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Department of Energy
Records Management Program

Records Management Inspection Report

National Archives and Records Administration
November 20, 2015

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EXECUTIVE SUMMARY

The National Archives and Records Administration (NARA) is responsible for assessing the proper management of records in all media to protect rights, assure government accountability, and preserve and make available records of enduring value within Federal agencies¹. In this capacity, NARA inspects the records management programs of agencies to ensure compliance with Federal statutes and regulations and to investigate specific issues or concerns. NARA then works with agencies to make improvements to their programs based on inspection findings and recommendations.

A successful and compliant program requires senior management support at the highest levels; a clear definition of program objectives, responsibilities, and authorities; allocation of sufficient resources to administer the program; assignment of the program to an appropriate office within the agency's organizational structure; continuous training for records management staff; and regular internal evaluations to monitor compliance and program effectiveness.

Departmental records management can be very complex due to the large size of Departments, differences between components, competing programs, and limited resources. In order to successfully implement a Departmental records management program, communication and coordination between the Department and its component agencies are essential. Each component agency has its own mission and manages its records in accordance with its policies and procedures. It is the responsibility of the Departmental records management program to develop department-wide policies, directives, standards, procedures, guidance, and strategies that enable the components to design and implement compliant and effective records management programs.

NARA is interested in how well Departmental records management programs operate and incorporate records management coordination into organizational business lines and culture. In order to understand these processes more fully, we examined how the Departmental Records Officer (DRO) works with component Agency Records Officers (AROs), and how Departmental business lines plan and implement standards, policies, procedures, and other aspects of a records management program.

In 2015, NARA inspected the records management program at the Department of Energy (DOE). NARA conducted this effort under the authority granted it by 44 United States Code (U.S.C.) 2904(c)(7) and 2906 to inspect records management programs and practices of Federal agencies.

DOE was chosen for this type of inspection because:

- DOE is a large, complex department with large semi-autonomous and contract driven component agencies or elements.
- DOE records are essential for government accountability for nuclear weapons safety, scientific research and development, and for overseeing the Nation's energy programs.
- There is high public interest in the agency and its functions.

¹ 44 U.S.C. Chapter 29. <http://www.archives.gov/about/laws/records-management.html>

- DOE and component agencies scored in the moderate and high risk categories on the 2012 and 2013 Records Management Self-Assessments (RMSA) with one exception, Bonneville Power Administration.²

FINDINGS AND RECOMMENDATIONS

This report contains seven findings and ten recommendations. Listed below is a summary of the high-level findings and recommendations that apply to the DOE Records Management (RM) Program (this term includes the Departmental RM Program and all element RM programs):

- The DOE RM Program needs to develop and implement a strategic plan to provide clear goals and objectives.
- The Senior Agency Official (SAO) for Records Management needs to support improved communication and coordination between the DOE Departmental RM Program and DOE element RM programs.
- The DOE RM Program must establish regular records management evaluations.
- The DOE RM Program must implement records management training for all records staff and all employees and contractors.
- The DOE RM Program must develop additional guidance for the management of electronic records and information.

The involvement of senior-level agency officials is essential to make improvements to records management programs and to meet the requirements of the OMB/NARA *Managing Government Records Directive* (M-12-18)³. The following recommendations are directed to the SAO. The SAO should:

- Ensure all parts of the agency understand the role of effective records and information management in meeting mission needs.
- Ensure compliance with records management regulations and policies throughout the organization.
- Ensure that the agency dedicates the resources necessary to meet the M-12-18 goals and ensure that the Departmental Records Officer and associated staff members have the support needed to carry out their responsibilities.

A complete list of findings and recommendations is included as Appendix C.

² Records Management Self-Assessment Reports 2012-2013, National Archives and Records Administration,

³ <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf>.

To ensure implementation of the recommendations as part of the inspection process, DOE will be required to develop a Plan of Corrective Action (PoCA) that specifies how the agency will address each report recommendation, including a timeline for completion of the corrective action(s) for each recommendation. NARA will analyze the proposed remedial actions and work with DOE to ensure the adequacy of its PoCA. Upon approval of the PoCA, NARA looks forward to continuing a cooperative relationship with DOE and assisting with the implementation of the recommendations.

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**DEPARTMENT OF ENERGY
RECORDS MANAGEMENT PROGRAM**

INSPECTION REPORT

INTRODUCTION

The National Archives and Records Administration (NARA) is responsible for assessing the proper management of records in all media within Federal agencies to protect rights, assure government accountability, and preserve and make available records of enduring value.⁴ In this capacity, NARA inspects the records management programs of agencies to ensure compliance with the Federal Records Act and its implementing regulations and to investigate specific issues or concerns. NARA then works with agencies to make improvements to their programs based on inspection findings and recommendations.

Departmental records management can be very complex due to the large size of Departments, differences between components, competing programs, and limited resources. In order to successfully implement a Departmental records management program, communication and coordination between the Department and its component agencies are essential. Each component agency has its own mission and manages its records in accordance with its policies and procedures. It is the responsibility of the Departmental records management program to develop department-wide policies, directives, standards, procedures, guidance, and strategies that enable the components to design and implement compliant and effective records management programs.

NARA is interested in how well Departmental records management programs operate and incorporate records management coordination into organizational business lines and culture. In order to understand these processes more fully, we examined how the Departmental Records Officer (DRO) works with component Agency Records Officers (AROs), and how Departmental business lines plan and implement standards, policies, procedures, and other aspects of a records management program.

In 2015, NARA inspected the records management program at the Department of Energy (DOE). NARA conducted this effort under the authority granted it by 44 United States Code (U.S.C.) 2904(c)(7) and 2906 to inspect records management programs and practices of Federal agencies.

⁴44 U.S.C. Chapter 29 <http://www.archives.gov/about/laws/records-management.html>

BRIEF AGENCY DESCRIPTION

The Department of Energy is responsible for America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions.

According to its mission and vision statements, meeting these challenges includes:

- Ensuring timely and efficient transformation of the nation's energy system and securing U.S. leadership in clean energy technologies.
- Providing leadership in strategic areas of science and engineering.
- Enhancing nuclear security through defense, nonproliferation, and environmental efforts.
- Playing a multifaceted role in protecting national security.
- Working to increase nuclear nonproliferation and ensuring the security of the U.S. nuclear weapons stockpile.
- Managing the Strategic Petroleum Reserve.
- Investing in protections against cyber and physical attacks on U.S. energy infrastructure.
- Conducting programs to ensure worker health and safety.
- Providing training tools and procedures for emergency response and preparedness.
- Fighting the effects of climate change.⁵

DOE uses what it calls a 'federated' approach to address its mission. It is composed of very different elements (component agencies) each with highly varied mission areas. The organizational structure has three major divisions (Offices) headed by Under Secretaries who are primarily responsible for policy formulation and overall management of the Department. DOE is composed of 10 program offices, 15 staff offices, 4 power management administrations, and 2 other administrations: the Energy Information Administration and the National Nuclear Security Administration. Under the offices and administrations there are 21 laboratories and technology centers and 9 field offices.

INSPECTION OBJECTIVE

The objective of this inspection was to determine how well standards, policies, procedures, and other records management coordination practices of DOE are implemented to ensure that the Department and its component agencies have effective records management programs and are in compliance with 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B.

SCOPE AND PURPOSE

The purpose of this inspection was to examine the methods the DOE Departmental Records Management (RM) Program and the records management programs within its component agencies use to plan, share, organize, communicate, and collaborate in order to develop and implement effective records management practices within DOE.

⁵ Excerpted from Department of Energy. <http://energy.gov/>.

The scope of the inspection focused on the policies of the Departmental RM Program and its ability to coordinate with component agencies to create a department-wide records management program that is in compliance with Federal statutes and regulations.

The inspection also examined the controls that DOE has implemented to mitigate the risks to its records and information and to ensure that agency policies and procedures are implemented.

METHODOLOGY

This inspection was conducted using a combination of site visits, teleconferences, and a review of DOE documents.

- The inspection team reviewed records management policies, directives, and other documentation provided by DOE. (See Appendix A)
- The inspection team conducted four site visits and five teleconferences, meeting with appropriate RM staff. (See Appendix D)
- The inspection team used a detailed checklist based on Federal statutes and regulations as well as NARA guidance to guide the course of the inspection. (See Appendix E)
- The inspection team reviewed DOE and component agency responses to the annual Records Management Self-Assessment (RMSA) from 2009 to 2014, and DOE's Senior Agency Official (SAO) for Records Management reports from 2013 and 2014.

The following DOE HQ offices and field elements participated in this inspection:

- Headquarters
 - Energy Information Administration (EIA)
 - National Nuclear Security Administration (NNSA)
 - Office of the Chief Information Officer - Information Management (IM)
 - Office of Environmental Management (EM)
 - Office of Environment, Health, Safety and Security (EHSS)
 - Office of Enterprise Assessments (EA)
 - Office of Energy Efficiency and Renewable Energy (EERE)
 - Office of Legacy Management (LM), Business Operations
- Field
 - NNSA Production Office (NPO), Pantex Plant
 - Environmental Management Consolidated Business Center (EMCBC)
 - Oak Ridge Office (ORO) of Environmental Management
 - Bonneville Power Administration (BPA)
 - Southwestern Power Administration (SWPA)
 - Western Area Power Administration (WAPA)

STRUCTURE OF THE REPORT

In accordance with 36 CFR 1239 this report contains:

- (1) An executive summary;
- (2) Background and purpose of inspection;
- (3) Inspection methodology, including offices visited;
- (4) Findings;
- (5) Corrective actions needed and other recommendations; and
- (6) Any necessary appendices, such as summaries of each site visit or the inspection instrument.

STATUTES AND REGULATIONS

36 CFR Chapter XII, Subchapter B specifies policies for federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, and records disposition. The regulations in this Subchapter implement the provisions of 44 U.S.C. Chapters 21, 29, 31 and 33.

The Federal Records Act requirements for federal agencies are found in 44 U.S.C. Chapter 31, Records Management by Federal Agencies. At a high level, agency heads are responsible for ensuring several things, including:

- The adequate and proper documentation of agency activities. (44 U.S.C. 3101)
- A program of management to ensure effective controls over the creation, maintenance, and use of records in the conduct of their current business. (44 U.S.C. 3102(1))
- Compliance with NARA guidance and regulations and compliance with other sections of the Federal Records Act that give NARA authority to promulgate guidance, regulations, and records disposition authority to federal agencies. (44 U.S.C. 3102(2) and (3))

The regulations implementing the Federal Records Act are found in 36 CFR Chapter XII, Subchapter B—Records Management. NARA provides additional guidance to agencies at its records management website - <http://www.archives.gov/records-mgmt/>.

FINDINGS AND RECOMMENDATIONS

DESCRIPTION OF THE DOE RECORDS MANAGEMENT PROGRAM

The complexity of the DOE RM Program (this term includes the Departmental RM Program and all element RM programs) is reflected in the variety of missions that DOE has including scientific research and development in energy, nuclear weapons, and electric power management and distribution.

Organizationally, the Departmental RM Program is located in the Office of the Chief Information Officer (OCIO). The program is staffed by three Federal personnel comprised of the Departmental Records Officer (DRO), the Deputy Departmental Records Officer (DDRO), a management analyst, and two contractor staff. This staff oversees an agency-wide RM program consisting of 61 offices and component agencies, referred to as elements by DOE. The RM program staff currently supports the records management programs of the elements consisting of 5 Agency Records Officers (AROs), 30 Program Records Officials (PROs), 15 Records Management Field Officers (RMFOs), 48 Records Liaison Officers (RLOs), and 78 Contractor Records Custodians (CRCs). The total number of agency staff and contractors responsible for the Department-wide RM program is approximately 180 people supporting approximately 13, 800 Federal staff and over 98,000 contractors. It should be noted that the majority of these staff perform records management functions as a collateral duty.

Records management for DOE and its elements is guided by DOE Order (DOE O) 243.1B, Records Management Program. The DOE RM Program oversees the management and disposition of agency records through the use of Departmental Records Schedules. These include 26 DOE Administrative Schedules of which 9 are General Records Schedules published by NARA, 10 program specific records schedules, and 49 site specific records schedules.

The Departmental RM Program has been working to establish a department-wide, coordinated, and cohesive RM program. There are some challenges inhibiting the success of these efforts. This inspection report identifies those challenges and makes recommendations to assist the DOE RM Program in overcoming them.

HIGHLIGHTS OF DOE RM PROGRAM

The DOE RM Program inspection revealed the following notable highlights:

- Departmental records management policy – DOE Order 243.1B, dated 3-11-2013.
- Full deployment of the *Archives & Records Centers Information System* (ARCIS) and *Electronic Records Archives* (ERA).
- Implementation of standardized identification/validation processes and access controls for records management staff.
- Senior Agency Official appointed at Assistant Secretary level.
- Active participation and engagement with NARA, Federal Records Council, Federal Records Officer Network (FRON) and DOE RM Community.

HIGHLIGHTS OF DOE ELEMENT RM PROGRAMS

Of the DOE elements inspected, three are highlighted herein for notable accomplishments and activities.

- The Bonneville Power Administration (BPA) RM program has:
 - A full-time Agency Records Officer.
 - Support from and direct access to senior management.
 - Participation in the Information Technology (IT) compliance and governance group led by a deputy administrator.
 - A comprehensive big bucket records schedule.
 - Web-based RM training for all BPA staff.
 - Embedded RLOs in each organization.

- The Office of Legacy Management has developed and implemented a strong RM program that has:
 - Full support of senior management.
 - Direct ties to the LM strategic plan.
 - Clearly defined strategies and performance measures.
 - Risk assessment exercises to ensure that records are protected and accessible in an emergency.
 - Annual RM training for all LM staff.

- The NNSA Production Office has developed a dynamic RM program. The RMFO:
 - Coordinates closely with the Pantex contractor RM staff in Amarillo, TX.
 - Is developing the same type of RM program with the Y-12 contractor RM staff at Oak Ridge, TN.
 - Makes two visits annually to Y-12, and communicates with the Y-12 RM staff regularly throughout the year.
 - Has implemented an effective electronic records management program at both sites.
 - Provides annual RM training for all staff and for RLOs and CRCs.

During the course of the inspection, the issue of email management was discussed. DOE is focusing its ERM efforts on email management and the Capstone approach. The 2014 SAO Report to NARA indicated that DOE was planning to pilot Capstone as a means of managing email. DOE does not have a department-wide email system, which is in keeping with the federated nature of DOE operations, and at the time of the inspection there were 17 different email systems across DOE. The Capstone approach can be applied by all elements regardless of multiple email systems. The key will be to properly identify Capstone accounts across all elements.

If DOE decides the Capstone approach will meet its business needs, the DOE RM Program may elect to adopt the NARA General Records Schedule for Capstone, or adapt a Departmental schedule for submission to NARA for approval. Regardless of which approach is taken, it is important for DOE to have email policies, procedures, and training that enables staff to properly handle email. This is an area where the SAO and the OCIO, in cooperation with the DRO and RM staff throughout the agency, must be more assertive and proactive in ensuring effective email policies and procedures are implemented department-wide.

STRATEGIC PLANNING

Finding 1: The DOE Information Resources Management Strategic Plan does not fully recognize or incorporate records management.

The Office of Management and Budget (OMB) requires agencies to develop and maintain their Information Resources Management (IRM) plan as required by 44 U.S.C. 3506(b). The FY 2014-2018 DOE IRM Strategic Plan has four strategic goals consisting of 14 objectives. While the plan details goals and objectives for information and data management, it does not recognize the role that records management plays in these areas. Since the Departmental RM Program resides within the OCIO organization, records management should be fully incorporated in the strategic goals and objectives to help ensure a successful DOE RM Program.

The IRM Strategic Plan mentions records management only under Objective 1.3 – “Ensure the availability of and access to information that enables consumers to make timely, informed decisions by strengthening corporate data and information management approaches.” Of the five strategies listed to achieve this objective, only one addresses records management – “Improve the records management program by establishing annual awareness training, developing an accurate comprehensive records inventory, and formulating lifecycle management plans.” While these are important aspects of records management, there are other objectives within the IRM Strategic Plan where records management should be incorporated. For example, Objective 1.2 addresses increasing the capacity of the DOE clouds, but there is no mention of ensuring the integrity, authenticity, and accuracy of the records and information maintained in those clouds.

By separating records management from information management in this plan, DOE and the OCIO weakened the ability of the DOE RM Program to contribute to policies, procedures, and requirements for records and information. For example, the OCIO and the Information Technology Committee (ITC) do not coordinate with, and rarely includes the Departmental RM Program staff in their meetings or decision making processes. This lack of inclusion can endanger the integrity of the DOE's records and information by not ensuring that recordkeeping requirements are incorporated into information management systems. By not including records management in the IRM, DOE is at risk of not being in full compliance with all Federal records management statutes and regulations.

For example, DOE is at risk of being non-compliant with 36 CFR 1236.12, which states:

As part of the capital planning and systems development life cycle processes, agencies must ensure:

- (a) That records management controls (see §1236.10) are planned and implemented in the system.
- (b) That all records in the system will be retrievable and usable for as long as needed to conduct agency business (i.e., for their NARA-approved retention period). Where the records will need to be retained beyond the planned life of the system, agencies must plan and budget for the migration of records and their associated metadata to new storage media or formats in order to avoid loss due to media decay or technology obsolescence. (See §1236.14)

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- (c) The transfer of permanent records to NARA in accordance with part 1235 of this subchapter.
 - (d) Provision of a standard interchange format (e.g., ASCII or XML) when needed to permit the exchange of electronic documents between offices using different software or operating systems.

DOE is also at risk of being non-compliant with 36 CFR 1222.26, which states:

To ensure the adequate and proper documentation of agency programs, each program must develop recordkeeping requirements that identify:

- (a) The record series and systems that must be created and maintained to document program policies, procedures, functions, activities, and transactions;
- (b) The office responsible for maintaining the record copies of those series and systems, and the applicable system administrator responsible for ensuring authenticity, protection, and ready retrieval of electronic records;
- (c) Related records series and systems;
- (d) The relationship between paper and electronic files in the same series; and
- (e) Policies, procedures, and strategies for ensuring that records are retained long enough to meet programmatic, administrative, fiscal, legal, and historical needs as authorized in a NARA-approved disposition schedule.

Recommendation 1.1: The OCIO must fully incorporate records management and recordkeeping requirements into the goals and objectives of the IRM Strategic Plan. (44 USC 3506(b) and 36 CFR 1222.26)

Recommendation 1.2: The OCIO should increase the involvement of the Departmental RM Program in information management systems planning to ensure the integration of recordkeeping requirements in information and data management strategies, tactics, design, and implementations.

Finding 2: The DOE RM Program lacks the strategic plan necessary to fully develop and implement an effective Department-wide RM program.

The IRM Strategic Plan Objective 1.3 states that DOE has initiated a revitalization project for its records management program. However, there is no current strategic planning in place to achieve this objective. In 2000, DOE created a roadmap for records management, "Roadmap II: The Next Generation 2000-2006 Strategic Plan," and an accompanying tactical plan. These plans were never implemented. The existence of the plan was unknown to current RM staff. The NARA inspection team provided copies of these plans to the DRO. These plans could provide goals and objectives for enhancing the DOE RM Program and could be utilized in developing a new records management strategic plan or for incorporating records management goals and objectives into the IRM Strategic Plan.

The lack of a strategic plan hampers the ability of the DOE RM Program to identify and prioritize goals and objectives needed to build the program. As a result, the staff tends to be reactive and spends its time handling issues in a crisis management mode. A strategic plan would provide goals and objectives, create a clear path for implementation, streamline the efforts that are already being made, and help prioritize efforts to establish a fully functioning DOE RM program.

To implement a strategic plan effectively requires cooperation and coordination between the Departmental RM Program and the element RM programs. The Departmental RM Program staff is very small with two Federal RM professionals, one management analyst and two RM support contractors; however, the overall number of staff DOE-wide with records management responsibilities is not small with approximately 180 people though most perform their RM duties as a collateral function. Leveraging the abilities and skills of the RM staff in the elements could provide the resources to develop and implement an effective Department-wide RM program. The DRO has initiated some methodologies for eliciting support from the RM staff in the DOE elements. These include:

- A Records Management Working Group (RMWG), which meets bimonthly.
- A bimonthly newsletter to disseminate information further.
- Bulletins for critical issues.
- An RM Mailbox (email) for DOE staff to request assistance and information.

Recommendation 2: The DOE Departmental RM Program staff in conjunction with the RM staff from the elements should develop and implement a strategic plan for the DOE RM Program.

COMMUNICATION AND COORDINATION

Finding 3: The DOE RM Program communication and coordination efforts need SAO support and cooperation to improve its ability to function.

Establishing support for cooperation and coordination must begin with senior management. The Office of Management and Budget (OMB)/NARA *Managing Government Records Directive* (M-12-18)⁶ in 2012 established a national effort to reform records management policies and practices and to develop a 21st century framework for managing Government records. One of the key tenets of the M-12-18 Directive requires agencies to appoint a Senior Agency Official (SAO) for Records Management to oversee and review records management programs. One of the purposes for having an SAO is to provide executive level support, particularly where there are areas that need improvement.

At the time of the inspection, DOE had just named a new SAO for Records Management. Since that time he has appointed a new Director of Records Management and Privacy to enhance strategic leadership. The SAO understands that the role of the SAO is to be an advocate for the strategic vision of the overall RM Program at DOE. This specifically includes communication and coordination efforts across DOE RM Programs.

⁶<https://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf>.

Good communication and coordination are essential for the Departmental RM staff and the RM staff of the DOE elements to function in an effective and cooperative manner. Currently, the Departmental RM Program uses bimonthly working group (RMWG) meetings, a bimonthly newsletter, and a dedicated RM Mailbox as its main sources for communication.

The DRO conducts the bimonthly RMWG meetings which provide a venue for the Departmental RM staff to meet regularly with the AROs, PROs, and RMFOs to exchange ideas, share project updates, and to ensure that the DOE RM community has the latest information. The AROs, PROs, and RMFOs are responsible for disseminating information from the RMWG meetings to the RLOs, CRCs and other interested parties.

On alternating months the Departmental RM staff disseminates a newsletter, "On the Record" (OTR). The OTR provides a means for keeping the RM community up to date on events and issues concerning DOE records and information management. The newsletter is distributed to all interested RM staff and other interested staff throughout DOE. When it is needed, the Departmental RM staff sends out bulletins for any critical issues that cannot wait until the next RMWG or OTR.

Due to the small size of the Departmental RM staff at DOE, the DRO established an RM Mailbox. The RM Mailbox is the primary way for DOE staff, particularly element RM staff, to email questions to the Departmental RM staff. This mailbox has increased the ability of the DRO to be aware of questions, concerns, and any issues and to respond faster. In discussions with the AROs, PROs, and RMFOs, many expressed satisfaction with this method, as the DRO and staff respond promptly to inquiries. This also provides a record for the Departmental RM staff of questions and issues that can be addressed in the RMWG meetings or the OTR.

During the interviews with RM staff, the inspection team heard differing opinions about DRO communication methods. The one that generated the most discussion was the RMWG. Some staff felt that the RMWG meetings only allowed one-way communication (Departmental to others), and questions were not necessarily encouraged or thoroughly answered. Others disagreed and felt that the meetings were helpful and opinions from those outside of the Departmental level were encouraged. Also, some felt that the RMWG membership was too restricted and should be expanded to include RLOs and CRCs. The DRO explained that limiting the RMWG to only those individuals who have the level of authority to make decisions allowed for more productive meetings. However, some staff voiced concerns during the interviews that information obtained at the RMWG meetings was not always disseminated to RLOs and CRCs, who are often the first line RM staff. The DRO explained that it was up to the discretion of AROs, PROs, and RMFOs to disseminate information covered during the RMWG meetings.

The need for the disparate records management programs across DOE to work together and to find ways to assist each other and the DRO is the perfect opportunity for SAO involvement and support. The involvement of senior-level agency officials, including the General Counsel, is essential to make improvements to records management programs. In order to be effective, an SAO should ensure all elements of the agency understand the role of effective records and information management in meeting mission needs.

The DRO should utilize this resource, as well as the RM staff across all of DOE, for exploring and identifying better lines of communication. The Departmental RM Program should also look at cooperative projects to help achieve a more cohesive Department-wide RM program identified in the IRM Strategic Plan. The RM staff throughout DOE needs to work together under the leadership of the SAO and DRO in order to meet the overall objective of revitalizing the Department-wide RM program. An example of such an effort is the drafting of the first-ever departmental policy statement on records management in 2015, currently pending approval by the SAO. This is a collaborative effort involving AROs with comment periods open to the DOE RM Community.

Recommendation 3: With the leadership and support of the SAO, the DRO should explore ways to improve communication and cooperation between the Departmental RM Program and the DOE element RM programs.

PROGRAM EVALUATIONS

Finding 4: The DOE RM Program does not conduct regular records management evaluations.

36 CFR 1220.34(j) requires agencies to conduct formal evaluations to measure the effectiveness of records management programs and practices. The evaluation process is another area where coordination and cooperation between the Departmental RM Program and the element RM programs could be enhanced. In DOE, the evaluation process is complicated further by the fact that large segments of some DOE elements are managed by contractors. The RM programs in these elements are administered as part of the contract with oversight by the element RM program staff. This adds another layer of coordination for the DRO.

The element RM programs should be responsible for conducting evaluations of their RM programs and providing results to the DRO. However, the DRO needs to provide guidance for conducting evaluations and reporting the results. In addition, the DRO should use the results of the evaluations to identify strengths and weaknesses that elements have individually and in common with each other in order to develop ways to improve the DOE RM Program as a whole.

In order to understand the needs of the AROs, PROs, and RMFOs, as well as promote a Department-wide RM program, the DRO could assist in person with evaluations on a rotating basis. However, at the time of the inspection the DRO had not visited any of the DOE elements outside of DOE headquarters. The first visit to a DOE element outside of headquarters came when the DRO and DDRO accompanied the NARA inspection team to the Legacy Management facility in Morgantown, WV. The DRO noted that past requests in 2013 and 2014 to visit four to five locations had been submitted but were not approved.

Of the elements examined as part of this inspection, only three have conducted RM program evaluations in recent years (LM, NPO, and EMCBC), and only EMCBC conducts regular audits of their contractor RM programs. EMCBC said they conducted a baseline assessment of their RM program in 2013, and they plan to begin conducting audits in the fall of 2015. EMCBC has developed an evaluation checklist that is used by the EMCBC RM staff to evaluate the RM programs of their contractors. This comprehensive checklist could be a useful tool for all DOE elements and would provide a structure for conducting evaluations of their respective RM programs.

Recommendation 4: The Departmental RM Program and the element RM programs must establish records management evaluation programs that include self-assessments by the AROs, PROs, and RMFOs with additional guidance and oversight by the DRO to ensure all DOE records are managed in accordance with 36 CFR Chapter XII, Subchapter B.

RECORDS MANAGEMENT TRAINING

Finding 5: The DOE RM Program does not have effective records management training programs for DOE RM staff and for all employees and contractors.

36 CFR 1220.34(f) requires agencies to provide guidance and training to all personnel on their records management responsibilities. With the added responsibilities for creating and managing electronic records and email, it is increasingly important for agencies to have RM training programs. As creators and managers of the records that document the agency's mission and accomplishments, the RM staff and all employees should have the necessary training to safeguard those records and to ensure compliance with records management statutes and regulations as well as DOE O 243.1B.

The Departmental RM Program has not developed or implemented RM training for RM staff or for all employees. Some RM staff indicated that they have little records management knowledge and experience, and that DOE employees did not always have a basic understanding of records management concepts and responsibilities. To fill this void, elements of DOE have developed and conducted their own RM training programs, but they are inconsistent and in many cases not mandatory.

Since some elements have created their own training for RM staff and all employees within their programs, these RM training programs could be used as models for the DOE RM Program and for the individual elements. Examples include training developed by EIA and NNSA. EIA RM has developed an extensive RM training program consisting of 16 modules. Also, NNSA RM program provided training developed for RLOs, five modules; all employees, four modules; and a senior managers briefing. Some of the modules are EIA or NNSA specific; however, they could be tailored or amended to meet the needs of the different element RM programs.

The DRO indicated that they have been working with NARA and the Federal Records Officer Network (FRON) to create a basic records and information management training program that should be finalized this year. The DRO intends to adopt or adapt this training to meet the needs of DOE.

Recommendation 5.1: The DRO must ensure that DOE RM staff and all employees and contractors have the appropriate RM training to ensure they are aware of and understand their records management responsibilities. (36 CFR 1220.34)

Recommendation 5.2: The DRO should develop records management guidance for AROs and records management training specifically for the PROs, RMFOs, RLOs, and CRCs to help ensure that their RM programs are functioning efficiently and effectively and are in compliance with statutes and regulations, as well as DOE policy.

ELECTRONIC RECORDS MANAGEMENT

Finding 6: The DOE RM Program does not provide adequate guidance on the management of electronic records.

The DOE RM Program provides guidance to all element RM programs. The foundation of the DOE RM Program is DOE O 243.1B, Records Management Program. In addition to DOE O 243.1B, there are a number of other issuances that have been disseminated. These include the Records Management Handbook, 2006; Your Records Management Responsibilities, 2010; and more recently, additional guidance for the DOE element RM staff including:

- Identify and Protect Your Vital Records
- Records Management Exit Procedures
- Managing Your Social Media Records
- Collateral Duties for Program Records Officials, Records Management Field Officers and Records Management Liaisons

In today's records and information environment it is essential to have policies and guidance that address the management of electronic records. Electronic records management (ERM) must be a major part of the overall records management program.

The DOE RM Program has good policies and guidance; however, some are outdated. Noticeably absent from the DOE RM issuances is guidance on managing electronic records. For example, the Records Management Handbook (dated 2006) addresses email but not the management of electronic records. With electronic records being generated daily in every DOE element, the lack of guidance on the creation, maintenance, and disposition of electronic records raises concerns. Another example is DOE O 243.1B, which devotes less than two pages to the management of electronic records and addresses the topic only at a very high level. Also, in "Your Records Management Responsibilities," issued in July 2010, there is only one short paragraph devoted to electronic records that only introduces NARA's requirements which states:

Most records today are created electronically (born digital) and must meet NARA requirements. For existing e-records, NARA requires processes and procedures to manage electronic records in existing electronic information systems, the ability to identify and schedule electronic information systems, e-records series, and websites; transfer of permanent e-records to NARA per NARA approved disposition schedules; and the timely destruction of temporary records.

Recommendation 6.1: The DOE RM Program must update DOE O 243.1B and the Records Management Handbook to include guidance on managing electronic records and information including email. (36 CFR 1220.34, 36 CFR 1236.22)

Recommendation 6.2: The DOE RM Program must provide additional guidance to all RM staff, employees, and contractors on the management of electronic records and information including email. (36 CFR 1236)

Recommendation 6.3: DOE must have email policies, procedures, training, and a system that enables staff to properly manage email in accordance with the 2016 OMB/NARA requirement. The SAO and the OCIO, in cooperation with the DRO and RM staff throughout the agency, must be more assertive and proactive in ensuring effective email policies and procedures are implemented department-wide in order to meet the 2016 deadline.

Finding 7: The DOE IRM Strategic Plan objective for enhancing the use of cloud services does not include recordkeeping requirements.

The IRM Strategic Plan Objective 1.2 describes how DOE will enhance the use of cloud services to increase user capacity, improve flexibility, reduce spending on redundant infrastructure, and strengthen the security of the agency's information. Also, as part of the M-12-18 Directive, agencies have been reporting to NARA since 2013 information regarding the use of cloud services and the management of records in the cloud environment. In 2013, the DOE SAO reported that an overall cloud strategy is part of its "Information Technology Modernization Strategy." The cloud service types used by the OCIO are Software-as-a-Service (SaaS) and Infrastructure-as-a-Service (IaaS) in a combination of Public, Private, Community, and Hybrid cloud models.

As described in the IRM Strategic Plan and Information Technology Modernization Strategy, DOE recognizes the need to incorporate security and preservation controls for information, but without any reference to Federal records. The governance policies do include reference to making data discoverable, retrievable, reliable, and usable in a 'lifecycle' approach, which implies the need to manage information stored in the cloud. What is not included in the IRM Strategic Plan or Information Technology Modernization Strategy is a strategy for implementing recordkeeping requirements for cloud environments in accordance with NARA-approved records schedules.

Recommendation 7: The DOE RM Program, in cooperation with the OCIO, must develop and implement recordkeeping requirements for records and information being maintained in cloud environments. (36 CFR 1236)

CONCLUSION

Creating a department-wide records management program is very complex and requires senior management support; strategic planning with goals, objectives, and performance measures; assessing adequate and appropriate staffing and funding; and a great deal of coordination. DOE strongly desires to create such a program. It is the role of the SAO to encourage senior management to provide this type of support. DOE's newly appointed SAO is being proactive and has already taken steps to make improvements to the RM Program. For example, through the efforts of the SAO to include records management issues at the DOE Information Technology Conference, there is heightened awareness of records management with the information technology community at DOE.

While the DOE RM Program is continuing to make improvements, this report identifies challenges to achieving a successful and efficient DOE RM Program including the need:

- To develop and implement a strategic plan to provide clear goals and objectives.
- For the SAO to support improved communication and coordination between the DOE Departmental RM Program and DOE element RM programs.
- To establish regular records management evaluations.
- To implement records management training for all records staff and all employees and contractors.
- To develop additional guidance for the management of electronic records and information.

By implementing these recommendations in this report, along with support from the DOE SAO and senior management throughout DOE, the agency can build a high-performing RM Program that helps DOE achieve its mission while ensuring the effective management and preservation of DOE's records and information.

APPENDIX A
RELEVANT PRE-INSPECTION DOCUMENTS

DOE Information Resources Management Strategic Plan FY 2014-2018

DOE Order 243.1B, Records Management Program, 2013

Records Management Handbook, 2006

Office of the Chief Information Officer Strategic Plan FY 2012 -2017

DOE Organizational Chart

Office of the Chief Information Officer Organizational Chart

Records Management Community Coordination Paths Chart

Procedure for Conducting a Records Inventory 10/31/07

Guidance - Collateral Duties for Program Records Officials

Guidance - Collateral Duties for Records Management Field Officers

Guidance - Collateral Duties for Records Liaison Officers

APPENDIX B

AUTHORITIES AND FOLLOW-UP ACTIONS

AUTHORITIES

- 44 U.S.C. Chapter 29
- 36 CFR Chapter XII, Subchapter B
- 36 CFR 1239, Program Assistance and Inspections

OTHER GUIDANCE

- OMB/NARA Managing Government Records Directive, M-12-18
- OMB/NARA Guidance on Managing Email, M-14-16
- Other NARA Bulletins currently in effect

FOLLOW-UP ACTIONS

- ACTION PLAN

The Department of Energy (DOE) will submit to NARA a Plan of Corrective Action (PoCA) that specifies how the agency will address each inspection report recommendation, including a timeline for completion and proposed progress reporting dates.

The plan must be submitted within 60 days after the date of transmittal of the final report to the head of the agency.

- PROGRESS REPORTS

DOE will submit to NARA progress reports on the implementation of the action plan until all actions are completed.

- NARA REVIEW

NARA will analyze the adequacy of DOE's action plan, provide comments to DOE on the plan within 60 calendar days of receipt, assist DOE in implementing recommendations, and inform DOE when progress reports are no longer needed.

APPENDIX C
COMPLETE LIST OF FINDINGS AND RECOMMENDATIONS

Finding 1: The DOE Information Resources Management Strategic Plan does not fully recognize or incorporate records management.

Recommendation 1.1: The OCIO must fully incorporate records management and recordkeeping requirements into the goals and objectives of the IRM Strategic Plan. (44 USC 3506(b) and 36 CFR 1222.26)

Recommendation 1.2: The OCIO should increase the involvement of the Departmental RM Program in information management systems planning to ensure the integration of recordkeeping requirements in information and data management strategies, tactics, design, and implementations.

Finding 2: The DOE RM Program lacks the strategic plan necessary to fully develop and implement an effective Department-wide RM program.

Recommendation 2: The DOE Departmental RM Program staff in conjunction with the RM staff from the elements should develop and implement a strategic plan for the DOE RM Program.

Finding 3: The DOE RM Program communication and coordination efforts need SAO support and cooperation to improve its ability to function.

Recommendation 3: With the leadership and support of the SAO, the DRO should explore ways to improve communication and cooperation between the Departmental RM Program and the DOE element RM programs.

Finding 4: The DOE RM Program does not conduct regular records management evaluations.

Recommendation 4: The Departmental RM Program and the element RM programs must establish records management evaluation programs that include self-assessments by the AROs, PROs, and RMFOs with additional guidance and oversight by the DRO to ensure all DOE records are managed in accordance with 36 CFR Chapter XII, Subchapter B.

Finding 5: The DOE RM Program does not have effective records management training programs for DOE RM staff and for all employees and contractors.

Recommendation 5.1: The DRO must ensure that DOE RM staff and all employees and contractors have the appropriate RM training to ensure they are aware of and understand their records management responsibilities. (36 CFR 1220.34)

Recommendation 5.2: The DRO should develop records management guidance for AROs and records management training specifically for the PROs, RMFOs, RLOs, and CRCs to help ensure that their RM programs are functioning efficiently and effectively and are in compliance with statutes and regulations, as well as DOE policy.

Finding 6: The DOE RM Program does not provide adequate guidance on the management of electronic records.

Recommendation 6.1: The DOE RM Program must update DOE O 243.1B and the Records Management Handbook to include guidance on managing electronic records and information including email. (36 CFR 1220.34 and CFR 1236.22)

Recommendation 6.2: The DOE RM Program must provide additional guidance to all RM staff, employees, and contractors on the management of electronic records and information including email. (36 CFR 1236)

Recommendation 6.3: DOE must have email policies, procedures, training, and a system that enables staff to properly manage email in accordance with the 2016 OMB/NARA requirement. The SAO and the OCIO, in cooperation with the DRO and RM staff throughout the agency, must be more assertive and proactive in ensuring effective email policies and procedures are implemented department-wide in order to meet the 2016 deadline.

Finding 7: The DOE IRM Strategic Plan objective for enhancing the use of cloud services does not include recordkeeping requirements.

Recommendation 7: The DOE RM Program, in cooperation with the OCIO, must develop and implement recordkeeping requirements for records and information being maintained in cloud environments. (36 CFR 1236)

APPENDIX D
OFFICES VISITED DURING INSPECTION

DOE Headquarters, Washington, DC, March 17 - 18, 2015

Office of the Chief Information Officer - Information Management (IM)
Energy Information Administration (EIA)
Office of Environmental Management (EM)
Office of Environment, Health, Safety and Security (EHSS)
Office of Enterprise Assessments (EA)
Office of Energy Efficiency and Renewable Energy (EERE)

Office of Legacy Management (LM), Business Operations, Morgantown, WV, March 19, 2015

NNSA Production Office (NPO), Pantex Plant, Amarillo, TX, April 1, 2015

National Nuclear Security Administration (NNSA), Albuquerque, NM, April 6, 2015

Environmental Management Consolidated Business Center (EMCBC), Cincinnati, OH, April 7, 2015 (Via Teleconference)

Bonneville Power Administration (BPA), Portland, OR, April 7, 2015 (Via Teleconference)

Oak Ridge Office (ORO) of Environmental Management, Oak Ridge, TN, April 8, 2015 (Via Teleconference)

Southwestern Power Administration (SWPA), Tulsa, OK, April 8, 2015 (Via Teleconference)

Western Area Power Administration (WAPA), Lakewood, CO, April 13, 2015 (Via Teleconference)

APPENDIX E

SELECTED COMPLIANCE QUESTIONS

Specific Questions/Areas Addressed:

- Responsibility and governance as they relate to the implementation and oversight of the Department's RM Program
- Dissemination of records management directives and other issuances
- Knowledge and experience of RM staff and training provided to RM staff, agency employees, and contractors
- Assignment of records management responsibilities to program and administrative units
- Coordination of RM program activities among the departmental components and communication of RM requirements to and within departmental components
- Senior management support ensuring adequate resources (time, budget) for their RM staff and other business line staff to administer the program and to pursue training, professional development, and continuing education opportunities
- The RM program ensures that recordkeeping requirements are embedded into business functions providing adequate documentation of the agency's activities
- The RM program has oversight ensuring that the agency has effective controls in place to manage records created by staff and contractors and to manage records created and shared in multi-agency environments
- Records scheduling is coordinated among the agency components including developing and monitoring the implementation of records schedules and the dissemination of records schedules changes
- Records disposition is coordinated among the agency components including the transfer of inactive records to storage, the transfer of eligible permanent records to NARA, and the tracking of all records dispositions
- Electronic records management objectives, responsibilities, authorities and guidance are incorporated in pertinent agency directives, disseminated to agency components, and monitored for compliance
- Electronic records migration strategies are designed and implemented by the agency and components to ensure electronic records are maintained to meet business purposes and to comply with NARA-approved retention schedules

- Risk management including identifying, analyzing, and assessing risks to the integrity, authenticity, reliability, usability, and preservation of its records and information
- The RM program has a coordinated program of evaluations/inspections/audits, conducted on an annual cycle or similar, to ensure the records management program is efficient, effective, and compliant
- The RM program conducts and coordinates RM training to ensure that those individuals with responsibility for records management have adequate training and professional development consistent with their responsibilities

APPENDIX F
ACRONYMS AND ABBREVIATIONS

ARO	Agency Records Officer
ASCII	
BPA	Bonneville Power Administration
CFR	Code of Federal Regulations
CRC	Contractor Records Custodian
DOE	Department of Energy
DOE O	Department of Energy Order
DRO	Departmental Records Officer
EA	Enterprise Assessments
EERE	Energy Efficiency and Renewable Energy
EHSS	Environment, Health, Safety and Security
EIA	Energy Information Administration
EM	Environmental Management
EMCBC	Environmental Management Consolidated Business Center
ERM	Electronic Records Management
FOIA	Freedom of Information Act
FRON	Federal Records Officer Network
IaaS	Infrastructure-as-a-Service
IM	Information Management
IRM	Information Resources Management
IT	Information Technology
ITC	Information Technology Committee
LM	Legacy Management
NARA	National Archives and Records Administration
NNSA	National Nuclear Security Administration
NPO	NNSA Production Office
OCIO	Office of the Chief Information Officer
OMB	Office of Management and Budget

ORO	Oak Ridge Office
OTR	“On the Record”
PoCA	Plan of Corrective Action
PRO	Program Records Official
RLO	Records Liaison Officer
RM	Records Management
RMFO	Records Management Field Officer
RMSA	Records Management Self-Assessment
RMWG	Records Management Working Group
SaaS	Software-as-a-Service
SAO	Senior Agency Official
SWPA	Southwestern Power Administration
U.S.C.	United States Code
WAPA	Western Area Power Administration
XML	



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