

# Department of the Interior Departmental Manual

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**Effective Date:** 12/31/86

**Series:** Information Resources Management

**Part 384:** Records Disposition

**Chapter 3:** Removal or Destruction of Official Records

**Originating Office:** Office of Information Resources Management

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This chapter has been given a new release number.* No text changes were made.
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## 384 DM 3

**3.1 Purpose.** This chapter summarizes the requirements of Title 44 U.S.C. 3105 and 3106 (Federal Records Act of 1950), Title 18 U.S.C. 2071 (Crimes and Criminal Procedures), and NARA Regulations, 36 CFR 1228.100, relating to the removal, destruction, or loss of Federal records.

**3.2 Policy.** All official records of the Department will be protected against loss, unauthorized destruction or modification, and illegal removal from the Department in order to ensure adequate documentation of organization, functions, policies, decisions, procedures, and essential transactions.

**3.3 Responsibility.** Heads of bureaus and offices are responsible for:

A. Fully informing subordinate officials and employees of the requirements of Federal law concerning official records held in their custody and the criminal penalties that are attached to the unlawful removal, modification, or destruction of official records.

B. Ensuring that appropriate internal controls and safeguards are in place to prevent the loss or alienation of official documentation.

C. Ensuring adequate system and physical security to safeguard records stored on electronic media against unauthorized modification or destruction.

D. Ensuring that the standards contained in approved records disposal schedules are followed.

## 3.4 Kinds of Records.

A. Official Records. Official records are either made or received under Federal law or in connection with the transaction of public business. All official records, regardless of their form, belong to the Department rather than the officer who has custody of them and are to

remain in the custody of the Department until there is official authorization for disposal. Correspondence designated Apersonal,@ Aconfidential,@ Aprivate,@ or Arestricted@ but which relates to the conduct of public business, is an official record. Records created as a result of daily activities; e.g., calendars, appointment books, schedules, logs, diaries, and other records documenting meetings, appointments, telephone calls, trips, visits, and other activities, that contain substantive information relating to official activities not documented elsewhere, are official records and subject to the provisions applicable to official records.

B. Personal Records. Personal records are records of a private or nonofficial character that pertain only to an individual=s personal affairs. Personal records will be clearly designated as nonofficial records and must be maintained separately from official records.

C. Nonrecord Material. Extra copies of documents preserved solely for convenience of reference are nonrecord material.

### **3.5 Disposition of Records.**

A. Official Records. Official records may only be removed from the Department under the conditions outlined in 384 DM 1.7.

B. Personal Records.

(1) Personal records; e.g., records brought from personal life; personal and professional correspondence that does not pertain to the business of the Department may be removed without objection. Personal records that contain, in part, public business will have the business portion extracted and made part of the official record.

(2) Secretarial officers or other officials of the Department should consider making use of the system of Presidential archival depositories for storage of their personal records. Under section 507 of the Federal Records Act, Title 44 U.S.C. 2107, the Archivist of the United States may accept for deposit in either the National Archives or similar depositories, records and other historical materials of officials or former officials, and other records Arelating to and contemporary with any President or former President of the United States.@ Donors or depositors may specify restrictions to be placed on access to such personal records, if they decide to make use of these archival depositories.

C. Nonrecord Material. Officials and employees are permitted to remove nonrecord material when they leave the Department provided that removal would not (1) diminish the official records of the Department; (2) violate confidentiality required by national security, privacy or other interests protected by law; or (3) exceed normal administrative economies.

**3.6 Reporting Missing or Destroyed Records.** All employees of the Department are responsible for notifying the head of their bureau/office, through the appropriate Records Management Officer, of any actual, impending or threatened unlawful removal, defacing, alteration, or destruction of records in their custody. The head of a bureau or Departmental office shall report such findings to the Records Disposal Division, (NCD), Office of Federal

Records Centers, National Archives and Records Administration, Washington, D.C. 20408. The report (Report Control Symbol 0285-GSA-AR) shall include:

- A. a complete description of the records with volume and dates if known;
- B. identification of the office of origin and/or custody;
- C. a statement of the exact circumstances surrounding the alienation, defacing, modification, or destruction of the records; and
- D. a statement of the safeguards with specific procedures to be instituted to prevent further instances of loss of documentation.

**3.7 Assistance in Records Recovery.** The Archivist of the United States will assist the head of a bureau/office in contacting the Attorney General for the recovery of any unlawfully removed records.

**3.8 Penalties for Illegal Removal or Destruction of Official Records.** Title 18 U.S.C. 2071 states that anyone found guilty of attempting to, or succeeding in the willful and unlawful concealment, removal, mutilation, obliteration, or destruction of official records is subject to a fine and/or imprisonment.

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