

**INSPECTION DIVISION
OFFICE OF INSPECTIONS**



INSPECTOR'S REPORT

**@FBIRecordsVault TWITTER ACCOUNT
FOIA ANNOUNCEMENTS
SPECIAL REVIEW**



**Nancy McNamara
Assistant Director
Inspection Division**

Table of Contents

Executive Summary.....3
Scope and Objectives.....3
Incident Background.....4
OPA.....7
RMD.....7
Conclusion8
Appendices9

- A. Scope and Methodology
- B. Recommendations
- C. Staff Roster
- D. Interviewees
- E. FD-302s
- F. Electronic Records
- G. Technical Summary

EXECUTIVE SUMMARY

(U//~~FOUO~~) Inspection Division (INSD) conducted a special review of the FBI Twitter account @FBIRecordsVault, utilized to advertise notable Freedom of Information Act (FOIA) responses, under the direction of Inspector-In-Charge Lawrence E. Koleff and Lead Team Leader (TL) [REDACTED]. The review examined the circumstances surrounding an 11/01/2016 Twitter posting by the @FBIRecordsVault account announcing a FOIA response pertaining to the William J. Clinton Foundation was available for public review on FBI.gov, six days before the Presidential Election. The review team, which was comprised of INSD personnel, detailed the nature of the incident and assessed the process by which the Records Management Division (RMD) posted FOIA responses to the FBI.gov public website. The review concluded: 1) the William J. Clinton Foundation FOIA request was properly posted to the Records Vault¹ page on FBI.gov, having been requested by more than three individuals and cleared for dissemination by RMD's FOIA response process and; 2) although the timing of the Twitter release was questionable due to the proximity to the Presidential election, the unusual @FBIRecordsVault Twitter activity was the result of a system failure. The system failure caused an absence of Twitter announcements during the twelve month period from 10/2015 – 10/2016, and was corrected after a software update was implemented on 10/30/2016. [REDACTED]

b6

b7E

[REDACTED]
[REDACTED]
[REDACTED]
which included the @FBIRecordsVault Twitter account.

(U//~~FOUO~~) On 10/30/2016, @FBIRecordsVault, a seldom utilized FBI Twitter² account not active in over a year due to the identified system failure, sent messages pertaining to twenty-two FOIA responses posted by RMD to the FBI Records Vault (Vault) page on FBI.gov. One Twitter message was sent per post, advising recipients the corresponding FOIA responses could be viewed on the Vault web page. The Vault FOIA posts covered noteworthy individuals such as Fred C. Trump and Hillary R. Clinton, as well as several FBI Policy documents. On 11/01/2016, one additional Twitter message was sent advising recipients that a FOIA response regarding the William J. Clinton Foundation could be viewed on the Vault web page. Given the proximity to the upcoming Presidential Election these messages became the subject of scrutiny by the media and other interested parties.

SCOPE AND OBJECTIVES

¹ Records Vault - RMD served as the content manager for The FBI Records Vault, a publicly accessible sub-domain on FBI.gov, which was viewable to the public by visiting <http://vault.fbi.gov/>, and had the corresponding Twitter account @FBIRecordsVault.

² Twitter - Twitter was a social media micro-blogging service that allowed registered users to broadcast text messages, limited to 140 characters, called 'tweets'. Twitter members could broadcast tweets and follow other users' tweets on multiple platforms. The FBI's primary Twitter account, @FBI, was separate and distinct from the @FBIRecordsVault account which sent the above noted messages.

(U//~~FOUO~~) INSD conducted a special review involving the Office of Public Affairs (OPA) and RMD to collect information to identify the circumstances related to the timing of the posting of these Twitter messages prior to the 2016 Presidential Election. INSD conducted four internal interviews of personnel from OPA and RMD. INSD also collected server logs, emails, and policy documents from OPA and RMD.

INCIDENT BACKGROUND

(U//~~FOUO~~) The Freedom of Information Act, 5 U.S.C. section 552 required federal agencies to make available for public inspection in an electronic format the following: final opinions in the adjudication of cases; statements of policy and interpretations not otherwise posted in the Federal Register; administrative staff manuals and instructions; and copies of all FOIA requests made by more than three individuals or deemed by the agency as likely to become the subject of subsequent requests for substantially the same records.

(U//~~FOUO~~) In response to the FOIA requests, RMD made records available for public inspection in an electronic format by posting these documents in the FBI Records Vault (Vault) folder on FBI.gov. The Vault was a subsection of the public FBI.gov website. FBI.gov was administered by OPA, but postings to the Vault folder were content managed by RMD.

(U//~~FOUO~~) The FBI.gov and Internet Operations Unit (FIOU) managed the infrastructure of FBI.gov and all sub-domains therein. One feature of the FBI.gov domain architecture was the [redacted] which allowed content managers to simultaneously post content to FBI.gov and 'autotweet' announcements about new content without human interaction. For example, if the Dallas Field Office posted a message on their FBI.gov subdomain (<http://dallas.fbi.gov>), [redacted] would recognize the new message on the subdomain, and send a corresponding announcement from the @FBIDallas Twitter account. The same process was designed to support RMD postings to the Vault subdomain.

b7E

(U//~~FOUO~~) The FBI's public website, FBI.gov, [redacted]

(U//~~FOUO~~) [redacted]

b7E

[Redacted]

b7E

[Redacted]

b7E

(U//~~FOUO~~)

[Redacted]

[Redacted]

b7E

[Redacted] The cessation of Twitter activity went unnoticed. Neither OPA nor RMD actively monitored the @FBIRecordsVault Twitter account. There was no automated system to alert personnel the Vault Twitter postings had stopped, and no established policy to manually monitor the Twitter announcements or confirm they were sent.

[Redacted]

(U//~~FOUO~~) In July 2016, OPA deployed the [redacted] [redacted] to assist in the management of FBI.gov. After the deployment, FBI content managers began to notice occasional items not being autotweeted after posting on their FBI subdomains. [redacted] For example, content appearing on <http://dallas.fbi.gov/> would [redacted] but would never autotweet.

b7E

(U//~~FOUO~~) While the failure of the @FBIRecordsVault account had not been noticed, the wider outage of other FBI Twitter accounts was identified by FIOU personnel. After further investigation, the system issue was revealed as [redacted]

b7E

[redacted] In early October 2016, a solution was put forth to change the autotweet trigger [redacted]

(U//~~FOUO~~) The Vault website remained functional and accessible to the public on FBI.gov, however the [redacted] which triggered the announcement of new Vault posts through Twitter was not operational between 10/2015 and 10/2016.

(U//~~FOUO~~) On 10/19/2016 the incremental software patch was implemented, through the above mentioned [redacted] to all FBI.gov servers. However, the [redacted] did not complete until 10/30/2016.

b7E

(U//~~FOUO~~) On 10/30/2016 the system update corrected the autotweet issue across all FBI.gov subdomains. This system update had the desired effect and fixed the FBI Twitter accounts which had been identified as failing. This system update simultaneously resulted in the restoration of the undiagnosed @FBIRecordsVault Twitter account. Just as RMD and OPA were not aware the @FBIRecordsVault Twitter account had stopped autotweeting, they were also unaware it had started again.

(U//~~FOUO~~) During the twelve months @FBIRecordsVault was not autotweeting, twenty-two FOIA response files were posted by RMD via the FBI Records Vault folder on FBI.gov which were not announced on Twitter due to the system failure. These postings were viewable on the public Vault folder on FBI.gov, but were not actively publicized via tweet due to the system failure. Once @FBIRecordsVault was 'live' again, the system recognized twenty-two new Vault postings and immediately sent corresponding tweets on 10/30/2016. As the @FBIRecordsVault account was not actively monitored, neither RMD nor OPA personnel noted the Twitter messages.

(U//~~FOUO~~) On 10/31/2016 Supervisory Government Information Specialist [redacted] [redacted] contacted via email OPA Unit Chief [redacted] and OPA Public Affairs Specialist [redacted]

b6

[redacted] as well as his RMD leadership to notify them of the pending Vault post set for 11:30 a.m. on 10/31/2016. [redacted] loaded the William J. Clinton Foundation FOIA response to the Vault from a compact disc he had received from an RMD FOIA unit. The FOIA response was requested by six separate requestors and thus met the threshold (three or more) for compulsory posting to the Vault. The FOIA response was compiled and cleared for release prior to passage to [redacted]

b6

(U//~~FOUO~~) Later on 10/31/2016, [redacted] spoke to SC David M. Hardy and asked for a one day postponement of the Clinton Foundation FOIA response Vault post until noon on 11/01/2016. SC Hardy instructed [redacted] to postpone the release for one day due to the current political environment.

b6

(U//~~FOUO~~) On 11/01/2016 at approximately 11:30 a.m. EST, SC Hardy, in the absence of further guidance from OPA, released the FOIA response Vault post as required by FOIA policy. At approximately 12:00 p.m. EST, [redacted] made the William J. Clinton Foundation information active on the Vault folder on the FBI.gov public website. A system generated tweet from @FBIRecordsVault then announced the posting.

(U//~~FOUO~~) RMD and OPA did not learn of the @FBIRecordsVault outage and subsequent restoration until 11/01/2016, when media outlets began reporting on the unusual Twitter postings from @FBIRecordsVault and their potential impact on the Presidential Election.

OPA

(U//~~FOUO~~) Through interviews of OPA personnel, including AD Michael P. Kortan, UC [redacted] and Contractor [redacted] INSD learned the following:

b6

- OPA was responsible for all public access information, including all public FBI web pages, tweets, and social media accounts.
- Most FBI field offices had web pages which “auto tweeted” to make the public aware of new posts, and to minimize the additional work by the media representatives to tweet manually.
- Because OPA managed over 200,000 pages of content, each office was required to take content “ownership” to include signing a disclosure stating such. RMD managed the content of the FBI Records Vault page on FBI.gov.
- RMD created an Ad Hoc process to notify OPA via email of Vault posts which may result in media inquiries prior to posting on the Vault web page. The email was intended as a courtesy to give OPA, the FBI Historian, and the Press Office a chance to prepare and anticipate responses to subsequent media inquiries.
- OPA managed websites were routinely maintained through software patches to correct system issues as needed. Often, the fix to one system issue would cause a cascading affect elsewhere in the system.
- FIOU was staffed with seven contractors and eleven professional support employees to manage these tasks.

RMD

(U//~~FOUO~~) Through interviews of RMD's Supervisory Government Information Specialist [REDACTED] and SC David M. Hardy, INSD learned the following:

- RMD received approximately 22,000 FOIA requests per year.
- The process to service these requests was well defined. New requests were logged and assigned a case file number in the FOIA Document Processing System (FDPS).
- FOIA responses were provided to the original requestor, and in the case of High Public Interest (HPI) matters or requests made by three or more parties, those FOIA responses were posted to the Vault sub-domain on FBI.gov.
- [REDACTED] received the William J. Clinton Foundation response documents after they were disseminated to the original requestors. [REDACTED] responsibility was to upload the documents to the Vault page on FBI.gov. [REDACTED] assessed the documents met the threshold for notification of OPA personnel, and followed the process to send a notification email to OPA.
- Neither Hardy nor [REDACTED] was aware the @FBIREcordsVault Twitter account did not announce new Vault postings from 10/2015 – 10/2016 until the public response after the William J. Clinton Foundation Twitter message posted on 11/01/2016.

b6

CONCLUSION

(U//~~FOUO~~) On 10/30/2016, @FBIREcordsVault, a seldom utilized FBI Twitter account, which unknowingly was not operational over the twelve month period from 10/2015-10/2016, was inadvertently restored during a system update and sent messages pertaining to twenty-two posts made by RMD to the FBI Records Vault (Vault) page on FBI.gov. INSD assessed: 1) the response to the William J. Clinton Foundation FOIA request was properly posted to the Vault page on FBI.gov, having been requested by more than three individuals and cleared for dissemination by RMD's FOIA response process; 2) although the timing of the Twitter release was questionable due to the proximity to the Presidential election, the unusual @FBIREcordsVault Twitter activity was actually the lack of Twitter announcements during the previous twelve months from 10/2015 – 10/2016, as opposed to the re-activation of Twitter functionality after an incremental system patch; and 3) the process to notify OPA prior to FOIA postings to the Vault page relied on manual workflow rather than automatic notification to OPA and RMD personnel.

APPENDICES

- H. Scope and Methodology
- I. Recommendations
- J. Staff Roster
- K. Interviewees
- L. Policies
- M. Technical Summary

(U//~~FOUO~~) **Appendix A: Scope and Methodology**

(U//~~FOUO~~) INSD conducted a special review involving the Office of Public Affairs (OPA) and RMD to collect information to identify the circumstances related to the timing of the posting of these messages via Twitter prior to the 2016 Presidential Election. INSD conducted four internal interviews of personnel from OPA and RMD. INSD also collected server logs, emails, and policy documents from OPA and RMD.

(U//~~FOUO~~) **Appendix B: Recommendations:**

1.

2.

b5

(U//~~FOUO~~) **Appendix C: Staff Roster**

INSPECTION STAFF ROSTER AND ASSIGNMENT

Inspector-in-Charge:

Lawrence E. Koleff

Team Leaders:



Lead Team Leader
Team Leader
Team Leader
Team Leader

b6

(U//~~FOUO~~) **Appendix D: Interviewees**

[Redacted]

Unit Chief, FBI.gov and Internet Operations Unit (FIOU)

[Redacted]

Contractor, FBI.gov and Internet Operations Unit (FIOU)

David M. Hardy

Section Chief, RMD

[Redacted]

Supervisory Government Information Specialist (RMD)

b6

(U//~~FOUO~~) **Appendix E: FD-302s**

[REDACTED]

Unit Chief, FBI.gov and Internet Operations Unit (FIOU)

On Friday, December 2, 2016, [REDACTED] FBIHQ, Office of Public Affairs (OPA), UC FBI.gov and Internet Operations Unit, was interviewed at his place of employment by Assistant Inspectors [REDACTED] and [REDACTED]. After being advised of the identity of the interviewing Agents and the nature of the interview, UC [REDACTED] provided the following information:

b6

UC [REDACTED] has been in his current position [REDACTED]. UC [REDACTED] informed interviewers he is responsible for the FBI.gov and Internet Operations Unit located in FBIHQ, [REDACTED] 935 Pennsylvania Avenue, N. W., Washington, D.C. 20535. UC [REDACTED] has a staff of 18 employees which consists of 7 Contractors and 11 Professional Support.

b6

UC [REDACTED] has a working, but not detailed technical knowledge of the OPA systems. OPA "owns" all public access information, e.g. web pages, tweets, etc. Most offices have web pages which auto tweet to make the public aware of new posts, and to minimize the additional work by the media representatives to tweet manually. Because OPA manages over 200,000 pages of content, they have each office take content "ownership" to include signing a disclosure stating such.

UC [REDACTED] stated OPA will, [REDACTED]

b6
b7E

[REDACTED] UC [REDACTED] said Policies and SOPs concerning all public information have matured over a long period of time in conjunction with DOJ, and are covered by Policy 0672D.

UC [REDACTED] stated the systems OPA manages are routinely patched, break and are fixed in an order of most critical issue first; this often causes cascading breaks and fixes. UC [REDACTED] was asked about the process of RMD emailing OPA when they believe a post will generate voluminous interest. He said this is an AD HOC process that has also developed overtime. The process is intended as a "heads-up" something will be posted which primarily gives OPA, the FBI Historian and the Press Office an opportunity to not be caught off guard and swamped by calls regarding a certain post without their collective awareness.

b6

UC [REDACTED] is tasking a combination; technicians and writers on his staff to draft a timeline based series of events pertaining to this inquiry and will have his staff start the detailed technical documentation on December 5, 2016 when all of the needed employees are back in the office.

David M. Hardy

Section Chief, RMD

On December 13, 2016, Section Chief (SC) David Hardy (Hereinafter HARDY) was interviewed by Inspector [REDACTED] (Hereinafter INSPECTOR [REDACTED]), Inspector-in-Place (IIP) [REDACTED] and Assistant-Inspector-in-Place (AIIP) [REDACTED] at the Records Management Division (RMD) in Winchester, Virginia. After being advised of the identities of the interviewing Agents and the nature of the interview, HARDY provided the following information:

b6

HARDY was presented with a series of questions by INSD personnel regarding his knowledge and involvement leading up to the "Vault" release of the Clinton Foundation information. Below are the exact questions presented to HARDY, along with his corresponding responses:

1) How many FOIA requests does the FBI receive per year?

RMD receives approximately 22, 000 requests per year.

2) What is the standard workflow for FOIA requests?

When a FOIA request is received, it first reviewed by a triage team who evaluates and prioritizes the request. During the triage process, some requests are designated and tagged as High visibility or special handling. Next, the requests get submitted to the Work Process Unit (WPU), where they are further researched and compared against existing cases on already on file. If other cases being researched contain legacy files, then those files are requested and reviewed as well. The request is then assigned a case number and then scanned and entered into the FOIPA Document Processing System (FDPS). Once assigned, the corresponding case and request, depending on its size, get placed into the queue within FDPS. While in queue, each request is then disseminated through FDPS and assigned to a research analyst for further review of the specific request. The research analyst reviews each assigned request, and identifies other information pertinent to the current request. Once this function is performed, research analyst forwards their work onto an Expert Government Information Specialist (EGIS) for further review prior to its release.

3) Does who the requestor is make any difference in how a FOIA is handled? (private citizen vs. media)

No, the only difference would be if there was a designation of High Public Interest (HPI), which would require an explanation to meet a legal standard. The Clinton case was not designated as a HPI case. HARDY could neither recall how this was overlooked, nor why the matter was not designated as HPI.

4) How are FOIAs logged/tracked for the receipt and progress of FOIA requests?

All FOIA requests are entered into FDPS.

5) In cases of recent/current matters with media attention (such as the Oregon stand-off), if the case is completed and no longer active, how are these handled?

The process to release certain FOIA depended on whether the incident occurred before or after July 2016. After July, if a case was designated as HPI and there were three or more requests for the same information, the request must be posted in the "Vault" (FBI public information site for FOIPA) for public view. If there were less than three requests for one case, there was no requirement to post the information into the "Vault," however management can make the determination as to whether or not the information should be released into the "Vault."

6) In cases of older or archived material (such as the Kennedy Assassination, Organized Crime cases or matters of historical nature), are these matters handled in a different manner? If so, how?

The majority of these cases are most likely already posted in the "Vault." As additional significant cases are identified, they are also posted to the "Vault;" such as requests involving Muhammed Ali, Anwar Al-alaki, and Roswell.

7) How many sets of hands/eyes participate in each step of a FOIA request?

There are several layers of review for each request during the triage process, to include WPU, research analyst, and EGIS personnel. If request is designated as high profile, high risk, or national security matter, the request is then scrutinized by Assistant Section Chief (ASC) and Section Chief (SC). There are no further reviews conducted beyond the SC.

8) Once the FOIA request is fulfilled, what is the process of submission to the requestor?

Integrity checks performed prior to the final product being released, especially if the material involves informant numbers and other designated issues. The request is then placed onto a CD-ROM, and mailed to the requester. If three or more requestors request the same information, then the requested information will be posted on the "Vault," and follow-up letters are mailed advising the requestors the information had been posted to the "Vault."

9) What is approval workflow for FOIA information to be released?

Approval is coordinated with the Subject Matter Expert in the respective entity, such as national security, polygraph, or the originating field office. After this coordinated effort is completed, the request is then submitted to an Expert GIS (EGIS), followed by the applicable SGIS/UC. If the matter involved a high visibility or high risk matter, then the request is forwarded to ASC and SC for review. An EGIS can be the last approver on a request, if the request was uncomplicated and a low risk matter. Additionally, some GS-12s (who are not EGISs), who have demonstrated high quality during their performance and review training are allowed to release uncomplicated requests as well. If requests are deemed "sensitive" then they are first approved by their respective point of contact. For example, [REDACTED]

[REDACTED]
[REDACTED] Litigation matters receive final review and approval by OGC.

b7E

10) What is the process for notification of the public after a FOIA is completed?

The first requestor receives a CD-ROM with their requested information. The second and third requestors receive a letter informing them the information had been placed into the "Vault." If the request pertained to a prisoner, the requestor would receive a paper copy of the information. Requests submitted through E-FOIPA are responded to via e-mail with a link so the requestor can access their request.

11) How and who determines if the matter is worthy of historical or public announcement with potential publication on the FBI.GOV website?

Determination starts during the triage process at which time the request is designated as either a high visibility or sensitive matter. FBI historian [REDACTED] writes a header for each item which is considered as a historical or high visibility matter. Additionally, a memorandum is drafted to Office of Public Affairs (OPA), who makes the final determination.

b6

12) Are there automatic and/or manual notifications that take place, and if so are there any approvals that need to be granted or manual steps along the way?

This question was not asked, however covered in other provided responses.

13) Specific to the Clinton Foundation release, what steps were taken in the notification and approval process by RMD and OPA personnel?

On October 25, 2016, RMD notified [redacted] requesting headers be placed on Mark Ridge and the Clinton Foundation matters. On October 27th [redacted] sent headers back on Mark Ridge and the Clinton Foundation to RMD. [redacted] advised RMD not to release the Clinton Foundation material until approvals had been obtained. On October 28th, OPA informed RMD to proceed with the release. This happened to be the same day Director Comey garnered significant media attention after he informed Congress of the reopening of the Clinton investigation.

b6

On Monday October 31st, [redacted] from OPA spoke with HARDY, and asked for a one day delay on the release of Clinton Foundation material. HARDY agreed to wait. On November 1st, HARDY e-mailed OPA to determine if they wanted to discuss the matter further. As of 11:30 a.m., HARDY had not received a response from OPA, so he decided to release the Clinton Foundation request. Unbeknownst to HARDY and others at RMD, the Twitter account for the "Vault" had been down for approximately one year. Furthermore, HARDY and others were unaware the Twitter feed had been fixed over the weekend. When HARDY approved the Clinton Foundation release, it was subsequently released over Twitter with several other pending releases stuck in the queue. These releases included a General Petraeus request among others. HARDY stated [redacted] and OPA must approve any high visibility release. HARDY was the final approver at RMD on the Clinton Foundation release.

b6

[redacted] **Supervisory Government Information Specialist (RMD)**

On November 30, 2016, Supervisory Government Information Specialist (SGIS) [redacted] (Hereinafter [redacted], date of birth (DOB) [redacted] of the Federal Bureau of Investigation (FBI) Records Management Division (RMD), telephone number [redacted] was interviewed at the RMD facility. After being advised of the identity of the interviewing agents [redacted] provided the following information:

b6

Prior to July 1, 2015, federal agencies were instructed to make; at their discretion, publicly available any items requested for FOIA release when the same information was requested by three or more parties. To accomplish this in 2011, RMD created the "Vault." The "Vault" is a database of Freedom of Information Act (FOIA) information with a public web site. [REDACTED]

Each FOIA request which was requested on three or more occasions gets published to the "Vault," and would appear on the "Vault" website under its "Recent Additions" page. [REDACTED] neither knew the location, nor where the "Vault" servers were housed.

b6
b7E

In 2012, and as a result of continued FOIA requests for items already published in the "Vault," the system was enhanced to make announcements via the website Twitter.com. This was intended to cut down on the number of requests for information already available to the public, which were contained within the "Vault" website.

On July 16, 2015, an EO authorized by President Obama resulted in the removal of agency discretion, and mandated the public release of any information meeting the three request criteria.

On Wednesday, October 26, 2016, [REDACTED] received a CD containing information from a Clinton Foundation FOIA matter. Management and Program Analyst (MAPA) [REDACTED] typically handled the majority of the "Vault" uploads, however, on this day [REDACTED] As a result, [REDACTED] fulfilled her responsibilities. [REDACTED] stated the Clinton Foundation CD was exclusively handled by him. According to [REDACTED] the information had been requested approximately 44 times, and was to be loaded into the "Vault." On Thursday Oct 27, 2016, [REDACTED] sent an email to his supervisor Assistant Section Chief (A/SC) [REDACTED] about the Clinton Foundation upload and pending release.

b6

On Monday morning, October 31, 2016, [REDACTED] sent another email query to OPA, his supervisors and others, inquiring about the pending Clinton Foundation information. Furthermore, [REDACTED] sought clarification on the subject name. [REDACTED]

[REDACTED] received no response regarding his previously sent email. With regards to the Clinton Foundation matter, [REDACTED] indicated six (6) individuals had requested Clinton Foundation Information, and approximately forty (40) individuals had requested everything the FBI possessed on Hillary and/or former President Bill Clinton.

b6
b7E

On Monday afternoon, October 31, 2016 both of [REDACTED] supervisors, A/SC [REDACTED] and RMD Section Chief (SC) David Hardy came to his desk, and informed him to stand down from any "Vault" posts until noon on Tuesday, November 1, 2016 due to the political climate.

b6

On November 1, 2016, at approximately 12:00 p.m., [redacted] made the Clinton Foundation information active on the "Vault" system allowing public viewing, and pushing it to the "Recent Additions" page. [redacted] was not instructed to make the information public, however, did so because the waiting period of November 1, 2016, as set by his superiors had elapsed.

b6

Later in on November 1, 2016 while [redacted] was off duty [redacted] [redacted] was contacted by A/SC [redacted] on his bureau issued cellular telephone. A/SC [redacted] informed [redacted] the "Vault" had sent 20 tweets at the same time on Sunday October 30, 2016, in combination with the tweet about the Clinton Foundation. A/SC [redacted] informed [redacted] the Clinton Foundation tweet had generated and garnered a significant amount of media attention. Until [redacted] received this call, [redacted] neither knew the tweets were not being posted, nor did he know the 20 tweets had been published at one time. [redacted] stated between the initial call up until 6:30 p.m. that evening, he also spoke with Office of Public Affairs (OPA) Unit Chief (UC) [redacted] Contractor [redacted] who is a contractor with the computer company, AD Michelle Jupina, and AD Michael Kortan (OPA), who all inquired by the events involving the release of the tweet.

b6

The interviewing Agents asked [redacted] for a list of persons with access to post information to the "Vault", [redacted] provided the names of the following individuals:

- [redacted] - SGIS GS-14
- [redacted] - Management Program Analyst MAPA GS-11
- [redacted] - GIS
- [redacted] - GIS
- [redacted] - MAPA
- [redacted] - Programmer, Contractor [redacted]

b6
b7E

[redacted]

Contractor, Office of Public Affairs

FBI Supervisory Special Agent [redacted] and FBI Supervisory Special Agent [redacted] [redacted] interviewed [redacted] FBIHQ, Office of Public Affairs (OPA), FBI Contractor assigned to FBI.gov and Internet Operations Unit (IOU), at his place of employment on November 30, 2016. After being advised of the identity of the interviewing Agents and the nature of the interview, [redacted] provided the following information:

b6

[redacted] is responsible for technical oversight within the Internet Operation Unit, including oversight over the FBI.gov internet web site. [redacted] described the basic functions of the FBI.gov public web sites and how they interact with Twitter. [redacted] also describe that routine repairs and

updates of the computer systems regularly cause unintended problems with other computer systems. [] then described the system events which caused the “William J. Clinton Foundation” Twitter post, which seemed to be the result of one such routine updates.

b6

After [] preliminary description of the events in question, the interviewing Agent’s requested system diagrams and computer logs to support his theory and to assist with further analysis. [] was told that he may have to provide a detailed technical description of the events in writing at a future point during the investigation.

(U//FOUO) **Appendix F: Electronic Records**

FOIA Policy

THE FREEDOM OF INFORMATION ACT, 5 U.S.C. § 552

Below is the full text of the Freedom of Information Act in a form showing all amendments to the statute made by the "FOIA Improvement Act of 2016" All newly enacted provisions are in boldface type.

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available ~~for public inspection and copying~~ **for public inspection in an electronic format**

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

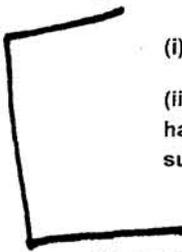
(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;

(C) administrative staff manuals and instructions to staff that affect a member of the public;

~~(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the~~

agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and copies of all records, regardless of form or format

3 or
More



(i) that have been released to any person under paragraph (3); and

(ii)(I) that because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; or

(ii) that have been requested 3 or more times; and

(E) a general index of the records referred to under subparagraph (D);

unless the materials are promptly published and copies offered for sale. For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, staff manual, instruction, or copies of records referred to in subparagraph (D). However, in each case the justification for the deletion shall be explained fully in writing, and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made. If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made. Each agency shall also maintain and make available for ~~public inspection and copying current~~ **public inspection in an electronic format** current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of an index on request at a cost not to exceed the direct cost of duplication. Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3)(A) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, and except as provided in subparagraph (E), each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible

expect that raising the fee threshold to \$25 will have a significant effect on the number of FOIA submissions. Further, for the subset of requests where the fees are more than \$14, but less than \$25, the public benefits by receiving the additional value of \$11 of services without charge. While the Department will incur the cost for those additional services, the cost is minimal since it is only a difference of \$11 per request, and it is counterbalanced by the time savings incurred by having the rule simplified. As a result, the Department believes that the effect of the threshold change will be de minimis. It simplifies matters for Department personnel as now there is a clear line between what requesters get for free—services under \$25—and when components start assessing fees—at \$25. That simplification for Department personnel is a benefit. The fees that the Department currently collects from requesters represent only 0.17% of the Department's processing costs and so the slight change in the threshold for assessing fees simply does not have a measurable cost impact on the Department.

The rule further benefits requesters by changing the way in which timeliness is determined for filing administrative appeals. The rule replaces the difficult-to-determine "received" date with a date certain (a postmark), which provides requesters with clarity as to timeliness while imposing no cost on the Department.

Lastly, the rule promotes understanding of requesters' statutory fee entitlements by requiring Department components to advise non-commercial-use requesters of their right to obtain 100 pages and two hours of search time for free. This will impose few if any costs on the Department; some components already follow this procedure, and the remainder can implement it easily.

In sum, the Department is confident that the rule provides multiple benefits to the public while imposing minimal costs.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Freedom of information, Privacy.

For the reasons stated in the preamble, the Department of Justice amends 28 CFR chapter I, part 16, as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

- 1. Revise the authority citation for part 16 to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717.

- 2. Revise subpart A of part 16 to read as follows:

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

Sec.

- 16.1 General provisions.
- 16.2 Proactive disclosure of Department records.
- 16.3 Requirements for making requests.
- 16.4 Responsibility for responding to requests.
- 16.5 Timing of responses to requests.
- 16.6 Responses to requests.
- 16.7 Confidential commercial information.
- 16.8 Administrative appeals.
- 16.9 Preservation of records.
- 16.10 Fees.
- 16.11 Other rights and services.

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

§ 16.1 General provisions.

(a) This subpart contains the rules that the Department of Justice follows in processing requests for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552. The rules in this subpart should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget

("OMB Guidelines"). Additionally, the Department's "FOIA Reference Guide" and its attachments contain information about the specific procedures particular to the Department with respect to making FOIA requests and descriptions of the types of records maintained by different Department components. This resource is available at http://www.justice.gov/oip/04_3.html. Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed under subpart D of part 16 as well as under this subpart. As a matter of policy, the Department makes discretionary disclosures of records or information exempt from disclosure under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court.

(b) As referenced in this subpart, component means each separate bureau, office, division, commission, service, center, or administration that is designated by the Department as a primary organizational entity.

(c) The Department has a decentralized system for processing requests, with each component handling requests for its records.

§ 16.2 Proactive disclosure of Department records.

Records that are required by the FOIA to be made available for public inspection and copying may be accessed through the Department's Web site at http://www.justice.gov/oip/04_2.html. Each component is responsible for determining which of its records are required to be made publicly available, as well as identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. Each component shall ensure that its Web site of posted records and indices is reviewed and updated on an ongoing basis. Each component has a FOIA Public Liaison who can assist individuals in locating records particular to a component. A list of the Department's FOIA Public Liaisons is available at <http://www.justice.gov/oip/foiacontact/index-list.html>.

§ 16.3 Requirements for making requests.

(a) *General information.* (1) The Department has a decentralized system for responding to FOIA requests, with each component designating a FOIA office to process records from that component. All components have the capability to receive requests electronically either through email or a web portal. To make a request for

FBI Records Vault Posts – FOIA Workflow

2015 - 2016 Vault Postings									
Or- y	FOIPA Request Number	Subject	Date FOIA Request Rec'd	FOIA Deadline date (by policy)	Proactive Disclosur e vs FOIA	Total # of Requests (Approximat e)	Date Released	Date Posted to Vault Website	Twitter Log_date posted
1	1358135-000	Naming and Commemorating FBI Buildings and Spaces	N/A	Proactive Disclosure	Proactive	N/A	11/16/2016	11/16/2016	11/16/2016
2	1341366-000	William J Clinton Foundation	12/15/2015	FIFO	FOIA	30	10/31/2016	10/31/2016	11/1/2016
3	1347878-001	Fred C Trump - philanthropist	4/25/2016	FIFO	FOIA	70	10/7/2016	9/22/2016	10/30/2016
4	1353334-000	General Telecommunications Policy 0862D	N/A	Proactive Disclosure	Proactive	N/A	9/22/2016	9/22/2016	10/30/2016
5	1354775-000	Records Management Standards for Scanned Documents 0774D	N/A	Proactive Disclosure	Proactive	N/A	9/22/2016	9/22/2016	10/30/2016
6	1320062-000	Nikola Tesla	1/16/2015	FIFO	FOIA	104	9/21/2016	9/21/2016	10/30/2016
7	1353070-000	FBI Ethics and Integrity Program Policy Directive Policy Guide	N/A	Proactive Disclosure	Proactive	N/A	9/20/2016	9/20/2016	10/30/2016
8	1304857-000	FBI DIOG	10/23/2014	Litigation	Proactive	128	9/14/2016	9/14/2016	10/30/2016
9	1169566-002	FBI DIOG (2013 version)	2/11/2014	Litigation	Proactive	128	9/14/2016	9/14/2016	10/30/2016
10	1353814-000	Hillary R. Clinton	7/12/2016	Expedite	FOIA	95	9/2/2016	9/2/2016	10/30/2016
11	1328241-000	Protest in Baltimore, MD aerial surveillance footage	5/7/2015	FIFO	FOIA	8	7/25/2016	7/25/2016	10/30/2016
12	1353331-000	Honoraria Policy 0867D	N/A	Proactive Disclosure	Proactive	N/A	8/2/2016	7/13/2016	10/30/2016
13	1328241-000	Protests in Baltimore, Maryland 2015	5/7/2015	Expedite	FOIA	8	8/3/2016	6/22/2016	10/30/2016
14	1329148-000	Security Division - Activities outside of the FBI	N/A	Proactive Disclosure	Proactive	N/A	8/1/2016	5/31/2016	10/30/2016
15	1296733-000	Stay-Behind SA Program in Alaska	2/8/2016	FIFO	FOIA	3	5/31/2016	5/31/2016	10/30/2016
16	1349056-000	Social Networking Site and FBI Employee Guidance	N/A	Proactive Disclosure	Proactive	N/A	8/2/2016	5/12/2016	10/30/2016
17	1343528-000	Physical Fitness Program Policy Directive and Policy Guide	N/A	Proactive Disclosure	Proactive	N/A	5/3/2016	5/3/2016	10/30/2016
18	1343927-000	Policy Directive 0481D - RMD	N/A	Proactive Disclosure	Proactive	N/A	5/3/2016	5/3/2016	10/30/2016

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

19	1343131-000	FBI Seal Name Initials and Special Agent Gold Badge	N/A	Proactive Disclosure	Proactive	N/A	5/3/16	5/3/2016	10/30/2016
20	1345563-000	Laboratory Reference Firearms Collection Policy LD0020D	N/A	Proactive Disclosure	Proactive	N/A	5/3/2016	5/3/2016	10/30/2016
21	1343976-000	FBI Student Programs Policy Guide 0805 PG	N/A	Proactive Disclosure	Proactive	N/A	5/3/2016	5/3/2016	10/30/2016
22	1345044-000/16-CV-00514	David C Petraeus - investigation related to compromise of classified material	2/22/2016	Litigation	FOIA	18	8/30/2016	8/26/2016	10/30/2016
23	N/A	Electronic FOIA request to email - beta test	N/A	N/A	Proactive	N/A	UNK	Test	10/30/2016
24	N/A	eFOIA beta site for public electronic request announcement	N/A	N/A	Proactive	N/A	UNK	Announcement	10/30/2016
25	1179478-001	Harold Glasser - U.S. Treasury Dept economist	10/28/2013	Litigation	FOIA	7	1/28/2014	6/29/2015	6/29/2015
26	1193641-000	Rodney G King - Video of Arrest - 03/03/1991	7/2/2012	FIFO	FOIA	27	7/25/2013	7/12/2013	6/12/2015
27	1192705-000	Southern Christian Leadership Convention (SCLC) - Conference	6/14/2012	FIFO	FOIA	19	7/25/2013	2/24/2015	6/12/2015
28	1258236-000	Fred Phelps - Founder Westboro Baptist Church of Topeka	11/20/2015	FIFO	FOIA	15	3/10/2015	2/27/2015	6/12/2015
29	1273793-000	Casey Kasem - actor, producer, journalist	6/23/2014	FIFO	FOIA	16	3/2/2015	3/13/2015	6/12/2015
30	1212225-000	Daniel Moynihan - sociologist	4/9/2013	FIFO	FOIA	26	1/21/2015	4/3/2015	6/12/2015
31	1198888-000	Leonid M. Brezhnev - politician USSR	9/25/2012	FIFO	FOIA	2	1/8/2014	4/6/2015	6/12/2015
32	1338194-000	2015 Pre-Publication Review Policy Guide	N/A	Proactive Disclosure	Proactive	N/A	11/12/2015	11/12/2015	Not Posted
33	1319830-000	Mario Cuomo	1/14/2015	FIFO	FOIA	38	12/1/2015	12/1/2015	Not Posted
34	1338505-000	Electronic Recordkeeping Cert. Policy Guide 0800PG	N/A	Proactive Disclosure	Proactive	N/A	1/11/2016	1/11/2015	Not Posted
35	1245937-000	James Baldwin	12/31/2013	FIFO	FOIA	78	3/28/2016	3/28/2016	Not Posted
36	1304858-000	Non-Retaliation for Reporting Compliance Risks	N/A	Proactive Disclosure	Proactive	N/A	4/5/2016	4/5/2016	Not Posted

(U//FOUO) **Appendix G: Technical Summary**

Technical Summary provided by OPA Unit Chief [redacted]

b6

Key Terms:

[redacted]

b7E

Autotweet: An "Automatic tweet," also referred to as an "Autotweet," is a tweet that is automatically published to Twitter through [redacted] without human intervention. This process is accomplished through programming and connections among FBI.gov, [redacted]

[redacted]

[redacted]

b7E

Senior Solutions Architect's Report on October 2016 @FBIRecords Vault Autotweets:

Basic Overview: Autotweet Process

On July 15, 2016, the FBI deployed the redesigned www.fbi.gov to the public. This newest iteration of the website was built, deployed, and managed through the [redacted] [redacted] This deployment changed the workflow for the 19 employees of Office of Public Affairs, FBI.gov & Internet Operations Unit (FIOU) and displayed approximately **56,000** pages in a front-end and back-end design.

b7E

A feature of the [redacted] with the website that facilitates automatic tweeting (autotweets) of new content published to FBI.gov. This [redacted] [redacted] is also configured to integrate with vault.fbi.gov, a subdomain managed and maintained by FIOU. [redacted]

[redacted]

b7E

[Redacted]

[Redacted]

b7E

**Not all FBI.gov content is pushed to Twitter via autotweet. The autotweet process concerns predominately field office content (e.g., FBI Albuquerque press releases are pushed out to @FBIAlbuquerque), but there are a few additional Twitter accounts like the @FBIRecordsVault.*

Detailed Overview: Prepatch Autotweet Process

After the new release of FBI.gov in July of 2016, content editors at the FBI noticed issues where occasionally items were not being automatically tweeted, despite correct configurations of the feeds (and the content therefore appearing on the feeds). In particular, content posted to FBI.gov field offices pages (for example, fbi.gov/dallas) would appear correctly on the corresponding [Redacted] but would never autotweet.

An investigation of logs and the systems' programming processes was ongoing, but higher priority items kept rising to the top of the work cue. Eventually the investigation revealed a bug that involved an issue between the [Redacted] and the autotweet feature's determination process regarding whether content should be tweeted or not.

b7E

[Redacted]

Consider this hypothetical scenario to demonstrate the problem:

-
-
-
-

[Redacted]

b7E

Detailed Overview: Postpatch Autotweet Process

In late early October 2016, the senior solutions architect determined the best remedy to this issue would be to [REDACTED]

b7E

[REDACTED] The automatic tweet feature now stores data on the most recent tweet, so it understands that tweeting should occur for any content currently present in the feed that was not previously tweeted. [REDACTED]

[REDACTED]

On October 19, 2016, the fix was applied to the servers running the automatic tweet process. However, despite the fix being applied, this does not mean the fix began to work immediately or even that day because software patches are also subject to [REDACTED]

b7E

On October 30, multiple tweets were released from the @FBIRecordsVault Twitter account. The aforementioned patch had been applied and the autotweet process now found several items on the feed that it determined had not previously been pushed to Twitter.

[REDACTED]

b7E

Consequently, the @FBIRecordsVault Twitter account was mostly broken, only seldom sending tweets out [REDACTED]

[REDACTED] Prior to October 30, 2016, the last tweet was sent more than one year ago. Overall, the account had an extremely low number of followers, and no one had previously reported it broken, partly due to its unpopularity. Additionally, this Twitter account historically has not generated or published much content since its November 2011 creation.

b7E

On November 1, 2016, [REDACTED] and a tweet was released using the new/current autotweet process described above. This tweet included information regarding the Clinton foundation along with any other content not previously identified since the fix was implemented.

Conclusion

Based on the systems involved, the processes as known to the senior solutions architect, and a thorough review thereof, the scenario here outlined is what most likely occurred. It is also possible there is a separate, unknown bug at this time or another unknown technical variable that could have caused this issue.