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**U.S. OFFICE OF PERSONNEL MANAGEMENT  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF EVALUATIONS**

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# Final Evaluation Report

**EVALUATION OF THE U.S. OFFICE OF  
PERSONNEL MANAGEMENT'S PRESERVATION  
OF ELECTRONIC RECORDS**

**Report Number 4K-CI-00-18-009  
December 21, 2018**

# EXECUTIVE SUMMARY

## *Evaluation of The U.S. Office of Personnel Management's Preservation of Electronic Records*

Report No. 4K-CI-00-18-009

December 21, 2018

### **Why Did We Conduct the Evaluation?**

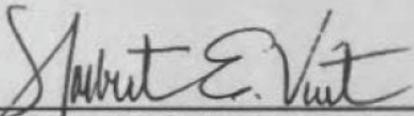
We conducted this evaluation in response to a June 2017 request from the United States Committee on Homeland Security and Governmental Affairs to review The U.S. Office of Personnel Management's (OPM) processes and compliance with applicable legal standards for preserving certain electronic records as Federal records.

The objective of our evaluation was to determine OPM's compliance with the Federal guidance related to the preservation of electronic records.

### **What Did We Find?**

During this evaluation, we found that OPM's Office of the Chief Information Officer lacks adequate oversight of the Records Management Program. Specifically:

- The lack of a permanent Records Officer to oversee the many facets of the Records Management Program has left the agency at risk with respect to managing and preserving electronic records;
- OPM has not updated its records schedules to be media neutral (electronic or hard copy); and
- OPM has not issued any specific guidance on the use of Government-issued smartphones, to include, restrictions on installing certain applications or procedures on the preservation of smartphone-generated records related to Government business.

  
for **William W. Scott, Jr.**  
*Chief, Office of Evaluations*

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# INTRODUCTION

This final evaluation report details the results from our evaluation of the *U.S. Office of Personnel Management's (OPM) Preservation of Electronic Records*. In response to a Congressional request received from the United States Committee on Homeland Security and Governmental Affairs, the OPM's Office of the Inspector General (OIG) conducted this evaluation as authorized by the Inspector General Act of 1978, as amended.

The National Archives and Records Administration (NARA) is the primary agency for Government records management oversight and the final authority on how agencies must preserve electronic records as federal records. NARA provided Federal agencies with specific guidance on how to comply with Federal law regarding the preservation of electronic messages in Bulletin 2015-02, *Guidance on Managing Electronic Records*. In fiscal year 2016, NARA conducted research to assess current practices in Federal agencies regarding the management of electronic messages and use of electronic messaging technology. They found that many agencies reported having difficulty identifying electronic messages that are records and that managing electronic messages creates unique challenges throughout the Government due to the abundance of platforms, devices, and systems used to create these records.

In 2014, Congress amended the Presidential Records Act of 1978 and the Federal Records Act of 1950 regarding the preservation, storage, and management of Presidential and Federal records. In accordance with these addendums, agencies have additional requirements to manage records created or received in non-official and personal electronic messaging accounts. The new requirement established that employees may not create or send any official record using a non-official messaging account unless they copy or forward the Federal record to their official account.

44 U.S.C. Chapter 31, *Records Management by Federal Agencies*, required all Federal Agencies to create, maintain, and destroy or archive their records in an efficient and economical manner. To assist in this endeavor, Federal agencies were required to establish records management programs. Responsibility for OPM's Records Management Program belong to the OPM Director, the Chief Information Officer (CIO), the OPM Records Officer, and designated Records Coordinators. The CIO is directly responsible for administering and implementing all rules, regulations, policies and procedures related to OPM's Records Management Program regardless of the medium (paper and electronic). OPM's Records Management Program provides for effective controls over the creation, maintenance, and disposition of all Federal records. In January 2014, the Office of the Chief Information Officer (OCIO) issued the *Records*

*Management for OPM Internal Administrative Records*, guidance to acquaint employees, interns, and contractors with the policies, procedures, roles and responsibilities, standards, and techniques that OPM uses to manage and preserve its records.<sup>1</sup>

The Records Management organizational unit, located in the OCIO, is responsible for the overall direction of OPM's Records Management Program. The Records Management organizational unit, located in the OCIO is responsible for the overall direction of OPM's Records Management Program. "The [Records Officer] is responsible for:

- Serving as OPM's representative with NARA, other Federal Agencies, and external organizations on matters pertaining to records management.
- Developing plans, policies, and standards governing the maintenance and disposition of all OPM records in all media and formats.
- Approving any directives by program offices that supplement the prescribed records management-related instructions contained in this directive;
- Evaluating the Records Management Program to ensure its adequacy, effectiveness, and efficiency.
- Providing leadership and guidance to the Records Coordinators in OPM's program areas and field offices to ensure reasonable uniformity in records management activities throughout the agency.
- Developing agency-wide policies, standards, and procedures for records management by:
  - a) Developing and implementing management systems and procedures to ensure that officials, staff, and contractors do not remove Federal records from OPM custody without appropriate authorization.
  - b) Establishing procedures for the participation of Records Coordinators, and others with records management duties, in developing new or revised agency programs, processes, systems, and procedures to ensure that adequate recordkeeping requirements are established and implemented."

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<sup>1</sup> United States Office of Personnel Management, *Records Management for OPM Internal Administrative Records*, January 2014, p. 9.

- Training all OPM Records Coordinators, senior officials, employees, interns, and contractors in records management and are aware of OPM records management policies and the possible sanctions for the unlawful removal or destruction of Federal records.
- “Reporting any unlawful or accidental removal, defacing, alteration, or destruction of OPM records to the CIO and NARA (44 U.S.C. 3106).
- Conducting reviews of Headquarters and field office programs to ensure conformance with Government-wide and agency-wide records management standards.”<sup>2</sup>

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<sup>2</sup> IBID, p.12

# RESULTS OF EVALUATION

## **1. Inadequate Oversight of OPM's Records Management Program**

In accordance with 44 U.S.C. Chapter 31, *Records Management by Federal Agencies*, OPM is required to establish a records management program to create, maintain, and destroy or archive records in an efficient and economical manner. However, OPM lacks adequate oversight of its Records Management Program. Specifically, the Records Management Program has not had a permanent Records Officer since December 2016. Several acting Records Officers have performed the roles and responsibilities of the Records Officer, mostly as a collateral duty. The lack of a permanent Records Officer to oversee the many facets of the Records Management Program has left the agency's records at risk. OCIO attributes the lack of a permanent Records Officer to a lack of resources.

As a result, of inadequate oversight, OPM program offices may be unaware of the records management requirements to maintain, destroy or archive their records. Since OPM uses a decentralized filing system for its internal administrative records, having a permanent Records Officer to coordinate the agency's Records Management Program is imperative to the program's success and compliance with Federal regulations. As part of our evaluation, we conducted interviews, with the current acting Records Officer and OPM personnel identified as program offices' Records Coordinators. The analysis of the interviews showed there is limited coordination with respect to managing and preserving records. We sampled 15 out of the 83 designated Records Coordinators and found that only one coordinator was aware of their responsibilities related to the management and preservation their program office's records.

### **Recommendation 1**

We recommend that OCIO establish a permanent Records Officer to oversee all facets of the OPM's Records Management Program.

### **Management Response**

Management concurred with this finding and stated they "have begun the hiring process for an Agency Records Officer (ARO). The job announcement for this position closed on October 29, 2018."

## **2. All Records Schedules Have Not Been Updated**

OPM consults with NARA to develop records schedules, which outline guidance on the retaining and destroying of specific records. OPM is responsible for 94 records schedules, which encompass a wide variety of records in smaller quantities, contributing to the development of multiple schedules with various series for preservation and destruction. OPM currently has 59 records schedules that are not media neutral, including 10 records schedules that are currently being updating, and 35 records schedules that reflect media neutrality. These schedules include records for personnel files, retirement case files, investigative case files, and emails.

According to *36 CFR 1225.24 (d) (2)*, Federal agencies should develop media neutral records schedules to account for electronic and hard copy records and update records schedules for those scheduled prior to December 17, 2007. Records schedules approved after this date should be media neutral and not explicitly limited to a specific record type.

OCIO's Records Management Program is under-resourced and has not had a permanent Records Officer since 2016 to ensure all records schedules reflect media neutrality; with the exception of certain records, which NARA provides special handling instructions and requires a medium-specific schedule. By having outdated records schedules there are multiple potential risks to the Records Management Program's efficiency, specifically:

- Wasted funds – Space for the storage of unnecessary records is very expensive.
- Decreased security – Records containing PII kept longer than NARA requirements increases the risk of a security and data breach.
- Effectuated FOIA requests – Retention of unnecessary records prolong the agency's response time.

### **Recommendation 2**

We recommend that OCIO allocate resources to the Records Management Program to update all OPM records schedules to media neutral, with the exception of those records which NARA provides special handling instructions and requires a medium-specific schedule.

## **Management Response**

Management concurred with this recommendation and stated they will continue to work toward updating the agency's records schedules by supporting the allocation of appropriate resources to accomplish this task as necessary.

### **3. No Guidance on the Use of Smartphone Records Management for Official Government Business**

In June 2009, OPM revalidated its June 2000 *Policy on Personal Use of Government Office Equipment*, which provides guidance on limited personal use of Government office equipment. The policy defines Government equipment as, but is not limited to; personal computers, related equipment and software, Internet services, email, library resources, telephones, facsimile machines, photocopiers, and office supplies.

As technology has advanced, OPM adapted the use of smartphones as a means to enhance official Government business. Government-issued smartphones have application capabilities, which allow messages, both personal and official, to be sent via text and email. Official messages generated from a Government-issued smartphone are official Government records and Federal preservation requirements apply.

According to the NARA's Bulletin 2015-02, *Guidance on Managing Electronic Records*, agencies, to include OPM, should address the records management challenges associated with the use of electronic messages by updating policies when deploying new tools or the agency becomes aware that employees are using a new tool. However, we found that OPM does not have any specific guidance on the use of Government-issued smartphones, including restrictions on installing certain applications or procedures on the preservation of smartphone-generated records related to Government business. The agency currently uses the general guidance contained in its *Policy on Personal Use of Government Office Equipment* regarding the use of smartphones. However, this does not specifically provide guidance and restrictions on smartphone usage.

During fieldwork, we conducted a survey of OPM Executives and found that seven Executives have used personal email accounts, alias email accounts, text messages, and/or phone-based message applications to conduct official OPM business.<sup>3</sup> We also identified, with the help of

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<sup>3</sup> It is important to note, we did not determine if any of the seven abided by federal guidance regarding preservation of electronic records related to official business.

OPM's OCIO, three Executives with an application (WhatsApp) known for its encrypting and deleting capabilities, installed on their smartphones. The lack of guidance increases the risk of inadequate records management, prompting noncompliance with Federal regulations related to the preservation of electronic records.

### **Recommendation 3**

We recommend that OCIO implement guidance on the official use of smartphones to include restrictions on usage and details on maintenance and preservation of records.

### **Management Response**

Management concurred with this finding and states it plans "to issue policy prohibiting employees from using unapproved applications on their OPM-issued smartphones. The approved applications would have records maintenance and preservation controls. Management also plans to issue policy requiring employees to avoid using text messages to communicate, preferring email sent from an OPM device. Emails to and from OPM accounts are already captured in an enterprise-wide system."

# APPENDIX A: SCOPE AND METHODOLOGY

We conducted this evaluation in accordance with the *Quality Standards for Inspection and Evaluation*, January 2012, approved by the Council of the Inspectors General on Integrity and Efficiency.

We performed our evaluation fieldwork from November 7, 2017 through August 15, 2018 at the OPM Headquarters in Washington, DC. The scope of this evaluation considered OPM's preservation of electronic messages as records since January 20, 2017.

The objective of our evaluation was to determine OPM's compliance with the Federal Records Act, regulations issued by the National Archives and Records Administration as it relates to the preservation of electronic records, and agency policies and procedures. More specifically, we determined if OPM:

- Issued any guidance related to the use of smartphone applications that support encryption or deleting capabilities after messages have been read/sent for work-related communications.
- Implemented policies and procedures to meet the requirements of the Federal Records Act.
- Complied with the requirements of NARA regarding the preservation of electronic records to include updating record schedules to reflect media neutrality.

To answer our objectives, we met with OPM personnel responsible for the preservation of electronic records to gain an understanding of OPM's process for preserving electronic records and to identify all roles and responsibilities within the process. We reviewed policies and procedures to identify OPM's processes to preserve electronic messaging and encrypted messages as Federal records to determine compliance with the Federal Records Act and NARA requirements as it relates to the preservation of electronic records. Additionally, we reviewed OPM's latest *Social Media Policy*, dated July 2017, to identify OPM's guidance on preserving Federal records via social media.

We also, reviewed the United States National Archives and Records Administration's *Electronic Messages White Paper* issued August 2016, *Records Management by Federal Agencies (44*

*U.S.C. Chapter 31, and Presidential and Federal Records Act Amendments of 2014* as criteria to determine applicable legal standards for preserving certain electronic records as Federal records.

Based on Federal regulations, we developed a set of questions for OCIO's Enterprise Infrastructure Services personnel to obtain information on OPM employees' usage of smartphone applications related to encryption and preservation. We compared a list of smartphone applications designated as restricted by OPM with the list of smartphone applications, as outlined in the June 2017 Congressional request, that support encryption or the ability to automatically delete messages after they are read or sent for work related communications.

We conducted a survey to determine if OPM's Executives:

- Installed any of the restricted applications on their smartphones; and
- Used personal email accounts, alias email accounts, text messages, and/or phone-based message applications to conduct official OPM business.

We sent the survey via email to all 68 of OPM's Executives, and received 45 responses (66% response rate).

# APPENDIX B: MANAGEMENT COMMENTS



Office of the  
Chief Information  
Officer

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

NOV 20 2018

Memorandum For: William W. Scott, Jr.  
Chief, Office of Evaluations  
Office of the Inspector General

From: David A. Garcia  
Chief Information Officer, Office of the Chief Information Officer

Subject: Draft Report on the Evaluation of the U.S. Office of Personnel  
Management's (OPM) Preservation of Electronic Records

Report Number 4K-C1-00-18-009

Thank you for providing OPM the opportunity to respond to the Office of the Inspector General (OIG) draft report on the Evaluation of the U.S. Office of Personnel Management's (OPM) Preservation of Electronic Records, 4K-C1-00-18-009.

Responses to your recommendations including planned corrective actions, as appropriate, are provided below.

**Recommendation #1:** We recommend that OCIO establish a permanent Records Officer to oversee all facets of the OPM's Records Management Program.

**Management Response: We concur.**

We have begun the hiring process for an Agency Records Officer (ARO). The job announcement closed on October 29, 2018.

**Recommendation #2:** We recommend that OCIO allocate resources to the Records Management Program to update all OPM records schedules to media neutral, with the exception of those records which NARA provides special handling instructions and requires a medium-specific schedule.

**Management Response: We concur.**

We agree with the recommendation and continue to work toward updating the agency's records schedules. OPM supports allocation of appropriate resources to accomplish this task as necessary.

**Recommendation #3:** We recommend that OCIO implement guidance on the use of smartphones for official to include restrictions on usage and details on how to maintenance and preservation.

**Management Response:**

There appears to be some missing and extraneous words in the recommendation. If the recommendation is meant to read, "We recommend that OCIO implement guidance on the official use of smartphones to include restrictions on usage and details on maintenance and preservation of records," then **we concur**.

We plan to issue policy prohibiting employees from using unapproved applications on their OPM-issued smartphones. The approved applications would have records maintenance and preservation controls.

We also plan to issue policy requiring employees to avoid using text messages to communicate, preferring email sent from an OPM device. Emails to and from OPM accounts are already captured in an enterprise-wide system.



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