

Obtained by Judicial Watch, Inc.

~~SECRET//NOFORN~~

To: CD-4 From: CD-4
Re: (U) [REDACTED] Date: 08/22/2015

b3
b7E

Precedence: ROUTINE

Date: 08/22/2015

To: CD-4, Counterespionage Section

Attn:

From: CD-4

Contact: SA [REDACTED]

Approved By: Kable Charles H. IV [Signature]

b6
b7C

Drafted By: [REDACTED]

Case ID #: (U) [REDACTED] -75

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Title: ~~(S//NF)~~ MIDYEAR EXAM

Synopsis: (U//~~FOUO~~) Summarize Content of Email Sent to FBI by

[REDACTED]
[REDACTED] U.S.
Department of State (STATE).

b6 per DOS
b7C per DOS

~~Classified By: D54B29S73~~

~~Derived From: FBI NSIC dated 20130301~~

~~Declassify On: 20400822~~

Attachment(s): (U//~~FOUO~~) A print-out of the email and the four .pdf files mentioned below.

b6 per DOS, FBI
b7C per DOS, FBI

Details: (U//~~FOUO~~) On August 19, 2015, after an interview earlier that same day with writer and SA [REDACTED]

[REDACTED] provided writer with an email that contained follow-up information within four separate attachments.

(U//~~FOUO~~) [REDACTED] first attachment was a .pdf file saved as "11-STATE-651111.eml.pdf" and it was an official STATE correspondence from June 28, 2011 from then Secretary of State Hillary CLINTON with subject line of "Securing Personal E-mail Accounts." CLINTON informed recipients they "should exercise caution and follow best practices in order to protect personal e-mail and prevent the compromise of government and personal information." CLINTON later stated, due to "recent targeting of personal e-mail accounts by online adversaries," STATE employees should "avoid conducting official Department business from [their] personal e-mail accounts."

b6 per DOS
b7C per DOS

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HRC-675

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(U//~~FOUO~~) [REDACTED] second attachment was a .pdf file saved as "MemoPreservingEmailofSeniorOfficials.pdf" and it was a memorandum with three attachments of its own that were distributed to senior STATE officials on August 28, 2014 from Patrick KENNEDY, Under Secretary of State for Management with subject line "Senior Officials' Records Management Responsibilities." The memorandum stated "senior officials' records are generally the most important documents created within" STATE and that senior officials themselves were responsible to ensure "all records made or received in the conduct of agency business regardless of physical format or media" should be preserved.

b6 per DOS
b7C per DOS

(U//~~FOUO~~) As stated above, KENNEDY's memorandum included three attachments. KENNEDY's first attachment listed all positions designated as Senior Officials Positions at STATE.

(U//~~FOUO~~) KENNEDY's memorandum's second attachment included 5 Foreign Affairs Manual (FAM) 440. Specifically, 5 FAM 443.2 "Which E-Mail Messages are Records," published October 30, 1995, instructed STATE officials that e-mail messages are federal records when they "are made or received by an agency under Federal law or in connection with public business" with examples given as "records that document the formulation and execution of basic policies and decisions and the taking of necessary actions; records that document important meetings; records that facilitate action by agency officials and their successors in office; records that make possible a proper scrutiny by the Congress or other duly authorized agencies of the Government; and records that protect the financial, legal, and other rights of the Government and of persons directly affected by the Government's actions." Additionally, 5 FAM 443.5 "Point to Remember About E-Mail," published October 30, 1995, informed STATE officials that "certain e-mail messages that are not Federal records may still be subject to pending requests and demands under the Freedom of Information Act, the Privacy Act, and litigation and court orders, and should be preserved until no longer needed for such purposes." Later, 5 FAM 443.5 stated "classified information must be sent via classified e-mail channels only, with the proper classification identified in each document."

(U//~~FOUO~~) KENNEDY's memorandum's third attachment was entitled "Instructions for Preserving Email of Departing Senior Officials" with date of August 2014.

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HRC-676

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(U//~~FOUO~~) [REDACTED] third attachment was a .pdf file saved as "12 FAM 540.pdf" and it covers Sensitive But Unclassified Information (SBU). Specifically, 12 FAM 544.2 "Automated Information System (AIS) Processing and Transmission," published November 4, 2005, stated "employees who will be transmitting SBU information outside of the Department network on a regular basis to the same official and/or most personal addresses, should contact IRM/OPS/ITI/SI/PKI to request assistance in providing a secure technical solution for those transmissions...Employees participating in the home PKI and telework program must complete the requisite training and sign an acknowledgement statement prior to being issued the approved security measures/equipment." 12 FAM 544.3 "Electronic Transmission Via the Internet," published November 4, 2005, stated it is the STATE's "general policy that normal day-to-day operations be conducted on an authorized AIS." Additionally, STATE "is expected to provide, and employees are expected to use, approved secure methods to transmit SBU information when available and practical" and "employees should be aware that transmissions from the [STATE's] OpenNet to and from non-U.S. Government Internet addresses, and other .gov or .mil addresses, unless specifically directed through an approved secure means, traverse the Internet unencrypted." 12 FAM 545 "SBU/NOFORN Information," published November 4, 2005, stated "employees must process and transmit SBU/NOFORN information only on a system authorized by the [STATE] for classified information transmission, storage and processing."

b6 per DOS
b7C per DOS

(U//~~FOUO~~) [REDACTED] fourth attachment was a .pdf file saved as "14 STATE 128030.pdf" and it was an official STATE correspondence from October 30, 2014 from Secretary of State John KERRY with subject line of "State Department Records Responsibilities and Policy." KERRY stated senior officials may delete personal emails, but that the definition of a personal email was very narrow. KERRY stated in the very limited circumstances when it is necessary to use one's personal email accounts for official business, that email would still need to be preserved in one of STATE's official electronic records systems. KERRY recommended STATE employees to forward official emails from their personal email account to their STATE account and reiterated that personal email accounts should not be used for classified information.

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