



Office of the Chief
Records Officer for the
U.S. Government

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March 25, 2025

Dawn Watts
Agency Records Officer
Department of Homeland Security
U.S. Customs and Border Protection
Office of Information & Technology
7451A Boston Boulevard
Springfield, VA

Dear Ms. Watts:

The National Archives and Records Administration (NARA) has received the U.S. Customs and Border Protection (CBP) December 2024 progress report documenting the agency's response to an unauthorized disposition case involving text messaging applications on cellular phones. NARA opened this unauthorized disposition case on October 26, 2021, after becoming aware of a Department of Homeland Security (DHS) Office of Inspector General report pointing to likely violations of recordkeeping laws and regulations in CBP's use of text messaging applications.

CBP has reported that some of the agency's text message records were lost or deleted. A complete description of the records, including volume and dates, is unknown. At the time the loss was discovered, CBP did not centrally manage text message records.

CBP further reported that use of WhatsApp was widespread among some agency personnel between October 2018 and February 2019. CBP reports it has determined that some of the lost messages were associated with officials at the San Diego Emergency Operations Center. Additional lost messages involved communications between CBP officials and Mexican government officials.

In its initial report, CBP indicated that the nature of WhatsApp functionality means that there was no practical way to salvage, retrieve, or reconstruct the lost records. CBP further explained that it would establish safeguards to prevent the future loss of text messages, including restricting

access to WhatsApp on government issued devices, improving records retention training, and investigating tools that automatically capture and manage text messages.

NARA has received periodic reports of CBP's progress in implementing corrective actions. In its December 2024 submission, and during a meeting held on March 18, 2025, CBP explained it has implemented the following corrective actions:

- Established a Messaging Applications Policy Working Group to define a comprehensive Secure Messaging Platform policy, and developed and implemented a CBP Messaging Application Use Directive;
- Issued formal instructions from agency leadership to all text message application users detailing their obligation to retain messages and other records according to DHS and CBP policy;
- Implemented a service for WhatsApp to provide for automated retention of records. This service requires no manual steps from the end user;
- Revised processes for employees to have access to text messaging applications. CBP has blocked some messaging applications entirely, and has restricted others to require an approval process for download and use. For those applications that do not have records management capabilities built-in, users are made aware at the point of acquiring the application that they are responsible for manually accomplishing records management activities. CBP reported it has developed updated guidance on how to manually capture messages; and
- Ensured that text messages are covered by an approved records retention schedule.

Based on the information provided, the applicable reporting requirements of 36 CFR 1230.14(a) have been met and NARA considers this matter closed. I appreciate your attention to this matter. If you have any questions or wish to discuss this further, please contact the Records Management Oversight and Reporting Program by email at UnauthorizedDisposition@nara.gov.

Sincerely,

A handwritten signature in black ink that reads "William Fischer". The signature is written in a cursive, slightly stylized font.

WILLIAM FISCHER
Chief Records Officer
for the U.S. Government (Acting)