



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

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August 4, 2021

Ms. Luz D. Ortiz
Department of Defense
Office of the Secretary of Defense
4800 Mark Center Drive, Suite 02F09-02
Alexandria, VA 22350-3100
luz.d.ortiz.civ@mail.mil

Dear Ms. Ortiz:

The National Archives and Records Administration (NARA) has been notified of a potential unauthorized disposition of records at the Office of the Secretary of Defense (OSD). A member of the public alleges that a former employee's email and related calendar and text message records, relating to sensitive information and subject to numerous FOIA requests, were unlawfully destroyed. Further, the allegation reports OSD's unauthorized use of another agency's disposition authorities to dispose of the email records.

NARA requests that OSD investigate the above allegations to determine whether records were improperly destroyed not in accordance with the appropriate records disposition schedules. NARA requests that you provide a response within 30 days as required by 36 CFR 1230.16. Your report should include a description of the records; the records schedule disposition citation that covers the files; details regarding the records destruction incident and recovery efforts; and, if appropriate, a statement of the safeguards that have been or will be implemented to prevent future unauthorized disposals of such records. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

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



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Records Officer for the
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February 3, 2022

Ms. Luz D. Ortiz
Department of Defense
Office of the Secretary of Defense
4800 Mark Center Drive, Suite 02F09-02
Alexandria, VA 22350-3100
luz.d.ortiz.civ@mail.mil

Dear Ms. Ortiz,

The National Archives and Records Administration (NARA) has received the Department of Defense's response regarding NARA's request for further information pertaining to an allegation of an unauthorized disposition of records at the Office of the Secretary of Defense (OSD) (UD-2021-0041). A member of the public alleged that a former employee's email, calendar, and text message records, relating to sensitive information and subject to numerous FOIA requests, were unlawfully destroyed; and that OSD used another agency's disposition authorities to dispose of the email records.

During your investigation, OSD determined that its subcomponent, Office of the Under Secretary of Defense for Intelligence and Security ((OUSD)(I&S)), did not utilize another agency's disposition authorities to dispose of the account holder's email and related records. Rather, the unauthorized disposition occurred due to the agency's failure to implement records management policies and practices for non-Capstone email accounts in accordance with NARA approved schedule, GRS 6.1; and the former employee's failure to manually capture and file relevant records in case files within the agency's shared drives and Sharepoint sites, in accordance to the organization's file plan.

OUSD (I&S)'s retention for the email account holder's records is 7 years and automatic email journaling is not required for non-Capstone accounts. Further, OSD component agencies' email accounts are provided by the Defense Enterprise Email (DEE) Program and operated by the Defense Information System Agency's (DISA) Joint System Program (JSP) whose deprovisioning

policy and process allow for the deletion of inactive non-Capstone email accounts after 120 days of inactivity. This practice is not consistent with OSD's records schedule.

Deprovisioned email accounts cannot be retrieved and FOIA staff were unable to locate any additional records in case files due to the email account's deletion and the lack of proper filing of relevant records in external shared drives and sites. To mitigate the further loss of email records, OSD and JSP have met to address the risks of the deprovisioning process and requested that all email accounts be retained for a minimum of 7 years. In addition, all OSD components have recently migrated to email service within DISA's Microsoft Office 365 environment that will ensure proper retention. OUSD (I&S) is also updating its file plans and will provide personnel with internal training on their records management responsibilities.

Based on the information that you provided, the reporting requirements of 36 CFR 1230.14 have been met. NARA is satisfied with the safeguards established and considers this allegation of unauthorized disposition to be founded with appropriate corrective actions identified. If you have any questions, please contact me at laurence.brewer@nara.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a clear, legible font.

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