



OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
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WASHINGTON, DC 20301-9010

SEP - 9 2016

ADMINISTRATION

MEMORANDUM FOR UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
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ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Records of Departing Office of the Secretary of Defense Senior Officials and Personnel

The changing of administrations is a hallmark of American democracy. It is important for DoD officials to be familiar with policies and procedures for records management. To assure a clear understanding of these important rules, this memorandum outlines DoD and Office of the Secretary of Defense (OSD) policies regarding the management and retention of Federal records and information (see attachment).

DoD Components are required to protect Federal records and information from destruction or removal from Government custody in accordance with Federal law and DoD policy. **All Federal records created and/or received in connection with OSD business and operations are the property of OSD, to include official e-mail and DoD-registered social media accounts.**

The information and intellectual capital contained in DoD records are national assets and the foundation for decision making, mission planning and operations, personnel and veteran services, legal inquiries, business continuity, and preservation of U.S. and DoD history.

Questions about requirements and restrictions on the management of Federal records and information should be directed to Ms. Luz D. Ortiz, OSD Records Administrator, Chief, Records, Privacy and Declassification Division, Washington Headquarters Services, at (571) 372-0478 or whs.mc-alex.esd.mbx.records-and-declassification@mail.mil.

Michael L. Rhodes
Director

Attachment:
As stated

Management & Retention of Federal Records & Information

Federal records and information is defined as all recorded information made or received in connection with the transaction of public business. See 44 U.S.C. § 3301(a). Federal records and information must be maintained in accordance with records management laws and regulations. These regulations are included in OSD Administrative Instruction 15 (AI 15), the Office of the Secretary of Defense Records and Information Management Program, a copy of which is obtainable through your Component Records Management Officer (CRMO) or at <http://www.dtic.mil/whs/esd/rdd/recordsmgt.html>.

OSD Officials are not entitled to remove collections of Federal records and information in their possession, including e-mail, instant messages and social media as defined in 44 U.S.C. § 3301(a) under the term “recorded information.” **Official e-mail accounts are not considered personal files.** Additionally, if personal (non-DoD) e-mail accounts were used to conduct government business, OSD Officials are to ensure that a complete copy of these Federal records are forwarded to their official (government) e-mail account no later than 20 days after the original creation or receipt of the record in accordance with PL 113-187, Presidential Records and Federal Records Amendment Act, and DoD memorandum entitled “Use of Non-Official Electronic Messaging Accounts and Records Management,” dated April 6, 2016.

The removal of copies of Federal records and information from OSD custody is limited to the following two types of records: “Personal files” and “Previously Released Unclassified Non-record materials.”

“Personal files” are defined in 36 C.F.R. §1220.18 as records and information relating to an individual’s personal affairs and materials created before entering Government service. Examples include work-related personal files such as diaries, journals, notes, and personal calendars that DO NOT comment on and/or are not used in the transaction of agency business or files documenting political activities, personal and family matters, or social or civic activities.

“Previously Released Unclassified Non-record Materials” are defined in 44 U.S.C. § 3105 as extra copies of official records that are preserved only for ease of reference and whose release will not diminish the official record or impact the legal privileges of the Department. The emphasis here is on extra copies. Documents that contain the only annotations or comments that add to a proper understanding of the agency’s formulation or execution of basic policies, decisions, actions, or responsibilities are categorized as “Federal records.”

If the official desires to remove copies of Federal records and information, the official’s staff should consult with their CRMO, review Enclosure 5 of AI 15 and contact the OSD Records Administrator no less than 45 days prior to departure to address any questions relating to these matters. This allows time for the OSD Records Management staff to coordinate the review of materials and begin the process of archiving their records.

Procedures for seeking access to records and information originated, reviewed, signed, or received while serving in an official capacity are captured in AI 50. The Director of Administration is the appellate authority for decisions made pursuant to AI 15 based on his responsibilities for the OSD Records Management Program.

Classified records and information as well as classified non-record materials MAY NOT be removed from Government control, regardless of where the materials are stored, such as, those officials with an approved waiver to remove classified information to work at home. Access to and release of the classified information contained in these records remains under the sole control of the originating agency or its successor in function. Staff should ensure that all such materials are reviewed and properly sanitized. Materials are to be returned to the appropriate office for proper disposition in accordance with the OSD Records Disposition Schedule.

Additional guidance is provided by the National Archives and Records Administration via its web publication named "*Documenting Your Public Service*" at <http://www.archives.gov/records-mgmt/policy/documenting-your-public-service.html>.