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## Appendix F Federal Government Employee Records Responsibilities

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Government employees create and send records. Department of the Navy records are maintained and disposed of based on SECNAV M5210.1, *Department of the Navy Records Management Manual*, 30 May 2012, Change 1 to Rev 1 dated 23 August 2017.

See NARA's *Documenting Your Public Service*, 2016 Web Edition, for detailed information.

<https://www.archives.gov/records-mgmt/publications/documenting-your-public-service.html>

### What are Federal agency responsibilities?

Federal agencies are legally required to manage their records. Records are the evidence of the agency's actions. They must be managed properly for the agency to function effectively and to comply with federal laws and regulations.

See NARA, **Frequently Asked Questions about Records Management in General**

<https://www.archives.gov/records-mgmt/faqs/general.html>

- What is records management?
- Who is responsible for records management?
- What are Federal agency responsibilities?
- What are Federal employee responsibilities?
- What are some of the benefits of records management?

### **Environmental Restoration Records**

NAVFAC Environmental Restoration personnel create and receive documents that become part of Administrative Record Files, Site Files, and Post Decision Files.

40 CFR § 300.800 ***Establishment of an administrative record***, sets forth the general requirements for establishing and creating Administrative Record and associated files.

The Files are defined by *Final Guidance on Administrative Records for Selecting*

*CERCLA Response Actions* OWSER Directive 9833.3A-1, 3 December 1990 and the *U S EPA Revised Guidance on Compiling Administrative Records for CERCLA Response Actions*, 20 September 2010. On March 18, 2013, the EPA issued a final rule, effective April 17, 2013, to revise the *National Contingency Plan* 40 CFR 300.805(c) regarding public availability of the administrative record file. The revision added language to the NCP to broaden the technology to include computer telecommunications or other electronic means that the lead agency is permitted to use to make the administrative record file available to the public.

Restoration records are retained for fifty (50) years after completion of all response actions at an installation in accordance with the Standard Subject Identification Code (SSIC) 5000-33, SECNAV M5210.1, *Department of the Navy Records Management Manual*. Effective 29 May 2018, all Department of the Navy SSIC numbers were revised and updated. Please contact Records Management to obtain information and copies of the Department of the Navy updated SSIC numbers

Certain documents created as a result of work performed by Project Managers are considered working copies or duplicates of documents. These documents are considered non-records and may be retained by the Project Manager as temporary reference material. See the definitions below for specific information about non-records.

DON ERP RPMs may also create or receive documents which are part of another Business Line's official records. Copies of these documents are considered working copies or duplicates of another Business Line's official records. Working copies or duplicates copies will not be added to the Administrative Record, Post Decision, or Site Files.

DON ERP RPMs may also have personal files or papers that are considered non-records. See the definition for specific information.

NAVFAC requires Project Managers to take Annual Records Management Training:

[Records Management in the DON: Everyone's Responsibility](#), a web-based training course which provides an overview of the DON Records Management Program and emphasizes the legal responsibility to actively support the creation, management, and preservation of official records.

The Training is designed as an annual refresher course for DON employees (military, government, civilian, and contract personnel) to remind them of their responsibilities regarding records management. The revised guide provides information necessary for conducting refresher training to fulfill this requirement.

## **DON Chief Information Officer (CIO) Records Management**

The DON CIO Records Management Office provides strategic direction and oversight of DON records management, which includes the planning, controlling, directing, organizing, training, promoting and performance of other managerial activities related to the creation, maintenance, use, and disposition of records.

Reminders:

1. Personnel are responsible for the creation of records. They must check with the appropriate Records Manager to determine Command policy and procedure for maintaining and preserving records.
2. Personnel must assist with the identification of records they create.
3. Personnel should be able to identify non-record materials.
4. Personnel must identify personal papers and maintain them separately from organizational records.
5. Personnel cannot, by law, remove records from government custody or destroy them.
6. Personnel must check with the appropriate Command representative for Command policy and procedure for records disposition.
7. Personnel must inform the appropriate Records Manager of any actual, impending, or threatened unlawful removal, alteration or destruction of Federal records. Personnel must be made aware of the sanctions provided for the unlawful removal or destruction of federal records.
8. Personnel may not destroy, discard or delete any record or other documentary material that is subject to any type of hold or that may be related in any way to any reasonably foreseeable or ongoing litigation or investigation or any unresolved claims for or against the U.S. government, incomplete investigations or exceptions taken by the Government Accountability Office or internal auditors.
9. Emails which meet the definition of a record will be declared records and must be properly managed as records.

NARA Email Specific Guidance and Resources

<https://www.archives.gov/records-mgmt/email-management/email-guidance-and-resources.html>

## **DEFINITIONS**

### **Official Record Materials**

The simple definition of a record is: Any information made or received during the course of official agency business which documents the transaction of public business or provides evidence of the organization, functions, policies, decisions, procedures, operations, or other official activities.

The legal definition of a record, 44 U.S.C. Chapter 33, Section 3301, and the National Archives and Records Administration (NARA) is:

"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 'recorded' information includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form."

NARA provides further explanation of the terms used in the legal description above, as follows:

- **DOCUMENTARY MATERIAL** - all media on which information is collected
- **REGARDLESS OF PHYSICAL FORM** - includes paper, film (silver, prints, negatives, etc.), electronic disks, e-mail, audio/video recordings of any physical type or form
- **MADE (created)** - media made (created) by agency employees, federal contractors; it includes materials circulated by them
- **RECEIVED** - documentary materials accepted or collected by agency employees or federal contractors
- **PRESERVED** - the filing, storage and systematic maintenance of documentary materials performed by the agency

- **APPROPRIATE FOR PRESERVATION** - media that is suitable for filing, storage or systematic maintenance by the agency. Media which documents the transaction of public business by the agency as evidence of the organization, functions, policies, decisions, procedures, operations, or other official activities of the government
- **EVIDENCE** - documentation of the organization, functions, and activities of an agency
- **INFORMATIONAL VALUE** - the usefulness of information documenting the official persons, places, things or matters dealt with by the agency.

Do not retain information or documents "just in case" they might be needed in the future. If the document does **NOT** serve as evidence of the agency's functions, policy, decisions, procedures, operations, etc., described above, it is **NOT** a record

## **Non-Record Materials**

NARA defines and lists types of documents and materials which are considered non-Records. NARA directs agencies to not combine records and non-record documents, files, and materials. They are usually maintained for reference purposes and are usually gathered in the process of producing records.

1. **PERSONAL PAPERS** - Personal papers are documentary materials, or any portion that can be separated, of a private or nonpublic nature that do not relate to, or have effect upon, the conduct of DON business. Examples of personal papers include the following:
  - Materials accumulated by an official before joining Government service that are not used subsequently in the transaction of Government business
  - Materials relating solely to an individual's private affairs, such as outside business pursuits, professional affiliations, or private political associations that do not relate to agency business
  - Diaries, journals, personal correspondence or other personal notes that are not prepared or used for, or circulated or communicated in the course of, transacting Government business
  - Personal papers are excluded from the definition of federal records, and are not owned by the Government, and should be kept separate from a command or

activity's official records.

- **LIBRARY AND MUSEUM MATERIAL** - Material used solely for reference or exhibition purposes. Items of archeological or historical significance must be inventoried and offered to appropriate museum curators.
- **CONVENIENCE OR DUPLICATE COPIES** – Non-record copies of correspondence, completed forms and other documents kept solely for ease of access and reference. Verify that the official record is appropriately filed in the agency's official files prior to discarding in an appropriate manner to safeguard sensitive or protected information.
- **STOCKS OF PUBLICATIONS** - Extra **COPIES** or large quantities of documents printed or otherwise produced for wide distribution inside or outside the agency.
- **BLANK FORMS**
- **VENDOR CATALOGS, BROCHURES, PRODUCT PRICE LISTS, ETC.**
- **INTERNAL DRAFTS/WORKSHEETS** - As a general rule, internal draft documents or worksheets are **NOT** considered official records.
- **WORKING FILES** - Documents and files kept by a Project Manager for convenience and ease of access. They can include duplicate documents, draft versions of documents, scopes of work and other contract documents, and progress reports. Work files should not contain any original documents other than work notes or drafts. In most cases, working files are not considered a record. However, they are records when the information contained in them is essential to understanding the primary record, or is key to the decisions that produced that record.
- **PROFESSIONAL JOURNALS AND PUBLICATIONS**
- **COPIES OF DIRECTIVES** - Official original directives are retained by the issuing office. The agency level which issued the directive has the responsibility of retaining the official record file(s). All others are considered duplicates and should be discarded in an appropriate manner to safeguard sensitive or protected information.

### **Records Holds and Freezes**

A **records hold** is a process which an organization uses to preserve all forms of relevant information when litigation is reasonably anticipated.

The legal records hold is initiated by a notice or communication from legal counsel to an organization that then suspends the normal disposition or processing of records.

A legal hold is issued as a result of current or anticipated litigation, audit, government investigation, or other such matter to avoid evidence spoliation. The United States Federal Rules of Civil Procedure address the discovery of electronically stored information expanding the use of a "legal hold" beyond preservation of paper documents.

When litigation holds are received, the records officer suspends the normal disposition cycle of the records mentioned in the hold notice to prevent their early/premature disposal. Holds are placed on the records that in your agency's physical custody.

## **Discarding or Destroying Records**

**Copies of records:** Only confirmed duplicate copies of records can be discarded or destroyed in an appropriate manner. Approved destruction methods help safeguard sensitive or protected information.

**Official Records:** Official records which are considered closed and/or have met their legal retention periods, cannot be discarded or destroyed if the Department of Justice (DOJ) has imposed a DON-wide records hold, until further notice.

Until the "litigation hold" is lifted, no "official" records can be destroyed or discarded even if the records have met their legal retention requirements. Consult the Command Records Manager or designated representative for further information.

## **Storing Records**

Records which have not met their retention schedule set forth in the *Department of the Navy Records Management Manual* can be moved from office space or other onsite storage, processed and transferred, via ARCIS, to the appropriate Federal Records Center (FRC) or other NARA approved storage facility, where they will be stored until they meet their disposition schedule requirement. Records can be stored in non-federal records storage facilities which meet the National Archives Storage Facility Standards.

Once records have met the retention requirements set forth in the *Department of the Navy Records Management Manual*, records are eligible for disposition (destruction) unless there is a Litigation Hold or Records Freeze.

Contact Records Management or their designated representative for specific guidance on processing, storing and disposition of records. Records Management can assist with transferring eligible records to the FRC or records disposition. See Appendix C for detailed information about Federal Records Centers.

## **Employee Departure**

SECNAVINST 5210.8F, *Records of Departing Personnel*, 26 March 2019

(<https://www.secnav.navy.mil/doni/Directives/05000%20General%20Management%20Security%20and%20Safety%20Services/05-200%20Management%20Program%20and%20Techniques%20Services/5210.8F.pdf>) sets forth

Department of the Navy policy regarding departures including transfers, retirements and other separations.

Records Management is listed on the Command checkout sheet. Contact Records Management early in the checkout process to receive exit information and schedule an exit interview if necessary. You will receive an email with information and questions about what you must do to ensure your records are properly preserved.

Federal records are the property of the agency, not the individual employee and must be maintained under the control of the government. Employees generally may take extra copies of federal records that are already publicly available, subject to each agency's review and approval. Any removal of information is subject to review by officials from your agency

Departing employees are responsible for ensuring that the documents and papers under their control while working for a Command are properly disposed of before departure and/or preserved and available to their replacement

Supervisors will work with the departing employee to ensure that all paper and email documents have been transferred to the appropriate location or custodian.

## **Employee Responsibilities**

- **Record Material and Documents**

Identify and submit paper and electronic record material and documents to the appropriate Command entity (Records Management, immediate Supervisor)

- **Email, Social Media or Electronic Messaging Account**

If unsure whether they are records, move them to the approved shared drive file, print a paper copy and submit it to Records Management

- **Remove personal materials and documents upon departure**

Remove personal papers and electronic files upon departure. Once you depart, the papers and electronic files will not be available to you.



If an employee leaves without notice, the employee's Supervisor and Records Management will work with the Chief Information Officer (CIO) office to try to recover emails and electronic documents from the former employee's computer.

If emails and electronic documents are recovered

- review employee emails and electronic documents to make a determination of which emails and documents are federal records
- transfer emails and documents identified as federal records to the appropriate custodian
- review employee paper documents to make a determination of which documents need to be retained
- transfer paper documents identified as federal records to the appropriate custodian

### **Sample Email to Departing Employee**

Dear \_\_\_\_\_,

Thank you for contacting Records Management before leaving NAVFAC.

To prepare for the Records Management check out, please answer the following questions and/or confirm actions taken:

1. When is your departure date? \_\_\_\_\_
2. Are you a Supervisor? \_\_\_\_\_ (if no, skip to #3)
  - a. Do you have paper or electronic files related to your employees? \_\_\_\_\_
  - b. Identify and secure paper and electronic files which contain personally identifiable information
  - c. Ensure that paper and electronic files which must be preserved for your replacement are in a secure location

- d. Identified paper and electronic files which are ready for disposition?  
\_\_\_\_\_
- 3. Do you have documents, files and emails which are responsive to Litigation Holds or FOIA requests? \_\_\_\_\_
  - a. Provide Litigation Hold(s) details and information and potentially responsive documents, files and emails location information to your Supervisor.
- 4. Contact the CIO about moving documents, files and emails, including Litigation Hold or FOIA related documents, etc., to a shared drive which can be made available to your replacement and others who need access
- 5. Provide the names of the person(s) who will need access to the records. \_\_\_\_\_
- 6. Review your paper documents to identify working papers and other non-record materials and documents
  - a. Dispose of working papers and non-record materials and documents; contact Records Management if you have questions
  - b. Remove personal papers
  - c. Where will your paper documents (records) be stored when you depart?  
\_\_\_\_\_
  - d. Identify the person(s) will assume custody of your paper documents \_\_\_\_\_



## Employee Check Out Form Records and Information Management

All personnel are required to ensure that official records created or received in the conduct of official government business, regardless of media or physical form, are maintained in official record files. NAVFAC check out procedures require all personnel and their Supervisor to certify that all official records in their possession or control have been processed or transferred to their immediate supervisor or Records Management prior to departure. Contact Records Management if you are unsure about which documents are official record(s) and which documents are non-records.

### Employee / Supervisor Information

<b>Employee Name:</b>	<b>Check-Out Date:</b>
<b>Government email:</b>	<b>Phone:</b>
<b>Supervisor/Program Manager Name:</b>	<b>Code:</b>
<b>Government email:</b>	<b>Phone:</b>

I have properly stored or turned over paper, emails and electronic documents in my possession or under my control to my Supervisor or Records Management

### Document Storage Location(s)

Paper records (code, office, cubicle, building number, floor number, other location(s))  
 \_\_\_\_\_  
 \_\_\_\_\_

Email (shared drive (letter) and folder name(s) (use snipping tool and attach a picture of the list))  
 \_\_\_\_\_  
 \_\_\_\_\_

CDROMs and DVD (code, office, cubicle, building number, floor number, other location(s))  
 \_\_\_\_\_  
 \_\_\_\_\_

**I certify that I have no official records in my possession or control. All records, including, but not limited to, paper records, electronic records and emails were managed as indicated above**

<b>Employee Signature:</b>	<b>Date:</b>
<b>Supervisor / Program Manager Certification Signature:</b>	<b>Date:</b>