

U.S. Department of Energy
Washington, D.C.

ORDER

DRAFT
DOE O 243.1A

Approved: XX-XX-XXXX

SUBJECT: RECORDS MANAGEMENT PROGRAM

1. **PURPOSE.** To set forth requirements and responsibilities for establishing and maintaining a program for the efficient and economical management of records and information assets.
 - a. To establish and sustain a central federated enterprise wide methodology for promoting the lifecycle management of records/information content accountability.
 - b. To provide for:
 - (1) Awareness that records creation and management are the responsibility of every Department of Energy (DOE) employee and contractor.
 - (2) Adequate and proper documentation of DOE activities, organizations, functions, policies, business processes, decisions and essential transactions.
 - (3) Effective privacy protections and controls over all records and non-record materials in the Department's custody.
 - (4) Technical capability to capture, preserve, access and appropriately dispose of electronic records.
 - (5) Identification and transfer of permanent records to the National Archives, transfer of inactive temporary records to compliant records storage facilities, and disposal of temporary records when retention periods have expired.
 - (6) Lifecycle management that ensures the authenticity, reliability, usability and integrity of DOE records.
 - (7) A coordinated approach for records management activities across the Department.
 - c. To comply with the Federal Records Act [Public Law (P.L.) 81-574], as amended, the E-Government Act of 2002, and other legislation as referenced in section 7 of this Order.
 - d. To protect the legal and financial rights of the Government and individuals directly affected by Government activities.
 - e. To preserve records and information for future use and establish an historical account of the Department for succeeding generations.

2. CANCELLATIONS. DOE Order 243.1, *Records Management Program*, 2-3-06. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.

3. APPLICABILITY.

- a. Departmental Applicability. Except for the equivalencies/exemptions in paragraph 3.c., this Order applies to all DOE elements.

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees and contractors comply with their respective responsibilities under this Order. Nothing in this directive will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary

- b. DOE Contractors.

- (1) Except for the equivalencies/exemptions in paragraph 3.C, in paragraph 3c, the Contractors Requirements Document (CRD) (Attachment 1) sets forth requirements to be applied to contractors that create, receive, use, maintain, disseminate, and/or dispose of DOE records in connection with the performance of DOE-funded tasks or activities.
- (2) The CRD and appropriate records management scope and applicability clauses must be included in contracts that involve the receipt, creation, use, maintenance, dissemination and/or disposition of DOE records. All records created and received in the performance of the contract, except those designated as contractor-owned, are DOE records. (See DEAR 970.5203-4 "Access to and Ownership of Records.")

- c. Equivalencies/Exemptions for DOE O 243.1A. Equivalencies and exemptions to this Order are processed in accordance with DOE O 251.1C, *Departmental Directives Program*.

Exemption. In accordance with the responsibilities and authorities assigned by Executive Order 12344 and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors will implement and oversee all requirements and practices pertaining to this DOE Order for activities under the Deputy Administrator's cognizance.

4. REQUIREMENTS.

- a. Establish recordkeeping requirements that are prescribed by laws, regulations, directives, and processes, and reflect adequate and proper documentation of the Department's organizations, missions, functions, policies, and decisions. 44 U.S.C., Chapters 21, 29, 31, 33, and 35; 36 CFR, Subchapter B, *Records Management*.
- b. Maintain up-to-date inventories, file plans, or electronic information systems that provide for the identification, location, and retrieval of all categories of records created and received in the course of official business. Update annually at the beginning of the fiscal year.
- c. Maintain and dispose of records in accordance with National Archives and Records Administration (NARA)-approved records disposition schedules, as posted on the DOE Office of the Chief Information Officer (OCIO) Records Management Web pages. <http://cio.energy.gov/records-management/disposition.htm>.
- d. Request approval of disposition authorities from NARA for all unscheduled records. Apply disposition schedules in accordance with applicable Federal regulations found in 36 CFR, Subchapter B, *Records Management*.
- e. Preserve records beyond their approved retention periods when they have been placed under a destruction moratorium for purposes of audits, litigation, Freedom of Information Act appeals, and similar obligations. A destruction moratorium shall be lifted only by the Departmental Records Officer, the Office of General Counsel, or an Office of Chief Counsel.
- f. Provide mandatory records management training for all federal and contractor personnel, as appropriate for their responsibilities, to include management of electronic and vital records.
- g. Ensure that departing Federal and contractor employees identify and transfer any records in their custody to program files, an appropriate custodian or the person assuming responsibility for the work.
- h. Identify and arrange for NARA appraisal and transfer of those records proposed to be of permanent value based on their historical, evidential, or informational content (in accordance with 36 CFR, Subchapter B, *Records Management*).
- i. Maintain electronic records in accordance with 36 CFR Subchapter B, *Records Management* by building Electronic Records Keeping (ERK) functionality into the native Electronic Information System (EIS) or by capturing the EIS's records in an electronic Records Management Application (RMA). The use of any records management system that meets the functional requirements of DoD 5015.2-STD, *Electronic Records Management Software Application Design Criteria*, satisfies this

- requirement. Build the ERK functionality or implement a RMA no later than three years after the effective date of this Order.
- j. Identify and address records management requirements during the planning, development, or redesign of electronic information systems with an emphasis on:
- (1) Business processes that support the records management lifecycle and the identification, description, and preservation of record content.
 - (2) Design and development practices that incorporate records management requirements.
- k. Protect electronic records against technological obsolescence, in accordance with 36 CFR Subchapter B, *Records Management* by:
- (1) Planning and budgeting for migration to a new system before the current system is retired and ensuring that the migration strategy addresses inactive electronic records stored offline.
 - (2) Retaining functionality and integrity of electronic records during upgrades of hardware and software to retain a usable format, ensure compatibility with current hardware and software, and preserve links between records and corresponding metadata.
 - (3) Decommissioning and migration of systems shall not be completed until records disposition has been completed.
- l. Develop and implement procedures and processes for electronic records that:
- (1) Prevent unauthorized addition, modification or deletion.
 - (2) Protect the records against power interruptions.
 - (3) Provide a secure audit trail to enable addition, modification or deletion of records and retrieval activities.
 - (4) Prevent deletion of a record identifier once it is defined.
 - (5) Prevent deletion of indexes, categories, labeling or other records identification.
 - (6) Retain records in an accessible and usable format until the authorized disposition date.
 - (7) Provide adequate recovery and rebuild procedures so that records may be restored following a system or storage media malfunction.
 - (8) Maintain the integrity of redacted records and assure that redacted material is not accessible by unauthorized persons.
- m. Manage e-mail records along with their metadata (including name of the sender and all addressees, date the message was sent and/or time of receipt) and attachments by means of an electronic information system that has electronic records keeping functionality, or an electronic records management application. The records may not be deleted from the e-mail system until the RMA or EIS ERK functionality has been implemented as required by paragraph 4i above, the records authorized retention

- period has elapsed, or the records have been copied to paper or microform or some other suitable media. Transitory records, i.e., records that may be destroyed in 180 days or less, may be managed in their native e-mail system.
- n. Back up all electronic systems containing electronic records regularly in accordance with business needs and manage backups in accordance with DOE records disposition schedules.
 - o. Capture and manage records created or received via social media platforms or from personal email used for Departmental business. Capture and preserve such records in accordance with NARA-approved disposition schedules.
 - p. Manage web content and web management and operating records by ensuring the records are captured, retained for appropriate retention periods, and disposed of in accordance with NARA-approved disposition schedules.
 - q. Store records in facilities that meet the requirements of applicable Federal regulations found in 36 CFR, Subchapter B, *Records Management*.
 - r. Conduct internal evaluations of records management practices and programs, including assessing the economy of the operation, at least every three years. Guidance on conducting evaluations may be obtained from the OCIO Records Management Division. Prepare and submit evaluation reports to Departmental Records Officer within 60 days of completing the evaluation. The Records Management Division shall provide and maintain updated self-assessment guidance and criteria on its website, and be available for consultation as needed.
<http://cio.energy.gov/records-management.htm>.
 - s. Identify and manage vital records in accordance with DOE O 243.2, *Vital Records*.

5. RESPONSIBILITIES.

- a. DOE Chief Information Officer (through the Departmental Records Officer).
 - (1) Develop and administer DOE policies and directives related to the requirements of this Order and provide oversight in their implementation.
 - (2) Provide overall leadership and management of DOE records management-related activities, including mandatory records management training and management of electronic and vital records, as required by Federal laws, executive orders, regulations, DOE directives, and Departmental established or accepted standards.
 - (3) Serve as the DOE Headquarters point of contact with NARA, other Federal agencies, and the public sector for issues related to the records management program.

- (4) Provide oversight to ensure implementation of policies and procedures for the adequate and proper documentation of DOE activities and decisions.
- (5) Work with the heads of DOE elements to ensure the identification of the records management responsibilities of DOE Headquarters (HQ) Program Records Officials (PROs) and Records Management Field Officers (RMFOs) and Records Liaison Officers (RLOs).
- (6) Coordinate with the PROs in the implementation of the DOE Records Management Program throughout the DOE complex.
- (7) Establish and chair the Records Management Working Group (RMWG) of the Information Technology Council. Collaborate with the RMWG, promote a coordinated approach to records management activities across the Department.
- (8) Manage the DOE forms management program in accordance with DOE G 242.1-1, *Forms Management Guide*, as amended.
- (9) Establish and foster ongoing collaboration between the records management and information technology communities to effectively manage electronic records, nonrecord information and email; promote coordination in the use of records management applications and building electronic records keeping functionality into electronic information systems across the Department, and ensure compliance with records management requirements.

b. Heads of DOE Elements.

- (1) Establish, implement, and sustain records management programs within their respective organizations for adequate and proper documentation of DOE mission-related programs in accordance with the requirements of all Federal laws and regulations, Executive Orders, DOE Orders and directives, accepted external standards, and authoritative issuances (e.g., DOE numbered memos and NARA guidance).
- (2) Implement or address, as appropriate, the recommendations of the Records Management Working Group, as such recommendations relate to the management of DOE records.
- (3) Provide staff resources to support records management processes within their respective organizations by appointing the following staff roles:
 - (a) A senior-level Program Records Official (PRO) with HQ and program field site oversight, budgetary, and signature authority to approve records issues for the program serve as the program liaison with the Departmental Records Officer.
 - (b) A Records Management Field Officer (RMFO) to represent each field site or office to implement the records management program at field and area offices in their respective organizations, to act as

liaison with the HQ PRO, and to provide oversight and guidance to Federal and contractor records management programs.

- (c) At least one Records Liaison Officer (RLO) for each program, staff or support office (in Headquarters and the field) to provide day-to-day administration of an organization's records management program and to act as liaison with the PRO or RMFO as appropriate.
 - (4) Provide names and contact information for the designated PROs, HQ RLOs, and RMFOs to the Departmental Records Officer.
 - (5) Ensure that IT Managers address records management requirements as identified in this order.
 - (6) Designate responsible individuals to work with the Office of Management, Office of Procurement and Assistance Management (OPAM) in providing procurement policy and guidance to contracting officers as follows:
 - (a) Identify and add the CRD of this Order requirement to applicable existing and new contracts.
 - (b) Ensure coordination with the applicable records management professionals (PROs, RMFOs and RLOs) to monitor and ensure contractor compliance with the CRD requirement during performance; and
 - (c) Ensure proper record retention or disposition action during the contract close-out period after completion of contract performance.
- c. Program Records Officials. The PRO is responsible for the following program activities supporting the DOE Records Management Program. The PRO shall delegate these activities to the RMFOs for their individual offices and sites. The PRO shall notify the RMFOs of the delegations upon the effective date of this order, and every October 1 thereafter.
- (1) Coordinate and oversee the implementation of the records management programs within their respective organizations to ensure compliance with this Order through the designated RLOs and RMFOs.
 - (2) Work in partnership with DOE contracting officials and contractors to ensure records are managed and delivered properly in accordance with the contract.
 - (3) Identify program-specific records and ensure that they are listed on a NARA-approved records disposition schedule.
 - (4) Ensure the identification and preservation of vital records in accordance with DOE Order 243.2, *Vital Records*.

- (5) Ensure that permanent records are preserved and temporary records are retired, transferred, or destroyed promptly in accordance with NARA-approved records disposition schedules.
- (6) Ensure Federal records created or received in connection with contracts are managed in accordance with this Order and with all other relevant Orders, laws, and regulations.
- (7) Ensure records identified as contract deliverables, or records for final turnover, include environment, safety, and health records; financial and technical records; and other records specified as appropriate to the contract scope.
- (8) Ensure records identified as contract deliverables are handled in accordance with the requirements of this Order and other relevant Orders, laws, and regulations and are delivered to DOE at appropriate intervals per the contracts or at the termination of the contract.
- (9) Ensure all personnel are provided mandatory records management training, appropriate for their records responsibilities.
- (10) Ensure that DOE Records Management Program provisions and standards are included in the scope and planning for electronic information systems (e.g., the Capital Planning and Investment Control development and approval process).
- (11) Assess records management practices in offices under their cognizance at least every three years in accordance with 4r above.
- (12) Ensure that records are maintained in a cost effective manner and that records storage facilities meet the requirements of applicable Federal regulations.
- (13) Review and approve costs for the storage of Federal records including the invoices for records stored in the Federal Records Centers, leases for commercial records storage, and requests for construction of onsite storage facilities.
- (14) Ensure that departing employees identify and transfer any records in their custody to program files, an appropriate custodian (RLO or person assuming responsibilities).
- (15) Participate in the Records Management Working Group.

d. Department of Energy Contracting Officials.

- (1) Incorporate the CRD into affected contracts unless other policy directions are provided by OPAM under 5(b)7 above. For other than site/facility management contracts, also incorporate the Department of Energy Acquisitions Regulation (DEAR) clause 970.5204-2, *Laws, Regulations, and DOE Directives*.
- (2) Work in partnership with PROs, RMFOs, RLOs, or Contracting Officer Representative, as appropriate, to ensure that applicable records scope, clauses and the CRD are incorporated into contracts; to ensure contractor compliance with the CRD requirements during performance; and to ensure

that appropriate records are managed and delivered properly by contractors.

- (3) Ensure contracts containing DEAR clause 952.223-71, *Integration of Environment, Safety, and Health*, or DEAR clause 952.223-72, and the *Radiation Protection and Nuclear Criticality* also include DEAR clause 952.223-75, *Preservation of Individual Occupational Radiation Exposure Records*, DEAR clause 970.5204-3, *Access to and Ownership of Records*, and the Privacy Act Systems of Records clause (pursuant to Federal Acquisition Regulation (FAR) 52.224-2, *Privacy Act*), so that ownership and retention of records are in accordance with schedules contained in applicable DOE Directives in the records management series and any pertinent superseding provisions, rather than those found at FAR 4.7.

e. Chief Historian.

- (1) Assist in identifying, organizing, and preserving records of Secretarial Officers and their staffs.
- (2) Work with the Departmental Records Officer to ensure records, archival holdings, photographs, maps, architectural/engineering drawings, and other materials are identified, organized, and preserved in support of DOE's historic records preservation program.
- (3) Work with the Departmental Records Officer to provide access to historically significant records throughout DOE.

f. Office of the General Counsel.

- (1) Notify the Departmental Records Officer when a moratorium on records disposition is needed to support litigation or other legal matters, the scope of the request and when such moratoria are lifted.
- (2) Review DOE records disposition schedules for legal sufficiency within 30 days of receipt of such schedules from the Departmental Records Officer.

6. DEFINITIONS.

- a. **ADEQUATE AND PROPER DOCUMENTATION.** Record of the conduct of Government business that is complete and accurate to the extent required to document organization, functions, policies, decisions, procedures, and essential transactions and is designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by Government activities.
- b. **APPRAISAL.** Process of determining the value and thus the final disposition of a record series, making them either temporary or permanent.

- c. **CAPITAL PLANNING AND INVESTMENT CONTROL (CPIC)**. Process used to develop and provide the basic information required to plan, budget, acquire and manage information technology resources. The CPIC process is defined in OMB Circular A-11, “Preparation, Submission, and Execution of the Budget.”
- d. **CONTRACTOR-/CORPORATE-OWNED RECORDS**. Those records that are not identified as Federal records (such as company proprietary information, records unrelated to the work performed under a Federal contract, and other similar records) that thus belong to the contractor. Contractor-/corporate-owned records are defined in the contract and/or through the Access to an Ownership of Records (DEAR 970.5204.3) clause. Privacy Act Systems of Records (FAR 52-224-2). are NOT contractor-owned records.
- e. **DEPARTMENTAL RECORDS OFFICER**. Person assigned responsibility for overseeing the Department of Energy Records Management Program by the DOE Chief Information Officer or his/her designee.
- f. **DISPOSITION**. Actions taken regarding records no longer needed to conduct regular, current business. Title 44 United States Code (U.S.C.) 2901(5) defines records disposition as any activity with respect to:
 - (1) Disposal of temporary records no longer needed for the conduct of business by destruction or donation to an eligible person or organization outside of Federal custody in accordance with the requirements of 36 CFR, Subchapter B, *Records Management*.
 - (2) Transfer of records to Federal agency storage facilities or records centers.
 - (3) Transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation.
 - (4) Transfer of records from one Federal agency to any other Federal agency in accordance with the requirements of 36 CFR, Subchapter B, *Records Management*.
- g. **DOE ELEMENTS**. First-tier organizations at Department of Energy (DOE) Headquarters and in the field, including the National Nuclear Security Administration (NNSA). First-tier organizations at Headquarters include the offices of the Secretary, Deputy Secretary, Under Secretary, Secretarial Officers Assistant Secretaries, and staff offices. First-tier organizations in the field include operations offices, field and site offices, and the power marketing administrations. Headquarters elements are normally located in the Washington, D.C., metropolitan area; field organizations are all DOE sites (excluding individual duty stations) located outside the Washington metropolitan area. Requirements pertaining to first-tier organizations will normally be passed through to subordinate organizations.

- h. **ELECTRONIC INFORMATION SYSTEM.** An information system that contains and provides access to computerized Federal records and other information.
- i. **ELECTRONIC MAIL SYSTEM.** A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases on either personal computers or mainframe computers, and word processing documents not transmitted on an e-mail system.
- j. **ELECTRONIC RECORDS.** Information recorded in a form that only a computer can process that satisfies the definition of a record. Electronic records are preferably kept in recordkeeping systems but may be created, stored, and managed in any form of electronic information system or application program that meets the functional requirements of 36 CFR 1236.2a(b). Electronic records are captured on various media such as audio and video tapes, magnetic tapes, disk drives, audio and video cassettes, floppy Disks, digital video disks (DVD), film, microfiche, and photographs. The term Electronic Records also includes both the record content and the associated metadata.
- k. **FILE PLAN.** A systematic method of identifying the specific types of records maintained, series descriptions, and disposition authorities (for example, a records inventory and disposition system or other systems used to identify, locate, and retrieve records).
- l. **FREEDOM OF INFORMATION ACT.** Federal law providing for the public availability of Federal government records. 5 U.S.C. 552.
- m. **METADATA.** Descriptions of the content, structure, data elements, interrelationships, and other characteristics of records; record profiles or indexing data.
- n. **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA).** Agency responsible for appraising, accessioning, preserving, and making available permanent Federal records.
- o. **NONRECORD MATERIALS.** Federally owned informational materials that do not meet the statutory definition of “records” or that have been excluded from coverage by the definition. Extra copies of documents kept only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit are excluded materials.

- p. **PERMANENT RECORDS.** Those that the National Archives and Records Administration (NARA) determined to have sufficient value to warrant its preservation in the National Archives. Permanent records include all records accessioned by NARA's Office of the National Archives and later increments of the same records and records for which the disposition is "permanent" on Standard Form 115, Request for Records Disposition Authority, approved by NARA on or after 5-14-73.
- q. **PRIVACY IMPACT ASSESSMENT.** An analysis of how information is handled: (i) to ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy, (ii) to determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system, and (iii) to examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.
- r. **PROGRAM RECORDS OFFICIAL.** A senior-level Headquarters manager who has program and field site oversight, budgetary, and signature authority to approve records issues for the program and serves as the program liaison with the Departmental Records Officer.
- s. **RECORDKEEPING SYSTEM.** Manual or automated mechanism in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition.
- t. **RECORDS.** 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 United States 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 the data in them (44 U.S.C. 3301).
- u. **RECORDS LIAISON OFFICER.** One who provides day-to-day administration of an organization's records management program and to act as liaison with the PRO or RMFO as appropriate.
- v. **RECORDS MANAGEMENT.** Planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with records creation, records maintenance and use, and records disposition to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of Agency operations.
- w. **RECORDS MANAGEMENT FIELD OFFICER.** A senior manager who represents a field site, office, or laboratory to implement the records management program their respective organizations; who serves as liaison with the HQ PRO,

and to provide oversight and guidance to Federal and contractor records management programs.

- x. **SCHEDULE (RECORDS SCHEDULE; DOE RECORDS DISPOSITION SCHEDULE)**. National Archives and Records Administration-approved authorization for the disposition of Federal records. Also called a records disposition schedule. The DOE records disposition schedules are posted on the DOE Chief Information Officer Records Management Web Page.
- y. **SERIES**. File units or documents arranged according to a filing system or kept together because they relate to a particular topic, subject, or function; result from the same activity; document a specific kind of transaction; take a particular physical form; or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access and use. Also called a records series.
- z. **TEMPORARY RECORDS**. Those determined by the Archivist of the United States to have insufficient value (on the basis of current standards) to warrant preservation by the National Archives and Records Administration (NARA). This determination may take the form of:
 - (1) An Agency records disposition schedule approved by NARA (SF 115, Request for Records Disposition Authority).
 - (2) A general records schedule issued by NARA.
- aa. **VITAL RECORDS**. Those records that are essential to the continued functioning of an organization during and after an emergency including those records essential to protecting the rights and interests of that organization and of the individuals directly affected by Government activities. Vital records are sometimes called essential records. Vital records considerations are part of DOE's continuity of operations plan.

7. REFERENCES

- a. DOE O 150.1, *Continuity Programs*, dated, 5-8-08.
- b. DOE O 200.1A, *Information Technology Management*, dated 12-23-08.
- c. DOE O 206.1, *Department of Energy Privacy Program*, dated 1-16-09.
- d. DOE O 243.2, *Vital Records*, dated 2-2-06.
- e. DOE O 414.1D, *Quality Assurance*, dated 4-25-11.
- f. DOE P 450.4, *Safety Management System Policy*, dated 10-15-96.
- g. 36 CFR, Chapter 12, Subchapter B, *Records Management*.

- h. 42 U.S.C. 7158, *Naval Reactor and Military Application Programs*.
- i. 44 U.S.C., Chapters 21, 29, 31, 33, and 35.
- j. Office of Management and Budget (OMB) Circular Number A-11, *Preparation, Submission, and Execution of the Budget*.
- k. OMB Circular Number A-130, *Management of Federal Information Resources*.
- l. E-Government Act of 2002 (P.L. 107-347, 44 U.S.C. Ch 36).
- m. National Nuclear Security Administration Act (Title XXXII of P.L. 106-65).
- n. Paperwork Reduction Act (P.L. 104-13, 44 U.S.C. 3501 et seq).
- o. Privacy Act, P.L 93-579, 5 U.S.C. 552a.
- p. Freedom of Information Act, P.L. 89-487, 5 U.S.C. 552.
- q. National Archives and Records Administration Publication, *Guidance for Coordinating the Evaluation of Capital Planning and Investment Control (CPIC) Proposals for ERM Applications*.
- r. Department of Energy Acquisition Regulation, Part 952—Solicitation Provisions and Contract Clauses.
 - (a) 48 CFR 952.223-71, *Integration of Environment Safety, and Health*.
 - (b) 48 CFR 952.223-72., *Radiation Protection and Nuclear Criticality*.
 - (c) 48 CFR 952.223-75, *Preservation of Individual Occupational Radiation Exposure Records*.
- s. Department of Energy Acquisition Regulation, Part 970—DOE Management and Operating Contracts.
 - (a) 48 CFR 970.5204-3, *Access to and Ownership of Records*.
 - (b) 48 CFR 970.5232-3, *Accounts, Records, and Inspection*.
 - (c) 48 CFR 970.0404, *Safeguarding Classified Information*.
 - (d) 48 CFR 970.0407, *Contractor Records Retention*.
- t. Federal Acquisition Regulation 52.224-2, *Privacy Act*.
- u. DOE Reference Book for Contract Administrators (Chapter 9).
- v. NARA-approved DOE administrative, programmatic, and site-specific records disposition schedules.

- w. Records management section of the DOE Chief Information Officer Web site.
<http://cio.energy.gov/records-management.htm>.
 - x. DoD 5015.2-STD, *Design Criteria Standard for Electronic Records Management Software Applications*.
8. CONTACT. Questions concerning this Order should be addressed to the Departmental Records Officer, Office of the Chief Information Officer at doerm@hq.doe.gov or 301-903-3455.

DANIEL B. PONEMAN
Deputy Secretary

CONTRACTOR REQUIREMENTS DOCUMENT DOE O 243.1A, RECORDS MANAGEMENT PROGRAM

This Contractor Requirements Document (CRD) establishes the requirements for Department of Energy (DOE) and National Nuclear Security Administration contractors who create, use, maintain, receive, disseminate, or dispose of DOE records in connection with the performance of DOE-funded tasks or activities.

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD. The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure contractor compliance with the requirements.

1. REQUIREMENTS.

- a. Manage all data created, received and maintained for the Government by contractors in accordance with 44 U.S.C. Chapters 21, 29, 31 and 33; the Freedom of Information Act (5 U.S.C. 552); the Privacy Act (5 U.S.C. 552a) and 36 CFR, Subchapter B, *Records Management*. When deliverables or turnover include electronic records, sufficient technical documentation to provide access to the records throughout their life cycle shall be required.
- b. Establish recordkeeping requirements that reflect adequate and proper documentation of the contractors' work on behalf of DOE
- c. Maintain up-to-date inventories, file plans, or systems that provide for the identification, location, and retrieval of all categories of records created and received in the course of official business. Update the inventories, file plans or systems at least every three years.
- d. Work through the appropriate Program Records Official (PRO) or Records Management Field Officer (RMFO) to request disposition authority for all unscheduled records and to transfer records to commercial storage facilities or to the custody or possession of another Federal agency.
- e. Preserve records beyond their approved retention periods when they have been placed under a destruction moratorium for purposes of audits, litigation, Freedom of Information Act appeals, and similar obligations. A destruction moratorium shall be lifted only by the Departmental Records Officer, the Office of General Counsel, or an Office of Chief Counsel.
- f. Implement a records management training or awareness program that will provide appropriate training to contractor employees so as to ensure the management of DOE records in accordance with 36 CFR, Subchapter B, *Records Management*.

- g. Store records in facilities that meet the requirements of applicable Federal regulations found in 36 CFR, Subchapter B, *Records Management* and ensure that all provisions are met when storing records in agency, contractor and commercial facilities.

DEFINITIONS.

1. **ADEQUATE AND PROPER DOCUMENTATION.** Record of the conduct of Government business that is complete and accurate to the extent required to document organization, functions, policies, decisions, procedures, and essential transactions and is designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by Government activities.
2. **CONTRACTOR-/CORPORATE-OWNED RECORDS.** Those records that are not identified as Federal records (such as company proprietary information, records unrelated to the work performed under a Federal contract, and other similar records) that thus belong to the contractor. Contractor-/corporate-owned records are defined in the contract and/or through the Access to an Ownership of Records (DEAR 970.5204.3) clause. Privacy Act Systems of Records (FAR 52-224-2). are NOT contractor-owned records.
3. **DISPOSITION.** Actions taken regarding records no longer needed to conduct regular, current business. Title 44 United States Code (U.S.C.) 2901(5) defines records disposition as any activity with respect to: Disposal of temporary records no longer needed for the conduct of business by destruction or donation to an eligible person or organization outside of Federal custody in accordance with the requirements of 36 CFR, Subchapter B, *Records Management*; Transfer of records to Federal agency storage facilities or records centers; Transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; and Transfer of records from one Federal agency to any other Federal agency in accordance with the requirements of 36 CFR, Subchapter B, *Records Management*.
4. **ELECTRONIC RECORDS.** Information recorded in a form that only a computer can process that satisfies the definition of a record. Electronic records are preferably kept in recordkeeping systems but may be created, stored, and managed in any form of electronic information system or application program that meets the functional requirements of 36 CFR 1236.2a(b). Electronic records are captured on various media such as audio and video tapes, magnetic tapes, disk drives, audio and video cassettes, floppy Disks, digital video disks (DVD), film, microfiche, and photographs. The term Electronic Records also includes both the record content and the associated metadata.
5. **FILE PLAN.** A systematic method of identifying the specific types of records maintained, series descriptions, and disposition authorities (for example, a records inventory and disposition system or other systems used to identify, locate, and retrieve records).

6. **FREEDOM OF INFORMATION ACT.** Federal law providing for the public availability of Federal government records. 5 U.S.C. 552.
7. **PROGRAM RECORDS OFFICIAL.** A senior-level Headquarters manager who has program and field site oversight, budgetary, and signature authority to approve records issues for the program and serves as the program liaison with the Departmental Records Officer.
8. **RECORDS.** 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 United States 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 the data in them (44 U.S.C. 3301).
9. **RECORDS MANAGEMENT.** Planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with records creation, records maintenance and use, and records disposition to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of Agency operations.
10. **RECORDS MANAGEMENT FIELD OFFICER.** A senior manager who represents a field site, office, or laboratory to implement the records management program their respective organizations; who serves as liaison with the HQ PRO, and to provide oversight and guidance to Federal and contractor records management programs.
11. **SCHEDULE (RECORDS SCHEDULE; DOE RECORDS DISPOSITION SCHEDULE).** National Archives and Records Administration-approved authorization for the disposition of Federal records. Also called a records disposition schedule. The DOE records disposition schedules are posted on the DOE Chief Information Officer Records Management Web Page.

REFERENCES.

1. 36 CFR, Chapter 12, Subchapter B, *Records Management*.
2. 44 U.S.C, Chapters 21, 29, 31 and 33.
3. Freedom of Information Act, 5 U.S.C. 552.
4. Privacy Act, 5 U.S.C. 552a.
5. Records Management section of the DOE Chief Information Officer Web site:
<http:cio.energy.gov/records-management.htm>.