



Senior Agency Official for Records Management FY 2015 Annual Report

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):

Name of SAO: Dr. Christina M. Handley

Position title: Chief Information Officer

Address: 888 First Street, NE, Washington, DC 20426

Office telephone number: (202)502-6500

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

Please list them below:

Federal Energy Regulatory Commission

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,*
The Federal Energy Regulatory Commission (FERC) has drafted a formal “Electronic Data Management Policy” which includes requirements and procedures for managing email communications. FERC plans to have it implemented by December 31, 2016.

Additionally the Commission has made major strides toward implementing its more comprehensive Information Governance (IG) policies and procedures which include managing records and information and proper labeling and retention of Federal records and information.
- *use of any automated systems for capturing email,*
The Commission intends to use preservation-in-place methods with specific rules which would preserve the email communications of high-level officials’ accounts (Capstone officials) until such time that the records are transferred to the National Archives and Records Administration (NARA). The rules will also accommodate temporary (non-Capstone officials) records and their disposal in accordance with

approved retention periods once established through agency records scheduling efforts.

- *providing access / retrievability of your email,*
The Commission moved to a Microsoft platform in FY2014 which will allow application of disposition instructions and enhance eDiscovery and Litigation Hold capabilities.

The Electronic Data Management policy shall address eDiscovery, Litigation Freezes, Freedom of Information Act searches and retrieval aspects. Both employees and system administrators will have the capability of conducting these searches based on formal protocols from select Offices responsible for the required data.

- *establishing disposition practices for agency email (either destroy in agency or transfer to NARA), and*
FERC's records schedules, in conjunction with the email communications rules, will handle the disposition and/or transfer to NARA. The email of Capstone officials will be preserved in place and transferred to NARA at a point in time (to be determined and approved in the records disposition schedule for Capstone Officials' records) near the end of their term.

- *possible implementation of the Capstone approach for applicable agency email.*
The Records Management Officer has notified the Commission's Appraisal Archivist of its intent to implement the Capstone approach for managing email communications.

The Commission held several meetings to discuss NARA's Capstone method of managing electronic mail records. A consensus was met to move forward with a Commission-tailored implementation to be based upon current business processes for docketing and issuing all formal agency communications via rulemaking documents, orders, delegated orders and policy statements. These work products and supporting records are captured in the Commission's on-line document repository as part of the agency's business workflow.

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

- The Records Management Officer has reviewed documentation and will complete available on-line training related to preparing the NA-1005, "VERIFICATION FOR IMPLEMENTING GRS 6.1: EMAIL MANAGED UNDER A CAPSTONE APPROACH", and work closely with its Appraisal Archivist during the records scheduling process.
- The "Electronic Data Management Policy" will be refined, approved and implemented.

- Training will be developed and provided, and additional tools will be developed to aid in managing records adequately.
- The IG initiative will move to Phase II as we finalize the program policy, develop communication protocols and training, and provide implementation support.
- The agency will develop an audit model.

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.

High level officials have been briefed by the Office of General Counsel (OGC) who has issued information to all employees reminding them not to use personal accounts to create Federal records. While it is highly discouraged at the Commission, if it does occur, employees have been instructed to copy their Federal account so the communication is adequately captured and managed.

OGC has and continues to routinely distribute reminders to employees on the proper treatment of Commission information, and distributes “Ethics in the News” examples to demonstrate violations of law to remind to all employees of their obligation to conduct official agency business using agency resources so that the government’s obligation to preserve documents, as well as the integrity and security of the records, is not compromised.

FERC “Records Management Policy” has been updated and will be approved and implemented in 2016. The policy document provides specific instructions on this topic.

Tip sheets have been developed and distributed to senior level executives.

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 Commission plans to develop internal controls, as well as audit methods. All of the electronic messages of the potential Capstone officials are currently being preserved, but internal controls need to be developed to ensure that these communications are appropriately managed and preserved throughout their life-cycle and available when required.

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 Commission has identified its unscheduled records, in paper and in electronic formats. These records have been reported to NARA as required by previous annual self-assessments.

The Records Management staff has a consolidated list of all unscheduled records.

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

Records Management staff will review the list and prioritize the actions based on paper, permanent, and remaining records. We anticipate that the records scheduling efforts will commence in February, 2016.

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,*
The Commission's draft "Records Management Policy" incorporates electronic records requirements to ensure that permanent records are provided to NARA in a NARA-accepted format or that they are migrated to an acceptable format without loss of data or integrity.
- *use of any automated systems for capturing electronic records,*
The majority of Commission permanent electronic records are already captured in electronic format in an on-line document repository, or on the Commission's website. The on-line document repository is in a "refresh" state and records management functionality will be incorporated. This functionality will trigger reports identifying which records are due to be transferred to NARA.
- *providing access / retrievability of your electronic records, and*
The Commission is establishing a program that will identify, control and manage all FERC information, records and data, regardless of location, medium or format. This initiative will allow identification of program owners and users, and ensure that data/security classifications can be assigned as records and information are received or generated. Proper

identification, maintenance, use and disposition criteria are being built into this program and will greatly improve our capabilities of identifying where our information assets are at all times.

- *establishing disposition practices for agency electronic records.*
The Commission has identified its permanent electronic records series and has developed an inventory of records that have been transferred to NARA. The records that have not been scheduled with NARA in electronic format have been reported as required. Until the above-mentioned program is fully implemented and the retention/disposition requirements are incorporated into the final inventory, we will rely on a combination of techniques to ensure that disposition occurs as required. Records management functionality, currently being incorporated into our on-line document repository, will greatly aid in transferring permanent records according to established records schedules.

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

Records scheduling efforts will begin in 2016 with priority emphasis on unscheduled paper records and permanent records. Most records are already captured in electronic format, so once the records are scheduled and approved by NARA, transfers may be made to NARA accordingly.

Records Management staff will review permanent record series to ensure that the value was determined correctly, or to ensure that the value still warrants permanent retention.

Records Management staff will include permanent record retentions in File Plans as another method to ensure that permanent records are transferred to NARA in accordance with disposition instructions.

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.

Managing electronic communications is necessary but may prove difficult for many agencies to implement by December 31, 2016 due to limited resources, budgets and time.

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 Commission has developed and implemented a formal process for employees who leave the Commission. Departing employees must participate in an exit review with the Office of General Counsel where they are 1) informed of the documentary materials that may and may not be removed on their departure; 2) be informed of documentary materials that may only be removed with appropriate permissions; 3) be reminded of criminal penalties that may be enforced following unauthorized removal, alienation, or destruction of Federal records; and 4) be asked to declare whether they intend to remove any documents that meet the definition of a Federal record. All employees are required to complete a “Documentary Materials Removal/Non-Removal Certification and Non-Disclosure Agreement” prior to leaving the Commission.

Records Management staff and Information Governance team members have been conducting agency-wide record reviews in order to determine which records are being maintained by each office. These reviews and assessments accomplish several goals, including the development of updated file plans which identify the retention requirements for maintaining and handling records within each organization.

This requirement was also relayed to all employees during annual, mandatory Ethics Training provided by OGC.

- 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.*

Records Management staff shall continue providing record reviews as required.

Continue the efforts related to records reviews and information governance assessments mentioned above, especially in offices where senior officials potentially impacted by the Presidential administration are employed.