



ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-3000

LEGISLATIVE
AFFAIRS

The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

APR 22 2016

Dear Chairman Grassley:

I write on behalf of the Secretary of Defense in response to your letter of February 1, 2016, regarding the Secretary's practices and the Department's policies for the use of personal email for official business.

On March 23, 2016, Department of Defense employees provided a briefing to your Committee staff regarding the Department's policies and procedures for preserving federal records, as well as email policy. This briefing by senior staff from the Department's office of the Chief Information Officer and Legislative Affairs covered topics regarding DoD policy, training, and consequences for non-compliance. Additionally, we provided the Committee copies of Department policies on email use and federal record keeping.

Regarding your questions concerning the Secretary's email practice contained in your letter of February 1, 2016, as you know, Secretary Carter has stated publicly that his use of personal email for work-related business, even for routine administrative issues and backed up to his official account, was a mistake, and he has since stopped using personal email for work-related business. The Secretary has taken full responsibility for his actions.

In response to Congressional inquiries and media requests, a data call was undertaken for all work-related emails involving his personal account since becoming Secretary of Defense. The results of this search were reviewed as they would generally be if requested under the Freedom of Information Act (FOIA), (5 U.S.C. § 552). This review was done by career professionals in DoD's (1) Executive Secretary, (2) Washington Headquarters Services, and (3) Office of General Counsel. These career civil servants are the same ones used in any FOIA request for records from the Secretary's office.

As part of any FOIA review, this review involved screening for information exempt from public release under FOIA, including classified information, pursuant to FOIA Exemption 1, (5 U.S.C. § 552(b)(1)). No classified information was identified in this review.

On March 25, 2016, the Department made those emails publicly available on its website and provided them to the media outlets that requested them. We provided your staff with advance notice of that posting, and provided a link for them to access those files.

All of the Secretary's work-related personal emails are in Department of Defense systems, either because he copied his official account on that correspondence or because his emails were forwarded to his official account from his personal account. This ensures that the Secretary's emails are preserved as federal records and in compliance with DoD's policies.

Regarding the timing of his use of personal email, as you can see in the posted emails, the Secretary used personal email for work-related purposes since the beginning of his appointment as Secretary. The Secretary substantially changed his email practices in September 2015, and he also took the additional step in December 2015 of installing an autoreply message to all incoming emails to the personal email account he was using. The message states that he will no longer use that personal account for the remainder of his time as Secretary of Defense and provides a way for individuals to contact him through official email.

The Secretary has publicly stated that when he became Secretary of Defense, he was provided a host of trainings, including training regarding his use of official email accounts. A description was provided to your staff on March 23, 2016.

The Secretary has publicly stated that he used an iPhone and iPad to receive and write work-related emails on his personal account. Those devices were his personal devices. Based on the results of the FOIA, the Department believes no classified information transited these devices. The Secretary did not and does not have a personal server. His personal email account was one he held prior to becoming Secretary and is hosted by a large commercial service provider, typical of how many Americans acquire free personal email addresses.

On April 19, 2016, the Department's Chief Information Officer, Terry Halverson, issued a memorandum reminding employees of their responsibilities with respect to the use of non-official electronic messaging account and records management. That memorandum reinforces that DoD personnel must comply with the Federal Records Act, as amended by Congress in 2014, to address the use of non-official email accounts to conduct official agency business. Mr. Halverson also sent a personal message that stated: "The updated guidance is applicable to all DoD personnel (including civilian employees, military members, and support contractors) at every level of each Component without exception."

We hope that this information addresses your inquiries into this matter. A similar letter is being provided to the Senate Judiciary Committee. If I can be of further assistance, please contact me or Mr. Bill Hudson, at (703) 693-2648.

Sincerely,



Stephen C. Hedger

cc:

The Honorable Patrick J. Leahy
Ranking Member