

**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  
**Information and Technology Management**

3. MINOR SUBDIVISION  
**Information Management Team**

4. NAME OF PERSON WITH WHOM TO CONFER  
**John Paul Deley**

5. TELEPHONE  
**(202) 326-2085**

**LEAVE BLANK (NARA use only)**

JOB NUMBER **NI-122-96-4**

DATE RECEIVED **8/23/96**

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.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 **2-4-03** ARCHIVIST OF THE UNITED STATES  
*John W. Carl*

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 **3** 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; or  has been requested.

DATE **8/22/96** SIGNATURE OF AGENCY REPRESENTATIVE *John Paul Deley* TITLE **Archivist/Records Officer**

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<p><b>Docket Case Files</b></p> <p><b>(See Attached Sheets)</b></p> <p><del>All changes to this proposed schedule have been approved by:</del></p> <p>_____ NARA appraiser      date      Agency representative      date</p> <p><i>cc Agency, NWMW, DOWETC</i></p>		<p><b>Revision to NC1-122-79-1, Items 11.5 and 11.6</b></p> <p>PLEASE SEE Email CONCURRENCE OF FEBRUARY 15, 2001</p>

## Docket Case Files

Docket Case files consist of: 1) materials collected and generated during the investigation that preceded the issuance of an administrative complaint; 2) materials collected and generated after the issuance of the complaint that are entered into the record of that proceeding; and 3) other materials collected and generated after the issuance of the complaint that are not entered into the record but may be used for compliance. Adjudicative proceedings are those formal proceedings that are required by statute to be determined on the record after opportunity for an agency hearing. Adjudicative proceedings are governed generally by the provisions of the Administrative Procedures Act, Subchapter II of Chapter 5 of Title 5 of the United States Code, and specifically, by Rules 3.1 to 3.72 and 4.1 to 4.7 of the Commission's adjudicative rules which comply with the requirements of the Act. All Docket Case files evolve from 7-digit investigations, and that schedule should be consulted for additional clarification.

### 1. **Category I (Non-Public)**

In addition to the Category I materials related to the predecessor investigation, this series includes, but is not limited to: assignment sheets, analysis of economic impact, official circulations, drafts of consent agreements, internal indexes and finding aids, MIS matter initiation notice, MIS matter updates, staff memoranda, staff minutes, and internal FTC memoranda.

Filing Instructions: Transfer the records that existed prior to the order to Records Processing (H-240) when the decision is issued (file consolidation); transfer records compiled after the decision is issued to Records Processing (H-240) when the decision is appealed, when the decision is set aside or after 20 years, whichever is sooner (file consolidation). If any investigation or other proceeding to enforce the order is opened subsequent to file consolidation, Records Processing will recall records from storage. If materials from one case are incorporated into a subsequent matter, the disposition of the subsequent matter will be applied.

**DISPOSITION:** Temporary. Transfer complete file to FRC one year after file consolidation. Destroy 25 years after file consolidation.

### 2. **Category II (Non-Public)**

In addition to the Category II materials related to the predecessor investigation, this series includes, but is not limited to: access letters, audio tapes, correspondence circulated to respondents and other parties, copies of requests for clearances and subsequent responses, copies of congressional correspondence, consultant contract, contract scope of work, correspondence responding to petition for full Commission review, depositions, draft general memos, electronic litigation support, rejected exhibits, intergovernmental and international correspondence, lists of reimbursable items, subpoenas, subpoena returns not entered into evidence, transcripts, travel forms, video tapes, witness lists, attorney's notes, news clippings related to the matter, complaints not relevant to the case, documents received under compulsory process, e-mail printouts not covered in Category I, formal surveys, interview and interview reports, library research, petitions not relevant to the case, printouts of MIS matter profiles, questionnaires, STAR reports, case status reports, and word processing records data and text.

**Filing Instructions:** Transfer the records that existed prior to the order to Records Processing (H-240) when the decision is issued (file consolidation); transfer records compiled after the decision is issued to Records Processing (H-240) when the decision is appealed, when the decision is set aside or after 20 years, whichever is sooner (file consolidation). If any investigation or other proceeding to enforce the order is opened subsequent to file consolidation, Records Processing will recall records from storage. If materials from one case are incorporated into a subsequent matter, the disposition of the subsequent matter will be applied.

**DISPOSITION:** Temporary. Transfer complete file to FRC one year after file consolidation. Destroy 25 years after file consolidation.

**NOTE:** Audiotapes, videotapes and physical exhibits are not authorized for transfer to FRC.

3. **In Camera Material**

Includes material made part of the record of the proceeding but subject to an *in camera* order issued by either the Commission or the Administrative Law Judge because public disclosure would likely result in a clearly defined injury to a party.

**Filing Instructions:** Transfer the records that existed prior to the order to Records Processing (H-240) when the decision is issued (file consolidation); transfer records compiled after the decision is issued to Records Processing (H-240) when the decision is appealed, when the decision is set aside or after 20 years, whichever is sooner (file consolidation). If any investigation or other proceeding to enforce the order is opened subsequent to file consolidation, Records Processing will recall records from storage. If materials from one case are incorporated into a subsequent matter, the disposition of the subsequent matter will be applied.

**DISPOSITION:** Temporary. Transfer complete file to FRC one year after file consolidation. Destroy 25 years after file consolidation.

4. **Public Documents**

All materials made part of the record of the proceeding and placed on the case's public record including, but not limited to: complaint, answer to complaint, interlocutory orders, decision, final order, pleadings, exhibits, testimony, consent agreements and orders, analysis to aid public comment, correspondence responding to petition to quash or limit subpoena, correspondence responding to petition for full Commission review, minutes of the Commission's public vote, petition for full Commission review, and petitions to quash or limit subpoena.

**Filing Instructions:** Transfer the records that existed prior to the order to Records Processing (H-240) when the decision is issued (file Consolidation); transfer records compiled after the decision is issued to Records Processing (H-240) when the decision is appealed, when the decision is set aside or after 20 years, whichever is sooner (file consolidation). If any investigation or other proceeding to enforce the order is opened subsequent to file consolidation, Records Processing will recall records from storage. If materials from one case are incorporated into a subsequent

...? does not apply to make it Permanent

matter, the disposition of the subsequent matter will be applied.

**DISPOSITION:** <sup>PERMANENT</sup> ~~Temporary~~. Transfer complete file to FRC one year after file consolidation. ~~Destroy~~ 25 years after file consolidation.  
*Transfer to NATCA*

5. **Procedural materials not entered into evidence**

Includes, but is not limited to, items collected and generated as part of the adjudication, but not entered into evidence like subpoenas, depositions, and exhibits.

Filing Instructions: Transfer the records that existed prior to the order to Records Processing (H-240) when the decision is issued (file consolidation); transfer records compiled after the decision is issued to Records Processing (H-240) when the decision is appealed, when the decision is set aside or after 20 years, whichever is sooner (file consolidation). If any investigation or other proceeding to enforce the order is opened subsequent to file consolidation, Records Processing will recall records from storage. If materials from one case are incorporated into a subsequent matter, the disposition of the subsequent matter will be applied.

**DISPOSITION:** Temporary. Transfer complete file to FRC one year after file consolidation. Destroy 25 years after file consolidation.

6. **Electronic Records (E-Mail and Word Processing)** Records created using electronic mail and word processing applications.

**Disposition:** - **TEMPORARY**- Destroy/delete within 180 days after the recordkeeping copy has been produced.