

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FCC DIRECTIVE	TITLE	
	FCC Records Management Program	
	Directive Number: FCCINST 1110.4	Effective Date: April 2021

- (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 1110.3 dated March 2018.
- (3) SCOPE. This directive applies to employees, contractors, interns and other staff at headquarters and field units, as well as organizations maintaining records for the FCC.
- (4) AUTHORITIES.
- a. 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.
 - b. 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](#)).
- c. 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.
 - d. [Executive Order 13556 “Controlled Unclassified Information”](#) and [32 CFR Part 2002 – Controlled Unclassified Information \(CUI\)](#) requires Federal agencies use a standard designation that identifies unclassified information throughout the executive branch and requires safeguarding or dissemination controls, pursuant to and consistent with applicable law, regulations, and government-wide policies.
 - e. OMB M-19-21 “Transition to Electronic Records” directs all Federal agencies to ensure:
 - (1) All Federal records are created, retained, and managed in electronic formats, with appropriate metadata.
 - (2) All Federal records are consistent with records management laws and regulations, develop plans to close agency-operated storage facilities for paper and other, analog records, and transfer those records to Federal Records Centers operated by NARA or commercial storage facilities.

(5) DEFINITIONS.

- a. Appraisal: The process by which NARA determines the value and the final disposition of Federal records, designating them either temporary or permanent.

- b. Controlled Unclassified Information (CUI): Is information FCC creates or possesses, or that an entity creates or possesses for or on behalf of the FCC, that a law, regulation, or Government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls.
- c. CUI Categories and Subcategories: Types of information for which laws, regulations, or Government-wide policies require or permit agencies to exercise safeguarding or dissemination controls, and which the CUI Executive Agent has approved and listed in the CUI Registry. A CUI category may be specified, while some or all its subcategories may not be, and vice versa.
- d. CUI Marking: Markings alert holders to the presence of CUI and, when portion markings are used, identify the exact information or portion that needs protection. Markings can alert holders to any CUI dissemination and safeguarding controls. At a minimum all CUI will be marked at the top of all documents.
- e. CUI Registry: Identifies all approved FCC CUI categories and subcategories, provides general descriptions for each, identifies the basis for controls, establishes markings, and includes guidance on handling procedures.
- f. CUI Senior Agency Official (SAO): A senior official designated in writing by the FCC Chairperson and is responsible for the implementation of the CUI Program. The CUI Senior Agency Official is the primary point of contact for official correspondence, accountability reporting, and other matters of record between the FCC and NARA.
- g. Decontrol: Is the formal process to remove safeguarding or dissemination controls from CUI that no longer requires such controls.
- h. Disposition: Those actions taken regarding records no longer needed for the conduct of the regular current business of the agency.
- i. Handling: Is any use of CUI, including but not limited to marking, safeguarding, transporting, disseminating, re-using, and disposing of the information.
- j. 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.

- k. 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.
- l. 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.
- m. Public Release of CUI: Occurs when the FCC makes information that was originally designated as CUI available to the public through the agency's official public release processes, this includes information created or received by the FCC. Releasing information to an individual pursuant to the Privacy Act of 1974 does not automatically constitute public release.
- n. 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.
- o. Recordkeeping System: A manual or electronic system that captures, organizes, and categorizes records to facilitate their preservation, retrieval, use, and disposition.
- p. Retention Period: The length of time that records must be kept.
- q. Senior Agency Official for Records Management (SAORM): Acts on behalf of the Chairperson to efficiently and appropriately comply with all applicable records management statutes, regulations, NARA policy, OMB policy and provides strategic direction for the records management program.
- r. 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.
- s. 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.

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 creates the FCC's CUI Registry, provides adequate and proper documentation of the FCC's activities, including CUI markings, 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 essential records will be identified, protected, and secured in locations geographically separated from the original records in accordance with the policies in FCCINST 1111.2, FCC Essential 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. 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 Chairperson of the FCC delegates the authority and responsibility associated with the roles of Senior Agency Official for Records Management (SAORM) and CUI Senior Agency Official to the Managing Director.

- 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, processes and the FCC CUI Registry to assure complete documentation and accurate CUI marking and to facilitate retrieval, selection, and retention of records of continuing value, and disposition of non-record materials.

 - (2) Assisting bureaus and offices with proper marking of records based on the FCC CUI Registry and 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 and CUI Program Manager, 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 and CUI training within 30 days of commencing employment at the FCC as part of the New Employees Orientation Learning Plan.
- (2) Refresher training will occur annually.
- (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 or on behalf of 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 and organizations maintaining records on behalf of 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. Any records with a CUI designation will retain that designation unless it completes the process for public release or is identified for decontrolling.

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). To align with the requirements of M-19-21 by December 31, 2022, all records in Federal agencies will be managed electronically to the fullest extent possible. After December 31, 2022, all agencies will transfer permanent records to NARA in electronic formats and with appropriate metadata, in accordance with NARA regulations and transfer guidance¹, except where an agency has been granted an exception under procedures to be developed by NARA. Specific procedures for managing records

¹ See NARA [Bulletin 2015-04](#).

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 designated location the FCC network with limited access permissions.
 - b) periodically copying records contained in FCC databases and information systems to NARA acceptable electronic format that will allow those records to be restored if needed or, if permanent record 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.
- (3) Any records with a CUI designation will retain that designation unless it completes the process for public release or is identified for decontrolling.

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, to comply with 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 whether stored on the network or external media 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, to comply with litigation or Congressional hold or a Freedom of Information Act request requires that the records be retained. Non-record materials, including personal papers, may be disposed of in regular trash or recycling containers when no longer needed.

(9) EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately and shall be implemented promptly upon distribution.

Mark Stephens
Managing Director