

## NIH POLICY MANUAL

- A. Purpose. This chapter provides instructions for specific NIH records. All previous authorizations for the disposition of NIH records are hereby superseded.

This schedule should be used in conjunction with the General Records Schedule (GRS) of the National Archives and Records Administration (NARA). The GRS provides for the disposition of records generally used in Government offices, such as personnel records or general administration records.

- B. Scope. These instructions ensure that necessary and useful records are retained in the files of NIH offices and laboratories for as long as required and reasonable; that information can be retrieved efficiently from these files because unnecessary records have been weeded out; that valuable space is not taken up by records not needed for current business; and that records with lasting historical, legal or scientific value are preserved.

- C. Background and References. Recordkeeping by Federal agencies is controlled by laws and regulations which require that (1) government records be kept only for authorized periods of time; (2) no government records be destroyed, mutilated or removed from government custody without authorization; (3) records which are valuable enough to be preserved permanently be kept intact and be transferred to the National Archives as appropriate; (4) records which are not in active use, but which cannot be destroyed for some time, be transferred to a Federal Records Center.

- D. Application. The NIH Records Control Schedule, which is Appendix 1 to this chapter, contains specific instructions as to how long records of any given type may be kept and what must be done with them after the specified period. These instructions are legally binding. Records may not be destroyed before the authorized time, and they may not be kept for periods longer than those specified in the schedule. Records scheduled for permanent retention should be offered to the National Archives at the time specified.

- E. NIH Staff Responsibilities.

1. The NIH Records Management Officer, Office of Management Assessment (OMA), Office of Administration (OA), Office of Management (OM) is responsible for:
  - (a) developing, maintaining and revising the NIH Records Control Schedule;

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- (b) assisting and advising NIH offices on interpreting or applying the records control schedule within NIH;
  - (c) providing liaison with DHHS and higher authorities regarding all aspects of NIH recordkeeping and disposal.
2. It is the responsibility of each IC Records Management Officer and/or records liaison to implement the policies and procedures as stated in both the NIH Records Control Schedule (NIH Manual 1743, "Keeping and Destroying Records," and the General Records Schedules (GRS), including:
- (a) ensuring that the records control schedules are implemented within each IC;
  - (b) assisting and advising IC personnel on interpretation of the schedules;
  - (c) ensuring that all employees know the difference between personal and agency records;
  - (d) assisting IC personnel in retiring inactive records to the Washington National Records Center by reviewing, signing off on and transmitting to the NIH RMO, the Records Transmittal and Receipt, Form SF 135; and
  - (e) reviewing and transmitting reference requests to the WNRC, Form OF 11, for withdrawing records from the WNRC.
- (3) NIH IC and OD Office Directors:
- (a) designate an IC/OD Office records management official;
  - (b) integrate the NIH records management program into IC/OD Office operations and ensure compliance;
  - (c) apply the recordkeeping and disposal instructions from the NIH Records Control Schedule to IC/OD Office files; and
  - (d) ensure that adequate records management training is provided to all staff.

4. Each office:
  - (a) is responsible for applying the recordkeeping and disposal instructions from the NIH Records Control Schedule to its files;
  - (b) initiates requests to transfer records to WNRC or withdraw records from WNRC;
  - (c) boxes its records and marks the boxes, as instructed in the 1742 Transfer, Withdrawal And Destruction of Records At The Washington National Records Center Section E.5.b. and 5.c., before transfer to WNRC; and
  - (d) prepares forms and other paperwork necessary for sending, withdrawing or disposing of records at the WNRC and transmits the paperwork to their respective IC Records Officer for review and clearance.
5. All employees are warned that destruction or removal of government records other than as authorized in an approved records schedule is a serious offense that could lead to adverse action against the individual.

F. Records. Records may have any physical form or characteristics. Records may be on paper, microfilm, magnetic tapes, cards, disks, or any other material. They may be letters, memoranda, reports or other materials commonly found in office files. They may also be laboratory notebooks, instrument readings, photographs, sound recordings, motion pictures, maps, books, drawings, data bases or in any other form or format.

The official records of the National Institutes of Health are created by or for NIH or received by NIH in the course of doing business. The essential point about these records is (1) that they contain information about the organization, functions, policies, procedures, decisions or other activities of NIH or any of its components, or (2) that they contain information, such as biomedical data, which is useful to NIH in carrying out its mission. These records are the property of the U.S. Government. They do not belong to individuals.

G. Non-Record Materials. Certain documentary materials are specifically excluded by law (44 U.S.C. 3301) from the records of the Federal Government. Such materials are called "non-record." Any one or more of these three factors may determine whether something is a record or non-record: (1) the nature of the material; (2) the relationship to records; and (3) the use of the material.

- (1) Nature: Some items by their very nature are non-record. They include blank forms, routing sheets, transmittal sheets and reproduction materials such as stencils and offset plates.
- (2) Relationship to records: Documents such as transcribed stenographic materials, working papers and drafts, that are used in creating official records are non-record. Identical duplicates of all records maintained in the same file are non-record. Follow-up materials, such as "tickler" or suspense copies of correspondence, that are used to facilitate operations but not to document those operations are non-record. Note: indexes and other finding aids to records are themselves record material.
- (3) Use: Any materials used exclusively for reference purposes are non-record. They include library collections, vendors catalogs, journals and similar materials.

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Copies of records which are maintained solely for reference purposes are also non-record if no administrative action is taken on them.

Materials used solely for exhibit or display are non-record, unless they describe the operations, policies, procedures or accomplishments of NIH.

Stocks of publications and processed documents kept for distribution are non-record, but one copy of each publication must be kept as a record in the office responsible for issuing it.

Documents created or used in fringe activities, such as car pool locators, charitable fund drives and employee recreation and welfare activities are not government records.

Non-record materials should be removed from NIH files as soon as they are no longer needed.

Caution should be used in applying the term non-record. Improper application of this qualification may be equivalent to the illegal disposition of government records.

When removing or destroying non-record materials, take care that any documents which are sensitive, confidential, or subject to the Privacy Act are protected from unauthorized disclosure.

- H. Personal Files. Personal files are those that relate only to an individual's personal affairs and do not affect the conduct of agency business. Papers or other documents that a person creates or receives in connection with the performance of official duties are government records and must be treated as such.

Even correspondence marked "personal," "confidential" or "private" is an official record if it relates to official activities. If private, personal correspondence contains portions which require official action or response, those portions which require official action or response must be extracted and made a part of official files. Research notes and reports created by scientists working at NIH are official records that belong to the government, not the individual researcher. In some cases, even diaries, appointment books and other schedules of personal activities are considered government records.

Personal files kept in NIH offices or other facilities must be designated as personal and must be maintained apart from official records.

- I. Privacy Act Records. Contact your IC Privacy Act Coordinator or the NIH Privacy Act Officer (see also PHS, GAM 45-10). <http://www1.od.nih.gov/oma/icdpacs.htm>
- J. Micrographics. All permanent records on microfilm must follow the standards for the Storage, Use and Disposition of Microform Records, 36 CFR 1230 subpart D.
- K. Inactive Records. Inactive records which must be retained for three or more years according to the disposition specified in this schedule or the GRS, may be retired to a Federal Records Center. See NIH Manual 1742.
- L. Additional Information For more information on this chapter, call the Division of Management Support (DMS), Office of Management Assessment (OMA), on 301-496-4606.

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## HOW TO USE THIS SCHEDULE

### 1. How to locate records within this schedule:

- a. Order: The NIH Records Control Schedule follows the basic order of the table of contents of the NIH Manual (NIH Manual 1001-1004). Section headings (4 digit numbers) are identical to those in the NIH Manual with two additions: Section 7000 is added to cover records accumulated by NIH activities with responsibilities for protection from bio-hazards, contaminants, pollutants and research risks. Section 8000 is added to cover records used in information, communications and training activities. For convenience, the sections are grouped into five parts. A quick scan of the part titles in the table of contents should help to identify where records of a given type are located. The section titles give more specific indications.

Each section is divided into sub-sections which generally follow the order of the NIH Manual. Sections are numbered with capital letters consecutively starting with A in each section, except for section 2300 (Personnel) where sections are given the numbers used in the Federal Personnel Manual.

- b. Scope: At the start of parts, sections and sub-sections there are descriptions of the types of records included, along with specific identification of related records which are not included in that part, chapter or section. For convenience, the location of those records elsewhere in the schedule is given.

### 2. How to interpret items in this schedule: Item entries in this schedule may contain 3 elements: (a) description, (b) location and (c) disposition.

- a. Description: Each item begins with a description of a category of file and, when appropriate, a list of the types of records commonly found in such files.

Descriptions also indicate if the records are subject to the Privacy Act.

- b. Location: Many items specify where the records are located. In such cases, the disposition instructions are meant to apply only in those components listed. If a location is specified, but the function and related records have been transferred to another component, the disposition applies in the new location. If no location

## HOW TO USE THIS SCHEDULE

is given, the disposition instruction applies anywhere in NIH where the official file is located.

- c. Disposition: The disposition instruction for each item is a legally binding regulation which mandates how long the records described must be kept by NIH components, and either when they must be destroyed or when they should be offered to the National Archives if they are permanent records.

### 3. How to apply this schedule:

The disposition instructions in this schedule are mandatory. Recordkeeping in all offices in NIH must follow these disposition instructions. The most efficient way of implementing the disposition instructions is to tie them to the filing system in your office.

First, take the file plan of your office. If you do not have a file plan, create one by making a list of each type of official file that is kept by your office (see NIH Manual 1763). For each category of file, find the appropriate disposition in this schedule.

Second, create file breaks in the office file corresponding to the retention periods specified in the schedule. Then, when the retention periods end, the files may be removed easily from the office for destruction, transfer to the Federal Records Center, or offer to the National Archives, as indicated in the disposition instructions.

Third, to facilitate application of the disposition instructions, a reminder (tickler) system or list should be created which indicates in chronological order what files should be removed and what should be done with them. Special care should be taken to insure that no records which have been designated permanent are destroyed, damaged or removed from government custody.

4. What to do if you have difficulty finding any type of record in this schedule: Try again. If you still cannot find the appropriate information, contact your IC Records Officer.
5. What to do if you are in doubt about the interpretation of any item, in this schedule: Consult your IC Records Officer.

## HOW TO USE THIS SCHEDULE

6. What to do if you have records which are not identified anywhere in this schedule: Consult your IC Records Officer or the NIH Records Management Officer. (See the yellow pages of the NIH Telephone and Service Directory.)
7. What to do if you have records which are listed in this schedule but which are not authorized for disposal: If the disposition for any item is "Disposal not authorized," then there is no legal authority for disposing of the records described. In such cases, specific authorization must be obtained from the National Archives before the records can be destroyed, or transferred to a Federal Records Center, or removed from government custody. Consult your IC Records Liaison Officer or the NIH Records Management Officer.
8. How to transfer inactive records to a Federal Records Center: see NIH Manual 1742,"Transfer, Withdrawal, Destruction, and Retrieval of Records at the Washington National Records Center."
9. How to dispose of records which are authorized for destruction: If the records are located in a Federal Records Center, the Center will take care of actual disposal. If the records are in the custody of NIH, the official responsible for the records should ensure that records are removed from active files and disposed of at the times specified in the NIH Records Control Schedule. If the records are subject to the Privacy Act, witnessed disposal is required. If the public interest would be served, records which are authorized for disposal may be donated to an eligible recipient. Any donation of records must be approved in advance by the National Archives. Consult the NIH Records Management Officer.
10. **How to transfer records to the National Archives:** Consult your IC Records Management Officer. See the yellow pages of the NIH Telephone and Service Directory or <http://www1.od.nih.gov/oma/icdrmo.htm>.



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