



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY


WASHINGTON, D.C. 20460

MAR 22 2019

OFFICE OF THE
CHIEF FINANCIAL OFFICER

MEMORANDUM

SUBJECT: Response to *Management Alert: Destruction of a Document Used to Certify Security of EPA's Budget Formulation System, Report No. 19-N-0085*

FROM: Holly Greaves
Chief Financial Officer 

TO: Kevin Christensen, Assistant Inspector General
Office of Audit and Evaluation
Office of Inspector General

Thank you for your March 8, 2019 Management Alert, which alleges that personnel within the Office of the Chief Financial Officer destroyed notes that documented the review of the agency cloud service provider's compliance with the federally required information system security controls for the EPA's Budget Formulation System. I would like to correct the record on this matter. OCFO did not destroy any records used to certify the security of BFS.

In the Office of Inspector General's June 25, 2018, *Discussion Document: EPA Uncertain about the Status of Budget System's Security Controls Project, No. OA-2018-0065*, the OIG recommended that OCFO "obtain the required information systems security control testing reports from all its service providers and use them for continued authorization to operate the agency's budget systems" and "create a process to review the budget systems' service providers' information system security control reports to validate that all security controls were tested." In my July 23, 2018, response to the Inspector General, I agreed with these recommendations and set a completion date of Spring 2019 during the next Continuous Monitoring Assessment cycle. Since the FY19 CMA schedule had not been published as of the date of my July 2018 response, Spring 2019 was the anticipated timeframe of the next CMA cycle. That review now is scheduled to start in April 2019. In my response, I also indicated that the Security Assessment Report submission would only note our review of the security information due to limitations on access and use of the FedRAMP security documents. My July 23, 2018, response is attached.

In late July 2018, after reviewing the OIG's recommendation and my response, OCFO security personnel decided to perform a preliminary review of the security controls in the Microsoft Azure Authorization-to-Operate package. This preliminary review was not the formal CMA, was not the basis of a SAR, and was not used to certify the security of the BFS. Rather, it was an informal review to get a sense of what would be involved in the process.

To gain on-line access to the ATO package, reviewers are required to complete a form titled "FedRAMP Package Access Request Form For Review of FedRAMP Security Package." The form includes

agreements that reviewers must abide by, including that they will "...not save, print, email, post, publish, or reproduce any FedRAMP Security Package documents in any form including all electronic methods." As a result, the reviewer visually scanned the ATO package on-line and did not print or download copies of the materials. Other than the ATO package, the only document used in this preliminary review was the FedRAMP Control Implementation Summary, which is attached. This spreadsheet is available publicly on the U.S. General Services Administration's FedRAMP website and lists the relevant controls at issue; it essentially served as a guide for the reviewer while navigating the virtual site. The *Management Alert* incorrectly asserts that the OCFO personnel "made notes of their review of the BFS controls" and "destroyed the notes." The reviewer did not take notes but did make a few checks or tick marks here and there on the spreadsheet to keep track while reviewing controls on-line. Upon completion of the preliminary review, the reviewer discarded the spreadsheet as it was no longer needed and in an overabundance of caution due to the FedRAMP non-disclosure agreement.

In August 2018, while conducting the Audit of Information System Security Controls for EPA's Budget Systems (Project No. OA-FY18-0065), the OIG requested a copy of the ATO package that OCFO security personnel had reviewed during July 2018 along with support of the review. OCFO security personnel advised repeatedly that they did not have a copy of the ATO package and had viewed it on-line in a secure, virtual environment. They explained how OCFO had gotten on-line access and conducted the review. They also provided information to the OIG on how the OIG could gain access to the very same information to conduct its own review, if desired. As part of explaining this, OCFO security personnel were open about the spreadsheet that included a few checks and tick marks and was discarded once no longer needed. In hindsight, although we could have been clearer in explaining the informal nature of the review and the use of the publicly available spreadsheet, at every step of the way, OCFO complied fully with all OIG requests to the greatest extent possible. There was no attempt to deprive the OIG of timely access to any document related to the audit.

As noted in the *Management Alert*, during this time OCFO security personnel certainly knew that the OIG was conducting an ongoing audit. They also knew that the OIG had been notified that the CMA would be conducted in the Spring of 2019. As a result, they did not realize, until receiving your March 8, 2019, Management Alert, that the OIG considered OCFO's informal review of the ATO package in July 2018 to be a full assessment used to certify the security of BFS, which it definitely was not.

OCFO consulted with both the Office of General Counsel and the Office of Mission Support on this matter. The conclusion from these consultations is that the discarded spreadsheet was not a federal record. Per EPA Directive CIO 2155.4, Interim Records Management Policy, non-records are "reference material, supplementary or convenience copies, draft documents, or working papers that have no substantive comments and are not needed to document Agency decisions, and personal information that is unrelated to EPA business." See also EPA Records Schedule 008, "Nonrecords." The EPA Records Officer determined that the spreadsheet was a reference document that contained information to help guide the reviewer's perusal of the security documents. It was not created by the reviewer. He did not write any comments or notes on it. He simply made a few checks or tick marks on it. Further, as noted above, this was not a formal review. Even if one were to consider this document a federal record, the EPA Records Officer stated that it would be categorized as an intermediary record, meaning it should be destroyed when no longer needed for business use. See General Records Schedule 5.2. In this case, after the on-line review of documents was completed, the reviewer no longer needed the spreadsheet.

In summary, OCFO did not deprive the OIG of any documents subject to disclosure in the course of an OIG audit. As we move forward to complete the formal CMA, we will continue to preserve appropriate records and will make them available to the OIG upon request.

If you have any questions regarding this response, please contact Bob Trent, Management Integrity and Accountability Branch, Office of the Controller, at (202) 566-0983.

Attachments

cc: Andrew Wheeler, Administrator
Henry Darwin, Chief of Operations
Ryan Jackson, Chief of Staff
Michael Molina, Deputy Chief of Staff
David Bloom, Deputy Chief Financial Officer
Carol Terris, Acting Associate Chief Financial Officer
Bob Trent, Agency Follow-Up Coordinator
Matthew Leopold, General Counsel
Joseph Brazauskas, Associate Deputy General Counsel
Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations
Nancy Grantham, Principal Deputy Associate Administrator for Public Affairs
Serena McIlwain, Director, Office of Continuous Improvement, Office of the Administrator
Michael Benton, Audit Follow-Up Coordinator, Office of the Administrator
Maria Williams, Acting Director, Office of Budget, OCFO
Jeanne Conklin, Controller, OCFO
Richard Gray, Acting Deputy Controller, OCFO
Ruth Alene Soward, Director, Office of Resource and Information Management, OCFO
Michael Callewaert, Primary Information Security Officer, OCFO
Benita Deane, Audit Follow-Up Coordinator, OCFO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 23 2018

OFFICE OF THE CHIEF FINANCIAL OFFICER

MEMORANDUM

SUBJECT: Response to the Office of the Inspector General Discussion Document: EPA Uncertain about the Status of Budget Systems' Security Controls Project, No. OA-FY18-0065 Audit

FROM: Holly W. Greaves, Chief Financial Officer
Office of the Chief Financial Officer [Signature]

TO: Arthur A. Elkins Jr., Inspector General
Office of the Inspector General

Thank you for the opportunity to review the Discussion Document: EPA Uncertain about the Status of Budget Systems' Security Controls. We reviewed this discussion document with the Office of Environmental Information and appreciate your staff's willingness to meet to discuss it on Wednesday, June 27, 2018.

Overall, although I agree that the U.S. Environmental Protection Agency can more clearly show how common controls and security test results apply to specific systems, I ask that the discussion document be revised to make clear that the Office of the Chief Financial Officer followed the Office of Management and Budget's and the OEI's existing systems security guidances. For your convenience, the attached document consolidates specific suggested changes, the agency's response to the recommendations below, and a table for clarification all into the discussion document using track changes.

AGENCY'S RESPONSE TO DISCUSSION DOCUMENT RECOMMENDATIONS:

Table with 4 columns: No., Recommendation, Agency Explanation/Response, Completion Date. Contains 2 rows of recommendations and responses.

	authorization to operate the agency's budget systems.	of agency budget systems. will review Cloud Service Provider provided control reports via established FedRAMP processes. However, since FedRAMP has stringent restrictions about sharing this information, the Security Assessment Report submissions will only note that the OCFO reviewed this information. The OCFO also will review material on common controls published at Max.gov or through the CSP's review mechanism for the CSP security status.	
3	Create a process to review the budget systems' service providers' information system security control reports to validate that all security controls were tested.	Same response as for recommendation #2.	Spring 2019 (Next CMA cycle)

CONTACT INFORMATION

If you have any questions regarding this response, please contact Bob Trent, Management Integrity and Accountability Branch, Office of the Controller, at (202) 566-0983.

Attachment

- cc: David Bloom
- Howard Osborne
- Chuck Sheehan
- Kevin Christensen
- Rudolph Brevard
- Robert McKinney
- Jeffrey Anouilh
- Carol Terris
- Maria Williams
- Jeanne Conklin
- Meshell Jones-Peeler
- Malena Brookshire
- Ruth-Alene Soward
- Michael Callewaert
- Sherril L. Anthony
- Bobbie P. Trent Jr.
- Teresa Richardson
- Albert Schmidt
- Vincent Campbell

FedRAMP Control Implementation Summary (CIS)

Control ID	Implementation Status					Control Origination						
	In Place	Partially Implemented	Planned	Alternative Implementation	N/A	Service Provider Corporate	Service Provider System Specific	Service Provider Hybrid (Service Provider Corporate and Service Provider System Specific)	Configured by Customer (Customer System Specific)	Provided by Customer (Customer System Specific)	Shared (Service Provider and Customer Responsibility)	Inherited from GFS
AC-1	X						X					X
AC-2		X					X				X	X
AC-2 (1)	X						X		X		X	X
AC-2 (2)	X						X		X		X	X
AC-2 (3)	X						X		X		X	X
AC-2 (4)		X					X		X		X	X
AC-2 (7)	X						X		X		X	X
AC-3	X						X		X		X	X
AC-3 (3)	X						X		X		X	
AC-4	X						X					
AC-5	X						X		X		X	
AC-6	X						X				X	X
AC-6 (1)		X					X					
AC-6 (2)	X						X					
AC-7				X			X		X		X	X
AC-8				X					X			
AC-10				X			X					
AC-11				X			X					X
AC-11 (1)	X						X					X
AC-14	X						X					
AC-14 (1)	X						X					
AC-16	X						X					
AC-17	X						X					X
AC-17 (1)	X						X					
AC-17 (2)	X						X					
AC-17 (3)	X						X		X		X	
AC-17 (4)	X						X					
AC-17 (5)	X						X					
AC-17 (7)	X						X					
AC-17 (8)	X						X					
AC-18					X							X
AC-18 (1)					X							X
AC-18 (2)	X											X
AC-19	X											X
AC-19 (1)	X											X
AC-19 (2)	X											X
AC-19 (3)	X											X
AC-20	X						X					
AC-20 (1)	X						X					
AC-20 (2)	X						X					
AC-22	X						X					
AT-1	X					X						X
AT-2	X					X						
AT-3	X					X						
AT-4	X					X						



INFORMATION DIRECTIVE INTERIM POLICY

Interim Records Management Policy		
Directive No.: CIO 2155.4	CIO Approval: 08-22-2018	Transmittal No.: 18-007

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

Interim Records Management Policy

1. PURPOSE

- To advance a focus on overall records management responsibilities under the Federal Records Act (FRA), as amended, and other applicable authorities.
- To confirm and align principles, responsibilities and requirements for managing the Environmental Protection Agency's (EPA's) records to ensure that the Agency is in compliance with federal laws and regulations; EPA policies; and best practices for managing records.
- To provide the framework for specific guidance and detailed operating procedures governing records management.

2. SCOPE

This policy addresses all records made or received by EPA employees under federal law or in connection with the transaction of public business, and preserved or appropriate for preservation as evidence of EPA functions, organization and activities or because of the value of the information they contain. This policy applies to all EPA headquarters, regional, laboratory and other organizations.

3. AUDIENCE

The audience for this policy includes all EPA organizations, officials, and employees; those who oversee contractors and grantees; and non-EPA employees who manage Agency records, as appropriate.

4. BACKGROUND

The FRA, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures and essential transactions. These records are public property and must be managed according to applicable laws and regulations.

The FRA also requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage their recorded information. Major elements include periodically issuing up-to-date records management directives, properly training those responsible for implementation and carefully evaluating the results to ensure adequacy, effectiveness and efficiency.



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Records serve a number of purposes including: planning for administrative and program needs, providing evidence of EPA activities, protecting legal and financial rights, enabling oversight by Congress and other authorized agencies, documenting the Agency's history, and continuing key functions and activities in the event of an emergency or disaster. Records capture the Agency's institutional memory and preserve the historical record; they are of critical importance in ensuring that the organization continues to function effectively and efficiently. In conformance with the Presidential Memorandum, *Managing Government Records*, November 28, 2011, the Agency must "meet the executive branch-wide effort to reform records management policies and practices. [The results will improve] performance and promote openness and accountability by better documenting agency actions and decisions."

5. AUTHORITY

The information directive is issued by the EPA Chief Information Officer, pursuant to Delegation 1-19, dated 07/07/2005.

Additional legal foundations for the policy include:

- 44 U.S.C. Chapter 31 – Records Management by Federal Agencies (Federal Records Act)
- 44 U.S.C. Chapter 33 – Disposal of Records
- 44 U.S.C. Chapter 35 – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act)
- Presidential and Federal Records Act Amendments of 2014, Public Law 113-187
- 36 C.F.R. Chapter XII, Subchapter B – Records Management
- OMB Circular No. A-123, "Management's Responsibility for Internal Control," December 21, 2004
- OMB Circular A-130, "Managing Federal Information as a Strategic Resource," July 28, 2016
- U.S. EPA Order 2040.1 A1, "National Security Emergency Preparedness Policy," February 6, 2001
- U.S. EPA Order 2030.1A, "Continuity of Operations (COOP) Policy," April 27, 2005
- Federal Emergency Management Agency (FEMA) Federal Preparedness Circular 65, "Federal Executive Branch Continuity of Operations (COOP)," July 26, 1999
- Presidential Memorandum, "Managing Government Records," November 28, 2011



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- OMB Memorandum M-12-18, "Managing Government Records Directive," August 24, 2012

6. POLICY

6.1. EPA's Responsibility and Commitment

As a regulatory agency charged with protecting human health and the environment, the EPA is committed to managing the Agency's records properly to comply with legal requirements and to support the Agency's mission. Records identification, management and access are essential in allowing the Agency to meet its mission. The accuracy and consistency of how records are identified, captured, stored and retrieved provide the cornerstone to the effective functioning and transparent operation of the Agency. EPA is required to preserve Agency records in accordance with applicable statutory and regulatory requirements and to facilitate access to information by EPA staff, partners, stakeholders and the public, as appropriate.

The Records Management Policy establishes specific requirements to effectively and efficiently identify, manage, search, retrieve and provide access to records throughout their lifecycle.

6.2. Creating and Receiving Records

According to the FRA, every federal agency is required to "make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities." Records contain the information that documents how EPA carries out its mission. The Agency's past and current work generates records. Records typically include information which is:

- Created in the course of doing Agency business;
- Received for action;
- Needed to document EPA activities and decisions;
- Required to support EPA's financial and other obligations and legal claims; or
- Communicated to assert EPA requirements or guidance.

EPA must properly and adequately document Agency business in accordance with NARA regulations. To meet these obligations, EPA employees and non-employees who manage records must create and maintain records that:

1. Document the persons, places, things or matters dealt with by the EPA.
2. Facilitate action by EPA officials and their successors in office.
3. Make possible a proper scrutiny by the Congress or other duly authorized agencies of the Government.
4. Protect the financial, legal and other rights of the Government and of persons directly affected by the Government's actions.



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5. Document the formulation and execution of basic policies and decisions and the taking of necessary actions, including all substantive decisions and commitments reached orally (person-to-person, by telecommunications, or in conference) or electronically.
6. Document important board, committee or staff meetings.

All EPA staff generate and receive records and are legally required to maintain them.

Records document the Agency's business and can be found in all media such as paper, email, instant messaging (IM), text messages, telephone messages, voice mail messages, presentations, websites, social media (e.g., Facebook, Twitter, etc.), word processing documents, spreadsheets and information systems. Documented substantive decisions and commitments reached orally (e.g., person-to-person, telecommunications, in conference) also constitute records. If electronic records are created using any of these media, they need to be transferred to an electronic records management system. Some drafts, working papers/files, and supporting information documenting substantive programmatic, administrative, legal, historical, and mission-related activities are to be maintained as records which document important Agency decision-making processes. The Agency must retain records such as correspondence, presentations, meeting minutes, telephone logs, data, spreadsheets, working papers, reports, drafts, annotations and other notes that are needed to document the rationale and relevant supporting data for important final Agency decisions.

Some records are transitory in nature, which means they are of short-term (180 days or less) interest, and have minimal or no documentary or evidential value, such as individual rough notes, interim calculations, spreadsheets, presentations and analyses that are not directly or substantively incorporated into final products or decisions.

Not all information created or received constitutes a record. Non-records include reference material, supplementary or convenience copies, draft documents or working papers that have no substantive comments and are not needed to document any Agency decisions, and personal information that is unrelated to EPA business.

Official Agency business should first and foremost be done on official EPA information systems. The FRA now prohibits the creation or sending of a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either: (1) copies their EPA email account at the time of initial creation or transmission of the record, or (2) forwards a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record. These FRA requirements are designed to ensure that any use of a non-EPA information system does not affect the preservation of federal records for FRA purposes, or the ability to identify and process those records if requested under the Freedom of Information Act (FOIA), Privacy Act or for other official business (e.g., litigation, congressional oversight requests, etc.). EPA strongly discourages the use of personal email or other personal electronic messaging systems, including text messaging on a personal mobile device, for sending or receiving Agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA electronic messaging system must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending.



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Additionally, EPA discourages the use of text messaging on a mobile device for sending or receiving substantive (or non-transitory) Agency records.

However, EPA recognizes that some Agency staff perform time-sensitive work that may, at times, require the creation of substantive (or non-transitory) records in the form of text messages for emergency or environmental notification purposes. In those limited instances, staff must continue to save and manage any text message records related to their work, as discussed below.

6.3. Managing Records

Records are managed for the benefit of EPA and its staff, partners, stakeholders and the public. EPA is committed to maintaining and converting its records to electronic formats, where practical, to facilitate moving away from paper toward more effective and efficient electronic solutions. Non-transitory records should be stored in approved records management systems with records management capabilities or registered information management systems associated with an approved records schedule.

It is important not to use non-EPA systems to conduct Agency business, since such use could potentially lead to the mismanagement of Agency records and/or the unauthorized disclosure of Agency information. In the rare situation when a non-EPA messaging system must be used and a federal record is created or received on a non-EPA messaging system (such as a personal email account or personal mobile device), pursuant to the FRA, staff must either: (1) copy their EPA email account at the time of initial creation or transmission of the record, or (2) forward a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record. Once the message is sent or forwarded to the EPA messaging system, you must save the record in an approved EPA electronic records management system. Once the electronic files have been captured in an approved EPA records management system, they should be removed from non-EPA messaging systems, unless there is a specific obligation (such as a litigation hold) to maintain the files on all systems on which they appear.

Additionally, emails forwarding a news article or Web links from a personal email account to EPA's system and emails from EPA forwarding a document to a personal email account both create a copy of the email in EPA's email system. Users can then properly preserve the copy of the email record in a recordkeeping system to meet their preservation requirements, if needed.

Similarly, users of text messaging, instant messaging or other transient messaging technologies on EPA information systems are responsible for ensuring that messages that result in the creation of a substantive (or non-transitory) federal records are saved for FRA purposes and placed in a recordkeeping system. For example, if a text message on an EPA mobile device is received or sent that qualifies as a substantive (or non-transitory) federal record, it must be saved into an approved recordkeeping system. In order to comply with this requirement, you can forward the text message into the EPA system, so that you may then save it in an approved recordkeeping system such as EZ Email Records. When forwarding the text message from the mobile device to the EPA email system, be sure to include the time, date, subject, and sender/recipient of the message



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whenever possible. Guidance on how to email a text message from a mobile device to yourself is available at <http://intranet.epa.gov/mobiledevices/pdf/Instructions-Saving-Text-Messages.pdf>.

Instant messages (such as Lync chats) that constitute substantive (or non-transitory) records should also be saved into an approved Agency recordkeeping system. Guidance on how to save instant messages (Lync chats) is available at <http://intranet.epa.gov/ecms/guides/im.htm>.

6.4. Access

EPA records must be maintained in an appropriate manner, captured and organized to ensure timely search and retrieval for internal Agency use as well as for responses to outside inquiries. Sensitive records (e.g., sensitive personally identifiable information (SPII), and other Controlled Unclassified Information (CUI)) must be maintained with restricted access in accordance with statutory and regulatory requirements.

6.5. Implementation

Each office within EPA must establish and maintain a records management program with the following minimum requirements:

1. Create, receive and maintain records providing adequate and proper documentation and evidence of EPA's activities.
2. Manage records in any format (e.g., paper, emails, IMs, text messages, electronic documents, spreadsheets, presentations, images, maps, videos, blogs and other social media tools that generate communications) in accordance with applicable statutes, regulations, and EPA policy and guidance, including records schedules.
3. Maintain electronic records (e.g., emails, IMs, text messages, electronic documents, spreadsheets, presentations, images, maps, videos, blogs and other social media tools that generate communications) electronically in an approved electronic records system. Non-email electronic records, including electronic records that cannot be forwarded to and managed as an email record, should be saved in their native format in an organized way on an EPA network drive until an approved electronic records management system is available for desktop records.
4. Transfer or migrate records in paper and legacy electronic systems to approved or registered information management systems which are associated with a records schedule for manual management of disposition where practicable and when available. The Registry of Environmental Applications and Databases (READ) often captures information on systems which have a records schedule and require manual disposition.
5. Ensure that non-electronic records are managed appropriately in paper-based official recordkeeping systems which facilitate their preservation, retrieval, use and disposition, if they are not appropriate for scanning (or digitization).



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6. Maintain records so they can be accessed by staff with a need to know the information for appropriate business reasons and maintained for the required retention period.
7. Secure records to protect the legal and financial rights of the government and persons affected by government activities.
8. Implement a plan to protect essential (vital) records and assess damage to and recover any records affected by an emergency or disaster (e.g., financial, legal and emergency operating records).
9. Ensure that instructions for the management and disposition of records as specified in the approved records schedules are followed.

7. ROLES AND RESPONSIBILITIES

Administrator

The EPA Administrator is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures and essential transactions of EPA. This responsibility is delegated to the Assistant Administrator (AA) for the Office of Environmental Information (OEI) and Chief Information Officer (CIO). As mandated by the Presidential Memorandum of November 28, 2011, the Administrator is also responsible for designating a Senior Agency Official (SAO) at the Assistant Secretary level or its equivalent who has direct responsibility for ensuring that the Agency efficiently and appropriately complies with all applicable records management statutes, regulations, and NARA policy, and requirements of the OMB/NARA Directive of August 24, 2012 – Managing Government Records. The Administrator has designated the OEI AA/CIO as this SAO for records management.

Office of Environmental Information (OEI)

OEI is responsible for leadership, planning, overall policy, guidance and general oversight of records management in the Agency, and its incorporation into the broader information resources management framework. OEI is responsible for the following:

1. Incorporating records management requirements and policies into the Agency's overall information resources management (IRM) policy and planning.
2. Designating an Agency Records Officer responsible for:
 - Leading and managing the Agency-wide national records management program.
 - Ensuring Agency senior officials are aware of their programmatic and individual records management responsibilities and requirements.



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- Advising EPA on records management issues and developing Agency-wide records management policies, procedures, guidance, and training materials.
 - Coordinating the approval of the Agency's records schedules and the transfer of records to NARA.
 - Coordinating records management issues with other federal agencies, including federal oversight agencies such as the Office of Management and Budget (OMB), NARA, and the General Services Administration (GSA).
 - Providing technical advice and training to all Agency organizations on establishing and maintaining effective records management programs.
 - Evaluating recordkeeping practices to determine the effectiveness of the program.
 - Obtaining NARA's Certificate in Federal Records Management.
3. Promulgating and communicating Agency-wide policies and guidance that reflect records management missions and goals and incorporate federal requirements.
 4. Designating other records management staff as required by regulations or as deemed necessary.
 5. Assigning overall responsibility for the records management aspects of centrally provided information technology infrastructure, including local area network applications.
 6. Ensuring senior Agency officials are aware of their records management responsibilities.
 7. Conducting periodic evaluations of records management programs within the Agency as part of the Agency's IRM review and oversight program.

Assistant Administrators, Chief Financial Officer, General Counsel and Regional Counsel, Inspector General, Regional Administrators and Laboratory/Center/Office Directors

Assistant Administrators, Chief Financial Officer, General Counsel and Regional Counsel, Inspector General, Regional Administrators and Laboratory/Center/Office Directors are responsible for the following:

1. Being an advocate for records management in their organization.
2. Personally demonstrating the importance of records management and ensuring their organization is aware of the importance of and processes for managing records.



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3. Demonstrating their commitment to the proper management of records in their organization through appropriate means (e.g., sending out messages, being present during days devoted to records management, encouraging managers and staff to take records training).
4. Designating a Records Liaison Officer (RLO) accountable to the Information Management Official (IMO) or other official designated to oversee the program. The IMO or other official designated to oversee the program reports to the Assistant Administrators, Chief Financial Officer, General Counsel, Inspector General, Regional Administrators and Laboratory/Center/Office Directors on a quarterly basis.
5. Ensuring the RLO has adequate skills, resources, time and appropriate authority to perform the job.
6. Overseeing the implementation of a records management program within their area of responsibility to accomplish the objectives identified in federal regulations and EPA policies and procedures. Minimum program components include responsibilities for:
 - Identifying recordkeeping requirements for major programmatic and administrative records.
 - Ensuring that records are identified, proper records schedules are assigned, and the records are properly stored.
 - Developing file plans and indexing approaches where appropriate to simplify the use of, access to, and integration of information within the organization.
 - Drafting and updating records schedules for records created and maintained by the organization.
 - Implementing approved records schedules to ensure records are not destroyed without proper authorization.
 - Reviewing file plans and procedures at least every three years to ensure they are current and updating them as necessary.
 - Assisting in planning and implementing information management technology and reviewing the purchase of records management equipment and services to ensure they conform to federal statutory and regulatory requirements.
 - Implementing an essential (vital) records plan to ensure the continuation of key functions and activities in the event of an emergency or disaster.
 - Providing records management briefings for all managers and training to staff within their organizations, as needed.



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- Actively supporting managers, RLOs, staff and others in carrying out their records management responsibilities.
7. Developing records management oversight roles and communication networks with all program units including field offices and other facilities, as appropriate, to ensure that the records management program is implemented at all sites under their jurisdiction.
 8. Developing and disseminating directives and operating procedures, as needed, to supplement Agency-wide policy to meet the unique records management needs of their organizations and to support a records management program within the organization.
 9. Ensuring records and other types of required documentary materials are not unlawfully removed from EPA by current or departing officials, employees, or agents.

General Counsel and Regional Counsel

The General Counsel and Regional Counsel provide legal advice and counseling on records management issues as well as assist in determining the retention of Agency records that may be needed for legal purposes.

Inspector General

The Inspector General assists in determining the retention of Agency records that may be needed for internal investigation and audit purposes.

Managers and Supervisors

Managers and supervisors (Office Directors, Division Directors, Branch Chiefs, etc.) are responsible for:

1. Ensuring that a records management program is implemented within their organization.
2. Understanding and emphasizing the importance of records management to staff.
3. Designating selected staff as records contacts in order to meet recordkeeping requirements and responsibilities as described in this document.
4. Providing support, time, and resources for records contacts to successfully carry out their recordkeeping responsibilities.
5. Ensuring that the organization's file plans are current.
6. Obtaining training so that they and their staff can carry out their recordkeeping responsibilities.



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7. Implementing an essential (vital) records program within the organization.
8. Participating in records program reviews and assessments and developing and implementing corrective action plans to address gaps.
9. Supporting initiatives to move from paper to electronic recordkeeping.
10. Ensuring that all records of separating employees have been identified, that temporary records that have met their retention are properly disposed of according to applicable records schedules, and that records that must be preserved have been assigned to other employees.

Headquarters, Regional, Laboratory/Center/Office Records Liaison Officers (RLO)

Headquarters, Regional, Laboratory/Center/Office RLOs are responsible for:

1. Creating and updating procedures for their offices in accordance with established EPA and program policies.
2. Performing evaluations of their records management and essential records program.
3. Developing file plans and procedures so records are organized and can be found when needed.
4. Assisting with disposition activities, including retirement of inactive records, transfer of permanent records to NARA, and destruction in accordance with approved records schedules.
5. Reviewing office-specific records schedules annually to ensure they are current, and initiating changes if not.
6. Ensuring sensitive records are protected in accordance with federal and EPA requirements, and making sure designated individuals maintain access lists to ensure such information is released only to authorized individuals.
7. Coordinating the identification and maintenance of essential (vital) records and submitting an annual inventory and certification of essential (vital) records through senior management to the Agency Records Officer.
8. Reviewing and verifying their organizations' section of the Federal Records Centers invoices on a monthly basis verifying the status of their off-site records and costs.
9. Conducting briefings and training sessions on the records management program.
10. Reviewing and recommending requests for records management equipment, services and supplies.



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11. Obtaining NARA's Certificate in Federal Records Management.
12. Completing Records Management Training for RLOs and Records Contacts available at <http://intranet.epa.gov/records/training/rlo/index.html>.
13. Organizing, maintaining and training a network of records contacts within the organization.

Records Contacts

Records contacts are responsible for:

1. Working within their organization as a liaison between the RLO and staff to provide records management training, guidance and support.
2. Being qualified and active in records management issues and participating in records management training when resources are available.
3. Creating file plans specific to their organization.
4. Completing Records Management Training for RLOs and Records Contacts available at <http://intranet.epa.gov/records/training/rlo/index.html>.

Information Resources and System Managers

Information resources and system managers are responsible for:

1. Working with the local RLO, the Agency Records Officer and NARA to establish and update records schedules for electronic systems.
2. Implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems.
3. Ensuring that information systems intended to carry out electronic records management comply with NARA's and EPA's requirements for electronic recordkeeping systems (these requirements available on the NRMP Intranet site at <http://intranet.epa.gov/records/>).
4. Maintaining electronic information systems in accordance with approved records schedules and NARA requirements.
5. Working with their RLO to transfer permanent systems to the National Archives in accordance with approved records schedules and NARA requirements.
6. Ensuring that EPA Internet and Intranet postings containing records are maintained in accordance with Agency recordkeeping requirements.
7. Ensuring that prior approval is obtained before the removal of SPII from the Agency network or facility.



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8. Coordinating the handling of electronic records and information with the local RLO/records management program and legal office when appropriate.

Project Officers (PO) / Contracting Officer Representatives (COR) and Senior Environmental Employment (SEE) Program Coordinators/Monitors

Project Officers (PO) / Contracting Officer Representatives (CORs) and Senior Environmental Employment (SEE) program coordinators/monitors are responsible for:

1. Creating and maintaining appropriate records of the management and oversight of their related projects, contracts, staff and SEE employees.

Continuity of Operations Program (COOP) Planners

Continuity of Operations Program (COOP) planners are responsible for:

1. Working with records management staff to implement the essential (vital) records plan to ensure the continuation of designated COOP essential functions.
2. Ensuring that essential (vital) records are accessible from designated COOP locations.

All EPA Employees

All EPA employees are responsible for:

1. Creating and managing the records necessary to document the Agency's official activities and actions, including those records generated by EPA contractors and grantees, in accordance with EPA recordkeeping requirements.
2. Destroying records only in accordance with approved records schedules and never removing records from EPA without authorization.
3. Filing records for safe storage and efficient retrieval and maintaining and disposing of personal papers and non-record materials separately from records.
4. Ensuring that when secondary email accounts for individuals, groups or systems are created for business reasons, the records thus created are appropriately managed.
5. Identifying all records, in any format, in the employee's possession, and transferring them to another EPA custodian before separating or transferring to another organization. Note: Non-records and records which have met their disposition per appropriate records schedule should be destroyed unless subject to FOIA, litigation or audit. Records containing SPII must be shredded.



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6. Taking annual records management training and any other related training and participating in records management activities such as records management days, records clean-up days, etc.
7. Contractors, grantees and others doing work on behalf of EPA are required to take annual records management training, as appropriate.

8. RELATED INFORMATION

EPA National Records Management Program website

<http://www.epa.gov/records/>

NARA Bulletin 2013-03, "Guidance for agency employees on the management of federal records, including email accounts, and the protection of Federal records from unauthorized removal," September 2013

<http://www.archives.gov/records-mgmt/bulletins/2013/2013-03.html>

NARA Bulletin 2013-02, "Guidance on a New Approach to Managing Email Records," August 2013

<http://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html>

NARA Bulletin 2012-02, "Guidance on Managing Content on Shared Drives," December 2011

<http://www.archives.gov/records-mgmt/bulletins/2012/2012-02.html>

EPA Information Directive – Policy CIO 2151.1, "Privacy Policy," September 2015

<https://www.epa.gov/sites/production/files/2015-09/documents/2151.1.pdf>

EPA Information Directive – Procedure CIO 2155-P-06.0, "Managing Social Media Records," June 2015

<https://www.epa.gov/sites/production/files/2015-07/documents/2155-p-06.pdf>

EPA website: "Frequent Questions about Email and Records"

<http://intranet.epa.gov/records/faqs/email.html>

EPA Report, "Report on Managing Government Records," March 2012

http://intranet.epa.gov/records/files/EPA_Report_on_Managing_Government_Records.docx

OMB Memorandum M-12-18, "Managing Government Records Directive," August 2012

<https://www.archives.gov/files/records-mgmt/m-12-18.pdf>

9. DEFINITIONS

Definitions can also be found on EPA's National Records Management Program

Intranet site at <http://intranet.epa.gov/records/>.



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Approved Records Management System: An agency records management application approved for storing electronic federal records, including applications certified as compliant with the DOD 5015.2-STD standard or meeting the NARA standards for a records management application. Examples include EPA's Correspondence Management System and People Plus.

Authorized Federal Information Management System: A major information system managed by a federal agency which is used by other federal agencies. Records in these systems are managed by the agency owning the system. Examples include Concur, Employee Express and eOPF.

Destruction: In records management, the major type of disposal action. Non-records and records which have reached the end of their retention period per the appropriate record schedule can be legally destroyed. Records containing SPII must be shredded, pulped or burned, and never simply placed in the trash.

Disposition: The actions taken regarding records no longer needed for current government business. These actions include transfer to agency storage facilities or federal records centers, transfer from one Federal agency to another, transfer of permanent records to the National Archives, and disposal of temporary records. Disposition is the third stage of the records life cycle, and the actions taken regarding non-record materials when no longer needed, including screening and destruction.

Electronic Messaging Account: The term "electronic messaging account" means any account that sends electronic messages for purposes of communicating between individuals.

Federal Records: The term "records" includes all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them; and does not include:

- i. library and museum material made or acquired and preserved solely for reference or exhibition purposes; or
- ii. duplicate copies of records preserved only for convenience. (44 U.S.C. 3301)

Official EPA Information System: Any information system that EPA employees are permitted to access, create, share, store or transmit information on for official government business.

Official Recordkeeping System: An "information management system which captures, manages and provides access to records through time" and can be electronic or paper-based, until an appropriate electronic recordkeeping system becomes available.



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Records Schedule: Also called records disposition schedule, records control schedule, records retention schedule, records retention and disposition schedule, or schedule. A document that describes agency records, establishes a period for their retention by the agency, and provides mandatory instructions for what to do with them when they are no longer needed for current government business. The term refers to: (1) an SF 115, Request for Records Disposition Authority, that has been approved by NARA to authorize the disposition of federal records; (2) a General Records Schedule (GRS) issued by NARA; and (3) a printed agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more SF 115s or issued by NARA in the GRS. (Source: 36 CFR 1220.14)

Registered Information Management System: An Agency electronic information system which has an associated records schedule or an information management system which holds records and is manually managed. Such EPA systems should be registered in the Agency's Registry of EPA Applications and Databases (READ) so they can be identified for scheduling, and the retention periods tracked. Examples include the Toxics Release Inventory Processing System (TRIPS), Safe Drinking Water Information System (SDWIS), and the Air Quality System (AQS).

Transitory Record: Records of short-term (180 days or less) interest, including in electronic form (e.g., e-mail messages), which have minimal or no documentary or evidential value. An example of a transitory record is a record documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities. See NARA GRS 5.1 / EPA 1006.

10. WAIVERS

The Agency Records Officer may grant waivers to any provisions of this policy for sufficient cause.

Applications for waivers to specific provisions should contain:

- (1) Identification of the policy provision;
- (2) A listing of reasons why the policy cannot be applied or maintained;
- (3) An assessment of impacts resulting from non-compliance; and
- (4) The signature of the AA, RA or Laboratory/Center/Office Director, the Chief Financial Officer, the General Counsel, or the Inspector General responsible for the records management program in question.

The Agency Records Officer will notify the requesting office in writing of the decision on the waiver request within two weeks of receipt of the request. Circumstances will dictate whether the waiver may be renewed.

11. MATERIAL SUPERSEDED

EPA Information Directive – Policy CIO 2155.3, "Records Management Policy," February 10, 2015



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EPA *IRM Policy Manual*, Chapter 10, 1996

Vital Records Order (Order 2160.1)

12. CONTACTS

For further information about this policy, please contact the Office of Environmental Information, Office of Enterprise Information Programs, Director of Enterprise Records Management Division.

Vaughn Noga
*Principal Deputy Assistant Administrator for Environmental Information
and Deputy Chief Information Officer
U.S. Environmental Protection Agency*

Records Management

EPA Records Schedule 0008

Status: Final, 07/31/2015

Title: Nonrecords

Program: All Programs

Applicability: Agency-wide

Function: 0 - Nonrecord Materials

NARA Disposal Authority:

- Not applicable

Description:

Consists of nonrecord copies. Nonrecord materials are those Agency-owned informational materials that do not meet the statutory definition of records in 44 U.S.C. Section 3301 or that have been excluded from coverage by that definition.

Technical Reference Materials. Technical or general reference files which are maintained by individuals or program offices to enable the person or program office to perform its mission and which are kept only for reference. Collections may be on general environmental research topics or issues, the program mission, or management and administrative questions. Files or collections may consist of items such as technical publications, manuals, extra copies of issue papers, reports and studies originated by or for the program, information copies of studies and reports produced by other programs, journal articles, books, video tapes, photographs, vendor catalogs, electronic files, and other materials regardless of medium.

News Clippings. Clippings of news stories, which have no documentary or evidential value, from newspapers and other publications.

Convenience Copies. Extra copies of documents preserved only for convenience of reference. Includes information copies of correspondence, directives, and other documents on which no administrative or mission-related action is recorded or taken. Also includes copies other than the record copy where there is no recordkeeping requirement for multiple record copies.

Stocks of Forms, Publications, and Processed Documents. Extra copies of printed or processed materials for which complete record sets exist (such as current and superseded manuals, brochures, pamphlets, handbooks, posters, and maps) maintained inside or outside the office responsible for maintaining the record set.

Materials Not Appropriate for Preservation. Catalogs, trade journals, and other publications or documentary materials that are received from other government agencies, commercial firms, private institutions, or individuals and that require no action, are not part of a case on which action is taken, and are not essential to the business of the Agency or to the Agency's legal responsibilities.

Library or Museum Materials. Library or museum materials intended solely for reference or exhibit. Includes physical exhibits, artifacts, and other material objects lacking evidential value.

Working Papers and Drafts. Documents such as rough notes, calculations, or preliminary drafts which are assembled or created and used to prepare or analyze other documents and which meet all of the following criteria: (1) They were not circulated or made available to employees, other than the creator, for official purposes such as approval, comment, action, recommendation, follow up, or to communicate with Agency staff about Agency business; (2) They do not contain unique information, such as substantive annotations or comments included therein, that adds to a proper understanding of the Agency's formulation and execution of basic policies, decisions, actions, or responsibilities; (3) They are not needed for purposes of adequate and proper documentation of the decisionmaking process; and, (4) They are not described elsewhere under an Agency-wide or EPA organization-specific requirement to retain the documents for a specific period of time.

Copies of permanent electronic records transferred to the National Archives. Copies of permanent electronic records transferred to the National Archives and maintained by the submitting office until they are notified by NARA that the transfer is successful.

Disposition Instructions:

Item a: Nonrecord copy

- **Disposable**
- Close when obsolete, superseded or no longer needed for reference.
- Destroy immediately after file closure.

Guidance:

Determining record value - Consideration should be given to determining the record value of materials such as working papers, drafts, and notes which document an activity up to the point in time when those materials are created. Until a subsequent activity occurs which

causes them to become superseded or obsolete, the materials could warrant record status and be appropriate for preservation. Designating materials as nonrecords in anticipation of their being superseded or obsolete, rather than at the point when they are actually superseded or obsolete, can be premature in some instances. When it is difficult to decide whether certain materials are records or nonrecords, they should be treated as records.

Records collected from abandoned sites (e.g., bankrupt companies, abandoned offices) by EPA as part of site investigations or other activities that are not necessary for the conduct of Agency business and which have no informational value will be considered nonrecords. If regulated entities submit material, either accidentally or intentionally, that is not necessary for the conduct of Agency business, it will also be considered nonrecord material.

Access restrictions - Nonrecord materials should not contain any security classified or administratively controlled information.

Removal of nonrecords from the Agency - Nonrecord materials should not be removed from the Agency except with the Agency's approval.

Short-term documentary materials - Nonrecords, along with personal papers, and short-term records, comprise a broad category of materials that are not needed as part of the long-term documentation of Agency activities. Personal Papers are covered by EPA 0999. Examples of short-term records include transitory files such as suspense files and mailing list source records covered by schedule 1006, item d.

Convenience copies of records should be destroyed when the records are destroyed, or sooner if no longer needed for reference purposes.

Schedule change history - A number of program-specific reference files formerly listed individually have been incorporated into this general Agency-wide item. See Previous NARA Disposal Authority below for a list of superseded schedules. This schedule incorporates and replaces EPA 0733 - News Clippings. Copies of news clippings which have documentary or evidential value may be incorporated into other records series (e.g., Superfund site files), and are to be disposed of in accordance with the disposition instructions for the related series.

Reasons for Disposition:

The following change was made in the 07/31/2015 version:

- Added information about copies of permanent electronic records transferred to the National Archives to the Description.

The following change was made in the 02/28/2014 version:

- Updated cross references in guidance.

The following change was made in the 03/31/2008 version:

- Revised guidance to include records: (1) collected from abandoned sites and (2) submitted by regulated entities that are not necessary for the conduct of Agency business.

Nonrecord materials are identified in 44 U.S.C. Section 3301 and 36 CFR Section 1220.14. NARA guidance says: "Nonrecord materials should be destroyed when no longer needed for reference." NARA determined copies of news clippings are nonrecord materials as part of N1-412-96-2.

Custodians:

Multiple units

Related Schedules:

EPA 0999, EPA 1006

Previous NARA Disposal Authority:

NC1-412-76-1/I/8, NC1-412-76-1/II/6, 7, 15, 16 and 19, NC1-412-76-1/III/27, NC1-412-76-4/17, NC1-412-76-7/15, NC1-412-76-8/24, NC1-421-76-9/33, NC1-412-76-15/5, NC1-412-77-1/28, NC1-412-77-5/16, NC1-412-78-2/6, NC1-412-78-3/8 and 13, NC1-412-82-7/24, NC1-412-83-5/7, NC1-412-85-4/9 and 11, NC1-412-85-6/31 and 45, NC1-412-85-12/9, NC1-412-85-17/20, NC1-412-85-18/6, 11, 12, 15, 20, NC1-412-85-19/6, NC1-412-85-20/9 and 13, NC1-412-85-22/16, NC1-412-85-23/8 and 13, NC1-412-85-24/16, N1-412-86-1/16, N1-412-86-3/24 and 27, N1-412-87-4/20, N1-412-87-5/7, N1-412-96-2

Entry: 03/25/1991

EPA Approval: Not applicable

NARA Approval: Not applicable