



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

Sent Via Email. No Hard Copy to Follow.

January 31, 2018

Mr. Stephen P. Rees
Assistant Director
Records Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, VA 22602
sprees@fbi.gov

Dear Mr. Rees:

The National Archives and Records Administration (NARA) has become aware of a possible unauthorized disposition of Federal Bureau of Investigation (FBI) records based on the letter dated January 20, 2018, sent to the FBI by the Senate Committee on Homeland Security and Governmental Affairs. This letter (attached) outlines the potential loss of text messages from both agency-issued and personal devices as well as emails pertaining to FBI official business sent or received via personal, non-government accounts.

As required in 36 CFR 1230.14, Federal agencies must promptly report to NARA any unauthorized removal or destruction of records. Based on the letter referenced above and in accordance with 36 CFR 1230.16(b), NARA requests that FBI respond within 30 calendar days to the allegations that text messages, emails and other Federal records may have been lost or destroyed. In particular, the FBI should identify the scope and scale of all records, lost, destroyed, or otherwise alienated, as the Senate Committee requested in its letter of January 20, 2018, as well as the scope and results of any searches of personal devices or accounts conducted to determine whether Federal records remained extant. The response should also detail specific actions the FBI will take to address any failure to capture and preserve Federal records in a timely fashion, and the steps the FBI will take to mitigate future risk. Please indicate in your response if any records lost can be re-created or duplicated from other sources, or recovered from the appropriate email service providers.

We understand the Department of Justice Inspector General (IG) is conducting a review, and the full nature of the potential unauthorized disposition of records may not be resolved within 30 calendar days. With this in mind, we request any information you can provide regarding our inquiry within the 30 calendar days and then future updates as appropriate. In addition, we request a copy of the final IG report, and copies of future responses to the Senate Committee on this matter to the extent they implicate the Federal Records Act. We look forward to receiving your final report satisfying the above requirements upon conclusion of the IG investigation and fulfillment of the U.S. Senate committee's information request.

Thank you for your cooperation. If you have any questions, please contact me at (301) 837-1539 or by email to Laurence.Brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

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

CC:

Mr. Michael H. Allen
Department of Justice
Deputy Assistant Attorney General for Policy, Management, and Planning
Justice Management Division
michael.allen3@usdoj.gov

Jeffrey C. Dutton
Department of Justice
Federal Bureau of Investigation
Section Chief, Records Information Management Section
Records Management Division
jcdutton@fbi.gov



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July 23, 2018

Mr. Jeffrey C. Dutton
Agency Records Officer
Federal Bureau of Investigation
Information Management Division
170 Marcel Drive
Winchester, VA 22602
jcdutton@fbi.gov

Dear Mr. Dutton:

The National Archives and Records Administration (NARA) has reviewed the Department of Justice (DOJ) Office of Inspector General (OIG) [report](#) issued June 14, 2018, regarding the loss of text messages from both agency-issued and personal devices as well as emails pertaining to FBI official business sent or received via personal, non-government accounts.

The FBI's initial response to our inquiry (correspondence from Stephen P. Rees to Laurence Brewer dated March 6, 2018) stated the FBI was not aware of any records, as defined by the Federal Records Act, lost, destroyed, or alienated as a result of the partial failure to collect and retain text messages sent/received on FBI mobile devices. In follow-up communications, the FBI identified text messages as transitory records, and as such they should be deleted when no longer needed by the creator/recipient. In cases where a text message is deemed a non-transitory record, employees are required to follow recordkeeping policies as established under *DOJ RM Policy Guide 4.8.14, Capturing and Preserving Electronic Records*, and *4.8.21, Electronic Information Sharing Technologies*.

The OIG report cited concerns regarding Department retention of text messages and recommended taking steps to improve the retention and monitoring of text messages Department-wide, but did not identify an unauthorized disposal or removal of records.

The OIG report did establish the use of personal email accounts to conduct official business by Director James Comey and Deputy Assistant Director Peter Strzok; however, both testified that they copied/forwarded those emails to their government accounts as required. While personal email accounts were used, no loss or removal of records occurred because emails were copied/forwarded to the appropriate government accounts.

After a careful review of the FBI's initial response to our inquiry, follow-up communications, and the OIG report, there is no evidence of unauthorized disposal or removal of federal records. We consider this case closed.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive, flowing style.

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

CC:
Michael Allen
michael.allen3@usdoj.gov

Jeanette Plante
jeanette.plante@usdoj.gov