

## AGENCY RECORDS vs. PERSONAL RECORDS

Agency Records. Agency records are either made or received under Federal law or in connection with the transaction of public business. All agency records, regardless of their form, belong to the agency rather than the employee who has custody of them and are to remain in the custody of the agency until there is official authorization for disposal. Correspondence designated “personal,” “confidential,” “private,” or “restricted” but which relate to the conduct of public business, is an agency record.

Non-record Materials. Government-owned informational materials excluded from the legal definition of records or not meeting the requirements of that definition. Included are extra copies of documents kept only for convenience or reference, stocks of publications and of processed documents, and library or museum materials intended solely for reference or exhibition.

Personal Papers. Personal papers are nonofficial, or private, papers relating solely to an individual’s own affairs. The papers must be clearly designated as such and kept separate from the agency’s records. Personal papers may also be referred to as personal files or personal records.

The following information may help to assist employees to determine if a document is an agency record or a personal paper.

- *Creation* – Was the document created by an agency employee on agency time, with agency materials, at agency expense? If not, then it very likely is not an “agency record” on that basis alone.
- *Receipt* – Was the document received by the agency? It is an agency record.
- *Content* – Does the document contain “substantive” agency information? Does it contain personal as well as official business information? If it contains official business, it is an agency record.
- *Purpose* – Was the document created solely for an individual employee’s personal convenience? Alternatively, to what extent was it created to facilitate agency business? If created to facilitate agency business, it is an agency record.
- *Distribution* – Was the document distributed to anyone else for any reason, such as for a business purpose? How wide was the circulation? If distributed/circulated, it is an agency record.
- *Use* – To what extent did the document’s author actually use it to conduct agency business. Did others use it? If the document was used to conduct agency business, it is an agency record.
- *Maintenance* – Was the document kept in the author’s possession or was it placed in an official agency file?
- *Revision* – Was the document revised or updated after the fact for record-keeping purposes?
- *Control* – Has the agency attempted to exercise “institutional control” over the document through applicable maintenance or disposition regulations? Did it do so by requiring the document to be created in the first place?
- *Disposition* – Was the document’s author free to dispose of it at his/her personal discretion? What was the actual disposal practice?