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SEP 04 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) has reviewed the findings of the State Department's Office of the Inspector General (OIG) inspection report of Embassy Tokyo, Japan released in late August (ISP-I-15-35A).

NARA is concerned about the OIG finding that Embassy Tokyo does not have a current records management policy and that State Department or Federal regulations on records management are not being followed or enforced. NARA is also troubled by the OIG finding that senior embassy staff, including the Ambassador, used personal email accounts to send and receive messages containing official business.

Because of the OIG inspection report findings, NARA is concerned that federal records may have been alienated from the State Department's official recordkeeping system.

Pursuant to the State Department's responsibilities under 44 U.S.C. Chapter 31 and NARA's authorities in 44 U.S.C. Chapter 29, NARA requests that the State Department provide a report on how records at Embassy Tokyo have been managed and what steps are being taken to correct the situation described in the inspection report. NARA also requests a report on how the email records of senior embassy staff are managed and whether these emails, especially those created or received through personal emails accounts, have been captured in Department recordkeeping systems.

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

We request you provide us with a report as required by 36 CFR 1230.14 within 30 days of this letter. 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.

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

Mr. William Fischer
Agency Records Officer
U.S. Department of State
SA-2, Room 5117
515 22nd Street, NW
Washington, DC 20522



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

Sent Via Email. No Hard Copy to Follow.

August 9, 2021

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

Dear Mr. Kootz:

The National Archives and Records Administration (NARA) has received the Department of State's report in response to the allegation of unauthorized disposition of federal records that was initially opened September 4, 2015. This allegation was based on the Office of Inspector General inspection (OIG) report of the Embassy Tokyo, Japan released in August 2015 (ISP-I-15-35A).

The OIG inspection report raised concerns regarding the lack of policy by Embassy Tokyo and that Department of State and/or federal records management regulations are not being followed. Additionally, there was concern that senior leaders including the Ambassador were using personal email accounts to conduct official business. In our letter dated, September 4, 2015, NARA requested a report from the State Department on how records at Embassy Tokyo have been managed and what steps are being taken to correct the situation described in the OIG inspection report and a report on how the email records of senior embassy staff are managed and whether these emails, especially those created or received through personal emails accounts, have been captured in Department recordkeeping systems.

NARA received a report from the State Department on July 12, 2016 documenting the corrective actions the Department has undertaken related to the management of records at Embassy Tokyo and the steps that Embassy Tokyo took to end the use of private email by senior embassy staff. In NARA's response to this report dated September 13, 2016, NARA requested language from the amended Federal Records Act be added to Department of State policy, as

well as confirmation that "email records" were included in the Chief of Mission "correspondence" that was loaded onto Embassy Tokyo's OpenNet system.

In the report that NARA received on August 5, 2021, we received confirmation that in December 2017, the State Department codified additional language in the Foreign Affairs Manual (FAM) making clear that email messages that are federal records, regardless of whether sent or received on an official or non-official account, must be captured or preserved within the Department's official recordkeeping systems not later than 20 days after the original creation or transmission of the record. Additionally, the August 5, 2021 report confirmed that email records were included in the correspondence file for the Chief of Mission that was loaded onto Embassy Tokyo's OpenNet system and that the emails are currently preserved within the Department's eRecords archive.

Based on the information that NARA received in the July 12, 2016 and the August 5, 2021 reports, NARA considers this matter to be resolved. Thank you very much for your cooperation in this matter. Please do not hesitate to contact me if you have any questions at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence R. Brewer".

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