



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

Sent Via Email. No Hard Copy to Follow.

May 21, 2020

Mr. Timothy J. Kootz
Department of State
A/GIS/IPS/RA
SA-15, Suite 575
Pomponio Plaza East
1800 N. Kent Street
Arlington, VA 20522-1505

Dear Mr. Kootz:

The National Archives and Records Administration (NARA) has been made aware of an allegation of unauthorized disposition by a member of the public on the Department of State's practices and procedures regarding the designation of email communications as records.

Recently, a member of the public received an email from State's Office of Inspector General, Office of General Counsel (OIG/OGC), that included the following information in the signature block:

IMPORTANT NOTICE: *This message, and its attachments, contains OIG information which may be protected from disclosure under applicable laws, regulations and/or OIG policy and is intended for the official use of the individual and/or organizational addressee(s) to which it is addressed. This message should be safeguarded in accordance with applicable Department and OIG regulations, policies and Executive Orders based on its sensitivity, security classification and/or captions. Addressees are instructed that without prior authorization of the sender or appropriate higher OIG authority, they are prohibited from:*

- *Converting an OIG working email to a record email or For the Record email; Saving attachments to OIG working emails to the SMART archive;*
- *Changing the sensitivity, classification or captions of OIG working or record emails;*
- *Forwarding electronic or printed versions of OIG messages and attachments unless the requested OIG action is to be taken on behalf of an addressee; and,*
- *Publicly disclosing OIG messages and attachments.*

The complainant is concerned with the information in the first bullet point. Specifically, he alleges that "It is unclear from this context what a 'working email' or 'record email' is, and those may be terms of art which do not have any bearing on the disposition of records, but the fact that a 'record email' is *different* from a "For the Record email" (a common term in IG offices to signify something that is entered into an investigative record) raises concerns that this office is treating "working emails" as "not record emails," with all the connotations that non-record status carries."

In accordance with 36 CFR 1230.16(b), NARA is requesting that you provide us with a report within 30 calendar days that is responsive to these allegations. If State determines that an unauthorized disposition has occurred, then State must submit a report to NARA, as required by 36 CFR 1230.14, that addresses whether specific records can be recovered, recreated, or duplicated from other sources and the steps State will take to ensure that all email records are labeled appropriately and captured by State.

If you have any questions, please contact me at laurence.brewer@nara.gov.

Thank you for your cooperation.

Sincerely,

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

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



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

Sent Via Email. No Hard Copy to Follow.

November 4, 2020

Mr. Timothy J. Kootz
Department of State
A/GIS/IPS/RA
SA-15, Suite 575
Pomponio Plaza East
1800 N. Kent Street
Arlington, VA 20522-1505

Dear Mr. Kootz:

On October 30, 2020, the National Archives and Records Administration (NARA) received a letter from the Department of State in response to an allegation of unauthorized disposition that was made by a member of the public on the Department of State's practices and procedures regarding the designation of State's Office of the Inspector General (OIG) email communications as records.

NARA understands that all oigstate.gov emails are captured and archived in accordance with the Department's Capstone email retention policy regardless of how other systems are utilized and that the OIG has advised personnel to remove the internal instruction from their signature blocks in order to avoid further confusion.

Based on that information, NARA considers this allegation to be unfounded.

Thank you very much for your cooperation in this matter. Please do not hesitate to contact me if you have any questions at laurence.brewer@nara.gov.

Sincerely,

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