

Records Management and FOIA

Michelle Bradley

Records Management Training Program
Office of the Chief Records Officer
National Archives and Records Administration

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1



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2



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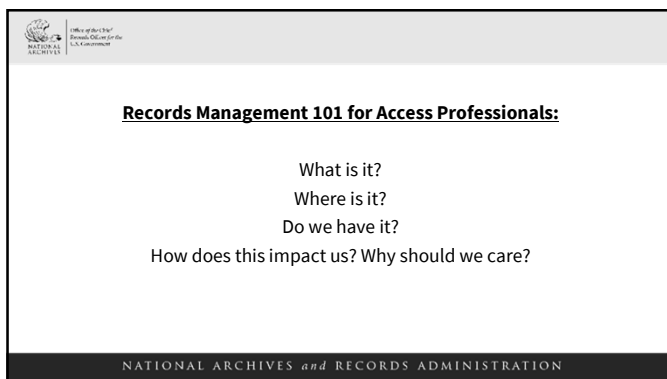
3



4



5



6

How does this impact us? Why should we care?




If Records Managers don't do their job, you can't do yours



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7

What is a record?



44 U.S. Code § 3301 - Definition of records

a) RECORDS DEFINED.—(1) IN GENERAL.—As used in this chapter, the term “records”—**(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.

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8

What that really means.....



Whatever you create or receive in the process of doing the work of the US Government is a record.

Federal records are a subset of FOIAble records.



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9



10

Temporary vs Permanent vs Non Records

Permanent: Historical documents

Temporary: Records not needed after a specific time period

Non Records: Extra copies, reference materials

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11

Example: Permanent Records vs Temporary

Permanent Records: Historical documents, reference materials

Temporary Records: Records not needed after a specific time period

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12

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How do we figure out if a record is permanent or temporary?

Records Schedule

A document that lists all records that your organization generates and how long you can keep them.


<https://www.archives.gov/records-mgmt/rcs/schedules/index.html>

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13

National Archives & Records Administration Listing of Active NARA Records Schedule Items (includes files that refer to the GRS)			
Record Group / Series / File / EIS-2	Series Description / Item Description	Disposition Type / Authority / Retention Instructions	
Chapter 1, Mission and Organization Policies and Procedures	Organizational charts and reorganization studies. Records and graphics that provide a detailed description and illustration of the arrangement, administrative structure, and geographic boundaries of the functional units of NARA. Reorganization studies may include final recommendations, proposals, and staff evaluations. Reorganization case files are maintained by the Policy and Planning Staff (NPOC) in the directives case files, file no. 104-1. Records maintained by NPOC.	Permanent and GRS 1950-0001 Item 101-1	
101 Organizational Files		PERMANENT Transfer to NARA in 5-10 years (N1-004-00-1)	
101-1 Organizational Files	Organizational charts and reorganization studies. Records and graphics that provide a detailed description and illustration of the arrangement, administrative structure, and geographic boundaries of the functional units of NARA. Reorganization studies may include final recommendations, proposals, and staff evaluations. Reorganization case files are maintained by the Policy and Planning Staff (NPOC) in the directives case files, file no. 104-1. Working files maintained by NPOC staff members.	Temporary N1-004-2000-0008 Item 1	
101-2 Organizational Files	Working files maintained by NPOC staff members.	Destroy when no longer needed for reference; (N1-004-20-1) Item 11	
102 NARA Regulations Case Files	Case files containing a copy of proposed or final regulations and related records; comments from internal NARA stakeholders, other agencies, and members of the public; and a copy of the published regulation. Official case file maintained by the Strategy and Performance Division (HP). Arranged by regulation.	N1-004-1996-0002 Item 1 PERMANENT - Cut off when final rule is published (05) Disposition is exempt. Transfer to NARA in 101-year blocks when 50 years old. (N1-004-10-2) Item 11	
102-1 NARA Regulations Case Files	Case files containing a copy of proposed or final regulations and related records; comments from internal NARA stakeholders, other agencies, and members of the public; and a copy of the published regulation.	PERMANENT Cut off upon completion of review. Destroy at end of next review cycle. (N1-004-10-2) Item 11	
102-2 NARA Regulations Case Files	Case files maintained by HP on regulatory reviews that do not result in new or revised regulations.	N1-004-1993-0002 Item 1 Temporary Destroy at end of next review cycle. (N1-004-10-2) Item 11	

14

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Example: Federal Prisoner Files

RECORDS, INFORMATION AND RESOURCE MANAGEMENT
Request to Records Disposition Authority

Records Disposition Date: 01/01/2025

Request for Records Disposition Authority

Records Schedule Number: **DAA-0129-2017-0002**

Schedule Status: **Approved**

Agency or Establishment: **Bureau of Prisons**

Record Group / Scheduling Group: **Records of the Bureau of Prisons**

Records Schedule applies to: **Agency-wide**

Schedule Subject: **Institution Inmate Case File (Inmate Central File)**

Internal agency commentaries will be provided: **No**

Background Information:

Item Count	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Exemption Disposition Items
1	0	1	0

GAO Approval:

Records Schedule Items

Sequence Number: 1

Institution Inmate Case File (Inmate Central File)

Disposition Authority Number: **DAA-0129-2017-0002-0001**

Institution Inmate Case File (Inmate Central File) - Inmate case files consisting of documentation relating to the receipt, classification, detention, and release of persons convicted of violating federal laws and held at a federal correctional facility. Inmate Case Files also contain narratives such as, but not limited to, disciplinary occurrences, work and housing history, and education activities.

Final Disposition: **Temporary**

Item Status: **Active**

Is this item media related? **Yes**

Do any of the records covered by this item currently exist in electronic format other than e-mail and word processing? **No**

Is this item processing? **No**

Disposition Authority: **N1-129-27-11 / 1**

Disposition Authority: **N1-129-09-007 / 1**

Disposition Instruction:

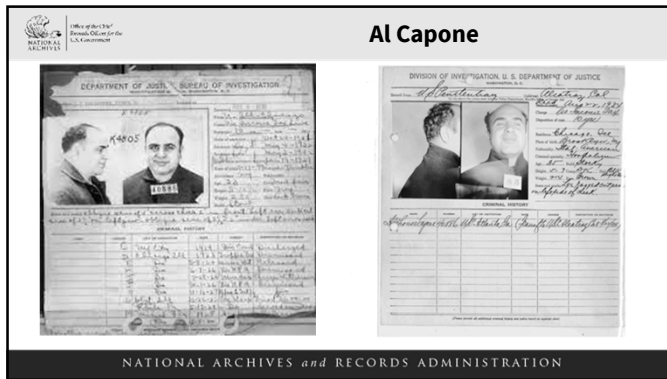
Cutoff Instruction: **Cutoff at Expiration of Sentence (which includes parole, probation or supervision).**

Transfer to Inactive Storage: **Transfer to approved off-site storage location by year of expiration of sentence (which includes parole, probation or supervision).**

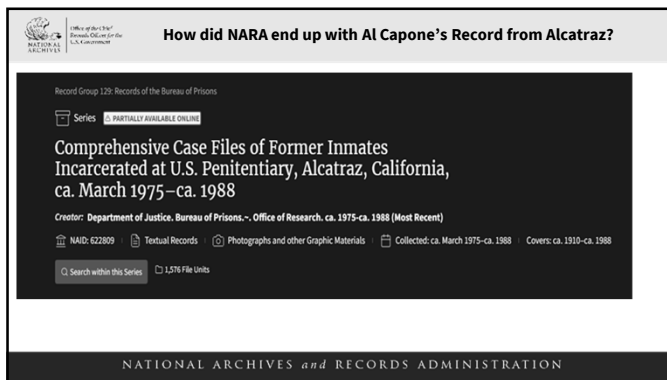
Retention Period: **Destroy 10 year(s) after expiration of sentence (which includes parole, probation or supervision).**

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15



16



17



18

FRCs vs NARA

Federal Records Centers	National Archives
<ul style="list-style-type: none"> • Holds temporary records • Holds the records until they meet their retention period • Agency still has legal custody of the records • Then transfers them to NARA OR destroys them 	<ul style="list-style-type: none"> • Holds permanent records • Transferred to NARA when no longer needed, met their retention period. • Agency transferred legal custody to NARA • NARA is responsible for all FOIAs

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19

What is it?

Is it a record?
Temporary or Permanent?

Where is it?

Is it at NARA?
Is it at an FRC?
Has it met its disposition date?
Have we destroyed it?

Do we own it?

Is it even a record? Is it our record?

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20

Questions?

Michelle.Bradley@nara.gov

RMT1@nara.gov

<https://www.archives.gov/records-mgmt/training>

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21
