

United States Department of Agriculture
Research, Education, and Economics

ARS CSREES ERS NASS

Bulletin

Title: Electronic Records Preservation

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The purpose of this Bulletin is to provide updated guidance on preserving the electronic versions of agency records, including email. This document has been modified to clarify new regulations on the disposal of transitory electronic records.

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1. Background

In 1997 a Federal District Court judge ruled that portions of General Records Schedule (GRS) 20 were beyond the authority of the Archivist of the United States under the Federal Records Act, and declared GRS 20 to be null and void. This ruling would have required agencies to preserve all electronic records in their original format until individual dispositions/retentions were approved by the National Archives. However, on August 6, 1999, the U.S. Court of Appeals overturned the earlier decision in favor of the National Archives, which allow agencies to dispose of the electronic versions of records under certain conditions (as provided below under Section 3, “Policy”). The 2002 President’s Management Agenda has identified electronic records management (ERM) as a key initiative for the Federal Government. USDA/OCIO has committed to developing an ERM program.

2. Definition of Records and Nonrecords

NARA defines records as any information created or received, regardless of media, which documents agency activities. Records are those materials that:

- document agency policies and/or procedures;
- form the basis of actions/decisions by officials;
- allow scrutiny by Congress or oversight agencies; and
- protect the financial, legal, and other rights of the Government and individuals directly affected by agency activities.

Electronic records are typically letters, memoranda, reports, handbooks, directives, and manuals recorded as files on electronic media, such as hard disks, CDs, DVDs, or floppy diskettes. They include word processing documents, databases, spreadsheets, e-mail messages, electronic forms, etc.

Nonrecords are not official copies that document agency activities and are only used for reference or convenience (e.g., duplicate copies of publications or reports, suspense or tickler files, and information copies of correspondence or forms, etc.).

3. Policy

The following is the policy for the REE Agencies:

Except as noted below, employees must print electronic records (including email) in hard copy, file, and retain them based on NARA-approved retention periods. Electronic records that do not have NARA-approved retentions must be preserved in their native format until retention periods are established. Employees may only delete email, word processing documents, spreadsheets, databases, and other computer-generated materials that meet the definition of “records” after they

have reached the end of their NARA-approved retention period.

Exception. NARA has issued a new regulation relating to the disposal of transitory records that, effective March 23, 2006, are covered by GRS 23, Item 7 <http://www.archives.gov/about/regulations/part-1234.html>.

This new regulation provides that employees may delete transitory electronic records (including email messages) without first printing and filing a hardcopy, provided that users do not delete any records before the expiration of their NARA-approved retention period. Transitory records are defined by GRS 23, Item 7 as records of short-term interest (180 days or less) that have minimal or no documentary or evidential value, such as:

- Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply
- Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material
- Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of holidays, or charity and welfare fund appeals, bond campaigns, and similar records
- Records documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling-related activities
- Suspense and tickler files or “to-do” and task lists that serve as a reminder that an action is required on a given date or that a reply to action is expected, and if not received, should be traced on a given date

Note: Although REE agency system administrators routinely back up electronic records saved to LAN drives as well as email saved in their native email systems, **back-up tapes do not meet NARAs electronic recordkeeping requirements.** Back-up tapes are only maintained as an emergency resource in the event of a system or hard drive failure.

4. Questions

ARS (including the National Arboretum and National Agricultural Library), ERS, and NASS employees should direct specific questions about the REE electronic recordkeeping policy to the REE Records Management Officer, by phone: (202)720-3359; fax: (202)720-3907; or email: steve.pollard@ars.usda.gov.

CSREES employees should direct specific questions about the REE electronic recordkeeping policy to the CSREES Records Management Officer, by phone: (202) 401-5924; fax: (202) 720-0857; or email: czeh@csrees.usda.gov.

/s/

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