



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

Sent Via Email. No Hard Copy to Follow.

May 17, 2021

Barbara Whitelaw
Department of Homeland Security
United States Coast Guard
Attn: Records Manager
US Coast Guard Stop 7710
2703 Martin Luther King Jr. Ave., SE
Washington, DC 20593-7710

Dear Ms. Whitelaw,

The National Archives and Records Administration (NARA) has received Freedom of Information Act (FOIA) requests from a law firm regarding United States Coast Guard (USCG) records that are related to the Deepwater Horizon oil spill and their client's service in the USCG during that time.

As part of the FOIA appeal, NARA received supplementary documentation from the law firm that included a declaration of a USCG Chief Warrant Officer (CWO) that noted that "approximately 28 terabytes of imaged records from the Deepwater Horizon oil spill and response were sent to NARA pursuant to COMDTINST M5212.12A." It was further mentioned in this declaration that, "The Coast Guard did not retain any electronic or physical copies of these files."

The Deepwater Horizon oil spill records referenced in the declaration that are currently subject to transfer include records pertaining to the following: British Petroleum Deepwater Horizon Response documentation records - TR-0026-2017-0236; Coast Guard Deepwater Horizon Oil Spill and Response documentation - TR-0026-2017-0243; and HDR Archeological and Cultural Documentation of the Deepwater Horizon Response - TR-0026-2017-0244. According to NARA's regulations in 36 CFR 1235.44, "Each agency must retain a copy of permanent electronic records that it transfers to NARA until it receives official notification that NARA has assumed responsibility for continuing preservation of the records." Since the transfer of these records is not complete, NARA did not yet have legal custody of these records and the USCG was required

to maintain a copy of the records in order to respond to any inquiries and FOIA requests regarding these records.

Since NARA does not have legal custody of these records and the USCG did not retain a copy of the Deepwater Horizon records, this constitutes an unauthorized destruction of federal records. In accordance with 36 CFR 1230.14, we request a response to this allegation within 30 business days with a report that includes the following information:

- A complete description of the records with volume and dates if known;
- The office maintaining the records;
- A statement of the exact circumstances surrounding the removal, defacing, alteration, or destruction of records;
- A statement of the safeguards established to prevent a recurrence of this issue and further loss of records; and
- Details of the actions taken to salvage, retrieve, or reconstruct the lost records.

Thank you for your attention to this 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 M. Brewer". The signature is written in a cursive, flowing style.

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



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Records Officer for the
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September 28, 2021

Ms. Barbara Whitelaw
Department of Homeland Security
United States Coast Guard
Attn: Records Manager
US Coast Guard Stop 7710
2703 Martin Luther King Jr. Ave., SE
Washington, DC 20593-7710

Dear Ms. Whitelaw,

The National Archives and Records Administration (NARA) has received the United States Coast Guard (USCG) response to the allegation of unauthorized disposition from a law firm as part of a Freedom of Information Act request for records that are related to the Deepwater Horizon oil spill and their client's service in the USCG during that time.

NARA understands that after searching, the USCG located the electronic versions of the records in question. We also understand that the USCG has implemented the following safeguards in order to mitigate this happening in the future:

- Established a network of Records Coordinators to serve as liaisons to the USCG headquarters RIM Program and as record management points of contact for their respective unit personnel.
- Developed and posted Unauthorized Disposition of Records Guidance outlining the procedures for reporting the loss of records or data and potential options for restoration or reconstruction of the records/data.

Based on the information provided by USCG, NARA considers this allegation unfounded. Thank you for your attention to this 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