



**YOUR
RECORDS
MANAGEMENT
RESPONSIBILITIES**

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Federal Records

As defined in 44 U.S.C. 3301, the term includes:

“...all books, papers, maps, photographs, machine-readable materials or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of the data in them.”

INTRODUCTION

The Federal Records Act, as amended and codified in Title 44 of the United States Code (U.S.C.), places responsibility on agencies to adequately document their missions and functions, policies, procedures, decisions and transactions and to preserve their historically valuable records. The National Archives and Records Administration (NARA), the Office of Management and Budget, and the General Services Administration share oversight of Federal Records Management Programs. To comply with the requirements, the Department of Energy (DOE) has issued DOE O 243.1, *Records Management Program*, which sets forth requirements and responsibilities for implementing and maintaining a records management program.

This pamphlet explains the objectives and requirements of DOE O 243.1 and the responsibilities of Federal and contractor employees.

WHAT ARE FEDERAL RECORDS?

As defined by law, Federal records are documentary materials regardless of physical form or characteristics that meet the following two conditions:

(1) Created or received by an agency of the United States Government or in connection with the transaction of public business, or that fall under the legal control of the Federal Government; and

(2) Preserved or appropriate for preservation as evidence of agency activities or because of the value of the information they contain (44 U.S.C. 3301).

With few exceptions, records created or received by DOE contractors are also Federal records and are subject to Government regulations. Most of the Department's records are now electronic. Whether the record is paper or electronic, it must be properly managed throughout its life cycle to ensure that it becomes an asset to the Department, instead of a costly burden. A record is any recorded information relating to the work of your office -- regardless of who created it or how the information was recorded.

Determining whether a particular document is a record does not depend on whether it is an original or a copy. Multiple copies of the same document may each have record status, if they serve a separate function and are controlled under different files or filing systems.

WHY ARE RECORDS IMPORTANT?

Because they have value! The work you perform as a Government employee or contractor is important! Acknowledge that fact by creating and maintaining appropriate records to ensure that a history of your work is available to you and others.

It is the law! Federal laws require that agencies create and maintain adequate documentation and make it a crime to destroy records without approval from the National Archives.

Complete and accurate records are needed to:

- (1) Protect the legal and financial rights of the Government and anyone directly affected by the Department;
- (2) Ensure continuity and consistency in administration;
- (3) Assist officials and their successors in making informed decisions; and
- (4) Provide information required by Congress and agencies that perform oversight functions.

Proper documentation is also a good business practice! By creating and maintaining records appropriately, we are able to:

- (1) Reconstruct the development of our own and our predecessors' policies and decisions;
- (2) Furnish successors with the information needed to understand current and past actions; and
- (3) Leave an enduring record of our public service.

Records are necessary to keep you and others informed now and in the future. Yesterday's records may seem of little importance until there is an audit or discovery in support of litigation. Today's information needs to be captured in records that are accessible in organized files or electronic recordkeeping systems so it will be available when later needed.

WHAT ARE YOUR RESPONSIBILITIES?

Simply stated, you have two basic obligations regarding records:

- (1) Create records that you and others need to do business, and
- (2) Maintain your records properly so that they are easily accessible to others and can be retrieved when needed.

This means that you must create records that adequately document your activities, index them

accurately, and maintain them in a safe environment. Learn how and where records are kept and break the extra copy habit.

Filing records regularly and carefully is as important as anything else you do. If you maintain records, make sure they are maintained correctly so they can be retrieved in an efficient manner. Maintain your records properly and you will spend less time looking for misplaced documents.

When records are consulted infrequently they have become inactive and should be moved to a records storage area (if they are paper records) or electronically archived (if they are electronic records). The indiscriminate weeding of records or files is an improper records management practice and the unauthorized destruction of records is prohibited by law. Refer to approved records disposition schedules for specific instructions on when and how to dispose of records. If you are uncertain of how long a record must be retained, consult the Records Manager in your organization or the Records Management Page of the Chief Information Officer Website at <http://cio.energy.gov/records-management.htm> (click Disposition Schedules). A listing of DOE Records Managers is provided on the website.

WHAT ABOUT ELECTRONIC DOCUMENTS?

Electronic documents, data systems and e-mail messages can be Federal records also and are governed by the same regulations as paper records. Electronically formatted records should be maintained in an approved electronic records management application. Establish separate directories and file folders for efficiency and delete non-record material when it is no longer needed. Ensure that important older electronic records are accessible by upgrading them to the latest software and hardware. Until an electronic records management system is available and implemented, electronic records should be printed and retained as paper files. When printing email records, be sure to include metadata such as date, time, and distribution list. Electronic systems, such as instant messaging, that are not regularly backed up and controlled and should not be used for conducting Departmental business.

ENCOURAGE AWARENESS!

Significant decisions are often made orally, by telephone, and in conferences and meetings. Such decisions and associated deliberations should be documented and incorporated into official files.

Debriefing staff is an important method of documenting the work of the Department. Debriefings should be performed to capture significant information from meetings and conferences, technical projects and research efforts, and other special assignments.

Because the information may not be captured elsewhere, steps should be taken to ensure it is properly documented and preserved. Actions that carry out the task or mission of the program, results that were achieved, the knowledge or information gained, and the comprehension and understanding that resulted should be included when documenting debriefings. The debriefing process should always capture the how and why of mission accomplishments and the technical, scientific and historical significance.

Organizations sometimes produce summaries that document the decisions and history of their programs and projects. Summaries are helpful but do not replace the requirement that each employee create and maintain adequate and proper documentation of their activities.

ALL RECORDS HAVE VALUE

Records have either temporary or permanent value. Permanent records have historical or other value that warrants continued preservation by the Federal

Government. Only about 1-2% of Federal records are determined to be permanent. Temporary records have limited retention periods and may be destroyed only in accordance with established procedures and appropriate approvals.

The Archivist of the United States has sole approval authority for the disposition of Federal records. Records disposition schedules that include specific retention periods and instructions are developed by Records Managers, in conjunction with subject matter experts familiar with the records. Upon review and concurrence by the Departmental Records Officer, the proposed schedules are submitted to the National Archives and Records Administration for approval. Approved schedules may be found on the Records Management Page of the Chief Information Officer Website.

All unscheduled records are considered permanent until their value has been determined and disposition schedules approved. Records must not be destroyed until their retention period has elapsed. Even then, a moratorium may prevent immediate destruction. Consult the Records Management website or contact your organization's Program Records Official (HQ) or Records Management Field Officer before disposing of records.

WORKING PAPERS

Working papers may consist of calculations, notes, and drafts created to analyze or prepare a final document. If working papers are maintained only for reference, they may be considered non-record material and disposed of when no longer needed. However, if working papers create a decision trail, document research done in pursuit of a decision, identify steps taken to finalize a decision or product, or include input from other organizations participating in the decision process, they are considered records and must be scheduled appropriately.

PERSONAL PAPERS

Some documentary materials do not qualify as Federal records. These materials may be considered personal papers or private property if they relate only to your personal affairs and do not affect agency business. Examples include:

- (1) Papers accumulated by an official before joining Government service;
- (2) Materials relating solely to an individual's professional affiliations and private or political associations;

- (3) Books, diaries, and personal notes that are not prepared or received in the process of transacting Government business.

Extra copies of documents may be maintained specifically for personal reference when warranted by the level and distinction of the position held by the originator, the significance of the research, or the prestige of the researcher. These documents are considered non-record material rather than personal papers. Such copies should be made at the time of document origination and must be limited in volume. Please note that non-record material may not be removed from the Department without examination and prior approval from your Program Records Official (HQ) or Records Management Field Officer or the Departmental Records Officer.

KEEP PERSONAL AND NON-RECORD MATERIALS SEPARATELY

Personal papers, non-record materials, and Federal records should not be filed in the same folder. When both private matters and agency business appear in the same document, extract or copy the part relating to agency business and treat the extraction as a Federal record. Personal files should always be maintained in a separate location.

YOU CAN'T TAKE IT WITH YOU!

Federal records may not be removed under any circumstances from the custody of the Department by departing employees. Disposition of records is part of the Department's exit procedure. If records are stored in your desk, office, or computer when you change jobs or leave the Department, ask your supervisor to designate another custodian for them. Like computer and office equipment, records are Government property! The maximum penalty for the willful and unlawful removal, mutilation, obliteration or destruction of any Federal record is a \$2,000 fine, three years in prison, or both (18 U.S.C. 2071).

LAWS

The Federal Records Act of 1950, as amended (codified at Chapters 21, 29, 31, and 33 of Title 44 of the U.S.C.)

The Paperwork Reduction Act of 1995 (codified at Chapter 35 of Title 44 of the U.S.C.)

Information Technology Management Reform Act of 1996 (Public Law 104-106)

REGULATIONS

National Archives and Records Administration: Chapter XII, (Subchapter B of Title 36 of the C.F.R.)

DOE POLICY

DOE Order 0 243.1 "Records Management Program"

NOTES

FURTHER ASSISTANCE

For assistance with records identification, permanent records, personal papers, records disposition schedules and additional information regarding the Records Management Program, please contact the Records Manager in your organization (see the Records Management portion of the Chief Information Officer's Web Page for listing) or the Departmental Records Officer, Office of the Chief Information Officer.