



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

Sent Via Email. No Hard Copy to Follow.

May 4, 2023

Otis Burnett
Office of the Clerk
United States Office of the Special Counsel
1730 M St, NW Suite 231
Washington, DC 20036

Dear Otis Burnett,

The National Archives and Records Administration (NARA) has been notified of a potential unauthorized disposition of records at the Office of the Special Counsel (OSC). A member of the public has alleged that OSC staff stated that they destroyed records responsive to the citizen's FOIA Request, OSC 23-B. The request was for all records relating to OSC's investigation of Hatch Act violations referred to OSC by the NARA OIG during the 2016 presidential election season.

In accordance with 36 CFR 1230.14(a), we request that OSC provide us with the required report within 30 calendar days responsive to this allegation. If it is determined that an unauthorized disposition of records has occurred, the response should include the following information:

- A complete description of the records with volume and dates if known;
- The office maintaining the records;
- A statement of the exact circumstances surrounding the removal, defacing, alteration, or destruction of records;
- A statement of the safeguards established to prevent further loss of documentation; and
- Details of the actions taken to salvage, retrieve, or reconstruct the records.

If it is determined that there has been no unauthorized disposition, please provide us with sufficient documentation to support that finding. I appreciate your attention to this matter. If you have any questions or wish to discuss further, 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 style with a blue ink color.

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



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June 6, 2023

Otis Burnett
Office of the Clerk
United States Office of the Special Counsel
1730 M St, NW Suite 231
Washington, DC 20036

Dear Otis Burnett,

The National Archives and Records Administration (NARA) acknowledges receipt of the Office of the Special Counsel's (OSC) report regarding an allegation that OSC staff stated that they destroyed records responsive to a citizen's FOIA Request, OSC 23-B.

According to the report, after careful review, OSC has determined that the statement that the records were destroyed was made in error. Staff was not aware that cases created and closed prior to March 16, 2020 were not available through the agency's electronic case management system. Records created prior to March 16, 2020 are retained in paper format and are stored at the Federal Records Centers (FRCs). OSC Records Management staff has requested the records from the FRC for inspection. OSC will re-open the case and notify the requester of the error.

Based on this information, NARA is satisfied with the actions OSC has taken and considers this matter closed. If you have any questions regarding this matter, please contact me at laurence.brewer@nara.gov.

Sincerely,

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