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

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

b2
b7E

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

b2
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(U) In response, the carrier provided the records requested to include information associated with the errant telephone numbers. Because of the urgency of the investigation, the NSLs were drafted with the support of FBI Headquarters where the initial mistake occurred. The NSL results were quickly documented and uploaded into databases by FBI Headquarters before they were reviewed by the lead Case Agent who was actively involved in other aspects of the investigation during the first few days of this investigation. When the Case Agent reviewed the results the erroneous number was discovered and the overcollection was sequestered. The errant information has been redacted and will be purged from the databases. (S)

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

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