



PRETRIAL SERVICES AGENCY *for the* DISTRICT OF COLUMBIA

**POLICY  
STATEMENT**

*Clifford T. Keenan*

Approved: \_\_\_\_\_

Clifford T. Keenan, Director

Effective Date: December 14, 2012

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**1008: RECORDS MANAGEMENT**

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## Policy

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### Policy Statement

The Records Management Policy establishes principles, responsibilities and requirements for managing records of the Pretrial Services Agency for the District of Columbia (hereinafter PSA or Agency) to ensure that the Agency is in compliance with federal laws and regulations and best practices for managing records. This Agency-wide policy facilitates the accomplishment of PSA's programmatic and administrative goals, and promotes access to information by PSA staff and the public, as appropriate.

- Agency employees shall create or receive records that are sufficient to document the organization, functions, policies, decisions, procedures and essential transactions of the Agency.
- Agency records are the property of the federal government, not the property of individual employees. Agency records may not be removed from the Agency without proper authority and the approval of the employee's supervisor.
- Agency records are to be maintained so that they are separated from non-record materials and personal papers, properly preserved and easily accessible.
- Agency offices shall maintain a file plan, which includes a description and location and retention period of the records in use by the office, including electronic recordkeeping systems.
- Agency records that are inactive (*e.g.*, case closed, contract ended, former employee) but not eligible for disposition may be transferred to the Federal Records Center for proper storage. Record transfers are arranged through the CSOSA/PSA Records Manager.

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## Policy, Continued

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**Applicability** The procedures apply to the following individuals (herein referred to as “employees”):

- All PSA employees
  - PSA contractors
  - PSA interns
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**Rationale** *The Federal Records Act of 1950*, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and must be managed according to applicable laws and regulations.

*The Federal Records Act* requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage its recorded information. Essential elements include issuing up-to-date records management directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

Records serve a number of purposes including: administrative and program planning needs, protection of legal and financial rights, oversight by Congress and other authorized agencies, documentation of the agency’s history, and the continuation of key functions and activities in the event of an emergency or disaster. Records serve as the agency’s memory; they are of critical importance in ensuring that the organization continues to function effectively and efficiently.

The following federal laws and regulations apply:

Title 44, United States Code (U.S.C.), Chapter 21, “National Archives and Records Administration”; Chapter 29, “Records Management by the Archivist of the United States and by the Administrator of the General Services”; Chapter 31, “Records Management by Federal Agencies (*Federal Records Act*)”; Chapter 33, “Disposal of Records”; and Chapter 35, “Coordination of Federal Information Policy” (*Paperwork Reduction Act, as amended, and Government Paperwork Elimination Act*).

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## Policy, Continued

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### **Federal Laws and Regulations**

The following laws and regulations apply:

- Title 44, United States Code (U.S.C.), Chapter 21, “National Archives and Records Administration”; Chapter 29, “Records Management by the Archivist of the United States and by the Administrator of the General Services”; Chapter 31, “Records Management by Federal Agencies (*Federal Records Act*)”; Chapter 33, “Disposal of Records”; and Chapter 35, “Coordination of Federal Information Policy” (*Paperwork Reduction Act, as amended, and Government Paperwork Elimination Act*).
  - Title 18, U.S.C. Chapter 101, “Records and Reports,” and Chapter 121, “Stored Wired and Electronic Communications and Transactional Records Access” (*Clinger-Cohen Act*).
  - Title 40, U.S.C. Chapter 25, “Information Technology Management.”
  - Title 5, Code of Federal Regulations (CFR), Chapter III, Subchapter B “OMB Policies,” Part 1320.
  - Title 36, CFR, Chapter XII, Subchapter B, “Records Management,” Parts 1220, 1222, 1228, 1230, 1232.
  - Office of Management and Budget (OMB) Circular No. A-123, “Management Accountability and Control” and A-130, “Management of Federal Information Resources.”
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## Terminology

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**Relevant Terms** The following terms are relevant to this policy. The complete glossary of PSA terms can be found by following this [PSA Glossary link](#).

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**Disposition** The actions taken regarding records no longer needed for current government business. These actions include transfer to agency storage facilities or Federal Records Centers, transfer from one federal agency to another, transfer of permanent records to the National Archives and disposal of temporary records. Disposition is the third stage of the records life cycle.

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**Electronic Record** Any information that is recorded in a form that only a computer can process and that satisfies the definition of a federal record in 44 U.S.C. §3301.

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**File Plan** A plan designating the physical location(s) at which an agency's files are to be maintained, the specific types of files to be maintained there, and the organizational programs having custodial responsibility. A document containing the identifying number, title or description, and disposition authority of files held in an office.

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**Non-Record Materials** U.S. Government-owned documentary materials excluded from the legal definition of records or not meeting the requirements of that definition. These include extra copies of documents kept only for convenience of reference, stocks of publications and of processed documents, and library or museum materials intended solely for reference or exhibition. Also called “non-records.”

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**Permanent Records** Records appraised by the National Archives and Records Administration (NARA) as having sufficient historical or other value to warrant continued preservation by the federal government beyond the time they are needed for administrative, legal, or fiscal purposes. Sometimes called archival records.

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## Terminology, Continued

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**Personal  
Papers or  
(Personal Files)**

Documentary materials belonging to an individual that are not used to conduct agency business. Personal files are excluded from the definition of federal records and are not owned by the government.

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**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 data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included. (Source: 36 CFR 1220.14)

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**Records  
Management  
Program**

A planned, coordinated set of policies, procedures and activities needed to manage an agency's recorded information. It encompasses the creation, maintenance, use and disposition of records, regardless of media. Essential elements of the program include issuing up-to-date program directives, properly training those responsible for implementation, publicizing the program, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

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**Records  
Schedule**

Also called records disposition schedule, records control schedule, records retention schedule, records retention and disposition schedule, or schedule. A document that describes agency records, establishes a period for their retention by the agency, and provides mandatory instructions for what to do with them when they are no longer needed for current government business. The term refers to: (1) an SF 115, Request for Records Disposition Authority, that has been approved by NARA to authorize the disposition of Federal records; (2) a General Records Schedule (GRS) issued by NARA; and (3) a printed 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. (Source: 36 CFR 1220.14)

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## Terminology, Continued

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**Temporary  
Records**

Records approved by NARA for disposal, either immediately or after a specified retention period. Also called disposable records or nonpermanent records.

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**Transfer**

The act or process of moving records from one location to another, especially from office space to agency storage facilities or federal records centers, from one federal agency to another or from office or storage space to the National Archives for permanent preservation.

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**Vital Records**

Records essential to the continued functioning or reconstitution of an organization during and after an emergency and also those records essential to protecting the legal and financial rights of that organization and of the individuals directly affected by its activities. Sometimes called essential records. Include both emergency-operating and rights-and-interests records. Vital records considerations are part of an agency's records disaster prevention and recovery program.

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## Responsibilities

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**Rule** Agency employees must create or receive records sufficient to document their activities, maintain official Agency records separately from personal files and other non-record materials, and follow the retention and disposition guidance specified in the schedules and office recordkeeping requirements. Employees may not destroy or remove records except in accordance with the General Records Schedule or a NARA-approved schedule.

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**PSA Director** The Director of PSA shall notify the CSOSA/PSA Records Manager of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the Agency that shall come to his or her attention and, with assistance from the CSOSA/PSA Records Manager, shall initiate action through the Attorney General for the recovery of records he or she knows or has reason to believe have been unlawfully removed from the agency, or from another Federal agency whose records have been transferred to his or her legal custody (44 U.S.C. § 3106).

*Note: In any case in which the Director does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the CSOSA/PSA Records Manager shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.*

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**Office Managers and Supervisors** Managers and supervisors are responsible for the overall documentation of the activities of their respective program or unit. They must ensure that:

- Records are being created, maintained, and used by their program or unit according to federal regulations and Agency policy;
- Procedures are in place to ensure that records are protected from theft, loss, and unauthorized access;
- Custodians and file stations are identified for all records;
- Inactive records are transferred or disposed of according to the appropriate schedule; and.
- The CSOSA/PSA Records Manager is notified of program changes that will result in the establishment of new types of records, the transfer or termination of records no longer required, or an increase or decrease in the retention time of the records.

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## Responsibilities, Continued

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### **Records Manager**

The CSOSA/PSA Records Manager (a position within the Office of the General Counsel that serves both CSOSA and PSA) is responsible for:

- Developing CSOSA/PSA records management policy, procedures, guidance, and training materials;
  - Conducting inventory and scheduling of CSOSA/PSA records;
  - Coordinating the approval of CSOSA/PSA records disposition schedules;
  - Coordinating the transfer of CSOSA/PSA records to Federal Records Centers or other approved records storage facilities;
  - Reviewing records disposition schedules and submitting the schedules for approval by NARA; and
  - Reviewing file plans and procedures prepared for approval by CSOSA/PSA managers and/or supervisors.
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### **PSA Records Manager**

The PSA Records Manager manages PSA records, schedules, file plans, compliance reviews and is the central point of contact for Office/Program records custodians. Additional responsibilities include:

- Assisting the CSOSA/PSA Records Manager with records program requirements through coordination with Office Records Custodians;
  - Assisting the CSOSA/PSA Records Manager with submissions to NARA to include transferring permanent records, scheduling and storage of records, and disposition of records; and
  - Conducting an annual evaluation of PSA Agency record management practices and preparing a written report for the CSOSA/PSA Records Manager.
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### **Office Records Custodian**

As designated by Office Directors, the Office Records Custodian assists the PSA Records Manager with the organization and transfer of office records consistent with the Federal Records Center requirements.

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### **Office of Information Technology Director**

The Director of PSA's Office of Information Technology is responsible for ensuring that electronic applications adopted for use by the Agency include appropriate records management capabilities.

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## Records Creation and Maintenance

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### **Create and Maintain Records**

Agency employees create and maintain adequate and proper documentation for their program in accordance with pertinent Agency policies and procedures.

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### **Records Vary**

Records may vary in their physical form or characteristics. Records may be:

- Paper-based
- Electronic
- Audiovisual
- Based on other media

*Note: records pertinent to the case management of a defendant may consist of documents and entries in database systems.*

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## Records Filing

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**File Plan** Each Agency office must establish a file plan for records created for its use. File plans ensure that duplicative or non-record materials are not unnecessarily maintained.

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**Components of a File Plan** The file plan identifies:

- The records to be created and/or maintained by the program/office;
- The location of the records;
- The methods of organizing and accessing the records; and
- The disposition schedule for the records.

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**File Arrangement Systems** Operating units standardize file arrangement systems and filing procedures and techniques. These shall be designed to enhance the current use of the files, to preserve archival records and to facilitate the prompt and systematic disposition of temporary records according to the appropriate records schedule.

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**File Plan Review** The CSOSA/PSA Records Manager shall conduct a review of the Agency's file plans at least once every two years and shall report the findings, including any recommendations for change, to the appropriate Office Director for consideration.

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**Office Directors** Agency Office Directors shall ensure that the file plans and disposition schedules for their component records are current and adequate.

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## Non-record Materials and Personal Papers

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### Defining Non-record Materials

Non-record materials are those 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 statutory definition.

Items in the non-record category include:

- Extra copies of documents kept only for reference.
- Working papers that do not represent significant steps in the preparation of the record copy of official documentation.
- Information copies of correspondence, directives, forms, and other documents on which no administrative action is taken.
- Routing slips and transmittal sheets adding no information to that contained in the transmitted material.
- Ticker, follow-up, or suspense copies of correspondence provided they are extra copies of the originals.
- Duplicate copies of documents maintained in the same file.
- Extra copies of printed or processed materials for which complete record sets exist, such as current and superseded manuals maintained outside the office responsible for maintaining the record set.
- Catalogs, trade journals, and other publications that are received from other government agencies, commercial firms, or private institutions and that require no action and are not part of a case on which action is taken.
- Physical exhibits, artifacts, and other material objects lacking evidential value.

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### Storage and Disposal of Non-record Materials

Non-record materials are not to be filed together with records and are to be destroyed when no longer needed for reference.

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### Personal Papers

Personal papers (or personal files) are those documentary materials maintained in federal offices that belong to an individual because they relate solely to an individual's own affairs (*e.g.*, personal and family matters, or social or civic activities) or are used exclusively for that individual's convenience and were not used in the transaction of government business or are indirectly related to agency business but outside the scope of the definition of federal records (*i.e.*, not used to conduct government business).

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## **Non-record Materials and Personal Papers, Continued**

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### **Maintaining Personal Papers/Files**

Personal papers/files are to be maintained separately from the records of the Agency. Proper identification of personal papers is most important for the Agency's senior executives. Traditionally, senior executive personal files have included the following categories of material:

- Business or professional files created before entering government service; files created during or relating to previously held positions, political materials, and reference files.
- Private files brought into, created, or received in the office; family and personal correspondence and materials documenting professional activities and outside business or political pursuits, including manuscripts and drafts for articles and books and volunteer and community service records that are considered personal, even if created or received while in office, because they do not relate to agency business.
- Work-related personal files including diaries, journals, notes, and personal calendars and appointment schedules; though work-related, they may be personal if they are used only as reminders and personal observations on work-related topics, not for the transaction of government business.

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### **Questions**

Any questions about whether material is a record, a non-record, or a personal paper should be referred to the PSA Records Manager.

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## Electronic Record Keeping

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**Electronic Record** Federal electronic records (e-records) are produced by an application such as word processing or electronic mail system are not necessarily kept in a “recordkeeping system” but may reside in a generic electronic information system.

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**Electronic Records Management** Electronic records management (ERM) is the use of automated techniques to manage records, regardless of format. Electronic records management is the broadest term that refers to electronically managing records on varied formats, be they electronic, paper, microform, *etc.* Electronic recordkeeping (ERK) is a subset of ERM, because ERK focuses on electronically managing electronic records.

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**Office of Information Technology’s Role** It is the Agency’s policy to integrate e-records management concepts and practices with comprehensive information management directives, to ensure the integrity of e-records. PSA employs ERM to support timely and effective decision making, and to improve the Agency’s services and business operations.

In the case that permanent e-records are identified, the Office of Information Technology (OIT) will provide the tools to access e-records for as long as required. OIT, with the assistance of the PSA Records Manager, will facilitate the transfer of permanent e-records to NARA for preservation.

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## Safeguarding Records

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### **Removal of Records**

Agency employees having custody or control over records or other non-record material are responsible for ensuring their proper use and protection. Employees shall not allow Agency records or non-record materials to leave the custody or control of the Agency, even on a temporary basis, other than as authorized by Agency policy and procedures (*e.g.*, teleworking purposes). Agency employees with approval to remove Agency records must adhere to the safeguarding procedures.

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### **Removal of Records with Supervisory Approval**

Records and non-record materials may not be removed from the Agency without proper authority and/or approval of the employee's supervisor.

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### **Tampering with Records**

The concealment, mutilation, obliteration, falsification, or unauthorized removal or destruction of federal records is against the law and may lead to a fine and/or up to three years imprisonment, and possible forfeiture of the employee's position and disqualification from holding any other federal office (18 U.S.C. § 2071(b)).

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### **Reporting Violations**

Employees are required to report any apparent instances of unauthorized disposition (*e.g.*, unlawful or accidental removal, defacing, alteration, or destruction of Agency records) to their immediate supervisor or, in the absence of the supervisor, to the next level of supervision.

The supervisor shall refer such reports with any pertinent comment to the PSA Records Manager, who shall make appropriate notifications to the PSA Director and Deputy Director.

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### **Protection of Vital Records**

The Agency's vital records are to be identified and maintained in accordance with the Agency's Continuity of Operations Program.

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## Records Scheduling and Disposition

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- Classification of Records** Records are classified as either permanent or temporary records.
- **Permanent Records.** These are sufficiently valuable for historical or other purposes to warrant continued preservation. The administrative record (that is, documentation of the development of approval) for Agency policies and procedures is an example of a permanent record.
  - **Temporary Records.** These records are used for Agency business for a fixed period of time or until the occurrence of a particular event. The time is identified in a records disposition schedule and may range from a few months to many years. For example, defendant supervision and treatment files have been assigned a disposition date of five years after the final disposition of the case. Most Agency records are temporary records.
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**Initiating a Schedule** Schedules are to be initiated by the responsible program official through a Standard Form 115, "Request for Records Disposition Authority," to be submitted to the CSOSA/PSA Records Manager for review and approval. The CSOSA/PSA Records Manager is responsible for submitting approved SF 115s to NARA.

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**General Records Schedules** NARA has issued General Records Schedules (GRS) for many administrative records common to most federal agencies. The disposition instructions in the GRS are mandatory and must be adhered to unless an exception is approved by the Archivist of the United States on an SF 115.

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**Disposition Instructions** The disposition instructions, provided in operating unit record schedules, are mandatory. Employees may not dispose of records prior to their authorized disposal date or retain them beyond that date. If a program official determines that records need to be retained longer than authorized by the schedule, the CSOSA/PSA Records Manager shall be contacted to obtain approval from NARA and, if necessary, to revise the schedule. Records whose authorized retention periods have expired therefore are to be promptly disposed of, usually by destruction.

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## Records Transfer

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**When to Transfer Records**

Records that are no longer needed in the office but which are not yet eligible for final disposition should be timely and systematically transferred to the Federal Records Center, if space does not permit on-site storage.

*NARA operates a network of Federal Records Centers for the storage of such records.*

All record transfers must be coordinated through the PSA Records Manager. Failure to adhere to transfer procedures may result in extensive re-boxing or return of the records from the Federal Records Center.

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**Retrieval of a Transferred Record**

Records transferred to the Federal Records Center remain the property of the Agency and may be retrieved by the CSOSA/PSA Records Manager or designee.

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**Ownership of Records**

All records created by contractors and interns performing work on behalf of the Agency belong to the PSA. This includes the records of contract staff working on the premises as well as external service providers.

Contracts should clearly state that ownership of records resides with PSA, and instructions regarding creation, management, access to the records created and the return of such records to the Agency.

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## Training

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### **Mandatory Training**

All staff must complete annual records management training. New employees must complete the training within 60 days of their arrival. Current employees who have not completed it are to do so within 180 days of the effective date of this Policy Statement. Mandatory refresher training will be required yearly.

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### **Elective Training**

Upon approval by a supervisor, staff given significant records management responsibilities may enroll for further records management training, including possible completion of NARA's Federal Records Management Training Certificate.

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