

Request for Records Disposition Authority

(See instructions on reverse)

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

1. From: (Agency or establishment)

Office of the Director of National Intelligence

2. Major Subdivision

Office of General Counsel

3. Minor Subdivision

4. Name of Person with whom to

John O. Hackett

5. Telephone (include area code)

03-275-2215

Leave Blank (NARA Use Only)

Job Number

N1-576-10-2

Date Received

6/8/2010

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.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

[Signature]

6. Agency Certification R

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 6 page(s) are no longer 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: h

is not required h is attached h has been requested h

Signature of Agency Representative

[Signature]

Title R

Director of Information Management

Date (mm/dd/yyyy)

6/7/2010

7. Item Number	8. Description of Item and Proposed Disposition	9. GRS or R Superseded Job Citation h	10. Action taken (NARA Use Only)
1.0	Records of the Office of General Counsel		

**Office of the Director of National Intelligence
OFFICE OF THE GENERAL OUNSEL**

Records Control Schedule

Mission Description

The position of General Counsel of the Office of the Director of National Intelligence (ODNI) was established by Section 103C of the National Security Act of 1947, as amended by the Intelligence Reform and Terrorism Prevention Act of 2004. The General Counsel is appointed by the President, by and with the advice and consent of the Senate. The General Counsel is the chief legal officer of the ODNI and performs such functions as the Director of National Intelligence (DNI) prescribes.

The General Counsel serves as head of the Office of General Counsel (OGC). OGC supports the Intelligence Community in achieving the shared goal of providing the President, Congress, the policy community, the military, and other intelligence consumers accurate, timely, and objective intelligence that protects lives, while also safeguarding the constitutional and statutory rights of American citizens.

OGC's mission is to provide accurate and timely legal guidance and counsel to the DNI and to the ODNI to ensure all employees and contractors assigned to the ODNI comply with U.S. law and any applicable regulations and directives. OGC's mission also includes supporting the DNI in carrying out his statutory responsibility to ensure compliance with the Constitution and laws of the United States by elements of the Intelligence Community that are part of the National Intelligence Program. To this end, OGC works closely with legal officers across the Intelligence Community to coordinate the development of legal mechanisms to facilitate the implementation of DNI policies and to ensure compliance with applicable law.

OGC manages the ODNI ethics program and assists ODNI employees with any ethics questions or potential ethics matters, which include a wide range of personal and official matters, i.e., giving and receiving gifts, seeking outside employment, misuse of position, outside activities, and the administration of two financial disclosure exercises (OGE-450 and SF-278).

Application of the Records Control Schedule Disposition Instructions

The disposition instructions in the records control schedule are mandatory. Any Federal records received or created by Office of the General Counsel personnel or contractors not specifically covered by this schedule or the General Records Schedules are to be retained until such time as an applicable disposition authority approved by the National Archives and Records Administration (NARA) is obtained. To take into account the fluid nature of electronic filing, those responsible for implementing this schedule should be aware that record copies of record types described in this schedule are to receive the prescribed disposition wherever they are filed.

The Information Management Technical Officer with responsibility for the records of the Office of the General Counsel will support effective implementation of the disposition requirements of this schedule through the development and issuance of appropriate operational guidance and supplementary instructions necessary to assure adequate and proper documentation of the official mission, responsibilities, and actions of the component.

Note on Sensitivity of OGC Records

The majority of the records addressed in this schedule are classified as national security information in accordance with statutory and national policy directives. Most of the records series described in this schedule contain information classified to the highest levels, requiring planning

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for their continued security until they are declassified or destroyed. The user of this schedule should assume the subject records are highly classified unless noted otherwise. In addition, certain series may contain material covered by Privacy Act or Freedom of Information Act restrictions other than National Security, such as law enforcement information, or commercially sensitive ("trade secrets") information. An effort has been made to note these series.

Note on Vital Records

Although no vital records are currently identified in this schedule, records management personnel should be alert to the need to identify such records so that they can be accessed quickly when needed. Vital records are (1) those that specify how the ODNI will operate in case of an emergency or disaster, (2) those necessary to the ODNI's continued mission critical operations during and after an emergency, and (3) those that must be preserved to protect the legal and financial rights and interests of the ODNI and of persons affected by the ODNI.

Note on Electronic Records

The OGC and staff maintain record copies of many official files in electronic form on both shared and individual network drives. In addition, some staff members may keep some files on their individual local drives, although this is discouraged. Records kept on both the network and local individual drives that are not disposable under the General Records Schedules (GRS) are to be moved or copied to the network shared drives or systems or kept in paper files, as appropriate, to be retained or destroyed in accordance with an approved ODNI disposition authority.

Records descriptions and Disposition Instructions

Item	Title & Description	Disposition
GC 1.	Office of General Counsel (OGC) Legal Opinions and Associated Case Files	Permanent. Paper Records: Retain paper records in current files until no longer needed, and then transfer to ODNI storage area. Transfer to NARA in five year blocks when most recent file is 30 years old.
GC 1a.	Precedent-Setting Opinions Case Files. Records which document the legal analyses and opinions of OGC attorneys and that are selected by OGC officials as far-reaching or precedent-setting opinions, views, or communications. Included are background materials necessary to understanding the development of precedents. Such materials may relate to any subject on which the Office may render an opinion.	Electronic Records: Maintain electronic files in active system until no longer needed, copy to verified accessible format and medium as required for preservation and continued reference. Transfer to NARA when 30 years old in a medium and format acceptable to NARA in accordance with standards set forth in Federal regulations.
GC 1b.	Routine or Non-Precedent-Setting Opinions Case Files. These files result from opinions based on the routine application of known, pre-existing rules, regulations, and statutes.	Temporary. Delete or destroy when 3 years old or when no longer needed, whichever is later.
GC 2.	Ethics Reports and Opinions which concern the promotion of ethical behavior and operations.	Temporary. Dispose of in accordance with GRS 26

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	<p>administered or financed by the ODNI, as well as elements of the Intelligence Community and within the authorities and responsibilities of the ODNI. Included in this category are the financial disclosure reports for which the OGC is responsible.</p>	
<p>GC 3</p> <p>GC 3a</p> <p>GC 3b</p>	<p>Litigation Case Files.</p> <p>Precedent-Setting Cases. Includes court filings and supporting materials that are selected by OGC officials as evidence of far-reaching or precedent-setting legal positions or with respect to cases of high visibility. Included are background materials necessary to understanding the development of the ODNI positions and actions.</p> <p>Routine Cases. These files result from transitory, non-precedent setting, and low-visibility, legal issues (often claims against the government) that are closed or dismissed early in the legal process</p>	<p>Permanent.. Paper Records: Retain paper records in current files until no longer needed, and then transfer to ODNI storage area. Transfer to NARA in five year blocks when most recent file is 30 years old.</p> <p>Electronic Records: Maintain electronic files in active system until no longer needed, copy to verified accessible format and medium as required for preservation and continued reference. Transfer to NARA when 30 years old in a medium and format acceptable to NARA in accordance with standards set forth in Federal regulations.</p> <p>Temporary. Delete or destroy when 3 years old or when no longer needed, whichever is later.</p>
<p>GC 4</p>	<p>Oversight Materials related to ODNI policies and activities with associated case files that result from policy drafting, monitoring, implementation, operations, and activities to insure compliance with national intelligence policies, executive orders, and presidential directives. Examples include, but are not limited, to IOB, standard minimization procedures for US person information, and information sharing materials</p> <p>Background material for these records falls under item GC-6.</p>	<p>Permanent.. Paper Records: Retain paper records in current files until no longer needed, and then transfer to ODNI storage area. Transfer to NARA in five year blocks when most recent file is 30 years old.</p> <p>Electronic Records: Maintain electronic files in active system until no longer needed, copy to verified accessible format and medium as required for preservation and continued reference. Transfer to NARA when 30 years old in a medium and format acceptable to NARA in accordance with standards set forth in Federal regulations.</p>
<p>GC 5</p>	<p>Legislation Drafting/Coordination. Reviews and coordination of proposed federal legislation of interest to the ODNI and/or Intelligence Community. Included is correspondence on proposed legislation. Examples include, but are not limited, to drafting and coordination materials for the FISA amendments, the Intelligence Authorization Acts and Legislative</p>	<p>Permanent.. Paper Records: Retain paper records in current files until no longer needed, and then transfer to ODNI storage area. Transfer to NARA in five year blocks when most recent file is 30 years old.</p>

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	Referral Memorandums from OMB and responses thereto Background material for these records fall under item GC-6.	Electronic Records: Maintain electronic files in active system until n longer needed, copy t verified accessible format and medium as required for preservation and continued reference. Transfer t NARA when 30 years old in a medium and format acceptable to NARA in accordance with standards set forth in Federal regulations.
GC 6 GC 6a GC 6a1	Working Papers Substantive Working Papers Drafts and other work papers that were coordinated outside the unit f origin and contain information that adds t a proper understanding f the formation and development f final products that embody significant policies, decisions, or actions. Such products have Community-wide reach, public visibility, initiate change, or set precedent.	Permanent. Paper Records: If possible, file working papers with the final version f the document to which they relate. Or, retain in current files until n longer needed, then transfer t ODNI storage area. Transfer to NARA in five year blocks when most recent file in block is 30 years ld. Electronic records: If possible, file working papers in appropriate recordkeeping systems with the final version of the document to which they relate. Or, maintain in active system until n longer needed, copy t verified accessible format and medium as required f r preservation and c ntinued reference. Transfer to NARA when 30 years old in a medium and format acceptable t NARA in accordance with standards set forth in Federal regulations.
GC 6a2 GC 6b	Drafts and associated materials related t final decisions, actions, products, or policies of transitory or routine significance. Non-Substantive Working Papers Collected and created materials not coordinated and/or disseminated outside the unit f origin that d not contain information documenting significant policy development, action, r decision making. These drafts and working papers d not result directly in a final product or an approved finished report. Included are such materials as rough notes and calculations and preliminary drafts produced solely for proof reading r internal discussion, reference r consultation, and associated transmittals, notes, reference and background materials.	Temporary. Delete or destroy when 3 years old r when n longer needed, whichever is later. Temporary. . Screen annually and maintain in current files until n l nger needed for business purposes, then delete r destroy.

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GC 7 .	OGC Reference Files. . Copies of memoranda, . reports, budgets, publications, and other office records maintained for convenience of reference. .	Temporary. . Destroy when no longer needed or when superseded. .
GC-8 .	General Counsel Office Files. . Materials .that are . produced by the General Counsel personally or by immediate staff. .Included are such items as the . General Counsel's calendar, call logs, materials created and/or signed by the General Counsel and e-mail to and from the General Counsel. .	<p>Permanent. .Paper Records: If . possible, file working papers with the . final version of the document to which . they relate. . Or, retain in current files until no longer needed, then transfer to ODNI storage area. . Transfer to NARA . in five year blocks when most recent file . in block is 30 years old. .</p> <p>Electronic records: . If possible, file working papers in appropriate recordkeeping systems with the final . version of the document to which they relate. . Or, maintain in active system until no longer needed, copy to verified accessible format and medium as required for preservation and continued reference. . Transfer to NARA when 30 years old in a medium and format . acceptable to NARA in accordance with standards set forth in Federal . regulations. .</p>