



Records Management Guide for Exiting Political Appointees

1. What materials are federal records?

As defined in 44 U.S.C. 3301, federal records are documentary materials that include all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor. Records may be in any format including paper and digital; film, tape, disk, photos or other physical form. They may be generated manually or electronically.

2. What is an electronic message?

The Federal Records Act Amendments of 2014 (44 USC 2911) defines electronic messages as “electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals”. As defined in NARA Bulletin 2015- 02, electronic messaging (EM) includes all forms of email (electronic mail), texts, instant messages/chats, social media messaging systems, and voice message platforms.

USAID further defines electronic messaging systems as tools, platforms, applications, or other systems used to conduct official business. The table below (taken from NARA Bulletin 2015-02 and expanded to include Agency specific information) provides several examples of EM, but should not be considered a complete listing of all EM categories.

3. Are there federal documentary materials that do not qualify as records?

Materials such as extra copies of records kept solely for convenience of reference, library or museum materials, and stocks of publications are excluded from the definition of “record” (44 U.S.C. Chapter 33). These work-related materials, though excluded from the definition of “record,” nevertheless belong to and are controlled by the government (36 CFR 1222.34(f)) and must not be removed without proper approval from the appropriate records official. In addition, personal papers which are not related to USAID business do not constitute a federal record.

4. Under what circumstances may officials remove records and documentary materials from government custody?

Senior Officials and employees must not remove federal records from government custody without appropriate approval. Within agency guidelines, officials and employees may remove extra copies of records or other work-related, non-record materials when they leave the agency with the approval of the Agency Records/FOIA Officer or his/her designee. Examples:

- Convenience Copies
Examples: *duplicate copies of correspondence, directives or publications*
- Working papers*
Examples: *rough notes, calculations*

*Unless needed to support the decision trail; to understand the policy or transaction; or required in the records schedule

Copies of records that are national security classified, or that are otherwise exempt from disclosure under the Freedom of Information Act (FOIA) and Privacy Act must remain under the control of the agency.

Senior Officials and employees may remove certain documentary materials when they leave the agency without approval. Examples:

- Purely personal nature: e.g., family and personal correspondence and materials documenting professional activities and outside business;
- Extra copies of selected federal records, such as material you drafted, reviewed, or otherwise acted upon that are **readily available to the public** without a Freedom of Information Act (FOIA) request; and
- Copies of public affairs records such as news clippings and photographs taken at official functions and celebrations that are **already in the public domain**.

USAID may approve or disapprove requests to remove extra copies of federal records or other government-owned documentary materials which are not readily available to the public.

5. I substantially contributed to a body of work while working at USAID. Can I take those records when I depart?

Senior Officials and employees must not remove non-public federal records and other documentary material from government custody without approval, even if you substantially contributed to its creation. Contributions made while in an official government capacity become the property of the United States government. When you leave the government you become a member of the public and essentially, a release of a record to one is considered a release to all.

However, the Agency's Records/FOIA Officer or his/her designee can review the record(s) to make a determination about releasability and potential removal of federal records from the government in accordance with relevant statutes. Approval to remove non-public information will only be granted if the following conditions are met:

- Removal would not detract from or create a gap in the content of the official records;
- The materials, if made public, would not compromise or impede the agency mission;
- The materials do not contain national security classified information;
- The information removed is not subject to protection pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, or is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552;
- Disclosure of the information removed is not otherwise prohibited by law; and
- The cost to prepare and make copies for removal would not exceed normal administrative economies.

6. How must officials and employees maintain records and documentary materials to distinguish and separate the different types of materials?

Records are to be maintained in official agency record keeping systems so that they will be integrated, either physically or intellectually, with related records and remain accessible to all staff that may need them and to ensure safeguards from unauthorized deletion, destruction and/or disclosure.

Additionally, while the agency allows for de minimus personal use of agency systems, USAID Senior Officials and employees are encouraged to keep personal files separate from official agency record content. However, in cases where Senior Officials and employees intermingle personal and official files, the agency may need to review and approve the removal of personal materials to ensure that all agency policies are properly followed and agency record content is maintained.

7. What do officials and employees do with records and other documentary materials that are no longer needed?

When a record is no longer needed and has reached its retention requirement, it must be dispositioned in one of two ways – destruction or transfer – in accordance with the timeframe(s) prescribed in the mandatory file and disposition schedule found in [ADS 502: The USAID Records Management Program](#).

8. What do I need to do with my records before leaving USAID?

Any records that USAID employees create or receive during their employment are the property of USAID. It is the responsibility of every USAID employee to protect records in their custody. Per the Federal Records Act of 1950, as amended, USAID employees are reminded that official records may not be removed from government custody and may not be destroyed unless they have met the requirements of a records disposition schedule.

As part of the agency's exit clearance process, separating employees must complete the AID Form 502-2 – USAID Records Management Exit Checklist for Employees or [AID Form 502-3](#) for Senior Officials before separating from USAID. The Records Liaison Officer and supervisor must verify that records have been handled properly according to USAID's records management policies. This helps to ensure that all records and other documentary material created, received or maintained during the exiting employee's tenure remains in the Agency's custody upon separation and accessible.

Senior Officials and employees should delete and remove all personal material from the agency system prior to departure. Access to any records will be granted to a supervisor and/or successor on a need to know basis to ensure continuity of operations.

IMPORTANT NOTE: Senior Officials emails are permanent and must not be deleted except for personal emails which are narrowly construed.

9. What does an agency do if there is an unauthorized removal of records?

If an agency knows of any actual or potential threat to records (e.g., removal, alteration, or destruction), it must contact the National Archives and Records Administration (NARA), as required by 36 CFR 1228.104. NARA will assist the agency in contacting the Attorney General for the recovery of any unlawfully removed records. Such an incident may include reporting to the agency's legal counsel and the Office of Inspector General.

There are criminal penalties for the unlawful removal or destruction of Federal records (18 U.S.C. § 2071) and the unlawful disclosure of national security information (18 U.S.C. § § 793, 794, and 798), and other information exempt from disclosure under the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 522a) or other information restricted by law.

10. Is further information on this topic available within USAID?

Appendix A provides additional information about records management. You should contact your Bureau/Independent Office's Records Liaison Officer (RLO) for help. Additionally, you may contact your Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD) Records Information and Management Specialist (RIMS) with specific questions at recordsinquiry@usaid.gov.

Appendix A – Additional Records Management Help

[Documenting Your Public Service](#)

[ADS 502: The USAID Records Management Program](#)

[USAID Records Management Exit Checklists for Senior Officials](#)

USAID Records Management Brochure

USAID Freedom of Information Act Brochure

What is a Record Diagram

Records Management Infographic

Freedom of Information Infographic