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John E. White, Deputy Special Trustee – Program Management

# Indian Affairs Records Management Policy & Procedures Manual

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**Effective Date:** October 20, 2015

**Chapter:** 2 Recordkeeping Requirements

**Section:** 2.1 Recordkeeping Requirements

**Originating Office:** Office of Trust Records

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## **2.1.1 Purpose.**

The purpose of this section is to establish recordkeeping requirements to ensure the preservation of Indian Fiduciary Trust Records (IFTR), general trust records and the documentation of mission functions.

## **2.1.2 Scope.**

The provisions of this section apply to Indian Affairs (IA) and the Office of the Special Trustee for American Indians (OST), hereinafter referred to as “bureaus.” The provisions of this section also apply to Bureaus and Offices within the Department of the Interior (DOI) that create, use, and manage IFTR, hereinafter referred to as “trust bureaus.”

## **2.1.3 Authorities.**

### **A. Statutes.**

1. 44 U.S.C., Chapter 31, Records Management by Federal Agencies
2. 5 U.S.C. § 552a The Privacy Act of 1974 as amended, Records maintained on individuals

### **B. Regulations.**

1. 36 CFR, Part 1220, Federal Records, General

### **C. Guidance.**

1. 110 DM 26, Office of the Special Trustee for American Indians (November 24, 2009)
2. 303 DM 6, Indian Fiduciary Trust Records (September 5, 2003)
3. 303 DM 2, Principles for Managing Indian Trust Assets (October 31, 2000)
4. 380 DM 1, Records Management Program and Responsibilities (October 7, 1993)
5. Memorandum, Bernard J. Mazer, Chief Information Officer, Managing Federal Records and Documents for Departing Political Appointees (February 15, 2013)
6. Executive Office of the President, Office of Management and Budget, Memorandum for the Heads of Executive Departments and Agencies and Independent Agency, M-12-18, Managing Government Records Directive (August 24, 2012)

## **2.1.4 Policy.**

Bureaus shall ensure the Indian Affairs Records Management (IARM) program recordkeeping requirements are applied to bureau IFTR and general trust records. Bureaus and trust bureaus

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must ensure compliance with IFTR recordkeeping requirements as established by the Indian Affairs Records Management Manual (IARMM).

**STATUTORY REQUIREMENTS**

- A. Bureaus shall only maintain information about an individual that is relevant and necessary to accomplish the purpose of the bureau required by statute or by executive order of the President (5 U.S.C. § 552a(e)(1)).
- B. Bureaus shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the bureau and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the bureau's activities (44 U.S.C. 3101).

**REGULATORY REQUIREMENTS**

- C. Bureaus shall assign records management responsibilities within the bureau to coordinate and oversee implementation of a comprehensive records management program (36 CFR 1220.34(a)).
- D. Bureaus shall assign records management responsibilities in each program (mission) and administrative area to ensure recordkeeping requirements are incorporated and implemented into the bureaus' programs, processes, systems, and procedures (36 CFR 1220.34(d)).

**GUIDANCE**

- E. Bureaus and trust bureaus shall protect and preserve Indian Trust Assets from loss, damage, unlawful alienation, waste, and depletion (303 DM 2.7.A).
- F. Office of Trust Records (OTR) shall authorize access to records at the American Indian Records Repository (AIRR) while maintaining the protection, preservation, inventory, and storage of DOI's IFTR (110 DM 26.2.A(1), 303 DM 6.6(B)).
- G. Bureaus and trust bureaus shall ensure that IFTR under their control are identified, inventoried, scheduled, and maintained in accordance with the IARMM (303 DM 6.6(C, D)).
- H. Bureaus shall properly identify Departmental recordkeeping requirements to effectively and efficiently manage records throughout their life cycle (380 DM 1.3).
- I. Political appointees departing their employment with the bureaus must print and file all documents identified as federal records to be retained and preserved by the bureaus; this requirement includes electronic documents (including email) and paper records (Managing Federal Records and Documents for Departing Political Appointees; February 15, 2013).

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- J. Bureaus must implement long-term goals of managing digital information and electronic records and other specific actions outlined in the Presidential Directive (M-12-18, Managing Government Records Directive).

### 2.1.5 Objectives.

- A. Establish recordkeeping requirements through the issuance, implementation, and training of the IARMM.
- B. Ensure efficient and economical management of bureau records during the records life cycle (creation or receipt, maintenance and use, and final disposition).
- C. Establish adequate internal controls that ensure the preservation, protection and safeguarding of IFTR and general trust records.

### 2.1.6 Responsibilities.

- A. Office of Trust Records (OTR). OTR shall manage the IARM program, establish recordkeeping requirements and provide training and technical assistance.
- B. Bureaus. Bureaus, including all offices and programs under its jurisdiction, shall implement recordkeeping requirements and manage records in accordance with the IARMM.
- C. Trust Bureaus. Trust bureaus within DOI and the Office of the Secretary shall ensure adherence to recordkeeping requirements for IFTR.

### 2.1.7 Procedures.

- A. Recordkeeping Requirements. To establish and maintain an effective and efficient recordkeeping system, bureaus shall implement the following recordkeeping requirements:
  - 1. Creation of Records. This first stage of the records life cycle begins when a need for information is identified and a document is created. Information is created and received in all media and format (i.e., reports, paper or electronic, forms, correspondence and directives). The need may result from organizational changes, legislative, regulatory, or administrative requirements. Program offices shall manage these records in accordance with IARMM Chapter 2.2 by:
    - a. Distinguishing record from nonrecord materials.
    - b. Ensuring that only mission-related documents are created or received by the program.
    - c. Identifying new records or recordkeeping systems.
    - d. Printing and managing all electronic mail related to the mission of the program.
    - e. Designating one copy as the program's official record copy when multiple copies are created.

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- f. Submitting a Records Inventory Form, IARM Form 1002, to properly schedule new records or recordkeeping systems and any significant changes to existing recordkeeping systems. Refer to IARMM Chapter 1.3 for more information.
2. Maintenance and Use. This is the second stage of the life cycle of records. Program offices shall develop the most efficient and effective means of organizing, storing, accessing, and retrieving records while ensuring the physical integrity of the records by:
  - a. Establishing a filing system that:
    - i. Separates record from nonrecord materials.
    - ii. Separates official, working, and personal papers.
    - iii. Classifies files in accordance with the National Archives and Records Administration approved records schedule.
    - iv. Labels file folders in accordance with the appropriate records schedule and record series.
    - v. Establishes a Files Maintenance and Disposition Plan (or Files Plan).
    - vi. Maintains a central filing system (recommendation).
  - b. Maintaining internal controls for all electronic and textual communications, including incoming and outgoing mail, electronic mail, correspondence, and facsimiles.
  - c. Maintaining adequate filing cabinets for all records.
  - d. Establishing security controls for all program records in accordance with IARMM Chapter 2.3.2 by:
    - i. Safeguarding all records.
    - ii. Ensuring adequate records storage facility conditions exist for all records.
    - iii. Planning for situations when events, natural and manmade, breach the protection provided by the storage facility placing program records at risk.
    - iv. Undergoing a risk management process to identify probable risks, consider probability, and mitigate the occurrence with cost effective preventive measures.
  - e. Complying with Freedom of Information Act and Privacy Act regulations by:
    - i. Displaying Privacy Act notices on all Privacy Act records in accordance with IARMM Chapter 1.2.
    - ii. Safeguarding all Privacy Act records.
  - f. Establishing a vital records program by developing and maintaining a Vital Records Plan as part of the bureau's Continuity of Operations Plan (COOP) in accordance with IARMM Chapter 3.
3. Disposition of Records. This is the third stage of the life cycle of records. When records are no longer needed to carry out daily business activities, they are identified as inactive records. To dispose inactive records, program offices shall:

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- a. Ensure all inactive records are scheduled in appropriate records schedules. In the event that inactive records cannot be located in the records schedules, the records shall be identified as unscheduled. Refer to IARMM Chapter 1.3 for more information.
  - b. Prepare and coordinate with OTR the transfer of inactive records to the AIRR in accordance with IARMM Chapter 4.1.
  - c. Complete a Records Retention Certification Form, IARM Form 2011, for all inactive records that must be maintained beyond their retention period. Refer to IARMM Chapter 2.3.2.
  - d. Ensure records stored at the AIRR are not destroyed without written permission from OTR. Refer to IARMM Chapter 4.1 for more information.
- B. Records Retention Orders (RRO). Bureaus shall comply with RRO issued by the courts. Refer to IARMM Chapter 2.2.2.