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Description of document: Correspondence between the National Archives (NARA) and the Office of Government Ethics (OGE), 2012

Requested date: 27-June-2012

Released date: 29-August-2012

Posted date: 01-October-2012

Source of document: FOIA Officer  
National Archives and Records Administration  
8601 Adelphi Road, Room 3110  
College Park, MD 20740  
Fax: (301) 837-0293  
Email: [foia@nara.gov](mailto:foia@nara.gov)

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August 9, 2012

Re: Freedom of Information Act Request NGC12-170

This is in response to your Freedom of Information Act (FOIA) request of June 22, 2012, for a copy of correspondence between the National Archives and the Office of Government Ethics (OGE) from January 1, 2001 to the present. Your request was received in this office on June 27, 2012, and assigned tracking number NGC12-170.

We located 11 pages responsive to your request. These pages are released in full. This concludes the processing of your request.

If you consider this a denial, you may appeal to the Deputy Archivist (ND), National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740. Your appeal should be received within 35 calendar days of the date of this letter and it should explain why you feel our response did not meet the standards of the FOIA. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." All correspondence should reference the tracking number NGC12-170.

Sincerely,

JAY OLIN  
NARA Deputy FOIA Officer  
Office of General Counsel

Enclosures

NATIONAL ARCHIVES *and*  
RECORDS ADMINISTRATION

8601 ADELPHI ROAD  
COLLEGE PARK, MD 20740-6001  
[www.archives.gov](http://www.archives.gov)

## Stephen Cooper - questionnaires from single issue reviews

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**From:** "Mary Donovan" <mtdonova@oge.gov>  
**To:** <stephen.cooper@nara.gov>  
**Date:** 09/25/2002 2:27 PM  
**Subject:** questionnaires from single issue reviews  
**CC:** <LESLIE.FARKAS@nara.gov>

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Per our phone contestation, I consulted Phyllis Hoffer in OGE's Program Review Division about the transfer time of the electronic data.

Please amend Job No. N1-522-02-1, item 1C to read as follows:

Electronic data. Data collected from single issue review questionnaires.

PERMANENT. Transfer electronic data and related systems documentation to NARA 2 years after completion of review.

**Leslie Farkas - Re: Single-issue review electronic data - draft**

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**From:** "Mary Donovan" <mtdonova@oge.gov>  
**To:** <LESLIE.FARKAS@nara.gov>  
**Date:** 08/12/2002 2:52 PM  
**Subject:** Re: Single-issue review electronic data - draft

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The data fields are the questions and responses on the survey. Every year the survey topic is different; therefore, the questions and data fields vary from year to year. The survey questions/data fields are not about violations of the Ethics in Government Act or related regulations. The questions are designed to help OGE determine how it can assist agencies with their ethics programs (provide better training modules for example).

>>> "Leslie Farkas" <LESLIE.FARKAS@nara.gov> 08/12/02 02.12PM >>>  
Mary--

Just one more question--what are the data fields?

Leslie S. Farkas  
Senior Records Analyst  
Life Cycle Management Division  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

301-837-1692  
leslie.farkas@nara.gov

## Leslie Farkas - Single-issue reviews - electronic data

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**From:** "Mary Donovan" <mtdonova@oge.gov>  
**To:** <leslie.farkas@nara.gov>  
**Date:** 08/12/2002 1:29 PM  
**Subject:** Single-issue reviews - electronic data

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For single-issue reviews for which a survey is done, the survey data is in electronic form for tabulation purposes only. The aggregate numbers are then included in the hard-copy report. The only analysis that OGE conducts concerns the totals that are in the hardcopy report. There is no manipulation or analysis of the electronic data.

Once the hard-copy report is finalized, no one ever uses the electronic data, but instead refers to the hardcopy report.

Also, in case you need some clarification about singleissue reviews ...

1) surveys are anonymous (no personal identifiers or agency identifiers), 2) OGE has never done the same survey twice (the topics change each year). As a result, OGE does not analyze or compare surveys conducted in previous years, and 3) some singleissue reviews do not involve surveys at all, but involve interviews with small groups on a narrowly defined topic.

July 10, 2002

Ms. Mary T. Donovan  
Records Officer  
US Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW  
Washington, DC 20005-3917

Dear Mary:

This letter confirms our telephone conversation of July 9, 2002 regarding Job. N1-522-02-2.

Based on that conversation, a pen and ink change will be made to Job N1-522-97-2, Item 1B Audit Work Papers, changing the cut off from "when all recommendations are closed" to "when the audit report is issued." Job N1-522-02-2 will be withdrawn as a result of the change.

Sincerely,

Leslie S. Farkas  
Senior Records Analyst  
Life Cycle Management Division

Official File – NWML  
Day File - NWML

Cc: Farkas  
Lf/sg/07/10/02  
S: correspondence\Usgovethics

File: 1301-1a – US Office of Government Ethics

June 11, 2002  
~~June 7, 2002~~

Hey Leslie!

The enclosed schedule will result in a lower retention period for some of the audit work papers. For easier disposition implementation, OGE decided to tie the cut-off to the date the report is issued, rather than when the recommendations are closed. The new retention meets OGE's business needs.

Talk to you soon,

*May*

June 25, 2002

Mr. Stuart Goldberg  
Deputy Chief of Litigation  
Public Integrity Section  
Criminal Division  
Department of Justice  
10<sup>th</sup> and Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Goldberg:

We are writing to follow up with you on your letter of December 7, 2001, and your telephone conversation on April 11, 2002, with Christopher Runkel, Senior Counsel at the National Archives and Records Administration concerning the proposed General Records Schedule (GRS) for ethics records, Job No. N1-GRS-01-1 (enclosed). Specifically, we would like to clarify the disposition period for Semiannual Expense Reports for Non-federally Funded Travel, Item 5a.

The proposed GRS for agency ethics program was developed by the Office of Government Ethics (OGE) and the National Archives and Records Administration (NARA), in consultation with an Interagency Workgroup of the Creation of Retention Periods for Common Ethics Program Records. The proposed GRS covers Executive Branch records created under Title IV of the Ethics in Government Act of 1978 as amended, 5 USC appendix, Title IV. The schedule does not cover records pertaining to legislative and judicial ethics programs, the Hatch Act, the Whistleblower Protection Act, and procurement integrity.

Item 5a of the proposed GRS cover non-federally funded travel files maintained by all executive agencies. Following are the changes contained in the proposed GRS:

Item 5a, agency copies of Semiannual Expense Reports for Non-federally Funded Travel, covers agency copies of the reports submitted to OGE using Standard Form (SF) 326. Under the currently approved GRS 9, Item 6a, agencies retain their copies of the reports submitted to OGE for four years. The proposed GRS reduces the retention period to three years. These records are located in Executive Branch agencies across the Federal government.

Your comments on the pending GRS and your conversation with Christopher Runkel, indicated that the Department of Justice (DOJ) Public Integrity Section wishes to have access to the Reports for investigative purposes for a period of six years. In your discussion with Mr. Runkel, you indicated that DOJ prefers not to use records retained in Federal agencies to protect the secrecy of its investigations; however, both the current and proposed GRS cover only those ethics records created and maintained by Executive agencies. Records covered by Item 5a in both the current and the proposed GRS are located in agencies throughout the Executive Branch, and therefore, may not be the records DOJ wishes to review or audit. The retention of ethics records maintained by OGE are covered by specific agency records control schedules which have been approved by NARA. Semiannual Expense Reports received by OGE are retained for four years in accordance with OGE records schedule number N1-522-99-1, approved on May 4, 1999.

Recognizing that DOJ's Public Integrity Section wishes to use these reports for audits and investigations for a six-year period, NARA proposes the following:

- Revising the OGE record schedule, Job No. N1-522-99-1, to increase the retention period from four years to six years, which would satisfy DOJ's request for a six year retention period for the Semiannual Reports. This would also satisfy DOJ's desire to review these reports at OGE, rather than at each agency. OGE has indicated that it has no objections to this proposed change, and will concur with the revision if necessary.
- Since the Semiannual Reports will be maintained by OGE for six years, we recommend that the agency's copy of the reports, Item 5a, be retained for three years, in accordance with the proposed GRS.

We would appreciate receiving written confirmation that DOJ Public Integrity Section's requirements will be met by having OGE retain Semiannual Expense Reports for six years, and that the three-year retention for the agency copies of the Semiannual Reports (Item 5a) will meet the needs of the Public Integrity Section. We would appreciate receiving your concurrence within 30 days of the date of this letter.

Thank you for your assistance in this matter. If you have any questions, please contact Stephen Cooper by telephone on 301-837-1615, or by email at [stephen.cooper@nara.gov](mailto:stephen.cooper@nara.gov).

Sincerely,

MARIE B. ALLEN  
Director  
Life Cycle Management Division

Enclosures

cc: Christopher Runkel, Senior Counsel, NGC

Mary Donovan  
Records Officer  
Office of Government Ethics  
Suite 500  
1201 New York Ave, NW  
Washington, D.C. 20005-3917

Official File: agency correspondence 1301-1a – Independent agencies – Office of Government Ethics  
NWML Reading File

cc: N1-GRS-01-1 (Cooper)  
N1-522-99-01

sc/sg/06/25/02  
S:\correspondence\goldberg ethics letter v3

**Kevin Tiernan - Re: N1-522-03-1 nitpicking**

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**From:** "Mary Donovan" <mtdonova@oge.gov>  
**To:** <kevin.tiernan@nara.gov>  
**Date:** 02/03/2003 12:43 PM  
**Subject:** Re: N1-522-03-1 nitpicking

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I concur with the change. You can make the pen and ink change to the schedule.

Mary T. Donovan, CRM  
Records Management Officer  
(202) 208-8000 ext. 1185  
U.S. Office of Government Ethics  
Suite 500  
1201 New York Ave., NW  
Washington, DC 20005-3917

>>> "Kevin Tiernan" <kevin.tiernan@nara.gov> 02/03/03 12:03PM >>>  
Steve asked me to change the disposition of item 1(B) to read: TEMPORARY. Delete when file copy is generated and when no longer needed for reference or updating, whichever is later.

I can do this in hand, or you can email me the page. Your call.

Hope you had a nice weekend.

KT



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

January 7, 2003

Thomas Cotter  
NWML - Life Cycle Management Division  
Room 2100  
National Archives at College Park  
8601 Adelphi Rd.  
College Park, MD 20740-6001

Dear Tom:

Enclosed is an SF 115 and one copy covering OGE's records relating to the Integrity Committee.

These records are created as a result of Executive Order 12993 (March 21, 1996) which concerns allegations against Inspectors General. Under Section 6, Records Maintenance, of EO 12993 it states, "All records created and received pursuant to this order are records of the Integrity Committee and shall be maintained by the FBI." An FBI member is the chair of the committee and OGE's director is one of several members of the committee.

The only records that OGE has relating to the Integrity Committee are the case summaries (Item 1A) and the word processing documents used to create the hard copy case summaries (Item 1D). These are basically briefing papers used by OGE's director at the meetings. I'm proposing them as temporary because the FBI maintains the complete file of Integrity Committee matters. Records under Item 1B are not OGE records, but background materials provided by the FBI or other agency that OGE subsequently returns to the originating agency. Also, item 1C are non-record materials as they are copies used for reference purposes. I included them on the schedule to give the reader some context of the process and you may cross those items off the schedule if you wish. If you have any questions, please call me at (202) 208-8000, ext. 1185.

Sincerely,

  
Mary T. Donovan, CRM  
Records Officer



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

November 19, 2004

National Archives at College Park  
Life Cycle Management Division - Room 2200  
Attn. Kevin Tiernan  
8601 Adelphi Rd.  
College Park, MD 20740-6001

Dear Kevin:

Enclosed is an SF 115 amending the disposition for the OGE Director's read file. These records were previously scheduled under N1-522-96-3, item 1. OGE has recently reassessed their business needs for the records and would like to change the retention period from 20 years to 30 years before transfer to the National Archives.

If you have any questions, please contact me at 202-482-9232.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary T. Donovan".

Mary T. Donovan, CRM  
Records Management Officer

| Enclosure



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

January 10, 2005

National Archives at College Park  
Life Cycle Management Division - Room 2200  
Attn. Kevin Tiernan  
8601 Adelphi Rd.  
College Park, MD 20740-6001

Dear Kevin:

Enclosed is an SF 115 amending the disposition for audit work papers maintained in OGE's Program Review Division (PRD). These records were previously scheduled under N1-522-97-2, item 1B (5-year retention period). OGE retains these audit work papers until the OGE analyst revisits the agency for another review. In the past, OGE conducted these reviews on a 4-year cycle; however, the review cycle has now increased to 5 years. Therefore, we are increasing the retention period of the audit work papers to 6 years.

If you have any questions, please contact me at 202-482-9232.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary T. Donovan".

Mary T. Donovan, CRM  
Records Management Officer

| Enclosure