



U.S. Department of Energy
Office of Inspector General
Office of Audit Services

Audit Report

Follow-up Audit on Retention and
Management of the Department of
Energy's Electronic Records

DOE/IG-0838


September 2010



Department of Energy
Washington, DC 20585

September 3, 2010

MEMORANDUM FOR THE SECRETARY

FROM: 
Gregory H. Friedman
Inspector General

SUBJECT: INFORMATION: Follow-up Audit Report on "Retention and Management of the Department of Energy's Electronic Records"

BACKGROUND

The Department of Energy is required by statute (44 USC Chapter 31) to establish and maintain an effective records management program that comports with regulations established by the National Archives and Records Administration (NARA). The Department's employees and contractors have increasingly relied on electronic mail (e-mail) and other electronic records as a primary means of performing their duties. A comprehensive records management program ensures that records documenting agency business are created or captured, organized and maintained to facilitate their use and available when needed. To aid in this process, records management software (application) can be used to facilitate preservation, retrieval, use, and disposition of records. In light of Federal requirements, in February 2006 the Department developed policies to guide the implementation and maintenance of a cost-effective records management program.

In our 2005 report on *The Retention and Management of the Department's Records* (DOE/IG-0685), we concluded that the Department had not effectively managed the retention and disposition of its records. The report recommended that the Department improve its records management program through enhancements to policy, elimination of duplicative document management and tracking systems and giving the senior records manager more organizational viability. Management concurred with our recommendations and agreed to take corrective actions to address the issues identified. Because of the importance of having an effective records management program, we initiated this audit to determine whether the Department had corrected previously identified issues and was adequately managing its electronic records.

RESULTS OF AUDIT

Although officials reported that our prior audit findings had been addressed, we continued to identify weaknesses with the Department's ability to retain and manage electronic records. In particular, we noted that Department programs, the National Nuclear Security Administration (NNSA), and field sites had not ensured that electronic records, including e-mail, were identified, stored and disposed of properly. Specifically:

- None of the seven Headquarters programs, NNSA, or eight sites reviewed had fully implemented an electronic records management application. In addition, users stored electronic records on local or network drives in a manner that did not ensure effective management and timely disposition of the records; and,

- Even when programs and sites had initiated development of records management applications, the efforts were not coordinated. We noted that several Headquarters programs and three sites reviewed were independently conducting either pilot programs or deploying records management applications that potentially lacked interoperability.

The problems identified occurred, in part, because Department officials had not effectively implemented electronic records management practices. In particular, officials had not ensured that Federal requirements were fully addressed in Departmental policies and guidance. In addition, we determined that records management was generally considered a low priority by management and, therefore, had not received adequate resources or attention. Furthermore, Department and contractor employees were not always trained to identify, preserve, and dispose of electronic records.

Without improvements, the Department may be unable to properly identify, store, and dispose of electronic records in an effective manner. For most employees, records created or stored by them are scattered across individual computers and servers, including personal archives that are not generally amenable to organized searches for data. Therefore, the Department may not be able to recover necessary information when need on a timely basis, such as when responded to Freedom of Information Act requests. While we recognize that implementation of records management applications can be a significant undertaking, we have made several recommendations that, if fully implemented, should improve the overall efficiency and effectiveness of the Department's electronic records management program.

MANAGEMENT REACTION

Management concurred with the report's recommendations and disclosed that it had initiated or already completed actions to address issues identified in our report. In separate comments, NNSA concurred with the report's recommendations and provided their intended corrective actions. Management's comments are included in their entirety in Appendix 3.

Attachment

cc: Deputy Secretary
Under Secretary of Energy
Under Secretary for Science
Administrator, National Nuclear Security Administration
Chief of Staff
Acting Chief Information Officer
Director, Office of Internal Controls, NA-66
Senior Policy Advisor, Office of the Under Secretary, S-3

REPORT ON THE FOLLOW-UP AUDIT ON RETENTION AND MANAGEMENT OF THE DEPARTMENT OF ENERGY'S ELECTRONIC RECORDS

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Follow-up Audit on Retention and Management of the Department of Energy's Electronic Records

Electronic Records Management and Records Management Applications

We identified weaknesses with the Department of Energy's (Department or DOE) management of electronic records. Specifically, our review of seven Headquarters programs, the National Nuclear Security Administration (NNSA), and eight field sites disclosed that the Department had not implemented records management applications to adequately identify, maintain, and dispose of electronic records. Even when Departmental organizations had initiated development of records management applications, the efforts were not coordinated between Headquarters programs, NNSA, and sites. The issues noted in our report were similar to those identified in our prior report on *The Retention and Management of the Department's Records* (DOE/IG-0685, April 2005).

Electronic Records

Although required by DOE Order 243.1 (Order), *Records Management Program*, none of the programs, NNSA, or sites reviewed had fully implemented an effective records management application for maintaining electronic records, including electronic mail (e-mail). Such an application could have helped ensure that programs, NNSA, and sites were able to identify, store, and disposition electronic records in a timely manner and in accordance with National Archives and Records Administration (NARA) requirements. In particular, while e-mail is one of the primary methods of conducting business within the Department, we noted that e-mail records were not adequately maintained at any of the eight sites reviewed.

Our testing revealed, for example, that 75 of 107 users (70 percent) included in our review relied on saving e-mail records within their e-mail program. While e-mail programs by themselves may provide certain benefits, they do not meet NARA requirements for declaring, capturing, organizing, and disposing of e-mail records. In addition, we noted that using e-mail programs to store electronic records does not prevent individuals from editing and deleting record information, a NARA requirement for approved record management applications. Although additional third party software solutions were available to work with the Department's e-mail programs to meet the NARA requirements, we found that none of the sites had acquired such software. In certain instances, we also found that individuals were instructed to print and retain hard copies of e-mails which, as noted in our prior review, was both costly and antiquated.

In addition, 88 of 107 (82 percent) users we spoke with during our review stored other types of electronic records on their local computers or network drives. According to 36 CFR 1236, this was not an approved method of storage because it did not provide the ability to appropriately identify, maintain, and dispose of electronic records. While not all documents meet the definition of a record, we found that some electronic records such as procurement, financial, and security documents were not being stored in an approved records management application. By storing records in this manner, we noted that disposition and destruction of the records was the responsibility of each user and was not restricted to an approved, authorized individual in accordance with Federal requirements. Without properly maintaining e-mails and other electronic records, the Department may not be able to meet Federal record keeping requirements and may be unable to produce records, when necessary, such as during litigation or to support Freedom of Information Act (FOIA) activities.

Application Development Efforts

While none of the programs, NNSA, or sites reviewed had fully implemented a records management application, we found that a number of them were working to develop and deploy such systems. However, these efforts were not coordinated to help ensure the success and consistency of the projects. Specifically, we noted that three Headquarters programs reviewed were in various stages of conducting either pilot programs or deploying records management applications with little or no coordination between them. For example, the Office of the Chief Information Officer (OCIO) recently halted work on its pilot program after several months of development work and \$31,000 in expenditures because the proposed solution would not meet user requirements. An OCIO official noted that to continue the pilot using a different version of the application that met user requirements would require another \$68,000. We also found that the Office of Energy Efficiency and Renewable Energy (EERE), had begun piloting its own separate records management application designed to automatically determine if an e-mail needs to be saved as a record and then stores it according to the proper records schedule. Although a single corporate solution may not be feasible, coordination among the Department's programs and NNSA should help ensure greater success and consistency of individual records management projects and aid in reducing costs and duplicative efforts.

Three sites reviewed were also working to independently develop separate records management applications. For instance, Oak Ridge National Laboratory spent more than \$95,000 over approximately two years, but still did not have a functional records management application. In addition, the Y-12 National Security Complex (Y-12) spent more than \$250,000 acquiring and initiating implementation of a records management application that was expected to have similar functionality to other pilot applications. In another case, Sandia National Laboratories has been working since 2008 to deploy an Enterprise Information Management System, which will include an application to support the management of electronic records. However, once fully implemented, the use of this application, as well as the one at Y-12, will not be mandatory for users. In each of the instances noted, we found that the development efforts were potentially duplicative of one another. Absent effective coordination and leadership by a sponsoring staff organization, the Department may spend more time and resources than necessary independently developing and implementing records management applications.

Policies, Approach, and Training

The problems identified occurred, in part, because Department officials had not ensured that Federal requirements were addressed in Departmental policies and guidance. In addition, records management was generally considered a low priority and had not received sufficient attention. Furthermore, management had not taken adequate action to ensure that Department and contractor employees were effectively trained to manage electronic records.

Policies and Guidance

The Department had not ensured that necessary requirements were included in records management policies and guidance. While the Order was issued in response to our prior report, we noted that this directive lacked specific direction for managing electronic records and e-mails. In particular, the Order stated that electronically-formatted records would be maintained in an approved electronic records management application meeting the requirements of NARA. However, because Department officials did not provide a deadline as to when an approved records management application must be in place, we noted that programs, NNSA, and sites had not implemented such applications. In addition, several important requirements for managing e-mail were not included in the directive. For example, users were not instructed on how to manage and

preserve attachments to e-mail, such as draft documents, that are an integral part of the record. The Order also lacked specific information about the responsibilities surrounding the management of e-mail, including who was responsible for determining when an e-mail should be saved.

Although Department officials issued a Records Management Handbook in response to our prior audit report, it was guidance and its use was not mandatory. The handbook also made reference to the *DOE Electronic Records Management Manual*, which was never issued by the OCIO. While the Department was working to update its policy, the effort was ongoing since at least May 2008 and no deadline had been set for its completion. In a separate effort, NNSA was drafting a new records management supplemental directive; however, an estimated completion date also had not been determined for this initiative.

Management Approach

Based on our discussions with program, NNSA, and site officials, as well as reviews of relevant documentation, we determined that records management was generally considered a low priority by management and had not received adequate attention. In particular, the Department had not utilized a central authority that had the ability to effectively direct records management functions.

Headquarters programs and NNSA generated various types of records through policy decisions in support of the Department's missions and objectives. However, the Department's corporate information technology solution at Headquarters – Department of Energy Common Operating Environment – did not offer the capability to properly identify, maintain, and dispose of records in accordance with Federal requirements. For instance, officials from EERE stated that they decided to develop their own records management application in the absence of a corporate solution.

The Department formed the DOE Records Management Council (Council) in 2008 to aid in maintaining an effective records management program by providing guidance, direction, and coordination. However, the Council did not have adequate authority to address records management shortcomings and was not used to help ensure effective coordination of development and implementation of records management

applications. Specifically, we noted numerous records management application pilot projects ongoing at the programs and sites reviewed; however, the coordination of these projects had not been vetted through the Council. Had the Council been utilized as intended, it may have been able to identify and address some of the issues noted in our report.

To further demonstrate issues with records management, we noted that a recent report issued by NARA found that a self-assessment completed by the Department indicated no significant weaknesses surrounding records management. However, the state of the program as reflected in this self-assessment was in stark contrast to the situation we observed during our review. For instance, the Department reported that all agency personnel had received regular training of their records management responsibilities; however, we determined that training was not provided to all agency personnel. In addition, the Department completed the self-assessment with no input from program offices and did not validate the information prior to submission to NARA. As such, the information included in the NARA report did not appear to adequately portray the current posture of the Department's records management program.

Training

Department programs, NNSA, and sites did not require electronic records management training for all employees. Specifically, six of seven programs, NNSA, and six of eight sites did not require records management training be provided to all relevant users. Further, the OCIO had not communicated the need for, and requirements of, managing vital electronic records. Numerous users we spoke with during our review commented that they did not know what types of information must be maintained as records. For example, 49 of 107 (46 percent) users sampled did not adequately understand the definition of a "record." While a complex-wide training program did not exist, several organizations did make training information available to their employees. For example, the Office of Legacy Management provided annual mandatory records management training for all of its employees. In addition to mandatory training, the NNSA Service Center required basic records management training for new employees when they were hired. However, other organizations required training only for specific individuals, such as those with records management responsibilities. Had the Department

established an effective training program, users would have been informed on the appropriate methods for managing electronic records.

Opportunities for Improvement

Without adequate action to address the problems identified in this report, the Department may not be able to recover necessary information during crucial times, such as litigation of health, safety, and environmental issues. The Department was also at risk of not having records to meet FOIA and Congressional requests. For example, a former high ranking Department official from the previous administration deleted e-mails and was unable to provide evidence pertaining to a decision to terminate a major project during a recent Congressional inquiry. Had a records management application been in place, the Department may have been able to recover such e-mails from storage.

Furthermore, a records management application would help to ensure that records are disposed of properly at the end of their useful life. A recent Government Accountability Office (GAO) report on *Federal Records – National Archives and Selected Agencies Need to Strengthen E-mail Management* (GAO-08-742, June 2008), raised concerns about disposition of records and the lengthy retention of electronic records regarding legal discovery and compliance with requests under FOIA or the Privacy Act of 1974. By not maintaining large volumes of non-record material, the Department may be able to increase the efficiency of processing such requests.

Furthermore, the Department may spend more than necessary on duplicate systems and pilot projects, potentially resulting in records management applications that are not compatible with other systems in the Department. In addition, recent actions surrounding the Department's decision to terminate the Yucca Mountain project have highlighted the need for proper management and control of project documents to protect the information and records that have been generated over the life of Department projects.

RECOMMENDATIONS

To improve records management practices across the Department, we recommend that the Administrator, National Nuclear Security Administration, Under Secretary of Energy, and the Under Secretary for Science, in coordination with the Department and NNSA Chief Information Officers:

1. Finalize and implement the updated Departmental policies and guidance supporting the Records Management Program;

-
2. Utilize a central authority, such as the Department's Record Management Council, to help ensure a coordinated approach for records management activities across the Department;
 3. Ensure that the identification, maintenance, and disposition of electronic records is managed through the use of records management applications, in accordance with Federal and Department requirements and guidelines; and,
 4. Develop and implement mandatory records management training for all Federal and contractor personnel, as necessary, to include management of electronic and vital records.

MANAGEMENT REACTION

Management concurred with each of the report's recommendations. Management added that it had initiated or completed actions designed to address weaknesses identified during our review. In particular, the Office of the Chief Information Officer disclosed that the information in the report will help them and Program offices take appropriate actions to strengthen the Department's management of electronic records. In addition, NNSA commented that it is working in conjunction with the Department to evaluate and implement records management applications at the enterprise-wide-level.

AUDITOR COMMENTS

Management's comments were responsive to our recommendations. Management's comments are included in their entirety in Appendix 3.

Appendix 1

OBJECTIVE To determine whether the Department of Energy (Department) effectively managed its electronic records and had corrected previously identified issues.

SCOPE This audit was performed between October 2009 and July 2010, at Department Headquarters in Washington, DC, and Germantown, Maryland; the National Energy Technology Laboratory, Pittsburgh, Pennsylvania, and Morgantown, West Virginia; the Los Alamos National Laboratory, Los Alamos, New Mexico; the Oak Ridge Office, Oak Ridge National Laboratory, and Y-12 National Security Complex, Oak Ridge, Tennessee; and, the Sandia National Laboratories and National Nuclear Security Administration (NNSA) Service Center, Albuquerque, New Mexico.

METHODOLOGY To accomplish the audit objective, we:

- Reviewed Federal regulations, Departmental directives, and other guidance pertaining to records management;
- Reviewed prior reports issued by the Office of Inspector General and the Government Accountability Office;
- Reviewed numerous National Archives Records Administration documents related to the retention and management of records;
- Held discussions with officials and personnel from Department Headquarters, including representatives from the Offices of the Chief Information Officer; Health, Safety and Security; Science; Management; Environmental Management; Fossil Energy; Energy Efficiency and Renewable Energy; Legacy Management; and the National Nuclear Security Administration; and,
- Held interviews with various Department staff and contractors to learn what types of processes they use for records management and their general knowledge of records management.

We conducted this performance audit in accordance with generally accepted Government auditing standards. Those

standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The audit included tests of internal controls and compliance with laws and regulations to the extent necessary to satisfy the audit objective. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our audit. We also assessed performance measures in accordance with the *Government Performance and Results Act of 1993* relevant to security over information systems. We found that three of seven program offices, NNSA, and two of eight sites included in our review had performance measures related to records management. We did not rely on computer-processed data to satisfy our audit objective.

Management waived an exit conference.

PRIOR REPORTS

Office of Inspector General Report

- *The Retention and Management of the Department's Records* (DOE/IG-0685, April 2005). The Department of Energy's (Department) program to retain and dispose of its records inventory was not always operated efficiently and effectively. Specifically, the audit found that the Department had not developed and implemented methods for archiving electronic mail (e-mail) and other electronic information in its original form. The Department had also not adequately planned for scheduling and disposition of records, including those related to environment and health, held at closure sites, and maintained a number of document management and tracking systems that performed essentially the same function. These issues resulted from the lack of a comprehensive records management program, including a policy which met the requirements set forth by the National Archives and Records Administration (NARA). Several recommendations were made to improve the overall efficiency and effectiveness of the Department's records management program. Department management agreed with the recommendations and, in many instances, stated that it had initiated a number of corrective actions.

Government Accountability Office Report

- *Federal Records – National Archives and Selected Agencies Need to Strengthen E-mail Management* (GAO-08-742, June 2008). The Government Accountability Office (GAO) found that the four different agencies covered during their review generally managed e-mail records through paper-based processes, rather than using electronic recordkeeping. A transition to electronic recordkeeping was under way at one of the four agencies, and two had long-term plans to use electronic recordkeeping. (The fourth agency had no current plans to make such a transition.) All four agencies had e-mail records management policies that addressed, with a few exceptions, the requirements in NARA's regulations. However, the practices of senior officials at those agencies did not always conform to requirements. GAO found that about half of the senior officials keep their e-mails in non-record systems. If e-mail records are not kept in recordkeeping systems, they may be harder to find and use, as well as being at increased risk of loss from inadvertent or automatic deletion. Factors contributing to noncompliance included insufficient training and oversight as well as the difficulties of managing large volumes of e-mail. Without periodic evaluations of recordkeeping practices or other controls to ensure that staff is trained and carry out their responsibilities, agencies have little assurance that e-mail records are properly identified, stored, and preserved.



Department of Energy
National Nuclear Security Administration
Washington, DC 20585



AUG 16 2010

MEMORANDUM FOR: Ricky R. Hass
Deputy Inspector General
for Audit Services
Office of Inspector General

FROM:

for Gerald L. Talbot, Jr. *Jenna Sykes*
Associate Administrator
for Management and Administration

SUBJECT:

Comments to the IG Draft Report on Retention and Management of
the Electronic Records; Project No. A10TG015; IDRMS No. 2009-
02474

The National Nuclear Security Administration (NNSA) appreciates the opportunity to review the Inspector General's (IG) draft report, "Retention and Management of the Department of Energy's Electronic Records." I understand that the IG wanted to follow-up on their April 2005 report (IG-0685) to determine whether the Department had corrected previously identified issues, and was managing its electronic records.

NNSA agrees with the report. The recommendations made by the IG auditors to improve records management practices across the Department appear to be reasonable and NNSA is taking the following corrective actions:

1. NNSA plans to establish a supplemental directive to DOE O 243.1 by the end of this calendar year. The supplemental directive will provide further guidance for NNSA specific requirements not currently addressed in DOE O 243.1 as well as for effective records management including life-cycle electronic records management.
2. The DOE Records Management Council is chartered to establish consistent policies, procedures and requirements, however, the Council has little decision making authority to mandate compliance to requirements. Due to the Council having little authority, the IG may recommend appointing a Senior Management "Champion" that may enable the Council to attain greater visibility and authority. Additionally, NNSA holds a monthly Records Management meeting with representatives from the RM community at site offices. These meetings are intended to ensure that NNSA is addressing records management challenges in a coordinated fashion.



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Appendix 3 (continued)

3. NNSA is working in conjunction with the Department to evaluate and implement records management applications at the enterprise-wide level. The Agency is using paper recordkeeping systems (per 36 CFR, Subchapter B – Part 1235.20 – What are appropriate recordkeeping systems for electronic records?) to manage our records until an application is acquired and implemented.
4. NNSA is in the final testing phases to implement a computer based training module (CBT) on Records Management Awareness. The training focuses on general records management awareness as well as the roles and responsibilities of management, administrative, and technical personnel. The training was developed by NARA, and will be available through the DOE Online Learning Center (OLC) portal before the end of the third quarter of this calendar year. Completion of the CBT will be mandatory for all NNSA Federal and contractor personnel and included as part of the NNSA new-hire program. The CBT will be augmented by the development of additional training on topics including vital records and the life-cycle management of electronic records.

NNSA anticipates the corrective actions to all recommendations be completed by the end of the calendar year 2010, with the exception of recommendation 2. NNSA believes that the action we are taking meets the intent for this recommendation.

Attached, for your consideration, are technical comments to correct some factual inaccuracies in the draft report.

If you have any questions concerning this response, please contact JoAnne Parker, Director, Office of Internal Controls, 202-586-1913.

Attachment



Department of Energy
Washington, DC 20585

August 30, 2010

MEMORANDUM FOR GREGORY H. FRIEDMAN
INSPECTOR GENERAL

FROM: WILLIAM T. TURNBULL 
CHIEF INFORMATION OFFICER, ACTING

SUBJECT: Draft Audit Report "Retention and Management of the
Department of Energy's Electronic Records"

Thank you for the opportunity to comment on the draft report. The Office of the CIO (OCIO) appreciates the effort that has gone into the report. Generally, we concur with the findings of the audit team. We believe the report was factually accurate, the conclusions fair, and the recommendations reasonable. The information in the report will assist the OCIO and Program offices to take appropriate actions to strengthen the Department's management of its electronic records.

With respect to the specific recommendations in the draft report:

Recommendation 1: That the Administrator, National Nuclear Security Administration, Under Secretary of Energy, and the Under Secretary for Science, in coordination with the Department and NNSA Chief Information Officers *finalize and implement the updated Departmental policies and guidance supporting the Records Management Program.*

Concur. The OCIO, in cooperation with the Records Management Council (RMC), has already initiated actions to revise and update DOE Order 243.1, *Records Management*. The revision will cover all aspects of records management, with a particular focus on the management of electronic records. The OCIO and the RMC will also revise and update, as appropriate, all guidance documents currently available on the OCIO records management website. A special committee of the RMC will revise and update the *Records Management Handbook* and post the revisions to the OCIO records management website.

Target date: December 2010

Recommendation 2: That the Administrator, National Nuclear Security Administration, Under Secretary of Energy, and the Under Secretary for Science, in coordination with the Department and NNSA Chief Information Officers *utilize a central authority, such as the DOE Records Management Council, to help ensure a coordinated approach for records management activities across the Department.*

Concur. The OCIO agrees that RMC should be authorized to review and identify records management issues throughout the Department and issue findings and recommendations to DOE offices. The OCIO will revise the RMC Charter accordingly and have the charter approved by the IT Council.



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Appendix 3 (continued)

Target date: November 2010

Recommendation 3: That the Administrator, National Nuclear Security Administration, Under Secretary of Energy, and the Under Secretary for Science, in coordination with the Department and NNSA Chief Information Officers *ensure that the identification, maintenance, and disposition of electronic records is managed through the use of records management applications, in accordance with Federal and Department requirements and guidelines.*

Concur. The OCIO agrees that a coordinated approach is needed to “ensure greater success and consistency” in the implementation of records management application to manage the disposition of DOE records. The OCIO recognizes that the widely varying and often unique priorities and missions of programs and sites across the Department make it impossible to select a single corporate RMA solution. Nevertheless, the OCIO agrees that to the greatest extent possible, that better coordination would allow for better management of records and “aid in reducing cost and duplicative efforts.” The OCIO will work through the IT Council to initiate a working group to coordinate the Department’s implementation of records management applications.

Target date: March 2011

Recommendation 4: That the Administrator, National Nuclear Security Administration, Under Secretary of Energy, and the Under Secretary for Science, in coordination with the Department and NNSA Chief Information Officers *develop and implement mandatory records management training for all Federal and contractor personnel, as necessary, to include management of electronic and vital records.*

Concur. The OCIO agrees that DOE employees, and contractors working on behalf of DOE, have records management responsibilities and therefore should be required to complete appropriate training consistent with their organizational roles and responsibilities. DOE Order 243.1, *Records Management Program*, provides authority for this requirement, “*records management program training [shall be] be provided for all persons with records management responsibilities.*” To ensure that this requirement is met the OCIO has developed and published roles-based records management training. The OCIO will work with the IT Council, the Office of the Chief Human Capital Officer, and the NNSA Office of Administration to ensure that personnel with records management duties necessitating such training complete it as required.

Target date: December 2010

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