



United States
Department of Agriculture

Office of the
Chief Information Officer

DR 3080-001

RECORDS MANAGEMENT

DR 3080-001 RECORDS MANAGEMENT
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U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC 20250

DEPARTMENTAL REGULATION	Number: 3080-001
	Date: April 11, 2007
SUBJECT: Records Management	OPI: Office of the Chief Information Officer

1 PURPOSE

This regulation sets out and summarizes the policies, responsibilities, and procedures for the creation, maintenance, use, and disposition of all records and other documentary materials throughout USDA in compliance with Title 44 U.S.C. Chapters 21, 29, 31, and 33, and Title 36 CFR, Parts 1220 through 1238, Records Management. It also sets out responsibilities of personnel in various USDA positions with respect to records. The term “record” encompasses documents in all media, regardless of physical form or characteristic, including records created, used, maintained, transmitted, or disposed of in electronic form; machine-readable records that require machine processing for conversion to human-readable form; magnetic tapes, disks and drums, video files, web sites, optical disks, and floppy disks. This includes records 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, operation or other activities of the Government or because of the informational value of data in them.

2 BACKGROUND

The head of each agency (in accordance with 44 U.S.C. 3102 and 36 CFR 1220.30) is required to establish and maintain a records disposition program to ensure efficient, prompt, and orderly reduction in the quantity of records and to provide for the proper maintenance of records designated as permanent by the National Archives and Records Administration (NARA) (36 CFR 1228.10).

3 AUTHORITY

This regulation is published in accordance with the authority vested in the Secretary of Agriculture under 44 U.S.C. 2104 and 3101; and 44 U.S.C. 3501-3548; and delegated to the Chief Information Officer (7 CFR 2.37).

4 REFERENCES

- a. 44 U.S.C. Chapters 21, 29, 31, and 33 (Records Management), and 18 U.S.C. 2071 (Concealment, removal, or mutilation generally)
- b. 44 U.S.C. 3101 et seq., (Records Management by Federal Agencies)
- c. 44 U.S.C. 3506 (Federal Information Policy)
- d. Title 7 CFR 2.37 (Delegations of Authority from the Secretary to the Chief Information Officer)
- e. 36 CFR Chapter 12, Subchapter B (*Records Management*)
- f. OMB Circular A-130, (Management of Federal Information Resources)
- g. NARA records management handbook *Disposition of Federal Records: A Records Management Handbook*
- h. NARA *General Records Schedules*

5 SPECIAL INSTRUCTIONS/CANCELLATIONS

This Departmental Regulation supersedes DR 3080-1 *Records Disposition* dated April 30, 2004.

6 SCOPE

Each USDA Mission Area, agency, and Staff Office is obligated to meet the minimum requirements of this policy. Each mission area, agency, and staff office is authorized to develop and implement more specific policies and procedures not inconsistent with this Departmental Regulation.

7 POLICY

Each USDA mission area, agency, and staff office shall create and maintain proper and adequate documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department of Agriculture (Department) to protect the legal and financial rights of the Government and of persons directly affected by the Department's activities (44 U.S.C. 3101).

a. Identification of Records

Records in all media are to be properly identified. The definition of records 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 data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included. (44 U.S.C. 3301)

b. Proper and Adequate Documentation

Regardless of media, official records shall be:

- (1) Accessible. The content or substance of the record, including the content or substance of the transaction, the processing of the transaction, the identities of the parties and specific individuals involved, and the intent of the parties, shall be accessible for the life of the record, despite changes to hardware, software, or business procedures.
- (2) Legally Sufficient. When a transaction must contain a signature in writing in order to be legally enforceable, due care will be taken to ensure that documentation provides a record that is not subject to imperfect memory or competing claims as to what parties to the transactions intended.
- (3) Reliable. Records in any media must be sufficiently reliable and persuasive to satisfy courts and others who must determine the facts underlying agency actions; and
- (4) Legally Compliant. The methods used to obtain, send, disclose and store information must comply with applicable laws, such as those governing privacy, confidentiality, recordkeeping, and accessibility to persons with disabilities.

c. Control and Custody of Records

Agency records are the property of the Federal government, not the property of individual employees, and may not be removed from the Department without proper authority. All employees shall maintain records and non-record documentary materials separately from one another.

d. Organization of Records

Records shall be maintained so that they are easily retrievable. Record systems shall be designed to furnish information necessary to protect the legal and financial rights of the Government and of persons directly affected by the Government's actions.

e. Mandatory Records Schedules

All records of the Department shall be listed and described in an approved records schedule, and shall be disposed of only as authorized by that schedule. (See Appendix A – Scheduling Records.) Schedules shall be reviewed annually. Agencies should update their records schedules when there are program changes that will result in the establishment of new types of records, the transfer or termination of records no longer required, or an increase or decrease in the retention time of the records, to ensure the schedules accurately reflect current records and the functions they document (36 CFR 1228.50(d)).

f. Official File Directories

Each mission area, agency, and staff office shall maintain a centralized list and description of its official records, including official electronic media. Mission areas, agencies and staff offices shall strive to standardize file arrangement systems, filing procedures, and filing techniques of official records. These shall be designed to enhance the current use of the files, the preservation of archival records, and the prompt and systematic disposition of temporary records according to the appropriate records schedule.

g. Reference Material

Reference material shall be clearly marked and maintained separately from the records of the office.

h. Personal Records (36 CFR 1222.36)

All employees shall clearly designate as personal, and maintain separately from the records of the office, those papers of a private or nonofficial nature that pertain to their personal affairs. Materials labeled “personal,” “confidential,” or

“private,” or similarly designated, and used in the transaction of public business, are Federal records subject to the provisions of pertinent laws and regulations. The use of a label such as “personal” is not sufficient to determine the status of documentary materials in a Federal office. Personal papers are excluded from the definition of Federal records and are not owned by the Government. Personal papers shall be clearly designated as such and shall at all times be maintained separately from the records of the office. If information about both private matters and Department business appear in the same document, the document shall be copied at the time of receipt, with the personal information deleted, and treated as a Federal record. (See Appendix B – Records Disposition Procedures.) Examples of personal papers include:

- (1) Materials accumulated by an official before joining Government service that are not used subsequently in the transaction of Government business;
- (2) Materials relating solely to an individual's private affairs, such as outside business pursuits, professional affiliations, or private political associations that do not relate to agency business, such as personal, family, or social correspondence and, insurance or medical papers;
- (3) Diaries, journals, personal correspondence, or other personal notes that are not prepared or used for, or circulated or communicated in the course of, transacting Government business;
- (4) Personal copies of personnel-related documents.

i. Disposition of Inactive Records

Records and other documents that are no longer sufficiently active to warrant retention in office space shall be removed as rapidly as possible by: (a) transfer to a Federal Records Center, or (b) transfer to a records retention facility meeting the requirements of 36 CFR Chapter 12, Subchapter B Records Management, Subpart K, 1228.224 through 1228.244, or (c) if authorized, by disposal. (See Appendix B – Records Disposition Procedures.)

Because permanent electronic, microform, and audiovisual records are relatively fragile and degrade in a shorter time than paper records, it is preferable to transfer them directly to the National Archives. (See Appendix C – Electronic Records Management.)

j. Vital Records

Mission area, agencies and staff offices shall maintain a program for the selection, protection, and reporting of vital records, in accordance with the provisions of 36 CFR 1236. (See Appendix D – Vital Records.)

8 TRAINING

Mission areas, agencies and staff offices shall provide records orientation training to new employees and adequate training to other employees to ensure they continue to be aware of their responsibilities to maintain and safeguard Department records.

9 ABBREVIATIONS

CFR	Code of Federal Regulations
CIO	Chief Information Officer
DR	Departmental Regulation
FRA	Federal Records Act
FOIA	Freedom of Information Act
GAO	Government Accountability Office
GPEA	Government Paperwork Elimination Act
GPRA	Government Paperwork Reduction Act
GRS	General Records Schedules
IT	Information Technology
NARA	National Archives and Records Administration
OCIO	Office of the Chief Information Officer
OMB	Office of Management and Budget
Pub. L.	Public Law
U.S.C.	United States Code
USDA	U.S. Department of Agriculture, also referred to as the Department

10 FORMS

Standard Form 115	Request for Records Disposition Authority
Standard Form 135	Records Transmittal and Receipt
Standard Form 258	Request to Transfer, Approval, and Receipt of Records to National Archives of the United States
Optional Form-11	Request to Retrieve Records

11 RESPONSIBILITIES

a. Secretary of Agriculture

As the head of the Department, the Secretary of Agriculture is vested with the authority to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. (44 U.S.C. 3101.)

b. USDA's Chief Information Officer (CIO)

The Secretary of Agriculture has delegated to the CIO oversight responsibility for the Department-wide records disposition program (7 CFR 2.37.11). Within the

Office of the Chief Information Officer (OCIO), the Associate CIO for Information and Technology Management is responsible for developing and managing the Department's records management program. The Associate CIO carries out this responsibility in partnership with USDA's business and technology communities. This responsibility includes the following:

- (1) Review proposed Department reporting and record keeping requirements, including those contained in rules and regulations, to ensure that they impose the minimum burden upon the public and have practical utility for the Department;
- (2) Assist the Office of Management and Budget in the performance of its functions assigned under the:
 - (a) Data Quality Act (Pub. L. No. 106-554 § 515) and under the Paperwork Reduction Act (44 U.S.C. 3501-3520), including review of Department information activities,
 - (b) E-Government Act of 2002, Pub. L. No. 107-347, 44 U.S.C. Chapter 36;
- (3) Administer the Departmental Records Management Program and coordinate the records management activities of the Office of the Secretary

c. Departmental Records Officer

The Departmental Records Officer, who is designated by the Associate CIO for Information and Technology Management, is responsible for the leadership, coordination, and oversight of the Department-wide records management program and operational responsibilities for the Office of the Secretary:

- (1) Serves as the Department's representative with NARA, other Federal agencies, and external organizations on matters pertaining to records management.
- (2) Provides leadership and guidance to the Records Officers of the Department's mission areas, agencies and staff offices to ensure reasonable uniformity in records management activities throughout the Department.
- (3) Develops Department-wide policies, standards, and procedures for records management.
 - (a) Develops and implements management systems and procedures to ensure that officials and employees do not remove Federal records from Department custody without appropriate authorization.
 - (b) Establishes procedures for the participation of mission area, agency and staff office records officers in developing new or revised agency

programs, processes, systems, and procedures to ensure that adequate recordkeeping requirements are established and implemented.

- (4) Conducts reviews of mission area, agency and staff office programs to ensure conformance with Government-wide and Department-wide records management standards.

d. Mission Area, Agency and Staff Office Records Officers

As designated by the head of the mission area, agency, or staff office records officer is responsible for administering the mission area, agency, or staff office records management programs. Each Records Officer will:

- (1) Develop and maintain the mission area, agency and staff office records management program in conformance with the Department's policies and standards.
- (2) Develop and maintain current schedules for all mission area, agency, or staff office records. Review schedules when notified of program changes that will result in (a) establishing new types of records, (b) the transfer or termination of records no longer required, or (c) an increase or decrease in the retention time of the records.
- (3) Establish and implement procedures to ensure that officials and employees do not remove records from the custody of the Department without prior authorization.
- (4) Ensure that adequate recordkeeping requirements are established and implemented for new or revised programs, processes, systems, and procedures.
- (5) Maintain a current descriptive list of all official file stations and electronic directories of official records, and the name of the responsible official for each.
- (6) Conduct routine reviews of all official file stations and directories to ensure adequate and proper documentation is maintained, permanent records are preserved, and other records are disposed of in accordance with applicable schedules. Report to the Departmental Records Officer on the results of this review.
- (7) Assist the Departmental Records Officer in administering the records management program to ensure reasonable uniformity throughout the Department. Provide the Departmental Records Officer with information and documentation requested for review of the mission area, agency, or staff office records management program. If requested, serve on the review team

conducting an evaluation of the records management program of another mission area, agency, service, or staff office. As requested, report to the Departmental Records Officer on the status or particular aspects of the mission area, agency or staff office program.

- (8) Report any unlawful or accidental removal, defacing, alteration, or destruction of Department records to the Departmental Records Officer and NARA (44 USC 3106).
- (9) Ensure employees are aware of records management responsibilities and established recordkeeping requirements.

e. Agency Heads and Staff Office Heads, Program Managers, and CIOs

Agency heads and staff office heads, program managers, and CIOs are responsible for supporting and participating in records management. Heads and Staff Office Heads ensure that the organization makes and preserves records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency.

- (1) Agency Heads and Staff Office Heads. Agency heads and staff office heads are responsible for establishing and maintaining active and continuing records management programs for their organizations which include:
 - (a) Assigning a Records Management Officer to develop and implement a comprehensive records management program that is consistent with all established Departmental records management guidelines and notifying the Departmental Records Officer of the assignment.
 - (b) Creating and maintaining supplemental records management directives and appropriately disseminating this information within their agency.
 - (c) Participating in the organization's development of new or revised programs, processes, systems, and procedures to ensure adequate recordkeeping requirements are established and implemented.
 - (d) Ensuring employees are aware of records management responsibilities and established recordkeeping requirements.
 - (e) Developing and implementing records schedules for all records created and received by the organization and obtaining NARA approval of the schedules in accordance with NARA and Departmental guidelines.
 - (f) Periodically reviewing the organization's recordkeeping requirements in order to validate their currency and to ensure that recordkeeping

requirements are being implemented.

- (2) Program Managers. Program officials have the primary responsibility for creating, maintaining, protecting, and disposing of records of their program area in accordance with Departmental policy. They will:
- (a) Create those records needed to ensure adequate and proper documentation of their area of responsibility.
 - (b) Implement procedures to ensure that records are protected from theft, loss, and unauthorized access.
 - (c) Establish a filing system and implement procedures to ensure that records are maintained in such a manner that information and documents are readily retrievable in accordance with the established agency file plan.
 - (d) Cut off subject correspondence files on an annual basis and close out case files promptly on the completion of the case.
 - (e) Transfer or destroy inactive records according to the appropriate schedule.
 - (f) Cooperate with the Department and mission area, agency or staff office records officer in requests for information and the management of records.
 - (g) Notify the mission area, agency or staff office records officer of organization or program changes that will result in establishment of new types of records, the transfer or termination of records no longer required, or an increase or decrease in the retention time of the records.
- (3) Agency Chief Information Officers (CIOs). CIOs have responsibility for ensuring that information technology systems provide adequate and cost effective records management and retention capabilities. As information systems are planned, the CIOs will:
- (a) Ensure that the appropriate mission area, agency, or staff office records officer is included in the initial planning for new systems, and plans for migration or updates from existing systems;
 - (b) Provide cost estimates for the retention of the record copies in electronic media, including the migration of the records to new systems, as there are upgrades and changes in software and hardware systems. Retention issues must address the cost of appropriate storage facilities that meet the agency records facility requirements listed in 36 CFR Chapter 12, Subchapter B – Records Management, Subpart K, 1228.220 through 1228.244. Migration costs include the conversion, verification, and validation of the data for the

life of the record;

- (c) Provide guidance on the security of the record in electronic media over the life of the record. Records must be valid, authentic, and reliable in order to meet legal requirements in court of law.

f. Employees

Records management is a collective responsibility which all employees have an equal obligation to maintain. All employees should be aware of the policies, procedures, and tools for managing records and be capable of applying them to all records.

- (1) All employees shall maintain record and non-record documentary material according to prescribed Department policy and procedures.
- (2) All employees shall safeguard records until they are authorized for disposition. The unauthorized removal, concealment, falsification, mutilation, and/or disposition of official records is prohibited by law and is subject to penalty (18 U.S.C. 2071).
- (3) All employees shall clearly designate as personal those papers of a private or nonofficial nature pertaining solely to their personal affairs. Those papers shall be filed separately from the records of the office.
- (4) An employee shall report any apparent instances of unauthorized disposition to his/her supervisor and the mission area, agency, or staff office records officer.

12 CREATION AND MAINTENANCE OF RECORDS

a. Documentation

All program officials shall create and maintain adequate and proper documentation of the programs for which they are responsible. This means a record of the conduct of Government business that is complete and accurate to the extent required to document the organization, functions, policies, decisions, procedures, and essential transactions of the office and to protect the legal and financial interests of the Government and of persons directly affected by the activities of the office.

b. Planning Procedures

Each mission area, agency, and staff office shall establish procedures to ensure the participation of its Records Officer in developing new or revised programs, processes, systems, and procedures to ensure that adequate recordkeeping requirements are established and implemented. This is especially important in the development of electronic systems to ensure that system designers correctly determine and incorporate disposition requirements into the system program, thereby avoiding potentially costly changes after development of the system. Early involvement of the Records Officers is especially critical in the case of major systems that may contain permanent records.

c. Records Maintenance

Each mission area, agency, and staff office shall establish and maintain an appropriate records maintenance program so that:

- (1) Complete records are filed and can be located and retrieved when needed;
- (2) The identification, preservation, and retirement of permanent records is facilitated;
- (3) Permanent and temporary records are segregated;
- (4) Records and non-record materials are segregated;
- (5) Temporary records are disposed of promptly when their retention periods expire; and
- (6) Permanent records are transferred to the National Archives in a timely manner.

d. Official File Stations and Electronic Records Directories

Each mission area, agency, and staff office records officer shall formally specify official file stations and electronic records directories. Records shall be filed according to a preplanned system, and there should be standard procedures for their maintenance and safekeeping. Subject correspondence shall be cut off on an annual basis to facilitate transfer of inactive files to an authorized records retention facility and to permit the establishment of new files. Case files are cut off at the end of the year in which the case is closed; a large volume of case files may require cut off on a quarterly or monthly basis.

- (1) Directory of File Stations and Electronic Directories. Each mission area, agency and staff office records officer shall maintain, and update annually or more frequently, a directory of file stations and electronic records directories, with a descriptive list of records maintained at each.
- (2) Standard File Arrangements. Mission areas, agencies, and staff offices shall strive to standardize file arrangement systems and filing procedures and techniques at official file stations and within electronic directories. These shall be designed to enhance the current use of the files, the preservation of archival records, and the prompt and systematic disposition of temporary records according to the appropriate records schedule.
- (3) Routine Review of File Stations and Electronic Directories. Each mission area, agency, and staff office records officer shall conduct routine reviews and evaluations of file stations and electronic directories to ensure that proper records management standards are adhered to, especially that permanent records are properly maintained and transferred to the Federal records center on a timely basis. The results of these reviews, including findings and recommendations, shall be reported to the Departmental Records Officer.

13 SAFEGUARDING RECORDS

a. Definition of Record Materials

The responsibility to determine what documentary materials in the Department constitute records, as defined by 44 U.S.C. 3301, rests with the Secretary of Agriculture. Offices may ask for an initial determination from the Departmental Records Officer, in consultation with the Office of the General Counsel.

b. Selection of Records Media

In creating records, offices shall use materials and recording techniques that will ensure the preservation of the records and information therein for as long as the Department will need them. Long-term information should not be recorded on

media that will degrade in a relatively short time, resulting in a loss of information for which there is continued need.

c. Removal of Record or Non-record Materials

Each Department officer or employee having custody or control over records or other non-record material is responsible to ensure their proper use and protection. No officer or employee shall allow Department records or non-record materials to leave the custody or control of the Department, even on a temporary basis, other than as authorized. This policy does not apply to the authorized release of records or other documents in the conduct of official business.

- (1) National Security and Confidential Information. No departing officer or employee shall remove any materials, whether records or not, which contain national security information or other information of a confidential nature. Questions about national security information should be addressed to the Office of Cyber Security, Office of the Chief Information Officer.
- (2) Pending Legal or Administrative Proceedings. No departing officer or employee shall remove records or non-record materials relating to any pending or contemplated civil, criminal, or administrative proceeding or other program activity when the information, if released, would impair or prejudice the outcome of the proceeding or Government policy determinations, decisions, or other actions.
- (3) Non-record Materials. Departing officers or employees may not remove non-record materials if their removal would:
 - (a) Hinder the efficient, continued functioning of the office or of successor officials or employees;
 - (b) Diminish the information needed for the official business of the Department; or
 - (c) Violate national security, privacy rights, or other interests protected by law.

d. Penalties for Improper Handling

The concealment, mutilation, obliteration, falsification, or unauthorized removal or destruction of Federal records is against the law and may lead to a fine, three years imprisonment, or both, and forfeiture of position and disqualification from holding any other Federal office (18 U.S.C. 2071(b)).

14 DONATION, TRANSFER, AND LOAN OF RECORDS

a. Authority

The Archivist of the United States has authority over the location of permanent records (44 U.S.C. 2107 and 2904). Unscheduled records should be deemed permanent for this purpose, since they have not been appraised. No permanent records shall be loaned to non-Federal recipients without prior written approval from NARA. NARA authorization is not required for temporary loan of permanent and unscheduled records between Federal agencies, but the approval of the mission area, agency, and staff office records officer is required.

b. Public Interest

When the public interests will be served, agencies or staff offices may propose the transfer of records eligible for disposal to an appropriate person, organization, institution, corporation, or government (including a foreign government) that has requested them. Records may not be transferred without the prior written approval of NARA.

Appendix A

SCHEDULING RECORDS

1 RESPONSIBILITY

With the advice and assistance of the mission area, agency or staff office records officer, the responsible program officer shall initiate records schedules. The Records Officer shall submit the schedule on a Standard Form 115, "Request for Records Disposition Authority."

2 GUIDANCE

Records schedules shall be written using the following sources in order of priority, for text and guidance:

- a. National Archives and Records Administration (NARA) records management handbook, Disposition of Federal Records;
- b. NARA General Records Schedules; and,
- c. Existing disposition authorities within the Department for similar records.

3 APPLICABILITY

A schedule shall be prepared for one block (series) of records by the agency, service, or office with primary mission responsibility for the function. Schedules shall provide disposition guidance for both: (1) the Office of Primary Interest, and (2) for other organizational entities within the Department.

4 REQUIRED APPROVALS

a. Internal Clearance

Proposed records schedules shall be reviewed for administrative, fiscal, and legal value. Proposed schedules shall be approved by:

- (1) The Program Officer;
- (2) The Chief Information Officer of the mission area, agency or staff office;
- (3) The Records Officer of the mission area, agency or staff office; and

(4) USDA, Office of the General Counsel, optional depending on the records being scheduled.

b. NARA Approval

NARA approval is required for all official records schedules. SF-115 shall be submitted to NARA for approval. External approval has already been granted for records covered by the General Records Schedules (GRS). No external approval is required for the disposition of nonrecord materials. An informational copy of the SF-115, in both hard copy and electronic format, shall be provided to the Departmental Records Officer at the same time that the original is sent to NARA.

c. Government Accountability Office (GAO) Concurrence.

GAO concurrence must be obtained for the disposal of program records less than three years old, records relating to claims or demands by or against the Government, and Administrative Records proposed for retention periods shorter than those prescribed by GRS 2 through GRS 10. GAO must approve records schedules containing such records before approval by NARA, but the request may be submitted concurrently to NARA and GAO.

5 PROCESS

a. Determine Program Record Priority.

Ultimately, all records series of an agency, service, or staff office must be scheduled, but they need not all be scheduled at the same time. Program officers should consult with their mission area, agency or staff office records officer to agree upon the sequence in which the organization's records series are scheduled. It is generally advisable to prepare at one time schedules for functions that are unlikely to be abolished or transferred frequently.

b. Identify Common Administrative Records.

NARA has issued the GRS for administrative records common to most Federal agencies. The disposition instructions in the GRS are mandatory and must be adhered to unless the Archivist of the United States approves an exception.

c. Nonrecord materials.

Nonrecord materials are not generally included on records schedules because 44 U.S.C. Chapter 33 does not cover their disposal. Officials should dispose of nonrecord materials as soon as they have served their purpose and are no longer needed. The agency, service, or staff office Records Officer should be contacted for advice if there is any question whether particular documentary materials are

record or nonrecord materials.

d. Describe Record Topics.

Obtaining the required approvals of a records schedule may require several months or longer. Records schedules should be developed and written in such a way as to minimize the need for updating. Blocks of records should be described in general terms that will not be likely to change frequently. Specific forms, names of reports, and similarly detailed references should be avoided. Schedules should not be subdivided to identify records as those of division or lower level elements that are more likely to be abolished, transferred, or realigned as the result of internal reorganizations.

e. Consideration of Record Characteristics.

By definition, books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, can be official records. Records schedules should be based upon subject matter and address all known physical forms and characteristics of the record. Retention and disposition recommendations, for the different physical forms and characteristics of records within a particular subject area, should take the following into consideration:

(1) Architectural, Engineering, and Related Records

Architectural, engineering, and related records include drawings depicting proposed and actual construction of stationary structures such as buildings, bridges, and monuments. Computer records relating to architecture and engineering should be managed like other electronic records.

(2) Audiovisual Records

Permanent audiovisual records should not be proposed for long-term storage at Federal records centers. Because they are relatively fragile and degrade in a shorter time than textual records, it is preferable to transfer them directly to the National Archives.

(3) Cartographic Records

Cartographic records are graphic representations drawn to scale of selected features of the earth's surface and atmosphere and of other planets and planetary satellites. Digital cartographic records, such as geographic information system records, should be managed like other electronic records.

(4) Electronic Records.

Electronic records should be scheduled in the context of entire information systems, along with appropriate documentation and related indexes, and provide the necessary elements:

- (a) All input records or source documents;
- (b) All information recorded on electronic media;
- (c) All output records;
- (d) The documentation associated with the system; and,
- (e) Any related indexes.

As with audiovisual and microform records, permanent electronic records should not be proposed for long-term storage at Federal records centers, but should be transferred directly to the National Archives.

(5) Printed Records

Printed records are published materials (such as books, maps, and posters) or serial issuances (such as directives and press releases). Each issuing office should maintain, as potentially permanent records, a record set of each series of its publications.

6 MANUAL OF SCHEDULES

Once all the records of an agency, service, or staff office are scheduled, a comprehensive manual of all the schedules should be issued. Each record series description must include the job and item numbers NARA assigned and under which it approved the disposition of those particular records.

7 ANNUAL REVIEW

Program officials shall review annually the particular items on the records schedule that pertain to the records for which they are responsible to ensure they remain current. If changes are required, they shall contact their mission area, agency or staff office records officer.

Appendix B

RECORDS DISPOSITION PROCEDURES

1 APPLYING RECORDS SCHEDULES

The disposition instructions in mission area, agency or staff office record schedules are mandatory. Officials may not dispose of records prior to their authorized disposal date or retain them beyond that date except in situations in which records might be relevant to pending or threatened litigation. If a program official determines that records need to be retained longer than authorized by the schedule, the mission area, agency or staff office records officer shall be contacted to obtain approval from NARA and, if necessary, to revise the schedule.

a. Mandatory Transfer of Inactive Records

NARA operates a network of Federal records centers for the storage of records no longer needed to conduct current business and which will be referred to infrequently. All records which have been closed or cut off for 12 months, and which have more than 12 months until final disposition, should be transferred to a Federal records center, or to a records retention facility meeting the requirements of 36 CFR Chapter 12, Subchapter B, Subpart K.

b. Program For Records Transfer

Each mission area, agency or staff office records officer shall maintain a program for the orderly and timely transfer of records to a Federal records center, or to a records retention facility meeting the requirements of 36 CFR Chapter 12, Subchapter B, Subpart K. Nonrecord materials and records scheduled for destruction within 12 months from the transfer date will not be accepted by Federal records centers.

c. Current Records Schedules

As of January 14, 2005, NARA no longer requires that agencies have a pending Standard Form (SF) 115, (Request for Records Disposition Authority) registered with NARA's Life Cycle Management Division (NWML) to transfer unscheduled records to a records storage facility. Agencies simply need to notify NWML in writing prior to the transfer. Transferring unscheduled records to the Federal Records Center must be in accordance with the provisions of 36 CFR 1228.152 and 154.

Agencies must submit a Standard Form (SF) 135 (Records Transmittal and Receipt) for approval prior to the shipment of boxes. However, Agencies must: Notify NARA's Life Cycle Management Division (NWML) in writing prior to the transfer by sending a brief letter that encloses a copy of the SF-135 submitted for

records center approval before transferring the unscheduled records to the records center.

d. Use of On-site Storage

The maintenance and use of mission area, agency or staff office records storage areas should be minimized. Such areas frequently serve to store unscheduled records that should be scheduled and transferred to a Federal records center, or to a records retention facility meeting the requirements of 36 CFR Chapter 12, Subchapter B, Subpart K. Ideally, on-site storage should have only as much space as needed to stage or hold records (not to exceed 25,000 cubic feet of records) pending transfer to an authorized records retention facility.

e. Records Transfer Procedures

Procedures for transferring records are well established and relatively simple. Failure to adhere precisely to them may result in extensive work to resubmit the records or return of the records from the Federal records center. Following are the basic steps for preparing and transferring records. Mission, agency or staff office records officers are encouraged to develop and issue more detailed procedures appropriate for their specific requirements.

f. Approved Packaging

Except as noted above, records must be shipped in 14 ½ " x 12" x 9 ½ " boxes specifically designed for records storage (National Stock Number 8115-00-117-8249). Program offices should consult their Records Officer to obtain NARA approved boxes for shipping oversized records, drawings, ledgers, and other records not appropriate for standard records storage boxes.

g. Documentation

The document used to transfer records is SF- 135 Records Transmittal and Receipt. A detailed folder list or inventory of the contents of each box must accompany the SF-135 when sent to the Records Officer for review, approval, and assignment of an accession number for all permanent records being sent to the Federal records center.

A folder list is a good practice for all temporary records being sent to the Federal records center as well.

h. Separation of Records Based Upon Records Series

A separate SF-135 and accession number is required for each series of records listed. An accession consists of records in one series that have the same disposition authority and disposition date and that will be shelved in contiguous space in the records center. Program offices should cutoff and transfer records on a regular basis rather than allow files to accumulate and become intermingled.

The SF-135 should indicate the date (month and year) of cutoff of the records.

i. Packing Procedures

When packing boxes all correspondence files must be in folders with labels to facilitate retrieval. Pack folders upright, with letter size files facing the front of the container, and legal size folders facing the left side of the container. The boxes should not be marked with permanent markers until after the proposed shipment is reviewed and approved by the Agency Records Officer. The box top flaps should be inter-folded. Box tops should not be sealed with tape.

(1) Marking Boxes.

After reviewing and approving the proposed transfer, the Mission Area, Agency or Staff Office Records Officer will assign an accession number to the shipment and enter it on the SF-135. The accession number, which will consist of nine digits, must be written, using a heavy black felt tip marker on the designated blocks on the box. If the box is unmarked, write the accession number in the upper left corner and the agency box number in the upper right corner of each box. Begin with box number 1, and include the total number in the accession, such as 1/10, 2/10, and so forth.

(2) Labels.

Do not use labels to supply additional identifying information or to make corrections. No standard method of affixing labels is effective in long-term storage.

2 PREPARING THE OFFICIAL RECORDS OF EXECUTIVE OFFICIALS

a. Personal Papers

Separate the official's personal papers from the record material. These include:

(1) Papers Created Before Entering Government Service

Examples: previous work files, political materials, and reference files.

(2) Private Papers Brought Into, Created, or Received in the Office

Family and personal correspondence and materials documenting professional activities and outside business or political pursuits. Examples include manuscripts and drafts for articles and books and volunteer and community service records.

(3) **Work-Related Personal Papers**

Extra copies maintained for convenience of reference are excluded from the definition of records. Personal papers may refer to or comment on the subject matter of agency business, provided they are not used in the conduct of that business.

(4) **Personal Copies of Records and Nonrecord Materials**

Officials may duplicate some agency records (usually those that they have originated, reviewed, signed, or otherwise acted upon) so that, with agency approval, they may take these nonrecord copies with them when they leave office.

b. Eliminate Duplicates

Eliminate duplicates, superseded or obsolete directives from other organizations or offices, outdated meeting notices and notes (unless your executive was the sponsor or chair for the meeting).

c. Presidential Records Act of 1978

Separate correspondence and briefings given to the President, Vice President, or Executive Office of the President. These may fall under the requirements of the Presidential Records Act of 1978 (44 U.S.C. 2201 et seq.).

d. Organize Files By Topic Area.

If records for a subject, project, or program are not addressed in the file plan, label the file with pertinent information: for example the executive's name, the project name, starting and ending dates. Arrange the documents within each file in chronological order.

(1) Label the files.

Labels should include the file category (if one is available), the executive's name, the topic, and the opening and ending dates of the documents contained in the files.

(2) Box the files.

Separate and box the files by type: personal papers, records which fall under the requirements of the Presidential Records Act of 1978 (44 U.S.C. 2201 et seq.); files already covered in existing records schedules; and all remaining files. Number the boxes in pencil.

(3) Prepare file lists.

Excluding the official's personal papers, prepare file lists for the boxed files: one for the records which fall under the requirements of the Presidential Records Act of 1978 (44 U.S.C. 2201 et seq.); a second for files already covered in existing records schedules; and a third list for all remaining files. Show box number and file name.

Appendix C

ELECTRONIC RECORDS MANAGEMENT

1 OBJECTIVES OF ELECTRONIC RECORDS MANAGEMENT

a. Meet Requirements Imposed by Law

Electronic records created or received by the Department of Agriculture must be managed as Federal records, as required by the *Federal Records Act*, to support the business of the Department and to assure the public that the Department's employees are accountable for their actions. Electronic records must be managed throughout the life cycle of the records. The reliability and authenticity of the Department's records must be ensured as legal evidence of the decisions made and actions taken.

Electronic records management must be flexible enough to meet requirements of current and proposed legislation that will result in a sharp increase in electronic transactions with the public and state governments. These include the additional recordkeeping requirements associated with the maintenance and use of electronically signed Federal records per the requirements of the Government Paperwork Elimination Act (GPEA).

b. Expedite Fulfillment of Freedom of Information Act (FOIA) and Legal Discovery Requests

Under the Freedom of Information Act (FOIA) and the standards for litigation discovery, the Department is required to make a reasonable search to locate all relevant documents, including electronic documents. In addition, a litigation hold requires maintenance in the active system of any electronically stored information that could be relevant to pending or threatened litigation. The discovery process can also require the reconstitution and search of system back-up tapes for relevant information. It is important to note that for both FOIA and litigation discovery, the courts' definition of a record may be much broader than the statutory definition under the Federal Records Act, and the required holding period much longer.

c. Leverage Information Technology Investments

The Department is required by the Government Performance and Results Act (GPRA) and the Information Technology Management Reform Act (ITMRA), also known as Clinger-Cohen, to approach information technology budgeting as an investment with quantifiable benefits. This requirement compels the Department to reduce costs and make records an information asset.

2 REFERENCES

- a. 44 U.S.C. Chapters 21, 29, 31, and 33
- b. 44 U.S.C. Chapter 33, Disposal of Records
- c. 5 U.S.C. Chapter 552, Freedom of Information Act
- d. Government Performance and Results Act (GPRA)
- e. Government Paperwork Elimination Act (GPEA, Pub. L. 105-277)
- f. Information Technology Management Reform Act of 1996 (Clinger-Cohen Act, Pub. L. 104-106)
- g. 18 U.S.C. Chapter 101 Records and Reports - 2071, Concealment, removal, or mutilation generally
- h. eGovernment Act of 2002 (Pub. L. 107-347, 44 U.S.C. Ch. 36)
- i. 36 CFR Part 1234, Management of Electronic Records
- j. 36 CFR Part 1228, Expanding Transfer Options for Electronic Records
- k. NARA Endorsement of DoD Electronic Records Management Application (RMA) Design Criteria Standard.
- l. NARA Guidance, Expanding Acceptable Transfer Requirements:
 - Permanent Electronic Records, March 31, 2003
 - Existing Permanent Electronic Records Scanned Images of Textual Records, December 23, 2002
 - Existing Email Messages with Attachments, September 30, 2002
 - Permanent Electronic Records in Portable Document Format (PDF)
 - Digital Photographic Records
 - Digital Geospatial Data Records
 - Web Content Records
- m. Records Management Guidance for Agencies Implementing Electronic Signature Technologies, National Archives and Records Administration, October 18, 2000
- n. What is Electronic Recordkeeping [ERK]? National Archives and Records Administration, March 27, 2000

- o. Guidance for Building an Effective Enterprise-wide Electronic Records Management Governance Structure.
- p. Recommended Practice: Evaluating Commercial Off-the-Shelf (COTS) Electronic Records Management Applications.
- q. Electronic Records Management Guidance on Methodology for Determining Agency-unique Requirements
- r. Preliminary Planning for Electronic Recordkeeping:
 - Checklist for IT Staff, National Archives and Records Administration, November 30, 1999
 - Preliminary Planning for Electronic Recordkeeping: Checklist for RM Staff, National Archives and Records Administration, November 30, 1999

3 POLICY

Each USDA mission area, agency and staff office shall create and maintain proper and adequate documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department. Regardless of media, official records shall be:

a. Accessible

The content or substance of the record, including the content or substance of the transaction, the processing of the transaction, the identities of the parties and specific individuals involved, and the intent of the parties, shall be accessible for the life of the record, despite changes to hardware, software, or business procedures.

b. Legally Sufficient

When a transaction must contain a signature in writing in order to be legally enforceable, due care will be taken to ensure that documentation provides a record that is not subject to imperfect memory or competing claims as to what parties to the transactions intended.

c. Reliable

Records in any media must be sufficiently reliable and persuasive to satisfy courts and others who must determine the facts underlying agency actions; and

d. Legally Compliant

The methods used to obtain, send, disclose and store information must comply with applicable laws, such as those governing privacy, confidentiality, recordkeeping, and accessibility to persons with disabilities.

4 RESPONSIBILITIES

a. Agency Heads and Staff Office Heads and Program Managers

Agency heads and staff office heads and program managers shall support and respond to the high-level legislative, administrative, and Departmental direction to implement appropriate electronic records management.

b. Chief Information Officers (CIOs)

Chief Information Officers (CIOs) shall ensure that plans for and implementation of information technology systems incorporate the recordkeeping requirements of the organization. Systems plans and budgets shall include the migration of records during their retention period in response to changes to system equipment, software, media, and document standards.

c. Mission Area, Agency, Service and Staff Office Records Officers

Records Officers shall:

- (1) Ensure that audit requirements are addressed in the proposal and implementation of electronic record keeping systems.
- (2) Educate senior management, agency program staff, information technology managers, records liaisons and others (such as an agency's legal staff) to understand the roles and responsibilities they need to undertake, for the successful implementation of electronic recordkeeping.
- (3) Participate in and support end user training to enable records creators, records users, and records managers to both understand and feel comfortable with electronic records technology.

d. Employees

Employees shall implement the changes in work processes required to index and properly classify records at the time of creation.

5 PLANNING AND IMPLEMENTING ELECTRONIC RECORDKEEPING SYSTEMS

Cross functional teams which include information technology, computer security, records management, legal, finance, audit and program staff shall be used to plan and implement electronic recordkeeping systems. Plans shall include:

a. Long-term management and retention of electronic records

Electronic records must be actively managed throughout their life cycle: from creation, through all phases of access and use, to final disposition, whether that is permanent storage or eventual destruction. It is important to understand the distinction between the life cycle of records and the life cycle of information systems that create, manage and use the records and the life cycle of the media on which the records are stored. The life cycle of records often exceeds the life cycle of the information system in which the records are originally created or captured.

b. Appropriate Metadata Standards

Metadata is a term that describes or specifies characteristics that need to be known about data in order to build information resources such as electronic recordkeeping systems, and to support records creators and users. From a recordkeeping standpoint, metadata is part of a complete, reliable and authentic record. It provides sufficient information about the context in which the content of a record was created to determine who created the record and under what circumstances and how the record relates to other records. Metadata also provides information about how the content of the records was structured and how it was accessed.

c. Information Security

Information security provides one of the chief points of shared interest and potential collaboration between records management programs and the priorities of information technology organizations. Protection, preservation, and responsible systems of access to computer-stored data, including electronic records, will be vastly enhanced with the active involvement of information system security. If the Department's systems cannot support the integrity of the records and provide ample evidence of their authenticity, the agency will be in a poor position to protect its rights or the rights of citizens affected by the agency.

Records act as the 'voice' of the Department in legal proceedings. As such, the information security of record-generating systems, and indeed, of the electronic records themselves, is paramount in assuring that records will serve as reliable evidence of agency actions and that this reliability is guaranteed over time (i.e., authenticity). Failure to ensure such reliability, via suitable information security,

can call into question the recordkeeping practices of the Department (i.e., "arbitrary and capricious practices") presenting substantial legal risk to the Department.

d. Electronic Records Storage Media And Records Migration

Some storage media will significantly outlast the hardware and software necessary to retrieve and display the records stored on them. To successfully manage and maintain electronic records, it is important to determine if the records will be needed beyond the life of the system where they are currently stored and, if necessary, to plan for the migration of the records to a new system before the current system is retired. Migration strategies to counteract the hardware and software dependencies of electronic records are essential for the long-term management of records.

6 ELECTRONIC RECORDKEEPING FUNCTIONS

a. Filing and Designating

Putting documents into their place in accordance with the appropriate agency file plan, or a set of policies and procedures for organizing and identifying files or documents to speed their retrieval, use, and disposition. Filing a document into an electronic recordkeeping system is also called "declaring" the document a Federal record.

b. Classifying Or Indexing; Profiling

Assigning to a document an appropriate code or category from the agency file plan. This is also called "indexing" or "profiling" the document, although both these words have more precise meanings. Indexing usually involves assigning terms from a thesaurus or some formal taxonomy other than the agency file plan. Profiling usually involves tagging a document with the data an organization has agreed to associate with all its important records, e.g., date, author, recipient, etc.

c. Archiving

Preserving a collection of non-current Federal records that have been removed permanently from an agency and transported physically (in an acceptable format) to NARA, because of their continuing, or enduring, value.

d. Retention

Ensuring that records are retained for use as long as is required by the agency for its business purposes, a determination which is either set by NARA in the General Records Schedule or approved by NARA following a formal request by an

agency.

e. Disposition and Destruction; Deletion

The actions taken regarding records and nonrecords no longer needed for current Government business. These actions include, for records, transfer to agency storage facilities or Federal records centers, transfer from one Federal agency to another, transfer of permanent records to the National Archives, and disposal of temporary records. For nonrecords, these actions include screening and destruction. Destruction is the primary type of disposal action and can include burning, shredding, deleting, or discarding with other waste materials. In the electronic realm, destruction is typically accomplished by overwriting or degaussing, depending on security requirements. Deleting, which is normally only associated with electronic materials, is the process of erasing or obliterating recorded information from a magnetic tape or disk. This is typically accomplished by elimination of the operating system's pointer in the storage device's file allocation table.

Appendix D

VITAL RECORDS PROGRAM

1 PURPOSE

This regulation outlines responsibilities and procedures for identifying and protecting records and information necessary for USDA to continue its key functions and activities in the event of an emergency or disaster. It augments information in DR 1800-1, Departmental Emergency Programs Responsibilities.

2 POLICY

USDA is committed to working with its employees to protect and safeguard vital records. This regulation sets forth USDA's policy and responsibilities in developing a vital records program. It is intended to ensure that USDA's critical records are identified and protected so that there will not be a loss of critical information after a disaster.

- a. Each USDA agency is responsible for establishing a vital records program in accordance with this regulation and DR 1800-1.
- b. Each USDA agency is responsible for selecting and safeguarding those records that would be required to ensure the continuity of essential USDA functions during and following a national emergency.

3 REFERENCES

- a. DR 1800-1, Departmental Emergency Programs Responsibilities, March 28, 2001;
- b. National Archives and Records Administration Guide "Vital Records and Records Disaster Mitigation and Recovery"; and
- c. 36 CFR Chapter 12, Section 1236, Management of Vital Records.
- d. Executive Order 12656 – National Security Emergency Preparedness Functions, Activities, and Assignment of Responsibilities (1984).
- e. 44 U.S.C. 3101, Records Management by Agency Heads; General Duties

4 AGENCY RESPONSIBILITIES

- a. Establish and maintain a vital records program that is simple, concise, and avoids complex and difficult procedures whenever possible;
- b. Use sound judgment in identifying and selecting those records essential to agency-wide effectiveness during and after an emergency. This includes selecting the appropriate media for storing records;
- c. Ensure that their vital records are protected against damage and loss; and
- d. Ensure that records, selected for inclusion in the vital records program, are current, complete, protected, and available to facilitate the continuity of USDA operations during and after an emergency.

5 IDENTIFYING VITAL RECORDS

Designation of vital records is a discretionary decision based on the agency mission, emergency functions, and emergency plans of operations. Records that are normally considered vital include:

- a. Statements of agency missions in an emergency;
- b. Delegations of authority and successions to command;
- c. Regulations or announcements to be issued immediately at the beginning or end of an emergency;
- d. Lists of employees assigned emergency duties;
- e. Information concerning the whereabouts of vital records; and
- f. Information about agency personnel, property, damage, and assessment data. Fiscal records such as periodic summaries of financial status and records of monies received by and owed to the Government should also be safeguarded. At the many industrial establishments operated by the Federal Government, records reflecting the engineers' drawings, explanations of complex industrial processes, and lists of suppliers for items and materials not readily available should be included in the vital records program. Rights and interests records are not vital records unless the agency is the statutory office of record.

6 PROGRAM ELEMENTS

a. Practicality of the Program

A formal vital records program, reflecting top management support, is needed within each agency in USDA. The program should be designed to meet the agency in emergency needs within budgetary limitations. The cost and complexity of ensuring the availability of every document that might conceivably be needed in an emergency would be prohibitive. Therefore, only those needed during and after an emergency should be selected. In selecting these records, agencies also need to keep in mind that the individuals using these records during an emergency may not be the same people who normally use them. It is particularly important that the program be kept on a practical basis because:

- (1) It is essential part of the emergency preparedness program designed to ensure the continuity of Government under the most adverse circumstances. Overall preparedness may suffer to the extent that necessary information is not available when it is most needed; and
- (2) This program must be kept current for an indefinite period of time. If it is overly elaborate, cumbersome, or costly, inevitably it will not be kept current. The procedures for ensuring that vital records will be available must be made routine.

b. Providing Copies of Vital Records

Vital records will normally be maintained as duplicate copies of the original records in paper or machine-readable form, whichever is most appropriate. These copies can be stored at designated alternate emergency relocation facilities or other designated locations depending upon the size and volume of the records, the frequency with which records need to be updated, the costs involved, and any security precautions which must be applied.

c. Existing Duplicates at Other Locations

These copies may be already in files at separate locations within USDA to which agency officials have access in time of emergency.

d. Duplicates Created for Storage at Alternate Locations

These duplicates are created specifically for storage at vital records locations. Copies are prepared simultaneously with the original and other records in regular day-to-day operations and are transferred to emergency storage in accordance with approved shipping schedules.

e. Reproduction of Copies of Existing Records

Duplicates are made of existing records, either because no extra copies are available or because the nature of the record makes it difficult to create multiple copies. Duplicates are made by various methods depending on the quantity of records to be copied and the nature of the records.

f. Paper

Office copiers can be used to reproduce copies.

g. Machine-Readable Records

The growth of automatic data processing systems has made it necessary to safeguard quantities of magnetic media used for information storage. If vital records are maintained on magnetic media, a copy of the program manual or other information required to use the records should be stored with them. Because of the fragile nature of information stored on magnetic media, agencies must ensure that magnetic media stored at vital records locations are protected against loss of valuable information. Such protection should consist of periodic recalls and inspections of these records. Information stored on magnetic media may have to be replaced, recopied, or in other ways restored if the inspection results in the detection of an unacceptable number of errors or if the equipment the records were originally created on changes.

The major disadvantage of storing vital records in machine-readable form is that the equipment needed to access the information may not be available or may not be in working order in emergency situations. Contingency plans must provide for emergency processing at an alternate site and assure that needed records are available.

h. Indexing Records.

As records are duplicated, they should be indexed properly to ensure easy accessibility to specific information. Time is a crucial factor in reconstructing a database or a system of records that has been damaged or destroyed by a disaster. Therefore, regular systematic indexing of all stored information is a necessity.

7 STORAGE

a. Selecting a Storage Site

In choosing an off-site storage location, do not pick one too close to your office or building. If duplicate records are stored too close, the same disaster that affects the original records may also destroy the duplicate records.

b. Rights and Interest Records

The facilities of all Federal records centers, regardless of geographic location, are available for agencies desiring to store their rights and interest records. In addition to storage space for paper records, most Federal records centers have environmentally controlled space suitable for the storage of vital records on magnetic tape and photographic film.

c. Emergency Operating Records

Emergency operating records should be handled in accordance with the agency's internal emergency preparedness programs and forwarded to the alternate emergency operating facilities.

d. Rotation of Records

All vital records, whether rights and interest or emergency operating records, must be periodically updated to insure that they remain current, complete, and accessible.

Appendix E

Electronic MAIL

1 PURPOSE

This section establishes policies and responsibilities for managing the creation, maintenance, use, and disposition of electronic mail. In this section, electronic mail includes the message and all attachments. The purpose of this guidance is not to require the preservation of every Electronic Mail message. Rather, its purpose is to convey the requirement to preserve those messages that document USDA policies, programs, and activities. Electronic Mail message creators must decide whether a particular message is appropriate for preservation. In making these decisions, all personnel should exercise the same judgment they use when determining whether to retain and file paper or electronic records.

2 AUTHORITY

The management of electronic mail complies with 44 U.S.C. Chapters 21, 29, 31, 33 and 18 U.S.C. Chapter 101m and regulations established by NARA for managing Federal records as stated in 36 CFR parts 1220, 1222, 1228 and 1234. USDA manages electronic mail in accordance with 36 CFR 1234.24. USDA uses the standards contained in 36 CFR part 1234 to manage Federal electronic mail that is maintained in an electronic recordkeeping system.

3 POLICY

- a. All government employees and contractors are required by law to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. In addition, Federal regulations govern the life cycle of these records: they must be properly stored, preserved, and available for retrieval, and may be disposed of only in accordance with NARA-approved records control schedules.
- b. Users of USDA electronic mail systems will not alter or improperly dispose of any electronic mail message, record of transmission and receipt date, or attachment (such as a document) which meets the definition of a Federal record, or which is or should be the subject of a litigation hold.

4 MAINTAINING AND PRESERVING ELECTRONIC MAIL

- a. Determine if electronic mail is a Federal record. The sender and the person who receives electronic mail independently determine whether or not the message and its attachments meet the definition of a Federal record for their office (See –

Appendix F, Glossary). The following are examples of electronic mail that constitute Federal records:

- (1) Electronic mail that contains substantive information that is necessary to adequately and properly document the activities and functions of USDA.
 - (2) Electronic mail that provides key substantive comments on a draft action memorandum if the electronic mail message adds to a proper understanding of the formulation or execution of USDA action.
 - (3) Electronic mail that provides documentation of significant USDA decisions and commitments reached orally (person-to-person, by telecommunications, or in conference).
 - (4) Electronic mail that conveys information of value on important USDA activities if the electronic mail message adds to a proper understanding of USDA operations and responsibilities.
 - (5) Electronic mail that documents the formulation and execution of basic policies and decisions.
 - (6) Electronic mail that documents important meetings.
 - (7) Electronic mail that denotes actions taken by USDA officials and their successors.
 - (8) Electronic mail that protects the financial, legal, and other rights of USDA and of persons directly affected by the Department's actions.
- b. Electronic mail that is a Federal record. Electronic mail determined to be Federal records falls into three categories: permanent records, temporary records, and transitory records.
- (1) Permanent electronic mail are those messages that NARA appraises as having sufficient value to warrant continued preservation by the Federal Government as part of the National Archives of the United States. Electronic mail is scheduled as permanent by a NARA-approved Request for Records Disposition (SF-115) because the records have continuing value as documentation of the organization and functions of USDA or because the records document that nation's history by containing significant information on persons, things, problems and conditions. Electronic mail may be scheduled as permanent as part of a larger series or as the electronic mail of a designated agency official, such as an Under Secretary.
 - (2) Temporary electronic mail are those messages that NARA approves for either immediate disposal after a specified period of time or an event in accordance with a NARA-approved Request for Records Disposition (SF115) or the General Records Schedule. Temporary records may document USDA business processes or document legal rights of the government or the public, document government accountability, or contain information of administrative or fiscal value. Depending on the type of record, the retention period may range from immediate destruction to as long as 100 years.

- (3) Transitory electronic mail are those messages of short-term interest which have no documentary or evidentiary value and normally need not be kept more than 90 days.

Examples of transitory electronic mail messages includes:

- (a) 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;
- (b) 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;
- (c) 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 complaints, and similar records;
- (d) records documenting routine activities containing no substantive information, such as routine notifications of meetings, schedules of work-related trips and visits, and other scheduling related activities;
- (e) 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.

c. Maintaining electronic mail.

- (1) Electronic mail must be preserved for its appropriate retention period (which may be transitory), along with essential transmission and receipt date (names of sender and addressee(s) and date message was sent) for each electronic mail message in order for the context of the message to be understood. Disposition of all electronic mail records will be made in accordance with an authorized records disposition schedule, except to the extent that it is or should be the subject of a litigation hold.
- (2) Permanent and temporary electronic mail are maintained and made available for office use by:
- (a) Printing the email message (with attachment) and filing, when paper files are used as the recordkeeping system. The printed copy of the electronic mail must be filed in the manual recordkeeping system.
 - (b) Filing the email electronically, when an electronic recordkeeping system is used as the recordkeeping system (See CFR 1234.24 (a)-(d)). Note that organizations that choose to manage electronic mail records electronically must either: (1) be able to perform all requirements of preservation, protection, storage, retrieval, and disposition through the electronic mail application system itself, or (2) copy electronic mail records into an electronic recordkeeping system able to perform all the functional requirements of the Federal regulations. “Backups” made as a normal part

of electronic mail systems operations and maintenance do not meet these requirements and should not serve as an electronic recordkeeping system.

5 RETENTION AND DISPOSITION OF ELECTRONIC MAIL RECORDS

- a. When electronic mail is retained as a Federal record, the retention period is governed by the appropriate NARA-approved agency records control schedule or the General Records Schedule. Temporary records are kept for defined periods of time pending destruction and permanent records are transferred to the National Archives of the United States for permanent preservation.
- b. Electronic mail users who are uncertain about the disposition of electronic mail message should contact their Agency Records Officer for assistance.
- c. If an electronic mail item, either sent or received, is a Federal record, it is the responsibility of the agency employee to ensure that a copy is preserved by making it a part of the official files of the agency, unless it is a transitory record.
- d. Besides the text of electronic mail message, electronic mail systems may provide records transmission and receipt data. Transmission data (such as the identity of the sender and addressee(s) and the date on which the message was sent) must be preserved with all electronic mail items defined as Federal records. Just as with a paper record, this transmission data is necessary for an electronic mail record to be complete and understandable.
- e. Electronic mail systems may also provide users with the ability to request acknowledgements or receipts showing that an electronic mail message reached the mailbox or inbox of addressee(s) and was accessed. Electronic mail users should request receipt data when it is needed for adequate and proper documentation of agency activities, especially when it is necessary to confirm that an electronic mail message was received and accessed. In such instances, receipt date associated with the record copy of the electronic mail message will be preserved.
- f. When the recordkeeping copy is maintained in paper, the printed electronic mail message with attachments will be annotated to document that it is the official file copy before being placed in the official files of the responsible organization.

6 ELECTRONIC MAIL RECEIVED FROM EXTERNAL SOURCES

These procedures also apply to electronic mail received from non-agency and other outside sources, e.g., through the Internet or other commercial network services.

Appendix F

GLOSSARY

Accession.

1. The formal acceptance of legal custody for an acquisition (transfer) of records,
2. The recording of such act, or an acquisition (transfer) so recorded, and
3. The records accepted into legal custody.

Administrative Records. Records relating to budget, personnel, supply, and similar housekeeping, or facilitative, functions common to most agencies, in contrast to program records.

Agency. A major line or program organization of the Department headed by an Administrator (or equivalent) who reports to the Secretary, Deputy Secretary, an Under or Assistant Secretary, or a General Officer.

Archive. A collection of non-current Federal records that has been removed permanently from an agency and transported physically (in an acceptable) format to NARA. At that point, NARA assumes legal responsibility for the preservation of the records because of their continuing or enduring value.

Case Files. Records, regardless of media, documenting a specific action, event, person, place, project, or other matter. Case files are assigned a unique name or number; a particular event or action causes the case to be closed or become inactive.

Closed File. (1) A file unit or series containing documents on which action has been completed and to which more documents are not likely to be added. (2) A file unit or series to which access is limited or denied.

Computer Accommodation. The acquisition or modification of Federal Information Processing (FIP) resources, in compliance with Section 508 of the Rehabilitation Act, to ensure accessibility to people with disabilities, including employees and members of the public; and to minimize the functional limitations of employees in order to promote productivity and to ensure access to work-related information resources.

Cutoff. The breaking or ending of files at regular intervals, usually at the end of a fiscal or calendar year, to permit their disposal or transfer in complete blocks and, for subject correspondence files, to permit the setting up of new files. Case files are cut off at the end of the year in which the case is closed; a large volume of case files may need to be cut off on a quarterly or monthly basis.

Data. Raw facts, figures, and concepts structured in discretely defined fields, and processes or placed in a specific context to become information.

Data Base. A set of data consisting of at least one data file, that is sufficient for a given purpose.

Database. An automated collection of data, providing one or more views of component data items, and organized to support one or more automated applications (uses).

Data Base Management System (DBMS). A software system used to create, access, update, retrieve, and store data in a database. A DBMS also typically performs data integrity, data access control, and automated rollback, restart and recovery functions. When properly defined, a DBMS enables end users and application programmers to share data.

Data Collection. A set of related data that is gathered and used as a unit; the activity of gathering this information.

Data File. An automated collection of related records, all of the same type and format, organized to support one or more purposes, but providing only one view of the underlying data. (see File)

Department. The U.S. Department of Agriculture; also referred to as USDA.

Digital Data. Information captured/stored as discrete, off-and-on signals.

Digital Image. An electronic data file consisting of digital data, that when reconstructed either on a display screen or hard copy print appears as the original document.

Disposition. A comprehensive term that includes:

- Destruction (disposal) of temporary records no longer needed for the conduct of business;
- Transfer of inactive records to a Federal Records Center;
- Transfer of permanent records, determined to have sufficient historical or other value to warrant continued preservation, to NARA; and,
- Donation of temporary records to an eligible person or organization after the authorized retention period has expired and after NARA has approved the donation.

Division. An organizational component that reports to the lowest level administrator (or equivalent) within a mission area, agency, or staff office.

Document Management. The process of profiling, storing, foldering, securing, tracking, retrieving and otherwise managing electronically, documents of various types and formats. (36 C.F.R. 1222.12(b)(1))

Documentary Materials. A collective term for records, nonrecord materials, and personal papers that refers to all media containing recorded information, regardless of the nature of the media or the method(s) or circumstance(s) of recording.

Documentation, Adequate and Proper. A record of the conduct of Government business that is accessible, legally sufficient, reliable, and legal.

Electronic Document Management Systems (EDMS). A system that enables you to store and manage (retrieve, share, track, revise, and distribute) documents electronically. An integrated EDMS should include at least the following document technologies: document management, imaging, text retrieval, and workflow.

Electronic Mail (Message). A document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message.

Electronic Mail Record. A document created by or received via electronic mail system which meets the definition of a Federal record as specified in 44 U.S.C. 3301.

Electronic Mail System. A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases on either personal computers or mainframe computers, and electronically generated documents not transmitted on an electronic mail system.

Electronic Record. Any information that is recorded in a form that only a computer can process and that satisfies the definition of a record.

Electronic Record System. An electronic record system is both the electronic mechanism that produces, manipulates, or stores Federal records, and the collection of electronic records having one or more of the following aspects: the same format, arrangement under a single electronic filing system, relation to a particular subject, documentation of a particular kind of transaction, and production by the same activity.

Electronic Recordkeeping (ERK). Electronic recordkeeping [ERK], a subset of electronic records management [ERM], is simply the development of automated techniques to facilitate the management of electronic records. The creation, maintenance, use, and disposition of records created and stored by using a computer.

Electronic Records Management (ERM). The planning, budgeting, organizing, directing, training, and control activities associated with electronic records.

Emergency Operating Records. Records necessary for continuing the essential functions of the Federal Government for the duration of a national security emergency. Emergency

operating records are commonly referred to as "category A" records in emergency planning nomenclature. These records are required by top and intermediate level officials at alternate essential locations. These records should be in paper form so they can be used without reliance on mechanical or electronic equipment. Their selection, shipment, maintenance, and disposition are the responsibility of designated officials in cooperation with the Office of Emergency Programs. See DR 1800-1.

Federal Records Center. Records centers established, maintained, and operated by NARA for the storage, processing and servicing of records for Federal agencies(also called Regional Records Services Centers). The Washington National Records Center is a Federal Records Center, which services agencies in the metropolitan Washington, D.C. area.

File. (1) A set of policies and procedures for organizing and identifying files or documents to speed their retrieval, use, and disposition. (2) A plan designating the physical location(s) at which an agency's files are to be maintained, the specific types of files to be maintained there, and the organization's element(s) having custodial responsibility. (3) A document containing the identifying number, title or description, and disposition authority of files held in an office.

General Officer. A USDA official who reports directly to the Secretary of Agriculture.

Handicapped Individuals or Individuals with Disabilities. Qualified individuals with impairments, as cited in 29 CFR 1613.702(f), who can benefit from electronic office equipment accessibility.

Imaging. The process of converting paper documents to digitized form and storing, managing, and retrieving the digitized images.

Index. Descriptive information attached to a file that enables a requestor to identify the file and retrieve it from the storage medium.

Information. Data in a context which gives it meaning; any statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic or narrative form, and whether verbal or maintained on paper, electronically or other media. Information includes text, spreadsheets, graphics, pictures, voice and video. (see Data)

Information Accessibility. The application or configuration of FIP resources in a manner that accommodates the functional limitations of individuals with disabilities so as to promote productivity and provide access to work-related or public information resources.

Information Systems. The organized collection, processing, transmission, and dissemination of information in accordance with defined procedures, whether automated or manual.

Litigation Hold. The obligation of agencies, managers and individual employees to ensure that preservation of documentary materials that might be or might become relevant to pending or threatened litigation. If the documentary material was created in electronic format, it must be preserved in that original native format.

Metadata. Data that describes other data. The term may also refer to any computer file or database that holds information about another database's structure, processing, changes, etc. Data dictionaries and data repositories are examples of metadata.

Mission Area. All the agencies, and/or offices reporting to an Under or Assistant Secretary.

Nonrecord Materials. Federally owned informational materials that do not meet the statutory definition of records (44 U.S.C. 3301) or that has been excluded from coverage by the definition. Excluded materials are extra copies of documents kept only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit. May include:

- Reading file copies of correspondence.
- Tickler, follow-up, or suspense copies of correspondence.
- Identical duplicate copies of all documents maintained in the same file.
- Extra copies of printed or processed materials, official copies of which have been retained for record purposes.
- Superseded manuals and other directives maintained outside the office that is responsible for retaining them.
- Materials documenting such peripheral activities of agencies as employee welfare activities and charitable fund drives.
- Routing slips.
- Working papers.
- Drafts of reports and correspondence.
- Transmittal sheets.
- Blank forms.
- Transcribed stenographic materials.
- Processed or published materials that are received from other activities or offices and that require no action and are not required for any kind of documentation (the

originating office or activity is required to maintain record copies).

- Catalogs, trade journals, and other publications or papers that are received from Government agencies, commercial firms, or private institutions and that require no action and are not part of a case upon which action is taken.
- Correspondence and other records of short term value that, after action has been completed, have neither evidentiary nor informational value, such as requests for publications and communications on hotel reservations.
- Reproduction materials, such as stencils, hectograph masters, and offset plates.
- Information copies of correspondence and other papers on which no documented administrative action is taken.
- Physical exhibits, artifacts, and material objects lacking documentary values.

Office of Primary Interest. The unit with primary responsibility for developing and/or implementing a policy, programs, or functions.

Permanent Records. Records appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purpose.

Personal Papers. Personal papers are documentary materials, or any reasonably differentiable portion thereof, of a private or nonpublic character that do not relate to, or have an effect upon, the conduct of agency business. If information about private matters and agency business appears in the same document, the document shall be copied at the time of receipt, with the personal information deleted, and treated as a Federal record.

Program Official. An official with primary responsibility for developing and/or implementing a policy, programs, or function.

Receipt Data. Information in electronic mail systems regarding date and time of receipt of a message, and/or acknowledgement of receipt or access by addressee(s).

Records. "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 data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included." (44 U.S.C. 3301)

Records Lifecycle. An archival concept that describes the lifespan of a record, from its creation or receipt to its final disposition. The records lifecycle is divided into the following stages or phases; creation/receipt, maintenance and use, and final disposition.

Record Series. File units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from an activity, document a specific type of transaction, take a particular physical form, or have some other relationship arising from their creation, receipt, or use, such as restrictions on access or use.

Recordkeeping Requirements. All statements in statutes; regulations; Department Regulations, Manuals, and Notices; Secretary's Memoranda; and, operating unit directives that provide general and specific guidance for personnel on creating and maintaining records.

Recordkeeping System. A manual or electronic system in which records are collected, organized, and categorized to facilitate their presentation, retrieval, use, and disposition.

Records Management. The planning, controlling, directing, organizing, training, promoting, and other managerial activities related to the creation, maintenance, use, and disposition of records to achieve adequate and proper documentation of Federal policies and transactions, and effective and economical management of agency operations.

Records Schedule. A document, approved by NARA, which provides authority for the final disposition of recurring or nonrecurring records. Includes Standard Form 115, Request for Records Disposition Authority, and the General Records Schedules (GRS). Records shall not be destroyed except as authorized by an approved records schedule.

Rewritable Disk. An optical disk that, unlike WORM Disks, can be erased, written over, and otherwise reused. Both magneto-optical and phase change technology is currently used.

Rights and Interests Records. Records which are essential to the protection of the legal rights and interests of individuals and the U.S. Government. Rights and interests records include Federal employees' payroll and leave records, insurance records, and valuable research records. They also contain information on proceedings and decisions. Within USDA, they are commonly referred to as "category B" records. These records are not needed immediately following an emergency, storage points do not have to be at or in the vicinity of emergency operating facilities, and the records do not have to be solely in paper form. They can therefore be stored at any of the Federal records centers or other similar depositories.

Special Peripheral. Is defined in Section 508 of P. L. 99-506 as "a special needs aid that provides access to electronic equipment that is otherwise inaccessible to a handicapped individual."

Subject Correspondence Files. Records arranged and filed according to their general informational, or subject, content. Such files are mainly letters and memoranda but may consist of forms, reports, and other materials, all relating to program and/or administrative functions, not to specific cases.

Temporary Records. Records approved by NARA for disposal, either, immediately or after a specified retention period. Also called disposable records or nonpermanent records.

Text Documents. Narrative or tabular documents, such as letters, memorandums, and reports, in loosely prescribed form and format.

Text Retrieval. The process of selecting a specific document(s) from a storage repository by using words that might appear in the text of document desired.

Transmission Data. Information in electronic mail systems regarding the identification of sender and addressee(s), and the date and time messages were sent.

Trustworthiness of a Record. To demonstrate proof, records must have a the qualities of trustworthiness, that is, records with the following characteristics:

- Authenticity – an accurate account of an activity, transaction, or decision
- Reliability – content can be trusted as a full and accurate representation
- Integrity – an assurance that the information has not been changed subsequently
- Usability – the information can be located, retrieved, and presented, and interpreted

Unit. Any organizational component.

Vital Records. Records essential to the continued functioning or reconstitution of the Department and its operating units during and after an emergency (emergency operating records). Includes those records essential to protect the rights and interests of the Department and of individuals directly affected by its activities (rights-and-interests records). Vital records are duplicate or extra copies stored off-site.

Web Site Administrative Records. Federal records generated by the web site program office in the course of its operations.

Web Site Content Records. Web site content determined by the agency to meet the statutory criteria in 44 U.S.C. 3301 for being deemed a Federal record.

Web Site Related Records. Web site related records include (1) web content records, which represent information presented on a web site, and (2) web site administrative records, which provide evidence of the management and operations of the web site.

Workflow. The automation of business processes, in whole or in part, where documents, information or tasks are passed from one participant to another for action, according to a set of rules.

Working Files. Preliminary drafts, rough notes, and similar materials used to prepare final copies. Working files may meet the statutory definition of records and shall be maintained to ensure adequate and proper documentation if:

- They were circulated and made available to employees other than the creator for official purposes such as approval, comment, action, recommendation, follow-up, or to communicate with agency staff about agency business; and
- They contain unique information, such as substantive annotations or comments, that adds to a proper understanding of the agency's formulation and execution of basic policies, decisions, actions, or responsibilities.

WORM Disk. An acronym for Write-Once, Read-Many times optical disks which can store user data (write) and can be accessed (read) when needed. The data recorded on WORM disks is considered permanent, in that the disks are not erasable/reusable like conventional magnetic media.