

ISSUING OFFICIAL SIGNATURE

(Part 2)

APPROVAL RECORD (Modified DI-228)	1. TYPE OF DOCUMENT IARMM	2. IDENTIFICATION NUMBER Chapter 2, Section 2.4.2
3. SUBJECT/TITLE Recordkeeping Requirements, Removal and Destruction of Records		
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Signed by: JOHN WHITE	

John E. White, Deputy Special Trustee – Program Management

Effective Date: October 20, 2015

Chapter: 2 Recordkeeping Requirements

Section: 2.4.2 Removal and Destruction of Records

Originating Office: Office of Trust Records

2.4.2.1 Purpose.

The purpose of this section is to establish policy and procedures to address the removal, destruction, or loss of federal records.

2.4.2.2 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.”

2.4.2.3 Authorities.

A. Statutes.

1. 44 U.S.C., Chapter 31, Records Management by Federal Agencies
2. 25 U.S.C., § 4001, The American Indian Trust Fund Management Reform Act of 1994, Public Law 103-412
3. 18 U.S.C. § 2071, Crimes and Criminal Procedure
4. 18 U.S.C. § 641, Public money, property of records

B. Regulations.

1. 36 CFR, Part 1230, Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records

C. Guidance.

1. 384 DM 3, Removal or Destruction of Official Records (December 21, 1986)

2.4.2.4 Policy.

STATUTORY REQUIRMENTS

- A. Bureaus shall establish safeguards against the removal or loss of records. (44 U.S.C 3105, 36 CFR 1230.10).
- B. Bureaus shall notify the Office of Trust Records (OTR) of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in their custody (44 U.S.C 3106, 36 CFR 1230.14).
- C. Bureau staff shall be subject to penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both (18 U.S.C. § 2071, 18 U.S.C. § 641).

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GUIDANCE

D. Official records shall be protected against loss, unauthorized destruction or modification, and illegal removal from bureaus in order to ensure adequate documentation of organization, functions, policies, decisions, procedures, and essential business transactions (384 DM 3.2).

2.4.2.5 Objectives.

- A. Inform bureau staff of the requirements of Federal law concerning records held in their custody and the criminal penalties for the willful and unlawful removal, modification, or destruction of records.
- B. Ensure appropriate internal controls and safeguards are in place to prevent the loss or alienation of official documentation.
- C. Ensure adequate system and physical security to safeguard paper records and records stored on electronic media against unauthorized modification or destruction.

2.4.2.6 Responsibilities.

- A. Office of Trust Records (OTR). OTR shall issue, update, and disseminate the Indian Affairs Records Management Manual as policy and procedural guidance to establish and implement safeguards against the removal and destruction of records.
- B. Bureaus. Bureaus, including all offices and programs under its jurisdiction, shall ensure safeguards and internal controls are in place to prevent loss, unauthorized destruction or modification, or illegal removal.

2.4.2.7 Procedures.

- A. Reporting Missing or Destroyed Records.
 - 1. Bureau staff shall notify their supervisors of any actual, impending, or threatened unlawful or improper removal, defacing, alteration, or destruction of records in their custody.
 - 2. Bureaus shall report any of the findings to OTR using the Missing or Illegal Destruction of Records Report Form, IARM Form 2013 (Appendix A). The documentation required in the report shall include:
 - a. A complete description of the exact circumstances surrounding the incident.
 - b. The office of origin.
 - c. A statement of the safeguards established to prevent further loss of records.
 - d. Details of the actions taken to salvage, retrieve, or reconstruct the records.

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B. Exclusion. Personal papers and nonrecords are not governed by these procedures.

2.4.2.8 Appendix.

A. Missing or Illegal Destruction of Records Report, IARM Form 2013.



MISSING OR ILLEGAL DESTRUCTION OF RECORDS REPORT

1. INFORMATION ON PERSON FILING REPORT:

a. Last, First Name		b. Date:
c. Title:	d. Region:	e. Agency:
f. Address:		g. Telephone Number:

2. DESCRIPTION OF RECORDS:

a. Series and Title of Records:	b. Volume (cubic ft.):	c. Dates (if known):
d. Choose one: <input type="checkbox"/> Illegal Destruction of Records <input type="checkbox"/> Missing Records <input type="checkbox"/> Defacing of Records		
e. Describe in detail the exact circumstances surrounding the incident:		

f. Describe actions taken to salvage, retrieve, or reconstruct the records:

g. Describe safeguards established to prevent reoccurrence:

h. Name and Signature of Superintendent/Regional Director:

i. Date:

3. OFFICE OF TRUST RECORDS REVIEW:

a. Name and Signature of Reviewing Official:

b. Date: