

# Request for Records Disposition Authority

(See Instructions on reverse)

## Leave Blank (NARA Use Only)

Job Number  
056-10-2

Date Received  
11/19/09

**Notification to Agency**

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10

Date: 19 Oct 10 Archivist of the United States: *[Signature]*

To: **National Archives and Records Administration (NIR)**  
Washington, DC 20408

1 From (Agency or establishment)  
**Department of the Treasury**

2 Major Subdivision  
**Departmental Offices**

3 Minor Subdivision  
**Office of the General Counsel**

4 Name of Person with whom to confer: **Steve Milline**  
5 Telephone (include area code): **202-622-1889**

**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 4 page(s) are not now needed 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 of the GAO Manual for Guidance of Federal Agencies

is not required       is attached       has been requested

Signature of Agency Representative: *[Signature]* Title: **Departmental Offices Records Officer** Date (mm/dd/yyyy): **11/18/2009**

7 Item Number	8 Description of Item and Proposed Disposition	9 GRS or Superseded Job Citation	10 Action taken (NARA Use Only)
7	<p><b>Departmental Offices</b> <b>Office of the General Counsel</b></p> <p><b>This schedule covers records accumulated by the General Counsel in its support of Departmental Offices.</b></p> <p><b>Note: This schedule excludes all records which are covered by the National Archives and Records Administration General Records Schedules and the schedule for Records Common to Most Offices in Departmental Offices (N1-056-03-10), and superseded N1-056-95-1 and NC1-056-78-6.</b></p>		

**Department of the Treasury**

**Office of the General Counsel**

**Note: This schedule excludes all records which are covered by the National Archives and Records Administration General Records Schedules and the schedule for Records Common to Most Offices in Departmental Offices, Job No. N1-056-03-10, and supersedes Job Nos. N1-056-95-1 and NC1-056-78-6.**

**1. Attorney Working Files/Administrative Materials**

- a. Notes, draft memoranda and letters, background materials and reference copies of documents collected by attorneys in the course of providing legal guidance Recordkeeping copies of completed legal work product created by attorneys in the office are placed in the appropriate official file

Disposition Temporary Break files after the legal work product is completed Screen attorney working files before destruction and transfer any record-keeping material to appropriate official file Destroy on site when no longer needed for current agency business or convenience of reference, whichever is later

- b. Documents identifying administrative matters, including opening and closing dates of matters and the attorney to whom the matter is assigned, tracking and filing systems, upcoming events relating to pending litigation designated as significant by Treasury bureaus, litigation and regulation status The information in the master database or tracking system may include the following fields Case Number, Case Type, Client Office, Data Open, Date Due, Date Closed, Date Inactive, Other ID# and Events

Disposition Temporary Delete information from system or destroy documents after matter is closed/completed, or when no longer needed for current agency business or convenience of reference, whichever is later

**{Supersedes NC1-56-78-6, Item 10}**

**2. Document Production Records**

- a. Records responsive to major or significant government production requests, or documents produced pursuant to discovery or related administrative requests, memoranda detailing search criteria, transmittal and other related correspondence

Disposition Temporary Break files when production request is completed. Destroy on site 2 years after the underlying request, investigation or litigation is concluded

- b Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy

Disposition Temporary Break upon completion of dissemination, revision, or updating of information Destroy/delete when dissemination, revision, or updating is completed

{New}

### 3. General Counsel Memoranda and Opinions

Official copies of interpretative memoranda and opinions Arranged numerically and addressed to Treasury officials Includes Index

Disposition PERMANENT Break files annually Hold on site for 4 years Transfer to WNRC after holding period Transfer to NARA, with index, 10 years after break

~~{Supersedes NCI-56-78, Items 1 and 2}~~  
NCI-56-78-6, Items 1, 2, and 3  
(per discussion w/agency records officer 3/8/2010)

### 4. Legal Matters/Litigation Files

Records include

Memoranda or correspondence providing legal opinions, interpretations, advice, and related information on matters falling within the activities and operations of the Department of the Treasury, senior officials, and Treasury bureaus

- . Materials pertaining to review and/or clearance of documents prepared in other offices of the Department or other agencies
  - . Documents prepared outside the office relating to the legal work product created within the office without which the legal work product would be incomplete, e.g., requests for legal opinions, interpretations, or advice, or commentaries on, or responses to, opinions, interpretations, or advice
  - . Pleadings, judgments, correspondence, and related documents on any judicial or administrative litigation or claim involving the United States, the Department of the Treasury, a Treasury bureau, or an official of the Department, Bureau or entity in which the office significantly assists with the matter
- a Legal work product files containing significant precedential legal opinions, analyses, conclusions, advice or interpretations, policy-making decisions, documentation of major activities of the Office of the General Counsel Includes records

relating to matters that result in court decisions that significantly interpret statutes and regulations, matters that are heard by the appellate courts or the Supreme Court, matters that are deemed to be significant for investigative or litigation procedures or other important precedent, matters that attract national news media attention, matters resulting in a Congressional investigation

Disposition PERMANENT Break files after the legal work product is completed  
Screen files before transfer to eliminate any extraneous or duplicate material  
Transfer to the Washington National Records Center (WNRC) 4 years after break  
Transfer to NARA 20 years after break

- b Legal matters and legal work product files that are routine in nature and do not have significant precedential or historic value.

Disposition Temporary Break files after the legal work product is completed Destroy  
2 years after break or when no longer needed for convenience of reference,  
whichever is later {New}

## 5. Legislative Files

- a. Legislation, testimony, and reports mandated by Congress on programs within the purview of the Department or drafted within the Department, legislation, testimony, and Congressionally mandated reports referred to the Department for comment, opinions, interpretations and advice on matters related to legislation as presented or intended for presentation to the Congress (e g , copies of draft bills, reports, analyses, and correspondence with sponsors and other interested Departments or parties and related indexes), specifications for legislative proposals, or non-record duplicate copies of documents prepared outside the office that are received by attorneys in the office for information or legal review Legislative files include associated tracking and filing systems in whatever form or format This term also includes testimony given by the General Counsel and material initiated or generated by Treasury and presented to Congress providing evidence of decisions, functions, policies, procedures, operations or other activities of the government

Disposition Temporary Break files at the end of each Congress Transfer records to  
WNRC after break, or as volume warrants Destroy 20 years after break

- b Legislative files that do not provide evidence of decisions, functions, policies, procedures, operations or other activities of the Government, or otherwise are not significant nor merit permanent retention Files relating to proposed legislation or intended for presentation to the Congress, includes draft bills, reports, analyses and correspondence with sponsors and other interested Departments or parties and related indexes

Disposition Temporary Break files when legislation is passed or terminated Destroy on-site when no longer needed for current agency business or convenience of reference, whichever is later.

{Supersedes ~~NCI-56-78, Item 7~~} NCI-56-78-6, Items 6 and 7, and  
NI-056-95-1, Item 7 (per discussion w/ agency records  
officer 3/9/2010)

## 6. Financial Transaction Files

Records include executed original counterparts of documents of financial transactions involving the Department of the Treasury or a bureau, such as promissory notes, agreements, leases, assignments, and supporting certificates and opinions of counsel

- a Records deemed significant for investigative or other important precedent, matters that attract national news media attention, matters related to the Troubled Asset Relief Program and related programs; and matters resulting in a Congressional or other government investigation

Disposition PERMANENT Break files after the legal work product is completed Screen files before transfer to eliminate any extraneous or duplicate material Transfer to the WNRC 2 years after break Transfer to NARA 20 years after break

- b Records of a routine nature that that lack significant precedential or historic value

Disposition Temporary Break files after the particular financial transaction has closed (i e funding began) Transfer to the WNRC 2 year after break or when no longer needed for current business or convenience of reference, whichever is later. Prior to transfer to WNRC a destruction date must be specified, which shall be calculated as one year after the particular financial transaction has terminated (i e funding repaid or compromised) {New}