



Department of Energy
Washington, D.C. 20585

October 16, 1979

MEMORANDUM FOR: Richard Stone
FROM: Frank Pagnotta *FP*
SUBJECT: The Secretary's Personal Files

Attached you will find the paper prepared by Dick Hewlitt a member of my staff in response to your request for recommendations for organizing and maintaining The Secretary's personal files.

I concur completely in his summary for you and would like to add that my personal recommendation would be that the Chief Historian's Office be the custodian and archivists for The Secretary's personal files. Members of Dick's staff are trained and experienced archivists who know and can determine the material that would be of value to The Secretary as well as being acutely aware of what can and cannot be placed in this category.

Also, I have recently installed in Dick's office a computerized system whereby the material collected can easily be recorded and retrieved.

Should you have any questions let me know and we can discuss them at anytime.

Attachment

THE SECRETARY'S PERSONAL FILES

This paper proposes a structure for organizing and maintaining the Secretary's personal files.

Federal regulations (GSA Bulletin FPMR B-65, November 15, 1976) require that the personal papers of federal officials be filed separately from official papers and clearly designated as such. Personal papers are defined as documents "of a private or nonofficial character which pertain only to an individual's personal affairs." However, federal officials may retain as personal papers copies of official documents as long as the original copies are in the department's official files.

The official files of the Office of the Secretary are maintained by the Executive Secretary. However, for purposes of ready reference or for his permanent retention, the Secretary may wish to establish a separate personal file containing such non-record material as copies of official documents, published materials, and items of a purely private nature. The Secretary's personal file could contain any or all of the following categories of records:

1. White House papers, including correspondence with the President and White House staff, Cabinet papers, and correspondence with senior officials in the Executive Office of the President.
2. External correspondence consisting of the Secretary's direct correspondence with Congressional leaders, heads of federal departments and agencies, federal judges, state governors and other state officials, mayors, and other public figures of national or international prominence.
3. Internal departmental correspondence with Assistant Secretaries, and other senior DOE officials, reflecting matters of direct personal concern to the Secretary. This category does not include routine business in which the Secretary has only an official interest.

4. Records of the Secretary's staff meetings, including agendas, the Secretary's personal notes if any, informal minutes if any, and supporting and implementing papers.
5. Daily calendars, telephone logs, appointment calendars, and office diaries maintained in the Secretary's immediate office.
6. Trip records, including correspondence, schedules, and reports.
7. Speeches and press conferences, including related correspondence, advance copies, transcripts, and tape recordings.
8. Congressional testimony by the Secretary, including prepared statements and transcripts as appropriate.
9. Social events and ceremonial occasions, in which the Secretary participated, including related correspondence, programs, brochures, and mementos.
10. Chronological files of correspondence signed by the Secretary.
11. Press clippings and publications directly related to the Secretary's activities.
12. Photographs and tape recordings directly related to the Secretary's activities.
13. Public service activities reflecting the personal interests of the Secretary, including participation in charitable activities, foundations, and business and professional organizations.

In addition, the Secretary may also wish the staff to maintain subject files of material of personal interest but not necessarily documenting his official actions as Secretary. These files might include published articles and reports from a wide variety of sources, news clips on a variety of subjects, Congressional documents, and speeches by others.

Issues to be Resolved

1. Which of the above categories are to be included?

2. Which office in OSE will be responsible for maintaining the personal file?

Office of the Historian _____

Office of the Executive Secretary _____

Secretary's personal staff _____

Other _____

3. Should a computerized finding aid be set up for a quick response capability?

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

November 15, 1976

GSA BULLETIN FPMR B-65
ARCHIVES AND RECORDS

TO : Heads of Federal Agencies

SUBJECT: Disposition of personal papers and official records

1. Purpose. This bulletin summarizes the requirements of Federal law and related regulations and reminds all Federal agencies of their legal responsibility to (a) inform agency officials and personnel about established procedures for maintaining personal papers and (b) ensure the security and integrity of Federal records.

2. Expiration date. This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. Background.

a. 44 U.S.C. 3301 legally defines the word "records" to include--

...all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

b. FPMR 101-11.202-2(d) provides a legal definition of personal papers and prescribes standards for their maintenance--

Papers of a private or nonofficial character which pertain only to an individual's personal affairs that are kept in the office of a Federal official will be clearly designated by him as nonofficial and will at all times be filed separately from the official records of his office. In cases where matters requiring the

transaction of official business are received in private personal correspondence, the portion of such correspondence that pertains to official business will be extracted and made a part of the official files....

c. The definition of official records involves materials made or received either in pursuance of Federal law or in connection with the transaction of public business. The definition of personal papers covers material pertaining solely to an individual's private affairs. In other words, correspondence designated "personal," "confidential," or "private," etc., but relevant to the conduct of public business, is nonetheless an official record subject to the provisions of Federal law pertinent to the maintenance and disposal of such records. Official records are public records and belong to the office rather than to the officer.

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

e. Federal law (44 U.S.C. 3105) requires heads of Federal agencies to establish safeguards against the removal or loss of Federal records. Such safeguards include notifying agency officials that (1) the alienation and destruction of records in agency custody is governed by specific provisions of chapter 33, Title 44, United States Code, and (2) criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. 793, 794, and 798).

f. Federal law (44 U.S.C. 3106) requires heads of Federal agencies to notify the Administrator of General Services of any actual or threatened unlawful removal or destruction of records in their custody. The Archivist of the United States has been delegated authority to assist agency heads in initiating action through the Attorney General for the recovery of records unlawfully removed.

4. Requested action to be taken by agencies.

a. Agency heads should review their records management programs and determine whether adequate safeguards exist against the inadvertent or

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unlawful loss of Federal records. Adequate safeguards include the following measures:

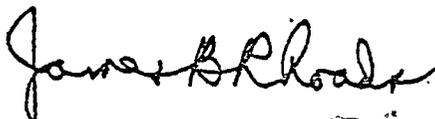
(1) Ensure that employees are acquainted with the Federal law governing the disposition of official records. Disposal of Federal records can occur only as a result of authorization of NARS approved records control schedules or provisions of general records schedules covering records common to one or more Federal agencies.

(2) Ensure that employees are aware of the criminal penalties that attach to the unlawful removal or destruction of Federal records. Employees also should be made aware of their legal responsibility for informing their records management officer of any actual or threatened unlawful loss or removal of official records.

(3) Ensure that employees are aware of the requirement for identifying and maintaining their personal papers separately from official records. Records management officers should monitor compliance with this requirement on a regular basis.

b. An effective means of bringing these legal requirements to the attention of agency personnel is incorporation of the requirements into agency files maintenance manuals and records control schedules. Adequate and proper separation and control of personal papers at the time of their creation offers the best approach for avoiding the problem of commingled personal and official papers. Widespread knowledge of the requirement for identifying and separating official from private papers at the time of their creation can assist greatly in establishing adequate and proper control over private papers.

5. Assistance to agencies. The National Archives and Records Service will assist agencies in appraising a body of materials and determining whether it comprises personal papers or official records. Oral requests for such assistance should be directed to the Records Disposition Division, Office of Federal Records Centers, telephone number 376-8845. Written requests should be forwarded to the General Services Administration (NC), Washington, DC 20408.



JAMES B. RHOADS
Archivist of the United States