

Preservation of Department of Energy Federal Records

*A Reminder for
Senior Officials*

**Office of IT Planning, Architecture and E-Government
March 2009**

Office of the Chief Information Officer

Purpose & Scope

The Federal Records Act requires the Department of Energy (DOE) to preserve records that reflect the agency functions, policies, decisions, procedures, and operations, as well as documents and datasets that serve as evidence of the accomplishments and activities of DOE employees and contractors. Federal records protection and preservation is consistent with the Department's public accountability practices (36 CFR Chapter XII).

The National Archives and Records Administration (NARA) requires each agency to remind senior officials on an annual basis of their responsibility to preserve information assets. Federal records may not be removed from Government custody, nor may they be destroyed without a records disposition schedule that has been approved by the Archivist of the United States.

Penalties may be enforced for the unlawful removal or destruction of records. The maximum penalty for the willful and unlawful destruction, damage, or alienation of Federal Records is three years in prison (18 USC 2071).

Federal Records

As defined by law, Federal records are documentary materials, regardless of physical form or characteristics that meet the following two conditions:

- (1) Created or received by an agency of the United States Government or in connection with the transaction of public business, or that fall under the legal control of the Federal Government; and
- 2) Preserved or appropriate for preservation as evidence of agency activities or because of the value of the information they contain (44 U.S.C. 3301).

A record is any recorded information relating to the work of your office -- regardless of who created it or how the information was recorded. Records vary widely and may include paper and electronic documents such as letters, memoranda, completed forms, directives, and reports. Records are also in media such as photographs and e-mails. Significant decisions are often made orally, by telephone, and in conferences and meetings. Such decisions and associated deliberations should be documented and incorporated into official files.

Records created or received by DOE contractors may also be Federal records subject to Government regulations.

Who are Senior Officials?

Senior officials include the Secretary of Energy, the Deputy and Under Secretaries, Assistant Secretaries and their Deputies, Heads of DOE Elements, Office Directors, and Laboratory Directors. Others may be added to the list if warranted by the position held.

Why are Senior Official Records Important?

Records document your tenure with the Department and provide a history of your public service. It is important that they be captured and preserved for posterity. Records of senior officials are especially important because they may be permanent. Permanent records have historical, scientific, or other value that warrants their transfer and permanent retention at NARA as part of The Archives of the United States. Upon request, the Departmental Records Officer can request NARA to perform a records appraisal to determine whether your records are permanent.

Extra Copies

Extra copies of documents may be retained specifically for personal reference when warranted by the level and distinction of the position held by the originator. These documents are considered nonrecord material rather than Federal records or personal papers. Please note that nonrecord material may not be removed from the Department without examination and prior approval from the Departmental Records Officer, your Program Records Official, or your Records Management Field Officer.

Further Assistance

For assistance with records identification, permanent records, personal papers, records disposition schedules, and additional information regarding the Records Management Program, please contact the Program Records Official in your organization (see the listing at – http://cio.energy.gov/contact/rm_contacts.htm or the Departmental Records Officer, Office of the Chief Information Officer).