NATIONAL ARCHIVES

OFFICE *of the* CHIEF RECORDS OFFICER

Department of Transportation
Records Management Program
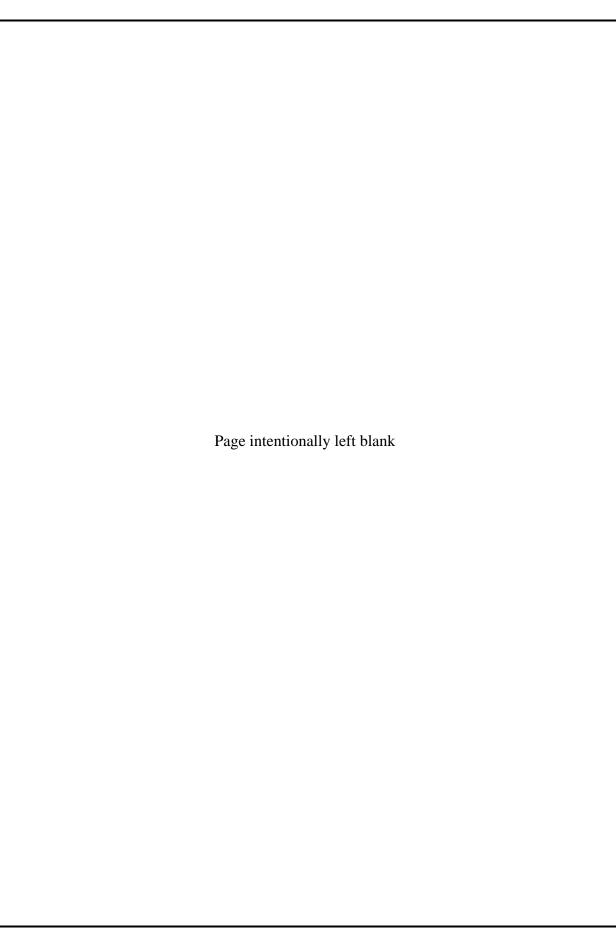

Records Management Inspection Report

National Archives and Records Administration
July 25, 2017

Page intentionally left blank

TABLE OF CONTENTS

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.[1] In this capacity, and based on authority granted by 44 United States Code (U.S.C.) 2904(c)(7) and 2906, NARA conducted an inspection of the Department of Transportation (DOT) departmental records management program in February 2017.

The purpose of this inspection was to examine how well the DOT records management (RM) program and DOT administrations and office RM programs communicate and cooperate in order to develop and implement effective records management throughout the Department in compliance with Federal records management statutes and regulations.

This inspection focused specifically on RM standards, policies, procedures, and practices at the Department level and their impact on administrations and offices. It also examined the controls the Department has implemented to mitigate risks associated with non-compliant handling of records and information and to ensure that departmental policies and procedures are implemented. The DOT's administrations and offices were not the focus of this inspection; they are included here only to the extent that they intersect with, and to some degree, rely upon the departmental program to be effective.

The DOT Records Management Office, with cooperation from its nine administration and two office records management offices, have established strong and effective communication channels whereby policies, directives, and records management practices and initiatives are developed, shared, and organized to implement a successful records management program.

While most aspects of DOT's records management program are sound, the program is non-compliant with various elements of 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B. Failure to manage records in a compliant manner increases the risk that records will not be readily accessible for normal business operations, for program development, and for accountability to Congress and the public. It also increases the risk of loss of Federal data and records, which raises the possibility that permanent records may not be retained for eventual transfer to the National Archives, as required by 44 U.S.C. 3101.[2] To help mitigate the risks associated with non-compliance with 36 CFR Chapter XII, Subchapter B, this report makes 3

---

[1] 44 U.S.C. Chapter 29, http://www.archives.gov/about/laws/records-management.html.
[2] 44 U.S.C. Chapter 31, https://www.archives.gov/about/laws/fed-agencies.html#records.

findings and 3 recommendations. Follow-up actions required for DOT and NARA are included in Appendix C.

OVERVIEW OF THE DOT RECORDS MANAGEMENT PROGRAM

The DOT departmental records management program is staffed by one full-time person who serves as the Departmental Records Management Officer (DRMO), and one part-time RM support person. The DRMO is located within the Office of Associate Chief Information Officer for IT Policy and Oversight, part of the Office of the Chief Information Officer (OCIO). The DOT RM program is the operational arm of the Senior Agency Official for Records Management (SAORM), who is also the Department CIO. At the time of the inspection, the Deputy CIO was the acting CIO.

The DRMO has implemented enterprise-wide records management practices that support the records management programs of its nine administrations, the Office of the Secretary of Transportation (OST), and the Office of the Inspector General (OIG). Each of the administrations and these offices has designated records officers, called component Records Management Officers (RMOs), that further implement and supplement the Department's records management program.

FINDINGS AND RECOMMENDATIONS

PROGRAM IMPLEMENTATION

Finding 1: The DOT RM program does not conduct regular comprehensive records management evaluations (36 CFR 1220.34(j)).

Federal regulations require agencies to conduct formal evaluations to measure the effectiveness of their records management program and practices, and to ensure all records are managed in accordance with 36 CFR Chapter XII, Subchapter B (36 CFR 1220.34(j)). Comprehensive records management evaluations conducted regularly help RMOs to identify areas of non-compliance or weakness and enables them to take necessary corrective actions and make improvements.

Section 28.10 of DOT Order 1351.28, Departmental Records Management Policy, dated August 11, 2016, requires annual compliance reviews be conducted of the DOT RM program. Of the RMOs interviewed during the inspection, only one indicated that their administration conducts a formal RM evaluation annually, three indicated that their administrations conduct informal RM evaluations as needed, with the remaining five administrations, two offices, and the Department indicating that they were not conducting any RM evaluations regularly.

In August 2016, the Department initiated an agreement with NARA's Records Management Consulting Services (RMCS) to conduct a records and information management (RIM) needs assessment of the OST using the Federal Records and Information Management Program

Maturity Model Assessment Tool.[3] The purpose was to assess the RM program of OST and use the results to maintain effective records management practices and improve compliance within the RM program in OST and subordinate offices. A final report was delivered in September 2016 containing 30 findings and recommendations. In this report, one finding stated that OST does not conduct periodic evaluations of records management practices and that evaluations or formal assessments should be conducted by OST RMO, RLs, or supervisors to ensure compliance with RIM policies, procedures and standards.

While the RMCS needs assessment is an initial step towards the requirement to conduct formal records management evaluations, it provides limited compliance with 36 CFR 1220.34(j), in that the assessment neither included other administrations and offices in DOT, nor reviewed other elements of the DOT RM Program.

Recommendation 1: The DOT administrations and offices must conduct regular comprehensive records management evaluations in accordance with its own policy and 36 CFR 1220.34(j) to ensure records are not at risk and are managed in accordance with 36 CFR Chapter XII, Subchapter B.

RECORDS MANAGEMENT TRAINING

Finding 2: Many of the Records Liaisons (RLs) throughout DOT do not receive additional RM training consistent with their assigned RM responsibilities.

In compliance with 36 CFR 1220.34(d), the DOT has established a network of RLs at program offices and field locations throughout the Department's administrations and offices to ensure recordkeeping requirements, records maintenance, storage, and disposition practices are incorporated into agency programs.

Overall, RM training at the DOT meets the requirement under 36 CFR 1220.34(f) and 1224.10(e). A Department-wide training course, RM 101, is mandatory for all the DOT employees. The DOT DRMO and component RMOs have received the NARA Certificate of Records Management training.[4] However, only three of the nine administrations provide additional guidance or training for RLs. Two other administrations provide additional RM training for the RLs, but it is informal and only as needed. Additionally, while the DRMO does conduct regular monthly RM meetings and quarterly RM working groups, to which RLs are invited, attendance by RLs is optional.

The mandatory training for all the DOT employees, annual records management awareness week, and other briefings is not sufficient to ensure that all RLs can fully perform the RM tasks at their locations. Since RLs are required to execute additional specific RM duties in accordance with their performance plans, to be effective, they must receive specific RM training. RL training should include comprehensive information and instructions detailing expectations for the

---

[3] Federal Records and Information Management Program Maturity Model Assessment Tool, https://www.archives.gov/files/records-mgmt/prmd/maturity-model-user-guide.pdf.
[4] OMB/NARA Managing Government Records Directive (M-12-18) Goal 2.3, https://www.archives.gov/files/records-mgmt/m-12-18.pdf.

additional RM responsibilities and how to effectively and efficiently execute their RM responsibilities at their program office or field location. These performance expectations should be clearly defined in the performance plans for all RLs.

Recommendation 2: The DOT records management program should require RMOs to provide additional comprehensive RM training specific to RLs to ensure all can effectively perform their RM responsibilities.

RECORDS SCHEDULING

Finding 3: Not all DOT administrations and office RMOs coordinate component records schedules with the Departmental Records Management Officer as required by DOT Records Management Policy.

DOT's Departmental Records Management Policy (paragraph 28.5.3.8) requires the DRMO to coordinate with component RMOs to review proposed schedules prior to submission to NARA. Coordination and review of schedules by the DRMO allows for the creation of Department-wide schedules if required, which improves efficiency and reduces redundancy across the Department. Currently, half of the DOT administrations and offices fail to coordinate their proposed records schedules with the DRMO in violation of DOT's Records Management Policy.

Coordination of administration records schedules is being done within the administrations with appropriate stakeholders. Coordination with the Department would further improve efficiency, reduce redundancy, and allow for additional consistency.

Recommendation 3: The DRMO, with cooperation from component RMOs, should establish and implement controls and procedures to ensure proposed records schedules are reviewed by the DRMO prior to submitting them to NARA for approval.

COMMUNICATIONS AND COLLABORATION

The DOT DRMO communicates and collaborates well with component RMOs.

The DOT Departmental RM program hosts monthly RM meetings open to component RMOs and RLs throughout the Department, and quarterly RM Working Group meetings with the component RMOs. The meetings are held to disseminate information, share RM practices, and collaborate on RM initiatives. The DOT RM programs also use their SharePoint portal at the departmental and component levels to share RM policy, directives, common practices and procedures, training materials, and other RM related information. In addition, the DRMO holds quarterly one-on-one meetings with each RMO and their teams to track progress in meeting RM objectives and requirements, share best practices, provide training, and solicit feedback.

POLICY AND DIRECTIVE

DOT's Departmental Records Management Policy, DOT Order 1351.28 Records Management, is a comprehensive document that includes clear roles and responsibilities for all RM

stakeholders, and current policy and procedures for handling electronic records and electronic messages. A requirements traceability matrix was developed to cross reference RM requirements to needed policy statements for the revised order. Prior to being published in August 2016, all component RMOs participated in the revision.

SENIOR LEADERSHIP SUPPORT

The DOT RM program receives support from senior leadership.

Communications between the DOT DRMO and the SAORM, while indirect, are effective and the DRMO and most of the component RMOs reported receiving very good support for their RM programs from their senior leaders. This was evident with senior leadership's support of:

- RMO participation in the Capital Planning and Investment Control (CPIC) process
- requiring RMOs to sign-off on the records review requirement during Information Technology (IT) security assessments of Electronic Information Systems (EIS)
- supporting the enterprise approach taken by the DRMO for the Capstone effort
- and, funding the agreement with NARA's RMCS to assess the RM program in OST.

Senior leadership support has enabled the DRMO and RMOs at the components to be more effectively involved in areas where RM has had challenges.

RM INTEGRATED INTO IT PROCESSES

DOT successfully integrates RM into IT processes.

By way of Office of Management and Budget's (OMB) Management and Oversight of Federal Information Technology (M-15-14)[5], which implements the Federal Information Technology Acquisition Reform Act (FITARA)[6], DOT has successfully incorporated RM involvement and requirements into the CPIC and Security Assessment processes, and RM participation in Investment Review Boards (IRB).

RMO participation in IRBs and CPIC allows RMOs to determine if records will be created in systems and to schedule the EIS. The component RMOs are also required to sign-off on the Records Review requirement which was previously conducted by IT Security personnel during IT Security Assessments. The sign-off by the RMO must be completed before an EIS can become operational. This enables RMOs to ensure RM requirements and controls are established for the reliability, integrity, usability, content, context, and structure of records before the EIS is deployed.

---

[5] OMB Management and Oversight of Federal Information Technology (M-15-14), https://management.cio.gov/implementation/.
[6] Federal Information Technology Acquisition Reform Act (FITARA), https://www.congress.gov/bill/113th-congress/house-bill/1232.

<u>**RM INITIATIVES AND PRACTICES**</u>

As noted in Finding 1 of this report, DOT initiated a RIM needs assessment of OST by NARA RMCS using the Federal RIM Program Maturity Assessment Tool. The purpose was to review OST standards, policies, procedures, and other records management practices to help the OST and its subordinate offices maintain effective records management programs. The DRMO is using the findings and recommendations from RMCS's final report to help the OST RMO create a plan of corrective action with the first progress report to be provided in March 2017. The DRMO also plans to use the results to make improvements to the RM program throughout the Department.

File plans are used extensively throughout DOT with many offices conducting periodic inventories. Most notable, one component developed innovative ways to create and use file plans, such as developing a portal for users to search and download applicable records series and items.

<u>**EMAIL MANAGEMENT**</u>

DOT enterprise approach to email is supported by the SAORM and is well coordinated.

DOT Records Management Office orchestrated an enterprise approach to implement Capstone General Records Schedule (GRS) 6.1[7] throughout the Department. The effort, facilitated by the DRMO and supported by the SAORM with policy, guidance, and implementation instructions, was coordinated with the Office of the General Counsel (OGC), the component RMOs and CIOs, and NARA. Most components, except for two administrations and one office, use the same email system hosted in a common operating environment that is managed by the Department OCIO. All NARA Capstone verification forms (NA-1005) were submitted to NARA with most of them approved and just a couple in progress.

CONCLUSION

Overall, the DOT has established strong communication channels, published and disseminated a comprehensive policy directive, and has successfully integrated RM involvement and requirements into the Capital Planning and Investment Control process - an initiative that could be of interest to other Federal Departments and agencies. Effective communications with, and support from, the SAORM are also evident with DOT's well-coordinated approach of implementing Capstone GRS 6.1 Department-wide.

While many aspects of the DOT RM program are well established and contain many strengths, making the improvements recommended in this report will mitigate and minimize risks to departmental records, further strengthen the DOT Departmental records management program and the RM programs of the administrations and offices, contribute to the Department's overall mission, and enhance the effective management and preservation of the Department's records.

---

[7] General Records Schedule 6.1: Email Managed Under a Capstone Approach,
https://www.archives.gov/files/records-mgmt/grs/grs06-1.pdf

APPENDIX A
INSPECTION PROCESS

OBJECTIVE AND SCOPE

The objective of this inspection was to determine if the DOT implements standards, policies, procedures, and other records management coordination practices to ensure that the Department and its component agencies and offices have effective records management programs.

METHODOLOGY

NARA carried out this inspection by conducting interviews at the DOT Headquarters with most of the DOT administrations and by reviewing DOT program documentation. More specifically, the inspection team:

- reviewed records management policies, directives, and other documentation provided by DOT and its administrations;
- interviewed RM representatives from the Departmental records management program and from eight operating administrations and two offices;
- guided the course of the inspection using a detailed checklist of questions based on Federal statutes, Federal regulations, and NARA guidance; and
- reviewed DOT and administration responses to current and past annual Records Management Self-Assessments (RMSA) and current and past reports of Senior Agency Official for Records Management (SAORM).

OFFICES INTERVIEWED

NARA visited DOT Headquarters and the headquarters of administrations, Washington, DC, area on February 7-10 and 15, 2017.

- Federal Aviation Administration (FAA)
- Federal Highway Administration (FHWA)
- Federal Motor Carriers Safety Administration (FMCSA)
- Federal Railroad Administration (FRA)
- Federal Transit Administration (FTA)
- National Highway Traffic Safety Administration (NHTSA)
- Office of the Inspector General (OIG) (via conference call on 15 February)
- Office of the Secretary of Transportation (OST)
- Pipeline and Hazardous Materials Safety Administration (PHMSA)
- Saint Lawrence Seaway Development Corporation (SLSDC)

The inspection team did not interview the Maritime Administration (MARAD).

APPENDIX B
RELEVANT INSPECTION DOCUMENTATION

"DOT Order 1351.28 Records Management, Departmental Records Management Policy," Department of Transportation, August 11, 2016.

"DOT Records Management - Capstone Email RIM Approach," Department of Transportation, November 2014.

Memorandum to Heads of DOT Operating Administrations and Head of DOT Secretarial Offices, "Department of Transportation Adoption of the General Records Schedule 6.1 Capstone Approach to Email Management," Department of Transportation, Office of the Chief Information Officer, April 4, 2016.

Memorandum to DOT Records, "Department's Implementation of Capstone Retention Rules for Email," Department of Transportation, Department's Records Management Office, December 30, 2016.

"IRM Strategic Plan," Department of Transportation, Office of the Chief Information Officer, March 2014.

"DOT Information Technology Strategy, 2015-2017," Department of Transportation, Office of the Chief Information Officer, July 24, 2015.

"Strategic Plan for Records and Information Management FY 2017," Department of Transportation, Department's Records Management Office, October 2016.

"DOT Records Management - Vision for Electronically Managing Documents/Artifacts," Department of Transportation, Office of the Chief Information Officer, draft dated January 2017.

"The ERM Cerberus (Challenges)," Department of Transportation, Office of the Chief Information Officer, draft not dated.

"Requirements Traceability Matrix v5," Department of Transportation, Office of the Chief Information Officer, 2014.

Memorandum to Departing Officials and Employees, "Records Management Memo for Departing Employees," Department of Transportation, Office of the General Counsel and Office of the Chief Information Officer, not dated.

DOT Form 1324.3a, "DOT Records Exit Checklist," Department of Transportation, not dated. Records Management Consulting Project, "Department of Transportation (DOT) Office of the Secretary (OST)," National Archives and Records Administration, Records Management Consulting Services, September 2016.

APPENDIX C
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

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. NARA provides additional policy and guidance to agencies at its records management website - http://www.archives.gov/records-mgmt/.

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)); and
- 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)).

FOLLOW-UP ACTIONS

DOT 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.

NARA will analyze the adequacy of DOT's action plan, provide comments to DOT on the plan within 60 calendar days of receipt, and assist DOT in implementing recommendations.

DOT will submit to NARA progress reports on the implementation of the action plan until all actions are completed. The frequency of progress reports will be determined during development of the POCA. NARA will inform DOT when progress reports are no longer needed.

APPENDIX D
ACRONYMS AND ABBREVIATIONS

CFR	Code of Federal Regulations
CIO	Chief Information Officer
CPIC	Capital Planning and Investment Control
DOT	Department of Transportation
DRMO	Departmental Records Management Officer
EIS	Electronic Information Systems
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FITARA	Federal Information Technology Acquisition Reform Act
FMCSA	Federal Motor Carriers Safety Administration
FRA	Federal Railroad Administration
FRON	Federal Records Officer Network
FTA	Federal Transit Administration
GRS	General Records Schedule
IRB	Investment Review Board
IT	Information Technology
NARA	National Archives and Records Administration
NHTSA	National Highway Traffic Safety Administration
OCIO	Office of Chief Information Officer
OGC	Office of the General Counsel
OIG	Office of the Inspector General
OMB	Office of Management and Budget
OST	Office of the Secretary of Transportation
PHMSA	Pipeline and Hazardous Materials Safety Administration
PoCA	Plan of Corrective Action
RL	Records Liaison
RIM	Records and Information Management
RM	Records Management
RMCS	Records Management Consulting Services
RMSA	Records Management Self-Assessment
RMO	Records Management Officer
SAORM	Senior Agency Official for Records Management
SLSDC	Saint Lawrence Seaway Development Corporation
U.S.C.	United States Code