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**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
INSTRUCTION 80.03**

Category 80 - Information and Records Management
**Office of Primary Responsibility: Assistant Director of National Intelligence
for Policy and Strategy/Information
Management Division**
Revision 1

**SUBJECT: RECORDS MANAGEMENT REQUIREMENTS FOR INDIVIDUALS
DEPARTING THE ODNI**

1. AUTHORITIES: The National Security Act of 1947, as amended; the Federal Records Act, as amended; and other applicable provisions of law.

2. REFERENCES: The Freedom of Information Act, as amended; the Privacy Act of 1974; Executive Order 13526; ODNI Instruction 21.01, *Check-In and Check-Out Program*; ODNI Internal Process Document 21.01a, *ODNI Check-In and Check-Out Process*; and ODNI Instruction 40.06, *Program Guidance for Check-in and Check-out of Contractors*.

3. PURPOSE: This Instruction provides guidance on the recordkeeping responsibilities of individuals departing the ODNI. This Instruction defines categories of official records and establishes that such records must remain in ODNI custody. This Instruction replaces ODNI Instruction 80.03, *Records Management Requirements for Departing ODNI Personnel*, dated August 11, 2009.

4. APPLICABILITY: This Instruction applies to all departing ODNI permanent cadre employees; ODNI staff reserve cadre employees, including Highly Qualified Experts; federal civilian detailees, military detailees; Intergovernmental Personnel Act detailees; Presidential appointees; assignees; and contractors who have created or received federal records in connection with ODNI business. In accordance with any relevant agreement by the ODNI and other government agencies (OGAs), this Instruction also applies to OGA employees providing service support to the ODNI.

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5. DEFINITIONS:

A. **ODNI federal records:** For purposes of this Instruction, materials created or received by the ODNI under federal law or in connection with ODNI business. Specifically, federal records are materials, regardless of format (e.g., paper, electronic files, electronic mail [email], digital media [CDs, DVDs, thumb drives], photographs, audio/video recordings), appropriate for preservation as evidence of ODNI functions, organization, and activities; or because of the value of information that they contain.

B. **Non-record materials:** Federally owned informational materials that do not meet the statutory definition of records or those 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.

C. **Personal files/papers:** Personal files include documentary materials of a private or nonpublic nature that do not relate to or have an effect on the conduct of ODNI business.

6. POLICY:

A. The Director, Information Management Division (D/IMD) will serve as the designated Federal Agency Records Officer for the ODNI and as such, establish policy for the proper treatment and preservation of ODNI records and respond to requests for ODNI information.

B. Before departing the ODNI, all individuals must ensure that records they created, as well as documents created by other individuals on their behalf, are properly filed and preserved as required by law, and pursuant to the process outlined in the checklist at Appendix A. Individuals should be aware that there are criminal penalties for the unlawful removal or destruction of federal records as well as for unlawful disclosure of national security information.

C. Federal records created or received during an individual's tenure at the ODNI are the property of the ODNI. The original record version may not be removed from ODNI control at any time. Individuals must not alter, change, redact, or delete information from any federal record, including information from email or Information Technology (IT) systems. On rare occasions, with justification and approval from an employee's immediate supervisor, the D/IMD, will review requests for removal of non-record material such as copies of ODNI records. In determining whether to permit removal of non-record material, the D/IMD will consider whether the material is unclassified and whether it has been released to the public. Refer to Appendix A for more information.

D. Prior to leaving the ODNI, all cadre employees, detailees, Presidential appointees, and assignees are required to ensure the proper transfer of record material to an appropriate custodian (e.g., supervisor, IMD) and must inform IMD of any record material that is subject to a legal preservation hold, disclosing the type of record (e.g., email, text message, Word document), and the location of the record(s). The departing individual's supervisor is responsible for ensuring that all government property is properly accounted for prior to the individual's departure.

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E. Activities performed by contractors on behalf of the ODNI shall comply with all records management-related provisions of the applicable contract. Individual contractors must coordinate their departure and the return of any government property including records with their project manager or the appropriate Contracting Officer's Technical Representative.

F. All individuals are prohibited from retaining personal possession of federal record material when leaving the ODNI, regardless of the circumstances of departure (e.g., transfer, termination, retirement, resignation).

G. Both classified and unclassified e-mails created or received during an individual's tenure at the ODNI may be considered federal records. To ensure these records remain in ODNI custody and are properly archived, all e-mail accounts (b)(3) will be closed when an individual departs, and will no longer be accessible by the individual. This includes a departing individual's e-mails, contacts, and calendar. The Mission Support Division/ODNI Chief Information Officer (MSD/ODNI CIO) will ensure that user accounts for departing individuals are disabled no later than the end of duty on their last day with the ODNI. The contents of accounts designated by IMD must be properly archived and delivered to the IMD.

H. Personal files shall be clearly designated as such and shall at all times be maintained separately from office records. Personal records of senior officials that also contain information related to ODNI business activities (e.g., a calendar) *may be categorized as federal records*. IMD will assist in making such determinations.

I. The D/IMD will adjudicate requests from former ODNI individuals for access to information contained in ODNI records systems.

J. The MSD/ODNI CIO will ensure proper security by having the Information System Security Manager (ISSM) review all procedures for copying ODNI data to temporary and permanent storage media. In addition, the ISSM will assist the D/IMD with requests for access to ODNI electronic information.

7. RESPONSIBILITIES:

A. The Chief Management Officer will provide policy oversight.

B. The Director, Information Management Division will:

(1) Serve as the designated Federal Agency Records Officer for the ODNI and as such, establish policy for the proper treatment and preservation of ODNI records.

(2) Respond to requests for access to ODNI information.

(3) Adjudicate requests from former employees for access to information contained in ODNI records systems.

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C. The Mission Support Division/ODNI Chief Information Officer will:

(1) Ensure that internal and related IT user accounts (b)(3) for departing individuals are disabled no later than the end of duty on their last day with the ODNI.

(2) Ensure that the contents of internal and related system information (e.g., user directories, email accounts) for personnel designated by IMD are properly archived and delivered to the IMD.

(3) Ensure proper security in accordance with paragraph 6.J. above.

D. Departing individuals will follow the check-out procedures in Appendix A to ensure that records they created, as well as documents created by other individuals on their behalf, are properly filed and preserved as required by law.

8. EFFECTIVE DATE: This Instruction is effective upon signature.



Mark W. Ewing
Chief Management Officer

10/6/2016

Date

Appendix A: Checklist for Individuals Departing the ODNI

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CHECKLIST FOR INDIVIDUALS DEPARTING THE ODNI

AT LEAST TWO WEEKS BEFORE YOUR FINAL DEPARTURE DATE

- 1. Use the ODNI Check-in/Check-out Database (located on the Mission Support Division home page), or the ODNI Contractor Tracking Database (CTD) for contractors (located on the Chief Financial Executive home page). Cadre employees, detailees, and assignees should initiate the check-out process in the ODNI Check-in/Check-out Database, pursuant to ODNI Internal Process Document 21.01a, *ODNI Check-in and Check-out Process*. Contractors should initiate the check-out process in the CTD in accordance with ODNI Instruction 40.06, *Program Guidance for Check-in and Check-out of Contractors*.
- 2. Coordinate with ODNI component members (e.g., executive assistants or other component members who created materials on your behalf) to ensure that all materials created for you are not deleted and are either saved to your office shared drive or are printed and filed properly prior to your departure, for applicable files. These materials include, but are not limited to, hard copy and electronic versions of:
 - Schedules and calendars of official events/activities
 - Email/Instant Messaging on all systems on which you conduct ODNI business (b)(3)
 - Visitor Logs
 - Telephone calls/messages/notes
 - Meeting minutes/notes
- 3. Identify and separate federal records from non-records and personal files. This includes records stored on portable electronic devices such as government issued laptops, thumb drives and smart phones.
- 4. Request a review by the Information Management Division (IMD) of all personal files that you intend to remove from the ODNI to ensure that the material does not contain classified information, information protected by the Privacy Act, or information the disclosure of which is otherwise prohibited by law (e.g., documents responsive to a pending FOIA request).
- 5. Migrate or save all federal records created on personal drives to your office shared drive (ensure that any records that require restricted access, such as personnel files, are appropriately restricted on the shared drive) or archived to an approved ODNI electronic record keeping system.
- 6. Transfer any administrative rights to (b)(3) intranet sites to remaining staff members within your office, ensuring that at least two people retain rights after your departure.
- 7. In exceptional cases, make a list of materials to which you believe that you: (1) may require access to after your departure, or (2) wish to request written approval to retain a copy of (COPIES ONLY in either situation; the originals must stay with ODNI) and submit a request to the Director, IMD (D/IMD) for review and written authorization. The D/IMD will review these requests on a case-by-case basis. On rare occasions, with justification and approval from an employee's immediate supervisor, the D/IMD, will review requests for removal of non-record material such as copies of ODNI records.

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- 8. Arrange for a records management out-processing interview by the IMD by e-mailing (b)(3). In the out-processing interview, inform IMD of whether any records are subject to a legal preservation hold. If so, the type of information (e.g., email, text, Word document) and its location (e.g., shared drive, smart phone).

DAY OF DEPARTURE

- 9. Presidential Appointees, Senior Officials, and component members designated by IMD, must arrange for IT staff to archive your email accounts and electronic calendars before your final log off by emailing (b)(3).