

## Request for Records Disposition Authority

Records Schedule Number      DAA-0266-2020-0002

Schedule Status      Approved

Agency or Establishment      Securities and Exchange Commission

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

Records Schedule applies to      Agency-wide

Schedule Subject      Rulemaking Records

Internal agency concurrences will  
be provided      No

Background Information      Rulemaking is defined by the Administrative Procedure Act (APA) as the “agency process for formulating, amending, or repealing a rule” (5 U.S.C. 551(5)). When this process results in the agency issuing a final regulation, it publishes the rule in the Federal Register and codifies the rule in the Code of Federal Regulations. This schedule covers records created during the rulemaking process, including records created that did not result in publication of a document in the Federal Register.

### Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
6	1	5	0

GAO Approval

## Outline of Records Schedule Items for DAA-0266-2020-0002

Sequence Number	
1	Public Comments Related to Agency Rulemaking Disposition Authority Number: DAA-0266-2020-0002-0001
2	Documents Reflecting the Development of Proposed and Final Rules Disposition Authority Number: DAA-0266-2020-0002-0002
3	Documents generated in rulemaking processes that do not result in publication of a document in the Federal Register Disposition Authority Number: DAA-0266-2020-0002-0003
4	Correspondence with the Office of the Federal Register and Proposed and Final Rule Documents Published in the Federal Register Disposition Authority Number: DAA-0266-2020-0002-0004
5	Rulemaking Petition Records
5.1	Office of the Secretary Copies Disposition Authority Number: DAA-0266-2020-0002-0005
5.2	Other Divisions' and Offices' Copies Disposition Authority Number: DAA-0266-2020-0002-0006

## Records Schedule Items

Sequence Number	
1	<p><b>Public Comments Related to Agency Rulemaking</b></p> <p>Disposition Authority Number      <b>DAA-0266-2020-0002-0001</b></p> <p>Comment letters submitted by members of the public in response to Commission rulemaking releases, including proposed rules, concept releases, requests for comment, or other similar actions published in the Federal Register for which file number series S7 is issued. Records may include letters, transcripts, recordings or memoranda memorializing stakeholder meetings, public hearings, or other communications between the public and Commissioners or Commission staff. All records described in this item are maintained by the SEC Office of the Secretary. Commission or staff may add to the comment file, studies, memoranda or other substantive items related to the rulemaking.</p> <p>Final Disposition      <b>Permanent</b></p> <p>Item Status      <b>Active</b></p> <p>Is this item media neutral?      <b>Yes</b></p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      <b>Yes</b></p> <p>Do any of the records covered by this item exist as structured electronic data?      <b>Yes</b></p> <p>GRS or Superseded Authority Citation      <b>NC1-266-77-002 / 100</b></p> <p><b>Disposition Instruction</b></p> <p>Cutoff Instruction      <b>Cut off when release for the final rule is issued or upon compliance date, whichever is later.</b></p> <p>Transfer to the National Archives for Accessioning      <b>Transfer to the National Archives 15 year(s) after cutoff</b></p> <p><b>Additional Information</b></p> <p>First year of records accumulation      <b>1996</b></p> <p>What will be the date span of the initial transfer of records to the National Archives?      <b>From 1996 To 2001</b></p> <p>How frequently will your agency transfer these records to the National Archives?      <b>Every 1 Years</b></p>

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	100 GB	5 MB
Paper	20 Cubic feet	
Microform		
Hardcopy or Analog Special Media		

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## Documents Reflecting the Development of Proposed and Final Rules

Disposition Authority Number **DAA-0266-2020-0002-0002**

Materials compiled by SEC divisions and offices other than the Office of the Secretary that document or support proposed and final rules or other rulemaking actions developed in support of the agency mission, and not maintained with the Public Comments Related to Agency Rulemaking files. These records may include, but are not limited to: --Briefing papers, rule/regulation drafts presented to management, internal agency staff comments on drafts, analyses, internal clearances, internal summary sheets; --Draft economic and similar analyses; --Comment summaries --Studies, data, background and supporting materials relied on to support rulemaking policy decisions.

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 **DAA-0266-2016-0006-0004 (Partially, for rulemaking records related to NRSROs)  
NC1-0266-77-002 / 101  
DAA-0266-2016-0006-0005 (Partially, for rulemaking records related to NRSROs)**

Disposition Instruction

3	Cutoff Instruction	Cut off after when the release of the final rule is issued, or upon compliance date, whichever is later.
	Retention Period	Destroy 15 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	Documents generated in rulemaking processes that do not result in publication of a document in the Federal Register	
	Disposition Authority Number	DAA-0266-2020-0002-0003
	Materials compiled by SEC divisions and offices other than the Office of the Secretary that document or support rulemaking actions developed in support of the agency mission, and not maintained with the Public Comments Related to Agency Rulemaking files. These records may include, but are not limited to: -- Briefing papers, rule/regulation drafts presented to management, internal agency staff comments on drafts, analyses, internal clearances, internal summary sheets; --Draft economic and similar analyses; --Non-public studies, data, background and supporting materials relied on to support rulemaking policy decisions. Publicly available studies, data, background and other materials relied on to support rulemaking policy decisions unless the publicly available source is cited in other records preserved under this schedule.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
4	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 after work on the draft rule was terminated.
	Retention Period	Destroy 3 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	Correspondence with the Office of the Federal Register and Proposed and Final Rule Documents Published in the Federal Register	

Disposition Authority Number      **DAA-0266-2020-0002-0004**

Agency copy of rule forwarded to the Federal Register for publication, copy of published notice, and correspondence with the Office of the Federal Register generated at these rulemaking process milestones: -- concept releases; -- advance notice of proposed rulemaking (ANPRM) or notice of inquiry (NOI) or similar documents inviting participation to help shape a rule still in development; -- notice of proposed rulemaking (NPRM) to add a new rule or to amend or repeal an existing rule; -- supplemental notice of proposed rulemaking (SNPRM) or further notice of proposed rulemaking (FNPRM), soliciting comment on a proposed rule significantly altered in response to comments received in response to the NPRM; -- notice responding to summarized comments; -- final rule, interim final rule, or direct final rule; -- Term sheets and fact sheets; or -- Comment summaries

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 after publication.**

Retention Period      **Destroy 3 year(s) after cutoff**

#### Additional Information

GAO Approval      **Not Required**

#### Rulemaking Petition Records

Rulemaking petition records maintained by the Office of the Secretary (OS) separately from rulemaking records. If a rule is developed as a result of a petition, SEC divisions and/or offices may incorporate their copies into the division/office rulemaking records. OS issues the file number (4-), maintains the petition file, and tracks response to the petition. Records contain the incoming petition, acknowledgment letter to the petitioner; assignment to the appropriate division(s)/office(s); and follows up communication with the petitioner upon issuance of a final rule, if any.

#### Office of the Secretary Copies

Disposition Authority Number      **DAA-0266-2020-0002-0005**

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5.1

5.2	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	NC1-0266-77-002 / 79, in part (petitions for rulemaking only)
	Disposition Instruction	
	Cutoff Instruction	Cut off at the end of the calendar year after final action.
	Retention Period	Destroy 25 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	Other Divisions' and Offices' Copies	
	Disposition Authority Number	DAA-0266-2020-0002-0006
	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	NC1-0266-77-002 / 79, in part (petitions for rulemaking only)
	Disposition Instruction	
	Cutoff Instruction	Cut off at the end of the calendar year after final action.
	Retention Period	Destroy between 10 year(s) and 25 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
08/25/2020	Certify	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
09/10/2020	Return for Revision	Esther Hidalgo	Archivist	National Archives and Records Administration - ACR1 AC Appraisal Team 1
09/10/2020	Submit For Certification	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
09/10/2020	Certify	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
10/05/2020	Return for Revision	Esther Hidalgo	Archives Specialist	National Archives and Records Administration - ACR1 AC Appraisal Team 1
10/05/2020	Submit For Certification	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
10/05/2020	Certify	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
08/03/2021	Return for Revision	Esther Hidalgo	Archives Specialist	National Archives and Records Administration - ACR1 AC Appraisal Team 1
08/19/2021	Submit For Certification	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services
08/19/2021	Certify	Curt Francisco	Records Officer	Office of Support - Office of Records Management Services

12/14/2021	Submit for Concurrency	Esther Hidalgo	Archives Specialist	National Archives and Records Administration - ACR1 AC Appraisal Team 1
01/07/2022	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
01/07/2022	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
01/10/2022	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist