

# MEMORANDUM

June 25, 2020



U.S. DEPARTMENT  
OF HOUSING  
AND URBAN  
DEVELOPMENT

To: John N. Bobbitt  
Assistant Secretary for Administration, A1

From: Brian T. Pattison  
Assistant Inspector General for Evaluation, Office of Inspector General, G

Subject: HUD OIG Report: HUD PII Records Protection and Management, 2019-OE-0002a

We have completed our evaluation of key U.S. Housing and Urban Development (HUD) practices for identifying and protecting personally identifiable information (PII). The attached report summarizes our findings and conclusions. This evaluation was conducted in conjunction with FY 2019 Federal Information Security Act of 2014 (FISMA) evaluation 2019-OE-0002.

HUD had taken significant steps toward improving its management and protection of PII. HUD had initiated modernization projects designed to transition from manual to electronic processes; prohibited the removal of paper PII records from agency offices for telework purposes, improved training for agency records specialists, and revamped its records inventory processes. Notably, HUD had recently filled the long-vacant Chief Privacy Officer position.

However, HUD had not designated a Senior Agency Official for Records Management (SAORM) at the Assistant Secretary level as required by OMB, and was not meeting certain Federal requirements. HUD was not able to identify and inventory all PII, or search for or track PII. Recordkeeping practices and retention schedules were outdated, and HUD had not fully integrated the records program with risk management and information technology programs.

We are encouraged that HUD had begun addressing 38 open recommendations for improving its privacy and PII protection practices, which we provided in prior reports dating back to 2014. In this report, we provide 9 new recommendations. We urge HUD to develop a corrective action plan for each new recommendation and allocate the personnel and resources needed to make the recommended improvements and continue maturing these critical programs.

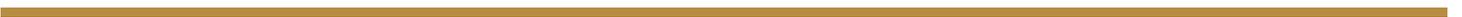
I appreciate the professional assistance your staff provided throughout the evaluation. If you have any questions, please contact Director John Garceau at 202-603-8410.

#### Attachments

Final Draft Report: HUD PII Records Protection and Management (2019-OE-0002a)

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**U.S. Department of Housing and Urban Development**

**Office of Inspector General**  
**Office of Evaluation**



**HUD PII Records Protection and  
Management**

Information Technology Evaluations Division



# Executive Summary

## HUD PII Records Protection and Management

Report Number: 2019-OE-0002a

June 24, 2020

### Why We Did This Evaluation

The U.S. Department of Housing and Urban Development (HUD) is responsible for managing and safeguarding the personally identifiable information (PII) of tens of millions of individuals.

We conducted this evaluation to assess HUD's current capabilities to properly manage and protect PII and to properly maintain paper and electronic PII records.

A number of statutes, regulations, Office of Management and Budget (OMB) memorandums, and National Institute of Standards and Technology guidance establish extensive requirements for agencies to inventory, label, track, minimize, and protect PII.

Various legislation and OMB guidance require inspectors general to determine the effectiveness of the PII and records management programs, including controls for protecting sensitive data.

Our previous evaluations of HUD's information technology, cybersecurity, and privacy programs found weaknesses in agency operations that directly affected the security of HUD data, including PII.

### Results of Evaluation

HUD had taken positive steps to improve its records management practices. It had initiated modernization efforts to transition paper-based processes to electronic processes, begun addressing and closing OIG privacy-related recommendations that had been open for several years, and developed a formal communications plan to increase program awareness. The records officer had increased and improved training for records specialists in program offices and was directing an extensive records inventory project. HUD had also recently filled the longstanding Chief Privacy Officer vacancy and was proceeding to appoint a Chief Data Officer.

However, HUD had not designated a Senior Agency Official for Records Management (SAORM) at the appropriate Assistant Secretary level as required by OMB. Positioning the SAORM at the proper level would improve HUD's ability to mature its records program and integrate records management with other key agency programs, such as enterprise risk management and information technology. HUD faced critical challenges in its efforts to properly manage and protect the billions of records in its possession that contain PII, specifically,

- HUD had not completed its inventory of all agency records.
- HUD had no capability to identify, inventory, and label PII data.
- HUD had not developed tools to search for electronic PII or to track and limit its access and dissemination.
- Records policies and many records retention schedules were outdated.
- Records personnel in program offices reported a lack of expertise and understanding of HUD policies and procedures.
- HUD faces challenges in meeting OMB deadlines for transitioning paper records and processes to electronic formats.

### Recommendations

Proper protection of PII requires a collaborative approach among key HUD programs and offices. It is critical that HUD leadership provide the necessary resources and its full support to effect needed improvements. We are encouraged that HUD had begun addressing 38 prior recommendations from our fiscal years 2014 and 2018 privacy evaluation reports. We have documented some of those key prior recommendations at the end of this report and provide nine additional recommendations designed to address HUD's most significant legal and regulatory obligations, along with other critical challenges laid out in this report.

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# Introduction

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## Objective

The objective of this evaluation is to assess the U.S. Department of Housing and Urban Development's (HUD) capability to identify and manage personally identifiable information (PII), in both electronic and paper form. This evaluation supplements our assessment of the fiscal year (FY) 2019 Federal Information Security Modernization Act of 2014 (FISMA) Data Protection and Privacy metrics.

## Background

HUD is entrusted with an extensive amount of sensitive information, including the personal information of tens of millions of individuals. We evaluated HUD's privacy program in 2014 and 2018 and have evaluated data protection and privacy metrics as part of our annual FISMA evaluations since 2018. These evaluations support our continued emphasis on evaluating HUD's managerial, technical, and operational controls for protecting its sensitive information.

As noted in our 2018 privacy program evaluation, it is imperative that the Senior Agency Official for Privacy (SAOP) and Chief Information Officer (CIO) collaborate to ensure that privacy protection requirements are built into the system development life cycle and the most effective technical protections are available to fully identify and protect the PII maintained by the agency. Similarly, the SAOP must work closely with the Senior Agency Official for Records Management (SAORM) and the enterprise risk officer to ensure that critical PII protection risks are quickly identified and elevated to senior leadership for proper prioritization of mission risks.

A number of statutes, regulations, and guidelines govern the treatment and handling of PII by Federal agencies as referenced in the body of the report. A collection of key criteria are also contained in appendix B.

## Scope and Methodology

We completed this evaluation under the authority of the Inspector General Act of 1978 as amended and in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency (January 2012).

### Scope

Prior OIG evaluations<sup>1</sup> have assessed HUD's privacy program in its entirety. For this evaluation, we narrowed our focus to assess HUD's current capabilities to identify, inventory, track, and

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<sup>1</sup> HUD Office of Evaluation Reports 2014-ITED-0001 and 2018-OE-0001: <https://www.hudoig.gov/library/audits-evaluations>

protect PII. We limited our assessment to specific records and privacy activities having the most direct impact on those capabilities.

We conducted the majority of the fieldwork for this evaluation during fiscal year 2019. We assessed policies, procedures, and practices at the enterprise level, as well as procedures and practices at the program and regional office level, to include the Philadelphia and Denver Home Ownership Centers (HOC).

## Methodology

To address our objective, we reviewed relevant statutes, regulations, and other documentation to determine criteria for the stated objective. We inspected agency policies and procedures and evaluated the level of understanding and implementation of these policies by agency components. We interviewed records and privacy program leadership and staff, as well as other officials from program and field offices. We obtained documentation directly from agency officials and from agency intranet and internet sites and issued a questionnaire to all program offices regarding practices related to the management of records including PII.

Specifically, we conducted the following activities:

- Reviewed primary statutes, regulations, and other documentation reflecting contemporaneous records and privacy requirements and guidance for Federal agencies.
- Inspected policies and procedures established by the HUD records and privacy programs. To obtain the latest policies and procedures, we
  - issued a document request (provided by client or PBC request),
  - obtained additional documentation through direct communication and follow-on action items resulting from discussions or interviews with agency personnel, and
  - inspected agency intranet and internet sites to access additional HUD guidance.
- Interviewed personnel at the headquarters level, as well as at select regional offices, select program offices, and a field office. To obtain a representative cross section of personnel with agency privacy and records responsibilities, we interviewed HUD privacy and records program leads, records management liaison officers (RMLO)<sup>2</sup>, privacy liaison officers, regional support staff personnel, and various program office representatives. The offices chosen represented those with direct responsibility for managing significant amounts of PII data, such as the HOCs, as well as those playing a records support role, such as regional support managers.
- Developed and issued a survey to all program offices and to the HUD records officer. This detailed survey requested answers to 45 questions regarding records and PII management practices within HUD. The survey received more than a 75 percent response rate, with responses from 25 HUD offices, representing a wide cross section of program and regional offices. It allowed for an assessment of the level of understanding

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<sup>2</sup> Program Offices designate RMLOs to coordinate records management activities at the program level and serve as liaisons between the agency records officer and program office officials regarding records management requirements.

by different agency components and personnel of key HUD privacy and records policies and procedures. The survey also assessed records management implementation practices by agency components. Appendix D contains the summarized results of our PII records survey.

Because the scope of this review was at the agency program level, we provided agency-level conclusions and recommendations.

### **Limitations**

- All PII survey results and numbers were self-reported by agency offices and not validated for accuracy by the Office of Inspector General (OIG). Approximately 25 percent of the offices surveyed did not provide a response, despite repeated attempts to obtain responses from those offices.
- We were not able to interview a Chief Privacy Officer (CPO), as the position was vacant.<sup>3</sup> The absence of a CPO was cited by HUD management as a reason for the deferral of many HUD privacy initiatives and decisions.

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<sup>3</sup> The CPO position was filled in September 2019.

# Findings

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## HUD Was Unable To Verify Its List of Information Systems

### Federally Mandated Requirements

To meet Federal records management requirements, agencies must maintain an inventory of their electronic information systems and conduct periodic reviews of the systems.<sup>4</sup> The review should determine whether the records have been properly identified and described and properly follow records retention requirements.

### State of HUD's Inventory of Information Systems

#### Incomplete Inventory of Information Systems

To properly manage its records and protect PII, an agency must be able to identify all of its information systems. As noted in our FISMA evaluations from 2014 to the present, HUD had not successfully established and verified a complete inventory of its information systems.

**A complete inventory of information systems is critical for identifying PII.**

In past reports, we have identified public-facing websites and systems not accounted for in HUD's official listing of systems<sup>5</sup> and found that HUD had not thoroughly documented its minor applications. In our survey conducted for this evaluation, only 9 of 25 HUD program offices reported that they maintained an inventory of electronic information systems.

HUD planned to refine a policy for maintaining an inventory of web applications and was working to properly document its minor applications. Without this policy update, HUD's inventory of information systems continued to be inconsistent.

### Corrective Actions

HUD's Office of the Chief Information Officer (OCIO) was working with program offices to ensure that all information systems were accounted for by developing standard procedures to validate system inventories on a recurring basis and reviewing their procedures for documenting and tracking minor applications. HUD can strengthen its program by continuing these efforts and working to ensure that all information systems are authorized by OCIO.

## HUD Lacked a Comprehensive Agency Records Inventory

### Federally Mandated Requirements

Agencies must ensure that all records, regardless of format or medium, are properly organized, classified, and described.<sup>6</sup> Agencies must also develop retention schedules for all records, have

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<sup>4</sup> 36 CFR (Code of Federal Regulations) 1236.26

<sup>5</sup> HUD Web Application Security, Report Number 2016-OE-0002. OIG discovered an official HUD web application that was unknown to OCIO and not authorized to operate. The application used an unapproved web domain.

<sup>6</sup> 36 CFR 1220.34

the schedules approved by the National Archives and Records Administration (NARA), and transfer permanent records to the National Archives when they reach their scheduled disposition date. To meet this requirement, agencies must complete a comprehensive inventory of all records maintained by the agency.

## **State of HUD's Records Inventory**

### **No Agencywide Records Inventory**

We determined that HUD had not completed an agencywide inventory of records. This finding is consistent with the latest available NARA inspection report, which stated that HUD's records inventories are outdated and incomplete or nonexistent.<sup>7</sup> However, the records officer had initiated a project to complete records inventories in all HUD offices, with a target completion date of September 30, 2020.

### **Incomplete Guidance for Conducting Records Inventories**

We found that HUD had not established an adequate process for conducting a records inventory. HUD Handbook 2228.1, Records Disposition Management, provides guidance for conducting inventories; however, the guidance was last updated in 1989 and focused on nonelectronic data.

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HUD had no enterprise records inventory but was working to finalize and issue guidance.

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The Handbook was amended to include a new records inventory form (HUD-67) created in June 2019; however, the Handbook itself had not been updated and still referenced an older records inventory form. In turn, the new form referenced guidance not established by HUD. For example, the form required designation of controlled unclassified information (CUI), but HUD had not issued CUI policy or procedures to identify and label CUI. Both inventory forms were still posted on HUD's intranet site, potentially causing further confusion. However, the Records Office had initiated extensive outreach and training opportunities for program offices and was providing guidance and instruction to ensure that all offices began the update or completion of their records inventories in accordance with current standards.

### **Inadequate Record Keeping**

NARA requires agencies to properly organize their records collections and document how the records are organized. NARA recommends using a file plan to meet this requirement and provides a file plan template to assist agencies.<sup>8</sup>

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<sup>7</sup> Department of Housing and Urban Development Records Management Program, Records Management Inspection Report, National Archives and Records Administration, October 25, 2018

<sup>8</sup> File plans designate the physical location of files and document the specific types of records, identification scheme, title or description, disposition authority, and custodial responsibility. A file plan facilitates the interaction between a records inventory and the records retention, protection, and disposition processes.

HUD had opted to use its retention schedules rather than file plans to organize and document its records collections. However, we found that HUD's retention schedules were inadequate for this purpose, and offices we interviewed did not acknowledge the use of retention schedules for record keeping. Many retention schedules had not been updated for several years.<sup>9</sup> They did not address all current records, addressed outdated media or referred only to paper files, did not identify PII, and were insufficiently detailed. HUD also had no retention schedule for email records, which has been required since 2016.<sup>10</sup>

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Many of HUD's records retention schedules had not been updated for decades.

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Additionally, our survey found that most HUD offices were unaware of their volume of records and were unsure whether their office stored records in commercial records centers or at a Federal records center. We also noted that several program offices were resistant to sending records to NARA in accordance with official disposition schedules, as was expressed by several regional support managers. These offices preferred to retain the records on site for ease of access, despite the official requirement to send them to NARA.

Without current schedules or file plans, HUD cannot ensure that all records are inventoried and scheduled. In its inspection report,<sup>11</sup> NARA recommended that HUD implement the use of file plans.

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HUD was working on retention schedule updates to submit for NARA approval.

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The HUD Records Office reported that it was revising retention schedules to resubmit to NARA for approval and implementing file plans. It was also updating guidance and developing procedures in support of the newer records inventory form and planned to establish formal mandatory processes for program offices to complete and maintain full inventories of both electronic and nonelectronic records.

### Corrective Actions

To meet Federal record-keeping requirements, HUD must complete its records schedules and guidance, finalize file plans and procedures for conducting records inventories, continue agency inventory efforts, and ensure that all offices comply with these requirements to complete a

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<sup>9</sup> HUD had submitted an updated retention schedule for NARA approval in 2016 but withdrew the schedule before approval due to gaps in coverage identified by HUD.

<sup>10</sup> HUD employs the Capstone approach for managing email records, but a NARA-approved schedule was not in place. Capstone allows an additional means of managing and scheduling email records in which final disposition is determined by the role or position of the account user, rather than the content of each individual email. Email within accounts designated as permanent (or other individual emails categorized as permanent, regardless of account status) is transferred to the legal custody of the National Archives, and email within accounts designated as temporary is eligible for eventual destruction. This process eliminates the email-by-email review by individual end users within agencies.

<sup>11</sup> Department of Housing and Urban Development Records Management Program, Records Management Inspection Report, National Archives and Records Administration, October 25, 2018

comprehensive records inventory for the agency. Until all offices develop complete records inventories, HUD will be unable to inventory all of its PII.

## HUD Was Not Able To Identify and Track Its PII

### Federally Mandated Requirements

The Privacy Act and National Institute of Standards and Technology (NIST) guidance clarify Federal requirements and best practices for identifying all PII within the agency’s purview and control, properly categorizing the PII, and controlling its access and use.<sup>12</sup>

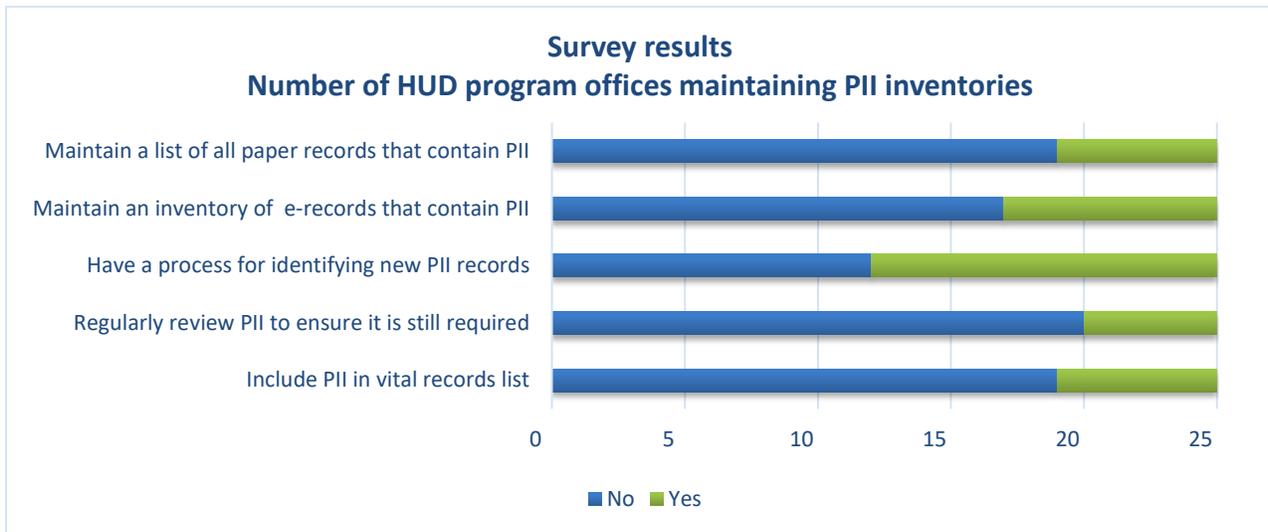
### State of HUD’s PII Inventory

#### HUD Lacked a PII Inventory

An organization cannot properly protect PII it does not know about.<sup>13</sup> As seen in figure 1, more than two-thirds of the 25 offices responding to our survey reported that they do not attempt to maintain PII inventories. Further, most offices do not regularly review PII to ensure that it is still needed, which would enable offices to meet Federal requirements to minimize the use of PII, and do not include PII in their vital records listings to ensure its protection in the event of disaster.

HUD was not able to locate and monitor all of the PII within its environment.

Figure 1 - Maintaining PII inventories



<sup>12</sup> Special Publication 800-122, Guide to Protecting the Confidentiality of Personally Identifiable Information (PII).

<sup>13</sup> Ibid.

### HUD Had No Process To Label Its PII

HUD had no procedures or mechanisms to label its PII in either electronic or paper form, which hindered its ability to inventory its PII.

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HUD had not established a CUI program as mandated by EO 13556.

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Executive Order (EO) 13556 directed agencies to establish a CUI program to better manage information that requires safeguarding or dissemination controls based on law and regulation.<sup>14</sup> The EO specifically requires agencies to identify and mark (label) their CUI so that they can properly handle and protect their sensitive information. CUI includes PII, and the requirements apply to all CUI in any format, whether or not the information is housed in an authorized information system.

HUD had not implemented a CUI program, which impeded HUD's ability to ensure that all of its sensitive data had been identified. Although some offices reported that they maintained PII inventories, the lack of any labeling process prevents the accurate identification of PII. While writing this report, we were informed that HUD had developed a draft CUI policy and expected to issue the policy in conjunction with formal records inventory policy and procedures.

### HUD Had No Capability To Search For or Track PII

HUD was not able to search across systems and electronic records to find all instances of PII. For example, HUD had no tools or processes to search unstructured electronic records, such as SharePoint libraries or common file server directories, to locate PII. Two offices reported that they had capabilities to search for and identify PII. However, the RMLOs were not able to describe what processes and tools enabled this search capability. The HUD Records Office reported that HUD does not have an enterprise solution to search for PII within its systems and that the use of tools to identify electronic PII will be part of a future strategic initiative, specifically Robotic Process Automation<sup>15</sup> (RPA).

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HUD had not yet deployed tools to detect and track movement of PII.

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Without proper labeling of PII data and technical tools to locate its PII, HUD was unable to track the movement of PII. HUD had no policy, procedures, or capability to monitor and track when PII is copied to another authorized or unauthorized location, such as a network share or to removable media. Additionally, HUD was unable to identify when PII was printed or stored on end-user devices such as laptops and workstations. While HUD had implemented a technical solution to encrypt all data copied to removable media, its policy did not limit removable media to agency-issued media or track the creation of copies.

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<sup>14</sup> EO 13556, Controlled Unclassified Information: <https://obamawhitehouse.archives.gov/the-press-office/2010/11/04/executive-order-13556-controlled-unclassified-information>

<sup>15</sup> According to the General Services Administration's RPA playbook at <https://tech.gsa.gov/playbooks/rpa/>, RPA is a business process automation technology that automates manual tasks that are largely rules based, structured, and repetitive, using software robots, also known as bots. RPA tools map a process for a robot to follow, which allows the bot to operate in place of a human.

HUD was also unable to detect or monitor unauthorized transmission or sharing of PII outside the agency. The exfiltration of data is an additional concern, as HUD's data loss prevention solution is limited to the detection and encryption of email containing Social Security numbers.

With respect to paper records, HOC<sup>16</sup> staff members reported that they transported case files containing PII to their residences for telework purposes. The HOCs were tracking when employees signed out and returned files containing PII but could not determine whether files had been removed from agency facilities. Following our fieldwork, HUD drafted a formal memorandum that would prohibit the removal of paper records containing PII from agency offices. The memorandum was in the HUD approval process at the time of our evaluation work.

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HUD will no longer allow personnel to take home paper files containing PII.

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HUD also reported that each HOC independently developed many of its own records management procedures, leading to inconsistent handling of HOC records. However, the HOCs were working to develop standard operating procedures and were engaged in an information technology (IT) modernization project designed to eliminate the use of paper records.

### **Corrective Actions**

HUD should prioritize and support the issuance of formal guidance for completing records and PII inventories and ensure compliance by all offices. Concurrently, HUD should issue CUI guidance and implement records classification and labeling processes to integrate with the PII inventory process. Finally, once all PII is identified, classified, and properly labeled, HUD should prioritize the development of technical tools and processes to properly control and track access to PII and monitor its movement at all times. An overall goal should also be to continuously assess the need of each instance of PII and minimize the PII footprint within HUD.

## **HUD Faced Challenges In Meeting OMB Requirements For Electronic Records**

### **Federally Mandated Requirements**

OMB Memorandum M-19-21 requires agencies to transition all records to electronic format. NARA will stop accepting paper-based records at the end of 2022.

*“The Federal Government spends hundreds of millions of taxpayer dollars and thousands of hours annually to create, use, and store Federal records in analog (paper and other non-electronic) formats,” the memorandum states. “Maintaining large volumes of*

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<sup>16</sup> HOCs insure single-family Federal Housing Administration mortgages and oversee the selling of HUD homes. HUD has four HOCs, which are located in Atlanta, Denver, Santa Ana, and Philadelphia.

*analog records requires dedicated resources, management attention, and security investments that should be applied to more effectively managing electronic records.”<sup>17</sup>*

OMB set deadlines for agencies to begin maintaining permanent records in electronic format and to either stop creating temporary records in paper form or convert temporary paper records into electronic form for storage purposes. Agencies must also establish, maintain, and follow NARA-approved retention schedules. The specific timeframes and requirements for OMB M-19-21 are outlined in appendix B.

### **State of HUD’s Readiness To Transition to Electronic Records**

HUD is at risk of not meeting key Federal records transition deadlines OMB has set for 2020 and 2022, which could result in significant unplanned costs. HUD had not prepared an enterprise strategy and faced several transition challenges, which are discussed below.

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OMB requires agencies to transition paper records to electronic over the next 2 years.

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### **Insufficient Strategic Planning**

In its Federal Agency Records Management 2018 Annual Report, NARA recommended that SAORMs strategically plan their programs to implement the goals set out in M-19-21. HUD had not developed an enterprise strategy or plan to coordinate its records transition initiative across the agency. Individual offices were developing transition plans and receiving support from the records officer, who also reported significant cooperation with OCIO on transition activities. Fully transitioning to electronic records involves all offices, programs, and business functions. Without an enterprise strategy, it will be a challenge for HUD to meet all OMB requirements.

### **Incomplete Records Inventory**

To meet the OMB deadlines, HUD must complete an inventory of all records in all formats to allow a full transition to an electronic format. In addition to the inventory findings noted above, our survey indicated that most HUD offices were unaware of their current volume of records and in many cases, unsure of their location. At the time of this review, efforts were underway to identify and document records volumes in both paper and electronic formats. However, the varying levels of expertise among records staff contributed to instances of undocumented and untracked records.

### **Legacy System Limitations**

We found that some of HUD’s legacy systems lacked the capability to accept and process electronic records. In these cases, HUD still requires its business partners to submit paper records via traditional mail. HUD had undertaken modernization initiatives to upgrade legacy systems and automate current paper-based processes. To succeed, these

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HUD requires modern systems to process electronic records.

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<sup>17</sup> OMB Memorandum M-19-21, Transition to Electronic Records, June 28, 2019: <https://www.whitehouse.gov/wp-content/uploads/2019/06/M-19-21.pdf>

initiatives will require continued support and an integrated approach between the OCIO and program offices.

### **Outdated Records Retention Schedules**

As noted above, many of HUD's retention schedules were outdated and inaccurate. Without current schedules, HUD cannot ensure that it has identified all records or ensure that permanent records have been identified for proper retention. HUD also did not meet OMB's requirement to further update schedules as business practices transition to electronic workflows.

### **Corrective Actions**

To enable the transition to electronic records, HUD should develop an enterprise plan that is given high priority and championed by executive leadership. Planned initiatives should include issuing final guidance and mandating the completion of records inventories; updating all retention schedules; and addressing retention and storage procedures for all records, regardless of format or medium. Once this is achieved, HUD can work to apply NARA-approved schedules and transfer documents accordingly.

## **HUD Had Critical Records Program Governance Weaknesses**

### **Federally Mandated Requirements**

The Federal Records Act (44 U.S.C. (United States Code) chapters 21-35), NARA regulations (36 CFR (Code of Federal Regulations) chapter XII, subchapter B), and various OMB memorandums require agencies to establish and prioritize enterprise records management programs consistent with all Federal records guidance. Critical requirements include

- Assigning records management responsibility to a person and office with the appropriate authority to coordinate and oversee a comprehensive agency records management program. OMB M-19-21 reiterated the requirement to formally designate a SAORM at the Assistant Secretary level with direct responsibility to ensure that the agency complies with all applicable records management statutes, regulations, and policy.
- Issuing, maintaining, and communicating a records policy, including objectives, responsibilities, and authorities for the records management program, which addresses all records management requirements established by OMB, NARA, or other authorities.
- Providing guidance and annual training to all personnel on their records management responsibilities in law, regulation, and policy and providing specialized training to personnel with specific records management responsibilities.
- Conducting formal evaluations to measure the effectiveness of records management programs and practices and ensuring compliance with all requirements.

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Agencies must formally designate a Senior Agency Official for Records Management at the Assistant Secretary level.

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## **State of HUD's Records Program Governance**

### **HUD's SAORM Is Not at the Proper Organizational Level**

HUD had designated a SAORM but not at the Assistant Secretary level or equivalent as required by OMB. HUD's records program was also not fully integrated with the HUD privacy, IT, and risk management programs. While efforts have been made in the past 2-3 years to better integrate these functional areas, these efforts have been hampered by organizational restructuring and leadership changes.

Notably, the records officer has recently initiated several collaborative projects with assistance from the SAORM, Privacy Office, OCIO, Enterprise Risk Management office, and some program offices. Prioritizing these initiatives at the Assistant Secretary level will allow these and other records management efforts to move forward. Without this support, it will be difficult for HUD to effect significant change and mature its records program.

### **Outdated Records Management Policy**

HUD had issued a records management policy directive in the form of a Records Management Handbook in 1989; however, the policy had not been updated. We found that 14 of 25 RMLOs were unable to identify specific HUD guidance used to ensure that the agency meets NARA requirements. At the time of this report, HUD was updating the Handbook and expected to issue improved guidance. HUD had also informally issued updated guidance for key records requirements, such as completing privacy impact assessments (PIA) and conducting records inventories.

Failure to update its formal policy has direct consequences on HUD's ability to meet current Federal requirements, such as maintaining complete records and PII inventories, transitioning to electronic records, and ensuring program office compliance and accountability. Maintaining and evolving its records policies would support HUD's efforts to mature and integrate the records management program with other key agency programs, including privacy, IT, and risk management.

### **Training Challenges**

NARA recently determined that HUD did not ensure that all personnel completed records management training as required and that some program offices were unaware that all new employees must complete the training within 30 days.<sup>18</sup> HUD also did not properly administer specialized, or role-based, training for specific groups, such as RMLOs, senior officials, IT staff, and contractors, as required by NARA Bulletin 2017-01.<sup>19</sup> Proper specialized training is a key foundation of an effective program.

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<sup>18</sup> Department of Housing and Urban Development Records Management Program, Records Management Inspection Report, National Archives and Records Administration, October 25, 2018

<sup>19</sup> NARA Bulletin 2017-01, Agency Records Management Training Requirements: <https://www.archives.gov/records-mgmt/bulletins/2017/2017-01-html>

RMLOs do not report to the HUD records officer, and our survey found that a large number (11 of 25) of RMLOs were not aware of their assigned roles, did not understand the RMLO role, or were not fulfilling the requirements of the role. For example, some RMLOs referred OIG to program offices for information regarding the records inventory process. HUD had not established a standard performance plan element for records personnel in the program offices.

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The records officer has prioritized the training of records specialists.

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Based on responses provided to our survey, RMLOs indicated a need for better records management knowledge and an understanding of records management roles, job requirements, and responsibilities. The HUD records officer has been making a concerted effort to address this problem through an aggressive training schedule across the program offices.

### Staffing Challenges

The HUD records officer had five direct staff members tasked with handling all enterprise records activities and oversight. However, two of the five were each assigned full time to enterprise projects (forms management and developing a CUI program) and were unavailable for records management duties. This left two staff members to address the workload associated with evaluations, corrective actions, policy, training, and oversight and support of RMLOs and field personnel and another staff member to address all operational records management activities.

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HUD had limited staff resources for its Records Office and agency records program.

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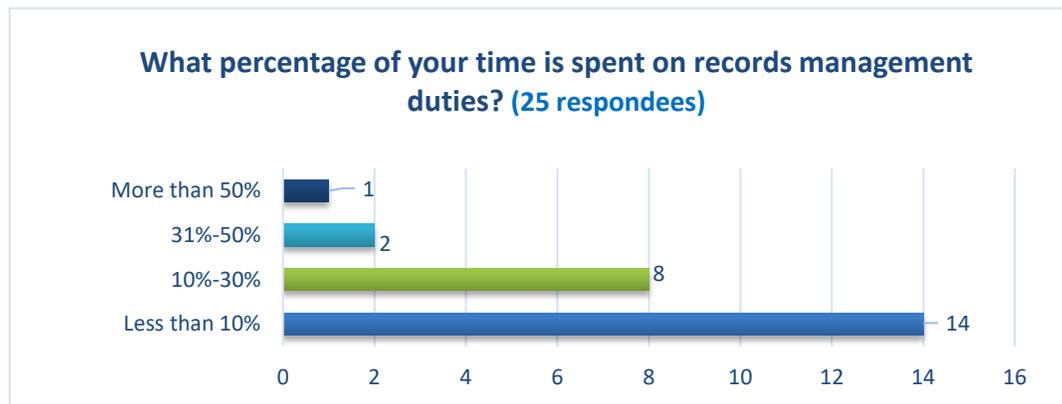
The Records Office was also supported by program office RMLOs. However, only one RMLO reported performing records management duties more than 50 percent of the time. (See figure 2.) Further, 22 of 25 RMLOs stated that they spent 30 percent or less of their time on RMLO duties and were, therefore, not fully engaged in that role. Significantly, 14 of these 22 spent less than 10 percent of their time on RMLO duties. We also noted that certain key offices, some of which can be presumed responsible for significant volumes of PII, were not represented on HUD's listing of RMLOs.<sup>20</sup>

The Records Office had conducted various analyses of workloads, roles, and responsibilities; however, HUD had not conducted a formal staffing resource assessment to identify skill gaps or resource needs for the records program.

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<sup>20</sup> For example, the listing provided did not include the Office of the Chief Human Capital Officer, which would be expected to maintain significant amounts of PII.

Figure 2 – RMLOs – time committed to records duties



### No Formal Evaluations of the Records Management Program

According to NARA, HUD was not conducting formal program evaluations to measure the effectiveness of the records management program and practices as required by regulation.<sup>21</sup> However, the Records Office was developing an evaluation program and had begun to apply performance measures in support of its annual assessments and its reporting dashboard process.

### Corrective Actions

HUD should designate an SAORM at the Assistant Secretary-equivalent level, update its records management policies, continue improving administration and implementation of its records training program, and implement formal recurring evaluations of its records program to ensure continuous improvement.

## Recommendation(s)

We concluded that HUD was taking steps to better manage and protect its PII and records in general. However, critical program governance and operational weaknesses continued, and HUD was failing to meet certain Federal records management requirements.

The records officer possesses a high level of expertise and has been working efficiently and effectively to mature the program and meet Federal requirements but has limited resources available. Adequate support for the records program is essential for the agency to meet its legal and regulatory obligations, mature the program, and transition to efficient, cost-saving electronic records management. HUD manages more than 1 billion records containing the PII of individuals.<sup>22</sup> Until HUD's executive leadership designates a SAORM at the proper level and

<sup>21</sup> 36 CFR 1220.34(j)

<sup>22</sup> As reported by HUD program offices to OIG during its 2018 HUD privacy program evaluation

prioritizes the maturing of the records program and its integration with other programs, HUD's inadequate management of PII will continue to impose unacceptable and unnecessary risks to HUD and to the public.

It is critical that HUD develop the capability to identify, label, and inventory all of its PII; restrict access to PII; and control and monitor any dissemination of PII. HUD must be able to account for all instances of PII in all locations before it can properly protect this sensitive information and minimize the potential risk of its compromise. The records officer has prioritized and initiated the development of records and PII inventories. Success in this effort should provide a key foundation for maturing the HUD records program.

We are especially concerned that HUD had not addressed several of our prior recommendations dealing with the management and control of PII. These open recommendations focus on HUD's longstanding absence of basic records and PII inventories, as well as its inability to label and track the movement of sensitive information, including PII. Many of these recommendations have been open for several years, some of which are listed in figure 3.

**Figure 3 – Critical open recommendations from prior reports**

Report number	Report name	Rec	Description	Status
2014-ITED-0001	Privacy Program	7	Issue a formal directive requiring timely research and feedback by the Program Offices to the Privacy Office to ensure completion of the PII inventory; hold managers accountable for timely response by their office.	Open
2014-ITED-0001	Privacy Program	8	Develop or procure, and implement, a solution that enables scanning and detection of PII on any and all network and computer resources.	Open
2014-ITED-0001	Privacy Program	21	Establish a repeatable process, including a master repository, to ensure collection and maintenance of accurate PII inventory data.	Open
2014-OE-0003	FISMA 2014	8	Complete and maintain an accurate inventory of HUD information systems, to include General Support Systems (GSS), major applications, and minor applications, and ensure Minor Applications are documented within GSS or major application systems.	Open
2015-OE-0001	FISMA 2015	5	Develop procedures for and resource the DLP [data loss prevention] solution to properly utilize the capability of identifying and preventing PII from being released outside the agency.	Open
2015-OE-0001	FISMA 2015	15	Update policy and procedures to require that system owners conduct an annual system inventory validation.	Open
2016-OE-0002	Web Application	1	We recommend that OCIO develop and maintain a formal and comprehensive inventory of web applications and services. In addition to technical details regarding each application and site, the	Open

			inventory should identify <ul style="list-style-type: none"> <li>- application owners</li> <li>- which applications are public facing and contain PII or sensitive information</li> <li>- system interfaces with each application to include the application hosting information.</li> </ul>	
2016-OE-0002	Web Application	2	We recommend that HUD annually validate the accuracy of its web application inventory through confirmation from program offices and automated discovery scans. (relates to web app rec #1)	Open
2018-OE-0001	Privacy Program	20	Develop the technical capability to identify, inventory, and monitor the existence of PII within the HUD environment.	Open
2018-OE-0001	Privacy Program	21	Develop and implement a process to inventory all agency PII holdings not less than annually. [dependent upon completion of recommendation 20]	Open
2018-OE-0003	FISMA 2018	1	HUD OCIO should develop a policy that: <ul style="list-style-type: none"> <li>a. Defines how it will inventory web applications</li> <li>b. Includes how stakeholders must report the use of public-facing web applications</li> </ul>	Open

In addition to our request that the agency address 11 prior recommendations listed in figure 3, we have provided 9 new recommendations to address our findings:

## Recommendations

1. *Designate a Senior Agency Official for Records Management at the Assistant Secretary level or its equivalent.*

To meet Federal requirements and to enable HUD to prioritize resources to address any risks posed by its records and PII protection practices, it is important to designate the SAORM at the executive leadership level. At this level, the SAORM will also be better positioned to champion records privacy initiatives and promote the integration of records program activities with other enterprise programs, such as the IT and enterprise risk management programs.

2. *Update and issue formal agency records policy, including detailed procedures and requirements for completing and maintaining program office and agencywide inventories of systems, records, and PII.*

HUD's lack of current policy has impacted its ability to establish formal requirements and to provide guidance to offices on their records obligations. We recognize that the records officer has initiated an extensive training and outreach program to guide all offices on the development of records inventories. We encourage executive leadership to fully support and fast-track the issuance or updates of any policies that will bolster this significant effort and to support all additional policy creation or updates that are required for the records program to meet Federal requirements.

3. *Update and obtain final NARA approval of all HUD records retention schedules, including the Capstone email schedule, to comply with Federal requirements, including OMB M-19-21.*

NARA had reported its concern regarding HUD's outdated records retention schedules. We restate that concern and issue this recommendation to ensure compliance with and incorporation of recently issued OMB requirements. We further encourage executive leadership to recognize the labor-intensive nature of this effort and the need for full cooperation from all program offices, in particular the RMLOs in each office.

4. *Develop and approve an enterprise strategy to meet all OMB Memorandum M-19-21 electronic transition requirements.*

Failure to plan the initiatives and resources necessary to meet the requirements imposed by OMB M-19-21 could result in significant unplanned costs to HUD in the immediate future. NARA will no longer accept paper records for retention, and agencies are required to transition to electronic record keeping. It is essential that HUD components collaborate to develop an integrated transition strategy.

5. *Issue a formal policy and requirements for managing CUI.*

HUD is failing to meet a key records management obligation by not establishing a CUI program and properly marking and handling CUI data, including PII.

6. *Establish and disseminate a policy on safeguarding or prohibiting the transportation of PII records out of the office for telework purposes.*

At the time of this report, HUD had drafted a policy to prohibit employees from removing paper PII records from agency offices for any reason, including telework. It is essential that HUD finalize and issue this policy to meet its obligation to properly protect this PII.

7. *Complete the development of performance measures and establish a formal records evaluation process to measure the effectiveness and progress of the records management program.*

NARA recommended that HUD develop and implement processes to conduct evaluations of the records management programs in its program and regional offices. We also recommend that HUD establish specific metrics that will enable the records program to assess the effectiveness and progress of the program in each office.

8. *Standardize processes and duties for all RMLOs.*

During our evaluation, many employees in multiple offices reported uncertainty of their records management roles and responsibilities. Standardized processes and duty descriptions for

RMLOs will help alleviate the uncertainty and enable the agency records officer to establish repeatable processes and build program efficiencies.

9. *Conduct a staffing resource assessment for the HUD records program and identify any skills gaps or resource needs.*

Properly staffing and allocating resources within the records program will promote efficiency and ultimately provide cost savings to the agency. The records officer had conducted various analyses of workloads, roles, and responsibilities; however, HUD management had not sanctioned a formal staffing resource assessment to identify any skills gaps or resource needs for the records program.

# Agency Comments and OIG Response

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## Summary of Office of Administration Comments

The Office of Administration has reviewed the report and elected to provide no management comments to the OIG.

## OIG Response to Office of Administration Comments

The Office of Evaluation will work with HUD officials to put in place corrective action plans that address the recommendations provided in this report. Until the plans are in place, the status of the recommendation will remain Unresolved Open.



# Appendixes

## Appendix A – Summary of Recommendations

OIG report	No.	Recommendation	Status
<b>Report Number: 2019-OE-0002a</b>  <b>HUD PII Records Management</b>	1	Designate a Senior Agency Official for Records Management at the Assistant Secretary level or its equivalent.	Unresolved Open
	2	Update and issue agency formal records policy, including detailed procedures and requirements for completing and maintaining program office and agencywide inventories of systems, records, and PII.	Unresolved Open
	3	Update and obtain final NARA approval of all HUD records retention schedules, including the Capstone email schedule, to comply with Federal requirements, including OMB M-19-21.	Unresolved Open
	4	Develop and approve an enterprise strategy to meet all M-19-21 electronic transition requirements.	Unresolved Open
	5	Issue a formal policy and requirements for managing CUI.	Unresolved Open
	6	Establish and disseminate a policy on safeguarding or prohibiting the transportation of PII records out of the office for telework purposes.	Unresolved Open
	7	Complete the development of performance measures and establish a formal records evaluation process to measure the effectiveness and progress of the records management program.	Unresolved Open
	8	Standardize processes and duties for all RMLOs.	Unresolved Open
	9	Conduct a staffing resource assessment for the HUD records program and identify any skills gaps or resource needs.	Unresolved Open

## Appendix B – Key Federal PII and Records Criteria

### **The Privacy Act of 1974, 5 U.S.C. 552a, as Amended by the Computer Matching and Privacy Protection Act of 1988**

The Privacy Act imposes various requirements for Federal agencies whenever they collect, create, maintain, and distribute records (as defined in the Act and regardless of whether they are in hardcopy or electronic format) that can be retrieved by the name of an individual or other identifier (as amended by the Computer Matching and Privacy Protection Act of 1988).

Broadly stated, the purpose of the Privacy Act is to balance the government’s need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from Federal agencies’ collection, maintenance, use, and disclosure of personal information about them. The Act focuses on four basic policy objectives:

- (1) to restrict disclosure of personally identifiable records maintained by agencies;
- (2) to grant individuals increased rights of access to agency records maintained on themselves;
- (3) to grant individuals the right to seek amendment of agency records maintained on themselves upon showing that the records are not accurate, relevant, timely, or complete; and
- (4) to establish a code of “fair information practices.” This requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records.

The Act requires agencies to collect only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive order of the President. Agencies are required to protect this information from any anticipated threats or hazards to their security or integrity, which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained, and must not disclose this information except under certain circumstances.

The information collected is considered a record under the Privacy Act if it is an item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to his education, financial transactions, medical history, and criminal or employment history, and that contains his name or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

When an agency has a group of any records under its control from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual, the agency has a Privacy Act system of records. The Privacy Act requires that a public notice, commonly referred to as a system of records notice (SORN), be published in the Federal Register that describes the existence and character of the system of records. In addition, the Privacy Act requires SORNs to include

- the name and location of the system;
- the categories of individuals on whom records are maintained in the system;
- the categories of records maintained in the system;
- each routine use of the records contained in the system, including the categories of users and the purpose of such use;
- the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
- the title and business address of the agency official responsible for the system;
- the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;
- the agency procedures whereby an individual can be notified at his request on how he can gain access to any record pertaining to him contained in the system of records and how he can contest its content; and
- the categories of sources of records in the system.

### **Federal Information Security Modernization Act of 2014**

Under FISMA, agency heads are responsible for providing information security protections commensurate with the risk and magnitude of harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems.

FISMA requires each Federal agency to provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or source. Relative to the protection of privacy information, an effective information security program should include

- periodic assessments of risk;
- policies and procedures that are based on risk assessments, cost-effectively reduce security risks to an acceptable level, and ensure that information security is addressed throughout the life cycle of each information system;
- security awareness training to inform personnel of the information security risks associated with their activities and their responsibilities in complying with organizational policies and procedures designed to reduce these risks;
- periodic (at least annual) testing of the effectiveness of policies, procedures, practices, and controls;
- a process for planning, implementing, evaluating, and documenting remedial actions to address deficiencies; and
- procedures for detecting, reporting, and responding to security incidents.

### **OMB Memorandum M-16-24**

Role and Designation of Senior Agency Officials for Privacy – provides the authority and responsibilities of the Senior Agency Official for Privacy (SAOP) and lays out requirements for

agencies to identify and plan for the financial, human, information, and infrastructural resources necessary for the position to carry out the privacy-related functions described in law and OMB policies.

**OMB Memorandum M-19-21**

Transition to Electronic Records – directs agencies to transition record keeping to a fully electronic environment that complies with all records management laws and regulations. Agencies must manage all permanent records in electronic format by December 31, 2019, to the fullest extent possible, for eventual transfer and accessioning by NARA in an electronic format.

2019 Requirements for **Permanent** Electronic Records Management

- Ensure that all Federal records are created, retained, and managed in electronic formats with appropriate metadata.
- Develop plans to close agency-operated storage facilities for paper and other analog records.
- Transfer those records to Federal Records Centers operated by NARA or commercial storage facilities.
- Designate a Senior Agency Official for Records Management (SAORM), who is at the Assistant Secretary level or equivalent.

2020 Requirements and Beyond for **Temporary** Electronic Records Management

Deadline	Requirement
<p style="text-align: center;"><b>By December 31, 2022</b></p>	<ul style="list-style-type: none"> <li>• All temporary records in Federal agencies are managed electronically to the fullest extent possible.</li> <li>• All agencies close agency-operated records storage facilities and transfer inactive, temporary records to Federal Records Centers or commercial records storage facilities.</li> </ul>
<p style="text-align: center;"><b>After December 31, 2022</b></p>	<ul style="list-style-type: none"> <li>• All agencies are required to transfer permanent records to NARA in electronic formats and with appropriate metadata.</li> </ul>

<b>Beginning January 1, 2023</b>	<ul style="list-style-type: none"> <li>• All other legal transfers of permanent records must be in electronic format, to the fullest extent possible, regardless of whether the records were originally created in electronic formats.</li> <li>• Digitize permanent records in analog formats before transfer to NARA.</li> </ul>
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Additional Requirements

Federal agencies must maintain robust records management programs that comply with the Federal Records Act and its regulations. Agencies are required to continually

- manage records by NARA-approved records schedules;
- ensure that NARA-approved records schedules are updated as business practices transition to electronic workflows; and
- inform all agency personnel of their records management responsibilities in law, regulation, and policy annually and provide training specific to the practices and policies of the organization.

**NIST Special Publication 800-122**

Guide to Protecting the Confidentiality of Personally Identifiable Information (PII) – provides guidance for implementing a risk-based approach to protect PII in the context of information security. It recommends a process that involves identifying the PII that an agency holds, classifying the PII by confidentiality impact level, and providing safeguards based on the confidentiality impact level. It also provides recommendations for incident response plans.

**OMB Memorandum M-06-16**

Protection of Sensitive Agency Information – includes a checklist for agency use for protecting PII that is remotely accessed or transported outside the agency. The checklist is based on NIST Special Publications 800-53, Recommended Security Controls for Federal Information Systems, and 800-53A, Guide for Assessing the Security Controls in Federal Information Systems (Second Public Draft). In addition, M-06-16 recommends the encryption of all data on mobile computers or devices that carry sensitive data, two-factor authentication for remote access, “time-out” functions for remote access and mobile devices, and the logging of all computer-readable data extracts from databases containing sensitive information.

**OMB Memorandum M-03-22**

OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002 – provides information to agencies on implementing the privacy provisions of the E-Government Act of 2002, particularly Section 208. The guidance requires agencies to conduct reviews of

how IT is used to collect information about individuals or when agencies develop or buy new IT systems to handle collections of IIF (information in an identifiable form).

This memorandum defines a PIA as an analysis of how information is handled (1) to ensure that handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; (2) to determine the risks and effects of collecting, maintaining, and disseminating information in identifiable form in an electronic information system; and (3) to examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks. PIAs must analyze and describe the following:

- what information is to be collected (for example, nature and source);
- why the information is being collected (for example, to determine eligibility);
- intended use of the information (for example, to verify existing data);
- with whom the information will be shared (for example, another agency for a specified programmatic purpose);
- what opportunities individuals have to decline to provide information (such as when providing information is voluntary) or to consent to particular uses of the information (other than required or authorized uses) and how individuals can grant consent;
- how the information will be secured (for example, administrative and technological controls);
- whether a system of records is being created under the Privacy Act, 5 U.S.C. 552a; and
- what choices the agency made regarding an IT system or collection of information as a result of performing the PIA. PIAs must also be approved by a “reviewing official” and be made publicly available to the extent that they do not contain classified or sensitive information or raise security concerns.

### **NIST Special Publication 800-53, Revision 4, Appendix J**

Security and Privacy Controls for Federal Information Systems and Organizations (Appendix J, Privacy Control Catalog) – provides a structured set of privacy controls based on best practices; establishes a linkage between privacy and security controls for purposes of enforcing privacy and security controls, which may overlap in concept and implementation; demonstrates the applicability of the NIST Risk Management Framework in the selection, implementation, assessment, and ongoing monitoring of privacy controls; and promotes closer cooperation between privacy and security officials within the Federal Government to help achieve the objectives of senior leaders and executives in enforcing the Federal privacy requirements. Controls are structured similarly to the security controls within Special Publication 800-53 and are intended for use primarily by the agency SAOP and CIO. Controls in the appendix are based on the Fair Information Practices Principles embodied in the Privacy Act of 1974, Section 208 of the E-Government Act of 2002, and the OMB policies described above.

**44 U.S.C., Chapter 31, Parts 3101-3107**

Establishes responsibility of agency heads for establishing a records management program that properly creates, preserves, and protects the records of the agency. Many primary records management requirements are found in the NARA regulations.

**36 CFR, Chapter XII, Title 36, Subchapter B – Records Management (Parts 1220-1239)**

NARA regulations provide a comprehensive set of guiding regulations for Federal agencies to apply when creating, identifying, managing, protecting, preserving, and disposing of Federal records.

**NARA Bulletin 2017-01**

Agency Records Management Training Requirements – provides specific minimum records training every agency must provide to all agency personnel. Such training must be provided within the first 60 days of employment and annually thereafter. The annual training requirement established by this bulletin was later reinforced with a similar requirement stated in OMB Memorandum M-19-21.

## Appendix C – Acronyms

ACRONYM	DEFINITION
<b>CFR</b>	Code of Federal Regulations
<b>CIO</b>	Chief Information Officer
<b>CPO</b>	Chief Privacy Officer
<b>CUI</b>	controlled unclassified information
<b>EO</b>	executive order
<b>FISMA</b>	Federal Information Security Modernization Act of 2014
<b>FY</b>	fiscal year
<b>HOC</b>	Home Ownership Center
<b>HUD</b>	U.S. Department of Housing and Urban Development
<b>IT</b>	Information technology
<b>NARA</b>	National Archives and Records Administration
<b>NIST</b>	National Institute of Standards and Technology
<b>OCIO</b>	Office of the Chief Information Officer
<b>OIG</b>	Office of Inspector General
<b>OMB</b>	Office of Management and Budget
<b>PIA</b>	privacy impact assessment
<b>PII</b>	personally identifiable information
<b>POC</b>	point of contact
<b>RMLO</b>	records management liaison officer
<b>RPA</b>	robotic process automation
<b>SAOP</b>	Senior Agency Official for Privacy
<b>SAORM</b>	Senior Agency Official for Records Management
<b>SORN</b>	system of records notice

## Appendix D – RMLO Survey (Summary of Results)

The following survey, consisting of 45 questions, was issued to all program and region office RMLOs and to the HUD records officer. More than 75 percent of the recipients representing 25 HUD offices provided a response.

Results were analyzed to gain an understanding of the agency records management program and how PII is managed by agency offices. The survey was designed to provide insight on policy development and distribution, program requirements, roles and responsibilities, knowledge, and implementation practices in place throughout HUD offices.

### RMLO Survey – Summary of Results      October 5, 2019

Survey question		Summary of responses
Intro	Are you the Records Management Liaison Officer?	64 percent of individuals named as the RMLO by the records officer identified themselves as a current RMLO.
1	What percentage of your time is spent on records management duties?	<10%: 14    10-30%: 8    31-50%: 2    >50%: 1
2	Who is your primary POC(s) if you have a privacy or PII question or concern?	11 of 25 were not able to identify a primary privacy or PII POC (point of contact).
3	Is there a person(s) in your agency who is responsible for coordinating and overseeing the implementation of the records management program, such as a Senior Agency Official of Records Management (SAORM)?	7 of 25 were unable to identify a primary records management POC.
3a	If yes provide the name(s) and title(s).	10 of 25 reported no regular meetings with SAORM or records management official.
3b	If yes, do your program office and regional/field office records officers meet regularly (four or more times a year) with the SAORM or senior records management official to discuss the agency records management program's goals?	15 of 25 reported regular meetings with the SAORM or senior records management official.
4	Does your agency evaluate its records management program, through inspections/audits/reviews, to ensure that it is efficient, effective, and compliant with all applicable records management laws and regulations?	15 of 25 did not know or stated the agency does not evaluate its own records management program.
4b	If yes, please list any inspections/audits/reviews conducted within the past 2 years at your office.	5 of the 15 in question 4 were able to identify a specific review.
5	In 2015, NARA and the Records Management Council introduced the Federal RIM Program Maturity Model. Are you familiar with this maturity model?	4 of 25 were aware that HUD is using the RIM.
6	Do you complete or provide input to NARA's annual agency Records Management Self-Assessment that is	5 of 25 stated that they provided input to NARA's annual agency records management self-assessment.

Survey question		Summary of responses
	used to measure the effectiveness of the records management program?	
7	Has your agency and/or office established performance goals for the records management program?	4 of 25 stated that the agency or their office had established performance goals for the records management program.
7b	Explain where the goals are documented.	0 of 25 were able to cite specific performance goals.
8	Has your agency and/or office records management program identified performance measures for records management activities such as training, records scheduling, permanent records transfers, etc.?	6 of 25 stated that the agency or their office have established performance measures for records management activities.
8b	Explain where the performance measures are documented.	3 of 25 were able to cite any specific measures; no one identified where such measures are documented.
9	How does your office receive or obtain records management guidance?	Responses varied widely. The most common responses included 1) records evaluations, 2) directives process, and 3) RMLOs.
10	What documented HUD policies and procedures are used to ensure your agency meets NARA requirements established in 36 CFR (e.g., 36 CFR 1220.34, 1222.34, 1224.10, 1225.12 and others)? Please list the policies and procedures.	10 of 25 identified the HUD Records Management Handbook or Disposition Schedule; 1 of 25 identified an office-specific guide; 14 of 25 were unable to identify specific guidance.
11	In addition to your agency's established records management policies and records schedules, has your agency and/or office records management program developed and implemented specific 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))	13 of 25 were unable to identify any internal controls to ensure that all eligible, permanent records are transferred to NARA on schedule.
12	In addition to your agency's established policies and records schedules, has your agency and/or office 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))	11 of 25 were unable to identify any internal controls to ensure that Federal records are not destroyed before the end of their retention period.
13	Has your agency established policy and procedures to comply with the requirements under Executive Orders 13526 and 13556 for managing classified and controlled unclassified information in systems that contain electronic records?	10 of 25 stated that HUD has established CUI policy and procedures (which HUD has not).
14	Does your agency have documented and approved policies requiring permanent electronic records be managed in an electronic format for eventual transfer to NARA?	8 of 25 stated that HUD has policies requiring that permanent electronic records be managed in an electronic format for eventual transfer to NARA.
15	Does your office 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	8 of 25 stated that their office has procedures to enable migration of records and associated metadata to new media or formats to records are retrievable and usable as long as needed and to meet NARA-approved disposition.

Survey question		Summary of responses
	NARA-approved dispositions? (36 CFR 1236.20(b)(6))	
16	Are records management staff involved in developing procedures to ensure that records are properly migrated from retired systems? (36 CFR 1235.20(b)(6))	9 of 25 stated that records management staff is involved in developing procedures to ensure that records are properly migrated from retired systems.
17	Does your office 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)?	5 of 25 stated that their office has a digitization strategy to reformat permanent hardcopy records
18	Do any programs in your office maintain a website?	17 of 25 stated that programs in their offices maintain a website(s).
18b/c	If Yes, how do you ensure that web content is managed as records? If Yes, web content management includes...	1 of 25 know how the program ensures that web content is managed as a record; 1 stated generically that "content is automatically harvested using specific tools."
19	Do programs in your office use cloud services?	14 of 25 stated that their offices use cloud services.
19b	If yes, are recordkeeping requirements included?	6 of 25 stated that record keeping requirements are included when using cloud services.
20	Does your office 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)	6 of 25 stated that their office ensures that records management functionality is incorporated into the design, development, and implementation of its electronic information systems.
20b	If yes, please describe.	0 of 25 were able to describe or provide any processes.
21	Does your office records management program staff participate in the design, development, and implementation of new electronic information systems?	4 of 25 stated that their office records management staff participates in the design, development, and implementation of new electronic information systems.
22	Does your office maintain an inventory of its electronic information systems that indicates whether or not each system is covered by an approved NARA disposition authority? (36 CFR 1236.26(a))	9 of 25 stated that their office maintains an inventory of its electronic information systems that indicates whether or not each system is covered by an approved NARA disposition authority.
23	Has your office put in place any new initiatives since the 2018 OIG Privacy Program Evaluation to minimize/protect PII? If yes, please describe the initiative.	2 of 25 stated that their office has put into place new initiatives since the 2018 OIG privacy program evaluation to minimize or protect PII. 1 of the 2 offered no description.
24	Does your office regularly review all PII collected by your office to ensure that the PII is necessary and required for the agency to achieve its current business objectives?	5 of 25 stated that they regularly review PII to ensure that it is still required for business purposes.
25	Does your office have a method of continually identifying new and unscheduled records?	13 of 25 stated that they have a method(s) for identifying new records.
25b	Which method(s) does your program office use?	Varied. Most common: 7 – work with programs 6 – RMLO notifies records officer 5 – regular inventories

Survey question		Summary of responses
26	Are records and information in your office easily retrievable and accessible when needed for agency business? (36 CFR 1220.32(c))	21 of 25 stated that records are easily retrievable.
27	Are any of your programs subject to laws or regulations that require it to conduct business using paper or analog records?	9 of 25 stated that they have programs that are required by law or regulation to conduct business using paper or analog records.
28	What physical security measures are in place at your office to secure sensitive non-electronic records, including PII? Please list the measures.	21 of 25 listed various measures.
29	Within the past year, has your office conducted any office/document cleanout campaigns? If yes, list the initiatives with the date(s) it took place.	9 of 25 stated that their office had conducted a document cleanout campaign in the past year.
30	Are records and information in your office 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)	11 of 25 stated that records and information are managed throughout the life cycle.
31	Does your agency/office maintain an inventory of all electronic records that contain PII? This includes both structured data (databases/applications/authorized information systems) and unstructured data (SharePoint, hard drives, share folders/servers).	8 of 25 stated that their agency or office maintains an inventory of all electronic records that contain PII.
32	Does your agency/office maintain a listing of the locations of all paper records in your office that contain PII?	6 of 25 stated that their agency or office maintains a listing of the location of all paper records containing PII.
33	Does your office have the ability to search across all systems and electronic records to find all instances of PII? If yes, please explain process and tools.	2 of 25 stated that their office has the ability to search across all systems and electronic records to find all instances of PII. No explanation provided by those two.
34	Has your office identified the vital records* of all its program and administrative areas? (36 CFR 1223.16)	6 of 25 (4 yes, 2 in progress) stated that their office identifies vital records.
35	How often does your office review and update its vital records inventory? (36 CFR 1223.14)	3 of 25 (1 “as required,” 1 “annually,” and 1 “biannually”) reported updating their vital records inventory.
36	Is your vital records plan part of the agency Continuity of Operations (COOP) plan(s)?	7 of 25 stated that their vital records plan is part of the COOP plan.
37	Does your office have permanent records that are 30 years old or older that are located in agency office space, agency-operated records centers and/or commercial records centers? (36 CFR 1235.12(b) and M-12-18)	9 of 25 stated yes
38	Are you aware of the requirement to formally request permission from NARA to retain permanent records beyond that specified in your agency’s NARA-approved records schedules as outlined in 36 CFR 1235.14 and 1235.16?	13 of 25 stated yes

Survey question		Summary of responses
39	Did your office receive a list of permanent records eligible for transfer in FY 2018?	0 of 25 stated yes.
39b	If Yes: Did your office submit transfer requests in FY2018 based on the Annual Move list of eligible permanent records to be accessioned by the National Archives?	0 of 25 responded.
40	Did your office transfer permanent non-electronic records to NARA during FY 2018? (36 CFR 1235.12)	5 of 25 stated yes.
41	Did your office transfer permanent electronic records to NARA during FY 2018? (36 CFR 1235.12)	2 of 25 stated yes.
42	Does your office track when its permanent records (regardless of format) are due to be transferred to NARA?	8 of 25 stated yes.
42b	If yes, what method(s) does your office use to track its permanent records?	8 of 25 – various
43	Does your office store inactive temporary and/or permanent records in a commercial records storage facility?	2 of 25 stated yes.
43b	If yes, does the facility comply with the standards prescribed by 36 CFR 1234?	1 yes, 1 no response
44	Does your office store inactive temporary and/or permanent records in an agency records center? (Note: This does NOT include agency staging areas and temporary holding areas.)	8 – yes 12 – no 5 – NA or unknown
44b	If yes, does the records center comply with the standards prescribed by 36 CFR 1234?	6 yes - 2 unknown for those who said yes to question 44
45	Does your office store inactive temporary and/or permanent records in an agency records staging or holding area?	4 of 25 stated yes.
45b	If yes, 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?	2 yes - 2 unknown for those who said yes to question 45
Volume data		3 of 25 offices provided any volume numbers.

## **Appendix E – Acknowledgements**

This report was prepared under the direction of Brian T. Pattison, Assistant Inspector General for Evaluation, and John Garceau, Director, Information Technology Division. The Office of Evaluation staff members who contributed are recognized below.

### **Major Contributors**

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