

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>			JOB NUMBER <i>11-65-10-15</i>	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001			Date received <i>11/9/10</i>	
1 FROM (Agency or establishment) <b>DEPARTMENT OF JUSTICE</b>			<b>NOTIFICATION TO AGENCY</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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
2 MAJOR SUBDIVISION <b>FEDERAL BUREAU OF INVESTIGATION</b>				
3 MINOR SUBDIVISION <b>OFFICE OF THE GENERAL COUNSEL</b>				
4 NAME OF PERSON WITH WHOM TO CONFER <b>Teresa C Sharkey, CRM</b>		5 TELEPHONE NUMBER <b>703-504-0328</b>	DATE <i>11/9/10</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>
6 AGENCY CERTIFICATION 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>2</u> page(s) are not needed now for the business for 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 of the GAO Manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested				
DATE <i>11/5/2010</i>		SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>		TITLE SECTION CHIEF
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)	
	<p align="center"><b>Legal Matter Records</b></p> <p>Legal matter records include written materials in any form or media, prepared by the Office of the General Counsel (OGC) or by other designated legal advisors [e.g., Chief Division Counsel (CDCs)] that provide interpretation, analysis, or advice concerning existing or proposed laws, regulations, Executive Orders, and policies (including Attorney General Guidelines) and their application to Federal Bureau of Investigation (FBI) operations, administration, or other matters of interest to the FBI. "Legal advice" includes authoritative opinions and findings regarding issues of law, as well as analyses, explanations, recommendations, and drafting assistance regarding operational and management issues and options from a legal perspective. Legal matters records also include documentation of issues that are primarily the responsibility of OGC, such as litigation. This schedule also includes related records that are necessary to understand such records.</p> <p>Legal matter records are, in general, attorney-client privileged or attorney work product, which are sensitive records subject to additional controls to limit access.</p> <p>This records schedule applies to FBI classification 333 (Legal Matter Records).</p> <p>Records are cross-filed when appropriate.</p> <p><b>This schedule is media neutral</b></p>			

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	<p><b>A Formal Opinions and Advice of the FBI's Office of the General Counsel</b></p> <p>Legal advice and opinions rendered by the Office of the General Counsel that meet one of the following criteria</p> <ul style="list-style-type: none"> <li>• Authoritative opinions regarding issues of special significance to FBI missions and authorities administered by the FBI, expected to be of continuing precedential value,</li> <li>• Advice advocating a major change in FBI policy or practice affecting the performance of FBI missions due to legal requirements and concerns,</li> <li>• Other legal advice determined by a Deputy General Counsel or the General Counsel to be of sufficient historical or legal significance that it should be retained permanently, including <ul style="list-style-type: none"> <li>- Advice discussed in U S Supreme Court or appellate court opinions, or</li> <li>- Advice that is the subject of a Congressional investigation or substantial national media interest</li> </ul> </li> </ul> <p>These records consist of written correspondence (such as Electronic Communications (ECs), briefs, letters, memoranda or e-mail) and are normally approved by a Deputy General Counsel or the General Counsel They will also include any appropriate reference and background records</p> <p><b>Disposition PERMANENT</b> Cut off end of the calendar year after the legal work product is completed and approved Transfer to NARA 25 years after cutoff</p> <p><b>B Program Advice</b></p> <p>Legal advice that is not included in "Formal Advice and Opinions of the General Counsel" (item A), but which is expected to have a substantial or long term effect on, or applicability to, the policies and practices of the FBI, beyond a particular case or matter or policy document It also includes any case-specific advice which cannot be filed in the applicable case file because of the privileged nature of the information it contains This advice may be in the form of an EC, letter, memorandum, e-mail or similar correspondence</p> <p>Program advice includes</p> <ul style="list-style-type: none"> <li>• Advice provided for a particular case or matter that is likely to be applied to future cases or matters as well,</li> <li>• Requests to external legal entities such as the DOJ Office of Legal Counsel for rulings or opinions on matters of interest to the FBI that include substantial legal analysis</li> </ul> <p><b>Disposition TEMPORARY</b> Cut off end of the calendar year after the legal document is completed Delete/Destroy 20 years after cutoff or when no longer needed for business purposes, whichever is later</p>			

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	<p><b>C Legal Informational Documentation</b></p> <p>General informational materials regarding legal concepts that involve substantial legal discussion other than those listed in "Formal Opinions and Advice of the General Counsel" (item A) and "Program Advice" (item B) These include published materials with titles such as "Legal Tip of the Week" and reference materials posted on the FBI Intranet for use by groups of employees</p> <p><b>Disposition TEMPORARY</b> Cut off end of the calendar year after issuance Delete/Destroy 5 years after cutoff or when no longer needed for business purposes, whichever is later</p> <p><b>D Legal Coordination and Administration Records</b></p> <p>Records concerning routine legal administrative matters such as communications regarding work-related subpoenas of FBI employees or traffic/parking tickets</p> <p><b>Disposition TEMPORARY</b> Cut off end of the calendar year that the document is authorized and released Delete/Destroy the OGC copy of the original document and supporting files 2 years after cutoff, or when no longer needed for business purposes, whichever is later</p> <p><b>E Informal / Ad Hoc Legal Assistance Records</b></p> <p>Records of advice to FBI staff consisting primarily of directing the requester to existing regulations, references, policies, appropriate FBI HQ staff, or similar sources, and which has minimal documentary or evidential value Normally provided by email or recorded in phone logs, diaries, etc</p> <p><b>Disposition TEMPORARY</b> Retain OGC copy as email, phone log, etc Delete/Destroy 90 days after completion or when no longer needed for business purposes, whichever is later</p> <p>NOTE The FBI office requesting the advice retains these records in the appropriate program or project file classification for a time specified for that classification or until no longer needed for business purposes, whichever is later</p> <p><b>F Attorney Working Files</b></p> <p>Records include drafts, notes, memoranda, background and reference material, which are not a part of the official records</p> <p><b>Disposition TEMPORARY</b> Cut off end of the calendar year after the legal work product is completed Review for any remaining federal record material and file appropriately Delete/Destroy when no longer needed for business purposes, for convenience of reference or 1 year after cutoff, whichever is later</p>		