

ORO H.25 ACCESS TO AND OWNERSHIP OF RECORDS (NOV 2004)

(a) Government-owned records. Except as provided in paragraph (b) of this clause, all records acquired or generated by the Contractor in its performance of this contract shall be the property of the Government and shall be delivered to the Government or otherwise disposed of by the Contractor in accordance with federal requirements established by the National Archives and Records Administration or as the Contracting Officer may from time to time direct during the progress of the work or, in any event, as the Contracting Officer shall direct upon the completion or termination of the contract.

(b) Contractor-owned records. The following records are considered the property of the Contractor and are not within the scope of paragraph (a) of this clause. However, records may be audited by DOE under the clause in Section I, entitled "Audit and Records – Negotiation."

(1) Employment-related records (including, but not limited to the following: workers' compensation files; employee relations records, records on salary and employee benefits; drug testing records, labor negotiation records; records on ethics, employee concerns, and other employee related investigations conducted under an expectation of confidentiality; employee assistance program records; and personnel and medical/health-related records, except for those records described by the contract as being maintained in Privacy Act systems of records as published in Federal Register system notices by DOE;

(2) Confidential Contractor financial information, and correspondence between the Contractor and other segments of the Contractor;

(3) Records relating to any procurement action by the Contractor; and

(4) Legal records, including legal opinions, litigation files, and documents covered by the attorney-client and attorney work product privileges.

(c) Records retention/disposition standards. Special records retention standards, described in DOE Order 200.1, Information Management Program (version in effect on the effective date of the contract), as directed by the National Archives and Records Administration in 36 CFR, Part 300 to the end, are applicable for the classes of Government owned records as described in paragraph (a) above. Records will be destroyed as appropriate based on guidance directed in 36 CFR, Part 300 to the end, or as directed by the Contracting Officer or his designee. The Contractor will also be required to comply with any additional records retention guidance established by DOE.

(d) As directed by the Contracting Officer, the Contractor shall grant access to all DOE records in its possession as may be required in conduct of normal DOE business. If any inspection or evaluation is made by the Government on the premises of the

Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the convenience of the Government representatives in the performance of their duties.

(e) The Contractor shall include the requirements of this clause in all subcontracts.