

Department of Justice
Senior Agency Official for Records Management
FY 2015 Annual Report
January 27, 2016



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The *Managing Government Records Directive (M-12-18)* requires Senior Agency Officials (SAOs) for Records Management to provide an annual report to NARA. This report demonstrates how your organization is achieving the goals of the *Directive* and other important initiatives as identified by NARA.

NARA uses the reports to determine the overall progress of the Federal Government in meeting the goals of the *Directive*, including implementing proper email management and transitioning to electronic recordkeeping. Additionally, NARA uses the report for information sharing purposes to provide best practices and model solutions with Federal agencies.

The reporting period begins on November 16, 2015, and reports are due back to NARA no later than COB January 29, 2016.

Please note that NARA will post a version of your 2015 SAO report on the NARA website. This action is in the interest of transparency in Government and to promote collaboration and communication among agencies. Please let us know whether there is a specific justification as to why your report cannot be publicly shared (in whole or in part).

Instructions for Reporting

- This template covers progress through fiscal year (FY) 2015.
- Please be brief and precise in your answers. Limit answers to each question to no more than 500 words.

- Please complete the eight questions/items on the following pages and send the report to prmd@nara.gov. Include the words “SAO annual report” and your agency’s name in the subject line of the email.
- If you are responsible for records management in multiple agencies, components, or bureaus, please determine how you will submit reports to NARA. While NARA prefers a comprehensive report, you may submit separate reports for each component.

Provide the following information (required):

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1. What are the agencies, components, or bureaus covered by this report and your position as SAO?

Please list them below:

This report covers all of the Department of Justice (DOJ), which includes the following:

- Offices, Boards, and Divisions as defined in 28 CFR § 0.1 *et seq.*
- Bureau of Alcohol, Tobacco, Firearms, and Explosives
- Bureau of Prisons
- Drug Enforcement Administration
- Executive Office for Immigration Review
- Executive Office for United States Attorneys and United States Attorneys’ Offices
- Federal Bureau of Investigation
- Office of Justice Programs
- United States Marshals Service

2. Is your agency going to meet the *Directive* goal to manage all email records in an accessible electronic format by December 31, 2016? (*Directive Goal 1.2*)

Yes No

2a) *Provide a list of actions your agency, components, or bureaus have taken to meet this goal. Include specific information on your progress regarding:*

- *establishing formally approved email policies,*
- *use of any automated systems for capturing email,*
- *providing access / retrievability of your email,*
- *establishing disposition practices for agency email (either destroy in agency or transfer to NARA), and*
- *possible implementation of the Capstone approach for applicable agency email.*

The Department of Justice will meet the *Directive* goal to manage all email records in an accessible electronic format by December 31, 2016. The Department has several completed projects and several ongoing projects that meet appropriate criteria for success. Below is a list of projects, activities, and policy initiatives that support the Department's efforts:

- DOJ Policy Statement 0801.04, Electronic Mail Records Retention, effective May 8, 2015 addresses core baseline business requirements for email management in the Department
- Approved Capstone records retention schedules for the email of Senior Officials across all Departmental components in place. Schedules are as follows-N1-60-10-35, N1-60-10-36, DAA-0060-2015-0006, DAA-0060-2015-0007, N1-65-07-01
- Engaged in a large email consolidation phased project to join multiple, disparate email systems among multiple components into an overarching enterprise wide management system that will be hosted in a cloud environment. Initial consolidation is completed
- Provided training that includes electronic mail retention
- Engaged in policy development project on all other types of electronic messaging that will result in a DOJ Policy Statement on Electronic Messaging. Initial vetting completed
- Components actively engaged in using a variety of approaches to meet the requirements of the DOJ Email Retention Policy Statement. Examples include the use of archives, records management applications, document management systems, case management systems, journaling and centralized collection, and component policy development that provides guidance to users, unique to their components and systems

2b) *Provide a list of the actions your agency, components, or bureaus plan to take in 2016 to meet this goal.*

The Department will complete the following in 2016:

- Engaged in a supporting Electronic Mail Retention Instruction project to develop and implement instructions that support Policy Statement 0801.04 with operational guidance, suggested processes, and best practices instructions related to the various approaches that components may use to meet the requirements of the policy statement
- Preparing a schedule that covers all non-Capstone business emails, except those that require association with related case or project records for submission to NARA in early 2016
- Development of guidance on Case/Project email implementation approaches
- Engaged in a business process reengineering project to reengineer digital account management processes in a manner that will build in management controls for identifying, tracking, and storing departmental email
- Initiated a project, in collaboration with OCIO, to analyze, develop, and implement a more efficient, controlled, back-end approach to managing Capstone and other email which will include a modernized governance framework, defined roles and responsibilities, and any needed technical capabilities
- Continue leadership on component specific policy and guidance on email/messaging policies

3. Has your agency taken actions to implement the 2014 amendments to the *Federal Records Act* requiring Federal employees to copy or forward electronic messages (including email, texts, chats, and instant messaging) that are federal records from their non-official accounts to official accounts within 20 days?

Yes No

Please provide a brief description of the actions taken, such as establishing policies and providing training.

The Department has a completed and issued email management policy in the form of DOJ Policy Statement 0801.04, Electronic Mail Records Retention. The Department has a Policy Memorandum in place that addresses certain instant messaging applications available for use by Department staff and Policy Memorandum that addresses information in mobile applications on government issued mobile devices. These Policy Memoranda, while temporary, will be incorporated or addressed in more complete policy on all forms of electronic messaging. The Department is currently engaged in the formal

Departmental development and vetting process for issuing an Electronic Messaging Policy Statement that will address all forms of electronic messaging.

Finally, the Department is in the process of developing an Electronic Mail Retention Instruction and an Electronic Messaging Retention Instruction that will address standard operating procedures, guidance for implementation, and best practices and that will become part of the policy and governance framework for the management of electronic communications.

All of these issuances address the requirements for the management of electronic communications and their need to be captured within Departmental record keeping systems. The Department continues to include instruction in records related training about prohibitions on the use of personal accounts and the need to capture record information in DOJ systems should exigent circumstances require the use of a personal account.

4. Describe your agency's internal controls for managing electronic messages (including email, texts, chats, and instant messaging) of the agency head and other executives (including appropriate advisers, and other senior management staff).

The Department uses a variety of internal controls to manage records created or captured in the broad range, and ever increasing numbers, of electronic messaging applications and systems. The Department has many of these controls already in place. They are, nonetheless, subject to continuing review and improvement.

The following are policies, business processes, technical capabilities, and activities that serve as controls to manage departmental information, including electronic messaging.

- Capstone retention schedules
- DOJ Policy Statement 0801.04, Electronic Mail Retention
- DOJ Electronic Messaging Policy Statement, in development and vetting
- DOJ Policy Statement 0801.02, Removal of and Access to Department of Justice Information
- 2015-01 DOJ Policy Memorandum, Protecting DOJ Information on Mobile Devices
- 2014-01(E) DOJ Policy Memorandum Lync Retention
- Social Media Policy and process for approval of record keeping approach to social media tools used on Departmental public facing websites – this policy and process is being converted into a formal policy statement
- Departure briefings and checkout procedures
- RIM Directive Strategic Plan 2015-2019 issued. This Strategic Plan defines departmental RIM program elements and success criteria and identifies departmental goals and objectives to meet these success criteria. ORMP determined that the following program elements must be addressed to meet the RIM Directive Goals: governance and policy, business foundations, supporting technologies, training, and evaluation and review.

5. Is your agency going to meet the *Directive* goal to submit records schedules to NARA for all existing paper and other non-electronic records by December 31, 2016? (*Directive Goal 2.5*)

Yes No

5a) *Provide a list of the actions your agency, components, or bureaus have taken to meet this goal.*

The Department has:

- Completed a 2013 Inventory of scheduled and unscheduled records
- Compiled a verified list of unscheduled records by Component
- Developed list of scheduling needs to be addressed through the development of Department-wide functional schedules
- Developed a work plan for developing Department-wide functional schedules for submission
- Developed a plan for working with Components to draft component specific schedules (plan for FY 2016)
- Completed training for records managers in how to draft a records schedule

5b) *Provide a list of the actions your agency, components, or bureaus plan to take in the future to meet this goal.*

- The Departmental work plan outlines the activities for drafting and submitting records schedules for all identified unscheduled records.
- Departmental Bureaus and Offices, Boards and Divisions have identified unscheduled records and continue to work on scheduling records.

6. Is your agency going to meet the *Directive* goal to manage all permanent electronic records in an electronic format by December 31, 2019? (*Directive Goal 1.1*)

Yes No

6a) *Provide a list of the actions your agency, components, or bureaus have taken to meet this goal. Include specific information on your progress regarding:*

- *establishing formally approved electronic records policies,*
- *use of any automated systems for capturing electronic records,*
- *providing access / retrievability of your electronic records, and*
- *establishing disposition practices for agency electronic records.*

It is important to note that question 6 seeks information on what action has been taken and what is planned. The two parts of the question presume that there are only sequential efforts when, in fact, efforts include multiple overlapping, ongoing, and phased efforts. The Department has done its best to categorize the below efforts under each question, but notes that many of these efforts are long term and will evolve and continue throughout the next several years.

First, the Department has developed a RIM Strategic Plan for 2-15-2019 directed at an overarching approach to meeting the stated goals of the OMB/NARA RIM Directive. This strategic plan identifies the Department's success criteria for meeting these goals, needed work to meet these criteria, and stakeholders and stakeholder responsibilities. The Department's Records Officer and staff have also developed and begun to execute on a work plan that addresses Departmental level work.

Examples of work completed include:

- The completion of up to date inventories of scheduled and unscheduled paper and electronic records
- The development of a RIM Certification process that requires departmental components to go through an established procedure in which the component provides information on recordkeeping approaches for any new systems, services, or applications that contain records and works with the Departmental Records Officer to assure appropriate approaches are in place
- The initiation of an Account Management reengineering project that will include modernizing account management processes to allow for management and tracking of departmental accounts for staff and contractors and provide better controls over the management of the content in those accounts
- The initiation, by selected components, of efforts to move to electronic workflows/filing systems using SharePoint, or document management systems.
- The initiation and implementation of scheduling projects directed at assuring that all Department records are scheduled
- The Federal Bureau of Investigation (FBI) has deployed Sentinel, an electronic case management system, in July 2012. In addition to overall case management, Sentinel provides an electronic workflow process and digital signature for electronically created documents. Sentinel uses a Department of Defense (DOD) 5015.02 certified records management application (RMA), EMC Documentum, as the records repository and disposition manager. The RMA is programmed to manage records in accordance with NARA approved disposition schedules
- In addition to Sentinel, the FBI's Records Management Division (RMD) has implemented an initiative to manage permanent electronic Top Secret (TS)/Sensitive Compartmented Information (SCI) records on the FBI's TS/SCI enclave using Microsoft SharePoint services
- The FBI evaluates its electronic information systems for compliance with records disposition standards through its existing Electronic Record Keeping Certification (ERKC) process

Next, the Department has developed Departmental level policy that is in place and has identified needed additional policy for electronic records that is under development

Issued Policies:

- DOJ Order 0801, Records and Information Management
- DOJ Policy Statement 0801.04, Electronic Mail Retention
- DOJ Policy Statement 0801.02, Removal of and Access to Department of Justice Information

- DOJ Policy Statement 0801.01, Records and Information Management Certification
- DOJ Policy Statement 0801.03, Digitizing/Scanning DOJ Records and Information
- 2015-01 DOJ Policy Memorandum, Protecting DOJ Information on Mobile Devices
- 2014-01(E) DOJ Policy Memorandum Lync Retention

Policy under Development:

- DOJ Electronic Messaging Policy Statement Electronic Messaging Instruction Email
- Management Instruction, all currently in development.

6b) *Provide a list of the actions your agency, components, or bureaus plan to take in the future to meet this goal.*

The following are planned future efforts:

- Update Department wide inventory focused on electronic records/SharePoint sites and shared drives
- Initiation of new SharePoint pilots and continued work on existing SharePoint pilots
- Continued work on developing media neutral revisions to existing schedules
- Continuation of a project involving customization of the RIM Capability Maturity Model Tool for Department of Justice programs using the OMB A-123 controls process to measure and evaluate component RIM program effectiveness and progression, including the area of management of permanent records
- The Civil Division is developing electronic case filing system with recordkeeping components
- The Environment and Natural Resources Division plans to implement EDocs as an electronic records management system
- The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has recently updated its Vital Records order. The new order distinguishes between Emergency Operating Records and Financial and Legal Rights records, and establishes separate procedures appropriate for each category. In conjunction with this update, ATF is currently developing a Vital Records Inventory database and processes to implement the new order

- ATF’s future strategic direction includes the planned use of an ERMS to capture and manage unstructured electronic records such as emails, messages, documents and other records created by individuals, and to use the RIMCert process to ensure structured electronic records created by IT systems and processes are appropriately managed. ATF already has one Division that has gone “paperless”

7. Please provide any insight to your agency’s efforts to implement the *Managing Government Records Directive* and the transition to a digital government.

Provide a brief description, including any positive or negative outcomes, challenges, and other obstacles.

Challenges:

- Lack of guidance from OMB and NARA on interpreting and achieving mandates has introduced the risk of less than positive outcomes. Without measureable criteria for success, it is difficult for agencies to plan for and to determine when the agency has succeeded in meeting RIM Directive Goals.
- The rapid evolution of electronic applications, especially electronic messaging, hinders agency ability to provide timely policy, processes, and technical tools.
- The lack of technical tools that provide recordkeeping capability for new technologies hinders agency ability to capture records as required.
- The lack of sufficient staff and financial resources to address all of the work that needs to be done slows achievement of positive outcomes.

Positive outcomes:

- Collaborative relationships among records staff and IT staff has resulted in better outcomes overall and successes.
- Issuance of policies has significantly improved Departmental understanding of business requirements and better supports compliance with those requirements.
- Departmental efforts to develop concrete success criteria for the Department have enhanced communication among components on understanding roles, responsibilities, and needed actions.

8. With regard to records management, is your agency preparing for the upcoming change in Presidential administration?

Yes No

8a) *Provide a list of the actions your agency, components, or bureaus have taken to ensure records of departing senior officials will be appropriately managed during the upcoming change in Presidential administration.*

- The Department has updated DOJ Policy Statement 0801.02, Removal of and Access to Department of Justice Information, to address electronic information more fully.
- The Department already has, and is updating, a robust process for outbriefing departing political appointees that includes a records component.
- The Department and its components use a variety of checkout lists and procedures that are component specific.

8b) *Provide a list of the actions your agency, components, or bureaus plan to take in the future to ensure records of departing senior officials will be appropriately managed during the upcoming change in Presidential administration, including ensuring that federal records are not improperly removed from the agency.*

See response to 8a) above. In that context, all procedures, training, and resource materials will be reviewed and updated.