



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

Sent Via Email. No Hard Copy to Follow.

November 4, 2020

Mr. Brian C. O'Neill
Director, Information Management Services
Central Intelligence Agency
Washington, DC 20505-0001

Dear Mr. O'Neill:

The National Archives and Records Administration (NARA) has become aware of an allegation of unauthorized disposition of federal records. This allegation is based on information received in a letter from American Oversight dated October 22, 2020, regarding their Freedom of Information Act (FOIA) request for emails from the account of Mike Pompeo during his tenure as Director of the Central Intelligence Agency (CIA). In the letter, American Oversight stated that there was evidence in the emails provided that showed that then-Director Pompeo used his personal email account to conduct federal business.

The Federal Records Act at 44 U.S.C. 2911(a) prohibits employees from creating or sending a record using a non-official messaging account unless the employee copies his or her official email account when the record is first transmitted, or forwards a complete copy of the record to the official email account within 20 days of the record's original transmission.

A review of the emails released indicates they include messages forwarded to Director Pompeo's official email account. However, because the full extent of Director Pompeo's use of private email is unclear, NARA requests that you provide confirmation that Director Pompeo has forwarded all Federal record emails from his personal account to his official account, or has otherwise provided the CIA with a copy of such emails. We also request a copy of the CIA's policies implementing the requirements of 44 U.S.C. 2911.

In accordance with 36 CFR 1230.16(b), NARA requests that you respond within 30 calendar days to the allegation. If it is determined that an unauthorized disposition of records has occurred, your response should detail specific actions CIA will take to address any failure to capture and preserve Federal records, and the steps taken to mitigate future risk.

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,

A handwritten signature in blue ink that reads "Laurence Brewer". The signature is written in a cursive style with a large initial "L".

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

cc. Daniel McGrath, American Oversight, daniel.mcgrath@americanoversight.org



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June 11, 2021

Mr. Brian C. O'Neill
Director, Information Management Services
Central Intelligence Agency
Washington, DC 20505-0001

Dear Mr. O'Neill:

The National Archives and Records Administration (NARA) received your report dated April 20, 2021 and the attached Quick Reference Guide in response to NARA's request for more information regarding the allegation of unauthorized disposition that NARA received from American Oversight regarding the emails of former Director Pompeo during his tenure at the Central Intelligence Agency (CIA).

Your report further explained your research and methodology that you used in order to determine that former Director Pompeo followed agency guidelines. Additionally, you included the Quick Reference Guide that showed the CIA policy requiring employees to copy an official electronic messaging account in the original transmission or creation of the record or forward a complete copy of the record to an official electronic messaging account not later than 20 calendar days after the original creation or transmission of the record.

Based on the information that was provided to NARA, we believe the CIA has addressed the concerns raised regarding the alleged unauthorized destruction. 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