

Statement on NARA's Records Management Activities  
Relating to the State Department

Recent press reports have conflated issues and given the false impression that the National Archives and Records Administration (NARA) did not discharge our duties appropriately. To the contrary, NARA has addressed each issue as it has arisen and has worked aggressively to strengthen government-wide recordkeeping and compliance with recordkeeping laws.

**NARA FOIA Release Relating to State Department Records Management**

We recently released dozens of documents dating from 2009 to 2015 in response to FOIA requests about records issues at the State Department. These documents can easily be misunderstood and taken out of context.

- In March 2015, NARA first learned from a New York Times reporter that Secretary of State Clinton had used a private email account to conduct official business. We followed up with the State Department for additional information, as required by our regulations. We also used this incident as an opportunity to educate agencies about the newly enacted amendments to the Federal Records Act that limit the use of private email accounts for official government business, by holding meetings with Senior Agency Officials for Records Management, Agency Records Officers, and Agency General Counsels.
- On February 25, 2015 the Benghazi Committee asked us about the general records management practices at State. We provided our overall assessment. Over the years, the State Department has reported on and demonstrated many of the attributes of a strong records management program.
- In late 2012, NARA began hearing rumors of the possibility that Secretary Clinton was considering placing her paper files at NARA's Clinton Presidential Library in Little Rock Arkansas. NARA officials, including then Chief Operating Officer, Tom Mills, were concerned because of previous experiences – e.g., when Secretary of State Kissinger took what NARA considered to be official records when he left office in 1977. NARA used this situation to remind NARA staff and agencies of the long standing guidance concerning the management of records during the departure of senior officials. This issue had no relation to Secretary Clinton's use of a personal email account.
- In 2009, the State Department was beginning to implement its SMART (State Messaging and Archive Retrieval Toolkit) records management system. A NARA employee who was on the State/NARA SMART Working Group gave an update on the rollout of SMART. He noted that the SMART system would not capture high-level memos managed by the Executive Secretariat. Accordingly, these memos were captured in the Secretariat Tracking and Retrieval System (STARS), which is a system used to track, control, and record documents containing substantive foreign policy information passing to, from, and through the office of the Secretary of State. In addition, memos were also captured in a separate Written

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Correspondence System (WCS). This issue also does not relate to the management of the Secretary Clinton's email.

These three separate events should not be conflated into one story that implies any particular knowledge or concern about State Department recordkeeping.

### **NARA Role in Federal Records Management**

NARA, through our Chief Records Officer for the U.S. government, provides records management guidance, oversight, and records disposal authority to agencies of the government. We generally work with agencies at a high-level perspective to evaluate their processes and their overall records management programs. We rarely have knowledge about detailed recordkeeping practices of individual employees. Each agency is responsible for implementing a records management program and providing the guidance and training to individual employees. Agencies may have very good records management programs in place, but could still have weaknesses at the individual employee level.

Whenever we learn about alleged improper recordkeeping practices, we follow up with the agency's Records Officer in accordance with our regulations at 36 CFR Part 1230. We require the agency to report back on the specific problem and any proposed solutions. Our principal concern is to ensure that permanent records are being preserved or recovered and that deficient records management practices are corrected to prevent future problems.

Immediately after we learned about Secretary Clinton's use of personal email, we contacted the State Department requiring that they report to us on this matter within 30 days, in accordance with our regulations. The State Department responded on April 2, 2015, and we continue to work with them to address this issue. We have made clear to State and all federal agencies that private email accounts must only be used as a last resort and that federal records must be copied or forwarded into a government system within 20 days.

For the last eight years, NARA has been working with Congress and the Administration to strengthen records management across the government. At our request, the President issued a groundbreaking Memorandum on Managing Government Records in November 2011, followed by an August 2012 OMB/NARA Managing Government Records Directive. NARA also issued the "Capstone" Bulletin on managing email records in August 2013. And in November 2014, Congress passed H.R. 1233, the Presidential and Federal Records Act Amendments of 2014.

All of these reforms have helped pave the way for modernizing records management in the electronic age. However, policies and reforms can only go so far. Every federal employee must also take responsibility for ensuring that federal records under their control are properly managed. We will continue to work with all agencies on their records management programs and respond to incidents of improper practices as they arise.