

such a proposed donation is contrary to the public interest, the agency must destroy the records in accordance with the appropriate disposition authority.

**PART 1227—GENERAL RECORDS SCHEDULES**

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AUTHORITY: 44 U.S.C. 3303a(d).

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

**§ 1227.1 What are the authorities for Part 1227?**

The statutory authority for this part is 44 U.S.C. 3303a(d).

**§ 1227.2 What definitions apply to this part?**

See §1220.18 of this subchapter for definitions of terms used in part 1227.

**§ 1227.3 What standards are used as guidance for this part?**

These regulations conform with guidance provided in ISO 15489-1:2001, Information and documentation—Records management, paragraphs 9.2 (Determining how long to retain records) and 9.9 (Implementing disposition).

**§ 1227.10 What are General Records Schedules (GRS)?**

General Records Schedules (GRS) are schedules issued by the Archivist of the United States that authorize, after specified periods of time, the destruction of temporary records or the transfer to the National Archives of the United States of permanent records that are common to several or all agencies.

**§ 1227.12 When must agencies apply the GRS?**

(a) Agencies apply the disposition instructions of the GRS, as provided in the following table.

| When NARA issues a new or revised GRS, and . . .  | Then . . .  |
|---|---|
| (1) The new or revised GRS states that the provisions must be followed without exception.                                   | All agencies must follow the disposition instructions of the GRS, regardless of whether or not they have existing schedules.  |
| (2) Your agency does not have an existing schedule for these records..  | Your agency must follow the disposition instructions of the GRS. If your agency's needs require a different retention period, then your agency must submit an SF 115 in accordance with 36 CFR part 1225 of this subchapter, and a justification for the deviation.   |
| (3) When your agency has an existing schedule and the new or revised GRS permits use of existing agency-specific schedules. | Your agency may follow the disposition instructions in either the GRS or the existing agency schedule, but it must follow the same instructions throughout the agency and instruct its staff to do so. If your agency chooses to follow its own schedule, then it must notify NARA within 120 days of the issuance of the new or revised GRS. |
| (4) Your agency does not create or maintain any of the records addressed by that GRS.                                       | No action is required.  |

(b) Except as provided in the table in paragraph (a), agencies must incorporate in their disposition manual or otherwise disseminate new and revised GRS within 6 months after NARA has issued the GRS Transmittal.

(c) NARA may, at its discretion, apply the provisions of the GRS to records in its legal custody, subject to the provisions of §1235.34 of this subchapter.

**§ 1227.14 How do I obtain copies of the GRS?**

(a) The GRS and instructions for their use are available online at <http://www.archives.gov/records-mgmt/ardor/records-schedules.html>. They are also available by writing to the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number (301) 837-1738.

(b) NARA distributes new and revised GRS to Federal agencies under sequentially numbered GRS transmittals.

## **PART 1228—LOAN OF PERMANENT AND UNSCHEDULED RECORDS**

Sec.

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AUTHORITY: 44 U.S.C. 2904.

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

### **§ 1228.1 What are the authorities for this part?**

The statutory authority for this part is 44 U.S.C. 2904.

### **§ 1228.2 What definitions apply to this part?**

See § 1220.18 of this subchapter for definitions of terms used in part 1228.

### **§ 1228.8 Do loans of temporary records require NARA approval?**

Loans of temporary records between Federal agencies or to non-Federal recipients do not require approval from NARA. The lending agency is responsible for documenting the loan and return of the records.

### **§ 1228.10 When do loans of permanent and unscheduled records require NARA approval?**

Loans of permanent or unscheduled records between Federal agencies or to non-Federal recipients require prior written approval from NARA. The loan of permanent or unscheduled records increases the likelihood of the records becoming lost, misplaced, or incorporated into other files. Agencies should consider reproducing or scanning the records in response to a loan request.

### **§ 1228.12 How do agencies obtain approval to loan permanent or unscheduled records?**

(a) An agency proposing to loan permanent or unscheduled records must prepare a written loan agreement with the proposed recipient. The agreement must include:

(1) The name of the department or agency and subdivisions having custody of the records;

(2) The name and address of the proposed recipient of the records;

(3) A list containing:

(i) Identification of the records to be loaned, by series or system;

(ii) The inclusive dates for each series or system;

(iii) The volume and media of the records to be loaned; and

(iv) The NARA disposition job (SF 115) and item numbers covering the records, if any.

(4) A statement of the purpose and duration of the loan;

(5) A statement specifying any restrictions on the use of the records and how these restrictions will be imposed by the recipient;

(6) A certification that the records will be stored in areas with security and environmental controls equal to those specified in part 1234 of this subchapter; and

(7) A signature block for the Archivist of the United States. The loan must not take place until the Archivist has signed the agreement.

(b) On request, NARA may allow an agency to prepare an annual loan agreement covering multiple transfers from the same series of records to another single Federal agency.

(c) The agency must send a written request to the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number (301) 837-1738, transmitting the proposed loan agreement, citing the rationale for not providing copies in place of the original records, and specifying the name, title, and phone number of an agency contact. The request must be submitted or approved by the individual authorized to sign records schedules as described in § 1220.34(b) of this subchapter.