

Records Management Policy: RMP-2021-01

Subject: Managing Audio-Video Recordings as Federal Records

1. Effective Date

This policy is effective **August 3, 2021**.

2. Version:

Version #	Summary	Date
1	Initial Policy	Initial Policy Issued

3. Rescissions

None.

4. Prepared by

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5. Purpose

The Departmental Records Office is providing guidelines that Departmental Staff need to consider when recording meetings or conferences. This policy describes the factors that should be considered prior to making audio and/or video recordings and the requirements necessary to properly manage recordings which are subject to the Federal Records Act.

6. Scope

This policy applies to all Departmental Staff. Bureaus and offices may issue implementing procedures consistent with this policy. This policy covers all types of group meeting recordings, regardless of participants or technology, but it does not cover other forms of recordings such as security camera video, body cameras, or voicemails. Federal Records and other documents subject to litigation, investigations, or other independent preservation holds should be identified and preserved according to the hold which supersedes all other normal disposition authorities.

7. Authorities

- [44 U.S.C. Chapter 29](#) and [Chapter 31](#) - Federal Records Act

8. Policy

- A. Common terms such as Federal Records and Departmental Staff are capitalized and included in the “Definitions” chapter of the Departmental Records Management Guidebook.
- B. Audio and video records must be maintained according to an approved agency records schedule like the Departmental Records Schedule (DRS) or a bureau specific Records Schedule. Audio/video records are subject to production for any Congressional Oversight, litigation, investigation by the Inspector General, and/or Freedom of Information Act

(FOIA) request.

- C. Due to the Federal Records and document production implications, extreme care should be used when deciding to create audio and video recordings. Departmental Staff should consider if taking notes is a more practical alternative and only use audio and video recordings for a specific, identified business purpose.
- D. Attendees being recorded must be provided with advance notice and an opportunity to consent before starting audio and video recordings, even when the recordings do not contain personally identifiable information. Privacy restrictions vary by state, so you should consult with your Privacy Officer and the Office of the Solicitor on specific requirements.
 - 1. All attendees must be notified and provide affirmative consent prior to beginning the recording. Immediately after recording begins, attendees must again affirmatively acknowledge their consent to record their agreement.
 - 2. If affirmative consent is not received from all attendees, do not begin recording.
 - 3. Responsible officials must notify users to immediately stop recording when it violates federal or state law and policy.
- E. Consult with your Responsible Records Officer (RRO) to determine how to manage and retain recorded audio/video information. Types of recordings include:
 - 1. Recordings of senior bureau or office leadership (known as High Level Officials), Public Affairs external, or high-level internal communications are permanent records requiring transfer to the National Archives and Records Administration (NARA). The existing DRS retention for recordings of historical events, High Level Officials, or Public Affairs is under the Departmental Record Schedule (DRS) 3 – Policy, Item 3.5, 0014, Policy-Related Special Media Records – Motion Pictures, Video, and Audio Recordings – Digital Video and Audio Recordings, which has a permanent retention.
 - 2. Recordings not included in paragraph 8.E.1 above must be retained and preserved in accordance with the same records series and retention applied to other related records.
 - 3. If the recording is made only to facilitate the generation of a transcript or to capture notes of the meeting, the recorded meeting should be deleted once the transcript or notes are created, provided that the content of the recorded meeting is not subject to a litigation hold, FOIA request, or other document production requirement. The transcript or notes will be considered the recordkeeping copy, and the recording will be considered an intermediary record.
 - 4. Any recording retained beyond creating a transcript or notes needs to be remediated for Section 508 compliance so that the records will be accessible to people with disabilities.

9. Responsibilities

Departmental Staff are responsible for only making recordings in accordance with these guidelines and for retaining audio and video recordings in compliance with NARA-approved Records Schedules. Departmental Staff should coordinate with the RRO on any questions regarding Federal Record retention. This policy will be distributed to all RROs and posted for all Departmental Staff upon issuance.