



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

Sent Via Email. No Hard Copy to Follow.

September 14, 2022

Laura Besong
Agency Records Officer
Department of Justice
Executive Office for U.S. Attorneys
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Laura Besong,

The National Archives and Records Administration received your report of the loss of a witness interview that was recorded on a personal device that a staff member was using in accordance with the Executive Office for US Attorneys (EOUSA) "Bring Your Own Device" (BYOD) policy. We understand that the interview was transcribed, but after the transcription was created, the EOUSA Cyber Security Staff (CSS) requested that the user delete the video because it was on an unauthorized device and there is no way to validate the transcription. However, EOUSA does not have any policies regarding the transcription process and, as we understand, the BYOD policy does not contain any guidance as to what types of records EOUSA staff members are allowed to save on their personal devices and how to handle federal records on personal devices.

No safeguards were provided in the documentation that we received. In accordance with 36 CFR 1230.16, we are requesting a follow up report documenting safeguards EOUSA is taking to mitigate the risk that this issue can reoccur. Please provide us with this report within 30 days of the date of this letter.

Part of these safeguards must include EOUSA plans to update EOUSA records management policy in order to ensure that any records that are transcribed are preserved for validation purposes and that the EOUSA BYOD policy is updated in order to ensure that federal records captured on personal devices are saved and managed in accordance with federal regulations. Please note that we will be keeping this case open until the policies are updated, approved, and disseminated throughout the agency.

I appreciate 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" and a distinct "V".

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

cc: Jeanette Plante, Department of Justice, Department Records Officer



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Sent Via Email. No Hard Copy to Follow.

December 3, 2024

Laura Besong
Agency Records Officer
Department of Justice
Executive Office for U.S. Attorneys
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Ms. Besong:

On August 30, 2022, the National Archives and Records Administration (NARA) received a report from the Executive Office for U.S. Attorneys (EOUSA) regarding the loss of a recording of a witness interview made in May 2022. The case file this interview would be part of is a temporary record, and the disposition authority for these records is N1-118-10-07, item B4a. EOUSA determined it was not possible to reconstruct the recording.

According to this report and follow-up information EOUSA supplied on October 11, 2022, NARA understands that an interview was transcribed, but after the transcription was created, the recording was deleted. EOUSA reported that the employee who made the recording was following the current Bring Your Own Device (“BYOD”) Policy and was erroneously instructed to remove the recording without first transferring it to an official recordkeeping system.

In order to mitigate future incidents, EOUSA told NARA it would provide additional training to employees and update its BYOD policy to provide instructions on preserving records.

On December 18, 2023, EOUSA shared with NARA that it had completed training of appropriate staff to ensure that consistent policy and guidance are shared with United States Attorneys’ Offices (USAO). EOUSA also reported that it had conducted a nationwide briefing with the USAO Records Coordinators, Administrative Officers, and other Information Technology staff on the importance of preventing unauthorized loss and destruction of records.

On November 19, 2024, EOUSA informed NARA that effective May 31, 2024, it elected to discontinue its BYOD program, and the policy in question was rescinded rather than revised.

Based on this information, the reporting requirements of 36 CFR 1230.14(a) have been met and NARA considers this matter closed. I appreciate your attention to this matter. If you have any

questions or wish to discuss this further, please contact the Records Management Oversight and Reporting Program by email at UnauthorizedDisposition@nara.gov.

Sincerely,

A handwritten signature in black ink that reads "William Fischer". The signature is written in a cursive, slightly slanted style.

WILLIAM FISCHER
Chief Records Officer
for the U.S. Government (Acting)