NIH Policy Manual

1744 - NIH Vital Records Program

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Transmittal Notice

1. **Explanation of Material Transmitted:** This chapter contains revised policy and procedures for NIH offices to follow in carrying out their vital records responsibilities. The chapter has been streamlined in order to meet plain language requirements. The references have been revised and examples of emergency-operating records and legal and financial rights records that are vital to the NIH mission are included.
2. **Filing Instructions:**

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A. Purpose

The purpose of this Manual Chapter is to establish the National Institutes of Health (NIH) Vital Records Program. This Program is designed to protect NIH's vital records and information, which are necessary to continue key operations and mission-essential functions in the event of an emergency.

B. Policy

This policy describes the requirements and procedures to identify and protect the records and information necessary to continue key operations; protect the legal and financial rights of the NIH, its employees, or the public; and protect the records deemed critical for the continuity and/or resumption of mission-essential functions.

C. References

1. Executive Order 12656 - Assignment of emergency preparedness responsibilities

2. Title 36 CFR, Part 1236 – Management of Vital Records, revised.
3. 44 USC 3101 – Records Management by Agency Heads
4. National Archives and Records Administration (NARA). Vital Records and Records Disaster Mitigation and Recovery: An Instructional Guide, 1999.
5. NIH Manual 1743 "Keeping and Destroying Records"

D. Definitions

1. **Disaster** is an unexpected occurrence inflicting widespread destruction and distress and having long-term adverse effects on agency operations.
2. **Emergency** is a situation or occurrence that warrants immediate action to save lives and protect property, public health, and safety. An emergency would, to some degree, disrupt normal NIH operations. Examples of an emergency are:

    a) Natural Disasters
    b) Man-made and Technological Hazards
    c) Civil Disturbances
    d) Terrorism
    e) Material and Emergency Shortages
    f) Infrastructure Failures

3. **Emergency Operating Records** are records vital to the continued functioning or reconstitution of an organization during and after an emergency. They are records deemed vital under the NIH Comprehensive Emergency Management/Continuity of Operations Program (COOP) plan. Emergency operating records may include: emergency plans and directive(s), orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency. Appendix 1 identifies examples of emergency operating records.
4. **Legal and Financial Rights Records** are records that are essential for the preservation of legal rights and interests of individual citizens and the Federal Government. Examples of these records include official personnel files, accounts receivable records, payroll records, and valuable research records. Appendix 2 identifies examples of legal and financial rights records.
5. **Off-Site Storage** is a facility other than NIH's normal place of business where vital records are stored for protection. This is done to ensure that the vital records are not subject to damage or destruction from an emergency or disaster affecting NIH's normal place of business.
6. **Vital Records** are: 1) essential records that are needed to meet operational responsibilities under national security emergencies or other emergency or disaster conditions; or 2) essential records needed to protect the legal and financial rights of the Federal Government and those affected by Federal Government activities.

E. Responsibilities

1. The NIH Records Officer (RO), Division of Compliance Management, Office of Management Assessment, Office of Management, is responsible for providing oversight for the NIH Vital Records Program and will:

    a. Establish policy and procedures for the transfer of NIH's vital records to off-site storage locations.
    b. Assist IC RMOs in identifying and selecting vital records
    c. Provide guidance and annually review all vital records to ensure they are maintained and updated.
    d. Conduct an annual review of the NIH Vital Records Program.

2. The Office of Research Services, Security Emergency Response Program, Division of Emergency Preparedness and Coordination is responsible for identifying, gathering, maintaining, and routinely backing-up all emergency operating records at a secure off-site storage location. This responsibility is required under the NIH Vital Records Program and the NIH COOP plan.
3. Each IC RMO is responsible for implementing the NIH Vital Records Program within their IC by:

    a. Identifying all emergency operating records within their IC that are necessary to support the continued functioning or reconstitution of their IC during and after an emergency.
    b. Identifying all legal and financial rights records within their IC that are essential for the preservation of legal rights and interests of individual citizens and the Federal Government.
    c. Ensuring that the vital records are properly labeled, packaged, and transferred to the off-site storage location. NIH Manual 1742.
    d. Maintaining a catalog of all vital records that have been forwarded to the off-site storage location.
    e. Reviewing annually their IC vital records to ensure that vital records are maintained and updated.
    [**NOTE:** IC RMOs must consult with other appropriate IC staff in order to gather and maintain vital records information.]

F. Procedures

1. All NIH Offices, working through their respective IC RMOs, must duplicate and store all records deemed vital under the NIH Vital Records Program, hard copy or electronic, at an off-site storage location, shall determine the medium in which hard copy vital records will be duplicated, and arrange for their storage (see F.6 below). The cost and accessibility of the records shall be considered when selecting the off-site storage location.

2. All computer back-up tapes created in the normal course of system maintenance or other electronic copies that may be routinely created in the normal course of business may be used as the vital record copy. All electronic vital records must be stored with a copy of the software program or other information required to access the records. It is essential that the equipment needed to read the electronic records is available.
3. All NIH Offices, with the assistance of their IC RMOs, must identify and catalogue all legal and financial records essential for the preservation of legal rights and privacy of NIH employees, partners, grantees, and stakeholders and all emergency-operating records vital to the continuance of the NIH essential functions. The official with the decision-making authority/responsibility on how these records are maintained, certified, and maintained by the IC RMO, should complete and approve the NIH Form 2805 Inventory of Vital Records, Appendix 3, and provide a copy to the NIH RO.
4. At the beginning of the fiscal year, each RMO will review their respective vital records for adequacy and completeness. Any changes to a vital record must be documented and recorded.
5. All NIH Offices must remove obsolete copies of vital records and replace them with copies of current vital records at the off-site storage location. The replacement should occur annually, semi-annually, quarterly, monthly, or weekly, as appropriate.
6. All vital records must be stored through one of the following options:

    a. Storage within an NIH facility is considered the most economical and feasible method for protecting vital records. As noted in F.1 above, this must be at a different building than where the original record is stored.
    b. Off-site storage – consideration must be given to the availability of special equipment, transportation, security, and feasibility of updating and maintaining the records.
    c. Storage at Federal Records Centers - atmospheric conditions at the Washington National Records Center (WNRC) are ideal for proper storage of paper records; the WNRC is currently not guaranteeing the long-term condition of storage of other media.

G. Records Retention and Disposal

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743, “Keeping and Destroying Records”.

NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. Contact your RMO for additional information. All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. NIH supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of e-mail messages.

E-mail messages must also be provided to members of Congress or Congressional committees, if requested, and are subject to Freedom of Information Act requests. As most e-mail systems have back-up files that are sometimes retained for significant periods of time, e-mail messages and attachments may be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

H. Internal Controls

This chapter establishes policy, procedures, and responsibilities for developing and implementing the NIH Vital Records Program for the protection, use and recovery of NIH records during emergency operating conditions.

The NIH RO, Division of Complinace Management, Office of Management Assessment, Office of Management, is responsible for ensuring that the Vital Records Program is implemented and maintained. The NIH RO and all IC RMOs will meet annually to review status of, and compliance with, the NIH Vital Records Program. This meeting will provide the opportunity for IC RMOs to present changes to the emergency operating records, and rights and interest records.

Appendix 1 – Emergency Operating Records

The following examples of emergency-operating records are found within most offices at NIH. The office listed in parentheses is typically assigned the responsibility for maintaining the vital record. Your office may have records that are considered vital but are not identified below. All records considered to be vital emergency-operating records that are not listed below should be included on your NIH Form 2805 Inventory of Vital Records.

- Emergency plans and directive(s) or other authorizing issuances including information needed to operate the emergency operations center and its equipment and records recovery plans and procedures. (ORS)
- Emergency staffing assignments (essential employees), including lists of personnel, along with their addresses and telephone numbers (and comparable data for alternatives), assigned to the Emergency Operations Center or other emergency duties or authorized access to damaged facilities to assess the extent of damage. (ORS)
- Emergency Operating Center or Emergency Relocation Site checklists or standard operating procedures. (ORS)
- Orders of Succession (OMA)
- Delegations of Authority (OMA)
- Contact information for primary and alternate emergency staffing assignments, including home addresses and alternate telephone numbers. (All Offices)
- Building plans and building systems operations manuals for all agency facilities. (ORF).
- Equipment inventories for all agency facilities (Property). (OA/OLAO/DPPS)

- Records of NIH Supplies on hand. (OA/OLAO/DLS).
- Vital records inventories (NIH Form 2805 Inventory of Vital Records). (OMA)
- Copies of agency program records (whatever the medium) needed to carry out continuing critical functions. (OER, OIR).
- System documentation for any electronic information systems designated as emergency-operating records. (CIT)
- OIR Database (Data on Intramural Scientists). (OIR)
- Intramural Sourcebook (Intramural Policies and Procedures). (OIR)
- NIH Computer Center Disaster Recovery Plan. (CIT)
- NIH Incident Response Team (IRT) Emergency Contact Information. (CIT)
- Red Alert Emergency Phone Call List. (CIT)
- NIH Grants Policy Statement. (OER)
- 398 Application Kit and Instructions. (OER)
- PA and RFA language and dates. (OER)

Appendix 2 – Legal & Financial Rights Records

The following examples of legal and financial rights records are found within most offices at NIH. The office listed in parentheses is typically assigned the responsibility for maintaining the vital record. Your office may have records that are considered vital but are not identified below. All records considered being vital legal and financial rights records that are not listed below should be included on your NIH Form 2805 Inventory of Vital Records.

- Accounts-receivable records. (OFM)
- Accounts-payable records. (OFM)
- Purchase Card Program Records – Cardholders and Card Approving Officials. (CIT and OA/OLAO/DAP)
- Blanket Purchase Agreements. (CIT and OA/OLAO/DAP)
- DELPRO Ordering Officials and Approving Officials. (CIT and OA/OLAO/DAP)
- NITAAC Financial Records of Operations. (OA/OLAO/DITA)
- Indirect Cost Rate Agreements. (OA/OAMP)
- Personnel Records. (OHR)
- Social Security Records. (OHR)
- Merit Promotion and DEU Case files. (OHR)
- Loan Repayment Records (fiscal). (OER/OIR)
- Trainee payback records (fiscal). (OER)
- Memorandum of Understandings with other agencies. (OER)
- Determinations of Exceptional Circumstances. (OER)
- IACUC records – list of assurances, AWAS. (OER)
- Payroll Records. (OHR/Payroll)
- Insurance Records/Health/Life/TSP. (OHR)
- Retirement Records. (OHR)

- Debts owed to the Government. (OFM)
- Legal proceedings and decisions. (OGC)
- Grant files (research, training, IMPAC II records). (OER)
- Cooperative Research & Development Agreements (CRADAs) and related CRADA Sub-committee records. (OTT)
- Employee Invention Reports (EIRs & Associated Correspondence). (OTT)
- Patent Application Prosecution and Issued patents. (OTT)
- Patent Interference Files. (OTT)
- Royalty Files to include Executed License, Correspondence & Copies of royalty checks. (OTT)
- License Negotiation. (OTT)
- Any records relating to contracts, entitlement, leases, or obligations whose loss would pose a significant risk to the legal and financial rights of the Federal Government or persons directly affected by its actions. (OA, ORF, OB, OTT).
- Contract files

    1. DSSRA Contract Files. (OA/OLAO/DSSA)
    2. DRA Contract Files. (OA/OLAO/DRA)
    3. NITAAC CIO-SP2i Contracts and Task Order Awards. (OA/OLAO/DITA
    4. NITAAC IW2nd Contracts, Task Order Awards and Delivery Order Awards. (OA/OLAO/DITA)
    5. NITAAC ECS III Contracts and Delivery Order Awards. (OA/OLAO/DITA)
    6. NITQAAC CP Leasing Contract and Delivery Order Awards. (OA/OLAO/DITA)
    7. NITAAC MEG Contract and Delivery Order Awards. (OA/OLAO/DITA)

- System documentation for any electronic information systems designated as records needed to protect rights. (CIT)
- Research Records. (CC, OIR)
- Patient Records. (CC)
- Research Protocols. (CC)
- System Back-up Files:

    1. ADB. (CIT)
    2. Central Accounting System. (CIT)
    3. Data warehouse. (CIT)
    4. EHRP. (CIT)
    5. FACS II. (Treasury)
    6. IMPACT II OER Grants System. (CIT)
    7. IPAC Payment System. (Treasury)
    8. ITAS. (CIT)
    9. Network Drives (H, G, R, K, etc.). (OIT)
    10. ORACLE. (CIT)
    11. Payroll. (CIT)

Appendix 3 – NIH Form 2805

NIH Form 2805 - PDF Document