

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>N1-65-10-8</i>	
TO: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>11/20/09</i>	
1. FROM (Agency or establishment) DEPARTMENT OF JUSTICE		NOTIFICATION TO AGENCY In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
2. MAJOR SUBDIVISION FEDERAL BUREAU OF INVESTIGATION			
3. MINOR SUBDIVISION OFFICE OF GENERAL COUNSEL			
4. NAME OF PERSON WITH WHOM TO CONFER Teresa C. Sharkey, CRM	5. TELEPHONE NUMBER 703-504-0328	DATE <i>14 DEC 10</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>
6. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>4</u> page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>11/16/09</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>		TITLE SECTION CHIEF
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<p align="center">CLASSIFICATION 278</p> <p align="center">President's Intelligence Oversight Board (PIOB) Matters</p> <p>The attached pages provide disposition instructions for the President's Intelligence Oversight Board Matters.</p> <p>Notes:</p> <ul style="list-style-type: none"> This schedule supersedes N1-065-04-4 and NC1-65-82-04, which stated records were "Disposal Not Authorized." In N1-065-04-4, Classification 278 was incorrectly titled Foreign Counterintelligence (FCI). The correct title of this file classification is President's Intelligence Oversight Board (PIOB) Matters. This schedule is media neutral. 	<p><i>First scheduled on N1-065-93-0006 item 278 as Disposal Not Authorized Rachel San Tenen 4/21/2017</i></p>	

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	<p style="text-align: center;">CLASSIFICATION 278</p> <p style="text-align: center;">President's Intelligence Oversight Board (PIOB) Matters</p> <p>The FBI is responsible for reporting any intelligence activity to the President's Intelligence Oversight Board (IOB) and the Director of National Intelligence (DNI) if such activity may be:</p> <p>(1) unlawful or contrary to executive order or presidential directive;</p> <p>(2) significant or highly sensitive (developments or circumstances involving intelligence activities that could impugn the reputation or integrity of the intelligence community or otherwise call into question the propriety of intelligence activities, regardless of whether the activity is unlawful or contrary to executive order or presidential directive); or</p> <p>3) a violation of a procedure and/or guideline that heads of departments or Intelligence Community components have established to implement EO 12333, as amended, provided, however, that such matters are of potential presidential interest or deemed appropriate for the IOB's review (e.g., because they involve the apparent violation of substantive rights of individuals).</p> <p>Due to these reporting requirements, all FBI employees must report any intelligence activity per the above standards to the FBI's Office of the General Counsel (OGC)/National Security Law Branch (NSLB) as a potential IOB matter. The procedures for reporting such matters are set forth in the Guidance on IOB Matters, Corporate Policy Directive 0188D and Policy Implementation Guide 0188PG.</p>		

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	<p>Following receipt of a report of a potential IOB matter, OGC/NSLB will review the incident described to determine whether the reported matter requires notification to the IOB and DNI under standards set forth in EO 13462, as amended, and the IOB/DNI Intelligence Oversight Reporting Criteria. OGC/NSLB will prepare a written opinion documenting that determination. If the reported matter is determined to require IOB and DNI notification, OGC/NSLB will prepare the necessary correspondence to the IOB and DNI, setting forth the basis for the notification. A copy of the correspondence will also be sent to the United States Department of Justice (DOJ), National Security Division (NSD), Office of Intelligence (OI).</p> <p>Further, if information received in response to a National Security Letter (NSL) is outside the scope of the NSL request, and the FBI does not use the overproduced information or upload such information into an FBI database, and then such matter must be reported to OGC/NSLB. OGC/NSLB does not adjudicate or respond to these matters. OGC/NSLB does, however, use the information to track third-party NSL overproductions.</p> <p>In addition to the foregoing, on an annual basis, each field office and FBIHQ division is required to submit certification to OGC (Attention: NSLB) that on or before January 31 of that year, all employees of the office or division have been contacted concerning the requirement to report potential IOB matters. The procedures for the annual canvass are set forth in the Guidance on IOB Matters, Policy Implementation Guide 0188PG, section 3.2.</p> <p>1. "00" Policy Files</p> <p>Disposition: PERMANENT: Offer to NARA when 25 years old.</p> <p>2. "0" Administrative File</p> <p>Disposition: TEMPORARY. Delete/Destroy when 5 years old.</p>		

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	<p>3. Canvasses, Supporting Documentation to Canvas Responses, and Response Files</p> <p>These records include canvasses inquiring if any incidents have occurred that have not yet been reported and responses to the canvasses. Positive responses are rarely received inasmuch as these issues have previously been reported to the appropriate entities.</p> <p>a. Canvasses and Responses Maintained by the Program Office (OGC)</p> <p>Disposition: TEMPORARY. Delete/Destroy when 5 years old.</p> <p>b. Copies of Responses and Supporting Documentation Maintained by Divisions and Offices</p> <p>Supporting documentation includes canvasses and responses done within divisions, field offices and legal attaches (legats). Various methods are used for canvassing at this level; a canvas to employees might be done via an email and employees may respond via an email, while forms or online methods may also be used.</p> <p>Disposition: TEMPORARY. Delete/Destroy after the next canvass cycle.</p>		

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	<p>4. Reports and Adjudications These records include reports of certain incidents from FBI employees to OGC/NSLB as potential IOB matters as required under FBI policy; OGC/NSLB's internal adjudication of such matters determining whether such matters must be reported to the IOB and DNI; and OGC/NSLB's reports to the IOB and DNI of matters that meet the standards set forth in EO 13462, as amended, and the IOB/DNI Intelligence Oversight Reporting Criteria. These records also include reports from FBI employees to OGC/NSLB of overproduced information received in response to an NSL where the FBI does not use the overproduced information or upload such information into an FBI database (OGC/NSLB does not adjudicate these matters).</p> <p>Disposition: PERMANENT. Transfer to NARA when 25 years old.</p> <p>5. Tracking Databases Currently <i>MS Access</i> databases are used for OGC's internal tracking of various violations.</p> <p>Disposition: TEMPORARY. Delete/Destroy when no longer needed for agency business.</p> <p>6. Correspondence with DOJ, DNI, and IOB On occasion, NSLB corresponds with the IOB to address areas of concern that may not rise to the level of required reporting. This item covers records wherein the FBI seeks and receives advice from the IOB, DOJ, and DNI on IOB matters.</p> <p>Disposition: PERMANENT. Transfer to NARA when 25 years old.</p>		