



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

Sent Via Email. No Hard Copy to Follow.

May 4, 2021

Jacqlyn Smith Simpson
Assistant Secretary for Administration
Acting Department Records Officer
200 Independence Ave
Room 348F.24
Washington DC, 20201
Jacqlyn.Smith@hhs.gov

Dear Ms. Smith Simpson,

The National Archives and Records Administration (NARA) has received an allegation of unauthorized disposition of Department of Health and Human Services (HHS) records from American Oversight. In an email dated April 13, 2021, American Oversight claims that “HHS may have failed to preserve or recover federal records created or received by former Chief of Staff Brian Harrison, former Assistant Secretary for Health Admiral Brett Giroir, and former Assistant Secretary for Public Affairs Michael Caputo on their government-issued mobile devices.”

In accordance with 36 CFR 1230.16(b), NARA is requesting that HHS investigate this allegation and provide a report within 30 days. Your report should include a complete description of the records described in the allegation, including volume and dates of the records, the records schedule and disposition authority number that covers these records, and details related to the removal, defacing, alteration, or destruction of the records in question. Additionally, please include in your report any salvage, recovery, or restoration efforts, and safeguards that will be implemented to prevent future unauthorized disposition of such records.

Thank you for your attention to this matter. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

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

Cc:
Cheryl Campbell,
Acting Senior Agency Official for Records Management
Cheryl.Campbell@hhs.gov

Brandon Gaylord
FOIA Officer
FOIARequest@hhs.gov



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February 10, 2022

Jacqlyn Smith Simpson
Assistant Secretary for Administration
Acting Department Records Officer
200 Independence Ave
Room 348F.24
Washington DC, 20201
Jacqlyn.Smith@hhs.gov

Dear Ms. Smith Simpson,

The National Archives and Records Administration (NARA) received your report, dated December 6, 2021, regarding the allegation of unauthorized disposition of text messages created and received on the government-issued mobile devices of 3 former Department of Health and Human Services (HHS), Office of the Secretary (OS), employees.

Your report indicated that HHS's Office of Technology Infrastructure and Operations (ITIO) confirmed that data on the government-issued mobile devices of Former Chief of Staff, Brian Harrison, Former Assistant Secretary for Health, Admiral Brett Giroir, and Former Assistant Secretary for Public Affairs, Michael Caputo were not accessed and retrieved after the end of their employment with HHS. These data losses occurred either because ITIO did not have accurate passwords to access the device or because the devices were restored to factory settings before ITIO regained custody of the device.

NARA understands that HHS has policies in place that instruct employees to forward all text messages that are federal records to their HHS email accounts within 20 days of receipt for preservation. NARA also is aware that ITIO and HHS's Chief Data Officer are currently exploring solutions that will automatically capture and preserve text messages transmitted through government-issued mobile devices. Furthermore, NARA accepts that until an automated solution is acquired and implemented, HHS will work with the appropriate personnel to monitor and ensure that the records of future departing employees' government-issued mobile devices are forwarded and captured via email.

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 A. Brewer". The signature is written in a cursive style.

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

Cc:
Cheryl Campbell,
Acting Senior Agency Official for Records Management
Cheryl.Campbell@hhs.gov

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