



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

***Sent Via Email. No Hard Copy to Follow.***

April 2, 2021

Karen Ballesteros  
Office of the Secretary Records Officer  
U.S. Dept. of Health & Human Services  
OS/ASA/OCIO  
200 Independence Ave. S.W.,  
Suite 336E #23,  
Washington, D.C. 20201  
Karen.Ballesteros@hhs.gov

Dear Ms. Ballesteros,

The National Archives and Records Administration (NARA) received your report dated February 5, 2021, regarding the unauthorized disposition of email records from the Office of Civil Rights (OCR).

Your report indicates that the HHS Office of the Secretary (OS) has confirmed the unauthorized disposition of email accounts from two non-capstone employees from the Office for Civil Rights (OCR). As part of the HHS off-boarding procedure, a departing user and their supervisor are given the option of how to back up files stored in their email. In this case, no selection was made regarding how to back up the files and the files were deleted after 90 days of inactivity. After a thorough search initiated by a FOIA request, the HHS IT Service & Operations team confirmed that mailboxes of two OCR non-Capstone employees have been deleted and all attempts made to recreate the deleted accounts were unsuccessful.

In an effort to mitigate future risk, OS has established an email retention policy for all OS employee email accounts that follows permanent retention for Capstone Officials and a seven-year retention for non-Capstone Officials, and that as of November 2020, all OS email accounts are now being managed in accordance with this new email retention policy in Microsoft Office 365.

Based on the information provided in your report, the reporting requirements of 36 CFR 1230.14(a) have been met and this matter is now closed. Thank you for your commitment to improving your records management practices.

Sincerely,

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

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

cc  
Acting Department Records Officer  
Jacqlyn Smith-Simpson, [Jacqlyn.Smith@hhs.gov](mailto:Jacqlyn.Smith@hhs.gov)