

# ***OFFICE OF THE GENERAL COUNSEL RECORDS RETENTION SCHEDULE***

(NOTE: The disposition authority for all OGC records is N1-040-03-2.)

## **1. Legal Program Subject Correspondence Files**

Letters, memoranda, opinions, reports, related materials, and other correspondence of the Office of the General Counsel that reflect the policies, procedures, functions, and major activities of the central legal program of the Department.

AUTHORIZED DISPOSITION: Permanent. Cut off files annually. Transfer to the Washington National Records Center (WNRC) when 4 years old. Offer to the National Archives in 5 year blocks when 20 years old.

## **2. Attorneys' Working Files**

Files created and maintained by individual attorneys in the course of their daily work or to complete assignments. These files consist of reference materials and duplicates of official correspondence located in other files.

AUTHORIZED DISPOSITION: Destroy when no longer needed.

## **3. Tracking Records**

Copies of logs or tracking records that document the status of cases or assignments, in paper and/or electronic format.

AUTHORIZED DISPOSITION: Destroy when no longer needed.

## **4. Litigation Case Files**

### **A. General Cases**

Pleadings and correspondence regarding all litigation to which the Department is a party. Included are administrative tort claims and financial settlements.

AUTHORIZED DISPOSITION: Transfer to WNRC 3 years after litigation is resolved. Destroy 10 years after litigation is resolved.

### **B. Environmental Cases**

Pleadings and correspondence regarding environmental litigation issues to which the Department is a party.

AUTHORIZED DISPOSITION: Transfer to WNRC 5 years after litigation is resolved. Destroy 30 years after litigation is resolved.

## **5. Freedom of Information Act (FOIA) Files**

Files created in response to requests for information under the FOIA, consisting of the original request, a copy of the reply thereto, and all related supporting files including the official file copy of requested record or copy thereof, and FOIA appeal files. This includes documents which are the subject of the request.

(a) Request not appealed.

AUTHORIZED DISPOSITION: Destroy 6 years after date of reply. This includes released and withheld documents.

(b) Request appealed.

AUTHORIZED DISPOSITION: For documents withheld from disclosure, destroy 6 years after final determination by agency, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later. For released documents, destroy 6 years after the time in which a requester could file suit or after final adjudication by the courts, whichever is later.

## **6. Chronological Files**

Copies of outgoing correspondence maintained solely for convenience of reference.

AUTHORIZED DISPOSITION: Destroy when 2 years old.

## **7. Administrative Subject Correspondence Files**

Correspondence relating to routine internal housekeeping matters instead of the functions and programs for which the Office of the General Counsel exists.

AUTHORIZED DISPOSITION: Destroy when 1 year old.

## **8. Regulatory Review Case Files**

Correspondence regarding and copies of proposed Department regulations submitted to the Office of Management and Budget for review. Includes memoranda commenting upon the proposed regulation.

AUTHORIZED DISPOSITION: Destroy when 3 years old.

## **9. Financial Disclosure Reports**

Executive Personnel Financial Disclosure Reports (SF 278 or equivalent) and related documents submitted by individual employees as required by the Ethics in Government Act of 1978.

AUTHORIZED DISPOSITION: Destroy when 6 years old except that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

## **10. Contracts Review Case Files**

Photocopies of contracts submitted to the Office of the General Counsel for review and related correspondence, such as review sheets (SEC 526 or equivalent.) Record copies of the contract are maintained elsewhere in the Department.

AUTHORIZED DISPOSITION: Destroy when 3 years old or when no longer needed, whichever is earlier.

## **11. Briefing Material**

Briefing materials prepared by OGC for the Secretary and the Deputy Secretary before their scheduled appearances to testify before House and Senate committees.

AUTHORIZED DISPOSITION: PERMANENT. Close files every 4 years at the end of an Administration. Transfer four year block to the WNRC at end of Administration. Transfer four year block to the National Archives when 20 years old.

## **12. Legislative Reference Files**

Copies of Congressional and Administrative documents collected and maintained for convenient reference. Includes copies of the Congressional Record, various Congressional Committee reports, House and Senate

Calendars, Public Laws, Compilations of Presidential Documents and White House Messages and Communications.

AUTHORIZED DISPOSITION: Offer to the Law Library upon adjournment of next succeeding Congress or when no longer needed. Destroy if not accepted by the Law Library.

## **13. Legislation Case Files**

View letters, memoranda, testimonies, reports and other materials prepared in connection with legislation proposed by the Congress, the Department of Commerce or other Federal agencies. Includes materials prepared by the Office of the General Counsel or other Departmental offices as well as materials prepared by other Federal Agencies upon which the Department was asked to comment. Case files include supporting materials such as copies of the legislation, hearing reports, summaries, legislative analysis, and background information.

AUTHORIZED DISPOSITION: Transfer to WNRC when 4 years old. Destroy when 10 years old.

## **14. Legislative Histories of the Export Administration Act of 1979 (P.L. 96-72) and Previous Export Administration Acts**

Fifteen blue bound volumes of bills, hearing, and other documents related to the passage of the Export Administration Act of 1979. Series also includes several folders regarding previous exports administration acts.

AUTHORIZED DISPOSITION: Permanent. Offer to the National Archives upon termination of responsibility for export administration.

## **15. Confirmation Hearings**

One printed copy of each confirmation hearing for Secretarial and other Commerce officials appointed by the President with the advice and consent of the Senate.

AUTHORIZED DISPOSITION: Permanent. Transfer to WNRC in 10 year blocks after separation of employee. Offer to the National Archives in 10 year blocks when 20 years old.

## **16. Index to Invention Case Files**

An alphabetically arranged card index of inventors and their invention(s).

AUTHORIZED DISPOSITION: Destroy 20 years after last entry.

## **17. Patented Invention Case Files**

Description of inventions, correspondence concerning the Government's rights and interests in the inventions, copies of the patent applications filed on the inventions, correspondence with the U.S. Patent and Trademark Office on the applications, and copies of the resulting patents.

AUTHORIZED DISPOSITION: Transfer to WNRC 3 years after patent is issued. Destroy when 20 years old.

## **18. Inactivated Invention Case Files**

Descriptions of inventions and correspondence concerning the Government's rights and interests in the inventions. May contain copies of unsuccessful patent applications.

AUTHORIZED DISPOSITION: Transfer to WNRC 3 years after the files are inactivated. Destroy when 20 years old.

## **19. Electronic Mail and Word Processing System Copies**

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

AUTHORIZED DISPOSITION: Destroy/delete within 180 days after the recordkeeping copy has been produced.