

Documenting Your Public Service

2000 Web Edition

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PREFACE

The National Archives and Records Administration (NARA) issues guidance for Federal agencies on the management of records and other types of documentary materials accumulated by Federal agencies and officials.

NARA guidance, provides information for high-level agency officials, program managers, legal counsels, records officers, and information technology managers on records creation, maintenance, and disposition. Following the guidance should assist you in achieving two important goals: (1) creating and maintaining accurate and complete records of your agency's functions and activities, and (2) properly disposing of documentary materials that are no longer needed to conduct business. By instituting good recordkeeping practices, you will provide useful resources to support and improve agency operations. You also will contribute to the body of records that provides essential evidence of Federal activities, including records that document your public service. Such records may be useful for long-term research and appropriate for preservation in the National Archives of the United States.

This guide replaces the 1992 NARA Management Guide, *Personal Papers of Executive Branch Officials*.

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INTRODUCTION

The purpose of this guide is to provide you and other high-level Government officials with basic information to enable you to distinguish Federal records from other documentary materials, including personal files. (This guide does not apply to Presidential records created under the Presidential

Records Act.) Knowledge of this guidance, careful advance planning, and maintaining separate files for personal materials will aid you when you leave public service.

Government executives like yourself create and maintain Federal records as part of your official responsibilities. You also may keep extra copies of records as well as personal files that do not relate to agency business. All of these materials may be in paper, electronic, or other formats. This guide will assist you from the outset of your Federal service in

- identifying records that must be incorporated into agency files and maintained under the control of the Government

- distinguishing records from extra or convenience copies of records

- separating extra copies of records from record copies and using agency guidance to determine the appropriate disposition of extra copies

- identifying personal files that contain information not used to conduct agency business and that may be removed at your discretion, and

- maintaining personal files separate from records under the control of the agency.

This guide also contains two appendixes. The first gives [definitions of terms](#) used in this handbook. The second is a [checklist to assist you and your staff](#) in ensuring that appropriate actions have been taken.

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WHAT ARE FEDERAL RECORDS?

By law Federal records are

- all documentary materials including:
 - letters
 - memorandums
 - completed forms
 - statistical and narrative reports
 - graphics
 - photographs
 - audio and video recordings
 - maps
 - architectural, engineering, and other drawings

- regardless of physical forms including:
 - photographic prints and negatives
 - motion picture film
 - tape recordings
- electronic records

- made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business, and
- preserved or appropriate for preservation as evidence of agency functions, organization, and activities or because of the value of the information they contain ([44 U.S.C. 3301](#)).

Each agency is responsible for determining if the materials it creates meet this definition of a record. Agencies need to ensure that they create and maintain records that contain a full accounting of their organization, functions, policies, and activities. Agencies also need to ensure that their records are complete and contain information needed to protect the rights of the Government and of those directly affected by Government activities. ([See 44 U.S.C. 3101.](#))

Paper records may be originals or copies, such as file copies of outgoing correspondence or copies forwarded for action. Multiple copies of the same document may each be a record if each serves a separate administrative purpose and if they are kept in separate filing or recordkeeping systems. Moreover, if electronically created records are maintained in paper recordkeeping systems, the information necessary for a complete record must be printed. Contact your agency's records officer for further guidance.

Extra copies, such as distribution copies, stock copies, and copies maintained for convenience of reference, are not Federal records. In addition, when a record exists in multiple formats, such as in paper and electronic form, then generally both the paper and the electronic copies are considered distinct records.

Many factors contribute to the determination that documentary materials are Federal records. If the answer to any of the following questions is "yes," the document is a Federal record.

- Did the agency require creation or submission and maintenance of the document?
- Was the document used to conduct or facilitate agency business?
- If the document is a draft or preliminary document created for background or a similar purpose, does it contain unique information that explains formulation of significant program policies and decisions?
- Was the document distributed to other offices or agencies for formal approval or clearance?
- Was the document placed in an agency file?
- Is the document part of an electronic information system used to conduct Government business?
- Is the document covered by an item in an agency records schedule or regulation?

Records in the Office of the President or the Vice President or in a component of the Executive Office of the President that functions as an advisor to the President are subject to the provisions of the Presidential Records Act of 1978 ([44 U.S.C. 2201 et seq.](#)). This act defines Presidential records as distinct from Federal records and personal files, asserts Government ownership of Presidential

records, and provides for their disposition. Questions related to determining whether or not documentary materials are Presidential records should be referred to the White House Counsel.

What Documentary Materials Are Not Federal Records?

The statutory definition of records (44 U.S.C. 3301) excludes three specific types of materials:

- library and museum materials made or acquired and preserved solely for reference or exhibit purposes
- extra copies of documents preserved only for convenience of reference
- stocks of publications and of processed documents.

Are Preliminary Drafts and Working Papers Federal Records?

Drafts and working papers should be filed and maintained as part of the agency's records if they

- explain how the agency formulated and executed significant program policies, decisions, actions, or responsibilities; or
- contain unique information such as annotations or comments.

Questions concerning record status should be referred to the agency records officer, legal counsel, or other designated official.

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WHAT ARE PERSONAL FILES?

The term "personal files" replaces the term "personal papers," which was previously used in NARA guidance. This term refers to documentary materials that are either

- unrelated to the conduct of agency business (e.g., files relating to political activities, personal and family matters, or social or civic activities) or
- indirectly related to agency business but outside the scope of the definition of Federal records (i.e., not used to conduct Government business).

Personal files are those materials that belong to an individual, not the agency. Certain files are clearly personal, such as those that are not used in the transaction of agency business (36 CFR 1222.36).

Personal files may contain references to or comments on agency business, but they are considered personal if they are not used in the conduct of business.

Traditionally, personal files have included the following categories of material

- business or professional files created before entering Government service; files created during or relating to previously held positions, political materials, and reference files
- private files brought into, created, or received in the office; family and personal correspondence and materials documenting professional activities and outside business or political pursuits,

including manuscripts and drafts for articles and books and volunteer and community service records that are considered personal, even if created or received while in office, because they do not relate to agency business

- work-related personal files including diaries, journals, notes, and personal calendars and appointment schedules; though work-related, they may be personal if they are used only as reminders and personal observations on work-related topics, not for the transaction of Government business.

The last category is the most difficult to distinguish from records because of its work-related content. Maintain personal files separately from the records of the agency. Consult the agency records officer, legal counsel, or other designated official to help determine whether files are personal or Federal records.

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WHAT DO I NEED TO DO WHEN I ENTER FEDERAL SERVICE?

You and your staff should follow these recommended recordkeeping practices.

- Establish separate files and directories for Federal records and personal materials to avoid the laborious and difficult task of reviewing voluminous materials when you are ready to leave the agency.
- Implement records management instructions issued by the agency records officer, including guidelines on records creation and procedures for filing (manually or electronically), for all types of records, including:
 - paper records
 - electronic records, including records generated with electronic mail, word processing, spreadsheet, and other desktop applications
 - audiovisual records
 - cartographic records
 - architectural and engineering records.
- Decide if you want copies of records (usually those that you have originated, reviewed, signed, or otherwise acted upon) for later use, and consult with appropriate agency officials (e.g., records officer, legal counsel, information security officer) to find out if the agency permits such removal.
- Make copies of Federal records for your personal use as they are being created.
- Document the substance of meetings and telephone and face-to-face conversations where decisions are made, issues are resolved, or policy is established.
- Extract Government business information from documents that contain a mix of personal and business matters and include the business information in agency files.

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WHY SHOULD I CARE ABOUT RECORDS?

You and other Government officials have an interest in ensuring that your agency establishes and follows appropriate records creation and maintenance procedures. Good recordkeeping

- contributes to the smooth operation of your agency's programs by making the information needed for decision making and operations readily available
- provides information useful to successor officials and staff for background and analysis, facilitating transitions between Administrations
- creates a complete record of your official actions that will remain with the agency for future use by agency officials and may later be transferred to the National Archives of the United States as a historical record
- ensures accountability to the Administration, Congress, and the American people
- ensures that electronic records, especially those generated by desktop applications, will be available to all authorized personnel
- protects records from inappropriate and unauthorized access
- facilitates authorized removal of materials by avoiding the need to separate Federal records from extra copies of records and personal materials when you leave office.

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HOW DO I REMOVE PERSONAL FILES AND EXTRA COPIES OF RECORDS?

You may remove personal files at your discretion without agency permission. If you are unsure whether materials are personal or Federal records, consult with the agency records officer.

When leaving Government service, you may wish to take with you

- extra copies of selected Federal records, such as materials you drafted, reviewed, or otherwise acted upon, and
- copies of public affairs records such as news clippings and photographs taken at official functions and celebrations.

Agencies may approve or disapprove requests to remove extra copies of Federal records or other Government-owned documentary materials. Approval should be granted only if all of the following conditions are met:

- Removal would not diminish the official records of the agency.
- Removal would not exceed normal administrative economies.
- The materials do not contain national security classified information.

- The information removed is not subject to the Privacy Act of 1974 (5 U.S.C. 552a).
- Disclosure of the information removed is not otherwise prohibited by law.

When determining whether to permit departing officials to remove documentary materials, the agency should also consider the extent to which such removal could affect the agency's ability to invoke various legal privileges, and should consider the use of nondisclosure agreements in appropriate cases.

When you remove extra copies of work-related files for your personal use, a designated official of the agency should review the materials and approve their removal.

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CAN I CONTINUE TO HAVE ACCESS TO CLASSIFIED INFORMATION?

The use of classified records after leaving Government service falls under Executive Order 12958, "Classified National Security Information." The Order provides that classified information shall remain under the control of the originating agency or its successor in function. An official or employee leaving an agency may not remove classified information from the agency's control. However, you may be allowed access to records that are classified. To find out, consult with the agency information security manager concerning the arrangements that need to be made. The Order states that agencies may grant access to classified information only when the person has a security clearance at an appropriate level, has signed a nondisclosure agreement, and has a "need-to-know" the information. However, the "need-to-know" requirement may be waived for persons engaged in historical research or for presidential appointees who previously occupied policy making positions. Waivers may be granted only if the originating agency

- determines in writing that access is consistent with the interests of national security
- takes appropriate steps to protect classified information from unauthorized disclosure or compromise and ensures that the information is safeguarded in a manner consistent with the Executive order
- limits access to items that the former Presidential appointee originated, reviewed, signed, or received while in office.

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WHAT HAPPENS TO FEDERAL RECORDS?

The law provides that Federal records may only be destroyed with NARA authorization. Agencies submit records schedules to NARA that describe the records and propose recommended retention periods for each series or category of records. NARA appraises the records to determine which are "permanent," that is, records that have historical or other research value that justifies preservation as part of the National Archives of the United States. Permanent records are normally transferred to the legal custody of the National Archives before they are 30 years old, although some records, especially electronic and audiovisual records, should be transferred as soon as practical because of the fragility of the media. All records not designated as "permanent" are considered "temporary," though their retention period can be as short as a few months or as long as a century. Temporary records are destroyed at the end of the retention period specified in the schedule.

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WHERE CAN I GET FURTHER INFORMATION AND ASSISTANCE?

Contact the agency records officer, general counsel, and information security officer for policy guidance and advice.

Call the NARA Life Cycle Management Division at 301-713-6677 or send an electronic message to records.mgt@nara.gov with questions or to request the following services:

- Briefings for agency officials
- Training services in such areas as improving the management of an agency's files
- Consultations about specific agency records maintenance problems and practices
- Determining record status
- Scheduling records for disposition

Additional guidance also is available in NARA's management guide, "[Agency Recordkeeping Requirements](#)" (1995). That guide as well as NARA records management regulations and other publications, including a NARA bulletin on "[Protecting Federal Records and Other Documentary Materials from Unauthorized Removal](#)," are available on the [NARA web site](#).

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APPENDIX A. DEFINITIONS

Documentary materials is a collective term for records and nonrecord materials that refers to all media on which information is recorded, regardless of the nature of the medium or the method or circumstances of recording (36 CFR 1220.14).

Electronic records include numeric, graphic, and text information, which may be recorded on any medium capable of being read by a computer and which satisfy the definition of a record. This includes, but is not limited to, magnetic media, such as tapes and disks, and optical disks. Unless otherwise noted, these requirements apply to all electronic information systems, whether on microcomputers, minicomputers, or mainframe computers, regardless of storage media, in network or stand-alone configurations (36 CFR 1234.1).

Electronic information system is a system that contains and provides access to computerized Federal records and other information (36 CFR 1234.2).

Federal agency, as defined in 44 U.S.C. 2901(14), is any "executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol)."

Federal records are defined in 44 U.S.C. 3301 as "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 or 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."

Permanent record means any Federal record that has been determined by NARA to have sufficient value to warrant its preservation in the National Archives of the United States. Permanent records include all records accessioned by NARA into the National Archives of the United States and later increments of the same records, and those for which the disposition is permanent on SF 115s, Request for Records Disposition Authority, approved by NARA on or after May 14, 1973 (36 CFR 1220.14).

Personal files are those documentary materials maintained in Federal offices that belong to an individual because they relate solely to an individual's own affairs or are used exclusively for that individual's convenience and were not used in the transaction of Government business.

Series means file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access and use. Also called a records series (36 CFR 1220.14).

Temporary records. A temporary record is any record which has been determined by the Archivist of the United States to have insufficient value (on the basis of current standards) to warrant its preservation by the National Archives and Records Administration. This determination may take the form of:

- A series of records designated as disposable in an agency records disposition schedule approved by NARA (Standard Form 115, Request for Records Disposition Authority); or
- A series of records designated as disposable in a General Records Schedule (36 CFR 1220.14).

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APPENDIX B: CHECKLIST ON PERSONAL FILES FOR AGENCY OFFICIALS

	Yes	No
1. Have you set up procedures for maintaining personal files, both those you brought with you and those you accumulate while in office, separately from Federal records ?	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you maintain personal files separately from Federal records in both paper (different file cabinets or file drawers) and electronic (on removable disks or in separate personal directories on a computer) formats?	<input type="checkbox"/>	<input type="checkbox"/>
3. If you are at the end of your tenure, have you identified, separated, and prepared for removal personal files to ensure that you will not be removing records?	<input type="checkbox"/>	<input type="checkbox"/>
4. Has your agency authorized the creation and removal of extra copies of records?	<input type="checkbox"/>	<input type="checkbox"/>
5. If so, have you identified the types of work-related files in which you have an interest and established procedures for the routine copying of those materials?	<input type="checkbox"/>	<input type="checkbox"/>
6. If you are getting ready to leave, have you reviewed the personal files that you wish to remove to ensure that no classified materials are included?	<input type="checkbox"/>	<input type="checkbox"/>

7.	Have you ensured that the materials you seek to remove do not contain security classified information, information covered by the Privacy Act, or information the disclosure of which is otherwise prohibited by law, and that your removal of the materials complies with agency policies regarding legally privileged or otherwise restricted information?	<input type="checkbox"/>	<input type="checkbox"/>
<small> Public Information Freedom of Information Act Privacy Policy Freedom of Information Act No FEAR Act USA.gov </small>			
8.	Have you established a procedure for routinely listing the materials that you will be removing from your office for approval by your agency?	<input type="checkbox"/>	<input type="checkbox"/>
<small> The U.S. National Archives and Records Administration 1-86-NARA-NARA or 1-866-272-6272 </small>			
9.	If you are getting ready to leave, have you arranged for the designated official, such as the records officer, legal counsel, or other official, to review the materials, including extra copies of records, that you plan to remove?	<input type="checkbox"/>	<input type="checkbox"/>