



**Homeland
Security**

MAY 19 2017

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

Dear Mr. Brewer,

This is in response to your February 22, 2017 letter requesting further information concerning the potential alienation of federal email records created or received by former Secretary Jeh Johnson, former Deputy Secretary Alejandro Mayorkas, former Chief of Staff Christian Marrone, and former General Counsel Steven Bunnell, dating from December 23, 2013 to January 20, 2017.

- Former Secretary Johnson reached out and advised that he reviewed his personal email account and will be returning potential federal records to the Department. The Office of the General Counsel (OGC) is working to facilitate this process.
- Former Chief of Staff Marrone had previously reported that he did not use his personal email for business.
- Both former General Counsel Bunnell and former Deputy Secretary Mayorkas have advised that it was their regular practice to forward or cc their .gov accounts with any work related emails sent to or from their personal email accounts.

Department of Homeland Security (DHS) Directive 141-01 Records and Information Management instructs employees to preserve all records in accordance with applicable statutory requirements. DHS is updating its email usage policy to provide guidance that all official business correspondence is to be conducted via Government-provided email only. The use of Internet webmail (e.g., Gmail) or other personal email accounts is not authorized over DHS-furnished equipment or the Department's network connections. In cases where a non-DHS email account is used, the user must ensure the record is submitted to an official DHS email account within 20 days.

DHS Records and Information Management (RIM) will be submitting a Resource Allocation Plan (RAP) for Fiscal Year 2019 funding for an Electronic Records Management System (ERMS). In the interim, the Department has implemented a policy of journaling emails, which automatically captures all emails in an accessible electronic format. This is viewed as a short-term solution for reaching the retention and retrieval requirements under 36 CFR 1236.10 (a-g) as well as OMB M-12-18, goal 1.2.

The guidelines set in 44 U.S.C. 3102 and 36 CFR 1236 were not followed in all cases, but the alienated records have been identified and are in the process of being returned to the Department for preservation.

I hope this information aids in bringing a prompt resolution to this matter.

Sincerely,



Chip Fulghum
Acting Under Secretary for Management