



Testimony

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NATIONAL ARCHIVES

The Challenge of Electronic Records Management

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National Archives: The Challenge of Electronic Records Management

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the challenges that face the National Archives and Records Administration (NARA) and federal agencies in their efforts to manage the rapidly increasing volume of electronic records. Records generated electronically, such as electronic mail (E-mail) messages, word processing documents, CD ROMs, and World Wide Web site pages, present special archival challenges for NARA and the agencies because these technologies are new and constantly changing. Consistent, sustained oversight from Congress – through avenues such as today’s hearing – is needed to ensure that records management policies and practices keep pace with today’s environment.

My testimony today centers on our report to the Senate Governmental Affairs Committee in July 1999.¹ In that report, we noted that NARA and the agencies must address several hardware and software issues to ensure that electronic records are properly created, permanently maintained, secured, and retrievable in the future. Also, because of the wide variance in electronic records management (ERM) policies and practices at four agencies we visited, we recommended that NARA conduct a baseline survey of all agencies as a part of its planned business process reengineering (BPR) effort. NARA had earlier planned to do such a survey but has decided to postpone it because the Archivist gave higher priority to such activities as BPR. Instead, NARA plans to collect information from a small, judgmentally selected sample of agencies. We continue to believe NARA’s BPR effort would benefit from a complete baseline assessment survey of all agencies’ records management capabilities.

NARA has taken actions to address the agencies’ immediate needs for ERM guidance and direction – revising its bulletins and other guidance as well as forming a new group to help answer agencies’ questions on ERM issues. Some of NARA’s actions have been taken as a result of a court decision,² which held that NARA’s guidance for the deletion of electronic records exceeded statutory authority. The Archivist appealed and on August 6, 1999 the U.S. Court of Appeals reversed the lower court’s decision.³ The Archivist said, however, that NARA would continue to work toward ensuring preservation and ready access to electronic records.

¹ National Archives: Preserving Electronic Records in an Era of Rapidly Changing Technology (GAO-GGD-99-94, July 19, 1999).

² Public Citizen v. Carlin, 2 F. Supp. 2d 1 (D.D.C. 1997).

³ Public Citizen v. Carlin, 184 F.3d 900 (D.C. Cir. 1999).

Background

NARA is the successor agency to the National Archives Establishment, which was created in 1934, then incorporated into the General Services Administration in 1949 and renamed the National Archives and Records Service. NARA became an independent executive branch agency in 1985 in a move designed to give the Archivist greater autonomy to focus resources on the primary mission of preserving the country's documentary heritage.

NARA's mission is to make the permanently valuable records of the government – in all media – available to the public, the President, Congress, and the courts for reference and research. The Federal Records Act defines a record as all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form, made or received by an agency in connection with the transaction of public business as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government.⁴ As a result, NARA preserves billions of pages of textual documents and numerous maps, photographs, videos, and computer records.

Under the Federal Records Act, both NARA and federal agencies have responsibilities for records management. NARA must provide guidance and assistance to federal agencies on the creation, maintenance, use, and disposition of government records.⁵ Federal agencies are then responsible for ensuring that their records are created and preserved in accordance with the act. NARA and agency staff work together to identify and inventory an agency's records to appraise the value of the records and determine how long they should be kept and under what conditions.

NARA and Federal Agencies Face ERM Challenges

We found that NARA and federal agencies are confronted with many ERM challenges, particularly technological issues. NARA must be able to receive electronic records from agencies, store them, and retrieve them when needed. Agencies must be able to create electronic records, store them, properly dispose of them when appropriate, and send valuable electronic records to NARA for archival storage. All of this must be done in the context of the rapidly changing technological environment.

NARA officials told us that NARA needs to expand its capacity to accept the increasing volume of electronic records from agencies. Over the past quarter century, NARA received approximately 90,000 agency electronic

⁴ 44 U.S.C. 3301.

⁵ 44 U.S.C. 2904

data files. However, now NARA estimates that some federal agencies, such as the Department of State and Department of the Treasury, are individually generating 10 times that many electronic records annually just in E-mail – and many of those records may need to be preserved by NARA.

In addition to increasing volume, NARA must address some definitional problems, such as what constitutes an electronic record. In addition, because agencies follow no uniform hardware or software standards, NARA must be capable of accepting various formats from agencies and maintaining a continued capability of reading those records. The long-term preservation and retention of those electronic records is a challenge because of the difficulty in providing continued access to archived records over many generations of systems, because the average life of a typical software product is 2 to 5 years. NARA is also concerned about the authenticity and reliability of records transferred to NARA.

NARA is not alone in facing ERM challenges, the agencies also must meet Federal Records Act responsibilities. Records management is the initial responsibility of the staff member who creates the record, whether the record is paper or electronic. Preservation of and access to that record then also becomes the responsibility of agency managers and agency records officers.

Agencies must incorporate NARA's guidance into their own recordkeeping systems. Agencies' responsibilities are complicated by the decentralized nature of electronic records creation and control. For example, agencies' employees send huge volumes of E-mail, and any of those messages deemed to be an official record must be preserved. Agencies must assign records management responsibilities, control multiple versions, and archive the messages.

Agencies Vary in Their Implementation of ERM

Agencies' reactions to the challenges I just mentioned are varied. On the basis of our discussions with NARA and some agency officials, we learned that some agencies are waiting for more specific guidance from NARA while others are moving forward by looking for ways to better manage their electronic records. However, there has been no recent governmentwide survey to determine the extent of agencies' ERM programs and capabilities or their compliance with the Federal Records Act.

NARA officials consider the Department of Defense (DOD) as one of the agencies most advanced in its ERM efforts. NARA has worked with DOD

for several years to develop DOD's ERM software standard,⁶ which is intended to help DOD employees determine what are records and how to properly preserve them. NARA endorsed the DOD standard in November 1998 as a tool that other agencies could use as a model until a final policy is issued by NARA. NARA, however, did not mandate that agencies use the DOD standard.

The DOD standard (1) sets forth baseline functional requirements for records management application software; (2) defines required system interfaces and search criteria; and (3) describes the minimum records management requirements that must be met, according to current NARA regulations. A number of companies have records management application products that have been certified by DOD for meeting this standard.

Other agencies have also been testing ERM software applications for their electronic records. For example, the National Aeronautics and Space Administration (NASA) and the Department of the Treasury's Office of Thrift Supervision (OTS) have both tested ERM software with mixed results.

NARA Does Not Have Governmentwide Data on Agencies' ERM Efforts

Even though NARA is aware of what some agencies are doing – such as DOD, NASA, OTS, and some others – it does not have governmentwide data on the records management capabilities and programs of federal agencies. NARA had planned to do a baseline assessment survey to collect such data on all agencies by the end of fiscal year 2000. The survey would have identified best practices at agencies and collected data on (1) program management and records management infrastructure, (2) guidance and training, (3) scheduling and implementation, and (4) electronic recordkeeping. NARA had planned to determine how well agencies were complying with requirements for retention, maintenance, disposal, retrieval/accessibility, and inventorying of electronic records. The Archivist decided, however, to temporarily postpone doing this baseline survey because he accorded higher priority to such activities as reengineering NARA's business processes. NARA's BPR will address its internal processes as well as guidance and interactions with agencies.

In our July 1999 report, we recommended that NARA do the baseline survey now, as part of its BPR, instead of waiting until BPR – which is

⁶ The DOD standard, Design Criteria Standard for Electronic Records Management Software Applications, November 1997, was issued under the authority of DOD Directive 5015.2, Department of Defense Records Management Program, April 11, 1997.

scheduled to take 18 to 24 months – is completed. Conducting the baseline survey now could provide valuable information for the BPR effort while also accomplishing the survey’s intended purpose of providing baseline data on where agencies are with regards to records management programs. NARA would also be in a better position in later years to assess the impacts of its BPR effort.

In response to our draft report and in a September 17, 1999, letter to the Comptroller General, the Archivist said that much of this baseline data would not be relevant to BPR and therefore NARA would not collect it at this time. However, NARA does have plans to collect limited information from a sample of agencies after starting BPR. We continue to believe that the baseline data is necessary to give NARA the proper starting point for proceeding with its BPR. Because agencies vary in their implementation of ERM programs, the baseline survey would provide much richer data than the limited information collection effort now planned by NARA.

NARA Is Revising Its ERM Guidance

Even though NARA lacks governmentwide data on how agencies are implementing ERM, NARA has already begun revising its guidance to agencies. Historically, NARA’s ERM guidance has been geared toward mainframes and databases, not personal computers. NARA’s electronic records guidance to agencies, which establishes the basic requirements for creation, maintenance, use, and disposition of electronic records, is found in the Code of Federal Regulations.⁷

In 1972, before the widespread use of personal computers in the government workplace, NARA issued guidance – General Records Schedule (GRS) 20 – on the preservation of electronic records. Several revisions occurred prior to a 1995 version which provided that after electronic records were placed in any recordkeeping system, the records could be deleted. In December 1996, a public interest group filed a complaint in federal district court challenging the 1995 guidance.

In an October 1997 decision, the court found that the Archivist had exceeded the scope of his statutory authority in promulgating GRS 20. The court said that GRS 20 did not differentiate between program records and administrative “housekeeping” records, and electronic records are distinct from printed versions of the same record. The court also said that the Archivist failed to carry out his statutory duty to evaluate the value of records for disposal, and GRS 20 violated the Records Disposal Act because it failed to specify a period of time for retention of records to be

⁷ 36 C.F.R. Part 1234.

disposed of under a general schedule. Thus, the court ruled GRS 20 “null and void.”

Following the court’s ruling, NARA established an Electronic Records Working Group in March 1998 with a specific time frame to propose alternatives to GRS 20. In a subsequent ruling, the court ordered the NARA working group to have an implementation plan to the Archivist by September 30, 1998. In response to the working group’s recommendations, NARA agreed in September 1998 to take several actions:

- It issued a revision in the general records schedules on December 21, 1998, to authorize agencies’ disposal of certain administrative records (such as personnel, travel, and procurement) regardless of physical format, after creation of an official recordkeeping copy.
- It initiated a follow-on study group (made up of NARA staff, agency officials, and consultants) in January 1999 – Fast Track Development Project – intended to answer the immediate questions of agencies about ERM that can be solved relatively quickly.
- It issued NARA Bulletin 99-04 on March 25, 1999, to guide agencies on scheduling how long to keep electronic records of their program activities and certain administrative functions formerly covered under GRS 20.
- It drafted a new general records schedule for certain administrative records to document the management of information technology. NARA has received comments from agencies on the draft, and the draft is still under review by NARA and the Office of Management and Budget. NARA hopes to have this guidance issued by the end of 1999.

On August 6, 1999, the U.S. Court of Appeals reversed the lower court’s decision and held that GRS 20 is valid. That reversal was not appealed by the public interest group. In response to the court of appeals decision, the Archivist said that NARA would continue in an orderly way to develop practical, workable strategies and methods for managing and preserving records in the electronic age and ensuring access to them. He said that NARA remains committed to working aggressively toward that goal.

ERM Activities in Some States and Foreign Countries Differ from Those of the Federal Government

Our review of the ERM activities in four states and three foreign governments showed that approaches to ERM differ. These entities often did things differently from each other and/or NARA.

In general, the four state archiving agencies (Florida, Oklahoma, Oregon, and Texas) provide centralized policies and procedures that are described in either state law or administrative rules. State archiving agencies that take physical custody of the actual records do so when the records are no

longer needed by the individual agencies but are of archival value. Two of the states also emphasized the use of the Internet as a mechanism that allows both the archivist and the general public to determine where records may be found. State officials indicated that state law and administrative rules that they issue guide their records management requirements, but they also interact with NARA and other states to assist in determining their states' policies.

Our review of public documents from three foreign governments (Australia, Canada, and the United Kingdom) showed that although these countries share common challenges, they each have taken somewhat different approaches to ERM decisions. For example, Australia has strong central authority and decentralized custody of records, and it maintains a governmentwide locator system. Canada issues "vision statements" rather than specific policies, and individual agencies maintain their own electronic records until they have no more operational need for them. The United Kingdom established broad guidelines, which are put into practice by its individual agencies in partnership arrangement with its national archives. Realizing the common problems faced by all countries, NARA is part of international initiatives that are to study and make recommendations regarding ERM.

Concluding Observations

In conclusion, it is obvious that NARA and federal agencies are being challenged to effectively and efficiently manage electronic records in an environment of rapidly changing technology and increasing volume of electronic records. It is certainly not an easy task. Much remains for NARA and the agencies to do as they tackle the issues I have discussed.

We believe that NARA is moving in the right direction. However, because of the variance of ERM programs and activities across the government, we continue to believe that the Archivist should conduct the baseline assessment survey as we recommended in our July 1999 report. This survey would produce valuable information for NARA's use during its critical BPR effort. A well-planned and successful BPR should be a stepping-stone for NARA as it moves into the next phase of its management of all records, particularly electronic.

As you know, Mr. Chairman, NARA has not had concerted congressional oversight as an independent agency. Such oversight is essential to help NARA ensure that the official records of our country are properly maintained and preserved. I commend the efforts of this Subcommittee for holding this hearing and bringing the issues surrounding government records into the spotlight. I look forward to future hearings in this area.

Statement

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Mr. Chairman, this concludes my prepared statement. I would be pleased to respond to any questions you or other Members of the Subcommittee may have.

Contacts and Acknowledgement

For further information regarding this testimony, please contact L. Nye Stevens or Michael Jarvis at (202) 512-8676. Alan Stapleton, Warren Smith, and James Rebbe also made key contributions to this testimony.

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