

2012 ANNUAL RECORDS MANAGEMENT REFRESHER TRAINING GUIDE

References:

- (a) SECNAVINST 5210.8D “Department of the Navy Records Management Program,” 31 Dec 2005
- (b) SECNAV Manual 5210.1 “Department of the Navy Records Management Manual,” January 2012 with Revision 1
- (c) DON CIO Memo “Department of Navy Electronic Records Management and Record Electronic Mail (E-Mail) Management,” 15 Jun 07
- (d) DoD 5015.2-STD “Electronic Records Management Software Applications Design Criteria Standard,” April 25, 2007
- (e) NAVMC DIR 5210.11E “Marine Corps Records Management Program,” 15 May 2006
- (f) 36 CFR 1236, Electronic Records Management
- (g) OPNAVINST 5210.20 Navy Records Management Program 21 Dec 2010

This guide fulfills the mandate that Department of the Navy (DON) personnel (military, government civilian and contractor) are reminded each year of their responsibilities regarding records management. Specifically, each person shall:

1. Create, maintain, and properly preserve records.

DON personnel are required to create, maintain, and properly preserve records that document the Department’s transaction of business and mission in wartime and peace time. Federal records provide evidence of the Department’s organization, functions, policies, procedures, decisions, operations, and other activities.

Reference (a) delineates the authorities and responsibilities of the DON Records Management Program. Reference (b) is the authoritative source for departmental records management, disposition procedures, and disposition schedules. All records must be managed according to a legal authority approved by the National Archives and Records Administration (NARA). Both of these documents are available at <http://doni.daps.dla.mil/>.

Reference (c) reiterates DON policy for electronic records management (ERM) and, in particular, for record and non-record electronic mail (e-mail). This memo is available at <http://www.doncio.navy.mil/PolicyView.aspx?ID=416>.

All Federal records must be managed throughout their lifecycle according to a NARA approved agency schedule, SF 115, Request for Records Disposition Authority, or the NARA General Records Schedules per reference (b).

2. Identify records and distinguish records from non-record materials.

The official definition of a record is: “Records include all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business

and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” (44 United States Code (USC) “3301).

This definition contains two key points. First, records are documentary materials, regardless of physical form or characteristics. Second, many of the reports, documents, briefings, and other items we create in our jobs are records because they provide evidence of a command’s organization, functions, policies, procedures, decisions, operations, and other activities. Almost everything we create or receive is a Federal record that falls into one of these categories.

Command functions, activities, and administrative practices vary widely within the DON; therefore, the prevalent records can vary widely between different commands. Fortunately, many records are already identified in reference (b). If there is uncertainty, Navy and Secretariat commands should contact their records manager/officer, legal counsel, or Judge Advocate for a determination of whether documentary materials are records. Marine Corps personnel should contact CMC (Records, Reports, and Directives Management (ARDB)).

Non-records are informational materials that do not meet the definition of a record or have been excluded from coverage by the statutory definition. Excluded materials are extra copies of documents preserved only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit.

The Glossary of Terms in reference (b) (Appendix C) provides additional discussion of records, non-records, and related terms.

3. Identify personal papers and maintain them separately from Federal records.

Personal papers are not Federal records and must not be stored with official records. Personal papers are documentary materials of a private or non-public character that do not relate in any way to, or have any effect upon, the conduct of DON business, e.g., personal correspondence or notes, personal journals or diaries.

4. Not remove records from government custody or destroy them, except as required or allowed under authorized record schedules. Sanctions are imposed for the unlawful removal or destruction of Federal records.

Under penalty of law, departmental personnel may not remove records from government custody or destroy them, except as required or allowed under authorized disposition instructions and schedules.

Only two emergency conditions warrant destruction of DON records without regard to statutory and regulatory requirements as directed by reference (b) (Part 1, paragraph 5): 1) when hostile action by a foreign power appears imminent in a state or threatened state of war, the agency may determine if records retention is prejudicial to the interest of the United States or the space occupied is urgently needed for military purposes; or 2) when records menace property, health or life. Significant and specific conditions apply to these circumstances.

5. Inform appropriate officials of any actual, impending, or threatened unlawful removal, alteration, or destruction of Federal records and the sanctions imposed for the unlawful removal or destruction of Federal records.

DON personnel who suspect an actual, impending, or threatened unlawful removal, alteration or destruction of Federal records should notify their chain of command immediately. If the threat to records persists, notify the Navy Records Manager (DON/AA Directives and Records Management Division (DRMD)) at SECNAV_OPNAVrecords@navy.mil or the USMC Records Manager (CMC (ARDB)) at HQMCREC-MGR@usmc.mil.

In addition to the actions specified above, the following topics are critical to a compliant records management program:

1. Record Holds, Litigation, Investigations, Claims

DON personnel may not destroy, discard, or delete any record or other documentary material that is subject to any type of hold/freeze or may be related in any way to reasonably foreseeable or ongoing litigation or investigation or unresolved claims for or against the government, incomplete investigations, or exceptions taken by the Government Accountability Office or internal auditors.

This restriction applies to documents that may be reasonably expected to be part of litigation or an investigation. Most importantly, if there are any doubts about whether a specific item is to be retained, err on the side of retention.

2. Records of Armed Conflict

Commands are required to identify and manage armed conflict records per Part V, Records of Armed Conflict, of reference (b) to ensure operations analysis and preservation of permanent records. Records previously scheduled as temporary may have permanent historical value. For additional assistance, contact DON/AA DRMD or CMC (ARDB), as appropriate.

3. E-mail may or may not be a record

E-mail is a record when it meets the definition of a Federal record and must be properly managed just like any record. Additional guidance is available in reference (b) Part I, Section 17 and reference (c).

With one caveat, record e-mail must be managed in one of two ways. 1) Record e-mail and attachments may be printed and filed with related paper records and managed in accordance with the NARA-approved disposition. 2) Record e-mail and their attachments may be transferred and managed by a records management application (RMA) that is compliant with reference (d).

The caveat involves record e-mail with a NARA approved retention period of 180 days or less. Per CFR 1236.22.c, these e-mails may reside on the e-mail system provided they are not deleted, either manually or automatically, prior to the expiration of their retention period. Further details on record e-mail and electronic records in general are described in reference (c).

Record e-mail management is often misunderstood. The bottom line is that many e-mails are records. They remain records, even if they are not managed appropriately.

4. Electronic Records Management (ERM)

Electronic records, including e-mail, may be stored in an RMA that is compliant with reference (d). According to reference (b) (Part I, paragraph 17), electronic records may also be managed by printing to hard copy and applying the appropriate records retention schedule. Reference (e) addresses ERM for the Marine Corps. Reference (f) provides ERM guidance from NARA.

Note: Reference (g) paragraph 25, sub-paragraph (c) states that all Navy personnel (including military, government civilian, and contractor) shall complete the Navy Knowledge Online (NKO) course “*Records Management in the DON: Everyone's Responsibility* (DOR-RM-010)”. If their activity uses the DON approved RMA, they should also complete *Total Records and Information Management (TRIM) via the NMCI (Entry)* (DOR-TRIM-101) on an annual basis. If the command does not have access to NKO, then this guide can be used to meet the annual requirement.