

FEDERAL HOUSING FINANCE AGENCY

Records and Information Management Policy



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Records and Information Management Policy

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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. The National Archives and Records Administration (NARA) has established an online repository, the CUI Registry,¹ which identifies and describes all CUI as one of two types: CUI Basic and CUI Specified.
 - 1. **CUI Basic.** Underlying authorities for information designated as CUI Basic do not set out specific handling or dissemination controls. CUI Basic information is subject to the same uniform safeguarding and dissemination controls that are addressed in FHFA's CUI Procedures. FHFA Non-Public Information, as defined in 12 CFR 1214.1, is a registered CUI category and is designated as CUI Basic.

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

2. **CUI Specified.** Information designated as CUI Specified is subject to specific handling, additional marking requirements, and dissemination controls that differ from and may be more stringent than the uniform set of controls for CUI Basic. The distinction is that the underlying authority spells out specific controls for CUI Specified information.
- 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 custody 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.
- D. **Disposition Authority.** The legal approval granted by NARA, through FHFA's *Comprehensive Records Schedule* 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*.** NARA-approved records schedule that provides disposition authorities for FHFA specific program and administrative records, as well as for incorporating NARA's 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 (e.g., 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 Division or 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 based on transfer instructions specified in FHFA's *Comprehensive Records Schedule*. 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 custody of permanent records must be transferred to 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 *Comprehensive Records Schedule*. 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 Division or 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 to the 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 or the Office of Special Counsel 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 FHFA Delegation and Designation 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 the Chief Information Officer and 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*, M-23-07, *Update to 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, trainings, 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 recall and return of inactive records in 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 direct reports to those officials such as principal or senior advisors, special assistants, and confidential assistants. Others may be added to the list for records retention purposes if warranted by the position held. These Senior Officials are required to meet with FHFA's Records Officer or a senior RIM member when they become an FHFA Senior Official and 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 within their organization 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. Facilitating the Division or Office's annual File Plan review, incorporating updates, and obtaining Division or Office head's approval and signature; and
4. Coordinating the Division or Office's Disposition Reviews (for destruction of or transfer of custody into the National Archives) and obtaining Office head or Program Manager approvals for disposition of eligible *paper* records collections stored at a FRC and for eligible *electronic* records stored in eRIM, FHFA's electronic records and information management system.

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 CUI, including Personally Identifiable Information (PII), or loss, removal, or unauthorized destruction of FHFA records to the FHFA Help Desk at HelpDesk@fhfa.gov or (202) 649-3990 between the hours of 6 am and 7 pm ET. Incidents or breaches outside of these regular business hours, during unscheduled office closures, on weekends, and on holidays, must be reported to the Help Desk via telephone at (202) 649-3990.

6. Maintaining official FHFA records separately from personal papers and other nonrecords;
7. Ensuring all electronic messages sent or received in emergency situations using a non-FHFA email account or any text message account, including text messages from an FHFA-issued device, are copied or forwarded to the recipient's official FHFA electronic messaging account within 20 calendar days of creation or receipt of the electronic message, as required by the Federal Records Act; and
8. When teleworking, securing CUI within their control in a locked location when not in use and bringing printed documents back to work for CUI-appropriate destruction when no longer needed.

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 July 10, 2024.
- E. FHFA Controlled Unclassified Information Procedures, dated March 20, 2023, as amended.
- F. FHFA's *Comprehensive Records Schedule*, dated January 11, 2013, as amended.
- G. FHFA Order No. 2, Office of the Chief Operating Officer ("OCOO") Delegated Authorities and Responsibilities, dated March 14, 2024.
- H. FHFA's RIM Rules of Behavior, dated September, 2023.
- I. FHFA Policy No. 223 – Information and Communication Technology Accessibility

Policy, dated 9/11/2020.

- J. OMB Memorandum M-23-07, *Update to Transition to Electronic Records*, dated December 23, 2022.
- K. OMB Memorandum, M-19-21, *Transition to Electronic Records*, dated June 28, 2019.
- L. OMB Circular A-130 Revised, *Management of Information as a Strategic Resource*, dated July 27, 2016.
- M. Federal Emergency Management Agency, Federal Preparedness Circular 65, *Federal Executive Branch Continuity of Operations (COOP)*, dated June 15, 2004.

VII. RECORDS RETENTION

This policy will be retained and managed in accordance with *FHFA's Comprehensive Records Schedule* Item 1.3b – Administrative Policies for 30 years. Any records created in support of administering this policy and procedures will be retained and managed in accordance with CRS Item 5.4 and destroyed or deleted when 7 years old.

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