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DEPARTMENT OF THE NAVY

DOCUMENTARY MATERIAL TASK MANUAL



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Foreword

This manual implements the policy set forth in the Secretary of the Navy Instruction (SECNAVINST) 5000.37 *Provision of Department of the Navy Documentary Material*, 21 September 2009.

This manual provides guidance to every command, activity, and office that receives a request to search for, locate, preserve, and, if appropriate, collect, review, and provide documentary material in response to subpoenas, document production requests in litigation, record hold requests, Congressional inquiries, requests from U.S. Government agencies, and other similar requests.

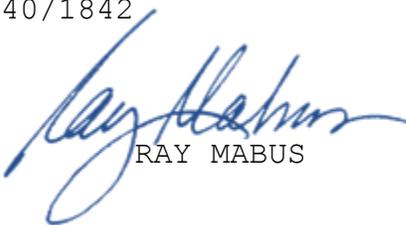
This manual does not apply to requests for records under the Freedom of Information Act (FOIA), (Title 5, United States Code (U.S.C.) §552) nor requests under the Privacy Act (5 U.S.C. §552a).

This manual is effective immediately and is applicable to the Offices of the Secretary of the Navy, the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all Navy and Marine Corps activities, installations, commands, ships, and stations.

This manual may be accessed through the Department of the Navy (DON) issuances web site: <http://doni.documentservices.dla.mil>. Contact information is provided below for assistance or to offer comments.

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**Department of the Navy
Documentary Material Task Manual**

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References

- (a) SECNAVINST 5000.37, *PROVISION OF DEPARTMENT OF THE NAVY DOCUMENTARY MATERIAL*, 21 September 2009
- (b) SECNAVINST 5720.42F, *DEPARTMENT OF THE NAVY FREEDOM OF INFORMATION ACT (FOIA) PROGRAM*, 6 January 1999
- (c) SECNAVINST 5211.5E, *DEPARTMENT OF THE NAVY (DON) PRIVACY ACT (PA) PROGRAM*, 28 December 2005
- (d) SECNAVINST 5730.5J, *MISSION, FUNCTION, AND RESPONSIBILITIES OF THE OFFICE OF LEGISLATIVE AFFAIRS AND PROCEDURES FOR HANDLING LEGISLATIVE AFFAIRS AND CONGRESSIONAL RELATIONS*, 31 July 07
- (e) SECNAVINST 5740.29B, *RELATIONSHIPS WITH HOUSE APPROPRIATIONS COMMITTEE SURVEY AND INVESTIGATIONS STAFF*, 26 October 2011
- (f) DoD Directive 5405.2, *Release of Official Information in Litigation and testimony by DoD Personnel as Witnesses*, July 23, 2003
- (g) SECNAVINST 5820.8A, *CH-1, RELEASE OF OFFICIAL INFORMATION FOR LITIGATION PURPOSES AND TESTIMONY BY DEPARTMENT OF THE NAVY (DON) PERSONNEL*, 10 January 2005
- (h) *Department of Justice Preservation Guidelines When the United States May be a defendant in Civil Litigation*, February 25, 2013 with accompanying memo, March 4, 2013 (NOTAL)
- (i) *Department of Justice Litigation Hold and Preservation Requirements*, April 13, 2010 (NOTAL)
- (j) SECNAV M-5210.1, *DEPARTMENT OF THE NAVY RECORDS MANAGEMENT PROGRAM, RECORDS MANAGEMENT MANUAL with Revision 1*, May 2012
- (k) SECNAVINST 5210.8E, *DEPARTMENT OF THE NAVY RECORDS MANAGEMENT PROGRAM*, 17 December 2015
- (l) Executive Order 13526, *Classified National Security Information*, December 29, 2009
- (m) SECNAVINST 5510.36A, *Department of the Navy (DON) Information Security Program (ISP) Instruction*, 6 October 2006
- (n) DoD Directive 5230.09, *Clearance of DoD Information for Public release*, August 22, 2008
- (o) DoD M-5200.01 Volumes 1, 2, and 3, *DoD Information Security Program*, February 24, 2012

Part 1

Introduction

1. Purpose

a. This manual provides guidance for tasking, coordinating, and responding in a timely manner to requests for documentary material (DM) related to reasonably anticipated or ongoing litigation (including Touhy requests), investigations, Congressional inquiries, Executive Branch inquiries, and other governmental requests for DM from the Department of the Navy (DON). It is and remains the policy of the DON to encourage transparency and to comply to the maximum extent possible with validated requests for information consistent with applicable laws and regulations.

b. Additionally, this manual provides guidance, standards, and processes for commands and personnel who receive tasking to search for, locate, preserve, collect, review, and provide DM.

2. Background

a. This manual implements the policy set forth in reference (a). As specified in that directive, it is DON policy to accurately respond to requests for DM when required to do so by proper authority.

b. The DON frequently receives requests and orders to provide DM. Fulfilling the requirements of these actions requires searching for, locating, and preserving the material in question. Some requests end there. Others continue to the next phase, which includes collecting, reviewing, and providing responsive material to the requesting authority or a coordinating office within the Department of Defense (DoD) or DON. In some situations, including litigation, personnel may be required to testify about and/or provide documentation detailing DM collection procedures and results.

c. Part 1 of this manual provides an introduction to the document. Part 2 provides an overview of the command roles typically involved in a DM task. Part 3 provides a top level description of the procedures and actions required to comply with DM requests (DMR) and orders. Part 4 provides standards and processes that guide and assist commands in complying with

DM tasks. The appendices contain definitions and acronyms as well as templates and samples of documents related to DM tasking.

3. Applicability and Scope

a. This manual is authorized by reference (a). It supplements the policies and responsibilities from that instruction. It is also intended to complement existing DoD and DON regulations, directives, and instructions that address providing DM to entities outside the DON. It does not supersede or modify existing laws, DoD or DON regulations, directives, or instructions.

b. Nothing in this manual negates the Department's legal responsibility to take immediate steps to preserve DM in every medium, including paper and electronic, that may be responsive to reasonably anticipated litigation. It may be judicious in such situations for commands or U.S. Navy Echelon IIs and U.S. Marine Corps Marine Force Commands to initiate DM preservation prior to receiving a formal request. Commands should seek and implement guidance from an Office of the General Counsel attorney, command counsel, or staff judge advocate when faced with such a situation.

c. This manual does not apply to requests for records under the Freedom of Information Act (FOIA) (Title 5, United States Code (U.S.C.) §552), nor requests under the Privacy Act (5 U.S.C. §552a). Reference (b) sets forth DON processes to make information available to the public pursuant to FOIA requests. Reference (c) provides direction regarding record requests made under the provisions of the Privacy Act.

d. This manual complements, but does not alter or supplant policies concerning Congressional requests for information and litigation information response requirements established in references (d) through (g).

e. This manual is intended to provide guidance for the internal operation of the DON only. It is not intended to, and does not and may not, be relied upon to create any right or benefit, substantive or procedural, enforceable by law or equity against the United States, the DoD, or the DON.

f. In some situations, DMRs include more than one Federal agency. In such cases, the DON lead action office (See Part 2, 2) for the specific request should work with the action officer(s) from the other agency or agencies.

4. **Definitions.** There are many words and phrases associated with providing government information. For the sake of clarity and consistency, the terms below are used throughout this manual. These and other definitions are included in Appendix A. Acronyms used in this manual are delineated in Appendix B.

a. Command is used within this manual to refer to DON commands, activities, and other offices.

b. DMR is a request for DON DM from a Federal government entity, pursuant to a court order, or in response to litigation, including litigation involving a third party, but not involving the DON or another Federal government entity (Touhy requests).

c. DM Tasking and DM Task are terms referring to an instance of searching for, locating, preserving, collecting, reviewing, and providing DM in response to a DMR.

Part 2

Roles

1. **Overview.** Reference (a) delineates roles and responsibilities relevant to collecting and providing documentary material (DM). Part 2 provides an overview of the command level roles typically involved in DM tasks.

2. Lead Action Office

a. The lead action office (LAO) is the command responsible for overall coordination of a given DM request (DMR) involving records or other DM.

b. The LAO analyzes the DMR, creates a DM task directive (DMTD), assigns action to appropriate commands, tracks task compliance, and provides appropriate closure to the task.

c. Per reference (a), the LAO is authorized to task, with appropriate chain of command coordination, commands to search for, locate, preserve, collect, review, and provide DM.

3. **Secretary of the Navy Administrative Office.** Many DMRs enter the Department through the Secretary of the Navy Administrative Office (SECNAV Admin). Therefore, SECNAV Admin personnel must recognize such requests and assign responsive DM tasking to the appropriate LAO (Appendix C).

4. U.S. Navy Echelon IIs and U.S. Marine Corps Marine Force Commands

a. U.S. Navy Echelon IIs and U.S. Marine Corps Marine Force Commands (Echelon IIs/MFCs) have the responsibility to respond to documentary tasking on their own behalf.

b. Additionally, per reference (a), Echelon IIs/MFCs have the responsibility to support DM tasks at their subordinate commands.

c. DM tasking might be coordinated through Echelon IIs/MFCs when:

(1) The scope of the search involves all or a broad portion of the Department; or

(2) It is unclear which commands may have responsive material.

d. Echelon IIs/MFCs are required to designate a standing Documentary Material Discovery Team that will:

(1) Provide consultation and technical assistance, as DM subject matter experts, to the lower echelons; and

(2) Act as the coordinating command for DM tasks that involve all or a large segment of the commands within their chain of command.

5. **Commands.** Every command should be prepared to respond to DM tasking, which includes designating personnel with sufficient knowledge to act on DM tasking (see Sub-Part 4-7). While numerous offices have responsibilities related to records, content, and networks, per reference (a), each command is responsible for the accuracy, completeness, and timeliness of their responses to DM tasking.

6. **Command Personnel.** Responding to DM tasks is a command responsibility. While designated personnel will lead and coordinate the DM process, all command personnel may be tasked with searching for material responsive to a task. Each individual involved with a DM task is responsible for the accuracy, completeness, and timeliness of their portion of the task.

7. **Secretary of the Navy Secretariat, U.S. Navy, and U.S. Marine Corps Records Managers**

a. The Secretary of the Navy (SECNAV) Secretariat and Service Records Managers implement the Department of the Navy (DON) Records Management (RM) Program within SECNAV offices, the U.S. Navy, and the U.S. Marine Corps.

b. These officials are important assets for responding to DM tasking. Records managers can assist by:

(1) Assisting commands, as needed, with material searches in the Federal Record Centers (FRCs);

(2) Locating records in FRCs for DMRs involving disestablished commands;

(3) Assisting LAOs by engaging the network of Echelon IIs/MFCs RM officers/managers and Command Designated Records Managers (CDRM) throughout the services; and

(4) Conducting searches on DON RM and electronic information systems.

c. The Service Records Managers can be contacted via the following e-mail addresses:

(1) Secretariat and Navy Records Manager (DON/Assistant for Administration Directives and Records Management Division (DON/AA DRMD)) at don_records_management@navy.mil; or

(2) U.S. Marine Corps Records Manager (Commandant of the Marine Corps (ARDB)) at HQMCREC-MGR@usmc.mil.

8. Forms and Reports Control

a. The following forms are available for download from the Naval Forms Online Website at:
<https://navalforms.documentservices.dla.mil/web/public/home>.

(1) SECNAV 5000/1 (OCT 2015) Command Summary Findings Report

(2) SECNAV 5000/2 (JAN 2016) Documentary Material (DM) Search Results

b. Reporting requirements found in Part 4, Sub-Part 4-4, paragraph 2o(1) and Sub-Part 4-9, paragraphs 2t(1) and 2t(1)(b) have been assigned Report Control Symbol SECNAV 5000-1 which expires 30 April 2019.

c. Information collections created in support of this manual must go through the cognizant DON Information Management Control Officer prior to their commencement (i.e., surveys, checklists, and other methods of reporting).

Part 3

Documentary Material Requests and Tasks

1. **Overview.** Part 3 provides a top-level description of the preparations and actions required to properly respond to documentary material (DM) tasking.

Note: Part 4 of this manual provides detailed information and guidance regarding DM tasking. Additionally, references (h) and (i) provide related guidance in the case of civil litigation.

2. **Preparations and Actions.** Proper compliance with DM requests (DMR) requires searching for, locating, preserving, collecting, reviewing, and providing the material in question. Commands should document the details of the actions taken to accomplish these steps (e.g., who searched, what locations were searched, search duration, etc.) (See Sub-Part 4-3). A brief description of the DM tasking process follows.

Key Point: Advanced preparation is the single most important factor in successfully responding to DM tasking.

a. **Appointing Personnel.** Every command shall appoint personnel who understand DM tasks and are familiar with appropriate responses. (See Sub-Parts 4-7 and 4-9.)

b. **Locating Responsive Material**

(1) Locating DM requires searching all content holdings for potentially responsive material. Command designated personnel should review file plans and content maps (see Sub-Part 4-8) to help ascertain the locations of potentially responsive material. This includes searching for material at authorized work sites of supporting contractors.

Key Point: Records (both temporary and permanent) and other DM involved in DM tasking may reside in multiple media types including, but not limited to, paper documents, electronic files, e-mail, e-mails with attachments, websites, web applications, electronic information systems, photographs, microfiche, and maps.

(2) Depending on the circumstances, personnel may be required to testify about and/or provide documentation concerning the actions taken to search for, locate, preserve, collect, review, and provide each media type requested by the DMR. Therefore, for each DM tasking, Command and lead action office (LAO) action officers must maintain a log of every action taken and every location searched to comply with that tasking. (See Sub-Part 4-3.)

Key Point: Before searching for responsive material, the requirements for duplicate and near-duplicate documents are needed. For instance, for a particular DMR, near duplicates might be responsive while duplicates can be omitted. In other cases, near duplicates might not be responsive. The DMR originator should provide these requirements. If not, the LAO, command counsel or staff judge advocate should take the lead in determining these requirements.

(3) DM tasks will most often require key word searches in electronic repositories. Since these procedures change frequently, commands should consult with information technology (IT) personnel to determine the latest search procedures. Appendix D contains a sample list of search locations for a hypothetical command.

Key Point: Keyword searches are very useful, but they do not check every type of e-file (e.g., pictures, .pdf files not scanned with text recognition, and misspellings). Commands must consider all cases when planning and executing their searches.

(4) In the case of electronic files, metadata, in addition to content, must be considered when delineating search parameters for responsive material. For example, the document author or person that last modified the document might be relevant to the search.

(5) As with the case for searches, metadata related procedures change frequently. Commands should consult with IT personnel to determine the latest search procedures.

Note: Commands should be aware that in some cases DM tasks may also involve preservation of tangible property. For example, previous tort claims involved aircraft or motor vehicle wreckage that required preservation for analysis by an engineer, and medical equipment that possibly failed while being used.

c. **Preserving Responsive Documentary Material.** Once located, compliant material must be held and preserved.

(1) Preservation necessitates, while the requirements of a DM tasking remain in force that responsive material must:

(a) Not be destroyed even if normal destruction or deletion would be otherwise authorized by an approved records disposition schedule,

(b) Not be transferred to the National Archives and Records Administration (NARA) even if transfer would be otherwise authorized by an approved records disposition schedule,

(c) Not be altered in any way,

(d) Be readable, and

(e) Be easily retrievable.

(2) In the case of electronic files, preservation also requires maintaining and not altering the metadata associated with each file.

(a) Preserving electronic metadata can be challenging. Without proper precautions, users can inadvertently change the original metadata. For instance, when a file is opened during the search phase, the metadata entry for "Last Accessed by:" will change.

(b) As another example, saving a Microsoft Office Word document as a PDF file will safeguard the original content, but it will change the original metadata.

(3) When preserving hard-format material (e.g., paper documents, photographs, microfiche, etc.) care must be taken to

safe guard the actual material. For example, due to age, microfiche and old paper documents may be fragile.

(4) While held, responsive material may be segregated for preservation. In these cases, the material must be held in means appropriate for official records (reference (j)). Additionally, care must be taken to ensure that the preserved material is not inadvertently destroyed or lost.

Note: Some DM tasks end after the material in question is located and preserved (that is, safely retained until further notice). In other cases, the task also involves providing the material to the requester or an appropriate intermediary office. In these cases the material must also be collected, reviewed, and provided. Directions for a particular request will specify whether the responsive material should be preserved until further notice or preserved, collected, and provided to a designated recipient.

d. **Reviewing Responsive Material.** All DM must be properly reviewed prior to providing it to either the requestor or another office. (See Sub-Parts 4-11, 12.)

(1) Reviews must ensure those items that may be classified, privileged, or otherwise protected from disclosure are treated appropriately. Reviews shall be conducted by the security manager, command counsel or staff judge advocate, and privacy officer.

(2) Commands must ensure that review requirements provided by the LAO specific to a particular DM tasking are completed during the command review.

e. **Collecting and Providing Responsive Material**

(1) Collecting and providing material may involve making copies of responsive material. Copies, or in other cases the originals, shall be provided to a collecting command or requesting office. When originals are provided, commands must ensure that they keep copies of them. The DM task directive (DMTD) (see Sub-Part 4-5) will specify whether originals or copies are to be provided.

(2) The DMTD will specify to whom responsive material is to be provided. In some cases, the material will be provided directly to the requestor that originated the DMR. In other cases, the material will be provided to a consolidating office within the Department of the Navy (DON) or the Department of Defense. The LAO will provide amplifying details.

3. Other Aspects of Documentary Material Tasks

a. Specific requirements for DM tasks vary greatly in complexity, number of involved commands, deadlines, and breadth of applicable material. Instructions for a specific effort can only be determined after the requirements are carefully evaluated.

b. Time is often an important factor in responding to documentary requests. Accordingly, when the DON receives a DMR, it is important that appropriate commands receive the task and begin action as quickly as possible.

c. Records management personnel should be consulted when analyzing the details of DM tasking. This is true for each level of analysis (i.e., LAO, U.S. Navy Echelon IIs/Marine Force Commands (Echelon IIs/MFCs), and individual commands).

(1) The majority of materials involved with a DM task are usually, but not always, official temporary and permanent records as defined by reference (k).

(2) Some DMRs involve records from disestablished commands. Records in these cases may be held at a Federal Record Center (FRC) or NARA. DON material at an FRC remains the property of the DON and thus remains the DON's responsibility to search. The Service Records Managers should be contacted for assistance searching for responsive material held at an FRC. See Sub-Part 4-13 for Service Records Managers contact information. The locations of NARA facilities, including FRCs, are available at <http://www.archives.gov/locations/>.

(3) Once material has been accessed by NARA, it is the property of NARA. The NARA DON Appraisal Archivist can assist searching NARA's holdings. Check NARA's archivists listing (<http://www.archives.gov/records-mgmt/appraisal/>) or contact the Service Records Manager for contact information of the current DON archivist.

d. Routing DMRs to the appropriate LAOs and subsequent DM tasks to appropriate commands can take a variety of paths. The general processes are described here; details are delineated in Sub-Parts 4-1, 2 and 4.

Key Point: Many documentary tasks begin with a DMR, but not all. The DON's responsibility to preserve potentially responsive DM in every medium, including paper and electronic, begins whenever litigation is reasonably anticipated.

(1) Many DMRs enter the DON through the Secretary of the Navy Administrative Office (SECNAV Admin). Based on the originator of the request, that office tasks the appropriate LAO (Appendix C) to coordinate the Department's response. The LAO determines which commands are likely to possess potentially responsive information and tasks them to take action. (See Sub-Part 4-4.)

(2) When the scope of the search involves all or a broad portion of the DON or when it is unclear which commands may have responsive material, the LAO will send the task to:

(a) Director, Navy Staff, Director, Marine Corps Staff, and SECNAV Admin for further tasking throughout the U.S. Navy, U.S. Marine Corps, and the Secretariat respectively; or

(b) Echelon IIs/MFCs for further tasking through the reporting commands in their chain of command.

(3) DMRs may also be received directly by individual commands. Usually this is because the matter directly involves that command. In this situation, commands shall comply with references (d) through (g) as applicable and inform the appropriate level of the chain of command and the appropriate LAO (Appendix C) of the request (see Sub-Part 4-2).

e. It is necessary to expeditiously lift record holds and other preservation requirements associated with a DM task only when counsel, in the case of litigation, and the LAO, in all other cases, determines that such action is permissible. (See Sub-Part 4-15.)

Part 4 Procedures

Sub-Part 4-1 Procedures for Managing Documentary Material Requests Received by the Secretary of the Navy Administrative Office

1. **Overview.** Documentary material (DM) requests (DMR) originate from a variety of sources to include: Congress, the White House, Department of Defense (DoD), Department of Justice, other Executive Branch agencies, and court orders. Such requests are often sent to the Department of the Navy (DON) through the Secretary of the Navy Administrative Office (SECNAV Admin). (See Sub-Part 4-2 for procedures when requests are received by other commands.)

Key Point: If a document arrives or an individual brings a service of process for the DON, it will only be accepted by the SECNAV, or his designee, the General Counsel of the Navy. Neither reference (a) nor this manual will modify the requirements of part 257 of title 32, Code of Federal Regulations (CFR) regarding acceptance of service of process.

2. SECNAV Admin procedures for assigning action for a documentary material request

a. **Step 1:** Examine the request document and ascertain the originator.

b. **Step 2:** Determine the appropriate lead action office (LAO) based on the originator of the DMR and the table in Appendix C.

c. **Step 3:** Officially task the appropriate LAO to lead and coordinate compliance with the DMR.

Key Point: When a DMR is received, it is important that the appropriate LAO and affected commands receive the tasking as quickly as possible.

Sub-Part 4-2
Procedures for Managing Documentary Material Requests
Received by Offices Other than the Secretary of the
Navy Administrative Office

1. **Overview.** Frequently, documentary material (DM) requests (DMR) are received directly by a Department of the Navy (DON) command and not through the Secretary of the Navy Administrative Office (SECNAV Admin). Sometimes that command is a lead action office (LAO) and sometimes not.

Note: As delineated in Part 2, the LAO is that command or office responsible for overall coordination of a given DMR involving records and/or other DM.

Key Point: If the DMR is a service of process for the DON, it will only be accepted by the SECNAV, or his designee, the General Counsel of the Navy. Neither reference (a) nor this manual will modify the requirements of part 257 of title 32, CFR regarding acceptance of service of process.

2. In the event a DMR is made directly to one of the LAOs delineated in Appendix C, that command will:

a. **Step 1:** Determine if it is the appropriate LAO based on the originator of the DMR and the table in Appendix C.

b. **Step 2:** Take the request for action and execute the LAO procedures found in Sub-Part 4-4 if the receiving command is the correct LAO.

c. **Step 3:** If the command is not the correct LAO for the given DMR, forward the request to SECNAV Admin for appropriate tasking.

3. In the event a DMR is made directly to a DON command, other than an LAO, that command shall:

a. **Step 1:** Determine if it is the appropriate recipient of the DMR. In this determination, consider whether:

(1) The subject of the request applies to the command, and

(2) The scope of the request is limited to the command and/or to subordinate commands within its chain of command.

Note: Commands that are not LAOs should not take lead on DM tasks that involve commands outside of their chain of command.

b. **Step 2a:** If the command is not an appropriate recipient for the DMR, take the following actions.

(1) Notify the DMR originator that the command is not an appropriate recipient of the DMR. State the reasons for this determination. Additionally, state to which commands and offices the DMR will be subsequently forwarded.

(2) Forward the DMR to the command that is appropriate to respond to the DMR, if that can be determined. Include a copy of the command's response to the DMR originator stating why they were not an appropriate recipient.

(3) If an appropriate recipient cannot be determined, forward the DMR to the Secretary of the Navy Administrative office and the appropriate LAO as specified in Appendix C. Include a copy of the command's response to the DMR originator stating why they were not an appropriate recipient.

(4) Cease efforts related to this DMR.

c. **Step 2b:** If the receiving command is the appropriate command for the DMR or is one of several appropriate commands, take the following actions.

(1) Inform the appropriate level of the chain of command and the appropriate LAO (Appendix C) of the request.

(2) Proceed with Steps 3 through 6 below.

d. **Step 3:** Consult with command counsel or staff judge advocate on the subject matter. In particular:

(1) Notify the Office of Legislative Affairs (OLA) or Assistant Secretary of the Navy (Financial Management and

Comptroller) (ASN (FM&C)), Appropriations Matters Office (FMBE), as appropriate, if contacted directly by members of Congress regarding DM (references (d) and (e)).

(2) In cases involving litigation, comply with the requirements of references (f) and (g).

Key Point: DON personnel shall not provide DM to courts and other governmental proceedings without complying with the provisions of references (f) and (g).

e. **Step 4:** Determine if the LAO intends to take the DMR for action and issue a DM task directive (DMTD). If the scope of the task is limited to the receiving command, the LAO might leave the DMR for action with that command.

Note: When notified of a DMR being made directly to a command, the LAO has the authority to determine whether the request should be forwarded to them or retained by the command (reference (a)).

f. **Step 5:** Whether or not the LAO takes the lead, send an initial notification to appropriate command personnel. (Appendix E is a sample of what such a notification in email form might look like.)

g. **Step 6:** Depending on the outcome of step 3, respond to the LAO DMTD or take the DMR for action within the command and respond to the DMR. The command procedures delineated in Sub-Part 4-9 pertain.

Sub-Part 4-3

Documentary Material Discovery Logs and Task Logs

1. Overview

a. Each command that searches for documentary material (DM) in response to a DM task should create a DM discovery log (DMDL) that delineates each piece of responsive material that is located.

b. Many DM tasks require the submission of an index of discovered, responsive material either with that material or by itself. Such an index is easy to create from a complete DMDL.

c. Additionally, action officers (AOs) at every command level must maintain a DM task log (DMTL) capturing every action taken and each location searched in response to the particular DM task. DMTLs are invaluable for those instances in which personnel are required to testify about and/or provide documentation concerning the actions taken to search for, locate, preserve, collect, review, and provide each media-type specified by a documentary material request (DMR).

2. DM Discovery Logs. The format of a DMDL is a matter of command preference. However, for each piece of responsive material, the following specifics, at a minimum, should be recorded:

(1) Document/File,

(a) Classification Level

(b) Type (e.g., .doc, .pdf, paper, photo, etc.)

(c) Document/file Name

(d) Date

(e) Subject

(f) Description

(2) Date Located,

(3) Where located (e.g., S: drive, T: drive, Outlook, file cabinet, etc.),

- (4) Name of individual who located the content,
- (5) Actions taken to preserve the document,
- (6) Preservation storage location.

3. **DM Task Logs.** Every command involved in a DM task whether they are the lead action office (LAO), individual command, or U.S. Navy Echelon II/U.S. Marine Corps Marine Force Command (Echelon II/MFC), must create a DMTL to document their actions. Appendix F is an example of one way an LAO might capture this information.

a. Lead Action Office. The log shall include a description of every action taken to comply with the DMR. Every entry should include a date and time notation. The log, at a minimum, shall record the following specifics:

- (1) A copy of the DMR and, if applicable, the tasker that assigned the DM task to the LAO;
- (2) Date and time the DM tasker and/or request was received;
- (3) Identification of the LAO AO;
- (4) Identification of LAO personnel supporting the AO including individual(s) providing IT support;
- (5) Conclusions from the initial analysis of the request and tasker;
- (6) Description of the DM to be searched for, located, preserved, collected, reviewed, and provided;
- (7) Date, time, and method of sending an initial notification to potentially responsive commands;
- (8) A copy of the initial notification;
- (9) Follow up questions to the requester (if any) and the answers received;
- (10) A description of special review procedures (if any);

(11) A copy of the LAO DM task directive (DMTD) (See Sub-Part 4-5.);

(12) Copies of follow-on instructions and directions;

(13) Identification of the personnel who performed actions related to the task;

(14) List of commands tasked;

(15) List of command AOs;

(16) Interim command status reports;

(17) Record of all interaction with tasked commands;

(18) Reports from each tasked command;

(19) Copies of the DMDLs or indexes that list and describe all responsive documents discovered by each tasked command; and

(20) Date responsive material was provided and to which office(s) it was provided (if applicable).

b. Commands. The log shall include a description of every action taken and each location searched to comply with the tasking. Every entry should include a date and time notation. The log, at a minimum, shall record the following specifics:

(1) Date and time the LAO DMTD or DMR (in the case of a request being delivered directly to the command) was received;

(2) A copy of the DMTD or DMR;

(3) Identification of the command's AO for the specific DM task;

(4) Identification of each member of the DM discovery team (DMDT) assigned to the specific DM task including individual(s) providing IT support to the task;

(5) Conclusions from the initial analysis of the request or tasker;

(6) Date, time, and method of sending an initial notification to command personnel;

- (7) A copy of the initial notification;
- (8) Follow up questions to the LAO or DMR originator (if any) and the answers received;
- (9) A copy of the command documentary material task instructions (DMTI) (See Sub-Part 4-10);
- (10) Description of the DM searched for, located, preserved, collected, reviewed, and provided;
- (11) Description of every action taken;
- (12) A list of each location that was searched (e.g., S: drive, T: drive, file cabinet, etc.);
- (13) A copy of the command content map (See Sub-Part 4-8);
- (14) Identifications of the personnel who performed each action. If the task involves a search by all personnel the searches can be grouped by team/department.
- (15) Interim status reports to the LAO (if any);
- (16) Descriptions of the reviews, including those specific to this case, conducted on the discovered material;
- (17) Copies of the DMDL and indexes that list and describe each responsive document discovered; and
- (18) Date responsive material was provided and to which office(s) it was provided (if applicable).

Note: For item 3b(13), if the task involves a search by all personnel, the searches can be grouped by team/department. However, other personnel (e.g., TRIM Administrator, lead IT personnel, legal reviewer, etc.) should be identified separately.

c. U.S. Navy Echelon IIs/U.S. Marine Corps Marine Force Commands (Echelon IIs/MFCs).

- (1) When Echelon IIs/MFCs document their own responses and actions to a DM task, the DMTL described below in Sub-Part 4-3c (2) is applicable.

(2) To document DM tasking in which these commands assist the LAO by coordinating a DM task through their lower echelon commands the points of this section apply. The log shall include a description of every action taken to comply with the tasking. Every entry should include a date and time notation. The log, at a minimum, shall record the following specifics:

- (a) Date and time the DM tasker and/or DMTD was received;
- (b) A copy of the DMTD;
- (c) Identification of the command AO for the task;
- (d) Identification of each member of the DMDT assigned to the specific DM task including individual(s) providing IT support to the task;
- (e) Conclusions from the initial analysis of the DM task;
- (f) Date, time, and method of sending an initial notification to subordinate and lower echelon commands;
- (g) A copy of the initial notification;
- (h) Follow up questions to the LAO (if any) and the answers received;
- (i) Copies of follow-on instructions and directions from the LAO;
- (j) List of tasked subordinate and lower echelon commands;
- (k) Identification of command AOs of each subordinate and lower echelon command;
- (l) Description of the DM searched for, located, preserved, collected, reviewed, and provided;
- (m) Description of every action taken;
- (n) A copy of instructions provided to tasked commands;

- (o) Interim status reports from tasked commands;
- (p) Interim status reports to the LAO (if any);
- (q) Records of all interactions with tasked commands;
- (r) Reports from each tasked command;
- (s) Descriptions of the reviews, including those specific to the case, conducted on the discovered material;
- (t) Copies of the DMDLs and/or indexes that provide a listing and description of responsive documents discovered by each tasked command; and
- (u) Date responsive material was provided and to which office(s) it was provided (if applicable).

Sub-Part 4-4

Lead Action Office Procedures

1. Overview

a. The lead action office (LAO) tasks and coordinates with commands that may have material responsive to a documentary material (DM) request (DMR) or to a records hold in response to reasonably anticipated litigation.

Key Point: Many documentary tasks begin with a DMR, but not all. The Department of the Navy's (DON) responsibility to preserve potentially responsive DM in every medium, including paper and electronic, begins whenever litigation is reasonably anticipated.

b. Per reference (a), LAOs may task, with appropriate chain of command coordination, commands to respond to DM tasking directives (DMTDs).

Key Point: LAOs have coordinating responsibilities. Individual commands, as the holders of DM, are responsible for the accuracy, completeness, and timeliness of responses to DM tasking.

Key Point: In some situations, DMRs include more than one Federal agency. In such cases, the DON LAO for the specific request should work with the action officer(s) (AOs) from the other agency or agencies.

c. Each DM task, though perhaps similar, will be different. Directions for a specific effort can only be determined after the requirements of that request are evaluated.

d. Time is an important factor in responding to DMRs. LAOs must create and issue directions for a DM task that will meet required due dates. It is important to expeditiously determine what is needed and which commands should receive the tasking via a DMTD.

e. When an LAO receives DM tasking to respond to a DMR, it is important that potentially responsive commands receive the action expeditiously. Therefore, LAOs should:

(1) Send an initial notification containing the primary information of the task to potentially responsive commands as quickly as possible. Appendix G is a sample of what such a notification might look like.

(2) Issue the initial DMTD. This should be done even before every detail is known or finalized. Appendix H is an example of one way an LAO might capture this information.

(3) Issue revised DMTDs as needed. The details of a DMR often change as specifics of the request are refined and modified.

f. LAOs must log a description of each action taken in response to a DMR and identify the personnel involved. Sub-Part 4-3 contains guidance on documenting actions in response to DM tasking.

g. In the event more than one LAO has responsibility for a given DM task, the AOs from each office will coordinate to determine which office will take each action.

h. When notified that a request for DM was made directly to a command, the LAO has the authority (reference (a)) to determine whether the request should be forwarded to them or retained by the command.

i. In some situations, LAOs may assist commands by identifying subject matter experts to assist with particular DMRs.

j. When the scope of the search involves all or a broad portion of the DON or when it is unclear which commands may have responsive material, the LAO will send the task to:

(1) Director, Navy Staff (DNS), Director, Marine Corps Staff (DMCS), and Secretary of the Navy Administrative Office (SECNAV Admin) for further tasking throughout Navy, Marine Corps, and the Secretariat respectively; or

(2) U.S. Navy Echelon IIs and U.S. Marine Corps Major Force Commands (Echelon IIs/MFCs) for further tasking through their subordinate commands.

2. LAO procedures for handling DM tasking

a. Start:

(1) LAO receives a DMR from SECNAV Admin via a tasker or receives a forwarded request that was received by another command.

(2) LAO recognizes or receives notification that litigation on a matter is reasonably anticipated.

Note: Appendix I contains an example of a LAO procedures task list.

b. **Step 1:** Appoint an AO to coordinate the command's actions and responses to the DMR.

c. **Step 2:** Start a new DM task log (DMTL). Record the receipt date and initial details of the DMR or anticipated litigation.

Note: Documenting details of DM tasking is not limited to this step. All of the actions taken to search for, locate, preserve, collect, review, and provide responsive material must be documented. Sub-Part 4-3 provides further details.

d. **Step 3:** Analyze the DMR or anticipated litigation to determine:

(1) DM being sought,

Note: Determine the full range of subjects in the request. The primary subject may be an event or incident with numerous related subjects

(2) Specific instructions relating to electronic DM and metadata,

(3) Instructions for collecting duplicate and near-duplicate documents,

(4) Instructions for non-electronic materials,

(5) Any special review requirements, and

(6) Handling requirements of responsive material. Handling possibilities include:

(a) Securely preserving the material until further notice, and

(b) Collecting and providing responsive material (after appropriate review).

Note: The request may allow copies of responsive material. If originals are provided, ensure copies are made and retained.

e. **Step 4:** Create a DM discovery log (DMDL) delineating response material located during the search. Material details include the document/file name, subject/description, date, classification level, media-type, date located, name of individual that discovered the item, actions taken to preserve the document, and storage location for preservation. (See Sub-Part 4-3.)

Note: Individual command responses might be consolidated through an Echelon II/MFC.

Note: Many DM tasks require the submission of an index of discovered, responsive material. Such an index is easy to create from a completed DMDL.

f. **Step 5:** Send an initial notification to potentially responsive commands regarding the DMR or anticipated litigation and responsive subjects by phone, e-mail, tasking system, and/or other appropriate means. Appendix G is a sample of what such a notification might look like.

Note: An initial notification might not be needed if the LAO DMTD will be issued expeditiously. However, if the DMTD will be delayed at all, the initial notification should be sent as soon as sufficient information is known.

g. **Step 6:** Obtain additional information from the originator of the DMR or source of anticipated litigation if clarifying guidance is needed.

h. **Step 7:** Determine which commands have or could have the requested material. Do not overlook appropriate SECNAV Secretariat offices.

Note: LAOs should not overlook their own commands. Determine if your command/office might have any of the requested material. If so, include your office in the DMTD.

i. **Step 8:** Write the LAO DMTD. This directive will include, but is not limited to, general instructions, a description of the material sought, due dates, review instructions and directions for preparing the response. Specific guidance for directives is contained in Sub-Part 4-5. Appendix H is an example of one way an LAO might capture this information.

j. **Step 9:** Assign the DMTD, with appropriate chain of command task coordination, to the set of commands required to execute the DMR.

(1) Ensure tasking includes coordination action with Chief of Naval Operations and Commandant of the Marine Corps Headquarters offices, Department of the Navy Deputy Chief Information Officer (DON Deputy CIO)-Navy, and DON Deputy CIO-Marine Corps, and others in the chain of command as appropriate.

(2) When a directive includes tasking to the Service headquarters level offices and codes, LAOs should send the task to the DMCS for Headquarters Marine Corps (HQMC) and DNS for Office of the Chief of Naval Operations (OPNAV).

(3) Special cases. Assign the task for further tasking to DNS, DMCS, and SECNAV Admin or directly to Echelon IIs/MFCs in the event that:

(a) A documentary tasking involves all or a broad portion of the DON, or

(b) The LAO cannot determine which commands might have responsive DM for a particular item.

k. **Step 10:** Forward a copy of the DMTD to the DON CIO and appropriate Service Records Managers (see Sub-Part 4-13).

(1) If the DM task is litigation related, also send a copy of the DMTD to the Office of the General Counsel (OGC), the Office of the Judge Advocate General (OJAG), and the Office of the Staff Judge Advocate to the Commandant of the Marine Corps, as appropriate.

(2) Send all DMTD revisions and updates to these commands.

l. **Step 11:** Ensure potentially responsive commands understand that the material must be preserved.

m. **Step 12:** Track progress/completion of the DMTD. Coordinate with command DM discovery team leaders and AOs appointed for the task.

Key Point: LAO AO should be logging all steps and decisions relative to the DM task in the DMTL.

n. **Step 13:** Determine if the material needs a further review from your legal department and/or Command Security Manager. (See Sub-Parts 4-11 and 12.)

Note: All commands will perform reviews for security, privacy, and other privilege before providing any material. This step is about specific review requirements for a particular DM task and/or reviews of consolidated material.

Note: Safeguarding personally identifying information (PII) and personal health information (PHI) must be considered when providing material to any recipient.

o. **Step 14:** Coordinate the DON's response to the DMR.

Key Point: In the case of reasonably anticipated litigation, maintain an understanding of the current status of the records held of each involved command.

(1) Create an LAO summary findings report. This is simply a compilation of the individual findings reports submitted by each command (Appendix J). Appendix J includes a section to record the locations each command searched.

(2) Contact the DM requesting offices if there are any questions regarding material submission.

Note: As noted above, the final action might be to only locate and preserve responsive material. In other cases, material and/or an index of material will be provided to the DM requestor or to an entity specified by the requestor.

Note: An index of responsive material can be easily created from the associated DMDL. (See Sub-Part 4-3.)

(3) Ensure responsive commands have the latest instructions regarding material submission (e.g., electronic files on a CD, paper or electronic DMDL or other index of included material, index format, etc.).

(4) Submission scenarios include individual commands:

(a) Submitting responsive material to the requester or other office designated to receive the material. In this case, the DMTD must contain all responsive contact and delivery information.

(b) Submitting material to their Echelon IIs/MFCs for situations in which these commands are coordinating DM tasking with an LAO.

(c) Submitting material to the LAO which, in turn, makes a consolidated submission to the requester or other office designated to receive the material.

Note: In some cases, temporary offices are stood up and appointed to receive and consolidate DM for a particular task.

(5) Obtain a receipt from the office that accepts the Department's submission.

Note: Be sure to document delivery and receipt in the DMTL.

p. **Step 15:** After complying with the documentary tasking, determine subsequent actions, if any, and the status of task closure. If the request has not been closed, seek closure from the appropriate requesting authority.

Note: Closure can only occur after all legal requirements have been met.

q. **Step 16:** Expeditiously lift record holds and other preservation requirements associated with a DM task when appropriate. (See Sub-Part 4-15.)

Note: Holds and freezes can be lifted only when counsel, in the case of litigation, and the LAO in all other cases, determines that such action is permissible.

(1) Notify commands involved in the DM task that the hold has been lifted.

(2) Notify the DON CIO and the Service Records Managers (see Sub-Part 4-13) that the hold was lifted.

(3) If the DM task was litigation related, also send a copy of the DMTD to the OGC, OJAG, and Office of the Staff Judge Advocate to the Commandant of the Marine Corps, as appropriate.

Sub-Part 4-5

Lead Action Office Documentary Material Task Directive

1. Overview

a. Lead Action Offices (LAOs) create and provide documentary material (DM) task directives (DMTD) to commands that possess potentially responsive DM. The DMTD contains instructions that direct compliance with that task. The instructions must provide clear and organized direction.

Key Point: The DMTD should be easy to follow. Responsive commands must understand what they are looking for and what to do once they find it.

Key Point: The DMTD should consolidate the information sent by the tasking authority. Do not simply forward the originating document(s), thus forcing every office to interpret the directions, unless that document is sufficiently clear.

b. As noted in Part 3, there may be one or two phases involved in complying with a DM request (DMR). The first phase includes searching for, locating and preserving (i.e., safely holding) responsive material. Sometimes the task ends there. In other cases, there's a second phase that involves collecting, reviewing, and providing the material to a specified organization.

2. Creating the LAO DMTD. A sample LAO DMTD, included in Appendix H, is an example of one way an LAO might capture this information.

a. Part 1:

(1) Provide a description of the request.

(2) Provide the reason for the request, if known, and any other background information. This will augment search details and assist those looking for material.

b. Part 2: Clearly define what DM is sought by the tasking. Specify:

(1) Subject(s), sub-subjects (e.g., DM with specified subject lines and titles);

(2) Topics, sub-topics, related topics (e.g., DM regarding specified matters or issues); and,

(3) Keywords (if provided).

c. **Part 3:** Define the search criteria for the request. Provide all information concerning the material desired. Specify:

(1) The timeframe(s) of responsive material (e.g., "documents created between 15 Sep 2008 and 28 December 2009", "documents dated 15 June 2012 to the present", etc.).

(2) Media of responsive material. Generally, material in any media is requested. However, there may be situations in which only selected media (e.g., e-mail, pdf files, paper, etc.) are responsive.

Key Point: Remind commands that their DM Task Logs should include a listing of every location they searched.

(3) Whether duplicate and near-duplicate documents should be included in the collection.

Key Point: Defining search specifics may be iterative. In some cases details for a DMR are modified or clarified after the initial request is issued.

Note: Commands should be aware that in some cases DM tasks may also involve preservation of tangible property. For example, previous tort claims involved aircraft or motor vehicle wreckage that required preservation for analysis by an engineer, and medical equipment that possibly failed while being used. In these instances, a chain of custody must be established for fungible items.

d. **Part 4:** Specify how commands are to handle responsive material when they find it. Handling specifics vary by DMR. The following sub-paragraphs delineate three situations.

(1) Preserving. In this case responsive material is to be securely preserved. Provide instructions on holding the material safely without risk of alteration, deletion or destruction.

(a) Preservation necessitates, while the requirements of a DM tasking remain in force that responsive material, and metadata in the case of electronic material, must:

1. Not be destroyed even if normal destruction or deletion would be otherwise authorized by an approved records disposition schedule,
2. Not be altered in any way,
3. Be readable, and
4. Be easily retrievable.

(b) See Part 3, paragraph 2c for more guidance on preservation and metadata.

(2) Providing. Securely preserving responsive DM applies in this case as well. In addition, responsive material is to be collected, reviewed, and provided to a specified organization. Specify instructions for packaging and providing responsive material in each medium.

Note: The requirements for electronic material must be clearly specified. For instance, the required format and hardware, the means of transference, and requirements for metadata (i.e., is metadata required or not and if so, which metadata) must all be detailed.

(3) DM discovery logs (DMDLs) and material indexes. Specific instructions for preparing an index of discovered responsive material should be delineated with each task. Often DM tasks, whether or not they include providing responsive material to an entity, require a list of discovered responsive material. All commands involved in a DM task should create a

DMDL of responsive material (see Sub-Part 4-9). DMDLs are described in Sub-Part 4-3. Indexes are easily created using a properly completed DMDL.

e. **Part 5:** Clearly state the due date of the DM task.

(1) Determine when the information is needed and then work backwards to build the time line.

(2) Provide commands with as much time to search as possible. Consider:

(a) The date the tasking authority requested the material or response,

(b) Whether individual commands will respond directly to the DM requester, and

(c) Whether the DM task requires central compilation of material and/or higher level review.

f. **Part 6:** Specify actions, if any, for the U.S. Navy and U.S. Marine Corps Record Officers. Because of their knowledge of and experience with Department of Navy (DON) records, the Service Record Officers can offer valuable advice and assistance to LAOs and commands during DM tasks.

Key Point: In some cases, the Service Record Officers may be the only entities that can locate material. For instance, some DM requests are for material from commands that no longer exist. In this case, the Service Record Officers will need to locate material in a Federal Record Center.

g. **Part 7:** Specify legal, privilege, and security review requirements. See Sub-Parts 4-11 and 4-12.

(1) All DM must be properly reviewed before it is provided to the requester or another office.

(2) If applicable, provide review instructions specific for a given DM task. These instructions are in addition to the standard review for classified, privileged, and otherwise protected material that occurs with every documentary tasking.

Note: During a previous DM task, DON commands were required to review responsive material to determine if certain individuals were named in the documents. Documents that contained one or more of the names were segregated from the other material and submitted separately.

Sub-Part 4-6
U.S. Navy Echelon II and U.S. Marine Corps Marine Force
Commands - Documentary Material Procedures

1. Overview

a. U.S. Navy Echelon IIs and U.S. Marine Corps Marine Force Commands (Echelon IIs/MFCs) are involved with documentary material (DM) requests (DMR) and tasking in several ways. These commands:

(1) Respond to DM tasks in the same manner as any command. Sub-Parts 4-3, 7, and 9 apply as they do for every command.

(2) Designate a standing DM discovery team (DMDT) (reference (a)). This team provides a cadre of subject matter experts that may be required to provide assistance and guidance for documentary tasks to their subordinate commands. (See Sub-Part 4-6, 1b below.)

(3) May be called upon to coordinate DM tasking for their subordinate commands when a DMR involves all or large segments of the Department of the Navy.

Key Point: Prior preparation is the single most important factor in successfully responding to DM tasking.

b. All commands should have personnel that recognize a DM task when it arrives and understand how to respond. In addition, Echelon II/MFC personnel must be prepared to assist their subordinate commands (reference (a)).

2. Echelon II/MFC DMDT Prior Preparations

a. **Step 1:** Per reference (a), part 7i(2), assign specific individuals to the DMDT.

Note: Depending on the circumstances, personnel may be required to testify about and/or provide documentation concerning the actions taken in response to a DMR. Commands should consider this aspect when making assignments to the DMDT.

(1) In the aggregate, team members should be knowledgeable in:

- (a) Searching for and locating material in all media and in all locations (electronic and hard-media),
- (b) Preserving material,
- (c) Conducting material reviews, and
- (d) Collecting and providing material.

Note: Material reviews must ensure that those items that may be classified, privileged, privacy related or otherwise protected from disclosure are handled appropriately.

(2) Team Membership shall include the:

- (a) Designated DMDT leader(s),
- (b) Records Officer/Command Designated Records Manager,
- (c) Administrative personnel,
- (d) Command information technology personnel,
- (e) Command Counsel or Staff Judge Advocate (if assigned), and
- (f) Command Privacy Officer.

Note: These are the experts required for most DM tasks. Subject matter experts of particular areas, topics, and content may be needed for specific DM tasks.

b. **Step 2:** Ensure procedures are in place to effectively search for, locate, preserve, collect, review, and provide DM. This includes content maps that indicate the location of command DM (see Sub-Part 4-8, Appendix J).

(1) Procedures should be in place at the Echelon II/MFC levels as well as at each subordinate level in the chain of command.

(2) Echelon II/ MFC DMDT members should have a list of DM and records management points of contact for their subordinate commands.

(3) These procedures must account for every medium of DM including, but not limited to, e-mail, all available storage drives on the networks and individual computers, all other types of electronic files, and all holdings of hard media material.

c. **Step 3:** Ensure personnel assigned to the DMDT understand the procedures and processes needed to search for, locate, preserve, collect, review, and provide DM.

3. **Echelon II/MFC DM Tasking Coordination.** For situations in which Echelon II/MFC coordinate a DM task through their subordinate commands, the procedures are similar to those of a lead action office (LAO).

a. **Start:** Receive a documentary material task directive (DMTD) from the LAO.

b. **Step 1:** Open a new DM task log (DMTL). (See Sub-Part 4-3.)

c. **Step 2:** Analyze the LAO DMTD to determine the material being sought and specific details of the task.

d. **Step 3:** Determine which subordinate commands have or could have the requested material.

Key Point: In many situations, particularly those for which Echelon II/MFC are coordinating the task throughout the Services, the task is applicable to every command.

e. **Step 4:** Send an initial notification to potentially responsive subordinate commands regarding the DMR by phone, e-mail, tasking system, and/or other appropriate means. The sample in Appendix G, intended for LAOs is also applicable to this case.

f. **Step 5:** Obtain additional information from the LAO if needed.

g. **Step 6:**

(1) Officially task potentially responsive subordinate commands to respond to the DMTD.

(2) Request that subordinate commands provide point of contact information for their action officers.

Key Point: If one is not sure whether subordinate commands possess responsive documents, the best course of action is to assign the DMTD to those subordinates and receive negative responses rather than miss potentially responsive material.

h. **Step 7:** Track progress and completion of the task in the DMTL.

i. **Step 8:** Consolidate subordinate command responses. Provide the consolidated response per the LAO's DMTD.

Sub-Part 4-7

Command Prior Preparations for Documentary Material Taskings

1. Overview

a. Per reference (a), commands must have plans and processes in place to effectively search for, locate, preserve, collect, review, and provide documentary material (DM). This sub-part provides guidance on implementing those plans and processes.

b. Prior preparation is the single most important factor in determining whether a command handles a DM task effectively and efficiently. It also minimizes command stress and disruption.

Key Point: Commands must be ready to respond to DM requests (DMRs), directives, and taskers. The arrival of a DMR or DM task directive (DMTD) should not be the first time a command considers how to comply with such a task.

(1) Personnel must be designated that are familiar with DM tasks and their requirements. They must know how to start and lead command personnel in searching for, locating, preserving, collecting, reviewing, and providing DM.

(2) Designated personnel should be familiar with the contents of this manual. Additionally, references (h) and (i) provide further insight and understanding of DM tasking in the case of civil defense litigation.

(3) Processes, with supporting templates and/or samples (such as those in this manual), should be in place to expeditiously begin action.

2. **Preparations.** To prepare for documentary tasking, commands should complete the following steps:

a. **Step 1:** Per reference (a), part 7h(2), assign personnel by name or billet to the DM discovery team (DMDT). This team will provide in-house expertise regarding DM tasking.

Note: Depending on the circumstances, personnel may be required to testify about and/or provide documentation concerning the actions taken in response to a DMR. Commands should consider this aspect when making assignments to the DMDT.

(1) Personnel shall include the:

- (a) Prospective DM task action officer(s) (AOs),
- (b) The Command Records Manager/Officer or Command Designated Records Manager (CDRM),
- (c) Administrator of the command's records management application (e.g., Total Records and Information Management (TRIM)),
- (d) Administrators of electronic information systems that contain records (e.g., Defense Travel System, command portal),
- (e) IT personnel,
- (f) Command Counsel or Staff Judge Advocate (if assigned), and
- (g) Command Privacy Officer.

(2) These individuals should be familiar with the procedures and processes needed to search for, locate, preserve, collect, review, and provide material. For example, AOs should know to quickly issue initial notifications (Appendix E) to appropriate command members, perhaps to all hands, as quickly as possible after a DM task arrives.

(3) Provide command DMDT contact information to the DMDT leaders at the appropriate U.S. Navy Echelon II and U.S. Marine Corps Major Force Command (Echelon II/MFC).

b. Step 2:

(1) Create plans and processes to expeditiously comply with DM tasking.

(2) These procedures must account for every medium of DM including, but not limited to, e-mails, e-mails with attachments, all other types of electronic files, and all holdings of hard media material.

c. **Step 3:** Prepare a content map indicating the location of command DM (see Sub-Part 4-8). Content maps accurately depict the location of all command content (e.g., hard drives, shared drives, Navy Marine Corps Intranet personal drives, web based repository, file cabinet, desk, external storage device, etc.).

Sub-Part 4-8 Content Maps

1. Overview

a. Prior preparation is critical to successfully comply with documentary material (DM) tasking. Content maps (CMs) are a valuable part of prior preparation. Appendix K contains a sample content map.

b. CMs are documents that accurately depict the location of all command content. They:

(1) Assist DM discovery teams and command personnel conduct searches for responsive material; and

(2) Support command credibility in demonstrating that their response to DM tasking is thorough and complete.

c. A CM must account for all:

(1) Media types including, but not limited to, e-mail with attachments, all other types of electronic files, and holdings of hard media material;

(2) Topics and categories (e.g., financial documents, purchase orders, manning plans, personnel documents, etc.);

(3) DM locations (e.g., file cabinets, share drives, etc.); and

(4) DM held by Department of the Navy (DON) contractors which is required to be provided to the Government.

2. Preparations. In preparing content maps, commands should complete the following steps.

a. **Step 1:** Prepare a comprehensive list of locations that contain command content. It is helpful to organize this list by media type. Appendix D contains a list of common search locations.

(1) A majority of this list can be created by the careful consideration of a few individuals familiar with the command and

its processes. However, the final, comprehensive list requires the direct involvement by representatives of each team, code, or office within the command.

Key Point: DM can be in numerous media and in many locations including authorized work sites of supporting contractors.

(2) Locations for hard media DM (e.g., paper documents, printed photos, maps, etc.) include, but are not limited to:

- (a) Desk drawers,
- (b) File cabinets (individual, team, and command),
- (c) Book cases (individual, team, and command),
- (d) Local record archives, file rooms, and
- (e) Federal Record Centers.

Note: DON records transferred to a Federal Records Center (FRC) remain DON content. Such records remain the responsibility of and are managed by the DON command that transferred them. Therefore, in the event of a DM task, DON commands with records at an FRC must determine if those holdings contain responsive material. Command Records Managers and Command Designated Records Managers are the best resource in helping to conduct such a determination. Additionally, the Service Records Managers can assist in searching for responsive material held at an FRC. See Sub-Part 4-13 for Service Records Managers contact information.

(3) Locations for electronic DM include, but are not limited to:

- (a) Shared network drives (e.g., S: Drive),
- (b) User's personal share drive or Individual Network Drive space (e.g., H: and T: Drives),

- (c) Hard drives (e.g., C: Drive),
- (d) External storage devices (e.g., CDs, DVDs, external hard drives, floppy disks, etc.),
- (e) Electronic information systems (e.g., Defense Travel System and TV5 Taskers),
- (f) Outlook (e.g., e-mail, calendar, notes, .pst files, etc.),
- (g) Command portals (e.g., SharePoint and Oracle),
- (h) Command web sites, and
- (i) Records Management Applications (RMA).

Note: TRIM is the RMA on Navy Marine Corps Intranet.

b. **Step 2:** Label or otherwise identify each content location on the map with a number or other unique identifier that corresponds to the label on the map (e.g., file drawers: ADMIN-1, ADMIN-2, and OPS-1; book cases: Contracts1; individual drives: H: drive-name1, H: drive-name2, and H: drive-name3).

Note: It is also helpful to include the team, code, office, or individual that has custody of the contained material.

c. **Step 3:** Add details for each location depicted on the map.

(1) Add detail regarding subjects (e.g., Human Resources) and/or categories (e.g., personnel evaluations, travel vouchers, and purchase orders) to each location.

(2) Many locations, such as individual network drives, contain so many different types of content that it is too cumbersome to effectively capture that detail. However, for these locations, it is still useful to add detail regarding functions (e.g., financial management, audits, and systems engineering).

d. **Step 4:** Specify the accessibility for each location. Some locations can be accessed by many in the command (e.g.,

open file cabinets) while others can only be accessed by individuals (e.g., personal network drives and lockable file cabinets). Access to some locations is controlled. Possibilities include:

(1) Unrestricted folders/files on the command's shared drive can be searched by anyone in the office.

(2) Computer hard drives and individual network drives require searches by individual users.

(3) Restricted folders/files on shared drives require searches by individuals with access.

(4) Systems such as TRIM and Department of Defense Information Technology Portfolio Repository-Department of the Navy (DITPR-DON) can be searched by individual users and administrators.

(5) DM held by DON contractors which is required to be provided to the Government.

e. **Step 5:** Organize the list by accessibility and/or other criteria. An organized list will help with search planning when a DM action arrives. The list in Step 1 is helpful for this step.

f. **Step 6:** Familiarize the command with the map.

Note: Including a discussion of a command's content map is a natural addition to records management training.

Note: The primary challenge in complying with DM tasking is the large amount of "stovepipe" content that requires individual user access and search. Some access is limited due to classification or privilege; however, access to other content is limited by poorly organized storage. Effective and efficient material discovery is directly proportional to the ease with which command content can be identified and searched.

Sub-Part 4-9

Command Documentary Material Task Procedures

1. Overview

a. Per reference (a):

(1) Commands must accurately, efficiently, and expeditiously search for, locate, preserve, collect, review, and provide (as appropriate) documentary material (DM) in all media, including paper and electronic, when required to do so by proper authority.

(2) As the DM holders, individual commands are responsible for the accuracy, completeness, and timeliness of responses to DM tasking directives.

b. Command preparations should be such that when DM tasking is received, the action is assigned to an appropriate action officer (AO) without delay. Prior preparations and training should be such that the AO understands what to do. (See Sub-Part 4-7.)

Key Point: Prior preparation is the single most important factor in determining whether a command handles a DM task effectively and efficiently. It also minimizes command stress and disruption.

c. Appendix L contains a sample checklist for command DM procedures.

2. Command Documentary Material Procedures.

a. **Start:**

(1) There are at least five ways commands begin DM tasking:

(a) A DM task directive (DMTD) arrives from a lead action office (LAO),

(b) A task related to DM arrives via the normal tasking system (e.g., TV5 Taskers or Marine Corps Action Tracking System (MCATS)),

(c) A DMTD arrives from the command's U.S. Navy Echelon II or U.S. Marine Corps Marine Force Command (Echelon II/MFC),

(d) A DM request (DMR) arrives from an appropriate authority or a court of competent jurisdiction, or

(e) A command recognizes that litigation on a matter is reasonably anticipated.

Note: In most situations, commands receive a DMTD from an LAO or a tasker from higher authority. The procedures below are written for the LAO instance, but they are also applicable to the other situations.

Note: Commands should be aware that in some cases DM tasks may also involve preservation of tangible property. For example, previous tort claims involved aircraft or motor vehicle wreckage that required preservation for analysis by an engineer, and medical equipment that possibly failed while being used.

(2) In cases involving litigation, court orders and reasonably anticipated litigation, the best assistance comes from Office of the General Counsel (OGC), Office of the Judge Advocate General (OJAG), and Office of the Staff Judge Advocate of the Marine Corps attorneys. Commands should seek and implement guidance from command counsel or staff judge advocate when dealing with such requirements.

(3) In cases involving Congressional requests and litigation, the following applies:

(a) References (d) and (e) contain guidance on providing information, including classified information, to Congress. Consult the Navy Office of Legislative Affairs (OLA) or the Assistant Secretary of the Navy (Financial Management and Comptroller) (ASN (FM&C)), Appropriations Matters Office (FMBE) for document requests from Congress.

(b) References (f) and (g) prescribe procedures for responding to document requests for use of DM in Federal, State, or foreign courts and other government proceedings. Consult

counsel for document requests. Department of the Navy (DON) personnel shall not provide DM to courts and other governmental proceedings without complying with the provisions of references (f) and (g).

Key Point: This manual complements, but does not alter or supplant policies concerning Congressional requests for information and litigation information response requirements established in references (d) through (g).

b. **Step 1:** Timeliness is an important factor in responding to DM tasking. When a command receives a DM task, the first step is to quickly assign the task to a knowledgeable AO.

Note: This individual should be someone who was previously designated to manage DM tasks (see Sub-Part 4-7) or someone otherwise familiar with DM tasking.

Note: For cases in which the DMR is from a court, this individual should be command counsel or staff judge advocate if possible.

(1) The AO will serve as the point of contact (POC) for coordination with the DM task originator (LAO, Echelon II/MFC, or tasker POC).

(2) Forward the command AO contact information to the DM task originator.

c. **Step 2:** Start a DM task log (DMTL) documenting the actions taken to comply with the DM tasking directions. (See Sub-Part 4-3.)

Note: There are situations in which personnel may be required to testify about or provide documentation concerning the actions taken to search for, locate, preserve, collect, review, and provide each medium of the DM in a DM task. Therefore, it is important to document the actions taken, locations searched, and results for each DM tasking.

d. **Step 3:** Initial Notification

(1) The AO should immediately review the DM task. This analysis must be sufficient to determine the topics and subjects of responsive material.

(2) Without delay, the AO should send an initial notification to command personnel to preserve all potentially responsive material. Appendix E contains a sample command e-mail initial notification.

Key Point: Do not delay the initial notification waiting for a complete analysis.

Key Point: In addition to documentation, be aware that tangible property may be responsive to subpoenas or other litigation or investigative requests.

(3) Issue the initial notification to the portion of command personnel appropriate to the given task. This could be to all command personnel or to an obviously definable subset. The notification:

- (a) Broadly defines the material in question,
- (b) Directs that such material is not to be deleted, discarded, or destroyed,
- (c) States that detailed instructions will follow, and
- (d) Identifies the AO so that command personnel can ask questions and express concerns.

(4) The initial notification may be sent by any appropriate means. Examples include e-mail, command notice, or memorandum. Ensure a copy is retained for the DMTL.

e. **Step 4:** Form the team appropriate for the particular tasking. The team shall include all or some of the command designated DM personnel (see Sub-Part 4-7). However, knowledgeable AO and IT personnel are required for every tasking. The team might also include subject matter experts appropriate for the subject matter of the particular tasking.

f. **Step 5:** Complete analysis of the LAO DMTD (or other task document).

(1) Ascertain all of the details for the given DM task.

(2) Ask the LAO or other tasking originator follow up questions as appropriate.

(3) Consult with the LAO regarding the need for and identification of external subject matter experts for a particular case, if needed.

Note: The amount of detail in DMRs and tasking orders varies greatly. For example, some will provide specific key words for e-mail searches while others may only provide subjects.

g. **Step 6:**

(1) Review the command's DM processes and procedures.

(2) Tailor processes to meet the specific parameters and timelines the LAO stipulates.

h. **Step 7:** Review the command content map. Prepare a draft map if a content map was not previously completed. Preparing a final map takes time and should be undertaken after the task is complete. (See Sub-Part 4-8, Appendix K.)

i. **Step 8:** Determine who in the command needs to conduct a search. Many times it is all command personnel, but some cases involve a clearly definable subset.

(1) Include system administrators for searching systems such as the Total Records and Information Management (TRIM), Department of Defense Information Technology Portfolio Repository-Department of the Navy (DITPR-DON), and other electronic information systems. Permissions could be applied to certain folders that not only limit access, but also make some folders invisible to other users.

Key Point: DM task requirements apply to documents created, received, and/or stored by contractors on behalf of the government, whether they are on or off site.

(2) As noted in Part 3, 3c(2) and Sub-Part 4-8, 2a(2), DON records transferred to a Federal Records Center (FRC) remain in the legal custody of the DON. Such records remain the responsibility of and are managed by the DON command that transferred them. Therefore, in the event of a DM task, DON commands with records at an FRC must determine if those holdings contain responsive material.

(a) To proceed, contact the appropriate Navy Command Records Manager or the Marine Corps Command Designated Records Manager (CDRM) and advise them of the records request and the need to check command content held by an FRC. Provide them the specific details of the material in question. Additionally, the Service Records Managers can assist in searching for responsive material held at an FRC. See Sub-Part 4-13 for Service Records Managers contact information.

Note: Material sent to an FRC is accompanied by a Standard Form 135 (SF-135), *RECORDS TRANSMITTAL AND RECEIPT*. The completed form includes the description and dates of submitted material.

(b) The records manager should review the command's SF-135s to review the material the command has at the FRC. Provide a list of responsive material or a negative response if no records are located.

Note: The Service Records Managers can assist with SF-135s and other matters related to FRCs. The Headquarters Marine Corps Records manager will conduct SF-135 reviews for U.S. Marine Corps commands.

(c) Document the effort made by the records manager regarding FRC material in the DMTL. Provide a list of responsive material or a negative response if no records are located. Include a copy of requests made to an FRC.

(d) Should a "records hold" be necessary to prevent an otherwise normal destruction of records at an FRC, the command's records manager/officer should request such an action, in writing, from the appropriate Service Records Manager. Requests should contain specific details of the records in question.

j. **Step 9:** Determine search areas. In most situations, all command content must be searched. In some cases there are clearly definable subsets. Appendix D contains a list of common search areas.

Note: It is important to document the locations searched for each DM tasking. The command instructions, Step 12 below, should specify that each person that searches delineates each location they search.

k. **Step 10:** Determine what to do with responsive DM. Command personnel need to know exactly what to do with responsive material when they find it.

(1) In EVERY case, responsive material must be preserved.

(2) While the requirements of a DM tasking remain in force, preservation necessitates that responsive material must:

(a) Not be destroyed even if normal destruction or deletion would be otherwise authorized by an approved records disposition schedule,

(b) Not be altered in any way,

(c) Be readable, and

(d) Be easily retrievable.

(3) All responsive material must be preserved. Preservation considerations vary depending on content media.

(a) Preserving electronic metadata can be challenging. Preserving electronic files also requires maintaining and not altering the metadata associated with each file.

1. Without proper precautions, users can inadvertently change the original metadata. For instance, when a file is opened during the search phase, the metadata entry for "Last Accessed by:" will change. As another example, saving a Microsoft Office document as a PDF file will safeguard the original content, but it will change the original metadata.

2. One way to prevent inadvertent changes to the original metadata, is to make copies of the electronic files and

review the files' content by opening the copied version. However, similar to the frequent changes in electronic repositories, specifics for e-file metadata change frequently. Commands should consult with IT personnel to determine the latest details related to metadata.

(b) When preserving hard-format material (e.g., paper documents, photographs, microfiche, etc.) care must be taken to safe guard the actual material. For example, due to age, microfiche and old paper documents may be fragile.

(4) While held, the material can be segregated for preservation. In these cases, the material must be held in means appropriate for official records (reference (j)). Additionally, care must be taken to ensure that the preserved material is not inadvertently destroyed or lost.

Note: Some DM tasks end after the material in question is searched for, located, and preserved (that is, safely retained). In other cases, the task also involves providing the material to the requester or an appropriate intermediary office. In these cases the material must also be reviewed, collected, and provided. Directions for a particular request will specify whether the responsive material should be simply preserved or preserved, collected, and provided.

(5) Based on the particular DM task, the requirement might be to preserve (i.e., safely hold) the material. For other tasks, the material or copies of the material will be collected, reviewed and provided to another office.

Note: In some situations, the DMR requires responsive material to be preserved for an indefinite period of time. Then, after a period of time, collecting, reviewing, and providing the material may be requested in a follow-on tasker.

Key Point: Special care must be taken to ensure the preservation of electronic

material. Such material can be lost by simply deleting an e-mail or file that should be preserved.

(6) The requirements for collecting responsive electronic material during a preservation and collection action must be clearly specified in the command DM task instructions (DMTI). (The DMTI is described in step 12 below.)

(a) For electronic material, details include, but are not limited to, the required format and hardware, the means of transference, and requirements for metadata capture.

(b) For responsive hard-media material, details include, but are not limited to, specifying whether original documents are required or if copies are acceptable, whether documents can be scanned and loaded on a CD, or whether an index of preserved documents will suffice.

1. **Step 11:** Determine due dates. Determine when each DM task action must be completed. Work backwards from the due date specified in the DMTD. Be sure to allow time for legal, classified and other reviews.

m. **Step 12:** Write a command DMTI (see Sub-Part 4-10). Written directions are required to ensure consistency, clarity, and so that command actions are documented. Appendix M contains a sample DMTI. It is simply an example of one way to provide instructions to a command for a DM task.

Note: Be sure to include instructions to enter information for responsive material in a DM discovery log (DMDL) (See Sub-Part 4-3) and to delineate each location searched.

Note: Include a copy of the DMTI in the DMTL.

n. **Step 13:** Start command action. Assign action to the portion of the command that must search for responsive material. Send the command DMTI to each person with the action (often, this is every person in the command). Since electronic search procedures based on key words change frequently, commands should consult with IT personnel to determine the latest procedures. The following are examples of electronic storages that may require searching:

- (1) Shared drives (e.g., S: Drive),
- (2) Individual network drives (e.g., T: Drive),
- (3) Hard drives (e.g., C: Drive),
- (4) Portable drives (e.g., Thumb Drive, External Hard Drive), and
- (5) Storage disks (e.g., CDs, DVDs, floppy disks).

Key Point: Keyword searches are very useful, but they do not check every type of e-file (e.g., pictures, .pdf files not scanned with text recognition, and misspellings). Commands must consider all cases when planning and executing their searches.

o. **Step 14:** Monitor progress of command activity and progress. Clarify task instructions, reiterate the task's priority, and track progress of the searches. Update the DMTI if need be.

p. **Step 15:** Interim reports.

(1) Provide interim completion reports to the LAO if required.

(2) Interim reports may contain a summary of actions taken, percentage of completed searches, and/or a list of responsive material found to date.

q. **Step 16:** Collection. Collect and consolidate all of the command's DMDLs.

r. **Step 17:** Legal, Classification, and Other Reviews. (See Sub-Parts 4-11, 4-12.)

(1) Material responsive to any DM task must undergo legal, classification, and other reviews before it can be provided to any entity.

(2) Some DM tasks are supplemented by review requirements specific to the particular task. The AO must ensure that these review requirements are also conducted.

s. **Step 18:** Providing Responsive Material.

(1) Verify requirements and details for providing responsive DM to the entity designated by the DMTD.

(2) Ensure all appropriate reviews are completed on all responsive material. (See Step 12 above.)

(3) Package responsive material per DMTD requirements.

Note: This step can be made easier if the DMTI clearly specifies how command personnel should handle responsive material.

(4) Make copies of everything that will be delivered.

Note: The DMTD might specify that copies are acceptable for responsive material.

(5) Create, maintain, and retain an index of everything that will be delivered. The index can be easily made from the command's DMDL (see Sub-part 4-3) created for the DM task.

(6) Deliver responsive material with the material index.

t. **Step 19: Follow Up/Close Out**

(1) Provide a search certification to the LAO. Appendix N provides a sample format. Additionally, include:

(a) A copy of the DMDL or an index of provided material as desired by the LAO, and

(b) A command summary findings report (Appendix J).

(2) Provide negative responses, when required, if the command does not locate any responsive material. Appendix N also contains a section for negative reports.

(3) Track the status of the DM task. Determine when the preservation requirements for the material in question are removed.

Sub-Part 4-10

Command Documentary Material Task Instructions

1. **Overview:** Command personnel responding to a documentary material (DM) task must understand what they are looking for and what to do when they find responsive material. The key for the action officer (AO) is to write documentary material task instructions (DMTI) that contain directions that are as easy to follow as possible. A sample DMTI is included in Appendix M.

2. Command Instructions

a. Part 1: Introduction

(1) Describe the task or circumstance(s) for which DM is being sought.

(2) Describe what is being sought and the reason for the search. This background will inform personnel conducting the search and assist their efforts.

Note: There are situations in which personnel may be required to testify about or provide documentation concerning the actions taken to search for, locate, preserve, collect, review, and provide each medium of the DM in a DM task. Therefore, it is important to document the actions taken, locations searched, and results for each DM tasking.

b. Part 2: Clearly delineate the material being sought and associated criteria (e.g., date range). Specify:

(1) Subject(s), related subjects, topics, and sub-topics;

(2) Content media (paper, e-mail, etc.) (Usually it is any media.);

(3) Keywords;

(4) Timeframe or period of requested DM (e.g., "any material created or modified between 15 Jan 2011 and 18 Feb 2011", "all material created after 15 March 2012", etc.); and

(5) Requirements for duplicate and near-duplicate documents are needed.

c. **Part 3:** Specify who is required to search (see Sub-Part 4-9, step 8).

d. **Part 4:** Delineate search areas (see Sub-Part 4-9, step 9). Since electronic search procedures change frequently, commands should consult with information technology personnel to determine the latest procedures.

Key Point: DMTIs should explicitly direct that everyone that searches for responsive material must delineate every location searched. This is in addition to reporting the specifics of discovered responsive material.

Key Point: Keyword searches are very useful, but they do not check every type of e-file (e.g., pictures, .pdf files not scanned with text recognition, and misspellings). Commands must consider all cases when planning and executing their searches.

e. **Part 5:** Specify how to handle responsive material when it is discovered (e.g., preserve in original location, copy to a specified file, etc.).

(1) Include instructions to enter information for responsive material in a DM discovery log. (See Sub-Part 4-3.)

(2) Required actions depend on the requirements of the specific DM request (DMR) (see Sub-Part 4-9, step 10). Possibilities include:

(a) Preserve. Provide instructions on safely holding the material. Actions must be taken to ensure the material is not deleted or destroyed.

(b) Collection. Provide instructions for collecting responsive material (electronic and hard media) in preparation for delivery to the appropriate office (e.g., a specific folder

on the share drive or in a compliant records management application such as Total Records and Information Management (TRIM)).

(3) The requirements for responsive electronic material must be clearly specified. This includes, but is not limited to, metadata requirements and the file locations in which responsive material should be placed.

f. **Part 6:** State the due date(s) for the tasker action(s) (see Sub-Part 4-9, step 11). Specify when the:

- (1) Searches must be completed,
- (2) Reports are due, and
- (3) Reviews are to be completed.

g. **Part 7:** Specify the method for reporting search results. Possibilities include:

- (1) Individual reports from each command member,
- (2) Consolidated reports by Team/Branch/Division/etc.,
- (3) Negative reports of search results, or
- (4) Reports only if responsive material is located.

h. **Part 8:** Identify points of contact. State contact information for the AO. Provide other points of contact that may assist command personnel such as records, IT, and legal personnel.

Sub-Part 4-11 Legal Reviews

1. **Overview:** All material that is provided to another entity must undergo legal review to ensure that material protected against disclosure is identified and only released if appropriate. There are a number of legal reasons why some documentary material (DM) should not be released. These include:

a. Attorney-client privilege: DM reflecting communications with an attorney for the purpose of seeking legal advice;

b. Attorney work product: DM reflecting an attorney's opinions or thought processes created in anticipation of litigation;

c. Deliberative process: DM showing pre-decisional opinions expressed in the context of the internal processes of the Department of the Navy (DON);

d. Privacy Act records: DM containing information about an individual, and including the individual's name or other identifying particulars, that is maintained by a DON activity;

e. Law Enforcement Privilege: DM that might compromise open investigations or reveal confidential matters concerning closed investigations;

f. Commercial and Proprietary Privilege: Trade secrets and privileged or confidential competition sensitive information owned by third parties; and

g. Subsequent Remedial Measures: When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent remedial measures are not admissible to prove negligence, culpable conduct, a defect in a product or its design, or a need for a warning or instruction.

Key Point: The precise definitions and scope of these protections are beyond the scope of this manual, and decisions on whether or not they apply should be made only by an appropriate Office of the General Counsel (OGC) attorney, command counsel, or staff judge advocate.

2. **Privilege Log:** If a Command possesses responsive materials which it believes are privileged, then the command must disclose those items on a log that includes the following information: the date, author(s), addressee(s), general description of the subject matter, and the specific reason/authority for assertion of the privilege or protection.

3. **Normal Review Procedures:**

a. Under ordinary circumstances, DM will be reviewed by or at the direction of the responsible OGC or judge advocate legal counsel. Legal review involves the exercise of legal judgment and should only be undertaken by attorneys or personnel acting at the direction and under the supervision of attorneys.

b. The requirements and extent of legal reviews vary and depend on multiple factors such as the purpose of the DM request and the status of the requestor. For example, a litigation review for release to an adverse party will vary from a request by another Federal agency.

Key Point: The action officer (AO) should promptly coordinate with the responsible attorney to determine what degree of legal review is necessary and ensure that DM will receive the appropriate legal review before being provided to another entity.

c. For requests that only call for responsive material to be found and preserved, the reviews can be delayed until the material is to be given to an entity. However, it may be advantageous to conduct reviews of DM before providing it is requested if the likelihood is high that it will be requested. This allows time for a more deliberate and convenient review.

4. **Special Review Procedures:** Some unusual situations will require special handling that varies from the ordinary legal review in nature, urgency or otherwise. DM requests involving incidents that receive a high degree of news media attention or that affect other agencies or governments may need to be treated carefully to ensure that all interests receive appropriate protection.

5. The AO should ensure that the responsible attorney is fully aware of any special circumstances that might affect the degree or nature of legal review to be conducted.

Sub-Part 4-12

Material Classification and Other Reviews

1. **Overview:** In addition to a legal review, (see Sub-Part 4-11), documentary material (DM) should not be released without consideration to ensure classified material is handled properly and that other review factors, related to disclosure, are properly heeded.

2. **Command Classification Reviews:**

a. All material that may be provided to another entity must be examined to determine whether or not it contains classified information as defined by reference (l) and predecessor orders, and special types of classified and controlled unclassified information.

b. The primary purpose of a classification review is to prevent unauthorized disclosure of classified information.

Note: Reference (m) establishes the Department of the Navy (DON) Information Security Program. The manual delineates policies, procedures, and guidance on classified information including the dissemination of classified information.

Key point: These review procedures differ from the prepublication review specified by reference (n), which is incident to public release. The procedures in this manual pertain to responding to governmental and court requests for DON DM.

c. For material intended to be used in trial, a classification review is needed to determine:

- (1) If the material is properly classified,
- (2) If the material was properly classified at the time of the offense,
- (3) Whether the material is still properly classified, and

d. If the material is intended for use at trial, the Original Classification Authority (OCA) must affirmatively acknowledge and allow further release of the material to outside entities, and to acknowledge and allow the material to be used in trial.

3. **Material Classification Review Steps**

a. **Step 1:** Review all of the responsive material collected for the DM request (DMR) and determine whether classified material is included.

(1) This review should be conducted by the Command Security Manager in consultation with appropriate subject matter experts.

Key Point: It is important to remember that words and phrases may be unclassified standing alone, but may be classified when associated with other words or phrases in the material or other information already in the public domain.

(2) If the classification of material is confusing or cannot be determined, the material should be submitted to the originating command and/or OCA for clarification and classification determination. If the originating office/command is disestablished, contact Director, Navy Staff for Navy or Commandant of the Marine Corps for U.S. Marine Corps.

Key Point: The classification review only identifies classified material. Under most circumstances, the reviewer does not have authority to classify, re-grade, or declassify information. The reviewer must consult the originator and other proper authority for changes in classification.

b. **Step 2:** If the responsive material does not contain classified information, then the classification review is complete.

c. **Step 3:** If classified information is included:

(1) **Step 3a:** Consider if the classified information is needed to fulfill the DMR.

(a) If it is not, remove or redact the classified portions.

(b) If that action removes all classified information, the classification review is complete.

(2) **Step 3b:** If classified information remains after Step 3a, the lead action office (LAO) must determine how to handle its submission or, possibly, how to withhold the classified portion of the material.

(a) One possibility is for the command to disclose those items in a log that includes the following information: the date, author(s), addressee(s), general description of the subject matter, and the classification level of the material.

(b) Reference (o) provides the principal guidance on classified information. References (d) through (g) contain guidance on situations related to congress and litigation. When considering classified information dissemination, refer to these references.

(c) Dissemination situations addressed by references (d), (f), and (g) as well as reference (o) Volume 3 include:

1. Classified information originating in another Department of Defense (DoD) Component or in a department or agency other than the DoD may be disseminated to other DoD Components, to other U.S. departments or agencies, or to a U.S. entity without the consent of the originating Component, department, or agency as long as it meets the requirements outlined in reference (o), Volume 3, Enclosure 4, Section 2.

2. Dissemination to Congress. The LAO should contact the Office of Legislative Affairs. The Chief of Legislative Affairs is responsible for coordinating delivery of classified information to Congress (reference (d)).

3. Dissemination due to Litigation. Refer to references (f) and (g) for specific guidance and coordination for the release of classified information for litigation purposes.

4. Originator Controlled Information Reviews: Distribution of DM originating or controlled by another government agency must be approved by the originator of the document.

a. When a command locates DM responsive to a DMR, it should determine whether any of the material, or information contained in the material originated with another agency.

b. The action officer should consult with any other agency whose information or DM appears in the responsive material, especially if that other agency is better able to determine whether the information is exempt from disclosure.

Sub-Part 4-13

Procedures for Service Records Managers

1. **Overview.** The majority of materials involved with documentary material (DM) tasks are usually, but not always, official records. Therefore, Department of the Navy (DON) records management personnel, including the Service Records Managers, will be significant assets assisting with DM tasks.
2. **Records Assistance.** Depending on the circumstances, Service Records Managers might assist by:
 - a. Providing records-related subject matter expertise and advice to lead action offices (LAOs);
 - b. Providing support and consultation to Navy Command Records Manager/Officers or the Marine Corps Command Designated Records Managers (CDRM) engaged in DM tasks;
 - c. Locating records at the Washington National Records Center and in other Federal Record Centers (FRCs) for tasks involving disestablished commands;
 - d. Acquainting personnel who need to search holdings at FRCs with center procedures, access, and storage;
 - e. Helping to develop and refine FRC search strategies;
 - f. Assisting personnel to take best advantage of the DON Accession Number Master List (01 Report) or the Archives and Records Center Information System (ARCIS). These resources provide a complete listing of DON holdings, in accession number order, maintained at the FRCs; and
 - g. Helping personnel obtain copies of and understand Records Transmittal and Receipt Forms (SFs 135) that accompany records transferred to an FRC. These forms contain information on all records transferred to an FRC including record descriptions, dates, and transfer date.
3. **Contact Information.** The Service Records Managers can be contacted via the following e-mail addresses:
 - a. Navy Records Manager (DON Assistant for Administration (DON/AA) Directives and Records Management Division (DRMD)) at don_records_management@navy.mil; or

b. USMC Records Manager (Commandant of the Marine Corps (ARDB)) at HQMCREC-MGR@usmc.mil.

Sub-Part 4-14

Procedures for Requesting Help from Network Operators

1. Overview

a. Per reference (a), individual commands are responsible for the accuracy, completeness, and timeliness of responses to documentary material (DM) tasking. However, there are circumstances in which commands have insufficient access to network storage to properly comply with such tasking. This could occur, for example, if the tasking involves personnel who are no longer employed by the Department of the Navy. In such cases, assistance may be needed from network owners/operators.

b. There are numerous investigative scenarios involving electronic information that resides on a network that involve monitoring, interception, searching, seizing, inspection, and/or disclosure of information. Aspects of these situations are beyond the scope of this manual. This section is concerned with locating DM in response to a valid DM request (DMR).

2. Requesting Network Operator Assistance:

a. Command DM tasking action officers should carefully determine the details of a request before requesting assistance in obtaining electronic information from a Network Operator.

b. Such situations might include email (to include sent, received, deleted items), .pst files found on either local computer or user's personal share drive or Individual Network Drive space or both, and a scan of data on local machine hard drives and/or user's personal share drive or Individual Network Drive space.

3. Request Procedures

a. **Step 1:** Determine and delineate the individuals for whom assistance is needed. Specify details of responsive material. The DMR details will be contained in the lead action office DM task directive.

b. **Step 2:** Determine the network owner of the network containing relevant material per the following table below.

Network	POC	Contact
USMC MCEN	Marine Corps Network Operations and Security Command (MCNOSC)	mcnoscwo@mcnosc.usmc.mil
NMCI	Fleet Cyber Command/US TENTH Fleet Legal Office	fcc_c10f_nsah_legal@navy.mil
OneNET	Fleet Cyber Command/US TENTH Fleet Legal Office	fcc_c10f_nsah_legal@navy.mil
IT 21 - NOC seats	NOC EUR NCTS Naples NOC BAHRAIN NCTS Bahrain NOC PAC NCTS San Diego NOC LANT NCTAMS LANT	fcc_c10f_nsah_legal@navy.mil
IT 21 - Ships	Appropriate Fleet Commander	Appropriate Fleet Commander
USN Excepted Networks	Applicable Echelon II	Applicable Echelon II CIO/Legal
USN Legacy Networks	Applicable Echelon II	Applicable Echelon II CIO/Legal

c. **Step 3:** Contact the network owner and provide the search request.

Sub-Part 4-15

Procedures for Legal Holds and Record Freezes

1. Overview

a. A list of current and expired record and documentary material legal holds, preservation orders, and other freezes involving the Department of the Navy (DON) for those cases in which lead action office (LAO) responsibility was assigned will be maintained per the responsibilities delineated in reference (a).

Note: Some of these actions will explicitly address the DON to include all or portions of the Department. In others, the DON will be implicitly included (e.g., matters involving the Department of Defense or the Federal Government).

b. While reference (a) cites the commands stated above, the Service Record Officers (see Sub-Part 4-13) are key participants in hold and freeze processes.

c. Additionally, it is advantageous to DON legal, record, and content interests to track hold and freeze actions that may not rise to the LAO level, but affect more than one command.

d. A listing of legal holds and record freezes will be maintained per reference (a).

Note: Currently, the list of legal holds and DM freezes is maintained manually. The process will be more efficient and effective when the DON Tasking, Records and Consolidated Knowledge Enterprise Repository (TRACKER) is implemented across the Department.

Note: DON TRACKER is the single enterprise solution that will replace legacy Navy and Marine Corps task management and records management applications and processes. The system will include a database for listing and managing DON legal holds and DM freezes. Additionally, as the

enterprise records repository, DON TRACKER will greatly facilitate designating material subject to a hold or freeze.

2. Procedures

a. Situations with an LAO

(1) **Step 1:** LAO provides a copy of the documentary material task directive to the DON Chief Information Officer (CIO), DON Records Officer, and Service Records Managers (see Sub-Part 4-13) when it is sent to responsive commands.

(a) If the DM task is litigation related, also send a copy of the DM task directive (DMTD) to the Office of the General Counsel (OGC), the Office of the Judge Advocate General (OJAG), and Office of the Staff Judge Advocate to the Commandant of the Marine Corps, as appropriate.

(b) Send all DMTD revisions and updates to these commands.

(2) **Step 2:** The DON CIO will add the case to the listing of holds and freezes.

(3) **Step 3:** The LAO shall expeditiously lift record holds and other preservation requirements associated with a DM task when appropriate.

Note: Holds and freezes can be lifted only when counsel, in the case of litigation, and the LAO in all other cases, determines that such action is permissible.

(4) **Step 4:** Notify DON CIO, DON Records Officer, the Service Records Managers as well as OGC, OJAG and Office of the Staff Judge Advocate to the Commandant of the Marine Corps, as appropriate, that the hold or freeze was lifted.

b. Situations without an LAO

(1) Step 1:

(a) In cases involving litigation, appropriate legal counsel or staff judge advocate initiates the legal hold.

(b) Command official initiates record freeze for business, audit, investigation, or other appropriate reason.

(2) **Step 2:**

(a) In cases involving litigation, applicable legal counsel or staff judge advocate notifies DON CIO, DON Records Officer and the OGC, OJAG, or Office of the Staff Judge Advocate to the Commandant of the Marine Corps, as appropriate, of the hold.

(b) In non-legal cases, the command notifies DON CIO and the appropriate Service Records Manager (see Sub-Part 4-13) of the freeze.

(3) **Step 3:** The DON CIO will add the case to the listing of holds and freezes.

(4) **Step 4:** In each case, expeditiously lift the hold or freeze when appropriate.

(5) **Step 5:** Notify DON CIO, DON Records Officer, the Service Records Managers as well as OGC, OJAG and Office of the Staff Judge Advocate to the Commandant of the Marine Corps, as appropriate, that the hold or freeze was lifted.

Appendix A

Definitions

Collection

Actions taken to gather responsive material or copies of that material in response to a documentary material task.

Commands

For the purposes of this manual, a collective term referring to Department of the Navy commands, activities, and other offices.

Content Map

Content maps accurately, explicitly, and comprehensively depict the location of all command content (e.g., hard drives, shared drives, Navy Marine Corps Intranet personal drives, web based repository, file cabinet, desk, external storage device, etc.).

Documentary Material (DM)

Collective term for records and non-record materials that refers to all media on which information is recorded, regardless of the nature of the medium or the method or circumstances of recording. DM may be in any media including, but not limited to, paper, electronic files, microfiche, maps, photographs, and e-mail with attachments.

Documentary Material Discovery Log (DMDL)

Document containing a command listing of all material discovered in response to a DM task. Information regarding the material (name, subject, date, type, classification, and description), where it was located, and how it is being preserved is recorded for each item.

Documentary Material Discovery Team (DMDT)

This team provides a cadre of subject matter experts that may be required to provide assistance and guidance for documentary tasks to their chain of command subordinate commands. Provide consultation and technical assistance, as DM subject matter experts, to the lower echelons. Act as coordinating action offices for DM tasks that involve all or a large segment of their lower echelon commands.

Documentary Material Request (DMR)

A request for Department of the Navy (DON) DM from a Federal government entity, pursuant to a court order, or in response to

litigation including litigation involving a third party but not involving the DON or another Federal government entity (Touhy requests).

Documentary Material Task Directive (DMTD)

Department of the Navy document originated by a lead action office, a U.S. Navy Echelon II command, or a U.S. Marine Corps Marine Force Command that provides instructions and directions for complying with a documentary material request.

Documentary Material Tasking or Task

Collective terms for actions associated with searching for, locating, preserving, collecting, reviewing, and providing documentary material in response to a DM request.

Documentary Material Task Instructions (DMTI)

Document originated by commands that delineate instructions, specific for that command, in response to DM tasking.

Documentary Material Task Log (DMTL)

Command document in which every action taken by a command in response to a documentary material task is recorded.

Electronic Information Systems (EIS)

Information systems (IS) that contain and provide access to computerized Federal records and other information (36 CFR §1236.2). The Defense Travel System and Department of Defense Information Technology Portfolio-Department of the Navy (DITPR-DON) are examples of EISs.

Federal Records Center (FRC)

An establishment maintained and operated by National Archives and Records Administration (NARA) primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space.

File Plan

A file plan contains policies and procedures that organize and identify files or documents to speed their retrieval, use, and disposition. It is also a plan designating the physical location(s) at which an agency's files are to be maintained, the specific types of files to be maintained there, and the organizational element(s) having custodial responsibility.

Lead Action Office (LAO)

That command, organization, or activity responsible for overall coordination of a given documentary material task involving records or other documentary material.

Media

All forms of communications used to store and deliver information or data to include items such as books, papers, maps, e-mail, photographs, machine readable materials, and electronic communication.

Metadata

Data or information that describes data, information that describes the characteristics of data, or descriptive information about an entity's data, data activities, systems, and holdings. For example, discovery metadata is a type of metadata that allows data assets to be found using enterprise search capabilities. Metadata can be structural (specifying the format structure), semantic (specifying the meaning), or descriptive (providing amplifying or interpretive information) for data, information, or IT services.

Near Duplicates

Documents or electronic files that are nearly identical to another document/file. The degree of matching required to consider a document/file a near duplicate of another depends on the requirements of the particular DM task.

Permanent Records

Records appraised by the National Archives and Records Administration (NARA) as having sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, fiscal or other purposes by the agency holding them.

Preservation

Actions taken to identify and safely maintain temporary records that may not be destroyed per NARA approved disposition schedules, permanent records that may not be transferred to the NARA, and other documentary material that may not be destroyed.

Privilege

Refers generally to the government's legal right(s) to withhold certain documentary material during litigation and other contexts. There are various types of privileges that may be applicable to documentary material that must be collected and

reviewed for either litigation or other purposes. These privileges include, but are not limited to: the attorney-client privilege, the attorney-work-product doctrine, the deliberative process privilege, and the states secret privilege. There are also statutory protections that preclude the release of information. These include, but are not limited to: the Privacy Act (5 U.S.C. §552a), 10 U.S.C. §2305(g), Trade Secrets Act (18 U.S.C. §904), FOIA (5 U.S.C. §552), state privilege laws, and medical record privacy laws, etc.

Providing Responsive Material

Actions taken to convey responsive material to the recipient designated for a documentary material task.

Records

All books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

Record Hold

An action to hold (preserve) documentary material that might otherwise be eligible for transfer of control or destruction. Within this manual, this phrase is used in lieu of similar phrases such legal holds (initiated by command counsel or staff judge advocate), record freezes, holds and freezes, litigation holds, discovery actions, court orders, preservation orders, and searches. Legal holds are initiated by command counsel or staff judge advocate. Other holds and freezes are initiated by command personnel for other business or auditable reasons.

Responsive Material

Documentary material, in any format, that meets the parameters specified in a particular documentary material request or task.

Review (Legal, Privilege, and Classified)

The material reviews must ensure that those items that may be classified, privileged, privacy related or otherwise protected from disclosure are handled appropriately. Also see Privilege.

Service of Process

The procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party (such as a defendant), court, or administrative body in an effort to exercise jurisdiction over that person so as to enable that person to respond to the proceeding before the court, body, or other tribunal.

Tangible Property

Material, other than documentation, that may be responsive to subpoenas or other litigation or investigative requests.

Temporary Records

Records approved by NARA for disposal, either immediately or after a specified retention period.

Appendix B Acronyms

AO	Action officer
ASN (FM&C), FMBE	Assistant Secretary of the Navy (Financial Management and Comptroller) Appropriations Matters Office
CDRM	Command Designated Records Managers
CFR	Code of Federal Regulations
CIO	Chief Information Officer
CM	Content map
CMC	Commandant of the Marine Corps
CNO	Chief of Naval Operations
DADMS	DON Application and Database Management System
DITPR-DON	Department of Defense Information Technology Portfolio Repository-Department of the Navy
DM	Documentary material
DMCS	Director of the Marine Corps Staff
DMDL	Documentary material discovery log
DMDT	Documentary material discovery team
DMR	Documentary material request
DMTD	Documentary material task directive
DMTI	Documentary material task instructions
DMTL	Documentary material task log
DNS	Director Navy Staff
DoD	Department of Defense
DON	Department of the Navy
E-mail	Electronic mail
Echelon II/MFC	U.S. Navy Echelon II and U.S. Marine Corps Marine Force Commands
EIS	Electronic Information Systems
FOIA	Freedom of Information Act
FRC	Federal Records Center
GC	General Counsel

HQMC	Headquarters U.S. Marine Corps
IT	Information Technology
JA	Judge Advocate
JAG	Judge Advocate General
LAO	Lead action office
MCATS	Marine Corps Action Tracking System
MCEN	Marine Corps Enterprise Network
NARA	National Archives and Records Administration
NMCI	Navy Marine Corps Intranet
OCA	Original Classification Authority
OGC	Office of the General Counsel
OJAG	Office of the Judge Advocate General
OLA	Office of Legislative Affairs
OPNAV	Office of the Chief of Naval Operations
POC	Point of contact
RM	Records management
RMA	Records management application
SECNAV Admin	Secretary of the Navy Administrative Office
TRIM	Total Records and Information Management
U.S.C.	United States Code
USMC	United States Marine Corps

**Appendix C
 Lead Action Office Assignment Table**

The table below summarizes lead action office (LAO) assignments as determined by the originator of the documentary task. (Reference (a))

Documentary Tasking Originators and Topic Areas	Lead Action Office
Documentary tasking from Congress (except from the Appropriations Committees)	Office of Legislative Affairs
Documentary tasking from Congressional Appropriation Committees	Assistant Secretary of the Navy (Financial Management and Comptroller), Appropriations matters Office (FMBE)
Documentary tasking from the White House	White House Liaison Office (WHLO)
Documentary tasking involving: <ul style="list-style-type: none"> • Acquisition, business and commercial law, intellectual property law, fiscal law, civilian personnel and labor law, environmental law, standards of conduct and ethics, and intelligence law (with the JAG). Litigation concerning these areas; • Other litigation affecting the Department of the Navy except litigation under the purview of the JAG; and • Tasking from the Department of Justice. 	Office of the General Counsel (OGC)
Documentary tasking involving: <ul style="list-style-type: none"> • Military justice, operational and international law, administrative law (e.g., military personnel law, certain legislative and regulatory matters, and homeland security matters), legal assistance, civil law (e.g., admiralty tort and salvage claims and associated litigation, maritime law, tort claims/litigation, general claims and general litigation), and intelligence oversight (with OGC). Litigation concerning these areas; and • Tasking from the Department of Justice. 	Office of the Judge Advocate General (OJAG)
Documentary tasking not cited above.	Office of DON Chief Information Officer

Appendix D

Sample Search Locations

Upon receipt of documentary material (DM) tasking, responsive commands must search for, locate, preserve, and perhaps collect, review, and provide responsive material. This is a partial list of locations that will contain material.

Key Point: There are situations in which personnel may be required to testify about or provide documentation concerning the actions taken to search for material responsive to a DM task. Therefore, it is important to document every location that is searched including those that do not contain responsive material.

Note: Do not neglect searching for potentially responsive material at authorized work sites of supporting contractors.

- Share drives (e.g., S: Drive)
- Individual personal share drives or Individual Network Drive space (e.g., H: and T: drives)
- Hard drives (e.g., C: drives)
- Outlook (E-mail, Calendar, Notes, In-box, Sent-box, PST files, etc.)
- Electronic Information Systems (e.g., Defense Travel System, DITPR-DON)
- Records Management Applications (e.g., TRIM)
- Portals (e.g., SharePoint, Oracle)
- Command social media sites
- Command websites
- Portable drives (e.g., external hard drives)
- Storage disks (e.g., CD, DVD, Floppy Disk, etc.)
- External hard drives
- Paper files (hard copy)
 - File cabinets
 - Desk drawers
 - Book cases

Appendix E
Sample Command Initial Notification E-mail for a
Documentary Material Task

-----Original Message-----

From: Officer, Action T. CIV SOMECOMMAND
Sent: Thursday, May 20, 2010 13:22
To: COMMAND All Pers
Subject: Initial Notification - Records Search
Importance: High

The Department of the Navy, including our command, is tasked to search for and preserve any and all documents and other documentary material concerning, mentioning, or relating to event1 and/or event2. This includes any material related to the aftermath of events1 and/or 2.

We will send guidance tomorrow, but in the interim DO NOT delete or discard any materials relating to these events.

This search and preservation also applies to documents created, received, and/or stored by contractors on behalf of the SOMECOMMAND, whether on site or off site.

VR, Action T. Officer

Appendix F
Sample Lead Action Office
Documentary Material Task Log

Note: This is a sample lead action office (LAO) documentary material (DM) task log (DMTL). It is provided as an example. Commands with a more efficient means of documenting actions taken in response to DM tasking should use their procedures.

Lead Action Office
Documentary Material Task Log

Date of DMR: 1 Oct 2010
Originator of DMR: Department of Justice
Subject Matter of DMR: XYZ-Topic
DMR Point of Contact (POC): Bob Smith, 202.656.xxxx

DON Office of Origin: SECNAV ADMIN (Due 20 October 20xx)
DON Tasker Number: 20xxGENERAL-0076XXXb

4 OCT 20XX 1400

Received Tasker Number Xxxx and DMR from SECNAV ADMIN. The tasker assigns SOMCOM as the lead action office (LAO) for this task. The tasker and the POC information are attached to this log

4 OCT 20XX 1500

COS assigned Jim Jones as the SOMCOM LAO AO for this task.

5 Oct 20xx 1000

Reviewed DMR. (J. Jones) The Department of Justice is seeking all documentary material (DM) concerning XYZ-Topic dated 12 Oct 20xx to the present.

5 Oct 20xx 1130

Called the Dept of Justice POC (Bob Smith, 202.656.xxxx) to ask clarifying question. (J. Jones)

Q1: Are we required to provide responsive material or locate and preserve it?

A1: Provide.

Q2: Are we to provide original documents or are copies acceptable?

A2: Copies are acceptable.

5 Oct 20xx 1300

Sent initial notification via e-mail to the following commands, Navy 1, Navy 2, and USMC 1. (J. Jones) A copy of the initial notification is attached.

6 Oct 20xx 0930

Wrote a LAO documentary material task directive (DMTD) for this DM event. (J. Jones) The DMTD is attached.

6 Oct 20xx 1130

Sent the LAO DMTD, via Taskers, to the following commands Navy 1, Navy 2, and USMC 1. Initial results are due to SOMCOM on 15 Nov. Responsive material is due 1 Dec. (J. Jones)

8 Oct 20xx 1430

Compiled a list of command AOs and contact information. (J. Jones)

Navy 1 POC is J. Airman; J.airman@navy.mil; 703-655-xxxx

Navy 2 POC is J. Sailor; j.sailor@navy.mil; 619-256-xxxx, DSN 526-xxxx

USMC 1 POC is A.J. Square; aj.square@usmc.mil; 703-601-xxxx

1 Nov 20xx 1015

Received questions from J. Airman at Navy Command 1 in an e-mail. (J. Jones) A copy of the e-mail is attached

Q1: How should we provide responsive electronic material?

A1: Copy to a CD

Q2: Should we provide a documentary material discovery log (DMDL) or an index in addition to providing copies of the material.

A2: Yes

1 Nov 20xx 1100

Answered J airman's questions by reply to his e-mail. Copied J. Sailor and A.J. Square. (J. Jones) A copy of the e-mail is attached.

5 Nov 20xx 0800

Asked the three POCs for a progress report. (J. Jones)

5 Nov 20xx 1500

Received a progress report from J. Airman, Navy 1 and J. Sailor, Navy 2. Navy Command 1 and Navy command 2 located responsive documents that are being reviewed by their counsel and Information security Manager.

6 Nov 20xx 0915

Received a progress report from A.J. Square, USMC 1. (J. Jones). They located responsive documents that are being reviewed by legal.

15 Nov 20xx

Received initial results from Navy 1, Navy 2, and USMC 1. They reported the following quantities of responsive material:

Navy 1 - 5 paper documents, 24 electronic files
Navy 2 - 17 electronic files
USMC 1 - 2 photos, 12 electronic files

1 Dec 20xx

Received final results from Navy 1, Navy 2, and USMC 1. The numbers changed slightly from the initial results.

- Received an index of responsive material from each command. Copies of the indexes are attached.
- Received a CD containing electronic files from each command. Received paper documents and photographs as delineated below. Received with the following responsive documents:

Navy 1 - 8 paper documents, 32 electronic files
Navy 2 - 18 electronic files
USMC 1 - 4 photos, 18 electronic files

8 Dec 20xx

Responsive material was reviewed by LAO J. Jones and Command Counsel, I.M. Law

Consolidated the electronic files to a single CD.

10 Dec 20xx

Responsive material was provided to Dept of Justice POC.

Appendix G
Sample Lead Action Office Documentary Material Task
Initial Notification

FM [LEAD ACTION OFFICE]
TO ALNAV
BT
UNCLAS
MSGID/GENADMIN/SOME DC OFFICE/MAR//

SUBJ/DOCUMENTARY MATERIAL REGARDING EVENTS ALPHA AND BRAVO//

REF/A/DOC/WHITE HOUSE MEMO/12 Mar 2XXX//
REF/B/DOC/DEPSECDEF MEMO/2XXXMAR14 (NOTAL) //
REF/C/DOC/SECNAVINST/5000.37/2009SEP21 Sept 2009//
REF/D/DOC/SECNAV-M/M-5000.37/2013SEP12//

NARR/REF A DIRECTS THAT ALL DOCUMENTARY MATERIAL RELATING TO EVENT ALPHA, THE SUBSEQUENT EVENT BRAVO AND/OR THEIR AFTERMATH BE RETAINED AND PRESERVED BY FEDERAL AGENCIES. REF B IS DOD'S IMPLEMENTATION OF REF A. REFS C AND D PROVIDE GUIDANCE FOR RESPONDING TO DOCUMENTARY MATERIAL ACTIONS.

POC/MR. JOE ACTION/SOME DC OFFICE/WASHINGTON DC/703-695-XXXX,
DSN 225-XXXX/EMAIL:JOE.ACTION@NAVY.MIL//

GENTEXT/REMARKS/1. IN ACCORDANCE WITH REFS C AND D, THIS OFFICE IS THE LEAD ACTION OFFICE FOR THIS DOCUMENTARY MATERIAL (DM) TASK.

2. ACTION. ALL DON COMMANDS, ACTIVITIES, AND ORGANIZATIONS SHALL TAKE IMMEDIATE ACTIONS TO IDENTIFY, RETAIN, AND PRESERVE ALL RECORDS AND OTHER DOCUMENTARY MATERIAL RELATING TO EVENT ALPHA, THE SUBSEQUENT EVENT BRAVO AND/OR THEIR AFTERMATH UNTIL FURTHER NOTICE.

3. REF A DEFINES THE CATEGORIES OF MATERIAL TO BE PRESERVED TO INCLUDE, BUT NOT LIMITED TO ALL DOCUMENTS, REPORTS, WRITINGS, LETTERS, MEMORANDA, NOTES, COMMUNICATIONS (INCLUDING EMAILS, FAXES, AND TELEPHONE RECORDS), CONTRACTS, AGREEMENTS, SCHEDULES, SPREADSHEETS, TRAVEL RECORDS, DATA, ELECTRONICALLY STORED INFORMATION, AUDIO AND VIDEO RECORDINGS, COMPUTER DISKS AND HARD DRIVES, DRAWINGS, GRAPHS, CHARTS, PHOTOGRAPHS, AND ALL OTHER RECORDS OF ANY KIND.

4. MORE DETAILS WILL FOLLOW IN A DM TASK DIRECTIVE FOR THIS TASK.

5. REQUEST WIDEST DISSEMINATION.//
BT

Appendix H
Sample Lead Action Office
Documentary Material Task Directive

Fictional Facility Operated by CG Inc. Documentary Material
Production Collection in the Department of the Navy (DON)

Part 1: Introduction

a. Description: As directed by the Department of Justice (DOJ) through the Office of the Secretary of Defense (OSD), the DON is required to conduct a search of our holdings for all documentary materials that may be responsive to the 20 Dec 20xx flooding incident at the fictional facility operated by CG Inc. located in Someplace, VA. Additionally, the search is to include material that may be responsive to the aftermath of that incident.

b. Reason: Because there is great potential for litigation or enforcement against one or more responsible parties, it is important that DON components possessing or generating documentary material responsive to this incident identify and take adequate steps to preserve such material.

Part 2: Responsive Documentary Material

a. The task requires the DON to conduct a search of all records, documents, and materials in the DON's possession, custody, or control for any files, holdings, documents, reports, recordings, databases, intelligence or other information, whether classified or not, which mention or relate to the incident at the fictional facility.

b. Potentially responsive topics include:

(1) Anything that relates to the incident and its aftermath, including the causes of the incident.

(2) Responses to the incident, or the effects of the incident. Such information also includes documents such as material inspections of the facility, including field notes and supporting documentation, internal communications regarding the incident, responses, or investigations.

(3) Keywords for searches include: fictional, flood, flooding, Someplace, CG Inc.

Part 3: Searching for Responsive Documents

a. Time frame: Search for material responsive to ANY aspect of the incident dated between 01 Sep 20xx and 31 Jan 20xx.

b. Media of responsive material: The information that must be searched includes electronically stored information (ESI) as well as hard copy and other printed material. Holdings to be searched include, but are not limited to:

(1) Computer files of any type (including word processing documents, e-mail messages, spreadsheets, calendar entries, digital photographs or other digital images, floppy discs, CDs, DVDs, and flash memory media, including USB drives and memory cards for cameras and cell phones);

(2) Information stored on agency computers and mobile phones, if used for work;

(3) Materials created, received, and/or stored by contractors on behalf of the DON, whether on site or off site; and

(4) Materials in a Federal Record Center. Contact your Service's Record Officers for assistance in searching for material in a Federal Record Center.

Part 4: Required Actions

a. Document every location that is searched including those that do not contain responsive material.

b. Preservation of Responsive Documents. Take the following steps to ensure responsive documents are preserved:

(1) Do not delete, throw out, shred, otherwise destroy potentially responsive information, or allow deletion to happen by automatic deletion operations even if normal disposal is authorized.

(2) Ensure that electronic material is preserved in such a way as to preserve the associated metadata.

(3) Take affirmative steps to prevent the destruction of any potentially responsive material that has been transferred to a Federal Records Center or other location.

(4) Treat non-identical versions of documents (word processing files, spreadsheet, etc.) as if they were unique. Save, at a minimum, the latest version and all versions that were shared with other offices and commands.

c. Providing Responsive Documents.

(1) Instructions for collecting and providing responsive material will be issued at a later date. In the meantime, preserve all applicable documents until further notice.

(2) Create a documentary material discovery log (DMDL) of all responsive material located. For each item, delineate the document/file name, subject/description, date, classification level, media-type, date located, name of individual that discovered the item, actions taken to preserve the document, and storage location for preservation.

Part 5: Tasking Due Date

a. Searches should be completed and documentary material discovery logs delineating responsive material provided to the [LAO] by 1200, 1 June 20xx.

b. Due date for providing responsive documents is TBD.

c. Provide status updates by COB of the 5th of every month.

Part 6: Actions for U.S. Navy Records Managers/Officers and U.S. Marine Corps Command Designated Records Officers

a. Assist commands in locating responsive material in Federal Record Centers.

Part 7: Legal, Privilege, and Security Review Requirements

a. Currently, providing responsive material is not required. If that changes, these instructions will be updated.

Appendix I
Sample Lead Action Office
Documentary Material Task List

Initial Actions

- Appoint Action Officer
- Begin a new documentary material (DM) task log (DMTL). Enter the:
 - Date the task was received
 - DM Request (DMR) originator
 - Subject matter of DMR
- Attach the DMR and tasker to the DMTL
- Notify the headquarters-level Service Records Managers about the DM task
- Log all actions taken in the DMTL

DM Task Preparations

- Analyze the DMR. Determine:
 - Full range of material being sought
 - Handling instructions for electronic and hardcopy responsive material
- Obtain additional information from the originator of the DMR if clarifying guidance is needed
- Determine which commands have or could have the requested material
- Send an initial notification to potentially responsive commands
- Write the Documentary Material Task Directive (DMTD) for potentially responsive commands

- Task the DMTD to the appropriate commands
- Log all actions taken in the DMTL

Execution Actions

- Ensure that tasked commands understand that the material responsive to a DMR must be held and preserved
- Maintain a list of the command action officers
- Track progress/completion of the tasking directive
- Log all actions taken in the DMTL
- Determine if the information received requires further review from your Legal Department
- Determine procedures for collecting and providing material (if applicable)

Closing Actions

- Coordinate the DON's response to the DMR
- After complying with the DMR, determine subsequent actions, if any, and the status of task closure
- Complete the DMTL
- Close out tasker

Appendix J Command Summary Findings Report

SECNAV M-5000.3
SECNAV RCS 5000-1

SECTION A: Discovery Command Inventory Response													
COMMAND SUMMARY FINDINGS REPORT										DATE OF REPORT			
DON COMPONENT OPER AND/OR ACTION OFFICER													
COMMENTS													
DON COMPONENT APPROVING OFFICIAL													
SECTION B: Offsets/ Organizations assigned to search for documents shall submit a certificate memorandum and summary findings report to the command action officer/ responder. The action officer/ responder will compile and submit all reports and memorandums immediately upon completion of search documents released to the Department of the Navy or requester.													
A Office/ Organization	B Search Office (Name, UIC, Phone Number)	C CERT Memo(s) submitted? (Yes or No?) (Division Phone #)	D Legal Review Completed? (Yes or No) Name, Office/Org, Division Phone #	E Date search was conducted/ completed	F Locations Searched? (Check all that apply)	G Methodology/ Terminology used to search repositories (use as many as possible per subject)	H Responsive records located? (Yes or No) (if Yes, Provide Number of documents)	I Identify person performing search, maintaining possession, custody or control	J Size (Bytes)	K Media Format (List All)	L Other Locations and/or Networks	M Classification Reliability (Check all that apply)	N Are the information and documents preserved? (Yes or No)
					<input type="checkbox"/> Email <input type="checkbox"/> MFR <input type="checkbox"/> Shared Drives <input type="checkbox"/> SIPR <input type="checkbox"/> CD, DVDs <input type="checkbox"/> JWICS <input type="checkbox"/> Database, EIS <input type="checkbox"/> Calendars <input type="checkbox"/> Hard Copy <input type="checkbox"/> Audio/Video <input type="checkbox"/> Paper <input type="checkbox"/> Phone Logs <input type="checkbox"/> Other: Networks (Column "L") <input type="checkbox"/> Other: Locations (Column "L")							<input type="checkbox"/> UNCLASS <input type="checkbox"/> CONF <input type="checkbox"/> SECRET <input type="checkbox"/> TOP SECRET <input type="checkbox"/> ACCM <input type="checkbox"/> SCI	+
													-

Appendix K
Sample Command Content Map

XYZ Command Content Map
2 Aug 20xx

Part 1: Command-wide View

1. Electronic

a. Navy Marine Corps Intranet (NMCI)

(1) NIPR

(a) Shared Drives (e.g., S:). Search by:

1. Open folders/files: Documentary Material
Discovery Team (DMDT)

2. Restricted folders/files: Individual users
with appropriate access

(b) Individual Network Drive space (e.g., H:, T:).
Search by: Individual users

(c) Hard drives (e.g., C:). Search by: Individual
users

(d) Outlook. Search by: Individual users

(2) SIPR. Search by: Individual users with appropriate
access.

(a) Individual Network Drive space (e.g., H:, T:).
Search by: Individual users with appropriate access.

(b) Hard drives (e.g., C:). Search by: Individual
users with appropriate access.

(c) Outlook. Search by: Individual users with
appropriate access.

b. TRIM

(1) Open folders/files. Search by: DMDT

(2) Restricted folders/files. Search by:

(a) Command TRIM Dataset Administrator

(b) Individual users with appropriate access

c. JWICS. Search by: Individual users with appropriate access.

d. Electronic Information Systems (EIS)

(1) Defense Travel System (DTS). Search by: Travel Coordinator

(2) DITPR-DON/DADMS. Search by: Administrator and individual users

e. Other Devices

(1) CDs. Search by: Individual users

(2) External hard drives: Search by: Individual users

2. **Hard Media**

a. File cabinets

(1) Team cabinets

(a) UNCLAS. Search by: Designated team members

(b) Classified. Search by: Individual users with appropriate access

(2) Individual cabinets. Search by: Individual users

b. Individual bookcases/desk drawers. Search by: Individual users

c. File Room. Search by: Command Record Manager and Command Content Manager

d. Federal records centers: Search by: Command Records Manager

Part 2: Individual View

1. Electronic

- a. TRIM. Search by: Command Records Manager
- b. EIS
 - (1) DTS. Search by: Command Administrator
 - (2) DITPR-DON/DADMS. Search by: Command Administrators
- c. Restricted folders on S: drive. Search by: Team members with appropriate access
- d. NMCI
 - (1) Personal drives and individual network drive space
 - (2) Outlook
 - (3) Search by: Individuals (Organized by team)

(a) Admin Team

Name 1
NMCI NIPR: C: Drive, Outlook

Name 2
NMCI NIPR: C: Drive, Outlook
NMCI SIPR: C: Drive, Outlook

:

:

Name X
NMCI NIPR: C: Drive, Outlook

(b) Logistics Team

Name 1
NMCI NIPR: C: Drive, Outlook

Name 2
NMCI NIPR: C: Drive, Outlook

:

:

Name X
NMCI NIPR: C: Drive, Outlook
NMCI SIPR: C: Drive, Outlook

(c) Other Teams

:
:
:

2. Hard Media

a. File Room. Search by: Command Records Manager and Command Content Manager

b. FRC. Search by: Command Records Manager

c. Team File cabinets (listed by cabinet label). Search by: Designated team members with appropriate access

(1) Admin 1. Classification: UNCLAS/FOUO

(2) Admin 2. Classification: UNCLAS/FOUO

(3) OPS 1. Classification: Secret

:
:

(x) Log 1. Classification: UNCLAS/FOUO

d. Individual offices/Work spaces (listed by team). Search by: Individual office/space occupant

(1) Admin

(a) Name 1
File drawers
Bookcase Shelves
Desk drawers

(b) Name 2
File drawers
Bookcase Shelves: 0
Desk drawers

(c) Name 3
File drawers
Bookcase Shelves
Desk drawers
:
:

(x) Name Last
File drawers
Bookcase Shelves
Desk drawers

(2) **OPS**

(a) Name 1
File drawers
Bookcase Shelves
Desk drawers
:
:

(x) Name Last
File drawers
Bookcase Shelves
Desk drawers

(3) **Logistics**

(a) Name 1
File drawers
Bookcase Shelves
Desk drawers
:
:

(x) Name Last
File drawers
Bookcase Shelves
Desk drawers

Appendix L
Sample Command Documentary Material
Task Procedures Task List

Initial Actions

- Appoint Action Officer/Point of contact
- Start a new documentary material (DM) Task Log (DMTL). Enter the:
 - Date the DM tasker was received
 - Lead action office (LAO)
 - Subject matter of DM task
- Conduct initial analysis of the LAO Documentary Material Tasking Directive (DMTD)
- Send an initial notification to command personnel
- Log all actions taken in the DMTL

Preparatory Actions

- Conduct a complete analysis of the LAO DMTD
- Ask clarifying questions of the LAO if needed
- Determine due dates
- Review the command's DM processes and procedures
- Muster the command's DM discovery team (DMDT)
- Review the command content map
- Identify all personnel who should conduct a search, including system administrators. Most often, this includes everyone in the command.
- Determine search areas

- Determine what procedures to follow when responsive material is found
- Create DM Task Instructions (DMTI) for your command
- Log all actions taken in the DMTL

Search Actions

- Assign action to the portion of the command that is to search for responsive material. Send the command's DMTI to each person with action.
- Provide interim completion reports to the LAO action officer if required
- Monitor progress of the command's search and discovery. Record your findings and actions taken.
- Complete search
- Receive and consolidate the command's response to the tasking order
- Log all actions taken in the DMTL

Review and Delivery Actions

- Compile search results
- Seek assistance from appropriate Office of the General Counsel attorney, command counsel, or staff judge advocate as needed
- Submit a Search Certification (see Appendix N) and a Summary Findings Report (see Appendix J) to the LAO
- Conduct a review of responsive material appropriate to the given DM task
- Forward material to appropriate office (if required)
- Complete DMTL
- Close out tasker

Appendix M
Sample Command
Documentary Material Task Instructions

Note: This is a sample set of instructions; it is an example of how a command might provide instructions for a documentary material task. Additionally, it is based on search instructions that were in place in 2014. Specific search procedures for electronic content systems (e.g., Outlook, Windows Explorer, TRIM, etc.) frequently change; commands should consult with IT personnel to determine the latest search procedures.

Documentary Material Task Instructions
Regarding the Intrusion Event at the
Acme Facility in Stepville, VA

Part 1: Introduction

a. As directed by the Department of Justice through Department of Defense and Department of the Navy Offices of General Counsel, we are required to conduct a search of our files for documentary material that may be responsive to the 12 April 20xx intrusion event at the Acme facility in Stepville, VA and for material that may be responsive to the aftermath of that event.

b. The task requires us to conduct a search of all records, documents, and materials in Some Command (SOMCOM) possession, custody, or control. The purpose of the search is to locate any files, holdings, documents, reports, recordings, databases, intelligence or other information, whether classified or not, which mention or relate to the event at the facility.

c. **Negative replies, by team, are required.** Team leaders, if your team does not locate any documents, please send a negative report to Joe Action.

Part 2: Responsive Documentary Material

a. Material responsive to this action is material, IN ANY FORMAT, responsive to ANY aspect of the intrusion, its aftermath, or subjects related to the event.

b. Material is sought that was created or modified after 11 April 20xx to the present.

c. Key words include: **Acme Company, Acme Stepville, VA, Stepville, intrusion**

d. This search also applies to materials created, received, and/or stored by contractors on behalf of the command, whether on site or off site.

Part 3: Search Areas

a. Every member of the command shall search all personal holdings for responsive material. Each directorate shall search directorate holdings.

b. It is NOT necessary to search the S: Drive or TRIM. The RM Team will conduct those searches.

Part 4: Search Procedures. This part delineates specific search instruction. Instructions for how to handle responsive material when located are specified in Part 5.

a. **Hard Media Documents**. Search all file cabinets, bookcases and desk drawers for responsive, hard media material.

b. **All electronic documents except e-mail** (Instructions for e-mail are in Part 4c below).

(1) Search the following electronic storages:

(a) User personal share drive or Individual Network Drive space (e.g., H: and T: drives);

(b) Hard Drives (e.g., C: Drive); and

(c) Storage Disks (e.g., CD, DVD, Floppy Disk).

(2) Steps for electronic searches:

(a) Start your computer.

(b) Click the **Start** button (lower left of your screen).

(c) Copy and paste the following into the dialog box (there is a magnifying glass on the right of this box): **"acme company" OR stepville OR intrusion kind:document datecreated:04/11/xx..12/31/xx.**

(d) Click "See More Results" (right above the dialog box).

NOTE: This may take a while since the computer is searching through all the files on the drive.

(e) Highlight the files by holding down the Ctrl button and clicking on the appropriate files.

(f) Copy (Ctrl+C) and paste (Ctrl+V) these files into a folder named **Stepville Intrusion** described in Part 5 below.

(3) This search needs to be repeated for all electronic storage locations.

c. Outlook e-mails and PST files.

(1) E-mail search procedures

(a) Open Outlook. Copy the following: **"acme company" OR stepville OR intrusion.**

(b) Copy and paste the following search terms into the search dialog box located in the upper right of the window: **"Acme Company" OR Stepville OR intrusion".**

(c) Click the search icon to start the search.

(d) Click on "Try searching again in All Mail Items".

(e) Do not include the tasking e-mail from Joe Action or any e-mails prior to **11 April 20xx.** Copy and paste any remaining findings to the "Stepville Intrusion" folder as specified in part 5.

Part 5: Handling Responsive Material. If you locate responsive material, follow the following procedures:

a. **Hard Media Documents.** If you locate any hard media documents:

(1) Segregate them into a secure location; and

(2) List the document and discovery information, for each piece of material, in Documentary Material Discovery Log pages (available from the RM Team).

b. **Electronic Files (except e-mail).** If you locate responsive electronic files:

(1) Copy them to the **Stepville Intrusion** folder on the S: drive. (Any classified documents will be handled separately per applicable security procedures.); and

(2) List the document and discovery information, for each piece of material, in Documentary Material Discovery Log pages (available from the RM Team).

c. **E-mails. If you locate responsive e-mails:**

(1) Copy them to the **Stepville Intrusion** folder on the S: drive. Save them in "Message Format" (.msg). (Any classified documents will be handled separately per applicable security procedures.); and

(2) List the document and discovery information, for each piece of material, in Documentary Material Discovery Log pages (available from the RM Team).

d. **Classified Material.** If you locate responsive material that is classified, contact Action Officer and it will be handled separately per applicable security tenets.

Part 6: Due Dates

a. Searches should be completed and responsive material provided (per details in Part 2) by 1200, 1 June 20xx.
Negative reports, by team, are required.

b. Notify your Director of your search status. Report if you have or have not found any records.

c. The RM Team will burn our documents to a CD(s), combine the discovery log information, and submit them to OMC.

Appendix N Sample Search Certification

SECNAV M-5000.3
 SECNAV RCS 5000-1

DOCUMENTARY MATERIAL (DM) SEARCH RESULTS					
1. Responding Office/ Command:		2. Lead Action Office:		3. Report Date:	
4. DM Task Identifier/ Title:			5. Search Start Date:	6. Search End Date:	
7. Documentary Material Search Action Officer Information:					
a. Name:		b. Rank:	c. Position:	d. Title:	
e. Telephone Number:			f. Email Address:		
8. Was a legal review conducted to ensure responsive material was relevant to the needs of the search? <input type="checkbox"/> Yes <input type="checkbox"/> No					
a. Legal Reviewer Name:		b. Rank:	c. Position:	d. Title:	
e. Telephone Number:			f. Email Address:		
9. Search Results and Continuing Actions for Responsive DM:					
a. Negative Findings: <input type="checkbox"/> After an extensive search of records and/or other DM with reference to the subject DM task, we are reporting NEGATIVE results of the search of DM based on the requested discovery criteria.					
b. Positive Findings: <input type="checkbox"/> After an extensive search of records and/or other DM with reference to the subject DM task, responsive material was located, preserved, and is being collected, reviewed, and provided in the below formats to the Lead Action Office for this task.					
Check all that apply: <input type="checkbox"/> Original <input type="checkbox"/> Duplicate/ Copy <input type="checkbox"/> Hard Copy <input type="checkbox"/> Electronic <input type="checkbox"/> Other (provide explanation below)					
Provide Explanation:					
<input type="checkbox"/> After an extensive search of records and/or other DM with reference to the subject DM task, responsive material was located, preserved, and is being collected, reviewed, and provided in:					
Preservation Details: <input type="checkbox"/> Original <input type="checkbox"/> Duplicate/ Copy <input type="checkbox"/> Hard Copy <input type="checkbox"/> Electronic <input type="checkbox"/> Other (provide explanation below)					
Provide Explanation:					
<input type="checkbox"/> After an extensive search of records and/or other DM with reference to the subject DM task, responsive material was located and is being placed under a hold order to be retained and preserved until the order has been lifted or direction is received to provide the material to an appropriate recipient.					
Preservation Details: <input type="checkbox"/> Record Freeze <input type="checkbox"/> Litigation Hold <input type="checkbox"/> Moratorium on Destruction <input type="checkbox"/> Other (provide explanation below)					
Provide Description of Record Freeze/Holds and Moratoriums on Destruction (Including Freeze Codes).					
<input type="checkbox"/> After an extensive search, responsive material, records, and/or other DM with reference to the subject DM task are not within the possession, custody, or control of the office listed below. Responsive material, records, and/or other information is believed to be within the possession, custody, or control of the following DON or DoD Component(s), or agencies outside the DoD:					
Responsive Material Custodian Information:					
Provide Details:					
<input type="checkbox"/> Responsive material was located during the search and is believed to be classified, sensitive or otherwise privileged.					
Provide Description of Material.					

