



FEDERAL EMERGENCY MANAGEMENT AGENCY

	Date	Number	
INSTRUCTION	March 15, 2000	5400.4	OS-PS-RM

Electronic Mail Recordkeeping

1. **Purpose.** This instruction establishes and disseminates policy and guidance on the management and retention of E-mail messages that fit the description of official records.
2. **Applicability and Scope.** This instruction applies to E-mail message originators and users at FEMA headquarters, regions, and field establishments, including disaster field offices and disaster fixed sites. The instruction covers the maintenance and retention of E-mail messages used to conduct or document agency business. Such messages must be treated as official records.
3. **Supersession.** This instruction supersedes Temporary Directive 96-01(T), Electronic Mail Recordkeeping Guidance, dated March 27, 1996.
4. **Authorities and References.**
 - a. The Records Disposal Act of 1943, as amended, (157 Stat. 380-383: 44 United States Code (USC) 366 *et. seq.*).
 - b. Crimes and Criminal Procedure (18 USC 285, 2071).
 - c. The Federal Records Act of 1950 (44 USC Chapters 21, 29, 31, and 33).
 - d. The Information Technology Management Reform Act of 1996 (ITMRA) (40 USC 1401).
 - e. The Paperwork Reduction Act of 1995, as amended (44 USC Chapter 35).
 - f. Privacy Act of 1974 (5 USC 522A).
 - g. Freedom of Information Act (5 USC 552), and the Electronic Freedom of Information Act amendments of 1996 (EFOIA).
 - h. General Records Schedule 20 and 23.

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and Disaster Fixed Sites)
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5. **Recordkeeping System.** A recordkeeping system is a manual or automated system in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition. At the present time, FEMA does not have an automated recordkeeping system. All recordkeeping is done manually.

6. **Policy.**

a. E-mail messages used to conduct or document official FEMA business shall be maintained and retained as official records.

b. FEMA shall use a manual, paper file recordkeeping system to maintain and retain official agency records until such time as an automated system has been put in place that is approved by National Archives and Records Administration (NARA) and the Agency Records Officer.

c. E-mail originators and users shall print out and file in paper files all E-mail messages that they determine to be official agency records. Determinations shall be made in accordance with the guidance in the attachment titled, "Guidance for Determining Retention of E-Mail Documents."

d. Related E-mail transmission and receipt data, i.e., the addressees, sender, date and time message was sent, and acknowledgment receipts (when appropriate), must also be printed out and filed with E-mail messages.

7. **Managing and Maintaining E-Mail Records.** FEMA shall implement NARA guidance for managing and maintaining E-mail records as follows:

a. Recordkeeping systems that include E-mail messages must:

(1) Provide for the grouping of related records into classification according to the nature of the business purposes the records serve. (See FEMA Manual 5400.2, Records Management Files Maintenance and Disposition.)

(2) Permit easy and timely retrieval of both individual records and files or other grouping of related records.

(3) Retain the records in a usable format for their required retention period as specified by a NARA-approved records schedule.

(4) Be accessible by individuals who have a business need for information in the system.

(5) Preserve the transmission and receipt data (see paragraph 6d above.)

(6) Permit transfer of permanent records to NARA.

b. FEMA originators or users of E-mail messages that are official agency records may copy (archive) the messages on their PC as long as the archived message is not retained and treated as official agency records. The printed copy of an E-mail message is considered the official record copy; the electronically archived copy is considered a convenience, nonrecord copy.

/s/

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/s/

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Attachment

GUIDANCE FOR DETERMINING RETENTION OF E-MAIL DOCUMENTS

1. Definitions.

a. Record Materials.

Records. According to 44 USC 3301, records are, "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 U.S. 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."

Temporary E-Mail Records. Temporary records may document agency operations or contain information of legal, administrative, or fiscal value to the agency. Depending on the type of record, the retention period may range from very brief (until no longer needed) to as much as 75 years or more. Temporary records can only be disposed of in accordance with FEMA Manual 5400.2.

Permanent E-Mail Records. Permanent records also document agency functions and activities or contain agency information, but have sufficient value to justify their continued retention by the Government. If permanent records are created or received by the system, they must be retained in the FEMA files until the designated time that they are to be transferred to the National Archives for permanent retention. FEMA Manual 5400.2 identifies FEMA permanent records.

b. **Nonrecord Materials.**

Work-Related Materials. E-mail messages and enclosures that are nonrecords are not subject to the Federal Records Act, and should be deleted when no longer needed.

Examples are:

(1) Work-related material that does *not* contain unique information or was *not* circulated for formal approval, comment, action, or to keep staff informed about agency business.

(2) Extra copies, such as incoming information copies that are *not* acted on, or duplicates of records filed elsewhere that are maintained solely for convenience of reference.

Personal Materials. FEMA policy restricts the use of the E-mail systems for messages or attachments of a personal nature not related to FEMA business.

2. **Distinguishing Between Record and Nonrecord E-Mail Documents.** Users should become familiar with the concept and practice of distinguishing between record and nonrecord materials, and take appropriate filing, retention, and disposal action.

a. **Records.** E-mail documents are records when they are both:

(1) Created or received by a FEMA employee in the transaction of agency business;
and

(2) Required by FEMA Manual 5400.2 to be preserved, or are appropriate for preservation, as evidence of the agency's organization and activities, or because of the value of the information they contain.

b. **Records Criteria.** Furthermore, some categories of E-mail messages that would be defined as records are those:

(1) Containing unique, valuable information developed in preparing position papers, reports, and studies;

(2) Reflecting actions taken in the course of conducting agency business;

(3) Conveying unique, valuable information on agency programs, policies, decisions, and essential actions;

(4) Conveying statements of policy or the rationale for decisions or actions; or

(5) Documenting oral exchanges (in person or by telephone) during which policy was formulated or other agency activities were planned or transacted.

c. **Nonrecord Material.** E-mail documents are nonrecord when they meet any one of the following conditions:

- (1) They provide no evidence of agency functions and activities;
- (2) They lack any information of value; or
- (3) They duplicate information documented in existing or subsequent records, and therefore are not unique.

3. **Saving and Disposing of Records and Nonrecord Material.** E-mail users need to distinguish between record and nonrecord materials, properly preserve the records, and promptly dispose of nonrecord materials as soon as they have fulfilled their purpose. Therefore, E-mail users must use the criteria published in FEMA Manual 5400.2 to distinguish between record and non-record materials, and to determine the disposition of E-mail messages.

a. **Print Out Records.** It is the responsibility of the originator to ensure that a copy of the record is included in FEMA files. To do this, the sender should first save a copy of the outgoing record on the E-mail system, either by sending a copy to their own mailbox, sending an information copy to one's self, or by simultaneously filing and sending. Then, to actually preserve an E-mail document, it must be printed out.

(1) Ensure that the printout contains full transmission information--at a minimum: To; From; Subject; Date; and E-mail enclosures (if any). Ensure that the complete text of the message is printed out.

(2) File the document in FEMA files, under the correct file category from FEMA Manual 5400.2.

b. **Dispose of Nonrecord Materials.** To avoid the unnecessary use of disk space on system backup copies, nonrecord materials that are no longer needed should be deleted promptly.

c. **Assistance.** E-mail users who are uncertain whether specific documents have record status and cannot find corresponding guidance in FEMA Manual 5400.2 should contact the Agency Records Officer, located at FEMA Headquarters, Operations Support Directorate, Program Services Division, Records Management Branch. The Agency Records Officer is the only person who can determine the record or nonrecord status of files.

4. **Documentation Requirements for E-Mail Messages That Are Records.** Hard copy printouts of E-mail records must include all pertinent identifiers that make the message intelligible.

a. **Minimum Requirements.**

To: (all recipients of the message)*

* **Group Lists or Distribution Lists** - Copy lists of members (for example, a list of

From:
Subject:
Date:

b. **Additional Requirements.** When necessary for complete documentation, print out:

(1) **Enclosures.** Print out enclosures only once if the same enclosure is being sent to multiple addressees.

(2) **Receipt Report.** When necessary, a confirmation that a message was delivered and/or viewed should be printed out for complete documentation.

(3) **History.** If a string of previous E-mail exchanges needs to be printed out in order to have a complete record, print all of the messages and file as a group.

5. **Training.** Records management training courses include appropriate training on identifying and saving E-mail messages that are records.

Project "A" team members named "ATEAM") and include them with the records. Distribution lists need not be printed out every time they are used, but frequently enough that the addressee names and any changes to the list are captured in the agency files .