

Documenting Your Public Service

2016 Web Edition of Documenting Your Public Service.

Introduction

This guide provides all Government employees, including senior agency officials and political appointees, with information regarding their responsibilities for managing Federal records. Knowledge of this guidance and careful advance planning will aid employees throughout their Federal service. This guide identifies recordkeeping responsibilities and explains how to distinguish Federal records from other recorded information, including personal materials.

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.

Instituting good recordkeeping practices helps agencies:

1. minimize costs and operate more efficiently;
2. improve performance, transparency, and accountability by documenting actions and decisions; and
3. identify and transfer permanently valuable historical records to the National Archives of the United States.

This guide does not apply to Presidential records created under the Presidential Records Act (PRA). Presidential records are managed separately from Federal records. Questions related to determining whether or not documentary materials are Presidential records should be referred to the White House Counsel.

What Are Federal Records?

Federal records are 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. Federal records must be preserved by an agency – 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 the data in them – until they are authorized for disposal as temporary records or for transfer to the National Archives as permanent records.

Federal records exist in many forms including, but not limited to:

1. audio and video recordings
2. architectural, engineering, and other drawings
3. computer aided design files
4. electronic messages, including email, instant messages, and texts
5. maps and geospatial information
6. memoranda
7. photographs
8. presentations
9. social media content
10. statistical and narrative reports
11. web records

Many factors contribute to the determination that recorded information qualifies as a Federal record. If the answer to any of the following questions is "yes," the item is a Federal record.

1. Did the agency require creation or submission and maintenance of the information?
2. Was the information used to conduct or facilitate agency business?
3. Does the item contain unique information that explains formulation of significant program policies and decisions?
4. Was the information distributed to other offices or agencies for formal approval or clearance?
5. Is the information covered by an item in an agency records schedule or regulation?

Federal records are the property of the agency, not the individual employee, and must not be removed without agency approval. Government employees should work with their agency's records management staff to ensure records contain a full accounting of their organization, functions, policies, and activities. Agencies need to ensure that their records are complete and contain information needed to protect the rights of the Government and public. ([See 44 U.S.C. 3101.](#))

Are Electronic Messages Federal Records?

Electronic messages, including email, instant messages, and texts, are Federal records if they meet the definition mentioned above. Agencies must issue instructions to staff on the management of electronic messages determined to be Federal records. Employees who create a significant amount of permanent records should consult with their agency

records officer to determine the most effective way to manage those electronic messages.

What Are Personal Materials?

Personal materials refer to documentary items agency business. Personal materials belong to an individual, not the agency ([See 36 CFR 1220.18](#)). Traditionally, personal materials have included the following categories:

1. business or professional files created before entering Government service
2. reference files, for example professional association journals or library materials
3. copies of your official personnel file that were created when you entered Federal service
4. personal correspondence, emails, and other materials documenting outside business or political pursuits not relating to agency business

Employees may remove documentary materials of a purely personal nature when they leave the agency. However, employees often intermingle their personal and official files. In those situations, the agency may need to review and approve the removal of personal materials to ensure all Federal records are properly preserved and agency policies are followed. Employees should consult the agency records management staff, legal counsel, or other designated officials to help determine whether files are personal or Federal records.

As a best practice, employees should not conduct personal business on official agency accounts and information technology systems.

Personal and non-official accounts should only be used to conduct agency business in exceptional circumstances. In 2014, the Federal Records Act was amended to require that an officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless they—

1. copy an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or
2. forward a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 calendar days after the original creation or transmission of the record.

[NARA guidance](#) further requires that if an officer or employee of an executive agency receives an electronic messages on a personal account, they must forward a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 calendar days after the original creation or transmission of the record.

What Do Government Employees Need to Do When Entering Federal Service?

Employees should contact their agency's records management staff for a briefing on specific agency recordkeeping requirements. Additionally you should follow these best practices:

1. Implement records management instructions issued by the agency records management staff, including guidelines on records creation and procedures for capturing Federal records.
2. Document the substance of meetings and conversations where decisions are made, issues are resolved, or policy is established.
3. Keep personal materials separate from official accounts or systems. This avoids the laborious and difficult task of reviewing voluminous materials when leaving the agency.
4. Ensure Government business information is extracted from documents that contain a mix of personal and business matters and include the business information in agency files.

What Do Government Employees Need to Do When Leaving Federal Service?

When leaving Federal service, government employees need to take steps to ensure all Federal records are properly managed and preserved until their authorized disposition. You should contact your agency's records management staff to determine if there is an exit clearance process already in place at your agency. Possible responsibilities you may be asked to perform include ensuring records are appropriately identified and captured from:

- email, social media, or electronic messaging accounts;
- all internal and external advisory boards, committees, or councils in which you participated; and
- reports to Congress and/or the President, speeches, testimonies, or major correspondence.

Federal records must be maintained under the control of the Government. Employees generally may take extra copies of federal records that are already publicly available, subject to each agency's review and approval. Any removal of information is subject to review by officials from your agency. Approval should be granted only if all of the following conditions are met:

- removal would not adversely impact the official records of the agency;
- removal would be at no cost to the agency;
- the materials do not contain classified national security information;
- the information removed is not subject to the Privacy Act of 1974 (5 U.S.C. 552a); and
- disclosure of the information removed is not otherwise prohibited by law.

However, when determining whether to permit departing employees to remove copies of Federal records, the agency should also consider the extent to which such removal could affect the agency's ability to invoke various legal privileges, and should consider the use of nondisclosure agreements in appropriate cases. In those instances, the agency should also review and approve the removal of personal materials to ensure that all agency policies are followed properly.

Can Former Government Employees Continue to Have Access to Classified Information?

The use of classified records after leaving Government service falls under the current [Executive Order](#) governing "Classified National Security Information." The Order requires classified information shall remain under the control of the originating agency or its successor in function. An official or employee leaving an agency may not remove classified information from the agency's control.

However, the Order does allow former employees access to classified information in limited circumstances. The Order states 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. However, 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 may be granted only if the originating agency:

- determines in writing access is consistent with the interests of national security;
- takes appropriate steps to protect classified information from unauthorized disclosure or compromise and ensures the information is safeguarded in a manner consistent with the Executive Order; and
- limits access for former Presidential appointees to items they originated, reviewed, signed, or received while in office.

Consult with your agency's information security officials with any questions regarding continued access to classified information.

Will Federal Records I Create Go to the National Archives?

The records you create as a Government employee could one day become part of the National Archives. NARA's mission is to provide public access to the Federal records in its care. NARA is also responsible for overseeing records management throughout the Government and works with agencies to determine how long records are kept. Permanent records are ultimately transferred to the National Archives for preservation and public access. However, not all records are permanent. In fact, most records are temporary and will one day be disposed of. As a Federal employee it is very important to work with your agency's records management staff to learn what requirements apply to the records you create.

Where Can Further Information and Assistance Be Found?

Any questions you may have concerning records management should be first directed to your agency records officer and records management staff. NARA maintains a [list of records officers](#) on its website.

Additional guidance is available at:

- NARA's [Records Management Website](#)
- NARA Bulletin 2015-02 "[Guidance on Managing Electronic Messages](#)"
- NARA Bulletin 2013-03 "[Guidance for agency employees on the management of Federal records, including email accounts, and the protection of Federal records from unauthorized removal](#)"

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