



NATIONAL
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MAR 03 2015

Margaret P. Grafeld
Deputy Assistant Secretary for Global Information Services
Bureau of Administration
U.S. Department of State
SA-2, Suite 8000
515 22nd Street, NW
Washington, DC 20522-0208

Dear Ms. Grafeld:

The National Archives and Records Administration (NARA) is concerned with the events outlined in the March 2, 2015, New York Times article by Michael S. Schmidt regarding the potential alienation of Federal email records created or received by former Secretary of State Hillary Rodham Clinton. The article also suggests potential issues with the Federal email records created or received by former Secretaries of State dating back to Secretary Madeleine K. Albright.

Based on this article and other news reports, NARA is concerned that Federal records may have been alienated from the Department of State's official recordkeeping systems.

Pursuant to your Department's responsibilities under 44 U.S.C. Chapter 31 and NARA's authorities in 44 U.S.C. Chapter 29, we request that the Department of State explore this matter and provide NARA a report of how these records were managed and the current status of these records.

We request that you provide us with a report as required and described in 36 CFR 1230.14 within 30 days of the date of this letter.

If Federal records have been alienated, please describe all measures the Department has taken, or expects to take, to retrieve the alienated records. Please also include a description of all safeguards established to prevent records alienation incidents from happening in the future. Please also provide NARA all guidance and directives disseminated within the Department that address the management of email records, including those records created using personal email accounts.

If you are unable to provide a report within 30 days, please provide us with an interim report indicating what actions you have taken and when you expect to submit a final report.

Thank you for your cooperation.

Sincerely,


PAUL M. WESTER, JR.
Chief Records Officer
for the U.S. Government

cc: Ambassador Patrick F. Kennedy
Under Secretary for Management
Senior Agency Official for Records Management
U.S. Department of State
Washington, DC 20520



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

June 13, 2022

Timothy J. Kootz
U.S. Department of State
A/GIS/IPS/RA
SA-15, Suite 575
Pomponio Plaza East
1800 N. Kent Street
Arlington, VA 20522-1505

Dear Timothy Kootz:

On March 3, 2015, the National Archives and Records Administration (NARA) sent a letter to the U.S. Department of State (State or Department) regarding the events in the March 2, 2015 *New York Times* article alleging the alienation of federal email records created or received by former Secretary of State Hillary Rodham Clinton. The article suggested that there were potential issues with the email records created or received by former Secretaries of State dating back to Secretary Madeleine K. Albright. At that time, NARA requested that State investigate these allegations, and if appropriate, submit to NARA an unauthorized disposition report describing all measures the Department has taken to retrieve the records, safeguards established to prevent these events to reoccur, and all guidance and directives dissemination that address the management of email records, including records created using personal email accounts.

NARA received the initial report from the Department on April 2, 2015. In this report, State informed NARA that senior State officials would review the email system and that an Electronic Records Working Group was formed to make recommendations to address electronic records life cycle management. The initial report included nine attachments: an updated policy message from the Senior Agency Official for Records Management in an August 28, 2014 memorandum advising senior officials to not use their private email accounts for official business (attachment 1); an October 2014 Department notice and cable to the field reminding all employees of their records management responsibilities regarding email and personal accounts (attachments 2-3); letters from then-Secretary of State Kerry to the representatives of former Secretaries Clinton,

Powell, Rice, and Albright to request that copies of federal records be made available to the Department (attachments 4-7); the response from former Secretary Clinton (attachment 8); and a request from then-Secretary Kerry to the Department's Inspector General to review and make recommendations to improve the Department's recordkeeping and FOIA practices (attachment 9).

In December 2014, former Secretary Clinton's representative provided approximately 55,000 pages of emails that they determined to be potentially responsive to the Department's request. Former Secretary Rice's representative advised that Secretary Rice did not use a personal email account for official business. In March 2015, former Secretary Powell's representative advised that while former Secretary Powell used a personal email account during his tenure as Secretary of State, he did not retain those emails or make printed copies and former Secretary Albright advised that she never used a government or personal email account during her tenure as Secretary of State.

On July 2, 2015, NARA sent a letter to State requesting additional information. NARA requested that the Department provide additional information on how the Department implemented email management directives with senior officials. The letter additionally reiterated a request that the Department contact the representative of former Secretary Clinton to secure the native electronic versions with associated metadata of the approximately 55,000 hard copy pages of emails and state that if the Department was unable to obtain the electronic versions, then they should follow up with the email or internet service providers (ISP) of former Secretary Clinton and former Secretary Powell to determine if they retained copies.

NARA received a letter from the Department of State on November 6, 2015, informing NARA of then-Secretary Kerry's request for the Department's OIG to review and make recommendations on improvements to the Department's recordkeeping practices. Former Secretary Kerry also appointed a Transparency Coordinator to work with Department bureaus and offices on improving departmental recordkeeping systems. This letter also documented short-term steps to preserve senior officials' email and stated that the Department was reviewing email management options through the Electronic Records Management Working Group. Policy changes made as a result of the Department's review included updating the Foreign Affairs Manual to remind employees that personal email accounts should only be used for official work in very limited circumstances and all emails created or sent using a non-official account must be copied to the official email account in the original creation or transmission or forwards a copy of the record to the employee's official email account within 20 days. Additional training courses were offered that included records management. This letter also noted that the approximately 55,000 pages of emails the Department previously received from former Secretary Clinton were

turned over to the FBI on August 12, 2015. The Department also reached out to both former Secretary Clinton and former Secretary Powell to see if Department emails could be recovered from any ISPs. A response was received from former Secretary Clinton's counsel on October 8, 2015, confirming that all federal email records in her custody had been provided. No response was received from Secretary Powell's assistant as of the date of the letter. This letter also documented that on March 11, 2015, the Department requested former aides of Secretary Clinton to make available any federal records in their possession. The Department received over 100,000 pages of documents from former assistants.

In NARA's letter on March 14, 2016, NARA acknowledged the receipt of the Department of State November 6, 2015 letter. This letter also reiterated the previous request of July 2, 2015 to confirm that the Department follow up with the ISP of former Secretary Powell with regard to whether it was still possible to retrieve the email records from their servicers and requested appropriate documentation verifying the return of the records to the Department's custody or the inability of the Department to recover the records. NARA also acknowledged that the Department had to wait until the FBI concluded its investigation before taking further action with regard to determining whether any additional email records of Secretary Clinton could be recovered.

The State OIG completed their investigation in May 2016. The investigation listed eight recommendations for the Department of State, all of which have been resolved. Additionally in 2016, the Department of State submitted a request to Secretary Powell's office for them to reach out to the internet service provider (AOL) in an attempt to recover any federal records in his personal account. Confirmation was received on September 28, 2016 via an email from Secretary Powell's Principal Assistant documenting that the General Counsel of AOL has informed the House Committee on Oversight and Government Reform that there are no emails in the AOL system from General Powell's tenure as Secretary of State.

NARA completed its review and validation of emails determined to be non-record that were sent or received by former Secretary of State Clinton on April 25, 2017. In total, approximately 55,000 pages of email were received from former Secretary of State Clinton and an additional 239,323 pages of email were recovered by the FBI during their investigation.

Based on the information provided to NARA, the closure of internal investigations at the Department, and the resolution of pending litigation, NARA considers this allegation to be resolved. Please let me know if you have any questions or concerns. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Laurence N. Brewer". The signature is written in a cursive style with a large initial 'L' and a distinct 'N'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc. Ambassador John R. Bass, Undersecretary for Management and Senior Agency Official for
Records Management