



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

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June 15, 2023

Eric Hysen
Chief Information Officer
Department of Homeland Security
301 7th Street SW
Washington, DC 20024

Dear Eric Hysen,

The National Archives and Records Administration (NARA) has been made aware of the potential loss of electronic messages, including text messages and Signal messages, within the Department of Homeland Security (DHS). DHS Inspector General (IG), Joseph Cuffari, testified at a Committee on Oversight and Accountability hearing for the Committee on National Security, Border and Foreign Affairs on June 6, 2023. In his testimony, he stated that he was one of a small number of Department officials who used Signal at the direction of the Department following a security breach in late 2020 and early 2021.

Mr. Cuffari stated he used Signal only for a single phone call, for which no record was maintained.¹ DHS has previously stated that Signal messages from former Acting Secretary Chad F. Wolf and Kenneth T. Cuccinelli, the former Senior Official Performing the Duties of the Deputy Secretary for DHS, were captured and preserved from this time period.² However, the capture and preservation of messages beyond these senior officials is unknown.

¹ See Testimony of DHS Inspector General Joseph Cuffari on June 6, 2023 to the Oversight, Investigations, and Accountability Subcommittee of the House of Representatives Committee on Homeland Security (“Cuffari Testimony”), at 1:24, <https://oversight.house.gov/hearing/help-wanted-law-enforcement-staffing-challenges-at-the-border/>.

² See Declaration of Christopher Granger, Executive Director for Information Technology Operations with the U.S. Department of Homeland Security, filed March 2, 2023 in *CREW v DHS*, 1:22-cv-03350 (D.D.C.).

In accordance with 36 CFR 1230.16(b), NARA requests that DHS look into this matter and confirm that all electronic messages sent or received by DHS officials using Signal have been managed in accordance with the Federal Records Act.

Mr. Cuffari also stated in his June 6, 2023, testimony that he deleted text messages from his government phone because he did not consider them to be federal records.³ He further stated it is his practice to routinely delete text messages from his government phone.

Additionally, an article published by [Government Executive](#) on June 7, 2023, “The DHS Watchdog Says He Deletes Texts. Lawmakers Want to Know If This Violates Records Preservation Laws,” states that the deletion of text messages was identified in late 2022, after the Project on Government Oversight filed a Freedom of Information Act lawsuit seeking Cuffari’s and other officials’ text messages related to their alleged suppression of a report on workplace sexual misconduct inside DHS.

In accordance with 36 CFR 1230.16(b), NARA requests that DHS provide NARA with the required report documenting IG Cuffari’s practices with respect to the management of electronic messages, and in particular all messages that meet the definition of a federal record. The Department’s review should include, but not be limited to, how DHS ensures that text messages that are federal records are properly retained; any training DHS provides to staff members, including senior officials, to ensure that text messages are captured as federal records; and any policies and procedures that are issued on how text messages are identified and preserved if determined to be federal records.

NARA understands that in August 2022, DHS began preserving electronic cellular devices and/or fully accessible backups of electronic cellular devices issued to senior officials and that, since November 2022, DHS has required all employees and political appointees to document their records retention activities prior to, and in connection with, any event that would lead to the factory reset of their electronic cellular devices.

If the Department determines that federal records were deleted without proper disposition authority, your final report must include a complete description of the records affected, a statement of the exact circumstances surrounding the deletion of messages, a statement of the safeguards established to prevent further loss of documentation, and details of all agency actions taken to salvage, retrieve, or reconstruct the records.

³ *Cuffari Testimony*, at 1:38.

Thank you for your attention to this important 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 large initial "L".

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

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