

Request for Records Disposition Authority

Records Schedule Number DAA-0563-2019-0010

Schedule Status Approved

Agency or Establishment Department of Homeland Security

Record Group / Scheduling Group General Records of the Department of Homeland Security

Records Schedule applies to Department-wide

Schedule Subject Legal Records

Internal agency concurrences will
be provided No

Background Information This Department-wide schedule supersedes component-level
disposition schedule items covering legal records.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
7	3	4	0

GAO Approval

Outline of Records Schedule Items for DAA-0563-2019-0010

Sequence Number	
1	Litigation Case Files
1.1	Significant Litigation Case Files Disposition Authority Number: DAA-0563-2019-0010-0001
1.2	Routine Litigation Case Files Disposition Authority Number: DAA-0563-2019-0010-0002
2	Legislative Files
2.1	Enacted Legislation Disposition Authority Number: DAA-0563-2019-0010-0003
2.2	Draft and Proposed Legislation Disposition Authority Number: DAA-0563-2019-0010-0004
3	Opinions, Advice and Analysis
3.1	Routine Legal Opinions Disposition Authority Number: DAA-0563-2019-0010-0005
3.2	Significant Legal Opinions Disposition Authority Number: DAA-0563-2019-0010-0006
4	Board for Correction of Military Records Application Files Disposition Authority Number: DAA-0563-2019-0010-0007

Records Schedule Items

Sequence Number	
1	Litigation Case Files
1.1	Significant Litigation Case Files
	Disposition Authority Number DAA-0563-2019-0010-0001
	Records documenting significant litigation by or against the Department. Case files include, but are not limited to, briefs, motions, court opinions and orders, depositions, and supporting documentation. Significant cases (1) establish legal precedent, (2) have a serious finding or resulting criminal prosecution against Senior DHS officials, (3) attract public and/or media attention, (4) result in Congressional action, or (5) result in substantive changes in DHS policies and procedures.
	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	GRS or Superseded Authority Citation N1-560-03-001 / 6 N1-563-08-033 / 8/2
	Disposition Instruction
	Cutoff Instruction Cut off at end of calendar year in which judgment is made or all appeals have been exhausted, whichever is later
	Transfer to the National Archives for Accessioning Transfer to the National Archives 15 year(s) after cutoff
	Additional Information
	First year of records accumulation 2002
	What will be the date span of the initial transfer of records to the National Archives? From 2002 To 2007

How frequently will your agency transfer these records to the National Archives? **Every 5 Years**

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	1 GB	50 MB
Paper	110 Cubic feet	7 Cubic feet
Microform		
Hardcopy or Analog Special Media		

1.2

Routine Litigation Case Files

Disposition Authority Number **DAA-0563-2019-0010-0002**

Records documenting routine litigation by or against the Department. Case files include, but are not limited to, briefs, motions, court opinions and orders, depositions, and supporting documentation.

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
N1-311-86-001 / 1/f/2
N1-085-90-005 / 1
N1-560-03-001 / 7
N1-563-08-033 / 11
NC1-036-82-002 / 24
NC1-026-76-002 / 374
NC1-026-80-004 / 173/a
N1-087-91-002 / 1

Disposition Instruction

2	2.1	Cutoff Instruction	Cut off at end of calendar year in which judgment is made or all appeals have been exhausted, whichever is later
		Retention Period	Destroy 10 year(s) after cutoff
		Additional Information	
		GAO Approval	Not Required
		Legislative Files	
		Enacted Legislation	
		Disposition Authority Number	DAA-0563-2019-0010-0003
		Legislation and background information pertaining to DHS's authorizing and appropriation statutes. Records may include, but are not limited to, legal opinion and advice, notes, background reviews, and supporting documentation.	
		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	N1-560-03-001 / 15 N1-563-08-033 / 8/3
		Disposition Instruction	
		Cutoff Instruction	Cut off at close of Congress in which legislation is enacted
		Transfer to the National Archives for Accessioning	Transfer to the National Archives 15 year(s) after cutoff
		Additional Information	
		First year of records accumulation	2003
		What will be the date span of the initial transfer of records to the National Archives?	From 2003 To 2008
		How frequently will your agency transfer these records to the National Archives?	Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	150 MB	50 MB
Paper	5 Cubic feet	.3 Cubic feet
Microform		
Hardcopy or Analog Special Media		

2.2

Draft and Proposed Legislation

Disposition Authority Number **DAA-0563-2019-0010-0004**

Draft materials prepared in connection with proposed legislation that may impact DHS. Records may include, but are not limited to, draft legislative or regulatory text, memoranda, testimonies, reports, legislative analysis, and supporting material.

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
N1-560-03-001 / 16
N1-311-86-001 / 5/b/13
N1-311-86-001 / 5/b/16
N1-311-86-001 / 1/b/3
N1-311-86-001 / 1/f/4/a
N1-311-86-001 / 1/f/4/b

Disposition Instruction

Cutoff Instruction **Cut off at end of the calendar year in which the current Congress adjourns**

Retention Period **Destroy 15 year(s) after cutoff**

Additional Information

	<div>GAO Approval</div> <div>Not Required</div>
3	<div>Opinions, Advice and Analysis</div>
3.1	<div>Routine Legal Opinions</div>
	<div>Disposition Authority Number</div> <div>DAA-0563-2019-0010-0005</div>
	<div>Formal legal opinions responding to routine requests for legal advice, analysis, or interpretations of issues pertinent to DHS and its Components. Opinions may be shared with other Federal agencies. Records include, but are not limited to, memoranda, correspondence, and supporting documentation.</div>
	<div>Final Disposition</div> <div>Temporary</div>
	<div>Item Status</div> <div>Active</div>
	<div>Is this item media neutral?</div> <div>Yes</div>
	<div>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?</div> <div>Yes</div>
	<div>Do any of the records covered by this item exist as structured electronic data?</div> <div>Yes</div>
	<div>GRS or Superseded Authority Citation</div> <div> N1-311-86-001 / 1/f/5/b N1-311-10-002 / 1 N1-563-08-033 / 9 NC1-036-82-002 / 1/b NC1-026-76-002 / 378/b N1-560-03-001 / 5 N1-560-03-001 / 18 </div>
	<div>Disposition Instruction</div>
	<div>Cutoff Instruction</div> <div>Cut off at end of calendar year in which opinion issued</div>
	<div>Retention Period</div> <div>Destroy no sooner than 8 years and no later than 10 years after cutoff</div>
	<div>Additional Information</div>
	<div>GAO Approval</div> <div>Not Required</div>
3.2	<div>Significant Legal Opinions</div>
	<div>Disposition Authority Number</div> <div>DAA-0563-2019-0010-0006</div>
	<div>Formal legal opinions deemed significant that (1) establish legal precedent or (2) result in substantive changes in DHS or Component policies and procedures. Records include, but are not limited to, memoranda, correspondence, and supporting documentation.</div>

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
N1-563-08-033 / 8/1
NC1-026-76-002 / 378/a
N1-311-86-001 / 1/f/5/a
N1-560-03-001 / 19

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year

Transfer to the National Archives for Accessioning Transfer to the National Archives 15 year(s) after cutoff

Additional Information

First year of records accumulation 2003

What will be the date span of the initial transfer of records to the National Archives? From 2003 To 2008

How frequently will your agency transfer these records to the National Archives? Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	190 MB	50 MB
Paper	44 Cubic feet	7 Cubic feet
Microform		
Hardcopy or Analog Special Media		

Board for Correction of Military Records Application Files

Disposition Authority Number **DAA-0563-2019-0010-0007**

Under the authority of 10 U.S.C., Section 1552, the Board has the function to review all applications from former and current members of the Coast Guard to correct their military records. The errors may be corrected by the removal of errors or injustice. In discharges and reenlistment codes, fitness reports, promotion actions, disability matters, or various kinds of benefits. Files consists of individual applications, evidentiary material, and the Board's final decision.

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 **N1-563-08-033 / 2**

Disposition Instruction

Cutoff Instruction **Cut off at end of calendar year in which final decision
is made**

Retention Period **Destroy 40 year(s) after cutoff**

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
01/09/2020	Certify	Sara Cheeseman	OBIM Records Officer	Department of Homeland Security - Office of Biometric and Identity Management
01/05/2021	Submit for Concurrency	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
01/22/2021	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
01/22/2021	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
01/25/2021	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist