

NIH Policy Manual

1743-1 - Email Records Management

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Transmittal Notice

1. **Explanation of Material Transmitted:** This manual chapter provides policy on the management of email messages sent or received in the conduct of NIH business through NIH email accounts. This chapter formalizes NIH's implementation of the National Archives and Records Administration's (NARA) General Records Schedule (GRS) 6.1 for email managed under a Capstone Approach.
2. **Filing Instructions:**

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A. Purpose

This manual chapter provides policy on the management of email messages sent or received in the conduct of NIH business through NIH email accounts. This chapter formalizes NIH's implementation of the National Archives and Records Administration's (NARA) General Records Schedule (GRS) 6.1 for email managed under a Capstone Approach.

B. Scope

This policy applies to all NIH email accounts and account holders for the management of email records. All emails sent or received in the conduct of official NIH business must be

retained in accordance with GRS 6.1 for email managed under a Capstone Approach. This policy applies only to email records. All other NIH records are governed by the approved NIH Records Schedules and are not covered under the Capstone email management approach.

C. Background

In August 2014, NARA and the Office of Management and Budget, released M-12-18, *Managing Government Records Directive*. This memorandum requires all Federal agencies to meet Goal 1.2 requiring that Federal agencies manage both temporary and permanent email records in an accessible electronic format by Dec. 31, 2016. NIH is meeting this requirement by adopting NARA's Capstone Approach for managing email records.

D. Policy

1. The Capstone Approach
 - a. Capstone email management is based on the role of the account holder. The account holder's role defines the email retention policy, instead of evaluating the content of each individual email.
 - b. NIH identified two types of account holders: Capstone Officials and Non-Capstone Officials.
 - c. All email messages that meet the established definition of a "Federal Record" (44 U.S.C., 3301, see E. Definitions), must be managed in accordance with this policy and [GRS 6.1, Item 010 or 011](#).
 - d. All non-record email messages can be destroyed when no longer needed.
2. Capstone Officials
 - a. Capstone Officials are individuals identified as occupying the highest primary decision-making roles for NIH, as approved by NARA on Form NA-1005.
 - b. The approved NA-1005 identifying NIH's Capstone Officials is publicly available and located on [NARA's website](#).
 - c. All work-related email messages sent or received by Capstone Officials are potentially Federal records, and by default, will be designated as permanent records, which will eventually be accessioned to NARA.
 - d. Email records identified as Federal records for Capstone Officials must be maintained in accordance with [GRS 6.1, Item 010](#) and must not be deleted from the email system.
 - e. If a Capstone Official is unable to determine if an email is a Federal record, the email should be retained and treated as a Federal record.
 - f. Non-record emails may be deleted from Capstone-Official accounts.
3. Email Management for Capstone Officials
 - a. It is the responsibility of each email account holder to manage their own email.
 - b. When business needs require copies of email records to be retained within another paper-based or electronic recordkeeping system, such as part of a case

file, account holders must also continue to maintain these email messages within the email system.

- c. Any email, meeting the definition of a Federal record, that is deleted from the email system is considered an unauthorized destruction of a Federal record and must be reported to NARA (see D.8).

4. Non-Capstone Officials

- a. All NIH email account holders that are not identified as Capstone Officials are considered Non-Capstone Officials.
- b. All email messages sent or received by Non-Capstone Officials will be designated as temporary records, by default.
- c. All work-related email messages sent or received by Non-Capstone Officials, that meet the definition of a Federal record, are eligible for destruction after being maintained for a minimum of seven years, in accordance with [GRS 6.1, Item 011](#).
- d. If a Non-Capstone Official is unable to determine if an email message is a Federal record, the email should be retained and treated as a Federal record.
- e. All non-record email messages can be destroyed when no longer needed.

5. Email Management for Non-Capstone Officials

- a. It is the responsibility of each email account holder to manage their own email.
- b. Email records will not be automatically deleted or removed from the email system while the Non-Capstone Official maintains an active NIH email account.
- c. Non-Capstone Official account holders are responsible for deleting email messages from the system that are eligible for destruction, after meeting the minimum seven-year retention requirement for email records.
- d. Longer retention of emails is approved if the email records are needed for ongoing business use.
- e. Email accounts for separated employees designated as Non-Capstone Officials must be maintained until the associated email records have met the disposition requirements identified in [GRS 6.1, Item 011](#).
- f. When business needs require copies of email records to be retained within another paper-based or electronic recordkeeping system, such as part of a case file, account holders must also continue to maintain these email messages within the email system.
- g. Any email, meeting the definition of a Federal record, that is deleted from the email system before having met the disposition requirements is considered an unauthorized destruction of a Federal record and must be reported to NARA (see D.8).

6. Non-Record Email

- a. Non-record email are those emails sent or received that do not meet the definition of a Federal record as provided in the Federal Records Act (44 U.S.C., 3301).
- b. Non-record email may be deleted from the email system at any time by both Capstone and Non-Capstone Officials.

7. Litigation Holds and Administrative Investigations

- a. Email records that are subject to a litigation hold or active administrative investigation must not be destroyed or accessioned until the hold has been lifted or the investigation completed.
 - b. Once a litigation hold is lifted or administrative investigation completed, affected email records are to be managed in accordance with this policy and [GRS 6.1 Items 010 or 011](#).
- 8. Unauthorized Destruction of Email Records
 - a. An unauthorized destruction of email records occurs when an account holder intentionally or inadvertently deletes email records that meet the definition of a Federal record, prior to the authorized destruction date.
 - b. If an unauthorized destruction of email records occurs, the account holder must immediately notify their supervisor and contact the IT Helpdesk to attempt a recovery.
 - c. If the email records are unrecoverable, the account holder must report the incident to their [Institute or Center \(IC\) or OD Office Record Liaison](#).
 - d. IC or OD Office Record Liaisons must notify the NIH Records Officer of all reported incidents of unauthorized destructions of email records.
 - e. The NIH Records Officer must report all unauthorized destruction incidents to the Chief Records Officer of the United States, per 36 CFR 1230.14.
 - f. The unauthorized destruction report will describe the records, the circumstances in which the unauthorized destruction took place and the corrective steps undertaken to properly manage the email records in the future.

E. Roles and Responsibilities

- 1. NIH Institutes, Centers, and OD Offices:
 - a. Ensure that designated Capstone Official positions are kept current with organizational changes and reported to the Office of Management Assessment on request.
- 2. NIH Records Officer (RO) and the Office of Management Assessment:
 - a. In coordination with NIH Office of the Chief Information Officer and the NIH Center for Information and Technology, accession permanent email records to NARA in accordance with [GRS 6.1, Item 010](#) and NARA Transfer Guidance.
 - b. Coordinate the update and approval of NA-1005 on behalf of NIH and maintain the official registry of Capstone Officials.
 - c. Include NIH Capstone email management training in the new employee training and annual records management refresher training for all NIH staff.
 - d. Report unauthorized destruction of email records that meet the definition of a Federal records to NARA.
 - e. Maintain Manual Chapter 1743-1 - Email Records Management.
 - f. In coordination with the NIH Office of the Chief Information Officer and the NIH Center for Information and Technology, ensure that encrypted email records from Capstone Officials are de-encrypted prior to accessioning to NARA.

3. OD Office and IC Records Liaisons:
 - a. Monitor personnel changes within Institute, Center, or OD Office and inform the NIH Records Management staff (NIHRecordsManagement@nih.gov) of changes relevant to Capstone Official status designations.
 - b. Notify NIH RO of unauthorized destruction of email records reported in IC or Office.
 - c. Provide guidance to OD Office and IC staff on how to properly manage email records.
4. NIH Office of the Chief Information Officer and the NIH Center for Information Technology:
 - a. Ensure email systems retain components of email messages identified in RFC 5322, including email attachments.
 - b. Ensure current and departed employees email records remain accessible throughout the record's lifecycle as determined by [GRS 6.1, Item 010 or 011](#).
 - c. Ensure all email account holders are designated as either Capstone Officials or Non-Capstone Officials.
 - d. In coordination with the NIH Records Officer, ensure that encrypted email records from Capstone Officials are de-encrypted prior to accessioning to NARA.
 - e. Establish enterprise settings to facilitate email management.
5. NIH Staff (Employees, Contractors, Interns, Fellows, Volunteers, and all other email account holders that are designated as either Capstone Officials and Non-Capstone Officials):
 - a. Complete all mandatory records management trainings.
 - b. Recognize the difference between record and non-record material and maintain email records accordingly.
 - c. Use the NIH email system for all email messages. This policy applies to all user accounts that the employee uses or monitors. Use of personal or non-NIH email systems or accounts for business purposes is prohibited. If this restriction is violated, staff are required to forward a complete copy of the email transaction to their official NIH email account no later than 20 days after the original creation or transmission of the record, in accordance with 36 CFR 1236.22(b).
 - d. Comply with the requirements of this policy, including requirements related to email preservation and staff departure procedures.

F. References

1. 36 CFR Chapter XII, Subchapter B - Agency Records Management Responsibilities
2. 44 U.S.C. Chapter 21 - National Archives and Records Administration
3. 44 U.S.C. Chapter 29 - Records Management by the Archivist of the United States
4. 44 U.S.C. Chapter 31 - Records Management by Federal Agencies
5. 44 U.S.C. Chapter 33 - Disposal of Records
6. OMB M-12-18, Managing Government Records Directive

7. General Record Schedule 6.1: Email Managed under a Capstone Approach
<https://www.archives.gov/files/records-mgmt/grs/grs06-1.pdf>
8. HHS Policy for Records Holds
9. HHS Policy for Electronic Mail (Email) Records Management
10. [NARA-Approved NA-1005 Submissions](#)
11. [NIH Information Technology General Rules of Behavior](#)

G. Definitions

1. **Accession** - The act and procedures involved in a transfer of legal title and the taking of records into the physical custody of the National Archives.
2. **Capstone Approach** – An approach to managing email records where email retention requirements are based on the role of the account holder.
3. **Capstone Official** – NIH account holder that has been identified as occupying a position with a primary decision-making role for NIH, as approved by NARA through Form NA-1005.
4. **Control and Custody of Records** – NIH records are the property of the Federal government, not the property of individual employees or contractors acting as an agent for the government and may not be removed or destroyed without proper authority.
5. **Email Messages** – Electronic mail created, sent, received, stored, or otherwise processed by an email system for the purposes of communicating between individuals.
6. **Email Records** – Any messages created, sent or received within an electronic system that are required to control, support, or document the delivery of programs, to carry out operations, to make decisions, or to account for activities.
7. **Email System** – A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmit files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or databases on either personal computers or mainframe computers, and word processing documents not transmitted on an email system. (36 CFR 1236.2)
8. **Electronic Records** – Any information that is recorded in a form that only a computer can process and that satisfies the definition of a federal record in 44 U.S.C. 3301. Electronic records include numeric, graphic and text information, which may be recorded on any medium capable of being read by a computer and which satisfies the definition of a record. This includes, but is not limited to, magnetic media, such as tapes and disks, and optical disks. Unless otherwise noted, these requirements apply to all electronic records systems, whether on microcomputers, minicomputers, or mainframe computers, regardless of storage media, in network or stand-alone configurations.
9. **Electronic Records Keeping System** – An electronic system in which records are collected, organized and categorized to facilitate their preservation, retrieval, use

and disposition.

10. **Federal Records** – Materials, regardless of physical form or characteristics, made or received by an agency of the United States Government 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 Government or because of the informational value of the data in them ([44 U.S.C. 3301](#)).
11. **Lifecycle** – The management concept that records pass through three stages: creation, maintenance and use, and disposition.
12. **Litigation Hold** - A temporary suspension of the records retention and destruction policies of agency records that may be relevant to a legal suit. A litigation hold prevents destruction, alteration, or mutilation of records identified under the hold as possible evidence.
13. **Non-Records** – US Government-owned documentary materials excluded from the legal definition of records (44 U.S.C. 3301).