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## Capstone Implementation

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### *Assessment Report*

National Archives and Records Administration  
January 2018

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## Capstone Implementation Assessment Report

### INTRODUCTION

The National Archives and Records Administration (NARA), based on authority granted by [44 United States Code \(U.S.C.\) 2904\(c\)](#), is responsible for assessing the proper management of records in all media within Federal agencies to protect rights, assure government accountability, and preserve and make available records of enduring value. Under this authority, NARA conducts records management oversight of Federal agencies, including agency inspections and assessments. An *assessment* is a multi-agency evaluation of a specific topic, issue, or activity affecting records management processes, procedures, or policies.

In the first quarter of FY 2018, NARA conducted this assessment of Capstone implementation on Federal agencies to identify implementation progress, barriers encountered, and successes achieved, while providing a broad overview of Federal agency experiences, best practices, and insight for other agencies dealing with similar challenges. The NARA team evaluated agencies on their implementation of the Capstone approach for email as described in the OMB/NARA [Memorandum M-12-18, Managing Government Records Directive](#), Goal 1.2; [NARA Bulletin 2013-02: Guidance on a New Approach to Managing Email Records](#); and [NARA's Criteria for the Management of Email Records in Compliance with the OMB/NARA Directive](#).

For this assessment NARA selected thirteen agencies based upon their choice to use the Capstone approach for email management and their [Federal Email Management Report](#) scores (Appendix A). Questions were based upon responses to the Federal Email Management Report and the [Email Success Criteria](#) categories -- policies, systems, access, and disposition -- and data call information requested (see Appendix B). This report focuses on topics that drew the most discussion during the interview process. For a visual summary of responses captured during the interviews, see Appendix C. For further analysis of Federal Email Management, see the [Federal Agency Records Management Annual Report](#).

This report makes four findings focused on policies, systems, access, and disposition regarding Capstone email management implementation.

### SUMMARY AND ANALYSIS

#### Policies

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The NARA Email Management Success Criteria state that agency-wide policies and training must inform account holders of their responsibilities for managing email records. Policies should be developed with all relevant stakeholders and should address the requirements of the [Federal Records Act](#), [36 CFR Chapter XII Subchapter B](#), and [NARA guidance](#).

Successful implementation of policies will show that an agency's policies and training programs explain staff responsibilities for managing email records. Combined with a records management training program, these policies should instruct staff on how to distinguish between permanent, temporary, transitory, and non-record email messages and how to appropriately handle email messages containing classified national security information and emails created on non-official or personal electronic messaging accounts.

All agencies indicated having policies requiring some form of email management training. The majority of agencies interviewed have developed training addressing the Capstone approach. Training methods vary and consist of new hire orientation, mandatory annual training, computer-based training, video training, town halls, targeted office training, and role-based training. Most agencies cited challenges obtaining direct access to Capstone officials to provide training or brief them on their responsibilities. For most agencies a briefing is provided via the agency's General Counsel Office, but not by RM staff. This should be an opportunity for the agency's Senior Agency Official for Records Management (SAORM) in RM engagement, bridging RM requirements with Capstone official responsibilities.

One agency interviewed, the Securities and Exchange Commission (SEC), sends an email notification directly to Capstone officials upon their designation and annually on the anniversary of the agency's adoption of the Capstone approach. The notification letter draws awareness to email responsibilities and ensures that the agency's list of Capstone officials stays current. A copy of the notification is available in Appendix D and can be used as a template.

The majority of agencies interviewed have approved RM policies and training regarding the use of personal email accounts for agency business. Those without approved policies or training have them in draft status. All agencies advise against the use of personal email accounts for business except in an emergency situation. In the event that an email is sent or received via a personal email account for the purpose of conducting business, agencies require it be forwarded to the appropriate agency account within 20 days, in compliance with [44 United States Code \(U.S.C.\) 2911\(a\)\(2\)](#).

While most agencies interviewed address the use of personal email from an RM perspective, few have the capability to determine whether employees are using personal email accounts to conduct agency business.

Most agencies interviewed currently conduct some form of periodic audit to ensure employees are in compliance with RM laws, regulations, and policies regarding email management. Depending on the agency, audits are conducted in various formats including IT system reviews, monitoring the storage size of individual accounts or overall email volume, or conducting office assessments. Of the agencies not conducting audits, some currently have a policy to conduct audits in development; one agency has all email records frozen; one agency utilizes cloud

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services that maintain their official record copy of emails, eliminating risk of loss; and one is a micro-agency storing emails on their hard drives and stated audits are not needed.

A concern raised during the interviews was lack of clear or specific guidance on how to audit or evaluate email records management. It is unclear to agencies what should be audited—the system or individual accounts—and how to conduct it. This is an area where NARA will provide more specific guidance.

Overall this assessment shows that agencies have or are developing policies regarding email management, and specifically the Capstone approach, as outlined in the Email Success Criteria. However, technical audit processes and stakeholder buy-in continue to remain challenges for many.

## **Systems**

The NARA Email Success Criteria state that Federal agencies must have electronic systems in place that can produce, manage, and preserve email records in an acceptable electronic format until disposition can be executed. Additionally, these systems must support the implementation of agency policies and provide access to email records throughout their lifecycle. Thus, agency systems and business processes must support the management of email records in accordance with all applicable requirements including the manual or automatic execution of their disposition.

During the assessment, questions were asked to understand what systems are being used to generate and manage agency emails. Specifically, the questions looked at the email platform and any electronic records management systems, whether or not emails are stored centrally, and how litigation holds and Capstone official identification are executed and managed by the electronic system.

Among the agencies interviewed, three different email platforms are used, each with varying records management capabilities. Seven agencies manage their emails inside the email platform and six use a separate records management system to store and manage emails.

Some agencies falling under Federal Departments indicate inconsistent support from the Department relating to email management. Some agencies do not have sufficient financial and technological resources -- unlike other agencies within the same Department. Other agencies indicate that leadership does not consider records management a high priority. This lack of support results in the inability to acquire necessary resources to successfully manage agency email.

Identifying Capstone officials by RM staff and within the email systems is a challenge for several agencies. Most agencies interviewed do not have a communication plan or workflow process in place whereby the Human Resources (HR) department notifies RM staff of incoming, acting, or departing Capstone officials. Many agencies indicate they learn of Capstone official changes via general agency announcements, which does not give them ample time to submit email system updates to system administrators, risking loss of email capture. This is another

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opportunity for SAORM engagement, facilitating collaborative communication between HR and RM to determine an appropriate and efficient workflow for identifying Capstone officials. While HR should initiate Capstone official identification, the lack of coordination could result in failure to capture permanent emails.

Within the email system, some agencies identify Capstone officials by applying a litigation hold marker. While functional, using a litigation hold as the Capstone official identifier is not recommended as a best practice. Using this identification method raises a concern about how actual litigation holds on a Capstone official's email are identified. There is potential for transfer of Capstone official emails to be delayed due to an erroneous litigation hold. Conversely, emails could be transferred when they should be held for litigation purposes.

Most agencies' email management systems capture all email content, preserve and make emails accessible throughout the lifecycle and manage emails in an electronic format compliant with NARA's transfer requirements.

### **Access**

The NARA Email Success Criteria state that email records must remain usable and retrievable throughout their lifecycle supporting records management and litigation requirements, including the capability to identify, retrieve, and retain the records for as long as they are needed. Email records must be maintained in a system that preserves their content, context and structure, protects against their unauthorized loss or destruction, and ensures that they remain discoverable, retrievable, and usable for the period specified in their retention schedule. Access supports an agency's ability to carry out its business functions and should address internal agency needs and accommodate responses to requests for information.

During the assessment agencies were asked questions regarding their email records management systems. These questions were designed to ensure that email records remain usable and retrievable during their entire retention period.

Most agencies interviewed confirm that their email systems maintain records that are usable and retrievable during their lifecycle. In addition, the majority of interviewed agencies are able to access email from departed employees and perform federated searches across email accounts in order to appropriately respond to information requests.

Most agencies interviewed have policies and training in place to mitigate the risk of unauthorized access or premature destruction of email records from a records management perspective. However, records management staff have limited involvement with email system security and unauthorized access because it is generally managed within an agency's Information Security Office or parameters are set by the system administrators, often involving contract requirements in which RM staff are usually not involved. This is another area of opportunity for the SAORM in RM engagement, bridging RM needs and requirements with systems requirements.

Many agency RM programs monitor potential loss by conducting audits such as IT system reviews, monitoring the storage size of individual accounts or overall email volume, or

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conducting office assessments. However, agencies indicate there is no way to prevent an end user from deleting an email or mislabeling it as non-record even if it is considered a permanent record. While most deleted emails or those labeled as non-record are captured in the archive, cloud, or journal, unless someone is looking to identify them as mislabeled and then appropriately capture as permanent, there is risk of loss. Beyond training that most agencies records management programs provide to employees, it remains a challenge to ensure that employees are not deleting emails from their email systems prior to the capture of the emails in the email archive or journal.

According to [NARA Bulletin 2014-04](#), prior to transferring any electronic records to NARA “all agencies must deactivate passwords or other forms of file level encryption including digital rights management (DRM) technologies commonly used with audio, video, and some publications that impede access to record data.” A few agencies have implemented encryption functionality enterprise-wide for their email system. The encryption functionality is problematic, as some agencies indicate they are not planning to decrypt emails prior to capturing in their email archive or prior to transfer to NARA. The result is failure to manage records in accordance with NARA guidance and maintaining discoverability, irretrievability, and usability throughout the lifecycle.

Overall, it appears that the majority of the agencies have taken great steps to ensure that their systems provide appropriate safeguards to their email system, ensuring emails are usable and retrievable throughout their lifecycle. Some areas, however, do require improvement. In particular, there is a need for increased communication and collaboration between the records management team and the system developers and administrators.

## **Disposition**

The NARA Email Success Criteria state that Federal agencies must have NARA-approved schedules in place to carry out the disposition of permanent and temporary email records using either [GRS 6.1 \(Email Managed Under the Capstone Approach\)](#) or agency-specific schedules or a combination of both.

Success in this category requires that agencies have identified appropriate retention periods for email records and have the capability to execute disposition as specified in approved records schedules.

The majority of the agencies in this assessment are using, or plan to use, all three disposition authorities of GRS 6.1. However, other agencies are taking advantage of the flexibility provided to determine the best approach based on agency size, number of Capstone officials, and retention periods desired for non-Capstone emails and are using various combinations of GRS 6.1 disposition authorities and agency-specific schedules to reduce their records management and storage burdens.

The policies, procedures, and disposition authorities of several agencies need clarification regarding the application of the cutoff instructions for Capstone officials and when those emails are due for transfer to the National Archives since they indicate or imply a transfer based on an

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employee leaving the agency and not their tenure as a Capstone official. Two situations that may occur are that a former Capstone official remains at an agency for a significant period of time or a Capstone official changes to another Capstone position. The consequence is that agencies might transfer email records later than necessary, incurring the FOIA/litigation burden of records that could be transferred.

By and large agencies have established procedures to save emails associated with project or case files outside of the email system archive. The emails are saved in various formats compatible with the electronic system or electronic file in which these files are maintained. As a result, agencies can meet their records management requirements for non-Capstone officials' emails that are scheduled according to their content and may also have longer retention periods.

As the implementation of Capstone is in the early stages at most agencies, the implementation of the dispositions is still either being determined or is a manual process. If a disposition is automated, it tends to be the deletion of the temporary emails. One agency did indicate that the implementation of their dispositions is fully automated.

Most agencies indicate they would be able to transfer permanent email records to the National Archives in accordance with NARA's transfer guidance. For many of the agencies interviewed, the transfers are about 15 years away, but one is as soon as 2019.

In addition to email transfer guidance, NARA provides guidance for culling email prior to transfer in the [GRS 6.1 FAQs](#). Several agencies indicated they will not cull for non-record material prior to transferring the records of Capstone officials to the National Archives. This is largely due to the laborious nature of culling and lack of time and resources to conduct the process. Some agencies indicated that culling of Capstone official accounts will be conducted manually, either by the end user or records management staff.

The treatment of email accounts belonging to staff in an acting position occupying a Capstone official role warrants clarification and best practices to prevent a potential loss of permanent email records. The GRS 6.1 indicates that the permanent authority, item 010, applies to "officials in an acting capacity for . . . longer than 60 days." Agencies should provide policy and guidance addressing the two acting capacity situations—vacancy vs. short-term absence (e.g., vacation). Acting in a Capstone official role due to a vacancy may warrant making that email account an official Capstone account for the duration, even if it is less than 60 days. Otherwise, best practice guidance should require any acting Capstone official's email to include a CC or forward to another account that would capture the email permanently. Best practice for short-term absences is to require the acting Capstone official to CC or forward relevant email to the actual Capstone official's email account for permanent capture.

Overall, the agencies have successfully identified their Capstone officials and are applying the appropriate cutoff instructions to their email records. In some instances, further clarification is needed on when to transfer the permanent emails to the National Archives.

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## Conclusion

Overall, most agencies interviewed are managing email electronically under a Capstone disposition authority. As identified throughout the report, there is room for improvement. The following improvements can be made either by additional NARA guidance, improvement in SAORM engagement, or agency stakeholder collaboration:

- NARA needs to provide further guidance or clarification on:
  - How to audit or evaluate email records management
  - When to transfer permanent emails to the National Archives;
- Agencies should improve their email notification to Capstone officials (See Appendix D);
- Agencies will need to decrypt permanent email in order to transfer them to the National Archives;
- Increased communication and collaboration between the records management staff and systems developers and administrators is needed;
- Measures are needed to prevent the deletion of emails from the email systems prior to the capture of the emails in an email archive or journal;
- Agencies should review their policies, procedures and disposition authorities and clarify the application of the cutoff instructions for Capstone officials; and
- There are opportunities for SAORM engagement to improve email management, such as:
  - Ensuring that Capstone officials fully understand their responsibilities, including requirements associated with the use of personal email accounts to conduct agency business;
  - Ensuring that records management needs and requirements are built into system requirements;
  - Increasing the involvement of records management staff with IT staff;
  - Facilitating collaborative communication between HR and RM to determine an appropriate and efficient workflow for identifying Capstone officials; and
  - Ensuring the proper identification of Capstone individuals.

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**APPENDIX A**  
**LIST OF PARTICIPATING AGENCIES**

Department of Transportation, Federal Railroad Administration  
Federal Energy Regulatory Commission  
Health and Human Services, Agency for Healthcare, Research and Quality  
Health and Human Services, Health Resources and Services Administration  
Health and Human Services, Indian Health Service  
Joint Chiefs of Staff, Special Operations Command  
National Archives and Records Administration  
National Credit Union Administration  
National Geospatial-Intelligence Agency  
National Indian Gaming Commission  
Privacy and Civil Liberties Oversight Board  
Securities and Exchange Commission  
Social Security Administration

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APPENDIX B  
**DATA CALL INFORMATION REQUESTED**

- Agency approved or draft email management policy
- Agency approved email training manual
- Email system documentation
- Email system audit procedures
- SOPs for email request process (Legal Holds/FOIA)

## APPENDIX C SUMMARY OF RESPONSES

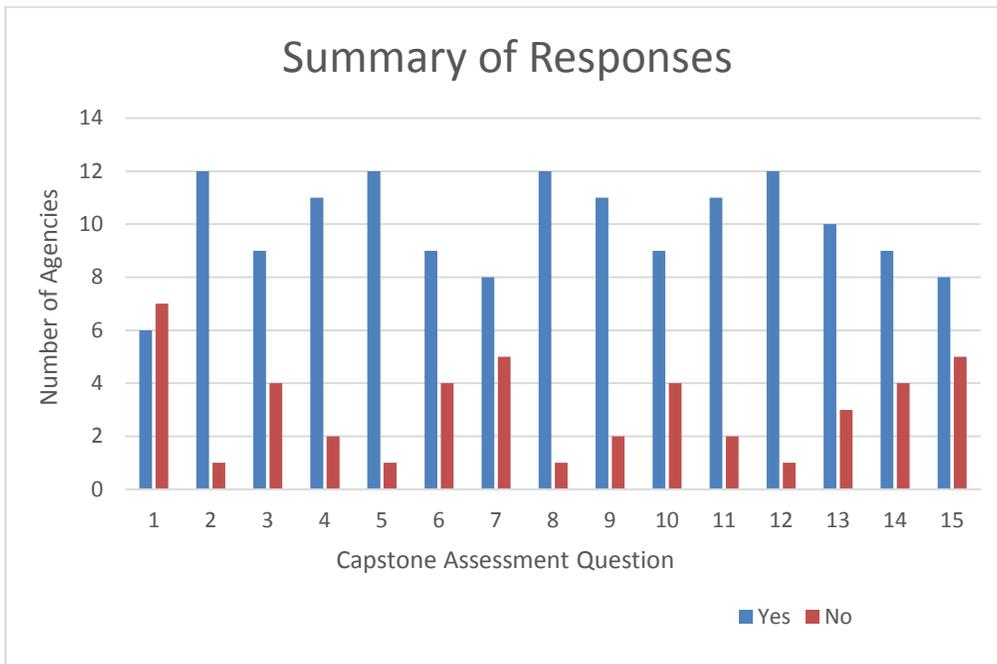


Chart Legend:

QUESTION #	ASSESSMENT QUESTION
1	Does your agency perform periodic audits to ensure employees are in compliance with records management laws, regulations, and policies?
2	Are the systems your agency uses to store and manage email messages centralized?
3	Does your email system support records management and litigation requirements?
4	Does your agency’s email system maintain the content, context, and structure of the records?
5	Can your agency associate email records with the creator, their role, and their agency?
6	Do end users understand their responsibilities?
7	Are you designating individual email messages (with their attachments) as permanent, or as longer-term temporary records and cross filing them elsewhere?
8	Can your agency use, retrieve, and interpret email records throughout the entire NARA-approved retention period?
9	Is your agency able to access email from current and departed employees?
10	If your agency uses digital signature or encryption technology, is email usable and retrievable across the lifecycle?
11	Is your agency able to perform a federated search across multiple email accounts or multiple systems to find email needed for agency business?
12	Is your agency able to prevent unauthorized access, modification, or destruction of email records??
13	Can your agency transfer permanent email records to NARA in accordance with approved records schedules and applicable laws, regulations, and NARA transfer guidance?
14	Have you completed the employee training for using the Capstone approach?
15	Is employee training for using the Capstone approach reoccurring?

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**APPENDIX D**  
**EXAMPLE NOTIFICATION LETTER**

[Date]

Re: CAPSTONE – EMAIL MANAGEMENT

[Capstone Official]:

The National Archives and Records Administration (NARA) identified you as an SEC official whose government email account is considered to be a permanent federal record. This means that 15 years after you leave the SEC, your work-related emails will be transferred to NARA for permanent retention based upon an email management initiative known as the “Capstone approach.” The SEC adopted this approach to comply with the requirements of the Presidential Memorandum – Managing Government Records (published November 28, 2011) and the subsequent Managing Government Records Directive (M-12-18) from the Office of Management and Budget (OMB) (published August 24, 2012) to “...manage both permanent and temporary email records in an accessible electronic format” by December 31, 2016.

The Capstone approach allows the SEC to categorize and manage emails based upon the email account owner’s position within our Agency. Per this approach, there are two types of personnel: those with emails that must be permanently retained, and those with emails that can be deleted when they are three years old. NARA requires that government agencies identify “Capstone Officials,” i.e., those who have email accounts that will need to be permanently archived, and submit a list for review and approval.

At the SEC, NARA-approved Capstone Officials include the Chair of the Commission and the Chair’s staff; the Commissioners and the Commissioners’ staff; Division Directors, their Deputies, and their Chief Counsels; the heads of major program offices and their Counsels; principal regional officials; and other designated federal employees and political appointees serving in equivalent or comparable positions. All other email account holders are considered to be “non-Capstone.”

The Office of Records Management Services (ORMS) created a frequently asked questions (FAQ) and further instructional guidance to assist Capstone Officials. Please contact POC if you have any questions.

Thank you,

*The Office of Records Management Services*  
*Securities Exchange Commission*



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