

DAA-GRS-2016-000x

Additions to: Information Access and Protection Records
(GRS 4.2)
FOIA Reading Room Records

This file contains two documents. The draft schedule describes the records proposed for adding to GRS 4.2. The appraisal memorandum provides additional background explanation and includes the appraiser's justification for the retention decisions proposed in the schedule.

This schedule has not yet been entered into the Electronic Records Archives, pending finalization through agency and stakeholder review.

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National Archives and Records Administration
Office of the Chief Records Officer
GRS Team
February 3, 2016

Additions to General Records Schedule 4.2: Information Access and Protection Records

Draft 2 * February 3, 2016

| Item | Records Description | Disposition Instruction | Disposition Authority | |
|------|---|--|---|-------------------------------|
| 180 | <p>FOIA virtual reading room records. Records published in an agency web page in fulfillment of the requirement that they be made available for public inspection and copying by 5 U.S.C. 522(a)(2).</p> | <p>Records posted as required by 5 U.S.C. 522(a)(2)(A) through 5 U.S.C. 522(a)(2)(C). Includes:</p> <ul style="list-style-type: none"> • final concurring and dissenting opinions and orders made in case adjudication [5 U.S.C. 522(a)(2)(A)] • statements of policy and interpretations adopted by the agency but not published in the Federal Register [5 U.S.C. 522(a)(2)(B)] • administrative staff manuals and instructions to staff that affect a member of the public [5 U.S.C. 522(a)(2)(C)] <p>Exclusion: This item refers only to copies published on an agency's website for public reference. The agency record copy of such material is usually of permanent value and must be scheduled by the agency.</p> | <p>Temporary. Destroy when no longer needed for web posting.</p> | <p>DAA-GRS-2016-000x-0001</p> |
| 181 | <p>Records posted as required by 5 U.S.C. 522(a)(2)(D). Records which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.</p> | <p>Permanent. Transfer copy to NARA 15 years after first web publication.</p> | <p>DAA-GRS-2016-000x-0002</p> | |



NATIONAL ARCHIVES

Date: February 3, 2016
Appraiser: Galen R. Wilson, ACNR
Agency: General Records Schedules (GRS)
Subject: Additions to GRS 4.2 (DAA-GRS-2016-000x) **DRAFT 3**

INTRODUCTION

Schedule Overview

GRS 4.2 Additions to Records of Information Access and Protection

Additional Background Information

This schedule adds two items to cover records that have never before been scheduled by the GRS. Since 1996, 5 U.S.C. 522(a)(2) has required agencies to post four types of records in FOIA on-line reading rooms. By definition, these are almost invariably reference copies circulated for public inspection and access. The record copies of these documents are understood to be retained elsewhere.

Overall Recommendation

I recommend approval of this schedule.

APPRAISAL

Item 0001 (GRS 4.2, item 180): FOIA virtual reading room records – Records posted as required by 5 U.S.C. 522(a)(2)(A) through 5 U.S.C. 522(a)(2)(C).

This item covers three of the four types of records agencies are required to post on-line. Its primary purpose is to serve as context for item 0002 (181), which covers the fourth type.

Proposed Disposition

Temporary

Appropriateness of Proposed Disposition

Appropriate

Appraisal Justification

*Captured elsewhere in permanent records. As noted in the Exclusion, the information held in these on-line reference copies is often of permanent value in understanding an agency's policy and procedures. Such mission records must be scheduled independently by the agency. If an agency wishes to declare these on-line reading room documents as permanent records, it would need to schedule them as an exception to the GRS.

*Other justification. Records in both items 0001 (180) and 0002 (181) are reference copies of records held elsewhere. But while the records under 0002 (181) create an obvious records series, those covered by this item are a miscellaneous assortment lacking a compelling common thread likely to attract researcher attention.

Adequacy of Proposed Retention Period

Adequate from the standpoint of legal rights and accountability. The only purpose of these records is to make them available for immediate public inspection. An agency would only remove them from the virtual reading room when they no longer served a necessary purpose. As they are understood to be only reference copies, immediate destruction is acceptable and even advisable.

Media Neutrality

Approved

Item 0002 (GRS 4.2, item 181): FOIA virtual reading room records – Records posted as required by 5 U.S.C. 522(a)(2)(D).

These records, like those covered in item 0001 (180) are copies of records held in agency program offices. Those program-office records may be permanent or temporary, depending on their subject matter and content. But they take on added value as a unique series by virtue of this detail: they appear in the virtual reading room because they have been requested at least three times by members of the public, or the agency has determined that they are likely to be the subject of multiple requests. There is great business value in this process: on-line posting saves an agency considerable effort gathering together the same records to be provided individually to multiple requesters. But this process—born as a boon to both agencies and the public—creates a new records series. This series may duplicate records held in a number of other places, but becomes a compelling records set in and of itself.

A number of agencies have scheduled on-line FOIA reading room records—either by specific mention or de facto—as part of the content of their entire web presence. They have been judged of temporary value by the same yardstick used to judge everything else on the website: that posted material is reference, not record, copies. I found only one agency to have scheduled virtual FOIA reading room records as a unique series: Federal Mine Safety and Health Review Commission (N1-470-09-4, temporary). The Office of Management and Budget (N1-51-11-1) scheduled its “substantive” CIO website records as permanent, but made no mention of a FOIA reading room as either permanent or temporary. Among those agencies that have not scheduled website records, some confusion about the value of these records exists. In the week before this paragraph was written, NARA’s own OIG asked if NARA’s Records Management office publishes advice on when documents should be removed from on-line FOIA reading rooms.

Proposed Disposition

Permanent

Appropriateness of Proposed Disposition

Appropriate

Appraisal Justification

*High potential research value. These reading room copies exist because either they already *have* exhibited high research interest, or the agency is quite certain they *will*. There is value in retaining as a separate series all agency records that have excited public interest to such an extent. Some of these records may never come to NARA because their subject matter labels them (individually) as temporary. Other records may come to NARA incorporated into other series. But reassembling the body of records that excited public interest would be painstaking (locating records in other series) or impossible (locating records that no longer

exist). NARA's accessioning these records as a unique series will serve researchers which will by extension serve NARA reference staff.

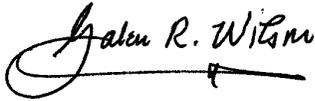
*Documents the national experience. Few records series have such built-in capacity to provide a window into the soul of America at any particular point in time. NARA has the opportunity to document the rich tapestry of what subjects have excited public interest, and when (if records are transferred 15 years after first being posted on websites, as specified in the transfer instructions). Records requested under FOIA reach across all aspects of the Government's interaction with private citizens.

Adequacy of Proposed Transfer Instructions

Adequate. Matches the current template advocated by NARA's custodial units.

Media Neutrality

Approved

A handwritten signature in black ink that reads "Galen R. Wilson". The signature is written in a cursive style with a long horizontal flourish at the end.

GALEN R. WILSON
Senior Records Analyst