


Access to Presidential Records
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NARA's Presidential Holdings


Deeded Presidential Papers (44 U.S.C. 2111)
Hoover through Carter administrations except Nixon

Seized Nixon Materials (44 U.S.C. 2111 note)

Publicly-owned Presidential Records (44 U.S.C. 2203(g))
Reagan administration forward

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Presidential Records Act

- Public ownership of Presidential records (§ 2202)
- Incumbent President manages records while in office (§ 2203(a))
- Presidential records automatically transfer to NARA at end of term (§ 2203(g))
- Six Presidential restrictive categories (similar to FOIA exemptions) (§ 2204(a))
- Public access provisions, which utilizes most, but not all, of FOIA (§ 2204(b)-(c))
- Special access provisions for Courts, Congress, and Incumbent President (§ 2205)
- Notification of intent to release records to the public (§ 2208)

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2014 Amendments to PRA

- Codification of public access notification process
- Courtesy storage of incumbent Presidential records
- Access restrictions for legal PRA representatives
- Use of personal messaging accounts for official business

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PRA Public Access Timeline

- First five years from the end of a Presidential administration
- Five to twelve years from the end of a Presidential administration
- Twelve years on from the end of a Presidential administration

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PRA Special Access Procedures

- NARA provides access to closed records to the Incumbent President (and Executive branch agencies), Congressional Committees, and through court orders and grand jury subpoenas
- NARA must notify the former and incumbent Presidents for executive privilege review – E.O. 13489 and 36 C.F.R. 1270.44
- Former President Trump asserted executive privilege for the first time ever, in response to January 6th Committee request
- U.S. Court of Appeals ruled that the incumbent’s decision to disclose the records overcomes Trump’s privilege assertion, and the Supreme Court ruled 8-1 not to stop the disclosure
- NARA continues to provide Trump Presidential records to the January 6th and other Committees

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Questions?

For more information, feel free to contact us:

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