



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

Sent Via Email. No Hard Copy to Follow.

October 2, 2018

Ms. Cynthia Posey
Department of Health & Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore MD 21244
Cynthia.Posey@cms.hhs.gov

Dear Ms. Posey:

The National Archives and Records Administration received an allegation of potential unauthorized disposition of documents submitted via HealthCare.gov pertaining to income of healthcare applicants. According to the allegation, attached, such documents are shredded within a few days of submission.

Reviewing the Centers for Medicare and Medicaid Services' records schedules, it appears the records may be financial records related to the application process and DAA-0440-2014-0003, item 0001 would likely be applicable, which has a 10 year retention after cutoff.

I am requesting that you immediately investigate this matter to determine what, if any, records are being destroyed and if destruction is in compliance with federal records retention regulations. If federal records are being destroyed without proper authorization from NARA, you must cease destruction immediately and as required in 36 CFR 1230.14, promptly report to NARA any unauthorized removal, alteration or destruction of agency records.

In accordance with 36 CFR 1230.16(b), NARA is requesting that you provide us with a response within 30 calendar days that includes a complete description of the records (including an approximation of the volume and dates of all destroyed records); a statement of what safeguards have been put into place (or will be put into place) to prevent any future unauthorized disposition of agency records; exact details of the circumstances surrounding this alleged deletion of records; and an outline of any actions taken to retrieve or recreate the records.

Thank you for your cooperation. If you have any questions, please contact Dawn Sherman-Fells, Records Management Oversight and Reporting Program, at 301-837-2083 or by email at dawn.sherman@nara.gov.

Sincerely,

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



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November 9, 2018

Ms. Cynthia Posey
Department of Health & Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore MD 21244
Cynthia.Posey@cms.hhs.gov

Dear Ms. Posey:

Thank you for your letter dated November 1, 2018 addressing an allegation of unauthorized disposition of documents submitted via HealthCare.gov pertaining to income of healthcare applicants. You determined that records created in support of the Health Insurance Exchange/Federally Facilitated Marketplace have not been destroyed and the disposition of those records are being managed under DAA-0440-201 4-0003, item 0001, which has a 10-year retention. You further provide that the records maintained date from October 1, 2013 to present, consist of approximately 138 TB of electronic documents and 33,000 boxes of paper documents from consumers, and that according to the records schedules, the records in the electronic information system are the official records; however, as a safeguard the program maintained a copy of the form that was used to collect the information to populate the system. To date, no healthcare.gov related paper records have been destroyed.

The National Archives and Records Administration accepts your response and will close this case based on a determination that the allegation is unfounded.

Thank you for your attention to this matter.

Sincerely,

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