

PRESERVATION OF FEDERAL RECORDS

The Federal Records Act requires the Department of Energy (DOE) Records Officer to remind departing Federal and contractor employees that Federal records may not be removed from Government custody nor may they be destroyed except in accordance with a records disposition schedule that has been approved by the Archivist of the United States. The creation of adequate documentation and the preservation of Federal records are required by law and regulation (contained in 36 CFR Chapter XII). As Federal and contractor employees, you have Federal record-keeping responsibilities that are regulated by the National Archives and Records Administration (NARA) to ensure the retention and preservation of Federal records.

PURPOSE

The purpose of this brochure is to provide records exit procedures for Federal and contractor employees who are departing on a permanent basis or for an extended period of time for military, medical, or disability leave.

FEDERAL RECORDS

As defined by law, Federal records are documentary materials, regardless of physical form or characteristics, that meet the following two conditions:

- (1) Created or received by an agency of the U.S. Government or in connection with the transaction of public business, or that fall under the legal control of the Federal Government; and
- (2) Preserved or appropriate for preservation as evidence of agency activities or because of the value of the information they contain (44 U.S.C. 3301).

A record is any recorded information relating to the work of your office -- regardless of who created it or how the information was recorded. Records vary widely and may include paper and electronic documents such as letters, memoranda, completed forms, directives, and reports. Records are also in media such as photographs and e-mails. Significant decisions are often made orally, by telephone, and in conferences and meetings. Such decisions and associated deliberations should be documented and incorporated into official files. In addition, records created or received by DOE contractors may be Federal records subject to Government regulations.

RECORDS EXIT PROCEDURES

Prior to departure, you should:

- Identify all Federal records in your possession
- Reassign records to a records management custodian or another employee
- Identify personal papers and nonrecord copies for removal
- Turn in file cabinet keys, computer system passwords, and vault/restricted area combinations
- Certify that all Federal records have been identified and transferred to a records management custodian or reassigned to another employee

You Can't Take It With You

Federal records may not be removed from Government custody, nor may they be destroyed except in accordance with a records disposition schedule that has been approved by the Archivist of the United States. Penalties may be enforced for the unlawful removal or destruction of records. The maximum penalty for the willful and unlawful destruction, damage, or alienation of Federal records is three years in prison (18 USC 2071).

Materials such as extra copies of records kept solely for convenience of reference, library or museum materials, and stocks of publications and processed documents are excluded from the definition of "record" (44 U.S.C. 3301). These work-related materials, though excluded from the definition of "record," nevertheless belong to and are controlled by the Government and must not be removed unless approved by the organization's Program Records Official, Departmental Records Officer, or legal counsel.

FURTHER ASSISTANCE

If you need any further assistance regarding your records management responsibilities or the Department's records management exit procedures, please contact your organization's Program Records Official, Records Management Field Officer, Records Liaison Officer, or the Departmental Records Officer. The listing is available via <http://energy.gov/cio/contact-us/contacts-records-management> or contact the Departmental Records Officer, at 301-903-3455 or via e-mail at DOERM@hq.doe.gov.