

National Archives and Records Administration

Transmittal Memo

DATE: February 4, 2013

TO: Executives, Staff Directors, NHPRC, OIG

SUBJECT: NARA 1540 – Reappraisal and Deaccessioning of Archival Federal Records

Purpose: This directive provides guidance on the reappraisal and deaccessioning of Federal records that have been transferred to the legal custody of the National Archives.

Background/significant changes: Past guidance has discouraged deaccessioning of Federal records, and typical practice has generally been not to reappraise records that have been accessioned into the National Archives of the United States. However, there are situations when it is reasonable to reappraise and remove accessioned records from the legal custody of NARA. This directive presents NARA's policy for the removal of records from NARA's legal custody and the kinds of actions that can be taken with the records afterwards.

Available forms:

- NA Form 13133, Recommendation to the Archivist on Records Disposition Request
- NA Form 13174, Internal Review of Reappraisal \ Deaccessioning Proposal
- SF-115, Request for Records Disposition Authority

Canceled policy:

- NAR P 1848.1A, Part 5, Internal Disposal, including Section 1, Processing Internal Disposal Requests
- Appraisal 1321, Records Appraisal and Disposition Procedures Manual

Canceled forms: None.

Effective date: This directive is effective date of signature.

National Archives and Records Administration

Contact information: For questions on this directive, please contact Stuart Culy (SP), on (301) 837-0970 or by [email](#).

DEBRA STEIDEL WALL
Deputy Archivist of the United States

Attachments

National Archives and Records Administration

NARA 1540
February 4, 2013

SUBJECT: Reappraisal and Deaccessioning of Archival Federal Records

1540.1 What is the purpose of this directive?

This directive provides guidance on the reappraisal and deaccessioning of Federal records that have been transferred to the legal custody of the National Archives.

1540.2 What are the authorities for this directive?

- a. 44 U.S.C. 2112(c) gives the Archivist the authority to exercise, with respect to papers, documents, or other historical materials in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control.
- b. 44 U.S.C. 3302 gives the Archivist the authority to establish procedures for the disposal of records and the authority to determine when records no longer have sufficient administrative, legal, research or other value to warrant their continued preservation by the Government.
- c. 44 U.S.C. 3303a(e) gives the Archivist the authority to approve and effect the disposal of records in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.
- d. 36 CFR 1220.12(c) describes the Archivist's authority to determine which Federal records have temporary value and may be destroyed and which Federal records have permanent value and must be preserved through a records scheduling and appraisal process.
- e. 36 CFR Parts 1225 and 1226 establish the procedures for implementing and applying the records scheduling and appraisal process.
- f. 36 CFR 1235.34 gives NARA the authority to destroy records in its custody with the written consent of the originating agency or its successor.

1540.3 What other guidance is related to this directive?

- a. Archives 1400, Chapter 10, The Center for Legislative Archives, Part 5, Internal Disposal;
- b. NARA 1441, Appraisal Policy of the National Archives and Records Administration;

- c. NARA 1461, Disposal Guidance for Presidential Records;
- d. NARA 1501, Custody of Federal Records of Archival Value; and
- e. NARA 1502, Procedures for Processing Proposals for Affiliated Archives.

1540.4 What records does this directive apply to?

- a. This directive applies to all archival Federal records scheduled as permanent including those properly accessioned into the legal custody of the National Archives of the United States, with the exception of those records listed in subpara. (b). It includes records in NARA's physical custody and records in the physical custody of affiliated archives.
- b. This directive does not apply to:
 - (1) Records that are unscheduled or scheduled as temporary under an approved records schedule but that have been sent incorrectly to the physical custody of archival units of the National Archives either because they are mixed into accessions of permanent archival records or because they are mistakenly sent as permanent records under a misapplication of disposition authorities (but see para. 1540.9);
 - (2) Donated historical materials;
 - (3) President John F. Kennedy Assassination Records as defined in 44 U.S.C. 2107 note, sec. 3(2);
 - (4) Nixon Presidential historical materials as defined in 44 U.S.C. 2111 note, sec. 101(b)(2);
 - (5) Records of Congress, the Supreme Court and the Architect of the Capitol;
 - (6) Presidential Records as defined in 44 U.S.C. 2201(2); and
 - (7) Accessioned records which are considered a continuing menace to human health or life or to property, per 44 U.S.C. 3310.

1540.5 Definitions.

- a. **Reappraisal** – The process of reevaluating the historical value and thus the final disposition of Federal records. Reappraisal of permanent records changes an approved disposition authority from permanent to temporary for either a discrete set or an entire series of records. Reappraisal can apply to records in NARA's legal custody and/or records in an agency's legal custody.

- (1) Reappraisal of permanent records in NARA's legal custody: The permanent removal of a discrete set of an accessioned series of records from NARA's physical and legal custody, from any number of physical locations (up to and including all physical locations), because they have been reappraised as temporary, without affecting the existing disposition authority for any remaining records, is known as "Internal Disposal." This removal can result in the records being destroyed, permanently returned to an agency, or donated to another organization.
- (2) Reappraisal of permanent records in an agency's legal custody: The process of reevaluating the value and thus the disposition authority for Federal records in the custody of a Federal agency (reappraisal of an ongoing series of records) results in the changing of an approved disposition authority from permanent to temporary for a whole series or records schedule item. The new authority supersedes the previous permanent authority and applies to records still in the agency's custody.

b. **Deaccessioning** – Removing a discrete set of Federal records from NARA's legal and physical custody. There are two types of deaccessioning actions: internal disposal and permanent withdrawal.

- (1) Internal Disposal – The permanent removal of a discrete set of an accessioned series of records from NARA's physical and legal custody, from any number of physical locations (up to and including all physical locations), because they have been reappraised as temporary, without affecting the existing disposition authority for any remaining records. This removal can result in the records being destroyed, permanently returned to an agency, or donated to another organization.
- (2) Permanent Withdrawal* – The removal of a discrete set of an accessioned series of records from NARA's physical and/or legal custody; the records retain their appraised permanent value and must not be destroyed. A permanent withdrawal is an infrequent, unusual action that generally happens at the request of a Federal agency because the agency has an expressed business need for the return of the records. They can also result from a loan that is unrecoverable. When records are permanently withdrawn to be returned to an agency, NARA staff should reevaluate the transfer instructions for the series in the associated records schedule.

*Permanent Withdrawal Actions as used by the Federal Records Center Program pertain to non-accessioned records.

1540.6 Responsibilities.

a. The Archivist

- (1) Approves the deaccessioning of Federal records in NARA's legal custody; and
 - (2) Determines whether it is in the public interest to establish affiliated archives.
- b. **Strategy Division** coordinates Federal Register Notices regarding reappraisal and deaccessioning decisions.
- c. **Communications and Marketing Division** informs the public about reappraisal and deaccessioning decisions through appropriate means.
- d. **Executives for Research Services and Legislative Archives, Presidential Libraries, and Museum Services** concur with or reject deaccessioning recommendations received from custodial unit heads.
- e. **Custodial units**
- (1) Determine records which will be reappraised;
 - (2) Assign staff to prepare reappraisal memos and related paperwork (unit head); and
 - (3) Coordinate reappraisal proposals with other offices.
- f. **Chief Records Officer** recommends disposals (or not) after receiving proposals from a custodial unit's executive, and with the concurrence of the head of the creating agency.
- g. **National Records Management Program, Records Management Services Section (Agency Services)**
- (1) Advises custodial units with reappraisal and deaccessioning justification when requested; and
 - (2) Processes records schedules.
- h. **General Counsel** reviews for legal sufficiency the schedules and justifications for Internal Disposal recommendations.

1540.7 Why could records be proposed for internal disposal or permanent withdrawal?

- a. In deciding to remove records from NARA's legal and physical custody, staff should be aware of and take into account the guidelines in NARA 1441, Appraisal Policy of the National Archives and Records Administration.

b. Archival staff may conclude that accessioned records merit internal disposal because they do not have permanent administrative, legal, research, or other permanent value for the following reasons including, but not limited to:

- (1) Experience working with the records reveals they do not have adequate evidential value because the files do not contain sufficiently detailed or complete information about the substance and outcome of the policies, cases, projects or other actions of the Federal government that the records were thought to document;
- (2) Experience working with the records reveals they do not have adequate informational value because they do not contain sufficient information about American history, genealogy, scientific data, or other informational values that the records were thought to document; or
- (3) Records have problems of physical integrity that prevents retrieving their evidential or informational content. For electronic records, lack of adequate documentation to interpret the contents of structured data files or computer-readable media may be a basis for internal disposal.

c. Archival staff may conclude that accessioned records are subject to permanent withdrawal because:

- (1) Continuous, recurrent use by the originating agency through long term, unreturned loans or by large volumes of reference requests from the agency for copies of, or for information from, the records for its work makes it clear that the records are still very important for ongoing functions and programs of the originator and that transfer of the records to NARA was premature; or
- (2) The Archivist determines it is in the public interest to establish an affiliated archive. The criteria for establishing an affiliated archive are in NARA 1501, Custody of Federal Records of Archival Value, and the procedures are in NARA 1502, Procedures for Processing Proposals for Affiliated Archives.

1540.8 If a new records schedule submitted by an agency changes the disposition of records in *their* custody from permanent to temporary, may I simply apply the agency's new disposition authority retroactively to accessioned records in NARA's legal custody?

No. If a records schedule submitted by an agency changes the disposition of records in its custody from permanent to temporary, archival staff may propose internal disposal of accessioned records which are the same as those identified in the new records schedule by applying the criteria found in subpara. 1540.7b. NARA may not simply apply the agency's new disposition authority retroactively to accessioned records.

1540.9 How do I dispose of temporary records that are co-mingled with permanent records in an accession that was made prior to September 1994 (when a change was made to the language on the SF-258)?

You must follow the procedures for an internal disposal for records received under an SF-258 prior to September 1994. This is because before the change to the SF-258 in September, 1994, the form did not include the authorization by the agencies to dispose of records scheduled as temporary in either the General Records Schedule or in an agency schedule.

1540.10 What different kinds of actions can be taken with records approved for removal from NARA's legal and/or physical custody through internal disposals or permanent withdrawals?

- a. Records approved for Internal Disposal may be:
 - (1) Destroyed as temporary records under an approved records schedule. Proper disposal methods must be followed for records that are security classified, contain Personally Identifiable Information (PII), or include other types of sensitive information.
 - (2) Donated to a non-Federal organization or institution per the standards and procedures in 36 CFR 1226.26. Records that could not be opened to the public in their entirety for privacy or security reasons are typically not suitable for donation to a non-Federal organization.
 - (3) Returned to the legal custody of the originating Federal entity and removed from NARA's archival storage space.
- b. Records approved for Permanent Withdrawal may be:
 - (1) Physically transferred to an affiliated archive, per NARA 1501 and NARA 1502, if doing so is determined by the Archivist to be in the public interest.
 - (2) Returned to the legal custody of the originating Federal entity and removed from NARA's archival storage space.

1540.11 What happens if an agency disagrees with a proposed internal disposal?

Generally, NARA will retain the records as permanent. However, in the event that an agency does not agree with NARA's decision to dispose of the records, the issue should be elevated to the attention of senior management, including the CRO, the Executive for Research Services, NGC, and the Archivist, to make a further case to the agency. NARA reserves the right to consider, on a case by case basis, whether to withdraw the permanent disposition of the records so as to return them to the legal custody of the agency.

1540.12 Is there a chart which illustrates the actions which can be taken with records approved for removal from NARA’s legal and/or physical custody?

Yes. The following chart illustrates the different kinds of actions which can be taken with records approved for removal from NARA’s legal and/or physical custody:

Deaccessioning						
Options:	Internal Disposal				Permanent Withdrawal	
Triggers	Upon closer examination, records do not have permanent, historical value				Archivist determines it is in the public interest to establish affiliated archives	Agency has business need for accessioned records
Disposition:	Records reappraised as temporary			Agency does not agree to disposal	Records retain permanent value	Records retain permanent value
Possible end result actions:	Donate	Destroy	Return to legal custody of agency and remove from NARA’s archival storage space	NARA retains legal and physical custody; senior management makes further case to the agency	Records placed in affiliated archives per NARA 1501 and NARA 1502	Return records to legal custody of agency and remove from NARA’s archival storage space

1540.13 Are there any general procedures for internal disposals?

Yes. See Appendix A. Other procedures will be developed and issued as additional appendices.

1540.14 How are records created by this directive maintained under the NARA Records Schedule?

Use the following file numbers:

- a. Strategy Division: [File no. 225](#), “Routine Federal Register Notices.”
- b. Custodial units:
 - (1) Archival Operations – Washington, DC (RD-DC) and St. Louis (RL-SL) units – [File nos. 1309-3](#) (“Records Disposition Case Files: Other copies [including those in custodial units]”) and [1405-2](#) (“Records Accession Files: Accession dossiers relating to the destruction, loss, or removal of records”).
 - (2) Archival Operations – East (RE), Midwest (RM), and West (RW) – [File nos. 1474-4](#) (“Archives Services: Appraisal/Internal Disposal”) and [1474-1a](#) (“Archives Services: Accessioning: All records of the accessioning function with the exception of those listed in 1474-1b”).
- c. National Records Management Program, Records Management Services Section (ACNR):
 - (1) ACNR staff members in College Park – [File no. 1309-2](#) (“Records Disposition Case Files: Internal disposition records maintained in ~~NWML~~ ACNR”).
 - (2) ACNR staff members stationed in field locations – Records created by NARA 1540 are **unscheduled**. (Records were formerly covered by [file no. 1342](#), “Records Management Services.” See [NARA Notice 2012-015](#), “Guidance on Managing Pre- and Post-Transformation Records at the New Fiscal Year.”)
- d. General Counsel – [File no. 1103-1b](#), “General Legal Advice: Files for all other [non-precedential] cases.” (If a particular internal disposal establishes [a] precedent, follow disposition instructions for [file no. 1103-1a](#), “General Legal Advice: Files for precedential cases.”)

National Archives and Records Administration

NARA 1540, Appendix A

February 4, 2013

General procedures for internal disposal of records, excluding Presidential Libraries

a. Custodial units – including Washington, DC, area units and regional archives -- initiate reappraisal and the resultant internal disposal of records in their custody. An internal disposal proposal is prepared by the NARA archival staff member(s) familiar with the records and is approved by the unit head. Proposals must include the following documentation:

- (1) SF-115, Request for Records Disposition Authority, for the internal disposal. The SF-115s for internal disposals are filled out as follows:

Block 1, From (Agency or Establishment): National Archives and Records Administration

Block 2, Major Subdivision: Research Services; or Legislative Archives, Presidential Libraries, and Museum Services.

Block 3, Minor Subdivision: NARA unit with custody of the records. If the SF-115 applies to multiple custodial units, list them all in this block.

Block 4, Name of Person with Whom to Confer: Name of staff member who prepared the SF-115.

Block 6, Agency Certification: Check the box indicating that GAO concurrence is not needed.

Block 6, Signature of Agency Representative: Unit head with custody of the records. If the SF-115 applies to multiple custodial units, select one custodial unit to act as lead and sign in Block 6; for the other applicable custodial unit heads, a signature line(s) should be added to Block 8 and the head(s) should sign there.

Block 7, Item No.: Should contain item numbers of the records identified on the form in sequence, beginning with “1.” Lower case letters and numbers may be used to designate subdivisions of an item (1a, 1b, 1b(1), 1b(2), etc.).

Block 8, Description of Records and Proposed Disposition: Records are described in accordance with the guidelines in “Disposition of Federal Records”. This block must clearly identify the creating agency and the date span; if you need additional pages, attach a Word document to the SF-115. The proposed disposition is usually “Destroy immediately”. If records are to be donated, the disposition instructions should read “Dispose of immediately by

donation to [name of institution].” In rare instances, records, while temporary, may not appropriate for immediate disposal. In such instances, the proposed disposition would read “Return to legal custody of [agency of origin]. Retain for _____ years.” (When such situations arise, archival staff in custodial units should consult with ACNR concerning the proposed retention period.)

- (2) Appraisal memorandum that details the background of the records’ appraisal, accessioning, and reference use history, presents a clear justification for internal disposal, and states that the disposal is in the public interest.
- (3) NA Form 13174, Internal Review of Reappraisal \ Deaccessioning Proposal if the SF-115 covers records in multiple custodial units. This will provide these custodial units the opportunity to review the appraisal and to decide whether to opt-in to this SF-115.
- (4) Contact ACNR for the Job Number which will be used to track this package. ACNR registers the internal disposal job within 5 working days of receipt. Internal disposal jobs are numbered in the same fashion as schedules submitted by agencies except that they are given the identifier N2 (rather than N1 or DAA). The jobs are assigned to the Record Group of the agency creating the records (e.g., an internal disposal SF-115 for State Department records is assigned to RG 59).

b. Reviews may be coordinated with other custodial units if there are records in other custodial units at other NARA locations that were accessioned under the same disposition authority and it is decided that the internal disposal at the initiating unit might apply to the same records in other units or if there are related records in other custodial units whose usefulness for researchers would be affected by the proposed disposal.

- (1) The initiating unit consults with its next supervisory level, which is its Access Coordinator in the case of Research Services, and together they determine if and which other custodial units should be consulted.
- (2) In Research Services the consultation includes all the Access Coordinators when records at different locations are involved.
- (3) Units identified as additional reviewers are sent a copy of the appraisal memorandum and draft SF 115 and they provide their views to the initiating unit on the NA Form 13174, Internal Review of Reappraisal \ Deaccessioning Proposal.
- (4) When the records being reappraised are national security classified, the National Declassification Center (ANDC) must be informed.

c. After the reviewing units have returned the NA Form 13174, Internal Review of Reappraisal \ Deaccessioning Proposal and appraisal memorandum, the initiating

custodial unit completes an NA Form 13133, Recommendation to the Archivist on Records Disposition Request. The unit head signs the NA Form 13133 and then forwards the internal disposal request package (NA Form 13133, SF-115, appraisal memorandum, and all NA Form 13174, Internal Review of Reappraisal \ Deaccessioning Proposal if applicable) for additional signature and concurrence on the NA Form 13133 up through their chain of command to the Service Executive.

- (1) If there are disagreements, the higher level supervisor tries to resolve them. In Research Services, this is done by the Access Coordinators.
- (2) If agreement is not reached, the higher level supervisor forwards the package with a recommendation to the Service Executive for a decision.
- (3) If the final decisions entail applying the reappraisal to the same kind of records in other units and/or expanding the reappraisal to apply to related records, the initiating unit updates the SF 115 and the appraisal memorandum to reflect these changes.

d. If the Service Executive signs the NA Form 13133 approving the internal disposal, the package is routed to the Office of the Chief Records Officer (AC) for review and signature.

- (1) The Chief Records Officer will circulate the package to appropriate ACNR appraisal staff for review.
- (2) If the Office of the Chief Records Officer has issues or concerns, this will be documented in an explanatory memo from the Chief Records Officer to the Service Executive. If the Service Executive decides to continue with the deaccessioning proposal, the Chief Records Officer will sign the NA Form 13133.
- (3) If the Chief Records Officer signs the NA Form 13133, they route the package to the General Counsel's office.

e. If the Chief Records Officer signs the NA Form 13133 approving the internal disposal, the package is routed to the General Counsel's office for review and signature.

- (1) If the General Counsel's office does not concur with the proposed internal disposal, they should return the package to the unit head with an explanatory memo.
- (2) If the General Counsel's office signs the NA Form 13133, they route the package to the National Records Management Program, Records Management Services Section Director (ACNR).

f. An ACNR appraiser prepares a letter that is sent to the agency that originated the records, enclosing the SF-115 and requesting that the agency concurs by signing and returning a copy of the letter (*ACNR should see Appendix 24 for an example*). Such

letters are sent by the Director, ACNR, after the ACNR appraiser has spoken with the agency records officer giving them a heads-up the letter is coming. Normally, only the SF-115 is sent to the agency. However, if the appraiser believes it would assist in securing agency concurrence, he/she may also send the appraisal memorandum.

- (1) If the ACNR appraiser meets resistance from the agency, they can call on managers to meet with agency personnel to help explain and advocate for the proposal.

g. If the agency concurs and signs the letter, an ACNR appraiser prepares the Federal Register notice and submits it for publication through the Strategy Division. For the purposes of the notice, NARA is identified as the agency with either “Research Services” or “Legislative Archives, Presidential Libraries, and Museum Services” as the major sub-division. The text of the notice identifies the creating agency, provides a description of the records and the date span, and states that records were previously accessioned into the National Archives but lack historical value (*ACNR should see Appendix 25 for an example*).

h. After the Federal Register process is completed, an ACNR appraiser prepares the SF-115 dossier, including updating (with pen and ink) the NA Form 13133 to reflect the date of Federal Register publication, copies requested, and comments received. The ACNR appraiser routes the dossier for signatures from the Director, National Records Management Program and the Archivist.

- (1) After signature by the Archivist and return of the package, an ACNR appraiser notifies the custodial unit director (i.e., the office of the first signature on the NA Form 13133).
- (2) The custodial unit completes the change of holdings paperwork, updates the Holdings Management System (HMS) and notifies staffs responsible for updating ARC/OPA and any other intra-agency or public databases to reflect the change in holdings.

i. If, as a result of step “f” above, the agency does not concur with a NARA-proposed disposition for the destruction or donation of the records, these records retain their permanent value.

- (1) ACNR will withdraw the SF-115 and notify the custodial unit director (i.e., the office of the first signature on the NA Form 13133).
- (2) The custodial unit will make a request to the agency that the records be returned to the agency’s legal and physical custody. If the agency agrees to this request, this action is treated as a Permanent Withdrawal. If the agency does not agree, the records will remain in NARA custody.

General procedures for internal disposal of Federal records at Presidential Libraries are forthcoming.