



Department of Homeland Security

Records Management Guidance for Departing Officials

**Department of Homeland Security
Records Management
Guidance for Departing Officials**

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**Department of Homeland Security
Records Management
Instruction for Departing Officials and Staff**

This instruction document summarizes material within the NARA booklet, *Documenting Your Public Service*, and DHS Management Directive, MD0550.1 and the accompanying Records Management Handbook, Chapter 9 in particular.

The records addressed here fall into two main categories: Federal records and personal files.

Federal Records are:

- Made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business, and
- Preserved or appropriate for preservation as evidence of agency functions, organization, and activities or because of the value of the information they contain. (44 U.S.C. 3301)
- **Personal Files/Papers are:**
 - Unrelated to the conduct of agency business (e.g., files relating to political activities, personal and family matters, or social or civic activities)

When leaving Government service at DHS you may wish to take with you:

- Extra copies of selected Federal records, such as material you drafted, reviewed, or otherwise acted upon that are readily available to the public without a FOIA request, and
- Copies of public affairs records such as news clippings and photographs taken at official functions and celebrations.

However, DHS may approve or disapprove requests to remove extra copies of Federal records or other Government-owned documentary materials. Approval will be granted only if the following conditions are met:

- Removal would not diminish the official records of the agency.
- The materials, if made public, would not compromise or impede the DHS mission.
- The materials do not contain national security classified information.
- The information removed is not otherwise prohibited by law.

Criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071).

What to do before departing DHS

- Personal Files
 - Pack personal paper files and clearly mark boxes "Personal Files"
 - Delete all personal files on your PC (e-mail, documents, etc.)
- Federal Records
 - Move all Federal records (files, email, archived email) from local drive to the network. Automated tools to assist you are available from IT Support.
 - List the Federal records that you wish to remove and attach to Form 550-1 and 550-2 so that approval may be obtained for removal.
- Assistance:
 - The DHS Records Management staff and the OCIO staff will assist in accomplishing the steps above.
 - For records, call Kathy Schultz, Sr. Records Officer at 202 447-5075.
 - For IT support, call 800 250-7911.

Attachments:

Documenting Your Public Service
Chapter 9, Records Management Handbook

**DEPARTMENT OF HOMELAND SECURITY
RECORDS MANAGEMENT HANDBOOK**

CHAPTER 9

REMOVAL OF RECORDS BY EMPLOYEES AND POLITICAL APPOINTEES

1. **General.** All employees shall clearly designate as personal, and maintain separately from the records of the office, those papers of a private or nonofficial nature that pertain to their personal affairs. If information about private matters and Department business appears in the same document, the document should be copied at the time of receipt, with the personal information deleted. If the private or nonofficial papers of a Department of Homeland Security (DHS) official are kept in the official's office, they shall be filed separately from the official records of the office. For electronic information it means saving the private information in a separate file without the Federal documentation; and for the paper information it means placing the information in a separate folder.
2. **Responsibilities.** The DHS Records Officers shall:
 - a. ensure that nonrecord material being removed by a departing employee or official is examined by the DHS reviewing official for the purpose of providing the appropriate protection for information that is restricted from release under the Privacy Act or other statutes, regulations or executive orders;
 - b. obtain signed removal forms as follows: (1) all Presidential appointees with Senate confirmation must complete form DHS 0550-1, "Removal of Documentary Materials by Presidential Appointees with Senate (PAS) Confirmation," and (2) all other employees must complete a signed form DHS 0550-2, "Documentary Materials Removal/Non-removal Certification";
 - c. ensure that the signed forms, and related documentation are retained in a centralized file for at least 10 years within the Personnel or Records Management office; and
 - d. ensure that no departing official or employee shall remove records or nonrecord materials relating to any pending or contemplated civil, criminal, or administrative proceeding or other program activity when the information, if released, would impair or prejudice the outcome of the proceeding or Government policy determinations, decisions, or other actions. This includes any properly classified national security information.
 - e. instruct, through this manual, supervisors to conduct exit interviews with departing employees not only to determine whether records are eligible for removal, but also to determine the location of electronic program records. The means for access to the electronic records is the relinquishing of the employees password or the transfer of the records to the shared drive so that technical staff may locate and retrieve those records. This process must be completed prior to the departure of the employee from DHS.

3. Procedures for Removal of Papers.

- a. All records, original and copies, are under the control of DHS, regardless of how and by whom they were created or obtained. Removal of documentary material must be approved in accordance with the provisions of DHS MD 0550.2 (or subsequent versions) to ensure that DHS's ability to claim privileges in litigation, to claim FOIA exemptions and to protect sensitive and classified information is not weakened.
- b. No documentary material, even though judged to be nonrecord material, shall be withdrawn if this will create such a gap in the files as to impair the completeness of essential documentation. Indexes, or other finding aids, necessary for the use of the official files may not be removed.
- c. Personal diaries, which are really private records of public activities, are private property and may be removed. When the matters dealt with in such work aids as office diaries, logs, memoranda of conferences and telephone calls are covered elsewhere by adequate records, such work aids may be removed provided they do not contain information otherwise prohibited from removal. This applies to personal papers created and/or maintained on paper as well as in electronic format.
- d. Extra copies (photocopies, etc.) of records may be removed under certain circumstances. Prior to removal, it must be determined that no legal or policy reason exists that would prevent removal and that the record copy, or other necessary copies, are available in the Department. If the copy is of a document originating with another agency, the requirements of the originating agency must be determined.
- e. Notwithstanding paragraphs 3.a. through 3.c. of the handbook, properly classified national security information and sensitive but unclassified (SBU) information may not be removed from U.S. Government control under any circumstances. Such information shall remain classified, controlled or restricted as long as required for national security and/or DHS interests. Subsequent access to such information by former Presidential Appointees and/or historical researchers shall be in accordance with DHS MD 11045, "Protection of Classified National Security Information/Accountability, Control, and Storage," Sections 6.C.3.f. and g.
- f. Any violation of the statutory and regulatory limitations placed on removal of documentary material by DHS officials who resign or retire will be forwarded to the DHS Office of Security, who shall confer with the Inspector General regarding such violations.
- g. Records will not be disposed of while they are the subject of a pending request, appeal, subpoena, or lawsuit under the Freedom of Information Act or the Privacy Act, as provided for in GRS 14.

4. Review of Papers.

- a. The DHS Records Officer should be consulted prior to removing personal papers and the Records Officer will, in turn, consult with NARA if questions arise. The Office of Presidential Libraries is interested in the private papers of high level officials because these papers are an invaluable adjunct to the public records of an Administration. A retiring official may place restrictions on access to papers as deemed necessary if the official decides to make use of these archival depositories.
- b. E.O. 12958, as amended, provides for the declassification of properly classified national security information when the information no longer meets the standards and criteria for continued classification and such declassification is accomplished by an official authorized to do so. Departing officials shall not use the declassification process as a means for allowing the removal of information that would otherwise be prohibited from removal. Declassification actions taken in association with departing senior officials shall be reviewed by appropriate officials having program specific knowledge of the information in coordination with the DHS Office of Security.

DEPARTMENT OF HOMELAND SECURITY

CERTIFICATION FORM

Removal of Document Materials by Presidential Appointees with Senate Confirmation

1. Documentary Materials that May be Removed: Personal Papers.

Examples of personal papers include: papers accumulated by an official before joining Government service that are not used subsequently in the transaction of Government business; materials relating solely to an individual's private affairs, such as outside business pursuits, professional affiliations, or private political associations that do not relate to agency business; diaries, journals, personal correspondence, or other personal notes that are not prepared or used for, or circulated or communicated in the course of transacting Government business (36 C.F.R., Section 1222.36(a), (b), and (c)).

2. Records that May Not be Removed.

National security information and officially limited information may not be removed from DHS under any circumstances. Such information shall remain classified, controlled or restricted as long as required for national security and/or DHS interests.

3. Penalties for Unlawful Removal of Records.

Criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. 641, 793, 794, 798 and 952).

I certify that I understand the foregoing information and that the documents (paper or electronic media) that I am removing from DHS have been reviewed and approved for removal in accordance with DHS MD 0550 Publication/Handbook.

Name of Departing Official

Signature of Departing Official

Date

Name and Title of Reviewing Official

Signature of Reviewing Official

Date

DEPARTMENT OF HOMELAND SECURITY
Documentary Materials Removal/Nonremoval Certification

1. NAME	2. SOCIAL SECURITY NUMBER
3. OFFICE	
4. Are you removing any nonrecord documents (paper or electronic media) from the Department of Homeland Security? <input type="checkbox"/> YES Go to 5a. <input type="checkbox"/> NO Go to 7a.	
5a. I certify that the documents that I am removing from the Department of Homeland Security have been reviewed and approved for removal. They do not include any documents relating to any pending or contemplated civil, criminal, or administrative proceeding or other program information, if released, would impair or prejudice the outcome of the proceeding or Government policy determinations, decisions, or other actions (Examples: classified documents; record copies; documents, even though judged to be nonrecords, that will create a gap in the files; and indexes and finding aids necessary to use of the official files).	
5b. SIGNATURE	5c. DATE
6a. TITLE OF REVIEWING OFFICIAL	
6b. SIGNATURE OF REVIEWING OFFICIAL	6c. DATE
7a. By my signature in block number 7b., I certify that I am not removing any documents from the Department of Homeland Security.	
7b. SIGNATURE OF EMPLOYEE	7c. DATE

THE U.S. NATIONAL ARCHIVES & RECORDS ADMINISTRATION

www.archives.gov

Tuesday, February 12, 2008

NARA Bulletin 2008-02

February 4, 2008

TO: Heads of Federal agencies

SUBJECT: Protecting Federal records and other documentary materials from unauthorized removal

EXPIRATION DATE: February 28, 2011

1. **What is the purpose of this bulletin?** The purpose of this bulletin is to remind heads of Federal agencies that official records must remain in the custody of the agency.
2. **What must heads of Federal agencies do to implement this bulletin?** Heads of Federal agencies must notify officials and employees that there are criminal penalties for the unlawful removal or destruction of Federal records (18 U.S.C. 2071 and 36 CFR 1228.102) and the unlawful disclosure of national security information (18 U.S.C. 793, 794, and 798). They must also provide guidance on the handling of records containing other information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 522a) or other information restricted by law.
3. **Under what circumstances may officials remove records and documentary materials from Government custody?**
 - a. Officials and employees must not remove Federal records from Government custody. Only the Archivist of the United States has the authority to approve the removal of Federal records from Government custody (44 U.S.C. Chapter 33). Under 36 CFR 1222.40 and 1222.42, agencies must develop procedures to ensure that departing officials and employees do not remove Federal records.
 - b. Within agency guidelines, officials and employees may remove extra copies of records or other work-related, nonrecord materials when they leave the agency with the approval of a designated official of the agency, such as the agency's records officer or legal counsel.

1. Copies of records that are national security classified must remain under the control of the agency. If the agency permits removal, they must be transferred to a facility that has an appropriate level security storage area and safeguarded in accordance with Information Security Oversight Office requirements for national security classified materials (36 CFR 1222.42 and 32 CFR 2001.40 - 2001.53).
 2. Copies of records that are otherwise restricted (e.g., under the Privacy Act) must be maintained in accordance with the appropriate agency requirements.
- c. Officials and employees may remove documentary materials that are of a purely personal nature when they leave the agency. Personal materials include family and personal correspondence and materials documenting professional activities and outside business or political pursuits. However, in many cases, officials and employees intermingle their personal and official files. In those cases, the agency may need to review and approve the removal of personal materials to ensure that all agency policies are properly followed.

4. **What materials are Federal records?** As defined in 44 U.S.C. 3301, Federal records are documentary materials that agencies create and receive while conducting business that provide evidence of the agency's organization, functions, policies, decisions, procedures, and operations, or because they contain information of value. Records may be in paper, film, tape, disk, or other physical form. They may be generated manually, electronically, or by other means.

5. **Are there Federal documentary materials that do not qualify as records?** Materials such as extra copies of records kept solely for convenience of reference, library or museum materials, and stocks of publications and processed documents are excluded from the definition of "record" (44 U.S.C. Chapter 33). These work-related materials, though excluded from the definition of "record," nevertheless belong to and are controlled by the Government (36 CFR 1222.34(f)) and must not be removed unless approved as cited in par. 3.

6. **How must officials and employees maintain records and documentary materials to distinguish and separate the different types of materials?**

- a. Federal records must be maintained in agency files or electronic recordkeeping systems. Officials and employees must know how to ensure that records are incorporated into files or electronic recordkeeping systems, especially records that

were generated electronically on personal computers. Only records needed for current operations, such as open case files, may be maintained at the official's or employee's desk.

- b. Depending on agency policies, agencies may permit officials and employees to keep extra copies for convenience of reference in their offices or workstations. However, officials and employees must obtain the agency's permission if they want to remove any of these materials from the agency (36 CFR 1222.42).

7. What do officials and employees do with records and other documentary

materials that are no longer needed? Records are maintained in agency files and other recordkeeping systems. When a record is finalized, when a case file is closed, or at another appropriate time, the official or employee must follow established procedures for incorporating it into the appropriate recordkeeping system. Records must be maintained in recordkeeping systems so that they will be integrated, either physically or intellectually, with related records and where they will be accessible to all staff who may need them. Records must remain in the custody of the agency and may be removed only in accordance with the agency's guidelines.

8. What does an agency do if there is an unauthorized removal of records? If an agency knows of any actual or potential threat to records (e.g., removal, alteration, or destruction), it must contact the National Archives and Records Administration (NARA), as required by 36 CFR 1228.104. NARA will assist the agency in contacting the Attorney General for the recovery of any unlawfully removed records. It is also important to follow all agency internal reporting requirements, which may include reporting the threat to the agency's legal counsel and to its Inspector General.

9. Is further information available within my agency? Your agency's records officer has more information about the maintenance and disposition of records and extra copies of records. Your agency's records officer, legal counsel, or information security officer has more information about your agency's policies on the removal of extra copies of records and how to secure approval. The list of agency records officers is available online at <http://www.archives.gov/records-mgmt/agency/officers-lists.html>.

10. Is further information available from NARA?

- a. NARA's publication *Documenting Your Public Service* is available online at <http://www.archives.gov/records-mgmt/publications/documenting-your-public-service.html>.

- b. NARA's publication *Agency Recordkeeping Requirements* is available online at <http://www.archives.gov/records-mgmt/publications/agency-recordkeeping-requirements.html>.
- c. Information about NARA's records management regulations (36 CFR Chapter XII, Subchapter B), including the identification and protection of Federal records, is available online at <http://www.archives.gov/about/regulations/subchapter/b.html>.

11. Is assistance available from NARA?

- a. NARA's Lifecycle Management Division provides assistance and advice to agency records officers in the Washington, DC, area. Your agency's records officer may contact the NARA appraiser or records analyst with whom your agency normally works. A list of the appraisal and scheduling work groups is posted on the NARA web site at <http://www.archives.gov/records-mgmt/appraisal/>. The Records Management staff in NARA's regional offices provides assistance to records officers across the country. A complete list of NARA regional facilities may be found at <http://www.archives.gov/locations/>.
- b. Officials who wish to donate collections of personal papers and extra copies of records to a Presidential library may contact the National Archives and Records Administration, Office of Presidential Libraries (NL), Room 2200, 8601 Adelphi Road, College Park, MD 20740-6001, or by telephone at 301-837-3250.

ALLEN WEINSTEIN

Archivist of the United States



DHS Component Records Officers

Kathy Schultz DHS Senior Records Officer 202-447-5075	Terri Daniel Office of Counternarcotics Enforcement 202-447-5235
Denise Bailey DHS Office of Executive Secretariat 202-282-9208	Raymond Mills Office of CIS Ombudsman 202-357-8128
John A. Sharetts-Sullivan Federal Emergency Management Agency 202-646-2625	Marty Zimmerman-Pate Federal Law Enforcement Training Center 912-267-3103
Danielle Taylor Federal Protective Service 202-501-4331	Joseph Gerhart Immigration & Customs Enforcement 202-305-3014
Michelle Adler Office of Inspector General 202-254-4068	Quinton Mason Office of Intelligence and Analysis 202-282-9385
Elizabeth Gary National Protection and Programs Directorate 202-447-3620	John Corbett National Protection and Programs Directorate / US-VISIT 202-298-5200
Janett Winslow Science & Technology 202-254-5333	Lawan Jackson Transportation Security Administration 571-227-2068
Tricia Canard U.S. Citizenship and Immigration Services 202-272-9120	Steven L. Coney U.S. Coast Guard 202-475-3534
Avis King U.S. Customs & Border Protection 202-344-2027	Rob Keefe U.S. Secret Service 202-406-5776