

or accidental removal, defacing, alteration and destruction; and

(d) Direct that any unauthorized removal, defacing, alteration or destruction be reported to NARA.

§ 1230.12 What are the penalties for unlawful or accidental removal, defacing, alteration, or destruction of records?

The penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both (18 U.S.C. 641 and 2071).

§ 1230.14 How do agencies report incidents?

The agency must report promptly any unlawful or accidental removal, defacing, alteration, or destruction of records in the custody of that agency to the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number 301-837-1738.

(a) The report must include:

(1) A complete description of the records with volume and dates if known;

(2) The office maintaining the records;

(3) A statement of the exact circumstances surrounding the removal, defacing, alteration, or destruction of records;

(4) A statement of the safeguards established to prevent further loss of documentation; and

(5) When appropriate, details of the actions taken to salvage, retrieve, or reconstruct the records.

(b) The report must be submitted or approved by the individual authorized to sign records schedules as described in § 1220.34(b) of this subchapter.

§ 1230.16 How does NARA handle allegations of unlawful or accidental removal, defacing, alteration, or destruction?

Upon receiving any credible information that records are at risk of actual, impending, or threatened damage, alienation, or unauthorized destruction, NARA will contact the agency as follows:

(a) If the threat has not yet resulted in damage, removal, or destruction, NARA will contact the agency by phone promptly and follow up in writing within five business days.

(b) If records have allegedly been damaged, removed, or destroyed, NARA will notify the agency in writing promptly with a request for a response within 30 days.

§ 1230.18 What assistance is available to agencies to recover unlawfully removed records?

NARA will assist the head of the agency in the recovery of any unlawfully removed records, including contacting the Attorney General, if appropriate.

PART 1231—TRANSFER OF RECORDS FROM THE CUSTODY OF ONE EXECUTIVE AGENCY TO ANOTHER

Sec.

1231.1 What is the authority for part 1231?

1231.2 What definitions apply to this part?

1231.10 Who has the authority to approve the transfer of records from the custody of one executive agency to another?

1231.12 How do executive agencies request to transfer records to another executive agency?

1231.14 May the records of terminated agencies be transferred to another agency?

1231.16 What restrictions are there on use of transferred records?

1231.18 When are records transferred between executive agencies without NARA approval?

AUTHORITY: 44 U.S.C. 2908.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

§ 1231.1 What is the authority for part 1231?

The authority for this part is 44 U.S.C. 2908.

§ 1231.2 What definitions apply to this part?

See § 1220.18 of this subchapter for definitions of terms used throughout Subchapter B, including this part.

§ 1231.10

§ 1231.10 Who has the authority to approve the transfer of records from the custody of one executive agency to another?

NARA must approve in writing the transfer of records from the custody of one executive agency to another, except as provided in §1231.18(a).

§ 1231.12 How do executive agencies request to transfer records to another executive agency?

An executive agency that proposes to transfer records to another agency must request approval of the transfer of records in writing from the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number (301) 837-1738. The request must include:

- (a) A concise description of the records to be transferred, including the volume in cubic feet;
- (b) A statement of the restrictions imposed on the use of records;
- (c) A statement of the agencies and persons using the records and the purpose of this use;
- (d) A statement of the current and proposed physical and organizational locations of the records;
- (e) A justification for the transfer including an explanation of why it is in the best interests of the Government; and
- (f) Copies of the concurrence in the transfer by the heads of all agencies involved in the proposed transfer.

§ 1231.14 May the records of terminated agencies be transferred to another agency?

The records of executive agencies whose functions are terminated or are in process of liquidation may be transferred to another executive agency that inherits the function. All such transfers must be made in accordance with the provisions of this part.

§ 1231.16 What restrictions are there on use of transferred records?

Restrictions imposed under a statute or Executive order must continue to be imposed after the transfer. Restrictions imposed by agency determination must also continue, unless the restric-

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tions are removed by agreement between the agencies concerned.

§ 1231.18 When are records transferred between executive agencies without NARA approval?

Records are transferred between executive agencies without NARA approval when:

- (a) Records are transferred to a NARA or agency-operated records center or to the National Archives of the United States in accordance with Parts 1232, 1233, and 1235 of this subchapter;
- (b) Temporary records are loaned for official use;
- (c) The transfer of records or functions or both is required by statute, Executive Order, Presidential reorganization plan, or Treaty, or by specific determinations made thereunder;
- (d) The records are transferred between two components of the same executive department; or
- (e) Records accessioned into the National Archives of the United States are later found to lack sufficient value for continued retention in the National Archives. The disposition of such records is governed by §1235.34 of this subchapter.

PART 1232—TRANSFER OF RECORDS TO RECORDS STORAGE FACILITIES

Sec.

- 1232.1 What are the authorities for part 1232?
- 1232.2 What definitions apply to this part?
- 1232.3 What standards are used as guidance for this part?
- 1232.10 Where can a Federal agency transfer records for storage?
- 1232.12 Under what conditions may Federal records be stored in records storage facilities?
- 1232.14 What requirements must an agency meet before it transfers records to a records storage facility?
- 1232.16 What documentation must an agency create before it transfers records to a records storage facility?
- 1232.18 What procedures must an agency follow to transfer records to an agency records center or commercial records storage facility?

AUTHORITY: 44 U.S.C. 2907 and 3103.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.