

Request for Records Disposition Authority

Records Schedule Number DAA-0064-2017-0002
Schedule Status Modified Approved Version

Agency or Establishment National Archives and Records Administration
Record Group / Scheduling Group Records of the National Archives and Records Administration
Records Schedule applies to Major Subdivision
Major Subdivision Legislative Archives, Presidential Libraries, and Museum Services
Minor Subdivision Presidential Materials Division
Schedule Subject Presidential Records Act (PRA) Public Release and Special Access Notification Files

Internal agency concurrences will be provided No

Background Information

NARA operates Presidential libraries for administrations dating back to President Herbert Hoover (March 1929 - March 1933). As of the start of President Ronald Reagan's term in office (January 20, 1981 - January 20, 1989), the Presidential Records Act (PRA) of 1978 (44 U.S.C. 2201-2209, as amended), has governed records created by the President, Vice President, their immediate staffs, and units or individuals of the Executive Office of the President and Office of the Vice President whose function is to advise and assist the President and the Vice President respectively. NARA's regulations for implementing the PRA are found in 36 CFR Part 1270. As of the date of this proposed records schedule, the PRA statute applies to records at the "PRA" libraries for four former Presidents (Reagan, George H. W. Bush, William J. Clinton, and George W. Bush) and the incumbent President (Barack H. Obama), as well as to records of former Vice Presidents George H.W Bush, Dan Quayle, Albert Gore, and Richard Cheney.

In accordance with the PRA, NARA's Presidential Materials Division (LM) must formally notify representatives of the incumbent President and relevant former President before Presidential records may be released to the public. The same procedures are followed for proposed disclosures of Vice-Presidential records whereby a representative of the pertinent former Vice President is also formally notified. LM sends formal letters to the representatives, notifying them of Presidential/Vice-Presidential records proposed for opening following a Freedom of Information Act (FOIA) access request or completion of a systematic processing project. The PRA allows

representatives of the incumbent President, former President, and former Vice President (for Vice-Presidential records only) 60 working days (with one 30-working day extension option) in which to determine if the incumbent President or former President plan(s) to assert a claim of executive privilege. Representatives may respond to LM to officially release the records, or not respond to the notification and simply let the 60-day time period elapse, thereby automatically releasing the records at the end of the time period.

Pursuant to 44 U.S.C. 2205, a court of competent jurisdiction, the incumbent President (if needed for conduct of current business), and either House of Congress or a congressional committee or subcommittee can request access to Presidential and Vice-Presidential records in NARA's legal custody that are not yet available to the public. If documents responsive to these "special access" requests are located, LM provides notice to representatives of the former President and Vice President (for Vice-Presidential records only), as well as the incumbent President (if request is from a court or Congress). Representatives of the former President and incumbent President (as applicable) are given 30 calendar days in which to invoke a claim of executive privilege. The time frame may be less than 30 days depending upon the circumstances of the special access request (per 36 CFR 1270.46[d]). If representatives do not respond to LM by the specified date, NARA discloses the records to the requester.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
4	1	3	0

GAO Approval

Outline of Records Schedule Items for DAA-0064-2017-0002

Sequence Number	
1	Presidential Records Act (PRA) Public Release and Special Access Notification Files
1.1	PRA Public Release and Special Access Notification Files Disposition Authority Number: DAA-0064-2017-0002-0001
1.2	Prominent PRA Public Release and Special Access Notification Files of Historical Importance to NARA Disposition Authority Number: DAA-0064-2017-0002-0002
1.3	PRA Public Release and Special Access Notifications – Reference Files Disposition Authority Number: DAA-0064-2017-0002-0003
1.4	Presidential Materials Division (LM) Notification Database Disposition Authority Number: DAA-0064-2017-0002-0004

Records Schedule Items

Sequence Number	
1	<p>Presidential Records Act (PRA) Public Release and Special Access Notification Files</p>
1.1	<p>PRA Public Release and Special Access Notification Files</p> <p>Disposition Authority Number DAA-0064-2017-0002-0001</p> <p>The Presidential Materials Division (LM) keeps the following records in both public release and special access notification files: correspondence between LM Director/archival policy staff and all other parties (FOIA/special access requesters, PRA libraries, and representatives of incumbent President and former Presidents and Vice Presidents); paper copies of all formal letters sent to representatives and their official responses; and print-outs of case file information from LM Notification Database. For public release notifications only, LM maintains "Library Release Notice" memoranda to notify PRA libraries that they may send copies of responsive records to requesters. This schedule item is not media-neutral because it applies only to paper records.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? No</p> <p>Explanation of limitation This schedule item is not media-neutral because it applies only to paper records.</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cut off case file at end of the fiscal year (FY) in which notification case is closed.</p> <p>Retention Period Destroy 25 year(s) after cutoff</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
1.2	<p>Prominent PRA Public Release and Special Access Notification Files of Historical Importance to NARA</p> <p>Disposition Authority Number DAA-0064-2017-0002-0002</p> <p>Prominent notification files contain the same records as public release and special access notification files. However, the former are deemed "prominent" in</p>

cases when: (1) a claim of executive privilege has been made; or (2) requested Presidential/Vice-Presidential records pertain to notable persons or subjects in American government, culture, and/or history. Notable persons may hold/have held high-level positions in the executive, legislative, and/or judicial branches at [the] federal and/or state levels. For example, public release and special access notifications may concern Presidential/Vice-Presidential records regarding high-ranking advisors and nominees for Cabinet positions and Supreme Court Justices. Noteworthy subjects in Presidential/Vice-Presidential records may cover significant one-time events (e.g., landmark court cases), commissions of high importance (e.g., 9/11 Commission), or complex issues in domestic and international affairs (e.g., homeland security, tax reform, environment, Middle East policies) spanning one or more administrations. Prominent notification files have historical value insofar as they document topics of interest in Presidential/Vice-Presidential records dating from more than 25 years ago. This schedule item is not media-neutral because it applies only to paper records.

Final Disposition Permanent

Item Status Active

Is this item media neutral? No

Explanation of limitation This schedule is not media-neutral because it applies only to paper records.

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off case file at end of the fiscal year (FY) in which notification case is closed.

Transfer to the National Archives for Accessioning Transfer to the National Archives in 5 year blocks 25 year(s) after cutoff of latest closed case files.

Additional Information

First year of records accumulation 2002

What will be the date span of the initial transfer of records to the National Archives? From 2002 To 2006

How frequently will your agency transfer these records to the National Archives? Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		

Paper	2.00 Cubic feet	0.40 Cubic feet
Microform		
Hardcopy or Analog Special Media		

1.3

PRA Public Release and Special Access Notifications – Reference Files

Disposition Authority Number **DAA-0064-2017-0002-0003**

Reference files include copies of Presidential and Vice-Presidential records held by the relevant PRA library or LM. The copies are provided to the representatives of the incumbent President and former President and Vice President for their review. LM requests copies of records from the libraries and LM's archival team and then provides the copies to the representatives on an on-demand basis.

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **Yes**

Do any of the records covered by this item exist as structured electronic data? **No**

Disposition Instruction

Cutoff Instruction **Cut off files when notification case is closed.**

Retention Period **Destroy when no longer needed for reference purposes.**

Additional Information

GAO Approval **Not Required**

1.4

Presidential Materials Division (LM) Notification Database

Disposition Authority Number **DAA-0064-2017-0002-0004**

LM maintains a database for tracking public release and special access notification cases pertaining to Presidential and Vice-Presidential records. This database has entries for both temporary notification case files (DAA-0064-2017-0002-0001) and permanent ("prominent") case files (DAA-0064-2017-0002-0002). All cases are assigned a case number. At a minimum, the type of notification (e.g., systematic

processing project, FOIA requester, special access requester) and requested materials (pages/electronic files/photographs processed, restricted, and proposed for opening) are included in each entry. LM files print-outs in both the temporary and permanent files for notification cases. This schedule item is not media-neutral because it applies only to electronic records.

Final Disposition Temporary

Item Status Active

Is this item media neutral? No

Explanation of limitation This schedule item is not media-neutral because it applies only to electronic records.

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

Disposition Instruction

Retention Period Delete entries for individual cases when entries are no longer needed for reference purposes.

Additional Information

GAO Approval Not Required

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 in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
12/20/2016	Certify	Richard Marcus	Records Officer	Chief Operating Officer - Corporate Records Management
07/31/2017	Submit for Concur rence	Tom Cotter	Appraiser	National Archives and Records Administration - ACRA
08/02/2017	Concur	Margaret Hawkins	Director of Records Management Servic es	National Records Management Program - ACNR Records Management Services
08/02/2017	Concur	Margaret Hawkins	Director of Records Management Servic es	National Records Management Program - ACNR Records Management Services
08/03/2017	Approve	David Ferriero	Archivist of the Unite d States	Office of the Archivist - Office of the Archivist