



ADMINISTRATIVE COMMUNICATIONS SYSTEM U.S. DEPARTMENT OF EDUCATION

DEPARTMENTAL DIRECTIVE

OM: 6-103

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All Department of Education
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Management

Records and Information Management Program

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For technical information regarding this document, please contact Sherry Smith via email or at 202-401-0902.

Supersedes: OM: 6-103 "Records and Information Management Program", dated 05/04/2016.

I. Purpose

This Directive establishes the overall policies and procedures to be followed by the U.S. Department of Education's (ED) Principal Offices (POs), employees, and contractors in complying with the requirements of the *Federal Records Act of 1950 as codified in 44 U.S.C. Chapters 29, 31, and 33, as revised by the Presidential and Federal Records Act Amendments of 2014 (Amendments to the Federal Records Act of 2014) and the National Archives and Records Administration (NARA) implementing regulations contained in 36 CFR 1220 through 1239* for establishing and maintaining a records management program in administrative and mission-related activities that is compliant with the relevant statutes, regulations, NARA-issued guidance, and Departmental records management policies.

This Directive also authorizes the issuance of a Records and Information Management Manual (Records Manual), for Principal Office Records Liaison Officers (RLOs) and a Records Management Handbook for all employees which includes processes and procedures for specific categories of records and records management activities.

However, this Directive does not address all information resources management requirements affecting records management. This Directive should be considered in context with other ED Information Resource Management (IRM) policies located at the [Records and Document Management Division](https://connected.ed.gov/om/records/SitePages/Default.aspx) on connectED at, <https://connected.ed.gov/om/records/SitePages/Default.aspx>

A. The specific objectives of the records management program are:

1. To establish responsibilities and requirements for developing, implementing and maintaining an efficient and effective, NARA-compliant records management program at ED.
2. To facilitate ED's transition to full electronic recordkeeping as the foundation of an electronic records management program in compliance with the provisions of the Presidential Memorandum dated November 28, 2011, Managing Government Records and the OMB/Directive M-12-18, Managing Government Records.
3. To provide support for ED's mission of promoting educational excellence for all Americans through:
 - a. Ensuring that every ED senior official, employee, and contractor is aware that they have specific records management responsibilities imposed by statute and regulation, and to provide training in how to meet those responsibilities;

- b. Creating and preserving adequate and proper documentation of ED activities, organization functions, policies, decisions, procedures, and essential transactions;
 - c. Appropriate access, retrieval, maintenance, and use of ED records in all formats; and
 - d. Proper records retention and disposition of ED records in all formats.
- B. To comply with the Federal Records Act, and applicable statutes, authorities, and regulations as listed in the Authorization section. Proper records management helps assure efficient and effective administration of programs, minimizes costs, fulfills legal responsibilities, provides an adequate audit trail, and records the history and intent of public policy.
- C. To preserve historical information, thereby enabling ED employees, ED contractors, and their successors to retrieve information needed to make informed decisions.
- D. To establish an essential records program that identifies, protects, and provides ready access to records necessary to ensure continuity of essential Departmental activities in the event of a national disaster or emergency.
- E. To promote open government and support the principals of transparency in government.

II. General Policy

It is the policy of ED to create, preserve, maintain, use, and dispose of Federal records in compliance with the requirements of the Federal Records Act of 2014, as amended and applicable NARA regulations, and to ensure access to information by ED officials, and the public, as appropriate. This policy covers all records, regardless of format or location that meet the criteria for Federal records. Unstructured electronic records (see definition) will either be maintained in a NARA-compliant electronic recordkeeping system or printed to paper for recordkeeping. POs are authorized to organize their shared drives as recordkeeping systems, (in accordance with NARA guidelines) as an interim measure until the Enterprise Electronic Records Management System (EERMS) is implemented within their office. Structured electronic records, such as data sets, will be managed as Federal records within their system of origin.

ED and POs will establish and maintain effective and efficient practices for the management of Federal records in all formats. Principal Officers and program and administrative managers have the ultimate functional responsibility for

implementing ED records management policies and procedures in their operational areas.

Each PO is responsible for ensuring that its program records are covered by and managed in accordance with appropriate retention and disposition schedules, and imposition any corresponding litigation, Freedom of Information Act (FOIA) or oversight holds. Records not covered by ED's Records Retention and Disposition Schedules or NARA-issued General Records Schedules (GRS) must be scheduled by application to NARA for legal disposition authority. Unscheduled records shall not be destroyed or deleted, whether in paper or electronic format.

A. Electronic Messaging

Electronic messages, as defined by the Amendments to the Federal Records Act of 2014, shall be managed in accordance with the provisions of the Amendment, including those records created or received by mobile devices.

Personal email accounts shall not be used for the conduct of government business. However, if a Federal record is created or received in a personal email account, it shall be forwarded to the ED email system or printed to paper for recordkeeping within 20 days (with the exception of Saturdays, Sundays, and legal public holidays). If a Federal record is created or received as an electronic message, it shall either be forwarded to the ED email system by the individual user or captured centrally as part of network operations related to the ED network.

ED shall not destroy any email until receiving NARA disposition approval for its use of NARA's Capstone approach. This approach may involve use of GRS 6.1 for disposition or by applying to NARA for independent disposition authority through submission of ED-specific records retention schedules.

The Office of the Chief Information Officer (OCIO) is responsible for managing electronic messaging records with the exception of records created and maintained on individual mobile devices, whether government furnished telephones or tablets or privately-owned cell phones registered through the Bring Your Own Device program.

Principal Offices are responsible for properly managing electronic messages created by use of social media applications.

The individual owner or user is responsible for managing electronic messages such as text messages that are created or received using the mobile devices discussed above. Text messages that qualify as federal records must be forwarded to ED's email system for recordkeeping purposes. Please contact

the Mobile Services Help Desk, at MobileServices@ed.gov, (202) 245-8470 for technical assistance on capturing and preserving text messages in the ED email system.

B. Electronic Records Management Requirements

POs are authorized to establish electronic recordkeeping systems (as defined by NARA) on their shared drive as a substitute for “print and file.” POs that utilize their shared drive as a recordkeeping system are required to meet the requirements of NARA Bulletin 2012-02 *Guidance on Managing Content on a Shared Drive*.

C. Internal Evaluations of Records Programs

POs shall conduct an annual internal evaluation (records management self-assessment) of their records management programs to certify that their programs are operating in compliance with NARA and ED policies and procedures. Principal Office Program Records Officials (PRO) will submit the annual certification to ED’s Records Officer by December 31st of each year. POs will conduct, in conjunction with ED’s Records Officer, an in-depth evaluation of their records management program every three (3) years (triennial records management self-assessment). This in-depth review will consist of, but not be limited to, records sampling, record inventories, updates to program record schedules, and personalized training. POs will submit an annual corrective action plan to ED’s Records Officer that addresses any deficiencies identified in the annual internal evaluation and/or the triennial review. The POs designated RLOs are responsible for performing these evaluations. Reviews and evaluations will be conducted in accordance with NARA regulations and, “*NARA Records Management Self-Evaluation Guide*,” and ED’s records management policies and procedures.

D. Safeguarding Records

Records collected, created, or maintained by ED shall be safeguarded commensurate with the risk and magnitude of the harm that would result to ED from the disruption or loss of access to or use of information, the unauthorized disclosure of information, and the unauthorized modification or destruction of information in accordance with the security categorizations set forth in Federal Information Processing Standards (FIPS) Publication 199. Safeguards shall be adopted to provide protection for information that is restricted from disclosure by the Privacy Act, the Family Educational Rights and Privacy Act, the Computer Security Act, the Federal Information Security Management Act, or other statutes, regulations, Executive Orders, or authorities. In addition, POs shall incorporate in their records management activities all applicable ED information security policies and measures,

including the requirements contained in the Handbook for Information Assurance Security Policy (Handbook OCIO-01) and the Controlled but Unclassified Information (CUI) program.

E. Records Ownership

All records created or received by an official, employee or contractor of ED in the course of conducting Federal Government business are the property of ED, wherever the record resides (for example, in a personal email account). No person attains a proprietary interest in any record that he/she may create, provide input into, or acquire custody or possession of, by virtue of his/her position as an official, employee, or contractor. Materials that are entirely personal are not "records" for purposes of Departmental records management requirements. Personal materials shall at all times be maintained separately from a POs records, and may be removed by an employee or contractor of ED.

F. Records Removal

Removal of documentary materials by a separating employee or contractor must be approved in accordance with the provisions of this Directive to ensure that ED's ability to claim privileges during litigation, to apply FOIA exemptions, and to protect confidential information is not diminished, or waived. Contracting Officer's Representatives (CORs) are responsible for ensuring that departing contractors do not remove any ED records. ED Records Management will work with CORs to develop a process and procedures for certifying departing contractors do not remove ED materials.

Destruction of records is authorized only when conducted in compliance with ED's records disposition schedules, as approved by the Archivist of the United States, and the GRS, issued by NARA as described in 36 CFR, Section 1230.10. Criminal penalties may be imposed for the willful and unlawful destruction, damage, or removal of Federal records, as described in 18 U.S.C. Section 2071.

G. Essential Records Program (Formerly the Vital Records Program)

The establishment of an essential records program is a subset, yet integral part of a Records Management Program. ED is following NARA guidance that renames these records as essential, rather than vital.

The Essential Records Program identifies, protects, and provides ready access to vital records necessary to ensure continuity of essential ED activities in the event of a national, regional, or local disaster or emergency.

1. To identify and protect the records and information necessary to continue key operations; protect the legal and financial rights of ED, its employees or the public; and protect the records deemed critical for the continuity and/or resumption of mission-essential functions.
 - a. The goals of the program are to ensure that emergency operating records critical to the continuity of essential Departmental activities during a national emergency are available in the event the site is activated during a national emergency;
 - b. To safeguard rights and interests records essential to the preservation of the legal rights and interests of individual U.S. citizens, and the Federal Government, including those records that limit or prohibit disclosure;
 - c. To ensure that essential records are evaluated on the basis of whether they are essential in the conduct of emergency operations or in the protection of the rights and interests of citizens, and the Federal Government;
 - d. To ensure that the records are adequate to carry out ED's critical functions and are available for use by individuals other than those who would generally use them;
 - e. To ensure that records are easily retrievable and that they are maintained in usable conditions;
 - f. To ensure that the current inventory of records located at the relocation site is readily accessible; and
 - g. To inform all personnel of their responsibilities under this program.
2. Under the Essential Records Program each PO shall:
 - a. Comply with and support the Essential Records Program, and ensure that their respective emergency operating records and legal and financial rights records vital to the continuity of essential ED activities are properly identified, safeguarded, and accessible;
 - b. Review, update, and revise their Essential Records Plans by reviewing the vital records, as needed, but not less than annually (subject to periodic reviews by Departmental Records Officer (DRO) or his/her designated representative);
 - c. Ensure that essential records are evaluated on the basis of their essentiality in carrying out emergency operations or in protecting the

rights and interests of citizens and Government and not based on their value as long-term temporary or permanent records;

(NOTE): The records must be available and sufficient enough so that anyone at ED's Continuity of Operations (COOP) sites or other off-site locations can appropriately access and interpret the information. It is important to remember that individuals at COOP sites accessing the information may not be familiar with the information so records must be clear and concise.)

- d. Ensure that their essential records are preserved, catalogued, and easily retrievable in usable condition in the appropriate medium for ready access at the ED COOP sites or other appropriate off-site locations;
- e. Coordinate with the DRO when transferring emergency operating records and legal and financial right records to the ED COOP sites or other appropriate off-site locations; and
- f. Consider the informational content of records series and electronic records systems when identifying vital records such as emergency plans and related records, and those records that would be needed to continue operations and protect legal and financial rights.

III. Authorization

The Federal Records Act US CODE: Title 44, CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES, and the relevant requirements of Title 36, Code of Federal Regulations (CFR), 1220 through 1239, contain the statutory and regulatory requirements for all Federal records management programs, including the recent Amendments to the Federal Records Act of 2014. NARA administers the records management program for the Federal Government. NARA's regulations on records creation, maintenance, and disposition are set forth in Subchapter B of 36 Code of Federal Regulations Chapter XII, as well as in numerous NARA bulletins, memorandums, and directives.

Agencies are required to integrate records management into their overall information resources management program (36 CFR 1222 and OMB Circular A-130, *Management of Federal Information Resources*). The controlling statutes, regulations, Office of Management and Budget (OMB) Circulars and Executive Orders appear below:

United States Code

- **5 U.S.C. Chapter 5, Subchapter II** – Administrative Procedure
 - § 552. Public information; agency rules, opinions, orders, records, and proceedings (Freedom of Information Act, as amended)
 - § 552a. Records maintained on individuals (Privacy Act of 1974, as amended)
 - § 553. Rulemaking (Administrative Procedures Act)
- **18 U.S.C. Chapter 101** – Records and Reports
 - § 2071. Concealment, removal, or mutilation generally
- **40 U.S.C. Subtitle III** – Information Technology Management (Clinger-Cohen Act of 1996)
- **44 U.S.C. Chapter 21** – National Archives and Records Administration
- **44 U.S.C. Chapter 29** – Records Management by the Archivist of the United States and by the Administrator of General Services
- **44 U.S.C. Chapter 31** – Records Management by Federal Agencies (Federal Records Act)
- **44 U.S.C. Chapter 33** – Disposal of Records (Federal Records Disposal Act)
- **44 U.S.C. Chapter 35** – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended; Paperwork Reduction Reauthorization Act of 1995; and Government Paperwork Elimination Act)

Code of Federal Regulations

- **5 CFR Chapter III, Subchapter B** – OMB Directives
 - Part 1320. Controlling Paperwork Burdens on the Public
- **36 CFR Chapter XII, Subchapter B** – Records Management
 - Part 1220. Federal Records; General
 - Part 1222. Creation and Maintenance of Records
 - Part 1223. Managing Vital Records

- Part 1224. Records Disposition Program
- Part 1225. Scheduling Records
- Part 1226. Implementing Disposition
- Part 1227. General Records Schedule
- Part 1228. Loan of Permanent and Unscheduled Records
- Part 1229. Emergency Authorization to Destroy Records
- Part 1230. Unlawful or Accidental Removal, Defacing, Alteration or Destruction of Records
- Part 1231. Transfer of Records from the Custody of One Executive Agency to Another
- Part 1232. Transfer of Records to Records Storage Facilities
- Part 1233. Transfer, Use, and Disposition of Records in a NARA Federal Records Center
- Part 1234. Facility Standards for Records Storage Facilities
- Part 1235. Transfer of Records to the National Archives of the United States
- Part 1236. Electronic Records Management
- Part 1237. Audiovisual, Cartographic, and Related Records Management
- Part 1238. Microform Records Management
- Part 1239. Program Assistance and Inspections

OMB/NARA Directives

M-12-18 Managing Government Records

OMB Circulars

- **OMB Circular A-123** – Management's Responsibility for Internal Control
- **OMB Circular A-130** – Management of Federal Information Resources

Executive Orders

- **Executive Order 10346** - Preparation by Federal Agencies of Civil Defense Emergency Plans
- **Executive Order 12656** - Assignment of Emergency Preparedness Responsibilities
- **Executive Order 13231** - Assignment of Emergency Preparedness Responsibilities
- **Presidential Memorandum** - *Managing Government Records* dated Nov 28, 2011

IV. Applicability

This Directive applies to all ED employees and contractors who have a network account or who otherwise create or receive records as an agent of ED, and covers all ED records regardless of format or medium, as defined in the Amendments to the Federal Records Act of 2014.

V. Definitions and Acronym Glossary

The following records management terms are extracted from 36 CFR, Part 1220 and the Amendments to the Federal Records Act of 2014.

- A. **Administrative records** are 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.
- B. **Amendments to the Federal Records Act and the Presidential Records Act of 2014** modernize the definition of Federal records to include electronic records.
- C. **Annual Internal Evaluation** is a formal evaluation to measure the effectiveness of records management programs and practices, and to ensure compliance with NARA regulations in this subchapter.
- D. **Capstone** is an approach developed by NARA as a means of managing and scheduling email records where final disposition is determined by the role or position of the account user, rather than the content of the individual email.
- E. **Continuity of Operations (COOP)** plan is a contingency action plan which provides the capability for a Department and/or Agency to continue

operations during a crisis which renders the organization's headquarters unusable.

- F. **Controlled Unclassified Information (CUI)** is information that requires safeguarding or dissemination controls pursuant to and consistent with applicable law, regulations, and government-wide policies but is not classified under Executive Order 13526 or the Atomic Energy Act, as amended.
- G. **Disaster** refers to an unexpected occurrence inflicting widespread destruction and distress and having long-term adverse effects on agency operations.
- H. **Disposition Schedules** are mandatory disposition instructions that provide continuous authority to dispose of recurring series or systems of records, or to transfer them to the National Archives and its national network of Federal Records Centers. ED's disposition schedules are contained with the ED Records Retention and Disposition Schedules.
- I. **Documentary Material** is 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 (36 CFR 1220.18).
- J. **Electronic messaging** means electronic mail and other electronic messaging systems (text messaging, instant messaging, chat, voicemail messaging, social media or mobile device applications) that are used for the purposes of communicating between individuals.
- K. **Federal Records Act of 1950**, as amended, establishes the framework for records management programs in Federal agencies.
- L. **Information resources management** means the process of managing information resources to accomplish agency missions. The term encompasses both information itself and the related resources, such as personnel, equipment, funds, and information technology.
- M. **File Plan** is (1) a plan designating the physical location(s) at which a PO's files are to be maintained, the specific types of files to be maintained there, and the organizational element(s) having custodial responsibility; or (2) a document containing the identifying number, title or description, and disposition of files held in an office.
- N. **General Records Schedules (GRS)** are mandatory disposition instructions issued by NARA for temporary administrative records that are common to most Federal agencies.

- O. **Litigation and Oversight Holds** stipulate that all records that may relate to a legal or Congressional oversight action involving ED must be retained. This requirement ensures that the applicable records are available for the discovery process prior to litigation. ED must preserve records when it learns of pending or imminent litigation, or when litigation is reasonably anticipated. Litigation holds prevent the spoliation (e.g. destruction, alteration, or mutilation of evidence) which can have a negative impact in litigation.
- P. **National Archives and Records Administration (NARA)** establishes policies and procedures for managing U.S. Government records. NARA assists Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring non-current records to Federal records centers, and conducts periodic evaluations of agency compliance.
- Q. **Non-record materials** are U.S. Government-owned informational materials excluded from the legal definition of records. This includes extra copies of documents kept only for convenience of reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibition.
- R. **Permanent records** are those 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. Permanent records will be transferred to the physical and legal custody of NARA in accordance with the instructions contained in the relevant records disposition schedule.
- S. **Personal papers** are 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 kept separate from the Department's records.
- T. **Program records** refer to 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.
- U. **Structured (data) records** are information with a high degree of organization, such that inclusion in a relational database is seamless and readily searchable by simple, straightforward search engine algorithms or other search operations and that meet the criteria as Federal records. Record-keeping requirements are statements in statutes, regulations,

Directives, handbooks, or guidance that provide general and specific information on particular records to be created and maintained by the Department.

- V. **Records** include all recorded information, regardless of form or characteristics, made or received by a Federal agency 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 United States Government or because of the informational value of data in them. (44 USC 3101, Definition of Records).
- W. **Recorded Information** includes all forms of records, regardless of format or characteristics, including information created, manipulated, communicated, or stored in physical, digital, or electronic form, including metadata.
- X. **Records management program** refers to the planned coordinated set of policies, procedures, and activities needed to manage an agency's or department'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.
- Y. **Retention period** is the period of time that records are to be kept in accordance with NARA-approved records disposition schedules.
- Z. **Temporary records** are records approved by NARA for disposal, either immediately or after a specified retention period.
- AA. **Unstructured Data (or unstructured information)** refers to information that either does not have a pre-defined data model or is not organized in a pre-defined manner. Unstructured information is typically text-heavy, but may contain data such as dates, numbers, and facts as well and that meet the criteria as Federal records.
- BB. **Essential Records**, previously called Vital Records, are essential agency records needed to meet operational responsibilities under national or regional emergency or disaster conditions. Previously called Vital Records.

Acronym Glossary

- ARCIS – Archives and Records Centers Information System

- DRO – Departmental Records Officer
- EIS – Electronic Information System
- ERA – Electronic Records Archive
- ERM – Electronic Records Management
- EERMS – Enterprise Electronic Records Management System
- FRA – Federal Records Act
- FRC – Federal Records Center
- GRS – General Records Schedules
- NARA – National Archives and Records Administration
- OCPO – Office of the Chief Privacy Officer
- PRO – Program Records Official
- RLO – Records Liaison Officer
- RRO – Regional Records Official
- WNRC – Washington National Records Center at Suitland, Maryland

VI. Responsibilities

- A. The **Secretary** shall ensure the creation and preservation of records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of ED. Operational responsibility for this program is delegated to the **Assistant Secretary for Management** and re-delegated to the **Chief Privacy Officer**. **The Secretary shall designate a senior official to act as the Senior Agency Official for Records Management** as required by the Presidential Memorandum *Managing Government Records* dated November 28, 2011. **The Chief Privacy Officer is the Senior Agency Official for Records Management.**
- B. The **Chief Privacy Officer** shall provide overall leadership, planning, supervision, guidance, direction and general oversight of ED's Records Management Program, and ensure its integration into the broader information resources management framework.

C. Principal Officers and Program Directors shall provide for the implementation of the records/information management program within their respective areas. They will:

1. Ensure that the objectives of ED's records management program are achieved;
2. Establish, implement, and sustain records management programs within their respective organizations, including a vital records program;
3. Ensure that staff, including contractors, are informed about and understand their responsibility for preserving and appropriately managing their records in all formats, including electronic messaging applications such as email, text messaging, instant messaging, chat, voicemail, social media or mobile device applications.
4. Ensure an annual internal evaluation and a triennial review of their PO's records management program is performed and certify that it is in compliance with NARA regulations and ED policies;
5. Ensure that permanent records are preserved and temporary records are transferred to off-site storage or destroyed promptly according to NARA-approved records disposition schedules;
6. Ensure that removal of documentary materials by separating ED employees is in accordance with the provisions of this Directive; CORs are responsible for ensuring that departing contractors do not remove any ED records.
7. Ensure appropriate records management training for PROs, RLOs, and all other Department employees commensurate with their level of responsibility for records management;
8. Provide adequate staff resources to support records management processes within their respective organizations by assigning the following roles and responsibilities to designated staff:
 - a. A senior-level PRO with signature authority to approve records issues for the program and serve as the liaison with the Department's Records Officer;
 - b. At least one RLO to provide day-to-day administration of an organization's records management program under the direction of the PRO; and

c. Regional Records Officials (RROs), when designated, will assume local responsibilities corresponding to those of the PO's RLO.

9. Provide names and contact information, and updates as changes occur, for the designated PROs, RROs, and RLOs to the Department's Records Officer, Privacy, Information, and Records Management Services, Office of Management.

D. Program Records Officials, Regional Records Officials, and Records Liaison Officers. The PROs are responsible for the following program activities supporting the Department Records Management Program. Except for the items marked "PRO," these activities may be delegated to the RLOs and the RROs for their individual offices and sites.

1. Coordinate the records management program activities, including an essential records program in their respective organizations to ensure compliance with this Directive through the designated RLOs and RROs. (PRO);
2. Identify program-specific records and ensure they are covered by a NARA approved records disposition schedule;
3. Ensure that permanent records are preserved and temporary records are transferred into off-site storage or destroyed promptly according to NARA-approved records disposition schedules;
4. Ensure that record-keeping requirements are established and kept current and that staff is kept abreast of any changes to these recordkeeping requirements;
5. Review and approve or disapprove requests for removal of documentary materials by separating employees, and forward in a timely manner, the completed Documentary Materials Removal/Non removal Certification forms to ED's Records Officer. This process may also be performed electronically via email.
6. Ensure that CORs provide oversight for contractor departures to prevent removal of ED records;
7. Ensure that all personnel with records management responsibilities receive appropriate records management training. (PRO);
8. Ensure that RLOs obtain appropriate NARA records management training and earn the NARA RM Certificate;

9. Ensure that ED's Records Management Program provisions and standards are included in the scope and planning for electronic information systems. (PRO);
10. Ensure that records are maintained cost effectively and that records storage facilities meet the requirements of 36 CFR 1234. (PRO);
11. In conjunction with ED's Records Officer, ensure the development and implementation of a PO file plan; and
12. 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 RLO or the person assuming responsibility for the work.

E. The Departmental Records Officer (DRO), OCPO shall:

1. Develop policies and procedures related to the requirements of this Directive and provide advice and consultation to POs in furtherance of its implementation;
2. Provide overall leadership for ED records management activities, as required by Federal laws and regulations which are specified in the Authorization section of this Directive;
3. Make available guidance, expertise, technical assistance, and training to staff in all aspects of the records management program;
4. Serve as ED's point of contact with NARA, other Federal agencies, and the public sector for issues related to ED's records management program;
5. Evaluate program effectiveness through periodic reviews of PO's records management activities;
6. In conjunction with PO records officials, develop records retention and disposition schedules and once completed, serve as ED's official point of contact for such schedules;
7. Coordinate with PROs in the implementation of ED's Records Management Program throughout ED;
8. Coordinate with PROs in the implementation of the documentary materials removal process for separating employees; Coordinate with CORs to ensure that contractors do not remove any ED records;

9. Ensure that the records management program has provided a records management clause for use in contracts where ED records are created and or maintained
 10. Review and approve or disapprove requests for removal of documentary materials by Presidential appointees; and
 11. Conduct records management exit briefings for Presidential appointees and other senior officials as requested.
- F. The **Office of Inspector General (OIG)** shall assist in determining the retention of Department records that may be needed for internal audit purposes. The OIG shall be informed by the Departmental Records Officer in instances where records are removed from ED's physical or legal custody without authorization so steps may be taken to regain custody of the records consistent with authorities in the Inspector General Act.
- G. The **Office of the General Counsel (OGC)** is responsible for the litigation hold process. OGC shall notify ED's Records Officer when a moratorium on records disposition is needed for litigation, oversight or other legal matters. OGC will support the submission of ED's records disposition schedules by reviewing them for legal sufficiency before submittal. OGC also provides legal advice on the laws and regulations related to the records and information management program. This includes coordination with the DRO to ensure compliance with recordkeeping requirements, determination of retention periods, and implementation of authorized disposition instructions for system data and documentation.
- H. The **Chief Information Officer** shall ensure that records management requirements are incorporated into the ED system development life cycle methodology as part of managing the information life cycle, and that NARA approved records retention and disposition schedules for electronic information systems and other electronic records, such as email, are properly implemented.
- I. **Program Managers** shall ensure that their programs are properly documented, and that records created by their programs are managed according to Federal law and regulations (see Authorizations section, and the provisions of this Directive).
- J. **Information System Managers** shall oversee the creation and use of electronic records according to Federal regulations and Departmental policy and ensure that recordkeeping functionality is developed for all information systems managing electronic records. This includes coordination with ED's Records Officer to ensure compliance with record-keeping requirements,

determine retention periods, and implement authorized disposition instructions for system data and documentation. Systems managers shall also coordinate with PROs when developing business cases for the Investment Review Board 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.

K. Information Technology Managers shall notify the information system managers and PROs of technology changes that would affect access, retention, or disposition (archiving or disposing) of records in electronic information systems.

L. All Department employees and contractors shall:

1. Complete annual online records management awareness training; contractors shall send an email to their COR certifying that they have completed the training.
2. Conduct work in accordance with Federal records management regulations and ED's records management policies and procedures;
3. Create and maintain adequate and proper documentation (Federal records) for the work for which they are responsible; maintain records in a manner that facilitates access and retrieval regardless of format ;destroy records only in accordance with approved records retention and disposition schedules; and remove non-record materials from ED only after obtaining prior authorization;
4. File personal papers and non-record materials separately from official ED records;
5. Contact their PO's RLO or OM/OCPO if they have a question about the proper disposition of a record or any records management policy or procedure;
6. ED employees shall complete ED's "Documentary Materials Removal/Non removal Certification" form and submit to their PRO prior to separation from ED.
7. Capture and preserve in ED's email system any electronic messaging records that are not being managed centrally by OCIO.
8. Delete electronic files that are not Federal records as soon as they are no longer needed.

VII. Requirements

A. ED Records Network

1. POs shall appoint a senior-level PRO with signature authority to assume responsibility and accountability for the PO records management program;
2. POs shall appoint Headquarters RLOs and RROs in the Regions to implement the records management program; and
3. POs shall provide the names, titles, and telephone numbers, and changes as they occur, of those designated as PROs, RLOs, and RROs to ED's Records Officer.

B. Records Creation

1. Official records shall be created that are sufficient to ensure adequate and proper documentation of all of ED's functions, policies, decisions, procedures, and essential transactions; and
2. POs shall develop and disseminate to staff general and specific guidance for creating and maintaining records documenting their organization, functions, and activities. An example of such guidance is a description of the records that are required to be created and maintained for a specific activity included in the relevant program handbook or manual.

C. Records Maintenance and Use

1. In conjunction with guidance provided by ED's Records Officer, POs shall create and maintain current file plans that describe all categories of records created, received, and maintained, and disposed by personnel in the course of their official duties;
2. File plans shall be updated and a copy submitted to ED's Records Officer by March 31st of each year;
3. Records filing, indexing, and storage systems shall be designed, implemented and documented to the extent necessary to maximize their usefulness and facilitate access and retrieval for the life of the records;
4. Records shall be organized and indexed in a manner that permits employees and contractors with a need to access and retrieve the records to do so efficiently and effectively; and
5. Confidential and privacy-protected records shall be managed and safeguarded in accordance with any applicable Federal laws and

regulations requiring access to, protection of, or restrictions on the disclosure of these records as well as ED requirements governing access to and protection of confidential but unclassified information.

D. Records Retention and Disposition Schedules

1. POs shall retain and dispose of records in accordance with the NARA-approved records disposition schedules contained in ED's Records Retention and Disposition Schedules as posted on the connectED Records Management website;
2. Unscheduled records (records that are not covered by a NARA-approved records disposition schedule) may not be destroyed; and
3. Proposed records retention and disposition schedules for unscheduled records shall be submitted to ED's Records Officer for internal review and approval, and submission to NARA for review and approval.

E. Permanent Records

1. POs shall promptly transfer permanent records to the custody of NARA in accordance with the instructions of the relevant records disposition schedule;
2. POs shall ensure that information copies of SF-258s used to document transfer of permanent records to NARA are provided to ED's Records Officer in a timely manner;
3. Permanent records shall be created, maintained, and stored in media and formats that adhere to NARA standards in 36 CFR 1235.46;
4. Electronic records shall be transferred in a NARA approved format; and
5. Permanent electronic records shall be transferred to NARA in a software/hardware independent format.

F. Electronic Records Management

1. Unstructured, text-based electronic records shall be maintained in an NARA-compliant electronic recordkeeping system (such as a shared drive configured in compliance with NARA requirements) or printed, filed and retained as paper files.
2. Electronic information systems (EIS) that contain records will have records management processes and requirements incorporated into their design and operations, or the equivalent manual processes required to retain

their information. The following requirements shall be incorporated into the design and operations of an EIS containing ED records:

- a. The EIS shall allow for the creation and maintenance of records sufficient to meet the documentation needs of ED;
 - b. Records shall be stored and maintained in a manner that enables retrieval, access, and dissemination, if appropriate, for the life of the records;
 - c. Records within an EIS must be covered by a records disposition schedule;
 - d. The EIS must be capable of deleting temporary or transitory records or transferring permanent records to NARA, in accordance with the requirements of the relevant records disposition schedule; and
 - e. Permanent electronic records must be created, maintained, and stored in media and formats that adhere to NARA standards.
3. POs planning to manage their records in electronic form must ensure that the records, particularly those incorporating an electronic signature, are legally sufficient for audit and other evidentiary purposes requiring trustworthy records. The electronic records must be created and maintained in compliance with the requirements of all pertinent Federal IRM laws and regulations, NARA and OMB guidance, and ED IRM policies.

G. Records Destruction

1. Records shall be destroyed in accordance with ED's NARA-approved records disposition schedules. Records owners shall determine before destruction whether or not the records must still be retained due to a litigation freeze, or other ongoing business purpose.
2. Records containing CUI information shall be destroyed appropriately by shredding or other secured methods in accordance with OCIO-15 *Handbook for the Protection of Sensitive Unclassified Information*.
3. Criminal penalties may be imposed for the willful and unlawful destruction of Federal records, as described in 18 U.S.C. Section 2071.

H. Records Retirement and Storage

1. POs will promptly retire inactive records to a NARA-approved records storage facility;

2. RLOs will timely provide an information copy of SF-135s and inventories or other paperwork used to document transfer of records to off-site storage to ED's Records Officer; and
3. Upon request by ED's Records Officer, RLOs will provide statistics on the volume and location of records stored off-site, including records stored at commercial records storage facilities.

I. Records Security and Privacy Protection

Employees and contractors shall manage records containing CUI or privacy-protected information accordance with applicable statutes, regulations, policies and procedures for the life cycle of the records, including OCIO-15 Handbook for the Protection of Unclassified Sensitive Information.

J. Records Training

1. ED's Records Officer will develop general records management awareness and training materials for all Department employees and contractors;
2. ED's Records Officer will develop and deliver ED-specific records management guidance for RLOs; and
3. PROs will ensure that RLOs obtain appropriate NARA records management training.

K. Removal of Documentary Materials by ED Employees. CORs will follow the procedures established by the contract and the ED Records Management program to ensure that records are turned over when contractor employees separate.

1. General Procedures for Removal of Documentary Materials
 - a. All records, originals and copies, are under the control of ED, regardless of how and by whom they were created or obtained;
 - b. Records of ED may not be removed under any circumstances. Non-record materials shall not be removed if this will create such a gap in the files as to impair the completeness of essential documentation. Indexes, or other finding aids, necessary for the use of the official records may not be removed;
 - c. Extra copies (photocopies, etc.) of records may be removed under certain circumstances. Prior to removal, it must be determined by OGC and OM/OCPO that no legal or policy reason exists for keeping

the information confidential and that the record copies, or other necessary copies, are available at ED. If the copy is of a document originating with another agency, the requirements of the originating agency must be determined (see Appendix B);

- d. Confidential but unclassified, or privacy-protected information may not be removed under any circumstances from ED; and
- e. Any violation of the statutory and regulatory limitations placed on removal of documentary materials by ED officials or employees who resign or retire will be forwarded to the appropriate officials, (e.g., Director of Information Assurance, Director of Security), who shall confer with the Inspector General regarding such violations.

2. Request to Remove Documentary Materials

ED employees desiring to remove documentary materials must submit a written request to their PO PRO/RLO, listing the specific materials for which permission is required. All employees shall complete the *"Documentary Materials Removal/ Non-Removal Certification Form."* Email certification is also permitted.

L. Records Management Guidance

The Records Management office will periodically issue guidance documents in accordance with requirements established in NARA bulletins and other NARA issuances. These guidance documents are incorporated by reference in this Directive, and are binding upon POs records management programs. Guidance documents already issued include essential records, social media records, text messaging, and records management in cloud computing environments. All records management guidance documents are available to peruse on the Records Management website on connectED.