



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the Chief Information Officer
High Performance Computing and Communications

January 8, 2024

MEMORANDUM FOR: Assistant Chief Information Officers (ACIOs)
National Oceanic and Atmospheric Administration

FROM: Zachary Goldstein
NOAA Chief Information Officer and Director, High
Performance Computing and Communications

SUBJECT: Records Retention Reminder

Each of us plays an important role in the preservation of records that support our mission, protect our rights, and assure accountability. In light of NOAA's hybrid work environment, NOAA is increasingly forward-leaning in leveraging technological communications solutions. As we become increasingly reliant on these forms of communications to carry out NOAA's important mission, I would like to remind you of our existing obligations in managing records in the Federal government.

The Presidential and Federal Records Act Amendments of 2014 clarifies the definition of a record. The Act defines a record as:

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 as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them; and does not include library and museum material made or acquired and preserved solely for reference or exhibition purposes or duplicate copies of records preserved only for convenience.

Under Federal law, all agency records must be preserved and may not be destroyed unless authorized by an agency's records retention schedule or the Government-wide, General Records Schedules (GRS). However, records subject to litigation hold must be maintained until the litigation hold is lifted. Additionally, all users that have been issued mobile and other devices that contain Federal Records must capture and save--within an approved records repository—any Federal Records that are stored on those devices before those devices are turned-in by users. This includes cell phones, tablets, laptops, and other devices issued to NOAA personnel. All employees will certify at the time of device turn in, that the employee has complied with NOAA Policy for handling of Federal Records in their personal possession, including on personal devices¹.

¹ See, NAO 205-3, sec. 1.02.

In addition, before NOAA employees or affiliates leave employment or affiliation with NOAA, users must ensure that they have not retained any Federal Records in their personal possession, including personal devices, whether electronically or in hard-copy format. To accomplish this requirement, employees will certify prior to separation, that they have transferred all federal records into an appropriate FISMA System boundary illustrating that the employee/user has complied with this guidance.

The Act also clarifies the responsibilities of Federal government officials when using non-government email systems for official business through use of personal email accounts. U.S.C. §2911, Disclosure Requirement for Official Business conducted using Nonofficial Electronic Messaging Accounts, requires that an officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee:

- Copy the message, including attachments, to their agency electronic messaging account when the message is created or transmitted; or
- Forward a complete copy of the record, in their non-official account, to their agency electronic messaging account not later than 20 days after the original creation or transmission of the record.

This requirement would similarly pertain to chat, IM, text, Google Hangouts, or other ephemeral conversations that are not regularly retained, including while teleworking. The Act provides for disciplinary action against an agency officer or employee for intentional violation or prohibition.

NOAA has established policy for the management of records created and received in fulfilling our individual roles in supporting NOAA's missions. The NOAA Administrative Order (NAO) 205-1 outlines the purpose, scope, roles, and responsibilities for managing our records under the law. Compliance with NOAA's approved records schedules is mandatory. If you are not sure how long a record must be retained, do not discard it until you have verified its disposition date by reviewing the NOAA Records Control Schedule or by contacting the Records Liaison Officer for your line or staff office, or the NOAA Records Management Office at records.management@noaa.gov.

It is my expectation that everyone does their part to ensure these requirements are met.

cc: Mark Graff, NOAA BCPO
Doug Perry, NOAA Deputy CIO
Andre Sivels, NOAA Records Officer
Tony LaVoi, NOAA Chief Data Officer