National Archives at College Park
8601 Adelphi Road College Park, Maryland 20740-6001

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MEMORANDUM TO AGENCY RECORDS OFFICERS AND IRM OFFICIALS: Records of senior officials and political appointees

With the recent announcements of the departure of several high level Government officials, we wish to remind you that NARA has issued guidance on the records of Executive Branch officials. We recently sent you a copy of NARA Bulletin 96-6, "Disposition of Federal records and personal documentary materials," which advises agency heads to ensure the protection of Federal records when officials leave the agency. Enclosed are two NARA management guides, "Personal Papers of Executive Branch Officials" and "Agency Recordkeeping Requirements," and the 8½-inch by 11-inch version of NARA Poster No 5, "You Can't Take It With You." The "Personal Papers" guide assists officials and their senior staff in identifying Federal records that must be retained by the agency and provides guidance when personal documentary materials are maintained at the worksite.

"Agency Recordkeeping Requirements," which was first distributed in December 1995, focuses on the proper creation and maintenance of Federal records. It emphasizes the need for capturing records of policy decisions that may be reached orally, the need to maintain selected drafts and working papers that explain policy development, the need to control records created or received in electronic form, and the need to distinguish between personal documentary materials and Federal records. In an appendix, the guide also explains the responsibilities officials, as well as other employees, have when creating Federal records using office automation tools, such as word processing programs, electronic mail, spreadsheets, and data bases.

Both of these guides are based on records management requirements in NARA regulations at 36 CFR Chapter XII. Additional copies of the guides and poster are available from the National Archives and Records Administration, Attn: Publications Distribution Staff, NECD, Room G-9, 700 Pennsylvania Ave., NW, Washington, DC, 20408 (1-800-234-8861, FAX 202-501-7170). The guides can also be accessed in electronic form at gopher://gopher.nara.gov/11/managers/federal/publicat.

The Archivist of the United States is sending a letter to the head of your agency and the NARA General Counsel is sending a letter to the general counsels to remind them of the constraints on the removal of documentary materials when officials leave their posts. Both of these letters cite the name and telephone number of the agency's records officer who can provide advice and assistance.

We also wish to remind agency records officers to submit an SF 115, Request for Records Disposition Authority, for files that document the selection and appointment of political appointees. In the wake of a GAO report concerning these records, NARA Bulletin 95-6 (copy enclosed) requested agencies to submit a schedule for their political appointee selection files and provided model disposition instructions that should meet the needs of most agencies. Since the issuance of the Bulletin, only a few agencies have submitted schedules for their political appointee files. With the announced departures and others that may be forthcoming, it is especially important that agencies schedule these files as soon as possible to ensure that they may be destroyed in a timely fashion.

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Enclosures

National Archives and Records Administration
Washington, DC 20408

NARA BULLETIN

NO. 96-6 September 30, 1996

TO: Heads of Federal agencies

SUBJECT: Disposition of Federal records and personal documentary materials

1. Purpose. This bulletin reminds heads of Federal agencies of their responsibility for ensuring retention of Federal records when personal and nonrecord materials are removed from agency custody.

2. Expiration. This bulletin will remain in effect until September 30, 1998.

3. Background.

a. Agencies must establish and implement policies and procedures to create and maintain complete and accurate documentation of their organization, functions, policies, decisions, procedures, and transactions, and to safeguard records against unauthorized removal or destruction. Agencies also must instruct agency employees, particularly high-level officials, about maintenance of personal documentary materials (44 U.S.C. Chapter 31).

b. Records include all documentary materials that Federal agencies create or receive in the transaction of public business and that are kept to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because they contain information of value. Records may be in paper, film, tape, disk, or other physical form. They may be generated manually, electronically, or by other means. Library and museum material kept solely for reference or exhibition purposes, extra copies of documents kept only for convenience of reference, and stocks of publications and of processed documents are not considered "records."

c. The requirements governing creation, maintenance, and disposition of Federal records do not apply to personal materials that may have been brought to or accumulated at the work site. Personal materials include family and personal correspondence and materials documenting professional activities and outside business or political pursuits.

4. Protection of Federal records.

a. Federal records may not be destroyed or removed from Government custody without the approval of the Archivist of the United States (44 U.S.C. Chapter 33). If an agency knows of any actual or potential removal, alteration, or destruction of records, it should contact NARA. NARA will assist the agency in working with the Department of Justice to recover alienated records (44 U.S.C. 3106).

b. Agencies should notify officials and employees that there are criminal penalties for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of national security information (18 U.S.C. 793, 794, and 798). Agencies also should provide guidance concerning the handling of records containing other information exempt under the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), and other information to which access is restricted by law.

5. Identifying and segregating Federal records and personal documentary materials. Two NARA publications, "Personal Papers of Executive Branch Officials" and "Agency Recordkeeping Requirements" provide guidelines for distinguishing between personal materials and records and recommend practices for maintaining personal materials at the office. Copies of these guides should be available from the agency records officer, or they may be ordered from the NARA Publications Distribution Staff (NECD), Room G-9, Washington, DC 20408 (1-800-234-8861). These guides also are available via the World Wide Web at: http://www.nara.gov:70/11/managers/federal/publicat.

6. Disposition. Both records and personal materials may be in paper, electronic, audiovisual, or other form. The same criteria for distinguishing personal materials from records apply regardless of format. Officials should be advised to consult with the agency records officer before destroying or removing files in their offices.

7. Removal of nonrecord materials from agency custody. Nonrecord materials may be removed from Government agencies only with the approval of a designated official, such as the records officer or legal counsel. Nonrecord materials containing security-classified information or other restricted information must remain under the control of the agency. If such materials are physically removed, they must be transferred to a facility having an appropriate level security storage area.

8. NARA assistance to agencies.

a. Advice about the proper disposition of documentary materials should be sought from agency records officers who may consult with legal counsel or personnel familiar with the records. Records officers in the Washington, DC, area may request assistance from the NARA Records Appraisal and Disposition Division (301-713-7110). In the field, questions should be addressed to the director of the nearest Federal records center. Questions may also be addressed to the director of the regional archives that accessions permanent field records. The addresses of the records centers and regional archives are shown in Attachment 3 to NARA Bulletin 96-2. Written requests should be forwarded to the National Archives and Records Administration (NIR), Rm. 2100, 8601 Adelphi Rd., College Park, MD 20740-6001.

b. NARA's Office of Presidential Libraries may accept donations of personal papers and nonrecord materials from departing officials. Requests for information should be directed to the National Archives and Records Administration (NL), Room 104, 700 Pennsylvania Avenue NW, Washington, DC 20408 (202-501-5700).

JOHN W. CARLIN
Archivist of the United States