

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554  <b>FCC DIRECTIVE</b>	<b>TITLE</b>	
	FCC Records Management Program	
	<b>Directive Number:</b> <b>FCCINST 1110.3</b>	<b>Effective Date:</b> <b>March 2018</b>

- (1) PURPOSE. This directive sets forth the authorities, policies, and responsibilities for the Records Management Program at the Federal Communications Commission (FCC).
- (2) CANCELLATION. This directive supersedes FCCINST 1110.2 dated July 1, 2015.
- (3) SCOPE. This directive applies to headquarters and field units.
- (4) AUTHORITIES.
- a. Title 44 U.S.C. Section 3101 *et seq.* requires the head of each Federal agency to establish and maintain an active, continuing program for the economical and efficient management of all records of the agency.
  - b. US Government Accountability Office (GAO) Regulation, *Standards for Internal Control in Federal Government*. This guides the FCC in comprising the plans, methods, policies and procedures used for effective stewardship in safeguarding assets.
  - c. The National Archives and Records Administration (NARA) has an extensive set of regulations, policies and guidance statements which supports the implementation of the statutory mandate that every Federal agency must:
    - (1) Make and preserve records that contain adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities (44 U.S.C. § 3101).
    - (2) Establish and maintain an active, continuing program for the economical and efficient management of the records of the agency (44 U.S.C. § 3102).
    - (3) Establish safeguards against the removal or loss of records including making requirements and penalties known to agency officials and employees (44 U.S.C. § 3105).

- (4) Notify the Archivist of any actual, impending, or threatened unlawful removal or destruction of records and assisting in their recovery (44 U.S.C. § 3106).
- d Every Federal agency is legally required to manage its records as evidence of the agency's actions. Specific legal requirements for records management specified in OMB Circular No. A-130 (Revised) include:
- (1) Incorporate records management and archival functions into the design, development, and implementation of information systems, including providing for public access to records where required or appropriate.
  - (2) Protect government information commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information.
  - (3) In a timely fashion, establish, and obtain the approval of the Archivist of the United States for retention schedules for Federal records.
  - (4) Provide training and guidance as appropriate to all agency officials, employees, and contractors on their Federal records management responsibilities.
- e. The Managing Government Records Directive (Office of Management and Budget Memorandum 12-18) creates a framework and goals for a Federal government effort to achieve the benefits outlined in the Presidential Memorandum titled Managing Government Records.

(5) DEFINITIONS.

- a. Records: All information, regardless of medium or format, made or received by the FCC under Federal law or in connection with the transaction of public business, either preserved or appropriate for preservation because of their administrative, legal, fiscal or informational value.
- b. Recordkeeping System: A manual or electronic system that captures, organizes, and categorizes records to facilitate their preservation, retrieval, use, and disposition.
- c. Permanent Records: Those records that NARA appraises as having sufficient value to warrant continued preservation by the Federal Government as part of the National Archives of the United States, because the records have continuing value as documentation of the organization and functions of the

FCC or because the records document the nation's history by containing significant information.

- d. Temporary Records: Those records that are designated for either immediate disposal or for disposal after a specified period of time or an event, in accordance with a NARA-approved agency records schedule or the General Records Schedule. Temporary records may document business processes or document legal rights of the government or the public, document government accountability, or contain information of administrative or fiscal value. Depending on the type of record, the retention period may range from immediate destruction to many years.
- e. Unscheduled Records: Those records whose final disposition has not been approved by NARA. Unscheduled records are potentially permanent and must be treated as if they are permanent.
- f. Non-Record Materials: Federally owned informational materials that do not meet the statutory definition of records (44 U.S.C. § 3301) or that have otherwise been excluded from coverage. Excluded materials include extra copies of documents kept only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit.
- g. Personal Papers: Documentary materials of a private or nonpublic character that do not relate to, or have an effect upon, the conduct of agency business. Personal papers are excluded from the definition of Federal records and are not owned by the Government.
- h. Retention Period: The length of time that records must be kept.
- i. Appraisal: The process by which NARA determines the value and the final disposition of Federal records, designating them either temporary or permanent.
- j. Disposition: Those actions taken regarding records no longer needed for the conduct of the regular current business of the agency.

6. POLICY. The FCC will

- a. establish and maintain an active records management program for the economical and efficient management and release of its records.
- b. collaborate with NARA in applying standards, procedures, and techniques to improve the management of records, promote the maintenance of those records of continuing value, and facilitate the maintenance and disposal of temporary records.

- c. make reasonable efforts to maintain records in formats or media that are reproducible for purposes of the Freedom of Information Act.
- d. establish effective management controls over the creation, maintenance, and use of records in any medium, including paper and electronic media, throughout their life cycle.
- e. ensure that the records management program provides adequate and proper documentation of the FCC's activities and ensure records in any medium can be accessed as needed and authorized.
- f. ensure that records received or created by the FCC will be systematically identified, appraised, and their NARA-approved retention periods published in a records control schedule. Space devoted to records and information will be kept to a minimum by retiring or disposing of records according to the records control schedules, and through application of information technologies.
- g. ensure that vital records will be identified, protected, and secured in locations geographically separated from the original records in accordance with the policies in FCCINST 1111.1, FCC Vital Records Program.
- h. comply with all records management regulations and policies issued by NARA, including the provisions of all records control schedules approved and issued by NARA.
- i. ensure that the laws, regulations, and policies that apply to records and information maintained and used by the FCC also apply to FCC records and information maintained and used on FCC's behalf by FCC contractors. All records created by FCC contractors shall remain the property of the FCC and cannot be used except as explicitly authorized in writing by the FCC.

## 7. RESPONSIBILITIES.

- a. The Chairman of the FCC delegates to the Managing Director the responsibility to establish and maintain an active, continuing records management program for all FCC records.
- b. The Managing Director delegates to the Performance Evaluation and Records Management (PERM) the responsibility for the FCC's records management program. This includes responsibility for the preservation of records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the FCC which is designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the FCC's activities. Specific responsibilities include:

- (1) Developing procedures and processes to assure complete documentation and to facilitate retrieval, selection, and retention of records of continuing value, and disposition of non-record materials.
- (2) Assisting bureaus and offices in the scheduling of all records to facilitate prompt and systematic disposal of temporary records and to ensure retention of records of value.
- (3) Coordinating transfers of both textual and electronic records to and from off-site storage locations in compliance with procedures detailed in the separate Off-site Storage Procedures Guide.
- (4) Accessioning permanent records to NARA. Developing and implementing training to familiarize FCC staff with their records management responsibilities.
- (5) Serving as the FCC's Agency Records Officer, representing the FCC in records management meetings and negotiations with NARA, General Services Administration, Office of Management and Budget, Government Accounting Office, and other agencies, as well as commercial firms as appropriate.
- (6) Conducting annual reviews and evaluations of the FCC's records management program by making: (1) on-site inspections; (2) reviews of all Bureau/Office (B/O) records control schedules; and (3) reviews of B/O submissions of record holdings.

c. The Office of General Counsel is responsible for:

- (1) Providing legal advice and counsel on matters concerning records preservation and disposition.
- (2) Interpreting statutes, executive orders, and presidential memoranda affecting federal records management.
- (3) Reviewing interagency agreements between FCC and NARA for temporary storage of records in Federal Record Centers and commercial storage facilities.

d. Bureau/Office (B/O) Chiefs are responsible for:

- (1) Maintaining the integrity of records in the custody of their respective B/Os, whether physically located in FCC headquarters or field office installations.

- (2) Executing the elements of the records management program by establishing internal procedures for adhering to this directive, to NARA regulations, to GAO *Standards for Internal Control in the Federal Government* and to procedures established to administer the program and ensure staff observance of established guidelines. B/O management is responsible for designing their records management policies and procedures to fit their circumstances and building them in as a part of their operations.
- (3) Appointing a staff member from their B/O to act as a records liaison with the PERM staff.

## 8. GENERAL PROCEDURES

### a. Training

- (1) All new FCC employees and contractors are required to complete the agency's online records management training within 30 days of commencing employment at the FCC as part of the New Employees Orientation Learning Plan.
- (2) Refresher records training will be offered at the discretion of the Associate Managing Director - PERM.
- (3) B/O Records Liaisons will be provided with additional records management training to perform their duties. This training will be provided by NARA or the FCC Agency Records Officer (ARO).

### b. Scheduling Records

- (1) All groups of federal records created or maintained by the FCC will be scheduled with NARA as soon as practical. Federal records must be maintained and cannot be destroyed until a schedule for those records is approved by NARA.
- (2) General Record Schedules (GRS), developed by NARA, will be used by the FCC. Proposed records retention schedules that differ from a GRS require a justification from the B/O proposing the schedule as to why a different retention period is required for business purposes. Variations from the GRS must be approved by PERM and by NARA.
- (3) If a records group is not covered by a GRS, the B/O overseeing the records will work with the PERM staff to develop a schedule for records within that group. The ARO will submit the proposed schedule to NARA for review and approval. Records within that group may not be destroyed until the schedule is approved by NARA.

c. Maintaining Paper Records

- (1) Only paper records that are frequently accessed by FCC staff or the public should be maintained in office space or file rooms within headquarters or field locations. Due to the cost of commercial office space, alternatives to onsite paper file storage will be considered by B/Os where it is cost effective and does not disrupt normal business procedures. Such alternatives include scanning paper files to associate them with electronic databases or to house them on a shared-access drive on the FCC network.
- (2) Paper records that are not frequently accessed will be stored at an off-site records storage location (Federal Records Center or commercial storage facility) until the records are destroyed after their retention period (for temporary records) or are accessioned to the National Archives (for permanent records). Specific procedures for managing records located off-site are detailed in our separate off-site Storage Procedures Guide.
- (3) Federal records may not be removed from FCC premises by departing employees without approval from the ARO. Approval must be sought in writing by the employee wishing to remove the records.

d. Maintaining Electronic Records

- (1) Federal records that are in electronic form will be preserved by
  - a) collecting those records in a folder on the FCC network's shared drive with limited access permissions.
  - b) periodically copying records contained in FCC databases and information systems to NARA-approved backup media that will allow those records to be restored if needed or, if permanent records, transferred to NARA. In addition, permanent records must be in a format that meets the requirements of NARA Bulletin 2014-04, Revised Format Guidance for the Transfer of Permanent Electronic Records.
- (2) Electronic records residing in databases and information systems will follow the same retention schedules as similar paper records, under NARA's concept of media-neutral scheduling. Electronic records should only be maintained beyond their scheduled retention period for mission-essential business purposes.

e. Disposition of Records

- (1) Permanent records will be accessioned to the National Archives as soon as practical upon completion of the NARA-approved retention period for those records. At the time of accessioning, control of and responsibility for the records passes to NARA. Permanent records may be pre-accessioned to the National Archives prior to the end of the retention period; however responsibility for the records remains with the FCC.
- (2) Temporary paper records should be destroyed as soon as possible after the conclusion of their retention period, unless the B/O possessing the records must retain them for mission-essential business purposes, or a litigation or Congressional hold or a Freedom of Information Act request requires that the records be retained. Records should be disposed using the locked bins whose contents are shredded, or another method approved by the Security Operations Center.
- (3) Temporary electronic records should be deleted as soon as possible after the conclusion of their retention period, unless the B/O possessing the records must retain them for mission-essential business purposes, or a litigation or Congressional hold or a Freedom of Information Act request requires that the records be retained. Temporary electronic records stored on external media will be retained until the conclusion of their retention period, at which time the records will be erased or the storage medium destroyed in accordance with FCC Information Technology procedures.
- (4) Non-record materials, including personal papers, may be disposed of in regular trash or recycling containers when no longer needed.



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