



Removal of Records by Departing Employees



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Departmental Offices Records Officer



What was the problem?

Lack of policies and procedures safeguarding unauthorized removal and access of records (paper and electronic) by employees and departing officials of the Department



What was our solution?



- Treasury Order 101-31 was signed by Secretary Snow on October 1, 2004
 - Established policy on requests by departing and former employees to access, or remove documentary materials (records) from the Department of the Treasury
 - Prevented unauthorized access or removal of records

What is the process?



- Employee is entered in automated system (Employee Entry Exit System)
- System sends out an e-mail alert to service providers (includes Records Management)
- Records Management receives e-mail then sends TD F 80.05, Documentary Material Removal/Non-removal Certification, to the employee/departing official with a copy to supervisor (all employees with the exception of Senior Advisors or above)



What is the process con'.

- If records are not requested, the form is signed by the employee and supervisor and returned to Records Management
- A personal exit interview is scheduled for senior advisors or above (In most cases, records are requested by higher ranking officials in the Department)
- After meeting with senior advisors and above, the TD F 80.05 is signed and returned to Records Management, if no records are requested



What is the process con't?

- All employees/departing officials signing TD F 80.05 are provided a copy of the TD F 80.05.5A, Privacy Act Guidance for Departing Employees and Policy on Removal of Documentary Materials
- If records are requested, the departing employee/official must prepare TD F 80.05.06, Request for Access to or Removal of Documentary Materials. This form requires the requestor to justify the request and provide copies of records requested

DEPARTMENT OF THE TREASURY
Documentary Materials Removal/Nonremoval Certification

1. Departing Employee/Official (Last Name, First Name)	2. Title
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3. Bureau/Office

4. Are you removing any documentary materials (whether in paper or electronic media, other than personal papers* or publicly available documents) from the Department of the Treasury?

- Yes (go to 5) No (go to 8a)

5. I certify that the documentary materials that I am removing from the Department of the Treasury have been reviewed and approved for removal. The materials do not include any documents which are prohibited by the Department of the Treasury or Federal statute and regulations from removal. (Attach copy of approval request form TD F 80.05-6.)

5a. Employee/Official Signature	5b. Date
6a. Program Manager/Supervisor Signature	6b. Date
7a. Records Officer Signature	7b. Date

8. By my signature below, I certify that I am not removing any documentary materials from the Department of the Treasury and that I have received a copy of TD F 80.05-5A.

8a. Employee/Official Signature	8b. Date
9a. Records Officer Signature	9b. Date

Penalties for Unlawful Removal of Records: Criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. 641, 93,794,798 and 952)

* Personal files are those materials that belong to an individual, not the agency. Certain files are clearly personal, such as those that are not used in the transaction of agency business (36 CFR 1222.36). Personal files may contain references to or comments on agency business, but they are considered personal if they are not used in the conduct of business.

PRIVACY ACT GUIDANCE FOR DEPARTING EMPLOYEES

The Privacy Act of 1974 provides safeguards against the misuse of information that is collected and used by Federal agencies about individuals by giving those individuals the right to be protected against unwarranted invasions of their privacy. The Privacy Act restricts disclosure of personally identifiable records maintained by agencies.

Treasury employees may ask for and receive copies of their records maintained in a Privacy Act system of records unless the system of records has been properly exempted from the access provisions of the Act. Employees are prohibited from disclosing a record which is part of a system of records without obtaining the prior written consent of the subject, unless the record is otherwise authorized to be disclosed to an officer or employee of the Treasury Department who has a need for the record in order to perform his/her official duties. Each Treasury employee is responsible for safeguarding information collected and maintained under the Privacy Act that they are exposed to. An employee who willfully discloses Privacy Act information in any manner to any person or agency not entitled to receive it may be found guilty of a misdemeanor and subject to a fine up to \$5,000. Once you cease to be an employee of the Department, you are no longer entitled to the special access that you previously had by virtue of that position. This is true even if you had a role in the preparation of a particular record or had a need for it during your employment.

Consequently, upon your departure, you may not remove any Privacy Act record or a copy of the record from the Department. There are criminal penalties which can apply to current and former federal employees who gain access to or copies of records under false pretenses. Some examples of a collection of records that are not covered under the Act: (1) purely private notes created and maintained by an employee, used as personal memory refreshers which are not shared with other individuals or employees; (2) folders named for each state or congressional district with no index by an individual's name; (3) records filed by subject matter (e.g., "general correspondence," "interpretative rulings") or company names, with no separate indices which enable retrieval by an individual's name or assigned number or symbol; or (4) a personal phone list, card index system or contact file created and maintained solely by an individual employee to assist him/her in his/her work.

POLICY ON REMOVAL OF DOCUMENTARY MATERIALS

The following types of documentary materials may NEVER be removed:

- (1) Any federal record;
- (2) The only copy of any documentary materials involved in the conduct of the affairs of the Treasury Department or any other components of the Federal Government, whether or not judged to be records (including any copy that is unique, for example because it contains the signature or initials of the writer, reviewers, and/or concurring parties);
- (3) Any documentary materials (whether or not judged to be records) the removal of which will create such a gap in the files as to impair the completeness of essential documentation;
- (4) The only copy of indices or other finding aids (whether or not judged to be records) that are necessary to the use of official files;
- (5) Portions of documentary materials (whether or not judged to be records) that constitute classified information;
- (6) Portions of documentary materials (whether or not judged to be records) that constitute information protected from disclosure; and
- (7) Portions of any other documentary materials (whether or not judged to be records) that constitute information the disclosure of which is prohibited by law, such as grand jury, tax, and trade secret information.

DEPARTMENT OF THE TREASURY
Request for Access to or Removal of Documentary Materials

1. Departing Employee/Official (Last Name, First Name)	2. Title
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3. Bureau/Office

Please check one of the following:

4. I am requesting the attached list* of documentary materials for removal from the Department of the Treasury in accordance with TO 101-31 and TD 80-05. The list does not include any documents relating to any pending or contemplated civil, criminal, or administrative proceeding or other program information that if released, would impair or prejudice the outcome of the proceeding or Government policy determinations, decisions, or other actions (Examples: classified documents; record copies; documents, even though judged to be nonrecord, that will create a gap in the files; and indexes and finding aids necessary to use of the official files).

5. I am requesting access to documentary materials described on the attached sheet and I certify that I have the appropriate security clearance level required.

*A list of requested document(s) must be attached to this request.

5a. Departing Employee/Official	5b. Date
6a. Program Manager/Supervisor	6b. Date

Deciding Official:

7a. Deputy Secretary/Secretary	7b. Date
8a. Bureau Head	8b. Date

Approved Denied Other Comments

9a. Legal Counsel	9b. Date
10a. Records Officer	10b. Date

11. By my signature in 5a, I have received a copy of TD F 80.05-5A, Privacy Act Guidance for Departing Employees.

Penalties for Unlawful Removal of Records: Criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. 641, 93,794,798 and 952).



What is the approval process?

Requested records are:

- Reviewed by Records Management
- Reviewed by General Counsel and Office of Intelligence
- Reviewed by affected policy offices
- Reviewed by a panel appointed by the Assistant Secretary for Management
- Final review and recommendation made to the Deputy Secretary with approval by the Office of General Counsel

Partnership



- Developed a partnership with IT Office
- RM notified when employee/official requested records, e-mails and other documents to be downloaded to a CD
- Prevented requests for e-mails and contacts to be downloaded to CD without appropriate signatures
 - Contacts are allowed
 - Certain e-mails must be printed and reviewed prior to removal



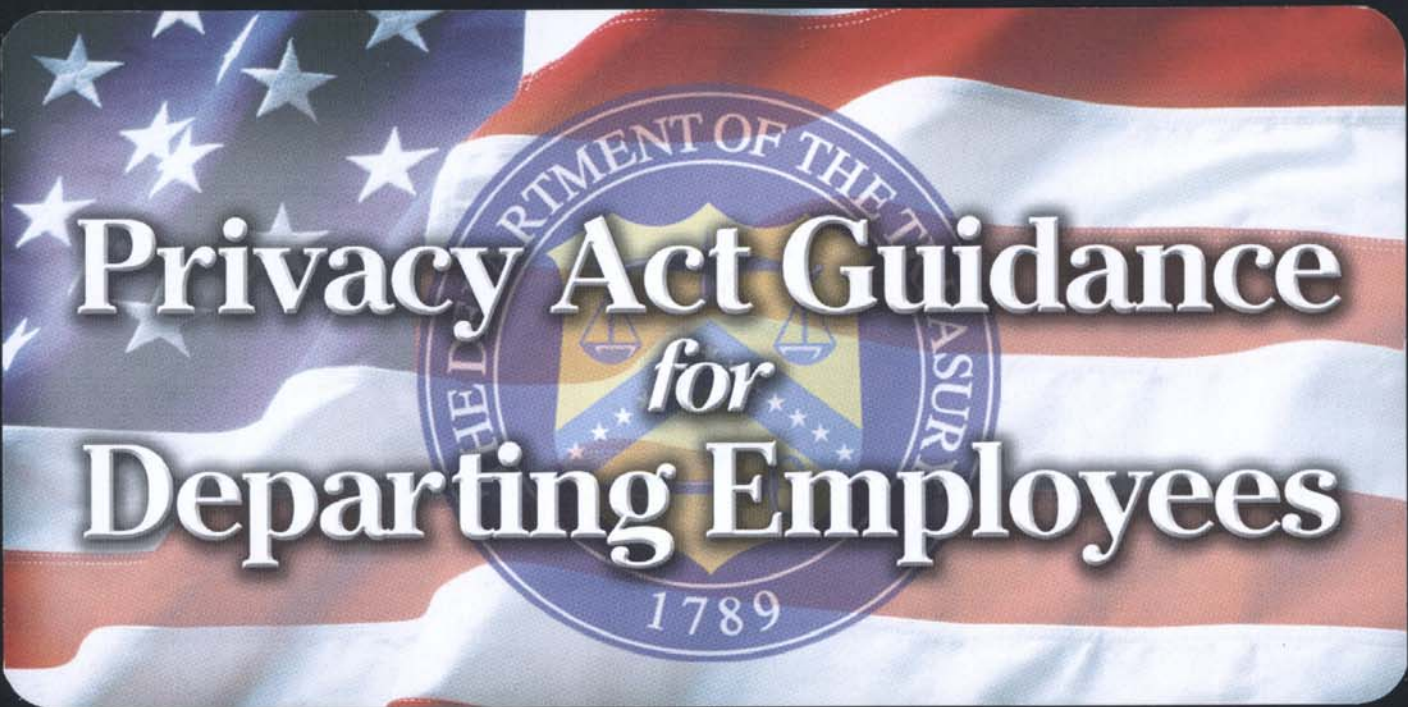
You can't take it with you

For more information, contact your Records Officer: 202-622-0790
Reference Treasury Order 101-31

You *Really* Can't Take It With You.



Consult Treasury Order 101-31 and contact the
Office of Security Programs, Department of the Treasury at (202) 622-1120.



**Privacy Act Guidance
for
Departing Employees**



**Policy On Removal Of
Documentary Materials**

The End

Contact Information;

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