

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>NI-559-12-1</i>	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>5/22/12</i>	
1 FROM (Agency or establishment) Department of the Treasury		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Financial Crimes Enforcement Network (FinCEN) (RG 559)		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	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 Amanda Michanczyk	5 TELEPHONE NUMBER 703-905-3537	DATE <i>5/14/2012</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 _____ 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>5/14/2012</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Amanda Michanczyk</i>		TITLE: Records Officer
7. ITEM NO.	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	The Financial Crimes Enforcement Network (FinCEN) (Record Group 559) became a bureau in the Department of the Treasury with the signing of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. The mission of FinCEN is to fulfill the duties and powers assigned in the USA PATRIOT Act of 2001, codified in relevant part at 31 U.S.C. 310(b), to support law enforcement efforts and foster interagency and global cooperation against domestic and international financial crimes, and to provide U.S. policy makers with strategic analyses of domestic and worldwide trends and patterns. FinCEN works toward those ends through information collection, analysis, and sharing, as well as technological assistance and innovative, cost-effective implementation of the Bank Secrecy Act and other Treasury authorities assigned to FinCEN.		

Records Pertaining to FinCEN Policy, Enforcement,
and Outreach

Records described in this schedule relate to vital FinCEN responsibilities including: (1) issuing regulations, regulatory rulings, and interpretive guidance; (2) assisting and overseeing Federal and State regulatory agencies to more consistently and robustly examine financial institutions for BSA compliance; (3) taking enforcement action against financial institutions that demonstrate systemic non-compliance; (4) conducting sophisticated and complex analyses of BSA filing information; (5) performing strategic studies and preparing reports on money laundering trends and patterns related to BSA regulatory policy issues; and, (6) undertaking outreach activities to help ensure that institutions subject to the BSA are aware of the BSA requirements applicable to them. These activities span the breadth of the financial services industry, including - but not limited to - banks and other types of depository institutions, money services businesses, securities broker-dealers, mutual funds, futures commission merchants and introducing brokers in commodities, dealers in precious metals, stones, or jewels, insurance companies, casinos, providers of prepaid access, and non-bank mortgage brokers and originators.

**U.S. Department of the Treasury
Financial Crimes Enforcement Network (FinCEN)**

This schedule applies to all formats and media in which records are created and maintained at FinCEN including paper, microfilm, and electronic records.

A. Records related to administering the Bank Secrecy Act through the development and implementation of policy via the issuance of regulations, administrative rulings, and guidance including notices and advisories.

1. Project Files for each Rulemaking: Includes background information, memoranda, notes, drafts, comment letters, rulings, and final rule.

Disposition: TEMPORARY. Cut off at end of fiscal year in which product is final. Delete/Destroy 20 years after cutoff or when no longer needed for administrative or operational purposes, whichever is later.

2. Official Record Copy of Final Rules or Regulations

Disposition: PERMANENT. Cut off at end of fiscal year in which rule or regulation is published. **Paper Records:** Transfer paper records to NARA 20 years after cutoff. **Electronic Records:** Transfer physical and legal custody of the electronic records to NARA 5 years after cutoff. (Delete FinCEN's copies of electronic records when transferred to NARA or when no longer needed for administrative or operational purposes, whichever is later.)

3. Administrative Ruling Files: Written responses to requests for clarification of the Bank Secrecy Act and its implementing regulations. Rulings often express an opinion about a new issue; apply an established theory or analysis to a set of facts that differs materially from facts or circumstances that have been previously considered; or provide a new interpretation of Title 31 of the United States Code, or any other statute granting FinCEN authority. These records include drafts, memoranda, and notes.

Disposition: TEMPORARY. Cut off at end of the fiscal year in which product is final. Delete/Destroy 20 years after cutoff or when no longer needed for administrative or operational purposes, whichever is later.

4. Forms files: Documents related to changes in FinCEN forms and the development of new forms. (Historical, record copies of each form are scheduled in N1-559-11-1)

Disposition: TEMPORARY. Cut off at end of fiscal year in which forms are published. Delete/Destroy 20 years after cut off or when no longer needed for reference, whichever is later.

B. Records Pertaining to Enforcement Activities

Enforcement Case Files: Includes documents relating to individuals or financial institutions investigated by the Office of Enforcement for possible violations of the Bank Secrecy Act (BSA) and its implementing regulations. Violations of the BSA and its implementing regulations include failure to comply with anti-money laundering program requirements and reporting, and recordkeeping requirements as set forth under the BSA and its implementing regulations. Records may include: original versions and copies of enforcement civil money penalty assessments; settlement agreements; injunctions; temporary denial orders; cautionary or warning letters; recommendation memoranda; referrals from other agencies; reports obtained by FinCEN under the BSA and its implementing regulations and analytic reports thereof; reports of examinations of financial institutions; court documents; law enforcement-sensitive documents; correspondence with financial institutions; publicly-available background information; enforcement specialist work papers, notes, and spreadsheets; and any additional information used by the Office of Enforcement to investigate alleged violations of the BSA and its implementing regulations.

a. Official record set:

Disposition: TEMPORARY. Cut off at end of fiscal year in which case is closed. Paper copies may be retired to the Federal Records Center 5 years after cutoff. Destroy 20 years after cutoff.

~~b. Duplicate copies (non-records):~~

~~**Disposition:** TEMPORARY. Destroy when case is closed or when no longer needed for convenience or reference.~~

C. Records Pertaining to Regulatory Analysis

1. **Regulatory Analysis Cases and related attachments:** Products prepared by FinCEN intelligence research specialists in response to requests from within FinCEN; Treasury offices and bureaus; and federal and state financial regulators in support of their missions. The products provide an analysis of FinCEN regulatory research results. The products and related attachments include descriptions and results of analysis of the financial, commercial, and law enforcement databases searched, web pages searched, and points of contact within FinCEN. There are several types of products: most include written case reports, including strategic analytical products; PowerPoint presentations; spreadsheets; copies of certain BSA filings; and direct responses to questions. The products are arranged by case number.

a. Official record set:

Disposition: TEMPORARY. Cut off at end of fiscal year in which case or project is closed. Paper copies may be retired to the Federal Records Center 5 years after cutoff. Destroy 20 years after cutoff.

b. ~~Duplicate copies (non-records):~~

~~Disposition: TEMPORARY. Destroy when case is closed or when no longer needed for convenience or reference.~~

c. Working papers - development papers for products described in Item 1:

Disposition: TEMPORARY. Cut off at end of fiscal year in which products are published or completed. Delete/Destroy 7 years after cut off or when no longer needed for reference, whichever is later.

d. Feedback Forms: Evaluation forms used to obtain information from customers

Disposition: TEMPORARY. Cut off at end of calendar year in which feedback is received. Destroy 1 year after cutoff or when no longer needed for administrative or operational purposes, whichever is later.

e. ~~Copies of FinCEN Intelligence Publications: Studies/projects initiated on trends and issues relating to money laundering and other financial crimes, which usually result in analytic reports. Some are publicly released reports and others are Sensitive but Unclassified reports sent to FinCEN's regulatory and/or law enforcement partners. (Historical, record copies of each publication are scheduled in N1-559-11-1.)~~

~~Disposition: TEMPORARY (non-record). Delete/Destroy when no longer needed.~~

f. Development files for products described in item e. above including drafts, notes, and calculations used to prepare publications and reports.

Disposition: TEMPORARY. Cut off at end of fiscal year in which products are published or completed. Delete/Destroy 7 years after cut off or when no longer needed for reference, whichever is later.

D. Records pertaining to FinCEN's outreach activities and efforts that provide guidance and assistance to institutions subject to the Bank Secrecy Act, and that inform other regulatory agencies about the impact of existing Bank Secrecy Act requirements on institutions, including feedback that FinCEN has received from financial institutions.

1. Records of questions from financial institutions and the answers provided; includes records in an automated database as well as written correspondence including email messages. Also, includes records of questions from callers and correspondents that require no further action.

Disposition: TEMPORARY. Cut off at the end of the fiscal year in which responses are provided. Delete/Destroy 7 years after cut off or when no longer need for reference, whichever is later.

2. Records of time-sensitive communications from financial institutions regarding possible terrorist financing.

Disposition: TEMPORARY. Cut off at the end of the fiscal year in which received. Destroy 20 years after cut off.

- ~~3. Copies of briefing books and other liaison products for industry and regulatory agencies. (Historical, records copies are scheduled in NI-559-11-1.)~~

~~**Disposition:** TEMPORARY (non-record). Delete/Destroy when no longer needed.~~

4. Feedback Forms: Evaluation forms used to obtain information from readers of certain FinCEN publications.

Disposition: TEMPORARY. Cut off at end of fiscal year in which feedback is received. Delete/Destroy 3 years after cutoff or when no longer needed for administrative or operational purposes, whichever is later.

5. Communications: Letters to non-bank financial institutions reminding them of requirements under the Bank Secrecy Act; requesting information: or for other educational purposes.

Disposition: TEMPORARY. Cut off at end of fiscal year when response received or when letter sent from FinCEN. Delete/Destroy 7 years after cutoff, or when no longer needed for reference, whichever is later.

- ~~6. Copies of Educational Materials: Publications, brochures, etc. providing guidelines to the financial industry, including publications in foreign languages. (Historical, record copies are scheduled in NI-559-11-1.)~~

~~**Disposition:** TEMPORARY (non-record). Delete/Destroy when no longer needed.~~

7. Development files for products described in item 6 above including drafts, notes, and interpretations used to prepare publications and reports.

Disposition: TEMPORARY. Cut off at end of fiscal year in which products are published or completed. Delete/Destroy 7 years after cut off or when no longer needed for reference, whichever is later.

F. ~~Records Common to Most Offices within the Division~~

- ~~1. Correspondence Files: Incoming and Outgoing correspondence not covered elsewhere in this schedule.~~

~~**Disposition:** TEMPORARY. Cut off at end of the fiscal year when response sent or received, whichever applies. Delete/Destroy 7 years after cutoff or when no longer needed for administrative or operational purposes, whichever is later.~~

- ~~2. Notes, diaries, journals to assist in documenting daily activities and to-do lists, which contain no substantive information; and notes, diaries, journals containing substantive information, the substance of which has been incorporated into organized files.
(FinCEN Note: for records not covered elsewhere in this schedule)~~

~~**Disposition:** TEMPORARY. Delete/Destroy when no longer needed for convenience or reference. (GRS 23, item 5b)~~

withdrawn for
8/20/14
email w/20