



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 6, 2025

National Archives and Records Administration
8601 Adelphi Road, Room 5500
College Park, MD 20740-6001
FOIA@nara.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and National Archives and Records Administration (“NARA”) regulations.

Specifically, CREW requests the following from January 19, 2025 to the date this request is processed:

1. All records¹ related to the monitoring, recording, preservation, retention, removal, alteration, corruption, deletion, erasure, or destruction of federal records created on ephemeral messaging apps, including but not limited to Signal, by:
 - a. The following components within the Office of Management and Budget: Office of General Counsel; Office of Federal Financial Management (OFFM); Office of Federal Procurement Policy (OFPP); Office of E-Government and Information Technology; Office of Performance and Personnel Management (OPPM); or Office of Information and Regulatory Affairs (OIRA);
 - b. Elon Musk;
 - c. The United States DOGE Service (“DOGE”),² the DOGE Temporary Organization; or any of their components; or

¹ “All records” sought in this FOIA request and its subparts include communications with the listed entities sent or received by NARA officials regarding the subject matter described in that subpart. *Cf. U.S. Dep’t of Just. v. Tax Analysts*, 492 U.S. 136, 144-145 (1989) (defining “agency record” under FOIA).

² The United States Digital Service was renamed and reorganized as the United States DOGE Service by executive order on January 20, 2025. *See Establishing and Implementing the President’s “Department of Government Efficiency,”* Exec. Order 14158, 90 Fed. Reg. 8441 (Jan. 20, 2025).

- d. Any agency DOGE representative, including “DOGE Team”³ members at any agency.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc’ed or bcc’ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Government officials’ use of ephemeral messaging apps, like Signal, to communicate within or across agencies or outside the government may violate the Federal Records Act (“FRA”) without appropriate preservation methods in place. The deletion functions of these applications, which automatically erase messages sent after a predetermined period of time, may violate agencies’ mandates to retain federal records.⁴ For Signal, the maximum this period extends, if the function is enabled, is four weeks.⁵

³ Exec. Order 14158 requires the establishment of “DOGE Teams” within each agency “in consultation with the USDS Administrator.” 90 Fed. Reg. at 8441.

⁴ 44 U.S.C. § 3102(1), (2).

⁵ *Set and manage disappearing messages*, Signal Support, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited Feb. 24, 2025).

In light of reporting that members of multiple government agencies, including DOGE, are using Signal and similar messaging apps,⁶ it is imperative that the public is informed of agencies' plans to preserve any federal records created on these apps appropriately and in accordance with the FRA before any records are lost.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at ghonig@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

⁶ Theodore Schleifer & Madeleine Ngo, *Inside Elon Musk's Plan for DOGE to Slash Government Costs*, N.Y. Times (Jan. 23, 2025), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html>; Vinay Hiremath Blog, *I am rich and have no idea what to do with my life*, Vinay Hiremath Blog (last visited accessed Jan. 15, Feb. 24, 2025), <https://vinay.sh/i-am-rich-and-have-no-idea-what-to-do-with-my-life/> [<https://perma.cc/BNR5-VT4G>].

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Where possible, please produce records in electronic format. Please send the requested records to ghonig@citizensforethics.org and foia@citizensforethics.org or by mail to Grace Honig, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace Honig". The signature is fluid and cursive, with the first name "Grace" written in a smaller, more delicate script than the last name "Honig", which is larger and more prominent.

Grace Honig
Paralegal