



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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www.archives.gov

Sent Via Email. No Hard Copy to Follow.

April 11, 2018

Ms. Tracee Taylor
Servicewide Records Officer
Internal Revenue Service
PGLD, Records and Information Management (RIM)
tracee.m.taylor@irs.gov

Dear Ms. Taylor:

The National Archives and Records Administration (NARA) has learned of a potential alienation of Internal Revenue Service (IRS) Federal Advisory Committee Act (FACA) records. NARA staff recently conducted training on FACA recordkeeping requirements on behalf of the General Services Administration (GSA) Secretariat. After the presentation Mr. J. Micha Morris, an IRS attorney with the Ethics & General Government Law Branch, General Legal Services, approached the NARA trainer to further discuss the email requirements of FACA members who are not federal government employees and do not have a .gov email.

Mr. Morris explained that the IRS was not capturing email pertaining to committee business of FACA members. The NARA trainer provided information on GRS 6.2 and email recordkeeping requirements and referred Mr. Morris to NARA's General Counsel for follow-up. Per GRS 6.2 and the FAQ #18, Mr. Morris was advised that any email exchange conducted via private, non-.gov email accounts by committee members discussing committee business must be copied to their Designated Federal Official (DFO) because they are committee records. Mr. Morris indicated he understood and would comply with the requirements.

NARA wants to ensure that as the Agency Records Officer for the IRS you are aware of this matter. We request that you investigate and report to NARA the extent to which FACA emails may have been alienated, what steps will be taken to retrieve any alienated email, and your agency's risk mitigation strategy to help prevent future incidents. Please provide this information in a letter compliant with 36 CFR 1230.14 within 30 days of the date of this letter.

If you have any questions, please contact Dawn Sherman-Fells in NARA's Records Management Oversight and Reporting Program at dawn.sherman@nara.gov or 301.741.5336.

Sincerely,

Laurence V. Brewer

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



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

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June 8, 2021

Ms. Tracee Taylor
Agency Records Officer
Department of the Treasury
Internal Revenue Service
Records & Information Management
1111 Constitution Avenue, NW
Washington, DC 20224

Dear Ms. Taylor,

The National Archives and Records Administration (NARA) received the final report from the Internal Revenue Service (IRS) outlining the IRS investigation into the IRS's Federal Advisory Committee (FAC) members' use of personal email accounts to conduct official business and the lack of IRS capture of these messages.

NARA understands that the IRS conducted three separate requests from both former and present committee members. These requests collected close to 4,000 emails that are presumed permanent, including 700 emails that have been identified as immediately eligible for transfer. Additionally, the IRS developed annual training and briefing materials for all committee members that instructs all members of the committees to copy the newly established organizational mailboxes that have permanent retention periods assigned to them. The IRS will also conduct records compliance reviews of the FAC program, document deficiencies, provide recommendations, and monitor for implementation.

Based on this information, we have determined that the IRS has addressed the concerns raised in the allegations of unauthorized disposition. Thank you for your attention to this matter. If you have any questions, please contact me at laurence.brewer@nara.gov or by phone at (301) 837-1539.

Sincerely,

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