Frequently Asked Questions (FAQs) about GRS 4.2, Records of Information Access and Protection

Revised January 2017

GENERAL

1. What is the purpose of GRS 4.2?

This schedule provides disposition authority for records agencies create in the course of (1) responding to requests for access to Government information, and (2) protecting information that is classified, controlled unclassified, or contains personal data whose protection is required by law.

2. Whom do I contact for further information about this schedule?

You may contact NARA's General Records Schedules Team at GRS_Team@nara.gov with questions about this schedule.

3. How does GRS 4.2 differ from the old GRS?

This schedule merges all Freedom of Information Act (FOIA), Privacy Act (PA), and Mandatory Declassification Review (MDR) request records—18 separate items from GRS 14—into a single item (020). In the old GRS, these 18 items covered individual types of requests and agencies retained the documents for various periods, depending on the type of response. This system required many items to cover all contingencies. A unified single item better lends itself to electronic recordkeeping, which is how most agencies currently maintain records documenting information requests from the public.

Records covered in this schedule that have never before appeared in the GRS include: automatic and systematic declassification review program records (item 100), classification guidance review records (item 110), personally identifiable information (PII) extracts and logs (items 130 and 140), Privacy Act systems of records notices (SORNs, item 150), records analyzing PII (items 160 and 161), and computer matching program notices and agreements (item 170).

4. Why did you rescind some old GRS items?

We rescinded GRS 14, items 11b, 12b, 21b, 31b, and 32b with the publication of GRS 4.2. These items covered records requested under FOIA, PA, and MDR that agencies remove from their original location and re-file as part of the access request record. In our discussions with agencies, we found none that remove requested records from their original locations. GRS 4.2, item 020, leaves requested records scheduled by their original authority (*copies* may be filed and scheduled with the access request record). We therefore do not need separate items covering a situation that does not exist.

We also rescinded GRS 18, item 25b. A disposition instruction declares records either permanent or temporary and includes a disposition authority. A filing instruction does not declare records permanent or temporary and does not include authority to dispose of records; it simply instructs on where to file them. GRS 18, item 25b was a filing instruction whose "disposition authority" was meaningless as it

neither directed the records' permanent retention nor destruction. By removing item 25b, we rescind the disposal authority. The filing instruction, which is still valid, is now in item 120 of this schedule.

5. Why do the disposition instructions include different "DAA" numbers?

Most new General Records Schedules are processed through the Electronic Records Archives (ERA) as a single series of items. The bulk of GRS 4.2 was processed in ERA under "job number" DAA-GRS-2013-0007, but items 060, 061 and 121 were later added under DAA-GRS-2015-0002. Still later additions and alterations were accomplished under job numbers DAA-GRS-2016-0002 and DAA-GRS-2016-0003. The disposal authorities you see for these three items are not typographical errors.

QUESTION RELATED TO ITEM 020

6. Why does item 020 aggregate so many items from the old GRS?

The old GRS included variable retention periods of 2, 3, 5, or 6 years. The schedule based these periods on whether the agency granted (in full or in part), denied, or was unable to fill the request, or whether the requester appealed/adjudicated the agency's response. In our discussions with agencies, we learned that agencies do not separate these files this way, and prefer to have a standard retention period. The statute of limitations for appealing agency responses is six years, so the new GRS establishes the common retention period to comply with that statute of limitations. This retention period ensures that agencies retain records as long as a requester has the right to challenge or appeal either a denial or the adequacy of a positive response, thereby making sure agencies still have the records if the requester wins the appeal. Making the retention period common to all the aggregated items also simplifies electronic recordkeeping since agencies need not segregate case files into smaller units based on the way the file closed.

Agencies that find their business processes would work more smoothly with the former GRS retention periods can write an agency-specific schedule requesting an exception to the GRS.

QUESTION RELATED TO ITEM 030, 031, and 032

7. Items 030, 031, and 032 are related to each other topically and are all retained for very short periods of time. Why aren't they merged into one item with a unified retention period?

The original draft of this schedule did merge these into one item with a 2-year retention period. Some agencies objected, noting that the then-current GRS showed some of the records as disposable when superseded or obsolete; requiring a 2-year retention period for such items (when the records might become obsolete much sooner) was an unwarranted burden. We agreed, and reworked the list of records into three smaller items linked directly to the minimum amount of time for which agencies should have a strictly business use for the records. If an agency, for its convenience, wishes to collapse items 030, 031, and 032 into a unified item with a single retention period, it can do so because we authorize longer retention for all three items if required for business use.

QUESTION RELATED TO ITEM 060

8. Erroneous release records were retained for 6 years in the old GRS. Now they are retained until the released records are destroyed. Why?

Agencies now almost always file documentation of erroneous release of records with the erroneously-released records rather than in a separate series of all erroneous release cases divorced from the records they concern. This gives context both to the documentation about the release and to the original records themselves. It also allows the agencies to "remember" an erroneous release as long as the records survive. Because of this practice and the benefits that arise from it, we have tied the retention period of erroneous release information to the released records so that they will survive as long as the associated records.

QUESTION RELATED TO ITEM 090

9. Privacy Act amendment request records used to be scheduled for various lengths of time linked to the manner in which the case was closed: particularly, whether court adjudication was involved. Why are these items now collapsed into one item?

The retention period for the three old GRS items in question did depend on how the case closed: GRS 14, item 22a (per approved disposition for record being amended, or 4 years after agency's agreement to amend, whichever is later); item 22b (per approved disposition for record being amended, 4 years after final determination by agency, or 3 years after final adjudication by courts, whichever is later); and item 22c (per approved disposition for record being amended, or 3 years after final adjudication by courts, whichever is later). The disposal instruction for the new item (destroy with the records for which amendment was requested or 4 years after close of case—final determination by agency or final adjudication, whichever applies—whichever is later) actually retains every one of these variants. "Destroy with the records for which amendment was requested" is the most frequently used option.

QUESTION RELATED TO ITEM 120

10. Why is there no disposition authority for this item?

The disposition instruction for this item (classified information nondisclosure agreements maintained in the individual's official personnel folder) is really a filing instruction telling agencies to file the records in the OPF; therefore, it does not include disposal authority. See question 4, paragraph 2, for information on the difference between disposition and filing instructions.

QUESTION RELATED TO ITEM 121

11. Why is this item's retention so drastically reduced?

The previous 70-year retention period originated from Director of Central Intelligence Directive (DCID) 6/1 (November 4, 2003), which applied only to agencies in the Intelligence Community. Intelligence Community Directive 703, "Protection of Classified National Intelligence, Including Sensitive Compartmented Information," rescinded DCID 6/1 on June 21, 2013. Directive 703 does not include specific retention period requirements for nondisclosure agreements. So we are applying the 50-year retention period specified in 32 CFR 2001.80(d)(2)(vii). The Office of the Director of National Intelligence concurred with 50 years.

QUESTIONS RELATED TO ITEMS 150, 160, AND 161

12. Why does this schedule not cover Privacy Act Statements (PASs)?

The Privacy Act requires agencies to tell individuals providing personal information destined for a system of records about how the agency will use that information and to whom the agency will disclose it. The vehicle for this is a PAS. This schedule does not cover PASs because they are not stand-alone documents or a records series in themselves. Rather, agencies tend to incorporate them into the very forms on which agencies ask individuals to enter data. They generally appear as part of a form's "small print," often at the bottom of the page.

13. May I consider the SORNs and PIAs posted on my agency's web pages as the record copy covered by this item?

The GRS is agnostic on where, how, and by whom records are retained. An agency may choose to retain its record copy of active SORNs and PIAs on its external or internal web pages. An agency should determine as part of its policies and procedures where and how it keeps recordkeeping copies.

QUESTION RELATED TO ITEM 150

14. Why must I retain a copy of a System of Records Notice (SORN) when I can always get it from the Federal Register, where it is a permanent record?

This item covers not only a copy of the SORN itself, but also significant background material showing its development. These records have continuing business use as long as a SORN is in effect.

QUESTION RELATED TO ITEM 161

15. Does this item cover internal Privacy Impact Assessments (PIAs)—those about information collection from agency employees—as well as PIAs about information collection from the public?

Yes. The item description covers all PIAs, regardless of whether the agency collects the information from the public or from the subset of the public known as agency employees. OMB guidance memo M-03-22, "Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002," indicates agencies must use the same stringent measures to protect information about both the public and agency employees. Therefore, this item also includes PIAs concerning systems of records in which agencies collect PII from their employees.

QUESTION RELATED TO ITEM 170

16. What is the OMB "Final Guidance" to which this item refers?

OMB guidance on Computer Matching Agreements appears in several documents, some of them post-dating the 1989 document bearing the word "final" in its title. See:

- Final Guidance interpreting the Provisions of Public Law 100-503, published in the *Federal Register* (54 FR 25818, June 19, 1989)
- OMB Circular A-130, Appendix I (which, as of August 2016, is in the process of being revised and moved to Circular A-108)

- The Computer Matching and Privacy Protection Amendments of 1990 and the Privacy act of 1974, published in the *Federal Register* (56 FR 18599, April 23, 1991)
- Privacy Act of 1974: Revised Supplemental Guidance for Conducting Matching Programs, published in the *Federal Register* (47 FR 21656, May 19, 1982)