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## International Boundary and Water Commission Records Management Program

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### *Records Management Inspection Report*

National Archives and Records Administration  
July 16, 2018

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**INTERNATIONAL BOUNDARY AND WATER COMMISSION  
RECORDS MANAGEMENT PROGRAM**

**INSPECTION REPORT**

**INTRODUCTION**

The National Archives and Records Administration (NARA) is responsible for assessing the proper management of records in all media within Federal agencies to protect rights, assure government accountability, and preserve and make available records of enduring value.<sup>1</sup> In this capacity, and based on authority granted by 44 United States Code (U.S.C.) 2904(c)(7) and 2906, NARA inspects the records management programs of agencies to ensure compliance with Federal statutes and regulations and to investigate specific issues or concerns. NARA then works with agencies, if necessary, to make improvements to their programs based on inspection findings and recommendations.

In January 2018, NARA inspected the records management (RM) program of the International Boundary and Water Commission (IBWC). The purpose of this inspection was to examine how well IBWC complies with Federal records management statutes and regulations and to assess the effectiveness of its RM policies and procedures. In particular, this inspection focused on the management of electronic records, including email, the transfer of permanent records to NARA, the storage of IBWC inactive records, and records management training.

The records of this agency are very important legally and historically valuable, as the mission of the IBWC, since 1889, is to apply the rights and obligations which the Governments of the United States and Mexico assume under the numerous boundary and water treaties and related agreements. IBWC is responsible for settling differences that may arise in the application of these treaties and agreements. Therefore, a large body of the records created by IBWC are scheduled as permanent and must be maintained as active for long periods of time by the agency. This inspection serves as a formal evaluation of the policies, procedures and programs IBWC has put in place to safeguard their records.

This report notes areas where IBWC is not in compliance with various elements of 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B and areas where IBWC is at risk of non-compliance. This report makes 11 findings and 19 recommendations to address non-compliance or to mitigate the risk. Follow-up actions required for IBWC are identified in Appendix C.

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<sup>1</sup>44 U.S.C. Chapter 29, <https://www.archives.gov/about/laws/records-management.html>.

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## OVERVIEW OF THE IBWC RECORDS MANAGEMENT PROGRAM

The IBWC records management program is located within the Administration Department. It is staffed and supported by one part-time person, who serves as the Agency Records Officer (ARO), and a network of Records Custodians (RCs). The RM program also receives support from the Senior Agency Official for Records Management (SAORM).

## FINDINGS AND RECOMMENDATIONS

### POLICIES, DIRECTIVES, GUIDANCE, AND MANUALS

**Finding 1: IBWC's directives, records control schedule, manuals, and procedures are missing important information, are extremely out of date, with some updates in draft form.**

Agencies are required by 36 CFR 1220 and 1236 to issue directives, schedule records, and keep these current. IBWC currently has multiple directives and manuals that are either outdated or in draft form, including:

- Files Maintenance and Records Disposition Directive
- Records Disposition Manual
- Records Disposal Schedules
- Correspondence Manual
- Document Management System Manual

The current IBWC records control schedule was last updated in 1978 and does not include new policy and guidelines issued by NARA for managing Federal records. Operating with an outdated records control schedule increases the risk of loss of permanent records that have not been identified and scheduled, maintaining potentially temporary records longer than necessary, and inefficiencies associated with the inability to properly access information due to poor maintenance. Additionally, the draft directives, manuals, and procedures are missing important information such as recordkeeping responsibilities for senior level officials and all staff, training requirements, and the management of email and electronic records.

Completion of this work and issuance of compliant directives, policies, and manuals is essential to creating an effective, enterprise-wide records management program.

*Recommendation 1.1: The IBWC must update and issue compliant directives, manuals, and procedures to include guidance on managing electronic records and information, including email. (36 CFR 1220.34, 36 CFR 1236.22)*

*Recommendation 1.2: The IBWC must update its records control schedule to reflect current agency business processes, records, and systems. (36 CFR 1220.34(g))*

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PROGRAM IMPLEMENTATION

**Finding 2: The IBWC RM program does not conduct routine records management evaluations.**

Federal regulations require agencies to conduct formal evaluations to measure the effectiveness of their records management program and practices (36 CFR 1220.34(j)). Records management evaluations conducted routinely allow the ARO to identify areas of noncompliance or weakness and to make necessary corrective actions and improvements.

IBWC is not conducting routine RM evaluations of program offices and field locations. IBWC did conduct two field office site visits with contractors to assess the RM and transfer permanent records to IBWC Headquarters, but these are not being done consistently. Their Records Disposition Manual assigns responsibility for “assistance visits/surveys” to the Records Liaison Officer. These are to be done “no less often than once every 18 months in the headquarters offices and no less often than once every three years in field offices.” However, the manual assigning this responsibility is in draft form.

*Recommendation 2: The IBWC ARO must establish and implement a formal records management evaluation program in accordance with 36 CFR 1220.34(j).*

**Finding 3: IBWC’s records inventories are outdated and incomplete.**

While there has been an effort to gather, centralize and control records at IBWC, including identifying and inventorying vital and permanent records in HQ and field offices, there are some mission programs lacking records inventories documenting the records created and maintained. The current IBWC file plan dated September 17, 2015, has incomplete disposition instructions, possibly due to its outdated records control schedule. This puts IBWC at risk of keeping temporary records longer than necessary, destroying records prematurely, and not transferring permanent records to the National Archives appropriately. This also increases costs for storage, legal discovery, and responding to Freedom of Information Act (FOIA) requests, and could impede emergency preparedness and response.

Conducting an agency-wide inventory of IBWC records will help reduce errors in file plans, improve the identification of essential records, lead to the identification of unscheduled records, and provide a more accurate transition of IBWC records to the IBWC Document Management System.

*Recommendation 3: With guidance from the ARO, IBWC must initiate and complete a full inventory of its records. (36 CFR 1225.12 (a) and (b))*

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**Finding 4: IBWC program offices are using file plans that contain incorrect records disposal instructions.**

IBWC's file plans contain incorrect and unapproved disposition instructions. The ARO indicated that some of the discrepancies were changes that IBWC intended to make to its records control schedule, but have not yet been submitted to NARA. For example, IBWC Grievance and Appeal Files (Item Number 601-12) are scheduled as temporary with instructions to "destroy 7 years after cutoff."<sup>2</sup> In their file plan dated September 15, 2017, precedential cases falling under 601-12 that involve court action are labeled as permanent, while all other records covered in this item are marked as covered under General Records Schedule 1 (which has since been superseded).

In addition, there are several instances where disposition instructions are incomplete or missing. For example, Treaty and Convention Records Set Files (Item Number 1201-01) are scheduled under NC1-76-77-1 as permanent with instructions to "retain in current files area" then "offer to NARS [NARA] when 30 years old."<sup>3</sup> IBWC's file plan indicates only to retain these files in current file areas, with no transfer instructions.

These errors and omissions put the agency at risk of maintaining records longer than they should, disposing of records before their NARA-approved retention periods, and failing to transfer permanent records to the National Archives.

*Recommendation 4: IBWC must review and update their current file plans to ensure they accurately reflect current NARA-approved records schedules and maintain updates as new records schedules are approved by NARA.*

**Finding 5: IBWC does not consistently dispose of temporary records in accordance with IBWC retention schedules.**

Even though the current records control schedule is out of date, many of the records identified use the General Records Schedules (GRS) for temporary administrative records that should be disposed of to minimize legal risk and support operational efficiency. Most of the program offices interviewed stated they have not disposed of any records and are keeping records beyond their approved dispositions. This includes paper records and electronic records in the various systems being used. The few program offices that are disposing of their temporary records are those utilizing the Federal Records Center (FRC) for paper records storage.

*Recommendation 5.1: With assistance from the ARO and Records Custodians, IBWC program offices must identify and properly dispose of all temporary paper and electronic records that are past their scheduled disposition date, in accordance with applicable records schedules. (36 CFR 1220.34(d))*

*Recommendation 5.2: The ARO must establish internal controls, such as periodic evaluations, to ensure records are not kept longer than their approved disposition. (36 CFR 1220.34(i))*

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<sup>2</sup> Note this NARA-approved schedule (NC1-76-77-1) was officially amended in 1978 changing all records under this item number to temporary, whereas precedential cases had previously been scheduled as permanent.

<sup>3</sup> The disposal instruction "Offer to NARS when 30 years old" was an official amendment to the schedule in 1978.

**Finding 6: IBWC is at risk of not meeting target 1.1 of the OMB/NARA *Managing Government Records Directive* (M-12-18), which calls for the management of all permanent electronic records in an electronic format.**

Many IBWC mission programs are not currently in position to meet the 2019 goal of M-12-18, target 1.1, which requires Federal agencies to manage all permanent electronic records in an electronic format by December 31, 2019.<sup>4</sup> IBWC does not have a strategic plan, nor specific actions necessary to meet this goal. In this area, IBWC would benefit from the leadership of the Senior Agency Official for Records Management (SAORM), who provides direction and coordination of the strategic and tactical elements required for success.

Some parts of IBWC have started using records management functionality in an entry level document management system procured by the RM program in order to manage unstructured data, but this is not a widespread practice throughout IBWC. There is also not a formal implementation plan for shared use and adoption of the system. IBWC has successfully utilized the document management system to target high value business/operational needs for some of its unstructured data that will provide value to the IBWC mission and protect permanent records. While there is evidence of document management and records management in some of the programs, these initiatives and activities have not been scaled enterprise-wide or embedded into the information management culture of IBWC.

*Recommendation 6: IBWC must develop and implement an enterprise-wide plan that will guide its agency in meeting target 1.1 of M-12-18.*

**Finding 7: IBWC does not have an approved retention schedule, policies, procedures, and training to manage all agency email.**

The email management at IBWC is hampered by not having an approved retention schedule or updated policies and procedures specific to email management. Staff are also not trained to manage their email. Prior to 2010, the IBWC policy was to print and file email, but this was not consistently applied. Since 2010, IBWC automatically archives all email from users without any retention being applied. A new policy is being drafted, but has not yet been approved. IBWC is using the Capstone approach, but the required NARA Form NA-1005 to apply the Capstone GRS 6.1 is pending revision per NARA's request.<sup>5</sup> In 2016, NARA issued, "Criteria for Managing Email Records in Compliance with the Managing Government Records Directive (M-12-18)."<sup>6</sup> This guidance is designed to help agencies manage email. IBWC could benefit from utilizing it along with other resources related to email management on NARA's web site.

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<sup>4</sup> OMB/NARA *Managing Government Records Directive* (M-12-18), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

<sup>5</sup> Capstone Approach to Scheduling Email, <https://www.archives.gov/records-mgmt/grs/grs06-1-faqs.html>

<sup>6</sup> Criteria for Managing Email Records in Compliance with the Managing Government Records Directive (M-12-18), <https://www.archives.gov/files/records-mgmt/email-management/2016-email-mgmt-success-criteria.pdf>

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*Recommendation 7.1: IBWC must submit a revised NARA Form NA-1005, or agency-specific schedule, to schedule existing email records in compliance with M-12-18, Goal 1.2.*

*Recommendation 7.2: IBWC must plan, develop, and implement necessary policies, procedures, and training to manage all agency email in a manner that ensures reliability, authenticity, integrity, and usability of email records. (36 CFR 1220.34(i)).*

**Finding 8: IBWC has not transferred permanent electronic records to NARA.**

36 CFR 1235.12 requires agencies to transfer permanent records to NARA based on the transfer dates in NARA-approved schedules. IBWC has transferred some permanent paper records to NARA in the past, but they are not consistently transferring records, and no permanent electronic records have been transferred.

Not transferring permanent records to NARA increases the risk of loss of permanent Federal records. Delaying the transfer of permanent records no longer needed for agency purposes also increases the risk of damage and/or deterioration.

*Recommendation 8.1: The ARO must identify and transfer all of IBWC's permanent electronic records overdue for transfer to NARA. (36 CFR 1235.12)*

*Recommendation 8.2: IBWC must establish internal controls to ensure all permanent records are identified, scheduled, and transferred on a consistent basis in accordance with NARA-approved records schedules. (36 CFR 1220.30(c)(1))*

RECORDS STORAGE AREAS

**Finding 9: Inactive records throughout the program offices and in records storage rooms are not always properly identified and labeled prior to storage and are vulnerable to environmental damage.**

Throughout the IBWC, inactive records in program offices and storage rooms lack appropriate identification and are subject to environmental damage. These areas include storage of permanent and temporary records. The inactive records in the records storage rooms are particularly at risk, because there are no environmental controls and evidence exists of pest infestation. Moreover, it appears some of them were placed there without prior coordination with the ARO. Some program offices at Headquarters have boxes of inactive records that have passed their disposal date, and boxes that are not properly marked.

There are two specific issues with inactive records stored at the headquarters location. First, permanent Engineering records retained exclusively on microfilm were inspected and found to exhibit possible vinegar syndrome.<sup>7</sup> Also, during a review of the first floor records library, there were some nitrate-based film stored within the same vault and vicinity of permanent records (gravesite records). This presents a danger to other records, as well as to staff and property, as deteriorating nitrate film is highly flammable.

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<sup>7</sup> Definition of Vinegar Syndrome, <https://www.archives.gov/preservation/formats/glossary.html>.

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*Recommendation 9.1: The IBWC program staff and RCs must inventory the inactive records stored in program offices and records storage rooms to determine which records still require storage, and properly dispose of records that are no longer needed in accordance with NARA-approved records schedules. (36 CFR 1220.34(i))*

*Recommendation 9.2: The IBWC inactive records that require continued storage must be moved to the ARO's records storage room or another storage area to avoid damage and deterioration from current vulnerabilities. (36 CFR 1220.32(e))*

*Recommendation 9.3: Internal controls must be established to prevent program offices from storing records in noncompliant storage rooms; to better coordinate records storage needs with the SAORM and the ARO; and to ensure records are not kept longer than approved dispositions. (36 CFR 1220.30(c)(1))*

*Recommendation 9.4: IBWC must ensure that nitrate-based film located in headquarters is maintained in an appropriate and safe storage location. (36 CFR 1237.30(a))*

*Recommendation 9.5: IBWC should determine the need for and cost effectiveness of migrating the nitrate film and microfilm to more stable media.*

#### RECORDS MANAGEMENT TRAINING

**Finding 10: IBWC does not provide mandatory agency-wide RM training to all Federal employees and contractors annually.**

NARA Bulletin 2017-01, *Agency Records Management Training Requirements*, which expands on 36 CFR 1224.10(e), requires agencies to conduct mandatory RM training for all employees and contractors annually. Most of the IBWC staff that the NARA inspection team interviewed had never received RM training. IBWC did provide training slides titled "FEDERAL RECORDS: What You Need to Know as an IBWC Employee" that meet the content requirements in NARA Bulletin 2017-01. However, this training was not being conducted at the time of site visits and was not mandatory. Annual mandatory RM training is important to ensure records are being managed according to Federal regulations and guidance.

*Recommendation 10: IBWC must require that all employees and contractors take mandatory RM training annually. (36 CFR 1224.10(e) and NARA Bulletin 2017-01).*

**Finding 11: RCs throughout IBWC do not receive additional RM training consistent with their assigned RM responsibilities.**

In compliance with 36 CFR 1220.34(d), IBWC has established a network of RCs at Headquarters program offices and at field locations to ensure recordkeeping requirements, records maintenance, storage, and disposition practices are implemented. However, those RCs have not received appropriate training to effectively fulfill their responsibilities.



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Currently, IBWC only provides RCs with the same (non-mandatory) records management training that is offered to all IBWC employees. Overall, RM all-employee training at IBWC meets the requirements under 36 CFR 1220.34(f) and 1224.10(e); however, RCs have additional RM responsibilities and require more specialized training above what is provided to all staff. RCs must have specialized training in order to fully execute their RM responsibilities.<sup>8</sup> RC training should include comprehensive information in accordance with NARA Bulletin 2017-01 that enables RCs to effectively and efficiently execute their additional RM responsibilities at their program office or field location.

*Recommendation 11: The ARO must provide additional RM training for all IBWC RCs to ensure they can accomplish their RM responsibilities. (NARA Bulletin 2017-01)*

## CONCLUSION

While NARA acknowledges that IBWC has taken steps to improve its overall RM program, there are specific areas of non-compliance and weakness that need to be addressed with some urgency, including updating the records control schedule, and creating and implementing RM policies, standards and procedures for the management of records including permanent electronic records and email, to prevent loss or damage. By making these and the other improvements recommended in this report, the IBWC RM program will strengthen its program and help the agency achieve its mission.

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<sup>8</sup> NARA Bulletin 2017-01, *Agency Records Management Training Requirements*, <https://www.archives.gov/records-mgmt/bulletins/2017/2017-01-html>.

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## **APPENDIX A INSPECTION PROCESS**

### **OBJECTIVE AND SCOPE**

The objective of this inspection was to determine how well IBWC complies with Federal records management statutes and regulations and to assess the effectiveness of its RM policies and procedures.

### **METHODOLOGY**

NARA carried out this inspection by conducting interviews at IBWC Headquarters and field offices with IBWC RM staff and by reviewing IBWC program documentation. More specifically, the inspection team:

- reviewed records management policies, directives, and other documentation provided by IBWC;
- interviewed RM representatives from the IBWC records management program;
- guided the course of the inspection using a detailed checklist of questions based on Federal statutes and regulations, and NARA guidance; and
- reviewed IBWC responses to current and past annual Records Management Self-Assessments (RMSA) and current and past reports of Senior Agency Official for Records Management (SAORM).

### **OFFICES INTERVIEWED**

IBWC headquarters and field offices interviewed (January 30, 2018 - February 1, 2018):

- The Executive Offices of the Commissioner (HQ)
- The Operations Department (HQ components and field offices below)
  - San Diego
  - Yuma
  - Nogales IWWTP
  - American Dam
  - Las Cruces
  - Presidio
  - Zac Dominguez
  - Laredo
  - Mercedes
  - Anzalduas Dam
  - Falcon Dam & Power Plant
  - Amistad Dam & Power Plant
- The Engineering Department (HQ components)
- The Administration Department (HQ components)

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**APPENDIX B**  
**RELEVANT INSPECTION DOCUMENTATION**

RM Project Planning, "RMO Work Plan as of 12-13-2017," IBWC, Records Management Office, December 13, 2017.

"Correspondence Manual," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"Mail Management Directive," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"File Maintenance and Records Disposition Directive," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"Records Disposition Manual," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"Records Disposal Schedules," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"Master Subject File Outline," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"Photograph Documentation Requirements/Instructions," United States Section International Boundary and Water Commission, Records Management Office, April 22, 2011.

"Library Operations," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"Retention Schedule," United States Section International Boundary and Water Commission, Records Management Office, September 15, 2017.

"Document Management System Manual," United States Section International Boundary and Water Commission, Records Management Office, Draft.

"On-Boarding/Off-Boarding Guidelines, Email Guidelines, Miscellaneous Training" United States Section International Boundary and Water Commission, Records Management Office.

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## APPENDIX C

### AUTHORITIES AND FOLLOW-UP ACTIONS

#### AUTHORITIES

- 44 U.S.C. Chapter 29
- 36 CFR Chapter XII, Subchapter B
- 36 CFR 1239, Program Assistance and Inspections

#### OTHER GUIDANCE

- OMB/NARA *Managing Government Records Directive* (M-12-18)
- OMB/NARA *Guidance on Managing Email* (M-14-16)
- Other NARA Bulletins currently in effect

#### STATUTES AND REGULATIONS

36 CFR Chapter XII, Subchapter B, specifies policies for Federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, and records disposition. The regulations in this Subchapter implement the provisions of 44 U.S.C. Chapters 21, 29, 31, and 33. NARA provides additional policy and guidance to agencies at its records management website - <http://www.archives.gov/records-mgmt/>.

At a high level, agency heads are responsible for ensuring several things, including:

- The adequate and proper documentation of agency activities (44 U.S.C. 3101);
- A program of management to ensure effective controls over the creation, maintenance, and use of records in the conduct of their current business (44 U.S.C. 3102(1)); and
- Compliance with NARA guidance and regulations, and compliance with other sections of the Federal Records Act that give NARA authority to promulgate guidance, regulations, and records disposition authority to Federal agencies (44 U.S.C. 3102(2) and (3)).

#### FOLLOW-UP ACTIONS

IBWC will submit to NARA a Plan of Corrective Action (PoCA) that specifies how the agency will address each inspection report recommendation, including a timeline for completion and proposed progress reporting dates. The plan must be submitted within 60 days after the date of transmittal of the final report to the head of the agency.

NARA will analyze the adequacy of IBWC's action plan, provide comments to IBWC on the plan within 60 calendar days of receipt, and assist IBWC in implementing recommendations.

IBWC will submit to NARA progress reports on the implementation of the action plan until all actions are completed. NARA will inform IBWC when progress reports are no longer needed.

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**APPENDIX D**  
**ACRONYMS AND ABBREVIATIONS**

ARO	Agency Records Officer
IBWC	International Boundary and Water Commission
CFR	Code of Federal Regulations
CIO	Chief Information Officer
CPIC	Capital Planning and Investment Control
FRC	Federal Records Center
FOIA	Freedom of Information Act
GRS	General Records Schedule
IT	Information Technology
NARA	National Archives and Records Administration
OCIO	Office of Chief Information Officer
OIG	Office of Inspector General
OMB	Office of Management and Budget
PoCA	Plan of Corrective Action
RC	Records Custodian
RM	Records Management
RMSA	Records Management Self-Assessment
RO	Records Officer
SAORM	Senior Agency Official for Records Management
U.S.C.	United States Code



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