

5 FAM 420 ORGANIZING, MAINTAINING, AND PROTECTING RECORDS

5 FAM 421 ORGANIZING RECORDS

5 FAM 421.1 Official File System

(TL:IM-19; 10-30-95)

a. Offices and posts are required to organize all official files as described in the TAGS (Traffic Analyses by Geography and Subject)/Terms Handbook, 5 FAH-3 . Refer to 5 FAH-3 for examples and to the Records Management Handbook for additional information.

b. Exceptions to this requirement include large series of case files (e.g., personnel, investigative, voucher, contract, etc.) which are not appropriate for arrangement by subject. OIS/RA/RD must approve any other filing system exception that is requested by an office or post.

c. The Office of Inspector General (OIG) files are exempt from this requirement and are maintained in accordance with the Privacy Act notice published in the Federal Register (56 FR 7071, February 21, 1991). For more information regarding OIG files, see 2 FAM .

5 FAM 421.2 Central Foreign Policy File

(TL:IM-19; 10-30-95)

a. The Central Foreign Policy File is an automated database that contains texts of telegrams and abstracts of written documents about Department policies dating back to 1973.

b. Department personnel are responsible for providing information of a substantive nature, regardless of physical format, to the Office of Information Services, (A/IM/IS/OIS), Room 1239 Main State. Documentation of a substantive nature is that which establishes, discusses, or defines foreign policy and sets precedents. Information covered by the following TAGS categories is considered: Economic, Military, Political, Social, and Technology. A/IM/IS/OIS is responsible for ensuring that this information is included in the Central Foreign Policy File.

5 FAM 421.3 Centralized Office and Post Files

(TL:IM-19; 10-30-95)

a. Department offices and posts are permitted to centralize records

within their respective bureau, office or post. The decision to centralize files depends on the type of information and the needs of the bureau, office, or post. See 5 FAH-4 H-216 for factors to be considered in deciding whether or not to centralize.

b. Certain offices in the Department maintain large collections of centralized files, e.g., official personnel folders (PER), security investigative files (DS), and consular records (CA). In most cases, these offices are authorized to transfer them directly to a local Federal Records center (FRC). See 5 FAM-432 for policy on transferring records. The operating offices are responsible for referencing and retrieving these records.

c. Offices where arrangements have been made to transfer records directly to the FRC must obtain an accession number from the Records Service Center (OIS/RA/RSC) and ensure that a copy of the Records Transmittal and Receipt Form (SF-135) is provided to RSC.

5 FAM 421.4 Separation of Personal From Official Files

(TL:IM-19; 10-30-95)

a. Papers of a personal nature that pertain only to an individual's private affairs and which are kept in the office of a Department or post employee are to be filed separately from the official files of the office or post. Personal records must be clearly marked "Personal papers of _____." (insert employee's name)"

b. When official policy matters are discussed in personal correspondence, that portion of the correspondence pertaining to official activities of the Department shall be extracted and made a part of the Department's records.

c. Official-informal letters are records of the Department and as such are subject to the laws, regulations and legal restrictions governing their maintenance and disposition as are any other official documents.

5 FAM 422 MAINTAINING RECORDS

5 FAM 422.1 General

(TL:IM-19; 10-30-95)

All official files must remain in the custody of the Department of State and must be maintained in accordance with the Records Management Handbook, 5 FAH-4 . These files must be maintained in an orderly, systematic manner so information can be retrieved completely, accurately and quickly. Information on individuals must be maintained and safeguarded according to the Privacy Act guidance contained in 5 FAM 462 .

5 FAM 422.2 Maintenance by Security Classification and Special Distribution Captions

(TL:IM-19; 10-30-95)

- a. For critical and high threat posts, the segregation of classified and unclassified material is required to allow for rapid destruction of classified materials.
- b. For all Department offices and those posts that are not critical or high threat, there is no mandatory requirement for separating Department files by security classification, except Top Secret material. At posts, a balance must be achieved between the ease of operation with classified and unclassified commingled and the ease of destroying classified records in an emergency.
- c. All posts and Department offices shall maintain and control TOP SECRET material separately from other official files to enable the Top Secret Control Officer (TSCO) to properly manage them (See 12 FAM).
- d. Records bearing special distribution and channel captions require special handling and control, which is sometimes more restrictive than that required by their security classification alone. Detailed requirements for captions are contained in the Records Management Handbook, 5 FAH-4 H-213 , and the Correspondence Handbook, 5 FAH-1 H-700 .

5 FAM 422.3 Blocking Files

(TL:IM-19; 10-30-95)

All official files will be maintained in one year blocks. Exceptions to this requirement, based on small volume or other considerations, require the approval of the Records Management Branch. Files must be blocked on a calendar year basis, except where a fiscal year basis is more appropriate. Case files should be organized in an "active" or "inactive" mode; or may be incorporated into basic program files as appropriate using the correct TAGS. Blocking files facilitates the application of retirement and disposal instructions.

5 FAM 422.4 File Equipment

(TL:IM-19; 10-30-95)

The acquisition of filing equipment and supplies, for use within the Department, shall be as economical as possible to meet filing requirements. Filing equipment is not to be requested solely to improve appearance, office decor, elevate status nor because of a desire for the latest design. Letter-size equipment shall be used unless there is a requirement for legal-size. Used or reconditioned equipment shall be used when available. As equipment becomes excess, it shall be properly disposed.

5 FAM 423 PROTECTING RECORDS

(TL:IM-19; 10-30-95)

See the 12 FAM chapter on information security for detailed information on protecting classified records.

5 FAM 423.1 Removal of Records

(TL:IM-19; 10-30-95)

a. No Department employees may remove, retire, transfer or destroy records in the custody of the Department except in accordance with the provisions of 5 FAM 430 and 5 FAH-4 Records Management Handbook.

b. No Department employee may remove classified information, including copies of classified documents, except as authorized, when transferring records (see 5 FAM 432).

5 FAM 423.2 Criminal Penalties for Unlawful Removal or Destruction of Records

(TL:IM-19; 10-30-95)

Fines, imprisonment or both may be imposed for the willful and unlawful removal or destruction of records as stated in the following excerpts from the U.S. Criminal Code (18 U.S.C. 641 and 2071). These penalties do not apply to the removal or destruction of non-record material.

18 U.S.C. 2071:

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than \$2,000 or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States.

18 U.S.C. 641:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof: or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, or purloined or converted

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year or both.

5 FAM 423.3 Departing Officials

(TL:IM-22; 4-15-97)

a. A departing official must not remove any papers, whether personal or official, until they have been authorized for removal by a *signed* Form DS-1904, Authorization for the Removal of Personal Papers and Non-Record Materials.

b. *The Department's Records Officer (A/IM/IPS), assisted by the Office of the Legal Adviser, Executive Secretariat, and the Bureau of Diplomatic Security, has oversight responsibility for the removal of documentary materials and provides overall guidance.*

c. *In the Department, the Records Officer signs Form DS-1904 to approve the removal of documentary materials for Presidential appointees confirmed by the Senate. The Administrative or Executive Officer of a Bureau signs the form for all other officials.*

d. *At foreign service posts and domestic field offices, the Administrative Officer signs for all officials. Administrative Officers will consult with the Department's Records Officer as necessary.*

e. *See 5 FAH-4 H-218 for procedures for the removal of personal papers and nonrecord material.*

5 FAM 423.4 Declassification of Papers

(TL:IM-19; 10-30-95)

No papers may be declassified for the sole purpose of permitting their removal from the Department or a post. In addition to the normal procedures contained in 5 FAH-4 H-218, any official making a

classification/declassification decision is responsible for seeing that the Department's Information Management office, the official custodian of Department files, is notified of the action taken.

5 FAM 423.5 Vital Records Program

(TL:IM-22; 4-15-97)

a. The purpose of the Vital Records Program is to safely and securely store all relevant foreign policy records that would be essential for use of the Secretariat and other officers in reconstructing the organization, administration, and conduct of U.S. foreign policy after a disaster or national crisis.

b. *The Executive Secretariat (S/S) and the Information Management, Information Life Cycle Management Branch (A/IM/IPS/PP/LC) jointly develop overall policy and coordinate* the program for the Executive Secretariat, 7th Floor principals and the Assistant Secretary for Legislative Affairs.

c. *A/IM/IPS/CR/RSC* (Records Service Center) administers the program for the bureaus. This consists of maintaining liaison with offices, providing staff assistance on specific problems, maintaining operational controls and transferring records to relocation sites, i.e., records storage facilities that are outside the Washington D.C. metropolitan area.

d. Department offices determine and select records that would be needed in performing essential functions under the above stated emergency conditions. Each office establishes internal controls and maintains liaison with the Records Relocation Officer in *A/IM/IPS/CR/RSC* to keep current its vital records on deposit at the relocation sites.

5 FAM 424 THROUGH 429 UNASSIGNED