NATIONAL ARCHIVES

OFFICE *of the* CHIEF RECORDS OFFICER

RECORDS MANAGEMENT OVERSIGHT ACTIVITIES
JANUARY 1, 2022 THROUGH JUNE 30, 2022

Semi-Annual Report

National Archives and Records Administration
September 2022

<div align="center">

Records Management Oversight Activities
Semi-Annual Report
January 1 through June 30, 2022

</div>

INTRODUCTION

This report shares recurring themes, key observations, and recommendations for action identified by the Records Management Oversight and Reporting program of the Office of the Chief Records Officer through various oversight activities completed January 1 through June 30, 2022.

During this time frame the COVID-19 pandemic required us to be more flexible in adapting our processes from in-person site visits to virtual meetings and video conferences. While there may have been some information that we were unable to gather, we believe we were still able to effectively conduct oversight of Federal records management, identify trends and address challenges.

We conduct oversight through inspections including tracking plans of corrective actions (PoCAs), assessments on various records management topics, analysis of annual reports submitted by federal agencies, and tracking of unauthorized dispositions allegations.

During this six-month period we completed:

Inspections
- Farm Credit Administration (FCA)
- Records of Federal Executive Secretariats
- Permanent Records of the Selected Components of the Department of Treasury

Assessments
- Agency Onboarding and Offboarding Processes
- Inter-Agency Collaboration Applications
- Agency Chief Data Officer Coordination with Records Management Programs
- Federal Agency Implementation of Records Schedules with Selection Criteria

For further information on each of the above reports, along with all other previously issued agency inspection and assessment reports, and the tracking of allegations of unauthorized disposition of Federal records, please see our website located at https://www.archives.gov/records-mgmt.

We also continued our tracking and monitoring of Plans of Corrective Action (PoCAs). As of June 30, 2021, NARA is actively working with agencies on 52 open PoCAs approval with 600 total recommendations. For the open PoCAs, 408 recommendations have been closed as a result of agency action. There are 11 additional PoCA's pending approval.

TRENDS

The data from NARA's oversight activities indicate that records management programs across the Federal Government have much in common in terms of compliance with federal records management statutes and regulations.

While we find similar challenges and areas of non-compliance in most of our oversight activities, the ones specific to projects completed during the time frame of this report include:

- Many agencies, particularly small or micro-agencies, do not have the basic fundamentals necessary for a compliant and functional records management program. These fundamentals include physical and intellectual controls that enable agencies to know:

  - what types of records are being created and maintained,
  - where they are located when needed for decision-making and government accountability, and
  - ensuring their access and availability throughout the records lifecycle.

  If these fundamentals are not in place or are not implemented properly, records are at risk of being lost or mishandled, making them inaccessible to decision makers and others.
- Records management staff are not always included in agency specialized processes such as Executive Secretariats, On-boarding and Existing employees, and the use of collaborative platforms.
- With leadership commitment in place agencies can build a potentially strong records management program.
- Records management programs often lack clear performance and/or strategic plans that would help establish goals and objectives to improve record keeping.
- Records ownership decisions need to be made and understood as soon as possible when there is inter-office and/or interagency collaboration.
- The Chief Data Officer role established by Foundations for Evidence-Based Policymaking Act of 2018 (H.R. 4174)2 ("Evidence Act") and Office of Management and Budget (OMB) Memorandum M-19-23, Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance has an impact on records management.
- Schedule implementation can be a difficult process and those with selection criteria have an added layer of complexity. The selection process needs to be well defined, deliberate, and clearly articulated by agency guidance and procedure.
- There are difficulties in correctly applying selection criteria that have led to retaining records longer than necessary and/or failures to identify permanent records.

SUMMARY OF OVERSIGHT ACTIVITIES

- **Farm Credit Administration**
  This single agency inspection was conducted to examine FACA's compliance with records management statutes and regulations and policies with particular attention to:

  - Electronic records and email management
  - Records scheduling and implementation
  - Records management training

  As a small agency, FCA exhibited the same trends listed above. However, due to senior leadership commitment to structuring a sound and compliant RM program the agency is poised to build a potentially strong records management program.

- **Executive Secretariat Records**
  This report documents a multi-agency topical inspection of executive secretariat records and records management (RM) practices at eleven different federal agencies. NARA selected these records, typically designated as permanent, due to their importance in documenting the actions and correspondence of senior officials at Federal agencies. Executive secretariats are responsible for the administrative management of these high value records, and directly support the senior executives of their respective agencies. They are also responsible for the coordination and review of agency correspondence, policy and program proposals, and regulations and legislation. The inspection focused solely on the records of the executive secretariats.

  The inspection found:

  - A general lack of control over the management of the records of the executive secretariat.
  - Records and files that are the responsibility of executive secretariats were sometimes managed by Program Offices.
  - Inadequate policies and procedures inhibit records management.
  - Instances of out of date records retention schedules and challenges to implementation
  - Permanent records overdue for transfer and temporary records are held past the end of their retention period

- **Permanent Records of Selected bureaus and offices of the Department of the Treasury**
  NARA conducted an inspection of selected offices and bureaus of the Department of the Treasury. NARA inspected the management of permanent records by selected bureaus and offices of the Department of the Treasury. NARA selected these bureaus due to the high value of permanent records they create in their roles as the stewards of the United States currency creation and financial oversight. The inspection examined Departmental compliance with federal RM statutes and regulations and assessed the effectiveness of agency RM policies and procedures. In particular, it focused on the creation, management and transfer of permanent records with an emphasis on electronic records, including

email and social media communications, policies, strategic planning, training, records schedule implementation and oversight. Additionally, it sought to identify practices of interest to the wider federal RM community.

The following bureaus and offices were included in this inspection:

- The Department of the Treasury Headquarters (Department)
  - Office of Foreign Assets Control (OFAC)
  - Office of Financial Stability (OFS)
- The Bureau of Engraving and Printing (BEP)
- The Office of the Comptroller of the Currency (OCC)
- The United States Mint (U.S. Mint)

The scope of the inspection was limited to permanent records in all formats. It was not the intention of NARA to conduct a comprehensive review of the RM programs of the bureaus and offices involved in the inspection

The inspection found that the Department is in a rebuilding effort to improve intellectual control of its records and modernize its program to fully meet the requirements of OMB/NARA M-19-21. This rebuilding effort is being led by the DRO who is assisted by three full-time RIM staff members. In addition, the Department utilizes a network of 44 Records Liaisons (RL) who manage day-to-day records activities in Departmental offices.

Among the initiatives being undertaken by the RIM program are:

- The revitalization of the RL program and training throughout Departmental offices.
- A complete inventory of electronic records and electronic information systems in Departmental offices along with corresponding file plan updates.
- The development of new media-neutral Departmental records schedules.
- The development of a new electronic records management system (ERMS), OneCT, to manage high-level permanent records.
- Scanning initiatives to convert legacy analog records into digital media including classified records.
- Updates to the Departmental RIM handbook to incorporate the requirements of OMB/NARA M-19-21.
- Updates to the Capstone email schedule[1] and the disposition of legacy email.
- Integration of the RIM program into the Department's system development life cycle (SDLC).
- Enhanced engagement with component offices and bureaus.

---

[1] See NARA Bulletin 2013-02: *Guidance on a New Approach to Managing Email Records* for more information on the Capstone approach to managing email.

The selected offices and bureaus are also in various stages of updating some of the records management policies and procedures. In some instances, improvement in internal controls, performance or strategic planning with clearly defined goals are needed.

- **Agency Onboarding and Offboarding Processes**
  NARA conducted an assessment of 7 agencies on their policies and procedures related to the agency's employee entrance/onboarding and exit/offboarding processes. If focused on any agency policies, practices, procedures and documentation related to the onboarding and offboarding processes to better understand each agency's approach, the stakeholders involved, and how the agency's RM program is integrated into both processes.

  Onboarding and offboarding are critical periods for both agencies and agency personnel. Successful onboarding helps new employees acquire the basic knowledge, skills and behaviors to quickly become effective contributors within an organization. Agency RM programs should use the onboarding process to establish the importance of RM, and lay a solid foundation that supports agency personnel in successfully meeting their Federal recordkeeping requirements.

  Offboarding is the only time that agencies can ensure that organizational assets and institutional knowledge are effectively secured and retained. Agency RM programs should have consistent involvement with all types of departing personnel to validate adherence to all RM regulations, policies and procedures to ensure that Federal records are preserved and managed properly until their authorized disposition.

  The trends found in this assessment closely mirror problems found general records management; however, there were challenges unique to the topic such as:

  - Inadequate involvement of agency RM programs with either process
  - Insufficient dissemination of RM resources to agency personnel during onboarding
  - Noncompliant RM training and ineffective tracking of training completion
  - Non-enforceable use of checklists and omission of RM on checklists used for on and off boarding
  - Improper retention of emails from departed agency personnel accounts
  - Absence of a formal clearance process for removing information during offboarding, and
  - Ineffective processing of returned electronic devices to validate preservation of any information stored on those devices

- **Inter-Agency Collaboration Applications**
  This is an assessment of the collaboration tools used by federal agencies for intra- and inter-agency business. In particular, NARA was interested in the technology, methodology and policies federal agencies use to create, transmit, protect and preserve records from collaboration tools. Furthermore, the purpose of this assessment is to determine what, if any, updates may be required to federal records management regulations.

The term "collaboration tools" is broad, but this assessment focused on collaboration suites, email, calendar, video conferencing, chat, file sharing, and document collaboration. The following list contains examples of these tools.

- **Collaboration Suites** - Microsoft 365, Google Workspace, Nextcloud, Zoho One, OpenPaaS

- **Document Collaboration -** Max.gov, Google Workspace Docs, Sheets, Slides, Microsoft 365 Word, Excel, PowerPoint; Box, Huddle

- **File Sharing** - Max.gov, DoD Secure Access File Exchange (SAFE), Box, Huddle, Google Drive, Microsoft OneDrive, Nextcloud, Owncloud

- **Email -** Outlook, Gmail, WorkMail, ProtonMail, Zoho, Thunderbird

- **Calendars** - Outlook, Google Calendar, Max.gov calendaring service, Thunderbird, Nextcloud, Amelia, Calendly, Doodle, TeamUp

- **Chat** - Google Chat, Microsoft Teams, Slack, Jabber, Rocket.Chat, Zulip, Mattermost, Facebook Workplace, HIVE, Discord

- **Video Conferencing -** Microsoft Teams, Google Meet, Zoom, ZoomGov, Cisco Webex, Adobe Connect, AWS Chime, Verizon BlueJeans, Jitsi

While this is still an emerging topic that will continue to change as technology evolves the assessment observed trends for records management that need to be addressed sooner rather than later such as:

- Collaboration tools can create and/or maintain records, therefore, agencies must integrate records management and preservation when utilizing these tools.
- There is a need for training and/or professional development for Agency Records Officers on the subject of the functionality and capabilities of these tools and other information technology.
- Records ownership and responsibility needs to be determined and agreed to so that records are captured and not orphaned at the end of the collaboration.

- **Agency Chief Data Officer Coordination with Records Management Programs**
  NARA conducted an assessment of Chief Data Officer (CDO) coordination with federal agency RM programs that are in varying stages of implementing the Foundations for Evidence-Based Policymaking Act of 2018 (H.R. 4174)2 ("Evidence Act") and Office of Management and Budget (OMB) Memorandum M-19-23, Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance. In particular, NARA was interested in the relationship and linkages between RM and the CDO as the new CDO role and responsibilities are being planned, established, and implemented across federal agencies. Towards this end, NARA reviewed applicable laws, regulations, policies and guidance regarding data

management/data governance and RM (see Appendix A for definitions of data-specific terms).

A common view of records and data implies that physical and digital assets are two distinct structures. But in terms of compliance, business operational requirements, and continuity, the two structures or formats are equally valuable and interrelated. Today, most records and data are created and maintained electronically. The volume will continue to grow as the government transitions to being fully electronic in line with the requirements of M-19-21 and to improve government efficiency. Additionally, the federal regulatory requirements that govern the management of physical records and electronic data/records are the same.

As agencies develop and implement the Evidence Act, previous perceptions that RM and data management are different disciplines distinct from each other should now be viewed as related fields requiring collaboration, reciprocity, and tighter integration within agency information management frameworks. The linkages between RM and data management provide agencies an opportunity to leverage both programs and promote efficient operational and programmatic objectives. Some of these areas include:

- Lifecycle Management
- Stewardship
- Governance
- Risk Management
- Contingency Planning
- Transparency
- Legal
- Compliance

The report makes several important recommendations

- Coordination, collaborate and/or integrate RM with data governance programs
- Routine engagement
- Role-based RM training for CDOs and data governance staff
- ARO professional development in data governance

- **<u>Federal Agency Implementation of Records Schedules with Selection Criteria</u>**
  NARA conducted an assessment of the implementation of federal agency records schedules containing records selection criteria. There are some record series that contain a mix of records that are both temporary and permanent and therefore require what is known as selection criteria. Selection criteria are often applied to records of voluminous scope, such as case files and research projects, and can include language instructing an agency program to select records based on historical or programmatic significance. Frequently, the criteria include language that has evolved into a standard set of criteria since NARA began reviewing and approving agency records schedules in the 1950s. Included in this common selection language are the following general categories:

  - Records of national or regional significance
  - Records that attracted widespread media attention
  - Records that drew Congressional attention or scrutiny

- Records that resulted in significant controversy
- Records that changed agency policies or procedures
- Records that resulted in a legal decision of some kind
- Records designated by NARA or the agency to be historically significant

These criteria have developed over time, but agencies often develop selection criteria specifically suited to their needs in coordination with NARA appraisal archivists. Examples include major incident records, statistical selections, monetary selections, first of kind research and so on. These criteria are typically used to define dispositions for permanent records and will include dispositions for those records not selected as temporary items.

Schedule implementation can be a difficult process and those with selection criteria have an added layer of complexity. The selection process needs to be well defined, deliberate, and clearly articulated by agency guidance and procedures.

In conducting this assessment of these types of records schedules, NARA found a number of challenges that the majority of participating agencies had in common, as well as a few that were unique to a particular agency or record series. These included failure to properly implement the criteria or not implementing it all, and selection criteria that do meet the agency's business needs. This contributes to the inability for NARA to accept the transfers of permanent records and large backlogs that forces agencies to invest considerable time and resources.

Based on the information provided by the participating agencies the report discusses the following key points:

- It is essential that selection criteria be adequately defined during schedule creation and described in agency records management guidance once the schedule is approved.
- Agency mission/program staff have a critical role when creating and implementing selection criteria.
- There are not any current policies, guidelines, and guidance in place for selection criteria.
- Implementation of selection criteria is often difficult, handled in an *ad hoc* fashion or not being done at all.
- Instead of reviewing and revising selection criteria that prove to be unworkable, agencies create workarounds or do not implement the criteria consistently.

RECOMMENDATIONS FOR EXECUTIVE ACTION

Overall, the challenges facing federal records management programs remain fairly consistent and can only be faced with concerted effort and leadership. The purpose of publishing specifics from our oversight activities semi-annually is to provide information about our activities and identify commonalities, particularly, for those agencies that have not yet been inspected or otherwise engaged with us. We encourage Senior Agency Officials for Records Management, other Senior Agency Officials, as well as Agency Records Officers and other Records Managers, to use this information to identify where they may have similar issues and proactively make adjustments.

NARA makes the following recommendations for Senior Agency Officials for Records Management (SAORM) to consider based on the oversight activities covered by this report:

- Agencies must develop procedures to regularly review their internal controls for implementing records management program policies and recordkeeping requirements the same as any other program. (36 CFR 1226.10, OMB A-123 and A-130)

- Agencies should develop collaboration and coordination between the Chief Data Officer, Chief Information Officer, and Records Officers as part of overall Information Governance.

- Agencies must ensure that records management requirements are included in all programs within an agency including specialized programs such as Executive Secretaries and Human Resources. (44 U.S.C. Chapter 31.)

- Agencies that use selection criteria with their NARA approved retention schedules should develop clear written procedures, guidance and guidelines, train staff, establish procedures and review the selection criteria periodically for relevance, ease of implementation, and effectiveness.

Proper records management supports government accountability and allows agencies to create and retrieve information required in order to accomplish mission goals. NARA is committed to working with federal agencies to improve records management across the government to advance these important goals.

UPCOMING OVERSIGHT ACTIVITIES

The following oversight activities are expected to be completed in calendar years 2022-2023.

Annual Federal Agency Records Management Report

- Annual report to Congress covering records management activities in CY 2021
- Preparation for the next reporting cycle to run in January 2023

Multi-Agency Inspections

- Permanent Records within the Department of Agriculture

Single Agency Inspections

- Department of the Navy
- Department of the Army

Assessments
- Video Surveillance Records
- Portable Electronic Devices
- Social Media Records

Systems Audits
- Email and Calendar Records of the Equal Employment Opportunity Commission and Peace Corps

NATIONAL
ARCHIVES

OFFICE *of the*
CHIEF RECORDS
OFFICER