

## 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. Records Analysis

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. Risk Analysis

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 Secretary 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. Inventory

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 longer 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:

<b>IF the records.....</b>	<b>THEN</b>
<b>Are security classified for national defense reasons.</b>	See Handbook 1750.1, National Security Information.
<b>Are restricted from public access and use by law, regulation, or HUD policy or directive.</b>	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.
<b>Cannot be sold because the:</b> <ul style="list-style-type: none"><li>• <b>Volume is too small.</b></li><li>• <b>Market price is too low.</b></li><li>• <b>Records must be sorted.</b></li><li>• <b>Records must be cleaned first.</b></li></ul>	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.