 VIO-1257	Ç.
{	O!G/DOJ INVESTIGATION:			

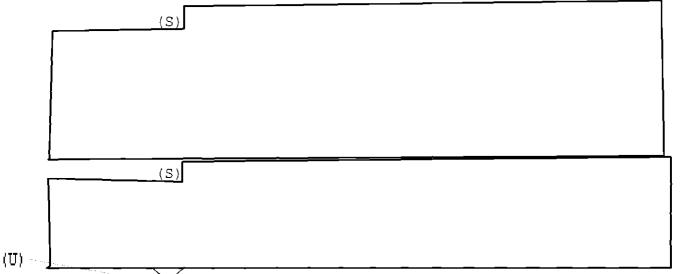


b2 b7E

> b1 b2 b7E b6 b7C b7D

b7A

reported a potential IOB involving a National Security Letter (NSL) issued by which, through an error on the part of the provider, yielded cellular telephone subscriber information belonging to the wrong number, a number which was not the subject of an FBI national security investigation.

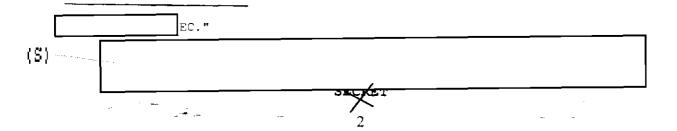


As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the error described here is a matter which must be reported to the IOB. We believe that the reported activity does not require IOB notification

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This has been interpreted to include violations of the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection ("Attorney

b2 b7E

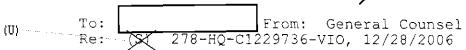
> b1 b7A



terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

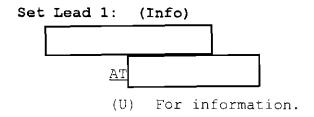
(U) Since already contacted the provider	b2
and shredded the inadvertently obtained material, there is no	b7E
longer a need for an action lead to	





LEAD(s):

b2 b7E



Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.



SEØKET

4

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date:	01/12/2007	ı
To: General	Counsel	Attn: NSLB			
Cor	ternal Investigations	Ext		3041	
Approved By:	Miller David Ian	Kus Edil			::::::::::::::::::::::::::::::::::::::
Drafted By:			CCLASSIFIE 1 05-30-20	D BY 65179/DMH 07	D6
Case ID #:	(U) 278-HQ-C1229736	5-VIO (Pendin	.g)		b7C b2
Title: (U)	INTELLIGENCE OVERSI INSD/11S TRACKING# OGC/10B# 2006		ER'		
Synopsis: (U (IOB) matter Law Branch (N	J) To report a potent to the Office of Ger JSLB).	cial Intelligen meral Counsel,	ce Over Nationa	sight Boar al Security	d.
Reference: ((U) 278-HQ-C1229736- 278-HQ-C1229736-				
an EC from possible IOB is the IIS's administrative will be condu	The Internal Invest Division error. Based upon a opinion the incident of in nature. Therefucted by the IIS and for whatever action to	n dated 05/18/2 a review of the c described the fore, no intern this matter is	006, re refere rein is al inve being	eporting a enced EC it s estigation relegated	b2

SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

P	receden	ce: R	OUTINE				Date:	01/17/2007
т	?o:				Attn:	SAC	(Personal	Attention)
F	rom: I		rnal I	nve <u>stigatio</u> CRS	ns Sect	ion, l	PU, Room :	3041
A	approved	By:	Miller	David Ian	Dely		DECLASSIFIE ON 05-30-20	D BY 65179/DMH/KSR/PW 107
D	rafted 1	By:						b2
c	Case ID	#:	(U) 2	63-HQ-0-U -	657 (i	Pendir	ng)	b7E
Т	Title:	` ,	INSD/I	JIGENCE OVER IS TRACKING OB# 2006		oard n	ATTER	b6 b7C
I t w	Intellige the Interville	ence O rnal I miscon	versiç nvesti duct.	gations Sec This matte appropriat	OB) vio tion (I r is re e. Cas	lation IS), a turned e clos	n has been and is not d to the fi	reviewed by considered ield for
(U) ·· ·····		···· ··· ·· · · · · · · · · · · · · ·	?	Derived From Declassify	on: 20	3 3201 17		
E	Enclosur	e(s):	(U) 2	78-HQ-C1229	736-VIO	Seria	al 1425	
R	Reference	e: (U		3-HQ-C122973 3-HQ-C122973				b2 b7E
r i	report of .ndicativ	f a po ve of	tentia willfu	eview of 100 viola 100 vio	tion, II t. IIS	IS did	l not find addresses	captioned the matter allegations
N	Mational	to our Secur	atten ity La	cognizes an tion as req w Branch/OG rial 2570).	uired by	y the	revisions	matter was mandated by
T	HIS EC	IS UNC	LASSIF	TED WHEN SE	PARATED	FROM	CLASSIFIE	ENCLOSURE.
*	•							

SECRET//20320117 NSL VIO-1262



U.S. Departme. of Justice

Office of the Inspector General

	Washington, D.C. 20530
DATE:	January 26, 2007
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation
	ALL FEI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division DATE 05-31-2007 BT 651797Dan/ASAVAGE b 6 b 7C
SUBJECT	
for	e consider this a management matter. The information is being provided to you whatever action you deem appropriate in accordance with your agency's policy d regulations. A copy of your findings and/or final action is not required by the G.
1 1	is matter is referred to your agency for investigation. Please provide the OIG th a copy of your final report on this matter.
Th	is complaint will be investigated by the OIG.
	IMPORTANT NOTICE
IG . beli	ntifying information may have been redacted from the attached OIG Report/Referral pursuant to § 7 of the Act or because an individual has (a) requested confidentiality or (b) expressed a fear of reprisal. If you eve that it is necessary that redacted information be made available to your Agency, you may contact the istant Inspector General for Investigations.

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

Attachment

and the Whistleblower Protection Act.

OIG - INVESTIGATIONS DIVISION -	- Complaint Form	OIG NO.	689-2007-002578-M
Received By:	Date Received:	01/04/2007	How Received: A
SUBJECT: Title: SSA Component: FB1 Misc: Home: Phone: () - Work: , , Phone:	Pay Plan: EOD Date: ZIP: ZIP:	D.O Alien F.B.I. B.O.P. D/L	No.:
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () - Work: , , Phone:	Pay Plan: EOD Date: ZIP: ZIP:	D.O Alien F.B.I. B.O.P. D/L	No.: b6 No.: b7C
COMPLAINANT: Title: DDIR Component: FBI Misc: Home: Phone: () - Work: , Phone: Confidential:	Pay Plan: EOD Date: ZIP: ZIP: Revealed:	D.O Alien F.B.I. B.O.P. D/L	No.:
Details: The FBI provided information response to the substitution on the substitution of the substitutio	er (NSL) was served to ob formation that was provid ject of the investigation , steps were taken to obt	tain information ed to the FBI of the Upon discovers ain the information the information to the control of the	was of another ering the FBI had been
It is the opinion of the Office to the IOB. (dz) ALLEGATIONS: 689 IOB Violation Occurrence Date:			er need not be reported b2 Zip: b7E
JSPOSITION DATA: Disposition:	M Date: 01/25/2007	Approval: PO	WELL, GLENN G
eferred to Agency: FBI atriot Act: N Civil Rights ensitive: N Whistleblower	Consolidated C RS		3-0-U-657, 2450 79/DMI/KSP/RW

Page 1 of 2

						7
OIG -	ENVESTIGATIONS	DIVISION	-	Complaint Form	OIG NO.:	689

OTG	NO.:	689-2007-002578-
$O \perp O$	1467	003-2007-002370

Remarks:

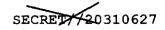
Predicating material contains classified information that will be maintained in a secure container within OIG/INV/HQ.

01/26/07-Sent to Kaiser/FBI/INSD. (dz)

SECRET//20310627

FEDERAL BUREAU OF INVESTIGATION

	Precede	ence:	ROUTINE]	Date:	06/27/200	16	
		nspecti eneral	ion Counsel		Attn: Attn:		Room , Room		b6 b7 b2	C
	From:	CT-							b7	
			-	Α			ALI, TN	FORMATION CON	PATNED	
	Approve	ed By:					HEREIN	IS UNCLASSIF SHOWN OTHERWI	IED EXCEP	Î
	Drafted	a By:							· ·	
(U)	Case II	#: >	278-	HQ-C1229736	5-VIO		CLA	E: 05-30-2007 SSIFIED BY 65		sr/pu
	Title:	(U)	SA SSA				DEC	SON: 1.4 (c) LASSIFY ON: 0	5-30-2032	
(U)	Synopsi	is:	/	ence oversi ort possibl		,	OB) ER	KOK		
(U)) is		erived From		27/20	31			b1 b2 b7E
	Details	s:								b6
	(S) 1.									b7C b7A
							1			
1771	(S) 2.									b1 b6
(U) ******	3.	. Po:	ssible IC	B Error:						b7C
(U) ·····	(5	3)							b1 b7A	b7A
(0)	delays)		scription	of IOB Err	for (inc)	ludin	g any	reporting	1,7711	
(U) ·	Letter request number prepare contain	ting some belied accorded the	#1) direcubscriberved to be ording to then cur	01/2006 ted to a la f, toll and long to about the then-carrent non-carrent another	arge tele billing ove liste current l disclosur	ecommon recon ed in PATRIC re was	unicat rds fo dividu OT Act rning.	r a teleph al. NSL # provisior NSL #1 w	iny none 1 was ns, and vas	bZ b7E
5(1) (1)	Lillar I	Las D		b6 b7C secr	≭ √20310	0627				



To: [Inspection From: 278-HQ-C1229736-VIO, (U)On or about 03/13/2006, and after the transmittal of NSL #1 to the other field office, but before it was served, the PATRIOT Act was revised, changing, among other things, the law regarding the non-disclosure procedures for NSLs. On 03/13/2006, telephonically notified the other field office not to serve NSL #1, and a new NSL (NSL #2) complying with the revised Act with a new non-disclosure provision was prepared for the same b2information. NSL #2 was approved and transmitted to the other field office for service. b7E On 03/21/2006, the other field office mistakenly served NSL #1 on the telecommunications provider. NSL #2 was served on 03/28/2006. On 05/24/2006, the telecommunications provider responded to NSL #1, providing subscriber information on the telephone number, but noted that it had received NSL #2 for the same telephone number, and indicated that it would provide toll and billing records in its response to NSI #2. (U) ··· became aware of the issue upon receiving the information regarding the response to NSL #1 on 06/20/2006. The response to NSL #1 has been sequestered.

(U) To: Inspection From:
Re: (3) 278-HQ-C1229736-VIO, 06/2

b2 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

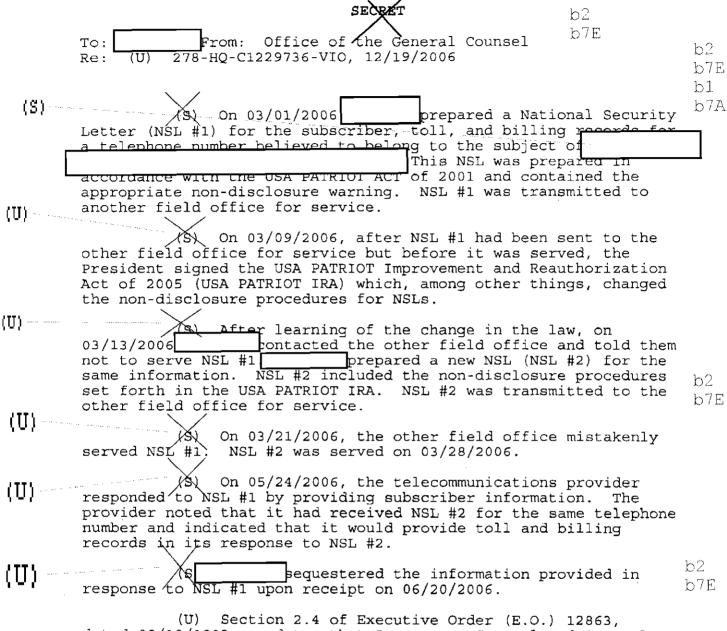
(U) For action deemed appropriate.

44

SECRET/720310627

FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE	b2			Date:	12/19/2006	
	То:	b7E	Attn:	SA SSA			
	Inspection	b6 b7C	Attn:	CDC IIS CRS			
	From: Office of the ONSLB/CILU/ROCONTACT:		nsel			ALL INFORMATION CONT HEREIN IS UNCLASSIFI WHERE SHOWN OTHERVIS	ED EXCEPT
	Approved By: Thomas C	Tulie F]				
	Drafted By: Case ID #: (U) 278-HQ)-C1229736-	VIO ((80 Pend:		DATE: 05-31-2007 CLASSIFIED BY 65179, REASOM: 1.4 (c)	
/TT\	Title: (U) INTELLIG	SENCE OVERS	SIGHT BO	ARD	·	DECLASSIFY ON: 05-3)	÷2032
(U)	Synopsis: (S) It is Counsel (OGC) that this Intelligence Oversight should be retained in to the IOB.	s matter n Board (IC	need not B). A	be 1 copy	reporte of thi	ed to the s opinion	•
(U) ····		rived From		tiple	Source	es	
	Reference: (U) 278-H	Q-C1229736	-VIO Se	rial	1469		
	Administrative: (U) footnotes. To read the document in Corel Word	e footnote	nicatio s, down	n cor load	ntains and pr	one or more int the	
(U)	Details: The ref the Division OGC review the facts of whether it warrants re does not. Our analysi	of the capt porting to	dated 0 ioned m the IO	6/27/ atter	/2006, and d	tion (EC) from requested that etermine opinion, it	b2 b7E
		SE	жет				
	CIG/DOJ REVIEW: F3I INVESTIGATION: OIG/DOJ INVESTIGATION:	DATE: 1, 4 s		be bī VIO-1	7 C		



(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsels of the Intelligence Community (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of a provision of the Attorney General Guidelines for National Security Investigations and Foreign Intelligence Collection (NSIG) or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to



To: From: Office of the General Counsel Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

b2 b7E

ensure the protection of the individual rights. Violations of provisions that are merely administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

- (U) Under the Electronic Communications Privacy Act (ECPA), the FBI may seek telephone and email communication records from telephone companies and internet service providers. 18 U.S.C. § 2709. Moreover, under the NSIG, NSLs are an authorized technique and may be issued in conformity with statutory requirements during a preliminary or full bl investigation.
- (V) Here, during an authorized investigation, the FBI properly served two (2) NSLs on a telecommunications provider. Due to a change in the USA PATRIOT Act, the non-disclosure provisions of these two NSLs were different. However, the language of the non-disclosure provisions does not effect the legality of the NSL. Both NSL #1 and NSL #2 were properly and legally served under an authorized investigation. Therefore, the FBI has not violated the law and is permitted to keep and use the information provided in response to both of these NSLs.
- (U) Based upon these facts, in accordance with the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB.

		b1 b7 <i>F</i>
(5)		
	SESPET	·



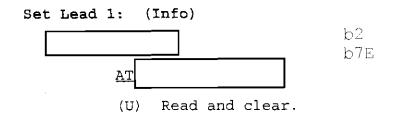
b2 b7E

ro: Fr

From: Office of the General Counsel

Re: (U) 278-HQ-C1229736-VIO, 12/19/2006

LEAD(s):



Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

CC:	Ms.	Thomas		
				b6
				b70
	TOB	Library		

SECRET

SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date:	01/17/2007	
	To:		Attn: SAC (Personal	Attention)	
	Īn	ction ternal Investigation ntact: CRS		U, Room 3	3041	
	Approved By:	Miller David Ia	21 .111111111 22 22 22 22 22 22 22 22 22 22	ED BY 65179/	DMH/KSR/RU	b2
	Drafted By:		ON 05-30-Z	007		b7E b6
	Case ID #:	(U) 263-HQ-0-U -	659 (Pending	1)		b7C
	Title: (U)	INTELLIGENCE OVER INSD/IIS TRACKING OGC/IOB# 2006		TTER		
	Intelligence the Internal willful misc	U) To advise that c Oversight Board (I Investigations Sec onduct. This matte ction as appropriat Derived Fro Declassify	OB) violation tion (IIS), an r is returned e. Case close	has been d is not to the fi	reviewed b considered leld for	
(U)	Enclosure(s)	: (U) 278-HQ-C1229	736-VIO Serial	1469		
	Reference:	(U) 278-HQ-C122973 278-HQ-C122973				b2 b7E
	of a potenti indicative o	D) Upon review of al IOB violation, I f willful misconductate and/or aggrava	IS did not fin t. IIS only a	d the mat ddresses	allegation	s
	mandated by) IIS recognizes a to our attention as National Security L 9736, serial 2570).	required by t	he revisi	ons	6
	THIS EC IS U	NCLASSIFIED WHEN SE	PARATED FROM C	LASSIFIED	ENCLOSURE	



U.S. Departmen of Justice

Office of the Inspector General

-	Washington, D.C. 20530						
DATE: TO:	January 29, 2007 Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIW IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW					
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division	b6 b7C					
SUBJECT:	OIG Complaint No. 2007002605 Subject FBI No. 263-0-U-659 FBI CMS No. 2480	b2 b7E					
for w	hatever action you deem appropriategulations. A copy of your finding	The information is being provided to you ate in accordance with your agency's policy s and/or final action is not required by the					
i i	matter is referred to your agency fo a copy of your final report on this n	or investigation. Please provide the OIG natter.					
This	complaint will be investigated by th	ne OIG.					
	<u>IMPORT</u>	CANT NOTICE					
IG Act believe	or because an individual has (a) requested con	the attached OIG Report/Referral pursuant to § 7 of the fidentiality or (b) expressed a fear of reprisal. If you see made available to your Agency, you may contact the					
right to <u>cases</u> , (o have access to an OIG Report/Referral or to t	ntemplated, the subject of an investigation does not have a the identities of complainants or witnesses, and that, <u>in all</u> ection from reprisal pursuant to the Inspector General Act					

Attachment

OIG - INVESTIGATIONS DIV	VISION - Complaint Form	OIG NO.	689-2007-002605-M			
Received By:	Date Received	: 01/04/2007	How Received: A			
SUBJECT: Tirle: SA Component: FBI Misc:	Pay Plan: EOD Date:					
Home: Phone: () - Work: Phone:	ZIP:		.Nc.: b6 No.: b7C nses: 689 b7C			
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () -	Pay Plan: EOD Date: ZIP:	D. Alien F.B.I B.O.? D/L	.No.:			
Phone: COMPLAINANT: Title: ATTY Component: FBI Misc: Home: Phone:	ZIP: Pay Plan: EOD Date: ZIP:	D. Alien F.B.I B.O.F	.No.:			
Work: Office of the Gene						
Details: The FBI provided information regarding a potential IOB matter (2006 b7E On March 1, 2006 FBI prepared the first National Security Letter (NSL) and transmitted it to another field office for service. On March 9, 2006, the USA PATRIOT Improvement and Reauthorization Act of 2005, which changed the non-disclosure procedures for NSLs, was signed. On March 13, 2006, the field office is contacted and advised not to serve NSL #1;NSL #2 is prepared and transmitted to the field office for service. NSL #1 was mistakenly served on March 21, 2006; NSL #2 was served on March 28, 2006. The FBI received a response to NSL #1; the information was sequestered upon receipt on June 20, 2006. It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB. (dz)						
ALLEGATIONS: 689 IOB Occurrence Date:	Violation TIME: State:		Zip:			
DISPOSITION DATA: Dispo	osition: M Date: 01/26/2007	Approval: P	OWELL, GUENN G			
Referred to Agency: FBI Patriot Act: N Civ		-	B1 63-(-3-859, 2480			
Sensitive: N Whise	tleblower: N Consolidated ALL FBI INFORMATION CONTAINE HEREIN IS UNCLASSIFIED DATE 06-06-2007 FY 65179/DM:					

0+45 1 54 0

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.

-689-2007-002605-M

Remarks:

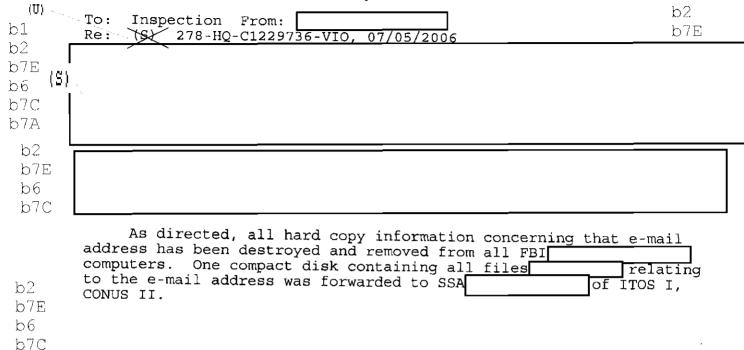
Predicating material contains classified information that will be maintained in a secure container within OIG/INV/HQ.

01/29/07-Sent to Kaiser/FBI/INSD. (dz)

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE	Date:	07/05/2006	
To: Inspect General	tion l Counsel	Attn: IIS, Room Attn: NSLB, Roc	1 11861	b2 b7E b6
	quad 1			b7C
Approved By	contact: CDC	H	LL INFORMATION CONTAIN PREIN IS UNCLASSIFIED HERE SHOWN OTHERWISE	
Drafted By:	(S) 278-HQ-Ç1229736	WIO 1496	ATE: 05-31-2007 LASSIFTED BY 65179/DMH EASON: 1.4 (c,d)	/KSR/RU
Title: (U)		D	SCLASSIFY ON: 05-31-20	32
(U) Synopsis:	`	y reported possib		
(U)	Derived From Declassify On	G-3		<u>ل</u> ہ 1
Details:				b1 1 b2
(S) 1. (S) 2.				b7E b6 b7C b7A
(U)	essible IOB Error:			11
(U) In	uitiating a form of el thout probable cause.	ectronic surveil	lance or a search	b1 h b6 b7(
(U) 4. De	scription of IOB Erro	or (including any	reporting delays	, b7I
(s)				b7 <i>I</i>
(S) -				
Schiller Amfill Cha kas of	1/907 b6 b7C	NSL VIO-1277		b1 b2 b7E b7D b7A





SECRET

 b2 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

**

SECRET



FEDERAL BUREAU OF INVESTIGATION

			,		
	Precedence:	ROUTINE		Date:	12/22/2006
	To:		b2	Attn:	SAC
	L		b7E		CDC
	Counter	terrorism	b 6	Attn:	ITOS 1, CONUS 2, TEAM 7
	00011001	COLLOLADII	b7C	1100111	1100 1, 001100 2, 11111 /
	Inspect	ion		Attn:	IIS ALL INFORMATION CONTAINED
					HEREIN IS UNCLASSIFIED LAGEFI
		e of the Gene			WHERE SHOWN CTHERWISE
		LB/CTLU1/ LX1 ontact: UC	l Room 3 \$ 1	.19	
	CC	incace: oc_	- /XY/\T	г	
	Approved By:	Thomas Juli	ie F		DATE: 05-31-2007
	Drafted By:			- 201	CLASSIFIED BY 65179/DMH/KSR/RO REASON: 1.4 (c,d)
U) ·				-19/19	ngolisarry om: 05-31-2032
	Case ID #: (278-HQ-C	1229736-VI	O (Pending	g)
(U)	Title:	INTELLIGEN	CE OVERSIO	HT BOARD	
		INTELLIGENO MATTER 2006	5		
(U) ·····	Synopsis:	X) It is the	opinion	of the Of	fice of the General
101	Counsel (OGC	:) that this r	natter mus	st be repo:	rted to the
					ll prepare and
	deliver the	necessary con	rresponden	ice to the	IOB.
	(U) (U		ved From		
U)	(0)	Decla	assify On:	2031122	2
U)	Reference:	278-HQ-0	C1229736-V	710 serial	1490
	Administrati	ve: (S) This	s document	contains	information obtained or
	derived from	an electroni	ic surveil	lance or p	physical search conducted
	Section 1806	(b). Such in	igence sur iformation	veillance	Act ("FISA"), 50 U.S.C. t be used in any criminal
	or administr	ative proceed	iing, incl	uding gran	nd jury proceedings and
	warrant affi	davits, with	out the pr	ior writte	en approval of the
•	information	may not be di	Julted Sta Isseminate	ites. U.S.	. Person FISA derived reign government without
	the prior wr	itten approva	al of the	Attorney (General of the United
	States.			•	
			SECRET//	noforn	b6
				n	b7C .
	OIG/DOJ REVIE	W: DATI	E: 1-4 "	<i>i</i>	
	FRI INVESTIGA	```• 		<u> </u>	
)	NSL VIO-1	1280
	OIG/DOJ INVES	HUAHUN			

Re: (\mathbf{U}) The referenced serial from requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is required to report this matter to the IOB. (S) b1 b2 b7E b6 b7C b7D b7A b1b2 (S/NF) b7E b6 b7C b7A (S/NF) b1 b2 b7E **b**6 b7C b7A S) As directed, all hard copy information b2 concerning that e-mail address has been destroyed and removed b7E from all FBI computers. One compact disk containing all files relating to the e-mail address b6 was forwarded to SSA of ITOS I, CONUS II.

To:

b7C

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB)

SECREZ//NOFORN

b2 b7E

b1

Office of the General Counsel From: To: 278-HQ-C1229736-VIO, 12/22/2006

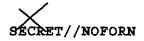
and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

- Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other quidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.
- Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(S)

In this situation, the FBI and OIPR (II) inadvertently included an email account not associated with the FBI subject in a FISA application. This resulted in court-ordered electronic surveillance and physical search of an email facility that was not associated with the FBI subject, in violation of the NSIG. This incident must be reported to the IOB. In accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will

SECRET//NOFORN
3



To: From: Office of the General Counsel b7E Re: 278-HQ-C1229736-VIO, 12/22/2006

prepare a cover letter and a memorandum to report this matter to the IOB.

(U) Shecause the inadvertently captured information has already been collected, sequestered, sealed and delivered to CTD, ITOS1, there is no action lead to the field. If not already done, CTD, ITOS1 should ensure that all inadvertently captured information is delivered to OIPR for appropriate disposition by the FISC.

SECRET / NOFORN

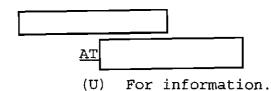
To: _____From: Office of the General Counsel

Re: 278-HQ-C1229736-VIO, 12/22/2006

LEAD(s):

b2 b7E

Set Lead 1: (Info)



Set Lead 2: (Action)

COUNTERTERRORISM

AT WASHINGTON, D.C.

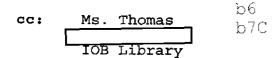
(U) The FBIHQ substantive unit should ensure that all inadvertently captured information is delivered to OIPR for appropriate disposition by the FISC.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) For action deemed appropriate.



SECRET NOFORN

5

December 22, 2006

BY COURIER

Mr. Stephen Friedman Chairman Intelligence Oversight Board Room 50209 New Executive Office Building 725 17th Street, Northwest Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RU ON 05-31-2007

Dear Mr. Friedman:

Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2006- (U)

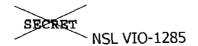
b2

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

1 - 278-HQ-C1229736-VIO

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE
Derived From: G-3
Declassify On: 20311222





Mr. Stephen Friedman

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

Sincerely,

Julie F. Thomas Deputy General Counsel

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

SECRET

(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

FIELD OFFICE
IOB MATTER 2006 (U)

b7E

b2

(S) By electronic communication dated July 5, 2006, the Federal Bureau of Investigation (FBI Field Office reported that the FBI and the Office of Intelligence Policy and Review (OIPR) inadvertently included an email account not associated with the FBI subject in a Foreign Intelligence Surveillance Act (FISA) application. This resulted in court-ordered electronic surveillance and physical search of an email facility that was not associated with the FBI subject. The inadvertently intercepted material was sequestered and will be filed with the Foreign Intelligence Surveillance Court.

b1

<u>(S)</u>

The court-ordered electronic surveillance and physical search of an email facility that was not associated with the FBI subject violated the NSIG. Thus, the matter is being reported to the IOB.

DATE: 07-05-2007

CLASSIFIED BY 65179 dmh /ksr/rw

PEASON: 1.4 (1)

DECLASSIFY ON: 07-05-2032

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Derived from: G-3 Declassify on: 20311222

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FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE	Date:	01/12/2007
To: General	Counsel Attn: N	ISLB	
	tion ernal Investigations Section tact: CRS	IPU, Room :	3041
Approved By:	Miller David Ian Miller David	U HEREIN IS U	
Drafted By:		DATE (05-31-)	2007 BY 65179/DMH/KSP/RW
Case ID #:	(U) 278-HQ-C1229736-VIO (·	o6
Title: (U)	INTELLIGENCE OVERSIGHT BOAF INSD/IIS TRACKING# 2492 OGC/IOB# 2006	כוביויים עואל עול	o7C o2
) To report a potential Inte to the Office of General Cou SLB).		
Reference: (U) 278-HQ-C1229736-VIO Ser: 278-HQ-C1229736-VIO Ser:		
an EC from possible IOB is the IIS's of a performa will be condu	The Internal Investigations Division dated 07 error. Based upon a review opinion the incident describ nce issue. Therefore, no in cted by the IIS and this mat or whatever action they deem	7/05/2006, report of the reference therein is natural investations in the real control of the real control	porting a b2 enced EC it b7E s indicative tigation relegated

SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE Date: 01/17/2007	
	To: SAC (Personal Attention)	
	From: Inspection Internal Investigations Section, IPU, Room 3041 Contact: CRS Ext.	
		52
	Drafted By: I	57E 56
		57C
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2492 OGC/IOB# 2006-	
U)	Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS. Derived From: G-3 Declassity On: 20320117	
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1490	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1490 278-HQ-C1229736-VIO Serial 1974	b2
	Details: (U) Upon review ofDivision's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegation where deliberate and/or aggravated misconduct is evident.	b7E s
	(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognize and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).	
	THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE	
	◆◆ DECLASSIFIED BY 65179/DMH/KSE/1 OW 05-31-2007	ij
	SECRET//20320117	



U.S. Departmen & Justice

Office of the Inspector General

		Washington, D.C. 20530					
DATE:	January 29, 2007						
TO: Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation ALL FRI INFORMATION CONTAINED DATE 05-31-2007 BY 65179/DMH/KSR/RW							
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division		b6 b7C				
SUBJECT: OIG Complaint No. 20 Subject: FBI No. 263-0-U-661 FBI CMS No. 2492		7002615	b2 b7E				
for w	hatever action you deem a regulations. A copy of you	t matter. The information is bein ppropriate in accordance with y r findings and/or final action is r	our agency's policy				
	matter is referred to your a copy of your final report	agency for investigation. Please on this matter.	provide the OIG				
This	complaint will be investiga	ated by the OIG.					
		IMPORTANT NOTICE					
IG Act believe	t or because an individual has (a) re	dacted from the attached OIG Report/Refer quested confidentiality or (b) expressed a fe nformation be made available to your Agenc tions.	ar of reprisal. If you				

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

Attachment

and the Whistleblower Protection Act.

Old - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.:	689-2007-00261	5-M
Received By:	Date Received:	01/04/2007	How Received:	А
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () - Work: , , Phone:	Pay Plan: EOD Date: ZIP:	D. Alien F.B.I B.O.P D/L	.No.:	
SUBJECT: Title: TFO Component: USM Misc: Home: Phone: Work: Phone:	Pay Plan: EOD Date: 7TP: ZIP:	O. Alien F.B.I B.O.P D/L	.No.:	b6 b7C b2
COMPLAINANT: Title: LEGAI. Component: FB1 Misc: Home: Phone: () - Work: , Phone: Confidential:	Pay Plan: EOD Date: ZIP: Revealed:	D. Alien F.B.1 B.O.P	.No.: .No.: No.:	
Details: (S) The FBI provided information is and a National Security Letter associated with the target of another NSL requesting information to the target. The information computers. It is the opinion of the Office to the IOB. (dz) ALLEGATIONS: 689 IOB Violation	c (NSL) was issued. In rethe investigation was ideation revealed that the information obtained was desired of the General Counsel	sponse to the entified. Howe formation pre- troyed and ren	ever results from viously obtained noved from all FR	n did not b7. BI ceported
Docurrence Date:	TIME: State:		Zip:	b2 b7E
DISPOSITION DATA: Disposition:	M Date: 01/26/2007	Approval: Po	OWELL, GLENN G	
Referred to Agency: FBI Patriot Act: N Civil Right: Rensitive: N Whistleblower	Compor	Component: Fl	The	2

DATE: 05-31-2007

FBI INFO. NSL VI**O:1291** ied by 65179/dmi/Ksr/RW

PEASON: 1.4 (c)

DECLASSIFY ON: 05-31-2032

O1G - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.

689-2007-002615-М

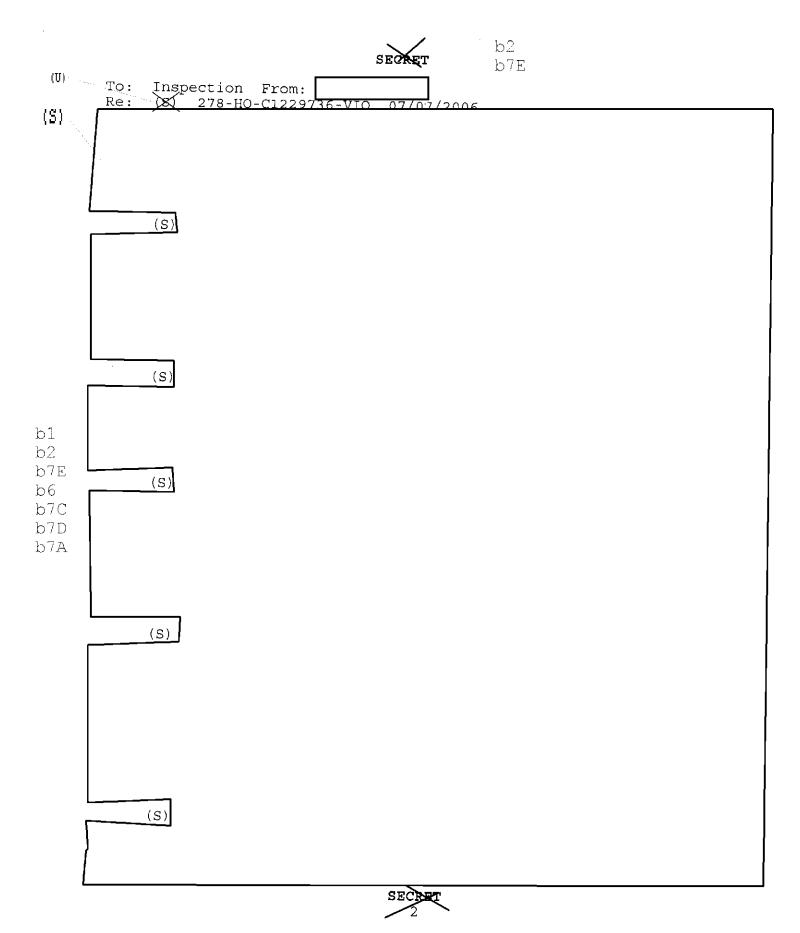
Remarks:

Predicating material contains classified information that will be maintained in a secure container within OIG/INV/HQ.

01/29/07-Sent to Kaiser/FBI/INSD. (dz)

SEXET FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date: 07/07/2	2006
	To: Inspect General	ion Counsel	Attn: II	S, Room 11861 ELB, Room 7975	b2 b7E
		TF ntact: TFO			b6 b7C
	Approved By:		Mukh	ALL INFORMATIO HEREIN IS UNCL WHERE SHOWN OT	ASSIFIED EXCEPT
(U) ···	Drafted By: Case ID #: Title: (U)	TFO	<u></u>	FEASON: 1.4	8Y 65179/D MH /KSR/RW
	Synopsis:	SSA INTELLIGENCE OVER To report possi	ible IOB erro		b1 b2 b7E
(U)	198	Declassify			b6 b70
	Details:				b7A
(U) :	(S) 1. (S) 2.	ssible IOB Error:			
	(s)				b1 b7A
(U)	4. De:	scription of IOB E	rror.		
.5	mile min	ente Tixiv	a Sean and		
CRS[Kas	01[08]01 b6 b7C	SECRET NSL VIC)-1293	b1 b2 b7E b7D b7A



b2 b7E

To: Inspection From: Re: 278-HQ-C1229736-VIO,

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

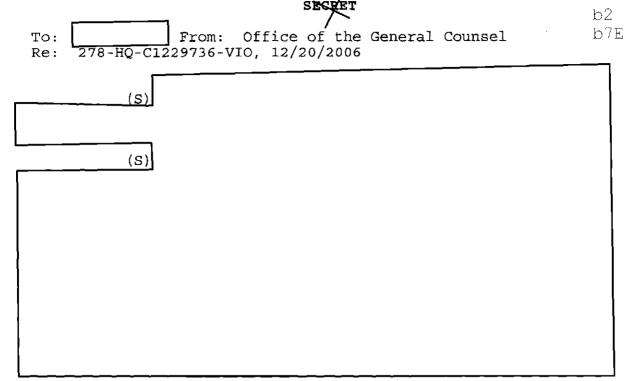
AT WASHINGTON, DC

(U) For action deemed appropriate.

FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE	b2		Dat	e: 12/20,	/2006
	To:		b7E b6	Attn:	SAC CDC		
	Counter	rterrorism	b7C	Attn:	ITOS 1,	CONUS 2,	TEAM 6
	Inspect	cion		Attn:	IIS		LASSIFIED EXCEPT
	NS	ce of the Gen SLB/CTLU1/LX1 ontact: UC			<u>·</u>	WHERE SHOUN (otherwise
	Approved By	Thomas Jul	ie W	U			·······Et.
U)	Drafted By:			19	47	REASON: 1.4 (65179/DMH/KSR/RW c,d)
	Case ID #:	∖S∕ 278-HQ-C	1229736-	VIO (Per	nding)	DECLASSIFY ON	: 05-31-2032
U) · · · · · · · · · · · · · · · · · · ·	Title:	INTELLIGEN MATTER 200	CE OVERS	IGHT BO	ARD		
(U) · · · · · · · · · ·	Counsel (OGO Intelligence maintained i	It is the C) that this is oversight B in the contro	matter i oard (IO l file f	s not re B). Rai or perio	eportabl ther, it	e to the should be	2
(V)		Deri Decl	ved From	: G-3 h: 203	11220		
(U) · · · · ·	Reference:	278-НО-	C1229736	-VIO se	rial 150	5	b2 b7E
(U) · · · ·	determine wheeplained be	The reference to the matter to the	s of the rants reposition,	caption	ned matt	er and IOB. As	ested

	SECRET				
OIG/DOJ REVIEW:	DATE: 1-4-67	b6 b7C			
FBI INVESTIGATION: OIG/DOJ INVESTIGATION:	(rg)	NSL VIO-1296			



b1 b2 b7E b7D b7A

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI

b7E

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b2

b7E

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

(S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention, including subscriber information and electronic communication transactional records in the custody of electronic communications service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709).

NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) -----

Here, during an authorized investigation, the FBI properly served an NSL on an electronic communications service provider requesting subscriber information. In response to the properly served NSL, the FBI inadvertently obtained information beyond the scope of the NSL (electronic communication transactional records). FBI b7E identified the problem, and properly sequestered the electronic communication transactional records.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

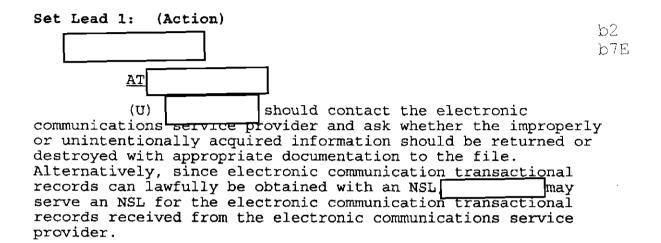
(U) should contact the electronic communications service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file. Alternatively, since electronic communication transactional records can lawfully be obtained with an NSL may serve an NSL for the electronic communication transactional records received from the electronic communications service provider.

SECRET

SECRET

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

LEAD(s):



Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

Ms. Thomas b6 b7C

SECRET

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date:	01/12/2007	
To: General	Counsel	Attn: NSLB			b6
	ction ternal Investigations ntact: CRS	s Section, IPU,		3041	b7C b2
Approved By:	Miller David Ian	year Et 1		ATION CONTAINEI UNCLASSIFIED	di
Drafted By:			**********************	-2007 BY 65179,	'DMH/KSR/P
Case ID #:	(U) 278-HQ-C122973	6-VIO (Pendir	ıg)		
Title: (U)	INTELLIGENCE OVERSINSD/IIS TRACKING#OGC/IOB# 2006		TER		
Synopsis: (U (IOB) matter Law Branch (N	J) To report a potent to the Office of Gen NSLB).	tial Intelliger neral Counsel,	nce Over Nationa	sight Board al Security	Ė
Reference: ((U) 278-HQ-C1229736 278-HQ-C1229736				
an EC from possible IOB is the IIS's of a performa will be condu	The Internal Investor Division date error. Based upon a opinion the incident ance issue. Therefore ted by the IIS and for whatever action to	ted 07/07/2006, a review of the t described the re, no internal this matter is	report refere rein is invest being	ing a enced EC it s indicative igation relegated	b2 b7E

NSL VIO-1301

FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE Date: 01/17/2007	
	To: SAC (Personal Attention)	
	From: Inspection Internal Investigations Section. IPU, Room 3041 Contact: CRS Ext	
	Approved By: Miller David Ian (M) Drafted By: (U) 263-HQ-0-U - 663 (Pending) DECLASSIFIED BY 65179/DMH/KSR/PW	
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER b7C INSD/IIS TRACKING# 2563 OGC/IOB# 2006	
	Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.	
U)	Derived From: G-3 Declassify On: 20320117	
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1505	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1505 278-HQ-C1229736-VIO Serial 1947	
	Details: (U) Upon review of Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.	b2 b7E
	(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570). THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.	
	THIS IS IS SHOULDOITING WHEN SHEARAIED FROM CHASSITIED ENCHOSURE.	

SECRET//20320117 NSL VIO-1302



U.S. Departme of Justice

Office of the Inspector General

			Washington, D.C. 208/g
DATE	:	January 31, 2007	
то:		Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW
FROM	1:	Glenn G. Powell Special Agent in Charge Investigations Division	b6 b7C
SUBJI	ECT:	OIG Complaint No. 2007002641 Subject: Division FBI No. 263-0-U-663 CMS No. 2563	b2 b7E
	for w	hatever action you deem appropriate	The information is being provided to you in accordance with your agency's policy and/or final action is not required by the
		matter is referred to your agency for a copy of your final report on this ma	investigation. Please provide the OIG
	This	complaint will be investigated by the	OIG.
		<u>IMPORTA</u> !	NT NOTICE
	IG Act believe	or because an individual has (a) requested confid	e attached OIG Report/Referral pursuant to § 7 of the entiality or (b) expressed a fear of reprisal. If you made available to your Agency, you may contact the
			mplated, the subject of an investigation does not have a identities of complainants or witnesses, and that, <u>in all</u>

cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act

Attachment

and the Whistleblower Protection Act.

O1G - INVESTIGATIONS DIVISION -	Complaint Form	OIG NO.:	689-2007-002641-M
Received By:	Date Received:	01/04/2007	How Received: A
SUBJECT: Title: TFO Component: FBI Misc: Home: Phone: Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	D.G Alien F.B.I B.O.P D/L	.No.: 52
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan EOD Date ZIP: ZIP:	D. Alien F.B.I B.O.P D/L	.No.:
COMPLAINANT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone: Confidential:	Pay Plan: EOD Date: ZIP: ZIP: Revealed:	D. Alien F.B.I B.O.P	.No.: .No.: No.:
Details: Information received from FBI/received information. IOB #20 During an authorized investigation an electronic communication investigation. In response, the FBI Division identified information. The Office of General contact the electronic communication unintentionally acquired information to the file.	tion, the FBI properly sees provider for information to the FBI obtained information of the problem and property (OGC) advisorations service provider	erved a Nation on regarding to ion beyond the perly sequeste sed the FBI and ask wheth	al Security Letter (NSL) he target of the FBI scope of the NSL. The red the unauthorized Division to er the improperly or
It is the opinion of the OGC to ALLEGATIONS: 689 IOB Violation Occurrence Date: 06/20/2006 CITY:	hat this matter need not TIME: State:	be reported t	o the IOB. b2 b7E== Zip:
DISPOSITION DATA: Disposition: Referred to Agency: Patriot Act: N Civil Rights Sensitive: N Whistleblower	Date Sent: : N Compo	Component: F	OWELL, GLENN G 7:-/ BI 63-0-U-663, 2563

NSL VIO-1304 ALL PBI IMPORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-06-2007 BY 65179/DMH/KSR/RW

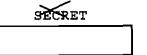
OIG - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.	689-2007-002641-M
Remarks: A search of the OIG databas	a revealed additional mate	tors involving	and
	e additional IOB matters M and 2007-0026 <u>20-M)</u> It	(2006-009161-M, should be noted	2007-001245-M, thatis also
Predicating material contai container within OIG/INV/HQ		that will be st	b70
1/31/07 - Sent to AD Kaiser	, FBI/INSD. (yht)		

kar07/24/06

SECKET FEDERAL BUREAU OF INVESTIGATION

	Precedenc	ce: ROUTINE			Date	e: 07/1	10/2006
		pection eral Counsel			IIS, Roc NSLB, Ro		
	From:	JTTF Contact:	TFO				b7E b6 b7C
	Approved	Ву:		7			
	Drafted E		2 <u>N</u> 1	_\ai _\		HEREIN IS	MATION CONTAINED UNCLASSIFIED EXCEPT UN OTHERWISE
(U)	Case ID ‡	#: 🔊 278	-HQ-C1229736	-VIO —/.	506		
	Title:	(U) TFO SSA INTELLI	GENCE OVERSION	GHT BOAR:	D (IOB)	ERROR	
(U) · ····· ···	Synopsis:	\ /	port possible				
(U)		(s)	Derived From Declassify O	: _0-3	CA CI RE	ASON: 1.4	BY 65179/D MH /KSR/PW
b1	Details:						
b2 b7E	(S) 1.						
b6 b7C	(S) 2.						
(U) b7A	3.	Possible I	OB Error:				
	b1 (s) b7A						
(U)	4.	L	n of IOB Erro		_		
b1	(S)						
b7E b6 b7C							
b7D L	ll as A	mlaw . Talett	, — — —		<u> </u>		
CAR	Uller Ju	, , , , , , , , , , , ,	•	SECRET			
U(<u>&</u>		[0 80 10 ass	b6 b7C	NSL \	/IO-1306		

(U)	To: Inspection From:	
(S)		b1 b6 b7(b7I b7#
(U) ~	None of the aforementioned toll records were entered into The additional toll records that were provided for were already requested in a previous NSL, therefore they were already entered into	b1 b6 b7C b2 b7E b7A



b2 b7E

To: Inspection From: Re: (%) 278-HQ-C1229736-VIO,

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

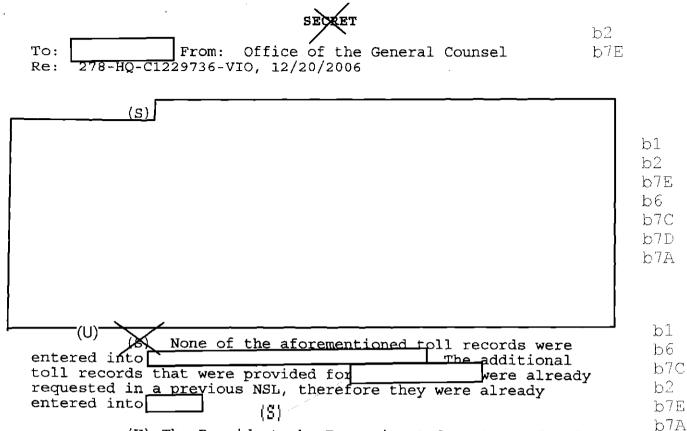
(U) For action deemed appropriate.

Set Lead 2: (Action)

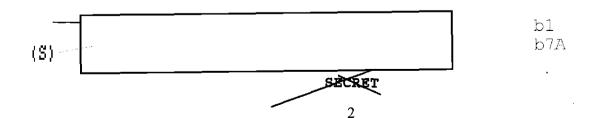
GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.



(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.



To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

b7E

Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention, including subscriber information and toll billing records in the custody of wire communication service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) ·

Here, during an authorized investigation, the FBI properly served an NSL on a wire communication service provider requesting subscriber information and toll billing records. In response to the properly served NSL, the FBI inadvertently obtained information beyond the scope of the NSL (toll billing records for a period of time not requested, and toll billing records in response to a request for only subscriber information). FBI identified the problem, and properly sequestered the toll billing records.

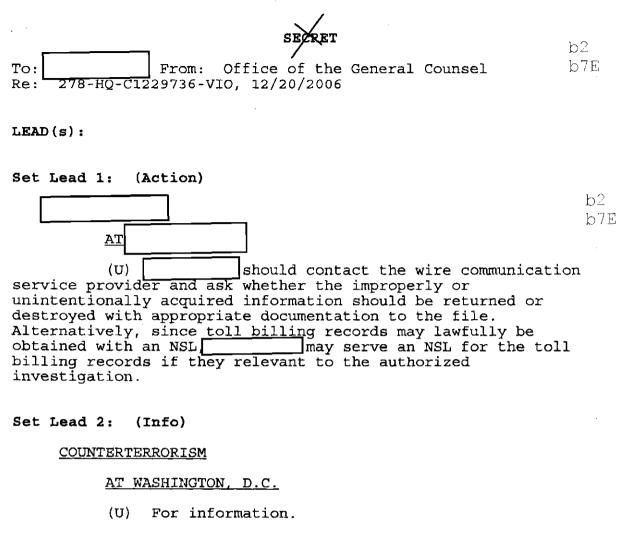
b2 b7E

b1





ro rom. Office of the General Counsel	
Re: 278-HQ-C1229736-VIO, 12/20/2006	
2	
(U) Based upon these facts, in accordance with the	
terms implementing the reporting requirements of Section 2.4	1- ()
of EO 12863, it is our opinion that this error is not	b2
	b7E
reportable to the IOB. A record of this decision should be	
maintained in the control file for future review by the	
Counsel to the IOB.	
(U)should contact the wire communication	
service provider and ask whether the improperly or	
unintentionally acquired information should be returned or	
destroyed with appropriate documentation to the file.	
Alternatively, since toll billing records may lawfully be	
obtained with an NSL,may serve an NSL for the toll	
may serve an NSL for the toll	
billing records if they relevant to the authorized	
investigation.	

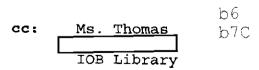


Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.



SECKET

5

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date:	01/12/2007	
To: General	Counsel A	ttn: NSLB			
	tion ernal Investigations tact: CRS	Section, IPU Ext		3041	
Approved By:	Miller David Ian	AS COUL ALL HER	INFORMATI EIN IS UNC	ON CONTAINED LASSIFIED	
Drafted By:		DATI	E 05-31-20	07 BY 65179/DM	d/KSR/RV
Case ID #:	(U) 278-HQ-C1229736-	VIO (Pendi:	ng)		b6 b7C
Title: (U)	INTELLIGENCE OVERSIGINSD/IIS TRACKING# 2 OGC/IOB# 2006		TER		b2
Synopsis: (U (IOB) matter Law Branch (N) To report a potenti to the Office of Gene SLB).	al Intelliger ral Counsel,	nce Over Nationa	rsight Boar al Security	d
Reference: (U) 278-HQ-C1229736-V 278-HQ-C1229736-V	/IO Serial 15 /IO Serial 19	06 48		b2
an EC from possible IOB o is the IIS's o administrativo will be conduc	The Internal Investi Division date error. Based upon a opinion the incident e in nature. Therefo cted by the IIS and t or whatever action th	d 07/10/2006, review of the described the re, no intern his matter is	, report e refere erein ig nal inve s being	cing a enced EC it s estigation relegated	. b7E

SECRET//2032011

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date:	01/17/2007	
To:		Attn: SAC	(Personal	Attention)	
	ction ternal Investigations ntact: CRS	Section. I	PU, Room : Ext	3041	
Approved By:	Miller David Ian	Ø1	DECLASSIFIED ON 05-31-200	EY 65179/DMH/KSR, 7	/RW
Drafted By:			Banning	b2	
Case ID #:	(U) 263-HQ-0-U - 6	 64 (Pendin	na)	b7E	נ
Case ID #:	(0) 203-NQ-0-0 - 6	of (rendin	197	b6	~
Title: (U)	INTELLIGENCE OVERSI INSD/IIS TRAC <u>KING#</u> OGC/IOB# 2004		IATTER	b70	,
Intelligence the Internal willful misc corrective a	U) To advise that cap Oversight Board (IOB Investigations Secti onduct. This matter ction as appropriate. Derived From Declassify On) violation on (IIS), a is returned Case clos	n has been and is not a to the fixed at IIS.	reviewed by considered ield for	
Enclosure(s)	: (U) 278-HQ-C122973	6-VIO Seria	1 1506		
Reference:	(U) 278-HQ-C1229736- 278-HQ-C1229736-				
report of a prindicative of) Upon review of potential IOB violati f willful misconduct. rate and/or aggravate	on, IIS did IIS only	addresses	the matter allegations	b2 b7E
brought to ou National Secu) IIS recognizes and ur attention as requi urity Law Branch/OGC : 9736, serial 2570).	red by the	revisions	matter was mandated by	
THIS EC IS UN	NCLASSIFIED WHEN SEPA	RATED FROM	CLASSIFIED	ENCLOSURE.	

SESRET//20320117 NSL VIO-1314



U.S. Departme of Justice

Office of the Inspector Cenural

DATE:		January 29, 2007	Washington, D.C. 20230				
то:		Kenneth W. Kaiser ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RU Inspection Division Federal Bureau of Investigation					
FROM	:	Glenn G. Powell Special Agent in Charge Investigations Division	b6				
SUBJE	CT:	OIG Complaint No. 20070024 Subject Division FBI No. 263-0-U-664 CMS No. 2564	b7C b2 b7E				
	for w	hatever action you deem approp	ter. The information is being provided to you priate in accordance with your agency's policy ings and/or final action is not required by the				
I I		matter is referred to your agenc a copy of your final report on th	ey for investigation. Please provide the OIG nis matter.				
	This	complaint will be investigated b	y the OIG.				
		IMPO	RTANT NOTICE				
			from the attached OIG Report/Referral pursuant to § 7 of the				

believe that it is necessary that redacted information be made available to your Agency, you may contact the

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

Attachment

Assistant Inspector General for Investigations.

and the Whistleblower Protection Act.

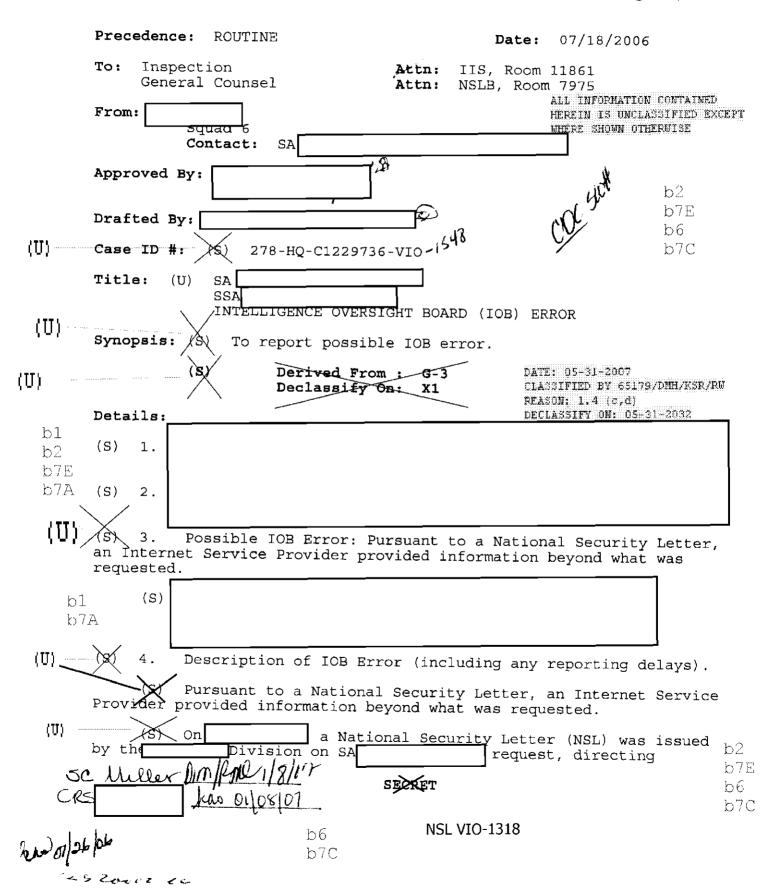
OIC - INVESTIGATIONS	DIVISION - Comp	laint Form	OIG NO.	689-2007-002620 M
Received By:		Date Received:	01/04/2007	How Received: A
SUBJECT: Title: TFO Component: FBI Misc: Home: Phone: Work: Phone:	_	Plan: Date: ZIP:	D.C Alier: F.B.I. B.O.P. D/L	No.: b7C
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone:	-	Plan: Date: ZIP: ZIP:	D.(Allen F.B.I. B.O.P D/L	.No.:
COMPLATNANT: Title: SSA Component: FBI Misc: Home: Phone: () Work: Phone: Confidential:	EOD	Plan: Date: ZIP ZIP: realed:	D.(Allen F.B.T B.O.P	.No.: .No.: No.:
During an authorize on a communication. In response, the Fi Division identified Office of General communications ser	ed investigation, s provider for inf BI obtained inform d the problem and Counsel (OGC) advivice provider and yed with the appro	the FBI properly secondation regarding mation beyond the second properly sequesters sed the FBI ask whether the unapriate documentation	erved a Nationa the target of cope of the NSI de the unauthor Division tauthorized information to the file.	cized information. The contact the promation should be b2 b7E
ALLEGATIONS: 689 I Occurrence Date: 06/ CITY:	OB Violation	TIME: State	oo lepolied at	Zip:
DISPOSITION DATA: D Referred to Agency: Patrio' Act: N	-	Date: 01/26/2004 Sent: Compo	Component: Fi	OWELL, GLENN G T' ~ 31 53-0-U-664, 2564
Sensitive: N W	histleblower: N	Consolidated		

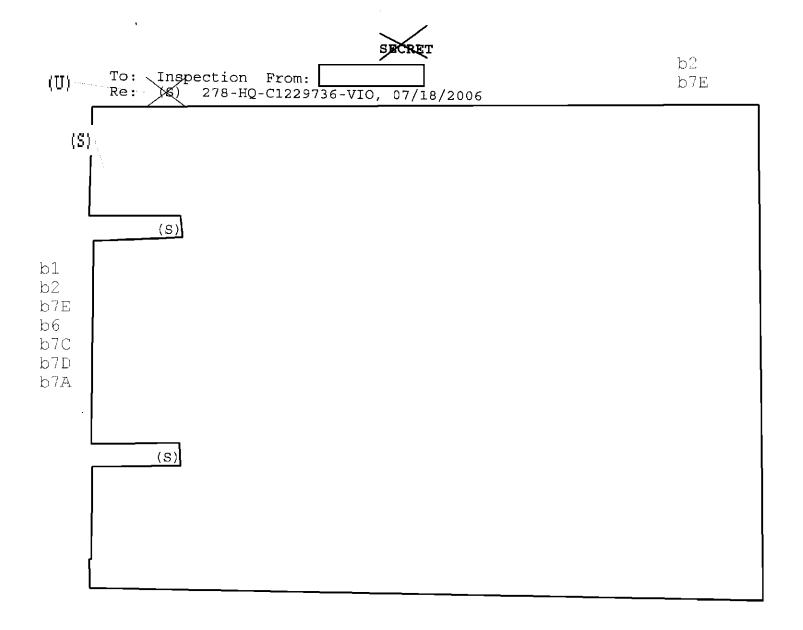
Remarks:

A search of the OIG database revealed four additional potential IOB matters (2006-009161-M, 2007-001245-M, 2007-001248-M and 2007-001276-M) involving As well as, one additional matter (2005-001465-M) involving and Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ.

1/29/07 - Sent to AD Kaiser, FBI/INSD. (yht)

SECRET FEDERAL BUREAU OF INVESTIGATION 5





LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

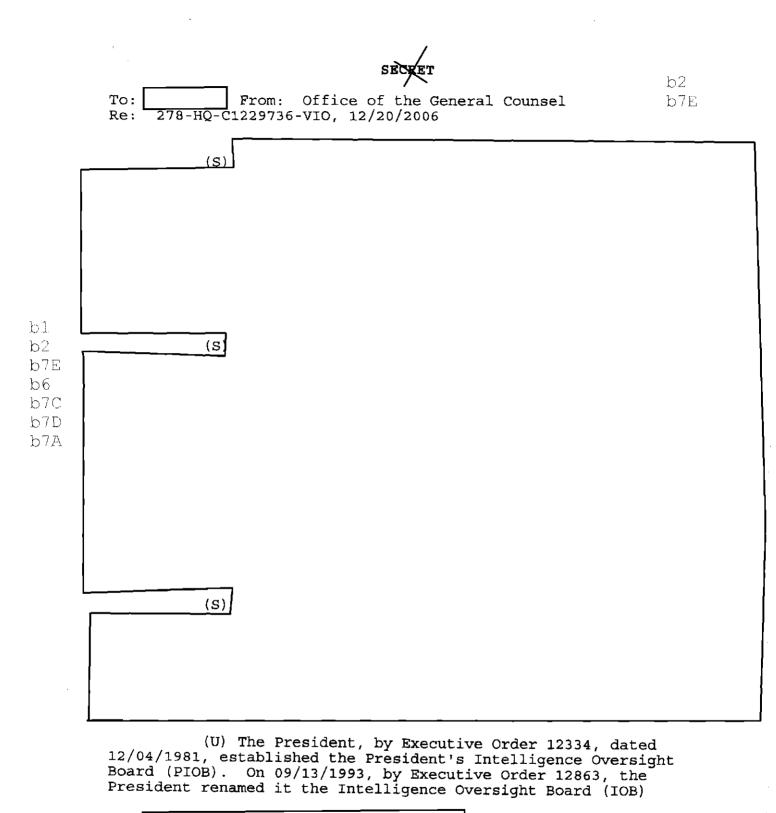
(U) For action deemed appropriate.



FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE			1	Date:	12/	/20/	2006	
	To:		b2 b7E	Attn:	SAC CDC					
	Counter	terrorism	b6 b7C	Attn:	ITOS	1, 0	ONUS	4,	TEAM	16
	Inspect	ion		Attn:	IIS	THE 12 (1971)	IFORMAT			
	From: Office of the General Counsel NSLB/CTLU1/LX1 Room 3S119/ Contact: UC									heart Fil
	Approved By:	Thomas Jul:	ie F	M		na delicana	05-31	2057		
U) ·····	Drafted By:]	49	CLASS PEASC	IFIED : N: 1.4	8Y 65 (c)	179/DN	H/KSR/RV
	Case ID #:	8 278-HQ-C:	1229736-	VIO (Pe	nding) DECLA	SSIFY	gn: O	5-31-2	USZ
Title: INTELLIGENCE OVERSIGHT BOARD MATTER 2006										
Synopsis: (3) It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.										
Derived From: G-3 Declassify On: 20311220										
(U) · ·····	Reference:	278-HQ-0	C1229736	-VIO se	rial 1	1548		•		
(U)	Details: Some that OGC revidetermine whe explained be report this	ether it war: low, in our o	s of the rants repopinion,	caption porting	ned ma	he IO	B. A	ıs		b2 b7E

	SECRET					
OIG/DOJ REVIEW:	DATE: 1 4-07	b6 b7C				
FBI INVESTIGATION:	(pa,	NSL VIO-1321				
OIG/DOJ INVESTIGATION:						



(S)

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To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006

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and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

- Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.
- (U) (S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention, including subscriber information and electronic communication transactional records in the custody of electronic communications service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709).

 NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(U) (S) Here, during an authorized investigation, the FBI properly served an NSL on an electronic communications service provider requesting subscriber information and electronic communication transactional records. In response to the properly served NSL, the FBI inadvertently obtained information beyond the scope of the NSL (email content

SECRET



To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/20/2006				
information). The FBI identified the problem, and properly sequestered the content information.	b2 b7E			
(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.				
(U) should contact the electronic communications service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file, and coordinate with accordingly.				

To: From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/20/2006

LEAD(s): b2
b7E

Set Lead 1: (Action)

(U) should contact the electronic

communications service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file, and coordinate with accordingly.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

cc:	Ms. Thomas	b6 b7C
	IOB Library	

SECRET

4

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date:	01/12/2007		
To: General	Counsel	Attn: NSLB				
Con	ternal Investigations	Ex		041		
Approved By:	Miller David Ian IM	Jean Colin				
Drafted By: [Case ID #:	(U) 278-HQ-C1229736	5-VIO (Pendi:	ng)	b6 b7C b2		
Title: (U)	INTELLIGENCE OVERSI INSD/IIS TRACKING# OGC/IOB# 2006		TER			
Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).						
Reference: (U) 278-HQ-C1229736 278-HQ-C1229736			,	:2	

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/RW

FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE Date: 01/17/200	7
	To: SAC (Personal Attention))
	From: Inspection Internal Investigations Section. IPU, Room 3041 Contact: CRS Ext Ext	
•	Approved By: Miller David Ian Off DECLASSIFIED BY 65179/DMH/KSR/	54.1
	Drafted By: 0M 05-31-2007	b 2
	Case ID #: (U) 263-HQ-0-U - 666 (Pending)	b7E b6
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2579 OGC/IOB# 2006	b7C
	Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.	py ł
U)	Derived From: 0-3 Declassify On: 20320117	
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1548	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1548 278-HQ-C1229736-VIO Serial 1949	b2
	Details: (U) Upon review of Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegation where deliberate and/or aggravated misconduct is evident.	
	(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated hat National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).	oy Y
	THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE	3.

SECRET//20320117 NSL VIO-1327



U.S. Departme. of Justice

Office of the Inspector Concral

DATE: January 29, 2007		Washington, D.C., No. 30				
TO;	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 95-31-2007 BY 65179/DMH/KSB/RW				
FROM	: Glenn G. Powell Special Agent in Charge Investigations Division					
SUBJE	CCT: OIG Complaint No. 2007002617 Subject: Division FBI No. 263-0-U-666 CMS No. 2679- 2.5 7 9	b6 b7C b2 b7E				
التصيا	We consider this a management matter. for whatever action you deem appropriat and regulations. A copy of your findings OIG.	e in accordance with your agency's policy				
	This matter is referred to your agency fo with a copy of your final report on this m	•				
	This complaint will be investigated by the OIG.					
	<u>IMPORTA</u>	NT NOTICE				
	Identifying information may have been redacted from IG Act or because an individual has (a) requested confibelieve that it is necessary that redacted information be Assistant Inspector General for Investigations.					
	Please be advised that, where adverse action is not con-	templated, the subject of an investigation does not have a				

right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, <u>in all cases</u>, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act

Attachment

and the Whistleblower Protection Act.

OIG - INVESTIGATIONS DIVISION -	Complaint Form	OIG NO.	689-2007-002617-M			
Received By:	Date Receiv	red: 01/04/2007	How Received: A			
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: , , Phone:	Pay Plan: EOD Date: ZIP ZIP:	Alie: F.B. B.O.	SSNO: .0.B.: n No.: I.No.: P.No.: b6 enses: 689 b7C			
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	Alie: F.B. B.O. D/3	SSNO: .O.B.: n No.: I.No.: P.No.: L No.: enses: 689			
Details: The FBI provided information reporting a possible IOB matter involving information improperly received. IOB #2006 During an authorized investigation, the FBI properly served a National Security Letter (NSL) on an electronic communication service provider for information regarding the target of the FBI investigation. In response, the FBI obtained information beyond the scope of the NSL. The FBI Division identified the problem and indicated that the excess information will be removed from the stand-alone computer, sequestered and stored pending further determination. It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB. ALLEGATIONS: 689 IOB Violation						
Occurrence Date: 03/17/2006 CITY:	TIME: State:		b^2 	2 7 E		
Patriot Act: N Civil Rights: Sensitive: N Whistleblower:	Date Sent:	Component:	POWELL, GLENN G デン FBI 263-0-U-666, 2679			
Remarks: A search of the OIG database reinvolving Predicating material contains container within OIG/INV/HQ. 1/29/07 - sent to AD Kaiser, FE	classified informatio		#2003-00875-M: tored in a secure	b6 b7C		

NSL VIO-1329
ALL FBI INFORMATION CONTAINED
HERELN IS UNCLASSIFIED
DATE 06-06-2007 BY 65179/DMI/KSE/RW

SECRES 20310911 FEDERAL BUREAU OF INVESTIGATION

09/11/2006 Date: Precedence: ROUTINE b2Attn: IIS, Room 11861 Inspection / b7E To: Attn: NSLB, Room 7975 General Counsel b6 b7C From: CI-1 Contact: ALL INFORMATION CONTAINED Approved By: HEREIN IS UNCLASSIFIED EXCEPT Drafted By: (U) ----278-HO-C1229736-VIO Case ID #: DATE: 05-31-2007 CLASSIFIED BY 65179/DMH/KSR/RW PEASON: 1.4 (c,d) (\mathbf{U}) DECLASSIFY ON: 05-31-2032 Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR To report possible IOB error. (U)Synopsis: Derived From : G-3 (U) b1 Details: b2 b7E (S) 1. b6 b7C (S) 2. Possible IOB Error: b1(S) Description of IOB Error (including any reporting (S) b1 b7D SECRET 20310911 Sc. Miller amp

b6

b7C

NSL VIO-1330

(U) Re: 278-HQ-C1229736-VIO, 09/11/2006

(S) (S) (S) (S) (S)

 b2 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

**

SECREST/20310911

FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE	b2		Dat	te: 12/18/2006	
	To:]	b7E	Attn:	SAC CDC		
			b6 b7C		SSA SA		
	Counter	intelligence		Attn:	UC CD-2	2C	
	Inspect	ion		Attn:	IIS	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EX WHERE SHOWN OTHERWISE	CEPT
	NS	e of the General Communication (COMMUNICATION COMMUNICATION COMUNICATION COMMUNICATION COMMUNICATION COMMUNICATION COMMUNICATION		nsel /			
	Approved By:	Thomas Jul	ie FOO	0		DATE: 05-31-2007 CLASSIFIED BY 55179/DMH/ REASON: 1.4 (c)	KSR/RI
	Drafted By:			1	941	DECLASSIFY ON: 05-31-203	Ž
(U)	Case ID #:	\$ 278-HQ-C	1229736-	VIO (Pe	nding)		
U)	Title: (S)	INTELLIGEN MATTER 200	CE OVERS	IGHT BO	ARD		
(V)	Synopsis: Counsel (OGC Intelligence maintained in the IOB. Out) that this of the coversight Book the control of t	matter i oard (IO l file f	s not r B). Ra	eportabl ther, it		
	ט)	Deri Decl	ved From	G-3 n: 25X	1		
(U)	from th potential IO	from the foli Field Of: B matter; (2)	lowing s fice Nation	ources: al Secu telepho	(1) EC o OGC re rity Let ne conve	ation (EC) contains dated 09/11/2006 eporting a tter issued by ersations between 006 and 12/15/2006.	b2 b7E b6 b7C
(U) -	Reference:		278-HQ-C	1229736	V JO - Serial	1629	
			sæ	ET.			
	OIG/DOJ REVIEW:	DATE	14.	NSI	b6 b70 VIO-1333	C	
	FBI INVESTIGATION				410 IJJJ		



To: From: Office of the General Counsel Re: 278-HO-C1229736-VIO, 12/18/2006

rev wan		b2 b7E
inf inv fro det sub pro cal	(S) On 04/17/2006 issued an National Security tter (NSL) pursuant to 18 U.S.C. § 2709 seeking subscriber formation for a telephone number relating to a subject of an vestigation. On 09/06/2006, obtained the NSL results om the service provider. After a review, on 09/11/2006, termined that the service provider not only provided the bscriber information as requested pursuant to the NSL, but also ovided additional information, such as, all outbound telephone lls placed through the service provider's system did t review or listen to the unsolicited records.	

- (U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.
- Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. Inspection Division is required, however, to maintain records of such administrative violations for three years so that the



To: From: Office of the General Counsel Re: 278-HO-C1229736-VIO, 12/18/2006

b2 b7E

b1

b2

b7E

Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C.§ 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C.§§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C.§ 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C.§ 2709.

In this investigation issued a lawful NSL to the service provider, and received in response information both within and beyond the scope of the NSL requested subscriber information for a telephone number relating to the subject. However, due to service provider error, additional information was provided quickly determined that the additional information was beyond the scope of the NSL did not review or listen to the unsolicited records erroneously provided by the service provider. The erroneously provided information should be segregated to protect the potential privacy interests of United States persons. Further should contact the service provider and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

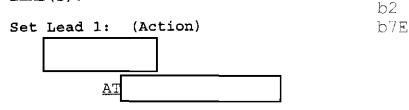
(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB¹. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

It is noted that in the past third-party errors were reported to the IOB. However, 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 OGC, but are not reportable to the IOB.

SECKET

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/18/2006

LEAD(s):



(U) should contact the service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

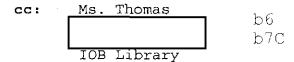
(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.



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FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE	Date	01/12/2007
To: General	Counsel At	tn: NSLB	
	ction ternal Investigations S ntact: CRS	ection, IPU, Roc	om 3041
Approved By: Drafted By:	Miller David Ian	HEREIN IS	MATION CONTAINED UNCLASSIFIED 1-2007 BY 65179/DMH/KSR/RU
Case ID #: Title: (U)	(U) 278-HQ-C1229736-V INTELLIGENCE OVERSIGH INSD/IIS TRACKING# 28 OGC/IOB# 2006	T BOARD MATTER	b6 b7C b2
	U) To report a potentia to the Office of Gener NSLB).		
Reference:	(U) 278-HQ-C1229736-VI 278 Ser: 278-HQ-C1229736-VI	ial 28	b2 b7E
an EC from IOB error. IIS's opinion nature. Thereby the IIS and	Division dated 09 Based upon a review of the incident describe refore, no internal invent this matter is being ion they deem appropria	1/11/2006, report the referenced I d therein is addressigation will relegated to the	ting a possible b2 EC it is the b7E ministrative in b7E be conducted

NSL VIO-1337

SECRET//20320117

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE		Date:	01/17/2007	
To:	Attn:	SAC (Personal	Attention)	
From: Inspection Internal Investion Contact: CRS	ations Sectio	Ext.		
Approved By: Miller David	Ian OM 1	DECLASSIFI <u>E</u> 1 ON 05-31-200	· EY 65179/DMH/KSI 17	?/RW
Drafted By:	-Ŭ - 670 (Ре	nding)	b2 b7E	
Case ID #: (U) 263-HQ-0 Title: (U) INTELLIGENCE INSD/IIS TRAC OGC/IOB# 2006	OVERSIGHT BOA KING# 2854		b6 b7C	
Synopsis: (U) To advise th Intelligence Oversight Boar the Internal Investigations willful misconduct. This more corrective action as approp	d (IOB) viola Section (IIS atter is retu	tion has been b), and is not rned to the fi	reviewed by considered ield for	
	From: G-3 1fy On: 2032			
Enclosure(s): (U) 278-HQ-C	1229736-VIO S	erial 1629		
278	229736-VIO Ser Serial 28 29736-VIO Ser	3		b2
Details: (U) Upon review of a potential IOB violation indicative of willful miscowhere deliberate and/or agg	n, IIS did no nduct. IIS c	nly addresses	tter allegations	b7E
(U) IIS recognize brought to our attention as National Security Law Branc (278-HQ-C1229736, serial 25	required by h/OGC EC, dat	the revisions		
THIS EC IS UNCLASSIFIED WHE	N SEPARATED F	ROM CLASSIFIEI	ENCLOSURE.	
◆◆				



U.S. Departme. of Justice

Office of the Inspector General

		Washington, D.C. 20530
DATE:	January 25, 2007	
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FEI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 55179/DMH/KSR/RW
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division	b2 b7E
SUBJECT:	OIG Complaint No. 2007002557 Subject: FBI No. 263-0-U-670 FBI CMS No. 2854	
for w	vhatever action you deem appropriate regulations. A copy of your findings a	he information is being provided to you in accordance with your agency's policy and/or final action is not required by the
	matter is referred to your agency for a copy of your final report on this ma	investigation. Please provide the OIG tter.
This	complaint will be investigated by the	OIG.
	<u>IMPORTAN</u>	NT NOTICE
IG Ac believ	t or because an individual has (a) requested confident	e attached OIG Report/Referral pursuant to § 7 of the entiality or (b) expressed a fear of reprisal. If you nade available to your Agency, you may contact the
Please	be advised that, where adverse action is not conte	mplated, the subject of an investigation does not have a

right to have access to an OIG Report/Referral or to the identities of complainants or witnesses, and that, in all cases, complainants and witnesses are entitled to protection from reprisal pursuant to the Inspector General Act

Attachment

and the Whistleblower Protection Act.

OIG - INVESTIGATIONS DIVISION -	Complaint Form	OIG NO.	689-2007-002557	7 - M
Received By:	Date Received:	01/04/2007	How Received:	A
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () -	Pay Plan: EOD Date: ZIP:	D.C Alien F.B.I. B.O.P. D/L	No.:	
Phone:	ZIP:			
SUBJECT: Title: SSA Component: FB1 Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	D.C Alien F.B.I. B.O.P. D/L	.No.:	b6 b7C b2
COMPLAINANT: Title: ATTY Component: FBI Misc: Home: Phone: () - Work: , Phone: Confidential:	Pay Plan: EOD Date: ZIP: ZIP: Revealed:	D.O Alien F.B.I B.O.P	.No.: .No.: No.:	
On April 17, 2006 a National Service provider. The results the results on by FB. It is the opinion of the Office to the IOB. (dz) ALLEGATIONS: 689 IOB Violation Occurrence Date:	Security Letter (NSL) was not the NSL were obtained revealed that the inf	served to a wide on supplementation supplementation supplementation supplementation supplementations of the supplementations o	A revi	ed to
		7		
DISPOSITION DATA: Disposition: Referred to Agency: FBI Patriot Act: N Civil Rights Sensitive: N Whistleblowe:	Date Sent: 01/24/2007 S: N Compor T: N Consolidated (Component: Fl nent Number: 20 Case Number: DATE: 05-31-20 FBI INFO.	63-0U-670, 28 907 65179/DMH/KSP/RW	5 ≟

Page 1 of 2 Printed 01/25/2007 9:44:24

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.

689-2007-002557**-**M

Remarks:

Freedicating material contains classified information that will be maintained in a secure container within OIG/INV/HQ.

01/25/07-Sent to Kaiser/FBI/INSD. (dz)

NSL VIO-1341



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FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Date:	•	b2 b7E
		Counsel	Attn:	NSLB/CILU AGC CD-2C, Ro	/Room 7947	b6 b7C
	Inspect From:	<u> </u>	Attn: Attn: Attn:	IIS CDC	ALL INFORMATIO	N CONTAINED ASSIFIED EXCEPT
	Co Approved By:	ntact: SA			DATE: 05-31-2007 CLASSIFIED BY 65.	179/DMH/KSR/RW
(U) · · · · · · · · · · · · · · · · · · ·	Drafted By:				REASON: 1.4 (c) DECLASSIFY ON: 0.	5-31-2032
(D)	Case ID #: /		VIO (<u>P</u> ending	Pending)		b1 b2
U)	Title:	INTELLIGENCE OVERS	IGHT BO	ARD	b2	b7E
(U)	authorization acquired inf	To document cont on to destroy imprope formation pursuant to C), NSLB, CILU.	rly or	unintentio	nally	L
(U) ·		Derived From Declassify C	n: 02/	28/2032	. حسر	ser 1629
(U) —	facts of the warranted readvised matter to the service provunintentions destroyed with	On 09/11/2006 captioned matter are capting to the IOB. that the FBI was to the IOB. However, vider and ask whether ally acquired informath appropriate documents	nd deter By EC not rec vas the in	mine wheth dated 12/1 quired to readvised to approperly could be re-	8/2006, OGC eport the to contact the or eturned or	b1 b2 b7E b6 b7C
_		SECRET	7 203202	28		b7D

NSL VIO-1342 € ((· (· † C

b2 b7E

it returned. On 02/28/2007 destroyed the improperly or unintentionally acquired information according to FBI protocol.

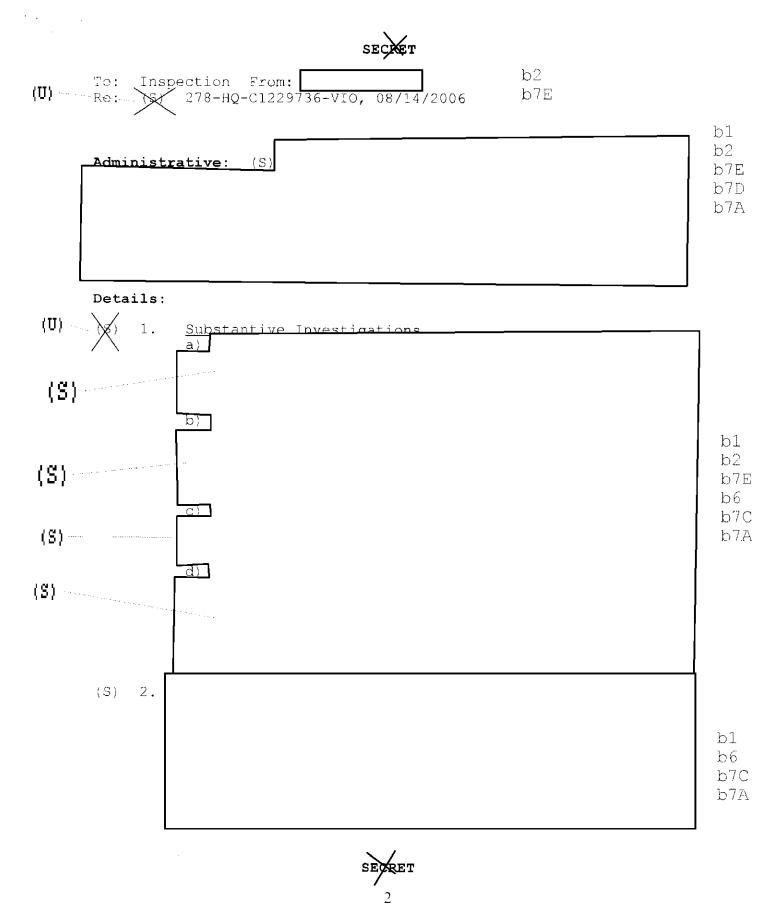
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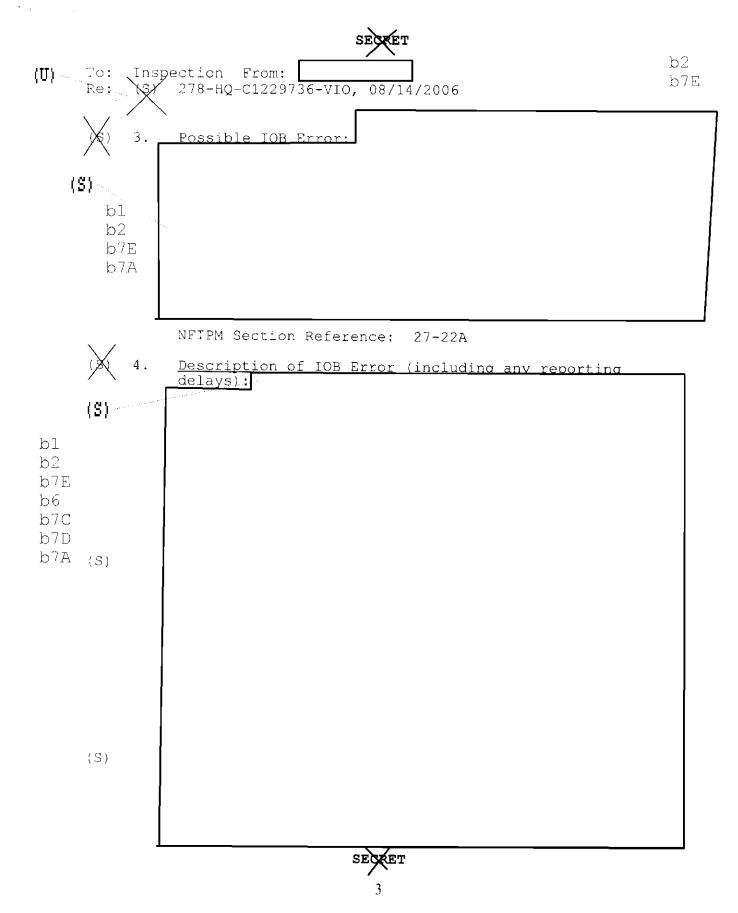


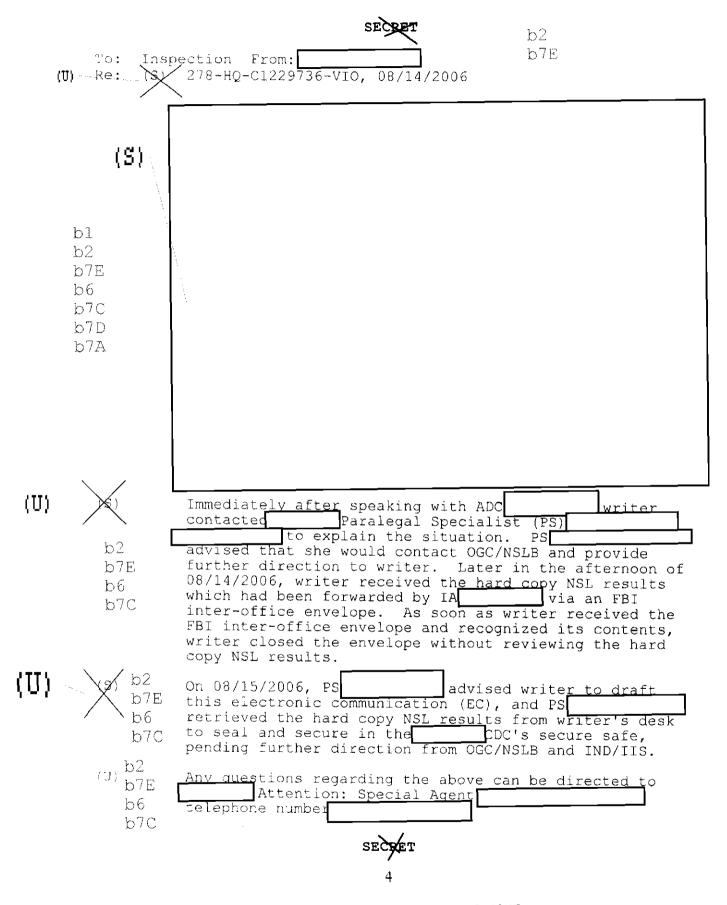
FEDERAL BUREAU OF INVESTIGATION

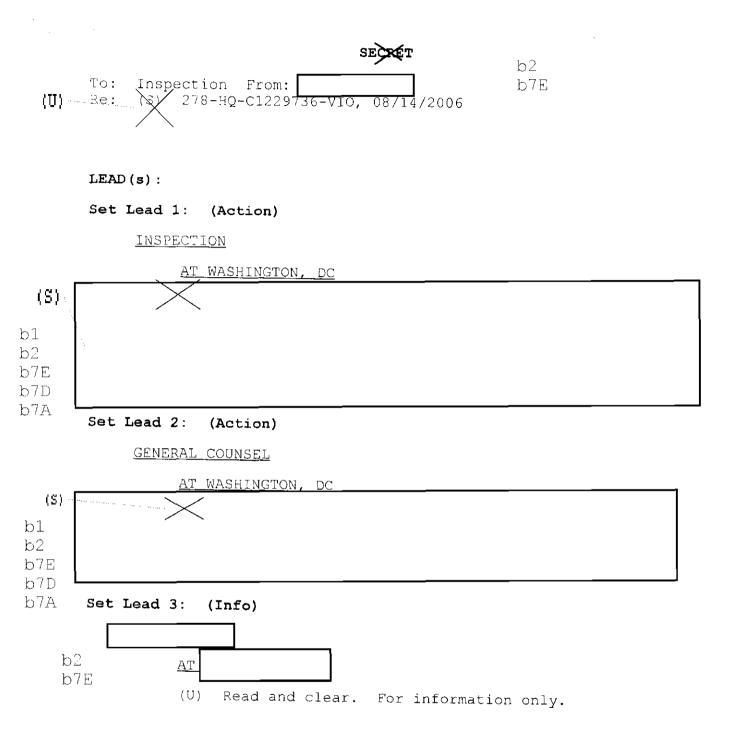


Precedence: ROUTINE		Date: 08/14/2006	b2 b7E
To: Inspection	Attn:	Internal Investigations Section (IIS). Room 11861 CRS	b6 1 b7C
General Counsel	Attn:	National Security Law Bra (NSLB), Room 7947 Deputy General Counsel	 nch
	Attn:	Julie F. Thomas Office of Division Course CDC ADC]
From: Foreign Counterint Contact: SA	elligence (I	FCI) Squad, Room 4216	-
Approved By:		ALL INFORMATION CONT HEREIN IS UNCLASSIFT WHERE SHOWN OTHERWIS DATE: 05-31-2007	ED EXCEPT
Drafted By:		CLASSIFIED BY 65179 REASON: 1.4 (c,d) DECLASSIFY ON: 05-3	
(U) Case ID #: (\$\frac{278-HO-C1229}{(S)}(S)(S)(S)(S)	736-VIO (I		· · · · · · · · · · · · · · · · · · ·
U) ritle: SA SSA INTELLIGENCE O	VERSIGHT BOA	b6 b7	
Synopsis: (U) To report po provider error.	ssible IOB n	matter resulting from	
(U) Derived Declassi	From : FBI fy On: 08/1	SCG #3, October 1997 4/2031	
Reference: (S) (S) (S) (S)			01
SC MIRRIE DIMEGRO 1767 CRS Kan OILOSTO7	- Jan 1	}	02 07E 07A
b6 b7C	NSL	VIO-1344	,









SECRET

SECRET

FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTI	NE	Date:	12/14/2006	
b2 b7E	To:	Attn	: SAC ASAC		
b6 b7C			SSA SA		
		Attn	: CDC ADC		
	Inspection	Attn	: IIS, CRS		
	From: Office of the NSLB/CILU Contact:	ne General Counsel J/Room 7947 / AGC		ALL INFORMATION CONTAI	TATES IN
		as Julie F(\)		HEREIN IS UNCLASSIFIED WHERE SHOWN OTHERWISE	** ::::::::::::::::::::::::::::::::::::
JTTL	Drafted By:		1945 i	ATE: 05-31-2007	
(U)	Case ID #: /S 278	B-HQ-C1229736-VIO (Pending)	LASSIFIED BY 65179/DM PEASON: 1.4 (c,d)	H/KSR/RW
(U) · · · · · · ·	Title: S INTERMATTE	LIGENCE OVERSIGHT I		DECLASSIFY ON: 05-31-2	032
(U)	Synopsis: (S) It Counsel (OGC) that Intelligence Oversimaintained in the other IOB. Our analy	.gnt Board (10B). E	reportable t	to the	
	(U)	Derived From : G- Declassify On: 25	-3 5 X1		
(U)	Reference:	278-HQ-C12297	36-VIO Seria	1 1633(Pandina)	1
		(S) (S) (S)			b1 b7A b2
(U) [Details By E requested	C dated 08/14/2006, that OGC review the	the facts of the	Field Office	┛ b7E
	matter and determin	e whether it warran	ts reporting	to the IOB. As	b2 b7E
		SECRET		·	
		•	h G		
	OIG/DOJ REVIEW:	DATE: 1-4-6)	b6 b7C SL VIO-1349		
	FBI INVESTIGATION: / OIG/DOJ INVESTIGATION:		SL VIU-1349		
	CINING HARDHAULION				

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

explained below, in our opinion, the FBI is not required to report this matter to the IOB. (S) b1 b2 b7E b7D b7A b1 (S) b2 b7E b6 b7C b7D b7A (S)b1 **b**2 b7E b6 b7C b7A

b7E

b7D

Division

	To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006	b1
(S)		
•	(S) In response to the properly served NSLs, however, erroneously provided information beyond the scope of the NSLs. Through no fault of the FBI, the FBI obtained complete credit	
	reports pertaining to subjects of foreign counterintelligence investigations. When the case agent received the NSL results, he immediately sealed and sequestered them. This excess information	

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

currently is sequestered in the safe of the

Counsel.

- (U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with Executive Order 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.
- (U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such



To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

b7E

administrative violations must be reported as potential IOB matters.

(U) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which are very broadly defined) (Right to Financial Privacy Act, 12 U.S.C.§ 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). In addition to FCRA, 15 U.S.C. §§ 1681u(a) and (b) information (financial institutions and consumer identifying information), under 15 U.S.C. 1681u(c), if certain factors are met, the FBI is able to obtain full consumer reports in both counterintelligence and international terrorism investigations by an ex parte court order.

(U) Here, during the course of several authorized foreign b1counterintelligence investigations, the FBI served__ The NSLs requested lawful information and were properly served. b7D In response provided the FBI with information outside the scope of the NSLS and with information that was not permitted b2 b7E under 15 U, S C & S 1681u(a) and (b). In other words, an error on the part of resulted in the unintentional acquisition of b7A information by the FBI. b1(U) carrier's mistake is not reportable to the IOB as b7D (S) · the FBI has not acted unlawfully or contrary to Free 🗝 Order b2 or Presidential Directive. | should contact and ask b7E whether the unintentionally acquired information should be b7A returned or destroyed with appropriate documentation to the file.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.





To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

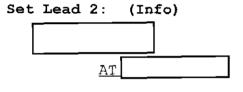
LEAD(s):

Set Lead 1: (Action)

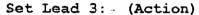
INSPECTION

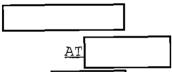
AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion by E concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.



(U) For information.





(U) should contact the carrier and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

cc:	Ms.	Thomas	_
	LOB	Library	J b6
		<u>-</u>	b7

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE	Date:	01/12/2007			
To: General	Counsel Attn: NSL	В				
Cor	ternal Investigations Section,	IPU, Room 3	3041	b6 b7C b2		
Approved By:	Miller David Ian Dim Kas Chil	1,000,000,000,000,000,000,000,000	ATION CONTAINED			
Drafted By:			UNCLASSIFIED -2007 BY 65179/I	MH/KSR/RW		
Case ID #:	(U) 278-HQ-C1229736-VIO (Pe	nding)				
Title: (U)	INTELLIGENCE OVERSIGHT BOARD I INSD/IIS TRACKING# 2855 OGC/IOB# 2006	MATTER				
(IOB) matter	Synopsis: (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).					
Reference: ((U) 278-HQ-C1229736-VIO Serial 278-HQ-C1229736-VIO Serial					
an EC from IOB error. EIIS's opinior nature. Thereby the IIS ar	The Internal Investigations Solution dated 08/14/2006 Based upon a review of the reference of the incident described thereing refore, no internal investigation this matter is being relegated on they deem appropriate.	, reporting renced EC i n is admini on will be	g a possible t is the strative in conducted	b2		

SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE Date: 01/17/2007	
	To: SAC (Personal Attention)	
	From: Inspection Internal Investigations Section. IPU, Room 3041 Contact: CRS Ext	
	Approved By: Miller David Ian DECLASSIFIED BY 65179/DMH/KSR/RW	
	Drafted By: b2	
	Case ID #: (U) 263-HQ-0-U - 671 (Pending) b7E	
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2855 OGC/IOB# 2006	
	Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.	
(U)	Derived From: G-3 Declassify On: 20320117	
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1633	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1633 278-HQ-C1229736-VIO Serial 1945	
	Where deliberate and/or aggravated migconduct is evident)2)7E
	(U) IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736, serial 2570).	
	THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.	
	**	

NSL VIO-1355



U.S. Departme. of Justice

Office of the Inspector General

		Washington, D.C. 20530
DATE:	January 25, 2007	
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSE/RW
FROM:	Glenn G. Powell Special Agent in Charge Investigations Division	b2
SUBJECT:	OIG Complaint No. 2007002560 Subject: FBI No. 263-0-U-671 FBI CMS No. 2855	b7E b6 b7C
for w	hatever action you deem appropria	The information is being provided to you te in accordance with your agency's policy and/or final action is not required by the
1 1	matter is referred to your agency for a copy of your final report on this n	or investigation. Please provide the OIG natter.
This	complaint will be investigated by th	e OIG.
	<u>IMPORT</u>	ANT NOTICE

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

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

Attachment

OIG - INVESTIGATIONS DIVISION	- Complaint Form	OIG NO.: 689-2007-	-002560-M
Received By:	Date Received:	01/04/2007 How Rece	eived: A
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Offenses: 689	
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () - Work: Phone:	Pay Plan: EOD Date: ZIP: ZIP:	SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Offenses: 689	b6 b7C b2
COMPLAINANT: Title: SAC Component: FBI Misc: Home: Phone: Work: Phone: Confidential:	Pay Plan: EOD Date: ZIP: ZIP: Revealed:	SSNO: D.O.B.: Alien No.: F.B.I.No.: B.O.P.No.: D/L No.: Authority: none	
Details: The FBI provided information A National Security Letter (an investigation. The FBI p company resulted in the uning some of the information provisequestered the excess information of the Off to the IOB. (dz)	NSL) was served on a credit roperly served the NSL howe tentional acquisition of ir rided exceeded the scope of mation and placed it in a s	reporting company in furever, an error on the paraformation. Upon discover the NSL, the FBI sealed secure safe.	t of the ering that and
ALLEGATIONS: 689 IOB Violati Occurrence Date: CITY	on TIME: State:	Zip:	b2 b7E
Disposition DATA: Disposition Referred to Agency: FBI Patrict Act: N Civil Right Sensitive: N Whistleblow	Date Sent: 01/24/2007	Approval: POWELL, GLEN Component: FBI nent Number: 263-0-U-671, Case Number:	

ALL FOI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-06-2007 BY 65179/DMH/KSR/RW NSL VIO-1357

DIG -	INVESTIGATIONS	DIVISION	_	Complaint	Form

OIG NO.

689-2007-002560-M

Remarks:

Predicating material contains classified information that will be maintained in a secure container within OIG/INV/HQ.

01/25/07-Sent to Kaiser/FBI/INSD. (dz)

NSL VIO-1358

SECRET FEDERAL BUREAU OF INVESTIGATION

Pr	ecedence:	ROUTINE		Date:	09/19/2006	
То		ion Counsel		IIS, Room ISLB, Room		
Fr		uad CI-2 ntact: SA				b2 b7E
Ap	proved By:		₽			b6
Dra	afted By:		ļ			b7C
(U) Ca	se ID #:	X 278-HQ-C1229	736-VIO-1647	?		
Ti	tle: (U)	SA SSA INTELLIGENCE OVE	RSIGHT BOARD	(IOB) ER	HEREIN IS UN WHERE SHOWN	TION CONTAINED JCLASSIFIED EXCEPT OTHERWISE
(U) — syı	nopsis:	To report poss	ible IOB err	or.		
(U)	(s)	Derived F		3 2	ATE: 05-31-2007 LASSIFIED BY 651 EASON: 1.4 (c,d)	
Det	tails:			Ð	ECLASSIFY ON: OS	
(s)						b2 b7E b6 b7C
(S)	3. Pos	sible IOB Error:	_			
	(S)					b1
(U) - S)	(U) L Des	cription of IOB E	Error (includ	ding any m	reporting del	lays).
red Nat (5) pro	ords of a	01/06/2006, write non-targeted subj rity Letter (NSL) rror were destroy	er documented ect were pro	d to the i	File that tol	lephone b7D a b6
(∭) rec IOB	On eipt of in violation	09/15/2006, write correct informati	er was informon on pursuant	med via le to an NSI	egal training is a report	j that able
* (8)-						b1 b2 b7E
SCHULL CES	Ras Oil	b6 b7C	BAIDAGE NSL	VIO-1359		
1 ' 2	1021-KI	03 9/3				

b2 b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

* *



FEDERAL BUREAU OF INVESTIGATION

	Precedence:	ROUTINE		Da	ate: 12/14/2006	
	To:		Attn:	SAC CDC SSA SA)2)7E)6
	Counteri	ntelligence	Attn:	CD-2A	 	57C
	Inspecti	on.	Attn:	IIS	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCE	PT
	NSI	e of the General Cou LB/CILU/Room 7947 Ltact: AGC	unsel		WHERE SHOWN OTHERWISE	
	Approved By:	Thomas Julie	<u> </u>			
U)	Drafted By: [Case ID #:			_	DATE: 05-31-2007 CLASSIFIED BY 65179/DMH/KSR PEASON: 1.4 (c)	/RW
U)	Title:	INTELLIGENCE OVERS	IGHT BO	ARD	DECLASSIFY ON: 05-31-2032	
	Counsel (OGC) Intelligence maintained in	It is the opinion that this matter is oversight Board (IC) the control file for analysis follows.	s not re B). Rat	eportak ther, i	ole to the	
	(U)	Derived From Declassify		1		
(U)	from the potential IOB	rom the following s Field Office matter; (2) inform nd AGC versation between S	ation fr dated 10	(1) EC to OGC rom an 0/11/20	reporting a email between SA 006; and (3) and AGC	b2 b7E b6 b7C
		SEC	ET.			
	C'G/DOJ REVI	ATION:	<u>(=0-2</u> NSL		b6 b7C 1	
	OIG/DOJ INVE	STIGATION:	 ==			



From: Office of the General Counsel 278-HO-C1229736-VIO, 12/14/2006 Details: By EC dated 09/19/2006, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB. (U) ~ On 07/06/2005 issued an National Security Letter (NSL) pursuant to 18 U.S.C. § 2709 seeking subscriber and toll billing records for various telephone numbers. Upon review of the records provided by the service provider, on noticed that the service provider responded by providing telephone records of a person who is not a target of the investigation or is in anyway related to the investigation. Upon noticing this error promptly destroyed the records that were provided in error. The investigation was closed on 04/18/2006. (U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection. Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision submitted this error as a potential IOB violation $_{
m b2}$ on 09/19/2006 after it has been learned, via legal training, that the b7E receipt of incorrect information pursuant to an NSL must be reported as a potential IOB violation.

To: From: Office of the General Counsel Re: 278-HQ-C1229736-VIO, 12/14/2006

was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(V)

(S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C.§ 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C.§§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C.§ 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C.§ 2709.

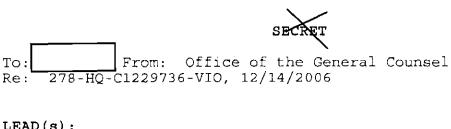
(U)

(S) In this investigation properly served an NSL on a service provider. In response to the properly served NSL, the FBI obtained information regarding another person's records. quickly determined that this information, although lawfully obtained, was not relevant to the investigation. Upon noticing this error, promptly destroyed the telephone records provided in error.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the $\rm IOB^2$. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

(II) 2 (S) It is noted that in the past third-party errors were reported to the IOB. However, 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 OGC, but are not reportable to the IOB.





LEAD(s):



(U) For information. In the future, in similar cases where the service provider provides information on non-targeted subject that is not relevant to an investigation, should contact the service provider and ask whether the improperly or unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

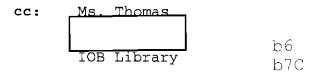
(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.



FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date: 01/12/2007	
To: General Counsel	Attn: NSLB	
From: Inspection Internal Investigat Contact: CRS	b6 b7C b2 Extb2	
Approved By: Miller David Ia	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED	
Drafted By:	DATE 05-31-2007 BY 65179/DMH/KSP/	Pl
Case ID #: (U) 278-HQ-C122	29736-VIO (Pending)	
Title: (U) INTELLIGENCE OV INSD/IIS TRACKI OGC/IOB# 2006	VERSIGHT BOARD MATTER	
Synopsis: (U) To report a port (IOB) matter to the Office of Law Branch (NSLB).	otential Intelligence Oversight Board General Counsel, National Security	
	9736-VIO Serial 1647 9736-VIO Serial 1942	
an EC from Division of possible IOB error. Based up is the IIS's opinion the inci of a performance issue. There	con a review of the referenced EC it b2 dent described therein is indicative b7E defore, no internal investigation and this matter is being relegated	

NSL VIO-1365

SECRET//20320117 FEDERAL BUREAU OF INVESTIGATION

	Precedence: ROUTINE Da	te:	01/17/2007
	To: Attn: SAC (Perso	onal	Attention)
	From: Inspection Internal Investigations Section, IPU, Ro Contact: CRS Ext	<u>oom 3</u>	3041
	Approved By: Miller David Ian DECLASSIFI ON 05-31-2		65179/DMH/KSR/RW
	Drafted By:	TIVE:	b2
	Case ID #: (U) 263-HQ-0-U - 672 (Pending)		b7E b6
	Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER INSD/IIS TRACKING# 2870 OGC/IOB# 2006		b7C
(U)	Synopsis: (U) To advise that captioned reporting Intelligence Oversight Board (IOB) violation has I the Internal Investigations Section (IIS), and is willful misconduct. This matter is returned to the corrective action as appropriate. Case closed at Derived From: 0-3 Declassify On: 20320117	been not he fi	reviewed by considered leld for
	Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 164	7	
	Reference: (U) 278-HQ-C1229736-VIO Serial 1647 278-HQ-C1229736-VIO Serial 1942		b2
	Details: (U) Upon review of Division's can of a potential IOB violation, IIS did not find the indicative of willful misconduct. IIS only address where deliberate and/or aggravated misconduct is expressed.	e mat sses	ter allegations
	(U) IIS views this matter as a possible related issue with respect to the employee and resupervisor. Therefore, appropriate action relative matter is left to the discretion of the division, and appreciates that this matter was brought to our required by the revisions mandated by National Sec Branch/OGC EC, dated 11/16/2006 (278-HQ-C1229736 STATES EC IS UNCLASSIFIED WHEN SEPARATED EROM CLASSIFIED WHEN	spect ve to IIS ur at curit seria	tive this recognizes tention as Law 12570).

NSL VIO-1366



U.S. Departme. of Justice

Office of the Inspector Gen. ral

		Washington, D.C. 2079
DATE:	January 31, 2007	
то:	Kenneth W. Kaiser Assistant Director Inspection Division Federal Bureau of Investigation	ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-31-2007 BY 65179/DMH/KSR/FW
FROM	: Glenn G. Powell Special Agent in Charge Investigations Division	
SUBJE	CCT: OIG Complaint No. 2007002648 Subject: Division FBI No. 263-0-U-672 CMS No. 2870	b2 b7E b6 b7C
	We consider this a management matter. The for whatever action you deem appropriate is and regulations. A copy of your findings at OlG.	n accordance with your agency's policy
	This matter is referred to your agency for it with a copy of your final report on this mat	
	This complaint will be investigated by the C	OIG.
	IMPORTAN	<u>T NOTICE</u>
	Identifying information may have been redacted from the IG Act or because an individual has (a) requested confider believe that it is necessary that redacted information be m Assistant Inspector General for Investigations.	ntiality or (b) expressed a fear of reprisal. If you

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

Attachment

and the Whistleblower Protection Act.

O:G INVESTIGATIONS	DIVISION - C	omplaint Form	OIG NO.	-689-2007-002648-M	
Received By:		Date Received:	01/04/2007	How Received: A	
SUBJECT: Title: SA Component: FBI Misc: Home: Phone: () - Work: Phone:		Pay Plan: EOD Date: ZIP: ZIP:	D.0 Alien F.B.I B.O.P D/L	.No.:	
SUBJECT: Title: SSA Component: FBI Misc: Home: Phone: () Work: Phone:		Pay Plan: EOD Date: ZIP: ZIP:	D. Alien F.B.I B.O.P D/L	.No.:	
COMPLAINANT: Title: ATTY Component: FBI Misc: Home: Phone: () - Work: , Phone: Confidential:		Pay Plan: EOD Date: ZIP: ZIP: Revealed:	D. Alien F.B.I B.O.P	.No.: .No.: .No.:	
Details: Information received from FBI/INSD reporting a potential IOB matter involving the acquisition of information unrelated to an FBI investigation. IOB #2006 During an authorized investigation, the FBI properly served a National Security Letter (NSL) on a communication service provider for information regarding the target of the FBI investigation. In response, the FBI obtained information regarding an individual other than the target of the investigation. The records provided in error were destroyed. It is the opinion of the Office of the General Counsel that this matter need not be reported to the IOB. ALLEGATIONS: 689 IOB Violation					
Occurrence Date: 10/	OB Violation 06/2006	TIME State		zip: b	2 7 E
DISPOSITION DATA: D	isposition: M	Date: 01/04/2007	Approval: Po	OWELL, GLENN G	
Referred to Agency:	Da	ite Sent:	Component: F	J~ BI	
Patriot Act: N	Civil Rights: N	Compo	nent Number: 2	63-0-U-672, 2870	
Sensitive: N W	histleblower: N	Consolidated	Case Number:		
	All Fb	I INFORMATION CONTAINED			

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

NSL VIO-1368

(b2 Dr.G - INVESTIGATIONS DIVISION - Complaint Form OIG NO.: 689-2007-002648	3 - M
	Remarks: A search of the OIG database revealed that is the subject of complaint #2.002-0.00400-M. involving	
	Predicating material contains classified information that will be stored in a secure container within OIG/INV/HQ. 1/31/07 - Sent to AD Kaiser, FBI/IND. (vht)	b6 b7C