

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 07, 2000 14:22

PAPER NUMBER: LTR-00-0367 LOGGING DATE: 06/07/2000
ACTION OFFICE: SECY

AUTHOR: JOHN CARLIN
AFFILIATION: NARA
ADDRESSEE:
SUBJECT: PROTECTING FEDERAL RECORDS FROM UNAUTHORIZED REMOVAL

ACTION: Appropriate
DISTRIBUTION:

LETTER DATE: 05/16/2000
ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES:
FILE LOCATION: ADAMS

DATE DUE: DATE SIGNED:

Template = SECY017

SECY-02



May 16, 2000

Protecting Federal Records From Unauthorized Removal

TO: Heads of Federal Agencies

With the upcoming transition in presidential administrations, I want to remind you about the need to protect against removal of Federal records and ask for your assistance in ensuring that all Federal records created or received by your agency remain in the agency. As a presidential appointee, your records and those of other high level officials at your agency are particularly important. These records are likely to have continuing usefulness to the Government, as well as a high potential for future research use.

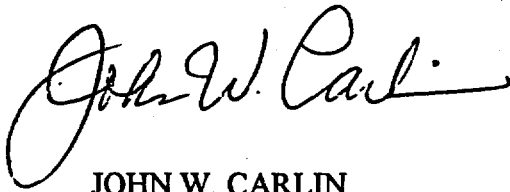
The enclosed NARA Bulletin 2000-03 explains the basic principles governing the protection of records and the removal of extra copies of records and personal materials. The bulletin also refers to more detailed guidance and explains how to obtain it. It is particularly important that officials understand that their personal computers are likely to contain Federal records that must be properly maintained and left with the agency when the official moves on. At a minimum, virtually every official will create and receive email that are Federal records.

Many officials are interested in removing documentary materials for personal use or to donate to a research institution. Be aware that records in your possession and the possession of your staff belong to your agency and must remain there upon departure. However, it may be suitable to remove copies of records when approved by a designated official of your agency. Other institutions may be interested in copies of records that you handled while in Federal service, along with personal materials relating to your career. You and other officials at your agency should be familiar with the regulations prohibiting the removal of records, and the controls that regulate removing extra copies.

I ask that you share the enclosed guidance with other officials in your agency so that the complete history of your agency will be preserved.

Your agency records officer can advise you about the disposition of Federal records and other documentary materials. Please feel free to call me on 301-713-6410 or Michael Kurtz, Assistant Archivist for Records Services - Washington, DC, on 301-713-7000, if we can provide additional assistance.

Sincerely,

A handwritten signature in cursive script that reads "John W. Carlin". The signature is written in black ink and is positioned above the printed name.

JOHN W. CARLIN

Archivist of the United States

Enclosure

cc: Federal Agency Records Officers

*National Archives and
Records Administration*

Washington, DC 20408

NARA BULLETIN

NO. 2000-03

May 16, 2000

TO: Heads of Federal agencies

SUBJECT: Protecting Federal records and other documentary materials from unauthorized removal

EXPIRATION DATE: This bulletin will remain in effect until May 31, 2002.

1. Why is NARA issuing this bulletin? The purpose of this bulletin is to remind heads of Federal agencies that official records must remain in the custody of the agency.

a. Federal records may be destroyed or removed from Government custody only with the approval of the Archivist of the United States (44 U.S.C. Chapter 33). If an agency knows of any actual or potential threat (e.g., removal, alteration, or destruction) to records, it should contact NARA. NARA will assist the agency in working with the Department of Justice to recover alienated records (44 U.S.C. 3106).

b. In addition, only with the agency's permission may departing officials remove extra copies of records. Officials may remove documentary materials that are of a purely personal nature when they leave public service. This reminder is needed at this time, given the upcoming change in presidential administration.

2. What materials are Federal records?

As defined in 44 U.S.C. 3301, records are documentary materials that agencies create and receive while conducting business that provide evidence of the agency's organization, functions, policies, decisions, procedures, and operations, or because they contain information of value. Records may be in paper, film, tape, disk, or other physical form. They may be generated manually, electronically, or by other means.

3. Are there Federal documentary materials that do not qualify as records?

Materials such as library or museum materials, extra copies of records kept solely for convenience of reference, and stocks of publications and processed documents are excluded from the definition of "record" (44 U.S.C. Chapter 33). These work-related materials, though excluded from the definition of "record," nevertheless belong to and are controlled by the Government (36 CFR 1222.34(f)).

4. Does the Government control personal documentary materials that I may bring into the office?

Federal records management requirements do not apply to personal materials that are brought to or accumulated at work. Personal materials include family and personal correspondence and materials documenting professional activities and outside business or political pursuits. These materials belong to the individual, and the Government exerts no control over them.

5. How should I maintain the documentary materials in my office to distinguish and separate the different types of materials?

a. Federal records need to be maintained in agency files or electronic recordkeeping systems. Agency personnel need to know how to ensure that records are incorporated into files or electronic recordkeeping systems, especially records that were generated electronically on personal computers. Only records needed for current operations, such as open case files, should be maintained at an individual's desk.

b. Depending on access restrictions, agencies may permit personnel to keep extra copies for convenience of reference in their offices and on their personal computers. However, you must get the agency's permission if you want to remove any of these materials for personal use (36 CFR 1222.42).

c. Maintain personal materials separately from records and extra copies of records so that you will not have to separate them when you leave your position.

6. What do I do with records and other documentary materials that I no longer need?

Records are maintained in agency files and other recordkeeping systems. When a record is finalized, when a case file is closed, or at another appropriate time, follow established procedures for incorporating it into the appropriate recordkeeping system. Records must be maintained in recordkeeping systems so that they will be integrated, either physically or intellectually, with related records and where they will be accessible to all staff who may need them. Records must remain in the custody of the agency, and may not be removed for nonofficial uses.

7. May I remove documentary materials from the agency?

a. You are likely to have extra copies of records kept for convenience of reference in your office or workstation. You may remove such copies for personal use only with the approval of a designated official of the agency, such as the records officer or legal counsel. Copies of records that are national security classified or otherwise restricted must remain under the control of the agency. If the agency permits removal, they must be transferred to a facility that has an appropriate level security storage area (36 CFR 1222.42).

b. You may remove personal materials maintained separately from both records and extra copies of records. Consult the agency records officer if records, extra copies of records, and personal materials are intermingled.

8. What must I do to implement this bulletin?

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

9. Where can I get additional information?

a. Contact the agency records officer with questions about the maintenance and disposition of records and extra copies of records. Consult the records officer, legal counsel, or information security officer to find out if the agency allows removal of extra copies of records and how to secure approval.

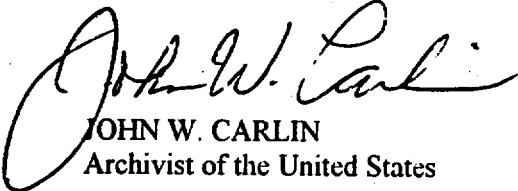
b. Your agency's records officer should have copies of *Personal Papers of Executive Branch Officials* and *Agency Recordkeeping Requirements*, two NARA publications that address records creation and maintenance procedures and distinguishing between records and personal documentary materials. These publications are available on the NARA web site at www.nara.gov/records/index.html. Limited quantities of printed copies may be available. If you want a printed copy, please contact the Life Cycle Management Division on 301-713-6677.

c. NARA records management regulations (36 CFR Chapter XII, Subchapter B) address the identification and protection of Federal records and are also accessible from the web site mentioned above.

10. Does NARA provide other assistance?

a. Records officers in the Washington, DC, area may request advice and assistance from the NARA Life Cycle Management Division by telephone at 301-713-6677 or email at records.mgt@arch2.nara.gov. Outside of Metropolitan Washington, D.C., address questions to the Records Management Programs Director of the nearest NARA regional records services facility. NARA regional facilities and the areas they serve are listed on the web site at www.nara.gov/regional/nrmenu.html. Send written requests to the National Archives and Records Administration (NWML), Rm. 2200, 8601 Adelphi Road, College Park, MD 20740-6001.

b. Officials who wish to donate collections of personal papers and extra copies of records to a presidential library should contact the National Archives and Records Administration, Office of Presidential Libraries, Rm. 2200, 8601 Adelphi Road, College Park, MD 20740-6001, or by telephone at 301-713-6050.



JOHN W. CARLIN
Archivist of the United States