

**Department of the Interior**  
**Bureau of Ocean Energy Management Manual**

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**Effective Date:** 02/03/2023

**Series:** Administrative

**Part 380:** Records Management

**Chapter 7:** Reporting Unlawful or Accidental Records Loss and Destruction

**Office of Primary Responsibility:** Office of Budget and Administration

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**BOEMM 380.7**

9.1 **Purpose.** This policy establishes the Bureau processes and timeline for reporting and managing the unlawful or accidental removal or destruction of federal records.

9.2 **Objectives.** The Bureau's Records Management Program objectives are to provide policy, planning, and guidance that ensure:

A. Any actual or suspected records loss or unauthorized destruction of records is immediately reported to the Bureau Records Officer.

B. Bureau employees will assist the Bureau Records Officer as necessary with the investigation and with implementing any corrective measures.

C. The Bureau will follow established procedures when reporting a potential loss of records to the National Archives and Records Administration (NARA).

D. Compliance with NARA regulations and guidance whenever a potential loss of records occurs.

9.3 **Authorities.**

A. 44 U.S.C. Chapter 3106, "Unlawful removal, destruction of records"

B. 44 U.S.C. 2905, "Establishment of standards for selective retention of records; security measures"

C. 36 CFR 1230, "Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records"

D. NARA Bulletin 2013-03, "Guidance for agency employees on the management of Federal records, including email accounts, and the protection of Federal records from unauthorized removal"

E. Departmental Records Management Policy: RMP-2020-09 Unlawful or Accidental Records Loss and Destruction Reporting

9.4 **Definitions.** Refer to Appendix 1 of BOEMM 380.2, “Electronic Records Management” for terms and definitions used within this chapter.

9.5 **Policy.** The Bureau Records Management Program will follow the steps listed below when reporting a potential loss of records to NARA:

A. Issue Initial Notification of Potential Records Loss. All Bureau employees are responsible for immediately notifying the Bureau Records Officer of any actual, accidental, impending, or threatened unlawful removal, defacing, alteration, deletion, or destruction of records in the custody of the Bureau.

(1) Bureau employees may find the contact information for the Bureau Records Officer on the [Records Management Program](#) page.

(2) The Bureau Records Officer will notify the Departmental Records Officer (DRO) of the potential records loss and will obtain feedback on the notification.

(3) Within 30 days of being notified, the Bureau Records Officer will perform initial inquiries to determine if there is a potential records loss and if required, will proceed with the notification to NARA as described below.

(4) The Bureau Records Officer will report the potential loss to NARA via email at: [unauthorizeddisposition@nara.gov](mailto:unauthorizeddisposition@nara.gov). This notification will include a brief description of the records potentially lost and an expected duration, not to exceed 90 days, of the pending investigation. The Bureau Records Officer will copy the appropriate bureau management, DRO, and Senior Agency Official for Records Management (SAORM) on the initial notification to NARA.

B. Conduct Records Loss Investigation. The Bureau Records Officer will work with the Office or program to conduct a thorough investigation of what led to the potential records loss. The investigation must determine to the best extent possible the information required for the final report to NARA. The Bureau Records Officer can notify NARA if more than 90 days are required for complex records loss investigations.

C. Perform Records Recovery. The Bureau Records Officer will work with the Office or program and if necessary, the appropriate IT personnel, to recover any lost or destroyed records to the extent possible.

D. Issue Final Records Loss Report.

(1) The Bureau Records Officer will draft a final report to NARA based on the complete investigation that includes:

- dates.
- (a) A complete description of the records with volume and inclusive dates.
  - (b) The office and program maintaining the records.
  - (c) A statement of the exact circumstances surrounding the removal, defacing, alteration, or destruction of records.
  - (d) A statement of the safeguards established to prevent further loss of documentation.
  - (e) When appropriate, details of the actions taken to salvage, retrieve, or reconstruct the records.

(2) The Bureau Records Officer will review the draft report with the DRO and incorporate any feedback.

(3) The Bureau Records Officer will distribute the final report to NARA at the designated email address. The Bureau Records Officer will copy both the appropriate bureau management, the DRO, and the SAORM on the final report.

**9.6 Responsibilities.** Bureau employees and contractors are responsible for the creation, maintenance, safeguarding, and subsequent disposition of federal records within their purview. Bureau employees are responsible for immediately reporting actual or suspected records loss or unauthorized destruction of records to their Bureau Records Officer, assisting with the investigation, and implementing corrective measures.

**9.7 Legal Penalties.** Any federal employee, contractor, consultant, intern, or volunteer who willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys federal records shall be fined or imprisoned not more than three years, or both, and shall be removed from federal service (18 U.S.C. 2071, "Concealment, removal, or mutilation generally").