

1 FAVE RI ANK (NARA use only)

JOB NUMBER

N/1-280-06-2

DATE RECEIVED

10/19/05

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10

ADMIN SERVICES/INFORMATION SYSTEMS DEPT

DATE _____

ARCHIVIST OF THE UNITED STATES

5 TELEPHONE

DEAN BUNDY

(202) 606-2157

4/25/08

Ala Warr

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 _____ page(s) are not now 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.

☒ is not required,☐ is attached, or

☐ has been requested

SIGNATURE OF AGENCY REPRESENTATIVE

TITLE

10/19/05

Dean Bundy

RECORDS MANAGER

RECORDS MANAGER

7 ITEM NO	8 DESCRIPTION	9 QTY	10 UNIT	11 PRICE	12 AMOUNT	13 TAX	14 TOTAL
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8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION

9 GRS OR
SUPERSEDED
JOB CITATION

10 ACTION
TAKEN (NARA
USE ONLY)

(SEE ATTACHED)

10 5/2/08 copies sent to Agency, NWmtb, NWmtE, NWmtW, DR, & DWCT

AUTHORIZED FOR LOCAL REPRODUCTION
PREVIOUS EDITION NOT USABLE

STANDARD FORM 115 (REV. 3-91)
Prescribed by NARA
36 CFR 1228

RETENTION SCHEDULE

OFFICE OF THE GENERAL COUNSEL

These disposition instructions apply to all the described records regardless of physical media, except as noted.

200 Series

File Number

Title/Description

OGC 201 (1)

FMCS Legal Opinion Files

Controlled files created by the FMCS General Counsel including requests for opinions, supporting documentation, and the legal opinions authored by the General Counsel, arranged annually by subject. Annual accumulation is negligible – much less than one cubic foot.

Permanent. Cut off at the end of the calendar year. If hardcopy, transfer to offsite (FRC) storage in 5-year blocks, when last cut-off file is five years old. Transfer to NARA when 30 years old. If electronic, transfer to NARA in accordance to 36 CFR 1228.270, or in accordance with transfer standard in effect at the time of future transfer.

OGC 205

~~*Office of Counsel General Legal Advice and Correspondence*~~
~~General correspondence files of the Counsel and staff members not associated with case files, FOIAs, Congressional Inquiries, or other mission-related functions. Includes reading files, ticklers, inquiries, requests for information, routine internal administrative correspondence, and similar matter.~~

~~Temporary. Cut off at the end of each calendar year.
Destroy when 2 years old. (GRS 23.1)~~

OGC 210 (2)

Litigation Case Files

Pleadings, discovery requests, documents collected during legal research activities, pro forma information and

documents, and any other documents that may accumulate in association with established litigation cases.

Temporary. Files remain active as long as cases are active. Close files when litigation is completed. Cut-off at end of year and transfer to offsite storage. Destroy 10 years after cut-off.

OGC 210-1 ~~FOIA Litigation Case Files~~

~~Files created in response to administrative appeals under the FOIA for release for information denied by the agency, consisting of the appellant's letter, a copy of the reply, and related supporting documents, which may include the official file copy of records under appeal or authorized copies thereof.~~

~~(a) Correspondence and supporting documents under appeal (EXCLUDING the file copy of the records).~~

~~Temporary. Destroy 6 years after final determination by agency, 6 years after the time at which a requestor could file suit, or 3 years after final adjudication by the courts, whichever is later. (GRS 14.12a)~~

~~(b) Official file copy of records under appeal.~~

~~Temporary. Dispose of in accordance with approved agency disposition instructions for the related records or with the related FOIA request, whichever is later. (GRS 14.12b)~~

OGC 210-2 (3) *Mediator Subpoena Files*

Subpoenas, requests for mediator testimony, and other associated documents. Files generally reference disputes in the healthcare industry

(3A) (a) For cases handled on a pro forma basis, generally with a motion to quash, that do not result in an appeal.

Temporary. Review files for disposal at the end of each calendar year. Destroy when 1 year old.

(3B) (b) For cases that result in appeals.

Temporary. Treat as litigation case files. Cut off when the case closes or is settled. Transfer case files to offsite storage in 5-year blocks. Destroy when 10 years old.

OGC 211 (4) *Boards of Inquiry Request Files*

Requests to establish Boards of Inquiry and documents associated with the process of establishing and maintaining such Boards, including fact-finder reports. Requests may come from mediators or from representatives of the healthcare industry.

Temporary. Cut off at the end of the calendar year in which the Board completes its work, issues its final, approved report. Transfer to offsite storage in 5-year blocks. Destroy when 10 years old.

~~OGC 220~~ ~~*FOIA Case Files*~~

~~FOIA requests, responses, tracking logs, and supporting documents and correspondence accumulated under the provisions of the FOIA and E-FOIA.~~

~~(a) FOIA Request Files. Files created in response to requests for information under the FOIA, consisting of the original request, a copy of the reply, and all related supporting files.~~

~~1. Granting access to all requested records.~~

~~Temporary. Destroy 2 years after date of reply.
(GRS 14.11a (1))~~

~~(b) Responding to requests for nonexistent records, to requestors who provide inadequate descriptions, and to those who fail to pay agency reproduction fees.~~

~~1. Requests not appealed.~~

~~Temporary. Destroy 2 years after date of reply.
(GRS 14.11a (2) (a))~~

~~2. Requests appealed.~~

~~Temporary. Apply item 210 1a in this schedule.~~

~~(c) Denying access to all or part of the records requested.~~

~~1. Request not appealed.~~

~~Temporary. Destroy 6 years after date of reply.
(GRS 14.11a (3) (a))~~

~~2. Request appealed.~~

~~Temporary. Apply item 210-1a of this schedule.~~

~~OGC 220-1 FOIA Control Files. Files maintained for control purposes in responding to requests including registers and similar records.~~

~~(a) Registers or listing.~~

~~Temporary. Destroy 6 years after date of last entry. (GRS 14.13a)~~

~~(b) Other files.~~

~~Temporary. Destroy 6 years after final action by the agency of after final adjudication by courts, whichever is later (GRS 14.13b)~~

~~OGC 220-2 FOIA Reports Files. Recurring reports and one-time information requirements relating to the agency implementation of the Freedom of Information Act (EXCLUDING annual reports to the Congress at the department or agency level.~~

~~Temporary. Destroy when 2 years old. (GRS 14. 14)~~

~~OGC 220-3 FOIA Administrative Files. Records relating to the general agency implementation of the FOIA, including notices, memoranda, routine correspondence, and related records.~~

~~Temporary. Destroy when 2 years old. (GRS 14.15)~~

~~OGC 221 Privacy Act Requests Files~~

~~Files created in response to requests from individuals to gain access to their records or to any information in the records pertaining to them, as provided for under 5 U.S.C. 552(a)(d)(1). Files contain original request, copy of reply, and all related supporting documents.~~

~~_____ (a) Correspondence and supporting documents granting access to all requested records.~~

~~_____ 1. Granting access to all the requested records.~~

~~_____ Temporary. Destroy 2 years after date of reply.
(GRS 14.21a (1))~~

~~(b) Responses to requests for nonexistent records, to requesters who provide inadequate descriptions to support a search, and to those who fail to pay agency reproduction fees.~~

~~_____ 1. Requests not appealed.~~

~~_____ Temporary. Destroy 2 years after date of reply.
(GRS 14.21a (2) (a))~~

~~_____ 2. Requests appealed.~~

~~_____ Temporary. Dispose of in accordance with the approved disposition instruction for the related subject individual's records or 3 years after final adjudication by the courts, whichever is later. (GRS 14.22c)~~

~~_____ (c) File copy of requested records kept for reference purposes.~~

~~_____ Temporary. Dispose of in accordance with approved agency disposition instruction for the related records or with the related Privacy Act request, whichever is later.
(GRS 14.21b)~~

OGC 221-1 ~~_____ *Privacy Act Amendment Case Files*~~

~~Files relating to an individual's request to amend a record pertaining to that individual as provided for under 5 U.S.C. 552a (d) (2); to the individual's request for a review of the an agency's refusal of the individual's request a amend a record as provided for under 5 U.S.C. 552a (d) (3); and to any civil action brought by the individual against the refusing agency as provided under 5 U.S.C. 552a (g).~~

~~(a) Requests to amend agreed to by the agency, including individual's requests to amend and/or review refusal to amend, copies of agency's replies, and related materials.~~

~~_____ Temporary. Dispose of in accordance with the approved disposition schedule for the related subject~~

~~individual's record, or 4 years after agency's agreement to amend, whichever is later. (GRS 14.22a)~~

~~(b) Requests to amend refused by the agency. Includes individual's requests to amend and to review refusal to amend, copies of agency's replies, statement of disagreement, agency justification for refusal to amend a record, and related materials.~~

~~Temporary. Dispose of in accordance with the approved disposition instructions for the related subject individual's record, 4 years after final determination by agency, or 3 years after final adjudication by courts, whichever is later. (GRS 14.22b)~~

~~(c) Appealed requests to amend, including all files created in response to appeals under the Privacy Act for refusal by any agency to amend a record.~~

~~Temporary. Dispose of in accordance with the approved disposition instructions for related subject individual's record or 3 years after final adjudication by the courts, whichever is later. (GRS 14.22c)~~

OGC 221-2 ~~*Privacy Act Accounting of Disclosures Files*~~

~~Files maintained in the Office of the General Counsel under the provisions of 5 U.S.C. 552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to an individual, or to another agency, including forms for showing the subject individual's name; requester's name and address; purpose and date of disclosure; and proof of subject individual's consent when applicable.~~

~~Temporary. Dispose of in accordance with the approved disposition instructions for the related subject individual's records, or 5 years after the disclosure for which the accountability was made, whichever is later. (GRS 14.23)~~

OGC 221-3 ~~Privacy Act Control Files~~

~~Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request, and name and address of requester.~~

(a) ~~Registers or listings~~

~~Temporary. Destroy 5 years after date of last entry.
(GRS 14.24(a))~~

(b) ~~Other files.~~

~~Temporary. Destroy 5 years after final action by the agency or final adjudication by the courts, whichever is earlier. (GRS 14.24(b))~~

OGC 221-4 ~~Privacy Act Reports Files~~

~~Recurring reports and one time information requirements relating to agency implementation, including biennial reports to the Office of Management and Budget (OMB), and the Report and New Systems and all levels.~~

~~Temporary. Destroy when 2 years old. (GRS 14.25)~~

OGC 221-5 ~~Privacy Act General Administrative Files~~

~~Records relating to the general FMCS implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records.~~

~~Temporary. Destroy when 2 years old. (GRS 14.26)~~

OGC 226

(5)

Congressional Inquiry Files

Case files created to support, respond to, and track Congressional requests for information. Include inquiries, responses, copies of records or submitted reports, and other associated records.

Temporary. Cut off at the end of the fiscal year the response to the inquiry is complete and submitted. Transfer to offsite storage in 5-year blocks. Destroy when 10 years old.

~~OGC 227 — Ethics Program Implementation, Interpretation, Counseling,
and Development Files~~

~~Records relating to the development, review, implementation,
and interpretation of proposed or established executive branch
standards of ethical conduct and other ethics regulations;
conflict of interest and other ethics related statutes and
Executive Orders, and any agency supplement standards of
ethical conduct and other agency ethics related regulations
and directives, including~~

- ~~• Records documenting the review of proposed or
established ethics related statutes and regulations by
ethics program officials, including copies of proposed
legislation, comments, and all related records.~~
- ~~• Determinations, including advice and counseling to
individual employees, and supporting records~~
- ~~• Records relating to requests under agency
supplemental standards of ethical conduct for prior
approval of outside employment and activities.~~
- ~~• Records such as determinations regarding attendance
at widely attended gatherings which appropriate
agency ethics officials determine are related to the
routine, non-precedential application of settled legal
standards to common factual situations and are not
interpretations of the conflict of interest statutes, 18
U.S.C. 202-209, and other ethics statutes the violation
of which may result in criminal penalties or civil fines.~~

~~Temporary. Destroy when 3 years old or when
superseded or obsolete, whichever is later. (GRS
25.1a)~~

~~(b) All other records.~~

~~Temporary. Destroy when 6 years old or when
superseded or obsolete, whichever is later. (GRS
25.1b)~~

~~OGC 227-1 — Referrals and Notifications of Violations of Criminal Conflict
of Interest Statutes and Other Potential Violations Files~~

~~Referrals made to Inspectors General or the Department of
Justice and notifications to OGE concerning ethics violations
or suspected violations. This item also covers related~~

~~background materials, including copies of disciplinary and corrective actions and dispositions documents such as declinations of prosecution.~~

~~Temporary. Destroy when 6 years old. (GRS 25.4)~~

~~OGC 227-2 *Ethics Program Employee Training and Education Files*~~

~~(a) Records relating to the administration of new employee ethics orientation, annual, and other types of ethics training and education. Records include, but are not limited to, annual plans, schedules of classes, rosters of employees required to attend, verification of training completion and other related records.~~

~~Temporary. Destroy when 6 years old. (GRS 25.8a)~~

~~(b) Record copy of materials used in providing new employee ethics orientation, annual, and other types of ethics training and education. Records include, but are not limited to, annual plans, schedules of classes, rosters of employees required to attend, verification of training completion and other related records.~~

~~Temporary. Destroy when 6 years old or when superseded or obsolete, whichever is later. (GRS 25.8b)~~

~~OGC 227-3 *Ethics Program Review Files*~~

~~Reports, correspondence, and other records relating to OGE reviews of agency compliance with executive branch ethics laws and regulations in such areas as financial disclosure, education and training, and advice and counseling.~~

~~(a) OGE program review reports, agency 60-day response letters, and other follow-up records sent to OGE on the resolution of program deficiencies.~~

~~Temporary. Destroy when 6 years old. (GRS 25.6a)~~

~~(b) All other records produced during OGE program reviews, including notes and background materials.~~

~~Temporary. Destroy 1 year after the date of the OGE program review report, or if there are recommendations, 1 year after they are closed. (GRS 25.6b)~~

~~OGC 227-4~~ *Financial Disclosure Reporting Files*

~~Financial disclosure reports submitted by individuals as required or authorized under the Ethics in Government Act of 1978 (Pub L. 97-52), as amended, and related records, including records of late filing for payments or requests for public reporting waivers of late filing fees and responses; comment sheets by report reviewers and filer responses; filing extensions requests and determinations; and copies of applications for public release of financial disclosure report.~~

~~(a) Executive Branch personnel Public Financial Disclosure Reports (SF 278) and related records.~~

~~1. SF 278 reports for individuals filing in accordance with section 101(b) or (c) of the Act and not subsequently confirmed by the U.S. Senate or elected.~~

~~Temporary. Destroy 1 year after nominee or candidate ceases to be under consideration for the position, EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25.2a (1))~~

~~2. All other SF 278s.~~

~~Temporary. Destroy when 6 years old EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25.2a2)~~

~~(b) Executive Branch Confidential Financial Disclosure Reports (OGE Form 450 and Confidential Certificate of No New Interests (OGE optional Form 450-A) and related records.~~

~~(1) OGE Form 450-A for individuals not subsequently confirmed by the U. S. Senate.~~

~~Temporary. Destroy 1 year after nominee ceases to be under consideration for the position, EXCEPT that documents needed for an ongoing investigation will be~~

~~retained until no longer needed for the investigation. (GRS 25.2b (1))~~

~~(2) All other OGE Form 450s and OGE Optional Form 450-As.~~

~~Temporary. Destroy when 6 years old EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed for the investigation. (GRS 25.2(b))~~

~~(c) Alternative or additional financial disclosure records not subsequently confirmed by the U. S. Senate.~~

~~(1) Reports for individuals not subsequently confirmed by the Senate.~~

~~Temporary. Destroy 1 year after nominee ceases to be under consideration for the position, EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed for the investigation. (GRS 25.2c (1))~~

~~(2) All other alternative or additional financial disclosure reports.~~

~~Temporary. Destroy when 6 years old EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25.2c (2))~~

OGC 227-5 ~~*Ethics Agreements Records*~~

~~Records documenting the review and issuance of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest, including~~

- ~~• Records relating to the review and issuance of recluses (disqualifications), resignations, reassignments, and divestitures.~~
- ~~• Records relating to determinations, authorizations, and waivers under 5 CFR 2635.502 and 2635.503.~~
- ~~• Records relating to the review and issuance of waivers of disqualification under 18 U.S.C. 208(b) (1) and (b) (3).~~

~~Temporary. Destroy 6 years after the waiver or other agreed-upon determination or action has been issued or undertaken or is no longer in effect, whichever is later. (GRS 25.3)~~

~~OGC 227-6~~ ~~*Annual Agency Ethics Program Questionnaire Files*~~

~~(a) Questionnaire completed by ethics officials on an annual basis in compliance with Section 402(c)(1) of the Ethics in Government Act of 1978, as amended, and associated records.~~

~~Temporary. Destroy 3 years after submission. (GRS 25.7a)~~

~~(b) All other records related to responses to annual agency ethics program questionnaires.~~

~~Temporary. Destroy 1 year after submission of associated annual agency ethics program questionnaire. (GRS 25.7b)~~

~~OGC 227-7~~ ~~*Ethics Program Procedure Files*~~

~~Procedures and related supporting records on the administration of ethics programs including, but not limited to, public and confidential financial disclosure reports systems; outside employment and activities approval systems; and referrals of violations of criminal conflict of interest statutes.~~

~~Temporary. Destroy when 6 years old or when superseded or obsolete, whichever is later. (GRS 25.9)~~

~~OGC 230~~ ~~*OMB and GSA Reports and Supporting Documents*~~

~~Reports and supporting documents prepared for submittal to OMB and GSA in response to the FAIR Act, FMPA, and other regulatory or statutory requirements.~~

~~Temporary. Cut off at the end of the fiscal year the reports are submitted or published in the *Federal Register*. Destroy 6-10 years after cutoff. (GRS 3, Item 18).~~

~~OGC 240~~ ~~*Electronic Mail and Word Processing Copies*~~

~~Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of the records covered by the other~~

~~items in the schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.~~

- ~~a. Copies that have no further administrative value after the recordkeeping copy is made. Include copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disks or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.~~

~~Temporary. Destroy/delete within 180 days after the recordkeeping copy has been produced.~~

- ~~b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.~~

~~Temporary. Destroy/delete when dissemination, revision, or updating is completed. (GRS 20; 13, 14)~~