



**ADMINISTRATIVE
COMMUNICATIONS SYSTEM
U.S. DEPARTMENT OF EDUCATION**

DEPARTMENTAL DIRECTIVE

OM: 6-103

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Distribution:
All Department of Education
Employees

Approved by: _____ /s/_____
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Authority to Perform the Functions
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Records and Information Management Program

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Supersedes: OM: 6-103 "Records and Information Management Program", dated 01/27/2007.

I. Purpose

This directive establishes the overall policies and procedures to be followed by the U.S. Department of Education's (ED) Principal Offices (POs) in complying with the requirements of the *Federal Records Act of 1950 as codified in 44 U.S.C. Chapters 29, 31, and 33, and the National Archives and Records Administration (NARA) implementing regulations contained in 36 CFR 1220 through 1239* for establishing and maintaining a records management program in their administrative and mission-related activities.

This directive also authorizes the issuance of a Records and Information Management Manual (Records Manual), for Principal Office Records Liaison Officers (RLOs) which includes processes and procedures for specific categories of records and records management activities. However, this directive does not address all information resources management requirements affecting records management. Therefore, this directive should be considered in context with other ED Information Resource Management (IRM) policies located at connectED, [IT and Managment](#).

- A. The specific objectives of the records management program are:
 1. To set forth requirements and responsibilities for implementing and maintaining an efficient and effective records management program throughout ED.
 2. To provide support for ED's mission of promoting educational excellence for all Americans through:
 - a. Awareness that records management is the responsibility of every ED employee and contractor;
 - b. Adequate and proper documentation of ED activities, organization functions, policies, decisions, procedures, and essential transactions;
 - c. Appropriate maintenance and use of ED records; and
 - d. Proper records disposition.
- B. To comply with the Federal Records Act, and applicable statutes, authorities and regulations as listed in the Authorization section. Proper records management helps assure effective administration of programs, fulfill legal responsibilities, provide an adequate audit trail, and record the history and intent of public policy.
- C. To preserve historical information, thereby enabling ED employees, ED contractors, and their successors to retrieve information needed to make informed decisions.

- D. To establish a Vital Records Program that identifies, protects and provides ready access to records necessary to ensure continuity of essential Departmental activities in the event of a national disaster or emergency.
- E. Establish a records management program that promotes open government and supports principals of transparency to improve business process and share knowledge across the government and with the public, as appropriate.

II. Policy

It is the policy of ED to create, preserve, maintain, use, and dispose of Federal records wherever the records reside in compliance with the requirements of the Federal Records Act and applicable NARA regulations, and to ensure access to information by ED officials, and the public, as appropriate.

ED and POs will establish and maintain effective and efficient practices for the management of Federal records. Program and administrative managers have the ultimate functional responsibility for implementing ED records management policies and procedures in their operational areas.

Each PO is responsible for ensuring that its program records are covered by and managed in accordance with appropriate retention and disposition schedules and any corresponding litigation or oversight holds. Records not covered by the ED's Records Disposition Schedule or General Records Schedules (GRS) must be scheduled by application to NARA for disposition authority.

POs shall conduct an annual internal evaluation of their records management programs to certify that their programs are operating in compliance with NARA and ED policies and procedures. Principal Office Program Records Officials (PRO) will submit the annual certification to ED's Records Officer by December 31st of each year. POs will conduct, in conjunction with ED's Records Officer, an in-depth evaluation of their records management program every three (3) years. This in-depth review will consist of, but not be limited to, records sampling, record inventories, updates to program record schedules, and personalized training. POs will submit an annual corrective action plan to ED's Records Officer that addresses any deficiencies identified in the annual internal evaluation and/or the triennial review. The POs designated Records Liaison Officer (RLO) is responsible for performing these evaluations. Reviews and evaluations will be conducted in accordance with NARA regulations and, "*NARA Records Management Self-Evaluation Guide*," ED's records management policies and procedures.

Records collected, created, or maintained by ED shall be safeguarded commensurate with the risk and magnitude of the harm that would result from the loss, misuse, unauthorized access to or modification of information. Safeguards shall be adopted to provide protection for information that is restricted from disclosure by the Privacy Act, the Family Educational Rights and Privacy Act, the Computer Security Act, the Federal Information Security Management Act and other

statutes, regulations, Executive Orders and authorities. In addition, POs shall incorporate in their records management activities all applicable ED information security policies and measures, including but not limited to the requirements contained in the [Handbook for Information Assurance Security Policy \(Handbook OCIO-01\)](#).

All records created or received by an official, employee or contractor of ED in the course of conducting Government business are the property of ED, wherever the record reside. No person attains a proprietary interest in any record that he/she may create, provide input into, or acquire custody or possession of, by virtue of his/her position as an official, employee, or contractor. Materials that are entirely personal are not "records" for purposes of Departmental records management requirements. Personal materials shall at all times be maintained separately from an office's records, and may be removed by an employee or contractor from ED.

Removal of documentary materials by a separating Presidential appointee or employee must be approved in accordance with the provisions of this directive to ensure that the ED's ability to claim privileges during litigation, to apply FOIA exemptions, and to protect confidential information is not diminished, or waived.

Destruction of records is authorized only when conducted in compliance with ED's records disposition schedules, as approved by the Archivist of the United States, and the GRS, issued by the NARA as described in 36 CFR, Section 1230.10. Criminal penalties are assessed for the willful and unlawful destruction, damage, or removal of Federal records, as described in 18 U.S.C. Section 2071.

Vital Records Program

1. The establishment of a vital records program is a subset, yet integral part of a Records Management Program. The Vital Records Program identifies, protects and provides ready access to vital records necessary to ensure continuity of essential Departmental activities in the event of a national, regional or local disaster or emergency.
2. To identify and protect the records and information necessary to continue key operations; protect the legal and financial rights of ED, its employees or the public; and protect the records deemed critical for the continuity and/or resumption of mission-essential functions.
 - a. The goals of the program are to ensure that emergency operating records critical to the continuity of essential Departmental activities during a national emergency are available in the event the site is activated during a national emergency;
 - b. To safeguard rights and interests records essential to the preservation of the legal rights and interests of individual U.S. citizens, and the Federal Government, including those records that limit or prohibit disclosure;

- c. To ensure that vital records are evaluated on the basis of whether they are essential in the conduct of emergency operations or in the protection of the rights and interests of citizens, and the Federal Government;
 - d. To ensure that the records are adequate to carry out the ED's critical functions and are available for use by individuals other than those who would generally use them;
 - e. To ensure that records are easily retrievable and that they are maintained in usable conditions,
 - f. To ensure that the current inventory of records located at the relocation site is readily accessible; and
 - g. To inform all personnel of their responsibilities under this program.
3. Under the vital records program each PO shall:
- a. Comply with and support the Vital Records Program, and ensure that their respective emergency operating records and legal and financial rights records vital to the continuity of essential ED activities are properly identified, safeguarded and accessible;
 - b. Review, update and revise their Vital Records Plans by reviewing the vital records, as needed, but not less than annually (subject to periodic reviews by the Records Officer (RO) or his/her designated representative);
 - c. Ensure that vital records are evaluated on the basis of their essentiality in carrying out emergency operations or in protecting the rights and interests of citizens and Government and not based on their value as long-term temporary or permanent records;

(NOTE: The records must be available and sufficient enough so that anyone at the ED's Continuity of Operation and Planning (COOP) sites or other off-site locations can appropriately access and interpret the information. It is important to remember that individuals at COOP sites accessing the information may not be familiar with the information so records must be clear and concise.)

- d. Ensure that their vital records are preserved, catalogued, and easily retrievable in usable condition in the appropriate medium for ready access at the ED COOP sites or other appropriate off-site locations;
- e. Coordinate with the RMO when transferring emergency operating records and legal and financial right records to the ED COOP sites or other appropriate off-site locations; and

- f. Consider the informational content of records series and electronic records systems when identifying vital records such as emergency plans and related records, and those records that would be needed to continue operations and protect legal and financial rights.

III. Authorization

The Federal Records Act [US CODE: Title 44, CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES](#) and the relevant requirements of Title 36, Code of Federal Regulations (CFR), 1220 through 1239, contain the statutory and regulatory requirements for all Federal records management programs. NARA administers the records management program for the Federal Government. NARA's regulations on records creation, maintenance, and disposition are set forth in Subchapter B of 36 Code of Federal Regulations Chapter XII.

Agencies are required to integrate records management into the overall information resources management program (36 CFR 1222 and OMB Circular A-130, *Management of Federal Information Resources*). The controlling statutes, regulations, and Office of Management and Budget (OMB) circulars appear below:

United States Code

- **5 U.S.C. Chapter 5, Subchapter II** – Administrative Procedure
 - § 552. Public information; agency rules, opinions, orders, records, and proceedings (Freedom of Information Act, as amended)
 - § 552a. Records maintained on individuals (Privacy Act of 1974, as amended)
 - § 553. Rule making (Administrative Procedures Act)
- **18 U.S.C. Chapter 101** – Records and Reports
 - § 2071. Concealment, removal, or mutilation generally
- **40 U.S.C. Subtitle III** – Information Technology Management (Clinger-Cohen Act of 1996)
- **44 U.S.C. Chapter 21** – National Archives and Records Administration
- **44 U.S.C. Chapter 29** – Records Management by the Archivist of the United States and by the Administrator of General Services
- **44 U.S.C. Chapter 31** – Records Management by Federal Agencies (Federal Records Act)

- **44 U.S.C. Chapter 33** – Disposal of Records (Federal Records Disposal Act)
- **44 U.S.C. Chapter 35** – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended; Paperwork Reduction Reauthorization Act of 1995; and Government Paperwork Elimination Act)

Code of Federal Regulations

- **5 CFR Chapter III, Subchapter B** – OMB Directives
 - Part 1320. Controlling Paperwork Burdens on the Public
- **36 CFR Chapter XII, Subchapter B** – Records Management
 - Part 1220. Federal Records; General
 - Part 1222. Creation and Maintenance of Records
 - Part 1223. Managing Vital Records
 - Part 1224. Records Disposition Program
 - Part 1225. Scheduling Records
 - Part 1226. Implementing Disposition
 - Part 1227. General Records Schedule
 - Part 1228. Loan of Permanent and Unscheduled Records
 - Part 1229. Emergency Authorization to Destroy Records
 - Part 1230. Unlawful or Accidental Removal, Defacing, Alteration or Destruction of Records
 - Part 1231. Transfer of Records from the Custody of One Executive Agency to Another
 - Part 1232. Transfer of Records to Records Storage Facilities
 - Part 1233. Transfer, Use, and disposition of Records in a NARA Federal Records Center
 - Part 1234. Facility Standards for Records Storage Facilities
 - Part 1235. Transfer of Records to the National Archives of the United States

- Part 1236. Electronic Records Management
- Part 1237. Audiovisual, Cartographic, and Related Records Management
- Part 1238. Microform Records Management
- Part 1239. Program Assistance and Inspections

OMB Circulars

- **OMB Circular A-123** – Management’s Responsibility for Internal Control
- **OMB Circular A-130** – Management of Federal Information Resources

Executive Orders

- **Executive Order 10346** - Preparation by Federal Agencies of Civil Defense Emergency Plans
- **Executive Order 12656** - Assignment of Emergency Preparedness Responsibilities
- **Executive Order 13231** - Assignment of Emergency Preparedness Responsibilities
- **Presidential Memorandum** - Managing Government Records dated Nov 28, 2011

IV. Applicability

This directive applies to all Department employees and contractors, and includes all Department records regardless of format or medium, as defined in the Federal Records Act.

V. Definitions and Acronym Glossary

The following records management terms are extracted from 36 CFR, Part 1220.

- A. **Administrative records** are records that reflect routine, transitory, and internal housekeeping activities relating to subjects and functions common to all offices. Examples include training, personnel, and travel reimbursement files. Administrative records in conjunction with program records comprise the universe of agency records.
- B. **Annual internal evaluation** is a formal evaluation to measure the effectiveness of records management programs and practices, and to ensure compliance with NARA regulations in this subchapter.

- C. **Continuity of Operation and Planning (COOP)** is a contingency action plan which provides the capability for a Department and/or Agency to continue operations during a crisis which renders the organization's headquarters unusable.
- D. **Disaster refers to** an unexpected occurrence inflicting widespread destruction and distress and having long-term adverse effects on agency operations.
- E. **Disposition Schedules** are mandatory disposition instructions that provide continuous authority to dispose of recurring series or systems of records, or to transfer them to the National Archives and its national network of Federal Records Centers.
- F. **Documentary Material** is a collective term for records and non-record materials that refers to all media on which information is recorded, regardless of the nature of the medium or the method or circumstances of recording (36 CFR 1220.18).
- G. **Federal Records Act of 1950**, as amended, establishes the framework for records management programs in Federal agencies.
- H. **File Plan** is (1) a plan designating the physical location(s) at which a PO's files are to be maintained, the specific types of files to be maintained there, and the organizational element(s) having custodial responsibility; or (2) a document containing the identifying number, title or description, and disposition of files held in an office.
- I. **General Records Schedules (GRS)** are mandatory disposition instructions issued by NARA for temporary administrative records that are common to most Federal agencies.
- J. **Litigation and Oversight Holds** stipulate that all records that may relate to a legal or Congressional oversight action involving ED must be retained. This requirement ensures that the applicable records are available for the discovery process prior to litigation. ED must preserve records when it learns of pending or imminent litigation, or when litigation is reasonably anticipated. Litigation holds prevent the [spoliation](#) (e.g. destruction, alteration, or mutilation of evidence) which can have a negative impact in litigation.
- K. **National Archives and Records Administration (NARA)** establishes policies and procedures for managing U.S. Government records. NARA assists Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring non current records to Federal records centers, and conducts periodic evaluations of agency compliance.

- L. **Non-record materials** are U.S. Government-owned informational materials excluded from the legal definition of records. Includes extra copies of documents kept only for convenience of reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibition.
- M. **Permanent records** are those records appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purposes. Permanent records will be transferred to the physical and legal custody of NARA in accordance with the instructions contained in the relevant records disposition schedule.
- N. **Personal papers** are documentary materials belonging to an individual that are not used to conduct agency business. These papers are related solely to an individual's own affairs or used exclusively for that individual's convenience. They must be clearly designated as personal and kept separate from the Department's records.
- O. **Program records** refer to records created, received, and maintained by the Department in the conduct of its mission functions for which the Department is accountable. The term is used in contrast to administrative records. Program records in conjunction with administrative records comprise the universe of agency records.
- P. **Record-keeping requirements** are statements in statutes, regulations, or directives that provide general and specific information on particular records to be created and maintained by the Department.
- Q. **Records** are all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency or department of the U.S. Government under Federal law, or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or department 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. 3101, Definition of Records).
- R. **Records management program** refers to the planned coordinated set of policies, procedures, and activities needed to manage an agency or department's recorded information. Encompasses the creation, maintenance and use, and disposition of records, regardless of media. Essential elements include issuing up-to-date program directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

- S. **Retention period** is the period of time that records are to be kept in accordance with NARA-approved records disposition schedules.
- T. **Sensitive but unclassified (SBU) information** refers to any information in which the loss, misuse, unauthorized access to, or modification of could adversely affect the national interest, the conduct of Federal programs, or the privacy to which individuals are entitled, but are not eligible for classification pursuant to Executive Order 12958.
- U. **Temporary records** are records approved by NARA for disposal, either immediately or after a specified retention period.
- V. **Vital Records** are essential agency records needed to meet operational responsibilities under national or regional emergency or disaster conditions.

Acronym Glossary

- ARO - Agency Records Officer
- ARCIS – Archives and Records Centers Information System
- EIS – Electronic Information System
- ERA – Electronic Records Archive
- ERM – Electronic Records Management
- ERMS – Enterprise Records Management System
- FRA – Federal Records Act
- FRC – Federal Records Center
- GRS – General Records Schedules
- NARA – National Archives and Records Administration
- PIRMS – Privacy, Information and Records Management Services
- PRO – Program Records Official
- RLO – Records Liaison Officer
- RRO – Regional Records Official
- WNRC – Washington National Records Center

VI. Responsibilities

- A. The **Secretary** shall ensure the creation and preservation of records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of ED. Operational responsibility for this program is delegated to the **Assistant Secretary for Management** and re-delegated to the **Director, Privacy, Information, and Records Management Services (PIRMS)**.
- B. The **Director, PIRMS** shall provide overall leadership, planning, supervision, guidance, direction and general oversight of ED's Records Management Program, and ensure its integration into the broader information resources management framework.
- C. **Principal Officers and Program Directors shall** provide for the implementation of the records/information management program within their respective areas. They will:
1. Ensure that the objectives of ED's records management program are achieved;
 2. Establish, implement, and sustain records management programs within their respective organizations, including a vital records program;
 3. Ensure an annual internal evaluation and a triennial review of their PO's records management program is performed and certify that it is in compliance with NARA regulations and ED policies;
 4. Ensure that permanent records are preserved and temporary records are transferred to off-site storage or destroyed promptly according to NARA-approved records disposition schedules;
 5. Ensure that removal of documentary materials by separating Presidential appointees and ED employees is in accordance with the provisions of this directive;
 6. Ensure appropriate records management training for Program Records Officials (PROs), Records Liaison Officers (RLOs), and all other Department employees commensurate with their level of responsibility for records management;
 7. Provide adequate staff resources to support records management processes within their respective organizations by assigning the following roles and responsibilities to designated staff:
 - a. A senior-level PRO with signature authority to approve records issues for the program and serve as the liaison with the Department's Records Officer;

- b. At least one RLO to provide day-to-day administration of an organization's records management program under the direction of the PRO; and
 - c. Regional Records Officials (RROs), when designated, will assume local responsibilities corresponding to those of the PO's RLO.
8. Provide names and contact information, and updates as changes occur, for the designated PROs, RROs, and RLOs to the Department's Records Officer, Privacy, Information, and Records Management Services, Office of Management.

D. Program Records Officials, Regional Records Officials, and Records Liaison Officers. The PROs are responsible for the following program activities supporting the Department Records Management Program. Except for the items marked "PRO," these activities may be delegated to the RLOs and the RROs for their individual offices and sites.

1. Coordinate the records management program activities, including a vital records program respective organizations to ensure compliance with this directive through the designated RLOs and RROs. (PRO);
2. Identify program-specific records and ensure they are covered by a NARA approved records disposition schedule;
3. Ensure that permanent records are preserved and temporary records are transferred into off-site storage or destroyed promptly according to NARA-approved records disposition schedules;
4. Ensure that record-keeping requirements are established and kept current and that staff is kept abreast of any changes to these recordkeeping requirements;
5. Review and approve or disapprove requests for removal of documentary materials by separating employees, and forward in a timely manner, the completed Documentary Materials Removal/Non removal Certification forms to the ED's Records Officer (see Appendix B);
6. Ensure that all personnel with records management responsibilities receive appropriate records management training. (PRO);
7. Ensure that the Department's Records Management Program provisions and standards are included into the scope and planning for electronic information systems. (PRO);
8. Ensure that records are maintained cost effectively and that records storage facilities meet with requirements of 36 CFR 1234. (PRO);

9. In conjunction with the Department's Records Officer, ensure the development and implementation of a PO file plan;
10. Ensure that departing employees and contractors identify and transfer all Federal records in their custody to the designated custodian of the program files, i.e., either to the RLO or the person assuming responsibility for the work; and
11. Participate in ED's Records Management Council. (PRO).

E. The Department's Records Officer, PIRMS shall:

1. Develop policies and procedures related to the requirements of this directive and provide advice and consultation to POs in furtherance of its implementation;
2. Provide overall leadership for ED records management activities as required by Federal laws and regulations, and which are specified in the Authorization section of this directive;
3. Make available guidance, expertise, technical assistance, and training to staff in all aspects of the records management program;
4. Serve as ED's point of contact with NARA, other Federal agencies, and the public sector for issues related to the ED's records management program;
5. Evaluate program effectiveness through periodic reviews of PO's records management activities;
6. In conjunction with PO records officials, develop records retention and retention schedules and once completed, serve as ED's official point of contact for such schedules;
7. Coordinate with PROs in the implementation of the ED's Records Management Program throughout ED;
8. Coordinate with PROs in the implementation of the documentary materials removal process for separating employees;
9. Review and approve or disapprove requests for removal of documentary materials by Presidential appointees;
10. Conducts records management exit briefings for Presidential appointees; and
11. Establish and chair the ED's Records Management Council.

- F. The **Office of Inspector General** shall assist in determining the retention of Department records that may be needed for internal audit purposes.
- G. The **Office of the General Counsel** shall notify ED's Records Officer when a moratorium on records disposition is needed for litigation, oversight or other legal matters, and support the submission of ED's records disposition schedules by reviewing them for legal retention before submittal.
- H. The **Chief Information Officer** shall ensure that records management considerations are incorporated into the ED system development life cycle methodology as part of managing the information life cycle, and that NARA approved records retention schedules are electronic information systems are properly implemented.
- I. **Program Managers** shall ensure that their programs are properly documented, and that records created by their programs are managed according to Federal law and regulations (see Authorizations section), the Records and Information Management Handbook, and the provisions of this directive.
- J. **Information System Managers** shall oversee the creation and use of electronic records according to Federal regulations and Departmental policy and that recordkeeping functionality is developed for all information systems managing electronic records. This includes coordination with the ED's Records Officer to ensure compliance with record-keeping requirements, determine retention periods, and implement authorized disposition instructions for system data and documentation. Systems managers shall also coordinate with PROs when developing business cases for the Investment Review Board as part of the Capital Planning and Investment Control (CPIC) process to ensure that electronic records management requirements are incorporated into system design and development.
- K. **Information Technology Managers** shall notify the systems managers and PROs of technology changes that would affect access, retention, or disposition (archiving or disposing) of system records.
- L. **All Department employees and contractors shall:**
1. Complete annual online records management awareness training;
 2. Conduct work in accordance with Federal records management regulations and ED's records management policies and procedures;
 3. Create and maintain adequate and proper documentation of ED's functions, policies, decisions, and essential transactions;
 4. Destroy records only in accordance with approved records disposition schedules and remove non-record materials from ED only after obtaining prior authorization;

5. File personal papers and non-record materials separately from official Department records;
6. Will contact their PO's RLO or OM/PIRMS if s/he has a question about the proper disposition of a record or any records management policy or procedure; and
7. ED employees shall complete the ED's "Documentary Materials Removal/Non removal Certification" form and submit to his/her PRO prior to separation from ED (see Appendix B).

VII. Requirements

A. Department Records Network

1. POs shall appoint a senior-level PRO with signature authority to assume responsibility and accountability for the PO records management program;
2. PROs shall serve on the Records Management Council, which is chaired by the ED's Records Officer;
3. POs shall appoint Headquarters RLOs and RROs to implement the records management program; and
4. POs shall provide the names, titles, and telephone numbers, and changes as they occur, of those designated as PROs, RLOs, and RROs to ED's Records Officer.

B. Records Creation

1. Official records shall be created that are sufficient to ensure adequate and proper documentation of all of ED's functions, policies, decisions, procedures, and essential transactions; and
2. POs shall develop and disseminate to staff general and specific guidance for creating and maintaining records documenting their organization, functions, and activities. An example of such guidance is a description of the records that are required to be created and maintained for a specific activity included in the relevant program handbook or manual.

C. Records Maintenance and Use

1. In conjunction with guidance provided by ED's Records Officer, POs shall create and maintain current file plans that describe all categories of records created, received, and maintained by personnel in the course of their official duties;

2. File plans shall be updated and a copy submitted to ED's Records Officer by March 31st of each year;
3. Records filing, indexing, and storage systems shall be designed, implemented and documented to the extent necessary to maximize their usefulness and facilitate access and retrieval for the life of the records;
4. Records shall be organized and indexed in a manner that permits employees with a need to access and retrieve the records to do so efficiently and effectively; and
5. Confidential and privacy-protected records shall be managed and safeguarded in accordance with ED requirements governing access to and protection of sensitive but unclassified information.

D. Records Disposition Schedules

1. POs shall retain and disposition records in accordance with the NARA-approved records disposition schedules contained in ED's Records Disposition Schedules;
2. Unscheduled records (records that are not covered by a NARA-approved records disposition schedule) may not be destroyed; and
3. Proposed records disposition schedules for unscheduled records shall be submitted to ED's Records Officer for review and submission to NARA for approval.

E. Permanent Records

1. POs shall promptly transfer permanent records to the custody of NARA in accordance with the instructions of the relevant records disposition schedule;
2. POs shall ensure that information copies of SF-258s used to document transfer of permanent records to NARA are provided to ED's Records Officer in a timely manner;
3. Permanent records shall be created, maintained, and stored in media and formats that adhere to NARA standards in 36 CFR 1235.46;
4. Approved media and media-less transfer forms include open reel magnetic tape; magnetic tape cartridge; compact disc/read-only memory; and file transfer protocol (FTP) in accordance with 36 CFR 1235.46; and
5. Permanent electronic records shall be transferred to NARA in a software/hardware independent format.

F. Electronic Records Management

1. Electronic records, such as e-mail and word processing documents, shall be maintained in an electronic recordkeeping system meeting the requirements of DOD-5015.2-STD, revised April 2007, or be printed and retained as paper files.
2. Electronic information systems (EIS) that contain records will have records management processes and requirements incorporated into their design and operations, or the equivalent manual processes required to retain their information. The following requirements shall be incorporated into the design and operations of an EIS containing ED records:
 - a. The EIS shall allow for the creation and maintenance of records sufficient to meet the documentation needs of ED;
 - b. Records shall be stored and maintained in a manner that enables retrieval, access, and dissemination, if appropriate, for the life of the records;
 - c. Records within an EIS must be covered by a records disposition schedule;
 - d. The EIS must be capable of deleting temporary or transitory records or transferring permanent records to NARA, in accordance with the requirements of the relevant records disposition schedule; and
 - e. Permanent electronic records must be created, maintained, and stored in media and formats that adhere to NARA standards.
3. POs planning to manage their records in electronic form must ensure that the records, including those incorporating an electronic signature capability, are legally sufficient for audit and other evidentiary purposes requiring trustworthy records. The electronic records must be created and maintained in compliance with the requirements of all pertinent Federal IRM laws and regulations, NARA and OMB guidance, and ED IRM policies.

G. Records Destruction

1. Records shall be destroyed in accordance with ED's NARA-approved records disposition schedules.
2. Records containing SBU information shall be destroyed appropriately.
3. Criminal penalties may be associated with the unauthorized destruction of Federal records.

H. **Records Retirement and Storage**

1. POs will promptly retire inactive records to a NARA-approved records storage facility;
2. RLOs will timely provide an information copy of SF-135s and inventories or other paperwork used to document transfer of records to off-site storage to ED's Records Officer; and
3. Upon request by ED's Records Officer, RLOs will provide statistics on the volume and location of records stored off-site, including records stored at commercial records storage facilities.

I. **Records Security and Privacy Protection**

Records containing SBU or privacy-protected information shall be managed in accordance with applicable statutes, regulations, policies and procedures for the life cycle of the records.

J. **Records Training**

1. ED's Records Officer will develop general records management awareness and training materials for all Department employees;
2. ED's Records Officer will develop and deliver ED-specific records management guidance for RLOs; and
3. PROs will ensure that RLOs obtain appropriate NARA records management training.

K. **Removal of Documentary Materials by Presidential Appointees, AD (Administratively Determined), or ED Employees**

General Procedures for Removal of Documentary Materials

1. All records, originals and copies, are under the control of ED, regardless of how and by whom they were created or obtained;
2. Records of ED may not be removed under any circumstances. Non-record materials shall not be removed if this will create such a gap in the files as to impair the completeness of essential documentation. Indexes, or other finding aids, necessary for the use of the official records may not be removed;
3. Extra copies (photocopies, etc.) of records may be removed under certain circumstances. Prior to removal, it must be determined by OGC and OM/PIRMS that no legal or policy reason exists for keeping the information confidential and that the record copies, or other necessary

copies, are available at ED. If the copy is of a document originating with another agency, the requirements of the originating agency must be determined (see Appendix B);

4. SBU, confidential or privacy-protected information may not be removed under any circumstances from ED; and
5. Any violation of the statutory and regulatory limitations placed on removal of documentary materials by ED officials or employees who resign or retire will be forwarded to the appropriate officials, (e.g., Director of Information Assurance, Director of Security), who shall confer with the Inspector General regarding such violations.

Request to Remove Documentary Materials

1. Separating Presidential appointees desiring to remove documentary materials must submit a written request to ED's Records Officer, using ED Certification Form "*Removal of Documentary Materials by Presidential Appointees.*" (see Appendix A);
2. Separating employees desiring to remove documentary materials must submit a written request to their PRO using ED form "*Documentary Materials Removal/Non removal Certification.*" (see Appendix B); and
3. Separating employees who are not removing documentary materials shall indicate the same by signing the appropriate block on ED form "*Documentary Materials Removal/Non removal Certification.*"

L. Records Management Guidance

The Records Management office will periodically issue guidance documents in accordance with requirements established in NARA bulletins and other NARA issuances. These guidance documents are incorporated by reference in this Directive, and are binding upon POs records management programs. Guidance documents already issued include vital records, social media records, and records management in cloud computing environments.

Appendix B – Documentary Materials Removal/Non-Removal Certification

Department of Education
Documentary Materials Removal/Non-Removal Certification

Name: _____

Office: _____

Are you removing any non record documents (paper or electronic) from the Department?

____ YES (Go to line 5a) ____ NO (Go to line 7b)

5a. I certify that the documents that I am removing from ED have been reviewed and approved for removal. They do not include any documents relating to any pending or contemplated civil, criminal or administrative proceeding, or any other program information, which would, if released, impair or prejudice the outcome of the proceeding or Government policy determinations, decisions, or other actions. (Examples: confidential information; privacy-protected information; record copies; documents, even though judged to be non-record, that would create a gap in the files; and indexes and finding aids necessary to use of official records).

5b. Signature of Employee Date

6a. Program Records Official (Print Name)

6b. Signature of Program Records OfficialDate

7a. By my signature in block number 7b, I certify that I am not removing any documents from the Department of Education.

7b. Signature of Employee Date

Appendix C – Documentary Materials Removal/Non Removal Certification – Federal Student Aid (FSA)

Federal Student Aid (FSA)
Documentary Materials Removal/Non Removal Certification

Name: _____

Office: _____

A.) Have you given your supervisor all of the materials you were working on for the Department?

_____ YES _____ NO (please explain why not)

By my signature below, I am the Supervisor for the person above and have received all working materials from this employee.

Employee's Supervisor Name (Print)

Date

Signature of Employee's Supervisor

Date

B.) Are you removing any non-record documents (paper or electronic) from the Department?

_____ YES (Read Paragraph C and Sign) _____ NO (Read Paragraph D and Sign)

C.) I certify that the documents that I am removing from the Department have been reviewed and approved for removal. They do not include any documents relating to any pending or contemplated civil, criminal or administrative proceeding, or any other program information, which would, if released, impair or prejudice the outcome of the proceeding or Government policy determinations, decisions, or other actions. (Examples: confidential information; privacy-protected information; record copies; documents, even though judged to be non-record, that would create a gap in the files; and indexes and finding aids necessary to use of official records).

Signature of Employee

Date

D.) By my signature below, I certify that I am not removing any documents from the Department of Education.

5b. Signature of Employee

Date

6a. Program Records Official (Print Name)

6b. Signature of Program Records Official

Date