

BRAC Commission Instructions for Collection of Records

The BRAC Commission is required by law to collect and maintain records, produced by and for the Commission, for permanent archiving. The cooperation and support of all BRAC Commission staff is needed to ensure that all required documents are collected. Please adhere to the following instructions and if you have any questions, please contact Marcy Reborchick, BRAC Commission Records Officer, at (703) 699-2971.

A. Materials Required for the Library:

- All agendas, briefing books, base visit books, base visit reports, regional hearing books.
- Minutes from meetings, testimony, and transcripts of meetings and hearings, as well as audiotapes and/or videotapes of meetings and hearings that were not fully transcribed.
- Two originals of all reports, studies, pamphlets, posters (2 copies) and other publications produced by or for the Commission as well as news releases, Federal Register notices, Commissioners' speeches, formal photographs, news articles produced by BRAC Commission staff, and other significant public affairs files.

B. Turning Materials Over to the Library:

- Please place materials in the box marked "Library" in room 600-14. Materials shall be submitted immediately upon obtaining them or upon return from travel. NOTE: If multiple copies are received, two original complete sets of materials are to be submitted to the library and additional, identical sets of the materials may be retained as working copies.

C. Materials Required for the Library Submitted in Accordance with the Department File Plan:

- Copy of correspondence, sent by BRAC Commission staff, which refers to BRAC Commission work.
- Hard-copies of emails that document BRAC Commission work or transacted BRAC Commission business. Print the last email that will include the whole stream of communication and all attachments.

NOTE: The correspondence and hard-copy emails are retained in subject matter folders in your department according to the department file plan and will be collected periodically for inclusion in the permanent record files.

D. Correspondence (Community or Executive) Sent as Attachments to Emails:

- Forward the correspondence, either by email (Margaret.Reborchick@wso.whs.mil) or in hard copy, to Marcy Reborchick, room 600-14, for inclusion in the permanent record files.

E-Mail and Record Archiving Procedures 2005 BRAC Commission

E-Mail – The following types of e-mail should be archived:

- E-mail that documents the work of the BRAC Commission as it pertains to base closures and realignments.
- E-mail that demonstrates transacted BRAC Commission business as it pertains to base closures and realignments.

To prepare your e-mail for archiving, please follow the steps below:

1. Delete all e-mail of a personal nature from your inbox, personal folders, and sent mail. If you want to keep any of your personal e-mail, either save them to an external drive or print a hard-copy.
2. Do not move the e-mail you plan to archive by dragging and dropping or by any other method. Just leave it where it is in either your inbox, sent mail or personal folders. Since all your e-mail remaining after step 1 will be archived it doesn't matter whether it's in your personal folders, inbox or sent mail.
3. Nothing should be done to alter any of your e-mail remaining after step 1. This is the e-mail you plan to archive, and you should not edit, change or delete any information in these e-mails.

On or after your last day of employment with the BRAC Commission, the WSO-IT Helpdesk will burn your e-mail to DVD. This archived e-mail will be part of the records submitted to the National Archives. A restricted classification will be placed on the archived e-mail so that a FOIA review will be required for the public to see these files. This will prevent members of the public from having access to private cell phone numbers and other private information that may be contained in the e-mail files.

Working & Other Related Documents – Working Documents such as notes, papers related to research, COBRA runs, should be grouped by subject matter and placed in manila folders or accordion files. On a post-it note, indicate the subject matter of the contents of the folder (I will type a label in the format required for archiving). Place the folders in a white archiving box (available from the library). Please **do not write directly on the box** as the National Archives will only accept it with specific markings, and nothing else. Instead, please write your name on a post-it note and place it on the box. Also, fill in the attached manifest sheet with a brief description of the contents of each folder/item in the box.

Base Input/Community Input Materials – Any base or community materials that are already in the library may be destroyed. However, if you are unsure, please give materials to Marcy Reborchick, room 600-14.

Questions – If you have any questions, please ask Marcy Reborchick, 703-699-2971, room 600-14.

E-Mail and Record Archiving Procedures
Office of Review and Analysis
2005 BRAC Commission

E-Mail – E-mail which documents the work of the BRAC Commission or demonstrates transacted BRAC Commission business should be archived. Please follow the steps below to move your e-mail from your personal folders on the H-drive to the EmailArchive.pst folder on the S-drive where the library staff will copy them to CD. When the e-mail files are sent to the National Archives, a restricted classification will be placed on them so that a FOIA review will be required for the public to see these files. This will prevent members of the public from having access to private cell phone numbers and other private information that may be contained in the e-mail files. **Also, do not edit, change or delete information from the e-mails you are archiving.**

In order to archive your outlook contents:

- 1) Go to **tools**
- 2) Choose Options
- 3) Choose the **Mail Setup** Tab
- 4) Push the **Data Files** button
- 5) Click the **Open Folder** button
- 6) A new browser window will open and your personal folder (named **WSO_Archive**) will appear.
- 7) Keep this new window open and close Outlook
- 8) Rename this folder using your name
- 9) Open S Drive browser
- 10) Open **Archives** folder
- 11) Then open the **Review & Analysis** folder and Team folder
- 12) Drag and drop your personal folder file into the appropriate team member folder

Working & Other Related Documents – Working Documents such as notes, papers related to research, COBRA runs, should be grouped by subject matter and placed in manila folders. On a post-it note, indicate the contents of the folder (I will type a label in the format required for archiving). Place the folders in a white archiving box (available from the library). Please **do not write directly on the box** as the National Archives will only accept it with specific markings, and nothing else. Instead, please write your name on a post-it note and place it on the box. Also, fill in the attached manifest sheet with a brief description of the contents of each folder/item in the box.

Base Input/Community Input Materials – Any base or community materials that are already in the library may be destroyed. However, if you are unsure, please give materials to Marcy Reborchick, room 600-14.

Questions – If you have any questions, please ask Marcy Reborchick, 703-699-2971, room 600-14.

Sarkar, Rumu, CIV, WSO-BRAC

From: Hague, David, CIV, WSO-BRAC
Sent: Tuesday, May 24, 2005 12:44 PM
To: Sarkar, Rumu, CIV, WSO-BRAC; Cowhig, Dan, CIV, WSO-BRAC
Subject: FW: DFO: budget, files, etc.

Rumu, Dan -- FYI. DH

From: Carnevale, Diane, CIV, WSO-BRAC
Sent: Tuesday, May 24, 2005 12:25 PM
To: Hague, David, CIV, WSO-BRAC
Subject: RE: DFO: budget, files, etc.

David,

Sounds good to me - hopefully we won't have too many cooks in the kitchen, and can respect each other's perceived duties. As long as we continue our good dialogue, we are now sure that with overlapping tasks that all will get done on time.

Diane

From: Hague, David, CIV, WSO-BRAC
Sent: Tuesday, May 24, 2005 11:15 AM
To: Carnevale, Diane, CIV, WSO-BRAC
Subject: DFO: budget, files, etc.

Diane --

Below is a description of DFO responsibilities I have extracted from a DOE document. Our DFO has the same responsibilities, which, as you see are extensive and overlap yours, mine, the Executive Director's, and others' responsibilities. They include oversight of the budget and maintenance of records (with an eye to their eventual retirement to the Library of Congress). Rumu is coordinating recording keeping procedures/systems with senior staff and team leaders.

David

Designated Federal Officer. Designated Federal Official responsibilities are delineated in paragraph 41 CFR 101-6.1019. In addition, the Designated Federal Officer shall: (1) Be fully knowledgeable of all the activities and developments concerning the advisory committee(s) under his/her responsibility. (2) If unable to attend or chair a meeting, designates, in writing, another DOE officer or employee to act as the Designated Federal Officer. (3) Prepares all Notices of Open and/or Closed Meetings for publication in the Federal Register and forwards them, through the Office of General Counsel, to the ACMO for signature. (4) Ensures compliance with 41 CFR 101-6 and amendments, FACA and amendments, and this Manual in the conduct of advisory committee meetings. (5) Prepares written determinations for closing part of or all of an advisory committee meeting to the public in accordance with the criteria provided in 5 U.S.C. 552b(c)(4) and in section 624 of Pub. L. 95-91. Prepares and submits an annual report to the ACMO summarizing advisory committee activities and related matters when committees have held closed meetings. (6) Prepares all proposal packages presenting the required justifications and recommendations for: (a) renewal of an advisory committee; in the case of a new committee, the proposed Designated Federal Officer would prepare the establishment package;

(b) the appointment, reappointment, and/or rotation/retirement of individuals to serve or who have served on DOE advisory committees. (7) In coordination with the Head of his/her Departmental Element: (a) Requires advisory committee members of each DOE advisory committee under his/her responsibility, before participation in any committee meeting or work. 1 If they are special Government employees, disclosing, in writing, any financial or other interest that may be affected by the work of the committee, or create the appearance of a conflict of interest. 2 Address with GC the Federal ethics rules, conflict of interest statutes, and any possible ethical problem that may arise from serving on a DOE advisory committee. (b) Monitors the attendance and participation of advisory committee members and consider replacing any member who has missed a substantial number of scheduled committee meetings and/or who does not show an interest in the committee. (8) Ensures that detailed minutes of meetings are prepared and the information specified in 41 CFR 101-6.1025 is included. (9) Forwards ten copies of any final report submitted by each advisory committee to the ACMO for transmittal to the DOE Public Reading Room and the Library of Congress. (10) Reviews on an annual basis, in coordination with the Head of his/her Departmental Element, the activities and accomplishments of each advisory committee under his/her responsibility. Prepares recommendations and rationales for termination if it is determined that such committees no longer serve their original purpose. (11) **Maintains for each advisory committee, in a designated central location, all records, reports, and other papers required by 41 CFR 101-6 and amendments, FACA and amendments, and this Manual.**

(12) **Provides all administrative and staff support services for each advisory committee under his/her responsibility and keep records concerning costs incurred for providing these services.** (13) Prepares and submits information for: (a) the preparation of DOE's section of the President's annual report to Congress; (b) the Secretariat's annual comprehensive review of Federal advisory committees and their activities; and (c) other special reports that may be requested by the ACMO, the Secretariat, or OMB.

May 23, 2005

TO: BRAC Commission, All Personnel

SUBJECT: DOCUMENT MAINTENANCE AND RECORDKEEPING

FROM: Office of the General Counsel

This information memorandum provides guidance on the creation, maintenance and retention procedures for official BRAC Commission documents. These requirements are based on the Department of Defense's Administrative Instruction 15, and the National Archives and Records Administration (NARA) requirements for the archiving of records generated by temporary boards, commissions and committees as set forth in General Records Schedule (GRS) 26 (September 2004). Questions regarding this guidance should be made to the Associate General Counsel, Ms. Rumu Sarkar.

Each office within the BRAC Commission shall be responsible for developing a file plan for its individual employees to keep files and papers along the lines explained in this memorandum. All papers should use staples and not binder clips or paper clips when officially deposited for archiving and retention purposes.

BRAC Commission documents, correspondence to and from the Commission (including e-mail correspondence with and transcribed phone messages to the Commission), reports and official publications, news and press releases, official comments, hearing transcripts and all other official documentation (discussed in further detail below) shall be part of the public record of the Commission. The public record does not include documentation and correspondence that are determined by the issuing BRAC office to be required for strictly administrative or operational purposes which have no public interest or educational value. Moreover, documents and publications created by or submitted to the Commission that have been classified for reasons of national security, shall not be made available publicly available. For procedures concerning the limited official use of such documents, please contact the Associate General Counsel, Ms. Rumu Sarkar.

Please note that prior to the Commission's termination, Washington Headquarters Services (WHS) and possibly NARA, in consultation with Commission staff, may wish to review records and identify files that warrant permanent retention, including the Commission's website and other data files. Such records will be transferred to the National Archives through the office of WHS upon the termination of the Commission.

CATEGORY A:

PERMANENT. To be transferred by the BRAC Commission to the WHS to the National Archives upon the termination of the Commission.

Files documenting the Commission's establishment, membership, policy, organization, deliberations, findings, and recommendations, including such records as:

- original charter, renewal and amended charters, organization charts, functional statements, directives or memorandums to staff concerning their responsibilities, and other materials that document the organization and functions of the Commission and its components;
- documents used to nominate, approve, appoint, and remove members of the Commission; minutes, final reports, and related papers.
- agendas, briefing books, minutes, testimony, and transcripts of meetings and hearings as well as audiotapes and/or videotapes of meetings and hearings which were not fully transcribed;
- official correspondence received by as well as responded to by the Commission, and each individual Commissioner, including e-mail traffic, faxes, written transmissions; and officially transcribed notes or conversations;
- one copy each of reports and related documents, studies, pamphlets, posters (2 copies) and other publications produced by or for the Commission as well as news releases, Commissioners' speeches, formal photographs and other significant public affairs files;
- correspondence, subject and other files maintained by key Commission staff, such as the Chairman, Executive Director, and General Counsel, documenting the functions of the Commission;
- substantive records relating to research studies and other projects, including unpublished studies and reports and substantive research materials (that may include electronic data);
- questionnaires, surveys and other raw data accumulated in connection with research studies and other projects where the information has been consolidated or aggregated in analyses, reports, or studies that may include data maintained electronically;

- records created to comply with the provisions of the Government in the Sunshine Act, annual reports to Congress describing the Commission's compliance with the Act.

CATEGORY B:

DESTROY/DELETE UPON TERMINATION OF THE COMMISSION.

Files that relate to day-to-day Commission activities and/or do not contain unique information of historical value, including such records as:

- correspondence, reference and working files of Commission staff;
- audiotapes and videotapes of Commission meetings and hearings that have been fully transcribed, informal still photographs and slides of Commission members and staff, meetings, hearings, and other events;
- other routine records, such as public mail, requests for information, consultant personnel files, records relating to logistical aspects of Commission meetings and hearings, etc.;
- extra copies of records, e.g. copies of meeting agenda and minutes distributed to Commission members and staff.
 - documents relating to the internal management or general administration of an office, including:
 - (1) documents on internal office procedures, hours of duty, and individual duties that do not have continuing applicability;
 - (2) documents on office participation in charitable affairs, such as blood donations and contributions to philanthropic or charitable associations;
 - (3) documents on tests of civil defense, fire, or comparable emergency evacuation procedures;
 - (4) documents on safety within the office, such as minutes of safety meetings, notification of safe and unsafe practices, and comparable documents;
 - (5) documents on the office's involvement in forms, publications, records, and reports management, such as records and forms surveys and inventory reports (but not papers relating to the initiation of specific forms, publications, and reports that pertain to the performance of the office's mission or functions.
- Documents on the overall or general routine administration of the Commission's activities, such as:

- Routine comments on regulations, directives, other publications prepared by another office with primary responsibility. If comments result in additional action affecting the mission or functions of the office, documents should be filed with the appropriate mission function files;
 - Evaluations of suggestions that do not result in issuing an instruction or establishing a project;
 - Program and budget documents, management improvement reports, cost reduction reports, and comparable management reports prepared to submit data to offices responsible for these management functions;
 - Extracts of reports of inspections, surveys, or audits that pertain to the operation of the mission or functions; and,
 - Comments on or contributions to news releases.
- Documents on the participation of individual offices of the Commission in matters concerning the expenditure of funds incidental to the performance of the mission of the office, such as itineraries and cost estimates for travel and notifications to budget offices of funds required for travel; requests for long distance telephone funds, notifications from budget offices of telephone funds that are available, and reports of long-distance telephone calls; receipts for pay checks and other documents relating to the distribution of checks to individual employees; receipts for savings bonds and other documents on distribution of savings bonds directly to individual employees; and comparable papers.

Web site records:

- (1) Electronic version of web site(s), but please consult with the Legal Office before destroying the website.
- (2) Design, management, and technical operation records.
- (3) Electronic version of content records duplicated in textual series of Commission records.

CATEGORY C:

DESTROY AFTER ONE YEAR FROM THE TERMINATION OF THE COMMISSION.

- Reference paper files consist of the following types of documents: notes, drafts, feeder reports, news clippings, similar working papers, and other materials accumulated for preparation of a communication, a study, an investigation, a survey, an inspection or other action. This description does not include official and quasi-official recommendations, coordinating actions, and other documents that contribute to or result from preparation of the communication or other record.

- Documents received for general information purposes (such as a reading file) that require no action and are not required for documentation of specific functions.
- Memorandum copies of accountable officers' returns including statements of transactions and accountability, all supporting vouchers, schedules, and related documents not covered elsewhere.
- Supervisor's Personnel Files. Correspondence, memoranda, forms, and other records on positions, authorizations, pending actions; copies of Position Descriptions, requests for personnel action, and records on individual employees duplicated in or not appropriate for the Official Personnel Folder.

CATEGORY D:

Electronic Mail and Word Processing: Destroy/delete within 180 days after the recordkeeping copy has been produced.

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of other records created by the Commission. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directions on hard drive or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.
- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.

CATEGORY E:

DESTROY/DELETE WHEN 6 YEARS OLD: Transfer Commission management records to WHS for processing upon the termination of the Commission.

- Committee management records include copies of charters, membership lists, agendas, policy statements, statistical data files, financial operating plans, General Service Administration reports and other statistical reports on the number of committees, types of committees, membership rosters, requests for approval of committee nominees, appointment documents for individual committee members, financial disclosure documents, material required to be available for public information and other related topics maintained by the Committee Management

Officer. Committee Management activities include the establishment, appointment of members, and operation and termination of chartered Federal advisory committees.

- Original or carbon copy of accounts maintained for a site audit consisting of statements of transactions, statements of accountability, collection schedules, collection vouchers, disbursement schedules, disbursement vouchers, and all other schedules and vouchers.
- Copies used in payroll preparation and processing.

Disposition authority for any Commission records not covered by items above or elsewhere in the General Records Schedule should be requested by submitting an SF 115. Please consult with the Associate General Counsel, Ms. Rumu Sarkar, regarding this issue, as necessary.

Sarkar, Rumu, CIV, WSO-BRAC

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Tuesday, May 31, 2005 9:10 AM
To: Butler, Aaron, CIV, WSO-BRAC
Cc: Breitschopf, Justin, CIV, WSO-BRAC
Subject: RE: NARA

Hi Aaron and Justin: Many thanks for the good work so far, and yes, I do have a few questions that may help to develop the file plan further. First, does the entry for the SecDef's recommendations include the certified materials sent over by DoD in support of those recommendations? Has R&A been analyzing that data or regrouping it for purposes of organizing trips, hearings, etc.?

Secondly, are R&A offices conducting independent assessments and analysis that support the final recommendations that the BRAC Commissioners will consider? For example, motions will be made at open hearings with the Commissioners, and is R&A doing the supporting analytic work to support the drafting of these motions that go through (line by line as far as I understand the process) to either accept, reject, change or add to the SecDef's recommendations?

Thirdly, has R&A been tasked with providing specific draft chapters for Andy Napoli's report? Are you providing the underlying data or analysis? And finally, is R&A dealing with the correspondence from the public, Members of Congress, etc. by creating responses or changing the issues being considered by the Commissioners based on public input?

These are some basic questions that may help (or not!) further refine your draft office file plan that looks good so far. I suggest that we have another quick conversation on this, and share the findings with Bob Cook by COB today, if possible. Happy to discuss further, Rumu

From: Butler, Aaron, CIV, WSO-BRAC
Sent: Friday, May 27, 2005 4:47 PM
To: Sarkar, Rumu, CIV, WSO-BRAC
Cc: Breitschopf, Justin, CIV, WSO-BRAC
Subject: NARA

*- base visit trip reports
- military installations*

Justin and I just met to discuss the R&A archiving functions. We believe we are in the right direction, but we need to know how you would like the information presented. Is there a template, or is it (hopefully) enough to describe the process to you.

Can you please offer guidance NLT COB?

Aaron Butler
Associate Analyst - Army Team
BRAC, 2005
2521 South Clark Street, Suite 600
Arlington, VA 22202
(703) 699-2950

Base Closure and Realignment Commission



E-Library User Guide

Purpose. Provide a controlled-access electronic library for all unclassified Commission documents.

Library Contents. This library will contain all information (both electronic and hard copy) given to Commissioners and their staff by DoD, Congress, state and local governments, and the general public, including comments posted to the www.brac.gov web site. It will also contain staff working papers and other internal Commission sensitive material. For that reason, this library will be accessible to the Commission staff only. The ANSER staff will be uploading the Library on a daily basis with new information as it is received and processed by the Commission.

Access. In order to access the Commission E-Library, you need a user name and a password. Your user name is your BRAC e-mail address. The password is a default password which will you will be required to change the first time you log on to the system. See detailed instructions below.

E-Library log-on instructions:

Library URL: <https://brac.anser.org>

You may be prompted to accept a security certificate, click YES to accept it.

UserName: your email address

Initial Password: re5ouRc3

You will be prompted to change your password. The new password must include at least one upper case letter, one lower case letter, one numeric digit and another character; it must be 8-10 characters long.

Using the Library. Once logged on to the system you will be able to search and browse documents according to the criteria that we have developed with members of the Commission staff. The Library contains a "Help" function to answer basic questions on how to efficiently navigate and search for documents.

Training. Beginning next week we will be offering formal training. We will also man an e-library helpdesk to respond to any questions you may have with the e-library. We will also provide a detailed handout for using the e-library. Once we have permanent workstations and phones on-site at the Commission facilities, we will provide contact information to you and you will be able to contact any of the ANSER library staff to assist you.

BRAC Website Library. ANSER will provide a similar library for the public, accessible via the public website (www.brac.gov). This website will not contain any of the Commission sensitive data.

E-LIBRARY USER GUIDE

Table of Contents	1
E-Library User Guide	2
Overview	2
Login	2
First Time Login	2
Library Navigation and Document Retrieval	3
Document Library	3
Browse Documents	3
Key Word Searches	4
Saved Searches	5
Search by Document Control Number (DCN)	5
Library Status	5
My Information	7
Edit Contact Information	7
Change Password	7

Overview

This document provides instruction on the use of the BRAC Commission E-Library. It covers user login, navigation through the library and instructions for library administration.

Login

Users of the E-Library will be assigned a username and a password. A user's email address will serve as the username and the system will assign a default password. Users will be prompted to change this password the first time they log into the library.

BRAC Commission E-Library	Enter your username and the password assigned to you to log into the system. Password entries are case sensitive. Remember that your account will be locked out after excessive failed login attempts. Contact the administrator if you have questions regarding your username and password.
	username: <input type="text"/> password: <input type="password"/> <input type="submit" value="submit"/>

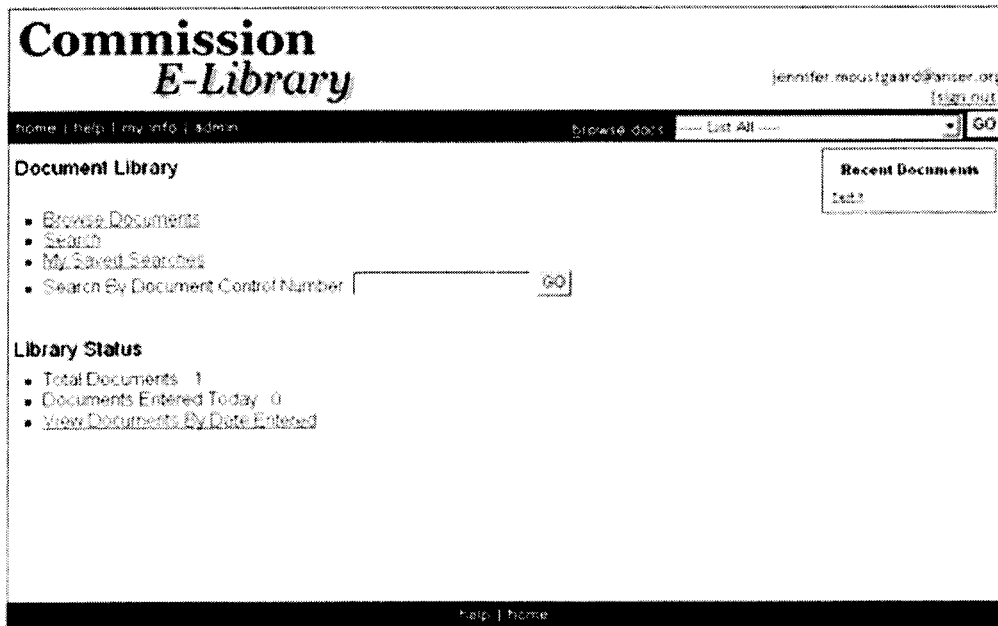
First Time Login

1. Enter your e-mail address as your username.
2. Enter the value given to you as your password.
3. Click **Submit**.
4. You will be prompted to change your password from the default value.
5. Enter a new password and confirm the new password. Password must include at least one upper case letter, one lower case letter, one numeric digit and another character; it must be 8-10 characters long.
6. Click **Save**.
7. You will be redirected to the main page of the library.
8. The next time you log in, use your new password.

Library Navigation and Document Retrieval

The main page of the library provides access to documents through a variety of searching and browsing mechanisms. It also displays status information about the library contents.

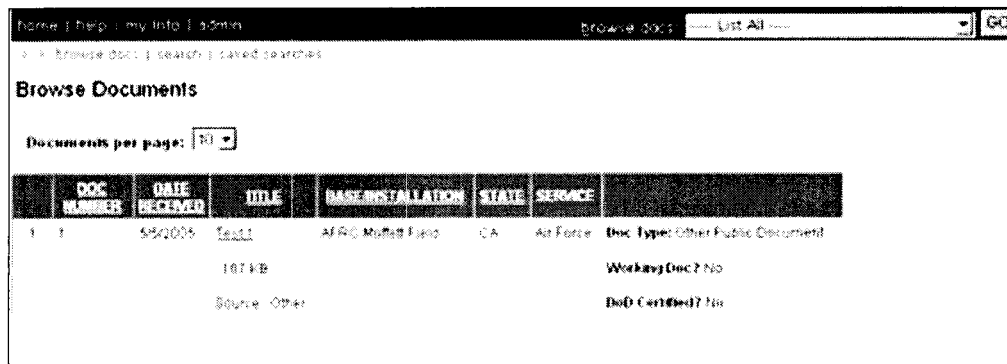
Links to major sections of the library are presented in the the top navigation menu (seen in the blue bar in the following figure). The bottom of each page has links to the main page and to the help page (seen in the black bar in the following figure).



Document Library

Browse Documents

1. Click the **Browse Documents** link on the home page, or select an option from the **browse docs** dropdown list.



2. Sort the documents by clicking on the underlined column headings: document number, date received, title, base/installation, and state.
3. Click on the document title you would like to view. This action will open the document in a separate browser window.

Keyword Search

1. From the home page, or the browsing sub-menu, click **Search**.
2. Choose your search parameters. The Search Terms option will search the text of the documents, while the remaining options will filter documents based on their E-Library profiles.

home | help | my info | admin browse docs: [List All](#)

> > browse docs | search | saved searches

Search Documents

Enter search criteria and click "SEARCH" to retrieve documents.

Search Terms:

Base/Installation/Facility:

Document Type:

Document Source:

State:

Service:

Air Force

Army

Marine Corps

Navy

3. Click **SEARCH** to retrieve documents that match your criteria.

home | help | my info | admin browse docs: [List All](#)

> > browse docs | search | saved searches

Search Documents

[Search Again](#) [Save This Search](#)

Documents per page:

DOC NUMBER	DATE RECEIVED	TITLE	BASE/INSTALLATION	STATE	SERVICE	Doc Type
1	5/5/2005	<u>Text 1</u> 107 KB Source: Other	AFRC Moffett Field	CA	Air Force	Other Public Document Working Doc? No DoD Certified? No

4. As with the browse function, you may sort the documents by clicking on the underlined column headings, and view documents by clicking on the document title you would like to view.
5. After retrieving documents, you may search the library again by clicking **Search Again** or save your search criteria by clicking **Save Search**.
6. To save a search, enter a descriptive name for your query and click **SUBMIT**.

home | help | my info | admin browse docs

> > browse docs | search | saved searches

Search Documents

Enter a name for your search and click SUBMIT to save. You may store up to 10 searches.

Search Name/Description:

Saved Searches

1. From the home page, or the browsing sub-menu, click **Saved Searches**.
2. Click on desired saved search from the resulting list.
3. A search results page will display any results, as described in the previous section.

Search by Document Control Number

1. This feature allows you to retrieve a specific document based on its assigned control number
2. From the home page, enter the Document Control Number.
3. Clicks GO to retrieve the document.

Library Status

1. The Library Status section on the home page provides information about the library's contents:
 - a. **Total Documents** is the total number of documents stored in the Commission Library.
 - b. **Documents Entered Today** is the number of documents submitted on the current day.

- c. **View Documents by Date Entered** will forward you to a calendar. Click on a date to list documents entered into the system on that day.

home | help | my info | admin browse docs: [List All](#)

View Documents by Date Entered

Click on a date on the calendar to list documents entered into the system on that day

Date: 5/16/2005, Total Documents: 1

<< May >>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
24	25	26	27	28	29	30
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

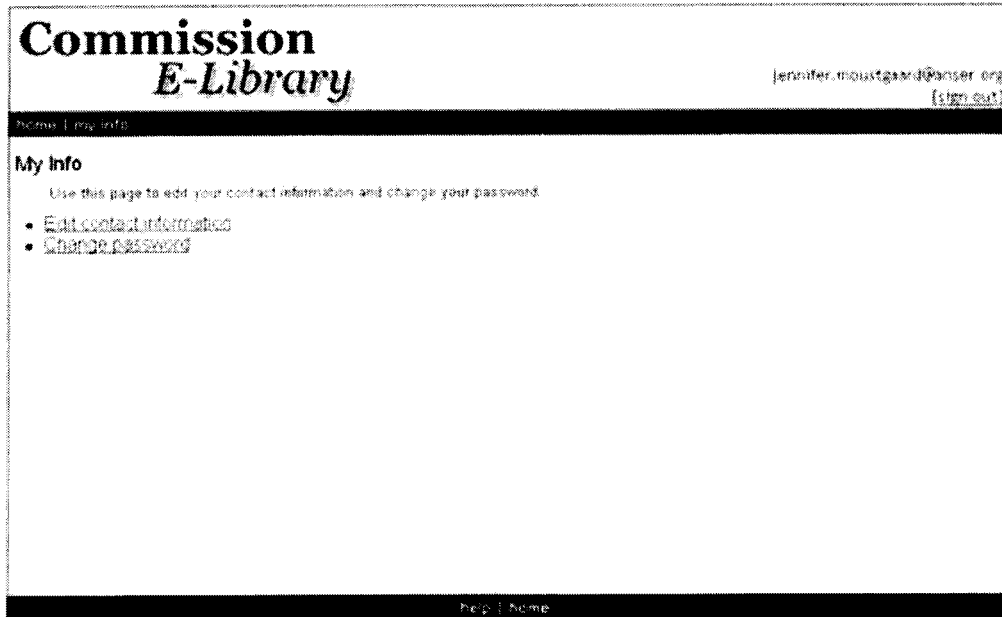
Documents per page:

DOC NUMBER	DATE RECEIVED	TITLE	BASE/INSTALLATION	STATE	SERVICE	
1	5/5/2005	Test1	AFRC Moffett Field	CA	Air Force	Doc Type: Other Public Document
		107 KB				Working Doc? No
		Source: Other				DoD Certified? No

- 2. The red box indicates the current day and the blue box indicates the selected day.

My Info

This section allows users to edit their contact information and to change their E-Library password.



Edit Contact Information

1. Click **My Info** on the top menu bar.
2. Click **Edit Contact Information**.
3. Make necessary changes.
4. Click **Save**.

Change Password

1. Click **My Info** on the top menu bar.
2. Click **Change Password**.
3. Enter a new password and confirm password.
4. Click **Save**.

Sarkar, Rumu, CIV, WSO-BRAC

From: Cirillo, Frank, CIV, WSO-BRAC
Sent: Monday, May 30, 2005 9:14 AM
To: 'Charles Battaglia'; Reborchick, Margaret, CIV, WSO-BRAC; Carnevale, Diane, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC
Cc: 'Cole, Christopher'; Hague, David, CIV, WSO-BRAC; Cowhig, Dan, CIV, WSO-BRAC; Sarkar, Rumu, CIV, WSO-BRAC; Hill, Christine, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Dinsick, Robert, CIV, WSO-BRAC; Ed Brown (edbrown61@verizon.net); Hanna, James, CIV, WSO-BRAC; Robertson, Kathleen, CIV, WSO-BRAC; Sillin, Nathaniel, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC
Subject: RE: The Daily BRAC - Extra on the E-Library
Follow Up Flag: Follow up
Due By: Wednesday, June 01, 2005 8:00 AM
Flag Status: Flagged

I agree 100% with Dan and noted the same thing Sunday.

As a very minimum we need to allow a grouping by Material Received From The Department of Defense; Material Received From Communities; Material Received From Congress: Material Received From Base Visits.

Searches should be able to transcend all categories or one or more alone - for example, if someone want to review all input regarding "Walter Reed" or just look for Walter Reed data from the Department, those searches should be possible.

Also by grouping in Categories as above one can scan each category - I would suggest the information can be laid out by date received, or date generated within the categories.

Diane:

The subject above maybe should be part of our meeting early this week on the entire e-library access comment.

My thought on just a few issues for the meeting - but certainly your call on how to organize:

- Immediate log of Community input received to date listing subject matter and date received of each
- Forecast of when the items received will be scanned and on the e-library - or At Least available in the hard copy library
- Method for Analysts who receive direct e-mails to insert those e-mails into the system with some hope of the sender getting a reply.
- Method for analysts to pass information received from communities or base visits to the e-library; get those items logged in; and retain a copy
- Methodology assuring that information received from base visits, from DoD personnel, get logged in and forwarded to the Congress as required by law
- Method (and or need?? GC?) of passing Community input to the Congress as well?

Frank

Ed Brown (Army leader)

-----Original Message-----

From: Charles Battaglia [mailto:cbattaglia3@cox.net]
Sent: Sunday, May 29, 2005 9:59 PM
To: reborchick marcy; Carnevale Diane; Cook Bob; Cirillo Frank
Subject: FW: The Daily BRAC - Extra on the E-Library

Dan Else is trying to be constructive. As a customer of our website, his comments should cause us to evaluate our browse organization.

-----Original Message-----

From: Daniel Else [mailto:delse@crs.loc.gov]

Sent: ^{BCN: 12066} Sunday, May 29, 2005 8:01 AM
Subject: The Daily BRAC - Extra on the E-Library

The BRAC Commission has revamped the E-library in anticipation of additional documentation. While we applaud the idea of keeping the library as a living, evolving web site, the organization appears to leave a lot to be desired.

The site now lets you browse or search for documents. If you don't know what's in there, the search feature would appear to be less than useful, but that's another issue. Our concern lies with the browse organization, or rather, the lack of a discernable browse organization.

Clicking on browse brings up a page listing of 25 documents. You are then given the option (at the bottom of the page) of looking at the next

25 documents, then the next 25 documents, etc., for 10, 15, etc., pages.

There is no apparent organization to them, so for those out here with dial-up 56K modems, one could spend all day trying to find all those documents in a particular class, such as DOD reports, or local redevelopment commission cases, or economic impact reports, or documentation on a particular installation, etc.

We suggest that some sort of top-down, flexible indexing, or other organization scheme, be applied now, so that future documentation can be filed where it can be found, without trusting to one's instincts in imagining the right search term. After all, administrators figured out decades ago that filing cabinets could be more than receptacles for placing documents as they arrived.

Draft
5/27/2005
5:51:30 PM

May 27, 2005

To: Rumu Sarkar

From: Justin Breitschopf, Aaron Butler

Subject: NARA materials maintenance

R&A staff when contemplating what of their work product to save for archival purposes should save all material, whose creation aided in the construction of the Base Visit Book. This should include the nine tabs detailed in E-1-1 of the Review and Analysis Staff Support Handbook 2005.

They are:

1. Itinerary (1 Base) (If not visited, not on list (subj. m. file))
2. Base Summary Sheet
3. Secretary of Defense Recommendation
4. Category Chart
5. Installation Review
6. State Map and Statistical Data
7. State Closure History List
8. Press Articles and Correspondence
9. Additional Information
10. Trip Reports
11. Adds
12. Drops

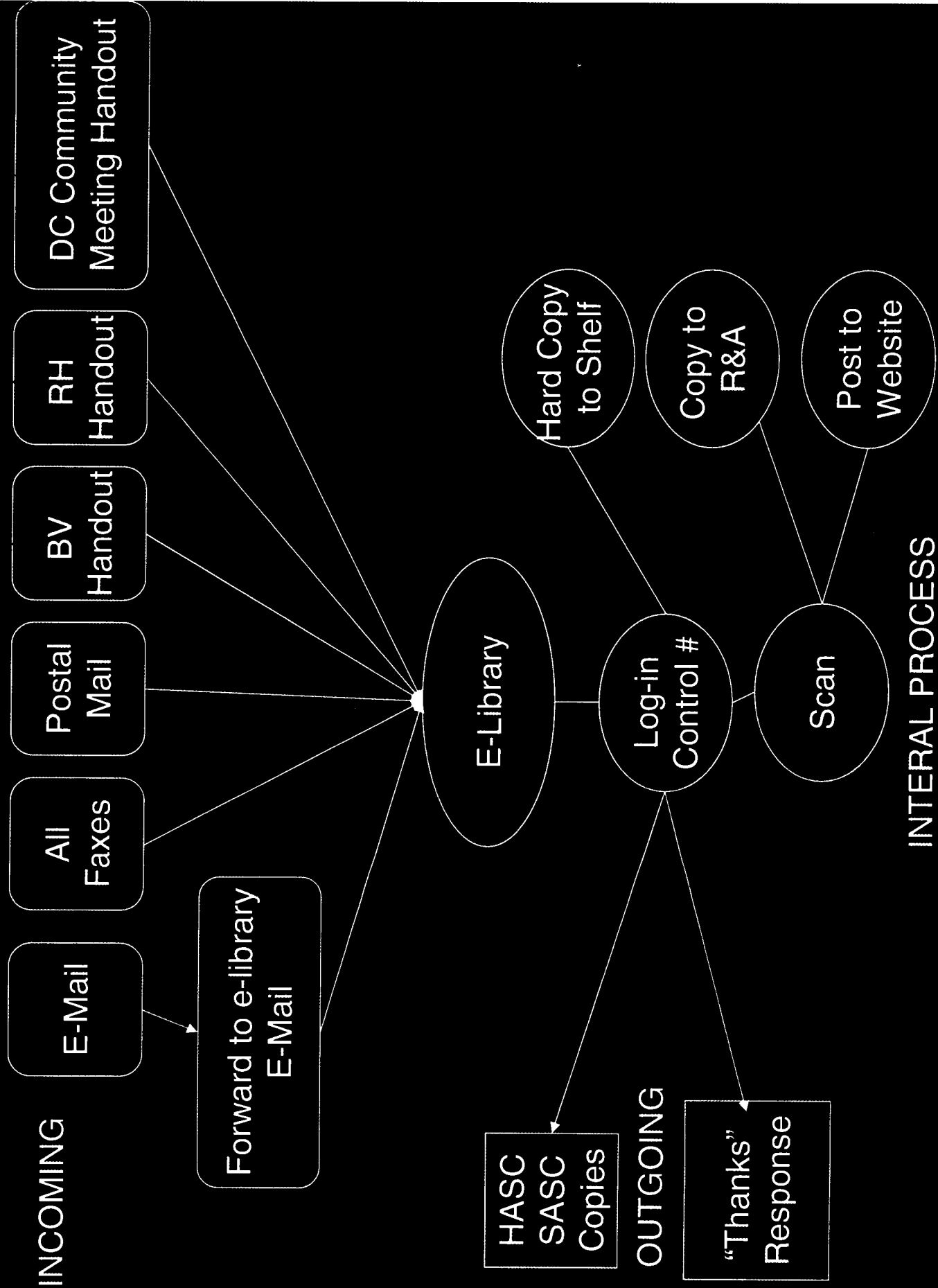
Further, all R&A staff should be aware that all materials not clearly indicated as draft/working copies are potential materials for the National Archives.

Finally, any materials not outlined here, but whose content is relative and substantial, i.e. materials whose effect renders further analysis in determination of the Secretary's recommendations should be associated with one of the above nine tabs. For this purpose, tab 9 should be especially useful.

Materials used in the creation of the Base Visit Books, will, by the completion of the staff's work, be available in one of two forms. The physical (hard) copy of the book and the electronic data, which is to be saved onto the Commission's S: drive and left unperturbed at such a time as a book is deemed complete.

- briefing charts (adds)
- " (final deliberations)
- motions (findings worksheets)
- memos of mts.
- e-mail box for Marc
- printing/xeroxing docs for p. (general) - FOIA rates!

Trip Report
Issues
Memo



IT'S IN THE MAIL:

Common Questions About Electronic Mail and Official Records

This document is designed to inform DoD employees of their responsibilities for managing records made or received through electronic mail(e-mail). The document is divided into five sections dealing with questions that have been raised about e-mail.

New questions and their answers will be added to this list as they are received.

SECTION A: E-MAIL AS A RECORD

Q1. When are e-mail messages *records*?

A1. You should treat e-mail messages the same way you treat paper correspondence. An e-mail message is a record if it documents the DoD mission or provides DoD evidence of a DoD business transaction and if you or anyone else would need to retrieve the message to find out what had been done or to use it in other official actions.

Q2. When do e-mail messages have to be retained?

A2. As a public servant, your responsibilities go beyond your immediate needs. You should determine whether an e-mail message is an official record that should be preserved or a message that does not need preservation because it is your personal information or an extra copy. An e-mail message must be retained if it is related to DoD business and if you or anyone would need to retrieve the message to find out what had been done or to use it in other official actions. If the message relates only to you personally, it does not need to be retained. You should treat e-mail messages the same way you treat your hard copy mail. You need to ensure that the record is filed in accordance with your office's official file plan. If a message is not a record, then you don't have to save it. In fact, you should destroy it once you determine that you do not need it.

Q3. Do I have to manage incoming and outgoing e-mail as records?

A3. You should apply the same standards and guidelines to incoming and outgoing email as you would to mail on paper. The standards you apply are the records schedules your office is already using for its paper records.

Q4. Are e-mail systems reliable enough for transmitting official messages?

A4. Yes, e-mail systems are highly reliable for **transmitting** messages. However, you should use e-mail for business only when you are reasonably sure that the message will not be altered after transmission. Consider the nature and sensitivity of the message, the technology involved, and the persons with whom you communicate when you decide to use e-mail for business.

Q5. How can e-mail be an official record if it is not signed?

A5. A signature does not make something a record. Many types of records, such as manuals, reports, photographs, and maps, do not contain signatures, but they can still be

records. If a record does require a signature, then it cannot be transmitted as an e-mail message, unless the messaging system supports digital signatures.

Q6. If an e-mail record is sent to several recipients, which copy is the official record?

A6. It depends. Different copies of the same message may be records. If you take any official action related to a message, and if the message is needed for adequate and complete documentation of the action, the message would be a record in your office, regardless of whether copies are retained elsewhere. If the record is in your office's official files, and you keep a copy in your personal workspace, then your copy is not a record and you may delete it. If you receive a message only for information and do not take action related to it, you do not need to file a copy as a record.

Q7. If I'm working on draft material, is it sufficient for me to save just my last draft?

A7. In some cases the last draft may be sufficient, and in other cases not. Follow your Program Office's policy concerning what drafts you must keep. This policy should be available in the form of recordkeeping requirements for the type of work you are doing.

Q8. Do these guidelines apply to DoD contractors?

A8. Yes, these guidelines apply to DoD contractors and other agents, as well as DoD employees, when the contractors are acting on behalf of DoD. Contract terms should ensure that contractor systems satisfy legal requirements for creating and maintaining adequate and complete records of DoD transactions when those transactions are carried out by contractors. These guidelines do not apply to a contractor's internal management and administration.

SECTION B: RETAINING THE COMPLETE E-MAIL MESSAGE

Q1. Are there special requirements for retaining e-mail messages as records?

A1. The basic requirements that apply to all records apply to e-mail records as well (i.e., manage e-mail messages according to the basic principles that apply to records in any medium). However, there are some specific requirements for records made or received through e-mail. You should make sure that:

- (1) the e-mail record includes transmission data that identifies the sender and the recipient(s) and the date and time the message was sent and/or received;
- (2) when e-mail is sent to a distribution list, information identifying all parties on the list is retained for as long as the message is retained; and
- (3) if the e-mail system uses codes, or aliases to identify senders or recipients, a record of their real names is kept for as long as any record containing only the codes or aliases, for example, if you are communicating with someone via the Internet (e.g., a grantee or researcher), and their e-mail address does not indicate who they are (e.g., the address is JerryR~~...) then a record must be kept of who they are. This might be done simply by always including their full name in the body of the message.

Q2. Why is it necessary to keep the transmission data about the sender, receiver, date and time of the e-mail?

A2. You would not delete the names of the sender and addressee, the date, or a time stamp from a letter on paper. The data identifying the sender and recipient(s), the time and date the message was sent, and, on the recipient(s) copy, the time and date it was received are equally essential elements that constitute a complete e-mail record.

Q3. What about attachments to an e-mail message? Do I have to keep them as well?

A3. Yes, you do. If a message qualifies as part of the documentation of your official activities, you need to make sure that related items that provide context for the message are maintained as well. This includes attachments. You would keep them under the same conditions that you would if they were paper attachments to a paper memo or incoming letter.

Q4. If my outgoing message is a record, should I ask for a return receipt to make sure that the person I sent it to got it?

A4. It is not necessary to ask for a return receipt or read receipt in e-mail any more than it is necessary in hard copy. We don't send all letters certified mail. If it is important to document for the record the time that a message was opened, then that receipt must be retained along with the message for as long as the message is retained. You also need to have some means of linking the receipt to the message so it is clear what outgoing message the receipt documents.

Q5. Do I need to retain both the original message and the reply?

A5. The requirement is to create and maintain an understandable record documenting activities. Some replies to e-mail messages contain enough information from the original message that they can stand on their own, but most do not. The simplest way to ensure understandability of e-mail messages that will become part of the record is to incorporate the original message in any reply and maintain them as a unit. If e-mail is sent back and forth and the most recent message has the entire sequence of messages, you need to keep only the final message (including the previous messages and replies) as long as it also contains attachments and other data such as the sender, receivers, date, and time, that are necessary for a complete record.

SECTION C: MAINTENANCE AND RETENTION OF E-MAIL MESSAGES

Q1. How long do I need to keep e-mail records?

A1. Retain e-mail records in accordance with your office's file plan and the DoD records disposition schedules. The exact length of time will vary depending on the activity that the message documents. Retentions range from thirty days to thirty years.

Q2. What if the e-mail message does not qualify as a record?

A2. Messages not official records should be deleted when no longer of use.

Q3. Where do I keep e-mail records?

A3. You should store e-mail records in an approved recordkeeping system. This system may be either paper or electronic. In either case, the recordkeeping system must:

- (1) logically relate or group records in accordance with your office's file plan;
- (2) ensure the records are accessible to authorized persons throughout their life;
- (3) support retention of the records for as long as required;

(4) facilitate destruction of records on schedule; and

(5) enable transfer of those records, which will not be destroyed, to the National Archives.

Q4. Does this mean that I need to print out all my e-mail messages?

A4. No. First of all, not all of your e-mail messages will be records. Second, if your organization has an electronic system to manage messages that qualify as records in accordance with DoD 50.15.2-STD, the records should be maintained in that system. However, if no such system exists, you should print out the messages that qualify as records and file them in your organization's files.

Q5. Can I keep the records in the e-mail system?

A5. No. Once you determine that an e-mail message is an official record, you should ensure that it is kept in an approved file system that satisfies the requirements for recordkeeping set out in Q3, points 1 to 5 above. You may, of course, retain your personal copy in your personal e-mail, but you must ensure that the record is placed in an approved file system.

Q6. Can e-mail records be kept on backup tapes or disks?

A6. No. Copies of e-mail records may be made on backups created to facilitate restoration of a system or file in case of accidental or unintentional loss, but the backups should not be used for recordkeeping. They are generally ill-suited for recordkeeping purposes.

Q7. Do I need to retain both an electronic and hard copy for the same e-mail message?

A7. No. If you retain the entire record in either form, and it is properly filed in an approved file system, you do not need to retain both electronic and hard copies.

Q8. How do I know if an automated records management system is adequate for records keeping?

A8. DoD 5015.2-STD establishes basic requirements for electronic records management software. The Standard defines the basic operational, legislative and legal requirements that must be met by any records management application acquired by the DoD Components for electronic recordkeeping. The DoD Joint Interoperability Test Command (JITC) performs certification testing of RMA products for compliance with the Standard, and maintain a commercial off-the-shelf RMA certified product register.

SECTION D: ACCESS TO E-MAIL MESSAGES

Q1. Does the Freedom of Information Act (FOIA) apply to e-mail messages?

A1. Yes. E-mail is subject to the FOIA, and its release is subject to the same FOIA exemptions that apply to other agency records.

Q2. What do I do about e-mail messages that contain sensitive information, such as classified, proprietary or Privacy Act information?

A2. If you receive e-mail containing sensitive information, apply the same standards and precautions to that e-mail containing sensitive information as you would to the same information in any other medium. You should not use the e-mail system to transmit messages that contain confidential business

information, personal information that would be exempt from release for reasons of privacy, or other sensitive information. Do not transmit classified information except on a system that has been approved for the classification level of the information to be transmitted. At the time of this writing, e-mail systems are not considered as secure or private as the U.S. Postal Service, and don't have the same legal protections.

{Note: technically an agency's phone book is covered by the Privacy Act and even sensitive records, such as personnel records may contain information (name, rank, duty station, gross salary) that is required to be released.}

SECTION E: WHAT ABOUT THE FUTURE?

Q1. Will we ever have an easy way to maintain e-mail records electronically?

A1. As referenced earlier, the DoD Joint Interoperability Test Command (JITC) performs certification testing of RMA products for compliance with the DoD 5015.2, and maintain a commercial off-the-shelf RMA certified product register. As of April 2000, there were 24 entries in the JITC certified product register.

Q2. How can I get additional guidance?

A2. If you have policy questions about e-mail as a record, you should contact the DCIO Information, Integration & Interoperability Directorate. We are also updating the DoD Records Management homepage which contains additional information on records management policy and standards.

You can find additional guidance in the following publications:

- <http://web7.whs.osd.mil/corres.htm>
- <http://jitic.fhu.disa.mil/recmgt>
- *Administrative Instruction No. 15, Administrative Procedures and Records Disposition Schedules, August 11, 1999*
- *OASD(C3I) Administrative Handbook, May 1999*
- *Code of Federal Regulations (36 CFR Chapter 12, Subchapter B, Records Management)*
- *Managing Electronic Records published by the National Archives and Records Administration (NARA)*

E-MAIL IN COMMON SITUATIONS

Ask yourself the following questions about each of these situations:

Situation 1: You send an e-mail message from your office to your spouse on your anniversary with a poem.

(1) How should you handle a FOIA request involving this e-mail message?

Answer: Since this is a personal communication, it is not a record of your agency's business. Therefore, it is not subject to the FOIA.

(2) Are you required to preserve this e-mail message in a records system, or can you simply delete it from the file?

Answer: It is a personal document, and you do not have to preserve it.

Note: Your agency may have regulations limiting the use of email for personal communications. See DoD 5500.7-R, Joint Ethics Regulation, 32 C.F.R. Part 84, for guidance on personal use of government equipment such as e-mail.

Situation 2: You draft a speech for your boss to give to a local civic organization on recent developments of interest relating to the activities of your office, and send it to him by e-mail.

(1) How should you handle a FOIA request involving this e-mail message?

Answer: You should treat it just as you would a document on paper containing the same information. If you have a copy in your paper files, you do not need to treat the electronic e-mail as a separate document. But, if there is no other record of this document, the e-mail is still subject to the FOIA and must be reviewed for release.

(2) Are you required to preserve this e-mail message in a records system, or can you simply delete it from the file?

Answer: This is a document that is appropriate for preservation because it provides evidence of the way your office conducts government business. It should be preserved, either in paper or electronic form, in your records system. You do not have to preserve duplicates, one in electronic and one in paper form, but you do have to preserve one or the other,

Note: One issue that often arises in records management concerns the preservation of drafts of documents. You are not required to preserve all drafts of every document you preserve in final form, but you should preserve drafts which meet the Federal Records Acts definition: providing evidence of the operations of your office. When in doubt about whether to preserve specific documents, consult your records manager or the records schedules for your office.

Situation 3: You are assigned a major project: draft a plan to move your office to a military installation in another state. You write a series of questions about the installation where you're going and send them by e-mail to your contact person at the other installation. You receive an acknowledgment and then the answers to your questions.

(1) How should you handle a FOIA request involving this e-mail message?

Answer: You should treat it just as you would a document on paper containing the same information. If an identical paper document is located in your files, you do not need to treat the e-mail as a separate document. But, if there is no other record of this document, the e-mail is still subject to the FOIA and

must be reviewed for release.

(2) Are you required to preserve this e-mail message in a records system, or can you simply delete it from the file?

Answer: All of these documents (your message, the acknowledgment and the answer) are appropriate for preservation because they provide evidence of the way your office conducts government business. They should be preserved, either in paper or electronic form, in your records system, including the transmittal information.

Situation 4: You receive an e-mail sent from the office of the head of your agency inviting you to a briefing about projected changes in the Federal Employee Health Benefit Plan. The same message is received by all employees in your agency.

(1) How should you handle a FOIA request involving this e-mail message?

Answer: You should treat it just as you would a document on paper containing the same information. If the request covers this e-mail message, it is subject to the FOIA and must be reviewed for release.

(2) Are you required to preserve this e-mail message in a records system, or can you simply delete it from the file?

Answer: This type of routine office correspondence does not ordinarily require preservation by the recipients. Messages broadcast to all hands are normally for information purposes and do not call for any official action by the recipient. The recipients should not normally retain them, although the sender may be required to preserve them to document the activities of the sending office. Consult your records manager or records schedule if in doubt.

Situation 5: You are responsible for letting everyone in your office know about the plan you drafted in situation 3. You send an e-mail to your boss asking when you *can* schedule a meeting your boss can attend to discuss this plan with your colleagues. Your boss replies by e-mail with several times the meeting can be held.

(1) How should you handle a FOIA request involving this e-mail message?

Answer: You should treat it just as you would a document on paper containing the same information. If the request covers this e-mail message, it is subject to the FOIA and must be reviewed for release.

(2) Are you required to preserve this e-mail message in a records system, or can you simply delete it from the file?

Answer: This type of routine office correspondence does not ordinarily require preservation by either the sender or the recipients. Routine administrative matters, such as scheduling internal office meetings and informal discussions of upcoming events, can usually be discarded when they are no longer needed in accordance with an approved record schedule. Consult your records manager or records schedule if in doubt.

Situation 6: You send an invitation by e-mail to a colleague to meet you for lunch next week.

(1) How should you handle a FOIA request involving this e-mail message?

Answer: You should treat it just as you would a document on paper containing the same information. If an identical paper document is located in your files, you do not need to treat the e-mail as a separate document. But, if there is no other record of this document, the e-mail is still subject to the FOIA and must be reviewed for release.

(2) Are you required to preserve this e-mail message in a records system, or can you simply delete it from the file?

Answer: The answer under most circumstances is that you can delete the e-mail, but it depends in part on who you are and in part on what the e-mail message says. If you are the Secretary of Defense and your colleague is the Secretary of State and the message includes an agenda for the lunch meeting, it should be preserved. If you are not a senior executive of the Department and the message does not include any substantive discussion of government business, it is a personal document that does not require preservation in your records system. Consult your office records schedule or your records manager if in doubt.

21 March 1995

MEMORANDUM FOR Division Heads

SUBJECT: E-Mail Use and Record Keeping

1. After reviewing the use of e-mail by the Commission staff, we in legal have determined that the information processed in our e-mail system does not rise to the level of a "record" as defined in the Federal Records Act (44 U.S.C. 3301). This is chiefly because we do not conduct "official business" on the e-mail system, i.e., no final actions are constructed either on, or through the use of, e-mail. Consequently, we have no requirement either to implement a recordkeeping system (as outlined in 36 C.F.R. 1228.188 and 1234.28(a), or an e-mail back-up system (as described in 36 C.F.R. 1234.30).

2. So, your asking what this has to do with you. Well, in order for our opinion to remain valid, we must continue our current practice of using e-mail only for administrative correspondence and in the place of the intra-office intercom/phone (it is OK, however, to download a file from *MS Word* and send it via e-mail). Thus, please monitor the use of e-mail in your area of responsibility to insure that the current practice remains constant. Don't worry, there are currently no problems - this is just a bit of preventive law.

Ralph A. Kaiser
RALPH A. KAISER
Counsel

*Remember -
do we
need
something like
this?
If so we need to
provide letter examples
of what is OK and
what isn't OK.*

David

May 25, 2005

TO: BRAC Commission, All Personnel

SUBJECT: DOCUMENT MAINTENANCE AND RECORDKEEPING

FROM: Office of the General Counsel

This information memorandum provides guidance on the creation, maintenance and retention procedures for official BRAC Commission documents. These requirements are based on the Department of Defense's Administrative Instruction 15, and the National Archives and Records Administration (NARA) requirements for the archiving of records generated by temporary boards, commissions and committees as set forth in General Records Schedule (GRS) 26 (September 2004). Questions regarding this guidance should be made to the Associate General Counsel, Ms. Rumu Sarkar.

Each office within the BRAC Commission shall be responsible for developing a file plan for its individual employees to keep files and papers along the lines explained in this memorandum. All papers should use staples and not binder clips or paper clips when officially deposited for archiving and retention purposes.

BRAC Commission documents, correspondence to and from the Commission (including e-mail correspondence with and transcribed phone messages to the Commission), reports and official publications, news and press releases, official comments, hearing transcripts and all other official documentation (discussed in further detail below) shall be part of the public record of the Commission. The public record does not include documentation and correspondence that are determined by the issuing BRAC office to be required for strictly administrative or operational purposes which have no public interest or educational value. Moreover, documents and publications created by or submitted to the Commission that have been classified for reasons of national security, shall not be made publicly available. For procedures concerning the limited official use of such documents, please contact the Associate General Counsel, Ms. Rumu Sarkar.

Please note that prior to the Commission's termination, Washington Headquarters Services (WHS) and possibly NARA, in consultation with Commission staff, may wish to review records and identify files that warrant permanent retention, including the Commission's website and other data files. **All such records will be transferred to the National Archives through the office of WHS upon the termination of the Commission.**

CATEGORY A:

PERMANENT. To be transferred by the BRAC Commission to the WHS to the National Archives upon the termination of the Commission.

Files documenting the Commission's establishment, membership, policy, organization, deliberations, findings, and recommendations, including such records as:

- original charter, renewal and amended charters, organization charts, functional statements, directives or memorandums to staff concerning their responsibilities, and other materials that document the organization and functions of the Commission and its components;
- documents used to nominate, approve, appoint, and remove members of the Commission; minutes, final reports, and related papers.
- agendas, briefing books, minutes, testimony, and transcripts of meetings and hearings as well as audiotapes and/or videotapes of meetings and hearings which were not fully transcribed;
- official correspondence received by as well as responded to by the Commission, and each individual Commissioner, including e-mail traffic, faxes, written transmissions; and officially transcribed notes or conversations;
- one copy each of reports and related documents, studies, pamphlets, posters (2 copies) and other publications produced by or for the Commission as well as news releases, Commissioners' speeches, formal photographs and other significant public affairs files;
- correspondence, subject and other files maintained by key Commission staff, such as the Chairman, Executive Director, and General Counsel, documenting the functions of the Commission;
- substantive records relating to research studies and other projects, including unpublished studies and reports and substantive research materials (that may include electronic data);
- questionnaires, surveys and other raw data accumulated in connection with research studies and other projects where the information has been consolidated or aggregated in analyses, reports, or studies that may include data maintained electronically;

- records created to comply with the provisions of the Government in the Sunshine Act, annual reports to Congress describing the Commission's compliance with the Act.

CATEGORY B:

DESTROY/DELETE UPON TERMINATION OF THE COMMISSION.

Files that relate to day-to-day Commission activities and/or do not contain unique information of historical value, including such records as:

- correspondence, reference and working files of Commission staff;
- audiotapes and videotapes of Commission meetings and hearings that have been fully transcribed, informal still photographs and slides of Commission members and staff, meetings, hearings, and other events;
- other routine records, such as public mail, requests for information, consultant personnel files, records relating to logistical aspects of Commission meetings and hearings, etc.;
- extra copies of records, e.g. copies of meeting agenda and minutes distributed to Commission members and staff.
 - documents relating to the internal management or general administration of an office, including:
 - (1) documents on internal office procedures, hours of duty, and individual duties that do not have continuing applicability;
 - (2) documents on office participation in charitable affairs, such as blood donations and contributions to philanthropic or charitable associations;
 - (3) documents on tests of civil defense, fire, or comparable emergency evacuation procedures;
 - (4) documents on safety within the office, such as minutes of safety meetings, notification of safe and unsafe practices, and comparable documents;
 - (5) documents on the office's involvement in forms, publications, records, and reports management, such as records and forms surveys and inventory reports (but not papers relating to the initiation of specific forms, publications, and reports that pertain to the performance of the office's mission or functions.
- Documents on the overall or general routine administration of the Commission's activities, such as:

- Routine comments on regulations, directives, other publications prepared by another office with primary responsibility. If comments result in additional action affecting the mission or functions of the office, documents should be filed with the appropriate mission function files;
 - Evaluations of suggestions that do not result in issuing an instruction or establishing a project;
 - Program and budget documents, management improvement reports, cost reduction reports, and comparable management reports prepared to submit data to offices responsible for these management functions;
 - Extracts of reports of inspections, surveys, or audits that pertain to the operation of the mission or functions; and,
 - Comments on or contributions to news releases.
- Documents on the participation of individual offices of the Commission in matters concerning the expenditure of funds incidental to the performance of the mission of the office, such as itineraries and cost estimates for travel and notifications to budget offices of funds required for travel; requests for long distance telephone funds, notifications from budget offices of telephone funds that are available, and reports of long-distance telephone calls; receipts for pay checks and other documents relating to the distribution of checks to individual employees; receipts for savings bonds and other documents on distribution of savings bonds directly to individual employees; and comparable papers.

Web site records:

- (1) Electronic version of web site(s), but please consult with Associate General Counsel, Ms. Rumu Sarkar, before destroying the website.
- (2) Design, management, and technical operation records.
- (3) Electronic version of content records duplicated in textual series of Commission records.

CATEGORY C:

DESTROY AFTER ONE YEAR FROM THE TERMINATION OF THE COMMISSION.

- Reference paper files consist of the following types of documents: notes, drafts, feeder reports, news clippings, similar working papers, and other materials accumulated for preparation of a communication, a study, an investigation, a survey, an inspection or other action. This description does not include official and quasi-official recommendations, coordinating actions, and other documents that contribute to or result from preparation of the communication or other record.

- Documents received for general information purposes (such as a reading file) that require no action and are not required for documentation of specific functions.
- Memorandum copies of accountable officers' returns including statements of transactions and accountability, all supporting vouchers, schedules, and related documents not covered elsewhere.
- Supervisor's Personnel Files. Correspondence, memoranda, forms, and other records on positions, authorizations, pending actions; copies of Position Descriptions, requests for personnel action, and records on individual employees duplicated in or not appropriate for the Official Personnel Folder.

CATEGORY D:

Electronic Mail and Word Processing: Destroy/delete within 180 days after the recordkeeping copy has been produced.

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of other records created by the Commission. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directions on hard drive or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.
- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.

CATEGORY E:

DESTROY/DELETE WHEN 6 YEARS OLD: Transfer Commission management records to WHS for processing upon the termination of the Commission.

- Committee management records include copies of charters, membership lists, agendas, policy statements, statistical data files, financial operating plans, General Service Administration reports and other statistical reports on the number of committees, types of committees, membership rosters, requests for approval of committee nominees, appointment documents for individual committee members, financial disclosure documents, material required to be available for public information and other related topics maintained by the Committee Management

Officer. Committee Management activities include the establishment, appointment of members, and operation and termination of chartered Federal advisory committees.

- Original or carbon copy of accounts maintained for a site audit consisting of statements of transactions, statements of accountability, collection schedules, collection vouchers, disbursement schedules, disbursement vouchers, and all other schedules and vouchers.
- Copies used in payroll preparation and processing.

Disposition authority for any Commission records not covered by items above or elsewhere in the General Records Schedule should be requested by submitting an SF 115. Please consult with the Associate General Counsel, Ms. Rumu Sarkar, regarding this issue, as necessary.

Sarkar, Rumu, CIV, WSO-BRAC

To: Hague, David, CIV, WSO-BRAC
Cc: Cowhig, Dan, CIV, WSO-BRAC
Subject: RE: Instructions for Collection of Records

Sir: Your executive correspondence is maintained separately, and is catalogued by date. No other type of categorization is necessary as far as I can see. (Dan and I do not generate executive correspondence but significant correspondence should be filed in GC's subject-matter files.) You have already created a GC file plan that you are fine-tuning as we go along. While Dan and I maintain separate files (and e-mails that need to be preserved by sending them directly to Marcy or by copying them as hard copies), this can be added (or not) to the GC subject-matter files at the end of the Commission's life or periodically, if you prefer.

My suggestion is to print out important e-mail correspondence to insert into files as we go along. E-mails may be deleted from the system within 180 days after a hard copy is printed and retained. Alternatively, e-mail folders may be set up in your e-mail box (and I can show you how to do this) so that you can "drop" the e-mail into a e-mail folder rather than printing it out. A later judgment can be reached on whether it is worthy of preservation. Further, a determination re: attorney-client privilege and/or attorney work product and/or litigation or Privacy Act concerns may need to be evaluated before the documents (in hard copy or electronic form) are sent to Marcy for preservation. On a separate note, I had Marcy add Federal Register notices to the types of docs. to be preserved, and Dan, please note that this would be your primary responsibility to ensure that an adequate record of the FR notices are being kept as official records.

As we are not making final decisions via e-mail (although this may be arguable for GC since we are constantly issuing advice and making final recommendations on courses of actions for clients via e-mail), in the end, GC e-mails may not need to be preserved as "federal records." NARA's regulations, in relevant part, are set forth below to help define the scope of the application of recordkeeping requirements.

36 CFR §1228.1 Scope of part.

This part sets policies and establishes standards, procedures, and techniques for the disposition of all Federal records in accordance with 44 U.S.C. chapters 21, 29, 31, and 33. The disposition of documentary materials created or acquired by a Federal agency, regardless of physical form or characteristics, is controlled by this part if any of the following conditions are met:

(a) The materials are created or received in the course of business and contain information related to the organization, functions, policies, decisions, procedures, operations, or other official activities of the agency. Also included is documentation of oral exchanges such as telephone conversations and meetings during which policy was discussed or formulated or other significant activities of the agency were planned, discussed, or transacted. [sections b and c intentionally omitted.]

(d) The material contains unique information, such as substantive annotations, including drafts, transmittal sheets, and final documents or other materials circulated or made available to employees other than the creator for official purposes, such as approval, comment, action, recommendation, follow-up, or to keep agency staff informed regarding agency business.

R&A is working on a file plan and I am coordinating with Nat Sillin on this under Frank's aegis. I expect that a subject-matter file will be issued by the end of the week. This will capture the majority of the Commission's substantive work, policy-making and official activities of the BRAC, as discussed in NARA's regs. above. I have also discussed the idea of creating e-mail box folders for the continuous preservation of e-mails by all R&A analysts as we go along. While this may be an excess of caution, I am trying to kill two birds with one stone by preserving documentation that may be relevant to litigation as well, if that becomes an issue. At the end of the day, Marcy and I can reach some preliminary judgments on whether such e-mails generated by R&A and sent to her for preservation, if any, is worthy of archiving.

I suppose this answer is more than you were looking for, but to answer your original more simply, I do not believe that we need to establish a separate GC recordkeeping system than the one already in place. We can set up a monthly review if you like to ensure that Dan and I are preserving docs. as we go along. Happy to discuss further, Rumu

From: Hague, David, CIV, WSO-BRAC

-
Sent: DCN: 12066 Tuesday, June 07, 2005 8:28 AM
To: Sarkar, Rumu, CIV, WSO-BRAC
Subject: FW: Instructions for Collection of Records

Rumu,

Will you please set up a system for the three of us. We will need to do some catch-up. David

From: Reborchick, Margaret, CIV, WSO-BRAC
Sent: Tuesday, June 07, 2005 8:11 AM
To: mla dd - WSO BRAC
Subject: Instructions for Collection of Records

Good Morning,
I have attached instructions for submitting materials to the library. If you have any questions, please contact me at X2971.
V/R,
Marcy Reborchick
Records Officer
BRAC Commission

<< File: BRAC Commission Guidelines for Permanent Retention of Records.doc >>

DCN: 12066

Subject: BRAC NDA

Tom -

Please see e-mail below and attached NDA. Wanted to ensure there were not any unforeseen pitfalls. Would very much appreciate your advice.

Thanks

Steve
x3360

From: Sarkar, Rumu, CIV, WSO-BRAC [mailto:rumu.sarkar@wso.whs.mil]**Sent:** Friday, May 20, 2005 12:11 PM**To:** 'christopher.coll@anser.org'**Cc:** Bull, Steve**Subject:**

Hello Chris and Steve: I have been tasked by the General Counsel, David Hague, to reach an understanding with you concerning the recordkeeping procedures to be used by the BRAC Commission. I am attaching a draft doc. that I have cleared with DOD's GC office, and would like your views on how this impacts ANSER. As you know, we are generating an enormous amount of information that needs to be managed, retrieved, stored and archived in a certain way. Therefore, your views on the support that ANSER can provide, and any logistical issues that this memo raises will be greatly appreciated.

On a different note, I am attaching a draft non-disclosure agreement to be signed by ANSER folks working on BRAC matters. This is again, a draft, and I would appreciate opening up a discussion on ANSER's views of this matter. I look forward to working with you both on these issues.

Best regards, Rumu

Rumu Sarkar
Associate Counsel
Defense Base Closure and Realignment (BRAC) 2005
2251 South Clark Street, Suite 600-18
Arlington, VA 22202-3920
Tel: (703) 699-2973
Fax: (703) 699-2735
E-Mail: rumu.sarkar@wso.whs.mil

<<Records Maintenance and Archiving.doc>> <<Nondisclosure Agreement.doc>>

5/23/2005

May 20, 2005

Nondisclosure Agreement

My duties include work assignments and responsibilities in which I may acquire personal knowledge of or access to information concerning the development of recommendations relating to potential closure or realignment of U.S. military installations during the deliberation of the BASE CLOSURE AND REALIGNMENT COMMISSION (the "BRAC Commission"). I understand and agree that it is my duty and obligation to comply with the provisions of this Agreement respecting such information and that my violation of this Agreement may result in disciplinary action, including termination from my position, and possible criminal penalties.

1. I understand that the development of any U.S. military installation closing or realignment information, written or oral, pursuant to the BRAC Commission's deliberations is an official and sensitive deliberative process. "Written" information includes all electronic and hard copy forms of communication to or from the BRAC Commission whether public, official, non-official, confidential, privileged, sensitive or classified. I further understand that the development of such information is not limited to final document or products, but also, includes all draft and feeder documents, briefings and notes, as well as any other related oral or written communication.

2. The general public and all levels of federal, state, and local government have a right to expect and trust that the BRAC process will be conducted objectively and impartially. Any unauthorized disclosure of BRAC-related information undermines that expectation and trust and therefore, is prohibited. Unauthorized disclosures may also constitute a violation of law, and a violation of Department of Defense (or other agency) directives, regulations, policies or guidance. **I hereby promise not to disclose any BRAC-related information, except as specifically authorized.**

3. I further understand that any document or any other written communication whether draft or final, is the official property and record of the BRAC Commission and shall be retained, disseminated, released, and destroyed in accordance with requirements of law and applicable laws, directives, regulations, instructions, policies or guidance.

4. I understand that the provisions of this Agreement bind me personally until the Chairman of the BRAC Commission transmits the final recommendations, as may be amended, to the President even if I am reassigned to other duties or stations, retire, or otherwise cease employment or any contract, agency, or other relationship or association with ANSER and/or the BRAC Commission.

Signature

Date

Sarkar, Rumu, CIV, WSO-BRAC

To: Cole, Christopher; rumu.sarkar@wso.whs.mil
Cc: Carnevale, Diane, CIV, WSO-BRAC; Bull, Steve; Heigh, Martin, COL, WSO-BRAC
Subject: RE: BRAC NDA

Hi Chris: Thanks for getting back to me. ANSER employees and/or contractors should sign the Non-Disclosure form, NOT the SF-312 form. Katie has kindly forwarded me the names and e-mail addresses of ANSER folks, and if you have no objection, I will send them the form so that they can download and sign it. The Non-Disclosure form should be filed with Marty Heigh who is also collecting the SF-312 forms.

Please let me know if you have any questions, and thanks for resolving this matter so quickly. Best, Rumu

From: Cole, Christopher [mailto:Christopher.Cole@anser.org]
Sent: Monday, May 23, 2005 5:09 PM
To: rumu.sarkar@wso.whs.mil
Cc: Carnevale, Diane, CIV, WSO-BRAC; Bull, Steve
Subject: FW: BRAC NDA

Attached is the e-mail that we received from our lawyer stating that he has no problem with the NDA as written. Please see his additional notes and let me know if you need further clarification or anything more substantial, let me know.

Also, there is still some confusion as to whether folks are to sign this NDA and/or the SF312. If you could please clarify, we would appreciate it. Thanks.

V/R
Chris

Christopher S. Cole
ANSER (Analytic Services Inc.)
(703)416-3436
(703)416-1370 (Fax)

From: Benjamin, Thomas
Sent: Friday, May 20, 2005 1:12 PM
To: Bull, Steve
Cc: Cole, Christopher
Subject: RE: BRAC NDA

Steve, no concerns with the NDA; it looks reasonable. You might want to ask them how they interpret the records management policy on email between ANSER employees related to BRAC substance. If they expect ANSER to produce record copies of those, the staff should be cautioned to separate BRAC substance discussions from ANSER proprietary info (such as contract progress, other clients or contracts, financials, personnel matters etc) so that you don't have to submit all for the BRAC public record. Tom

From: Bull, Steve
Sent: Friday, May 20, 2005 12:17 PM
To: Benjamin, Thomas
Cc: Cole, Christopher

5/23/2005

CLASSIFIED INFORMATION NONDISCLOSURE AGREEMENT

AN AGREEMENT BETWEEN**AND THE UNITED STATES**

(Name of Individual - Printed or typed)

1. Intending to be legally bound, I hereby accept the obligations contained in this Agreement in consideration of my being granted access to classified information. As used in this Agreement, classified information is marked or unmarked classified information, including oral communications, that is classified under the standards of Executive Order 12958, or under any other Executive order or statute that prohibits the unauthorized disclosure of information in the interest of national security; and unclassified information that meets the standards for classification and is in the process of a classification determination as provided in Sections 1.2, 1.3, and 1.4(e) of Executive Order 12958, or under any other Executive order or statute that requires protection for such information in the interest of national security. I understand and accept that by being granted access to classified information, special confidence and trust shall be placed in me by the United States Government.

2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of classified information, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures.

3. I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of classified information by me could cause damage or irreparable injury to the United States or could be used to advantage by a foreign nation. I hereby agree that I will never divulge classified information to anyone unless: (a) I have officially verified that the recipient has been properly authorized by the United States Government to receive it; or (b) I have been given prior written notice of authorization from the United States Government Department or Agency (hereinafter Department or Agency) responsible for the classification of the information or last granting me a security clearance that such disclosure is permitted. I understand that if I am uncertain about the classification status of information, I am required to confirm from an authorized official that the information is unclassified before I may disclose it, except to a person as provided in (a) or (b), above. I further understand that I am obligated to comply with laws and regulations that prohibit the unauthorized disclosure of classified information.

4. I have been advised that any breach of this Agreement may result in the termination of any security clearances I hold; removal from any position of special confidence and trust requiring such clearances; or the termination of my employment or other relationships with the Departments or Agencies that granted my security clearance or clearances. In addition, I have been advised that any unauthorized disclosure of classified information by me may constitute a violation, or violations, of United States criminal laws, including the provisions of Sections 641, 793, 794, 798, *952 and 1924, Title 18, United States Code, * the provisions of Section 783(b), Title 50, United States Code, and the provisions of the Intelligence Identities Protection Act of 1982. I recognize that nothing in this Agreement constitutes a waiver by the United States of the right to prosecute me for any statutory violation.

5. I hereby assign to the United States Government all royalties, remunerations, and emoluments that have resulted, will result or may result from any disclosure, publication, or revelation of classified information not consistent with the terms of this Agreement.

6. I understand that the United States Government may seek any remedy available to it to enforce this Agreement including, but not limited to, application for a court order prohibiting disclosure of information in breach of this Agreement.

7. I understand that all classified information to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government unless and until otherwise determined by an authorized official or final ruling of a court of law. I agree that I shall return all classified materials which have, or may come into my possession or for which I am responsible because of such access: (a) upon demand by an authorized representative of the United States Government; (b) upon the conclusion of my employment or other relationship with the Department or Agency that last granted me a security clearance or that provided me access to classified information; or (c) upon the conclusion of my employment or other relationship that requires access to classified information. If I do not return such materials upon request, I understand that this may be a violation of Section 793 and/or 1924, Title 18, United States Code, a United States criminal law.

8. Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to classified information, and at all times thereafter.

9. Each provision of this Agreement is severable. If a court should find any provision of this Agreement to be unenforceable, all other provisions of this Agreement shall remain in full force and effect.

(Continue on reverse.)

DRAFT Nondisclosure Agreement

My duties include work assignments and responsibilities in which I may acquire personal knowledge of or access to information concerning the development of recommendations relating to potential closure or realignment of U.S. military installations during the deliberation of the BASE CLOSURE AND REALIGNMENT COMMISSION (the "BRAC Commission"). I understand and agree that it is my duty and obligation to comply with the provisions of this Agreement respecting such information and that my violation of this Agreement may result in disciplinary action, including termination from my position, and possible criminal penalties.

1. I understand that the development of any U.S. military installation closing or realignment information, written or oral, pursuant to the BRAC Commission's deliberations is an official and sensitive deliberative process. "Written" information includes all electronic and hard copy forms of communication to or from the BRAC Commission whether public, official, non-official, confidential, privileged, sensitive or classified. I further understand that the development of such information is not limited to final document or products, but also, includes all draft and feeder documents, briefings and notes, as well as any other related oral or written communication.

2. The general public and all levels of federal, state, and local government have a right to expect and trust that the BRAC process will be conducted objectively and impartially. Any unauthorized disclosure of BRAC-related information undermines that expectation and trust and therefore, is prohibited. Unauthorized disclosures may also constitute a violation of law, and a violation of Department of Defense (or other agency) directives, regulations, policies or guidance. **I hereby promise not to disclose any BRAC-related information, except as specifically authorized.**

3. I further understand that any document or any other written communication whether draft or final, is the official property and record of the BRAC Commission and shall be retained, disseminated, released, and destroyed in accordance with requirements of law and applicable laws, directives, regulations, instructions, policies or guidance.

4. I understand that the provisions of this Agreement bind me personally until the Chairman of the BRAC Commission transmits the final recommendations, as may be amended, to the President even if I am reassigned to other duties or stations, retire, or otherwise cease employment or any contract, agency, or other relationship or association with ANSER and/or the BRAC Commission.

Signature

Date

Sarkar, Rumu, CIV, WSO-BRAC

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Monday, May 23, 2005 6:07 PM
To: 'Cole, Christopher'; Sarkar, Rumu, CIV, WSO-BRAC
Cc: Carnevale, Diane, CIV, WSO-BRAC; Bull, Steve; Heigh, Martin, COL, WSO-BRAC
Subject: RE: BRAC NDA

Hi Chris: Thanks for getting back to me. ANSER employees and/or contractors should sign the Non-Disclosure form, NOT the SF-312 form. Katie has kindly forwarded me the names and e-mail addresses of ANSER folks, and if you have no objection, I will send them the form so that they can download and sign it. The Non-Disclosure form should be filed with Marty Heigh who is also collecting the SF-312 forms.

Please let me know if you have any questions, and thanks for resolving this matter so quickly. Best, Rumu

From: Cole, Christopher [mailto:Christopher.Cole@anser.org]
Sent: Monday, May 23, 2005 5:09 PM
To: rumu.sarkar@wso.whs.mil
Cc: Carnevale, Diane, CIV, WSO-BRAC; Bull, Steve
Subject: FW: BRAC NDA

Attached is the e-mail that we received from our lawyer stating that he has no problem with the NDA as written. Please see his additional notes and let me know if you need further clarification or anything more substantial, let me know.

Also, there is still some confusion as to whether folks are to sign this NDA and/or the SF312. If you could please clarify, we would appreciate it. Thanks.

V/R
Chris

Christopher S. Cole
ANSER (Analytic Services Inc.)
(703)416-3436
(703)416-1370 (Fax)

From: Benjamin, Thomas
Sent: Friday, May 20, 2005 1:12 PM
To: Bull, Steve
Cc: Cole, Christopher
Subject: RE: BRAC NDA

Steve, no concerns with the NDA; it looks reasonable. You might want to ask them how they interpret the records management policy on email between ANSER employees related to BRAC substance. If they expect ANSER to produce record copies of those, the staff should be cautioned to separate BRAC substance discussions from ANSER proprietary info (such as contract progress, other clients or contracts, financials, personnel matters etc) so that you don't have to submit all for the BRAC public record. Tom

From: Bull, Steve

5/23/2005

DCN: 12066

Sent: Friday, May 20, 2005 12:17 PM
To: Benjamin, Thomas
Cc: Cole, Christopher
Subject: BRAC NDA

Tom -

Please see e-mail below and attached NDA. Wanted to ensure there were not any unforeseen pitfalls. Would very much appreciate your advice.

Thanks

Steve
x3360

From: Sarkar, Rumu, CIV, WSO-BRAC [mailto:rumu.sarkar@wso.whs.mil]
Sent: Friday, May 20, 2005 12:11 PM
To: 'christopher.coll@anser.org'
Cc: Bull, Steve
Subject:

Hello Chris and Steve: I have been tasked by the General Counsel, David Hague, to reach an understanding with you concerning the recordkeeping procedures to be used by the BRAC Commission. I am attaching a draft doc. that I have cleared with DOD's GC office, and would like your views on how this impacts ANSER. As you know, we are generating an enormous amount of information that needs to be managed, retrieved, stored and archived in a certain way. Therefore, your views on the support that ANSER can provide, and any logistical issues that this memo raises will be greatly appreciated.

On a different note, I am attaching a draft non-disclosure agreement to be signed by ANSER folks working on BRAC matters. This is again, a draft, and I would appreciate opening up a discussion on ANSER's views of this matter. I look forward to working with you both on these issues.

Best regards, Rumu

Rumu Sarkar
Associate Counsel
Defense Base Closure and Realignment (BRAC) 2005
2251 South Clark Street, Suite 600-18
Arlington, VA 22202-3920
Tel: (703) 699-2973
Fax: (703) 699-2735
E-Mail: rumu.sarkar@wso.whs.mil

<<Records Maintenance and Archiving.doc>> <<Nondisclosure Agreement.doc>>

5/23/2005

Sarkar, Rumu, CIV, WSO-BRAC

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Friday, May 20, 2005 12:13 PM
To: 'christopher.cole@anser.org'
Subject: FW:

Attachments: Records Maintenance and Archiving.doc; Nondisclosure Agreement.doc

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Friday, May 20, 2005 12:11 PM
To: 'christopher.coll@anser.org'
Cc: 'steve.bull@anser.org'
Subject:

Hello Chris and Steve: I have been tasked by the General Counsel, David Hague, to reach an understanding with you concerning the recordkeeping procedures to be used by the BRAC Commission. I am attaching a draft doc. that I have cleared with DOD's GC office, and would like your views on how this impacts ANSER. As you know, we are generating an enormous amount of information that needs to be managed, retrieved, stored and archived in a certain way. Therefore, your views on the support that ANSER can provide, and any logistical issues that this memo raises will be greatly appreciated.

On a different note, I am attaching a draft non-disclosure agreement to be signed by ANSER folks working on BRAC matters. This is again, a draft, and I would appreciate opening up a discussion on ANSER's views of this matter. I look forward to working with you both on these issues.

Best regards, Rumu

Rumu Sarkar
Associate Counsel
Defense Base Closure and Realignment (BRAC) 2005
2251 South Clark Street, Suite 600-18
Arlington, VA 22202-3920
Tel: (703) 699-2973
Fax: (703) 699-2735
E-Mail: rumu.sarkar@wso.whs.mil



Records



Nondisclosure

intenance and ArchiAgreement.doc (3...

Sarkar, Rumu, CIV, WSO-BRAC

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Wednesday, May 18, 2005 10:47 AM
To: Clark, James, Mr, DoD OGC
Subject: Records Management

Attachments: Records Maintenance and Archiving.doc

Hello Jim: thanks for speaking with me the other day, and I am attaching a DRAFT document giving some preliminary guidance to employees of the BRAC Commission re: records management. I have incorporated the GRS 26 guidance from NARA along with an extract provided to me of AI 15 by Jeannie Mann to this draft.

I have highlighted the particular sections that I have concerns on, especially with regard the voluminous letter, e-mail and fax traffic that is expected from the public. I need to provide clear guidance to the communications department on managing, storing, retrieving, distributing, disseminating and destroying such "records." I would like to include a definition of a "public record" or "official public record," if possible and was hoping that you could help me out with a definition that you feel comfortable with.

Additionally, I see this as a two-step process whereby the files will be first set up and managed, and then later, closed out, destroyed or transferred. (I believe Jeannie was more focused on the latter part rather than the first part.)

I truly appreciate your assistance, and please keep in mind that this is an initial draft and has not been issued as yet. Best regards, Rumu

Rumu Sarkar
Associate Counsel
Defense Base Closure and Realignment (BRAC) 2005
2251 South Clark Street, Suite 600-18
Arlington, VA 22202-3920
Tel: (703) 699-2973
Fax: (703) 699-2735
E-Mail: rumu.sarkar@wso.whs.mil



Records
Maintenance and Archi

Sarkar, Rumu, CIV, WSO-BRAC

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Wednesday, May 18, 2005 1:21 PM
To: Sarkar, Rumu, CIV, WSO-BRAC
Subject: FW: Records Management

From: Clark, James, Mr, DoD OGC
Sent: Wednesday, May 18, 2005 11:00 AM
To: Sarkar, Rumu, CIV, WSO-BRAC
Subject: RE: Records Management

Rumu: Thank you. Do you mind if I share this draft with Grace Becker, in DoD OGC (Legal Counsel)? I understand that she is involved in providing legal advice to FACAs. - Jim

James M. Clark
Assistant General Counsel
Washington Headquarters Services
703-693-7374; 703-697-1068 (fax)

CAUTION: THIS MESSAGE MAY CONTAIN INFORMATION PROTECTED BY THE ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, DELIBERATIVE PROCESS, OR OTHER PRIVILEGE. DO NOT DISSEMINATE WITHOUT THE APPROVAL OF THE OFFICE OF THE WHS GENERAL COUNSEL.

-----Original Message-----

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Wednesday, May 18, 2005 10:47
To: Clark, James, Mr, DoD OGC
Subject: Records Management

Hello Jim: thanks for speaking with me the other day, and I am attaching a DRAFT document giving some preliminary guidance to employees of the BRAC Commission re: records management. I have incorporated the GRS 26 guidance from NARA along with an extract provided to me of AI 15 by Jeannie Mann to this draft.

I have highlighted the particular sections that I have concerns on, especially with regard the voluminous letter, e-mail and fax traffic that is expected from the public. I need to provide clear guidance to the communications department on managing, storing, retrieving, distributing, disseminating and destroying such "records." I would like to include a definition of a "public record" or "official public record," if possible and was hoping that you could help me out with a definition that you feel comfortable with.

Additionally, I see this as a two-step process whereby the files will be first set up and managed, and then later, closed out, destroyed or transferred. (I believe Jeannie was more focused on the latter part rather than the first part.)

I truly appreciate you assistance, and please keep in mind that this is an initial draft and has not been issued as yet. Best regards, Rumu

Rumu Sarkar
Associate Counsel
Defense Base Closure and Realignment (BRAC) 2005
2251 South Clark Street, Suite 600-18
Arlington, VA 22202-3920
Tel: (703) 699-2973
Fax: (703) 699-2735
E-Mail: rumu.sarkar@wso.whs.mil

<< File: Records Maintenance and Archiving.doc >>

May 19, 2005

TO: BRAC Commission

SUBJECT: DOCUMENT MAINTENANCE AND ARCHIVING

FROM: Legal Office

This information memorandum provides guidance on the creation, maintenance and retention procedures for official BRAC Commission documents. These requirements are based on the Department of Defense's Administrative Instruction 15, and the National Archives and Records Administration (NARA) requirements for the archiving of records generated by temporary boards, commissions and committees as set forth in General Records Schedule (GRS) 26 (September 2004). Questions regarding this guidance should be made to the Associate Counsel, Ms. Rumu Sarkar, or to the Designated Federal Officer, Mr. Dan Cowhig.

Each office within the BRAC Commission shall be responsible for developing a file plan for its individual employees to keep files and papers along the lines explained in this memorandum. Further, individual drafts of the same document should be preserved where subsequent draft version reflect substantive changes. All papers should use staples and not binder clips or paper clips when officially deposited for archiving and retention purposes.

BRAC Commission documents, correspondence to and from the Commission (including e-mail correspondence with and transcribed phone messages to the Commission), reports and official publications, news and press releases, official comments, hearing transcripts and all other official documentation (discussed in further detail below) shall be part of the public record of the Commission. The public record does not include documentation and correspondence that are determined by the issuing BRAC office to be required for strictly administrative or operational purposes which have no public interest or educational value. Moreover, documents and publications created by or submitted to the Commission that have been classified for reasons of national security, shall not be made available publicly available. For procedures concerning the limited official use of such documents, please contact the Legal Office.

Please note that prior to the Commission's termination, WHS and possibly NARA, in consultation with Commission staff, may wish to review records and identify files that warrant permanent retention, including the Commission's website and other data files. Such records will be transferred to the National Archives through the office of Washington Headquarters Services (WHS) upon the termination of the Commission.

CATEGORY A:

PERMANENT. To be transferred by the BRAC Commission to the WHS to the National Archives upon the termination of the Commission.

Files documenting the Commission's establishment, membership, policy, organization, deliberations, findings, and recommendations, including such records as:

- original charter, renewal and amended charters, organization charts, functional statements, directives or memorandums to staff concerning their responsibilities, and other materials that document the organization and functions of the Commission and its components;
- documents used to nominate, approve, appoint, and remove members of the Commission; minutes, final reports, and related papers.
- agendas, briefing books, minutes, testimony, and transcripts of meetings and hearings as well as audiotapes and/or videotapes of meetings and hearings which were not fully transcribed;
- official correspondence received by as well as responded to by the Commission, and each individual Commissioner, including e-mail traffic, faxes, written transmissions; and officially transcribed notes or conversations;
- one copy each of reports and related documents, studies, pamphlets, posters (2 copies) and other publications produced by or for the Commission as well as news releases, Commissioners' speeches, formal photographs and other significant public affairs files;
- correspondence, subject and other files maintained by key Commission staff, such as the Chairman, Executive Director, and General Counsel, documenting the functions of the Commission;
- substantive records relating to research studies and other projects, including unpublished studies and reports and substantive research materials (that may include electronic data);
- questionnaires, surveys and other raw data accumulated in connection with research studies and other projects where the information has been consolidated or aggregated in analyses, reports, or studies that may include data maintained electronically;

- records created to comply with the provisions of the Government in the Sunshine Act, annual reports to Congress describing the Commission's compliance with the Act.

CATEGORY B:

DESTROY/DELETE UPON TERMINATION OF THE COMMISSION.

Files that relate to day-to-day Commission activities and/or do not contain unique information of historical value, including such records as:

- correspondence, reference and working files of Commission staff;
- audiotapes and videotapes of Commission meetings and hearings that have been fully transcribed, informal still photographs and slides of Commission members and staff, meetings, hearings, and other events;
- other routine records, such as public mail, requests for information, consultant personnel files, records relating to logistical aspects of Commission meetings and hearings, etc.;
- extra copies of records, e.g. copies of meeting agenda and minutes distributed to Commission members and staff.
 - documents relating to the internal management or general administration of an office, including:
 - (1) documents on internal office procedures, hours of duty, and individual duties that do not have continuing applicability;
 - (2) documents on office participation in charitable affairs, such as blood donations and contributions to philanthropic or charitable associations;
 - (3) documents on tests of civil defense, fire, or comparable emergency evacuation procedures;
 - (4) documents on safety within the office, such as minutes of safety meetings, notification of safe and unsafe practices, and comparable documents;
 - (5) documents on the office's involvement in forms, publications, records, and reports management, such as records and forms surveys and inventory reports (but not papers relating to the initiation of specific forms, publications, and reports that pertain to the performance of the office's mission or functions.
- Documents on the overall or general routine administration of the Commission's activities, such as:

- Routine comments on regulations, directives, other publications prepared by another office with primary responsibility. If comments result in additional action affecting the mission or functions of the office, documents should be filed with the appropriate mission function files;
 - Evaluations of suggestions that do not result in issuing an instruction or establishing a project;
 - Program and budget documents, management improvement reports, cost reduction reports, and comparable management reports prepared to submit data to offices responsible for these management functions;
 - Extracts of reports of inspections, surveys, or audits that pertain to the operation of the mission or functions; and,
 - Comments on or contributions to news releases.
- Documents on the participation of individual offices of the Commission in matters concerning the expenditure of funds incidental to the performance of the mission of the office, such as itineraries and cost estimates for travel and notifications to budget offices of funds required for travel; requests for long distance telephone funds, notifications from budget offices of telephone funds that are available, and reports of long-distance telephone calls; receipts for pay checks and other documents relating to the distribution of checks to individual employees; receipts for savings bonds and other documents on distribution of savings bonds directly to individual employees; and comparable papers.

Web site records:

- (1) Electronic version of web site(s), but please consult with the Legal Office before destroying the website.
- (2) Design, management, and technical operation records.
- (3) Electronic version of content records duplicated in textual series of Commission records.

CATEGORY C:

DESTROY AFTER ONE YEAR FROM THE TERMINATION OF THE COMMISSION.

- Reference paper files consist of the following types of documents: notes, drafts, feeder reports, news clippings, similar working papers, and other materials accumulated for preparation of a communication, a study, an investigation, a survey, an inspection or other action. This description does not include official and quasi-official recommendations, coordinating actions, and other documents that contribute to or result from preparation of the communication or other record.

- Documents received for general information purposes (such as a reading file) that require no action and are not required for documentation of specific functions.
- Memorandum copies of accountable officers' returns including statements of transactions and accountability, all supporting vouchers, schedules, and related documents not covered elsewhere.
- Supervisor's Personnel Files. Correspondence, memoranda, forms, and other records on positions, authorizations, pending actions; copies of Position Descriptions, requests for personnel action, and records on individual employees duplicated in or not appropriate for the Official Personnel Folder.

CATEGORY D:

Electronic Mail and Word Processing: Destroy/delete within 180 days after the recordkeeping copy has been produced.

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of other records created by the Commission. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directions on hard drive or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.
- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.

CATEGORY D:

DESTROY/DELETE WHEN 6 YEARS OLD: Transfer Commission management records to WHS for processing upon the termination of the Commission.

- Committee management records include copies of charters, membership lists, agendas, policy statements, statistical data files, financial operating plans, General Service Administration reports and other statistical reports on the number of committees, types of committees, membership rosters, requests for approval of committee nominees, appointment documents for individual committee members, financial disclosure documents, material required to be available for public information and other related topics maintained by the Committee Management

Officer. Committee Management activities include the establishment, appointment of members, and operation and termination of chartered Federal advisory committees.

- Original or carbon copy of accounts maintained for a site audit consisting of statements of transactions, statements of accountability, collection schedules, collection vouchers, disbursement schedules, disbursement vouchers, and all other schedules and vouchers.
- Copies used in payroll preparation and processing.

NOTE: Disposition authority for any Commission records not covered by items above or elsewhere in the General Records Schedule should be requested by submitting an SF 115. Please consult with the BRAC Commission's Legal office regarding this issue, as necessary.

Sarkar, Rumu, CIV, WSO-BRAC

From: Clark, James, Mr, DoD OGC
Sent: Wednesday, May 18, 2005 2:59 PM
To: Sarkar, Rumu, CIV, WSO-BRAC
Subject: FW: 1 more thought

F Y I

James M. Clark
Assistant General Counsel
Washington Headquarters Services
703-693-7374; 703-697-1068 (fax)

CAUTION: THIS MESSAGE MAY CONTAIN INFORMATION PROTECTED BY THE ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, DELIBERATIVE PROCESS, OR OTHER PRIVILEGE. DO NOT DISSEMINATE WITHOUT THE APPROVAL OF THE OFFICE OF THE WHS GENERAL COUNSEL.

-----Original Message-----

From: Becker, Grace, Ms, DoD OGC
Sent: Wednesday, May 18, 2005 14:26
To: Clark, James, Mr, DoD OGC
Subject: 1 more thought

Although I still think there is a possibility that a particular email might be justifiably withheld if it falls under a FOIA (Freedom of Information Act) exemption, but I think it's prudent to warn every sender that comments will be retained as a public record. Here's the relevant FACA provision:

§ 10(b): "Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location . . ."

Hope that helps!

Grace

Grace Chung Becker
Associate Deputy General Counsel
DoD Office of the General Counsel (Legal Counsel)
Pentagon 3B688
(703) 571-9354

This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without prior approval from the Office of the DoD General Counsel.

Recommendation on Definition of Government Information

Comments: This draft document will be retired on completion of a recommendation by the U.S. Federal Interagency Committee on Government Information (ICGI), in December 2004. Until December 5, 2004, comments on this document may be sent to the editor, Gil Baldwin, U.S. Government Printing Office at ebaldwin@gpo.gov

1. Recommendations

These recommendations satisfy the requirements set forth in "Requirements for Enabling the Identification, Categorization and Consistent Retrieval of Government Information" August 5, 2004, <http://www.cio.gov/documents/ICGI/CGI-Requirement-040805.doc>

1.1 The U.S. Federal Government should adopt a high-level definition of what Government information is to be categorized.

1.2 The recommended definition is focused on final, published, information products, *produced by or for* the U.S. Federal Government:

Categorizable Government information means any information product, regardless of form or format, that a U.S. Federal agency discloses, publishes, disseminates, or makes available to the public, as well as information produced for administrative or operational purposes, that is of public interest or educational value.

This includes information created or exchanged within or between agencies, and information that is or may be expected to be subject to FOIA requests. Not included are Federal government information holdings explicitly provided in law as so constrained in access that even a reference to the holding is kept from public view for a specified period of time.

1.3 While all government information will be not accessible to the public, awareness of its existence and the applicable restrictions on access should be.

Cases will occur in which the publishing agency may limit access to Government information or to the descriptive metadata about certain products to certain audiences for a specified period of time, due to security, privacy, or other records management reasons.

Recommendation on Definition of Government Information

Appendices

1. Background

The U.S. Federal Government seeks to adopt common standards, as required under the E-Government Act of 2002 (44 USC Chapter 36), Section 207 "Accessibility, Usability, and Preservation of Government Information." Subsection 207(d)(1) of the E-Government Act requires that the Interagency Committee on Government Information (ICGI) submit recommendations to the Director of the Office of Management and Budget (OMB) on:

- the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information in a way that is searchable electronically, including by searchable identifiers; and in ways that are interoperable across agencies;
- the definition of categories of Government information which should be classified under the standards; and
- determining priorities and developing schedules for the initial implementation of the standards by agencies.

This recommendation concerns the definition of categories of Government information. It aligns with, though is not dependent upon, other ICGI recommendations required under the E-Government Act, subsection 207(d)(1). The ICGI will recommend an open standard for searchable identifiers, and this definition of Government information will encompass all items that have such identifiers. The ICGI will recommend a standard set of categories for all government information, and this definition of Government information will encompass all items that have such categories. The ICGI also will recommend a standard for search interoperability, and all items encompassed by this definition of Government information will be searchable by that standard.

In order for the categorization of Government information to add value for the information user, it should meet several general major requirements:

- Enhance public access to Government information resources.
- Render a predictable level of granularity among the search returns from decentralized data sources.
- Be a realistic mandate for Government entities, many of which operate with less than optimal levels of funding or IT support, to carry out.
- Be compatible with existing information characterization and retrieval mechanisms.
- Be flexible enough to allow for technological advances in information management, publishing, or discovery and retrieval.

2 Alternative Definitions Considered and Implications

2.1 Government Publication

Historically several relevant definitions of Government information have been codified. One of these definitions is that of “Government publication” found at 44 USC 1901, the governing statute for the Federal Depository Library Program:

As used in this chapter “Government publication” means informational matter which is published as an individual document at Government expense, or as required by law.

This language, derived from the paper documents era, excludes the growth areas of Federal electronic information. Entire categories of Government information, such as dynamic data, audio or video files, statistical data, remote sensing data, and more are ignored by a definition that emphasizes the fixed “documentary” nature of legacy print products.

2.2 Federal Record

Another relevant statutory definition is that for Federal records, found at 44 USC 3301:

... “records” includes all books, papers, maps, photographs, machine readable materials, or other documentary 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 data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

This language underlies the work of the National Archives and Records Administration (NARA) safeguarding the records on which the American people depend for documenting their individual rights, for ensuring the accountability and credibility of their national institutions, and for analyzing their national experience. Today more of these records are being electronically created and maintained than ever before, and NARA anticipates exponential growth in the number of electronic records to be maintained and made accessible in the coming years. This statutory definition includes potentially billions of email messages and other work products.

2.3 Public Information

A manageable middle ground is needed which, while recognizing the need to protect national security interests and personal privacy rights, is sufficiently broad to encompass information dissemination formats yet to be invented, but focuses on published information. Such language is found in the 44 USC 3502 definition of public information, at paragraph 12:

[T]he term “public information” means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public.

Interagency Committee On Government Information, Categorization of Government Information Working Group

Recommendation on Definition of Government Information

A consequence of adopting this definition could be to exclude from CGI information products that were produced for an internal agency audience, but that are also of public interest. This concept is codified in 44 USC 1902, which requires that:

Government publications, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available ... for public information.

3. Assumptions and Constraints

The goal of agreeing upon, and ultimately implementing, a definition of what information is to be categorized, is to enable users to obtain comprehensive results when searching for Government information.

3.1 Scope of Definition

Searchers of government information need to find tangible resources (i.e. printed documents, maps, CDs, or DVDs) as well as intangible (online electronic) resources produced by or for the Government. The definition of resources to which categorization is applicable should not be so all-encompassing as to be unmanageable. For that reason it is recommended that information products *about* the Government, such as television news coverage of Government activities, be excluded. For similar reasons, applying categorization to objects *owned by* the Government, or owned by other parties and *loaned to* the Government, such as museum artifacts, should be excluded. An overly broad definition of Government information risks creating a requirement so burdensome to the Government that the goal of improved public access will be jeopardized.

3.2 Limited Exclusion for Restricted Information Resources

The Federal government generally does not constrain access to or use of its holdings and the data and information are in the public domain. Yet there are a range of constraints that may apply to any particular holding.

Use constraints such as copyright restrictions may apply in certain cases specifically allowed under law, such as patents.

Access constraints may apply to certain security classified information, proprietary information, personal information, litigation-related information, and other particular cases.

For example, there is certain information for which access is restricted to authorized public citizens such as (1) Information restricted to private citizens eligible to receive that data, (2) information limited to government contractors, (3) information limited to state and local governments. It is important that these types of information also be within the scope of the recommended definition.

Even when information may be withheld from disclosure, publication, or dissemination the public has a right to know about its existence. The only information out of scope for this discussion are those few Federal government information holdings explicitly provided in law as so constrained in access that even a reference to the holding is kept from public view.

4. Review Process Used

GPO's initial document "Defining What Government Information Is to Be Categorized" was drafted following an initial meeting at GPO on March 16, 2004, and was posted to the Web on March 30, 2004. This initial version appears at <http://www.gpoaccess.gov/cgiwg/pdf/cgiwgroup.pdf>.

Email requests for public comments resulted in the receipt of several comments which were used by GPO to refine the draft. GPO's revised draft, dated May 13, 2004 and newly titled "Defining What Government Information Is to Be Categorized: Statement of Requirements" is available on the Web at <http://www.gpoaccess.gov/cgiwg/pdf/cgiwgroup/revMay2004.pdf>.

GPO solicited public comments by sending an invitational email to various audiences, including:

- American Library Association
- American Association of Law Libraries
- Association of Research Libraries
- CENDI
- Depository Library Council to the Public Printer
- Interagency Committee on Government Information

GPO's Recommendation statement includes amendments to accommodate to the greatest extent possible the comments received.

-----Original Message-----

From: Sarkar, Rumu, CIV, WSO-BRAC
Sent: Wednesday, May 18, 2005 10:47
To: Clark, James, Mr, DoD OGC
Subject: Records Management

Hello Jim: thanks for speaking with me the other day, and I am attaching a DRAFT document giving some preliminary guidance to employees of the BRAC Commission re: records management. I have incorporated the GRS 26 guidance from NARA along with an extract provided to me of AI 15 by Jeannie Mann to this draft.

I have highlighted the particular sections that I have concerns on, especially with regard the voluminous letter, e-mail and fax traffic that is expected from the public. I need to provide clear guidance to the communications department on managing, storing, retrieving, distributing, disseminating and destroying such "records." I would like to include a definition of a "public record" or "official public record," if possible and was hoping that you could help me out with a definition that you feel comfortable with.

Additionally, I see this as a two-step process whereby the files will be first set up and managed, and then later, closed out, destroyed or transferred. (I believe Jeannie was more focused on the latter part rather than the first part.)

I truly appreciate you assistance, and please keep in mind that this is an initial draft and has not been issued as yet. Best regards, Rumu

Rumu Sarkar
Associate Counsel
Defense Base Closure and Realignment (BRAC) 2005
2251 South Clark Street, Suite 600-18
Arlington, VA 22202-3920
Tel: (703) 699-2973
Fax: (703) 699-2735
E-Mail: rumu.sarkar@wso.whs.mil

<< File: Records Maintenance and Archiving.doc >>

Sarkar, Rumu, CIV, WSO-BRAC

From: Clark, James, Mr, DoD OGC
Sent: Wednesday, May 18, 2005 2:55 PM
To: Sarkar, Rumu, CIV, WSO-BRAC
Cc: Becker, Grace, Ms, DoD OGC
Subject: RE: Records Management

Hi Rumu: Thanks for the draft.

1. Recommend that you forward it to Ms. Mann with the request that she note specific concerns based on Administrative Instruction 15.

I spoke with Ms. Mann this morning. If I correctly understood her concerns, she thought that the draft she saw would not have allowed WHS to transfer the Commission's permanent records to NARA without having to make further decisions about proper categorization. Ms. Mann should indicate on this draft whether A.I. 15 requires greater specificity in the categories you have set out.

2. Ms. Grace Becker of DoD OGC(LC) has not reviewed your drafts. We spoke about the proposal to maintain permanently the public comments submitted digitally via the Commission's web site. Ms. Becker did not have an objection from a FACA perspective. From a records management perspective it would not be unreasonable to treat public "comments" as permanent, but that treatment would not have to be afforded to every communication from the public, such as requests for information.

3. It was not clear to me whether the draft proposes permanent retention of all "official correspondence received by as well as responded to by the Commission, and each individual Commissioner, including e-mail traffic, faxes, written transmissions; and officially transcribed notes or conversations."

4. Regarding the web site, you might consider preserving in electronic form "snapshots" of the web site at one or two intervals based on how frequently and substantially the content changes.

I'll be glad to engage with Jeannie Mann further over specific concerns after she has had a chance to review and comment on the latest draft. Thanks for the opportunity to review this document. Grace, please feel free to correct or add to this summary,

Jim Clark

James M. Clark
Assistant General Counsel
Washington Headquarters Services
703-693-7374; 703-697-1068 (fax)

CAUTION: THIS MESSAGE MAY CONTAIN INFORMATION PROTECTED BY THE ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, DELIBERATIVE PROCESS, OR OTHER PRIVILEGE. DO NOT DISSEMINATE WITHOUT THE APPROVAL OF THE OFFICE OF THE WHS GENERAL COUNSEL.

GENERAL COUNSEL FILES

1988 BRAC Law
1990 BRAC Law
Adding Bases
BRAC Background
BRAC Organization
Certified Data
Commissioner Bios
Closed Meetings
Commission Rules
Comp Time
Depot Maintenance
FACA
Federal Register Notices
Final Criteria
Final Deliberations
Hatch Act – Political Activities
Index of Past BRAC GC Files
Immunity of Commissioners
Maintaining Records
Misc.
Motions
National Guard Facilities
Opening Closed Bases
Perjury
Personnel Issues
Post Employment
Privatization in Place
Redirects – Reopenings
Special Govt Employees
Substantial Deviation
Sunshine Act
Waivers

SUBJECT: DOCUMENT MAINTENANCE AND ARCHIVING
DATE: May 16, 2005

This information memorandum provides guidance on the maintenance and archiving procedures for official BRAC Commission documents. These requirements are based on the National Archives and Records Administration (NARA) requirements for the archiving of records generated by temporary boards, commissions and committees as set forth in General Records Schedule (GRS) 26 (September 2004). Questions regarding this guidance should be made to the Associate Counsel, Ms. Rumu Sarkar, or to the Designated Federal Officer, Mr. Dan Cowhig.

Please note that prior to the Commission's termination, NARA, in consultation with the Commission, that warrant permanent retention, in data files. Such records will be transferred to the Commission.

CATEGORIES

PERMANENT
Commission

Files document
organization
as:

Teannail

Hean

*(903) 601-2553
x126*

the termination of the

membership, policy,
as, including such records

- *Admin. Instruction 15* rters, organization charts, and manuals to staff concerning their responsibilities, and other materials that document the organization and functions of the Commission and its components;

- agendas, briefings, and hearings ts of meetings and hearings which

(703) 693-7374

- one copy each of posters (2 copies of Commission photographs) pamphlets, or the speeches, formal

*OGC/WHS
Clark@Dodge.osd.mil
Jim Clark*

- correspondence from staff, such as documenting Commission Associate Counsel,

*(GC) Bill Brazis WHS
Riz Ortiz - records manager*

- substantive records including unclassified materials (th) projects, research

*601-4722-
x127*

- questionnaires, surveys and other raw data accumulated in connection with research studies and other projects where the information has been consolidated or aggregated in analyses, reports, or studies that may include data maintained electronically;
- records created to comply with the provisions of the Government in the Sunshine Act, annual reports to Congress describing the Commission's compliance with the Act.

NOTE: Administrative records authorized for disposal by GRS 26 and having retention periods outlasting the life of the Commission (such as payroll, personnel and fiscal records) should be transferred to the agency providing administrative support (i.e., WSO/WHS).

CATEGORY B:

DESTROY/DELETE UPON TERMINATION OF THE COMMISSION.

Files that relate to day-to-day Commission activities and/or do not contain unique information of historical value, including such records as:

- correspondence, reference and working files of Commission staff;
- audiotapes and videotapes of Commission meetings and hearings that have been fully transcribed, informal still photographs and slides of Commission members and staff, meetings, hearings, and other events;
- other routine records, such as public mail, requests for information, consultant personnel files, records relating to logistical aspects of Commission meetings and hearings, etc.;
- extra copies of records, e.g. copies of meeting agenda and minutes distributed to Commission members and staff.

Web site records:

- (1) Electronic version of web site(s), but please consult with the Legal Office before destroying the website.
- (2) Design, management, and technical operation records.
- (3) Electronic version of content records duplicated in textual series of Commission records.

CATEGORY C:

Electronic Mail and Word Processing: Destroy/delete within 180 days after the recordkeeping copy has been produced.

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of other records created by the Commission. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directions on hard drive or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.
- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.

CATEGORY D:

DESTROY/DELETE WHEN 6 YEARS OLD: Transfer Commission management records to the National Archives upon the termination of the Commission.

Committee management records include copies of charters, membership lists, agendas, policy statements, statistical data files, financial operating plans, General Service Administration reports and other statistical reports on the number of committees, types of committees, membership rosters, requests for approval of committee nominees, appointment documents for individual committee members, financial disclosure documents, material required to be available for public information and other related topics maintained by the Committee Management Officer. Committee Management activities include the establishment, appointment of members, and operation and termination of chartered Federal advisory committees.

NOTE: Disposition authority for any Commission records not covered by items above or elsewhere in the General Records Schedule should be requested by submitting a SF 115 to NARA. Please consult with the BRAC Commission's Legal office regarding this issue, as necessary.

GENERAL RECORDS SCHEDULE 26**Temporary Commissions, Boards, Councils and Committees**

Note: This schedule covers records created and maintained by temporary commissions, boards, councils and committees (including continuing entities governed by renewable charters such as agency advisory committees). In the case of interagency bodies, this schedule covers the records maintained by the designated secretariat as well as records accumulated by other commission members.

This schedule does not apply to the records of Presidential commissions, boards, councils and committees covered by the Presidential Records Act.

For convenience, the term "commission" is used in this schedule to cover all types of temporary organizations.

The record series described in this schedule are created and maintained in different media and formats, therefore this schedule is written to authorize the disposition of the records in any media (media neutral). Agencies are required to refer to the most current version of the Code of Federal Regulations (CFR) and other relevant guidance to ensure that the media and format that is chosen by the agency meets NARA's transfer requirements for permanent records. See 36 CFR Sections: 1228.266 – Audiovisual Records; 1228.268 – Cartographic and Architectural Records; 1228.270 – Electronic Records; 1230.026 – Microform Records

When records are created and maintained electronically, NARA prefers that the archival copy be transferred to the National Archives in an approved electronic format.

1. Internal Agency Committees

a. Internal agency committees unrelated to an agency's mission

Committees established by an agency for facilitative or operational purposes unrelated to the agency's mission, composed wholly of full-time officers or employees of the Federal government, and not subject to the Federal Advisory Committee Act, e.g. committees tasked with organizing events, selecting of interior furnishings, overseeing volunteer activities or employee recreational activities.

Any files created and/or maintained by the committee

Destroy/delete when no longer needed for administrative purposes.

b. Internal agency committees related to an agency's mission

Committees established by agency authority (not established by Public Law or Executive Order) for facilitative or operational purposes, related to the agency's mission, composed wholly of full-time officers or employees of the Federal government, and not subject to the Federal Advisory Committee Act, e.g. committees tasked with reviewing policy, studying reorganizations, recommending new actions or developing multi-year plans.

Any files created and/or maintained by the committee including agenda, minutes, final reports, and related records documenting accomplishments of official boards and committees.

These records are potentially permanent and must be scheduled by submission of an SF 115 to NARA.

2. Records Created by Advisory Commissions, Committees, Councils, Boards and Other Groups Established under the Federal Advisory Committee Act (FACA)

[NOTE: The term "advisory committee" as defined by FACA means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup which is (1) established by statute or reorganization plan or (2) established or utilized by the President, or (3) established or utilized by one or more agencies or officers of the Federal government. This term does not apply to any committee which is composed wholly of full-time officers or employees of the Federal government.]

- a. Files documenting the Commission's establishment, membership, policy, organization, deliberations, findings, and recommendations, including such records as
 - original charter, renewal and amended charters, organization charts, functional statements, directives or memorandums to staff concerning their responsibilities, and other materials that document the organization and functions of the Commission and its components
 - agendas, briefing books, minutes, testimony, and transcripts of meetings and hearings as well as audiotapes and/or videotapes of meetings and hearings which were not fully transcribed
 - one copy each of reports, studies, pamphlets, posters (2 copies) and other publications produced by or for the commission as well as news releases, commissioners' speeches, formal photographs and other significant public affairs files

**Transmittal 13
September 2004****General Records Schedule 26**

- correspondence, subject and other files maintained by key commission staff, such as the chair, executive director, and legal counsel, documenting the functions of the commission
- substantive records relating to research studies and other projects, including unpublished studies and reports and substantive research materials (may include electronic data).
- questionnaires, surveys and other raw data accumulated in connection with research studies and other projects where the information has been consolidated or aggregated in analyses, reports, or studies covered by Item IIA (may include data maintained electronically).
- Records created to comply with the provisions of the Government in the Sunshine Act, annual reports to Congress describing the agency's compliance with the act

PERMANENT. Transfer to the National Archives on termination of the Commission. Earlier transfer is authorized for commissions operating for 3 years or longer.

[NOTE: Non-textual records transferred to NARA must follow NARA published guidance for transfer of required elements.]

- b. Files that relate to day-to-day Commission activities and/or do not contain unique information of historical value, including such records as
- correspondence, reference and working files of Commission staff (excluding files covered by Item IIA)
 - audiotapes and videotapes of Commission meetings and hearings that have been fully transcribed, informal still photographs and slides of Commission members and staff, meetings, hearings, and other events
 - other routine records, such as public mail, requests for information, consultant personnel files, records relating to logistical aspects of Commission meetings and hearings, etc.
 - extra copies of records described in Item IIA, e.g. copies of meeting agenda and minutes distributed to commission members and staff, files accumulated by agencies on interagency bodies other than the secretariat or sponsor.

Destroy/delete on termination of Commission.

**Transmittal 13
September 2004**

General Records Schedule 26

[NOTE: Prior to the Commission's termination, NARA, in consultation with Commission staff, will review records covered by this item and may identify files that warrant permanent retention. Such records will be transferred to the National Archives on termination of the Commission.]

[NOTE: Administrative records authorized for disposal by the GRS and having retention periods outlasting the life of the commission (such as payroll, personnel and fiscal records) should be transferred to the agency providing administrative support.]

c. Web site records

(1) Electronic version of web site(s).

Destroy/delete on termination of commission.

(2) Design, management, and technical operation records.

Destroy/delete on termination of commission.

(3) Electronic version of content records duplicated in textual series of commission records.

Destroy/delete on termination of commission.

[NOTE: Prior to the Commission's termination, NARA, in consultation with Commission staff, will review records covered by Item IIc(1) and may identify portions (including a web snapshot) that warrant permanent retention. Such records will be transferred to the National Archives on termination of the Commission along with any records covered by Item IIc(2) that NARA requires to maintain and access permanent web content records.]

3. Committee Records Not Maintained by the Sponsor or Secretariat

Copies of committee records, such as agendas, meeting minutes, final reports and related records created by or documenting the accomplishments of official boards and commissions, excluding those kept by the sponsor or Secretariat.

Destroy when 3 years old.

[NOTE: The records of an international committee held by the U.S. member or representative when the U.S. is not the sponsor or Secretariat should be described on a SF 115 and submitted to NARA for disposition authority.]

**Transmittal 13
September 2004****General Records Schedule 26**

[NOTE: Some temporary commissions, especially operational commissions related to an agency's mission, may have records that are not covered by the series herein described. Such series should be described on a SF 115 and submitted to NARA for disposition authority.]

4. Committee Management Records

Records maintained by agency Committee Management Officers for committees established under the Federal Advisory Committee Act (FACA) as amended (5U.S.C. Appendix 2). [See note after this item.] Committee Management activities include the establishment, appointment of members, and operation and termination of chartered Federal advisory committees.

Committee management records include copies of charters, membership lists, agendas, policy statements, statistical data files, financial operating plans, General Service Administration reports and other statistical reports on the number of committees, types of committees, membership rosters, requests for approval of committee nominees, appointment documents for individual committee members, financial disclosure documents, material required to be available for public information and other related topics maintained by the Committee Management Officer.

Destroy/delete when 6 years old.

[NOTE: This item does not apply to records maintained at the General Services Administration (GSA) or records covered elsewhere in this schedule.]

5. Electronic Mail and Word Processing.

[NOTE: Prior to the Commission's termination, NARA, in consultation with Commission staff, will review records covered by this item and may identify files that warrant permanent retention. Such records will be transferred to the National Archives on termination of the Commission.]

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of other records created by the Commission. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directions on hard drive or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

Destroy/delete within 180 days after the recordkeeping copy has been produced.

**Transmittal 13
September 2004**

General Records Schedule 26

- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.

[**NOTE:** Disposition authority for any commission records not covered by items above or elsewhere in the General Records Schedule should be requested by submitting a SF 115 to NARA.]