

## SUBCHAPTER B—RECORDS MANAGEMENT

### PART 1220—FEDERAL RECORDS; GENERAL

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AUTHORITY: 44 U.S.C. Chapters 21, 29, 31, and 33.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

#### § 1220.1 What is the scope of Subchapter B?

Subchapter B specifies policies for Federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, and records disposition.

#### § 1220.2 What are the authorities for Subchapter B?

The regulations in this subchapter implement the provisions of 44 U.S.C. Chapters 21, 29, 31, and 33.

#### § 1220.3 What standards are used as guidelines for Subchapter B?

These regulations are in conformance with ISO 15489-1:2001, Information and documentation—Records management. Other standards relating to specific sections of the regulations are cited where appropriate.

#### § 1220.10 Who is responsible for records management?

(a) The National Archives and Records Administration (NARA) is responsible for overseeing agencies' adequacy of documentation and records disposition programs and practices, and the General Services Administration (GSA) is responsible for overseeing economy and efficiency in records management. The Archivist of the United States and the Administrator of GSA issue regulations and provide guidance and assistance to Federal agencies on records management programs. NARA regulations are in this subchapter. GSA regulations are in 41 CFR parts 102-193.

(b) Federal agencies are responsible for establishing and maintaining a records management program that complies with NARA and GSA regulations and guidance. Subpart B of this part sets forth basic agency records management requirements.

#### § 1220.12 What are NARA's records management responsibilities?

(a) The Archivist of the United States issues regulations and provides guidance and assistance to Federal agencies on ensuring adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Federal Government and ensuring proper records disposition, including standards for improving the management of records.

(b) NARA establishes standards for the retention of records having continuing value (permanent records), and assists Federal agencies in applying the standards to records in their custody.

(c) Through a records scheduling and appraisal process, the Archivist of the

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United States determines which Federal records have temporary value and may be destroyed and which Federal records have permanent value and must be preserved and transferred to the National Archives of the United States. The Archivist's determination constitutes mandatory authority for the final disposition of all Federal records.

(d) The Archivist of the United States issues General Records Schedules (GRS) authorizing disposition, after specified periods of time, of records common to several or all Federal agencies.

### § 1220.14 Who must follow the regulations in Subchapter B?

The regulations in Subchapter B apply to Federal agencies as defined in § 1220.18.

### § 1220.16 What recorded information must be managed in accordance with the regulations in Subchapter B?

The requirements in Subchapter B apply to documentary materials that meet the definition of Federal records. See also Part 1222 of this subchapter.

### § 1220.18 What definitions apply to the regulations in Subchapter B?

As used in subchapter B—

*Adequate and proper documentation* means a record of the conduct of Government business that is complete and accurate to the extent required to document the organization, functions, policies, decisions, procedures, and essential transactions of the agency and that is 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.

*Agency* (see *Executive agency and Federal agency*).

*Appraisal* is the process by which the NARA determines the value and the final disposition of Federal records, designating them either temporary or permanent.

*Commercial records storage facility* is a private sector commercial facility that offers records storage, retrieval, and disposition services.

*Comprehensive schedule* is an agency manual or directive containing descriptions of and disposition instructions for documentary materials in all physical forms, record and nonrecord, created by a Federal agency or major component of an Executive department. Unless taken from General Records Schedules (GRS) issued by NARA, the disposition instructions for records must be approved by NARA on one or more Standard Form(s) 115, Request for Records Disposition Authority, prior to issuance by the agency. The disposition instructions for nonrecord materials are established by the agency and do not require NARA approval. See also *records schedule*.

*Contingent records* are records whose final disposition is dependent on an action or event, such as sale of property or destruction of a facility, which will take place at some unspecified time in the future.

*Disposition* means those actions taken regarding records no longer needed for the conduct of the regular current business of the agency.

*Disposition authority* means the legal authorization for the retention and disposal of records. For Federal records it is found on SF 115s, Request for Records Disposition Authority, which have been approved by the Archivist of the United States. For nonrecord materials, the disposition is established by the creating or custodial agency. See also *records schedule*.

*Documentary materials* is a collective term that refers to recorded information, regardless of the medium or the method or circumstances of recording.

*Electronic record* means any information that is recorded in a form that only a computer can process and that satisfies the definition of a Federal record under the Federal Records Act. The term includes both record content and associated metadata that the agency determines is required to meet agency business needs.

*Evaluation* means the selective or comprehensive inspection, audit, or review of one or more Federal agency records management programs for effectiveness and for compliance with applicable laws and regulations. It includes recommendations for correcting

or improving records management policies and procedures, and follow-up activities, including reporting on and implementing the recommendations.

*Executive agency* means any executive department or independent establishment in the Executive branch of the U.S. Government, including any wholly owned Government corporation.

*Federal agency* means any executive agency or any establishment in the Legislative or Judicial branches of the Government (except the Supreme Court, Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction). (44 U.S.C. 2901(14)).

*Federal records* (see *records*).

*File* means an arrangement of records. The term denotes papers, photographs, maps, electronic information, or other recorded information regardless of physical form or characteristics, accumulated or maintained in filing equipment, boxes, on electronic media, or on shelves, and occupying office or storage space.

*Information system* means the organized collection, processing, transmission, and dissemination of information in accordance with defined procedures, whether automated or manual.

*Metadata* consists of preserved contextual information describing the history, tracking, and/or management of an electronic document.

*National Archives of the United States* is the collection of all records selected by the Archivist of the United States because they have sufficient historical or other value to warrant their continued preservation by the Federal Government and that have been transferred to the legal custody of the Archivist of the United States, currently through execution of a Standard Form (SF) 258 (Agreement to Transfer Records to the National Archives of the United States). See also *permanent record*.

*Nonrecord materials* are those Federally owned informational materials that do not meet the statutory definition of records (44 U.S.C. 3301) or that have been excluded from coverage by the definition. Excluded materials are extra copies of documents kept only for reference, stocks of publications and processed documents, and library or

museum materials intended solely for reference or exhibit.

*Permanent record* means any Federal record that has been determined by NARA to have sufficient value to warrant its preservation in the National Archives of the United States, even while it remains in agency custody. Permanent records are those for which the disposition is permanent on SF 115, Request for Records Disposition Authority, approved by NARA on or after May 14, 1973. The term also includes all records accessioned by NARA into the National Archives of the United States.

*Personal files* (also called *personal papers*) are documentary materials belonging to an individual that are not used to conduct agency business. Personal files are excluded from the definition of Federal records and are not owned by the Government.

*Recordkeeping requirements* means all statements in statutes, regulations, and agency directives or other authoritative issuances, that provide general or specific requirements for Federal agency personnel on particular records to be created and maintained by the agency.

*Recordkeeping system* is a manual or electronic system that captures, organizes, and categorizes records to facilitate their preservation, retrieval, use, and disposition.

*Records* or *Federal records* is defined in 44 U.S.C. 3301 as including “all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government 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 Government or because of the informational value of the data in them (44 U.S.C. 3301).” (See also §1222.10 of this part for an explanation of this definition).

*Records center* is defined in 44 U.S.C. 2901(6) as an establishment maintained and operated by the Archivist (NARA Federal Records Center) or by another

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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. See also *records storage facility*.

*Records management*, as used in subchapter B, means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.

*Records schedule or schedule* means any of the following:

(1) A Standard Form 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; or

(3) A published agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more SF 115s or issued by NARA in the GRS. See also *comprehensive schedule*.

*Records storage facility* is a records center or a commercial records storage facility, as defined in this section, i.e., a facility used by a Federal agency to store Federal records, whether that facility is operated and maintained by the agency, by NARA, by another Federal agency, or by a private commercial entity.

*Retention period* is the length of time that records must be kept.

*Series* means file units or documents arranged according to a filing or classification system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access and use. Also called a *records series*.

*Temporary record* means any Federal record that has been determined by the Archivist of the United States to have insufficient value (on the basis of current standards) to warrant its preser-

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vation by the National Archives and Records Administration. This determination may take the form of:

(1) Records designated as disposable in an agency records disposition schedule approved by NARA (SF 115, Request for Records Disposition Authority); or

(2) Records designated as disposable in a General Records Schedule.

*Unscheduled records* are Federal records whose final disposition has not been approved by NARA on a SF 115, Request for Records Disposition Authority. Such records must be treated as permanent until a final disposition is approved.

### § 1220.20 What NARA acronyms are used throughout Subchapter B?

As used in Subchapter B—  
*NARA* means the National Archives and Records Administration.

*NAS* means the Space and Security Management Division.

*NR* means the Office of Regional Record Services.

*NWCS* means the Special Media Archives Services Division.

*NWM* means Modern Records Programs, which includes NARA records management staff nationwide.

*NWME* means the Electronic and Special Media Records Services Division.

*NWML* means the Lifecycle Management Division.

*NWMW* means the Washington National Records Center.

*NWT* means Preservation Programs.

### Subpart B—Agency Records Management Responsibilities

#### § 1220.30 What are an agency's records management responsibilities?

(a) Under 44 U.S.C. 3101, the head of each Federal agency must make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. These records must be 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.

(b) Under 44 U.S.C. 3102, the head of each Federal agency must establish

and maintain an active, continuing program for the economical and efficient management of the records of the agency.

(c) Agency records management programs must provide for:

- (1) Effective controls over the creation, maintenance, and use of records in the conduct of current business; and
- (2) Cooperation with the Archivist and the Administrator of GSA in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and destruction of records of temporary value.

**§ 1220.32 What records management principles must agencies implement?**

Agencies must create and maintain authentic, reliable, and usable records and ensure that they remain so for the length of their authorized retention period. A comprehensive records management program provides policies and procedures for ensuring that:

- (a) Records documenting agency business are created or captured;
- (b) Records are organized and maintained to facilitate their use and ensure integrity throughout their authorized retention periods;
- (c) Records are available when needed, where needed, and in a usable format to conduct agency business;
- (d) Legal and regulatory requirements, relevant standards, and agency policies are followed;
- (e) Records, regardless of format, are protected in a safe and secure environment and removal or destruction is carried out only as authorized in records schedules; and
- (f) Continuity of operations is supported by a vital records program (see part 1223 of this subchapter).

**§ 1220.34 What must an agency do to carry out its records management responsibilities?**

To carry out the responsibilities specified in 44 U.S.C. 3101 and 3102, agencies must:

- (a) Assign records management responsibility to a person and office with appropriate authority within the agency to coordinate and oversee imple-

mentation of the agency comprehensive records management program principles in § 1220.32;

(b) Advise NARA and agency managers of the name(s) of the individual(s) assigned operational responsibility for the agency records management program. To notify NARA, send the name(s), e-mail and postal addresses, phone and fax numbers of the individual(s) to NARA (NWM), 8601 Adelphi Road, College Park, MD 20740-6001 or to *RM.Communications@nara.gov*. The name, title, and phone number of the official or officials authorized by the head of the agency to sign records disposition schedules and requests for transfer of records to the custody of the National Archives must also be submitted to NARA (NWM) or *RM.Communications@nara.gov*;

(c) Issue a directive(s) establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of agency records. Copies of the directive(s) (including subsequent amendments or supplements) must be disseminated throughout the agency, as appropriate, and a copy must be sent to NARA (NWM);

(d) Assign records management responsibilities in each program (mission) and administrative area to ensure incorporation of recordkeeping requirements and records maintenance, storage, and disposition practices into agency programs, processes, systems, and procedures;

(e) Integrate records management and archival requirements into the design, development, and implementation of electronic information systems as specified in § 1236.12 of this subchapter;

(f) Provide guidance and training to all agency personnel on their records management responsibilities, including identification of Federal records, in all formats and media;

(g) Develop records schedules for all records created and received by the agency and obtain NARA approval of the schedules prior to implementation, in accordance with 36 CFR parts 1225 and 1226 of this subchapter;

(h) Comply with applicable policies, procedures, and standards relating to

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records management and record-keeping requirements issued by the Office of Management and Budget, NARA, GSA, or other agencies, as appropriate (see §1222.22 of this subchapter);

(i) Institute controls ensuring that all records, regardless of format or medium, are properly organized, classified or indexed, and described, and made available for use by all appropriate agency staff; and

(j) Conduct formal evaluations to measure the effectiveness of records management programs and practices, and to ensure that they comply with NARA regulations in this subchapter.

**PART 1222—CREATION AND MAINTENANCE OF FEDERAL RECORDS**

**Subpart A—Identifying Federal Records**

Sec.

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1222.2 What definitions apply to this part?

1222.3 What standards are used as guidance for this part?

1222.10 How should agencies apply the statutory definition of Federal records?

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1222.14 What are nonrecord materials?

1222.16 How are nonrecord materials managed?

1222.18 Under what conditions may nonrecord materials be removed from government agencies?

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**Subpart B—Agency Recordkeeping Requirements**

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1222.26 What are the general recordkeeping requirements for agency programs?

1222.28 What are the series level record-keeping requirements?

1222.30 When must agencies comply with the recordkeeping requirements of other agencies?

1222.32 How do agencies manage data and records created or received by contractors?

1222.34 How must agencies maintain records?

AUTHORITY: 44 U.S.C. 2904, 3101, 3102, and 3301.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

**Subpart A—Identifying Federal Records**

**§ 1222.1 What are the authorities for Part 1222?**

The statutory authorities for this part are 44 U.S.C. 2904, 3101, 3102, and 3301.

**§ 1222.2 What definitions apply to this part?**

See §1220.18 of this subchapter for definitions of terms used in part 1222.

**§ 1222.3 What standards are used as guidance for this part?**

These regulations conform with guidance provided in ISO 15489–1:2001, Information and documentation—Records management. Paragraphs 7.1 (Principles of records management programmes), 7.2 (Characteristics of a record), 8.3.5 (Conversion and migration), 8.3.6 (Access, retrieval and use), and 9.6 (Storage and handling) apply to records creation and maintenance.

**§ 1222.10 How should agencies apply the statutory definition of Federal records?**

(a) The statutory definition of Federal records is contained in 44 U.S.C. 3301 and provided in §1220.18 of this subchapter.

(b) Several key terms, phrases, and concepts in the statutory definition of a Federal record are further explained as follows:

(1) *Documentary materials* has the meaning provided in §1220.18 of this subchapter.

(2) *Regardless of physical form or characteristics* means that the medium may be paper, film, disk, or other physical type or form; and that the method of recording may be manual, mechanical, photographic, electronic, or any other combination of these or other technologies.

(3) *Made* means the act of creating and recording information by agency personnel in the course of their official duties, regardless of the method(s) or the medium involved.

(4) *Received* means the acceptance or collection of documentary materials by