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Office *of the* Inspector General

SOCIAL SECURITY ADMINISTRATION

Audit Report

The Social Security Administration's Management of Electronic Message Records

OIG   Office *of the* Inspector General

SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: February 19, 2016   **Refer To:**

To: The Commissioner

From: Inspector General

Subject: The Social Security Administration's Management of Electronic Message Records
(A-14-15-25025)

The attached final report presents the results of the Office of Audit's review. The objective was
to determine whether the Social Security Administration had policies, procedures, and controls in
place to ensure electronic message records were managed in accordance with Federal
regulations.

If you wish to discuss the final report, please call me or have your staff contact
Steven L. Schaeffer, Assistant Inspector General for Audit, at (410) 965-9700.

Patrick P. O'Carroll, Jr.

Attachment

The Social Security Administration's Management of Electronic Message Records
A-14-15-25025

Objective

To determine whether the Social Security Administration (SSA) had policies, procedures, and controls in place to ensure electronic message records were managed in accordance with Federal regulations.

Background

The *Federal Records Act* defines a record as including all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved, or appropriate for preservation, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities.

Electronic messages include electronic mail and other electronic messaging systems individuals use to communicate. Electronic messages created or received during agency business are Federal records and must be captured and managed in compliance with Federal laws, regulations, and policies.

Findings

We identified several areas where we believe SSA should enhance its policies, procedures, and controls to ensure the proper retention and disposition of all types of electronic message records. Specifically, we found (1) the proper identification, capture, and retention of electronic message records was at risk; (2) SSA needed to appropriately protect email records from loss; (3) SSA had limited oversight of electronic message records; and (4) SSA needed to strengthen its training program related to managing electronic message records.

Recommendations

We recommend SSA:

1. Revise Agency policies and procedures to ensure they reflect Federal law, regulations, and official guidance on the proper identification, capture, retention, and disposition of all types of electronic message records.

2. Clarify Agency policies and procedures related to the acceptable use of personal email accounts to conduct official business.

3. Develop and implement standards for storing and backing up Federal email records to protect them from loss and ensure they may be recovered if deleted.

4. Retain the emails of at least the high-level officials who are most likely to create permanent records.

5. Strengthen the Records Management Coordinators' oversight activities to ensure SSA complies with Federal requirements.

6. Develop comprehensive Agency-wide records management training specific to electronic messages (including email messages and instant messages).

SSA agreed with our recommendations.

TABLE OF CONTENTS

ABBREVIATIONS

AIMS	Administrative Instructions Manual System
C.F.R.	Code of Federal Regulations
Email	Electronic Mail
FAR	Federal Acquisition Regulation
MRM	Material Resources Manual
NARA	National Archives and Records Administration
OAG	Office of Acquisition and Grants
OIG	Office of the Inspector General
Pub. L. No.	Public Law Number
RMC	Records Management Coordinator
RMS	Records Management Staff
SSA	Social Security Administration
Stat.	United States Statutes at Large
U.S.C.	United States Code

OBJECTIVE

Our objective was to determine whether the Social Security Administration (SSA) had policies, procedures, and controls in place to ensure electronic message records were managed in accordance with Federal regulations.

BACKGROUND

The *Federal Records Act* states that records include ". . . all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them."[1] Electronic messages include email and other electronic messaging systems individuals use to communicate with one another.[2] Electronic messages created or received during agency business are Federal records and must be captured and managed in compliance with Federal laws, regulations, and policies.[3]

Each Federal agency is required to make and preserve records as well as establish and maintain an active, continuing program to economically and efficiently manage the agency's records.[4] The program should include effective controls over the creation, maintenance, and use of agency records and cooperation with the National Archives and Records Administration (NARA) to improve records management and security.[5] For electronic message records, Federal agencies must provide guidance on the proper management of Federal records and issue instructions to staff on identifying, managing, retaining, and disposing of email messages determined to be Federal records.[6] Finally, agencies are required to protect Federal records from unlawful or accidental removal, defacing, alteration, or destruction.[7]

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[1] Section 511 of the *Federal Records Act of 1950*, as amended, Pub. L. No. 81-754; 64 Stat. 578, 589; 44 U.S.C. § 3301(a)(1)(A).

[2] Section 10 of the *Presidential and Federal Records Act Amendments of 2014*, Pub. L. No. 113-187; 128 Stat. 2003, 2014; 44 U.S.C. § 2911(c)(1).

[3] NARA, Bulletin 2015-02, *Guidance on Managing Electronic Messages*, Section 3 (July 29, 2015).

[4] 44 U.S.C. §§ 3101 and 3102.

[5] 44 U.S.C. § 3102.

[6] NARA, Bulletin 2013-03, *Guidance for agency employees on the management of Federal records, including email accounts, and the protection of Federal records from unauthorized removal*, Section 2 (September 9, 2013).

[7] 36 C.F.R. § 1230.10.

SSA established general records management policies and an Agency-wide records management program that consisted of records management coordinators at different organizational levels.[8] SSA also issued electronic mail (email) retention policy and guidance to remind SSA employees of their responsibility to (1) identify whether email messages are Federal records and (2) properly retain and dispose of emails in accordance with NARA and SSA records schedules.[9] Finally, SSA developed and distributed records management training, which included instruction that employees should treat email messages as they would any other records because emails are retained based on the message's content.

To accomplish our objectives, we reviewed SSA's policies, procedures, and controls over the management of electronic message records. In addition, we surveyed the Agency's component Records Management Coordinators (RMC) to understand how components were managing email messages. See Appendix A for additional information about our scope and methodology.

RESULTS OF REVIEW

We identified several areas where we believe SSA should enhance its policies, procedures, and controls to ensure the proper retention and disposition of all types of electronic message records. Specifically, we found

- the proper identification, capture, and retention of electronic message records was at risk;

- SSA needed to appropriately protect email records from loss;

- SSA had limited oversight over electronic message records; and

- SSA needed to strengthen its training program related to electronic message records management.

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[8] The program consists of an Agency Records Officer and Records Management Staff (RMS) in SSA's Office of Budget, Finance, Quality, and Management. Each Headquarters component and regional office assigns an RMC to assist the Records Officer in administering the records management program. Responsibilities for regional RMCs extend to all components over which the Regional Commissioner exercises line authority. Area Directors are responsible for ensuring that all district or branch offices and teleservice centers observe appropriate records management practices.

[9] A records schedule identifies records as either temporary or permanent and provides mandatory instructions for the disposition of the records (including the transfer of permanent records and disposal of temporary records) when the Agency no longer needs them. NARA *Frequently Asked Questions about Records Scheduling and Disposition,* http://www.archives.gov/records-mgmt/faqs/scheduling.html.

Without adequate policy, procedures, and controls, Federal records established in electronic messages are at an increased risk of loss and may not be available to document SSA policies and transactions or to satisfy congressional, *Freedom of Information Act*,[10] *Privacy Act,*[11] or litigation and investigation requests.

Proper Identification, Capture, and Retention of Electronic Message Records Was at Risk

Federal employees and contractors create and maintain Federal records as necessary to document activities and actions taken on the Agency's behalf. SSA employees manage their own email accounts and determine whether email or other electronic messages constitute Federal records.[12] At SSA, employees are responsible for retaining and disposing of emails in accordance with NARA and SSA records schedules. We identified several areas in which SSA was at risk of not properly identifying, capturing, and retaining electronic message records.

- SSA did not retain instant messages.[13]

- SSA did not specifically prohibit the use of a personal email account to conduct official business.

- SSA did not implement effective controls to ensure electronic message records of separating employees were retained.

Electronic messages that are Federal records must be properly identified to ensure they are captured and retained until the appropriate disposition. Without these electronic message records, SSA may not be maintaining an accurate and complete documentation of its policies and transactions, as required by the *Federal Records Act*.

SSA Did Not Retain Instant Messages

Instant messaging allows users to exchange text messages in real time with parties who are connected to the messaging system. SSA's instant message application can automatically save instant messages in users' folders in the Agency's email system.[14] However, SSA disabled this function. So, when instant messages are closed, the communication is lost. Therefore, SSA's instant messaging configuration does not allow instant messages that meet the definition of a Federal record to be properly preserved.

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[10] *The Freedom of Information Act,* as amended. 5 U.S.C. § 552.

[11] *The Privacy Act of 1974,* as amended. 5 U.S.C. § 552a.

[12] SSA, *E-mail Retention Policy*, "Introduction."

[13] Instant messaging allows users to exchange text messages with connected parties in real time.

[14] SSA uses Microsoft Outlook for email, which allows users to save instant messages in their conversation history folder. The option can be turned on or off.

Agencies that allow instant messages on their networks must recognize that such content may be a Federal record and must manage the records accordingly and consistently across the agency in its component offices.[15] In July 2015, NARA issued records management guidance for electronic messages, including instant messages.[16] The guidance discussed several challenges associated with the use of electronic messages and offered solutions to help agencies identify, manage, and capture electronic messages, such as

- develop policies on electronic messages;
- train employees on identifying and capturing records created when using electronic messaging accounts; and
- configure electronic messaging systems to allow for automatic capture, thereby removing reliance on individual users.

NARA's guidance indicates that, as use of the electronic messaging systems changes over time, agencies will need to review and update their policies and procedures.[17] SSA should revise its policies and procedures to ensure instant messages are properly managed in accordance with Federal requirements, including allowing employees to properly preserve instant messages. In addition, SSA should consider including instant messages in its annual training. In December 2015, RMS informed us it was developing policy regarding instant messages and planned to have the policy in place by March 2016.

SSA Policy Did Not Address the Use of a Personal Email Account to Conduct Official Business

The *Federal Records Act* states, in general, that an officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless the officer or employee

- copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record or

- forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.[18]

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[15] NARA, Bulletin 2014-06, *Guidance on Managing Email*, Question 9 (September 15, 2014) and NARA, *Frequently Asked Questions about Instant Messaging*.

[16] NARA, Bulletin 2015-02, *Guidance on Managing Electronic Messages*, (July 29, 2015).

[17] Id. at Question 3.

[18] 44 U.S.C. § 2911.

SSA's policies and procedures did not address the use of personal accounts to conduct Agency business.[19] In addition, SSA did not have procedures that employees should follow if they have to use personal accounts to conduct official business.[20] To ensure Federal requirements are met, we believe SSA should develop specific instructions for employees and contractors on the appropriate use of personal email accounts and the procedures for capturing electronic messages created or received using personal accounts.

SSA Did Not Implement Effective Controls to Ensure Electronic Message Records of Separating Employees Are Retained

Federal employees must not remove Federal records from Federal custody without proper authorization.[21] Federal regulations require that agencies develop procedures to ensure departing employees do not remove Federal records from agency custody and remove non-record materials only with approval from the head of the agency.[22]

SSA's policies state that official email is SSA property, and employees may not remove official records from SSA's custody when they separate or transfer from the Agency.[23] In addition, if an employee transfers to another component or leaves the Agency, the employee should consult with his/her manager to determine to whom any saved SSA emails should be transferred so they can be retained for the prescribed period.[24]

Although policies existed, SSA did not implement adequate safeguards to ensure employees do not delete or remove electronic message records when they separate from SSA. For example, the SSA Exit Clearance Form does not require that managers or records management staff discuss the appropriate disposition of email records with the departing employees. Instead, according to SSA policy, the employee may request that the SSA Records Officer assist them in appraising a body of materials and determining whether it comprises official records or personal papers.[25]

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[19] SSA's Information Systems Security Handbook, Chapter 8.0, Section 8.3.1, directs employees and contractors not to send or forward personally identifiable information using a non-SSA email account (such as a personal email); however, it does not prohibit the use of non-SSA email accounts to conduct Agency business.

[20] NARA, Bulletin 2013-03 *Guidance for agency employees on the management of Federal records, including email accounts, and the protection of Federal records from unauthorized removal*, Question 5, (September 9, 2013), provides two examples of when personal email accounts may be authorized: (1) emergency situations when Federal accounts are not accessible or (2) when an employee is initially contacted through a personal account.

[21] NARA, Bulletin 2013-03, *Guidance for agency employees on the management of Federal records, including email accounts, and the protection of Federal records from unauthorized removal,* Question 8, (September 9, 2013).

[22] 36 C.F.R. § 1222.24(a)(6).

[23] SSA, *E-mail Retention Policy*, "Important Points to Remember" and SSA, AIMS, Material Resources Manual (MRM) 07.03.03(a)(1).

[24] SSA, *E-mail Retention Policy*, "Important Points to Remember."

[25] SSA, AIMS, MRM 07.03.05 (January 5, 2015).

According to NARA's records management survey report, of the 251 agencies that responded to the survey, 173 (69 percent) required that records management program staff conduct exit briefings for senior officials on the appropriate disposition of the records, including email, under their immediate control.[26] We believe SSA should implement appropriate exit procedures to prevent the unauthorized removal of official records and ensure departing employees' emails are properly preserved.

SSA Needed to Appropriately Protect Email Records from Loss Until an Electronic Records Management System Is Implemented

Federal regulations require that agencies use electronic or paper recordkeeping systems or a combination of those systems to manage their electronic records.[27] Certain functionalities are necessary for electronic recordkeeping, such as the ability to declare, capture, and organize records as well as maintain records security.[28] Records security includes preventing the unauthorized access, modification, or deletion of declared records and ensuring that appropriate audit trails are in place to track use of the records.[29]

Since SSA does not have an electronic recordkeeping system, under existing regulations, the Agency should be managing electronic message records in paper form. In our survey of RMCs, we found approximately 20 percent of SSA's components was printing and filing paper emails to store temporary and permanent records. SSA employees maintained their email records in SSA's email system and personal/archive folders (also part of the email system). However, this practice did not comply with Federal regulations because the email system did not have all the features necessary to qualify as an electronic recordkeeping system.[30] RMCs also indicated they were not sure of the methods staff in their components used to manage email records (see Table 1).

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[26] NARA, *2013 Records Management Self-Assessment Report*.

[27] 36 C.F.R. § 1236.20(a).

[28] 36 C.F.R. § 1236.20(b).

[29] 36 C.F.R. § 1236.20(b)(4).

[30] Except for transitory records (those records with a very short-term retention period of 180 days or less), agencies must not use an electronic mail system to store the recordkeeping copy of email records unless that system has all the features necessary for electronic recordkeeping. 36 C.F.R. § 1236.22(d).

Table 1: Methods Components Used to Capture and Manage Email Records

Methods	Temporary Email Records		Permanent Email Records	
Print and file (paper)	8	19 percent	9	21 percent
Captured and stored in an approved electronic records management system	5[31]	12 percent	7	17 percent
Managed in Microsoft Outlook	22	52 percent	22	52 percent
Captured and stored in personal/archive folder (PST file)	18	43 percent	17	40 percent
Don't know	17	40 percent	18	43 percent
Other	0	0 percent	2	5 percent

OMB requires that, by December 31, 2016, Federal agencies electronically manage all email records using a system that supports records management.[32] SSA is acquiring an approved electronic recordkeeping system. However, until an electronic recordkeeping system is in place, SSA's email records are not protected from loss. Examples follow.

- As Federal records, emails must be kept for the periods of time mandated in records disposition schedules. Storing records in the email system allows SSA employees to delete email records from their inbox and/or personal archive folders at any time without following the records schedule. SSA should issue guidance to components on how to properly store email records until the electronic recordkeeping system is implemented.

- SSA's email system retains deleted emails for up to 30 days. Therefore, if a user accidentally or intentionally deletes an email record, SSA has up to 30 days to recover the deleted item. After the 30-day period, emails are permanently deleted. Some records schedules allow transitory emails to be deleted immediately or when no longer needed; however, some records schedules require that emails be kept for several years or decades and then transferred to NARA for permanent preservation. Because employees may erroneously delete email before the required retention period, SSA should determine whether a longer retention period for deleted emails in the Agency's email system is needed.

- Emails stored in personal/archive folders (.PST files) may not have proper backups to help restore records in the case of a technology or other type of failure.[33] RMCs indicated .PST files in their components were stored on shared network servers, on the users' local hard drives, or in other locations. In addition, 40 percent of the RMCs who responded was not

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[31] According to RMS, SSA does not have an electronic recordkeeping system; therefore, these responses may be in error. For example, one RMC indicated the electronic recordkeeping system their component used was a shared computer drive.

[32] OMB, M-12-18, *Managing Government Records Directive*, Goal 1.2 (August 24, 2012).

[33] While backups are not recordkeeping systems, they can help restore records in the case of a technology or other type of failure.

sure of the location (see Table 2). We found SSA did not have a standard configuration for where personal/archive folders are stored; therefore, each component may have chosen a different location for the folders when they created a mailbox. In addition, SSA did not have a centralized back-up process to ensure backups were occurring on all servers or local drives where .PST files were stored. We believe SSA should develop standards for storing and backing up email records.

Table 2: Location of User's Personal/Archive Folders

Location	Number of RMCs Responding	Percent
On a shared network drive	19	45
On the user's local drive	12	29
Don't know	17	40
Other	2	5

- A user's personal/archive folders are at risk of corruption and loss if they exceed certain size limits. When users move email records to personal/archive folders, they are moved from the email server to the designated storage location (either on a shared network or local hard drive). SSA designated a certain size limit for users' personal/archive folders. Once the folder approaches or exceeds the storage limit, the file may be corrupted and records may not be retrievable. SSA should inform employees and contractors of this risk to protect email records from loss.

- Journaling is the ability to record all email communications to or from specific recipients. Journaled messages are retained in a separate mailbox in the email system. SSA used journaling to permanently save all emails sent to, or received by, select individuals or groups of individuals whom the Agency determined were most likely to create permanent records. However, SSA did not use journaling for all Agency officials that were identified in SSA's Capstone approach. [34] Using journaling to automatically save emails for senior Agency officials would reduce the risks involved in manually managing email. We believe SSA should journal the emails of at least the high-level officials identified in SSA's Capstone approach.

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[34] Capstone allows for the permanent retention of all emails for officials at or near the top of an agency or organizational component. This approach allows for a simplified and automated email management process and eliminates the need for RMS to review individual emails to ensure the accuracy of automated classification. SSA's Capstone approach identifies the following individuals as high-level officials for records management purposes: (1) Senate-confirmed Presidential appointees; (2) career and non-career Senior Executive Service executives; (3) any General Schedule employees functioning permanently or temporarily in a Senior Executive Service or equivalent position; and (4) all staff in the Offices of the Commissioner and Deputy Commissioner of Social Security.

SSA Had Limited Oversight of Electronic Message Records

Agencies must conduct formal evaluations to measure the effectiveness of records management programs and practices and ensure they comply with NARA regulations.[35] According to SSA's policy, RMS will conduct periodic records management surveys in all SSA components. The objectives of the survey are to determine the extent of compliance with records management policies and procedures; evaluate the effectiveness of records management policies and procedures; identify problems in records management operations; improve records management operations through implementation of survey recommendations; and emphasize the importance of sound records management practices.[36]

RMS conducted three records management surveys in Fiscal Year 2011. We reviewed the reports and found that the surveys did not include electronic message records. In addition, only five (12 percent) component or regional RMCs indicated they tested or monitored compliance with records management policies and procedures, and none of the RMCs tested or monitored the compliance of electronic message records management requirements.

RMS informed us that, because of resource constraints, it did not perform another records management component survey until September 2015. That survey included a written report with recommendations to the component related to email records management.

RMS noted other oversight activities, such as quarterly conference calls with the component RMCs, which typically includes a discussion of email records management. While these conference calls may help educate RMCs on their responsibilities related to email records, they cannot ensure components are properly managing their email messages.

Without periodic evaluations of recordkeeping practices or other controls to ensure staff carries out its records management responsibilities, agencies have little assurance that electronic message records are properly identified, captured, retained, and disposed of in accordance with approved records schedules. SSA needs to enhance its policies and procedures to ensure RMS and RMCs perform sufficient and effective oversight activities to ensure all Agency components comply with Federal requirements. SSA should clearly define what oversight activities should be performed with appropriate frequency and coverage.

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[35] 36 C.F.R. § 1220.34(j).

[36] SSA, AIMS, MRM, 07.03.03 (December 16, 2014).

SSA Needed to Strengthen Its Training Program Related to Electronic Message Records Management

One of SSA's records management responsibilities is to provide all Agency personnel guidance and training on their records management responsibilities, including identification of Federal records, in all formats and media.[37] OMB requires that all Federal agencies establish a method to inform all employees of their records management responsibilities in law and policy by December 31, 2014.[38] RMS developed a records management training video for all SSA employees. The training is mandatory for all new employees. For all other employees, the training is mandatory every other year.

The training reminds employees that records come in a variety of formats, including email. According to the training, email should be retained based on the content, not the medium in which it is stored. According to RMS, approximately 80 percent of employees completed the training in 2013. Although the training highlighted the need for employees to retain email records, it neither provided sufficient information and instructions to employees on how they should manage electronic message records nor covered how to properly protect these records from loss.

We found that SSA staff assigned RMC responsibilities for records management may not have had sufficient training. RMS created six additional training videos to highlight different areas related to records management. Although the Agency did not specifically require that RMCs view these videos, RMS reminded RMCs of the video resources during various meetings and every year. In addition, RMS offered all new RMCs one-on-one orientation training. In our survey of RMCs, 42 identified which records management training courses they completed.[39] Only 64 percent reported they took the mandatory records management training, and 43 percent completed RMC orientation training. Five RMCs (12 percent) responded that they had not completed any of the training courses, and 21 RMCs (50 percent) completed either no records management training or only 1 course. Only three RMCs reported they completed email-specific records management training.[40]

Finally, SSA employees may not have had sufficient training related to their components' policies and procedures for managing electronic message records. Each SSA component may use different records schedules that its employees and contractors need to know to manage electronic message records. Our survey indicated that only eight (19 percent) RMCs had

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[37] 36 C.F.R. § 1220.34(f).

[38] OMB, M-12-18, *Managing Government Records Directive*, Goal 2.4 (August 24, 2012).

[39] The survey was sent to all 53 individuals identified as RMCs; 42 RMCs responded. See more details in Appendix A.

[40] Respondents were able to select multiple answers and these percentages are not subsets of a larger number. As a result, the percentages will not equal 100 percent.

provided staff and contractors in their components training specific to email records management.

Training is a critical part of a successful records management program.[41] Our survey results confirmed that additional training is needed. Over 75 percent of the RMCs believed it would be helpful to provide all staff with additional training related to email records management, and 59 percent believed it would be helpful to provide additional training to RMCs related to email records management. Therefore, we believe SSA should develop Agency-wide records management training specific to electronic messages.

CONCLUSIONS

We identified opportunities where SSA could improve the management of electronic message records by revising its policies and procedures, enhancing controls, and developing additional training related to electronic message records. Without these improvements, SSA may not be able to properly identify, capture, and retain electronic message records, and prevent their loss.

We recognize that SSA is taking steps to meet the Managing Government Records Directive goal to manage email records in an accessible electronic format by December 31, 2016.[42] Prior efforts to implement an automated classification and email archiving software tool failed to deliver the desired outcome but provided SSA with lessons-learned.[43] At the time of our review, SSA was acquiring an electronic recordkeeping system and implementing the NARA-recommended Capstone approach to email records management.[44] Implementation of an electronic recordkeeping system along with the Capstone approach should reduce the risk of inadvertent loss of official email correspondence and increase the search and retrieval capabilities in responding to record requests. However, until such a system is implemented, we believe SSA should take steps to ensure its employees and contractors comply with Federal regulations on the management of electronic message records.

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[41] 36 C.F.R. § 1220.34(f).

[42] OMB, M-12-18, *Managing Government Records Directive*, Part I, Goal 1.2, p. 3 (August 24, 2012).

[43] In Fiscal Year 2012, SSA purchased software for an on-site, enterprise-level email archive system to provide email management and eDiscovery services. The software was to allow for the automated classification and disposition of all agency email. The pilot, conducted over a limited time period, was not successful, producing an auto-classification accuracy rate of only 17 percent.

[44] For information about the Capstone approach, see Footnote 34.

RECOMMENDATIONS

We recommend that SSA:

1. Revise Agency policies and procedures to ensure they reflect Federal law, regulations, and official guidance on the proper identification, capture, retention, and disposition of all types of electronic message records.

2. Clarify Agency policies and procedures related to the acceptable use of personal email accounts to conduct official business.

3. Develop and implement standards for storing and backing up Federal email records to protect them from loss and ensure they may be recovered if deleted.

4. Retain the emails of at least the high-level officials who are most likely to create permanent records.

5. Strengthen the Records Management Coordinators' oversight activities to ensure SSA complies with Federal requirements.

6. Develop comprehensive Agency-wide records management training specific to electronic messages (including email messages and instant messages).

AGENCY COMMENTS

SSA agreed with our recommendations. The Agency's comments are included in Appendix B.

OTHER MATTERS

All Federal records, including those contractors create or maintain for the Government, must be covered by a NARA-approved agency disposition authority or the NARA General Records Schedules.[45] Every Federal and contractor employee is responsible for protecting Federal records in their custody, and there are legal implications including fines and/or imprisonment for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so.[46]

According to NARA, "Agencies determine whether contractor-created and -received records meet the definition of a Federal record defined in the Federal Records Act. Agencies must capture and manage contractor-created or -received Federal records appropriately, as with other

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[45] 36 C.F.R. § 1225.10.

[46] NARA Bulletin 2013-03, *Guidance for Agency Employees on the Management of Federal Records, Including Email Accounts, and the Protection of Federal Records from Unauthorized Removal,* (September 9, 2013) and 36 C.F.R. § § 1230.10(a) and (b) and 1230.12.

Federal records."[47] NARA is developing standard contract language to use in its own contracts that will become guidance for all agencies.

SSA uses various contractors to assist in performing its functions, operations, and decisionmaking. If the Agency's contractors create or receive Federal electronic message records, those records must be managed according to the appropriate records schedules.

When NARA issues its guidance, we believe SSA should review the language used in its contracts to ensure that contractors—if they create or maintain Federal records for the Agency—comply with applicable Federal records management requirements.

Steven L. Schaeffer, JD, CPA, CGFM, CGMA
Assistant Inspector General for Audit

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[47] General Records Schedule (GRS) 6.1, *Email Managed under a Capstone Approach*, September 2015.

APPENDICES

Appendix A – SCOPE AND METHODOLOGY

To accomplish our objective, we:

- Reviewed Federal laws, regulations, and official guidance, including National Archives and Records Administration (NARA) guidance on electronic mail (email) and electronic message records management.

- Reviewed the Social Security Administration's (SSA) Administrative Instructions Manual System (AIMS), Material Resources Manual (MRM), Chapter 7, *Records Management, SSA Electronic Mail Retention Policy,* and *SSA Email Retention Frequently Asked Questions.*

- Interviewed or contacted SSA staff in the following offices.
    - Office of Budget, Finance, Quality, and Management, Records Management Staff
    - Offices of General Counsel, General Law, and Privacy and Disclosure
    - Office of Acquisition and Grants
    - Office of Systems, Office of Telecommunications and System Operations, Electronic Messaging Services Branch, and Open Systems Storage Management Branch

- Reviewed key controls in place to protect email records.

- Reviewed the configuration of the Agency's instant messaging system.

- Reviewed the 2013 NARA Records Management Self-Assessment Report and SSA's annual self-assessment reports to NARA for Fiscal Years 2013 and 2014.

We also surveyed the component Records Management Coordinators (RMC) to gain an understanding of the records management environment and how components were managing electronic mail records. We sent the survey to all 53 individuals identified as RMCs on the RMC Listing as of June 1, 2015, and 42 individuals responded. We did not verify the answers provided by the RMCs. The results of the survey were provided to Records Management Staff.

We conducted our review at SSA Headquarters in Baltimore, Maryland, from December 2014 to August 2015. The primary entity reviewed was the Records Management Staff in the Office of Budget, Finance, Quality, and Management.[1] We conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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[1] In August 2015, the Records Management Staff were moved from the Office of Budget, Finance, Quality, and Management to the Office of Systems.

Appendix B – AGENCY COMMENTS

SOCIAL SECURITY

MEMORANDUM

Thank you for the opportunity to review the draft report. Please see our attached comments.

Please let me know if we can be of further assistance. You may direct staff inquiries to

Gary S. Hatcher at (410) 965-0680.

Attachment

COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL DRAFT REPORT, "THE SOCIAL SECURITY ADMINISTRATION'S MANAGEMENT OF ELECTRONIC MESSAGE RECORDS" (A-14-15-25025)

Our records management program facilitates the preservation of records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency to conduct Government business, avoid waste, and preserve America's documentary heritage. Our program ensures agency-wide management of Federal records and compliance with Federal regulations and National Archives and Records Administratoin (NARA) requirements. Key elements of our program include:

- Developing and conducting records management training for all employees;
- Facilitating transfers of temporary and permanent records to Federal Records Centers (FRC) and NARA;
- Faciliating quarterly destruction of records stored at FRC's;
- Developing, assessing, and updating records management policies and procedures to comply with the Code of Federal Regulations and NARA requirements;
- Identifying unscheduled records for scheduling;
- Providing records disposition schedules;
- Ensuring that records management requirements are identified when building software applications and data repositories; and
- Conducting component evaluations to measure the effectiveness of records management and compliance.

We are currently working to implement the November 28, 2011, Presidential Memorandum – Managing Government Records, the Presidential and Federal Records Act Amendments of 2014 (Public Law 113-187), as well as NARA's directives and guidance. Our goal is to manage both permanent and temporary email records in an accessible electronic format by December 31, 2016. We have also taken action to meet the President's directive to manage all permanent electronic records in an electronic format by December 31, 2019. In addition, we are actively working to reduce the number of agency specific record schedules by implementing a Flexible Record Schedule (Big Bucket) approach that will prepare us to automate the management of our electronic records by reducing the number of existing record schedules. The reduction in the number of records schedules will facilitate successful implementation of an electronic solution to manage all of our electronic records. In December 2, 2015, our Senior Agency Official for Records Management released reminders in key areas to all major operating components and offices in our agency. For the other matters section, we will review the NARA standard contract language guidance upon its release, and apply the guidance to our contracts as applicable. Below are our responses to the recommendations.

Recommendation 1

Revise Agency policies and procedures to ensure they reflect Federal law, regulations, and official guidance on the proper identification, capture, retention, and disposition of all types of electronic message records.

Response

We agree. We are currently working to revise agency policy and procedures for release in March 2016 to reflect Federal law, regulations, and official guidance on the proper identification, capture, retention, and disposition of all types of electronic message records.

Recommendation 2

Clarify Agency policies and procedures related to the acceptable use of personal email accounts to conduct official business.

Response

We agree. Our March 2016 revised agency policies and procedures will include procedures related to the acceptable use of personal email accounts.

Recommendation 3

Develop and implement standards for storing and backing up Federal email records to protect them from loss and ensure they may be recovered if deleted.

Response

We agree. We will implement the NARA Capstone Approach for managing email by December 31, 2016. The Capstone Approach using Microsoft® Exchange 2013 will enhance our ability to protect emails from loss and deletion.

Recommendation 4

Retain the emails of at least the high-level officials who are most likely to create permanent records.

Response

We agree. We are currently retaining some high-level officials' emails. By June 30, 2016, we will use current technology to implement permanent email retention for designated high-level officials.

Recommendation 5

Strengthen the Records Management Coordinators' oversight activities to ensure SSA complies with Federal requirements.

Response

We agree. By July 31, 2016, we will strengthen our policies and procedures by expanding the role of Records Management Coordinators in our oversight activities. As noted above for recommendation number 4, we plan to use current technology to implement permanent email retention for designated high-level officials. We are also working toward an automated methodology to monitor and archive emails for the wide-variety of users in various roles that are covered by different records retention schedules (i.e., Senior Executive Service members, senior management, and technicians). While it is not practical to simply increase manual oversight activity for some 40,000 operational employees, our long-term goal is to implement a Capstone approach with an automated way to preserve records.

Recommendation 6

Develop comprehensive Agency-wide records management training specific to electronic messages (including email messages and instant messages).

Response

We agree. We have begun drafting training content that incorporates electronic messages. We expect to release a training video by June 30, 2016, that contains relevant guidance related to electronic messages.

Appendix C – ACKNOWLEDGMENTS

Jeffrey Brown, Director, Information Systems Division

Grace Chi, Audit Manager

Carol Johnson, Senior Auditor

Kimberly Beauchamp, Writer-Editor

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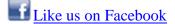- Semiannual Reports to Congress
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