

# **Exhibit 5**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN OVERSIGHT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:25-cv-00883-JEB
	)	
PETE HEGSETH, in his official capacity as	)	
Secretary of Defense, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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**DECLARATION OF ROBERT A. NEWTON  
DEPUTY CHIEF OPERATING OFFICER  
OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE**

I, Robert A. Newton, declare as follows:

1. I currently serve as the Deputy Chief Operating Officer for the Office of the Director of National Intelligence (“ODNI”). I have held this position since 2021. As part of my current duties, I oversee ODNI’s Information Management Office.

2. Through the exercise of my official duties, I am familiar with the subject of this litigation. I make the following statements based on my personal knowledge and information made available to me in the course of my official duties. I make this declaration in support of Defendants’ opposition to Plaintiff’s Motion for a Preliminary Injunction.

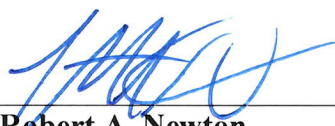
3. The ODNI received an email from the White House Counsel’s Office on April 8, 2025, containing a consolidated version of the Signal group chat referenced in the March 24 and 26, 2025, articles in The Atlantic, which was created for federal records purposes. The document was created based on publicly available information and information saved from

participants' phones. The document includes content that has not been published by The Atlantic. This document is now saved in an ODNI email system.

4. In further support of Defendants' opposition to Plaintiff's Motion, a complete and accurate copy of ODNI's records management policy is attached to this declaration. *See* ODNI Instruction 80.10, *Records Management Program*. The copy of the instruction filed with this declaration contains two redactions of material protected from public release.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7<sup>th</sup> day of May, 2025



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**Robert A. Newton**  
Deputy Chief Operating Officer  
Office of the Director of National Intelligence

# **Attachment A**

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**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
INSTRUCTION 80.10**

**Category 80 – Information and Records Management**

**Office of Primary Responsibility: Chief Operating Officer/Information Management Office  
Revision 1**

**SUBJECT: RECORDS MANAGEMENT PROGRAM**

**1. AUTHORITIES:** The Federal Records Act of 1950, as amended; the National Security Act of 1947, as amended; the Freedom of Information Act, as amended; The Privacy Act of 1974, as amended; and other applicable provisions of law.

**2. REFERENCES:** 18 United States Code (U.S.C.) Sec. 2071; 44 U.S.C. Secs. 2902, 2911, 3301, and 3303; 36 Code of Federal Regulations (CFR), Parts 1220 and 1236; National Archives and Records Administration (NARA) Bulletin 2019-02, *Agency Records Officer Credential Training and Renewal Policy*; NARA Bulletin 2018-01, *Updating NARA Bulletin 2014-04, Format Guidance for the Transfer of Permanent Electronic Records*; NARA Bulletin 2015-04, *Metadata Guidance for the Transfer of Permanent Electronic Records*; NARA General Records Schedule 6.1, *Email and Other Electronic Messages Managed Under a Capstone Approach*; Office of Management and Budget (OMB) Memo 19-21, *Transition to Electronic Records*; Intelligence Community Directive (ICD) 701, *Unauthorized Disclosures of Classified National Security Information*; Office of the Director of National Intelligence (ODNI) Instruction 10.01, *Delegation of Internal ODNI Authorities of the Director of National Intelligence*; ODNI Instruction 30.09, *Legal Holds*; ODNI Instruction 117.08, *Unauthorized Disclosures of Classified National Security Information*; ODNI Internal Process Document (IPD) 21.01a, *ODNI Check-in and Check-out Process*.

**3. PURPOSE:** This Instruction establishes records management policy and assigns responsibilities for ODNI Directorates, Centers, and Offices (DCOs) and personnel to identify, manage, and safeguard records as documentation of the activities and decision-making processes of ODNI. This Instruction replaces ODNI Instruction 80.10, *Creation of ODNI Records*, dated 31 August 2010, and ODNI Instruction 80.03, *Records Management Requirements for Individuals Departing the ODNI*, dated 6 October 2016.

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**4. APPLICABILITY:** This Instruction applies to all ODNI permanent cadre employees; ODNI staff reserve (i.e., time-limited) employees, Highly Qualified Experts, federal civilian detailees, military detailees, Intergovernmental Personnel Act detailees, Presidential appointees, special government employees, assignees, and contractors who have access to federal records and non-records in connection with ODNI business (collectively, "ODNI personnel"). In accordance with any relevant agreement between ODNI and other government agencies (OGAs), this Instruction also applies to OGA employees providing service support to ODNI.

**5. DEFINITIONS:** For the purposes of this Instruction, the terms used hereinafter are defined in Appendix A.

## **6. POLICY**

A. The Chief, Information Management Office (C/IMO) will serve as the designated federal Agency Records Officer (ARO) for ODNI and is responsible for implementing policy for the proper treatment and preservation of ODNI records.

B. To facilitate the effective performance of program activities and meet statutory and regulatory requirements, DCOs are required to appoint an Information Management Liaison (IML) to support basic records and information management functions. The IML is responsible for coordinating with the IMO to enhance recordkeeping practices, the Freedom of Information Act (FOIA) process, and other information management-related responsibilities within their respective DCO. The IMO will provide initial training to each IML on core responsibilities. The appointment of an IML does not absolve ODNI personnel of their individual obligations under this Instruction.

C. ODNI personnel are responsible for properly categorizing, protecting, and preserving records in accordance with all statutory requirements and approved ODNI business practices. To ensure ODNI personnel are aware of their responsibilities, all are required to complete records management training annually, in accordance with 36 CFR Part 1220.34(f).

D. All ODNI records, regardless of format or level of classification, are statutorily required to have a disposition authority for retention and disposal, designating them as either temporary or permanent. At the end of the retention period, permanent records are transferred to NARA for preservation, and temporary records are destroyed or deleted.

(1) A Records Control Schedule (RCS), drafted by ODNI and approved by NARA, is ODNI disposition authority for agency-specific records.

(2) Disposition authority for administrative or other common office records can be found in the General Records Schedules (GRSs) issued by NARA.

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(3) Records discovered that do not have an approved disposition authority are considered unclassified and must be treated as permanent until a final disposition is approved. DCOs must notify the IMO if they discover unclassified records.

(4) Disposition for non-record material is described below in paragraph 6.F.(4)(d) and does not require NARA approval.

E. In keeping with the Federal Government's efforts to modernize and streamline federal recordkeeping practices, ODNI personnel shall make every reasonable effort to create and manage records in an electronic format, with limited use of paper records unless essential to operational needs (44 U.S.C. Sec. 2902).

F. ODNI DCOs are responsible for implementing the following records management business processes in their organization:

(1) **Maintain an Office File Plan (OFP):** An OFP is developed from an inventory and extracted from the approved RCS to enable offices to categorize, protect, preserve, and locate records the office creates while performing official ODNI activities. DCOs will coordinate with IMO to maintain an OFP. All ODNI personnel must become familiar with their OFP to ensure that records are created, managed, and retained properly. Records should be maintained as long as necessary to prevent the unauthorized deletion or destruction of records, which is illegal under federal law and carries penalties of a fine and up to three years of imprisonment (18 U.S.C. Sec. 2071).

(2) **Manage a Filing System:** Filing systems are needed in every office to ensure that documents and files are stored properly. Information must be structured in a filing system in a manner that supports the:

(a) Separation of records from non-records, and those records scheduled for permanent retention from those scheduled for temporary retention.

(b) Association of records in the filing system to the OFP.

(c) Organization of records into categories based on their type, content, or other characteristics. This improves the efficiency and effectiveness of managing, storing, and accessing the records.

(d) Implementation of safeguards against the removal or loss of records and their associated metadata to ensure the availability of complete and accurate documentation. This includes not altering records in any way until final disposition, and applying folder security permissions within filing systems to limit access and allow for auditing.

(e) Management of non-records in an order that aligns with approved records management business processes and the DCO's business needs.

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(3) **Annual Review:** DCOs are responsible for completing an annual review of all active filing systems. During this review, DCOs should complete general records maintenance, including through completion of the following tasks: updating the OFP, confirming the integrity and organization of the filing system by validating it with the OFP, removing all unnecessary non-record material, disposing of temporary records that have met their retention period, and transferring permanent records to the IMO.

(4) **Disposition of ODNI Records:** Disposition occurs at the end of a record's lifecycle when the record has met its required retention period as determined by the RCS. At that point, permanent records will be accessioned to NARA and temporary records will be deleted and destroyed. DCOs should review their records for disposition during the annual review.

(a) Permanent Records are preserved until accession to NARA. The IMO is the transfer authority for all permanent record accessions to NARA and DCOs will coordinate transfer of their permanent records to IMO for accession to NARA.

(b) When transferring permanent records to IMO, DCOs will:

(i) Identify permanent records eligible for transfer to the IMO by records series according to the RCS. This enables the IMO to keep record groups together and is a requirement when accessioning records to NARA.

(ii) Prepare a detailed finding aid (file list) for all records being transferred. Finding aids are necessary documents containing detailed, indexed, and processed metadata which ensure users can find information in a specific record group, collection, or series of archival materials until accession to NARA.

(iii) Deactivate passwords or other forms of file-level encryption prior to transfer. Some software-related encryption may remain, and IMO will comply with any existing ODNI and NARA policies regarding the encryption used to transfer electronic records to NARA.

(iv) Adhere to the format requirements for the transfer of permanent electronic records to NARA, as outlined in NARA Bulletin 2018-01 or successor documents. Metadata associated with Permanent Records will be managed in accordance with NARA Bulletin 2015-04 or successor documents.

(v) Contact IMO to coordinate transfer of records to IMO pending accession to NARA.

(c) Temporary Records are destroyed in accordance with the disposition instructions and accounted for on a destruction log prior to disposal. Destruction logs are essential to provide an accurate history of when a record was destroyed or deleted. DCOs will coordinate disposal of temporary records internally in a manner that supports:

(i) Identifying all electronic records eligible for disposal.

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(ii) Receiving approval to dispose of records from the IML.

(iii) Disposing of approved electronic records from ODNI information systems (ISs) and documenting the action on a destruction log.

(iv) Ensuring that all copies of a given record are disposed of at the time of that record's approved destruction. If copies are not disposed of in accordance with the RCS/GRS, they will be subject to the FOIA and discoverable.

(d) Non-record disposal can be carried out when the information is no longer needed for business use. Approval is not required for disposing of non-record material nor is a destruction log required for accountability purposes. Disposing of non-record material and personal papers from email or other electronic messaging accounts is encouraged to minimize the storage of redundant materials on ODNI Information Systems (IS).

G. ODNI email is managed in accordance with NARA's GRS 6.1, *Email and Other Electronic Messages of Capstone Officials*. Capstone officials are senior agency officials designated by position level, to include officials in an acting, or temporary, capacity who maintain a Capstone position for a period greater than 60 days. All Capstone officials' electronic messages (including those located on agency-issued mobile devices) must have records management controls necessary for the capture, management, and preservation of the messages. Emails of Capstone officials will be retained permanently. Emails of all other staff members will be retained on a temporary basis.

H. Unofficial or personal electronic messaging accounts are not to be used to conduct official ODNI business. If circumstances require business be conducted on a personal device, the records must be copied to the official government account when the record is first transmitted or a complete copy of the record must be sent to the official government account within 20 days of the original record's creation or transmission, pursuant to the Federal Records Act (44 U.S.C. Sec. 2911).

I. Prior to departing ODNI, all ODNI personnel must follow the check-out procedures in Appendix B to ensure that records they created, as well as records created by other individuals on their behalf, are properly filed and preserved as required by law.

J. ODNI records and non-records subject to a Legal Hold issued by the ODNI Office of General Counsel pursuant to ODNI Instruction 30.09 may not be disposed of in a manner inconsistent with such Legal Hold.

## 7. RESPONSIBILITIES

A. The Chief Operating Officer (COO) will:

(1) Provide policy oversight;

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(2) Serve as Senior Agency Official for Records Management (SAORM), in accordance with ODNI Instruction 10.01 and pursuant to OMB M-19-21;

(3) Establish and maintain an active, continuing program for the economical and efficient management of ODNI records;

(4) Act on behalf of the Director of National Intelligence to ensure that ODNI efficiently and appropriately complies with all applicable records management statutes, regulations, and NARA policy;

(5) Promote effective records management at a senior level and incorporate strategic planning into the records management program;

(6) Submit an annual SAORM report to NARA; and

(7) Designate the ARO.

B. The C/IMO will:

(1) Act as ARO, upon designation;

(2) Complete the NARA Agency Records Officer Credential in accordance with NARA Bulletin 2019-02 to perform ARO roles and fulfill ARO responsibilities;

(3) Serve as records management advisor to the SAORM;

(4) Manage and implement the ODNI records management program, ensuring compliance with foundational requirements;

(5) Provide effective controls over the creation, maintenance, and use of records in the conduct of current business;

(6) Implement policy and guidance to ensure that ODNI personnel create, maintain, and preserve records that adequately and properly document the organizations, functions, policies, decisions, procedures, and essential transactions of ODNI;

(7) Manage the drafting, updating, and NARA approval of the ODNI RCS, then enact the RCS;

(8) Collaborate on the transfer of permanent records from DCOs;

(9) Facilitate the accession of permanent records to NARA;

(10) Conduct inventories and coordinate with IMLs in establishing and maintaining effective records management practices by providing guidance and training;

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(11) Provide initial training to each IML on core responsibilities;

(12) Provide training specific to ODNI policies and practices to ensure that ODNI personnel are adequately equipped to perform their records management responsibilities;

(13) Collaborate with the ODNI Chief Information Officer (CIO) to efficiently and effectively manage electronic records, ensuring compliance with NARA requirements to manage information as a strategic resource, and to provide adequate electronic storage to safeguard permanent records (36 CFR 1236.14 and 1236.20);

(14) Partner with ODNI Human Resource Management (HRM) to identify and notify Capstone officials of their specific records-related responsibilities; and

(15) Execute DCO information management assessments to ascertain that information is properly maintained and reviewed to prevent removal or loss of records.

C. The ODNI CIO will:

(1) Coordinate with C/IMO to manage electronic records and associated metadata within ODNI, including providing adequate electronic storage to safeguard permanent electronic records and to access and retrieve electronic records through electronic searches;

(2) Capture Capstone officials' messaging accounts, including on mobile devices, as applicable, and preserve the encryption and decryption keys until after accession to NARA; and

(3) Cooperate, as appropriate, with IMO in applying standards, procedures, and techniques designed to improve the management of electronic records and promote the maintenance and security of records deemed appropriate for preservation.

D. HRM will:

(1) Use the HRM Check-In/Check-Out process to identify Capstone official positions.

(2) Notify Capstone officials, upon assignment and departure, of the requirement to capture, manage, and preserve their electronic records in accordance with the records disposition requirements (44 U.S.C. Sec. 3301).

E. The ODNI Office of Counterintelligence and Security (ODNI/CIS) will conduct preliminary inquiries and any subsequent investigations of unauthorized disclosure of classified national security information, in accordance with ODNI Instruction 117.08.

F. DCO Leadership will:

(1) Implement records management controls and accountability standards in accordance with this policy and federal law;

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(2) Appoint an IML to oversee records management responsibilities and functions within their respective organizations;

(3) Ensure that personal information contained in a system of records is handled in compliance with the Privacy Act of 1974, as amended, and ODNI policy;

(4) Manage records for the entirety of their lifecycle in accordance with statutory requirements and approved business practices, and dispose of those records according to the OFP;

(5) Protect ODNI records by informing ODNI/CIS and IMO of any actual or threatened unlawful removal, destruction, or loss of records;

(6) Conduct an annual records review to assess the adequacy of current recordkeeping business processes, transfer permanent electronic records to the IMO, and dispose of temporary records according to their scheduled disposition; and

(7) Review requests by departing individuals to remove non-record material and forward justification of such requests to IMO for approval.

G. The IML will:

(1) Complete initial IMO training about records-related responsibilities for managing ODNI information and how to carry out those responsibilities;

(2) Implement office records management business processes as outlined above, with IMO guidance, and communicate guidance to DCO Leadership and office staff on their records management responsibilities;

(3) Coordinate between office staff and the IMO when transferring permanent records to the IMO;

(4) Serve as the designated DCO approving official for destruction of temporary records;

(5) Ensure compliance with federal records management laws, NARA regulations, and ODNI policy, in consultation with the IMO;

(6) Determine what records constitute adequate and proper documentation of policies, decisions, procedures, and essential transactions and manage them in accordance with this Instruction; and

(7) Collaborate with IMO for records lifecycle management responsibilities (creation, maintenance and use, and disposition).

H. ODNI boards, committees, formally constituted working groups, and task forces will:

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- (1) Create and maintain records that document:
  - (a) Names and organizational titles of members;
  - (b) Meeting dates, agendas, charters, and lists of materials distributed; and
  - (c) Significant policy or procedural matters, actions to be taken, decisions reached, actions decided after the meeting, and assignments of responsibility; and
- (2) Collaborate with IMO for records management responsibilities.

I. All ODNI Personnel will:

- (1) Create and maintain records documenting activities and other forms of internal and external communication that affect the conduct of significant ODNI business, including policy, decision-making, and commitments, in compliance with records management guidance in this Instruction and from their IML and IMO;
- (2) Complete mandatory annual records management training;
- (3) Separate records from non-records, and manage records in accordance with this Instruction;
- (4) Report any unauthorized disclosures of classified national security information to ODNI/CIS, in accordance with ODNI Instruction 117.08; and
- (5) Prior to the individual's departure, ensure that records are properly filed and preserved as required by law, and in accordance with an approved OFP.

**8. EFFECTIVE DATE:** This Instruction is effective upon signature.

  
\_\_\_\_\_  
Lora A. Shiao  
Chief Operating Officer

7/5/2024  
\_\_\_\_\_  
Date

Appendix A: Definitions  
Appendix B: Checklist for Individuals Departing ODNI

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## APPENDIX A

### Definitions

Unless otherwise identified, all definitions are derived from NARA Records Management Key Terms and Acronyms, available at [archives.gov](https://www.archives.gov).

**Accession:** Accession is the process of transferring physical and legal custody of permanent records from a federal agency to NARA.

**Capstone:** The Capstone approach is a means of managing and scheduling email records by the role or position of the user, rather than the content of each individual email. Capstone and non-Capstone email is governed under the GRS. (*NARA General Records Schedule 6.1 Series*)

**Disposition:** Disposition refers to disposal actions taken when records have met the end of their predetermined retention period. These actions include accession of permanent records to NARA or destruction of temporary records, depending on instructions governed by the RCS or GRS.

**Electronic Messages and Electronic Messaging Accounts:** Electronic mail and other electronic messaging systems used for purposes of communicating between individuals or accounts. Electronic messages that satisfy the definition of a federal record under the Federal Records Act are electronic records.

**Filing System:** A set of policies and procedures for organizing and identifying files or documents to speed their retrieval, use, and disposition. Sometimes called a Recordkeeping System.

**Information Management Liaison (IML):** Designated individual in a DCO who is responsible for liaising with IMO to support information and records management tasks. (*ODNI definition for the purpose of this policy only*)

**Information System (IS):** A discreet set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition, of information. (*Committee on National Security Systems Instruction [CNSSI] 4009*)

**Inventory:** A survey of agency records and non-record materials conducted primarily to develop office file plans or records schedules and to identify any various records management problems.

**Metadata:** Information that describes the characteristics of data, including structural metadata that describes data structures (e.g., data format, syntax, semantics) and descriptive metadata that describes data contents (e.g., security labels). (*CNSSI 4009*)

**Non-Records:** Non-record materials include library and museum material made or acquired and preserved solely for reference or exhibition purposes, or duplicate copies of records preserved



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only for convenience. Non-records must not be interfiled with record material and should be purged when no longer needed for business use. (44 U.S.C. Sec. 3301)

**Office File Plan (OFP):** An OFP is a declaration of the records an office creates (permanent or temporary) that describes how records are organized and maintained, and outlines the disposition instructions. The OFP is supplementary to NARA-approved records schedules allowing quick and easy identification of only those records the office produces. An OFP is one of the essential components of a recordkeeping system and is key to a successful records management program. (Listed as "File Plan" in NARA Glossary)

**Permanent Record:** Records appraised by NARA to have sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purposes. Records with historical value, identified as "permanent," are accessioned to NARA at the end of the retention period.

**Personal Papers:** Personal files are documentary materials belonging to an individual that are not used to conduct ODNI business. For convenience of reference, limited personal records may be stored in Government systems. Personal files shall be clearly designated as such and shall at all times be maintained separately from office records. Personal files may include but are not limited to:

- (1) Reports created prior to entering Government service;
- (2) Personal financial records, such as pay statements; and
- (3) Notes or emails that relate to personal matters not involving ODNI business.

**Records:** Record materials include all recorded information, regardless of form or characteristics, made or received by a federal agency under federal law or in connection with the transaction of public business. These records are preserved or deemed appropriate for preservation by an agency, or its legitimate successor, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the U.S. Government or because of the informational value of data in them. The term "recorded information" includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form. (44 U.S.C. 3301)

**Recordkeeping System:** A recordkeeping system, or filing system, is a manual or automated system that collects, organizes, and categorizes records to facilitate their preservation, retrieval, use, and disposition. A file structure in a recordkeeping system is the framework for a file plan.

**Records Schedules:** Records schedules define the records created by the agency as permanent or temporary and provide mandatory instructions for their disposition when they are no longer needed for current government business. All federal records must be scheduled (in accordance with 44 U.S.C. Sec. 3303) either by:

- (1) An agency RCS, which governs the disposition of agency mission-specific records; or

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(2) The Government-wide GRS, which governs the disposition of records common to most federal agencies.

**System of Records:** Any group of records under the control of a Federal Government agency from which information about individuals is retrieved by name or other personal identifier. *(Privacy Act of 1974, as amended, 5 U.S.C. 552a)*

**Temporary Record:** Federal records approved by NARA for disposal, either immediately or after a specified retention period.

**Transfer:** The transfer of records is the administrative and physical act by which records are transferred from the institution that creates and collects them to the records management receiving authority.

**Unauthorized Disclosure:** A communication, confirmation, acknowledgement, or physical transfer of classified information, including the facilitation of, or actual giving, passing, selling, or publishing of, or in any way making such information available to an unauthorized recipient. *(ICD 701)*

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## APPENDIX B

### CHECKLIST FOR INDIVIDUALS DEPARTING ODNI TWO WEEKS (10 WORKING DAYS) BEFORE YOUR FINAL DEPARTURE DATE

- 1. All applicable ODNI personnel should initiate the check-out process in the ODNI Check-in/Check-out Database, pursuant to ODNI Internal Process Document 21.01a, *ODNI Check-in and Check-out Process*.
- 2. Verify with your supervisor or an ODNI DCO member (e.g., executive assistant, Information Management Liaison (IML), or other DCO member) that all federal records stored on your U:\drive or portable electronic devices (encryption must be removed) and those created on any systems you conducted ODNI business on (e.g., [REDACTED]) are migrated to your office S:\ drive according to guidance in this Instruction. Contact the Mission Integration Division Controlled Access Programs Control Office (MI/CAPCO) and Information Management Office (IMO) for instructions on what to do with Controlled Access Programs (CAPs) or Special Access Programs (SAPs) material. Transfer any administrative rights of sites, databases, or systems to staff members within your office, ensuring that at least two people retain rights after your departure.
- 3. Individuals are prohibited from retaining personal possession of federal record material when leaving ODNI, regardless of the circumstances of departure (e.g., transfer, termination, retirement, resignation). IMO will review record or non-record material for individuals who intend to remove any such material from ODNI. This ensures that the material does not contain classified information, information protected by the Privacy Act, or information for which disclosure is otherwise prohibited by law (e.g., records responsive to a pending FOIA request). The IMO will determine whether to permit removal of unclassified non-record material or information cleared for release to the public.
- 4. Emails created or received during an individual's tenure at ODNI may be considered federal records. To ensure that these records remain in ODNI custody and are properly archived, all email accounts will be closed when an individual is no longer eligible for an email account. This includes a departing individual's emails, contacts, and calendars. In exceptional cases, such as an individual departing ODNI as a contractor, then returning as a cadre employee performing in a similar role, a member may be approved for access to former email or other accounts only after they provide justification to and receive approval from, the former and current immediate supervisors, the IMO, and the ISSM.
- 5. Capstone officials identified on NARA Form 1005 must follow guidance in this Instruction and collaborate with their IML or IMO prior to departure to arrange archiving of their electronic messaging accounts (e.g., email, calendars, government-issued phones, and chats).
- 6. If the departing individual is in possession of record material identified as being subject to a legal hold, the individual must coordinate with his or her supervisor to make appropriate arrangements to properly preserve the information subject to the hold and inform IMO of the information. Contact the IMO or Office of General Counsel for guidance on how to preserve records subject to a hold or questions about whether information is subject to a legal hold. Disclosure of the type of records (e.g., emails, calendars, electronic documents) and the location of the records must be made available to the legal hold authority.
- 7. Activities performed by ODNI contractors shall comply with all records management-related provisions of the applicable contract and this Instruction. Contractors must coordinate their departure and the return of any government property with their project managers or the appropriate Contracting Officer's Technical Representatives.

**For questions regarding records departure duties, contact IMO via email at *DNI-Records*.**

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