

CHAPTER 8. EMPLOYEE REMOVAL AND USE OF RECORDS

8-1 POLICY ON SAFEGUARDING RECORDS. (Appendix 1 defines "record material." Records include electronic files and media.)

- a. HUD records may not be destroyed except as authorized in approved HUD records disposition schedules, disposal lists or General Records Schedules.
- b. Records may not be altered or unlawfully removed from HUD offices. Computer software programs and diskettes are HUD property and cannot be removed.

8-2 PENALTIES FOR UNLAWFUL ACTIONS INVOLVING HUD RECORDS:

a. For Unlawfully Altering, Removing or Destroying Records: A fine of not more than \$2,000 or three years in prison or both. In addition, Government officials lose their positions and cannot hold Government office again. (Source: 18 U.S.C. 2071)

b. For Stealing Records: (Source: 18 U.S.C. 641)

| IF the value of the stolen records is . . . | THEN the penalty is a fine of not more than. . . | AND/OR prison for . . . |
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| \$100 or less | \$1,000 | 1 year |
| Over \$100 | \$10,000 | 10 years |

c. For Disclosing Restricted National Security and Defense Information: Stiff criminal penalties (Source: 18 U.S.C. 793, 794, 798)

8-3 WHAT PAPERS CAN DEPARTING HUD PERSONNEL REMOVE? A HUD official who retires, transfers or resigns:

a. Cannot remove:

(1) Any material which would leave a gap in the files, causing incomplete documentation of HUD's policies and actions or of the legal or financial rights of HUD or others.

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(2) Any classified material relating to National defense or security and any confidential material given to HUD.

- * (3) The official copy of any record, regardless of its medium (hard-copy, disk, fiche, film, photograph, etc.).
- (4) "Restricted Data" records.
- (5) Any copy of a document containing the following types of information exempt from public release under the Freedom of Information Act, whether the official record copy or extra copy:

Records containing trade secrets and other commercial or financial information of a "company proprietary" nature;

Records containing information which may not be made public without violating statutory prohibitions;

Records containing information from personal, medical, and similar files, which relate to the personal privacy of individuals;

Records containing information developed in the course of investigations for purposes of civil or criminal law enforcement; and

Personal diaries, logs, handwritten notes, memoranda, or tapes of personal telephone calls or any documents communicating or transmitting official business of the Department and/or assisting in the decision-making process.

b. May remove:

- (1) Papers created before entering Government service i.e., work files, political materials, and reference files.
- (2) Private materials brought into, created, or received in the office that were not created or received in the course of transacting Government business. Included are personal correspondence, materials documenting professional activities, manuscripts for articles and books, and volunteer and community service records.

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- * (3) Personal papers that are not used in the transaction of Government business. This category includes diaries, journals, notes, personal calendars, and appointment schedules and are solely for the official's personal use.
 - (4) With Departmental approval, nonrecord copies of documents and stocks of publications and processed documents.

c. Some personal papers could later be determined to be agency records, depending on the circumstances surrounding their creation, maintenance, use, and disposition. Consult your Records Management Liaison Officer (RMLO) or the Departmental Records Management Officer (DRMO), if in doubt.

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8-4 INSPECTION OF PAPERS BEFORE REMOVAL. When transferring, retiring, or resigning, an employee needs a property pass to remove papers and personal property from HUD offices. The papers must be inspected to insure that they can be removed.

a. Inspecting Office: Before the pass will be issued, the employee must contact:

(1) In Headquarters: Headquarters RMLO's. In emergencies, when the RMLO or alternate is absent, contact the DRMO in the Management Services Division, Office of Administrative and Management Services, Administration.

(2) In Regional Offices: Regional RMLO's.

(3) In Field Offices: As assigned.

b. How to Pack Papers and Personal Property: Pack papers you plan to remove in a separate box from other personal property, unless the volume is too small. Do not seal or remove boxes of papers from HUD offices until inspected.

* c. Inspection Procedures:

(1) Administrative Officer (AO) provides RMLO and/or Alternate with pending separations and proposed separation date.

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- * (2) RMLO and/or Alternate inspect materials prior to removal from the Department. This should be completed 3-5 working days before date of property removal.
- (3) After inspection, the RMLO/Alternate seals and tapes container(s) with adhesive tape.
- (4) AO signs and issues a property pass for removal of personal papers. A detained description of the personal papers to be removed, their volume and quantity, the employee's signature, the RMLO's signature, and the date the documents are to be removed from the building must be attached to the property pass.
- (5) RMLO retains a copy of the approved property pass and attachment.
- (6) Employee provides a copy of the approved property pass to security staff upon exiting the building. *
- (7) RMLO notifies the Secretary if aware of any actual or threatened removal of official records from HUD.

8-5 RECORDS CERTIFICATION ON SEPARATION CLEARANCE FORM HUD-58. Employees separating from HUD will be required to sign a block on the Form HUD-58, "Clearance for Separation of Employee," to certify that they have not removed any HUD records, computer software or diskettes. See Exhibit 8-1. (Form HUD-58-A with preprinted room numbers will be provided for Headquarters use.) Employees will not receive their final salary payment until the clearance form is completed.

8-6 WHO NOTIFIES NARA OF UNLAWFUL REMOVAL OR DESTRUCTION? The Secretary must notify NARA of any actual or threatened unlawful alteration, removal, or destruction of HUD records. NARA will help the Secretary begin action through the Attorney General to recover records unlawfully taken (Source: 44 U.S.C. 3106)

8-7 CAN FORMER EMPLOYEES USE HUD MATERIAL? Former employees can reveal or use lawfully removed material in books, articles, speeches, or lectures, except:

- a. Classified material or confidential data protected by law cannot be revealed or used.

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- b. Lawyers who leave HUD cannot reveal any Government information not generally known to the public that they obtained as Government lawyers. They are required by the Canons of Ethics to preserve their clients' confidences.
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Exhibit 8-1

CLEARANCE FOR SEPARATION OF
EMPLOYEE, FORM HUD-58

[Click Here to Download PDF Form](#)

form HUD-58 (11/3/89)

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Exhibit 8-1

form HUD-58 (11/3/89)

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