

NARA Bulletin 2014-XX

TO: Heads of Federal Agencies

SUBJECT: Determining the Appropriate Age for Scheduling Permanent Records Transfers to the National Archives

EXPIRATION DATE: Expires when Superseded or Revoked

1. What is the purpose of this Bulletin?

This Bulletin provides Federal agencies with guidance on determining the appropriate age at which permanent records, regardless of their media or format, should be scheduled for transfer to the National Archives and Records Administration (NARA). Agencies should transfer legal custody of permanent records only when active business use has ceased and when the passage of time has lessened the sensitivity of the records.

This Bulletin applies when agencies submit new records schedules to NARA for approval and when renegotiating transfer periods on previously approved records schedules. If an agency would like to apply this guidance retroactively on approved records schedules, the agency should utilize the process for [Changes to Previously Approved Schedule Items](#).

2. When should agencies transfer legal custody of permanent records to NARA?

Legal transfer of permanent records should only occur after the creating agency anticipates no further business need for the records. The Federal Records Act establishes a general standard that permanent records should be transferred to NARA when they have been in existence for 30 years (see 44 U.S.C. § 2107(2)). NARA may accept records earlier, but does not typically approve records schedules proposing legal transfer of unclassified records that have been in existence for less than 15 years. In addition, NARA only approves records schedules authorizing the transfer of security classified records that are more than 25 years old. Some records, such as unclassified personnel files, law enforcement files, and files with specific statutes, may require longer agency retention.

3. How do agencies propose a shorter legal transfer period for permanent records?

An agency must complete a [Questionnaire Concerning Transfer Age of Permanent Records](#) for unclassified records that are less than 15 years old or security classified records that are less than 25 years old. The questionnaire will help agencies and NARA determine whether a shorter legal

transfer period is appropriate. When completing the questionnaire agencies should consider the following questions:

- Does your agency have ongoing business needs for the records?
 - Once NARA accepts legal custody of records, the originating agency access to the records will be on-site at the NARA facility maintaining the records. For electronic records, NARA will provide one free copy of accessioned records upon request by the agency records officer.

- Do the records contain highly sensitive information, particularly information that should be withheld under FOIA exemption (b)(5), such as pre-decisional/deliberative or other privileged information relating to current agency business?
 - NARA does not generally apply FOIA exemption (b)(5) to accessioned records.
 - NARA does not generally consult with agencies regarding decisions to release unclassified accessioned records.

- Is your agency prepared to transfer FOIA responsibilities to NARA?

If the questionnaire answers indicate that a shorter legal transfer period may be appropriate for one or more schedule items, the agency records officer should submit a completed and signed copy of the questionnaire to NARA covering each item. The questionnaire should be provided with the records schedule or a [request to change previously approved schedule items](#). NARA Appraisal Archivists will assist agencies in determining the appropriate retention period for the records.

Note: this questionnaire is intended to help determine whether or not proposed shorter transfer dates are appropriate. Submission of the questionnaire in no way guarantees that NARA will approve proposed shorter transfer dates.

4. What is an additional transfer option available for electronic records?

For electronic records NOT appropriate for legal transfer before 15 years (or 25 years for security-classified electronic records), see [NARA Bulletin 2009-03, Pre-accessioning Permanent Electronic Records](#).

5. What are the special considerations for special media records?

Disposition instructions for special media records should direct the transfer of physical and legal custody of the records to the National Archives as soon as possible after the business use of the records has ended. Disposition of special media records (maps, charts, aerial photography, sound recordings, motion pictures, still pictures, and accompanying finding aids) may have unique

preservation and storage concerns. Agencies should submit a completed questionnaire and work closely with NARA Appraisal Archivists during the scheduling process to determine the appropriate disposition instructions for special media records.

6. Who do I contact for more information?

For additional information, please contact the Appraisal Archivist assigned to work with your agency. See <http://www.archives.gov/records-mgmt/appraisal/index.html>.

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