



COMDTINST 5212.20
AUG 27 2008

COMMANDANT INSTRUCTION 5212.20

Subj: PROTECTING FEDERAL RECORDS FROM UNAUTHORIZED REMOVAL

- Ref: (a) Information & Life Cycle Management Manual, COMDTINST M5212.12 (series)
 (b) The National Archives and Records Administration (NARA) Bulletin 2008-02
 (c) The Freedom of Information Act (FOIA), 5 U.S.C. § 552
 (d) Privacy Act of 1974, 5 U.S.C. § 552a
 (e) E-Government Act of 2002

1. **PURPOSE.** This Instruction is to inform departing officials and employees of established policy guidance for the protection of United States Coast Guard (USCG) records from unauthorized removal. Upon departure from the USCG, all information received, created, or compiled by USCG personnel in conducting business, to include email, is the property of the U.S. Government and may not be removed when leaving USCG service. There are criminal penalties for the unlawful removal or destruction of Federal records (18 U.S.C. 2071 and 36 CFR 1228.102).
2. **ACTION.** Area and district, and sector commanders, commanders of maintenance and logistics commands, Commander Deployable Operations Group, commanding officers of headquarters units, assistant commandants for directorates, Judge Advocate General, and special staff offices at Headquarters shall ensure that the provisions of this Instruction are followed. Internet release is authorized.
3. **DIRECTIVES AFFECTED.** None.
4. **SCOPE.** The provisions of this Instruction apply throughout the USCG and are designed to assist Headquarters and field activities in planning and accomplishing a systematic program for protecting official record material. All users are directed to follow the provision of references (a) through (e). The Records Management Program is subject to mandates of the National Archives and Records Administration; see www.archives.gov.

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	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z	
A	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
B		8	10	2	12	7	20	6	9	7	3	2	1	14	3	1	1	50	1	2	4	1	3	1	1	1	
C	3	2	1	2	3	1	1	1	1	1	3	1	2	4	1	3	1	1	1	1	1	1	1	1	1	1	1
D	1	1	1	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	1	1	1	1	1	1	1	
E	1	1	1	1	2	2	2	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
F																	1	1	1								
G		1	1	1	1																						
H																											

NON-STANDARD DISTRIBUTION:

5. DEFINITION. Official records include all books, paper, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, that the USCG makes or receives under Federal law or during the course of its public business. Records are kept as evidence of organization, functions, policies, decisions, procedures, operations, or other activities of the agency because of its informational value. Official government records belong to the organization, rather than the official.
6. POLICY. Officials and employees shall not remove Federal records from government custody. The Archivist of the United States is the only authority to approve such removal from government custody
(44 U.S.C. Chapter 33).
7. RECORD MATERIAL. Officials and employees may not remove official or extra copies of the following material:
 - a. Classified information, restricted data, or formerly restricted data.
 - b. Official schedules of meetings, appointments, field trips, other official activities used to transact government business, or summaries of the same.
 - c. Copies of records containing information exempt from public release under the Freedom of Information Act (FOIA) or stamped "FOR OFFICIAL USE ONLY."
 - d. Records about individuals; sensitive or private in nature.
 - e. Preliminary or draft records from other government organizations, including foreign governments.
 - f. Material whose removal would create a gap in the logical sequence of essential records.
 - g. Records required to transact official business of the USCG or aid in the decision-making process.
 - h. Information technology staff are not authorized to provide electronic copies of official records, e.g. emails, to departing officials or employees through backup onto any removable media. Requests for backup of records maintained on USCG servers should be referred to the USCG FOIA Office for guidance on requesting information under the provisions of the FOIA. Departing officials or employees desiring paper copies of official correspondence, e-mails, spreadsheets, or other documents, may submit a FOIA request to the appropriate program FOIA Officer. The request, however, may be denied in accordance with reference (c) in whole or in part on any legally justifiable basis, such as to protect governmental privacy, privilege, law enforcement, or commercial interests.

8. NON-RECORD MATERIAL. Departing officials and employees may take with them, without authorization, non-record items and personal papers relating solely to the individual's private affairs, including the following:
 - a. Papers unrelated to the conduct of agency business.
 - b. Papers the individual created before entering government service.
 - c. Private materials brought into, created, or received in the office but not related to government business.
 - d. Correspondence, working papers or notes of short-term value that, after action has been completed have neither evidential nor informational value for the agency.
 - e. Departing officials and employees may also take copies of documents previously released into the public domain such as documents available to anyone who requests them. Commandant (CG-61) can provide additional information concerning the protection, maintenance, and disposition of Federal records.
9. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental consideration was examined in the development of this directive and has been determined to be not applicable.
10. FORMS/REPORTS. None.

D. T. Glenn /s/
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Communications, Computers, and Information Technology