

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-266-09-004

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 2/9/2023

ACTIVE ITEMS

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

All items except those listed below are active

SUPERSEDED AND OBSOLETE ITEMS

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

N1-266-09-004 / 1 is superseded by DAA-0266-2014-0009-0002

REQUEST FOR RECORDS DISPOSITION AUTHORITY		LEAVE BLANK (NARA use only)	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		JOB NUMBER N1-266-09-04	
1. FROM (Agency or establishment) Securities and Exchange Commission		Date received 6/3/09	
2. MAJOR SUBDIVISION Division of Enforcement (ENF)		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
3. MINOR SUBDIVISION			
4. NAME OF PERSON WITH WHOM TO CONFER Curt Francisco			
5. TELEPHONE NUMBER (202) 551-6126		DATE June 13	ARCHIVIST OF THE UNITED STATES
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 <u>4</u> 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 6/15/2012	SIGNATURE OF AGENCY REPRESENTATIVE 		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 GRS OR SUPERSEDED JOB CITATION	10.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)
	SECURITIES AND EXCHANGE COMMISSION Records of the Division of Enforcement (ENF) (See attached)	N1-266-91-2-1A N1-266-91-2-1B N1-266-84-1 1	

SECURITIES AND EXCHANGE COMMISSION
Division of Enforcement (ENF)

1. Tips, Complaints, and Referrals (predating the Tips, Complaints, and Referral (TCR) system)

Documents generated prior to the opening of a MUI or Investigation through any complaint systems that predated the Tips, Complaints, and Referral system. These documents include:

- Correspondence, including cover letters, external emails, voluntary requests, white papers, FOIA requests, and confidential treatment requests
- Staff work product, including:
 - Drafts of correspondence or voluntary requests
 - Inter or Intra-agency memoranda and any drafts thereof
 - Staff notes, including notes of meetings or phone calls
 - Internal emails
 - Any other records the staff deem necessary to retain, such as key documents produced to the staff

Superseded by:

DAA-0266-204-0009-0002

DATE (MM/DD/YYYY):

10/05/2015

*TEMPORARY. Cutoff when inquiry deemed NO FURTHER ACTION (NFA).
Destroy/delete 10 years after cutoff.*

2. Matter Under Inquiry (“MUI”) Files

Documents generated during the course of a MUI. These documents may include:

- MUI opening and closing reports
- Correspondence, including cover letters, external emails, voluntary requests, white papers, FOIA requests, and confidential treatment requests
- Staff work product, including:
 - Drafts of correspondence or voluntary requests
 - Inter or Intra-agency memoranda and any drafts thereof
 - Staff notes, including notes of meetings or phone calls
 - Internal emails
 - Transcripts of recordings of interviews and interview notes
 - Any other documents the staff deem necessary to retain, such as key documents produced to the staff

TEMPORARY. Cutoff when closed. Destroy/delete 10 years after cutoff.

3. Landmark Investigative Case Files

Investigative case files selected by the Division at the time of case closing that meet one or more of the following criteria:

- Cases that are prosecuted by the Department of Justice (DOJ) as criminal cases pertaining to the conduct alleged in the SEC case (to apply the SEC Staff must be aware of the DOJ filing at time of case closing)
- Cases listed in the SEC’s Annual Report as “Major Enforcement Cases” (or any successor designation)
- High impact or national priority investigations designated by the Enforcement Division

Records generated during the course of an investigation, including during litigation and the collections and distributions process. These documents may include:

- Correspondence, including cover letters, external emails, voluntary requests, subpoenas, Wells or other similar submissions, white papers, FOIA requests, and confidential treatment requests
- Staff work product, including:
 - Drafts of correspondence, voluntary requests or subpoenas
 - Inter or Intra-agency memoranda and any drafts thereof
 - Staff notes, including notes of meetings or phone calls
 - Internal emails
 - Transcripts of investigative testimony
 - Exhibits to investigative testimony
 - Transcripts of recordings of interviews and interview notes
 - Reports of monitors or independent consultants
 - Formal orders of investigation, including all amendments and supplements thereto
 - Case Opening Report, Case Closing Recommendation, and Case Closing Report
 - Litigation records including correspondence, pleadings, consents, offers of settlement, final judgments, orders, other court and administrative proceeding filings, and deposition transcripts and exhibits
 - Documents unique to the collections and distributions process, including audited financial files, and support materials in cases involving financial waivers, terminated collection efforts, or discharged debts
 - Any other documents the staff deem necessary to retain, such as key documents produced to the staff

PERMANENT. Cutoff when closed or becomes inactive. Transfer entire case file to NARA after applying one or more of the selection criteria and 10 years after case is closed or becomes inactive.

4. Non-Landmark Investigative Case Files

Investigative case files not selected by the Division at the time of case closing under the criteria above. These documents may include:

- Correspondence, including cover letters, external emails, voluntary requests, subpoenas, Wells or other similar submissions, white papers, FOIA requests, and confidential treatment requests
- Staff work product, including:
 - Drafts of correspondence, voluntary requests or subpoenas
 - Inter or Intra-agency memoranda and any drafts thereof
 - Staff notes, including notes of meetings or phone calls
 - Internal emails
 - Transcripts of investigative testimony
 - Exhibits to investigative testimony
 - Transcripts of recordings of interviews and interview notes
 - Reports of monitors or independent consultants
 - Formal orders of investigation, including all amendments and supplements thereto
 - Case Opening Report, Case Closing Recommendation, and Case Closing Report.

- Litigation records including correspondence, pleadings, consents, offers of settlement, final judgments, orders, other court and administrative proceeding filings, and deposition transcripts and exhibits
- Documents unique to the collections and distributions process, including audited financial files, and support materials in cases involving financial waivers, terminated collection efforts, or discharged debts
- Any other documents the staff deem necessary to retain, such as key documents produced to the staff

TEMPORARY. Cutoff when closed or inactive. Destroy/delete 10 years after cutoff.

5. Policy and Procedure Files

- a.) Division Director and Office of Chief Counsel Program Policy Files, documenting Enforcement policies and procedures not present in the Chairmen's Subject Files including: reports; studies; correspondence; inter or intra-agency memoranda; and related records**

PERMANENT. Cut off file at end of each Chairman's tenure in office. Transfer to NARA 10 years after cut off.

- b.) Individual or Staff Division files related to Enforcement's non-case file activities, but not elevated to the Division Director for decision.**

TEMPORARY. ~~Destroy when 6 months old or when no longer needed, not to exceed 3 years.~~

Destroy when 6 months old or when no longer needed, whichever is longer, but not to exceed 3 years.

*HL per email w/ David Brown
12/10/12*