

FDMS Recordkeeping FAQ for Federal Agencies
National Archives and Records Administration
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1. What is NARA's role in the implementation of FDMS?

NARA provides oversight and guidance to Federal agencies and records management programs to assure that they effectively create and preserve evidence essential to document the rights of citizens, the actions of Federal officials, and the National experience. In regards to electronic records management and FDMS, NARA is focused on all aspects of electronic records management and the implications of compliance with Section 207(e) of the e-Gov Act of 2002. Throughout the agency implementation of records management within FDMS, NARA will work with agency records officers and other agency staff to ensure that all rulemaking records created and received are properly appraised and scheduled in a manner that preserves and protects the electronic docket records and provides continued access to them for as long as needed. NARA participated in the development of records management requirements within FDMS to ensure that the system was DoD 5015.2 compliant and could maintain electronic records that meet NARA requirements. NARA's goal is to help agencies develop an electronic system that provided the flexibility for agencies to create, manage and maintain records for as long as necessary to support their business needs and to ensure appropriate disposition.

2. What are Federal agency recordkeeping responsibilities for records in FDMS?

The Federal Docket Management System (FDMS) will be used by Federal agencies to manage their electronic rulemaking and non-rulemaking dockets. Although this is a centralized Government-wide docket management system and records repository, Federal agencies using FDMS are responsible for creating, maintaining and properly managing their own records within the system.

As agencies implement full electronic records management functionality, it is crucial that they understand they may need to take special precautions to ensure the integrity of their records in FDMS. This FAQ outlines the general records management requirements:

- Ensure that agency staff does not delete active dockets or final documents. FDMS, as configured for records management functionality, will allow certain FDMS agency roles to delete docket and document files. Agencies will assign the various FDMS user roles and responsibilities during their configuration meetings with the PMO prior to implementing FDMS in their agency.

For agencies that are moving from a paper-based rulemaking system to the electronic FDMS, ensure that your agency's written policies, procedures, and business rules regarding the agency's rulemaking work process and the records created by that work process are updated to provide for an easy transition into the records management functionality of FDMS. Agencies that are moving from their own electronic docket system to FDMS generally will have taken this action when the agency-unique electronic docket system was implemented. If not, you should do so at

this time. This review is usually accomplished in partnership with IT staff and program managers and their staff. For more information, agency rulemaking (docket) personnel should consult their agency records officer. NARA appraisal staff will work with the agency records officer to address records management issues associated with FDMS implementation.

3. Why must Federal agencies have policies and procedures for FDMS records?

Policies and procedures will allow for the right records to be selected and retained in accordance with each agency's business needs. When agencies convert from a paper-based recordkeeping system to FDMS, some (or many) of their work processes relating to creation, receipt, maintenance, and management of the records in the rulemaking dockets will change or need to be explicitly addressed in new business rules so that appropriate records are captured and managed. Your agency's records officer is able to provide specific information and assistance regarding Federal recordkeeping requirements.

Each participating agency should ask and answer the following questions:

- Has the agency's rulemaking work process changed significantly in the conversion from paper-based recordkeeping to electronic recordkeeping? Are the changes documented in new or revised agency policies, procedures, and business rules, and are they available to all agency staff, who will use the system?
- Are the agency's records appropriately maintained in FDMS to meet business needs, protect the rights of citizens and the government, and assure public accountability?
- Do the electronic records maintained by the agency in FDMS represent the entire rulemaking process from start to finish, or do they represent only part of the process, or just the final products? Are policies and business rules in place to manage all of the rulemaking records?
- Do you know what is the NARA-approved disposition authority for the paper records? In many agencies, rulemaking dockets are permanent records that will eventually become part of the National Archives of the United States. If you don't know, contact your agency's records management officer for specific information and assistance.
- Do the FDMS records require different cut-off and storage requirements than the paper records that have been previously scheduled? NARA prefers for agencies to transfer permanent electronic records to the National Archives much sooner than paper records are normally transferred.
- How long must the electronic records in the FDMS be kept in order to meet the agency's business needs?

4. How do Federal agencies determine an appropriate disposition for FDMS records?

Determining the appropriate disposition of an agency's FDMS records is a joint effort between the agency and NARA. Within the agency, the agency records officer will work with the agency rulemaking staff and other agency stakeholders to develop a proposed disposition action (permanent – transfer to the National Archives, or temporary – destroy after a specified period of time) that will meet the needs of the agency. The records officer submits a schedule (SF 115, Request for Records Disposition Authority), to NARA for approval proposing the final

disposition of the agency's rulemaking records in FDMS, and any related textual records that are not maintained in the system. Contact your agency's records officer for specific information and record scheduling assistance. These are the steps your agency should take to develop a proposed disposition:

- Determine what rulemaking records, if any, are unique to the agency and are not published in the Federal Register or otherwise maintained in the FDMS. These records may include drafts of FR notices, internal agency comments, approvals and concurrences, etc.
- Determine which, if any, of the unique agency rulemaking records may be permanently valuable and should be preserved in the National Archives, or if they should be destroyed after the lapse of a specific period of time, when they are no longer required for agency business purposes.
- Determine the final disposition of all records maintained by the agency in the FDMS according to the agency's business needs. Consider the needs of relevant records management stakeholders regarding the disposition of agency rulemaking records.

5. What is a record schedule?

A "records schedule" identifies records as either temporary or permanent. All records schedules must be approved by NARA. A records schedule provides mandatory instructions for the disposition of the records (including the transfer of permanent records and disposal of temporary records) when they are no longer needed by the agency. As part of the ongoing records life cycle, disposition should occur in the normal course of agency business. All Federal records must be scheduled (44 U.S.C. 3303) either by an agency schedule or a General Records Schedule (GRS).

6. How does NARA's new media-neutral rule affect the scheduling of FDMS records?

If the rulemaking records in an agency have never been scheduled on a NARA-approved SF-115, Request for Disposition Authority, you must submit a new schedule to NARA for approval.

If electronic rulemaking records have been previously scheduled as permanently valuable in a NARA-approved schedule, a new record schedule is not required, in accordance with 36 CFR 1228.31(b)(1) and GRS 20, Item 3.1. Rather, agencies must provide notification to NARA within 90 days of when electronic recordkeeping system becomes operational. The electronic records must meet NARA standards for permanent records (docket and other records maintained in FDMS already meet NARA standards for transfer to the National Archives).

If agency rulemaking records have previously been scheduled as temporary records in a NARA-approved schedule, and consist of more than scanned images of textual records (e.g., "born-digital" content, email, and office application documents), a new SF-115, Request for Disposition Authority, is required, in accordance with GRS 20, Item 3(b)(5) and 36 CFR 1228.31(a)(4).

For additional information on how NARA's media-neutral rule and NARA standards for permanent electronic records, please contact your agency's records officer. NARA appraisal staff will work with the agency records officer to address electronic records management and records scheduling issues associated with FDMS implementation.

7. Do Agencies need a NARA-approved record schedule to implement FDMS or to convert electronic rulemaking records from an older system to FDMS?

No. While it is necessary for agencies to have an approved schedule to DESTROY records, or to transfer them to the National Archives when they are no longer needed in the agency, it is not necessary to have an approved schedule to implement FDMS or to convert agency business processes to electronic recordkeeping.

8. If an Agency has a records schedule for electronic docket records, do they need to have it re-approved by NARA if they change systems or software?

No. The records (i.e., the content of the system) must be schedule for disposition, not the software that operates the system. As system software changes, it is the responsibility of the agency to migrate the electronic records to new platforms, operating systems, and software versions.