THE EVOLUTION OF ERM

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IN THE BEGINNING

GOVERNMENT CREATED RECORDS AND THEY WERE WITH FORM

- And they were in what formats?
  - Paper
  - Microfilm and microfiche
  - Recordings/photographs

HOW GOVERNMENT MAINTAINED THEM

- Records Retention Schedule
- National Archives
- FRC
- A mysterious fire in St. Louis
- A cave here and there…

WHAT IS A RECORD AND A RECORDS RETENTION SCHEDULE?

- Definition: Records are defined in various statutes, including the Federal Records Act and the Freedom of Information Act. The definition that follows is from the Federal Records Act that governs agencies' records management responsibilities.

(a) Records Defined.-

(A) 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; and

(B) does not include-

(i) library and museum material made or acquired and preserved solely for reference or exhibition purposes; or

(ii) duplicate copies of records preserved only for convenience.

(44 U.S.C. 3301).

- How to determine the Records Retention Schedule
- How to maintain, transfer, accession, destroy, extend, etc.
- What was permanent vs. temporary?

THEN THERE WAS FORMLESS - ERM AND THE DIGITAL AGE

WHAT TYPES OF RECORDS EXIST TODAY?

- Emails
- Skype/IM
- Tweets
- What else??

Donald J. Trump @realDonaldTrump — Following

I am all alone (poor me) in the White House waiting for the Democrats to come back and make a deal on desperately needed Border Security. At some point the Democrats not wanting to make a deal will cost our Country more money than the Border Wall we are all talking about. Crazy!

9:32 AM · 24 Dec 2018

A NEW GENERAL RECORDS SCHEDULE

- https://www.archives.gov/records-mgmt/grs.html
- With Transmittal 29, in December 2017, NARA came to the end of their five-year plan to completely rewrite the old GRS dating from the 1940s and updated piecemeal over the succeeding decades. All old items are now superseded or, in some cases, rescinded.

WHAT IS ERM?

- Electronic Records Management [ERM] is using automated techniques to manage records regardless of format. Electronic records management is the broadest term that refers to electronically managing records on varied formats, be they electronic, paper, microform, etc. Electronic recordkeeping [ERK] is a subset of ERM, because ERK focuses on electronically managing electronic records.
- Universal Electronic Records Management (ERM) Requirements https://www.archives.gov/records-mgmt/policy/universalermrequirements
- Federal Electronic Records Modernization Initiative (FERMI)
- Review NARA's site for resources that can be contracted to meet these requirements.

FERMI

- To help agencies obtain electronic records management (ERM) solutions and services fitting their needs through an improved procurement process

- To proactively address changing trends in ERM by setting policy for new solutions and services.

Enrico Fermi (Italian: [en'ri ko 'fermi]; 29 September 1901 – 28 November 1954) was an Italian and naturalized-American physicist and the creator of the world's first nuclear reactor, the Chicago Pile-1.

ERM LIFECYCLE – THE REQUIREMENTS

These requirements contain six sections based on the lifecycle of electronic records management:

1. Capture
2. Maintenance and Use
3. Disposal
4. Transfer
5. Metadata
6. Reporting

EMAILS

- How were they maintained? Print and File
- How are they now maintained: Electronically (NARA mandate)
- How to maintain electronically?
  - Capstone (forever)
  - Everyone else's (depends on what your agency has approved)
  - Are they doing it effectively?
  - What happens to them when someone leaves?

SHARED FOLDERS AND PERSONAL FOLDERS

- Agencies are responsible for managing their records in accordance with 36 CFR Part 12 Subchapter B. Specifically, 36 CFR 1236.20 describes requirements for electronic recordkeeping. The following functionalities are required when managing records on a shared drive throughout their lifecycle:
- Declare, Capture, and Organize
  - Identify and file the record copy within the shared drive
  - Associate the records with an approved records schedule
- Preserve, Maintain Security, and Manage Access
  - Prevent the unauthorized access, modification, or deletion of declared records, and ensure that appropriate audit trails are in place to track use of the records
  - Ensure that all records in the system are retrievable and usable for as long as needed to conduct agency business
  - Develop procedures to migrate records and related metadata to stable storage media and sustainable formats
- Disposition
  - Dispose of temporary records according to the records control schedule
  - Identify permanent records for transfer to NARA

INTRANET, INTERNET, SOCIAL MEDIA, ETC.

- Content on social media is likely a Federal record. Agencies must identify the official record and determine how it will be managed. Some social media records may be temporary; with a transitory, short, or long term retention. Some may even be permanent, such as a blog by an agency senior official.
- After an agency has identified social media content as a Federal record, it must determine whether an existing disposition authority applies, including the General Records Schedules (GRS). If the content is not covered by an existing authority, a new schedule should be developed. An agency should develop a new records schedule if social media users enhance the content by adding comments, metadata or other information that becomes part of the complete record. If agencies change the way they use a social media tool, then that may affect the record-value of the information. Agencies should consider regularly reviewing their social media tools and associated records schedules.
- Social media may include content which is inconsistent with an agency's comment and posting policies and may require removal from the site. Some removed content, such as spam, may be non-record while other types of content are records that must have an approved disposition authority. Agencies should consult with their agency counsel about policies for moderating content consistent with their First Amendment obligations and Federal laws.
- How long are these records maintained?

(NARA)

STAND ALONE SOFTWARE WHERE RECORDS ARE MAINTAINED

- On local backup server
- The cloud
- Examples: FOIAXpress, Acquisition system, etc.

ENTERPRISE CONTENT MANAGEMENT (ECM)

- **Enterprise content management** (**ECM**) is a set of defined processes, strategies and tools that allow a business to effectively obtain, organize, store and deliver critical information to its employees, business stakeholders and customers.
- https://www.archives.gov/records-mgmt/policy/fermi
- https://www.faa.gov/about/initiatives/records/tools/basic_requirements/
- Multiple solutions

E-DISCOVERY THAT COMES WITH PRODUCTS

- Some are solely e-discovery, some are within the 365/email cloud, and some are found in a robust ECM system that maintains way beyond emails.
- Search
- Deduplicate
- Metadata
- 508 compliance

NARA REQUIREMENTS THAT STARTED ALL OF THIS MANAGING GOVERNMENT RECORDS DIRECTIVE (M-12-18)

- For Permanent Records: Specified that federal agencies have until December 31, 2019 to implement plans for managing all of their permanent electronic records in an electronic format.
- After December 31, 2022, **NARA** will no longer accept new transfers of permanent or temporary analog records to the fullest extent possible. **NARA** will continue to store and service all analog records transferred to a **Federal** Records Center by that date until their scheduled disposition date.

- For Emails: by 2016, maintain emails electronically.
- With the issuance of the Managing Government Records Directive (M-12-18), Goal 1.2, agencies are required to manage both permanent and temporary email records in an accessible electronic format by December 31, 2016. The issuance of NARA Bulletin 2013-2 established "the Capstone Approach" as an alternative means of managing email, while the transmittal of GRS 6.1 provides disposition authority for the approach.

RECENT NARA MEMO
HTTPS://WWW.WHITEHOUSE.GOV/WP-CONTENT/UPLOADS/2019/06/M-19-21.PDF

- Section I: Implementation Guidance for all Agencies
- 1.1 By 2019, Federal agencies will manage all permanent electronic records in an electronic format.
- 1.2 By 2022, Federal agencies will manage all permanent records in an electronic format and with appropriate metadata.
- 1.3 By 2022, Federal agencies will manage all temporary records in an electronic format or store them in commercial records storage facilities.
- 1.4 Federal agencies will maintain robust records management programs that comply with the Federal Records Act and its regulations.

- Section II: Implementation Guidance for NARA and OPM
- 2.1 By 2020, NARA will revise records management regulations and guidance to support Federal agencies' transition to fully electronic recordkeeping.
- 2.3 By 2020, OPM will revise position classification standards for archival and records management occupational series to incorporate electronic records management responsibilities and functions.
- 2.4 By 2022, NARA will no longer accept transfers of permanent or temporary records in analog formats and will accept records only in electronic format and with appropriate metadata.

DEADLINES

By **2016**, agencies manage all _email_ in an accessible, electronic format

By **2019,** agencies manage all _permanent electronic records_ in electronic formats

By **2022**, NARA will no longer accept transfers of _temporary or permanent_ records in non-electronic form.

ROADBLOCKS

- Legacy....addressing the old stuff
- Cost....technology is not getting cheaper
- Maturity....high demand for the right tools
- Infrastructure....developing systems and processes
- People....training workforce to thrive in new environment

SOLUTIONS THAT MEET REQUIREMENTS AND MAKE LIFE BETTER

- Managing all records electronically:
  - e-discovery searches for litigation and FOIA requests.
  - Can schedule the record when entered in system to be maintained up to destruction date. Better management of records to not keep items you don't need to keep.

- Examples:
  - NARA and resources available to meet requirements
  - Other agencies

STATE DEPT. EXAMPLE

- Use a centralized, cloud-based eRecords archive that will be interoperable with the Department's FOIA processing solution. Integrated powerful search tools and artificial intelligence into its eRecords archive to streamline the FOIA process.

Further enhance eRecords to meet OMB M-19-21 2019 deadline:

- Index and enrich other objects – All permanent records (not just email)
- Migrate legacy archive content into eRecords by end of FY19
- Simplify the electronic records transfer process – Automate capture as much as possible
- Seamless integration with FOIAXpress
- Continue to leverage machine learning and other forms of artificial intelligence
  - Records categorization
  - Classification recommendations
  - Technology assisted review
  - Near duplicate recognition

OTHER KEY FACTORS TO CONSIDER

- Marking Client – Unclassified and Classified Emails
- eRecords Case Dashboard
- Executing a Search – Current abilities
  - Email Rendering
  - Threading
  - Export (interoperability)
  - Artificial Intelligence (AI)
- Future capabilities
  - AI – Technology Assisted Review (TAR)
  - AI – Natural Language Processing
  - AI – Machine Learning

HOW DO YOU GET THERE?

- Inventory all of your systems and where records are kept.
- Is scanning needed or date of destruction soon?
- Determine if you need an enterprise level system, and if so what goes into it.
- Look for vendors: there are loads of them, and I mean loads. FERMI! Thanks, NARA.
- What about managing emails? The cloud, 365, etc. - Can you search them for FOIA and get what you need?
- If you work in FOIA, find out what deduplication and other resources the people searching emails have, and become their best friends.