NATIONAL ARCHIVES

OFFICE *of the* CHIEF RECORDS OFFICER

Senior Agency Official for Records Management 2022 Annual Report

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 (OMB) and NARA issued a memorandum, *Transition to Electronic Records* (M-19-21), to ensure that all federal records are created, retained, and managed in electronic formats. M-19-21 gave agencies until the end of December 2022 to comply with several specific deadlines.

On December 23, 2022, OMB and NARA issued a new memorandum, *Update to Transition to Electronic Records* (M-23-07) reinforcing the goals in M-19-21 and extending the 2022 deadlines to June 30, 2024.

Additionally, 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 recordkeeping and preservation under these requirements, as well as other important records management initiatives.

The reporting period begins on January 9, 2023, and reports are due back to NARA no later than March 10, 2023.

NARA plans to post your 2022 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 on our website.

Instructions for Reporting:

- This template covers records management program developments, including those related to the transition to electronic recordkeeping as required by M-19-21 and M-23-07.
- 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 2022 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.

NARA may follow up with agencies to obtain additional information and/or documentation related to responses provided in the template.

As in previous years, we will be validating selected questions and responses from agencies. Your agency may be selected at random to provide additional documentation and/or take part in interviews to discuss your records management program activities.

Provide the following information (required):

- Name of SAORM: April Tabor
- Position title: Secretary of the Commission
- Address: 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580

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

   Federal Trade Commission

2. **In response to the COVID-19 pandemic, have any of the temporary adaptations to agency business processes become permanent improvements to the management and preservation of electronic records?**

   ☑ Yes
   ☐ No
   ☐ Not applicable, no adaptations were needed
   ☐ Do not know

   The agency's transition to remote work due to the COVID-19 pandemic required agency business processes to shift permanently from paper-based to fully electronic. In response to the increased creation and use of electronic records, the agency developed policies regarding the governance of electronically stored information.

3. **Has your agency taken action to meet the goal to manage, preserve and transfer all permanent records in an electronic format with appropriate metadata by June 30, 2024? (M-19-21, 1.2 and M-23-07, 1.1 and 1.2)**

   ☑ Yes
   ☐ No
   ☐ Do not know

   The agency continues to develop new records disposition schedules in the face of the NARA disposition freeze order. It also continues to incorporate NARA's transfer requirements for the transfer of permanent electronic records. The permanent electronic records that have been scheduled to date – e.g., certain inspector general records, Commissioner tweets, etc. – satisfy the transfer requirements, and agency staff are working with NARA to transfer these records to the National Archives. However, these records are a fraction of the agency's permanent electronic records, for which new schedules are being created. Given the agency's limited resources, and the NARA disposition freeze order, the agency does not expect that it will meet the M-19-21 goal by the June 2024 deadline.

4. **Has your agency taken action to meet the goal to manage and preserve all <u>temporary</u> records in an electronic format by June 30, 2024? (M-19-21, 1.3 and M-23-07, 1.3)**

   ☑ Yes
   ☐ No
   ☐ Do not know

   Similarly, the agency continues to develop new records disposition schedules in the face of the NARA disposition freeze order for its temporary records. Given the agency's limited resources, and the NARA disposition freeze order, the agency does not expect that it will meet the M-19-21 goal by the June 2024 deadline.

5. **Will your agency meet the requirements of M-19-21, 1.3 and M-23-07, 1.3 to close agency-operated records storage facilities and transfer inactive, temporary records to Federal Records Centers or commercial records storage facilities by June 30, 2024?**

   ☑ Yes
   ☐ No
   ☐ Not applicable, all records are in electronic format
   ☐ Do not know

   This requirement has been met. All temporary records for the agency are stored either in Federal Records Centers or commercial records storage facilities.

6. **Does your agency have policies and procedures that incorporate records management into the information governance (IG) framework for information, data, and other**

agency information management? (This includes a relationship between CIO, CDO, SAORM, DRO/ARO, Records Management (RM) Staff, Security, Privacy Officers, and FOIA)

Note: The incorporation of records management into information governance is part of the framework covered by OMB Federal Data Strategy - A Framework for Consistency (M-19-18) as it provides a vision for managing and using federal data, along with recordkeeping requirements included in OMB Circular A-130, Managing Information as a Strategic Resource.

☑ Yes
☐ No
☐ Do not know

In FY22, the agency approved a policy on governance of electronically stored information, which included email, and identified the relationship and roles of the CIO/CDO, SAORM, ARO, Records Management staff, security, SAOP, and FOIA. The policy requires the SAORM, GC, SAOP, CIO/CDO to work jointly to define and approve policies and procedures for Information Governance that maintain an active, continuing program for the economical and efficient management of the Commission's records. This policy supplements the agency's Records Management policy, which was updated in FY 21.

7. **Has your agency developed policies and procedures to ensure the capture and preservation of electronic messages, including when hardware or software is upgraded?**

Note: Electronic messages means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals. Electronic messages that satisfy the definition of a federal record under the Federal Records Act are electronic records. This includes email, text messages, chat messages, voicemail, social media posts, and other similar applications. (See: Email Management and CFR 1236: Electronic Records Management)

☑ Yes
☐ No
☐ Do not know

The agency has developed its policy for the governance of electronically stored information, which applies to email and chat messages, as well as a separate agency policy barring the use of text messages for agency business.

8. **Is your agency using or exploring cognitive technologies to identify records and distinguish between temporary and permanent retention?**

Note: Cognitive technologies generally describe automated technologies that can be applied to recordkeeping practices and procedures. These include Artificial Intelligence, Robotic Process Automation, Software Robot or Bot, and other machine learning technologies.

☑ Yes
☐ No
☐ Do not know

The Agency is exploring the use of Microsoft Purview for ediscovery. This is a type of cognitive technology and would assist with records retention.

9. Do you as SAORM regularly oversee and evaluate the effectiveness of your records management program and its compliance with statutes and regulations?

☑ Yes
☐ No
☐ Do not know

The agency's records management policy designates the SAORM with the responsibility for co-approving and updating Information Governance for Electronic Records policies and procedures with CIO after consulting with OGC and SAOP; ensuring the agency efficiently and appropriately complies with all applicable records and information management statutes, regulations, NARA policy, and OMB policy; working with appropriate officials to promote the FTC's RIM Program and ensure its successful implementation; providing the agency with a clear vision and strategic direction to modernize records management; ensuring adequate records management resources are embedded into the agency's Information Resources Management (IRM) Plan; providing adequate budgetary and personnel resources to implement an efficient and effective RIM Program; establishing, where appropriate, agency-level records management program offices to ensure adequate management of routine mission support functions;ensuring the designation of records management responsibilities in each program (mission area) and administrative area to ensure the incorporation of record-keeping requirements and records maintenance, storage, and disposition practices into agency programs, processes, systems, and procedures; ensuring agency staff are informed of and receive training on their records management responsibilities;issuing agency directives, policies, and initiatives supporting OMB and NARA Directive goals and subsequent guidance for transitioning towards a fully electronic government;ensuring agency compliance with NARA requirements for electronic records, including the electronic management of all permanent electronic records to the fullest extent possible for eventual transfer and accessioning by NARA; directing agency efforts across program areas to ensure email records are managed electronically and retained in an appropriate electronic information system that supports records management and litigation requirements, including the capability to identify, retrieve, and retain the records consistent with NARA-approved disposition authorities and regulatory exceptions; ensuring policies, procedures, and systems are in place and configured to protects records against unauthorized removal or loss; and directing the use of agency-wide records management internal controls, self-assessments, and remediation plans.

10. Is there specific policy or guidance you need from NARA to support the strategic direction of your records management program?

☐ Yes
☐ No
☐ Do not know

Additional records management guidance from NARA on electronic messages (specifically, chats and instant messages), ephemeral messaging applications, Teams channel messages and posts, and on email records management would be helpful. Also helpful would be updated guidance on the transfer requirements for social media that factors in recent changes to Twitter. In developing and issuing guidance, NARA should highlight FOIA and legal hold considerations and provide more examples applicable to litigation settings.

11. Do you have any suggestions for how NARA can better engage with you and your program in your role as SAORM?

☑ Yes
☐ No
☐ Do not know

Two suggestions are (1) to meet with SAORMs more than once per quarter; and (2) publishing upcoming plans for audits and assessments on the horizon