



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



In Reply Refer To  
FWS/IRTM/060344

JUN 04 2015

## Memorandum

To: All U.S. Fish and Wildlife Employees  
From: Deputy Director *James W. Kurth*

Subject: Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts

On November 26, 2014, the President signed the Presidential and Federal Records Act Amendments of 2014, P.L. 113-187 (the Amendments). Section 10 of the Amendments states:

*In general - an officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee—*

- 1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record, or*
- 2) 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.*

The amendments specify that an intentional violation of these requirements, as determined by the appropriate supervisor, shall be a basis for disciplinary action.

Per the attached Department of the Interior (DOI) Office of the Chief Information Officer (OCIO) Directive 2015-003 dated May 21, 2015, if a non-official electronic messaging is used for official agency business, all U.S. Fish and Wildlife Service employees shall ensure all electronic messaging sent or received are copied to the official electronic messaging account in accordance with the law (P.L. 113-187) and applicable Departmental recordkeeping policies. This DOI OCIO Directive is effective immediately and remains in effect until further notice.

If you have questions or require additional information regarding this Directive, please contact IRTM HQ records staff, Ms. Teri Jackson-Hicks at (703) 358-2257, [teri\\_jackson-hicks@fws.gov](mailto:teri_jackson-hicks@fws.gov), or Ms. Melissa Allen at (703) 358-2470, [melissa\\_allen@fws.gov](mailto:melissa_allen@fws.gov).

Attachment



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

May 21, 2015

OCIO Directive 2015-003

To: Heads of Bureaus and Offices

From: Sylvia Burns  
Chief Information Officer

Subject: Notice of Disclosure Requirements for Official Business Conducted Using  
Non-Official Electronic Messaging Accounts

## **Purpose:**

The purpose of this Directive is to convey to Department of the Interior (DOI) employees the disclosure requirements for official business conducted using non-official electronic messaging accounts (including personal electronic mail or instant messaging accounts).

## **Background Information:**

On November 26, 2014, the President signed the Presidential and Federal Records Act Amendments of 2014, P.L. 113-187 (the Amendments). Section 10 of the Amendments (44 U.S.C. § 2911) states:

*In general - An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee--*

- (1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or*
- (2) 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.*

The Amendments also specify that an intentional violation of these requirements, as determined by the appropriate supervisor, shall be a basis for disciplinary action. Depending on the circumstances, the consequences of violating these requirements could include up to and including suspension without pay and removal from office. Given the legal challenges with accessing and proving intent, the allowance for some supervisory discretion, and the potential serious consequences that may flow from violations, supervisors are strongly encouraged to coordinate possible disciplinary actions with appropriate human resources officers and lawyers.

**Directive Requirements:**

While official electronic messaging accounts are typically used to conduct official agency business, there may be rare circumstances when DOI employees must use non-official electronic messaging accounts to conduct official agency business. Examples include emergency situations when official electronic messaging accounts are not accessible, or when an employee is contacted in their official capacity through a non-official electronic messaging account. If a non-official electronic messaging account is used for official agency business, DOI employees are reminded to ensure all electronic messages sent or received are copied to the official electronic messaging account in accordance with the law (P.L.113-187) and applicable Departmental recordkeeping policy. In addition, these electronic messages and any related attachments should be preserved according to the Federal Records Act requirements.

The Department of the Interior’s bureaus and offices provide employee training and guidance on a regular basis on the identification, management, retention, and disposition of electronic messages determined to be federal records (36 CFR 1236.22(a)), and should use this opportunity to remind employees that there are penalties for the unlawful removal or destruction of Federal records (18 U.S.C. 2071 and 36 CFR 1230.12) and the unlawful disclosure of national security information (18 U.S.C. 793, 794, and 798).

**Effective Date:**

This Directive is effective immediately and remains in effect until further notice.

**Point(s) of Contact:**

Questions regarding this policy, or records management requirements in general, should be first directed to the appropriate Responsible Records Officer (DOI’s Records Officer list may be viewed at <http://www.doi.gov/ocio/people/records-management-contacts.cfm> ). If the questions are still unresolved, the Responsible Records Officer should raise it to the Departmental Records Officer, Mr. Edwin McCeney, via email at [Edwin\\_McCeney@ios.doi.gov](mailto:Edwin_McCeney@ios.doi.gov), or to the Chief, Information Management Division, Mr. John Montel, at [John\\_Montel@ios.doi.gov](mailto:John_Montel@ios.doi.gov).

- cc: Assistant Directors for Information Resources
- Bureau Chief Information Security Officers
- Office of the Executive Secretariat
- Office of the Solicitor
- PMB Deputy Assistant Secretaries
- DOI Human Resources Officers
- DOI Bureau Records Officers