



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

Sent Via Email. No Hard Copy to Follow.

May 25, 2019

Mr. Jason Lautenbacher
United States Department of Education
550 12th Street SW
Washington DC, 20202

Dear Mr. Lautenbacher:

The National Archives and Records Administration (NARA) has become aware of an unauthorized disposition of U.S. Department of Education (ED) records. This allegation was communicated in multiple sources, including the Washington Post on May 20, 2019. In the various reports it was alleged that Education Secretary, Betsy DeVos, used personal email for official business and did not consistently preserve her government-related email messages properly, as is required by federal law. In one article it was stated that in a report from the ED Office of the Inspector General there were

... fewer than 100 emails sent or received to personal accounts between Jan. 20, 2017, when President Trump took office, and April 10, 2018. It said most messages were in the first six months of 2017, from a single writer offering advice on potential candidates for agency positions. The writer, who was not identified, also included other department employees on his or her messages, using their official government email addresses.

As required in 36 CFR 1230.14, Federal agencies must promptly report to NARA any unauthorized disposition of agency records. In accordance with 36 CFR 1230.16(b), NARA requests that the Department respond within 30 calendar days to the allegation. If it is determined that an unauthorized disposition of records has occurred, the response should detail specific actions the Department will take to address any failure to capture and preserve Federal records, and the steps the Department will take to mitigate future risk. Please indicate in your response if any records lost can be re-created or duplicated from other sources.

Thank you for your cooperation.

Sincerely,

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

Enclosure (1)



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October 18, 2019

Mr. Jason Lautenbacher
United States Department of Education
550 12th Street SW
Washington DC, 20202

Dear Mr. Lautenbacher:

Thank you for your letter dated September 25, 2019, addressing the May 16, 2019, Office of the Inspector General (OIG) report that discusses Secretary Betsy DeVos's use of personal email. The Inspector General found that in limited circumstances political officials within the Department used personal email and/or messaging accounts to conduct government business. However, in a survey of Department accounts, other than the Secretary's, the Inspector General also found those political officials forwarded messages to their agency accounts within 20 days as required by 44 U.S.C. 2911. The Inspector General found messages involving the Secretary's personal accounts were preserved in other departmental accounts, but had not been forwarded by the Secretary. During the review of the accounts, the Office of the Secretary took additional steps to identify and preserve emails in the Secretary's personal accounts.

NARA appreciates that the Education Department recognized relying on other officials' accounts to preserve the Secretary's emails may not result in proper records management, and has taken steps to ensure all emails are properly preserved. We also appreciate that high level political appointees within the Department received personal training on their records management responsibilities in an effort to ensure compliance with all recordkeeping requirements.

NARA will close this case based on a review of the findings of the Department's independent OIG investigation.

Thank you for your attention to this matter.

Sincerely,

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