



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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November 9 , 2020

Mr. Maurice King
Department of Defense
Department of the Navy
1000 Navy Pentagon, 5E170
Washington, DC 22350
maurice.king@navy.mil

Dear Mr. King:

The National Archives and Records Administration (NARA) has been notified of a potential unauthorized disposition of records at the Department of the Navy. We have received an allegation that the Navy has improperly deviated from its records schedule by not updating General Records Schedule (GRS) instructions for FOIA records in its manual, SECNAV M-5210.1. It has been alleged that the Navy's use of outdated authorities has resulted in the early destruction of FOIA records, including records related to FOIA request: FOIA DON-NAVY-2019-011817 for case DON-NAVY-2015-002019. The requester has reported that the Navy denied this request stating a "no records" response despite responsive records being released under the same case.

NARA requests that the Navy investigate this matter to determine if the FOIA records were destroyed in accordance with the appropriate records disposition schedules; and whether its records manual contains correct disposition instructions. Please note, that per 36 CFR 1230.14, if records have been destroyed without NARA's proper authorization, destruction must cease and the agency must report these incidents promptly to NARA.

In accordance with 36 CFR 1230.16, NARA also requests that your agency provide NARA with a response within 30 days that includes a description of the records; the records schedule disposition citation that covers the files; details regarding the records destruction incident and recovery efforts; and a statement of the safeguards that have been or will be implemented to prevent future unauthorized disposals of such records. If you have any questions, please contact me at laurence.brewer@nara.gov.

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:
Gaye Evans, gayevans@navy.mil