

October 30, 2009

Ms. Karen Nunley  
Department of Labor  
200 Constitution Avenue, NW  
South 1519  
Washington, DC 20210

Dear Ms. Nunley:

Mr. Gary Stern, General Counsel of the National Archives and Records Administration (NARA), recently received the enclosed letter, dated October 23, 2009, and the attached Exhibits A through E (a total of 48 pages) from Ms. Anne L. Weismann, Chief Counsel of Citizens for Responsibility and Ethics in Washington (CREW).

In her letter, Ms. Weismann alleges that the Department of Labor (DOL) knowingly has destroyed electronic records in contravention of the Federal Records Act (FRA), and has an ongoing policy of electronic record destruction without preservation.

In her letter, Ms. Weismann alleges that the guidance and procedures for sanitizing electronic media that either will no longer be used or "repurposed," "contains no reference whatsoever to the record preservation requirements imposed by the FRA."

Further conversation by NARA General Counsel Stern with Ms. Weismann suggests that CREW is concerned about:

- 1) Why DOL appears to have a policy for not backing up computers of "non career" staff;
- 2) Why the decision not to wipe computer of departing Assistant Secretary Pizzella was reversed;
- 3) What, if any steps, is DOL taking to ensure that records have been properly managed and preserved before wiping systems of departing employees?

The Archivist of the United States and heads of Federal agencies are responsible for preventing the unauthorized destruction of records. Pursuant to NARA's responsibilities under 44 U.S.C. 2905 to investigate allegations of unauthorized destruction of records, we request that you look into this matter. After your review, please provide us with the report required under 36 CFR 1228.104 within 30 days of the date of this letter. If you are unable to provide your report within this time, please provide us with an interim report indicating what actions you have taken and when you plan to submit the final report.

We appreciate your cooperation. Please call Jim Cassedy on 301-837-1584 if you have any questions.

Sincerely,

SUSAN R. CUMMINGS  
Acting Director  
Modern Records Programs

Enclosures (1, 48pp)

Official File – NWML  
Reading File - NWML

cc: Cassedy  
NGC  
NCON

Ms. Anne Weismann, Citizens for Responsibility and Ethics in Washington (CREW), 1400 Eye St. NW, Suite 450, Washington, DC 20005

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File: 1301-1b Unauthorized Disposal: DOL Unauthorized Disposal October 23, 2009

Drafted by: Cassedy

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