

ISSUING OFFICIAL SIGNATURE

(Part 2)

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John E. White, Deputy Special Trustee – Program Management

Effective Date: September 29, 2015

Chapter: 3.0 Vital Records Program

Section: 3.3 Records in Jeopardy

Originating Office: Office of Trust Records

3.3.1 Purpose.

The purpose of this section is to establish policy and procedures to define, identify, and provide guidance on how to properly protect records that are in jeopardy.

3.3.2 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.”

3.3.3 Authorities.

A. Statutes.

1. 44 U.S.C., §3310 Disposal of Records Constituting Menace to Health, Life, or Property
2. 5 U.S.C., § 552a The Privacy Act of 1974 as amended, Records maintained on individuals

B. Regulations.

1. 36 CFR, Part 1229, Emergency Authorization to Destroy Records
2. 36 CFR, Part 1222, Creation and Maintenance of Federal Records

3.3.4 Policy.

Bureaus shall protect all records.

STATUTORY REQUIREMENTS

- A. Bureaus shall determine if records in their custody are a continuing menace to health, life, or property (44 U.S.C. 3310, 36 CFR 1229.10).
- B. Bureaus shall ensure that federal contractors comply with the provisions of the Privacy Act when maintaining or using systems of records that contain personally identifiable information (5 U.S.C. 552a(m)(1)).

REGULATORY REQUIREMENTS

- C. Bureaus shall ensure that instructions are provided to bureau staff in handling and protecting records (36 CFR 1222.34(e)).

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3.3.5 Objectives.

- A. Provide guidance for adequate preservation to prolong the usable life of records.
- B. Determine what remedial action can be taken.

3.3.6 Responsibilities.

- A. Office of Trust Records (OTR). OTR shall issue, update, and disseminate the Indian Affairs Records Management Manual (IARMM) as policy and procedural guidance to define, identify, and preserve records in jeopardy.
- B. Bureaus. Bureaus, including all offices and programs under its jurisdiction, shall identify and preserve records in jeopardy.

3.3.7 Procedures.

- A. Identify Records in Jeopardy. The characteristics of records in jeopardy include, but are not limited to:
 - 1. Recorded information in any media with potential to deteriorate or stored in an area that may pose a potential threat (i.e., near overhead pipes; electrical equipment or excessive heat, cold or humidity, or where rodents or insect infestation are known to exist).
 - 2. Records that are in a dangerous state of deterioration (i.e., worn in appearance, faded print, discoloration, molded, etc.) that threatens the loss of information.
 - 3. Records that are recorded on electronic or digital media (microform, diskettes, flash drives or thumb drives, CD/DVD, magnetic tape, cartridge or external hard drives, hard drives in computers; external servers for networking, email or data, film or other audio-visual media, etc.) that are prone to technological obsolescence, misplacement or inadvertent erasure.
- B. Report Records in Jeopardy. Bureaus shall complete and forward the Records in Jeopardy Form, IARM Form 3005 (Appendix A) to the respective Regional Records Liaison or Records Management Specialist to document decisions or activities for records determined to be in jeopardy.
- C. Protect Records in Jeopardy. Bureaus shall:
 - 1. Move records in jeopardy to another location that is clean, secure and protected if the current physical location poses a continued threat to other records or to bureau staff who might come into contact with them, especially when records are moldy or showing signs of rodent or insect infestation.

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2. Handle paper records with extra care if they are torn, brittle, falling apart, or exhibit other damaging effects. Handling the records should be limited until working copies can be created. File folders may be labeled with “Fragile” or “Handle with Care”.
 3. Preserve the original records by substituting “working copies” in lieu of the original records for daily use. Transfer the original records to the American Indian Records Repository (Refer to IARMM Chapter 4.1) provided that they do not meet the criteria in Section D. Items to keep in mind when establishing “working copies”:
 - a. The original record in jeopardy should not be exposed to additional damage during the process of making a “working copy”.
 - b. Protect records with personal identifiable information (PII) in accordance with IARMM Chapter 1.2.
 - c. Bureau staff must be present when a “working copy” is being created by contractor employees. Ensure contract has established provisions in the contract to ensure protection of PII and contract employees have appropriate government clearances.
 - d. Use precautionary measures when isolating records with evidence of mold or rodent infestation from other records and arrange for remediation. Use of protective clothing, eyewear, respirators and gloves is recommended.
 - e. Work with facilities management to resolve issues with the storage facility that placed the records in jeopardy before returning the records for continued storage.
 4. Back up data or migrate electronic and/or digital media to newer systems to prevent the risk of data inaccessibility. Mitigate loss due to hardware or software obsolescence, storage medium deterioration, or other system failures.
- D. Determine whether Records Pose a Health Risk. Records that are a menace to health, life, or property (i.e., mold, infested by vermin, or are stored under such adverse conditions that they cannot be used or repaired) may be eligible for destruction. Bureaus shall:
1. Notify OTR when such records are encountered.
 2. Obtain a written approval from OTR prior to destroying records. OTR will obtain National Archives and Records Administration approval for destruction based on a determination that the records are a menace to health, life, or property. Records must be destroyed within 30 days of receiving notification from OTR.
 3. Send OTR a written report describing when, where, and how records were destroyed.

3.3.8 Appendix.

- A. Records in Jeopardy, IARM Form 3005.



RECORDS IN JEOPARDY

1. CONTACT INFORMATION:

a. Last, First Name:	b. Title:
c. Region/Agency/Program Office Name:	d. Address, City, State and Zip Code:
e. Phone Number: Fax Number:	f. Email:

2. RECORDS INFORMATION:

a. Record Series Number and Title:	b. Total Volume (Cubic feet):
c. Physical format of records (i.e., paper, disks, etc.):	d. Condition of Records:
e. How often records are referenced (i.e., weekly, monthly, etc.):	f. Inclusive Dates:
g. Are records a menace to health, life or property	
i. Description of circumstances surrounding damage to records (use blank paper for additional space):	
j. Procedures taken to resolve situation (use blank paper for additional space):	

3. OFFICE OF TRUST RECORDS USE ONLY:

- Verification of Conditions by Office of Trust Records.
- Notification to National Archives and Records Administration by Office of Trust Records.
- National Archives and Records Administration Approval.