

December 18, 2015

Mr. David DeVries
Principal Deputy Department of Defense
Chief Information Officer
6000 Defense Pentagon
Washington, DC 20301-6000

Dear Mr. DeVries:

I am writing to you as the Department of Defense Senior Agency Official for Records Management in regard to widely reported press articles describing the use of a personal email account for official government business by Secretary of Defense Ashton Carter from the early months of his tenure as Secretary until September 2015.

The Federal Records Act, as recently amended in 44 U.S.C. 2911(a), prohibits an Executive Agency employee from creating or sending a record using a non-official email account unless the employee copies his or her official email account when the record is first transmitted, or forwards a complete copy of the record to the official email account within 20 days of the record's original transmission. Additionally, NARA/OMB M-14-16, *Guidance on Managing Email*, requires that email sent using personal accounts pertaining to agency business and meeting the definition of a Federal record must be filed in an agency recordkeeping system.

The Federal Records Act establishes responsibilities for the Department of Defense and the National Archives and Records Administration (NARA) under 44 U.S.C. 3106 and NARA's authorities in 44 U.S.C. 2905 regarding possible alienation of Federal records. In accordance with our implementing regulations at 36 C.F.R. Part 1230, we ask that the Department of Defense review the extent of Secretary Carter's use of a personal email account for official business and whether the requirement to send a copy to an official email account was consistently followed.

Our regulations require that you provide us with the report required in 36 C.F.R. 1230.14 within 30 days of the date of this letter. If the report cannot be provided within this time, the

Department should provide us with an interim report and indicate when the final report will be submitted.

We appreciate your assistance in this matter. If you have any questions, please contact me or Sebastian Welch of my staff at (301) 837-1740 or sebastian.welch@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence Brewer". The signature is fluid and cursive, with the first name "Laurence" and last name "Brewer" clearly legible.

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

Enclosure



November 15, 2016

Dr. John Zangardi
Department of Defense
Principal Deputy Chief Information Officer
6000 Defense Pentagon
Washington, DC 20301-6000


Dear Dr. Zangardi:

The National Archives and Records Administration (NARA) has reviewed your response and attached documents of October 28, 2016, regarding the use of a personal email account for official government business by Secretary of Defense Ashton Carter from the early months of his tenure as Secretary until September 2015.

Based on your response, we understand that the Secretary's work-related personal emails have been preserved as Federal records. In addition, the memorandum issued by the DoD Chief Information Officer (CIO) on April 19, 2016, regarding the use of non-official electronic messaging accounts and records management demonstrates policies and training are in place at the agency to manage electronic messaging in accordance with the Federal Records Act.

Accordingly, NARA considers this matter resolved and we appreciate your assistance in reaching this determination. If you have any questions, please contact Scott Jobson, Senior Records Analyst, at (301) 837-2977 or by email at scott.jobson@nara.gov.

Sincerely,


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

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

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