PROCEDURES FOR COLLECTION, USE, AND STORAGE OF INFORMATION DERIVED FROM NATIONAL SECURITY LETTERS

I. References

a. Right to Financial Privacy Act, 12 U.S.C. §§ 3401 et seq.
b. Fair Credit Reporting Act, IS U.S.C. §§ 1681 et seq.
c. Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 et seq.
d. Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458. e. Executive Order 12333, United States Intelligence Activities (as amended).
f. Executive Order 13388, Further Strengthening the Sharing of Terrorism Information to Protect Americans.
g. Domestic Investigations and Operations Guide, FBI, 2008.

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believed at the time the NSL is issued to be information that will likely further the

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IR is, of course, impossible to know ahead 01 time which
items Prom the broader set 01 requested records will be in this category. For this reason, the procedures outlined below require an examination of the data produced in response to a RFPA

B. NSL Procedures for Financial Records

1. Before issuing an NSL pursuant to the RFPA, the requesting agent or analyst should determine whether such an NSL is the least intrusive means to obtain

the information needed. See generally Domestic Investigations and
Operations Guide (DIOG), FBI (December 16, 2008) at 112; Executive Order 12333, Part 2.4.

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Credit Report Information Obtained by NSL A.

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Operations Guide, FBI (December 16, 2008) at 112; Executive Order 12333,
Part 2.4.

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IV. Electronic Communication Transactional Records Obtained by NSL

A. General Information

An NSL issued under ECPA may be used to obtain electronic corrimunioAlinn

transactional records from an electronic communication service provider. 1 b7E -1

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ithese NSLS may be
used in any appropriately predicated national security investigation. See I 8 U.S.C.
§ 2709(b)(2).

The FBI may receive electronic communication transactional records' I
!subject to the review discussed in paragraph 8.2.,1

In the course of an 4t95Lj 1 -0 0 1 144.54e3p2v 14q21eTm 1 A00.121 436.8 227.2 Tm5der 0 -0 0 1 146-0 0 1

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issuing an NSL to ascertain the identity' Shat has been identified' the agent or analyst must determine whether doing so is the "least intrusive means" to obtain needed information. In many cases, those ideptities. although "relevant" to the investigation, are not needed to nursue the investic tittion.1

B. NSL Procedures for Electronic Communication Transactional Records

1. Before seeking an NSL for electronic communications transactional records pursuant to ECPA, the agent or analyst should determine whether such an
NSL is the least intrusive means to obtain the needed information. If only subscriber information is needed, an NSL should be issued for subscriber records rather than issuing a broader request for the transactional records associated with the account. See generally Domestic Investigations and Operations Guide, FBI (December 16, 2008) at 112; Executive Order 12333, Part 2.4.

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ubject to the review discussed in paragraph B.2., below, the responsive recor• s received

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W. Telephone Subscriber and Toll Billing Record Information Obtained by NSI.,

A. General Information

An NSL issued under ECPA may also be used to obtain telephone subscriber and
toll billing records. In response to-an NSL, a service provider may disclose only the following four types of information: name, address, length of service, and local and long distance toll billing records. See 18 § 2709(b)(1). These NSLs•may be used in any properly predicated national security investigation. See 18 U.S.C. § 2709(b)(2).

The FBI may receive subscriber and toll billing record

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National Security Letters Page 2 of 9

COUNSEL (DOC).

1. Telephone Subscriber EC (wpd)
—2. Telephone Subscriber NS1., (wpd)
3. Toll Record EC (wpd)
4, Toll Record NSL (wpd)
5, E-Mail Subscriber EC (wpd)
6. E-Mail Subscriber NSL (wpd)
7, E-Mail Transactional Record EC (wpd)
8. E-Mail Transactional Record NSL (wpd)
9. RFPA EC (wpd)
10. RFPA NSL (wpd)
1 1 , 1681u(a) EC (wpd)
12. 1681u(a) NSL (wpd)
13. 1681u(b) EC (wpd)
14. 1681u(b) NSL (wpd)
15. 1681u(a) and (b) combination EC (wpd)
16. 1681u(a) and (b) combination NSL (wpd)
17. 1681v EC full credit report / IT investigation only (wpd)
18. 1681v NSL full credit report / IT investigation only (wpd)

NATIONAL SECURITY LETTERS

National Security letters are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention:

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