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Department of Transportation  
Federal Aviation Administration  
Records Management Program

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*Records Management Inspection Report*

National Archives and Records Administration  
January 2024

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**DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION  
RECORDS MANAGEMENT PROGRAM  
INSPECTION REPORT**

**INTRODUCTION**

The National Archives and Records Administration (NARA) 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.<sup>1</sup> In this capacity, and based on authority granted by 44 United States Code (U.S.C.) 2904(c)(7) and 2906, NARA inspects the records management (RM) programs of agencies to ensure compliance with federal statutes and regulations and to investigate specific issues or concerns. NARA then works with agencies to make improvements to their programs based on inspection findings and recommendations.

NARA inspected the RM program of the Department of Transportation (DOT) Federal Aviation Administration (FAA) in FY2023. The purpose of this inspection was to examine how well the FAA complies with federal RM statutes and regulations and to assess the effectiveness of its RM policies and procedures. In particular, it focused on managing electronic records, with emphasis on policies, strategic planning, training, and oversight. The engagement emphasized the coordination of records management program implementation across the FAA, to include Headquarters (HQ), Lines of Business (LOB), and Staff Offices (SO). Additionally, it sought to identify practices of interest to the wider federal RM community.

The FAA records management program is in a rebuilding phase with the goal to regain the visibility and effectiveness of the records program. The FAA's RM program complies with many, but not all, of the federal regulations in 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B.<sup>2</sup> It also has several RM noteworthy practices for revitalizing the RM program and managing electronic records. This report identifies 10 findings and 20 recommendations that recognize the rebuilding efforts to bring the program into compliance with federal regulations.

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<sup>1</sup> 44 U.S.C. Chapter 29, <https://www.archives.gov/about/laws/records-management.html>.

<sup>2</sup> 36 CFR Chapter XII, Subchapter B, <https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36CXIIsubchapB.tpl>.

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## **OVERVIEW OF THE FAA RECORDS MANAGEMENT PROGRAM**

The FAA records management program is organizationally aligned under the Office of Information & Technology Services (AIT) in the Office of Finance & Management (AFN). The FAA records management program is led by one full-time person who serves as the Agency Records Officer (ARO) and assisted by a Deputy ARO, and three RM staff members. The FAA RM program also receives support from the Department Records Officer (DRO). The day-to-day implementation and oversight of records management functions are conducted by the Records Liaison Officers (RLO) assigned in each LOB or SO and then coordinated through a network of Records Coordinators (RC) and File Custodians (FC). Records management responsibilities for many RLOs, RCs, and FCs are collateral duties, often one of many.

Overall, the FAA records management program is compliant with federal laws and regulations and is well managed. Like most records management programs, some areas still need improvement, and others will need continual monitoring to stay effective as changes occur within the agency and technology advances. The ARO and the RM staff are fully aware of areas that need improvement. They are fully engaged in making improvements and oversight to ensure the program continues to improve and remain current.

### **PROGRAM STRENGTHS**

The strength of the current program is that the ARO is committed to the proper management of records and to building a robust records program. The ARO has several initiatives that are addressing challenges to the program, which are increasing the visibility and viability of the FAA RM program.

The initiatives undertaken by the RM program, include:

- Revitalization of the RM program throughout the LOBs and SOs.
- Development of an electronic records management application and toolkit (the Electronic Records Repository Administration (ERRA)).
- Modernizing records management training and making it mandatory for all personnel.
- Increased coordination and communication with RCs/FCs throughout the FAA's Community of Practice (COP).
- Reviewing FAA records schedules.

Since 2019, the work completed by the RM Program is impressive, yet there is much to be done that will require the full support from the FAA executive level, the FAA staff, and a fully implemented RM network.

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## PROGRAM RISKS

- Leadership and advocacy at the program manager level are needed.
- The FAA RM Program has overlapping projects and priorities without strategic implementation planning.
- Personnel who are assigned RM responsibilities as an ancillary duty do not have time to carry out those responsibilities.
- There are challenges with records scheduling and implementation.
- Outdated directives and orders inhibit records management implementation.
- Legal hold (freezes) procedures, as implemented, do not fully include the RM program.
- There is a potential risk of unauthorized donation and/or disposition of records.

## FINDINGS AND RECOMMENDATIONS

### RM Program Administration and Support

#### **Finding 1: Advocacy and support for RM within the leadership of LOBs and SOs needs strengthening.**

36 CFR 1220.34(c) directs that agency heads must issue directives establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of agency records. The records management responsibilities for the leadership of LOBs and SOs are described in FAA Order 1350.14B. Senior leaders are charged with conducting reviews, holding briefings, and ensuring coordination between RM and other agency information stakeholders such as Information Technology (IT).

Program support is critical to the success of any RM program and directly impacts the effectiveness of the program and the organization's compliance with federal mandates under 44 U.S.C. 3102, Chapter 31-Records Management by Federal Agencies and the federal regulations in 36 CFR Chapter XII, Subchapter B. Additionally, FAA Order 1350.14B, *Records Management National Policy*, charges the FAA Administrator to establish and maintain an active, continuing program for the economical and efficient management of the agency's records. A key element for the success of an RM program in an organization as large as the FAA is leadership support and planning for the implementation of the program. To fulfill this responsibility, records management duties are assigned to leadership throughout the agency. The Deputy Assistant Administrator for Finance and Management is responsible for designating the Chief Information Officer (CIO), who is in turn responsible for designating the Director of Strategy and Performance Services who implements the Agency RM program.

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As stated in FAA Order 1350.14B, heads of FAA LOBs and SOs are responsible for ensuring that the RLOs have adequate skills, resources, and time to perform the functions associated with this position. Among the LOBs and SOs interviewed, significant concerns were expressed by RLOs, RCs, and FCs about LOB and SO leadership support for RM. Some of these concerns include:

- Heads of LOBs and SOs did not see the value of good records management and were not concerned with implementing strong RM processes unless there were projects or Office File Plans (OFP) that required their sign-off.
- The RM duties are one of many ancillary duties, and there is not enough time to focus on records management.
- There are no official backup RCs and FCs.
- There is also a disparity between the size of LOBs and SOs and the number of people assigned to RM. For example, one RC is responsible for three regional offices (employing 500-600 people) that have no FCs designated.

Without this support, the FAA risks:

- Program inefficiency and diminished accountability
- Loss of program continuity
- Program deficiencies that cannot be readily identified and corrected
- Inability to access information for mission-critical or operational purposes
- Increased operational costs
- Increased legal costs
- Loss of intellectual control
- Loss of records including the permanent records
- Non-compliance with federal regulations.

*Recommendation 1.1: The FAA Administrator must ensure through policy or oversight that the heads of Lines of Business and Staff Offices implement records management policies. (36 CFR 1220.30 and FAA 1350.14B)*

*Recommendation 1.2: The FAA senior leadership should review staffing requirements for RLOs, RCs, and FCs to ensure adequate staffing of the records management program.*

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**Finding 2: The FAA RM strategic plan does not include implementation strategies that integrate RM with the FAA mission and culture.**

44 U.S.C. 3102, Chapter 31- Records Management by Federal Agencies, requires the head of each agency to ensure that resources are allocated to effectively implement records management laws and regulations. The federal regulations in 36 CFR Chapter XII, Subchapter B also provide the requirements and framework for federal RM programs. 36 CFR 1222.26 (a)(5) requires that agencies develop policies, procedures, and strategies for ensuring that records are retained long enough to meet programmatic, administrative, fiscal, legal, and historical needs as authorized in a NARA-approved disposition schedule. In addition, OMB Circular A-130: *Managing Information as a Strategic Resource* includes records management. There are several other laws, regulations, and memoranda that provide context and a framework for the management and governance of data and records, including the *Foundations for Evidence-Based Policymaking Act of 2018* (H.R. 4174)<sup>3</sup> (“Evidence Act”). Altogether these regulations and requirements make it essential to strategically align RM program goals and objectives with those of information resources, data management, and the FAA mission and culture.

Additionally, FAA Order 1350.14B charges the FAA Administrator to establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. As mentioned above, this responsibility is delegated to the Chief Information Officer (CIO). As stated in FAA Order 1350.14B, the heads of FAA LOBs and SOs are responsible for ensuring that the RLO has adequate skills, resources, and time to perform the functions associated with this position.

The FAA records management program provided NARA with a strategic performance plan and metrics (Records Management Strategic Plan 2021-2025 issued September 2020). The plan includes specific challenges by the management, organizational structure, policy, standards, governance, information management, and program operations domains as well as key areas for the next three years that include designing and planning a RM foundation, initial rollout, and a future state of the FAA RM program. This includes a comprehensive electronic records management process to manage records that will focus on developing requirements, Concept of Operations, Standard Operating Procedures (SOPs), drafting Request for Proposals (RFPs), Records Management Liaison Training and strategic implementation plans for records management stakeholder engagement.

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<sup>3</sup> <https://www.whitehouse.gov/wp-content/uploads/2019/06/M-19-18.pdf>.

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While the strategic plan was issued by the RM program, it does not have specific implementation plans or linkages to any FAA strategic plans. The FAA should consider a continuous process for linking the RM program to the agency plans in order to heighten visibility and sponsorship. To achieve its goals the RM program needs to be able to prioritize tasks into achievable stages.

*Recommendation 2: The Senior Agency Official for Records Management (SAORM), Chief Information Officer (CIO), and the ARO must update the strategic plan for the FAA Records Management program to outline realistic goals and objectives that link to FAA mission, and DOT data strategies and enable records management to meet the needs of an electronic recordkeeping environment. (44 U.S.C. 3102, Chapter 31, 36 CFR 1222.26(e) and OMB Circular A-130)*

### **RM Training**

#### **Finding 3: The FAA RM training program is not role-based and is inadequate to meet business needs.**

36 CFR 1220. 34(f) requires agencies to provide guidance and training to all agency personnel on their records management responsibilities. Additionally, there are others who could benefit from more targeted role-based training. NARA Bulletin 2017-01<sup>4</sup> provides guidance for RM training including a recommendation to establish training based on specific needs or roles (i.e., role-based training), including staff with RM responsibilities. FAA Order 1350.14B charges the Chief Information Officer (CIO) with the responsibility of ensuring that the FAA RM program appraises senior FAA officials of their records management responsibilities via tailored, role-based training and overseeing the implementation and delivery of records management training and support to FAA records management personnel and the FAA's workforce.

While FAA training (RM 101) is now a mandatory requirement for all personnel, it only provides high-level and foundational information. RCs, FCs, or others with specific RM responsibilities did not receive any additional training. Many also indicated there was no knowledge transfer from their predecessor resulting in having to restart programs from scratch. Most RLOs were holding regular informational meetings with their RCs and FCs, but many felt they didn't fully understand how records management fit into their regular job or program mission. The RM program staff are very responsive, avail themselves of individual assistance, and have developed basic RM job aids. However, RLOs, RCs, and FCs interviewed still expressed the need for records management training specific to their roles. A few RLOs have created their own training or guidance tools for their RM staff; however, there was no review of these materials by the RM program to ensure accuracy or value.

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<sup>4</sup> <https://www.archives.gov/records-mgmt/bulletins/2017/2017-01-html>.

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In addition to those with RM responsibilities, the FAA should offer records management training specific to the needs of the following groups:

- Senior-level agency officials and political appointees.
- Program managers.
- Acquisition, contracting, and procurement personnel.
- Attorneys engaged in litigation or advising on records or access to information issues.
- Personnel developing and managing IT systems and applications.

For RM to be effective, a robust and effective training program that can reach more people is needed. During our interviews, the FAA RM program was considering using existing resources, expertise, and talent within Academy Media Services (AMS) to create a training program that has the potential to be targeted, maintainable, flexible, professional, and available to the right staff. A preview of the draft efforts shows a focus on external drivers of records management and not enough on the FAA's mission and program recordkeeping requirements. The addition of these connections and more specific FAA, role-based information would enhance the effectiveness and appeal of the materials. The development of this program could make the difference between staff simply satisfying a mandatory requirement and staff gaining a valuable information resource tool. NARA has a service that could also support FAA's efforts in developing custom training known as Records Management Instruction Support (ReMIS). ReMIS provides Agency Records Officers with tools to design, develop and implement records management training in their agencies.

*Recommendation 3: The FAA ARO should finalize and implement role-based training. (NARA Bulletin 2017-01)*

### **Policies, Procedures, and Guidance**

#### **Finding 4: Policies are either outdated, obsolete, or in draft form.**

36 CFR Chapter XII, Subchapter B has several provisions that specifically require agencies to issue RM directives and policies. Policies and guidance provide the foundation for any RM program and determine how records, including permanent records, are to be handled. They should also inform the details of how records should be created and maintained. They also outline responsibilities for staff, including senior leadership, the SAORM, ARO, and anyone creating and/or maintaining records for the agency. Having current approved RM directives, policies, procedures, and guidance on the management of records, specifically permanent records, is essential to the success of any RM program. Outdated policies that do not reflect current RM activities or business processes put agency records at risk.



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FAA Order 1350.14B, *Records Management National Policy*, dated December 24, 2013, is ten years old and contains obsolete information. The inspection team notes there is an initiative to update this order. FAA Order 1350.14C *Records Management National Policy*, while recently updated, remains unapproved in draft form. A third order specific to the Mike Monroney Aeronautical Center (MMAC) records management program, Order AC 1350.24C *Mike Monroney Aeronautical Center Records Management Program Policy*, dated March 21, 2017, is also outdated. The Order should be reviewed to ensure it aligns with the current mission and business needs.

RLOs, RCs, and FCs interviewed expressed that the FAA is a very directive-driven organization with a culture of following orders and directives. Tasks are not completed without an active order in place. Interviews reflected a desire for clearer directives and information from the RM program. Without such guidance, LOBs are implementing their own directives and disposition instructions that may not meet recordkeeping requirements. Many felt they were at a standstill and not able to fully complete records duties without up-to-date or approved directives and orders. The absence of approved orders hinders the efficiency and timeliness of performing records management duties. Current initiatives to update these policies and directives should continue to fruition.

*Recommendation 4: The FAA RM program must update its comprehensive RM policies and procedures. (36 CFR 1220.34(c))*

### **Records Schedules**

#### **Finding 5: Records schedules are inconsistent with FAA business practices and contain obsolete information.**

36 CFR 1224.10(a)(c) requires federal agencies to schedule records, review them regularly, and update them if necessary. 36 CFR 1225.22 describes circumstances when scheduled records need to be rescheduled and states that every five years, agencies must review all records schedules that are ten years old and older, based on the date that NARA approved the schedule. NARA also issued a memorandum, AC 27.2020: *Review of Agency Records Schedules Approved Before January 1, 1990*, to all federal agencies in September 2020 instructing agencies to review all agency-specific records schedules approved prior to January 1, 1990, to determine if any items need to be rescheduled per the criteria outlined in 36 CFR 1225.22.

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Record schedules are the building blocks for information management and provide the legal structure for the retention, maintenance, and disposition of records. Without continuous schedule reviews and updates, the FAA incurs numerous organizational risks including, but not limited to:

- Operational inefficiency.
- Poor decision-making.
- Failure to protect the legal interests of institutions and people.
- Failure to document historical actions.
- Failure to comply with federal and FAA records management regulations.

FAA Order 1350.15C, *Records Organization, Transfer, and Destruction Standards*, was canceled on December 24, 2013, due to errors and duplications. The decision was made to cancel FAA Order 1350.15C and use individual disposal authorities. It is critical to note that this decision was made almost ten years ago. Therefore, for almost a decade, the cancellation of this manual has made it difficult for RCs and FCs to apply disposition. RM staff interviewed also expressed the need for an update to FAA Order 0000.1G, *FAA Standard Subject Classification System*. The inconsistent application of disposition instructions in records schedules, and retaining records longer than needed by the agency, negatively affect the history of the FAA and hinder FAA's response to Freedom of Information Act (FOIA) and litigation requests, and Congressional inquiries. The current design and implementation of an electronic records management application, referred to as the ERRA, will help with applying disposition. But for now, there is confusion as it appears that some are still using the canceled 1350.15C, or at least referring to it.

Additionally, there are a number of legacy analog records series in Federal Records Centers that remain unscheduled, comprising approximately 1800 cubic feet of records. Several programs interviewed indicated the schedules were not meeting current program needs. The following are just a few of the examples:

- The Office of Flight Standards Service records schedule has not been updated since the 1970s.
- The Aircraft Certification Service records schedule, dated 2005, does not provide disposition instructions for foreign companies or those approved for foreign use.
- Independent Review Board (IRB) records (research on human subjects) are unscheduled with a draft schedule awaiting approval.
- Security and Hazardous Materials Safety (ASH) has some schedules over 40 years old that need updating. ASH has reached out to the RM program to review their program office schedules.

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Currently, the FAA RM program is engaged in a comprehensive schedule review, including the review of new NARA-approved General Records Schedule (GRS) items. The FAA has two staff members assigned to schedule review, which is a formidable task for only two members. The FAA RM Program established a strong working relationship with their NARA appraisal archivist, approving 32 new records schedules within a two-year period. NARA encourages the FAA RM program to continue to lead its coordinated effort to ensure that all schedules are created and updated in a timely manner, according to FAA Order 1350.14B and DOT Order 1351.28, *Departmental Records Management Policy*.

Once a review of schedules is complete, record items updated (if necessary), and any unscheduled records are scheduled, the FAA will be better positioned for compliance with 36 CFR 1224.10. It will also enhance meeting the requirements of the Office of Management and Budget (OMB)/NARA M-19-21, target 1.4<sup>5</sup>, which states that all records created or maintained by the agency must be covered by a NARA-approved records schedule and that agencies must ensure that existing records schedules are updated as business practices transition to electronic workflows.

*Recommendation 5.1: The FAA RM program must develop a plan to continue the review and update of records schedules. (36 CFR 1224.10(a)(c) and 36 CFR 1225.22)*

*Recommendation 5.2: The FAA RM program must create and implement a plan to schedule its backlog of unscheduled records in accordance with federal regulations. (36 CFR 1220.10(a)(c) and 36 CFR 1225.22)*

*Recommendation 5.3: The FAA must in policy and/or procedure routinely update records schedules and schedule unscheduled records, (36 CFR 1220.10(a)(c) and 36 CFR 1225.22)*

## **Records Management Evaluations**

### **Finding 6: The FAA RM program, LOBs, and SOs are not conducting formal regular records management evaluations.**

36 CFR 1220.34(j) requires agencies to conduct formal evaluations to measure the effectiveness of records management programs and practices. To meet this requirement, FAA Order 1350.14B (currently under revision) and DOT Order 1351.28 direct the FAA RM program to conduct formal evaluations to measure the effectiveness of records management programs and practices throughout the FAA. Additionally, AC 1350.24C directs the MMAC Center Records Liaison Officer (AC-RLO) to conduct periodic evaluations of records management activities within all MMAC organizations to ensure program compliance, identify document discrepancies and/or

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<sup>5</sup> <https://www.archives.gov/files/records-mgmt/policy/m-19-21-transition-to-federal-records.pdf>

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deficiencies for remedial action, and ensure corrective actions are implemented.

Interviews with RLOs, RCs, and FCs indicated the RM program staff had conducted site assistance visits in FY 2020 but no formal comprehensive RM evaluations had been conducted. Comprehensive RM evaluations conducted routinely allow the ARO to identify areas of non-compliance or risk in records management practices. In one instance, the Civil Aerospace Medical Institute (CAMI) conducted a records self-assessment of their offices and developed their own checklists with findings and recommendations, which could serve as an excellent template for other LOBs and SOs. Also, the RLO in Aviation Safety (AVS) has created a self-assessment checklist based on NARA guidance and FAA 1350.15 for RCs and FCs.

In an organization as large and geographically dispersed as the FAA, the need for a continuous and robust records management evaluation program is of the utmost importance. It is difficult to determine risks without a program that provides an overview of the records management program to senior leaders. FAA Order 1350.14B directs the Agency Records Officer and team to conduct annual strategic evaluations of the RM programs within select FAA operating units and notify the non-compliant organization and FAA CIO of areas of significant non-compliance. To be effective the report must include required corrective actions and a timetable for correction. Additionally, documenting evaluations in the form of a report with corrective actions for follow-up and review is important to ensure that risks found have been mitigated. Most RCs and FCs interviewed understand their responsibilities but do not have the time and resources needed to conduct evaluations or assessments of their RM programs.

*Recommendation 6. The FAA RM program must establish and implement procedures for conducting formal evaluations of records management programs by RLOs, RCs, and FCs within each Line of Business and Staff Offices that include corrective actions and mechanisms to report results to the FAA senior leaders. (36 CFR 1220.34 (j))*

### **Legal Holds and Freezes**

**Finding 7: The FAA Office of the Chief Counsel procedures for imposing and lifting legal holds (also called “freezes”) are unevenly applied, inconsistent, and do not fully include the RM program.**

36 CFR 1226.18 provides direction when agencies temporarily retain records approved for destruction beyond their NARA-approved retention period if special circumstances alter the normal administrative, legal, or fiscal value of the records. Once the special circumstances that require extended retention of records have elapsed, agencies must destroy the records in accordance with the NARA-approved disposition instructions. For instance, FAA student records are being maintained under an indefinite legal hold without an implemented process for determining if the required extension of records has elapsed.

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FAA Order 1350.14B charges the Office of the Chief Counsel (OCC) as responsible for advising appropriate FAA management officials, the FAA RM program, and directly affected employees of the impact of litigation holds on their record management responsibilities. This order also directs OCC to provide guidance, when necessary, to administer litigation holds and other notifications required to represent the FAA in litigation.

RM staff interviewed in the LOBs and SOs indicated they were unaware of the legal hold process. RLOs, RCs, and FCs were not consistently receiving notifications when legal holds were imposed or lifted. The current hold process is managed by the OCC and its staff. Email notifications are sent to managers and responsible FCs; however, managers say they are not always receiving these emails, and when they do receive the emails, they are not being distributed to the RLOs, RCs, and FCs consistently. While FAA RM does not manage the holds process, they are working with OCC to improve the process. The formal litigation hold process does not currently involve notification to the agency records officer, therefore posing risks to applicable records that are costly and non-compliant with regulations. The OCC is working on obtaining software to automate the hold process.

*Recommendation 7: The FAA must establish and implement a litigation holds process that includes roles and responsibilities for the ARO. (36 CFR 1226.18 (a)(1) and (c))*

**Finding 8: The Records Management program does not have a relationship with the FAA Office of the Historian, potentially putting records at risk of being improperly used, misplaced, or destroyed without authorization.**

The FAA Office of the Chief Counsel, Office of the Historian collects and maintains information for the purpose of publishing the history of the organization and civil aviation. Federal records are included in these collections. Current RM program policies and procedures do not include this office. The RM program has not evaluated the holdings or the practices of this office. It is possible that records have been improperly used, misplaced, or disposed of over time.

Other concerns from the interview of the Historian included:

- A potential move of materials that could include records to external storage that does not meet facility standards and will not have security protections.
- The Historian collects data from FAA offices without regard to records schedules.
- Materials that may have included records, were sent to a landfill by the FAA Office of the Chief Counsel, Office of the Historian after some libraries were closed to create additional office space.

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A major example of potential unauthorized disposition is the Professional Air Traffic Controllers Organization (PATCO) strike records that are missing. In August 1981, over 12,000 members of the PATCO walked off the job after contract negotiations with the FAA broke down. President Ronald Reagan ordered them to return to work, and after 48 hours, fired those who did not. This represents a major labor relations event in the history of the FAA and federal unions. The FAA Historian indicated that the previous Historian may have sent the PATCO strike records to the Library of Congress (LOC). The current Historian could not verify if records were sent to the LOC or if true, nor provide evidence of authorization from NARA. The point is the records are missing and may have been donated to the Library of Congress, without authorization by NARA.

It is necessary that the FAA RM program determine the location and status of these records and notify NARA accordingly. As a safeguard against any future misappropriation of records and to identify any other similar instances that have taken place, the FAA RM program should include the FAA Office of the Chief Counsel, Office of Historian in its formal RM evaluations. These evaluations will also ensure adherence to FAA policies, as well as 36 CFR 1220 Subpart B.

36 CFR 1231 requires an executive agency that proposes to transfer records to another agency to request approval in writing from NARA. Likewise, 36 CFR 1226.26 requires agencies to obtain written approval from NARA before donating records eligible for disposal to an appropriate person, organization, institution, corporation, or government (including a foreign government) that has requested them. Records that are not eligible for disposal cannot be donated. Furthermore, 36 CFR 1230.10(c) requires agencies to have policies and procedures to ensure that records are protected against any unauthorized removal.

*Recommendation 8.1: The FAA RM program must investigate and determine the whereabouts of the PATCO records. If records have been removed from FAA custody (i.e., donated to another institution), the FAA must report this as an unauthorized disposition to NARA following instructions prescribed under 36 CFR 1230.14.*

*Recommendation 8.2: The FAA RM program must evaluate the current practices of the FAA Historian to ensure adherence to FAA policies and 36 CFR 1220 Subpart B. (36 CFR 1220.34(j))*

*Recommendation 8.3: The FAA RM program policy must be updated to clarify handling of records by the FAA Office of the Chief Counsel, Office of the Historian. (36 CFR 1220 and 36 CFR 1230.10)*

*Recommendation 8.4: The FAA RM program must report to NARA any unauthorized donations made by the Historian. (36 CFR 1230.10 and 36 CFR 1230.14)*

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*Recommendation 8.5: The FAA RM program must investigate the closing of libraries at FAA facilities and the disposition of record materials and report any unauthorized dispositions to NARA. (36 CFR 1230.10 and 36 CFR 1230.14)*

**Finding 9: Hard drives of senior executive-level staff, managers, and other staff are removed when the employee retires or leaves the agency without attention to records management.**

36 CFR 1230 requires federal agencies to notify NARA of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency. 36 CFR 1230.14 provides instructions for reporting the loss or destruction of records to NARA. These instructions include requirements to investigate and report on all incidents related to unauthorized disposition, including efforts to recover or reconstruct lost records.

Staff from program offices indicated that when senior executive-level staff, managers, and other staff departed the agency, IT was removing and wiping their respective hard drives without regard to records management requirements. The FAA RM program was unaware of the procedures for managing these hard drives, including whether anyone reviewed the content prior to wiping the drives, and could not determine whether processes exist to ensure the intellectual control of any federal records on the hard drives.

*Recommendation 9.1: The FAA RM program must determine if records are being lost due to these procedures and report to NARA potential unauthorized disposals, losses, or non-compliant disposition of FAA records. (36 CFR 1230.14, 36 CFR 1231, 36 CFR 1226.26, 36 CFR 1230)*

*Recommendation 9.2: The FAA must update policies and procedures with controls to prevent potential unauthorized disposals, losses, or non-compliant disposition of FAA records. 36 CFR 1230.14, 36 CFR 1231, 36 CFR 1226.26, and 36 CFR 1230)*

**Permanent Records Disposition**

**Finding 10: The transfer of eligible permanent records to the National Archives has been delayed.**

36 CFR 1235.12 states that all permanent records must be transferred to the National Archives of the United States when: (a) The records are eligible for transfer based on the transfer date specified in a NARA-approved records schedule, or (b) The records have been in existence for more than 30 years.

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While in agency custody, permanent records must be identified, scheduled, and protected until they are eligible for transfer to the National Archives in accordance with records schedules. Delaying the transfer of permanent records no longer needed for agency purposes increases the risk of loss, damage, and/or deterioration of historically valuable records, and prolonged liability in the case of legal discovery and FOIA requests. In addition, the OMB/NARA memorandums M-19-21 and M-23-07<sup>6</sup> instruct agencies to transition to electronic formats and to transfer existing paper to Federal Records Centers or commercial storage facilities by June 30, 2024. Without concerted efforts to transfer permanent records and to move temporary records in paper format, the FAA will not be able to meet these requirements.

While the majority of LOBs and SOs are managing their records electronically, there are still pockets of permanent paper records throughout the agency:

- There are 500-600 Aircraft Registration (Aviation Safety) boxes of permanent records located in office space needing inventorying and shipping pending staff resources.
- The Aircraft Certification Service (AIR) produces large volumes of permanent records and are uncertain how and where they are being stored and controlled.
- Communications Services, Air Traffic Organization (ATO-AJC) plans on conducting an inventory of paper records, some of which are involved in FOIA requests.
- NARA's Archives and Records Centers Information System (ARCIS) shows the FAA has an extensive number of permanent records overdue for transfer. NARA has not received transfers from the FAA since 2018.

*Recommendation 10.1: The FAA RM program must conduct records inventories of all records in all formats and create and/or update office file plans that identify permanent records. (36 CFR 1222.26 and 36 CFR 1225.12(b) and FAA Order 1350.14B)*

*Recommendation 10.2: The FAA RM program must create a plan to transfer eligible permanent records to the National Archives or submit a request to retain the records. (36 CFR 1235)*

*Recommendation 10.3: The FAA RM program must create a repeatable process to identify and transfer permanent records as they become eligible. (36 CFR 1235)*

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<sup>6</sup> [https://www.whitehouse.gov/wp-content/uploads/2022/12/M\\_23\\_07-M-Memo-Electronic-Records\\_final.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/12/M_23_07-M-Memo-Electronic-Records_final.pdf)



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## NOTEWORTHY PRACTICES

### **Reinvigoration of the FAA Records Management Network**

The ARO's efforts to rebuild and regain the support of the records management network have had a significant impact and have created a cultural shift in the FAA RM network. All RLOs, RCs, and FCs indicated the changes made by the current RM program have been positive and felt they are getting the support and information they need. Most, if not all, felt this was a much-needed change. A network of records managers serves as a valuable resource for effective recordkeeping and can have a significant impact on the FAAs overall performance and compliance.

Rebuilding the reputation and respect for records management is an ongoing process that requires commitment and deserves attention and support from leadership. With leadership support, time, and resources, the RM network has the capability to meet the needs and challenges of evolving technology. The FAA RM program must be commended on the progress they have made in revitalizing the FAA RM network.

### **Electronic Records Repository Administration (ERRA)**

FAA RM is working on modernizing its program by creating an electronic system called the Electronic Records Repository Administration (ERRA) to track scheduling, file plans, and self-evaluations, along with creating a community of practice (COP) with general RM information. The system's internal portal will have specific areas for RLOs and other RM staff as well as information specific to senior leadership, with the goal of standardizing practices. It will provide timely, need-based information, as well as generate statistical reports and potentially audit or evaluation trails.

ERRA will assist the FAA in meeting current and future OMB and NARA requirements for managing records electronically. Other benefits include:

- Efficient records schedule requests, creation, and tracking throughout the lifecycle of a records schedule.
- A centralized and electronic tracking toolkit containing all LOB office file plans (OFPs) for long-term continuity and management of all FAA records collections.
- Greater visibility and coordination of schedule requests, standard records management processes, and communication with the agency-level records program.
- Improved internal records management controls and a more efficient means of responding to external requests and audits related to FAA records and the records management effort.

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- Better visibility to senior leadership into their records management activities and how their records management activities compare to those of the rest of the agency for better planning and resourcing.
  - The ability to track appropriate metadata agency-wide.

ERRA appears to be carefully planned and is a sound foundation for building and developing internal and intellectual controls. Success will depend on full functionality, user adoption, support, and maintenance.

### **Chief Data Officer (CDO) and RM Coordination**

The data management (DM) program at FAA is comprised of approximately 32 federal employees and led by the CDO who has been in that role at the FAA for over seven years. The FAA has assigned the program to an appropriate office within the agency's organizational structure. The program has a cross-functional, executive-level group representing all business and technical stakeholders that prioritize initiatives, align resources, make policy decisions, and define the data management strategy for the organization. The DM program has received senior management support and has a clear understanding of program objectives, responsibilities, and authorities. The CDO is in the process of maturing the program and is proposing the need for additional resources.

The CDO understands the majority of the linkages between data management and RM and wants to build on these relationships. Strong collaboration has also come in the form of RM personnel serving on the data management board and in leadership capacities. The idea that both programs have similar principles and themes was mentioned several times over the course of our interview. Both need to know what they have and the volume, where and how it is maintained, and for how long it must be maintained, and ensure appropriate access to that information.

In many ways, data management and RM at the FAA work in tandem toward their respective goals and objectives. Both programs have created comprehensive data inventories and an active catalog. The FAA CDO and ARO also voiced concerns over the sharing and reuse of data to create new data and its implications for data management and RM. Working together on such issues should result in more effective outcomes and may reduce some duplication of effort. It is also important that both programs work together to determine how long the data is needed for business purposes, not only to comply with NARA-approved agency records schedules, but also because maintaining data longer than necessary makes the search for timely information more difficult. Understanding these foundational connections, whether phrasing it in terms of compliance or a business value proposition, will be key to building on those relationships and success in the future.

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### **Strategic Services – Enterprise Service Center Content Management Services (ESC-ECS)**

The ESC-ECS group has been working closely with the FAA RM program, setting up a Content/Records Management and high-speed scanning enterprise unit. The unit began working on the concept in 2019. COVID-19 interrupted progress, but they are back on track. The platform is an OpenText Content Manager application. The demo provided some very interesting features for managing images after scanning, litigation hold and redaction capabilities. They are also testing machine learning software for categorization, linking schedules and disposition instructions once loaded into the templates for auto-classification, and other rules. One goal is a possible future connection to ERRA. The physical operation includes high-speed scanners and very good quality control preparation prior to, during, and post-scanning. Their goal is to eventually make this a reimbursable fee for service across the FAA.

### **Civil Aeronautical Medical Institute (CAMI) Records Management Program**

CAMI certifies pilots' health under the Aviation Safety (AVS) LOB. The RC completed an assessment of the CAMI Records Management Program. The resulting assessment report is an excellent example and could serve as a model for other LOBs. The report included a breakdown of scheduled and unscheduled records, compliance with FAA records management policies, accuracy of categorization of records, and recommendations for improvements for all offices within CAMI. Similar assessments will be routinely performed.

### **CONCLUSION**

The FAA RM program, under its current leadership, is working to reinvigorate the program by re-establishing policies and procedures and increasing interactions with the extensive RM network within the LOBs. The ARO and staff are aware of the issues raised in this report. This report contains findings and recommendations to support the improvement efforts, correct areas of the FAA RM program that are not fully compliant with recordkeeping statutes and regulations, minimize the risks to FAA records, and ensure accessibility to records that support the agency's mission-essential functions.

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## **APPENDIX A INSPECTION PROCESS**

### **OBJECTIVE AND SCOPE**

The objective of this inspection was to determine how well the FAA complies with federal records management statutes and regulations and to assess the effectiveness of its RM policies and procedures.

Particular emphasis was placed on managing electronic records, policies, strategic planning, training, and oversight. The inspection also emphasized coordinating the records management program implementation across the FAA including elements of HQ, LOBs, and SOs.

### **METHODOLOGY**

NARA carried out this inspection through a combination of document reviews, and virtual and in-person interviews. Specifically, the inspection team conducted the following activities:

- Reviewed RM policies, directives, and other documentation provided by the FAA,
- Used a detailed checklist of questions based on federal statutes and regulations, and NARA guidance, and
- Reviewed the FAA's responses to current and past annual Records Management Self-Assessments (RMSA), electronic records and email management reports, and Senior Agency Official for Records Management (SAORM) reports.

### **OFFICES VISITED/INTERVIEWED**

- FAA Records Management Program Office
- Mike Monroney Aeronautical Center, Oklahoma City, OK (MMAC)
- FAA Academy
- Civil Aerospace Medical Institute (CAMI)
- Strategic Solutions/Enterprise Content Services (ESC)
- Academy Media Services
- Aviation Safety - Aircraft Registration (AVS)
- Administrator for Security and Hazardous Materials Safety (ASH)
- Office of NextGen (ANG)
- Office of the Chief Counsel (AGC)
- Office of the FAA Historian
- Office of Communications (AOC)
- Chief Data Officer (CDO)
- Air Traffic Organization (ATO)
- Office of the Administrator (AOA)

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## **APPENDIX B**

### **RELEVANT INSPECTION DOCUMENTATION**

- FAA organizational charts
- RM policies, directives, manuals, standards, and other RM-related issuances relating to the management of permanent records
- RM templates or other instruments used for managing the records lifecycle
- Records schedules
- RIM Site Assist Visit Final Findings Reports 2020
- RM language in contractual agreements
- FAA Order 1350.14B Records Management Policy 2013
- Records Management Manual Legacy 2012
- Records Management Strategic Plan 2021-2025
- Draft FAA Order 1350.14C Records Management v.13
- FAA RM Job Aids
- Various sample Office File Plans
- AVS Self-Assessment Records Checklist
- FAA History Archives Overview and Process Guide 2023
- System Disposal Assessment (SDA) v.3.0 2023
- Federal Electronic Records and Email Management Report 2020-2022
- Records Management Self-Assessments 2020-2022
- FAA ERM Briefing 2023
- FAA RM Digitization Results and Current Status PowerPoint Slides 2023
- M365 Email Archiving and Retention Project Closure Report v 1.6 2022
- AC 1350.24C Mike Monroney Aeronautical Center RM Program 2017
- DOT Order 1351.21 Departmental Records Management Policy 2020

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## APPENDIX C AUTHORITIES AND FOLLOW-UP ACTIONS

### AUTHORITIES

- 44 U.S.C. Chapter 29
- 36 CFR Chapter XII, Subchapter B
- 36 CFR 1239, Program Assistance and Inspections

### OTHER GUIDANCE

- OMB/NARA *Transition to Electronic Records* (M-19-21)
- OMB/NARA *Update to the Transition to Electronic Records* (M-23-07)
- Other NARA Bulletins currently in effect - <https://www.archives.gov/records-mgmt/bulletins>

### STATUTES AND REGULATIONS

36 CFR Chapter XII, Subchapter B, specifies policies for federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, and records disposition. The regulations in this Subchapter implement the provisions of 44 U.S.C. Chapters 21, 29, 31, and 33. NARA provides additional policy and guidance to agencies at its records management website - <http://www.archives.gov/records-mgmt/>.

At a high level, agency heads are responsible for the following:

- The adequate and proper documentation of agency activities (44 U.S.C. 3101),
- A program of records management to ensure effective controls over the creation, maintenance, and use of records in the conduct of their current business (44 U.S.C. 3102(1)), and
- Compliance with NARA guidance and regulations, and compliance with other sections of the Federal Records Act that give NARA authority to promulgate guidance, regulations, and records disposition authority to federal agencies (44 U.S.C. 3102(2) and (3)).

### FOLLOW-UP ACTIONS

The FAA will submit to NARA a Plan of Corrective Action (PoCA) that specifies how the agency will address each inspection report recommendation, including a timeline for completion and proposed progress reporting dates. The plan must be submitted within 60 days after the date of transmittal of the final report to the head of the agency.

NARA will analyze the adequacy of the FAA's PoCA, provide comments to the FAA on the plan within 60 calendar days of receipt, and assist the FAA in implementing recommendations.

The FAA will submit to NARA progress reports on the implementation of the PoCA until all actions are completed. NARA will inform the FAA when progress reports are no longer needed.

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**APPENDIX D**  
**ACRONYMS AND ABBREVIATIONS**

AC-RLO	Aeronautical Center Records Liaison Officer
AFN	Office of Finance & Management
AIR	Aircraft Certification Services
AMS	Academy Media Services
ARCIS	Archives and Records Centers Information System
ARO	Agency Records Officer
ASH	Security and Hazardous Materials Safety
ATO-AJC	Air Traffic Organization-Communications Services
AVS	Aviation Safety
CAMI	Civil Aerospace Medical Institute
CDO	Chief Data Officer
CFR	Code of Federal Regulations
CIO	Chief Information Officer
COP	Community of Practice
DM	Data Management
DOT	Department of Transportation
DRO	Department Records Officer
ERRA	Electronic Records Repository Administration
FAA	Federal Aviation Administration
FC	File Custodian
FOIA	Freedom of Information Act
GRS	General Records Schedule
HQ	Headquarters
IRB	Independent Review Board
IT	Information Technology
LOB	Line of Business
LOC	Library of Congress
MMAC	Mike Monroney Aeronautical Center
NARA	National Archives and Records Administration
OCC	Office of the Chief Counsel
OCIO	Office of Chief Information Officer
OFF	Office File Plan
OMB	Office of Management and Budget
PATCO	Professional Air Traffic Controllers Organization
PoCA	Plan of Corrective Action
RC	Records Custodian
RFP	Request for Proposal
RM	Records Management

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RMSA	Records Management Self-Assessment
RLO	Records Liaison Officer
SAORM	Senior Agency Official for Records Management
SO	Staff Office
SOP	Standard Operating Procedures
U.S.C.	United States Code





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