ANNUAL RECORDS MANAGEMENT
TRAINING GUIDE

References:

(a)   SECNAVINST 5210.8E "Department of the Navy Records Management Program," 17 Dec 2015
(b)   SECNAV Manual 5210.1 "Department of the Navy Records Management Manual," Jan 2012 with Revision 1
(c)   Department of the Navy Chief Information Officer Memo "Acceptable use of Department of the Navy Information Technology," 12 Feb 2016
(d)   44 U. S. C., Chapters 29 and 33
(e)   18 U. S. C., □641
(f)   SECNAVINST 5000.37 "Provision of DON Documentary Material," 21 Sep 2009
(g)   MCO 5210.11F "Marine Corps Records Management Program," 07 Apr 2015
(h)   Office of Management and Budget/National Archives and Records Administration Memo "Managing Government Records Directive," 24 Aug 2012
(i)   DoD 5015.2-STD "Electronic Records Management Software Applications Design Criteria Standard," 25 Apr 2007
(j)   36 CFR 1236, Electronic Records Management
(k)   OPNAVINST 5210.20 Navy Records Management Program 21 Dec 2010

This guide fulfills the requirement that Department of the Navy (DON) personnel (military, government civilian and contractor) be reminded each year of their records management responsibilities. Navy personnel should see the note at the end of this document. Specifically, each person shall:

1.   Create, maintain, and properly preserve records.

DON personnel are required to create, maintain, and properly preserve records that document the Department's transaction of business and mission in wartime and peacetime. Federal records include all recorded information and provide evidence of the Department's organization, functions, policies, decisions, procedures, operations, and other activities.

Reference (a) delineates the authorities and responsibilities of the DON Records Management (RM) Program including electronic records management (ERM) and electronic information systems (EISs). Reference (b) is the authoritative source for departmental records management, disposition procedures, and disposition schedules. Both references are available at http://doni.daps.dla.mil/.

All Federal records must be managed throughout their life cycles according to their National Archives and Records Administration (NARA) approved records schedules or the NARA General Records Schedules, also per reference (b).

2.   Capture non-official email account records.

Use of personal or commercial email accounts for official business is only allowed in situations in which DoD email accounts are unavailable or when authorized due to operational requirement. Per enclosure (2) of reference (c), a user must submit a request

in writing and have it approved by a FO/GO/SES in the chain of command prior to use. The Services may provide additional guidance and requirements.

The following requirement applies in those cases when non-official accounts are used by necessity. Per □2911 of reference (d), DON personnel that create or send records using non-official email accounts must either copy their official email accounts in the original creation or transmission of records or forward complete copies to their official email accounts not more than 20 days after the original creation or transmission of the records.

See "Managing Email Records" below for more information.

3.   Identify records and distinguish records from non-record materials.

The official definition of a record is: "Records include all recorded information, 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; and does not include library and museum material made or acquired and preserved solely for reference or exhibition purposes or duplicate copies of records preserved only for convenience." (□3301 of reference (d), PL 113-187).

This definition contains two key points. First, records are recorded information, regardless of physical form or characteristics. Second, many of the reports, documents, briefings, and other items we create in our jobs are records because they provide evidence of a command's organization, functions, policies, decisions, procedures, operations, and other activities. Almost everything we create or receive is a Federal record that falls into one of these categories.

Command functions, activities, and administrative practices vary widely throughout the DON, and may cause uncertainty about what is, or is not a record. Fortunately, many records are already identified in reference (b). If there is uncertainty, a Navy or Secretariat command should contact its records manager/officer, legal counsel, or judge advocate for a determination of whether documentary materials are records. Marine Corps personnel should contact HQMC Records, Reports, Directives, and Forms Management (ARDB).

Non-records are informational materials that either do not meet the criteria of, or have been specifically excluded from coverage by the statutory definition. Excluded materials include extra copies of documents preserved only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit.

The Glossary of Terms in reference (b) (Appendix C) provides additional clarification of what constitutes a record or a non-record, and related terms.

4.   Identify personal papers and maintain them separately from Federal records.

Personal papers are not official records and must be stored separately. Personal papers are documentary materials of a private or non-public character that do not relate in any way

to, or have any effect upon, the conduct of DON business (e.g., personal correspondence or notes, personal journals or diaries).

5. **Refrain from destroying or otherwise removing records from Government custody, except as directed or allowed under authorized record schedules. Sanctions are imposed for the unlawful removal or destruction of Federal records.**

Under penalty of law, references (d) and (e), departmental personnel may not remove records from Government custody or destroy them, except as directed or allowed under authorized disposition instructions and schedules.

Only two emergency conditions warrant destruction of DON records without regard to statutory and regulatory requirements detailed in reference (b) (Part 1, paragraph 5). Either when hostile action by a foreign power appears imminent in a state or threatened state of war, and the agency determines that records retention is prejudicial to the interest of the United States or the space occupied is urgently needed for military purposes; or when records menace life, health, or property. Significant and specific conditions apply to these circumstances.

6. **Inform appropriate officials of any actual, impending, or threatened unlawful removal, alteration, or destruction of Federal records and the sanctions imposed for the unlawful removal or destruction of Federal records.**

DON personnel who suspect an actual, impending, or threatened unlawful removal, alteration or destruction of Federal records should notify their chain of command immediately. If the threat to records persists, notify the Navy Records Manager, DON Assistant for Administration (AA) Directives and Records Management Division (DRMD) at DON_RECORDS_MANAGEMENT@navy.mil or the USMC Records Manager, HQMC (ARDB) at HQMCREC-MGR@usmc.mil.

In addition to the actions specified above, the following topics are critical to ensuring that a command's records management program is compliant with applicable directives:

1. **Record Holds, Litigation, Investigations, Claims**

DON personnel may not destroy, discard, or delete any record or other documentary material that is subject to any type of hold or freeze or which may be reasonably foreseen to be related to ongoing litigation or investigation or unresolved claims for or against the Government, incomplete investigations, or exceptions taken by the Government Accountability Office or internal auditors.

This restriction applies to documents that may reasonably be expected to be part of litigation or an investigation. If there is any doubt about whether a specific item should be retained, retain it. For further information see reference (f).

2. **Records of Armed Conflict**

Commands are required to identify and manage armed conflict records per reference (b), Part V, Records of Armed Conflict and chapter 6 of reference (g) for Marine Corps, to ensure operations analysis and preservation of permanent records. Records previously

scheduled as temporary may have permanent historical value. For additional assistance, contact DON/AA DRMD or HQMC (ARDB), as appropriate.

3. Managing Email Records

Email is a record when it meets the definition of a Federal record and must be properly managed. Additional guidance is available in reference (a), reference (b), Part I, Section 17, and in reference (g).

Per reference (h), by 31 December 2016, Federal agencies will manage both permanent and temporary email records in an accessible electronic format. Email, with attachments and metadata, should be managed in electronic format throughout its life cycle.

In general, email records should be managed electronically in a records management application (RMA) per the retention rules for records of the same subject matter in other formats, as found in reference (b), except as modified by NARA's GRS 23 Item 7 (transitory files). Email records with a NARA-approved retention period of 180 days or less may reside on a command's email system provided it is not deleted, either manually or automatically, prior to the expiration of the retention period. Further details on email records and electronic records in general may be found in reference (a).

Based on recent events surrounding email accounts of senior Government officials, DON policy is to manage email of those senior officials designated as "Capstone" officials as permanent records not to be destroyed. Capstone officials include, at a minimum, the Secretary and Under Secretary of the Navy, the Chief and Vice Chief of Naval Operations, and the Commandant and Assistant Commandant of the Marine Corps. The Services and Secretariat may designate other officials as holding Capstone positions. DON/AA DRMD shall maintain the master list of Capstone officials for the Secretariat and Navy. HQMC (ARDB) shall maintain the master list for the Marine Corps. The DON is currently engaged in the process of identifying its Capstone officials.

DON business should be conducted on official DON email unless official accounts are unavailable and operational necessity requires use of unofficial accounts. Per enclosure (2) of reference (c), a user must submit a request in writing and have it approved by a FO/GO/SES in the chain of command prior to use. DON personnel who must transmit records on unofficial email accounts must either copy their official email accounts in the original transmission or forward complete copies to their official email accounts not more than 20 days after the original transmission. Furthermore, DON personnel may not transmit CUI or PII to personal or commercial email accounts in email that is not digitally signed and encrypted.

4. Electronic Records Management (ERM)

Electronic records, other than email may be stored in an RMA that complies with reference (i). Reference (g) addresses ERM in the Marine Corps. Reference (j) provides NARA ERM guidance.

Per reference (h), by 2016, Federal agencies will manage both permanent and temporary electronic records in accessible electronic formats. Electronic records should be maintained throughout their life cycle in electronic format. Electronic records managed in a DON-approved RMA should include the disposition and metadata information.

Note: Reference (k), paragraph 25, sub-paragraph (c) states that all Navy personnel (including military, government civilian, and contractor) shall complete the Navy Knowledge Online (NKO) course "*Records Management in the DON: Everyone's Responsibility* (DOR-RM-010)".