

PART 1235—TRANSFER OF RECORDS TO THE NATIONAL ARCHIVES OF THE UNITED STATES

Subpart A—General Transfer Requirements

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Subpart A—General Transfer Requirements

§ 1235.1 What are the authorities for part 1235?

The statutory authorities for this part are 44 U.S.C. 2107 and 2108.

§ 1235.2 What definitions apply to this part?

See §1220.18 of this subchapter for definitions of terms used in part 1235.

§ 1235.3 What standards are used as guidance for this part?

These regulations conform to guidance provided in ISO 15489-1:2001. Paragraphs 8.3 (Designing and implementing records systems), 9.6 (Storage and handling), and 9.7 (Access) are particularly relevant to this part.

§ 1235.4 What publications are incorporated by reference in this part?

(a) NARA incorporates certain material by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, NARA must publish a document in the FEDERAL REGISTER and the material must be available to the public. You may inspect all approved material incorporated by reference at NARA's textual research room, located at National Archives and Records Administration; 8601 Adelphi Road; Room 2000; College Park, MD 20740-6001. To arrange to inspect this approved material at NARA, contact NARA's Regulation Comments Desk (Strategy and Performance Division (MP)) by email at regulation_comments@nara.gov or by telephone at 301.837.3151. All approved material is also available from the sources listed below. You may also inspect approved material at the Office of the Federal Register (OFR). For information on the availability of this material at the OFR, call 202.741.6000 or go to http://www.archives.gov/federal_register/cfr/ibr-locations.html.

(b) *International Organization for Standards (ISO)*. The following ISO standards are available from the American National Standards Institute, 25 West 43rd St., 4th Floor, New York, NY

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10036, phone number (212) 642-4900, or online at <http://webstore.ansi.org>.

(1) ISO/IEC 15896:1999 (“ISO/IEC 15896”), Information technology—Data interchange on 12,7 mm 208-track magnetic tape cartridges—DLT 5 format, First Edition, December 15, 1999, IBR approved for § 1235.46.

(2) ISO/IEC 16382:2000 (“ISO/IEC 16382”), Information technology—Data interchange on 12,7 mm 208-track magnetic tape cartridges—DLT 6 format, First Edition, May 15, 2000, IBR approved for § 1235.46.

(c) *Document Engineering Co., Inc.* The following standards are available from the standards reseller DECO—Document Engineering Co., Inc., 15210 Stagg Street, Van Nuys, CA, phone number (818) 782-1010, or online at <http://www.doceng.com>:

(1) ANSI X3.39-1986 (“ANSI X3.39”), American National Standard: Recorded Magnetic Tape for Information Interchange (1600 CPI, PE), 1986, IBR approved for § 1235.46.

(2) [Reserved]

(d) The following standards are not available from the original publisher or a standards reseller. To inspect the standards at a NARA location other than the NARA facility in College Park, MD, or the Office of the Federal Register, contact NARA’s Regulations Comment Desk as provided in paragraph (a) of this section.

(1) ANSI X3.54-1986 (“ANSI X3.54”), American National Standard: Recorded Magnetic Tape for Information Interchange (6250 CPI, Group Coded Recording), 1986, IBR approved for § 1235.46.

(2) ANSI X3.180-1990 (“ANSI X3.180”), American National Standard: Magnetic Tape and Cartridge for Information Interchange—18-Track, Parallel, ½ inch (12.65 mm), 37871 cpi (1491 cpmm), Group-Coded—Requirements for Recording, 1990, IBR approved for § 1235.46.

(3) ANSI/NISO/ISO 9660-1990 (“ANSI/NISO/ISO 9660”), American National Standard for Volume and File Structure of CD-ROM for Information Exchange, 1990, IBR approved for § 1235.46.

(4) ISO/IEC 15307:1997 (“ISO/IEC 15307”), Information technology—Data interchange on 12,7 mm 128-track magnetic tape cartridges—DLT 4 format,

First Edition, December 1, 1997, IBR approved for § 1235.46.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13656, Mar. 30, 2018]

§ 1235.10 What records do agencies transfer to the National Archives of the United States?

Agencies must transfer to the National Archives of the United States records that have been scheduled as permanent on an SF 115, Request for Records Disposition Authority, records that are designated as permanent in a GRS; and, when appropriate, records that are accretions to holdings (continuations of series already accessioned.)

§ 1235.12 When must agencies transfer records to the National Archives of the United States?

Permanent records must be transferred to the National Archives of the United States when:

(a) The records are eligible for transfer based on the transfer date specified in a NARA-approved records schedule, or

(b) The records have been in existence for more than 30 years (see also § 1235.14).

§ 1235.14 May agencies retain records for the conduct of regular agency business after they are eligible for transfer?

(a) Agencies may retain records longer than specified on a records disposition schedule only with written approval from NARA.

(b) If the agency determines that the records are needed for the conduct of regular business, the records officer must submit a request certifying continuing need to NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at permanentrecords@nara.gov. This certification must:

(1) Include a comprehensive description and location of records to be retained;

(2) Cite the NARA-approved disposition authority;

(3) Describe the current business for which the records are required;

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(4) Estimate the length of time the records will be needed (if no date is provided by the agency, approved certification requests will be effective for a maximum of five years);

(5) Explain why agency needs cannot be met by NARA reference services or copies of records deposited in the National Archives of the United States; and

(6) If records are retained to enable routine public reference by the agency rather than NARA, cite the statutory authority authorizing this agency activity.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13656, Mar. 30, 2018]

§ 1235.16 How will NARA respond to an agency's request to retain records?

(a) *Approval.* NARA will provide written approval of the request to retain the records for the specified period within 30 days of receipt of the request.

(b) *Disapproval.* NARA will provide written disapproval of an agency's request within 30 days. Requests will be denied if the agency is retaining the records primarily to:

(1) Provide access services to persons outside the agency that can be provided by NARA, or

(2) Function as an agency archives, unless specifically authorized by statute or by NARA.

§ 1235.18 How do agencies transfer records to the National Archives of the United States?

Agencies transfer records by submitting a signed SF 258, Agreement to Transfer Records to the National Archives of the United States. Each SF 258 must correlate to a specific records series or other aggregation of records, as identified in an item on the SF 115 or cited on the SF 258.

§ 1235.20 How do agencies indicate that transferred records contain information that is restricted from public access?

When completing an SF 258, agencies must indicate restrictions on the use and examination of records and attach a written justification. The justification must cite the statute or Freedom of Information Act (FOIA) exemption

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(5 U.S.C. 552(b) as amended), that authorizes the restrictions.

§ 1235.22 When does legal custody of records transfer to NARA?

Legal custody of records passes from the agency to NARA when the appropriate NARA official signs the SF 258 acknowledging receipt of the records.

Subpart B—Administration of Transferred Records

§ 1235.30 How may records in the National Archives of the United States be used?

(a) NARA will enforce restrictions that are consistent with FOIA (5 U.S.C. 552(b) as amended) for both official use of the records by Federal agencies and research by the public.

(b) NARA regulations in Subchapter C of this chapter apply to Federal agency personnel using transferred records for official Government purposes, and to the public at large.

§ 1235.32 How does NARA handle restrictions on transferred records?

(a) *For records less than 30 years old.* Unless required by law, NARA will remove or relax restrictions on transferred records less than 30 years old only with the written concurrence of the transferring agency or, if applicable, its successor agency. If the transferring agency no longer exists, and there is no successor, the Archivist may relax, remove, or impose restrictions to serve the public interest.

(b) *For records more than 30 years old.* (1) After records are more than 30 years old, most statutory and other restrictions on transferred records expire. NARA, however, after consulting with the transferring agency, may keep the restrictions in force for a longer period.

(2) See part 1256 of this chapter for restrictions on specific categories of records, including national security classified information and information that would invade the privacy of an individual that NARA restricts beyond 30 years.

§ 1235.34 May NARA destroy transferred records?

NARA will not destroy records transferred to NARA's custody except:

- (a) With the written concurrence of the agency or its successor, or
- (b) As authorized on an SF 258.

Subpart C—Transfer Specifications and Standards

§ 1235.40 What records are covered by additional transfer requirements?

In addition to complying with subparts A and B of this part, agencies must follow the specifications and requirements in this subpart when transferring audiovisual, cartographic, architectural, and electronic records to the National Archives of the United States. In general, such records must be transferred to the National Archives of the United States as soon as they become inactive or whenever the agency cannot provide proper care and handling of the records, including adequate storage conditions (see parts 1236 and 1237 of this subchapter).

§ 1235.42 What specifications and standards for transfer apply to audiovisual records, cartographic, and related records?

In general the physical types described below comprise the minimum record elements that are needed for future preservation, duplication, and reference for audiovisual records, cartographic records, and related records.

(a) *Motion pictures.* (1) Agency-sponsored or produced motion picture films (e.g., public information films) whether for public or internal use;

(i) Original negative or color original plus separate optical sound track;

(ii) Intermediate master positive or duplicate negative plus optical track sound track; and,

(iii) Sound projection print and video recording, if they exist.

(2) Agency-acquired motion picture films: Two projection prints in good condition or one projection print and one videotape.

(3) Unedited footage, outtakes, and trims (the discards of film productions) that are properly arranged, labeled, and described and show unstaged, unrehearsed events of historical interest or historically significant phenomena:

(i) Original negative or color original; and

(ii) Matching print or videotape.

(b) *Video recordings.* (1) For videotape, the original or earliest generation videotape and a copy for reference. Agencies must comply with requirements in § 1237.12(d) of this subchapter for original videotapes, although VHS copies can be transferred as reference copies.

(2) For video discs, the premaster videotape used to manufacture the video disc and two copies of the disc. Agencies must consult NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at mopix.accessions@nara.gov, before initiating transfers of video discs that depend on interactive software and non-standard equipment.

(c) *Still pictures.* (1) For analog black-and-white photographs, an original negative and a captioned print. The captioning information may be maintained in another file such as a database if the file number correlation is clear. If the original negative is nitrate, unstable acetate, or glass based, the agency must also transfer a duplicate negative on a polyester base.

(2) For analog color photographs, the original color negative, color transparency, or color slide; a captioned print (or captioning information maintained in another file if the file number correlation is clear); and a duplicate negative, or slide, or transparency, if they exist.

(3) For slide sets, the original and a reference set, and the related audio recording (in accordance with paragraph (e) of this section) and script.

(4) For other pictorial records such as posters, original art work, and filmstrips, the original and a reference copy.

(d) *Digital photographic records.* See 36 CFR 1235.48(e) and 1235.50(e) for transfer requirements for digital photographic records.

(e) *Sound recordings.*—(1) *Disc recordings.*

(i) For electronic recordings, the origination recording regardless of form and two compact discs (CDs) or digital video disks (DVDs).

(ii) For analog disc recordings, the master tape and two disc pressings of each recording, typically a vinyl copy

for playback at 33⅓ revolutions per minute (rpm).

(2) For analog audio recordings on magnetic tape (open reel, cassette, or cartridge), the original tape, or the earliest available generation of the recording, and a subsequent generation copy for reference. Agencies must comply with the requirements in 36 CFR 1237.12(c) of this subchapter for audio recordings.

(f) *Finding aids and production documentation.* The following records must be transferred to the National Archives of the United States with the audiovisual records to which they pertain:

(1) Existing finding aids such as data sheets, shot lists, continuities, review sheets, catalogs, indexes, list of captions, and other documentation that are needed or useful to identify or retrieve audiovisual records. Agencies must consult NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at mopix.accessions@nara.gov (for audiovisual records) and stillpix.accessions@nara.gov (for photographic records), about transferring finding aids that do not meet the requirements of this part for electronic records.

(2) Production case files or similar files that include copies of production contracts, scripts, transcripts, and appropriate documentation bearing on the origin, acquisition, release, and ownership of the production.

(g) *Maps and charts.* (1) Manuscript maps; printed and processed maps on which manuscript changes, additions, or annotations have been made for record purposes or which bear manuscript signatures to indicate official approval; and single printed or processed maps that have been attached to or interfiled with other documents of a record character or in any way made an integral part of a record.

(2) Master sets of printed or processed maps issued by the agency. A master set must include one copy of each edition of a printed or processed map issued.

(3) Paper copies of computer-related and computer-plotted maps that can no longer be reproduced electronically.

(4) Index maps, card indexes, lists, catalogs, or other finding aids that may be helpful in using the maps transferred.

(5) Records related to preparing, compiling, editing, or printing maps, such as manuscript field notebooks of surveys, triangulation and other geodetic computations, and project folders containing agency specifications for creating the maps.

(h) *Aerial photography and remote sensing imagery, including:* (1) Vertical and oblique negative aerial film created using conventional aircraft.

(2) Annotated copy negatives, inter-negatives, rectified negatives, and glass plate negatives from vertical and oblique aerial film created using conventional aircraft.

(3) Annotated prints from aerial film created using conventional aircraft.

(4) Infrared, ultraviolet, multispectral (multiband), video, imagery radar, and related tapes, converted to a film base.

(5) Indexes and other finding aids in the form of photo mosaics, flight line indexes, coded grids, and coordinate grids.

(i) *Architectural and related engineering drawings, including:*

(1) Design drawings, preliminary and presentation drawings, and models that document the evolution of the design of a building or structure.

(2) Master sets of drawings that document both the initial design and construction and subsequent alterations of a building or structure. This category includes final working drawings, “as-built” drawings, shop drawings, and repair and alteration drawings.

(3) Drawings of repetitive or standard details of one or more buildings or structures.

(4) “Measured” drawings of existing buildings and original or photocopies of drawings reviewed for approval.

(5) Related finding aids and specifications to be followed.

(j) *Digital geospatial data records.* See § 1235.48(c) for transfer requirements for digital geospatial data records.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13656, Mar. 30, 2018]

§ 1235.44 What general transfer requirements apply to electronic records?

(a) Each agency must retain a copy of permanent electronic records that it transfers to NARA until it receives official notification that NARA has assumed responsibility for continuing preservation of the records.

(b) For guidance on transferring electronic records other than those covered in this subpart, consult NARA, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at etransfers@nara.gov.

(c) When transferring digital photographs and their accompanying metadata, consult NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at stillpic.accessions@nara.gov.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13656, Mar. 30, 2018]

§ 1235.46 What electronic media may be used for transferring records to the National Archives of the United States?

(a) *General.* This section specifies the media or method used to transfer permanent records to the National Ar-

chives of the United States. (See 36 CFR 1236.28 for the requirements governing the selection of electronic records storage media for current agency use.) The agency must use only media that is are sound and free from defects for transfers to the National Archives of the United States. When permanent electronic records may be disseminated through multiple electronic media (e.g., magnetic tape, CD-ROM) or mechanisms (e.g., FTP), the agency and NARA must agree on the most appropriate medium or method for transfer of the records into the National Archives of the United States.

(b) *Magnetic tape.* Agencies may transfer electronic records to the National Archives of the United States on magnetic tape as follows:

(1) Open-reel magnetic tape must be on ½-inch 9-track tape reels recorded at 1600 or 6250 bpi that meet ANSI X3.39 or ANSI X3.54 (both incorporated by reference, see § 1235.4), respectively.

(2) 18-track 3480-class cartridges must be recorded at 37,871 bpi that meet ANSI X3.180 (incorporated by reference see, § 1235.4). The data must be blocked at no more than 32,760 bytes per block.

(3) For DLT tape IV cartridges, the data must be blocked at no more than 32,760 bytes per block and must conform to the standards cited in the table as follows:

If you are copying the records on then, the standard below applies.
DLTape IV with a DLT 4000 drive . . .	ISO/IEC 15307 (incorporated by reference see, § 1235.4).
DLTape IV with a DLT 7000 drive . . .	ISO/IEC 15896 (incorporated by reference see, § 1235.4).
DLTape IV with a DLT 8000 drive . . .	ISO/IEC 16382 (incorporated by reference see, § 1235.4).

(c) *Compact-Disk, Read Only Memory (CD-ROM) and Digital Video Disks (DVDs).* Agencies may use CD-ROMs and DVDs to transfer permanent electronic records to the National Archives of the United States.

(1) CD-ROMs used for this purpose must conform to ANSI/NISO/ISO 9660 (incorporated by reference, see § 1235.4).

(2) Permanent electronic records must be stored in discrete files. Transferred CD-ROMs and DVDs may contain other files, such as software or temporary records, but all permanent records must be in files that contain only permanent records. Agencies must indicate at the time of transfer if a CD-

ROM or DVD contains temporary records and where those records are located on the CD-ROM or DVD. The agency must also specify whether NARA should return the CD-ROM or DVD to the agency or dispose of it after copying the permanent records to an archival medium.

(3) If permanent electronic records are stored on both CD-ROM (or DVD) and other media, such as magnetic tape, the agency and NARA must agree on the medium that will be used to transfer the records into the National Archives of the United States.

(d) *File Transfer Protocol.* Agencies may use File Transfer Protocol (FTP)

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to transfer permanent electronic records to the National Archives of the United States only with NARA's approval. Several important factors may limit the use of FTP as a transfer method, including the number of records, record file size, and available bandwidth. Agencies must contact NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at stillpix.accessions@nara.gov (for digital photographs) or mopix.accessions@nara.gov (for electronic audiovisual records). For all other electronic records formats, contact NARA to initiate the transfer discussions, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at etransfers@nara.gov. Each transfer of electronic records via FTP must be preceded with a signed SF 258 sent to RDE.

(1) FTP file structure may use the 64-character Joliet extension naming convention only when letters, numbers, dashes (-), and underscores (_) are used in the file and/or directory names, with a slash (/) used to indicate directory structures. Otherwise, FTP file structure must conform to an 8.3 file naming convention and file directory structure as cited in ANSI/NISO/ISO 9660 (incorporated by reference, see § 1235.4).

(2) Permanent electronic records must be transferred in discrete files, separate from temporary files. All permanent records must be transferred in files that contain only permanent records.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13656, Mar. 30, 2018]

§ 1235.48 What documentation must agencies transfer with electronic records?

(a) *General.* Agencies must transfer documentation adequate to identify, service, and interpret the permanent electronic records. This documentation must include completed NARA Form 14097, Technical Description for Transfer of Electronic Records, for magnetic tape media, and a completed NARA

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Form 14028, Information System Description Form, or their equivalents. Agencies must submit the required documentation, if electronic, in an electronic form that conforms to the provisions of this section.

(b) *Data files.* Documentation for data files and data bases must include record layouts, data element definitions, and code translation tables (codebooks) for coded data. Data element definitions, codes used to represent data values, and interpretations of these codes must match the actual format and codes as transferred.

(c) *Digital geospatial data files.* Digital geospatial data files must include the documentation specified in paragraph (b) of this section. In addition, documentation for digital geospatial data files can include metadata that conforms to the Federal Geographic Data Committee's Content Standards for Digital Geospatial Metadata, as specified in Executive Order 12906 of April 11, 1994 (3 CFR, 1995 Comp., p. 882) (Federal geographic data standards are available at http://www.fgdc.gov/standards/standards_publications).

(d) *Documents containing SGML tags.* Documentation for electronic files containing textual documents with SGML tags must include a table for interpreting the SGML tags, when appropriate.

(e) *Electronic records in other formats.* (1) This paragraph (e) applies to the documentation for the following types of electronic records:

- (i) E-mail messages with attachments;
- (ii) Scanned images of textual records;
- (iii) Records in portable document format (PDF);
- (iv) Digital photographic records; and
- (v) Web content records.

(2) Guidance on the documentation for electronic records in these formats is available online at <http://www.archives.gov/records-mgmt/policy/transfer-guidance.html> or by contacting NARA, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at etransfers@nara.gov.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13656, Mar. 30, 2018]

§ 1235.50 What specifications and standards for transfer apply to electronic records?

(a) *General.* (1) Agencies must transfer electronic records in a format that is independent of specific hardware or software. Except as specified in paragraphs (c) through (e) of this section, the records must be written in American Standard Code for Information Interchange (ASCII) or Extended Binary Coded Decimal Interchange Code (EBCDIC) with all control characters and other non-data characters removed. Consult NARA about electronic records in other formats, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at etransfers@nara.gov.

(2) Agencies must have advance approval from NARA for compression of the records, and agencies must comply with a request from NARA to provide the software to decompress the records.

(3) Agencies interested in transferring scheduled electronic records using a Tape Archive (TAR) utility must contact NARA to initiate transfer discussions, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at etransfers@nara.gov.

(b) *Data files and databases.* Data files and databases must be transferred to the National Archives of the United States as flat files or as rectangular tables; *i.e.*, as two-dimensional arrays, lists, or tables. All “records” (within the context of the computer program, as opposed to a Federal record) or “tuples,” *i.e.*, ordered collections of data items, within a file or table must have the same logical format. Each data element within a record must contain only one data value. A record must not contain nested repeating groups of data items. The file must not contain extraneous control characters, except record length indicators for variable length records, or marks delimiting a data element, field, record, or file. If records or data elements in different files need to be linked or combined, then each record must contain one or more data elements that constitute primary and/or foreign keys en-

abling valid linkages between the related records in separate files.

(c) *Digital geospatial data files.* Digital spatial data files must be transferred to the National Archives of the United States in a format that complies with a non-proprietary, published open standard maintained by or for a Federal, national, or international standards organization. Acceptable transfer formats include the Geography Markup Language (GML) as defined by the Open GIS Consortium.

(d) *Textual documents.* Electronic textual documents must be transferred as plain ASCII files; however, such files may contain standard markup language such as Standard Generalized Markup Language (SGML) or XML tags.

(e) *Electronic mail, scanned images of textual records, portable document format records, digital photographic records, and web content records.* For guidance on transferring these records to NARA, agencies should consult the transfer requirements available online at <https://www.archives.gov/records-mgmt/policy/transfer-guidance.html> or upon request from NARA, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at etransfers@nara.gov.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13657, Mar. 30, 2018]

PART 1236—ELECTRONIC RECORDS MANAGEMENT

Subpart A—General

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1236.2 Definitions that apply to this part.

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Subpart B—Records Management and Preservation Considerations for Designing and Implementing Electronic Information Systems

1236.10 What records management controls must agencies establish for records in electronic information systems?

1236.12 What other records management and preservation considerations must be incorporated into the design, development,