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36 CFR Ch. XII (7-1-24 Edition)

centers or commercial records storage facilities transfer permanent records to the National Archives of the United States as individual series spanning one or more years and in accordance with the provisions of part 1235 of this subchapter.

(e) Agencies must ensure that records that are restricted because they are security classified or exempt from disclosure by statute, including the Privacy Act of 1974 (5 U.S.C. 552a, as amended), or regulation are stored and maintained in accordance with applicable laws, Executive orders, or regulations.

(f) Agencies must ensure that temporary records, including restricted records (security classified or exempted from disclosure by statute, including the Privacy Act of 1974, or regulation), are destroyed in accordance with the requirements specified in §1226.24 of this subchapter.

(g) Agencies must ensure that emergency operating vital records, as defined in 36 CFR part 1223, that are transferred to an agency records center or commercial records storage facility are available in accordance with 36 CFR 1223.24.

(h) Provide access to appropriate NARA staff to records wherever they are located in order to conduct an inspection in accordance with 36 CFR part 1239 or to process a request for records disposition authority.

PART 1233—TRANSFER, USE, AND DISPOSITION OF RECORDS IN A NARA FEDERAL RECORDS CENTER

Sec.

1233.1 What are the authorities for part 1233?

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AUTHORITY: 44 U.S.C. 2907 and 3103.

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

§ 1233.1 What are the authorities for part 1233?

The statutory authorities for this part are 44 U.S.C. 2907 and 3103.

§ 1233.2 What definitions apply to this part?

See §1220.18 of this subchapter for definitions of terms used throughout Subchapter B, including part 1233.

§ 1233.3 What standards are used as guidance for this part?

These regulations conform with guidance provided in ISO 15489-1:2001. Paragraphs 7.1 (Principles of records management programmes), 8.3.3 (Physical storage medium and protection), 8.3.6 (Access, retrieval and use), 8.3.7 (Retention and disposition), 9.6 (Storage and handling), and 9.8.3 (Location and tracking) apply to records creation and maintenance.

§ 1233.10 How does an agency transfer records to a NARA Federal Records Center?

An agency transfers records to a NARA Federal Records Center using the following procedures:

(a) General. NARA will ensure that its records centers meet the facilities standards in 36 CFR part 1234, which meets the agency's obligation in §1232.14(a) of this subchapter.

(b) Agencies must use their designated NARA Federal Records Center(s) as specified in their agency agreement with NARA (Federal Records Center Program (FRCP)) for the storage of records.

(c) Transfers to NARA Federal Records Centers must be preceded by the submission of a Standard Form (SF) 135, Records Transmittal and Receipt, or an electronic equivalent. Preparation and submission of this form will meet the requirements for records description provided in §1232.14(c) of this subchapter, except the folder title list required for permanent and unscheduled records. A folder

title list is also required for records that are scheduled for sampling or selection after transfer.

(d) A separate SF 135 or electronic equivalent is required for each individual records series having the same disposition authority and disposition date.

(e) For further guidance on transferring records to a NARA Federal Records Center, consult the NARA Federal Records Centers Program website (<http://www.archives.gov/frc/toolkit.html#transfer>). Request current NARA publications and bulletins by contacting an individual NARA Federal Records Center (contact information at <http://www.archives.gov/frc/locations.html>), or the FRCP by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740-6001, or by phone at 301.837.2950.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13655, Mar. 30, 2018]

§ 1233.12 How does an agency transfer vital records to a NARA Federal Records Center?

For assistance on selecting an appropriate site among NARA facilities for storage of vital records, agencies may contact NARA, by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740-6001, or by phone at 301.837.2950. The actual transfers are governed by the general requirements and procedures in this part and 36 CFR part 1223.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13655, Mar. 30, 2018]

§ 1233.14 What personnel records must be transferred to the National Personnel Records Center (NPRC)?

(a) Civilian personnel files:

(1) General Records Schedules 1 and 2 specify that certain Federal civilian personnel, medical, and pay records must be centrally stored at the National Personnel Records Center headquartered in St. Louis, MO.

(2) [Reserved]

(b) The following types of medical treatment records are transferred to the NPRC:

(1) Inpatient (hospitalization) records created for all categories of patients (active duty personnel, retirees, and dependents) receiving inpatient treatment and extended ambulatory procedures; and

(2) Outpatient medical treatment records for military retirees, dependents, and other civilians treated at military health care facilities (excludes active duty military personnel at time of military discharge or retirement).

§ 1233.16 How does an agency transfer records to the National Personnel Records Center (NPRC)?

Agencies must use the following procedures when transferring records to the NPRC:

(a) *Civilian personnel files.* (1) Forward the official personnel folder (OPF) and the employee medical folder (EMF) to the NPRC at the same time.

(2) Transfer EMFs and OPFs in separate folders.

(3) Retirement of individual folders is based on the date of separation and should occur within 90 to 120 days after the employee separates from Federal service.

(4) For additional guidance, consult the Office of Personnel Management (OPM) 1900 E Street, NW., Washington, DC 20415, phone number (202) 606-1800, Web site <http://www.opm.gov/feddata/recguide2008.pdf>, for the OPM publication “The Guide to Personnel Record-keeping” for procedures on the transfer of OPFs and EMFs.

(b) *Military medical records.* Military health care facilities should contact their facility records managers for guidance on transferring medical records to NPRC. For additional guidance, consult the “Transactions with the National Personnel Records Center (NPRC), St. Louis, MO” section of the NARA Federal Records Centers Program Web site (<http://www.archives.gov/frc/toolkit.html#transactions>).

(c) *Other guidance assistance.* For further guidance assistance consult the NPRC Web site (http://www.archives.gov/facilities/mo/st_louis.html).

§ 1233.18 What reference procedures are used in NARA Federal Records Centers?

(a) Agency records transferred to a NARA Federal Records Center remain in the legal custody of the agency. NARA acts as the agency's agent in maintaining the records. NARA will not disclose the record except to the agency that maintains the record, or under rules established by that agency which are consistent with existing laws.

(b) For general reference requests agencies may use an FRCP electronic system or, the Optional Form (OF) 11, Reference Request—Federal Records Centers, a form jointly designated by that agency and NARA, or their electronic equivalents.

(c) For civilian personnel records, agencies must use the following forms:

(1) Standard Form 127, Request for Official Personnel Folder (Separated Employee), to request transmission of personnel folders of separated employees stored at the National Personnel Records Center. Additional instructions on requesting OPFs are available online at <http://www.archives.gov/st-louis/civilian-personnel/federal-agencies.html>.

(2) Standard Form 184, Request for Employee Medical Folder (Separated Employee), to request medical folders stored at the National Personnel Records Center. Additional instructions on requesting EMFs are available online at <http://www.archives.gov/st-louis/civilian-personnel/federal-agencies.html>.

(3) Optional Form 11, Reference Request—Federal Records Center to request medical records transferred to other NARA Federal Records Centers prior to September 1, 1984. The request must include the name and address of the agency's designated medical records manager.

(d) For military personnel records reference requests, the following forms must be used:

(1) Federal agencies must use Standard Form (SF) 180, Request Pertaining to Military Records, to obtain information from military service records in the National Personnel Records Center (Military Personnel Records); authorized agencies requesting the loan of a

military personnel record may order records using eMilrecs (electronic equivalent of the SF 180). Access to eMilrecs and additional information is available on line at: <http://www.archives.gov/st-louis/military-personnel/agencies/ompf-fed-agency.html>.

(2) A military veteran or the next of kin of a deceased, former member of the military may order military personnel records through the submission of an SF 180 or an online records request system. Additional information is available on line at: <http://www.archives.gov/veterans/evetrecs>.

(3) Members of the public and non-governmental organizations also may obtain copies of SF 180 by submitting a written request to the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132. OMB Control Number 3095-0029 has been assigned to the SF 180.

(4) Agencies may furnish copies of the SF 180 to the public to aid in inquiries. Copies of SF 180 are available at: <http://www.archives.gov/st-louis/military-personnel/standard-form-180.html#sf>.

(5) For guidance on requesting original medical treatment records, military hospitals and clinics should consult the "Transactions with the National Personnel Records Center (NPRC), St. Louis, MO" section of the NARA Federal Records Centers Program Web site (<http://www.archives.gov/frc/toolkit.html#transactions>).

(e) For further guidance on requesting records from a NARA Federal Records Center, consult the NARA Federal Records Centers Program website (<http://www.archives.gov/frc/toolkit.html#retrieval>). Request current NARA publications and bulletins by contacting an individual NARA Federal Records Center (contact information at <http://www.archives.gov/frc/locations.html>), or the FRCP by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740-6001, or by phone at 301.837.2950.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13655, Mar. 30, 2018]

§ 1233.20 How are disposal clearances managed for records in NARA Federal Records Centers?

(a) The National Personnel Records Center will destroy records covered by General Records Schedules 1 and 2 in accordance with those schedules without further agency clearance.

(b) NARA Federal Records Centers will destroy other eligible Federal records only with the written concurrence of the agency having legal custody of the records.

(c) NARA Federal Records Centers will maintain documentation on the final disposition of records, as required in 36 CFR 1232.14(d).

(d) When NARA approves an extension of retention period beyond the time authorized in the records schedule for records stored in NARA Federal Records Centers, NARA will notify those affected records centers to suspend disposal of the records (see § 1226.18 of this subchapter).

(e) For further guidance on records disposition, consult the NARA Federal Records Centers Program website (<http://www.archives.gov/frc/tool-kit.html#disposition>). Request current NARA publications and bulletins by contacting an individual NARA Federal Records Center (contact information at <http://www.archives.gov/frc/locations.html>) or the FRCP, by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740-6001, or by phone at 301.837.2950.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13655, Mar. 30, 2018]

PART 1234—FACILITY STANDARDS FOR RECORDS STORAGE FACILITIES**Subpart A—General**

Sec.

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1234.4 What definitions are used in this part?

Subpart B—Facility Standards

1234.10 What are the facility requirements for all records storage facilities?

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1234.14 What are the requirements for environmental controls for records storage facilities?

Subpart C—Handling Deviations From NARA's Facility Standards

1234.20 What rules apply if there is a conflict between NARA standards and other regulatory standards that a facility must follow?

1234.22 How does an agency request a waiver from a requirement in this subpart?

1234.24 How does NARA process a waiver request?

Subpart D—Facility Approval and Inspection Requirements

1234.30 How does an agency request authority to establish or relocate records storage facilities?

1234.32 What does an agency have to do to certify a fire-safety detection and suppression system?

1234.34 When may NARA conduct an inspection of a records storage facility?

APPENDIX A TO PART 1234—MINIMUM SECURITY STANDARDS FOR LEVEL III FEDERAL FACILITIES

APPENDIX B TO PART 1234—ALTERNATIVE CERTIFIED FIRE-SAFETY DETECTION AND SUPPRESSION SYSTEM(S)

AUTHORITY: 44 U.S.C. 2104(a), 2904, 2907, 3102, and 3103.

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

Subpart A—General**§ 1234.1 What authorities apply to part 1234?**

NARA is authorized to establish, maintain and operate records centers for Federal agencies under 44 U.S.C. 2907. NARA is authorized, under 44 U.S.C. 3103, to approve a records center that is maintained and operated by an agency. NARA is also authorized to promulgate standards, procedures, and guidelines to Federal agencies with respect to the storage of their records in commercial records storage facilities. See 44 U.S.C. 2104(a), 2904, and 3102. The regulations in this subpart apply to all records storage facilities Federal agencies use to store, service, and dispose of their records.