

Frequently Asked Questions (FAQs) about Flexible Disposition Instructions in the GRS

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1. What are flexible disposition instructions?

Flexible disposition instructions are those that are in some way open-ended. Examples in the GRS include those that set a minimum retention period, then state “longer retention is authorized if required for business use.” Flexible disposition instructions can allow for either longer or shorter retention periods than the minimum or maximum set by the disposition instruction. For further information on flexible disposition instructions, see Section 3 (“Flexible Retention Periods”) of the FAQs about Flexible Scheduling, at <http://www.archives.gov/records-mgmt/faqs/flexible-scheduling.html>.

2. Why do so many of the new General Records Schedule items have flexible disposition instructions?

The GRS are not like agency-specific schedules. They must apply to all agencies throughout the Federal Government. But we recognize that all agencies may not have identical retention needs, even for records commonly created by multiple agencies. We have approached the GRS instructions as guidelines for agencies in retaining their records. We establish basic retention requirements—usually minimum retention periods—but otherwise, leave it to the agencies to determine their business needs for the records. In other words, with flexible disposition instructions, NARA does not need to review an agency’s disposition instructions for records covered by the GRS as long as they meet the basic retention requirements.

The benefits of this approach are:

- GRS disposition instructions make clear the basic retention requirements and when longer or shorter retention periods are permissible;
- Agencies don’t have to request deviations to the GRS as long as their retention periods fall within the parameters of the GRS instruction;
- The flexible disposition instructions allow multiple GRS items to be bucketed to the longest common retention period, as chosen by the agency; and
- We can potentially cover more temporary items in the GRS, even if agencies have different retention needs.

3. How should flexible disposition instructions be implemented in traditional, non-bucket schedules?

You should update the schedules for your agency to reflect new GRS items and, in doing so, determine the appropriate retention period for your agency’s business needs. You may:

- Use only the minimum retention period. In that case, do not include “longer retention is authorized if required for business use” in your disposition manual;

- Set a specific retention or retention band within the parameters established by the GRS. For example, if the GRS says “Destroy when 3 years old but longer retention is authorized if required for business use,” then the agency disposition manual may say “Destroy when 5 years old”; or
- Use the disposition instruction exactly as written, leaving specific retention up to offices or individual users.

In some cases, you may not have to do anything other than update the GRS disposition authority. As long as your agency’s retention period already falls into the parameters of the GRS, you can cite the GRS without making any other change to your agency’s disposition instructions.

4. How should flexible instructions be implemented in big bucket schedules?

If you wish to continue using an existing big bucket schedule when a new GRS is issued, you need to notify NARA (per 36 CFR 1227.12) of your intent to use your own agency-specific big bucket schedule rather than the GRS. See the “FAQs about GRS Notifications” above in this document. However, as long as the retention periods fall within the parameters of the GRS, there should be no problem with NARA approving use of your agency’s bucket schedule. Be aware that, when determining whether an existing bucket item’s retention period falls within the GRS retention period, you must take into consideration the individual cutoff instructions (when the retention period begins), which may affect retention periods for different items within the bucket.

Records should be bucketed to the longest retention period, but pay attention to cutoff instructions! We often see cases where an agency has incorporated a GRS item with a 3-year retention period into a bucket with 5-year retention. This seems well and good until we look at the GRS item’s cutoff instructions. “Destroy when 5 years old” means the clock starts ticking at document creation. “Destroy 3 years after superseded or obsolete” means the clock may not begin ticking until the document is already several years old. Destruction of everything in a bucket at 5 years of age could wipe out records still in active use.

So how do you resolve this issue in big bucket schedules? The most common way we have seen agencies do it while not completely dismantling buckets is to include non-specific cutoff instructions in the bucket disposition and specific cutoff instructions in an accompanying crosswalk. For example, the disposition instruction states “destroy 5 years after cutoff” and the user refers to the crosswalk to identify the cutoff instruction for the GRS items covered by the bucket. Then each GRS item can indicate unique cutoff requirements.

5. How can agencies using electronic records management applications (RMAs), which require fixed cut-off statements and retention periods, implement the open-ended GRS disposition authorities?

The agency may continue to use fixed disposition instructions suited to RMAs as long as the instructions fit within the parameters of GRS disposition instructions and the agency cites the GRS authority. If the agency schedule's fixed disposition instructions do not fit within the parameters of the new GRS disposition instructions, the agency may ask to use its existing schedules by notifying the GRS Team within 120 days of the new GRS issuance (if the GRS permits). If the agency finds the new GRS authority covers records not previously scheduled by the agency and its business needs require fixed disposition instructions outside the parameters of the new GRS, the agency may request a deviation from the GRS by submitting a new schedule.

6. Can agencies still dispose of records in monthly, quarterly, or annual batches?

Yes. Batching records for disposal is a time-honored custom. For most analog records it's the only really workable option. Batching frequency should reflect volume of records and local storage capacity. Popular batches are records closed in a month, quarter, and year. Batches should not cover more than a single fiscal or calendar year. For example, an agency may choose to retire its closed financial management records on a quarterly basis (*e.g.* 4th Quarter, 2015), but batch its closed employee hiring records as a single unit covering an entire year (*e.g.* FY 2015). It is okay that some records from early in the year may be retained for almost an entire additional year before ultimate destruction.