



June 25, 2019

TO: David S. Ferriero
Archivist of the United States

FROM: James Springs *James Springs*
Inspector General

SUBJECT: *Accessioning Expected Records*
OIG Report No. 19-R-11

According to the National Archives and Records Administration's (NARA) 2018-2022 strategic plan, "Make Access Happen affirms that "public access" is NARA's core mission and is a higher calling that gives purpose and meaning to all our work.... In order to achieve success in this goal, NARA must digitize millions of records we hold in analog formats, keep pace with the continuous stream of new records we receive each year, and develop new ways to help citizens find our records through the online National Archives Catalog."

In order for NARA to achieve this important strategic goal, the agency must ensure records are effectively and timely accessioned into NARA. We conducted this review to determine NARA's performance in accessioning records¹ as scheduled and controls for obtaining records agencies did not accession timely. We found internal controls were not adequate to ensure records were effectively transferred and timely accessioned into NARA. As a result, NARA did not always seek overdue electronic records transfers from Federal agencies, nor ensure agencies adhered to their responsibilities for transferring permanent analog records. Management has initiated efforts to address this area and will be initiating additional efforts because of our work.

Background

Title 44 United States Code (U.S.C.) Part 2107 states the Archivist of the United States (Archivist) may accept for deposit the records of a Federal agency, the Congress, the Architect of the Capitol, or the Supreme Court determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government. Title 36 Code of Federal Regulations (CFR) Part 1235 states permanent records must be transferred to NARA when the records are eligible for transfer based on the transfer date specified in a NARA-approved records schedule or the records have been in existence for more than 30 years. Agencies may retain records longer than specified on a records disposition schedule only with written request to, and written approval from NARA.

¹ Accessions of electronic and analog records.

Federal agencies are required to transfer their permanent records to NARA. Accessioning is the process of transferring physical and legal custody of permanent records from Federal agencies to NARA.

Accessioning of Electronic Records

NARA's Research Services - Electronic Records Division (RDE) is responsible for accessioning electronic records into NARA. RDE collaborates and supports other units of NARA in providing technical assistance to Federal agencies on creation, maintenance, transfer, and disposition of electronic records. In addition, RDE analyzes requirements for accessioning, preservation, and access to electronic records; and evaluates options for satisfying requirements and implements best practices to maintain the integrity and authenticity of electronic records.

In Office of Inspector General (OIG) Audit Report, *NARA's Oversight of Electronic Records Management in the Federal Government* (OIG Audit Report No. 10-04, dated April 2, 2010), we concluded internal controls were not adequate to protect permanent Federal electronic records from being lost. Specifically, NARA could not reasonably ensure permanent electronic records were adequately identified, maintained, and transferred to NARA in accordance with Federal regulations.

We also found NARA still² faces constraints in identifying gaps in scheduled permanent electronic records and lacks an approach to adequately identify possible gaps in permanent electronic records scheduled accessions. This occurred because NARA's mechanism in place is inadequate and needs to be modernized with technological improvements to link permanent disposition authorities with accession holdings more efficiently.

In our most recent audit, *Follow up of NARA's Oversight of Electronic Records Management in the Federal Government* (Audit Report No. 19-AUD-10), dated June 11, 2019, the OIG found in part, NARA has not tracked electronic records accessioned into NARA holdings and disposition authorities to accurately identify the complete universe of scheduled electronic records. This occurred because legacy permanent disposition authorities³ have not been completely entered into Electronic Records Archives (ERA) for tracking and there was a lack of communication and coordination between ACRC and RDE. As a result, NARA is unable to account for all active

² In April 2010, NARA OIG reported NARA's process for identifying "Gaps" in scheduled permanent electronic records needed strengthening. OIG recommended that the "Assistant Archivist for Records Services should ensure the development and application of a methodology for adequately identifying gaps in electronic record accessions. The methodology should reasonably ensure permanent electronic records were identified, scheduled, and ultimately obtained by NARA."

³ Paper requests for records disposition authority created by an agency and approved by NARA prior to the mandatory implementation of ERA. These schedules describe the federal records and establish a period for retention by the agency, and provide mandatory instructions for disposition of records no longer needed for current government business.

and valid permanent disposition authorities, and has limited assurance historical records are accessioned into NARA holdings as required.

We also found that NARA did not contact federal agencies to inquire about overdue records. This occurred because NARA internal controls did not require RDE to seek overdue records transfers from federal agencies. In response to the audit findings, NARA updated their controls to reflect a measured and reasonable approach to contacting agencies with known overdue records.

Accessioning of Analog Records

There are two primary types of accessioning of analog records:

- (1) Direct Offers – An agency submits a transfer form to NARA to accession permanent records currently stored in agency space. The records are accessioned directly from the agency to NARA; and
- (2) Federal Records Center (FRC) accessions – NARA generates the transfer form for permanent records stored at an FRC that are targeted for accession that year and the records are accessioned during regularly scheduled moves from the FRC.

NARA's process for legally transferring permanent analog records from FRCs to NARA archival units is The Annual Move. The Annual Move is overseen by the Annual Move Coordinating Group (AMCG), a standing group established in 2013 consisting of staff members from the Office of the Chief Records Officer, Federal Records Centers Program, Research Services, and Information Services. To facilitate the accessioning of permanent records from FRCs, the AMCG issues Transfer Requests (TRs) in the Electronic Records Archives (ERA) to agencies for each Annual Move cycle, showing the records first eligible to transfer in the current year, and records not transferred going backward in 5-year increments (e.g. records eligible for first time in 2019, and records not transferred in 2014, 2009, 2004). If agencies do not take action on the TRs within 15 months, NARA deletes the TRs, mostly due to system limitations of ERA. Once deleted from ERA, NARA will not request the overdue records again until the next five year increment. However, an agency can transfer overdue records to NARA at any time outside the Annual Move process.

NARA issues various guidance to Federal agencies concerning the Annual Move process and the use of ERA. Specifically, the Archivist issued NARA Bulletin 2014-05, which stated agencies requesting records remain in their legal custody longer than specified in the records schedule should follow the instructions described in 36 CFR Part 1235. However, more recent communications to agencies do not remind agencies of those instructions.

During a previous audit, *Audit of NARA's Space Management* (OIG Audit 15-14, September 29, 2015), the OIG found NARA was not receiving all scheduled accessions and had accrued a backlog of records the agency should have accessioned, but for a variety of reasons did not.

NARA estimates 80 percent of all accessions are FRC accessions.⁴ NARA reports on its performance in accessioning records via a metric in its Performance Management and Reporting System (PMRS), which measures NARA's success in serving the public by accessioning the traditional records agencies owe NARA each year.⁵ Over the past three years on average, NARA reports receiving only approximately 21 percent of expected records (in cubic feet) on time.

As of April 2019, NARA had 151,884 cubic feet of active transfers overdue.⁶ Additionally, 272,109 cubic feet of records were eligible to accession, but the disposition date had been extended. In total, NARA's FRCs store almost 424,000 cubic feet of records currently eligible to accession. Most records became overdue because an agency takes no action on the TRs in ERA. Also, problems with the transfer (e.g. mix of temporary and permanent records, missing finding aids) cause delay. We found agencies generally do not follow the requirement to request to retain records longer in writing to NARA. Currently, the Office of the Chief Records Officer is drafting procedures for agencies to make written requests in compliance with 36 CFR Part 1235.14, and exploring the acquisition of an information system to store those requests.

Additionally, these overdue records are permanent records NARA should have in its possession and be able to process and make available to the public. Further, these records are not, in most instances, stored within appropriate archival space per NARA standards, increasing their preservation risk.

Financial Impact to other Federal Agencies

Annually, NARA issues Agency Disposition Profiles to Federal agencies (based on active transfers). Among other data in the profile (e.g. temporary records disposal, future disposition costs), NARA details the total permanent records overdue for transfer, along with storage costs, disposition costs, and projected savings over time if the transfers are made.⁷ The following table shows the financial impact to other Federal agencies by not acting upon overdue transfers.

⁴ This report focuses solely on FRC accessions. Direct Offer accessioning will potentially be included in the OIG's future annual Workplan.

⁵ The metric measures only accessioning based on FRC transfers as NARA has no way of knowing the records an agency will direct offer.

⁶ Records with a disposition date of current year or older.

⁷ One NARA official stated the agency has been successful initiating action from Federal agencies by issuing these profiles.

Table No. 1 – Cost Savings to other Federal Agencies

	Active Transfers	Inactive Transfers	Total
Cubic Feet Overdue	151,884	272,109	423,993
Annual Storage Cost	\$597,518	\$1,070,488	\$1,668,006
Estimated 3-Year Savings	\$1,113,652	\$1,995,172	\$3,108,824
Estimated 10-Year Savings	\$5,579,079	\$9,995,244	\$15,574,323

*The savings are based on agencies not incurring annual storage costs, offset by the one-time cost to transfer the records to NARA. The figures presented do not calculate historical savings agencies did not realize by allowing eligible records to remain in their possession past the disposition date.

To encourage the transfer of overdue records, NARA implemented higher storage rates in FRCs for overdue records. This change, implemented for Fiscal Year 2019, raised annual storage rates by \$1.32 per cubic foot. The increased storage rate will only increase the potential cost savings noted above unless action is taken by Federal agencies.

In order to meet its strategic goal and core mission, it is imperative that NARA ensures records due for accessioning are adequately identified, scheduled, timely transferred, processed, and made accessible to the American people.

Additionally, these inefficient practices cost other Federal agencies over \$1.5 million dollars a year. Multiple Federal agencies are incurring unnecessary expenses in their records management programs each year by paying NARA to store records that NARA should already have legal custody of. These agencies' funds could be put to better use.

Suggestions for Improvement:

In addition to NARA addressing open recommendations from prior OIG reports on this subject, the Chief Operating Officer should:

1. Work with ERA 2.0 Development Team to determine if ERA 2.0 can manage and store agency requests to keep records longer under 36 CFR Part 1235.
2. Include reminders on agency requirements under 36 CFR Part 1235 in communications concerning the Annual Move.

As with all OIG products, we will determine what information is publicly posted on our website from the attached report. Should you or management have any redaction suggestions based on FOIA exemptions, please submit them to my counsel within one week from the date of this

report. Should we receive no response from you or management by this timeframe, we will interpret that as confirmation NARA does not desire any redactions to the posted report. Consistent with our responsibility under the *Inspector General Act, as amended*, we may provide copies of our report to congressional committees with oversight responsibility over the National Archives and Records Administration.

Please call me with any questions, or your staff may contact Jewel Butler, Assistant Inspector General for Audits, at (301) 837-3000.

cc: Debra Wall, Deputy Archivist of the United States
William Bosanko, Chief Operating Officer
Kimm Richards, Accountability
United States House Committee on Oversight and Government Reform
Senate Homeland Security and Governmental Affairs Committee