

Federal Housing Finance Agency



Records and Information Management Policy

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Records and Information Management Policy

Table of Contents

I.	Policy	3
II.	Scope	3
III.	Definitions	3
IV.	Records and Information Management.....	5
V.	Responsibilities	7
VI.	Authorities and References	10
VII.	Records Retention	11

I. Policy

This Federal Housing Finance Agency (FHFA) policy requires that all employees and contractor personnel manage FHFA Information, including records, throughout its lifecycle to facilitate and document FHFA's mission and functions. FHFA requires management of records using the Agency's official recordkeeping repositories.

II. Scope

This Policy applies to FHFA Information, regardless of physical form or characteristics, which is created, received, obtained, or communicated in connection with the transaction of FHFA's business. It applies to all FHFA employees and to contractor personnel to the extent specified by their contract. In addition, this Policy provides a framework for the organization and implementation of FHFA's Records and Information Management (RIM) Program.

III. Definitions

- A. Adequate and Proper Documentation.** A record of agency business that is complete and accurate to the extent required to document the organization, functions, policies, decisions, procedures and essential transactions of the agency, and is designed to furnish the information necessary to protect the legal and financial rights of the agency and of persons directly affected by the agency's activities.
- B. Controlled Unclassified Information (CUI).** Information the federal government creates or possesses, or that an entity creates or possesses for or on behalf of the federal government, that a law, regulation, or government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. National Archives and Records Administration (NARA) has established an online repository, the CUI Registry¹, which identifies and describes all of the categories of CUI.
- C. Disposition.** An action taken with records that have met their retention period and are no longer needed to conduct current FHFA business. Such actions include transfer of permanent records to NARA and destruction or deletion of temporary records. Disposition is the third stage of the records life cycle, following creation then maintenance and use.

¹ The CUI Registry is available at <https://www.archives.gov/cui/registry/category-list>.

- D. Disposition Authority.** The legal approval granted by NARA, through FHFA's *Comprehensive Records Schedule* (CRS) and NARA's General Records Schedules (GRS), authorizing FHFA to destroy temporary records or to transfer permanent records to the National Archives at the end of their retention period.
- E. Electronic Messaging.** Electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals, as defined in 44 U.S.C. 2911.
- F. FHFA's *Comprehensive Records Schedule* (CRS).** NARA approved records schedule that provides disposition authorities for FHFA specific program and administrative records, as well as for incorporating NARA's General Records Schedules (GRS) as applicable.
- G. FHFA Contractor Personnel.** Any current or former contractor, contractor personnel, vendor, or its personnel, including directors, officers, employees, subcontractors, agents, or consultants.
- H. FHFA Employee.** Any person employed by FHFA, including any current or former employee, officer, intern, agent, or detailee.
- I. FHFA Information.** Information that is created by, obtained by, or communicated to FHFA employees or contractor personnel in connection with the performance of official duties and regardless of format (i.e., oral, electronic, or hard copy).
- J. File Plan.** A document listing types of records commonly found in a Division or Office for which they have custodial responsibility, as well as the location and retention period of those types of records.
- K. Lifecycle of Records.** Management concept that records pass through three stages: creation, maintenance and use, and disposition.
- L. Nonrecord.** Materials that do not meet the statutory definition of a record. Nonrecord materials include informational copies on which no FHFA action was recorded or taken; extra copies of documents kept only for reference, convenience, or personal use; and stocks of publications, professional journals, and library materials intended solely for reference.
- M. Permanent Records.** Records that have historical or other value sufficient to warrant permanent preservation after the end of their retention period. Types of FHFA's permanent records that must be protected, secured, and preserved while they are in FHFA's custody are identified in Office File Plans in accordance with FHFA's *Comprehensive Records Schedule*. Permanent records are never destroyed. If there are no legal or other holds in effect, legal custody of eligible permanent records is transferred to the National Archives at the end of their retention period.

and based on transfer instructions specified in FHFA's CRS. Examples of types of permanent records include: Senior Official's records; correspondence to and from the regulated entities; mission-related policy approvals; FHFA's news releases and publications.

- N. Recordkeeping Requirements.** Statutory, regulatory, or agency policies and procedures that provide general and specific guidance about records to be created and maintained.
- O. 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)
- P. Records Schedule.** Policy document approved by NARA with provision of authority for the final disposition of records that describes records and provides mandatory instructions for how to handle records when they are no longer needed for FHFA business.
- Q. Retention Period.** The length of time that records are to be managed and accessible, as authorized by NARA. Records must be retained and accessible for the length of their retention period, before temporary records must be destroyed or deleted, and before permanent records must be transferred into the National Archives.
- R. Temporary Records.** Records that can be destroyed or deleted after a finite and predetermined active period or after a specific act or event is completed. Temporary records should not be preserved indefinitely. Unless there are legal or other holds in effect, temporary records should be destroyed or deleted after the end of their retention period in accordance with FHFA's CRS. Examples of types of temporary records include procurement files; budget files; employee travel documents; working files that do not add to the understanding of Agency decisions.

IV. Records and Information Management

Effective records and information management is the responsibility of all individuals within the Agency. FHFA employees and contractor personnel must:

- Retain FHFA Information to document activities;

- Create information and retain records in a manner consistent with the Federal Records Act, and FHFA policies and procedures;
- Maintain records for the time defined by FHFA's *Comprehensive Records Schedule* and their Office's file plan; and
- Properly dispose of records after the completion of their retention period and any applicable holds.

FHFA must maintain information, including records, in a manner that ensures timely, efficient, and accurate retrieval by authorized users when needed. Records must be complete and accurate to document the organization, functions, policies, decisions, procedures, and essential transactions of the Agency, and furnish the information necessary to protect the legal and financial rights of FHFA and of persons directly affected by the Agency's activities.

Division and Office heads are responsible for establishing and maintaining procedures for the management of records and information in their Offices, in accordance with this Policy and any supplemental RIM Program guidance. Successful RIM practices improve the ability to identify, locate, and retrieve records and information required to support FHFA's ongoing business activities. Effective management of FHFA Information, including records, in all formats serves to:

- Preserve FHFA Information, including records, in accordance with applicable statutory and regulatory requirements and other FHFA policies; and
- Promote access to FHFA Information, including records, by FHFA employees, partners, and the public, as appropriate.

Whistleblowing Activity Not Restricted – With respect to FHFA employees, nothing in this Policy prohibits or restricts an employee from disclosing information as a whistleblower, unless such disclosure is otherwise prohibited by law. Pursuant to the *Whistleblower Protection Enhancement Act of 2012*, employees are provided the following notice with respect to these procedures: These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive Order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and statutory provisions are incorporated into this agreement and are controlling.

V. Responsibilities

- A. **FHFA Director** has the authority to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Agency. The Director is responsible for establishing and maintaining an active, continuing RIM Program for the economical and efficient management of FHFA records.
- B. **Office of General Counsel** is responsible for providing legal advice and counsel on records and information management issues.
- C. **Chief Information Officer (CIO)** is responsible for FHFA's RIM Program, in accordance with applicable laws, regulations, NARA guidance, and FHFA policies, procedures, and Orders. The CIO is also responsible for providing adequate and cost-effective systems with electronic records and information management functionality.
- D. **Senior Agency Official for Records Management (SAORM)** is responsible for incorporating records management into the broader information management framework and strategic planning initiatives, in accordance with the Office of Management and Budget (OMB) Memorandum, M-19-21, *Transition to Electronic Records* and OMB Circular A-130 Revised, *Management of Information as a Strategic Resource*.
- E. **FHFA Records Officer** serves as the subject-matter expert and advisor to management on all technical and policy issues related to FHFA's RIM Program and is responsible for assisting in the development and implementation of the full range of FHFA's RIM Program policies, procedures, training, tools, and techniques, including Agency forms and policies, in accordance with laws, regulations, NARA guidance, FHFA policies and procedures, and *FHFA's Comprehensive Records Schedule*.
- F. **Records and Information Management (RIM) Section** is responsible for the ongoing management and support of FHFA's RIM Program. RIM is responsible for such Program tasks as developing and delivering records training to facilitate the implementation of RIM policy; overseeing annual file plan reviews; providing assistance with the transfer of inactive records to Federal Records Center (FRC) storage; and coordinating records disposition in accordance with FHFA's *Comprehensive Records Schedule*. In areas where federal guidelines are lacking or still evolving, FHFA will implement records and information management practices based on best practices within the RIM community.
- G. **FHFA Senior Officials** include the Director of FHFA, Deputy Directors, Associate Directors, and Office Directors as well as staff assistants to those officials such as senior advisors, special assistants, confidential assistants, and administrative

assistants for Agency records retention purposes. Others may be added to the list if warranted by the position held. These Senior Officials are required to meet with FHFA's Records Officer or a senior RIM member before departing the Agency.

- H. FHFA Division and Office Heads** are responsible for creating, maintaining, and protecting Agency records, and for establishing recordkeeping requirements and practices to ensure evidence of their Division or Office's organization, functions, and activities is properly recorded. They are also responsible for ensuring compliance for managing records within their organization in accordance with FHFA's *Comprehensive Records Schedule*, and for identifying essential records required to be available in the event of an emergency or disaster.
- I. Contracting Officer** is responsible for ensuring that FHFA contracts include any applicable requirements regarding the delivery of pertinent documentation and compliance with federal and FHFA records and information management requirements.
- J. Contracting Officer Representatives** are responsible for ensuring that FHFA contractor personnel are trained and aware of federal records and information management requirements and of their responsibilities for appropriately creating, organizing, and managing FHFA records throughout their lifecycle in accordance with FHFA policies and procedures.
- K. Records Liaisons (RLs)** support the RIM Program by serving as a bridge between their Division or Office and the RIM Program. RLs are responsible for

 - 1. Answering records and information management questions and providing basic RIM direction to Division or Office employees and contractor personnel;
 - 2. Assisting with maintenance and verification of records in accordance with FHFA's *Comprehensive Records Schedule*;
 - 3. Annually reviewing and updating the Division or Office's File Plan; and
 - 4. Coordinating the boxing, indexing, and retiring of inactive paper records to the FRC.
- L. FHFA Employees and Contractor Personnel** are responsible for following all policies and procedures for creating, obtaining, preserving, and managing the records necessary to document FHFA's functions, activities and actions in

accordance with the Agency's recordkeeping requirements. Employees and contractor personnel are also responsible for:

1. Managing records in accordance with FHFA's *Comprehensive Records Schedule*;
2. Obtaining proper authorization before removing or destroying FHFA records;
3. Completing all mandatory RIM training and acknowledging an understanding of records and information management responsibilities by annually completing FHFA's *RIM Rules of Behavior*;
4. Protecting records from unauthorized disclosure, access, mutilation, and destruction to protect the legal and financial rights of the government and persons affected by government activities;
5. Reporting suspected or confirmed loss, unauthorized disclosure, or compromise of Controlled Unclassified Information (CUI) to the FHFA Help Desk at HelpDesk@fhfa.gov or (202) 649-3990 during regular business hours.
6. Using Form 082 – Information Removal Waiver Request Form when FHFA CUI is to be transferred outside the Agency using removable media;
7. Maintaining official FHFA records separately from personal papers and other nonrecords;
8. Ensuring all electronic messages sent or received using a non-FHFA account are copied or forwarded to the recipient's official FHFA electronic messaging account within 20 days of creation or receipt of the electronic message as required by the Federal Records Act; and
9. When teleworking, securing CUI within your control in a locked location when not in use and bringing printed documents back to work for CUI-appropriate destruction when no longer needed.

Sending CUI to personal email accounts is prohibited and may subject personal accounts to search in response to an OIG request, Congressional inquiry, subpoena, or Freedom of Information or Privacy Act request.

In order to keep personal activities private, government furnished equipment, information systems, and computer networks should not be used for personal use, unless authorized under the *Personal Use of Government Equipment and Resources Policy*.

If employees and contractor personnel use FHFA devices (*i.e.*, laptop, mobile phone, or tablet) to take personal photos or videos, to text message, to store or save personal documents, or use for any other personal purpose, it may not be possible to transfer or save those photos, videos, text messages, or documents to a personal device or account. FHFA, including the Help Desk, will not assist in any effort to save or transfer such files from FHFA devices.

Individuals do not have a right to, nor should they have any expectation of privacy while using any government equipment (e.g., laptop, mobile phone, tablet, copiers, facsimile machines, etc.) or resource at any time, including the Internet, Citrix, email, voicemail, FHFA Personally Owned Device (FPOD) wireless network, guest wireless network, and text messages.

Note: Criminal penalties exist for willingly and unlawfully concealing, removing, mutilating, altering, or destroying federal records.

VI. Authorities and References

- A.** 44 U.S.C. Chapter 29, *Records Management by the Archivist of the United States and by the Administrator of General Services*; Chapter 31, *Records Management by Federal Agencies*; Chapter 33, *Disposal of Records*; and Chapter 35, *Coordination of Federal Information Policy*.
- B.** 18 U.S.C. Section 2071, *Concealment, removal or mutilation generally*.
- C.** 36 CFR Chapter XII, *Code of Federal Regulations*, Subchapter B, *Records Management*.
- D.** FHFA Policy No. 222, *Controlled Unclassified Information Policy*, effective September 30, 2019.
- E.** FHFA *Controlled Unclassified Information Procedures*, dated August 20, 2019.
- F.** FHFA's *Comprehensive Records Schedule*, dated January 11, 2013, as amended.
- G.** FHFA Order No. 30 - *Delegations and Designations Related to Information Technology and Records Management*, dated October 27, 2013.
- H.** FHFA's *RIM Rules of Behavior*, dated December 8, 2020.
- I.** OMB Memorandum, M-19-21, *Transition to Electronic Records*, dated June 28, 2019.

- J. OMB Circular A-130 Revised, *Management of Information as a Strategic Resource*, dated July 27, 2016.
- K. Federal Emergency Management Agency, Federal Preparedness Circular 65, *Federal Executive Branch Continuity of Operations (COOP)*, dated June 15, 2004.

VII. Records Retention

Agency records that result from the development and administration of this Policy are retained in accordance with FHFA's *Comprehensive Records Schedule*, Item 5.4a, Information Technology and Management Records.

All other FHFA records are managed in accordance with FHFA's *Comprehensive Records Schedule* (CRS), as outlined on each Division or Office's File Plan. FHFA's CRS and Office file plans are available on the RIM intranet page. FHFA's *Comprehensive Records Schedule* is also available on <https://www.FHFA.gov> in the *About Us* section under FHFA Policies/Records and Information Management.