Departmental
Records and Information Management
Handbook
HUD 2228.1

Preface

A properly maintained records and information management program is vital to the successful operation of the U.S. Department of Housing and Urban Development (interchangeably, the Department or HUD). All departmental functions highly depend on information, including appropriations and allocation of resources, administration of programs and operations, management of Federal employee programs, and public service. Broad managerial support of, and employee adherence to, this Handbook will enable the Department to meet its statutory and regulatory requirements and have a records and information management program that we can be proud of.

Time- and cost-effective information management practices are essential components of an efficient records management program, which can improve compliance, program integrity, and risk management, while reducing administrative burden. Information, however, can be expensive to create and maintain; therefore, it is imperative that all HUD employees manage and share information effectively and efficiently. Without an effective records and information management program, control of information can be easily lost, for example, by mixing mission-critical information with administrative trivia, maintaining multiple copies of the same documents, or other non-record materials, all of which are then needlessly stored, backed up, searched, and migrated year after year.

Records are both physical and electronic and are created, captured, edited, maintained, transmitted, retrieved, and stored in an ever-increasing number of mediums, such as flash drives, social media, network disk drives, hosted cloud environments, websites, and a variety of document management applications. Records consist of paper, photographs, film and audiotape, electronic mail systems, and other forms of electronically stored data. In addition, records may include text, graphics, sound recording, video recordings, or streams of data generated from a variety of software. The proliferation of electronic information has resulted in electronic copies of records and non-record material existing simultaneously on standalone workstations, local area networks, and computer system backup tapes.

Electronic information must be well-managed to ensure that electronic records are protected, retained, and disposed of in accordance with records disposition schedules. This requires coordination among records managers, program managers, originators of electronic records, organizational administrators, and computer systems managers. Only then can all electronic information, including drafts of documents, deleted files, and extraneous copies of records and non-record material be identified and properly dispositioned (i.e., destroyed or retained for permanent use).

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CHAPTER 1: INTRODUCTION AND BACKGROUND

Managing the information generated through the development and use of modern information technology is a challenge. Already, the rapid growth of information technology has changed agencies' internal work processes and workplace activities and has significantly influenced the use of information as a strategic and valuable resource.

Effective information management is necessary to carry out an organization's mission. Planning and resource decisions must be driven by clearly understood and communicated mission and business processes, consistent decision criteria, and well-defined information uses and services. Agencies are responsible for making measurable improvements in mission performance and service delivery through information management and the strategic application of information technology. Coordinating the Department's approach to information management across Department offices will facilitate improvements to existing systems, share successful practices, and integrate emerging technology throughout the organization.

The Federal Records Act requires Federal agencies to develop and maintain an active, continuing records and information management (RIM) program, and to schedule all agency records for disposition. For administrative records common to several or all agencies of the Federal Government, this is accomplished through the General Records Schedule (GRS), issued by the National Archives and Records Administration (NARA). NARA also approves agency-specific schedules for unique program and administrative records not covered by the GRS. The Federal Records Act includes penalties for non-compliance.

CHAPTER 2: RECORDS AND INFORMATION MANAGEMENT PROGRAM

The objectives and responsibilities of the Records and Information Management (RIM) Program, which fall under the Office of Administration, Office of Digital Enterprise, Electronic Records Management Division, are to comply with the program's legal responsibilities and delegated authorities. This handbook establishes the basis for an active, continuing program for the effective, economical, and efficient management of records and information within HUD, as required by Federal statutes and regulations. The Branch will disseminate this handbook throughout the Department, including publishing it to HUD's Intranet and Internet.

2.1 Scope

The Office of Digital Enterprise, Electronic Records Management Division has delegated authority under the Deputy Secretary of HUD to oversee the development of a RIM program. An effective records management program is a system that tracks the lifecycle of each record, which means determining and documenting each record's creation, function, length of usefulness, maintenance, and legal authority for eventual disposition or permanent retention.

The specific goals of the program are to:

A. Move inactive records out of high-cost space in offices to lower-cost storage space in Federal records centers (FRC);

B. Ensure that records of permanent value are identified, earmarked, and properly kept for later transfer to NARA;

C. Destroy records of temporary value when their retention periods expire;

D. Assist senior management with informed policy and program determinations;

E. Assure the fullest possible historical documentation of official legal, administrative, fiscal, and program actions;

F. Make public records readily accessible to the public, ensuring Government accountability;

G. Protect the privacy and confidentiality of appropriate records;

H. Make records research and records management more organized and efficient; and

I. Protect essential records from being lost, damaged, or destroyed by negligence or natural disaster.

2.2 Legislative and Regulatory References

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. **36 CFR § 1222.14** defines non-record materials as U.S. Government-owned documentary materials that do not meet the conditions of records status (See §1222.12(b)), or that are specifically excluded from the statutory definition of records (See 44 U.S.C. 3301). An agency's records management program also needs to include managing non-record materials.

D. **36 CFR § 1222.16** requires agencies to develop recordkeeping requirements to distinguish records from non-record materials.

E. **36 CFR § 1222.26** mandates that each agency's programs develop general recordkeeping requirements. 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.

F. **36 CFR § 1222.34** specifies how agencies must 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.

G. **36 CFR § 1236** specifies the requirements of an "Appropriate Electronic Recordkeeping System" and details how agencies must maintain electronic records.

H. **Office of Management and Budget (OMB) Managing Government Records Directive (M-19-21)**, Federal agencies shall electronically manage all temporary and permanent records by December 31, 2022.

I. **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, 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.

J. **Federal Records Act Amendments of 2014 – Sec 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. The Act provides for disciplinary action against an agency officer or employee for an intentional violation of such prohibition.

K. **The Clinger-Cohen Act (CCA)**, formerly the Information Technology Management Reform Act of 1996 (ITMRA), is a Federal law designed to improve the way the Federal Government acquires, uses, and disposes of information technology (IT). It supplements Government information resources management policies by establishing a comprehensive approach for executive agencies to improve the acquisition and management of their information resources by focusing information resource planning to support their strategic missions; implementing a capital planning and investment control process that links to budget formulation and execution; and re-thinking and re-structuring the way they do their work before investing in information systems.

L. **Office of Management and Budget (OMB) Circular A-130** implements the Paperwork Reduction Act (PRA) and provides guidance for the integration of records management with other information resources management (IRM) disciplines. It reaffirms that records include information in any form; and, that agency heads must ensure that records management programs provide adequate and proper documentation of agency activities, ensure the ability to access records regardless of form or medium, establish and obtain approval of retention schedules for Federal records from the Archivist, and provide training and guidance to agency officials, employees, and contractors regarding their records management responsibilities.

M. **Executive Order (E.O.) 13526, Classified National Security Information,** prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. Protecting information critical to our Nation's security and demonstrating our commitment to open Government through accurate and accountable application of classification standards and routine, secure, and effective declassification are equally important priorities.

N. **The Freedom of Information Act (FOIA), 5 U.S.C. 552,** provides that any person has a right to access Federal agency records, other than those falling into any of the nine exempt categories of information protected from disclosure under the Act. The Electronic FOIA Amendments of 1996 (Pub. L. No. 104-231) requires agencies to provide electronic copies of records if they are readily reproducible electronically. The Department's Freedom of Information Act Manual 1327.1 provides additional guidance regarding the FOIA.

O. **The Privacy Act of 1974, 5 U.S.C. 552a**, attempts to balance the Government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from an agency's collection, use, maintenance, and disclosure of personal information. Please refer to the Privacy Act Handbook 1325.01, REV-01, for guidance.

P. **The Federal Information Security Management Act of 2002 (FISMA), 44 U.S.C. § 3541**, et seq., requires each Federal agency to develop, document, and

implement an agency-wide program to provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source.

2.3 HUD's Policies

HUD's records management policies:

A. Provide for efficient, economical, and effective controls for disposing of all HUD records. HUD's basic premise is that most records need not and cannot be kept permanently or even for long periods;

B. Develop HUD records disposition schedules on a program or functional basis, instead of by organization. Any organizational schedules must be changed to program or functional schedules. Promptly apply approved records disposition schedules and disposal lists to HUD records. Schedules and lists are approved by NARA;

C. Encourage the inclusion of critical elements pertaining to records disposition management in individual performance appraisal plans, where appropriate; and

D. Consider the retention periods of source documents and related textual records when establishing retention periods for automated files.

CHAPTER 3: 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.

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.

CHAPTER 4: RECORDS MANAGEMENT INVENTORY AND ASSESSMENT

4.1 General

All Federal employees create and work with Federal records. Federal records include emails, instant messages, presentations, reports, spreadsheets, texts, voicemails, and much more. Without effective records management, successors may be unable to build off your work. Further, if you are a high-level official, the records you create and receive are likely to one day be transferred to the National Archives for historic preservation. Implementing good records and information management practices help agencies to minimize costs and operate efficiently.

It is the management of each program office throughout the government responsibility to manage their records. Records Managers, Liaison, and Coordinators simply provide evaluation, training, and reporting support. It is implied throughout that the program management is responsible for carrying out the records management activities.

All HUD records schedules should be media neutral (36 CFR 1225.12(e)). Media neutral schedule items are items on a records disposition schedule (i.e., form SF-115, Request for Records Disposition Authority) that are applied to the described records regardless of their medium. Every program office is covered by a records schedule, and all schedules are available on the Department's Intranet, and/or by contacting the Records Management Branch.

A. A record inventory is a survey of agency records and non-records materials conducted primarily to develop record schedules. The inventory is accomplished by:

1. Describing, quantifying, and recording specific information about the records; and

2. Creating a very concise, yet comprehensive, descriptive listing of each record series, or information system, together with an indication of the location and other pertinent data.

B. A file plan is a list of records in your office that describes how the records are organized and maintained.

C. To prepare for requesting a new disposition authority from NARA, the process of determining and establishing a records schedule for the appropriate retention period and ultimate disposition of a series, you must learn about the Department or program whose records are being scheduled, including its functions and recordkeeping requirements and practices. You must also learn about the types of records and formats that you will be scheduling, including their retention requirements, disposition requirements, and importance to the Department or program. This information is acquired through three types of analyses: business analysis, records analysis, and risk analysis.

1. Business Analysis: The goal of the business analysis is to get to know the Department's mission, structure, and work processes by:

a. Identifying and documenting business functions, activities, and transactions;

b. Establishing the connections among functions, activities, and transactions; and

c. Identifying the workflow and transactions.

2. <u>Records Analysis</u>

   a. Process to determine records retention and disposition requirements, based on how the records are used to support the business needs of the organization.

   b. Used to determine if records are utilized to ensure Government accountability and protect the rights of citizens.

   c. The results of the records analysis, in combination with the results from the business and risk analyses, is used to determine the value of the records, which, in turn, is used to determine the retention/disposition requirements.

3. <u>Risk Analysis</u>

   a. Assesses what would happen to an agency and its programs if certain records were not available.

   b. Is used to determine:

      i.   Importance of records to the agency business needs;

      ii.   Impact to agency's business or mission if records are not kept, are lost, or mishandled, and

      iii. Retention length for records and information to protect the organization and/or agency.

   c. A risk analysis is often performed in conjunction with a business analysis and a records analysis, prior to scheduling records. The results of all three analyses are used to determine the value of the records, and subsequently, the records' retention and disposition requirements.

4.2 Policy

A. All program offices RMLOs, with the assistance from the Records and Information Management (RIM) Division, will conduct annual inventories of their records management program, updating inventories and file plans.

B. All Federal electronic records that have been appraised and scheduled for permanent retention must follow established NARA guidelines. Specifically, regulations that cover electronic records that are created, used, and managed on computer systems and that can be moved between computer file systems without alteration of the original method of encoding, which:

   1. Applies to records that originated electronically, such as emails, word processing files, or digitally recorded sound, and

   2. Includes those that are digital representations of records that originated in a non-electronic form, such as paper or film.

C. Approved agency records schedules and the General Records Schedules are mandatory, as described in 44. U.S.C. 33033a. Records series or systems eligible for destruction must not be maintained longer than required without the prior written approval of NARA (as described in 36 CFR 1228.54) except when:

   1. The agency has requested a change in the retention period for the record series or system in accordance with 36 CFR 1228.32; or

   2. Records are needed for up to one year beyond the date they are eligible for disposal. When such records are in a records facility, the agency must notify the facility for the need for continued retention of the records.

D. The records management and transfer requirements for audiovisual and cartographic formats that are dependent on specific physical media are described in 36 CFR 1237.

E. Metadata requirements are specified in NARA Bulletin 2015-04, Metadata Guidance for the Transfer of Permanent Electronic Records.

F. Additionally, agencies must comply with the requirements for documentation and metadata described in 36 CFR 1235.48, 1236.12, and 1237.28.

4.3 Coordination and File Management

The RIM program's responsibilities include:

A. Serving as the primary point-of-contact and principal advisor on all matters concerning the management of records and information;

B. Participating in the development and application of new technologies to ensure that records and information management principles and requirements are incorporated;

C. Representing the Secretary to the Archivist of the United States and NARA, as well as

other Federal agencies, on all records management issues;

D. Coordinating records and information management issues with other Federal agencies, particularly NARA, the U.S. Office of Management and Budget (OMB), and the Department of Justice (DOJ);

E. Planning, developing, implementing, and evaluating programs, policies, rules, regulations, practices, and procedures on behalf of the Sectary to ensure compliance with the letter and spirit of the Federal Records Act and other relevant statutes, executive orders, and guidelines;

F. Ensuring agency-wide compliance with records and information lifecycle management and promoting the integration of lifecycle management principles in the agency's business and operations;

G. Conducting education and outreach programs on policies, roles and responsibilities, and methods for the implementation of records and information management requirements;

H. Analyzing, evaluating, and overseeing records programs, activities, and operations;

I. Coordinating the Records Management Liaison Officers (RMLOs) activities;

J. Providing expert advice and counsel in records and information lifecycle management and the protection of information;

K. Providing guidance to program offices on the implementation of litigation and preservation holds and supporting the Office of the General Counsel (OGC) in litigation activities as appropriate;

L. Developing policies and procedures to ensure the maintenance and preservation of the records and information of the Department;

M. Developing, reviewing, and updating disposition authorities and records schedules to ensure the appropriate preservation and disposition of the Department's records;

N. Providing for the transfer of inactive records to a records center maintained and operated by the National Archives and Records Administration (NARA); and

O. Managing the Interagency Agreement with NARA for storage of and services on HUD records.

4.4 Creation and Maintenance of Records

Records Definition: This is foundational and critical. As defined in 44 U.S.C. 3301, the term is deliberately broad and includes: 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 information value of data in

them.

4.5 Non-record Materials

Non-Records Definition: The distinction between records and non-records is critical to ensure compliance with applicable authority while preventing inefficiency, as defined by FR 1222.14. Non-record materials are federally-owned documentary materials that do not meet the conditions of records, or that are specifically excluded from the definition of records, such as:

    A. Library and museum material (but only if such materials are made or acquired and preserved solely for reference or exhibition purpose), including physical exhibits, artifacts, and other material objects lacking evidential value;

    B. Extra copies of documents (but only if the sole reason such copies are preserved is for convenience of reference); and

    C. Stocks of publications and of processed documents. Catalogs, trade journals, and other publications that are received from other Government agencies, commercial firms, or private institution and that require no action and are not part of a case on which action is taken.

4.6 Personal Papers

Some Government employees, especially executives, senior staff, scientists, and other specialists, accumulate and keep various personal papers at the office. The maintenance of personal papers in agency space and equipment may require agency approval and also compliance with Federal and agency requirements. If kept there, such personal papers must be clearly designated as such and maintained separately from Federal records and non-records.

Personal Papers Definition:
Personal papers are documentary materials belonging to an individual that are not used to conduct agency business. They relate solely to an individual's personal and private affairs or used exclusively for that individual's convenience. Personal papers may refer to, or comment on, the subject matter of agency business, provided they are not used to conduct that business.

Materials accumulated by an individual before joining Government service that are not later used to conduct Government business. Examples include previous work files, political materials, and reference files.

Materials brought into or accumulated in the office that are not used to conduct agency business and that relate solely to an individual's family matters, outside business pursuits, professional activities, or private political associations. Examples include family and personal correspondence, volunteer and community service records, literature from professional organizations, and manuscripts and drafts of articles and books.

Work-related materials, such as diaries, journals, notes, personal calendars, and appointment schedules, that are not prepared, received, or used in the process of transacting agency business. Although these materials contain work-related information, they are personal papers if they are claimed as such and serve only the individual's own purpose (e.g., as reminders and personal observations about work-related and other topics). This category is the most difficult to distinguish from agency records because of its work-related content.

4.7 Safeguarding Records

All program office officials shall create and maintain adequate and proper documentation of the program for which they are responsible. The record of the conduct of Government business must be complete and accurate to document the organization, functions, policies, decisions, procedures, and essential transactions of their office, and to protect the legal and financial interest of the Government and of persons directly affected by their activities.

A. Each program office shall establish procedures to ensure participation of the RMLO in developing new or revised programs, processes, systems, and procedures to ensure that adequate recordkeeping requirements are established and implemented.

B. Each program office shall establish and maintain an appropriate records maintenance program so that:

   1. Complete records are filed and can be located and retrieved when needed;

   2. The identification, preservation, and retirement of permanent records is facilitated;

   3. Permanent and temporary records are segregated;

   4. Records and non-record materials are segregated;

   5. Temporary records are disposed of promptly when their retention periods expire, except when the records are the subject of a pending request, appeal, or lawsuit under the Privacy Act, or are the subject of a litigation hold issued by the Office of General Counsel, Office of Inspector General, or otherwise relate to any pending or anticipated civil, criminal, or administrative proceeding (if a litigation hold is in place, data and records must be preserved and the hold trumps any records retention disposition schedule until the litigation hold is closed), or to other program activity when the information, if lost, would impair or prejudice Government policy determinations, decisions, or other actions;

   6. Permanent records are transferred to NARA in a timely manner;

   7. The Department shall file their records in accordance with a pre-planned system, and there should be standard procedures for records maintenance and safekeeping (See Appendix 3, File Management Guide (A000.1G Filing Operations);

   8. The Department shall periodically review its records and information management program to ensure that proper records management standards are adhered to, including, in particular the requirement that permanent records are properly maintained and timely retired to a Federal records center or otherwise preserved as required by NARA. Documentation of this review shall be forwarded to the Department's Records Management Officer; and

   9. The Department shall ensure that Federal records created at an employee's home or other off-site location are maintained in accordance with approved disposition schedules and separated from personal and private records.

C. Records and non-record materials are the property of the Federal Government, not of individual employees. Each Department officer or employee having custody or control over records or non-record materials is responsible to ensure their proper use and protection. No manager or employee shall allow Department records or non-record materials to leave the custody of the Department, even on a temporary basis, or be printed or copied for personal use, other than as authorized by this handbook.

1. All officers and employees shall maintain records and non-record materials separately from one another.

2. The RMLO shall establish informational programs to ensure that all officers and employees are aware of their records management responsibilities. Periodic memoranda to all employees, briefings, posters, and brochures are suitable techniques for disseminating this information. The following information, at a minimum, should be disseminated:

   a. The concealment, mutilation, obliteration, falsification, or unauthorized removal or destruction of Federal records is unlawful and carries a penalty of a fine or imprisonment for not more than 3 years, or both, and the forfeiture of position and disqualification from holding Federal office (18 U.S.C. 2071(b));

   b. Employees must report to their supervisor and the RMLO any apparent instances of unauthorized disposition; and

   c. Each RMLO must report to the ARO and NARA any unlawful or accidental removal, defacing, alteration, or destruction of Department records (44 U.S.C. 3106).

3. Program office officials shall implement and maintain an effective records security program that incorporates the following:

   a. Ensures that only authorized personnel have access to electronic records;

   b. Provides for backup and recovery of electronic records to protect against information loss; and

   c. Ensures that appropriate agency personnel are trained to safeguard sensitive or classified electronic records.

      i. Minimizes the risk of unauthorized alteration or erasure of electronic records.

      ii. Ensures that electronic records security is included in computer systems security plans prepared pursuant to the Federal Information Security Management Act of 2002 ("FISMA", 44 U.S.C. 3541, et seq.).

4.8 Records Evaluation, Inventory, and Appraisal

A. Evaluation

1. Federal records need to be distinguished from non-records materials and personal papers for disposition purposes. Non-record materials require only agency approval for disposition, and the individual owner determines the disposition of personal papers. In contrast, the disposition of Federal records is authorized only when an agency has received NARA's approval.

2. Once the Department has received approval from NARA to use approved record schedules, the Department Records Officer will review record management policy within the program offices, field offices, and regional offices. The Electronic Records Management Division will conduct evaluations (36 CFR 1220.18) and (36 CFR 1220.34 (j) annually at Headquarters, and Regional offices. Field offices will be evaluated by ERMD on a triennial cycle.

B. <u>Inventory</u>

1. The first step in developing a schedule is to inventory the records and determine what exists (36 CFR 1225.12(b). An inventory includes the following:

   a. Locate all records and non-records materials of the organization or function concerned, including any material not stored in filing equipment;

   b. All records and non-record material whatever their physical form (e.g., microform or electronic files);

   c. Give clear and brief records descriptions and disposition instructions;

   d. Tell how often the records are used; and

   e. Assign retention periods to both record and non-records materials.

2. An inventory can help uncover the following problems:

   a. Poor use of filing equipment;

   b. Unnecessary duplication;

   c. Poor records security practices;

   d. Vital records that have not been identified;

   e. Unnecessary reports;

   f. Directives distribution problems; and

   g. Documentation problems.

3. Records inventories and schedules deal with records in terms of their "series." A series is a group of records which:

a. Have the same physical form;

b. Are arranged under a single filing system;

c. Relate to a specific subject;

d. Document a certain kind of transaction; and

e. Are produced by the same activity.

C. Appraisal

1. An appraisal is the process of deciding each series' value. HUD appraises its records when developing its schedules. The Archivist of the United States has the statutory responsibility, as codified in the Federal Records Act, 44 U.S.C. chapters 21, 29, and 33, to decide how long records must be retained and which records have archival value.

2. NARA appraises records before approving schedules. Through this process, all records are in one of these categories:

   a. Permanent:

      i. Records to be kept in the National Archives; selected by NARA; and

      ii. Typically, only 5 percent of an agency's records are permanent.

   b. Temporary:

      i. Records that are disposable now or later; and

      ii. Typically, 95 percent of an agency's records are temporary.

D. Primary Values

A record's primary value is defined within the context of HUD's administrative, legal, and fiscal needs. Records are considered temporary and therefore disposable pursuant to established records schedules, if they have one or more of these primary values but no secondary ones (see below):

1. Administrative value:

The usefulness of records in helping HUD with its current work. Administrative value may be:

a. Short-term: Normal housekeeping records, such as requisitions, have short-term administrative value because they document routine transactions which are quickly completed.

b. Long-term: The value of records as evidence of legally enforceable rights or obligations of the Government.

2. Legal value:

   The value of records as evidence of legally enforceable rights or obligations of the Government.

3. Fiscal value: The value of records to show financial transactions.

E. Secondary Values

A record's secondary value is defined within the context of its possible research value to others *after* HUD's needs are met. Secondary values are also called archival values. NARA alone selects records for permanent retention in the National Archives based on these secondary values.

1. Evidentiary value:

   The value of records as evidence of HUD's organization and functions. These records show how the Government saw and met the needs of its citizens.

2. Informational value:

   a. The value of the information the records have on persons, things, problems, and conditions with which HUD dealt.

   b. NARA uses three tests to decide if records have informational value:

      i. Uniqueness: When information cannot be found elsewhere in a complete and useful form;

      ii. Form: The degree the information is concentrated, the physical condition of the records, and ease of access to the data; and

      iii. Importance for research purposes.

4.9 Preparing Schedules, Disposal Lists, and Offers

Separate the usually significant records and prepare an offer asking NARA to approve their selection for permanent retention and their immediate transfer to the National Archives.

4.10 Scheduling Records

A. Scheduling records is the process of developing a document that provides mandatory instructions for what to do with records (and non-record materials) no longer needed for current Government business. This document is a Records Schedule, interchangeably referenced as a Records Disposition Schedule, Records Control Schedule, or a Records Retention Schedule.

B. NARA issues the General Records Schedule (GRS) to cover the disposition of records common to most Federal agencies, mainly records of administrative functions and certain non-textual records. All Federal agencies must use the GRS and develop Records Schedules to cover their agency-specific mission, programs, services, products, and resulting records.

This is accomplished by the following: Upon discovering unscheduled record series, program office should complete a form HUD-67 Record Series Inventory Sheet and submit it and a HUD Form 671 to the Electronic Records Management Division (Departmental Records). After preparing an inventory and appraising unscheduled records, a Form 671-A should be prepared, and the disposition authority request submitted to the National Archives via the NARA Electronic Records System (ERA);

1. Update and/or prepare records schedules since Federal records may not be destroyed or otherwise alienated from the Government except in accordance with procedures prescribed in 36 CFR 1225.12;

2. Create schedules, which may be initiated by the responsible program official with the advice and assistance of the RMLO. The schedule should be drafted on an Electronic Records Archives (ERA), "Request for Records Disposition Authority," reviewed by the program office records management officer, and forwarded to the Archivist for approval via the ERA tool;

3. Schedule all records of a department, including those created or maintained by the Government by a contractor, as prescribed in 36 CFR 1225.10, regardless of form or media, but they need not be scheduled at the same time. Records of one function, program, or organizational element may be scheduled at a time;

4. Create annual updates, and maintain a Records Schedule because obtaining approval of a new records schedule takes several months or longer;

5. Prepare one schedule at a time, focusing on schedules for large organizational elements or functions that are unlikely to be abolished or transferred frequently. Such schedules should not be subdivided based on the likelihood that they will be

abolished, transferred, or realigned as the result of internal reorganizations;

6. Make the record retention schedule consistent across identical information stored in multiple media, such as paper and disk, absent a business need;

7. Issue a comprehensive manual of all schedules after all the records of program offices are scheduled. Each record series description must include the job and item numbers assigned by NARA when it approved the disposition of those particular records;

8. Consult the GRS before drafting a schedule for the disposition of temporary records to ensure they are not already covered, as the GRS instructions are mandatory unless an exception is approved by the Archivist on an ERA;

9. Dispose of GRS Scheduled Records without further clearance from NARA;

10. Comply with Archivist determinations for selective retention of records of continuing value;

11. Consult the Archivist GRS minimum records retention standards for records common to all activities, regardless of mission (36 CFR 1227.12);

12. Request Archivist approval for deviation from the published GRS disposition standards, as any series of records shall submit for approval a "Request for Records Disposition Authority" to NARA (NWML), 8601 Adelphi Road, College Park, MD, 20740-6001;

13. Obtain concurrence statement from any other Federal agency which has an interest in the disposition of the records and provide it to the Archivist whenever the Agency is requesting a shortened GRS retention period; and

14. Obtain Government Accountability Office (GAO) concurrence for the disposal of program records less than 3 years old, of certain records relating to claims or demands by or against the Government, and of records of accounts in which the Government is concerned.

C. Revising Records Schedules

Once a year, each office must review the records disposition schedule(s) covering their records for needed revisions. A schedule can become out-of-date and useless when changes occur in:

1. The amount of records storage space;
2. HUD programs and responsibilities;
3. Use of automation or other techniques affecting the physical nature of records;
4. Internal organization;
5. Management policies; or
6. Paperwork flow affecting the content of a record series.

D. Request a Schedule Change

To request a change in a HUD Records Schedule, you must complete form HUD-552, "Request for change in HUD Records Schedule." These are the types of schedule changes that can be requested:

1. Add new schedule items to cover records:

   a. Missed during the records inventory or when the schedule was prepared.

   b. Created by new programs. These records must be scheduled with one year of implementation (36 CFR 1225.22 (b)).

   c. Retired to the Federal Records Center, unscheduled, years ago. Inadequately covered by the GRS. Deviations from the GRS must have NARA approval. Approved deviations are included in HUD Disposition Schedule 3, "Administrative Records."

2. Make schedule items clearer. Items should reflect how the records are normally filed and cut off.

3. Cut retention periods. Review records series kept more than 5 years or growing more than 5 cubic feet a year to see if the retention period can be cut. The law or regulations may have changed, or summary records may now exist.

4. Increase retention periods. Request for longer retention periods must be based on sound administrative, legal, or fiscal requirements. If a loner retention period is needed for less than a year, or for only part of a series, the schedule does not need to be changed.

4. 11 Records Retention Under Litigation

A. Records management is vital to today's document intensive litigation and is often the single largest budget item associated with litigation. Paying employees to sort, number, copy, and analyze thousands of documents is costly and time-consuming. A well-designed and implemented records and information management program, including strict adherence to records disposition schedules, will streamline retrieval and production and reduce substantially the discovery and investigative costs associated with litigation.

B. Records retention schedules are suspended for records relating to a litigation matter, claim, audit, or other legal action. When such actions are pending or deemed sufficiently likely, the Office of the General Counsel (OGC) will coordinate with the ARO and issue a notification requiring the retention of documents related to the matter. Employees must then preserve all documents and records, whether in paper, electronic, or other form, described in the notification. In addition, before disposing of a document scheduled for disposition, an office must determine whether the document is subject to an OGC document retention notification.

B. To ensure compliance with OGC records retention notifications, the notifications are posted on all appropriate HUD Intranet sites. Furthermore, the appropriate program managers, or other officials, convey the information to contractors to ensure that they also

retain any records in their possession that are covered by the notification. A records retention schedule suspension applies to all documents and records management applications.

C. It is the responsibility of the ARO to ensure that records and other documents that pertain to any potential, pending, or ongoing litigation, claim, audit, administrative review, or Freedom of Information Act (FOIA) request are retained until further notification from the Office of General Counsel.

4.12 Essential Records (Vital Records)

A. The Essential Records program provides for the selection and protection of core records required for the Department's emergency preparedness programs to ensure the continuity of essential Department activities during and following a national disaster. The main objectives of a vital records program are to:

1. Prevent or limit losses and hardships;
2. Minimize the interruption of essential services;
3. Designate alternatives for continuing essential services;
4. Identify and ensure access to records necessary to carry out essential Department operations in time of emergency; and
5. File at the appropriate duplicated records repository.

B. Towards the fulfillment of the requirements above, HUD has established three National level emergency operating facilities:

1. Headquarters building,
2. HUD's National Relocation Site, and
3. the Federal Emergency Management Agency (FEMA) Special Facility.

C. Similarly, each HUD Regional office has two emergency operating facilities:

1. the Regional Office building and
2. the FEMA Federal Regional Center (FRC).

D. Almost all of HUD's vital records are readily available in Headquarters and Regional office buildings. It is therefore primarily for the emergency operating facilities other than those in the Headquarters and Regional office buildings for which vital records need to be identified and stored.

4.13 Records Retirement

A. "Retiring" a record means sending records to the FRC for storage, servicing, and ultimate destruction. Retired records remain in HUD's legal custody.

B. File breaks, also called cutoffs, reference ending one referenced records group and starting another after a set time or event. File breaks help retire or destroy records in blocks to save storage space and control file growth. The records disposition schedule

has file break instructions for some record series; however, a series can be broken as follows without instructions:

1. Do not break a series growing only a few cubic feet a year.

2. Break at the end of the fiscal or calendar year if the series grows at least 10 cubic feet a year. Break series every 2 or 3 years if it grows more slowly. Lacking a natural cutoff, subject files would have to be disposed of paper-by-paper without file breaks.

3. Case or project files break at the end of the transaction or event, such as:

   a. Employee separation
   b. Final purchase order payment
   c. Lease termination
   d. Project completion

Mark closed case files with the date of closing and put them in a separate inactive file. Retire or destroy the inactive files in convenient fiscal or calendar year blocks. Break case files covering many years by setting up a new folder each year. Retire earlier folders with little reference activity.

C. Technical Reference Materials

Review each year to see if they are still useful. Destroy when superseded, obsolete, or no longer needed for reference. Technical reference materials cannot be retired to an FRC.

D. Records Retirement Criteria

1. Retirement is the movement of inactive records from storage in HUD office space to the FRC. Any records meeting the retirement criteria can be retired to a center. Retire records which:

   a. Are inactive (referred to not more than once a month per file drawer).

   b. Are not authorized for immediate disposal and transportation costs will not exceed the resulting savings.

   c. Records generally should not be retired if they will be destroyed within one year of retirement.

2. Do not retire accountable officer's accounts that are less than one year old and not audited, unless GAO approves the retirement first.

   a. Are kept at overseas locations less than 3 years before retirement.

   b. Have a volume of at least one cubic foot (one box).

   c. Where retirement instructions in the schedules say to hold records "until volume warrants," which means until the volume reaches at least one cubic foot.

d. Coordinate retirements to send as many records as possible in one shipment. A shipment of less than 5 cubic feet is not normally cost effective.

4.14 Records Transfer or Loans

Records Transfer is defined as changing the legal and physical custody of records from one agency/organization to another. This includes the transfer of permanent records to the National Archives. Records are retired (not transferred) to an FRC since legal custody does not change.

In general, HUD records can only be transferred or loaned to other Federal agencies as described in this section, with the following exceptions:

A. Records eligible for destruction can be donated to a non-Federal organization.

B. A contractor or grantee can be given temporary physical custody of HUD records when:

1. Required by the terms of the contract or grant.
2. Not practical or cost effective for the contractor or grantee to review the records in HUD offices or for HUD to make copies of the records.

C. The following records can be transferred:

1. The National Archives accepts only records which they determine have historical or other value requiring permanent retention.

2. Permanent records in non-textual form (e.g., still photographs, sound recordings, magnetic tape master files, maps or design and construction drawings.)

3. Audiovisual records transferred to the National Archives for permanent retention must include the specific record elements listed in Chapter 4. When creating audiovisual records, HUD offices must create and maintain the record elements required by Chapter 4 if there is any possibility that National Archives may select the records for permanent retention. This also applies to audiovisual records created by a contractor.

4. Chapter 4 lists the types of cartographic and architectural records that may be transferred to NARA if NARA selects them for permanent retention.

4.15 Destruction

The destruction of records includes physically destroying the record material itself, or removal of the informational content (e.g., erasing magnetic tapes). HUD records are destroyed following approved schedules.

   A. Destruction Methods:

      1. 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 disclosures. The wastepaper contractor must pulp or shred them. The destruction must be witnessed either by a Federal employee or, if authorized by HUD, a contractor employee.
Cannot be sold because the: • **Volume is too small.** • **Market price is too low.** • **Records must be sorted.** • **Records must be cleaned first.**	Place them in the wastebasket.

      2. Records related to other media: Non-paper records (e.g., microforms, audio-visual materials, magnetic tapes, disks, and diskettes) may be salvaged and sold in the same manner and under the same conditions as paper records, except:

      a. 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 the automatic data processing system to delete certain records will not protect against unauthorized access to the information.

b. Turn in media subject to the precious metals (e.g., gold, silver, and platinum) recovery process when it cannot be erased and reused. 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.

4.16 Transfer of Records to Other Executive Agencies

No records shall be transferred from one Executive Department to another without the prior written approval of NARA. See 36 CFR 1231.12.

4.17 Destruction of Temporary Records

The Department must follow the Archivist's regulations governing destruction of records. Document destruction rules vary depending upon the documentary media type. Generally, records scheduled for destruction must be disposed of in a matter that protects any sensitive, proprietary, or national security information. See 36 CFR 1226.24.

4.18 Records Management Language for Contracts

When Federal agencies acquire goods or services, they need to determine what Federal records management requirements should be included in the contract. Federal contractors often create, send, or receive Federal records. Federal contracts should provide clear legal obligations describing how contract employees must handle Federal records.

Agency records officers, procurement counsel, and acquisitions officers must discuss how to integrate records management obligations into their existing procurement processes. NARA has developed the following language to be included as an agency-specific term and condition in Federal contracts for a variety of services and products. Most contracts should include language on records management obligations, but each contract should be evaluated individually. For example, the data-rights paragraph (paragraph 10 below) may not be appropriate for all contracts. Instead, agencies may be better served by one of the established data-rights clauses in the Federal Acquisition Regulations.

This language should not replace specific records management requirements included within Federal information systems contracts. See Appendix 2.

CHAPTER 5: EMPLOYEE REMOVAL AND USE OF RECORDS

5.1 General

Under 44 USC 3106 and 36 CFR part 1230, "Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records," Federal agencies are required to "notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency." NARA also receives notifications from other sources, such as the news media and private citizens. NARA establishes unauthorized disposition case files to track each allegation and any communications with the agency until the issue is resolved.

The Records Management Oversight and Reporting Program is responsible for handling all unauthorized disposition cases. For more information or to report a case of unauthorized disposition, please contact NARA via email at UnauthorizedDisposition@nara.gov.

All employees shall clearly designate as personal, and maintain separately from the records of the office, those papers of a private or nonofficial nature that pertain to their personal affairs. An employee that receives a document containing information about both private matters and Department business should immediately create a copy of the document with the personal information redacted. HUD officials should file their private information separately from the official records of the office. Private electronic information should be stored in a separate electronic folder that does not contain Federal information. Private paper information should be stored in a separate physical file that does not contain Federal information.

5.2 Policy on Safeguarding Records

HUD records may not be destroyed, except as authorized in approved HUD records disposition schedules, disposal lists, or General Records Schedules. Records may not be altered or unlawfully removed from HUD offices. Computer software programs and diskettes are HUD property and cannot be removed.

5.3 Procedures for Removal of Records

NARA Bulletin 2013-03 reaffirms that agencies and agency employees must manage Federal records appropriately and protect them from unauthorized removal from agency custody.

Heads of Federal agencies must provide guidance on the proper management of Federal records, including the handling of records containing information exempt from disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552), the Privacy Act
(5 U.S.C. 522a), or other applicable laws.

Managing records effectively ensures that permanently valuable records become part of the National Archives and Records Administration (NARA) while other records and information of temporary value are retained for as long as needed and are then properly disposed.

In addition, the heads of Federal agencies must issue instructions to staff on the identification, management, retention, and disposition of email messages determined to be Federal records (36 CFR 1236.22(a). Finally, agencies must notify employees that there are criminal penalties for

the unlawful removal or destruction of Federal records
(18 U.S.C. 2071 and 36 CFR 1230.12) and the unlawful disclosure of national security
information (18 U.S.C. 793, 794, and 798).

Requests for Removal of Records

All records located in a Department facility are under the control of the Department, including all
copies, regardless of how and by whom they were created or obtained. All requests for removal
of records must be emailed to the Records Officer at records@hud.gov.

    A. Departing HUD employees must be cognizant of what material they may and may not
       remove upon their retirement, transfer, resignation, or removal:

      1. Departing Employees May Not Remove:

         a. Any material which would leave a gap in the files, causing incomplete
           documentation of HUD's policies and actions or of the legal or financial
           rights of HUD or others;

         b. Any classified material relating to national defense or security and any
           confidential material given to HUD;

         c. The official copy of any record, regardless of its medium (hard-copy,
           disk, fiche, film, photography, etc.)

         d. "Restricted Data" records;

         e. Any copy of a document containing the following types of information exempt
           from public release under the Freedom of Information Act, whether it is the
           official record copy or extra copy:

            i. Records containing trade secrets and other commercial or financial
               information of a "company proprietary" nature.

           ii. Records containing information which may not be made public without
               violating statutory prohibitions.

          iii. Records containing information from personnel, medical, and similar
               files, which relate to the personal privacy of individuals.

          iv. Records containing information developed during an investigation for
               purposes of civil or criminal law enforcement; and

          v. Personal diaries, logs, handwritten notes, memoranda, or tapes of personal
               telephone calls or any documents communicating or transmitting official
               business of the Department and/or assisting in the decision-making process.

     2. Departing Employees May Remove:

       a. Papers created before entering Government service (work files, political materials,

and reference files, etc.)

b. Private materials brought into, created, or received in the office that were not created or received while conducting Government business. Included are personal correspondence, materials documenting professional activities, manuscripts for articles and books, and volunteer and community service records.

c. Personal papers that are not used while conducting Government business. Included are diaries, journals, notes, personal calendars, and appointment schedules and are solely for the official's personal use.

d. With departmental approval, non-record copies of documents and stocks of publications and processed documents.

B. <u>Inspection of Papers Before Removal</u>. When retiring, transferring, resigning, or being removed, an employee needs a property pass to remove papers and personal property from HUD offices. The papers must be inspected to ensure that they can be removed.

1. <u>Inspecting Office</u>: Before the pass will be issued, the employee must contact:

2. Headquarters: RMLOs. In emergencies, contact the RMLO in the Management Services Division, Office of Administrative Management Services, Administration.

3. Regional Offices: Regional RMLO and Regional Support Managers.

4. Field Offices: As assigned.

C. <u>How to Pack Papers and Personal Property</u>: Pack papers you plan to remove in a separate box from other personal property, unless the volume is too small. Do not seal or remove boxes of papers from HUD offices until inspected.

<u>Inspection Procedures</u>:

a. Administrative Officer (AO) provides RMLO and/or Alternate with pending separations and proposed separation date.

b. Within 3-5 working days before the date property removal, RMLO and/or Alternate inspect materials prior to removal from the Department.

c. After inspection, the RMLO seals and tapes containers with adhesive tape.

d. AO signs and issues a property pass for removal of personal papers. A detailed description of the personal papers to be removed, their volume and quantity, and the date the documents are to be removed from the building must be attached to the property pass.

e. RMLO retains a copy of the approved property pass and attachment.

f. Employee provides a copy of the approved property pass to security staff upon exiting the building.

g. Agency Records Officer notifies the Secretary of any actual or threatened removal of official records from HUD.

D. <u>Penalties</u>. Violations of the statutory and regulatory rules governing the removal of documentary material by departing HUD officials are reported to the Office of Security, POH, Agency Records Officer, and referred to the Inspector General. Criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. 641, 793, 794, 798, and 952).

E. <u>Reporting</u>. The Secretary must notify NARA of any actual or threatened unlawful altercation removal, or destruction of HUD records. NARA will help the Secretary begin action through the Attorney General to recover records unlawfully taken.

F. <u>Former Employee's Use</u>: It is permissible to reveal or use lawfully removed material in books, articles, speeches, or lectures, except:

1. Classified material or confidential data protected by law cannot be revealed or used.

2. Attorneys who leave HUD cannot reveal any Department information not generally known to the public that they obtained as Department attorneys. They are required by the Canons of Ethics to preserve their clients' confidences.

3. Employees separating from HUD will be required to sign a form HUD-58-A, Records Certification on Separation Clearance. This form certifies that the employee has not removed any HUD records.

5.4 Separating Employee Clearance Process

A.   Background and Purpose

The Separation Employee Clearance (SEC) Process automates and streamlines the exit process for separating employees. Form HUD-69a is a clearance document that HUD uses for ensuring that the responsibilities and the obligations of the employee who will be leaving the organization have been met before the day of his separation. Proper management of HUD records (hard copy and electronic) improves business efficiency and timely responses to litigation and Freedom of Information Act (FOIA) requests. The Separating Employee Clearance process is documented in HR Connect and integrates records management-related requirements into the HR Connect Separating Employee Clearance maintenance record.

B.   Responsibilities
When Leaving Federal Service, you still have recordkeeping responsibilities.

You should:

- o   Conduct exit interviews with your records management staff.
- o   Ensure your records and information are available to your successor.
- o   Not delete or remove government information when leaving office.

C.Program Objective

Separating Employees Clearance (Form HUD-69a)
Before an employee separates from HUD, the SEC specialist sends employee form HUD-69a to certify the protection of Federal records, including the preservation of all documents (record or non-record) subject to litigation hold needs. The employee should sign and forward completed form HUD-69a to the Electronics Records Management Division via reply or using the records@hud.gov

If the employee is not available due to death, adverse action, non-responsive, etc. the manager, to the extent possible, must complete Form and notate in Block 8 of the form that the employee is not available.

Procedures

1. Email system notification from HR Connect when a Separating Employees Clearance record is initiated
2. SEC Specialist goes into HR Connect weekly to review new records in the queue
3. SEC Specialist emails employee form HUD-69a for completion
4. SEC Specialist saves status as Initiated and comments initials and contact number
5. If creation date of the record was after separation effective date status saved as N/A
6. If form is received back it is added to SharePoint library and retained in accordance with the General Records Schedule 2.5
7. SEC Specialist tracks responses on SEC spreadsheet located in SharePoint

D. Retention of Separating Employee Clearance (SEC) Records

o   In accordance with GRS 2.5 the Electronic Records Management Division will maintain form HUD-69a for Destroy 1 year after date of separation or transfer, but longer retention is authorized if required for business use.

E. Authority

o   [The 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B - 1230, Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records](#)
o   [44 U.S.C. § 3301, Definition of Federal Records](#)
o   [36 CFR Chapter XII, Subchapter B - 1220.18, General Definitions, for the regulatory definition of "permanent records"](#)
o   [36 CFR Chapter XII, Subchapter B - 1231, Transfer of Records from the Custody of One Executive Agency to Another](#)
o   [GRS 2.5, Separating Employee Records](#)

CHAPTER 6: RECORDS AND INFORMATION MANAGEMENT TRAINING

6.1 Purpose

To ensure that the Department's records management program remains viable and effective, all HUD employees must be aware of the program and have adequate training to perform records and information management duties as required.

6.2 Formal Training

Records management training courses and Federal records management certification are available from the NARA Office of Records Services, Agency Services Staff. NARA's Office of Regional Services also offers online training opportunities and supports agencies in the development of agency specific training materials.

6.3 Role-Based Training

In July 2016, OMB issued revised Circular No. A-130, establishing policy for the management of Federal information resources and, specifically, requiring the implementation of records management training and guidance for agencies, NARA Bulletin 2017-01.

This Bulletin provides the minimum requirements for agency records management training programs. The Bulletin identifies who must take records management training and how often this training must be provided. It also describes promising practices for the development and administration of training. This Bulletin supplements the general training requirements outlined in 36 CFR 1220.34; to wit:

A. Audience: All agency personnel, which includes Federal employees, contractors, volunteers, and others that create, receive, access, or use Federal records on behalf of the agency, must receive records training;

B. Timing: All agency personnel with email accounts or IT network resource access must complete records management training within 60 days of employment and must complete annual refresher training;

C. Comprehensive: Agencies must provide records management training to all agency personnel that create, receive, access, or use Federal records on behalf of the agency, regardless of whether those individuals have email accounts or IT network access;

D. Agency-Specific Training: Agencies must develop records management training content specific to the practices and policies of the organization;

E. Content: Agencies must incorporate the following minimum required content areas into annual records management training:

1. Define Federal records.

2. Describe how records management supports the agency's mission and business processes, and public access to Government information

3. Provide an overview of government-wide and agency-specific records management policies and recordkeeping requirements.

4. Explain legal responsibilities for creation, maintenance, and disposition of Federal records.

5. Describe the stages of the records management lifecycle, to include the creation, maintenance and use, disposition, and the difference between temporary and permanent records, all of which are addressed in the agency's disposition schedule.

6. Describe how records are maintained and filed in the agency, including:

   a. What is a records schedule, its legal authority, and where to find their agency's schedules;

   b. Why it is important to follow records schedules or file plans; and

   c. How records schedules or files plans are implemented and updated.

F. Explain how legal holds (sometimes called records freezes) and the discovery phase of litigation affect records handling, retention, and disposition;

G. Describe how and where to store agency Federal records;

H. Describe how agency information technology (IT) systems are used for records management (if applicable, how to use agency records management technologies);

I. Describe how to manage record and non-record materials in email, social media, and other electronic messages, including the statutory requirement that all emails and other electronic messages constituting a record that are sent or received using a personal or non-official account must be copied or forwarded into agency recordkeeping systems within 20 days of creation or receipt;

J. Describe what to do with record and non-record materials when an employee leaves the agency;

K. Describe what to do when records are removed, lost, or destroyed without proper authorization;

L. Describe where to get more information about records management (e.g., websites, manuals, agency's records schedule, file plans, and agency Records Officer contact information); and

M. Provide agency contacts for records management questions. Include information for the Field and/or Headquarters points of contact for retiring records to storage, transferring permanent records, destruction of records, and answering records management questions.

N. Agencies must offer records management training specific to the needs of the following groups:

1. Senior level agency officials and political appointees;

2. Records professionals at all levels within the organization;

3. Managers and supervisors;

4. Acquisition, contracting, and procurement personnel;

5. Attorneys engaged in litigation or advising on records or access to information issues;

6. Personnel developing and managing IT systems and applications; and

7. Continuity of Operations and Disaster Preparedness personnel that manage mission essential records.

Agencies must provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure, and within 3 to 6 months prior to a presidential administration change. This may include conducting entry and exit interviews with your agency's records management staff, IT liaisons, and General Counsel to ensure that records are preserved and protected.

Agency records management staff should coordinate with learning and development professionals to assist with the design, development, and tracking of training. Agencies should design training so that individuals apply what they are learning during training. Agencies are also encouraged to develop assessments to verify that trainees have learned the content.

6.4 Publicizing the Records Management Program

In addition to training courses and orientation sessions, other means of publicizing the program and reminding employees of their records management responsibilities should be employed. Some of the approaches include:

A. Website: Each program office may create a Records Management website that serves as the primary resource for the program office records policies and guidance.

B. Memoranda: At least annually, program office heads may issue a memorandum reminding all employees of their records management responsibilities.

C. NARA Bulletins: Disseminate NARA bulletins or the information contained therein to program/office employees as deemed necessary. This task will be carried out by the Records and Information Management program staff.

CHAPTER 7: ELECTRONIC RECORDS MANAGEMENT

7.1 General

<u>Federal Records Act Amendments of 2014, section 10</u> prohibits an officer or employee of an executive agency from creating or sending a record using a <u>non-official electronic messaging account</u> 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. Violation of this requirement provides for disciplinary action against an agency officer or employee for an intentional violation of such prohibition.

<u>36 CFR 1236.10</u>. The following types of <u>records management controls</u> are needed to ensure that Federal records in electronic information systems can provide adequate and proper documentation of agency business for as long as the information is needed. Agencies must incorporate controls into the electronic information system or integrate them into a recordkeeping system that is external to the information system itself.

A. **Reliability**: Controls to ensure a full and accurate representation of the transactions, activities, or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.

B. **Authenticity**: Controls to protect against unauthorized addition, deletion, alteration, use, and concealment.

C. **Integrity**: Controls, such as audit trails, to ensure records are complete and unaltered.

D. **Usability**: Mechanisms to ensure records can be located, retrieved, presented, and interpreted.

E. **Content**: Mechanisms to preserve the information contained within the record itself that was produced by the creator of the record;

F. **Context**: Mechanisms to implement cross-references to related records that show the organizational, functional, and operational circumstances about the record, which will vary depending upon the business, legal, and regulatory requirements of the business activity; and

G. **Structure**: Controls to ensure the maintenance of the physical and logical format of the records and the relationships between the data elements.

<u>36 CFR 1236.12</u>. As part of the <u>capital planning and systems development life cycle</u> processes, agencies must ensure:

A. That records management controls (See § 1236.10) are planned and implemented in the system;

B. That all records in the system will be retrievable and usable for as long as needed to

conduct agency business (i.e., for their NARA-approved retention period). Where the records will need to be retained beyond the planned life of the system, agencies must plan and budget for the migration of records and their associated metadata to new storage media or formats in order to avoid loss due to media decay or technology obsolescence. (See § 1236.14.)

C. The transfer of permanent records to NARA in accordance with part 1235 of this subchapter.

D. Provision of a standard interchange format (e.g., ASCII or XML) when needed to permit the exchange of electronic documents between offices using different software or operating systems.

§ 1236.20 What are appropriate recordkeeping systems for electronic records?

A. General. Agencies must use electronic or paper recordkeeping systems or a combination of those systems, depending on their business needs, for managing their records. Transitory email may be managed as specified in § 1236.22(c).

B. Electronic recordkeeping. Recordkeeping functionality may be built into the electronic information system or records can be transferred to an electronic recordkeeping repository, such as a DoD-5015.2 STD-certified product. The following functionalities are necessary for electronic recordkeeping:

1. Declare records. Assign unique identifiers to records.

2. Capture records. Import records from other sources, manually enter records into the system, or link records to other systems.

3. Organize records. Associate with an approved records schedule and disposition instruction.

4. Maintain records security. Prevent the unauthorized access, modification, or deletion of declared records, and ensure that appropriate audit trails are in place to track use of the records.

5. Manage access and retrieval. Establish the appropriate rights for users to access the records and facilitate the search and retrieval of records.

6. Preserve records. Ensure that all records in the system are retrievable and usable for as long as needed to conduct agency business and to meet NARA-approved dispositions. Agencies must develop procedures to enable the migration of records and their associated metadata to new storage media or formats to avoid loss due to media decay or technology obsolescence.

7. Execute disposition. Identify and effect the transfer of permanent records to NARA based on approved records schedules. Identify and delete temporary records that are eligible for disposal. Apply records hold or freeze on disposition when required.

C. Backup systems. System and file backup processes and media do not provide the appropriate recordkeeping functionalities and must not be used as the agency electronic recordkeeping system.

D. Backup systems. Systems and file backup process and media do not provide the appropriate recordkeeping functionalities and must not be used as the agency electronic recordkeeping system.

OMB Circular A-130, par. 8a (1)(k) requires agencies to incorporate records management and archival functions into the design, development, and implementation of information systems.

OMB Circular A-11, section 300.3 requires that the capital planning process integrate the planning, acquisition, and management of capital assets into the budget decision making process and is intended to assist agencies in improving asset management and in complying with the results-oriented requirements.

Paperwork Reduction Act, § 3506 par. (f) requires agencies to implement and enforce applicable records management procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design, and operation of information systems.

Clinger-Cohen section 5125(b) requires the Chief Information Officer to implement policies and procedures of the Paperwork Reduction Act and promote the effective and efficient design and operation of all major information assets for which the agency is responsible, including internal audits.

Federal Information Processing Standards (FIPS) 199 provides guidance on identifying high-risk information systems and necessary controls to adequately secure information and ensure it is of high integrity and available for use. FIPS 199 should be used in conjunction with NIST 800-37 and NIST 800-53.

7.2 Appropriate Recordkeeping Systems

Over time, the historic paper-based, recordkeeping systems slowly gave way to electronic records management. NARA has now created mandates and deadlines for prospective, exclusive electronic records. This transition mandates familiarity with the following terms:

A. **Recordkeeping System (RKS)**

   A systematic process which captures, organizes, and categorizes records to facilitate their preservation, retrieval, use, and disposition.

B. **Electronic Recordkeeping System (ERKS)**

   An electronic system (machine readable) that captures, organizes, and categorizes records to facilitate their preservation, retrieval, use, and disposition.

C. **Document Management Application (DMA)**

   1. A system based on computer programs in the case of the management of digital documents used to track, manage, and store documents and reduce paper.

   2. Most applications are capable of keeping a record of the various versions created and modified by different users.

D. **Records Management Applications (RMA)**

   1. Software that aids the management of records, especially electronic records.

   2. These records include the use of a file plan for classifying records and

   3. Records schedules for identifying records that are due for disposition.

E. **Appropriate Electronic Recordkeeping System (AERKS)**

   1. A system which maintains all the functionality outlined in 36 CFR 1236.20 or for email in 36 CFR 1236.22.

   2. Recordkeeping functionality may be built into the electronic information system or records can be transferred to an electronic recordkeeping repository.

7.3 Creation, Use, and Maintenance of Structured Electronic Data

For electronic information systems that produce, use, or store data files, disposition instructions for the data will be incorporated into the systems' design. Program offices will maintain adequate and up-to-date technical documentation for each electronic system that produces, uses, or stores data files. The minimum documentation required is as follows:

A. Narrative description of the system, physical and technical characteristics of the records, including a records layout that describes each field (name, size, starting or relative position);

B. A description of the form of the data (alphabetic, zoned decimal, packed decimal, or numeric);

C. A data dictionary, or the equivalent information associated with a database management system, i.e., a description of the relationship between data elements in databases, and any other technical information to read or process the records;

D. A copy of the user's manual/handbook to operate and use the system or database;

Electronic System Shutdown and/or Decommissioning (related to projects that follow the Enterprise Life Cycle [ELC] process). Electronic system owners must follow appropriate shutdown procedures when a system is scheduled for cancellation. The process is defined through a systematic series of actions to ensure orderly and efficient performance of essential shutdown activities.

The following records management actions must be taken when migrating, retiring, or shutting down an electronic system:

A. If the information is to be migrated to another system you must:

1. Notify the RIM staff of changes to system (i.e., name change, or changes in functionality, etc.);

2. Determine if any changes need to be made to the disposition of the new system based on changes in functionality; and

3. Manage the new system in accordance with an approved disposition authority.

B. If the information is not being migrated to a new system you must:

1. Notify the RIM staff that this information will no longer be collected; and

2. Establish a plan to manage any legacy record data that has not yet met its approved disposition.

7.4 Creation, Use, and Maintenance of Unstructured Electronic Data

At a minimum, electronic recordkeeping systems that maintain the official copy of unstructured data, such as text documents, emails, presentations, audio video files, image files, and PDF files, electronically will provide:

A. A method for all authorized users of the system to retrieve desired documents, such as an indexing or text search system;

B. An appropriate level of security to ensure integrity of the documents;

C. An appropriate audit trail or tracking system for data manipulation and version identification;

D. A standard interchange format when necessary to permit the exchange of documents on electronic media between HUD computers using different software/operating systems and the conversion or migration of documents on electronic media from one system to another;

E. The disposition of the documents including, when necessary, the requirements for transferring permanent records to NARA; and

F. Authorized administrators with the ability to remotely access, copy, transfer, and prevent edited files as needed to preserve electronically stored information that is subject to a litigation hold.

7.5 Metadata

Metadata are elements of information that answer the questions "who, what, where, when, and why" regarding electronic records. Metadata elements provide administrative, descriptive, and technical information that describe the structure and content of electronic records. Metadata elements also provide contextual information that explains how electronic records were created, used, managed, and maintained prior to their transfer to NARA, and how they are related to other records. This information enables NARA to appropriately manage, preserve, and provide access to electronic records for as long as they are needed.

There are two types of metadata–taxonomy metadata and transfer metadata–as well as important differences between them.

- Taxonomy Metadata also known as terms, is used to categorize information created within an office to facilitate quick and accurate retrieval of information in the daily course of business. Taxonomy metadata describes all the content managed by an organization. It is used to categorize information created within an office to facilitate quick and accurate retrieval of information in the daily course of business.

- Transfer Metadata describes the primary attributes of a permanent electronic record, as required by NARA. It is required for successful transfer of permanent electronic records from HUD to NARA. NARA uses the documentation to identify and interpret permanent electronic records for preservation and future access by both the general public and HUD employees.

The correct applications of transfer and taxonomy metadata will minimize confusion regarding metadata creation within HUD, ultimately allowing for more efficient business processes, as it as described below.

A. Provides more time for staff to focus on other aspects of their job.

B. Ensures that the process will be completed in as timely and efficient manner as possible. Staff who are knowledgeable about how metadata is used for taxonomies are able to develop a system of categorization that accurately represents the information created by the organization.

C. Allows staff to efficiently locate and access information.

D. Results in detailed and accurate file plans. The process of designing a taxonomy is similar to the process of building out a file plan–identifying content and assigning words and phrases to describe it–allowing HUD to better organize and retrieve information.

Permanent electronic records should have transfer metadata associated with them. Provided below are required transfer metadata elements for permanent electronic records, as dictated by NARA Bulletin 2015-04.

A. **Transfer Request Number** - the number is generated when a transfer request is created in NARA's Electronic Records Archive (ERA)

B. **Identifier, File Name** - the complete name of the file, including its extension, if present

C. **Identifier, Record ID** - a unique identifier assigned by either the agency or a records management system (such as SharePoint)

D. **Title** - name given to the record; often it will closely resemble the file name

E. **Description** - a summary of the records' content

F. **Creator** - documents the agent primarily responsible for the creation of the record

G. **Creation Date** - date the file met the definition of a Federal record

H. **Rights** - used to document any rights or restrictions that may affect access to the record(s), such as national security classification, personally identifiable information (PII), or Freedom of Information Act (FOIA)

Provided below are transfer metadata elements that should be included with permanent electronic records if the elements apply to the records to be transferred.

A. **Coverage** - used to describe the geographic and/or time period/dates the records cover

B. **Relation** - used to describe relationships between records when a record is composed of multiple files

HUD offices must notify NARA if they use the following to manage permanent record content:

A. **Data dictionaries** - information that describes the structure of a database and the relationships between metadata elements

B. **Controlled vocabularies** - organized words that provide terminology to catalog and retrieve information

C. **Ontologies** - a standard definition for a word or concept

D. **System indexes** - used to improve data retrieval in a database

7.6 Email Records Management

Email is an integral part of doing business, enabling rapid delivery of vital programs, services, and information. Increasing dependence on and use of email results in a compelling need to protect HUD resources through constant and improved monitoring, administration, user training, and awareness.

The Office of the Chief Information Officer (OCIO) maintains an electronic mail (email) system connected to the Department's Local Area Networks, both in Headquarters and in the Field, to satisfy messaging and workflow collaboration requirements. This system allows users to conduct Government-related business by exchanging electronic communications, including attachments, to improve customer service and to reduce or replace paper exchanges.

A. **Records Management**

1. OCIO will establish specific automated and scheduled procedures for regularly archiving the email system of "outdated" data in accordance with Chapter 11, Records and File Management of HUD Handbook 2200.1. All email data is stored for 7 years to allow all employees to access historical emails needed to perform HUD's business.

2. An official record is any documentary material, regardless of physical form, that is made or received by HUD for the transaction of public business, and appropriate for preservation by HUD, or its legitimate successor, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities, or because of the value of the information it contains. (44.U.S.C. 3301).

B. **Email Records**

1. Draft documents circulated on email systems may be records if they meet the criteria of a record as described above. However, note that not all emails are records.

2. Both originators and recipients of email messages are responsible for determining if their email is a record. A transmission has record value if it is the only place that transmits information fitting the definition of an official record stated above.

3. Once the originator and/or recipient determines that an email is a record, he/she must retain a copy of the message for reference. This copy must contain all transmission data, including sender/recipient(s) of message, date, and subject line. This copy may be an electronic copy under an approved electronic records retention schedule.

C. **Email Records in Personal Accounts**

1. Official agency business should first and foremost be done on official HUD information systems.

2. Use of non-HUD systems to conduct agency business may lead to the mismanagement of agency records and/or the unauthorized disclosure of agency information.

3. The Federal Records Act (FRA) prohibits the creation or sending of a Federal record using a non-HUD electronic messaging account unless the individual creating or sending the record either:

   a. Copies their HUD email account during initial creation or transmission of the record, or

   b. Forwards a complete copy of the record to their HUD email account within 20 days of the original creation or transmission of the record.

   c. Ensures that any use of a non-HUD information system does not affect the preservation of Federal records for FRA purposes, or

   d. Identifies and ensures the processing of those records if requested under the FOIA, the Privacy Act, or for other official business (e.g., litigation, congressional oversight requests).

Federal agencies are required to manage their email records in accordance with the FRA and 36 CFR chapter XII, sub-chapter B. The issuance of NARA Bulletin 2013-02 established "the Capstone Approach" as an alternative means of managing email, while the transmittal of General Records Schedule (GRS) 6.1 provides disposition authority for the approach.

D. **Capstone Email Approach**

1. HUD will manage email under NARA's "Capstone Approach."

2. This approach acknowledges that the email records of senior agency officials document high-level policy and operational decisions and includes significant and historically valuable communications of the agency.

3. OCIO captures all email data from the accounts of agency Capstone officials, including secondary accounts and/or accounts maintained by assistants.

4. Email records of designated Capstone officials and officials under the delegations

of authority will be permanently retained and transferred to NARA.

5. HUD's Capstone officials are listed in the most current and approved NARA form NA-10005 and include, but are not limited to, these individuals, each of their deputies, and each of their staff assistants:

    i.   Secretary
    ii.   Deputy Secretary
    iii.   Assistant Secretary for Administration
    iv.   Chief Financial Officer
    v.   Assistant Deputy Secretary for Field Policy and Management
    vi.   Assistant Secretary for Community Planning and Development
    vii.   Assistant Secretary for Congressional and Intergovernmental Relations
    viii. Assistant Secretary for Fair Housing and Equal Opportunity
    ix.   Assistant Secretary for Policy Development and Research
    x.   Assistant Secretary for Public and Indian Housing
    xi.   Assistant Secretary for Housing-Federal Housing Administration
    xii.   Director, Center of Faith-Based and Neighborhood Partnerships
    xiii. President, Ginnie Mae
    xiv. Deputy Assistant Secretary for Community Planning and Development
    xv.   General Deputy Assistant Secretary for Congressional and Intergovernmental Relations
    xvi. Deputy Assistant Secretary for Fair Housing and Equal Opportunity
    xvii. General Deputy Assistant Secretary for Housing
    xviii. Deputy Assistant Secretary for Public and Indian Housing
    xix. Deputy Chief Financial Officer
    xx.   Executive Vice President, Ginnie Mae
    xxi. Deputy Assistant Secretary for Housing Operations
    xxii. Deputy Assistant Secretary for Public Affairs
    xxiii. Deputy Assistant Secretary for Multifamily Housing Programs
    xxiv. Deputy Assistant Secretary for Single Family Housing Programs
    xxv. Special Assistant to the Secretary
    xxvi. Special Assistant to the Deputy Secretary
    xxvii. Special Assistant to Assistant Secretary for Community Planning and Development
    xxviii. Special Assistant to Assistant Deputy Secretary for Field Policy and Management
    xxix. Special Assistant to Assistant Secretary for Congressional and Intergovernmental Relations
    xxx. Special Assistant to Assistant Secretary for Fair Housing and Equal Opportunity
    xxxi. Special Assistant to Assistant Secretary for Housing
    xxxii. Special Assistant to Assistant Secretary for Public and Indian Housing
    xxxiii. Special Assistant to Assistant Secretary for Housing-Federal Housing Administration
    xxxiv. Special Assistant to President, Ginnie Mae
    xxxv. Special Assistant to Chief Operations Officer
    xxxvi. Chief Operations Officer
    xxxvii. Chief Information Officer
    xxxviii. Chief Administrative Officer
    xxxix. Chief Human Capital Officer
    xl.   Chief Procurement Officer

xli. Chief Technology Officer
xlii. Deputy Chief Information Officer
xliii. Director, Office of Small and Disadvantaged Business Utilization
xliv. Director, Strategic Planning and Management
xlv. Director, Office of the Executive Secretariat
xlvi. Director of Strategic Planning and Management
xlvii. Director of Sustainability Housing and Communities
xlviii. Director, Departmental Equal Employment Opportunity
xlix. Director, Disaster Management and National Security
l. Director, Departmental Operations and Coordination
li. Director, Office of Block Grant Assistance
lii. Director, Office of Economic Resilience
liii. Director, Office of Executive Scheduling and Operations
liv. Director, Office of Healthy Homes and Lead Hazard Control
lv. Director, Departmental Enforcement Center
lvi. Regional Administrator, Region I
lvii. Regional Administrator, Region II
lviii. Regional Administrator, Region III
lix. Regional Administrator, Region IV
lx. Regional Administrator, Region V
lxi. Regional Administrator, Region VI
lxii. Regional Administrator, Region VII
lxiii. Regional Administrator, Region VIII
lxiv. Regional Administrator, Region IX
lxv. Regional Administrator, Region X
lxvi. General Counsel
lxvii. Inspector General
lxviii. Senior Advisor to the Secretary
lxix. White House Liaison
lxx. Deputy Chief of Staff
lxxi. Senior Advisor to the Secretary

NARA Bulletin 2014-06 reminds Federal agencies about their records management responsibilities regarding email.

a. Agencies must have policies in place to identify emails that are Federal records.
b. These policies must ensure that emails identified as Federal records are filed in agency recordkeeping systems.

7.7 Electronic Communication and Instant Messaging

The statutory definition of records (44 U.S.C. 3301) includes all machine-readable materials made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business. Agencies that allow Instant Messaging (IM) traffic on their networks must recognize that such content may be a Federal record under that definition and must manage the records accordingly.

The ephemeral nature of IM heightens the need for users to be aware that they may be creating records using this application and to properly manage and preserve record content. Agency records management staff determine the record status of the IM content based on the overall records management policies and practices of their agency.

IM is an electronic messaging service that allows users to determine whether a certain party is connected to the messaging system at the same time. IM allows them to exchange text messages with connected parties in real time.

The difference between IM and email is the notion of presence. This means that users of the IM system are aware that other users have logged in and are willing to accept messages. Unlike email, IM content can only be sent to users who are logged in to the system and accepting messages. If users are not logged in, others do not have the ability to send them messages.

7.8 Cloud Computing

Cloud computing is a technology that allows users to access and use shared data and computing services via the Internet or a Virtual Private Network. It gives users access to resources without having to build infrastructure to support these resources within their own environments or networks. Policy for keeping and maintaining records/archives applies regardless of the underlying system architecture.

General interpretations of cloud computing include "renting" storage space on another organization's servers or hosting a suite of services. Other interpretations of cloud computing reference particular social media applications, cloud-based email, and other types of Web applications. However, the National Institute of Standards and Technology (NIST) has developed definitive standards, guidelines, and definitions for Federal cloud computing. NIST defines cloud computing as "a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction" (NIST Definition of Cloud Computing, Version 15, 10-07-2009). NIST stated the definition of Cloud Computing is evolving. The user should consult the most current definition available from NIST and other resources.

NIST also identifies <u>five essential characteristics</u> of cloud computing:

A. **On-demand self-service** - A consumer can unilaterally provision computing capabilities, such as server time and network storage, as needed automatically without requiring human interaction with each service's provider.

B. **Broad network access** - Capabilities are available over the network and accessed through standard mechanisms that promote use by heterogeneous thin or thick client platforms (e.g., mobile phones, laptops, and other devices).

C. **Resource pooling** - The provider's computing resources are pooled to serve multiple consumers using a multi-tenant model, with different physical and virtual resources dynamically assigned and reassigned according to consumer demand. There is a sense of location independence in that the customer generally has no control or knowledge over the exact location of the provided resources but may be able to specify location at a higher level of abstraction (e.g., country, state, or datacenter). Examples of resources include storage, processing, memory, network bandwidth, and virtual machines.

D. **Rapid elasticity -** Capabilities can be rapidly and elastically provisioned, in some cases automatically, to quickly scale out and rapidly released to quickly scale in. To the

consumer, the capabilities available for provisioning often appear to be unlimited and can be purchased in any quantity at any time.

E. **Measured Service** - Cloud systems automatically control and optimize resource use by leveraging a metering capability at some level of abstraction appropriate to the type of service (e.g., storage, processing, bandwidth, and active user accounts). Resource usage can be monitored, controlled, and reported providing transparency for both the provider and consumer of the utilized service.

7.9 Contractor Records-Electronic Systems

Ensuring adequacy of documentation in any information system depends on the clear articulation of recordkeeping requirements. Recordkeeping requirements:

A. Specify the creation and maintenance of specific records to document Agency operations and activities;

B. Facilitate action by Agency officials and their successors;

C. Permit continuity and consistency in agency;

D. Make possible a proper scrutiny by Congress and other duly authorized agencies;

E. Protect the rights of the Government and those affected by its actions; and

F. Document important meetings and the formulation and implementation of basic policy and decisions.

This also applies to contractor records when dealing with electronic systems, requiring the following:

A. Contracts identify which contractor-created records are Federal records.

B. The program office provides contractors with the regulations and procedures governing Federal records.

C. Contracts specify the delivery of background data that may have further value to the Agency in addition to the final product, particularly when electronic records are involved.

D. Contracts involving development of electronic systems specify the delivery of systems documentation to the Agency along with the final product.

E. Contracts specify the delivery of final products and background data in a format that is compatible with program records maintenance and retention guidelines, particularly when electronic records are involved.

F. Deferred ordering and delivery of data clauses are included in contracts when it is impractical to identify in advance all electronic data that should be delivered to the Government.

7.10 Digitization of Paper Records to Electronic

To establish a standard for capturing digitized (scanned) content from paper, microfilm and/or microfiche from HUD documents and records in content repositories or other designated digital storage environments. The standard is designed to enhance the efficiency of the digitization efforts and ensure that the quality of digitized documents meets intended uses.

Authority

- 36 CFR Chapter XII, 1236

- National Archives and Records Administration (NARA)/0ffice of Management and Budget (OMB) Memorandum, M-19-21: Transition to Electronic Records, June 8, 2019
- Clinger-Cohen Act (also known as Information Technology Management Reform Act of 1996) (Pub. L. 104-106, Division E)
- Paperwork Reduction Act of 1980, as amended by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)
- Government Paperwork Elimination Act of 1998 (Pub. L. 105-277, Title XVII)
- OMB Circular No. A-130: Management of Federal Information Resources
- OMB Memorandum M 10-06: Open Government Directive, December 8, 2009
- OMB Memorandum M-13-13: Open Data Policy - Managing Information as an Asset May 9, 2013

Standard

Program Offices at Headquarters and in the Field are directed to:

- Use the digitization standard for capture of hard copy documents and records in Housing content repositories or other designated storage environments, where use does not jeopardize existing standard business practices; and
- Incorporate the digitization standard into documented standard operating procedures (SOP) to ensure consistency across Housing and establish the framework for legally defensible standard business practices for digitization. For addition digitization SOP, please refer to the Digitizing Temporary Federal Records for the Office of Housing.

Hardware ("brand neutral") Standard

1. Low volume scanner standard
The standard designates the acceptable scanner device for low volume (i.e., incidental/infrequent use for small batch jobs less then 25 pages) applicable for the scanning of standard office paper materials only:
- Desktop/stand-alone flatbed scanners
- Multi-function copier/printer machines
- All-in-one scanner/printer

- o Wide-format scanners for oversized documents, up to 34 inches x 44 inches (i.e., page measurement standard ISO-AO and ANSI-E).

2. High volume scanner standard

The standard designates the acceptable scanner device for high volume (i.e., frequent use for large batch jobs 25 pages or more) applicable for the scanning of standard office paper materials only:

- o 1,000 pages/hour minimum throughput
- o Compatible with Enterprise Capture Standard
- o Sheet size capability from 2.05 inches x 2.91 inches (i.e., page measurement standard ISO-A) up to 11 inches x 17 inches (i.e. page measurement standards ISO-A3 and ANSI-B)
- o Duplex (2 side scanning) capability
- o Color, gray-scale and monochrome capability.

3. Film digitizers standards (microfiche, microfilm, slides, etc.)

The standard directs users to address the following characteristics that may influence the digitization approach or affect the digital image quality:

- o The type and volume of the materials to be digitized
- o Text quality and clarity on the microfiche or microfilm
- o The quality of the original capture of the film (lack of focus, uneven lighting, page curvature, gutter shadows, etc.)
- o Variations in density between exposures
- o The reduction ration of the film
- o Resolution and the ability to detect detail on the film
- o The condition of the film itself (scratches, etc.)

Digitizing and capturing software standard

The standard here applies only to new acquisitions or upgrades to the software already in use in Housing. They are not intended to require wholesale replacement of software used now or in the past.

4. Low volume digitizing and software applications standards
- o Stand-alone (non-networked) usage:
  - Manufacturer supplied capture software
  - Manual submission of output to Enterprise Capture Software
  - Network attached usage

5. High volume digitizing and software standard
- o Enterprise Capture (high volume, as defined in the high-volume scanner standard above).

Content digitized file format standard

6. Portable Document Format (PDF) file format standard
- o Preferred format for documents that are primarily textual in nature
- o Image over text content indexing (optical character recognition (OCR)

- o Optimized for internet/Web streaming
- o National Archives Records Administration (NARA) preferred specification for transfer to Archives:
  - ISO 19005-1:2005 electronic document file format for long term preservation partl: Use of PDF 1.4 (PDF/A-1): (https://www.iso.org/standard/38920.html).
  - Not the preferred output for non-network scanning of textual documents where the output should be passed on to Enterprise Capture software for processing (see the TIFF file format standard below)
  - Not the preferred output for non-textual materials such as graphics, maps and photographs (see the JPEG file format standard below)

7. Tagged Image File Format (TIFF) file format standard
- o Preferred format for low volume, stand-alone documents scanning where the TIFF file can be passed on (manually or via automated workflow) to Enterprise Capture software for additional processing such as OCR, image enhancement, conversion to PDF, etc. NARA Bulletin 2018-01 specification for transfer to Archives:
  - TIFF Revision 6.0 Final — June 3, 1992 Adobe Systems, Inc. (https://www.adope.io/content/dam/udp/en/open/standards/tiff/TIFF6.pig)

8. Joint Photographic Expert Group (JPEG)
- o Preferred format for non-textual documents that are primarily graphical (image) in nature, e.g., maps and photos
- o Compression should not result in an image quality of 10% or less than the original image to preserve image quality while minimizing file size
- o NARA Bulleting 2018-01 specification for transfer to Archives:
  - ISO/IEC 10918-5 Information technology-Digital Compression and coding of continuous tone still images: JPEG Interchange File Format: (http://www.iso.org/iso/home/store/catalogue_tc/detail.htm?csnumber=54989)
  - ISO/IEC 15444-1:2004 Information technology-JPEG 2000 image coding system: Core coding sykem (https://www.iso.org/standard/37674.html)

Content image standard

9. Image resolution standard
- o Predominately textual documents
  - Good to average quality originals-Bi-tonal (2-bit), scanned at a minimum of 300 pixels per inch (ppi), up to 600 ppi.
  - Average to poor quality originals-Low inherent contract, staining or fading, e.g., carbon copies, faxes or documents with handwritten

annotations or other markings-Bi-tonal (2-bit), scanned at a minimum of 400 ppi.

- Predominately textual documents of good to poor quality with gray scale or color illustrations, photo or text containing color important to interpretation or content 24-bit RGB (Red, Green, Blue), scanned at 300-400 ppi.
- Non-textual (or minimal text content) graphic, illustrations, photos, charts and maps-24-bit RGB, scanned at 300-400 ppi.

Contrast and brightness standard

10. Due to variances in scanner and software, each digitization installation should run test batches of documents to be digitized to determine the capture software contrast and brightness setting calibrations that are needed for optimum document viewing, utility, and production software functionality.

Output information standard

11. Content indexing standard (Optical/Intelligent Character Recognition (OCR/ICR)
    o Only with human review and rekeying can 100% content indexing accuracy for scanned documents be achieved. For effective, efficient and accurate retrieval of digitized content from content management systems, content indexing must be supplemented by cataloguing (indexing) documents for metadata-based searches, as described in the cataloguing and categorization standard below.
    o All textual documents should be content indexed during the digitization/captured process.
    o When ever possible, content indexing should be accomplished using the Enterprise Capture software standard described above. For low volume scanner, this may require passing TIFF file output to the Enterprise Capture software, utilizing Housing data network(s), secure Web portal, or via secure email.

Cataloguing and categorization standard (metadata indexing)

Associating metadata with an imaged (scanned) file is necessary to meet the NARA Bulletin 2015-04. This necessitates the cataloguing of scanned content in order to maximize the power, effectiveness and accuracy of enterprise information search/retrieval tools.

CHAPTER 8: RECORDS MANAGEMENT EVALUATIONS

8.1 Purpose and Scope of Records Management Evaluations

A. The purpose of this chapter is to provide guidance regarding a process to conduct annual evaluations of the Department records management program, as well as reviews of records schedules. The requirement for records management reviews and evaluations is contained in 36 CFR 1220.34, Records Management Responsibilities. This guidance is a tool to be used by the Agency Records Officer (ARO) and can be supplemented by more specific guidance. Program office Agency Records Officers (ARO) are responsible for administering the Department's records management programs. Their responsibilities also include, as requested, reporting to the Electronic Records Management Division on the status, or particular aspects of, their respective program office.

B. The Electronic Records Management Division (Departmental Records) will conduct formal evaluations to measure the effectiveness of records management programs and practices and to ensure that hey comply with the NARA regulations in Chapter XII. The evaluations occur at the departmental, program, and office level annually. These evaluations are mandated by 36 CFR 1220.34. The evaluations conducted are detailed in HUD Form 681, HUD Records Management Assessment.

C. In order to fulfill their responsibilities, RMLOs may conduct regular content analysis consisting of records analysis, risk analysis, and retention analysis of their program office to monitor compliance and report on program effectiveness. This content analysis is primarily completed through the completion of HUD 67 Record Series Inventory Worksheets, and review of Privacy Impact Assessments in conjunction with the program Privacy program. The reviews will assist RMLOs to preliminarily assess the status of their records management program, identify major problems, and set priorities for program improvements.

8.2 Notification of Evaluations

The Electronic Records Management Division will notify program areas of Evaluation dates based on an annual schedule, a specific request by the program official, or a compliance monitoring cycle, e.g., triennial review. Program officials may request a review of their records management program by contacting the ARO. At least 30 workdays before initiating the review of a program area, the ERMD will notify the program official in writing of the review and its scope. Upon notification by the ERMD, the program official will:

8.3 Disposition Plan (Evaluation Report)

Within 15 workdays of the review or exit briefing, the ERMD will submit to the program

official a draft Disposition Plan for factual review and comment. After receiving the program official's comments, the RMLO will finalize the report by correcting any factual errors identified by the program official.

8.4 Disposition Plan (Progress Reports)

A. **Disposition Plans**. Within 30 workdays of the date of transmittal of the final Disposition Plan (Evaluation Report), the RMLO will submit an action plan to the Electronic Records Management Division (Departmental Records Management). The action plan will include:

1. The program official's name/office responsible for coordinating the review.

2. The specific action(s) the program will take to implement each Disposition Plan recommendation. If the program is unable to implement a recommendation, the rationale for not acting shall be documented.

3. The program official's name and the office or program responsible for the overall coordination of the Department's follow-up actions.

4. The estimated time needed to complete each action and the proposed quarter and year for starting and completing each action.

B. **Progress Reports**. Every quarter, the RMLO will submit progress reports to the Electronic Records Management Division.

1. Report Contents. The reports will include:

2. A description of the progress made on each action since the last progress report.

3. The current action status.

4. Any changes in the offices or programs responsible for overall or specific action implementation.

5. If applicable, explanation of any delays in implementation or any revised target dates or milestones for completion of the action.

8.5 Follow-Up Notification and Reviews

The Records Management Liaison Officer with notify the ARO if the ARO determines that there is not substantial progress in the full implementation of Disposition Plan recommendations or that the program office has not corrected serious problems identified in the Disposition Plan.

CHAPTER 9: PROTECTING CONTROLLED UNCLASSIFIED IINFORMATION

ontrolled 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.

CUI is broken down into categories and subcategories and are the exclusive designations for identifying unclassified information that a law, regulation, or Government-wide policy requires or permits agencies to handle by means of safeguarding or dissemination controls. For example, personally identifiable information (PII) is considered CUI.

The Department is committed to minimizing the risk of exposure or misuse for the data we collect, use, and share to achieve our mission, especially individuals' PII. At HUD, offices are responsible for encrypting PII in transmission and at rest; paper copies are required to be kept under lock and key.

Because allowing paper documents with PII to be removed from HUD into various home and off-site environments for telework can represent a loss of control over the data, employees who telework will not be permitted to take home paper files with PII. Employee workload on telework days should therefore revolve around non-PII data activities or be digitally based. For example, some solutions include:

A. While in a HUD facility, employees may electronically scan paper documents and upload them to a HUD site or cloud that is access-/permission-restricted. The files can then be accessed electronically during telework.

B. Paper documents that have been converted to electronic files can be encrypted and emailed to employees for telework.

For more information on encryption, please see:

A. "Protecting Privacy with Encryption;" Memorandum from the Senior Agency Official for Privacy and the Chief Information Officer at http://hudatwork.hud.gov/HUD/cio/doc/privacy encrypt.

B. "Encrypting an Email Message;" OCIO's guide on the Computer Self-Help Desk site: http://hudsharepoint.hud.gov/sites/apps/CSHD/Documents/Encryption-Security/Sending%20an%20Encrypted%20Email.pd.

APPENDIX 1: GLOSSARY

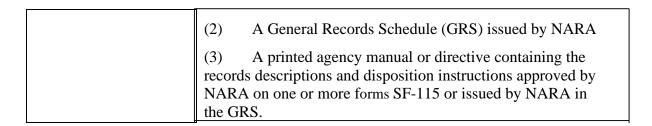| KEY TERM	DEFINITION
Access	The availability of, or permission to consult, records.
Accession	The act and procedures involved in a transfer of legal title and the taking of records into the physical custody of the National Archives and Records Administration.
Active Records	Records that continue to be used with sufficient frequency to justify keeping them in the office of creation (i.e., current records).
Administrative Records	Documents that are preserved because they facilitate the operations and management of an agency but do not relate directly to programs that help the agency achieve its mission. In appraising the documents, consider the usefulness of records to an agency in conducting current business.
Agency Records Officer	Serves as the official responsible for overseeing the agency's records management program.
Appraisal	Deciding the value and thus the disposition of records based on their administrative uses, evidential and informational or research value, arrangement, and relationship to other records.
Archival Value	The finding by appraisal that records are worthy of permanent preservation by the National Archives.
Archives	(1) The permanently valuable records, in whatever form, that are created or received by an agency for its official purposes and made a part of its official documentation.
	(2) An agency set up to preserve and make such records available for use, or a building in which such records are kept (the National Archives, for example).
Case File	A file with records on a specific action, event, person, place, project, or other subject. Sometimes called "project file" or "transaction file."
Classified Information	Records or information requiring safeguards against unauthorized disclosure to protect national security.
Closed File	A file (usually in a series) on which action is assumed to be complete and to which no papers are to be added.
Cubic Feet	A measurement of the volume of records.

Custody	Care and control of records, including both physical possession (physical custody) and legal responsibility (legal custody), unless one or the other is specified. The maintenance of guardianship of records by the agency that made them or its successor, a Records Center, or the National Archives.
Cutoff (Also called File Break)	Ending (closing) files at regular intervals to permit their transfer, retirement, or destruction in complete file blocks. Under this process, a file is closed regularly at the end of a specified time or an event, and a new file is set up.
Disposal	The action taken regarding temporary records after their retention periods expire, typically destruction/deletion. On rare occasions, with permission, records may be donated.
Disposal List	A document giving one-time authority for destroying certain nonrecurring records.
Disposition	Instructions for what is to be done with a record that is no longer needed to support agency business. There are two types of dispositions for records: (1)　Temporary – Records with a temporary disposition that will eventually be destroyed or deleted when all relevant business needs have expired. (2)　Permanent – Permanent records that contain historically significant materials, provide evidence of agency accomplishments, or document important events in national history, and as a result will be preserved by NARA.
Disposition authority	Legal approval empowering an agency to transfer permanent records to the National Archives or carry out the disposal of temporary records.
Dissemination	The distribution by the Government of information to the public. Dissemination does not include distribution to Government employees or agency contractors or grantees, intra- or interagency use or sharing of Government information, and responses to requests for agency records under the Freedom of Information Act (5 U.S.C. 552) or Privacy Act.
Donation	The transfer of temporary records to an eligible person or organization after the authorized retention period has expired. A donation is a very rare occurrence.

Electronic information system (EIS)	A system that contains and provides access to computerized Federal records and other information. An EIS includes the inputs and outputs that are generated, as well as the master files. The system may contain budgetary, fiscal, social, economic, scientific, technical, or program-related data and information, operated in support of agency programs and management responsibilities.
Electronic mail (email) message	A document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word-processing and other electronic documents, which may be transmitted with the message.
Electronic mail system	A computer application to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases.
Electronic recordkeeping system	An electronic system in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition.
Electronic record/e-Records	Records stored in a form that only a computer can process. Records can be numeric, graphic, and text information; media can include, but are not limited to, magnetic media, such as tapes and disks, and optical disks.
Electronic Records Archives (ERA)	NARA's system that allows Federal agencies to perform critical records management transactions with NARA online for the time designated. Agency records management staff use ERA to draft online ERA Records Schedules and Transfer Requests for records in any format, officially submit those schedules for approval by NARA, request the transfer of records in any format to the National Archives for accessioning or pre-accessioning, and submit electronic records for storage.

Emergency	A situation or occurrence with the potential to cause substantial harm to persons or property, developing suddenly and unexpectedly, and demanding immediate action.
Emergency operating records	These are records necessary for the Federal Government to perform its essential functions during an emergency if the country is attacked or in the event of a natural disaster. Such records include those necessary for the military effort; the mobilization and protection of material and manpower resources; the continuation of services and other systems; the maintenance of public health, safety, and order; and the conduct of essential civil defense activities. These records must be available as needed at or near emergency operating centers.
Essential Records	Essential agency records that are needed to meet operational responsibilities under national security emergencies or other emergency or disaster conditions ("emergency operating records"), or to protect the legal and financial rights of the Government and those affected by Government activities ("legal and financial rights records"). Vital records are also known as essential information.
Evaluation	The term evaluation refers to an internal audit by agency staff. You may hear the term "self-evaluation," since the agency is conducting an internal evaluation.
File	An arrangement of records, which denotes papers, photographs, photographic copies, maps, machine-readable information, or other recorded information, regardless of physical form or characteristics, accumulated or maintained in filing equipment, boxes, or machine-readable media, or on shelves, and occupying office or storage space.
File Plan	A plan designating the physical location(s) at which an agency's files are to be maintained, the specific types of files to be maintained there, and the organizational element(s) having custodial responsibility. Also, it is defined as a document's identifying number, title, or description, and disposition authority of files held in an office.
Functional Arrangement	A method of arranging a records schedule by record series or systems that share the same purpose or function, regardless of where they are created and maintained. For example, many of the General Records Schedules are arranged by function.

Federal Records Centers	Defined by 44 U.S.C. 2901(6) as an establishment maintained and operated by the Archivist (NARA Federal Records Center) or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space.
General Records Schedules (GRS)	GRS are issued by the Archivist of the United States under the authority of 44 U.S.C. 3303a(d) to provide disposition authority for records common to several or all Federal agencies. The GRS covers records documenting administrative functions rather than program functions.
Historical Value	The usefulness of records for historical research on the agency that created them or for information about persons, places, events, or things.
Inactive Records	Records that are no longer used in the day-to-day course of business but that may be preserved and occasionally used for legal, historical, or operational purposes.
Inventory	A survey of agency records and non-record materials conducted primarily to develop records schedules and to identify various records management problems.
Life cycle	The management concept that records pass through three stages: creation and receipt, maintenance and use, and disposition.
Maintenance of Records	(1) For current records: All operations, which are part of the upkeep of an organized filing system. This includes classifying, indexing, sorting, filing, referencing records. (2) For records in a Federal Records Center or one that archives them, includes their proper storage, protection, and repair, if needed.
Metadata	Electronic information that allows users to classify specific document data quickly and easily as to the document's creation. It also facilitates list items in SharePoint using list columns.
Migration	A set of organized tasks designed to achieve periodic transfer of digital materials from one hardware/software configuration to another, or from one generation of computer technology to a subsequent generation.

Non-record materials	Documentary materials excluded from the legal definition of records. The United States Code defines "non-record materials" to include material such as unofficial copies of documents kept only for convenience or reference, stocks of publications and near-print documents, and library or museum material intended solely for reference or exhibition.
Official records	Records maintained by, and documenting the actions, decisions, and bases of Government officials.
Off-site storage	A facility other than an agency's normal place of business where vital records are stored for protection.
Operating document	A completed form or other document used to facilitate, accomplish, or provide a description or record of a transaction, function, or event. The information in an operating document may provide data (or input) for a report, but that is not its primary purpose. Examples are application forms, purchase orders, bills of lading, personnel actions, inspection or audit reports, and reports that involve direct command and control of military forces or crypto logical activities related to national security.
Permanent Record	Record appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time it is needed for administrative, legal, or fiscal purposes.
Record Series	A group of records arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, exist in the same media format, or have some other type of relationship.
Records Management	The planning, controlling, directing, organizing, training, promoting, and other managerial activities related to the creation, maintenance and use, and disposition of records, carried out in such a way as to achieve adequate and proper documentation of Federal policies and transactions and effective and economical management of agency operations.
Records Schedule	A records schedule or schedule is: (1) A form SF-115, Request for Records Disposition Authority, that has been approved by NARA to authorize the disposition of Federal records

	(2) A General Records Schedule (GRS) issued by NARA
	(3) A printed agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more forms SF-115 or issued by NARA in the GRS.

Retention	The length of time a record must be kept (either in the office or in off-site storage) because it is needed for ongoing business, to document an action, or for statutory reasons.
Retirement	The transfer of records to agency storage facilities, a Federal Records Center, or a commercial records center.
Scheduling	The process of determining and establishing a records schedule for the appropriate retention period and ultimate disposition of a series. The records thus provided for are called scheduled records.

APPENDIX 2: RECORDS MANAGEMENT OBLIGATIONS FOR CONTRACTS

A. *Applicability*

This clause applies to all Contractors whose employees create, work with, or otherwise handle Federal records, as defined in Section B, regardless of the medium in which the record exists.

B. *Definitions*

"Federal record," as defined in 44 U.S.C. § 3301, includes 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.

The term Federal record:

1. Includes HUD records.

2. Does not include personal materials.

3. Applies to records created, received, or maintained by Contractors pursuant to their HUD contract.

4. May include deliverables and documentation associated with deliverables.

C. *Requirements*

1. Contractor shall comply with all applicable records management laws and regulations, as well as National Archives and Records Administration (NARA) records policies, including, but not limited to, the Federal Records Act (44 U.S.C. 21, 29, 31, 33), NARA regulations at 36 CFR chapter XII, subchapter B, and those policies associated with the safeguarding of records covered by the Privacy Act of 1974 (5 U.S.C. 552a). These policies include the preservation of all records, regardless of form or characteristics, mode of transmission, or state of completion.

2. In accordance with 36 CFR 1222.32, all data created for Government use and delivered to, or falling under the legal control of, the Government are Federal records subject to the provisions of 44 U.S.C. chapters 21, 29, 31, and 33, the Freedom of Information Act (FOIA) (5 U.S.C. 552), as amended, and the Privacy

Act of 1974 (5 U.S.C. 552a), as amended and must be managed and scheduled for disposition only as permitted by statute or regulation.

3. In accordance with 36 CFR 1222.32, Contractor shall maintain all records created for Government use or created in the course of performing the contract and/or delivered to, or under the legal control of the Government and must be managed in accordance with Federal law. Electronic records and associated metadata must be accompanied by sufficient technical documentation to permit understanding and use of the records and data.

4. HUD and its contractors are responsible for preventing the alienation or unauthorized destruction of records, including all forms of mutilation. Records may not be removed from the legal custody of HUD or destroyed except for in accordance with the provisions of the agency records schedules and with the written concurrence of the Head of the Contracting Activity. Willful and unlawful destruction, damage, or alienation of Federal records is subject to the fines and penalties imposed by 18 U.S.C. 2701. In the event of any unlawful or accidental removal, defacing, alteration, or destruction of records, Contractor must report to HUD. HUD must report promptly to NARA in accordance with 36 CFR 1230.

5. The Contractor shall immediately notify the appropriate Contracting Officer upon discovery of any inadvertent or unauthorized disclosures of information, data, documentary materials, records, or equipment. Disclosure of non-public information is limited to authorized personnel with a need-to-know as described in the [contract vehicle]. The Contractor shall ensure that the appropriate personnel, administrative, technical, and physical safeguards are established to ensure the security and confidentiality of this information, data, documentary material, records and/or equipment is properly protected. The Contractor shall not remove material from Government facilities or systems, or facilities or systems operated or maintained on the Government's behalf, without the express written permission of the Head of the Contracting Activity. When information, data, documentary material, records and/or equipment is no longer required, it shall be returned to HUD control or the Contractor must hold it until otherwise directed. Items returned to the Government shall be hand-carried, mailed, emailed, or securely electronically transmitted to the Contracting Officer or address prescribed in the [contract vehicle]. Destruction of records is EXPRESSLY PROHIBITED unless in accordance with Paragraph (4).

6. The Contractor is required to obtain the Contracting Officer's approval prior to engaging in any contractual relationship (sub-contractor) in support of this contract requiring the disclosure of information, documentary material, and/or records generated under, or relating to, contracts. The Contractor (and any sub-contractor) is required to abide by Government and HUD guidance for protecting sensitive, proprietary information, classified, and controlled unclassified information.

7. The Contractor shall only use Government Information Technology equipment for purposes specifically tied to or authorized by the contract and in accordance with HUD policy.

8. The Contractor shall not create or maintain any records containing any non-public HUD information that are not specifically tied to or authorized by the contract.

9. The Contractor shall not retain, use, sell, or disseminate copies of any deliverable that contains information covered by the Privacy Act of 1974 or that which is generally protected from public disclosure by an exemption to the Freedom of Information Act.

10. HUD owns the rights to all data and records produced as part of this contract. All deliverables under the contract are the property of the U.S. Government for which HUD shall have unlimited rights to use, dispose of, or disclose such data contained therein as it determines to be in the public interest. Any Contractor rights in the data or deliverables must be identified as required by FAR 52.227-11 through FAR 52.227-20.

11. Training. All Contractor employees assigned to this contract who create, work with, or otherwise handle records are required to take HUD provided records management training. The Contractor is responsible for confirming training has been completed according to agency policies, including initial training and any annual or refresher training. [Note: To the extent an agency requires contractors to complete records management training, the agency must provide the training to the contractor.]

D. Flow-down of requirements to subcontractors

1. The Contractor shall incorporate the substance of this clause, its terms, and requirements, including this paragraph, in all subcontracts under this [contract vehicle], and require written subcontractor acknowledgment of same.

2. Violation by a subcontractor of any provision set forth in this clause will be attributed to the Contractor.

APPENDIX 3: FILE MANAGEMENT GUIDE

How to Set Up Files

<u>Arrange Files for Easier Disposition</u>.

A. <u>Keep inactive records separate from active records</u>. Files are inactive when referred to not more than once a month per file drawer.

B. <u>Cut off or break file regularly</u>. End the files at regular times to permit their transfer, retirement, or destruction in complete file blocks. Use the cutoff instructions in the HUD records disposition schedules or General Records Schedules where they exist. Cutoff instructions are as follows:

1. Chronological sequence files are filed by period of account, usually fiscal year (e.g., accounting records). Records arranged chronologically cut off and retire in blocks.

2. Case or project files cutoff. At the end of a transaction or event (e.g., final purchase order payment, lease termination, or project completion).

   a. A closed case file should be marked with the date of closing and placed in a separate inactive file. The inactive files can then be retired or destroyed in convenient fiscal or calendar year blocks.

   b. Case files that continue over many years can be cut off by setting up a new folder each year and retiring the prior year folders which have little reference activity.

3. Subject files. A decision should be made on when to break subject files.

   a. Subject files are cut off at the end of the calendar year or in 3-year blocks.

   b. Files that cannot be closed out in 3 years should be screened to remove material not needed for current operations. The noncurrent material should then be destroyed, stored in another location, or retired to the Federal Records Center as allowed by the disposition schedule.

4. Technical reference materials have no established cutoff. They should be destroyed when superseded, obsolete, or no longer needed. Review the files annually to determine if they are current and still useful. Technical reference materials cannot be retired to a Federal Records Center.

C. Keep non-record material separate from record material, permanent records separate from temporary records, and long-term temporary records separate from short-term temporary records.

D. Do not interfile record series with different retention periods.

How to Set Up Case or Project Files

A. Folders. Set up separate files for each program. Make a folder for each case or project. Use separate folders for large or bulky documents, as needed.

B. Labels. Type the case/project number or code, name, and location in capital letters, just below the color band, if any.

   1. Vertical files: Type the caption one space from the left edge of the label for standard folders to be filed in vertical file cabinets. For example:

      PFL-CALIF-63
      CARUTHERS WATER AND SEWER SYSTEM
      APPLICATION AND LOAN AGREEMENT (1)

   2. Shelf files: Type the caption on the right edge to adapt standard folders to shelf filing. For example:

      CONSTRUCTION RECORDS   OKLA-3-2
      FAIRWAY CONSTRUCTION CO. CONST.
      LAWTON, OKLA.

How to Set Up Subject Files

A. Folders. Use letter-size folders. Prepare a folder for each category in the office subject outline. Arrange the folders in the same order as shown in the outline.

B. Labels. Type the file code (from the outline), title, and year in capital letters, just below the top edge of the label.

    1. <u>Vertical files</u>: Type the file code and title one space from the left edge of the label for standard folders to be filed in vertical file cabinets. For example:

        PER 5-2   MERIT STAFFING
        CY 19XX

    2. <u>Shelf files</u>: Type the file code and title on the right edge to adapt standard folders to shelf filing. For example:

        MAIL & MESSENGER   ADS 5-1
        CY 19XX   MAIL & MESS.

<u>Labeling Permanent Folders</u>. The HUD records disposition schedules in Handbook 2225.6 provide for the eventual transfer of certain Headquarters subject and case/project files to the National Archives for permanent retention.

    A. Type or write "PERMANENT" on each folder label to identify these files.

    B. If the folder label is already covered with information, stamp or write "PERMANENT" on the front of the folder, preferably in the upper right corner.

<u>How to Set Up Alphabetical Name Index Files</u>. Divide the index file into three categories:

    A. <u>Interoffice</u>. Prepare a folder for each HUD organization as needed. Keep Headquarters organizations separate from State Office and Field Offices. To avoid preparing and filing lots of cross references, use combination folders labeled:

        1. "INTEROFFICE" for correspondence addressed to Headquarters and State Offices or Field Offices.

        2. "HEADQUARTERS" for correspondence addressed to two or more Headquarters offices.

        3. "STATE OFFICES AND FIELD OFFICES" for correspondence addressed to two or more State offices or Field Offices. Make combination folders for each State Office when filing large amounts of correspondence addressed to two or more Field offices within each State Office.

    B. <u>Interagency</u>. Prepare a folder for each Government agency the office corresponds with regularly. Use a combination folder labeled "INTERAGENCY" for correspondence addressed to two or more agencies.

C. <u>Other (A to Z)</u>. These files contain communications addressed to individuals, organizations, states, and cities. Start with the following folders and expand as needed:

A to E
F to J
K to M
etc.

APPENDIX 4a: RECORDS MANAGEMENT LIAISON OFFICER APPOINTMENT LETTER

RECORDS MANAGEMENT LIASON OFFICER (RMLO)
DESIGNATION FORM LETTER

MEMORANDUM FOR: Primary Organization Heads

(use plural form of POH in address line if memo is going to all POHs; if only one, then use the recommended changes to the memo in the body below; if going to all POHs, then better to list the POHs and alternates as originally written).

FROM: Office of Digital Enterprise, Electronic Records Management Division

SUBJECT: Designation of Records Management Liaison Officer and
                             Alternate for the Office of

      In accordance with (Authority: Par. 1-8a (5), this memorandum designates[NAME, TITLE] as the Records Management Liaison Officer, and [NAME, TITLE] as the Alternate Records Management Liaison Officer, for the Office of [NAME OF OFFICE], effective immediately.

      If you have any questions, please contact [NAME, TITLE, OFFICE] at [PHONE NUMBER] or via email at

1. RMLO:
      Name   Date

2. Alternate
      Name   Date

APPENDIX 4b: RECORDS MANAGEMENT COORDINATOR APPOINTMENT LETTER

RECORDS MANAGEMENT COORDINATOR DESIGNATION FORM

DATE:

MEMORANDUM FOR: U.S. Department of Housing and Urban Development Agency Records Officer, Office of Administration, Office of Records Management.

FROM:

SUBJECT: Designation of Records Management Coordinator and Alternate for the Office of

_____

Telephone Number:

    Records Management Coordinator (RMC):

    Alternate: