

PART 2033 - RECORDS

Subpart A - Management of Rural Development Records

TABLE OF CONTENTS

<u>Sec.</u>		<u>Page</u>
2033.1	Purpose.	3
2033.2	Definitions.	3
2033.3	Authority and Responsibilities.	9
	(a) Authority.	9
	(b) Federal Regulations and Directives.	10
	(c) Responsibilities.	10
2033.4	[Reserved]	10
2033.5	Record Types.	10
	(a) Official Records.	10
	(b) Unofficial Records/Non-record Material.	16
2033.6	Records Creation, Filing, Maintenance, and Disposition.	16
	(a) Creation.	16
	(b) Filing.	18
	(c) Special Considerations.	19
	(d) Disposition Requirements.	21
	(e) Central File Unit (CFU).	23
Exhibit A	Administrative Records Retention Schedule (General Records Schedule).	
Exhibit B	RD Records Retention Schedules.	

oOo

PART 2033 - RECORDS

Subpart A - Management of Rural Development Records

§ 2033.1 Purpose.

(a) This Instruction prescribes:

(1) Records management policies and procedures for all Rural Development (RD) Offices, regardless of location.

(2) The guidelines for managing records administered by the RD Mission Area.

(3) Records management procedures for all records regardless of format.

(4) Incident procedures and recovery of records effort in event of flood, fire, or natural disaster.

(a)

(5) The requirement to transition all records to an electronic format.

(6) The requirement to eliminate Agency-operated records storage facilities and transfer inactive, temporary records to Federal Records Centers (FRC) or commercial records storage facilities by June 30, 2024, in accordance with "[OMB M-19-21, Transition to Electronic Records](#)" and "[OMB M-23-07](#)" and "[Update to Transition to Electronic Records](#)."

(b) This Instruction does not provide the maintenance of Official Personnel and Employee Performance folders. These folders are subject to the Office of Personnel Management's Regulations and "[The Guide to Personnel Recordkeeping](#)," and will be the responsibility of the Director, RD Office of Human Resources.

(c) All questions or concerns regarding this Instruction or any other records management matters should be referred to the Records Management Branch (RMB) by sending an email to RD.Records@usda.gov.

§ 2033.2 Definitions.

Active Records. Active records can be either program or administrative in nature. Active program records include all communications and documents relating to loans and grants that have outstanding balances, unliquidated obligations, outstanding legal obligations, or are "cutoff". Active administrative records are those records used at least once per year or records of transactions not yet concluded.

Administrative Records. General correspondence and administrative files regarding the administrative functions of day-to-day operations and administrative functions regarding each program. Refer to the appropriate Records Retention Schedules referenced in Exhibit B of this Instruction for official retention requirements.

Agency Records Retention Schedule. Program Records Retention Schedules developed by RD program subject matter experts under the guidance of the RMB. The National Archives and Records Administrative (NARA) approves and provides the disposition authority.

Applicant. Any person or legally organized entity seeking RD program assistance through written or electronic application.

Archives and Records Centers Information System (ARCIS). ARCIS is the web-based IT system of the FRCs of NARA. The system is the online portal through which RD does business with the FRCs.

Block. One or more chronological segments of cutoff (i.e. closed) records that are in the same series and are dealt with as a unit for disposition purposes.

Case folder. The one or more file folders, envelope packets, mailing tubes, or other filing devices containing the total cumulative official records concerning an applicant/borrower. A case folder can also be a collection of electronic files maintained in the Electronic Customer Folder (ECF), or other database/data warehouse, or online application. If the records in the case folder originate in an electronic format, then the electronic file is considered the official file. Do **not** print electronically filed records to create a hard copy official record. All documents that require physical notarization must be kept in a hard copy format. The term case folder, throughout this instruction, covers both hard copy and electronic records.

- (1) The initial case folder contains the records needed for routine underwriting, processing and servicing of borrower and grantee accounts.
- (2) A continuation case folder is an additional folder begun when

necessary to hold infrequently used records or to provide for an increased volume of material.

Charge-off. The writing off of a debt and termination of collection activity without release of personal liability.

Charge-out. When physical records are transferred from one office to another, a Records Transmittal and Receipt Inventory (spreadsheet) must be maintained showing location of the record. The spreadsheet should include the record name, where it was sent, date sent, and date returned (if temporarily transferred). If the record is not returned within 30 days, a follow-up must be conducted. Form RD 2033-2, "Charge-Out," is suggested, but not mandatory, to use as a place holder for the file shelf space, until the file is returned.

Closed Case Folder. One or more electronic or hard copy folder(s) for a loan or grant where an obligation no longer exists due to being classified as paid-in-full, or otherwise satisfied, and there is no unresolved legal action pending with RD.

Controlled Unclassified Information (CUI). Sensitive information that laws, Federal Regulations, or Federal Government-wide policies require or permit executive branch agencies to protect. The CUI Program was created by [Executive Order 13556](#) and established standards and best practices built on existing agency policies and programs to replace the legacy of inconsistencies in safeguarding and handling sensitive information. CUI supersedes previous markings, including Sensitive but Unclassified (SBU) and Sensitive Security Information (SSI). Personally Identifiable Information (defined below) is a category of CUI.

Cutoff. The time when a record is no longer active because the grant or loan case folder is closed. The cutoff status "starts the clock" to satisfy the retention requirements, as set forth in the Records Retention Schedule, as approved by NARA.

Disposal Authority. Legal approval from NARA empowering a Federal Agency to dispose of eligible temporary records or transfer temporary records to the FRC and transfer the custody of permanent records to the National Archives.

Electronic Customer File (ECF). A cloud-based web application developed to provide robust document storage and retrieval for all RD program areas. ECF is a secure repository for RD electronic records that maintains administrative and program records resulting from documents that have been scanned or from established RD automated applications.

Electronic Records. Any record that is created, used, maintained,

transmitted, or disposed of in electronic form. Such records may be stored in computer memory or removable media. Electronic records are also referred to as machine-readable records because they require machine processing for conversion to human-readable form. Examples of these types of records include those stored on magnetic tapes, disks and drums, video files, optical disks, external hard drives, Government issued cellular telephones, thumb drives, web servers, the Cloud or any other current or future technology.

Essential Records. Records that are needed to meet operational responsibilities under National Security emergencies or other emergency conditions (emergency operation records) or to protect the legal and financial rights of the Federal Government and those affected by government activities (legal and financial rights records).

Federal Records Center (FRC). A facility for the low-cost storage and servicing of paper records pending their disposal or transfer to the National Archives.

Field Office. Includes Area, Sub-Area, and Satellite offices.

File Break/File Cutoff. Breaking or ending files at regular intervals, usually at the close of a fiscal or calendar year, to permit their disposal or transfer in complete blocks and for correspondence files, to permit the establishment of new files. The cutoff can also be determined by an action or an event. Cutoff for borrower files would be when the loan and or grant is satisfied.

Filing System. A system that organizes records based on where the reporting requirement appears in the Code of Federal Regulations (CFR) or the RD Instruction system (if a regulation does not exist for that item). Each document is filed by the subject to which it relates and is based on the parts in the CFR or RD Instructions. These parts usually include the following parts/series: 1600, 1700, 1800, 1900, 2000, 3000, 4000 and 5000.

Freedom of Information Act (FOIA). A Federal [law](#) that allows for the full or partial disclosure of previously unreleased information and documents controlled by the [United States Government](#). The FOIA defines Federal Agency records subject to disclosure, outlines mandatory disclosure procedures and grants nine exemptions to the statute for nondisclosure, see 5 U.S.C. § 552.

General Records Schedules (GRS). Records retention and disposal schedules developed and issued by NARA to provide disposition authority for records common to all Federal Agencies.

Good Standing. Borrower account is in a non-delinquent status and the borrower is compliant with all required servicing actions.

Hard Copy. Media in a physical representation of information. Paper printouts, printer and facsimile ribbons, drums, and platen are all examples of hard copy media.

Historical Records. Documents that mark major decisions or significant events or transactions in a program, agency or the RD mission area, that aid in the understanding of the background or purpose of important decisions or agency actions, in the same way that legislative history informs legislation. Historical Records are a subset of Official Records.

Inactive Records. Records that are no longer required in the day-to-day operations of the office and therefore may be sent to an appropriate onsite records storage area, when applicable, or transferred to the FRC.

Litigation Hold. A process of freezing the disposition on all records, regardless of media, involved in litigation or foreseeable litigation. Records MUST be preserved in their native format for the duration of the litigation hold. When the case is settled and a release is received from the Office of General Counsel (OGC), the RMB will advise offices holding records involved so that arrangements can be made to apply the appropriate disposition. Some litigation hold records may become permanent records while others will be eligible for destruction at some point in time.

Naming Conventions. A systematical way to name files using standard terminology in a consistent and logical manner.

National Archives and Records Administration (NARA). A Federal Agency that holds permanent hard copy and electronic records and issues disposal authorities through the GRS for administrative records and through agency specific Records Retention Schedules for program records. NARA is also the facility where permanent records are located after being accessioned by an archival agency.

Non-record Material. Informational type material made or acquired for convenient reference purposes consisting of reader files, extra copies of documents, reference publications in the format of books, pamphlets, and factsheets, commercial advertising matter, rough drafts, personal papers, or any similar material maintained solely for the user's benefit.

Official Records. Documents prepared, received, or processed which indicate the policies, procedures, decisions, and essential transactions in conducting RD business. Official records can be either hard copy or electronic.

Operational Files. Obsolete term. Refer to Administrative Records.

Personally Identifiable Information (PII). Information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context. Such information includes, but is not limited to, names, identification numbers, symbols, or other information assigned to an individual, as well as financial medical, criminal or, employment information. PII is a category of CUI, defined above.

Position Filing. A method of filing functionally related records in a predetermined position within a file folder, extended folders, or electronic filing system, if the file is large.

Recapture. Recapture policy requires borrowers to repay some, or all the subsidy received over the life of the loan or grant. A loan or grant is not considered paid in full for the purposes of calculating the cutoff until the recapture has been fully paid.

Recipient. Any legally organized borrower, grantee, or cooperator.

Records. Includes all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government 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 as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Federal Government or because of the informational value of data in them.

Records Disposition. Removal and destruction as wastepaper or by shredding, deleting, or other suitable disposal methods of records of all media types, exceeding established retention periods. (Note: destruction methods must not compromise the confidentiality of information contained in the records.)

Records Inventory. The physical inventory, measured in cubic foot volume, of all official records maintained in an office. For electronic records, the saved data inventory is measured in bytes.

Records Management. The planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of Agency operations.

Retention Period. The period which must elapse before records are destroyed by RD or FRC or transferred to NARA for historical purposes.

Security Instruments. The originals of any document or record which provide evidence of indebtedness or obligation to RD. Security instruments typically have original wet signatures and seals. Also called Debt Instruments.

Social Media. Electronic sources, such as but not limited to Twitter, Instagram, Facebook, Tumblr, YouTube, online blogs, forums, etc., which are used to publish/communicate information.

Table of Contents/Processing Checklist. These two terms are used interchangeably and refer to an optionally designed State Office index form used in (physical) borrower case folders to assist in identifying the exact location of a specific record. This information may be represented differently in electronic system applications.

Temporary Folder. A substitute folder placed in the hard copy files during the prolonged absence of a regularly maintained case folder to hold records accumulated during the interim period. (Note: Temporary folders should be frequently reviewed to preclude the loss or misplacement of the official case folder.)

§ 2033.3 Authority and Responsibilities.

(a) Authority.

(1) The statutory authority for the management of Federal records is the Federal Records Act (44 §§ U.S.C. 3101-3102), and records management authority is delegated to the General Counsel under 7 C.F.R. § 2.31(d).

(2) Authorities requiring the Records Management Program are:

(i) 18 U.S.C. § 2071 (Concealment, removal, or mutilation of records);

(ii) 18 U.S.C. § 641 (Public money, property, or records);

(iii) 18 U.S.C. § 793 (Gathering, transmitting, or losing defense information);

(iv) 18 U.S.C. § 798 (Disclosure of classified information);

(v) 44 U.S.C. Chapter 21 (NARA);

- (vi) 44 U.S.C. Chapter 22 (Presidential records);
- (vii) 44 U.S.C. Chapter 29 (Records management by the Archivist of the United States and the Administrator of General Services);
- (viii) 44 U.S.C. Chapter 31 (Records management by Federal Agencies);
- (ix) 44 U.S.C. Chapter 33 (Disposal of records);
- (x) 44 U.S.C. Chapter 35 (Coordination of Federal information);
- (xi) 36 C.F.R. § 1220.12 (NARA's records management responsibilities);
- (xii) 36 C.F.R. § 1222.18 (Removal of non-record materials);
- (xiii) 36 C.F.R. § 1222.24 (Removal of records);
- (xiv) 36 C.F.R. Chapter XII, Subchapter B (Records Management);
- (xv) 36 C.F.R. § 1223 (Managing vital records);
- (xvi) 36 C.F.R. § 1234 (Facility standards for records storage facilities);
- (xvii) Departmental Regulation (DR) 3080-001, Records Management;
- (xix) DR 3085-001, Vital [Essential] Records Management Program;
- (xx) DR 3090-001, Litigation Retention Policy for Documentary Materials Including Electronically Stored Information;
- (xxi) DR 3099-001, Records Management Policy for Departing Employees, Contractors, Volunteers and Political Appointees;
- (xxii) National Institute of Standards and Technology (NIST) Special Publications 800-53 and 800-6;

(b) Federal Regulations and Directives. Federal laws and regulations, including but not limited to the references above, require RD to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Agency. These authorities ensure that the legal and financial rights of the Federal Government and persons directly affected by RD activities are protected.

(c) Responsibilities. As prescribed below, the following offices/employees have specific responsibilities.

(1) National Office, Records and Information Management Division (RIMD), RMB.

(i) Administer and oversee the RD records management program for all of RD.

(ii) Conduct assessments of the RD records management program to determine the effectiveness and compliance with this Instruction.

(iii) Provide training to RD staff on the requirements of this Instruction, as appropriate.

(iv) Serve as Records Liaisons and provide technical oversight to Records Custodians and other staff at the National, State and Field offices.

(2) National Office Agencies, Office of the Under Secretary, Business Center Offices, Innovation Center, Office of External Affairs, Office of the Chief Risk Officer, and Office of Civil Rights.

(i) Administrators, Executive Leadership, and Division Directors are responsible for maintaining adequate documentation of all official actions.

(ii) The Executive Leader for each organization shall designate one primary and one alternate Records Custodian for their respective organization.

(3) State and Field Offices.

- (i) State Directors, Deputy State Directors, Program Directors, and Managers are responsible for maintaining adequate documentation of all official actions.
 - (ii) The State Director or Deputy State Director shall designate one primary and one alternate Records Custodian for their respective state location.
 - (iii) Each State and Field Office is responsible for transferring to and retrieving records from Federal Records Centers (FRC).
 - (iv) Disposition of eligible records. Refer to § 2033.6(d) (2) below for further details.
- (4) Records Custodians.
- (i) Maintain a working knowledge of the program areas that the records support.
 - (ii) Serve as a point of contact and coordinate records management matters between the RMB Records Liaison and the State Director, Deputy State Director, Program Directors, and program staff.
 - (iii) Process requests for records transfers to and retrievals from FRCs through ARCIS.
 - (iv) Ensure that records subject to a Litigation Hold are preserved in their native format.
 - (v) Coordinate the disposition of State and Field Office records in accordance with records schedules. Refer to § 2033.6 below for further details.
 - (vi) Oversee and provide guidance during records inventories.
 - (vii) Notify the RMB Records Liaison of any unscheduled records.
 - (viii) Complete Records Management training as specified by the RMB on its [SharePoint site](#).
 - (ix) Coordinate with the Finance Office to ensure compliance with all requirements relating to debt instruments, as outlined in [RD Instruction 2018-E](#).

(2) RD Employees.

(i) Are responsible for the creation, maintenance and disposition of records, as detailed in this Instruction.

(ii) Are responsible for completing Records Management training, as prescribed by the Department and the RMB.

(3) Senior Officials and Presidential/Political Appointees (including those acting in these capacities).

(i) Maintain permanent records created while conducting their official duties representing RD, including speeches and public events.

(ii) It is mandatory to document all activities conducted in the course of their official duties in their Outlook calendar, attaching all relevant documents to the calendar event. This includes any and all interactions with members of the public relating to official RD business.

(iii) Account for any records that may be considered Presidential or historical records.

(4) New Employees. Within 90 calendar days of onboarding, all employees must be briefed by a RMB Records Liaison regarding their records management responsibilities.

(5) Separating Employees.

(i) All separating employees must submit an [AD-3001](#) Documentary Materials Removal/ Non-Removal Certification and Non-Disclosure Agreement one week prior to their departure from RD to their designated Records Liaison.

(ii) Employees cannot remove official records from RD custody under any circumstances.

(iii) Non-Record materials can only be removed with the authorization of their supervisor, Office of the General Counsel (OGC), and the RIMD.

§ 2033.4 [Reserved]

§ 2033.5 Record Types.

(a) Official records.

(1) Hard copy or electronic but are preferred in electronic format.

(2) All documents prepared, received, or processed which indicate the policies, procedures, decisions, and essential transactions in conducting RD business.

(3) Official records are divided into the following categories:

(i) Program records.

(A) The National Office program management will determine which medium of the record is the official record so that multiple copies in different mediums are not being retained unnecessarily.

(B) Program records include case folders on applicants and borrowers, and Essential Records.

(C) Until RD conducts business completely by electronic means, this Instruction will cover the creation, maintenance/use, and disposition needed for both hard copy and electronic files.

(1) Case folder for an applicant/borrower.

(i) Maintained by the program or office having primary responsibility for processing and servicing a specific type of program assistance.

(ii) This requirement does not preclude the necessary programmatic interchange of case folders and information between the various office levels and OGC.

(iii) The responsible program or office supervisor shall ensure that the official case folder contains ALL information concerning an applicant/borrower.

(iv) Case folders that are managed electronically will be based on an established classification structure in ECF.

(2) Security Instruments require maximum protection at all times by being filed in a lockable file cabinet except when in actual use. They include, but are not limited to, the following items:

- (i) Promissory notes, whether original, consolidation, reimbursement, renewal, or substitute;
- (ii) Reamortization Agreements;
- (iii) Modification Agreements;
- (iv) Loan Agreements;
- (v) Combination Loan/Grant Agreements;
- (vi) Loan and Security Agreements;
- (vii) Mortgages, whether original, consolidated, restated, or supplemental;
- (viii) Guarantees;
- (ix) Letters of Credit;
- (x) Stock Certificates;
- (xi) Assumption Agreements;
- (xii) Accelerated Repayment Agreements;
- (xiii) Grant Agreements;
- (xiv) Bonds;
- (xv) Charged-off Notes (see RD Instructions 1956-B or 1956-C);
- (xvi) Loss Claim Documentation;
- (xvii) Cost Voucher Documents (see RD Instruction 2024-A);
- (xviii) Subsidy Repayment Agreements; and

(xix) Used and unused receipt books, (legacy records only) (Form RD 451-1, Acknowledgment of Cash Payment).

(i) Administrative Records.

(A) Office files maintained for the functional management of general program, fiscal, personnel, and administrative operations.

(B) The retention requirements for these records are normally covered under the General Records Schedule (GRS), published by NARA for similar administrative records across the government.

(C) See Exhibit A for common records managed within RD.

(D) See the complete GRS for all administrative records.

(ii) Presidential and Political Appointee/High-Level Official Records.

(A) Records created by Presidential and Political Appointees contain records that are considered permanent records, documenting the history of actions of the Agency during their term and/or in the capacity of "Acting."

(B) These records include but are not limited to their calendars, speeches, and talking points.

(C) For guidance whether a particular appointee meets this requirement, contact OGC.

(iii) Regulative records.

(A) Regulations, instructions, procedures, and similar directive type material issued by the National Office, State Office, the Finance Office, the Servicing Office, or other Federal, State, or local regulative source.

(B) Procedures for filing, maintenance, and disposition of this type of material are usually contained within the specific publication including RD Instructions 2006-A, and 2006-B.

(C) Regulative records often fall under permanent records retention requirements.

(iv) Capstone Email Approach.

(A) Rural Development follows the Departmental Capstone Approach in managing its electronic mail. Microsoft Outlook accounts will be configured based on the position of the account holder. Senior officials, including those acting in such positions, will have their email categorized as permanent and automatically retained for transfer to NARA in 15 years.

(B) All other employees will have their email categorized as temporary and retained for seven years.

(b) Unofficial records/non-record material.

(1) Information type material made or acquired for convenient reference purposes consisting of:

(i) Reader files;

(ii) Untouched or unannotated extra copies of documents;

(iii) Reference publications in the format of books, pamphlets, and factsheets;

(iv) Commercial advertising matter;

(v) Rough drafts;

(vi) Personal papers; and

(vii) Any similar material maintained solely for the user's benefit.

(2) Such material will not be made a part of the official files and may be disposed of when no longer necessary.

§ 2033.6 Records Creation, Filing, Special Considerations, and Disposition.

(a) Creation. Official records are created, received or acted upon as part of day-to-day agency related transactions, regardless if the transaction is an administrative or program function or in a hardcopy or electronic form.

How to Determine the Appropriate Filing Method

<p>If a document is <u>created in an electronic format</u>:</p>	<p>Then the official document for the Agency remains in electronic format.</p> <p><i>It is acceptable to print off working documents from the electronic systems, however it is important to destroy the working documents as soon as you are done. The official record is that which is retained in the systems.</i></p>
<p>If the document is <u>created in paper format and an ECF classification structure exists</u>:</p>	<p>Then scan the document into the ECF, file under the correct classification, and then properly dispose of the original paper after a minimum of 30 days and not longer than 90 days.</p> <p>(Original paper files containing a wet signature(s) must be retained in paper.)</p>
<p>If the document is <u>created in paper format and an ECF classification structure does not exist</u>:</p>	<p>Then consult with the Technology Office to establish a classification structure in ECF and scan the records into the system. Until ECF is ready, retain the document in its original format.</p>
<p>If the document is created in paper format and there is a Litigation Hold:</p>	<p>Then retain the document in its original format.</p>

(1) File Folders.

(i) Administrative Folders.

(A) Administrative records should be created and saved in electronic format to the greatest extent possible. Electronic files will be maintained/managed in ECF or in an organized and retrievable manner with the appropriate level of security access commensurate with the type of information being retained.

(B) Legacy hard copy folders should be organized using position filing, divider sheets to separate by fiscal year (FY), by office designation, or any other method to arrange material for ease in record usage and disposition.

(ii) Applicant/Recipient Case Folders.

(A) Applicant/Recipient case folders should be created and saved in electronic format to the greatest extent possible. Electronic records will be maintained/managed in ECF or in an organized and retrievable manner with the appropriate level of security access commensurate with the type of information being retained.

(B) Legacy hard-copy records should be organized using four-position and eight-position applicant/borrower case folders.

(2) Use four-position folders for operating-type credit-only borrowers.

(3) Use eight-position folders for real estate and organization-type borrowers.

(b) Filing. National Division/Program, State, and/or Field Offices will create general guidance on how file systems should be structured and identify the person(s) responsible for a particular group of records.

(1) Electronic files should be maintained in ECF and/or official electronic system(s) in a systematic approach.

(2) Each office will maintain a directory of its file locations/file structure/layout, and a copy of this directory will be included with the office's Contingency/Disaster Plan.

(3) Legacy hard copy files containing CUI, including PII, should be maintained in a secure cabinet or file room with either locking cabinets or a locked door when not in use.

(4) Electronic records containing CUI, including PII, shall have the protections necessary to ensure the security of the information shall be housed and maintained in ECF or other official USDA system that has:

- (i) An approved authority to operate;
- (ii) Appropriate access controls in place with audit logging;
- (iii) Encrypted and password protected; and
- (iv) Access granted on a need-to-know basis that has been appropriately approved.

(5) Other protections may be required as supplemented and updated by National Institute of Standards and Technology (NIST) Special Publications.

(6) Electronic Naming Conventions. Offices must develop naming conventions for electronic files with the guidance and approval of the RMB.

(7) Electronic Systems. Electronic systems developed by the Technology Office must comply with all records management requirements of 36 C.F.R. Part 1236. All systems must be approved by the RMB prior to implementation or decommissioning.

(c) Special Considerations.

(1) Presidential/Political Appointee and Senior Executive Service (SES) Permanent Records. Presidential/Political Appointees and SES positions must maintain and preserve all permanent records they create in the capacity of representing RD, such as calendars, speeches, talking points, ribbon cutting and other public events.

- (i) This includes but is not limited to those acting in the capacity of any of the above specified positions.
- (ii) It is mandatory to include materials relevant to the calendar event in one place as attachments to the Outlook calendar.

(2) Withholding documents. Withholding documents or records from the official files is prohibited. Any exception to this policy requires consultation with OGC.

(3) Removal or transfer. Removal or transfer of official records from RD custody is prohibited except as expressly provided for in this Instruction, or in accordance with Departmental approval obtained incident to a specific removal or transfer action. Records transmitted to OGC for programmatic review and approval are considered to be within RD custody.

(4) Unauthorized Treatment of Records. Safeguard records until they are authorized for disposition.

(i) The unauthorized removal, concealment, falsification, mutilation, and/or disposition of official records is prohibited by law and is subject to penalty under 18 U.S.C. § 2071.

(ii) Immediately report any apparent or suspected instances of unauthorized disposition to the RMB, immediate supervisor, and the office Records Custodian.

(5) Loss, Theft, Damage, Destruction, and Deletion of Records.

(i) Immediately report any loss, theft, damage, deletion, or destruction of official records by fire, water, vandalism, civil disorder, cyber-attack, or other disruptive situation to the RMB Records Liaison; Security, Safety and Emergency Management Division; immediate supervisor; and the office's Records Custodian.

(ii) Inadvertent or deliberate deletion of electronic records must be immediately reported to the RMB Records Liaison, immediate supervisor, and the office's Records Custodian.

(iii) Inadvertent or deliberate deletion of social media posts or comments from members of the public must be immediately reported to the RMB Records Liaison, the Office of External Affairs, immediate supervisor, and the office's Records Custodian.

(iv) Once lost, damaged, deleted, or destroyed records are discovered, the office must coordinate with the RMB Records Liaison for immediate mitigation measures. If appropriate, the RD Records Officer shall report the loss, theft, damage, deletion, and/or destruction of records and mitigation efforts to NARA.

(6) Public Access to Records. Procedures governing the availability of official records for public access and use are prescribed in RD Instructions [2018-F](#) and [2015-E](#), as may be amended by FOIA case law and precedent.

(i) Employees are expected to be familiar with the restrictions of these Instructions in order to avoid violation of procedures.

(ii) Requested records must be retained until the request is fully processed even though the established retention requirements may have been met.

(7) Litigation Hold. Litigation Holds impose a freeze on all records involved. The records must be preserved in their native format and kept secure until the Litigation Hold is lifted by OGC. Records under litigation hold may be stored at FRCs or approved commercial storage facilities.

(8) Records Used Remotely. No hard copy official records are to leave the RD office of custody. All records should be accessed through the employee's work-issued laptop by LincPass or other current official Personal Identity Verification (PIV) method.

(9) Removing CUI from the workplace. In general, CUI, including PII, shall not be removed from a USDA workplace. The removal of CUI from the workplace or alternate worksite(s), regardless of the form, without prior written consent is strictly prohibited. In the rare event that an employee must remove CUI, programs shall ensure that:

(i) Written authorization from the RD manager, supervisor, designee, or other authorized Senior Official is received,

(ii) Audit logging of the extraction/removal of the CUI is well documented, and

(iii) All CUI must be transported in accordance with the [PII physical transport guidance](#).

(10) Usage of personal devices and accounts for official business. Using a personal electronic device for official USDA business is strongly discouraged. If an employee creates Official Records on their personal device or with a non-USDA email account, these records must be sent to the employee's official email account within 20 days. See 44 U.S.C. 2911(a), Public Law 113-187, and NARA Bulletin 2015-02.

(d) Disposition Requirements.

(1) Determining Disposition. The approved designated Records Retention Schedule (separate Records Retention Schedule for each program and a General Records Retention Schedule for administrative type records) is used to determine whether a record is temporary or permanent; can be transferred to the FRC or destroyed; or whether the custody needs to be turned over to NARA (permanent records) for preservation. When a new program is created or an existing program is revised, the records created are considered permanent and disposition cannot be applied until they are scheduled.

(2) Annual Records Schedule Review and Rescheduling. Offices are encouraged to review their records schedules on an annual basis to ensure they are meeting their retention requirements. If offices need to change retention periods, modify records descriptions, or if the content and function of the records have changed, the records will need to be rescheduled with guidance and approval from the RD Records Officer.

(3) Annual Review of Inactive Records. At a minimum, it is mandatory that an annual records clean-up be conducted to maintain integrity of the records management program. These guidelines should be followed:

(i) Records eligible for disposition must be removed from active use status.

(ii) Records that are removed from active use status must be transferred to an FRC, stored in approved commercial storage facilities, or scanned.

(ii) Newly created records storage facilities and bulk records storage rooms are not permissible.

(iv) Existing inactive records storage spaces should be phased out and any records contained therein must be dispositioned.

(v) During the annual review, records that have met their retention requirements, and not subject to a litigation hold or active FOIA request, may be disposed of with RMB approval.

(vi) Supervisors responsible for official borrower case files shall ensure that all appropriate offices are notified prior to disposition.

(vii) Offices must scan inactive hard copy records or transfer them to the FRC or an approved commercial storage facility.

(4) Transfer of Records. To transfer hardcopy records to the FRC, they must be under an approved records retention schedule, not be subject to an active FOIA request, and must have at least one year of retention remaining.

(i) State, Area, and National Offices must coordinate the transfer process with their Records Custodian and RMB Records Liaison.

(ii) The office having custody of the records will submit a Box List to the Records Liaison using the RMB-approved template. The RMB Records Liaison will notify the Records Custodian when the FRC has approved the transfer.

(5) Retrieval of Transferred Records. Records may be retrieved from the FRC by submitting Records Retrieval Template to the Records Liaison in accordance with the [Standard Operating Procedure Retrieve Records from the Federal Records Center](#).

(6) Disposal of Records. Official records may not be disposed of without prior written approval of the RMB Records Liaison. When an office determines that it has records which may be eligible for disposal, that office must submit a Disposition Application to the RMB Records Liaison using the approved template. The RMB Records Liaison will review the application, check for any litigation holds or FOIA/Privacy Act requests, and enter all records approved for disposal on the RMB's Disposition Log. Once an office receives approval for disposal, that office must ensure all eligible records are fully disposed of in a timely manner.

(i) Dispose of eligible hard copy records as trash, provided the records do not contain any CUI data, including PII. It is suggested to recycle when possible.

(ii) Dispose of records that contain CUI data, including PII, such as official borrower case folders. Offices must use a method which will ensure complete obliteration of such information, in accordance with the latest NIST guidelines. Offices should contact the RMB, RD Privacy Officer, and RD Chief Information Security Officer (for electronic records) to ensure compliance with the most current standards.

(iii) For records stored at an FRC, the FRC will notify the RMB when records are eligible for disposal. The RMB will then seek concurrence from the office of primary responsibility.

(e) Central File Unit (CFU). The CFU is a temporary staging area that supports records management activities at the National Office in Washington, DC. Support is also provided to assist with scanning projects for all state and area offices nationwide. The primary CFU activities include sorting, filing, tracking inventory, scanning, and preparing records for shipment to NARA or an FRC.

Attachments: Exhibits A and B

oOo

General Records Schedules

The Archivist of the United States issues the General Records Schedules (GRS) to provide disposition authority for records common to several or all agencies of the Federal Government. These schedules authorize agencies, after specified periods of time, to either destroy temporary records or transfer permanent records to the National Archives of the United States (NARA).

The GRS is a living document and is continuously edited and refined.

The latest version of the GRS can be accessed on NARA's website at <https://www.archives.gov/records-mgmt/grs>.

If you have any questions about applying the GRS to your records, contact the RMB at RD.Records@usda.gov.

oOo

RD Records Retention Schedules (Records Control Schedules)

Records Retention Schedules (also known as Records Control Schedules) are developed by RD program subject matter experts and approved by NARA, which provides the disposition authority and stores the approved schedules on its site. These schedules authorize agencies, after specified periods of time, to either destroy temporary records or transfer permanent records to NARA.

RD's Records Control Schedules are periodically updated.

The RMB maintains condensed, user-friendly versions of the RD Records Retention Schedules on its SharePoint site at <https://usdagcc.sharepoint.com/sites/RD-BC-EO-RIMD>

The official versions of each RD Records Retention Schedule can be found by searching NARA's website: <https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-agriculture>

If you have any questions about applying the RD Records Retention Schedules to your records, contact the RMB at RD.Records@usda.gov.

oOo