

# Records Management

## Carahsoft Legislation Overview

### Summary:

Effective records management is fundamental to the accountability, transparency, and efficiency of federal agencies. It ensures that government records are created, maintained, and disposed of in a manner that supports legal compliance, informed decision-making, and public trust. Over time, a comprehensive framework of legislation and regulation has evolved to guide federal agencies in the proper handling of records, both physical and digital.

### Legislation and Guidance

[The Paperwork Reduction Act](#) guides how the federal government is able to collect information from and about the public. It requires that the government calculates “burden hours” to reduce the stress on citizens and display this calculation on forms. The Paperwork Reduction Act does not provide guidance on electronic record management, it addresses the content of the forms themselves. However, a form that is user-friendly to the public is going to have secure and well-designed management practices.

[Integrated Digital Experience Act \(IDEA\)](#) improved digital experiences all around. It requires federal agencies to ensure that they are utilizing digital technologies to better deliver services to citizens and conduct daily operations. Included in the act was a requirement for agencies to report on what websites or online applications are most used by the public. Agencies are required to digitize services and forms whenever possible, utilize e-signatures, and switch to centralized shared services.

[The Modernizing Government Technology \(MGT\)](#) was passed in 2018 to dedicate money towards IT modernization. It established a fund within the Department of Treasury that federal departments can apply to, for modernizations funds. The largest contribution to this fund was \$1B from ARPA. The projects as of now are more focused on cybersecurity and less on CX, even though CX projects are eligible.

[Americans with Disabilities Act](#) contains provisions that require Federal and State governments to make their websites accessible to those with disabilities. The requirements exist because withholding essential web content from those who are unable to access it is exclusionary and creates for an unjust society. As more services end up online, it is important that government websites are accessible. Some examples of website accessibility barriers are: poor color contrast, color being important for information given (color blindness), lack of text alternatives “alt text” on images, lack of captions on videos, inaccessible forms, labels, clear instructions, and error indicators, mouse-only navigation.

[Freedom of Information Act](#) (FOIA): The Freedom of Information Act (FOIA) is a U.S. law enacted in 1966 that provides the public with the right to access records from any federal government agency. The goal of FOIA is to promote transparency and accountability by giving citizens the ability to request and obtain information about government activities, unless the information falls under specific exemptions that protect sensitive information. Although FOIA does not specifically mention record management, requests are completed electronically, so all records that are involved in FOIA will need proper management practices to ensure transparency and public access.

[Federal Information Security Modernization Act \(FISMA\)](#): Although FISMA does not specifically mention electronic records, however, effective electronic record management incorporates security practices, and FISMA outlines standards that could be applied to electronic records. FISMA strengthened cybersecurity practices across the federal government by setting standards for securing IT systems, identifying vulnerabilities, and managing risks. It established accountability practices for protecting sensitive information and maintaining the confidentiality, integrity, and availability of federal data.

The role under FISMA for Federal Agencies is:

- [Risk-Based Security Approach](#): Agencies must implement a risk management framework, assessing risks to their information systems and addressing those risks through appropriate security controls.
- [Annual Reporting](#): Agencies are required to conduct annual assessments of their information security programs and submit reports on the effectiveness of their security controls to the Department of Homeland Security (DHS) and the Office of Management and Budget (OMB).
- [Incident Response](#): Agencies must have incident response capabilities to identify, report, and respond to cybersecurity incidents in a timely manner.

[Section 508](#) of the Rehabilitation Act mandates that all federal agencies provide comparable electronic and digital information to those with disabilities. All federal agencies are responsible for not posing an “undue burden” onto employees and members of the public with disabilities who are seeking information. It affects various methods of communication, including but not limited to computers, software, and electronic office equipment. It only applies to federal agencies, there are no stipulations for states or the private industry.

Section 508 comes with reporting requirements for transparency. Agencies are required to report progress twice yearly to the Office of Management and Budget (OMB) on the IT accessibility effectiveness.

- Department of Justice: The last report the Department of Justice filed was in 2012. And after receiving formal requests from congress, they were able to get their first report together in over a decade. The Department of Justice received help from the GSA and OMB to create a data-driven report that proved 508 compliances. ([Source](#))
- Department of Homeland Security: The Department of Homeland Security became 508 compliant by establishing the Office of Accessibility Systems and Technology (OAST) within the Office of the CIO and Civil Rights and Civil Liberties (CRCL) established policies on electronic and Information Technology accessibilities. The DHS CIO oversees all technology within the office like DVD players, copiers, fax machines, and e-learning products. There are also Section 508 specific coordinators that receive regular compliance training. ([Source](#))
- Department of Veterans Affairs: The Department of Veterans Affairs was able to become 508 compliant by putting the Office of the Assistant Secretary for Information and Technology and VA Section 508 Program Office in charge of overseeing 508 initiatives. The VA’s Enterprise Architecture infrastructure passed the Section 508 Accessibility Testing and Training Center requirements, and the VA established a hotline to accommodate all Section 508 requests and complaints. ([Source](#))
- Social Security Administration: The Social Security Administration is 508 compliant by creating a role for the Section 508 coordinator. This senior level role oversees the accessibility of all web pages and applications, PDFs, documents, PowerPoints, excel sheets, video, audio, flash, and live/recorded events. Content owners not experienced in accessibility standards are able to obtain help from the Agency webmasters to insure compliance. ([Source](#))

[The Federal Records Act](#): The Federal Records Act (FRA) governs the creation, management, and disposal of records by federal agencies. The act’s purpose is to ensure that federal records are properly maintained, preserved, and accessible for future use, and providing procedures for disposing of non-essential records. It helps safeguard transparency, accountability, and the historical documentation of the federal government’s activities. The FRA requires federal agencies to create and preserve records that document their functions, decisions, procedures, and activities. These records can include various formats, such as paper documents, emails, photographs, and electronic files. It sets guidelines for how long records are to be retained and disposed of based on their function. All agencies are responsible for making sure their records are in compliance with FRA.

[E-Government Act](#): The E-Government Act improves the management and efficiency of federal government services by leveraging information technology (IT). The act promotes the use of the internet and other digital technologies to make government services more accessible, increase transparency, and enhance public participation. It also strengthens the government's focus on cybersecurity, privacy protections, and the management of electronic government information. Although the E-Government Act does not call out electronic records specifically, a significant part of accessible digital services for citizens are paperless forms, which fall under the act and require effective record management SOPs.

[M-12-18](#) emphasizes the transition to electronic records to improve efficiency and reduce costs. It was issued by the Office of Management and Budget (OMB) and the National Archives and Records Administration (NARA) on August 24, 2012. This directive provides a comprehensive strategy to reform federal records management, especially in the context of electronic records. The goal is to ensure that federal agencies manage records efficiently and transparently to support government operations, accountability, and the preservation of valuable historical records. Agencies must transition to electronic record management and designate leadership to oversee the process.

[M-19-16](#) was passed in 2019, and established the creation of Quality Service Management Offices (QSMOs) and dedicated Senior Accountable Points of Contacts (SAPOCs) who outline data and business standards, amplify agencies voice in shared service discussions, and facilitate connections between senior leaders and c-suite officials on how to best leverage shared services. It encouraged an enhanced blueprint for shared services looking for cost savings and productivity to guide agencies to increase accountability and avoid duplicated efforts, creating centralized capabilities, and requires agencies to adopt shared services processes or provide a reason as to why they will not adopt shared services.

[M-19-21](#) Emphasized the importance of agencies transitioning to paperless records to improve citizen interactions with the government. It directs federal agencies to make sure that all federal records can be managed in electronic formats. Agencies were also directed to come up with records management laws and regulations.

[M-23-07](#) is an update to M-19-21 to assist agencies with transitioning the electronic records. It gave federal agencies the following mandates to complete by June 30<sup>th</sup>, 2024:

- Federal agencies must be capable of managing permanent records in electronic format.
- Federal agencies must transfer permanent records into an electronic format with metadata.
- Federal agencies must manage all temporary records in an electronic format.
- NARA will only be accepting electronic records with appropriate metadata.
- NARA will issue standards for records management.

[M-23-22](#) was released September 22<sup>nd</sup>, 2023, and serves to assist agencies in implementing the 21<sup>st</sup> Century IDEA Act. It clarifies expectations and gives additional guidance for websites and digital services. It gives definitions for words like “web” and “accessibility”, as well as detailed breakdowns of concrete steps agencies can take to be IDEA Act compliant. It emphasized the importance of hiring CX experts, leveraging customer data, and creating public facing services with the user in mind.

[Circular A-130](#) provides guidance on the management of federal information resources. It outlines best practices for the management, security, and privacy of federal information resources. It encourages the use of IT to improve service delivery, privacy programs for collected data, and the use of record management programs.

[Circular A11](#) regards how federal agencies should manage customer experience improvement programs. This modification will help agencies:

- Support a customer experience culture in the federal government.
- Provide a common framework for approaching and measuring customer experience.
- Encourage federal agencies to apply leading private sector practices.
- Improve customer satisfaction with federal service delivery.