



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

Sent Via Email. No Hard Copy to Follow.

September 10, 2024

Mallory Rogoff
Department of State
1800 N. Kent Street
SA-15 Suite 575
Arlington, VA. 22209

Dear Ms. Rogoff,

The National Archives and Records Administration (NARA) has become aware of a potential unauthorized disposition of records pertaining to a Freedom of Information Act (FOIA) request, F-2011-03370/F-2021-06198, by a private citizen. It is alleged that Supplemental Worksheets for U.S. passports prior to 2013 were disposed of while this request was pending, and the 2019 version could not be located.

The Department of State's (State) FOIA response dated July 31, 2024, asserts "As for the older Supplemental Worksheets used prior to 2013, the worksheets are obsolete and no longer available... The 2019 versions could not be located." In accordance with 36 CFR 1230.16(b), NARA is requesting that State investigate this allegation and provide a report within 30 calendar days. The report must include the following information:

- Clarifying why older Supplement Worksheets used prior to 2013 are no longer available.
- An explanation as to why the 2019 version "could not be located."
- Details of the circumstances surrounding the records in question.
 - Were these records disposed of while the FOIA request was pending?
 - 36 CFR 1230.3 states, "Unlawful or accidental destruction (also called unauthorized destruction) means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under § 1226.14(d) of this subchapter); and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records."
- A complete description of the records, including any associated NARA approved records schedule(s) and disposition authority number(s).

- Any actions taken to recover or reconstruct the records.
- A statement describing what safeguards will be established to prevent future unauthorized disposition of federal records.

Your attention to this matter is greatly appreciated. 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
Acting Chief Records Officer
for the U.S. Government

Enclosures (4)



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November 21, 2024

Mallory Rogoff
Department of State
1800 N. Kent Street
SA-15 Suite 575
Arlington, VA. 22209

Dear Ms. Rogoff,

The National Archives and Records Administration (NARA) received your report dated October 31, 2024, in response to an allegation of unauthorized disposition of Department of State (State) “Supplemental Worksheets prior to 2013.” The records in questions are pre-2013 versions of the forms currently titled “Supplemental Questionnaire to Determine Entitlement for a U.S. Passport (DS-5513).” The whereabouts of the 2019 version of DS-5513 was also in question.

State’s report indicated that a thorough investigation was performed by conducting additional searches of State’s archives for the records in question and it was determined that two of the alleged missing forms (2012 and 2019 Supplemental Worksheets) are publicly available via the web links below.

- 2012: <https://omb.report/icr/201208-1405-002/doc/34055401>
- 2019: <https://omb.report/icr/201908-1405-007/doc/94439100>

The investigation could not determine an exact reason why these records were not located during initial searches but concluded that human error during the search process possibly resulted in this oversight.

NARA acknowledges that State has willingly provided the located worksheets and the investigation could not produce or recover any of the Supplemental Worksheets prior to 2012 due to State’s analog record keeping practices at that time. The Supplemental Worksheets (DS-5513) are scheduled as temporary records under General Records Schedule (GRS) 4.1, item 040. It was also determined that it is possible that the administrative delays in processing the April 27, 2011 FOIA request resulted in the Supplemental Worksheets dated 2011 and prior to be disposed of in accordance with their records schedule without any knowledge of the FOIA request.

State concluded that it is highly unlikely to recover the pre-2012 versions of the Supplemental Worksheets. It was also noted that sometime between 2011 and 2012, the Office of Management and Budget (OMB) approved an information collection based on the Supplemental Worksheets in accordance with the Paperwork Reduction Act of 1995. After approval was granted, the Supplemental Worksheet was given form number DS-5513. Since then, each approved version of the DS-5513 form is housed and publicly available on the OMB.report website, thus reducing the risk of unauthorized disposition of these records after 2012.

Based on the information provided, State has satisfied all reporting requirements of 36 CFR 1230.14 and NARA considers this matter closed. 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)