



Report to the Permanent Subcommittee  
on Investigations, Committee on  
Homeland Security and Governmental  
Affairs, U.S. Senate

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February 2020

# INFORMATION MANAGEMENT

## Selected Agencies Need to Fully Address Federal Electronic Recordkeeping Requirements

Highlights of [GAO-20-59](#), a report to the Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, U.S. Senate

## Why GAO Did This Study

The *Federal Records Act*, a subsequent directive, and NARA regulations establish requirements for agencies to ensure the transparency, efficiency, and accountability of federal records, including those in electronic form. In addition, NARA plays an important role in overseeing and assisting agencies' records management efforts.

GAO was asked to evaluate federal agencies' implementation of the aforementioned requirements related to electronic records. The objectives were to determine the extent to which (1) selected agencies' policies and procedures address the electronic recordkeeping requirements in the *Managing Government Records Directive* and the *Presidential and FRA Amendments of 2014* and (2) NARA assisted selected agencies in managing their electronic records. To do so, GAO selected 17 agencies and reviewed their records management policies and procedures. GAO also reviewed laws and requirements pertaining to NARA's roles and responsibilities for assisting agencies in managing their electronic records. Further, GAO analyzed NARA guidance and other documents that discussed NARA's efforts in carrying out these responsibilities.

## What GAO Recommends

GAO is making 40 recommendations to 14 of the 17 selected agencies to improve their management of electronic records. GAO is also recommending that NARA (1) require high-risk smaller agencies to create improvement plans and (2) monitor progress on a regular basis. Six agencies, including NARA, agreed with the recommendations, while 11 did not state whether they agreed or disagreed, or had no comments.

View [GAO-20-59](#). For more information, contact Nick Marinos at (202) 512-9342 or [marinosn@gao.gov](mailto:marinosn@gao.gov).

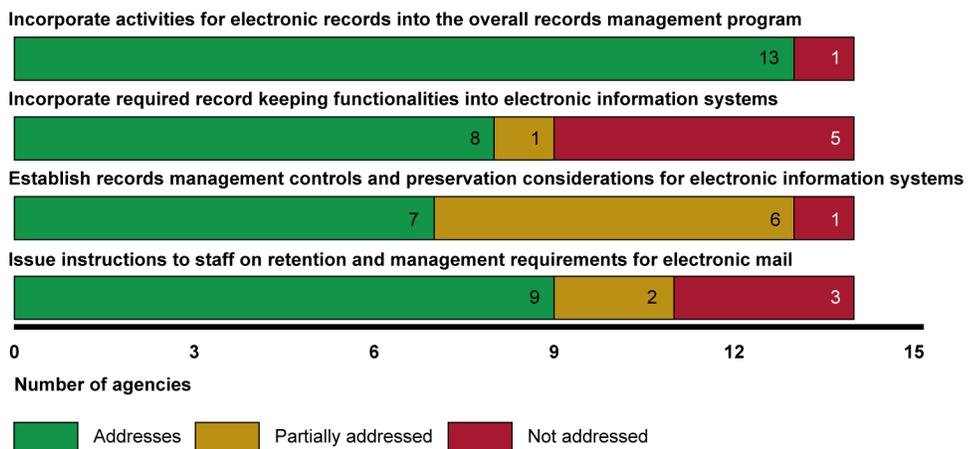
# INFORMATION MANAGEMENT

## Selected Agencies Need to Fully Address Federal Electronic Recordkeeping Requirements

### What GAO Found

Seventeen agencies GAO selected for review varied in the extent to which their policies and procedures addressed the electronic recordkeeping requirements in the *Managing Government Records Directive* and the *Federal Records Act (FRA)* and its amendments. More specifically, 14 of the 17 agencies established records management programs, while three agencies did not. Of those 14 agencies with established records management programs, almost all addressed requirements related to incorporating electronic records into their existing programs, but many did not have policies and procedures to fully incorporate recordkeeping functionalities into electronic systems, establish controls and preservation considerations for systems, and issue instructions on email requirements (see table).

**Assessment of Selected Agencies' Policies and Procedures Addressing Key Electronic Records Requirements**



Source: GAO analysis of agency data. | GAO-20-59

NARA provided guidance and assistance to the selected agencies, including guidance on electronic records management and training. All of the agencies stated that the assistance was generally helpful and that they relied on it to some extent for implementing the key requirements discussed in this report. Further, NARA oversaw the selected agencies' implementation of federal records management regulations through their self-assessment program. However, NARA had not ensured that the selected small or micro agencies that self-assessed to be at high risk of improper records management in calendar year 2017 were taking appropriate actions to make improvements to their records management programs. NARA officials stated they conduct follow-up with the agencies that report poor scores, but they do not proactively require the agencies to address their weaknesses. Until NARA requires these agencies to develop plans to make necessary improvements, these agencies will likely miss important opportunities to improve their record management practices.

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## Abbreviations

AFRH	Armed Forces Retirement Home
CFPB	Consumer Financial Protection Bureau
Commerce	Department of Commerce
EAC	U.S. Election Assistance Commission
EOP	Executive Office of the President
FHFA	Federal Housing Finance Agency
FTC	Federal Trade Commission
NASA	National Aeronautics and Space Administration
NARA	National Archives and Records Administration
NSF	National Science Foundation
OMB	Office of Management and Budget
ONDCP	Office of National Drug Control Policy
OPM	Office of Personnel Management
OPIC	Overseas Private Investment Corporation
SAORM	Senior Agency Officials for Records Management
SIGAR	Special Inspector General for Afghanistan Reconstruction
Udall Foundation	Morris K. Udall and Stewart L. Udall Foundation

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February 27, 2020

The Honorable Rob Portman  
Chairman  
The Honorable Tom Carper  
Ranking Member  
Permanent Subcommittee on Investigations  
Committee on Homeland Security and Governmental Affairs  
United States Senate

Advances in technology and electronic communications, such as email, have transformed agency operations while creating new opportunities with respect to the effective management of agency records. For example, these services can improve agency performance and promote openness and accountability through better documentation of agency actions and decisions. However, these services also pose risks to the adequate protection of government information and have radically increased the volume and diversity of information that federal agencies must manage.

Recognizing this challenge, in November 2011, a presidential memorandum entitled *Managing Government Records* was issued, which started a government-wide effort to reform federal records management.<sup>1</sup> Subsequently, the Office of Management and Budget (OMB) and the National Archives and Records Administration (NARA) jointly issued a memorandum to the heads of federal departments and agencies entitled *Managing Government Records Directive*.<sup>2</sup> The directive provided implementation guidance for improved records management and

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<sup>1</sup>The White House, *Presidential Memorandum—Managing Government Records* (Washington, D.C.: Nov. 28, 2011).

<sup>2</sup>Executive Office of the President, Office of Management and Budget and National Archives and Records Administration, *Memorandum for the Heads of Executive Departments and Agencies and Independent Agencies: Managing Government Records Directive*, M-12-18 (Washington, D.C.: Aug. 24, 2012).

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required, to the fullest extent possible, that agencies eliminate paper and use electronic recordkeeping.<sup>3</sup>

The directive, the Federal Records Act (FRA),<sup>4</sup> NARA regulations,<sup>5</sup> and the Presidential and Federal Records Act Amendments of 2014 (FRA Amendments),<sup>6</sup> require federal agencies to take specific actions to create, manage, and preserve federal records and provide a framework for managing electronic records. For example, the directive states that agencies must retain email records in an electronic system that supports records management requirements, including the capability to identify, retrieve, and retain these records as long as they are needed.

You asked us to conduct a review of federal agencies' management of electronic records. Our review examined the extent to which (1) selected agencies' policies and procedures address the electronic recordkeeping requirements in the Managing Government Records Directive and the Presidential and FRA Amendments of 2014 and (2) NARA assisted selected agencies in managing their electronic records.

To determine the agencies for our review, we first identified agencies that established a Senior Agency Official for Records Management (SAORM) and submitted an annual report to NARA's website between fiscal year 2015 and fiscal year 2017.<sup>7</sup> Of the 95 agencies that met these criteria, we

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<sup>3</sup>On June 28, 2019, OMB and NARA jointly issued a *Memorandum for Heads of Executive Departments and Agencies: Transition to Electronic Records* (M-19-21) that consolidated requirements from prior records management guidance to ensure consistent, governmentwide policy and practices. M-19-21 rescinds M-12-18 and generally continues or builds on the requirements of the *Managing Government Records Directive* that we discuss in this report.

<sup>4</sup>The relevant provisions of the *Federal Records Act* and subsequent records management statutes are largely codified in chapters 21, 29, 31, and 33 of Title 44 of the United States Code.

<sup>5</sup>Relevant NARA regulations implementing the *Federal Records Act* are found at 36 C.F.R. Parts 1220-1238.

<sup>6</sup>Pub. L. No. 113-187, 128 Stat. 2003 (Nov. 26, 2014).

<sup>7</sup>The *Managing Government Records Directive* (M-12-18), jointly issued by the Office of Management and Budget and the National Archives and Records Administration (NARA), requires that agencies designate Senior Agency Officials for Records Management (SAORM). The directive and NARA Bulletin 2017-02 require that the SAORM report to NARA on agency progress in meeting the directive's goals as well as on other significant records and information management initiatives defined by NARA. Departments and agencies in the executive branch are required to submit SAORM annual reports to NARA.

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removed two from consideration because they were not part of the executive branch: one was a judicial branch agency and the other was a legislative branch agency. The 93 remaining agencies represented the following categories: (1) executive departments, (2) Executive Office of the President agencies, and (3) independent agencies.

To ensure the selection of a variety of agencies across the designated categories, we chose a sample of 17 agencies and ensured that at least two agencies were selected from each of the three categories. In order to generate this sample, we sorted the list of 93 agencies by assigned random numbers and selected the top 17 agencies in this list, while ensuring that at least two agencies from each category were selected.<sup>8</sup> This sample of 17 agencies cannot be used to make generalizations about all agencies.

To address our first objective, we obtained and analyzed the selected agencies' guidance, directives, policies, plans, procedures, and other documentation that described key requirements specified in the Federal Records Act, the Federal Records Act Amendments of 2014,<sup>9</sup> and its implementing regulations. The selected requirements included general records management provisions as well as specific requirements regarding the management of electronic records, such as the requirement to establish records management controls for records in electronic information systems and to protect records against technological obsolescence. Further, we analyzed agencies' progress in meeting the Office of Management and Budget's (OMB) and NARA's Managing Government Records Directive. For the directive, we focused on requirements related to electronic records management, such as managing permanent records, managing email records, and managing electronic records management programs. We also interviewed cognizant

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<sup>8</sup>The 17 agencies selected were the Armed Forces Retirement Home, Consumer Financial Protection Bureau, Department of Commerce, U.S. Election Assistance Commission, Federal Housing Finance Agency, Federal Trade Commission, Marine Mammal Commission, Morris K. Udall and Stewart L. Udall Foundation, National Aeronautics and Space Administration, National Science Foundation, Office of Management and Budget, Office of National Drug Control Policy, Overseas Private Investment Corporation, Office of Personnel Management, Peace Corps, Presidio Trust, and Special Inspector General for Afghanistan Reconstruction.

<sup>9</sup>The relevant provisions of the *Federal Records Act* and subsequent records management statutes are largely codified in Chapters 21, 29, 31, and 33 of Title 44 of the United States Code. Relevant NARA regulations implementing the *Federal Records Act* are found at 36 C.F.R. Parts 1220-1238.

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agency officials regarding any gaps we identified in agencies' policies and procedures and to understand their approach to records management.

To address our second objective, we reviewed NARA's annual self-assessment program that evaluates agencies' reported compliance with federal records management statutes, regulations, and program functions to obtain information on how NARA was determining which agencies needed assistance with implementing their records management programs. We supplemented our document reviews and analysis with interviews of selected agency officials responsible for records management and NARA agency officials to gain an understanding of these and other relevant documents aimed at helping agencies implement their records management programs.

We conducted this performance audit from March 2018 to February 2020 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 that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Additional details of our objectives, scope, and methodology are contained in appendix I.

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## Background

Records are the foundation of open government, supporting the principles of transparency, participation, and collaboration. Effective management of federal agency records is important for efficient government operations: it ensures that sufficient documentation is created; that agencies can efficiently locate and retrieve records needed in the daily performance of their missions; and that records of historical significance are identified, preserved, and made available to the public.

Requirements for managing federal records include the following:

- The FRA establishes requirements for the management of records in federal agencies. Every federal agency is required to preserve records that document the organization, functions, policies, decisions, procedures, and essential transactions of the agency 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. The act also gives NARA regulatory responsibilities for records management as well as general responsibilities for archiving records.

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- In response to a presidential memorandum<sup>10</sup> to begin an executive branch effort to reform records management policies and develop a framework for the management of electronic government records, the Director of OMB and the Archivist of the United States jointly issued the Managing Government Records Directive to heads of federal departments and agencies.<sup>11</sup> This directive aimed at creating a robust records management framework for electronic records that complied with statutes and regulations to achieve the benefits outlined in the presidential memorandum. It required agencies to eliminate paper and use electronic recordkeeping to the fullest extent possible.

Among other things, the directive identified two requirements related to electronic records that agencies were to implement between December 2016 and December 2019.<sup>12</sup>

- By December 31, 2016, federal agencies were to manage all permanent and temporary email records in an accessible electronic format. Email records were to be retained in an appropriate electronic system that supports records management litigation requirements, including the capability to identify, retrieve, and retain the records for as long as they are needed.
- By December 31, 2019, federal agencies are to manage all permanent electronic records in an electronic format to the fullest extent possible for eventual transfer and accessioning by NARA.<sup>13</sup>

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<sup>10</sup>The White House, *Presidential Memorandum—Managing Government Records* (Washington, D.C.: Nov. 28, 2011).

<sup>11</sup>M-12-18.

<sup>12</sup>For our review, we included only the directive's requirements directly related to electronic records that had a deadline of or after December 2016, given that we previously reported on agency progress in meeting the requirements from the directive that had a deadline prior to December 2016. See [GAO-15-339](#).

<sup>13</sup>M-19-21 is consistent with the M-12-18 requirements discussed in this report and states that agencies are expected to continue managing email records in an electronic format and that permanent records are to be managed to the fullest extent possible in an electronic format.

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## NARA and Federal Agencies Share Responsibilities for Federal Records Management

Under the FRA and its implementing regulations, NARA has general oversight responsibilities for records management and the preservation of permanent records documenting the activities of the government in the National Archives of the United States. Thus, NARA is responsible for overseeing agency management of temporary and permanent records used in everyday operations and, ultimately, for taking control of permanent agency records judged to be of historic value.

In particular, NARA is responsible for:

- issuing records management guidance covering topics such as managing electronic records;
- assigning an appraisal archivist<sup>14</sup> to each agency to answer agency questions about federal records management;
- providing services to agencies, such as records scheduling and appraisal;
- working with agencies to implement effective controls over the creation, maintenance, and use of records in the conduct of agency business;
- approving the disposition (destruction or preservation) of records;
- providing storage facilities for agency records; and
- conducting inspections or surveys of agency records and records management programs.

NARA is also responsible for reporting to Congress on the state of federal records management. It accomplishes this responsibility, in part, by requiring all federal agencies to submit an annual report to the Office of the Chief Records Officer for the federal government. As part of these annual reports, agencies are required to include three submissions:

- The Senior Agency Official Records Management Report includes responses about the agency's progress toward the targets and requirements in the Managing Government Records Directive.
- The Federal Email Management Report includes a self-evaluation of their email management.

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<sup>14</sup>Appraisal archivists are members of NARA's records management staff who perform appraisals of agency records as part of the scheduling process. Because appraisal archivists are generally assigned to a specific agency, they may have insight into that agency's records management program.

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- The Records Management Self-Assessment includes a self-evaluation of their compliance with federal records management statutes, regulations, and program functions.

In addition to NARA's responsibilities, the FRA requires each federal agency to make and preserve records that document the organization, functions, policies, decisions, procedures, and essential transactions of the agency.

### **Effective Records Management Must Address Electronic Records, Including Email**

The FRA covers documentary material, regardless of physical form or media, although, until the advent of computers, records management and archiving mostly focused on handling paper documents. However, as information is increasingly created and stored electronically, records management has had to take into account the creation of records in various electronic formats, including email messages. As such, agencies need to adapt their records management practices to manage those electronic files that may be federal records.

NARA's implementing regulations and guidance, such as periodic NARA bulletins, provide direction to agencies about the management of electronic records. To ensure that the management of agency electronic records is consistent with provisions of the FRA, NARA requires each agency to maintain an inventory of all agency information systems that identifies basic facts about each system, such as technical characteristics and the electronic records it contains. NARA also requires that agencies maintain all federal records, including those in electronic format, in its systems. Further, NARA requires agencies to provide instructions to staff regarding how to maintain the agency's operational records and what to do when they are no longer needed for current business. Like other records, electronic records must be scheduled either under agency-specific schedules or pursuant to a general records schedule.<sup>15</sup>

Further, in order to effectively address NARA regulations, agencies are to establish policies and procedures that provide for appropriate retention and disposition of their electronic records. Disposition involves transferring records of permanent, historical value to NARA for the

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<sup>15</sup>NARA, which has responsibility for establishing recordkeeping requirements for federal records, issues the general records schedule. The general records schedule specifies retention periods and provides authority to destroy or recycle temporary, administrative records common to several or all federal agencies (for example, official personnel folders).

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archiving of records (preservation) and the destruction of all other records that are no longer needed for agency operations.

In addition to adherence to general requirements governing electronic records, according to the electronic records management regulation, agencies are to also issue instructions to staff that specifically address retention and management of their email records. The regulation requires agencies' email records to be managed as are other federal records with regard to the adequacy of documentation, recordkeeping requirements, agency records management responsibilities, and records disposition.

The FRA Amendments enacted on November 26, 2014, include, among other things, disclosure requirements for official business conducted using a non-official electronic messaging account.<sup>16</sup> The law states an officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless the officer or employee (1) includes a copy to an official electronic messaging account of the officer or employee in the original creation or transmission of the record or (2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.

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## Our Prior Work Has Addressed Electronic Records Management

In 2015, we reported that the 24 major federal departments and agencies covered by the Chief Financial Officers Act of 1990<sup>17</sup> had taken action in response to the Managing Government Records Directive, but not all of the agencies met all of the requirements.<sup>18</sup> In that report, we stated that most of the agencies, including the Department of Commerce (Commerce) and the National Aeronautics and Space Administration (NASA), described plans to manage permanent electronic records, reported progress in managing permanent and temporary email records,

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<sup>16</sup>44 U.S.C. § 2911.

<sup>17</sup>The 24 major federal agencies covered by the *Chief Financial Officers Act of 1990* are the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, the Treasury, and Veterans Affairs; Environmental Protection Agency; General Services Administration; National Aeronautics and Space Administration; National Science Foundation; Nuclear Regulatory Commission; Office of Personnel Management; Small Business Administration; Social Security Administration; and U.S. Agency for International Development.

<sup>18</sup>GAO, *Information Management: Additional Actions Are Needed to Meet Requirements of the Managing Government Records Directive*, [GAO-15-339](#) (Washington, D.C.: May 14, 2015).

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and identified unscheduled records. We also noted that certain requirements were not fully met by a few agencies, including the National Science Foundation (NSF) and Office of Personnel Management (OPM), because these agencies were either still working on addressing the requirement, or did not view the requirement as being mandatory.

Specifically, we reported that NSF did not submit a Senior Agency Official report that would have provided information to NARA on how it intended to manage permanent records electronically. In addition, we reported that NSF did not report to NARA on its possession of permanent 30-year-old records, and had not completed its identification of, or reported on, any portion of its unscheduled records. As a result, we recommended that NSF establish a date by which the agency would complete, and then report to NARA, its plans for managing permanent records electronically and its progress toward managing permanent and temporary email records in an electronic format. We also recommended that the agency complete the identification of unscheduled records stored at agency records storage facilities. NSF concurred with our recommendations and, in response, completed its plans for managing permanent records electronically and managing permanent and temporary email records in an electronic format. We verified in February 2017 that the agency reported these plans to NARA.

For OPM, the agency had not designated their Senior Agency Official at the assistant secretary level or its equivalent because they did not view the requirement as mandatory. We recommended that the designated Senior Agency Official be at or equivalent to the level of an assistant secretary. OPM concurred with our recommendations and, in response, designated the Chief Information Officer as the Senior Agency Official with direct responsibility for ensuring that OPM efficiently and appropriately complies with all applicable records management statutes, regulations, and NARA policy.

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## Federal Agencies' Policies and Procedures Did Not Fully Address Electronic Recordkeeping Requirements

The 17 agencies selected for review varied in the extent to which their records management policies, procedures, and documentation addressed 10 key requirements in the Managing Government Records Directive, the FRA and its amendments, and implementing regulations related to electronic records. Specifically, most of the selected agencies addressed the requirements related to establishing records management programs, submitting records schedules to NARA, incorporating activities for electronic records into their overall records management program, developing plans for managing permanent electronic records in an electronic format, managing email records in an electronic format, and using non-official electronic messaging. However, agencies did not fully address the requirements related to maintaining an inventory of electronic information systems, establishing controls and preservation considerations for their electronic information systems, and issuing retention and management requirements for email.

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## Most Agencies Established Records Management Programs and Developed Records Schedules

According to the FRA and its amendments,<sup>19</sup> agencies are to establish effective records management programs, which includes developing comprehensive records schedules, in order to achieve adequate and proper documentation of the policies and transactions of the federal government and to aid in the effective and economical management of agency operations. Specifically, each agency is required to:

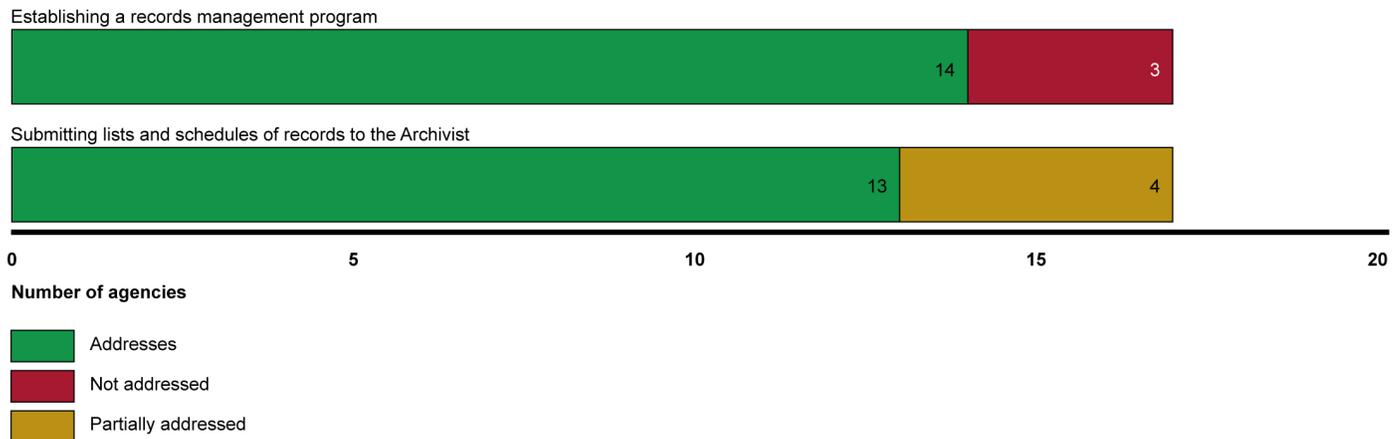
- establish and maintain an active, continuing records management program that, among other things, includes effective controls over the creation, maintenance, and use of records and
- submit lists and schedules of records to the Archivist of the United States that describe, among other things, when eligible temporary records must be disposed of.

As shown in figure 1, the majority of the 17 selected agencies addressed these requirements.

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<sup>19</sup>44 U.S.C. §§ 3102 and 3303.

**Figure 1: Assessment of Selected Federal Agencies' Policies and Procedures Addressing Records Management Requirements**



Source: GAO analysis of agency data. | GAO-20-59

- Establishing a records management program:** Fourteen of the 17 selected agencies—Armed Forces Retirement Home (AFRH), Consumer Financial Protection Bureau (CFPB), Commerce, U.S. Election Assistance Commission (EAC), Federal Housing Finance Agency (FHFA), Federal Trade Commission (FTC), NASA, NSF, Office of Management and Budget (OMB), Office of National Drug Control Policy (ONDCP), Overseas Private Investment Corporation (OPIC), OPM, Peace Corps, and Special Inspector General for Afghanistan Reconstruction (SIGAR)—had developed policies and procedures that outlined their records management program. The agencies’ records management documentation discussed, among other things, the requirement for effective controls over the creation, maintenance, and use of records at the agency.

However, three agencies—Marine Mammal Commission, Presidio Trust, and the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation)—did not have an active, continuing agency records management program, including documentation that described effective controls over the creation, maintenance, and use of records at the agency. All three agencies indicated that they have taken or intend to take actions to establish such a program.

- Marine Mammal Commission officials responsible for records management stated that the agency had engaged a contractor who completed and submitted for agency review and approval a draft

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policy that would govern its records management program. As of January 2020, the Executive Director stated that the commission has a signed policy and draft handbook to govern its records management program and that it is working towards full implementation and compliance by December of 2022.

- Presidio Trust officials responsible for records management stated that the agency intends to address the requirements and plans to have records management policies and procedures at the agency in fiscal years 2020 and 2021.
- Udall Foundation officials responsible for records management stated that the agency had entered into an interagency agreement with NARA for consulting services to assess its current records management environment. According to the same officials, their intent is to review NARA's recommendations and develop a plan to comply with the FRA, federal regulations, and NARA guidelines as they relate to records management. The agency did not provide an estimated date for completing these activities.

Until these agencies establish an active and continuing records management program, they cannot provide assurance that, among other things, effective controls are in place over the creation, maintenance, and use of records in the conduct of current business.

- **Submitting lists and schedules of records to the Archivist:** Thirteen of the 17 selected agencies—AFRH, CFPB, EAC, FHFA, FTC, Marine Mammal Commission, NASA, ONDCP, OPIC, Peace Corps, Presidio Trust, SIGAR, and the Udall Foundation—had submitted a comprehensive list of records and disposition schedules to the Archivist.<sup>20</sup> The remaining four agencies—Commerce, NSF, OMB, and OPM—had partially addressed this requirement because they had submitted only partial lists and schedules to the Archivist. Each of these agencies acknowledged they did not provide comprehensive lists of records and disposition schedules and stated they were currently working toward submitting them to the Archivist. OMB officials stated that they plan to complete this task by the end of calendar year 2019, while the other agencies did not provide an estimated date for completion. Without submitting lists of records and disposition schedules to the Archivist, Commerce, NSF, OMB, and OPM are at risk of maintaining records that are no longer relevant or needed.

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<sup>20</sup>NARA's records management office confirmed that these agencies' submissions addressed the intent of the act's requirement.

## Agencies Varied in Addressing Requirements for Managing Electronic Records

The Managing Government Records Directive<sup>21</sup> was aimed at creating a robust records management framework for electronic records that complies with statutes and regulations. In order to ensure transparency, efficiency, and accountability, the directive instructed agencies to manage all permanent and temporary e-mail records in an accessible electronic format by December 2016 and manage all permanent electronic records in an electronic format to the fullest extent possible by December 2019.

The directive also required NARA to develop revised guidance for transferring permanent electronic records and issue new guidance describing methods for managing, disposing of, and transferring e-mail.<sup>22</sup> Accordingly, NARA regulations and guidance outline requirements for agencies to establish a framework for managing electronic records, including requirements pertaining to electronic systems and email. Additionally, the FRA Amendments described the disclosure requirements for official business conducted using non-official electronic messaging accounts.

Based on our analysis, these documents identify, among other things, eight key requirements that agencies should include in their policies and procedures to ensure that they can effectively manage electronic records. These requirements are summarized in table 1.

**Table 1: Key Requirements for Agencies to Include In Policies and Procedures for Managing Electronic Records as Established in the Managing Government Records Directive and the Federal Records Act and its Amendments and Implementing Regulations**

Requirement	Description
<b>Management requirements</b>	
Incorporate activities for electronic records into overall records management program	Agencies are required to (1) incorporate management of electronic records into their records management activities and (2) manage electronic records in accordance with governing regulations.

<sup>21</sup>OMB M-12-18.

<sup>22</sup>M-19-21 is consistent with the M-12-18 requirements previously discussed and states that agencies are expected to continue managing email records in an electronic format and that permanent records are to be managed to the fullest extent possible in an electronic format. The memorandum also requires NARA to revise guidance to fully support agencies' transition to full electronic recordkeeping.

Requirement	Description
Maintain inventories of electronic systems	Agencies are required to maintain inventories of electronic systems to determine if records are properly identified and described. Agencies are to maintain up-to-date documentation about electronic information systems so that the agency can, among other things, specify all technical characteristics necessary for reading and processing the records contained in the system, identify all inputs and outputs; define the contents of the files and records; determine restrictions on access and use; understand the purpose and functions of the system; describe update cycles; and ensure the timely, authorized disposition of the records.
<b>Electronic system requirements</b>	
Manage permanent electronic records in an electronic format	Federal agencies are to manage all permanent electronic records in an electronic format to the fullest extent possible for eventual transfer and accessioning by NARA.
Incorporate required recordkeeping functionalities	Agencies are required to ensure systems have the following functionalities built in: declare records and assign unique identifiers, capture records, organize records, maintain records security, manage access and retrieval, preserve records, and execute disposition.
Establish record management controls and preservation considerations	Agencies are required to incorporate the following records management controls for records in electronic systems: reliability, authenticity, integrity, usability, content, context, and structure. Agencies are also required to incorporate preservation considerations, as part of the capital planning and systems development life cycle processes, into the design, development, and implementation of electronic systems. Also, all records in electronic systems are to be retrievable and useable for as long as needed to conduct agency business.
<b>Email requirements</b>	
Manage permanent and temporary email records in an electronic format	Federal agencies were to manage all permanent and temporary email records in an accessible electronic format by December 2016. Email records were to be retained in an appropriate electronic system that supports records management and litigation requirements, including the capability to identify, retrieve, and retain the records for as long as they are needed.
Issue retention and management requirements	Agencies are required to issue instructions to staff on email retention and management requirements regarding: the name and address of the sender, date of the message, attachments, calendars, and draft documents of email records. In addition, agencies that allow employees to send and receive official email 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.
Restrict use of non-official electronic messaging	An agency's employees may not create or send a record using a non-official electronic messaging account <sup>a</sup> unless the employee copies an official electronic messaging account in the original creation or transmission or forwards a complete copy of the record to an official electronic messaging account of the employee no later than 20 days after the original creation or transmission of the record.

Source: GAO analysis of OMB Managing Government Directive, NARA regulations and guidance, and the FRA Amendments. | GAO-20-59

<sup>a</sup>The term "electronic messaging account" means any account that sends electronic messages.

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The 14 agencies with an established records management program varied greatly in the extent to which they addressed these electronic records requirements, as seen in figure 2.<sup>23</sup>

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<sup>23</sup>The agencies that did not have records management programs—Marine Mammal Commission, Presidio Trust, and the Udall Foundation—were not included in the assessment of the remaining criteria in this report because they lacked written policies and procedures that outlined how records, including electronic ones, were being managed at their agency.

**Figure 2: Assessment of Selected Federal Agencies' Policies and Procedures Addressing Key Electronic Records Requirements**

**Management Requirements**

Incorporate activities for electronic records into overall records management program



Maintain inventories of electronic systems



**Electronic System Requirements**

Manage permanent electronic records in an electronic format



Incorporate required recordkeeping functionalities



Establish records management controls and preservation considerations



**Email Requirements**

Manage permanent and temporary email records in an electronic format



Issue retention and management requirements



Use of non-official electronic messaging



0 3 6 9 12 15

Number of agencies



Source: GAO analysis of agency data. | GAO-20-59

**Management Requirements**

- **Incorporate activities for electronic records into the agency's overall records management program:** Thirteen of 14 agencies that had established records management programs—AFRH, Commerce, CFPB, EAC, FHFA, FTC, NASA, NSF, OPIC, ONDCP, OPM, Peace

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Corps, and SIGAR—developed written policies and procedures that incorporated the management of electronic records into their records management program.

The remaining agency—OMB—did not address this requirement. Staff from OMB responsible for records management stated that the Executive Office of the President's (EOP) Office of Administration is responsible for records management for all Executive Office components and has procedures that incorporate the management of electronic records into their records management program. However, the officials did not provide evidence that the existing policies and procedures incorporated the management of electronic records into their records program. Without being able to ensure that records management considerations are incorporated into the design and implementation of electronic systems, OMB risks not being positioned to properly manage records electronically.

- **Maintain an inventory of electronic systems:** Three of the 14 agencies that had established records management programs—Commerce, FHFA, and SIGAR—also maintained an inventory of electronic information systems that documented the information and records produced and maintained by each application. Officials responsible for records management at these agencies stated that their inventory was maintained with the agency's security plans.

Additionally, three of the 14 agencies that had established a records management program —FTC, NSF, and Peace Corps—partially addressed the requirement, as their policies and procedures addressed some, but not all, of the necessary elements. More specifically:

- FTC documented various technical characteristics, such as authorizations, purpose and function of the electronic information systems, and authorized procedures for the disposition of records. However, the agency did not include the characteristics for reading and processing the records contained in the system, inputs and outputs, contents of the files and records, and cycle updates.
- NSF documented the categories of records in the electronic information systems, record access procedures, purpose of the systems, and retention and disposition of the system's records. However, the agency did not specify the technical characteristics of the systems, identify inputs and outputs, or describe update cycles.

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- Peace Corps documented update cycles and the purpose of the electronic information systems. However, the documentation did not specify the technical characteristics necessary for reading and processing the records contained in the system, identify system inputs and outputs, define the contents of the files and records, determine restrictions on access to and use of the system, and specify how the agency ensures the timely disposition of records.

According to officials responsible for records management at each of these agencies, they intend to address or would consider addressing the requirement. However, none of them provided a time frame for doing so.

The remaining eight agencies—AFRH, CFPB, EAC, NASA, OMB, ONDCP, OPM, and OPIC—either did not maintain an inventory of electronic information systems or did not provide documentation that outlined the technical characteristics, such as identifying all inputs and outputs necessary for reading and processing records contained in the system. Records management officials at AFRH, CFPB, EAC, NASA, OPM, and OPIC stated that they intend to address the requirement, but did not provide a time frame for doing so. Staff from OMB and ONDCP responsible for records management stated that EOP’s Office of Administration is responsible for records management for all components and maintains an inventory of electronic information systems. However, the officials did not provide evidence of this inventory. Without maintaining an inventory and documentation of electronic information systems used to store agency records, these agencies are at a heightened risk of records being lost and not identified and scheduled in accordance with agency records schedules.

## Electronic System Requirements

- **Manage permanent electronic records in an electronic format:** The Managing Government Records Directive requires each agency to develop and begin to implement plans to manage all permanent records in an electronic format. In accordance with this requirement, 12 of the 14 agencies that had established records management programs—AFRH, CFPB, Commerce, FHFA, FTC, NASA, NSF, OMB, ONDCP, OPIC, Peace Corps, and SIGAR—described their efforts to address the requirement in their Senior Agency Official reports to NARA. For example, these agencies described, among other things, plans on how permanent electronic records were being captured, retained, searched, and retrieved.

However, two agencies—EAC and OPM—did not address how they plan to manage permanent electronic records in their Senior Agency Official reports or other agency documentation. EAC officials stated

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that they were still deciding on a solution to manage permanent records, and OPM officials stated they were planning to update policies to ensure automated systems incorporate proper records management life cycle controls. Further, neither agency provided a time frame for developing and implementing a plan. By not having a plan to manage their permanent records in an electronic format, these agencies face an increased risk that they may not be positioned to manage permanent electronic records.

- **Incorporate required recordkeeping functionalities:** Eight of the 14 selected agencies that established records management programs—Commerce, CFPB, FHFA, FTC, NASA, NSF, ONDCP, and SIGAR—had documented policies, procedures, or other records management documentation that addressed the required functionalities for recordkeeping systems. Additionally, one agency—OPIC—partially addressed this requirement because it included some, but not all, of the required functionality. More specifically, the agency did not identify whether the system could declare records and assign unique identifiers, capture records, maintain security, and preserve records. According to OPIC officials, the agency intends to work toward having better documentation outlining system functionalities in alignment with the requirements; however, the officials did not provide a time frame for completing this documentation.

Further, five of the 14 agencies that had established records management programs—AFRH, EAC, OMB, OPM, and Peace Corps—did not address this requirement. Officials responsible for records management at each of these agencies stated that their records management system encompassed all of the aforementioned functionality or that the agency was working toward a full electronic records management system. However, these agencies' policies and procedures did not include the required functionalities for recordkeeping systems. According to the same officials, each agency intends to have written documentation that outlines the records management functionalities; however, they did not provide a time frame in which the documentation will be completed. Without using electronic recordkeeping systems with appropriate functionalities, these agencies face increased risk of not being able to reliably access and retrieve the records needed to conduct agency business.

- **Establish records management controls and preservation considerations:** Seven of the 14 agencies that had established a records management program—CFPB, Commerce, FHFA, FTC, NASA, OPM, and SIGAR—included all records management controls in their electronic information systems policy and included

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preservation considerations in the design, development, and implementation of electronic information systems. Additionally, six of the 14 agencies that had established records management programs—AFRH, EAC, OMB, ONDCP, OPIC, and the Peace Corps—had policies that partially addressed establishing the records management controls for their electronic information systems. More specifically:

- AFRH records management documentation included information controls to ensure the reliability, authenticity, and integrity of records. However, the documentation did not define controls for usability, content, context, and structure.
- EAC’s documentation included controls for reliability, authenticity, integrity, and usability. However, the agency did not define controls for content, context, and structure.
- OMB and ONDCP’s documentation outlined controls for authenticity, integrity, usability and content. However, the documentation did not define controls for reliability, context, and structure. Staff stated that both offices’ records management was handled by the Office of Administration in the EOP and that the office had acquired an object-based data storage system that was expected to address all of the required controls. However, the offices did not provide any evidence that the new system or the associated policies and procedures would address the required controls.
- OPIC’s documentation defined controls for authenticity, integrity, and usability. However, the documentation did not define controls for reliability, content, context, and structure.
- Peace Corps’ documentation included controls for reliability, authenticity, integrity, and content. However, the agency did not define controls for usability, context, and structure.

Additionally, each agency’s documentation did not describe how the agency ensures that records in the system are retrievable and useable for as long as needed to conduct agency business. Records management officials at each of the agencies acknowledged that not all of the controls or preservation considerations were included in their systems and that they planned to work toward implementing all of the controls; however, the agencies did not provide a time frame for documenting the controls.

The remaining agency—NSF—did not address this requirement because its existing policies and procedures did not demonstrate that the agency had established the required controls. NSF officials stated that they intend

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to comply with this requirement but did not provide a time frame for doing so. Without ensuring that records management controls and preservation considerations are incorporated into electronic information systems, the agencies cannot ensure these systems can produce retrievable and useable records for as long as needed to conduct agency business.

## Email Requirements

- **Manage permanent and temporary email records in an electronic format:** Thirteen agencies—AFRH, CFPB, EAC, FHFA, FTC, NASA, NSF, OMB, ONDCP, OPIC, OPM, Peace Corps, and SIGAR—addressed this requirement. The remaining agency—Commerce—did not address this requirement. Officials responsible for records management at Commerce stated that they use an email management system for email, email preservation, and litigation holds. However, their policies and procedures did not show how the agency managed both permanent and temporary email records in an accessible electronic format. Until Commerce ensures that its systems are capable of managing permanent and temporary email records and have the capability to identify, retrieve, and retain these records, the agency faces an increased risk that its emails are not able to be preserved or accessed when needed.
- **Issue retention and management requirements:** Nine of the 14 agencies that had established records management programs—AFRH, Commerce, CFPB, EAC, FHFA, FTC, NASA, Peace Corps, and SIGAR—issued instructions or had policies on retention and management requirements for electronic mail. Additionally, two of the 14 agencies that had established records management programs—OPIC and OPM—had policies that partially addressed this requirement. More specifically:
  - OPIC’s policies and procedures documented that agency email messages and attachments that meet the statutory definition of a record are to be documented as an official record. However, the agency documentation did not discuss retention requirements for calendars. Officials responsible for records management stated that they intend to update the records and information management handbook to include the calendar requirement, but did not provide a time frame for updating the handbook.
  - OPM’s policies and procedures described how employees were to ensure that email records included most of the requirements, but the policies and procedures did not address retaining calendars and draft documents. Officials responsible for records management stated that they intend to review and update its

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records management policy, but did not provide a time frame for doing so.

The policies of the remaining three agencies—NSF, OMB, and ONDCP—did not address this requirement for various reasons. NSF officials responsible for records management stated that the agency issued instructions regarding record retention and management of email to staff through memos and bulletins. However, these documents did not include instructions to staff that ensured the names and addresses of the sender, date of message, attachments, calendars, and draft documents would be retained.

Additionally, staff from OMB and ONDCP responsible for records management stated that the Office of Administration within the EOP captured and managed all email on behalf of all components. According to these staff, email is permanent until the end of the presidential administration, at which time the email is transferred to NARA in accordance with each component's records schedules. However, the staff did not provide evidence that the existing policies and procedures included these instructions. By not issuing instruction to staff on retention and management requirements for email, agencies are at risk of not being able to retrieve email and its associated metadata when needed to conduct agency business.

- **Use of non-official electronic messaging:** Twelve of the 14 agencies that had established records management programs — CFPB, Commerce, FHFA, FTC, NASA, NSF, OMB, ONDCP, OPM, OPIC, Peace Corps, and SIGAR—had policies and procedures outlining the rules that their employees are to follow when creating records using a non-official electronic messaging account. The remaining two of 14 agencies that had established records management programs—AFRH and EAC—did not have written documentation describing the agencies' disclosure requirements for official business conducted using non-official electronic messaging accounts.

The EAC records management officials acknowledged that the agency did not outline this requirement and stated that policies and procedures were being drafted to address this requirement; however, the officials did not provide an estimated completion date. AFRH stated that it had updated its "Network Rules of Behavior" document and its IT information security awareness training to new employees to reflect the requirement, but we were unable to verify the updates. Without establishing rules for employees on the use of non-official electronic messaging accounts, agencies are at risk of not retaining email records sent from personal accounts.

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The 10 aforementioned requirements are important elements to address while establishing a framework for managing electronic records. While most of the selected agencies had established policies and procedures addressing the requirements, some had not. Until these agencies do so, they will lack assurance that electronic records are being managed in a way that promotes openness and accountability in documenting agency actions and decisions.

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## NARA Assisted Selected Agencies in Managing Electronic Records, but Did Not Ensure Agencies Addressed Identified Weaknesses

NARA provided various forms of assistance to the selected agencies, which included issuing guidance regarding electronic records management, training, and professional development. In addition, NARA monitored the selected agencies' compliance with records management regulations and implementation of policies, guidance, and other records management best practices through its self-assessment program. However, NARA had not ensured that any of the selected small or micro agencies<sup>24</sup> that self-assessed to be at high risk of improper records management in calendar year 2017 were taking appropriate actions to improve their records management program.

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## NARA Issued Guidance and Provided Assistance to the Selected Agencies

According to the FRA,<sup>25</sup> NARA is responsible for providing guidance and assistance to federal agencies with respect to ensuring

- economical and effective records management,
- adequate and proper documentation of the policies and transactions of the federal government, and
- proper records disposition.

In accordance with its responsibilities, NARA provided guidance and assistance to the selected agencies through various methods. All of the selected agencies stated that NARA guidance and assistance were generally helpful and that they relied on it to some extent for implementing the electronic records management requirements discussed in this report.

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<sup>24</sup>According to the Office of Management and Budget, a small agency has fewer than 6,000 employees, and most have fewer than 500 staff. A micro agency has fewer than 100 employees.

<sup>25</sup>44 U.S.C. § 2904.

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Specifically, NARA issued guidance particular to electronic records creation, policies and procedures, management, and disposition. Officials from the selected agencies found NARA's guidance related to managing email and its December 2017 General Records Schedule to be helpful when fulfilling their responsibilities with respect to electronic records. The guidance related to managing email describes federal agencies' responsibilities for email management and the Capstone<sup>26</sup> approach to email management. The Records Officer at AFRH stated that the agency used guidance that described the minimum set of metadata elements<sup>27</sup> that must accompany transfers of permanent electronic records to NARA. The General Records Schedule provides mandatory disposition instructions for records that are common to several or all federal agencies. An FHFA official responsible for records and information management stated this guidance was useful because it was used at the agency during regular records management activities, such as records disposition.

Further, NARA provided assistance to the selected agencies such as professional development training and assigning an archivist to assist each agency. Officials responsible for records management at the selected agencies stated that NARA offers agencies records management training and professional development to federal employees and contractors. For example, NARA provides a certificate program for Federal Agency Records Officers and records management professionals to manage information collected by their agency. In addition, these officials stated that NARA offers a bi-monthly Records Information Discussion Group where individuals involved with federal records management can share their experiences and discuss the latest developments from NARA.

Additionally, officials responsible for records management at the selected agencies stated that NARA assigns an archivist to each agency to field questions about federal records management, including services such as records scheduling and appraisal, and technical assistance. For example, Udall Foundation officials responsible for records management stated that

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<sup>26</sup>NARA's Capstone approach offers agencies the option of using a more simplified and automated approach to managing email that allows for the categorization and scheduling of email based on the work and/or position of the email account owner.

<sup>27</sup>Metadata elements provide administrative, descriptive, and technical information about the structure and content of electronic records. These elements also provide contextual information that explains how electronic records were created, used, managed, and maintained prior to their transfer to NARA, and how they are related to other records.

the agency worked with its assigned archivist who provided direction on how to manage agency records, connected the agency with other records management subject matter experts, and fielded questions on the scheduling of agency records.

### NARA Required Agencies to Self-Assess Their Programs, but Did Not Ensure They Have Plans to Make Improvements

In addition to providing assistance to federal agencies, NARA also has the responsibility to monitor compliance with records management regulations and implementation of NARA policies, guidance, and other records management best practices by federal agencies. One way in which NARA accomplishes this is to require federal agencies to conduct an annual self-assessment that evaluates the agency’s reported compliance with federal records management statutes, regulations, and program functions and is also useful to target resources to areas needing improvement. NARA scores each agency’s responses and, based on this score, determines whether an agency is at risk of not complying with statutory and regulatory records management requirements.<sup>28</sup>

For the self-assessments that covered calendar year 2017, four of our 17 selected agencies—AFRH, Marine Mammal Commission, Presidio Trust and the Udall Foundation—were assessed as being at high risk of not complying with statutory and regulatory records management requirements. See table 2 for how 16 of the 17 selected agencies scored.

**Table 2: Selected Agencies’ Records Management Self-Assessment Scores for Calendar Year (CY) 2017**

Agency Name	CY 2017 Total Score <sup>a</sup> (Out of a possible 100 points)
<b>Small/Micro Agencies<sup>b</sup></b>	
Armed Forces Retirement Home	57
Federal Housing Finance Agency	84
Marine Mammal Commission	50
Office of Management and Budget	79
Office of National Drug Control Policy	99
Overseas Private Investment Corporation	94
Peace Corps	86
Presidio Trust	18
Special Inspector General for Afghanistan Reconstruction	94

<sup>28</sup>The risk categories are defined as follows: low risk scores are 90-100; moderate risk scores are 60-89; and high risk scores are 0-59.

Agency Name	CY 2017 Total Score <sup>a</sup> (Out of a possible 100 points)
Udall Foundation	18
<b>Other Selected Agencies</b>	
Consumer Financial Protection Bureau	98
Department of Commerce	88
Federal Trade Commission	79
National Aeronautics and Space Administration	96
National Science Foundation	85
Office of Personnel Management	65

Source: NARA's Federal Agency Records Management 2017 Annual Report, dated August 2018. | GAO -20-59.

Note: The U.S. Election Assistance Commission did not submit a Records Management Self-Assessment for CY 2017.

<sup>a</sup>The risk categories are: low risk scores are 90-100; moderate risk scores are 60-89; and high risk scores are 0-59.

<sup>b</sup>According to the Office of Management and Budget, a small agency has fewer than 6,000 employees, and most have fewer than 500 staff. A micro agency has fewer than 100 employees.

While NARA requires agencies to self-assess their records management programs annually, it does not ensure that agencies that scored poorly on their self-assessments develop a plan to improve their programs or monitor their progress in such efforts. According to NARA officials, after reviewing the reports the agency conducted phone interviews with staff from selected small and micro agencies to determine if there were any common factors for why they scored poorly on the self-assessments and what NARA could do to help them improve their records management programs.

Given the self-assessment process was designed to measure agency compliance and to target resources to areas needing improvement, it is important for NARA to ensure the small and micro agencies that have assessed their programs as high-risk are taking appropriate actions to improve their records management programs. Until NARA requires high-risk small and micro agencies to develop plans to make necessary improvements to their record management programs and monitor their progress, it cannot be certain that these agencies are managing electronic records in accordance with governing regulations. Similarly, agencies that have not submitted self-assessments may also not be addressing statutory and regulatory records management requirements.

## Conclusions

While most of the selected agencies addressed the key electronic recordkeeping requirements, others did not. Specifically, many agencies did not address requirements related to electronic system and email

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implementation, including establishing controls for their electronic information systems, incorporating preservation considerations into systems, and issuing retention and management requirements for email. Until these agencies do so, they will lack assurance that electronic records are being created, managed, retained, preserved, and disposed of in a way that improves performance and promotes openness and accountability by better documenting agency actions and decisions.

NARA continues to assist the selected agencies in managing electronic records by providing guidance and training as well as monitoring their compliance with records management regulations. However, while NARA oversees the selected agencies' compliance through records management self-assessments, it has not ensured that the selected small and micro agencies that were at high risk of improper records management have developed plans to address weaknesses in their records management programs.

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## Recommendations for Executive Action

We are making 42 recommendations to 15 agencies. Specifically, we are making the following recommendations to NARA:

The Archivist of the United States should

1. require small and micro agencies that were determined to be at high risk of not complying with statutory and regulatory records management requirements to develop plans and timelines to address their records management weaknesses (Recommendation 1)
2. monitor the agencies' progress towards these efforts on a regular basis. (Recommendation 2)

In addition, we are making 40 recommendations to 14 agencies to fully address the electronic recordkeeping requirements found in the Managing Government Records Directive and the Presidential and Federal Records Act Amendments of 2014 in their policies and procedures. Appendix II contains these recommendations.

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## Agency Comments and Our Evaluation

We requested comments on a draft of this report from NARA and the 17 other agencies included in our review. All of the agencies provided responses, as further discussed.

In written comments, NARA concurred with our recommendations and stated that the agency will develop an action plan to require small and micro agencies that consistently score in the high risk category on NARA's annual records management self-assessment to address their

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records management weaknesses. In addition, NARA stated that it will continue to gather data to identify where inspections, guidance, and training are needed to ensure that small and micro agencies are improving their records management programs. NARA's comments are reprinted in appendix III.

Of the 17 other agencies in our review, six agencies (CFPB, Commerce, NASA, NSF, OPM, and the Udall Foundation) concurred with our recommendations; five agencies (Marine Mammal Commission, OMB, ONDCP, OPIC, and Presidio Trust) did not state whether they agreed or disagreed with our recommendations; and six agencies (AFRH, EAC, FHFA, FTC, Peace Corps, and SIGAR) stated that they had no comments on the report. Multiple agencies also provided technical comments, which we incorporated as appropriate.

Among these agencies, the following six concurred with our recommendations and, in most cases, described steps planned or under way to address them:

- The Consumer Financial Protection Bureau provided written comments in which the agency stated that it did not object to our recommendation. The agency added that it would establish a time frame to update its current inventory of electronic systems used to store agency records, so that the inventory includes all of the required elements. CFPB's comments are reprinted in appendix IV.
- In written comments, the Department of Commerce concurred with our two recommendations and stated that the agency intends to take additional steps to implement them. Specifically, with regard to our recommendation regarding up-to-date records schedules, the agency stated that it will ensure that its records schedules are updated and submitted to NARA no later than December 2020. Commerce also stated that, while it believes its current electronic system that manages email meets our recommendation, the agency intends to take additional steps by updating its policies and ensuring that users are correctly implementing the system to address federal recordkeeping requirements by December 2020. Commerce's comments are reprinted in appendix V.
- The National Aeronautics and Space Administration provided written comments in which it concurred with our recommendation. The agency added that it is currently developing a comprehensive inventory to serve as an authoritative source for identifying where the agency's electronic records reside, which should be completed by June 2021. NASA comments are reprinted in appendix VI.

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- In written comments, the National Science Foundation concurred with our four recommendations. NSF stated that the agency is updating its schedules and intends to ensure that its records management practices and policies address current requirements and best practices for federal records management. NSF's comments are reprinted in appendix VII.
  - The Office of Personnel Management provided written comments in which it concurred with our five recommendations and noted steps that the agency has begun or is planning to take to address them. OPM stated that, in fiscal year 2020, it intends to issue a strategic plan on the digitization and management of permanent and electronic records, update agency policies and procedures to include the required electronic information system function for recordkeeping systems, and implement the requirements of the agency's Capstone email policy. The agency also noted that, in fiscal year 2021, it plans to complete the updates needed on all agency disposition schedules and develop an inventory of all electronic information systems that store agency records. OPM's comments are reprinted in appendix VIII.
  - In written comments, the Udall Foundation concurred with our recommendation and described the steps it plans to take in fiscal years 2020 and 2021 to establish records management policies and procedures. For example, according to the foundation, in September 2020, it plans to complete the initial build-out of required infrastructure to manage electronic records. Further, in March 2021, it plans to finalize a formal records management policy and associated procedures for creating, maintaining, and using records across the agency. The Udall Foundation's comments are reprinted in appendix IX.

Further, the following five agencies did not state whether they agreed or disagreed with the recommendations:

- In written comments, the Office of Management and Budget did not state whether it agreed or disagreed with our recommendations. However, OMB stated that it is diligently working with NARA to revise and update its records schedule and intends to closely review and close any gaps in documentation that GAO identified. The office also provided technical comments, which we incorporated as appropriate. OMB's comments are reprinted in appendix X.
- In an email from the Executive Director, the Marine Mammal Commission did not state whether it agreed or disagreed with our recommendations. However, according to the executive director, the

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commission now has a signed records management policy that describes staff responsibilities for the management of electronic records and email as well as a draft records management handbook. The official also stated that the commission will continue efforts to fully implement the records management policy and procedures aiming toward full implementation and compliance by December 2022. The Commission also provided technical comments, which we incorporated as appropriate.

- In an email from the Acting General Counsel, the Office of National Drug Control Policy did not state whether it agreed or disagreed with our recommendations. The office provided technical comments, which we incorporated as appropriate.
- In an email from its GAO audit liaison, the Overseas Private Investment Corporation did not state whether it agreed or disagreed with our recommendations. However, the liaison stated that the agency intends to implement a new solution for electronic records and information management that includes the recordkeeping functionalities required by NARA. The liaison added that the agency plans to update its records and information management policies and procedures to strengthen the records management controls and preservation guidance in fiscal year 2021.
- In an email from the Chief Financial and Administrative Officer, Presidio Trust did not state whether it agreed or disagreed with our recommendations. However, the official stated that the trust had recently implemented the Capstone approach for email and would continue to work on records management throughout 2020 and 2021.

Lastly, we received emails from the Armed Forces Retirement Home's Information Technology Manager, the U.S. Election Assistance Commission's Communication Specialist, the Federal Housing Finance Agency's Privacy Act Officer, the Federal Trade Commission's attorney representative in the Office of General Counsel, the Peace Corps Agency Records Officer, and the Special Inspector General for Afghanistan Reconstruction's Director of Information Technology. All of the emails stated that these agencies had no comments on the draft report.

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As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees, the Secretary of Commerce; the Administrator of the National Aeronautics and Space Administration; the Archivist of the United States; the Chief Executive Officers of the Armed Forces Retirement Home and Overseas Private Investment Corporation; the

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Executive Directors of the U.S. Election Assistance Commission and Udall Foundation; the Directors of the Consumer Financial Protection Bureau, Federal Housing Finance Agency, National Science Foundation, Office of Management and Budget, Office of National Drug Control Policy, Office of Personnel Management and Peace Corps; the Chairman of the Federal Trade Commission, Marine Mammal Commission, and the Presidio Trust Board; the Special Inspector General for Afghanistan Reconstruction and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-9342 or [marinosn@gao.gov](mailto:marinosn@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix XI.



Nick Marinos  
Director, Information Technology and Cybersecurity

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# Appendix I: Objectives, Scope, and Methodology

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Our objectives were to determine the extent to which (1) selected agencies' policies and procedures address electronic recordkeeping requirements in the Managing Government Records Directive and the Presidential and Federal Records Act Amendments of 2014 and (2) NARA assisted selected agencies in managing their electronic records.

To determine the agencies for our review, we identified agencies that established a Senior Agency Official for Records Management<sup>1</sup> and submitted an annual report on NARA's website between fiscal year 2015 and fiscal year 2017. Of the 95 agencies that met these criteria, we removed two from consideration because they were not part of the executive branch: one was a judicial branch agency and the other was a legislative branch agency. The 93 remaining agencies to include in our review represented the following categories: (1) executive departments, (2) Executive Office of the President, and (3) independent agencies.

To ensure that a variety of agencies were selected across the designated categories, we chose a selection of 17 agencies and ensured that at least two agencies were selected from the three identified categories. In order to generate this selection, we sorted the list of 93 agencies by assigned random numbers and selected the top 17 agencies in this list, while ensuring that at least two agencies from each category were selected. The selection of 17 agencies cannot be used to make generalizable statements about the full population of agencies. The 17 agencies selected were:

1. Armed Forces Retirement Home
2. Consumer Financial Protection Bureau
3. Department of Commerce
4. U.S. Election Assistance Commission
5. Federal Housing Finance Agency
6. Federal Trade Commission
7. Marine Mammal Commission

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<sup>1</sup>Senior Agency Officials for Records Management (SAORM) are required by the *Managing Government Records Directive* (M-12-18), jointly issued by the Office of Management and Budget and the National Archives and Records Administration (NARA), and the NARA Bulletin 2017-02, to report to NARA on agency progress in meeting the directive's goals as well as on other significant records and information management initiatives defined by NARA. Departments and agencies in the executive branch are required to submit SAORM annual reports to NARA.

8. Morris K. Udall and Stewart L. Udall Foundation
9. National Aeronautics and Space Administration
10. National Science Foundation
11. Office of Management and Budget
12. Office of the National Drug Control Policy
13. Office of Personnel Management
14. Overseas Private Investment Corporation
15. Peace Corps
16. Presidio Trust
17. Special Inspector General for Afghanistan Reconstruction

To address the first objective, we identified key requirements specified in the Federal Records Act, the Presidential and Federal Records Act Amendments of 2014,<sup>2</sup> and its implementing regulations,<sup>3</sup> and the Office of Management and Budget's (OMB) and NARA's Managing Government Records Directive. In selecting the requirements for our assessment, we focused on requirements related to electronic records management, such as managing permanent and temporary records, managing email records, and managing electronic records management programs.

To assess whether agencies' policies and procedures addressed the key requirements, we collected and analyzed policies, procedures, and other documentation that described how agencies are positioned to effectively manage electronic records. In particular, we reviewed agencies' recordkeeping handbooks, agencies' bulletins, file plans, records schedules, and electronic system user guides. Further, we collected and reviewed documentation that described agencies' actions or planned actions to meet the specified deadlines in the Managing Government Records Directive. Specifically, we analyzed agencies' records schedules, reports from NARA's Senior Agency Official for Records Management's web page, agencies' email management system specifications, and agencies' Capstone approach to email management.

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<sup>2</sup>The relevant provisions of the *Federal Records Act* and subsequent records management statutes are largely codified in Chapters 21, 29, 31, and 33 of Title 44 of the United States Code. Relevant NARA regulations implementing the *Federal Records Act* are found at 36 C.F.R. Parts 1220-1238.

<sup>3</sup>36 C.F.R. §§ 1236.6, 1236.10, 1236.12, 1236.14, 1236.20, 1236.22, 1236.24, 1236.26, and 1236.28.

We also verified with NARA records management officials whether selected agencies submitted records schedules by the December 31, 2016, deadline specified in the Managing Government Records Directive. We assessed these documents against each of the key requirements to determine each agency's status in developing policies and procedures to address federal record keeping requirements.

Subsequent to our initial assessment, we conducted interviews with records management officials from the 17 selected agencies to discuss steps taken and obtain additional supporting evidence to determine the agencies' status for implementing key federal recordkeeping requirements. We followed up with those agencies that did not fully address the key federal recordkeeping requirements to determine reasons for their lack of implementation.

For the second objective, we reviewed federal laws and guidance, such as the Federal Records Act, NARA regulations, and OMB's and NARA's Managing Government Records Directive,<sup>4</sup> to determine NARA's role and responsibilities in assisting the 17 agencies in managing their electronic records. Subsequently, we collected and analyzed guidance and other documentation from NARA, such as the agency's Records Management Oversight and Reporting Handbook, Guidance on Senior Agency Officials for Records Management bulletin, and Frequently Asked Questions about Selecting Sustainable Formats for Electronic Records, to determine whether the documentation addressed all of the requirements needed to assist agencies in managing their electronic records.

We also analyzed responses in agencies' fiscal year 2017 and 2018 Senior Agency Official for Records Management reports stating what assistance the agencies would like NARA to provide. We then conducted interviews with NARA's Chief Records Officer and other agency officials regarding their interactions with the 17 agencies on the use of electronic recordkeeping and implementation of federal records management policies and practices to determine to what extent NARA assisted selected agencies in managing their electronic records. We also conducted interviews with officials from each of the 17 selected agencies

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<sup>4</sup>Executive Office of the President, Office of Management and Budget and National Archives and Records Administration, *Memorandum for the Heads of Executive Departments and Agencies and Independent Agencies: Managing Government Records Directive*, M-12-18 (Washington, D.C.: Aug. 24, 2012).

to gain insight into how the agencies use the resources provided by NARA.

Lastly, we reviewed NARA's annual self-assessment program that evaluates agencies' reported compliance with federal records management statutes, regulations, and program functions to obtain information on how NARA was determining which agencies needed assistance with implementing their records management programs. We supplemented our document reviews and analysis with interviews of selected agency officials responsible for records management and NARA agency officials to gain an understanding of these and other relevant documents aimed at helping agencies implement their records management programs. Additionally, to identify which of our selected agencies were to be categorized as small and micro agencies, we used OMB's definition of small agencies as agencies with fewer than 6,000 employees and micro agencies as agencies having fewer than 100 employees.

We conducted our work from March 2018 to February 2020 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 that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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# Appendix II: Recommendations to Departments and Agencies

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We are making a total of 40 recommendations to 14 of the 17 agencies in our review to fully address the electronic recordkeeping requirements in their policies and procedures.

The Chief Executive Officer of the Armed Forces Retirement Home should take the following four actions:

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 3)
- Establish a time frame to update its policies and procedures to include all of the required electronic information system functionalities for recordkeeping systems. (Recommendation 4)
- Establish a time frame to update the agency's policies and procedures to include the (1) following records management controls required for electronic information systems: usability, content, context, and structure and (2) required preservation mechanisms to ensure that records in its electronic recordkeeping system will be retrievable and useable. (Recommendation 5)
- Ensure existing policies and procedures describe the rules for using personal email accounts when conducting official agency business to include instructing the employee to (1) copy an official electronic messaging account of the employee in the original creation or transmission of the records and (2) forward a complete copy of the record to an official electronic messaging account of the employee no later than 20 days after the original creation or transmission of the record. (Recommendation 6)

The Secretary of Commerce should take the following two actions:

- Establish a time frame to ensure all records schedules are up-to-date and submitted to NARA. The schedules should include all required information, including when eligible temporary records must be destroyed or deleted and when permanent records are to be transferred to NARA. (Recommendation 7)
- Ensure the electronic system that manages email provides the capabilities to manage permanent and temporary email records and to identify, retrieve, and retain records. (Recommendation 8)

The Director of the Consumer Financial Protection Bureau should take the following action:

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 9)

The Executive Director of the Election Assistance Commission should take the following five actions:

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 10)
- Establish a time frame to develop a plan on how the agency intends to manage permanent electronic records. (Recommendation 11)
- Establish a time frame to update its policies and procedures to include all of the required electronic information system functionalities for recordkeeping systems. (Recommendation 12)
- Establish a time frame to update the agency's policies and procedures to include the (1) following records management controls required for electronic information systems: content, context, and structure and (2) required preservation mechanisms to ensure that records in its electronic recordkeeping system will be retrievable and useable. (Recommendation 13)
- Develop a written policy that describes the rules for using personal email accounts when conducting official agency business to include instructing the employee to (1) copy an official electronic messaging account of the employee in the original creation or transmission of the records and (2) forward a complete copy of the record to an official electronic messaging account of the employee no later than 20 days after the original creation or transmission of the record. (Recommendation 14)

The Chairman of the Federal Trade Commission should take the following action:

- Establish a time frame to update the agency's electronic information system inventory to include the following characteristics: reading and processing the records contained in the system, inputs and outputs, contents of the files and records, and cycle updates. (Recommendation 15)

The Chairman of the Marine Mammal Commission should take the following action:

- Use recently developed policies and procedures to implement and maintain an active, continuing agency records management program that includes policies and procedures to provide for effective controls over the creation, maintenance, and use of records in the conduct of current business. (Recommendation 16)

The Administrator of the National Aeronautics and Space Administration should take the following action:

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 17)

The Director of the National Science Foundation should take the following four actions:

- Establish a time frame to ensure all records schedules are up-to-date and submitted to NARA. The schedules should include all required information, including when eligible temporary records must be destroyed or deleted and when permanent records are to be transferred to NARA. (Recommendation 18)
- Establish a time frame to update the agency's electronic information system inventory to include the following characteristics: technical characteristics of the systems, identify inputs and outputs, and describe update cycles. (Recommendation 19)
- Establish a time frame to update the agency's policies and procedures to include all of the records management controls required for electronic information systems and the required preservation mechanisms to ensure that records in its electronic recordkeeping system will be retrievable and useable. (Recommendation 20)
- Develop policies and procedures for the required retention and management requirements for email, including instructions to staff to ensure that the names and addresses of the sender, date of message, attachments, calendars, and draft documents will be retained. (Recommendation 21)

The Director of the Office of Management and Budget should take the following five actions:

- Ensure, in conjunction with the Executive Office of the President's Office of Administration, that existing policies and procedures incorporate the management of electronic records into its overall records management program. (Recommendation 22)

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 23)
- Establish a time frame to update its policies and procedures to include all of the required electronic information system functionalities for recordkeeping systems. (Recommendation 24)
- Establish a time frame to ensure, in conjunction with the Office of Administration, that policies and procedures include the (1) following records management controls required for electronic information systems: reliability, context, and structure and (2) required preservation mechanisms to ensure that records in its electronic recordkeeping system will be retrievable and useable. (Recommendation 25)
- Ensure, in conjunction with the Office of Administration, that existing policies and procedures include the required retention and management requirements for email. (Recommendation 26)

The Director of the Office of National Drug Control Policy should take the following three actions:

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 27)
- Establish a time frame to ensure, in conjunction with the Office of Administration, that policies and procedures include the (1) following records management controls required for electronic information systems: reliability, context, and structure; and (2) required preservation mechanisms to ensure that records in its electronic recordkeeping system will be retrievable and useable. (Recommendation 28)
- Ensure, in conjunction with the Office of Administration, that existing policies and procedures include the required retention and management requirements for email. (Recommendation 29)

The Director of the Office of Personnel Management should take the following five actions:

- Establish a time frame to ensure that all records schedules are up-to-date and submitted to NARA. The schedules should include all required information, including when eligible temporary records must be destroyed or deleted and when permanent records are to be transferred to NARA. (Recommendation 30)

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 31)
- Establish a time frame to develop a plan to manage permanent electronic records. (Recommendation 32)
- Establish a time frame to update its policies and procedures to include all of the required electronic information system functionalities for recordkeeping systems. (Recommendation 33)
- Establish a time frame to update the agency's policies and procedures on retention and management for email to include retaining electronic calendars and draft documents. (Recommendation 34)

The Chief Executive Officer of the Overseas Private Investment Corporation should take the following four actions:

- Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements. (Recommendation 35)
- Establish a time frame to develop policies and procedures that define required electronic information system functionalities for recordkeeping systems including declaring records and assigning unique identifiers, capturing records, maintaining security, and preserving records. (Recommendation 36)
- Establish a time frame to update the agency's policies and procedures to include the (1) following records management controls required for electronic information systems: reliability, content, context, and structure; and (2) required preservation mechanisms to ensure that records in its electronic recordkeeping system will be retrievable and useable. (Recommendation 37)
- Establish a time frame to update the agency's policies and procedures on retention and management for email to include policies for retaining electronic calendars. (Recommendation 38)

The Director of the Peace Corps should take the following three actions:

- Establish a time frame to update the agency's electronic information systems inventory to (1) specify technical characteristics necessary for reading and processing the records contained in the system, (2) identify system inputs and outputs, (3) define the contents of the files and records, (4) determine restrictions on access and use, and (5) specify how the agency ensures the timely disposition of records. (Recommendation 39)

- Establish a time frame to update its policies and procedures to include all of the required electronic information system functionalities for recordkeeping systems. (Recommendation 40)
- Establish a time frame to update the agency's policies and procedures to include (1) following records management controls required for electronic information systems: usability, context, and structure and (2) required preservation mechanisms to ensure that records in its electronic recordkeeping system will be retrievable and useable. (Recommendation 41)

The Executive Director of Udall Foundation should take the following action:

- Establish a time frame to develop and maintain an active, continuing agency records management program that includes policies and procedures to provide for effective controls over the creation, maintenance, and use of records in the conduct of current business. (Recommendation 42)

# Appendix III: Comments from the National Archives and Records Administration



ARCHIVIST *of the*  
UNITED STATES

DAVID S. FERRIERO  
T: 202.357.5900  
F: 202.357.5901  
[david.ferriero@nara.gov](mailto:david.ferriero@nara.gov)

27 January 2020

Nick Marinos  
Director, Information Technology and Cybersecurity  
United States Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Marinos:

Thank you for the opportunity to comment on the draft report, *Information Management: Selected Agencies Need to Improve Adherence to Federal Electronic Recordkeeping Requirements (GAO-20-59)*.

In the draft report, GAO makes two recommendations to NARA:

**Recommendation 1:** Require small and micro agencies that were determined to be at high risk of not complying with statutory and regulatory records management requirements to develop plans and timelines to address their records management weaknesses.

**Recommendation 2:** Monitor the agencies' progress towards these efforts on a regular basis.

NARA agrees with these recommendations. NARA provides oversight of federal agency records management programs through inspections, assessments, systems audits, annual self-reporting received from agencies, and other activities that help ensure records are created and maintained as required by federal statutes and regulations. Small and micro agencies have been included in a variety of oversight activities. In keeping with NARA's strategic plan, we inspect 10% of federal agencies each year. NARA issues a report following each inspection, which results in the agency's plan of corrective action responsive to NARA's findings and recommendations. NARA monitors these plans through semi-annual progress reports and related documentation of achievements for closure.

NATIONAL ARCHIVES *and*  
RECORDS ADMINISTRATION  
700 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20408-0001  
[www.archives.gov](http://www.archives.gov)

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**Appendix III: Comments from the National  
Archives and Records Administration**

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Using the oversight tools described above, we will develop an action plan that will require small and micro agencies to address their records management weaknesses if they consistently score in the high risk category on NARA's annual Records Management Self-Assessment (RMSA). As part of our plan, NARA will continue to gather data from these agencies to identify where inspections, guidance, and training are needed to ensure that small and micro agencies are improving their records management programs.

If you have any questions regarding this memo, please contact Kimm Richards, NARA's Audit Liaison at 301-837-1668 or via email at [kimm.richards@nara.gov](mailto:kimm.richards@nara.gov).

Sincerely,



DAVID S. FERRIERO  
Archivist of the United States

# Appendix IV: Comments from the Consumer Financial Protection Bureau

Bureau of Consumer Financial Protection  
1700 G Street NW  
Washington, D.C. 20552



January 27, 2020

Nick Marinos  
Director, Information Technology and Cybersecurity  
Government Accountability Office  
441 G Street, NW  
Washington DC, 20548

Dear Mr. Marinos,

Thank you for the opportunity to review and comment on the draft report by the Government Accountability Office (GAO), titled *Information Management: Selected Agencies Need to Improve Adherence to Federal Electronic Recordkeeping Requirements* (GAO-20-59). The Bureau greatly appreciates GAO's work over the course of this engagement and believes the report provides the public with important information about how select federal agencies, including the Consumer Financial Protection Bureau, have been working to implement the Federal Records Act and related directives from the National Archives and Records Administration (NARA) with respect to the maintenance of electronic records.

In the report, GAO makes one recommendation to the Bureau:

- The Director of CFPB should establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements.

The Bureau does not object to GAO's recommendation. The Bureau will establish a time frame to update its current inventory of electronic systems used to store agency records, so that the inventory includes all of the elements required by 36 C.F.R. 1236.26.

consumerfinance.gov

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**Appendix IV: Comments from the Consumer  
Financial Protection Bureau**

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The Bureau looks forward to working with GAO as it monitors the Bureau's progress in implementing this recommendation.

Sincerely,



Kathleen L. Kraninger  
Director

# Appendix V: Comments from the Department of Commerce



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

January 27, 2020

Nick Marinos  
Director, Information Technology and Cybersecurity  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Marinos:

Thank you for the opportunity to review and comment on the Government Accountability Office's draft report entitled, "*Information Management: Selected Agencies Need to Improve Adherence to Federal Electronic Recordkeeping Requirements*" (GAO-20-59).

On behalf of the Department of Commerce, I have enclosed our comments on the draft report. The Department concurs with the recommendations and will take additional steps to implement them.

Should you have any questions, please contact MaryAnn Mausser, Department of Commerce Audit Liaison, at (202) 482-8120.

Sincerely,

A handwritten signature in black ink that reads "Wilbur Ross".

Wilbur Ross

Enclosure

**Department of Commerce's Comments on  
GAO Draft Report Entitled, "Information Management: Selected Agencies Need to Improve  
Adherence to Federal Electronic Recordkeeping Requirements" (GAO-20-59)**

The Department of Commerce has reviewed the Government Accountability Office's (GAO) draft report and offers the following comments for GAO's consideration:

**General Comments**

The report on Information Management does a fair and thorough job in assessing federal agencies' need to improve adherence to electronic recordkeeping requirements. The report's recommendations were generally well-informed, thorough, and balanced.

**Comments on Recommendations**

GAO made two recommendations to the Department of Commerce in the report.

- **Recommendation 7:** Establish a timeframe to ensure all records schedules are up-to-date and submitted to NARA. The schedules should include all required information, including when eligible temporary records must be destroyed or deleted and when permanent records are to be transferred to NARA.

**Department of Commerce Response:** The Department of Commerce agrees with this recommendation and will work diligently to ensure records schedules are updated and submitted to NARA not later than December 2020.

- **Recommendation 8:** Ensure the electronic system that manages email provides the capabilities to manage permanent and temporary email records and to identify, retrieve, and retain records.

**Department of Commerce Response:** The Department agrees with this recommendation. The electronic system that the Department currently uses to manage email provides the capabilities to manage permanent and temporary email records and to identify, retrieve, and retain records. While we believe that the current system fulfills this recommendation, we will take additional steps to ensure that users are correctly employing the system to address federal recordkeeping requirements. The Department will update agency policies to fully address federal electronic recordkeeping requirements no later than December 2020.

# Appendix VI: Comments from the National Aeronautics and Space Administration

National Aeronautics and Space Administration  
Headquarters  
Washington, DC 20546-0001



JAN 23 2020

Reply to Attn of: Office of the Chief Information Officer

Mr. Nick Marinos  
Director  
Information Technology and Cybersecurity  
United States Government Accountability Office  
Washington, DC 20548

Dear Mr. Marinos:

The National Aeronautics and Space Administration (NASA) appreciates the opportunity to review and comment on the Government Accountability Office (GAO) draft report entitled, "Information Management: Selected Agencies Need to Improve Adherence to Federal Electronic Recordkeeping Requirements" (GAO-20-59), dated December 23, 2019.

In the draft report, GAO makes one recommendation to NASA relating to the Agency's implementation of Federal electronic recordkeeping requirements. Specifically, GAO recommends the following:

**Recommendation 1:** Establish a time frame to develop an inventory of electronic information systems used to store Agency records that includes all of the required elements.

**Management's Response:** NASA concurs with GAO's recommendation. NASA has numerous inventories of electronic information systems across NASA Headquarters and the ten NASA Centers – each with varying types and amounts of information about the systems. To meet the requirements of 36 CFR 1236(b), NASA is currently developing a comprehensive inventory to serve as an authoritative source for identifying where the Agency's electronic records reside.

**Estimated Completion Date:** June 30, 2021.

We have reviewed the draft report for information that should not be publicly released. As a result of this review, we have not identified any information that should not be publicly released.

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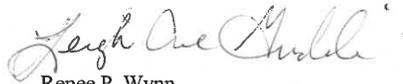
**Appendix VI: Comments from the National  
Aeronautics and Space Administration**

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Once again, thank you for the opportunity to comment on the subject draft report. If you have any questions or require additional information, please contact Fatima Johnson at (202) 358-1631.

Sincerely,



Renee P. Wynn  
Chief Information Officer

*for*

# Appendix VII: Comments from the National Science Foundation



National Science Foundation  
Office of the Director

January 27, 2020

John Neumann  
Managing Director  
Science, Technology Assessment, and Analytics  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, D.C. 20548

Dear Mr. Neumann:

Thank you for the opportunity to review and provide comments on the Government Accountability Office (GAO) draft report, *INFORMATION MANAGEMENT: Selected Agencies Need to Improve Adherence to Federal Electronic Recordkeeping Requirements (GAO-20-59)*. The National Science Foundation (NSF) values the GAO staff's professionalism and many constructive interactions during this GAO engagement.

NSF appreciates GAO's acknowledgement of agency efforts to complete plans for managing records electronically and for managing permanent and temporary email records in an electronic format. The Foundation continues to make progress toward improving our implementation of federal electronic recordkeeping requirements. We accept GAO's findings in the draft report and are updating our records schedules and ensuring that our records management practices and policies address current requirements and best practices for federal records management.

NSF concurs with the four recommendations made by GAO for additional actions the agency should take to strengthen our records management program.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact Veronica Shelley at [vshelley@nsf.gov](mailto:vshelley@nsf.gov) or 703-292-4384 if you have any questions or require additional information. We look forward to working with you again in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorothy Aronson'.

Dorothy Aronson  
Chief Information Officer

# Appendix VIII: Comments from the Office of Personnel Management



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Office of Privacy and Information  
Management

Mr. Nick Marinos  
Director, Information Technology and Cybersecurity  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Marinos:

Thank you for providing us the opportunity to respond to the Government Accountability Office (GAO) draft report, Information Management, GAO-20-59, Select Agencies Need to Improve Adherence to Federal Electronic Recordkeeping Requirements.

Responses to your recommendations are provided below.

**Recommendation #30:** Establish a time frame to ensure that all records schedules are up to date and submitted to NARA. The schedules should include all required information, including when eligible temporary records must be destroyed or deleted and when permanent records are to be transferred to NARA.

**Management Response:**

**We concur.** A timeline has been established to complete an agency wide update on all disposition schedules (attached). The target completion date to ensure that all records are up to date, include all required information, and submitted to NARA is Q2 FY21.

**Recommendation #31:** Establish a time frame to develop an inventory of electronic information systems used to store agency records that includes all of the required elements.

**Management Response:**

**We concur.** We will work with the OPM Office of the Chief Information Officer (OCIO) to develop an inventory that includes all required elements of electronic information systems storing agency records. We estimate having a complete inventory by the end of Q3 FY21.

**Recommendation #32:** Establish a time frame to develop a plan to manage permanent electronic records.

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**Appendix VIII: Comments from the Office of  
Personnel Management**

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**Management Response:**

**We concur.** A target time frame of Q4 FY20 has been identified to issue a strategic plan on the digitization and management of permanent electronic records.

**Recommendation #33:** Establish a time frame to update its policies and procedures to include all of the required electronic information system functionalities for recordkeeping systems.

**Management Response:**

**We concur.** Updated policies and procedures that include the required electronic information system functions for recordkeeping systems are in process and are estimated to be completed in Q3 FY20.

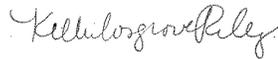
**Recommendation #34:** Establish a time frame to update the agency's policies and procedures on retention and management for email to include retaining electronic calendars and draft documents.

**Management Response:**

**We concur.** OPM's Capstone email policy (which includes email and other affiliated records, such as calendars, appointments and tasks) has been approved by NARA. A draft email policy has been developed and we are currently working with OCIO to determine how the requirements can be implemented with Office 365. The time frame for implementation of both policies is the end of Q2 FY20.

I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Tammy Hudson, Records Officer, (202) 606-2642, and [Tammy.Hudson@opm.gov](mailto:Tammy.Hudson@opm.gov).

Sincerely,



Kellie Cosgrove Riley  
Chief Privacy Officer

Attachment

# Appendix IX: Comments from the Morris K. Udall and Stewart L. Udall Foundation



130 South Scott Avenue, Tucson, Arizona 85701  
TELEPHONE: 520.901.8500 FAX: 520.670.5530

January 16, 2020

Mr. Nick Marinos  
Director, Information Technology and Cybersecurity  
Government Accountability Office  
441 G St., NW  
Washington, D.C. 20548

Dear Mr. Marinos,

Thank you for the opportunity to review and comment on your proposed report "Information Management: Selected Agencies Need to Improve Adherence to Federal Electronic Recordkeeping Requirements" that we received on December 23, 2019. We appreciate the valuable feedback and guidance it provides on our electronic records management program and concur with your findings and recommendations.

The report contained one formal Recommendation for Executive Action for the Udall Foundation:

*"Establish a time frame to develop and maintain an active, continuing agency records management program that includes policies and procedures to provide for effective controls over the creation, maintenance, and use of records in the conduct of current business."*

We concur with this Recommendation and we have established the following time frame, consistent with the recordkeeping requirements in the *Managing Government Records Directive* and the *Federal Records Act* and its amendments:

FY 2020:

- January 2020: complete an updated, agency-wide draft of a new Request for Records Disposition Authority (SF-115) and an associated crosswalk of new and prior SF-115 content
- February 2020: submit the proposed new SF-115 to our designated National Archives and Records Administration (NARA) archivist for review
- April 2020: incorporate revisions to the new SF-115 at the direction of NARA
- June 2020: finalize the new SF-115 for agency-wide use
- September 2020: complete the initial build-out of required information technology (IT) infrastructure to manage electronic records

FY 2021:

- October 2020: Begin staff training on electronic records management to ensure workforce awareness of and compliance with Federal agency requirements
- December 2020: Begin transfer of electronic records into the new IT infrastructure

UDALL.GOV

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**Appendix IX: Comments from the Morris K.  
Udall and Stewart L. Udall Foundation**

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- March 2021: Finalize the agency's formal records management policy and associated procedures for creating, maintaining, and using records across the agency, including an agency records management officer and/or program points of contact

Annually thereafter:

- Conduct routine and recurring staff training on records management
- Agency records management officer and/or program points of contact ensure that records management protocols and procedures are being followed
- Agency records are transferred to NARA in accordance with established records management schedules and Capstone policies

If you have additional questions regarding our electronic records management program or require any further information, please do not hesitate to contact me directly at (520) 901-8560 or [brown@udall.gov](mailto:brown@udall.gov).

Sincerely,



David P. Brown, Ph.D.  
Executive Director

# Appendix X: Comments from the Office of Management and Budget



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

January 27, 2020

Triana McNeil  
Acting Director  
U.S. Government Accountability Office  
441 G Street N.W.  
Washington, D.C. 20548

Dear Ms. McNeil,

Thank you for the opportunity to review and provide comments to your Draft Report. The Executive Office of the President (EOP) is comprised of multiple components. The Office of Administration (OA) provides enterprise-wide services, including information technology, for all EOP components including the Office of Management and Budget (OMB). As a result of OMB's relationship to the EOP-managed enterprise, OMB was unable to provide OA's policies and procedures and therefore GAO could not verify documentation maintained by the EOP on behalf of OMB and other EOP components. OMB has stringent plans for managing permanent electronic records, including email that are held to a much higher standard than a typical agency subject to the Federal Records Act (FRA).

The EOP captures and preserves all incoming and outgoing email for every component within its enterprise email management and retention solution, which supports the export of email records into commonly accepted file formats. All OMB email is captured and treated as permanent records thereby meeting a higher standard than the capstone approach to federal records. OMB emails are treated the same as Presidential Records Act (PRA) records. This approach holds OMB data to a higher PRA standard than an FRA component.

In fact, all OMB permanent electronic records are maintained on the OA/WHIT managed email servers. The data is virtually and physically separated into PRA and FRA buckets and further separated at an FRA component level. Data is automatically captured via journaling upon receipt and immediately after being sent independent of the staff mailboxes. All captured emails are treated as permanent electronic records and are delivered to NARA. Because the electronic records of OMB employees, including their email communications, calendars, and electronic documents on personal drives, are automatically captured and preserved by OA, the preservation of electronic records is essentially an automated process.

Additionally, OMB's policy for its employees, contractors and other employees, is that all OMB work-related communications must be conducted on official EOP/OMB accounts. Unauthorized use of personal email, text messages, instant messages, social networks, messaging apps, or other internet-based means of communication to conduct official business is strictly

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**Appendix X: Comments from the Office of  
Management and Budget**

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OMB is diligently working with NARA to revise and update its records schedule and endeavors to closely review and close any gaps in documentation that GAO identified. I remain committed to ensuring OMB's records management program is rigorous, effective, and exemplary of good governance.

Attached are specific comments and edits to the report that we request you publish along with this letter.

Sincerely,



Sarah Whittle-Spooner  
Assistant Director for Management and Operations

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# Appendix XI: GAO Contact and Staff Acknowledgments

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## GAO Contact

Nick Marinos, (202) 512-9342, [marinosn@gao.gov](mailto:marinosn@gao.gov)

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## Staff Acknowledgments

In addition to the individual named above, Marisol Cruz Cain (Assistant Director), Anjalique Lawrence (Assistant Director), Elena Epps (Analyst-in-Charge), Roger Bracy, Kami Brown, Christopher Businsky, Alan Daigle, Nancy Glover, Charles Hubbard, Lee McCracken; Brian Palmer, and Monica Perez-Nelson made significant contributions to this report.

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