



Benefits Administration Letter

Number: 12-102

Date: May 25, 2012

Subject: Acceptance of Photocopies of Signed Documents in Retirement Application Packages and other Agency Submissions

Purpose: This Benefits Administration Letter (BAL) describes our revised policy on the acceptance of photocopies of signed documents that are submitted to the Office of Personnel Management (OPM) directly from an official system of records in the custody of the agency. Previously, OPM required the transmission of originals containing a “wet” signature for applications, SF 2818’s (Continuation of Life Insurance Coverage as an Annuitant or Compensationeer), SF 2821’s (Agency Certification of Life Insurance), and other documents for which a signature is required. Under the new policy, OPM will accept photocopies of such signed documents from agencies that have established procedures, as set forth below, to ensure the documents we receive are a photocopy of the actual original.

For purposes of this policy, a photocopy means an image of an original document printed on paper. Consistent with procedures established by the agency, any process may be used to create the image. For example, an agency may establish a procedure where original documents are scanned in a remote location and the scanned images are emailed or faxed to the centralized benefits office and then forwarded to OPM by fax, email or mail.

Background: Historically, guidelines for maintaining records by Federal agencies were promulgated in title 5, Code of Federal Regulations, Section 293.102, which established definitions for “information” (...documentary materials regardless of physical form or characteristics) and “system of records” (...group of records under the control of any agency from which information is retrieved...) and Section 293.103, which established standards for recordkeeping. Guidance was also contained in the Guide to Personnel Recordkeeping.

Beginning in the 1990s, Federal authorities and standards for maintaining records electronically started to evolve.

- In 1998, the Government Paperwork Elimination Act (GPEA) (Public Law 105-277) “required agencies to provide individuals or entities the option to submit information or transact with the agency electronically and to maintain records electronically when practicable.”
- In 1999, the National Archives and Records Administration (NARA) issued standards, published in 36 C.F.R. § 1234, for the creation, use, preservation, and disposition of electronic records, which specifically address the minimum requirements for electronic recordkeeping systems that maintain the official file copy of documents on electronic media.
- In 2000, the Business Records Act, 28 U.S.C. § 1732, promulgated rules for according scanned documents “the same status as original.” The Act listed three conditions that must be met in order to consider a scanned document the same as the original:
 - 1) The documents consist of “writing[s]” that a “department or agency of government in the regular course of business or activity has kept or recorded.”
 - 2) The agency causes those writings to be scanned and converted to electronic format “in the regular course of business.”
 - 3) The records are “satisfactorily identified” (a requirement that is met by showing that the reproduction was made and kept in the “ordinary course of business”).

Discussion: Under our new policy, OPM will accept photocopies of documents where the requirements of the Business Records Act are met, through an agency’s use of written procedures that establish a chain of custody for the documents. The agency’s procedures should include:

- a record of where the document came from, who sent the document, how the document was sent (i.e., mail, fax, or email) and which documents were sent together;
- a process in which an agency official compares the original document(s) to the photocopied, scanned, or faxed document(s); and
- a certification from the document custodian attesting that the documents were produced within the context of the written records management procedures as prescribed in 5 C.F.R. § 293.103, 36 C.F.R. § 1234, the Business Records Act and other guidance defining chain of custody.

All signed applications, documents, and forms OPM receives from an agency that maintains such written procedures will be accepted in the form of a photocopy (which includes a scan or fax) under the following conditions:

- 1) The document is directly submitted to OPM by an agency through mail, fax, or email.
- 2) If the document is contained within a retirement or death in service package, there must be an agency checklist that clearly shows the submission includes this document. For example, the agency checklist (Schedule D) indicates the following forms (for which we would normally require an original signature) are included in the package: SF 3107, SF

2801, SF 2801-2, SF 3107-2, SF 3106, SF 2803, SF 3112, SF 2821, SF 2818, SF 2823.
The agency checklist must be signed by the agency personnel official handling the documents and there must be a telephone contact and/or email address for this official.

- 3) In situations where individual documents are sent to OPM via fax or email as opposed to through the mail, retirement staff will look for the following to determine agency origin:
 - a. EMAIL: Email addresses must identify an agency source and agency contact.
 - b. FAX: A fax must show the document was faxed from an identifiable agency location.
- 4) SCANS: OPM already accepts scans of documents maintained in the eOPF. These scans should have a watermark to indicate they are from the eOPF. OPM will accept scans from agencies using other electronic storage systems as long as there is an identifiable watermark that indicates the document was maintained in a system of records used in the routine course of business.

As long as OPM can verify through these steps that photocopies, scans and faxes of signed retirement applications, documents, and forms came directly from a Federal agency (via mail, fax, or email), OPM will consider them as authentic representations of the original and will fully process the benefit based on these agency submissions.

Please note that this new policy is for agency submissions only. OPM will continue to require “wet” signatures when they originate from a non-agency source (such as from an employee or annuitant).

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