



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

Sent Via Email. No Hard Copy to Follow.

February 18, 2022

Nicole Adkinson-Calopietro
Department of Homeland Security
Federal Emergency Management Agency
1800 South Bell Street
Arlington, VA
20598-3005

Dear Ms. Adkinson-Calopietro,

The National Archives and Records Administration has received an allegation from a member of the public that the Federal Emergency Management Agency (FEMA) was destroying records that were subject to a FOIA request and litigation and were related to ongoing EEO cases. In this allegation, we also received information within the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated September 29, 2021, that documented that FEMA is not maintaining complete investigative and disciplinary records.

The allegation that we received was attached to a FOIA request (enclosed) that documented that “the footage you requested has been properly destroyed per FEMA’s Records Disposition Schedule (June 2021), which specifies the Agency’s requirements for records management of routine surveillance footage.” Given that the records requested were “A copy of all security footage (video and any available audio)...on July 20, 2018,” and a “copy of all security footage (video and any available audio) dated March 22, 2016, of the Alternative Dispute Resolution Division office,” and the FOIA request was filed June 5, 2020, these records would have been subject to the FOIA at the time of their deletion (June 2021) as documented in the FEMA’s response to the FOIA.

According to the OIG report, of the 305 allegations that are related to sexual harrassment and sexual misconduct, related documents including reports of investigation, managerial inquiry reports, and SF-50s are missing from 153 of these files. There is also evidence in the OIG report that “FEMA lacked documentation” in the sexual harassment EEO complaints. This information

demonstrates a lack of control over the documentation and records that should have been in these files.

In accordance with 36 CFR 1230.16(b), NARA requests that FEMA respond within 30 calendar days to the allegations regarding the deletion of the video surveillance footage in this letter. If FEMA determines that an unauthorized disposition has occurred, in accordance with 36 CFR 1230.14(a), this response must include, a complete description of the records including the correct retention period and disposition authority for the records; the volume of the records deleted with dates; a statement as to which office maintains the records; a statement of the exact circumstances surrounding the removal, defacing, alteration, or destruction of records; a statement of the safeguards established to prevent further loss of documentation; and details of the actions taken to salvage, retrieve, or reconstruct the records. If it is determined that no unauthorized disposition has occurred, please provide NARA with an explanation including the disposition authority that was used to delete these records.

We are also requesting a report regarding records management policy and procedural changes that FEMA established in response to the information in the OIG report. While we understand that in response to Recommendation 1, it was indicated in the OIG report that FEMA established a Microsoft Access database to document allegations and deployed a case management system for collection, tracking, disposition, and reporting of all employee misconduct investigations, your report should document how FEMA is ensuring that records and any supporting documentation are being captured, managed, and disposed of in accordance with FEMA records retention schedules.

Thank you for your attention to this matter. If you have any questions or wish to discuss further, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence R. Brewer". The signature is written in a cursive style.

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

cc: Michelle Thomas, Department Records Officer, Department of Homeland Security

Enclosures (2)



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Sent Via Email. No Hard Copy to Follow.

October 27, 2023

Nicole Adkinson-Calopietro
Department of Homeland Security
Federal Emergency Management Agency
1800 South Bell Street
Arlington, VA
20598-3005

Dear Nicole Adkinson-Calopietro,

The National Archives and Records Administration (NARA) has received your supplemental report on September 26, 2023, in response to our letter dated April 20, 2022, in which we requested additional information regarding the allegation NARA received from a member of the public that the Federal Emergency Management Agency (FEMA) was destroying records that were subject to a FOIA request and litigation and were related to ongoing EEO cases.

According to your initial report dated February 18, 2022, the deletion of the video surveillance footage occurred during the automatic override procedures every 45 days. In this instance, the EEO complaints were filed after that 45 day period lapsed. Therefore, the video surveillance records in question were deleted as per their disposition authority.

In your letter dated September 26, 2023, we received information regarding the records management policy and how FEMA saves records and any supporting documentation for the established Microsoft Access database that is being used to document EEO allegations. We also received information regarding the case management system, including the methods for preservation and/or destruction of records maintained in the database.

Based on the information we received from you, NARA considers this allegation to be unfounded. Thank you for your attention to this matter. If you have any questions or wish to discuss further, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence v. Brewer". The signature is written in a cursive style with a small "v." between the first and last names.

LAURENCE BREWER

Chief Records Officer

for the U.S. Government

cc: Michelle Thomas, Department Records Officer, Department of Homeland Security