United States Tax Court

Washington, DC 20217

June 12, 2023

Mr. John Greenewald, Jr.
The Black Vault
27305 W. Live Oak Road
Suite 1203
Castaic, CA 91384-4520

RE: Your FOIA request to NARA for all Records Management Self-Assessments

Dear Mr. Greenewald:

On May 19, 2023, the United States Tax Court received a letter from The National Archives & Records Administration (NARA) detailing your Freedom of Information Act (FOIA) request for Records Management Self-Assessments (RMSA). NARA sent the Court's 2018-2021 RMSAs to the Court and requested that the Court respond directly to you.

The United States Tax Court is a court of law. 26 U.S.C. § 7441; *Freytag v. Commissioner*, 501 U.S. 868, 891 (1991) ("The Tax Court exercises judicial power to the exclusion of any other function."). Consequently, the Tax Court is not an "agency" subject to FOIA. *See* 5 U.S.C. § 552(f)(1) (incorporating the definition of "agency" as set forth in 5 U.S.C. § 551(1)). Section 551(1)(B) of Title 5 provides that "agency" does not include the courts of the United States. *Megibow v. Clerk of the United States Tax Court*, 432 F.3d 387 (2d Cir. 2005), *aff'g* 94 AFTR 2d 5804 (S.D.N.Y. 2004) (holding that the Tax Court is not an "agency" for purposes of FOIA); *Ostheimer v. Chumbley*, 498 F. Supp. 890, 892 (D. Mont. 1980) (same), *aff'd,* 746 F.2d 1487 (9th Cir, 1984); *Byers v. United States Tax Court*, 211 F.Supp.3d 240 (D.D.C. 2016)(stating that "the Tax Court should be considered a court, not an agency, for the purposes of FOIA").

The document accompanying this letter was compiled by and originated from NARA, not the United States Tax Court. If you need further information on your rights under FOIA, it is recommended that you seek legal counsel.

Sincerely,

Clerk of the Court
United States Tax Court

1. Is there a person in your agency who is responsible for coordinating and overseeing the implementation of the records management program? (36 CFR 1220.34(a))

#	Answer	Bar	Response	%
1	✓ Yes		1	100%
2	✗ No		0	0%
3	✗ Do not know		0	0%
	Total		1	

2. Please provide the person's name, position title, and office.

Text Response
▆▆▆▆▆▆▆▆

3. Does your agency have a Senior Agency Official for Records Management (SAORM)? (If you are a component of a department, you may answer "Yes," even if this is not being done at the component level.)

#	Answer	Bar	Response	%
1	✗ Yes		1	100%
2	✗ No		0	0%
3	✗ Do not know		0	0%
	Total		1	

4. Does your Agency Records Officer meet regularly (four or more times a year) with the SAORM to discuss the agency records management program's goals?

#	Answer	Bar	Response	%
1	✗ Yes		1	100%
2	✗ No		0	0%
3	✗ Do not know		0	0%
	Total		1	

5. Does your agency have a network of designated employees within each program and administrative area who are assigned records management responsibilities? These individuals are often called Records Liaison Officers (RLOs), though their titles may vary. (36 CFR 1220.34(d))

#	Answer	Bar	Response	%
1	✓ Yes		1	100%
2	✗ No		0	0%
3	✗ Do not know		0	0%
4	✓ Not applicable, agency has less than 100 employees		0	0%
5	✓ Not applicable, Department Records Officer - this is done at the component level		0	0%
	Total		1	

6. Does your agency have a documented and approved records management directive(s)? (36 CFR 1220.34(c))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✓ No, pending final approval		0	0%
3	✓ No, under development		1	100%
4	✗ No		0	0%
5	✗ Do not know		0	0%
	Total		1	

7. When was your agency's directive(s) last reviewed and/or revised to ensure it includes all new records management policy issuances and guidance?

#	Answer	Bar	Response	%
1	✓ FY 2018 - present		1	100%
2	✓ FY 2016 - 2017		0	0%
3	✓ FY 2014 - 2015		0	0%
4	✗ FY 2013 or earlier		0	0%
5	✗ Do not know		0	0%
6	✗ Not applicable, agency does not have a records management directive		0	0%
	Total		1	

8. Does your agency have internal records management training*, based on agency policies and directives, for employees assigned records management responsibilities? (36 CFR 1220.34(f)) *Includes NARA's records management training workshops that were customized specifically for your agency or use of an agency-customized version of the Federal Records Officer Network (FRON) RM 101 course.

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No, pending final approval		0	0%
4	✓ No, under development		1	100%
5	✗ Do not know		0	0%
6	✓ Not applicable, please explain		0	0%
	Total		1	

Not applicable, please explain

9. Has your agency developed mandatory internal, staff-wide, formal training*, based on agency policies and directives, covering records in all formats, including electronic communications such as email, text messages, chat, or other messaging platforms or apps, such as social media or mobile device applications, which helps agency employees and contractors fulfill their recordkeeping responsibilities?** (36 CFR 1220.34(f)) *Includes NARA's records management training workshops that were customized specifically for your agency or use of an agency-customized version of the Federal Records Officer Network (FRON) RM 101 course. **Components of departmental agencies may answer "Yes" if this is handled by the department. Department Records Officers may answer "Yes" if this is handled at the component level.

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No, pending final approval		1	100%
4	✓ No, under development		0	0%
5	✗ Do not know		0	0%
	Total		1	

10. Does your agency require that all senior and appointed officials, including those incoming and newly promoted, receive training on the importance of appropriately managing records under their immediate control? (36 CFR 1220.34(f))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		1	100%
3	✗ Do not know		0	0%
	Total		1	

11. Please add any additional comments about your agency for Section I: Activities. (Optional)

Text Response

12. In addition to your agency's established records management policies and records schedules, has your agency's records management program developed and implemented internal controls to ensure that all eligible, permanent agency records in all media are transferred to NARA according to approved records schedules? (36 CFR 1222.26(e)) **These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question. *Examples of records management internal controls include but are not limited to: - Regular briefings and other meetings with records creators - Monitoring and testing of file plans - Regular review of records inventories - Internal tracking database of permanent record authorities and dates

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No, pending final approval		0	0%
4	✓ No, under development		1	100%
5	✗ Do not know		0	0%
	Total		1	

13. In addition to your agency's established policies and records schedules, has your agency developed and implemented internal controls to ensure that Federal records are not destroyed before the end of their retention period? (36 CFR 1222.26(e)) **These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question. *Examples of records management internal controls include but are not limited to: - Regular review of records inventories - Approval process for disposal notices from off-site storage - Require certificates of destruction - Monitoring shredding services - Performance testing for email - Monitoring and testing of file plans - Pre-authorization from records management program before records are destroyed - Ad hoc monitoring of trash and recycle bins - Notification from facilities staff when large trash bins or removal of boxes are requested - Annual records clean-out activities sponsored and monitored by records management staff

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No, pending final approval		0	0%
4	✓ No, under development		1	100%
5	✗ Do not know		0	0%
	Total		1	

14. Does your agency evaluate, by conducting inspections/audits/reviews, its records management program to ensure that it is efficient, effective, and compliant with all applicable records management laws and regulations? (36 CFR 1220.34(j)) **For this question, your agency's records management program, or a major component of the program (e.g. vital records identification and management, the records disposition process, records management training, or the management of your agency's electronic records) must be the primary focus of the inspection/audit/review.

#	Answer	Bar	Response	%
1	✓ Yes, evaluations are conducted by the Records Management Program		0	0%
2	✓ Yes, evaluations are conducted by the Office of Inspector General		0	0%
3	✓ Yes, evaluations are conducted by the Records Management Program AND the Office of Inspector General		0	0%
4	✓ Yes, evaluations are conducted by:		0	0%
5	✗ No, please explain	▬▬▬▬▬	1	100%
6	✗ Do not know		0	0%
	Total		1	

Yes, evaluations are conducted by:	No, please explain
-	Under Development

15. How often does your agency conduct formal evaluations of a major component of your agency (i.e., programs or offices)?

#	Answer	Bar	Response	%
1	✓ Annually		0	0%
2	✓ Biennially		0	0%
3	✓ Once every 3 years		0	0%
4	✓ Ad hoc		0	0%
5	✗ Do not know	▬▬▬▬▬	1	100%
6	✗ Not applicable, agency does not evaluate its records management program		0	0%
	Total		1	

16. Was a formal report written and subsequent plans of corrective action created and monitored for implementation as part of the most recent inspection/audit/review? (Choose all that apply)

#	Answer	Bar	Response	%
1	✗ Yes, formal report was written		0	0%
2	✗ Yes, plans of corrective action were created		0	0%
3	✗ Yes, plans of corrective action were monitored for implementation		0	0%
4	✗ No	▬▬▬▬▬	1	100%
5	✗ Do not know		0	0%
6	✗ Not applicable, agency does not evaluate its records management program		0	0%

17. Has your agency established performance goals for its records management program? *Examples of performance goals include but are not limited to: Identifying and scheduling all paper and non-electronic records by the end of FY 2018 Developing computer-based records management training modules by the end of FY 2018 Planning and piloting an electronic records management solution for email by the end of FY 2019 Updating records management policies by the end of the year Conducting records management evaluations of at least one program area each quarter

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ Pending final approval		0	0%
4	✓ Currently under development	▬▬▬	1	100%
5	✗ Do not know		0	0%
	Total		1	

18. Has your agency's records management program identified performance measures for records management activities such as training, records scheduling, permanent records transfers, etc.? *Examples of performance measures include but are not limited to: Percentage of agency employees that receive records management training in a year A reduction in the volume of inactive records stored in office space Percentage of eligible permanent records transferred to NARA in a year Percentage of records scheduled Percentage of offices evaluated/inspected for records management compliance Percentage of email management auto-classification rates Development of new records management training modules Audits of internal systems Annual updates of file plans Performance testing for email applications to ensure records are captured Percentage of records successfully retrieved by Agency FOIA Officer in response to FOIA requests

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ Pending final approval		0	0%
4	✓ Currently under development	▬▬▬	1	100%
5	✗ Do not know		0	0%
	Total		1	

19. Does your agency's records management program have documented and approved policies and procedures that instruct staff on how your agency's permanent records in all formats must be managed and stored? (36 CFR 1222.34(e))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No, pending final approval		0	0%
4	✓ No, under development	▬▬▬	1	100%
5	✗ Do not know		0	0%
	Total		1	

20. Has your agency identified the vital records of all its program and administrative areas? (36 CFR 1223.16) *Components of departmental agencies may answer "Yes" if this is handled by the department.

#	Answer	Bar	Response	%
1	✓ Yes		1	100%
2	✗ No		0	0%
3	✗ Do not know		0	0%
	Total		1	

21. How often does your agency review and update its vital records inventory? (36 CFR 1223.14)

#	Answer	Bar	Response	%
1	✓ Annually		0	0%
2	✓ Biennially		0	0%
3	✓ Once every 3 years		0	0%
4	✓ Ad hoc		0	0%
5	✗ Never		0	0%
6	✗ Do not know		1	100%
	Total		1	

22. Is your vital records plan part of the Continuity of Operations (COOP) plan?

#	Answer	Bar	Response	%
1	✓ Yes		1	100%
2	✗ No		0	0%
3	✗ Do not know		0	0%
	Total		1	

23. Records needed to respond to a FOIA request are readily accessible and located by staff responsible for FOIA:

#	Answer	Bar	Response	%
1	✗ Always		0	0%
2	✗ Most of the time		0	0%
3	✗ Some of the time		0	0%
4	✗ Never		1	100%
5	✗ Do not know		0	0%
	Total		1	

24. At what point in the FOIA process does your agency inform requesters of the Office of Government Information Services' (OGIS) dispute resolution services? (Choose all that apply)

#	Answer	Bar	Response	%
1	✕ When there is an adverse determination		0	0%
2	✕ When notifying the requester that the agency needs more than 10 additional days to process a request		0	0%
3	✕ When responding to the requester's appeal		0	0%
4	✕ Never		0	0%
5	✕ Do not know		0	0%
6	✕ Other, please explain		1	100%

Other, please explain

The Tax Court is exempt from Freedom of Information Act (FOIA) requests. See Byers v U.S. Tax Court 211 F. Supp. 3rd 240 (D.D.C. 2016)

25. How often does the FOIA program submit to agency leadership reports on such measures as pending requests and backlog?

#	Answer	Bar	Response	%
1	✕ Annually		0	0%
2	✕ Quarterly		0	0%
3	✕ Monthly		0	0%
4	✕ Weekly		0	0%
5	✕ Never		0	0%
6	✕ Other, please explain		1	100%
	Total		1	

Other, please explain

The Tax Court is exempt from Freedom of Information Act (FOIA) requests. See Byers v U.S. Tax Court 211 F. Supp. 3rd 240 (D.D.C. 2016)

26. Do your agency's employee performance work plans and appraisals include FOIA performance measures for non-FOIA professionals to ensure compliance with the requirements of FOIA? (Note: The 2016-2018 term of the Freedom of Information Act Advisory Committee endorsed inclusion of FOIA performance standards in Federal employee evaluations and work plans government-wide.)

#	Answer	Bar	Response	%
1	✕ Yes		0	0%
2	✕ No, please explain		1	100%
3	✕ Do not know		0	0%
	Total		1	

No, please explain

The Tax Court is exempt from Freedom of Information Act (FOIA) requests. See Byers v U.S. Tax Court 211 F. Supp. 3rd 240 (D.D.C. 2016)

27. Does your agency have procedures for preparing documents for posting on FOIA reading rooms? (Note: The FOIA Improvement Act of 2016 amended Section 3102 of the Federal Records Act, 44 U.S.C., to include a requirement that agencies establish "procedures for identifying records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format." This requirement is now included in 5 U.S.C. 552(a)(2).)

#	Answer	Bar	Response	%
1	X Yes		0	0%
2	X No		1	100%
3	X Do not know		0	0%
	Total		1	

28. Who is responsible for preparing the documents for posting? (Choose all that apply)

#	Answer	Bar	Response	%
1	X FOIA staff		0	0%
2	X Program staff		0	0%
3	X IT/web staff		0	0%
4	X Other, please explain		0	0%
5	X Do not know		0	0%

Other, please explain

29. Please add any additional comments about your agency for Section II: Oversight and Compliance. (Optional)

Text Response

The Tax Court is exempt from Freedom of Information Act (FOIA) requests. See Byers v U.S. Tax Court 211 F. Supp. 3rd 240 (D.D.C. 2016)

30. When was the last time your agency submitted a records schedule to NARA for approval? (36 CFR 1225.10)

#	Answer	Bar	Response	%
1	X FY 2017 - 2018		0	0%
2	X FY 2015 - 2016		0	0%
3	X FY 2013 - 2014		0	0%
4	X FY 2011 - 2012		0	0%
5	X FY 2010 or earlier		1	100%
6	X Do not know		0	0%
	Total		1	

31. Are records and information in your agency managed throughout the lifecycle [creation/capture, classification, maintenance, retention, and disposition] by being properly identified, classified using a taxonomy, inventoried, and scheduled? (36 CFR 1222.34, 36 CFR 1224.10, and 36 CFR 1225.12)

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✓ To some extent		1	100%
3	✗ No		0	0%
4	✗ Do not know		0	0%
	Total		1	

32. Are records and information in your agency easily retrievable and accessible when needed for agency business? (36 CFR 1220.32(c))

#	Answer	Bar	Response	%
1	✓ All records are easily retrievable and accessible when needed		1	100%
2	✓ Most records can be retrieved and accessed in a timely manner		0	0%
3	✓ Some records can be retrieved and accessed in a timely manner		0	0%
4	✗ No		0	0%
5	✗ Do not know		0	0%
	Total		1	

33. Does your agency disseminate every approved disposition authority (including newly approved records schedules and General Records Schedule items) to agency staff within six months of approval? (36 CFR 1226.12(a))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		1	100%
3	✗ Do not know		0	0%
	Total		1	

34. In addition to your agency's records management policies and records schedules, has your agency developed and implemented internal controls to ensure that all permanent records are created/captured, classified, filed and managed according to their NARA-approved records schedules? (36 CFR 1220.34(i))

#	Answer	Bar	Response	%
1	✗ Yes		1	100%
2	✗ No		0	0%
3	✗ Do not know		0	0%
	Total		1	

35. Did your agency transfer permanent non-electronic records to NARA during FY 2018? (36 CFR 1235.12)

#	Answer	Bar	Response	%
1	✓ Yes		1	100%
2	✗ No		0	0%
3	✓ No – No records were eligible for transfer during FY 2018		0	0%
4	✓ No – New agency, records are not yet old enough to transfer		0	0%
5	✓ No – My agency does not have any permanent non-electronic records		0	0%
6	✗ Do not know		0	0%
7	✗ Other, please explain		0	0%
	Total		1	

Other, please explain

36. Did your agency transfer permanent electronic records to NARA during FY 2018? (36 CFR 1235.12)

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No – No electronic records/systems were eligible for transfer during FY 2018		0	0%
4	✓ No – New agency, electronic records/systems are not old enough to transfer		0	0%
5	✓ No – My agency does not have any permanent electronic records		0	0%
6	✗ Do not know		0	0%
7	✗ Other, please explain		1	100%
	Total		1	

Other, please explain

Under Developement

37. Does your agency conduct and document for accountability purposes training and/or other briefings as part of the on-boarding process for senior officials on their records management roles and responsibilities, including the appropriate disposition of records and the use of personal and unofficial email accounts? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✓ Yes, but not documented		1	100%
3	✗ No		0	0%
4	✗ Do not know		0	0%
5	✓ Not applicable, please explain		0	0%
	Total		1	

Not applicable, please explain

38. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in on-boarding briefings or other processes for newly appointed senior officials?

#	Answer	Bar	Response	%
1	✗ Yes		0	0%
2	✗ No		1	100%
3	✗ Do not know		0	0%
	Total		1	

39. Does your agency conduct and document for accountability purposes exit briefings for departing senior officials on the appropriate disposition of the records, including email, under their immediate control? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✓ Yes, but not documented		0	0%
3	✗ No		1	100%
4	✗ Do not know		0	0%
5	✓ Not applicable, please explain		0	0%
	Total		1	

Not applicable, please explain

40. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in exit briefings or other exit clearance processes for departing senior officials?

#	Answer	Bar	Response	%
1	✗ Yes		0	0%
2	✗ No		0	0%
3	✗ Do not know		0	0%
	Total		0	

41. Does the exit or separation process for departing senior officials include records management program staff or other designated official(s) reviewing and approving the removal of personal papers and copies of records by those senior officials? (36 CFR 1222.24(a)(6))

#	Answer	Bar	Response	%
1	✗ Yes		0	0%
2	✗ No, please explain		0	0%
3	✗ Do not know		0	0%
	Total		0	

No, please explain

42. Please add any additional comments about your agency for Section III. Records Disposition. (Optional)

Text Response

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43. Has your agency incorporated and/or integrated internal controls to ensure the reliability, authenticity, integrity, and usability of agency electronic records maintained in electronic information systems? (36 CFR 1236.10)

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✓ To some extent		1	100%
3	✗ No		0	0%
4	✗ Do not know		0	0%
5	✓ Not applicable, please explain		0	0%
	Total		1	

Not applicable, please explain

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44. Does your agency have documented and approved procedures to enable the migration of records and associated metadata to new storage media or formats so that records are retrievable and usable as long as needed to conduct agency business and to meet NARA-approved dispositions? (36 CFR 1236.20(b)(6))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No, pending final approval		0	0%
4	✓ No, under development		1	100%
5	✗ Do not know		0	0%
	Total		1	

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45. Does your agency maintain an inventory of electronic information systems that indicates whether or not each system is covered by an approved NARA disposition authority? (36 CFR 1236.26(a))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No, please explain		1	100%
3	✗ Do not know		0	0%
	Total		1	

No, please explain

Under Development

46. Does your agency ensure that records management functionality, including the capture, retrieval, and retention of records according to agency business needs and NARA-approved records schedules, is incorporated into the design, development, and implementation of its electronic information systems? (36 CFR 1236.12) *Components of departmental agencies may answer "Yes" if this is handled by the department.

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No, please explain		1	100%
3	✗ Do not know		0	0%
4	✓ Not applicable, please explain		0	0%
	Total		1	

No, please explain	Not applicable, please explain
Under Development	

47. Does your agency's records management program staff participate in the design, development, and implementation of new electronic information systems?

#	Answer	Bar	Response	%
1	✗ Yes		0	0%
2	✗ To some extent		0	0%
3	✗ No, please explain		1	100%
4	✗ Do not know		0	0%
5	✗ Not applicable, please explain		0	0%
	Total		1	

No, please explain	Not applicable, please explain

48. Which of these activities does your agency's records management program staff participate in to ensure that records requirements are part of the recommended solution? (Choose all that apply)

#	Answer	Bar	Response	%
1	✗ Participate in review and acceptance of proposals for new systems		0	0%
2	✗ Participate as stakeholder in requirements gathering		0	0%
3	✗ Participate as stakeholder in the design phase		0	0%
4	✗ Participate as stakeholder in the development phase including testing the system		0	0%
5	✗ Provide sign off authority for the implementation of new systems		0	0%
6	✗ Monitor system for adherence to standards, policies, and procedures		0	0%
7	✗ Provide information only		0	0%
8	✗ Do not know		0	0%
9	✗ Other, please explain		0	0%

Other, please explain

49. Does your agency have documented and approved policies requiring permanent electronic records be managed in an electronic format for eventual transfer to NARA?

#	Answer	Bar	Response	%
1	✕ Yes		0	0%
2	✕ No		0	0%
3	✕ No, pending final approval		0	0%
4	✕ No, under development		1	100%
5	✕ Do not know		0	0%
	Total		1	

50. Do the policies include requirements for preserving records until eligible for transfer to NARA?

#	Answer	Bar	Response	%
1	✕ Yes		0	0%
2	✕ No		0	0%
3	✕ Do not know		0	0%
	Total		0	

51. Does your agency have a process or strategy for managing permanent electronic records, and related metadata, in an electronic form?

#	Answer	Bar	Response	%
1	✕ Yes		0	0%
2	✕ No		0	0%
3	✕ No, pending final approval		0	0%
4	✕ No, under development		1	100%
5	✕ Do not know		0	0%
	Total		1	

52. Does your agency have documented and approved policies against unauthorized use, alteration, alienation or deletion of all electronic records?

#	Answer	Bar	Response	%
1	✕ Yes		1	100%
2	✕ No		0	0%
3	✕ No, pending final approval		0	0%
4	✕ No, under development		0	0%
5	✕ Do not know		0	0%
	Total		1	

53. Does your agency have a digitization strategy to reformat permanent records created in hard copy or other analog formats (e.g., microfiche, microfilm, analog video, and analog audio)?

#	Answer	Bar	Response	%
1	✕ Yes		0	0%
2	✕ To some extent		0	0%
3	✕ No		1	100%
4	✕ Do not know		0	0%
	Total		1	

54. Does your agency use cloud services for any of the following? (Choose all that apply)

#	Answer	Bar	Response	%
1	✕ Email		0	0%
2	✕ Communication tools other than email (calendars, messaging apps, etc..)		0	0%
3	✕ Administrative functions such as payroll, purchasing, and financial management		0	0%
4	✕ Mission/program-related functions		0	0%
5	✕ Customer Relationship Management		0	0%
6	✕ Case management		0	0%
7	✕ Office tools/software		0	0%
8	✕ Streaming services		0	0%
9	✕ Other, please explain		0	0%
10	✕ My agency does not use cloud services		0	0%
11	✕ Do not know		1	100%

Other, please explain

55. Does your agency have documented and approved policies for cloud service use that includes recordkeeping requirements and handling of Federal records?

#	Answer	Bar	Response	%
1	✕ Yes		0	0%
2	✕ No		0	0%
3	✕ No, pending final approval		0	0%
4	✕ No, under development		0	0%
5	✕ Do not know		1	100%
6	✕ Not applicable, my agency does not use cloud services		0	0%
	Total		1	

56. Does your agency have documented and approved policies and procedures in place to manage email records that have a retention period longer than 180 days? (36 CFR 1236.22)

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No, please explain		1	100%
3	✗ Do not know		0	0%
	Total		1	

No, please explain

57. Does your agency have documented and approved policies and procedures to implement the guidelines for the transfer of permanent email records to NARA described in NARA Bulletin 2018-01: Format Guidance for the Transfer of Permanent Electronic Records – Appendix A: Tables of File Formats, Section 9 - Email? (36 CFR 1236.22(e))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		1	100%
3	✗ Do not know		0	0%
	Total		1	

58. Does your agency have documented and approved policies that address when employees have more than one agency-administered email account that states that email records must be preserved in an appropriate agency recordkeeping system? (36 CFR 1236.22) *Examples of business needs may include but are not limited to: Using separate accounts for public and internal correspondence - Creating accounts for a specific agency initiative which may have multiple users Using separate accounts for classified information and unclassified information

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		1	100%
3	✓ No, pending final approval		0	0%
4	✓ No, under development		0	0%
5	✗ Do not know		0	0%
	Total		1	

59. Does your agency have documented and approved policies that address the use of personal email accounts, whether or not allowed, that state that all emails created and received by such accounts must be preserved in an appropriate agency recordkeeping system and that a complete copy of all email records created and received by users of these accounts must be forwarded to an official electronic messaging account of the officer or employee no later than 20 days after the original creation or transmission of the record? (36 CFR 1236.22(b) and P.L. 113-187)

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✓ No, pending final approval		0	0%
4	✓ No, under development	▬▬▬▬▬▬▬▬	1	100%
5	✗ Do not know		0	0%
	Total		1	

60. Does your agency's email system(s) retain the intelligent full names on directories or distribution lists to ensure identification of the sender and addressee(s) for those email messages that are Federal records? (36 CFR 1236.22(a)(3))

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No	▬▬▬▬▬▬▬▬	1	100%
3	✗ Do not know		0	0%
	Total		1	

61. What method(s) does your agency employ to capture and manage email records? (Choose all that apply)

#	Answer	Bar	Response	%
1	✗ Captured and stored in an email archiving system	▬▬▬▬▬▬▬▬	1	100%
2	✗ Captured and stored in an electronic records management system		0	0%
3	✗ Captured and stored as personal storage table (.PST) files		0	0%
4	✗ Print and file		0	0%
5	✗ Not captured and email is managed by the end-user in the native system		0	0%
6	✗ Other, please be specific:		0	0%

Other, please be specific:

62. What percentage of your email systems are cloud-based solutions?

#	Answer	Bar	Response	%
1	✗ 100%		0	0%
2	✗ 75%		0	0%
3	✗ 50%		0	0%
4	✗ 25%		0	0%
5	✗ Less than 25%		0	0%
6	✗ My agency does not use cloud services for email		0	0%
7	✗ Do not know	▬▬▬▬▬▬▬	1	100%
	Total		1	

63. Does your agency evaluate, monitor, or audit staff compliance with the agency's email preservation policies? (36 CFR 1220.18)

#	Answer	Bar	Response	%
1	✓ Yes		0	0%
2	✗ No		0	0%
3	✗ Do not know	▬▬▬▬▬▬▬	1	100%
	Total		1	

64. How often does your agency evaluate, monitor, or audit staff compliance with the agency's email preservation policies?

#	Answer	Bar	Response	%
1	✗ Annually		0	0%
2	✗ Biennially		0	0%
3	✗ Once every 3 years		0	0%
4	✗ Ad hoc		0	0%
5	✗ Do not know		0	0%
	Total		0	

65. Does your agency have documented and approved policies and procedures in place to manage electronic messages including text messages, chat/instant messages, voice messages, and messages created in social media tools or applications?

#	Answer	Bar	Response	%
1	✗ Yes		0	0%
2	✗ No	▬▬▬▬▬▬▬	1	100%
3	✗ No, pending final approval		0	0%
4	✗ No, under development		0	0%
5	✗ Do not know		0	0%
6	✗ Other, please explain		0	0%
	Total		1	

Other, please explain

66. In which of the following areas does your agency have challenges with managing permanent electronic records, and related metadata, in an electronic form? (Choose all that apply)

#	Answer	Bar	Response	%
1	✗ Email		0	0%
2	✗ Communication tools other than email (calendars, messaging apps, etc.)		0	0%
3	✗ Administrative functions such as payroll, purchasing, and financial management		0	0%
4	✗ Mission/program-related functions		0	0%
5	✗ Customer Relationship Management		0	0%
6	✗ Case management		0	0%
7	✗ Office tools/software		0	0%
8	✗ Streaming services		0	0%
9	✗ Other, please explain		0	0%
10	✗ My agency does not have challenges managing permanent electronic records and related metadata		0	0%
11	✗ Do not know		0	0%

Other, please explain

67. Please add any additional comments about your agency for Section IV: Electronic Records. (Optional)

Text Response

68. How many full-time equivalents (FTE) are in your agency/organization?

#	Answer	Bar	Response	%
1	✗ 500,000 or more FTEs		0	0%
2	✗ 100,000 – 499,999 FTEs		0	0%
3	✗ 10,000 – 99,999 FTEs		0	0%
4	✗ 1,000 – 9,999 FTEs		0	0%
5	✗ 100 – 999 FTEs	▬▬▬▬▬▬	1	100%
6	✗ 1 – 99 FTEs		0	0%
7	✗ Not Available		0	0%
	Total		1	

69. What other staff, offices, or program areas did you consult when you completed this self-assessment? (Choose all that apply)

#	Answer	Bar	Response	%
1	✗ Senior Agency Official		0	0%
2	✗ Office of the General Counsel		0	0%
3	✗ Program Managers		0	0%
4	✗ FOIA Officer		0	0%
5	✗ Information Technology staff		0	0%
6	✗ Records Liaison Officers or similar		0	0%
7	✗ Administrative staff		0	0%
8	✗ Other, please be specific:		0	0%
9	✗ None	▬▬▬▬▬▬	1	100%

Other, please be specific:

70. How much time did it take you to gather the information to complete this self-assessment?

#	Answer	Bar	Response	%
1	✕ Under 3 hours		1	100%
2	✕ More than 3 hours but less than 6 hours		0	0%
3	✕ More than 6 hours but less than 10 hours		0	0%
4	✕ Over 10 hours		0	0%
	Total		1	

71. Did your agency's senior management review and concur with your responses to the 2018 Records Management Self-Assessment?

#	Answer	Bar	Response	%
1	✕ Yes		0	0%
2	✕ No		1	100%
3	✕ Do not know		0	0%
	Total		1	

72. Please provide your contact information.

Name:	Agency, Bureau, or Office:	Job Title:	Email Address:	Phone Number:
▆▆▆▆▆	▆▆▆▆	▆▆▆	▆▆▆▆▆	▆▆▆▆

73. Are you the Agency Records Officer?

#	Answer	Bar	Response	%
1	✕ Yes		1	100%
2	✕ No		0	0%
	Total		1	

74. Please provide the Agency Records Officer's contact information.

Name:	Email Address:	Phone Number:

75. Does your agency use your Records Management Self-Assessment scores to measure the effectiveness of the records management program?

#	Answer	Bar	Response	%
1	✗ Yes		0	0%
2	✗ No	▬▬▬▬▬▬▬▬▬	1	100%
3	✗ Do not know		0	0%
4	✗ Comments (Optional): (Please include in your comments how you use the Records Management Self-Assessment.)	▬▬▬▬▬▬▬	1	100%

Comments (Optional): (Please include in your comments how you use the Records Management Self-Assessment.)
Under Development

76. Do you have any suggestions for improving the Records Management Self-Assessment next year?

Text Response

77. Q_URL

Value	Total
https://archives.qualtrics.com/jfe/form/SV_6JbFtEoKyZRZ7md?Q_DL=9WwbtNGxwQb5Zu5_6JbFtEoKyZRZ7md_MLRP_6nupHQNG931CoHX□Q_CHL=email	1

78. SSID

Value	Total

79. Score

Statistic	Value
Mean Score	38.00
Score Standard Deviation	0.00
Weighted Mean of Items	0.61
Weighted Standard Deviation of Items	1.03
Items	62.00

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)
2019 RECORDS MANAGEMENT SELF-ASSESSMENT

Welcome to the 2019 Records Management Self-Assessment!

Before you begin, please note the following information.

Except where indicated, the questions in this survey are intended to cover all records regardless of format, as defined in 44 U.S.C. 3301.

The questions apply regardless of whether your agency's work processes are conducted manually or electronically.

Your answers to the self-assessment questions must be specific to records management activities in your agency. We have added a "not applicable" answer option to some questions. In general, use this option only if a question references an activity or action that is not conducted in your agency because of its size or if you are a Departmental Records Officer and are not responsible for the activity or action. In some cases, if the activity is being done by a departmental records management program, component agencies of that department may answer "Yes."

NOTE: Please note that your responses to questions in this assessment may be subject to public release pursuant to the Freedom of Information Act (FOIA). However, we will not release responses to questions that contain detailed descriptions of agency activities.

NARA reserves the right to follow up with agencies to obtain additional information and/or documentation that supports their answers to the questions in this self-assessment.

As in previous years we will be conducting a validation process. Your agency may be selected at random to provide additional documentation and/or take part in interviews to discuss your records management program activities.

If you have any questions about this self-assessment or need additional information to answer a question(s), please send an email message to rmselfassessment@nara.gov.

Section I: Records Management Program - Activities

The following series of questions relates to administration of the records management program.

. Q1. Is there a person in your agency who is responsible for coordinating and overseeing the implementation of the records management program? (36 CFR 1220.34(a))

◉ Yes

○ No

○ Do not know

. Q2. Please provide the person's name, position title, and office.

▬▬▬▬▬

. Q3. Does your agency have a Senior Agency Official for Records Management (SAORM)? (For components of a department this is most likely at the department level, and you may answer "Yes," even if this is not being done at the component level.)

◉ Yes

○ No

○ Do not know

. Q4. Does your Agency Records Officer meet regularly (four or more times a year) with the SAORM to discuss the agency records management program's goals? (For components of a department, this is most likely at the department level.)

◉ Yes

○ No

○ Do not know

. Q5. Does your agency have a network of designated employees within each program and administrative area who are assigned records management responsibilities? These individuals are often called Records Liaison Officers (RLOs), though their titles may vary. (36 CFR 1220.34(d))

◉ Yes

○ No

○ Do not know

○ Not applicable, agency has less than 100 employees

○ Not applicable, Departmental Records Officer - this is done at the component level

The next series of questions relates to records management directives.

. Q6. Does your agency have a documented and approved records management directive(s)? (36 CFR 1220.34(c))

○ Yes

○ No, pending final approval

◉ No, under development

○ No

○ Do not know

. Q7. When was your agency's directive(s) last reviewed and/or revised to ensure it includes all new records management policy issuances and guidance?

○ FY 2019 - present

◉ FY 2017 - 2018

○ FY 2015 - 2016

○ FY 2014 or earlier

○ Do not know

○ Not applicable, agency does not have a records management directive

The following series of questions relates to records management training.

Formal records management training is the communication of standardized information that improves the records management knowledge, skills, and/or awareness of agency employees. Training can be either in a classroom setting or distance-based (e.g., web-based training), but it must:

- *be regular (occurring more than just once);*
- *be repeatable and formal (all instructors must provide the same message, not in an ad hoc way); and*
- *communicate the agency's vision of records management.*

Q8. Does your agency have internal records management training*, based on agency policies and directives, for employees assigned records management responsibilities? (36 CFR 1220.34(f))

*Includes NARA's records management training workshops that were *customized* specifically for your agency or use of an *agency-customized* version of the Federal Records Officer Network (FRON) RM 101 course.

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

○ Not applicable, please explain

Q9. Has your agency developed mandatory internal, staff-wide, formal training*, <u>based on agency policy and directives</u>, covering records in all formats, including electronic communications such as email, text messages, chat, or other messaging platforms or apps, such as social media or mobile device applications, which helps agency employees and contractors fulfill their recordkeeping responsibilities?** (36 CFR 1220.34(f))

*Includes NARA's records management training workshops that were *__customized__* specifically for your agency or use of an *__agency-customized__* version of the Federal Records Officer Network (FRON) RM 101 course.

**Components of departmental agencies may answer "Yes" if this is handled by the department. Department Records Officers may answer "Yes" if this is handled at the component level.

- ○ Yes
- ○ No
- ○ No, pending final approval
- ◉ No, under development
- ○ Do not know

Senior officials are the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions. (General Records Schedule (GRS) 6.1, item 010)

. Q10. Does your agency <u>require</u> that all senior and appointed officials, including those incoming and newly promoted, receive training on the importance of appropriately managing records under their immediate control? (36 CFR 1220.34(f))

- ○ Yes
- ◉ No
- ○ Do not know

. Q11. Please add any additional comments about your agency for Section I: Activities. (Optional)

The Tax Court is currently transitioning to new electronic financial and case management systems. Records policy and training is in the process of revision.

Section II: Records Management Program – Oversight and Compliance

Agency records management programs must provide for effective controls over the creation, maintenance, and use of records in the conduct of current business. (36 CFR 1220.30(c)(1))

Internal controls are integral components of an organization's management that provides reasonable assurance of the effectiveness and efficiency of operations; reliability of financial reporting; and compliance with applicable laws and regulations. ("Standards for Internal Control in the Federal Government" (GAO-14-704G), U.S. Government Accountability Office, September 2014.)

Internal controls are:

- *Geared to the achievement of objectives in one or more categories—operations, reporting, and compliance;*
- *Processes consisting of ongoing tasks and activities—a means to an end, not an end in itself;*
- *Carried out by people—not merely about policy and procedure manuals, systems, and forms, but about people and the actions they take at every level of an organization to effect internal control;*
- *Able to provide reasonable assurance, but not absolute assurance, to an entity's senior management;*
- *Adaptable to the organization's entire structure—flexible in application for the entire entity or for a particular regional office, division, operating unit, or business process.*

Control activities occur throughout the organization, at all levels and in all functions. They include a range of activities as diverse as approvals, authorizations, verifications, reconciliations, reviews/audits of operating performance, security of assets (limited access to inventories or equipment), and segregation of duties (separate personnel with authority to authorize a transaction, process the transaction, and review the transaction). Monitoring the effectiveness of internal controls should occur in the normal course of business. Periodic assessments should be integrated as part of management's continuous monitoring of internal control, which should be ingrained in the agency's operations. ("2013 Internal Control - Integrated Framework," Committee of Sponsoring Organizations (COSO) Executive Summary, May 14, 2013; and OMB Circular A-123, "Management's Responsibility for Enterprise Risk Management and Internal Control," July 15, 2016.)

Q12. In addition to your agency's established records management policies and records schedules, has your agency's records management program developed and implemented internal controls to ensure that all eligible, permanent agency records in all media are transferred to NARA according to approved records schedules? (36 CFR 1222.26(e))

**These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question.

*Examples of records management internal controls include but are not limited to:

- Regular briefings and other meetings with records creators
- Monitoring and testing of file plans
- Regular review of records inventories
- Internal tracking database of permanent record authorities and dates

◉ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

Q13. In addition to your agency's established policies and records schedules, has your agency developed and implemented internal controls to ensure that Federal records are not destroyed before the end of their retention period? (36 CFR 1222.26(e))

**These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question.

*Examples of records management internal controls include but are not limited to:

- Regular review of records inventories
- Approval process for disposal notices from off-site storage
- Require certificates of destruction
- Monitoring shredding services
- Performance testing for email
- Monitoring and testing of file plans
- Pre-authorization from records management program before records are destroyed
- Ad hoc monitoring of trash and recycle bins
- Notification from facilities staff when large trash bins or removal of boxes are requested
- Annual records clean-out activities sponsored and monitored by records management staff

◉ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q14. In addition to your agency's records management policies and records schedules, has your agency developed and implemented internal controls to ensure that all permanent records are created/captured, classified, filed and managed according to their NARA-approved records schedules? (36 CFR 1220.34(i))

○ Yes

○ No

⊙ Do not know

An evaluation is an inspection, audit, or review of one or more records management programs for effectiveness and for compliance with applicable laws and regulations. An evaluation contains recommendations for correcting or improving records management practices, policies, and procedures as well as follow-up activities, including reporting on and implementing recommendations. Evaluations may be comprehensive (agency-wide) or specific to a program area or organizational unit. (36 CFR 1220.18)

Q15. Does your agency evaluate, by conducting inspections/audits/reviews, its records management program to ensure that it is efficient, effective, and compliant with all applicable records management laws and regulations? (36 CFR 1220.34(j))

**For this question, your agency's records management program, or a major component of the program (e.g., vital records identification and management, the records disposition process, records management training, or the management of your agency's electronic records) must be the primary focus of the inspection/audit/review.

⊙ Yes, evaluations are conducted by the Records Management Program

○ Yes, evaluations are conducted by the Office of Inspector General

○ Yes, evaluations are conducted by the Records Management Program AND the Office of Inspector General

○ Yes, evaluations are conducted by: (fill in the blank)

/,

○ No, please explain

/,

○ Do not know

. Q16. How often does your agency conduct formal evaluations of a major component of your agency (i.e., programs or offices)?

⊙ Annually

○ Biennially

○ Once every 3 years

○ Ad hoc

○ Do not know

○ Not applicable, agency does not evaluate its records management program

Q17. Was a formal report written and subsequent plans of corrective action created and monitored for implementation as part of the most recent inspection/audit/review? (Choose all that apply)

☐ Yes, formal report was written

☐ Yes, plans of corrective action were created

☐ Yes, plans of corrective action were monitored for implementation

☑ No

☐ Do not know

☐ Not applicable, agency does not evaluate its records management program

An essential control for any records management program is the establishment of performance goals and associated performance targets and performance measures.

Performance goals are the target levels of performance. Performance goals should be specific, measurable, attainable, results-oriented, and time-bound.

Q18. Has your agency established performance goals for its records management program?

*Examples of performance goals include but are not limited to:

- Identifying and scheduling all paper and non-electronic records by the end of DATE
- Developing computer-based records management training modules by the end of DATE
- Planning and piloting an electronic records management solution for email by the end of DATE
- Updating records management policies by the end of the year
- Conducting records management evaluations of at least one program area each quarter

○ Yes

○ No

○ Pending final approval

◉ Currently under development

○ Do not know

Performance measures are the indicators or metrics against which a program's performance can be gauged. Performance measures should provide a basis for comparing actual results with established performance goals. ("Performance Measurement Challenges and Strategies," June 18, 2003, white paper associated with the Office of Management and Budget's Program Assessment Rating Tool (PART); and "Government Performance and Results Modernization Act of 2010," Section 4, Performance Reporting Amendments. See also https://www.performance.gov/.)

Q19. Has your agency's records management program identified performance measures for records management activities such as training, records scheduling, permanent records transfers, etc.?

*Examples of performance measures include but are not limited to:

- Percentage of agency employees that receive records management training in a year
- A reduction in the volume of inactive records stored in office space
- Percentage of eligible permanent records transferred to NARA in a year
- Percentage of records scheduled
- Percentage of offices evaluated/inspected for records management compliance
- Percentage of email management auto-classification rates
- Development of new records management training modules
- Audits of internal systems
- Annual updates of file plans
- Performance testing for email applications to ensure records are captured
- Percentage of records successfully retrieved by Agency FOIA Officer in response to FOIA requests

○ Yes

○ No

○ Pending final approval

◉ Currently under development

○ Do not know

Q20. Does your agency's records management program have **documented and approved** policies and procedures that instruct staff on how your agency's permanent records in all formats must be managed and stored? (36 CFR 1222.34(e))

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

Vital records* (also known as Essential Records) are records needed to meet operational responsibilities under national security emergencies or other emergency conditions (emergency operating records) or to

protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records). (36 CFR 1223.2)

*pending updates to regulations, the Records Management Self-Assessment still uses this terminology

A program area is responsible for mission-related activities. An administrative area is responsible for activities not specific to the mission of the agency. (36 CFR 1220.34(d))

Q21. Has your agency identified the vital records of all its program and administrative areas? (36 CFR 1223.16)

*Components of departmental agencies may answer "Yes" if this is handled by the department.

◉ Yes

○ No

○ Do not know

. Q22. How often does your agency review and update its vital records inventory? (36 CFR 1223.14)

○ Annually

○ Biennially

○ Once every 3 years

◉ Ad hoc

○ Never

○ Do not know

. Q23. Is your vital records plan part of the Continuity of Operations (COOP) plan?

◉ Yes

○ No

○ Do not know

Agencies are required to have a Freedom of Information Act (FOIA) program (5 U.S.C. 552).

The ability to find records is essential for a successful FOIA program. The following questions related to your agency's FOIA program may require consultation with your agency's FOIA Officer.

. Q24. As the Agency Records Officer (or records management staff), have you received FOIA training?

○ Yes, I have received informal FOIA training (briefing by a colleague or as part of agency employee orientation)

○ Yes, I have received formal FOIA training (online or in-person instructor-led session)

◉ No

○ Do not know

. Q25. Who reviews responses to FOIA requests? (Choose all that apply)

☐ Supervisory Government Information Specialist/Team Lead

☐ FOIA Officer

☐ Office of General Counsel

☐ Office of Public Affairs

☐ Program office where the records originated

☐ Office of the Secretary/Head of Agency

☐ Chief FOIA and/or Privacy Officer

☑ Other, please be specific:

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US Tax Court is exempt from Freedom of
Information Request. See Byers v. US
Tax Court, 211 F.Supp.3rd 240
(D.D.C.2016).
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. Q26. How does your agency handle duplicate records when processing FOIA requests?

○ Agency has software that de-duplicates

○ Agency manually de-duplicates search results

○ Agency does not separate duplicate records

◉ Do not know

FOIA requires each agency to post on its website "reference material or a guide for requesting records or information from the agency" including an index of all major information systems of the agency, a description of major information and record locator systems maintained by the agency, and a handbook for obtaining various types and categories of public information from the agency. (5 U.S.C. 552(g))

. Q27. Which of the following does your agency/component have available on its FOIA website for requesting records? (Choose all that apply)

☐ Guide to accessing agency information

☐ An index of all major agency information systems

☐ Description of major information

☐ Record locator information

☑ None of the above

☐ Do not know

Q28. At your agency/component, who ensures that records posted to the FOIA Reading Room are accessible to people with disabilities (per 508 compliance)? (Choose all that apply)

Note: Section 508 of the Rehabilitation Act of 1973 requires all Federal departments and agencies to ensure that their electronic information and technology are accessible to people with disabilities. (29 U.S.C. 794d(a)(1)(A))

☐ FOIA Office

☐ Public Information Office

☐ General Counsel

☐ IT Office/Web manager

☐ Agency does not ensure 508 compliance unless requested

☐ Do not know

☑ Other, please be specific:

```
US Tax Court is exempt from Freedom of
Information Request. See Byers v. US
Tax Court, 211 F.Supp.3rd 240
(D.D.C.2016).
```

. Q29. Please add any additional comments about your agency for Section II: Oversight and Compliance. (Optional)

US Tax Court is exempt from Freedom of Information Request. See Byers v. US Tax Court, 211 F.Supp.3rd 240 (D.D.C.2016). The Tax Court is currently transitioning to new electronic financial and case management systems. Records policy and training is in the process of revision.

Section III: Records Management Program - Records Disposition

Records disposition refers to actions taken with regard to Federal records that are no longer needed for current government business as determined by their appraisal pursuant to legislation, regulation, or administrative procedure. Disposition is a comprehensive term that includes both destruction and transfer of Federal records to the National Archives of the United States. (36 CFR Parts 1222, 1224, 1225 and 1226)

The next series of questions relates to your agency's efforts to schedule its records.

. Q30. When was the last time your agency submitted a records schedule to NARA for approval? (36 CFR 1225.10)

○ FY 2018 - 2019

○ FY 2016 - 2017

○ FY 2014 - 2015

○ FY 2012 - 2013

◉ FY 2011 or earlier

○ Do not know

Q31. Does your agency periodically review agency-specific records schedules to ensure they still meet business needs, to identify gaps that may indicate unscheduled records, or to make needed revisions?

Note: An agency-specific records schedule means it covers items that are not covered by the General Records Schedules (GRS).

○ Yes

◉ No

○ Do not know

. Q32. Does your agency have agency-specific records schedules currently in use that include items approved before January 1, 1990?

◉ Yes

○ No

○ Do not know

. Q33. Are you currently reviewing agency-specific records schedules with items approved before January 1, 1990, for updating and/or rescheduling? (CFR 1225.22)

◉ Yes, this is in progress

○ Yes, this has been completed

○ No, but are planning to do so

○ No and have no plans to do so

○ Do not know

. Q34. Are records and information in your agency managed throughout the lifecycle [creation/capture, classification, maintenance, retention, and disposition] by being properly identified, classified using a taxonomy, inventoried, and scheduled? (36 CFR 1222.34, 36 CFR 1224.10, and 36 CFR 1225.12)

○ Yes

◉ To some extent

○ No

○ Do not know

. Q35. Are records and information in your agency easily retrievable and accessible when needed for agency business? (36 CFR 1220.32(c))

◉ All records are easily retrievable and accessible when needed

○ Most records can be retrieved and accessed in a timely manner

○ Some records can be retrieved and accessed in a timely manner

○ No

○ Do not know

Q36. Does your agency disseminate *every* approved disposition authority (including newly approved records schedules and General Records Schedule items) to agency staff within six months of approval? (36 CFR 1226.12(a))

○ Yes

◉ No

○ Do not know

The next series of questions relates to permanent records.

. Q37. Did your agency transfer permanent non-electronic records to NARA during FY 2019? (36 CFR 1235.12)

○ Yes

◉ No

○ No - No records were eligible for transfer during FY 2019

○ No - New agency, records are not yet old enough to transfer

○ No - My agency does not have any permanent non-electronic records

○ Do not know

○ Other, please explain

//

. Q38. Did your agency transfer permanent electronic records to NARA during FY 2019? (36 CFR 1235.12)

○ Yes

◉ No

○ No - No electronic records/systems were eligible for transfer during FY 2019

○ No - New agency, electronic records/systems are not old enough to transfer

○ No - My agency does not have any permanent electronic records

○ Do not know

○ Other, please explain

//

. Q39. Does your agency track when permanent records are eligible for transfer to NARA?

○ Yes

○ No

○ No - My agency does not have any permanent records

◉ Do not know

. Q40. Please explain your response to the previous question. (*If you answered "Yes," please be specific on methods used. If you answered "No," please explain why not.*)

This question was not displayed to the respondent.

The next series of questions relate to your agency's handling of records for senior officials.

Senior officials are the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions.

. Q41. Does your agency conduct and document for accountability purposes training and/or other briefings as part of the on-boarding process for senior officials on their records management roles and responsibilities, including the appropriate disposition of records and the use of personal and unofficial email accounts? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

○ Yes

○ Yes, but not documented

○ No

◉ Do not know

○ Not applicable, please explain

Q42. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in on-boarding briefings or other processes for newly appointed senior officials?

This question was not displayed to the respondent.

Q43. Does your agency conduct and document for accountability purposes exit briefings for departing senior officials on the appropriate disposition of the records, including email, under their immediate control? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

○ Yes

○ Yes, but not documented

○ No

◉ Do not know

○ Not applicable, please explain

/ː

Q44. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in exit briefings or other exit clearance processes for departing senior officials?

This question was not displayed to the respondent.

Q45. Does the exit or separation process for departing senior officials include records management program staff or other designated official(s) reviewing and approving the removal of personal papers and copies of records by those senior officials? (36 CFR 1222.24(a)(6))

This question was not displayed to the respondent.

The next series of questions relates to where your agency stores its inactive temporary and/or permanent records, regardless of format.

Commercial records storage facilities are private sector commercial facilities that offer records storage, retrieval, and disposition services.

An agency-operated records center is a records storage facility, operated by a Federal agency and capable of storing more than 25,000 cubic feet of records. (36 CFR 1234)

Records staging or holding areas are areas designated within the agency's office space that are used for the temporary storage of records. The term does not include off-site storage such as commercial or agency records storage facilities. Records staging or holding areas may be established by an agency for maintaining records no longer needed in office space but whose volume or retention periods are insufficient to warrant transfer to a records center before final disposition. (36 CFR 1234)

. Q46. Does your agency store inactive temporary and/or permanent records in a commercial records storage facility?

◉ Yes

○ No

○ Do not know

. Q47. Has the facility been approved by NARA? (36 CFR 1234.30(a)(2)&(e))

⊙ Yes

○ No

○ Do not know

Q48. Does your agency store inactive temporary and/or permanent records in an agency-operated records center? (Note: This does NOT include agency staging areas and temporary holding areas.)

○ Yes

⊙ No

○ Do not know

Q49. Has the facility been approved by NARA? (36 CFR 1234.30(a)(1))

This question was not displayed to the respondent.

Q50. Is your agency making plans to move records from an agency-operated records center to a commercial records storage facility?

This question was not displayed to the respondent.

Q51. Is your agency making plans to move records from an agency-operated records center to a Federal Records Center before December 31, 2022?

This question was not displayed to the respondent.

Q52. Does your agency store inactive temporary and/or permanent records in an agency records staging or holding area?

⊙ Yes

○ No

○ Do not know

Q53. Does the staging or holding area(s) comply with the standards prescribed by 36 CFR 1234.10, 36 CFR 1234.12, and 36 CFR 1234.14?*

*It is not required but encouraged that staging or holding areas comply with 36 CFR 1234.

○ Yes

○ No

◉ Do not know

. Q54. Please add any additional comments about your agency for Section III: Records Disposition. (Optional)

The Tax Court is currently transitioning to new electronic financial and case management systems. Records policy and training is in the process of revision.

Section IV: Records Management Program - Electronic Records

Electronic information system means an information system that contains and provides access to computerized Federal records and other information. (36 CFR 1236.2)

The following types of records management controls are needed to ensure that Federal records in electronic information systems can provide adequate and proper documentation of agency business for as long as the information is needed. Agencies must incorporate controls into the electronic information system or integrate them into a recordkeeping system that is external to the information system itself. (36 CFR 1236.10)

(a) Reliability: Controls to ensure a full and accurate representation of the transactions, activities or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.

(b) Authenticity: Controls to protect against unauthorized addition, deletion, alteration, use, and concealment.

(c) Integrity: Controls, such as audit trails, to ensure records are complete and unaltered.

(d) Usability: Mechanisms to ensure records can be located, retrieved, presented, and interpreted.

(e) Content: Mechanisms to preserve the information contained within the record itself that was produced by the creator of the record.

(f) Context: Mechanisms to implement cross-references to related records that show the organizational, functional, and operational circumstances about the record, which will vary depending upon the business, legal, and regulatory requirements of the business activity.

(g) Structure: Controls to ensure the maintenance of the physical and logical format of the records and the relationships between the data elements.

Q55. Has your agency incorporated and/or integrated internal controls to ensure the reliability, authenticity, integrity, and usability of agency electronic records maintained in electronic information systems? (36 CFR 1236.10)

◉ Yes

○ To some extent

○ No

○ Do not know

○ Not applicable, please explain

/

Migration is a set of organized tasks designed to achieve periodic transfer of digital materials from one hardware/software configuration to another, or from one generation of computer technology to a subsequent generation.

Metadata consists of preserved contextual information describing the history, tracking, and/or management of an electronic document. (36 CFR 1236.2)

Q56. Does your agency have **documented and approved** procedures to enable the migration of records and associated metadata to new storage media or formats so that records are retrievable and usable as long as needed to conduct agency business and to meet NARA-approved dispositions? (36 CFR 1236.20(b)(6))

◉ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q57. Does your agency maintain an inventory of electronic information systems that indicates whether or not each system is covered by an approved NARA disposition authority? (36 CFR 1236.26(a))

○ Yes

◉ No, please explain

     No, under development.

/

○ Do not know

Q58. Does your agency ensure that records management functionality, including the capture, retrieval, and retention of records according to agency business needs and NARA-approved records schedules, is incorporated into the design, development, and implementation of its electronic information systems? (36 CFR 1236.12)

*Components of departmental agencies may answer "Yes" if this is handled by the department.

○ Yes

⦿ No, please explain

No, under development.

/

○ Do not know

○ Not applicable, please explain

/

. Q59. Does your agency's records management program staff participate in the acquisition, design, development, and implementation of new electronic information systems?

○ Yes

⦿ To some extent

○ No, please explain

/

○ Do not know

○ Not applicable, please explain

/

Q60. Which of the following best describes your agency's records management staff's participation in the procurement, acquisition, or other development of new electronic information software and systems, including but not limited to COTS purchases, database creation, and the software development lifecycle (regardless of methodology) to ensure appropriate records requirements are properly implemented?

The records management staff:

○ Is regularly consulted by other parts of the agency to provide information only.

◉ Regularly participates, before system or capability requirements are defined, as a procurements and acquisition stakeholder, but without approval or sign off authority before such efforts move forward.

○ Regularly participates, before system or capability requirements are defined, as a procurement and acquisition stakeholder, and must approve procurements and acquisitions before they move forward.

○ Regularly participates as a stakeholder throughout the procurement and acquisition process, including concept, contracting, design, development, testing, and system acceptance phases, and must approve procurements and acquisitions before they move forward.

○ Do not know

○ Other engagement, please explain

. Q61. Does your agency have a process or strategy for managing permanent electronic records and related metadata in an electronic form?

◉ Yes

○ No

○ No, under development

○ Do not know

. Q62. Does your agency have **documented and approved** policies against unauthorized use, alteration, alienation or deletion of all electronic records?

◉ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q63. Does your agency have a digitization strategy to reformat permanent records created in hard copy or other analog formats (e.g., microfiche, microfilm, analog video, and analog audio)?

○ Yes

○ To some extent

○ No

◉ Do not know

. Q64. Does your agency use cloud services for any of the following? (Choose all that apply)

☑ Email

☑ Communication tools other than email (calendars, messaging apps, etc.)

☐ Administrative functions such as payroll, purchasing, and financial management

☐ Mission/program-related functions

☐ Customer Relationship Management

☐ Case management

☑ Office tools/software

☑ Streaming services

☐ Other, please explain

☐ My agency does not use cloud services

☐ Do not know

Q65. Does your agency have **documented and approved** policies for cloud service use that includes recordkeeping requirements and handling of Federal records?

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

The next series of questions relates to email.

An electronic mail system is a computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or databases on either personal computers or mainframe computers, and word processing documents not transmitted on an email system. (36 CFR 1236.2)

. Q66. Does your agency have **documented and approved** policies and procedures in place to manage email records that have a retention period longer than 180 days? (36 CFR 1236.22)

○ Yes

○ No, pending final approval

○ No, under development

○ No, please explain

◉ Do not know

. Q67. Does your agency have **documented and approved** policies and procedures to implement the guidelines for the transfer of permanent email records to NARA described in NARA Bulletin 2014-04: Revised Format Guidance for the Transfer of Permanent Electronic Records – Appendix A: Tables of File Formats, Section 9 - Email? (36 CFR 1236.22(e))

○ Yes

◉ No

○ No, pending final approval

○ No, under development

○ Do not know

Regardless of how many Federal email accounts individuals use to conduct official business, agencies must ensure that all accounts are managed, accessible and identifiable according to Federal recordkeeping requirements. (36 CFR 1236.22)

Q68. Does your agency have **documented and approved** policies that address when employees have more than one agency-administered email account, **whether or not allowed,** that states that email records must be preserved in an appropriate agency recordkeeping system? (36 CFR 1236.22)

*Examples of business needs may include but are not limited to:

- Using separate accounts for public and internal correspondence
- Creating accounts for a specific agency initiative which may have multiple users
- Using separate accounts for classified information and unclassified information

○ Yes

○ No

○ No, pending final approval

○ No, under development

◉ Do not know

Q69. Does your agency have **documented and approved** policies that address the use of personal email accounts, **whether or not allowed,** that state that all emails created and received by such accounts must be preserved in an appropriate agency recordkeeping system and that a complete copy of all email records created and received by users of these accounts must be forwarded to an official electronic messaging account of the officer or employee no later than 20 days after the original creation or transmission of the record? (36 CFR 1236.22(b) and P.L. 113-187)

○ Yes

○ No

○ No, pending final approval

○ No, under development

◉ Do not know

. Q70. Does your agency's email system(s) retain the intelligent full names on directories or distribution lists to ensure identification of the sender and addressee(s) for those email messages that are Federal records? (36 CFR 1236.22(a)(3))

○ Yes

◉ No

○ Do not know

. Q71. What method(s) does your agency employ to capture and manage email records? (Choose all that apply)

☐ Captured and stored in an email archiving system

☐ Captured and stored in an electronic records management system

☑ Captured and stored as personal storage table (.PST) files

☐ Captured and stored using cloud services with records management included

☑ Captured and stored using cloud services but records management IS NOT included

☑ Print and file

☐ Not captured and email is managed by the end-user in the native system

☐ Other, please be specific:

/.

. Q72. Which of the following describes the disposition authority for email records being used by your agency? (Choose all that apply)

☐ GRS 6.1: Email Managed under a Capstone Approach; agency has an approved form NA-1005

☐ GRS 6.1: Email Managed under a Capstone Approach; agency does not have an approved form NA-1005

☐ Agency-specific email schedule

☐ Traditional records management (i.e., retention based on content, usually applied on an email-by-email basis, utilizing multiple NARA-approved disposition authorities)

☐ Email retention method has not been decided/scheduled by agency

☑ Do not know

☐ Other, please explain

/.

. Q73. Does the current NARA-approved form NA-1005 or agency-specific email schedule adequately reflect your existing organizational structure?

This question was not displayed to the respondent.

. Q74. Why does the email schedule not adequately reflect, or only to some extent reflect, your existing organizational structure? (Choose all that apply)

This question was not displayed to the respondent.

. Q75. Does your agency track changes in Capstone accounts to ensure they are accurate and complete?

○ Yes

○ To some extent

◉ No

○ Do not know

Q76. Please explain how your agency tracks changes to Capstone accounts. *(Be specific)*

This question was not displayed to the respondent.

. Q77. Does your agency evaluate, monitor, or audit staff compliance with the agency's email preservation policies? (36 CFR 1220.18)

○ Yes

◉ No

○ Do not know

Q78. Does your agency have **documented and approved** policies and procedures in place to manage electronic messages including text messages, chat/instant messages, voice messages, and messages created in social media tools or applications?

○ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

◉ Other, please explain

    The Court has documented and approved
    policy regarding some of the above.

. Q79. How often does your agency evaluate, monitor, or audit staff compliance with the agency's policies for email preservation and the management of electronic messages including text messages, chat/instant messages, voice messages, and messages created in social media tools or applications?

This question was not displayed to the respondent.

. Q80. Please add any additional comments about your agency for Section IV: Electronic Records. (Optional)

The Tax Court is currently transitioning to new electronic financial and case management systems. Records policy and training is in the process of revision

. **Section V: Agency Demographics**

. Q81. How many full-time equivalents (FTE) are in your agency/organization?

- ○ 500,000 or more FTEs
- ○ 100,000 – 499,999 FTEs
- ○ 10,000 – 99,999 FTEs
- ○ 1,000 – 9,999 FTEs
- ◉ 100 – 999 FTEs
- ○ 1 – 99 FTEs
- ○ Not Available

. Q82. What other staff, offices, or program areas did you consult when you completed this self-assessment? (Choose all that apply)

- ☐ Senior Agency Official
- ☑ Office of the General Counsel
- ☐ Program Managers
- ☐ FOIA Officer
- ☑ Information Technology staff
- ☐ Records Liaison Officers or similar
- ☐

Administrative staff

☐ Other, please be specific:

_/_

☐ None

. Q83. How much time did it take you to gather the information to complete this self-assessment?

○ Under 3 hours

◉ More than 3 hours but less than 6 hours

○ More than 6 hours but less than 10 hours

○ Over 10 hours

. Q84. Did your agency's senior management review and concur with your responses to the 2019 Records Management Self-Assessment?

○ Yes

◉ No

○ Do not know

. Q85. Please provide your contact information.

Name: ▮▮▮▮▮▮▮▮▮▮

Agency, Bureau, or Office: ▮▮▮▮▮▮▮▮▮▮

Job Title: ▮▮▮▮▮▮▮▮▮▮

Email Address: ▮▮▮▮▮▮▮▮▮▮

Phone Number: ▮▮▮▮▮▮▮▮▮▮

. Q86. Are you the Agency Records Officer?

◉ Yes

○ No

. Q87. Please provide the Agency Records Officer's contact information.

This question was not displayed to the respondent.

Q88. Does your agency use your Records Management Self-Assessment scores to measure the effectiveness of the records management program?

☐ Yes

☐ No

☐ Do not know

☑ Comments (Optional): (Please include in your comments how you use the Records Management Self-Assessment.)

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The Tax Court is currently transitioning to new electronic financial and
case management systems. Records policy and training is in the process of
revision. The self-assessment scores may be more applicable on completion.
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. Q89. Do you have any suggestions for improving the Records Management Self-Assessment next year?

NARA reserves the right to request additional documentation or a follow-up meeting to verify your responses. If you wish to provide supporting documentation for your answers or other information to NARA, please send it to rmselfassessment@nara.gov.

Thank you for completing the 2019 Records Management Self-Assessment! If you have any questions about the self-assessment, please send a message to rmselfassessment@nara.gov.

Embedded Data

Scoring Results

Score

Mean Score:	44.00
Weighted Mean of Items:	0.58
Weighted Standard Deviation of Items:	1.09
Items:	76.00

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)
2020 RECORDS MANAGEMENT SELF-ASSESSMENT

Welcome to the 2020 Records Management Self-Assessment!

Before you begin, please note the following information.

Except where indicated, the questions in this survey are intended to cover all records regardless of format, as defined in 44 U.S.C. 3301.

The questions apply regardless of whether your agency's work processes are conducted manually or electronically.

Your answers to the self-assessment questions must be specific to records management activities in your agency. We have added a "Not Applicable" answer option to some questions. In general, use this option only if a question references an activity or action that is not conducted in your agency because of its size or if you are a Departmental Records Officer and are not responsible for the activity or action. In some cases, if the activity is being done by a departmental records management program, component agencies of that department may answer "Yes."

NOTE: Please note that your responses to questions in this assessment may be subject to public release pursuant to the Freedom of Information Act (FOIA). However, we will not release responses to questions that contain detailed descriptions of agency activities.

NARA reserves the right to follow up with agencies to obtain additional information and/or documentation that supports their answers to the questions in this self-assessment.

As in previous years we will be conducting a validation process. Your agency may be selected at random to provide additional documentation and/or take part in interviews to discuss your records management program activities.

If you have any questions about this self-assessment or need additional information to answer a question(s), please contact us at rmselfassessment@nara.gov.

. Please enter your contact information below.

First Name:	
Last Name:	
Job Title:	
Email Address:	
Phone Number:	

. Please select the agency and, if applicable, component agency or office for which you are reporting by clicking on the drop down arrows below.

Department/Agency   [▼]
Component Agency/Office [▼]

. PLEASE NOTE: If you need to exit the survey before completing each Section, you MUST click on the NEXT button at the bottom of the Section before exiting to ensure your answers to that point are saved.

Section I: Management Support and Resourcing

Management support and a strong positioning of an agency's records management program in the organizational structure is key to program success. This section includes questions related to the areas that support the records management program including responsibilities, internal controls, performance management, training, monitoring of program implementation, and the records of senior officials and executives.

The following series of questions relates to RM Program leadership.

. Q1. Is there a person in your agency who is responsible for coordinating and overseeing the implementation of the records management program? (36 CFR 1220.34(a))

- ⦿ Yes
- ◯ No
- ◯ Do not know

. Q2. Please provide the person's name, position title, and office.

. Q3. Does your agency have a Senior Agency Official for Records Management (SAORM)? (For components of a department this is most likely at the department level, and you may answer "Yes," even if this is not being done at the component level.)

- ⦿ Yes
- ◯ No
- ◯ Do not know

. Q4. Does your Agency Records Officer meet regularly (four or more times a year) with the SAORM to discuss the agency records management program's goals? (For components of a department, this is most

likely at the department level.)

    ◉ Yes

    ○ No

    ○ Do not know

. Q5. Does your agency have a network of designated employees within each program and administrative area who are <u>assigned</u> records management responsibilities? These individuals are often called Records Liaison Officers (RLOs), though their titles may vary. (36 CFR 1220.34(d))

  ◉ Yes

  ○ No

  ○ Do not know

  ○ Not applicable, agency has less than 100 employees

  ○ Not applicable, Departmental Records Officer - this is done at the component level

The following series of questions relates to RM Program Controls, Monitoring and Oversight.

Agency records management programs must provide for effective controls over the creation, maintenance, and use of records in the conduct of current business. (36 CFR 1220.30(c)(1))

Internal controls are integral components of an organization's management that provides reasonable assurance of the effectiveness and efficiency of operations; reliability of financial reporting; and compliance with applicable laws and regulations. ("Standards for Internal Control in the Federal Government" (GAO-14-704G), U.S. Government Accountability Office, September 2014.)

Internal controls are:

- *Geared to the achievement of objectives in one or more categories—operations, reporting, and compliance;*
- *Processes consisting of ongoing tasks and activities—a means to an end, not an end in itself;*
- *Carried out by people—not merely about policy and procedure manuals, systems, and forms, but about people and the actions they take at every level of an organization to effect internal control;*
- *Able to provide reasonable assurance, but not absolute assurance, to an entity's senior management;*
- *Adaptable to the organization's entire structure—flexible in application for the entire entity or for a particular regional office, division, operating unit, or business process.*

Control activities occur throughout the organization, at all levels and in all functions. They include a range of activities as diverse as approvals, authorizations, verifications, reconciliations, reviews/audits of operating performance, security of assets (limited access to inventories or equipment), and segregation of duties (separate personnel with authority to authorize a transaction, process the transaction, and review the transaction). Monitoring the effectiveness of internal controls should occur in the normal course of business. Periodic assessments should be integrated as part of management's continuous monitoring of internal control, which should be ingrained in the agency's operations. ("2013 Internal Control - Integrated Framework," Committee of Sponsoring Organizations (COSO) Executive Summary, May 14, 2013; and OMB Circular A-123, "Management's Responsibility for Enterprise Risk Management and Internal Control," July 15, 2016.)

. Q6. <u>In addition to</u> your agency's established records management policies and records schedules, has your agency's records management program developed and implemented internal controls to ensure that all eligible, permanent agency records in all media are transferred to NARA according to approved records schedules? (36 CFR 1222.26(e))

**These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question.

*Examples of records management internal controls include but are not limited to:

- Regular briefings and other meetings with records creators
- Monitoring and testing of file plans
- Regular review of records inventories
- Internal tracking database of permanent record authorities and dates

◉ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

Q7. <u>In addition to</u> your agency's established policies and records schedules, has your agency developed and implemented internal controls to ensure that Federal records are not destroyed before the end of their retention period? (36 CFR 1222.26(e))

**These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question.

*Examples of records management internal controls include but are not limited to:

- Regular review of records inventories
- Approval process for disposal notices from off-site storage
- Require certificates of destruction
- Monitoring shredding services
- Performance testing for email
- Monitoring and testing of file plans
- Pre-authorization from records management program before records are destroyed
- Ad hoc monitoring of trash and recycle bins
- Notification from facilities staff when large trash bins or removal of boxes are requested
- Annual records clean-out activities sponsored and monitored by records management staff

◉ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

Q8. In addition to your agency's records management policies and records schedules, has your agency developed and implemented internal controls to ensure that all permanent records are created/captured, classified, filed and managed according to their NARA-approved records schedules? (36 CFR 1220.34(i))

- ⊙ Yes
- ○ No
- ○ To some extent
- ○ Do not know

An essential control for any records management program is the establishment of performance goals and associated performance targets and performance measures.

Performance goals are the target levels of performance. Performance goals should be specific, measurable, attainable, results-oriented, and time-bound.

Q9. Has your agency established performance goals for its records management program?

*Examples of performance goals include but are not limited to:

- Identifying and scheduling all paper and non-electronic records by the end of DATE
- Developing computer-based records management training modules by the end of DATE
- Planning and piloting an electronic records management solution for email by the end of DATE
- Updating records management policies by the end of the year
- Conducting records management evaluations of at least one program area each quarter

- ⊙ Yes
- ○ No
- ○ Pending final approval
- ○ Currently under development
- ○ Do not know

Performance measures are the indicators or metrics against which a program's performance can be gauged. Performance measures should provide a basis for comparing actual results with established performance goals. ("Performance Measurement Challenges and Strategies," June 18, 2003, white paper associated with the Office of Management and Budget's Program Assessment Rating Tool (PART); and "Government Performance and Results Modernization Act of 2010," Section 4, Performance Reporting Amendments. See also https://www.performance.gov/.)

Q10. Has your agency's records management program identified performance measures for records management activities such as training, records scheduling, permanent records transfers, etc.?

*Examples of performance measures include but are not limited to:

- Percentage of agency employees that receive records management training in a year
- A reduction in the volume of inactive records stored in office space

- Percentage of eligible permanent records transferred to NARA in a year
- Percentage of records scheduled
- Percentage of offices evaluated/inspected for records management compliance
- Percentage of email management auto-classification rates
- Development of new records management training modules
- Audits of internal systems
- Annual updates of file plans
- Performance testing for email applications to ensure records are captured
- Percentage of records successfully retrieved by Agency FOIA Officer in response to FOIA requests

⦿ Yes

○ No

○ Pending final approval

○ Currently under development

○ Do not know

An evaluation is an inspection, audit, or review of one or more records management programs for effectiveness and for compliance with applicable laws and regulations. An evaluation contains recommendations for correcting or improving records management practices, policies, and procedures as well as follow-up activities, including reporting on and implementing recommendations. Evaluations may be comprehensive (agency-wide) or specific to a program area or organizational unit. (36 CFR 1220.18)

Q11. Does your agency evaluate, by conducting inspections/audits/reviews, its records management program to ensure that it is efficient, effective, and compliant with all applicable records management laws and regulations? (36 CFR 1220.34(j))

**For this question, your agency's records management program, or a major component of the program (e.g., vital records identification and management, the records disposition process, records management training, or the management of your agency's electronic records) must be the primary focus of the inspection/audit/review.

⦿ Yes, evaluations are conducted by the Records Management Program

○ Yes, evaluations are conducted by the Office of Inspector General

○ Yes, evaluations are conducted by the Records Management Program AND the Office of Inspector General

○ Yes, evaluations are conducted by:

○

No, please explain

○ Do not know

. Q12. How often does your agency conduct formal evaluations of a major component of your agency (i.e., programs or offices)?

⦿ Annually
○ Biennially
○ Once every 3 years
○ Ad hoc
○ Do not know
○ Not applicable, agency does not evaluate its records management program

. Q13. Was a formal report written and subsequent plans of corrective action created and monitored for implementation as part of the most recent inspection/audit/review? (Choose all that apply)

☐ Yes, formal report was written
☐ Yes, plans of corrective action were created
☐ Yes, plans of corrective action were monitored for implementation
☑ No
☐ Do not know
☐ Not applicable, agency does not evaluate its records management program
☐ Not applicable, agency has less than 100 employees

The following series of questions relates to records management training.

Formal records management training is the communication of standardized information that improves the records management knowledge, skills, and/or awareness of agency employees. Training can be either in a classroom setting or distance-based (e.g., web-based training), but it must:

- *be regular (occurring more than just once);*
- *be repeatable and formal (all instructors must provide the same message, not in an ad hoc way); and*
- *communicate the agency's vision of records management.*

Q14. Does your agency have internal records management training*, based on agency policies and directives, for employees assigned records management responsibilities? (36 CFR 1220.34(f))

*Includes NARA's records management training workshops that were **customized** specifically for your agency or use of an **agency-customized** version of the Federal Records Officer Network (FRON) RM 101 course.

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

○ Not applicable, please explain

Q15. Has your agency developed mandatory internal, staff-wide, formal training*, based on agency policy and directives, covering records in all formats, including electronic communications such as email, text messages, chat, or other messaging platforms or apps, such as social media or mobile device applications, which helps agency employees and contractors fulfill their recordkeeping responsibilities?** (36 CFR 1220.34(f))

*Includes NARA's records management training workshops that were **customized** specifically for your agency or use of an **agency-customized** version of the Federal Records Officer Network (FRON) RM 101 course.

**Components of departmental agencies may answer "Yes" if this is handled by the department. Department Records Officers may answer "Yes" if this is handled at the component level.

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

The following series of questions relates to Senior Agency Officials.

Senior officials are the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions. (General Records Schedule (GRS) 6.1, item 010)

. Q16. Does your agency <u>require</u> that all senior and appointed officials, including those incoming and newly promoted, receive training on the importance of appropriately managing records under their immediate control? (36 CFR 1220.34(f))

○ Yes

◉ No

○ Do not know

. Q17. Does your agency conduct and document for accountability purposes training and/or other briefings as part of the on-boarding process for senior officials on their records management roles and responsibilities, including the appropriate disposition of records and the use of personal and unofficial email accounts? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

○ Yes

○ Yes, but not documented

◉ No

○ Do not know

○ Not applicable, please explain

Q18. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in on-boarding briefings or other processes for newly appointed senior officials?

This question was not displayed to the respondent.

. Q19. Does your agency conduct and document for accountability purposes exit briefings for departing senior officials on the appropriate disposition of the records, including email, under their immediate control? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

○ Yes

○ Yes, but not documented

⊙ No

○ Do not know

○ Not applicable, please explain

. Q20. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in exit briefings or other exit clearance processes for departing senior officials?

This question was not displayed to the respondent.

. Q21. Does the exit or separation process for departing senior officials include records management program staff or other designated official(s) reviewing and approving the removal of personal papers and copies of records by those senior officials? (36 CFR 1222.24(a)(6))

This question was not displayed to the respondent.

. Q22. Please add any additional comments about your agency for Section I. (Optional)

The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

. **Click Next to save your current answers and move to Section II: Policies.**

Section II: Policies

A successful records management program has a governance framework, articulated policy, and clear standards. For electronic records management this is particularly important due to fragility, security

vulnerabilities, and other unique characteristics of electronic records. This section covers records management directives and specific policies necessary for records management.

. Q23. Does your agency have a **documented and approved** records management directive(s)? (36 CFR 1220.34(c))

⊙ Yes

○ No, pending final approval

○ No, under development

○ No

○ Do not know

. Q24. When was your agency's directive(s) last reviewed and/or revised to ensure it includes all new records management policy issuances and guidance?

○ FY 2020 - present

○ FY 2018 - 2019

○ FY 2016 - 2017

⊙ FY 2015 or earlier

○ Do not know

○ Not applicable, agency does not have a records management directive

. Q25. Does your agency's records management program have **documented and approved** policies and procedures that instruct staff on how your agency's permanent records in all formats must be managed and stored? (36 CFR 1222.34(e))

○ Yes

○ No

○ No, pending final approval

⊙ No, under development

○ Do not know

. Q26. Does your agency have **documented and approved** policies against unauthorized use, alteration, alienation or deletion of all electronic records?

⊙ Yes

○ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q27. Does your agency have **documented and approved** policies for cloud service use that includes recordkeeping requirements and handling of Federal records?

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

. Q28. Does your agency have **documented and approved** policies and procedures in place to manage email records that have a retention period longer than 180 days? (36 CFR 1236.22)

○ Yes

○ No, pending final approval

○ No, under development

○ No, please explain

◉ Do not know

. Q29. Does your agency have **documented and approved** policies and procedures to implement the guidelines for the transfer of permanent email records to NARA described in NARA Bulletin 2014-04: Revised Format Guidance for the Transfer of Permanent Electronic Records – Appendix A: Tables of File Formats, Section 9 - Email? (36 CFR 1236.22(e))

○ Yes

◉ No

○ No, pending final approval

○ No, under development

○ Do not know

Regardless of how many Federal email accounts individuals use to conduct official business, agencies must ensure that all accounts are managed, accessible and identifiable according to Federal recordkeeping requirements. (36 CFR 1236.22)

Q30. Does your agency have **documented and approved** policies that address when employees have more than one agency-administered email account, **whether or not allowed**, that states that email records must be preserved in an appropriate agency recordkeeping system? (36 CFR 1236.22)

*Examples of business needs may include but are not limited to:
- Using separate accounts for public and internal correspondence
- Creating accounts for a specific agency initiative which may have multiple users
- Using separate accounts for classified information and unclassified information

○ Yes

◉ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q31. Does your agency have **documented and approved** policies that address the use of personal email accounts, **whether or not allowed**, that state that all emails created and received by such accounts must be preserved in an appropriate agency recordkeeping system and that a complete copy of all email records created and received by users of these accounts must be forwarded to an official electronic messaging account of the officer or employee no later than 20 days after the original creation or transmission of the record? (36 CFR 1236.22(b) and P.L. 113-187)

○ Yes

◉ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q32. Does your agency evaluate, monitor, or audit staff compliance with the agency's email preservation policies? (36 CFR 1220.18)

○ Yes

◉ No

○ Do not know

. Q33. Please add any additional comments about your agency for Section II. (Optional)

The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

. Click Next to save your current answers and move to Section III: Systems.

Section III: Systems

Electronic information system means an information system that contains and provides access to computerized Federal records and other information. (36 CFR 1236.2)

The following types of records management controls are needed to ensure that Federal records in electronic information systems can provide adequate and proper documentation of agency business for as long as the information is needed. Agencies must incorporate controls into the electronic information system or integrate them into a recordkeeping system that is external to the information system itself. (36 CFR 1236.10)

(a) Reliability: Controls to ensure a full and accurate representation of the transactions, activities or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.

(b) Authenticity: Controls to protect against unauthorized addition, deletion, alteration, use, and concealment.

(c) Integrity: Controls, such as audit trails, to ensure records are complete and unaltered.

(d) Usability: Mechanisms to ensure records can be located, retrieved, presented, and interpreted.

(e) Content: Mechanisms to preserve the information contained within the record itself that was produced by the creator of the record.

(f) Context: Mechanisms to implement cross-references to related records that show the organizational, functional, and operational circumstances about the record, which will vary depending upon the business, legal, and regulatory requirements of the business activity.

(g) Structure: Controls to ensure the maintenance of the physical and logical format of the records and the relationships between the data elements.

. Q34. Has your agency incorporated and/or integrated internal controls to ensure the reliability, authenticity, integrity, and usability of agency electronic records maintained in electronic information systems? (36 CFR 1236.10)

⊙ Yes

○ To some extent

○ No

○ Do not know

○

Not applicable, please explain

. Q35. Does your agency maintain an inventory of electronic information systems that indicates whether or not each system is covered by an approved NARA disposition authority? (36 CFR 1236.26(a))

○ Yes

◉ No, please explain

> The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

○ Do not know

. Q36. Does your agency have a digitization strategy to reformat permanent records created in hard copy or other analog formats (e.g., microfiche, microfilm, analog video, and analog audio)?

○ Yes

◉ To some extent

○ No

○ Do not know

. Q37. Does your agency's email system(s) retain the intelligent full names on directories or distribution lists to ensure identification of the sender and addressee(s) for those email messages that are Federal records? (36 CFR 1236.22(a)(3))

○ Yes

◉ No

○ Do not know

. Q38. What method(s) does your agency employ to capture and manage email records? (Choose all that apply)

☐ Captured and stored in an email archiving system

☐ Captured and stored in an electronic records management system

☑ Captured and stored as personal storage table (.PST) files

☐ Captured and stored using cloud services with records management included

☑ Captured and stored using cloud services but records management IS NOT included

☑ Print and file

☐ Not captured and email is managed by the end-user in the native system

☐ Other, please be specific:

Q39. What new method(s) to create and maintain data are being explored and/or employed by your agency that will impact records management? (Choose all that apply)

(For more information on these topics see: https://www.archives.gov/files/records-mgmt/policy/nara-cognitive-technologies-whitepaper.pdf.)

☐ Smart devices

☑ Sensors that collect and transmit data

☐ Geographic Information Systems

☐ Robotic Process Automation

☐ Software Robot or Bot

☐ Supervised Machine Learning

☐ Unsupervised Machine Learning

☐ Reinforced Machine Learning

☐ Standard Artificial Intelligence

☐ Open-source Artificial Intelligence

☐ Auto-classification

☐

Other, please be specific:

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☐ My agency is not exploring and/or employing new methods

. Q40. Please add any additional comments about your agency for Section III. (Optional)

> The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

. Click Next to save your current answers and move to Section IV: Access.

Section IV: Access

Records support an agency's ability to carry out its business functions. Access to records means they remain usable, retrievable, and protected throughout their lifecycle. This section contains questions relating to the access and usability of records to conduct agency business in accordance with the appropriate transfer and disposition schedule and that ensures records are searchable, retrievable, and usable for as long as they are maintained in agency custody.

The following series of questions relates to the impact of the COVID-19 pandemic on access to records.

. Q41. Has the COVID-19 pandemic disrupted your agency's ability to access records?

○ Yes
◉ No
○ Do not know

. Q42. Please provide details on the impact of the COVID-19 pandemic and what your agency has done to mitigate the circumstances.

This question was not displayed to the respondent.

The following series of questions relates to Vital or Essential records.

Vital records* (also known as Essential Records) are records needed to meet operational responsibilities under national security emergencies or other emergency conditions (emergency operating records) or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records). (36 CFR 1223.2)

*pending updates to regulations, the Records Management Self-Assessment still uses this terminology

A program area is responsible for mission-related activities. An administrative area is responsible for activities not specific to the mission of the agency. (36 CFR 1220.34(d))

Q43. Has your agency identified the vital records of all its program and administrative areas? (36 CFR 1223.16)

*Components of departmental agencies may answer "Yes" if this is handled by the department.

- ⦿ Yes
- ○ No
- ○ Do not know

. Q44. How often does your agency review and update its vital records inventory? (36 CFR 1223.14)

- ○ Annually
- ○ Biennially
- ○ Once every 3 years
- ⦿ Ad hoc
- ○ Never
- ○ Do not know

. Q45. Is your vital records plan part of the Continuity of Operations (COOP) plan?

- ⦿ Yes
- ○ No
- ○ Do not know

The following questions relate to retrieval and access.

. Q46. Are records and information in your agency easily retrievable and accessible when needed for agency business? (36 CFR 1220.32(c))

- ⊙ All records are easily retrieved and accessed when needed
- ○ Most records can be retrieved and accessed in a timely manner
- ○ Some records can be retrieved and accessed in a timely manner
- ○ No
- ○ Do not know

Q47. Does your agency ensure that records management functionality, including the capture, retrieval, and retention of records according to agency business needs and NARA-approved records schedules, is incorporated into the design, development, and implementation of its electronic information systems? (36 CFR 1236.12)

*Components of departmental agencies may answer "Yes" if this is handled by the department.

- ⊙ Yes
- ○ No, please explain

- ○ Do not know
- ○ Not applicable, please explain

The following question relates to migration.

Migration is a set of organized tasks designed to achieve periodic transfer of digital materials from one hardware/software configuration to another, or from one generation of computer technology to a subsequent generation.

Metadata consists of preserved contextual information describing the history, tracking, and/or management of an electronic document. (36 CFR 1236.2)

. **Q48.** Does your agency have **documented and approved** procedures to enable the migration of records and associated metadata to new storage media or formats so that records are retrievable and usable as long as needed to conduct agency business and to meet NARA-approved dispositions? (36 CFR 1236.20(b)(6))

- ⊙ Yes
- ○ No
- ○ No, pending final approval
- ○ No, under development
- ○ Do not know

The following questions are related to access to records under the Freedom of Information Act.

Agencies are required to have a Freedom of Information Act (FOIA) program (5 U.S.C. 552).

The ability to find records is essential for a successful FOIA program. The following questions related to your agency's FOIA program may require consultation with your agency's FOIA Officer.

. **Q49.** Does your agency use e-Discovery tools to search for records when responding to FOIA and/or Legal Discovery?

- ○ Yes
- ⊙ No, please explain

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  US Tax Court is exempt from Freedom of Information Request. See
  Byers v. US Tax Court, 211 F.Supp.3rd 240 (D.D.C.2016).
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- ○ Do not know

. **Q50.** For what purposes are e-Discovery tools used? (Choose all that apply)

This question was not displayed to the respondent.

. Q51. Please explain why e-Discovery tools are not used to search for records. (Choose all that apply)

☐ E-discovery tools are not available at my agency

☐ There are a limited number of licenses available

☐ Cost

☑ Other, please be specific:

    US Tax Court is exempt from Freedom of Information Request. See
    Byers v. US Tax Court, 211 F.Supp.3rd 240 (D.D.C.2016).

. Q52. Has the COVID-19 pandemic disrupted your agency's ability to respond to FOIA requests?

○ Yes

◉ No

○ Do not know

. Q53. Which of the following explains why FOIA has been impacted? (Choose all that apply)

This question was not displayed to the respondent.

. Q54. Which of the following actions did your agency's FOIA program take in response to the COVID-19 pandemic? (Choose all that apply) (DOJ, *"Guidance for Agency FOIA Administration in Light of COVID-19 Impacts,"* https://www.justice.gov/oip/guidance-agency-foia-administration-light-covid-19-impacts, updated May 28, 2020.)

☐ Worked directly with requesters to tailor their requests for most efficient processing

☐ Posted a notice on the FOIA website informing requesters of most efficient way to make a request

☐ Posted a notice on the FOIA website informing requesters of any anticipated delays

☐ Included information about any anticipated delays in requester communication, including acknowledgment letters

☐ Used multitrack processing to further triage requests that could be processed more efficiently remotely

☐ Posted additional proactive disclosures for high public interest topics related to the COVID-19 pandemic

☐ Assessed technology to ensure most efficient administration of FOIA

☑

Other, please explain

US Tax Court is exempt from Freedom of Information Request. See
Byers v. US Tax Court, 211 F.Supp.3rd 240 (D.D.C.2016).

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. Q55. Which of the following describes the working relationship between the Agency Records Officer and the Chief FOIA Officer? (Choose all that apply)

☐ Work together on Information Technology (IT) requirements that benefit both programs

☐ Coordinate search terms to identify responsive records

☐ Identify programs or offices most likely to have responsive records

☐ Work together on high-profile or complex FOIA requests

☐ Provide training on records management and FOIA to each other's staff

☐ Training programs include the importance and relationship between FOIA and records management

☑ Other, please explain

US Tax Court is exempt from Freedom of Information Request. See
Byers v. US Tax Court, 211 F.Supp.3rd 240 (D.D.C.2016).

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☐ None of the above

. Q56. Please add any additional comments about your agency for Section IV. (Optional)

US Tax Court is exempt from Freedom of Information Request. See Byers v. US Tax Court, 211 F.Supp.3rd 240 (D.D.C.2016)..

. Click Next to save your current answers and move to Section V: Disposition.

Section V: Disposition

This area is critical for successfully managing records. Agencies must follow the mandatory instructions contained in either agency-specific records schedules or the appropriate General Records Schedule to transfer permanent electronic records to NARA's legal custody. This section covers both creation and implementation of records schedules.

Records disposition refers to actions taken with regard to Federal records that are no longer needed for current government business as determined by their appraisal pursuant to legislation, regulation, or administrative procedure. Disposition is a comprehensive term that includes both destruction and transfer of Federal records to the National Archives of the United States. (36 CFR Parts 1222, 1224, 1225 and 1226)

The next series of questions relates to your agency's efforts to schedule its records.

. Q57. When was the last time your agency submitted a records schedule to NARA for approval? (36 CFR 1225.10)

- ○ FY 2019 - 2020
- ○ FY 2017 - 2018
- ○ FY 2015 - 2016
- ○ FY 2013 - 2014
- ◉ FY 2012 or earlier
- ○ Do not know

Q58. Does your agency periodically review agency-specific records schedules to ensure they still meet business needs, to identify gaps that may indicate unscheduled records, or to make needed revisions?

Note: An agency-specific records schedule means it covers items that are not covered by the General Records Schedules (GRS).

- ◉ Yes
- ○ No
- ○ Do not know

. Q59. Does your agency have agency-specific records schedules currently in use that include items approved before January 1, 1990?

- ◉ Yes
- ○ No
- ○ Do not know

. Q60. Are you currently reviewing agency-specific records schedules with items approved before January 1, 1990, for updating and/or rescheduling? (36 CFR 1225.22)

- ◉ Yes, this is in progress
- ○ Yes, this has been completed
- ○ No, but are planning to do so
- ○ No, and have no plans to do so
- ○ Do not know

. Q61. Are records and information in your agency managed throughout the lifecycle [creation/capture, classification, maintenance, retention, and disposition] by being properly identified, classified using a taxonomy, inventoried, and scheduled? (36 CFR 1222.34, 36 CFR 1224.10, and 36 CFR 1225.12)

- ○ Yes
- ◉ To some extent
- ○ No
- ○ Do not know

. Q62. Does your agency disseminate *every* approved disposition authority (including newly approved records schedules and General Records Schedule items) to agency staff within six months of approval? (36 CFR 1226.12(a))

- ○ Yes
- ◉ No
- ○ Do not know

. Q63. Which of the following describes the disposition authority for email records being used by your agency? (Choose all that apply)

- ☐ GRS 6.1: Email Managed under a Capstone Approach; agency has an approved form NA-1005
- ☐ GRS 6.1: Email Managed under a Capstone Approach; agency does not have an approved form NA-1005
- ☐ Agency-specific email schedule
- ☐ Traditional records management (i.e., retention based on content, usually applied on an email-by-email basis, utilizing multiple NARA-approved disposition authorities)
- ☐ Email retention method has not been decided/scheduled by agency
- ☐ Do not know
- ☑

Other, please explain

. Q64. Does the current NARA-approved form NA-1005 or agency-specific email schedule adequately reflect your existing organizational structure?

This question was not displayed to the respondent.

. Q65. Why does the email schedule not adequately reflect, or only to some extent reflect, your existing organizational structure? (Choose all that apply)

This question was not displayed to the respondent.

. Q66. Does your agency track changes in Capstone accounts to ensure they are accurate and complete?

This question was not displayed to the respondent.

. Q67. Please explain how your agency tracks changes to Capstone accounts. *(Be specific)*

This question was not displayed to the respondent.

The next series of questions relates to transferring permanent records.

. Q68. Did your agency transfer permanent non-electronic records to NARA during FY 2020? (36 CFR 1235.12)

- ○ Yes
- ⊙ No
- ○ No - Transfers were impacted by the COVID-19 pandemic
- ○ No - No records were eligible for transfer during FY 2020
- ○ No - New agency, records are not yet old enough to transfer
- ○ No - My agency does not have any permanent non-electronic records
- ○ Do not know
- ○

Other, please explain

. Q69. Did your agency transfer permanent electronic records to NARA during FY 2020? (36 CFR 1235.12)

○ Yes

◉ No

○ No - Transfers were impacted by the COVID-19 pandemic

○ No - No electronic records/systems were eligible for transfer during FY 2020

○ No - New agency, electronic records/systems are not old enough to transfer

○ No - My agency does not have any permanent electronic records

○ Do not know

○ Other, please explain

. Q70. Does your agency track when permanent records are eligible for transfer to NARA?

◉ Yes

○ No

○ No - My agency does not have any permanent records

○ Do not know

. Q71. Please explain your response to the previous question. (*If you answered "Yes," please be specific on methods used. If you answered "No," please explain why not.*)

The next series of questions relates to the management of web sites and related records.

. Q72. Does your agency ensure that all records on agency web sites are properly managed?

○ Yes
○ No
◉ Do not know

. Q73. Did your agency take steps to capture and disposition web records in preparation for an administration change?

○ Yes
◉ No
○ Do not know

. Q74. Please explain your response to the previous question. (*If you answered "Yes," please be specific on steps taken to capture, preserve, and prepare web records in preparation for an administration change. If you answered "No," please explain why not, including any challenges.*)

The next series of questions relates to where your agency stores its inactive temporary and/or permanent records, regardless of format.

Commercial records storage facilities are private sector commercial facilities that offer records storage, retrieval, and disposition services.

An agency-operated records center is a records storage facility, operated by a Federal agency and capable of storing more than 25,000 cubic feet of records. (36 CFR 1234)

. Q75. Does your agency store inactive temporary and/or permanent records in a commercial records storage facility?

- ◉ Yes
- ○ No
- ○ Do not know

. Q76. Has the facility been approved by NARA? (36 CFR 1234.30(a)(2)&(e))

- ◉ Yes
- ○ No
- ○ Do not know

. Q77. Does your agency store inactive temporary and/or permanent records in an agency-operated records center? (Note: This does NOT include agency staging areas and temporary holding areas.)

- ○ Yes
- ◉ No
- ○ Do not know

. Q78. Has the facility been approved by NARA? (36 CFR 1234.30(a)(1))

This question was not displayed to the respondent.

. Q79. Is your agency making plans to move records from an agency-operated records center to a commercial records storage facility?

This question was not displayed to the respondent.

. Q80. Is your agency making plans to move records from an agency-operated records center to a Federal Records Center before December 31, 2022?

This question was not displayed to the respondent.

. Q81. Please add any additional comments about your agency for Section V. (Optional)

The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

' . Click Next to save your current answers and move to Section VI: Agency Demographics.

Section VI: Agency Demographics

This section covers some basic demographic-type information needed for analysis of the data gathered by the Records Management Self-Assessment.

Q82. How many full-time equivalents (FTE) are in your agency/organization?

- ○ 500,000 or more FTEs
- ○ 100,000 – 499,999 FTEs
- ○ 10,000 – 99,999 FTEs
- ○ 1,000 – 9,999 FTEs
- ⦿ 100 – 999 FTEs
- ○ 1 – 99 FTEs
- ○ Not Available

Q83. Which of the following stakeholders significantly impact and/or support your RM program? (Choose all that apply)

- ☑ Chief Information Officer
- ☑ Chief Financial Officer
- ☑ Chief Management Officer
- ☐ Chief Data Officer
- ☑ Office of the General Counsel
- ☐ FOIA Officer
- ☑ Records Managers and/or Records Liaison Officers (or equivalent)
- ☑ Program Managers and/or Supervisors
- ☐

Other, please explain

/

Q84. What other staff, offices, or program areas did you consult when you completed this self-assessment? (Choose all that apply)

☐ Senior Agency Official
☑ Office of the General Counsel
☐ Program Managers
☐ FOIA Officer
☑ Information Technology staff
☐ Records Liaison Officers or similar
☐ Administrative staff
☐ Other, please be specific:

/

☐ None

Q85. How much time did it take you to gather the information to complete this self-assessment?

◉ Under 3 hours
○ More than 3 hours but less than 6 hours
○ More than 6 hours but less than 10 hours
○ Over 10 hours

Q86. Did your agency's senior management review and concur with your responses to the 2020 Records Management Self-Assessment?

- ◉ Yes
- ○ No
- ○ Do not know

Q87. Are you the Agency Records Officer?

- ◉ Yes
- ○ No

Q88. Please provide the Agency Records Officer's contact information.

This question was not displayed to the respondent.

Q89. Does your agency use your Records Management Self-Assessment scores to measure the effectiveness of the records management program?

- ☐ Yes
- ☑ No
- ☐ Do not know
- ☐ Comments (Optional): (Please include in your comments how you use the Records Management Self-Assessment.)

Q90. Do you have any suggestions for improving the Records Management Self-Assessment next year?
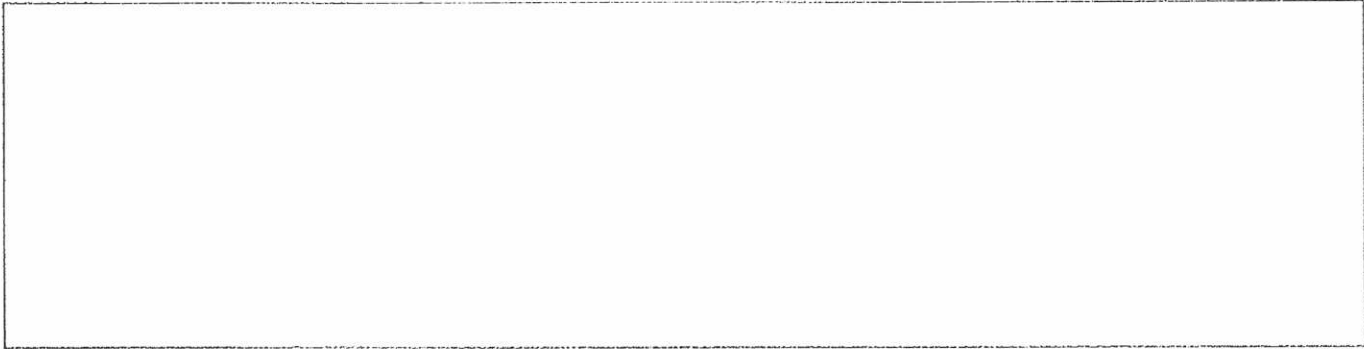
Embedded Data

Q_URL: https://archives.qualtrics.com/jfe/form/SV_0oiEfUGgJwAOf3f?
Q_DL=Fdp4GfX0TOsNce8_0oiEfUGgJwAOf3f_MLRP_8e192sEJxBcLqO9&Q_CHL=email

Scoring Results

Score

Mean Score:	51.00
Weighted Mean of Items:	0.68
Weighted Standard Deviation of Items:	1.21
Items:	75.00

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)
2021 RECORDS MANAGEMENT SELF-ASSESSMENT

Welcome to the 2021 Records Management Self-Assessment!

Before you begin, please note the following information.

Except where indicated, the questions in this survey are intended to cover all records regardless of format, as defined in 44 U.S.C. 3301.

The questions apply regardless of whether your agency's work processes are conducted manually or electronically.

Your answers to the self-assessment questions must be specific to records management activities in your agency. We have added a "Not Applicable" answer option to some questions. In general, use this option only if a question references an activity or action that is not conducted in your agency because of its size or if you are a Departmental Records Officer and are not responsible for the activity or action. In some cases, if the activity is being done by a departmental records management program, component agencies of that department may answer "Yes."

NOTE: Please note that your responses to questions in this assessment may be subject to public release pursuant to the Freedom of Information Act (FOIA). However, we will not release responses to questions that contain detailed descriptions of agency activities.

NARA reserves the right to follow up with agencies to obtain additional information and/or documentation that supports their answers to the questions in this self-assessment.

As in previous years we will be conducting a validation process. Your agency may be selected at random to provide additional documentation and/or take part in interviews to discuss your records management program activities.

If you have any questions about this self-assessment or need additional information to answer a question(s), please contact us at rmselfassessment@nara.gov.

. Please do not skip this section. This is your only chance to enter your contact information and the agency for which you are responding.

Please enter your contact information below.

First Name:

Last Name:

Job Title:

Email Address:

Phone Number:

. Please select the agency and, if applicable, component or subordinate agency for which you are reporting by clicking on the drop down arrows below.

Department or Independent Agency [United States Tax Court ✔]
Component or Subordinate Agency [✔]

. PLEASE NOTE: If you need to exit the survey before completing each Section, you MUST click on the NEXT button at the bottom of the Section before exiting to ensure your answers to that point are saved.

Section I: Management Support and Resourcing

Management support and a strong positioning of an agency's records management program in the organizational structure is key to program success. This section includes questions related to the areas that support the records management program including responsibilities, internal controls, performance management, training, monitoring of program implementation, and the records of senior officials and executives.

The following series of questions relates to RM Program leadership.

. Q1. Is there a person in your agency who is responsible for coordinating and overseeing the implementation of the records management program? (36 CFR 1220.34(a))

◉ Yes
○ No
○ Do not know

. Q2. Please provide the person's name, position title, and office.

[redacted]

. Q3. Does your agency have a Senior Agency Official for Records Management (SAORM)? (For components of a department this is most likely at the department level, and you may answer "Yes," even if this is not being done at the component level.)

◉ Yes
○ No
○ Do not know
○ Not applicable, not an Executive Branch Agency

. Q4. Does your Agency Records Officer meet regularly (four or more times a year) with the SAORM to discuss the agency records management program's goals? (For components of a department, this is most likely at the department level.)

◉ Yes

○ No

○ Do not know

. Q5. Does your agency have a network of designated employees within each program and administrative area who are assigned records management responsibilities? These individuals are often called Records Liaison Officers (RLOs), though their titles may vary. (36 CFR 1220.34(d))

◉ Yes

○ No

○ Do not know

○ Not applicable, agency has less than 100 employees

○ Not applicable, Departmental Records Officer - this is done at the component level

. **Click Next to save your current answers and move to Section I: Management Support and Resourcing - RM Program Controls, Monitoring and Oversight.**

.
The following series of questions relates to RM Program Controls, Monitoring and Oversight.

Agency records management programs must provide for effective controls over the creation, maintenance, and use of records in the conduct of current business. (36 CFR 1220.30(c)(1))

Internal controls are integral components of an organization's management that provides reasonable assurance of the effectiveness and efficiency of operations; reliability of financial reporting; and compliance with applicable laws and regulations. ("Standards for Internal Control in the Federal Government" (GAO-14-704G), U.S. Government Accountability Office, September 2014.)

Internal controls are:

- *Geared to the achievement of objectives in one or more categories—operations, reporting, and compliance;*
- *Processes consisting of ongoing tasks and activities—a means to an end, not an end in itself;*
- *Carried out by people—not merely about policy and procedure manuals, systems, and forms, but about people and the actions they take at every level of an organization to effect internal control;*
- *Able to provide reasonable assurance, but not absolute assurance, to an entity's senior management;*
- *Adaptable to the organization's entire structure—flexible in application for the entire entity or for a particular regional office, division, operating unit, or business process.*

Control activities occur throughout the organization, at all levels and in all functions. They include a range of activities as diverse as approvals, authorizations, verifications, reconciliations, reviews/audits of operating performance, security of assets (limited access to inventories or equipment), and segregation of duties (separate personnel with authority to authorize a transaction, process the transaction, and review the transaction). Monitoring the effectiveness of internal controls should occur in the normal course of business.

Periodic assessments should be integrated as part of management's continuous monitoring of internal control, which should be ingrained in the agency's operations. ("2013 Internal Control - Integrated Framework," Committee of Sponsoring Organizations (COSO) Executive Summary, May 14, 2013; and OMB Circular A-123, "Management's Responsibility for Enterprise Risk Management and Internal Control," July 15, 2016.)

. Q6. In addition to your agency's established records management policies and records schedules, has your agency's records management program developed and implemented internal controls to ensure that all eligible, permanent agency records in all media are transferred to NARA according to approved records schedules? (36 CFR 1222.26(e))

**These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question.

*Examples of records management internal controls include but are not limited to:

- Regular briefings and other meetings with records creators
- Monitoring and testing of file plans
- Regular review of records inventories
- Internal tracking database of permanent record authorities and dates

- ◉ Yes
- ○ No
- ○ No, pending final approval
- ○ No, under development
- ○ Do not know

Q7. In addition to your agency's established policies and records schedules, has your agency developed and implemented internal controls to ensure that federal records are not destroyed before the end of their retention period? (36 CFR 1222.26(e))

**These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question.

*Examples of records management internal controls include but are not limited to:

- Regular review of records inventories
- Approval process for disposal notices from off-site storage
- Require certificates of destruction
- Monitoring shredding services
- Performance testing for email
- Monitoring and testing of file plans
- Pre-authorization from records management program before records are destroyed
- Ad hoc monitoring of trash and recycle bins
- Notification from facilities staff when large trash bins or removal of boxes are requested
- Annual records clean-out activities sponsored and monitored by records management staff

- ◉ Yes
- ○ No
- ○ No, pending final approval

○ No, under development

○ Do not know

Q8. <u>In addition to</u> your agency's records management policies and records schedules, has your agency developed and implemented internal controls to ensure that all permanent records are created/captured, classified, filed and managed according to their NARA-approved records schedules? (36 CFR 1220.34(i))

◉ Yes

○ No

○ To some extent

○ Do not know

An essential control for any records management program is the establishment of performance goals and associated performance targets and performance measures.

Performance goals are the target levels of performance. Performance goals should be specific, measurable, attainable, results-oriented, and time-bound.

Q9. Has your agency established performance goals for its records management program?

*Examples of performance goals include but are not limited to:

- Identifying and scheduling all paper and non-electronic records by the end of DATE
- Developing computer-based records management training modules by the end of DATE
- Planning and piloting an electronic records management solution for email by the end of DATE
- Updating records management policies by the end of the year
- Conducting records management evaluations of at least one program area each quarter

◉ Yes

○ No

○ Pending final approval

○ Currently under development

○ Do not know

Performance measures are the indicators or metrics against which a program's performance can be gauged. Performance measures should provide a basis for comparing actual results with established performance goals. ("Performance Measurement Challenges and Strategies," June 18, 2003, white paper associated with the Office of Management and Budget's Program Assessment Rating Tool (PART); and "Government Performance and Results Modernization Act of 2010," Section 4, Performance Reporting Amendments. See also https://www.performance.gov/.)

Q10. Has your agency's records management program identified performance measures for records management activities such as training, records scheduling, permanent records transfers, etc.?

*Examples of performance measures include but are not limited to:

- Percentage of agency employees that receive records management training in a year
- A reduction in the volume of inactive records stored in office space
- Percentage of eligible permanent records transferred to NARA in a year
- Percentage of records scheduled
- Percentage of offices evaluated/inspected for records management compliance
- Percentage of email management auto-classification rates
- Development of new records management training modules
- Audits of internal systems
- Annual updates of file plans
- Performance testing for email applications to ensure records are captured
- Percentage of records successfully retrieved by Agency FOIA Officer in response to FOIA requests

◉ Yes

○ No

○ Pending final approval

○ Currently under development

○ Do not know

An evaluation is an inspection, audit, or review of one or more records management programs for effectiveness and for compliance with applicable laws and regulations. An evaluation contains recommendations for correcting or improving records management practices, policies, and procedures as well as follow-up activities, including reporting on and implementing recommendations. Evaluations may be comprehensive (agency-wide) or specific to a program area or organizational unit. (36 CFR 1220.18)

Q11. Does your agency evaluate, by conducting inspections/audits/reviews, its records management program to ensure that it is efficient, effective, and compliant with all applicable records management laws and regulations? (36 CFR 1220.34(j))

**For this question, your agency's records management program, or a major component of the program (e.g., vital records identification and management, the records disposition process, records management training, or the management of your agency's electronic records) must be the primary focus of the inspection/audit/review.

◉ Yes, evaluations are conducted by the Records Management Program

○ Yes, evaluations are conducted by the Office of Inspector General

○ Yes, evaluations are conducted by the Records Management Program AND the Office of Inspector General

○

Yes, evaluations are conducted by:

[text box]

○ No, please explain

[text box]

○ Do not know

. Q12. How often does your agency conduct formal evaluations of a major component of your agency (i.e., programs or offices)?

◉ Annually
○ Biennially
○ Once every 3 years
○ Ad hoc
○ Do not know
○ Not applicable, agency does not evaluate its records management program

. Q13. Was a formal report written and subsequent plans of corrective action created and monitored for implementation as part of the most recent inspection/audit/review? (Choose all that apply)

☐ Yes, formal report was written
☐ Yes, plans of corrective action were created
☐ Yes, plans of corrective action were monitored for implementation
☑ No
☐ Do not know
☐ Not applicable, agency does not evaluate its records management program
☐ Not applicable, agency has less than 100 employees

.. Click Next to save your current answers and move to Section I: Management Support and Resourcing - RM Training.

.. The following series of questions relates to records management training.

.. Q14. Has your Agency Records Officer obtained NARA's Certificate of Federal Records Management Training or the Agency Records Officer Credential (AROC)?

◉ Yes, NARA's Certificate of Federal Records Management Training

○ Yes, NARA's Agency Records Officer Credential

○ In Progress

○ No

○ Do not know

Formal records management training is the communication of standardized information that improves the records management knowledge, skills, and/or awareness of agency employees. Training can be either in a classroom setting or distance-based (e.g., web-based training), but it must:

- *be regular (occurring more than just once);*
- *be repeatable and formal (all instructors must provide the same message, not in an ad hoc way); and*
- *communicate the agency's vision of records management.*

Q15. Does your agency have internal records management training*, based on agency policies and directives, for employees assigned records management responsibilities? (36 CFR 1220.34(f))

*Includes NARA's records management training workshops that were **customized** specifically for your agency or use of an **agency-customized** version of the Federal Records Officer Network (FRON) RM 101 course.

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

Q16. Has your agency developed mandatory internal, staff-wide, formal training*, based on agency policy and directives, covering records in all formats, including electronic communications such as email, text messages, chat, or other messaging platforms or apps, such as social media or mobile device applications, which helps agency employees and contractors fulfill their recordkeeping responsibilities?** (36 CFR 1220.34(f))

*Includes NARA's records management training workshops that were **customized** specifically for your agency or use of an **agency-customized** version of the Federal Records Officer Network (FRON) RM 101 course.

**Components of departmental agencies may answer "Yes" if this is handled by the department. Department Records Officers may answer "Yes" if this is handled at the component level.

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

.. Click Next to save your current answers and move to Section I: Management Support and Resourcing - Senior Officials.

The following series of questions relates to Senior Officials.

Senior officials are the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions. (General Records Schedule (GRS) 6.1, item 010)

Note: This applies to all senior officials within an agency - NOT just the Senior Agency Official for Records Management.

. Q17. Does your agency require that all senior and appointed officials, including those incoming and newly promoted, receive training on the importance of appropriately managing records under their immediate control? (36 CFR 1220.34(f))

○ Yes

◉ No

○ Do not know

. Q18. Does your agency conduct and document for accountability purposes training and/or other briefings as part of the on-boarding process for senior officials on their records management roles and responsibilities, including the appropriate disposition of records and the use of personal and unofficial email accounts? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

○ Yes

○ Yes, but not documented

◉ No

○ Do not know

○ Not applicable, please explain

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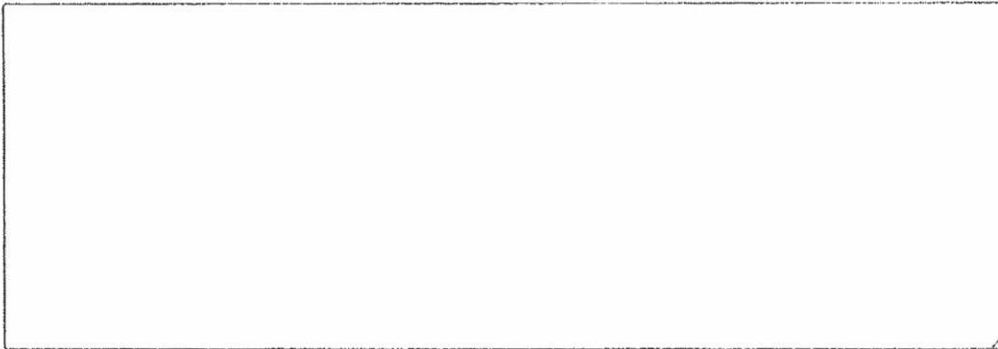
Q19. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in on-boarding briefings or other processes for newly appointed senior officials?

This question was not displayed to the respondent.

. Q20. Does your agency conduct and document for accountability purposes exit briefings for departing senior officials on the appropriate disposition of the records, including email, under their immediate control? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

○ Yes

○ Yes, but not documented

◉ No

○ Do not know

○ Not applicable, please explain

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. Q21. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in exit briefings or other exit clearance processes for departing senior officials?

This question was not displayed to the respondent.

. Q22. Does the exit or separation process for departing senior officials include records management program staff or other designated official(s) reviewing and approving the removal of personal papers and copies of records by those senior officials? (36 CFR 1222.24(a)(6))

Q23. Which of the following stakeholders significantly impact and/or support your RM program? (Choose all that apply)

- ☑ Chief Information Officer
- ☐ Chief Financial Officer
- ☐ Chief Management Officer
- ☐ Chief Data Officer
- ☑ Office of the General Counsel
- ☐ FOIA Officer
- ☑ Records Managers and/or Records Liaison Officers (or equivalent)
- ☐ Program Managers and/or Supervisors
- ☐ Other, please explain

. Q24. Please add any additional comments about your agency for Section I. (Optional)

The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

.. **Click Next to save your current answers and move to Section II: Policies.**

Section II: Policies

A successful records management program has a governance framework, articulated policy, and clear standards. For electronic records management this is particularly important due to fragility, security

vulnerabilities, and other unique characteristics of electronic records. This section covers records management directives and specific policies necessary for records management.

. Q25. Does your agency have a **documented and approved** records management directive(s)? (36 CFR 1220.34(c))

◉ Yes
○ No, pending final approval
○ No, under development
○ No
○ Do not know

. Q26. When was your agency's directive(s) last reviewed and/or revised to ensure it includes all new records management policy issuances and guidance?

○ FY 2021 - present
○ FY 2019 - 2020
○ FY 2017 - 2018
◉ FY 2016 or earlier
○ Do not know
○ Not applicable, agency does not have a records management directive

. Q27. Does your agency's records management program have **documented and approved** policies and procedures that instruct staff on how your agency's permanent records in all formats must be managed and stored? (36 CFR 1222.34(e))

○ Yes
○ No
○ No, pending final approval
◉ No, under development
○ Do not know

. Q28. Does your agency have **documented and approved** policies against unauthorized use, alteration, alienation or deletion of all electronic records?

◉ Yes
○ No
○ No, pending final approval
○ No, under development
○ Do not know

. Q29. Does your agency have **documented and approved** policies for cloud service use that includes recordkeeping requirements and handling of federal records?

○ Yes

○ No

○ No, pending final approval

◉ No, under development

○ Do not know

. Q30. Does your agency have **documented and approved** policies and procedures in place to manage email records that have a retention period longer than 180 days? (36 CFR 1236.22)

○ Yes

○ No, pending final approval

○ No, under development

○ No, please explain

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◉ Do not know

. Q31. Does your agency have **documented and approved** policies and procedures to implement the guidelines for the transfer of permanent email records to NARA described in NARA Bulletin 2014-04: Revised Format Guidance for the Transfer of Permanent Electronic Records – Appendix A: Tables of File Formats, Section 9 - Email? (36 CFR 1236.22(e))

○ Yes

◉ No

○ No, pending final approval

○ No, under development

○ Do not know

Regardless of how many federal email accounts individuals use to conduct official business, agencies must ensure that all accounts are managed, accessible and identifiable according to federal recordkeeping requirements. (36 CFR 1236.22)

Q32. Does your agency have **documented and approved** policies that address when employees have more than one agency-administered email account, **whether or not allowed**, that states that email records must be preserved in an appropriate agency recordkeeping system? (36 CFR 1236.22)

*Examples of business needs may include but are not limited to:
- Using separate accounts for public and internal correspondence
- Creating accounts for a specific agency initiative which may have multiple users
- Using separate accounts for classified information and unclassified information

○ Yes

◉ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q33. Does your agency have **documented and approved** policies that address the use of personal email accounts, **whether or not allowed**, that state that all emails created and received by such accounts must be preserved in an appropriate agency recordkeeping system and that a complete copy of all email records created and received by users of these accounts must be forwarded to an official electronic messaging account of the officer or employee no later than 20 days after the original creation or transmission of the record? (36 CFR 1236.22(b) and P.L. 113-187)

○ Yes

◉ No

○ No, pending final approval

○ No, under development

○ Do not know

. Q34. Does your agency evaluate, monitor, or audit staff compliance with the agency's email preservation policies? (36 CFR 1220.18)

○ Yes

◉ No

○ Do not know

. Q35. Please add any additional comments about your agency for Section II. (Optional)

The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

.. **Click Next to save your current answers and move to Section III: Systems.**

Section III: Systems

Electronic information system means an information system that contains and provides access to computerized federal records and other information. (36 CFR 1236.2)

The following types of records management controls are needed to ensure that federal records in electronic information systems can provide adequate and proper documentation of agency business for as long as the information is needed. Agencies must incorporate controls into the electronic information system or integrate them into a recordkeeping system that is external to the information system itself. (36 CFR 1236.10)

(a) Reliability: Controls to ensure a full and accurate representation of the transactions, activities or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.

(b) Authenticity: Controls to protect against unauthorized addition, deletion, alteration, use, and concealment.

(c) Integrity: Controls, such as audit trails, to ensure records are complete and unaltered.

(d) Usability: Mechanisms to ensure records can be located, retrieved, presented, and interpreted.

(e) Content: Mechanisms to preserve the information contained within the record itself that was produced by the creator of the record.

(f) Context: Mechanisms to implement cross-references to related records that show the organizational, functional, and operational circumstances about the record, which will vary depending upon the business, legal, and regulatory requirements of the business activity.

(g) Structure: Controls to ensure the maintenance of the physical and logical format of the records and the relationships between the data elements.

. Q36. Has your agency incorporated and/or integrated internal controls to ensure the reliability, authenticity, integrity, and usability of agency electronic records maintained in electronic information systems? (36 CFR 1236.10)

- ◉ Yes
- ○ To some extent
- ○ No
- ○ Do not know
- ○

Not applicable, please explain

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. Q37. Does your agency maintain an inventory of electronic information systems that indicates whether or not each system is covered by an approved NARA disposition authority? (36 CFR 1236.26(a))

○ Yes

◉ No, please explain

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The Tax Court has recently transitioned to new electronic financial and
case management systems. Records policy and training is in the process of
revision.
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○ Do not know

. Q38. Does your agency have a digitization strategy to reformat permanent records created in hard copy or other analog formats (e.g., microfiche, microfilm, analog video, and analog audio)?

○ Yes

◉ To some extent

○ No

○ Do not know

. Q39. Does your agency's email system(s) retain the intelligent full names in directories or distribution lists to ensure identification of the sender and addressee(s) for those email messages that are federal records? (36 CFR 1236.22(a)(3))

○ Yes

◉ No

○ Do not know

. Q40. What method(s) does your agency employ to capture and manage email records? (Choose all that apply)

- ☐ Captured and stored in an email archiving system
- ☐ Captured and stored in an electronic records management system
- ☑ Captured and stored as personal storage table (.PST) files
- ☐ Captured and stored using cloud services with records management included
- ☑ Captured and stored using cloud services but records management IS NOT included
- ☑ Print and file
- ☐ Not captured and email is managed by the end-user in the native system
- ☐ Other, please be specific:

Q41. What new method(s) to create and maintain data are being explored and/or employed by your agency that will impact records management? (Choose all that apply)

(For more information on these topics see: https://www.archives.gov/files/records-mgmt/policy/nara-cognitive-technologies-whitepaper.pdf.)

- ☐ Smart devices
- ☑ Sensors that collect and transmit data
- ☐ Geographic Information Systems
- ☐ Robotic Process Automation
- ☐ Software Robot or Bot
- ☐ Supervised Machine Learning
- ☐ Unsupervised Machine Learning
- ☐ Reinforced Machine Learning
- ☐ Standard Artificial Intelligence
- ☐ Open-source Artificial Intelligence
- ☐ Auto-classification
- ☐

Other, please be specific:

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☐ My agency is not exploring and/or employing new methods

. Q42. Please add any additional comments about your agency for Section III. (Optional)

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The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of
revision.
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.. **Click Next to save your current answers and move to Section IV: Access.**

Section IV: Access

Records support an agency's ability to carry out its business functions. Access to records means they remain usable, retrievable, and protected throughout their lifecycle. This section contains questions relating to the access and usability of records to conduct agency business in accordance with the appropriate transfer and disposition schedule and that ensures records are searchable, retrievable, and usable for as long as they are maintained in agency custody.

The following series of questions relates to the impact of the COVID-19 pandemic on access to records.

. Q43. Has the COVID-19 pandemic disrupted your agency's ability to access records?

○ Yes

◉ No

○ Do not know

. Q44. Please provide details on the impact of the COVID-19 pandemic and what your agency has done to mitigate the circumstances.

This question was not displayed to the respondent.

.. Click Next to save your current answers and move to Section IV: Access - Vital or Essential Records.

The following series of questions relates to Vital or Essential records.

Vital records* (also known as Essential Records) are records needed to meet operational responsibilities under national security emergencies or other emergency conditions (emergency operating records) or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records). (36 CFR 1223.2)

*pending updates to regulations, the Records Management Self-Assessment still uses this terminology

A program area is responsible for mission-related activities. An administrative area is responsible for activities not specific to the mission of the agency. (36 CFR 1220.34(d))

Q45. Has your agency identified the vital records of all its program and administrative areas? (36 CFR 1223.16)

*Components of departmental agencies may answer "Yes" if this is handled by the department.

◉ Yes
○ No
○ Do not know

. Q46. How often does your agency review and update its vital records inventory? (36 CFR 1223.14)

○ Annually
○ Biennially
○ Once every 3 years
◉ Ad hoc
○ Never
○ Do not know

. Q47. Is your vital records plan part of the Continuity of Operations (COOP) plan? (36 CFR 1223.14 and Federal Continuity Directive, Annex 1)

◉ Yes
○ No

○ Do not know

.. Click Next to save your current answers and move to Section IV: Access - Retrieval and Access.

The following questions relate to retrieval and access.

. Q48. Are records and information in your agency easily retrievable and accessible when needed for agency business? (36 CFR 1220.32(c))

◉ All records are easily retrieved and accessed when needed

○ Most records can be retrieved and accessed in a timely manner

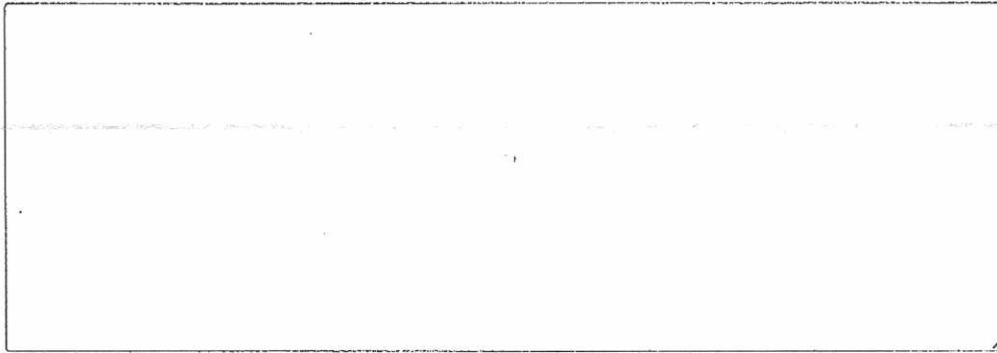○ Some records can be retrieved and accessed in a timely manner

○ No

○ Do not know

Q49. Does your agency ensure that records management functionality, including the capture, retrieval, and retention of records according to agency business needs and NARA-approved records schedules, is incorporated into the design, development, and implementation of its electronic information systems? (36 CFR 1236.12)

*Components of departmental agencies may answer "Yes" if this is handled by the department.

◉ Yes

○ No, please explain

○ Do not know

○

Not applicable, please explain

[text box]

.. **Click Next to save your current answers and move to Section IV: Access - Migration**

The following question relates to migration.

Migration is a set of organized tasks designed to achieve periodic transfer of digital materials from one hardware/software configuration to another, or from one generation of computer technology to a subsequent generation.

Metadata consists of preserved contextual information describing the history, tracking, and/or management of an electronic document. (36 CFR 1236.2)

. Q50. Does your agency have **documented and approved** procedures to enable the migration of records and associated metadata to new storage media or formats so that records are retrievable and usable as long as needed to conduct agency business and to meet NARA-approved dispositions? (36 CFR 1236.20(b)(6))

⊚ Yes
○ No
○ No, pending final approval
○ No, under development
○ Do not know

.. **Click Next to save your current answers and move to Section IV: Access - FOIA.**

The following questions are related to access to records under the Freedom of Information Act.

Agencies are required to have a Freedom of Information Act (FOIA) program (5 U.S.C. 552).

The ability to find records is essential for a successful FOIA program. The following questions related to your agency's FOIA program may require consultation with your agency's FOIA Officer.

*Please note that FOIA does not apply to Judicial Branch Agencies, as well as a few others. If FOIA does not apply to your agency, **please do not skip these questions**. Select the 'Not applicable' response provided.*

. Q51. Has the COVID-19 pandemic disrupted your agency's ability to respond to FOIA requests?

○ Yes

○ No

○ Do not know

◉ Not applicable, Judicial Branch Agency/FOIA does not apply

. Q52. Which of the following explains why FOIA has been impacted? (Choose all that apply)

This question was not displayed to the respondent.

. Q53. Which of the following actions did your agency's FOIA program take in response to the COVID-19 pandemic? (Choose all that apply) ("*Guidance for Agency FOIA Administration in Light of COVID-19 Impacts,*" DOJ, updated May 28, 2020, https://www.justice.gov/oip/guidance-agency-foia-administration-light-covid-19-impacts)

☐ Worked directly with requesters to tailor their requests for most efficient processing

☐ Posted a notice on the FOIA website informing requesters of most efficient way to make a request

☐ Posted a notice on the FOIA website informing requesters of any anticipated delays

☐ Included information about any anticipated delays in requester communication, including acknowledgment letters

☐ Used multitrack processing to further triage requests that could be processed more efficiently remotely

☐ Posted additional proactive disclosures for high public interest topics related to the COVID-19 pandemic

☐ Assessed technology to ensure most efficient administration of FOIA

☐ Other, please explain

☑ Not applicable, Judicial Branch Agency/FOIA does not apply

. Q54. Which of the following describes the working relationship between the Agency Records Officer and the Chief FOIA Officer? (Choose all that apply)

☐ Work together on Information Technology (IT) requirements that benefit both programs ·

- ☐ Coordinate search terms to identify responsive records
- ☐ Identify programs or offices most likely to have responsive records
- ☐ Work together on high-profile or complex FOIA requests
- ☐ Provide training on records management and FOIA to each other's staff
- ☐ Training programs include the importance and relationship between FOIA and records management
- ☐ Other, please explain

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- ☐ None of the above
- ☐ Not applicable, Agency Records Officer and the Chief FOIA Officer are the same person
- ☑ Not applicable, Judicial Branch Agency/FOIA does not apply

. Q55. Please add any additional comments about your agency for Section IV. (Optional)

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US Tax Court is exempt from Freedom of Information Request. See Byers v. US Tax Court, 211 F.Supp.3rd 240 (D.D.C.2016).
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.. **Click Next to save your current answers and move to Section V: Disposition.**

Section V: Disposition

This area is critical for successfully managing records. Agencies must follow the mandatory instructions contained in either agency-specific records schedules or the appropriate General Records Schedule to transfer permanent electronic records to NARA's legal custody. This section covers both creation and implementation of records schedules.

Records disposition refers to actions taken with regard to federal records that are no longer needed for current government business as determined by their appraisal pursuant to legislation, regulation, or

administrative procedure. Disposition is a comprehensive term that includes both destruction and transfer of federal records to the National Archives of the United States. (36 CFR Parts 1222, 1224, 1225 and 1226)

The next series of questions relates to your agency's efforts to schedule its records.

. Q56. When was the last time your agency submitted a records schedule to NARA for approval? (36 CFR 1225.10)

○ FY 2020 - 2021
○ FY 2018 - 2019
○ FY 2016 - 2017
○ FY 2014 - 2015
◉ FY 2013 or earlier
○ Do not know

Q57. Does your agency periodically review agency-specific records schedules to ensure they still meet business needs, to identify gaps that may indicate unscheduled records, or to make needed revisions?

Note: An agency-specific records schedule means it covers items that are not covered by the General Records Schedules (GRS).

◉ Yes
○ No
○ Do not know

. Q58. Does your agency have agency-specific records schedules currently in use that include items approved before January 1, 1990?

◉ Yes
○ No
○ Do not know

. Q59. Are you currently reviewing agency-specific records schedules with items approved before January 1, 1990, for updating and/or rescheduling? (36 CFR 1225.22)

◉ Yes, this is in progress
○ Yes, this has been completed
○ No, but are planning to do so
○ No, and have no plans to do so
○ Do not know

. Q60. Are records and information in your agency managed throughout the lifecycle [creation/capture, classification, maintenance, retention, and disposition] by being properly identified, classified using a taxonomy, inventoried, and scheduled? (36 CFR 1222.34, 36 CFR 1224.10, and 36 CFR 1225.12)

○ Yes

◉ To some extent

○ No

○ Do not know

. Q61. Does your agency disseminate *every* approved disposition authority (including newly approved records schedules and General Records Schedule items) to agency staff within six months of approval? (36 CFR 1226.12(a))

○ Yes

◉ No

○ Do not know

. Q62. Which of the following describes the disposition authority for email records being used by your agency? (Choose all that apply)

☐ GRS 6.1: Email Managed under a Capstone Approach; agency has an approved form NA-1005

☐ GRS 6.1: Email Managed under a Capstone Approach; agency does not have an approved form NA-1005

☐ Agency-specific email schedule

☐ Traditional records management (i.e., retention based on content, usually applied on an email-by-email basis, utilizing multiple NARA-approved disposition authorities)

☐ Email retention method has not been decided/scheduled by agency

☐ Do not know

☑ Other, please explain

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The Tax Court has recently transitioned to new electronic financial and
case management systems. Records policy and training is in the process of
revision.
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. Q63. Does the current NARA-approved form NA-1005 or agency-specific email schedule adequately reflect your existing organizational structure?

This question was not displayed to the respondent.

. Q64. Why does the email schedule not adequately reflect, or only to some extent reflect, your existing organizational structure? (Choose all that apply)

This question was not displayed to the respondent.

. Q65. Does your agency track changes in Capstone accounts to ensure they are accurate and complete?

This question was not displayed to the respondent.

. Q66. Please explain how your agency tracks changes to Capstone accounts. *(Be specific)*

This question was not displayed to the respondent.

.. Click Next to save your current answers and move to Section V: Disposition - Transferring Permanent Records.

The next series of questions relates to transferring permanent records.

. Q67. Did your agency transfer permanent non-electronic records to NARA during FY 2021? (36 CFR 1235.12)

○ Yes

◉ No

○ No - Transfers were impacted by the COVID-19 pandemic

○ No - No records were eligible for transfer during FY 2021

○ No - New agency, records are not yet old enough to transfer

○ No - My agency does not have any permanent non-electronic records

○ Do not know

○ Other, please explain

. Q68. Did your agency transfer permanent electronic records to NARA during FY 2021? (36 CFR 1235.12)

○ Yes

◉ No

○ No - Transfers were impacted by the COVID-19 pandemic

○ No - No electronic records/systems were eligible for transfer during FY 2021

○ No - New agency, electronic records/systems are not old enough to transfer

○ No - My agency does not have any permanent electronic records

○ Do not know

○ Other, please explain

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.. **Click Next to save your current answers and move to Section V: Disposition - Websites and Related Records.**

The next question relates to the management of websites and related records.

. Q69. Does your agency ensure that all records on agency websites are properly managed?

○ Yes

○ No

◉ Do not know

.. **Click Next to save your current answers and move to Section V: Disposition - Storage.**

The next series of questions relates to where your agency stores its inactive temporary and/or permanent records, regardless of format.

Commercial records storage facilities are private sector commercial facilities that offer records storage, retrieval, and disposition services.

An agency-operated records center is a records storage facility, operated by a federal agency and capable of storing more than 25,000 cubic feet of records. (36 CFR 1234)

. Q70. Does your agency store inactive temporary and/or permanent records in a commercial records storage facility?

◉ Yes

○ No

○ Do not know

. Q71. Has the facility been approved by NARA? (36 CFR 1234.30(a)(2)&(e))

◉ Yes

○ No

○ Do not know

. Q72. Does your agency store inactive temporary and/or permanent records in an agency-operated records center? (Note: This does NOT include agency staging areas and temporary holding areas.)

○ Yes

◉ No

○ Do not know

. Q73. Has the facility been approved by NARA? (36 CFR 1234.30(a)(1))

This question was not displayed to the respondent.

. Q74. Is your agency making plans to move records from an agency-operated records center to a commercial records storage facility?

This question was not displayed to the respondent.

. Q75. Is your agency making plans to move records from an agency-operated records center to a Federal Records Center before December 31, 2022?

This question was not displayed to the respondent.

. Q76. Please add any additional comments about your agency for Section V. (Optional)

The Tax Court has recently transitioned to new electronic financial and case management systems. Records policy and training is in the process of revision.

.. **Click Next to save your current answers and move to Section VI: Agency Demographics.**

Section VI: Agency Demographics

This section covers some basic demographic-type information needed for analysis of the data gathered by the Records Management Self-Assessment.

Q77. How many full-time equivalents (FTE) are in your agency/organization?

○ 500,000 or more FTEs

○ 100,000 – 499,999 FTEs

○ 10,000 – 99,999 FTEs

○ 1,000 – 9,999 FTEs

◉ 100 – 999 FTEs

○ 1 – 99 FTEs

○ Not Available

Q78. What other staff, offices, or program areas did you consult when you completed this self-assessment? (Choose all that apply)

☐ Senior Agency Official

☐ Office of the General Counsel

☐ Program Managers

☐ FOIA Officer

☐ Information Technology staff

☐ Records Liaison Officers or similar

☐ Administrative staff

☐

Other, please be specific:

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☐ None

Q79. How much time did it take you to gather the information to complete this self-assessment?

◉ Under 3 hours
○ More than 3 hours but less than 6 hours
○ More than 6 hours but less than 10 hours
○ Over 10 hours

Q80. Did your agency's senior management review and concur with your responses to the 2021 Records Management Self-Assessment?

○ Yes
◉ No
○ Do not know

Q81. Are you the Agency Records Officer?

◉ Yes
○ No

Q82. Please provide the Agency Records Officer's contact information.

This question was not displayed to the respondent.

Q83. Does your agency use your Records Management Self-Assessment scores to measure the effectiveness of the records management program?

☐ Yes

☒ No

☐ Do not know

☐ Comments (Optional): (Please include in your comments how you use the Records Management Self-Assessment.)

[blank text box]

Q84. Do you have any suggestions for improving the Records Management Self-Assessment next year?

No

.. Please REVIEW your agency's RMSA responses by hitting the "Back" button at the bottom of each page. If you wish to make any changes, you must do this before hitting the "Next" button below. This is your last opportunity to make changes before you submit your agency's response!

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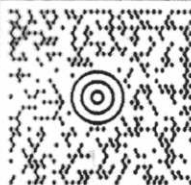
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