

## CHAPTER 11

### RECORDS AND INFORMATION MANAGEMENT

#### 1. POLICY

- A. The overall objective of the Department's records and files management program is to provide efficient, economical, and effective management of all departmental information and records to include creation, use, maintenance, and disposition.
- B. Develop standards and instructions to cover the life cycle of information and records created by HUD programs.
- C. Develop and apply effective records retention schedules accepted and approved by the National Archives and Records Administration (NARA) and the General Accountability Office (GAO).
- D. Set up and maintain files that can easily be disposed of based on HUD Handbook 2225.6, Records Disposition Schedules, and HUD Handbook 2228.1, Departmental Records and Information Management Manual.
- E. Make filing HUD records easy and automated, utilizing appropriate electronic recordkeeping systems.
- F. Ensure that records of permanent value are appropriately preserved and transferred to NARA for permanent retention.
- G. Retire inactive records from costly office space to a Federal Records Center for storage.
- H. Ensure appropriate disposal of records that are no longer needed.
- I. Ensure implementation of and compliance with regulatory requirements.

## **2. Roles and Responsibilities**

This description of roles and responsibilities begins with the Agency Head, proceeds through the usual records management network (Senior Agency Official for Records Management, Chief Information Officer, Agency Records Officer, Records Liaison, and Records Custodian), covers the Primary Organization Heads (managers and supervisors), refers briefly to other officials, and concludes with the typical staff member (employee).

### **A. Agency Head (The Secretary)**

1. The Secretary, as the head of the Department, is required to establish a records management program in accordance with the Federal Records Act (44 U.S.C. 3101-3106).
2. The Secretary is responsible for ensuring that:
  - a. The successful implementation of records management requirements in law and regulation are a priority for senior agency management; and
  - b. Proper resources are allocated to the effective implementation of such requirements (See 76 F.R. 75423 Presidential Memorandum – Managing Government Records, section 2(a)).
3. The Secretary must also remind employees annually of:
  - a. Records management policy, including every employee's roles and responsibilities of the program offices in maintaining and managing records; and
  - b. The sanctions for the unlawful removal or destruction of Federal records, as provided in 18 U.S.C. 2701 (concealment, removal, or mutilation of records generally).
4. The Secretary is required by 36 CFR 1230.14 to report any unlawful or accidental destruction, defacing, alteration, or removal of records in HUD's custody to NARA.

## **B. Senior Agency Official for Records Management (SAORM)**

1. The SAORM has responsibility for The Transition to Electronic Records Directive (M-19-21) of June 28, 2019, which outlines the duties and responsibilities of the Senior Agency Official for Records Management. The Directive requires all Executive branch departments and agencies to designate a senior official at the Assistant Secretary level or its equivalent to serve as the SAORM.
2. The SAORM has direct responsibility for ensuring the department or agency efficiently and appropriately complies with all applicable records management statutes, regulations, NARA policy, and the requirements of the Transition to Electronic Records Directive.

## **C. Chief Information Officer (CIO)**

1. Serves as the departmental official responsible for the process of managing information resources to accomplish agency missions, which encompasses both information itself and related resources, or assets, such as personnel, equipment, funds, and information technology (IT).
2. Coordinates with the Agency Records Officer to ensure that the design and implementation of the Department's information systems incorporate Federal and agency records management requirements.
3. Coordinates with the Agency Records Officer to ensure development and coordination of storage protocols and systems for electronically executed (e-sign) documents and digitally executed documents in accordance with federal law.
4. Coordinates with the Agency Records Officer to ensure development and/or procurement of a system for executing and storing electronically or digitally endorsed documents including those requiring a digital vault.

## **D. Headquarters Electronic Records Management Division**

The Electronic Records Management Division (ERMD) is part of the Office of Administration.

This office must:

1. Oversee the Evaluation, Training, Development, and Implementation of Records Management program activities across the entire Department both in Headquarters and the Field Operations.
2. Assist and coordinate retirement, retrieval, and transfer services for all HUD

records.

3. Inspect all proposed Headquarters records shipments and retirement documents to ensure that they follow HUD records disposition policies and that the records are eligible for retirement to a Federal records center. Return documents needing major revision and contact the preparing office when shipment needs extensive repacking.
4. Serve as principal contact with the National Archives and Records Administration, Washington National Records Center for all HUD records retirement and reference services. Maintain liaison with the National Personnel Records Center (in St. Louis, Missouri) on personnel records. Coordinates matters relating to records management with the program office's FOIA/Privacy Act Official(s), Electronic Records Management Division, system administrators, program managers, internal auditors, visiting Inspector(s) General, General Counsel, Public Affairs Officer, Web Manager, Agency Historian, and Imaging and Micrographics Manager, as well as with program officials responsible for other special media, such as audiovisual records, cartographic and architectural records, and printed records.
5. Coordinates the records management activities of a major program office, whether at Headquarters or in the Field offices and Regional offices.
6. Ensures that program office recordkeeping procedures are established, implemented, and periodically updated for all offices at all levels and for all record media, including electronic and other special records.

#### **E. Departmental Records Officer (DRO)**

1. In coordination with the SAORM and other officials, the Departmental Records Officer DRO (also known as an Agency Records Officer) oversees HUD's records management program.
2. Ensures that the Department has an up-to-date records management directive.
3. Creates and maintains a network of records liaisons responsible for overseeing the program in Headquarters and Field offices in cooperation with the DRO.
4. Serves as the primary Department official who coordinates records management matters with NARA and other oversight agencies.
5. Coordinates the development of a records schedule with NARA, Records Management Branch, program and agency officials. The records schedule identifies records as either temporary or permanent. All records schedules must be approved by NARA.
6. Coordinates matters relating to records management with HUD's Freedom of Information Act (FOIA)/Privacy Act official(s), Records Management Branch, Chief Information Officer (CIO), system administrators, program managers, the Inspector General, General Counsel, Public Affairs Officer, Web Manager, Agency Privacy Officer, and the Imaging and Micrographics Manager, as well as with program officials responsible for other special media, such as audiovisual records, cartographic and architectural records, and printed records.
7. Ensures that recordkeeping requirements are established, implemented, and periodically updated for all offices at all levels and for all record media, including electronic and other special records.
8. Conducts evaluations/reviews of the Department program offices records management programs.
9. Coordinates with the Chief Information Officer (CIO), to ensure that the design and implementation of the Department's information systems incorporate Federal and agency records management requirements.
10. Coordinates with the Chief Information Officer (CIO), to ensure development and coordination of storage protocols and systems for electronically executed (e-sign) documents and digitally executed documents in accordance with federal law.
11. Coordinates with the Chief Information Officer (CIO), to ensure development and/or procurement of a system for executing and storing electronically or digitally endorsed documents including those requiring a digital vault.



## F. Primary Organization Heads (POH)

POHs are managers responsible for major HUD organizations that report directly to the Secretary.

1. Ensures that the office has a designated Records Management Liaison Officer (RMLO), Records Management Coordinator (RMC), and Records Custodian. These individuals will coordinate the office's records management program activities. Programs of HUD have different organizational/management structures. For example, FHA and PIH have much more complex structures due to their size. Departmental records typically work directly with programs to determine the best fit for accomplishing the required regulatory activities.
2. Develops internal written procedures for records management that:
  - a. Comply with Federal and departmental records management policies, to include appropriate records disposition schedules; and
  - b. Inform all personnel of their records management responsibilities.
3. Ensures that all personnel preparing records for archiving are trained to perform this function and are aware of all relevant records disposition schedules and policies.
4. Ensures that the staff receives basic records management training and guidance.
5. Ensures that the staff creates and maintains records documenting the office's program and administrative activities.
6. Works with the Records Custodian to make sure that all the office's records are listed in the office file plan and described accurately in the agency's records schedule.
7. Reviews the office file plan annually.
8. Reminds the staff not to mix personal papers and non-record materials with Federal records, and not to remove records from the office without proper authorization.
9. Implements procedures to prevent departing employees from destroying ineligible records or removing records from HUD's custody.
10. Ensures that the Records Custodian follows the Department's records schedule in carrying out the disposition of the office's records.
11. Cooperates with the Records Custodian, RMLO, and ARO in efforts to promote and evaluate the office's records management activities.

## **G. Records Management Liaison Officers (RMLOs)**

1. Along with immediate supervisor, coordinates record series inventories, and evaluations of the program office record management policy and Records Coordinators and/or Custodians.
2. Coordinates changes to the records schedule with the ARO and local program managers.
3. Coordinates with the Agency Records Officer to report that each office within the program office has a designated Records Custodian.
4. Ensures that each office creates and maintains records documenting its program and administrative activities.
5. Works with Records Custodians to make sure that all the records of each office are listed in the office file plan and are described accurately in the Department's records schedule.
6. Works with Records Custodians to ensure the transfer of eligible records to a records center, the prompt disposal of temporary records when their retention periods expire, and the timely transfer of permanent records to NARA.
7. Ensures the proper training of Records Custodians and employees and the proper briefing of program and senior managers.
8. Promotes the records management program within the program office.
9. Conducts periodic evaluations of records management activities within the program office.

Figure 3: RMLO Designation Letter

## **H. Records Management Coordinators**

A Records Management Coordinator (RMC) will be located in each region. The Regional Support Manager must be notified of the selection. The Coordinators should be trained in the records disposition management program and goals. RMCs are responsible for:

1. At the Department, assigned responsibilities, within a particular office, for records management matters and compliance with guidance issued by the ARO and RMLO.
2. At their Field offices, coordination of all records disposition activities for their Field offices.
3. Serving as the Field office contact person for records disposition management.



## **I. Records Custodian**

1. Ensures that all the office's records are listed in the office file plan and are described accurately in the agency's records schedule. Contacts the RMLO or the ARO for assistance.
2. Follows the Department's records schedule to ensure proper disposition of the office's records, including:
  - a. Systematic file cutoffs (breaks).
  - b. Retirement of eligible records to a records center.
  - c. prompt disposal of temporary records when their retention periods expire.
  - d. Timely transfer of permanent records to NARA.
3. Assists the Program Manager in reminding staff not to mix personal papers and non-record materials with Federal records and not to remove records from the office without proper authorization.
4. Assists the Program Manager in implementing procedures to prevent departing employees from destroying ineligible records or removing records from the agency's custody.
5. Cooperates with the RMLO and the ARO in periodic evaluations of the office's records.

## **J. System Administrator (IT Manager)**

1. Serves as the person responsible for managing an information system.
2. Works with the Records Management Liaison Officers, the Records Custodian, and others to ensure that the design and implementation of the system incorporates Federal and agency records management requirements.

## **K. Web Manager**

1. Serves as the person primarily responsible for managing the web pages (Internet and Intranet) within a component (i.e., ensuring compliance with agency and local directives) but usually not the person responsible for content of a web page.
2. Works with the Records Management Liaison Officers, the Records Custodian(s), and others to ensure that the web page managers understand and adhere to Federal and agency recordkeeping requirements.

## **L. Inspector General**

1. Serves as the official responsible for monitoring agency programs and operations to prevent and reduce fraud, waste, and abuse to improve agency operations, management, efficiency, public service, and mission fulfillment.
2. Coordinates with the ARO and others regarding any recordkeeping deficiencies identified during inspections and investigations.

#### **M. General Counsel**

1. Serves as the official responsible for providing legal advice and assistance to HUD officials and employees.
2. Provides advice to the ARO and others regarding the legal value of the HUD's records and the issue of public access to them.

#### **N. Public Affairs Officer**

1. Serves as the official responsible for coordinating information being released to the public, such as news releases, speeches by high-level officials, media presentations, appearances of departmental representatives at public events, etc. The Public Affairs Officer may be responsible for coordinating content of public websites.
2. Works with the RMLO to ensure that release of information complies with Federal and departmental public affairs directives.

#### **O. All HUD Employees/Contractors**

1. Treat records in their custody as Government property. Identify and keep their personal correspondence and documents separate.
2. Notify their RMLO, or DRO when automated files are involved, of any actual or threatened unlawful removal or destruction of records.
3. Keep their reference and other non-record material to a minimum and dispose of it as soon as it becomes obsolete or unnecessary.
4. Recommend needed schedule changes in writing through proper channels to their RMLO or ARO.

### **3. REGULATORY AUTHORITIES**

- A. **18 U.S.C. 2071** establishes criminal penalties for the unlawful concealment, removal, or destruction of Federal records.
- B. **18 U.S.C. 793, 794, and 798** forbid unlawful disclosure of certain information pertaining to national security.

- C. **32 CFR 2002**, What agencies must do with Controlled Unclassified Information (CUI).
- D. **36 CFR § 1220.34(C)** issues a directive(s) establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of agency records. Copies of the directive(s) (including subsequent amendments or supplements) must be disseminated throughout the agency, as appropriate, and a copy must be sent to NARA.
- E. **36 CFR § 1220.34(J)** conducts formal evaluations to measure the effectiveness of records management programs and practices, and to ensure that they comply with NARA regulations in this subchapter.
- F. **36 CFR § 1222.14**, What are non-record materials? Non-record materials are U.S. Government-owned documentary materials that do not meet the conditions of records.
- G. **36 CFR § 1222.16**, How are non-record materials managed? Agencies must develop recordkeeping requirements to distinguish records from non-record materials.
- H. **36 CFR § 1222.26**, What are the general recordkeeping requirements for agency programs? To ensure the adequate and proper documentation of agency programs, each program must develop recordkeeping requirements that identify: (1) The record series and systems that must be created and maintained to document program policies, procedures, functions, activities, and transactions; (2) The office responsible for maintaining the record copies of those series and systems, and the applicable system administrator responsible for ensuring authenticity, protection, and ready retrieval of electronic records; (3) Related records series and systems; (4) The relationship between paper and electronic files in the same series; and (5) Policies, procedures, and strategies for ensuring that records are retained long enough to meet programmatic, administrative, fiscal, legal, and historical needs as authorized in a NARA-approved disposition schedule.
- I. **36 CFR § 1222.34**, How must agencies maintain records? Agencies must implement a records maintenance program so that complete records are filed or otherwise identified and preserved, records can be readily found when needed, and permanent and temporary records are physically segregated from each other or, for electronic records, segregable.
- J. **36 CFR § 1225.12(B)** prepares an inventory for each function or activity to identify records series, systems, and non-record materials.
- K. **36 CFR 1236**, What agencies must do with electronic records management.
- L. **Office of Management and Budget (OMB) – Transition to Electronic Records**. Federal agencies shall electronically manage all temporary and permanent records by December 31, 2022.

- i. Ensure that all Federal records are created, retained, and managed in electronic formats, with appropriate metadata; and
- ii. Consistent with records management laws and regulations, develop plans to close agency-operated storage facilities for paper and other analog records, and transfer those records to Federal Records Centers operated by NARA or commercial storage facilities.

M. **The Federal Records Act** (44 U.S.C. Chapters 29, 31, and 33) requires agencies to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency, and are 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. It requires agencies to establish and maintain a program for the efficient management of the agency's records. Records management programs must, among other requirements, propose record disposition schedules for approval by the Archivist of the United States.

N. **Federal Records Act Amendments of 2014, section 10** prohibits an officer or employee of an executive agency from creating or sending a record using a non-official electronic messaging account unless such officer or employee: (1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record, or (2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record. Provides for disciplinary action against an agency officer or employee for an intentional violation of such prohibition.

4. **PRIVACY ACT CONSIDERATIONS.** See HUD Handbook 1325.1, Privacy Act Handbook.

5. **CONTRACT REQUIREMENTS.** See New HUD Handbook 2228.1, Appendix 2.

6. **RECORDS RETENTION/DISPOSITION REQUIREMENTS.** See HUD Handbook 2225.6, HUD Records Disposition Schedules.

7. **CONTROLLED UNCLASSIFIED INFORMATION (CUI).** See chapter 9 in New HUD Handbook 2228.1, Protection Controlled Unclassified Information.

## 8. KEY REFERENCES

A. HUD Handbook 2228.1, Departmental Records and Information Management Manual

B. HUD Handbook 2225.6, HUD Records Disposition Schedules.

C. HUD Handbook 1750.1, National Security Information.

## 9. ACRONYMS

<b>ARCIS</b>	Archives and Records Center Information Center
<b>ASC</b>	Administrative Service Center
<b>ASCII</b>	American Standard for Information Interchange
<b>DRMO</b>	Departmental Records Management Officer
<b>ERA</b>	Electronic Records Archive
<b>FRC</b>	Federal Records Center
<b>GRS</b>	General Records Schedules
<b>NARA</b>	National Archives and Records Administration
<b>OA</b>	Office of Administration
<b>OIG</b>	Office of Inspector General
<b>CIO</b>	Chief Information Officer
<b>OPF</b>	Official Personnel File
<b>WNRC</b>	Washington National Records Center

## **10. FORMS REFERENCED AND/OR REQUIRED**

<b>SF-115</b>	Request for Records Disposition Authority
<b>SF-258</b>	Request for Transfer, Approval and Receipt of Records to National Archives of the United States
<b>SF-135</b>	Records Transmittal and Receipt
<b>SF-2806</b>	Individual Retirement Record
<b>SF-127</b>	Request for Official Personnel Folder
<b>SF-184</b>	Request for Employee Medical Folder
<b>SF-277</b>	Computer Magnetic Tape File Properties
<b>OF-11</b>	Preference Request - Federal Records Center
<b>HUD-58A</b>	Clearance for Separation of Employee
<b>HUD-552</b>	Request for Change in HUD Records Schedule
<b>HUD-67</b>	Records Inventory Sheet
<b>HUD-1067</b>	Excess Records and Files Clean-Up Report
<b>NA Form 13001</b>	Notice of Intent to Destroy Records
<b>NA Form 13000</b>	Agency Review for Contingent Disposal

**11. REPORTING REQUIREMENTS SUMMARY.** Records and files management reporting requirements are referenced in the appropriate sections of this chapter.

## **SECTION 1**

### **RECORDS INVENTORY AND APPRAISAL**

**12. INVENTORY AND APPRAISAL REQUIREMENTS.** An inventory determines what unscheduled records exist, and an appraisal assigns a value to the records. All unscheduled departmental records must be inventoried and appraised.

## A. Inventory Requirements

- i. Inventories and schedules must be conducted annually and address records in a basic unit of a series, rather than separate folder or documents. A series is a group of records which:
  1. Have the same physical form.
  2. Are arranged under a single filing system.
  3. Relate to a particular subject.
  4. Document a certain kind of transaction.
  5. Are produced by the same activity.
  
- ii. Each record series and all non-record material must be documented on form HUD-67, Records Inventory Sheet, and include:
  1. All records and non-record material of the organization or function concerned, including any material not stored in filing equipment.
  2. All records and non-record material, regardless of physical form (e.g., microform, electronic, photographs, etc.).
  3. Clear and brief descriptions of the records, including how often they are used and disposition instructions.
  4. Restrictions on access and use of the records (i.e., Executive Order, law, security classification, internal directives, etc.).
  
- iii. Appraisal Requirements. Appraisals must be assigned to records as a series.
  1. Appraisal Categories. All records are categorized into a series which is either:
    - a) *Permanent*. Records selected and permanently maintained by NARA.
    - b) *Temporary*. Records that are disposable within NARA-approved timeframes.
  
  2. Appraisal Values.
    - a) *Primary Values*. The primary values of records are the administrative, legal, and/or fiscal information they contain. Records are temporary, and so disposable if they have one, or more, primary value(s), but no secondary value.

- a. Administrative Value. The value of records in helping HUD perform its work. Administrative records are:
    - i. Short-Term. Normal housekeeping records documenting routine transactions which are quickly completed.
    - ii. Long-Term. Case history files on directives and regulations. Long-term records with a recommended retention of 10 years or more must be justified to NARA.
  - b. Legal Value. Value as evidence of legally enforceable rights or obligations of the Government.
  - c. Fiscal Value. Value of records documenting financial transactions. Exception: Records on the development of fiscal policy may have permanent value.
3. Secondary Value. The research value to others after the Department's needs have been met. Secondary value is also called archival value.
- a) *Evidential value*. The value of records as evidence of HUD's organization and functions (records indicating how the Government determined and met the needs of its citizens.)
  - b) *Informational Value*. The value of the information the records contain on persons, things, problems, and conditions with persons, things, problems, and conditions with which the Department has dealt. NARA test for assigning informational value:
    - a. Uniqueness. The information cannot be found elsewhere (either from Federal and non-federal sources) in as complete and useful form.
    - b. Form. Concentration of information, physical conditions of records and ease of access to data.
    - c. Importance of Research Value.

## **SECTION 2**

### **RECORDS DISPOSITION SCHEDULES**

**13. DEFINITION.** A records disposition schedule documents the timeframe a Federal record must be retained and/or preserved and provides the authority by which final disposition of a Federal record may occur.

#### **14. HUD POLICY**

- A. **HUD Requirements.** The Department's policy is to develop records disposition schedules on a program or functional basis versus an organizational basis. All HUD records must be scheduled regardless of form or media. Existing records disposition schedules must be reviewed annually for needed revisions. All proposed records schedules must be forwarded to the DRMO for submission to NARA for approval. Schedules must be approved by NARA and GAO, as appropriate, before they can be used as authority to dispose of departmental files.
- B. **NARA Requirements.** NARA must seek public comment before approving any new schedules or revisions of schedules proposing a decrease in retention periods. Only records selected by NARA can be kept permanently.
- C. **NARA Final Notice of Approval.** The Archivist of the United States must approve and sign SF-115, Request for Records Disposition Authority, for a records schedule to take effect.

#### **15. HUD HANDBOOK 2225.6, HUD RECORDS DISPOSITION SCHEDULES**

- A. This handbook contains HUD-initiated, NARA-approved deviations from the General Records Schedule (GRS). HUD may request deviations from the GRS for one of the following reasons:
  - i. The Department seeks longer, or shorter, retention periods for certain administrative, legal, or fiscal records to meet a unique requirement, or specific need.
  - ii. Certain GRS schedules may be deleted by NARA so that it may appraise an agency's records on a case-by-case basis for archival value.
  - iii. Certain departmental administrative records may be unique.
- B. This handbook also contains the NARA-approved schedules which the Department has developed to cover its unique functions and programs.

#### **16. RECORDS DISPOSITION AUTHORITY**



- A. **Electronic Records Archive (ERA) Form SF-115.** All records disposition schedules must be prepared using a form SF-115. This process is now done electronically through the ERA System.
  
- B. **Concurrences Required.**
  - i. Program Office. The office(s) creating and/or keeping the records covered by the schedule must concur. The DRMO can assist in determining the appropriate concurrences.
  - ii. Legal Concurrence. To make sure legal needs are considered, the Office of the General Counsel must concur.
  - iii. Audit/Investigation Concurrence. The Office of the Inspector General (OIG) must concur to make sure audit and investigative needs were considered.
  
- C. **Submission of SF-115 through ERA.** The DRMO must certify the proposed schedule by signing and dating the SF-115 as agency representative.
  - i. NARA. The DRMO will forward the request to NARA.
  - ii. GAO. The DRMO forwards the request to GAO. GAO approval is required for a schedule covering:
    - 1. Administrative functions where the proposed retention periods are less than those in the GRS.
    - 2. Program records to be kept for less than 3 years.
    - 3. Records relating to claims or demands by or against the Government when the proposed retention period is less than that required in the GRS.
  
- D. **SF-115 through ERA** prepared by a Federal Records Center (FRC). FRCs will prepare SF-115s to cover unscheduled records stored there, or to reduce retention period for scheduled records. NARA will clear their SF-115s with HUD before approving them. This process is now done electronically through the ERA System.

## **17. SF-115 CERTIFICATIONS REQUIRED FOR MICROFORMED RECORDS.**

When proposing to microfilm permanently valuable records, the Department is required to follow certain technical filming and storage standards. The SF-115 must be documented indicating that these standards have been met.

### **A. Certifications Required.**

- i. “This certifies that the records described on this form will be microfilmed in accordance with the standards set forth in 36 CFR part 1230.”
- ii. Storage conditions for the silver original microforms must meet the standards in 36 CFR 1230.20. Also, the first inspection date of the microforms must be indicated.

**B. Microform and Hard Copy Scheduling Requirements.** Separate disposition schedules must be developed for both the microform and the hard copy (paper) record.

**C. Retention Requirements.** Microforms must be given a permanent retention period based on HUD’s administrative, legal, and fiscal needs. Hard copies must be destroyed after the microform is checked and verified.

## **18. REQUEST FOR CHANGES TO HUD RECORDS SCHEDULE.**

**A. Form HUD-671.** Changes to a HUD schedule must be prepared on form HUD-671, Request for Change in HUD Records Schedule.

**B. Justifications for Changes.**

- i. Addition of new items.
- ii. Decrease in retention periods.
- iii. Increase in retention periods.
- iv. Deletion of a discontinued series.
- v. Addition of retirement instructions.
- vi. Designation of permanent records.
- vii. Converting records to microform.

## **19. SUBMISSION OF HUD RECORDS DISPOSITION AUTHORITY.**

**A. Retention periods must reflect sound administrative, legal, and fiscal requirements.**

- i. Reference Activity. Records are considered inactive when referred to once a month, or less, per file drawer.
- ii. Legal Factors. Federal statutes of limitations require keeping some records as long as legal actions are possible.
- iii. Files Containing Names. Name files are files on the rights and benefits of people and any transactions concerning them. These factors must be considered:

- 1. When the file closes.

2. What rights a person has by law after the file closes.
  3. The time limit for using those rights.
  4. HUD's administrative needs for audit and related purposes.
- iv. Special Administrative Needs. Temporary programs or special investigations may require retaining certain records for a longer timeframe than usual administrative requirements.
  - v. Duplication. Multiple copies of certain records may exist. The most complete documentation is the "record copy," and must be retained longer than other copies.
  - vi. Data from another source can reduce the retention period.
- B. NARA Limitations on Retention Periods. GAO has a 3-year maximum on temporary records. Longer retention periods must be justified and approved.
- C. GAO Audit Requirements. GRS 1.1 ensures availability of account records for GAO audit purposes. Potential GAO audit requirements for other records must be considered when proposing record retention periods.
- D. Risk. Proposing the timeframe for destruction of records must reflect a realistic assessment of future need for the records.

## **SECTION 3**

### **RECORDS DISPOSITION METHODS**

#### **20. APPLYING APPROVED SCHEDULES.**

- A. Records Disposition Schedules must be applied following approval by NARA.
- B. For HUD Program Records. Use the proper HUD records disposition schedule in HUD Handbook 2225.6.
- C. HUD Administrative Records. Use the GRS and HUD Records Disposition Schedule 3, Administrative Records.
- D. For Other Agency Records in HUD Custody. These record series do not belong to HUD, even though HUD creates and maintains them.
  - i. Official Personnel Folder (OPF). Legally, this record series belongs to the Office of Personnel Management (OPM). It documents each Federal employee's service, rights and benefits. HUD sends the OPF to the National Personnel Records Center in St. Louis, Missouri when the employee separates from the Department. OPM is responsible for the disposal of the OPF according to their retention policy.
  - ii. Individual Retirement Record (SF-2806). Legally, this record belongs to OPM. It documents the amount taken from a Federal employee's pay for the employee's retirement fund. HUD sends this record to OPM when the employee transfers or separates.
- E. Freezes on Destruction of Scheduled Records. The need for extending the retention period of records scheduled for disposal must be based on the Department's continuing administrative, legal, or fiscal need. A request to "freeze" their destruction must be in writing and must be submitted to the DRMO for approval by NARA. The written request must justify the need, give the current and proposed location of the records, and state when they can be destroyed. Requests to end the freeze must be directed to the DRMO. The DMRO must notify all HUD offices and NARA when the freeze or extension is no longer applicable.

**21. LOANS TO CONTRACTORS OR GRANTEES.** Contractors or grantees can be given temporary physical custody of HUD records when required by the terms of the contract or grant, and it is not practical or cost effective for them to make copies of the records or review the records in HUD offices.

## **22. RETIREMENT OF RECORDS TO A FEDERAL RECORDS CENTER (FRC).**

Retirement is the movement of inactive records from storage in office space to an FRC. (See Appendix 1 for a listing of FRCs.)

- A. Retirement of Personnel and Pay Records. General Records Schedules 2.0, Human Resources.
- B. Criteria for Retirement.
  - i. Inactive Records. Records referred to not more than once a month per file drawer.
  - ii. Ineligible for Immediate Disposal. Records not authorized for immediate disposal whose transportation costs will not exceed the resulting savings. Generally, records should not be retired if they will be destroyed within one year of retirement. Do not retire accountable officers' accounts records that are:
    - 1. Less than one year old and have not been audited without approval of GAO.
    - 2. Kept at overseas locations less than 3 years before retirement.
  - iii. When Volume Warrants. Volume must be at least 1 cubic foot (one box). A shipment of less than 5 cubic feet is not normally cost effective.
- C. Records Not Accepted by FRCs for Retirement.
  - i. Eligible for disposal but kept because of a HUD-Imposed or Court-Imposed Freeze. See paragraph 11-22E regarding "freezes."
  - ii. Unscheduled Records Covered by an SF-115 Approved Prior to May 14, 1973, Whose Disposition Instructions Were Not Authorized. The disposition instructions include "permanent," "retain," "not authorized for disposal," etc. Requests for exceptions must be justified in writing and submitted to the DRMO to obtain NARA approval. The request must include:
    - 1. Data on the record volume and the expected reference activity.
    - 2. An electronic SF-115 which is submitted through the Electronic Records Archive (ERA) attached to schedule the records.
- D. Records with a contingent disposition. Contingent disposition is based on an event taking place at some future, unspecified time. Requests for exceptions must be justified in writing and submitted to the DRMO to obtain NARA approval. The request must include:

- i. Series title;
- ii. Records schedule and item numbers;
- iii. Estimated annual growth;
- iv. Frequency of reviews for disposal;
- v. Justification for retirement to FRC.

E. Through Archives and Records Center Information Center (ARCIS). A SF-135, Records Transmittal and Receipt, must be prepared to retire records. Each Field Office must follow the current procedures and practices of the FRC for that particular area.

**23. OFFER.** If the records seem to have archival value, the Department must submit an offer of the records for permanent retention and immediate, or future transfer to the National Archives. If certain records seem significant in a series which is otherwise scheduled for disposal, the Department must prepare an offer for selection of only those records by NARA. A SF-115 must be submitted to the DRMO for NARA approval. Any restrictions on access and use of the records must be documented.

**24. DISPOSAL LIST.** For unscheduled HUD records no longer being created and which do not seem to have archival value, the Department must prepare a disposal list for their immediate or future disposal. A SF-115 must be submitted to the DRMO for NARA approval.

**25. TRANSFER.** A transfer changes the legal and physical custody of records from one agency/organization to another. This includes the transfer of permanent records to the National Archives. The National Archives accepts only records which it decides have enough historical or other value to warrant permanent retention.

A. Transfers Between HUD Offices. Official files must be transferred at the same time final authority and program responsibility are transferred. Only active records should be transferred. Inactive records should be retired to FRCs or destroyed under approved records disposition schedules.

B. Transfer to NARA.

- i. SF-277, Computer Magnetic Tape File Properties. This form must be used to describe automated records being transferred to NARA.
- ii. SF-258, Request to Transfer, Approval, and Receipt of Records to National Archives of the United States.

1. HUD-Prepared SF-258. The office having custody of the records must submit an SF-258 to the DRMO. This form must be

submitted to NARA for approval 60 days before the requested transfer date.

2. NARA-Prepared SF-258. NARA prepares an SF-258 and sends it to the DRMO to obtain clearance from the HUD office having legal custody of the records. The SF-258 must be returned to NARA 60 days before the transfer date.

- iii. Permanent Records Stored on Optical Disk. These are the only types of optical disks that can be transferred to the National Archives for permanent retention:

1. Analog videodiscs that typically contain photographs if they do not require any interactive software or non-standardized equipment. Original photographs of a permanent nature must be transferred to the National Archives along with a copy of the videodisc.
2. Compact disks used for digital audio playback.
3. Other permanent records must be converted to paper, microforms, or magnetic tape before transfer to the National Archives.
4. NARA must approve destruction of permanent records converted to optical disk.

- iv. Records Over 30 Years Old. The Archivist can transfer any HUD records over 30 years old that are unscheduled or scheduled as “permanent” to the National Archives by his/her action alone. If the records must remain in HUD for use in conducting current business, the Secretary must so certify in writing to prevent the transfer.

- v. Transfer to Presidential Library. The White House or NARA may request certain papers for a Presidential Library. Only copies of records defined as “personal papers” can be transferred. Requests for such material must be coordinated with the DRMO.

- vi. Transfer to Other Federal Agencies.

1. Approval Requirements. NARA must give written approval for one Federal executive agency to transfer records to another, except when required by law, Executive Order, Presidential reorganization, or Treaty, or the records are loaned for official use on a temporary basis.
2. Schedule Requirements. Schedules approved for one agency may not be used by another. HUD records disposition schedules must be revised when HUD transfers records or receives them as a result of a transfer. A form HUD-552, Request for Change in HUD Records Schedule, must be approved to add or delete schedule items.

3. Restrictions. Any conditions and limitations placed on the borrowing Federal agency must be documented when loaning records to other Federal agencies.

## 26. DONATIONS

A. Criteria for Donations are authorized only when:

- i. They consist of non-record material and temporary records which are authorized for destruction.
- ii. They do not contain information that cannot be revealed by law or is contrary to the public interest.
- iii. The proposed recipient agrees in writing not to sell the records as records or documents.
- iv. The transfer is made without cost to the Federal Government.
- v. NARA approval is obtained in advance.

B. Eligible Recipients.

- i. An eligible government, including foreign governments with an official interest in the records.
- ii. An organization.
- iii. An institution.
- iv. A corporation.
- v. A person or commercial business if the records directly relate to the custody or operation of properties acquired from the Government.

## 27. DESTRUCTION

A. Paper Records. Normally, paper records must be sold as wastepaper. The contract for sale must prohibit their resale for use as records or documents. See the following table for exceptions:

IF the records...	THEN...
Are security classified for national defense reasons.	See Handbook 1750.1, National Security Information.
Are restricted from public access and use by law, regulation, or HUD policy or directive.	Safeguard against disclosure. The contractor must pulp or shred wastepaper. The destruction must be witnessed either by a Federal employee or, if authorized by HUD, by a contractor employee.



Cannot be sold because the:                      Place them in wastebaskets.  
. Volume is too small.  
. Market price is too low.  
. Records must be sorted and  
cleaned first.

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- B. Records on Other Media. Non-paper records (e.g., microforms; audio-visual materials; and magnetic tapes, disks, and diskettes) may be salvaged and sold in the same manner and under the same conditions as paper records, except:
- i. Erase and reuse media such as magnetic tapes and disks, if possible, or use a program which will completely overwrite the data to be destroyed. Simply telling an automatic data processing system to delete certain records will not protect against unauthorized access to the information.
  - ii. Turn in media subject to the precious metals (e.g., gold, silver, and platinum) recovery process when it cannot be erased and reused. (Source: 41 CFR subpart 101-42.3) Examples are: original (silver halide) microforms, used photographic fixing (hypo) solution, and photographic and x-ray film. Use the normal procedures and forms for turning in excess Government property but note on the forms if access to data on the media is restricted by law, regulation, or HUD policy or directive.

**28. RETRIEVING RECORDS FROM AN FRC.** An Optional Form-11, Reference Request - Federal Records Center, must be completed for each folder or box needed. If two folders or boxes are adjacent, one form can be used.

- A. Headquarters. Written requests must be sent through the Records Center Liaison Unit (RCLU). Certain Office of Housing employees, identified by the DRMO, are authorized to request single family home mortgage insured case files directly from the FRC. In emergencies, certain Housing and Office of Community Planning and Development employees may request records directly in the absence of the RCLU staff and DRMO.
- B. Field Offices. The Field Office RMLOs are authorized to request records directly from local FRCs.

## **SECTION 4**

### **OFFICIAL FILES AND FILE STATIONS**

#### **29. OFFICIAL AND UNOFFICIAL FILES.**

- A. Official files (also called record copies) should be identified and kept separate from unofficial files (also called non-record material).
- B. Official files (record copies) contain the documents known to be a complete record of official Government business.

#### **30. PROCEDURES FOR STORING RECORDS OUTSIDE OFFICES**

##### **A. Headquarters**

- i. Clearance is required before storing records outside Headquarters offices, including:
  - 1. Hallways, elevator lobbies, or the subbasement.
  - 2. Room B-229 assigned to the Office of Digital Enterprise, Office of Administration. Room B-229 is used as a staging area for records awaiting:
    - a) Retirement to the FRC.
    - b) Scheduled destruction in less than one year.
    - c) Transfer to the National Archives under an approved offer.
- ii. Storage requests must be written and must:
  - 1. State where the records are to be stored and for how long.
  - 2. Describe all records involved, including arrangement, dates, and volume (in cubic feet).
  - 3. Cite the records disposition schedule (both the schedule and item numbers) covering the records.
  - 4. Certify that they are meeting the disposition standards covering all records filed in that office.
  - 5. Certify that all records retention periods are as short as possible, and that records are being retired to the FRC as soon as possible.
  - 6. Briefly discuss the feasibility of micrographics as part of the solution to any existing records management problem.
- iii. Send requests to Office of Digital Enterprise, Office of Administration.

B. **Field Offices.** This paragraph neither authorizes nor prevents Field Offices from allowing records storage outside offices at their locations. This must be decided by each FSS and ARD. However, where allowed, FSSs should develop procedures similar to those of Headquarters.

## **SECTION 5**

### **FILING EQUIPMENT AND SUPPLIES**

**31. POWER FILES.** A complete analysis must be submitted when requesting these files. The analysis should include specific data on increased productivity, space savings, elimination of backlogs and overtime and reduction of staff hours to maintain the files.

#### **32. REQUESTING FILING EQUIPMENT FOR PAPER MEDIA**

A. Before requesting filing equipment:

- i. Destroy eligible records under approved HUD records disposition schedules.
- ii. Retire eligible records to the FRC.
- iii. Request a schedule change when experience shows that records can be destroyed or retired to a Center earlier than the schedule allows.
- iv. Recycle or destroy excess copies of directives, forms, or publications.

B. DO NOT STORE personal property, supplies, and decorations in filing equipment.

C. The approval office's decision will be based on cost of the filing equipment, available funding, anticipated use and available office space.

#### **33. REQUESTING FILING EQUIPMENT FOR SPECIAL MEDIA.**

A. **Microforms** justify the request for nonstandard equipment.

B. **Special Media**

- i. Contact the Property Supply Branch, OAMS, for information about the types of filing equipment available for other special media.
- ii. Data files. Include cassettes, cartridges, tab and magnetic cards, diskettes, computer printouts, and computer tapes, disks, and reels.
- iii. Card files.
- iv. Drawings, blueprints, other large documents, tracings, map and plan files, and charts.

## **SECTION 6**

### **REFERENCE SERVICES**

#### **34. RELEASE OF RECORDS TO SOURCES OUTSIDE HUD.**

- A. The decision to release or not to release information to a source outside the Department is governed by the requirements of the Freedom of Information Act (FOIA) and the Privacy Act.
- B. Records shall be released to an outside source if approved by the head of the organization having primary responsibility for the program or activity concerned (or that individual's designee) and the release is made under the provisions of the FOIA.
- C. Release of records containing personal information shall be made only by the Privacy Act Officer, except if the release is required by the FOIA.
- D. Before releasing any information to outside sources, consult HUD Handbooks 1325.01, Privacy Act Handbook, and 1327.1, Freedom of Information Act.