

Request for Records Disposition Authority

Records Schedule Number DAA-0180-2018-0006

Schedule Status Approved

Agency or Establishment Commodity Futures Trading Commission

Record Group / Scheduling Group Records of the Commodity Futures Trading Commission

Records Schedule applies to Agency-wide

Schedule Subject External Regulatory Guidance, Internal Regulatory Review, Legal Support, Oversight and Compliance

Internal agency concurrences will be provided No

Background Information This schedule addresses records related to regulatory guidance and advice to external stakeholders; agency internal regulatory review and the rulemaking processes, legal services provided to CFTC staff, and internal governance and oversight.

Following a functional arrangement, this schedule includes records of internal legal and regulatory analysis; regulatory review, analysis and interpretation of agency rulemakings including CFTC formal communications, actions, and decisions that provide guidance to the regulated community; records of legal services and representation provided by the Office of General Counsel to CFTC staff; ongoing internal regulatory review and oversight of CFTC programs and operations; and records of investigations conducted in response to allegations and/or evidence of alleged violations of laws, regulations, standards, or suspected improper conduct in connection with the programs and operations within the Commission including records of the oversight role held by the Office of Inspector General.

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Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items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-0180-2018-0006

Sequence Number	
1	Official Communications, Actions, Decisions, and Guidance Disposition Authority Number: DAA-0180-2018-0006-0001
2	Legislative Input and Rulemaking Records Disposition Authority Number: DAA-0180-2018-0006-0002
3	Legal Representation and Advice Disposition Authority Number: DAA-0180-2018-0006-0003
4	OIG Audit, Investigation, and Inspection Case Files Disposition Authority Number: DAA-0180-2018-0006-0004

Records Schedule Items

Sequence Number	
1	<p data-bbox="345 380 1187 411">Official Communications, Actions, Decisions, and Guidance</p> <p data-bbox="345 432 1151 464">Disposition Authority Number DAA-0180-2018-0006-0001</p> <p data-bbox="345 485 1524 1934">This record series documents the official actions, decisions, policies, procedures, and communications to and from the Commission that impact the CFTC, registered entities and intermediaries and potential Whistleblowers. - These records encompass the official internal and external correspondence to and from the Chairman and Commissioners that document decisions that go through the seriatim, absent objection, and informational memo processes such as exemptive orders, exemptive staff letters, and interpretations that consist of official legal or interpretive guidance provided by the CFTC, as well as no action and interpretive letters issued by staff; the review and interpretation of the official actions, decisions, or imposed legal requirements; work products, including drafts, generated or circulated by the Chairman, Commissioners, or their staff; recordings, transcripts, minutes, or other methods of documenting open and closed Commission meetings; records compiled from rulemaking records such as federal register notices, public comments, and related documentation; and any other documentation that records the decisions of the Chairman and Commissioners. - Information used by the Chairman, Commissioners, and other senior officials to prepare for meetings and briefings such as substantive notes, invitations and acceptances, itineraries and schedules, calendars, and logs of daily activities; work products that document their activities and decision-making that provide substantive annotations or comments showing the thought process behind the decisions, actions, or strategies. - Delegations of Authority issued by the Chairman or Commission, or those that relate to or implement Commission core mission activities; mission-related governance records which document the internal mission functions of the CFTC and relay substantive policies, procedures, and goals such as official organizational charts, narrative histories, functional statements, formal policies, procedures, or manuals; files that document the development of new programs or major shifts in the focus or mission initiatives of existing programs; substantive records of CFTC committees and working groups that make policy decisions which significantly impact the agency mission or the agency as a whole; records of Federal Advisory Committees, which document their establishment, formation, membership, meetings and hearings, findings and recommendations, correspondence on decisions and actions, termination, and any similar records relating to advisory committees or subcommittees; and Whistleblower Claims Review Staff records, which document the decisions made about whistleblower award claims subject to Commission review such as action memoranda and exhibits, preliminary determinations, proposed final dispositions and determinations, and final orders and notices. - Systems that manage and store these records include the Secretariat Correspondence Locator System,</p>

Federal Register Database Locator System, Commission Staff Letters (CSL), Comments Online, Organizations, Products, Events, Rules, and Actions (OPERA), Filings and Actions (FILAC), the seriatim log which synthesizes, identifies, and tracks each "sign-off" decision of the Commission; transcription services and other management systems or collaboration or review platforms and finding aids associated with these records.

Final Disposition Permanent

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? Yes

GRS or Superseded Authority Citation
N1-180-00-001 / 103/a
N1-180-00-001 / 106
N1-180-00-001 / 501/a
N1-180-00-001 / 501/b
N1-180-00-001 / 512/a
DAA-0180-2012-0002-0008
DAA-0180-2012-0004-0001
DAA-0180-2012-0004-0002
DAA-0180-2012-0004-0004
DAA-0180-2012-0004-0005
DAA-0180-2012-0004-0007
DAA-0180-2012-0004-0008
DAA-0180-2012-0004-0009
DAA-0180-2012-0004-0010
DAA-0180-2012-0004-0011

Disposition Instruction

Cutoff Instruction Cut-off annually.

Transfer to the National Archives for Accessioning Transfer to the National Archives 30 year(s) after cut-off.

Additional Information

First year of records accumulation 1982

What will be the date span of the initial transfer of records to the National Archives? From 1982 To 1987

How frequently will your agency transfer these records to the National Archives? **Every 1 Years**

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	294 MB	.14 MB
Paper	701.5 Cubic feet	7.75 Cubic feet
Microform	9 Linear feet of microfiche 30 Microfilm rolls	Linear feet of microfiche 1 Microfilm rolls
Hardcopy or Analog Special Media	16 Tapes	

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Legislative Input and Rulemaking Records

Disposition Authority Number **DAA-0180-2018-0006-0002**

These records document the development, review, and clearance of CFTC proposed rules and input for proposed legislation, regulations, and requirements that impact the CFTC or registered entities and intermediaries. Documentation incorporates drafts, working files and related correspondence; justifications and cost benefit analysis; indexes, logs or other tools to track these activities; any retrospective and periodic reviews of existing statutes, rules and regulations; or rulemakings developed and proposed by other regulatory or rulemaking entities to determine whether existing statutes, rules and regulations should be modified, streamlined, expanded, or replaced.

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? **No**

GRS or Superseded Authority Citation **N1-180-00-001 / 108**

Disposition Instruction

Cutoff Instruction **Cut-off at close of final action, decision, or final determination**

Retention Period **Destroy 30 year(s) after cut-off**

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Additional Information

GAO Approval Not Required

Legal Representation and Advice

Disposition Authority Number DAA-0180-2018-0006-0003

This record series documents the routine legal representation of the Commission, its officers, and employees. These records document litigation risk and similar matters in support of CFTC program activities not selected for permanent retention as being historically significant. The records include attorney working papers that document impressions, opinions or conclusions; legal advice in support of day-to-day administrative and mission activities; communications with appellant, division, or office, to include any transcripts or audio recordings that support investigative work, matter analysis, and work product preparation; case files, summaries, legal analysis and memos; brief-banks that document the history of legal support to which CFTC is a party or otherwise involved; and other supporting documentation such as calendars, logs and rosters; systems that store these records such as document review platforms, electronic collaboration spaces such as SharePoint, case management systems and electronic discovery systems.

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? Yes

GRS or Superseded Authority Citation
N1-180-00-001 / 410/a
N1-180-07-001 / 3
N1-180-08-001 / 410/c
N1-180-00-001 / 412

Disposition Instruction

Cutoff Instruction Cut-off at close of final action, decision, or final determination

Retention Period Destroy 10 year(s) after cut-off.

Additional Information

GAO Approval Not Required

OIG Audit, Investigation, and Inspection Case Files

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Disposition Authority Number **DAA-0180-2018-0006-0004**

This series describes records created or maintained by the Office of the Inspector General. These records document routine allegation intake, inspection, examination, investigation, audit, or control review of CFTC divisions, offices, employees, contractors, and others associated with CFTC programs and operations not selected for permanent retention as being historically significant. These records comprise complaints, tips, leads, or other allegations which lead to or relate to a current or future investigation such as data gathered, information or documentation provided, and resulting analysis; findings, recommendations, remediation plans, and follow up such as comments on recommendation implementation, disciplinary actions, remediation plans, penalties, and any other actions taken.

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? **No**

GRS or Superseded Authority Citation **DAA-0180-2016-0003-0002
DAA-0180-2016-0003-0004 In part, "support files providing information for OIG investigations
DAA-0180-2016-0003-0005**

Disposition Instruction

Cutoff Instruction **Cut-off when the case is completed.**

Retention Period **Destroy 10 year(s) after cut-off**

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
09/17/2018	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
08/23/2019	Return for Revision	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
11/06/2019	Submit For Certification	Kimberly Neutzling	Records Specialist	CFTC - CFTC
11/06/2019	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
12/04/2019	Return for Revision	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
12/09/2019	Submit For Certification	Kimberly Neutzling	Records Specialist	CFTC - CFTC
12/10/2019	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
11/03/2020	Submit for Concurrence	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
11/23/2020	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
11/24/2020	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration

11/24/2020	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist
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ITEM	BUCKET TITLE	New Retention	Series Level Cut off Instructions	Current Series Title	Superseded Authority	Superseded Retention	FOR PERMANENT RECORDS Office of Record*
DAA-0180-2018-0006-0001	Official Communications, Actions, Decisions, and Guidance	Permanent. Transfer to the National Archives 30 years after cut-off	Cut-off annually	Program Subject Files	N1-180-00-001 / 103/a	Permanent. Offer to NARA in 10 year blocks when 20 years old.	All
				Organizational Files	N1-180-00-001 / 106	Permanent. Offer to NARA in 10 year blocks when 20 years old.	All
				Staff Interpretative Letters - Unique interpretive letters selected by CFTC because they set precedent and they were subject to litigation, received widespread attention in the legal press, or were reviewed at length in the Annual Report	N1-180-00-001 - 501/a	Permanent. Offer to NARA in 10 year blocks when 20 years old.	Division of Market Oversight, Division of Clearing and Risk, Division of Swaps and Intermediary Oversight, Office of General Counsel
				Staff Interpretative Letters - All other staff letters	N1-180-00-001 / 501/b	Temporary. Destroy when 15 years old.	Division of Market Oversight, Division of Clearing and Risk, Division of Swaps and Intermediary Oversight, Office of General Counsel
				Reports and correspondence pertaining to default cases	N1-180-00-001 / 512/a	Permanent. Offer to NARA in 10 year blocks when 20 years old.	Division of Market Oversight
				Internal Agency Committee and Workgroup Records	DAA-0180-2012-0002-0008	Permanent. Transfer to the National Archives 30 years after cutoff.	All
				Index to the Central Files of Chairman and Commissioners	DAA-0180-2012-0004-0001	Permanent. Transfer to the National Archives with underlying records when 30 years old.	Office of the Secretariat
				Database - documents received by the Commission and referred to other Divisions/Offices for action	DAA-0180-2012-0004-0002	Permanent. Transfer to the National Archives with underlying records when 30 years old.	Office of the Secretariat
				Serialim Log	DAA-0180-2012-0004-0004	Permanent. Transfer to the National Archives with underlying records when 30 years old.	Office of the Secretariat
				Database - Federal Register notices with records contained in the Central Files	DAA-0180-2012-0004-0005	Permanent. Transfer to the National Archives with underlying records when 30 years old.	Office of the Secretariat
				Central Files of the Chairman and Commissioners	DAA-0180-2012-0004-0007	Permanent. Transfer to the National Archives with underlying records when 30 years old.	Office of the Secretariat
				Records and Official Minutes of Commission Meetings	DAA-0180-2012-0004-0008	Permanent. Cut off at the end of the calendar year. Transfer to the National Archives 30 years after cut off.	Office of the Secretariat
				Index to records and official minutes of Commission meetings (308b)	DAA-0180-2012-0004-0009	Permanent. Transfer to the National Archives with underlying records when 30 years old.	Office of the Secretariat
				Recordings of open and closed Commission meetings	DAA-0180-2012-0004-0010	Permanent. Cut off at the end of the calendar year. Transfer to the National Archives when 30 years old.	Office of the Secretariat
				Index to records and official minutes of Commission meetings	DAA-0180-2012-0004-0011	Permanent. Cut off at the end of the calendar year. Transfer to the National Archives 30 years after cut off.	Office of the Secretariat
DAA-0180-2018-0006-0002	Legislative Input and Rulemaking Records	Temporary. Destroy 30 years after cut-off	Cut-off at close of final action, decision, or final determination	Rules and Regulations File	N1-180-00-001 / 108	Temporary. Destroy when 5 years old.	All
DAA-0180-2018-0006-0003	Legal Representation and Advice	Temporary. Destroy 10 years after cut-off	Cut-off at close of final action, decision, or final determination	OGC Litigation Files - Routine cases	N1-180-00-001 / 410/a	Temporary. Transfer to off-site storage when 3 years old. destroy/delete when 15 years old.	OCG
				OGC Litigation Files - Routine cases	N1-180-07-001 / 3	Temporary. Transfer to off-site storage when 3 years old. destroy/delete when 15 years old. NOTE: This item amends N1-180-00-001 / 410/a to add the word "electronic" to the media types covered by the original schedule. The proposed media neutral schedule item renders this item obsolete.	OCG
				OGC Litigation Files - Attorney working papers	N1-180-08-001 / 410c	Temporary. Transfer to off-site storage 90 days after close of litigation. Destroy 5 years after close of litigation	OCG
				Opinion Case Files	N1-180-00-001 / 412	Temporary. Transfer to off-site storage when 3 years old. Destroy when 10 years old.	OCG
DAA-0180-2018-0006-0004	OIG Audit, Investigation, and Inspection Case Files	Temporary. Destroy 10 years after cut-off	Cut-off when the case is completed	All other audit case files	DAA-0180-2016-0003-0002	Cut off files at the end of fiscal year in which audit is completed. Destroy 10 year(s) after cut off.	OIG
				Allegation files	DAA-0180-2016-0003-0004 In Part, "support files providing general information that may prove useful to OIG investigations"	Temporary. Cut off files at the end of the fiscal year. Destroy 5 years after cut off.	All
				All other investigation case files	DAA-0180-2016-0003-0005	Temporary. Cut off files at the end of the fiscal year in which the Inspector General signs the closing memo. Destroy 10 years after cut off.	OIG