



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

December 10, 2007

Mr. Joseph Lambert
Director, Information Management Services
Central Intelligence Agency
Washington, DC 20505

Dear Mr. Lambert:

According to recent reports in the media, the Central Intelligence Agency destroyed video tapes of the interrogations of two al-Qaeda terrorism suspects. As you are aware, no Federal records may be destroyed except under the authorization of a records disposition schedule approved by the Archivist of the United States. We are unaware of any CIA disposition authority that covers these records. Also, your response to this letter should take into account the fact that if the tapes had been requested under FOIA, GRS 14, Item 11(b) precluded their destruction until resolution of the FOIA case(s).

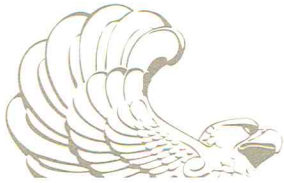
Pursuant to NARA's responsibilities under 44 U.S.C. 2905 to investigate allegations of unauthorized destruction of records, we would appreciate it if you would investigate this matter and report the circumstances of the destruction of the records. If there was an unauthorized destruction of Federal records, please provide us with the report required under 36 CFR 1228.104 (copy enclosed) within 30 days of the date of this letter. If you are unable to provide your report within this time, please provide us with an interim report indicating what actions you have taken and when you expect to submit the final report.

We appreciate your cooperation. Please call David Langbart on 301-837-3172 if you have any questions.

Sincerely,

PAUL M. WESTER, JR.
Director
Modern Records Programs

Enclosure



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February 14, 2017

Mr. Joseph Lambert
Director, Information Management Services
Central Intelligence Agency
Washington, DC 20505

Dear Mr. Lambert:

This letter acknowledges receipt of your letter of January 11, 2017, regarding the unauthorized destruction of videotapes of interrogations of terrorism suspects. After reviewing the information you have provided, we have decided to close the file on this case with the following clarification.

In your previous communications, the Central Intelligence Agency (CIA) asserted that the videotapes were not Federal records as defined by the Federal Records Act once the information on the videotapes was documented in other recordkeeping systems. You have confirmed that information from the videotapes was incorporated into intelligence reporting, which has been appraised as permanent in National Archives and Records Administration (NARA) job number N1-263-12-1. You have also confirmed that, going forward, video recordings of interrogations will be managed according to NARA job number N1-263-12-1, item P-15b, Intelligence Collection and Operation Records (which includes Operational Activity Files). Moreover, if a briefing to senior leadership includes the viewing of a recorded interrogation, then the recorded interrogation must be captured as part of the records associated with that briefing and must be managed according to NARA job number N1-263-12-1, item P-4a, Senior Leadership Records.

You also stated that if an interrogation is recorded and a transcription subsequently made and filed, this would provide adequate and proper documentation of the interrogation and allow the original recording to be destroyed as a non-record. We do not agree. As we previously stated in our letter of December 12, 2016, “recordings that document agency activities are presumptively federal records and must be appropriately scheduled and managed regardless of whether information from them has been incorporated into another recordkeeping system.” In addition, the existence of a media neutral schedule covering interrogation recordings would not allow for the destruction of the recordings because a transcript of an interrogation does not constitute the full record.

Further, we disagree that an “interrogation” would qualify as a “meeting.” The issue of what constitutes a meeting will be further clarified in a forthcoming General Records Schedule (GRS) Transmittal (GRS 5.2) and accompanying “Frequently Asked Questions.”

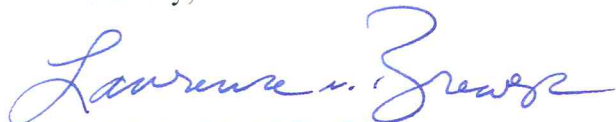
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RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001

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If you have any questions or require further clarification, please contact me or Margaret Hawkins in the Office of the Chief Records Officer. Ms. Hawkins may be reached at (301) 837-1799 or by email at Margaret.Hawkins@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence Brewer". The signature is written in a cursive style with a large, stylized initial "L".

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