

<b>FEDERAL ELECTION COMMISSION</b>		
<b>MANUAL OF DIRECTIVES</b>	<b>COMMISSION DIRECTIVE</b>	
	<b>REVOKES:</b>	<b>NO. 71</b>
	<b>EFFECTIVE DATE: October 16, 2014</b>	
<b>SUBJECT: RECORDS MANAGEMENT DIRECTIVE</b>		

**I. Purpose:** The Federal Election Commission (FEC) Records Management (RM) Directive establishes principles, responsibilities and objectives for managing the FEC’s records to ensure that FEC employees and contractors are in compliance with federal laws and regulations, FEC policies, and best practices for managing the FEC’s records. This Directive provides the framework for broad guidance and operating procedures governing the RM program and implementation.

**II. Authority:**

44 U.S.C. Chapter 29 – Records Management by the Archivist of the United States and Administrator of General Services

44 U.S.C. Chapter 31 – Records Management by Federal Agencies (aka Federal Records Act)

44 U.S.C. Chapter 33 – Disposal of Records

36 C.F.R. Chapter XII, Subchapter B – Records Management

OMB M-12-18, Managing Government Records Directive

OMB Circular A-123 – Management’s Responsibility for Internal Controls

**III. Definitions:**

“Record” (or “Federal record”) is any book, paper, map, photograph, machine readable material, or other documentary material, regardless of media, that is:

A. made or received by the FEC under Federal law or in connection with the transaction of FEC business, and

B. preserved or appropriate for preservation:

1. because it is evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the FEC, or

2. because of the informational value of the data in it.

“Non-record” is any Federally owned informational material that does not meet the statutory definition of records or that has been excluded from coverage by the definition. Excluded non-record material are extra copies of documents kept only for reference, stocks of publications and processed documents, and library materials intended solely for reference.

“Electronic record” is any information that is recorded in a form that only a computer can read, satisfies the definition of a Federal record, and includes both record content and associated metadata that the FEC determines is required to meet its business needs.

“Personal files” (or “personal papers”) are documentary materials belonging to an FEC employee or contractor that are not used to conduct FEC business. Personal files are excluded from the definition of Federal records and are not owned by the FEC.

Papers that are entirely personal are not “records” for purposes of FEC RM requirements and should be maintained separately from official FEC records.

See 44 U.S.C. 3301 and 36 C.F.R. 1220.18 and 1236.

**IV. Scope and Applicability:** This Directive addresses all records as defined above. It also delineates major roles and responsibilities of FEC employees with respect to the management of the FEC’s records.

**V. Background:** The Federal Records Act (FRA) requires a federal agency to make and preserve records containing adequate and proper documentation of its organization, function, policies, decisions, and procedures. These records are public property and must be managed according to applicable laws and regulations.

The FRA also requires an agency to establish an RM program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage its recorded information. Essential elements include issuing and implementing up-to-date RM policy and processes, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

Records serve a number of purposes including: administrative and program planning needs, evidence of FEC activities, protection of legal and financial rights, oversight by Congress and

other authorized agencies, documentation of the FEC's history, and the continuation of key functions and activities in the event of an emergency or disaster. Records serve as the FEC's memory; they are of critical importance in ensuring that the agency continues to function effectively, efficiently, and in a consistent manner.

**VI. FEC's RM Policy:** The FEC's RM policy is as follows:

A. An RM program is hereby established to ensure effective control, appropriate security, and management over the creation, maintenance, use and disposition of all records throughout the FEC's records life cycle.

B. All records of the FEC shall be listed and accounted for in record schedules, and their disposition shall be in accordance with the established schedules.

C. All records created by an official, employee, or contractor of the FEC in the course of conducting FEC business are the property of the FEC. No person may willfully or unlawfully destroy, damage, or alter, or obtain a proprietary interest in any record that he/she may create, provide input to, or acquire possession of, by virtue of his/her position as an official or employee. The penalties for the willful and unlawful destruction, damage, removal from the files, or alteration of Federal records are contained in 18 U.S.C. 2071.

D. No records may be destroyed except as provided for in an applicable FEC records schedule approved by the National Archives and Records Administration (NARA), or in an applicable NARA General Records Schedule (GRS). Additionally, no records may be transferred to a Federal Record Center, another agency, or to NARA without authorization from the Archivist of the United States through an approved FEC records schedule or a GRS. Prior to the destruction of any records, except for working files, the Office or Division Head responsible for those records must receive approval from the FEC's Records Officer.

E. The RM program shall be run in a manner that is as cost effective as possible.

F. FEC managers are to ensure that staff's roles and responsibilities regarding management of the FEC's records are clear and effectively communicated.

**VII. FEC Records Management Program:** Specific and substantive requirements applicable to FEC personnel in furtherance of the policies described in Part VI may be found in the document, "FEC Records Management Program," which is subject to Commission approval. The initial Program document will be circulated for approval on a tally vote basis; subsequent revisions to the Program document will be circulated for approval on a no-objection basis. This document shall be provided to every current employee of the FEC, and shall be provided to every new employee as part of the orientation of new employees.

## **VIII. Roles and Responsibilities:**

A. Senior Agency Official for Records Management. The Commission hereby designates the Deputy Staff Director for Management and Administration as the Senior Agency Official for Records Management (SAO).

1. Responsibilities. As SAO, the Deputy Staff Director for Management and Administration is responsible for:

- a. ensuring that the FEC efficiently and appropriately complies with all applicable RM statutes, regulations, and NARA policy;
- b. ensuring that the requirements of this Directive are met;
- c. planning and establishing the overall policy and framework to manage and oversee the FEC's RM program;
- d. providing leadership and guidance for the RM program, and ensuring its incorporation into the FEC's strategic planning framework;
- e. designating other RM staff as needed;
- f. collaborating with the Chief Information Officer (CIO) for integration of the RM program into the FEC's information technology program;
- g. ensuring that Commissioners and senior FEC officials are aware of their RM responsibilities;
- h. ensuring adequate RM training for staff, managers, and records liaisons;
- i. periodically evaluating the RM program; and
- j. submitting the FEC's annual RM report to the U.S. Government's Chief Records Officer.

2. Delegation of Authority. The SAO is hereby delegated authority to make such adjustments to the RM program as necessary to ensure compliance with law, regulation, and NARA and FEC policy, subject to Commission approval of changes in the "Records Management Program" document as set forth in Part VII.

B. Chief Information Officer (CIO). The CIO is directed to:

1. integrate RM and preservation considerations into the design, development, enhancement, and implementation of the FEC's electronic information systems;

2. ensure adequate electronic recordkeeping requirements are established and implemented for programs, processes, systems, and procedures;
3. provide IT infrastructure for adequate management of electronic records;
4. ensure electronic information is retrievable;
5. coordinate with the SAO to ensure that the design and implementation of the FEC's information systems incorporate federal and FEC RM requirements;
6. coordinate with the SAO to ensure the reliability and integrity of information created and maintained within the FEC's IT infrastructure;
7. ensure that access to electronic records minimizes the risk of unauthorized additions, deletions, or alterations;
8. manage the FEC's web site and social media to ensure compliance with federal and FEC recordkeeping requirements;
9. work with the Records Officer (RO) to establish and update records schedules for electronic systems;
10. implement proper recordkeeping procedures for existing information systems and ensure that recordkeeping requirements are included in proposed systems;
11. ensure that information systems intended to carry out electronic RM comply with the FEC's and NARA's requirements for electronic recordkeeping systems;
12. maintain electronic information systems in accordance with approved records schedules and NARA requirements;
13. ensure that internet and intranet postings containing official records are maintained in accordance with the FEC's recordkeeping requirements; and
14. work with the RO to implement the vital records plan to ensure the continuation of designated continuity-of-operations (COOP) essential functions and accessibility of vital records from designated COOP locations.

C. Records Officer (RO). The Commission hereby designates the Secretary of the Commission as the RO. In this role, the RO shall report to, and be under the general direction of, the SAO. As RO, the Secretary of the Commission is responsible for:

1. administering the FEC's RM program;

2. periodically reviewing this Directive and recommending to the Commission any changes necessary to bring it up to date;
3. preparing the document, "FEC's Records Management Program," and periodically recommending to the Commission any changes necessary to bring it up to date;
4. establishing and implementing procedures for effective and efficient management of FEC records;
5. developing RM training material and conducting RM training sessions for all staff;
6. serving as a liaison with NARA on matters pertaining to RM operations;
7. maintaining current, NARA-approved schedules for all FEC records;
8. providing advice and guidance to FEC staff on the creation, maintenance and use of records, electronic recordkeeping, and electronic mail systems;
9. creating, maintaining, and coordinating with a network of FEC Records Liaisons (RLs) who are responsible for overseeing RM matters in their office or division;
10. ensuring that recordkeeping requirements are established, implemented, and periodically updated for all offices and divisions, and all media in which records are kept;
11. coordinating the approval of the FEC's records schedules with NARA, the transfer of permanent records to the National Archives, and the storage of temporary records with NARA;
12. coordinating RM issues with other federal agencies, including NARA and the Office of Management and Budget;
13. evaluating recordkeeping practices to determine the effectiveness of the RM program; and
14. coordinating with the FEC's privacy and FOIA teams to ensure consistency between the RM process and privacy and information security laws, regulations and policies.

D. General Counsel. The General Counsel, or his/her designee in the appropriate situation, is directed to:

1. provide legal advice and assistance on RM to FEC officials and employees as needed;

2. provide advice regarding the value of the FEC's records and the issue of public access to them; and

3. coordinate with the RO on record holds and freezes for purposes of litigation, and on FOIA requests.

E. Senior Level Officials. Senior level officials are responsible for ensuring that recordkeeping requirements and records maintenance, storage, and disposition practices are incorporated into their programs and their staff is trained appropriately on RM procedures.

1. For purposes of this Directive, "senior level official" is defined to include:

- a. the Chief Financial Officer;
- b. deputy general counsels;
- c. associate general counsels;
- d. deputy staff directors; and
- e. the Director of Equal Employment Opportunity and Programs.

2. Senior level officials are directed to:

- a. assign an employee to act as RLs for their groups;
- b. ensure compliance with this Directive and the FEC's RM policies and procedures by all staff under their supervision;
- c. implement procedures to ensure that records are protected from loss, theft, and unauthorized access; and
- d. supervise the creation and maintenance of those records needed to ensure adequate and proper documentation of FEC activities within their areas of responsibility.

F. Inspector General. The Inspector General may elect to make this Directive and the FEC's RM policies and procedures applicable to the Office of the Inspector General (OIG), in whole or in part, rather than develop separate OIG RM policies and procedures. In either event, the Inspector General will not be required to seek approval from the FEC's RO for the destruction of OIG records. Upon election, the Inspector General will be responsible for:

1. assigning an employee to act as RL;
2. ensuring compliance with this Directive and the FEC's applicable RM policies and procedures by the OIG;
3. implementing procedures to ensure that records are protected from loss, theft, and unauthorized access; and
4. supervising the creation and maintenance of those records needed to ensure adequate and proper documentation of OIG activities.

G. Records Liaisons (RL). Each organizational unit under the direction of a senior level official shall designate a RL who is responsible for RM activities of the group and works with the RO to ensure compliance with the FEC's RM guidance. Each RL is responsible for:

1. coordinating changes to the group's records schedules with the RO;
2. ensuring that all of the group's records are listed and accurately described in the group's file plan;
3. ensuring that all of the group's records are created and maintained in accordance with FEC RM policies and procedures, and that non-record material (including personal papers) are not intermixed with federal records; and
4. coordinating with the Administrative Services Division and RO to ensure the prompt disposal of temporary records at the end of their retention period and the timely transfer of permanent records to NARA.

H. Administrative Services Division. Under the direction of the Administrative Officer, the Administrative Services Division is responsible for:

1. preparing paperwork for the transfer of temporary records to NARA for storage;
2. physically transporting all records to and from NARA;
3. maintaining the official FEC master list of records transferred temporarily to NARA for storage and permanently to NARA's legal custody;
4. assisting each RL with the inventory and preparation of records for transfer; and
5. providing such other logistical support as may be required by the RO and RLs.



I. FEC Managers and Supervisors. All managers and supervisors are responsible for ensuring that RM policies and procedures are understood and implemented by their employees and contractors.

J. All Employees. All employees are responsible for:

1. carrying out the disposition of records in accordance with approved FEC records schedules, NARA's GRS, and federal regulations;
2. keeping FEC records separate from non-record material and distinguishing between temporary and permanent records;
3. complying with FEC RM policies and procedures governing the disposition of records and working papers when leaving the FEC's service; and
4. safeguarding FEC records so that information can be found when needed while still assuring compliance with the FEC's privacy and information security policies and procedures.

K. Contracting Officer's Representatives. All Contracting Officer's Representatives are responsible for ensuring that all contractors and contractor personnel on the contracts for which they have responsibility comply with the same obligations regarding FEC records as are applicable to staff, as set forth immediately above.

This Directive was adopted October 16, 2014.



Alec Palmer  
Staff Director