



# United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

## **Director's Order #72: Receiving or Generating Individual Indian Trust Data**

Approved:   
Director

**Effective Date:** October 29, 2004

**Sunset Date:** October 29, 2010

Director's Order #72 was first approved February 11, 2002, and updated March 15, 2004. This edition has been updated to reflect a change in policy on where data can be stored.

### **1. Background and Purpose**

The Department of the Interior holds significant assets in trust for the benefit of Indian tribes and individuals. The Department and the National Park Service are committed to protecting and safeguarding these assets, and any data related thereto. The legal environment involving individual Indian allottees is continuing to evolve. It is my understanding that the Department is developing a policy to govern the development, use, storage, and protection of Individual Indian trust data (IITD). The recent issues regarding the handling of IITD make clear that, until such time as a Department policy is issued on this subject, there needs to be a policy regarding receiving or generating such data in the future. The purpose of this order is to issue that policy.

### **2. Authority to Issue this Director's Order**

The authority to issue this Director's Order is contained in the 1916 NPS Organic Act (16 U.S.C.1 through 4) and delegations of authority contained in Part 245 of the Department of the Interior Manual.

### **3. Policy and Instructions**

a. No NPS employee may generate or house any information that may contain individual Indian trust data, as defined below, on any server, personal computer, or other information technology system. All existing data must be converted and maintained on CD-ROMs or removable computer disks.

b. Any NPS employee who receives such data in electronic form shall isolate and protect that data by housing them off line on other permanent media (such as CD-ROM or computer disks).

c. Any NPS employee who needs to interact with IITD, must find appropriate workarounds including use of manual processes where possible.

#### **4. Definitions**

In complying with this memorandum, the following definitions apply:

a. Information Technology System – Any equipment, or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related sources.

b. Individual Indian Trust Assets – Particular lands, natural resources, monies, or other assets held in trust at a particular time by the Federal Government for a Tribe or Alaskan natives, or that are or were at a particular time restricted against alienation, for individual Indians.

c. Management – Actions that control, govern, administer, supervise, or regulate the use or disposition of Individual Indian Trust Assets.

d. Federal Record – This term is defined in 44 U.S.C. 3301, and includes all documentary materials, regardless of physical form or characteristics, made or received under Federal law or in transaction of public business and preserved, or are appropriate for preservation, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities or because of the informational value of the data in them.

e. Individual Indian Trust Data – Information stored in an Information Technology System that evidences, embodies, refers to, or relates to a Federal Record that reflects the existence of Individual Indian Trust Assets, and that:

(1) was used in the Management of Individual Indian Trust Assets,

(2) is a title or ownership record,

(3) reflects the collection and/or disbursement of income from Individual Indian Trust Assets,

(4) reflects a communication with a beneficiary (Individual or Tribe), or

(5) was

(a) created for the Bureau of Indian Affairs (BIA), Office of the Special Trustee (OST), or for a Tribe for use in the Management of Individual Indian Trust Assets;

(b) provided to BIA, OST, or to a Tribe for use in the management of Individual Indian Trust Assets; and

(c) used by the bureau or agency that created the record to manage Individual Indian Trust Data.

f. House – The storage by electronic means of Individual Indian Trust Data.

g. Access – The ability to gain electronic entry into Information Technology Systems.

-----*End of Director's Order*-----