



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

Sent Via Email. No Hard Copy to Follow.

April 4, 2023

David Alspach
Department of the Interior
Departmental Records Officer
MS 7145A
1849 C Street, NW
Washington, DC 20240

Dear David Alspach,

The National Archives and Records Administration (NARA) received an allegation of unauthorized disposition of records from the Office of Natural Resources Revenue (ONRR). On March 15, 2023, NARA received a complaint from a law firm regarding a Freedom of Information Act (FOIA) request. This law firm alleges that the records obtained for this FOIA request demonstrated that,

1. identified custodians within ONRR ordered the unscheduled deletion of federal records;
2. identified custodians within ONRR who failed to preserve Google chats (gChats), which “likely” contained substantive communications about the Agency’s decisions and essential transactions regarding refund requests submitted by Bracewell’s Client;
3. illustrated that ONRR failed to preserve federal records pending a public records request; and
4. connotes that ONRR subsequently failed to report the unauthorized destruction of such records after becoming aware of the loss.

NARA is requesting that the Department of Interior (DOI) investigate whether ONRR staff unlawfully deleted records, failed to preserve substantive communications from gChats and other federal records, and failed to report known incidents of unauthorized destruction of

records pertaining to this FOIA request.

DOI must provide a comprehensive report within 30 days of this letter in accordance with 36 CFR 1230.16. Your report should include a complete description of the records mentioned in the allegation, including volume and dates of the records, applicable record schedule/disposition authority number, and specific details describing the unauthorized disposition incident. Additionally, please include in your report any salvage, recovery, or restoration efforts, and safeguards that will be implemented to prevent future unauthorized disposition of such records.

Thank you for your attention to this matter. If you wish to discuss further, please do not hesitate to 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, flowing style.

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

Enclosures (2)



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May 22, 2023

David Alspach
Department of the Interior
Departmental Records Officer
MS 7145A
1849 C Street, NW
Washington, DC 20240

Dear David Alspach,

The National Archives and Records Administration (NARA) received the Office of Natural Resources Revenue's (ONRR) report dated May 12, 2023, regarding an allegation of unauthorized disposition of ONRR records.

NARA acknowledges that the Department of Interior (DOI) and ONRR conducted an internal review regarding this allegation. Below is a summary of the review findings.

"DOI did not have a record loss in this matter. The steps DOI took to address each of NARA's concerns are addressed as follows:

1. *"Employees within ONRR ordered the unscheduled deletion and concealment of Federal records."* DOI archives all email into eERDMS regardless of the action taken by individual employees in the mailbox.
2. *"Failed to preserve Google Chats."* Relevant information contained in the gChat messages was preserved in the RV Tracking system. The original gChat messages were considered intermediary or transitory in nature and therefore did not need to be preserved.
3. *"Failed to preserve Federal records pending a FOIA request."* Because the pertinent gChat information had been preserved in the RV Tracking System, there was no perceived need to preserve the original transitory or intermediary gChat messages during the transition to M365.
4. *"Failed to report the unauthorized destruction of Federal records."* Based on the investigation done in 2021 there was a determination that no records loss had occurred and therefore no requirement to file a report with NARA pursuant to 36 CFR § 1230.

The Department's investigation has determined that appropriate records management practices were followed to preserve federal records in email, memoranda, or other IT systems. This concludes DOI's investigation into this matter."

Based on the information provided, NARA considers this unauthorized disposition allegation unfounded. ONRR has satisfied all reporting requirements of 36 CFR 1230.14(a) and this matter is closed. If you have any concerns, 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.

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

Cc: Michael Autobee
ONRR Records Officer