

**U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC 20250**

DEPARTMENTAL REGULATION	Number: 3080-001
SUBJECT: Records Management	Date: May 23, 2013
	OPI: Office of the Chief Information Officer

1. PURPOSE

This regulation sets out and summarizes the policies, responsibilities, and procedures for the creation, maintenance, use, and disposition of all records and other documentary materials throughout the United States Department of Agriculture (USDA) in compliance with [Title 44 United States Code \(U.S.C.\), Chapters 21, 29, 31, 33 and 35; 36 Code of Federal Regulations \(CFR\) Subchapter B, Records Management](#), and all applicable National Archives and Records Administration (NARA) mandated guidance. It also sets out responsibilities of personnel in various USDA positions with respect to records. The terms “records” and “information” are used interchangeably throughout this directive. Records and information encompass documents in all media, regardless of physical form or characteristics, including records created, used, maintained, transmitted, or disposed of in electronic form; machine-readable computing devices such as Blackberry, hard drive CD-ROM, flash drive, email, video files, Web site, or other media (including social media). This includes records made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operation or other activities of the Government, or because of the informational value of data in them.

2. SPECIAL INSTRUCTIONS/CANCELLATIONS

This directive supersedes Departmental Regulation (DR) 3080-001, dated April 11, 2007, in its entirety, and is effective immediately and will remain in effect until superseded.

3. AUTHORITY

This regulation is published in accordance with the authority vested in the Secretary of Agriculture under 44 U.S.C. 2104 and 3101; and 44 U.S.C. Chapter 35; and delegated to the Chief Information Officer (7 CFR 2.89).

4. SCOPE

This directive applies to all USDA agencies and contractors and all USDA records regardless of medium, which are created, collected, processed, used, stored, and/or

destroyed by USDA agencies. Each USDA mission area, agency and staff office is obligated to meet the minimum requirements of this policy. Agencies are required to integrate records management into the overall information resources management program in accordance with 36 CFR 1220, and Office of Management and Budget (OMB) Circular A-130, *Management of Federal Information Resources*. The controlling statutes, regulations and OMB circulars appear below.

5. REFERENCES

- a. [DR 3085-001, Vital Records Management Program](#)
- b. [DR 3090-001, Litigation Retention Policy for Documentary Materials including Electronically Stored Information](#)
- c. [DR 3099-001, Records Management Policy for Departing Employees, Contractors, Volunteers, and Political Appointees](#)
- d. Federal Records Act (FRA) of 1950, as amended ([44 U.S.C. Chapters 21, 29, 31, 33](#))
- e. [44 U.S.C. Chapters 21, 29, 31, and 33, Records Management](#), and [18 U.S.C. 2071 Concealment, Removal, or Mutilation Generally](#)
- f. [44 U.S.C. § 3101 - 3701, Records Management by Federal Agencies, requires the heads of Federal agencies to implement a program of records management](#)
- g. [4 U.S.C. 3506, Federal Information Policy](#)
- h. [36 CFR Chapter 12, Subchapter B, Records Management](#)
- i. [41 CFR Parts 201-6 to 201-1, Records Management](#)
- j. [41 CFR Parts 02-193, General Services Administration \(GSA\)](#)
- k. Title 7 CFR 2.89(a)(10); 2.89(a)(11)(x) Delegations of Authority from the Secretary to the Chief Information Officer
- l. [OMB Circular A-123a, Management's Responsibility for Internal Control](#)
- m. [OMB Circular A-130, Management of Federal Information Resources](#)
- n. Public Law 104-13, Paperwork Reduction Act of 1995
- o. NARA records management handbook, *Disposition of Federal Records: A Records Management Handbook*

6. POLICY

It is USDA policy to preserve all official records in accordance with applicable statutory and regulatory requirements, and to promote access to information by staff and the public, as appropriate. Each agency within USDA is required to establish and maintain a records management program meeting the following minimum requirements:

- a. Accurately and completely make and preserve records, in any medium (includes social media), containing documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency that protect the legal and financial rights of the Government and persons directly affected by agency activities as required by the FRA, [44 U.S.C. 3101](#) et seq., as codified in [36 CFR 1220-1238](#).
- b. Records management standards and procedures will be established for maintaining USDA records and information in a manner that facilitates ease of use, access and disposition, and that is consistent with the regulations and guidelines promulgated by NARA or other regulatory agencies. Comply with all records management regulations and policies issued by NARA, OMB, GSA, or other regulatory agencies, including the provisions of all records control schedules approved and issued by NARA.
- c. Establish effective management controls over the creation, maintenance, and use and disposition of Federal records in any medium such as: paper, electronic (including social media), and microform media, throughout their life cycle. Ensure records in any medium can be accessed as needed by departmental officials, and the public as appropriate.
- d. Use NARA regulations for managing electronic records. Standards and procedures are contained in NARA guidance entitled, "Managing Electronic Records." Print and file records in a paper record keeping system if an enterprise-wide electronic content management system with record keeping functionality is not available.
- e. Ensure the laws, regulations, and policies that apply to records and information used and maintained by USDA also apply to USDA records and information maintained and used on USDA's behalf by USDA contractors. All records created by USDA contractors shall remain the property of USDA, and cannot be used except as explicitly authorized in writing by USDA.
- f. Establish and maintain a vital records program to ensure continuity of essential USDA activities during and following a national emergency or local natural or technological disaster. (See also [DR 3085-001](#))
- g. Assure the preservation of those records having sufficient continuing value to warrant their permanent retention.

7. REPONSIBILITIES

a. Secretary of Agriculture

As the head of the Department, the Secretary of Agriculture is vested with the authority to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency.

The responsibility for establishing a records management program to ensure compliance with applicable Federal laws and guidelines has been delegated to the Office of the Chief Information Officer.

b. USDA's Chief Information Officer (CIO)

The Secretary of Agriculture has delegated to the CIO oversight responsibility for the Department-wide records disposition program (7 CFR 2.89(a)(10); 2.89(a)(11)(x)). Within the Office of the Chief Information Officer, the Associate CIO for Technology Planning, Architecture, and E-Government (TPA&E) is responsible for developing and managing the Department's records management program. The Associate CIO for TPA&E carries out this responsibility in partnership with USDA's business and technology communities. This responsibility includes the following:

- (1) Review proposed Department reporting and record keeping requirements, including those contained in rules and regulations, to ensure that they impose the minimum burden upon the public and have practical utility for the Department.
- (2) Administer the Departmental Records Management Program in compliance with NARA and other oversight agencies.
- (3) Address records management provisions in Capital Planning and Investment Control (CPIC) proposals and Enterprise Architecture (EA) plans:
 - (a) In compliance with [36 CFR 1236.12](#) and [OMB A-130](#), ensure that records management and records archival functions are addressed in the requirements development phase for the design, development, and implementation of new or significantly revised information systems.
 - (b) Integrate planning for electronic records management systems into plans for resource allocation and use, including budgeting, acquisition, and use of information technology.
- (4) Assist OMB in the performance of its functions assigned under the:
 - (a) Data Quality Act (Pub. L. No. 106-554 § 515) and under the Paperwork Reduction Act ([44 U.S.C. 3501-3520](#)), including review of Department

information activities,

(b) E-Government Act of 2002, Pub. L. No. 107-347, 44 U.S.C. Chapter 36.

c. Departmental Records Officer

The Departmental Records Officer, who is designated by the Associate CIO for TPA&E, is responsible for the leadership, coordination, and oversight of the Department-wide records management program:

- (1) Develops Department-wide policies, standards, and procedures for records management and provides oversight in their implementation.
- (2) Provides leadership and guidance to the Records Officers of the Department's mission areas, agencies, and staff offices to ensure uniformity in records management activities throughout the Department.
- (3) Serves as the USDA representative with NARA, other Federal agencies, and external organizations on matters pertaining to the USDA's records management program. Collaborates with NARA and other regulatory agencies such as OMB, NARA, and the GSA in applying standards, procedures, and techniques to improve the management of records and promote the maintenance of those records of continuing value.
- (4) Develops and implements management systems and procedures to ensure that officials, employees, contractors, volunteers, and interns do not remove Federal records from Department custody without appropriate authorization.
(See also [DR 3090-001](#))
- (5) Establishes procedures for the participation of mission area, agency and staff office records officers in developing new or revised agency programs, processes, systems, and procedures to ensure that adequate record keeping requirements are established and implemented.
- (6) Conducts reviews of mission area, agency and staff office programs to evaluate program effectiveness and ensure conformance with Government-wide and Department-wide records management standards. Conducts periodic evaluations of records management programs within USDA as part of the records management and oversight program.
- (7) Establishes and maintains a list of USDA employees who are designated as agency records officers, and ensures that the lists are kept current.
- (8) Reviews and approves costs for the storage of Federal records including the invoices for records stored in the Federal Records Centers.
- (9) Establishes a Department-wide vital records program. (See also [DR 3085-001](#))

d. Mission Area, Agency and Staff Office Records Officers

As designated by the head of the mission area, the agency or staff office records officer is responsible for administering the mission area, agency, or staff offices records management programs. Each records officer will:

- (1) Develop and maintain the mission area, agency and staff office records management program in conformance with the Department's policies and standards. Assist the Departmental Records Officer in administering the records management program to ensure uniformity throughout the Department. Provide the Departmental Records Officer with information and documentation requested for review of the mission area, agency, or staff office records management program. If requested, serve on the review team conducting an evaluation of the records management program of another mission area, agency, service, or staff office. As requested, report to the Departmental Records Officer on the status or particular aspects of the mission area, agency or staff office records program.
- (2) Ensure employees are aware of records management responsibilities and established record keeping requirements by providing mandatory records management training, appropriate for their records responsibilities.
- (3) Develop and maintain current schedules for all mission area, agency, or staff office records. Review schedules when notified of program changes that will result in (a) establishing new types of records, (b) the transfer or termination of records no longer required, or (c) an increase or decrease in the retention time of the records. In cooperation with the Departmental Records Officer, ensure the development and implementation of the USDA-wide standardized file plan.
- (4) Ensure that permanent records are preserved and transferred to NARA and temporary records are transferred into off-site storage or destroyed promptly according to NARA-approved records disposition schedules.
- (5) Conduct records management exit briefings for employees and Presidential Appointees. Ensure that departing employees and contractors identify and transfer all Federal records in their custody to the designated custodian of the program files, i.e., either to the agency records officer or appropriate records management staff, or the person assuming responsibility for the work. (See also [DR 3099-001](#)) Report any unlawful or accidental removal, defacing, alteration, or destruction of Department records to the Departmental Records Officer and NARA.
- (6) Ensure that adequate record keeping requirements are established and implemented for new or revised programs, processes, systems, and procedures.

- (7) Coordinate with appropriate contracting officials to ensure necessary requirements are identified in contracts and deliverables, including:
 - (a) Identification of Federal records as contract deliverables, or records for final turnover, and other records specified as appropriate to the contract scope.
 - (b) Distinction between Federal records and contractor-owned records.
 - (c) Managing Federal records in accordance with this directive and all other relevant laws, regulations and USDA directives.
 - (d) Delivery of records at appropriate intervals, in accordance with the contract, or at the termination of the contract.
- (8) In coordination with their agency Vital Records Coordinator, ensure the identification, maintenance, and protection of their agency's vital records.
(See also [DR 3085-001](#))

e. Mission Area, Agency and Staff Office Records Management Liaison

As designated by the program managers, each records management liaison will:

- (1) Implement records management procedures within their organizations, including developing file or records plans, conducting records inventories, identifying appropriate retention schedules, and retiring, destroying, or transferring records to NARA.
- (2) Evaluate their program's records management program on a regular basis, and ensure that unscheduled records are brought to the attention of the agency records officer, who assists in conducting a records appraisal, as appropriate.
- (3) Ensure that personnel in their program are trained in their responsibilities to create, maintain, store, and dispose of Federal records in accordance with USDA and NARA regulations and guidance.
- (4) Ensure records stored within their program area/offices are stored in accordance with NARA requirements for a Federal storage facility.
- (5) Ensure that all records in their program area/offices are maintained and destroyed in accordance with the USDA records disposition schedule and/or file plan.

f. Under Secretaries, Agency and Staff Office Heads, Program Managers, and CIOs

Agency and staff office heads, program managers, and CIOs are responsible for supporting and participating in records management. Agency and staff office heads ensure that the organization makes and preserves records containing adequate and

proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency.

- (1) Under Secretaries, Agency Heads and Staff Office Heads. Under Secretaries, as well as agency and staff office heads, are responsible for establishing and maintaining active and continuing records management programs for their organizations which include:
 - (a) Assigning a Records Management Officer to develop and implement a comprehensive records management program that is consistent with all established Departmental records management guidelines, and notifying the Departmental Records Officer of the assignment.
 - (b) Providing adequate staff resources to support records management processes within their respective organizations.
 - (c) Ensuring the records staff has adequate skills, training, resources, time, and appropriate authority to accomplish the job.
 - (d) Ensuring that the objectives of the Department's records management program are achieved.
 - (e) Participating in the organization's development of new or revised programs, processes, systems, and procedures to ensure that adequate record keeping requirements are established and implemented.
 - (f) Ensuring that all employees are aware of the provisions of this directive and laws governing the receipt, maintenance, disposition of records and information. Particular effort will be made to ensure that all employees are familiar with the criminal and civil penalties for willfully destroying records and information that are not authorized for destruction.
 - (g) Providing records management briefings for all managers and training to all staff within their organizations.
 - (h) Developing and implementing records schedules for all records created and received by the organization, and obtaining NARA approval of the schedules in accordance with NARA and Departmental guidelines.
 - (i) Periodically reviewing the organization's record keeping practices in order to validate their currency and to ensure that they are being implemented.
 - (j) Ensuring that the standards and procedures contained in the NARA guide entitled, "Managing Electronic Records," are used to manage all electronic records created.
 - (k) Ensuring that IT managers coordinate with appropriate records management professionals to address records management requirements as identified in this

directive.

- (l) Ensuring the records staff is fully involved in all projects concerning the creation, maintenance, use, and disposition of all USDA records.
 - (m) Ensuring that organizations generating statements of work for USDA contracts involving creation or maintenance of Federal records include in the contracts appropriate records management requirements to comply with this directive and its authorities. (See Appendix A)
 - (n) Ensuring that records and other types of required documentary materials are not unlawfully removed from USDA by current or departing officials, employees, or contractors. (See also [DR 3099-001](#))
- (2) Program Managers. Program managers have the primary responsibility for ensuring that their programs are properly documented by creating, maintaining, protecting, and disposing of records in their program area in accordance with Departmental policy. They will:
- (a) Assign an official records management liaison for each section within their operations. This custodian is responsible for records management compliance within that section. At least one records custodian is required for each program or office to provide day-to-day administration of an organization's records management program and to act as liaison with the agency records officer as appropriate. Provide names and contact information, and updates as changes occur, to the agency records officer.
 - (b) Create those records needed to ensure adequate and proper documentation of their area of responsibility.
 - (c) Implement procedures to ensure that records are protected from theft, loss, and unauthorized access.
 - (d) Establish a filing system and implement procedures to ensure that records are maintained in such a manner that information and documents are readily retrievable in accordance with the established agency file plan.
 - (e) Transfer or destroy inactive records according to the appropriate schedule.
 - (f) Cooperate with the Department and mission area, agency, or staff office records officer in requests for information and the management of records.
 - (g) Notify the mission area, agency, or staff office records officer of organizational or program changes that will result in establishment of new types of records, the transfer or termination of records no longer required, or an increase or decrease

in the retention time of the records.

(h) Ensure proper training of all personnel who create and use records to ensure compliance with this directive and references.

(3) Agency Chief Information Officers (CIOs). CIOs have responsibility for ensuring that information technology systems provide adequate and cost effective records management and retention capabilities. As information systems are planned, the CIOs shall:

(a) Ensure that the appropriate mission area, agency, or staff office records officer is included in the initial planning for new systems and plans for migration or updates from existing systems.

(b) Provide guidance on the security of the record in electronic media over the life of the record. Records must be valid, authentic, and reliable in order to meet legal requirements in a court of law.

(c) Oversee the creation and use of electronic records according to Federal regulations and Departmental policy, and that record keeping functionality is developed for all information systems managing electronic records. This includes coordinating with the agency records officer to ensure compliance with record keeping requirements, determine retention periods, and implement authorized disposition instructions for system data and documentation. Coordinate with the agency records officer when developing business cases as part of the Capital Planning and Investment Control (CPIC) process to ensure that electronic records management requirements are incorporated into system design and development.

(d) Notify the agency records officer of technology changes that could affect access, retention, or disposition (archiving or disposing) of system records.

g. Enterprise Architect

Ensure that records management is considered in the business process analysis. Records management shall be a required layer of the architecture of each new segment development.

h. Capital Planning and Investment Control

Incorporate records management and archival functions into the design, development, and implementation of information systems.

i. Office of the General Counsel

Notify the Department and agency records officers when a moratorium on records disposition is needed for litigation or other legal matters, the scope of the request, and when such moratoria are lifted. This requirement applies to any office of the General Counsel where appropriate. (See [DR 3090-001](#))

j. Contracting Officials

Work in partnership with the Departmental Records Officer, agency records officers, agency records management liaison, or the Contracting Officer Representative, as appropriate, to ensure that applicable records scope, clauses, and contractor requirements are incorporated into contracts; to ensure contractor compliance with the records management requirements during performance; and, to ensure that appropriate records are managed and delivered properly by contractors. (See also Appendix A)

k. Employees and Contractors

Records management is a collective responsibility that all employees have an equal obligation to maintain. All employees should be aware of the policies, procedures, and tools for managing records and be capable of applying them to all records. All employees will:

- (1) Create and maintain adequate and proper documentation of the Department's functions, policies, decisions, and essential transactions.
- (2) Understand what constitutes a Federal record and apply USDA and NARA regulations and guidance to all Federal records with which they come in contact.
- (3) Maintain record and non-record documentary material according to prescribed Department policy and procedures.
- (4) Clearly designate as personal those papers of a private or non-official nature pertaining solely to their personal affairs. Those papers shall be filed separately from the records of the office.
- (5) Safeguard records until they are authorized for disposition. The unauthorized removal, concealment, falsification, mutilation, and/or disposition of official records is prohibited by law and is subject to penalty ([18 U.S.C. 2071](#)). Report any apparent instances of unauthorized disposition to his/her supervisor and the mission area, agency, or staff office records officer.
- (6) Destroy records only in accordance with approved records disposition schedules (CFR 1222.26(e), and remove non-related materials from the Department only after obtaining prior authorization.

- (7) Review and ensure that their records are in compliance with this directive and other applicable USDA policies and procedures.
- (8) Identify and maintain records in accordance with the Agency's continuity of operations program. ([36 CFR 1223](#))
- (9) Complete mandatory records management training. ([36 CFR 1220.34\(f\)](#))

8. ABBREVIATIONS

CFR	Code of Federal Regulations
CIO	Chief Information Officer
CPIC	Capital Planning and Investment Control
DR	Departmental Regulation
EIS	Electronic Information System
ERK	Electronic Record Keeping
FOIA	Freedom of Information Act
FRA	Federal Records Act
FRC	Federal Records Center
GSA	General Services Administration
GRS	General Records Schedule
NARA	National Archives and Records Administration
OMB	Office of Management and Budget
RMA	Records Management Applications
USC	United States Code
USDA	United States Department of Agriculture

9. RECORDS MANAGEMENT PROGRAM REQUIREMENTS

The following requirements must be met to ensure the adequacy of the USDA records management program:

- a. Agency heads shall appoint an agency records officer to implement the records management program.
- b. Program offices shall provide the names, titles, telephone numbers, and any changes as they occur, for those designated as records officers and records liaisons to the Departmental Records Officer.
- c. Establish record keeping requirements as prescribed by laws, regulations, directives, and processes, and reflect adequate and proper documentation of the Department's organizations, missions, functions, policies, and decisions. ([44 U.S.C., Chapters 21, 29, 31, 33 and 35; 36 CFR, Subchapter B, *Records Management*](#); and all applicable NARA mandated guidance.)

- d. Maintain up-to-date inventories, file plans, or electronic information systems that provide for the identification, location, and retrieval of all categories of records created and received in the course of official business.
- e. Maintain and dispose of records in accordance with NARA approved records disposition schedules.
- f. Request approval of disposition authorities from NARA for all unscheduled records. Apply disposition schedules in accordance with applicable Federal regulations found in 36 CFR Chapter 12 Subchapter B, *Records Management*.
- g. Preserve records beyond their approved retention periods when they have been placed under a destruction moratorium for purposes of audits, litigation, Freedom of Information Act requests, and similar obligations. (See [DR 3090-001](#))
- h. Provide mandatory records management training for all Federal personnel, as appropriate for their responsibilities. Such training will include records management training for all new employees (within 90 days of appointment) and an annual refresher course.
- i. Ensure that departing Federal employees identify and transfer any records in their custody to an appropriate custodian, or the person assuming responsibility for the work. (See [DR 3099-001](#))
- j. Identify and arrange for NARA appraisal and transfer of records proposed to have permanent value based on historical, evidential, or information content, in accordance with [36 CFR Chapter 12, Subchapter B, Records Management](#).
- k. Maintain electronic records in accordance with [36 CFR Chapter 12, Subchapter B, Records Management](#), by building electronic record keeping (ERK) functionality into the native electronic information system (EIS), or by capturing the EIS's records in an electronic records management application (RMA). The use of any records management systems that meets the functional requirement of DoD 5015.2-STD, *Electronic Records Management Software Application Design Criteria Standard*, satisfies this requirement.
- l. Identify and address records management requirements during the planning, development, or redesign of electronic information systems with an emphasis on:
 - (1) Business processes that support the records management life cycle and the identification, description, and preservation of record content.
 - (2) Design and development practices that incorporate records management requirements, to ensure new systems and systems redesign address applicable legal requirements for managing electronic records.

- m. Protect electronic records against technological obsolescence, in accordance with [36 CFR Chapter 12, Subchapter B, Records Management](#) by:
 - (1) Planning and budgeting for migration to a new system before the current system is retired, and ensuring that the migration strategy addresses inactive electronic records stored off-line.
 - (2) Retaining functionality and integrity of electronic records during upgrades of hardware and software to retain a usable format, ensure compatibility with current hardware and software, and preserve links between records and corresponding metadata.
 - (3) Decommissioning and migration of systems shall not be completed until records disposition has been completed.
- n. Manage email records along with their metadata (including name of the sender and all addresses, date the message was sent and/or time of receipt) and attachments by means of an electronic information system that has electronic record keeping functionality, or an electronic RMA. The records may not be deleted from the email system until an RMA or EIS with ERK functionality has been implemented as required in Paragraph 9.k. above, the records' authorized retention periods have elapsed, or the records have been copied to paper or some other suitable media. Transitory records, i.e., records that may be destroyed in 180 days or less, may be managed in their native email system. (See also Attachment B)
- o. Back up all electronic systems containing electronic records regularly in accordance with business needs and manage backups in accordance with USDA records disposition schedules.
- p. Capture and manage records created or received via social media platforms, including Web sites and portals. Capture and preserve such records in accordance with NARA-approved disposition schedules and USDA approved guidance.
- q. Include in contracts explicit requirement for delivery of all pertinent documentation of contractor program execution. The NARA publication, "Records Management Language for Contracts," provides standard language for satisfying these requirements, <http://www.archives.gov/records-mgmt/handbook/records-mgmt-language.html>. (See also Attachment A)
- r. Manage Web content and operating records by ensuring that records are captured, retained for appropriate retention periods, and disposed of in accordance with NARA-approved disposition schedules and record keeping guidance.
- s. Social media site sponsors are responsible for the identification of the record material contained therein, and the proper archiving of that material in accordance with approved record disposition schedules. Most social media sites generally

have/contain two types of record material:

- (1) Content records including entries, comments, blog posts, links, videos, and other social media communications; and
- (2) Site management and operations records including design, policy and procedures, and other Web management records.

The above list is not all inclusive; if unsure, contact your agency records officer to determine if additional records disposition schedules need to be developed.

- t. Store inactive records in facilities that meet the requirements of applicable Federal regulations found in [36 CFR Chapter 12, Subchapter B, Records Management](#). See NARA Bulletin 2008-006 for additional guidance.
- u. Conduct internal evaluations of records management practices and programs, including assessing the economy of the operation annually or least every three years. Prepare and submit evaluation reports to Departmental Records Officer within 60 days of completing the evaluation.
- v. Identify and manage vital records in accordance with [DR 3085-001](#). Mission area, agencies and staff offices shall maintain a program for the selection, protection, and reporting of vital records, in accordance with the provisions of 36 CFR 1223. (See also [DR 3085-001](#))

10. DEFINITIONS

Adequate and Proper Documentation - Record of the conduct of Government business that is complete and accurate to the extent required to document the organization, functions, policies, decisions, procedures, and essential transactions of the agency, and that is designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

Administrative Records - Records that reflect routine, transitory, and internal housekeeping activities relating to subjects and functions common to all offices. Examples include training, personnel, and travel reimbursement files. Administrative records in conjunction with program records comprise the universe of agency records.

Agency Records Officer or Staff Office Records Officer - The person assigned responsibility by the agency head for overseeing an agency-wide records management program.

Appraisal - Process by which NARA determines the value and the final disposition of Federal records, designating them either temporary or permanent.

Archive - A collection of non-current Federal records that has been removed permanently from an agency and transported physically (in an acceptable) format to NARA. At that point, NARA assumes legal responsibility for the preservation of the records because of their continuing or enduring value.

Capital Planning and Investment Control - A decision-making process for ensuring that information technology (IT) investments integrate strategic planning, budgeting, procurement, and the management of IT in support of agency missions and business needs. The term comes from the Clinger-Cohen Act of 1996, and generally is used in relationship to IT management issues. ([OMB Circular A-11, Preparation, Submission, and Execution of the Budget](#))

Department - The U.S. Department of Agriculture; also referred to as USDA.

Departmental Records Officer - Person assigned responsibility for overseeing the Department of Agriculture Records Management Program by the USDA Chief Information Officer or his/her designee.

Disaster - An unexpected occurrence inflicting widespread destruction and distress and having long-term adverse effects on agency operations.

Disposal Authority - Disposal authority is the legal authorization, obtained only from the Archivist of the United States, for the disposal of records and recorded information.

Disposition - A comprehensive term that includes:

- (1) Destruction (disposal) of temporary records no longer needed for the conduct of business;
- (2) Transfer of inactive records to a Federal Records Center;
- (3) Transfer of permanent records, determined to have sufficient historical or other value to warrant continued preservation, to NARA; and,
- (4) Donation of temporary records to an eligible person or organization after the authorized retention period has expired, and after NARA has approved the donation.

Disposition Schedules - Mandatory disposition instructions that provide continuous authority to dispose of recurring series or systems of records, or to transfer them to NARA and its national network of Federal Records Centers.

Documentary Materials - A collective term for records and non-record materials that refers to all media on which information is recorded, regardless of the nature of the medium or the method or circumstances of recording.

Electronic Information System - An information system that contains and provides access to computerized Federal records and other information.

Electronic Mail (Email) - Electronic mail messages are electronic documents created and sent or received through a computer system. This definition applies equally to the contents of the

communication, the information about the transmission of the message (metadata), and any attachments associated with such communication. Thus, electronic mail messages are similar to other forms of communicated messages, including, but not limited to correspondence, memoranda, and circular letters. (See Appendix B, Electronic Mail)

Electronic Mail (Email) System - A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases on either personal computers or mainframe computers, and word processing documents not transmitted on an e-mail system. (See Appendix B, Electronic Mail)

Electronic Record - An electronic record is a category of machine-readable record in which the information is represented by electronic impulses on a magnetic medium, such as magnetic tape, disk, or diskette, and which requires the use of specialized equipment to convert the information to human-readable form. The term includes both the record content and the associated metadata that the agency determines is required to meet agency business needs.

Emergency - A situation or occurrence that warrants immediate action to save lives and protect property, public health, and safety. To some degree, an emergency disrupts USDA operations. Examples of an emergency are:

- (1) Natural Disaster
- (2) Man-made and Technological Hazards
- (3) Terrorism

Emergency Operating Records - *Emergency operating records* are those types of vital records essential to the continued functioning or reconstitution of an organization during and after an emergency. Included are emergency plans and directive(s), orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency.

Federal Records Act of 1950 - As amended, the Federal Records Act established the framework for records management programs in Federal agencies. (See [44 U.S.C. Chapter 31](#))

File Plan - A classification scheme describing different types of files maintained in an office, how they are identified, where they should be stored, how they should be indexed for retrieval, and a reference to the approved disposition for each file. (NARA, *Best Practices in Electronic Records Management, Appendix A. (Definitions)*)

Freedom of Information Act - Federal law providing for the public availability of government records. (See 5 U.S.C. 552)

General Records Schedule (GRS) - Mandatory disposition instructions issued by NARA for temporary administrative records that are common to most Federal agencies.

Information Accessibility - The application or configuration of Federal Information Processing resources in a manner that accommodates the functional limitations of individuals with disabilities so as to promote productivity and provide access to work-related or public information resources.

Information Systems - The organized collection, processing, transmission, and dissemination of information in accordance with defined procedures, whether automated or manual.

Legal and Financial Rights Records - Vital records essential to protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, social security records, payroll records, retirement records, and insurance records. These records were formerly defined as “rights-and-interests” records.

Life Cycle of Records - The management concept that records pass through three stages: creation, maintenance and use, and disposition.

Litigation Hold - The obligation of agencies, managers, and individual employees to ensure the preservation of documentary materials that might be or might become relevant to pending or threatened litigation. If the documentary material was created in electronic format, it must be preserved in that original native format. (See [DR 3090-001](#))

Metadata - Data that describe other data. The term may also refer to any computer file or database that holds information about another database’s structure, processing, changes, etc. Data dictionaries and data repositories are examples of metadata.

National Archives and Records Administration (NARA) - Federal agency responsible for overseeing agencies’ adequacy of documentation and records disposition programs and practices.

Non-record Material - All informational materials that are determined to be disposable by USDA without the specific approval of the Archivist of the United States, and that are not included within the definition of a record for purposes of the FRA only. Specifically, this includes information materials preserved solely for purposes of reference; extra copies of documents preserved only for convenience of reference (reading file and follow-up copies of correspondence, identical copies of documents maintained in the same file, extra copies of printed or processed materials of which official copies have been retained for purposes of record, etc.); stocks of publications and processed documents preserved for supply purposes; drafts, worksheets, and notes that do not represent significant basic steps in the preparation of record copies of documents, that were not circulated or made available to employees (other than the creator), do not contain unique information that aids in the understanding of USDA business, and have not been made part of the official record. Note

that non-record material still may be subject to obligations under a litigation hold, FOIA, or an oversight inquiry.

Permanent Records - Records appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purposes.

Personal Papers - Documentary materials belonging to an individual that are not used to conduct agency business. These papers are related solely to an individual's own affairs or used exclusively for that individual's convenience. They must be clearly designated as personal and maintained separately from the Department's records.

Program Manager - An official with primary responsibility for developing and/or implementing a policy, program, or function.

Program Records - Records created, received, and maintained by the Department in the conduct of its mission functions for which the Department is accountable. The term is used in contrast to administrative records. Program records in conjunction with administrative records comprise the universe of agency records.

Records – (Under the FRA) Includes all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications and of processed documents are not included.

Records Appraisal - Records appraisal is the process of determining the value and, thus, the final disposition of records and information based upon their administrative, financial, and relationship to other records, and their historic value to USDA, other agencies of the Federal Government, or to the general public.

Records Disposition Schedule - A document, approved by NARA, which provides authority for the final disposition of recurring or non-recurring records. Includes Standard Form 115, Request for Records Disposition Authority, and the General Records Schedules (GRS). Records shall not be destroyed except as authorized by an approved records schedule. Also called File Plan.

Records Management Program - Refers to the planned and coordinated set of policies, procedures, and activities needed to manage USDA's recorded information. Encompasses the creation, maintenance and use, and disposition of records, regardless of media. Essential elements include issuing up-to-date program directives, properly training those

responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

Records Manager - Person who represents a staff office to implement the records management program, serves as liaison with the agency records officer, and provides records management oversight and guidance to Federal and contractor employees.

Records Manager Custodian or Field Office Records Custodian - A records custodian is the program representative who works in conjunction with the records officer or records manager to ensure proper management of all records that are created and maintained by the program, and who provides day-to-day administration of an office's records management program and acts as liaison with the agency records officer.

Record Keeping System - Manual or automated mechanism in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition.

Retention Period - The period of time that records are to be kept in accordance with NARA approved records disposition schedules.

Site Sponsor - The organization that provides resources for the Department of Agriculture social media sites.

Social Media - Digital technologies and platforms that allow publishing, communications, and collaboration among individuals and institutions.

Temporary Records - Records approved by NARA for disposal, either immediately or after a specified retention period. Also called disposable records or non-permanent records.

Trustworthiness of a Record - To demonstrate proof, records must have the qualities of trustworthiness, that is, records with the following characteristics:

- (1) Authenticity – an accurate account of an activity, transaction, or decision
- (2) Reliability – content can be trusted as a full and accurate representation
- (3) Integrity – an assurance that the information has not been changed subsequently
- (4) Usability – the information can be located, retrieved, presented, and interpreted

Unscheduled Records - Unscheduled records are records whose final disposition has not been approved by NARA.

Vital Records - Essential agency records that are needed to meet operational responsibilities under national security emergencies or other emergency conditions (emergency operating records), or to protect the legal and financial rights of the Government and those affected by Government activities.

Appendix A

CONTRACTOR REQUIREMENTS

This list of Contractor Requirements (CR) establishes the requirements for Department of Agriculture (USDA) contractors who create, use, maintain, receive, disseminate, or dispose of USDA records in connection with the performance of USDA-funded tasks or activities.

Regardless of the performer of the work, the contractor is responsible for complying with the CR list. The contractor is responsible for the requirements of the document flowing down to sub-contractors at any tier, to the extent necessary to ensure contractor compliance with the requirements.

REQUIREMENTS

1. Implement a records management training or awareness program that will provide appropriate training to contractor employees so as to ensure the management of USDA records in accordance with applicable legal requirements, including [36 CFR Chapter 12, Subchapter B, Records Management](#).
2. Manage all data created, received and maintained for the Government by contractors in accordance with [44 U.S.C. Chapters 21, 29, 31 and 33](#); the Freedom of Information Act (5 U.S.C. 552); the Privacy Act (5 U.S.C. 552a); and, [36 CFR Chapter 12, Subchapter B, Records Management](#).
3. Establish record keeping requirements that reflect adequate and proper documentation of the contractor's work on behalf of USDA. ([36 CFR 1222.32](#))
4. Maintain up-to-date inventories, file plans, or systems that provide for the identification, location, and retrieval of all categories of records created and received in the course of official business.
5. Work through the appropriate agency records officer or agency records management liaison, as appropriate, to request disposition authority for all unscheduled records and to transfer records to storage facilities.
6. Preserve records beyond their approved retention periods when they have been placed under a destruction moratorium for purposes of audits, litigation, Freedom of Information Act appeals, and similar obligations. A destruction moratorium shall be lifted only by the Office of General Counsel.
7. Store inactive records in facilities that meet the requirements of applicable Federal regulations found in [36 CFR Chapter 12, Subchapter B, Records Management](#), and ensure that all provisions are met when storing inactive records in agency, contractor

and records storage facilities.

8. Work with the appropriate contracting official and/or records professional to ensure Federal records are identified for turnover and/or delivery at the completion or termination of the contract.
9. When deliverables or turnover includes electronic records, provide sufficient technical documentation to ensure access to the records throughout their life cycle.

Appendix B

ELECTRONIC MAIL

1. PURPOSE

This section establishes policies and responsibilities for managing the creation, maintenance, use, and disposition of electronic mail. In this section, electronic mail includes the message and all attachments. The purpose of this guidance is not to require the preservation of every electronic mail message. Rather, its purpose is to convey the requirement to preserve those messages that document USDA policies, programs, and activities. Electronic mail message creators must decide whether a particular message is appropriate for preservation. In making these decisions, all personnel should exercise the same judgment they use when determining whether to retain and file paper or electronic records.

2. AUTHORITY

The management of electronic mail complies with [44 U.S.C. Chapters 21, 29, 31, 33 and 18](#) U.S.C. Chapter 101m and regulations established by NARA for managing Federal records as stated in [36 CFR parts 1220, 1222, 1225 and 1236](#). USDA manages electronic mail in accordance with [36 CFR 1236.22](#). USDA uses the standards contained in [36 CFR Part 1236](#) to manage Federal electronic mail that is maintained in an electronic record keeping system.

3. POLICY

- a. All Government employees and contractors are required by law to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. In addition, Federal regulations govern the life cycle of these records; they must be properly stored, preserved, and available for retrieval, and may be disposed of only in accordance with NARA-approved records control schedules.
- b. Users of USDA electronic mail systems will not alter or improperly dispose of any electronic mail message, record of transmission and receipt date, or attachment (such as a document) which meets the definition of a Federal record, **or which is or should be the subject of a litigation hold or other obligation to preserve it.**

4. MAINTAINING AND PRESERVING ELECTRONIC MAIL

- a. Determine if electronic mail is a Federal record. The sender and the person who receives electronic mail independently determine whether or not the message and its attachments meet the definition of a Federal record for their office (See Section 10, Definitions). The following are examples of electronic mail that constitute Federal records:

- (1) Electronic mail that contains substantive information that is necessary to adequately and properly document the activities and functions of USDA.
 - (2) Electronic mail that provides key substantive comments on a draft action memorandum if the electronic mail message adds to a proper understanding of the formulation or execution of USDA action.
 - (3) Electronic mail that provides documentation of significant USDA decisions and commitments reached orally (person-to-person, by telecommunications, or in conference).
 - (4) Electronic mail that conveys information of value on important USDA activities if the electronic mail message adds to a proper understanding of USDA operations and responsibilities.
 - (5) Electronic mail that documents the formulation and execution of basic policies and decisions.
 - (6) Electronic mail that documents important meetings.
 - (7) Electronic mail that denotes actions taken by USDA officials in order to assist their successors in their responsibilities.
 - (8) Electronic mail that protects the financial, legal, and other rights of USDA, and of persons directly affected by the Department's actions.
- b. Electronic Mail that is a Federal record. Electronic mail determined to be Federal records falls into three categories: permanent records, temporary records, and transitory records:
- (1) Permanent electronic mail are those messages that NARA appraises as having sufficient value to warrant continued preservation by the Federal Government as part of the National Archives of the United States. Electronic mail is scheduled as permanent by a NARA-approved Request for Records Disposition (SF-115) because the records have continuing value as documentation of the organization and functions of USDA, or because the records document the nation's history by containing significant information on persons, things, problems and conditions. Electronic mail may be scheduled as permanent as part of a larger series or as the electronic mail of a designated agency official, such as an Under Secretary.
 - (2) Temporary electronic mail are those messages that NARA approves for either immediate disposal after a specified period of time or an event in accordance with a NARA-approved Request for Records Disposition SF-115 or the General Records Schedule. Temporary records may document USDA business processes or document legal rights of the government or the public, document government accountability, or contain information of administrative or fiscal value. Depending on the type of record, the retention period may range from immediate destruction to as long as 100 years.
 - (3) Transitory electronic mail are those messages of short-term interest which have no documentary or evidentiary value and normally need not be kept more than 90 days.

Examples of transitory electronic mail messages include:

- (a) Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply;
 - (b) Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material;
 - (c) Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of holidays or charity and welfare fund appeals, bond complaints, and similar records;
 - (d) Records documenting routine activities containing no substantive information, such as routine notifications of meetings, schedules of work-related trips and visits, and other scheduling related activities;
 - (e) Suspense and tickler files or “to-do” and task lists that serve as a reminder that an action is required on a given date or that a reply to action is expected, and if not received, should be traced on a given date.
- c. Maintaining electronic mail. To ensure the adequacy of electronic mail the following retention and management requirements must be met:
- (1) Electronic mail must be preserved for its appropriate retention period ([36 CFR 1236.22\(c\)\(1\)](#)) (which may be transitory), along with essential transmission and receipt date (names of sender and addressee(s) and date message was sent) for each electronic mail message in order for the context of the message to be understood ([36 CFR 1236.22\(a\)\(1\)](#)). Disposition of all electronic mail records will be made in accordance with an authorized records disposition schedule, **except to the extent that it is or should be the subject of a litigation hold or other obligation to preserve it.**
 - (2) Maintain electronic mail so the functionality and integrity is kept throughout the records’ full lifecycle.
 - (3) Maintain a filing and classification scheme that will facilitate access, retention and disposition.
 - (4) Links between the records and their metadata must be maintained.

5. RETENTION AND DISPOSITION OF ELECTRONIC MAIL RECORDS

- a. When electronic mail is retained as a Federal record, the retention period is governed by the appropriate NARA-approved agency records control schedule or the General Records Schedule. Temporary records are kept for defined periods of time pending destruction and permanent records are transferred to the NARA for permanent preservation.
- b. Electronic mail users who are uncertain about the disposition of electronic mail messages should contact their agency records officer for assistance.
- c. If an electronic mail item, either sent or received, is a Federal record, it is the responsibility of the agency employee to ensure that a copy is preserved by making it a part of the official files of the agency, unless it is a transitory record.

- d. Besides the text of the electronic mail message, electronic mail systems may provide records transmission and receipt data. Transmission data (such as the identity of the sender and addressee(s), and the date on which the message was sent) must be preserved with all electronic mail items defined as Federal records. Just as with a paper record, this transmission data is necessary for an electronic mail record to be complete and understandable.
- e. Electronic mail systems may also provide users with the ability to request acknowledgments or receipts showing that an electronic mail message reached the mailbox or inbox of addressee(s) and was accessed. Electronic mail users should request receipt data when it is needed for adequate and proper documentation of agency activities, especially when it is necessary to confirm that an electronic mail message was received and accessed. In such instances, receipt date associated with the record copy of the electronic mail message will be preserved.
- f. When the record keeping copy of an electronic mail message is maintained on paper, the printed electronic mail message with attachments will be annotated to document that it is the official file copy before being placed in the official files of the responsible organization.

6. ELECTRONIC MAIL RECEIVED FROM EXTERNAL SOURCES

These procedures also apply to electronic mail received from non-governmental and other outside sources, e.g., through the Internet or other commercial network services. (36 [CFR 1236.22\(b\)](#))