



United States Department of State

Washington, D.C. 20520

JAN 20 2016

The Honorable
Kay Granger, Chairwoman
Subcommittee on State, Foreign Operations,
and Related Programs
Committee on Appropriations
House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

Pursuant to Section 7077 of the Consolidated Appropriations Act of 2016, we are forwarding a report on the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management; the extent to which each agency is in compliance with applicable Federal records management statutes, regulations, and policies; and steps required, including steps already taken, and the associated costs. An electronic copy of this report was transmitted on January 18 to staff of the House Appropriations Subcommittee on State Foreign Operations and the Senate Appropriations Subcommittee on State Foreign Operations.

We hope this information will be helpful. Please let us know if we can be of further assistance.

Sincerely

A handwritten signature in black ink that reads "Julia Frifield".

Julia Frifield
Assistant Secretary
Legislative Affairs

Enclosure:
As stated.

U.S. Department of State Report on Records Management

The Department of State (Department) submits this report to the Committees on Appropriations and to the National Archives and Records Administration (NARA) pursuant to Section 7077(c)(2) of the Consolidated Appropriations Act, 2016 (P.L. 114-113). The Department takes its records management obligations seriously and continually strives to improve both its records management practices and its response time for identifying and retrieving Federal records in the face of rapidly changing information technology and expanding needs worldwide.

The Department's overarching policy governing electronic records management is detailed in its Foreign Affairs Manual (FAM) and associated Handbooks (FAHs), specifically 5 FAM 441, available at <https://fam.state.gov>. The policy regarding "Non-Official Email Accounts" is detailed in 5 FAM 443.7. Under that policy, and pursuant to the Presidential and Federal Records Act Amendments of 2014, employees are prohibited from creating or sending a record using a non-official email account unless the employee (1) copies the employee's official email account in the original creation or transmission, or (2) forwards a complete copy of record (including any attachments) to the employee's official email account not later than 20 days after the original creation or transmission. Because NARA has advised that personal accounts should only be used in exceptional circumstances, employees are discouraged from using private e-mail accounts (e.g., Gmail, AOL, Hotmail, etc.) for official business. However, in those very limited circumstances when it becomes necessary to do so, the email messages covering official business sent from or received in a personal account must be captured and managed in a Department email system in a manner described above in accordance with the Presidential and Federal Records Act Amendments of 2014. If an employee has any emails (regardless of age) on his or her private email account(s) that have not already been forwarded to the employee's official email account, then such emails need to be forwarded to the employee's state.gov account as soon as possible.

The Department reports its compliance with meeting the goals of the President's Managing Government Records Directive (Directive) in its annual Senior Agency Official for Records Management report to NARA. The most recently available Senior Agency Official for Records Management Annual Report is for FY14 (2014 SAO Report) is included with this report (Tab A) and is publically available at <https://foia.state.gov>. As reported in the 2014 SAO Report, the Department is working to meet the requirements for email management by December 31, 2016, as mandated by the Directive. Although a Department-wide

solution for email management will be in place by the end of 2016, the Department has already taken steps to preserve senior officials' email. For example, in 2015, the Department began journaling the email of senior officials in the Office of the Secretary, including Secretary Kerry, the Deputy Secretaries, Under Secretaries, several senior advisers, and the Secretary's staff ranging from his Chief of Staff to staff assistants. The Department also began journaling the email accounts of Assistant Secretaries, Principal Deputy Assistant Secretaries, and a limited number of other senior officials in 2015.

The Department's Electronic Records Management Working Group (ERMWG), a cross organizational working group within the Department working on electronic records solutions, is currently reviewing technical solutions to meet the Directive's 2016 and 2019 electronic records management goals. A major goal of implementing these solutions is to improve the Department's response times for identifying and retrieving electronic Federal records and at the same time to develop measurable results following from these solutions.

In March 2015, Secretary Kerry asked the Office of Inspector General (OIG) to conduct a review of the Department's records management processes, technology, and training to improve, reinforce, and augment the efforts already underway. Secretary Kerry also appointed a Transparency Coordinator in September 2015 to work with Department bureaus and offices on improving records systems. It is expected that the Transparency Coordinator will be able to build on the work of the OIG as well as on the ongoing efforts of the ERMWG. The Department will review any recommendations made by the OIG and direct resources as necessary to implement the OIG's recommendations.

The administrative section of each Department bureau, office, or post is responsible for reminding all officials who are about to leave the Department or a post of the requirements for the removal of personal papers and nonrecord materials; enforcing compliance with these procedures for the removal of documentary materials prior to execution of an employee's Separation Statement; reviewing materials proposed for removal for all officials (except Presidential appointees, located in Washington, D.C., who were confirmed by the Senate); and ensuring that departing officials receive a mandatory briefing and that all departing officials will execute a Classified Information Nondisclosure Agreement form certifying that they have not retained in their possession classified or administratively-controlled documents. Departing employees must prepare an inventory of personal papers and nonrecord materials proposed for removal and request a review of such materials. In the Department, the Records Officer, in

cooperation with the Executive Secretariat or appropriate administrative office, conducts the review for Presidential appointees confirmed by the Senate. The administrative or executive office conducts the review for other Department officials and/or employees. At Foreign Service posts and domestic field offices, the administrative officer will conduct the review for all officials. Reviewing officials will consult with the Department's Records Officer as necessary.

The Department has taken several actions to ensure that all employees at every level have been instructed on records management responsibilities and procedures. In FY 2015, the Department issued the following cables and Department Notices attached to this report to remind all employees of their records management responsibilities: 14 STATE 128030, "State Department Records Responsibilities and Policy" (Tab B); Department Notice 2014-10-115, "A Message from Under Secretary for Management Patrick F. Kennedy Regarding State Department Records Responsibilities and Policy" (Tab C); 15 STATE 108758, "A Message from Under Secretary for Management Patrick F. Kennedy Regarding Non-official Email Accounts" (Tab D); and Department Notice 2015-09-108, "A Message from Under Secretary for Management Patrick F. Kennedy Regarding Non-official Email Accounts" (Tab E).

With regard to the recommendations of the Office of Inspector General, United States Department of State (OIG), in the March 2015 Review of State Messaging and Archive Retrieval Toolset and Record Email (ISP-1-15-15) (OIG SMART Report), the OIG Report contained seven recommendations. Of the seven report recommendations, two have been resolved and closed. The Department provided action updates to the OIG in November 2015 on the remaining five and we are confident they will be closed before the end of this fiscal year. As noted above, in March 2015, Secretary Kerry asked the Office of Inspector General (OIG) to conduct a review of the Department's records management processes. On January 7, 2016, OIG published its report "Evaluation of the Department of State's FOIA Process for Requests Involving the Office of the Secretary" (ESP-16-01). The Department concurred with each of the four recommendations in this recent report.

The Department is tackling the challenge of the backlog of FOIA requests on numerous fronts. For example, a project is underway to reduce the backlog of FOIA requests specifically involving consular records, which constitute approximately one third of the Department's entire FOIA backlog. In FY 15, the Department closed nine of its ten oldest FOIA requests and the ten oldest FOIA consultations. Additionally, the Department is currently seeking to increase its

FOIA personnel. Since September 2015, the Department has been in the process of hiring 50 employees through a variety of hiring authorities, including detailees from within the Department, eligible family members, part-time temporary retired annuitants, etc. Of these new staff members, to date 24 have arrived, and those individuals are in the process of on-the-job training. The Department will continue its hiring efforts in 2016 to meet the increasing demand of FOIA requesters.

This past year, the Department has transformed the way it responds to Congressional oversight requests by creating a new Congressional Document Production branch, which involved adding personnel and acquiring new software to facilitate document reviews and productions. The Congressional Document Production branch now has 21 employees supporting document production in response to Congressional requests. The Department has also added new legal and information technology personnel focused on Congressional oversight requests. As a result, the Department has been able to process requests from Congress more quickly than in prior years. The Congressional Document Production branch has been operational for less than six months, so its impact in terms of increased efficiency and responsiveness will be more fully developed in 2016.

The Department dedicated \$27.0 million for these activities in 2015, and \$31.4 million was specified for these activities in 2016.

The Department maintains a comprehensive defense-in-depth cybersecurity program, including a global network security monitoring capability that keeps a continuous watch on all traffic traversing its enterprise networks. We continue to strengthen these efforts through partnerships with other Federal agencies to insure we have the latest tools and utilize shared knowledge. The Department also has a robust cybersecurity awareness program which helps our personnel understand and protect against cyber threats and vulnerabilities affecting the Department's IT assets. And given the dynamic nature of cyber threats, our awareness program also provides Department personnel general guidance and best practices to assist them in guarding against threats associated with the use of personal email and social media.

This report will be posted on the Department's website 45 days after it has been made available to the Committees on Appropriations.