 NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION

Office of the Chief Records Officer for the U.S. Government


I'm Leaving! Can I take my Records With Me?

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National Training Conference

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1


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About NARA

The National Archives and Records Administration (NARA) is an independent agency that enables citizens to access records documenting:

- The rights of American citizens
- The actions of Federal officials or agencies
- The national experience


2,700 employees, 49 locations, \$415M budget



National Archives Building Exterior with Exhibit Banners, National Archives Identifier: 184341666

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2


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About the Office of the Chief Records Officer for the U.S. Government

Our mission: Lead federal records management by providing guidance, training, oversight, appraisal and assistance to promote the effective management of federal records as business assets.


Our vision: Records are integral to each agency's mission and are managed electronically with minimal end-user intervention, resulting in the effective governance of information assets.

Our numbers: 83 staff, 16 locations, including College Park, MD as NARA HQ



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3

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How to say goodbye?

Our office produced a few products aimed at helping government officials manage their records as they enter and leave federal service.


The products reflect our experience as a national federal records management program and some of the best practices we've learned over the years.



Washington, D.C., Jan. 21, 2009 -- FEMA departing Administrator R. David Paulison bids farewell for the final time to agency employees. FEMA employees lined the headquarter's hallways to to say good bye today. Photo by Barry Iahles/FEMA, National Archives Identifier: 7821993

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4

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I'm leaving! Can I take my RECORDS?

What are federal records?

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** (44 U.S.C. §3301)

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5

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I'm leaving! Can I take my RECORDS?

What are federal records?

- audio and video recordings, photographs
- maps, cartographic, and geospatial records
- architectural, engineering, and other drawings
- computer aided design files
- structured data records
- textual records, digitized records
- e-messages, chats, texts, emails
- documents, memoranda, presentations
- contacts information, calendars
- social media content, blog posts
- contract deliverables, R&D materials
- databases, spreadsheets, scientific data, statistical data

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6


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I'm leaving! Can I take my RECORDS?

- Federal records are important business assets with continuing value in protecting the rights and interests of the public, holding officials accountable for their actions, and documenting our nation's history.
- Government employees create and maintain federal records as an integral part of their responsibilities.
- Federal agencies are responsible for implementing the mandatory disposition authority contained in records schedules. Federal records must be destroyed or transferred to NARA at the end of the set retention period, regardless of when the federal employee who created or maintained the records leaves.

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7


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I'm leaving. Can I take MY records?

What are personal materials?

Personal materials refer to documentary items not relating to or having an effect upon agency business. Personal materials belong to an individual, not the agency.

Employees may remove documentary materials of a purely personal nature when they leave the agency.



This photograph of a home planning center depicts an audience observing an electrical kitchen. National Archives Identifier: 623792

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8

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I'm leaving. Can I take MY records?


Examples of personal materials:

- business or professional files created before entering Government service
- professional association journals, library materials, publications
- your copies of official personnel files created when you entered Federal service
- personal correspondence, emails, and other materials documenting outside business or political pursuits not relating to agency business

If you intermingled personal materials and federal records, you must separate them before you leave.

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9

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What about copies of records?


Duplicate copies of records preserved only for convenience are not federal records (44 U.S.C. § 3301). However,

- removal should not adversely impact the official records of the agency
- removal should be at no cost to the agency
- the materials must not contain classified national security information (NSC) or controlled unclassified information (CUI)
- the materials must not contain information subject to the Privacy Act of 1974 (5 U.S.C. § 552a)

In general, you may take copies of federal records that are already publicly available

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10

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What about my working files?

Working files are federal records if:


- They were circulated or made available to employees for official purposes, such as approval, comment, action, recommendation, follow-up
- They were communicated with agency staff about agency business; and
- They contain unique information, such as substantive annotations or comments, that adds to a proper understanding of the agency mission. (36 C.F.R. § 1222.12c)

Examples include: preliminary drafts, rough notes, draft emails never sent, draft project proposals not submitted.

This is a tricky area and needs to be carefully considered within agency policies.

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11


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I'm leaving! Can I take my records?

Federal records are the property of the agency, not the individual employee, and must not be removed without agency approval.


There are people in your agency to help with the exit process and review of what materials you can take:

- agency records management staff
- legal counsel
- contracting officers or CORs
- supervisors



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12


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Examples of review questions

1. Have you ensured that all records are captured in official recordkeeping systems and available to agency staff after you leave?
2. Have you properly identified and captured all paper and electronic records found at your office or telework location and on shared drives, cloud networks, and agency-provided or personal devices?
3. Can all password protected or encrypted accounts, systems, and files be accessed after your departure?
4. Have you returned all records checked out to you to the appropriate storage facility (either a NARA Federal Records Center, an agency records center, or an approved third-party storage provider)
5. Have you turned over all information requests for which you were responsible, for example FOIA requests?
6. Have you identified and preserved records in your care relating to audits or Congressional inquiries?
7. Have you identified and notified your agency's legal staff of all records in your care relating to litigation holds?
8. Have you ensured that all sensitive personally identifiable information, protected health information, FOIA-restricted, and classified information is still under agency control?

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13

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What about email?

Basics of federal records management of email:


- Most agencies manage email under Capstone approach, where email retention is determined by the position or role of the person.
- The Capstone GRS provides retention periods of 3 years or 7 years, and permanent.
- Some agencies have their own records schedules with different retention periods.
- Most agencies manage email as a collection. However, copies of emails may also be included in other series of records.



STS-67 Payload Commander Tammy Jetrigan types an email message on a middeck laptop computer. Date Taken: 5/11/1998, National Archives Identifier: 22872284

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14

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What about email?

Examples from my experience

- Generally the answer is no, you can not take all your email.
- If a departing employee wants to take some emails, they need to start the review process as early as possible.
- If a departing employee only wants to take their email contacts, generally okay. Again start review and export work as early as possible.
- Some departing employees want to email copies of records to their own personal email. They should get advice first.

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15

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What about social media?

Examples from my experience

- Individuals wanted to take their social media followers and names.
- Agencies policies usually separate the name of the person from the role they have.
- Individuals wanted to take copies of blogs and tweets, which are publicly available. Generally okay to take these records when leaving.
- More complex issues around direct messages, comments, shares, or likes because this information may not be allowed or may not be publicly available

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16

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I'm LEAVING! Can I take my records?

Leaving to go to another office?

Leaving to go to another bureau or component of a Department?


Leaving to go to another federal agency?

Leaving to go to another branch of government?

Leaving federal service? Officially separating?

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17

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I've left! Can I still see my records?

Can former government employees continue to have access to NSC information?

- Agencies may grant access to classified information only when the person has a security clearance at an appropriate level, has signed a nondisclosure agreement, and has a "need-to-know" the information.
- The "need-to-know" requirement may be waived for persons engaged in historical research and for presidential appointees who previously occupied policy making positions.
- Waivers must be consistent with the interests of national security
- Waivers must limit access for former Presidential appointees to items they originated, reviewed, signed, or received while in office.

Agencies must protect classified information from unauthorized disclosure or compromise and ensure the information is safeguarded

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18

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I've left! Can I still see my records?


Are your records still available at your agency? If so, welcome to FOIA!!!

Have your records been transferred to NARA? If so, welcome to research!


Have your records been destroyed because they've reached their retention period? If so, no.

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19

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Documenting Your Public Service




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

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20

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Questions?



Seventh and eighth grade class in Westley, CA school after lesson in geography. National Archives Identifier: 148742583.

21



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- Send us an email at rm.communications@nara.gov
