



## Six Key M-19-21 /M-23-07 Challenges

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Beginning with OMB-NARA M-12-18 during the Obama Administration, modified by OMB-NARA M-19-21 during the Trump Administration, and now extended by OMB-NARA M-23-07 during the Biden Administration, NARA and OMB have worked to define a path forward for electronic records, digital information, and digital government.

A core element in these regulations has been a series of deadlines to speed transition of Federal agencies' business processes and record-keeping to a fully electronic environment and end the National Archives and Records Administration's (NARA) acceptance of paper records.

### Key Requirements:

- Manage all permanent electronic records in an electronic format, and all permanent records must also include appropriate metadata.
- Manage all temporary records in an electronic format or store them in commercial records storage facilities.
- Digitize permanent records in analog formats before transfer to NARA.

M-23-07, issued 12/23/2022, is an update to M-19-21. Due to delays in the electronic records transition process during the COVID-19 pandemic, M-23-07 extended the original M-19-21 deadlines by 18 months and reaffirmed the underlying goal of the transition to electronic records.

What are the challenges agencies face in meeting these deadlines and shifting to a fully electronic records management (ERM) environment? Here are six to consider:

### CHALLENGE 1

#### UNFUNDED MANDATES AND COMPETING MISSION PRIORITIES

An ongoing concern for agencies is that M-19-21/M-23-07 requirements were put in place without any real thought given to how to pay for them. This means that agencies cannot look to compliance through the “business as usual” prism. M-19-21/M-23-07 compliance in the presence of competing funding priorities must be approached through the lens of modernization; the economics of electronic records have changed a lot in the past few years, and that is the pathway to pay for M-19-21/M-23-07 compliance.

### CHALLENGE 2

#### MAKING STAKEHOLDERS AWARE OF HIGH-LEVEL BENEFITS OF ERM

Answering the “what’s in it for me?” question is critical to getting the broad buy-in necessary to move forward with an ERM initiative. In addition to the obvious benefit of meeting the M-19-21/M-23-07 deadlines, these benefits include improved decision-making, reduced cycle times and costs, increased security, and reduced risk.

### CHALLENGE 3

#### INHERITED LEGACY SYSTEMS

While agencies modernize their systems, they must also simultaneously build a strategy to deal with the information in legacy systems and in legacy formats (including paper). The key word here is strategy; legacy transition and migration cannot be approached as an afterthought to be addressed at some vague point down the road. Agencies that approach the challenge of migrating to electronic records in a piecemeal fashion inevitably fail.

### CHALLENGE 4

#### LACK OF AN M365 STRATEGY

Most agencies—like their private sector counterparts—have significant M365 implementations as part of the compliance puzzle. A key challenge is whether and how to fully leverage some of the newer automated governance capabilities in M365/Purview, and whether to do so natively or through partner solutions. Implementing M365 without a parallel strategy for automated governance is a recipe for disaster, as many agencies have found when they implemented Teams during COVID without fully addressing the governance implications.

### CHALLENGE 5

#### CHANGE MANAGEMENT

The biggest hurdle in any significant technology modernization is overcoming the bias toward: “We’ve always done it this way.” When the pace of innovation was much slower and the volume of information was much smaller, organizations could hope to get by with an “after-the-fact” approach to records management. Organizations now face the challenge of how to integrate records management into the heart of their information management systems, so that classification, retention, and disposition occur automatically.

### CHALLENGE 6

#### TRAINING AND EDUCATION

Many records officers need to elevate their game and understand that while they will be on the hook to check off the M-19-21/M-23-07 compliance box, the real reason for the deadlines is to accelerate the transition to digital government. This means a focus on the links between effective information governance and the ability to deliver on the agency’s mission is essential. Likewise, senior IT and security staffs need to better understand the challenges associated with managing unstructured content. Effective governance of unstructured information (i.e., content) demands a different set of disciplines and concepts than those utilized for data governance.

It is important to keep in mind that M-19-21/M-23-07 does not exist in isolation. Among the other federal regulations that should be on your radar screen are:

- **Executive Order 14058** – Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government
- **M-19-18 Federal Data Strategy** – A Framework for Consistency
- **M-19-13 Category Management** – Making Smarter Use of Common Contract Solutions and Practices
- **M-19-23** – Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance
- **36 CFR 1220.34.e** – Requirement to manage records according to approved disposition authorities
- **36 CFR 1220.34.j and 36CFR 1225.12.j** – Requirement to conduct annual records management compliance evaluations
- **36 CFR 1224.10.a; and 36 CFR 1235** – Requirement to identify and coordinate transfer of permanent records to NARA
- **36 CFR 1226.18.a.1** – Requirement to review and approve disposal of temporary records that have met/exceeded their retention in off-site records storage
- **36 CFR 1224.10.c and 36CFR 1225.22.a-I** – Requirement to review existing disposition authorities for obsolete items/series
- **36 CFR 1222.34; 36 CFR 1223.12.a&b** – Compliance guidance on managing Essential Records
- **32 CFR 2002** – Guidance on compliance on implementation of EO 13526 (2010) on Confidential Unclassified Information (CUI)
- **36CFR 1239** – Guidance on coordinating with internal and external agency information requests, reviews, and audits

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