

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?

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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?

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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.