TRIBAL RECORDS BRIEFING

2016 CONFERENCES

PRESENTED BY
OFFICE OF TRUST RECORDS

AGENDA

Introduction:

This training is to provide information to Tribes on the preservation and management of tribal records

Tribal Records Management Options

Tribal Records Management Transfer Options
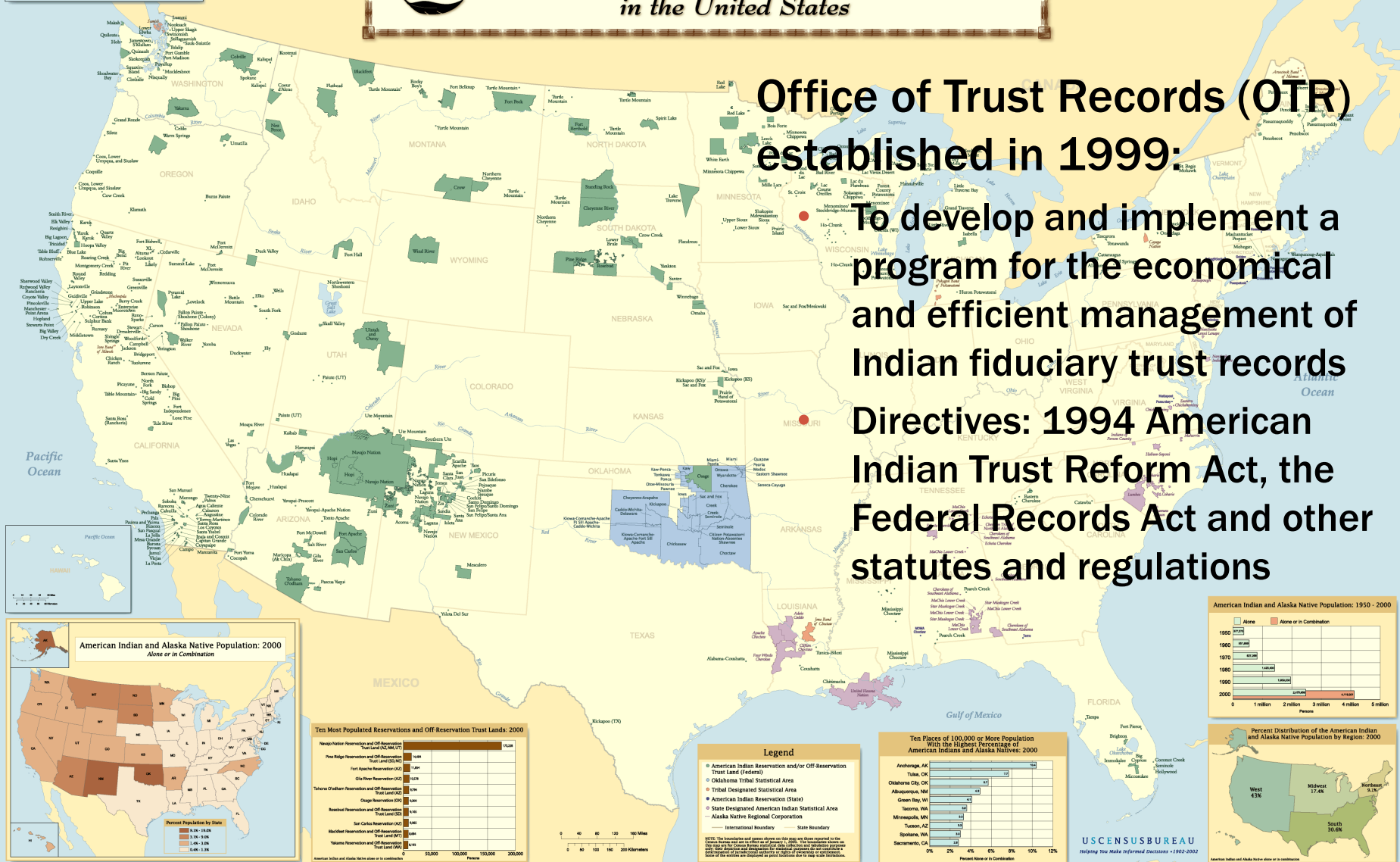
American Indian Records Repository

Tribal Research Options

American Indians and Alaska Natives
in the United States

United States Census 2000

Office of Trust Records (OTR) established in 1999:

To develop and implement a program for the economical and efficient management of Indian fiduciary trust records

Directives: 1994 American Indian Trust Reform Act, the Federal Records Act and other statutes and regulations

American Indian and Alaska Native Population: 2000
Alone or in Combination

Percent Population by State

Ten Most Populated Reservations and Off-Reservation Trust Lands: 2000

- Navajo Nation and Off-Reservation Trust Land (AZ, NM, UT) — 175,228
- Pine Ridge Reservation and Off-Reservation Trust Land (SD, NE) — 14,484
- Fort Apache Reservation (AZ) — 11,854
- Gila River Reservation (AZ) — 10,578
- Tohono O'odham Reservation and Off-Reservation Trust Land (AZ) — 9,090
- Osage Reservation (OK) — 9,209
- Rosebud Reservation and Off-Reservation Trust Land (SD) — 9,165
- San Carlos Reservation (AZ) — 9,385
- Blackfeet Reservation and Off-Reservation Trust Land (MT) — 8,507
- Yakama Reservation and Off-Reservation Trust Land (WA) — 6,193

Legend

- American Indian Reservation and/or Off-Reservation Trust Land (Federal)
- Oklahoma Tribal Statistical Area
- Tribal Designated Statistical Area
- American Indian Reservation (State)
- State Designated American Indian Statistical Area
- Alaska Native Regional Corporation
- International Boundary
- State Boundary

NOTE: The boundaries and names shown on this map are those reported in the Census Bureau and are in effect as of January 1, 2000. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes do not constitute a determination of jurisdictional authority or rights of ownership or entitlement. Some of the entities are displayed as point locations due to map scale limitations.

Ten Places of 100,000 or More Population With the Highest Percentage of American Indians and Alaska Natives: 2000

- Anchorage, AK — 10.4
- Tulsa, OK — 7.7
- Oklahoma City, OK — 4.7
- Albuquerque, NM — 4.6
- Green Bay, WI — 4.9
- Tacoma, WA — 4.0
- Minneapolis, MN — 3.4
- Tucson, AZ — 3.4
- Spokane, WA — 3.0
- Sacramento, CA — 2.9

American Indian and Alaska Native Population: 1950 - 2000

- 1950
- 1960
- 1970 — 827,268
- 1980 — 1,420,400
- 1990 — 1,959,234
- 2000 — 2,475,956 / 4,119,301

Percent Distribution of the American Indian and Alaska Native Population by Region: 2000

- West 43%
- Midwest 17.4%
- Northeast 9.1%
- South 30.6%

American Indian and Alaska Native alone or in combination

USCENSUSBUREAU
Helping You Make Informed Decisions • 1902-2002

U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. Census Bureau

Prepared by Geography Division

WHAT IS RECORDS MANAGEMENT?

A planned set of policies, procedures, and activities developed for the management of recorded information throughout the records lifecycle:

Records Lifecycle

CREATION

- creation and/or receipt of records

MAINTENANCE AND USE

- Office filing, retrieval and handling of records

DISPOSITION

- storage of permanent inactive records of historical, financial and cultural value
- destruction of temporary inactive records that are no longer needed

IMPORTANCE OF A RECORDS MANAGEMENT PROGRAM

- Preserves Historical Documents

- Aids management in the decision-making process

- Supports Litigation

- Provides timely, complete and accurate information

IMPORTANCE OF A RECORDS MANAGEMENT PROGRAM (CONT.)

- **Ensures legal and regulatory requirements for audits and assessments**

- **Supports disaster recovery**

- **Protects sensitive information**

- **Protects rights**

- **Conserves space, money and time**

DEFINITIONS

- **Indian Fiduciary Trust Records (IFTR)** also referred to as <u>Trust Records</u>. Trust records document the existence of particular lands, natural resources, monies, or other assets held in trust at a particular time by the federal government for an Indian tribe, Alaska native or individual Indian.

  - Examples of programs that create trust records are Real Estate, Natural Resources, Probate, Forestry, Appraisals, Field Operations (IIM) and Tribal Accounts.

- **General Trust Records:** Does not meet the definition of a trust records but documents business activities related to program functions.

  - Examples of programs that create general trust records are Social Services, Tribal Court, Law Enforcement and Education.

DEFINITIONS (CONT.)

Record Schedules: Identifies records as temporary or permanent. Written guidance providing specific and mandatory instructions for what to do with records that are no longer needed for current business.

Schedules used by Indian Affairs:

General Records Schedule (GRS)

- Administrative Support (i.e. travel, time and attendance)
- Addresses Temporary records
- Used by most Federal organizations

Indian Affairs Records Schedule

- Supports Programs (i.e. Realty, Natural Resources, Law Enforcement, Education, Social Services, etc.)
- Addresses Permanent records
- Used by Indian Affairs, and Office of the Special Trustee
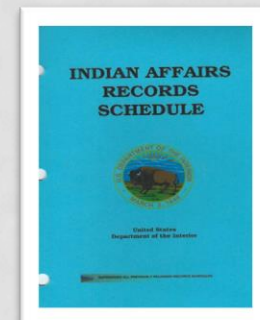
TRIBAL RECORDS MANAGEMENT OPTIONS FOR TRIBAL TRUST RECORDS

- **Option 1: The Tribe may use the Indian Affairs Records Management policy or revise it to fit Tribal needs.**

- **Option 2: Tribes may create their own records management policy.**

OPTION 1: INTEGRATE INDIAN AFFAIRS RM PROGRAM

Roles and Responsibilities

<u>Office of Trust Records:</u>

- Assist in developing and implementing a Records Management program
- Provide training, as needed
- Work with tribe to develop a memo of understanding/memorandum of agreement (MOU/MOA) for specific implementation of the Tribe's Trust Records management program
- Provide procedures to transfer Indian Fiduciary Trust Records (IFTR) to the American Indian Records Repository
- Budget permitting, perform on-site records management assessment and evaluation to determine extent of technical assistance required

<u>Tribe:</u>

- Designates a primary point of contact to develop, implement, and maintain a records management program.
- Works with OTR to develop a memo of understanding/memorandum of agreement (MOU/MOA) for specific implementation of managing the Tribal Trust records program

OPTION 2: CREATE A TRIBAL RM PROGRAM

Steps to developing a Tribal Records Management program

- Planning Stage:
  - staff and budget expense must be determined
  - create a work plan.
- Legal Review and Acceptance: obtaining legal review and Tribal Resolution to accept new policy and procedures.
- Deployment: Implementing the records management program.
- Maintenance: Maintaining and updating the records management policies.
- Execution of Work Plan: perform steps to develop a records management program.

OPTION 2: (CONT)
DEVELOP A TRIBAL RM PROGRAM

Execution of a Work Plan

1) Determine who will be responsible - Appoint RM Staff

2) Identify Records - Conduct a Records Inventory and Classification

3) Develop Policies and Procedures - Create RM Forms

4) Develop Records Schedules - Disposition

5) Create a Recordkeeping System - Filing

6) Establish Records Storage

7) Create a Vital Records and Disaster Recovery Plan

8) Develop an RM Training Program

9) Develop a Records Audit/Assessment Program

COMPARISON OF RM OPTIONS

RM OPTION 1
Integrate Indian Affairs Record Management Program

- Less work upfront
- Less staff needed
- Set of policies, procedures, record schedules, RM forms ready to be adapted to fit Tribal needs
- Records storage is free at the American Indian Records Repository.

RM OPTION 2
Create Tribal Records Management Program

- More work upfront
- Full records staff needed
- Time required to develop policies, procedures, record schedules, forms, etc.
- High cost to rent or build records storage

TRANSFER AND STORAGE OPTIONS FOR INACTIVE RECORDS

- Where does your tribe store inactive records?

- Has your Tribe considered sending records to the AIRR?

- The following slides will show you 3 options to consider for storing and transferring your inactive records.

TRANSFER AND STORAGE OPTIONS FOR INACTIVE RECORDS

- <u>Option 1</u>: Store Records at local Tribal Records Facility
- <u>Option 2</u>: Compact/Contract Tribes Relinquish Records back to the BIA/OST/BIE
- <u>Option 3</u>: Tribe/Consortium transfers records in accordance with Annual Funding Agreement

OPTION 1- STORE RECORDS AT LOCAL TRIBAL RECORDS FACILITY

RECOMMENDATIONS:

- Create (buy, build, rent) a tribal <u>storage facility</u>
  - Facility standards for federally funded programs are found in 36 C.F.R., Subpart B-Facility Standards. Tribes are encouraged to follow these same standards whether they have federally funded programs or not.
    - Building security
    - Clean, pest-free and climate controlled
    - Have access controls in place that addresses security and Personal Identifiable Information (PII)
- Develop and implement <u>indexing(system of locating records)/storage/transfer procedures</u>
- Tribal <u>budget</u> must be considered

OPTION 1: STORE RECORDS AT LOCAL TRIBAL RECORDS FACILITY

Recommended Transfer Procedures

1. Originating office arranges files in boxes by records series (basic unit for organizing and controlling your files).
2. Inventory (detailed listing of the volume, scope, and complexity of an organization's records) boxes for each separate transfer
3. Prepare transfer documentation and obtain approval
4. Transfer records to Tribal Records Storage Facility
5. Facility documents transfer receipt and assigns designated storage location (i.e. row, shelf)
6. Facility sends form to originating office acknowledging receipt and storage location

Option 2: Compact/Contract Tribe Relinquishes Records to BIA/OST/BIE

Agreement between Tribe/Consortium and BIA/OST/BIE

- Tribe transfers legal custody of Indian Fiduciary Trust Records (Tribal Records) to BIA/OST/BIE if agreed to.
- Indian Fiduciary Trust Records (Tribal records) become federal records
- Records subject to FOIA and Privacy Act
- Tribe/Consortium requests copies through BIA/OST/BIE
- Shipment prepared according to IARMM (Policy)

Option 2: Compact/Contract Tribe Relinquishes General Trust Records to BIA/OST/BIE

- Policy exists for transferring only Indian Fiduciary Trust Records—not General Trust Records.

- Effects of relinquishment: Tribe loses ownership of their records, the records become subject to FOIA/PA, and only **copies of records** are available to the Tribe.

Option 3: Tribe/Consortium transfers trust records in accordance with Annual Funding Agreement

Annual Funding Agreement Language

Federal Register, Volume 70, Number 166, dated August 29, 2005
- Department of Interior issued a Notice of Final Decision
- Self-Determination and Self-Governance Funding Agreement language on Fiduciary Trust Records Management
  - Between the Secretary and the Tribe/Consortium
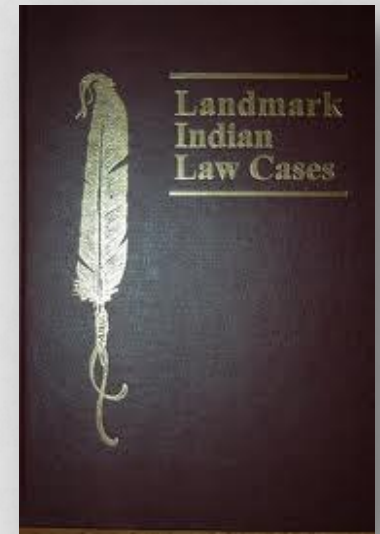
Option 3: Tribe/Consortium transfers records in accordance with Annual Funding Agreement

Annual Funding Agreement Language

- Tribe/Consortium agrees to:

    (a) Preserve, protect & manage all fiduciary trust records, created and/or maintained by the Tribes/Consortia during their management of trust programs in their Title IV agreement...

    (b) Make available to the Secretary all fiduciary trust records...Access shall include visual inspection and at the expense of the Secretary, the production of copies (as agreed upon between the parties) and shall not include the removal of the records without tribal approval

    (c) Store and permanently retain all inactive fiduciary trust records at the Tribe/ Consortium or allow such records to be removed and stored at the American Indian Records Repository (AIRR) at no cost to the Tribe/Consortium

Option 3: Tribe/Consortium transfers trust records in accordance with Annual Funding Agreement

Annual Funding Agreement Language

Secretary agrees to:

(a) Allow Tribe/Consortium to determine what records it creates to implement the trust program

- Except that the Tribe/Consortium must create and maintain the information required by statute and regulation
- No additional recordkeeping requirements are required

(b) Store all <u>inactive fiduciary trust records</u> at AIRR at no cost to the Tribe/Consortium when Tribe/Consortium no longer wishes to keep the records. These records stored at the AIRR <u>shall not be treated as Federal records.</u> Tribe/Consortium will retain legal custody and determine access to these records.

(c) Create and manage a single tribal storage and retrieval system for all fiduciary trust records stored at the AIRR

(d) Provide technical assistance for Tribes/Consortia in preserving, protecting, and managing their fiduciary trust records

Option 3: Tribe/Consortium transfers trust records in accordance with Annual Funding Agreement

- Records stored at the AIRR remain legal custody of the Tribe
- Tribal records are stored in a separate location from the BIA/OST records
- Tribes must send written request (letter) along with Agreement to Director, OTR requesting inactive Indian Fiduciary Trust Records to be stored at AIRR.
- Include the following:
  - Name of Tribe/Consortium Records Officer or POC
  - State whether Tribe/Consortia will use the Indian Affairs Record Schedules or their own Tribally developed schedules
  - Technical assistance from OTR

WHICH RECORDS STORAGE OPTION SHOULD YOUR TRIBE CHOOSE?

STORAGE OPTION 1
Tribal Storage Facility

- Tribe retains ownership
- Tribe pays for storage costs
- Tribe pays employee costs

STORAGE OPTION 2
Relinquish Ownership- Store at AIRR

- Tribe transfers ownership to BIA/OST/BIE
- Tribal Records become Federal Records
- Subject to Freedom of Information (FOIA) and Privacy Act (PA)
- No storage costs
- No employee expense

STORAGE OPTION 3
Retain Ownership- Store at AIRR

- Tribe retains ownership
- No storage costs
- No employee costs
- Established RM Program needs to be in place
- Not Subject to FOIA/PA

AMERICAN INDIAN RECORDS REPOSITORY (AIRR) LENEXA, KANSAS

- Opened July 1, 2004
- Stores only Indian Records (BIA, BIE, OST, Tribes)
- Approximately 275,000 cubic feet of Indian Records are currently stored at AIRR
- Haskell Indian Nation University (HINU)
  - Haskell students are employed by AIRR
  - Records Management curriculum at Haskell University initiated in 2005
- National Archives and Records Administration (NARA)
  - Agreement between AIRR and NARA provides NARA services in support of storing IA and OST records

American Indian Records Repository

U.S. DEPARTMENT OF THE INTERIOR

RESEARCHING YOUR RECORDS AND REQUESTING COPIES

- Do you look for old documents?
- The following slides provide options to consider for researching or retrieving copies of your records.

RESEARCH REQUESTS UNDER OPTION: 1

Option 1: When you choose to transfer records to tribal storage facility

- Research request forms and procedures will need to be developed
- Employee costs for manually retrieving and refiling information

Note: Response/retrieval time dependent on the organization of stored records

RESEARCH REQUESTS UNDER OPTION: 2

Option 2: Compact/Contract Tribe Relinquishes Records to BIA/OST/BIE (stored at AIRR)

- BIA/OST/BIE requests records from AIRR on behalf of Tribe
- Only copies of original documents are available
- Response time to requestor with the requested information is approximately 2-3 days depending on the volume
- BIA/OST/BIE provides to the tribe the requested information

RESEARCH REQUESTS UNDER OPTION 3:

- **Option 3: Tribe/Consortium transfers trust records in accordance with Annual Funding Agreement (stored at AIRR)**

  - **Tribal Point of Contact requests records as established in the Memorandum of Understanding (MOU).**
  - **Research Request is faxed to AIRR: (913) 956-2685**
  - **Tribal contact is notified on status of request within 24 hours of AIRR receipt**
  - **Response time is approximately 2-3 days, depending on the volume**
  - **Request to Withdraw the Records. If withdrawal of box(s) is requested in writing by an authorized individual, OTR DRMO will comply with the request and document the return of box(s) to the Tribe/Consortium.**

RESEARCH REQUEST OPTIONS

OPTION 1: Tribal Research Request (Tribal Storage)

- Tribe stores locally, no Research Request necessary
- Staff seek out files stored in local Tribal storage facility
- No OTR involvement
- Response/retrieval time dependent on organization of stored records

OPTION 2: Research Request (Relinquished Trust and General Trust Stored at AIRR)

- Tribal Point of Contact requests information to BIA/OST/BIE—BIA/OST/BIE submits the research request to AIRR
- Only copies of original documents are available
- Response time is approximately 2-3 days

OPTION 3: Research Request (Tribe retains custody of records stored at AIRR)

- Tribal Point of Contact designated in MOU requests records by submitting written document.
- If requested, originals will be sent
- Response time is approximately 2-3 days
- Tribe may withdraw the records.
  - Tribe pays cost to ship records back to tribe.

QUESTION & ANSWER SESSION

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