

D60A
Maryland State Archives

Joint Chairmen's Report
Information Request

Electronic Record Storage and Proposed Changes to Records Management

Page 21 of the 2013 *Joint Chairmen's Report* contains the following reporting requirement:

Electronic Record Storage and Report on Proposed Changes to Records Management:

It is the intent of the budget committees that the Maryland State Archives (MSA) pursue to the greatest extent possible the reduction of paper and electronic storage of government records through aggressive implementation of records retention and disposal schedules. Further, the budget committees request MSA, in conjunction with the Department of General Services (DGS), to submit a report to propose changes to records management with the intent to reduce the physical space needed to store records, and to propose legislation, if appropriate, to make these changes.

Executive Summary

The Maryland State Archives (MSA) will continue to utilize the records scheduling and disposition process to encourage agencies to reduce the volume of paper records generated by government and to promote the maintenance of records in an electronic environment. In addition, the MSA's responsibility to preserve and make accessible our most important documents extends to government publications as well. The Archives makes the following policy, regulatory and legislative recommendations:

Records Management

1. The legislature or the executive should consider mandating that government agencies create, maintain, and manage records electronically by the year 2025.
2. Agencies should be required to appoint an accountable records management officer with specified skills and authority.
3. Agencies should be encouraged to contract with records management consultants to quickly and cost effectively bring them into compliance with existing records management laws.
4. Laws or court rules specifying a particular form or format for records (e.g., paper, microfilm, etc.) should be modified to remove references to particular record formats. In addition, where necessary, legislation should be adopted to clarify that the electronic record is the official record.
5. Agencies should expend an appropriate level of effort to carry out the records management program.
6. Records scheduling and disposition should be automated to simplify the development of records schedules and enhance compliance with the statutory requirement periodically to describe and appraise State government records (State Government Article 10 - 634).
7. Available records management guidance should be updated to reflect current practices.
8. The Office of Legislative Audits should request a copy of an agency's retention schedule as part of the routine for an entrance meeting of a fiscal compliance audit and note in the report if an up-to-date schedule is not available.
9. A records management training program, including new employees introductory training, should be developed and offered to State and local government agencies.
10. All information technology projects should include an information life-cycle management component as part of the functional requirements analysis.

Government Publications

The Archives also makes the following recommendations regarding government publications:

1. Develop systems to ensure the permanency of electronic government publications.

2. Build redundancy into the State's holdings of electronic government publications to ensure the ongoing availability of this material. This redundancy could be accomplished within the State Archives' repository with duplicate electronic copies at multiple sites and by having holdings of electronic government publications at other State government libraries and facilities.
3. Ensure the longevity of a program for identifying, acquiring, and providing permanent public access to electronic government publications by incorporating it into the proposed program for managing electronic records. This would combine funding and reinvestment in electronic infrastructure for publications and records to achieve fiscal, structural, and managerial efficiencies.
4. Require for both paper and electronic formats the use of certain traditional, essential features of a publication: a title, the name of the government agency responsible for the publication, the date of publication, and where appropriate, the names of contributors to the publication, all placed in a prominent location on the title page. A cover could be included but is not necessary for an electronic format. Additionally, standard metadata for State government publications should be developed.
5. Determine if it is necessary to have different but compatible methods for acquiring publications of the executive, legislative, and judicial branches of State government.
6. Post electronic publications on agency websites in a standard, organized way to make current publications more easily found and accessed. For example, some executive branch agencies have created a publications tag to improve the accessibility of their electronic publications.
7. Once best practices for publishing and disseminating government publications have been established, update available records management guidance accordingly.

Background

The MSA is the central depository for government records and government publications of permanent value. As a result of increases in population and recordable events, government activities and the breadth of MSA responsibilities for all branches of government - executive, legislative, judicial and all levels - State, county, municipal, the volume of records deposited with MSA has expanded beyond its ability to accept, store and properly maintain them.

While the MSA is responsible for retention of permanent State records, DGS provides secure storage of non-permanent records through the State Records Center. Proper retention and retrieval of non-permanent records is critical to the day-to-day operations of the State. Non-permanent records are an integral part of State activities such as civil and criminal litigation, Maryland State Police internal investigations and contractual disputes. Timely disposal of non-permanent records ensures that the cost of maintaining non-permanent records does not exceed their value to the State.

Records Management

Records document the lives of our people, the governments they create, and the rights they enjoy. They tell of our struggles, triumphs, and failures. They define who we are as a society. Of all the materials generated by our government, only a small portion is deemed so important as to be designated for permanent retention.

MSA is the place where these permanently valuable records are preserved and made accessible over time. The MSA collects the records that make transparent government possible, preserves the evidence protecting individual and property rights, and protects Maryland's most essential records from natural and man-made disasters. MSA and DGS work together to establish the appropriate retention of non-permanent records as well.

At present, the majority of Maryland's permanent holdings are paper records representing a small percentage (5% to 10%) of all records created by government. These must be cared for, stored properly, and made accessible to the public. Paper-based records may be managed and maintained by providing appropriate environmental conditions and adequate protection from other hazards. The challenges of management and maintenance are more complex for electronic format records.

Provided that the records are effectively managed, there are many benefits to having records in an electronic format. There are particular advantages to having records exclusively in an electronic format rather than having a record in both paper and electronic formats. Most notably, records in an electronic only format are more easily and more widely accessible and take up less physical storage space.

For this reason, Maryland law, regulation and policy should encourage creating, managing, and maintaining public records in electronic formats whenever practical. Maryland's record management policies should also follow the example of recent Federal initiatives and require that records created in an electronic format are to be managed in an electronic format. So, for example, records created electronically should no longer be printed for the sole purpose of being managed in a paper format, where feasible.

In doing so, Maryland will be following the lead of the Federal Government. President Obama's Presidential Memorandum "Managing Government Records" issued on November 28, 2011, launched an Executive Branch effort to update records management for the digital age to improve performance, promote openness and accountability, minimize cost and increase efficiency. (Appendix 1) As a part of this effort, the Office of Management and Budget and the National Archives and Records Administration released a Managing Government Records Directive on August 24, 2012. (Appendix 2) Among other requirements, this directive instructed Federal agencies to manage all permanent electronic records in an electronic format to the fullest extent possible by the end of 2019. Agencies are also encouraged to transition their records from analog to digital format whenever it is beneficial. The National Archives and Records Administration continues to encourage the management of electronic records in an electronic format by providing guidance including their new guidance on managing emails in an electronic format. (Appendix 3) Based on the example of the Federal Government, the record scheduling process in Maryland also should be automated through a statewide initiative of the Department of Information Technology, in cooperation with the Records Management Division of the DGS, and the MSA.

The MSA and the Records Management Division of DGS continue to explore ways to use the records scheduling process to identify appropriate records for digitization as well as those that could be created electronically as a means to reduce the need for storage space in the future. However, the critical physical storage needs for the paper records we have now and those that government will continue to generate in the future still must be addressed.

Government Publications

The MSA's responsibility to preserve and make accessible our most important documents extends to government publications as well. As noted in the April 2007 Final Report of the Maryland Digital State Publications Task Force:

Digital state publications document the history and workings of Maryland's government. Now more than ever, transparency in government and the right of citizens to information produced by government agencies are issues that strike at the heart of a free society.

Government publications, particularly those produced by states, may appear prosaic to the casual observer: however, they are essential sources that provide fundamental information about the legal and regulatory systems that affect our daily lives. They provide a historical record of the accomplishments, problems, decisions, and workings of our state. They are used daily by state delegates and senators, judges and clerks, and Maryland state agency employees in the conduct of the people's business, as well as by citizens of the state and indeed the world. State publications are key sources supporting research into public policies that often are tested in states before reaching the federal level. States are the building blocks of government in our federal system, and to ignore state information is to misunderstand a major component of our American democracy.

In the past two decades, state agencies have increasingly transitioned away from the once-traditional print format to the point where 80% of state publications received by the State Publications Depository and Distribution Program (SPDDP) are also available online. Although state government agencies have posted many digital publications on their public web sites, the "shelf life" of such publications is limited as the web sites change. Unless copies are saved- either in digital or print form- digital publications effectively cease to exist when they are removed from agency web sites.

The Report includes a valuable diagram that defines the class of material known as Maryland government publications. The diagram, Hierarchy of Government Publications, organizes the various types of government publications by their importance, from most important to ephemeral, i.e., least important. The essential material is highlighted and labeled Core Collection. (Appendix 4)

Current Challenges

For nearly two decades following its establishment in 1953, Maryland's Records Management Program served as a model program for the nation. By the mid-1970s, the dramatic growth in State government activity during the twentieth century had resulted in an exponential surge in the volume of government records being produced and needing to be managed. Beginning in the 1980's the number of records management professionals within agencies began to diminish to the point where today these resources are very much lacking. The number and variety of records also grew exponentially. These developments produced new challenges with which the State was not equipped to cope.

Traditional modes of distributing government publications and otherwise making them known and available to the public have been disrupted. Ironically, along with the deficiencies in the State's electronic publishing practices is the growing trend of the public to access this material on the web. Currently, there is no effective

or efficient system, method, or program for identifying, acquiring, and providing permanent public access to Maryland government publications, either in print or electronic format.

Records Management

Records Scheduling Process

Records scheduling forms and processes were developed nearly 40 years ago to function in a paper-based environment where both the number of government offices and the quantity of records needing to be managed were relatively small. These forms and processes have not been adapted to the current environment where the number of government agencies, the quantity of records being created, and the challenges of new records technologies have increased significantly.

Compliance

State law and regulation mandate that every agency have a program for the effective management of records, that all records created or received by an agency in the normal course of business be covered by a records retention and disposition schedule, and that schedules be reviewed every two years. Currently, there is no effective mechanism to determine or ensure compliance.

Although the basic requirements exist in both statute and regulation to maintain a robust records management program, there are no consequences to agencies failing to do so. The Office of Legislative Audits should require Maryland agencies to provide updated Record Retention and Disposition Schedules as part of the initiation routine (entrance meeting) of fiscal compliance auditing, noting in the audit report whether the agency can certify that the schedule is complete and current.

Accountability

While regulations require that each agency have a records officer, this requirement often goes unfulfilled or is assigned to an employee of insufficient authority and training. An agency records officer should have some degree of training in the necessary records management policies, processes, practices, and tools to enable effective coordination with the DGS Records Management Division and MSA in evaluating record material. The records officer must also be in a position to ensure that agency personnel are complying with the approved records retention and disposal schedules, and that the agency has an effective emergency response and Continuity of Operations (COOP) plan.

Transparency, Privacy and Cyber Security

Data protection and identity theft are becoming more problematic for records management professionals in the electronic age. The use of social media has created additional challenges to traditional records management practices. All agencies must attempt to reconcile the demand for transparency with expectations that personal information will be protected. The role of the records officer must expand to ensure that certain information about individuals is not retained and is addressed through records retention schedules and the process of records destruction. A responsible cyber security officer, who may or may not be the records officer, should be designated in each agency.

The Public Information Act does an excellent job of defining the restrictions on Maryland government records. It establishes that, unless there is a law or regulation restricting the access to government records, the records are openly available to the public. There are a number of laws that restrict access to specific types of records or specific types of information for reasons of privacy. Currently, most of these restrictions never expire. However, at some point in their lifecycle all permanent records become so aged that unrestricted

access no longer poses any threat to individual privacy. At that point, such restrictions only serve to inhibit historical or genealogical research into records.

Existing Code and Regulations

Some existing code and regulation include language that may present an obstacle to an agency transitioning from paper to electronic records by appearing to mandate that records be created and/or maintained in a paper format. For example, the Registers of Wills are interested in transitioning many of their probate records from a paper format to an electronic format. However, in reviewing relevant legislation, the Registers of Wills Association has found some potential obstacles to this transition. To cite a single instance, Annotated Code of Maryland Estates and Trusts Article § 2-208 states that the Register "shall receive, file, and store safely every original paper and record left in his custody." For this and other statutes, the Register of Wills Association is considering whether the language needs to be changed before a Register is legally authorized to scan and destroy paper records, leaving only the electronic version as the official record.

These statutory obstacles are not unique to the Registers of Wills. Maryland Rule 16-505 directs the District Court that paper records can be destroyed "provided that the records have been photographed, photocopied or microphotographed" and that a "master security negative" be retained. It is not clear whether digitizing paper records would meet the requirements set forth by this rule for destroying the original paper records.

The above examples are meant to be only illustrative and the necessary legislative and scheduling changes are minor. There may be other areas of law or regulation that may need clarification or amendment.

Maryland Government Publications

Maryland government reports and other publications increasingly are published in electronic format. Many are issued only in an electronic format. In fact, most electronic publications of Maryland government could, right now, replace paper to improve the accessibility of this material and reduce the expense of distributing and properly storing print editions. A few titles, mostly legal publications such as the Annotated Code of Maryland, still need to be collected in a print edition because the designated official version is print. With the adoption of the Uniform Legal Electronic Materials Act (ULEMA), an official version of this material, too, could in the near future be available in electronic edition.

Acquisition

Currently, most electronic State government publications must be acquired through a laborious process. Even when web harvesting programs are used, the results of the harvests must be sifted through manually to identify publications already acquired from those still needed by the Archives.

Cataloging and Metadata

Along with the change in format from predominantly print to electronic, have come other changes to publication practices. Until recently, print publications were prepared by State government print shops, where standard publication practices were known and observed. With the growth of desktop publishing, features of a publication essential to evaluating its content have been lost.

Distribution and Preservation

Traditional modes of distributing publications and otherwise making them known and available to the public have also been disrupted. Ironically, along with the deficiencies in the State's electronic publishing practices is the growing trend of the public to access this material on the web. Currently, there is no effective or

efficient system, method, or program for identifying, acquiring, preserving, and providing permanent public access to Maryland government publications, either in print or electronic format.

Accomplishments

MSA has been attempting to deal with the many issues associated with a shift from paper-based to electronic records. The Archives already has initiated several efforts to improve the records management procedures for the State. Most notably:

Encouraging Migration to Electronic Records through the Scheduling Process

When Archives and DGS staff receive proposed records retention and disposition schedules, a standard part of the review process is to seek opportunities in which records can be maintained in an electronic format. Archives and DGS staff can then advise and inform agencies on the potential opportunities to maintain records in an electronic only format rather than in both paper and electronic formats. Recently MSA and DGS assisted the State Department of Assessments and Taxation, the Maryland Sentencing Commission, the Department of Health and Mental Hygiene Laboratories Administration, the Department of Labor, Licensing, Regulation Office of the Commissioner, Public Service Commission and the State Highway Administration to incorporate these concepts into their agency records schedules and procedures.

Encouraging Operational Migration to Electronic Records

Since 1996, the Archives has been involved in cooperative efforts with the Judiciary to migrate targeted current operations to electronic formats. First with *plats.net* and later with the much more ambitious *mdlandrec.net*, the Archives and the Judiciary have eliminated the need to create, maintain, preserve, and make accessible more than 100,000 land record volumes to date. These land records, which exist only in digital form, would, if in paper form, require 50,000 cubic feet of permanent archival storage space.

In recent months, the Archives began a cooperative effort with the Registers of Wills, the Comptroller, and Family Search to digitize the State's probate records in Archives custody. This will not only make these materials more easily accessible to a far wider audience, but also may make possible the disposal of many thousands of cubic feet of paper records.

Training and Education

The MSA has taken a leading role in promulgating the Intergovernmental Preparedness for Essential Records (IPER) training throughout the State. The course was created by the Council of State Archivists and revised by MSA staff. There are two courses, Essential Records and Records Emergency Preparedness Response. The courses help agencies identify their essential records, protect those records, and know how to respond in the event of an emergency. Archives staff have been regularly offering this training since 2011 and, to date, have trained 244 people.

MSA is hosting a conference featuring the United States Government Printing Office's FDsys, a complete system of national prominence for acquiring, preserving, and providing permanent public access to electronic federal government reports and other publications. This will give invitees from all three branches of Maryland State government an opportunity to learn about best practices, both technical and managerial, for creating and maintaining a repository of electronic government publications.

DGS regularly provides in-house and on-the-spot consulting to State, county and local employees on the retention schedule approval process, appropriate retention schedule language, and proper packing and storage of public records.

Resources for Records Management Guidance

DGS and MSA have generated a number of records management guidance resources for government agencies, including an updated records management guidance webpage:
http://msa.maryland.gov/msa/intromsa/html/record_mgmt/welcome.html.

New documentation providing direction on electronic records, such as standards for digitization of paper records, is also being generated. Additionally, MSA is developing a new collection policy to aid agencies in identifying which records have permanent value. The DGS Records Management Division is working on revising their records management guidance manual, complete with sample retention schedules.

Improving Procedures for Transfer of Electronic Records

MSA and DGS are improving their infrastructures for the transfer of electronic permanent and non-permanent records and transitioning from a manual to an automated process.

Simplifying the Retention Schedule Process

MSA and DGS Records Management Division are working together to streamline the records retention and disposition schedule process.

Conclusion

While acknowledging digitization is not going to be accomplished without significant costs of its own and does nothing directly to reduce the need to find appropriate space to house current and future permanently valuable records in paper form, the Archives heartily endorses the effort to move away from paper in the creation of public records. Maryland law and regulation should encourage creating, managing, and maintaining public records in electronic formats whenever practical. Maryland's record management policies should also follow the example of recent Federal initiatives and require that records created in an electronic format are to be managed in an electronic format.

Appendix 1: Presidential Memorandum

The White House

Office of the Press Secretary

For Immediate Release

November 28, 2011

Presidential Memorandum -- Managing Government Records

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Managing Government Records

Section 1. Purpose. This memorandum begins an executive branch wide effort to reform records management policies and practices. Improving records management will improve performance and promote openness and accountability by better documenting agency actions and decisions. Records transferred to the National Archives and Records Administration (NARA) provide the prism through which future generations will understand and learn from our actions and decisions. Modernized records management will also help executive departments and agencies (agencies) minimize costs and operate more efficiently. Improved records management thus builds on Executive Order 13589 of November 9, 2011 (Promoting Efficient Spending), which directed agencies to reduce spending and focus on mission critical functions.

When records are well managed, agencies can use them to assess the impact of programs, to reduce redundant efforts, to save money, and to share knowledge within and across their organizations. In these ways, proper records management is the backbone of open Government.

Decades of technological advances have transformed agency operations, creating challenges and opportunities for agency records management. Greater reliance on electronic communication and systems has radically increased the volume and diversity of information that agencies must manage. With proper planning, technology can make these records less burdensome to manage and easier to use and share. But if records management policies and practices are not updated for a digital age, the surge in information could overwhelm agency systems, leading to higher costs and lost records.

We must address these challenges while using the opportunity to develop a 21st-century framework for the management of Government records. This framework will provide a foundation for open Government, leverage information to improve agency performance, and reduce unnecessary costs and burdens.

Sec. 2. Agency Commitments to Records Management Reform. (a) The head of each agency shall:

- (i) ensure that the successful implementation of records management requirements in law, regulation, and this memorandum is a priority for senior agency management;
- (ii) ensure that proper resources are allocated to the effective implementation of such requirements; and
- (iii) within 30 days of the date of this memorandum, designate in writing to the Archivist of the United States (Archivist), a senior agency official to supervise the review required by subsection (b) of this section, in coordination with the agency's Records Officer, Chief Information Officer, and General Counsel.

(b) Within 120 days of the date of this memorandum, each agency head shall submit a report to the Archivist and the Director of the Office of Management and Budget (OMB) that:

- (i) describes the agency's current plans for improving or maintaining its records management program, particularly with respect to managing electronic records, including email and social media, deploying cloud based services or storage solutions, and meeting other records challenges;

(ii) identifies any provisions, or omissions, in relevant statutes, regulations, or official NARA guidance that currently pose an obstacle to the agency's adoption of sound, cost effective records management policies and practices; and

(iii) identifies policies or programs that, if included in the Records Management Directive required by section 3 of this memorandum or adopted or implemented by NARA, would assist the agency's efforts to improve records management.

The reports submitted pursuant to this subsection should supplement, and therefore need not duplicate, information provided by agencies to NARA pursuant to other reporting obligations.

Sec. 3. Records Management Directive. (a) Within 120 days of the deadline for reports submitted pursuant to section 2(b) of this memorandum, the Director of OMB and the Archivist, in coordination with the Associate Attorney General, shall issue a Records Management Directive that directs agency heads to take specific steps to reform and improve records management policies and practices within their agency. The directive shall focus on:

(i) creating a Government wide records management framework that is more efficient and cost effective;

(ii) promoting records management policies and practices that enhance the capability of agencies to fulfill their statutory missions;

(iii) maintaining accountability through documentation of agency actions;

(iv) increasing open Government and appropriate public access to Government records;

(v) supporting agency compliance with applicable legal requirements related to the preservation of information relevant to litigation; and

(vi) transitioning from paper-based records management to electronic records management where feasible.

(b) In the course of developing the directive, the Archivist, in coordination with the Director of OMB and the Associate Attorney General, shall review relevant statutes, regulations, and official NARA guidance to identify opportunities for reforms that would facilitate improved Government wide records management practices, particularly with respect to electronic records. The Archivist, in coordination with the Director of OMB and the Associate Attorney General, shall present to the President the results of this review, no later than the date of the directive's issuance, to facilitate potential updates to the laws, regulations, and policies governing the management of Federal records.

(c) In developing the directive, the Director of OMB and the Archivist, in coordination with the Associate Attorney General, shall consult with other affected agencies, interagency groups, and public stakeholders.

Sec. 4. General Provisions. (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. Publication. The Archivist is hereby authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

Appendix 2: Federal Managing Government Records Directive



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

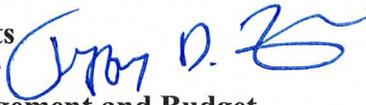


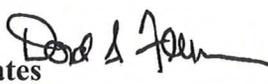
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
WASHINGTON, D.C. 20408

August 24, 2012

M-12-18

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES AND INDEPENDENT AGENCIES

FROM: Jeffrey D. Zients 
Acting Director
Office of Management and Budget

David S. Ferriero 
Archivist of the United States
National Archives and Records Administration

SUBJECT: Managing Government Records Directive

On November 28, 2011, President Obama signed the [Presidential Memorandum – Managing Government Records](#). This memorandum marked the beginning of an Executive Branch-wide effort to reform records management policies and practices and to develop a 21st-century framework for the management of Government records. The expected benefits of this effort include:

- improved performance and promotion of openness and accountability by better documenting agency actions and decisions;
- further identification and transfer to the National Archives and Records Administration (NARA) of the permanently valuable historical records through which future generations will understand and learn from our actions and decisions; and
- assistance to executive departments and agencies (referred to collectively as agencies) in minimizing costs and operating more efficiently.

Records are the foundation of open government, supporting the principles of transparency, participation, and collaboration. Well-managed records can be used to assess the impact of programs, to improve business processes, and to share knowledge across the Government. Records protect the rights and interests of people, and hold officials accountable for their actions. Permanent records document our nation's history.

This Directive creates a robust records management framework that complies with statutes and regulations to achieve the benefits outlined in the Presidential Memorandum. This Directive was informed by agency reports submitted pursuant to Sec. 2 (b) of the Presidential Memorandum and feedback from consultations with agencies, interagency groups, and public stakeholders.

This Directive requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping. It is applicable to all executive agencies and to all records, without regard to security classification or any other restriction.

This Directive also identifies specific actions that will be taken by NARA, the Office of Management and Budget (OMB), and the Office of Personnel Management (OPM) to support agency records management programs. In addition, NARA will undertake a review to update relevant portions of the Code of Federal Regulations to take into account the provisions of this Directive.

Attachment

Part I.

Federal agencies shall work toward two central goals.

Goal 1: Require Electronic Recordkeeping to Ensure Transparency, Efficiency, and Accountability

To promote openness and accountability and reduce costs in the long term, the Federal Government should commit immediately to the transition to a digital government. Agencies must meet the following targets:

1.1 *By 2019, Federal agencies will manage all permanent electronic records in an electronic format*

By December 31, 2019, all permanent electronic records in Federal agencies will be managed electronically to the fullest extent possible for eventual transfer and accessioning by NARA in an electronic format. By December 31, 2013, each agency will develop and begin to implement plans to achieve this transition. Agencies should also consider the benefits of digitizing permanent records created in hard-copy format or other analog formats (e.g., microfiche, microfilm, analog video, analog audio).

1.2 *By 2016, Federal agencies will manage both permanent and temporary email records in an accessible electronic format*

By December 31, 2016, Federal agencies must manage all email records in an electronic format. Email records must be retained in an appropriate electronic system that supports records management and litigation requirements (which may include preservation-in-place models), including the capability to identify, retrieve, and retain the records for as long as they are needed. Beginning one year after issuance of this Directive, each agency must report annually to OMB and NARA the status of its progress toward this goal.

Goal 2: Demonstrate Compliance with Federal Records Management Statutes and Regulations

The Federal Government should commit to manage more effectively all records consistent with Federal statutes and regulations and professional standards. Agencies must meet the following requirements:

2.1 *Agencies Must Designate a Senior Agency Official (SAO)*

The Presidential Memorandum previously required all agencies to designate a Senior Agency Official (SAO) to oversee a review of their records management program. This Directive also requires agencies to designate an SAO, but with broader agency-wide responsibilities with respect to records management. By November 15, 2012, each agency will name its SAO, and by November 15th of each subsequent year, all agencies will reaffirm or name any new SAO. The SAO is responsible for coordinating with the

Agency Records Officer and appropriate agency officials to ensure the agency's compliance with records management statutes and regulations.

The SAO is a senior official at the Assistant Secretary level or its equivalent who has direct responsibility for ensuring that the department or agency efficiently and appropriately complies with all applicable records management statutes, regulations, and NARA policy, and the requirements of this Directive. The SAO must be located within the organization so as to make adjustments to agency practices, personnel, and funding as may be necessary to ensure compliance and support the business needs of the department or agency.

2.2 SAO Shall Ensure that Permanent Records are Identified for Transfer and Reported to NARA

By December 31, 2013, the SAO shall ensure permanent records that have been in existence for more than 30 years are identified for transfer and reported to NARA.

2.3 Agency Records Officers Must Obtain NARA Certificate of Federal Records Management Training

By December 31, 2014, the designated Agency Records Officer for each agency must hold the NARA certificate of Federal Records Management Training. New incumbents must possess the certificate within one year of assuming the position of Agency Records Officer. Agency Records Officers are generally responsible for overseeing the day to day agency recordkeeping requirements outlined in 36 CFR 1222.22, Subpart B.

2.4 Agencies Must Establish Records Management Training

By December 31, 2014, all Federal agencies must establish a method to inform all employees of their records management responsibilities in law and policy, and develop suitable records management training for appropriate staff.

2.5 SAO Shall Ensure that Records are Scheduled

By December 31, 2016, the SAO shall work with the Agency Records Officer to ensure records schedules have been submitted to NARA for all existing paper and other non-electronic records. To facilitate this goal, the Agency Records Officer will work with NARA to identify all unscheduled records, by December 31, 2013. This should include all records stored at NARA and at agencies' records storage facilities that have not yet been properly scheduled.

Part II.

NARA and other agencies (OMB and OPM) will take the following actions to assist agencies in meeting the two central goals of this Directive.

Section A: Require Electronic Recordkeeping to Ensure Transparency, Efficiency, and Accountability

A1 *Revise NARA transfer guidance for permanent electronic records*

By December 31, 2013, NARA will complete, and make available, revised guidance, including metadata requirements, for transferring permanent electronic records, to include additional sustainable formats commonly used to meet agency business needs. NARA will update this guidance regularly as required to stay current with technology changes.

A2 *Create new email guidance*

By December 31, 2013, NARA will issue new guidance that describes methods for managing, disposing, and transferring email.

A3 *Investigate and stimulate applied research in automated technologies to reduce the burden of records management responsibilities*

A3.1 NARA, the Federal Chief Information Officers Council and the Federal Records Council will work with private industry and other stakeholders to produce economically viable automated records management solutions. By December 31, 2013, NARA will produce a comprehensive plan in collaboration with its stakeholders to describe suitable approaches for the automated management of email, social media, and other types of digital record content, including advanced search techniques. The plan will detail expected outcomes and outline potential associated risks.

A3.2 By December 31, 2014, the Federal Chief Information Officers Council, and the Federal Records Council, working with NARA, will obtain external involvement for the development of open source records management solutions.

A4 *Embed records management requirements into cloud architectures and other Federal IT systems and commercially-available products*

A4.1 By December 31, 2013, NARA will incorporate into existing reporting requirements an annual agency update on new cloud initiatives, including a description of how each new initiative meets Federal Records Act obligations and the goals outlined in this Directive. For the initial report the agency will identify any existing use of cloud services or storage, and the date of implementation.

A4.2 By the next revision of OMB Circular A-130, OMB will update A-130 to explicitly require that agencies must incorporate records management requirements when moving to cloud-based services or storage solutions.

A5 *Evaluate the feasibility for secure “data at rest” storage and management services for Federal agency-owned electronic records*

By December 31, 2013, NARA will determine the feasibility of establishing a secure cloud-based service to store and manage unclassified electronic records on behalf of agencies. This basic, shared service will adhere to NARA records management regulations and provide standards and tools to preserve records and make them accessible within their originating agency until NARA performs disposition.

Section B: Create a Robust Records Management Framework that Demonstrates Compliance with Federal Statutes and Regulations and Promotes Partnerships

B1 *The Archivist of the United States will convene the first of periodic meetings of all Senior Agency Officials*

By December 31, 2012, the Archivist of the United States will convene the first of periodic meetings of all SAOs to discuss progress in implementation of this Directive; agency Federal records management responsibilities; and partnerships for improving records management in the Federal Government. Additionally, NARA will complete a review of all of its records management reporting requirements by December 31, 2012, and produce a report template for a single annual report that each SAO will send to the Chief Records Officer for the U.S. Government commencing on October 1, 2013.

B2 *Create a Community of Interest to solve records management challenges*

By December 31, 2013, NARA, in cooperation with the Federal Chief Information Officers Council, the Federal Records Council, and other Government-wide councils that express interest, will establish a Community of Interest (COI) to bring together leaders from the information technology, legal counsel, and records management communities to solve specific records management challenges. The COI will develop and propose guidance, share information, create training, and identify tools that support electronic records management.

B3 *Establish a formal records management occupational series*

By December 31, 2013, OPM will establish a formal records management occupational series to elevate records management roles, responsibilities, and skill sets for agency records officers and other records professionals.

B4 *Continue to improve the effectiveness of Federal records management programs through analytical tools and enhanced NARA oversight*

By December 31, 2013, NARA will identify a government-wide analytical tool to evaluate the effectiveness of records management programs. While continuing to conduct assessments, inspections, and studies of agency records management programs, NARA expects that a tool or similar analytical approach will help NARA and the agencies to measure program compliance more effectively, assess risks, and aid in agency decision-making. The use of a new analytical tool in these ongoing activities will identify issues that undermine effective agency records management programs as well as highlight the best practices that will inform agency-specific or government-wide opportunities for improvement.

Section C: Improve NARA Processes to Serve Agency Needs

C1 *Improve the Current Request for Records Disposition Authority Process*

By December 31, 2015, NARA will improve the current Request for Records Disposition Authority process. Consistent with current Federal records management statutes, or with changes to existing statutes (if required), NARA will also develop criteria that agencies can apply to the scheduling, appraisal, and overall management of temporary records that can be effectively monitored with appropriate NARA oversight.

C2 *Overhaul the General Records Schedules*

By December 31, 2017, to reduce the need for unique records schedules submitted for approval to the Archivist, NARA, in consultation with appropriate oversight agencies, will make substantive changes to the General Records Schedules (GRS). These significant changes will include, combining the records series into more appropriate aggregations for easier disposition action by agencies, and expanding the number of permanent records series in the GRS to reduce the scheduling and appraisal burden on agencies.

Appendix 3: NARA Email Guidance

NARA Bulletin 2013-02

August 29, 2013

TO: Heads of Federal Agencies

SUBJECT: Guidance on a New Approach to Managing Email Records

EXPIRATION DATE: August 31, 2016

1. What is the purpose of this Bulletin?

This Bulletin provides agencies with a new records management approach, known as “Capstone,” for managing their Federal record emails electronically. This Bulletin discusses the considerations that agencies should review if they choose to implement the Capstone approach to manage their email records.

NARA developed the Capstone approach as part of NARA's continuing efforts to evaluate how agencies have used various email repositories to manage email records (see [NARA Bulletin 2011-03, “Guidance Concerning the use of E-mail Archiving Applications to Store E-mail,”](#)). This approach was developed in recognition of the difficulty in practicing traditional records management on the overwhelming volume of email that Federal agencies produce. Capstone will provide agencies with feasible solutions to email records management challenges, especially as they consider cloud-based solutions. Moreover, the Capstone approach supports the [Presidential Memorandum on Managing Government Records](#) and allows agencies to comply with the requirement in [OMB/NARA M-12-18 Managing Government Records Directive](#) to “manage both permanent *and* temporary email records in an accessible electronic format” by December 31, 2016.

NARA bulletins provide fundamental guidance to Federal agency staff, who must then determine the most appropriate ways to incorporate recordkeeping requirements into their business processes and identify the specific means by which their agencies will fulfill their responsibilities under the Federal Records Act.

2. What is the Capstone approach?

Capstone offers agencies the option of using a more simplified and automated approach to managing email, as opposed to using either print and file systems or records management applications that require staff to file email records individually.

Using this approach, an agency can categorize and schedule email based on the work and/or position of the email account owner. The Capstone approach allows for the capture of records that should be preserved as permanent from the accounts of officials at or near the top of an agency or an organizational subcomponent. An agency may designate email accounts of additional employees as Capstone when they are in positions that are likely to create or receive permanent email records. Following this

<http://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html>

approach, an agency can schedule all of the email in Capstone accounts as permanent records. The agency could then schedule the remaining email accounts in the agency or organizational unit, which are not captured as permanent, as temporary and preserve all of them for a set period of time based on the agency's needs. Alternatively, approved existing or new disposition authorities may be used for assigning disposition to email not captured as permanent.

While this approach has significant benefits, there are also risks that the agency must consider, including choosing the appropriate Capstone accounts, the possible need to meet other records management responsibilities, and the possibility of incidentally collecting personal and other non-record email. Agencies must determine whether end users may delete non-record, transitory, or personal email from their accounts. This will depend on agency technology and policy requirements.

3. What are the advantages of the Capstone approach?

The Capstone approach simplifies electronic management of email records for agencies and may provide the following advantages:

1. Cuts down reliance on print-and-file, click-and-file drag and drop, or other user-dependent policies;
2. Optimizes access to records responsive to discovery or FOIA requests;
3. Preserves permanent email records for eventual transfer to NARA;
4. Provides a practical approach to managing legacy email accounts;
5. Eases the burden of email management on the end-user;
6. Represents a simplified approach to the disposition of temporary and permanent email records;
7. Reduces the risk of unauthorized destruction of email records; and
8. Leverages technologies that exist at many agencies for other purposes – e.g., email archives/e-vaults used for e-discovery, including in cloud-based platforms.

4. What should an agency consider before deciding to use the Capstone approach?

Before implementing Capstone, an agency must determine its suitability for individual agency programs. This determination is made in consultation with appropriate stakeholders from the Office of the Chief Information Officer, Office of the General Counsel, and other agency decision makers.

Within an agency, the appropriate organizational level to implement Capstone may vary. An agency may have multiple implementations of Capstone depending on the business functions of their programs. Considerations when using Capstone include:

1. Is the Capstone approach compatible with an agency's current email and other records management/archiving systems?
2. Does the current email repository capture metadata required in 36 CFR 1236.22, or can it be configured to do so?
3. Do all permanent email records contain required metadata at the time of transfer to NARA?

4. Are records accessible to authorized staff for business purposes?
5. Does the agency's repository have appropriate security controls to prevent unauthorized access, modification, or deletion of email records?
6. Can the technology be configured to allow Capstone officials to remove or delete personal and non-record emails from permanent capture?
7. Depending on agency technology and implementation, is the tradeoff of potentially capturing personal and non-record messages in Capstone accounts acceptable?
8. Will new agency policies addressing FOIA, discovery, IT security, and other issues need to be developed to implement Capstone?
9. What specific training will be required to implement Capstone?
10. Will records be retained too long or too short a time in terms of agency needs when implementing the Capstone approach?
11. Will Capstone records be duplicated in separate filing systems?
12. Do some Capstone records have legal requirements to be destroyed after a specific time?

After considering the above questions, an agency will be able to determine if Capstone will enhance its records management program. If an agency decides to use the approach, the agency must identify their Capstone accounts and determine if they will apply the Capstone approach to legacy email accounts. Once these decisions are made, agencies will need to apply an appropriate disposition authority. Agencies are encouraged to consult with their NARA Appraisal Archivists to determine the appropriate strategy for managing email records created in their agency.

5. Does Capstone change agencies' recordkeeping responsibilities for email?

Capstone can reduce the burden on individual end-users by encouraging the greater use of automated methods for managing email accounts. Agencies are responsible for managing their records in accordance with NARA regulations and to fulfill the requirements of the Managing Government Records Directive. When using the Capstone approach for capturing and managing email, agencies must continue to:

a. Ensure email records are scheduled.

Agencies should work with their NARA Appraisal Archivist to ensure email records are covered by an approved disposition authority. This may include creating new schedules, using existing schedules, or using an applicable General Records Schedule.

b. Prevent the unauthorized access, modification, or deletion of declared records.

Agencies must ensure the email repository has appropriate security measures in place to prevent unauthorized access and/or destruction of records. Records must retain authenticity, reliability, and trustworthiness throughout capture, maintenance, and transfer.

c. Ensure all records in the repository are retrievable and usable.

Email records maintained in a repository must be accessible to appropriate staff for as long as needed to conduct agency business. Agencies should also consider retrievability and usability when migrating from one repository to another.

d. Consider whether email records and attachments can or should be associated with related records under agency guidance.

As a supplement to the Capstone approach, an agency may want or need to associate certain email records that relate to other records, such as case files or project files, with the related records. This consideration depends on an agency's needs and how it chooses to implement its Capstone approach. This may be accomplished by:

1. Using electronic pointers (such as metadata tags) to establish linkages, or
2. In select cases, filing with associated paper or electronic case or project files.

e. Capture and maintain required metadata.

An agency is responsible for ensuring that email metadata listed in 36 CFR 1236.22, Parts (1) and (3) are preserved. Required metadata elements include the date of the email and the names and email addresses of all senders and recipients particularly if the system uses nicknames, distribution lists, or a blind copy feature. The agency may wish to retain and preserve additional metadata for legal and business purposes. Regardless of the repository, agencies must examine email upon transfer to another repository or to NARA to ensure that names and addresses are appropriately associated with each email. Agencies are responsible for working with vendors and their information technology departments to confirm that their repository is capturing and can export the required metadata elements.

6. How do agencies identify Capstone email accounts?

When adopting the Capstone approach, agencies must identify those email accounts most likely to contain records that should be preserved as permanent. Agencies will determine Capstone accounts based on their business needs. They should identify the accounts of individuals who, by virtue of their work, office, or position, are likely to create or receive permanently valuable Federal records. NARA's Appraisal Archivists can assist agencies in helping to determine Capstone accounts. For example, these accounts may include

[H]eads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions. (GRS 23, Item 5)

Agencies may wish to use the U.S. Government Manual or the [United States Government Policy and Supporting Positions \(Plum Book\)](#) as a starting point to identify potential Capstone accounts. The goal is to capture the email accounts of high level policy/decision makers-- including any secondary or alias accounts-- and the accounts of those authorized to communicate on their behalf in the development of agency policy or important decision-making. There may be other accounts containing permanent records not covered by these suggestions that relate to the mission of the agency and would meet the criteria for a Capstone account.

<http://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html>

7. Must agencies use a specific technology to implement Capstone?

No, Capstone implementation is not dependent on a specific technology or software. This approach is designed to utilize technologies that already exist at many agencies. Agencies may use native email systems, email archiving applications (which many agencies are already utilizing for other purposes), or other repositories to implement Capstone. Evolving technologies, such as auto-categorization and advanced search capabilities, may enable agencies to cull out transitory, non-record, and personal email. In the absence of a technological solution, agencies must rely on policy, procedures, and training to fully implement Capstone.

8. How does NARA's Pre-accessioning policy apply to Capstone?

Pre-accessioning is an option for agencies when implementing the Capstone approach. Pre-accessioning is when NARA receives and fully processes a copy of permanently valuable electronic records before those records are scheduled to legally become part of the National Archives of the United States. In other words, pre-accessioning means that NARA assumes physical custody of a *copy* of the records, usually well before it is time to assume legal custody. The transferring agency retains a complete and fully functional copy of the transferred records even after a pre-accessioning transfer, and that copy must be maintained until NARA assumes legal custody at a future date. Pre-accessioning allows NARA to preserve permanently valuable electronic records early in their lifecycle while the agency retains its authority and responsibility for providing access. This is done in part to mitigate risk over time, since electronic records are subject to potential obsolescence between the time they are created and the time that they are ready for NARA to assume legal custody, which may be many years in the future. It also gives NARA a means to provide agencies with off-site, no-cost security copies of the pre-accessioned records. For more information about Pre-accessioning, refer to [NARA Bulletin 2009-03: Pre-accessioning permanent electronic records](#) and [Pre-accessioning: A Strategy for Preserving Electronic Records](#).

9. What other NARA resources are available?

NARA has the following additional resources that may be useful:

[Guidance on Managing Records in Cloud Computing Environments](#): A NARA bulletin addressing records management considerations in cloud computing environments.

[Toolkit for Managing Electronic Records](#): A resource for agencies to share and access records management guidance and best practices. Examples include tools that address the creation of business rules for managing email and related issues.

[Records Express](#): The official blog of the Office of the Chief Records Officer at NARA highlights guidance and upcoming events. It also discusses how we are working with our agency partners to improve records management in the Federal government.

[Frequently Asked Questions about Records Management](#): Provides a list of FAQs on noteworthy records management topics.

10. Whom should I contact for more information?

If additional information is needed, or if you have any questions, please contact your agency Records Officer or the NARA Appraisal Archivist or records management contact with whom you regularly work. Please refer to the List of NARA Contacts for Your Agency, available at </records-mgmt/appraisal/>.

Appendix 4: Hierarchy of Government Publications



A model from the April 2007 Final Report of the Maryland Digital State Publications Task Force that organizes State publications according to their relative importance.