

Request for Records Disposition Authority

Records Schedule Number DAA-0266-2015-0004

Schedule Status Modified Approved Version

Agency or Establishment Securities and Exchange Commission

Record Group / Scheduling Group Records of the Securities and Exchange Commission

Records Schedule applies to Major Subdivision

Major Subdivision Office of the General Counsel

Schedule Subject Office of the General Counsel Records

Internal agency concurrences will be provided No

Background Information

The General Counsel is the chief legal officer of the Commission. The Office of the General Counsel (OGC) provides a variety of legal services to the Commission and legal staff is divided into the following groups: Appellate, General Litigation, Adjudication, Legal Policy and Conflict Management. With few exceptions, the office prepares all of the Commission's appellate and amicus briefs; litigates all non-enforcement matters on behalf of the agency; investigates and, where appropriate, prosecutes disciplinary proceedings against attorneys under the Commission's Rules of Practice; assists in preparing Commission opinions in appeals from initial decisions by administrative law judges, Self-Regulatory Organizations, and the Public Company Accounting Oversight Board; represents the Commission in reorganization proceedings in certain cases involving companies with significant numbers of public security holders; and provides legal advice and counseling services to the Commission and its divisions and offices concerning the federal securities laws, administrative laws, and other laws that affect independent agencies. The Office also offers conflict management and alternative dispute resolution (ADR) services.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
6	3	3	0

GAO Approval

Outline of Records Schedule Items for DAA-0266-2015-0004

Sequence Number	
1	Legal Opinion Records
1.1	Opinions to the Chair or Commissioners Disposition Authority Number: DAA-0266-2015-0004-0001
1.2	Advice and Guidance to Other Offices Disposition Authority Number: DAA-0266-2015-0004-0002
2	Litigation Related Records
2.1	Major Cases Disposition Authority Number: DAA-0266-2015-0004-0003
2.2	Routine Cases Disposition Authority Number: DAA-0266-2015-0004-0004
3	Reorganization Proceedings Disposition Authority Number: DAA-0266-2015-0004-0005
4	Attorney Working Files Disposition Authority Number: DAA-0266-2015-0004-0006

Records Schedule Items

Sequence Number

1

1.1

Legal Opinion Records

Opinions to the Chair or Commissioners

Disposition Authority Number DAA-0266-2015-0004-0001

General Counsel legal opinions provided to the Chair or Commissioners on matters before them for decision and other legal opinions and advice records that have a significant and long-term impact on the nature and/or scope of the agency’s formal responsibilities and/or mission.

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

Disposition Instruction

Cutoff Instruction Cut off at the end of the calendar year in which the underlying matter is closed.

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

Additional Information

First year of records accumulation 2000

What will be the date span of the initial transfer of records to the National Archives? From 2000 To 2001

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

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		75 MB
Paper	30 Cubic feet	

Microform		
Hardcopy or Analog Special Media		

1.2

Advice and Guidance to Other Offices

Disposition Authority Number **DAA-0266-2015-0004-0002**

General Counsel records that include a wide range of materials constituting legal advice, guidance and internal provision of legal services to the agency, including: materials prepared for consideration by the Commission; legal guidance and advice; materials relating to government contracts, appropriations, trademarks, licensing, publications, audits and other agency-related functions and actions; materials relating to professional responsibility, labor relations, FOIA requests, Enforcement and other securities law issues, employment matters, and other advice sought from the Office of the General Counsel

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**

Disposition Instruction

Cutoff Instruction **Cut off at the end of the calendar year in which the underlying matter is closed.**

Retention Period **Destroy 10 year(s) after cutoff**

Additional Information

GAO Approval **Not Required**

2

Litigation Related Records

2.1

Major Cases

Disposition Authority Number **DAA-0266-2015-0004-0003**

General Counsel litigation records related to cases listed in the SEC annual report as "Major" cases (or any similar designation) and litigation-related records that

have an objective, significant, and long-term impact on the nature and/or scope of the agency's formal responsibilities and/or mission.

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 NC1-266-77-2, Items 84a and 84b

Disposition Instruction

Cutoff Instruction Cut off at the end of the calendar year in which the underlying matter is closed.

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

Additional Information

First year of records accumulation 2000

What will be the date span of the initial transfer of records to the National Archives? From 2000 To 2001

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

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		75 MB
Paper	30 Cubic feet	
Microform		
Hardcopy or Analog Special Media		

Routine Cases

2.2

Disposition Authority Number **DAA-0266-2015-0004-0004**

General Counsel records that include a wide range of materials developed in representing the Commission, its officers and employees, in litigation, appeals, disciplinary proceedings, civil and criminal discovery matters, administrative proceedings, bid protests and contract disputes, whether handled primarily by counsel in the Office of the General Counsel, the Division of Enforcement, the Department of Justice or other Federal offices.

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 **NC1-266-77-2, Items 84a and 84b**

Disposition Instruction

Cutoff Instruction **Cut off at the end of the calendar year in which the underlying matter is closed.**

Retention Period **Destroy 10 year(s) after cutoff**

Additional Information

GAO Approval **Not Required**

Reorganization Proceedings

Disposition Authority Number **DAA-0266-2015-0004-0005**

Records related to reorganization proceedings under Chapters IX, X, XI of the Bankruptcy Act in which the Commission participates.

Final Disposition **Permanent**

Item Status **Inactive**

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	NC1-266-77-002, Item 85															
Inactive Status Explanation	It was determined that, when the schedule was created, neither NARA nor the SEC took into consideration changes to the Bankruptcy Code that impacted SEC's role and the records that would be created. As a result, a separate series for Reorganization Proceedings was erroneously added to the schedule, even though such records are already covered by permanent and temporary schedule items 0001-0004. This change is effective as of 10/31/2022. -EH															
Disposition Instruction																
Cutoff Instruction	Cut off at the end of the calendar year in which the underlying matter is closed. Accession to the National Archives 15 years after cutoff.															
Transfer to the National Archives for Accessioning	Transfer to the National Archives 15 year(s) after cutoff															
Additional Information																
First year of records accumulation	2009															
What will be the date span of the initial transfer of records to the National Archives?	From 2009 To 2009															
How frequently will your agency transfer these records to the National Archives?	Every 1 Years															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Estimated Current Volume</th> <th style="width: 25%;">Annual Accumulation</th> </tr> </thead> <tbody> <tr> <td>Electronic/Digital</td> <td></td> <td>90 MB</td> </tr> <tr> <td>Paper</td> <td>50 Cubic feet</td> <td></td> </tr> <tr> <td>Microform</td> <td></td> <td></td> </tr> <tr> <td>Hardcopy or Analog Special Media</td> <td></td> <td></td> </tr> </tbody> </table>			Estimated Current Volume	Annual Accumulation	Electronic/Digital		90 MB	Paper	50 Cubic feet		Microform			Hardcopy or Analog Special Media		
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Attorney Working Files																
Disposition Authority Number	DAA-0266-2015-0004-0006															

Records include drafts, notes, memoranda, background and reference material, which are not a part of the official records.

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

Disposition Instruction

Cutoff Instruction Cut off end of the calendar year after the legal work product is completed. Review for any remaining material that should be incorporated into an official file and file appropriately.

Retention Period Delete/Destroy when no longer needed for business purposes, for convenience of reference, or 1 year after cutoff, whichever is later.

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
06/26/2015	Certify	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
10/19/2015	Return for Revision	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
10/21/2015	Submit For Certification	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
10/27/2015	Certify	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
12/22/2015	Submit for Concurrence	Elizabeth Greenberg-Taubel	Appraisal Archivist	National Archives and Records Administration - Records Management Services
12/29/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
12/29/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
01/04/2016	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist