United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

DIRECTOR'S ORDER #11D: RECORDS AND ELECTRONIC INFORMATION MANAGEMENT

Approved: Jonathan B. Jarvis
Director

Effective Date: 1-6-2012

Duration: This Order will remain in effect until rescinded or superseded

This Director's Order, together with the Service-wide Records Schedule (SRS) and the accompanying Records and Electronic Information Management (REIM) Guide, supersedes and replaces Director's Order #19: Records Management, issued January 17, 2001.

Table of Contents

1. Purpose and Background
2. Authority
3. Responsibilities
4. General Records Management Requirements
5. Electronic Records and Electronic Signatures
6. Organizing Records
7. Special Kinds of Records
8. Retention of Records in NPS Museum Archives
9. Destruction of Records
10. Required Releases of Records
11. Records Audits

1. PURPOSE AND BACKGROUND

1.1 This Director's Order, together with the Service-wide Records Schedule (SRS) and the accompanying REIM Guide posted on the Records Management Program web site, describes National Park Service activities and standards in maintaining and providing access to textual and electronic records at all levels of the agency, insuring long-term information resource stewardship. Effective records management also requires an organized and continuous effort to improve the quality and availability of records to provide managers with needed information at the right time, in the best format, and at the lowest possible cost.

1.2 As an agency of the Federal Government, the NPS is responsible for managing its records responsibly and according to law and regulation. Records are all documentary materials, including books, electronic data, maps, moving images, papers, photographs and sound recordings, made or received by the NPS during the transaction of public business; accordingly, for purposes of this Director's Order, the term "record" includes any of the foregoing, including, but not limited to, email and other electronic information.

1.3 The NPS has a strong business need for excellent records management, in that the Service's mission is to care for natural and cultural resources so that they are left "unimpaired" for future generations. This requirement for managing resources in perpetuity sets a high standard for record keeping. No resources can be managed well in the future without complete records of how they were managed in the past. Because the NPS manages some of America's most significant cultural and natural resources, the public also has a significant interest in our records. Section 1.9.2 of NPS *Management Policies 2006* states that the future of the Service depends on the availability, management, dissemination, and preservation of information, and directs the agency to implement professional quality programs to manage information resources.

1.4 An increasing number of documents are being generated in electronic format. Many of these documents will be records needed to demonstrate the activities of the Service. Heretofore, the NPS and many other Federal agencies have adhered to a "print to file" rule, where such electronic records are transferred to paper, and the paper record is then filed away. That model is increasingly unsustainable, and the National Archives and Records Administration (NARA) has informed Congress that the Federal Government *must* move toward electronic records management. Indeed, legislation has been introduced in both the 111th and 112th Congresses to require Federal agencies to do so. To meet this challenge, the NPS has worked proactively with NARA to create a new SRS that gives all units the ability to retain records in electronic formats (e.g., SharePoint, network drives, etc.), while permitting migration to traditional format (e.g., paper, microfilm, etc.) when such migration is possible and deemed necessary. Note that existing paper records should not be converted to digital format unless they require special access. This Director's Order gives effect to that new recordkeeping system, which, if electronic, must be predicated on a valid and secure digital signature process in order to maintain a standard level of legal validity for those electronic records requiring authentication. This Director's Order establishes requirements to ensure such a process.

1.5 This Order describes the Service's "current plans for improving or maintaining its records management program, particularly with respect to managing electronic records" within the meaning of section 2(b)(i) of the Presidential memorandum entitled "Managing Government Records" issued on November 28, 2011 (Presidential Memorandum). See section 2.3 of this Order for more information.

2. AUTHORITY

2.1 The general authority for issuing this Director's Order is contained in 16 USC 1 through 4, and the delegation of authority contained in Part 245 of the Department of the Interior (DOI) Manual (the Departmental Manual).

2.2 The Federal Records Act (44 USC 2901-2909; 3101-3107; 3301-3324) is the basic law regarding Federal recordkeeping responsibilities and activities. Records are defined in 44 USC 3301. By law, NARA has Government-wide responsibility for records management, and retains the ultimate authority over disposal of records. NARA regulations that govern agency recordkeeping activities, including those of the NPS, are contained in 36 CFR Chapter XII, Subchapter B (Parts 1220–1238). Parts 380, 382, and 384 of the Departmental Manual contain DOI guidance on records management.

2.3 Section 2(a) of the Presidential Memorandum (published at 76 *Federal Register* 75423-75425) directs each Executive branch agency to ensure the successful implementation of all records management requirements imposed by law, regulation, or the Memorandum itself, with proper allocation of resources to achieve the same.

2.4 Homeland Security Presidential Directive 12 (HSPD-12), issued August 12, 2004, established a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors (including contractor employees). Pursuant to direction contained in HSPD-12, the Secretary of Commerce promulgated Federal Information Processing Standard (FIPS) 201, on February 25, 2005. FIPS 201 requires the personal identity verification (PIV) of all Federal employees and contractors, under the SmartCard Program. Certifiable digital signatures will adhere to this PIV data model.

2.5 This Director's Order is intended only to improve the internal management of the NPS, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

3. RESPONSIBILITIES

3.1 The Deputy Director, Operations, or his/her designee, is responsible for establishing a Service-wide records management program that complies with all regulations and guidance set forth by NARA, the General Services Administration (GSA) and DOI.

3.2 The Associate Director for Information Resources (ADIR)—formerly the Chief Information Officer (CIO)—or his/her designee, is responsible for managing the Service-wide records management program established by the Deputy Director, Operations.

3.3 The National Records Officer (NRO) is responsible for maintaining the Service's records retention schedule, as well as disseminating regulations and guidance set forth by NARA and GSA. To that end, the NRO will also promulgate, and review and revise as necessary, the REIM Guide. The NRO also acts as the Service's NARA liaison.

3.4 The Associate Director, Cultural Resources, is responsible for the management of museum collections, including archival and manuscript material, and sets archival and manuscript collections standards and policies Service-wide. This includes determining what park records are accessioned into the appropriate museum collection.

3.5 Regional and associate directors are responsible for carrying out records management activities within their jurisdictions as described in this Order.

3.6 Superintendents, center managers, and the heads of central offices are responsible for: (A) carrying out records management activities within their jurisdiction as described in this Order; (B) ensuring all resource management and other permanent records, while in the custody of the NPS, receive appropriate archival care; (C) ensuring all records, while in the custody of the NPS, are regularly accessible to the public as required by, and within the constraints of, the law; (D) ensuring their employees are familiar with basic records management responsibilities and procedures; (E) preventing the unlawful or accidental removal, defacing, alteration, or destruction of records; and (F) ensuring the security of any record containing personally identifiable information (PII).

3.7 Every NPS employee will: (A) be familiar with basic records management responsibilities, including the difference between personal and Government records; (B) follow the basic records management processes of their office, ensuring the integrity of the records; and (C) complete regularly scheduled records management training at least annually.

3.8 The Denver Service Center's Technical Information Center (TIC) is the central repository for all planning, design, and construction products. TIC's scope of collection also includes drawings, maps, plans, and related technical reports produced during educational, visitor use, and natural and cultural resource studies that result in draft or final reports as referenced in Director's Order #6: Interpretation and Education, Director's Order #17: National Park Service Tourism, Director's Order #28: Cultural Resource Management, Director's Order #77: Natural Resource Protection, or Director's Order #78: Social Science, and associated reference materials. Offices, parks, and centers will provide TIC with records fitting within the scope of collection. Original paper records submitted to TIC for processing remain the property of the originating NPS unit. TIC can provide electronic copies of NPS information products as requested to facilitate the maintenance of original materials in NPS units.

3.9 The Land Resources National Program Center is the office of record for the acreage, interest, and ownership information for NPS land acquisitions. All electronic and textual land acquisition records and related documentation will be managed according to

procedures established in Director's Order #25: Land Protection, and its accompanying reference material.

4. GENERAL RECORDS MANAGEMENT REQUIREMENTS

4.1 Records and data collected, created, or generated by other organizations or by individuals working for the NPS under contracts, interagency agreements, cooperative agreements, or other agreement instruments with the NPS, including research permits, are considered NPS records unless the contract, agreement, or permit specifically provides otherwise. All agreements, contracts, or permits will clearly state this. Copies or originals of all project documents and data generated pursuant to these agreements will be obtained and retained by the NPS office managing the project. Failure of organizations or individuals to provide the Service with data obtained while working in NPS units within the agreed-upon time period may adversely affect such organizations' or individuals' access to Federal lands in the future.

4.2 Contracts, interagency agreements, volunteer services agreements, cooperative agreements, and similar agreement instruments, including research permits, will address copyright issues for any material produced under the agreement. Copyright is not necessarily vested with the NPS unless specifically obtained under the terms of the contract or other agreement.

4.3 The SRS, as approved by NARA, sets general Service-wide rules for records retention. All NPS records, including electronic information, must be retained for the amount of time specified by the SRS.

4.4 Offices, parks, and centers are encouraged to propose changes and refinements to the SRS as appropriate for their business needs. Those changes and refinements will be provided to the NRO in writing (email is acceptable) and will provide some insight as to how the current schedule element is impacting their operations. The NRO will coordinate the submission of all proposed changes to NARA, but only after the concurrence of any affected programs. Only NARA may approve changes to the SRS.

4.5 Offices, parks, and centers may obtain records and electronic information management, reproduction, and storage services from other Government agencies (including NARA), or from private vendors, as long as those services meet all minimum NARA standards and requirements.

4.6 All records, regardless of format, will be stored in areas that have the lowest possible risk of damage to the records. Records are most vulnerable to damage from water, high temperatures, humidity, and pest infestations; they will not be stored in areas where these are known to be problems. The NRO can provide further guidance on records storage.

4.7 Storage containers and facilities for mission-critical and other permanent records must follow standards set forth in the REIM Guide. These requirements apply to any storage areas, whether within NPS-owned facilities or facilities owned by outside organizations (private, other agencies, etc.). Non-NPS storage facilities must comply with NARA standards prior to any NPS records being stored there. Intra-NPS storage should occur only at those locations that are fully NARA compliant.

4.8 Records created and maintained within the NPS will be accessible and retrievable during regular hours to the extent necessary to:

- support the NPS mission by ensuring that the existence and location of resource management records are known and can be retrieved;
- fulfill Freedom of Information Act (FOIA), legal discovery, and other search requirements with minimal cost and effort;
- comply with directives that government information will be shared with the public proactively whenever possible; and
- share information with researchers and the public to the extent allowed by law, in support of the educational mission of the NPS, and as part of the Service's participation within scholarly and academic communities.

Access will, however, be supervised as necessary to prevent theft of NPS records; and access to sensitive cultural and natural resource data and Privacy Act records will be restricted. NPS records in the possession of individual employees are not the personal property of those employees and are to remain accessible to other employees unless restricted by law.

4.9 Every office, park, and center must have a briefing or check out procedure for departing employees to ensure agency records retention by the Service. Personal papers and copies of records should be filed separately from Federal records, which may not be removed from Government control unless approved by designated officials.

4.10 Before offices, parks, and centers allow records to leave their unit, a chain of custody form must be completed to document and track the disposition of the records, regardless of their destination. The chain of custody form can be downloaded from the Records Management Program web site.

5. ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

5.1 Electronic records will be managed primarily by an electronic *recordkeeping system* (defined in 36 CFR 1220.18)—one meeting the functionality requirements of 36 CFR 1236.20—under the following circumstances:

- when record formats are able to be routinely refreshed and migrated to new technologies; and
- born digital records (i.e., those that are inherently electronic) where the inherent qualities or capabilities of the electronic file are not captured (e.g., geo-spatial data and web pages).

5.2 Records in electronic recordkeeping systems, including permanent special media (e.g., digital photographs) must be retrievable and usable for as long as needed to conduct Service business (i.e., for their NARA-approved retention period). Offices, parks, and centers using electronic recordkeeping systems must design and implement migration strategies to counteract hardware and software dependencies of electronic records whenever the records must be maintained and used beyond the life of the *electronic information system* (defined in 36 CFR 1236.2) in which the records are originally created or captured. All new electronic information management systems, and major revisions of existing systems, must address records management requirements in their system functional requirements and implementation, according to guidance provided by NARA, DOI, and NPS.

5.3 Permanent special records must be kept in accepted formats that meet standards set forth in NPS and DOI guidance and NARA regulations. Electronic records requiring long-term retention may be converted to traditional formats (i.e., paper, photographic materials, microfilm, or other media that meet NARA-established archival storage requirements) when such conversion is possible and deemed necessary.

5.4 Copies of permanent special media and electronic records must be transferred to NARA when three (3) years old. Electronic records will be transferred according to standards applicable at the time of transfer.

5.5 For all NPS functions involving the use of electronic approval procedures, excluding information management systems with built-in electronic signature capabilities (e.g., DTS, GovTrip, etc.), electronic signatures will be deemed as legally binding as paper ink signatures. Electronic signatures will not be shared among multiple individuals, and in accordance with HSPD-12 and FIPS 201, individuals' electronic signatures will only be derived from the use of the Digital Signature Certificate provided on their Government-issued PIV card (USAccess Credential, or other SmartCard) and its associated PIN.

5.6 Hardware (i.e., SmartCard readers and Fingerprint PIV Station Readers) and software (i.e., Microsoft WORD, ADOBE PDF, etc.) supporting electronic signatures must provide adequate safeguards for the application, transmission, verification, and security of a signature and any accompanying data, and must conform to standards cited in Federal Information Processing Standards.

5.7 Only digital signature applications are allowed by this policy. Facsimile signatures are not necessarily electronic, may be forged, and will not be considered valid for determining electronic signature authenticity. Additional guidance on electronic signatures may be found in the REIM Guide.

6. ORGANIZING RECORDS

6.1 Each office, park, and center will provide to the NRO, annually, a records file plan and a summary of all facilities used to store their records, in the format prescribed by the

NRO. File plans are an important tool for allowing all appropriate staff to readily locate materials within a larger filing system. File plans may be simple or complex, and they should identify the records series included in the file area and identify what each series is, who uses it, how it relates to other records, and where the series are located. Summary information will be posted on the Intranet for all resource management records, and all records of any type that are owned or managed by the NPS, but are stored outside of NPS facilities.

6.2 The SRS does not utilize standard file codes. Guidance is provided on how to establish a file plan in order to meet four main objectives:

- keep record series together, for example project files;
- make the schedule easier to update;
- simplify the retention periods for use by electronic information management systems; and
- include all media, including electronic information management systems, in the schedule.

Using the guidance in the SRS, offices, parks, and centers are free to develop practical filing arrangements to meet business needs and facilitate records accessibility. Individual help is available by contacting the NRO.

6.3 There is no Service-wide overall standard for file location. Parks have a choice of central files, divisional files, or other decentralized recordkeeping systems. However, filing must not be random, haphazard, or understood by only a single individual. NPS offices and units will develop and document recordkeeping systems as part of an overall records management process to meet their business needs, and to facilitate fulfilling their records management responsibilities, with particular attention to the standards of accessibility (section 4.8, above).

6.4 Files will be created and maintained for resource management records (see section 7.1). These files will contain copies of all records that document activities associated with or having an impact on cultural or natural resources, even if those records are otherwise temporary records.

6.5 Records considered temporary in administrative files (e.g., copies of contracts, concession records, and permits) are considered permanent if they are included as part of a permanent file, and will not be "purged" or otherwise removed from those permanent record files.

7. SPECIAL KINDS OF RECORDS

7.1 Resource management records are those records and data sets that are most necessary for fulfillment of the NPS mission. Resource management records are NPS mission-critical records, required for the management of cultural and natural resources, which will eventually become archival records. They include:

- all records and data sets of natural and cultural resources and their management that contain information that affects the future management of the resource;
- general management plans and other major planning documents that record basic management philosophies and policies, or that direct park management and activities for long periods of time;
- all land records regarding legal title, rights, and usage of NPS lands; and
- any records that directly support the specific legislated mission of a park in addition to, or distinct from, the overall NPS mission.

7.2 Resource management records will receive the highest priority for information preservation management activities and resources. They deserve archival care as soon as practical in the life of the record.

7.3 Vital records are defined in law as those records that are essential to the functioning of an organization during and right after an emergency, and also those records essential to the preservation of legal rights and responsibilities of citizens and the Government, such as legal records and land titles. All parks and units must address vital records in their Continuity of Operations Plan and Emergency Operations Plan.

7.4 Superintendents and the heads of central offices are responsible for ensuring that all vital records in their custody and needed for emergency operations in their jurisdiction are handled in accordance with DOI vital records procedures as described by the Vital Records Program chapter of the Departmental Manual (Section 380, Chapter 6).

7.5 Records containing information that describes or can be used to identify an individual, and can be retrieved by personally identifiable information, may be subject to the Privacy Act of 1974 (5 USC 552a). All records that meet the legal definition of a Privacy Act system of records must be adequately protected according to law and regulation (i.e., stored in locked file cabinets, or locked rooms, or in secured electronic databases). Records within a Privacy Act system of records must be destroyed promptly at the end of their retention period as defined by the SRS.

8. RETENTION OF RECORDS IN NPS MUSEUM ARCHIVES

8.1 Resource management and permanent records that are in active use will be retained, accessioned, and catalogued in NPS museum archives, as long as management of these information resources is in accordance with *Management Policies 2006*, Director's Order #28, Director's Order #75, Director's Order #77, the Park Scope of Collection Statement, and the Museum Handbook (Director's Order # 24).

8.2 When required archival management standards and preservation storage conditions cannot be met in NPS locations, permanent records must be transferred to an NPS regional museum storage facility, a partner repository, a Federal Records Center, or NARA. Note: when storing materials at locations outside of NPS facilities, always

consider the absolute necessity of retaining that material so as to minimize overall storage costs (see section 9.2 below – required retention of permanent records).

8.3 Selected records, though identified as temporary in the SRS, may need to be retained permanently in park museum archives. These records will be analyzed in the context of park or office natural and cultural resource preservation.

9. DESTRUCTION OF RECORDS

9.1 An office, park, or center may not destroy temporary records without first confirming the records' retention as temporary in the SRS.

9.2 An office, park, or center may not destroy any permanent records designated by the SRS.

9.3 An office, park, or center may not destroy records that do not match any item on the SRS without first consulting the NRO.

9.4 When an office, park, or center identifies permanent or temporary records that have been lost or destroyed contrary to SRS guidance, *whether intentionally or not,* the appropriate regional and Washington staff must be notified, including the NRO.

10. REQUIRED RELEASES OF RECORDS

10.1 The Freedom of Information Act (FOIA) (5 USC 552) generally provides that any person has the right to obtain access to Federal agency records except to the extent those records are exempt from disclosure by FOIA. NPS records are subject to FOIA as long as such records remain in the legal custody and control of the NPS, its records management contractors, or its partner repositories, regardless of their location. Note that records that have been retired to any Federal Records Center of NARA are legally still in the custody of the NPS and subject to FOIA.

10.2 Records may also need to be released (or "produced") as a result of litigation, either as part of an administrative record or through the discovery process. The Federal Rules of Civil Procedure, as amended in 2006, require the production of electronic records during discovery ("e-discovery"). These changes enable litigants to request copies of records from all sources (network drives, PC hard drives, backup tapes, thumb drives, CD ROMs, etc.) and in the original format (email, databases, e-records, Word files, Excel spreadsheets, social media, e.g., instant messages, etc.).

10.3 Courts impose sanctions on parties for failing to preserve evidence under the "spoliation" doctrine. Additional information is available from the NARA Office of General Counsel.

11. RECORDS AUDITS

11.1 Employees with records management responsibilities are required to conduct periodic reviews, audits, or inspections of their office, park, or center records, paper as well as electronic. These audits will include recommendations for correcting or improving records management practices and procedures. Follow-up activities to the audit include reporting on and implementing such recommendations.

11.2 Periodically NARA will meet with the NRO to review office, park, or center records. NARA can make recommendations for improvement and prepare a formal report on its findings.

-------End of Director's Order-------