



Senior Agency Official for Records Management 2020 Annual Report

The National Archives and Records Administration (NARA) requires Senior Agency Officials for Records Management (SAORM) to provide an annual report demonstrating how agencies are handling important records management initiatives as identified by NARA.

NARA uses the reports to determine the overall progress of the Federal Government in managing its records and the transition away from paper to digital formats, and to identify best practices and model solutions within Federal agencies.

On June 28, 2019, the Office of Management and Budget and the National Archives issued a memorandum: *Transition to Electronic Records* (M-19-21) to ensure that all Federal records are created, retained, and managed in electronic formats by December 31, 2022. This year's SAORM report provides an opportunity for agencies to report on plans and progress towards the milestones and target goals in this memorandum, as well as other important records management initiatives.

The reporting period begins on January 19, 2021, and reports are due back to NARA no later than March 19, 2021.

NARA plans to post your 2020 SAORM report on the NARA website upon receipt. Please ensure that your agency's report is a publicly releasable version. This action is in the interest of transparency in Government and to promote collaboration and communication among agencies. NARA intends to list any non-responding agencies in a summary report and on the website.

Instructions for Reporting:

- This template covers both records management program developments towards the transition to electronic recordkeeping outlined in M-19-21 through December 31, 2022, and other aspects of agency records management programs.
- Please be brief and precise in your answers. Limit answers to each question to no more than 500 words.
- Please complete the questions/items below and send the report to rmsselfassessment@nara.gov. Include the words "SAORM 2020 Annual Report - [Agency 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):

- Name of SAORM: Michael H. Allen
- Position title: Deputy Assistant Attorney General for Policy, Management and Procurement
Justice Management Division (JMD)
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1. What agencies, bureaus, components, or offices are covered by this report and your position as SAORM and which will be reporting separately?

Please provide a list, and also indicate any that are new or have been changed due to reorganization or other circumstances.

- 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. Has the COVID-19 pandemic changed any policies or practices related to records management at your agency?

Yes

No

Do not know

Please explain your response (include details of specific challenges, if applicable):

In general, the pandemic and the Department of Justice (DOJ or Department) response has affected resources and onsite staffing, but has also accelerated the move to electronic records. The Department, as a whole, has diverted time and resources to addressing the COVID-19 pandemic and its consequences. This affects the resources available to conduct mission and administrative functions, including records and business operations. In terms of the move to electronic recordkeeping, the shift to mostly remote work has pushed more employees and contractors to use electronic tools which has resulted in increased electronic records creation and maintenance. It has also motivated increased focus on providing updated Records Management Policy for electronic records at both the Department and Component levels.

This change to remote work has adversely affected components work with paper records, both in terms of access to records in storage facilities such as the Federal Records Centers (FRCs) and the inability to provide onsite staff for needed processing, scanning, and other functions specific to paper records. The closure of the FRCs has hindered multiple components' ability to transfer, accession, and obtain reference request records, which would have been processed under "normal" operations. This includes obtaining records related to the work of the components, Freedom of Information Act (FOIA)/Privacy Act requests, and other requests for information stored in paper records in records centers. Notably, the U.S. Courts do not always permit electronic evidence which has caused some challenges for prosecutors when they are unable to obtain paper records stored at FRC's. In some cases, Components have had to delay or reschedule court hearings for detained respondents because of unfulfilled emergency requests.

In terms of the Department's on site work with paper records, many Components have been unable to conduct or complete inventories of paper records to ensure compliance with the M-12-19 December 2022 deadline and unable to conduct file requests and file returns of paper records due to the closure of the FRCs. In addition to compromising ongoing work and the ability to prepare for digitization and the OMB/NARA M-12-19 deadlines, for some components sending direct offers to the National Archives and declassifying documents that are eligible for transfer to the National Archives has not been available. For those offices that are in the process of moving locations due to construction or change in facility lease agreements, the delay in transferring physical records has resulted in interruptions to space planning and additional operating costs for both personnel and moving/transfers because these records must be transferred to the new location, and then transferred to the FRCs once the FRCs re-open.

3. Does your agency have an established information governance framework that connects records management, data management, and other agency information lines of business? (A relationship between CIO, CDO, SAORM, DRO/ARO, RM Staff)

Yes

No

Do not know

Please provide details on what support is needed:

The Department has a network of designated Records Managers and Records Officers for each component. Records Managers and Records Officers are part of an overall Records and Information Management (RIM) Council that meets quarterly for effective information sharing. The SAORM typically joins meetings of the Agency Records Officers RIM Council after any NARA sponsored SAORM meetings. The Department's Records Officer meets regularly with the SAORM to provide status and to discuss issues and strategies. The SAORM works with the Department's Records Officer on the collaborative work undertaken by the Office of Records Management Policy (ORMP), FOIA, and Ediscovery (ORMP), and the Department's CIO on policy as well as several joint initiatives related to electronic

records management. These projects include a RIM Modernization effort directed at the enterprise move to Microsoft 365, RIM Certification, the acquisition and implementation of an electronic Executive Correspondence Management System, the acquisition of ediscovery tools that relate to enhanced search, and the Department level Data Governance efforts. ORMP actively participates in all of the above collaboration projects.

4. Has your agency made progress towards managing all permanent records in an electronic format with appropriate metadata by December 31, 2022? (M-19-21, 1.2)

Yes

No

Do not know

Please explain your response (include specific goals and example metrics):

Strategic Direction and Governance

In September 2020, the ORMP updated the Department's RIM Program Strategic Plan (RIM Strategic Plan) to meet the challenges and mandates arising from the evolution of digital information and the issuance of the OMB/NARA M-19-21 RIM Directive. The DOJ RIM Strategic Plan spans 2020-2023 and provides strategies and a work plan to facilitate cross functional, collaborative work among records, business, legal, and technical staffs in the areas of information governance, RIM, technology, training, and measurable evaluation.

The Department level RIM Strategic Plan goals are:

- **Governance and Policy:** an implemented RIM governance framework that defines authorities, roles, and responsibilities; policies and processes for paper and electronic recordkeeping; and an approach for evaluation and review
- **Records Management Business Foundations:** an implemented RIM business framework and established business rules and practices for recordkeeping of electronic and paper records, as well as digitization.
- **Supporting Technologies:** technical tools that address two broad business functional areas related to electronic recordkeeping. These are: 1) systems, services, or applications that electronically capture, create, communicate, or store electronic record information, and 2) technical tools that support high-level management of the RIM Program as a whole.
- **Training:** trained DOJ staff and contractors with role-based training for unique roles related to the use and management of Departmental records and basic for all users.

- **Evaluation and Review:** defined standards for review and implemented program measurement consistent with controls and data for assessment of program results and improvement.

Department Level RIM Projects

- **RIM Modernization**

ORMP, with the Office of the Chief Information Officer (OCIO) established a collaborative team that includes representatives from OCIO, ORMP, and two litigating components of the Department, to develop a strategic management approach for DOJ electronic records. The approach is a governance model that provides for strategic and policy planning, coupled with operational management of electronic records that will enable the Department to meet legal and mission needs while maximizing resources. To date, the team has defined electronic records management requirements, reviewed Microsoft 365 recordkeeping capabilities, conducted a market analysis of available tools that integrate with Microsoft 365 for enhanced RIM, and is in the midst of development of a Concept of Operations, requirements validation, and tool recommendations. These efforts will be used to develop M365 and associated tools as a Records Management Service offering for the Department's components.

- **Policy Updates**

ORMP revised or issued the following policies in this past year to enhance electronic recordkeeping policy for the Department:

- 0801 DOJ RIM Order
- 0801.03 DOJ Policy Statement, Digitizing DOJ Records and Information
- 0801.07 DOJ Policy Statement, Component-level RIM Policy

Additionally, over the next several weeks ORMP will issue:

- Digitization instructions to accompany the revised policy statement
- Records instructions for provisioning, using, and associating retention with M 365 tools
- RIM Training Policy Statement
- Policies and instructions formalizing existing Department records storage, tracking, and disposition requirements

- **RIM Processes**

The Department has implemented or revised the following processes:

- RIM Exit Checklist and Records Signing Official roles
- OneDrive file plan

- **Data Governance**

ORMP representatives actively participate in several Department Data Governance initiatives and groups. The Department Records Officer, ORMP Director, sits as a member of the Department's Data Governance Board. Additionally, ORMP staff are members of the Department's Data Architecture Working Group (DAWG). ORMP is

leading the DAWG effort to develop Department-wide taxonomies and ontologies to improve communication among components related to Department data and information. ORMP is also participating in an additional subgroup to develop and implement metadata management templates, data lifecycle guidance, and data maturity model assessments.

- **2022 Deadline Project Plan, Success Criteria, and Targeted Resources**

ORMP developed guidance for components that outlines a sample project plan and success criteria for meeting the 2022 deadlines. ORMP also provided component-level reports from the previous Department inventories identifying specific records collections that should be reviewed for designated actions (e.g. those with records potentially past disposition, those with records still being created in paper, unscheduled record collections, etc. Additionally, ORMP worked with NARA to identify which old records schedules are still active and are either superseded or obsolete. With that information, ORMP provided each component with a list of its active records schedules requiring review for media neutral revisions to accommodate electronic recordkeeping. ORMP also created a decision tree resource to assist components in identifying what actions needed to be taken and in what order.

Components, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Executive Office for Immigration Review (EOIR), as well as other components, are actively using these resources and tools to make progress at the component level.

- **Development of a RIM Ecosystem Model**

ORMP is working on an Electronic Information Management Ecosystem Model that will serve as a framework for the elements of electronic information management and the continuously evolving system of interconnections and dependencies that must be managed to support effective management of digital information. The use of such a model will inform strategies and decisions on requirements, governance, technical solutions, and management processes and procedures.

Examples of Component Level Efforts

ATF completed both a full records inventory and a paper specific records inventory to determine total paper quantities to estimate storage versus scanning costs. ATF Field Offices are now permitted to and have begun early transfer of long term paper records (mostly investigative case files) to FRCs. ATF is estimating scanning costs and investigating possible commercial storage.

Antitrust Division (ATR) is currently managing records in the Microsoft Azure Cloud environment until successful business criteria is met which includes updating existing paper and electronic inventories, completing file plans for all ATR sections to include administrative and case file records, and updating Division polices and directives. Antitrust Records Directive Procedures for Handling Division Documents is being reviewed for approval, and ATR systems are in the process of RIM Certification.

Civil Rights Division (CRT) has held meetings with each Section regarding digitization, and managing workflow processes electronically. In turn, the CRT RIM Policy is currently being re-drafted, and will be media neutral when finalized. Moreover, technical staff have been engaged with the CRT Sections, as well as the RIM Program Team with establishing file directories (i.e. Shared Drives, One Drive, and Cloud, etc.) to aid each Section in managing files electronically. Finally, the Litigation Support staff has been a valuable asset in the Division's efforts towards digitization.

Drug Enforcement Administration (DEA) has published Digitization and Scanning of Records and Information policy in the Administrative Manual. This policy establishes the agency's requirements, roles, and responsibilities for digitizing DEA records and information, not already in electronic formats, that require digitization in accordance with the Federal Records Act, 44 U.S.C. §§ 3101, 3301, 3302, 3312, and other Federal and Department mandates (i.e., Department of Justice Policy Statement 0801.03).

DEA offices that have successfully transitioned to electronic recordkeeping include:

- The Office of Acquisition and Relocation Management – digitized approximately 410 cubic feet of paper records during 2020.
- Human Resources Division, Special Agent Recruitment Section – digitized approximately 10,000 cubic feet of paper records during 2017 to present. Project ongoing.
- Office of Compliance – transitioned from a paper-based agency policy vetting process to an electronic process (2019 to present).
- DEA Laboratories and Office of Forensic Sciences – all drug evidence and accountability records have been managed electronically for approximately 8 years.
- Office of National Security Intelligence – all classified and unclassified records have been managed electronically for approximately 8 years.
- DEA Field Offices – Investigative records (i.e., investigative case files) have been managed electronically for approximately 11 years.

DEA's Records Management Unit published a RIM Educational Series in February 2021, which was disseminated DEA-wide. The RIM Educational Series included a section on Electronic Records and preparation for digitization and to consider cost effective digitization projects, by following the requirements outlined in the agency's Digitization and Scanning policy. DEA's Records Management Unit updated the DEA Records and Information Systems Handbook in November 2020, and added a new chapter - Chapter 7, titled *Management Electronic Records*. This new Chapter provides guidance on storing records in shared drives or SharePoint sites to include file naming conventions, folder structure, and disposal requirements. Chapter 7 also provides DEA employees with guidance related to saving emails as records.

Environment and Natural Resources Division (ENRD) has met its goals of consolidating paper recordkeeping into the electronic document management (DM) system and applying retention schedules to electronic records. ENRD is currently working on implementing the ability to apply disposition (transferring permanent records to NARA, destroying temporary records) directly from the DM system; the goal is to complete by September 30, 2021.

Executive Office of U.S. Attorneys (EOUSA) and U.S Attorneys Offices (USAO) are taking a multi-pronged approach to meet the M-19-21 deadlines. This includes piloting a Document Management System in five USAOs and migrating to a new cloud storage application with additional bandwidth for the storage of electronic records.

TAX: To support transition to an electronic record keeping environment, the Tax Division has updated policies to require electronic record keeping whenever possible. In fiscal year 2020, the Tax Division drafted a new records management policy, implemented an electronic records management solution (and integrated it with existing electronic records storage), and hired a new Records Manager to assist with the technology deployment.

United States Parole Commission (USPC): USPC moved from a paper driven case management system to an electronic case management system and decreased paper files by roughly 70%. The remaining 30% of paper files are coming to the end of life. All cases that will not expire before December 21, 2022 will be scanned electronically and imported into the electronic case management system.

United States Trustee Program (USTP): USTP follows the DOJ RIM 2022 project plan and is working toward the following goals:

- Accession or destroy eligible paper records - Over the last five years USTP has reduced physical holdings from approximately 20,000 containers to less than 40 containers through targeted completion of current and outstanding NARA quarterly disposition reports.
- In FY 2020, USTP undertook several consolidation efforts, such as implementation of Unified Financial Management System (UFMS) and the Enterprise Bankruptcy Management Application (EBMA) System, to move to efficient digital business processes and eliminate paper processes. In FY 20 USTP consolidated and regionalized many of their mission and administrative records with the implementation of O365 and the use of OneDrive.

Federal Bureau of Investigation (FBI): Since July 2012, the FBI's records have been maintained in an electronic case management system, Sentinel. Sentinel houses investigative, intelligence, and administrative records classified at the secret and below security classifications. The FBI is currently working toward deployment of a Sentinel application on the Top Secret (TS) network; this application will maintain records at the TS and sensitive compartmented information levels and allow pointers to/from the related records housed in the Sentinel application on the secret network. This will replace the current recordkeeping process for TS records and will represent the first time this enclave will possess a central recordkeeping system.

During FY 2020 and continuing into FY 2021 and beyond, the FBI has undertaken an ambitious Enterprise Information Management (EIM) initiative designed to spotlight the handling of information throughout its lifecycle. An EIM strategy has been drafted and is in the process of being vetted internally for approval. The Information Management Division (IMD) is also piloting the Information Expiration Policy (IEP) initiative which addresses the disposition of non-record information which is five years old or older. IMD is currently reviewing emails maintained in Outlook, shared drives, and SharePoint sites on the unclassified network;

following the unclassified network review, IMD will address the secret and TS enclaves. Using lessons learned from these pilots, IMD plans to roll-out IEP to the enterprise in late summer/early fall 2021.

Office of Information Policy (OIP) already maintains the majority of its core mission related records, FOIA initial request files and administrative appeal files, in electronic format. OIP is currently reviewing the disposition and litigation hold capabilities of its case tracking system as recommended in its most recent A-123 assessment in order to automate more of its disposition process. OIP has successfully met its goals of transitioning the maintenance of all administrative appeals, as well as all new “miscellaneous” initial requests, from the shared drive and to the case tracking system. These two categories of records comprise a significant portion of OIP’s temporary records. In addition, OIP has begun to maintain all its FOIA Counselor notes within the case tracking system to allow automated disposition of those records. OIP expects to transition more temporary records from its shared drive and into the case management system as the system is enhanced, and storage capacity allows.

EOIR is in the process of transitioning to fully electronic case management systems for the completion of mission related work. The plan is to be fully operational across the United States by December 31, 2022 for all new cases, including digitizing some paper pending files.

5. Has your agency made progress towards managing all temporary records in an electronic format by December 31, 2022? (M-19-21, 1.3)

- Yes
- No
- Do not know

Please explain your response (include specific goals and example metrics):

See DOJ response to question 4 above.

6. Is your agency investing resources in IT to support the transition to electronic recordkeeping?

- Yes
- No
- Do not know

Please explain your response. If Yes: Please include specific examples of resources and how this will support records management processes. If No or Do not know: Please explain.

Over the last several years, the Department of Justice has undertaken a large scale enterprise wide approach to acquire and implement Microsoft 365 applications and services. As part of

that effort, OCIO is working with ORMP and investing resources in the development of a Concept of Operations and requirements development, as more fully described in response to Question 4 above, to enable offering M365 and associated tools as a Records Management Service offering for components. Also, as part of the JMD Ediscovery Program for which ORMP has business management oversight, the OCIO has acquired additional ediscovery tools that provide indexing and search capabilities that relate to records. Finally, the SAORM and the Departmental Records Officer (DRO) are members of an active DOJ Data Governance Board and engaged in collaborative efforts on Data governance issues.

7. To meet the requirements of M-19-21, 1.3, related to records storage facilities, does your agency have plans to use commercial storage to replace agency-operated records centers and NARA Federal Records Centers by December 31, 2022? (M-19-21, 1.3)

Yes

No

Do not know

Please explain your response (include specific goals and example metrics):

Multiple components of the Department already use commercial storage facilities. Furthermore, analysis of risks, costs, and benefits of the use of commercial storage facilities are critical factors in the analysis of the digitization effort which is addressed in the DOJ Digitization Instruction.

8. Does your agency have policies and procedures that include documentation to ensure records of newly appointed and outgoing senior officials* are properly captured and/or processed and not improperly removed, altered, or deleted including electronic records and email?

*Senior officials are the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions.

Yes

No

Do not know

Please explain your response (include specific details of policies and procedures):

The DRO briefs all incoming Senior Officials on their recordkeeping responsibilities within 90 days of their start date. The DRO also briefs Departing Officials before they leave the Department. These briefings provide information on their recordkeeping responsibilities as

Capstone Officials and includes reference to DOJ Policy Statement 0801.02, Removal of and Access to Department of Justice Information, which makes clear that upon departure, staff are not permitted to take any federal records but, within limitations outlined in the policy, may be permitted to take copies of certain records with appropriate approval. In addition, the Department has issued formal Department Instructions on managing electronic content that addresses electronic mail, electronic messaging, account creation, and records processing, all of which relate to senior officials and other staff.

The Department also has established checkout procedures and checklists for departing officials and staff to assist in the identification of all records locations and records repositories. The Department has recently updated and is implementing a revised checkout process and form that captures significant detailed information on both record locations and finding aids such as asset tags for mobile devices, and passwords and pins. With respect to electronic records, OCIO and ORMP also work together to incorporate controls into the opening and closing of electronic accounts. Changes include identifying Capstone accounts and incorporating records managers as signing authorities for the appropriate handling of content in electronic accounts upon departure of Senior Officials.

9. Do you, as the SAORM, see challenges within your agency in meeting the goal of fully-electronic recordkeeping?

- Yes
- No
- Do not know

Please explain your response (include details of specific challenges, if applicable):

There are continuing challenges related to digital systems, services, and applications that do not include sufficient capabilities to meet recordkeeping requirements for electronic records. In addition, the cycle of development continues to rapidly increase such that new or changed systems and applications occur in cycles of months instead of years which makes it difficult to develop, implement, and adjust policy and processes to meet new capabilities. Additional challenges continue to exist in acquiring sufficient funding and staffing.

10. Do you have suggestions for NARA to improve its engagement with you as the SAORM?

- Yes
- No
- Do not know

Please explain your response (include any comments on previous NARA SAORM engagements, topics for future engagements, or other suggestions):

First, because of this year of global pandemic and its effect on record keeping for paper records, it would be helpful for NARA to extend the 2022 deadline for moving entirely to electronic recordkeeping. As is evident from the information provided in this report, the Department of Justice is moving rapidly toward the management of its electronic content and its electronic records. Nonetheless, because of the pandemic and the resulting interruptions, management of paper records, including simple access to stored content, complications associated with on or off site handling of paper records for digitization, and adjustments to staffing and resources have and will continue to affect critical projects that are foundational to meet the mandates of M-22-19.

In addition, it would be helpful for NARA to focus its guidance and support for agencies on the following:

- Approaches for funding records management programs and the management of digital information in the current environment of continuing agency budgetary cuts and reduced funding for Chief Information Officers and business offices that manage digital information.
- Specific, more practical, and realistically implementable approaches for managing messaging applications, such as text messaging and other forms of electronic messaging, that address the limitations on capture and management inherent in these communications tools.
- More concrete guidance on the appropriate management of Social Media information as it relates to records retention.
- Development or identification of automated tools that provide support for overarching records program management. NARA tends to focus its guidance on electronic recordkeeping tools that automate the management and capture of record content such as records and document management applications. Simply acquiring a records management or document management application, without management of the other elements of the records program, does not adequately support full-scale compliance with record keeping requirements.

The larger programmatic management issues include the need for other types of tools that would assist records program management. Agencies need business consulting services and applications or software tools that:

- Support digital records requirements development and business process analysis and reengineering
- Facilitate the development of taxonomies and ontologies
- automate and assist the development of file plans and inventories, as well as provide update capabilities to keep them current
- Serve as repositories for records control schedules and inventories
- Automate and assist tracking Capstone Officials, titles, names and tenures, or tools that support the analysis and approval of systems, services, or applications that house records, and
- Shared drive clean up and deduplication that meets NARA standards

