

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		LEAVE BLANK (NARA use only)	
		JOB NUMBER <i>NI-503-09-17</i>	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MID 20740-6001		Date Received <i>4-17-2009</i>	
1 FROM (Agency or establishment) <b>Department of Homeland Security</b>		NOTIFICATION TO AGENCY	
2 MAJOR SUB DIVISION <b>Agency Wide</b>		In accordance with the provisions of 44 U S C 3303a, the disposition request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
3 MINOR SUBDIVISION			
4 NAME OF PERSON WITH WHOM TO CONFER <b>Kathy Schultz</b>	5 TELEPHONE <b>202-447-5075</b>	DATE <i>8/27/09</i>	ARCHIVIST OF THE UNITED STATES <i>Adrienne Thomas</i>
<p>6 <b>AGENCY CERTIFICATION</b></p> <p>I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>1</u> page(s) are not needed now for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 the GAO Manual for Guidance of Federal Agencies,</p> <p><input checked="" type="checkbox"/> is not required                      <input type="checkbox"/> is attached, or                      <input type="checkbox"/> has been requested</p>			
DATE <b>4/15/09</b>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Kathy Schultz</i>		TITLE <b>Senior Records Officer</b>
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
<b>1</b>	<b>See attached sheet(s) for: US Persons Records</b>		

## U.S. Department of Homeland Security

### Headquarters Records Schedules

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### Department of Homeland Security

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Per Executive Order 12333, a US Person means a United States citizen, an alien known by the intelligence element concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. US Person data must be identified to ensure compliance with U.S. Intelligence Oversight rules.

DHS has 180 days from the date US Person information is first collected to determine whether the data meets a two-part test. To meet the first test, the data must fall within one of the following five legal authorities pursuant to the Homeland Security Act of 2002 (as amended): specific tasks related to terrorist threats, general tasks related to priorities for protective and support measures, general tasks related to Departmental support, general tasks directed by the Secretary, or specific tasks directed by statute or Presidential Directive. To meet the second test, the data must be collected only when necessary for the conduct of authorized Intelligence and Analysis (I&A) intelligence activity and the information is reasonably believed to fall within one of the following categories: information obtained with consent, publicly available information, foreign intelligence, counterintelligence, potential sources of assistance to intelligence activities, protection of intelligence sources and methods, personnel, physical or communications security, terrorism information, vulnerabilities information, international narcotics activities, border security information, threats to safety, overhead reconnaissance, and administrative information. (For descriptive information about these terms, see DHS memo on interim intelligence oversight procedures dated April 3, 2008, by Charles E. Allen, Under Secretary for Intelligence and Analysis, and Matthew Kronisch, Associate General Counsel for Intelligence.)

If DHS determines US Person data meet the two-part test, the records must be reviewed annually to determine whether there is still a mission need to retain the information. At the anniversary date (or any time beforehand) a record can be reviewed and verified that there is still a mission need to retain the information. The anniversary date will then be set for an additional year out. This can go on for as long as the information is deemed necessary for the mission.

If DHS *uses* US Person data, it is generally to create an intelligence product.

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**Unless otherwise noted, all disposition instructions are media neutral; they apply regardless of the media or format of the records.**

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1 **US Persons Records**

Data/records collected for intelligence purposes about a United States citizen, an alien known by the intelligence element concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments

**a. Uncategorized records.** Records that do not meet the required two-part test

**Disposition:** TEMPORARY Destroy/delete within 180 days from the date the information is collected

**b. Categorized records that are not used.** Records that meet the required two-part test but are not used

**Disposition:** TEMPORARY Review mission need annually Destroy/delete when determined there is no longer a mission need to retain the information

~~c. Categorized records that are used.~~ Records that meet the required two-part test and are used

~~Note: These records will be scheduled series by series on an individual basis~~

This item is struck-through because it is a note, not a request for records disposition authority. NARA concurs with this note