

National Archives and Records Administration

Transmittal Memo

DATE: September 29, 2015

TO: All Staff

SUBJECT: NARA 1607, HANDLING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION (PII) IN OPEN ARCHIVAL MATERIALS

Purpose: This directive is being issued to bridge the gap between decades of sound archival practice at NARA when screening materials for sensitive information and the current need to prevent identity theft and protect personal privacy online as we make more information publically available in new ways. New steps must be taken by NARA to minimize the release of sensitive personally identifiable information (PII) in previously open archival materials. The Freedom of Information Act (5 U.S.C. § 552) and NARA's General Restrictions allow for some restrictions on public access, including where the personal privacy of a living individual is affected. NARA has an obligation to respect the privacy of individuals while still providing public access to archival materials.

Background: PII can be any information identifying an individual, including their name. However, in open materials, NARA is concerned with sensitive PII – i.e., information, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. The most common type of sensitive PII is Social Security Numbers, particularly when linked to date of birth, mother's maiden name, or other types of identifiers; but sensitive PII can also include private medical information.

Sensitive PII can easily be exploited for identity theft, particularly as more information is available online and in electronic format. Identity thieves can now match information that they find online with sensitive PII appropriately released by NARA at a time when traditional archival screening practices for textual materials did not have to focus on this issue. As a result, some previously open archival materials will have to be screened for sensitive PII prior to making the materials publically available.

Available forms: None.

Canceled forms: None.

Canceled policy: None.

Related policy:

National Archives and Records Administration

- Archives 1400, Chapter 6. Access to Records.
- Interim Guidance 1600-3, Access to Archival Materials in the Context of Concern about Terrorism.
- NARA 1601, Screening Federal Records for Information Covered by FOIA Exemptions.
- NARA 1602, Access to Records Requested Under the Freedom of Information Act (FOIA).
- NARA 1608, Protection of Personally Identifiable Information (PII).

Effective date: This directive is effective date of signature.

Contact information: Contact Hannah Bergman, NGC, for more information at hannah.bergman@nara.gov or 301-837-0344.

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Deputy Archivist of the United States

Attachment

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1607.1 Policy.

- a. NARA provides public access to accessioned records in the National Archives of the United States and donated historical materials in NARA's custody unless specific restrictions are imposed by statute, Executive Order, court order, or, in the case of donated materials, the deed of gift.
- b. NARA protects the privacy of individuals by screening archival materials for personally identifiable information (PII) and restricting public access to archival materials until the risk of releasing PII has been removed by NARA staff.
- c. NARA performs a risk analysis of decisions involving the restriction of PII in archival materials that have already been made publicly available, considering the totality of the circumstances.
 - (1) When considering the restriction of PII in archival materials that have already been made publicly available, NARA balances the harm that may be caused to individuals' privacy if the materials continue to be publicly available against the public interest served by keeping the records open and allowing citizens the opportunity to hold the government accountable, coupled with the additional attention that could be focused on the withdrawn information, and the benefits to researchers of continued public availability of the PII.
 - (2) NARA only withdraws archival materials which contain PII that have already been made publicly available when the risks to individuals' privacy by continued public availability of the PII clearly outweigh the public interest served by keeping the records open and allowing citizens the opportunity to hold the government accountable.

1607.2 Coverage.

This directive applies to accessioned records and donated historical materials in the legal custody of the National Archives of the United States.

1607.3 Responsibilities.

- a. NARA employees follow procedures for screening archival records found in NARA 1601, Screening Federal Records Covered by FOIA Exemptions and procedures

for screening donated historical materials found in Archives 1400, Chapter 6. Access to Records.

- b. Managers and supervisors elevate questions from employees regarding privacy protections as appropriate.
- c. The Executives for Research Services and Legislative Archives, Presidential Libraries, and Museum Services make a decision, in consultation with the Chief Operating Officer (COO), Deputy Archivist (ND), and if appropriate, the Archivist to withdraw or remove previously open and available archival materials because of privacy concerns.
- d. The Chief Operating Officer makes a decision, in consultation with the appropriate Executive, ND, and if appropriate, the Archivist to withdraw or remove previously open and available archival materials because of privacy concerns.
- e. The Deputy Archivist makes a decision, in consultation with the appropriate Executive, the COO, and if appropriate, the Archivist to withdraw or remove previously open and available archival materials because of privacy concerns.
- f. The Archivist of the United States makes a final decision, when deemed necessary by the COO or ND on whether to withdraw or remove previously open archival materials from public access.
- g. Research Services.
 - (1) The Special Access and FOIA Staff (RD-F) reviews and provides advice when there is a question about the availability of previously screened and publicly available materials containing PII.
 - (2) Access Coordinators and archives directors in the field work with RD-F and others listed in subpars. 1607.3(h) through (k) to provide advice when there is a question about the availability of previously screened and public materials containing PII that are not in a Presidential Library.
 - (3) The Electronic Records Division (RDE) advises on access, from both a technical and archival perspective, when electronic records are involved.
- h. The Chief Information Officer (CIO) provides input, as needed on information security and technical matters.
- i. General Counsel (NGC) is the Chief FOIA Officer and the Senior Agency Official for Privacy and advises on legal issues related to privacy protection and access to archival materials.

- j. The Office of Innovation (V) advises on technical issues and access policy involving the National Archives Catalog and the Description and Authority Service.
- k. Supervisory Archivists in the Office of Presidential Libraries review and provide advice when there is a question about the availability of previously screened and public materials containing PII in a Presidential Library.

1607.4 Authorities.

- a. 5 U.S.C. 552. The Freedom of Information Act.
- b. 44 U.S.C. 2108. Responsibility for custody, use, and withdrawal of records.

1607.5 Releasability.

Unlimited. This directive is approved for public release.

1607.6 Records management.

- a. NARA 1607 does not address records management requirements for processes involving screening of archival materials and making such materials available in the National Archives Catalog. For questions about records created during the archival screening process, consult the applicable directive (see subpar. 1607.3a) and the NARA Records Schedule (Chapter 14), and/or contact Corporate Records Management (CM). Records are unscheduled for processes involving the National Archives Catalog and the Description and Authority Service (DAS). Contact CM for further guidance.
- b. Research Services (R) and Legislative Archives, Presidential Libraries, and Museum Services (L) – Managers and supervisors in research rooms and custodial units, Access Coordinators and Archival Operations Directors, and Presidential libraries’ supervisory archivists who are notified and requested to advise on situations involving sensitive PII and open archival materials:
 - (1) Organizations under Access Coordinator – Washington, DC (RD), Access Coordinator – St. Louis (RL), Archival Operations Director – St. Louis (RL-SL), and Presidential libraries – Use file no. 109-2b, “Program Subject Files: Records accumulated by Division directors...: Other records [that are NOT duplicated at a higher level and relate to substantive programs].”
 - (2) Access Coordinators and Archival Operations Directors – East (RE), Midwest (RM), and West (RW) – Use file no. 147-2, “Program Direction: [Regional Records Services] Operational unit.”

c. Organizations providing archival, technical, and/or legal expertise/advice, as needed, on questions concerning availability of previously screened and publicly available materials containing sensitive PII:

- (1) RD-F; RDE; Presidential Materials Division (LM); divisions/subordinate organizations in Information Services (I) except IT Security Division (IT), and in Office of Innovation (V); and individual representatives of the Digitization Governance Board – Use file no. 109-2b, “Program Subject Files: Records accumulated by Division directors...: Other records...”
- (2) IT Security Division (IT) – Follow disposition instructions for General Records Schedule (GRS) 3.2, item 020 (“Computer security incident handling, reporting, and follow-up records”).
- (3) Digitization Governance Board – Maintain permanent records of the Board in accordance with file no. 115-1a, “Committee, Task Force, Board, and Working Group Files: NARA-sponsored committees on substantive policy/programmatic issues: Official committee records.”
- (4) Chief Information Officer (CIO) and Chief Innovation Officer (V) – Maintain permanent records in accordance with file no. 109-1, “Program Subject Files: Records accumulated by the office head...or equivalent.”
- (5) Privacy staff (NGC) – Use file no. 1103-6a, “FOIA/Privacy (Advice and operations): Operations.”

d. R and L Executives, Senior Agency Official for Privacy (NGC), and COO – Document recommendations and decisions in the permanent file series, 109-1, “Program Subject Files: Records accumulated by the office head...or equivalent.”

e. Deputy Archivist and Archivist of the United States – Maintain final decisions and related records in the permanent file series, 108, “Archivist and Deputy Archivist Program and Policy Records.”