

CLOSING WHISTLEBLOWER CASES



Congressional offices may need to close a whistleblower case for myriad reasons. Given the sensitivity of casework related to whistleblower disclosures, offices must take extra care when closing out these cases to ensure the whistleblower is protected and the office has a clear record of actions taken and what the whistleblower can expect going forward. This guidance document identifies related best practices as well as House requirements for document retention. See also the Office of the Whistleblower Ombuds' [HouseNet Documents](#) page for its "Template Closeout Letter to a Whistleblower."

DECIDING TO CLOSE A WHISTLEBLOWER CASE





Congress has wide discretion when choosing to work with a whistleblower and for how long. In some instances, offices may close a case early on due to capacity or jurisdictional limitations, for example. Alternatively, an office may have partnered with a whistleblower for years. An office may also need to close cases if it is shutting down.

In deciding whether to close a case, ensure you understand the whistleblower's concerns and goals. This information is best gleaned not only through the whistleblower's initial outreach, but also through a more in-depth follow-up conversation. Digging deeper may reveal the larger context and present an issue that your office wishes to prioritize.


If your office determines the matter does not warrant your direct involvement or oversight, there are still actions that can be taken to leave the potential whistleblower better off — even if it does not rise to the level of support they originally sought. For instance, you can provide significant guidance through resource sharing or helping the individual identify relevant referral options. Before closing a case, consider whether there is something that can be done to help the individual in achieving their goals, while balancing the realities of staff capacity and office priorities.


BEST PRACTICES FOR CLOSEOUT COMMUNICATIONS

These best practices will help to ensure a professional, respectful closeout while providing guiding resources and managing a whistleblower's expectations around future communications.

-  **Send a written communication.** This may be via mail or electronically. It is an opportunity to reiterate the office's appreciation for the whistleblower's outreach and provide guiding resources, and to create a written record that your office can refer back to later. It is also a best practice, where appropriate, to verbally communicate the case closure to the whistleblower to supplement a letter or email.
-  **Clearly state that your office is closing the case and explain why.** To help manage expectations, be candid if the office will not be moving forward with a case but retain a respectful tone and offer a clear explanation. For example, reiterate your jurisdictional or capacity limitations as relevant.
-  **Do not share the whistleblower's information without first consulting them.** Your office may provide the whistleblower with a menu of relevant referral options to report misconduct or retaliation (e.g., a Member office, committee(s) of jurisdiction, an office of inspector general). The whistleblower should determine, ideally in consultation with experienced counsel, if they want to pursue those additional avenues. If your office chooses to facilitate by communicating directly with the referral (e.g., where there is an existing relationship or transferring casework to an incoming office), coordinate with the whistleblower in advance to ensure that approach is welcome.
-  **Summarize your office's actions.** This summary is an opportunity to recap the steps your office took to support the whistleblower to date. It may also guide the whistleblower if they choose to work with other entities — within or outside of Congress. For example, specify if the office contacted federal agencies, held meetings with

stakeholders, or conducted an investigation. Further, it is valuable to share what impact the whistleblower's disclosures had more broadly. For example, explain if their information helped the office to understand critical issues faced by constituents or within federal agencies that a committee oversees.


 **Share guiding resources.** Include hyperlinks or attachments to guiding resources, tailored to the individual's needs and goals. The Office of the Whistleblower Ombuds maintains a [Resources for Whistleblowers](#) webpage with a menu of governmental and nongovernmental resources for whistleblowers — including Survival Tips, as well as Whistleblower Support Organizations and Legal Resources, and sector-specific Whistleblower Fact Sheets. The Office also provides confidential consultations to support House staff in identifying relevant resources to share.


 **Set expectations for future communications.** It is at the discretion of the individual office whether they wish to offer an open line of communication with the whistleblower moving forward. For example, your office may want to offer that the whistleblower can reach back out if there are future related developments of which you would like to be kept apprised. At the same time, it may not be appropriate to open the door to future communications at all if, for example, your office is closing, or the individual did not treat your office with respect. Where the door is left open, remember that staff may transition out, so general office contact information may be best. Where an office is closing, manage expectations around future correspondence — such as last date staff will be available.

RECORDS MANAGEMENT: BEST PRACTICES AND REQUIREMENTS¹

Accurate and secure records management for whistleblower matters is important for an office's future reference and, in certain circumstances, is required by House Rules and House Information Security Policies. To follow best practices, offices should maintain a

secure, clear record of each whistleblower matter. In the event a closed case is re-opened or needs to be reviewed, staff will be familiar with the office's history.

 **Member Offices:** Information and materials given to Member offices are the property of the Member, and Members have broad discretion in setting their own retention policy. For offices that are closing, whistleblower records should be securely destroyed. Any evidence or files provided by the whistleblower may be returned to them if possible and safe to do so, at the office's discretion.

 **Committees:** Committee files are official House records under House Rule VII, and therefore they are subject to retention policies. Committee records are transferred to the Office of the Clerk at the end of each Congress, which in turn transmits those records to the National Archives and Records Administration.

For guidance on records retention requirements, offices can contact the Clerk's Office of Art and Archives at archives@mail.house.gov or 202-226-1300.

ADDITIONAL RESOURCES

Office of the Whistleblower Ombuds

Guidance Documents and Templates:

Case management best practices resources (E.g., Intake Infographic and Guiding Phrases)

HouseNet Documents: Downloadable templates (E.g., Closeout Letter and Case Management Procedures)

House Office of the Clerk, Office of Art and Archives

[Records Management Manual for Members](#)

[Records Management Manual for Committees](#)

[HouseNet Library:](#) Related guidance and templates

Other Related Guidance

House Committee on Rules: [Rules of the House of Representatives](#)

Congressional Research Service: [Casework in a Congressional Office](#)

Congressional Management Foundation: [Closing a Congressional Office](#)

POPVOX Foundation: [Casework Navigator: Closing Cases](#)

¹ Please note that this resource pertains to unclassified disclosures. Classified disclosures must adhere to separate legal requirements. Contact the Office of the Whistleblower Ombuds or the Office of House Security for related guidance.

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