

**REQUEST FOR RECORDS DISPOSITION AUTHORITY**  
(See Instructions on reverse)

TO NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIRA)  
WASHINGTON, DC 20408

1. FROM (Agency or establishment)  
Equal Employment Opportunity Commission

2. MAJOR DIVISION  
Office of Legal Counsel

3. MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER  
Delphine Best

5. TELEPHONE  
(202) 663-4250

LEAVE BLANK (NARA use only)

JOB NUMBER **NI-403-053**

DATE RECEIVED **3/10/05**

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

DATE ARCHIVIST OF THE UNITED STATES  
**WITHDRAWN**

6. 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 on the attached 5 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.

DATE: 11/8/2004  
SIGNATURE OF AGENCY REPRESENTATIVE: *James Daniel*  
TITLE: Records Officer

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
1	<p><b>General Correspondence File</b></p> <p>The Office of Legal Counsel establishes and maintains a General Correspondence File in which to maintain all original incoming communications and initialed record copies of outgoing and interoffice correspondence arising from the functions for which the office exists, rather than its internal administration or house-keeping activities, except material that becomes part of an official charge/case file. The files are arranged alphabetically by issue/subject.</p>	<p>NC1-703-79-1 RCS, Item no. 15.A</p>	
1a	<p><b>Record Copy</b></p> <p>Temporary. The incoming and outgoing correspondence and other material related thereto must be retained in the General Correspondence File of the Office of Legal Counsel for one (1) year from the date of the Commission's last action on the correspondence. After that, the correspondence concerned maybe either:</p> <ul style="list-style-type: none"> <li>- Stored in a separate letter-size two through five-drawer metal vertical or lateral filing cabinet with a lock in the Office of Legal Counsel specifically for its closed General Correspondence File material; or</li> <li>- Moved to a NARA compliant commercial or other federal agency record storage facility arranged by the Office of the Chief Financial Officer and Director of Administrative Services; or</li> <li>- Transferred to the Federal Records Center with the prior approval of the Office of the Chief Financial Officer and Director of Administrative Services.</li> </ul> <p>When the correspondence is three (3) years old, the Office of Legal Counsel either destroys or otherwise arranges for the destruction of these records then.</p>		
1b	<p><b>All Other Copies</b></p> <p>Temporary. Destroy when no longer needed for reference.</p>		

*11/22/05*

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2	<p><b>Opinions and Interpretations File - External Requests</b></p> <p>The Office of Legal Counsel establishes and maintains the Opinions and Interpretations file of the Commission that consists, in part, of folders, arranged alphabetically by subject, for each opinion they issue arising from an external request. These are opinions issued on the Age Discrimination in Employment Act (ADEA); the Equal Pay Act (EPA); Title VII of the Civil Rights Act of 1964, as amended; the Rehabilitation Act, as amended; Equal Pay Act; Americans with Disabilities Act, Civil Rights Act of 1991; or the Commission. This includes supporting data, the original request for the opinion and any related materials.</p> <p><b>2a Record Copy</b></p> <p>Permanent. The official record copy of the Office of Legal Counsel's opinions and interpretations and the materials related thereto must be retained in the Opinions and Interpretation file for one (1) year. After that, the Office of Legal Counsel may destroy all unofficial files/copies when no longer needed, and the folders containing the Office's record copy of the opinions and interpretations and materials related thereto may be:</p> <ul style="list-style-type: none"> <li>- Stored in a separate letter-size two through five-drawer metal vertical or lateral filing cabinet with a lock in the Office of Legal Counsel specifically for its closed Opinions and Interpretations File - External Requests material; or</li> <li>- Moved to a NARA compliant commercial or other federal agency record storage facility arranged by the Office of the Chief Financial Officer and Director of Administrative Services; or</li> <li>- Transferred to the Federal Records Center with the prior approval of the Office of the Chief Financial Officer and Director of Administrative Services.</li> </ul> <p>However, when the opinions in response to external requests are two (2) years old, the Office of Legal Counsel automatically transfers them to the Federal Records Center with the prior approval of the Office of the Chief Financial Officer and Director of Administrative Services. After that, the Office of Legal Counsel offers them to NARA, through Office of the Chief Financial Officer and Director of Administrative Services, as permanent records when they are ten (10) years old or earlier with the prior approval of NARA.</p> <p><b>2b All Other Copies</b></p> <p>Temporary. Destroy when no longer needed for reference.</p>	<p>NC1-403-79-1 RCS, Item no. 15A(2)(a)</p>	
3	<p><b>Opinions and Interpretations File - Internal Requests</b></p> <p>The Office of Legal Counsel should also establish and maintain in the Opinions and Interpretations file an official folder for each opinion issued by the Office of Legal Counsel to Commission offices on various administrative subjects (e.g., the Hatch Act, conflicts of interest or other internal legal matters.) The Office of Legal Counsel should maintain the folders chronologically and alphabetically by subject.</p> <p><b>3a Record Copy</b></p> <p>Temporary. The official record copy of the Office of Legal Counsel's opinions and interpretations and the materials related thereto must be retained in the Opinions and Interpretation file for one (1) year. After that, the Office of Legal Counsel may destroy all unofficial files/copies when no longer needed, and the folders containing the Office's record copy of the opinions and interpretations and materials related thereto may be:</p> <ul style="list-style-type: none"> <li>- Stored in a separate letter-size two through five-drawer metal vertical or lateral filing cabinet with a lock in the Office of Legal Counsel specifically for its closed Opinions and Interpretations File - Internal Requests material; or</li> <li>- Moved to a NARA compliant commercial or other federal agency record storage facility arranged by the Office of the Chief Financial Officer and Director of Administrative Services; or</li> </ul>	<p>NC1-403-79-1 RCS, Item no. 15A(2)(b)</p>	

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	<p>- Transferred to the Federal Records Center with the prior approval of the Office of the Chief Financial Officer and Director of Administrative Services.</p> <p>The Office of Legal Counsel may transfer the files containing the official record copy of opinions and interpretations to internal requests to the Federal Records Center with the prior approval of the Office of the Chief Financial Officer and Director of Administrative Services when they are two (2) years to destroy when three (3) years old.</p>		
3b	<p>All Other Copies</p> <p>Temporary. Destroy when no longer needed for reference.</p>		
4	<p>EEOC Defendant Case File</p> <p>The Office of Legal Counsel establishes and maintains an EEOC Defendant Case File for all the cases where the Commission is the defendant and represented by the Office of Legal Counsel. The file consists of folders, arranged alphabetically by plaintiff's name, containing the official record copy of all the litigation records for these cases.</p>	<p>NC1-403-79-1 RCS, Item no. 15 B (2)</p>	
4a	<p>Record Copy</p> <p>Permanent. Two (2) years old after the court's or Commission's final action on the cases for these closed files, the Office of Legal Counsel will transfer the files for all cases, irregardless if won or lost, to NARA, through Office of the Chief Financial Officer and Director of Administrative Services, as permanent records.</p>		
4b	<p>All Other Copies</p> <p>Temporary. Destroy when longer needed for reference.</p>		
5	<p>FOIA Requests File</p> <p>The Office of Legal Counsel keeps the FOIA Requests File of the Commission. The files consists of the original requests for information under FOIA, a copy of the reply thereto, and all related supporting files.</p>	<p>GRS 14, Item no. 11</p>	
5a	<p>Temporary. The Office of Legal Counsel keeps in the FOIA Requests File the incoming and outgoing correspondence and other material related thereto for requests for information under the FOIA for two (2) years after the date of the Office of Legal Counsel's reply to the request, including a copy of any withheld or redacted record. After that, the Office of Legal Counsel automatically destroys the records for the requests where:</p> <ul style="list-style-type: none"> <li>- The Commission granted access to all the requested documents; or</li> <li>- The requested documents were nonexistent; or</li> <li>- Requesters provided inadequate descriptions; or</li> <li>- The requesters failed to pay agency reproduction fees;</li> </ul> <p>Where the Commission denies access to all or part of the records requested and the denied requests are not appealed, OLC destroys the FOIA file six (6) years after the Commission's reply to the request if the Commission has denied the requested information, but the requestor has not appealed the denial. After that, the Office of Legal Counsel automatically destroys the records on site.</p> <p>Where requesters appeal denial of an FOIA request for any of these reasons, the Office of Legal Counsel retains the FOIA requests and related records of the appeal in the FOIA Appeals File to keep for six (6) years after final determination by the Commission, or the time at which a requestor could sue, or three (3) years after final adjudication by the courts, whichever is later. After that, the Office of Legal Counsel automatically destroys the records of the appeal on site.</p>		
5b	<p>All Other Copies</p> <p>Temporary. Destroy when longer needed for reference.</p>		

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6	<p><b>FOIA Appeals File</b></p> <p>The Office of Legal Counsel establishes and maintains the FOIA Appeals File of the Commission arising from appeals under the FOIA for the release of information denied by the Commission. The file consists of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of the records under appeal or copy thereof. The Office of Legal Counsel establishes and maintains the files for appealed requests in the FOIA Appeals File for six (6) years after the final determination by the Commission, or after the time at which a requestor could sue, or three (3) years after final adjudication by the courts, whichever is later. After that, the Office of Legal Counsel automatically destroys the files onsite.</p>	GRS 14, Item no. 12	
7	<p><b>FOIA Control File</b></p> <p>The Office of Legal Counsel establishes and maintains the FOIA Control File of the Commission. The files consist of registers and similar records listing date, nature, and purpose of request and name and address of requester. Six (6) years after the date of last entry, the Office of Legal Counsel automatically destroys the registers, or listing or six (6) years after final action by the Commission. Other control files may be destroyed six (6) years after final action by the Commission or after final adjudication by courts, whichever is later.</p>	GRS 14, Item no. 13	
8	<p><b>FOIA Administrative File</b></p> <p>The FOIA Administrative File is maintained by and in the Office of Legal Counsel. The files contain the records of the Commission relating to its implementation of the FOIA, including notices, memoranda, routine correspondence, and related records. The Office of Legal Counsel automatically destroys the notices, memoranda, routine correspondence, and related records in the FOIA Administrative File when two (2) years old.</p>	GRS 14, Item no. 15	
9	<p><b>Privacy Act Requests File</b></p> <p>The Privacy Act Requests File of the Commission is maintained by and in the Office of Legal Counsel. The file consists of the original request, copy of reply thereto, and all related supporting documents, which may include the official file copy of records requested or copy thereof. The Office of Legal Counsel keeps in the Privacy Act Requests File the incoming and outgoing correspondence and other material related thereto for requests for information under the Privacy Act for two (2) years after the date of the Office of Legal Counsel's reply to the request. After that, the Office of Legal Counsel automatically destroys the records for all requests where:</p> <ul style="list-style-type: none"> <li>- The Commission granted access to all the requested records;</li> <li>- The requested documents were nonexistent; or</li> <li>- The requesters provided inadequate descriptions; or</li> <li>- The requesters failed to pay Commission reproduction fees.</li> </ul> <p>Where the Commission denies access to all or part of the records requested and the denied requests are not appealed, the Office of Legal Counsel keeps the incoming and outgoing correspondence and other material related thereto in the Privacy Act Requests File for five (5) years after the date of reply. After that, the Office of Legal Counsel automatically destroys the records on site. If a Commission decision regarding a Privacy Act request is appealed, those records should be destroyed as authorized in the following section.</p>	GRS 14, Item no. 21	
10	<p><b>Privacy Act Amendment Case File</b></p> <p>The Office of Legal Counsel establishes and maintains the Privacy Act Amendment Case File of the Commission. These files consist of an individual's request to amend a record pertaining to that individual; an individual's request for a review of the Commission's refusal of an individual's request to amend a record; and records arising from any civil action brought by the individual against the Commission for refusing to amend that individual's record.</p>	GRS 14, Item no. 22	

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11	<p><b>Privacy Act Accounting of Disclosure File</b></p> <p>The Office of Legal Counsel establishes and maintains the Privacy Act Accounting of Disclosure File of the Commission. These files consist of the official record copy of the records used for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person to another person, 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.</p> <p>The Office of Legal Counsel maintains the accounting records contained in the Privacy Act Accounting of Disclosures File for five (5) years after the disclosure for which the Office of Legal Counsel made the accounting or disposal instructions for the related subject individual's records, whichever is later. After that, the Office of Legal Counsel automatically destroys the records in the files that are five (5) years old.</p>	GRS 14 Item no. 23	
12	<p><b>Privacy Act Control File</b></p> <p>The Privacy Act Control File of the Commission are maintained by the Office of Legal Counsel. The control files are files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request, and name and address of requestor.</p> <p>The Office of Legal Counsel maintains registers or listings in the Privacy Act Control File for five (5) years after the date of last entry. The Office of Legal Counsel destroys other files contained in the files five (5) years after final action by the Commission or final adjudication by courts, whichever is later.</p>	GRS 14, Item no. 24	
13	<p><b>Privacy Act Reports File</b></p> <p>The official record copies of all of the Commission's recurring reports and one-time information requirements relating to the Commission's implementation of the Privacy Act, including biennial reports to the Office of Management and Budget, and the Reports on New Systems at all levels in the Commission are maintained by the Office of Legal Counsel in the Commission's Privacy Act Reports File. When the reports are two (2) years old, the Office of Legal Counsel automatically destroys the reports then.</p>	GRS 14, Item no. 25	
14	<p><b>Privacy Act General Administrative File</b></p> <p>The Privacy Act General Administrative File consists of the official record copy of all the records relating to the Commission's general implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records. The Office of Legal Counsel establishes and maintains the Privacy Act General Administrative File of the Commission.</p> <p>When the record keeping copies in the file are two (2) years old, the Office of Legal Counsel automatically destroys them.</p>	GRS 14, Item no. 26	
15	<p><b>Erroneous Release of Privacy Act Protected Information File</b></p> <p>The Office of Legal Counsel establishes and maintains the Erroneous Release File of the Commission. These files consists of record keeping copies of requests for information, copies of replies thereto, and all related supporting documents, and may include the official copy of records requested or copies thereof, related to the inadvertent release of privileged information to unauthorized parties.</p> <p>The Office of Legal Counsel keeps files that include the official file copy of the released records for six (6) years after the erroneous release or according to the disposition instructions approved for official file copies of the released records, whichever is later. After that, the Office of Legal Counsel automatically destroys the files.</p>	GRS 14, Item no. 36	

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16	<p><b>Financial Disclosure Reports</b></p> <p>OLC maintains the Financial Disclosure Reports file of the Commission. The file contains the record copies of the reports and related documents submitted by individuals as required under the Ethics in Government Act of 1978 (Pub. L. 95-521). The file also includes all other statements of employment and financial interests and related records, including confidential statements filed under Executive Order 11222.</p>		
16a	<p><b>Ethics in Government Act Records.</b> OLC retains records including SF 278A for individuals filing according to Section 201b of the Act, and not subsequently confirmed by the U.S. Senate, for one (1) year after the nominee concerned ceases to be under consideration for appointment when OLC automatically destroys these one (1) year old records.</p> <p>OLC retains all other records including SF 278s until they are six (6) years old when OLC automatically destroys them locally, except for those records needed in an ongoing investigation until no longer needed in the investigation.</p>	GRS 1, Item no. 24 a.	
16b	<p><b>All Other Statements of Employment and Financial Interests and Executive Order 11222 Records.</b> Except documents needed in an ongoing investigation, OLC retains all statements of employment and financial interests and related records, including confidential statements filed under Executive Order 11222, until they six (6) years old when OLC automatically destroys the six (6) years old records locally.</p>	GRS 1, Item no. 24 b.	
17	<p><b>Non-Federally Funded Travel</b></p> <p>OLC establishes and maintains the Commission's Non-Federally Funded Travel file. The Commission's Non-Federally Funded Travel file contains the official copy of record of the Semiannual Expense Reports for Non-Federally Funded Travel submitted by the Commission to the Office of Government Ethics. The reports and materials related thereto summarize payments made to the agency from non-federal sources for travel, subsistence, and related expenses for a Commission employee who attends a meeting or similar function relating to their official duties.</p> <p>OLC keeps the statements, forms, and other records used to compile the Semiannual Expense Report for Non-Federally Funded Travel for one (1) year after submission of the report to the Office of Government Ethics, and then removes from the Commission's Non-Federal Funded Travel file and automatically destroys this backup material. The Semiannual Expense Reports for Non-Federally Funded Travel are kept by OLC in the Non-Federal Funded Travel file for four (4) years from the date of their submission to the Office of Government Ethics.</p>	GRS 9, Item no. 6	