



PRIVACY, GOVERNMENTAL
LIAISON AND DISCLOSURE

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

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MEMORANDUM FOR DISTRIBUTION

FROM: Celia Doggette *Celia Doggette*
Identity and Records Protection

SUBJECT: Interim Guidance for Protecting Federal Advisory
Committee Act Records

Purpose: This interim guidance (IG) release clarifies Designated Federal Officers (DFO) and Federal Advisory Committee (FAC) members' responsibilities for ensuring the appropriate retention of FAC records.

Background and Sources of Authority: The Federal Advisory Committee Act (FACA), 5 USC Appendix 2, was enacted in 1972 to control the growth and standardize the operations of committees, boards, and similar groups established to advise executive branch agencies. FACA is designed to assure that the Congress and the public are kept informed with respect to the number, purpose membership, activities, and cost of advisory committees. It requires advisory committees to comply with certain procedural requirements, e.g. balanced membership, records management and timely notice of meetings in the Federal Register.

To ensure records management requirements are appropriately followed and adhered to by FAC members, the Office of Records and Information Management (RIM) is issuing interim guidance to provide clarification on recordkeeping processes and procedures, especially as they relate to committee members' email retention responsibilities.

The statutory definition of records (44 U.S.C. § 3301) includes all recorded information made or received by an agency of the United States Government under Federal law or about the transaction of public business. The National Archives and Records Administration (NARA) has determined that substantive documents pertaining to federal advisory committee and subcommittee work are considered permanent federal records under this statute. See [General Records Schedule \(GRS\) 6.2](#).

Managing information in appropriate recordkeeping systems ensures IRS compliance with records management policies and regulations established by NARA, increases business efficiency, and improves the agency's ability to provide the most current and correct information subject to litigation and Freedom of Information Act (FOIA) requests.

This guidance will help ensure IRS information generated by FAC members is appropriately managed. IRS will provide guidance and training where necessary on implementing these policy requirements.

Effect on other Documents and Procedures: PGLD will incorporate this interim guidance into IRM 1.15.2, *Types of Records and Their Life Cycles*, and IRM 1.15.6, *Standards for Managing Electronic Mail Records*.

Effective date: This policy is effective immediately.

Contact information: Contact Tracee Taylor, IRS Records Officer, PGLD Office of Records and Information Management, email Tracee.M.Taylor@irs.gov, or (703) 336-4144.

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Use of Personal Email to Conduct Federal Advisory Committee (FAC) Business

1. Email may be used for all informal and formal business communications and collaborations among FAC members, with stakeholders, and/or agency committee staff (such as Designated Federal Officer, DFO).
2. IRS FAC members are not issued irs.gov email accounts to conduct FAC business. Use of employer-sponsored email accounts or personal email accounts for FAC-related work is permitted and expected.

Preserving Record Email Exchanges (FAC Members)

1. To ensure compliance with records management/retention requirements under [General Records Schedule \(GRS\) 6.2](#) for Federal Advisory Committee Act (FACA) Records, all IRS FAC members must copy a designated committee organizational mailbox address for all substantive FAC-specific business emails.
2. Substantive records created by committee members include correspondence documenting decisions, discussions, or actions relating to the work of the committee, including email, exchanged between one or more committee members and/or agency committee staff (such as the DFO).
3. Excluded from this sub-set of substantive (permanent) committee member communications are records relating to purely logistical or administrative aspects of committee activities, such as meeting planning (e.g., location, administrative issues and other meeting arrangements). These records (including emails) can be deleted when no longer needed, and do not require copying the committee mailbox. However, if committee member email contains a mix of administrative and substantive FAC business, the email should be preserved.

DFO Recordkeeping Responsibilities

1. The DFO maintains the official records an advisory committee creates or receives (41 CFR 102-3.175). This includes correspondence between committee members and other records that relate to the committee's decisions or actions (see [GRS 6.2](#)).
2. The DFO (or other designated committee official) should assume primary responsibility for overall management of the FAC mailbox.
3. Permanent records generated by or for an advisory committee must be transferred to NARA when records are 15 years old or upon termination of the committee, whichever is sooner. The records must be processed in accordance with the Federal Records Act (FRA), 44 U.S.C. Chapters 21, 29–33, and regulations issued by the National Archives and Records Administration (NARA). [41 C.F.R. §102-3.175(e)]

Effective Date: 05-09-2019