



U.S. ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

*Catalyst for Improving the Environment*

## **Special Report**

# **Congressionally Requested Inquiry Into EPA's Handling of Freedom of Information Act Requests**

**Report No. 11-P-0063**

**January 10, 2011**

**Report Contributors:**

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Russell Moore  
Elizabeth Grossman  
Eric Lewis

**Abbreviations**

|      |                                      |
|------|--------------------------------------|
| EPA  | U.S. Environmental Protection Agency |
| FOIA | Freedom of Information Act           |
| OIG  | Office of Inspector General          |



# At a Glance

*Catalyst for Improving the Environment*

## Why We Did This Review

Two members of Congress asked the Inspector General to review how the U.S. Environmental Protection Agency (EPA) handles requests under the Freedom of Information Act (FOIA). They were particularly interested in whether and, if so, the extent to which political appointees are made aware of information requests and have a role in request reviews or decisionmaking.

## Background

FOIA gives the public the right to ask for records possessed by federal government agencies. Under EPA regulations, the head of an office, or that individual's designee, is authorized to grant or deny any request for EPA records. The heads of EPA's 23 major offices are political appointees.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

The full report is at:  
[www.epa.gov/oig/reports/2011/20110110-11-P-0063.pdf](http://www.epa.gov/oig/reports/2011/20110110-11-P-0063.pdf)

## ***Congressionally Requested Inquiry Into EPA's Handling of Freedom of Information Act Requests***

### **What We Found**

We concluded that EPA does not have a process to filter FOIA requests by political appointees. EPA policy permits releasing information at the lowest practicable level. Generally, political appointees are not involved in deciding FOIA requests, unless there is denial of information. We found exceptions, but political appointees were usually involved only to sign denials or partial denials. FOIA coordinators provided regular status reports on the processing of FOIA requests to managers at various levels within the office. In 3 of the 11 offices we reviewed, those managers were political appointees. However, none of the offices required routine review of FOIA requests by a political appointee.

In response to comments from EPA staff on the draft report, we made some minor wording changes.



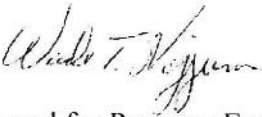
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
INSPECTOR GENERAL

January 10, 2011

**MEMORANDUM**

**SUBJECT:** Congressionally Requested Inquiry into EPA's Handling of  
Freedom of Information Act Requests  
Report No. 11-P-0063

**FROM:** Wade T. Najjum   
Assistant Inspector General for Program Evaluation

**TO:** Malcolm D. Jackson  
Assistant Administrator for Environmental Information and  
Chief Information Officer

This is our report on the subject review conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

The estimated cost of this report, calculated by multiplying the project's staff days and expenses by the applicable daily full cost billing rates in effect at the time, is \$113,770.

**Action Required**

Because this report contains no recommendations, you are not required to respond to this report. However, if you submit a response, it will be posted on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal. We have no objections to the further release of this report to the public. We will post this report to our website at <http://www.epa.gov/oig>.

If you or your staff have any questions regarding this report, please contact Eric Lewis, Director, Special Reviews, at 202-566-2664 or [lewis.eric@epa.gov](mailto:lewis.eric@epa.gov); or Russell Moore, Project Manager, at 202-566-0808 or [moore.russell@epa.gov](mailto:moore.russell@epa.gov).

## **Purpose**

On August 23, 2010, Senator Charles E. Grassley, Ranking Member of the U.S. Senate Committee on Finance, and Congressman Darrell Issa, Ranking Member of the House Oversight and Government Reform Committee, requested the Inspector General, U.S. Environmental Protection Agency (EPA), to review EPA's Freedom of Information Act (FOIA) office to determine whether political appointees are made aware of information requests and have a role in reviews or decisionmaking related to those requests. They wanted to know whether EPA was engaged in political filtering of information.

## **Background**

FOIA gives the public the right to ask for records possessed by federal government agencies. In 2002, EPA published regulations describing how it will process FOIA requests. One section provides that the head of an office, or that individual's designee, is authorized to grant or deny any request for a record of that office or other EPA records when appropriate. This regulation is consistent with a 1983 EPA delegation of authority; it gives the heads of major offices authority to make initial determinations related to FOIA requests, but allows them to delegate their authority (1) down to the division director level if EPA is denying release of all or part of the records based on a FOIA exemption, and (2) to an even lower level if all of the requested records are being released.

Including the Office of the Administrator, EPA has 23 major offices. The heads of these offices, as well as some of their deputies, are political appointees. In total, EPA has identified 67 positions that are filled by political appointees. These positions are subject to noncompetitive appointment because the duties may involve advocacy of administration policies and programs, and the incumbents usually have a close and confidential working relationship with the Agency or other key officials.

EPA has assigned staff to manage its FOIA process, including a national FOIA officer in the Office of Environmental Information, a FOIA officer in each region, and a FOIA coordinator for each of the major program offices. To track the FOIA requests, EPA uses an information management system called "FOIAXpress." Overall, EPA's FOIA process is decentralized. Each of the 23 major offices has established its own internal procedures for handling FOIA requests.

## **Scope and Methodology**

We conducted this review from September through December 2010. The work centered on evaluating a sample of 50 FOIA requests to determine who was involved in processing them. These requests were selected from a universe of 157 requests EPA received between January 21, 2009, and August 31, 2010, that

concerned one of the following subjects the Office of Inspector General (OIG) believed might be of particular interest to EPA political appointees:

- BP oil spill
- Climate change
- Coal ash
- Environmental justice
- Hydraulic fracturing, or fracking
- Mountaintop mining

We identified the universe of requests by searching FOIAXpress. We reviewed the documentation in FOIAXpress associated with the 50 sample items. Except for inquiring about missing documentation, we did not evaluate the accuracy of the data in FOIAXpress. We interviewed the FOIA officer or FOIA coordinator for the following 11 organizations that processed the 50 requests under review:

- Office of the Administrator
- Office of Air and Radiation
- Office of Enforcement and Compliance Assurance
- Office of Inspector General
- Office of Solid Waste and Emergency Response
- Office of Water
- Region 1
- Region 3
- Region 4
- Region 5
- Region 6

For some requests, we also interviewed other EPA employees who were involved in responding. The interviews included a review of FOIA procedures for that office. In addition, we interviewed the EPA national FOIA officer.

We did not test the internal controls related to processing FOIA requests. Controls were evaluated during a prior review by the OIG. The related report, Report No. 09-P-0127, *EPA Has Improved Its Response to Freedom of Information Act Requests But Further Improvement Is Needed*, was issued on March 25, 2009. EPA is still implementing the corrective actions recommended in that report.

We conducted our work in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based upon our objectives.

## Results

We concluded that EPA does not have a FOIA process that results in the filtering of requests by political appointees. Generally, political appointees are not involved in the FOIA process, either by policy or in practice. With few exceptions, information is released at the lowest practicable level, which EPA permits. Political appointees are usually involved only to sign denials or partial denials, as was the case in 2 of the 11 offices that we reviewed.

Of the 50 FOIA requests in our sample, political appointees were involved in only 7 of them. In two cases, political appointees were asked to search for responsive records. In four cases, a political appointee signed the response letter because the request resulted in partial denial of information. In one case, a political appointee signed the response letter even though all records were given to the requester, which was done at the discretion of the FOIA coordinator and was not directed by the political appointee.

### ***Requests Are Not Filtered by Political Appointees***

FOIA staff at headquarters and the regions are not political appointees. They review FOIA requests to determine who in their office might have responsive records. The organizational location of the FOIA staff varied across the 11 major offices we reviewed. Of the 11 FOIA officers and coordinators interviewed, 2 (for the Office of Air and Radiation and the Office of Enforcement and Compliance Assurance) work in the immediate office of the assistant administrator (a political appointee). However, these two coordinators have a process that is similar to the other nine offices that we reviewed; they assign all requests to staff without the involvement of the assistant administrator, and neither office specifies a role for political appointees in the FOIA process.

### ***Staff Throughout EPA Collect Relevant Records***

The FOIA officers and coordinators ask EPA offices with responsive records to provide them. Two of the sampled FOIA requests involved political appointees searching for records. However, in both cases, office staff searched for relevant records and forwarded what they had to the response coordinator for further action. The political appointee had no further involvement with the request.

### ***Political Appointees Sign Denial Letters For Two Offices***

Two of the 11 major offices we reviewed (Region 3 and Office of the Executive Secretariat, in the Office of the Administrator) had a political appointee sign all denial and partial denial response letters. Region 3 policy requires the regional administrator to sign all denial and partial denial response letters. None of the eight Region 3 response documents to FOIA requests we reviewed were signed by a political appointee, and none involved denials. The Office of the Executive

Secretariat has the director (who is a political appointee) sign all denial and partial denial letters. This practice ensures compliance with EPA policy that a division director or higher sign all denials or partial denials. The Director for the Office of the Executive Secretariat signed the response letters for five of the FOIA requests in our sample.

### ***FOIA Staff Keeps Management Informed***

The FOIA staff keeps EPA management informed about the FOIA process. All the FOIA officers and coordinators provided reports on FOIA processing to managers at various levels in the office. In 3 of the 11 major offices reviewed, the manager who received the reports was a political appointee.

### ***Special Cases Do Not Involve Political Filtering***

FOIA requests related to the BP oil spill are being monitored on an EPA-wide basis to ensure consistency in the responses due to the large number of documents requested and the significance of the issues involved. A staff member in the Office of General Counsel is notified when BP-related requests are received and when EPA responds. However, for BP-related requests that we reviewed, the response was sent to the Office of General Counsel after the information was released to the requester. At the time of our interviews, no political appointees from the Office of General Counsel were involved in processing these FOIA requests.

EPA has received numerous FOIA requests related to climate change, particularly regarding the April 2009 endangerment finding on greenhouse gases. To ensure EPA offices were handling these requests consistently, an informal work group was formed to review records. None of the members of this work group were political appointees.

## **Conclusion**

Our analysis shows that political appointees at EPA are generally not involved in processing, screening, or approving FOIA requests. Even though our sample included only requests related to controversial subjects, political appointees were involved with 7 of the 50 instances reviewed. The activities of political appointees in the FOIA process at EPA generally include signing denials and partial denials, and receiving reports on FOIA processing. We found no evidence of systematic screening of FOIA requests by political appointees. Based on our review of their program, we conclude that the EPA does not have a process to filter FOIA requests by political appointees.



## **Agency Response and OIG Comment**

To ensure the accuracy of this report, on December 8, 2010, we provided a draft to the Office of Environmental Information for review. In a memorandum dated January 7, 2011, the Assistant Administrator for Environmental Information agreed with the OIG conclusions. Based on Agency comments on the draft report, we made some minor wording changes. This memorandum is included as Appendix A.

## ***Status of Recommendations and Potential Monetary Benefits***

| RECOMMENDATIONS    |             |         |        |                 |                               | POTENTIAL MONETARY<br>BENEFITS (in \$000s) |                     |
|--------------------|-------------|---------|--------|-----------------|-------------------------------|--|---------------------|
| Rec.<br>No.        | Page<br>No. | Subject | Status | Action Official | Planned<br>Completion<br>Date | Claimed<br>Amount                          | Agreed-To<br>Amount |
| No recommendations |             |         |        |                 |                               |  |                     |

- <sup>1</sup> O = recommendation is open with agreed-to corrective actions pending  
 C = recommendation is closed with all agreed-to actions completed  
 U = recommendation is undecided with resolution efforts in progress

## Agency Response



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENVIRONMENTAL INFORMATION

Jan – 7 2011

### MEMORANDUM

**SUBJECT:** Draft Report: Congressionally Requested Inquiry Into EPA's Handling of Freedom of Information Act Requests - Project No. OPE-FY10-0027

**FROM:** Malcolm D. Jackson  
Assistant Administrator and Chief Information Officer

**TO:** Eric Lewis  
Director, Special Reviews  
Office of Program Evaluation  
Office of the Inspector General

Thank you for the opportunity to review the draft report "Congressionally Requested Inquiry Into EPA's Handling of Freedom of Information Act Requests," Project No. OPE-FY10-0027.

The U.S. Environmental Protection Agency (EPA) is committed to conducting its business in an open and transparent manner and takes pride in the quality of customer service it provides to Freedom of Information Act (FOIA) requesters. The Agency will continue to review its FOIA administration activities to identify opportunities to further strengthen and enhance its policies, procedures and processes. I understand that a few minor technical errors were communicated to your staff and will be corrected in the final report.

If you have any questions about EPA's FOIA Program, please feel free to contact Larry F. Gottesman, EPA National FOIA Officer, at (202) 566-2162.

## *Distribution*

Office of the Administrator  
Assistant Administrator for Environmental Information and Chief Information Officer  
Agency Followup Official (the CFO)  
Agency Followup Coordinator  
General Counsel  
Associate Administrator for Congressional and Intergovernmental Relations  
Associate Administrator for External Affairs and Environmental Education  
Director, Office of Regional Operations  
Inspector General  
National FOIA Officer, Office of Environmental Information  
Audit Followup Coordinator, Office of Environmental Information  
Office of the Administrator FOIA Coordinator



U.S. ENVIRONMENTAL PROTECTION AGENCY

**OFFICE OF INSPECTOR GENERAL**

## **Congressionally Requested Inquiry Into the EPA's Use of Private and Alias Email Accounts**

Report No. 13-P-0433

September 26, 2013



Scan this mobile  
code to learn more  
about the EPA OIG.

**Report Contributors:**

Rudolph M. Brevard  
Michael Goode  
Eric K. Jackson Jr.  
Teresa Richardson  
Gina Ross  
Sabrena Stewart

**Abbreviations**

|      |  |
|------|--|
| CFR  | Code of Federal Regulations                  |
| EPA  | U.S. Environmental Protection Agency         |
| GAO  | U.S. Government Accountability Office        |
| NARA | National Archives and Records Administration |
| NRPM | National Records Management Program          |
| OIG  | Office of Inspector General                  |
| OMB  | Office of Management and Budget              |

## Hotline

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phone: 1-888-546-8740  
fax: 202-566-2599  
online: <http://www.epa.gov/oig/hotline.htm>

write: EPA Inspector General Hotline  
1200 Pennsylvania Avenue, NW  
Mailcode 2431T  
Washington, DC 20460



# At a Glance

## Why We Did This Review

We conducted this audit in response to a request by the U.S. House of Representatives Committee on Science, Space, and Technology for information about the U.S. Environmental Protection Agency's (EPA's) practices when using private and alias email accounts to conduct official business.

The EPA's records management program is managed through the agency's National Records Management Program. The agency's records officer, located within the Office of Environmental Information, is responsible for leading the program in accordance with EPA policy, procedures, and federal statutes and regulations.

### This report addresses the following EPA theme:

- *Embracing EPA as a high performing organization.*

For further information, contact our public affairs office at (202) 566-2391.

The full report is at:  
[www.epa.gov/oig/reports/2013/20130926-13-P-0433.pdf](http://www.epa.gov/oig/reports/2013/20130926-13-P-0433.pdf)

## ***Congressionally Requested Inquiry Into the EPA's Use of Private and Alias Email Accounts***

### What We Found

We found no evidence that the EPA used, promoted or encouraged the use of private "non-governmental" email accounts to circumvent records management responsibilities or reprimanded, counseled or took administrative actions against personnel for using private email or alias accounts for conducting official government business. EPA senior officials said they were aware of the agency records management policies and, based only on discussions with these senior officials, the OIG found no evidence that these individuals had used private email to circumvent federal recordkeeping responsibilities.

The previous EPA Administrator and the then Acting EPA Administrator who followed were issued two EPA email accounts. One account was made available to the public to communicate with the EPA Administrator and the other was used to communicate internally with EPA personnel. This was the common practice for previous Administrators. The practice is widely used within the agency and is not limited to senior EPA officials. These secondary EPA email accounts present risks to records management efforts if they are not searched to preserve federal records.

The agency recognizes it is not practical to completely eliminate the use of private email accounts. However, the agency had not provided guidance on preserving records from private email accounts. The EPA has not implemented oversight processes to ensure locations provide consistent and regular training on records management responsibilities, and employees complete available training on their delegated National Records Management Program duties. Inconsistencies in employee out-processing procedures pose risks that federal records are not identified and preserved before an employee departs the agency. EPA also lacks an automated tool to create federal records from its new email system.

### Recommendations and Planned Agency Corrective Actions

We recommend that the assistant administrator for the Office of Environmental Information develop and implement oversight processes to update agency guidance on the use of private email accounts, train employees and contractors on records management responsibilities, strengthen relationships between federal records preservation and employee out processing, and deliver a system to create federal records from the new system. The EPA concurred with many of our recommendations but did ask that we clarify aspects of two findings. The agency has either completed recommended actions or plans to take corrective actions to address our findings.

### Noteworthy Achievements

EPA created a records policy to provide guidance to personnel regarding roles and responsibilities for records management. In fiscal year 2009, the EPA declared electronic content management an agency-level weakness. In its fiscal year 2012 Agency Financial Report, the EPA cited as part of its corrective action plan that it launched two pilot projects to evaluate tools for eDiscovery and the management of email records. Over the past 4 years, the EPA has taken various actions to close out this agency-level weakness.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

September 26, 2013

**MEMORANDUM**

**SUBJECT:** Congressionally Requested Inquiry Into the EPA's Use of  
Private and Alias Email Accounts  
Report No. 13-P-0433

**FROM:** Arthur A. Elkins Jr.

A handwritten signature in black ink, appearing to read "Arthur A. Elkins Jr.", is written over the printed name.

**TO:** Renee Wynn, Acting Assistant Administrator and Chief Information Officer  
Office of Environmental Information

This is our report on the subject audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG identified and the corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position.

**Action Required**

The EPA agreed with all five of our recommendations. The agency completed agreed-upon corrective actions associated with recommendations 1 and 2 and the OIG considers these recommendations closed. Recommendations 3 through 5 are considered open with agreed-upon corrective actions pending. We accept EPA's response and planned corrective actions and no further response is needed.

If you or your staff have any questions regarding this report, please contact Richard Eyermann, the acting assistant inspector general for the Office of Audit, at (202) 566-0565 or [eyermann.richard@epa.gov](mailto:eyermann.richard@epa.gov); or Rudolph Brevard, director for Information Resources Management Audits, at (202) 566-0893 or [brevard.rudy@epa.gov](mailto:brevard.rudy@epa.gov).



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# Chapter 1

## Introduction

### Purpose

We conducted this audit in response to a U.S. House of Representatives Committee on Science, Space, and Technology request for information about whether the U.S. Environmental Protection Agency (EPA) follows applicable laws and regulations when using private and alias email accounts to conduct official business. Specifically, in response to the committee's request, the Office of the Inspector General (OIG) sought to determine whether the EPA:

- Promoted or encouraged the use of private or alias email accounts to conduct official government business.
- Reprimanded, counseled, or took administrative actions against any employees using private or alias email accounts.
- Established and implemented email records management policies and procedures for collecting, maintaining and accessing records created from any private or alias email accounts.
- Provided adequate training to employees concerning the use of private or alias email accounts to conduct official government business.
- Established and implemented oversight processes to ensure employees comply with federal records management requirements pertaining to electronic records from private or alias email accounts.

### Background

#### ***National Archives and Records Administration***

The National Archives and Records Administration (NARA) is responsible for overseeing agencies' adequacy of documentation and records disposition programs and practices. NARA issues regulations and provides guidance and assistance to federal agencies on ensuring adequate and proper documentation of the organization, functions, policies, decision, procedures and essential transactions of the federal government; and ensuring proper records disposition, including standards for improving the management of records.

#### ***Private and Alias Email***

Private email accounts for the purposes of this review are defined as any non- ".gov" email addresses used to conduct EPA business. Alias email is defined as a secondary "epa.gov" account used to conduct EPA business. EPA stated that

alias email accounts have been used by prior EPA Administrators given the large volume of emails sent to their public EPA accounts.

### ***Agency Record Management***

The EPA manages its official records through its National Records Management Program (NRMP). The Office of Information Collection within the EPA's Office of Environmental Information oversees the NRMP. The agency records officer is responsible for leading the NRMP in accordance with the EPA policy, procedures, and federal statutes and regulations. The agency records management program lists the following as the agency records officer's responsibilities:

- Developing an overall records management strategy.
- Producing and updating EPA records management policies, procedures, standards and guidance.
- Cooperating with other units in developing policies and guidance on the application of technology to records management.
- Conducting specialized briefings on records management.
- Assisting records programs across the agency with advice and technical expertise.

### **Noteworthy Achievements**

The EPA took steps to improve its records management practices. For example, the EPA created a records policy to provide guidance to personnel on the roles and responsibilities pertaining to records management. In addition, in fiscal year 2009, the EPA declared electronic content management an agency-level weakness. In its fiscal year 2012 Agency Financial Report, the EPA stated that it has either completed or initiated the following corrective actions to address this agency-level weakness:

- Established a new Quality Information Council Electronic Content Subcommittee.
- Developed a charter for the subcommittee.
- Established two enterprise-wide workgroups under the subcommittee.
- Developed interim procedures to address the storage and preservation of electronically stored information.
- Launched two pilot projects to evaluate tools for eDiscovery and the management of email records. The results of the pilot projects will be used to inform the subcommittee's decisions on future policy or tool implementation.

The agency has also stated that it will develop a validation strategy to assess the effectiveness of various activities undertaken to redress the identified weakness. The validation strategy will consist of processes that allow the agency to review and determine whether policies and tools are being implemented and utilized.

## Scope and Methodology

We conducted this audit from December 2012 to June 2013. We performed this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives.

To obtain a broad understanding of EPA officials records management responsibilities, we reviewed agency records management policies and procedures; the Code of Federal Regulations (CFR) in 36 CFR Chapter XII – National Archives and Records Administration; Office and Management Budget (OMB) Circular A-123, *Management's Responsibilities for Internal Control*; and OMB Circular A-130, *Management of Federal Information Resources*.

We met with the then Acting EPA Administrator (currently the Deputy Administrator), staff and officials from the Office of the Administrator, officials from the Office of General Counsel, and appointed or acting assistant and regional administrators from the following program and regional offices, to gather an understanding of their background and experience with federal records requirements:

- Office of Environmental Information
- Office of Air and Radiation
- Office of International and Tribal Affairs
- Office of Research and Development
- Office of Chemical Safety and Pollution Prevention
- Region 2, New York, New York
- Region 3, Philadelphia, Pennsylvania
- Region 6, Dallas, Texas
- Region 8, Denver, Colorado
- Region 9, San Francisco, California

We met with offices' information management officers, senior information officials, regional records officers, records liaison officers, email administrators, human resource directors, and Freedom of Information Act officers responsible for implementing and complying with the EPA federal records guidance. We also met with the EPA representative responsible for the direct oversight of the agency's NRMP regarding that oversight and to obtain an understanding of the implemented internal controls around EPA's ability to maintain electronic records and other records management practices.

We also met with the former Region 8 regional administrator to gain his perspective on what EPA could do to strengthen its electronic records management practices. We requested interviews with the most recent former EPA Administrator and general counsel to gain their perspective on the agency's

records management practices. We did not receive a response from these two former employees on our requests for interviews.

We followed up on the status of recommendations made by the U.S. Government Accountability Office (GAO) in its report *National Archives and Selected Agencies Need to Strengthen Email Management* (GAO-08-742), issued June 2008. The report recommended that the EPA:

- Revise the agency's policies to ensure that they appropriately reflect NARA's requirement on instructing staff on the management and preservation of email messages sent or received from nongovernmental email systems.
- Develop and apply oversight practices, such as reviews and monitoring of records management training and practices, that are adequate to ensure that policies are effective and staff are adequately trained and implementing policies appropriately.

The GAO noted that the EPA was in the process of improving the implementation of its electronic content management system in order to collect federal records within the agency's email system.

## Chapter 2

### The EPA's Use of Private and Alias Email Accounts

The EPA lacks internal controls to ensure the identification and preservation of records when using private and alias email accounts for conducting government business. The agency lacks controls to ensure agency employees and contractors are trained on the records management responsibilities and a process to create records from its new email system. Federal guidance issued by NARA requires agencies to appropriately identify and preserve records for its decisions. Federal guidance also specifies records management training requirements as well as the requirements when using automated systems to preserve email records. The weaknesses noted occurred because the EPA had not created records management policies and procedures for private email account usage, and had not conducted oversight to ensure employees and contractors were provided consistent and regular training on records management responsibilities. Further, the EPA lacks controls to ensure out-processing procedures identify potential records, and lacks an automated process to create federal records from its new email system. If these critical issues are not corrected, the agency faces the risk that records needed to document the EPA's decisions would not be available. This could potentially undermine the public's confidence in the transparency of the EPA's operations and ultimately erode the public's trust in the agency's stewardship of the nation's environmental programs.

#### Results of Review

We found no evidence to support that the EPA used, promoted, or encouraged the use of private email accounts to circumvent records management responsibilities. Furthermore, EPA senior officials indicated that they were aware of the agency records management policies and, based only on discussions with these senior officials, the OIG found no evidence that these individuals had used private or alias email to circumvent federal recordkeeping responsibilities. We noted that the previous EPA Administrator and the subsequent Acting EPA Administrator (the Deputy Administrator) each had two EPA email accounts, one intended for messages from the public and one for communicating with select senior EPA officials. Interviews with selected assistant and regional administrators and records management officials disclosed that the practice of assigning personnel access to multiple email accounts is widely practiced within the agency. We found no evidence to support that the EPA reprimanded, counseled or took administrative actions against personnel for using private and alias email accounts.

Personnel have access to multiple EPA email accounts for various purposes. These include sending out mass email notifications, transmitting or receiving documents in support of special projects, or linking the email account to an agency publicly available website to provide the public with a method to

correspond with the EPA. Each of these additionally assigned email accounts could potentially contain federal records or other documents subject to Freedom of Information Act requests or litigation holds. Our audit disclosed that these secondary email accounts present risks to the agency's records management efforts if they are not searched to preserve federal records.

In addition to needed improvements over internal controls surrounding secondary email accounts, more oversight is needed to strengthen policies and procedures regarding the use of private email accounts, processes for training employees and contractors on their records management responsibilities, and practices for preserving records when employees depart the agency. The EPA should also ensure that it implements a tool to create records directly from its new email system.

### ***The EPA Lacks Records Management Policies and Procedures Regarding Private Email Account Usage***

The EPA lacks consistent practices regarding what steps employees should take to preserve federal records when they use private email accounts for conducting government business. Instead, in October 2012, in response to increased attention brought on the agency due to media articles and inquires into the EPA records retention practices, EPA officials placed an alert on its Intranet advising employees the following:

“Do not to use any outside mail systems to conduct official Agency business. If, during in an emergency, you use a non-EPA email system, you are responsible for ensuring that any email records and attachments are saved in your offices' recordkeeping system.”

Title 36 CFR Chapter XII – National Archives and Records Administration, Part 1236, states that agencies that allow employees to send and receive official electronic mail messages using a system not operated by the agency must ensure that federal records sent or received on such systems are preserved in the appropriate agency recordkeeping system.

The EPA had not developed or implemented policies or procedures regarding the preservation of email messages sent or received from private email systems. While the EPA alert advises employees not to use outside email systems to conduct official business, the alert does not instruct employees on the management and preservation of email messages sent from outside email systems if it were to occur. Senior agency officials and office representatives cited reasons why the complete nonuse of personal electronic equipment (which includes computers, mobile devices and email accounts) when the employee is not within the office is not practical.

Senior agency officials and office representatives noted as one reason the proliferation of personal mobile devices that are not allowed access to the agency's

network. The officials also cited as another reason the increased use of unscheduled telework, during which employees unexpectedly worked off site when they did not have their assigned government equipment with them. However, given these growing concerns, the EPA had not taken steps to provide employees guidance as to when they may use private electronic equipment—including computers, mobile devices and email accounts—to conduct government business.

Without effective records management policies and procedures that address collecting, maintaining and accessing records created from private email accounts, the EPA risks the possibility that agency personnel are not conducting government business in a manner consistent with management's desires. The EPA also risks the possibility that agency personnel are not capturing potential records needed to document agency decisions.

### ***The EPA Lacks Records Management Training for Private and Alias Email Usage***

The EPA lacks internal controls to ensure that personnel are trained on their responsibilities for preserving records from private and alias accounts used to conduct official government business. As noted, the EPA does not have formal guidance on the use of private email accounts and subsequently has not provided training in this area. Further, the agency has not conducted training on its existing records management policies and procedures, which govern government records since 2009. Our discussion with agency representatives raises doubt as to whether the EPA will meet the latest requirement to inform all personnel of their records management responsibilities.

Federal guidance requires training of personnel on their records management responsibilities. Specifically:

- NARA states that federal agencies must provide guidance and training to all agency personnel on their records management responsibilities, including identification of federal records, in all formats and media.
- OMB Circular A-123 reiterates management's responsibility for establishing internal control to train personnel to possess the proper knowledge and skills to perform their assigned duties. OMB Circular A-130 requires agencies to train all employees and contractors on their federal records management responsibilities.
- OMB Memorandum M-12-18, *Managing Government Records*, requires agencies to inform employees of their records management responsibilities by December 31, 2014.

The EPA had not provided records management training to employees and contractors in over 3 years. The agency last provided agencywide records



management training in fiscal years 2007 and 2009. While the training discussed creating records within government email systems, neither of these two training courses addressed the usage of private email accounts to conduct official government business. The training also has not been updated to place emphasis on creating records when employees are assigned secondary email accounts. The agency plans to incorporate the use of private or secondary email accounts in future training courses to fulfill the OMB training requirement to inform employees of their records management responsibilities. However the agency has not established a firm date for when it would develop or offer the training course.

The EPA's NRMP did not establish controls to ensure consistent training of records management responsibilities within the regional and program offices or ensure employees with specific NRPM responsibilities took available training. We noted that the EPA created an organizational structure for its records management program with clearly defined roles and responsibilities. The EPA also has training available for agency records officers, liaisons and coordinators. However, the agency lacked processes to ensure the structure functioned as intended and specialized training was taken when needed.

According to a program office records liaison officer, the officers rely upon the headquarters NRPM official to provide training for them to use to train their personnel. Records liaison officers could not provide records to show how many personnel within their offices were trained on records management responsibilities in general or specifically trained on the office's policy on using personnel email accounts when conducting official government business. Our interviews also disclosed that the agency relies upon the records liaison officers to take additional training to carry out their delegated duties and the agency does not monitor whether the records liaison officers took training.

The lack of consistent records management training increases the risk that agency employees neither understand nor fully comply with federal records management requirements. This also has led to records management training, when given, being delivered in an ad hoc and informal manner with no measure to ensure the information reached the specified target audience. As such, we believe the agency has limited assurance that all applicable personnel are trained on records management responsibilities, and raises questions as to whether any provided training was delivered in sufficient frequency to ensure personnel could appropriately carry out their responsibilities.

### ***The EPA Lacks Practices for Collecting and Preserving Records for Employees Separating From Regional Offices***

The EPA lacks internal controls to ensure that regional offices consistently collect and preserve electronic records for separating employees. Our audit disclosed that regional offices lacked processes for notifying individuals with records management responsibilities about employee separation from the agency, to

ensure that all records were identified before the employee's departure. Management at regional offices did not consistently validate that separating employees turned over electronic records. This included collecting and preserving electronic records in alias email accounts known as "mail-in accounts," as well as files on flash drives and external hard drives.

EPA Order 3110.5A and Employee Separation Checklist Form 3110-1 outline the agency's employee separation procedures. The procedures state that management is responsible for certifying receipt of items listed on Form 3110-1, which includes the identification and transfer of agency records. The procedure assigns departing employees with responsibility to identify and transfer agency records. The procedure also assigns the employee's supervisor and program office records manager responsibility to validate the receipt of records through signature.

Weaknesses within regional separation procedures exist due to the NRMP manager not conducting oversight to ensure that federal records procedures were fully integrated. Our review disclosed that regional notification procedures for departing employees did not allow time to identify and preserve official records. We also found that managers with records responsibilities did not consistently take steps to validate collection and preservation of records before employee departure. For example:

- Regions lacked internal controls to ensure employee separation checklists reached individuals with records management responsibilities in order for them to preserve federal records. This included taking steps to have employees search for potential records residing within alias email accounts the employee manages or on other electronic media devices within the employee's control.
- Some employees bypass their supervisor or administrative officer and go directly to the regional human resource office to start the separation process. As such, individuals tasked with records management responsibilities do not know that an employee is departing until the employee arrives with the separation checklist for clearance signature.
- Regional separation checklists did not include an area where regional office managers tasked with records management responsibilities could sign off on employee separation forms. Some regional separation checklist forms did not include an agency requirement to identify and transfer records.
- Regional office managers not tasked with records management responsibilities were signing off on employee separation forms without conducting steps to ensure that collection and preservation of the separating employees' electronic records had occurred. One regional human resource staff member also stated that they typically have to sign off on employee clearance forms for employees who depart at the end of the year, when most supervisors are taking leave (use or lose) at holiday time.

Without effective employee separation processes that ensure identification and collection of agency records from all electronic media used for collection and storage, the EPA risks losing historical records that support its decisions. EPA human resource offices are signing off that agency records were preserved even though they were not in a position to know this information. The weaknesses have also left regional counsels with insufficient time to have employees search to ensure that all records are preserved for litigation holds, and with the information to prompt employees to search for records that may be contained within alias email accounts, flash drives and external hard drives.

### ***The EPA Lacks Tool to Place Email in Its Electronic Content Management System for Its New Email System***

The EPA deployed its new email system without the capability to place new email system records in its electronic content management system. During its audit, the GAO noted that email records retention in the EPA was primarily a print-and-file system and noted that the EPA developed an oversight plan and pilot-tested a records management survey tool.

Subsequent to the GAO report, in fiscal year 2009, the EPA declared electronic content management an agency-level weakness. In its fiscal year 2012 Agency Financial Report, the EPA noted that inconsistencies in how electronic content is maintained and stored have started to impact critical processes related to electronic records management. The EPA cited as part of its corrective action plan that it would launch two pilot projects to evaluate tools for eDiscovery and the management of email records.

The EPA implemented its new email system without providing a means for agency employees to create federal records in the agency's electronic content management system. During the past 4 fiscal years, the EPA has been taking steps to complete corrective actions to close out the electronic content management agency-level weakness by the projected completion date of fiscal year 2013. Based on information on the agency's electronic content management website, employees are directed to print and file email records until an electronic content management system is in place to store records. However, the website provides no information as to when the EPA would provide a solution for creating federal records from its new email system. We believe that the EPA will not be in a position to close out the agency-level weakness by its projected fiscal year 2013 completion date.

## **Agency Actions Prior to Issuance of Final Report**

On June 28, 2013, the EPA issued Interim Records Management Policy CIO 2155.2. This policy states that official agency business should first and foremost be done on official EPA information systems (e.g., email, instant messaging, computer work stations, and shared service solutions). The policy specifies that the record creator must ensure that any use of a non-governmental

system does not affect the preservation of federal records for Federal Records Act purposes, or the ability to identify and process those records, if requested, under the Freedom of Information Act or for other official business (e.g., litigation or congressional oversight requests.).

Also, on July 31, 2013, the agency deployed its new mandatory records management training for all agency staff, contractors and grantees that have access to EPA information systems. The EPA indicated that over 30 percent of agency employees have already taken the training.

## Recommendations

We recommend that the assistant administrator and chief information officer, Office of Environmental Information:

1. Develop and implement records management policies and procedures regarding the use of private email accounts when conducting official government business.
2. Develop internal controls to ensure that all EPA employees and contractors complete training on their records management responsibilities.
3. Develop and implement internal controls to monitor and track completion of training for personnel with specific delegated duties and responsibilities outlined in the NRMP guidance.
4. Conduct outreach with all EPA offices to ensure that locally developed separation policies and procedures, as well as the associated employee separation checklist, include records management retention practices consistent with agency guidance. This should include ensuring that:
  - a. Locations' out-processing procedures contain practices where notifications are sent to individuals with records management responsibilities in a timely manner to aid in capturing electronic records from separating employees.
  - b. Locations include steps to have employees search for potential records residing within alias email accounts that the employee manages or on other electronic media devices within the employee's control.
  - c. Locations have special out-processing procedures that contain a method for collecting records from departing employees during the holiday season or times of limited staffing.

- d. Locations update their locally developed out-processing checklist to ensure an area exists for where records managers can note their records management certifications as required by agency policy.
5. Establish a revised date for when the EPA will implement an electronic content management tool to capture email records within the agency's new email system.

## Agency Response and OIG Evaluation

The agency provided a corrective action plan with milestones to address all the report recommendations. The agency completed corrective actions associated with recommendations 1 and 2 and the OIG considers these recommendations closed. Recommendations 3, 4 and 5 are considered open with corrective actions pending.

Although the EPA agreed to perform corrective actions for our recommendations, the agency believed the report did not:

- Recognize the distinction between secondary accounts used by EPA Administrators for a specific purpose and secondary email accounts used for purposes such as sending out mass email notifications, transmitting or receiving documents in support of special projects, or linking the email account to an agency publicly available website to provide the public with a method to correspond with the EPA.
- Reflect the issuance of the EPA Interim Records Management Policy CIO 2155.2 on June 28, 2013, which strongly discourages the use of private non-EPA email accounts

Our audit disclosed that the agency uses secondary email accounts similarly throughout the EPA. These secondary email accounts can send and receive email messages as well as create records that could be subject to Freedom of Information Act or litigation requests. The agency also had not implemented policies that make distinctions between secondary email accounts used by senior agency official and secondary email accounts used for other purposes. As such, we made no differentiation between these accounts during our audit. Our audit disclosed that secondary email accounts pose risks to the agency and the EPA should take steps to strengthen the management control structure surrounding these accounts.

We updated the final report to recognize that the EPA issued its interim records management procedure subsequent to the OIG issuing its discussion draft report.

## **Status of Recommendations and Potential Monetary Benefits**

| RECOMMENDATIONS |             |   |                     |   |                               | POTENTIAL MONETARY<br>BENEFITS (in \$000s) |                     |
|-----------------|-------------|---|---------------------|---|-------------------------------|--|---------------------|
| Rec.<br>No.     | Page<br>No. | Subject   | Status <sup>1</sup> | Action Official   | Planned<br>Completion<br>Date | Claimed<br>Amount                          | Agreed-To<br>Amount |
| 1               | 11          | Develop and implement records management policies and procedures regarding the use of private email accounts when conducting official government business.  | C                   | Assistant Administrator and<br>Chief Information Officer,<br>Office of Environmental<br>Information | 6/28/13                       |  |                     |
| 2               | 11          | Develop internal controls to ensure that all EPA employees and contractors complete training on their records management responsibilities.  | C                   | Assistant Administrator and<br>Chief Information Officer,<br>Office of Environmental<br>Information | 7/31/13                       |  |                     |
| 3               | 11          | Develop and implement internal controls to monitor and track completion of training for personnel with specific delegated duties and responsibilities outlined in the NRMP guidance.  | O                   | Assistant Administrator and<br>Chief Information Officer,<br>Office of Environmental<br>Information | 12/31/13                      |  |                     |
| 4               | 11          | <p>Conduct outreach with all EPA offices to ensure that locally developed separation policies and procedures, as well as the associated employee separation checklist, include records management retention practices consistent with agency guidance. This should include ensuring that:</p> <ul style="list-style-type: none"> <li>a. Locations' out-processing procedures contain practices where notifications are sent to individuals with records management responsibilities in a timely manner to aid in capturing electronic records from separating employees.</li> <li>b. Locations include steps to have employees search for potential records residing within alias email accounts that the employee manages or on other electronic media devices within the employee's control.</li> <li>c. Locations have special out-processing procedures that contain a method for collecting records from departing employees during the holiday season or times of limited staffing.</li> <li>d. Locations update their locally developed out-processing checklist to ensure an area exists for where records managers can note their records management certifications as required by agency policy.</li> </ul> | O                   | Assistant Administrator and<br>Chief Information Officer,<br>Office of Environmental<br>Information | 12/31/13                      |  |                     |
| 5               | 12          | Establish a revised date for when the EPA will implement an electronic content management tool to capture email records within the agency's new email system.   | O                   | Assistant Administrator and<br>Chief Information Officer,<br>Office of Environmental<br>Information | 12/31/13                      |  |                     |

<sup>1</sup> O = recommendation is open with agreed-to corrective actions pending  
 C = recommendation is closed with all agreed-to actions completed  
 U = recommendation is unresolved with resolution efforts in progress

## ***Agency Response to Draft Report***

August 27, 2013

### **MEMORANDUM**

**SUBJECT:** Response to the Office of Inspector General Draft Report No. OA-FY13-0113  
Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email  
Accounts, dated July 19, 2013

**FROM:** Renee P. Wynn  
Acting Assistant Administrator and Chief Information Officer

**TO:** Arthur A. Elkins, Jr.  
Inspector General

Thank you for the opportunity to respond to the issues and recommendations described in Draft Report No. OA-FY13-0113.

Over the last several months, the agency has undertaken many important actions designed to improve the agency's records management and preservation program. Because of the connection between these efforts and some of the issues discussed in your draft report, and because we believe the report should be evaluated with an understanding of these efforts, I detail the efforts below.

#### **Improved Training on Information Management Responsibilities**

The EPA has launched a multi-faceted training effort to ensure every employee at the agency understands his or her records management responsibilities. First and foremost in the agency's training program is mandatory training for all employees of the EPA on records management. On July 31, 2013, Deputy Administrator Robert Perciasepe announced the availability of this new training, reminding employees that "records management is the daily responsibility of every EPA employee." The training focuses on the foundations of records management, providing guidance on how to identify and preserve Federal records. Less than three weeks after the training was announced - and more than a month before the training must be completed on September 30, 2013 - over 30% of agency employees have already taken the training.

In addition to training for all employees, the EPA is working with the Department of Justice's Office of Information Policy on in-depth training for the agency's Freedom of Information Act (FOIA) professionals. The Office of Information Policy is the office within the Department of Justice that develops guidance for Executive Branch agencies on our responsibilities under FOIA, and is understood by government and non-government organizations alike as the government's foremost FOIA experts. The EPA is excited to welcome DOJ for this training, which the agency expects to conduct in September 2013.

Following up on 2013's Records Management training, the EPA will conduct mandatory training for all of our employees on their individual and collective responsibilities under FOIA in 2014. This training is expected to focus on the requirements of FOIA; the importance of timely, accurate responses; and the role every employee plays in the agency's efforts to comply with the Act. In addition to these training modules, the EPA has completely overhauled our Records intranet site. This site, at <http://intranet.epa.gov/records>, serves as an agency-wide records management resource, and provides guidance to employees as well as links to a variety of information law resources.

### **Updated Policies For Employee Conduct**

In addition to a renewed focus on training for employees, the EPA has begun the process of reviewing, updating, and reissuing agency policies for the effective management of agency information resources. First among that effort was a review of the agency's Records Policy, with the specific intent of addressing the use of personal email and consolidating our records retention schedules to make them easier for staff to use and more adaptable to electronic records management tools.

In June 2013, the EPA issued its Interim Records Management Policy CI0-2155.2, which strongly discourages the use of private non-EPA email accounts, stating that "Official Agency business should first and foremost be done on official EPA information systems." Further, the Interim Policy goes on to instruct employees on how to manage and preserve email messages sent from outside email systems if use of a non-EPA email system were to occur. The Interim Policy instructs employees that once the electronic files have been captured in an approved EPA records management system, they should be removed from non-EPA information systems, unless subject to an obligation to preserve the files in their original location. The EPA initiated the process to finalize this policy shortly after issuing in interim form.

On September 30th, the EPA will issue its first agency-wide Interim FOIA Procedures. The EPA expects these procedures will increase consistency and predictability in the processing of FOIA requests across the agency's programs and regions. The procedures define key roles and responsibilities in the processing of FOIA requests, and detail the basic steps of processing a request, from receipt to document collection to production.

### **Advanced Technology for Managing Agency Information**

The EPA has also embarked on an ambitious effort to improve the technology available to employees for managing, preserving, and producing agency information. In 2010, the EPA established the Electronic Content Subcommittee of the Quality and Information Council. (The Council was established in 1999, to address enterprise-wide information management issues and to develop agency policies to guide the EPA in the areas of information technology and information management.) The Electronic Content Subcommittee was established to focus particularly on the challenge of creating, preserving, maintaining, and retrieving the range of electronic information at the agency. Under the auspices of that Committee, the agency's eDiscovery Workgroup led the way in launching an enterprise-wide litigation hold solution in October of 2012. For the first time, the EPA now issues, maintains, tracks, and monitors all litigation holds issued to agency employees in a single system. This consolidation helps the



agency ensure it is preserving all information subject to a litigation-based preservation obligation, and increases consistency and efficiency at the same time. The Workgroup has also made significant progress towards the full launch of electronic search and review tools that will be used for more comprehensive and efficient information requests and document productions.

The agency is also poised to release an "EZ Records" tool to assist employees with their records management obligations. The EZ Records tool will allow employees to designate emails as records with just one click of a mouse, increasing the likelihood that employees will preserve email records as soon as they are created. To help encourage use of the tool, in October 2013, the EPA will launch an Agency-wide, mandatory training on how to capture email records using the new EPA-developed tools for records preservation.

### **Response to the Draft Report**

The agency has welcomed this evaluation by the Office of Inspector General. The "Agency's Response to Report Recommendations" attachment details EPA's response to each recommendation and provides an estimated date of completion. In addition to the responses to the Report's specific recommendations, the agency would also like to respond to certain aspects of the narrative portions of the report as well.

Specifically on the use of private, non-EPA email accounts, the report correctly finds that the agency has not "promoted or encouraged the use of private ' non-governmental' email accounts to conduct official government business." In fact, the agency has taken many steps to discourage the use of non-EPA email accounts unless necessitated by special circumstances. Since 2009, the agency has stated both in its records training for senior officials and on its records intranet site Frequently Asked Questions that EPA staff generally should not use non-government email accounts to conduct official agency business. EPA's records officer provides this information as part of the on-boarding process for political appointees and senior officials in Headquarters, as well as consults with Records Liaison Officers to provide this information to officials located in the agency's regional office. We believe that the report should more clearly recognize these previous efforts to provide guidance on this issue. In addition, the report does not reflect that all employees at headquarters receive basic records management training as part of the onboarding process, and are provided information about the extensive self-help section of the Records Program intranet site.

The agency believes that the report could be more helpful for our efforts to improve our records management program by making a clearer distinction among the types of email accounts addressed in the report. The report uses both "private" and "personal" to describe email accounts that are not maintained on an EPA system. We encourage the OIG to use consistent nomenclature in the final report, to ensure all recipients of the report understand the guidance provided.

We also strongly encourage the OIG to more clearly distinguish between non-EPA email accounts and "secondary" official epa.gov email accounts. Secondary epa.gov accounts are official government accounts that are assigned to an employee to a program within the EPA as part of that employee's or programs official government duties. Emails sent to or from these

accounts are sent two or from the EPA email system in the same manner and form as an email to or from a "primary" account is sent to or from the EPA email system. These accounts are different from non-EPA email accounts, and, as such the two may require different actions to ensure compliance with an employee's information management responsibilities.

Additionally, the report also seems to conflate various types of secondary official epa.gov email accounts. There are a variety of uses for secondary accounts that are different from a regular, day to day email account of a single employee. Currently, the agency has only identified a need for the Administrator or Deputy Administrator to have a secondary account that is specific to her or him and that is used as her or his day to day official government email account. These secondary, official government accounts permit the Administrator and Deputy Administrator to conduct agency business by maintaining a manageable, working email account for daily correspondence with staff and other officials, and the EPA's practice of issuing such accounts has been reported and documented to the National Archives and Records Administration (NARA) since 2008. This practice is appropriate and commonplace within the federal government. The Administrator's primary account, which is provided to the public, is rendered impractical because of the large volume (over 1 million emails annually) of mail it receives from outside the agency. The EPA actively monitors both the primary and secondary accounts, and ensures that all emails to either type of account are properly reviewed for preservation under the Federal Records Act and produced under the FOIA or other production obligation. The agency strongly believes that the final report should more clearly reflect the very limited existence and use of this type of secondary official email account.

The other types of "secondary" accounts discussed in the report are generally not accounts assigned to or used by an individual employee for her day to day email communications. These accounts are also used for practical purposes, such as sending out mass email notifications, transmitting or receiving documents in support of special projects, or linking the email account to a publicly available website of the agency to provide the public with a method to correspond with the EPA. An example of this type of secondary account is the "contact us" email account for the EPA's Sun Wise program. This account is used to answer questions from the public about the Sun Wise program and is designated as Sun Wise Staff ([sunwise@epa.gov](mailto:sunwise@epa.gov)). This type of secondary account might be more clearly identified as a "group" account or "special purpose" account. We strongly believe that the final report should make this distinction, and clarify the draft report's conclusion that: "This practice is widely used within the agency and not limited to senior officials." My office has no information that indicates the use of "secondary" day to day government email accounts, such as the one used by the Administrator and which was the subject of the Congressional inquiry, is widely used within the agency, and the draft report does not include information to the contrary.

The use of both types of secondary accounts is authorized and appropriate, therefore, the agency has not reprimanded, counseled, or taken administrative actions against personnel using the accounts for conducting official government business. Use of secondary accounts does not alter or interfere with the preservation requirements under the Federal Records Act or disclosure requirements under the Freedom of Information Act and Congressional document requests. Further, all agency-issued email accounts, including primary accounts and any type of secondary accounts, are subject to the same current agency records policies and procedures for managing

records, both created and received on these accounts and are subject to the current agency disclosure policies for responding to information requests. In addition, the report does not indicate in the Scope and Methodology section that staff members who manage the secondary official government account assigned to the Administrator were consulted during this audit. I believe that these individuals may provide valuable additional information about existing practices and procedures for capturing and producing records from these accounts to ensure the agency complies with preservation and disclosure requirements.

Finally, while the agency agrees with many of the recommendations in the report, some of the recommendations (specifically 3 and 4) go beyond the issue of "Private and Alias" email account usage. As you can see from the information detailed above, these recommendations relate to issues already identified and actively being addressed by the EPA's Office of Environmental Information (OEI).

Our response to your recommendations is attached.

We look forward to discussing this report with you and to working with your office to improve EPA's records management program. If you have any questions regarding this response, please contact John Ellis, Agency Records Officer, of the Office of Information Collection/Collection Strategies Division/Records and Content Management Branch on (202) 566-1643.

#### Attachment

cc: Vaughn Noga  
Andrew Battin  
Jeff Wells  
John Moses  
Erin Collard  
John Ellis  
Scott Dockum  
Brenda Young

AGENCY'S RESPONSE TO RECOMMENDATIONS: OIG Report OA-FY13-113

| No. | Draft Report Recommendation   | Agency Response  | Estimated Completion by Quarter and FY           |
|-----|---|--|--|
| 1.  | Develop and implement records management policies and procedures regarding the use of private email accounts when conducting official government business. (page 11)  | EPA issued an Interim Records Management Policy CIO-2155.2, on June 28, 2013 which strongly discourages the use of private non-EPA email accounts and instructs employees on the management and preservation of email messages sent from outside email systems if it were to occur. EPA has initiated a process to finalize Records Management Policy CIO-2155.2   | Completed Q3 FY2013<br><br>In progress Q3 FY2014 |
| 2.  | Develop internal controls to ensure that all EPA employees and contractors complete training on their records management responsibilities. (page 11)  | EPA developed mandatory records management training for all EPA staff, contractors and grantees. The training was deployed agencywide July 31, 2013 and is to be completed by September 30, 2013.  | In progress - Q4 FY2013                          |
| 3.  | Develop and implement internal controls to monitor and track completion of training for personnel with specific delegated duties and responsibilities outlined in the National Records Management Program (NRMP) guidance. (page 11)                | Records Liaison Officers are required to obtain the NARA Certification in Federal Records Management. This training is tracked by NARA and periodically reported to the Agency Records Officers. Although this recommendation does not appear to specifically relate to private or secondary email accounts, the NRMP will request an updated report from NARA and follow-up with any RLO that has not received the certification. Non compliance will be reported to the management for appropriate action. | Q1 FY2014  |
| 4.  | Conduct outreach with all EPA offices to ensure that locally developed separation policies and procedures, as well as the associated employee separation checklist, include records management retention practices consistent with agency guidance. | EPA's National Records Management Program, via the Quality and Information Council's agency-wide Records Workgroup, has been working with OARM to develop a consolidated employee separation and transfer procedure. Although this recommendation  | Q1 FY 2014                                       |

|    |  |   |            |
|----|--|---|------------|
|    | <p>This should include ensuring that:</p> <p>a. Locations' out-processing procedures contain practices where notifications are sent to individuals with records management responsibilities in a timely manner to aid in capturing electronic records from separating employees. (page 11)</p> | <p>does not appear to specifically relate to private or secondary email accounts, the procedure will include a requirement that Records Liaison Officers, Records Contacts and Document Control Staff are notified 2 weeks in advance of an employee's separation, when possible. This will alert the staff with specific records management responsibilities to aid separating staff in capturing their records.</p>   |            |
| 4. | <p>b. Locations include steps to have employees search for potential records residing within alias email accounts that the employee manages or on other electronic media devices within the employee's control. (page 11)</p>  | <p>EPA's National Records Management Program, via the Quality and Information Council's agency-wide Records Workgroup, and OARM will include in the separation process and procedures, steps to have employees search for potential records residing within the secondary or group email accounts that the employee manages. A checklist will also be provided which will include all possible locations where records (paper and electronic) might be found.</p> | Q1 FY 2014 |
| 4. | <p>c. Locations have special out-processing procedures that contain a method for collecting records from departing employees during the holiday season or times of limited staffing. (page 11)</p>   | <p>Although this recommendation does not appear to specifically relate to private or secondary email accounts, the EPA's National Records Management Program, via the Quality and Information Council's agency-wide Records Workgroup, and OARM will include in the separation procedure safeguards to ensure that separating employee information is captured during the holiday season and other times of limited staffing.</p>                                 | Q1 FY 2014 |
| 4. | <p>d. Locations update their locally developed out-processing checklist to ensure an area exists for where records managers can note their records management certifications as required by agency policy. (page 12)</p>   | <p>Although this recommendation does not appear to specifically relate to private or secondary email accounts, the EPA's National Records Management Program and OARM will include in the separation process and procedures an out-processing checklist to ensure an area exists</p>  | Q1 FY2014  |

|    |   |  |                            |
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|    |   | for records managers to certify as required by policy.   |                            |
| 5. | Establish a revised date for when the EPA will implement an electronic content management tool to capture email records within the agency's new email system. (page 12) | In addition to the Lotus Notes email records solution, which is already developed, an email records solution for MS Office 365 is under development.<br><br>Although this recommendation does not appear to specifically relate to private or secondary email accounts, the EPA will deploy agency-wide the email records solution for both Lotus Notes and MS Office 365. | Q4 FY2013<br><br>Q1 FY2014 |

| No. | Findings   | Agency Explanation/Response   | Proposed Alternative   |
|-----|--|---|--|
| 1.  | The report states that, "the previous EPA Administrator and current Acting EPA Administrator each had two EPA email accounts, one intended for messages from the public and one for communicating with select senior officials." (page 5) Further the report notes, "that the practice of assigning personnel access to multiple email accounts is widely practiced within the agency." (page 5) | This statement does not recognize the distinction between secondary accounts used by EPA Administrators for a specific purpose, and secondary email accounts used for purposes such as sending out mass email notifications, transmitting or receiving documents in support of special projects, or linking the email account to an agency publicly available website to provide the public with a method to correspond with the EPA. | Revise the report to recognize this distinction.   |
| 2.  | The report states that "EPA had not developed or implemented policies or procedures regarding the preservation of email messages sent or received from private email systems." (page 6) Further, the report notes that [EPA], "...does not instruct employees on the management and preservation of email messages sent from outside email systems if it were to occur." (page 6)                | Please modify the statement to reflect the issuance of the EPA Interim Records Management Policy CIO-2155.2, on June 28, 2013 which strongly discourages the use of private non-EPA email accounts and instructs employees on the management and preservation of email messages sent from outside email systems if it were to occur.<br>EPA has initiated the process to finalize EPA Records Management Policy CIO-2155.2            | Revise the report to indicate that EPA put in place policy and procedures and training regarding the proper management of email records sent from private accounts.<br><br>In progress Q3 FY2014 |

## ***Distribution***

Office of the Administrator  
Assistant Administrator for Environmental Information and Chief Information Officer  
Agency Follow-Up Official (the CFO)  
Agency Follow-Up Coordinator  
General Counsel  
Associate Administrator for Congressional and Intergovernmental Relations  
Associate Administrator for External Affairs and Environmental Education  
Principal Deputy Assistant Administrator for Environmental Information  
Director, Office of Information Collection, Office of Environmental Information  
Deputy Director, Office of Information Collection, Office of Environmental Information  
Audit Follow-Up Coordinator, Office Environmental Information

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| EPA Classification No.: CIO 2155.1 | CIO Approval Date: 5/22/09 |
| CIO Transmittal No.: 09-004        | Review Date: 5/12          |

*Issued by the EPA Chief Information Officer,  
Pursuant to Delegation 1-19, dated 07/07/2005*

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## Records Management

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### 1. PURPOSE

The Records Management Policy establishes principles, responsibilities, and requirements for managing EPA's records to ensure that the Agency is in compliance with federal laws and regulations, EPA policies, and best practices for managing records. This Agency-wide policy provides the framework for specific guidance and detailed operating procedures governing records management organization and implementation.

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### 2. SCOPE AND APPLICABILITY

This Policy addresses all records made or received by EPA under federal law or in connection with the transaction of public business, and preserved or appropriate for preservation as evidence of EPA functions, organization, and activities or because of the value of the information they contain.

This Policy applies to all EPA Headquarters Programs, Regions, Laboratories and other Offices.

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### 3. AUDIENCE

The audience for this Policy includes all EPA organizations, officials, employees, contractors and grantees.

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### 4. BACKGROUND

- a. The Federal Records Act of 1950, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and must be



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managed according to applicable laws and regulations.

- b. The Federal Records Act also requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage its recorded information. Essential elements include issuing up-to-date records management directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.
- c. Records serve a number of purposes including: administrative and program planning needs, evidence of EPA activities, protection of legal and financial rights, oversight by Congress and other authorized agencies, documentation of the Agency's history, and the continuation of key functions and activities in the event of an emergency or disaster. Records serve as the Agency's memory; they are of critical importance in ensuring that the organization continues to function effectively and efficiently.

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## 5. AUTHORITY

- a. 44 U.S.C. Chapter 31 – Records Management by Federal Agencies (Federal Records Act) [<http://www.archives.gov/about/laws/fed-agencies.html>]
- b. 44 U.S.C. Chapter 33 – Disposal of Records [<http://www.archives.gov/about/laws/disposal-of-records.html>]
- c. 44 U.S.C. Chapter 35 – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act) [<http://www.archives.gov/about/laws/fed-information-policy.html>]
- d. 36 CFR Chapter XII, Subchapter B – Records Management [<http://www.archives.gov/about/regulations/subchapter/b.html>]
- e. OMB Circular A-123 – Management's Responsibility for Internal Control [[http://www.whitehouse.gov/omb/circulars/a123/a123\\_rev.html](http://www.whitehouse.gov/omb/circulars/a123/a123_rev.html)]
- f. OMB Circular A-130 – Management of Federal Information Resources [<http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html>]
- g. U.S. EPA, National Security Emergency Preparedness Policy (Order 2040.1A1)
- h. U.S. EPA, Uniform Continuity of Operations (COOP) Plan Policy (Order 2030.1)
- i. Federal Emergency Management Agency (FEMA) Federal Preparedness Circular 65 - Federal Executive Branch Continuity of Operations (COOP)

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## 6. POLICY

This Policy establishes specific requirements under which EPA records are effectively and efficiently managed throughout their lifecycle to facilitate the accomplishment of EPA's programmatic and administrative missions, to preserve official EPA records in accordance with applicable statutory and regulatory requirements, and to promote access to information by EPA staff, EPA partners, and the public, as appropriate.

Each office within EPA is required to establish and maintain a records management program with the following minimum requirements:

- a. Create, receive, and maintain official records providing adequate and proper documentation and evidence of EPA's activities.
- b. Manage records, in any format, in accordance with applicable statutes, regulations, and EPA policy and guidance.
- c. Maintain electronic records, including electronic mail records, in the enterprise-wide electronic content management system, when available, and migrate legacy systems, when feasible.
- d. Print and file records in a paper recordkeeping file system when an enterprise-wide electronic content management system is not available.
- e. Maintain records according to the Agency-wide file structure allowing for timely access and retrieval.
- f. Secure records to protect the legal and financial rights of the government and persons affected by government activities.
- g. Implement a plan to protect vital records and assess damage to and the recovery of any records affected by an emergency or disaster.
- h. Ensure instructions for disposition of records as specified in the approved records schedules.

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## 7. RELATED DOCUMENTS

- a. EPA Records Management Manual.
  - b. Additional documents, including forms, guidance and other relevant information are maintained on EPA's records management Web site. [<http://www.epa.gov/records/>]
  - c. International Standard ISO 15489-1:2001 – Information and documentation – Records management – Part 1: General.
  - d. International Standard ISO/TR 15489-2:2001 – Information and documentation – Records management – Part 2: Guidelines.
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## 8. ROLES AND RESPONSIBILITIES

- a. The Administrator is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of EPA. This responsibility is delegated to the Assistant Administrator for the Office of Environmental Information (OEI).
- b. OEI is responsible for leadership, planning, overall policy, guidance, and general oversight of records management in the Agency, and its incorporation into the broader information resources management framework. OEI will:
  1. Incorporate records management requirements and policies into the Agency's overall information resources management (IRM) policy and planning.
  2. Designate an Agency Records Officer responsible for:
    - Leading and managing the Agency-wide national records management program.
    - Ensuring Agency senior officials are aware of their programmatic and individual records management responsibilities.
    - Advising EPA on records management issues and developing Agency-wide records management policies, procedures, guidance, and training materials.
    - Coordinating the approval of the Agency's records schedules and the transfer of records to the National Archives.
    - Coordinating records management issues with other federal agencies, including federal oversight agencies such as the Office of Management and Budget (OMB), National Archives and Records Administration (NARA), and the General Services Administration (GSA).
    - Providing technical advice and training to all Agency organizations on establishing and maintaining effective records management programs.
    - Evaluating recordkeeping practices to determine the effectiveness of the program.
  3. Promulgate and communicate Agency-wide policies and guidance that reflect records management missions and goals and incorporate federal requirements.
  4. Designate other records management staff as required by regulations.

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5. Assign overall responsibility for the records management aspects of centrally provided information technology infrastructure, including national local area network applications.
  6. Ensure that senior Agency officials are aware of their records management responsibilities.
  7. Conduct periodic evaluations of records management programs within the Agency as part of the Agency's IRM review and oversight program.
- c. Assistant Administrators, Chief Financial Officer, General Counsel, Inspector General, Regional Administrators, and Laboratory/Center/Office Directors are responsible for:
1. Designating a Records Liaison Officer (RLO) accountable to the Information Management Official (IMO) or other official designated to oversee the program.
  2. Ensuring the RLO has adequate skills, resources, time, and appropriate authority to perform the job.
  3. Implementing a records management program within their area of responsibility to accomplish the objectives identified in federal regulations and EPA policies and procedures. Minimum program components include responsibilities for:
    - Identifying recordkeeping requirements for major programmatic and administrative records.
    - Evaluating the value of records within their span of responsibility to serve as a basis for assigning records retention and disposition instructions, determining which records within their physical or legal custody are vital, and implementing the most responsive and cost-effective means for managing records.
    - Developing file plans and indexing approaches where appropriate to simplify the use of, access to, and integration of information within the organization.
    - Drafting and updating records schedules for records created and maintained by the organization.
    - Implementing approved records schedules to ensure that records are not destroyed without proper authorization.
    - Reviewing file plans and procedures at least every three years to ensure they are current and updating them as necessary.
    - Assisting in planning and implementing information management technology and reviewing the purchase of

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records management equipment and services to ensure they conform to federal statutory and regulatory requirements.

- Implementing a vital records plan to ensure the continuation of key functions and activities in the event of an emergency or disaster.
  - Providing oversight for contractors, grantees, or other non-EPA employees managing official EPA records.
  - Providing records management briefings for all managers and training to staff within their organizations.
4. Developing records management oversight roles and communication networks with all program units including field offices and other facilities, as appropriate, to ensure that the records management program is implemented at all sites under their jurisdiction.
  5. Developing and disseminating directives and operating procedures, as needed, to supplement Agency-wide policy to meet the unique records management needs of their organizations and to support a records management program within the organization.
  6. Ensuring records and other types of required documentary materials are not unlawfully removed from EPA by current or departing officials, employees, or agents.
- d. The General Counsel assists in determining what records are needed to provide adequate and proper documentation of EPA activities and in specifying appropriate disposition for EPA records.
  - e. The Inspector General assists in determining the retention of Agency records that may be needed for internal investigation and audit purposes.
  - f. Headquarters, Regional, Laboratory/Center/Office RLOs are responsible for:
    1. Creating and updating procedures for their offices in accordance with established EPA and program policies.
    2. Performing evaluations of their records management and vital records program.
    3. Developing file plans and procedures so records are organized and can be found when needed.
    4. Assisting with disposition activities, including retirement of inactive records, transfer of permanent records to the National Archives, and destruction in accordance with approved records schedules.
    5. Reviewing office records schedules annually to ensure they are current, and initiate changes if not.
    6. Ensuring confidential records are protected in accordance with

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federal and EPA requirements, and keeping access lists to ensure sensitive information is released only to authorized individuals.

7. Coordinating the identification and maintenance of vital records and submitting an annual list of vital records through senior management to the Agency Records Officer.
  8. Initiating and keeping records retirement, transfer, and destruction documentation.
  9. Conducting briefings and training sessions on the records management program.
  10. Reviewing and recommending requests for records equipment, services, and supplies.
  11. Organizing, maintaining, and training a network of records contacts within the organization.
- g. Information resources and system managers are responsible for:
1. Working with the local RLO, the Agency Records Officer and NARA to establish and update records schedules for electronic systems.
  2. Implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems.
  3. Ensuring that information systems intended to carry out electronic records management comply with NARA's and EPA's requirements for electronic recordkeeping systems.
  4. Maintaining electronic information systems in accordance with approved records schedules and NARA requirements.
  5. Working with their RLO to transfer permanent systems to the National Archives in accordance with approved records schedules and NARA requirements.
  6. Ensuring that Internet and intranet postings containing official records are maintained in accordance with EPA's recordkeeping requirements.
- h. Continuity of Operations (COOP) Program planners are responsible for:
1. Working with records management staff to implement the vital records plan to ensure the continuation of designated COOP essential functions.
  2. Ensuring that vital records are accessible from designated COOP locations.

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- i. All EPA employees are responsible for:
  - 1. Creating and managing the records necessary to document the Agency's official activities and actions, including those records generated by EPA contractors and grantees, in accordance with EPA recordkeeping requirements.
  - 2. Destroying records only in accordance with approved records schedules and never removing records from EPA without authorization.
  - 3. Filing records for safe storage and efficient retrieval and maintaining personal papers and nonrecord materials separately from official EPA records.

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## 9. DEFINITIONS

Definitions are found on EPA's records management Web site.  
[<http://www.epa.gov/records/gloss/>]

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## 10. WAIVERS

- a. **Waiver Process.** The Agency Records Officer may grant waivers to any provisions of this Policy for sufficient cause.
- b. **Applications.** Applications for waivers to specific provisions should contain (1) identification of the Policy provision; (2) a listing of reasons why the Policy cannot be applied or maintained; (3) an assessment of impacts resulting from non-compliance; and (4) the signature of the AA, RA or Laboratory/Center/Office Director, the Chief Financial Officer, the General Counsel, or the Inspector General responsible for the records management program in question.
- c. **Notification.** The Agency Records Officer will notify the requesting office in writing of the disposition of the decision on the waiver request within 60 days of receipt of the request.

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## 11. RELATED PROCEDURES AND GUIDELINES

Required procedures and implementation guidelines for this Policy are found on the records management Web site. [<http://www.epa.gov/records/>] Supporting procedures to implement this Policy at the Program Office or other Administrative level must be approved by the Agency Records Officer in OEI.

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## 12. MATERIAL SUPERSEDED

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EPA *IRM Policy Manual*, Chapter 10, 1996

CIO 2155 Records Management Policy

Vital Records Order (Order 2160.1)

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### 13. ADDITIONAL INFORMATION

For further information about this Policy, please contact the EPA Office of Environmental Information, Office of Information Collection.

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***Linda A. Travers, Acting Assistant Administrator  
and Chief Information Officer  
Office of Environmental Information***



# EPA INFORMATION POLICY

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|------------------------------------|-----------------------------|
| EPA Classification No.: CIO 2155.2 | CIO Approval Date: 06/28/13 |
| CIO Transmittal No.: 13-005        | Review Date: 06/28/14       |

*Issued by the EPA Chief Information Officer,  
Pursuant to Delegation 1-19, dated 07/07/2005*

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## INTERIM RECORDS MANAGEMENT POLICY

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### 1. PURPOSE

The Interim Records Management Policy is issued to renew Agency focus on overall records management responsibilities; Individual offices may determine it is necessary to further strengthen their existing program. This policy establishes principles, responsibilities, and requirements for managing EPA's records to ensure that the Agency is in compliance with federal laws and regulations, EPA policies, and best practices for managing records. This Agency-wide policy provides the framework for specific guidance and detailed operating procedures governing records management organization and implementation.

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### 2. SCOPE AND APPLICABILITY

This Interim Policy addresses all records made or received by EPA under federal law or in connection with the transaction of public business, and preserved or appropriate for preservation as evidence of EPA functions, organization, and activities or because of the value of the information they contain.

This Policy applies to all EPA Headquarters, Regional, Laboratory and other organizations.

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### 3. AUDIENCE

The audience for this Interim Policy includes all EPA organizations, officials, and employees, as well as contractors or grantees, and others operating on behalf of EPA.

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### 4. BACKGROUND

- a. The Federal Records Act of 1950, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and must be managed according to applicable laws and

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regulations.

- b. The Federal Records Act also requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage its recorded information. Essential elements include issuing up-to-date records management directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.
- c. Records serve a number of purposes including: administrative and program planning needs, evidence of EPA activities, protection of legal and financial rights, oversight by Congress and other authorized agencies, documentation of the Agency's history, and the continuation of key functions and activities in the event of an emergency or disaster. Records serve as the Agency's memory; they are of critical importance in ensuring that the organization continues to function effectively and efficiently.

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## 5. AUTHORITY

- a. 44 U.S.C. Chapter 31 – Records Management by Federal Agencies (Federal Records Act) [<http://www.archives.gov/about/laws/fed-agencies.html>]
- b. 44 U.S.C. Chapter 33 – Disposal of Records [<http://www.archives.gov/about/laws/disposal-of-records.html>]
- c. 44 U.S.C. Chapter 35 – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act) [<http://www.archives.gov/about/laws/fed-information-policy.html>]
- d. 36 CFR Chapter XII, Subchapter B – Records Management [<http://www.ecfr.gov/...>]
- e. OMB Circular A-123 – Management's Responsibility for Internal Control [[http://www.whitehouse.gov/omb/circulars/a123/a123\\_rev.html](http://www.whitehouse.gov/omb/circulars/a123/a123_rev.html)]
- f. OMB Circular A-130 – Management of Federal Information Resources [<http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html>]
- g. U.S. EPA, National Security Emergency Preparedness Policy (Order 2040.1A1)
- h. U.S. EPA, Uniform Continuity of Operations (COOP) Plan Policy (Order 2030.1)
- i. Federal Emergency Management Agency (FEMA) Federal Preparedness Circular 65 - Federal Executive Branch Continuity of Operations (COOP)
- j. Presidential Memorandum, Managing Government Records, November 28, 2011
- k. Memorandum for the Heads of Executive Departments and Agencies and Independent Agencies, from Office of Management and Budget and National Archives and Records Administration, Managing Government Records Directive, August 24, 2012

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## 6. POLICY

This Interim Policy establishes specific requirements under which EPA records are effectively and efficiently managed throughout their lifecycle to facilitate the accomplishment of EPA's programmatic and administrative missions, to preserve official EPA records in accordance with applicable statutory and regulatory requirements, and to promote access to information by EPA staff, EPA partners, and the public, as appropriate.

Official Agency business should first and foremost be done on official EPA information systems (i.e., email, instant messaging (IM), computer work stations, shared service solutions, etc.). When, due to extraordinary circumstances, this does not occur, the creator must ensure that any use of a non-governmental system does not affect the preservation of Federal records for Federal Records Act purposes, or the ability to identify and process those records, if requested, under the Freedom of Information Act (FOIA) or for other official business (e.g., litigation, Congressional oversight requests.). In this very rare occasion, staff should forward email (or "cc" email) or electronic file(s) to their EPA email account in order for records to be captured in an approved EPA records management system. Once the electronic files have been captured in an approved EPA records management system, they should be removed from non-EPA information systems, unless there is a specific obligation to maintain the files on all systems on which they appear. Additionally, emails forwarding a news article or web link from a personal email account into EPA's system and emails forwarding a document to a personal email account to enable printing or viewing both create a copy of the email in EPA's email system. Users can properly preserve the copy of the email that is on EPA's system to meet their preservation requirements.

Users of instant messaging or other transient technologies are responsible for ensuring that IMs that result in the creation of a federal record are saved for Federal Records Act purposes.

Use of personal social media tools is prohibited for conducting EPA business, for example, but not limited to, Facebook and Twitter.

Each office within EPA is required to establish and maintain a records management program with the following minimum requirements:

- a. Create, receive, and maintain official records providing adequate and proper documentation and evidence of EPA's activities.
- b. Manage records, in any format (e.g., paper, email, IMs, electronic documents, spreadsheets, presentations, images, maps, video, blogs, and other social media tools that generate communications), in accordance with applicable statutes, regulations, and EPA policy and guidance.
- c. Maintain electronic records, (e.g., email, IMs, electronic documents, spreadsheets, presentations, images, video, blogs, and other social media tools that generate communications), in an approved electronic records management system.
- d. Migrate electronic records in legacy systems to an EPA approved electronic records management system, when feasible.
- e. Print and file records in a paper recordkeeping file system when an approved electronic records management system is not available.

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- f. Maintain records according to the Agency-wide file structure allowing for timely access and retrieval.
- g. Secure records to protect the legal and financial rights of the government and persons affected by government activities.
- h. Implement a plan to protect essential records and assess damage to and the recovery of any records affected by an emergency or disaster.
- i. Ensure instructions for disposition of records as specified in the approved records schedules are followed.

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## 7. RELATED DOCUMENTS

- a. EPA Records Management Manual.
- b. Additional documents, including forms, guidance and other relevant information are maintained on EPA's records management Web site. [<http://www.epa.gov/records/>]
- c. International Standard ISO 15489-1:2001 – Information and documentation – Records management – Part 1: General.
- d. International Standard ISO/TR 15489-2:2001 – Information and documentation – Records management – Part 2: Guidelines.

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## 8. ROLES AND RESPONSIBILITIES

a. The Administrator is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of EPA. This responsibility is delegated to the Assistant Administrator for the Office of Environmental Information (OEI).

b. OEI is responsible for leadership, planning, overall policy, guidance, and general oversight of records management in the Agency, and its incorporation into the broader information resources management framework. OEI will:

1. Incorporate records management requirements and policies into the Agency's overall information resources management (IRM) policy and planning.
2. Designate an Agency Records Officer responsible for:
  - Leading and managing the Agency-wide national records management program.
  - Ensuring Agency senior officials are aware of their programmatic and individual records management responsibilities.
  - Advising EPA on records management issues and developing Agency-wide records management policies, procedures, guidance, and training materials.

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- Coordinating the approval of the Agency's records schedules and the transfer of records to the National Archives.
  - Coordinating records management issues with other federal agencies, including federal oversight agencies such as the Office of Management and Budget (OMB), National Archives and Records Administration (NARA), and the General Services Administration (GSA).
  - Providing technical advice and training to all Agency organizations on establishing and maintaining effective records management programs.
  - Evaluating recordkeeping practices to determine the effectiveness of the program.
3. Promulgate and communicate Agency-wide policies and guidance that reflect records management missions and goals and incorporate federal requirements.
  4. Designate other records management staff as required by regulations.
  5. Assign overall responsibility for the records management aspects of centrally provided information technology infrastructure, including national local area network applications.
  6. Ensure that senior Agency officials are aware of their records management responsibilities.
  7. Conduct periodic evaluations of records management programs within the Agency as part of the Agency's IRM review and oversight program.
- c. Assistant Administrators, Chief Financial Officer, General Counsel, Inspector General, Regional Administrators, and Laboratory/Center/Office Directors are responsible for:
1. Designating a Records Liaison Officer (RLO) accountable to the Information Management Official (IMO) or other official designated to oversee the program.
  2. Ensuring the RLO has adequate skills, resources, time, and appropriate authority to perform the job.
  3. Implementing a records management program within their area of responsibility to accomplish the objectives identified in federal regulations and EPA policies and procedures. Minimum program components include responsibilities for:
    - Identifying recordkeeping requirements for major programmatic and administrative records.
    - Evaluating the value of records within their span of responsibility to serve as a basis for assigning records retention and disposition instructions, determining which records within their physical or legal custody are essential, and implementing the most responsive and cost-effective means for managing records.
    - Developing file plans and indexing approaches where appropriate to simplify the use of, access to, and integration of information within the

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organization.

- Drafting and updating records schedules for records created and maintained by the organization.
  - Implementing approved records schedules to ensure that records are not destroyed without proper authorization.
  - Reviewing file plans and procedures at least every three years to ensure they are current and updating them as necessary.
  - Assisting in planning and implementing information management technology and reviewing the purchase of records management equipment and services to ensure they conform to federal statutory and regulatory requirements.
  - Implementing an essential records plan to ensure the continuation of key functions and activities in the event of an emergency or disaster.
  - Providing oversight for contractors, grantees, or other non-EPA employees managing official EPA records.
  - Providing records management briefings for all managers and training to staff within their organizations, as needed.
4. Developing records management oversight roles and communication networks with all program units including field offices and other facilities, as appropriate, to ensure that the records management program is implemented at all sites under their jurisdiction.
  5. Developing and disseminating directives and operating procedures, as needed, to supplement Agency-wide policy to meet the unique records management needs of their organizations and to support a records management program within the organization.
  6. Ensuring records and other types of required documentary materials are not unlawfully removed from EPA by current or departing officials, employees, or agents.
- d. The General Counsel provides legal advice and counseling on records management issues.
  - e. The Inspector General assists in determining the retention of Agency records that may be needed for internal investigation and audit purposes.
  - f. Headquarters, Regional, Laboratory/Center/Office RLOs are responsible for:
    1. Creating and updating procedures for their offices in accordance with established EPA and program policies.
    2. Performing evaluations of their records management and essential records program.

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3. Developing file plans and procedures so records are organized and can be found when needed.
  4. Assisting with disposition activities, including retirement of inactive records, transfer of permanent records to the National Archives, and destruction in accordance with approved records schedules.
  5. Reviewing office records schedules annually to ensure they are current, and initiate changes if not.
  6. Ensuring confidential records are protected in accordance with federal and EPA requirements, and keeping access lists to ensure sensitive information is released only to authorized individuals.
  7. Coordinating the identification and maintenance of essential records and submitting an annual list of essential records through senior management to the Agency Records Officer.
  8. Initiating and keeping records retirement, transfer, and destruction documentation.
  9. Conducting briefings and training sessions on the records management program.
  10. Reviewing and recommending requests for records equipment, services, and supplies.
  11. Organizing, maintaining, and training a network of records contacts within the organization.
- g. Information resources and system managers are responsible for:
1. Working with the local RLO, the Agency Records Officer and NARA to establish and update records schedules for electronic systems.
  2. Implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems.
  3. Ensuring that information systems intended to carry out electronic records management comply with NARA's and EPA's requirements for electronic recordkeeping systems.
  4. Maintaining electronic information systems in accordance with approved records schedules and NARA requirements.
  5. Working with their RLO to transfer permanent systems to the National Archives in accordance with approved records schedules and NARA requirements.
  6. Ensuring that Internet and intranet postings containing official records are maintained in accordance with EPA's recordkeeping requirements.
- h. Continuity of Operations (COOP) Program planners are responsible for:
1. Working with records management staff to implement the essential records plan

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to ensure the continuation of designated COOP essential functions.

2. Ensuring that essential records are accessible from designated COOP locations.
  - i. All EPA employees are responsible for:
    1. Creating and managing the records necessary to document the Agency's official activities and actions, including those records generated by EPA contractors and grantees, in accordance with EPA recordkeeping requirements.
    2. Destroying records only in accordance with approved records schedules and never removing records from EPA without authorization.
    3. Filing records for safe storage and efficient retrieval and maintaining personal papers and nonrecord materials separately from official EPA records.

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## 9. DEFINITIONS

Definitions are found on EPA's records management Web site.

[\[Glossary\]](#)

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## 10. WAIVERS

- a. **Waiver Process.** The Agency Records Officer may grant waivers to any provisions of this Policy for sufficient cause.
- b. **Applications.** Applications for waivers to specific provisions should contain (1) identification of the Policy provision; (2) a listing of reasons why the Policy cannot be applied or maintained; (3) an assessment of impacts resulting from non-compliance; and (4) the signature of the AA, RA or Laboratory/Center/Office Director, the Chief Financial Officer, the General Counsel, or the Inspector General responsible for the records management program in question.
- c. **Notification.** The Agency Records Officer will notify the requesting office in writing of the disposition of the decision on the waiver request within 60 days of receipt of the request.

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## 11. RELATED PROCEDURES AND GUIDELINES

Required procedures and implementation guidelines for this Policy are found on the records management Web site. [\[http://www.epa.gov/records/\]](http://www.epa.gov/records/) Supporting procedures to implement this Policy at the Program Office or other Administrative level must be approved by the Agency Records Officer in OEI.

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## 12. MATERIAL SUPERSEDED

CIO 2155.1: Records Management Policy, Dated 06/08/09.



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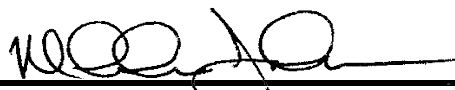
EPA *IRM Policy Manual*, Chapter 10, 1996

Vital Records Order (Order 2160.1)

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### 13. ADDITIONAL INFORMATION

For further information about this Policy, please contact the EPA Office of Environmental Information, Office of Information Collection.



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**Malcolm D. Jackson**  
**Assistant Administrator for Environmental**  
**Information**  
**and Chief Information Officer**  
**U.S. Environmental Protection Agency**



## Records

<http://www.epa.gov/records/faqs/pda.htm>  
Last updated on Tuesday, October 28, 2014

You are here: [EPA Home](#) [Records](#) [Frequent Questions](#) [Frequent Questions about Mobile and Portable Devices, and Records](#)

# Frequent Questions about Mobile and Portable Devices, and Records

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- [What are Mobile and Portable Devices?](#)
  - [What kind of records might I have on my Mobile Device?](#)
  - [What should I do with Agency records created on my Mobile Device?](#)
  - [After I have captured Agency records, do I need to delete them from my Mobile Device?](#)
  - [Can Instant Messages \(IMs\) be Agency records?](#)
  - [Do I need to set up any special security on the Mobile Device?](#)
  - [Is the information on my Mobile Device subject to FOIA, subpoena, and discovery?](#)
  - [My Mobile Device was not provided by the Agency. Do these rules still apply to me?](#)
  - [Do these guidelines apply to EPA contractors?](#)
  - [How can I get additional guidance?](#)
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### What are Mobile and Portable Devices?

Mobile and portable devices include laptops, tablets, netbooks, smart phones, and USB drives.

As of October 2014, the iPhone or Windows phone are the only smart phones available through the EPA Working Capital Fund. Exceptions to this rule would require an approved reasonable accommodation. The link below will take you to the eBusiness MD Catalog, which lists all of the current available mobile devices through the WCF.

<https://ebusiness.epa.gov/ebusiness/index.cfm?event=catalog.extendedinfo&oidCatalog=223>

### What kind of records might I have on my Mobile Device?

Common Agency records maintained on Mobile Devices include e-mail, calendars, voice mail and any other information related to your work at EPA.

### What should I do with Agency records created on my Mobile Device?

Records created on your Mobile Device should be transferred to your office's recordkeeping system on a regular basis. For email this may be done automatically or manually. A recordkeeping system may be either electronic or hard-copy, as long as records are organized and accessible. Use of EZ Email Records is highly recommended.

### After I have captured Agency records, do I need to delete them from my Mobile Device?

No, you may maintain convenience or reference copies. Both official records and convenience copies should be disposed of in accordance with applicable Agency record schedules.

### **Can Instant Messages (IMs) be Agency records?**

Users of IM or other transient technologies are responsible for ensuring that IMs that result in the creation of a federal record are saved for FRA purposes. This can be done in Microsoft Office. For text messages created with an iPhone or Windows phone, see EPA's Instructions for Saving Text Messages (last modified, 8/14/14) at: <http://intranet.epa.gov/mobiledevices/pdf/Instructions-Saving-Text-Messages.pdf>

### **Do I need to set up any special security on the Mobile Device?**

Information stored on your device requires the same degree of protection as similar EPA information stored elsewhere, whether on a LAN, PC, removable electronic media, or paper. Consult your organization's policy on handheld computing to see if there are special security requirements. Enable the password lock feature when the device is not being used, to provide an initial form of protection against unauthorized users.

The following quick tips will help you protect your portable devices and the information they contain.

#### Portable Devices Security Quick Tips

- Keep your portable device with you or properly secured at all times.
- Make sure your portable devices are password protected and don't share your passwords.
- Don't connect your portable device to unknown networks or computers.
- If your portable device is lost or stolen report it to CTS Service Desk at 1-866-955-4287 as soon as possible. Then contact either -
  - Federal Protective Service - 1-866-347-2423 (if stolen inside EPA facility)
  - Local Police if stolen outside EPA facility

### **Is the information on my Mobile Device subject to FOIA, subpoena, and discovery?**

Yes, information on your Mobile Device may be requested under FOIA or in response to litigation. The same exemptions apply to the release of the information that apply to all other EPA records.

### **My Mobile Device was not provided by the Agency. Do these rules still apply to me?**

Yes, if you have Agency records on a personally-owned Mobile Device, they still need to be captured in an approved recordkeeping system. It is recommended that you do not use your personal device for EPA work purposes, unless there are no other options.

### **Do these guidelines apply to EPA contractors?**

Yes, these guidelines apply to EPA contractors and other agents. Contract terms should ensure that contractor systems satisfy legal requirements for creating and maintaining adequate and complete records of EPA transactions.

### **How can I get additional guidance?**

If you have policy questions about managing records on your mobile or portable devices, contact the [Records Help Desk](#). You can find additional guidance in the following publications:

- [Frequent Questions About Personal Papers](#)
- [Frequent Questions About Calendars](#)
- [Frequent Questions About Email](#)
- [Frequent Questions About Working Files](#)
- [Documenting Your Public Service](#) [EXIT Disclaimer](#), National Archives and Records Administration

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| EPA Classification No.: CIO 2157.1 | CIO Approval Date: 09/30/2014 |
| CIO Transmittal No.: 14-006        | Review Date: 09/30/2017       |

*Issued by the EPA Chief Information Officer,  
Pursuant to Delegation 1-19, dated July 7, 2005*

## **Freedom of Information Act Policy**

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### **1. PURPOSE**

This policy establishes EPA requirements for complying with the Freedom of Information Act (FOIA) as amended, EPA FOIA regulations, and guidance issued by the U. S. Department of Justice and the National Archives and Records Administration. This policy supports open government through transparency, proactive disclosure, and, when possible, discretionary releases of information. It also serves as a framework for the associated procedures used to process FOIA requests and promote accountability for the timeliness and quality of EPA responses.

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### **2. SCOPE AND APPLICABILITY**

This policy addresses statutory, regulatory, federal guidance and Agency requirements for processing FOIA requests. The policy establishes management and staffing requirements for implementing FOIA; establishes accountability for managers and FOIA professionals; and sets requirements for using the FOIA management and tracking system that has been approved by the Agency's Chief FOIA Officer for managing the lifecycle of FOIA requests.

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### **3. AUDIENCE**

The audience for this policy includes all EPA organizations, officials, and employees. The audience for this policy is also contractors or grantees and others operating on behalf of the EPA, as described below.

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### **4. BACKGROUND**

The FOIA, 5 U.S.C. § 552, was enacted in 1966. The law gives any requester the right to obtain federal agency records unless such records or portions of such records are protected from public disclosure by one or more of the nine exemptions or three law enforcement exclusions contained in the statute. The FOIA applies only to administrative agencies within the federal Executive Branch. It does not apply to records held by Congress, the courts, or

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by state, local, or tribal government agencies. The FOIA has undergone several amendments since its passage, including the e-FOIA amendments of 1996 and the Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007. The e-FOIA amendments clarified how electronic records should be handled under the FOIA and extended the statutory time for agencies to respond from ten working days to twenty working days. The OPEN Government Act of 2007 made changes to promote a more open and accountable government and established a requirement for each agency to have a Chief FOIA Officer and Public Liaison Officers to assist in reducing delays, increasing transparency and resolving disputes. In conformance with the OPEN Government Act, FOIA requests and EPA decisions are now managed in a FOIA management and tracking system. With very limited exceptions all EPA FOIA responses will be available in the Agency's FOIA management and tracking system for public viewing and searching.

EPA FOIA activities are performed across the Agency under the direction of the Chief FOIA Officer and the National FOIA Program located in the Office of Environmental Information (OEI). The National FOIA Specialists support the EPA FOIA community by providing training, offering guidance, supporting fee waiver and expedited processing activities and staffing the FOIA Requester Service Center. The Office of General Counsel and Offices of Regional Counsel provide legal advice to staff in EPA's program offices who are responding to a request. The Office of Inspector General is independent and provides advice on FOIA matters pertaining to its own organization.

## 5. AUTHORITY

Freedom of Information Act , 5 U.S.C. § 552.  
EPA's FOIA Regulations, Title 40, C.F.R. Part 2, Subpart A.

## 6. POLICY

It is the policy of the EPA to manage Freedom of Information Act (FOIA) requests as follows:

1. FOIA requests submitted to the Agency will be processed in accordance with the FOIA, applicable Presidential Orders and memoranda, EPA's FOIA regulations, applicable guidance issued by the Department of Justice and the National Archives and Records Administration and applicable EPA FOIA guidance and procedures.
2. FOIA requests submitted to the Agency will be processed throughout their lifecycle using the FOIA management and tracking system approved by the Agency's Chief FOIA Officer.
3. Records found to be responsive to a request will be released unless a mandatory exemption applies or, for discretionary exemptions, the Agency determines that a foreseeable harm that would result from disclosure.
4. At least two knowledgeable individuals, who may be subject matter experts and

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including one manager, will review all documents before they are released to the public under the FOIA to improve accuracy and consistency in release determinations. One of the reviews may be performed by the subject-matter expert who processes the request. This is in addition to the review conducted by staff responsible for initially identifying and collecting documents.

5. Organizations will ensure that resources are allocated to comply with meeting FOIA requirements detailed in this policy.
6. Organizations will develop and maintain procedures for processing FOIA requests within their offices that document their business practices. Processing procedures will comply with this policy and with the Agency's FOIA processing procedures issued by the Chief Information Officer.
7. Organizations will identify individuals who have critical FOIA responsibilities in their organizations by name and by position, including but not limited to FOIA Officers, FOIA Coordinators, individuals who are authorized to make decisions regarding the releasability of records (see Item 8 below) and those who review documents before they are released to the public. This information will be made available to the Agency FOIA Officer and to all staff in the organization.
8. Determinations to release or withhold records will be made in accordance with the Freedom of Information Delegation of Authority, I-30. (See EPA Delegations Manual, Chapter 1, Section 30.)
9. FOIA responses will be posted to the Agency's FOIA management and tracking system unless posting the records will create a potential harm protected by a FOIA exemption or if a waiver to post records is granted by the Agency FOIA Officer.
10. FOIA professionals will have the knowledge, skills and abilities to perform their duties.
11. FOIA duties will be critical elements in the performance agreements of FOIA professionals.
12. FOIA professionals will take mandatory annual trainings identified by the Agency FOIA Officer.
13. Agency managers will have critical job elements in their performance agreements that establish accountability for ensuring their FOIA professionals have the knowledge, skills and abilities to perform their duties and respond in a timely manner to requests in accordance with the FOIA.
14. The Agency's FOIA Public Liaison will work to resolve FOIA issues with requesters and foster greater openness and transparency in the Agency's FOIA administration activities and its interactions with the public.
15. Organizations will comply with Agency procedures for processing FOIA requests, along with the guidance and direction issued by the Agency FOIA Officer.

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## 7. RELATED DOCUMENTS

Freedom of Information, EPA Delegations Manual, Chapter 1, Section 30.

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## 8. ROLES AND RESPONSIBILITIES

**Action Office** – The organizational unit that maintains the majority of records responsive to a FOIA request.

**Agency FOIA Officer** – The Agency FOIA Officer is the program manager for the National FOIA Program. The Agency FOIA Officer coordinates and oversees the EPA FOIA administration responsibilities; issues expedited processing and fee waiver determinations; develops and reviews FOIA policies, procedures, and guidance; provides advice to Agency FOIA personnel in the program and regional offices; prepares annual reports to the Department of Justice (DOJ); and provides FOIA training to Agency employees and other individuals covered under Section 3 of this policy. The Agency FOIA Officer is located in the Office of Environmental Information at EPA Headquarters.

**Authorized Officials** – The Deputy Administrator, Assistant Administrators, Associate Administrators, the Inspector General, the General Counsel, Heads of Headquarters Staff Offices and Regional Administrators (or their appropriate designee) are authorized under section 2.113(b) of EPA's FOIA regulations to issue initial determinations to release or withhold records in response to FOIA requests. Freedom of Information, EPA Delegations Manual, Chapter 1, Section 30, provides that this authority may be redelegated to the office director level or equivalent, who may redelegate to the division director level or equivalent.

**Chief FOIA Officer** – The designated high-level official within each federal agency who has overall responsibility for the agency's compliance with the FOIA. At the EPA, the Assistant Administrator for the Office of Environmental Information is the Chief FOIA Officer. The Chief FOIA Officer is responsible for ensuring the efficiency and effectiveness of the Agency's FOIA administration including compliance, accountability and reporting to the Administrator, the Department of Justice, and the Office of Management and Budget on the status of the Agency's FOIA program. *NOTE: This role is different from that of the Agency FOIA Officer above.*

**FOIA Coordinators** – FOIA Coordinators stay informed on requests and assignments; route requests to the appropriate Action Office or subject matter expert within the Program Office; track FOIA requests for timeliness; monitor the quality of the responses; and provide guidance to program personnel including overdue reports, in collaboration with the Agency FOIA Officer. Each Headquarters Program Office has a lead FOIA Coordinator who works under the general direction of the Agency FOIA Officer.

**FOIA Officer** – See “Agency FOIA Officer” or “Regional FOIA Officers.”

**FOIA Offices** – The FOIA Office is the point of receipt for Agency FOIA requests where they are reviewed for conformance with the Act, acknowledged and assigned to the appropriate



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Action Office. The locations are identified in the EPA’s FOIA regulations for submitting FOIA requests. Agency FOIA Offices are located in each Region and in the National FOIA Program at Headquarters.

**FOIA Professional** – An EPA employee or contractor who directly interacts with FOIA requesters and is responsible for the day-to-day FOIA processing activities.

**FOIA Public Liaison** – The FOIA Public Liaison is the EPA point of contact for the public if they have any issues with the handling of their FOIA request by the Agency. In the EPA, the FOIA Public Liaison is the Chief of the FOIA and Privacy Branch in the Office of Information Collection within the Office of Environmental Information. The Public Liaison supervises the staff in the FOIA Requester Service Center and is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

**FOIA Requester Service Center** – The FOIA Requester Service Center (FOIA Hotline) provides the public information on the status of their requests if they do not have access to FOIAonline, general information on how and where to submit a FOIA request, or information about the types of information available on the EPA’s websites. The Center is staffed by the FOIA Public Liaison, Agency FOIA Officer and National FOIA Specialists. The Hotline number is 202-566-1667.

**Managers and Supervisors** – EPA managers and supervisors oversee FOIA Officers and FOIA Coordinators to ensure that they have the knowledge, skills and ability to perform their duties and respond in a timely manner in accordance with the FOIA. They review and approve all FOIA responses before release.

**National FOIA Program** – The National FOIA Program is staffed by the Agency FOIA Officer and National FOIA Specialists who develop Agency-level policies, procedures and trainings, respond to questions, provide guidance, deliver training, and make decisions on fee waiver and expedited processing requests. The National FOIA Program is located in the Office of Environmental Information.

**National FOIA Specialists** – National FOIA Specialists manage the lifecycle of FOIA requests received at Headquarters; assign requests to Headquarters FOIA Coordinators; prepare responses to fee waiver and expedited processing requests; approve requests to extend due dates; respond to questions from Agency employees; and staff the FOIA Requester Service Center.

**Office of General Counsel (OGC)** – OGC provides legal advice on FOIA matters; issues final decisions on FOIA appeals, final confidentiality determinations for confidential business information (CBI) claims originating in HQ, and fee waiver appeal determinations, except when a conflict of interest arises; provides counsel on FOIA exemptions and exclusions; and assists the U.S. Department of Justice attorneys in FOIA litigation.

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**Office of Inspector General (OIG)** – OIG and the Counsel to OIG provide advice on FOIA matters pertaining to its organization; issue initial determinations and final decisions on FOIA appeals, final confidentiality determinations, except when a conflict of interest arises; provide counsel on FOIA exemptions and exclusions; and assist the U.S. Department of Justice attorneys in FOIA litigation.

**Office of Regional Counsel (ORC)** – ORC provides legal advice on FOIA matters, final confidentiality determinations for CBI claims originating in the Region, FOIA litigation support to regional employees, and information as needed to the Agency FOIA Officer on fee waiver requests. ORC also assists OGC on appeals, as appropriate.

**Regional FOIA Officers** – Regional FOIA Officers assign requests to the appropriate Action Office within the region; track FOIA requests; provide guidance to regional personnel in collaboration with the Agency FOIA Officer; coordinate with the Agency FOIA Officer and Action Offices on initial fee waiver decisions; compile data for the annual FOIA report; and monitor the quality and timeliness of responses in the regions. Regional FOIA Officers work under the general direction of the Agency FOIA Officer.

## 9. DEFINITIONS

**Freedom of Information Act (FOIA)** – The Freedom of Information Act (FOIA) was signed into law in 1966. The law provides individuals with a statutory right of access to certain federal agency records. The FOIA requires agencies to disclose requested records unless they are protected from public disclosure by the FOIA. Congress included in the FOIA nine exemptions and three law enforcement exclusions to protect important interests such as national security, personal privacy, privileged communications, and law enforcement.

**Records** – Information in an agency’s possession and control in any format including electronic format. DOJ notes that for FOIA purposes, "records" includes *all* tangible documentations of information regardless of whether they are records under 44 U.S.C. § 3301. (NOTE: *This is a broader definition than that used by the EPA records program and records schedules.*)

**Requester** – Any individual (including non-U.S. citizens), corporation or association, public interest group, and state, local, tribal, or foreign government making a FOIA request. Requests from Federal agencies, the Government Accountability Office, or Congress (e.g., the Speaker of the House, the President of the Senate, or the chair of a committee or subcommittee) are not covered under this policy.

**Responsive Record** – A record falling within the scope of a FOIA request that an agency has located that may be provided or is under consideration for inclusion in a response to a FOIA request. A record may be “responsive” to a FOIA request, but may still be withheld as protected from disclosure by a FOIA exemption.

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## 10. WAIVERS

No waivers will be accepted from the requirements of this policy.

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## 11. RELATED POLICIES, STANDARDS AND GUIDANCE

- Procedures for Responding to Freedom of Information Act Requests, CIO 2157-P-01.
  - FOIA memoranda and guidance documents (<http://www.epa.gov/foia/reference.html>).
  - FOIA guidance issued by the Department of Justice (<http://www.justice.gov/oip/foia-resources.html>).
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## 12. MATERIAL SUPERSEDED

Interim Freedom of Information Act Policy (CIO 2157.0/Transmittal 13-004 dated June 28, 2013)

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## 13. ADDITIONAL INFORMATION

For further information, please contact the Office of Environmental Information, Office of Information Collection.



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*Renee P. Wynn*  
**Acting Assistant Administrator for Environmental Information  
and Chief Information Officer  
U. S. Environmental Protection Agency**



# INFORMATION DIRECTIVE PROCEDURE

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| Procedures for Responding to Freedom of Information Act Requests |                               |
| EPA Classification No.: CIO 2157-P-01.1                          | CIO Approval Date: 09/30/2014 |
| CIO Transmittal No.: 14-006                                      | Review Date: 09/30/2017       |

*Issued by the EPA Chief Information Officer,  
Pursuant to Delegation 1-19, dated July 7, 2005*

## Procedures for Responding to Freedom of Information Act Requests

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### 1. PURPOSE

These procedures provide basic instructions for responding to Freedom of Information Act (FOIA) requests submitted to EPA. They address statutory, regulatory, policy, procedural and processing requirements to be followed by all EPA organizations and must comprise the core of all office-specific FOIA processing procedures.

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### 2. SCOPE AND APPLICABILITY

The scope of these procedures covers work performed by EPA employees, grantees, contractors, and interns in support of FOIA administration activities in Headquarters, regional offices, field offices and EPA laboratories.

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### 3. AUDIENCE

The audience for these procedures includes all EPA organizations, officials, and employees. The audience for these procedures is also contractors or grantees and others operating on behalf of the EPA.

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### 4. BACKGROUND

The FOIA, 5 U.S.C. § 552, was enacted in 1966. The law gives any requester the right to obtain access to federal agency records unless such records or portions of such records are protected

| Procedures for Responding to Freedom of Information Act Requests |                               |
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from public disclosure by one or more of the nine exemptions or three law enforcement exclusions contained in the statute. There are nine FOIA exemptions:

- 1) Classified national defense and foreign relations information.
- 2) Internal agency rules and practices.
- 3) Information that is prohibited from disclosure by another federal law.
- 4) Trade secrets and other confidential business information.
- 5) Inter-agency or intra-agency communications that are protected by legal privileges.
- 6) Information involving matters of personal privacy (protected under the Privacy Act or containing sensitive personally identifiable information).
- 7) Information compiled for law enforcement purposes, to the extent that the production of those records:
  - a) Could reasonably be expected to interfere with enforcement proceedings.
  - b) Would deprive a person of a right to a fair trial or an impartial adjudication.
  - c) Could reasonably be expected to constitute an unwarranted invasion of personal privacy.
  - d) Could reasonably be expected to disclose the identity of a confidential source.
  - e) Would disclose techniques and procedures for law enforcement, investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions.
  - f) Could reasonably be expected to endanger the life or physical safety of any individual.
- 8) Information relating to the supervision of financial institutions.
- 9) Geological information on wells.

The FOIA applies only to administrative agencies within the federal Executive Branch. It does not apply to records held by Congress, the courts, or by state, local, or tribal government agencies. The FOIA has undergone several amendments since its passage, including the e-FOIA amendments of 1996 and the Open Government Act of 2007. The e-FOIA amendments clarified how electronic records should be handled under the FOIA and extended the statutory time to respond from ten working days to twenty working days. The Open Government Act of 2007 made changes to promote a more open and accountable government and established a requirement for each agency to have a Chief FOIA Officer and a FOIA Public Liaison to assist in reducing delays, increasing transparency and resolving disputes. It also established the Office of Government Information Services within the National Archives and Records Administration to provide mediation services for resolution of disputes between persons making FOIA requests and administrative agencies as well as to provide input and guidance on the effective administration of the FOIA across federal agencies.

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The Open Government Act promotes the use of technology to achieve more efficient disclosure of information to the public. To improve its FOIA management and processes, the EPA deployed FOIAonline, a shared service, as its new FOIA management system in October 2012. FOIAonline automates core processing and administrative activities. All FOIA requests received at the EPA will be managed throughout their lifecycle in FOIAonline. All records provided by the EPA in response to a FOIA request will be entered into FOIAonline for public viewing and searching unless the volume of paper records is very large and conversion to electronic format is not practical or the response is subject to special handling requirements or policies (e.g., contains Confidential Business Information that is only appropriate to release to the requester/owner of the CBI and is not appropriate for public release). These exceptions will be reviewed on a case by case basis by the Agency FOIA Officer. A copy of the exception decision will be maintained in the system. If records provided in response to a request are not entered into FOIAonline because of these conditions, a placeholder document must be uploaded with contact information for obtaining a copy of the response. The organizational unit that has responsibility for responding to the request (known throughout this document as the Action Office) must maintain the records and make them readily available for responding to future requests.

This document does not provide “how-to” instructions for using FOIAonline, but does reference features of the system that help accomplish certain FOIA tasks outlined in this procedure. The Agency sponsors FOIAonline trainings for managers, supervisors and staff and has developed FOIAonline user guides that are available at <https://foiaonline.regulations.gov/foia/action/public/home>.

These procedures are intended to ensure that the Agency responds to FOIA requests in accordance with statutory requirements, the EPA’s implementing regulations, and open government and transparency policies.

Program Offices and Regions will develop or update organizational FOIA procedures to conform to this document within 180 days of this document being finalized. All procedures must be consistent with the EPA’s FOIA regulations and statutory requirements.

These procedures will be supplemented by role-based and general awareness trainings for the audience identified under Section 3, above.

## 5. AUTHORITY

[Freedom of Information Act](#) , 5 U.S.C. § 552.  
[EPA's FOIA Regulations](#), Title 40, C.F.R. Part 2, Subpart A.  
[CIO Policy 2157.0, Freedom of Information Act \(FOIA\) Policy](#)

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## 6. PROCEDURES

The Agency's FOIA regulations direct the public to send FOIA requests, in writing, to EPA Headquarters, Regional FOIA Offices or through a form on the Agency's FOIA website (which provides a link to FOIAonline). Requests received in any other Agency office should be immediately forwarded to the appropriate FOIA Officer so that the requester does not incur undue processing delays. See 40 C.F.R. 2.102(a).

The actions identified in Steps 1-5, below, are performed by staff in FOIA offices. Regions and Program Offices will decide who performs the steps identified in these procedures.

### INITIATING THE PROCESS

The FOIA process officially begins when a request is received in any Agency FOIA Office. Requesters may request a fee waiver and/or expedited processing at the time they submit their request.

**Step 1 – Receive, Review, and Acknowledge Incoming Requests.** The public may submit requests to the Agency via FOIAonline, postal mail, email, or hand delivery. The FOIA Office receiving the request will verify that the request: 1) is in writing; 2) provides a mailing address; 3) asks for Agency records; and 4) reasonably describes the records sought. A description is sufficient if it enables an Agency employee familiar with the subject area to locate the record with a reasonable amount of effort. See also, 40 C.F.R. § 2.102(c).

- Improper FOIA requests include:**
  - Requests that do not reasonably describe the records sought;*
  - Requests that pose questions, rather than seek documents.*
- FOIA does not require EPA to:**
  - Create new records or future records in response to a request;*
  - Re-create records which were properly disposed of;*
  - Produce records the Agency retains no control over;*
  - Re-provide records which EPA already makes available to the public; or*
  - Produce purely personal records.*

If the requestor provided an email address, FOIAonline will automatically send a receipt to the requester that includes the tracking number and submission date for all requests processed in the system. Requests received after 5 pm EST or on weekends or holidays are not considered received until the next business day. If a request is not received through FOIAonline, the FOIA Office will enter the request in the system within one working day of receipt and issue an acknowledgement through FOIAonline if an email address is provided. Postal mail will be used by the FOIA Office if an email address is not provided. The

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acknowledgement letter will provide the tracking number and the date the request was received by EPA.

**Step 2 – Determine if the Request is in the Correct FOIA Office.** The receiving FOIA Office will determine where responsive records are most likely located in the Agency. When a request is received at an Agency FOIA Office and all responsive records are determined to be located in another Region or Headquarters, the receiving FOIA Office will assign the request in FOIAonline to the appropriate FOIA Office for processing. If the receiving FOIA Office does not know where responsive records are located, the FOIA Office will consult with the Headquarters FOIA Office. See also, 40 C.F.R. § 2.103(a).

The FOIA allows agencies up to 10 working days to route a misdirected request before the 20 working day period to respond begins. For the purposes of this 10 day allowance, a request is “misdirected” if it is sent to a FOIA Office that is not located with the Program or Regional Office that will have the responsive records. Requests sent by the public to an office other than a FOIA Office are also misdirected and must be immediately sent to the local FOIA Office.

After steps 1 and 2 are complete, the request is considered “perfected.” Requests should be “perfected” on the same day they are received by the correct FOIA Office. The FOIA Office will enter the “perfected” status in FOIAonline to initiate the 20 day working period. FOIAonline will automatically initiate the 20 working day period on the 11<sup>th</sup> working day after the request was received, even if the request has not been perfected.

**Step 3 – Determine the Fee Category.** EPA FOIA Offices will determine how requesters will be charged processing fees based on their fee category. The fee categories under the FOIA are: (1) Commercial Use, (2) Educational Institution or Non-Commercial Scientific Institution, (3) Representative of the News Media and (4) Other. See also, 40 C.F.R. § 2.107. (See Step 8 below for information on calculating fees.)

**Step 4 – Process Fee-Waiver (FW) and Expedited Processing (EP) Requests.** All requests for fee waivers and expedited processing must be submitted with the initial FOIA request (see 40 C.F.R. § 2.107(l) (5)). Decisions on FW and EP requests will be made by the Agency FOIA Officer based on the factors outlined in 40 C.F.R. § 2.107(l) (5) and 2.104(e), respectively.

FW and EP requests submitted to a Regional FOIA Office will be transferred by the Regional FOIA Officer to the Headquarters FOIA Office through FOIA-online for processing. (Please note that the region retains the responsibility for responding to the request for records.)

Whether a request is likely billable or unbillable will be communicated to the Headquarters FOIA Office by the organization to which the request is assigned within 48 hours of receipt of the request. The Agency FOIA Officer will determine if fees will likely be incurred by the requester before deciding on the request. (A request for a fee waiver is moot when no fees are associated with processing the request.)



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The Agency FOIA Officer will make the initial decision whether to grant or deny a FW or EP request. The individual assigned the request will be notified via an email from FOIAonline that a determination has been issued. If the FW and EP request is assigned to a group rather than to an individual, FOIAonline will not send an email, but will alternatively provide an internal system message to each group member the next time that person logs on.

The Agency must decide whether to grant or deny an EP request within 10 calendar days of receipt. If the request is granted, it must be given priority by the Action Office and be the next request in line for processing. See C.F.R. § 2.104(3) (4). However, the request itself is not required to be processed within the 10 calendar days.

**Step 5 – Assign the Request to the Action Office.** In most cases, the FOIA Office will assign the request in FOIAonline to the primary FOIA Coordinator in the Program or Regional Office believed to most likely house the majority of responsive records. The FOIA Coordinator will assign a lead office within that organization (the “Action Office”). When the requester is seeking records about or created by an individual, the organization where the individual worked at the time the records were created will become the Action Office and have responsibility for processing the request.

Often, additional Programs and/or Regions may have responsive records (“Contributing Office”). The Action Office will assign each Contributing Office a task in FOIAonline for them to provide responsive records. These Contributing Offices will coordinate the Agency’s response with the Action Office, including uploading responsive records to the system.

## **PROCESSING THE REQUEST IN ACTION OFFICES**

An organization’s<sup>1</sup> internal FOIA processing procedures will determine who performs steps 6-16 identified in this procedure on behalf of the Action Office and the FOIA Coordinator. However, the steps will remain the same regardless of who performs them.

At Headquarters, each Office of an Assistant Administrator and the Office of the Administrator has a primary FOIA Coordinator who receives the assignment from the Headquarters FOIA Office. FOIA requests in regions are received by the Regional FOIA Officer who selects the appropriate division, branch or individual within the organization which is known as the Action Office. Regions have a primary FOIA Coordinator and the function may be performed by various staff persons. At Headquarters, the primary FOIA Coordinator will assign the request to the Action Office. Non-primary FOIA Coordinators may also be located at the division and branch levels at Headquarters and in regions depending on the business practices of the particular organization. An organization’s business practices determine the workflow and roles and responsibilities when a request is received for action. These practices will be detailed in the organization’s FOIA procedures.

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<sup>1</sup> An EPA region (e.g., Region 1) or the Office of an Assistant Administrator (e.g., OGC).

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When an assignment is received from a FOIA Office, the primary FOIA Coordinator or regional person (designated by the Regional FOIA Officer) will determine which of the offices in the organization (e.g., staff offices, divisions, or branches) are likely to have records responsive to the request. The primary FOIA Coordinator or regional person will assign the request to the appropriate office or FOIA professional using FOIAonline. If the description of the records requested is not sufficient for the primary FOIA Coordinator or regional person to assign the request to an office, the primary FOIA Coordinator or regional person will contact the requester for additional information. All communications, including verbal conversations with the requester, will be documented for the official record and entered into FOIAonline. Communications may include discussion of scope, deadlines, or other issues.

*NOTE: For large, complex FOIA requests, it is suggested that the Action Office convene meetings with all interested Agency parties in order to clarify responsibilities, methods to be used for collection, and similar issues. Those meetings should include programmatic experts, Records Liaison Officers, information technology specialists, and legal counsel, as appropriate.*

**Step 6 – Determine Search Parameters.** The Action Office will determine the cut-off date for records subject to the request. Under the EPA’s regulations (40 C.F.R. § 2.103 (a)) for determining what records are within the scope of the request, the Action Office will usually include only those records in its possession as of the date the request was received by the FOIA Office, unless the request specifically seeks a more limited scope. If a different date is used, the Action Office will inform the requester of that date.

The request will also be reviewed to determine the subject matter of the records the requester is seeking. If it is deemed necessary for the person processing the FOIA to obtain clarification or additional information from the requester, the time necessary to reformulate the request will be excluded from the statutory 20 working day period (or any authorized extension of time) that the EPA has to respond to the request. The FOIA permits the Agency to “stop the clock” **one** time during the first 20 days after receipt, to seek information and clarification from the requester. Although the requester may be contacted as many times as needed to clarify the scope of the request, the clock may only be stopped once. Once the clock has been stopped, it should not be restarted until the information or clarification is provided. All communications must be documented for the official record and entered into FOIAonline, and the deadlines adjusted in the system, as appropriate.

**Step 7 – Determine if Additional Responsive Records are in Other Agency Organizations.** When additional responsive records are determined to be located in other Agency organizations, or the request is incorrectly assigned, the appropriate FOIA Office should be notified by the FOIA Coordinator or the organizational subject matter expert within two working days of receiving the assignment. Action Offices should return misdirected requests to the local FOIA Office for re-assignment within two working days.

*NOTE: The FOIA Office will create a task in FOIAonline to request additional records from*

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another EPA organization.

**Step 8 – Estimate Processing Fees.** The EPA’s FOIA regulations require an assurance of payment from the requester if fees are expected to exceed \$25.00 or an amount specified by the requestor. Unless a waiver of fees has been granted by the Agency FOIA Officer, the Action Office will estimate the processing fee which will be charged as specified in 40 C.F.R. § 2.107. Search fees may apply even when no responsive records are identified or no responsive records are disclosed to the requester. The EPA’s FOIA Regulations (40 C.F.R. § 2.107(j)) also define circumstances where it may be appropriate to require advance payment of the estimated fees, if the fees are expected to exceed \$250.

Fees are determined by the type of staff performing the work, the type of requester, and the category of work performed. Fees are calculated as follows:

| Type of Staff      | Charge Per Quarter Hour |
|--------------------|-------------------------|
| Clerical Staff     | \$4.00 per ¼ hr         |
| Professional Staff | \$7.00 per ¼ hr         |
| Managerial Staff   | \$10.25 per ¼ hr        |

| Type of Requester | Fee Category to be Charged |        |                       |
|-------------------|----------------------------|--------|-----------------------|
|                   | Search                     | Review | Duplication           |
| Commercial        | Yes *                      | Yes    | Yes                   |
| Educational       | No                         | No     | Yes (100 pages free)* |
| Non-commercial    | No                         | No     | Yes (100 pages free)* |
| Scientific        | No                         | No     | Yes (100 pages free)* |
| News Media        | No                         | No     | Yes (100 pages free)* |
| All Others        | Yes (First 2 hours free)*  | No     | Yes (100 pages free)  |

\*Fees shaded in grey above cannot be charged if the Agency fails to comply with time limits for response.

**Step 9 - Determine Response Time.** The FOIA requires agencies to provide a substantive response within 20 working days. In such instances when the Action Office determines the response cannot be completed within 20 working-days, the EPA may extend the due date if “unusual circumstances,” as defined by the FOIA, apply.

An “unusual circumstance” exists when there is: (1) a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (2) a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; and (3) a need for consultation, which will be conducted with all practicable speed, with another

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agency or among two or more components of the EPA having a substantial interest in the determination of the request.

If unusual circumstances exist and there is a need to extend the due date for 10 working days or less, the Action Office must, within the 20 working day time limit, notify the requester in writing that unusual circumstances exist and provide the new due date. When the unusual circumstances result in a need to extend the due date for more than 10 working days, the Action Office must also provide the requester, within the 20 working days, the contact information for the EPA's FOIA Public Liaison and an opportunity to either (a) modify the request so that it may be processed within the 10 working day extension or (b) arrange an alternative time period for processing the original or modified request.

If unusual circumstances do not exist, or if the due date has already been extended and additional time is needed to complete the response, the Action Office should seek a reasonable extension from the requester. To aid the requester, the Action Office will provide the requester the contact information for the EPA FOIA Public Liaison, who will assist in the resolution of any disputes between the requester and the EPA. If the requester does not agree to an extension, the Action Office will fulfill the request as soon as possible. The requester may file an administrative appeal or may pursue litigation. For instances where the FOIA requester is the prevailing party of a litigation case and the EPA is required to pay legal fees, please refer to Office of the Chief Financial Officer's FOIA Fee Policy, RMDS 2540-04-P2. In any event, the Action Office should communicate any extensions and expected completion dates with the requester. All communications must be documented for the official record and entered into FOIAonline.

The Action Office also enters the new requested due date and the justification for the extension into FOIAonline. The system generates a notice to the Headquarters or appropriate Regional FOIA Office for approval. The FOIA Office will make a decision within two working days, document the decision, with comments if necessary, in FOIAonline, and communicate the new date to the Action Office. The Action Office will communicate the new due date to the requestor.

**Step 10 – Collect and Review the Records.** The Action Office and each Contributing Office is responsible for identifying, collecting and reviewing records within the scope of the request as discussed in Step 6, and as outlined in any organization-specific procedures. This includes the responsibility for consultation and referral with other federal agencies. Contributing Offices are also responsible for coordinating responsive activities with the Action Office (i.e., the office that is determined to have the majority of responsive records) when more than one office has responsive records (see Step 5 above). The Action Office and each Contributing Office should also assure that protected information has been redacted from records before they are released.

The Action Office and Contributing Offices will: 1) ensure that redacted information cannot be read through photocopied records; 2) remove "hidden" metadata as appropriate (e.g. Microsoft Word document properties); and 3) annotate records with the applicable FOIA exemption(s) at the location of the redacted information. A copy of both the original and redacted record will be

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stored in FOIAonline, unless subject to special handling requirements (e.g., large volume) or policies. Exceptions to this storage requirement are approved on a case by case basis by the Agency FOIA Officer. FOIAonline allows FOIA professionals to put records in the system that are not released to the public. This protects records that have been withheld.

If records provided in response to a request are not entered into FOIAonline because of special handling requirements or policies, or because the volume of files make it impractical to upload the complete response, a placeholder document must be uploaded with contact information for how to obtain a copy of the response that the responding office will maintain and make readily available.

*NOTE: Only records that have been: 1) marked published and 2) approved for release are available to the public in FOIAonline.*

**Step 11 – Determine Which Records (or Portions) May Be Released.** After thorough review, the Action Office will prepare to release responsive, non-exempt records or portions of records. All records released or being withheld in total in response to a FOIA request must be reviewed by at least two knowledgeable individuals, including one manager or supervisor to ensure openness, transparency, consistency, and the appropriate application of FOIA exemptions. One of the reviews may be performed by the individual who processes the request. Action Offices may consult with the Agency FOIA Officer, their Office of Regional Counsel (ORC), or Office of General Counsel (OGC) for questions regarding withholding of records under a FOIA exemption. If a discretionary FOIA exemption (Exemptions 2, 5, 7 (excluding 7(c)), 8 and 9) is implicated, Action Offices should only withhold records, or portions of records, when they reasonably foresee that disclosure would harm an interest protected by one of the exemptions or when disclosure is prohibited by law.

Responsive records that have been properly reviewed and redacted (if necessary) will be subject to one of the following outcomes:

- a) Release in Full. The record, in its entirety, may be released to the requester.
- b) Partial Grant/Partial Denial. Portions of the record will be withheld from the requester if covered by either one or multiple FOIA exemptions. The portions of the record that are not redacted are released to the requester.
- c) Withhold in Full. The record, in its entirety, will be withheld from the requester if covered by either one or multiple FOIA exemptions.
- d) No Record. If, after a reasonable search likely to uncover all responsive documents, no records are located that are responsive to the request, the requester will be informed in writing. A no records certification form must be completed for no record responses and entered in FOIAonline. Please note: This form is not sent to the requester.
- e) Confidential Business Information (CBI). For records or parts of records that have been claimed as CBI or would be claimed as CBI if the business knew the EPA proposed to disclose the information, the procedures set out in 40 C.F.R. § 2.204 must be followed.

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- f) Glomar Response. In some instances, the EPA may expressly refuse to confirm or deny the existence of records responsive to a FOIA request; this is called a Glomar response. The response letter will inform the requester that the request is denied because "either the records do not exist or they are exempt from mandatory disclosure under the applicable provision of FOIA." The Action Office must obtain approval from OGC or ORC prior to issuing a Glomar response.

**Step 12 – Prepare Response Letter.** The Action Office will prepare the response letter using standard language, if suitable, and obtain necessary concurrences. All response letters must include: (1) the FOIA tracking number and (2) appeal language, as appropriate. FOIA requesters have the right to appeal initial FOIA decisions made by the EPA if:

- No records were found;
- The response time has exceeded the statutory authority or documented extensions;
- The request for expedited processing was denied;
- The request for a fee waiver was denied;
- The requestor believes some records or portions of records were improperly withheld;
- The requestor believes the search was inadequate; or
- The requestor believes the fee category in which they were placed is incorrect.

In addition, response letters that withhold Agency records, in total or in part, are required to identify the:

- Records withheld individually or by category of similar documents if voluminous;
- Applicable FOIA exemption(s) under which the record is being withheld and a brief statement explaining the reason for the denial; and
- Authorizing official by name and title (see Step 14 below for list of Authorized Officials).

**Step 13 – Finalize Processing Fees.** The Action Office will inform the requesters in the response letter if fees for processing the request are not billable (i.e., equal to or less than \$14.00). If the processing fees are billable (i.e., greater than \$14.00), FOIAonline will generate the invoice.

*NOTE: The Administrative Cost section in FOIAonline must be completed to document billable and unbillable costs in FOIAonline. All offices working on a request will enter their administrative costs in FOIAonline. The EPA is required to document actual fees charged to the public (billable) and the administrative costs (unbillable) incurred by the agency in processing FOIA requests.*

**Step 14 – Obtain Approval from an Authorized Official to Release or Withhold Records.** The Deputy Administrator, Assistant Administrators, Regional Administrators, the General Counsel, the Inspector General, Associate Administrators, and heads of headquarters staff offices (or their appropriate designee) are delegated the authority to issue initial determinations

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to release or withhold records in response to FOIA requests. See EPA Freedom of Information Delegation of Authority, Section 1-30.

*NOTE: Initial determinations (both release and withholding determinations) may be redelegated only to persons occupying positions not lower than division director or equivalent.*

**Step 15 – Respond to Request.** The Action Office will provide the response letter, responsive records and invoice (when applicable) to the requester through FOIAonline. If an email address is provided, the requester will be notified via email that the responsive records are available in FOIAonline. Otherwise, the response package will be provided via postal mail.

The response letter must include a description of the information withheld either by category and volume, or by a list. In all cases the response letter must also include the standard administrative appeal language.

**Step 16 – Finalize Actions.** The Action Office will ensure all supporting documentation is entered in FOIAonline (e.g., records of conversations or notes to the record). The record copy of the FOIA response will be maintained in FOIAonline, including all responsive records. Once published, these records become available for public searching and viewing.

If the volume of paper records is very large and conversion to electronic format is not practical or the response is subject to special handling requirements or policies, the Agency FOIA Officer will consider granting an exception to the requirement to load the records into FOIAonline. Reviews are made on a case by case basis. A copy of the decision by the Agency FOIA Officer will be maintained in the system. If the exception is granted, a placeholder document must be uploaded in FOIAonline with contact information for obtaining a copy of the responsive records. The Action Office that has responsibility for responding to the request must maintain the records according to applicable record schedules and make them readily available for responding to future requests.

The Action Office will close the request in FOIAonline.

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## 7. RELATED DOCUMENTS

- <http://www.epa.gov/FOIA/FOIAregs.htm>
- <http://www.justice.gov/oip/amended-FOIA-redlined.pdf>
- <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2171-p-01.pdf>
- <http://www.archives.gov/about/organization/summary/ogis.html>

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## 8. ROLES AND RESPONSIBILITIES

**Action Office** – The organizational unit that maintains the majority of records responsive to a FOIA request.

**Agency FOIA Officer** – The Agency FOIA Officer is the program manager for the National FOIA program. The Agency FOIA Officer coordinates and oversees the EPA FOIA administration responsibilities; issues expedited processing and fee waiver determinations; develops and reviews FOIA procedures, policies, and guidance; provides advice to Agency FOIA personnel in the program and regional offices; prepares annual reports to the Department of Justice (DOJ); and provides FOIA training to agency employees and other individuals covered under Section 3 of these procedures. The Agency FOIA Officer is located in the Office of Environmental Information at EPA headquarters.

**Authorized Officials** – The Deputy Administrator, Assistant Administrators, Associate Administrators, the Inspector General, the General Counsel, Heads of Headquarters Staff Offices and Regional Administrators (or their appropriate designee) are authorized under section 2.113(b) of EPA's FOIA regulations to issue initial determinations to release or withhold records in response to FOIA requests. Freedom of Information, EPA Delegations Manual, Chapter 1, Section 30, provides that this authority may be redelegated to the office director level or equivalent, who may redelegate to the division director level or equivalent.

**Contributing Office** – Organizational units that possess responsive records in addition to the Action Office.

**Chief FOIA Officer** – The designated high-level official within each federal agency who has overall responsibility for the agency's compliance with the FOIA. At the EPA, the Assistant Administrator for the Office of Environmental Information is the Chief FOIA Officer. The Chief FOIA Officer is responsible for ensuring the efficiency and effectiveness of the Agency's FOIA administration including compliance, accountability and reporting to the Administrator, the Department of Justice, and the Office of Management and Budget on the status of the Agency's FOIA program. NOTE: This role is different from that of the Agency FOIA Officer above.

**FOIA Coordinators** – FOIA Coordinators stay informed on requests and assignments; route requests to the appropriate Action Office or subject matter expert within the Program Office; track FOIA requests for timeliness; monitor the quality of the responses; and provide guidance to program personnel including overdue reports, in collaboration with the Agency FOIA Officer. Each Headquarters Program Office has a lead FOIA Coordinator who works under the general direction of the Agency FOIA Officer. See also "Primary FOIA Coordinators".

**FOIA Officer** – See "Agency FOIA Officer" or "Regional FOIA Officers."

**FOIA Offices** – The FOIA Office is the point of receipt for Agency FOIA requests where they are reviewed for conformance with the Act, acknowledged and assigned to the appropriate



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Action Office. The locations are identified in the EPA's FOIA regulations for submitting FOIA requests. Agency FOIA Offices are located in each Region and in the National FOIA Program at Headquarters.

**FOIA Professional** – An EPA employee or contractor who directly interacts with FOIA requesters and is responsible for the day-to-day FOIA processing activities.

**FOIA Public Liaison** – The FOIA Public Liaison is the EPA contact point for the public if they have any issues with the handling of their FOIA request by the Agency. In the EPA, the FOIA Public Liaison is the Chief of the FOIA and Privacy Branch in the Office of Information Collection within the Office of Environmental Information. The Public Liaison supervises the staff in the FOIA Requester Service Center and is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

**FOIA Requester Service Center** – The FOIA Requester Service Center (FOIA Hotline) provides the public information on the status of their requests if they do not have access to FOIAonline, general information on how and where to submit a FOIA request, or information about the types of information available on the EPA's websites. The Center is staffed by the FOIA Public Liaison, Agency FOIA Officer and National FOIA Specialists. The Hotline number is 202-566-1667.

**Managers and Supervisors** – EPA managers and supervisors oversee FOIA Officers and FOIA Coordinators to ensure that they have the knowledge, skills and ability to perform their duties and respond in a timely manner in accordance with the FOIA. They review and approve all FOIA responses before release.

**National FOIA Program** – The National FOIA Program is staffed by the Agency FOIA Officer and National FOIA Specialists who develop Agency-level policies, procedures and trainings, respond to questions, provide guidance, deliver training, and make decisions on fee waiver and expedited processing requests. The National FOIA Program is located in the Office of Environmental Information.

**National FOIA Specialists** – National FOIA Specialists manage the lifecycle of FOIA requests received at Headquarters; assign requests to Headquarter FOIA Coordinators; prepare responses to fee waiver and expedited processing requests; approve requests to extend due dates; respond to questions from Agency employees; and staff the FOIA Requester Service Center.

**Office of General Counsel (OGC)** – OGC provides legal advice on FOIA matters; issues final decisions on FOIA appeals, final confidentiality determinations for CBI claims originating in HQ, and fee waiver appeal determinations, except when a conflict of interest arises; provides counsel on FOIA exemptions and exclusions; and assists the U.S. Department of Justice attorneys in FOIA litigation.

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**Office of Inspector General (OIG)** – OIG and the Counsel to OIG provide advice on FOIA matters pertaining to its organization; issue initial determinations and final decisions on FOIA appeals, final confidentiality determinations, except when a conflict of interest arises; provide counsel on FOIA exemptions and exclusions; and assist the U.S. Department of Justice attorneys in FOIA litigation.

**Office of Regional Counsel (ORC)** – ORC provides legal advice on FOIA matters, final confidentiality determinations for CBI claims originating in the Region, FOIA litigation support to regional employees, and information as needed to the Agency FOIA Officer on fee waiver requests. ORC also assists OGC on appeals, as appropriate.

**Primary FOIA Coordinator** – The lead FOIA Coordinator in an organization who works under the general direction of the Agency FOIA Officer.

**Regional FOIA Officers** – Regional FOIA Officers assign requests to the appropriate Action Office within the region; track FOIA requests; provide guidance to regional personnel in collaboration with the Agency FOIA Officer; coordinate with the Agency FOIA Officer and Action Offices on initial fee waiver decisions; compile data for the annual FOIA report; and monitor the quality and timeliness of responses in the regions. Regional FOIA Officers work under the general direction of the Agency FOIA Officer.

**Subject Matter Experts** – Subject matter experts identify and locate records requested under FOIA. These individuals are located in all EPA organizations and include all professional disciplines. If permitted under the applicable delegation and after obtaining any necessary concurrences, the subject matter experts may respond to requests directly or provide the responsive records to the FOIA Coordinator who facilitates the response for the Agency. They must, however, follow the review process prescribed in this procedure.

## 9. DEFINITIONS

**Administrative Appeal** – An independent review of the initial determination made in response to a FOIA request. Requestors who are dissatisfied with the response made on their initial request have a statutory right under 40 C.F.R. § 2.104(j) to appeal the initial determination to an office in the Agency which will conduct an independent review. *(NOTE: OGC is responsible for managing all FOIA appeals at the EPA with the exception of appeals that involve FOIA requests to the OIG or FOIA requests where OGC is the Action Office on the initial response. OIG handles its own appeals. The Office of the Administrator processes appeals where the OGC is the Action Office on the initial response.)*

**Case** – All records pertaining to a FOIA request.

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**Commercial Use** – A type of request from or on behalf of a person who seeks information for a use or purpose that furthers his/her commercial, trade, or profit interests, which can include furthering those interests through litigation.

**Consultation** – When an agency locates a record or a record that contains information provided by or of interest to another agency, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.” (See also “referral.”)

**Confidential Business Information** – Trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.

**Educational Institution** – A preschool, public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education or an institution of vocational education, which operates a program or programs of scholarly research.

**Existing records** – Agency records that exist as of the date a FOIA request is received by the EPA.

**Expedited Processing** – The processing of a FOIA request out of the order in which it was received and prioritized over other pending FOIA requests. The standards for expedited processing are set out in the FOIA and in the regulations of each federal agency.

**Fee Categories** – Categories under FOIA that determine assessments of fees to requesters. Requesters fall into one of five fee categories: (1) commercial requesters; (2) educational; (3) noncommercial scientific institutions; (4) representatives of the news media; and (5) all other requesters (i.e., requesters who do not fall into any of the other four categories).

**Fee Waiver** – A request made to an agency to waive any applicable fees for its processing of a FOIA request. Fee waivers are limited to situations in which a requester can show that the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. Requests for a fee waiver are evaluated on a case-by-case basis.

**FOIAonline** – The EPA’s FOIA tracking and management system.

**FOIA Exemptions** – Contained at 5 U.S.C. § 552(b) (1)-(9). See <http://intranet.epa.gov/foia/exemptions.html> or the box on page 2 of these procedures.

**FOIA Time Limits** – The time period in the FOIA statute for an agency to respond to a FOIA request (ordinarily twenty working days from the day a FOIA request is received and logged in by the appropriate FOIA Office).

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**Freedom of Information Act (FOIA)** – The Freedom of Information Act (FOIA) was signed into law in 1966. The law provides individuals with a statutory right of access to certain federal agency records. The FOIA requires agencies to disclose requested records unless they are protected from public disclosure by the FOIA. Congress included in the FOIA nine exemptions and three law enforcement exclusions to protect important interests such as national security, personal privacy, privileged communications, and law enforcement.

**Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located. A denial response must be signed by an Authorized Official.

**Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.

**Glomar Response** – An agency’s express refusal to confirm or deny the existence or non-existence of records responsive to a FOIA request.

**Initial Request** – The request submitted by an individual to a federal agency for access to agency records on any topic. A FOIA request can generally be made by any person, to any federal agency, and only requires that requesters reasonably describe the records they are seeking and comply with agency regulations for making such requests.

**Media Requester** – Any person making a FOIA request who actively gathers news for an entity that is organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. A request for records that supports the news-dissemination function of the requester shall not be considered to be for a commercial use.

**Non-Commercial Scientific Institution** – An institution that is not operated on a commercial basis but operated solely for conducting scientific research, the results of which are not intended to promote any particular product or industry.

**No Records Response** – A FOIA request for which no responsive records were located.

**Partial Grant/Partial Denial** – An agency decision to disclose records or portions of records while withholding other records or portions of records that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

**Pending Request or Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.

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**Perfected Request** – A request for records that clearly describes the records sought and the procedures that will be followed to develop a response.

**Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.

**Records** – Information in an agency’s possession and control in any format including electronic format. DOJ notes that for FOIA purposes, "records" includes *all* tangible documentations of information regardless of whether they are records under 44 U.S.C. § 3301. (NOTE: This is a broader definition than that used by the EPA records program and records schedules.)

**Redact** – The act of removing exempt information from responsive documents either manually or utilizing redaction software.

**Referral** – When an agency locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral.” (See also “consultation.”)

**Requester** – Any individual (including non-U.S. citizens), corporation or association, public interest group, and state, local, tribal, or foreign government making a FOIA request. Requests from federal agencies, the Government Accountability Office, or Congress (e.g., the Speaker of the House, the President of the Senate, or the chair of a committee or subcommittee) are not processed under these procedures.

**Responsive Record** – A record falling within the scope of a FOIA request that an agency has located that may be provided or is under consideration for inclusion in a response to a FOIA request. A record may be “responsive” to a FOIA request, but may still be withheld as protected from disclosure by a FOIA exemption.

**Unusual Circumstances** – When there is: (1) a need to search and collect documents from organizations separate from the organization processing the request; (2) a need to search and collect a large volume of records; or (3) a need to consult with another agency (or a separate subdivision of the same agency) having a substantial subject-matter interest in the request.

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## 10. WAIVERS

No waivers will be accepted from the requirements of this procedure.

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## 11. RELATED PROCEDURES, STANDARDS AND GUIDANCE

Not applicable.

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## 12. MATERIAL SUPERSEDED

Interim Procedures for Responding to Freedom of Information Act (FOIA) Requests (CIO 2157-P-01-0/Transmittal 13-010 dated September 30, 2013)

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## 13. ADDITIONAL INFORMATION

This document is not intended to create any rights or privileges for the public, or obligations on the part of EPA.



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**Renee P. Wynn**  
**Acting Assistant Administrator for Environmental Information  
and Chief Information Officer**  
**U.S. Environmental Protection Agency**



## Records



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# Frequent Questions about Mobile and Portable Devices, and Records

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### What are Mobile and Portable Devices?

Mobile and portable devices include, but are not limited to, laptops, tablets, netbooks, smart phones, and USB drives.

As of October 2014, the iPhone or Windows phone are the only smart phones available through the EPA Working Capital Fund. Exceptions to this rule require an approved reasonable accommodation. The link below will take you to the eBusiness MD Catalog, which lists all of the current available mobile devices through the Working Capital Fund.

<https://ebusiness.epa.gov/ebusiness/index.cfm?event=catalog.extendedinfo&oidCatalog=223>

### When and how should I use my Mobile or Portable Device?

Agency-issued mobile and portable devices should be used thoughtfully to carry out your work. When using your device, be mindful that you are responsible for following the procedures described below for managing federal records.

As reflected in the [Agency's Records Policy](#), all official business should first and foremost be done on Agency devices, and not on personal devices. The 2014 amendments to the Federal Records Act add clear responsibilities to employees who use a non-official messaging system to send or receive federal records. (see "My Mobile Device was not provided by the Agency. Do these rules still apply to me?" question below for more information on those requirements). EPA strongly discourages the use of personal mobile devices to send or receive federal records, but to the extent such use occurs, the individual sending or receiving federal records on a personal mobile device must follow the Federal Records Act requirements, as detailed below.

Additionally, EPA discourages the use of text messaging, on any mobile device, to send or receive substantive (or non-transitory) Agency records. However, EPA recognizes that some Agency staff perform time-sensitive work that may, at times, require the creation of substantive (or non-transitory) records in the form of text messages for emergency or environmental notification purposes. In those limited instances, staff must continue to save and manage any text message records related to their work, as discussed below.

### Wait, what is a "non-transitory" or "substantive" record?

Transitory records are defined as records of short-term (180 days or less) interest, which have minimal or no documentary or evidential value. An example of a transitory record is a record documenting routine activities containing no substantive information, such as routine

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notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities. Transitory records can be deleted immediately, or when no longer needed for reference, or according to a predetermined time period or business rule. According to NARA, a "non-transitory" record is any record that does not meet the definition of a "transitory" record. See [NARA GRS 23/EPA 167](#).

An example of a text message that qualifies as a transitory record (which can be deleted when it is no longer needed) might be:

*"I'm 5 minutes behind";*

while an example of a text message that qualifies as a non-transitory record (and which would be required to be forwarded into your EPA email account for longer term preservation under a records schedule) might be:

*"I'm 5 minutes behind, go ahead and make the decision without me."*

In the first example, the record value of the message is only to those participants in the meeting who may be wondering where a colleague is, and thus there is no long term value of the message that requires its preservation beyond the start of the meeting. In the second example, the informational value of the message extends beyond the meeting's time-frame, to document information about who participated in an agency decision or action.

As this example demonstrates, you need to pay careful attention to use of text messaging as it relates to Agency business to ensure proper management of non-transitory federal records.

### **What kind of records might I have on my Mobile Device?**

In addition to having records with different retention periods on your mobile device as discussed above, you may have records in different forms or formats on your mobile device. Examples of Agency records that might be maintained on mobile devices can include e-mail, calendars, voice mail, text messages, photographs, and any other information related to your work at EPA. Records on mobile devices might be stored only on the device, or stored on the device and on Agency systems, depending on the type of record and whether it is backed up to Agency systems.

Currently, your e-mail, Calendar, and contacts are backed up on Agency systems, and are not stored only on your mobile device. This means, for example, if you send a non-transitory email record from your epa.gov email account using your mobile device, you do not need to take any extra steps to forward that message into an Agency system. You can save the record from the EPA email system into EZ Email Records.

On the other hand, if you were to take a photograph with your Agency-issued mobile device that qualified as a non-transitory record, you would need to transfer that photograph to an Agency system for retention in an approved recordkeeping system. The same is true for a non-transitory text message that is sent or received on your mobile device.

### **What should I do with Agency records stored only on my Mobile Device?**

Substantive (or non-transitory) records located only on your mobile device should be transferred to your office's recordkeeping system on a regular basis (it is recommended that you do so within 20 days). A recordkeeping system may be either electronic or hard-copy, as long as records are organized and accessible. If a text message is a substantive (or non-transitory) record, then it and related contextual information (e.g., to, from, date, time, and subject) must be forwarded to an approved EPA email system and then saved as a record using EZ Email Records (or another approved record keeping system) on a regular basis. For text messages created using an iPhone or Windows phone, see EPA's [Instructions for Saving Text Messages](#).

The following chart summarizes your obligations:

| <b>What is the retention and where is it stored?</b> | <b>Forward to EPA Email?</b> |
|--|------------------------------|
| <b>Transitory – stored only on the device</b>        | <b>No</b>                    |



|  |   |
|--|---|
| <b>Transitory – stored on the device AND agency systems</b>    | <b>No</b>   |
| <b><u>Non-Transitory– stored only on the device</u></b>        | <b>Yes (then save with EZ Email Records from EPA email)</b> |
| <b>Non-Transitory– stored on the device AND agency systems</b> | <b>No (but save with EZ Email Records from EPA email)</b>   |

**After I have captured all appropriate Agency records into an official recordkeeping system, do I need to delete them from my mobile device?**

No, you may maintain convenience or reference copies on the device, or you can delete them if appropriate. Both official records and convenience copies should be disposed of in accordance with applicable Agency record schedules. However, it is important to remember that you must first confirm that there is no other obligation, such as a litigation hold, to preserve the record on the device before you delete the record. If there is, consult with the Office of General Counsel or Regional Counsel's office as appropriate before taking any action.

**Can Instant Messages (IMs) be Agency records?**

IMs are distinct from text messages and are exchanged using agency messaging systems such as Lync on Agency systems. Users of IM or other transient technologies are responsible for ensuring that IMs that result in the creation of a substantive or non-transitory federal record are saved for Federal Records Act purposes. This can be done by reviewing the IMs in your conversations folder in Microsoft Outlook, and marking IM conversations as records using EZ Email Records, as appropriate.

**Do I need to set up any special security on the mobile device?**

Information stored on your device requires the same degree of protection as similar EPA information stored elsewhere, whether on a LAN, PC, removable electronic media, or paper. Consult your organization's policy on handheld computing to see if there are special security requirements. Enable the password lock feature when the device is not being used, to provide an initial form of protection against unauthorized users.

The following quick tips will help you protect your portable devices and the information they contain.

**Portable Devices Security Quick Tips**

- Keep your portable device with you or properly secured at all times.
- Make sure your portable devices are password protected and don't share your passwords.
- Don't connect your portable device to unknown networks or computers.
- If your portable device is lost or stolen, it is considered an EPA Security incident and should be reported according to instructions located at the Computer Security Incident Response Capability (CSIRC) "[How do I Report a Security Incident?](#)"

**Is the information on my Mobile Device subject to FOIA, subpoena, and discovery?**

Yes, information on your Agency-issued mobile device may be requested under FOIA, in response to litigation or in response to a Congressional request. The same rules and exemptions that apply to the release of all other EPA documents under these laws also apply to documents contained on mobile devices. It is important to note that if information on your mobile device is responsive to a litigation hold, FOIA or other request, you must preserve the information even if it is a transitory record that could otherwise be deleted consistent with the Federal Records Act requirements.

**My Mobile Device was not provided by the Agency. Do these rules still apply to me?**

Yes. As reflected in the [Agency's Records Policy](#), EPA strongly discourages the use of personal mobile devices for sending or receiving Agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA device must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20

days of creation or sending. This requirement to forward Agency records from a personal device is based on the 2014 amendments to the Federal Records Act. These amendments further provide that the intentional violation of the requirement to copy or forward a record from a personal device into Agency systems in the time-frame set forth in the amendments shall be a basis for disciplinary action.

### How can I get additional guidance?

If you have policy questions about managing records on your mobile or portable devices, contact the [Records Help Desk](#). You can find additional guidance in the following publications:

- [Frequent Questions About Personal Papers](#)
- [Frequent Questions About Calendars](#)
- [Frequent Questions About Email](#)
- [Frequent Questions About Working Files](#)
- [Documenting Your Public Service](#) [EXIT Disclaimer](#), National Archives and Records Administration
- [Managing Records in Mobile Environments](#) [EXIT Disclaimer](#), National Archives and Records Administration

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**My Mobile Device was not provided by the Agency. Do these rules still apply to me?**

Yes. As reflected in the [Agency's Records Policy](#), EPA strongly discourages the use of personal mobile devices for sending or receiving Agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA device must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20

days of creation or sending. This requirement to forward Agency records from a personal device is based on the 2014 amendments to the Federal Records Act. These amendments further provide that the intentional violation of the requirement to copy or forward a record from a personal device into Agency systems in the time-frame set forth in the amendments shall be a basis for disciplinary action.

### How can I get additional guidance?

If you have policy questions about managing records on your mobile or portable devices, contact the [Records Help Desk](#). You can find additional guidance in the following publications:

- [Frequent Questions About Personal Papers](#)
- [Frequent Questions About Calendars](#)
- [Frequent Questions About Email](#)
- [Frequent Questions About Working Files](#)
- [Documenting Your Public Service](#) [EXIT Disclaimer](#), National Archives and Records Administration
- [Managing Records in Mobile Environments](#) [EXIT Disclaimer](#), National Archives and Records Administration

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[EPA Home](#) | [Privacy and Security Notice](#) | [Contact Us](#)

<http://www.epa.gov/records/faqs/pda.htm>

[Print As-Is](#)

Last updated on Thursday, February 12, 2015

# Annual Records Management Training 2013

## Alternative Text

This alternative text version is intended *only* for employees with disabilities that use Assistive Technology. Since completion of text version cannot be automatically tracked, please notify your supervisor once you have read and understood the course, to ensure that you receive proper credit for completing the training.

### Introduction to EPA's Records Management Training

Welcome to EPA's Records Management Training. This course is designed to be an introduction for all EPA staff and contractors to basic records management concepts and responsibilities.

This course is divided into five parts and addresses the following questions:

1. Why is records management important?
2. What is a record?
3. Who is responsible for records management?
4. What are the records lifecycle, records schedules and file plans?
5. Where can additional information on records management be found?

By the end of the training, you will be able to answer each of these questions and understand how to manage your EPA records.

This course will take approximately ½ an hour to complete.

After completing the course, please visit the National Records Management Program's website at <http://intranet.epa.gov/records> for the most up-to-date information on records management at EPA.

### Overview of Records Management at EPA

The Federal Records Act of 1950 provides the basic requirements for the management of all federal records, while the National Archives and Records Administration (NARA) provides specific regulations and guidance. The OMB and NARA Managing Government Records Directive, issued August 24, 2012, establishes a robust 21st century framework for managing federal records, with a focus on electronic records.

All EPA employees and contractors have the responsibility to manage their records, regardless of format.

Good records management ensures that you can:

- Identify the records needed to document your work;
- Minimize duplication of records, allowing you to work more effectively;
- Decrease the costs associated with the storage of electronic and paper documents;
- Keep records accessible to all those that need to use them, therefore improving communications and knowledge-sharing across EPA;

- Eliminate time spent trying to find lost or misfiled records;
- Protect vital records and information in the event of an emergency or disaster, such as a fire, flood or tornado; and
- Respond quickly and efficiently to requests made through litigation (e.g., discovery) and FOIA.

## Why is Records Management Important?

Whether you are a contractor or an employee, you must follow certain basic guidance when managing records.

- Follow EPA and the National Archives and Records Administration (NARA) guidance on records management.
- Manage records in accordance with records retention schedules, which provide specific instructions on how long to keep records.
- Do not remove or dispose of records created or received during the course of business without approval; and
- Official EPA business should first and foremost be done on official EPA information systems (e.g., email, instant messaging (IM), computer work stations, shared service solutions, etc.). If, due to extraordinary circumstances, EPA's systems are not readily available; and you use a non-EPA system, forward any emails on the non-EPA system into the EPA system.

## Why is Records Management Important? Question 1

Good records management is important because:

- a. It enables cost savings
- b. It ensures full compliance with laws and regulations
- c. It reduces risks associated with litigation and potential penalties
- d. All of the above

The correct answer is d, all of the above.

## What is a Record?

### General Definition

To ensure that everyone is fully aware of what a record is, let us define the term here at the EPA.

A record is an information resource, in any format that:

- Is created in the course of business;
- Is received for action;
- Is needed to document your activities and decisions;
- Supports EPA's financial obligations and legal claims; or
- Communicates EPA requirements or guidance.

Records may include documentary information in any format and in any media, such as:

- Spreadsheets;



- Textual documents;
- Databases;
- Photographs and maps;
- Text messages;
- Instant messages;
- Voicemail;
- Information on mobile devices;
- Documented verbal communications; and
- Email messages.

No matter what the format, information resources that document your work or decisions for EPA could be considered records.

Of course, it is much easier to understand exactly what a record is by looking at specific examples.

### **Created in the Course of Business Examples**

Examples of records you create while doing business include:

- Memos or emails outlining work accomplishments or giving someone work directions;
- Documentation of your activities with universities or other government agencies under a grant or an interagency agreement;
- EPA financial documents related to transactions you approve;
- Sampling and analytical data files; and
- Official EPA blogs, websites and social media postings with unique content.

### **Received for Action Examples**

Examples of records that are received for action include:

- Freedom of Information Act (FOIA) requests;
- Permit applications;
- Controlled correspondence, such as direction on a program, and public or congressional inquiries;
- Comments received pursuant to Federal Register notices published on proposed rulemaking;
- Accounts payable information, such as invoices for materials purchased or for services provided under contracts;
- Complaints filed from any source, such as those from the general public or within the EPA on waste, fraud and abuse, or discrimination complaint;
- Public comments received on proposed agency actions other than regulatory actions, such as environmental restoration; and
- Emails and correspondence with individuals outside the Agency about Agency business

### **Documents EPA Activities Examples**

Examples of records that document EPA activities and actions include:

- Calendars that document your important meetings and work related appointments;
- Meeting materials and minutes;

- Recorded video conferences;
- Project status reports; and
- Audit reports.

## **Supports Financial Obligations and Legal Claims Examples**

Examples of records that might be needed to support financial obligations and legal claims include:

- Grant payouts or proof of expenditures;
- Approval for contract invoices;
- Time and attendance, and associated leave records; and
- Litigation files, including litigation hold notices, court orders and settlement documents.

## **Communicates EPA Requirements or Guidance Examples**

Examples of records that communicate EPA requirements or guidance include:

- Guidance documents; and
- Policies or procedures issued by your office.

## **Email and Other Electronic Records Examples**

In concert with the November 28, 2011 “Presidential Memorandum - Managing Government Records,” EPA is moving towards a “digital first” policy.

When possible electronic records should be managed digitally throughout their lifecycle, either in an EPA electronic content management system or in other approved recordkeeping systems, such as the Correspondence Management System (CMS) and the Electronic Grants Records System (EGRS).

Similar to records in other formats, an email message is considered to be a record if it meets any of the criteria in the definition of a record: created in the course of business, received for action, needed to document your activities and decisions as an EPA employee or contractor, supports financial obligations and legal claims, or communicates EPA requirements or guidance. Content determines whether something is a record, not the format.

Official EPA business should first and foremost be done on official EPA information systems (e.g., email, instant messaging (IM), computer work stations, shared service solutions, etc.). When, due to extraordinary circumstances, this does not occur, the creator must ensure that any use of a non-governmental system does not affect the preservation of federal records for Federal Records Act purposes, or the ability to identify and process those records if requested under the Freedom of Information Act (FOIA) or for other official business (e.g., litigation, Congressional oversight requests, etc.). In this very rare occasion, staff should forward email (or “cc” email) or electronic files to their EPA email account in order for records to be captured in an approved EPA electronic records management system. Once the electronic files have been captured in an approved EPA records management system, they should be removed from non-EPA information systems, unless you are under a specific obligation to preserve these materials wherever they exist.

Users of instant messaging or other transient technologies are responsible for ensuring that IMs that result in the creation of a federal record are saved for Federal Records Act purposes.

Information posted to the Internet, Intranet, Agency blogs, Agency wikis, and social networking sites may also be considered records. The same rules apply to these types of information resources as print documents. You must ensure it is captured as a record.

Technologies for electronic records management are constantly evolving. Please visit the National Records Management Program's Intranet site at: <http://intranet.epa.gov/records> for the most up to date training and guidance on managing electronic records.

For immediate assistance with records management questions, please contact the NRMP Help Desk at [records@epa.gov](mailto:records@epa.gov) or 202-566-1494. Alternatively, please contact your Records Liaison Officer: <http://intranet.epa.gov/records/about.htm>.

## Non-Records and Personal Papers Examples

Not everything is considered to be a record. "Non-records" are government-owned information resources that do not provide evidence of your activities or decisions. Non-records may not meet the definition of a record, however, their management is controlled via EPA records retention and guidance policies. It is important to remember that documents under EPA control are subject to FOIA and litigation requests, whether they meet EPA's definition of a record or not.

Examples of possible non-records include:

- Extra copies of technical publications kept only for reference;
- Copies of articles from professional journals;
- Convenience copies of directives or any other document being maintained as a record by the office of record; and
- All-hands email messages you receive informing you of activities in your building.

Pursuant to Federal law and agency policy, non-records must be kept separate from records. Destroy non-records when they are no longer needed and are not subject to a FOIA or litigation hold.

"Personal papers" (both paper and electronic) are not considered to be records. Personal papers are unrelated to your work at EPA and, therefore, not owned by the agency. Like non-records, they are excluded from the definition of a record and must be maintained separately from records.

Examples of personal papers include:

- Materials brought into the workplace by employees from previous jobs, or from home, such as sports schedules and league activities;
- Information from personal involvement in non-agency sponsored professional associations and conferences; or
- Any other information related solely to an individual's private affairs, including personal, non-work emails exchanged between you and another EPA employee.

However, be careful with personal planners and calendars. They may be considered a record if they are used to document agency activities and actions.

## Working Files Examples

“Working files” can be records or non-records. They include rough notes, calculations, or preliminary drafts that are used to prepare or analyze other documents.

They may be records when:

- A records schedule specifically requires the retention of these records;
- They significantly add to the understanding of an important subject or issue;
- They are circulated to other staff for official comment or review; or
- They document the formulation and execution of basic policies, decisions, actions, or responsibilities.

They may be non-records when:

- They are not circulated to staff for approval, comment, action, or recommendation;
- They do not contain unique information, such as substantive annotations or comments that add to the understanding of the agency’s decisions or actions;
- They are not needed to document a decision-making process; or
- Their retention is not described by an agency-wide or EPA organization-specific requirement.

## Personally Identifiable Information (PII) and Confidential Business Information (CBI) Examples

There are certain types of records that are sensitive and require special handling. Sensitive records include those that are categorized as Controlled Unclassified Information (CUI) or contain Personally Identifiable Information (PII), some of which are covered under the Privacy Act. CUI is unclassified information that meets the standards for safeguarding and dissemination controls pursuant to law, regulations and government-wide policies under Executive Order 13556. Sensitive records may also include those that are categorized as Confidential Business Information (CBI).

For more information on CUI, please visit <http://www.archives.gov/cui>.

PII is any information about an individual that is maintained by an agency, which can be used to distinguish, trace or identify an individual’s identity, including personal information, which is linked or linkable to an individual. Examples of PII include name, home address, personal telephone number, date of birth, mother’s maiden name, social security number and many other types of information that can identify an individual.

EPA has three categories of sensitive PII. These categories of information present the highest risk of harm to individuals if compromised and include Social Security numbers as well as medical and financial information. Sensitive PII requires additional levels of protection (e.g., encryption).

Records that contain PII must be appropriately managed, safeguarded, and when appropriate, destroyed with caution by shredding, pulping or burning at final disposition.

The loss or disclosure of PII must immediately be reported to the EPA Call Center at 1-866-411-4372, Option 1.

For more information about CBI, see the appropriate manual. (e.g., the Toxic Substances Control Act [TSCA], Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], Resource Conservation and Recovery Act [RCRA], etc.)

For more information on PII, please visit <http://intranet.epa.gov/privacy>.

### What is a record? Question 1

Employees and contractors should refrain, if possible, from conducting EPA business with private email accounts, i.e., Gmail, Yahoo, etc.

- a. True; or
- b. False

The correct answer is a, True. All federal agencies, including EPA, are accountable to the public. The use of private email accounts is discouraged. When, due to extraordinary circumstances, non-EPA information systems are used, staff should forward email (or “cc” email) or electronic file(s) to their EPA email account.

### What is a record? Question 2

The three EPA categories of sensitive PII are:

- a. Personal Identifiers, Social Security Numbers and financial information
- b. Social Security Numbers, Date of Birth and Home address or phone number
- c. Social Security numbers and medical and financial information; or
- d. Medical and Financial Information and benefit information

The answer is c. Although all of the choices listed contain examples of PII, the three EPA categories of sensitive PII are listed under item c, Social Security numbers, and medical and financial information.

### What is a record? Question 3

Confidential Business Information does not need to be stored in a secured location, as long as the file folders are labeled.

- a. True; or
- b. False

The answer is b, False. CBI needs to be properly secured, accessible only by authorized individuals.

### What is a record? Question 4

All of the following are records that must be maintained: an email notification of an optional conference; a calendar entry showing routine staff meetings on a particular day; and a post-it note with your handwritten directions to the airport.

- a. True; or
- b. False

The correct answer is b, False. These are good examples of non-records.

### What is a record? Question 5

Which of the following can be records that must be maintained?

- a. Databases
- b. Photographs and maps

- c. Instant messages
- d. Voicemail
- e. Documents on mobile devices
- f. Documented verbal communications
- g. Email messages
- h. All of the above

The correct answer is h, all of the above. Records may exist in any format and in any media.

## Who is Responsible for Records Management?

Within the EPA's records management program, there are key players who hold important roles and responsibilities. These roles include:

- The National Records Management Program (NRMP) Agency Records Officer, who is responsible for providing leadership and direction for EPA's records management programs;
- Records Liaison Officers (RLOs), who are responsible for their Program or Region's records management programs;
- Records contacts who work closely with their office staff and their Program or Region's RLO; and
- You – all EPA staff and, contractors and grantees with access to EPA systems, who are responsible for the creation, receipt, management and preservation of records in their day to day activities. As the people closest to records, you are the most important part of the EPA's compliance with the agency's records management responsibilities.

## Who is Responsible for Records Management? All EPA Staff and Contractors

Every person who works for the Agency is responsible for:

- Creating and managing the records necessary to document the Agency's official activities and actions, including those EPA records generated by EPA contractors and grantees with access to EPA systems, in accordance with EPA recordkeeping requirements;
- Destroying records only in accordance with approved records schedule and that have been cleared from all other preservation requirements, and never removing records from EPA without authorization;
- Filing records for safe storage and efficient retrieval, should they be subject to an information request;
- Maintaining personal papers and non-record materials separately from official EPA records;
- Filing all electronic records, including: email records, social media posting records and other e-records in an approved EPA records management system; and
- Transferring all paper and electronic records to management or designee prior to separation from EPA and not removing extra copies of records or other work material without prior approval.

Records are documents that you create or receive which demonstrate your activities or decisions on behalf of the EPA. They are government property and belong to EPA. EPA employees and contractors do not maintain any personal ownership over the records they create or receive on behalf of the EPA and are merely custodians of the records on behalf of the Federal government.

Remember, there may be criminal penalties for unauthorized removal or destruction of records.

## Who is Responsible for Records Management? Question 1

All EPA employees, contractors and grantees with access to EPA systems are responsible for:

- a. Transferring records to management or designee upon separation from the agency
- b. Filing records for safe storage and efficient retrieval
- c. Creating records documenting their activities and decisions; or
- d. All of the above

The correct answer is d, all of the above.

## Who is Responsible for Records Management? Question 2

As an EPA employee, contractor or grantee with access to EPA systems, I am responsible for maintaining which of the following as an EPA record:

- a. Correspondence with a state or federal employee about an EPA action
- b. Guidance I prepared and circulated to my coworkers for comment
- c. E-mail not related to my job at EPA; or
- d. Both A and B

The correct answer is d, both A and B.

## What are the records lifecycle, records schedules and file plans?

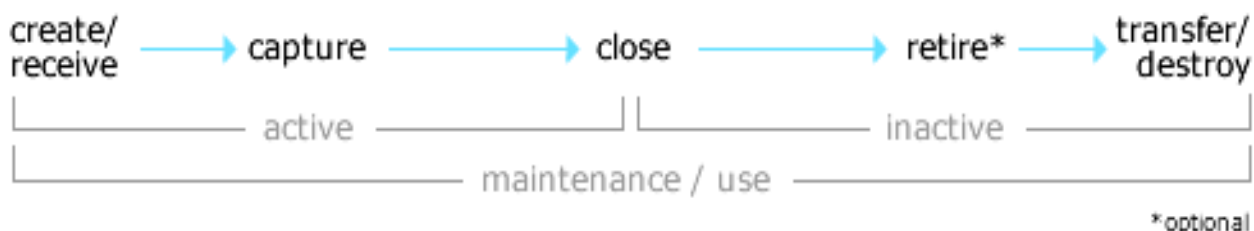
### The Records Lifecycle

The Records Lifecycle begins with the knowledge that you must document an activity or decision. You must capture records that you create or receive into a recordkeeping system. At this point, the record is needed to conduct current agency business and is called an “active record.”

Recordkeeping systems are constantly evolving. Please visit the National Records Management Program’s Intranet site at <http://intranet.epa.gov/records> for the latest information, including updated training and guidance.

All records reach a point when they are no longer needed for current business. At this stage the record is considered “inactive” and is “closed,” which means no more information will be added to it and you may have the option of retiring it to off-site storage, such as a Federal Records Center.

At the end of its lifecycle, the record reaches its final disposition, which means it is either destroyed or transferred, according to the records schedule. A temporary record is destroyed. A permanent record is transferred to the National Archives and Records Administration (NARA).



## Records Schedules and File Plans

A record is either “permanent”, and eventually transferred to the National Archives, or “disposable” (also called “temporary”) and eventually destroyed or deleted at the end of its lifecycle.

A records schedule provides mandatory instructions on how long to keep different types of records and what to do with them after they are no longer needed for current EPA business.

A records schedule also provides additional information, including:

- The unique assigned number of the schedule, and the disposition authority number issued by NARA;
- Which program and location can use the records schedule;
- A description of the records that are covered by the records schedule;
- Guidance on how to apply the schedule; and
- Disposition instructions which provide information on how long to keep records and what to do when the approved retention period is over.

A well-planned and well-documented file plan should be a complete listing of all information created, received and/or maintained by staff and contractors, with the appropriate records schedules and disposition items identified. It describes all records and non-records, and provides instructions for determining when they are closed and how long to keep them afterward. File plans are a handy reference for staff and should also include the locations and custodians of all of your office’s records.

If you have any questions regarding your specific records, please consult with your RLO or visit: <http://intranet.epa.gov/records/about.htm>.

## What are the records lifecycle, records schedules and file plans? Question 1

A records schedule:

- a. Shows if and when a record should be destroyed
- b. Is an inventory of all records of the same category
- c. Describes a group of records and tells how long they must be kept; or
- d. Both A and C

The correct answer is d, both A and C.

## What are the records lifecycle, records schedules and file plans? Question 2

“Permanent” records are eventually transferred to the National Archives and Records Administration.

- a. True; or
- b. False

The correct answer is a, True.

## Where can additional information on records management be found?

Additional information about managing EPA records is available online at <http://intranet.epa.gov/records>. As records technologies evolve, please visit the website for the latest information, including updated training and



guidance. The website also includes links to Records Liaison Officers' contact information and to all EPA's records schedules.

For immediate assistance with records management questions, please contact the NRMP Help Desk at [records@epa.gov](mailto:records@epa.gov) or 202-566-1494. Alternatively, please contact your Records Liaison Officer.

## **Additional Training Forthcoming**

For information on how to properly capture a record from any format, please contact your RLO, call or email the NRMP helpdesk, or visit <http://intranet.epa.gov/ecms>.

Comprehensive training on capturing records in multiple formats is planned for FY2014 and will be announced when available.

Later this year, we will provide information and training on EPA's EZ Email Records tool for Outlook email and our EZ Email Records tool for your old Lotus Notes email records. Both will allow employees to save email records into EPA's official recordkeeping system directly from Outlook or from Lotus Notes.

## **Conclusion**

That concludes this training on records management. The training answered the following questions:

1. Why is records management important?
2. What is a record?
3. Who is responsible for records management?
4. What are the records lifecycle, records schedules and file plans?
5. Where can additional information on records management be found?

We hope you enjoyed learning about records management!


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## Quick Reference Guide

### How to Save Text Messages




EPA *discourages* the use of text messages for transmitting substantive (or non-transitory) federal records. ([Wait, what is a “non-transitory” or “substantive” record?](#)) If a substantive (or non-transitory) text message is sent or received on your mobile device, it must be saved into an approved records management system. In order to comply with this requirement, you can forward the text message into the EPA email system, so that you may then save it as a record using EZ Email Records, or another approved recordkeeping system. When forwarding the text message from the mobile device to the EPA email system, you must include contextual information such as the time, date, subject, and sender/recipient of the message. Please follow the instructions below to manage text messages that are substantive (or non-transitory) records.

#### How to Forward Text Messages to Email from an iPhone

1. Tap the **Messages** icon  on the device.
2. Find the text message conversation that you need to save as a record.
3. Tap and hold one of the text messages in the conversation.
4. Tap the **“More”** option that appears above the text message.
5. Put a check mark in the circle beside any or all of the text messages that you want to save as records.
6. Tap the blue arrow icon in the lower right corner of the screen.
7. Type your EPA email address in the **“To”** field.
8. After the text message, enter contextual information about the message including: to, from, date, time, and a relevant subject, then tap **“Send.”** For example, add **“(To: Susan Employee, From John Worker, Date: 01.01.15, Time: 6:35 PM, Subject: Project Y).”**
9. After receiving the email containing the text message, follow the EZ Email Records process in Outlook to save the email as a record. After following these instructions, you may also notice that a copy of the message containing the contextual information created in step 8, appears in your list of messages in the Messages app on your phone.

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## How to Forward Text Messages to Email from a Windows Phone

1. On **Start** , tap **"Messaging"** , then tap the thread that contains the text message you want to save as a record.
2. Open the text message, press and hold the message to be forwarded, then click **"Forward"**.
3. Type your EPA email address in the **"To"** field.
4. After the text message, enter contextual information about the message including: to, from, date, time, and a relevant subject, then tap **"Send"** . For example, add "(To: Susan Employee, From John Worker, Date: 01.01.15, Time: 6:35 PM, Subject: Project Y)."
5. After receiving the email containing the text message, follow the EZ Email Records process in Outlook to save the email as a record.

*Note:* This approach for saving text messages on a Windows phone can only be used for forwarding individual text messages. If multiple messages need to be stored as records, forward each message and the related contextual information to EPA's email system individually.

### Technical Assistance

If you have questions about managing records on your mobile or portable devices, contact the [Records Help Desk](#), and refer to the [Frequent Questions about Mobile and Portable Devices, and Records](#) for more information.



# Instructions for Saving Text Messages





Last Modified 8/14/14

It is the responsibility of the employee to preserve any records from their device that needs to be saved as EPA records. This is in accordance with established EPA Policies regarding retention of EPA records. Since there isn't an automated way to save text messages as records either through the carrier or ActiveSync, employees will have to perform the following instructions when saving text messages as records on their device:

## iPhone

1. Tap the **Messages** icon on your device.
2. Find the text message conversation that you wish to save as a record.
3. Tap and hold on one of the text messages in the conversation.
4. Tap the **More** option that appears above the text message.
5. Put a check mark in the circle beside any of the text messages or all of the text messages you wish to save records.
6. Tap the blue right arrow icon in the lower right corner of the screen.
7. Type in your EPA email address in the **To:** field
8. After you have received the email with the texts, you can then follow the process to use EZ Records in Outlook to preserve these records in accordance with EPA Records Retention policies.

## Windows Phone

1. On **Start** , tap **Messaging** , then tap the Thread that has the message or messages you want to forward.
2. Do one or more of the following:
  - o To forward a single message, tap and hold the message you want to forward, then tap **Forward**.
  - o To forward multiple messages at one time, tap **More**  > Select messages, select the messages you want to forward, then tap **New** . (Note that you need to have Windows Phone 8.1 Update installed to forward multiple messages. [Which version do I have?](#) [EXIT Disclaimer](#))
3. Enter a phone number or contact (your EPA email address) on the To line, then tap **Send**




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### Technical Assistance

If you have questions about managing records on your mobile or portable devices, contact the [Records Help Desk](#), and refer to the [Frequent Questions about Mobile and Portable Devices, and Records](#) for more information.

# Frequently Asked Questions about Instant Messaging

[What is Instant Messaging \(IM\)?](#)

[How does IM differ from email?](#)

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## What is Instant Messaging (IM)?

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Instant Messaging (IM) is an electronic messaging service that allows users to determine whether a certain party is connected to the messaging system at the same time. IM allows them to exchange text messages with connected parties in real time.

To use the service, users must have IM client software installed on their workstations. While there are many types of IM clients, they all tend to function in a similar manner. Client software may either be part of an agency's IT network and available to only registered users, or be public and available to anyone on the Internet. The client software logs into a central server to create connections with other clients logged in at that same time. Users create and exchange messages through their local client application.

Other important points:

- In addition to sending messages, users may have the ability to attach and exchange electronic files such as images, audio, video, and textual documents. This capability depends on the configuration of the individual client software as well as on protocols established at the client server.
- Depending on the software, users who are online may have the ability to respond to messages.
- Users may also block other users with whom they do not want to exchange messages.
- Users may only communicate with others using the same or a compatible client software.

## How does IM differ from Email?

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Fundamentally, the difference between IM and email is the notion of presence. This means that users of the IM system are aware that other users have logged in and are willing to accept messages. Unlike email, IM content can only be sent to users who are logged in to the system and accepting messages. If users are not logged in, others do not have the ability to send them messages.



Because IM is not predicated upon an open standard, there is no uniformity regarding message transmission and structure.

## Does IM Content Qualify as a Federal Record?

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The statutory definition of records (44 U.S.C. 3301) includes all machine readable materials made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business. Agencies that allow IM traffic on their networks must recognize that such content may be a Federal record under that definition and must manage the records accordingly. The ephemeral nature of IM heightens the need for users to be aware that they may be creating records using this application, and to properly manage and preserve record content. Agency records management staff determine the record status of the IM content based on the overall records management policies and practices of their agency.

## How do I Manage my IM Content?

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Agencies developing a comprehensive policy need to ensure that IM content is managed consistently across the agency in its component offices. An effective policy addresses the authorized use of the IM technology and provides guidelines for the management of the records generated during an IM session. This is especially important because IM content may be subject to various types of access requests, including under the Freedom of Information Act (FOIA) or as part of a discovery process in a litigation context.

IM content that is a record must be managed as such. Here are two ways:

- Provide policies that inform users what steps to undertake to manage the content;
- or,
- Configure the IM client or server to capture IM without user intervention.

IM content that is a Federal record must be managed in conjunction with related records.

## What are the Current Best Practices for Capturing IM?

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Nearly all IM client software has the ability to capture the content as either a plain text file or in a format native to that client. Generally, the location and maximum size of that file is determined by a configuration setting in the client. DoD 5015.2 certified applications have the ability to capture and manage records in any electronic format. Such formats include those files produced by the various IM clients.

In addition, various IM management products have the ability to address the monitoring and management of IM content, either from those clients that are part of the agency's enterprise or the various public clients. Generally, these products operate at the server level and should be able to capture IM sessions regardless of the configuration of the individual client.

Determining which solution is appropriate for your agency involves collaboration among the program staff, the information technology (IT) staff, the records management staff, and NARA.

## How can I Schedule IM Content?

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If an agency determines IM content to be a Federal record, the record must have a NARA-approved disposition authority. Do not identify IM content as a single series of records with a universal disposition. Instead, evaluate IM content within the context of the overall records of the program to which the IM relates and the business rules that may apply. Disposition instructions for IM should be consistent with similar agency records. Schedule in accordance with the agency's established records management policy. IM records may already be scheduled as part of other series, such as records typically found in a case file or a correspondence system. For further assistance, please contact your NARA appraisal archivist.

## How do I get Assistance with Specific Records Management Questions Relating to IM?

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NARA's Life Cycle Management Division provides assistance and advice to agency records officers of agencies headquartered in the Washington, DC, area. The Records Management staff in NARA's regional offices provides assistance and advice to agency records officers of agencies headquartered in the field and - in consultation with NWML agency liaison staff - of field offices subordinate to agencies headquartered in Washington. Your agency's records officer may contact the NARA appraiser or records analyst with whom your agency normally works. A list of the appraisal and scheduling work group and regional contacts is posted on the NARA web site at <http://www.archives.gov/records-mgmt/appraisal/>. The Records Management staff in NARA's regional offices provides assistance to agency records officers across the country. A complete list of NARA regional facilities may be found at <http://www.archives.gov/locations/index.html>.

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# National Archives and Records Administration

## General Records Schedules

Transmittal No. 22

April 2010

### **GENERAL RECORDS SCHEDULE 23**

#### **Records Common to Most Offices Within Agencies**

This schedule provides for the disposal of certain records common to most offices in Federal agencies. It covers administrative subject files; facilitative records such as suspense files, tracking and control records, calendars, and indexes; and transitory documents. This schedule does not apply to any materials that the agency has determined to be nonrecord or to materials, such as calendars or work schedules, claimed as personal.

Office Administrative Files described under item 1 are records retained by an originating office as its record of initiation of an action, request, or response to requests for information. This item may be applied only to separate administrative files containing such records as copies of documents submitted to other offices for action including budget feeder documents, purchase orders, and training requests. Item 1 may not be applied to files that also contain program records, and it may not be applied by an office that receives and takes action on documents submitted by other offices.

1. Office Administrative Files. [See note after this item.]

Records accumulated by individual offices that relate to the internal administration or housekeeping activities of the office rather than the functions for which the office exists. In general, these records relate to the office organization, staffing, procedures, and communications, including facsimile machine logs; the expenditure of funds, including budget records; day-to-day administration of office personnel including training and travel; supplies and office services and equipment requests and receipts; and the use of office space and utilities. They may also include copies of internal activity and workload reports (including work progress, statistical, and narrative reports prepared in the office and forwarded to higher levels) and other materials that do not serve as unique documentation of the programs of the office.

Destroy when 2 years old. (N1-GRS-98-2 item 43)

**[NOTE:** This schedule is not applicable to the record copies of organizational charts, functional statements, and related records that document the essential organization, staffing, and procedures of the office, which must be scheduled prior to disposition by submitting a Standard Form (SF) 115 to the National Archives and Records Administration (NARA). (N1-GRS-98-2 item 43 NOTE)]

Items 2 through 4. Reserved.

5. Schedules of Daily Activities.

Calendars, appointment books, schedules, logs, diaries, and other records documenting meetings, appointments, telephone calls, trips, visits, and other activities by Federal employees while serving in an official capacity, EXCLUDING materials determined to be

personal.

- a. Records containing substantive information relating to official activities, the substance of which has not been incorporated into official files, EXCLUDING records relating to the official activities of high Government officials. [See note after item 5a.]

Destroy or delete when 2 years old. (N1-GRS-87-19 item 5a)

**[NOTE:** High level officials include the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions. Unique substantive records relating to the activities of these individuals must be scheduled by submission of an SF 115 to NARA. (N1-GRS-87-19 item 5a NOTE)]

- b. Records documenting routine activities containing no substantive information and records containing substantive information, the substance of which has been incorporated into organized files.

Destroy or delete when no longer needed for convenience of reference. (N1-GRS-87-19 item 5b)

## 6. Suspense Files.

Documents arranged in chronological order as a reminder that an action is required on a given date or that a reply to action is expected and, if not received, should be traced on a given date.

- a. A note or other reminder to take action.

Destroy after action is taken. (N1-GRS-80-8 item 3a)

- b. The file copy or an extra copy of an outgoing communication, filed by the date on which a reply is expected.

Withdraw documents when reply is received. (1) If suspense copy is an extra copy, destroy immediately. (2) If suspense copy is the file copy, incorporate it into the official files. (N1-GRS-80-8 item 3b)

## 7. Transitory Files.

Records of short-term (180 days or less) interest, including in electronic form (e.g., e-mail messages), which have minimal or no documentary or evidential value. Included are such records as:

- Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply;

- Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material;
- Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of holidays or charity and welfare fund appeals, bond campaigns, and similar records;
- Records documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities;
- Suspense and tickler files or "to-do" and task lists that serve as a reminder that an action is required on a given date or that a reply to action is expected, and if not received, should be traced on a given date.

Destroy immediately, or when no longer needed for reference, or according to a predetermined time period or business rule (e.g., implementing the auto-delete feature of electronic mail systems). (N1-GRS-04-5, item 1)

#### 8. Tracking and Control Records.

Logs, registers, and other records used to control or document the status of correspondence, reports, or other records that are authorized for destruction by the GRS or a NARA-approved SF 115.

Destroy or delete when 2 years old, or 2 years after the date of the latest entry, whichever is applicable. (N1-GRS-98-2 item 45)

#### 9. Finding Aids (or Indexes).

Indexes, lists, registers, and other finding aids used only to provide access to records authorized for destruction by the GRS or a NARA-approved SF 115, EXCLUDING records containing abstracts or other information that can be used as an information source apart from the related records.

Destroy or delete with the related records. (N1-GRS-98-2 item 46)

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## Managing Records in Mobile Environments: Background and Benefits

by [bcron](#) on March 13, 2014



The following blog post reflects the thoughts of NARA's Records Management Policy Team on the topic of managing records in a mobile environment. We will explore the benefits, records management implications, and best practices that have emerged to address these challenges in a series of three blog posts. The team is not at the point of creating formal guidance, but we would like to have a

discussion with agencies about their ideas, thoughts, and concerns on this topic. Please join the discussion in the comment section.

In this first post, we explore the current mobile environment and the many benefits to agencies. In May 2012, the White House issued the [Digital Government Strategy](#) with three objectives:

1. Enable the American people and an increasingly mobile workforce to access high-quality digital government information and services anywhere, anytime, on any device.
2. Ensure that, as the government adjusts to this new digital world, we seize the opportunity to procure and manage devices, applications, and data in smart, secure and affordable ways.
3. Unlock the power of government data to spur innovation across our Nation and improve the quality of services for the American people.

This strategy pushes agencies to create an environment for mobility by offering government information, data, and services to the American people and their increasingly mobile workforce wherever they are and whenever they want. Agencies are encouraged to create an "information-centric" environment with the goals of interoperability and openness. This has led many agencies to provide employees with the capability to access government assets or environments through agency provided applications or thin clients when they are not in the office.

Additionally, the increasing use of mobile devices is one of the latest trends in improving how Federal employees perform their work. Mobile devices allow employees to access agency email, databases, resources, and systems while not at their desk.

Federal agencies often provide their employees with smartphones, tablets, and other mobile devices to perform work and meet the agencies' mission. Agencies are increasingly adopting policies that support "Bring Your Own Device" or BYOD where employees can use

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their own devices to perform government work. According to [Robert Brese](#) the Chief Information Officer at the Department of Energy, “[I]t’s just a matter of when, not if we will all be bringing our own mobile devices to the work environment.” Since the release of the Digital Government Strategy, a number of agencies have piloted BYOD programs and shared their lessons learned.

Some of the benefits for working in a mobile environment include:

- Reduced costs for the agency by not having to provide government furnished equipment
- Increased employee choice over the types of devices used for work
- Increased employee productivity and flexibility when employees can work when and where they want
- Adaptability to a changing workforce and improved job satisfaction
- Easier sharing of resources among employees and their customers

What do you think about the increased use of mobility in the Federal government? Is this a trend you see in your agency? Please comment below.

In future posts, we will look at records management implications and discuss how Federal records management may be affected.

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**Julie Spellman** March 13, 2014 at 9:35 am

As a records specialist, I’m concerned with the implications of using our own personal devices for government use when FOIAs enter the picture. I’m hoping you will address that concern in the 2nd or 3rd post. Thank you.



**bcron** March 14, 2014 at 8:17 am

Hi Julie, thank you for your question! That is a great point and definitely an area for concern. We do want to hear more about policies and technologies that agencies are considering to address situations like this.

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# Managing Records in Mobile Environments: Records Management Implications

by [bcron](#) on March 20, 2014



In our [first post](#), the Records Management Policy Team explored a bit of the current environment for mobile work in the Federal government and the reality that employees are using their mobile devices to conduct agency business. In this second post, we will review the risks and records management considerations for Federal agencies.

When Federal employees work in mobile environments, they will likely be creating records. Depending on how the mobile devices are set up, they could be accessing, downloading, or storing files on their devices – either securely or insecurely. According to various industry studies and surveys, Federal employees are carrying out these activities regardless of whether their agency has a BYOD or a mobile device use policy. This is to say, whether or not agencies have embraced mobility, their employees are using these tools to perform their mission.

Clearly, mobility offers new way for employees to create, maintain and dispose of Federal records and information. So, what are the risks?

According to NIST's [Guidelines for Managing the Security of Mobile Devices in the Enterprise](#), "Mobile device features are constantly changing, so it is difficult to define the term 'mobile device'. However, as features change, so do threats and security controls, so it is important to establish a baseline of mobile device features." When employees use devices without following agency policies or lack mobile device management tools, they open themselves and their agencies up to information, transmission, and operational security risks. These risks include:

- Lost or stolen devices that contain Federal records
- Device misuse (mobile device [jailbreaking](#) or [rooting](#))
- Inconsistent mobile device data protection policies
- Legal issues related to e-discovery, confiscation rights, wiping rights, and liability issues
- Lack of interoperability for content and systems
- Insufficient data encryption
- Using apps not approved by the agency that may be malicious. Applications in turn have access to address books, GPS data, text

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messages or internal networks.

- Inadequate integration with agency network access control and endpoint management
- Increased costs for the agency to support different mobile platforms and acquire more software licenses for the same user
- Mobile malware or spyware and malicious texting or SMSing

To complement these broader risks and concerns we've identified several implications for records management. Agencies may face many of the following challenges when managing records in a mobile environment:

- Identification of records when content may be located in multiple places
- Capture of complete records in a manner that ensures their authenticity and availability when records frequently change and are located in many places
- Data being stored or replicated on the device or in an application instead of only being accessible from a central repository
- Development and implementation of records schedules, including the ability to transfer and permanently delete records, apply legal holds, or perform other records management functions when it is unclear where records reside
- Ownership and control of data that resides with a third party
- Unsecured content
- Reliance on individuals to follow agency policies
- Creation of agency policies to address how personal devices and personal information would be handled in the case of investigations or requests for information
- Sources and formats of records will continue to change and it may be difficult for agency records management policies, processes, and technology to keep up.

Have you seen these risks? Are there any risks we've missed? Let us know in the comments.

Stay tuned for the third and final post next week for a discussion on how we can begin to address these challenges.

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## Managing Records in Mobile Environments: Addressing Records Management Implications

by [bcron](#) on March 27, 2014



In this third and final post on mobile environments, the Records Management Policy Team will look at some ways Federal agencies can address the implications for managing records in a mobile environment. The steps that agencies can take to address security concerns have been well-covered in the many articles, vendor advertisements, and white papers on this topic. In contrast, the ways to address records management implications have not

received the same level of attention, so we would like to start that discussion here. Please let us know your thoughts, any issues you've identified, and possible ways to address them.

One of the first things agencies can do is to recognize that employees have records management responsibilities when working on a mobile device or environment. We can point you to the three basic obligations for employees regarding Federal records, as outlined in NARA's [Telework FAQ](#):

1. Create records needed to do the business of their agency, record decisions and actions taken, and document activities for which they are responsible;
2. Take care of records so that information can be found when needed. This means setting up directories and files, and filing materials (in whatever format) regularly and carefully in a manner that allows them to be safely stored and efficiently retrieved when necessary; and
3. Carry out the disposition of records under their control in accordance with agency records schedules and Federal regulations. Employees also must consider and follow agency-specific policies for managing records that contain personally-identifiable or security-classified information.

Secondly, agencies can look for best practices emerging in the Federal community around mobile. We've found the following best practices that could be useful to agencies who are beginning to address general mobile concerns that also affect records management:

- Promulgate clear and concise policies that address the risks and concerns for BYOD programs and mobile environments
- Provide training to employees on the appropriate use and conduct

March 2014

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### TAGS

- appraisal ARMA backlog
- BRIDG BYOD
- capstone census Chief Records Officer classification
- Compliance and Oversight Disaster Preparedness Disposition draft e-forums
- electronic records management
- email ERA update FAQ
- FRCP GAO GRS
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[May 2009](#)

for using personal devices for work purposes, including management of records.

- Have employees sign consent forms in writing so they understand what they are agreeing to when using their personal devices, especially for devices that may be wiped to avoid situations like [this](#)
- Work with agency general counsel, IT staff, and the employees' union to draft rules that balance employee privacy and agency security
- Allow data to only be viewed by users on a device and not stored or replicated on the device. Keep data in central repository.
- Implement "container" technology to separate work and personal uses of the same device. A device with this technology can be divided into personal and work sections, so that memory is assigned for each space. Then the only the work side could be wiped when the employee leaves or a device is lost.
- Implement [mobile device management \(MDM\)](#) and [mobile application management \(MAM\)](#) solutions to push the appropriate data from enterprise systems to devices
- Configure and manage devices with "information assurance controls commensurate with the sensitivity of the underlying data as part of an overall risk management framework." (BYOD Toolkit, White House)
- Remove government-owned devices that are not in use from the network, capture any records, and wipe them.

Third, agencies may consider establishing mobility policies that address the question of records management in a mobile environment. In numerous Bulletins ([Social Media](#), [Email](#), [Capstone](#)), we've talked about the need for agencies to have policies that address the who, what, where, when, and why of managing records. We often talk about the importance of enlisting the assistance of a number of agency stakeholders when developing policy or even to form a working group that includes records management staff, information technology staff, privacy and information security staff, agency counsel, public affairs staff, and other relevant stakeholders. This type of group could ideally meet regularly to discuss the records management concerns for a variety of topics, including the topic of managing records in a mobile environment.

For the Records Management Policy Team, one question we are considering is, "Does it matter what tool is used to create records and should policies be developed to address the records management implications of using mobile devices?" If so, what policy would be needed? We recognize that NARA guidance is often used by agencies who in turn develop their own specific policies. Such policies can help agencies articulate clear processes, policies, and recordkeeping roles and responsibilities for records in a mobile environment to ensure that records are identified, managed and captured.

We invite you to comment below with your thoughts about what Federal records management policies would be helpful agencies' mobile environments.

Finally, there are a number of resources available to assist in managing content and devices in mobile environments. Below are some of the resources we've found helpful:

- [GSA's Managed Mobility Program](#) and their [Managed Mobility User Guide](#)
- [Mobile Gov Community of Practice Wiki](#) sponsored by GSA's [Office of Citizen Services and Innovative Technologies](#)

- [The Federal CIO Council's Federal Mobile Security Baseline, Mobile Security Reference Architecture, and Mobile Computing Decision Framework](#)
- [NIST's Guidelines for Managing the Security of Mobile Devices in the Enterprise](#)

See also the following NARA resources:

- [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](#)
- [NARA Bulletin 2013-02: Guidance on a New Approach to Managing Email Records](#)
- [NARA's FAQ about Telework](#)

What do you think? What records management implications have we missed? We would love to hear your thoughts and to keep the discussion going on this important topic.

*Image credit: "Wi-Fi" by Fuma Ren under the Creative Commons Attribution-Share Alike 3.0 Unported license.*

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## **Frequent Questions about Personal Digital Assistants (PDAs) and Official Records**

### **What kind of records might I have on my PDA?**

Common Agency records maintained on PDAs include e-mail, calendars, and other information related to your EPA work.

### **What should I do with Agency records created on my PDA?**

You should capture records from your PDA into your organization's recordkeeping system on a regular basis. A recordkeeping system may be either electronic or hard-copy, as long as records are organized and accessible.

### **After I have captured Agency records, do I need to delete them from my PDA?**

No, you may maintain convenience or reference copies on your PDA. Both official records and convenience copies should be disposed of in accordance with applicable Agency record schedules.

### **Do I need to set up any special security on the PDA?**

Information stored on your PDA requires the same degree of protection as similar EPA information stored elsewhere, whether on a LAN, PC, removable electronic media, or paper. Consult your organization's policy on handheld computing to see if there are special security requirements. Also, it is a good idea to enable the password lock feature when the device is not being used, to provide an initial form of protection against unauthorized users.

### **Is the information on my PDA subject to FOIA, subpoena, and discovery?**

Yes, information on your PDA may be requested under FOIA or in response to litigation. The same exemptions apply to the release of PDA information that apply to other EPA records.

### **My PDA was not provided by the Agency. Do these rules still apply to me?**

Yes, if you have Agency records on a personally-owned handheld device, they still need to be captured in an approved recordkeeping system.

### **Do these guidelines apply to EPA contractors?**

Yes, these guidelines apply to EPA contractors and other agents. Contract terms should ensure that contractor systems satisfy legal requirements for creating and maintaining adequate and complete records of EPA transactions.

### **How can I get additional guidance?**

If you have policy questions about your PDAs, contact the Records Help Desk. You can find additional guidance in the following publications:

- Personal Papers FAQ
- Calendars FAQ
- Email FAQ
- Working Papers FAQ
- Documenting Your Public Service (NARA)



## Records

You are here: [EPA Home](#) [Records](#) [Policy & Guidance](#)

# Policy & Guidance

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## Directives/Procedures

- **Records Management Policy (PDF)** (CIO 2155.3), February 10, 2015. (16 pp, 182K)  
This Policy establishes principles, responsibilities, and requirements for managing EPA's records to ensure that the Agency is in compliance with federal laws and regulations, EPA policies, and best practices for managing records.
- **Records Management Manual**, February 2007.  
This Manual prescribes the requirements and responsibilities for conducting EPA's records management program to ensure that the Agency is in compliance with federal laws and regulations, EPA policies, and best practices.
- **Records Schedules**  
EPA's official policies on how long to keep Agency records (retention) and what to do with them afterwards (disposition).
- **Preservation of Separating, Transferring or Separated Personnel's Records in accordance with the Federal Records Act PDF** (EPA CIO 2155-P-04.0), December 2014 (9 pp, 106K) [EPA only]  
These procedures describe how to manage records of separating, transferring or separated EPA personnel; the document includes the EPA Records Management Checklist for Separating/Transferring or Separated Personnel.
- **Vital Records Procedure (PDF)** (EPA 2155.P-01.0), June 2009 (3 pp, 78K)  
These procedures prescribe the requirements and responsibilities for establishing and maintaining EPA's vital records program.

## Memoranda

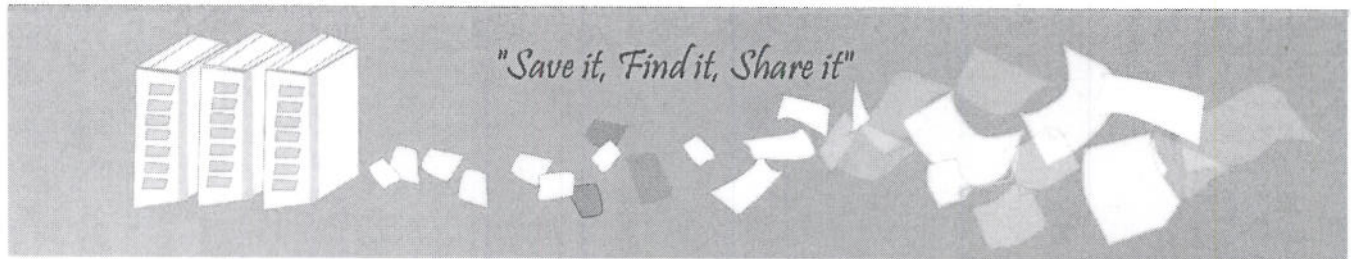
- **E-Mail Legal Requirements** (General Counsel Memo), November 1995.  
The purpose of this memorandum is to outline the legal responsibilities of Environmental Protection Agency (EPA) employees relating to the creation, maintenance and disposition of electronic mail.
- **Electronic Records and Document Management System** (OIC/OTOP Memo), August 2003.  
The purpose of this memorandum is to inform you of the Agency's decision to select Documentum as EPA's standard platform for records and document management applications.
- **Calendars of Agency Senior Officials** (Chief Information Officer Memo), November 2007.  
This is a reminder that your calendar and those of other Agency senior officials are



designated as permanent government records.

- **Managing Records for Departing Senior Agency Officials** (Chief Information Officer Memo), September 2008.  
This memorandum is intended to serve as a reminder to all senior EPA officials of the responsibility to follow federal record-keeping requirements for maintaining and disposing of your Agency records when you leave EPA
  - **Senior Agency Officials Separation or Transfer Records Checklist** (PDF) (2 pp, 78K)
  - **Managing Records for Departing Senior Agency Officials** (Chief Information Officer Memo), August 2007.
- **Scheduling Agency Electronic Information Systems as Required by Section 207(e) of the E-Government Act of 2002 (Chief Information Officer Memo), March 2008.**  
This memorandum reminds senior EPA officials of the responsibility to improve management of electronic records, including the identification and scheduling of electronic records and incorporating records management and archival functions into new information systems.
- **Tools Available for Implementing Electronic Records Management** (PDF) (3 pp, 67K) (Office of Management and Budget Memo), March 2008.  
This memorandum reminds agencies of the requirement to incorporate records management and archival functions into the design, development, and implementation of information systems and provides links to related guidance documents.
- **Scheduling Agency Electronic Information Systems as Required by Section 207(e) of the E-Government Act of 2002 (OIC Memo), May 2008.** (PDF) (1 pp, 18K)  
The purpose of this memorandum is to collect information to comply with the requirements of the National Archives and Records Administration (NARA) to develop records schedules for existing unscheduled electronic information systems.

**See also:** [Laws & Statutes](#)



## Quarterly Records Management Day: June 2014

The third quarter Records Management Day on June 25, 2014, will be devoted to managing your paper records. Records clean-up does not necessarily mean only removal and recycling; it can also be a time to focus on organizing paper records in accordance with National Records Management Program guidance. To properly manage your paper records, you should find out which schedules govern them and where they are in their lifecycle.

### What is a "clean-up day"?

A "clean-up day" is a day that an office sets aside to allow staff to clean up their workspaces and common spaces. Use this time to review your paper records and make sure they are captured in a recordkeeping system.

### What do I do on a records "clean-up" day?

- On a "clean-up day," decide which of your records should be retained, which should be retired and which should be recycled.
- Obtain a current file plan from your Records Liaison Officer or records contact.
- Review your files and retain only those records required to conduct current Agency business, transfer all inactive records that are eligible as indicated in the applicable records schedule and recycle all records that have exceeded their retention period as indicated in the applicable records schedule.
- Recycle any personal papers, technical reference materials and other non-records items that are no longer needed.

### Remember:

- Generally, any records under litigation hold or subject to a FOIA request or congressional inquiry should be kept. When in doubt talk to your Records Liaison Officer or records contact.
- Recycled or shredded records must be tracked using EPA's Records Destruction Form.
- Not all records need to be shredded. You should shred records containing names, social security numbers, phone numbers, addresses or other personal information, and those with confidential or privileged designations.

### For More Information

National Records Management Program Help Desk

Email: [records@epa.gov](mailto:records@epa.gov)

Phone: 202-566-1494

Website: [intranet.epa.gov/records](http://intranet.epa.gov/records)



# Records

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Welcome to EPA Records. Here you will find information about EPA records policies and tools for managing records which is available to the public. EPA's final records schedules are also posted here.

**EPA staff should go to the EPA records intranet pages for the most comprehensive and up to date records management information, available to EPA only: [intranet.epa.gov/records](http://intranet.epa.gov/records).**

[National Records Management Program Intranet](#) [EPA only]

The Federal Records Act (44 U.S.C. 31) and other statutes require all federal agencies to **create** records that document their activities, **file** records for safe storage and efficient retrieval, and **dispose** of records according to Agency schedules. [more>>](#)

### Frequent Questions

- [What is a record?](#)
- [Is my e-mail a record?](#)
- [Is my calendar a record?](#)
- [What are my responsibilities?](#)

### [Policy & Guidance](#)

EPA records management directives and memoranda.

### [Laws & Statutes](#)

Federal records management authorities.

### [Schedules](#)

EPA's official policy on how long to keep Agency records (retention) and what to do with them afterwards (disposition).

### [Tools](#)

Quick references, detailed guides, and forms for performing records management tasks.

### [Related Links](#)

Web resources from EPA, other federal agencies, and records organizations.

### [Glossary, Abbreviations and Acronyms](#)

Common records management terms, abbreviations and acronyms defined.

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 records@epa.gov

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EPA Records Management Checklist  
 for  
 Separating/Transferring  
 or Separated Personnel

Records Management for Separating Employees - New guidance available.

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## About NRMP

The National Records Management Program (NRMP) provides leadership and direction in managing the records that support EPA's mission.

The [Agency Records Officer](#) leads NRMP in accordance with EPA's [policy and guidance](#) and federal [statutes and regulations](#). The NRMP is part of the Office of Environmental Information.

## Responsibilities

NRMP is responsible for providing leadership and direction for the Agency's records management program. This includes developing an overall records management strategy; producing and updating EPA records management policies, procedures, standards and guidance; cooperating with other organizations in developing policies and guidance on the application of technology to records management; developing records schedules authorizing disposal of temporary records and transfer of permanent records to the National Archives; conducting specialized briefings on records management; coordinating the program within the Agency and with outside parties such as the National Archives and Records Administration (NARA); representing the Agency in intra-agency records management groups; and assisting records programs across the Agency with advice and technical expertise.

## Services

NRMP provides a wide range of services to EPA records managers and staff, such as developing guidance and training materials to meet the needs of the Agency's records management staff, responding to requests for technical assistance on all aspects of records management, coordinating communications and networking among records managers Agency-wide, promoting improved communications among records managers

## Features

[NRMP Alert: Records Schedule Changes - February 2015](#)  
March 6, 2015

[NRMP Alert: New Records Management Policy, Updated FAQ about Mobile and Portable Devices and Records and a Quick Reference Guide, How to Save Text Messages, are Now Available February 20, 2015](#)

[NRMP Alert: Mandatory - Preservation of Separating, Transferring or Separated Personnel's Records in Accordance with the Federal Records Act January 28, 2015](#)

[2014 Senior Agency Official \(SAO\) Annual Report to the Chief Records Officer for the U.S. Government, December 17, 2014 \(PDF, 7 pp., 856 kb\)](#)

[NRMP Alert: NARA Memo and Bulletin on Guidance for Managing Email Available, September 17, 2014](#)

[NRMP Alert: OPM Releases Draft Records Management Professional Flysheet, January 09, 2014](#)

[Presidential Memorandum: Managing Government Records, November 28, 2011](#)

## Quick Links

**Guide: How to Save Text Messages**  
**FAQ about Mobile and Portable Devices**

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|--|-------------------------|--------------------------------|
|  | Records Detailed Guides | Records Policy & Guidance      |
| Records Laws & Statutes                    | Forms                   | DRM Task Force Recommendations |
| Records Schedule Consolidation             | EPA Schedules           | TRAINING                       |
| Records Management in Programs and Regions | TOOLS                   | FAQs                           |

through meetings, site visits, and conferences, and distributing agency best practices and publications such as Alerts.

## EPA's Response to the Presidential Memo

### NARA Directive in response to the Presidential Memo

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## Presidential Memorandum

Managing Government Records, November 28, 2011: [Read the memo.](#)

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## Services

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## Features

- ▶ NRMP Alert: Update on Status of Consolidated Records Schedules [April 14, 2015](#)
- ▶ NRMP Alert: Essential (Vital) Records Procedure Updated [April 13, 2015](#)
- ▶ NRMP Alert: Records Schedule Changes - March 2015 [April 10, 2015](#)
- ▶ NRMP Alert: Process for Disposition of Records Related to Lifting the Tobacco Industry Litigation (TIL) Freeze [March 31, 2015](#)
- ▶ NRMP Alert: Release of the Final Position Classification Flysheet for the Records and Information Management Series, 0308 [March 25, 2015](#)
- ▶ NRMP Alert: Updated Records Management Briefing for Senior Officials and Political Appointees [March 13, 2015](#)
- ▶ NRMP Alert: Update on Status of Consolidated Records Schedules [March 11, 2015](#)

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[FAQ about Mobile and Portable Devices](#)

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|  | Records Detailed Guides | Records Policy & Guidance      |
| Records Laws & Statutes                    | Forms                   | DRM Task Force Recommendations |
| Records Schedule Consolidation             | EPA Schedules           | TRAINING                       |
| Records Management in Programs and Regions | TOOLS                   | FAQs                           |

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- ▶ [NRMP Alert: NARA Memo and Bulletin on Guidance for Managing Email Available, September 17, 2014](#)
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| <b>Records Management Policy</b>   |                               |
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| EPA Classification No.: CIO 2155.3 | CIO Approval Date: 02/10/2015 |
| CIO Transmittal No.: 15-005        | Review Date: 02/10/2018       |

*Issued by the EPA Chief Information Officer,  
Pursuant to Delegation 1-19, dated 07/07/2005*

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## **Records Management Policy**

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### **1. PURPOSE**

- To advance a focus on overall records management responsibilities under the Federal Records Act (FRA), as amended, and other applicable authorities.
- To confirm and align principles, responsibilities and requirements for managing the Environmental Protection Agency's (EPA's) records to ensure that the Agency is in compliance with federal laws and regulations; EPA policies; and best practices for managing records.
- To provide the framework for specific guidance and detailed operating procedures governing records management.

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### **2. SCOPE AND APPLICABILITY**

This policy addresses all records made or received by EPA employees under federal law or in connection with the transaction of public business, and preserved or appropriate for preservation as evidence of EPA functions, organization and activities or because of the value of the information they contain. This policy applies to all EPA headquarters, regional, laboratory and other organizations.

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### **3. AUDIENCE**

The audience for this policy includes all EPA organizations, officials, and employees; those who oversee contractors and grantees; and non-EPA employees who manage Agency records, as appropriate.

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### **4. BACKGROUND**

The FRA, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions,



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| Records Management Policy          |                               |
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| EPA Classification No.: CIO 2155.3 | CIO Approval Date: 02/10/2015 |
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procedures and essential transactions. These records are public property and must be managed according to applicable laws and regulations.

The FRA also requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage their recorded information. Major elements include periodically issuing up-to-date records management directives, properly training those responsible for implementation and carefully evaluating the results to ensure adequacy, effectiveness and efficiency.

Records serve a number of purposes including: planning for administrative and program needs, providing evidence of EPA activities, protecting legal and financial rights, enabling oversight by Congress and other authorized agencies, documenting the Agency's history, and continuing key functions and activities in the event of an emergency or disaster. Records capture the Agency's institutional memory and preserve the historical record; they are of critical importance in ensuring that the organization continues to function effectively and efficiently. In conformance with the Presidential Memorandum, *Managing Government Records*, November 28, 2011, the Agency must "meet the executive branch-wide effort to reform records management policies and practices. [The results will improve] performance and promote openness and accountability by better documenting agency actions and decisions."

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## 5. AUTHORITY

- a. 44 U.S.C. Chapter 31 – Records Management by Federal Agencies (Federal Records Act) [\[http://www.archives.gov/about/laws/fed-agencies.html\]](http://www.archives.gov/about/laws/fed-agencies.html)
- b. 44 U.S.C. Chapter 33 – Disposal of Records [\[http://www.archives.gov/about/laws/disposal-of-records.html\]](http://www.archives.gov/about/laws/disposal-of-records.html)
- c. 44 U.S.C. Chapter 35 – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act) [\[http://www.archives.gov/about/laws/fed-information-policy.html\]](http://www.archives.gov/about/laws/fed-information-policy.html)
- d. 36 CFR Chapter XII, Subchapter B – Records Management [\[http://www.archives.gov/about/regulations/regulations.html\]](http://www.archives.gov/about/regulations/regulations.html)
- e. OMB Circular A-123 – Management's Responsibility for Internal Control [\[http://www.whitehouse.gov/omb/circulars/a123/a123\\_rev.html\]](http://www.whitehouse.gov/omb/circulars/a123/a123_rev.html)
- f. OMB Circular A-130 – Management of Federal Information Resources [\[http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html\]](http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html)
- g. U.S. EPA, National Security Emergency Preparedness Policy (Order 2040.1A1) [\[http://intranet.epa.gov/ohr/rmpolicy/ads/orders/2040-1a1.pdf\]](http://intranet.epa.gov/ohr/rmpolicy/ads/orders/2040-1a1.pdf)
- h. U.S. EPA, Uniform Continuity of Operations (COOP) Plan Policy (Order 2030.1a) [\[http://intranet.epa.gov/ohr/rmpolicy/ads/orders/2030-1a.pdf\]](http://intranet.epa.gov/ohr/rmpolicy/ads/orders/2030-1a.pdf)

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| Records Management Policy          |                               |
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| EPA Classification No.: CIO 2155.3 | CIO Approval Date: 02/10/2015 |
| CIO Transmittal No.: 15-005        | Review Date: 02/10/2018       |

- i. Federal Emergency Management Agency (FEMA) Federal Preparedness Circular 65 - Federal Executive Branch Continuity of Operations (COOP)  
[\[http://www.fema.gov/pdf/library/fpc65\\_0604.pdf\]](http://www.fema.gov/pdf/library/fpc65_0604.pdf)
- j. Presidential Memorandum, Managing Government Records, November 28, 2011  
[\[http://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records\]](http://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records)
- k. U.S. Environmental Protection Agency, Report on Managing Government Records, March 27, 2012. [\[http://intranet.epa.gov/records\]](http://intranet.epa.gov/records) – click on “EPA’s Response to Presidential Memo” under “Features”]
- l. Memorandum for the Heads of Executive Departments and Agencies and Independent Agencies, from The Office of Management and Budget and the National Archives and Records Administration, Managing Government Records Directive, August 24, 2012  
[\[http://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf\]](http://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf)
- m. The Presidential and Federal Records Act Amendments H.R. 1233, signed by President Obama, November 26, 2014.

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## 6. POLICY

### a. EPA’s Responsibility and Commitment

As a regulatory agency charged with protecting human health and the environment, the EPA is committed to managing the Agency’s records properly to comply with legal requirements and to support the Agency’s mission. Records identification, management and access are essential in allowing the Agency to meet its mission. The accuracy and consistency of how records are identified, captured, stored and retrieved provide the cornerstone to the effective functioning and transparent operation of the Agency. EPA is required to preserve Agency records in accordance with applicable statutory and regulatory requirements and to facilitate access to information by EPA staff, partners, stakeholders and the public, as appropriate.

The Records Management Policy establishes specific requirements to effectively and efficiently identify, manage, search, retrieve and provide access to records throughout their lifecycle.

### b. Creating and Receiving Records

According to the FRA, every federal agency is required to “make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency’s activities.” Records contain the information that documents how EPA carries out its mission. The Agency’s past and current work generates records. Records typically include information which is:

- Created in the course of doing Agency business;
- Received for action;

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- Needed to document EPA activities and decisions;
- Required to support EPA's financial and other obligations and legal claims; or
- Communicated to assert EPA requirements or guidance.

All EPA staff generate and receive records and are legally required to maintain them.

Records document the Agency's business and can be found in all media such as paper, email, instant messaging (IM), text messages, telephone messages, voice mail messages, presentations, websites, social media (e.g., Facebook, Twitter, etc.), word processing documents, spreadsheets, and information systems. If electronic records are created using any of these media, they need to be transferred to an electronic records management system.

Not all information created or received constitutes a record. Non-records include reference material, supplementary or convenience copies, a draft document or working paper with no substantive comments, and personal information which is unrelated to EPA business.

Some records are transitory in nature, which means they are of short-term (180 days or less) interest, including in electronic form, and have minimal or no documentary or evidential value.

Official Agency business should first and foremost be done on official EPA information systems. The FRA now prohibits the creation or sending of a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either: (1) copies their EPA email account at the time of initial creation or transmission of the record, or (2) forwards a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record. These FRA requirements are designed to ensure that any use of a non-EPA information system does not affect the preservation of federal records for FRA purposes, or the ability to identify and process those records if requested under the Freedom of Information Act (FOIA), Privacy Act or for other official business (e.g., litigation, congressional oversight requests, etc.). EPA strongly discourages the use of personal email or other personal electronic messaging systems, including text messaging on a personal mobile device, for sending or receiving Agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA electronic messaging system must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending.

Additionally, EPA discourages the use of text messaging on a mobile device for sending or receiving substantive (or non-transitory) Agency records. However, EPA recognizes that some Agency staff perform time-sensitive work that may, at times, require the creation of substantive (or non-transitory) records in the form of text messages for emergency or environmental notification purposes. In those limited instances, staff must continue to save and manage any text message records related to their work, as discussed below.

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**c. Managing Records**

Records are managed for the benefit of EPA and its staff, partners, stakeholders and the public. EPA is committed to maintaining and converting its records to electronic formats, where practical, to facilitate moving away from paper toward more effective and efficient electronic solutions. Non-transitory records should be stored in approved records management systems with records management capabilities or registered information management systems associated with an approved records schedule.

It is important not to use non-EPA systems to conduct Agency business, since such use could potentially lead to the mismanagement of Agency records and/or the unauthorized disclosure of Agency information. In the rare situation when a non-EPA messaging system must be used and a federal record is created or received on a non-EPA messaging system (such as a personal email account or personal mobile device), pursuant to the FRA, staff must either: (1) copy their EPA email account at the time of initial creation or transmission of the record, or (2) forward a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record. Once the message is sent or forwarded to the EPA messaging system, you must save the record in an approved EPA electronic records management system. Once the electronic files have been captured in an approved EPA records management system, they should be removed from non-EPA messaging systems, unless there is a specific obligation (such as a litigation hold) to maintain the files on all systems on which they appear.

Additionally, emails forwarding a news article or Web links from a personal email account to EPA's system and emails from EPA forwarding a document to a personal email account both create a copy of the email in EPA's email system. Users can then properly preserve the copy of the email record in a recordkeeping system to meet their preservation requirements, if needed.

Similarly, users of text messaging, instant messaging or other transient messaging technologies on EPA information systems are responsible for ensuring that messages that result in the creation of a substantive (or non-transitory) federal records are saved for FRA purposes and placed in a recordkeeping system. For example, if a text message on an EPA mobile device is received or sent that qualifies as a substantive (or non-transitory) federal record, it must be saved into an approved recordkeeping system. In order to comply with this requirement, you can forward the text message into the EPA system, so that you may then save it in an approved recordkeeping system such as EZ Email Records. When forwarding the text message from the mobile device to the EPA email system, be sure to include the time, date, subject, and sender/recipient of the message whenever possible. Guidance on how to email a text message from a mobile device to yourself is available at <http://intranet.epa.gov/mobiledevices/pdf/Instructions-Saving-Text-Messages.pdf>.

Instant messages (such as Lync chats) that constitute substantive (or non-transitory) records should also be saved into an approved Agency recordkeeping system. Guidance on how to save instant messages (Lync chats) is available at <http://intranet.epa.gov/ecms/guides/im.htm>.

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d. **Access**

EPA records must be maintained in an appropriate manner, captured and organized to ensure timely search and retrieval for internal Agency use as well as for responses to outside inquiries. Sensitive records (e.g., sensitive personally identifiable information (SPII), and other Controlled Unclassified Information (CUI)) must be maintained with restricted access in accordance with statutory and regulatory requirements.

e. **Implementation**

Each office within EPA must establish and maintain a records management program with the following minimum requirements.

1. Create, receive and maintain records providing adequate and proper documentation and evidence of EPA's activities.
2. Manage records in any format (e.g., paper, emails, IMs, text messages, electronic documents, spreadsheets, presentations, images, maps, videos, blogs and other social media tools that generate communications) in accordance with applicable statutes, regulations, and EPA policy and guidance, including records schedules.
3. Maintain electronic records (e.g., emails, IMs, text messages, electronic documents, spreadsheets, presentations, images, maps, videos, blogs and other social media tools that generate communications) electronically in an approved electronic records system. Non-email electronic records, including electronic records that cannot be forwarded to and managed as an email record, should be saved in their native format in an organized way on an EPA network drive until an approved electronic records management system is available for desktop records.
4. Transfer or migrate records in paper and legacy electronic systems to approved or registered information management systems which are associated with a records schedule for manual management of disposition where practicable and when available. The Registry of Environmental Applications and Databases (READ) often captures information on systems which have a records schedule and require manual disposition.
5. Ensure that non-electronic records are managed appropriately in paper-based official recordkeeping systems which facilitate their preservation, retrieval, use and disposition, if they are not appropriate for scanning (or digitization).
6. Maintain records so they can be accessed by staff with a need to know the information for appropriate business reasons and maintained for the required retention period.
7. Secure records to protect the legal and financial rights of the government and persons affected by government activities.
8. Implement a plan to protect essential (vital) records and assess damage to and recover any records affected by an emergency or disaster (e.g., financial, legal and emergency operating records).

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9. Ensure that instructions for the management and disposition of records as specified in the approved records schedules are followed.

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## 7. RELATED DOCUMENTS

- a. EPA Records Management Manual [<http://www.epa.gov/records/policy/manual/index.htm>]
- b. Additional documents, including forms, guidance and other relevant information are maintained on EPA's records management website. [<http://www.epa.gov/records/>]
- c. International Standard ISO 15489-1:2001 – Information and documentation – Records management – Part 1: General. [[http://www.iso.org/iso/catalogue\\_detail?csnumber=31908](http://www.iso.org/iso/catalogue_detail?csnumber=31908)]
- d. International Standard ISO/TR 15489-2:2001 – Information and documentation – Records management – Part 2: Guidelines. [[http://www.iso.org/iso/catalogue\\_detail.htm?csnumber=35845](http://www.iso.org/iso/catalogue_detail.htm?csnumber=35845)]
- e. 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. [<http://www.archives.gov/records-mgmt/bulletins/2013/2013-03.html>]
- f. NARA Bulletin 2013-02: Guidance on a new approach to managing email records. [<http://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html>]
- g. NARA Bulletin 2012-02: Guidance on managing content on shared drives, December 6, 2011. [<http://www.archives.gov/records-mgmt/bulletins/2012/2012-02.html>]
- h. EPA Privacy Policy, CIO 2151.0 [<http://www.epa.gov/privacy1/policy/2151/index.htm>]
- i. EPA Guidance, Frequent Questions about E-Mail and Records [<http://www.epa.gov/records/faqs/email.htm>]
- j. EPA Guidance, Managing Social Media Records - DRAFT - 12/05/12

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## 8. ROLES AND RESPONSIBILITIES

- a. The EPA's Administrator is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures and essential transactions of EPA. This responsibility is delegated to the Assistant Administrator (AA) for the Office of Environmental Information (OEI) and Chief Information Officer (CIO). As mandated by the Presidential Memorandum of November 28, 2011, the Administrator is also responsible for designating a Senior Agency Official (SAO) at the Assistant Secretary level or its equivalent who has direct responsibility for ensuring that the Agency efficiently and appropriately complies with all applicable records management statutes, regulations, and NARA policy, and requirements of the OMB/NARA Directive of August 24, 2012 – Managing Government Records. The Administrator has designated the OEI AA/CIO as this SAO for records management.
- b. OEI is responsible for leadership, planning, overall policy, guidance and general oversight of records management in the Agency, and its incorporation into the broader information resources management framework. OEI is responsible for the following:
  1. Incorporating records management requirements and policies into the Agency's overall information resources management (IRM) policy and planning.
  2. Designating an Agency Records Officer responsible for:
    - Leading and managing the Agency-wide national records management program.
    - Ensuring Agency senior officials are aware of their programmatic and individual records management responsibilities and requirements.
    - Advising EPA on records management issues and developing Agency-wide records management policies, procedures, guidance, and training materials.
    - Coordinating the approval of the Agency's records schedules and the transfer of records to NARA.
    - Coordinating records management issues with other federal agencies, including federal oversight agencies such as the Office of Management and Budget (OMB), NARA, and the General Services Administration (GSA).
    - Providing technical advice and training to all Agency organizations on establishing and maintaining effective records management programs.
    - Evaluating recordkeeping practices to determine the effectiveness of the program.
    - Obtaining NARA's Certificate in Federal Records Management.

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3. Promulgating and communicating Agency-wide policies and guidance that reflect records management missions and goals and incorporate federal requirements.
  4. Designating other records management staff as required by regulations or as deemed necessary.
  5. Assigning overall responsibility for the records management aspects of centrally provided information technology infrastructure, including local area network applications.
  6. Ensuring senior Agency officials are aware of their records management responsibilities.
  7. Conducting periodic evaluations of records management programs within the Agency as part of the Agency's IRM review and oversight program.
- c. Assistant Administrators, Chief Financial Officer, General Counsel and Regional Counsel, Inspector General, Regional Administrators and Laboratory/Center/Office Directors are responsible for the following:
1. Being an advocate for records management in their organization.
  2. Personally demonstrating the importance of records management and ensuring their organization is aware of the importance of and processes for managing records.
  3. Demonstrating their commitment to the proper management of records in their organization through appropriate means (e.g., sending out messages, being present during days devoted to records management, encouraging managers and staff to take records training).
  4. Designating a Records Liaison Officer (RLO) accountable to the Information Management Official (IMO) or other official designated to oversee the program. The IMO or other official designated to oversee the program reports to the Assistant Administrators, Chief Financial Officer, General Counsel, Inspector General, Regional Administrators and Laboratory/Center/Office Directors on a quarterly basis.
  5. Ensuring the RLO has adequate skills, resources, time and appropriate authority to perform the job.
  6. Overseeing the implementation of a records management program within their area of responsibility to accomplish the objectives identified in federal regulations and EPA policies and procedures. Minimum program components include responsibilities for:
    - Identifying recordkeeping requirements for major programmatic and administrative records.
    - Ensuring that records are identified, proper records schedules are assigned, and the records are properly stored.



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- Developing file plans and indexing approaches where appropriate to simplify the use of, access to, and integration of information within the organization.
  - Drafting and updating records schedules for records created and maintained by the organization.
  - Implementing approved records schedules to ensure records are not destroyed without proper authorization.
  - Reviewing file plans and procedures at least every three years to ensure they are current and updating them as necessary.
  - Assisting in planning and implementing information management technology and reviewing the purchase of records management equipment and services to ensure they conform to federal statutory and regulatory requirements.
  - Implementing an essential (vital) records plan to ensure the continuation of key functions and activities in the event of an emergency or disaster.
  - Providing records management briefings for all managers and training to staff within their organizations, as needed.
  - Actively supporting managers, RLOs, staff and others in carrying out their records management responsibilities.
7. Developing records management oversight roles and communication networks with all program units including field offices and other facilities, as appropriate, to ensure that the records management program is implemented at all sites under their jurisdiction.
8. Developing and disseminating directives and operating procedures, as needed, to supplement Agency-wide policy to meet the unique records management needs of their organizations and to support a records management program within the organization.
9. Ensuring records and other types of required documentary materials are not unlawfully removed from EPA by current or departing officials, employees, or agents.
- d. The General Counsel and Regional Counsel provide legal advice and counseling on records management issues as well as assist in determining the retention of Agency records that may be needed for legal purposes.
- e. The Inspector General assists in determining the retention of Agency records that may be needed for internal investigation and audit purposes.
- f. Managers and supervisors (Office Directors, Division Directors, Branch Chiefs, etc.) are responsible for:
1. Ensuring that a records management program is implemented within their organization.
  2. Understanding and emphasizing the importance of records management to staff.

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3. Designating selected staff as records contacts in order to meet recordkeeping requirements and responsibilities as described in this document.
  4. Providing support, time, and resources for records contacts to successfully carry out their recordkeeping responsibilities.
  5. Ensuring that the organization's file plans are current.
  6. Obtaining training so that they and their staff can carry out their recordkeeping responsibilities.
  7. Implementing an essential (vital) records program within the organization.
  8. Participating in records program reviews and assessments and developing and implementing corrective action plans to address gaps.
  9. Supporting initiatives to move from paper to electronic recordkeeping.
  10. Ensuring that all records of separating employees have been identified, that temporary records that have met their retention are properly disposed of according to applicable records schedules, and that records that must be preserved have been assigned to other employees.
- g. Headquarters, Regional, Laboratory/Center/Office RLOs are responsible for:
1. Creating and updating procedures for their offices in accordance with established EPA and program policies.
  2. Performing evaluations of their records management and essential records program.
  3. Developing file plans and procedures so records are organized and can be found when needed.
  4. Assisting with disposition activities, including retirement of inactive records, transfer of permanent records to NARA, and destruction in accordance with approved records schedules.
  5. Reviewing office-specific records schedules annually to ensure they are current, and initiating changes if not.
  6. Ensuring sensitive records are protected in accordance with federal and EPA requirements, and making sure designated individuals maintain access lists to ensure such information is released only to authorized individuals.
  7. Coordinating the identification and maintenance of essential (vital) records and submitting an annual inventory and certification of essential (vital) records through senior management to the Agency Records Officer.

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8. Reviewing and verifying their organizations' section of the Federal Records Centers invoices on a monthly basis verifying the status of their off-site records and costs.
  9. Conducting briefings and training sessions on the records management program.
  10. Reviewing and recommending requests for records management equipment, services and supplies.
  11. Obtaining NARA's Certificate in Federal Records Management.
  12. Completing Records Management Training for RLOs and Records Contacts [\[http://intranet.epa.gov/records/training/rlo/index.html\]](http://intranet.epa.gov/records/training/rlo/index.html).
  13. Organizing, maintaining and training a network of records contacts within the organization.
- h. Records contacts are responsible for:
1. Working within their organization as a liaison between the RLO and staff to provide records management training, guidance and support.
  2. Being qualified and active in records management issues and participating in records management training when resources are available.
  3. Creating file plans specific to their organization.
- i. Completing Records Management Training for RLOs and Records Contacts [\[http://intranet.epa.gov/records/training/rlo/index.html\]](http://intranet.epa.gov/records/training/rlo/index.html). Information resources and system managers are responsible for:
1. Working with the local RLO, the Agency Records Officer and NARA to establish and update records schedules for electronic systems.
  2. Implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems.
  3. Ensuring that information systems intended to carry out electronic records management comply with NARA's and EPA's requirements for electronic recordkeeping systems (these requirements available on the NRMP Intranet site [\[http://intranet.epa.gov/records/\]](http://intranet.epa.gov/records/))
  4. Maintaining electronic information systems in accordance with approved records schedules and NARA requirements.
  5. Working with their RLO to transfer permanent systems to the National Archives in accordance with approved records schedules and NARA requirements.
  6. Ensuring that EPA Internet and Intranet postings containing records are maintained in accordance with Agency recordkeeping requirements.

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7. Ensuring that prior approval is obtained before the removal of SPIO from the Agency network or facility.
  8. Coordinating the handling of electronic records and information with the local RLO/records management program and legal office when appropriate.
  - j. Project Officers (PO)/ Contracting Officer Representatives (CORs) and Senior Employee Employment (SEE) program coordinators/monitors are responsible for:
    1. Creating and maintaining appropriate records of the management and oversight of their related projects, contracts, staff and SEE employees.
  - k. Continuity of Operations Program (COOP) planners are responsible for:
    1. Working with records management staff to implement the essential (vital) records plan to ensure the continuation of designated COOP essential functions.
    2. Ensuring that essential (vital) records are accessible from designated COOP locations.
  - l. All EPA employees are responsible for:
    1. Creating and managing the records necessary to document the Agency's official activities and actions, including those records generated by EPA contractors and grantees, in accordance with EPA recordkeeping requirements.
    2. Destroying records only in accordance with approved records schedules and never removing records from EPA without authorization.
    3. Filing records for safe storage and efficient retrieval and maintaining and disposing of personal papers and non-record materials separately from records.
    4. Ensuring that when secondary email accounts for individuals, groups or systems are created for business reasons, the records thus created are appropriately managed.
    5. Identifying all records, in any format, in the employee's possession, and transferring them to another EPA custodian before separating or transferring to another organization. Note: Non-records and records which have met their disposition per appropriate records schedule should be destroyed unless subject to FOIA, litigation or audit. Records containing SPIO must be shredded.
    6. Taking annual records management training and any other related training and participating in records management activities such as records management days, records clean-up days, etc.
    7. Contractors, grantees and others doing work on behalf of EPA are required to take annual records management training, as appropriate.
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## 9. DEFINITIONS

Definitions can also be found on EPA's National Records Management Program Website at <http://intranet.epa.gov/records/>.

**Approved Records Management System:** An agency records management application approved for storing electronic federal records, including applications certified as compliant with the DOD 5015.2-STD standard or meeting the NARA standards for a records management application. Examples include EPA's Correspondence Management System and People Plus. [Need better example].

**Authorized Federal Information Management System:** A major information system managed by a federal agency which is used by other federal agencies. Records in these systems are managed by the agency owning the system. Examples include Concur, Employee Express and eOPF.

**Destruction:** In records management, the major type of disposal action. Non-records and records which have reached the end of their retention period per the appropriate record schedule can be legally destroyed. Records containing SPII must be shredded, pulped or burned, and never simply placed in the trash.

**Disposition:** The actions taken regarding records no longer needed for current government business. These actions include transfer to agency storage facilities or federal records centers, transfer from one Federal agency to another, transfer of permanent records to the National Archives, and disposal of temporary records. Disposition is the third stage of the records life cycle, and the actions taken regarding non-record materials when no longer needed, including screening and destruction.

**Electronic messaging account:** The term "electronic messaging account" means any account that sends electronic messages for purposes of communicating between individuals.

**Official EPA Information System:** Any information system that EPA employees are permitted to access, create, share, store or transmit information on for official government business.

**Official Recordkeeping System:** An "information management system which captures, manages and provides access to records through time" and can be electronic or paper-based, until an appropriate electronic recordkeeping system becomes available.

**Federal Records:** Records include all recorded information, regardless of physical form or characteristics, made or received by an agency of the United States Government 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 Government or because of the informational value of the data in them (44 U.S.C. 3301).

**Records Schedule:** Also called records disposition schedule, records control schedule, records retention schedule, records retention and disposition schedule, or schedule. A document that describes agency records, establishes a period for their retention by the agency,

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and provides mandatory instructions for what to do with them when they are no longer needed for current government business. The term refers to: (1) an SF 115, Request for Records Disposition Authority, that has been approved by NARA to authorize the disposition of federal records; (2) a General Records Schedule (GRS) issued by NARA; and (3) a printed agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more SF 115s or issued by NARA in the GRS. (Source: 36 CFR 1220.14)

**Registered Information Management System:** An Agency electronic information system which has an associated records schedule or an information management system which holds records and is manually managed. Such EPA systems should be registered in the Agency's Registry of EPA Applications and Databases (READ) so they can be identified for scheduling, and the retention periods tracked. Examples include the Toxics Release Inventory Processing System (TRIPS), Safe Drinking Water Information System (SDWIS), and the Air Quality System (AQS).

**Transitory Record:** Records of short-term (180 days or less) interest, including in electronic form (e.g., e-mail messages), which have minimal or no documentary or evidential value. An example of a transitory record is a record documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities. See NARA GRS 23/ EPA 167.

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## 10. WAIVERS

- a. **Waiver Process.** The Agency Records Officer may grant waivers to any provisions of this Policy for sufficient cause.
- b. **Applications.** Applications for waivers to specific provisions should contain: (1) identification of the Policy provision; (2) a listing of reasons why the Policy cannot be applied or maintained; (3) an assessment of impacts resulting from non-compliance; and (4) the signature of the AA, RA or Laboratory/Center/Office Director, the Chief Financial Officer, the General Counsel, or the Inspector General responsible for the records management program in question.
- c. **Notification.** The Agency Records Officer will notify the requesting office in writing of the decision on the waiver request within two weeks of receipt of the request. Circumstances will dictate whether the waiver may be renewed.

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## 11. RELATED PROCEDURES, STANDARDS AND GUIDANCE

Required procedures and implementation guidelines for this Policy are found on the records management website <http://www.epa.gov/records/>. Supporting procedures to implement this Policy at the Program Office or other Administrative level must be approved by the Agency Records Officer in OEI.

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## 12. MATERIAL SUPERSEDED

CIO 2155.2: Interim Records Management Policy, Dated 06/28/13

EPA *IRM Policy Manual*, Chapter 10, 1996

Vital Records Order (Order 2160.1)

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## 13. ADDITIONAL INFORMATION

For further information about this Policy, please contact the EPA Office of Environmental Information, Office of Information Collection.

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*Renee P. Wynn*  
**Acting Assistant Administrator for Environmental Information  
and Chief Information Officer  
U.S. Environmental Protection Agency**



## All Hands Messages EPA-Wide

**Date Published:** 11/06/2014

**Title:** Reminder: Today is Records Management Day!



Records Management Day Mass Mailer #2

**DATE:** November 6, 2014

**SUBJECT:** Reminder: Today is Records Management Day!

**FROM:** Renee P. Wynn, Acting Assistant Administrator, OEI and CIO

**TO:** All EPA Employees

Today is Records Management Day! I invite everyone to set aside one to two hours to focus on managing your email records here at EPA. As you read in the attached Mass Mailer from Acting Deputy Administrator Stan Meiburg, effective records management is a vital part of our ability to carry out EPA's mission. Please take advantage of the resources provided below to learn more about how you can manage your email records.

Thank you for your attention to this important priority.



### **MEMORANDUM**

**DATE:** October 30, 2014

**FROM:** Stan Meiburg, Acting Deputy Administrator



**TO:** All EPA Employees

**SUBJECT:** The Next Records Management Day will be November 6, 2014!

One week from today, on Thursday, November 6, 2014, EPA will hold its next Records Management Day for 2014. Records management is every EPA employee's responsibility and all EPA email accounts are likely to contain federal records. So, please mark your calendars for Records Management Day and plan to set aside a few hours to manage your email records.

Failure to identify and manage email records can result in the loss of federal records. It is important that all employees familiarize themselves with EPA records management policies to ensure that emails identified as federal records are filed in agency recordkeeping systems.

**Here are some resources that can help you better understand records management policies and tools:**

- Records Management at EPA: What Staff Need to Know: <http://go.usa.gov/7jxm>
- What are email records: <http://go.usa.gov/7jCV>
- Training on the EZ Email Records tool, which can help you easily manage your email records from Microsoft Outlook and the Microsoft Outlook Web Application (OWA):  
<https://epa.skillport.com/skillportfe/login.action>.
- In addition, please read the Office of Management and Budget (OMB) and the National Archives Records Administration (NARA) Memorandum (<http://www.whitehouse.gov/sites/default/files/omb/memoranda/2014/m-14-16.pdf>) and NARA Bulletin 2014-06, *Guidance for Managing Email* (<http://www.archives.gov/records-mgmt/bulletins/2014/2014-06.html>), which were issued on September 15, 2014.

If you have any questions about records, please contact your Records Liaison Officer (RLO). Your RLO coordinates with EPA's National Records Management Program and is your first resource to assist you with records management activities. A list of RLOs is available at: <http://go.usa.gov/7jYW>.

Proper records management is a top agency priority and is a vital part of EPA's commitment to transparency and openness. Thank you for taking the time to make sure that we effectively meet this commitment.

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## All Hands Messages EPA-Wide

**Date Published:** 01/07/2015

**Title:** Reminder: Today is Records Management Day!



**SUBJECT:** Reminder: Today is Records Management Day!

**FROM:** Renee P. Wynn, Acting Assistant Administrator and Chief Information Officer  
Office of Environmental Information

**TO:** All EPA Employees

Today is Records Management Day! I invite everyone to set aside one to two hours to focus on managing your records here at EPA. As you read in the attached Mass Mailer from Acting Deputy Administrator Stan Meiburg, effective records management is a vital part of our ability to carry out EPA's mission. Please take advantage of the resources provided below to learn more about how you can manage your communications technology records.

Thank you for your attention to this important priority.



**FROM:** A. Stan Meiberg, Acting Deputy Administrator

**TO:** All EPA Employees

Records management is a vital part of the EPA's commitment to transparency and is a responsibility we all share. During our first Quarterly Records Management day of 2015 on January 7<sup>th</sup>, I ask that you set aside one

to two hours to refresh your knowledge of your records responsibilities here at EPA and to manage your records.

January is historically a time when the agency sees an increase in employee retirements and separations. If you are among this group, please accept our congratulations, best wishes, and thanks for your service to EPA. Of course, separating staff must properly preserve their records, transfer their records to the appropriate person or persons in their program or regional offices, and properly dispose of their records according to the records schedules.

Whether leaving EPA or transferring to another office within the Agency, all personnel must complete two checklists, EPA Form 3110-49 *EPA Records Management Checklist for Separating, Transferring and Separated Personnel* ([http://intranet.epa.gov/records/files/EPA-RM\\_checklist\\_for\\_separating\\_personnel\\_draftUpdated.docx](http://intranet.epa.gov/records/files/EPA-RM_checklist_for_separating_personnel_draftUpdated.docx)) and EPA Form 3110-1 *Employee Separation Checklist* (<http://intranet.epa.gov/webforms/>) before leaving or transferring. In addition to preserving records, if you are subject to Freedom of Information Act requests or litigation holds, you are not permitted to dispose of any non-record materials until the requests/holds are complete.

If you have a question about records or your responsibility in managing records, please contact your records liaison officer (RLO): [http://intranet.epa.gov/records/contact\\_us.html](http://intranet.epa.gov/records/contact_us.html). Your RLO coordinates with the National Records Management Program and is your first resource to assist you with records management policies and procedures.

For more information about the EPA's National Records Management Program and upcoming records management activities, please visit <http://intranet.epa.gov/records>. You'll find resources there like the "What is a Record" tool (<http://www.epa.gov/records/whatis/index.htm>), to help you decide whether a document is a record.

Thank you very much for your support of our efforts to properly manage EPA's records. By doing so, you help us all support EPA's transparency and integrity, and effectively carry out our mission to protect human health and the environment.

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## All Hands Messages

EPA-Wide

**Date Published:** 12/31/2014

**Title:** Ring in the New Year with Records Management Day on January 7th



**FROM:** A. Stan Meiberg

Acting Deputy Administrator

**TO:** All EPA Employees

Records management is a vital part of the EPA's commitment to transparency and is a responsibility we all share. During our first Quarterly Records Management day of 2015 on January 7<sup>th</sup>, I ask that you set aside one to two hours to refresh your knowledge of your records responsibilities here at EPA and to manage your records.

January is historically a time when the agency sees an increase in employee retirements and separations. If you are among this group, please accept our congratulations, best wishes, and thanks for your service to EPA. Of course, separating staff must properly preserve their records, transfer their records to the appropriate person or persons in their program or regional offices, and properly dispose of their records according to the records schedules.

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If you have a question about records or your responsibility in managing records, please contact your records liaison officer (RLO): [http://intranet.epa.gov/records/contact\\_us.html](http://intranet.epa.gov/records/contact_us.html). Your RLO coordinates with the National Records Management Program and is your first resource to assist you with records management policies and procedures.

For more information about the EPA's National Records Management Program and upcoming records

management activities, please visit <http://intranet.epa.gov/records>. You'll find resources there like the "What is a Record" tool (<http://www.epa.gov/records/whatis/index.htm>), to help you decide whether a document is a record.

Thank you very much for your support of our efforts to properly manage EPA's records. By doing so, you help us all support EPA's transparency and integrity, and effectively carry out our mission to protect human health and the environment.

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## Records

You are here: [EPA Home](#) [Records](#) [Schedules](#) 167 - Transitory Files

# **EPA Records Schedule 167**

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**Status: (to be superseded)** Final, 02/01/2007

**Title:** Transitory Files

**Program:** All Programs

**Applicability:** Agency-wide

**Function:** 401 - Administrative Management

### **NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral), excluding any records already in electronic form. Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- General Records Schedule 23/7

### **Description:**

Consists of documents of short-term interest that have no documentary or evidential value and normally need not be kept more than 90 days. Examples of transitory correspondence include:

Routine requests for information or publications and copies of replies that require no administrative action, no policy decision, and no special compilation or research for reply.

Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material.

Quasi-official notices, including memoranda and other records, that do not serve as the basis of official actions, such as notices of holidays or charity and welfare fund appeals, bond campaigns, and similar records.

### **Disposition Instructions:**

**Item a:** Record copy

- **Disposable**
- Close inactive records at end of month.
- Destroy 3 months after file closure.

**Guidance:**

This item also includes reading or chron files used for convenience of reference. However, if reading or chron files are used for purposes other than reference, other retention periods will apply. For example, see EPA 006 for program management; EPA 110 for office administrative files; EPA 127 for general correspondence; EPA 141 for controlled and major correspondence; and EPA 145 for program development.

Records containing sensitive information must be shredded or otherwise definitively destroyed to protect confidentiality.

**Reasons for Disposition:**

Conforms to NARA's General Records Schedule 23, item 7.

Item b for electronic mail and word processing system copies was deleted 08/16/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Multiple units

**Related Schedules:**

EPA 006, EPA 110, EPA 127, EPA 141, EPA 145

**Previous NARA Disposal Authority:**

N1-412-86-2/9

**Entry:** 09/24/1991

**EPA Approval:** Not applicable

**NARA Approval:** 12/00/1998

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[Explanation of Schedule Fields](#) | [Search the Schedules](#) | [Browse the Schedules](#)  
[Guidance on Retiring Records](#)

HOME

SENIOR OFFICIALS

STAFF

RLOs

OEI@Work

You are here: [One EPA Workplace](#) / [Records Management](#) / [Staff](#)

## Staff: What you need to know

### Your Records Responsibilities

- Create and manage the records necessary to document the Agency's official activities and actions, including those records generated by EPA contractors and grantees, in accordance with EPA recordkeeping requirements.
- Destroy records only in accordance with approved records schedules and never removing records from EPA without authorization.
- File records for safe storage and efficient retrieval and maintaining personal papers and nonrecord materials separately from official EPA records.

For more info: [What Every EPA Staffer Should Know About Records Management](#)

### What is a record?

If you answer yes to any of the following questions, you may have a record:

- Was it created in the course of business?
- Was it received for action? Does it document EPA activities and actions?
- Is it mandated by statute or regulation?
- Does it support financial obligations or legal claims?
- Does it communicate EPA requirements?

### Electronic Records

Can records be created in any electronic media? Yes. Examples are email, voicemail, instant messages, blogs/wikis/social media. Treat such messages the same way you treat paper records. Any electronic message is a record if it documents the EPA mission or provides evidence of an EPA business transaction and if you or anyone else would need to retrieve the message to find out what had been done or to use it in other official actions. For additional information, please refer to the [EPA Records Management Policy 2155.3](#). (PDF, 16 pp., 182K)

**NOTE:** EPA staff should not use any outside e-mail account to conduct official Agency business. If there is an emergency situation requiring the use of an outside e-mail account, it is the individual's responsibility to ensure all Agency records are captured and managed in an approved recordkeeping system.

### What is a records schedule? (A sample EPA schedule)

A document that describes a group of records, and mandates:

- how long the records are kept (retention), and
- what happens to them at the end of that time period (disposition).

### What is a recordkeeping system?

A system, paper-based or electronic, that:

- collects, organizes and categorizes records, and
- facilitates their preservation, retrieval, use and disposition.

Help Desk

Have a records question?

202-566-1494  
records@epa.gov

#### Resources

- [Browse NRMP Alerts](#)
- [RM flyer for new staff](#)
- [Glossary](#)

#### See also

- [Schedules](#)
- [File Structure](#)
- [ECMS](#)
- [Guidance](#)
- [Meetings](#)
- [Training](#)
- [Related Links](#)



## What is a file plan?

A document that lists the records in your office, and describes:

- how they are organized (file structure), and
- how they are maintained (procedures).

## Who is my RLO?

Depending on which office you belong to, choose one of these links to find out:

- [Agency](#)
- [Headquarters](#)
- [Regional](#)
- [Lab, Center & Field Office](#)

[Accessibility](#)

[EPA Locator](#)

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[Contact Us](#)

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## All Hands Messages EPA-Wide

**Date Published:** 10/30/2014

**Title:** The Next Records Management Day will be November 6, 2014!



### **MEMORANDUM**

**DATE:** October 30, 2014

**FROM:** Stan Meiburg  
Acting Deputy Administrator  
**TO:** All EPA Employees

**SUBJECT:** The Next Records Management Day will be November 6, 2014!

One week from today, on Thursday, November 6, 2014, EPA will hold its next Records Management Day for 2014. Records management is every EPA employee's responsibility and all EPA email accounts are likely to contain federal records. So, please mark your calendars for Records Management Day and plan to set aside a few hours to manage your email records.

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**Here are some resources that can help you better understand records management policies and tools:**

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- What are email records: <http://go.usa.gov/7jCV>
- Training on the EZ Email Records tool, which can help you easily manage your email records from Microsoft Outlook and the Microsoft Outlook Web Application (OWA):  
<https://epa.skillport.com/skillportfe/login.action>.
- In addition, please read the Office of Management and Budget (OMB) and the National Archives

Records Administration (NARA) Memorandum (<http://www.whitehouse.gov/sites/default/files/omb/memoranda/2014/m-14-16.pdf>) and NARA Bulletin 2014-06, *Guidance for Managing Email* (<http://www.archives.gov/records-mgmt/bulletins/2014/2014-06.html>), which were issued on September 15, 2014.

If you have any questions about records, please contact your Records Liaison Officer (RLO). Your RLO coordinates with EPA's National Records Management Program and is your first resource to assist you with records management activities. A list of RLOs is available at: <http://go.usa.gov/7jYW>.

Proper records management is a top agency priority and is a vital part of EPA's commitment to transparency and openness. Thank you for taking the time to make sure that we effectively meet this commitment.

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## All Hands Messages

EPA-Wide

**Date Published:** 06/18/2014

**Title:** Third Quarter Records Management Day will be June 25, 2014



### MEMORANDUM

**FROM:** Bob Perciasepe

**TO:** All EPA Employees

**SUBJECT:** Third Quarter Records Management Day will be June 25, 2014

One week from today, on Wednesday, June 25, 2014, EPA will hold its third Quarterly Records Management Day. Please mark your calendars and plan to set aside a few hours to manage your records. The focus of this Quarterly Records Management Day is managing our paper records. As space consolidation efforts occur throughout the agency, we must ensure that our paper records are managed appropriately. June 25<sup>th</sup> will be a day devoted to clean up and organize paper records.

In addition, you should continue to use the EZ Email Records tool to save your email records from Lotus Notes, Outlook, and the Outlook Web Application (OWA). Saving your email records electronically reduces the agency's use of paper, one of the priority actions from EPA's GreenSpark Sustainability Challenge (<http://intranet.epa.gov/greenspark/challenge/index.html>).

Records management is a responsibility we all share. It allows us to do our jobs in a more efficient and effective manner. Records management is also a vital part of EPA's commitment to transparency and openness, which is a pledge that we all are obligated to take seriously. Please use June 25<sup>th</sup> as an opportunity to focus on this important requirement.

For more information about the third Quarterly Records Management Day – including information on how to organize paper records – please see: <http://intranet.epa.gov/records/cleanup.pdf>.

If you have any question about records, please contact your Records Liaison Officer (RLO). A list of RLOs is available at [http://intranet.epa.gov/records/contact\\_us.html](http://intranet.epa.gov/records/contact_us.html).

For more information about the National Records Management Program, please visit:

<http://intranet.epa.gov/records/>.

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## All Hands Messages

### EPA-Wide

**Date Published:** 06/25/2014

**Title:** Today is Records Management Day!

**From:** Jones-Parra, Lisa **On Behalf Of** Wynn, Renee

**Sent:** Wednesday, June 25, 2014 8:00 AM

**Subject:** Today is Records Management Day!

**Importance:** High

*This message is being sent to all EPA employees*

Today is the third Quarterly Records Management Day! Please set aside a few hours today to manage your records with a focus on cleaning up and organizing your paper records.

With space consolidation efforts underway throughout the Agency, we must ensure our paper records are appropriately managed. To do this, it is important to understand which records schedules apply to your records and where the records are in their lifecycle. Remember, records clean-up does not necessarily mean removal and recycling; it can be a time to focus on organizing paper records. Before getting rid of any paper documents, make sure they are not subject to a FOIA request, litigation hold or congressional inquiry.

I also encourage you to continue to use the EZ Email Records tool to manage your email records in Lotus Notes, Outlook and the Outlook Web Application. With EZ Email Records, saving your email records is a one-step process! And, by saving your email records electronically, you reduce the Agency's use of paper, one of the priority actions from the Agency's [GreenSpark Sustainability](#) Challenge.

Records management is a responsibility we all share. It allows us to do our jobs in a more efficient and effective manner. Records management is also a vital part of EPA's commitment to transparency and openness, which is a pledge that we all are obligated to take seriously. I take the Agency's commitment to managing its records seriously and thank you for your participation in today's Records Management Day.

If you have any questions about records, please contact your Records Liaison Officer (RLO). Your RLO coordinates with EPA's National Records Management Program and is your first resource to assist you with records management activities. A list of RLOs is available at: [http://intranet.epa.gov/records/contact\\_us.html](http://intranet.epa.gov/records/contact_us.html).

For more information about the Third Quarterly Records Management Day, please visit: <http://intranet.epa.gov/records/cleanup.pdf>.

For more information about the National Records Management Program, please visit: <http://intranet.epa.gov/records/>

Thanks.  
Renee

Acting Assistant Administrator  
and  
Acting Chief Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave (Mail Code: 2810A)  
Washington DC 20460

OEI Main Office Number: (202) 564-6665  
Scheduler: Georgia Bednar, (202) 564-6665  
Information Senior Advisor: Lisa Jones-Parra, (202) 566-1157  
Fax Number: (202)501-1622  
Direct Number: (202) 566-1884  
Cell Number: (202) 365-4934

Pin: 32D42665

**From:** Mass Mailer [[mailto:Mass\\_Mailer@epa.gov](mailto:Mass_Mailer@epa.gov)]

**Sent:** Wednesday, June 18, 2014 1:37 PM

**To:** All Users of EPA Email

**Subject:** Message from the Deputy Administrator: Third Quarter Records Management Day will be June 25, 2014

**Importance:** High



## MEMORANDUM

**FROM:** Bob Perciasepe

**TO:** All EPA Employees

**SUBJECT:** Third Quarter Records Management Day will be June 25, 2014

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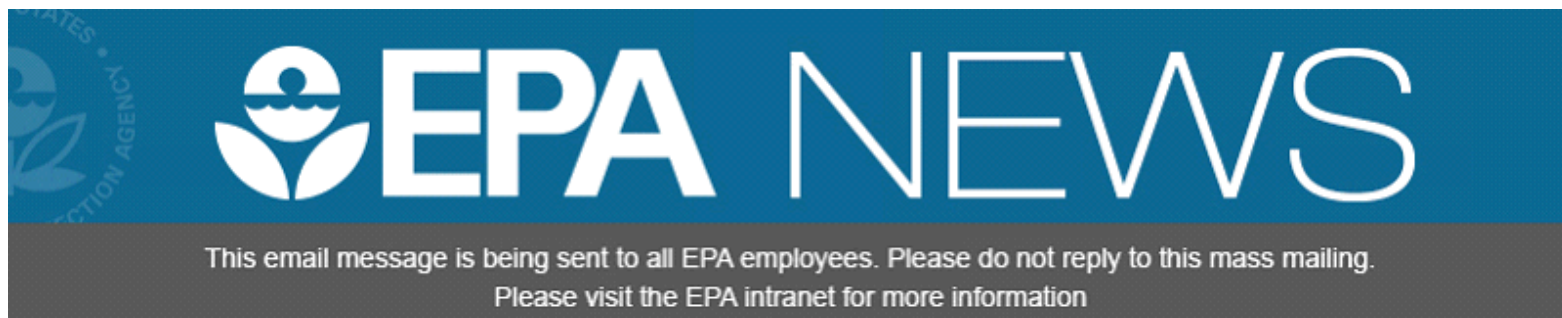


## All Hands Messages

EPA-Wide

**Date Published:** 03/17/2015

**Title:** Tomorrow is the Next Quarterly Records Management Day!



**Subject:** Tomorrow is the Next Quarterly Records Management Day!

**From:** Ann Dunkin, Chief Information Officer

**To:** All EPA Employees

EPA will hold its next Quarterly Records Management Day on Wednesday, March 18, 2015. All EPA employees are responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential functions.

On this Quarterly Records Management Day, I ask that you set aside time to read the agency's recently revised [Records Management Policy](#) (issued on February 10, 2015) and manage your records. The revised policy includes the updated definition of a record, updated policies on records created or received on non-EPA messaging systems (e.g., personal email accounts or personal mobile devices), text messages, and instant messages.

Significantly, the new policy reflects a recent change to federal law that prohibits the creation or sending of a record on a personal electronic messaging account (such as a personal email account) unless an employee copies their official account at the time of transmission, or forwards the record into their official account within 20 days of the original transmission.

In light of the new law, EPA's revised Records Management Policy strongly discourages the use of personal email or other personal electronic messaging systems, including text messaging on a personal mobile device, for sending or receiving agency records. However, to the extent such use occurs, the individual creating or sending the record from a non-EPA electronic messaging system must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending. EPA also discourages the use of text messages for transmitting agency records on any device, regardless of whether the device is agency-issued or not. Take time to review the recently updated guidance related to text message

records identified below.

The following links provide guidance on how to save your records:

- [. FAQ About Mobile and Portable Devices, and Records](#)
- [. How to Save Text Messages](#)
- [. How to Save Lync Conversations](#)
- [. How to Save Records to EZ Email Records](#)

If you have any questions about records, please contact your Records Liaison Officer (RLO). Your RLO coordinates with EPA's National Records Management Program and is your first resource to assist you with records management activities. A list of RLOs is available at: [http://intranet.epa.gov/records/contact\\_us.html](http://intranet.epa.gov/records/contact_us.html)

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# What is a Record?

