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# Records Disposition Handbook



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## CHAPTER 1 - INTRODUCTION TO RECORDS DISPOSITION

The three basic stages of the Life Cycle Management (LCM) of records are creation, maintenance and use, and disposition. This handbook describes the records disposition processes for the Bureau of Land Management (BLM). Additional references and training tools are available on the BLM Records website.

The BLM uses a combination of the Departmental Records Schedule (DRS), the General Records Schedule (GRS), and the BLM Records Schedules. This schedule is referred to as the DRS/GRS/BLM Records Schedules. For purposes of this handbook, it will be referred to as the Records Schedules.

The Federal Records Act of 1950, as amended, established the framework for records management programs in the Federal Government. Included in records management programs are the disposition processes of records and non-record materials. The authority for records disposition is found in Title 44 United States Code (USC) § 2101-2118; § 3101-3107; 3301-3314; and Title 36 Code of Federal Regulations (CFR), Subchapter B - Records Management, Parts 1220 - 1239.

### The National Archives and Records Administration (NARA)

The NARA is responsible for setting government-wide policy and directions concerning how all federal agencies manage their records. The NARA regulations are found in Subchapter B of 36 Code of Federal Regulations Chapter XII.

The NARA runs a government-wide records management program, which includes (1) appraising records to identify records of permanent value and ensuring the timely disposal of temporary records, and (2) providing agencies with guidance on managing their current records. After appraising BLM records, NARA authorizes either their destruction or their accessioning to the National Archives for preservation and research. Note: NARA's approval is required before lending records outside the Federal Government, before transferring to NARA operated Federal Record Centers (FRCs) or other Federal agencies.

The NARA's records management services are provided through the National Archives and Federal Records Center locations.

The National Archives is the U.S. Government's collection of documents that chronicles important events in American history. The National Archives preserves and maintains these permanent records, and makes them available for research. The term "accession" means permanent records are moved and legal and physical custody of records is transferred to the National Archives. BLM staff can research BLM records accessioned to National Archives and are treated as general researchers. NARA's cost recovery fees apply if copies of records are needed. BLM staff cannot remove records from a National Archives facility, either temporarily or permanently.

Federal Records Centers provide temporary storage and reference services for records that are needed infrequently but are not yet eligible for destruction or accession to the National Archives. The BLM records transferred to the FRC are still within the legal custody of the BLM, subject to public disclosure under the FOIA, and subject to any litigation actions.

#### BLM Records Management Board (RMB)

The RMB was created in June 2014 and is responsible for advising the Bureau Records Officer on records management policy and provides records management oversight and support to BLM's Records Administrators and Records Managers. The RMB also works with NARA Archivists and the Department of the Interior (DOI) Records Officer regarding the BLM's Records Management program.

The RMB performs four primary activities:

1. Provides guidance as needed for records disposition activities and approves the disposition of records identified in Chapter 3
2. Maintains the Records Schedules as new disposition authorities are approved by the NARA and the DOI
3. In coordination with the Bureau Records Officer, issues records management policy, forms, and training
4. Maintains the BLM's Records website. This site provides pertinent information such as policy, records schedules, and disposition guidance. The site also provides an opportunity for records staff to collaborate and provide input to the BLM Records Program.

#### **A. Records Disposition Program Overview and Objectives**

The BLM's records disposition program includes policies and practices designed to achieve effective and efficient disposition by scheduling all records; ensuring their proper storage, locally or in a Federal Record Center; ensuring the authorized and prompt disposal of temporary records; and ensuring the timely transfer of permanent records to the National Archives.

Disposition is the third and final stage of the life cycle of records. A records disposition program includes:

- Disposition responsibilities of Records Custodians
- Identification of records, non-records, or personal papers
- Records Inventories and Analysis
- Records Appraisal and Scheduling
- Disposal to include transfer, accession, or destruction
- Training
- Evaluation of Records Disposition Program

#### Disposition Responsibilities of Records Custodians

Records Custodians are responsible for ensuring that all records in their possession are identified when it is time for disposal.

## **B. Disposition of Records**

### Identification of Records, Non-records, or Personal Papers

The first step in the disposition process is for the Records Custodian to identify records and to ensure inclusion in the records inventory. A records inventory is a descriptive listing of each record series or system including record location and other pertinent data needed to understand the scope and function of the record series. It is not a list of each document or folder. Records inventories help identify various records management problems including inadequate documentation of official actions, improper applications of recordkeeping technology, deficient filing systems and maintenance practices, poor management of non-record materials, insufficient identification of essential records, and inadequate records security practices. When completed, the inventory should include all offices and all records.

Federal records need to be distinguished from non-record materials and personal papers for disposition purposes. Records and non-records are defined in 44 U.S.C. 3301:

Records: “includes 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 [...]”

Non-records: U.S. Government-owned informational materials excluded from the legal definition of records. This includes duplicate copies of records kept only for convenience of reference, and library or museum material intended solely for reference or exhibition. Non-records should be clearly identified and maintained separately from official records.

Personal Papers: Non-official or private papers relating solely to an individual's own affairs. Personal papers must be clearly designated as such and kept separate from the agency's records.

Once a document is identified as a record, regardless of the medium, it will fall into one of two categories:

1. Temporary records. NARA has determined that these records are disposable and non-permanent. The accumulation of these records should be cutoff after a fixed period of time (end of fiscal or calendar year) or after a specific event (final resolution of a claim), and then destroyed after a set period of time after the cutoff. The time between cutoff and destruction may range from a few months to many years. Most records created by the BLM are temporary and are to be disposed of promptly in accordance with NARA approved records schedules. Long-term agency retention records fall into this category, as they are not permanent records.

2. Permanent records. NARA has determined that these records are sufficiently valuable for historical or other purposes to warrant permanent preservation by the Federal Government. Timely accessioning of permanent records to National Archives is mandatory. Legal and physical control of the records passes to the NARA when the NARA official signs the Legal Transfer Instrument acknowledging the transfer of legal custody of the records.
  - a. Indian Fiduciary Trust Records (IFTRs) are permanent records and are to be transferred to the FRC or accessioned to National Archives according to the Records Schedules. If IFTRs are intermingled with temporary non-IFTRs, segregate the IFTRs, label, and transfer to the FRC or accession to National Archives under the correct records schedule citation. Do not destroy any IFTRs.

Designated Records Custodians and employees will ensure all records in their possession are identified, accounted for, and correctly filed when it is time to dispose of records. It is time consuming and costly to interfile single documents with records already transferred to the FRC.

#### File Cutoff

The next step is to identify the cutoff of the record. “Cutoff” is the breaking or closing of records at regular intervals, usually annually or upon some event. This allows for the segregation of active and inactive records and for the disposition of the record.

Records Custodians will cut off records and separate inactive records from active records. Cutoff instructions are provided in the records schedules.

Cutting off files is essential to effectively control the accumulation and growth of records and to facilitate economical disposition. The timely cut off of records allows for older records to be moved from active file space to a storage space as their reference activity declines. If records are not cut off periodically, they will accumulate and become difficult to manage.

Note: The BLM rarely transfers records identified as “contingent.” According to NARA, contingent records are defined as records scheduled for final disposition at some unspecified future time after the occurrence of a specific event. Examples of such events include the settlement of litigation, the sale of property, or the destruction of a building. The status of contingent records should be reviewed annually.

#### Cutoff Standards

The cutoff standards included in the records schedules are based on the following criteria:

- Records maintained by subject are maintained and cut off on a fiscal year basis, (i.e. General Correspondence Files).
- Records filed chronologically, such as contracts and FOIA files, are cut off at the end of the fiscal year (EOFY) the file is closed. Chronologically arranged records can be readily cut off and dispositioned in convenient blocks.
- Case or Project Files are often cut off at the termination of a transaction or upon an event, such as the separation of personnel, final purchase order payment, completion of a grant project, expiration of an oil and gas lease, relinquishment of a right-of-way grant, or

abandonment of an unpatented mining claim. For example, a grant that closed on June 30, 2016, will be cut off at the end of the fiscal year on September 30, 2016. When closed, the case file should be marked with the date of closing and moved to an inactive area apart from the active files and tracked for future transfer or destruction. You may also use existing systems or databases to track the status of a case file and generate a report to identify records that are closed.

- Reference materials have no established cutoff and are destroyed when they are superseded, obsolete, or no longer needed. These materials should be reviewed annually to determine if they are current and still useful.
- Records that are not closed or inactive, or are required to conduct BLM business, are not eligible for disposition.

#### Determining Records Retention

The Records Schedule identifies the retention for each record series and provides information on when to cutoff records to determine how long to maintain them.

Records Custodians, in consultation with Records Managers, are trained on how to cut off files and determine when records are eligible for disposition.

#### Destruction of Temporary Records with Short Term Retention

Temporary records with a retention period of three (3) years or less should be held locally and destroyed by the Records Manager or designated Records Custodian.

The destruction of records is documented on BLM Form 1270-4, Documentation of Records Destruction for On-Site and FRC Disposals, and must be coordinated with the State/Center/WO Records Administrator or Records Manager and appropriate Records Custodian. Complete BLM Form 1270-4 according to instructions on page 2 of the form. The respective Records Manager maintains form 1270-4.

Update the records inventory after the disposal of the records to reflect the current date range of the remaining records.

#### Screening Records

All records must be screened before destruction, transfer to the FRC, or accession to the National Archives. Screening records is the process of removing all non-record items from files ready for disposition. It is costly and inefficient to ship and store duplicate records and reference materials. Those who perform the screening must proceed carefully with due deliberation to avoid inadvertently discarding any records.

#### Records Disposition Documentation

The Records Administrator or Records Manager must maintain documentation of all events related to records disposition. This includes records (1) destroyed, (2) transferred to the FRC, or (3) accessioned to the National Archives.

(1) Documentation needed for records destroyed:

- Locally:



- BLM Form 1270-4, Documentation of Records Destruction for On-Site and Federal Records Center (FRC) Disposals, and
- Inventory, box list, or BLM Form 1270-5 (Optional), Inventory of Temporary Records Eligible for Destruction.
- At the FRC:
  - NARA Form NA 13001, Notice of Eligibility for Disposal, and
  - BLM Form 1270-4.

(2) Documentation needed for records transferred to the FRC:

- Inventory or box list
- Archives and Records Centers Information System (ARCIS) transfer request printout or SF-135, Records Transmittal and Receipt (prior to implementation of ARCIS)
- Changes to transfer status such as permanent withdrawals
- Other related documentation, if any.

(3) Documentation needed for records accessioned to National Archives:

- Inventory or box list and
- Electronic Records Archives (ERA) Legal Transfer Instrument or SF-258, Agreement to Transfer Records to the National Archives of the United States (prior to implementation of ERA).

The Records Administrator or Records Manager must also monitor their list of records transfers and compare it to the FRC holding reports to ensure all transfers are properly maintained. Because of the long retention periods of some record series and changes in disposition authorities, transfers are sometimes overlooked or scheduled disposition dates are missed. FRC holdings must be periodically reviewed to ensure records are disposed of properly and timely so the BLM does not expend unnecessary funds on the storage of temporary records past their destruction date. FRC reports are maintained on the BLM Records SharePoint Site.

### Electronic Records

The medium in which information is created and stored, electronically or otherwise, has no bearing on whether or not it is a record. The record status is determined using the same criteria as used for all records. If the same record is stored on more than one medium (such as paper and electronic), the BLM must determine which record constitutes the official record. If the electronic record is determined to be the official record, then it must be maintained in an approved electronic record system. Otherwise, the electronic record must be printed to paper.

As with paper records, electronic records can only be disposed of according to the Records Schedules. Employees must follow the established procedures for the systematic disposal of electronic records.

It is imperative that all electronic or digital versions of a temporary paper record be destroyed (deleted) at the same time the temporary paper record is destroyed. Otherwise, the electronic or digital document could become the official record of the BLM and must be made available

during a FOIA request or litigation proceeding. All copies or versions of electronic documents must be deleted from all individual computers, databases, networks, and other sources of storage.

#### Non-record Material Disposition

Non-record materials are Government owned documentary materials. Determining whether a document is a record does not depend on whether it is an original or a copy. When it is difficult to determine whether a document is a record or non-record, the document should be treated as a record.

Non-record material may be destroyed when its purpose has been served or when it is no longer needed for reference. The accumulation of non-record material must be controlled to ensure that expensive filing space is not dedicated to material of little or no value.

Non-record copies of records cannot be given to someone outside of the BLM or removed by departing employees without the Bureau Records Officer's written approval. Information that is restricted from release under the Privacy Act or other statutes may not be removed. Non-record materials belong to the Federal Government.

The disposition of non-record material includes recycling or shredding. The BLM does not sell, burn, or pulp non-record materials.

#### Disposition of Records of Departing Employees, Contractors, and Volunteers

Departing BLM employees, contractors, and volunteers must not remove or inadvertently dispose of any Federal records, regardless of media, from their offices prior to their departure. The Final Salary Clearance Report Form 1340-2, signed by the departing employee's supervisor, should indicate that the individual is not leaving with any BLM records or non-records.

Supervisors must inspect both paper and electronic records before the employee departs. All paper records should be turned over to the supervisor or another designated employee. All electronic records should be moved to the supervisor's custody, and not saved to a separate file on a server. Supervisors must inform the Records Manager when an employee is leaving in order to ensure the records inventory and file plans are updated.

Departing processes include:

1. Removing personal papers such as personal planners, calendars, and copies of personnel documents
2. Discarding paper and electronic non-records (including email messages)
3. Labeling useful non-records with the word "Non-record" and turning them over to the supervisor or Records Custodian
4. Identifying and transferring all paper and electronic records (including email messages) maintained in personal workspace to the immediate supervisor or designated Records Custodian
5. Returning any checked out documents or files to their original location, such as Central Files, Dockets, or other designated file room
6. Supervisor or Office Records Manager inspecting or reviewing both paper and electronic records before the employee/contractor/volunteer departs

7. Indicating on the Final Salary Clearance Report that the individual is not departing with any official agency records and a records review has been completed
8. Notifying the Office Records Manager to update record inventories and file plans.

Federal records (paper and electronic) created and received in the course of conducting the BLM's business operations must not be removed. Examples include:

- Case files
- Indexes or other finding-aids
- Litigation related or Indian Trust data, files, and records
- The only version of a document created in the conduct of business, original or copy
- Files maintained in electronic form such as working drafts and emails that may be considered a Federal record
- Material that if removed, would create a gap in the record.

### **C. Records Storage**

When records become inactive and there is sufficient volume, transfer the records to the local FRC. The Records Schedules provide the cutoff dates and when records can be transferred. Do not store records in basements, warehouses, or other inappropriate areas, even on a temporary basis, where the records are unprotected. Use the records inventory as an indicator for when records should be boxed and shipped to the local FRC.

It is the BLM's policy to use the FRC for storage. The use of a commercial records storage facility must be approved by the Bureau Records Officer. All records (paper, microform, audiovisual, cartographic, and electronic) must be stored under conditions complying with 36 CFR 1234, 1236, 1237, and 1238.

#### **Storing Records**

Agencies are responsible for ensuring that records in their legal custody are stored in appropriate space. Records kept in BLM offices must be stored in office equipment appropriate for holding records, such as shelving and filing cabinets. Records should not be stored in the same location as non-records, equipment, (e.g. outdated telephones, office supplies) or personal items (e.g. holiday decorations). If office equipment is not available, or too full to hold more records, the records should be stored in FRC boxes in an appropriate environment. If the records are too large for the FRC boxes, use other storage boxes that meet this same standard. Do not store records in boxes where food or liquids were previously stored. Boxes should be stored on shelving, not stacked on top of each other on the floor.

Storage areas should meet fire safety requirements, including sprinkler systems to protect from fire loss. Records containing proprietary or confidential information must be kept in a locked room with controlled access maintained by the Records Custodian. Records containing personally identifiable information (PII) must be kept in a locked cabinet or in a locked file room when not in use. Examples include Law Enforcement, Human Resource, charge card, or FOIA records.

Permanent paper records require special care. They must be stored in office equipment or FRC boxes and not be intermixed with temporary records or non-records. Permanent records must be accessioned to the legal custody of the National Archives, per the disposition instructions in the Records Schedules.

#### Onsite Storage Requirements

The storage area for records shall be identified on the records inventory. Records inventories are reviewed by the State/Center/WO Records Administrator or Office Records Manager to ensure that records are stored in the proper locations. The State/Center/WO Records Administrator or Records Manager will recommend alternate storage areas if storage areas are identified that do not meet NARA requirements.

If stored records are exposed to extreme heat or cold, pest infestations, damage by liquids, dust, stored in warehouses, damp basement storage facilities, etc., the State/Center/WO Records Administrator or Office Records Manager will immediately have the records removed from the extreme conditions. The Records Managers will work with the respective Office Managers and Records Custodians to provide secure records storage.

#### **D. Records Schedules**

A records schedule provides mandatory instructions on how to maintain and dispose of records (including the accessioning of permanent records and destruction of temporary records). Records disposition occurs in the normal life cycle of BLM business as records move from active to inactive. All Federal records must be scheduled (44 U.S.C. 3303) by a NARA approved records schedule. Applying the records schedules is the responsibility of all BLM employees because all employees create, receive, and use records. No Federal records shall be destroyed or otherwise alienated from the Government except as described in the NARA approved records schedules.

Unscheduled records must be treated as permanent until a records schedule is approved with the appropriate disposition authority. If unscheduled records are identified, consult with the State Records Administrator (SRA). The SRA will consult with the Records Management Board to determine if a new schedule is required.

The BLM's records are covered by three records schedules, which provide mandatory instructions for the disposition of records:

- Department of the Interior Records Schedules (DRS) (Record group 0048)
- NARA's General Records Schedules (GRS)
- BLM Records Schedules (Record group 0049)

All three records schedules are consolidated into the DRS/GRS/BLM Combined Records Schedules and is available on the BLM Records website. The Records Schedule is the legal document that authorizes the retention and disposition of BLM's records as approved by the Archivist of the United States.

Federal agencies must implement newly approved or revised records schedules within six months of release by NARA.

#### Department of the Interior Records Schedule (DRS)

The DRS is a large aggregated flexible schedule or “big bucket” approach to managing Departmental records regardless of format or location. The DRS is built around the “Lines of Business (LOBs)” related to its agencies’ mission and operations. These LOBs are divided into bucket schedules titled: Administrative; Mission; Policy; and Legal, Regulatory Compliance and Enforcement. The DRSs are available on the BLM Records website.

#### NARA’s General Records Schedule (GRS)

The GRS is issued by the Archivist of the United States to provide legal authorization for the disposal of temporary records common to most Federal Government agencies. Many administrative functions are regulated by oversight agencies such as the Office of Personnel Management (OPM), the Government Accountability Office (GAO), and the General Services Administration (GSA). For example, the BLM does not have full legal control over OPM records created within BLM. The disposition of these OPM records, such as the official personnel folders, is covered by a NARA approved OPM records schedule.

#### BLM Records Schedule

The BLM record schedule authorities cover BLM program records and other records not described in the GRS or DRS. Disposition authorities approved for the BLM may not be used by another Federal agency. For those offices involved in the Service First initiative where both BLM and United States Department of Agriculture (USDA) Forest Service employees are sharing the same office facilities, BLM records cannot be co-mingled with USDA Forest Service records at any time including the transfer of records to the FRC or accession to National Archives.

#### DRS/GRS/BLM Combined Records Schedules

For ease of use, the BLM created the DRS/GRS/BLM Combined Records Schedules to incorporate disposition requirements of the DRS, the GRS, and BLM specific records disposition authorities. The RMB, under the guidance of the Bureau Records Officer, will maintain and update the records schedules as changes are required because of implementation of new DRS and GRS schedules.

Upon approval by the Archivist of the United States, DRS Schedules are effective day-forward and supersede the existing GRS and BLM authorities. Newly approved GRS schedules are effective day-forward for locally held records and retroactive for records stored at the FRCs.

#### Interpreting the Disposition Authority Number

The Records Schedule number is the legal authority that authorizes the disposition of a record series. Records sent to an FRC for storage must cite the appropriate DAA number in the “Disposition Authority” column. The Disposition Authority follows a specific numbering scheme. For example, DAA-0048-2013-0001-0002 is the disposition authority for the DOI’s Long-Term Administrative Records. The format contains the following information:

- DAA = Disposition Authority Agency

- 0048 = Record Group Number for the DOI
- 2013 = Fiscal Year (FY) for when the records schedule was registered in ERA
- 0001 = First DOI records schedule created in FY 2013
- 0002 = Specific item number (in this example, long-term administration records)

The format for a GRS disposition authority is similar with the exception of citing GRS in the authority. For example: DAA-GRS-2013-0003-0011 and is interpreted as:

- DAA = Disposition Authority Agency
- GRS = General Records Schedule (NARA)
- 2013 = FY for when the record schedule was registered in ERA
- 0003 = Third GRS records schedule created in FY 2013
- 0011 = Specific item number

The DRS and GRS do not cover all BLM specific records, so the BLM disposition authority will be used in these instances. For example: NC1-49-85-2 is interpreted as:

- NC1 = NARA Office symbol and general appraisal SF-115 type
- 49 = Records Group number
- 85 = FY for when the records schedule was registered
- 2 = Second BLM records schedule created in FY 1985

### Record Series

A records schedule is broken down into record series. A record series is a group of records arranged according to an established filing system because they relate to a particular subject or function, result from the same activity, or have some other type of relationship. Each series has a unique disposition authority in the records schedule. The scope and content of record series has changed as the DOI has shifted to a “Big Bucket” schedule. The Big Bucket schedule is a type of schedule in which the disposition instructions are applied to a group of record series that are related along a specific program area, functional line, or business process. This move has decreased the number of record series and disposition schedules. Examples of record series are:

- BLM Transfers
  - Grazing Operator Case Files (BLM 4/14a(1))
  - Rights-of-Way Grant Case Files (BLM 4/15a)
  - Oil and Gas Lease Applications Case Files (BLM 4/27a)
  - Video Recording Record Copies – BLM Mission Related (BLM 21/33)
  - EEO Official Discrimination Complaint Case Files (GRS 1/25a)
- DRS Transfers
  - Short-term Administrative Records (DRS 1.1A)
  - Program Monitoring and Policy Development (DRS 3.1.1)
- General Records Schedule
  - Property, Plant, & Equipment (PP&E) and other Asset Accounting (GRS 1.1, Item 030)

A record series in a Big Bucket Schedule can include multiple types of records. For example, the Short Term Administrative Record series includes correspondence and subject files, printing,

binding and duplication records, and granted FOIA Request case files. The records are under the same disposition authority because they all record important administrative functions.

### Interpreting the Records Schedules

This section provides basic instructions on how to use the Records Schedules.

### ***Contents of a Records Schedule***

Each Records Schedule begins with an Introduction which provides an overview of the records contained in the schedule and describes any additional NARA requirements.

A Record Series is identified by an Item number within the Schedule.

### ***Example 1: Records Schedule Item Format.***

#### **Schedule 18 – Security and Protective Service Records**

<b>Item</b>	<b>Record Series Description</b>	<b>Disposition Authority</b>
<b>17</b>	<b>VISITOR CONTROL FILES [1102].</b> Registers or logs used to record names of outside contractors, service personnel, visitors, employees admitted to areas, and reports on automobiles and passengers. Authority: 40 USC 483. Forms: BLM 1100-1, 8360-1, 8360-5. Confidentiality: Non-public record category 2. Location: All.	See sub-items below.

#### **Item Column**

- Item Number
  - Identifier for indexing series of records.  
When referring to an item number also include the schedule number. For instance, the above item would be referenced as 18/17, which indicates the schedule number is 18 and item number is 17.

#### **Record Series Description Column**

- Record Series Title with Subject Code
  - Title of the records: *Visitor Control Files*
  - Subject code – *1102*
- General description of the documents or data, their arrangement, and media type.  
*Registers or logs used to record names of outside contractors, service personnel, visitors, employees admitted to areas, and reports on automobiles and passengers.*
- Authority
  - The authorizing law, regulation, or directive - *40 USC 483*
- Forms
  - Form numbers related to the record series - *BLM 1100-1, 8360-1, 8360-5*
- Confidentiality/Proprietary/Privacy Status
  - Records access category number and/or Privacy Act System information - *Non-public record category 2*

- Essential (Vital) Records Status
  - When noted, this is used to indicate if records are essential to the continued functioning of BLM during and after an emergency and records essential to the protection of the rights and interests of BLM and the public. These records make up the Essential (Vital) Records Inventory. The example above is not an essential record.
- Location of Records – *All*. All indicates these records are located at WO, SOs, FOs, and Centers.
- Exclusions: Statements used to cross-reference record series similar in title and function but have different disposition requirements.

**Disposition Authority Column**

<i>Example 2 - Temporary Records</i>	<i>Example 3 - Permanent Records</i>
TEMPORARY. Cutoff EOFY of final payment or cancellation. Use DRS 1.3.2, DAA-0048-2013-0001-0011. Destroy 7 years after cutoff. ----- For records at FRC prior to 10/1/2014: GRS 1.1, item 010, DAA-GRS-2013-0003-0001 Destroy 6 years after cutoff. ----- <i>Former Authority:</i> GRS 3/3a(1)(a) Destroy 6 years, 3 months after cutoff. (N1-GRS-95-4 item 3a1a)	PERMANENT. Cutoff EOFY in which the application is rejected or withdrawn. Use BLM 4/7a. Transfer to FRC 2 years after cutoff. FRC transfers to NARA 30 years after cutoff. (NC1-49-85-2, 4/7a(1)) ERA disposition authority: DAL-0049-2011-0006-0002.

- Type of Disposition
  - **Example 2 - Temporary**
  - **Example 3 - Permanent**
- Cutoff Instructions
  - Instructions on closing files
    - **Example 2 - EOFY of final payment or cancellation.**
    - **Example 3 - EOFY in which the application is rejected or withdrawn.**
  - Disposal Authority contains the “Use” statement that includes the records schedule number and citation of the NARA approved disposition authority. These authorities are required for ARCIS, ERA, BLM Form 1270-4, records inventory, etc.
    - **Example 2 -** For records on-site: *Use DRS 1.3.2, DAA-0048-2013-0001-0011. For records at FRC prior to 10/1/2014: GRS 1.1, item 010, DAA-GRS-2013-0003-0001.*
    - **Example 3 -** *Use BLM 4/7a*
- Disposition Instructions



- Contains instructions for records retained on-site, when to ship records to an FRC, retention period at the FRC, destruction, or accession to National Archives.
  - **Example 2** - For records on-site: *Destroy 7 years after cutoff. For records at FRC prior to 10/1/2014: Destroy 6 years after cutoff.*
  - **Example 3** - *Transfer to FRC 2 years after cutoff. FRC transfers to NARA 30 years after cutoff.*
- Records Schedule Number Citation
  - Used only for disposition authorities before the implementation of the DAA numbering system. It is the legal document signed by the Archivist of the United States approving the disposition. The number is identified within parentheses.
    - **Example 2** - *(N1-GRS-95-4 item 3a1a)*
    - **Example 3** - *(NC1-49-85-2, 4/7a(1))*
- For Records at FRC (Only applicable to DRS citations)
  - Provides instructions for records previously shipped to the FRC.
    - **Example 2** - *For records at FRC prior to 10/1/2014:  
GRS 1.1, item 010,  
DAA-GRS-2013-0003-0001  
Destroy 6 years after cutoff.*
- Former Authority
  - Provides reference to previous disposition authority that may appear on historic records disposition documentation.
    - **Example 2** - *GRS 3/3a(1)(a)  
Destroy 6 years, 3 months after cutoff.  
(N1-GRS-95-4 item 3a1a)*

## CHAPTER 2 - TRANSFER AND RETRIEVAL OF RECORDS

### A. Transfer of Records to a Federal Records Center (FRC)

The term “transfer” means moving records into the physical custody of an FRC. Although physically located at the FRC, the BLM retains legal custody and ownership of the records. The FRC will not disclose or release any records except to the appropriate BLM staff under rules established by the BLM, which are consistent with existing laws. Retrieving records (temporarily or permanently) from an FRC is allowed because the records are still under the BLM’s legal jurisdiction.

NARA operates FRCs for the storage, processing, and servicing of temporary and permanent records. NARA also operates the National Personnel Records Center, which houses the records of the OPM. Refer to the NARA website for a list of NARA FRCs.

NARA ensures that all the FRCs meet the facility storage requirements. FRC storage costs and service fees are paid for by the BLM Washington Office. To help contain costs, retire as many records (based on record series) in one transfer as possible; multiple years of one record series can be transferred within one transfer. Consider the cost of processing the transfer, the storage costs based on retention time, and the disposal date. When combining multiple years, the disposition date is based on the latest (most recent) cut-off date. For example, sending a single transfer of 20 boxes of records that span from 2003 – 2013 with a 15-year disposition means all 20 boxes cannot be destroyed until 10/2028. Storage is being paid for records that could have been destroyed as many as 10 years earlier. In this instance, it would be more cost effective to break this single transfer into multiple transfers.

The FRC Toolkit is *Your Guide to the Federal Records Center Services*, was developed by NARA as a comprehensive tool with the latest information and techniques for transferring records to the FRC. A link is available on the BLM Records website.

#### Selecting Records for Transfer

At the beginning of each fiscal year or calendar year, the Records Custodians and Records Managers review the record inventories to determine which records are eligible for disposal. The Records Custodians will also review the Records Schedules to validate that the records inventory information is correct and include the respective program staffs to identify those records to be shipped to the FRC or National Archives. Retire as many inactive or closed records to the FRC as possible.

When selecting records do not include:

- Non-records such as extra or duplicate copies
- Electronic media such as CDs, flash drives, etc. or
- Records that have one year or less retention before destruction.

#### Records Transfer Criteria

Closed, inactive, and records no longer needed for BLM business are transferred to appropriate FRCs, according to the disposition authority in the Records Schedules.

Prior to authorizing records for transfer, Records Managers and Records Custodians should make sure that the retention date has not been postponed as a result of an active FOIA request, records freeze, litigation hold, audit, or investigation.

In order to be transferred for permanent or temporary retention, the records must meet at least one of the following criteria:

- Records under the same disposition authority
- Listed on the Records Schedules as eligible for transfer to the FRC
- Inactive or closed
- Cost is less to transfer to the FRC than to store at the BLM
- Retention period of three (3) years or more
- Voluminous, regardless of retention period
- Currently located in unacceptable storage conditions
- Sufficient volume, i.e. more than ½ box - if quantity is insufficient, offices within a state may combine similar records for transfer
- No longer needed for business purposes.

Due to the movement to the DOI's Big Bucket Schedules and NARA's new approach to General Records Schedules, a broader range of records may be included under the same disposition authority. For example, the following long-term financial and acquisition records now fall under the same disposition authority: charge card statements, budget reports, accountable officer files, travel records, etc. Although these records may now be in a single transfer, similar records must be boxed together and a detailed box list included.

The FRC requires that each transfer has the same disposal date. The disposal date is based on the latest cutoff or closing date of the records in the transfer.

Once permanent records stored at the FRC have met their retention period, with BLM approval, they will be accessioned to the National Archives. See Chapter 4 for additional information.

#### Archives and Records Centers Information System (ARCIS)

The BLM no longer submits paper copies of SF-135, Records Transmittal and Receipt to transfer records to an FRC or the NARA Form OF-11, Reference Request - Federal Records Centers, to retrieve records from an FRC. Instead, all transfer and retrieval requests are now submitted electronically through ARCIS.

ARCIS is a web-based system developed for NARA. The system tracks transactions electronically, giving access to information about records transfers already stored at an FRC, allowing transfer of eligible records to the FRC, and retrieving records.

Permission to use ARCIS must be obtained from the respective State Records Administrator (SRA) or State Records Manager (SRM). It is recommended that the local Records Managers be designated with permission to transfer and retrieve records from the FRC.

Prior to ARCIS, the transfer process started by filling out form SF-135. The form collected information that the FRC needed in order to store and handle the records properly, track their lifecycle, and ensure that the records were dealt with correctly at the end of their lifecycle. Now, the same information is provided electronically by filling out a records transfer form in ARCIS. The FRC reviews the form in ARCIS and approves the request.

The launch of ARCIS changed the structure of transfer numbers (formerly known in BLM as “accession numbers”). These changes standardized numbering across the entire FRC system to ensure each transfer has its own unique number in ARCIS.

Today the word “accession” is used to refer to records moved to the National Archives and the word “transfer” is used when records are moved to the FRC.

#### ARCIS Born Transfer Number

The transfer number for any transfer created in ARCIS will look different from legacy transfer numbers. The first two characters (“PT”) stand for “physical transfer.” The next three characters indicate the record group number. The next four characters denote the fiscal year. The final four characters represent what number this transfer is for the record group during that fiscal year.

Example: PT-049-2015-0123

PT = Physical Transfer

049 = BLM Record Group

2015 = Four digit FY Transfer Approved by the FRC

0123 = Four digit designation generated in ARCIS for transfer identifier

This example represents the 123<sup>rd</sup> transfer for BLM in fiscal year 2015.

#### Legacy Transfer Number

The transfer number format for any transfer created in the legacy NARS-5 system has changed in ARCIS. The legacy numbers are still referred to for pre-ARCIS transfers.

For example, pre-ARCIS Legacy Transfer Number 049-08-0001 will now appear in ARCIS as V049-08-0001-COS. A list of FRC facility codes is available on the FRC website.

V = Denver FRC Facility Code

049 = BLM Record Group

08 = Two digit identifier for transfer approved by FRC in FY08

0001 = Four digit designation for transfer

COS = Legacy system unique identifier (only appears if assigned in NARS-5) which indicates this transfer was shipped from the BLM Colorado State Office.

#### ARCIS Transfer Process

The steps of the records transfer process in ARCIS are:

1. BLM initiates the Records Transfer request and attaches a box list in ARCIS
2. FRC reviews the form in ARCIS
3. FRC approves the request and sends notification to the Records Manager
4. BLM sends the records to the FRC

5. FRC updates ARCIS and provides a copy of the signed electronic SF-135 after the records are received.

As a reminder, temporary records with three (3) years or less retention period should be stored on site, unless the volume is too large for office storage capabilities or the local office cannot provide adequate storage that meets FRC requirements. Temporary records with more than three (3) years retention can be transferred to the FRC, again, depending on the record volume.

#### Items required to Transfer Records to the FRC

- Records arranged by series, according to the appropriate records schedule
- Approved FRC boxes
- Box list
- ARCIS Transfer Request Approval
- Black marker
- Shipping tape
- Pallets if needed for shipping larger transfers.

#### Records Accepted by the FRC

FRCs will accept records with an approved disposition authority. The records must be shipped in standard records boxes available through GSA.

The FRCs will not accept records that pose a threat to other records or to the health and safety of users, which includes hazardous materials such as nitrate film, radioactive or chemically contaminated records, records exhibiting active mold growth, roll film contaminated by vinegar syndrome, or untreated insect or rodent infiltrated records. Records Managers must contact the local FRC for technical advice on how to handle and treat these types of records.

#### FRC Transfer Requirements

Records must be shipped in standard records center boxes marked with the transfer number and box number(s). The FRC staff screens all incoming records boxes, and if correct transfer procedures are not followed or proper records transfer paperwork is not provided, the entire records shipment may be returned for correction.

The approved ARCIS Records Transfer Form (SF-135) and box list must be placed in the front of Box 1 of the transfer before records are sent to the FRC. A good practice is to include in each remaining box a copy of its inventory. Records must be received by the FRC within 90 days of the FRC approving the transfer.

A separate ARCIS Records Transfer Form is required for each record series (permanent or temporary). Only one transfer is permitted for each ARCIS Records Transfer.

#### FRC Facilities

Offices must transfer records to the local FRC, which is based upon the NARA established "regions." Check the FRC website for current locations.

FRC Storage, Transfer, and Service Fee Costs

The storage, transfer, and service fee costs are updated by NARA annually. Monthly statements are provided to the Bureau Records Officer. While these costs are paid for by the WO, BLM Records Custodians and Records Managers should strive to ensure that costs are kept to a minimum. There are a number of fees associated with records storage and maintenance at the FRCs. For example:

- Transfer Processing Fee (fee assessed for each transfer)
- Transfer Box Fee (fee assessed for each box within a transfer)
- Storage (monthly fee per box)
- Reference Fee - file or box
- Refile Fee - file or box
- Interfiles - fee for adding additional files
- Handling - additional fee for special processing
- Disposition - Standard (fee for destruction of each box)
- Disposition - Archival (fee for accessioning each box to National Archives)

Preparing Records for Transfer to FRC

Determine the record series to be transferred. See Chapter 1 for additional information regarding record series.

Some records may include a mix of media. For example, a granted FOIA Request case file may have paper and a CD. According to the FRC Toolkit, “Mixed media (e.g., computer diskettes, microfilm, or videocassettes) cannot be stored in the same environment as paper records. Please do not include these media in the same transfer with paper records without prior approval from the FRC.”

Prior to shipping records to the FRC, each record must be examined to ensure:

- Files are eligible for transfer
  - Records related to active FOIA requests, litigation holds, freezes, investigations, or audits are not eligible for transfer
- Records are organized by disposition authority
- Non-record and duplicate copies are removed
- Records are secured within a file folder
  - Records are removed from binders
  - Records are filed in a neat and organized manner
  - Removing paper clips, staples etc., is unnecessary
- File folders are properly labeled according to the contents
  - Include the cutoff date
  - Files are numbered and collated (e.g. Folder 1 of 3, Folder 2 of 3, Folder 3 of 3)
- Arrange the records in the same sequence as they were while active (e.g. FOIA request files are arranged in fiscal year order, then by FOIA number)
- Box lists match file folder labeling

- Mixed media are labeled by file identifier and media type, and noted on the box list
- Records tracking systems are updated to reflect the transfer of records to the FRC.

### FRC Boxes

FRC boxes are available from the GSA Supply Center. The stock item number for Standard-size record box (14¾" x 12" x 9½") for legal- or letter-size files is NSN 8115-00-1178249. Boxes exceeding these dimensions will not fit on FRC shelving. If your records do not fit into a standard box with these measurements, please call your local FRC to discuss alternatives before choosing a different size box.

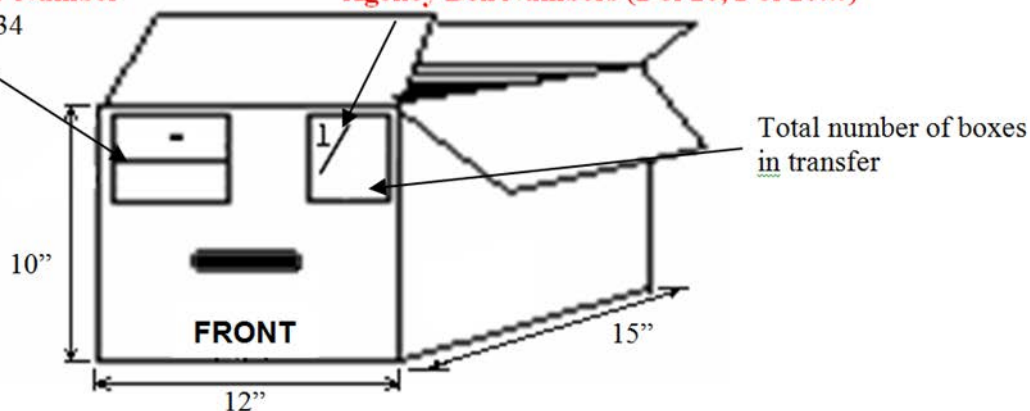
### Packing the Box

(Example)

**ARCIS Transfer Number**

PT-049-2016-1234

**Agency Box Numbers (1 of 10, 2 of 10...)**



- Stand the files in an upright position
  - ✓ Folders must be less than 9 ½ inches high
- Leave about 4 inches of space to ensure boxes are not packed too tightly for easy retrieval.
- Pack letter-sized folders facing the front of the box. The unstitched 12-inch side of the carton is considered the front. Start packing from the front of the box.
- Pack legal-sized folders facing the left 15-inch side of the box.
- Boxes must be at least half-full.
  - ✓ Redistribute records if the last box is not half full
  - ✓ Use folded cardboard to keep folders upright if box is not full

### Do Not Use:

- Shredded or crumpled paper, packing “peanuts” or other filler for partial boxes to prevent unwanted pests. Instead, use folded cardboard to keep the folders upright.
- Sticky or temporary labels on the box. Label the carton with a black permanent marker in large numbers.
- Folders larger than 9 ½ inches high. The Records Manager should return the boxes and file folders to the program staff for relabeling or for filing into the correct size file folders.

Transfers of more than 500 cubic feet require advance arrangements. In such instances, notify the FRC prior to the planned shipment.

**Completing a Box List**

Individuals initiating the transfer must develop a box list (inventory) after all the records have been boxed. The Records Administrator or Records Manager should review the list to verify the eligibility of the transfer and add the list as an attachment to the transfer request in ARCIS.

Create a detailed box list after all records have been boxed. The list should include (1) a heading and (2) inventory of each individual box. The format of the box list is flexible; however, it is important to include enough information to be able to retrieve the records.

1. Header - should minimally contain:
  - Bureau of Land Management and Office Name
  - Title of the record series from records schedule and additional description if needed to aid in the retrieval of the records
  - Closed/inactive FY(s) for the records in the transfer
  - Record series citation (schedule and item number) or Disposition Authority
  - ARCIS transfer number assigned (when available)
  
2. Inventory - must include:
  - Box number (Box 1 of 3)
  - Each folder’s title, file number, or any other identifying information needed to retrieve the file in the future.

In some cases, such as mining claim files, every folder in each box must be listed separately. In other cases, such as charge card statements, you may list the span of records within the box.

**Example 4: Box List**

(Additional examples of box lists are available on the BLM Records website.)

PT-049-2017-1234	DAA-0048-2013-0001-0011	
Bureau of Land Management – Colorado State Office		
Long-term Financial and Acquisition Records		
Routine Procurement Transaction Files		
Closed Fiscal Year 2013		
Box 1 of 3	Box 2 of 3	Box 3 of 3
Adams – Freeman	Goldberg – Smith	Smith - Zowie

After the files are boxed and a list is completed, gather the information required for ARCIS.

**Creating a New Transfer in ARCIS**

Gather the following information before starting to create a new Records Transfer in ARCIS:

ARCIS Fields	Selection You Make in ARCIS	Comments
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ARCIS Fields	Selection You Make in ARCIS	Comments
Security Classification	Unclassified	All BLM records are unclassified
Privacy Act	Check the Privacy Act box if records are subject to the Privacy Act.	Refer to the Records Schedules. System of Records Notices (SORNs) are available on the BLM Records website if needed.
Disposition	Permanent or Temporary	Refer to the Records Schedules
Vital (Essential) Records	Check this box if records are categorized as vital (essential) records.	Refer to the Records Schedules
Disposition Authority	Enter the appropriate disposition authority from the Records Schedules. Enter the schedule number. Examples: DRS: DAA-0048-2013-0001-0004 GRS: GRS 18/24a BLM: BLM 4/5a	Free format text field. Type the disposition authority directly into the box. Refer to the Records Schedules for this value.
Disposition Date	Type in date in the mm/dd/yyyy format or select date from calendar.	Date on which the records reach the end of their lifecycle and become eligible either for destruction or for accessioning into the National Archives. Refer to the DRS/GRS/BLM Combined Records Schedule for the cutoff time frame in calculating this date.
Comments	Enter comments as free format. Enter the program term for the records, e.g., "Charge Cards."	Examples: State if transfer contains mixed media or if records are subject to a "freeze." If transfer contains mixed media, explain what is in the transfer.
Type of Records	Textual is the default.	
Mixed Media	If the transfer includes records in more than one format, click this box.	

ARCIS Fields	Selection You Make in ARCIS	Comments
Container Type and Container Description	Standard is the default.	If records are shipped in a different size container, select the appropriate item. (Contact FRC prior to shipment.)
Number of Containers	Type in the number of boxes	
Inclusive Start Date and Inclusive End Date	Type in date in the mm/dd/yyyy format or select date from calendar.	Dates on which the records started and stopped being cutoff.
Description of Records	Enter the title of the record series from the Records Schedules.	Use the exact title from the Records Schedules.
“About the Agency Personnel”	Verify this information is correct.	Defaults based on user profile.
Shipment From Address	Verify the address for the office that is shipping the records.	Defaults based on user profile.
Retiring Office	Click the box or if the retiring office is not the same as the office from which the records are being shipped, type the name and address of the retiring office into the Retiring Office field.	e.g. records from multiple FOs combined to create a full shipment or if the requesting office is acting on behalf of the retiring office
Attach Box List	Add the box list using the <Browse> function.	After you hit the “continue” button, you will receive the ARCIS transfer number. This should be added to the box list before attaching to the transfer request.

After FRC approval, a copy of all documentation must stapled together and filed in Box 1 in front of the first file folder or record. This documentation includes:

- a copy of the FRC approved ARCIS Records Transfer Form
- a copy of the box list

For additional information on ARCIS, refer to the ARCIS link on the BLM Records website.

#### Labeling the Boxes

Write the transfer number and the box number in the designated printed blocks on each box, using a black permanent marker in large legible handwriting. The transfer number and box numbers are the only information the FRC requires on the front of the box. The transfer number identifies to whom the records belong.

ACCESSION NUMBER
<u>PT -0 4 9 - 2 0 1 7</u>

AGENCY BOX NUMBER
# <u>2</u> OF <u>30</u>

<u>1234</u>
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### Delivering Records to the FRC

Seal the boxes and ship the records to the FRC as soon as possible after the FRC approves the ARCIS Records Transfer form. If the FRC boxes are to be shipped by freight, express, or parcel post, reinforce them by taping the corners or edges of the closed carton.

Records must be received by the FRC within 90 days after their approval of the transfer. Delays of more than 90 days may result in the FRC canceling the transfer number and rejecting the shipment. In this case, the transfer will need to be resubmitted in ARCIS. If a shipment to the FRC will be delayed more than 90 days, contact the local FRC staff.

There are several different methods of delivering the boxes of records to FRC. Shipping costs are the responsibility of the BLM office shipping the records. Methods include:

- Commercial carrier
- Common carrier (on pallets)
- Mail service, e.g., FedEx or UPS; or the U.S. Post Office (USPS)
- Local BLM delivery. If the local BLM office delivers the records to the FRC, the boxes must be placed so that Box 1 is the last box off the vehicle.

### Packing Pallets When Shipping Records

Local FRCs may differ slightly regarding the stacking of pallets and the preferred order of boxes on pallets. Contact the transfer office at the local FRC regarding their special instructions and forms if needed.

Shipments over 50 boxes are normally palletized, and must be in numerical order so that the first box being unloaded is the last box of the transfer. If your shipment is coming via courier, ground transportation, or commercial carrier, instruct freight lines to contact the FRC at least 24-48 hours in advance prior to delivery.

### Review and Storage at the FRC

The FRC staff will compare the shipment to the ARCIS Records Transfer documents.

Transfers with any of the following deficiencies may not be accepted:

- Unapproved oversize boxes
- Damaged, improperly marked, improperly taped boxes
- ARCIS Records Transfer documents do not match shipment
- Missing ARCIS Records Transfer form or not placed in Box 1
- Boxes are less than half full
- Shipment includes mixed-size boxes
- Transfer number, box number, and the number of boxes are not clearly and neatly marked on the front of each box
- Transfer number or box number is obscured by tape

These problems can result in the entire shipment being returned to the BLM office, at the BLM's expense. Any remedial efforts by the FRC means increased costs for BLM.

After the records have been shelved at the center, the FRC will update ARCIS

Records that are stored in FRCs are readily accessible to the retiring offices. The office may ask for a temporary return or permanent withdrawal of the records. ARCIS is the tool for requesting records. See 2-2 for details.

### Interfiles

The BLM may send documents or folders that were not included in the original transfer to be interfiled into that transfer at an FRC. The BLM must provide the transfer number, box number, and correct file designation where the interfile should be located. The FRC will contact the Records Manager if the new material will not fit into the original box. Another option is to temporarily withdraw the file folder (or box) from the FRC, insert the documents in the appropriate place in the folder (or box), and return the file folder (or box) to the FRC.

### Transfer Unscheduled Records

The BLM may have enough volume or need to transfer unscheduled records to an FRC. ARCIS provides the option to transfer unscheduled records. This option is available in the disposition field. Contact the SRA who will coordinate with the BLM RMB to schedule these records.

### National Personnel Records Centers (NPRC)

The NPRC is one of NARA's largest operations and is the central repository of personnel related records, both military and civil service. The personnel and medical records of separated Federal employees are transferred to the NPRC, Civilian Personnel Records facility. Some of these collections have procedures for transfers and reference requests that differ from the procedures at other FRCs. Guidance for the transfer of Official Personnel Folders (OPF) to the NPRC is contained in 36 CFR 1233 and *The Guide to Personnel Recordkeeping* available on OPM's website.

### Official Personnel Folders (OPF)

With the implementation of eOPF in 2009, guidance from NARA and OPM states that once the electronic image(s) are loaded in eOPF and are validated and verified by a Federal employee, the hard copy OPFs, folders, and any loose documents then become non-records and are eligible for destruction after the appropriate validation period. This conversion process requires that a 100% quality control review must be performed. An additional verification and validation step prior to any destruction of documents is performed to assure the results of the 100% quality control review performed during initial conversion efforts. Contact your HR Officer for the latest guidance.

## **B. Retrieving Records from the Federal Records Center**

### Retrievals from the FRC

The BLM controls access to the records stored at the FRCs, as these records remain under the BLM's legal custody. Customers may not go to an FRC to view BLM records. Records must be

retrieved and viewed in the appropriate BLM office. If the FRCs receives requests that should have been through the BLM, the requests and any appeals for access, including those made under the Freedom of Information Act, are referred to the responsible BLM transferring official.

Records shipped to the FRC are available for temporary or permanent withdrawal to the BLM using ARCIS. It is important to track these requests and to ensure that temporary records are returned in a timely manner to the FRC in order to properly protect and preserve records.

#### Requesting a withdrawal

A Records Manager may request a withdrawal on behalf of a member of the public or BLM staff. Some records, such as law enforcement, accountable officer's records, procurement records, property records, human resources records, etc., can only be requested by the appropriate BLM program lead. Steps to request a temporary or permanent withdrawal include:

- Locating the transfer number and box number
- Identifying if the request is for a single file or whole box
- Using a separate ARCIS request for each individual file folder or box
- Printing a copy of the ARCIS request for documentation purposes
- Tracking the withdrawal and monitoring to ensure the records are timely returned
- Ensuring the tracking information from the FRC is associated with the record
- Notifying the requester that the record is available for viewing.

#### Returning a Temporary Withdrawal

Records that are retrieved by temporary withdrawal must be returned to the FRC for refiling. Steps for returning a temporary withdrawal include:

- Contacting respective program leads so records can be located and returned promptly
- Refiling records in the original folders or containers
  - Replacing the container (folder, box, tube, etc.) if it is unusable for shipment, copying the information from the original container
- Returning the record to the FRC using a service that provides tracking e.g. FedEx, UPS, or USPS (certified mail)
- Verifying receipt by the FRC
- Updating the tracking log (if maintained) to show when the record was returned to the FRC.

#### Permanent Withdrawals from FRC

Permanent withdrawals are required when a case file was sent to the FRC in error because it was still active, re-activated, there is an on-going investigation or audit, or still needed for current BLM business. Update the appropriate box list (paper/electronic) indicating which record was permanently withdrawn and the date of the withdrawal.

The BLM can only return permanently withdrawn records by submitting a new ARCIS transfer. Those records must be submitted in new boxes with a new transfer number. Permanently withdrawn records cannot be returned to the FRC to be filed in the box originally transferred in. These records must be submitted as a new transfer.

Retrievals from National Archives

Federal records accessioned to the National Archives become the legal property of NARA. The BLM cannot request a withdrawal of these records. It is NARA's policy to only provide copies of permanent records in their custody.

A BLM staff person who wants copies of records at the National Archives may have to provide payment using a charge card. The Records Administrator or Records Manager does not order copies from the National Archives or pay for the copies. BLM should not request copies of records accessioned to the National Archives for the public. The accession number and other identifying information can be provided for the public to request copies directly from the National Archives. If BLM requests copies of records accessioned to NARA, cost recovery fees should be collected.

## CHAPTER 3 - DESTRUCTION OF RECORDS

### A. Destruction of Temporary Records

Records shall not be destroyed until all proper clearances and signatures have been obtained on BLM Form 1270-4, Documentation of Records Destruction for On-Site and Federal Records Center (FRC) Disposals, from Records Custodians, Program Lead or Office Manager, Records Managers, and the State/Center/WO Records Administrator or Records Manager having jurisdiction of the records.

Prior to authorizing records disposal, Records Managers must ensure that the disposition has not been suspended as a result of an active FOIA request, records freeze, litigation hold, audit, or investigation.

#### Destruction of Temporary Records On-Site

Follow these procedures when preparing for destruction of temporary records on-site.

Action	Responsible Party
Review file plans and identify eligible records. Records destruction should be initiated no more than three (3) months after the record series is eligible.	Records Custodians
Contact the Records Administrator or Records Manager when records are eligible for destruction.	Records Custodians
Initiate BLM Form 1270-4, Documentation of Records Destruction for On-Site and Federal Records Center (FRC) Disposals, and forward to the Records Administrator or Records Manager. Include record series, inclusive dates, volume, location, etc., as required on form. Create a box list of the records as an attachment to BLM Form 1270-4, or use BLM Form 1270-5, Inventory of Temporary Records Eligible for Destruction.	Records Custodians
Verify that the disposal authority is correct according to the Records Schedules.	Records Administrator or Records Manager
Determine if any of the records might contain Indian Fiduciary Trust Records (IFTRs). Contact the appropriate Program Lead.	Records Administrator or Records Manager and Program Lead
Segregate IFTRs from temporary non-IFTRs. IFTRs are permanent records and can be transferred to the FRC or NARA according to the Records Schedules.	Records Administrator or Records Manager and Records Custodians
Determine if the non-IFTRs are eligible for destruction.	Records Administrator or Records Manager and Records Custodians
Determine if any of the records might be subject to an active FOIA request, records freeze, litigation hold, audit, or investigation.	Records Administrator or Records Manager, Program Lead, Records Custodian

Action	Responsible Party
Segregate, label, and preserve records subject to an active FOIA request, records freeze, litigation hold, audit, or investigation. Hold on-site; do not transfer to FRC.	Records Custodian
Obtain approval signatures on BLM Form 1270-4.	Records Administrator or Records Manager
If BLM Form 1270-4 requires RMB approval, upload form to the BLM Records website – Disposition – Disposition Requests. See requirements below.	Records Administrator or Records Manager
Make the final determination on the destruction of records and method of destruction with designated witnesses as appropriate.	Records Administrator or Records Manager
Promptly dispose of the temporary records within 30 days of approval by the Records Administrator or Records Manager.	Records Custodian
Update BLM Form 1270-4 and file with records disposition documentation.	Records Administrator or Records Manager
Update the records inventory to reflect destruction of records.	Records Administrator or Records Manager

Temporary, unrestricted paper records should be recycled. Sensitive records must be shredded.

Where large volumes of records are to be destroyed, it may be appropriate to utilize the services of a commercial shredding company. When using a commercial company, ensure that the appropriate safeguards are in place for the destruction of sensitive materials. Most commercial shredders can accept staples, paper clips, and fasteners, which can reduce preparation time.

The media for temporary electronic records must be recycled according to IT security procedures.

#### Disposal of Records by FRCs

Records stored at FRCs will be destroyed according to the Records Schedules, with the written concurrence of BLM. Ninety (90) days before the scheduled destruction date, the FRC will e-mail NA 13001, Notice of Eligibility for Disposal, to the State/Center/WO Records Administrator. An individual form will be sent for each transfer scheduled to be destroyed.

Upon receipt of NA 13001, BLM Form 1270-4 will be provided to the Program Manager for approval or disapproval. This will ensure that the records scheduled for destruction are not required for litigation or some other purpose.

The Disposal Approver identified on NA 13001 must respond to the FRC either that the records can be destroyed or not destroyed. Failure to respond to the FRC in a timely manner authorizing record destruction means additional storage charges will accrue. Since the BLM still has legal custody of the records stored at the FRC, the FRC will not destroy any of the BLM's records without written approval. If the BLM approves disposal during that period, the records will be destroyed as scheduled.



Follow these procedures upon receipt of NA 13001, Notice of Eligibility for Disposal from the FRC.

Action	Responsible Party
Develop a tracking log to monitor the 90-day timeframe to ensure a timely response to the FRC is provided.	Records Administrator or Records Manager
Verify that the information on NA 13001 is correct including record series description, disposal authority, and the destruction date according to the Records Schedules. Verify against the original disposition documentation (e.g., SF-135 or ARCIS transfer request and associated box list) to determine if there are any discrepancies.	Records Administrator or Records Manager
Initiate BLM Form 1270-4, Documentation of Records Destruction for On-Site and Federal Records Center (FRC) Disposals. Include record series, inclusive dates, volume, location, etc., as required on form.	Records Administrator or Records Manager
Contact the Records Custodian and Program Lead to start the analysis process.	Records Administrator or Records Manager
Determine whether the SF-135 and box list are sufficient to certify that the transfer does not contain IFTRs or an active FOIA request, records freeze, litigation hold, audit, or investigation.	Records Administrator or Records Manager and Records Custodian
Ensure that the records eligible for destruction are correctly identified and do not contain IFTRs or are subject to an active FOIA request, records freeze, litigation hold, audit, or investigation.	Records Administrator or Records Manager, Records Custodian, Program Lead
If the information available is not sufficient to make these determinations, permanently withdraw the entire transfer from the FRC for screening.	Records Administrator or Records Manager
If the SF-135 and box list are complete and it is determined that the transfer contains or might contain IFTRs or records subject to an active FOIA request, records freeze, litigation hold, audit, or investigation, the transfer cannot be destroyed. Permanently withdraw the transfer from the FRC.	Records Administrator or Records Manager
Permanently withdrawn records that cannot be destroyed should be moved to an appropriate location. IFTRs are permanent records and can be transferred to the FRC or the National Archives in a new transfer if eligible according to the Records Schedules. All other records can be either destroyed or transferred when eligible.	Records Administrator or Records Manager and Records Custodian
If it is possible that records stored at the FRC contain mixed record series with different retention periods it is mandatory to permanently withdraw the records. Review the records to determine the correct record series and if the records can be destroyed locally or sent to the FRC under a new transfer.	Records Administrator or Records Manager and Records Custodian

Action	Responsible Party
If the information on NA 13001 is not correct, determine the proper disposal authority and calculate the destruction date. Neatly cross off the incorrect data such as the records schedule citation or record series description and write in the correct information. Update the disposal date, if necessary. Determine whether the records are still eligible for destruction. Provide any corrections needed on NA 13001 to the FRC for updating ARCIS.	Records Administrator or Records Manager
Obtain approval signatures on BLM Form 1270-4.	Records Administrator or Records Manager, Records Custodian, and Program Lead or Office Manager
If BLM Form 1270-4 requires RMB approval, upload the form to the BLM Records website– Disposition – Disposition Requests. See requirements below.	Records Administrator or Records Manager
If valid circumstances warrant further retention of the records, inform the FRC in writing. Unless there is a valid reason for the temporary records to not be destroyed, such as a litigation hold, government audit, potential liability for tort claims, or ongoing civil action, the records can be destroyed by the FRC. “Because we might need them some day” is NOT a valid reason to keep inactive records past the end of their lifecycle.	Records Administrator or Records Manager
When the analysis phase is completed and documented, and the records are eligible for destruction, sign and date NA 13001. Keep the original with your records disposition documentation. Send a scanned copy back to the FRC within 90 days of receipt.	Records Administrator or Records Manager
The local FRC will promptly dispose of the temporary records and no further correspondence will come from the FRC. ARCIS will be updated to show 0 boxes in the transfer.	FRC
Update BLM Form 1270-4 and file it with the other records disposition documentation.	Records Administrator or Records Manager
Update the records inventory to reflect destruction of records.	Records Administrator or Records Manager

The FRC will:

- Update ARCIS with corrections submitted on NA 13001
- Arrange for the method of destruction based on the level of restriction (e.g., Privacy Act, restricted, non-classified, textual, or non-textual records)
- Destroy the records in a secure fashion
- Include charges for destruction on the monthly invoice to BLM.

It is essential for Records staff to be diligent when analyzing which records are eligible for destruction. The Combined Records Schedules are constantly being updated, which means the disposition authority may have changed since the records were sent to the FRC. It is critical to

compare the NA 13001 to the current Records Schedules. This is important because GRS updates are retroactive for records stored at the FRC but newly approved DRS Schedules are day-forward.

If the disposition authority is incorrect on the NA 13001:

1. Line through the incorrect disposal authority
2. Write the correct disposal authority
3. Correct the record series title and disposal date.

#### RMB Approval Required Prior to Destruction

The table below identifies the temporary records, which require further review and approval from the RMB before the records are authorized for destruction, whether on-site or at FRC. The potential exists for IFTRs being intermingled with these temporary records, both at the FRC and on-site at BLM offices. Further review is required of the records in these record series. The RMB requires the following forms to complete their review: BLM Form 1270-4, SF-135 or ARCIS Transfer Request, Box List or BLM Form 1270-5, and NA 13001 (if applicable).

Records Schedule Item Number	Record Series Title
04/26a	Communization or Unitization Agreement Application Case Files
04/26b(2)	Communization or Unitization Agreement Operations Lease and Well Files, Federal Agreements
04/27b(2)	Oil and Gas Operations Lease and Well Files - Federal
04/28b(2)	Geothermal Operations Lease and Well Files - Federal
04/29b(2)	Solid Mineral Lease Operations Case Files - Federal
04/30b(2)	Oil Shale Lease Operations Case Files - Federal
23/1a	General Correspondence and Reports Files (Only correspondence for the following subject codes: 1118, 2271, 2530, 3160, 3482, 3592, or 3825)

All the other record series in the Records Schedules may be disposed of without RMB approval.

#### **B. Emergency Authorization to Destroy Records**

Under certain conditions, the BLM may destroy records regardless of schedule provisions. An example would be records whose physical conditions make them a menace to human health, life, or property such as:

- Infestations by vermin or other critters.
- Stored under such adverse conditions that the records cannot be used or repaired.
- Nitrate film.
- Film infested with “vinegar syndrome” or any other type of deterioration.

The Bureau Records Officer must obtain NARA's approval prior to destroying records under emergency conditions. If NARA concurs, they will notify the agency to immediately destroy the records. If NARA does not concur, they will advise the agency on a remedial action to address the menace (e.g., how to correct certain infestation problems through fumigation). This is why it is extremely important to store records in office space that is dry, clean, and in a hospitable environment.

For records on nitrate film, which pose a threat to persons and property, the BLM is authorized to destroy the film in consultation with the local Safety Officer so that it is destroyed without further damage to people and property. Nitrate film can become soft and sticky, emit a noxious odor, contain gas bubbles, or retrograde into an acrid powder. Within 30 days of destruction, the BLM must send NARA a written report describing the film and explain when, where, and how it was destroyed.

**C. Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records**

Destroying records prior to their authorized disposal date or when litigation is pending can result in fines and penalties outlined in 18 U.S.C. 2071. More information may be found in MS 1270.

## CHAPTER 4 - PERMANENT TRANSFER OF CUSTODY

### A. Accession of Permanent Records to the National Archives of the United States

The ERA is NARA's system that allows Federal agencies to perform critical records transactions with NARA online. The ERA is designed to preserve and manage NARA's electronic records and to manage the lifecycle of records and other holdings, including support for records retention schedules and the accessioning process for all Federal records.

The BLM uses ERA to perform a variety of records management transactions online including submitting new records schedules for approval, direct offers of permanent records, and processing annual moves for permanent records from the FRC to the National Archives. Electronic forms in ERA replace the need for paper based standard forms, such as the SF-115 and SF-258.

#### ERA Disposition Authorities

The records schedules contain disposition instructions for permanent records. Similar to temporary records, permanent records must be kept in the legal custody of the BLM for a certain length of time after the cutoff. However, instead of destroying the records, permanent records are accessioned by NARA after the allotted time has passed.

Once the Archivist of the United States approves a records schedule, it is entered and viewable in ERA. To create a transfer request in ERA, you must first find the ERA Disposition Authority Number located in the Disposition Authority column in the Records Schedule.

There are two types of Disposition Authority Numbers in ERA:

- DAA=Disposition Authority Agency: This prefix indicates a new, "born-in-ERA" records schedule created by BLM.
- DAL=Disposition Authority Legacy: This prefix indicates that the records schedule is legacy information, meaning that it is the ERA Records Schedule ID assigned to a previously approved records schedule, previously represented by N1 or NC in the records schedule.

#### ERA Accession Numbers

The Transfer Request (TR) in ERA replaces the SF-258 form as the means for documenting and conducting the physical and legal transfer of permanent records from BLM's custody to NARA's custody. NARA creates the transfer number in ERA for annual moves and direct offers. An example TR Number is TR-0049-2016-0001.

- TR = NARA Transfer Request
- 0049 = Indicates this is a BLM record - note the extra zero added in ERA
- 2016 = Four digit Fiscal Year when transfer was created in ERA
- 0001 = Four digit sequential designation assigned in ERA for transfer

#### ERA Transfer Types

There are two ways for NARA to accession permanent records: Annual moves or direct offers. Annual moves are conducted each fiscal year when NARA has determined which permanent

records located at the FRCs are eligible for accession. ERA uses the information in ARCIS to create a new transfer record for each accession.

Direct offers are conducted when permanent records have met their disposition and are accessioned directly from the local BLM office to the National Archives using ERA. Occasionally, records of permanent value that have not met their disposition may be pre-accessioned through a direct offer.

#### Annual Moves from FRC to National Archives

The NARA provides detailed instructions at the beginning of each fiscal year for processing annual moves. In early August, NARA will distribute a preliminary list of eligible transfers to the Bureau Records Officer who will distribute the list to the SRA/SRMs. Steps to complete the Annual Move are:

- When reviewing the preliminary list, the SRA/SRMs will:
  1. Consult with Program Leads to ensure the records are eligible for accession
  2. Review the list for accuracy
  3. Notify NARA at [annual.move@nara.gov](mailto:annual.move@nara.gov) prior to October 1, if any discrepancies are found.
- After draft TRs are loaded into ERA on October 1 of each year:
  1. Search for the draft TR in ERA
  2. Review populated fields for accuracy (See Table of ERA Transfer Request Fields below)
  3. Enter missing data or make corrections as needed
  4. Submit TR for Agency Approval
  5. Approve TR (done by delegated BLM Approvers).

#### Direct Offers to National Archives

For direct offers, prepare the records and box lists for accessioning by following the same processes as transferring records to the FRC.

When making a direct offer, a TR must be created in ERA. Before beginning the process, gather the information required to populate the fields. (See Table of ERA Transfer Request Fields below)

Table of ERA Transfer Request Fields

ERA Fields	Selection You Make in ERA	Comments
Disposition Authority Number	Transfer Request; Select the appropriate Disposition Authority Number of the approved DRS/GRS/BLM Combined Records Schedule Item to link to the Transfer Request.	
Agency or Establishment	Should be automatically populated with BLM	
Record Group	Select 049 from drop down menu	ERA will populate with "0049"

ERA Fields	Selection You Make in ERA	Comments
Major Subdivision	Enter Office Name	Example: Colorado State Office
Minor Subdivision	Enter Division or Branch Name	Division of Lands & Realty
Manual Citation	Enter Records Schedules Citation exactly as it appears in the records schedule.	Recommended that you “cut and paste” from the Records Schedules document.
Security Scan	Applies to electronic records transfers only.	Security Scan can only scan certain formats such as ASCII text and Microsoft Word.
Comments	Enter comments as free format.	Examples: State if accession contains mixed media.
Type of Legal Transfer	Annual Move Direct Offer	Annual Move refers to records located at an FRC. Direct offer refers to records located in BLM office space.
Inclusive Dates From	Required field. Calendar year when the first record described on the TR is available for transfer.	Format is MM/DD/YYYY Example: conveyance records issued during FY2015. Date would be: 10/01/2015
Inclusive Dates To	Required field. Calendar date when the last record described on the TR is available for transfer.	Format is MM/DD/YYYY Example: conveyance records issued during FY2015. Date would be: 09/30/2015
Access Restriction	Choose Restricted-Fully, Restricted-Partly, or Unrestricted.	Most BLM permanent records are unrestricted. If restricted fully or partly, appropriately identify Controlled Unclassified Information (CUI) with the appropriate FOIA (b)(2) - (b)(9) restriction(s).

ERA Fields	Selection You Make in ERA	Comments
Privacy Act Notice		If you select “Yes,” you are required to complete the <b>Federal Register Volume, Agency System (SORN) Number, and Federal Register Page Number</b> fields. Note: If records are subject to the Privacy Act, please also select the appropriate Access Restriction Status and Specific Access Restriction FOIA (b)(6).
Use Restriction	Choose “Unrestricted.”	Means there are no copyright, donor, trademark or other use restrictions on records.
General Records Type	Required field. Click on ellipsis button to open selection box. Click on “Textual Records” for paper records.	
Save Button	Clicking on the Save Button will save the TR in a draft status. The TR number will automatically be generated.	Update the box list with the TR number prior to attaching the box list.
Transfer Group Disposition Date	Required field. Date records became eligible for accession to NARA.	Use disposal date calculation as identified in Records Schedules.
Current Physical Location of Records	Required field. Yes = displays BLM Name and Address field tied to your user permissions. No = displays the location and current custodial unit fields.	If records are located at an FRC, always select No.
Destination Physical Location of Records	Select the appropriate NARA facility from the pull down menu.	
Transfer Method	Select either: Electronic Means or Physical Means.	For textual records, click on the box for “Physical Transfer of Non-Electronic Records.”
Transfer Method for Physical Transfer of Non-electronic Records	When selecting the box for Physical Transfer of Non-electronic Records, check the box to display the List of Containers and Special Media Type areas.	Use for textual records only. Insert the number of boxes and other required information to complete this portion of ERA.



ERA Fields	Selection You Make in ERA	Comments
Quantity Field	If accessioning 25 containers of paper records, type <25> in this field.	Follow the ERA Manual if accessioning electronic records.
Transfer Media Type Field	If accessioning paper records, select <Paper> in this field.	Follow the ERA Manual if accessioning electronic records.
Transferring Agency Official	Automatically populates from user profile. Agency field must be populated by the user.	
Related Assets Tab	Populated by ERA at time of submission to NARA; no action required.	
Attachments Tab	Attach box list. File name for the box list must include the TR number (e.g., TR-0049-2015-1234_Colorado Patents Issued FY2015 Box List.xls).	Always attach a box list. NARA prefers an Excel box list. Include any other documentation that would help explain the records in the accession.

The Electronic Records Archives Agency User Manual is available on NARA's website. The ERA training is also available online. The link to the ERA portal is available on the BLM Records website.

#### Shipping/Delivering Direct Offers to National Archives

When making a direct offer, write the accession number and the box number in the designated printed blocks on each box using a black permanent marker, making the numbers 1 ½" to 2" high, in neat handwriting. The accession number and box numbers are the only information NARA requires on the front of the box. The accession number identifies to whom the records belong.

ACCESSION NUMBER	AGENCY BOX NUMBER
<u>TR -0 4 9 - 2 0 1 7</u>	# <u>2</u> OF <u>30</u>
<u>1234</u>	

Include the box list in box 1 then seal the boxes and ship the records to National Archives within 90 days of approval from ERA.

Shipping costs are the responsibility of the BLM office shipping the records. There are several different methods of delivering the boxes of records to National Archives. The boxes may be shipped by a commercial carrier; common carrier (on pallets); delivered by the local BLM office; or sent through a mail service, e.g., FedEx or UPS; or the USPS.

For large shipments, contact the local NARA facility for shipping instructions and to schedule a delivery date. Instructions are also available on NARA's website and BLM's Records SharePoint site.

#### Completion of transfer of custody to National Archives

The transfer of legal custody of the records to NARA is complete when the status of the ERA transfer changes to Legal Transfer Instrument. Maintain a copy of the Legal Transfer Instrument with the SF-135 and box list.

#### Accessioning Permanent Records on Special Media Formats

Ensure that the records are scheduled as permanent and accession them as described in the Records Schedules. When accessioning records on special media formats, it is important to remember that some contextual information is required. Without some identification of the people, structures, events, land areas, etc., that are depicted in the images there will be no way for NARA to catalog and describe the holdings in a meaningful way. Additional specifications and requirements must be followed when accessioning these types of records. For electronic records see 36 CFR 1235.44 through 1235.50; for audiovisual, cartographic, and architectural records see 36 CFR 1235.42. Check the NARA's website for current guidance on accessioning special media formats.

#### Retaining BLM records for the conduct of regular business after they are eligible for accession to National Archives (36 CFR 1235.14)

Written approval from NARA is required to retain records longer than the specified retention on a records schedule. If it is determined that the records are needed for the conduct of regular business, the BLM Records Officer must submit a written request certifying continuing need.

### **B. Custody Transfer and Donation of Records**

#### Transferring Custody of Records from the BLM to an Agency outside the DOI

NARA's written approval is required for the transfer of custody of records between Federal agencies except under these conditions:

- The records are transferred to an FRC or National Archives
- Records are loaned for official use
- Transfer is required by statute or Executive Order
- The records are transferred between two components of the same Executive department

The BLM Director's letter to request NARA approval will include the following information (36 CFR 1231):

- Concise description of the records, including inclusive dates and volume in cubic feet
- Name and address of the current Records Custodian
- Name and address of the proposed recipient of the records
- Access restrictions
- The agencies and persons using the records and the purpose of this use
- The current and proposed physical and organizational location of the records

- Justification of the proposed transfer, including an explanation as to why it is in the best interests of the Federal Government
- Concurrences by the other agency involved.

#### Transferring Records to Bureaus or Offices within DOI

In order to transfer records to other DOI Bureaus or Offices, the disposition plan and inventory of records being transferred must be submitted to the Bureau Records Officer. Requests must be submitted in writing, through the appropriate SRA or SRM having jurisdiction for the records, for review and approval by the Bureau Records Officer.

#### Donations of Temporary Records

The BLM may be asked by various individuals, organizations, or historical societies to donate BLM records for their continued preservation and use. All requests to donate inactive temporary records must be made through the Bureau Records Officer. Records may only be donated with NARA's written approval. Permanent records cannot be donated. Temporary records that are not eligible for disposal cannot be donated. External entities desiring a permanent BLM record will only be provided a copy (under the public room cost recovery policy) which can be certified as a duplicate of the original.

The Bureau Records Officer will submit a written request to NARA, Modern Records Programs, in College Park, MD, for their consideration to determine whether a donation is in the public interest. Information required in the written request includes (36 CFR 1226.26):

- Name of the office with custody of the records
- Name and address of the proposed recipient of the records
- A descriptive list of the records to be donated, inclusive dates of the records, and the SF-115 or GRS and item numbers that authorize destruction of the records
- Statement providing evidence that the proposed donation is in the best interests of the Government
- Statement that the proposed recipient agrees not to sell the records as records or documents
- Statement that the donation will be made without any cost to BLM
- Certification that the records contain no information the disclosure of which is prohibited by law or contrary to the public interest.

NARA will determine whether the donation is in the public interest and notify the Bureau Records Officer of its decision in writing. Approval of the donation may only be implemented by the Bureau Records Officer to the office holding the records. If NARA determines that the proposed donation is contrary to the public interest, the request will be denied and the records must be disposed of in accordance with the appropriate records disposal authority.

## **CHAPTER 5 - OPERATING UNDER A HOLD (LITIGATION HOLD, FREEZE, FOIA REQUEST, AUDIT, OR INVESTIGATION)**

A “hold” is an agency’s temporary suspension of disposition action(s) related to documentary materials, as well as the segregation and preservation of such materials, because of legal, audit, or investigative needs. Documentary materials include records and non-record materials, and regardless of physical location, must be kept for as long as a hold is in place.

Holds may occur because of litigation holds, freezes, FOIA requests, audits, or investigations. A record may have more than one hold applied to it at any given time.

When operating under a hold, employees must follow the instructions provided by the Solicitor’s Office, Bureau Records Officer, FOIA Officer, or other authorized officials. Only after the hold is lifted can records disposition resume.

If, prior to a hold, the requested records were destroyed according to their records disposition authority, evidence must be provided to include:

- Record Identifier (e.g. case file number)
- Records Schedule and item number
- Date eligible for disposal
- Actual disposal date
- Destruction documentation

### **A. Litigation Holds (Preservation Orders)**

A litigation hold is a memorandum issued by the Office of the Solicitor (SOL) instructing employees to preserve records and information, regardless of form, that is relevant to pending or actual litigation. This information must be retained and preserved until a release is issued by the SOL.

At any one time, the BLM is involved in numerous litigation holds. The BLM has an obligation under Federal law (the Federal Rules of Civil Procedures, U.S. Code Title 28, Appendix) to preserve records and information that may be relevant to issues surrounding a dispute. Each BLM employee, contractor, and volunteer is required to ensure that all relevant records and information are identified and maintained where they are protected and readily available.

#### **Notification of a Litigation Hold**

Upon notification, the Bureau Records Officer will assist the SOL in disseminating notification and guidance on how to implement the litigation hold. In some instances, a litigation hold is sent directly to the employee who creates or has possession of records or information related to the litigation hold. When this occurs, employees must immediately notify their respective SRA or SRM and State Litigation Specialist.

The Records Management Board (RMB) will maintain an up-to-date listing of litigation or preservation holds. If an SRA or SRM becomes aware of a new litigation hold, or a change in an existing litigation hold, they must e-mail the RMB.

### Preservation Responsibilities

Upon notification, employees will immediately take appropriate measures to secure all paper and electronically stored information (ESI) subject to the litigation hold, and to suspend normal procedures affecting the disposition of those records. ESI includes e-mail (plus attachments), voice mail, instant messages, social media interactions, and electronically created documents such as word processing, spreadsheets, calendars, and databases.

The affected records must be segregated from other records, labeled, and retained; taking reasonable steps to ensure that information is not purged or otherwise inadvertently destroyed and that information created in the future is also preserved.

Employees must take steps for continued compliance with litigation holds until such time the SOL sends out a notification that the hold is lifted. ESI involved in litigation holds or preservation orders must be preserved in their original electronic form. This may necessitate creating separate file folders, and segregating affected paper or ESI records.

Information to be preserved may be located at:

- Subject files in employee offices
- Central Files
- Decentralized File locations
- Equipment where ESI is stored, including, but not limited to, network or hard drives of office desktop computers, office and field laptop computers, Government computers at employee residences, portable storage media such as flash drives, computer discs, audio and video recordings, and any handheld electronic device such as cell phones, Smartphones, tablets, etc.
- Off-site facilities, such as the FRCs or commercial facilities.

Responsive records stored at an FRC or commercial facility must be retrieved, reviewed, and segregated. If returning records to the FRC or other facility related to the litigation hold, include the statement: "Records in this transfer cannot be destroyed until (name of litigation/preservation order) is lifted. The Bureau Records Officer has been notified and concurs," on the ARCIS Records Transfer Request.

Employees affected by litigation holds must keep a file copy of the litigation hold communications and other instructions until the subject records are released from the litigation hold. These file copies are part of the official record and must be preserved.

Employees must coordinate with their SRA/SRM and State Litigation Specialist to confirm the requirements of the litigation hold are met. Violating the litigation hold by failing to take steps to preserve records may expose an employee to disciplinary actions up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

If an employee possesses records subject to a litigation hold and separates from employment with the BLM, or is transferred to another office within BLM, their supervisor must take

possession of all paper and ESI records. If separating from employment, this information must also be noted on the Final Salary Clearance Report (Form 1340-2).

#### Release of a Litigation Hold

A release from a litigation hold notification is issued by the Office of the Solicitor. For Bureau-wide or multi-state holds, the Bureau Records Officer will distribute a Bureau-wide litigation hold release notification identifying the records to be released. The released records will once again be subject to the Bureau's records schedule disposition requirements.

#### **B. Records Freeze**

A "freeze" is created when the Bureau Records Officer issues a hold notice for records not in their physical custody but in the custody of an FRC, and asks NARA to create a freeze to halt premature disposition of the records. Since most litigations deal with relatively current BLM activity, the number of freezes is significantly smaller than the number of holds since the BLM still has physical custody of most of the records affected by holds.

Records may be "frozen" and, therefore, not eligible for destruction, in the following circumstances:

- The BLM has requested a change in the retention period for the records;
- The BLM notifies the particular records center that the records are needed for up to one year beyond the date eligible for disposal; or
- The NARA approves an agency's written request to temporarily extend the retention period for a record series or system of records.

#### Requesting the Creation and Application of a Freeze

The Bureau Records Officer sends a freeze request letter to the Director for the Federal Records Centers Program Office of Agency Services, College Park, MD, requesting that a freeze be created (see 36 CFR 1226.20). The letter will:

- State why the records are related to the subject litigation
- Request that NARA create and apply a freeze for those records
- Give a concise description of the record series for which the freeze is requested
- Provide a complete citation of the specific provisions of the agency records schedule or the GRS currently governing disposition of the records, including the item number
- Include a statement of the current physical location of the records
- Provide the Record group number(s)
- List the specific transfer numbers if the freeze applies only to specific transfers
- Justify the application of the freeze (suspending disposition) by providing a court case or order citation, indicating involved parties and subject.

NARA will respond after consulting with the Bureau Records Officer.

#### Requesting a Full or Partial Lifting of a Freeze

A full or partial freeze lift must be requested by the Bureau Records Officer in a letter to the Director for the Federal Records Centers Program Office of Agency Services, College Park, MD, requesting that a freeze be fully or partially lifted. The letter will:

- Identify the records by transfer number or disposal authority
- State that the records are no longer related to the subject litigation
- Request that NARA lift the freeze for those records
- Give a concise description of the record series for which the lift is requested
- Provide a complete citation of the specific provisions of DRS or BLM records schedule or the GRS currently governing disposition of the records (including the item number)
- Include a statement of the current physical location of the records
- List the specific transfer numbers if the lift applies only to specific transfers
- Justify lifting the freeze by including verbiage along the lines of "...have reviewed the records and found them to be non-responsive to the litigation..." or "...should resume their normal disposition cycle since the subject litigation has been settled..."

### **C. Other Holds**

Information must be preserved for active FOIA requests, audits, and investigations until completed. An employee may or may not receive an official hold notice; however information pertaining to these activities may not be destroyed until the FOIA request, audit, or investigation is completed or closed. It is imperative to check for these types of activities prior to destruction of temporary records. Signatures on BLM Form 1270-4 certify that the records listed on the form were retained for the scheduled retention period, required audits are completed, and there is not any pending or ongoing litigation, investigations, active FOIA requests involving these records.

**APPENDIX A - GUIDELINES FOR ESTIMATING VOLUME OF RECORDS**

Cubic Footage Conversion: One standard records center carton holds 1 cubic foot of records

One FRC Box, when filled with records, weighs approximately 30 pounds.

Filing Cabinets

One letter-size drawer = 1.5 cubic feet

One legal-size drawer = 2.0 cubic feet

Shelf Files

Letter-size, 1 linear foot = 4/5 cubic foot

Legal-size, 1 linear foot = 1 cubic foot

Cards

10,000 tabulating cards = 1 cubic foot

3x5 cards, ten 12" rows = 1.0 cubic foot

4x6 cards, six 12" rows = 1.0 cubic foot

5x8 cards, four 12" rows = 1.0 cubic foot

Digital Computer Tape

7 reels of standard digital computer take (2,400 feet long, one-half inch wide) = 1.0 cubic foot

Microform

50 100-foot 35mm microfilm reels = 1 cubic foot

100 100-foot 16mm microfilm reels = 1 cubic foot

Cassette Tapes

200 tapes = 1.0 cubic foot

Microfilm

1 roll of microfilm = 1.0 cubic foot

Outsized Equipment and Other Records

Inside cubic measurement (inches): Length x Height x Width = Cubic inches divided by 1728 = cubic feet

Document Conversion

1 cubic foot = 2,000 sheets of paper

One compact disk contains approximately 2,000 sheets of paper

1 gigabyte is equivalent to about a:

- Pickup truck filled with paper
- Symphony in high-fidelity sound
- Movies at television quality



**APPENDIX B - CHECKLIST FOR REPORTING A RECORDS LOSS**

For any actual, impending or threatened unlawful removal, defacing, alteration, or destruction of Bureau records, complete the following tasks:

1. Designate a point of contact for the incident
2. Notify State Records Administrator/Manager by email or phone (Manual 1270, Chapter 2.11)
3. Gather evidence of the event such as:
  - Witness statements
  - Photographs of event
  - Document timeline of sequence of events from beginning to end
  - Obtain copy of law enforcement reports
  - Obtain copy of fire department reports
4. Develop draft report to include:
  - The office maintaining the records including location address, city, state, and zip code
  - The program area involved
  - A complete description of the record series with media type and volume (cubic feet or bytes)
  - Dates of records involved including records status (active, cutoff) and whether permanent or temporary
  - Records schedule item number (disposition authority)
  - Description of how the records were stored prior to the incident
  - Statement of exact circumstances surrounding the removal, defacing, alteration, or destruction including date and time
  - Details of the actions taken to salvage, retrieve, or reconstruct the records
  - Safeguards implemented to prevent further loss
  - Contact information (Name, Title, Agency, phone, and e-mail)
5. Distribute draft report through local management and State Office management for approval
6. The SRA/SRM will notify the Bureau Records Officer by memorandum with a copy of the final report and a draft transmittal letter from the Bureau Records Officer to NARA
7. The Bureau Records Officer transmits letter and report to Chief Records Officer of the United States, National Archives and Records Administration
8. Respond to any requests from NARA for follow-up action through the Bureau Records Officer.

For additional guidance on unlawful or accidental removal, defacing, alteration, or destruction of records, see 36 CFR 1230 or contact NARA.