



NATIONAL
ARCHIVES

Office of the Chief
Records Officer for the
U.S. Government

NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION

Frequently Asked Questions (FAQ) about Non-Compliant Permanent Digitized Records

January 10, 2024
1:30 - 3:00 pm ET



Agenda

- Introductions
- Why is this necessary?
- FAQs
- Decision Tree
- Questions



Office of the Chief
Records Officer for the
U.S. Government

NARA Speakers

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Digitization Standards for Permanent Records

[36 CFR Subpart E -- Digitizing Permanent Federal Records](#)

- 1236.40 Scope of this subpart
- 1236.41 Definitions for this subpart
- 1236.42 Records management requirements
- 1236.44 Documenting digitization projects
- 1236.46 Quality management requirements
- 1236.48 File format requirements
- 1236.50 Digitization requirements for permanent paper and photographic prints
- 1236.52 Digitization requirements for permanent mixed-media files
- 1236.54 Metadata requirements
- 1236.56 Validating digitized records and disposition authorities



Guidance Impacting Approach

Nov 2014: FRA Amendments

Feb 2018: NARA Strategic Plan

Jun 2019: OMB Memo M-19-21

Dec 2022: OMB Memo M-23-07

“The Archivist shall promulgate regulations requiring all Federal agencies to transfer all digital or electronic records to the National Archives of the United States in digital or electronic form to the greatest extent possible.”

“The Archivist shall promulgate regulations establishing . . . standards for the reproduction of records by photographic, microphotographic, or **digital processes** with a view to the disposal of the original records.”



[Frequently Asked Questions \(FAQ\) about Non-Compliant Permanent Digitized Records](#) (November 30, 2023)

Addresses agency questions, including:

- Options for non-compliant digitized records
- Past agency digitization/accessioning practices
- Media Neutrality and Notification forms (NA 13171)



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What are non-compliant digitized permanent records?

Non-compliant digitized records do not meet the standards in 36 CFR Part 1236 Subpart E -- [Digitizing Permanent Federal Records](#)



What is the record status of source records and digitized records?

Source records

- Records from which a digitized version or digitized record is created.
- The record copy that was used in the course of agency business.

Digitized records

- Created by converting analog formats to digital.
- Sufficient authenticity, reliability, usability, and integrity to replace source records.



Can the agency records schedule for the source records be applied to the digitized records?

If permanent records are digitized according to NARA's digitization standards, agencies can:

- transfer under the existing permanent records schedule
- destroy the source records under [GRS 4.5, item 010](#)



What if digitized records do not meet the standards in NARA's regulations?

- **Submit a new records schedule**
 - Supersede the previous disposition instructions.
 - NARA may accept the previously digitized records as permanent records.
 - The source records may be scheduled as temporary.



What if digitized records do not meet the standards in NARA's regulations?

- **Re-digitize and validate the source records according to the standards**
 - Past digitization may have different goals and assumptions.
 - May re-digitize records for several reasons, such as meeting litigation or access requirements.
 - Can destroy source records according to GRS 4.5 and transfer the digitized records to NARA as permanent.
 - Previously digitized records would likely be temporary.



What if digitized records do not meet the standards in NARA's regulations?

- **Transfer the born-digital records**
 - Most records born-digital.
 - May transfer born-digital if:
 - Equivalent to the paper records;
 - Provide context, content, and structure; and
 - Meet NARA guidance for transferring permanent records.



What about sending the source records to NARA instead of the digitized records?

- Send source records before June 30, 2024.
 - Agencies pay for storage and services.
 - Once transferred, NARA responsible to provide access.
- Transfer as a direct offer before June 30, 2024.
- Request an exception.
 - [NARA 2020-01: Guidance on OMB/NARA Memorandum Transition to Electronic Records \(M-19-21\)](#)



How will NARA determine whether to accept the previously digitized records in the new records schedule

- Submit a new records schedule to supersede the existing disposition authority.
- The schedule should contain new disposition instructions for the previously digitized records and the source records.
- NARA will review and request data regarding the processes, validation methods, technical specifications, and metadata standards used to digitize.
- NARA will assess the agency's digitization processes to inform the appraisal, review, and approval of the records schedule.



Why can't agencies use media-neutral records schedules to transfer previously digitized records to NARA?

- In 2007, NARA published regulations 36 CFR 1225.12(e) establishing a media-neutral approach to federal records management and scheduling.
- FRA amendments required NARA to issue standards for the reproduction of records through digital processes, considering the disposal of the original records (44 U.S.C. Chapter 3302).
- Agencies can now transfer digitized records under a media-neutral schedule, but only if the records meet the digitization standards outlined in the regulations.
- This implies a shift in the landscape where agencies can now use media-neutral schedules for digitized records in compliance with the established standards.



What if agencies submitted a NA 13171 form?

- In 2010, NARA issued Bulletin 2010-04, refining the notification requirement.
- The bulletin required agencies to submit the form NA 13171 certifying the transition from a paper-based system to an electronic records system.
- After NARA reviewed the notification form, agencies could transfer permanent electronic records instead of paper records.
- NARA has revoked Bulletin 2010-04.
- Agencies can no longer submit the NA 13171 form.
- For inquiries about previously submitted NA 13171 forms, agencies should contact their appraisal archivist.



What if agencies destroyed the source records and only have the digitized versions?

- If agencies have destroyed the source records without an approved agency authority or GRS, then it should be reported as an unauthorized disposition of federal records under 36 CFR Part 1230.
- More information on reporting:
 - [Unauthorized Disposition webpage](#); or
 - Contact [Unauthorized Disposition@nara.gov](mailto:UnauthorizedDisposition@nara.gov)



Is there anything agencies can do to make previously digitized records comply with the standards?

- The permanent standards encompass numerous requirements covering records management, digitization, metadata, quality management, and validation.
- Retroactively applying these requirements to records digitized using different standards and processes is generally not feasible.



Should agencies update the metadata on previously digitized records to comply with the standards?

- Depending on the metadata type, it may or may not be possible to retroactively add or update metadata.
- Be careful when editing metadata that existing metadata is not unintentionally deleted or altered.
- When metadata cannot be updated options are:
 - Submit a new records schedule
 - Re-digitize
 - Transfer the born-digital records
 - Send source records to NARA or FRC by the deadline



Should agencies convert bitonal images to grayscale to comply with the standards?

- Agencies must not alter non-conforming technical parameters of images such as color mode, compression type, or resolution as a means of complying with the regulation.
- You cannot add information that was never in the image in the first place.



What about previously digitized film records or other media not yet covered by the digitization standards?

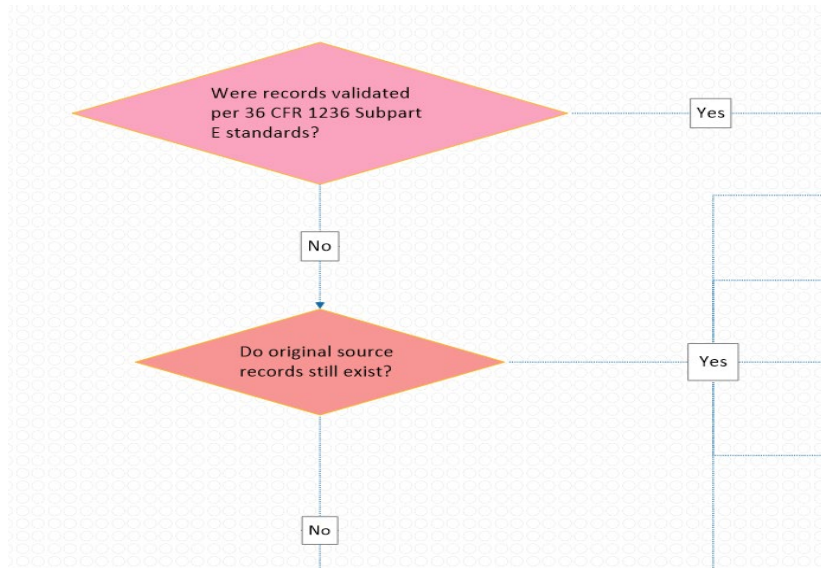
- The regulations in 36 CFR 1236 E do not currently cover standards and procedures for digitizing permanent film records or dynamic media records.
- For questions about digitization standards for these record types, contact the Records Management Policy and Standards Team at rmstandards@nara.gov



What other guidance or resources related to digitized records are available?

Guidance and resources on digitized records are available on NARA's [Digitization of Federal Records webpage](#):

- [Decision Tree for Previously Digitized or Non-Compliant Permanent Records](#)
- [FAQs for GRS 4.5, Digitizing Records](#)
- [FAQs for GRS 5.2, Transitory and Intermediary Records](#)



Decision Tree for Previously Digitized or Non-Compliant Permanent Records

<https://www.archives.gov/records-mgmt/policy/decision-tree>



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Questions

[FAQ about Non-Compliant Permanent Digitized Records](#)



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