From:
Sent:
To:

Subject:

Importance:

GB)(FBI)
LTFCIFF517 9 10:30 AM
1(0GC) (FBI)
RE: Directors Testimony, 5/20/09 SJC QFRs

High

b6 -1
. b7C -1

UNCLASSIFIED
NON-RECORD

I b6 -1
b7C -1

b5 -

b5

29(b). Please provide the exact number of NSLs issued since December 15, 2008, broken down both by the number with and without a nondisclosure requirement and by the number with and without a notice of the right to challenge the nondisclosure requirement.

Let me know if you need anything else.
b6 -1
:b7C -1
National Security Law Branch
Office of the General Counsel
Foreign Intellig rmr4 tirvPillanra Art Unit
FB!HQ - Room

From (OGC) (FBI)
Sent 009 12:57 PM
To: OGC) (FBI)
Subject: FW: Director's Testimony, 5/20/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6 -1 ou you pull together the numbers for 29(b)? There is sn ItiMP hilt I will need these stats to answer the question so I b7C -1 want to let you know, Also, II

'b5
Thanks,

From: .b6 -1 (OGC) (FBI) Sent: 1 uesaay, June 13, 2009 2:49 PM b7C -1

ACLU-NSL-73

b6 -1
b7 C -1

From:

r.j(R.D)T2)
----1(0GC) (FBI)
Sent: Mnnriav .1111v 06210:1 10.19 AM To:

c. Has the FBI provided this notice to recipients of NSLs in all jurisdictions, and not just to
recipients in the Second Circuit? In the future, will the FBI be providing this notice to recipients of NSLs in all jurisdictions, and not just in the Second Circuit?

Response:
b5 -1
:b7E -1

d. Has the FBI been providing this notice to all recipients of NSLs, and not just to recipients
constrained by a nondisclosure requirement issued pursuant to 18 U.S.C. § 2709? In the future, will the FBI be providing this notice to all recipients of NSLs, and not just to recipients constrained by a nondisclosure requirement issued pursuant to 18 U.S.C. § 2709?
b5

Response:

e. Please provide a copy of the notice the FBI is sending to NSL recipients that informs them of
their right to challenge the nondisclosure provision.

Response: p

b5
b7E 4

30. OGC. Before the Second Circuit's opinion in Doe, the FBI Office of General Counsel (OGC) issued a directive that the nondisclosure orders were not supposed to be "automatically" included in the NSLs or made in a "perfunctory manner" and only when there was a "genuine need." In its March 2008 report
on NSLs, the DOJ IG found that 97 percent of the NSLs it examined contained a nondisclosure order. Considering that 97 percent of NSLs issued had a nondisclosure order, how would the FBI respond to the conclusion that such orders were being included automatically and not always when there was a genuine need? Does the FBI agree or disagree that such a conclusion would be reasonable? Why or why not?

:b5
b7E

2 ACLU-NSL-77

From: V131) OG Sent: 009 1 :49 PM
To: crn (FBI)
Cc: I (OGC) (FBI) Subject: Director's Testimony, 5/20/09 5.3C QFRs

b. Please provide the exact number of NSLs issued since December 15, 2008, broken down both
by the number with and without a nondisclosure requirement and by the number with and without a notice of the right to challenge the nondisclosure requirement.

Response:

c. Has the FBI provided this notice to recipients of NSLs in all jurisdictions, and not just to
recipients in the Second Circuit? In the future, will the FBI be providing this notice to recipients of NSLs in all jurisdictions, and not just in the Second Circuit?
Response:

d. Has the FBI been providing this notice to all recipients of NSLs, and not just to recipients constrained by a nondisclosure requirement issued pursuant to 18 U.S.C. § 2709? In the future, will the FBI be providing this notice to all recipients of NSLs, and not just to recipients constrained by a