

SUBJECT: VITAL RECORDS

1. **OBJECTIVE.** The objective of this Order is to establish the policies, responsibilities, and requirements for a Vital Records Program that includes—
 - a. Legal and financial rights records (formerly known as rights and interests records) and
 - b. Emergency operating records needed to ensure the continuity of operation and performance of essential functions during an emergency or disaster and resumption of normal business operations thereafter.

2. **CANCELLATION.** None.

3. **APPLICABILITY.**
 - a. **DOE Elements.** Except for the exclusion in paragraph 3c, this Order applies to all DOE elements, including the Energy Information Administration (EIA), and National Nuclear Security Administration (NNSA) (see Attachment 1).

The NNSA Administrator will assure that NNSA employees and contractors comply with their respective responsibilities under this Order.
 - b. **DOE Contractors.** Except for the exclusion in paragraph 3c, the Contractor Requirements Document (CRD), Attachment 2, sets forth requirements of this Order that apply to DOE contractors whose contracts include the CRD. This CRD must be included in contracts that require or involve responsibility for work or operations at DOE sites or facilities. The contractor is responsible for compliance with the CRD to the extent set forth in its contract and for flowing down the requirements to subcontractors to the extent necessary to ensure the contractors' compliance with the requirements.
 - c. **Exclusion.** Owing to the dual-agency (DoD-Navy/DOE-NNSA) nature of the Naval Nuclear Propulsion Program as described in Executive Order 12344 (set forth in Public Laws 98-525 and 106-65), the Deputy Administrator for Naval Reactors will implement and oversee this Order as appropriate for the Naval Nuclear Propulsion Program.

4. **REQUIREMENTS.**
 - a. Pursuant to 36CFR Part 1236, a vital records program is required to identify and protect those records that specify how DOE will operate in case of an emergency or disaster, those records vital to the continued operations of the DOE during and

after an emergency or disaster and those records needed to protect the legal and financial rights of the Government and those affected by its actions.

- b. Each DOE element must implement a vital records program that includes—
- (1) Procedures for identifying, protecting, controlling access to, and ensuring availability of records and information systems that—
 - (a) specify how the organization will operate in case of an emergency and how it will support civil defense associated with disasters and attacks;
 - (b) are needed for the continued operations and mission delivery of the organization both during and after an emergency or disaster; and
 - (c) are essential to the preservation of the legal rights and interests of the Government and its citizens.
 - (2) Procedures for accessing records required to support critical activities the organization performs when operating under abnormal business conditions and/or in a location other than the normal place of business.
 - (3) Plans for establishing and maintaining a vital records inventory that identifies—
 - (a) requirements for proper labeling and handling of vital records,
 - (b) security precautions,
 - (c) frequency of updates,
 - (d) media, hardware, software, and supporting service needs, and
 - (e) provisions for access from remote locations.
 - (4) An inventory system that identifies hard copy and electronic records by—
 - (a) series or system title,
 - (b) description,
 - (c) type,
 - (d) name of office and individual responsible,
 - (e) physical location of records, and
 - (f) date of latest update.

- (5) Provisions to ensure protection against and assessment of records damage or loss.
- (6) Provisions for the timely and efficient assessment of records damage or loss and for recovering records affected by an emergency or disaster.
- (7) Provisions for storing and maintaining records must include the following.
 - (a) Duplicate copies of the vital records and associated inventory must be maintained at separate locations to ensure immediate access in any situation.
 - (b) Records must be maintained in a medium that is most viable for readability under post-attack conditions, including the appropriate hardware and software necessary to access the records.
 - (c) Electronic records must be evaluated and stored as necessary regarding—
 - 1 volume,
 - 2 frequency of updates,
 - 3 electricity, computers, and software support services available to support records access and use, and
 - 4 accessibility from remote locations via virtual private networks or compact disks.
 - (d) Storage/backup protection methods must be selected based on—
 - 1 evaluation of the effectiveness of the protection,
 - 2 cost,
 - 3 degree of risk for potential loss,
 - 4 physical susceptibility to destruction, and
 - 5 need for special environmental conditions for transport, storage, and update.
 - (e) Ability to retrieve records quickly during an emergency or disaster.
- (8) It is imperative that vital records be reappraised continually and reviewed at least annually to ensure that changing conditions are addressed and that records are up-to-date and immediately accessible.

- (9) A plan must be developed and maintained to recover records that are damaged in an emergency or disaster, regardless of media. This plan must include the priorities for restoring or recovering multiple damaged systems and the options for recovery and replacement. This plan must also include a resource list of local disaster recovery firms that can assist in restoration and employee contact lists and vital records inventories, which must be maintained at multiple off-site locations to facilitate their use.
- (10) Procedures for ensuring that contracting officers transmit requirements of this directive to contractors to ensure that information management policies, manuals, and mission-specific information requirements are clear under the terms of their contracts or in the mission-specific scope of work provided within the budgeting process. (See reference 9h)

5. STORAGE CONSIDERATIONS.

- a. Location. Locations where vital records will be stored, such as alternate emergency operations centers (EOCs), command centers, and relocation sites must provide adequate protection and accessibility and meet the improved risk level fire protection required by DOE O 420.1B, *Facility Safety*, dated 12-22-05. Before classified documents can be stored at these locations, approval must be granted in accordance with DOE O 470.4, *Safeguards and Security Program*, dated 8-26-.
- b. Manner of Storage. Records will be stored to ensure ease of access, retrieval, and control. Storage systems will allow for timely access. Classified and unclassified records must be handled in accordance with DOE O 471.1A, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 6-30-00, and DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03.

6. DISPOSITION OF RECORDS. Original vital records must be maintained for the period of time specified in the DOE records disposition schedules. Duplicate copies of vital records stored in the separate location should be deleted when obsolete or superseded and replaced with the updated revision.

7. RESPONSIBILITIES.

- a. Director, Office of Emergency Operations (NNSA).
 - (1) Administers the emergency operating records portion of the DOE Vital Records Program.
 - (2) Develops policies, procedures, and operating guidelines for emergency operating records.
 - (3) Acts as liaison for the security aspects of Headquarters emergency operating records and storage sites.

- (4) Ensures that Headquarters mechanisms are in place to provide access to emergency operating records during emergencies.
- b. The Departmental Records Officer, Office of the Chief Information Officer.
- (1) Develops vital records policies for rights and interests records.
 - (2) Develops and distributes guidance related to identification, maintenance, and protection of rights and interests records.
 - (3) Maintains liaison with the National Archives and Records Administration (NARA) and other Federal agencies on matters affecting vital records.
- c. Heads of Departmental Headquarters and Field Elements (as appropriate).
- (1) Designate Emergency Management Program Administrators in accordance with DOE O 151.1C, *Comprehensive Emergency Management System*, Chapter XI, Paragraph 1, to implement the emergency operating records portion of the vital records programs in accordance with the requirements of this Order for purposes of record availability.
 - (2) Designate Program Records Officials, Records Liaison Officers and Records Management Field Officers, in accordance with DOE O 243.1, to implement the rights and interest records portion of the vital records program in accordance with the requirements of this Order for purposes of record availability.
 - (3) Ensure that their staffs are aware of and execute appropriate measures to identify and protect vital records.
 - (4) Designate responsible individuals for identifying the contracts in which CRDs must be included and notifying the contracting officers of affected contracts.
- d. Emergency Management Program Administrators.
- (1) Ensure that emergency operating records are compiled, maintained, updated, and protected, and that they are retrievable.
 - (2) Based upon disaster and attack-related emergencies in which the organization may be involved—
 - (a) ensure that all alternate emergency operating centers, alternate command centers, and relocation sites are identified and

- (b) work with their organizations' program records officials to ensure that—
 - 1 emergency operating records are identified in accordance with established policies and procedures and that other information needs are addressed;
 - 2 emergency operating records are collected, marked and numbered for control, forwarded to designated off-site storage locations, and updated as needed (updates shall be performed no less than annually);
 - 3 mechanisms are in place to provide records access and ease of retrieval during emergencies (through the Emergency Management Program); and
 - 4 records storage facilities meet regulatory requirements.
 - (3) Provide training to program personnel regarding the purpose and operations of the emergency operating records protection portion of the Vital Records Program.
 - (4) Develop and maintain training records that can be made available for inspection.
- e. Program Records Officers (PROs).
- (1) Ensure that rights and interests records are compiled, maintained, updated, and protected and that they are retrievable for authorized review. Examples of rights and interests records include—
 - (a) payroll, finance, and budget;
 - (b) personnel leave, health, and insurance;
 - (c) military service, social security, and retirement;
 - (d) contracts and agreements;
 - (e) grants and leases;
 - (f) entitlements;
 - (g) obligations the loss of which would impose legal or financial risk; and
 - (h) documentation for electronic systems that manage personnel and financial information.

- (2) Maintain inventories of their organizations' vital records.
- (3) Ensure that program personnel are trained in and knowledgeable of the purpose and operations rights and interests portion of the Vital Records Program for purposes of this Order.
- (4) Develop and maintain training records that can be made available for inspection.
- (5) Include vital records identification and management in records program assessments.
- (6) Coordinate vital records storage issues with the Office of Emergency Operations.

f. Contracting Officer.

- (1) Based on notification from the procurement request originator, applies applicable provisions of this directive to affected contracts.
- (2) Once notified by the designated organization official, incorporate the CRD into affected contracts.
- (3) For awards other than management and operating contracts, incorporates or references explicit language requests for proposals or through negotiation in an existing award.
- (4) Transmits planning requirements to contractors to ensure appropriate information management policies, manuals, and mission-specific information requirements are clear under the terms of their contracts or in the mission-specific scope of work provided within the budgeting process.

8. DEFINITIONS. Other definitions used throughout this Order can be found in Title 36, Code of Federal Regulations (CFR) Part 1236, Management of Vital Records.

- a. Vital records are those emergency operating records and legal and financial rights records required during and after an emergency or as part of the recovery from a disaster.
- b. Emergency operating records are that type of vital records essential to the continued functioning or reconstitution of an organization during and after an emergency. Included are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency.

- c. Legal and financial rights records are that type of vital records essential to protect legal and financial rights of the Government and individuals directly affected by its activities (also known as rights and interests records). Examples include accounts receivable records, social security records, payroll records, retirement records, and insurance records.

9. REFERENCES.

- a. Public Law (P.L.) 106-65, National Nuclear Security Administration Act of 1999, as amended, which establishes NNSA as a separately organized agency within DOE (www.nnsa.doe.gov/).
- b. P.L. 104-201, Section 3174, National Defense Authorization Act for FY 1997, which requires findings before imposing any DOE Orders at a defense nuclear facility (see paragraph 10).
- c. 36 CFR 1236, Management of Vital Records, which prescribes policies and procedures for establishing a program for the identification and protection of vital records needed for continuity of Agency operations before, during, and after emergencies and needed to protect the legal and financial rights of the Government and persons affected by Government activities (www.gpoaccess.gov/index/html).
- d. E.O. 12656, Assignment of Emergency Preparedness Responsibilities, November 1988, which defines particular functions DOE must perform under a national security emergency (online at www.archives.gov/federal-register/codification/executive-order/12656.html).
- e. E.O. 12344, (Statutorily prescribed by 50 U.S.C. 2511), Naval Nuclear Propulsion Program, which defines organizational responsibilities for the Naval Nuclear Propulsion Program (online at <http://www.archives.gov/federal-register/codification/executive-order/12344.html>).
- f. Federal Preparedness Circular 65, Federal Executive Branch Continuity of Operations (COOP), dated 6-15-04.
- g. NARA, Vital Records and Records Disaster Mitigation and Recovery: An Instructional Guide, which addresses guidance to Agencies on establishing and managing vital records programs with emphasis on contingency planning and risk assessment, 1999 (<http://www.archives.gov/records-mgmt/vital-records/appendix-e.html>).
- h. DOE, Office of the Chief Information Officer pamphlet, Identify and Protect Your Vital Records, March 2004 (<http://cio.doe.gov/RBManagement/Records/poliguide.html>).
- i. DOE O 151.1C, *Comprehensive Emergency Management System*, dated 11-2-05 (Directives are online at www.directives.doe.gov).

- j. DOE N 150.1, *Continuity of Operations*, dated 1-14-05.
 - k. DOE G 151.1, *Emergency Management Guide*, dated 8-21-97.
 - l. DOE O 243.1, *Records Management Program*, dated 2-3-06.
 - m. DOE O 420.1B, *Facility Safety*, dated 12-22-05.
 - n. DOE O 470.4, *Safeguards and Security Program*, dated 8-26-05.
 - o. DOE O 471.1A, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 6-30-00.
 - p. DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03.
10. NECESSITY FINDING STATEMENT. In compliance with statutory requirements of P.L. 104-201, the National Defense Authorization Act for Fiscal Year 1997, Sec. 3174, DOE hereby finds that the subject Order is necessary for the fulfillment of current legal requirements and conduct of critical administrative functions.
11. CONTACT. Questions concerning this Order should be addressed to the Departmental Records Officer, Office of the Chief Information Officer or the Director of Emergency Operations (NNSA).

BY ORDER OF THE SECRETARY OF ENERGY:



CLAY SELL
Deputy Secretary

DOE ELEMENTS TO WHICH DOE O 243.2 IS APPLICABLE

Office of the Secretary
Departmental Representative to the Defense Nuclear Facilities Safety Board
Energy Information Administration
National Nuclear Security Administration
Office of the Chief Financial Officer
Office of the Chief Information Officer
Office of Civilian Radioactive Waste Management
Office of Congressional and Intergovernmental Affairs
Office of Counterintelligence
Office of Economic Impact and Diversity
Office of Electricity Delivery and Energy Reliability
Office of Energy Efficiency and Renewable Energy
Office of Environment, Safety and Health
Office of Environmental Management
Office of Fossil Energy
Office of General Counsel
Office of Hearings and Appeals
Office of Human Capital Management
Office of Independent Oversight and Performance Assurance
Office of the Inspector General
Office of Intelligence
Office of Legacy Management
Office of Management
Office of Nuclear Energy, Science and Technology
Office of Policy and International Affairs
Office of Public Affairs
Office of Science
Office of Security and Safety Performance Assurance
Secretary of Energy Advisory Board
Bonneville Power Administration
Southeastern Power Administration
Southwestern Power Administration
Western Area Power Administration

CONTRACTOR REQUIREMENTS DOCUMENT
DOE O 243.2, *Vital Records*

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this Contractor Requirements Document (CRD) and flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

This CRD establishes the requirements for the creation and handling of Department of Energy (DOE) information, identified as vital records.

As directed by the contracting officer, the contractor must meet the following requirements.

1. REQUIREMENTS.

- a. A DOE contractor must identify and preserve vital records in support of the Department's emergency preparedness responsibilities (as outlined in Executive Order (E.O.) 12656, "Assignment of Emergency Preparedness Responsibilities").
- b. Contractor vital records are selected based on emergency missions, functions, and plans of operation.
- c. A contractor must implement vital records programs that include the following:
 - (1) Procedures for identifying, protecting, controlling access to, and ensuring availability of records and information systems that—
 - (a) specify how the organization will operate in case of an emergency and how it will support civil defense associated with disasters and attacks;
 - (b) are needed for the continued operations of the organization and mission delivery of the organization both during and after an emergency or disaster; and
 - (c) are essential to the preservation of the legal rights and interests of the Government and its citizens.
 - (2) Procedures for accessing records required to support critical activities the contractor performs when DOE operates under abnormal business conditions and/or at a location other than the normal place of business.
 - (3) Vital records inventory plans that include—
 - (a) requirements for proper labeling and handling;
 - (b) security precautions;

- (c) frequency of updates;
 - (d) media, hardware, software, and supporting service needs; and
 - (e) provisions for access from remote locations.
- (4) An inventory system that identifies hardcopy and electronic records by—
- (a) series or system title,
 - (b) description,
 - (c) type,
 - (d) name of the responsible office and individual,
 - (e) physical location of copies, and
 - (f) date of latest revision.
- (5) Provisions for protecting against or assessing damage to or loss of records and recovering records affected by an emergency or disaster must include:
- (a) copies of the vital records and the inventory maintained at separate locations to ensure immediate access in any situation;
 - (b) records maintained in media feasible for accessing and reviewing information during or immediately following an emergency;
 - (c) evaluation of electronic records based on—
 - 1 volume,
 - 2 frequency of updates required,
 - 3 availability of electricity, computers, software and support services needed to permit access, and
 - 4 potential for accessing electronic records from remote locations via virtual private networks or compact disks.
- (6) A process for selecting storage/backup protection methods that must include:
- (a) evaluation of the effectiveness,
 - (b) cost,
 - (c) degree of risk or potential loss,

- (d) physical susceptibility to destruction,
 - (e) need for special environmental conditions for transporting, storing, and updating records.
 - (f) Ability to retrieve records quickly during an emergency or disaster.
- (7) An ongoing appraisal of vital records and complete review at least annually to ensure that changing conditions are addressed and records are up-to-date and immediately accessible.
- (8) A plan must be developed and maintained to recover records that are damaged in an emergency or disaster, regardless of media. This plan must include the priorities for restoring or recovering multiple damaged systems and the options for recovery and replacement. This plan must also include a resource list of local disaster recovery firms that can assist in restoration, along with employee contact lists and vital records inventories, must be maintained at multiple off-site locations to facilitate their use.

2. STORAGE CONSIDERATIONS.

- a. Location. A contractor must establish locations where vital records will be stored, such as alternate emergency operations centers (EOCs), command centers, and relocation sites that will provide adequate protection and accessibility and meet the improved fire protection risk level required by the CRD for DOE O 420.1B, *Facility Safety*, dated 12-22-05. Before classified documents can be stored at these locations, the contractor must obtain approval in accordance with the CRD for DOE O 470.4, *Safeguards and Security Program*, dated 8-26-05.
- b. Manner of Storage. Contractor records will be stored in a manner that ensures ease of access, retrieval, and control. Storage systems must allow for access per the prioritized schedule. Classified and unclassified records must be handled in accordance with the CRD for DOE O 471.1A, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 6-30-00, and the CRD for DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated 4-9-03.

3. DISPOSITION OF RECORDS. Original vital records must be maintained for the period of time specified in the DOE records disposition schedules. The duplicate copy of vital records that is stored in the separate location should be deleted when obsolete or superseded and replaced with the updated revision.

4. RESPONSIBILITIES.

- a. Contractor Emergency Management Program Administrators.
 - (1) Ensure that emergency operating records are compiled, maintained, updated, and protected, and that they are retrievable.

- (2) Based upon disaster and attack-related emergencies in which the organization may be involved—
 - (a) ensure that all alternate emergency operating centers, alternate command centers, and relocation sites are identified and
 - (b) work with their organizations' records management program staff to ensure that—
 - 1 emergency operating records are identified in accordance with established policies and procedures and that other information needs are addressed;
 - 2 emergency operating records are collected, marked and numbered for control, forwarded to designated off-site storage locations, and updated as needed (updates shall be performed no less than annually);
 - 3 mechanisms are in place to provide records access and ease of retrieval during emergencies (through the Emergency Management Program); and
 - 4 records storage facilities meet regulatory requirements.
 - (3) Provide training to program personnel regarding the purpose and operations of the emergency operating records protection portion of the Vital Records Program.
 - (4) Develop and maintain training records that can be made available for inspection.
- b. Contractor Records Officers and Staff.
- (1) Ensure that rights and interests records are compiled, maintained, updated, and protected and that they are retrievable for authorized review. Examples of rights and interests records include—
 - (a) payroll, finance, and budget;
 - (b) personnel leave, health, and insurance;
 - (c) military service, social security, and retirement;
 - (d) contracts and agreements;
 - (e) grants and leases;
 - (f) entitlements;

- (g) obligations the loss of which would impose legal or financial risk; and
 - (h) documentation for electronic systems that manage personnel and financial information.
- (2) Maintain inventories of their organizations' vital records.
 - (3) Ensure that program personnel are trained in and knowledgeable of the purpose and operations for the rights and interests portion of the Vital Records Program for purposes of this Order.
 - (4) Develop and maintain training records that can be made available for inspection.
 - (5) Include vital records identification and management in records program assessments.
 - (6) Coordinate vital records storage issues with the Office of Emergency Operations.

5. REFERENCES.

- a. Public Law (P.L.) 106-65, National Nuclear Security Administration Act of 1999, as amended, which establishes NNSA as a separately organized agency within DOE (www.nnsa.doe.gov/).
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 - b. Emergency operating records are that type of vital records essential to the continued functioning or reconstitution of an organization during and after an emergency. Included are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency.

- c. Legal and financial rights records are that type of vital records essential to protect legal and financial rights of the Government and individuals directly affected by its activities (also known as rights and interests records). Examples include accounts receivable records, social security records, payroll records, retirement records, and insurance records.