

(U//~~FOUO~~) The FBI investigation indicated Clinton was aware her use of a personal device, e-mail account, and server did not negate her obligation to preserve federal records. On January 23, 2009, Clinton contacted former Secretary of State Colin Powell via e-mail to inquire about his use of a BlackBerry while he was Secretary of State (January 2001 to January 2005).^{bb,189} In his e-mail reply, Powell warned Clinton that if it became “public” that Clinton had a BlackBerry, and she used it to “do business,” her e-mails could become “official record[s] and subject to the law.”¹⁹⁰ Powell further advised Clinton, “Be very careful. I got around it all by not saying much and not using systems that captured the data.”¹⁹¹ Clinton indicated to the FBI that she understood Powell’s comments to mean any work-related communications would be government records, and she stated Powell’s comments did not factor into her decision to use a personal e-mail account.¹⁹² In an e-mail to Mills on August 30, 2011, State Executive Secretary, Stephen Mull, cited a request from Clinton to replace her temporarily malfunctioning personal BlackBerry with a State-issued device.¹⁹³ Mull informed Mills that a State-issued replacement device for Clinton’s personal BlackBerry would be subject to FOIA requests.¹⁹⁴ On that same day, Bentel sent a separate e-mail to Hanley, which was later forwarded to Abedin, stating that e-mails sent to a State e-mail address for Clinton would be “subject to FOIA searches.”¹⁹⁵ A State-issued device was not ultimately issued to Clinton; in her FBI interview, Abedin stated she felt it did not make sense to temporarily issue Clinton a State BlackBerry because it would have required significant effort to transfer all of her e-mails and contacts to a device that she would have only used for a few days.¹⁹⁶ The Mull and Bentel e-mails to Mills and Hanley did not indicate that transferring e-mail and/or contacts from Clinton’s clintonemail.com account would be necessary to issue her a State BlackBerry.^{197,198,199} Abedin stated she always assumed all of Clinton’s communications, regardless of the account, would be subject to FOIA if they contained work-related material.²⁰⁰

(U//~~FOUO~~) While State policy during Clinton’s tenure required that “day-to-day operations [at State] be conducted on [an authorized information system],”²⁰¹ according to the [REDACTED] the Bureau of Information Security Management, [REDACTED] there was no restriction on the use of personal email accounts for official business.²⁰² However, State employees were cautioned about security and records retention concerns regarding the use of personal e-mail. In 2011, a notice to all State employees was sent on Clinton’s behalf, which recommended employees avoid conducting State business from personal e-mail accounts due to information security concerns.²⁰³ Clinton stated she did not recall this specific notice, and she did not recall receiving any guidance from State regarding e-mail policies outlined in the State FAM.²⁰⁴ Interviews with two State employees determined that State issued guidance which required employees who used personal e-mail accounts for State business to forward those work-related e-mails to their official State account for record-keeping purposes.^{205,206} Investigation determined that State used the State Messaging and Archive Retrieval Toolset (SMART), which allows employees to electronically tag e-mails to preserve a record copy.^{207,208,209} According to [REDACTED] then State’s [REDACTED] SMART was developed to automate and streamline the process for archiving records.²¹⁰ According to the

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^{bb} (U) According to the State OIG report, when Powell arrived at State in 2001, the official unclassified e-mail system in place only permitted communication among State employees; therefore, Powell requested the use of a private line for his America Online (AOL) e-mail account to communicate with individuals outside of State. Prior to Powell’s tenure, State employees did not have Internet connectivity on their desktop computers. During Powell’s tenure, State introduced unclassified desktop external e-mail capability on a system known as OpenNet.