

## Chapter 9

## Section 1

### General

Revision: C-26, May 30, 2018

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#### 1.0 POLICY

**1.1** This chapter implements the Department of Defense (DoD) Records Management (RM) Policy and “Defense Health Agency (DHA) Records Retention Schedule (RRS)” (hereafter referred to as “DHA RRS”). Contractors must plan for the full life cycle of Government records regardless of media. Thus contractors and their agents, subcontractors, et al., shall manage Government records in their custody, from capture or creation, during retention to their approved destruction. In addition to the DHA RRS, contractors shall comply with the following policies, regulations, and laws:

- 36 Code of Federal Regulations (CFR) Chapter XII Subchapter B - Records Management.
- Federal Records Act (Title 44 United States Code (USC), Chapters 21, 29, 31, 33).
- Paperwork Reduction Act (Title 44 USC, Chapter 35).
- DoD Instruction (DoDI) 5015.2, “DoD Records Management Program,” February 24, 2015.

**1.2** It is DoD policy to create records for conducting business and to preserve those of continuing value while systematically disposing of scheduled records and non-records to ensure that the DHA RM Program is efficient and compliant with applicable laws and regulations, and all DHA RRS references.

**1.3** No record of the United States (U.S.) Government is to be alienated, removed or destroyed except in accordance with the provisions of the Federal Records Act and applicable regulations. Unauthorized destruction of records is punishable by fine, imprisonment, or both.

#### 2.0 APPLICABILITY

**2.1** The provisions of this chapter apply to all DHA contractors. Where “contractor” is referred to within this chapter, the provisions shall apply, when appropriate, to subcontractors providing services under Prime contractors with TRICARE contracts.

**2.2** The contractor is responsible for preventing the alienation, mutilation, and unauthorized destruction of records. Willful and unlawful destruction, damage, or alienation of federal records is subject to the fines and penalties imposed by 18 USC 2701. Records may not be removed from the legal custody of DHA contractors or destroyed without regard to the provisions of the DHS RRS.

#### 3.0 RESPONSIBILITIES

The contractor shall comply with the federal policies, regulations, and laws referenced in [paragraph 1.1](#), including those policies associated with safeguarding records covered by the Privacy Act of 1974, Freedom of Information Act (FOIA), and Health Insurance Portability and Accountability

Act (HIPAA) statutes. These policies include the preservation of all DHA records created or received, regardless of format or mode of transmission (e-mail, fax, etc.), or state of completion (draft, final, etc.). Contractors may choose to maintain records in either paper or electronic format. Depending on the chosen format, contractors shall use the appropriate Addendum, either [A](#) or [B](#), for guidance on transferring paper records to the Federal Records Centers (FRCs) or electronic records to DHA.

### 3.1 DHA

DHA **will**:

**3.1.1** Develop and implement policies and standard operating procedures for the measurement and continuous improvement of the DHA RM Program;

**3.1.2** Provide scope requirements for the effective control of Government records to include creation, organization, maintenance, use, and disposition of records including records containing adequate and proper documentation of the contractor's administration and procedures;

**3.1.3** Provide annual RM training to contractors and custodians who manage Government records;

**3.1.4** Notify responsive contractors and custodians of time-sensitive records freezes and lifts in a timely manner; and

**3.1.5** Inspect contractors' and custodians' RM practices and applied procedures during the contractor's normal business hours.

### 3.2 Contractor

The contractor shall:

**3.2.1** Ensure that the contractor's Records Liaison shall attend the DHA RM training annually;

**Note:** All travel shall be at the contractor's expense.

**3.2.2** Understand that records related to beneficiary health care, claims and all supporting documentation, received or developed under DHA contracts are the property of the U.S. Government, unless they are specifically excluded:

**3.2.2.1** Maintain all government records in their custody pursuant to DHA RRS (see [Section 2](#)).

**3.2.2.2** Appoint an individual to act as a RM Liaison to work with the DHA RM Officer pursuant to DHA contractual scope.

**3.2.2.3** Apply current laws, regulations, standards, procedures, and techniques to ensure the most economical, efficient, and reliable means for the creation, retrieval, maintenance, preservation, and disposition of Government records, regardless of media.

**3.2.2.4** Maintain file plans of all active and inactive Government records and provide copies of file plans for review to the DHA RM Officer when requested.

**3.2.2.5** Maintain documentation on any Federal records that have been transferred to the FRCs or destroyed pursuant to the DHA RRS.

**3.2.2.6** Review, comment, and update the file plan annually for each office within their purview to ensure that records are accurately identified and scheduled.

**Note:** File plans shall be made available to the Government, if requested

**3.2.2.7** Participate in RM Program evaluations every two years to monitor compliance with applicable RM laws and regulations.

**3.2.2.8** Evaluate current and potential information systems to identify record information being created or received during the conduct of business and ensure the preservation of federal records as specified in the DHA RRS.

**Note:** Record information created in information systems and not identified in the DHA RRS shall be brought to the attention of the DHA RM Officer.

**3.2.2.9** Promote awareness of their legal responsibility to report to the appropriate official any actual, impending, or threatened unlawful removal, alteration, or destruction of federal records. Applicable policies and regulations are referenced in [paragraph 1.1](#).

**3.2.2.10** Establish a RM Program covering all media. The contractor shall use the standard classification and filing system outlined in the DHA RRS. This allows for the maximum uniformity and ease in maintaining and using Government records and facilitating the locating, charge-out, re-filing, and disposing of records.

**3.2.2.11** Develop and implement a vital records program in accordance with 36 CFR Chapter XII Subchapter B, Part 1223, "Managing Vital Records."

**3.2.2.12** Retrieve and deliver records within five working days of receiving the U.S. Government's request for them.

**3.2.2.13** Maintain and store federal records for the duration of their life cycle throughout the contract's period of performance.

**Note:** Refer to [Chapter 2, Section 10, paragraph 4.0](#) for record transition instructions. Once a record's retention has been satisfied, the contractor shall transfer or destroy eligible records, whichever disposition action is applicable to the records in question.

**3.2.2.14** Manage e-mail that complements Government records by applying the laws, regulations, and instructions which are identified in this Policy and include the following administrative actions:

**3.2.2.14.1** Write and implement e-mail instructions to include DHA RRS requirements and risk prevention guidance addressing unauthorized additions, deletions, and alterations to message content all of which impair record integrity. At a minimum, the instructions shall address:

- Defining what is a record versus what identifies a non-record;
- Adding records to recordkeeping systems;

- Preserving data; to include preserving names on distribution lists and directories;
- When to request receipts and how to preserve them;
- Circulating drafts securely; and
- Using external e-mail systems for Government e-mail as records.

**3.2.2.14.2** Assign an individual to be responsible for the maintenance of the e-mail recordkeeping system. This individual is also required to annually monitor the use of the e-mail system to assure recordkeeping instructions are being followed.

**3.2.2.14.3** Train all e-mail users and provide on-going training for any new users on e-mail recordkeeping requirements in compliance with DHA RRS requirements (also see [paragraph 1.1](#)). This training shall include: defining what is a record vs. a non-record; how to put records into recordkeeping systems; preserving data; preserving names on distribution lists or directories; when to request receipts and how to preserve the receipts; how to deal with circulated drafts; and external e-mail systems.

**3.2.2.15** Routinely transfer inactive paper records to the FRC designated by DHA RM Officer in accordance with [Section 4](#).

**3.2.2.16** In the event of a contract transition, refer to [Chapter 2, Section 10, paragraph 4.0](#) for instructions.

## **4.0 DEFINITIONS**

### **4.1 Active Records**

Active records are those used to conduct current DHA business. They may also be referred to as "open." Active records are generally maintained in office space or online in an electronic system. Events in this phase of the records life cycle include creating or receiving records and capturing them in a document or content management system or recordkeeping system.

### **4.2 Case Files**

A case file contains material on a specific action, transaction, event, person, project, or other subject. As an example, case files may cover one or several subjects that relate to a particular case.

### **4.3 Content Management System**

An application that provides capabilities for multiple users with different permission levels to manage content, data, or information.

### **4.4 Contractor Records**

Records include data produced and maintained by a contractor for DHA. The contractor is required to provide adequate and complete documentation that results in records about DHA's programs.

### **4.5 Disposition Instructions**

Actions taken on records no longer needed to conduct the current business of DHA, and

usually include instruction for the cut off, transfer, retirement, and destruction of record documents. Specific guidance and techniques for using or applying disposition instructions are located in the DHA RRS.

#### **4.6 Documentation**

Documentation concerns the creation of records and the assembly or consolidation of this information. This applies to records in all media (paper, electronic, microfilm, etc.).

#### **4.7 Electronic Information Systems**

Records generated in systems created to perform DHA mission related functions (claims, Explanation of Benefits (EOBs), etc.) and used by office or organizational personnel, computer operators, programmers, and systems administrators. These systems are usually identified by a specific name or acronym, and contain structured data. These systems contain DHA records content and shall be required to have retention schedules applied.

#### **4.8 Electronic Mail**

A document created or received on an agency electronic mail system, including brief notes, more formal or substantive documents, and any attachments and routing information which may be transmitted with the message. Electronic mail may be a record or a non-record.

#### **4.9 Electronic Recordkeeping**

The creation, maintenance, use and disposition of records created and stored by using a computer. Electronic recordkeeping is part of the solution to manage, preserve, and provide access to electronic records.

#### **4.10 Electronic Recordkeeping System**

An electronic recordkeeping system collects, organizes, and categorizes electronic records in their native file form instead of requiring the user to print and file them in a manual filing system. Such a system automates the preservation, retrieval, use, and disposition of the electronic record.

#### **4.11 Electronic Records**

Records stored in a form that only a computer can process and satisfies the definition of a federal record, also referred to as machine-readable records or automatic data processing records.

#### **4.12 Electronic Standard Form 135 (SF-135)**

The electronic SF-135 is modeled after the transmittal document SF-135, which is designed for metadata about the paper records. When transferring electronic records, the metadata is different than the paper records (see [Addendum B](#)). The metadata collected for electronic transfers will be the key identifiers used to search and retrieve the record.

#### **4.13 Freeze (Also Record Freeze)**

An action or event that suspends the destruction of records to include:

- Updates to records retention schedules.
- Litigation.
- Natural disasters.

See also [paragraphs 4.14](#) (Frozen Records) and [4.25](#) (Records).

#### **4.14 Frozen Records (FRs)**

Temporary records that cannot be destroyed according to scheduled retention because of special circumstances, such as a court order, which requires a temporary extension of the approved retention period.

#### **4.15 Inactive Records**

Inactive records are documents which are no longer referenced on a regular basis (yearly) and tend to be stored in a less accessible place. Records become inactive when the cut-off, as defined on a Records Retention Schedule, has been reached. Inactive records may also be referred to as “closed” records.

#### **4.16 Life Cycle of Records**

The concept that records pass through the following stages: receipt, capture, creation, active use, inactive use, distribution, storage, transfer, migration, disposition, and archiving of the official record.

#### **4.17 Lifts**

An action or event that removes a freeze from records that are suspended from destruction. See [paragraphs 4.13](#) (Freeze) and [4.14](#) (Frozen Records).

#### **4.18 Medium/Media**

The physical form of recorded information: such as paper, film, disc, magnetic tape, and other materials on which information can be recorded and stored.

#### **4.19 Metadata**

Data about a record; the attributes of electronic records (structure, content, and context), including office of origin, file codes, dates sent/received, disposition, security classification, etc. For example, if a record can be viewed as a “letter”, then metadata is found on the “envelope” (e.g., date stamp, return address, addressee, etc.). Associated metadata is data that is linked to or associated with a specific electronic record or record object.

#### **4.20 Migration**

The techniques and strategies used to move electronic information from one storage medium to another over time to prevent the loss of needed information because of technological obsolescence.

#### **4.21 Non-Record Material**

Non-record material is any U.S. Government-owned documentary material that does not meet the conditions of records status or that is specifically excluded from the statutory definition of a record (see 44 USC 3301). There are three specific categories of materials excluded from the statutory definition of records:

- Library and museum material (but only if such material is made or acquired and preserved solely for reference or exhibition purposes), including physical exhibits, artifacts, and other material objects lacking evidential value.
- Extra copies of documents (but only if the sole reason such copies are preserved is for convenience of reference).
- Stocks of publications and of processed documents. Catalogs, trade journals, and other publications that are received from other Government agencies, commercial firms, or private institutions and that require no action and are not part of a case on which action is taken. (Stocks do not include serial or record sets of agency publications and processed documents, including annual reports, brochures, pamphlets, books, handbooks, posters and maps.)

#### **4.22 Optical Disc (OD)**

A non-contact, random-access disc tracked by optical laser beams and used for mass storage and retrieval of digitized text and graphics. Sometimes called an optical digital disc or optical digital data disc. Types include:

- Write Once Read Many (WORM);
- Compact Disc-Read Only Memory (CD-ROM); and
- Digital Video Disc (DVD).

#### **4.23 Project Files**

A project file contains material on a specific action, transaction, event, person, project, or other subject. As an example, project files may cover one or several subjects that relate to a particular project.

#### **4.24 Record Object**

A record object is a container (typically, a computer file) for a group of related information. The information can be formatted as either text or images, and the computer file-type indicates the format of the information. For example, scanned images are typically stored in TIFF or as Portable Document Format (PDF) files. Consideration should be given to using searchable PDF files when TIFFs are too large or have too many pages to open and be viewed in an efficient and reliable manner.

**Note:** For the purpose of electronic RM, a record object is not necessarily a row of data in a database.

#### **4.25 Records**

According to 44 USC 3301, the term “records” includes “all books, papers, maps, photographs, electronic records, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. 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 nature of data in them. Library and museum material made or acquired and preserved solely for reference, and stocks or publications and of processed documents are not included.”

#### **4.26 Records Management (RM)**

That area of general administrative management concerned with achieving economy and efficiency in the creation, use/maintenance, and disposition of records.

#### **4.27 Smart Scan**

Smart Scan is a feature of the Archives and Records Centers Information System (ARCIS) that provides a service of scanning the paper records requested and having them e-mailed to the requestor. For more specific details about the service, check the National Archives and Records Administration (NARA) ARCIS web page.

#### **4.28 Terabyte Drive**

A type of external hard drive containing 1024 gigabytes per terabyte. The contractor shall contact the DHA RM Officer for guidance on the current standards.

#### **4.29 Transfer**

The term “transfer” has replaced the older term “accession” for temporary records. Like an accession, a transfer is a unique identifier used by National Archives and Records Administration (NARA) to track the records transferred using the transmittal document SF-135 for paper, or for electronic records.

#### **4.30 Transmission and Receipt Data**

**4.30.1** Transmission data: Information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.

**4.30.2** Receipt data: Information in electronic mail systems regarding date and time of receipt of a message, and/or acknowledgment of receipt or access by the addressee(s).



**4.31** Vital Records (Sometimes Called Essential Records)

Records essential to the continued functioning or reconstitution of an organization during and after an emergency and also those records essential to protecting the rights and interests of that organization and of the individuals directly affected by its activities (includes both emergency-operating and rights-and-interests records). Vital records considerations are part of an agency's records disaster prevention and recovery program.

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