

## GRS 2.8 Employee Ethics Records

This file contains three documents. The Draft Schedule is the proposed text of the new GRS in publication format. The Draft Appraisal Memorandum provides additional background explanation and includes the appraiser's justification for the retention decisions proposed in the schedule. The Crosswalk provides additional help in schedule implementation.

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National Archives and Records Administration  
Office of the Chief Records Officer  
GRS Team  
April 23, 2014

## GENERAL RECORDS SCHEDULE 2.8: Employee Ethics Records (draft of April 23, 2014)

This schedule covers records documenting the activities of executive branch agency ethics program offices.

- Records pertaining to legislative branch and judicial branch ethics programs, the Hatch Act, the Whistleblower Protection Act, procurement integrity, and other areas often associated with, but not expressly under the authority of executive branch ethics programs, are not covered by this schedule.
- Master Lists of financial disclosure report filers, individuals requesting outside employment and activities approval, and other types of ethics-related master lists are not included in this schedule. Ethics-related master lists that are used solely for the purpose of tracking and controlling ethics records should be disposed of in accordance with GRS 4.1, *Tracking and Control Records*. Master Lists that are used for purposes other than tracking and controlling ethics records should be disposed of in accordance with the disposition for the underlying records as listed in this schedule or as otherwise scheduled.
- For ethics training records see GRS 2.6, *Employee Training Records*.

Item No.	Records Description	Disposition Instruction	Disposition Authority
010	<p><b>General Ethics Program Records</b></p> <p>Records created and maintained to coordinate and manage an agency's ethics program. Records relate to the development, review, implementation, and interpretation of proposed or established executive branch standards of ethical conduct and other ethics regulations; conflict of interest and other ethics related statutes and Executive Orders; and any agency supplemental standards of ethical conduct and other agency ethics-related regulations and directives. Including:</p> <ul style="list-style-type: none"> <li>• Records documenting the review of proposed or established ethics-related statutes</li> <li>• Records relating to requests under agency supplemental standards of ethical conduct for prior approval of outside employment and activities.</li> </ul> <p><i>Supersedes: GRS 25, item 1a (N1-GRS-01-1 item 1a)</i>  <i>GRS 25, item 1b (N1-GRS-01-1 item 1b)</i></p>	<p><b>Temporary.</b> Destroy when 6 years old or no longer needed for active investigation, but longer retention is authorized if required for business use.</p>	<p>Pending 0001</p>

Item No.	Records Description	Disposition Instruction	Disposition Authority
	<i>GRS 25, item 9 (N1-GRS-01-1, item 9)</i>		
020	<p><b>Referrals and Notifications of Violations of Criminal Conflict of Interest Statutes and Other Potential Violations Files.</b></p> <p>Referrals to Inspectors General or the Department of Justice concerning ethics violations or suspected violations. This item also covers related background materials, including copies of disciplinary and corrective actions and disposition documents such as declinations of prosecution, and copies of OGE Form 202, <i>Notification of Conflict of Interest Referral</i>.</p> <p><b>Legal citations:</b> 28 U.S.C. § 535, 5 C.F.R. § 2638.603</p> <p><b>Supersedes:</b> <i>GRS 25, item 4 (N1-GRS-01-1, item 4)</i></p>	<p><b>Temporary.</b> Destroy when 6 years old, but longer retention is authorized if required for business use.</p>	Pending 0002
030	<p><b>Semiannual Report of Payments Accepted from a Non-Federal Source</b></p> <p><b>Agency Reports</b></p> <p>Reports submitted by agencies to the Office of Government Ethics and reported on the OGE Form 1353 (SF 326). Reports summarize payments made to the agency from non-Federal sources for travel, subsistence, and related expenses of an employee who attends a meeting or similar function relating to official duties.</p> <p><b>Legal citations:</b> 31 U.S.C. 1353, 41 CFR Chapter 304</p> <p><b>Supersedes:</b> <i>GRS 25, item 5a (N1-GRS-01-1, item 5a)</i></p>	<p><b>Temporary.</b> Destroy when 3 years old.</p>	Pending 0003
031	<p><b>Supporting Documentation</b></p> <p>Documentation, such as statements and forms, used to complete the submitted reports.</p> <p><b>Supersedes:</b> <i>GRS 25, item 5b (N1-GRS-01-1, item 5b)</i></p>	<p><b>Temporary.</b> Destroy when 1 year old.</p>	Pending 0004

Item No.	Records Description	Disposition Instruction	Disposition Authority
040	<p><b>Office of Government Ethics Program Questionnaire Records</b>            Questionnaires completed by ethics officials, including the <i>Annual Agency Ethics Program Questionnaire</i>, the <i>Annual Agency Ethics Officer (DAEO) Survey</i>, and other questionnaires and surveys, including records created or collected to prepare responses to ethics program questionnaires and surveys.</p> <p><b>Legal citation:</b> 402(e)(1) of the Ethics in Government Act of 1978, as amended</p> <p><b>Supersedes:</b> GRS 25, 7a (N1-GRS-01-1, item 7a)            GRS 25, 7b (N1-GRS-01-1, item 7b)</p>	<p><b>Temporary.</b> Destroy 3 years after submission, but longer retention is authorized if required for business use.</p>	Pending 0005
050	<p><b>Ethics Program Review Records</b>            Records relating to OGE reviews of agency compliance with executive branch ethics laws and regulations in such areas as financial disclosure, education and training, and advice and counseling. This includes OGE program review reports, notes and background materials produced during OGE program reviews, agency 60-day response letters, and other follow-up records sent to OGE on the resolution of program deficiencies.</p> <p><b>Supersedes:</b> GRS 25, item 6a (N1-GRS-01-1, item 6a)            GRS 25, item 6b (N1-GRS-01-1, item 6b)</p>	<p><b>Temporary.</b> Destroy when 6 years old or when the documentation for the next program review is on file, whichever is later. Longer retention is authorized if needed for business use.</p>	Pending 0006
060	<p><b>Public Financial Disclosure Reports</b>             Executive Branch Personnel Public Financial Disclosure Reports (OGE Form 278) (formerly SF 278), OGE Form 278e and related records.</p> <p><b>OGE Form 278 (SF 278) and OGE Form 278e reports for individuals filing in accordance with Section 101(b) of the Ethics in Government Act, as amended, (5 U.S.C. app.) and not subsequently confirmed by the U.S. Senate.</b></p> <p><b>Legal citation:</b> Section 101(b) of the Ethics Act</p> <p><b>Note:</b> Original, signed hardcopy report must be retained except when report is submitted in an electronic filing system developed in accordance with the Office of Government Ethics Legal Advisory, LA-07-014, (May 16, 2007) or the STOCK Act of 2012 (Public Law 112-105).</p> <p><b>Supersedes:</b> GRS 25, item 2a1 (N1-GRS-01-1 item 2a1)</p>	<p><b>Temporary.</b> Destroy 1 year after nominee ceases to be under consideration or when no longer needed for active investigation, whichever is later.</p>	Pending 0007

Item No.	Records Description	Disposition Instruction	Disposition Authority
061	<p><b>All other OGE Form 278 (SF 278) and OGE Form 278e reports.</b></p> <p><b>Note:</b> Original, signed hardcopy report must be retained except when report is submitted in an electronic filing system developed in accordance with the Office of Government Ethics Legal Advisory, LA -07-014, (May 16, 2007) or the STOCK Act of 2012.</p> <p><b>Supersedes:</b> GRS 25, item 2a2 (N1-GRS-01-1, item 2a2)</p>	<p><b>Temporary.</b> Destroy when 6 years old or when no longer needed for active investigation, whichever is later.</p>	<p>Pending 0008</p>
062	<p><b>Periodic Transaction Reports (OGE Form 278-T)</b></p> <p>Forms filed by reporting individuals in accordance with the STOCK Act of 2012, and related records.</p> <p><b>Legal citation:</b> STOCK Act of 2012</p> <p><b>Note:</b> Original, signed hardcopy report must be retained except when report is submitted in an electronic filing system developed in accordance with the Office of Government Ethics Legal Advisory, LA -07-014, (May 16, 2007) or the STOCK Act of 2012.</p>	<p><b>Temporary.</b> Destroy when 7 years old or when no longer needed for active investigation, whichever is later.</p>	<p>Pending 0009</p>
063	<p><b>Requests to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records (OGE Form 201 or agency equivalent form).</b></p> <p><b>Legal Citations:</b> 5 USC app. 105(b)(2) §2634.603(d)</p>	<p><b>Temporary.</b> Destroy when the requested report is destroyed.</p>	<p>Pending 0010</p>

Item No.	Records Description	Disposition Instruction	Disposition Authority	
070	<p><b>Confidential Financial Disclosure Reports</b></p> <p>Executive Branch Confidential Financial Disclosure Reports (OGE Form 450) and</p>	<p><b>OGE Form 450 reports for individuals not subsequently confirmed by the U.S. Senate.</b></p> <p><b>Note:</b> Original, signed hardcopy report must be retained except when report is submitted in an electronic filing system developed in accordance with the Office of Government Ethics Legal Advisory, LA-07-014, (May 16, 2007).</p> <p><i>Supersedes: GRS 25, item 2b1 (N1-GRS-01-1, item 2b1)</i></p>	<p><b>Temporary.</b> Destroy 1 year after nominee ceases to be under consideration or when no longer needed for active investigation, whichever is later.</p>	<p>Pending 0011</p>
071	<p>Confidential Certificates of No New Interests (OGE Optional Form 450-A), and related records.</p>	<p><b>All other OGE Form 450 reports.</b></p> <p><b>Note:</b> Original, signed hardcopy report must be retained except when report is submitted in an electronic filing system developed in accordance with the Office of Government Ethics Legal Advisory, LA-07-014, (May 16, 2007).</p> <p><i>Supersedes: GRS 25, item 2b2 (N1-GRS-01-1, item 2b2)-in part</i></p>	<p><b>Temporary.</b> Destroy when 6 years old, except when the OGE Form 450 supports one or more subsequent Optional OGE Form 450-As, then destroy when the last related OGE Form 450-A is 6 years old, or when no longer needed for active investigation, whichever is later.</p>	<p>Pending 0012</p>
072		<p><b>OGE Optional Form 450-A reports.</b></p> <p><b>Note:</b> The OGE Form 450-A, filed for up to 3 consecutive years following the filing of an OGE Form 450, is an alternative disclosure report to the OGE Form 450 when there are no new interests to be reported by the filer. The “supporting OGE Form 450” cannot be destroyed until the last OGE Form 450-A report is ready for destruction.</p> <p><i>Supersedes: GRS 25, item 2b2 (N1-GRS-01-1, item 2b2)-in part</i></p>	<p><b>Temporary.</b> Destroy when 6 years old, along with the associated OGE Form 450, or when no longer needed for active investigation, whichever is later.</p>	<p>Pending 0013</p>
080	<p><b>Alternative or additional financial disclosure reports and related records.</b></p>	<p><b>Reports for individuals not subsequently confirmed by the U.S. Senate.</b></p> <p><i>Supersedes: GRS 25, item 2c1 (N1-GRS-01-1, item 2c1)</i></p>	<p><b>Temporary.</b> Destroy 1 year after nominee ceases to be under consideration or when no longer needed for active investigation, whichever is later.</p>	<p>Pending 0014</p>
081		<p><b>All other alternative or additional financial disclosure reports.</b></p>	<p><b>Temporary.</b> Destroy when 6 years</p>	<p>Pending</p>

Item No.	Records Description		Disposition Instruction	Disposition Authority
	<i>Supersedes: GRS 25, item 2c2 (N1-GRS-01-1, item 2c2)</i>		old or when no longer needed for active investigation, whichever is later.	0015
090	<p><b>Financial Disclosure Supporting Documentation</b></p> <p>Supporting documentation used to review and verify the filer's report submission.</p> <p>Includes records such as:</p> <ul style="list-style-type: none"> <li>• reviewer's notes</li> <li>• background research reports</li> <li>• memorialized verbal comments of filer in response to reviewer questions</li> </ul>		<b>Temporary.</b> Destroy at the same time an individual's related financial disclosure report is destroyed or 6 years after the individual has submitted their last financial disclosure report or when no longer needed for active investigation, whichever is later.	Pending 0016
100	<p><b>Ethics Agreements Records</b></p> <p>Records documenting the review and issuance of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest. Records include those related to the review and issuance of: recusals, resignations, reassignments, and divestitures; determinations, authorization and waivers; and waivers of disqualifications.</p> <p>NOTE:</p>	<p><b>Agreements for Employees Who do not File Financial Disclosure Reports</b></p> <p><b>Legal Citations:</b> 5 CFR §§ 208(b)(1) and 208(b)(3)</p> <p>18 U.S.C. §§ 208(b)(1) and 208(b)(3)</p> <p>5 CFR 2635.502 and 2635.503</p> <p><i>Supersedes:</i> GRS 25, item 3 (N1-GRS-01-03, item 3)</p>	<b>Temporary.</b> Destroy 6 years after the waiver or other agreed-upon determination or action has been issued or undertaken, or 6 years after it is no longer in effect, or when no longer needed for active investigation, whichever is later. Longer retention is authorized if needed for business use.	Pending 0017
110	<p>Ethics Pledges and associated waiver certifications are filed in the political appointee's Official Personnel Folder or equivalent folder under the authority of Executive Order 13490 (Jan. 21, 2009): <i>Prescribing Standards of Ethical Conduct for Government Officers and Employees.</i></p>	<p><b>Agreements for Employees Who File Financial Disclosure Reports</b></p> <p><b>Legal Citations:</b> 5 CFR §§ 208(b)(1) and 208(b)(3)</p> <p>18 U.S.C. §§ 208(b)(1) and 208(b)(3)</p> <p>5 CFR 2635.502 and 2635.503</p>	<b>Temporary.</b> Destroy at the same time as the employee's last related financial report is destroyed or when no longer needed for active investigation, whichever is later. Longer retention is authorized if needed for business use.	Pending 0018

Item No.	Records Description	Disposition Instruction	Disposition Authority
		<i>Supersedes:</i> GRS 25, item 3 (N1-GRS-01-03, item 3)	

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**Date:** April 23, 2014  
**Appraiser:** Laura Adams McHale, ACNR  
**Agency:** General Records Schedules (GRS)  
**Subject:** 2.8 Employee Ethics Records-pending

**DRAFT**

## **INTRODUCTION**

### **Schedule Overview**

Employee Ethics Records

### **Additional Background Information**

This schedule provides disposition authority for records related to employee ethics programs. Items in this schedule came from the former GRS 25, Ethics Program Records to which NARA added 3 new items. We added Schedule Item No. 062, Periodic Transaction Reports (OGE Form 278-T), to meet new requirements outlined in the STOCK Act of 2012 (Public Law 112-105). We added Schedule Item No. 063 to clarify recordkeeping requirements involving *Requests to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records* (OGE Form 201 or agency equivalent form). Lastly, we added Schedule Item No. 090 to provide disposition authority for supporting documentation used by agency ethics officials to review and verify the filer's financial disclosure report submissions.

Schedule Item Numbers 060, 061, 062, 070, 072 have a condition under which media neutrality is approved. For these items, an original, signed hardcopy financial disclosure report must be retained except when the report is submitted in an electronic filing system developed in accordance with the Office of Government Ethics Legal Advisory, LA-07-014, (May 16, 2007) or the STOCK Act of 2012 (Public Law 112-105).

NARA developed this schedule with significant assistance from Paul Ledvina, Records Officer, the U.S. Office of Government Ethics (OGE).

### GRS items completely removed from this schedule:

- GRS 25, items 8a and 8b: Ethics Program Employee Training and Education Files. We decided to move these items to the GRS for Employee Training Records.

### **Overall Recommendation**

I recommend approval of the attached schedule.

### **APPRAISAL**

### **Item 0001: General Ethics Program Records**

This item covers operational records created and maintained by agency ethics programs.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 1a (N1-GRS-01-1 item 1a)

GRS 25, item 1b (N1-GRS-01-1 item 1b)

GRS 25, item 9 (N1-GRS-01-1, item 9)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The six-year retention period is based on statutory and regulatory authorities governing the retention of financial disclosure reports. In practice, many ethics official's actions involve processing or analyzing financial disclosure reports and the records they create in this process are closely associated with the reports. Using these records, an ethics official could confirm what advice an employee received if a violation or alleged violation occurred within the six-year time period. Therefore, this series warrants the same six-year retention period as the reports since this series could contain records that would be needed for prosecution of fraud.

We combined three existing GRS 25 items into a single 6 year item. Two of these items, GRS 25/item 1b and GRS 25/item 9, were already 6 year records. The third item, GRS 25/item 1a, was extended from 3 years to 6 years. These records are routine, non-precedential determinations, such as determinations regarding attendance at widely-attended gatherings (WAGs). Extending the retention by 3 years will simplify handling and management of operations records for ethics offices. Additionally, an e-filing system currently under development by OGE will give ethics officers the option of deleting records when the minimum retention has been satisfied or retaining (other than disclosure reports) until they delete the filer's entire record from the system (usually 6 years after receipt of the last disclosure report). Agencies are authorized to keep records longer if they have a business need to do so.

**Media Neutrality:** Approved

### **Item 0002: Referrals and Notifications of Violations of Criminal Conflict of Interest Statutes and Other Potential Violations Files.**

These records consist of agency ethics office's referrals to Inspectors General or the U.S. Department of Justice made under 28 U.S.C. § 535 and notifications to OGE made under 5 C.F.R. § 2638.603 concerning ethics violations or suspected violations. Agencies send OGE Form 202 (primarily by email) to report to OGE any alleged ethics violations that the agencies referred to the U.S. Department of Justice for prosecution.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 4 (N1-GRS-01-1, item 4)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The retention of this item has been extended to allow agencies to keep records longer than 6 years, if they have a business need to do so.

**Media Neutrality:** Approved

**Item 0003: Semiannual Report of Payments Accepted from a Non-Federal Source-Agency Reports**

This item covers submissions of Semiannual Expense Reports for Non-Federally Funded Travel submitted by all Executive branch agencies to OGE on OGE Form 1353 *Semiannual Report of Payments Accepted from a Non-Federal Source* and Standard Form 326 *Semiannual Report of Payments Accepted from a Non-Federal Source*. Agencies use either form to report on a semiannual basis. The semiannual reporting periods run from April 1 through September 30 and from October 1 through March 31. Reports summarize payments made to the agency from non-Federal sources for travel, subsistence, and related expenses of an employee who attends a meeting or similar function relating to official duties. Agencies submit the reports by email.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 5a (N1-GRS-01-1, item 5a)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The retention period has not been changed.

**Media Neutrality:** Approved

**Item 0004: Semiannual Report of Payments Accepted from a Non-Federal Source-Supporting Documentation**

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 5b (N1-GRS-01-1, item 5b)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The retention period has not been changed.

**Media Neutrality:** Approved

**Item 0005: Office of Government Ethics Program Questionnaire Records**

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, 7a (N1-GRS-01-1, item 7a)

GRS 25, 7b (N1-GRS-01-1, item 7b)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. This item combines N1-GRS-01-1, item 7a and 7b into one unified 3 year item with the supporting documentation being extended from 1 to 3 years after submission. This will enable ethics programs to simplify management of the records as a single unit.

**Media Neutrality:** Approved

### **Item 0006: Ethics Program Review Records**

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 6a (N1-GRS-01-1, item 6a)

GRS 25, item 6b (N1-GRS-01-1, item 6b)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. Retention of this item is being adjusted to when 6 years old or the documentation for the next program review is on file. In addition, the retention of the supporting documentation (N1-GRS-01-1, item 6b) is being extended from 1 year after the report has been submitted or closed until the records are 6 years old or the documentation for the next program review is on file. Records are kept in accordance with OGE's program review cycle of 5 years or longer if there has not been a new review within the past 5 years. There is a business need for both the agency under review and OGE to have the previous review's files available to properly "benchmark" reoccurring versus new issues identified in the subsequent review.

**Media Neutrality:** Approved

### **Item 0007: Public Financial Disclosure Reports-OGE Form 278 (SF 278) and OGE Form 278e reports for individuals filing in accordance with Section 101(b) of the Ethics Act, and not subsequently confirmed by the U.S. Senate.**

This item covers Public Financial Disclosure Reports as required by The Ethics in Government Act of 1978, as amended, Section 101(b) for individuals who are required to file in accordance with Section 101(b) of the Ethics Act, and are not subsequently confirmed by the U.S. Senate. The Act requires senior officials in the executive, legislative, and judicial branches to file public reports of their finances as well as other interests outside the Government. The statute and OGE's regulations specify which officials in the executive branch file an OGE Form 278. The OGE 278 is available to the public. Reviewing officials within each agency certify and maintain these reports. Agencies forward reports of Presidential appointees confirmed by the Senate and certain other reports to OGE for additional review and certification.

Although a financial disclosure report sometimes reveals a violation of law or regulation, the primary purpose of disclosure is to assist agencies in identifying potential conflicts of interest between a filer's official duties and the filer's private financial interests and affiliations. Once a reviewing official identifies a potential conflict of interest and consults with the filer's supervisor as necessary, several remedies are available to avoid an actual or apparent violation of Federal ethics laws and regulations.

This new item removes a provision for individuals filing OGE Form 278 (SF 278) or OGE Form 278e reports in accordance with Section 101(c) of the Ethics in Government Act, and not subsequently confirmed by the U.S. Senate or elected under Job No. N1-GRS-01-1, item 2a1. The Part (c.) filers (non-incumbent presidential and vice presidential candidates) are to file with

the Federal Election Commission (FEC). FEC sends the signed original to OGE and then FEC keeps a copy of the filing. While OGE (and FEC) require authority to dispose of these records, we do not believe the GRS is the appropriate place to provide such authority. These are records involving Executive Branch Officials - OGE, FEC, and the White House. No other agencies are involved in the process.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 2a1 (N1-GRS-01-1, item 2a1)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. There is no change to the retention period of the records. Longer retention is unauthorized under Section 101(b) of the Ethics Act.

**Media Neutrality:** Approved

**Item 0008: Public Financial Disclosure Reports-All other OGE Form 278 (SF 278) reports.**

This item covers Public Financial Disclosure Reports as required by The Ethics in Government Act of 1978, as amended, Section 101(b) for individuals who are required to file in accordance with Section 101(b) of the Ethics Act.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 2a2 (N1-GRS-01-1, item 2a2)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The retention of this item is unchanged. Longer retention is unauthorized under Section 101(b) of the Ethics Act.

**Media Neutrality:** Approved

**Item 0009: Public Financial Disclosure Reports-Periodic Transaction Reports (OGE Form 278-T)**

On April 4, 2012, the President signed the Stop Trading on Congressional Knowledge Act or STOCK Act (S. 2038), which amended the Ethics in Government Act of 1978 (5 U.S.C. App. § 101 et seq.) The Stock Act has a number of provisions that apply to executive branch employees required to file the OGE Form 278 or OGE Form 278e Public Financial Disclosure Reports. The Act provides for the increased reporting of financial transactions, the disclosure of employees' negotiations for post-government employment or compensation, and the disclosure of mortgage information. It also enacted a prohibition on buying stocks through initial public offerings, which applies to certain high-level government officials. An employee is required to file an OGE Form 278-T if they have a reportable transaction within 30 days of receiving notification of a transaction, but not later than 45 days after the transaction depending on when the individual received notification of the transaction. Late filings are subject to a \$200 late filing fee collected by agencies for deposit with the U.S. Treasury.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Has little or no research value. Records are administrative in nature.

\* Similar records have been approved as temporary. The 278-T has a similar purpose to the forms covered by the following authorities:

GRS 25, item 2a1 (N1-GRS-01-1, item 2a1)

GRS 25, item 2b1 (N1-GRS-01-1, item 2b1)

GRS 25, item 2c1 (N1-GRS-01-1, item 2c1)

GRS 25, item 2a2 (N1-GRS-01-1, item 2a2)

GRS 25, item 2b2 (N1-GRS-01-1, item 2b2)

GRS 25, item 2c2 (N1-GRS-01-1, item 2c2)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. Records are retained for 7 years in order to accommodate required reporting deadlines specified under the STOCK Act of 2012 and to support the filer's OGE Form 278 or OGE Form 278e financial disclosure report filed in the following year. (Stock transactions filed in one reporting year would then be expected to show up in the subsequent year's OGE Form 278/278e report.) Longer retention is unauthorized under Section 101(b) of the Ethics Act.

**Media Neutrality:** Approved

**Item 0010: Public Financial Disclosure Reports-Requests to Inspect or Receive Copies of OGE Form 278/SF 278s or Other Covered Records (OGE Form 201 or agency equivalent form).**

Requests submitted by the public to an agency for copies of public (non-confidential) financial disclosure reports and other covered records. Such other covered records are: (1) certificates of divestiture; (2) Ethics Act qualified blind trust and qualified diversified trust instruments (other than those provisions which relate to the testamentary disposition of the trust assets), the list of assets transferred to such trusts (and of assets sold in the case of a qualified blind trust), as well as, in the case of trust dissolution, the report thereon and the list of trust assets at that time, and the certificates of independence and compliance with respect to qualified trusts; (3) 18 U.S.C. § 208(b)(1) & (b)(3) waivers granted by the recipient agency (after deletion of any material withholdable pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (see 18 U.S.C. § 208(d)(1))); (4) other OGE Form 201s; (5) cover letters for approved gifts reporting waiver requests; and (6) cover letters for approved public reporting waiver requests for certain less than 130-day special Government employees.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Has little or no research value. Records are administrative in nature. These are document request forms members of the public complete to request copies of public financial disclosure reports other agency records which are covered under the access procedures of section 105 of the Ethics Act and the implementing OGE regulations.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The OGE Form 201 (or its agency equivalent) is to be destroyed when the actual report it references is destroyed (either when 1 or 6 years old) pursuant to §2634.603(d), *Custody of and access to public reports*. Should the applicant request several years of reports, the

requesting OGE Form 201 would have to be retained until the final report requested on the OGE 201 form is ready for destruction when 6 years old.

**Media Neutrality:** Approved

**Item 0011: Confidential Financial Disclosure Reports-OGE Form 450 reports for individuals not subsequently confirmed by the U.S. Senate.**

Certain executive branch employees whose duties involve the exercise of discretion in sensitive areas such as contracting, procurement, administration of grants and licenses, and regulating or auditing non-Federal entities are required to file confidential financial disclosure reports (OGE Form 450). These reports are similar to public financial disclosure reports with some differences. For example, asset values and income amounts are not required to be reported, nor are interests in or income from bank accounts, money market mutual funds, U.S. obligations and Government securities. The most notable difference between public and confidential reports, however, is that confidential financial disclosure reports are not available to the public.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 2b1 (N1-GRS-01-1, item 2b1)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The one-year retention period for records of unconfirmed nominees meets an agency's administrative need for the records and meets the requirements in the Act. The retention period has not changed. Longer retention is unauthorized under Section 101(b) of the Ethics Act.

**Media Neutrality:** Approved

**Item 0012: Confidential Financial Disclosure Reports-All other OGE Form 450 reports.**

These are Confidential Financial Disclosure Reports for individuals required to file under the Ethic in Government Act who are exempt from revealing their finances publicly.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 2b2-in part (N1-GRS-01-1, item 2b2-in part)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The six-year retention period for records of individuals who are confirmed by the Senate is explicitly stated in the Act. The retention period has been modified to include an exception to the 6 year retention when the OGE Form 450 supports one or more subsequent Optional OGE Form 450-As. When this occurs, agencies should destroy the OGE Form 450 when the last related OGE Form 450-A is 6 years old. Longer retention is unauthorized under Section 101(b) of the Ethics Act.

**Media Neutrality:** Approved

**Item 0013: Confidential Financial Disclosure Reports-OGE Optional Form 450-A reports.**

The Optional OGE Form 450-A, filed for up to 3 consecutive years following the filing of an OGE Form 450, is an alternative disclosure report to the OGE Form 450 when there are no new interests to be reported by the filer. These reports provide little information beyond re-certifying the filer has no new interests.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

\* Similar records have been approved as temporary.

GRS 25, item 2b2-in part (N1-GRS-01-1, item 2b2-in part)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The retention of this item has been changed to reflect the requirement that the “supporting OGE Form 450” cannot be destroyed until the last associated OGE Form 450 report is ready for destruction.

**Media Neutrality:** Approved

**Item 0014: Alternative or additional financial disclosure reports and related records. Reports for individuals not subsequently confirmed by the U.S. Senate.**

Some agencies have authority from OGE to use a variation of the OGE Form 450, or some other different financial reporting instrument, such as asset/earnings statements from investment firms.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 2c1 (N1-GRS-01-1, item 2c1)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The one-year retention period for records of unconfirmed nominees meets an agency's administrative need for the records and meets the requirements in the Act. The retention period has not changed. Longer retention is unauthorized under Section 101(b) of the Ethics Act.

**Media Neutrality:** Approved

**Item 0015: Alternative or additional financial disclosure reports and related records. All other alternative or additional financial disclosure reports.**

These are alternative financial disclosure reports for individuals required to file financial disclosure reports. Some agencies have authority from OGE to use a variation of the OGE Form 450, or some other entirely different financial reporting instrument such as asset/earnings statements from investment firms.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 2c2 (N1-GRS-01-1, item 2c2)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The six-year retention period for records of individuals who are confirmed by the



Senate is explicitly stated in the Act. The retention period has not changed. Longer retention is unauthorized under Section 101(b) of the Ethics Act.

**Media Neutrality:** Approved

**Item 0016: Financial Disclosure Supporting Documentation**

Records covered by this item are the background and supporting documentation submitted by filers and generated by agency ethics officials through the process of certifying financial disclosure reports.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Has little or no research value. Records are administrative in nature.

\* Related records have been approved as temporary. This is background and supporting information for the reports scheduled as temporary. The background information has some longer term value beyond the life of the reports; however, the records are still related to an administrative review process. Related records include:

GRS 25, item 2a1 (N1-GRS-01-1, item 2a1)

GRS 25, item 2b1 (N1-GRS-01-1, item 2b1)

GRS 25, item 2c1 (N1-GRS-01-1, item 2c1)

GRS 25, item 2a2 (N1-GRS-01-1, item 2a2)

GRS 25, item 2b2 (N1-GRS-01-1, item 2b2)

GRS 25, item 2c2 (N1-GRS-01-1, item 2c2)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. Agency ethics offices may have an ongoing business need to review and certify subsequent financial disclosure reports. Retaining supporting documentation will enable agencies to conduct oversight activities more accurately and efficiently since the originating decisional documents will remain available beyond 6 years for the review of subsequent reports that may be filed. The Ethics Act does not specify a retention period for supporting documentation used by ethics officials during the review and certification process. The Ethics Act provides specific retention requirements covering only the financial disclosure reports and the associated public requests for access to the public reports (submitted on the OGE Form 201 or agency alternative forms).

Supporting documentation for a financial disclosure report is considered “part of the report” thus the soonest destruction time would be concurrently with the destruction of the 6-year old report. Now, ethics officials will have the option of retaining the supporting documentation from all the reports the filer ever filed (although the actual reports must be destroyed when 6 years old) retaining supporting documentation until the last report is 6 years old, and then destroying all the previous supporting documentation at that time. This provides the ethics official/reviewer the enhanced advantage of noting reporting inconsistencies or providing other information not necessarily evident in later filings, say after some reports have been destroyed when 6 years old, but certain issues still remain in the particular filer’s portfolio. Technically, each report should “stand on its own” and should not need previous years’ reports to verify/understand the report under review. However, old reviewer notes can be invaluable for new reports being reviewed long after the earlier reports were certified (and subsequently destroyed when 6 years old). Supporting documentation from earlier reports can be especially

useful when agency's have a change of ethics officials who are not familiar with a particular filer's financial reporting history.

**Media Neutrality:** Approved

**Item 0017: Ethics Agreements Records-Agreements for Employees Who do not File Financial Disclosure Reports**

Some Federal employees hold positions, such as research scientists, where they must sign an ethics agreement or obtain a waiver to work in the position because of personal circumstances of outside activities.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\* Previously approved as temporary.

GRS 25, item 3 (N1-GRS-01-03, item 3)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. This item extends the retention period for ethics agreements beyond the 6 years previously authorized under NARA Job No N1-GRS-01-03, item 3. For individual's serving in a position requiring an ethics agreement, the ethics agreement cannot be destroyed until 6 years after individual is no longer serving in the position for which the ethics agreement was created. If a person worked in a position requiring a special waiver, but the waiver was destroyed before the individual left the position, the individual could face criminal prosecution if a certifiable copy of the original agreement could not be produced.

**Media Neutrality:** Approved

**Item 0018: Ethics Agreements Records-Agreements for Employees Who File Financial Disclosure Reports**

These are ethics agreements for Federal employees who are required to file a financial disclosure report.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Previously approved as temporary.

GRS 25, item 3 (N1-GRS-01-03, item 3)

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. This item extends the retention period for ethics agreements beyond the 6 years previously authorized under NARA Job No N1-GRS-01-03, item 3. For these required filers, ethics agreements should be retained until the employee's last related financial report is destroyed. Agencies are authorized to keep the ethics agreements longer if they have a business need to do so. Longer retention poses no potential "harm" to the employee because these can only be released under the Freedom of Information Act, and could be exempted as out of date and no longer applicable.

**Media Neutrality:** Approved

LAURA ADAMS McHALE  
Appraiser

**GRS 2.8 Employee Ethics Records Crosswalk**

New GRS				Old GRS			
GRS No.	Item No.	Retention	ERA Number/ Disposition Authority	GRS No.	Item No.	Retention	Disposition Authority
2.8	010	6 years		25	1a	3 years	N1-GRS-01-1 item 1a
				25	1b	6 years	N1-GRS-01-1 item 1b
				25	9	6 years	N1-GRS-01-1, item 9
2.8	020	6 years		25	4	6 years	N1-GRS-01-1, item 4
2.8	030	3 years		25	5a	3 years	N1-GRS-01-1, item 5a
2.8	031	1 year		25	5b	1 year	N1-GRS-01-1, item 5b
2.8	040	3 years		25	7a	3 years	N1-GRS-01-1, item 7a
				25	7b	1 year	N1-GRS-01-1, item 7b
2.8	050	6 years		25	6a	6 years	N1-GRS-01-1, item 6a
				25	6b	1 year	N1-GRS-01-1, item 6b
2.8	060	1 year		25	2a1	1 year	N1-GRS-01-1, item 2a1
2.8	061	6 years		25	2a2	6 years	N1-GRS-01-1, item 2a2
2.8	062	7 years		New item.			
2.8	063	when requested report destroyed		New item.			
2.8	070	1 year		25	2b1	1 year	N1-GRS-01-1, item 2b1
2.8	071	6 years		25	2b2	6 years	in part-N1-GRS-01-1, item 2b2
2.8	072	6 years		25	2b2	6 years	in part-N1-GRS-01-1, item 2b2
2.8	080	1 year		25	2c1	1 year	N1-GRS-01-1, item 2c1
2.8	081	6 years		25	2c2	6 years	N1-GRS-01-1, item 2c2
2.8	090	with related report or 6 years		New item.			
2.8	100	6 years		25	3	6 years	N1-GRS-01-03, item 3
2.8	110	when last financial disclosure report destroyed		25	3	6 years	N1-GRS-01-03, item 3