



September 25, 2025

The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

National Personnel Records Center
1 Archives Drive
St. Louis, MO 63138

Re: Notice of Potential Legal Action

Dear Acting Archivist Marco Rubio:

We are counsel to Representative Mikie Sherrill and Mikie Sherrill for Governor. We write to inform the National Archives and Records Administration (“*NARA*”) and the National Personnel Records Center (“*NPRC*”) of their obligation to preserve all records regarding the unlawful release of Rep. Sherrill’s Official Military Personnel File (“*OMPF*”). As NPRC Director Scott Levins admitted in his September 22 letter, the government agents who released Rep. Sherrill’s full OMPF—including her Social Security number—violated federal law. We request an immediate investigation into this egregious violation of federal law and all individuals involved, including any political appointees of the Trump Administration, as well as the complete case file associated with that investigation.¹

As Director Levin’s letter describes, Nicholas De Gregorio, a former Republican candidate for Congress in New Jersey,² made an unauthorized request for information from Rep. Sherrill’s OMPF.³ Initially, on June 11, 2025, Mr. De Gregorio’s request was not fulfilled. On June 12, 2025, however, Mr. De Gregorio followed up on his denied request with a phone call, where Mr. De Gregorio was routed to a “real, helpful person.”⁴ NPRC then accessed a system to obtain Rep. Sherrill’s Social Security number.⁵ NPRC did not notify Rep. Sherrill, nor the Department of the Navy of the request, which was against their standard operating procedures. After the

¹ Rep. Sherrill has submitted a request for the complete unauthorized disposition case file associated with this breach and any other documents related to this investigation, pursuant to the Freedom of Information Act. *See* 5 U.S.C. § 552 *et seq.*

² NRCC Announces 21 Additional “On the Radar” Candidates in Young Guns Program, NRCC (Feb. 25, 2022), <https://www.nrcc.org/2022/02/25/nrcc-announces-21-additional-on-the-radar-candidates-in-young-guns-program/>.

³ Exhibit A.

⁴ *See* James LaPorta, *Archives errs in releasing too much of Mikie Sherrill’s military record to her opponent in governor’s race*, CBS NEWS (Sept. 25, 2025, 11:54 AM), <https://www.cbsnews.com/news/national-archives-mikie-sherrill-military-record-jack-ciattarelli/>.

⁵ *Id.*

phone call, and without Rep. Sherrill's signed authorization, his request for Rep. Sherrill's file was fulfilled in violation of the federal Privacy Act.

On June 30, 2025, Mr. De Gregorio received Rep. Sherrill's entire unredacted OMPF.⁶ Three months later, on September 22, 2025, NPRC informed Rep. Sherrill that her OMPF was "released in error" to an "unauthorized requester," beyond what was "releasable to the public under the FOIA."⁷ NPRC admitted this "breach" and apologized for its "failure to safeguard [Rep. Sherrill's] military record from unauthorized release."⁸ The OMPF contains a host of sensitive personal information, including Rep. Sherrill's complete Social Security number. Accordingly, NPRC offered Rep. Sherrill free credit monitoring services due to the possibility of identity theft.⁹

Rep. Sherrill is a graduate of the Naval Academy and spent almost ten years on active duty in the United States Navy.¹⁰ The Privacy Act of 1974, as amended, generally prohibits federal agencies from releasing records to any other person or agency "except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains . . ."¹¹ This prohibition on disclosure includes personnel files, including those from military service, absent the individual's consent or exceptions not applicable here.¹²

Rep. Sherrill did not authorize NPRC to distribute, nor for Mr. De Gregorio to receive, her OMPF. Nor is there any other lawful basis for releasing the file, particularly given the sensitive personal identifying information it contains. This release places Rep. Sherrill's personally identifiable information at risk. As such, Rep. Sherrill may wish to exercise her right to bring action against NARA and NPRC for their failure to comply with the Privacy Act.¹³ NARA and NPRC purposefully released Rep. Sherrill's OMPF, and did so with full awareness that Rep. Sherrill had not authorized the release. Rep. Sherrill has suffered actual damages due to this unauthorized release, including costs to protect her identity moving forward. As such, Rep. Sherrill may be entitled to seek damages in federal court, as well as attorneys' fees and costs.¹⁴

Troublingly, Mr. De Gregorio was no disinterested requester—he has close ties to the campaign of Jack Ciattarelli, Rep. Sherrill's opponent in her race for Governor.¹⁵ It was reported that Mr.

⁶ *Id.*

⁷ Exhibit A.

⁸ *Id.*

⁹ *Id.*

¹⁰ Mikie Sherrill for Governor, About Mikie, <https://www.mikiesherrill.com/about> (last accessed Sep. 25, 2025).

¹¹ 5 U.S.C. § 552a(b).

¹² *Bigelow v. Dep't of Defense*, 217 F.3d 875, 876 (D.C. Cir. 2000).

¹³ 5 U.S.C. § 552a(g)(1)(D).

¹⁴ *Id.*; *F.A.A v. Cooper*, 566 U.S. 284, 296 (2012) (finding that an individual may bring an action under the Privacy Act where the individual has suffered "proven pecuniary or economic harm," "no matter how slight"). *See also Hill v. U.S. Dep't of Defense*, 70 F. Supp. 3d 17, 21 (D.D.C. 2014) (complaint pled actual pecuniary harm where she alleged that she (1) paid for medical services to address the trauma caused to her by the disclosures, (2) paid for transportation to and from those medical services, and (3) was denied employment opportunities because of the disclosures. The court explained that "[d]irect out-of-pocket expenses, such as payment for medical services, are the very definition of pecuniary losses," and that "[l]oss of an employment opportunity is also a pecuniary harm.").

¹⁵ Nick De Gregorio, *Opinion: Trump endorsement creates clear opportunity for GOP victory*, NEW JERSEY GLOBE (May 13, 2025), <https://newjerseyglobe.com/governor/opinion-trump-endorsement-creates-clear-opportunity-for-gop-victory/>.

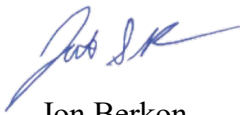
De Gregorio was on the shortlist to be Mr. Ciattarelli's running mate.¹⁶ Mr. De Gregorio has since shared Rep. Sherrill's OMPF with other unauthorized parties, including Mr. Ciattarelli's campaign.¹⁷

The entire military community takes the public release of classified or private information seriously. Indeed, this is not the first time political actors have sought the release of private information. The House Judiciary Committee previously launched an investigation into the unauthorized disclosure of records of several members of Congress¹⁸ and Secretary Hegseth has recently unveiled new restrictions on the disclosure of military information.¹⁹ We expect NARA and NPRC to take the breach here just as seriously.

You are hereby on notice of potential legal action and are required to institute an immediate hold on all materials, physical or electronic, potentially relevant to this matter. Effective immediately, you must retain and must not discard or destroy any records that relate to or concern the unlawful release of Rep. Sherrill's OMPF or investigation of this unlawful release, including but not limited to all files, paper documents, communications, notes, emails, hard drives, backup drives, audio recordings, video recordings, servers, website information/data, text messages, instant messages (IM), ephemeral messaging (such as Signal), voicemail messages, and other forms of computer files and information produced by various electronic hardware and/or software that are not reduced to paper. You must similarly preserve any new records that are generated after you receive this letter that could be considered relevant to this dispute.

We expect your swift confirmation that you will comply with these demands, no later than 5:00 PM on September 26, 2025. We have submitted Freedom of Information Act requests to NARA, NPRC, the Department of Defense, and the Department of the Navy for all correspondence regarding this breach, as well as for all records related to NARA's investigation into this unauthorized disclosure.

Sincerely,



Jon Berkon

Ben Stafford

Counsel to Representative Mikie Sherrill and Mikie Sherrill for Governor

¹⁶ David Wildstein, *Sherrill, Ciattarelli narrowing list of LG candidates as three senators bow out*, NEW JERSEY GLOBE (July 18, 2025), <https://newjerseyglobe.com/governor/sherrill-ciattarelli-narrowing-list-of-lg-candidates-as-three-senators-bow-out/>.

¹⁷ See James LaPorta, *Archives errs in releasing too much of Mikie Sherrill's military record to her opponent in governor's race*, CBS NEWS (Sept. 25, 2025, 11:54 AM), <https://www.cbsnews.com/news/national-archives-mikie-sherrill-military-record-jack-ciattarelli/>.

¹⁸ Olivia Beavers, *House GOP panel launches probe into Air Force's 'unauthorized' record disclosures*, POLITICO (Mar. 16, 2023), <https://www.politico.com/news/2023/03/16/probe-air-force-unauthorized-record-disclosures-00087559>.

¹⁹ Anne Fhalerty, *Hegseth unveils new restrictions on Pentagon press access*, ABC NEWS (Sept. 19, 2025), <https://abcnews.go.com/Politics/hegseth-unveils-new-restrictions-pentagon-press-access/story?id=125754272>.

Exhibit A

NATIONAL PERSONNEL RECORDS CENTER

1 ARCHIVES DRIVE ST. LOUIS, MO 63108-1002
www.archives.gov



September 22, 2025

The Honorable Rebecca Sherrill
U.S. House of Representatives
1427 Longworth House Office Building
Washington, DC 20515

Dear Representative Sherrill:

I am writing to notify you that the National Personnel Records Center (NPRC) released in error your Official Military Personnel Folder to an unauthorized requester.

In June, 2025 the National Personnel Records Center received a Freedom of Information Act (FOIA) request from an individual named Nicholas De Gregorio who requested "all publicly releasable information" from the Official Military Personnel Folder documenting your service in the Department of the Navy. In responding to this request, we should have provided only information that is releasable to the public under the FOIA. Unfortunately, however, in responding to the request, we released the comprehensive record, including personal information such as your social security number and date of birth.

While breaches of this type do occur, they are exceedingly rare because the National Archives takes seriously its responsibility to safeguard the records it is entrusted to hold along with the extensive personal information contained therein. We will hold our staff accountable for failing to follow proper administrative procedures with regard to the release of your records. Additionally, we will review our policies and procedures to add additional controls to prevent a similar occurrence in the future and provide additional training to staff to re-enforce our commitment to safeguarding the personal information of our nation's veterans.

We have already reached out to the requester, Nicholas De Gregorio, and asked that he not further disseminate the information that was released to him in error.

We will also reach out to the Department of the Navy, the legal custodian of the record, to ensure its awareness and involvement in the response to this breach.

Although there is no indication that the request was related to identity theft, at a minimum we would like to offer you free credit monitoring services. If you would like to pursue this, please contact me at [REDACTED]. Additionally, you are welcome to contact my colleague Grace McCaffrey, who oversees Congressional Affairs for the agency. She is located at the National Archives in Washington, DC and can be reached at [REDACTED].

On behalf of the National Archives, I sincerely apologize for the inconvenience and aggravation this situation may cause you and for our failure to safeguard your military record from unauthorized release.

Sincerely,

A handwritten signature in blue ink that reads "Scott A. Levins". The signature is written in a cursive style with a large initial 'S'.

SCOTT A. LEVINS
Director