

# Agency Review Package

## Legal Records (GRS 6.7)

<i>Document</i>	<i>Page</i>
Draft Schedule .....	2
Draft Appraisal Memorandum .....	6

National Archives and Records Administration  
Office of the Chief Records Officer  
June 6, 2018

## GENERAL RECORDS SCHEDULE 6.7: Legal Records

Draft for agency review and comment April 24, 2018

This schedule covers records created in the course of giving counsel and advice to an agency on legal issues; drafting agreements, contracts and other legal documents to ensure preservation of an agency’s legal rights; and representing an agency in court. These records are most often produced in an office of General Counsel, Chief Counsel, or Solicitor, but may originate in any office tasked with responsibility for professional legal advice, assistance, and representation.

Many agencies have identified their General Counsel, Chief Counsel, or Solicitor as a Capstone official whose email is permanent under GRS 6.1, item 010, “Email of a Capstone Official.” Such persons may at their discretion apply items in this schedule to individual email messages and attachments in lieu of GRS 6.1, item 010.

Item	Records Description	Disposition Instruction	Disposition Authority
010	<p><b>Legal administrative records.</b> Administrative records documenting legal office routine mission activities, including such things as:</p> <ul style="list-style-type: none"> <li>• internal reporting</li> <li>• staff meetings</li> <li>• policy and procedure implementation</li> <li>• [reviewers: please let us know if other records should be added here]</li> </ul> <p><b>Note:</b> Administrative records documenting non-mission activities are covered under GRS 5.1, item 010.</p>	<p><b>Temporary.</b> Destroy when 3 years old, but longer retention is authorized if required for business use.</p>	DAA-GRS-2018-000x-0001
020	<p><b>Legal opinions and advice on administrative matters.</b> Records documenting agency legal counsel statements on a specific case or legal issue. Includes:</p> <ul style="list-style-type: none"> <li>• formal legal opinions, informal legal opinions, and advice on administrative functions, such as human resources, financial management, facility management, and similar</li> <li>• background material on advice and opinions related to both administrative functions and agency mission</li> </ul> <p><b>Exclusion:</b> Agencies must schedule records of legal opinions and advice relating to agency mission. This may already be accomplished if an agency’s General Counsel, Chief Counsel, or Solicitor is identified as a Capstone official whose email is permanent under GRS 6.1, item 010.</p>	<p><b>Temporary.</b> Destroy when superseded or no longer required for business use, whichever is later.</p>	DAA-GRS-2018-000x-0002

Item	Records Description	Disposition Instruction	Disposition Authority
	<p><b>Note:</b> If an agency interfiles mission-related and administrative advice and opinions, its schedule for mission-related material takes precedence over this item.</p>		
030	<p><b>Routine and administrative-matter litigation records.</b>  Records of case or matter created in the course of prosecuting on behalf of the Government or defending the Government where the subject of the suit is administrative, non-precedential in nature, or routine. Includes:</p> <ul style="list-style-type: none"> <li>• suits filed under the Administrative Procedures Act</li> <li>• suits filed under the Contracts Dispute Act (see Note)</li> <li>• employment related litigation</li> <li>• FOIA litigation</li> <li>• torts not covered in item 040</li> <li>• [reviewers: please let us know if other records should be added here]</li> </ul> <p><b>Note 1:</b> GRS 1.1, item 060 covers records of contract dispute appeals held by contracting officers or financial management offices.</p> <p><b>Note 2:</b> If an agency interfiles mission-related and administrative litigation records, its schedule for mission-related material takes precedence over this item.</p> <p><b>Exclusion 1:</b> Agencies must schedule records of litigation cases/matters related to agency's mission or organic statute.</p> <p><b>Exclusion 2:</b> This item may not be used by the Department of Justice. The Department of Justice must schedule its litigation records independently.</p>	<p><b>Temporary.</b> Destroy 7 years after close of case or final adjudication on appeal, as appropriate, but longer retention is authorized if required for business use.</p>	DAA-GRS-2018-000x-0003
040	<p><b>Administrative claims by or against the United States.</b> <i>This item has been previously approved.</i>  Records of monetary or property claims by the United States subject to the Federal Claims Collection Standards, completed or closed by:</p> <ul style="list-style-type: none"> <li>• payment in full</li> <li>• compromise agreement</li> <li>• termination of collection action</li> <li>• determination that money or property is not owed to the United States</li> </ul>	<p><b>Temporary.</b> Destroy 7 years after final action, but longer retention is authorized if required for business use.</p>	DAA-GRS-2017-0005-0001

Item	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> <li>• approval or denial of claim waiver for erroneous payment of pay, travel, or relocation expenses to a civilian Federal employee or a member or former member of the uniformed services or the National Guard</li> <li>• lifting of court order</li> </ul> <p>Also, records of monetary claims <i>against</i> the United States, completed or closed by:</p> <ul style="list-style-type: none"> <li>• disallowance in full</li> <li>• allowance in full or in part with final payment awarded</li> <li>• settlement, compromise, or withdrawal</li> <li>• lifting of court order</li> </ul> <p><b>Legal Citations:</b>  31 CFR 900-904  28 U.S.C. 2401  28 U.S.C. 2415(a)  31 U.S.C. 3716(c)  31 U.S.C. 3716(e)</p>		
050	<p><b>Subpoena records.</b>  Records created in response to a received subpoena, or “Touhy demand.”</p> <p><b>Exclusion 1:</b> Agencies that hold authority to issue subpoenas must schedule records created in doing so.</p> <p><b>Exclusion 2:</b> This item does not cover records created by agency Inspectors General under authority to issue administrative subpoenas.</p>	<p><b>Temporary.</b> Destroy 3 years after response or final resolution, as appropriate, but longer retention is authorized if required for business use.</p>	DAA-GRS-2018-000x-0004
060	<p><b>Non-disclosure agreements and related review records.</b>  Agreements with private industry to protect proprietary information provided to the agency, and records created in reviewing proposed agreements.</p> <p><b>Exclusion:</b> Non-disclosure agreements filed with records of a specific procurement action (GRS 1.1, item 010 covers these)</p>	<p><b>Temporary.</b> Destroy 3 years after agreement expiration or rejection, as appropriate, but longer retention is authorized if required for business use.</p>	DAA-GRS-2018-000x-0005

Item	Records Description	Disposition Instruction	Disposition Authority
070	<p><b>Attorney working files.</b> Supporting or background documents used in developing work product files but which do not serve as a basis for official action. Includes:</p> <ul style="list-style-type: none"> <li>• drafts, notes, correspondence, and memoranda</li> <li>• reference material</li> <li>• duplicated official records located in other files</li> <li>• material not acted upon</li> </ul>	<b>Temporary.</b> Destroy after work product is completed, but longer retention is authorized if required for business use.	DAA-GRS-2018-000x-0006
080	<p><b>Subject files.</b> Non-litigation files on a variety of topics arranged by subject, maintained by legal counsel (except the General Counsel, Chief Counsel, or Solicitor: see Exclusion). May include:</p> <ul style="list-style-type: none"> <li>• correspondence and memos</li> <li>• reports</li> <li>• agreements</li> <li>• opinions and interpretations from courts and outside legal counsels</li> </ul> <p><b>Exclusion:</b> Agencies must schedule their General Counsel, Chief Counsel, or Solicitor's subject files.</p>	<b>Temporary.</b> Destroy when no longer required for business use.	DAA-GRS-2018-000x-0007
090	<p><b>Case/matter tracking/calendaring system records.</b> Records that track scheduling and completion of activity relating to cases and matters from inception to final resolution.</p> <p><b>Exclusion:</b> Records in systems that not only track case/matter activity but also include actual case/matter documents; agencies must schedule these separately.</p>	<b>Temporary.</b> Delete or destroy after close of case or final adjudication on appeal, as appropriate, but longer retention is authorized if required for business use.	DAA-GRS-2018-000x-0008



## NATIONAL ARCHIVES

**Date:** June 4, 2018  
**Appraiser:** Galen R. Wilson, ACRS  
**Agency:** General Records Schedules (GRS)  
**Subject:** DAA-GRS-2018-000x

### INTRODUCTION

#### Schedule Overview

GRS 6.7: Legal Records

#### Additional Background Information

This schedule is based on an analysis of 383 items related to legal records in 63 records schedules submitted by 59 agencies between 1989 and 2012. NARA's General Counsel's office also assisted in the development of this schedule.

#### Overall Recommendation

I recommend approval of this schedule.

### APPRAISAL

#### **Item 0001 (GRS 6.7, item 010): Legal administrative records.**

This item is for administrative records unique to the function of a General Counsel office. It does not schedule records of non-mission office activities, already covered under GRS 5.1, item 010.

#### **Proposed Disposition**

Temporary

#### **Appropriateness of Proposed Disposition**

Appropriate

#### **Appraisal Justification**

\*Has little or no research value. These are administrative records.

#### **Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Three-year retention is considered a standard for short-term temporary administrative records.

#### **Media Neutrality**

Approved

#### **Item 0002 (GRS 4.2, item 020): Legal opinions and advice on administrative matters.**

This item schedules only two categories of records. First is legal opinions on strictly administrative functions not related to agency mission. A good example of such advice was in this appraiser's e-mail the very day this paragraph was drafted: a statement from NGC that if an outside professional organization holds an event at a NARA facility, vendor sponsors may not peddle their wares at that event. A corollary to this first category is that records of legal advice and opinions regarding an agency's mission are excluded and must be scheduled independently by agencies. The second category is

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background material—second-string materials that don’t quite make the case file cut—pertaining to advice and opinions on both agency mission and purely administrative matters.

A Note attached to this item states that if an agency interfiles legal opinions and advice on administrative matters with legal opinions and advice on mission-related matters, that the agency’s schedule for all legal opinions and advice takes precedence over this GRS item. Essentially, this item gives an agency permission to destroy material that does not in and of itself merit permanent retention, but does not require an agency to winnow wheat from chaff before transferring mission-related material to NARA. Appendix 1 details how agencies have scheduled records of legal opinions on both mission and administrative matters.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. Records in the first category described above relate to the interpretation of purely administrative issues. Opinion and advice concerning administrative functions may quote or interpret policy but does not set it. General Counsel’s memo quoting and applying policy in response to a specific question at a specific point in time is unlikely to excite research interest. What matters is the rule, not the number of times the rule is applied. Background records—the second category described above—provide the setting which an opinion addresses but are not essential to understanding how and why the opinion took shape.

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Despite the instruction’s permission to destroy records the split second business use ceases, General Counsel (GC) offices may hold onto these records for years, even decades. They form a GC library of agency and/or local interpretation of policy spanning the years. Every legal office needs latitude to determine on a case-by-case basis when material is superseded or so outdated that it no longer has informational value. When reviewing the draft schedule, NGC’s Chris Runkel noted re the flexible retention statement, “I’ve always worried we would throw advice out because [it’s] over 15 years old, say, and then not have the history to work from when a question resurfaces. This retention period addresses that concern.” Indeed, agency schedules retain these records for a wide variety of time frames, and the flexibility of this GRS item underscores this latitude.

**Media Neutrality**

Approved

**Item 0003 (GRS 6.7, item 030): Routine and administrative-matter litigation records.**

This item, like item 0002 (020), covers far fewer records than its title would suggest. The description and exclusions clearly link this item to routine subject matter. Owing to our litigious society, the volume of such cases may be legion. But their proliferation dilutes rather than concentrates their historical value as a genre.

Early drafts of this item proposed that the bullet “suits filed under the Contracts Dispute Act” would supersede GRS 1.1, item 060, Contract appeals case files. Under such an arrangement, the item would disappear from GRS 1.1 and be covered instead here in GRS 6.7. But an examination of the United States Code showed that this would be an error. Per 41 U.S.C. 7103, the agency contracting officer makes a decision in a contract dispute. A contractor unhappy with that decision can appeal through the courts per 41 U.S.C. 7104. Ergo: parallel files may be created in two offices (agency contracting officer

and legal office defending against the appeal) for separate business purposes. Hence two items.

As with item 0002 (020), a Note attached to this item states that if an agency interfiles all of its litigation records as a single series, the agency's schedule for these records takes precedence over this GRS item. An agency having such a schedule could choose to destroy routine and administrative-matter case files under this item, but would not be required to do so before transferring mission-related litigation records to NARA. Appendix 2 details how agencies have scheduled records of legal opinions on both mission and administrative matters.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. These records' subject matter, steeped in administrative minutiae, pegs them as universally lacking long-term or historical interest.

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Seven years is a standard retention for records of "middling" business value in agency bucket schedules. Subsections of 28 U.S.C. 2107 state various time limits in which an appeal to a Federal civil verdict must be filed; none are longer than 180 days. Seven years following final adjudication upon appeal provides more than ample time for an individual case to still command anyone's interest. It also matches the retention of this schedule's item 040. Agency schedules covering non-mission-related litigation records run the retention gamut from when no longer needed to 20 years, depending on the relative importance of the case (see Appendix 2).

GRS 1.1, item 060, Contract appeals case files, are retained only 1 year after final resolution in the appeal. This item is retained for 7 years after final resolution. Why the difference? The GRS 1.1 item's business purpose focuses on the contract itself. Once the final resolution is achieved and cannot be revisited, the agency contracting officer and financial management office has no long-term business use for the details of the court proceedings. It really only needs to know the final answer delivered there. The legal office, on the other hand, does have a vested interest in recollecting, for a period of time, the details of the court proceedings as documentation of how it has carried out its responsibilities.

**Media Neutrality**

Approved

GRS 6.7, item 040, Administrative claims by or against the United States, has been previously approved. It was originally published as GRS 1.1, item 080, but is moved into GRS 6.7 which is a better fit. It is not part of this appraisal.

**Item 0004 (GRS 6.7, item 050): Subpoena records.**

This item covers records created when an agency receives a subpoena, or "Touhy demand." This idiosyncratic name comes from *United States ex rel. Touhy v. Ragen*, 340 U.S. 462, a decision handed down by the Supreme Court in 1951. Roger Touhy, the unlikely man to have an entire legal maneuver genre named after him, was a Chicago mobster falsely convicted of kidnapping and sent to prison in 1933. His numerous appeals over the years included an insistence that his conviction would be overturned if the Chicago FBI office were required to hand over records that Touhy felt would exonerate



him.<sup>1</sup> The Supreme Court ruled that the head of a Federal agency may determine on his/her sole authority whether to produce documents and authorize employees' testimony in response to a subpoena or other demand for information. Such subpoenas are now colloquially known as Touhy demands.

This item covers only subpoenas *received* by Federal agencies. As noted in the exclusions, records of subpoenas created by the very few Federal agencies with general authority to issue them, and Inspectors General who have broad authority to issue administrative subpoenas, must schedule those mission records independently. Appendix 3 details how agencies have scheduled subpoena records.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records document a fairly routine and not uncommon business function. Per the exclusions, the entity issuing a subpoena—an activity stemming from that entity's mission—cannot destroy records under this item.

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Three-year retention is a standard for short-term temporary administrative records. Only four agencies have scheduled these records independently. Two retain them for 3 years, one for 6 years, and one for either 1 or 10 years depending on whether or not the case is appealed. See Appendix 3. This item's flexible retention accommodates those longer periods.

**Media Neutrality**

Approved

**Item 0005 (GRS 6.7, item 060): Non-disclosure agreements and related review records.**

Agencies working with contractors, especially in the realm of research and development, frequently encounter non-disclosure agreements in which agencies must promise not to reveal contractors' trade secrets. As these agreements are legally binding documents, they invariably involve an agency's legal arm. The records are generally under the control the legal office rather than the program office whose contract with an outside vendor necessitates enacting an agreement.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. These are pro-forma records, highly duplicative of each other in content and language.

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. These agreements may bind parties in perpetuity, in which case they do not actually expire. This does not negate the facts that they remain business records whose value is tied to documenting a specific fact (that Agency A promised to protect proprietary information belonging to Company B), and that when the agreement is no longer in effect, the countdown to record disposal can commence. Three years

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<sup>1</sup> He was unfortunately correct. Ultimately released in 1959, he was gunned down less than a month later.

ensure adequate time for an agreement to be resurrected as a starting point for a follow-on agreement, if any. It has also become the common retention for records of short-term value.

**Media Neutrality**

Approved

**Item 0006 (GRS 6.7, item 070): Attorney working files.**

These are the “B list” records which, if they were of significant import, would instead be in the case file. They are useful in developing a work product, but quickly lose value once that product is finalized. This series differs from the next series (Subject files) only in whether or not the files are linked to a specific case or matter. This series includes some materials more correctly described as reference rather than records, but it would be irresponsible to ignore mentioning the reference material on a technicality, when in real life records and non-records jumble together in this type of file. Appendix 4 details how agencies have scheduled these records.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. Records of substance should not appear in these files.

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Agencies have scheduled retention anywhere between “no longer needed” to 30 years (see Appendix 4). Flexible retention recognizes that much of this material ceases to be useful once a final product is achieved, yet permits material to be retained on a case-by-case or even item-by-item basis for as long as its owner finds it valuable.

**Media Neutrality**

Approved

**Item 0007 (GRS 6.7, item 080): Subject files.**

This item covers a wide array of records, intermixed with non-records, and retained outside of case files. It is organized by topic per often idiosyncratic subject headings that make sense to an individual office or user. Excluded are subject files collected and held by an agency’s General Counsel, Chief Counsel, or Solicitor because these records might have permanent value owing to their owner’s role in developing and influencing the agency’s footprint on the literal and figuratively historical landscape.

Purists might argue that the bullet “reference material” describes non-records and therefore should not appear in a records schedule. But as reference materials are clearly interfiled in this series, it would be a disservice to ignore them on the grounds they are not *technically* records.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. Like the records in item 0002 (020), their primary business function is that of an ever-shifting reference library, where new material is added and outdated material removed as necessary.

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Immediate disposal when no longer needed for business makes sense for a records series created in such a haphazard fashion

and whose content is linked to a sense that records have a potential for future use. Once that potential is exhausted, there is no need to retain records longer.

**Media Neutrality**

Approved

**Item 0008 (GRS 4.2, item 090): Case/matter tracking/calendaring system records.**

These records document the process by which cases and matters move through various stages from inception to final resolution. Excluded from this item are records of a new breed of tracking systems which not only track progress but also ingest actual case/matter records. An example of this kind of system is the Department of Justice's Automated Matters Management System, appraised under DAA-0060-2011-0018-0001 as permanent. Appendix 5 details how agencies have scheduled these records.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. Case records may be of great historical value, but the administrative details about how the case made its way through the system are not. In addition, this observation made by NARA appraisal archivist Stephen Cooper in his appraisal of N1-436-08-6, item 4 (Case Management System of the Bureau of Alcohol, Tobacco, and Firearms' General Counsel) deserves quotation in its entirety.


Although case management systems of this kind are sometimes scheduled as permanent, the overwhelming amount of routine and mundane information in this system makes it temporary. Also, it is not necessary to preserve the case management system as a finding aid to permanent legal matters because the volume of permanent legal matters is not [so] large that a finding aid is necessary. Attorneys log every activity in the case management system, so a meeting between NARA appraisers and an attorney would be logged into the system, including a brief narrative on the meeting and the amount of time dedicated to the meeting. An attorney developing a PowerPoint discussing EEO lawsuits would log the process of creating the presentation.

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Immigration and Customs Enforcement scheduled its legal case tracking records for 75-year retention (N1-567-09-7) because of the importance of the cases they track and because they serve as *de facto* finding aids to case records. This does not mean all tracking records deserve such intense long-term protection. The disposition accomplishes the purpose of declaring that all such records are, in the end, of temporary value. The flexible retention allows agencies to set virtually any block of time as adequate for its needs without troubling NARA to appraise the records and comment on the wisdom of that retention period.

**Media Neutrality**

Approved



GALEN R. WILSON  
Senior Records Analyst

**Appendix 1.****Agency schedules covering legal opinions and advice (GRS 6.7, item 020; DAA-GRS-2018-000x-0002)**

GRS 6.7, item 020 has flexible retention whereby agencies can retain the records until business use ceases. Therefore the GRS item can supersede all temporary agency items listed below. Agencies can continue to retain records for as many years as their own schedules state without sending notification to NARA provided they cite the GRS disposition authority rather than their own agency-specific disposition authority. GRS 6.7, item 020, supersedes only one permanent item in this list, as explained in footnote 2.

Agency	Schedule	Item title	Disposition	Superseded	Transfer/Destroy
Broadcasting Board of Governors	N1-517-09-001, item 1a	General Legal Files [advice to agency] - related to policy and precedent setting matters	Permanent	No	15 years
Broadcasting Board of Governors	N1-517-09-001, item 1b	General Legal Files [advice to agency] - All other matters	Temporary	Yes	5 years
Corporation for National Service	N1-362-97-001, item 3	Ethics Files [opinions]	Temporary	Yes	5 years
Defense Contract Audit Agency	N1-372-01-002, item 240.3a1	Legal Opinions - Mission related legal opinions	Permanent	No	No time frame given
Defense Contract Audit Agency	N1-372-01-002, item 240.3a2	Legal Opinions - Non-mission related legal opinions	Temporary	Yes	6 years
Defense Contract Audit Agency	N1-372-01-002, item 240.6a1	Standards of Conduct, Conflict of Interest [opinions] - Related to actual cases in the agency	Permanent	No	No time frame given
Defense Contract Audit Agency	N1-372-01-002, item 240.6a2	Standards of Conduct, Conflict of Interest [opinions] - Not related to actual cases in agency	Temporary	Yes	6 years
Defense Information Systems Agency	N1-371-02-008, item 208-02	Legal Advisory Files [opinions on administrative issues]	Temporary	Yes	10 years or no longer needed
Defense Information Systems Agency	N1-371-02-008, item 208-03	Legal Opinions on International Matters Files	Temporary	Yes	10 years or no longer needed
Defense Information Systems Agency	N1-371-02-008, item 208-05	Legal Opinions on Communications Planning Files	Temporary	Yes	5 years
Department of Education	N1-441-08-005, item a	Legal opinions and decisions	Permanent	No	5 years
Department of Treasury	N1-056-10-002, item 3	Significant precedential legal opinions	Permanent	No	10 years
Department of Veterans Affairs	N1-015-06-002, item 25	Attorney Reviews of Agency Materials	Temporary	Yes	3 years
Department of Veterans Affairs	N1-015-06-002, item 26-1	Legal Opinions - Precedent, Advisory, and Conclusive Opinions	Permanent	No	15 years
Department of Veterans Affairs	N1-015-06-002, item 26-2	Legal Opinions - Non-precedent, non-advisory, non-conclusive	Temporary	Yes	17 years
Department of Veterans Affairs	N1-015-06-002, item 26-3	Legal Opinions - Background materials	Temporary	Yes	5 years
DHS - FEMA	N1-311-10-002	Informal Legal Opinions	Temporary	Yes	3 years
DHS - TSA	N1-560-03-001, item 600.1	General Legal Files [general legal advice]	Temporary	Yes	15 years

DHS - TSA	N1-560-03-001, item 600.2	Personnel-Related Legal Assistance Files [advice on personnel/EEO related matters]	Temporary	Yes	5 years
DHS - TSA	N1-560-03-001, item 600.5	FOIA Legal Advice Files	Temporary	Yes	7 years
DHS - TSA	N1-560-03-001, item 600.14	International Law Files [legal advice]	Temporary	Yes	15 years
DHS - TSA	N1-560-03-001, item 600.15	Formal Legal Opinion Files [controlled series]	Permanent	No	30 years
DOD-Joint Staff	N1-218-10-005, item 0400-03D	Management and Program Operations Records - General Laws and Legal Matters [opinions based on established precedent at originating offices]	Temporary	Yes	7 to 10 years
DOI	N1-048-07-002, item 7502	Opinions	Permanent	No	5 years after retirement
DOI	N1-048-07-002, item 7503	Legal Advice Files [temporary opinions]	Temporary	Yes	5 years
DOJ	N1-060-10-024, item 1	Advice and Opinions - Significant issues	Temporary	Yes	10 years
DOJ	N1-060-10-024, item 2	Advice and Opinions - Non-Significant issues	Temporary	Yes	4 years
DOT - Federal Motor Carrier Safety Administration	N1-557-05-002, item 15	Division Legal Opinions and Interpretations	Temporary	Yes	5 years
DOT - Federal Motor Carrier Safety Administration	N1-557-05-002, item 29	General Law Division Non-Litigation Case Files [advice and assistance on administrative issues]	Temporary	Yes	6 years
DOT - Federal Railroad Administration	N1-399-07-021, item 16	Subject Matter Files [opinions, interpretations] - Landmark	Permanent	No	30 years
DOT - Federal Railroad Administration	N1-399-07-021, item 17	Subject Matter Files [opinions, interpretations] - Routine	Temporary	Yes	10 to 30 years
DOT - Federal Transit Administration	N1-408-11-008, item 2010	Opinions	Permanent	No	30 years
DOT - National Highway Traffic Safety Administration	N1-416-05-004, item 1	Rulemaking and Interpretation Files	Permanent	No	20 years
DOT - National Highway Traffic Safety Administration	N1-416-05-004, item 4b	Review Files – Requests for reviews of agency documents	Temporary	Yes	1 year
DOT - National Highway Traffic Safety Administration	N1-416-05-004, item 4c	Review Files - Cooperative agreements	Temporary	Yes	10 years
DOT - National Highway Traffic Safety Administration	N1-416-05-004, item 4d	Review Files - All other records	Temporary	Yes	5 years
FBI	N1-065-10-015, item A	Formal Opinions and Advice	Permanent	No	25 years
FBI	N1-065-10-015, item B	Program advice	Temporary	Yes	20 years

Federal Mediation and Conciliation Service	N1-280-06-002, item 201	Legal Opinion Files	Permanent	No	30 years
Federal Retirement Thrift Investment Board	N1-474-00-001, item 1b	Advisory Opinions [library copy]	Temporary	Yes	3 years
HHS	DAA-0468-2013-0011-0003	Legal Opinions	Temporary	Yes	10 years
HUD	N1-207-10-002, item 12a	Legal Opinion Files - Record copies concerning HUD's relationship with public housing agencies	Permanent	No	12 years
HUD	N1-207-10-002, item 12b1	Legal Opinion Files - All other - Significant or precedent setting	Permanent	No	12 years
HUD	N1-207-10-002, item 12b2	Legal Opinion Files - All other - Not significant	Permanent	Yes <sup>2</sup>	12 years
HUD	N1-207-10-002, item 12c1	Book of legal opinions - master set	Permanent	No	12 years
HUD	N1-207-10-002, item 12c2	Book of legal opinions - all other sets	Temporary	Yes	No longer needed
HUD	N1-207-10-002, item 12e	All other non-record copies of legal opinions, interpretations, rulings or advice	Temporary	Yes	No longer needed
NARA	N1-064-05-001, item 1103-1a	General legal advice - precedential	Permanent	No	15 years
NARA	N1-064-05-001, item 1103-1b	General legal advice - other	Temporary	Yes	15 years
NARA	N1-064-05-001, item 1103-4a	Ethics (Advice & operations) - Operations	Temporary	Yes	6 years
NARA	N1-064-05-001, item 1103-6a	FOIA/Privacy (Advice & Operations) - Operations	Temporary	Yes	15 years
Nuclear Regulatory Commission	N1-431-00-018, item 1a4	Commission Memorandum File [legal opinions]	Permanent	No	2 years
Nuclear Regulatory Commission	N1-431-00-018, item 9	Personal Opinion Files [personal opinions related to sensitive personnel matters]	Temporary	Yes	3 years
ODNI	N1-576-10-002, item 1a	OGC Legal Opinions and Associated Case Files - Precedent-setting Opinions Case Files	Permanent	No	30 years
ODNI	N1-576-10-002, item 1b	OGC Legal Opinions and Associated Case Files - Routine or Non-Precedent Setting Opinions Case Files	Temporary	Yes	3 years
Office of Federal Housing Enterprise Oversight	N1-543-00-002, item 02a	Legal Opinions Retrieval System (paper file) [legal opinions] - deemed to have permanent value	Permanent	No	30 years
Office of Federal Housing Enterprise Oversight	N1-543-00-002, item 02b	Legal Opinions Retrieval System (paper file) [legal opinions] - deemed to have temporary value	Temporary	Yes	No longer needed
Office of Navajo and Hopi Indian Relocation	N1-220-02-005, item 7a	Legal Opinion	Permanent	No	Agency closure
Office of Thrift Supervision	N1-483-07-002, item 4	Thrift Institution Files [opinions and memos related to thrift institutions]	Temporary	Yes	10 years

<sup>2</sup>GRS 6.7, item 020 supersedes N1-207-10-002, item 12b2 because the HUD item specifically states these records are "not significant."

Office of Thrift Supervision	N1-483-07-002, item 5	Non-Thrift Related Opinions, Policy & Memos [ EEO case files, employment administrative appeals, contracts, leases, complains, employee and labor relations and arbitration issues, federal tort claims, FOIA appeal cases]	Temporary	Yes	10 years
Railroad Retirement Board	N1-184-89-001, item 9-1	Digest of Legal Opinions	Permanent	No	15 years
Social Security Administration	N1-047-10-004, item 2a1	Program Legal Advice Files - Precedent Setting Opinions	Permanent	No	30 years
Social Security Administration	N1-047-10-004, item 2a2	Program Legal Advice Files - All other	Temporary	Yes	20 years
Social Security Administration	N1-047-10-004, item 1f	General Law Legal Advice Files	Temporary	Yes	20 years
Southwestern Power Administration	N1-387-09-1, item 8	Legal Opinions	Permanent	No	5 years
US Marshalls Service	N1-527-97-011, item 1	Legal Opinion Review Files	Permanent	No	15 years
US National Trade Commission	N1-081-06-001, item c2	General Counsel Memoranda [Opinions]	Temporary	Yes	75 years
USDA - Farm Credit Administration	N1-103-11-1, item 5.1	Legal Opinions - Internal	Permanent	No	30 years
USDA - Risk Management Agency	N1-258-08-14, item 2	Legal Advice and Opinions	Temporary	Yes	3 years

### Appendix 2.

#### Agency schedules covering litigation records (GRS 6.7, item 030; DAA-GRS-2018-000x-0003)

GRS 6.7, item 030 prescribes a minimum retention of 7 years; longer retention is authorized. Agency schedules calling for 7 years or more may remain in effect without agencies sending NARA notification provided they cite the GRS disposition authority. *Agencies with retention shorter than 7 years must notify NARA within 120 days of this schedule's publication and provide a justification for why the shorter retention is sufficient. NARA will review the notification and determine if the shorter retention is acceptable.* GRS 6.7, item 030 does not supersede any of the permanent items listed in this appendix.

Agency	Schedule	Item	Disposition	Superseded	Transfer/Destroy
Broadcasting Board of Governors	N1-517-09-001, item 2a	Litigation Files Precedent and policy setting cases selected by OGC	Permanent	No	15 years
Broadcasting Board of Governors	N1-517-09-001, item 2b	Litigation Files - All other cases	Temporary	Yes	5 years
Bureau of Engraving and Printing	N1-318-04-003, item 1a	Subject/Case Files - Historically significant case files	Permanent	No	15 years
Bureau of Alcohol Tobacco Firearms & Explosives	N1-436-08-006, item 1a	Legal Matter Files – significant precedential or historic value	Permanent	No	20 years
Bureau of Alcohol Tobacco Firearms & Explosives	N1-436-08-006, item 1b	Legal Matter Files – Routine	Temporary	Yes	5 years

Bureau of Engraving and Printing	N1-318-04-003, item 1b	Subject/Case Files - Other case files	Temporary	Yes	5 years
Bureau of Engraving and Printing	N1-318-04-003, item 1c	Subject/Case Files - Index to Case Files	Temporary	No <sup>3</sup>	With related case files
Bureau of Engraving and Printing	N1-318-04-003, item 1d	Subject/Case Files - Routine Facilitative Materials	Temporary	No	No longer needed
Corporation for National Service	N1-362-97-001, item 2	Litigation Case Files [criminal and tort]	Temporary	Yes	4 years
Defense Information Systems Agency	N1-371-02-008, item 208-06	Litigation Files	Temporary	Yes	3 years
Defense Logistics Agency	N1-361-91-005, item 11	Other Litigation	Temporary	Yes	6 years
Department of State	N1-059-95-011, item 5	Litigation case files (Office of Buildings & Acquisitions)	Temporary	Yes	6 years, 3 months
Department of State	N1-059-95-011, item 16	Legal Case Files (Geographic Offices)	Permanent	No	30 years
Department of State	N1-059-95-011, item 20a	Litigation case files (Office of Consular Affairs) - Precedent cases	Permanent	No	30 years
Department of State	N1-059-95-011, item 20b	Litigation case files (Office of Consular Affairs) - Non-precedent cases	Temporary	Yes	2 years
Department of Treasury	N1-056-10-002, item 4a	Legal matters/litigation files - significant	Permanent	No	20 years
Department of Treasury	N1-056-10-002, item 4b	Legal matters/litigation files - routine	Temporary	Yes	2 years
Dept of Veterans Affairs	N1-015-06-002, item 7	Real Property Litigation Case Files	Temporary	Yes	10 years
Dept of Veterans Affairs	N1-015-06-002, item 12	Litigation Files	Temporary	Yes	6 years, 3 months
Dept of Veterans Affairs	N1-015-06-002, item 4	General and Case files - Labor Management relations	Temporary	Yes	6 years
DHS	N1-563-08-033, item 11a	Litigation and Case Files - non-policy making	Temporary	Yes	10 years
DHS - Secret Service	N1-087-91-002, item 1	Closed Litigation case files	Temporary	Yes	5 years
DHS - TSA	N1-560-03-001, item 600.6a	Litigation Files - Significant cases	Permanent	No	20 years
DHS - TSA	N1-560-03-001, item 600.6b	Litigation Files - Other case files	Temporary	Yes	10 years
DHS - TSA	N1-560-03-001, item 600.13	Civil and Criminal Enforcement Files	Temporary	Yes	10 years
DHS - TSA	N1-560-03-001, item 600.10	Employee Claim Files - no claim filed	Temporary	Yes	3 years
DOE - Bonneville Power Administration	N1-305-07-1, item 6c	Records recording litigation	Temporary	Yes	7 to 10 years
DOI	N1-048-07-002, item 7501b	Litigation Files - Permanent	Permanent	No	20 years
DOI	N1-048-07-002, item 7501a	Litigation Files - Temporary	Temporary	Yes	20 years

<sup>3</sup> Covered by GRS 4.1, item 010 (DAA-GRS-2013-0002-0016).



DOI	N1-048-07-002, item 7510	Land Case Files	Temporary	Yes	20 years
DOT - Federal Motor Carrier Safety Administration	N1-557-05-002, item 16	Enforcement and Litigation Division Non-Litigation Files [more directed at enforcement activities in description]	Temporary	Yes	6 years
DOT - Federal Motor Carrier Safety Administration	N1-557-05-002, item 17	Enforcement and Litigation Division Federal Court Litigation Files	Temporary	Yes	6 years
DOT - Federal Motor Carrier Safety Administration	N1-557-05-002, item 18	Non-Public Field Attorney Administrative Enforcement Files [pre-prosecution of administrative cases for violations of regulations]	Temporary	Yes	6 years; 15 years
DOT - Federal Motor Carrier Safety Administration	N1-557-05-002, item 27	General Law Division Litigation Case Files [agency administrative issues like EEO]	Temporary	Yes	6 years
DOT - Federal Railroad Administration	N1-399-07-021, item 11	Litigation - Landmark	Permanent	No	30 years
DOT - Federal Railroad Administration	N1-399-07-021, item 12	Litigation - Routine	Temporary	Yes	6 years
DOT - National Highway Traffic Safety Administration	N1-416-05-004, item 6a	Litigation Case Files - Personnel actions	Temporary	Yes	10 years
DOT - National Highway Traffic Safety Administration	N1-416-05-004, item 6b	Litigation Case Files - Significant Case Files	Permanent	No	10 years
DOT - National Highway Traffic Safety Administration	N1-416-05-004, item 6c	Litigation Case Files - All other files	Temporary	Yes	10 years
Federal Communications Commission	N1-173-91-001, item 6	Project/Case Files	Temporary	Yes	3 years
Federal Communications Commission	N1-173-91-001, item 5	EEO Discrimination Complaint Files/Grievance, Disciplinary and Adverse Action Files	Temporary	Yes	3 years
Federal Maritime Commission	N1-358-08-008, item 3a	Federal and Other Court Cases - not significant cases	Temporary	Yes	10 years
Federal Maritime Commission	N1-358-08-008, item 3b	Federal and Other Court Cases - significant cases	Temporary	Yes	20 years
Federal Mediation and Conciliation Service	N1-280-06-002, item 210	Litigation Case Files	Temporary	Yes	10 years
Federal Retirement Thrift Investment Board	N1-474-96-002, item 16	Official Litigation Case Files	Temporary	Yes	7 years
HHS	DAA-0468-2013-0011-0001	Litigation Case Files	Temporary	Yes	10 years
HHS	DAA-0468-2013-0011-0006	Significant Legal Case Files	Permanent	No	15 years
HUD	N1-207-10-002, item 4	Employees' Personal Property Claims Case Files	Temporary	Yes	3 years
HUD	N1-207-10-002, item 5a	Official Litigation Case Files - Significant	Temporary	Yes	7 years

HUD	N1-207-10-002, item 5b	Official Litigation Case Files - All other	Temporary	Yes	4 years
NARA	N1-064-05-001, item 1103-2a1	Litigation - General & Replevin - Significant	Permanent	No	15 years
NARA	N1-064-05-001, item 1103-2a2	Litigation - General & Replevin - Other	Temporary	Yes	15 years
NARA	N1-064-05-001, item 1103-2b	Litigation - Other (EEO, torts, subpoenas, procurement bid protests)	Temporary	Yes	6 years
Nuclear Regulatory Commission	N1-431-00-018, item 7d	Litigation Case Files	Permanent	No	2 years
ODNI	N1-576-10-002, item 3a	Litigation Case Files - Precedent-Setting Cases	Permanent	No	30 years
ODNI	N1-576-10-002, item 3b	Litigation Case Files - Routine Cases	Temporary	Yes	3 years
Office of Navajo and Hopi Indian Relocation	N1-220-02-005, item 1a	Litigation Files	Temporary	Yes	10 years
Office of Thrift Supervision	N1-483-09-2, item 5b	Office of Chief Counsel - Historically Significant Case Files [Enforcement and litigation case files]	Permanent	No	10-20 years
Office of Thrift Supervision	N1-483-09-2, item 5c	Office of Chief Counsel - Non-significant Case Files [Enforcement and Litigation case files]	Temporary	Yes	10 years
OGE	N1-522-96-001, item 2a	Litigation Files - Reports and correspondence reflecting changes in policy	Permanent	No	20 years
OGE	N1-522-96-001, item 2b	Litigation Files - All other records	Temporary	Yes	20 years
Railroad Retirement Board	N1-184-89-001, item 9-2a	Litigation Files - Petition for Review, Board's Brief, and Court's Opinion	Temporary	Yes	No longer needed
Railroad Retirement Board	N1-184-89-001, item 9-2b	Litigation Files - Administrative Record	Temporary	Yes	5 years
Social Security Administration	N1-047-10-004, item 2b	Program Litigation Case Files	Temporary	Yes	10 years
Social Security Administration	N1-047-10-004, item 1a	Negotiated Grievance Case Files [Union grievances]	Temporary	Yes	6 years
Social Security Administration	N1-047-10-004, item 1b	Unfair Labor Practice Case Files [Union against management]	Temporary	Yes	6 years
Social Security Administration	N1-047-10-004, item 1c	Unemployment Case Files	Temporary	Yes	6 years
Social Security Administration	N1-047-10-004, item 1j	Touhy Requests	Temporary	Yes	6 years
Social Security Administration	N1-047-10-004, item 1l (one-el)	General Litigation Files	Temporary	Yes	6 years
Southwestern Power Administration	N1-387-09-1, item 11	Litigation Case Files	Permanent	Yes	25 years
US Information Agency	N1-306-95-007, item 3a	Litigation Files - precedent and policy setting cases	Permanent	No	20 years
US Information Agency	N1-306-95-007, item 3b	Litigation Files - All other cases	Temporary	Yes	5 years

US Marshalls Service	N1-527-97-011, item 2	Civil Litigation Files	Temporary	Yes	10 years
US National Trade Commission	N1-081-06-001, item c1	Litigation case files	Temporary	Yes	20 years
USDA - Farm Credit Administration	N1-103-11-1, item 5.2a	Litigation Pertaining to the FCA - Litigation affecting/involving FCA	Permanent	No	30 years
USDA - Farm Credit Administration	N1-103-11-1, item 5.2b	Litigation Pertaining to the FCA - Litigation of interest but not directly affecting FCA	Temporary	Yes	7 years

### Appendix 3.

#### Agency schedules covering subpoena records (GRS 6.7, item 050; DAA-GRS-2018-000x-0004)

GRS 6.7, item 050 prescribes a minimum retention of 3 years; longer retention is authorized. Agency schedules calling for 3 years or more may remain in effect without agencies sending NARA notification as long as they cite the GRS disposition authority. *Agencies with retention shorter than 3 years must notify NARA within 120 days of this schedule's publication and provide a justification for why the shorter retention is sufficient. NARA will review the notification and determine if the shorter retention is acceptable.*

Agency	Schedule	Item	Disposition	Superseded	Transfer/Destroy
Federal Mediation and Conciliation Service	N1-280-06-002, item 210-2a	Mediator Subpoena Files - Cases that do not result in an appeal	Temporary	Yes	1 year
Federal Mediation and Conciliation Service	N1-280-06-002, item 210-2b	Mediator Subpoena Files - Cases that result in appeals	Temporary	Yes	10 years
Federal Motor Carrier Safety Administration	N1-557-05-002, item 19	Subpoena Files	Temporary	Yes	3 years
HHS	DAA-0468-2013-0011-0002	Subpoenas	Temporary	Yes	10 years
HUD	N1-207-10-002, item 7a	Subpoena Files - Administrative Files	Temporary	Yes	3 years
HUD	N1-207-10-002, item 7b	Subpoena Files - Transcript Files	Temporary	Yes	3 years
Social Security Administration	N1-047-10-004, item 1k	Subpoenas	Temporary	Yes	6 years

### Appendix 4.

#### Agency schedules covering working files (GRS 6.7, item 070; DAA-GRS-2018-000x-0006)

GRS 6.7, item 070 has flexible retention whereby agencies can retain the records until business use ceases. Therefore the GRS item can supersede all temporary agency items listed below. Agencies can continue to retain records for as many years as their own schedules state without sending notification to NARA as long as they cite the GRS disposition authority.

Agency	Job No.	Item	Disposition	Superseded	Transfer/Destroy
Bureau of Alcohol Tobacco Firearms & Explosives	N1-436-08-006, item 2	Attorney working files	Temporary	Yes	No longer needed

Department of Treasury	N1-056-10-002, items 1a, 1b	Attorney working files	Temporary	Yes	No longer needed
DOD-Joint Staff	N1-218-10-005, item 0400-02D	Working Papers & Office Administrative Records - General Laws and Legal Matters	Temporary	Yes	3 years
DOD-Joint Staff	N1-218-10-005, item 0400-02E	Working Papers & Office Administrative Records - Military Justice	Temporary	Yes	3 years
DOT - Federal Railroad Administration	N1-399-07-021, item 5	Attorney working files	Temporary	Yes	30 years
FBI	N1-065-10-015, item F	Attorney working files	Temporary	Yes	1 year
HUD	N1-207-10-002, item 5c	Official Litigation Case Files - Unofficial reference copies/working files	Temporary	Yes	No longer needed
HUD	N1-207-10-002, item 21	Attorney working files	Temporary	Yes	No longer needed
ODNI	N1-576-10-002, item 6a1	Working Papers - Substantive Working papers coordinated outside unit of origin	Permanent	No	30 years
ODNI	N1-576-10-002, item 6a2	Working Papers - Substantive Working papers [related to transitory or routine matters]	Temporary	Yes	3 years
ODNI	N1-576-10-002, item 6b	Non-Substantive Working Papers	Temporary	Yes	No longer needed
Office of Navajo and Hopi Indian Relocation	N1-220-02-005, item 3	Attorney working files	Temporary	Yes	10 years
Office of Thrift Supervision	N1-483-07-002, item 7	Legal Subject Files [working files and reference files]	Temporary	Yes	10 years
OGE	N1-522-96-001, item 22	Attorney working files	Temporary	Yes	5 years
Railroad Retirement Board	N1-184-06-002, item 2	General Counsel working files	Temporary	Yes	2 years
US Patent and Trademark Office	N1-241-05-1, item 2a	Routine Administrative Law Files, Internal Management [Attorney working files]	Temporary	Yes	No longer needed

#### Appendix 5.

#### Agency schedules covering case tracking systems (GRS 6.7, item 090; DAA-GRS-2018-000x-0008)

The GRS item has flexible retention, therefore can supersede all temporary agency items listed below. Agencies can continue to retain records for as many years as their own schedules state without sending notification to NARA provided that they cite the GRS disposition authority.

Agency	Job No.	Item	Disposition	Superseded	Transfer/Destroy
Bureau of Alcohol Tobacco Firearms & Explosives	N1-436-08-006, item 4	Case management system	Temporary	Yes	20 years
Department of Treasury	N1-056-10-002, item 1b	Matter tracking system	Temporary	Yes	After case is closed
Department of Veterans Affairs	N1-015-06-002, item 3	Tracking and Control Databases	Temporary	Yes	When obsolete or upgraded

DHS – Coast Guard	N1-026-06-003, items 1 and 2	Legal Assistance - Case tracking system – input and master file	Temporary	Yes	3 years
DHS – Immigration and Customs Enforcement	N1-567-09-007, item 1	General Counsel Electronic [Case] Management System	Temporary	Yes	75 years
Federal Housing Enterprise Oversight	N1-543-00-002, items 1a, 1b	PROJECT [assignment tracking system]	Temporary	Yes	No longer needed
Federal Retirement Thrift Investment Board	N1-474-04-001, item a	OGTRACK [tracking system for bankruptcy, court orders, fraud and forgeries, correspondence, Privacy Act, and litigation cases]	Temporary	Yes	No longer needed
HHS	N1-468-09-004, item 1a	Matter Tracking System	Temporary	Yes	20 years
Navy - Marine Corps	N1-NU-07-0012, item 1	Military Justice Case Progression Tracking	Temporary	Yes	10 years
Social Security Administration	N1-047-10-004, item 2d	National Docketing Management Information System [case assignments]	Temporary	Yes	25 years