

# FEDERAL HOUSING FINANCE AGENCY

## Records and Information Management Policy



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## Records and Information Management Policy

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## I. Policy

The 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 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. Records and Information Management

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

- A. Retain FHFA information to document activities;
- B. Create information and retain as records in a manner consistent with the Federal Records Act, and FHFA policies and procedures;
- C. Maintain records for the time defined by FHFA's *Comprehensive Records Schedule* and their Office's file plan; and
- D. 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:

- A. Preserve FHFA information, including records, in accordance with applicable statutory and regulatory requirements and other FHFA policies; and
- B. 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.

#### IV. 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, National Archives and Records Administration (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 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. They are also responsible for enforcing 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.
- H. Contracting Officer** is responsible for ensuring that FHFA contracts include requirements for the delivery of all pertinent documentation on contractor program execution and federal government and FHFA records and information management requirements.
- I. Contracting Officer Representatives** are responsible for ensuring that FHFA contractor personnel are trained and aware of federal records and information management requirements and responsibilities for appropriately creating, organizing, and managing FHFA records throughout their lifecycle in accordance with FHFA policies and procedures.
- J. 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.

**K. 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 annual and other mandatory RIM training;
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. *Using Form 082 – Information Removal Waiver Request Form for Controlled Data* when FHFA Non-public Information is to be transferred outside the Agency using removable media;
6. Maintaining official FHFA records separately from personal papers and other nonrecords; and
7. Ensuring all electronic messages sent or received using a non-FHFA account are copied or forwarded to their official FHFA electronic messaging account within 20 days of creation of the electronic message.

In order to keep personal activities private, do not use government furnished equipment, information systems, or computer networks 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.

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

## V. 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 that 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. **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 the National Archives and destruction of temporary records. Disposition is the third stage of the records life cycle, following creation, then maintenance and use.
- C. **Disposition Authority.** The legal approval granted by NARA, through FHFA's *Comprehensive Records Schedule* and NARA's *General Records Schedules (GRS)*, empowering FHFA to destroy temporary records or to transfer permanent records to the National Archives at the end of their retention period.
- D. **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.
- E. **FHFA's Comprehensive Records Schedule.** 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 various formats, including verbal, electronic, or hard copy.
- J. File Plan.** A document listing a Division or Office's records for which they have custodial responsibility, as well as the location and retention period of those records.
- K. Lifecycle of Records.** Management concept that records pass through three stages: creation, maintenance and use, and disposition.
- L. Nonrecord.** Informational materials used for reference or convenience that do not meet the statutory definition of a record. Excluded materials include informational copies on which no FHFA action was recorded or taken; extra copies of documents kept only for reference or personal use; or stocks of publications, professional journals, and library materials intended solely for reference.
- M. Recordkeeping Requirements.** Statutory, regulatory, or agency policies and procedures that provide general and specific guidance about particular records to be created and maintained.
- N. 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)
- O. 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.
- P. 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 can be destroyed or deleted, and before permanent records can be transferred into the National Archives.

## 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. OMB Memorandum, M-19-21, *Transition to Electronic Records*, dated June 28, 2019
- I. OMB Circular A-130 Revised, *Management of Information as a Strategic Resource*, dated July 27, 2016.
- J. 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*, as outlined on each Division or Office File Plan. FHFA's *Comprehensive Records Schedule* and each Office's File Plans are available on the RIM intranet page. FHFA's *Comprehensive Records Schedule* is also available on <http://www.FHFA.gov> in the *About Us* section under FHFA Policies/Records and Information Management.