

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

ORDER

DOE O 243.1B

Approved: XX-XX-XXXX

SUBJECT: RECORDS MANAGEMENT PROGRAM

1. **PURPOSE.** To set forth requirements and responsibilities for creating and preserving records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department of Energy (DOE) and to provide information necessary to protect the legal and financial rights of the Government and persons directly affected by DOE activities. See 44 United States Code (U.S.C.) 3101.
 - a. To establish and sustain a central federated enterprise wide methodology for promoting the lifecycle management of records and information content that ensures the authenticity, usability, and integrity of DOE records. To ensure effective privacy protection and control; protection and control of all records and non-records materials in DOE custody; appropriate DOE Federal and contractor employee awareness of responsibilities; the technical capability to manage electronic records; and identification and transfer of permanent records to the National Archives. To ensure all activity is in compliance with the Federal Records Act [Public Law (Pub. L.) 81-574], as amended; the E-Government Act of 2002 and other legislation as referenced in paragraph 7 of this Order.
 - b. To establish and sustain a vital records management providing DOE with the information needed to conduct business under other than normal operating conditions and to resume normal business afterward. To enable DOE officials to identify and protect essential records dealing with emergency operations and the legal and financial rights of DOE and persons directly affected by DOE actions (36 Code of Federal Regulations (CFR) 1223.12).
 - c. To preserve records and information for future use and establish a historical account of the Department for succeeding generations.
2. **CANCELLATIONS.** DOE Order 243.1A, *Records Management Program*, dated 11-7-11, and DOE Order 243.2, *Vital Records*, dated 2-2-06. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. The Contractor Requirements Document (CRD) that has 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contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.

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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 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 Pub. L. 106-65, as amended, to establish Administration-specific policies, unless disapproved by the Secretary.

- b. DOE Contractors.

- (1) Except for the equivalencies/exemptions in paragraph 3.c, the 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 or its requirements 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 48 CFR 970.5204-3 *Access to and Ownership of Records*.

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

Exemption.

- (1) In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 U.S.C. sections 2406 and 2511, 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, as deemed appropriate.
- (2) Bonneville Power Administration (BPA) is excluded from this Order; however, in accordance with Secretarial Delegation Order 00-33.00B, dated 7-20-2009, the Administrator of the BPA will implement and oversee all requirements and practices pertaining to this Order for activities under the Administrator's cognizance.

- (3) The Office of Intelligence and Counterintelligence will manage information and records for activities pursuant to Executive Order 12333, United States Intelligence Community Activities, in accordance with applicable Intelligence Community directives.
4. **REQUIREMENTS.** Departmental records will be managed in accordance with all prescribed laws, regulations, directives, and processes to ensure adequate and proper documentation of DOE's organizations, missions, functions, policies, and decisions. See 44 U.S.C., Chapters 21, 29, 31, 33, and 35; 36 CFR Subchapter B, *Records Management*, and all applicable National Archives and Records Administration (NARA) mandated guidance.
- a. **Records Management Program.** Establish and implement a records management program that ensures appropriate recordkeeping requirements and lifecycle management of DOE records. 44 U.S.C., Chapters 21, 29, 31, 33, and 35; 36 CFR, Subchapter B, *Records Management*, and all applicable NARA mandated guidance.
 - (1) Maintain up-to-date inventories, file plans, or electronic information systems (EIS) that provide the identification, location, and retrieval of all categories of records created and received in the course of official business.
 - (2) Maintain and dispose of records in accordance with NARA-approved records disposition schedules, as posted on the DOE Office of the Chief Information Officer (OCIO) Records Management web pages. 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.
 - (3) 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, in coordination with the DOE/NNSA Office of General Counsel, or an Office of Chief Counsel.
 - (4) Provide mandatory records management training, including the management of electronic and vital records, for all Federal personnel, as appropriate for their responsibilities. Such training will include records management training for all new employees (within 30 days of appointment) and an annual refresher course.

- (5) Ensure that departing Federal employees identify and transfer any records in their custody to an appropriate custodian, or the person assuming responsibility for the work.
 - (6) Identify and arrange for NARA appraisal and transfer of records proposed to be of permanent value based on historical, evidential, or informational content (in accordance with 36 CFR, Subchapter B, Records Management).
 - (7) Arrange for declassification review of all classified permanent records in accordance with Executive Order (EO) 13526 Section 3.3. Records going to NARA must be reviewed prior to transfer and Standard Form 258, *Agreement to Transfer Records to the National Archives*, and any associated supplements including the *Classified Records Transfer Checklist* must be completed.
 - (8) Store inactive records in facilities that meet the requirements of applicable Federal regulations found in 36 CFR, Subchapter B, Records Management. See NARA Bulletin 2008-06 for additional guidance.
 - (9) Conduct internal evaluations of records management programs and practices, including assessing the economy of the operation, at least every 3 years. Prepare and submit evaluation reports to Departmental Records Officer within 60 days of completing the evaluation. Guidance on conducting evaluations may be obtained from the OCIO Records Management Division web page.
 - (10) Establish procedures for contracting officers to transmit requirements of this directive to contractors to ensure that information management policies, manuals, and mission-specific information requirements are clear under the terms of their contract and the mission-specific scope of work.
- b. Electronic Records. Maintain electronic records in accordance with 36 CFR Subchapter B, *Records Management*, by building electronic records keeping (ERK) functionality into the native EIS or by capturing the EIS records in an electronic records management application (RMA). The use of records management systems that meet the functional requirements of Department of Defense (DoD) 5015.2-STD, *Electronic Records Management Software Application Design Criteria Standard*, satisfies this requirement. Build the ERK functionality or implement a RMA no later than the end of FY 2015.
- (1) Identify and address records management requirements during the planning, development, or redesign of an EIS that ensures applicable legal requirements for managing electronic records and enable business

processes that support the records management lifecycle and the identification, description, and preservation of record content.

- (2) Protect electronic records against technological obsolescence by 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; 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; and decommissioning and migrating systems containing electronic records only when records disposition has been completed.
- (3) Develop and implement procedures and processes for electronic records that prevent unauthorized addition, modification or deletion; protect against power interruptions; provide a secure audit trail; prevent deletion of record identifiers, indexes, categories, labeling or other records identification; retain records in an accessible and usable format until the authorized disposition date; provide adequate recovery and rebuild procedures for records restoration following a system or storage media malfunction; and maintain the integrity of redacted records by ensuring that sensitive information cannot be retrieved by unauthorized persons.
- (4) 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 EIS that has ERK functionality, or an electronic RMA. 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 4.b., the authorized retention period has elapsed, or the records have been copied to paper, 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.
- (5) Use of Instant Messaging (IM), text messages, and social media platforms for official business resulting in the creation of agency records is prohibited. Therefore, identification and retention of instant messages, text messages, and other social media communication is not required.
- (6) Capture and manage records created or received via websites and portals, or from personal email used for Departmental business. Capture and preserve such records in accordance with NARA-approved disposition schedules and DOE-approved guidance.
- (7) 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 and record-keeping guidance.

- c. Vital Records. Establish and sustain a vital records program to ensure continuity of operations (COOP) during and after an emergency as prescribed by laws, regulations, and directives, that ensures DOE makes and preserves records of the Department's organizations, missions, functions, policies, decisions, procedures, and essential transactions. The program must be designed to furnish the information necessary to protect the emergency operating records and legal and financial rights records of DOE and persons directly affected by its activities. See 44 U.S.C. 3101, 36 CFR Part 1223, Managing Vital Records.
- (1) Identify records that specify how DOE will operate in an emergency or disaster. Identify records necessary to continue operations. Identify and protect emergency operating records and legal and financial rights records. Decisions made for selection, maintenance, retrieval, and protection of vital records should be guided by the objectives and requirements of the NARA, Vital Records and Records Disaster Mitigation and Recovery Instructional Guide; 36 CFR, Subchapter B, Records Management, Part 1223, Managing Vital Records; and Executive Order 12656, Assignment of Emergency Preparedness Responsibilities.
 - (2) Ensure emergency management and continuity personnel have appropriate software and hardware needed to access the records in place at all times. See 36 CFR 1223.20. Back up all systems, including websites and portal, with vital records to ensure access to and use of records and systems to perform essential functions and to reconstitute back to normal agency operations per the COOP defined guidance in the Homeland Security, Federal Continuity Directive 1 (FCD 1).
 - (3) Establish procedures for identifying, protecting, controlling access to, and ensuring availability of records in accordance with DOE O 471.1, Identification and Protection of Unclassified Controlled Nuclear Information, as amended, and DOE O 471.3, Identifying and Protecting Official Use Only Information, as amended; DOE O 475.2, Identifying Classified Information, as amended. Ensure locations in which vital records will be stored (such as alternate emergency operations centers (EOCs), command centers, and relocation sites) provide adequate protection and accessibility and that before classified documents are stored at these locations, approval is granted in accordance with DOE O 470.4, Safeguards and Security Program, as amended.
 - (4) Review vital records annually, at a minimum, and migrate updated records as needed to ensure the current versions are available and to address new security issues, identify problem areas, and update data. Identify vital

records on an inventory annually and provide a copy to appropriate emergency management officers.

- (5) Retain vital records for the period of time specified in the DOE records schedule disposition authorities. Duplicate copies of vital records stored at COOP identified locations should be destroyed when obsolete or replaced with updated copies when superseded by newer versions.

5. RESPONSIBILITIES.

- a. Secretary of Energy. Establishes and maintains an active, continuing program for the economical and efficient management of the records of DOE.
- b. DOE Chief Information Officer (through the Departmental Records Officer).
 - (1) Develops and administers DOE policies and directives related to the requirements of this Order and provide oversight in their implementation.
 - (2) Establishes a DOE Vital Records Program; and develops and distributes guidance related to identification, maintenance, and protection of vital records (emergency operating records and legal and financial rights records) in coordination with the Associate Administrator, NNSA Office of Emergency Operations.
 - (3) Coordinates with the Associate Administrator, NNSA Office of Emergency Operations in administration of emergency operating records and legal and financial rights records under the DOE Vital Records Program.
 - (4) Provides overall leadership and management of DOE records management related activities, in coordination with the heads of DOE elements, 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.
 - (5) Develops and distributes training and guidance related to identification, maintenance, retrieval, and protection of vital records to appropriate persons within DOE organizations.
 - (6) Serves as the DOE Headquarters (HQ) point of contact with NARA, other Federal agencies, and the public sector for issues related to the records management program.
 - (7) Provides oversight to ensure implementation of policies and procedures for the adequate and proper documentation of DOE activities and decisions.

- (8) Works with the heads of DOE elements to ensure the identification of the records management responsibilities of DOE HQ Program Records Officials (PROs), Records Management Field Officers (RMFOs) and Records Liaison Officers (RLOs).
- (9) Coordinates with the PROs in the implementation of the DOE Records Management Program throughout the DOE complex.
- (10) Establishes and chairs the Records Management Working Group (RMWG) of the Information Technology Council. Collaborates with the RMWG to promote a coordinated approach to records management activities across the Department.
- (11) Manages the DOE forms management program in accordance with DOE G 242.1-1, *Forms Management Guide*, as amended.
- (12) Establishes and fosters ongoing collaboration between the records management and information technology communities to effectively manage electronic records, email and nonrecord information; promote coordination in the use of RMAs and building ERK functionality into EIS across the Department, and ensure compliance with records management requirements. See requirements identified in section 4 of this Order.
- (13) Reports annually to the Secretary the status of records management in DOE.
- (14) Provides an annual self assessment of the Department's records management program to NARA.
- (15) Maintains liaison with NARA, other Federal agencies, and the DOE NNSA Continuity Program on matters affecting vital records.

c. Associate Administrator, NNSA Office of Emergency Operations.

- (1) Coordinates with the DOE CIO in administration of the emergency operating records and legal and financial rights records under the DOE Vital Records Program.
- (2) Coordinates with the DOE CIO to develop procedures, and operating guidelines for emergency operating records and legal and financial rights records.
- (3) Acts as liaison for the security aspects of DOE HQ emergency operating records and legal and financial rights records and storage sites.

- (4) Ensures DOE HQ mechanisms are in place to provide access to emergency operating records and legal and financial rights records during emergencies.

d. 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 RMWG, as such recommendations relate to the management of DOE records.
- (3) Provide staff resources and funding to support records management processes, including a programmatic vital records management, within their respective organizations by appointing the following staff roles:
 - (a) A senior-level PRO with DOE HQ and program field site oversight, budgetary, and signature authority to approve records issues for the program and serve as the program liaison with the Departmental Records Officer.
 - (b) A 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 PRO, and to provide oversight and guidance to Federal and contractor records management programs.
 - (c) At least one RLO for each program, staff or support office (in DOE HQ 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, RMFOs and RLOs to the Departmental Records Officer.
- (5) Ensure that IT Managers coordinate with appropriate records management professionals to address records management requirements as identified in this Order.
- (6) Designate responsible individuals to work with the DOE Office of Management, Office of Acquisition and Project Management (OAPM) and the NNSA Office of Acquisitions and Supply Management (OASM) in

providing procurement policy and guidance to contracting officers as follows:

- (a) Identify and add the CRD of this Order 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.
 - (c) Ensure proper record retention or disposition action during the contract close-out period after completion of contract performance.
- (7) Ensure their staffs are aware of and execute appropriate measures to identify and protect vital records.
- e. Emergency Management Program Administrators.
- (1) Ensure emergency operating records are compiled, maintained, updated, protected, and retrievable by obtaining current inventories and copies from PROs.
 - (2) Ensure the following are complete in preparation for Operational Emergencies, as defined in DOE O 151.1, as amended:
 - (a) Ensure all EOCs, alternate command centers, and relocation sites are identified.
 - (b) Work with their organization's PROs to ensure:
 - i. Emergency operating records are identified in accordance with established policies and procedures and that other information needs are addressed;
 - ii. Emergency operating records (in all media) are inventoried and collected, and at a minimum annually obtain current copies for the Emergency Management Program. Copies should be forwarded to designated off-site storage locations; and
 - iii. Procedures are in place to provide access, ease of retrieval, and use of emergency operating records during emergencies.

- (3) Identify to PROs those persons who require vital records training, and obtain proper documentation of vital records training completion from PROs that can be made available for inspection.

f. Continuity Program Coordinators.

- (1) Ensure emergency operating records and legal and financial rights records are compiled, maintained, updated, protected, and retrievable by obtaining current inventories and copies from PROs.
- (2) Ensure the following are complete in accordance with DOE Order 150.1, as amended:
 - (a) Ensure all EOCs, alternate command centers, and relocation sites are identified.
 - (b) Work with their organization's PROs to ensure:
 - i. Emergency operating records and legal and financial rights records are identified in accordance with established policies and procedures and that other information needs are addressed.
 - ii. Emergency operating records and legal and financial rights records are collected, marked, and numbered for control, forwarded to designated off-site storage locations, and updated as needed (updates shall be performed annually, at a minimum).
 - iii. Procedures are in place to provide access, ease of retrieval and use of emergency operating records and legal and financial rights records during emergencies.
- (3) Identify to PROs those persons who require vital records training, and obtain proper documentation of vital records training completion from PROs that can be made available for inspection.

g. 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 respective 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) Serve as liaison with the Departmental Records Officer and NARA on records management activities as outlined in DOE records management guidance and policies.
- (3) Coordinate with appropriate contracting officials to ensure necessary requirements, scope, and deliverables are identified in contracts including:
 - (a) Identification of agency records as contract deliverables, or records for final turnover; and that those records include environment, safety, and health records; financial and technical records; and other records specified as appropriate to the contract scope.
 - (b) Distinction between agency records and contractor-owned records.
 - (c) Managing agency records in accordance with this Order and all other relevant laws, regulations and DOE orders.
 - (d) Delivery of records at appropriate intervals, in accordance with the contract, or at the termination of the contract.
- (4) Identify program-specific records and ensure they are listed on a NARA-approved records disposition schedule.
- (5) Ensure permanent records are preserved and temporary records are retired, transferred, or destroyed promptly in accordance with NARA-approved records disposition schedules.
- (6) Ensure all Federal employees within their area of responsibility are provided mandatory records management training, appropriate for their records responsibilities.
- (7) Ensure that DOE Records Management Program provisions and standards are included in the scope and planning for EIS (e.g., the CPIC development and approval process).
- (8) Assess records management practices in offices for which they have been assigned oversight responsibility at least every 3 years in accordance with paragraph 4.a.(8) of this Order.
- (9) Ensure that records are maintained in a cost effective manner and that records storage facilities meet the requirements of applicable Federal regulations.
- (10) Review and approve costs for the storage of agency 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.

- (11) Ensure departing employees identify and transfer any records in their custody to an appropriate custodian (RLO or person assuming responsibilities).
- (12) Participate in the RMWG.
- (13) Coordinate with the appropriate Emergency Management Program Administrator and COOP Coordinator to ensure the necessary vital records requirements are completed:
 - (a) Emergency operating records and legal and financial rights records are identified in accordance with established policies and procedures and that other information needs are addressed.
 - (b) Emergency operating records and legal and financial rights records (in all media) are inventoried and collected, and at a minimum annually provide current copies for the Emergency Management Program. Copies should be forwarded to designated off-site storage locations.
 - (c) Maintain vital records inventories of their organization, protect, and ensure records are retrievable for authorized review;
 - (d) Ensure program personnel are trained and aware of the purpose and understanding of the Vital Records Program.
 - (e) Develop and maintain training records that can be made available for inspection and provide copies to appropriate emergency management officials.
 - (f) Coordinate vital records storage issues with appropriate Emergency Management Program Administrators and COOP Coordinators.
 - (g) Review COOP implementation plans or successor documents to ensure vital records are adequately documented in compliance with the plan.
- (14) Ensure the requirements of EO 13526 Section 3.3 are met for the records under their cognizance. For classified permanent records ensure the following:
 - (a) Report annually to the DOE Senior Agency Official for EO 13526 and the Office of Classification (OC) the permanent collections that

will be due for declassification review (in accordance with EO 13526 or successor orders) for the next three calendar years.

- (b) Verify with the OC that appropriate declassification and Unclassified Controlled Nuclear Information reviews have been conducted. Verification for records transferred to NARA must occur prior to the transfer.
- (c) Inform the OC of permanent records overdue for declassification review within 60 days of discovery.
- (d) Divide classified permanent collections into file blocks of no more than 10 years in duration to facilitate appropriate declassification reviews (in accordance with EO 13526 Section 6.1 and 32 CFR 2001.30 (n)(4)). Notify OC of newly created collections that are overdue for declassification within 60 days.

h. DOE Contracting Officials.

- (1) Incorporate the CRD into affected contracts unless other policy directions are provided by OAPM under paragraph 5.d. (6) of this Order.
- (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 records management requirements during performance; and to ensure that appropriate agency records are managed and delivered or properly transitioned by contractors.
- (3) Transmit planning requirements to contractors to ensure appropriate information management policies, manuals, and mission-specific information requirements are clear under the terms of their contract and mission-specific work.

i. Chief Historian.

- (1) Assists in identifying, organizing, and preserving records of Secretarial Officers and their staffs.
- (2) Works with the Departmental Records Officer (DRO) and the RMWG 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) Works with the DRO and the RMWG to provide access to historically significant records throughout DOE.
- (4) Prepares and provides to the DRO an annual inventory of all records maintained by the Chief Historian.

j. DOE/NNSA Office of the General Counsel.

- (1) Notify the DRO when a legal hold on records disposition is needed to support litigation or other legal matters, the scope of the request and when such legal holds are lifted. This requirement applies to any Office of Chief Counsel, where appropriate.
- (2) Review DOE records disposition schedules for legal sufficiency within 30 days of receipt of such schedules from the DRO.

6. DEFINITIONS. See Attachment 2.

7. REFERENCES. See Attachment 3.

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.

BY ORDER OF THE SECRETARY OF ENERGY:

DANIEL B. PONEMAN
Deputy Secretary

**CONTRACTOR REQUIREMENTS DOCUMENT
DOE O 243.1B, RECORDS MANAGEMENT
PROGRAM**

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

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 full compliance with all the requirements.

In addition to the requirements set forth in this CRD, contractors are responsible for complying with Attachments 2 and 3 to DOE O 243.1B referenced in and made a part of this CRD which provide program requirements and/or information applicable to contracts in which this CRD is inserted.

1. REQUIREMENTS.

- a. Manage all agency records created, received and maintained for the Government (including subcontractors) 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 Code of Federal Regulations (CFR), Subchapter B, *Records Management*. This includes web content and all other media used for official business.
- b. Establish and maintain vital records management in accordance with 44 U.S.C 3101; 36 CFR Part 1223, *Managing Vital Records*; the CRD of DOE O 150.1, *Continuity Programs*, as amended; CRD of DOE O 151.1, *Comprehensive Emergency Management System*, as amended, and the Homeland Security, *Federal Continuity Directive 1 (FCD 1)*, *Federal Executive Branch National Continuity Program and Requirements*, as amended.
- c. Establish recordkeeping requirements that reflect adequate and proper documentation of the contractors' work performed on behalf of DOE.
- d. Develop and maintain up-to-date inventories, file plans, and systems that provide for the identification, location, and retrieval of all categories of records created and received in the course of official business.
- e. Work through the appropriate Program Records Official (PRO), Records Management Field Officer (RMFO) or Records Liaison Officer (RLO) 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.

- f. Preserve records beyond their approved retention periods when they have been placed under a legal hold for purposes of audits, litigation, Freedom of Information Act appeals, and similar obligations. A legal hold imposed by the Department shall be lifted only by the Departmental Records Officer, in coordination with the DOE/NNSA Office of General Counsel, or an Office of Chief Counsel.
- g. Implement records management and vital records management training or awareness programs that will provide appropriate training to contractor employees to ensure the management of DOE records in accordance with applicable legal requirements, including 36 CFR, Subchapter B, *Records Management*.
- h. Store inactive 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 inactive records in agency, contractor and commercial facilities.
- i. Work with the appropriate contracting official and/or records professional to ensure agency records are identified for turnover and/or delivery at completion or termination of the contract. Provide all documentation of final disposition (e.g., finding aids, destruction certificates, electronic records management systems) including a complete inventory of records to be delivered or transitioned to a successor contractor, their locations, and point of contact information.
- j. When deliverables or agency records turnover includes electronic records, provide sufficient technical documentation to ensure access to the records throughout their life cycle.
- k. Provide the PRO, RMFO, or RLO, as appropriate with a copy of their current vital records inventory on an annual basis, preferably in electronic media. A list of the current Records Management contacts can be found on the DOE Office of the Chief Information Officer (OCIO) website, on the Records Management page entitled “*U.S. Department of Energy Contacts for Records Management.*”
- l. Identify locations where vital records will be stored, such as Emergency Operations Centers, command centers, and relocation sites that will provide adequate protection and accessibility.
- m. Records will be stored in a manner that ensures ease of access, retrieval, and control. Storage systems must allow for access in accordance with 36 CFR 1223, *Managing Vital Records*, as amended. Classified and unclassified records must be handled in accordance with applicable requirements (CRD for DOE O 471.1, *Identification and Protection of Unclassified Controlled Nuclear Information*, as amended; the CRD for DOE O 471.3, *Identifying and Protecting Official Use*

Only Information, as amended; and the CRD for DOE O 475.2A, *Identifying Classified Information*, as amended.)

- n. Vital records will be maintained for the period of time specified in the DOE records disposition schedules. Duplicate copies of vital records stored at COOP identified locations should be destroyed or deleted when obsolete or superseded and replaced with updated copies. Vital records inventories and copies of vital records should be provided to the appropriate Emergency Management Program Administrators and COOP Coordinators and to the designated Program Records Officer/Records Management Field Officer.

DEFINITIONS

This Attachment provides requirements and/or information applicable to contracts in which the CRD (Attachment 1 to DOE O 243.1B) is inserted. This Attachment also provides requirements and/or information applicable to DOE O 243.1B.

1. ADEQUATE AND PROPER DOCUMENTATION. Record of the conduct of Government business that is complete and accurate to the extent required to document the organization, functions, policies, decisions, procedures, and essential transactions of the agency and that is designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities. (36 CFR 1220.18).
2. APPRAISAL. Process by which NARA determines the value and the final disposition of Federal records, designating them either temporary or permanent. (36 CFR 1220.18).
3. CAPITAL PLANNING AND INVESTMENT CONTROL (CPIC). A decision-making process for ensuring that information technology (IT) investments integrate strategic planning, budgeting, procurement, and the management of IT in support of agency missions and business needs. The term comes from the Clinger-Cohen Act of 1996 and generally is used in relationship to IT management issues. [Office of Management and Budget (OMB) Circular A-11, *Preparation, Submission, and Execution of the Budget*].
4. CONTINUITY OF OPERATIONS (COOP) COORDINATORS. Program office, staff office, or field representative who represent and are the point of contact for their office or field element regarding continuity of operations.
5. 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 clause (48 CFR 970.5204.3). Privacy Act Systems of Records [Federal Acquisition Regulation (FAR) 52-224-2] are NOT contractor-owned records.
6. DEPARTMENTAL RECORDS OFFICER. Person assigned responsibility for overseeing the DOE Records Management Program by the DOE Chief Information Officer or his/her designee.
7. DISPOSITION. Any activity with respect to:
 - a. Disposal of temporary records no longer needed for the conduct of business by destruction or donation.
 - b. Transfer of records to Federal agency storage facilities or records centers.

- c. Transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation.
 - d. Transfer of records from one Federal agency to any other Federal agency. [44 U.S.C. 2901(5)].
8. DOE ELEMENTS. First-tier organizations at DOE HQ and in the field, including the NNSA. First-tier organizations at DOE HQ 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. DOE HQ 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.
9. ELECTRONIC INFORMATION SYSTEM (EIS). An information system that contains and provides access to computerized Federal records and other information. (36 CFR 1236.2).
10. 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. (36 CFR 1236.2).
11. ELECTRONIC RECORD. Any information recorded in a form that only a computer can process and that satisfies the definition of a Federal record under the Federal Records Act. The term includes both the record content and the associated metadata that the agency determines is required to meet agency business needs. (36 CFR 1220.18).
12. EMERGENCY OPERATING RECORDS. Vital records essential to the continued functioning or reconstitution of an organization during and after an emergency. Included are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency.

13. FILE PLAN. A classification scheme describing different types of files maintained in an office, how they are identified, where they should be stored, how they should be indexed for retrieval, and a reference to the approved disposition for each file. [NARA, *Best Practices in Electronic Records Management, Attachment 2. (Definitions)*].
14. FREEDOM OF INFORMATION ACT. Federal law providing for the public availability of Federal government records. (5 U.S.C. 552), et. seq. (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110-175, 121 stat. 2524.
15. INSTANT MESSAGING (IM). IM is a type of communication service that allows individuals or groups of individuals to have real-time chat sessions amongst themselves. IM is generally used as a replacement or supplement to traditional email communications. IM and text messages are not to be used for discussion of official Federal business.
16. LEGAL AND FINANCIAL RIGHTS RECORDS. Vital records essential to protect legal and financial rights of the Government and individuals directly affected by its activities (also known as Rights and Interests Records). Examples include, but are not limited, to accounts receivable records, social security records, payroll records, retirement records, and insurance records.
17. METADATA. Preserved contextual information describing the history, tracking, and/or management of an electronic document. (36 CFR 1220.18).
18. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA). Federal agency responsible for overseeing agencies' adequacy of documentation and records disposition programs and practices. (36 CFR 1220.18).
19. NONRECORD MATERIALS. Federally owned informational materials that do not meet the statutory definition of "records" (44 U.S.C. 3301) or that have been excluded from coverage by the definition. Excluded are 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. (36 CFR 1220.18).
20. PERMANENT RECORDS. Any Federal record that has been determined by NARA to have sufficient value to warrant its preservation in the National Archives of the United States, even while it remains in agency custody. Permanent records are those for which the disposition is permanent on SF 115, *Request for Records Disposition Authority*, approved by NARA on or after May 14, 1973. The term also includes all records accessioned by NARA into the National Archives of the United States. (36 CFR 1220.18).

21. 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 EIS, and (iii) to examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks. (DOE O 206.1, 01-16-09).
22. PROGRAM RECORDS OFFICIAL (PRO). A senior-level DOE HQ 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.
23. RECORDKEEPING SYSTEM. Manual or automated mechanism in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition. (36 CFR 1220.18).
24. 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).
25. RECORDS LIAISON OFFICER (RLO). One who provides day-to-day administration of an organization's records management program and acts as liaison with the PRO or RMFO, as appropriate.
26. RECORDS MANAGEMENT. Planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of Agency operations. [44 U.S.C. 2901(2)].
27. 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 DOE HQ PRO, and to provide oversight and guidance to Federal and contractor records management programs.
28. SCHEDULE (RECORDS SCHEDULE; DOE RECORDS DISPOSITION SCHEDULE). A Standard Form 115, *Request for Disposition Authority* that has

been approved by NARA to authorize the disposition of Federal records; A GRS issued by NARA; or a published agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more SF 115s or issued by NARA in the GRS. (36 CFR 1220.18). The DOE records disposition schedules are posted on the DOE Chief Information Officer Records Management web page.

29. SERIES. File units or documents arranged according to a filing or classification system or kept together because they relate to a particular 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. (36 CFR 1220.18).
30. TEMPORARY RECORDS. Any Federal record that has been determined by the Archivist of the United States to have insufficient value (on the basis of current standards) to warrant preservation by the NARA. This determination may take the form of:
 - a. Records designated as disposable in an agency records disposition schedule approved by NARA (SF 115, *Request for Records Disposition Authority*).
 - b. Records designated as disposable in a GRS issued by NARA. (36 CFR 1220.18).
31. VITAL RECORDS. FCD-1 has changed to define vital records as essential agency records that are needed to meet operational responsibilities under security emergency, continuity events, or other emergency conditions (emergency operating and mission essential records) or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records). (36 CFR 1223.2(b)). Vital records considerations are part of DOE's Records Management Program, COOP Plan, and DOE's Comprehensive Emergency Management Program.

REFERENCES

This Attachment provides requirements and/or information applicable to contracts in which the CRD (Attachment 1 to DOE O 243.1B) is inserted. This Attachment also provides requirements and/or information applicable to DOE O 243.1B.

1. 36 CFR, Chapter 12, Subchapter B, *Records Management*.
2. 48 CFR 4.805, *Records Retention*.
3. 48 CFR 52.224-2, *Privacy Act of 1974*, Pub. L. 98-579, 5 U.S.C. 552a.
4. 48 CFR 952.204-2, *Security*.
5. 48 CFR 952.204-70, *Classification/Declassification*.
6. 48 CFR 952.223-71, *Integration of Environment Safety, and Health into Work Planning and Execution*.
7. 48 CFR 952.223-72, *Radiation Protection and Nuclear Criticality*.
8. 48 CFR 952.223-75, *Preservation of Individual Occupational Radiation Exposure Records*.
9. 48 CFR 970.0404, *Safeguarding Classified Information*.
10. 48 CFR 970.0407, *Contractor Records Retention*.
11. 48 CFR 970.5204-3, *Access to and Ownership of Records*.
12. 48 CFR 970.5232-3, *Accounts, Records, and Inspection*.
13. 5 U.S.C. §§ 552 Freedom of Information Act of 2006, amended by Open Government Act of 2007, Pub. L. 110-175, 121.
14. 42 U.S.C. 7158, *Naval Reactor and Military Application Programs*.
15. 44 U.S.C., Chapters 21, 29, 31, 33 and 35.
16. 50 U.S.C. §§ 2406 and 2511.
17. DoD 5015.2-STD, *Design Criteria Standard for Electronic Records Management Software Applications*.
18. DOE O 150.1, *Continuity Programs*, dated 5-8-2008, or its successor.

19. DOE G 151.1-1A, *Emergency Management Fundamentals and the Operational Emergency Base Program*, dated 7-11-2007, or its successor.
20. DOE O 151.1C, *Comprehensive Emergency Management System*, dated 11-2-2005, or its successor.
21. DOE O 200.1A, *Information Technology Management*, dated 12-23-2008, or its successor.
22. DOE O 206.1, *Department of Energy Privacy Program*, dated 1-16-2009, or its successor.
23. DOE O 414.1D, *Quality Assurance*, dated 4-25-2011, or its successor.
24. DOE O 420.1C, *Facility Safety*, dated 12-4-2012, or its successor.
25. DOE O 470.4B, *Safeguards and Security Program*, dated 7-21-2011, or its successor.
26. DOE O 471.1B, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 3-1-2010, or its successor.
27. DOE O 471.3 Admin Chg 1, *Identifying and Protecting Official Use Only Information*, dated 4-9-2003, or its successor.
28. DOE O 475.2A, *Identifying Classified Information*, dated 2-1-2011, or its successor.
29. DOE P 450.4A, *Integrated Safety Management System Policy*, dated 4-25-2011, or its successor.
30. DOE, OCIO pamphlet, *Identify and Protect Your Vital Records*, dated September 2011.
31. DOE OCIO Records Management Processes, Procedure for Conducting a Records Inventory, dated 10-31-07.
32. DOE Reference Book for Contract Administrators (Chapter 9).
33. E-Government Act of 2002, Pub. L. 107-347, 44 U.S.C. Ch 36.
34. E.O. 12333, *United States Intelligence Community Activities*, dated 12-4-81.
35. E.O. 12344, (Statutorily prescribed by 50 U.S.C. §§ 2406 and 2511), *Naval Nuclear Propulsion Program*, dated 2-1-82.

36. E.O. 12656, *Assignment of Emergency Preparedness Responsibilities*, dated November 1988.
37. E.O. 13536, *Classified National Security Information*, dated 12-29-2009.
38. Homeland Security, *Federal Continuity Directive 1 (FCD 1), Federal Executive Branch National Continuity Program and Requirements*, February 2008.
39. National Archives and Records Administration publication, *Guidance for Coordinating the Evaluation of Capital Planning and Investment Control (CPIC) Proposals for ERM Applications*.
40. National Archives and Records Administration publication, *Vital Records and Records Disaster Mitigation and Recovery: An Instructional Guide*.
41. National Defense Authorization Act for FY 1997, Pub. L. 104-201, Section 3174, dated 9-23-96.
42. National Nuclear Security Administration Act, Title XXXII of Pub. L.106-65, dated 4-20-11.
43. OMB Circular Number A-11, *Preparation, Submission, and Execution of the Budget*.
44. OMB Circular Number A-130, *Management of Federal Information Resources*.
45. Paperwork Reduction Act of 1974, Pub. L. 104-13, 44 U.S.C. 3501 et seq.
46. Privacy Act, Pub. L 93-579, 5 U.S.C. 552a.
47. Records Management section of the DOE Chief Information Officer Web site.