

**DRAFT – June 26, 2013**

**NARA Bulletin 2013-XX**

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**TO:** Heads of Federal Agencies

**SUBJECT:** Guidance on managing social media records

Expiration Date: XX/XX/XXXX

### **1. What is the purpose of this Bulletin?**

This Bulletin supersedes NARA Bulletin 2011-02: *Guidance on Managing Records in Web 2.0/Social Media Platforms* and provides high-level requirements and best practices for capturing records created when Federal agencies use social media. This use may result in the creation of Federal records that must be captured and managed in compliance with Federal records management laws, regulations, and policies. This Bulletin does not contain platform-specific social media capture guidance.

NARA bulletins provide fundamental guidance to Federal agencies, who must then determine the most appropriate ways to incorporate recordkeeping requirements into their business processes and identify the specific means by which their agencies will fulfill their responsibilities under the Federal Records Act.

### **2. What is social media?**

Social media refers to the various activities integrating web technology, social interaction, and user-generated content. Social media includes blogs, wikis, social networks, photo libraries, virtual worlds, location-based services, and video sharing sites. Agencies use social media both internally and externally to share information, support business processes and connect people to government. Social media allows individuals to collaborate, create, organize, edit, comment on, combine, and share content, likely resulting in the creation of Federal records.

### **3. What are social media records?**

The Federal Records Act (44 U.S.C. 3301) defines Federal records as any material that is recorded, made or received in the course of Federal business, regardless of its form or characteristics, and is worthy of preservation. Social media content meeting this definition must be managed in accordance with all applicable laws and regulations.

The statute and its implementing regulations place responsibility with each agency to determine what Federal records they create or receive. Refer to 36 CFR Subchapter B for guidance on how agencies should apply the statutory definition of Federal records.

The following non-exhaustive list of questions will help agencies determine record status of social media content:

- Does it contain evidence of an agency's policies, business, or mission?
- Is the information only available on the social media site?
- Is this tool being used in relation to the agency's work?
- Does the agency use the tool to convey official agency information?
- Is there a business need for the information?

If the answers to any of the above questions are yes, then the content is likely to be a Federal record. In addition, social media content may be a Federal record when the use of social media provides added functionality including enhanced searchability, opportunities for public comment, or other collaboration. In order for a Federal record to be complete it must have content, context, and structure along with associated metadata (e.g., author, date of creation). The complete record must be maintained to ensure reliability and authenticity.

#### **4. What are the noteworthy records management challenges associated with the use of social media?**

Due to the dynamic and collaborative nature of social media, agencies face the following challenges:

- Recordkeeping in a collaborative environment;
- Content located in multiple places;
- Ownership and control of data that resides with a third party;
- Identification of records;
- Implementation of records schedules, including the ability to transfer and permanently delete records or perform other records management functions;
- Capture of frequently updated records;
- Capture of complete records in a manner that ensures their authenticity;
- Public expectations that all web content is both permanently valuable and accessible;
- Handling of records containing personally identifiable information.

#### **5. How should agencies address the records management challenges associated with the use of social media?**

Agencies must articulate clear processes, policies, and recordkeeping roles and responsibilities to ensure social media records are identified, managed and captured. Agencies should establish a social media working group comprised of records management staff, web managers, social media managers, information technology staff, privacy and information security staff, and other relevant stakeholders.

The social media working group will apply the definition of a Federal record to social media content and identify what constitutes a complete record including the content, context, structure, and necessary metadata. This group will also review existing records schedules to determine if social media records are covered. In the absence of an applicable records schedule, records must be treated as permanent until they are scheduled.

The social media working group is encouraged to discuss records management issues before rolling out new social media initiatives or changing the use of current platforms. Agencies should take the following actions when establishing policies and procedures:

- Identify what constitutes a Federal record in social media platforms;
- Define ownership of content and responsibility for managing the records;
- Incorporate recordkeeping practices and requirements into terms of service;
- Communicate records policies so employees and the public understand how records will be managed;
- Monitor the ongoing use of social media platforms to determine if that use changes the value of the records;
- Monitor any changes to third-party terms of service on social media platforms that may affect the management of records.

Implementing these policies and procedures will facilitate the scheduling and capture of social media records.

## **6. What should agencies consider when scheduling social media content?**

Content on social media is likely a Federal record. Agencies must identify the official record and determine how it will be managed. Some social media records may be temporary; with a transitory, short, or long term retention. Some may even be permanent, such as a blog by an agency senior official.

After an agency has identified social media content as Federal records, it must determine whether existing disposition authorities apply, including the General Records Schedule (GRS). If the content is not covered by an existing authority, a new schedule should be developed. An agency should develop a new records schedule if social media users enhance the content by adding comments, metadata or other information

that becomes part of the complete record. If agencies change the way they use a social media tool, then that may affect the record-value of the information. Agencies should consider regularly reviewing their social media tools and associated records schedules.

Social media may include comments or other postings which are inconsistent with an agency's policies and may require removal from the site. If necessary, that content may require an approved records schedule. Agencies should draft policies for moderating content consistent with their First Amendment obligations.

### **7. How do agencies implement social media capture?**

Once Federal records are identified and associated with an approved records schedule, agencies must decide how to manage social media records. Temporary records that are transitory or of short-term retention may not need to be captured and can be maintained in the social media platform. Agencies should assess their business needs and evaluate risks associated with leaving these records in social media. Capture is particularly important for temporary records with long-term retentions or permanent records. These should be exported from the social media platform into an agency recordkeeping system.

Methods to capture social media records include:

- Using web crawling or other software to create local versions of sites;
- Using web capture tools to capture social media content and migrate to other formats;
- Using platform specific application programming interfaces (APIs) to pull content;
- Using RSS Feeds, aggregators, or manual methods to capture content;
- Using tools built into some social media platforms to export content.

The options for successful social media capture will depend-on the technical configuration of a social media platform. Agency needs may also affect which social media capture method is utilized. Once the agency determines the capture method, they must provide training on how and when to use capture tools for social media. Agencies may need to work with third-party providers to implement social media capture.

### **8. What are an agency's record management responsibilities when dealing with social media providers and third parties?**

Each agency is responsible for managing its records. At a minimum, these responsibilities include the ability to identify and retrieve Federal records that are being created and maintained on social media. Agencies should be aware that the provider could discontinue their service or delete information from an agency's account.

Additionally, agencies may stop using a social media platform at any time. In either situation, the agency is not relieved of its records management and possible capture obligations.

The agency must determine if its provider can export the complete record to the agency. If the provider cannot export a complete record, the agency is responsible for implementing capture requirements as stated in Question 7 above.

If the provider can export a complete record, the agency should include a clause in the Terms of Service agreement that stipulates how and when this will occur. This clause should state that export shall occur before the provider deletes or otherwise destroys the Federal records that reside on their systems. It should include instructions for notification and export requirements if the provider goes out of business or is bought by another company. Agencies will have other business and legal needs regarding capture and should work with providers to ensure these needs are met.

NARA developed the following general clause for use in the standard GSA [Terms of Service agreement](#):

*The Agency acknowledges that use of contractor's site and services may require management of Federal records. Agency and user-generated content may meet the definition of Federal records as determined by the agency. If the contractor holds Federal records, the agency and the contractor must manage Federal records in accordance with all applicable records management laws and regulations, including but not limited to the Federal Records Act (44 U.S.C. chs. 21, 29, 31, 33), and regulations of the National Archives and Records Administration (NARA) at 36 CFR Chapter XII Subchapter B). Managing the records includes, but is not limited to, secure storage, retrievability, and proper disposition of all federal records including transfer of permanently valuable records to NARA in a format and manner acceptable to NARA at the time of transfer. The agency is responsible for ensuring that the contractor is compliant with applicable records management laws and regulations through the life and termination of the contract.*

This clause does not include stipulations about capture. Therefore, agencies must determine capture-related issues and include them in agreements with providers when necessary. Agencies that have contracts for cloud computing services should follow this records management guidance. They will have additional business, legal, and security requirements they should consider in the procurement process.

## **9. How does this Bulletin relate to the Managing Government Records Directive?**

NARA and the Office of Management and Budget released a [Managing Government Records Directive](#) outlining a series of goals and actions that would improve and modernize record keeping across the Government.

Several actions required by this Directive will assist agencies when addressing records management challenges raised by social media. NARA will issue guidance for transferring permanently valuable social media records and will revise the existing General Records Schedules. NARA is also investigating automated technologies to manage diverse collections of digital records, including social media.

#### **10. What other NARA guidance is available?**

NARA has issued the following related guidance:

- [NARA Bulletin 2010-05 - Guidance on Managing Records in Cloud Computing Environments](#) and [Frequently Asked Questions About Managing Federal Records In Cloud Computing Environments](#). This Bulletin provides agency records officers with an overview of cloud computing, its benefits and concerns, and records management guidelines that agencies will need to consider when implementing cloud computing services.
- [NARA Bulletin 2009-02 Guidance concerning managing records in multi-agency environments](#). This Bulletin provides guidance on managing records produced when Federal agencies collaborate in multi-agency environments.
- [NARA Guidance on Managing Web Records](#). This guidance assists agency officials managing Web records, including agency program staff, webmasters, IT staff, and other agency officials who have a role in website management and administration.
- [Implications of Recent Web Technologies for NARA Web Guidance](#). This guidance explores some of the applications that characterize the emerging web and their impact on records management including wikis, blog, web portals, and RSS.

NARA has the following resources:

- [A White Paper on Best Practices for Social Media Capture](#). This NARA white paper provides best practices and a non-exhaustive list of available tools for social media capture.
- [Records Express Blog](#). The official blog of the Office of the Chief Records Officer (CRO) at NARA highlights guidance and upcoming events. It also discusses how the CRO is working with our agency partners to improve records management in the Federal government.

- [A Report on Federal Web 2.0 Use and Record Value](#). This NARA study describes how Federal agencies are using web 2.0 technologies for their mission-related activities.
- [Toolkit for Managing Electronic Records](#). This resource provides agencies with records management guidance and best practices.
- [Frequently Asked Questions About Records Management](#). This FAQ answers questions about noteworthy records management topics.

NARA recognizes that the use of social media continues to evolve. NARA will continue to work with agencies to provide further resources in managing records when appropriate.

#### **11. Whom do I contact for more information?**

Agency social media managers, content creators, and other staff should contact their agency records officers and office of general counsel to discuss social media records management issues. A list of agency records officers can be found on the NARA web site at <http://www.archives.gov/records-mgmt/agency/officers-lists.html>. Your agency's records officer may contact the NARA appraisal archivist with whom your agency normally works. A list of the appraisal contacts is posted on the NARA web site at <http://www.archives.gov/records-mgmt/appraisal/>.