

Request for Records Disposition Authority

(See Instructions on reverse)

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

1. From: (Agency or establishment)

Federal Trade Commission

2. Major Subdivision

3. Minor Subdivision

4. Name of Person with whom to confer

Bonnie Curtin

5. Telephone (Include area code)

202-326-2507

Leave Blank (NARA Use Only)

Job Number

N1-122-09-1

Date Received

9/30/09

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.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

Archivist of the United States

[Handwritten signatures]

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 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

[Handwritten signature]

Title

Records Officer

Date (mm/dd/yyyy)

09/18/09

Item Number

8. Description of Item and Proposed Disposition

Please see attached.

9. GRS or Superseded Job Citation

10. Action taken (NARA Use Only)

Schedule 1: FTC Administrative Records

The Administrative Schedule covers common administrative program management functions carried out across the agency that support FTC's mission and routine operations, but do not directly document the performance of mission functions. Administrative records relate to functions such as: budget and finance, communications, records and information technology and services, payroll and benefits, personnel, procurement and supply, public and congressional relations, security and protective services, and travel. This records schedule covers administrative support records appropriate for preservation that are represented and not represented by the General Records Schedules (GRS) and covers such records in all formats.

As these records are created and maintained in different media and formats, this records schedule is written to authorize the disposition of the records in any media (media neutral). FTC selects media for the copy of records and maintains temporary records throughout their life cycle.

Item 1.1 Administrative Support

Records represented and not represented by the GRS, with exclusions and exceptions noted. These records include:

- Accounting and Finance
- Administrative—General
- Building Management—General (excluding building construction and renovation records identified in item 3.4a, such as architectural renderings, as-built drawings, and photographs)
- Equal Employment Opportunity
- Freedom of Information/Public Access
- Human Capital Management (excluding Official Personnel Folders – see item 1.7)
- Information Assets/Records
- Information Services/Libraries
- Information Systems/Technology
- Mail and Couriers
- Pay and Benefits
- Personnel (excluding Official Personnel Files, see item 1.7)
- Procurement
- Property Management
- Public Affairs—General (excluding information identified in item 3.4a, such as news releases, Chairman's and commissioners' speeches, formal still photographs and other significant public affairs issuances that document FTCs policy and mission)
- Publication, Graphic & Video Services—General (excluding information identified in item 3.4a, such as audiovisual productions, pamphlets, posters, and other publications produced by or for the Commission that document or illustrate FTC policy and mission)
- Special Investigations—General (Excluding 10-year, 20-year, and permanent information identified under Schedule 2 or 3)
- Telecommunications

- Training
- Travel
- Vehicle Management

1.1a Records for which both General Counsel and Chief Financial Officer provide concurrence that records are no longer needed for legal or audit purposes.

Disposition: **TEMPORARY**. Cut off annually. Destroy or delete 3 years after cutoff, with concurrence of both General Counsel and Financial Affairs.

1.1b Records for which concurrence of General Counsel and Chief Financial Officer for destruction after 3 years is not obtained.

Disposition: **TEMPORARY**. Cut off annually. Destroy or delete 7 years after cutoff.

Item 1.2 Budget Administration

Records relating to the FTC budget, including policies and decisions affecting agency expenditures. The records comprise correspondence, memorandums, reports, budget projects and planning documents, subject files, changes (including reprogramming and supplemental budgets), status reports on appropriation accounts or apportionment, and other materials. (Excludes FTC budget submission and testimony, permanent under item 3.4a.)

Disposition: **TEMPORARY**. Cut off annually. Destroy or delete between 7 and 20 years after cutoff.

Item 1.3 Safety

General subject files maintained in the Security and Safety unit(s) or in component units that contain information concerning the general policies, procedures, program management, and operation of the unit or of specific programs and those records that document routine facility and equipment safety inspections, investigations that involve health and safety, personal injury, property damage, potential safety hazards, and complaints from FTC personnel that do not result in a formal investigation and reports. Files include all functions: safety, personnel security, physical security, fire protection and prevention, computer and information security, emergency preparedness, and safety and security training. These records include, but are not limited to, correspondence, memoranda, briefing files, periodic reports, problem reports and inspection surveys, property and accident investigation case files and FTC personnel's complaints about potential safety hazards, special studies, interagency agreements, and liaison information, and program policies and guidance.

Disposition: **TEMPORARY**. Cut off annually. Destroy or delete 15 years after cutoff.

Item 1.4 Health Safety

Records pertaining to indoor air quality monitoring and oversight of activities relating to asbestos and hazardous materials, including abatement and demolitions, as well as documents pertaining to personnel protection, fitness testing, and certifications on wearing protective equipment. This category also includes fire, safety, health, and industrial hygiene contract files. These records include, but are not limited to, monitoring and oversight records, investigation records, hazardous waste manifests, medical exams, and medical records.

Disposition: **TEMPORARY**. Cut off on final action. Destroy or delete after 75 years after cutoff.

Item 1.5 Security

Security debriefing statements (or equivalent) for employees, consultants, contractors, and non-FTC employees issued FTC national security clearances at a secret or higher level.

Disposition: **TEMPORARY**. Cut off on separation of employee or termination of contract. Destroy or delete 6 years after cutoff.

Item 1.6 Personnel Appeals Board

Docketed case files consisting of original complaints or appeal records. Records may include correspondence, exhibits, notes or minutes of meetings, statements of witnesses, reports of interviews, investigation reports, hearing examiner findings, recommendations, and Board decisions.

Disposition: **TEMPORARY**. Cut off on final action. Destroy or delete 30 years after cutoff.

Item 1.7 Official Personnel Folders

Disposition: **TEMPORARY**. Transfer with the employee to next duty station if staff member remains within Federal service. Transfer to the St. Louis Records Center if staff member retires or otherwise leaves Federal service. (GRS 1, item 1, Official Personnel Folders, and GRS 1, item 2, Service Record Cards).

4/11/2018
Withdrawn
Replaced by NARA
GRS

Yvonne X. Wilson

Schedule 1: FTC Administrative Records

The Administrative Schedule covers common administrative program management functions carried out across the agency that support FTC's mission and routine operations, but do not directly document the performance of mission functions. Administrative records relate to functions such as: budget and finance, communications, records and information technology and services, payroll and benefits, personnel, procurement and supply, public and congressional relations, security and protective services, and travel. This records schedule covers administrative support records appropriate for preservation that are represented and not represented by the General Records Schedules (GRS) and covers such records in all formats.

As these records are created and maintained in different media and formats, this records schedule is written to authorize the disposition of the records in any media (media neutral). FTC selects media for the copy of records and maintains temporary records throughout their life cycle.

Item 1.1 Administrative Support

Records represented and not represented by the GRS, with exclusions and exceptions noted. These records include:

- Accounting and Finance
- Administrative—General
- Building Management—General (excluding building construction and renovation records identified in item 3.4a, such as architectural renderings, as-built drawings, and photographs)
- Equal Employment Opportunity
- Freedom of Information/Public Access
- Human Capital Management (excluding Official Personnel Folders – see item 1.7)
- Information Assets/Records
- Information Services/Libraries
- Information Systems/Technology
- Mail and Couriers
- Pay and Benefits
- Personnel (excluding Official Personnel Files, see item 1.7)
- Procurement
- Property Management
- Public Affairs—General (excluding information identified in item 3.4a, such as news releases, Chairman's and commissioners' speeches, formal still photographs and other significant public affairs issuances that document FTC's policy and mission)
- Publication, Graphic & Video Services—General (excluding information identified in item 3.4a, such as audiovisual productions, pamphlets, posters, and other publications produced by or for the Commission that document or illustrate FTC policy and mission)
- Special Investigations—General (Excluding 10-year, 20-year, and permanent information identified under Schedule 2 or 3)
- Telecommunications

4/11/2018
Withdrawn
Replaced by NARA GRS
Joanne L. Wilson

- Training
- Travel
- Vehicle Management

1.1a Records for which both General Counsel and Chief Financial Officer provide concurrence that records are no longer needed for legal or audit purposes.

Disposition: TEMPORARY. Cut off annually. Destroy or delete 3 years after cutoff, with concurrence of both General Counsel and Financial Affairs.

1.1b Records for which concurrence of General Counsel and Chief Financial Officer for destruction after 3 years is not obtained.

Disposition: TEMPORARY. Cut off annually. Destroy or delete 7 years after cutoff.

Item 1.2 Budget Administration

Records relating to the FTC budget, including policies and decisions affecting agency expenditures. The records comprise correspondence, memorandums, reports, budget projects and planning documents, subject files, changes (including reprogramming and supplemental budgets), status reports on appropriation accounts or apportionment, and other materials. (Excludes FTC budget submission and testimony, permanent under item 3.4a.)

Disposition: TEMPORARY. Cut off annually. Destroy or delete between 7 and 20 years after cutoff.

Item 1.3 Safety

General subject files maintained in the Security and Safety unit(s) or in component units that contain information concerning the general policies, procedures, program management, and operation of the unit or of specific programs and those records that document routine facility and equipment safety inspections, investigations that involve health and safety, personal injury, property damage, potential safety hazards, and complaints from FTC personnel that do not result in a formal investigation and reports. Files include all functions: safety, personnel security, physical security, fire protection and prevention, computer and information security, emergency preparedness, and safety and security training. These records include, but are not limited to, correspondence, memoranda, briefing files, periodic reports, problem reports and inspection surveys, property and accident investigation case files and FTC personnel's complaints about potential safety hazards, special studies, interagency agreements, and liaison information, and program policies and guidance.

Disposition: TEMPORARY. Cut off annually. Destroy or delete 15 years after cutoff.

Item 1.4 Health Safety

Schedule 2: FTC Mission Records

The Federal Trade Commission (FTC) is an independent agency that enforces a variety of federal antitrust and consumer protection laws. The Commission seeks to ensure that the Nation's markets function competitively and are vigorous, efficient, and free of undue restrictions. The Commission also works to enhance the smooth operation of the marketplace by eliminating acts or practices that are unfair or deceptive. Finally, the Commission undertakes economic analysis to support its law enforcement efforts and to contribute to the policy deliberations of the Congress, the Executive Branch, other independent agencies, and state and local governments when requested. FTC policies and procedures define the records that make up the Mission Schedule. They include records appropriate for preservation, usually classified by a matter code, for inquiries, investigations, adjudicative and non-adjudicative procedures, compulsory processes, advocacy filings, amicus briefs, cooperative agreements, rulemaking, consumer and business education, and communications with Congress, as well as tools and systems to support and track mission processes and products.

As these records are created and maintained in different media and formats, this records schedule is written to authorize the disposition of the records in any media (media neutral) except where specifically noted. FTC selects media for the copy of records and maintains temporary records throughout their life cycle.

Item 2.1 Mission Support

Documentation and systems that support processes and products for consumer and business education, advocacy, and enforcement. Records include all relevant information that is appropriate for preservation to develop, maintain, conduct, and provide support in the form of studies, workshops, analytical systems, tracking and control tools, and other products.

- 2.1a** Records in electronic systems that serve as finding aids to mission records identified as permanent elsewhere in this schedule, or document significant activities or processes within FTC mission functions, and documentation of those systems.

Disposition: **PERMANENT**. Transfer system content/snapshot and appropriate documentation to NARA every 5 years, and within 1 year after system is decommissioned.

- 2.1b** Records in any and all media that document day-to-day execution and management of FTC mission functions.

Disposition: **TEMPORARY**. Cut off on final action. Destroy or delete 3 years after cutoff, or when no longer needed for reference purposes, whichever is later.

Item 2.2 Mission Matter Case Management

Matter case file records that include all relevant material obtained or developed in connection with managing and conducting an assignment, including complaints, correspondence, memorandums, requests from Congress, investigation plans, background checks, reports, evidence and documentation to support findings, actions taken, steps and analyses performed, conditions encountered, conclusions reached, recommendations made, follow-up activities, and related records in auxiliary structured data systems. Excludes background and working files as non-record. Records include, but are not limited to:

2.2a Historically-significant cases/matters, completed projects, system data sets, and products. In general, this includes all External Court Case (X) files; all Rulemaking (R) files; all Guide (G) files; and Consent (C), Docket (D), Advocacy (V), and Project (P) files exhibiting the following criteria:

- Established a primary source of information on an issue of far-reaching national or international importance;
- Collected information on topics that are less far-reaching but significant to America's heritage or culture;
- Had a significant impact on FTC, pioneered FTC's entry into an issue of national or international importance, or laid the groundwork for applying new and/or advanced mission methodologies;
- Resulted in extensive national or international media attention; or
- Resulted in the approval of new legislation by Congress, or substantive changes to existing legislation.

Disposition: **PERMANENT**. Cut off on final action. Transfer paper records to NARA 15 years after cutoff. Transfer electronic records 5 years after cutoff or sooner when feasible.

2.2b All other cases/matters, completed projects, system data sets, and products, excluding final issuance of published decision, report, or similar issuance. In general, this includes all Investigation (7-digit) files; and Consent (C), Docket (D), Advocacy (V), and Project (P) files not exhibiting the criteria specified in 2.2a.

Disposition: **TEMPORARY**. Cut off on final action. Destroy or delete 5 years after cutoff.

2.2c Final issuance of published decision, report, or similar issuance of cases/matters described in items 2.2a and 2.2b

Disposition: **PERMANENT**. Cut off on final action. Transfer paper records to NARA 15 years after cutoff. Transfer electronic records 5 years after cutoff or sooner when feasible.

Schedule 3: Policy and Special Collections Records

Policy records provide documentation of agency policies and policy development, agency origin and organization (including delegations of authority), and policy related decisions and activities of the Chairman, Commissioners, and senior executives. The Policy Schedule covers FTC Minutes of Commission meetings, directives, legislative histories, publications, final products and special collections. Policy issuances include FTC annual reports, testimonies, manuals, organizational charts and directories, etc.

As these records are created and maintained in different media and formats, this records schedule is written to authorize the disposition of the records in any media (media neutral). FTC selects media for the record copy of records and maintains temporary records throughout their life cycle.

Item 3.1 Legal Opinions; Regulatory and Oversight Records.

Disposition: **TEMPORARY**. Cut off when no longer in effect. Destroy or delete 10 years after cutoff.

Item 3.2 Congressional Relations

Records documenting interaction with Congress, such as correspondence with members and committees, staff details to Congress, schedules of hearings and testimony, appearances at Congressional Hearings, and records in systems that track significant Congressional contact and activities. (Excludes submissions to Congress and Congressional testimony, permanent under item 3.4a.)

Disposition: **TEMPORARY**. Cut off annually. Destroy or delete 10 years after cutoff

Item 3.3 Agency Groups, including Committees

~~3.3a Records Created by Advisory Commissions, Committees, Councils, Boards and Other Groups established under the Federal Advisory Committee Act (FACA) and internal rulemaking committees and groups~~

~~Disposition: **PERMANENT**. Transfer to NARA on termination of the Commission or other group. Earlier periodic transfers authorized for commissions and groups operating for 3 years or longer. (GRS 26 item 2)~~

3.3b Records of committees and non-rulemaking work groups, conferences, and task forces or other advisory, governing, or policy bodies related to FTC's mission and also for mission support.

3.3b1 Meeting minutes, summaries, agendas, and transcripts, reports, studies, and publications; membership records; correspondence, mailing, and distribution records, operational descriptions, statements made to committees, schedules, hearing reports, press releases, legislative calendars, responses to committee requests; and other administrative committee records, but excludes background and working materials as non-record. Categories include internal and intra-agency committees such as those that address Congressional topics; controls for organizational quality involving financial management, technology, and, information; organizing of events; facilities; and overseeing volunteer activities or employee recreational activities.

Disposition: **TEMPORARY**. Cut off annually. Destroy or delete 3 years after cutoff, or when no longer needed for business purposes, whichever is later.

3.3b2 Publications and high-level correspondence or issuances.

Disposition: **PERMANENT**. Cut off annually. Transfer paper records to NARA 15 years after cutoff. Transfer electronic records 5 years after cutoff or, sooner when feasible.

Item 3.4 Policy and Organization Records

3.4a Historically-significant records and special collections documenting the Commission's establishment, regulations, policy and organization including related deliberations, findings, and recommendations such as:

- Original charter, renewal and amended charters, organization charts and directories, functional statements, directives or memorandums to staff concerning their responsibilities, and other materials that document the organization and functions of the Commission and its components
- FTC submissions and testimonies to Congress and other legislative bodies
- Directives and Manuals
- Activity documentation for Chairman such as calendars, appointment books, schedules, logs, diaries, and other records tracking meetings, appointments, telephone calls, trips, visits, and other activities while serving in an official capacity - excluding materials determined to be personal.
- Meeting documentation - such as agendas, briefing books, minutes, testimony, and transcripts of meetings and hearings as well as audiotapes and/or videotapes of meetings and hearings which were not fully transcribed
- Reports and studies - accompanied when applicable by questionnaires, surveys and other raw data accumulated in connection with research and other projects where the information has been consolidated or aggregated in analyses, reports, or studies
- Graphic and audiovisual productions, pamphlets, posters, and other publications produced by or for the Commission; a master set of news releases; Chairman's

and commissioners' speeches; formal still pictures (photographs); and other significant public affairs issuances that document or illustrate FTC's policy and mission

- Historically significant correspondence, subject and other files - maintained by key FTC staff, such as the Chairman, Chief of Staff, and legal counsel, documenting the functions of the FTC
- FTC Histories
- Building Management—historically significant building construction and renovation information, including but not limited to as-built drawings, architectural renderings, and photographic records.
- FTC budget submission and testimony

Disposition: **PERMANENT**. Cut off annually. Transfer paper records to NARA 15 years after cutoff. Transfer electronic records 5 years after cutoff or sooner when feasible.

Note: Upon transfer to NARA, retain non-record reference copy if data/documentation is still needed for business purposes.

3.4b All other policy and organizational records including those that relate to day-to-day activities and/or do not contain unique information of historical value for policy and organization, such as:

- Correspondence, reference and working files of high level Commission staff and groups, and auxiliary work in subordinate units for policy and promotion of the FTC mission (excluding files covered by Item 3.4a)
- Audiotapes and videotapes of Commission meetings and hearings that have been fully transcribed
- Graphic and audiovisual productions, pamphlets, posters, and other publications that document FTC's administrative functions
- Informal still photographs and images of Commission members and staff, meetings, hearings, and other organizational events
- Other routine records including public requests for information and records relating to logistical aspects of Commission meetings and hearings, etc.

Disposition: **TEMPORARY**. Cut off annually. Destroy or delete 3 years after cutoff, or when no longer needed for business purposes, whichever is later.

Item 3.5 Inspector General

These include the Inspector General Office's internal audit, investigation, inspection, and evaluation records. These records include, but are not limited to, the final audit or evaluation report, related work papers, and rebuttals and other comments on the reports. Also included are investigative case files that resulted in a referral to an FTC program office or another agency and includes significant enforcement actions. Records include, but are not limited to, informal case

files (preliminary inquiries and miscellaneous complaints not warranting a full investigation); requests from Congress, testimony before Congress, correspondence, memorandums, reports, peer review materials, and relevant related records appropriate for preservation, that may include auxiliary structured data systems.

3.5a Case and audit files made significant because the case attracts national media attention, results in a Congressional investigation, or results in substantive change in FTC policy or procedures.

3.5a1 Final reports.

Disposition: **PERMANENT**. Cut off on final action. Transfer paper records to NARA 15 years after cutoff. Transfer electronic records 5 years after cutoff or sooner when feasible.

3.5a2 All other records, including but not limited to working papers and peer review materials.

Disposition: **TEMPORARY**. Cut off on final action. Destroy or delete no less than 7 years after cutoff, but no longer than 20 years after cut off.

3.5b All other investigative and informal case and audit files in their entirety.

Disposition: **TEMPORARY**. Cut off on final action. Destroy or delete no less than 7 years after cutoff, but no longer than 20 years after cut off.

3.5c Reports to Congress, Inspector General's testimony before Congress, and OIG operating files.

Disposition: **PERMANENT**. Cut off on final action. Transfer paper records to NARA 15 years after cutoff. Transfer electronic records 5 years after cutoff or sooner when feasible.

3.5d Confidential Informant Files. Records identifying the identity of individuals providing the OIG with information and who have requested confidential treatment to the extent practicable under the Inspector General Act of 1978, as amended.

Disposition: **TEMPORARY**. Cut off on final action. Retain on site for 30 years then destroy.



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

Sent via email. No hard copy to follow.

May 15, 2018

Ms. Yvonne K. Wilson
Federal Trade Commission
600 Pennsylvania Ave, NW
Room CC-5501
Washington, DC 20580

Dear Ms. Wilson,

I am pleased to confirm that NARA concurs in FTC's decision to use the General Records Schedules (GRS) to cover administrative records FTC previously included in its N1-122-09-1 Schedule 1. The annotated version you provided us, which shows this change, can stand as FTC's official schedule. N1-122-09-1 as it appears in the schedule library on our website will remain as a record of the schedule as it was approved in August 2012. We do not customarily, each time an agency publishes schedule revisions, annotate superseded items in previous schedules in the on-line schedule library. It would be possible for FTC to formally seek to rescind its Schedule 1, in which case we would annotate N1-122-09-1 in the on-line library, but this is not necessary.

An agency is always free to use the GRS whenever possible. In fact, we encourage it in light of 36 CFR 1227.12, which states that when a new GRS is released covering records in an agency schedule, that agency may (1) follow the new GRS or (2) continue using its own schedule if it informs NARA within 120 days of the new GRS's publication. FTC informed us that it intended to use the new GRS instead of its own N1-122-09-1 Schedule 1. We agree that using the GRS is the simpler option.

Sincerely,

GALEN R. WILSON
Appraisal Archivist for FTC