

OFFICE OF HILLARY RODHAM CLINTON

We wanted to take this opportunity, given how much information has been circulating, to provide the best information we have about an understandably confusing situation. This document is on-the-record as “Statement from the Office of Former Secretary Clinton.”

Background

Like Secretaries of State before her, Secretary Clinton used her own email account when engaging with State Department officials. For work, it was her practice to email them on their “.gov” accounts, with every expectation those emails would be captured and preserved immediately in the Department's system.

When the Department asked former Secretaries last year for help ensuring that their work emails were in fact retained, she said yes and provided printed copies of all of her work-related emails. She has since asked the Department to make the emails she provided available to the public.

She is proud of the work that she and the public servants at the Department did during her four years as Secretary of State and looks forward to people being able to see that for themselves.

Why did she use her own email account?

As the Secretary has said publicly, when she got to the Department, she wanted the simplicity of using one device. She opted to use her personal email account as a matter of convenience; it enabled her to reach people quickly and keep in regular touch with her family and friends more easily given her travel schedule. That is the only reason she used her own account. Her usage was widely known to the over 100 Department and U.S. government colleagues she emailed, as her address was visible on every email she sent. To address requirements to keep records of her work emails, it was her practice to email government officials on their “.gov” accounts. That way, they would be immediately captured and preserved in the Department's system.

Was this allowed?

Yes. The laws and regulations allowed her to use her own email for work.

Under the Federal Records Act, records are defined as recorded information, regardless of its form or characteristics, “made or received by a Federal agency under Federal law or in connection with the transaction of public business.” [44 U.S.C. § 3301]. In 2009, the National Archives and Record Administration issued guidance reaffirming a prior regulation (36 CFR § 1234.24) on the need to preserve work emails.

In meeting the record-keeping obligations, it was Secretary Clinton’s practice to email government officials on their “.gov” accounts, so her work emails were immediately captured and preserved.

Was she ever provided guidance about her use of a non-“.gov” email account?

The Department has and did provide guidance regarding the need to preserve federal records, which included her work emails. To address requirements to keep records of her work emails, it was her practice to email government employees on their “.gov” email address. That way, work emails would be immediately captured and preserved in government record-keeping systems.

What did Secretary Clinton provide to the Department?

On December 5, 2014, 30,490 printed copies of work-related emails sent and received by Secretary Clinton from March 18, 2009 to February 1, 2013 were provided to the Department. This totaled roughly 55,000 pages. About 90% of these emails were already in the Department’s record-keeping system because they were sent to or received by “state.gov” accounts

[Before March 18, 2009, Secretary Clinton continued using the email account she had used during her Senate service. Given her practice from the beginning of emailing Department officials on their state.gov accounts, her work-related emails during these initial weeks would have been captured and preserved in the Department's record-keeping system. She, however, no longer had access to these emails once she transitioned from this account.]

Why did the Select Committee announce that she used multiple email addresses during her tenure?

In fairness to the Committee, this was an honest misunderstanding. Secretary Clinton used one email account during her tenure at State (with the exception of her first weeks in office while transitioning from an email account she had previously used). In March 2013, a month after she left the Department, Gawker published the email address she used while Secretary, and so she had to change the address on her account.

At the time the printed copies were provided to the Department last year, because it was the same account, the new email address established after she left office appeared on the printed copies as the sender, and not the address she used as Secretary. In fact, this address on the account did not exist until March 2013. This led to understandable confusion that was cleared up directly with the Committee after its press conference.

Why did the Department ask for assistance? Why did the Department need assistance in further meeting its requirements under the Federal Records Act?

The Department formally requested the assistance of the four previous former Secretaries in a letter to their representatives dated October 28, 2014 to help in furtherance of meeting the Department's requirements under the Federal Records Act.

The letter stated that in September 2013, the National Archives and Records Administration (NARA) issued new guidance clarifying records management responsibilities regarding the use of personal email accounts for government business.

While this guidance was issued after all four former Secretaries had departed office, the Department decided to ensure its records were as complete as possible and sought copies of work emails sent or received by the Secretaries on their own accounts.

Why was the Department given printed copies?

That is the requirement. The instructions regarding electronic mail in the Foreign Affairs Manual require that “until technology allowing archival capabilities for long-term electronic storage and retrieval of E-mail messages is available and installed, those messages warranting preservation as records (for periods longer than current E-mail systems routinely maintain them) must be printed out and filed with related records.” [5 FAM 443.3].

Were any work items deleted in the course of producing the printed copies?

No.

How many emails were in her account? And how many of those were provided to the Department?

Her email account contained a total of 62,320 sent and received emails from March 2009 to February 2013. Based on the review process described below, 30,490 of these emails were provided to the Department, and the remaining 31,830 were private, personal records.

How and who decided what should be printed and provided to the Department?

The Federal Records Act puts the obligation on the government official to determine what is and is not a federal record. The State Department Foreign Affairs Manual outlines guidance “designed to help employees determine which of their e-mail messages must be preserved as federal records and which may be deleted without further authorization because they are not Federal record materials.” [5 FAM 443.1(c)].

Following conversations with Department officials and in response to the Department’s October 28, 2014 letter to former Secretaries requesting assistance in meeting the Department’s record-keeping requirements, Secretary Clinton directed her attorneys to assist by identifying and preserving all emails that could potentially be federal records. This entailed a multi-step process to provide printed copies of the Secretary’s work-related emails to the Department, erring on the side

of including anything that might potentially be a federal record. As the State Department has said, Secretary Clinton was the first to respond to this letter.

A search was conducted on Secretary Clinton's email account for all emails sent and received from 2009 to her last day in office, February 1, 2013.

After this universe was determined, a search was conducted for a ".gov" (not just state.gov) in any address field in an email. This produced over 27,500 emails, representing more than 90% of the 30,490 printed copies that were provided to the Department.

To help identify any potential non-".gov" correspondence that should be included, a search of first and last names of more than 100 State Department and other U.S. government officials was performed. This included all Deputy Secretaries, Under Secretaries, Assistant Secretaries, Ambassadors-at-Large, Special Representatives and Envoys, members of the Secretary's Foreign Policy Advisory Board, and other senior officials to the Secretary, including close aides and staff.

Next, to account for non-obvious or non-recognizable email addresses or misspellings or other idiosyncrasies, the emails were sorted and reviewed both by sender and recipient.

Lastly, a number of terms were specifically searched for, including: "Benghazi" and "Libya."

These additional three steps yielded just over another 2,900 emails, including emails from former Administration officials and long-time friends that may not be deemed by the Department to be federal records. And hundreds of these emails actually had already been forwarded onto the state.gov system and captured in real-time.

With respect to materials that the Select Committee has requested, the Department has stated that just under 300 emails related to Libya were provided by the Department to the Select Committee in response to a November 2014 letter, which contained a broader request for materials than prior requests from the House Oversight and Government Reform Committee.

Given Secretary Clinton's practice of emailing Department officials on their state.gov addresses, the Department already had, and had already provided, the Select Committee with emails from Secretary Clinton in August 2014 – prior to requesting and receiving printed copies of her emails.

The review process described above confirmed Secretary Clinton's practice of emailing Department officials on their .gov address, with the vast majority of the printed copies of work-related emails Secretary Clinton provided to the Department simply duplicating what was already captured in the Department's record-keeping system in real time.

When the emails provided to the Department are made available, what is an example of what we will see?

You will see everything from the work of government, to emails with State and other Administration colleagues, to LinkedIn invites, to talk about the weather -- essentially what anyone would see in their own email account.

Did Secretary Clinton use this account to communicate with foreign officials?

During her time at State, she communicated with foreign officials in person, through correspondence, and by telephone. The review of all of her emails revealed only one email with a foreign (UK) official.

Do you think a third party should be allowed to review what was turned over to the Department, as well as the remainder that was not?

The Federal Records Act puts the obligation on the government official, not the agency or a third party, to determine what is and is not a federal record. The State Department Foreign Affairs Manual outlines guidance "designed to help employees determine which of their e-mail messages must be preserved as federal records and which may be deleted without further authorization because they are not Federal record materials." [5 FAM 443.1(c)].

Secretary Clinton responded to the Department's request by providing approximately 55,000 pages of her work-related emails. She has also taken the unprecedented step of asking that those emails be made public. In doing so, she has sought to support the Department's efforts, fulfill her responsibility of record-keeping and provide the chance for the public to assess the work she and officials at the Department did during her tenure.

After her work-related emails were identified and preserved, Secretary Clinton chose not to keep her private, personal emails that were not federal records. These were private, personal messages, including emails about her daughter's wedding plans, her mother's funeral services, and condolence notes, as well as emails on family vacations, yoga routines, and other items one would typically find in their own email account, such as offers from retailers, spam, etc.

Government officials are granted the privacy of their personal, non-work related emails, including personal emails on .gov accounts. Secretary Clinton exercised her privilege to ensure the continued privacy of her personal, non-work related emails.

Can't she release the emails she provided to the Department herself?

Because the printed copies of work-related emails she provided to the Department include federal records of the Department, the Department needs to review these emails before they can be made public. She wants them to be made available as soon as possible.

Was classified material sent or received by Secretary Clinton on this email address?

No. A separate, closed system was used by the Department for the sole purpose of handling classified communications which was designed to prevent such information from being transmitted anywhere other than within that system, including to outside email accounts.

How did Secretary Clinton receive and consume classified information?

The Secretary's office is located in a secure area. Classified information was viewed in hard copy by the Secretary while in the office. While on travel, the Department had rigorous protocols for her and traveling staff to receive and transmit information of all types.

Where was the server for her email located?

The server for her email was physically located on her property, which is protected by U.S. Secret Service.

What level of encryption was employed? Who was the service provider, etc?

The security and integrity of her family's electronic communications was taken seriously from the onset when it was first set up for President Clinton's team. While the curiosity in the specifics of this set up is understandable, given what people with ill-intentions can do with such information in this day and age, there are concerns about broadcasting specific technical details about past and current practices. However, suffice it to say, robust protections were put in place and additional upgrades and techniques employed over time as they became available, including consulting and employing third party experts.

Was the server ever hacked?

No, there is no evidence there was ever a breach.

Was there ever an unauthorized intrusion into her email or did anyone else have access to it?

No.

What was done after her email was exposed in February 2013 after the hacker known as "Guccifer" hacked Sid Blumenthal's account?

While this was not a breach of Secretary Clinton's account, because her email address was exposed, steps were taken at that time to ensure the security and integrity of her electronic communications.

Was the Department able to respond to requests related to FOIA or Congressional requests before they received printed copies of her work-related emails?

Yes. As the Select Committee has said, the Department provided the Committee with relevant emails it already had on the state.gov system before the Department requested any printed copies from former Secretaries, and four months before the Department received the printed copies.

For example, in the well-publicized hack of Sid Blumenthal's email account, a note he sent Secretary Clinton on September 12, 2012 was posted online. At first blush, one might not think this exchange would be captured on the state.gov system. But in fact, Secretary Clinton forwarded the email, that very same day, onto the state.gov system. And the email was produced by the Department to the Select Committee, and acknowledged by the Select Committee, in August 2014.

This example illustrates: 1) when an email from a non-“.gov” sender had some connection to work or might add to the understanding of Department officials, it was Secretary Clinton's practice to forward it to officials at their “state.gov” address; and 2) the Department was able to search and produce Secretary Clinton's emails when needed long before, and unrelated to, receiving the printed copies as they were already captured on state.gov accounts.

When will the emails be released to the public?

Secretary Clinton has asked the Department to make her emails available as soon as possible. She is proud of the work that she and the public servants at the Department did during her four years as Secretary of State and is looking forward to people having the chance to see that for themselves.