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June 7, 2016

Mr. Tony Tucker
Department of Health & Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore MD 21244

Dear Mr. Tucker:

The National Archives and Records Administration (NARA) has received an anonymous communication regarding the potential alienation of Federal email records created or received by Centers for Medicare & Medicaid Services (CMS) in the Office of Enterprise Data and Analytics (OEDA). The allegation specifically noted that Niall Brennan, Chief Data Officer and Director, OEDA, directed his staff “to establish personal email accounts on non-government systems (e.g., Google mail, etc.) for the express purpose of conducting government business on systems not subject to official disclosure.”

Pursuant to your agency’s responsibilities under 44 U.S.C. Chapter 31 and NARA’s authorities in 44 U.S.C. Chapter 29, we request that CMS investigate this matter and provide NARA a report on the allegations, as required and described in 36 CFR 1230.14, within 30 days of this letter.

If CMS determines that Federal records have been alienated, please describe all measures your agency has taken, or expects to take, to retrieve the alienated records. Please also include a description of the safeguards established to prevent records alienation incidents from happening in the future. In addition, please provide NARA all guidance and directives disseminated within CMS that address the management of email records, including those records created using personal email accounts.

If you are unable to provide a report within 30 days, please provide us with an interim report indicating what actions you have taken and when you expect to submit a final report.

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If you have any questions or comments, please contact Sean Curry at 215-305-2036 or sean.curry@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence Brewer". The signature is fluid and cursive, with the first name "Laurence" being larger and more prominent than the last name "Brewer".

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

Enclosure

cc: Ms. Colleen Barros
Acting, Assistant Secretary of Administration,
and Senior Agency Official for Records Management
Department of Health and Human Services



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January 9, 2017

Mr. Carlos Simon
Director, Issuances, Records, and Information Systems Group
Acting CMS Records Officer
Department of Health & Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Mr. Simon:

The National Archives and Records Administration (NARA) has received the letter from the Department of Health & Human Services (HHS), Office of the Inspector General (OIG), regarding the anonymous allegation that Niall Brennan, Director, Office of Enterprise Data and Analytics, instructed his employees to use personal email accounts for official business.

Based on the information in this letter, we understand that the HHS OIG has determined that these allegations were unfounded and this matter is considered closed.

Accordingly, NARA considers this matter resolved and we appreciate your assistance in reaching this determination. If you have any questions, please contact Karyn Skevakis at 301-837-3069 or karyn.skevakis@nara.gov.

Sincerely,

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

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