



Senior Agency Official for Records Management FY 2015 Annual Report Template

The Managing Government Records Directive (M-12-18) requires Senior Agency Officials (SAOs) to provide an annual report to NARA.

The SAO is a senior official at the Assistant Secretary level or its equivalent who has direct responsibility for ensuring the department or agency efficiently and appropriately develops strategies and plans for implementing all applicable records management statutes, regulations, and policies. SAOs must have the authority to make decisions about agency practices, personnel, and funding to support the business needs of the agency. The SAO is responsible for coordinating with the Records Officer(s) to ensure compliance with records management requirements. NARA maintains the list of SAOs online <http://www.archives.gov/records-mgmt/agency/sao-list.html>.

The purpose of the SAO annual report is to provide SAOs with an opportunity to report on how their organization is achieving the goals of the Directive. NARA will use the reports to determine the overall progress of the federal government in meeting the goals of the Directive, including training, cloud services, and email. In addition, NARA will collect information on best practices and model programs so that agencies can learn from each other options and solutions for meeting the Directive goals.

Instructions for Reporting

- This template covers fiscal year (FY) 2015. Please answer the questions for this time period.
- Please be brief and precise in your answers. Please limit answers to each question to no more than 500 words.
- The reports are due beginning on December 17, 2015 and no later than January 29, 2016.
- Please complete the questions below and send the report to PRMD@nara.gov. Include the words “SAO annual report” in the subject line of the email.
- The report responses must cover all of your organizations. If you are responsible for records management in multiple agencies or components within your Department, please determine how you will submit reports to NARA. While NARA prefers a comprehensive report, you may submit separate reports for each component.

Question 1. What are the agencies, components, or bureaus covered by this report and your position as SAO? Please list them below:

Federal Trade Commission (FTC) – agency-wide
Jeffrey Nakrin, Director, Records and Filings Office (RFO)

Question 2. Is your agency going to meet the *Directive* goal to manage all email records in an accessible electronic format by December 31, 2016? (*MGRD 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 e-mail.*

The FTC has met this requirement by applying the following approaches and methods:

- Issued guidance to agency staff on managing email records. FTC staff and contractors must review each email, determine its value, and manually file all FTC emails that constitute a Federal record in an accessible electronic format (e.g., .msg, .pst, .pdf) as part of the matter file on the FTC shared network drives and Outlook archive folders created and maintained in FTC shared network drives.
- The use of electronic folders and email archives are an FTC information management methodology currently in use as FTC plans for an Enterprise Content Management System (ECMS).
- Structuring folders, sub-folders, and files, including email records, on shared drives to associated approved records schedule items (administrative, mission, and policy records – N1-122-09-1 and NARA General Records Schedules (GRS)). Email records are part of administrative, mission, or policy matter record files, and will be destroyed or transferred to NARA in accordance with the NARA-approved FTC comprehensive, flexible records retention schedule (“big bucket” and media neutral records schedule, NARA Job No. N1-122-09-1, approved by NARA August 18, 2012) and NARA GRS.

- FTC applies access controls to the FTC shared network drives and Outlook archive folders to ensure that sensitive information (e.g., sensitive Personally Identifiable Information (PII) and confidential business information) is maintained with restricted access. Authorized FTC staff and contractors are able to access, search, and retrieve email records for as long as needed to conduct agency business. Records in shared network drives are searchable through Windows search tools through the use of key word searches and project/matter numbers. Access controls and search methods are capabilities FTC is assessing as it plans for an ECMS.
- With regard to the application of the NARA Capstone approach, FTC's business practice is to manage email communication not based on format, but based on the content of the email. Email records are part of an administrative, mission, or policy matter file and follow the disposition instructions in the FTC NARA-approved records retention schedule (N1-122-09-1) and NARA GRS.

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

FTC plans to take the following actions to meet this goal:

- Conduct market research to identify enterprise-wide solutions that provide automated processes to manage email.
- Define an Enterprise Content Management System (ECMS) strategy.
- Procure an ECMS to manage email records in an electronic format.
- Continue developing policies, procedures, guidance, and training for staff to effectively and efficiently manage email records.

Question 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

3a. *Please provide a brief description of the actions taken such as establishing policies and providing training.*

FTC policy prohibits the use of non-official accounts in conducting official business. FTC notified the Commissioners and senior staff of the 2014 amendments to the Federal Records Act requiring Federal employees to copy or forward electronic messages that are Federal records from their non-official

accounts to official accounts within 20 days. FTC continues to develop guidance and provide training to agency staff on managing electronic messages.

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

Yes No

FTC has developed and implemented the following internal controls:

- FTC policy prohibits the use of texting, chat, and messaging functions regarding any Commission-related work. This policy applies to all senior officials and staff.
- FTC has a 45-day auto delete policy for emails that reside in Outlook boxes, a policy that is consistent with NARA guidance.
- FTC Records and Filings Office (RFO) and the FTC Office of General Counsel (OGC) provide to Commissioners, senior agency officials, and FTC staff in-person guidance and training on creating, managing and disposing of FTC records, including emails.
- Through the FTC RFO Shared Network Space (SNS) function and the responsibilities of the Designated File Management Officials (DFMO) of Bureau Divisions and Offices, DFMOs conduct periodic reviews of electronic directory/access schemas, network security groups, and access permissions to ensure the accuracy and ongoing needs of records.
- Procedures for implementing and lifting litigation holds.
- Periodic reviews and updates of records and information management policies and procedures.

Question 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? (MGRD Goal 2.5)

Yes No

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

FTC has met this goal by submitting and receiving NARA approval for N1-122-09-1 dated August 18, 2012 and by coordinating with the NARA GRS Team on the use of the new GRS.

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

FTC has met this goal.

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

FTC has taken the following actions:

- Drafted a revised records management policy to establish the requirements and responsibilities for managing all records and systems of records received or created by the FTC, regardless of format, as defined in 44 U.S.C. 3301. In light of the 2014 amendments to the Federal Records Act, FTC has been updating its records management policy and procedures. Currently, as a part of the FTC records management processes, FTC staff and contractors must review information that is created or received, determine its value, and manually file FTC electronic records in an accessible electronic format (e.g., .doc, .pdf, etc.) on FTC shared network drives and in FTC information management and tracking systems.
- Begun the process of analyzing agency systems and shared network drives to identify permanent electronic records, including case files and FTC Decisions and Orders. In addition, FTC continues to document agency business processes and conduct inventories to identify permanent electronic records.
- Begun the process of digitizing permanent records for eventual transfer to NARA in electronic format.
- Established Designated File Management Officials (DFMOs) for each Bureau Division or Office to support the management and access/retrievability of information on shared drives. This includes developing file structures and naming conventions for folders and sub-folders to facilitate the maintenance, identification, and transfer of permanent electronic records.

- Established disposition procedures and developed disposition guidance for staff on permanent electronic records. Permanent electronic records that are part of administrative, mission, and policy records will be transferred to NARA in accordance with the NARA-approved FTC Records Disposition Schedule and NARA GRS.

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

In the future, FTC plans to take the following actions to meet this goal:

- Conduct market research to identify enterprise-wide solutions to manage permanent electronic records in electronic format.
- Define an ECMS strategy and procure an ECMS.
- Continue developing policies, procedures, guidance and training to effectively and efficiently manage electronic records.

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

FTC has made substantial progress in the below listed areas in implementing the *Managing Government Records Directive* and the transition to a digital government.

- **Goal 1: Require Electronic Recordkeeping to Ensure Transparency, Efficiency, and Accountability.**
 - FTC digitized a selection of historical permanent paper records, including Commissioners speeches. FTC continues to identify permanent public records for digitization, eventual transfer to NARA in an electronic format, and posting to FTC.gov.
 - FTC posts temporary and permanent public information to FTC.gov to provide wider dissemination and transparency about the work of the FTC.
 - Developed guidance for agency staff on managing records in electronic format.
 - Managed email records on shared network drives in an accessible electronic format that provides FTC staff and contractors with the capability to identify, retrieve, and retain the records for as long as needed for business purposes.

- In preparation for the ECMS, FTC will:
 - Expand its records and information management program to continue the transition from paper-based to electronic records creation, maintenance and use, access control, and disposition processes.
 - Confirm ECMS compliance with NARA regulations and requirements, including the transfer of historical electronic records in accordance with FTC's NARA-approved comprehensive records disposition schedule and NARA GRS.
 - Establish an information governance methodology to support the control, access, use, and disposition of FTC information in an ECMS environment.
- **Goal 2: Demonstrate Compliance with Federal Records Management Statutes and Regulations.**
 - Reconfirmed designation of Jeffrey Nakrin, Director of the FTC Records and Filings Office, as the Senior Agency Official (SAO) for Records Management.
 - Ensured that permanent records that have been in existence for more than 30 years are identified for transfer and reported to NARA. NARA has generated via the Electronic Records Archives (ERA) system 160 Transfer Requests identifying FTC permanent records. Many of the records in the Transfer Requests were subject to the Tobacco Litigation Freeze (TIL). Although the TIL freeze has been lifted, FTC is in the process of verifying the records are not under any other litigation hold or preservation obligation and are not needed for further Agency business.
 - FTC conducts annual records management training to inform all employees of their records management responsibilities.
 - FTC has conducted record inventories and mapped the records to the FTC records schedule (N1-122-09-1).

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.*

FTC Commissioner appointments are not directly tied to the election of the President. Commissioners have 7-year terms. A sitting President may appoint a Commissioner to a position that was vacant at the time of the President's inauguration or that becomes vacant during the President's term.

Staff from the FTC Records and Filings Office coordinate with all incoming and departing Commissioners and Bureau Directors, if any, to ensure that records are appropriately managed.

- 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.*

Staff from the FTC Records and Filings Office will coordinate with departing Commissioners and Bureau Directors, if any, to ensure that records are appropriately managed.