The National Archives and Records Administration (NARA) requires Senior Agency Officials for Records Management (SAORM) to provide an annual report demonstrating how agencies are handling important records management initiatives as identified by NARA.

NARA uses the reports to determine the overall progress of the federal government in managing its records and the transition away from paper to digital formats, and to identify best practices and model solutions within federal agencies.

On June 28, 2019, the Office of Management and Budget and the National Archives issued a memorandum: *Transition to Electronic Records* (M-19-21) to ensure that all federal records are created, retained, and managed in electronic formats by December 31, 2022. On January 1, 2021, Congress enacted the Preservation of Electronic Messages and Other Records Act, amending 44 U.S.C. Chapter 29, that requires the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of 44 U.S.C. Chapter 33. This year's SAORM report provides an opportunity for agencies to report on plans and progress towards electronic records keeping and preservation under both these requirements, as well as other important records management initiatives.

The reporting period begins on January 10, 2022, and reports are due back to NARA no later than March 11, 2022.

NARA plans to post your 2021 SAORM report on the NARA website upon receipt. Please ensure that your agency's report is a publicly releasable version. This action is in the interest of transparency in government and to promote collaboration and communication among agencies. NARA intends to list any non-responding agencies in a summary report and on the website.

Instructions for Reporting:

- This template covers records management program developments towards the transition to electronic recordkeeping outlined in M-19-21 through December 31, 2021, and other aspects of agency records management programs.
- Please be brief and precise in your answers. Limit answers to each question to no more than 500 words.
- Please complete the questions/items below and send the report to rmselfassessment@nara.gov. Include the words "SAORM 2021 Annual Report - [Agency Name]" in the subject line of the email.

- If you are responsible for records management in multiple agencies, components, or bureaus, please determine how you will submit reports to NARA. While NARA prefers a comprehensive report, you may submit separate reports for each component.

Provide the following information (required):

- Name of SAORM: Arthur E. Gary
- Position title: Deputy Assistant Attorney General for Policy, Management, and Procurement
- Address: Justice Management Division (JMD)
                United States Department of Justice
                950 Pennsylvania Avenue, NW, Suite 1111
                Washington, D.C. 20530-0001

1. **What agencies, bureaus, components, or offices are covered by this report and your position as SAORM and which will be reporting separately?**

   Please provide a list, and also indicate any that are new or have been changed due to reorganization or other circumstances.

   - Offices, Boards, and Divisions as defined in 28 CFR § 0.1 *et seq.*
   - Bureau of Alcohol, Tobacco, Firearms, and Explosives
   - Bureau of Prisons
   - Drug Enforcement Administration
   - Executive Office for Immigration Review
   - Executive Office for United States Attorneys and United States Attorneys' Offices
   - Federal Bureau of Investigation
   - Office of Justice Programs
   - United States Marshals Service

2. **Has the COVID-19 pandemic impacted policies or practices related to records management at your agency?**

   X Yes
   ☐ No
   ☐ Do not know

   Please explain your response (include details of specific challenges, if applicable):
   In general, the pandemic has affected resources and onsite staffing, but also accelerated the move to electronic records. The Department, as a whole, has diverted significant time and resources to

addressing the COVID-19 pandemic and its consequences. This affects the resources available to conduct mission and administrative functions, including records and business operations. In terms of the move to electronic recordkeeping, the shift to mostly remote work has pushed more employees and contractors to use electronic tools which has resulted in increased electronic records creation and maintenance. It has also resulted in more focus on providing additional Records Management policy for electronic records at both the Department and Component levels.

This change to remote work has adversely affected components that work with paper records because of the lack of access to the Federal Records Centers (FRCs) and the inability to provide onsite staff for work specific to paper records. The closure of the FRCs has also hindered multiple components' ability to transfer, accession, and obtain reference request records. This includes obtaining records related to the work of the components, Freedom of Information Act (FOIA) and Privacy Act requests, and other requests for paper records in records centers. Notably, the U.S. Courts do not always permit electronic evidence which has resulted in some challenges for prosecutors who are unable to obtain paper records stored at FRC's. In some cases, components have had to delay or reschedule court hearings because of unfulfilled emergency requests.

For onsite work, many components have been unable to conduct or complete inventories of paper records to ensure compliance with the M-19-21 December 2022 deadline, and unable to conduct file requests and file returns of paper records due to the closure of the FRCs. In addition to compromising ongoing work and the ability to prepare for digitization, some components have been hindered from direct offers to the National Archives and declassifying documents that are eligible for transfer to the National Archives. Offices planning moves have also been affected by the delay in transferring physical records.

3. **Does your agency have an established information governance framework that integrates records management, data management, and other agency information lines of business? (This includes a relationship between CIO, CDO, SAORM, DRO/ARO, RM Staff, Security, Privacy Officers, and FOIA)**

   X Yes
   ☐ No
   ☐ Do not know

   Please provide details. If 'Yes,' provide details on how your RM program is integrated into this framework. If 'No' or 'Do not know,' please explain your response.
   The Department has designated the Senior Agency Official and a Department level Records Officer, as well as a network of designated Records Managers (RM) and Records Officers (RO) for each component and Bureau respectively. RM's and RO's are part of an overall Records and Information Management (RIM) Council that meets regularly. The SAORM and the Department's Records Officer meet regularly to discuss status and strategy.

   The SAORM works with the Department's Records Officer on the collaborative work undertaken by the Office of Records Management Policy, FOIA, and Ediscovery (ORMP), and the Department's CIO on policy as well as several joint initiatives related to electronic records management. ORMP actively participates in projects that include a RIM Modernization effort

directed at the enterprise move to Microsoft 365, RIMCertification, the acquisition and implementation of an electronic correspondence management system, the acquisition of ediscovery tools that relate to enhanced search, the Department level Data Governance efforts, and the Department's Information and Knowledge Management strategy.

4. Will your agency meet the goal to manage and preserve all permanent records in an electronic format with appropriate metadata by December 31, 2022? (M-19-21, 1.2)

X Yes
☐ No
☐ Do not know

Please explain your response (include specific goals, example metrics, and/or challenges):
In terms of the management of current and active information, all Department components are managing their records, both permanent and temporary, in electronic formats. Nonetheless, there are approximately 43 components of varying sizes, missions, and functions, in the Department of Justice. Not every component has digitized all of its paper information, nor has every component automated all aspects of the management of its electronic information. Rather, there are various states of progress and automated processes. These include components that manage all of their information electronically through the lifecycle with high levels of automation, components that are focused on digitization, components that have undertaken projects to update systems and services to meet the mandates, and components that manage electronic information through the lifecycle supported with multiple manual process to meet that requirement. In sum, the components work in electronic formats, capture and store in electronic formats, and have the ability to dispose of electronic records appropriately, albeit with some manual processes.

As important, components continue to engage in planning and implementing various approaches to managing electronic information with demonstrable progress. Using the Department's RIM Strategic Plan 2020-2023, ORMP has a defined strategy for moving forward to meet the mandates. This strategy includes digitization policy and guidance, the RIM Modernization Project which is aimed at identification and acquisition of technical tools, and a project to put a blanket purchase agreement in place (using the GSA Schedule) that can be used by any DOJ component to acquire RIM business services such as digitization, file plan development, inventories, scheduling, business process analysis, consultants for implementation of tools, and other needed business support to fully engage in implementation of automated tools for record keeping.

In summary, there is clear progress across the department on meeting the M-19-21 mandates.

Department Level RIM Projects

- **RIM Modernization**
  ORMP, with the Office of the Chief Information Officer (OCIO), established a collaborative team that includes representatives from OCIO, ORMP, and two litigating components of the Department, to develop a strategic management approach for DOJ electronic records. The approach is a governance model that provides for strategic and policy planning, coupled with operational management of electronic records that will enable the Department to meet legal and

mission needs while maximizing resources. To date, the team has defined electronic records management requirements, reviewed Microsoft 365 recordkeeping capabilities, conducted a market analysis of available tools that integrate with Microsoft 365 for enhanced RIM, completed a Concept of Operations, validated requirements, and made recommendations as to best available tools.

Phase two of this project will begin in the next few months and will involve planning for tool acquisition, and associated testing.

These efforts will be used to develop M365 and associated tools as a Records Management Service offering for the Department's components.

- **Policy Updates**
  ORMP revised or issued the following policies in this past year to enhance electronic recordkeeping policy for the Department:

  - 0801.00.01 DOJ Instruction, Microsoft 365 Tools and Applications
  - 0801.03.01 DOJ Instruction, Digitizing Department of Justice Information
  - 0801.04.04 DOJ Instruction, Records Closeout and Processing for Capstone Officials
  - 0801.05 DOJ Policy Statement, Tracking, Storage, and Disposition of Records
  - 0801.05.01 DOJ Instruction, Tracking and Disposition of Records
  - 0801.08 DOJ Policy Statement, Records and Information Management Training Requirements
  - Policy Memorandum 2022-1, Recording Department Meetings/Event Platforms
  - Standardized DOJ RIM Lexicon

- **RIM Processes**
  The Department has implemented or revised the following processes:
    - RIM Exit Checklist and Records Signing Official roles
    - OneDrive file plan

- **Data Governance**
  ORMP representatives actively participate in several Department Data Governance initiatives and groups. The Department Records Officer, ORMP Director, sits as a member of the Department's Data Governance Board. Additionally, ORMP staff are members of the Department's Data Architecture Working Group (DAWG). ORMP is leading the DAWG effort to develop Department-wide taxonomies and ontologies to improve communication among components related to Department data and information. ORMP is also participating in an additional subgroup to develop and implement metadata management templates, data lifecycle guidance, and data maturity model assessments, as well as the Department's Artificial Intelligence community of Interest.

- **2022 Deadline Project Plan, Success Criteria, and Targeted Resources**
  ORMP developed guidance for components that outlines a sample project plan and success criteria for meeting the 2022 deadlines. ORMP also provided component-level reports from the previous Department inventories that identify specific records collections that should be reviewed for designated actions (e.g. those with records potentially past disposition, those with records still being created in paper, unscheduled record collections). In addition, ORMP

worked with NARA to identify which old records schedules are still active and are either superseded or obsolete. With that information, ORMP provided each component with a list of its active records schedules requiring review for media neutral revisions to accommodate electronic recordkeeping. ORMP also created a decision tree resource to assist components in identifying what actions needed to be taken and in what order.

Components, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Executive Office for Immigration Review (EOIR), as well as other components, are actively using these resources and tools to make progress at the component level.

5. **Will your agency meet the goal to manage and preserve all <u>temporary</u> records in an electronic format by December 31, 2022? (M-19-21, 1.3)**

X Yes
☐ No
☐ Do not know

Please explain your response (include specific goals, example metrics, and/or challenges):
      See answer to Question 4 above.

6. **Does your agency have plans to submit to NARA a request for an exception to the M-19-21 requirements before December 31, 2022?**

X Yes
☐ No
☐ Do not know

Please explain your response. If 'Yes,' please include an estimate of when you plan to submit an exception and any relevant details. If 'No' or 'Do not know,' please explain your response.

The Department will submit one consolidated exception request that will address the needs of multiple components. ORMP made this decision after seeing the results of a data call to identify records that may need an exception request. After a review of the responses, ORMP gathered additional information from stakeholders to ensure that all issues were properly identified. The Department expects to submit the request for exceptions to NARA in April 2022.

7. **Is your agency utilizing the General Services Administration's Special Item Number for Electronic Records Management ([518210 ERM](#)) 6 to procure solutions to assist in transitioning to an Electronic Environment?**

X Yes
☐ No
☐ Do not know

Please explain your response. If 'Yes,' please include specific examples and how this will support

records management processes. If 'No' or 'Do not know,' please explain.

The Department is developing a blanket purchase agreement (BPA) on which any component of the Department will be able to write a statement of work/task order to procure services in support of Records Program business foundations. The Department will use the GSA schedule to identify and acquire the services of vendors on that schedule.

The Department's framework includes four program elements and identifies Business Foundations as a critical element. In DOJ Order 0801, Records and Information Management, at I.A.2, the Department defines business foundations as:

> Business Foundations. Defined business requirements and controls that support recordkeeping across all media throughout the records lifecycle. Business foundations include taxonomies, records inventories, file plans, retention schedules, and essential records plans, as well as the products of the DOJ Records Council and other groups that enhance communication and collaboration on RIM issues.

This BPA will provide a contracting vehicle for components to acquire experienced records services for these described foundational products; business consulting for process analysis, development and implementation; concept development, digitization projects, assistance with implementation of RIM Modernization tools, and other business support for the management of electronic records.

8. **Has your agency developed plans to meet the requirements of M-19-21, 1.3 to store temporary records in commercial storage facilities by December 31, 2022?***

X Yes
☐ No
☐ Do not know

*M-19-21, 1.3 includes closing of agency-operated storage facilities and no new transfers of paper records to the Federal Records Centers.

Please explain your response. If 'Yes,' provide details about the use of commercial storage and other changes related to storage. If 'No' or 'Do not know,' please explain.

Multiple components of the Department already use commercial storage facilities and there has been some preliminary analysis, of a more general nature, on various companies that provide commercial storage services. Because analysis of risks, costs, and benefits of the use of commercial storage facilities is a critical factor in the analysis of the digitization effort, the Department has established policy and instructions in the DOJ Digitization Policy Statement and Instruction on identifying storage costs to use in cost/benefit analyses.

9. **Do you, as the SAORM, see challenges within your agency in meeting the goal of fully-electronic recordkeeping?**

    X Yes
    ☐ No
    ☐ Do not know

    Please explain your response (include details of specific challenges, if applicable):

    There are multiple continuing challenges related to digital systems, services, and applications. First, many available tools do not include sufficient capabilities to meet recordkeeping requirements for electronic records. At the same time, the cycle of development continues to increase rapidly such that new or changed systems and applications occur in cycles of months rather than years. The result is that it becomes more and more difficult to assess, develop, implement, and adjust policy and processes to meet new capabilities.

    Second, the changing culture of increasingly informal communications coupled with the increase in the number and capabilities of real time communications applications (such as multiple different applications for text messaging, chat, and video communications) forces a continuous need to assess the challenges in capturing ephemeral messages that may be Federal Records. Most of the applications built for ephemeral communication are simply not designed for memorializing, capturing, or searching those communications. The result is that managing this type of ephemeral information becomes difficult, labor intensive, prone to gaps, and even when done well, not entirely reliable for format, content, or context.

    Finally, and perhaps most important, challenges continue to exist because agency often do not provide for sufficient funding and staffing to ensure business foundations and business readiness for the increasingly sophisticated tools on the market that purport to provide records management capabilities. As has historically been the case, the digital applications are only as good as how they are configured, and the business baselines and information structures on which they rest. Developing the necessary business tools, such as taxonomies, ontologies, inventories, schedules, file plans, and governance frameworks with deliberate and well thought out policy implementation and communications remains a crucial challenge.

10. **NARA is always working on ways we can make your role as the SAORM easier, improve how we interact with you and how you interact with each other. Do you have any suggestions?**

    X Yes
    ☐ No
    ☐ Do not know

    Please explain your response (include any comments on previous NARA SAORM engagements, topics for future engagements, or other suggestions):

    First, NARA should actively support more human and financial resources for agencies that

would enhance and support their need to build sufficient business foundations within agency records and information management programs. Without business readiness to meet the challenges of digital information, applications, systems, and services, records programs and their leaders cannot maximize the use of available technologies to manage their content. NARA's expertise and influence could significantly assist Congress and agencies to prioritize these resources.

In addition, in these years of global pandemic and its effect on all business functions, including record keeping for paper records, it is imperative that NARA extend the OMB/NARA mandated 2022 deadline for moving entirely to electronic recordkeeping The Department of Justice is moving rapidly toward the full-scale management of its electronic records. Nonetheless, because of the pandemic and the resulting interruptions, challenges associated with management of paper records (including simple access to stored content), complications associated with on or off site handling of paper records for digitization, and adjustments to staffing and resources have, and will continue, to affect critical projects that are foundational to meet the mandates of M-19-21.

In addition, it would be helpful for NARA to focus its guidance and support for agencies on the following:

- Approaches for funding records management programs and the management of digital information in the current environment of continuing agency budgetary cuts and reduced funding for Chief Information Officers and business offices that manage digital information.
- Specific, more practical, and realistically implementable approaches for managing messaging applications, such as text messaging and other forms of electronic messaging, that address the limitations on capture and management that are inherent in these communications tools.
- More concrete guidance on the appropriate management of social media information as it relates to records retention.
- Development or identification of automated tools that provide support for overarching records program management. NARA tends to focus its guidance on electronic recordkeeping tools that automate the management and capture of record content such as records and document management applications. Simply acquiring a records management or document management application, without management of the other elements of the records program, does not adequately support full-scale compliance with record keeping requirements.

The larger programmatic management issues include the need to push for funding and resources to support the business foundations for records management as well as for other types of tools that would assist records program management. Agencies need business consulting services and applications or software tools that:

- Support digital records requirements development and business process analysis and reengineering
- Facilitate the development of taxonomies and ontologies

- Automate and assist the development of file plans and inventories, as well as provide updated capabilities to keep them current
- Serve as repositories for records control schedules and inventories
- Automate and assist tracking Capstone Officials, titles, names and tenures, or tools that support the analysis and approval of systems, services, or applications that house records
- Shared drive clean up and deduplication applications that meet NARA standards