

**Forest Service Manual  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Manual 6200 – Office Management  
Chapter 6230 - Records Management Program**

**Amendment:** 6200-2018-1

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**Digest:** Following is an explanation of the changes throughout the directive by section.

**6230.1:** Updated to include authorities for electronic signature policy.

**6230.45a:** Updated to reflect changes in organizational unit names.

**6232:** Establishes Agency policy on use of electronic signature technology into parent text.

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## 6230.1 - Authority

1. Administrative Procedure Act, 5 U.S.C. Chapter 5, Subchapter II. A comprehensive procedural guide agencies must follow when performing their functions (<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title5/pdf/USCODE-2011-title5-partI-chap5-subchapII.pdf>).
  - a. Section 552. Public information; agency rules, opinions, orders, records and proceedings (Freedom of Information Act, as amended). This section allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States Government.
  - b. Section 552a. Records maintained on individuals (Privacy Act of 1974, as amended). The Privacy Act established a Code of Fair Information Practice that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by federal agencies.
  - c. Section 553. Rulemaking (Administrative Procedure Act). This portion of the United States Code covers the creation of U.S. Federal agency regulations.
2. Authority of the Inspector General; information and assistance from Federal agencies; unreasonable refusal; office space and equipment. (The Inspector General Act of 1978, as Amended) Title 5, United States Code, Appendix 3; Section 6. The Inspector General Act establishes the responsibilities and duties of an Inspector General. The Inspector General Act has been amended to increase the number of agencies with statutory Inspector Generals (<https://www.gpo.gov/fdsys/granule/USCODE-2011-title5/USCODE-2011-title5-app-inspector>).
3. Electronic Signatures in Global and National Commerce Act (E-Sign), 15 U.S.C. 7001 (Public Law 106-299, 15), June 30, 2000. The purpose of this Act is to facilitate the use of electronic records and signatures in interstate or foreign commerce (<https://www.gpo.gov/fdsys/pkg/PLAW-106publ229/pdf/PLAW-106publ229.pdf>).
4. Records and Reports Acts, (§ 2071-18 U.S.C. Chapter 101) - Concealment, removal, or mutilation. Sets forth the penalties for willful and unlawful concealment, removal, mutilation, obliteration, destruction, or falsification of a record, proceeding, map, book, paper, document or other thing filed or deposited in any public office or with any public officer of the United States (<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap101-sec2071.pdf>).
5. Stored Wire and Electronic Communications and Transactional Records Access, (18 U.S.C., Chapter 121) - (Electronic Communications Privacy Act of 1986). This chapter of the United States Code establishes protections for electronic communications

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<https://www.gpo.gov/fdsys/granule/USCODE-2011-title18/USCODE-2011-title18-partI-chap121-sec270>).

6. Budget and Accounting Procedures Act of 1950, (as amended). Chapter 7 provides, in part, that when the Comptroller General/Government Accountability Officer (GAO) decides an audit must be conducted at a place at which the records are usually kept, the Comptroller General/GAO may require the head of the Agency to keep any part of an account of an accountable official or of a record required to be submitted to the Comptroller General/GAO. The Comptroller General/GAO may require records be kept under conditions and for a period of not more than 10 years. However, the Comptroller General/GAO and the head of the Agency may agree on a longer period (<https://www.gpo.gov/fdsys/granule/STATUTE-92/STATUTE-92-Pg2541/content-detail.html>).

7. The Federal Records Act of 1950 and the Records Disposal Act of 1943, as amended, (44 U.S.C., Chapters 21, 29, 31, and 33). Sets the policies, procedures, and controls for creating, maintaining, and disposing of the Federal Government's records (<https://www.gpo.gov/docs/default-source/congressional-relations-pdf-files/uscode-2015-title44.pdf>).

a. Chapter 21 - National Archives and Records Administration (NARA). This chapter outlines the authorities and responsibilities of NARA.

b. Chapter 29 - Records Management by the Archivist of the United States and by the Administrator of General Services. This chapter covers the objectives of records management, regulations regarding records custody and control, general records management responsibilities, standards for retention, security measures, and provisions for inspection of Federal records by the National Archives and Records Administration.

c. Chapter 31 - Records Management by Federal Agencies. This chapter includes regulations regarding the records management responsibilities of Agency Heads; general duties; establishing a records management program; transfer of records to Federal Records Center (FRC); certifications and determinations; safe guards; and unlawful removal or destruction of federal records.

d. Chapter 33 - Disposal of Records. This chapter includes regulations on disposal and disposal procedures of records, and policies and procedures for submitting records schedules to the Archivist of the United States for approval.

8. Coordination of Federal Information Policy - 44 U.S.C. Chapter 35. (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act). The Paperwork Reduction Act (PRA) mandates all Federal Government agencies obtain approval from the Office of Management and Budget (OMB) before promulgating a form that will impose an

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information collection burden on the general public. The PRA is periodically reauthorized by Congress. The Government Paperwork Elimination Act (GPEA) requires Federal agencies to allow individuals or entities that deal with the agencies the option to submit information or transact with the Agency electronically, when practicable, and to maintain records electronically, when practicable (<https://www.gpo.gov/fdsys/granule/USCODE-2008-title44/USCODE-2008-title44-chap35>).

9. Records Management - 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B. This subchapter contains regulations affecting Federal agencies and their records management programs (<https://www.gpo.gov/fdsys/pkg/CFR-2011-title36-vol3/pdf/CFR-2011-title36-vol3-chapXII-subchapB.pdf>).

- a. Part 1220. Federal Records: General. This section outlines the records management responsibilities of the National Archives and Records Administration (NARA), General Services Administration (GSA), and Federal agencies. Includes requirements for notifying NARA of the individual(s) assigned operational responsibility for the records management program and those officials authorized by the head of the Agency to sign records disposition schedules and requests for records transfers.
- b. Part 1222. Creation and Maintenance of Federal Records. Covers identification and management of record and non-record documents, record keeping requirements, and contractor records.
- c. Part 1223. Managing Vital Records. This part specifies policies and procedures needed to establish a program to identify, protect, and manage vital records as part of an agency's continuity of operation plan designed to meet emergency management responsibilities.
- d. Part 1224. Records Disposition Programs. Establishes actions agencies must take to implement an effective records management program.
- e. Part 1225. Scheduling Records. Establishes requirement that all Federal records must be covered by a NARA-approved disposition schedule and provides the principal steps in developing an agency records schedule.
- f. Part 1226. Implementing Disposition. Provides guidance on implementing a NARA approved records schedule, including direction on how agencies may temporarily extend retention periods when records are held under court order.
- g. Part 1227. General Records Schedules (GRS). This part of the CFR establishes the requirements that all Federal agencies are to follow in implementing the GRS issued by the Archivist of the United States covering records that are common to all agencies.

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- h. Part 1228. Loan of Permanent and Unscheduled Records. This part sets forth the regulations regarding the loan of permanent and unscheduled Agency records.
- i. Part 1229. Emergency Authorization to Destroy Records. This part describes certain conditions under which records may be destroyed without regard to the provisions of part 1226 of this chapter.
- j. Part 1230. Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records. Outlines responsibilities for prevention and reporting, including the requirement that a report to NARA must be submitted or approved by the individual authorized to sign records disposition schedules.
- k. Part 1231. Transfer of Records from the Custody of One Executive Agency to Another. Provides the requirements an executive agency must follow regarding transfer of records to another agency.
- l. Part 1232. Transfer of Records to Records Storage Facilities. Establishes criteria for records storage facilities.
- m. Part 1233. Transfer, Use, and Disposition of Records in a NARA Federal Records Center (FRC). Sets forth the procedures that agencies must follow regarding transfer of records to an FRC.
- n. Part 1234. Facility Standards for Records Storage Facilities. This part covers the establishment, maintenance, and operation of records centers, whether Federally-owned and operated by NARA or another Federal agency, or Federally-owned and contractor operated. This part also covers an agency's use of commercial records storage facilities.
- o. Part 1235. Transfer of Records to the National Archives of the United States. This part establishes general requirements for transfer of Agency records to NARA, the administration of transferred records, and transfer specifications and standards.
- p. Part 1236. Electronic Records Management. This part establishes records management and preservation considerations for designing and implementing electronic information systems, as well as requirements for electronic records.
- q. Part 1237. Audiovisual, Cartographic, and Related Records Management. This part prescribes additional policies and procedures for managing audiovisual, cartographic, and related records to ensure adequate and proper documentation and authorized, timely, and appropriate disposition.
- r. Part 1238. Microforms Records Management. This part covers the standards and procedures for using micrographic technology in the management of Federal records.

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- s. Part 1239. Program Assistance and Inspections. Part 1239 identifies the types of records management guidance and program assistance NARA provides to agencies under its mandate; the conditions under which NARA invokes inspection authority; and the requirements for agencies to cooperate fully in such inspections.
10. OMB Circular No. A-123 - Management Accountability and Control. This circular requires Federal agencies to limit access to records to authorized individuals, and to record/document transactions ([http://www.whitehouse.gov/omb/circulars\\_a123](http://www.whitehouse.gov/omb/circulars_a123)).
11. OMB Circular No. A-130 - Management of Federal Information Resources. This circular defines records and records management, states that the systematic attention to the management of government records is an essential component of sound public resources management, directs Federal agencies to include records management in information management planning and the capital planning process, and directs agencies in the implementation of records management (<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A130/a130revised.pdf>).
12. Executive Order 13563 - Improving Regulation and Regulatory Review, signed 1/18/2011, published in Federal Register Volume 76, No. 14, on 1/21/2011, pages 3821-3823. The Order affirms the principles of Executive Order 12866 and emphasizes the importance of quantifying both costs and benefits of reducing costs, of harmonizing rules and of promoting flexibility (<https://www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf>).
13. Executive Order 13777 - Enforcing the Regulatory Reform Agenda, signed 2/24/2017, published in Federal Register Volume 82, No. 39, on 3/1/2017, pages 12285-12287. The Order incorporates the initiatives and policies contained within Executive Orders 13771, 12866, and 13563 and mandates that the head of each non-exempted agency designate an agency official as its Regulatory Reform Officer (RRO) to oversee the implementation of regulatory reform initiatives and policies. The RRO is charged with ensuring that agencies effectively carry out regulatory reforms. The Order also requires that each agency establish a Regulatory Reform Task Force. These task forces are required to identify existing regulations for replacement or repeal, with a focus on the costs of regulations and job impacts.
14. Presidential Memorandum - Managing Government Records (November 28, 2011). This memorandum began an executive branch wide effort to reform records management policies and practices (<https://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>).
15. OMB/NARA, M-12-18 - Managing Government Records Directive. This directive creates a robust records management framework that complies with statutes and regulations to achieve the benefits outlined in the Presidential Memorandum on Managing Government Records, signed on November 28, 2011



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(<https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>).

16. NARA, Records Management Handbook. The Records Management Handbook helps Federal agencies comply with mandatory requirements for including record keeping functions within electronic information systems. It includes specific records management contract language, cites pertinent sections of Federal policy and law, and links to relevant guidance and resources from Federal agencies and others (<http://www.archives.gov/records-mgmt/handbook/>).

17. NARA Bulletin 2013-02, Guidance on a New Approach to Managing Email Records. This bulletin provides agencies with a new records management approach (known as Capstone) for managing Federal email records electronically (<http://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html>).

18. NARA General Records Schedules (GRS). Records categories and retention periods issued by the Archivist of the United States to provide disposition authorization for records common to several or all agencies of the Federal Government (<http://www.archives.gov/records-mgmt/grs/>).

19. Department of Defense 5015, v.2, Electronic Records Management Software Application Design Criteria Standard (DOD 5015.2-STD, June 2002). This standard, recommended by NARA for use by all Federal agencies, provides design criteria standards for electronic records management software applications. (<http://www.archives.gov/records-mgmt/initiatives/dod-standard-5015-2.html>).

20. International Standards Organization (ISO) 15489-1: 2001, Information and documentation - Records Management. A NARA recommended source for records management guidance, ISO 15489 is the international standard for records management. ISO 15489-1 is consistent with NARA's approach to records management, emphasizing the importance of trustworthy records and the concepts of authenticity, reliability, integrity, and usability of records.

21. Federal Rules of Civil Procedure (FRCP), as amended. The FRCP govern civil procedure (that is, for civil lawsuits) in United States Federal District Courts. The FRCP, as amended, made the preservation process more visible to adversaries by requiring counsel to identify all actual and potential sources of relevant materials and information.

The Rules operate to make clear the obligation to protect and preserve relevant materials and information when it is reasonably clear that litigation will ensue. The Rules expose parties to sanctions when efforts to preserve evidence are not undertaken in a timely manner, or if undertaken, are inadequate (<https://www.federalrulesofcivilprocedure.org/>).

- a. Title III, Pleadings and Motions, Rule 16, Pre-Trial Conferences; Scheduling; Management.

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b. Title V, Disclosures and Discovery.

22. Department Regulation (DR) 1700-002 Office of Inspector General (OIG) Organization and Procedures (dated June 17, 1997). This regulation provides a statement of the OIG's organization, authority, responsibility, policies and procedures, and the related responsibilities of U.S. Department of Agriculture officials and employees ([http://www.ocio.usda.gov/sites/default/files/docs/2012/DR1700-002\\_0.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/DR1700-002_0.pdf)).
23. USDA DR 1800-001, Incident Preparedness, Response, and Recovery. This United States Department of Agriculture (USDA) regulation outlines the domestic emergency programs responsibilities of the Department and designates the USDA agencies that carry out these responsibilities at the national, State, and county levels. It provides guidance on USDA incident preparedness, response, and recovery responsibilities (<http://www.ocio.usda.gov/policy-directives-records-forms>).
24. USDA DR 3080, Records Management. This USDA regulation sets forth and summarizes the policies, responsibilities, and procedures for the creation, maintenance, use, and disposition of all records and other documentary materials throughout USDA (<http://www.ocio.usda.gov/policy-directives-records-forms>).
25. USDA DR 3085-001, Vital Records Management Program. This regulation outlines the policies and responsibilities for identifying and protecting records necessary for USDA to continue its essential functions and activities during and following an emergency, disaster, or event that could cause the disruption of normal operations. It augments information in DR 1800-1, Departmental Emergency Programs Responsibilities and the USDA Headquarters Continuity of Operations (COOP) Plan. The primary authority for establishing a vital records management program within the Federal Government is 36 CFR, Subchapter B - Records Management, Part 1223 - Managing Vital Records (<http://www.ocio.usda.gov/policy-directives-records-forms>).
26. USDA DR 3090-001, Litigation Retention Policy for Documentary Materials including Electronically Stored Information. This USDA regulation prescribes Department-wide enterprise policies and responsibilities related to the retention of record and non-record documentary materials, including electronically stored information (ESI), for discovery or other litigation-related purposes (<http://www.ocio.usda.gov/policy-directives-records-forms>).
27. USDA DR 3099-001, Records Management Policy for Departing Employees, Contractors, Volunteers, and Political Appointees. This USDA regulation establishes the policy for removal of official records from the custody of the USDA and/or access to the documentary material by departing employees, contractors, volunteers, and political appointees (<http://www.ocio.usda.gov/policy-directives-records-forms>).
28. USDA DM 3570-001, Disaster Recovery and Business Resumption Plans. This USDA manual includes policy for continuing program delivery in the event of natural,

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human, or environmental disaster or emergency; and direction on preparing and implementing a Disaster Recovery Plan and a Business Resumption Plan (<http://www.ocio.usda.gov/policy-directives-records-forms>).

29. USDA DR 4070-735-001, Employee Responsibilities and Conduct. This USDA regulation sets forth the Department's policies, procedures, and standards on employee responsibilities and conduct (<http://www.ocio.usda.gov/policy-directives-records-forms>).

### **6230.2 - Objective**

This directive applies to all Forest Service units as well as contractors, and pertains to all Forest Service records, regardless of medium, that are created, collected, processed, used, stored, and/or destroyed by the Agency or designated agents. Each Forest Service unit and staff is required to meet the requirements of this policy by:

1. Integrating records management into the overall information resources management program in accordance with 36 CFR § 1220 and OMB Circular A-130;
2. Summarizing the Forest Service policies and responsibilities for creation, maintenance, use, and disposition of records and other documentary materials;
3. Establishing the records management responsibilities of Agency personnel; and
4. Maintaining an active program for the economical and efficient management of Agency records.

### **6230.3 - Policy**

The management of Federal Government records from creation to disposition is an essential component of sound information resources management that promotes public accountability. Together with records preservation, it helps protect the Federal Government's historical record and safeguards the legal and financial rights of the Federal Government and the public.

The Agency must ensure that the following requirements are met to ensure preservation of all official records in accordance with applicable statutory and regulatory requirements, and to promote access to information by staff and the public, as appropriate.

1. Identification of Records. All Agency information that meets the definition of a record, as set forth in 44 U.S.C. § 3301 (see Forest Service Manual (FSM) 6230.5, Definitions: 'Record'), regardless of media, must be properly identified and is subject to the Agency's records management policies and retention schedules as approved by NARA and codified in FSM 6230 and Forest Service Handbook (FSH) 6209.11. A record may only be destroyed in accordance with NARA approved records schedules. Records not properly scheduled for disposition are not authorized for destruction.

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2. As required by the Federal Records Act, create or retain proper and adequate records, in any medium (including social media), that document the organization, functions, policies, decisions, procedures, and essential transactions of the Forest Service to protect the legal and financial rights of the Government and of persons directly affected by the Agency's activities (44 U.S.C. § 3101).
3. Establish and maintain a records management program that complies with NARA, GSA, GAO, and USDA regulations and guidance.
  - a. Establish record keeping requirements as prescribed by laws, regulations, directives, and processes, and reflect adequate and proper documentation of the Agency's mission, functions, policies, and decisions.
  - b. Establish records management standards and procedures for maintaining Agency records and information in a manner that facilitates ease of use, access and disposition, and that is consistent with NARA and other regulatory agencies.
  - c. Comply with all records management regulations and policies issued by NARA, OMB, GSA, or other regulatory agencies, including the provisions of all records disposition schedules approved and issued by NARA.
  - d. Manage electronic records in accordance with Government-wide requirements. This includes:
    - (1) Managing all permanent electronic records electronically to the fullest extent possible for eventual transfer and accessioning by NARA in an electronic format; and
    - (2) Managing all email records electronically and retaining them in an appropriate electronic system that supports records management and litigation requirements, including the capability to identify, retrieve, and retain the records for as long as they are needed.
  - e. Maintain up-to-date inventories, file plans, or electronic information systems that provide for the identification, location, and retrieval of all categories of records created and received in the course of official business.
  - f. Appoint an Agency Records Officer to implement the records management program.
4. Establish effective management controls over the creation, maintenance, use, and disposition of Federal records in any medium such as: paper, e-mail, instant messaging (IM), text messages, telephone messages, voice mail messages, presentations, websites, social media (such as, Facebook, Twitter, and so forth), word processing documents, spreadsheets, and information systems, throughout their lifecycle. Ensure records in any medium can be accessed as needed by the Agency and USDA officials, and the public as appropriate.

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5. Establish and, in a timely manner, obtain the approval of the Archivist of the United States of Federal record retention schedules. Ensure unscheduled records are promptly assigned a disposition authority.
6. Ensure the proper and timely disposition of Federal records in accordance with records retention schedules approved by the Archivist of the United States.
7. The Forest Service Records Schedule incorporates by reference the GRS issued by NARA. Wherever a discrepancy exists between the Forest Service records schedule and the GRS, the GRS must prevail unless NARA grants an exemption to the GRS item via an approved records retention scheduled submitted via established NARA procedures.
8. Obtain GAO approval of disposition schedules for fiscal records when retention periods differ from those in the GRS published by NARA.
9. Establish and maintain an up-to-date media-neutral coordinated filing system that meets Agency needs. For all unstructured and hardcopy records (textual documents, PowerPoint presentations, photographs, and so forth), coordinate with Washington Office Directives and cross-reference numbers and headings used for file designations to the FSM chapters and titles.
10. Maintain records, regardless of media, as approved by the Archivist of the United States, USDA Records Officer, and the Chief:
  - a. Follow the Forest Service records schedules as proposed and developed by the Agency Records Officer;
  - b. Use established procedures set forth in FSM 6230 and FSH 6209.11, Records Management; and
  - c. Retain official electronic records (structured and unstructured) in repositories approved by the Forest Service Chief Information Officer (CIO) and Office of Regulatory and Management Services (ORMS) for storage of government records.
11. Ensure records pertaining to claims and demands by or against the Government of the United States or to accounts in which the Government of the United States is concerned, either as a debtor or a creditor, are not disposed of until the claims, demands, and accounts have been settled and adjusted with GAO, except upon the written approval of the Comptroller General of the United States (ref. 44 United States Code (U.S.C.) § 3309).
12. When the Archivist of the United States and the Chief of the Forest Service jointly determine that records in the Agency's custody are a continuing menace to human health, life, or property, the Archivist shall eliminate the menace by any means deemed necessary (ref. 44 U.S.C. § 3310).

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13. Certified reproductions are admissible as evidence. Photographs, microphotographs of records, or digitized records made in compliance with regulations under 44 U.S.C. § 3312 shall have the same effect as the originals and shall be treated as originals for the purpose of admissibility as evidence.

14. Retain and maintain electronic records by building electronic record keeping functionality into the native electronic information system, or by capturing the electronic information system's records in an electronic records management application (RMA). Consider information security, privacy, records management, public transparency, and supply chain risk and security issues for all resource planning and management activities throughout the system development life cycle so that risks are appropriately managed.

a. Use the Agency-authorized RMA to manage unstructured official records. All records management systems must be approved by ORMS and CIO; and must be compliant with Department of Defense 5015.2-Std - Design Criteria Standards for Electronic Records Management Software Applications.

b. Records management procedures and protocols for structured records must be approved by ORMS and CIO; and must be compliant with NARA's Records Management Initiative (RMI) and ISO Records Management Standard 15489, to ensure that records are trustworthy and have authenticity, reliability, integrity, and usability.

c. Identify and address records management requirements during the planning, development, or redesign of electronic information systems with an emphasis on:

(1) Business processes that support the records management life cycle and the identification, description, and preservation of record content.

(2) Design and development practices that incorporate records management requirements, to ensure new systems and systems redesign address applicable legal requirements for managing electronic records.

d. Protect electronic records against technical obsolescence, by:

(1) Planning and budgeting for migration to a new system before the current system is retired, and ensuring that the migration strategy addresses inactive electronic records stored off-line.

(2) Retaining functionality and integrity of electronic records during upgrades of hardware and software to retain a usable format, ensure compatibility with current hardware and software, and preserve links between records and corresponding metadata.

(3) Decommissioning and migration of systems shall not be completed until records disposition has been completed.

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15. The retention period for ESI will be consistent with Agency policies set forth below.
  - a. Any ESI documenting the business of the Agency is an Agency record and is subject to the records management policies of the Agency as approved by NARA. Records not properly scheduled for disposition may not be destroyed; records may be destroyed only in accordance with NARA approved records disposition schedules unless subject to litigation hold or other preservation requirements.
  - b. Retain official record ESI per approved Agency policies for maintenance and retention of official records, including retention on backup media for purposes such as disaster recovery.
  - c. Retain non-record ESI per approved Agency policies for maintenance and retention of data, including retention on backup media for purposes such as disaster recovery.
16. Establish Forest Service policies and procedures to ensure preservation of records beyond their approved retention periods when they have been placed under a destruction moratorium for purposes of audits, litigation hold, Freedom of Information Act (FOIA) requests, and similar obligations.
17. Establish and maintain an essential (vital) records program to ensure continuity of essential Forest Service activities during and following a national emergency or local natural or technological disaster (DR 3085-001). Agency policies and procedures shall ensure essential (vital) records and databases are protected and readily available.
  - a. Create and preserve records that contain adequate and proper documentation of the organization necessary to perform national security emergency preparedness functions.
  - b. Establish policies and procedures to identify, protect, and manage essential (vital) records as part of the Agency's COOP to meet emergency management responsibilities.
  - c. Establish retrieval procedures for essential (vital) records that are easily implemented and ensure that hardware, software, and system documentation is adequate to operate the system and to access the records that will be available in an emergency.
18. Personally Identifiable Information (PII) and Privacy Act.
  - a. Protecting an individual's privacy is of utmost importance. The Federal Government shall consider and protect an individual's privacy throughout the information life cycle by complying with laws and regulations regarding collection and maintenance of records containing PII, and information and records subject to the Privacy Act (as amended).

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b. Ensure that PII is accurate, relevant, timely, and complete, and reduce all PII to the minimum necessary for the proper performance of authorized Agency functions, to the extent reasonably practicable.

c. Maintain all records with PII in accordance with applicable records retention or disposition schedules approved by NARA.

d. Establish Forest Service policies and procedures to ensure the protection of sensitive information, including (but not limited to):

- (1) Personnel issues regarding specific employees;
- (2) Law enforcement and administrative investigations;
- (3) Social Security Numbers;
- (4) Personal financial information;
- (5) Business financial information;
- (6) Privacy Act Systems of Records.
- (7) Information exempt from release under the Freedom of Information Act; and
- (8) Information about minors.

e. Electronic (digital) records and documents containing PII:

- (1) Must be stored on Forest Service-CIO approved Agency enterprise content repositories;
- (2) Cannot be transported off Forest Service premises or sent outside Agency network boundaries without documented authorization from supervisor or authorized senior Agency official;
- (3) Cannot be downloaded to any unencrypted device or storage media;
- (4) May be sent to a National Archives facility by the Agency Records Officer or authorized agent in accordance with NARA requirements; and
- (5) Any dissemination and transmission of PII must be in accordance with Circular A-130 and the Privacy Act of 1974.

f. Hardcopy records and documents containing PII:

- (1) Shall be stored at NARA-approved Agency repositories (such as, Forest Service offices, Federal Records Centers, and so forth);



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(2) Cannot be transported off Forest Service premises or sent outside Agency without documented authorization from Supervisor or authorized Agency official;

(3) May be sent to a Federal Records Center, National Archives facility, or other NARA-approved off-site storage by the Agency Records Officer and authorized Records Managers; and

(4) Any dissemination and transmission of PII must be in accordance with Circular A-130 and the Privacy Act of 1974.

19. Contracts and Records.

Laws, regulations, and policies that apply to records and information used and maintained by the Forest Service also apply to Forest Service records and information maintained and used on the Agency's behalf by Forest Service contractors. All records created by Forest Service contractors shall remain the property of the Forest Service, and cannot be used except as explicitly authorized in writing by the Agency. Agency policies and procedures shall reflect this requirement.

The Forest Service shall ensure:

- a. Terms and conditions in contracts and other agreements involving the creation, collection, use, processing, storage, maintenance, dissemination, disclosure, and disposal of Federal information, incorporate security and privacy requirements and are sufficient to enable agencies to meet Federal and Agency-specific requirements pertaining to the protection of Federal information (Circular A-130, Appendix I, 7/2016).
- b. Identification of Federal Records as contract deliverables, or records for final turnover and other records specified as appropriate to contract scope.
- c. A distinction is made between Federal records and contractor-owned records.
- d. Contractors comply with Federal, USDA, and Forest Service record keeping requirements, and that Agency records created, processed, or in the possession of a contractor or non-federal entity working for or on the behalf of the Forest Service, are safeguarded and managed according to the Federal Records Act and Agency policies and procedures set forth in FSM 6230, Records Creation, Maintenance, and Disposition; and FSH 6209.11, Records Management.
- e. Personnel initiating contracts coordinate records management requirements with the Agency Records Officer or designated Records Manager. Contract language must include requirements for the delivery at appropriate intervals of all pertinent documentation of contractor program execution and delivery at appropriate intervals of all records created or maintained that may have value to the United States Government, as determined by authorized Agency personnel.

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f. That the following standard items are included in a typical contract. These standards relate to records generated while executing a contract.

(1) Citations to pertinent laws, codes and regulations such as, but not limited to, 44 U.S.C chapters 21, 29, 31, and 33; FOIA (5 U.S.C. § 552); Privacy Act (5 U.S.C. § 552a); and 36 CFR Part 1222 and Part 1228.

(2) Contractors shall treat all deliverables under the contract as the property of the U.S. Government for which the Government Agency shall have unlimited rights to use, dispose of, or disclose such data contained therein as it determines to be in the public interest, unless otherwise stated in the contract, outlining specific data rights for all parties.

(3) Contractors shall not create or maintain any records that are not specifically associated with a contract or authorized by the contract using Government IT equipment and/or Government records.

(4) Contractors shall not retain, use, sell, or disseminate copies of any deliverable that contains information covered by the Privacy Act of 1974 or that which is generally protected by the FOIA.

(5) Contractors shall not create or maintain any records containing any Government Agency records that are not specifically tied to or authorized by the contract.

(6) The Government Agency owns the rights to all data/records produced as part of this contract.

(7) The Government Agency owns the rights to all electronic information (electronic data, electronic information systems, electronic databases, and so forth) and all supporting documentation created as part of this contract. Contractors must deliver sufficient technical documentation with all data deliverables to permit the Agency to use the data.

(8) Contractors agree to comply with Federal and Agency records management policies, including those policies associated with the safeguarding of records covered by the Privacy Act of 1974. These policies include the preservation of all records created or received regardless of format (paper, electronic, and so forth) or mode of transmission (e-mail, fax, and so forth) or state of completion (draft, final, and so forth).

(9) No disposition of documents will be allowed without the prior written consent of the Contracting Officer. The Agency and its contractors are responsible for preventing the alienation or unauthorized destruction of records, including all forms of mutilation. Willful and unlawful destruction, damage, or alienation of Federal records is subject to the fines and penalties imposed by 18 U.S.C. § 2701. Records

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may not be removed from the legal custody of the Agency or destroyed without regard to the provisions of the Agency records schedules.

(10) Contractors are required to obtain the Contracting Officer's approval prior to engaging in any contractual relationship (such as with a sub-contractor) in support of this contract requiring the disclosure of information, documentary material and/or records generated under, or relating to, this contract. The Contractor (and any sub-contractor) is required to abide by Government and Agency guidance for protecting sensitive and proprietary information. Note that if this requirement is included in the contract, Agency representatives should point out that the contractor is bound to any contract provisions/instructions on this topic.

20. Closed hardcopy records eligible for offsite storage are transferred to Federal Records Centers maintained and operated by NARA, or to an Agency or commercial records center formally approved by NARA and the Agency Records Officer.

21. Use of commercial records management services (including management, maintenance, and storage of official Agency records) is subject to the following requirements:

- a. Contractors and commercial facilities must comply with Federal and Agency record keeping laws and regulations;
- b. The contract(s) must receive concurrence from the applicable Agency Records Manager and the Agency Records Officer prior to signature and use of facility;
- c. All commercial storage facilities housing Agency records must conform to requirements set forth in 36 CFR § 1234. Documentation of compliance must be provided to the Agency Records Officer prior to contract signing and use of facility;
- d. Requests for approval of commercial storage of Agency records must include:
  - (1) Processes and provisions to ensure compliance with current Agency records management policies and procedures, including protection of PII, monitoring of access, eDiscovery, ongoing inventory of holdings, and ability to report to Forest Service upon request; and
  - (2) Cost-benefit analysis showing significant savings compared to storing official Agency records at a FRC.
- e. Access to Forest Service records stored in commercial facilities must be available to authorized Forest Service personnel, including Records Managers, upon demand.

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22. Records generated by Agency directives or forms are to be assigned a NARA-approved records retention schedule.

- a. Directives: Prior to issuance, documentary materials prescribed or generated via Agency direction are to be assigned a records retention schedule.
- b. Forms: Prior to issuance, new and revised forms are to be assigned a records retention schedule.
- c. If an appropriated NARA-approved records retention schedule does not exist, the directive or form office of primary responsibility (OPR) shall coordinate with the Agency Records Officer or assigned a Records Manager before the directive or form is published.

23. Procedures and standards on document imaging conversion process must meet NARA requirements.

24. The Forest Service is required to notify the Archivist of the United States (via the Agency Records Officer) of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the Agency.

25. Donation of records to an eligible person or organization is allowed under the following conditions:

- a. Records designated for permanent retention are not eligible for donation;
- b. Records containing information protected by law, statute, or regulation are not eligible for donation; and
- c. Temporary records are eligible for donation once the authorized retention period has expired. Donation requires the approval of the Agency Records Officer and the Archivist of the United States.

26. Federal Government employees may not create or send a record (document, e-mail, text message, and so forth) using a non-official account unless the employee either:

- a. Copies his or her official electronic message account in the original creation or transmission; or
- b. Forwards a complete copy of the record to his or her official electronic messaging account no later than 20 days after the original creation or transmission.

(1) Electronic messages in this context include both electronic mail (e-mail) and other electronic messaging systems used for communicating between individuals, such as text messaging and instant messaging programs.

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(2) Title 44 U.S.C. § 2911(b) expressly provides that, under some circumstances, intentional violation of this requirement will be a basis for a disciplinary action against the officer or employee, up to and including removal.

(3) In accordance with existing USDA policies, Forest Service employees are discouraged from conducting official business using non-official or private electronic messaging accounts. Under the unusual circumstances where a Forest Service employee does use a non-official account to conduct official business, the employee must comply with all Agency security policies, in addition to copying and forwarding requirements set forth in FSM 6230.3, item 26.

27. Ensure users of text messaging, Instant Messaging, or other transient messaging technologies retain messages that result in the creation of substantive (or non-transitory) Federal records within a record keeping system.

28. Provide mandatory Federal records management training for all Agency personnel and contractors, as appropriate for their responsibilities. Such training will include records management training for all new employees (within 90 days of appointment) and an annual refresher course.

29. Ensure that departing employees, contractors, volunteers, and political appointees identify and transfer any records in their custody to an appropriate custodian, or the person assuming responsibility for the work.

30. Conduct internal evaluations of records management practices and programs, including assessing the economy of operation annually or at least every three years. Submit reports to the Departmental Records Officer within 60 days of completing the evaluation.

#### **6230.4 - Responsibility**

##### **6230.41 - Service-wide**

##### **6230.41a - All Employees, Contractors, Volunteers, and Political Appointees**

It is the responsibility of all Forest Service employees, contractors, volunteers, and political appointees to:

1. Create and maintain adequate and proper documentation of Agency functions, policies, decisions, and essential transactions;
2. Only file electronic records in repositories approved by CIO and ORMS for storage of government records;

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3. Become familiar with the definition of a Federal record and apply Forest Service and NARA regulations and guidance to all Federal records created or received while performing official duties;
4. Maintain record and non-record documentary material according to prescribed Agency policy and procedures, as set forth in FSM 6230 and FSH 6209.11, and in such a manner that ensures expeditious search and retrieval by all authorized individuals;
5. Clearly designate as personal those papers of a private or nonofficial nature pertaining solely to their personal affairs. Such papers must be filed separately from the records of the office;
6. Follow established procedures to ensure records are protected from theft, loss, and unauthorized access, safeguarding records until they are authorized for disposition;
  - a. The unauthorized removal, concealment, falsification, mutilation, and/or disposition of official records is prohibited by law and is subject to penalty (18 U.S.C. § 2071).
  - b. Report any apparent instances of unauthorized disposition to an appropriate Supervisor, line officer, unit records manager or liaison, or the Agency Records Officer. This includes unlawful or accidental removal, defacing, damage, alteration, or destruction of records by natural events, animals, insects, or humans.
7. Cooperate with the Agency Records Officer and designated records management staff regarding records management activities, including but not limited to those identified in FSM 6230.41g and h;
8. Comply with records management requirements for contracts set forth in FSM 6230.3, item 19;
9. Directives and form sponsors within the OPR shall work with the Agency Records Officer or assigned Records Manager to ensure:
  - a. Processes prescribed or documentary materials generated in a directive are assigned a NARA-approved records schedule before publications;
  - b. Forms have an assigned a NARA-approved retention schedule before publication; and
  - c. If an approved disposition does not exist, the directive or form OPR will coordinate with the Agency Records Officer or assigned Records Manager before the directive or form is published.

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10. Protect Personally Identifiable Information (PII):
  - a. Safeguard and protect from unauthorized disclosure PII of other employees, contractors, volunteers, political appointees, and members of the public;
  - b. Ensure that records containing PII are only stored on government-provided equipment (PC, laptop, and so forth) and only transmitted via government email systems; and
  - c. Immediately report to a Supervisor or other management official any known or suspected breach of the PII safeguards or policies, or actual unauthorized disclosure of PII.
11. Comply with USDA DR 3099-001, Records Management Policy for Departing Employees, Contractors, Volunteers, and Political Appointees by:
  - a. Completing form AD-3001 (or equivalent) by all parties in the following instances:
    - (1) As employees change duty stations, depart from unit, or separate from Federal service;
    - (2) When contracts are closed;
    - (3) At end of a volunteer agreement (as applicable); and
    - (4) When political appointments end.
  - b. Notifying assigned Records Manager or Liaison when separation date is established to ensure that a records exit interview is scheduled;
  - c. Participating in the exit interview and signing form AD-3001;
  - d. Using form AD-3001 to report change in custodian of documents (record and non-record) responsive to active litigation holds;
  - e. Those identified as custodians of documents (record and non-record) responsive to active litigation holds shall:
    - (1) Contact the Office of General Counsel (OGC) or other identified Government-counsel (including contracted Attorneys) once separation date is established and send notification via email to [legalhold\\_wo@fs.fed.us](mailto:legalhold_wo@fs.fed.us);
    - (2) Include written notification on the back of form AD-3001, listing the Forest Service litigation hold number, brief description of the case, and name of the new accountable employee taking custody of the documents under litigation hold. If the

litigation hold is associated with an Equal Employment Opportunity (EEO) compliant, the employee shall only include the Forest Service litigation hold number and contact the assigned case attorney for instructions.

(3) Scan and email completed AD-3001 form(s) to the Government Attorney of record, and [legalhold\\_wo@fs.fed.us](mailto:legalhold_wo@fs.fed.us).

#### **6230.41b - Contracting Officers**

In addition to the specific employee responsibilities outlined in FSM 6230.41a, it is the responsibility of contracting officials to work in partnership with the USDA, Records Officer, Forest Service Records Officer, Forest Service Records Managers and Liaisons, or the Contracting Officer Representative, as appropriate, to ensure that applicable records scope, clauses, and contractor requirements and language set forth FSM 6230.3, item 19, are incorporated into contracts; to ensure contractor compliance with the records management requirements during performance; and to ensure that appropriate records are managed and delivered properly by contractors.

#### **6230.41c - Social Media Site Sponsors**

Social media site sponsors shall identify the record material contained therein and ensure the proper archiving of said material in accordance with approved record disposition schedules. Most social media sites generally have or contain two types of record material:

1. Content records including entries, comments, blog posts, links, videos, and other social media communications; and
2. Site management and operations records including design, policy and procedures, and other Web management records.

#### **6230.41d - Line Officers, Managers, Supervisors, and Project Leaders**

In addition to the specific employee responsibilities outlined in FSM 6230.41a-c, it is the responsibility of employees in managerial or supervisory positions, including, but not limited to the Chief, Associate Chief, Chief of Staff, Chief Financial Officer, Deputy Chiefs, Associate Deputy Chiefs, Directors, Line Officers, Staff Supervisors, program leaders, team leaders, and project leaders--to ensure compliance with requirements set forth in this directive. Specifically, Line Officers, Managers, Supervisors, and project leaders shall:

1. Ensure all Forest Service employees, contractors, volunteers, and political appointees are aware of the provisions of this directive and laws governing the receipt, maintenance, and disposition of records. Particular effort will be made to ensure that all employees are familiar with criminal and civil penalties for willfully destroying records not authorized for destruction;



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2. Provide adequate staff resources to support records management processes within respective area of responsibility. Ensure records personnel have adequate skills, training, resources, time, and appropriate authority to accomplish assigned duties;
3. Ensure all offices under their direction maintain a current unit/staff file plan of hardcopy and electronic (digital) records that complies with the Agency records schedule and file plan as issued in FSH 6209.11, Records Management;
4. Implement and adhere to all Agency mandated programs, processes, systems, and procedures established to ensure adequate and proper documentation responsibilities for each area(s) of responsibility;
5. Establish and implement records management policies and procedures to ensure:
  - a. Consistency and appropriate compliance for area of responsibility; and
  - b. Records are maintained in a manner that ensures information and documents are readily retrievable in accordance with the Agency's records retention schedules.
6. Disseminate to subordinates the records management directives, as published in the Forest Service directives system, applicable to the area of responsibility. Provide records management briefings for all Managers and trainings to all staff within the organization;
7. Ensure cooperation with the Agency Records Officer and designated records management staff regarding records management activities (creation, maintenance, use, and disposition) and development/review of records management regulations and directives, including but not limited to activities identified in FSM 6230.41;
8. Ensure essential (vital) records and databases are protected and readily available;
  - a. Include information about essential (vital) records in Continuity of Operations Plan(s) (COOP).
  - b. Provide for the maintenance of emergency operating (vital) records, and assurance of their continued state of readiness.
  - c. Ensure records (electronic and hard copy documents, references, records, and information systems) needed to support essential functions are pre-positioned at alternate sites. Agency personnel shall have access to and be able to use these records and systems in conducting their essential functions.
9. Ensure compliance with FSM 6230.41a, item 11, Records Management Policy for Departing Employees, Contractors, Volunteers, and Political Appointees; including participation in exit interviews and completing required documentation;

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10. Ensure that Information Technology (IT) Managers coordinate with the Agency Records Officer regarding creation of new information systems or modifications to existing systems, as required by OMB Circular A-130, to ensure records management and archival functions are incorporated into the design, development, and implementation of information systems;
11. Ensure new or revised programs, processes, and procedures include adequate record keeping requirements;
12. Notify the Agency Records Officer and assigned Records Manager of organizational or program changes that will result in establishment of new types of records, changes in records coding or retention, and transfer or termination of records categories no longer required by the Agency for transaction of official business;
13. Ensure that directives and form sponsors within the OPR work with the Agency Records Officer or assigned Records Manager to:
  - a. Process prescribed or documentary materials generated in a directive are assigned a NARA-approved records schedule before publications.
  - b. Ensure forms have an assigned NARA-approved retention schedule before publication.
  - c. Inform the directive or form OPR coordinates with the Agency Records Officer or assigned Records Manager before the directive or form is published, if an approved disposition does not exist.
14. Ensure employees comply with records management requirements for contracts set forth in FSM 6230.3, item 19;
15. Report apparent instances of unauthorized disposition to Line Officer and designated Records Manager or liaison. This includes unlawful or accidental removal, defacing, damage, alteration, or destruction of records by natural events, animals, insects, or humans;
16. Ensure that, when secondary or staff functional e-mail accounts for individuals, groups, or systems are created for business reasons, the records created are appropriately managed; and
17. Submit to the Agency Records Officer all requests for approval to store records at commercial storage facilities. Requests must include all required documentation per 36 CFR § 1234.

#### **6230.41e - Records Officer**

The Forest Service has a single Records Officer, hereafter referred to as the Agency Records Officer. In addition to requirements outlined in FSM 6230.41a-c (as applicable), the Agency Records Officer's responsibilities include the following activities.

1. General.

- a. Serve as the designated Agency official responsible for oversight of the Forest Service records management program, ensuring records are protected from theft, loss, and unauthorized access and are managed according to the policies and procedures found in FSM 6230 and FSH 6209.11.
- b. Sign notifications of document destruction, routine correspondence, required forms, and authorizations for records destruction and approvals of permanent records transfers to National Archives over signature block that includes name and title (Agency Records Officer), as required by NARA (36 CFR Parts 1220, 1230).
- c. Implement and adhere to all Agency and federally mandated records management policies, procedures, processes, programs, and systems.
- d. As assigned, serve as the Agency-wide representative regarding internal matters pertaining to records management. Routinely represent records management at Agency meetings. Provide information for the briefing of program and senior managers, and conduct briefings as appropriate.
- e. Serve as the Agency representative with the NARA, USDA, OGC, other Federal agencies, and external organizations on matters pertaining to records management.
- f. Serve as the Agency representative with the NARA on matters pertaining to litigation hold.
- g. Establish standards and procedures that conform to USDA departmental regulations set forth in USDA DR 3099-001, Records Management Policy for Department Employees, Contractors, Volunteers, and Political Appointees, ensuring that Forest Service political appointees, employees, contractors, and volunteers do not remove Federal records from Agency custody without appropriate authorization.
- h. Coordinate with appropriate contracting officials to ensure Forest Service contracting policy contains guidance regarding inclusion of records management requirements, as set forth in FSM 6230.3, item 19, in contracts and deliverables.
- i. Review record keeping requirements for new and revised procedures, processes, programs, and systems proposed by other Forest Service staffs to ensure compliance with Agency records requirements.

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- j. As new information systems are developed or modifications to existing electronic database systems are proposed, the Agency Records Officer will work with system Managers and owners to ensure records management and archival functions are incorporated into the design, development, and implementation of information systems.
  - k. As appropriate, review proposed Agency-wide directives and standard operating procedures to ensure guidance does not conflict with established Agency Records Management Policy and regulatory requirements.
  - l. Disseminate external and internal records management information.
  - m. Report on status of Forest Service records program.
  - n. Obtain NARA's Certificate of Federal Records Management Training.
  - o. Ensure employees have the necessary resources to increase and maintain awareness of records management responsibilities and established record keeping requirements.
2. Program Oversight.
- a. Establish and maintain a list of Forest Service employees designated as Agency Records Managers and keep the list current.
  - b. Provide oversight and coordinate the network of Forest Service Records Managers and liaisons responsible for records management activities in the Washington Office and field offices.
  - c. Coordinate participation of mission area and Program Managers, CIO staff, and Agency Records Managers and liaisons, in the development of new or revised Agency programs, processes, systems, and procedures that guarantee adequate record keeping requirements are established and implemented.
  - d. Identify, develop resources for, and facilitate training of Agency Records Managers and liaisons, employees, managers, contractors, volunteers, and political appointees regarding the maintenance and disposal of Agency records (regardless of media) according to direction found in FSM 6230 and FSH 6209.11. Consult with subject matter experts, Records Managers, USDA Records Officer, and NARA as appropriate.
  - e. Periodically review implementation of Agency records management policies and procedures to ensure appropriate and consistent compliance. Participate in reviews as assigned. Ensure reviews of Washington Office, regional office, and research station records management programs are routinely scheduled and conducted, and that

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written reports of review findings are provided to the Director of ORMS and the USDA Records Officer. Reviewers shall evaluate:

- (1) Records management program conformance with Government-wide, Department-wide, and Agency-wide standards;
- (2) The adequacy of records documenting the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency; and
- (3) Whether records are maintained in accordance with approved Agency records schedules and policies, including the appropriate storage and disposition of temporary and permanent records.

3. Scheduling Records.

- a. Evaluate Forest Service records and recommend Service-wide standards regarding the suitability of records as permanent and temporary documentation of the Agency's organization, functions, policies, decisions, procedures, and essential transactions.
- b. Develop and propose retention and control schedules that establish, revise, or delete file designations codified in FSH 6209.11, Records Management, ensuring the Agency has up-to-date records management direction.
- c. As applicable, obtain required approval of proposed records retention schedules from NARA, USDA, OGC, GAO, and GSA.
- d. Identify and develop records retention schedules for unscheduled records. Work with subject matter experts to develop records schedules for new or previously unscheduled records.

4. Development of Policies and Procedures.

- a. Develop standards, processes, and procedures for the systematic creation, maintenance and use, retention, transfer, and disposition (inventory, appraising, scheduling, and retiring) of Agency records for all organizational levels, ensuring Service-wide standardized records and file management. Such standards, processes, and procedures include, but are not limited to:
  - (1) Submittal and approval of requests to transfer Agency hardcopy records to a FRC;
  - (2) Destruction of temporary hardcopy records stored at FRC; and
  - (3) Transfer of permanent records (hardcopy and electronic) to the National Archives.
- b. Incorporate NARA approved records schedules and applicable USDA regulations into Agency directives.

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- c. Ensure developed changes, including assignment of file codes and designations, improve the existing file system and are consistent with FSM chapters and title coding.
  - d. Develop record keeping requirements for new and revised procedures, processes, programs, and systems to ensure compliance with Agency records requirements.
  - e. Obtain USDA Records Officer's concurrence on proposed records management directives prior to submittal to Agency deciding official for approval.
  - f. Ensure recommended Service-wide standards furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the Agency's activities.
  - g. Incorporate USDA policy into Agency direction and establish procedures to ensure all applicable staff/unit employees, contractors, volunteers, and appointed officials do not remove Federal records from Forest Service custody without appropriate authorization; conduct records exit interviews using form AD-3001 (or authorized equivalent) per requirements set forth in FSM 6230.41a, item 11.
  - h. Develop policies and procedures to ensure identification, maintenance, protection, and availability of the Agency's essential (vital) records meet Departmental requirements set forth in DR 3085-001.
  - i. Incorporate procedures regarding the creation and maintenance of unit descriptive file plans and records inventories for hardcopy and electronic records into Forest Service records management directives.
  - j. As appropriate, incorporate USDA and NARA requirements regarding records storage and maintenance, including facility requirements for on- and off-site records storage, are incorporated into Agency policies and procedures.
5. Records Storage and Disposition.
- a. Monitor storage costs for Agency records retained in FRCs. As needed, obtain appropriate internal and external approvals for programmatic or budget adjustments during the fiscal year.
  - b. Review, and as appropriate, approve disposition of Agency records according to NARA approved records retention schedules. This authorization includes, but is not limited to, authorizations for destruction of temporary records stored at FRCs and transfers of permanent records to the National Archives.
  - c. Receive and forward to NARA requests for approval to store records at commercial storage facilities. Requests must include all required documentation per 36 CFR § 1234.

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- d. Report instances of unauthorized disposition to the NARA, Deputy Chief for Business Operations, USDA Records Officer, Washington Office Director, ORMS, and immediate Supervisor. Such disposition includes the unlawful or accidental removal, defacing, damage, alteration, or destruction of records by natural events, animals, insects, or humans.
  - e. Report non-compliance with Agency, USDA, or NARA records storage and maintenance requirements, including facility requirements for on- and off-site records storage, to Supervisor, USDA Records Officer, and NARA as appropriate.
  - f. Review and, as appropriate, submit to NARA all requests to donate Agency records to another Federal agency or external organization.
6. USDA.
- a. Coordinate the Agency records management activities with the USDA Records Officer (aka Departmental Records Officer).
  - b. Assist the Departmental Records Officer in administering the records management program to ensure reasonable uniformity throughout the Department.
  - c. Provide the Departmental Records Officer with information and documentation requested for review of the mission area, Agency, or staff office records management program. As requested, report to the Departmental Records Officer on the status or particular aspects of the Forest Service records program.
  - d. Serve on the review team conducting the evaluation of the records management program of another mission area or agency, as requested; reporting review findings to the Departmental Records Officer.

**6230.41f - Assistant Records Officer**

Provision is hereby made for the identification of an Assistant Records Officer by the Director of ORMS. The purpose of the position shall be to assist the Agency Records Officer in the fulfillment of the duties and responsibilities set forth in FSM 6230.41e, as assigned.

**6230.41g - Records Managers**

Records Managers are assigned to specific staffs or Forest Service field units (see FSM 6230.6). In addition to the responsibilities outlined in FSM 6230.41a-c (as applicable), Records Managers shall:

- 1. Be designated as the Program Manager responsible for oversight of records management activities occurring within assigned area of responsibility, ensuring records are protected from theft, loss, and unauthorized access and are managed according to the policies and procedures found in FSM 6230 and FSH 6209.11.

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2. Obtain leadership approval of designated alternate Records Manager(s).
3. Report any apparent instances of unauthorized disposition to Supervisor, the unit line officer, and Agency Records Officer. This includes unlawful or accidental removal, defacing, damage, alteration, or destruction of records by natural events, animals, insects, or humans.
4. Implement and adhere to all Agency and federally mandated records management policies, procedures, processes, programs, and systems.
5. As assigned, serve as the staff/unit representative regarding internal matters pertaining to records management and litigation hold; representing assigned staff or unit at records management and staff meetings, including but not limited to those organized by the Agency Records Officer.
6. As assigned, represent the staff/unit in matters pertaining to records management issues involving other Federal agencies or external organizations, including but not limited to FRCs.
7. Provide training, advice, and counsel to employees, contractors, volunteers, political appointees, and Records Liaisons regarding the maintenance and disposal of Agency records (regardless of media) according to direction found in FSM 6230 and FSH 6209.11, consulting with subject matter experts, Records Managers, and the Agency Records Officer, as appropriate.
8. Ensure the creation and maintenance of a current descriptive file plan and inventory of all applicable staff/unit official file stations (hardcopy records) and record directories and/or folders (unstructured electronic records), along with the name of the assigned Agency employee contact for each. As needed, coordinate related activities with assigned Records Liaisons.
9. Follow established procedures to ensure all applicable staff/unit employees, contractors, volunteers, and appointed officials do not remove Federal records from Forest Service custody without appropriate authorization; conduct records exit interviews using form AD-3001 (or authorized equivalent) per requirements set forth in FSM 6230.41a item 11.
10. Coordinate with appropriate contracting officials to ensure contracts include records management requirements, as set forth in FSM 6230.3 item 19 in contracts and deliverables
11. Coordinate with the Agency Records Officer, Records Managers, and Records Liaisons regarding records management activities, including but not limited to:
  - a. Dissemination of internal Agency records management information.



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- b. Reporting status of records management program as requested.
  - c. Coordination and presentation of formal internal records training courses.
  - d. Scheduling and/or conducting periodic reviews of staff/unit records management policies and procedures to ensure appropriate and consistent compliance by assigned unit/staff.
    - (1) Conformance with Government-wide, Department-wide, and Agency-wide records management standards;
    - (2) Maintenance of adequate and proper documentation of the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency;
    - (3) Permanent record preservation and transfer to the National Archives according to NARA-approved records disposition schedules; and
    - (4) Whether temporary records are transferred into NARA-approved off-site storage or destroyed promptly in accordance with approved Agency policies, procedures, and records disposition schedules.
  - e. Disposition of records, including transfers to FRC.
  - f. Identification of new or revised programs, processes, systems, and procedures to guarantee that adequate record keeping requirements are established and implemented.
  - g. Identification and reporting of unscheduled records to Agency Records Officer.
  - h. Periodic review of implementation of Agency records management policies and procedures to ensure appropriate and consistent compliance.
12. Ensure records are stored and maintained according to NARA requirements, including facility requirements for on- and off-site records storage. Report noncompliance to Supervisor, Line Officer, and Agency Records Officer.
13. Receive and forward to Agency Records Officer all requests for approval to store records at commercial storage facilities. Requests shall include all required documentation per 36 CFR § 1234.
14. Ensure prompt and appropriate disposal of temporary records according to direction found in FSH 6209.11, Chapters 30 and 40.
15. Records Managers are authorized to approve destruction of:
- a. Hardcopy temporary records stored at Forest Service offices;

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- b. Hardcopy temporary records stored at FRCs;
  - c. Hardcopy temporary records stored at the Agency or Commercial Records Centers; and
  - d. Electronic temporary records retained within Agency sponsored or owned repositories.
16. Records Managers are not authorized to approve transfer of permanent records (hardcopy and electronic) to the National Archives.
17. Use designated procedures and forms to process the following actions associated with off-site storage of hardcopy official records:
- a. Submittal and approval of requests to transfer hardcopy Agency records to a FRC;
  - b. Retrieve hardcopy Agency records stored at FRC; and
  - c. Approve destruction of hardcopy temporary records stored at FRC.
18. Transfers of permanent records (hardcopy and electronic) to the National Archives require approval of the Agency Records Officer. Records Managers shall:
- a. Use the National Archives designated system, such as the Electronic Records Archive (ERA) or equivalent, to submit permanent record transfer requests for approval by the Agency Records Officer, including transfer requests initiated by Records Liaisons; and
  - b. Participate in the National Archives Annual Move of Permanent Records by reviewing and responding to proposed transfer requests as assigned by the Agency Records Officer.
19. Submit to the Records Officer any requests to loan, transfer, or donate Agency records to another Federal agency or external organization.
20. Coordinate with Line Officer, staff members, and Records Liaisons to ensure information about essential (vital) records is included in the unit COOP Plan(s).
21. Participate in the development of new or revised Agency programs, processes, systems, and procedures to guarantee that adequate record keeping requirements are established and implemented.
22. Review directives, local supplements, and standard operating procedures to ensure guidance does not conflict with established Agency records management policy and regulatory requirements.

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23. Notify the Agency Records Officer of organizational or program changes that will result in establishment of new types of records, changes in records coding or retention, and transfer or termination of records categories no longer required by the Agency for transaction of official business.
24. Identify and inform the Agency Records Officer of potential new records series for inclusion in the Agency records disposition schedule.
25. Inform the Records Officer of new information systems or modifications to existing electronic database systems as required by OMB Circular A-130 to ensure records management and archival functions are incorporated into the design, development, and implementation of information systems.
26. Conduct formal reviews of staff/unit and field records programs and official hardcopy file stations and electronic records every three (3) years. Report review findings via written report to the Agency Records Officer and appropriate unit officials. Reviews are conducted to ensure:
  - a. Adequate and proper documentation of records management activities are maintained;
  - b. Records management programs meet Federal, USDA, and Agency records management standards;
  - c. Established records management policies and procedures are appropriately and consistently implemented; and
  - d. Records are maintained in accordance with approved Agency records schedules and policies, including the appropriate transfer and/or destruction of temporary and permanent records.
27. For assigned area of responsibility, establish and maintain a current list of Forest Service employees designated as Agency Records Liaisons.
28. Provide records management oversight and guidance to assigned Records Liaisons (Example: Regional Records Manager provides oversight and guidance to forest Records Liaisons).
29. Routinely schedule and conduct records management meetings with assigned Records Liaisons.

**6230.41h - Records Liaisons**

Records Liaisons are assigned to specific staffs or Forest Service field units (see FSM 6230.6). In addition to the responsibilities outlined in FSM 6230.41a-c (as applicable), Records Liaisons shall:

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1. Be responsible for the records management activities of their assigned staff or unit, and ensure records are protected from theft, loss, and unauthorized access, and managed according to the policies and procedures found in FSM 6230 and FSH 6209.11.
2. Obtain leadership approval of designated alternate Records Liaison(s).
3. Report any apparent instances of unauthorized disposition to Supervisor, the unit Line Officer, and assigned Records Manager. This includes unlawful or accidental removal, defacing, damage, alteration, or destruction of records by natural events, animals, insects, or humans.
4. Implement and adhere to all Agency and federally mandated records management policies, procedures, processes, programs, and systems.
5. As assigned, serve as the staff/unit representative regarding internal matters pertaining to records management and litigation hold; representing assigned staff or unit at records management and staff meetings, including but not limited to those organized by assigned Records Manager.
6. Represent assigned staff/unit in matters pertaining to records management issues involving other Federal agencies or external organizations, including but not limited to FRCs. As needed, coordinate related activities with assigned Records Manager.
7. Provide training, advice, and counsel to employees, contractors, volunteers, and political appointees regarding the maintenance and disposal of Agency records (regardless of media) according to direction found in FSM 6230 and FSH 6209.11, consulting with subject matter experts and assigned Records Manager, as appropriate.
8. Ensure the creation and maintenance of a current descriptive file plan and inventory of all applicable staff/unit official file stations (hardcopy records) and record directories and/or folders (unstructured electronic records), along with the name of the assigned Agency employee contact for each. As needed, coordinate related activities with assigned Records Manager.
9. Follow established procedures to ensure all applicable staff/unit employees, contractors, volunteers, and appointed officials do not remove Federal records from Forest Service custody without appropriate authorization; conduct records exit interviews using form AD-3001 (or authorized equivalent) per requirements set forth in FSM 6230.41a item 11.
10. Coordinate with appropriate contracting officials to ensure contracts include records management requirements, as set forth in FSM 6230.3 item 19 in contracts and deliverables.

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11. Coordinate the following records management activities with assigned Records Manager(s):

- a. Dissemination of internal Agency records management information.
- b. Reporting status of records management program as requested.
- c. Coordination and presentation of formal internal records training courses.
- d. Scheduling and/or conducting periodic reviews of staff/unit records management policies and procedures to ensure appropriate and consistent compliance by assigned unit/staff.

(1) Conformance with Government-wide, Department-wide, and Agency-wide records management standards;

(2) Maintenance of adequate and proper documentation of the organization, functions, policies, decisions, procedures, operations, or other activities of the Agency;

(3) Permanent record preservation and transfer to the National Archives according to NARA-approved records disposition schedules; and

(4) Whether temporary records are transferred into NARA-approved off-site storage or destroyed promptly in accordance with approved Agency policies, procedures, and records disposition schedules.

- e. Disposition of records, including transfers to FRC.
- f. Identification of new or revised programs, processes, systems, and procedures to guarantee that adequate record keeping requirements are established and implemented.
- g. Identification and reporting of unscheduled records to assigned records manager.
- h. Periodic review of implementation of the Agency records management policies and procedures to ensure appropriate and consistent compliance.

12. Ensure records are stored and maintained according to NARA requirements, including facility requirements for on- and off-site records storage. Report noncompliance to Supervisor, Line Officer, and assigned Records Manager.

13. Receive and forward to assigned Records Manager all requests for approval to store records at commercial storage facilities. Requests must include all required documentation per 36 CFR § 1234.

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14. Ensure prompt and appropriate disposal of temporary records according to direction found in FSH 6209.11, Chapters 30 and 40.

15. Records Liaisons are authorized to approve destruction of:

- a. Hardcopy temporary records stored at Forest Service offices;
- b. Hardcopy temporary records stored at Agency or Commercial Records Centers; and
- c. Electronic temporary records retained within Agency sponsored or owned repositories.

16. Records Liaisons are not authorized to:

- a. Approve destruction of hardcopy temporary records stored at FRCs;
- b. Approve transfer of permanent records (hardcopy and electronic) to the National Archives; and
- c. Submit requests for transfer of hardcopy records directly to FRC. All requests for transfer of hardcopy records to FRC storage must be submitted to the assigned records manager for review, processing, and approval.

17. Use designated procedures and forms to process the following actions associated with off-site storage of hardcopy official records:

- a. Submittal of requests to assigned Records Manager to transfer hardcopy Agency records to an FRC;
- b. Submit request to assigned Records Manager to retrieve hardcopy Agency records stored at FRC; and
- c. Upon request, provide response to assigned Records Manager regarding destruction of hardcopy temporary records stored at FRC.

18. Transfers of permanent records (hardcopy and electronic) to the National Archives require approval of the Agency Records Officer. Records Liaisons shall:

- a. Use designated procedures and forms to submit permanent record direct offer transfer requests to assigned Records Manager for processing; and
- b. Participate in the National Archives Annual Move of Permanent Records by reviewing and responding to proposed transfer requests as assigned by designated Records Manager.

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19. Submit to designated Records Manager any requests to loan, transfer, or donate Agency records to another Federal agency or external organization.
20. Coordinate with assigned Records Manager, Line Officer, and staff members to ensure information about essential (vital) records is included in the unit COOP Plan(s).
21. Participate in the development of new or revised Agency programs, processes, systems, and procedures to guarantee that adequate record keeping requirements are established and implemented.
22. Review directives, local supplements, and standard operating procedures to ensure guidance does not conflict with established Agency records management policy and regulatory requirements.
23. Notify the assigned Records Manager of organizational or program changes that will result in establishment of new types of records, changes in records coding or retention, and transfer or termination of records categories no longer required by the Agency for transaction of official business.
24. Identify and inform the assigned Records Manager of potential new records series for inclusion in the Agency records disposition schedule.
25. Inform assigned Records Manager of new information systems or modifications to existing electronic database systems as required by OMB Circular A-130 to ensure records management and archival functions are incorporated into the design, development, and implementation of information systems.
26. Conduct formal reviews of staff/unit and field records programs and official hardcopy file stations and electronic records every three (3) years. Report review findings via written report to assigned Records Manager and appropriate unit officials. Reviews are conducted to ensure:
  - a. Adequate and proper documentation of records management activities are maintained;
  - b. Records management programs meet Federal, USDA, and Agency records management standards;
  - c. Established records management policies and procedures are appropriately and consistently implemented; and
  - d. Records are maintained in accordance with approved Agency records schedules and policies, including the appropriate transfer and/or destruction of temporary and permanent records.

#### **6230.42 - Chief**

In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Chief shall:

1. Establish and maintain an active and continuing records management program to ensure Agency records containing adequate and proper documentation of the organization's functions, policies, decisions, procedures, and essential transactions are created and maintained; and that official records contain the information necessary to protect the legal and financial rights of the Government and of persons affected by Agency activities.
2. Ensure creation and preservation of records that contain adequate and proper documentation of the organization necessary to perform national security emergency preparedness functions.
3. Approve or delegate the authority to approve records management directives, ensuring the appropriate dissemination of information within the Agency.
4. Ensure the Agency develops, establishes, and implements new or revised programs, processes, systems, and procedures to fulfill record keeping requirements; and complies with applicable laws and guidelines.
5. Ensure employees, contractors, volunteers, and political appointees are aware of records management responsibilities and established record keeping requirements.
6. Ensure the development and implementation of records schedules for all records created and received by the Agency, in accordance with guidelines established by NARA, GAO, and USDA.
7. Review, periodically Agency records management requirements to validate currency and assess implementation of approved policies and procedures.
8. Submit for approval to the USDA Senior Agency Official for Records Management (SAO-RM) the name of the employee to be designated as the Agency Records Officer, upon recommendation of the Director of the Office of Regulatory and Management Services (ORMS). Notification to be given via official letter signed by the Chief, or designated acting, and addressed the USDA SAO-RM, with a courtesy copy provided to the USDA Records Officer. The letter must include the name and contact information of the Agency Records Officer including e-mail and postal addresses, phone and fax numbers.

#### **6230.42a - Chief's Staff, International Programs, Legislative Affairs, Office of Communications, Office of Sustainability and Climate Change**

The Chief delegates to the Chief of Staff and the Directors of International Programs, Legislative Affairs, Office of Communications, and Office of Sustainability and Climate Change the



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responsibility and authority for ensuring establishment and maintenance of an active and continuing records management program that conforms to Agency policy. In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Chief of Staff and Directors:

1. Shall approve assignment of staff Records Managers (FSM 6230.41g) and Records Liaisons (FSM 6230.41h). See FSM 6230.6, Exhibit 01.
2. Actively cooperate with the USDA Records Officer, Agency Records Officer, or assigned agent in responding to requests for information and records.

**6230.42b - Director of Civil Rights**

The Chief delegates to the Director of Civil Rights the responsibility and authority for ensuring the establishment and maintenance of an active and continuing records management program for the Civil Rights organization that conforms to Agency policy.

In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Director of Civil Rights shall:

1. Be responsible for the Civil Rights records disposition program.
2. Approve assignments of staff Records Managers (FSM 6230.41g) and liaisons (FSM 6230.41h) for the Civil Rights staff, including detached personnel. Notification of the assignment must be provided to the Agency Records Officer. The responsibilities of the Civil Rights Records Manager include oversight of all Civil Rights records programs and Records Liaisons. See FSM 6230.6, Exhibit 01.
3. Participate in the development and review of records management regulations and directives as requested by the Agency Records Officer or assigned agent.
4. Actively cooperate with the USDA Records Officer, the Agency Records Officer, or assigned agent in responding to requests for information and records.

**6230.42c - Director of Law Enforcement and Investigations**

The Chief delegates to the Director of Law Enforcement and Investigations (LE&I) the responsibility and authority for ensuring the establishment and maintenance of an active and continuing records management program for the LE&I organization that conforms to Agency policy. In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Director of LE&I:

1. Shall be responsible for the LE&I records disposition program;
2. Shall ensure the establishment and maintenance of an active and continuing records management program, including assignment of a National LE&I Records Manager. Notification of the assignment must be provided to the Agency Records Officer. The

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responsibilities of the LE&I Records Manager (FSM 6230.41g) include oversight of records programs and Records Liaisons (FSM 6230.41h) at all Forest Service LE&I units. See FSM 6230.6, Exhibit 01;

3. May designate one or more Records Liaisons for the Washington Office;
4. Shall ensure that Special Agents in Charge, as well as all other LE&I offices and staffs, designate Records Liaisons to assist with unit records management activities. In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable); and
5. Shall actively cooperate with the USDA Records Officer, Agency Records Officer, or assigned agent in responding to requests for information and records.

**6230.43 - Deputy Chief for Business Operations**

In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Deputy Chief for Business Operations shall:

1. Ensure the establishment and maintenance of an active and continuing records management program for the Deputy area. The Deputy Chief for Business Operations shall approve or delegate the authority to approve assignment of Records Managers (FSM 6230.41g) and Liaisons (FSM 6230.41h) for identified staffs and offices (FSM 6230.6, exhibit 02);
2. Administer the Agency records management program and ensure compliance with NARA, USDA, and other oversight agencies;
3. Integrate planning for electronic records management systems into plans for resource allocation and use, including budgeting, acquisition, and use of information technology; and
4. Ensure the CIO and the Director of ORMS collaborate on oversight of the creation and use of electronic records according to OMB/NARA Directive M-12-18, Federal regulations, and USDA policy, and that record keeping functionality is developed for all information systems managing electronic records.

**6230.43a - Business Operations Deputy Area Executive Staff**

The Deputy Chief for Business Operations shall ensure the assignment of a Records Manager and Records Liaison(s) for the Business Operations Deputy Area Executive Staff and notify the Agency Records Officer of the assignment.

**6230.43b - Business Operations Staff Directors**

In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable) and elsewhere in FSM 6230.43, Business Operations staff directors shall appoint and coordinate shared services of

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Records Managers and Liaisons among staffs as appropriate. Washington Office staffs sharing a Records Manager shall each designate a Records Liaison to assist with records management activities.

**6230.43c - Washington Office Acquisition Management; Enterprise Programs; Homeland Security; Safety and Occupational Health; Strategic Planning, Budget, and Accountability**

In addition to the responsibilities outlined in FSM 6230.43b, the Deputy Chief delegates the responsibility and authority for records maintenance and disposition for their assigned programs to the Directors of the following programs:

1. Washington Office Acquisition Management in the following locations:
  - a. Washington, DC;
  - b. Albuquerque, NM; and
  - c. The National Interagency Fire Center in Boise, ID.
2. Enterprise Programs.
3. Homeland Security.
4. Safety and Occupational Health.
5. Strategic Planning, Budget, and Accountability.

Directors shall identify a staff Records Manager and notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment. The Directors may also designate Records Liaisons to assist with staff records management activities.

**6230.43d - Chief Information Officer (CIO)**

In addition to the responsibilities outlined in FSM 6230.43b, the Deputy Chief delegates the responsibility and authority for the CIO records maintenance and disposition program to the CIO.

The CIO has the responsibility and authority to designate one or more Records Managers and shall notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment. The CIO may also designate Records Liaisons to assist with staff records management activities.

In addition to the aforementioned responsibilities, the CIO shall:

1. Ensure that information technology systems provide adequate and cost-effective records management and retention capabilities.

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2. Ensure that records management is an Agency capability that is included as part of Enterprise Architecture planning.
  - a. Enterprise Architects are to consider records management in business process analysis. Records management shall be a required layer of the architecture of new segment development.
  - b. Capital Planning and Investment Control (CPIC) shall incorporate records management and archival functions into the design, development, and implementation of information systems.
3. As information systems (business systems) are planned or updated, the CIO shall:
  - a. Ensure that the Agency Records Officer is included in the initial planning and design of new systems and the plans for migration, upgrades, modifications, or inactivation of from existing systems as required by OMB Circular A-130.
  - b. Provide cost estimates for the maintenance of record copies in electronic media, including the migration of the records to new systems, as there are upgrades and changes in software and hardware systems. Maintenance issues must address the cost of appropriate storage facilities that meet the Agency records facility requirements listed in 36 CFR §§ 1234.10-1234.14. Migration costs must include the conversion, verification, and validation of the data for the life of the record.
  - c. Provide guidance on the security of the record in electronic media over the life of the record. Records must be valid, reliable, have integrity, and be usable (FSM 6230.3, item 14), and meet legal requirements in a court of law.
  - d. Communicates to portfolio manager/program of an IT investment to ensure records management requirements are addressed.
  - e. Coordinate with the Agency Records Officer to ensure compliance with record keeping requirements, determination of retention periods, and implementation of authorized disposition policy for system data and documentation. Coordinate with the Agency Records Officer when developing business cases as part of the CPIC process to ensure that electronic records management requirements are met and incorporated into system design and development.
4. Notify the Agency Records Officer of technology changes that could affect access, retention, or disposition (archiving and disposal) of electronic records.

**6230.43e - Enterprise Programs**

In addition to the responsibilities outlined in FSM 6230.43b, the Deputy Chief delegates to the Director of Enterprise Programs the responsibility and authority for ensuring the establishment

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and maintenance of an active and continuing Business Operations Enterprise Program records management program.

The Director shall ensure that a Records Manager is assigned to oversee all Enterprise Program records management activities, including those of detached employees. The Director shall notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment. The Director has the option of designating one or more Records Liaisons as needed.

**6230.43f - Homeland Security; Safety and Occupational Health; Strategic Planning, Budget, and Accountability**

In addition to the responsibilities outlined in FSM 6230.43b, the Deputy Chief delegates the responsibility for ensuring the establishment and maintenance of an active and continuing records management program for their assigned programs to the Directors of the following programs:

1. Homeland Security;
2. Safety and Occupational Health; and
3. Strategic Planning, Budget, and Accountability.

The Directors shall coordinate with the Director of ORMS on the assignment of a staff Records Manager. Additionally, each Director shall identify a staff member to serve as a Records Liaison.

**6230.43g - Human Resource Management**

In addition to the responsibilities outlined in FSM 6230.43b, the Deputy Chief delegates to the Director of Human Resource Management (HRM) the responsibility for ensuring the establishment and maintenance of an active and continuing records management program for the HRM organization that conforms to Agency policy.

The Director of HRM shall coordinate with the Director of ORMS regarding the assignment of a Records Manager and Records Liaisons for the HRM staff, including detached personnel. Notification of the assignment must be provided in writing to the Director of ORMS and the Agency Records Officer. The responsibilities of the HRM Records Manager include oversight of all HRM records programs and Records Liaisons.

**6230.43h - Job Corps**

In addition to the responsibilities outlined in FSM 6230.43b, the Deputy Chief delegates to the Forest Service, Director of Job Corps the responsibility and authority for ensuring the establishment and maintenance of an active and continuing records management program for the Job Corps organization that conforms to Agency policy. The Director of Forest Service Job Corps:

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1. Is responsible for the Forest Service Job Corps records disposition program, including management of Department of Labor Job Corps Student Records stored in Forest Service Job Corps facilities;
2. Shall assign a National Forest Service Job Corps Records Manager. Notification of the assignment must be provided in writing to the Director of ORMS and the Agency Records Officer;
3. Is responsible for the Forest Service Job Corps Records Manager, which includes oversight of the National Job Corps records program and activities of Records Liaisons and student records clerks at all Forest Service Job Corps Centers; and
4. Shall ensure that Forest Service Job Corps Center Directors assign Records Liaisons and student records clerks and notify the Forest Service Job Corps Director and Forest Service Job Corps Records Manager of the assignment.

**6230.43i - Office Regulatory and Management Services**

1. Director.

In addition to the responsibilities outlined in FSM 6230.43b, the Deputy Chief of Business Operations delegates to the Director of ORMS the responsibility and authority to:

- a. Recommend to the Chief, via the Deputy Chief for Business Operations, the name of the employee who shall serve as the Agency Records Officer (FSM 6230.41e). The recommendation must include the name and contact information of the proposed Agency Records Officer, including e-mail and postal addresses, phone and fax numbers.
- b. Manage the ORMS records program, including the responsibility and authority to designate a Records Manager and Records Liaison for the ORMS staff and to notify the Agency Records Officer of the assignment.
- c. As needed, designate an Assistant Records Officer, who is responsible for supporting the Agency Records Officer in fulfillment of the duties set forth in FSM 6230.41e.
- d. Coordinate with the Director of HRM regarding the assignment of a Records Manager and Records Liaisons for the HRM staff, including detached personnel. Notification of the assignment must be provided to the Agency Records Officer. The responsibilities of the HRM Records Manager include oversight of all HRM records programs and Records Liaisons (FSM 6230.43g).

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2. Assistant Director.

In addition to the responsibilities outlined in FSM 6230.43b, the Assistant Director for ORMS, Records Management, as assigned by the Director of ORMS, shall provide general program oversight regarding the establishment and maintenance of an active and continuing records management program by:

- a. Consulting with the Director of ORMS regarding the employees to be designated as the Agency Records Officer and Assistant Agency Records Officer.
- b. Supervising, as assigned by the Director of ORMS, the:
  - (1) Agency Records Officer, duties and responsibilities set forth in FSM 6230.41e.
  - (2) Other Washington Office Records team members, including the Assistant Agency Records Officer (FSM 6230.41f), Records Managers, litigation hold coordinator(s) and records specialist(s), duties and responsibilities as appropriate.
- c. Reviewing proposed records management directives.
- d. Assisting the Director of ORMS in ensuring the Agency develops, establishes, and implements new or revised programs, processes, systems, and procedures to fulfill record keeping requirements.
- e. Supporting efforts to ensure all Forest Service employees, contractors, volunteers, and political appointees are aware of records management responsibilities and established record keeping requirements.

**6230.44 - Chief Financial Officer (CFO)**

In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the CFO shall:

1. Ensure the establishment and maintenance of an active and continuing records management program for the CFO organization;
2. Appoint one or more Records Manager (FSM 6230.41g) to oversee records management activities for the CFO organization located at the Washington Office and Albuquerque Service Center (ASC) and notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment. The Records Manager(s) shall represent the staff at Agency national records management group meetings and fulfill assigned records management responsibilities;
3. Appoint one or more Records Liaisons (FSM 6230.41h) to assist the assigned Records Managers and staff for the CFO organization located at the Washington Office and ASC with records management activities; and

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4. Coordinate shared services of Records Managers and Liaisons among staffs as appropriate.

**6230.45 - National Forest Systems (NFS), Research and Development (RD), and State and Private Forestry (SPF)**

In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Deputy Chiefs for NFS, RD, and SPF shall:

1. Ensure the establishment and maintenance of an active and continuing records management program for the deputy area;
2. Appoint one or more Records Managers (FSM 6230.41g) to oversee records management activities for the deputy area staffs and notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment. The Records Manager(s) shall represent the deputy area at Agency national records management group meetings and fulfill assigned records management responsibilities.
3. Appoint one or more Records Liaisons (FSM 6230.41h) to assist the assigned Records Managers and staff with records management activities.

**6230.45a - Washington Office Satellite Offices**

In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Directors of the following offices are responsible for their unit's records disposition program:

1. Geospatial Technology and Applications Center (GTAC).
2. National Technology and Development Program – Missoula and San Dimas Technology and Development Centers.
3. National Interagency Fire Center.

Each Director shall appoint a Records Managers (FSM 6230.41g) to oversee records management activities for their staff and notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment. The Records Manager shall represent the deputy area at Agency national records management group meetings and fulfill assigned records management responsibilities.

**6230.46 - International Institute of Tropical Forestry (IITF), Northeastern Area State and Private Forestry (NA/SPF), and Forest Products Laboratory (FPL)**

The Directors of IITF, NA/SPF, and FPL are responsible for their unit's records disposition program. In addition to the responsibilities outlined in FSM 6230.41a-d (as applicable), the Directors for IITF, NA/SPF, and FPL shall appoint a Records Managers (FSM 6230.41g) to oversee records management activities for their staff and notify the Director of ORMS and the



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Agency Records Officer, in writing, of the assignment. The Records Manager shall represent the deputy area at Agency national records management group meetings and fulfill assigned records management responsibilities.

**6230.47 - Regions and Research Stations**

**6230.47a - Regions**

In addition to the responsibilities outlined in FSM 6230.41a-d, Regional Foresters are vested with the responsibility for the region-wide records disposition program. The Regional Forester shall ensure the establishment and maintenance of an active and continuing records management program. The Regional Forester shall:

1. Assign a Regional Records Manager (FSM 6230.41g), and notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment;
2. Authorize regional staff Records Liaisons and notify the Regional Records Manager of such assignments (FSM 6230.41h); and
3. Review the region's implementation of records management policies and procedures periodically to ensure appropriate and consistent compliance.

**6230.47b - Research Stations**

In addition to the responsibilities outlined in FSM 6230.41a-d, research station Directors are vested with the responsibility for the research station's records disposition program. Each Director shall ensure the establishment and maintenance of an active and continuing records management program. Each Research Director has the responsibility to:

1. Assign a Research Station Records Manager (FSM 6230.41g), and notify the Director of ORMS and the Agency Records Officer, in writing, of the assignment;
2. Authorize Research Station satellite office Records Liaisons and notify the Research Station Records Manager of such assignments (FSM 6230.41h); and
3. Review the research station's implementation of records management policies and procedures periodically to ensure appropriate and consistent compliance.

**6230.48 - National Forests and Grasslands; National Recreation Areas, Scenic Areas, and Monuments**

In addition to the responsibilities outlined in FSM 6230.41a-d, national forest and grassland Supervisors; national recreation area, scenic area, and monument Managers shall assign a unit Records Liaison (FSM 6230.41h), and notify the Regional Forester and Regional Records Manager, in writing, of the assignment. A primary Records Liaison is to be designated as the

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main contact for the unit. Designation of additional staff or district Records Liaisons to individual staffs or districts may be done at the discretion of the Supervisor or Manager.

### **6230.5 - Definitions**

Adequate and Proper Documentation. Record of the conduct of Government business that is complete and accurate to the extent required to document the organization, functions policies, decisions, procedures, and essential transactions of the Agency, and that is designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the Agency's activities.

Agency. A major line or program organization of the USDA headed by an Administrator (or equivalent) who reports to the Secretary, Deputy Secretary, an Under- or Assistant-Secretary, or a General Officer. The Forest Service is an agency in the USDA, headed by the Chief who reports to the Under Secretary of National Resources and the Environment.

Appropriate for Preservation. Documentary materials made or received which, in the judgment of the Agency, should be filed, stored, or otherwise systematically maintained by the Agency because of the evidence of Agency activities or information they contain, even if the materials are not covered by the current filing or maintenance procedures (36 CFR § 1222.10).

Asymmetric Key Operation. Also known as public key cryptography, uses public and private keys to encrypt and decrypt data. The keys are simply large numbers that have been paired together but are not identical.

Authentication of Electronically Signed Permanent Records. For permanent records, organizations must ensure that the printed name of the electronic signer, as well as the date when the signature was executed, be included as part of any human readable form (such as electronic display or printout) of the electronic record. This is required so that the name of the signer will be preserved as part of the record.

Continuity of Operations Plan (COOP). Policy of the U.S. Government is to have in place a comprehensive and effective program to ensure continuity of essential Federal functions, under all circumstances. A viable COOP should be maintained at a high level of readiness; operational within 12 hours after activation; sustainable for 30 days; and, take maximum advantage of existing Agency field offices for emergency relocation sites.

Data. Raw facts, figures, and concepts structured in discretely defined fields and processes or placed in a specific context to become information.

Department. A Presidential cabinet-level unit. Specific to this chapter also referred to as USDA.

Digital Signature. A digital signature is a signature in digital form that can be used to authenticate the identity of the sender of a message or the signer of a document, and to ensure that the original content of the message or document that has been sent is unchanged. This is a

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concept called non-repudiation, or integrity protection. Technically speaking, a digital signature is an asymmetric key operation where the private key is used to digitally sign data and the public key is used to verify the signature. A digital signature is a type of electronic signature. Furthermore, digital signature is a method of authenticating records by producing a digital signature bound to both the record and the signer's identity using cryptographic keys, operations, and protocols. Digital signatures serve to both verify a signer's identity and provide integrity for the data contained in the record.

**Disaster.** An unexpected occurrence inflicting widespread destruction and distress and having long-term adverse effects on Agency operations. Each agency defines what a long-term adverse effect is in relation to its most critical program activities (36 CFR § 1223.2b).

**Discovery.** The process of identifying, locating, securing, and producing evidence, including testimony, things, information, and materials for utilization in the legal process. The term is also used to describe the process of reviewing all materials that may be potentially relevant to the issues at hand and/or may need to be disclosed to other parties, and of evaluating evidence to prove or disprove facts, theories, or allegations. There are several formalized methods of conducting discovery, the most common of which are interrogatories, requests for production of documents, and disposition.

**Disposition.** A comprehensive term that includes:

1. Destruction (disposal) of temporary records no longer needed for the conduct of business;
2. Transfer of inactive records to an FRC;
3. Transfer of permanent records, determined to have sufficient historical or other value to warrant continued preservation, to NARA; and
4. Donation of temporary records to an eligible person or organization after the authorized retention period has expired and after the Archivist of the United States has approved the donation (contact the Agency Records Officer for details).

**Documentary Materials.** A collective term for records, non-record materials, and personal papers that refers to all media containing recorded information, regardless of the nature of the media or the method(s) or circumstance(s) of recording (36 CFR § 1222.12b(1)).

**Documentation, Adequate and Proper.** See 'Adequate and Proper Documentation.'

**Electronic Discovery (eDiscovery).** Process of collecting, preparing, reviewing, and producing electronically stored information (ESI) in the context of the legal process. See Discovery.

**Electronic Mail (email).** A document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and attachments, such as word processing and other electronic documents, which may be transmitted with the message. Email

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is an official record and must be retained in specified according to current Agency policy for retention of official records. USDA retains and manages the main electronic mail repository using NARA's Capstone methodology. In addition to the record copy retained in the master repository, when business needs require e-mail records to be retained with other record (such as part of a case file) in another record keeping system, employees should manage these records according to the appropriate Forest Service Records Disposition Schedule series instructions.

**Electronic Mail System.** A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases on either personal computers or mainframe computers, and electronically generated documents not transmitted on an electronic mail system.

**Electronic Record.** Any information that is recorded in a form that only a computer can process and that satisfies the definition of a record. Also known as (outside of this directive) eRecords, e-Records, digital records, and d-Records.

**Electronic Record System.** The electronic mechanism that produces, manipulates, or stores Federal records, and the collection of electronic records having one or more of the following aspects: the same format, arrangement under a single electronic filing system, relation to a particular subject, documentation of a particular kind of transaction, and production by the same activity. Also known as (outside of this directive) digital records system.

**Electronic Records Management (ERM).** The planning, budgeting, organizing, directing, training, and control activities associated with electronic records. Also known as digital records management (DRM).

**Electronic Signature.** Electronic Signature is made up of symbols or other data in digital form attached to an electronically submitted document as verification of the sender's intent to sign the document. Per 44 U.S.C. § 3504, Sec. 1710 - Definitions: The term 'electronic signature' means a method of signing an electronic message that (A) identifies and authenticates a particular person as the source of the electronic message; and (B) indicates such person's approval of the information contained in the message.

**Electronically Stored Information (ESI).** Any information that is created, received, maintained, or stored on local workstations, laptops, central servers, personal digital assistants, cell phones, or in other electronic media. Examples include, but are not limited to electronic mail (email), calendars, word processing documents and spreadsheets, databases, videos, video files, digital images, audio files, text messages, voicemails, activity logs, and so forth. ESI includes metadata.

**Emergency.** A situation or an occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action. This is generally of short duration, for

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example, an interruption of normal Agency operations for a week or less. It may involve electrical failure or minor flooding caused by broken pipes (36 CFR § 1223.2b).

Emergency Operating Records. A category of records essential to the continued functioning or the reconstitution of an organization during and after a continuity (COOP) activation. Examples of these records are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, related policy or procedure records, selected program records needed to continue the most critical Agency operations, as well as related policy or procedural records that assist Agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency (36 CFR § 1223.2 and USDA DR 1800-1).

Employees. This term refers to all of the following: Agency employees, contractors, volunteers, and appointed officials.

Essential Records. Essential Agency records that are needed to meet operational responsibilities under national security emergencies or other emergency conditions (emergency operating records) or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records). Records include information systems and applications, electronic and hardcopy documents, and references. (36 CFR § 1223.2b).

Essential Records Program. The policies, plans, and procedures the Agency develops and implements, and the resources needed, to identify, use and protect essential records needed to meet operational responsibilities under national security emergencies or other emergency conditions or to protect the Government's rights or those of its citizens. This is a program element of the Agency's emergency management function (36 CFR § 1223.2b).

External Electronic Data Storage Device. A small, mobile format electronic device capable of storing data, including but not limited to flash devices (such as USB keychain drives), external hard drives that connect via USB or similar means, Compact Discs (CD, CD-3), and other similar devices.

Federal Records Center (FRC). Records centers established, maintained, and operated by NARA for the storage, processing, and servicing of records for Federal agencies (also called Regional Records Services Centers). The Washington National Records Center is an FRC, which services agencies in the metropolitan Washington, D.C. area.

File:

1. A set of policies and procedures for organizing and identifying files or documents to expedite retrieval, use, and disposition.
2. A plan designating the physical locations at which an agency's files are to be maintained, the specific types of files to be maintained there, and the organization's element(s) having custodial responsibility.

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3. A document containing the identifying number, title or description, and disposition authority of files held in an office.

File Code. Numbers used in the file designation (for example, 6230). File codes match applicable FSM chapter numbers.

File Code Designation. Classification consisting of a number (code), subject name (heading and subheading) used to classify record material (for example, ‘6230 - Records Management - General’). May be abbreviated (for example, ‘6230 - General’).

File Code Heading. File code headings match applicable FSM chapter titles and indicate the general subject matter to which the records pertain.

File Code Subheading. Refers to the individual subject categories retained under a specific file code and heading.

File Plan. A classification scheme describing different types of files (hardcopy and electronic) maintained in an office, how they are identified, where they should be stored, how they should be indexed for retrieval, and a reference to the approved disposition for each file. File plans can be in hardcopy or electronic (digital) format. Citation: Association of Records Managers and Administrators (ARMA), *Glossary of Records and Information Management Terms, 3rd Edition*, 2008 (13 Jun. 2011).

General Officer. A USDA official who reports directly to the Secretary of Agriculture.

Hold. A “hold” is an agency’s temporary suspension of disposition action(s) related to documentary materials, as well as segregation and preservation of such materials, because of legal, audit, or investigative needs. Documentary materials, regardless of physical location, are required to be kept for as long as a hold is in place. Noncompliance with a hold could result in penalties on individual staff or an entire agency. Subsequent to, or contemporaneous with, the issuance of a hold, the Agency may be requested to “search” the held material for specific, relevant documentary material, and to segregate it for safekeeping.

Information. Any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, electronic, or audiovisual forms (see Data).

Information Life Cycle. The stages through which information passes, typically characterized as creation or collection, processing, dissemination, use, storage, and disposition, to include destruction and deletion.

Information Management. The planning, budgeting, manipulating, and controlling of information throughout its life cycle. The term encompasses both information itself and the related resources, such as personnel, equipment, funds, and information technology.

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Information Resources. Information and related resources, such as personnel, equipment, funds, and information technology (44 U.S.C. § 3502).

Information Resources Management. The process of managing information resources to accomplish Agency missions. The term encompasses an agency's information and the related resources, such as personnel, equipment, funds, and information technology (44 U.S.C. § 3502).

Information Security. The protection of information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide:

1. Integrity, which means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity;
2. Confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and
3. Availability, which means ensuring timely and reliable access to and use of information (44 U.S.C. § 3552).

Information Systems. A discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information (44 U.S.C. § 3552), whether automated or manual.

Information Technology. Any services or equipment, or interconnected system(s) or subsystem(s) of equipment, that are used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the Agency. Includes services or equipment used by the Agency directly or used by a contractor under a contract with the Agency that requires its use; or to a significant extent, its use in the performance of a service or the furnishing of a product. The term "information technology" includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including cloud computer and help-desk services or other professionals services which support any point of the life cycle of the equipment or service), and related resources. The term "information technology" does not include any equipment that is acquired by a contractor incidental to a contract which does not require its use (40 U.S.C. § 11101).

Legal and Financial Rights Records. The category of essential records needed to protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, social security records, payroll records, retirement records, and insurance records. These records were previously defined as "rights-and-interests" records.

Legal Hold. See "Hold" and "Litigation Hold."

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Life Cycle (of an Information System). All phases in the useful life of an information system, including planning, acquiring, operating, maintaining, and disposing.

Life Cycle (of Records). The management concept that records pass through three stages: Creation, Maintenance and Use, and Disposition.

Litigation Hold. Also known as a “hold” or “legal hold.”

1. The obligation of agencies, Managers, and individual employees to ensure that preservation of documentary materials that might be or might become relevant to pending or threatened litigation. If the documentary material was created in electronic format, it must be preserved in that original native format.
2. The procedure for locating and ensuring the retention of ESI subject to a preservation obligation.

Litigation Hold Coordinator. Role associated with litigation hold notification process. A litigation hold coordinator is responsible for developing and managing a Service-wide control system for tracking, monitoring, and reporting on all active litigation hold notices within the Agency. The Agency Records Officer, or assigned agent, is the Agency’s Litigation Hold Coordinator. Not to be confused with a Litigation Coordinator (FSM 1572.04a, para. 3) or Litigation Case Coordinator (FSM 1572.04a, para. 5).

Made. The act of creating and recording information by Agency personnel in the course of their official duties, regardless of the method(s) or the medium involved (36 CFR § 1222.10).

Media (or formats). “Media” and “formats” refer to the physical characteristics of documentary materials.

Metadata. Data that describes other data. Preserved contextual information describing the history, tracking, and/or management of an electronic record. The term may also refer to any computer file or database that holds information about another database’s structure, processing, changes, and so forth. Data dictionaries and data repositories are examples of metadata.

Mission Area. All the agencies, and/or offices reporting to an Under- or Assistant-Secretary.

National Security Emergency. Any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or threatens the national security of the United States, as defined in Executive Order 12656 (36 CFR § 1223.2b).

Non-record Materials. Federally owned informational materials that do not meet the statutory definition of records (44 U.S.C. § 3301) or that have been excluded from coverage by the definition. Excluded materials are extra copies of documents kept only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit. May include:



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1. Library and museum material made or acquired and preserved solely for reference or exhibition purposes; or duplicated copies preserved only for convenience, such as:
  - (a) Reading file copies of correspondence;
  - (b) Tickler, follow-up, or suspense copies of correspondence;
  - (c) Identical duplicate copies of all documents maintained in the same file;
  - (d) Extra copies of printed or processed materials, official copies of which have been retained for record purposes; and
  - (e) Processed or published materials that are received from other activities or offices and that require no action and are not required for any kind of documentation (the originating office or activity is required to maintain record copies).
2. Superseded manuals and other directives maintained outside the office that is responsible for retaining them.
3. Materials documenting such peripheral activities of agencies as employee welfare activities and charitable fund drives.
4. Catalogs, trade journals, and other publications or papers that are received from Government agencies, commercial firms, or private institutions and that require no action and are not part of a case upon which action is taken.
5. Reproduction materials, such as stencils, hectograph masters, and offset plates.

Off-site Storage. A facility other than the Agency's normal place of business, including a facility maintained by a third party, where the Agency keeps records until eligible for final disposition. Agencies may keep essential records at off-site storage to ensure that they are not damaged or destroyed should an emergency occur in the Agency's normal place of business. Off-site storage facilities housing official Agency records must meet NARA requirements (FSM 6230.3, items 9, 20, and 21).

Official File Station. This is the location where official hardcopy record copies are maintained. It may be a centralized file unit or an individual office file. It contains record copies of correspondence, reports, forms, microfilm, audiovisual, computer tapes, and so forth.

Office of Primary Responsibility (OPR). The office of primary responsibility is any staff or activity having primary functional interest in, and responsibility for, a specific action, project, plan, program, or problem.

Operational Records. Those records created or maintained by Forest Service staff while conducting Forest Service business.

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Permanent Records. Records appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal Government (even while within the Agency custody) beyond the time necessary for administrative, legal, or fiscal purposes.

Personal Papers. Personal papers are documentary materials, or any reasonably differentiable portion thereof, of a private or nonpublic character that do not relate to, or have an effect upon, the conduct of Agency business. If information about private matters and Agency business appears in the same document, the document must be copied at the time of receipt, with the personal information deleted, and treated as a Federal record.

Personally Identifiable Information (PII). Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

Preserved. The filing, storing, or any other method of systematically maintaining documentary materials in any medium by the Agency. This term covers materials not only actually filed or otherwise systematically maintained but also those temporarily removed from existing filing systems (36 CFR § 1222.10).

Received. The acceptance or collection of documentary materials by or on behalf of the Agency or Agency personnel in the course of their official duties regardless of their origin (for example, other units of the Agency, private citizens, public officials, other agencies, contractors, Government grantees) and regardless of how transmitted (in person or by messenger, mail, electronic means, or by any other method). In this context the term does not refer to misdirected materials. It may or may not refer to loaned or seized materials depending on the conditions under which such materials came into Agency custody or were used by the Agency. Advice of legal counsel should be sought regarding the "record" status of loaned or seized materials (36 CFR § 1222.10).

Record Keeping Requirements. All statements in statutes; regulations; Department Regulations, Manuals, and Notices; Secretary's Memoranda; and, operating unit directives that provide general and specific guidance for personnel in creating and maintaining records.

Record Keeping System. A manual or electronic system in which records are collected, organized, and categorized to facilitate their presentation, retrieval, use, and disposition.

Recorded Information. Per 44 U.S.C. § 3301(a)(2), includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form. Per 44 U.S.C. § 3301(b), the Archivist of the United States makes the final determination regarding whether recorded information (whether it exists in physical, digital, or electronic form) meets the definition of a [Federal] record, and such determination shall be binding on all Federal agencies.

Records. Per 44 U.S.C. § 3301(a) (1), the term 'records' is defined as recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or

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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 because of the informational value of data in them.

It should be noted that the definition does not include library and museum material made or acquired and preserved solely for reference or exhibition purposes; or duplicated copies preserved only for convenience.

Records Disposition Schedule. A document, approved by NARA, which provides authority for the final disposition of recurring and non-recurring records. Records must not be destroyed except as authorized by an approved records schedule.

Records Liaison. Records Liaisons have assigned responsibilities within a staff or unit for records management duties. Records Liaisons have narrower authority within the realm of records management than Records Managers and provide records management support to individual staffs, national forests and grasslands, Job Corps Centers, Law Enforcement and Investigation staffs/units, and similar organizational entities. Records Liaisons will report to the applicable records manager regarding records management activities (that is, Forest Service Records Liaisons will coordinate with Regional Records Managers, Job Corps Center Records Liaisons will coordinate with the National Job Corps Records Manager, individual Law Enforcement and Investigation unit Records Liaisons will coordinate with the National Law Enforcement and Investigation records manager, and so forth).

Records Management. The planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of policies and transactions of the Federal Government and effective and economical management of Agency operations (44 U.S.C. § 2901(2)).

Records Manager. Records Managers have broader authority and responsibility than Records Liaisons. Regions, the Area, the National Job Corps office, research stations, and other significant units/staffs are assigned Records Managers. Records Managers will report to and coordinate with the Agency Records Officer regarding records management activities. Units must have specific authorization via this directive to designate a records manager.

Records Schedule. See ‘Records Disposition Schedule’.

Regardless of physical form or characteristics. The medium may be paper, film, disk, or other physical type or form; and the method of recording may be manual, mechanical, photographic, electronic, or any other combination of these or other technologies (36 CFR § 1222.10).

Rights and Interests Records. See ‘Legal and Financial Rights Records’.

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**Risk.** A measure of the extent to which an entity is threatened by a potential circumstance or event, and typically is a function of:

1. The adverse impact, or magnitude of harm, that would arise if the circumstance or event occurs; and
2. The likelihood of occurrence.

**Senior Agency Official for Records Management (SAO-RM).** The senior official who has direct responsibility to ensure that the Agency efficiently and appropriately complies with all applicable records management statutes, regulations, NARA policy and OMB policy.

**Social Media.** Digital technologies and platforms that allow publishing, communications, and collaboration among individuals and institutions.

**Structured Records.** Data that can be immediately identified within an electronic structure such as a relational database.

**Supply Chain.** A linked set of resources and processes between multiple tiers of developers that begins with the sourcing of products and services and extends through the design, development, manufacturing, processing, handling, and delivery of products and services to the acquirer.

**Supply Chain Risk.** Risks that arise from the loss of confidentiality, integrity, or availability of information or information systems and reflect the potential adverse impacts to organizational operations (including mission, functions, image, or reputation), organizational assets, individuals, other organizations, and the Nation.

**Temporary Records.** Records approved by NARA for disposal, either, immediately or after a specified retention period. Also called disposable records or nonpermanent records.

**Trustworthiness of a Record.** An information system that is believed to be capable of operating within defined levels of risk despite the environmental disruptions, human errors, structural failures, and purposeful attacks that are expected to occur in its environment of operation. To demonstrate proof, records must have the qualities of trustworthiness, that is, records with the following characteristics:

1. **Authenticity.** An accurate account of an activity, transaction, or decision;
2. **Reliability.** Content can be trusted as a full and accurate representation;
3. **Integrity.** An assurance that the information has not been changed subsequently. Includes guarding against improper information modification or destruction, and ensuring information non-repudiation and authenticity; and
4. **Usability.** The information can be located, retrieved, and presented, and interpreted.

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Unit. Any organizational component.

Unscheduled Records. Records whose final disposition has not been approved by NARA.

Unstructured Records. Data that are not in fixed locations. The term generally refers to free-form text such as in word processing documents, PDF files, e-mail messages, blogs, Web pages and social sites. Within the Forest Service spreadsheets, PowerPoint presentations, and photographs are included in this category.

Vital Records. See Essential Records.

Wet Signature. A wet signature is created when a person physically marks a document. In some cultures this is done by writing a name in a stylized, cursive format (or even a simple “X”) on a piece of paper. Other cultures use seals to the same effect.

Working Files. Preliminary drafts, rough notes, and similar materials used to prepare final copies. Working files may meet the statutory definition of records and shall be maintained to ensure adequate and proper documentation, if:

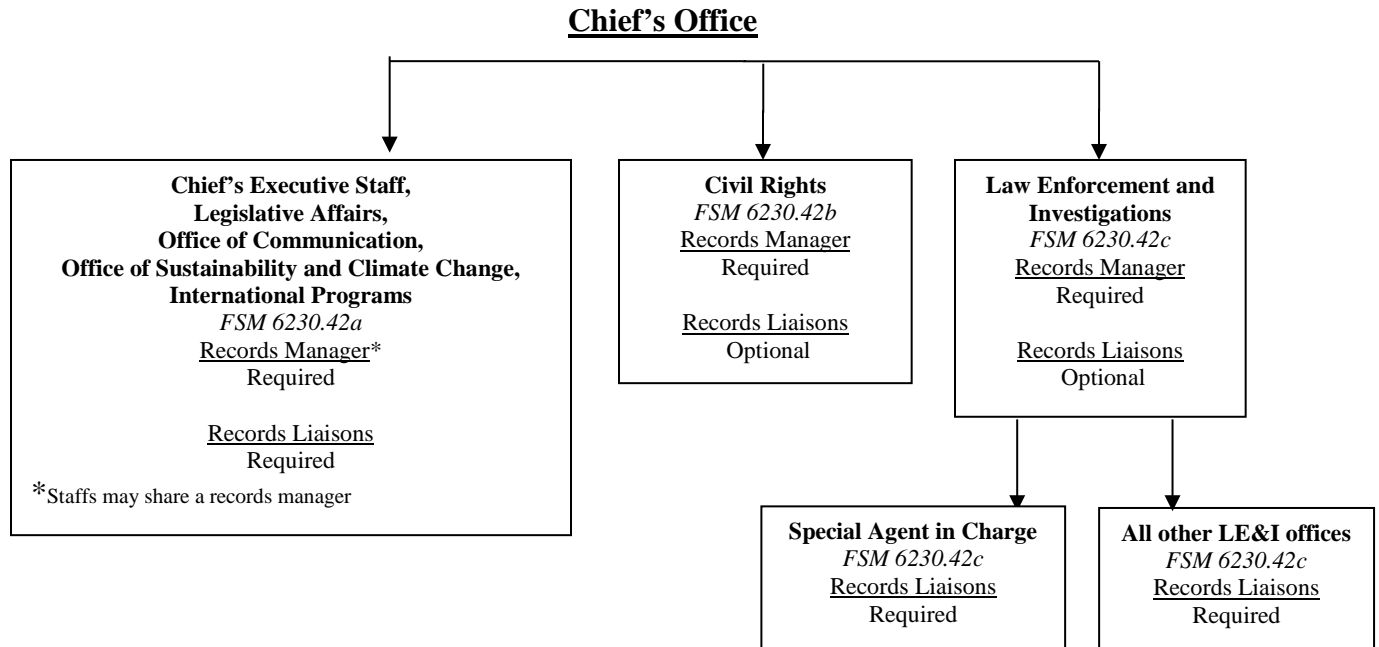
1. They were circulated and made available to employees other than the creator for official purposes such as approval, comment, action, recommendation, follow-up, or to communicate with Agency staff about Agency business.
2. They contain unique information, such as substantive annotations or comments that add to a proper understanding of the Agency’s formulation and execution of basic policies, decisions, actions, or responsibilities.

## 6230.6 - Exhibits - Records Management Program Structure

### 6230.6 - Exhibit 01

#### Chief's Office (FSM 6230.42)

This exhibit visually identifies required and optional Records Manager and Liaison positions.

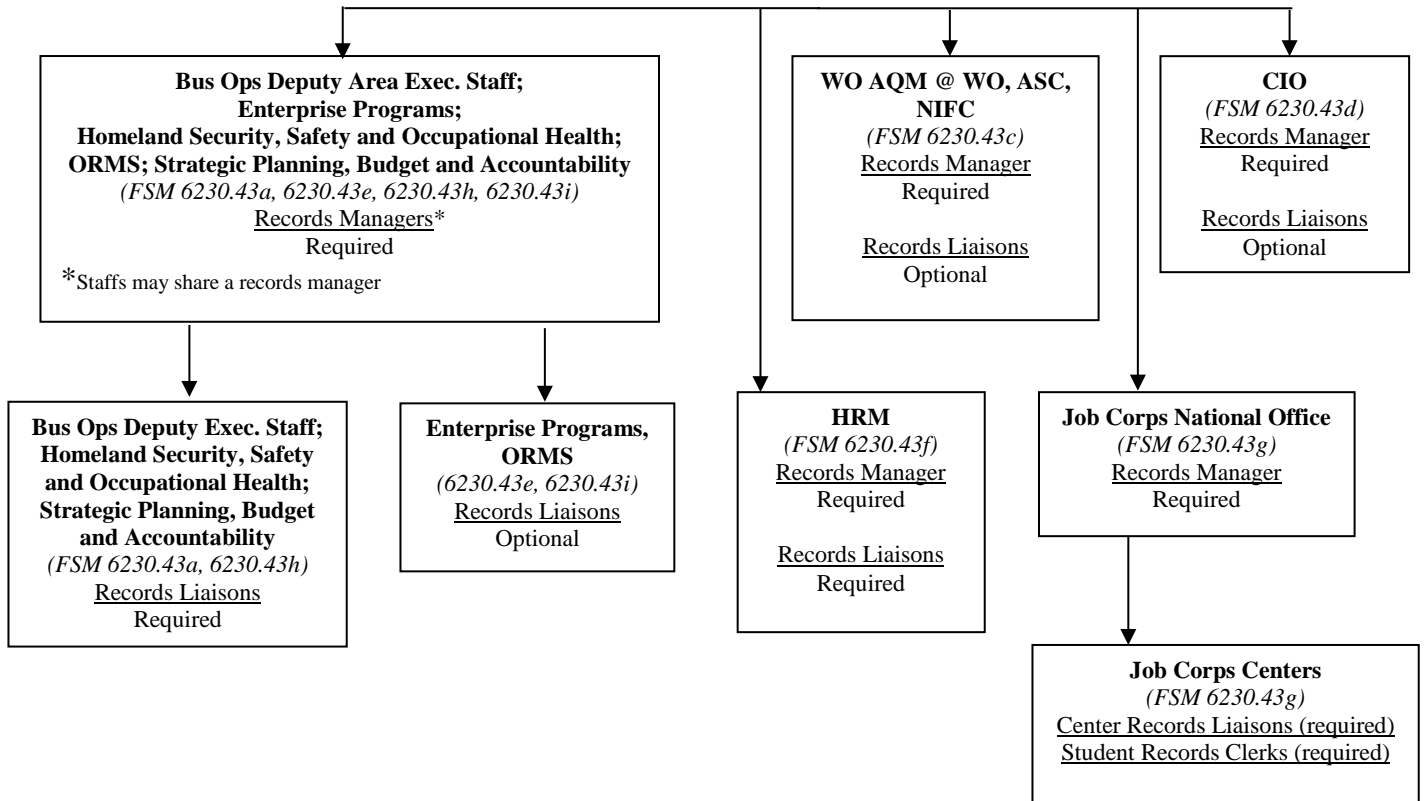


**6230.6 - Exhibit 02**

**Washington Office, Business Operations**

This exhibit identifies required and optional Records Manager and Liaison positions.

**Business Operations**



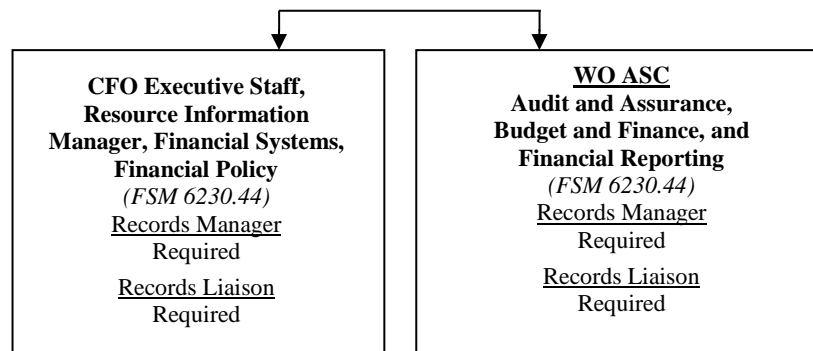
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**6230.6 - Exhibit 03**

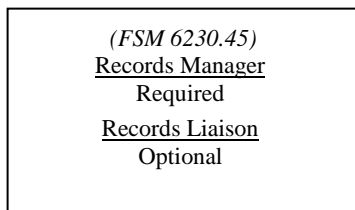
**Washington Office, Chief Financial Officer, National Forest System, Research and Development, and State and Private Forestry**

This exhibit visually identifies required and optional Records Manager and Liaison positions.

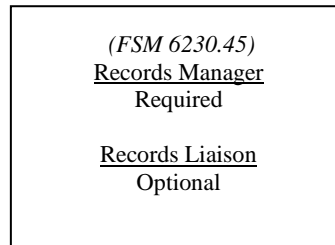
**Chief Financial Officer**



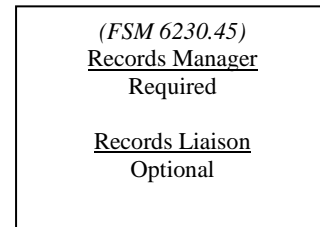
**National Forest System (NFS)**



**Research and Development (R&D)**



**State and Private Forestry (S&PF)**





**6230.6 - Exhibit 04**

**Regions, Research Stations, Washington Office Satellite Offices,  
and Other Specialty Offices**

This exhibit visually identifies required and optional Records Manager and Liaison positions.

**Regions**

**Regional Offices**  
(FSM 6230.47a)  
Records Manager  
Required  
Records Liaisons  
Optional



**National Recreation and Scenic  
Areas, National Monuments**  
(FSM 6230.48)  
Records Liaisons  
Required

**National Forests and Grasslands**  
(FSM 6230.48)  
Records Liaisons  
Required

**Ranger Districts**  
(FSM 6230.48)  
Records Liaisons  
Optional

**Research Stations**

(FSM 6230.45)  
Records Manager  
Required  
Records Liaison  
Optional

**WO Satellite Offices**

**Geospatial Technology and Applications  
Center**  
**National Technology and Development  
Program – Missoula and San Dimas  
Technology and Development Centers**  
**National Interagency Fire Center**  
(FSM 6230.45a)  
Records Manager  
Required  
Records Liaison  
Optional

**Specialty Offices**

**International Institute of Tropical Forestry  
Northeastern Area State and Private Forestry  
Forest Products Laboratory**  
(FSM 6230.45)  
Records Manager  
Required  
Records Liaison  
Optional

## **6231 - Litigation Hold**

### **6231.1 - Objectives**

1. Establish Forest Service policies and responsibilities for litigation hold (also referred to as legal hold);
2. Facilitate and clarify the litigation hold responsibilities of Agency personnel;
3. Incorporate direction found in DR 3090-001, Litigation Retention Policy for Documentary Materials including Electronically Stored Information, and requirements set forth in the Federal Rules of Civil Procedure (FRCPCP), as amended; and
4. Coordinate Agency direction on eDiscovery to be established by the CIO in forthcoming direction.

### **6231.2 - Policy**

1. Forest Service employees, contractors, volunteers, agents, and appointed officials shall follow the guidance and requirements set forth in:
  - a. FSM 6230, Records Management;
  - b. Legal communications from the Office of the General Counsel;
  - c. The FRCPCP, as amended; and
  - d. Department Regulation (DR) 3090-001 - Litigation Retention Policy for Documentary Materials including Electronically Stored Information.
2. The Forest Service shall support the following principle when managing issues associated with ESI: the duty to preserve is broader than the duty to produce and parties shall make reasonable efforts to preserve all potentially relevant information, including ESI.
3. In accordance with the FRCP (Rule 26(b)(2)(B)), the Forest Service shall consult with OGC to consider any limits on the production of ESI from sources identified as not reasonably accessible because of undue burden or cost. Undue burden or cost must be identified by fact-specific and case-specific inquiry. Analysis is affected by, for example, the potential relevance of the information, or if parties can duplicate or obtain the same information from more accessible sources.
4. Documentary materials include (but are not limited to) record and non-record ESI made, sent, or received in the transaction of Agency business; all employees shall store documents in a manner that is consistent with Forest Service policies on safeguarding sensitive PII in compliance with the requirements of:

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- a. The Privacy Act of 1974, as amended;
  - b. The E-Government Act of 2002, as amended; and
  - c. The Federal Information Security Management Act of 2002 (FISMA), as amended.
5. Forest Service employees, contractors, volunteers, agents, and appointed officials shall take note that the obligations imposed by the above legal standards do not override other legal duties to preserve documents, such as those imposed by the Federal Records Act, the FOIA, and the Privacy Act.

### **6231.3 - Responsibilities**

#### **6231.3a - Chief**

The Chief or designated agent shall:

1. Advise on backup media management and retention policies, procedures, guidance, and training; and
2. Cooperate with the USDA OGC and the USDA OCIO in locating and preserving paper and electronic records as well as all other materials subject to litigation hold.

#### **6231.3b - Office of Regulatory and Management Services (ORMS)**

ORMS in the Washington Office is responsible for receiving and disseminating all litigation hold notices issued to the Agency and its employees, contractors, volunteers, agents, and political appointees. Electronic receipt and dissemination occur through a designated electronic mail account.

#### **6231.3c - Assistant Director - Office Regulatory and Management Services -Litigation Hold**

In addition to the responsibilities outlined in FSM 6230.43i, the ORMS, Assistant Director for Litigation Hold, as assigned by the Director of ORMS, shall provide general program oversight regarding the establishment and maintenance of an active and continuing litigation hold program by:

1. Consulting with the Director of ORMS regarding the employees to be designated responsibility for litigation hold activities;
2. Coordinate participation of mission area and Program Managers, CIO staff and programmers, as well as Agency Records Managers and Liaisons, in the development of new or revised Agency programs, processes, systems, and procedures to ensure adequate identification and preservation requirements are established and implemented;

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3. Provide oversight on coordination of identification and preservation activities with Agency program and information technology staff, OGC, and other entities, as required; ensuring Agency records are accessible for collection and production purposes;
4. Ensure Agency-wide identification and preservation standards include information to protect the legal and financial rights of the Government and of persons directly affected by the Agency's activities;
5. Provide oversight, advice, and guidance to the Agency Records Officer and ORMS Litigation Hold Coordinator;
6. Conduct litigation hold briefings with senior Agency officials;
7. Coordinate and collaborate with the CIO on litigation hold activities, as well as collection and production activities; and
8. Serve as the Agency representative with OGC, other Federal agencies, and external organizations on litigation hold matters with the exception of NARA.

**6231.3d - Agency Records Officer**

In addition to the duties and responsibilities set forth in FSM 6230.41e, the Agency Records Officer is responsible for implementing the litigation hold program (identifying and preserving), exclusive of collection and production, and shall:

1. Develop and propose identification and preservation policies and procedures that comply with the FRCP, as amended, and DR 3090-001 - Litigation Retention Policy for Documentary Materials including ESI;
2. Work with employees, contractors, volunteers, and political appointees to promote awareness of identification and preservation responsibilities and requirements and develop training for Records Managers, litigation hold coordinators, and employees;
3. Provide information for litigation hold briefings; and
4. Serve as the Agency representative with the NARA on litigation hold matters including implementing and lifting freeze codes for agency records stored at FRCs.

**6231.3e - Agency Litigation Hold Coordinator**

The Agency Litigation Hold Coordinator is a Washington Office position and a member of the ORMS staff. The Agency Litigation Hold Coordinator shall:

1. Perform duties pertaining to managing and disseminating litigation hold notices, as well as collection and production activities, and perform these duties in coordination with the Assistant Director of ORMS, Litigation Hold and CIO;

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2. Maintain a current list of all active litigation holds received by the Agency, including case information and contacts. Acknowledge in writing the receipt of all litigation hold notices. Track litigation hold notices and disseminate according to procedures found in FSH 6209.11, chapter 70;
3. Work with the Assistant Director of ORMS, Litigation Hold, the Agency Records Officer, Records Managers and Records Liaisons, and other Litigation Hold Coordinators to identify, monitor, manage, and respond to litigation hold notices;
4. Provide guidance and formal training to employees, contractors, volunteers, and political appointees on identification and preservation matters;
5. As requested, provide information and documentation for review of the litigation hold program;
6. Retain and maintain official record of litigation hold cases, including original notices, tracking documentation, communication with Attorneys and other personnel, completed forms and emails documenting responses from notified individuals, and relevant copies of form AD-3001;
7. As requested, report on the status or particular aspects of litigation hold notices;
8. Develop, or assist in the development of, training materials and proposed policies; and
9. Coordinate and collaborate with CIO on litigation hold activities, such as identification, preservation, collection, and production.

**6231.3f - Records Managers and Records Liaisons**

Records Managers and Liaisons assist the Agency Records Officer or assigned agent/Litigation Hold Coordinator, with litigation hold responsibilities and activities. Agency Records Managers and Liaisons shall:

1. Assist in litigation hold collection and production activities impacting the assigned records management area of responsibility, and as otherwise deemed appropriate by the Agency Records Officer or applicable Line Officer;
2. Maintain a current list of all active litigation holds received by the Agency impacting the assigned records management area of responsibility;
3. Process litigation hold notices in accordance with FSH 6209.11, chapter 70;
4. Work with litigation hold coordinator(s) and other Records Managers/Liaisons to identify, monitor, manage, and respond to litigation hold notices;

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5. Provide guidance and formal training to employees, contractors, volunteers, and political appointees on litigation hold matters;
6. As requested, provide information and documentation requested for review of the litigation hold program;
7. As requested, report on the status or particular aspects of litigation hold notices;
8. Develop, or assist in the development of, training materials and proposed policies; and
9. Coordinate and collaborate on identification and preservation activities with CIO.

**6231.3g - Chief Information Officer (CIO)**

The CIO, or designated agent, shall:

1. Coordinate and collaborate with the Agency Records Officer, or designated agents (including, but not limited to, Litigation Hold Coordinators, Records Managers, and Records Liaisons), regarding litigation hold activities;
2. Provide assistance in the development of Agency-wide litigation hold policies, procedures, guidance, communications, and training;
3. Work with the Agency Records Officer, Litigation Hold Coordinator, and others as necessary, to help ensure that ESI is accessible for collection and production purposes; and
4. Provide technical support in maintaining litigation hold information systems and data.

**6231.3h - Agency Employees, Contractors, Volunteers, and Appointed Officials**

Agency employees, contractors, volunteers, and appointed officials (hereafter “employees”) shall maintain paper and electronic records and non-record ESI according to prescribed USDA and agency policy and procedures, including litigation hold notices. Agency employees, contractors, volunteers, and political appointees shall:

1. Maintain records and other documentary materials under a litigation hold per guidance found in FSM 6231 and FSH 6209.11, chapter 70; and pertinent litigation hold memorandum issued by an authorized entity;
2. Not destroy or manipulate (including converting format or otherwise altering/deleting metadata) any documentary materials, including those temporary records that are eligible for destruction according to the Forest Service records schedule (which incorporates by reference the GRS), that are under a litigation hold. If the documentary material was created in electronic format, it must be preserved in that original native format;

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3. Not transfer permanent records under litigation hold to NARA, unless a transfer is permitted by a litigation hold memorandum or subsequent written instructions issued by the appropriate official;
4. Not ship temporary or permanent records under litigation hold to an FRC or the National Personnel Records Center unless transport is authorized in writing by the litigation hold issuer or authorized agent;
5. Not lend, transfer, or donate nor request approval to lend, transfer, or donate to individuals or organizations any documentary materials or temporary records eligible for destruction that are under litigation hold. Employees wishing to donate Agency temporary records not under litigation hold shall contact the Forest Service Records Officer, who will submit the donation request to the Archivist of the United States for approval;
6. Include language in contracts specifying the documentary deliverables or other ESI that belong to the Government; and
7. Per FSM 6230.41a11, complete form AD-3001 upon departure from geographic location due to separation from the Agency, transfer, contract or agreement completion; and notify the designated legal hold account [legalhold\\_wo@fs.fed.us](mailto:legalhold_wo@fs.fed.us).
  - a. Notification and associated documentation shall include identification of any new custodian for the held documents as well as contact information for any departing individual.
  - b. All file searches for which the employee, contractor, volunteer or appointed officials has been tasked must be completed or reassigned.

#### **6231.4 - Criteria and Requirements**

##### **6231.4a - Documentary Materials**

This guidance applies to Forest Service operational records and non-record materials, in all media that may constitute evidence or lead to the collection and production of relevant evidence in a particular lawsuit, administrative proceeding, audit, or investigation. Categories include:

1. Records, including operational records;
2. Non-record materials;
3. Email archived to an individual workstation that is part of an employee; contractor; volunteer; or political appointee filing system. Such individually maintained material is potentially discoverable, and may be the subject of a litigation hold; and

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4. Working files and similar materials, including preliminary drafts, rough notes, worksheets, correspondence and memos, reports, and other documentation that falls within the scope of 'documentary materials' regardless of whether such information qualifies as a Forest Service record. Working files and similar materials must be preserved if the materials are relevant to a litigation hold.

Documentary materials may include, but are not limited to, the following formats and media:

1. Textual (paper), including, but not limited to:
  - a. Printed documents created on a computer;
  - b. Handwritten notes;
  - c. Document drafts;
  - d. Calendars; or
  - e. Other such hardcopy documents.
2. Electronic formats and storage media, ESI and associated metadata, including, but not limited to:
  - a. Email messages;
  - b. Word processing files, spreadsheets, and databases;
  - c. Digital images;
  - d. Web pages;
  - e. Network server information;
  - f. Voicemail messages;
  - g. Backup tapes;
  - h. Hard drives;
  - i. Removable and/or external computer storage media (for example, CD-ROM, tapes, disks, thumb drives, external hard drives, and cards);
  - j. Personal Digital Assistant (PDA), mobile pads, and smartphone type devices; and
  - k. Cloud service stored information (for example Box).



3. Tangible things, including, but not limited to:
  - a. Photographs;
  - b. Audiovisual (for example, video and sound recordings);
  - c. Cartographic (maps, architectural, and engineering drawings);
  - d. Micrographic (microfilm and microfiche); and
  - e. Samples, including scientific samples.

#### **6231.4b - Retention Schedules**

A litigation hold for responsive documents or ESI overrides any records retention schedule or any other Agency policy that may otherwise call for the transfer, disposal, or destruction of the relevant documents or ESI, until the hold is removed by the authorized authority that ordered the hold, or by a court order.

#### **6231.4c - Issuance of Holds**

1. A litigation hold on Forest Service documentary materials (record and non-record, regardless of media) occurs when there is a reasonable expectation that a legal action will be filed by or against the Forest Service, or when an actual filing occurs.
2. A litigation hold may be appropriate soon after the Forest Service first learns that a party is preparing a claim against the Agency that is reasonably likely to lead to court litigation. In all matters where the Forest Service is a prospective defendant, employees with knowledge of the possible litigation shall promptly inform and consult with OGC.
3. A litigation hold on Forest Service records must be in writing and signed by an authorized official. The hold notification memorandum may be hardcopy or electronic. Include the USDA Records Officer in all litigation hold notifications.
4. The following external entities have authorization to issue and revoke (lift) litigation holds to the Forest Service and Agency employees, contractors, volunteers, agents, and political appointees pertaining to Agency information (record and non-record):
  - a. Office of Inspector General;
  - b. Department of Justice;
  - c. Office of the General Counsel;
  - d. Congress; and

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- e. Office of Special Counsel.
5. The following Forest Service employees and political appointees have authorization to issue and revoke (lift) litigation holds pertaining to Agency information (record and non-record):
- a. Chief or designated representative. Designation must be in writing and signed by the Chief;
  - b. Forest Service National (Washington Office) Human Resources Management Staff Director/Officer or designated representative. Designation must be in writing and signed by the Staff Director/Officer; and
  - c. Forest Service National (Washington Officer) Civil Rights Director or designated representative. Designation must be in writing and signed by the Director.
6. The Office of the General Counsel is authorized to issue and revoke (lift) litigation hold memoranda on behalf of all Forest Service staffs and programs, including but not limited to:
- a. Acquisition Management;
  - b. Budget and Finance (B&F);
  - c. Claims, B&F;
  - d. Contracting;
  - e. Natural Resource Management;
  - f. Disaster and Emergency Response;
  - g. Law Enforcement and Investigations (note that this directive does not apply to criminal cases but addresses litigation hold only in the context of civil cases per the Federal Rules of Civil Procedure);
  - h. State and Private Forestry;
  - i. Research and Development;
  - j. Human Resources Management; and
  - k. Civil Rights.

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7. Litigation holds may be issued in the following circumstances:
- a. The Forest Service is a party to a lawsuit in which the Agency is named expressly as a party or the United States is participating as a plaintiff or defendant.
  - b. An administrative proceeding, such as a case involving an EEO matter, a Merit Systems Protection Board matter, or a contract before the civilian Board of Contract Appeals may require the preservation of designated records and related documentary materials.
  - c. Determination of a high likelihood Agency actions or decisions will result in a lawsuit. Possible actions or decisions include, but are not limited to:
    - (1) Personnel issues;
    - (2) Claims resulting from Agency activities or actions;
    - (3) Natural resource management activities;
    - (4) The Agency's response to natural and human-caused disasters and emergencies; and
    - (5) Civil actions associated with law enforcement activities.
  - d. The OIG, independent public Accountants, or the GAO conducts a financial, performance, or contract or grant audit.
  - e. The OIG leads an administrative or criminal investigation.
  - f. Congress has requested the production of certain documents as part of its oversight responsibilities.
  - g. Another Federal agency with appropriate investigative authority requests a hold (for example, the Office of Special Counsel).
  - h. A dispute in any matter resulting in a reasonable anticipation of litigation after consulting with OGC.
  - i. The issuance of a litigation hold is generally not a one-time event. A litigation hold may be issued initially to Forest Service employees who possess at that time relevant records and information. If, and as, additional employees become involved in the matter, the litigation hold may be issued to those people as well. The timing of the initial litigation hold will depend on the type of matter.

#### **6231.4d - Scope of Holds**

The hold should cover only those documentary materials that are responsive to the situation warranting the hold (for example, litigation, audit, investigation).

Potential evidentiary materials, whether they support bringing or closing a matter must always be preserved. The scope of a litigation hold should be understood in accordance with OGC guidance and the FRCP.

At appropriate times, communicate in writing with OGC's assigned Attorney exactly what steps the Forest Service is taking to preserve electronic records. A record of all such communications should be made part of the case file. Preserving such a record can protect the Forest Service from unfounded charges of spoliation. Employees will work with OGC in a proactive manner to identify and preserve ESI, paper records, and tangible things when the litigation hold is issued and thereafter. If an employee discovers any lapse in the Forest Service's identification and preservation obligations, the employee will work with OGC and the Forest Service records management point of contact to correct the lapse immediately. If any significant relevant material has been lost, the employee will notify OGC and the Forest Service records management point of contact of the loss and steps taken to correct it.

#### **6231.4e - Lifting of Holds**

Litigation holds are removed (lifted) via official memoranda signed by OGC.

Lifting a litigation hold signifies the end of the disputed matter that originally necessitated the litigation hold. The OGC typically lifts a litigation hold when the matter that necessitated the litigation hold is resolved or concluded. Examples may include:

1. A final settlement agreement and release has been signed by all parties;
2. A court or administrative tribunal enters a final order settling a case or complaint and no appeals have been filed;
3. A dismissal with prejudice has been entered by the administrative tribunal or a court as to all parties;
4. The deadline for any further appeals has run and the entered judgment has become final; or
5. A matter is resolved by settlement, and there is not a reasonable likelihood that the matter may be reopened.

Additionally, if OGC determines that an investigation is not likely to lead to litigation, then the hold may be lifted.

#### **6231.4f - Searches**

Searches for record and non-record documents in response to a litigation hold must be reasonable, documented, and coordinated with Agency officials, including the relevant program officials, CIO, and the Agency Records Officer. Searches are coordinated with the Agency Records Officer or unit records personnel and CIO as necessary.

#### **6231.5 - Sanctions**

Documentary material, regardless of physical form or characteristics, made or received by the Forest Service in connection with the transaction of public business, belongs to the Agency and not individual employees. If named in a litigation hold notice, individual staff members are expected to cooperate with ORMS and/or CIO to identify, separate, and preserve such information. Lack of cooperation is generally managed on a case-by-case basis with the expectation that the issue can be resolved at the Agency level. If necessary, the Forest Service shall follow established protocols to correct non-compliance.

There are consequences if individual staff members, including system owners/managers, do not preserve operational records and other related documentary materials after being informed that the responsive documents are under a litigation hold.

1. Individual staff members could face penalties imposed by a court, Agency performance-based action, or Agency disciplinary action.
2. Failure to preserve operational records could constitute an unlawful destruction of records that must be referred to the Attorney General under 44 U.S.C. §§ 2905(a) and 3106 (see DR 3090-001, Appendix A, paragraph 16a).
3. The court may issue personal sanctions or hold in contempt an individual staff member who fails to comply with a court-issued hold.
4. Destruction of records under certain circumstances is potentially a criminal violation that could be prosecuted under 18 U.S.C. § 1519.
5. The Agency could be subject to court ordered sanctions if records and other documentary materials subject to a hold and deemed as evidence are missing. Repercussions may include the following:
  - a. The Forest Service receiving an adverse finding on the merits of the case.
  - b. A Judge issuing instructions to a jury that permit a draw of “adverse inference” against the Forest Service:

*Example:* In the hypothetical court case, XYZ Corporation v. USDA Forest Service, operational records and documentary materials pertaining to Forest Service officials’ communications with XYZ Corporation (from 1999 to 2004)

have not been preserved as required by Agency policy. The judge then instructs the jury that it may locally conclude (or “infer”) that the content of the missing Forest Service records and materials (as “evidence”) would have supported XYZ Corporation’s position against the Forest Service.

- c. Precluding the Forest Service from introducing certain evidence or calling certain witnesses.
- d. Holding individual Forest Service officials and the Agency in contempt.
- e. Imposing monetary sanctions against the Forest Service, or against involved individuals.

An employee may be required to submit an affidavit signed under penalty of perjury certifying that they have searched all of their files, both paper and electronic, in response to the litigation hold notice and was unable to identify any document responsive to the request.

## **6232 - Electronic/Digital Signature**

### **6232.1 - Objectives**

This policy authorizes the use of electronic methods to sign, certify, generate, exchange or maintain records so long as the documents accurately reflect the information in the record and can be used for the intended purpose. This policy only applies to those documents that Agency’s regulations obligate entities or individuals to retain. This policy does not apply to forms or other documents that require “wet signature” or must be submitted directly to the Agency in hardcopy.

### **6232.2 - Policy**

1. The purpose of this policy is to provide regulatory relief to the Agency. Agency programs have the flexibility to conduct business using either electronic or traditional manual methods.
2. Programs using electronic signature technology must choose technologies that maximize benefits in accordance with their individual needs and circumstances.
3. Programs adopting electronic signature technology must consult with the following entities prior to procuring and using the technology:
  - a. OGC regarding legal adequacy of using solution for business purposes;
  - b. CIO to ensure the technology selected complements the IT infrastructure and meets cyber security requirements; and
  - c. Acquisition Management IT Support Branch to ensure proper acquisition.

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4. Selected technology must comply with Section 508 requirements and standards, and ensure authentication of electronically signed permanent records.
5. Proxy:
  - a. All official “Actings” shall sign their own name as authorized through the formal delegation of signing authority. Such signatures must include notation that the signer is signing “for” another individual as authorized.
  - b. No entity may use another individual’s name and signature (for example, an administrative assistant may not insert/enter the line officer’s signature). Such action must be deemed falsification of official records and may result in disciplinary action.
6. Penalties for Misuse of Authentication Authority or Methods:
  - a. Destroying and Falsifying Records:
    - (1) Willful and unlawful concealment, removal, mutilation, obliteration, falsification, or destruction of a Forest Service record may result in criminal penalties or disciplinary actions in accordance with Title 18 U.S.C. Part 1, Chapter 101, Section 2071 *Concealment, Removal, or Mutilation of Records*.
    - (2) Personnel may only destroy records in accordance with disposition instructions authorized by NARA, as codified in FSH 6209.11, Records Management.
    - (3) Destruction of Forest Service scheduled records shall occur in accordance with NARA-approved records retention schedules. Unscheduled records may not be destroyed until a records retention schedule has been approved by NARA and assigned to the records.

### **6232.3 - Responsibilities**

1. All line officers, managers, supervisors, and program leaders shall ensure the electronic/digital signature policy set forth in this section is followed.
2. Programs acquiring and implementing electronic/digital signature technology shall identify an e-Signature contact for users (such as a program manager).
3. Employees shall follow electronic/digital signature policy requirements.