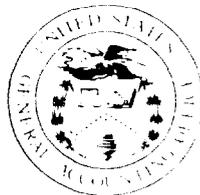




July 1989

FEDERAL RECORDS

Removal of Agency Documents by Senior Officials Upon Leaving Office



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General Government Division

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The Honorable Bob Wise
Chairman, Subcommittee on Government
Information, Justice, and Agriculture
Committee on Government Operations
House of Representatives

The Honorable David H. Pryor
Chairman, Subcommittee on Federal
Services, Post Office, and Civil Service
Committee on Governmental Affairs
United States Senate

This report responds to the Subcommittees' January 20, 1988, request that we examine various questions about the legality of senior agency officials removing federal records upon leaving office. It addresses a number of questions raised and presents additional information requested about the files of officials who could have been leaving office with the change of administrations.

As arranged, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies to interested committees and subcommittees, the 13 cabinet departments we reviewed, the National Archives and Records Administration, the Office of Management and Budget, the General Services Administration, the Library of Congress, and other interested parties. We will also make copies available to others upon request.

The major contributors to this report are listed in appendix II. If we can be of further assistance, please call me on 275-8676.

A handwritten signature in black ink that reads 'L. Nye Stevens'.

L. Nye Stevens, Director, Government Business
Operations Issues

Executive Summary

Purpose

Some cabinet members leaving office take documents related to official government business. In many cases, the former cabinet members include these documents in collections of "personal papers," which are later placed in public or private archives. Some collections include hundreds of thousands of items.

The Chairmen of the House Government Operations Subcommittee on Government Information, Justice, and Agriculture and of the Senate Governmental Affairs Subcommittee on Federal Services, Post Office, and Civil Service requested GAO to examine various questions about the legality of senior agency officials removing federal records upon leaving office.

Background

The legality of removing documents or papers largely depends on whether they are federal "records," federal "nonrecord materials," or "personal papers." Federal records are legally defined as documentary materials that (1) are made or received by an agency under federal law or in the course of public business and (2) have been preserved or are appropriate for preservation as evidence of an agency's activities or because of the value of information they contain. Copies and other federal documentary materials that do not meet the criteria for record status are commonly referred to as nonrecord materials. Personal papers relate only to an individual's private affairs and not to agency business.

The Federal Records Act of 1950 and the Records Disposal Act of 1943 are two of the government's primary records management laws. Responsibility for records management oversight is shared by the National Archives and Records Administration, which is headed by the Archivist of the United States; the General Services Administration; and the Office of Management and Budget. Individual agencies, however, remain primarily responsible for managing their own records.

Results in Brief

Several laws may relate to the removal of papers by agency officials. The Federal Records and Disposal Acts govern the removal of papers if they consist of federal records but not if the documents consist of federal nonrecord materials or purely personal papers. The definition of records specifically excludes, among other things, "extra copies of documents preserved only for convenience of reference." Consequently, the records laws do not prohibit removing such copies.

Criminal laws also govern (1) the removal of federal documentary materials, generally excluding extra copies and (2) the theft of federal documentary materials, including extra copies.

In addition, most major federal agencies have rules or policies governing removal of papers by agency officials. Twelve of the 13 cabinet departments GAO examined have issued these record removal regulations. Regarding their top two officials, all 13 departments have taken some action to comply with a statutory provision requiring that they notify their officials of legal prohibitions and penalties applying to the removal of records.

When asked about the potential removal of agency documents by the top two officials, 12 out of 13 departments reported that at least five officials planned to remove agency documents. In accordance with legal requirements, none of these 12 departments would permit officials to remove records. Eleven would permit some copies of records to be removed. The Department of State did not adequately respond to GAO's request for this type of information.

GAO's Analysis

Federal Records Act and Records Disposal Act

The applicability of the Federal Records and Disposal Acts to an official's removal of documents or papers depends on whether the materials qualify as records under the definition provided in the Disposal Act. If agencies determine that a document qualifies as a record, it is governed by several key provisions of the Federal Records Act. For example, one provision requires agency heads to establish safeguards against the removal or loss of records. Another provision requires that each agency head who is aware of any unlawful removal of records initiate recovery action through the Attorney General. If a document qualifies as a record, it is also governed by the Disposal Act, which establishes government ownership over it and provides exclusive procedures for its disposition. (See pp. 13 and 14.)

The Federal Records and Disposal Acts do not govern the removal of nonrecord materials, including extra copies of records made for convenience of reference, or personal papers. Senior agency officials who have agency permission can, therefore, legally take such nonrecord materials with them upon leaving office. (See p. 15.)

Original Documents Versus Copies

The records laws apply only to the removal of documents defined as records. This definition excludes extra copies preserved only for convenience of reference. Aside from the exclusion for extra copies, the determination as to whether a document or paper is a record depends not on its status as an original or copy, but instead on whether it was made or received by an agency under federal law or in the course of official business and is deemed appropriate for preservation. (See p. 14.)

Criminal Laws

Criminal laws may also apply when an official removes documents or papers. One law (18 U.S.C. 2071) prohibits the removal of federal records, papers, and documents if the government is permanently deprived of their use. It generally does not prohibit the removal of extra copies. Another criminal law (18 U.S.C. 641) prohibits the theft of any federal record or thing of value. Its provisions extend to the theft of extra copies of documents. (See pp. 15 and 16.)

Rules, Policies, and Actions of Departments

Of the 13 cabinet departments GAO examined,

- Twelve have issued departmental record removal regulations; one has not.
- Eight require documents to be reviewed before removal; five do not.
- None report having a procedure for documenting the relinquishment of government ownership of removed materials.
- Each, regarding its top two officials, has taken at least one of the following actions to comply with one or both requirements of a Federal Records Act provision calling for records removal safeguards. These safeguards are to include making officials (1) aware that records in the custody of the agencies are not to be removed or destroyed except as provided in the Disposal Act and (2) aware of the penalties for unlawful removal or destruction of records. The departments' actions included issuing regulations containing the notice(s) and/or providing more direct notice(s) to the officials by furnishing them with (1) copies of their department's regulations, (2) copies of governmentwide guidelines, (3) special notices or circular memoranda, and/or (4) briefings. (See pp. 19 and 20 and 30 to 33.)

Potential Removal of Agency Documents

Information provided by 12 of the 13 departments during the period of October through December 1988 on the potential removal of agency documents by their top two officials indicated the following:

-
- Of the 24 officials, 5 planned to remove only nonrecord materials, 12 planned not to remove any materials, and the remaining 7 had not yet expressed any plans.
 - In accordance with legal requirements, none of the 12 departments would permit officials to remove records.
 - Eleven departments would permit officials to remove some copies of records excluding any that are classified. Four departments would allow officials to take copies the departments may choose to withhold from the public if requested under the Freedom of Information Act. (See pp. 23 to 25.)

Although officials may not remove classified documents, guidance issued by the Archivist recognizes that agencies may transfer, on behalf of an official, copies of such documents directly to a facility that meets federal requirements for their protection. (See p. 32.)

Recommendations

GAO is not making recommendations in this report.

Agency Comments

GAO discussed the contents of this report with responsible officials at the National Archives and Records Administration, the Office of Management and Budget, the General Services Administration, the 13 cabinet departments examined, and the Library of Congress. They generally agreed with the accuracy and completeness of the facts presented.

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Abbreviations

FOIA	Freedom of Information Act
GSA	General Services Administration
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NARA	National Archives and Records Administration
OMB	Office of Management and Budget

Introduction

A records management handbook of the National Archives and Records Administration (NARA) says:

“Records are the memory of every Federal agency. In addition to providing the channels through which the business of the Government is transacted, they may

- Contain evidence of financial and legal commitments that must be preserved to protect the Government.
- Contain information necessary to protect the civic, legal, and property rights of private citizens.
- Provide the basis for continuity of policies, actions, and the organizational and procedural patterns for sound administration.
- Contain a wealth of data and source materials basic to scholarly and technical research in almost every conceivable field.”¹

Not all records, however, are equally valuable. About 95 percent are of temporary value and, after being retained for varying periods of time, will be destroyed. Others have sufficient historical or other value to warrant permanent preservation by the federal government. Cabinet departments, with NARA’s approval, normally determine that many of the records of the heads of those departments and their next senior officials are permanent records. Because of the importance of these records, their management is also an important responsibility.

Responsibilities for Records Management

The Federal Records Act of 1950, as amended by the National Archives and Records Administration Act of 1984 (Public Law 98-497), divides oversight responsibilities for records management in the federal government between NARA, which is headed by the Archivist of the United States, and the General Services Administration (GSA). Under the law, NARA’s responsibilities include providing guidance and assistance to federal agencies to (1) ensure adequate and proper documentation of the policies and transactions of the federal government and (2) ensure proper records disposition. GSA’s responsibilities include providing agencies with guidance and assistance to ensure economical and effective records management.

In addition to GSA’s records management responsibilities, Executive Order 12356 makes the head of GSA and, by delegation, the Director of GSA’s Information Security Oversight Office responsible for implementing and monitoring the government’s classified information security program.

¹Disposition of Federal Records. Records Management Handbook, Reprinted 1987, NARA.

The Paperwork Reduction Act of 1980 (Public Law 96-511, as amended) requires the Director of the Office of Management and Budget (OMB) to direct and oversee federal records management. The act makes records management part of a broader program of federal information resources management.

Individual agencies, however, remain primarily responsible for managing their own records. For example, the Federal Records Act, as amended, assigns the following responsibilities to the head of each federal agency:

- to make and preserve records,
- to establish a records management program,
- to establish safeguards against the removal or loss of records, and
- to take steps to initiate action through the Attorney General to recover unlawfully removed records.

Individual agencies are also responsible under Executive Order 12356 to safeguard classified information as a part of their information security programs.

Personal Papers of Former Department Heads

Personal papers are materials that relate only to an individual's personal affairs and not to agency business. Examples include (1) papers accumulated by an official before joining government service; (2) materials relating solely to an individual's private affairs, such as outside business pursuits, professional affiliations, or private political associations; and (3) diaries, journals, or other personal notes that are not prepared or received in transacting government business.

Cabinet officials have established collections of personal papers at their alma maters, the Library of Congress, and presidential libraries.

The Library of Congress has 51 collections of personal papers from cabinet officials since 1897. Of these 51, 11 relate to officials serving since 1950. The number of items in these 11 collections ranges from about 300 to about 386,000.

Seven NARA presidential libraries have at least 51 collections of personal papers from cabinet officials serving since President Hoover. Data obtained from six of these libraries show that 39 of these collections contain a total of over 3,500 linear feet of materials, ranging from less than 1 linear foot to about 1,300 linear feet.

While information on the extent to which these collections contain documents related to official government business is not readily available, some do contain government papers to which public access is restricted for 25 years or longer.

Objectives, Scope, and Methodology

In January 1988, the Chairman of the House Committee on Government Operations Subcommittee on Government Information, Justice, and Agriculture and the Chairman of the Senate Committee on Governmental Affairs Subcommittee on Federal Services, Post Office, and Civil Service asked us to examine various questions about the legality of senior agency officials removing federal records upon leaving office. The request cited the Presidential Records Act of 1978, which establishes federal ownership, possession, and control of presidential, executive office, and vice-presidential records, but noted that the act does not apply to records of other executive branch officials.

Because of the change of administrations, and prospectively of personnel, we planned the audit in two phases. The first phase and this report focus on those questions and matters related to senior agency officials who could have been leaving office.

Specifically, this report addresses the following questions:

- (1) Does the Federal Records Act govern removal of papers by agency officials?
- (2) Do other applicable laws govern removal of papers by agency officials?
- (3) Does applicable law distinguish between removal of original documents and removal of copies?
- (4) Do cabinet departments and other major federal agencies have rules or policies governing removal of papers by agency officials?
- (5) What steps are taken to alert officials of legal obligations regarding removed documents?

Another objective of this report, as agreed with the Subcommittees, is to present general characteristics and potential for removal of senior agency officials' files.

The scope of our work responding to the questions concerning applicable legislation (questions 1 through 3) included a review of (1) relevant federal laws, (2) the legislative history of selected laws, (3) relevant federal court cases, (4) a NARA task force report of October 1987 on federal records laws and authorities, and (5) applicable legal opinions of the Department of Justice (1981) and the Library of Congress' Congressional Research Service (1987).

To address the remaining questions on agency rules or policies and actions (questions 4 and 5), we focused, as requested, on record removal matters applicable to the top two officials at 13 cabinet departments. Appendix I identifies the two officials we selected at each department. We obtained descriptive information about the agencies' rules and procedures but did not test the adequacy of their implementation or enforcement. The 13 cabinet departments we reviewed are the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services (HHS), Housing and Urban Development (HUD), the Interior, Justice, Labor, State, Transportation, and the Treasury.

Our methodology included (1) interviews with appropriate officials at NARA, OMB, GSA, and the 13 cabinet departments and (2) detailed analyses of information obtained, including all requested supporting documentation. To gather the information we needed about the files of senior agency officials, we developed a data collection instrument. We designed the instrument, with some advice from NARA, to obtain uniform information before the change of administrations from the 13 departments about the file materials that their top two officials and their immediate offices accumulated in doing official government business. We requested information focusing on the (1) general characteristics of agency file materials, (2) officials' plans to remove any of these materials upon leaving office, (3) types of agency file materials that could be removed if requested, (4) agency file materials previously relinquished, and (5) federal portion of mixed materials in which private matters and agency business appear in the same document. No information was requested about materials that related to the officials' personal affairs. By December 1988, 12 of 13 departments completed and returned the instrument to us to evaluate and summarize. The State Department provided information in February 1989, which was, among other things, incomplete and applied to the files as they existed after the change of administrations. We did not verify the accuracy of the information provided unless it was inconsistent with the instructions given or conflicted with information provided either elsewhere in the instrument or in related interviews.

Chapter 1
Introduction

We discussed the matters presented in this report with responsible officials at NARA, OMB, GSA, the 13 cabinet departments examined, and the Library of Congress. They generally agreed with the accuracy and completeness of the facts presented. We did our review from February 1988 through December 1988 and in accordance with generally accepted government auditing standards.

Laws, Regulations, and Guidelines Governing Removal

The removal of documents or papers by agency officials is governed by a framework of policies established by federal law, governmentwide regulations and guidelines, and departmental regulations. Violating these policies through the unauthorized removal of federal records or federal nonrecord materials will not only result in their improper disposition but could also constitute a criminal offense.

The legality of a senior official removing documents or papers largely depends on whether they are federal records, federal nonrecord materials, or personal papers. For example, the Federal Records Act and the Records Disposal Act of 1943 only govern the removal of papers if they are deemed to be federal records under the definition of records in the Disposal Act. The definition specifically excludes extra copies of documents preserved only for convenience of reference. Aside from the exclusion for extra copies, the determination as to whether a document or paper is a record subject to the records laws depends not on its status as an original or a copy, but instead on whether it was made or received by an agency under federal law or in the course of public business and is deemed appropriate for preservation.

Governmentwide regulations and guidelines issued under the Federal Records and Disposal Acts similarly restrict the removal of federal records. The guidelines say that agencies may permit officials to retain some copies of federal records. Twelve of the 13 cabinet departments examined have issued departmental regulations.

Criminal laws may also apply to the removal of papers. For example, a provision of the criminal code, 18 U.S.C. 2071, prohibits removal of federal records, papers, and documents. The essence of the criminal offense in 18 U.S.C. 2071 is removal that permanently deprives the government of the use of its records, papers, and documents. It generally does not prohibit the removal of extra copies.

The Federal Records Act and Records Disposal Act

Two of the government's primary records management laws are the Federal Records Act, as amended, (primarily in 44 U.S.C., chs. 29 and 31) and the Records Disposal Act, as amended, (44 U.S.C., ch. 33). The Federal Records Act sets forth records management definitions and objectives. It also establishes specific records management authorities and responsibilities of the Archivist, the Administrator of GSA, and the heads of federal agencies. These responsibilities were more fully discussed in chapter 1. The Disposal Act, among other things, defines federal records, establishes government ownership of them, and provides

procedures for their disposition. The act specifies that its procedures for disposal of records are exclusive and that records of the United States government may not be removed or destroyed except as provided under the act.

Documentary materials that qualify as "records" subject to the Federal Records and Disposal Acts are defined in the latter act as follows:

" '[R]ecords' 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."

By virtue of this definition, the records laws do not apply to extra copies of documents preserved only for convenience of reference. Aside from the exclusion for extra copies, the determination as to whether a document or paper is a record subject to the laws does not depend on its status as an original or a copy. Rather, such material qualifies as a record under the definition if it is (1) made or received by an agency under federal law or in connection with the transaction of public business and (2) preserved or appropriate for preservation as evidence of the agency's activities or because of the value of the information it contains. Documentary material that does not meet both of the statutory criteria is commonly regarded as nonrecord material, as is material that is expressly excluded from the definition of records.

The classification of documentary material as record or nonrecord material carries different legal consequences. If a document or paper qualifies as a record, it is governed by the provisions of the Federal Records and Disposal Acts. A key provision of the Federal Records Act requires each agency head to establish safeguards against the removal or loss of records. Another key provision requires, among other things, each agency head who is aware of any unlawful removal of records to initiate, with the assistance of the Archivist, recovery action through the Attorney General. If a document qualifies as a record, it is also governed by the Disposal Act's exclusive procedures for records disposition. None of these procedures permit agency officials to remove records.

In contrast, when documents or papers do not consist of records but consist of nonrecord materials, or personal papers, their removal is not governed by the Federal Records and Disposal Acts. Further, we found no law that establishes procedures for the disposition of nonrecord materials. In the absence of statutory restrictions on the disposal of nonrecord materials, the Archivist and the Department of Justice have taken the position that agencies have discretion to dispose of nonrecord materials as they deem appropriate. They also believe that such disposition can include relinquishment of nonrecord materials, with certain exceptions, to a departing federal official. This position is further discussed in chapter 4, and one of its exceptions—classified materials—is also discussed later in this chapter in connection with Executive Order 12356.

Neither the definition of records nor any other provision of the Disposal Act specifies who is responsible for determining whether particular documentary materials qualify as records. However, the legislative history of the act indicates that it was Congress' intention to give the responsibility primarily to the agencies.¹ As a result, agency heads have discretion in determining which documents are records, and therefore subject to restrictions on disposition, and which documents are nonrecord materials that can generally be relinquished to departing officials, including themselves.

Criminal Laws

Criminal laws may also apply when an official removes documents or papers. The principal sanction is contained in 18 U.S.C. 2071, which makes it a crime to conceal, remove, mutilate, obliterate, or destroy, among other things, any record, paper, or document that is filed or deposited in any public office. Another relevant criminal law is found in 18 U.S.C. 641, which prohibits individuals from embezzling, stealing, purloining, or knowingly converting any government record or thing of value to their own or another's use.

The essence of the offense in 18 U.S.C. 2071 is removal that permanently deprives the government of the use of its records, papers, or documents.² Thus, it clearly prohibits the removal of federal records and might extend to some federal nonrecord materials. It generally does not prohibit the removal of extra copies. The provisions of 18 U.S.C. 641

¹In this connection, it should be noted that H.R. 5092, 100th Cong., 2d Sess., July 26, 1988, sought, among other things, to provide final authority for the Archivist to determine what constitutes a record. We testified in support of H.R. 5092 on August 3, 1988.

²*United States v. Rosner*, 352 F. Supp. 915 (S.D.N.Y. 1972).

address the theft of any government "record" or "thing of value." Federal courts have given 18 U.S.C. 641 a broad reading, holding that the law prohibits the theft of copies.³

There are also legal prohibitions against the improper disclosure of specific categories of government documents and the information they contain. For example, the Privacy Act of 1974, codified as amended in 5 U.S.C. 552a, generally prohibits agencies from disclosing personal information maintained in agency records without the prior consent of the affected individual and imposes criminal penalties for willful and knowing disclosure of protected information. Another statutory provision, 18 U.S.C. 1905, imposes criminal penalties on government employees who disclose in any manner not authorized by law certain classes of business information submitted to federal agencies, including trade secrets and confidential statistical data.

Governmentwide Regulations and Guidelines

National Archives and Records Administration

The Archivist has the responsibility to promulgate records management standards, procedures, and guidelines. In meeting this responsibility, the Archivist has issued governmentwide regulations and guidelines that directly or indirectly relate to senior officials removing agency documents upon leaving office. For example, the Archivist has issued Chapter XII of Title 36 of the Code of Federal Regulations which, in part, prescribes policies for federal agencies' records management programs relating to records creation and maintenance, adequate documentation, and proper records disposition.

The Archivist has also issued NARA Bulletin 89-2 as a recent reissuance of GSA Bulletin FPMR B-106 to provide guidelines for the disposition of

³See, for example, *United States v. DiGilio*, 538 F.2d 972 (3d Cir. 1976). (Section 641 violated where FBI clerk-typist made unauthorized copies of official files using government equipment and supplies.)

federal records and personal papers.⁴ Bulletin 89-2 continues to summarize the requirements of federal law and related regulations and reminds heads of all federal agencies of their legal responsibilities to (1) ensure the security and integrity of federal records, (2) safeguard records against unauthorized disposition, and (3) inform agency officials and personnel about established procedures for maintaining personal papers.

In commenting on documentary materials that government officials may be permitted to retain, Bulletin B-106 says:

"The legal definition of records (44 U.S.C. 3301) specifically excludes 'extra copies of documents preserved only for convenience of reference.' These extra copies of documents are commonly regarded as nonrecord materials and are disposable without reference to the requirements of chapter 33, title 44, U.S. Code. Although these materials cannot be considered as personal papers, a Government official may accumulate for convenience of reference extra copies of papers and other materials which he or she has drafted, reviewed, or otherwise acted upon. When deposited in a research institution, extra copies can serve the needs of historical scholarship. Government officials may be permitted to retain these extra copies, provided that retention would not (1) diminish the official records of the agency; (2) violate confidentiality required by national security, privacy, or other interests protected by law; or (3) exceed normal administrative economies." (Underscoring supplied.)

Similar guidance in NARA Bulletin 89-2 says:

"Nonrecord materials may be removed from Government custody, but only with the approval of the head of the agency or the individual authorized to act for the agency on matters pertaining to agency records. An employee may not remove from Government custody copies of any documentary materials that are security-classified unless these materials are transferred directly from the employee's agency to a facility that meets Federal requirements for the protection of security-classified material. An employee also may not remove from Government custody copies of any documentary materials containing other agency restrictions on access unless the materials are transferred directly to a facility that agrees to observe the applicable restrictions." (Latter underscoring supplied.)⁵

⁴NARA Bulletin 89-2 was issued on November 14, 1988. This bulletin canceled and replaced GSA Bulletin FPMR B-106, which was issued on October 30, 1980, when the Archivist headed GSA's National Archives and Records Service. NARA was created as an independent agency on April 1, 1985.

⁵NARA did not coordinate the issuance of Bulletin 89-2 with GSA's Information Security Oversight Office, which was discussed in ch. 1. Although the Director of that office concurs with the underscored sentence, he believes that the sentence is subject to misinterpretation and should clarify that only the employee's agency may transfer these materials and that government control must be maintained.

In 1979, the Administrator of GSA, in commenting on an earlier version of Bulletins 89-2 and B-106, said that bulletins are designed primarily to amplify and interpret related laws and regulations and are merely informational and have no independent regulatory effect.

In addition, the Archivist has issued a pamphlet entitled For the Record: Guidelines for Federal Records and Personal Papers. This pamphlet directs attention of executive branch officials to the policies and procedures governing the creation, maintenance, and disposition of the documentary materials that may accumulate in their offices. It gives information to help officials distinguish federal records from nonrecord materials and personal papers. It highlights legal provisions, discusses the impact of automation, and identifies sources of additional information.

Office of Management and
Budget

Although OMB has oversight responsibility for information resources management in the executive branch, it has not issued any governmentwide policies or guidelines pertaining to records removal. OMB officials view NARA as having primary responsibility for the government's records management program.

General Services
Administration

Under Executive Order 12356, which was discussed in chapter 1, the Director of GSA's Information Security Oversight Office is to develop, in consultation with federal agencies, and promulgate, subject to the approval of the National Security Council, directives to implement the government's classified information security program. In compliance with this requirement, the Director issued Directive No. 1 (32 CFR Part 2001), which includes guidance to agencies on how they can properly safeguard the disposition and destruction of classified information.

The Director has also guided agencies on the removal of classified information by officials upon leaving office. A January 25, 1988, letter sent by the Director to over 50 departments, independent agencies, and offices said that:

"During the final year of the present Administration, many agencies will experience a large turnover in personnel, including many senior executives and officials who have had significant exposure to classified information. The Information Security Oversight Office (ISOO) reminds you that this transitional period requires agencies to enhance their attention to the proper handling and safeguarding of national security information.

“First and foremost, classified information, including ‘extra’ copies, is not personal property and may not be removed from the Government’s control by any departing official. All agency security managers, security assistants, classified document custodians and other designated agency personnel having document security responsibilities should be reminded to ensure the agency’s retention of all classified information that may now be in the possession of departing officials.”

Departmental Regulations

Apart from records management statutes, executive department heads are authorized by 5 U.S.C. 301 to prescribe regulations for their departments, including regulations concerning the custody, use, and preservation of records, papers, and property. Further, to ensure that adequate and proper records are preserved, NARA’s regulations require each agency to document in appropriate directives its programs, policies, and procedures (36 CFR 1222.20). In addition, guidance provided in Bulletins 89-2 and B-106 says that agency heads must (1) acquaint employees with federal laws governing the disposition of federal records, (2) acquaint employees with criminal penalties for the unlawful removal or destruction of records, (3) identify employee responsibility to inform appropriate officials of any actual or threatened unlawful removal or loss of federal records, and (4) advise employees to identify and separate personal papers from federal records. The bulletins also say that effective methods to bring these requirements to the attention of agency employees include (1) issuance of appropriate directives (or, as indicated in Bulletin B-106, circular memorandums containing written instructions) and (2) discussions held during orientation and debriefing sessions, especially those held for senior officials.

Of the 13 cabinet departments examined, 12 have issued departmental record removal regulations. Officials at the remaining department said that they were in the process of drafting their department’s regulations to cover records removal. We analyzed the issued regulations to determine the extent to which they incorporated the guidance in Bulletins 89-2 and B-106. Our analysis shows that only five departments’ regulations include all four areas of the bulletins’ guidance. Other aspects of the issued regulations are discussed in chapter 4.

Table 2.1 identifies the departments that have issued record removal regulations and the extent to which they include the four areas of guidance in Bulletins 89-2 and B-106.

**Chapter 2
Laws, Regulations, and Guidelines
Governing Removal**

Table 2.1: Extent to Which Record Removal Regulations Issued by 13 Cabinet Departments Include NARA Guidance

Cabinet department	Guidance in Bulletins 89-2 and B-106			
	Acquaint employees w/records disposition law	Acquaint employees w/criminal penalties	Identify employees' need to report unlawful removal	Advise employees to identify and separate personal papers
Agriculture	Yes	No	Yes	Yes
Commerce	Yes	Yes	Yes	Yes
Defense	Yes	Yes	No	Yes
Education	^a	^a	^a	^a
Energy	Yes	Yes	No	Yes
HHS	Yes	No	No	Yes
HUD	Yes	Yes	Yes	Yes
Interior	Yes	Yes	Yes	Yes
Justice	Yes	Yes	Yes	Yes
Labor	No	No	No	No
State	Yes	Yes	Yes	Yes
Transportation	No	No	No	Yes
Treasury	Yes	No ^b	No	Yes

^aRegulation not issued but is being drafted.

^bRegulation subsequently revised on January 23, 1989. It now includes this area of guidance

Summary

The Federal Records and Disposal Acts govern the removal of papers if they consist of federal records but not if they consist of federal non-record materials or purely personal papers. The definition of records applicable to these records laws, which prohibit the removal of records, specifically excludes extra copies of documents preserved only for convenience of reference. Governmentwide regulations and guidelines issued under the Federal Records and Disposal Acts similarly restrict the removal of federal records. The implementing guidelines say that agencies may permit officials to retain some copies of federal records. Twelve of the 13 cabinet departments examined have issued departmental record removal regulations. In addition, several criminal laws govern the removal of federal documentary materials.

Potential Removal of Agency Documents by Senior Officials

Twelve of the 13 cabinet departments that we reviewed provided requested information before the change of administrations about the file materials accumulated by their top two officials and their immediate offices in transacting official government business. The State Department provided information in February 1989, which was, among other things, incomplete and applied to the files as they existed after the change of administrations. In summary, the other 12 departments reported the following information during the period of October through December 1988:

- The files of the top two officials collectively included a significant amount of record and nonrecord materials—as much as over 2,900 cubic feet of paper, over 700 reels of microfilm, and over 48,500 sheets of microfiche.
- At least 5 of the 24 top officials planned to remove some nonrecord file materials.
- In accordance with legal requirements, departments would not permit the top two officials to remove records. Eleven departments would permit the officials to remove some copies of records, excluding any that are classified. Four departments would permit officials to remove copies that the departments may choose to withhold from the public if requested under the Freedom of Information Act (FOIA), which does not restrict agencies from releasing such materials.
- Four departments had already relinquished some federal nonrecord file materials to their department heads.

Although officials may not remove classified documents, guidance issued by the Archivist recognizes that agencies may transfer, on behalf of an official, copies of such documents directly to a facility that meets federal requirements for their protection.

The Files of Top Two Officials

Officials of 12 cabinet departments reported that the record materials of their top two officials were principally being maintained in one of three formats—paper, microfilm, or microfiche. Although the 12 departments maintained at least some record materials in a paper format, 5 departments also maintained record materials in one other format.

Data provided by the departments showed that the overall accumulation of agency file materials for the top two officials consisted of

- as much as over 2,900 cubic feet of paper, 89 percent of which was record materials;

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- over 700 reels of microfilm, 67 percent of which was record materials; and
- over 48,500 sheets of microfiche, only 15 percent of which was record materials.

The departments reported no classified agency file materials in the personal files of their top two officials. Although NARA's regulations require personal papers to be filed separately from official records, two departments reported unclassified record and nonrecord agency file materials in the personal files of three of their top officials.

Table 3.1 shows the general characteristics of the agency file materials of the top two officials before the change of administrations.

Table 3.1: General Characteristics of Top Two Officials' Agency File Materials at 13 Cabinet Departments Before the Change of Administrations

Cabinet department	Paper format (cu. ft.)			Microfilm format (reels)			Microfiche format (sheets)		
	Record	Nonrecord	Total	Record	Nonrecord	Total	Record	Nonrecord	Total
Agriculture	11.1 ^a	2.5	13.6 ^a	0	0	0	0	0	0
Commerce	119.0 ^a	0	119.0 ^a	0	0	0	0	0	0
Defense	192.0 ^a	0	192.0 ^a	0	0	0	1,800 ^a	0	1,800 ^a
Education	217.5 ^a	0	217.5 ^a	54	0	54	0	0	0
Energy	1,295.0 ^{a,b}	0	1,295.0 ^{a,b}	0	0	0	0	0	0
HHS	251.5 ^a	150.0	401.5 ^a	0	0	0	0	0	0
HUD	18.5	0	18.5	0	0	0	5,449	0	5,449
Interior	47.0	0	47.0	0	0	0	0	0	0
Justice	208.0 ^a	43.0	251.0 ^a	183	0	183	0	0	0
Labor	94.0 ^{c,d}	86.0	180.0 ^{c,d}	0	0	0	0	41,360 ^{c,d}	41,360 ^{c,d}
State	^e	^e	^e	^e	^e	^e	^e	^e	^e
Transportation	6.0 ^a	24.0	30.0 ^a	240	240	480	0	0	0
Treasury	142.0 ^a	6.4 ^d	148.4 ^{a,d}	0	0	0	0	0	0
Total	2,601.6^{a,b,c,d}	311.9^d	2,913.5^{a,b,c,d}	477	240	717	7,249^a	41,360^{c,d}	48,609^{a,c,d}
Percent	89	11	100	67	33	100	15	85	100

^aIncludes classified materials.

^bIncludes records of top three officials at the Department of Energy.

^cIncludes agency file materials in personal file of department head.

^dIncludes agency file materials in personal file of next senior official.

^eDepartment provided information on the files as they existed after the change of administrations.

Officials' Plans to Remove Agency File Materials

Twelve cabinet departments reported that 17 of the 24 top two officials had expressed some plans concerning the removal of agency file materials. Of the 17 officials, 5 expressed plans to remove only nonrecord materials, including, at one department, copies of federal records the department may choose to withhold from the public if requested under FOIA. Twelve officials planned not to remove any materials. The remaining seven had not yet expressed any plans. Agency discretion concerning the release of documentary materials under FOIA is discussed later in this chapter.

Table 3.2 summarizes information about the officials' plans before the change of administrations to remove agency file materials.

Table 3.2: File Removal Plans of Top Two Officials at 13 Cabinet Departments Before the Change of Administrations

Cabinet department	Federal records		Federal nonrecords	
	Department head	Next senior official	Department head	Next senior official
Agriculture	None	None	None	None
Commerce	^a	^a	^b	^b
Defense	^a	^a	^b	^b
Education	None	^a	^b	^b
Energy	None	None	^b	^b
HHS	None	None	Some	Some
HUD	None	None	^b	^b
Interior	None	None	^b	^b
Justice	None	None	All ^c	^b
Labor	^a	^a	^a	^a
State	^d	^d	^d	^d
Transportation	None	None	Some	Some
Treasury	None	None	^b	^a

^aOfficial had not yet expressed any plans.

^bDepartment reported not having federal nonrecords for this official.

^cIncludes materials the department may choose to withhold from the public if requested under FOIA.

^dDepartment provided the officials' plans as they existed after the change of administrations.

Agency Documents Considered Removable

Twelve cabinet departments reported that, in accordance with legal requirements, they would not permit their top two officials to remove federal records. Eleven departments reported they would make copies of

unclassified federal records that the officials could remove,¹ including, at four departments, copies the departments may choose to withhold from the public if requested under FOIA. In addition, 2 of the 11 departments also reported that they would permit the officials to remove unclassified nonrecord materials from their files, including copies of records, some of which the departments may choose to withhold from the public if requested under FOIA.

FOIA permits agencies to withhold materials from the public if they fall within certain categories of exempted materials, such as internal agency documents; it does not restrict agencies from releasing such materials to the public or departing agency officials. However, an agency wishing to protect materials from public disclosure under FOIA may as a safeguard choose not to release such materials to departing officials.

Nine departments reported having some classified agency file materials. They reported all of these materials, including any copies, to be records. The departments indicated that they would not permit the top two officials to remove any type of classified materials. As noted in chapter 2, however, NARA's new Bulletin 89-2 recognizes that although officials may not remove classified materials, agencies may transfer, on behalf of an official, copies of such documents directly to a facility that meets federal requirements for the materials' protection.

Table 3.3 shows which of the above types of documents each cabinet department would permit its top two officials to remove.

¹The specific exclusion in the definition of records for "extra copies of documents preserved only for convenience of reference" would not apply to copies made solely for the purpose of releasing them to a departing official.

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Table 3.3: Documents 13 Cabinet Departments Consider Removable by Their Top Two Officials

Cabinet department	Federal records ^a	Federal nonrecords		
		Copies to be made of federal records ^b	Copies of federal records in agency files ^b	Other nonrecord materials
Agriculture	No	Yes	No	No
Commerce	No	Yes	c	c
Defense	No	No	c	c
Education	No	Yes	c	c
Energy	No	Yes	c	c
HHS	No	Yes ^d	Yes ^d	Yes ^d
HUD ^e	No	Yes	c	c
Interior ^e	No	Yes	c	c
Justice	No	Yes ^d	No	No
Labor ^e	No	Yes ^d	No	No
State	f	f	f	f
Transportation	No	Yes	No	No
Treasury	No	Yes ^d	Yes ^d	c

^aIncludes all classified agency file materials.

^bExcludes copies of classified materials.

^cDepartment reported not having this type of federal nonrecord materials.

^dIncludes materials the department may choose to withhold from the public if requested under FOIA.

^eDepartment reported not having classified file materials.

^fDepartment did not provide requested information.

Previously Relinquished Agency File Materials

Relinquished materials are nonrecord materials in which ownership has passed from an agency to an official, through a proper application of an agency rule, thereby allowing the official to retain the materials as personal papers.²

Twelve cabinet departments reported that no previously relinquished federal records were located in the personal files of their top two officials. Four departments reported relinquished federal nonrecord materials in the personal files of their department heads. Two cases identified relinquished copies of federal records; one of these cases included copies the department may choose to withhold from the public if requested

²Paraphrased from an opinion of the Assistant Attorney General, Office of Legal Counsel, January 13, 1981, which is further discussed in chapter 4.

under FOIA. The remaining two cases identified other relinquished non-record materials; one of these cases also included materials the department may choose to withhold from the public if requested under FOIA. Also, none of the departments reported previously relinquished federal nonrecord materials in the personal files of their next senior officials.

Nine departments reported having some classified agency file materials. They considered all of these materials, including any copies, to be records. None of these departments reported previously relinquished classified agency file materials in the personal files of their top two officials before the change of administrations.

Table 3.4 summarizes the information the cabinet departments reported concerning previously relinquished agency file materials in the personal files of their top two officials before the change of administrations.

Table 3.4: Previously Relinquished Agency File Materials in Personal Files of Top Two Officials at 13 Cabinet Departments Before the Change of Administrations

Cabinet department	Federal records ^a	Federal nonrecords	
		Copies of federal records	Other nonrecord materials
Agriculture	No	No	No
Commerce	No	No	No
Defense	No	No	No
Education	No	Yes ^b	No
Energy	No	No	No
HHS	No	No	Yes ^{b,c}
HUD ^d	No	No	No
Interior ^d	No	No	No
Justice	No	Yes ^{b,c}	No
Labor ^d	No	No	No
State	^e	^e	^e
Transportation	No	No	No
Treasury	No	No	Yes ^b

^aIncludes all classified agency file materials.

^bRelinquishment applies only to department head. No relinquishment to next senior official occurred.

^cIncludes materials the department may choose to withhold from the public if requested under FOIA.

^dDepartment reported not having classified file materials.

^eDepartment provided information on the files as they existed after the change of administrations.

Summary

Twelve cabinet departments reported, during the period of October through December 1988, that the files of their top two officials collectively included a significant amount of record and nonrecord materials. Concerning the potential removal of agency documents, at least 5 of these officials planned to remove some nonrecord materials, 12 planned not to remove any materials, and 7 had not yet expressed any plans. The 12 departments reported that, in accordance with legal requirements, they would not permit the officials to remove records. Eleven reported that they would permit the officials to remove some copies of records.

Document Removal Rules, Procedures, and Notice to Officials

The Records Disposal Act does not permit agency officials to remove records. Agencies, however, can permit officials to retain nonrecord materials, such as extra copies of records. Twelve of the 13 cabinet departments have issued record removal regulations. Eleven of these regulations allow for officials to retain copies of records, most identifying certain exceptions; 1 does not discuss removal of copies.

Some of the departments' document removal procedures are significantly different. Eight of the 13 departments require documents to be removed by senior officials to be reviewed or screened to ensure that no records or other prohibited nonrecord materials are included. Also, none of the document removal procedures of the 13 departments include a procedure for documenting the relinquishment of government ownership of removed materials to departing agency officials. Further, the document removal procedures of 8 of the 13 departments require departing senior officials to specifically certify in writing that they are not improperly removing one or more types of agency documents.

The departments' regulations and other information provided generally during the period of June through November 1988 shows, regarding their top two officials, that the departments have taken some action to comply with a statutory provision that requires departments to make known to officials (1) that records are not to be removed or destroyed and (2) the penalties for unlawful removal or destruction of records. Actions taken in connection with one or both of the notices included the issuance of regulations containing the notice(s), and other more direct actions, such as providing the officials with (1) copies of their department's regulations, (2) copies of governmentwide guidelines, (3) special notices or circular memoranda, and (4) briefings.

Document Removal Rules

None of the Records Disposal Act's procedures for records disposition permit the removal of records by agency officials. However, concerning nonrecord materials, the Archivist issued guidelines in 1980 in GSA Bulletin FPMR B-106 that say (1) extra copies of documents are disposable without reference to the Disposal Act and (2) although these materials cannot be considered as personal papers, government officials may be permitted to retain these extra copies as long as retention does not (a) deplete the official records of the agency; (b) violate confidentiality required by national security, privacy, or other interests protected by law; or (c) exceed normal use of resources. Further, the Archivist issued guidelines in 1988 in NARA Bulletin 89-2 that say nonrecord materials may be removed from government custody, but only with the approval

of an appropriate official. The Department of Justice's Office of Legal Counsel also expressed a similar position concerning the disposition of nonrecord materials. In a January 13, 1981, opinion,¹ the Office said that:

"The statutory language to the effect that only documents 'preserved or appropriate for preservation' need be categorized as records authorizes agencies to relinquish nonrecord materials to departing officials. Once the relinquishment has taken place, the materials become the property of the official."

Further, the opinion said that the relinquishment should be made "under a proper application of an agency rule." However, the opinion did not specify the process for relinquishing ownership or the form that an "agency rule" should take.

Of the 12 cabinet departments that have issued record removal regulations, the regulations of 11 allow for officials to retain copies of federal records, most identifying certain exceptions. The remaining department's record removal regulation does not discuss the removal of copies of federal records. Although one department has not issued removal regulations, it provided information to us that indicates that it would permit officials to retain copies of federal records with certain exceptions.

Table 4.1 identifies which cabinet departments' regulations (1) allow for officials to retain copies of federal records and (2) prohibit the removal of certain copies of federal records.

¹This opinion was issued to GSA following the Supreme Court's decision in *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136 (1980), a FOIA-based action involving Dr. Henry Kissinger's removal and donation to the United States of transcripts of his telephone conversations. In the opinion, the Office of Legal Counsel addressed GSA's objections to State Department plans for reviewing the transcripts for the purpose of extracting and retaining information having record value.

Table 4.1: Copies of Federal Records Whose Removal Is Allowed for/ Prohibited by the Record Removal Regulations of 13 Cabinet Departments

Cabinet department	Regulation allows for removal of copies	Department regulation prohibits removal of copies of records if removal would		
		Deplete official records	Violate confidentiality required by national security, privacy, or other interest protected by law	Exceed normal use of resources
Agriculture	Yes	a	a	a
Commerce	Yes	Yes	Yes	Yes
Defense	Yes	Yes	Yes	Yes
Education	b	b	b	b
Energy	Yes	Yes	Yes	Yes
HHS	Yes	Yes	Yes	a
HUD	Yes	Yes	Yes	a
Interior	Yes	Yes	Yes	Yes
Justice	Yes	Yes	Yes	Yes
Labor	Yes	a	a	a
State	Yes	Yes	Yes	Yes
Transportation	c	a	a	a
Treasury	Yes	Yes	Yes	a

^aRegulation does not contain specific guidance on this type of copy.

^bRegulation not issued.

^cRegulation does not discuss removal of copies.

Document Removal Procedures

We also analyzed the regulations and/or other information the 13 departments gave about their document removal procedures, which differ significantly in some respects. For example, we determined whether the departments require documents that senior officials remove be reviewed or screened to ensure that no records or other prohibited non-record materials are included.² Our analysis shows that 8 of the 13 departments require documents to be reviewed. These agencies are the Departments of Education, Energy, HHS, HUD, Justice, State, Transportation, and the Treasury. None of these departments, however, reported having specific step-by-step review procedures. The five departments that do not require documents to be reviewed advised us that they trust their senior officials will not improperly remove agency file materials, and consequently they do not want to review materials to be removed.

²NARA Bulletin 89-2 now says that appropriate agency officials should review papers to be removed.

These agencies are the Departments of Agriculture, Commerce, Defense, the Interior, and Labor.

We also determined whether their procedures include a formal procedure for documenting relinquishment of government ownership of documentary materials to departing agency officials. None of the 13 departments have such a formal procedure.

We further determined whether the 13 cabinet departments require departing senior officials to specifically certify in writing that they are not improperly removing any federal documents. We found that 8 of the 13 cabinet departments require some type of written certification:

- 3 departments (Commerce, Justice, and State) require a certification covering all agency documents;
- 2 departments (Transportation and Treasury) require a certification covering records and classified documents; and
- 3 departments (Energy, HHS, and Interior) require a certification covering classified documents only.

The remaining five departments (Agriculture, Defense, Education, HUD, and Labor) do not require any type of written certification of their top two officials.

Notice to Officials

As noted in chapter 2, the Federal Records Act requires the head of each federal agency to establish safeguards against the removal or loss of records. The act requires the safeguards, determined to be necessary and required by regulations of the Archivist, to include making it known to officials and employees of the agency (1) that records in the custody of the agency are not to be removed or destroyed except in accordance with the Records Disposal Act and (2) the penalties provided by law for the unlawful removal or destruction of records. Guidance issued by the Archivist in Bulletins 89-2 and B-106 says that effective methods to bring these requirements to the attention of agency employees include (1) issuance of appropriate directives and (2) discussions held during orientation and debriefing sessions, especially those held for senior officials.

To determine what actions the 13 departments have taken to alert their top two officials as required by law of legal prohibitions and penalties that apply to the removal of records, we analyzed the provisions of the departments' record removal regulations (some pertinent provisions of

which we discussed in chapter 2) and other information the departments provided generally during the period of June through November 1988 concerning other actions taken.

Our analysis of the regulations and other information provided shows, regarding its top two officials, that each department has taken some action to provide one or both of the required notices. Concerning the notice that federal records are not to be removed or destroyed, 10 of the 12 departments that have issued record removal regulations have included such notice in their regulations. Also, of the 13 departments, 11 have taken at least one other type of action to give more direct notice. These actions included providing the officials with (1) copies of their department's regulations, (2) copies of governmentwide guidelines, (3) special notices or circular memoranda, and (4) briefings. Concerning the notice about penalties for unlawful removal or destruction of records, our analysis shows that 7 of the 12 departments that have issued record removal regulations have included such notice in their regulations. Further, of the 13 departments, 8 have taken at least one other type of action similar to those described above to give more direct notice.

Table 4.2 identifies actions taken by the departments concerning the two required notices.

Table 4.2: Actions Taken by 13 Cabinet Departments to Provide Required Notices to Their Top Two Officials

Cabinet department	Notice to officials that federal records are not to be removed or destroyed		Notice to officials of penalties for unlawful removal or destruction of records	
	Provided in regulations	Other action taken ^a	Provided in regulations	Other action taken ^a
Agriculture	Yes	Yes	No	Yes
Commerce	Yes	Yes	Yes	Yes
Defense	Yes	Yes	Yes	Yes
Education	No ^b	Yes	No ^b	Yes
Energy	Yes	Yes	Yes	Yes
HHS	Yes	No	No	No
HUD	Yes	Yes	Yes	No
Interior	Yes	Yes	Yes	Yes
Justice	Yes	Yes	Yes	No
Labor	No	Yes	No	No
State	Yes	Yes	Yes	Yes
Transportation	No	Yes	No	Yes
Treasury	Yes	No	No	No

^aActions included providing the officials with (1) copies of their department's regulations, (2) copies of governmentwide guidelines, (3) special notices or circular memoranda, and (4) briefings.

^bRegulation not issued but is being drafted.

Summary

Twelve of the 13 cabinet departments have issued record removal regulations. Eleven of these regulations allow for officials to retain copies of records, most identifying certain exceptions; 1 does not discuss removal of copies.

Some of the document removal procedures of the 13 departments are significantly different. Eight departments require that documents being removed by senior officials be reviewed or screened to ensure that no records or other prohibited nonrecord materials are included. Also, none of the departments' document removal procedures include a procedure for documenting the relinquishment of government ownership of removed materials to departing agency officials. Further, the document removal procedures of eight departments require departing senior officials to specifically certify in writing that they are not improperly removing one or more types of agency documents.

Information provided by the departments generally during the period of June through November 1988 shows that each department has taken some action, regarding its top two officials, to comply with a statutory

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provision that requires departments to alert officials of legal prohibitions and penalties applying to the removal of records.

Top Two Officials Selected at 13 Cabinet Departments

Cabinet department/official	Tenure	
	From	To
Agriculture		
Secretary Richard E. Lyng	03/86	01/89
Deputy Secretary Peter C. Myers	06/86	01/89
Commerce		
Secretary C. William Verity	10/87	01/89
Deputy Secretary Donna F. Tuttle	04/88	01/89
Defense		
Secretary Frank C. Carlucci III	11/87	01/89
Deputy Secretary William H. Taft IV	02/84	04/89
Education		
Secretary William J. Bennett	02/88	09/88
Under Secretary Linus D. Wright	11/87	01/89
Energy		
Secretary John S. Herrington	02/85	01/89
Deputy Secretary Joseph F. Salgado	09/88	01/89
HHS		
Secretary Otis R. Bowen	12/85	01/89
Under Secretary Don M. Newman	12/85	04/89
HUD		
Secretary Samuel R. Pierce, Jr.	01/81	01/89
Under Secretary Carl D. Covitz	05/87	01/89
Interior		
Secretary Donald Paul Hodel	02/85	01/89
Under Secretary Earl E. Gjelde	12/87	05/89
Justice		
Attorney General Edwin Meese III	02/85	07/88
Deputy Attorney General Arnold I. Burns	12/85	04/88
Labor		
Secretary Ann D. McLaughlin	12/87	01/89
Deputy Secretary Dennis E. Whitfield	12/85	02/89
State		
Secretary George P. Shultz	07/82	01/89
Deputy Secretary John C. Whitehead	07/85	01/89
Transportation		
Secretary James H. Burnley IV	12/87	01/89
Deputy Secretary Mimi Weyforth Dawson	12/87	03/89
Treasury		
Secretary James A. Baker III	01/85	08/88
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