

and maintain an active, continuing program for the economical and efficient management of the records of the agency.

(c) Agency records management programs must provide for:

- (1) Effective controls over the creation, maintenance, and use of records in the conduct of current business; and
- (2) Cooperation with the Archivist and the Administrator of GSA in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and destruction of records of temporary value.

§ 1220.32 What records management principles must agencies implement?

Agencies must create and maintain authentic, reliable, and usable records and ensure that they remain so for the length of their authorized retention period. A comprehensive records management program provides policies and procedures for ensuring that:

- (a) Records documenting agency business are created or captured;
- (b) Records are organized and maintained to facilitate their use and ensure integrity throughout their authorized retention periods;
- (c) Records are available when needed, where needed, and in a usable format to conduct agency business;
- (d) Legal and regulatory requirements, relevant standards, and agency policies are followed;
- (e) Records, regardless of format, are protected in a safe and secure environment and removal or destruction is carried out only as authorized in records schedules; and
- (f) Continuity of operations is supported by a vital records program (see part 1223 of this subchapter).

§ 1220.34 What must an agency do to carry out its records management responsibilities?

To carry out the responsibilities specified in 44 U.S.C. 3101 and 3102, agencies must:

- (a) Assign records management responsibility to a person and office with appropriate authority within the agency to coordinate and oversee imple-

mentation of the agency comprehensive records management program principles in § 1220.32;

(b) Advise NARA and agency managers of the name(s) of the individual(s) assigned operational responsibility for the agency records management program. To notify NARA, send the name(s), e-mail and postal addresses, phone and fax numbers of the individual(s) to NARA (NWM), 8601 Adelphi Road, College Park, MD 20740-6001 or to *RM.Communications@nara.gov*. The name, title, and phone number of the official or officials authorized by the head of the agency to sign records disposition schedules and requests for transfer of records to the custody of the National Archives must also be submitted to NARA (NWM) or *RM.Communications@nara.gov*;

(c) Issue a directive(s) establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of agency records. Copies of the directive(s) (including subsequent amendments or supplements) must be disseminated throughout the agency, as appropriate, and a copy must be sent to NARA (NWM);

(d) Assign records management responsibilities in each program (mission) and administrative area to ensure incorporation of recordkeeping requirements and records maintenance, storage, and disposition practices into agency programs, processes, systems, and procedures;

(e) Integrate records management and archival requirements into the design, development, and implementation of electronic information systems as specified in § 1236.12 of this subchapter;

(f) Provide guidance and training to all agency personnel on their records management responsibilities, including identification of Federal records, in all formats and media;

(g) Develop records schedules for all records created and received by the agency and obtain NARA approval of the schedules prior to implementation, in accordance with 36 CFR parts 1225 and 1226 of this subchapter;

(h) Comply with applicable policies, procedures, and standards relating to

records management and record-keeping requirements issued by the Office of Management and Budget, NARA, GSA, or other agencies, as appropriate (see §1222.22 of this subchapter);

(i) Institute controls ensuring that all records, regardless of format or medium, are properly organized, classified or indexed, and described, and made available for use by all appropriate agency staff; and

(j) Conduct formal evaluations to measure the effectiveness of records management programs and practices, and to ensure that they comply with NARA regulations in this subchapter.

PART 1222—CREATION AND MAINTENANCE OF FEDERAL RECORDS

Subpart A—Identifying Federal Records

Sec.

1222.1 What are the authorities for part 1222?

1222.2 What definitions apply to this part?

1222.3 What standards are used as guidance for this part?

1222.10 How should agencies apply the statutory definition of Federal records?

1222.12 What types of documentary materials are Federal records?

1222.14 What are nonrecord materials?

1222.16 How are nonrecord materials managed?

1222.18 Under what conditions may nonrecord materials be removed from government agencies?

1222.20 How are personal files defined and managed?

Subpart B—Agency Recordkeeping Requirements

1222.22 What records are required to provide for adequate documentation of agency business?

1222.24 How do agencies establish recordkeeping requirements?

1222.26 What are the general recordkeeping requirements for agency programs?

1222.28 What are the series level recordkeeping requirements?

1222.30 When must agencies comply with the recordkeeping requirements of other agencies?

1222.32 How do agencies manage data and records created or received by contractors?

1222.34 How must agencies maintain records?

AUTHORITY: 44 U.S.C. 2904, 3101, 3102, and 3301.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

Subpart A—Identifying Federal Records

§ 1222.1 What are the authorities for part 1222?

The statutory authorities for this part are 44 U.S.C. 2904, 3101, 3102, and 3301.

§ 1222.2 What definitions apply to this part?

See §1220.18 of this subchapter for definitions of terms used in part 1222.

§ 1222.3 What standards are used as guidance for this part?

These regulations conform with guidance provided in ISO 15489–1:2001, Information and documentation—Records management. Paragraphs 7.1 (Principles of records management programmes), 7.2 (Characteristics of a record), 8.3.5 (Conversion and migration), 8.3.6 (Access, retrieval and use), and 9.6 (Storage and handling) apply to records creation and maintenance.

§ 1222.10 How should agencies apply the statutory definition of Federal records?

(a) The statutory definition of Federal records is contained in 44 U.S.C. 3301 and provided in §1220.18 of this subchapter.

(b) Several key terms, phrases, and concepts in the statutory definition of a Federal record are further explained as follows:

(1) *Documentary materials* has the meaning provided in §1220.18 of this subchapter.

(2) *Regardless of physical form or characteristics* means that the medium may be paper, film, disk, or other physical type or form; and that the method of recording may be manual, mechanical, photographic, electronic, or any other combination of these or other technologies.

(3) *Made* means the act of creating and recording information by agency personnel in the course of their official duties, regardless of the method(s) or the medium involved.

(4) *Received* means the acceptance or collection of documentary materials by