


# ISSUING OFFICIAL SIGNATURE

(Part 2)

<b>APPROVAL RECORD</b> (Modified DI-228)	1. TYPE OF DOCUMENT <b>IARMM</b>	2. IDENTIFICATION NUMBER Chapter 2, Section 2.2
3. SUBJECT/TITLE <b>Recordkeeping Requirements, Creating/Receiving Records</b>		
4. SUMMARY OF DOCUMENT CONTENTS <b>Revisions to IARMM Section 2.2</b> <b>Replaces Chapter 2, Section 2.2, Issued 03-06-2009</b>		
5. RELEASE NUMBER AND DATE		
RELEASE NUMBER:	DATE SUBMITTED:	
15-25	10-16-2015	

6. ISSUING OFFICIAL SIGNATURE:	
	10/20/2015
Signed by: JOHN WHITE	

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**Indian Affairs Records Management  
Policy & Procedures Manual**

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**Effective Date: October 20, 2015**

**Chapter: 2 Recordkeeping Requirements**

**Section: 2.2 Creating/Receiving Records**

**Originating Office: Office of Trust Records**

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**2.2.1 Purpose.**

The purpose of this section is to establish policy and procedures for identifying a record, nonrecord material, and personal papers created or received during the course of business.

**2.2.2 Scope.**

The provisions of this section apply to Indian Affairs (IA) and the Office of the Special Trustee for American Indians (OST), hereafter referred to as “bureaus.” The provisions of this section also apply to all other Bureaus and Offices within the Department of the Interior (DOI) that create, use, and manage Indian Fiduciary Trust Records (IFTR), hereinafter referred to as “trust bureaus.”

**2.2.3 Authorities.**

**A. Statutes.**

1. 25 U.S.C., § 4001, The American Indian Trust Fund Management Reform Act of 1994, Public Law 103-412
2. 44 U.S.C., Chapter 31, Records Management by Federal Agencies

**B. Regulations.**

1. 36 CFR, Part 1222, Creation and Maintenance of Federal Records

**C. Guidance.**

1. 303 DM 6, Indian Fiduciary Trust Records (September 5, 2003)
2. 303 DM 2, Principles for Managing Indian Trust Assets (October 31, 2000)
3. 380 DM 2, Adequacy of Documentation (July 11, 1994)
4. 380 DM 1, Records Management Program and Responsibilities (October 7, 1993)

**2.2.4. Policy.**

**STATUTORY REQUIREMENTS**

- A. Bureaus shall apply the statutory definition of records by creating and preserving records that ensure adequate and proper documentation of business (44 USC 3101, 36 CFR 1222.10, 380 DM 2).

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**REGULATORY REQUIREMENTS**

- B. Bureaus shall ensure that complete and accurate records are made and retained in the federal government and distinguish between records and nonrecord material by applying the definition of records (36 CFR 1222.12(a)).
- C. Bureaus shall ensure that working files, such as preliminary drafts, notes, and other similar materials are maintained to ensure adequate and proper documentation (36 CFR 1222.12(c)).
- D. Bureaus shall identify multiple copies of the same document and documents containing duplicative information as records if they are used to conduct bureau business (36 CFR 1222.12(d)).
- E. Bureaus shall identify any nonrecord materials that do not meet the statutory definition of records (36 CFR 1222.14, 16).
- F. Bureaus shall approve the removal of nonrecord materials by departing bureau staff. Information which is restricted from release under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, or other statutes may not be removed from Government custody except as permitted under those statutes (36 CFR 1222.18).
- G. Bureaus shall clearly designate personal files and maintain them separately from the bureau's official records (36 CFR 1220.20).
- H. Bureaus shall administer contracts to safeguard records created, processed, or in the possession of a contractor or a non-federal entity (36 CFR 1222.32).

**GUIDANCE**

- I. Bureaus and trust bureaus shall document actions taken regarding the management and disposition of Indian trust assets (303 DM 2.7.I).
- J. Bureaus and trust bureaus shall ensure that all IFTR are properly identified by applying the Decision Tree located in the 303 DM 6 (303 DM 6.6.C).
- K. Bureaus shall ensure bureau staff creates records needed to carry out their duties and distinguish records from nonrecord materials (380 DM 1.8).

**2.2.5 Objectives.**

- A. Identify a record, nonrecord material, and personal papers.
- B. Understand that the first stage of the records life cycle management, the creation phase, begins with the creation or receipt of a record.
- C. Ensure mission related records created and/or received in the performance of program activities are properly maintained.

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**2.2.6 Responsibilities.**

- A. Office of Trust Records (OTR). OTR shall develop, update, and disseminate the Indian Affairs Records Management Manual (IARMM) as policy and procedural guidance for the creation and receipt of records.
- B. Bureaus. Bureaus, including all offices and programs under its jurisdiction, shall create and/or receive records that document programmatic and administrative functions and activities.

**2.2.7 Procedures.**

Creation/Receipt of Records. To establish and maintain an effective and efficient recordkeeping system, bureaus shall identify documents as records, nonrecords, or personal papers and manage them accordingly.

A. Record.

- 1. A document or recorded information is a record if it meets one of the following criteria:
  - a. The document or recorded information was created or received by the bureau under Federal law or in connection with the transaction of business and preserved, or is appropriate for preservation, as evidenced by the bureau's organization, functions, policies, decisions, procedures, operations, or other activities, or because of the informational value contained in the document(s).
  - b. The document or recorded information fulfills regulatory recordkeeping requirements specific to programmatic mission.
  - c. The document or recorded information memorializes business transactions that involve decisions, events, performance, and significant program and financial information.
  - d. The document or recorded information is created or received by an office that does not exist elsewhere.
  - e. The document or record information has been determined as a record using the "Is it a Record?" decision tree, (Appendix A).
- 2. Management of Record Material.
  - a. Working Files. Bureaus shall identify working files and similar materials as records that must be maintained to ensure adequate and proper documentation if:
    - i. They were circulated or made available to bureau staff, other than the creator, for official purposes, such as approval, comment, action, recommendation, follow-up, or to communicate bureau business.

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- ii. They contain unique information, such as substantive annotations or comments to articulate the bureaus' policies, decisions, actions, or responsibilities.
  - b. Multiple Copies. Bureaus shall identify multiple copies as records when they are used to conduct bureau business or they contain unique information, such as substantive annotations or comments to articulate the bureaus' policies, decisions, actions, or responsibilities.
  - c. Federal Contractor Records. Bureaus shall use the following guidelines when administering contracts:
    - i. Federal contractors shall create and maintain records that document activities pursuant to the government contract.
    - ii. Bureaus shall collaborate with the OTR to provide records management training to ensure all recordkeeping needs are met.
    - iii. All records created for Government use or delivered to, or under the legal control of, the Government must be managed in accordance with federal law.
    - iv. Electronic records and background electronic data specific for delivery to the contracting bureau must be accompanied by sufficient technical documentation to permit compatibility, understanding and use of the records and data.
- B. Nonrecord.
  - 1. A document is nonrecord if it is excluded from the legal definition of record or does not meet definition requirements. Nonrecord materials may include:
    - a. Informational copies of correspondence, directives, forms, and other documents on which no administrative action is recorded or taken.
    - b. Routing slips and transmittal sheets that add no information to what is contained in the material transmitted.
    - c. Tickler, follow-up, or suspense copies of correspondence provided they are extra copies of the originals.
    - d. Duplicate copies of documents maintained in the same file.
    - e. Extra copies of documents, printed or processed, for which complete record sets exist. Processed documents are documents, other than publications, produced by electrostatic, stencil, or other duplicating methods. For example, copies of current and superseded manuals and handbooks kept for reference and created by another office.
    - f. Catalogs, trade journals, and other publications that are received from other Government agencies, commercial firms, or private institutions and require no action and are not relied upon for action taken.
    - g. Physical exhibits, artifacts, and other material objects lacking evidential value.

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2. Management of Nonrecord Material. Bureaus shall use the following guidelines to manage nonrecord materials:
    - a. Minimize the volume of material.
    - b. Arrange by subject, source type, title, or number.
    - c. Index, if necessary, by subject name, title, or author.
    - d. Save electronic, technical, reference files in a separate directory that serves as a "virtual library."
    - e. Store in folders, binders, boxes, bookcases, or shelves.
    - f. Treat nonrecord material as a record when uncertain whether it meets the definition of record or nonrecord material. Contact OTR for guidance.
    - g. Designate and separate nonrecord material from bureau records.
  3. Removal and Destructions of Nonrecord Material.
    - a. Bureau staff departing their employment shall identify nonrecord material for removal. Personally identifiable information must not be removed from employment premises. Contact Privacy Act Officer for guidance.
    - b. Bureaus shall comply with IARMM Chapter 4.1.
- C. Personal Papers.
1. A document is a personal paper if it belongs to an individual and is not used to conduct bureau business. Personal papers do not meet the definition of a record and are not owned by the Government. Personal papers may include:
    - a. Documents not related to bureau business (e.g., files relating to political activities, personal and family matters, or social or civic activities).
    - b. Documents indirectly related to bureau business but outside the scope of the definition of records (i.e., not used to conduct Government business).
    - c. Documents accumulated by an individual before employment with the Federal Government that are not later used to conduct Government business. Documents may include previous work files and reference files.
    - d. Documents brought into or accumulated in an office that are not used to conduct bureau business and that relate solely to an individual's family matters, outside business pursuits, professional activities, or private political associations. Documents may include family and personal correspondence, volunteer and community service records, literature from professional organizations, and manuscripts and drafts of articles and books.
    - e. Documents, such as diaries, journals, notes, personal calendars, and appointment schedules, that are not prepared, received, or used to transact official Government business.

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2. Bureaus shall manage personal papers using the following guidelines:
  - a. Designate and separate personal papers from bureau records.
  - b. Identify and treat a document as an official record when personal matters and bureau business is received in a single document. A copy must be made with the personal information deleted or redacted.
  - c. Identify and treat a document/folder labeled "personal," "confidential," "private," or similar designation, as a record when used to conduct bureau business.

**2.2.8 Appendix.**

- A. "Is it a Record?" Decision Tree.

**Is it a Record?**

