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July 17, 2017

Mr. Andre Sivels
Records Officer
National Oceanic and Atmospheric Administration
1315 East West Highway
Silver Spring, MD 20910

Dear Mr. Sivels:

The National Archives and Records Administration (NARA) is aware of an alleged unauthorized disposition of National Oceanic and Atmospheric Administration (NOAA) records based on a news article published in the Daily Caller News Foundation on July 6, 2017 (see attachment). The news article stated that the Cause of Action Institute (CoA) believes that “NOAA might illegally be destroying records of a recent Management Council meeting discussing new regulations against the fishing industry.” The discussed new rules, “compel fisherman to pay for supplemental at-sea monitoring services, which would have a disastrous effect on America’s fishing industry.”

In accordance with 36 CFR 1230.16(b), NARA is requesting that NOAA provide us with a response within 30 calendar days indicating the specific actions NOAA will take to address these allegations related to Google Chat and Skype messages. If NOAA determines that an unauthorized disposition has occurred, we will require a report as described in 36 CFR 1230.14. If a loss of records has occurred, please indicate if they can be recreated or duplicated from other sources.

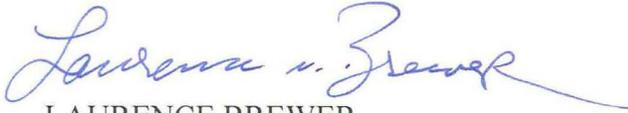
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Thank you for your cooperation. If you have any questions, please contact Andrea Noel, Senior Records Analyst, at 301-837-3564 or by email at andrea.noel@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence Brewer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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



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Sent Via Email. No Hard Copy to Follow.

October 18, 2018

Mr. Andre Sivels
Records Officer
National Oceanic and Atmospheric Administration
1315 East West Highway
Silver Spring, MD 20910

Dear Mr. Sivels:

In July 2017, the National Archives Records Administration (NARA) was made aware of an alleged unauthorized disposition of National Oceanic and Atmospheric Administration (NOAA) records, specifically, Google chat records pertaining to a Management Council meeting discussing new regulations against the fishing industry. This allegation was obtained from an article published by The Daily Caller News Foundation.

In NOAA's report, sent to NARA on October 10, 2018, it indicated that a search for deleted chat/Skype, and Google chat and mail messages was conducted and no related chat records were discovered. The report adds:

Furthermore, in the comprehensive record-by-record segregability review, no reference to separate chat communications, skype messages, or other non-agency record discussions conducting agency business was located. Because there was no indication that such responsive records had been created using such a medium, therefore recovery was not necessary.

The report also noted that, "to reinforce the importance of identification and preservation of Federal records, NOAA required all staff, contractors and associates to complete the Records Management 101, by January 2018."

NARA finds that the final report and all actions pertaining to this allegation satisfies all 36 CFR 1230.14 requirements. Therefore, NARA considers this case closed.

Thank you for your cooperation. If you have any further concerns regarding this matter, please contact Andréa Noel, Senior Records Analyst, at 301-837-3564 or by email at andrea.noel@nara.gov.

Sincerely,

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

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