

March 20, 2023

VIA FEDEX & E-MAIL (debra.wall@nara.gov)

Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Re: Records of President Donald J. Trump

Dear Ms. Wall:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Presidential Records Act, 44 U.S.C. §§ 2201–09, President Donald J. Trump, through undersigned counsel, hereby makes this request for any and all records described below, including records created and maintained by the National Archives and Records Administration (“NARA”) as well as executive branch records that have been transferred to NARA’s legal custody. This request covers records located at any office within NARA, including its Office of General Counsel, each of its field and regional offices, the Clinton Presidential Library and Museum, the George W. Bush Presidential Center, and the Obama Presidential Library.

Document Characterization and Dispute Resolution Process

1. Any and all records relating to how NARA determines whether a particular record is a “Presidential record” as that term is defined under 44 U.S.C. § 2201(2) and 36 C.F.R. § 1270.4. Such documents include NARA’s employee manuals, employee handbooks, policies and procedures, training materials, and any guidance that informs NARA’s designation of records for treatment as Presidential records.
2. Any and all documents concerning any dispute-resolution process that NARA uses, or has used, to resolve disagreements with any of the Past Presidents¹ and their Administrations, concerning the classification of records as Presidential records, personal records, agency records, or otherwise.
3. Any and all documents relating to any dispute between NARA and a Past President and/or the Biden administration concerning the classification of one or more records as Presidential records, personal records, agency records, or otherwise where the resolution of such disagreement did not involve a formal dispute resolution process.

¹ “Past Presidents” includes former Presidents of the United States of America with whom NARA has interacted to obtain records, including, but not limited to, Bill Clinton, George W. Bush, and Barack Obama.

4. A copy of NARA's policies and procedures concerning its employees' use of social and other media, including the public commenting on matters involving Past Presidents, including President Donald Trump, and President Joe Biden.
5. Any and all documents relating to any criminal referral NARA has made, whether formally or informally, in connection with a Past President or the Biden Administration.

Historical Treatment of Other Presidents

6. Any and all correspondence that NARA has sent to, or received from, any outgoing Presidential Administrations regarding the transfer of records from the outgoing Administration to NARA's custody. Such correspondence should include responsive documents created and sent during, and subsequent to, the outgoing Administration's term in office.
7. Any and all records of payments from the Barack Obama Foundation, and/or any representative of President Obama, to NARA or NARA-affiliated entities, such as the National Archives Trust Fund. Please note, in this regard, that by September 21, 2018, Obama Foundation Executive Director Robbie Cohen had executed a Letter of Intent with David S. Ferriero, Archivist of the United States, *see Exhibit 1*, wherein the Obama Foundation agreed to transfer \$3.3 million to NARA "to support the move of classified and unclassified Obama Presidential records and artifacts from Hoffman Estates to NARA-controlled facilities that conform to the agency's archival storage standards for such records and artifacts, and for the modification of such spaces." *Id.* ¶ 7. According to the letter, an initial payment of \$300,000 had already been made on or about August 9, 2018.
8. Any and all documents relating to President Joe Biden's donation of approximately 1,875 boxes of his Senatorial papers to the University of Delaware. This includes any and all communications about whether NARA applies to Senatorial records and, if so, any and all communications concerning (i) President Biden's decision to bypass NARA; (ii) whether NARA approved the donation; and (iii) whether President Biden's representatives reached an agreement with NARA regarding both the donation of records and ultimate decision to unseal records only upon President Biden retiring "from public life."
9. Any and all documents relating to NARA's process for establishing secure locations for Past Presidents to maintain possession of records that include Presidential records.
10. Any and all documents relating to NARA's assessment of whether it deemed President Trump's home at Mar-a-Lago to be a secure facility for purposes of maintaining President Trump's Presidential or personal records. Further, to the extent NARA concluded that Mar-a-Lago was not sufficiently secure to maintain the records as noted above, please provide any and all documents reflecting NARA's reasons for so concluding.

11. Any and all records relating to whether the Barack Obama Presidential Library located in Hoffman Estates, Illinois, currently maintains documents marked classified and whether NARA has made any effort to secure such documents.
12. Any and all records relating to NARA's determination of whether the Hoffman Estates location is a suitably secure facility for housing Presidential records.
13. Any and all records relating to NARA's review of records it received from any Past President and their Administration where such review resulted in NARA's discovery of documents with classification markings. This request includes any instances in which NARA discovered Presidential records with classification markings being stored with non-classified Presidential records, regardless of whether such records were stored in a secure NARA/GSA facility.
14. Transcripts of any and all testimony by NARA officials, including, but not limited to, the June 2014 testimony of then-Archivist David Ferriero, concerning the Lois Lerner IRS scandal and her missing emails, *see, e.g.*, <https://oversight.house.gov/release/archivist-united-states-irs-follow-law-failing-report-lerner-e-mail-loss/>.

Specific Interaction with the Trump Administration

15. Any and all internal communications at NARA regarding President Trump and the Trump Administration, including all drafts of the documents that were sent to the Trump Administration, communications between NARA and any other government agency, including, but not limited to, the Department of Justice, regarding President Donald Trump and/or the Trump Administration.
16. Any and all communications with anyone within the federal government, including Congress, regarding President Trump and the Trump Administration, including, but not limited to, any dispute regarding Presidential records.
17. Any and all communications with anyone outside the federal government, including news organizations, regarding the Trump Administration, including, but not limited to, any characterization of, or dispute regarding, Presidential records.
18. Any and all documents reflecting the identity of all NARA employees involved in NARA's decision to contact the Department of Justice regarding President Donald Trump.
19. Any and all disciplinary records for employees ("everyone who has touched the case"), including, but not limited to, records addressing political bias against President Trump and social media posts concerning President Trump, or any other political figure.

20. Any and all documents reflecting internal NARA communications regarding President Trump, a criminal referral to the DOJ, and any written communications reflecting political or personal opinions regarding President Trump.
21. Any and all communications with the Trump White House regarding transition and post-presidency plans. This includes, but is not limited to, any plans or offers to provide or maintain a secure facility in Florida to house Presidential records.
22. On May 10, 2022, Acting Archivist Debra Steidel Wall wrote a letter to attorney Evan Corcoran in which she indicated that “President Biden defers to my determination, in consultation with the Assistant Attorney General for the Office of Legal Counsel, regarding whether or not [she] should uphold the former President’s purported ‘protective assertion of executive privilege.’” Please provide any and all documents reflecting Ms. Wall’s communication with the Office of Legal Counsel. Further, please provide any instances in the history of NARA in which a sitting President has similarly deferred to the Archivist’s decision.

Specific Involvement in the Biden Classified Document Recovery Investigation

23. There are reports that NARA contemplated issuing a statement(s) after the recovery of classified materials from President Biden’s “Penn Biden Center” office as well as his Wilmington home, and that DOJ instructed NARA to forego such a statement. Please provide any and all draft statements, communications with DOJ on this issue, and internal communications or deliberative materials reflecting the decision-making about this matter.
24. Many media accounts have affirmatively stated that the Biden Administration has been “fully cooperative” with NARA regarding the recovery of these classified documents. With respect to this matter, please provide any and all documents that reflect or otherwise indicate:
 - (a) NARA’s understanding about the length of time that President Joe Biden, or anyone on his behalf, possessed or had custody of these materials prior to their recovery in late 2022;
 - (b) the classification levels of these documents;
 - (c) NARA’s familiarity with how the documents were removed from secure premises (and how many moves they have been subjected to since that original removal);
 - (d) whether counsel for President Biden who recovered these documents had the required security clearances to come in contact with such documents; and

- (e) NARA's understanding of the chain of custody regarding the collection and provision of these documents to NARA.

In addition, please provide any and all communications or assessments by NARA about whether any of these documents fall under the auspices of the Presidential Records Act, and whether Senator and/or Vice President Biden would have had the authority to declassify these materials.

25. In or about January 2023, it was publicly reported that, upon learning of President Biden's possession of classified materials, NARA "communicated with" the DOJ. Please produce all documents regarding NARA's decision to "communicate with" the DOJ regarding President Biden's apparent mishandling of classified documents.
26. Any and all documents and other materials that NARA provided to Special Prosecutor Robert Hur.

We respectfully request that NARA search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including electronic records, audiotapes, videotapes, photographs, and back-up tapes. Our request includes any telephone messages, voice-mail messages, calendars, daily agendas, information about scheduled meetings and/or discussions, whether in person or by telephone, agendas for those meetings and/or discussions, participants included in those meetings and/or discussions, minutes of any such meetings and/or discussions, the topics discussed at those meetings and/or discussions, e-mail regarding meetings and/or discussions, e-mail or facsimiles sent as a result of those meetings and/or discussions, and transcripts and notes of any such meetings and/or discussions to the extent they relate to the categories of requested documents.

If NARA's position is that any portion of the records requested is exempt from disclosure, we request that it provide an index of those documents as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1972). The *Vaughn* index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979). The *Vaughn* index must also "describe each document or portion thereof withheld, and, for each withholding it must discuss the consequences of supplying the sought-after information." *King v. United States Dep't of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987). Moreover, as the withholding agency, NARA "must supply 'a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.'" *Id.* at 224 (citing *Mead Data Cent. v. United States Dep't of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

If you claim that some portions of the requested records may be exempt from disclosure, please disclose any reasonably segregable, non-exempt portions of the requested records in accordance with 5 U.S.C. § 552(b); *Schiller v. Nat'l Labor Relations Bd.*, 964 F.2d 1205, 1209 (D.C. Cir. 1992). If you assert that non-exempt segments are dispersed throughout a document

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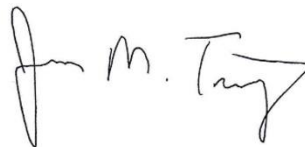
such that segregation is impossible, please state what portion of the document you claim to be non-exempt and how the material is dispersed through the document(s) withheld. *See Mead Data Cent.*, 566 F.2d at 261. Claims that non-exempt information is not segregable must be made with the same degree of detail as that required for claims of exemption. If a request is denied in whole, please confirm explicitly that it is not reasonable to segregate portions of the record for release.

Pursuant to NARA's FOIA regulations, *see* 36 C.F.R. § 1250.28(a)(2), we request the production of any and all responsive documents within ten (10) calendar days of receiving this request for expedited treatment. Expedited treatment is justified because President Trump has a reasonable expectation of an imminent loss of a substantial due process right. *See* 36 C.F.R. § 1250.28(a)(2). These requests pertain to documents that expose the origin and politicized nature of NARA's involvement in the DOJ's unprecedented investigation of President Trump. As a result of that investigation, the Department of Justice obtained a general warrant, in violation of President Trump's Fourth Amendment rights, to raid and search President Trump's home at Mar-a-Lago, including his office, storage areas, and any other rooms where boxes of documents could be stored, and to seize responsive documents along with any other boxes or containers of documents stored in the vicinity of responsive documents. FBI agents executed the warrant on August 8, 2022, seizing documents such as personal medical records, correspondence related to taxes, accounting and personal effects, passports, and hundreds of pages subject to the attorney-client and executive privilege. President Trump suffered a loss of substantive due-process rights with the execution of the general warrant and subsequent seizure of documents and other items not relevant to the Government's purported investigation, and President Trump continues to suffer and is at risk of suffering further deprivation of his substantive due process rights each day as the FBI, DOJ, and NARA seek to criminalize a civil dispute, using criminal investigation tools in an unconstitutional, and unprecedented, weaponization of the Presidential Records Act.

By signing this letter below, the undersigned hereby certifies that the foregoing statements in the preceding paragraph are true and correct to the best of my knowledge.

We appreciate your full and timely cooperation on these matters of historic importance.

Very truly yours,

A handwritten signature in black ink that reads "James M. Trusty". The signature is written in a cursive style with a large, stylized "J" and "T".

James M. Trusty
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Counsel For President Donald J. Trump



Policies and Guidance

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Directives

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Directives Search

Locator Search

Admin. 201, Chapter 19, Ethics and Professional Conduct

Effective Date: March 20, 2018

NOTE: References to units are updated in this document. For a current list of codes, see [Appendix B of NARA 101](#). Contact NGC if you have questions.

Paragraph 26 has been updated to reflect language from Interim Guidance 1996-170, Acceptance of Honoraria, dated May 7, 1996.

[PART 1. STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE REPORTING](#)

[PART 2. PROFESSIONAL ACTIVITIES](#)

[PART 3. OUTSIDE EMPLOYMENT, BUSINESS, AND PROFESSIONAL ACTIVITIES](#)

[Figure 19.1 - Application to Engage in Outside Employment, Business, or Professional Activities](#)

PART 1. STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE REPORTING

- [Responsibility](#)
- [GSA standards of conduct](#)
- [Financial disclosure](#)

1. Responsibility. The Archivist of the United States (N) has designated the Director, Legal Services Staff (NSL) General Counsel (NGC), to serve as the Designated Agency Ethics Official for the National Archives and Records Administration (NARA). Responsibilities include implementing NARA's ethics program, including standards of conduct requirements, financial disclosure reporting by designated NARA officials and employees, and the training and reporting requirements of 5 CFR Part 2638.

2. GSA standards of conduct. NARA has adopted the GSA standards of conduct provided in 41CFR 105-735. New NARA employees receive a copy of the standards of conduct (see [subpars. a and b](#)). Supervisors advise employees to contact NGC for additional copies of or questions concerning standards of conduct.

a. Washington, DC, area. The Employment Policy Branch (NAPP) Human Resources Services Division (NHH) includes the standards of conduct in the orientation package given to new employees. Employees must acknowledge, in writing, receipt of the standards of conduct on GSA Form 2160, Acknowledgment of Receipt of GSA Standards of Conduct. NAPP NHH sends the signed acknowledgments to the Personnel Operations Branch (NAPO) Human Resources Operations Branch (NHHO) for inclusion in the employee's Official Personnel Folder (OPF).

b. Field units. Administrative officers provide copies of the standards of conduct to new employees at their respective facilities. Employees must acknowledge, in writing, receipt of the standards of conduct on GSA Form 2160, Acknowledgment of Receipt of GSA Standards of Conduct. Administrative officers send the signed acknowledgments to NAPO NHHO for inclusion in the employee's Official Personnel Folder (OPF).

3. Financial disclosure.

a. NARA employees in the Senior Executive Service (SES) and those whose positions are paid at a minimum rate equivalent to 120 percent of a GS-15, step 1, are required annually to file an SF 278, Financial Disclosure Report. NSL NGC ensures that each employee is given the appropriate report form annually no later than 30 days prior to the May 15 filing deadline. The procedures for reporting are:

1. NSL NGC sends these employees a memo explaining when and where to file, with a copy to the employee's supervisor. Employees submit the report to their supervisors, who have 10 workdays in which to sign and date, in the "Comments" section, whether the SF 278 reveals any conflict of interest between the filer's NARA duties and the financial interests reported on the SF 278. The supervisor then forwards the SF 278 to NSL NGC by May 15.
2. NSL NGC has 60 days in which to review, sign, and date the report and to notify the supervisor if there is a potential conflict of interest.
3. If NSL NGC finds an employee is not in compliance, NSL NGC informs the employee and his/her supervisor of the appropriate steps to ensure compliance.

b. Certain NARA employees whose positions are classified at GS-15 or below are required to file a Confidential Statement of Employment and Financial Interests at the time of entry on duty and annually by July 31 of each year by virtue of the positions they hold. These positions include but are not necessarily limited to those involved in procurement or contracting, grants administration, or other such activities. After consultation with the appropriate office heads and staff directors, the Assistant Archivist for Management and Administration Assistant Archivist for Administrative Services (NA), in conjunction with NSL NGC, compiles a list of covered positions. These statements are required by Executive Order and the Office of Personnel Management (OPM) regulations (5 CFR 735.401 et seq.) to obtain information to determine possible

conflicts or apparent conflicts of interest between an employee's NARA position and any private financial interest of the employee, his/her spouse, minor children, or members of his/her immediate household. The procedures for reporting are:

1. The employee's supervisor is responsible for ensuring that a completed form is obtained from each new employee in a position covered by the filing requirement before or at the time of entrance on duty. The completed forms are to be forwarded through the appropriate office heads or staff directors to NSL NGC.
2. For the annual statement, NSL NGC forwards to each NARA office having covered positions a supply of the forms on or before July 1. The original of the completed form must be routed through the employee's immediate supervisor and office head or staff director to NSL NGC, who is also available to advise and counsel NARA employees if requested. The supervisor must promptly review and sign the form and forward it to NSL NGC by July 31.
3. If a possible conflict of interest is indicated, the employee is given the opportunity to provide additional information. If it is determined that a possible conflict still exists, the employee, supervisor, and NSL NGC attempt to resolve the conflict in a mutually acceptable manner.
4. If these efforts to resolve a possible conflict of interest are unsuccessful, NSL NGC may recommend that one of the following remedial actions be taken:
 - a. Disqualification for a particular assignment;
 - b. Change in assigned duties;
 - c. Divestiture;
 - d. Establishment of a blind trust; or
 - e. Disciplinary action, including removal.

4 thru 15. **Reserved.**

PART 2. PROFESSIONAL ACTIVITIES

- [References](#)
- [Definition](#)
- [Objectives](#)
- [National Archives Assembly](#)
- [Research projects](#)
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- [Leadership role in professional organizations](#)
- [Attendance at workshops, seminars, meetings, and teaching](#)
- [Payment for NARA employee participation in professional activities](#)
- [Reimbursement](#)
- [Honorariums or other expense reimbursements from sponsoring organizations or institutions](#)
- [Conflict of interest](#)
- [Professional development](#)
- [Clearance of speeches and remarks](#)
- [Membership dues](#)
- [Official NARA representatives](#)

16. **References.** Federal Personnel Manual, ch. 252.

17. **Definition.** Professional activities of NARA employees are those activities in a field of endeavor, characterized by specialized knowledge and/or academic preparation, such as archives, history, or conservation, that are related to the employees' work responsibilities and that improve the "state of the art" or provide for the career development of NARA employees within the Federal service.

18. **Objectives.**

- a. The participation of NARA employees in professional activities has many benefits for NARA. Employees are encouraged to participate. NARA management will facilitate their participation, budget and workload permitting. Employees, however, are not required to become members of professional organizations or to participate in professional activities.
- b. Through participation in professional conferences, symposia, and committee assignments, employees are expected to expand their professional expertise, thereby improving their performance on the job.
- c. Professional activities are expected to improve employee skills and knowledge, increase employee motivation and effectiveness, develop and improve technical skills, and prepare employees to assume additional responsibilities within NARA.
- d. Professionalism includes the exchange of ideas. The publication of journal articles and other scholarly materials, the presentation of papers, the teaching of classes, and the editing of newsletters and other scholarly publications all serve to provide incentives for employees to achieve excellence in job performance. Through commentary on these presentations, information is gained from non-Federal sources on professional concerns and practices that may be useful in the administration of NARA.

e. Public confidence in NARA's ability to carry out its programs is essential. Professional recognition and awards for professional achievement tend to increase public confidence in the competence of NARA employees, reinforcing the public's trust in the institution itself.

19. National Archives Assembly.

a. **General.** The National Archives Assembly, an organization of present and former NARA employees founded in 1981, supports the development of NARA as the leading archival institution in the world by providing a forum for employee communication on professional and program issues and by communicating its members' views to the Archivist of the United States. The National Archives Assembly is valuable for both its role in the professional development of NARA employees and in intra-agency and interagency communication.

b. **Administrative leave for meetings.** Contingent upon workload considerations and supervisory approval, NARA employees who are Assembly members may be granted administrative leave to attend National Archives Assembly meetings in accordance with the following limits:

1. Assembly Board meetings - up to two hours per month for Board members;
2. Assembly Committee meetings - up to two hours per month per member; and
3. Assembly quarterly meetings - up to two hours per quarter per member.

20. Research projects. Any permanent employee of NARA may, as part of his/her official duties, perform research on a specifically defined, product-oriented research project that relates to the employee's work responsibilities. Any permanent employee of NARA, regardless of job series, may request permission to work on a research project provided that the project is developmental in the sense of writing for publication or oral presentation, or gathering the source material for such a publication or oral presentation.

a. **Restrictions.**

1. Only permanent employees of NARA are eligible to work on research projects as part of their official duties.
2. Work on a research project is subject to supervisory approval and review and will be limited to 10 percent of an employee's work time, or normally, four hours per week. Research project time allowed for permanent employees working less than 40 hours per week is reduced proportionally.
3. Normally, no more than 16 hours may be devoted to an approved research project at one time. More than 16 hours of research time may be granted under the following conditions:
 - a. Requests must be submitted in writing and contain adequate justification based on the nature of the research project and the need to perform research for a continuous period exceeding 16 hours.
 - b. The office head must approve the request in advance of the research time.
 - c. The research must be performed at an institution or research site outside the city or geographic area in which the employee works.
 - d. Any travel involved in a research project will be at no cost to the Government.
4. NARA employees may not accept or retain profit in any form for any product resulting from their use of approved research time. Any profit received must be turned over to the National Archives Trust Fund.
5. NARA unit heads may authorize and shall control the use of NARA facilities and services, such as word processors, photocopiers, and clerical assistance, by employees working on approved research projects.
6. Research is permitted only in a NARA facility or in an institution of recognized academic or professional standing. Research may not be performed at home.
7. Employees working on approved research projects are not permitted to conduct research in, or to include in the written or oral results of their research, materials from, or citations to, records of NARA, including the records of any Presidential Library, which are not open to all researchers.

b. **Procedures.**

1. The employee requesting research time submits a written research proposal, in duplicate, to the immediate supervisor fully describing the research project, including a specifically identifiable end product, a proposed completion date, a research schedule, and the proposed site(s) of the research.
2. The employee's immediate supervisor forwards the proposal, with a recommendation, through management channels to the division director in the Washington, DC, area or to the director of the field unit.
3. The director approves or disapproves the proposal and returns one copy to the employee and forwards an information copy to the office head.
4. Office heads approve or disapprove requests for research time by directors. The Archivist approves or disapproves requests for research time by office heads.
5. Employees denied time to work on a research project by a director may appeal to their office head.

c. **Reporting.**

1. If time for a research proposal is approved, the employee must submit a written report at the end of each standard reporting quarter to the immediate supervisor. The final paper, article, or other research product must be submitted to the approving official, through the supervisor, when the research is completed and before publication or dissemination.
2. Supervisors must monitor closely the progress of employees' work on research projects under their control and must submit the employee's quarterly report, with the supervisor's comments, through management channels to the

director. The office head may require the director to forward copies of the employees' quarterly reports and the supervisors' comments.

3. Since work on an approved research project is part of the employee's duties it is not reported on the GSA Form 3575, Time and Attendance Record. Supervisors will maintain a record of time spent on an approved research project on the back of the GSA Form 873, Employee's Annual Attendance Record.

d. **Suspension or cancellation.** A supervisor may suspend or cancel an employee's research project at any time because of a demonstrated lack of progress, workload considerations, the good of the agency, or other reasons.

21. **Editorial activities.** NARA employees may edit scholarly journals, newsletters, and other publications, and may serve as departmental editors and on review boards, as part of their official duties subject to workload considerations and supervisory approval.

a. **Limitations.** The specific editorial activities must be approved and must involve no more than 10 percent of the employee's work time, contribute to the mission and activities of NARA, be in lieu of any other approved research project, and conform to the other provisions of [par. 20](#).

b. **Approvals.**

1. Employees submit proposals to engage in editorial activities according to the procedures in [subpar. 20\(b\)\(1\)](#).
2. Office heads approve or disapprove all requests to engage in editorial activities by employees in the Washington, DC, area and requests by employees of field units to serve as chief editor of any scholarly journal.
3. Directors of field units approve or disapprove requests by employees of field units to edit local or single state newsletters or other publications.

c. **Approval by the Archivist.** When a proposed editing project will involve more than 10 percent of an employee's work time, it must be approved by the Archivist. The employee seeking to engage in such editorial activities must submit a memorandum, through proper management channels, to the Archivist describing the editorial project, the time involved, and a full justification for seeking to engage in the project. Each request will be determined on its own merits. The Archivist may approve such editing activities if they are considered to be of unusual significance to NARA and are directly related to the mission and activities of NARA.

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22. **Leadership role in professional organizations.** Prior to agreeing to stand for election or to accept a leadership position in a professional organization, if an employee anticipates seeking NARA support of participation in the activities of the organization in the form of official time, administrative leave, or travel funds, the following procedures apply.

- a. The employee prepares a memorandum describing the responsibilities of the position, the time involved, the potential resource commitment (especially official travel funds and official time or administrative leave) anticipated during the term, and the benefits to NARA. The memorandum is addressed, through proper management channels, to the office head if the employee is in the Washington, DC, area (or if the organization is a national or regional organization), and to the director of the field unit if the employee is in the field and the organization is a state or local one.
- b. Office heads and directors of field units should make every effort, within resource limits and workload considerations, to provide official time and travel funds, or administrative leave subject to Office of Personnel Management guidelines, to employees serving in leadership positions in professional organizations. Office heads and directors of field units should inform employees if NARA will not be able to support such leadership activities with official time and travel funds or administrative leave.

23. **Attendance at workshops, seminars, meetings, and teaching.** NARA employees may attend meetings, participate on panels, speak at professional meetings, present papers, teach classes, and conduct workshops for purposes that are beneficial to NARA programs as part of their official duties provided they have obtained prior approval. Such activities should improve the employee's performance of official duties and increase public confidence in NARA's ability to effectively carry out its programs.

a. **Prior approval.** NARA employees who wish to participate in these activities as part of their official duties must obtain prior approval from the appropriate office head in the Washington, DC, area or the appropriate field unit director.

1. Requests by the directors of field units are approved by the same official who approves their requests for annual leave. Requests shall describe the participation, the time involved, and the benefits to NARA. Route all requests through proper management channels to the approving official as far in advance of the activity as possible. The approving official will assess the request in terms of the benefits to NARA, the employee's professional development, and relevant workload constraints.
2. Directors of field units may approve projects as part of official duties or grant administrative leave for professional activities not to exceed three days per activity. Office heads may approve projects as part of official duties or grant administrative leave not to exceed five days per activity. For longer periods, the unit head sends the request, with a recommendation, through the office head and NA to the Archivist for approval. The Archivist approves all requests for official travel or administrative leave by office heads.

b. **Leave status.** Participation in professional activities by NARA employees may be considered part of their official duties or charged to administrative leave, annual leave, or leave without pay as appropriate. Employees also may participate during nonduty hours.

1. **Official duty.** Office heads and directors of field units may request travel authorizations for employees who meet the criteria in [subpar. a](#). They may request travel authorizations for other employees if they can demonstrate that the employee's attendance, participation, or teaching will benefit NARA programs. Employees not participating as part of their official duties with no charge to leave may apply for administrative leave or annual leave.

2. **Administrative leave.** Employees who wish to participate in professional activities may be granted administrative leave, normally not to exceed 80 hours per year, if their participation can be expected to benefit NARA programs. Employees granted administrative leave will travel at no cost to the Government.
3. **Other leave.** An employee may participate in professional activities, at his/her own expense, while on annual leave, leave without pay, or during nonduty hours. The employee may accept expense reimbursement from the sponsoring organization or institution provided that such reimbursement is only for travel, lodging, and/or meal expenses incurred for the activity and provided also that the employee has received approval for outside employment according to the procedures described in [subpar. 26b](#). The employee may not accept an honorarium for an appearance, speech, or article but may direct the payment of an honorarium to a charitable organization that meets the requirements described in section 170(c) of the Internal Revenue Code of 1986, provided that no such payment shall exceed \$2,000 or be made to a charitable organization from which the employee, or a parent, sibling, spouse, child or dependent relative of the employee derives any financial benefit. The National Archives Trust Fund qualifies as a charitable organization under section 10(c).
- c. **Clearance of remarks.** If a speech, presentation, article, or paper contains statements of NARA policy or practice, the remarks must be reviewed and cleared according to the procedures described in [par. 29](#).
24. **Payment for NARA employee participation in professional activities.** NARA will consider paying an employee's expenses for participation in professional activities when the employee has obtained prior approval as indicated in [subpar. 23a](#) and [26](#).
- Acts as an official representative of NARA;
 - Serves as an officer of the sponsoring organization;
 - Speaks at the program or serves on a program committee; or
 - Teaches a class or workshop.
25. **Reimbursement.** Any NARA employee seeking reimbursement for participation in professional activities within the criteria in [par. 24](#) must obtain prior approval to participate at NARA's expense. The request will include the estimated costs and provide the criteria under which the participation qualifies for NARA reimbursement. All such requests should be as timely as possible for incorporation into the office travel budget. For guidelines on completing travel authorizations and vouchers see ch. 6 of this manual.
26. **Honorariums or other expense reimbursements from sponsoring organizations or institutions. [Language from Interim Guidance 1996-170, May 7, 1996.]**
- Employees not in duty status.** An employee may, while on annual leave or leave without pay or otherwise during nonduty hours, accept reimbursement for expenses or compensation, including honoraria, that is offered by an organization, institution, or individual for appearances, speeches, articles, employment, or other activities that are unrelated to the employee's official duties. Before commencing outside employment or activities for compensation, including professional activities, individual employees must obtain the approval of their supervisors and designated NARA officials by submitting NA Form 3015, Application to Engage in Outside Employment, Business, or Professional Activities, in accordance with the procedures set forth in part 3 of this chapter. Employees may not receive compensation for teaching, speaking, or writing that is related to their official duties, as defined at 5 C.F.R. 2635.807. Non-career SES employees are subject to the limitations on outside earned income and outside activities, including teaching, set forth beginning at 5 C.F.R. 2636.301. Full-time non-career Presidential appointees may not earn any outside income, including honoraria, while serving in office in accordance with 5 C.F.R. 2635.804.
 - Employees participating in professional activities as part of their official duties.** NARA employees participating in professional activities as part of their official duties may not receive full or partial expense reimbursement or any honorarium from a sponsoring organization, institution, or individual. "Official duties" includes participation in professional activities while on administrative leave. Under certain conditions, outside persons or groups may reimburse NARA or the National Archives Trust Fund in accordance with NARA 95-131 [superseded by NARA 601, NARA Travel Policy, March 24, 2008] for official duty travel by NARA employees.
 - Acceptance of compensation.**
 - Compensation may be accepted for a series of 3 or more appearances, speeches (including lectures), or articles on the same subject, provided they are not directly related to the employee's official duties.
 - Compensation may be accepted for:
 - The writing of books, chapters of books, or works of fiction.
 - Performances, such as dramatic readings.
 - Performances using an artistic, athletic, or other such skill, for conducting a worship service, or for making a demonstration or display. (However, employees may not accept compensation for attending or making remarks at a conference or other gathering.)
27. **Conflict of interest.** Employees may direct questions about expense reimbursements, the status of charitable organizations, or other questions about potential conflicts of interest to the Designated Agency Ethics Official for NARA (NSL NGC).
28. **Professional development.**
- Participation in professional activities normally involves the exchange of ideas or a presentation of new ideas that properly can be classified as training. When employees in a developmental position and/or their supervisors wish their participation to be credited as training, the supervisor submits a Request, Authorization, Agreement and Certification of Training, SF 182, prior to the activity. For guidelines see ch. 17.

b. Office heads in the Washington, DC, area and directors of field units should set aside funds to pay the expenses of employees whose attendance at professional activities otherwise would not qualify for reimbursement. Such funds may be used at the discretion of the approving official when participation in professional activities by an employee would benefit NARA activities, functions, or programs, or otherwise benefit NARA as an institution. Employees may submit requests for reimbursement of expenses to the appropriate approving official, using the procedures in [par. 25](#).

29. Clearance of speeches and remarks.

a. NARA encourages the presentation of papers, articles, and speeches by employees. NARA management has an interest in ensuring that statements of NARA policy and practice are correct. Papers, articles, and speeches must be submitted for advance review only in the following circumstances:

1. If the employee is acting as NARA's official spokesman and interpreting NARA policy or practices, the remarks or publication must be cleared by the office head in the Washington, DC, area or by the director of the field unit.
2. If an employee is invited to prepare an oral presentation, paper, article, or book relating to archival or records management activities for distribution or publication and it contains statements of NARA policy or practices, or may have an impact on public perception of NARA, the office head in the Washington, DC, area or the director of the field unit should review the material. The official review is limited to a review of the accuracy of statements relating to NARA policies and practices.

b. It is the employee's responsibility to distinguish in any paper, article, presentation, or other remarks between personal opinion and NARA policy and practice and to make the audience or reader aware of that distinction.

c. When an employee is required to provide an organizational identification, the proper identification is the National Archives and Records Administration. Except for this citation in a brief biographical note or vita, it is illegal to exploit Government employment for private gain.

30. Membership dues. The use of appropriated funds for the payment of membership fees or dues for NARA employees as individuals, except as authorized by specific appropriation, by express terms in a general appropriation, or in connection with approved employee training (5 U.S.C 4109-4110) is prohibited (5 U.S.C 5946). Such fees may be paid for a NARA institutional membership. Any NARA organizational unit head requesting payment for a NARA institutional membership submits a Requisition for Equipment, Supplies, or Services, NA Form 5007, showing the name of the organization and the individual to contact, through normal management channels to the Acquisitions Management Branch (NAMA) Acquisitions Services Division (NAA) in the Washington, DC, area or through the administrative officer to the appropriate GSA finance division in the field.

Note: Par. 31 is superseded by Interim Guidance 98-234.

31. Official NARA representatives. NARA employees are appointed official representatives (i.e., Designated official) to international and standards-setting organizations in the following manner.

a. Appointment process.

1. Office heads nominate NARA representatives to international and standards-setting organizations.
2. The names of nominees are sent to N, who makes the appointments.

b. Notification of appointment.

1. After an appointment has been made, the Office head from whose unit the designated official was chosen notifies NA and the appropriate organization of the appointed official's name.
2. NA prepares and issues annually, and when changes occur, a list of NARA designated officials to international and standards-setting organizations.

c. Reports. Designated officials shall prepare a formal written report of each meeting they attend in their official capacity.

1. Each report shall chronicle the proceedings of the meeting and summarize the designated official's statements made during the meeting.
2. The report must be completed within 30 calendar days of each meeting.
3. One copy of each report shall be sent through the designated official's office head to the Archives Library Information Center. The Center will list the reports in the quarterly Library Notes and the ALIC News, allowing interested persons to request copies to keep abreast of NARA views on archival topics.

32 thru 35. **Reserved.**

PART 3. OUTSIDE EMPLOYMENT, BUSINESS, AND PROFESSIONAL ACTIVITIES

- [Purpose](#)
- [Coverage](#)
- [Definitions](#)
- [Requesting DAEO advice](#)
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- [Evaluating applications](#)
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- [Duration of approval](#)
 - [Recordkeeping](#)
36. **Purpose.** This part sets policies and procedures for prior review and approval of activities, including employment, business, and professional activities, that NARA employees wish to engage in on their own time and outside of their official duties. The purpose of this part is to ensure that NARA employees are not, as a result of their outside activities: (1) placed in actual or potential conflict of interest situations, including conflicts between their personal financial interests and their official duties; or (2) otherwise at risk of violating the Ethics in Government Act, other Federal ethics statutes, or the Government-wide Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).
37. **Coverage.**
- a. This part applies to all NARA employees who:
 1. Wish to engage in compensated outside employment, business, or professional activities, including self-employment and teaching, speaking, or writing for compensation;
 2. Wish to serve in a leadership position (officer, director, or similar position) of a nonprofit, charitable, religious, professional, social, fraternal or similar organization that is a "prohibited source" (defined in subpar. [38\(c\)](#)); or
 3. Provide uncompensated professional services or advice to an organization for which the employee would normally receive compensation.
 - b. This part does not apply to NARA employees who:
 1. Serve as a designated NARA representative to a professional or other organization;
 2. Participate in the activities of a professional or other organization through attendance at a professional workshop, seminar, meeting, course of instruction, or convention while in an official duty status (including administrative leave);
 3. Are members (not in leadership positions) of nonprofit, charitable, religious, professional, social, fraternal, or similar organizations;
 4. Wish to serve in an uncompensated leadership position of nonprofit, charitable, religious, professional, social, fraternal, or similar organization that is not a prohibited source; or
 5. Are special Government employees (e.g. intermittent employees).
38. **Definitions.**
- a. **DAEO** means NARA's Designated Agency Ethics Official (Deputy GC NGC).
 - b. **Employment** means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes, but is not limited to:
 1. Personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker;
 2. Writing when done under an arrangement with another person for production or publication of the written product; and
 3. Speaking when done under circumstances when a fee would normally be offered to the speaker.
 - c. **Prohibited source** means any person, business concern, or other organization who:
 1. Is seeking official action by NARA;
 2. Does business or seeks to do business with NARA;
 3. Conducts activities regulated by NARA;
 4. Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or
 5. Is an organization a majority of whose members are described in subpars. [38c\(1\)](#) thru [38c\(4\)](#).
39. **Requesting DAEO advice.** Employees and supervisors should contact the DAEO (GC) (NGC) by telephone, e-mail (ETHICS mailbox), or memo, for advice on whether a proposed outside employment, business, or professional activity could present a problem under the ethics laws or regulations. In situations where a proposed activity presents a problem(s), the DAEO will work with employees and supervisors to determine whether participation in a proposed activity can be modified to comply with ethics laws and regulations.
40. **Submitting requests for approval of outside activities.** All requests must be approved before the employee engages in the outside activity. By seeking guidance from GC NGC and approval from the appropriate officials before engaging in outside activities, businesses, or employment, employees can avoid violating federal ethics laws and the Standards of Conduct. In addition, employees who rely in good faith on guidance obtained from GC NGC and engage in outside activities that are later found to be improper may be able to avoid or lessen any criminal penalties and/or administrative discipline that is imposed as a result of the improper activity.
- a. **Format of request for approval.**
 1. **Nonbargaining unit employees.** The employee submits an NA Form 3015, Application to Engage in Outside Employment, Business or Professional Activities, or a memo containing the information shown in [Figure 19.1](#) to his/her immediate supervisor.
 2. **Bargaining unit employees.** The employee submits a memo containing the information shown in [Figure 19.1](#) to his/her supervisor.
 - b. **Immediate supervisor.** The immediate supervisor completes section II of the NA Form 3015 or writes his/her recommendation on the memo, prepares two additional copies, and forwards all copies to the appropriate approving

official listed in [par. 41](#). An immediate supervisor, if listed in [par. 41](#), has approval authority.

41. Approving officials.

- a. Washington, DC, area division directors or equivalent; Staff and Service Directors; the Inspector General (OIG); the Executive Director of the National Historical Publications and Records Commission (NHPRC); director, ISOO; directors of the Washington National Records Center (NCW), NWMW, the National Personnel Records Center (NCP), NRP, and the Nixon Presidential Materials Staff (NLNP); NLNS; and directors of Presidential Libraries and Staffs, Federal Records Centers, and Regional Archives have approval authority. The directors of NCW NWMW and NCP NRP may redelegate this authority to assistant directors.
- b. The Office Head or Service Director approves the application of a Washington, DC, area division director. The Director of the Field Operations Division (NCF), the Assistant Archivist for Presidential Libraries (NL), or the Director of the Regional Archives System (NSR) approves the application of a field unit director.
- c. ND approves the application of an Office Head, Staff Director, or Service Director. N approves applications of OIG, ISOO, NHPRC, and ND.

42. Evaluating applications. The supervisor and approving official must:

- a. Review applications to evaluate whether the proposed activity is prohibited under one or more of the conditions in [par. 43](#).
- b. Consult the DAEO before approving activities involving teaching, speaking or writing for compensation. (Additional ethics concerns may be involved.)
- c. Allow an employee to clarify the information submitted and make adjustments in the work schedule or conditions of the outside activity before making a final determination.

43. Grounds for denying applications. Ethics laws and regulations prohibit outside activities that will:

- a. Involve the improper use of official time or of Government facilities, office space, equipment, supplies, telephones, or other Federal property by the applying employee or by another NARA employee;
- b. In any way associate or appear to associate NARA or the employee in his/her official capacity with, or imply an endorsement by either, of any non-Government policy, product, service, or organization;
- c. Draw upon information gained from NARA employment if that information is not now or would not be, if requested, made available to the public;
- d. Create an actual or apparent conflict of interest;
- e. Cause an employee to receive a salary or anything of monetary value from a private source as compensation for his/her services to the Government;
- f. Involve conduct prohibited by statute or Federal regulation, including the Standards of Conduct;
- g. Conflict with the employee's NARA work schedule.

44. Special requirements applicable to certain noncareer employees.

- a. In addition to the general restrictions on outside activities and employment found in Federal ethics laws and regulations, including the Standards of Conduct, there are special restrictions on the outside activities and employment of certain noncareer employees. These restrictions, provided in 5 CFR 2636.301 - 2636.307, apply to, among others, noncareer employees who hold Schedule C appointments, noncareer Senior Executive Service (SES) appointments, or employees who hold appointments to noncareer positions covered by certain pay schedules other than the GS schedule. In short, such noncareer employees may not:
 1. Receive outside earned income in excess of the 15 percent limitation described in 5 CFR 2636.304;
 2. Receive compensation or allow the use of his/her name in violation of the restrictions relating to professions involving a fiduciary relationship described in 5 CFR 2636.305;
 3. Receive compensation for serving as an officer or board member of any association, corporation, or other entity in violation of 5 CFR 2636.306. The term "association, corporation, or other entity" includes for-profit entities, as well as not-for-profit entities such as charitable organizations, professional associations, and units of state or local governments (e.g., local boards of education); and
 4. Receive compensation for teaching unless the DAEO authorizes the activity in advance in accordance with 5 CFR 2636.307.
- b. Employees who have been appointed by the President to a full-time noncareer position are prohibited by section 102 of Executive Order 12674, as amended, from receiving any outside earned income for outside employment or any other activity performed while holding the presidential appointment.

45. Duration of approval. Approvals of applications for outside employment are made for a maximum of three years.

- a. When an employee wishes to change his/her outside employment, business, or professional activity in a way that changes any of the information required by [Figure 19.1](#) or NA Form 3015, the employee must submit a new application.
- b. When an employee assumes new official duties, the approving official must review an approved application to ensure that the evaluation criteria in [par. 42a](#) are still met. A new application must be submitted if the change in official duties also results in a change of approving officials.
- c. When a violation of one or more of the prohibitions in [par. 43](#) becomes known after an application has been approved, the approving official, in consultation with the DAEO, revokes the approval.

46. Recordkeeping. The approving official retains the original of an approved application, forwards one copy to the DAEO, and returns one copy to the employee. All copies of a disapproved application are returned to the employee.

Figure 19.1

Application to Engage in Outside Employment, Business, or Professional Activities

The following information must be provided in a memo or on NA Form 3015:

Request to engage in (or continue to engage in) outside employment which includes:

- Name of employee
- Position, title, and grade
- Hours of work/shift in NARA
- Organizational location (office, division, or branch)
- Building location (street and city)
- Name and address (including ZIP code) of employer OR that you will be self-employed
- Nature of employer's business
- Nature of employee's outside duties
- Duration of employment (indefinite or specify date)
- If regular schedule, provide schedule of days and hours to be worked and total hours per week
- If no regular schedule, state the total hours per week to be worked
- Anticipated starting date
- The following statement:
- "I am familiar with the limitations placed on outside employment, business, or professional activity by the Standards of Ethical Conduct for Executive Branch Employees and certify that in my opinion the above described employment or activity is consistent with these limitations and will not interfere with the performance of my present duties in NARA."
- Signature and date

Page last reviewed: April 21, 2021

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NARA 831, Social Media

Effective Date: February 16, 2021

SUBJECT: NARA 831, Social Media

Purpose: This directive provides guidance on how to use social media on behalf of NARA, how to create and manage NARA social media accounts, and provides rules and best practices for personal social media activities. It establishes a process for creating official NARA social media accounts; identifies joint roles for the Public and Media Communications and Visual Services Branch in the Communications and Marketing Division (SC) of the Office of the Chief of Staff (S) (hereafter referred to as the "Social Media Team") and General Counsel (NGC) in approving new third party tools; and assigns responsibilities to the Public and Media Communications and Visual Services Branch for creating and periodically reviewing NARA accounts. This directive supports Goals 1, 2 and 3 of NARA's Strategic Plan.

Background: Social media is an important tool for enabling two-way communication between government and citizens and for increasing government transparency. NARA has adopted a decentralized approach to social media communication which encourages staff across the agency to promote their particular areas of subject matter expertise and to engage with users online. This model requires established guidelines to equip staff to represent the National Archives and Records Administration on social media platforms to their fullest potential. Note that paragraph a.(7) of Supplement 1 describes important actions that owners of existing NARA social media accounts must take within 60 to 90 days of this directive's publication to bring their accounts in line with new rules.

Available forms: [NA-8027, Social Media Project Proposal](#)

Canceled forms: None.

Canceled policy: Interim Guidance 831-2, Rules of Behavior for Using Web 2.0 and Social Media Sites and Responsibilities for Content Management, dated February 24, 2010.

Related policy:

- NARA 802, Use and Monitoring of NARA Office and Information Technology (IT) Equipment and Resources
- NARA 807, Content Rules and Requirements for NARA Websites (Internet, Intranet, and NARA-Hosted Extranets) and Presidential Library Websites
- NARA 115, Media Relations (Releasable Information)

Effective date: This directive is effective on the date of signature.

Contact information: For questions about this directive, please contact James Pritchett, Director, Public and Media Communications and Visual Services, at (202) 357-5300 or james.pritchett@nara.gov.

DEBRA STEIDEL WALL

Deputy Archivist of the United States

Policy

831.1 Policy.

- NARA uses social media to:
 - "Make access happen" by sharing NARA's vast holdings with different audiences;
 - Engage in dialogue with our stakeholders and customers to share the work of the agency, listen to incoming feedback, and direct questions or concerns to the appropriate office for a coordinated response or action.
 - Provide transparency into our decision-making and operations;
 - Engage citizens to participate in our mission.
- The responsibility for communicating via social media is decentralized across NARA; staff are given standards and guidance to follow but are empowered with the authority of the agency to speak about their work.
- "Social media" is an umbrella term used to describe externally-facing websites and Internet-based tools that integrate technology, social interaction, content creation, and content dissemination. Social media platforms enable users to easily share content, to collaborate, and to form social connections and groups. Examples include, but are not limited to, Facebook, Twitter, Pinterest, Tumblr, LinkedIn, Instagram, YouTube, and blogs.

831.2 Scope and Applicability.

- a. This directive applies to everyone posting on official NARA accounts on behalf of the agency. This includes NARA employees, contractors, interns, volunteers, detailees, Foundation staff, and Foundation volunteers.
- b. It governs the use of official NARA social media accounts by those individuals in the course of performing their duties for NARA. Rules for personal social media accounts are governed by NARA 802 and are described in the NARA 831 Procedures Handbook. Accounts operated by a foundation for the foundation's benefit and without NARA oversight are not covered by this policy.
- c. This directive does not apply to social media accounts run or managed by the Office of Inspector General (OIG). Any OIG social media account must follow OIG specific policies.

831.3 Responsibilities.

In addition to the authorities delegated in NARA 101, NARA Organization and Delegation of Authority, the following responsibilities are assigned in order to effectively implement this policy.

- a. The Chief of Staff
 1. Ensures compliance with NARA regulations, policies and guidelines about information accessibility, records management, privacy, security, information quality, and release of information.
 2. Serves as NARA's authority for social media policy.
 3. Arbitrates the removal from public view of any content that could hurt NARA's reputation, or that contain non-releasable information or materials. The Chief of Staff consults with the Office of General Counsel (NGC) and Corporate Records Management (CM) on the removal of publicly posted information. See 831.5(c) for an outline of non-releasable information.
 4. The Chief of Staff may delegate these responsibilities to either the Director, Communications and Marketing (SC) and/or the Director, Public and Media Communications and Visual Services.
 5. Serves as the lead office for coordinating social media communications in the event of an emergency or government closure.
- b. Social Media Team, Public and Media Communications and Visual Services staff within the Communications and Marketing Division (SC).
 1. Advises the Archivist, Deputy Archivist, Chief of Staff, and appropriate Management Team members on agency-related issues that might generate major social media conversation and/or news media coverage.
 2. Manages and posts content on flagship (agency-level) social media accounts.
 3. Reviews [NA-8027, Social Media Project Proposal](#) forms and approves or disapproves the creation of new NARA social media accounts.
 4. Reviews, on an as-needed basis, NARA social media accounts to ensure they are still fulfilling their purpose and supporting NARA.
 5. Authorizes and oversees the retirement of NARA social media accounts, pending the approval of executives and senior staff directors.
 6. Maintains an updated list of all official NARA social media accounts on [Archives.gov](#), and a list of all approved, downloadable add-ons, tools and apps for those social media platforms.
 7. Works with General Counsel to create comment and posting policies and privacy policies for each authorized social media platform or category of platforms, and posts those policies on [archives.gov](#).
 8. Coordinates with General Counsel, and third party service providers to negotiate amended terms of service (TOS) agreements and privacy impact assessments, as described in NARA 1609, Initial Privacy Reviews and Privacy Impact Assessments, for new social media platforms, tools, and apps.
 9. Provides guidance to Project Owners and Content Contributors in cases of potential comment policy violations that could necessitate moderation.
 10. Works with CM to determine the most appropriate method to capture and manage social media records for temporary and permanent disposition. Oversees the collection and preservation of all NARA social media content in accordance with approved records disposition schedules.
 11. Monitors emerging social media platforms and makes recommendations for adoption by the agency.
 12. Provides periodic reports on the number, types, and use/impact statistics of NARA social media accounts.
- c. General Counsel
 1. Works in collaboration with Information Services to review requests for new social media tools, platforms, software as a service (SaaS), third party tools, and apps during the software request process. Reviews legal agreements for all such accounts, and determines if the terms of the privacy agreements are sufficient for NARA participation. Conducts legal reviews of social media privacy agreements whenever the social media platforms change them. Identifies which social media platforms meet NARA's privacy and legal requirements standards.
 2. Answers general questions from NARA staff and associates on an as-needed basis about what content can be posted and what activities they can undertake on official NARA social media accounts, with particular focus on issues concerning the Hatch Act, endorsement concerns, and following GAO guidance related to spending of funds on advertising and the ban on grass roots lobbying.

3. Provides consultation to the Social Media Team with regard to interpreting and carrying out the comment policy.
- d. Chief Privacy Officer works with the Social Media Team to create privacy impact assessments for each authorized social media platform and posts them on Archives.gov (<https://www.archives.gov/privacy/privacy-impact-assessments>).
- e. Information Services works with NGC to review all requests to use new software, including software as a service (SaaS), third party apps, and social media add on tools.
- f. Corporate Records Management
 1. Works with the Social Media Team to establish and apply NARA records schedule(s) to social media content.
 2. Consults on matters relating to file format, storage, retention, and transfer of permanent social media records.
- g. Executives and Senior Staff Directors
 1. Review and approve/disapprove of Product Owner requests for new social media projects and approve/disapprove of requests to retire existing social media accounts.
 2. Ensure Product Owners are adhering to social media and related policies and coordinating as required with the Social Media Team.
 3. Executives may designate a Product Owner(s) for the unit after the effective date of this directive.
 4. When a unit Social Media Product Owner resigns the position or otherwise permanently leaves a facility, a new Product Owner must be designated within 30 days of the previous Product Owner's departure.
- h. Product Owners
 1. Must be a NARA senior staff member, typically at the rank of business unit head, program director or staff director.
 2. Request new NARA social media accounts (such as a blog or YouTube channel) that will fall under the authority of their unit, office or program, and take ownership of preexisting NARA social media accounts that fall under the authority of their office or program.
 3. Request approval from their Office Executive prior to submitting requests to make new social media accounts.
 4. Inform their office/unit executive and the Public and Media Communications and Visual Services staff of any unusual social media interest or activity on social media platforms which may be of consequence to the unit or NARA so that Public Affairs is aware of the situation and prepared to advise on next steps, if necessary. Examples include social media posts mentioning the agency, a NARA office/unit, or a NARA employee that may harm their reputations; an accidental post made by a content contributor that was meant for a personal social media post; or an accidental post of non-releasable information as defined in NARA 115, Media Relations. This is not an inclusive list, Product Owners should contact the Social Media Team and alert their supervisor if they have any questions about a particular post or activity. Product Owners should also alert the Social Media Team and their leadership when there are positive results of their efforts, such as, a positive post going viral, social campaign successes, reposts from national-level government officials or celebrities, etc.
 5. May, if they choose, manage NARA social media accounts on a regular basis.
 6. Assign "Content Contributors" to manage the NARA social media accounts on a regular basis.
 7. Follow content and comment policies for the social media platform and adhere to NARA's policies for use of social media and use of NARA IT resources and related communication policies.
 1. Responsible for self-posted content or other activities on NARA social media that violate those policies.
 2. Responsible for the actions of Content Contributors on NARA social media.
 3. Responsible for ensuring that social media records are managed in ways that prevent modification (protects data integrity) and ensure access for the required retention period.
 8. Ensure that official social media account user engagement metrics are routinely gathered.
 9. Ensure that questions posed by users are answered.
 10. Ensure all accounts must include a link to the National Archives Social Media Comment Policy page. This page will also list NARA's Public and Media Communications and Visual Services Branch as the principal media point of contact.
 11. Comply with Social Media Team guidance on password security for official social media sites and routinely check to ensure that only currently authorized personnel have access.
 12. Content Contributor(s)
 1. May be one or more NARA employees, Foundation employees, volunteers, interns, or contractors.
 2. Post content to NARA social media accounts on a regular basis.
 3. Assigned to the role of Content Contributor by the Product Owner responsible for the NARA social media account. If the Content Contributors change at any point during the lifetime of the project, the Product Owner or their representative must provide the contact information of the new Content Contributor(s) to the Social Media Team.
 4. Adhere to content and comment policies for the social media platform and to NARA 802, Use and Monitoring of NARA Office and Information Technology (IT) Equipment and Resources. Responsible for self-posted content or other personal activities on NARA social media that violate NARA 802 or the platform's policies.
 5. Ensure that content (such as written comments and photos) posted onto NARA social media accounts by others does not violate policies for that social media platform or this policy. Review comments on all site posts. Publish approved comments on platforms where pre-moderation is required or enabled.
 6. Authorized to delete, remove from public view, or report offending user-contributed content, and to warn or report other social media users who are interacting with or connected to the NARA social media account, per [NARA comment](#)

[moderation guidance](#).

7. Report any inappropriate content or behavior to the Social Media Team at socialmedia@nara.gov and await guidance before taking any actions related to user moderation (i.e. muting, blocking).
8. Check for questions left by other social media users and determine if responses are needed.
9. Monitor the social media content that must be maintained as a Federal record in accordance with the policies and procedures set forth in [NARA 860, NARA's Corporate Records Management Program, the General Records Schedule and NARA Records Schedule \(see NARA 831.8 below\)](#).

831.4 Accessibility

Per Section 508 Amendment to the Rehabilitation Act of 1973, Federal agencies must make their electronic and information technology accessible to people with disabilities. For guidance on best practices see the [Section508.gov](https://www.section508.gov) 'Create Accessible Video, Audio and Social Media' page (<https://www.section508.gov/create/video-social>). NARA social media content must comply as follows:

- a. Images and graphics require alt tags.
- b. All videos, both live and pre-recorded, must have captions or transcripts posted either in real time or within a reasonable time period afterwards.

831.5 Non-Releasable Information.

Per [NARA 115, Media Relations](#), NARA officials and employees are prohibited from communicating certain types of information to the media. If asked directly, officials or employees must decline to comment.

- a. Information protected from disclosure by (one of the statutory exceptions to) the Freedom of Information Act, including: trade secrets and confidential financial information, medical and personally-identifiable information, and records compiled for law enforcement purposes;
- b. Pre-decisional information prepared during or in support of deliberative processes within the Executive branch, including materials prepared in support of NARA's annual budget request and documentation prepared during coordination and clearance of proposed regulations and legislation;
- c. Financial information relating to any NARA Fund account, including budgets, revenues, obligations, expenditures, or expenses and any information on planned or pending procurements, except when approved and validated by the Chief Financial Officer (or their designee);
- d. Active or pending legislation;
- e. Active investigations;
- f. Personnel information;
- g. Classified national security information; and
- h. Any other information that is protected from disclosure by law, regulation, Government-wide policy, or any other NARA policy. NGC, in its role as Chief FOIA officer, renders the decision as to whether or not information is protected from disclosure.

831.6 Authorities.

- a. Pub. L. 105-277, The Government Paperwork Elimination Act, which allows citizens to use electronic technologies when filing information with or retrieving information from the Federal Government.
- b. Pub. L. 104-06, The Clinger-Cohen Act, which requires agencies to implement a process that maximizes the value and assesses and manages the risks of IT investments.
- c. OMB Circular A-130 (Revised, Transmittal Memorandum No. 4), "Management of Federal Information Resources," which sets Government-wide restraints on the collection of information from the public.
- d. OMB M-00-13: Privacy Policies and Data Collection on Federal Websites, June 22, 2000, requires each Federal agency to make and post clear privacy policies for its web activities and to comply with those policies.
- e. Presidential Memorandum of January 21, 2009 (Transparency and Open Government), directed Federal agencies to use new information technologies to communicate with the public about official matters and to solicit public feedback.
- f. 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, which directs Federal employees to perform their job duties impartially and to avoid conflicts of interest.
- g. OMB Memorandum M-10-23, Guidance for Agency Use of Third-Party Websites and Applications, which requires Federal agencies to take specific steps to protect individual privacy whenever they use third-party websites and applications to engage with the public.

831.7 Releasability.

Unlimited. This directive is approved for public release.

831.8 Records Management.

The regulations that govern proper management of temporary and permanent records apply to social media content and may be covered by various records retention schedules in the [General Records Schedule](#) or [NARA Records Schedule](#). Before implementing dispositions, contact [Corporate Records Management \(CM\)](#) for current records disposition instructions applicable to records created by this directive.

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Hatch Act Guidance for 2022 Midterm Elections

Notices more than one year old are for historical or reference purposes only.

They may not reflect current NARA policy and may contain links to pages that no longer exist or that contain outdated or superseded information.

Fiscal Year: 2023

Notice Number: 05

Date: Wednesday, October 12 2022

To: All Employees

Subject: Hatch Act Guidance for 2022 Midterm Elections

As the 2022 midterm elections approach, it is time to remind all NARA employees about the Hatch Act and the limits it places on our ability as federal employees to engage in political activity.

[The Hatch Act](#) aims to ensure, among other things, that federal agencies are administered in a nonpartisan manner and that federal employees are free from political coercion at work. To meet these objectives, the Hatch Act limits the ability of NARA employees to engage in partisan political activity, which means activity targeting the success or failure of a political party, a candidate for partisan political office, or a partisan political group. A partisan political office is one where candidates may run under major party (Democrat/Republican) labels, while a partisan political group is an organization that advocates for or against candidates or parties.

The Hatch Act applies to all NARA employees. Specifically, NARA employees **cannot**:

- Use their official authority or title in conjunction with any partisan political activity;
- Engage in partisan political activity while on duty, using NARA resources (including a NARA laptop or phone, the Virtual Private Network (VPN) or Citrix connections, the Internal Collaboration Network (ICN), or NARA email), at a NARA facility, or wearing anything with NARA insignia;
- Display or wear partisan political items at work (from buttons to apparel to candidate photos); or
- Solicit or accept campaign contributions.

The Hatch Act permits “lesser restricted” employees to engage in more kinds of political activity than “further restricted” employees. At NARA, all employees fall into the “lesser restricted” category, except for employees who are in the Senior Executive Service (SES). Career SES employees are very limited in their ability to engage in partisan political activity. SES employees who have questions about the Hatch Act should contact NARA’s Office of General Counsel (NGC) at ethics@nara.gov.

Telework

Employees are subject to the same on-duty Hatch Act restrictions while teleworking as they are in-person. Thus, for example, employees should not wear campaign apparel while participating in work-related video conference calls, and they should ensure that any partisan materials, like campaign signs or candidate pictures, are not visible to others during the meeting. Profile pictures or backgrounds showing support for or opposition to a candidate, political party, or partisan political group are also prohibited. For more information about the Hatch Act and telework, employees can refer to [NGC’s presentation on the Hatch Act and Telework](#).

Social Media

Employees may engage in political activity on social media *on their own time, off federal property, and using personal devices and resources*, with a few limitations. Specifically, employees **cannot**:

- Refer to their official titles or positions while engaged in political activity at any time (note that inclusion of an employee’s official title or position on one’s social media profile, without more, is not an improper use of official authority);
- Suggest or ask anyone to make political contributions at any time. Thus, they should neither provide links to the political contribution page of any partisan group or candidate in a partisan race, nor “like,” “share,” or “retweet” a solicitation from one of those entities, including an invitation to a political fundraising event; or
- Send a subordinate employee a direct message on any social media platforms that shows support for a partisan group or candidate in a partisan race.

Employees are encouraged to review [social media guidance issued by the Office of Special Counsel](#) (OSC), which enforces the Hatch Act, to understand what activities are prohibited and permitted.

Issue-Based Advocacy

While the Hatch Act limits the ability of employees to engage in partisan political activity, it does not restrict their ability to work on, or advocate for or against, issue-based campaigns or efforts like ballot initiatives, or state constitutional amendments. However, keep in mind that working to gain voter approval for an issue based measure is different from advocating for or against the election of a partisan candidate who supports the same measure. The work in support of the partisan candidate is activity covered by the Hatch Act.

Election Officials and Poll Workers

NARA employees who want to work for their local election board or equivalent as nonpartisan election officials, e.g. as election judges or poll workers, may do so and keep any payments offered by their jurisdiction. [NA Form 3015, Application to Engage in Outside Employment, Business, or Professional Activities](#), must be used by any employee who will be paid to serve as an election official. In addition, NGC recommends that election officials complete the NA 3015 process even if they plan to decline payment or the jurisdiction is not offering payment. This will protect the employees if someone questions their presence at a polling place or where votes are being counted. "Further restricted" employees may serve as election officials.

Please refer to [NARA Notice 2023-004 Administrative Leave for Voting](#) for information on leave related to election-related work.

Poll Watchers and Other Partisan Volunteers

If state or local election laws permit, employees may also volunteer on Election Day to work for partisan candidates or political parties or groups, for example, as poll watchers. Employees who volunteer in these ways will be engaging in political activity covered by the Hatch Act. They must be in an approved leave status and cannot wear official insignia or use government resources. Employees may not use their NARA title or any authority associated with their NARA position to interfere in an election, to invite or otherwise suggest that subordinates engage in political activity, or to solicit or discourage political activity by persons who have business before NARA. An NA 3015 is not required for this activity unless the position is paid. "Further restricted" employees may not serve as partisan poll watchers.

More Resources

- For a more comprehensive list of activities allowed or prohibited by the Hatch Act for most NARA employees, refer to [this poster](#) from Office of the Special Counsel (OSC).
- For information on social media use and the Hatch Act, see [this social media guidance from OSC](#) as well as the [OSC Social Media Quick Guide](#).
- Contact the Office of the General Counsel (NGC) at ethics@nara.gov or go to NGC's [Hatch Act resources](#) on the [Ethics group](#) of the ICN.

Career SES employees are considered "[further restricted](#)" and should contact NGC with any questions about the additional restrictions.

DEBRA STEIDEL WALL
Acting Archivist of the United States

For questions on this notice contact:

Jennifer Klein, NARA Office of the General Counsel
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