



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 24, 2017

Laurence Brewer
Chief Records Officer for the U.S. Government
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Mr. Brewer,

I am writing in response to your February 22, 2017, letter concerning an allegation of unauthorized disposition of EPA records. Your letter references a Bloomberg Government news article, as well as a February 14, 2017, letter to the EPA Inspector General from the House Committee on Science, Space, and Technology regarding the alleged use by EPA career staff of an encrypted messaging application to communicate.

EPA's Office of Inspector General (OIG) is investigating the allegations referenced in the above-noted February 2017 letter. EPA takes these allegations very seriously and is working cooperatively with the OIG in its investigation. EPA intends to provide a response to the National Archives and Records Administration (NARA) addressing those issues once the OIG has completed its investigation.

I wanted to note, however, that EPA does have policies and procedures that address the use of third party messaging applications to conduct Agency business. Specifically, EPA has a Social Media Policy and related procedures that address the approval and use of third party messaging applications for official Agency business. Under the Social Media Policy, employees are to use third party sites that have been approved for Agency use and such use must be in accordance with approved Terms of Service agreements. Further, EPA's Managing Social Media Records Procedures state that "[s]ocial media records that qualify as 'federal records,' . . . must be maintained and preserved in an approved recordkeeping system in the same manner as any other federal record." Additionally, EPA has a specific process for approving mobile applications for Agency use, which includes a security and legal review.

In light of the allegations set forth in the above-noted article and the February 21, 2017, letter, EPA recently highlighted its mobile and social media application approval process through a banner on the home page of the Agency's intranet. The banner states: "[w]hen conducting EPA work, be sure you are using approved social media and third-party sites

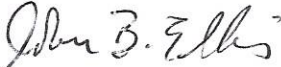
that have special EPA-only terms of service” and provides employees with a link to information contained on the agency’s intranet regarding the approval process. Copies of these materials are enclosed for your reference.

EPA’s existing Records Policy also speaks to the use of personal messaging systems to send or receive Agency records, which would include any third-party encrypted messaging applications. Specifically, the Records Policy states that:

Official Agency business should first and foremost be done on official EPA information systems.... EPA strongly discourages the use of personal email or other personal electronic messaging systems, including text messaging on a personal mobile device, for sending or receiving Agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA electronic messaging system must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending.

EPA intends to respond to the questions in your February 22, 2017, letter once the OIG investigation is complete. Should you have any questions concerning this matter in the meantime, please contact me at ellis.john@epa.gov or (202) 566-1643.

Sincerely,



John B. Ellis, CRM
Agency Records Officer
U.S. Environmental Protection Agency

Enclosure(s):

Records Policy, CIO 2155.3
Social Media Policy, CIO 2184.0
Managing Social Media Records Procedures, CIO 2155-P-06.0
Using Social Media to Communicate with the Public Procedures, CIO 2184.0-P02.1
PDF of Social Media Tools Intranet Banner
PDF of Terms of Service Intranet Web Page