

**Testimony of Carol Brockⁱ, Certified Records Manager
On Behalf of ARMA International
Before the
Subcommittee on Information Policy, Census, and National Archives of the
House Committee on Oversight and Government Reform
On “Federal Electronic Records Management: A Status Report”
June 17, 2010**

Thank you, Chairman Clay and members of the Subcommittee, for inviting me to participate in this hearing on Federal Electronic Records Management.

INTRODUCTION

ARMA International (www.ama.org) is the professional association for records and information managers and has served as the source of principles, standards, and best practices for records management. Formed in 1955, ARMA International is the oldest and largest association for the records and information management profession and is known worldwide for setting records and information management (RIM) standards and best practices, and for providing comprehensive education, publications, and information on the efficient maintenance, retrieval, and preservation of information created in public and private organizations in all sectors of the economy.

ARMA has recently developed a principles-based approach to records management – emphasizing with generally accepted recordkeeping principlesⁱⁱ the commitment required enterprise-wide and the essential outcomes of any records management program.

With this testimony, I employ my 23 years of professional experience as a records manager and my knowledge of principles, standards and best practices that can guide organizations to develop and deploy effective records management programs.

WHY ARE ELECTRONIC RECORDS DIFFICULT TO MANAGE?

1. Managing electronic records inherits all of the traditional records management challenges.

- **NO MANAGEMENT INVOLVEMENT OR EXPECTATIONS.** Senior officials do not see records management as a vital agency function. Agency management may understand that the National Archives may report them to Congress for lack of compliance but it is generally understood that Congress will empathize with the agency’s mission priorities which do not assign records a priority status.
- **NO MEANINGFUL OR SUSTAINING RESOURCES.** There are limited staff resources to do mission-critical work. Agencies no longer have support staff to perform administrative tasks and workloads continue to increase as staff numbers decrease. This produces a non-compliant culture of “it is not my job”; “it is a burden”; “let the technology do it”. Even staff who understand their records responsibilities have little time to devote to the task. ARMA sees technology as a tool – an increasingly necessary tool; however, we believe that the devolution of

records management to information technology is a strategic error and misses the necessary human component.

- **NO STAFF TIME OR IMPERATIVES.** Record management awareness requires continuous enterprise-wide training. Still, many federal agency staff – 1) do not see their work product as records, 2) have higher training priorities relative to their business or mission functions, and/or 3) simply do not have time for training.
- **NO ENTERPRISE-WIDE GUIDANCE OR EXPECTATIONS.** Record status is generally determined at the end-user's desktop; therefore, accurate record classifications are essential to the integrity of an agency's records management program. And despite many high profile cases featuring public embarrassment, staff continues to mingle personal materials with their business records.
- **PLAIN ENGLISH FOR RECORDS MANAGEMENT.** The Federal definition of a record makes sense only to archivists, records managers, and a few attorneys. What is a draft versus a version? Which is a record? What to do with each and when? – All are issues which continue to plague agency staff. The definition of a Federal record needs to be updated to reflect how business is conducted electronically, i.e. a record (information asset) is evidence documenting decisions, activities, and the business of the organization. A simplified and easily understood definition would streamline training and enhance the staff's ability to understand what is required of them. We need a plain English initiative for records management.
- **MANAGING RECORDS EQUALS TRANSPARENCY AND ACCOUNTABILITY FOR A DEMOCRATIC SOCIETY.** An agency must manage all of its information assets, regardless of record status, in order to support the agency's mission and business processes, and in order to respond effectively to Freedom of Information Act (FOIA), privacy, and discovery requests. Requests for information under FOIA, Privacy, or discovery are not subject to the "official record" limitations in document production so an agency must manage all of its evidence in order to be responsive. For those agencies using National Security Classified materials, separate classified and unclassified systems are required which simply multiplies the records management challenges. The current expectations of transparency and accountability call out for a principles-based approach to records management – and presents an opportunity for managing our electronic records in a manner that gives the general public a higher level of confidence in the integrity, availability, and safety of our vital records.
- **WHY NOT A CHIEF RECORDS OFFICER?** Records managers traditionally do not have the authority to accompany the responsibility nor the tools or staff to perform the mission assigned. What about creating Chief Records Officers? This is a role that should be isolated from the role of IT but that should be responsible for assisting the Chief Information Officers understand their responsibility for the records as well as the technology and include records management with general counsel and the inspector generals at the systems development table so all information management requirements are addressed. Is it time to consider a Chief Records Officer in each federal agency? When will we empower the function and enable the competencies of records and information management?

2. Managing electronic records is fraught with technology challenges and requires consistent records management competencies.

- **TECHNOLOGY IS NOT A CONSTANT; PRINCIPLES CAN BE.** Electronic media obsolescence is a well-known issue. Technology upgrades affect the ability to access evidence produced in earlier generations of applications. Proposed solutions involve emulation, migration, or preservation of the original systems (which would make every agency a computer hardware and software museum). If technology is not a reliable constant, there is a role for processes and procedures based on generally accepted principles for recordkeeping.
- **MORE RECORDS DOES NOT EQUAL BETTER RECORDKEEPING.** Popular wisdom is to save everything because storage is cheap. This perception overlooks the costs of staff searching for information to do their jobs as well as the costs of fulfilling FOIA, Privacy, and discovery requests.
- **THERE IS NO MAGIC WAND OF TECHNOLOGY.** Vendors tout recordkeeping applications as “plug and play” but in actuality they must be designed to capture the evidence of an agency’s business processes. Most recent policy initiatives focus on investments in technology. Introducing electronic records management generally involves introducing electronic workflow processes to an agency, with the associated changes and streamlining of processes. New technology and process changes may produce angst in staff, particularly if an application is not intuitive or easy to use. New and emerging technologies are all the more reason to create recordkeeping programs based on constant and measurable principles.
- **PROPERLY DOCUMENTING RECORDS IS NOT EASY.** Electronic records management requires metadata to be associated with every record in order to establish the context for the content of that record. It may be user assigned or system generated metadata, but it must include business purpose classification in order for the systems to produce authentic records.
- **RECORDS MANAGEMENT MUST BE CONSISTENT ACROSS THE ENTERPRISE.** Agency staff are as wired as everyone else. They are using personal computing systems, personal e-mail accounts, instant messaging, and twitter to accomplish their work. Staff are storing records on hard drives, thumb drives, home computer systems, and in the cloud: all of which are outside of an agency’s centralized span of control. Most agencies do not yet have policies or processes to deal with these issues. Our failure to capture these records into an agency’s recordkeeping system poses an on-going risk.
- **ARCHIVING RECORDS CREATES ADDITIONAL ISSUES.** NARA accesses only limited formats of electronic records. Agencies use the tools that best fit their business requirements; which are not necessarily those that produce archival quality records. The agencies responsibility is to provide NARA with permanent records which are produced in the normal course of business – migrating to a different format for the purposes of archiving records is an additional cost.

3. Managing e-mail poses additional challenges.

- **POLICIES AND PROCEDURES SHOULD DRIVE RECORDS MANAGEMENT – NOT TECHNOLOGIES OR CONVENIENCE.** Staff use e-mail to manage their projects, store their drafts and reference materials, find their records, and track their work. Used in these ways, e-mail may not make it into the agencies official recordkeeping systems. To compound the problem, information technology staff often insist on automatic deletion policies in order to control the size of staff mail boxes and the subsequent costs of storage. To avoid losing e-mail, staff often archive their e-mail files to their hard-drives or portable storage devices, which circumvents centralized agency recordkeeping systems.
- **IDENTIFYING RECORDS IS NOT AS EASY AS CREATING EMAIL.** E-mail capture can be complicated because the recordkeeping system must capture the transmission data, distribution lists, messages, and any and all attachments. Unless the e-mail system is fully integrated with the recordkeeping system, this process will involve multiple steps. If the user is managing threaded e-mail (discussion carried on through successive e-mail messages which are then brought together to record the message in its entirety); the process becomes more complicated.

WHAT CAN WE DO?

1. **Confirm our benchmarks.** We have the Federal Records Act, National Archives guidance, ARMA International's Generally Accepted Recordkeeping Principles, and ISO Standards 15489-1 and 2 (Information and documentation – Records Management – Part 1 General and Part 2 Guidelines) to inform us of what must be done.
2. **Create expectations and public policy outcomes.** What is needed is a commitment from each Federal agency to create, manage, and grow a compliant records management program. This commitment of resources, in this time of fiscal austerity, will only happen if Congressional pressure is applied. This top-tier pressure must be accompanied by demands for accountability: measurable results monitored by the National Archives and the Office of Management and Budget against the standards. If Congress declares agency recordkeeping and information management a priority, and links agency budgets to compliance as is done with information technology project spending, we will see results. Require that all agency systems either contain full records management functionality within their application or feed directly into an agency-wide electronic recordkeeping system.
3. **Promote more NARA visibility.** NARA might be more visible in proactive leadership on agency recordkeeping initiatives: insisting on proven agency compliance with scheduling, dispositions, and effective management of electronic information assets. The Records Management community looks to the National Archives for leadership and advocacy in this realm. Providing assistance with creating information management strategies, electronic tools, and integrating systems would demonstrate NARA's commitment to other Federal agencies. NARA could challenge the Chief Information Officer's Council (CIO) or individual CIOs to build demonstration systems: have a contest to judge the most elegant, fully integrated, transparent, and user-friendly (defined as applying as many automated tools as possible to reduce the burden on agency staff) recordkeeping system possible. Appoint a group of FOIA and Privacy Officers accompanied by attorneys, records managers, inspector generals, and contract auditors to be the judges of the functionality of these demonstration projects. I would love to see my tax dollars applied to a CIO's bonus for that kind of effort.

4. Integrate enduring records management principles into the operations of every Federal agency.

Generally accepted recordkeeping principles speak to *accountability, transparency, and compliance* by the enterprise and *integrity, protection, availability, retention and disposition* of records and information. These principles create a foundation for an appropriate and effective recordkeeping program that speaks to enterprise-wide commitments and life cycle management of records and information. With these principles –

- a. The enterprise would establish a recordkeeping program that (1) is overseen by a senior executive, (2) is informed by clear policies and procedures to train and guide personnel, (3) is auditable, and (4) is transparent through documentation in an understandable manner and available to all personnel and appropriate interested parties, including the appropriate regulatory and enforcement bodies.
- b. The recordkeeping program would be constructed to ensure that (1) the records and information have a reasonable guarantee of authenticity and reliability, (2) there is an appropriate level of protection for records and information that are private, confidential, privileged, or in the case of this inquiry, personal information, (3) records and information are maintained to ensure timely, efficient, and accurate retrieval, (4) records and information are maintained for the appropriate or required period of time, and (5) disposition of records and information will be accomplished in an appropriate manner and in the appropriate or required time, and such disposition is documented.

5. Provide NARA with sufficient statutory authority. My perception is that NARA does not have the authority to fulfill their recordkeeping mission. Many staff in the Federal government perceive the Archives as having an unfunded mandate with no enforcement teeth. To records management practitioners, the Archives also appear to be understaffed in key components: they need more technical leadership, expert records management staff dedicated to solving information management issues with agency Record Managers, and system architects who can assist agencies in capturing their records within their business processes.

Thank you again for this opportunity and I look forward to answering your questions.

ⁱ Carol Brock is a Certified Records Manager with 23 years experience working on records and information management challenges for the Federal government. She has worked with ARMA International (Association of Records Managers and Administrators) and the Association for Information and Image Management on a variety of issues and standards. She is a founding member of the Federal Information and Records Managers (FIRM) Council. In 2007, with Carol's leadership, GAO earned the Archivist's Achievement Award for their successful work on simplified retention schedules (the big bucket theory) and the implementation of an enterprise-wide electronic records management system. She is the coauthor of Guideline for Managing E-Mail, ARMA, Prairie Village, KS, 2000 and Framework for the Integration of Electronic Document Management Systems and Electronic Records Management Systems, AIIM's C-30 Committee: ANSI/AIIM Technical Report 48-2004. Revised and updated in 2007. She has served as a stakeholder in numerous GAO reports, including GAO-08-742: Federal Records -

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Principle of Accountability

An organization shall assign a senior executive who will oversee a recordkeeping program and delegate program responsibility to appropriate individuals, adopt policies and procedures to guide personnel, and ensure program auditability.

Principle of Integrity

A recordkeeping program shall be constructed so the records and information generated or managed by or for the organization have a reasonable and suitable guarantee of authenticity and reliability.

Principle of Protection

A recordkeeping program shall be constructed to ensure a reasonable level of protection to records and information that are private, confidential, privileged, secret, or essential to business continuity.

Principle of Compliance

The recordkeeping program shall be constructed to comply with applicable laws and other binding authorities, as well as the organization's policies.

Principle of Availability

An organization shall maintain records in a manner that ensures timely, efficient, and accurate retrieval of needed information.

Principle of Retention

An organization shall maintain its records and information for an appropriate time, taking into account legal, regulatory, fiscal, operational, and historical requirements.

Principle of Disposition

An organization shall provide secure and appropriate disposition for records that are no longer required to be maintained by applicable laws and the organization's policies.

Principle of Transparency

The processes and activities of an organization's recordkeeping program shall be documented in an understandable manner and be available to all personnel and appropriate interested parties.

WHAT ARE THEY?

- A common language describing the tenets of valid recordkeeping
- A measurable, predictive, and empirically-based basis for recordkeeping

WHY?

- Builds confidence in the market place and among the general public
- Creates assurances and transparency for regulators, enforcement agencies, and policymakers
- Establishes an auditable process, and thereby accountability

WHO?

- Policymakers – to protect the public by assuring access to information about the operations, policies, and procedures of regulated activities and entities
- Governmental Agencies – to preserve the integrity of records and information, to document and oversee the use of public funds and resources
- Business – to document and make available information for regulators, business partners, and general public, as appropriate or required

RESULTS

- Document the use and investment of public funds
- Provide appropriate oversight of regulated activities and entities
- Support informed enforcement actions, as well as legislative and regulatory actions
- Protect sensitive, proprietary and personally identifiable information