



governmentattic.org

"Rummaging in the government's attic"

Description of document: Seven Justice Department Documents on Records
Destruction Practices, 1979-1984

Requested date: 26-April-2010

Released date: 17-September-2012

Posted date: 03-December-2012

Titles of documents: See release letter

Source of document: Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Fax: (540) 868-4391/4997
Email: foiparequest@ic.fbi.gov

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



U.S. Department of Justice

Justice Management Division

Office of General Counsel

Washington, D.C. 20530

SEP 27 2012

JMD FOIA No. 2514455

Referral from FBI, FBI FOIA No. 1148078/FBI File No. 66-HW-3286

I am responding on behalf of the Justice Management Division (JMD) to your Freedom of Information Act (FOIA) request dated April 26, 2010, to the Federal Bureau of Investigation (FBI). In processing your request, the FBI identified seven documents of interest to the Justice Management Division (JMD), and referred those documents to JMD for a determination as to their release.

Enclosed are the documents that may be released, with redactions as marked. The redactions by the FBI pursuant to Exemptions 6 and 7(c) were made prior to our receipt of the referral. Deliberative material from one internal memorandum (item number 7) has been withheld pursuant to Exemption 5 of the FOIA, which protects the agency's deliberative process.

1. Memorandum from Vincent Lobisco, Assistant Director Records Management Administrative Programs, dated September 12, 1979, on Disposition of Controlled Substances Act Nonpublic Records, and attachment. (3 pages)
2. Memorandum from Vincent Lobisco, Assistant Director Records Management, dated September 17, 1981, on NARS changes in policy related to withdrawal of records from the records center system, and attachment. (2 pages)
3. Memorandum from Terry Appenzellar, Director Library Staff, Office of Information and Technology, dated March 31, 1982, on General Accounting Office's Records. (2 pages)
4. Memorandum from Terry Appenzellar, Director Library Staff, Office of Information and Technology, dated April 13, 1982, on Expungement of Records Pursuant to the Privacy Act, and attachments. (8 pages)

Page 2

5. Memorandum from Terry Appenzellar, Director Library Staff, Office of Information and Technology, dated April 16, 1982, on Records Disposition-Action Memorandum, and attachments. (6 pages)

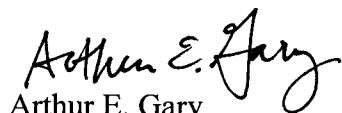
6. Memorandum from Walter R. Wilson, Director, Records and Publications Staff, dated March 31, 1981, on Pre-Appointment Background Investigation Reports on Federal Judges. (2 pages)

7. Memorandum from Rhoda R. Mancher, Deputy Assistant Attorney General, Office of Information Technology, dated July 18, 1984, on Expungement Matters, with redactions under Exemption 5. (1 page)

If you have any questions relating to this response, please contact the Office of Records Management Policy, Justice Management Division, at 202-514-3528 during regular business hours.

If you are dissatisfied with my action, an appeal may be made pursuant to 28 C.F.R. § 16.9 by writing to the Director, Office of Information Policy, U.S. Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. The appeal must be received within 60 days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information/Privacy Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Arthur E. Gary".

Arthur E. Gary
General Counsel

Enclosures

UNITED STATES GOVERNMENT

Memorandum

TO : See List Below *Vincent A. Lombardo*
FROM : Vincent A. Lombardo, Assistant Director
Records Management
Administrative Programs Management Staff/OMF

DATE: SEP 12 1979

SUBJECT: Disposition of Controlled Substances Act Nonpublic Records

Attached is a proposed disposition schedule for nonpublic records maintained pursuant to the Controlled Substances Act, 21 U.S.C. 844(b)(1), and Department of Justice Order 2710.7B, Recordkeeping and the Controlled Substances Act, dated August 12, 1976.

This schedule will apply to nonpublic records maintained by the United States Attorney offices, both headquarters and field offices of the Criminal Division, the Drug Enforcement Administration, the Federal Bureau of Investigation and the United States Marshals Service, as well as the Office of Management and Finance (OMF).

Your concurrence and/or comment is requested prior to our routing of the proposed schedule to the National Archives and Records Service for final approval. Please respond to this office by COB September 28, 1979. Questions on this subject may be referred to Robert M. Yahn, Chief, Records Maintenance and Disposition Section, Records Management Group, at 633-2274.

Attachment

b6

b7C per FBI

Addressees:

James Muskett, Director, Office of Administration, Criminal Division
James L. Greene, Records Management Section, Management Analysis Division, DEA
Francis H. Mallgrave, Assistant Director for Management, EOUSA
[Redacted] Records Management Division, FBI
George Kondos, Acting Director, Systems Design and Development Staff, OMF
Christine Johnson, Administrative Services Division, USMS

*ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCE/DCG/ymw*

~~ALL INFORMATION CONTAINED~~

~~HEREIN IS UNCLASSIFIED~~

~~DATE 9-28-02 BY 9046 JMW/gmk~~

*ack
10/2/79
cmg:dm*

66 3286

1333

RECEIVED



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
MAY 1978

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Justice

2. MAJOR SUBDIVISION

Office of Management and Finance

3. MINOR SUBDIVISION

Administrative Programs Management Staff

4. NAME OF PERSON WITH WHOM TO CONFER

Robert M. Yahn

5. TEL. EXT.

633-2274

LEAVE BLANK

JOB NO.

DATE RECEIVED

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.

Date

Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 2 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☐ A Request for immediate disposal.

☒ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE

D. SIGNATURE OF AGENCY REPRESENTATIVE

E. TITLE

Chief, Records Maintenance and
Disposition Section (APMS/OMF)

7.
ITEM NO.

8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)

9.
SAMPLE OR
JOB NO.

10.
ACTION TAKEN

Controlled Substances Act - Nonpublic Records

All recordation, including index or other docketing records, relating to a person's investigation, arrest, indictment or information, trial, finding of guilty and dismissal and discharge, pursuant to the Controlled Substances Act, Title 21, U.S.C., Section 844(b) as implemented by Department of Justice Order DOJ 2710.7B, and certified copies of court orders which require the retention of the above recordation as a nonpublic record. In the event that multiple subjects/defendants are contained in record material, only the recordation of the subject/defendant designated by a certified court order will be maintained as a nonpublic record. Recordation under this act includes that contained in U.S. Attorneys' offices; the caseload information reporting systems maintained by the Office of Management and Finance, Systems Design and Development Staff; and the records of the headquarters and field offices of the Criminal Division, the United States Marshals Service, the Federal Bureau of Investigation and the Drug Enforcement Administration.

The aforesaid nonpublic records are retained solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, a person qualifies for a dis-

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BEE/bag/jmw

66-3286-1333

Request for Records Disposition Authority - Continuation

JOB NO.

PAGE: 2 of 2

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>missal and discharge.</p> <p>Upon receipt of a certified copy of the court order of dismissal and discharge under 21 U.S.C. Section 844(b)(1), the FBI shall forward the FBI fingerprint card to the Office of Management and Finance, Administrative Programs Management Staff, Records Management Group.</p> <p>1. Nonpublic files maintained by the Office of Management and Finance, Administrative Programs Management Staff, Records Management Group. Disposition: Destroy 50 years after expiration of term of probation.</p> <p>2. All other nonpublic files Disposition: Destroy 3 years after expiration of term of probation.</p>		

115-203

Four copies, including original, to be submitted to the National Archives

STANDARD FORM 115-A
Revised July 1974
Prescribed by General Services
Administration
FPMR (41 CFR) 101-11.4

GSA GEN. REG. NO. 27

Memorandum

FEDERAL GOVERNMENT

Subject

Proposed Change in Records Center
Withdrawal Policy

Date

17 SEP 1981

To

Bureau Records Officers

From

Vincent A. Lobisco
Vincent A. Lobisco
Assistant Director
Records Management
Records and Publications Staff
Justice Management Division

0 Destruction of Bureau Records - General

The National Archives and Records Service (NARS) has proposed a change to its current policy for withdrawal of agency records from the records center system. Please review the attached memorandum, dated September 10, 1981, and advise my office no later than October 2, 1981 of your views on this subject. We will prepare a Departmental reply to NARS. Questions on this subject may be referred to Robert M. Yahn of my staff at 724-6043.

Attachment

66-3286-1369

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE *9/23/83* BY *AUC 44290 BCE/DCG/jmm*

*file in 66-3286
Box*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *9-21-82* BY *SP4 EXH/THK*

NOV 5 1981

*LET. TO
ASST. AG, JMD,
10/1/81. omg: rfc*

ENCLOSURE

1981

4/25/84



General
Services
Administration

National Archives
and
Records Service

Washington, DC 20408

WAT 9/16
John - Action
Due home 10/1/81

September 10, 1981

MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Recently it was proposed to the Office of Federal Records Centers by the Office of Audits of the Inspector General, GSA, that we establish deadlines or limits on the amount of time agencies can retain entire cartons of records that are withdrawn from our records center system. We realize that this proposal could cause difficulties for agencies but, in order for us to be responsive to the recommendation, we would appreciate hearing from you concerning the advantages or disadvantages such a system might have for your agency. It was suggested in the report that agencies be required to return all withdrawn records in a period not yet established, but presumably not to exceed one year. We are aware of instances where records are withdrawn and needed for much longer periods of time. We also are aware of the fact that legal custody of the records in our records centers remains with the agency that created the records and that the imposition of such a deadline may present legal problems. In addition, extra paperwork and controls will be required at the records centers to monitor such a program. Disposition problems also could result if the records were retained beyond the "time limit" unless the record(s) is returned as a new accession. This, however, could create additional control (inventory) problems for agencies.

We would appreciate hearing from you concerning your thoughts about this proposal. Because we are working with a short deadline we would like to receive your response no later than October 9, 1981.

G. N. SCABOO
G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

file in 66-3286
Rut

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/83 BY AVC 60290 BCE/DCG/jmw

66-3286 — 1369
ENCLOSURE

Memorandum



Subject

Date

General Accounting Office (GAO) Records

MAR 31 1982

0 Destruction of Bureau Property - General

To

~~FEDERAL GOVERNMENT~~

From

Terry Appenzeller
Terry Appenzeller, Director
Library Staff
Office of Information
Technology
Justice Management Division

See Attached List

The National Archives and Records Service (NARS) recently issued GSA Bulletin FPMR B-111, dated July 7, 1981, which reduced the retention period of site audit records from ten years to six years.

In addition, NARS approved a GAO schedule whereby duplicate contract copies maintained for audit purposes (except contracts relating to Indians) may be destroyed six years, three months after close of file. The schedule also eliminated the requirement to maintain duplicate contract copies for audit purposes as of March 7, 1975, which made all such records disposable on October 1, 1981.

Please advise this office of any records disposition schedules citations, approved as either a separate schedule or part of a comprehensive schedule for your component, which relate to (1) site audit records or (2) GAO contract copies. This information is necessary for NARS to facilitate proper disposal of these records which are currently maintained in the Washington National Records Center.

Your response by April 9, 1982, will be appreciated. If you have any questions, please contact Robert M. Yahn, Chief, Records Management Services, at 724-6043.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY *66-3286-1374*

1- ENCLOSURE

68 APR 23 1982

12 APR 7 1982

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY *SP4 J2W/gmk*

LIST OF ADDRESSEES

Thomas E. Williams
Management & Information Systems Branch
Bureau of Prisons

James L. Greene
Chief, Records Management Section
Management Analysis Division
Drug Enforcement Administration

b6
b7C per FBI

W [REDACTED]
Archives Specialist, Records Systems Section
Records Management Division
Federal Bureau of Investigation

Arnold Kuperstein
Information Services Division
Immigration & Naturalization Service

Margaret Kaye
Chief, Records Management Staff
Office of Operations Support
Office of Justice Assistance, Research
and Statistics

Stacey C. Day
Systems Analyst
Information & Services Division
U. S. Marshals Service

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 100290 BCE/DCG/ymw

66-3286-1374

ENCLOSURE



Subject

FEDERAL GOVERNMENT

Expungement of Records Pursuant to the Privacy Act

APR 13 1982

To

Destruction of Bureau Property

From

See Attached List

Terry Appenzeller
Terry Appenzeller, Director
Library Staff
Office of Information Technology
Justice Management Division

The National Archives and Records Service (NARS) has requested the Department of Justice to review and comment on a proposed revision of GSA Bulletin FPMR B-74, Disposal of Federal records in response to requests made pursuant to the Privacy Act (attachment).

I would appreciate receiving by April 30, 1982 any comments you may have on this subject so that we can incorporate them into a Departmental response to NARS. For purposes of comparison, a copy of the current GSA Bulletin FPMR B-74, dated January 17, 1978, is also attached.

Questions on this subject may be referred to Robert M. Yahn, Chief, Records Management Services, Library Staff, at 724-6043. Thank you for your cooperation.

3 Attachments

Jan
3 ENCLOSURE

(Jan)

*4/29/82
Bob Yahn, JMD, CONTACTED
RE: DEADLINE OF 4/30/82.
DEADLINE FOR FBI SUBMISSION
EXTENDED TO 5/21/82.
RWS*

*MEMO TO JMD 5/21/82
RWS/eum*

66-3286-1377

10 MAY 25 1982

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *9/24/03* BY *AUC 60290 BCE/DCS/ymw*

38 JUN 8 1982

ADDRESSEES

✓ Robert P. Finzel, Assistant Director
Records Management Division, Federal Bureau of Investigation
(Room 5829 JEH)

Thomas E. Williams
Management and Information Systems Branch, Bureau of Prisons
(Room 246 HOLC)

James L. Greene, Chief
Records Management Section, Management Analysis Division
Drug Enforcement Administration
(Room 903C EYE)

Cecil G. Christian, Jr., Chief
Records Administration and Information
Immigration and Naturalization Service
(Room 5122 CAB)

Margaret L. Kaye, Chief
Records Management Staff, Office of Operations Support
Office of Justice Assistance, Research and Statistics
(Room 1004 IND)

John A. Stanley, Chief
Information Systems and Service Division
United States Marshals Service
(Room 272 TCC)

M. Miles Matthews, Acting Director
Office of Administration
Criminal Division
(Room 2121 MAIN)

Leslie H. Rowe, Acting Assistant Director
Legal Services
Executive Office for United States Attorneys
(Room 1630 MAIN)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60290 BCE/DCG/jmw

66-3286-1377

ENCLOSURE

ADDRESSEES

Richard L. Huff, Acting Director
Office of Privacy and Information Appeals
Office of Legal Policy
(Room 938 TODD)

William J. Snider
Administrative Counsel
Justice Management Division
(Room 6239 MAIN)

Warren Oser, Director
Personnel and Training Staff
Justice Management Division
(Room 1309 MAIN)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 100290 BCE/DCG/jmw

66-3286-1377
ENCLOSURE



General
Services
Administration

National Archives
and
Records Service

Washington, DC 20408

April 5, 1982

Mr. Robert M. Yahn, Chief
Records Maintenance and Disposition Section
Library Staff
Justice Management Division
Todd Building, Room 1004
Department of Justice
Washington, DC 20530

Dear Mr. Yahn:

Enclosed for review and comment is a proposed revision of GSA Bulletin FPMR B-74, Disposal of Federal records in response to requests made pursuant to the Privacy Act. The revision is prompted by concern that the partial expunction of records pursuant to the Privacy Act, a process not subject to NARS review under the current bulletin, can involve disposal of a major portion of a file or files and may result in the destruction of records of historical value. The revision resolves this problem by modifying current policy in regard to Privacy Act expunctions and asking agencies to submit a records disposition request (Standard Form 115) for authority to amend, remove, or expunge documentation from any file not authorized for eventual destruction in a records schedule approved by the Archivist of the United States. In response to submission of the records disposition request, NARS will review the file covered by the request and determine whether the expunction of documentation could result in the loss of any records warranting permanent retention by the Federal Government. The revision thereby assists in ensuring the preservation of permanently valuable records against the danger of loss or destruction of critical documentation through application of the Privacy Act.

While the revision would prove beneficial in terms of safeguarding permanent records, we realize there may be factors of which we are unaware and the change might have an adverse impact on your agency's operations. Before making a final decision we would like to receive and evaluate the comments of any components of your agency that might be affected by the adoption of this new policy. We are aware that, for one, the policy will affect the Records Management Division of the Federal Bureau of Investigation. Please provide us the comments no later than May 14, 1982, so that we can use this information in determining a future course of action.

If you have any questions or feel you need further information on this matter, please call me on 724-1614.

Sincerely,

G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

Enclosure

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCG/ymw

66-3286-1377
ENCLOSURE

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

DRAFT

GSA BULLETIN FPMR
ARCHIVES AND RECORDS

TO : Head of Federal agencies

SUBJECT: Disposal of Federal records in response to requests made pursuant to the Privacy Act

1. Purpose. This bulletin transmits revised guidelines designed to ensure agency compliance with Federal records disposal requirements when responding to requests to amend a record under provisions of the Privacy Act of 1974.

2. Expiration date. This bulletin will remain in effect until superseded or canceled.

3. Background.

a. Chapter 33 of title 44, United States Code, sets forth procedures for the disposal of records of the U.S. Government. Section 3314 of title 44 provides that no records of the Government shall be alienated or destroyed by a Federal agency except in accordance with chapter 33. Under this chapter, Federal records may not be destroyed unless disposal is approved by the Archivist of the United States, as delegate of the Administrator of General Services. Procedures for obtaining the necessary approval are contained in FPMR 101-11.406.

b. The Privacy Act permits an individual to examine records relating to him maintained in a system of records by Federal agencies. The individual may also request that records containing inaccurate, out-of-date, or misleading information be amended by correcting or expunging the information. An agency may agree to amend a record, or the individual may institute judicial action to try to compel an agency to amend a record.

c. Since there has been some misunderstanding concerning disposal of Federal records in response to requests made pursuant to the Privacy Act, it is necessary to specify which records may be destroyed and how destruction is to be accomplished. Records already accessioned into the National Archives are exempted from the Privacy Act provision allowing individuals to request that records relating to them be amended. Most provisions of the Privacy Act apply only to those systems of records which are under the legal control of the originating agency; e.g., an agency's current operating files or records stored at a Federal records center.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCS/ymw

66-3286-1377
ENCLOSURE

DRAFT

d. The guidelines listed in paragraph 4 are designed to clarify the provisions of the Federal Records Act and the Privacy Act as they relate to the destruction of records as a result of requests for amendment. In addition, the guidelines are designed to ensure that records destroyed in response to Privacy Act requests do not warrant preservation for historical or other purposes.

4. Guidelines. The disposal of records in response to requests for individuals to amend records under the Privacy Act must be carried out in accordance with chapter 33 of title 44, United States Code, and FPMR 101-11.406. Adherence to the following guidelines will ensure that these requirements are met.

a. Data elements or file items may be amended, expunged, or removed from a file without submission of a Standard Form 115 (Request for Records Disposition Authority), provided that the following conditions are met: (1) the individual formally requests such action; (2) the agency agrees to the action; and (3) the affected record is scheduled for destruction by a NARS-approved agency schedule or by a General Records Schedule. In terms of these guidelines a data element is a piece of information recorded on a document; e.g., block 3, date of birth, on Standard Form 50, Notification of Personnel Action. A file item is a document with related attachments.

b. If an agency wishes to destroy immediately one or more complete file units (folders) or amend, remove, or expunge documentation from a file not scheduled for destruction, the agency must submit a Standard Form 115 to the General Services Administration (NCD), Washington, DC 20408, requesting authority for such action. The Standard Form 115 must identify the file unit or specific documentation covered by the request.

5. Cancellation. GSA Bulletin FPMR B-74 of January 17, 1978, is canceled.

ROBERT M. WARNER
Archivist of the United States

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60220 BCF/DCG/ymw

66-3286-1377
ENCLOSURE

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

January 17, 1978

GSA BULLETIN FPMR B-74
ARCHIVES AND RECORDS

TO : Head of Federal agencies

SUBJECT: Disposal of Federal records in response to requests made
pursuant to the Privacy Act

1. Purpose. This bulletin transmits revised guidelines designed to ensure agency compliance with Federal records disposal requirements when responding to requests to amend a record under provisions of the Privacy Act of 1974.

2. Expiration date. This bulletin will remain in effect until superseded or canceled.

3. Background.

a. Chapter 33 of title 44, United States Code, sets forth procedures for the disposal of records of the U.S. Government. Section 3314 of title 44 provides that no records of the Government shall be alienated or destroyed by a Federal agency except in accordance with chapter 33. Under this chapter, Federal records may not be destroyed unless disposal is approved by the Archivist of the United States, as delegate of the Administrator of General Services. Procedures for obtaining the necessary approval are contained in FPMR 101-11.406.

b. The Privacy Act permits an individual to examine records relating to him maintained in a system of records by Federal agencies. The individual may also request that records containing inaccurate, out-of-date, or misleading information be amended by correcting or expunging the information. An agency may agree to amend a record, or the individual may institute judicial action to try to compel an agency to amend a record.

c. Since there has been some misunderstanding concerning disposal of Federal records in response to requests made pursuant to the Privacy Act, it is necessary to specify which records may be destroyed and how destruction is to be accomplished. Records already accessioned into the National Archives are exempted from the Privacy Act provision allowing individuals to request that records relating to them be amended. Most provisions of the Privacy Act apply only to those systems of records which are under the legal control of the originating agency; e.g., an agency's current operating files or records stored at a Federal records center.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCG/ymw

66-3286-1377
ENCLOSURE

d. The guidelines listed in paragraph 4 are designed to clarify the provisions of the Federal Records Act and the Privacy Act as they relate to the destruction of records as a result of request for amendment.

4. Guidelines. The disposal of records in response to requests from individuals to amend records under the Privacy Act must be carried out in accordance with chapter 33 of title 44, United States Code, and FPMR 101-11.406. Adherence to the following guidelines will ensure that these requirements are met.

a. Data elements within a document or file item (a document with related attachments) may be amended or removed if the agency agrees to the amendment. A data element is a piece of information recorded on a document; e.g. block 3, date of birth, on Standard Form 50, Notification of Personnel Action.

b. Removal and destruction of an entire document or file item is permitted if the agency determines that compliance with 5 U.S.C. 552a(d)(2) requires such removal and destruction.

c. A Standard Form 115, Request for Records Disposition Authority, must be submitted to the General Services Administration (NCD), Washington, DC 20408, in order to effect immediate destruction of:

(1) A series of records or file units (folders) within a series which have been approved by NARS for some eventual disposition, or

(2) Any records series or file units for which disposition has not been authorized.

5. Cancellation. GSA Bulletin FPMR B-72 of August 10, 1977, is canceled.



JAMES B. RHOADS
Archivist of the United States

Memorandum



C. G. Gering

Subject

Date

Records Disposition--ACTION MEMORANDUM

April 16, 1982

To

Bureau Records Officers

From

Terry Appenzeller
Terry Appenzeller, Director
Library Staff
Office of Information Technology
Justice Management Division

Reference the memorandum, dated September 2, 1981, from Vincent A. Lobisco, Assistant Director, Records Management, Records and Publications Staff, subject: Proposed Change in Records Center Accessioning Policy. Files maintenance and records disposition program functions were recently transferred to the Library Staff of the Justice Management Division (JMD). The National Archives and Records Service (NARS) has issued a change in records center accessioning policy. Effective October 1, 1982, Federal records centers will accept records for storage in the records centers only if those records will remain in the centers at least three years before their scheduled disposition. In cases where major problems may develop as a result of the implementation of this new policy, center directors will evaluate requests for an exception on an individual basis. Any request for an exception should be sent to the Records Management Services (RMS), Library Staff, Office of Information Technology, JMD.

NARS is also proposing a change which would limit accessions solely to records transferred with an established date of disposition. Please review the attached letter, dated April 5, 1982, and furnish your comments to RMS no later than April 28, 1982. We will prepare a Departmental reply to NARS.

If you have any questions on the above subjects, please call Robert M. Yahn, Chief, RMS, at 724-6043. Also attached for your information is GSA Bulletin FPMR B-117, dated March 2, 1982, on the subject of Federal records retention requirements.

2 attachments

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BEE/DCG/ymw

66-3286-1
ENCLOSURE

ADDRESSEES

✓ Robert Scherrer, Chief
Records Systems Section
Records Management Division
Federal Bureau of Investigation
(Room 5644 JEH)

Thomas E. Williams, Chief
Documents, Distribution & Control Unit
Management and Information Systems Branch
Bureau of Prisons
(Room 246 HOLC)

James L. Greene, Chief
Records Management Section
Management Analysis Division
Drug Enforcement Administration
(Room 903C EYE)

Cecil G. Christian, Jr., Chief
Records Administration and Information Branch
Immigration and Naturalization Service
(Room 5122 CAB)

Margaret L. Kaye, Chief
Records Management Staff
Office of Operations Support
Office of Justice Assistance, Research
and Statistics
(Room 1004 IND)

John A. Stanley, Chief
Information Systems and Service Division
United States Marshals Service
(Room 272 TCC)



April 5, 1982

MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Because of recent budget cuts and severe space problems throughout the records center system, the Office of Federal Records Centers must reexamine its current accessioning policies. At present these policies allow us to accept scheduled records having contingent disposition instructions. The change we are considering would limit our accessions solely to records transferred with an established date of disposition.

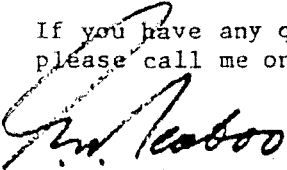
The following are examples from current disposition schedules containing contingent disposition instructions:

- a. Transfer to Federal records center one year after certification of aircraft. Destroy when aircraft no longer exists.
- b. Transfer to Federal records center one year after completion of project. Destroy when all research needs are met.
- c. Transfer to Federal records center when two years old. Destroy one year after removal of entire commodity from the national stockpile.

Although these contingent disposition standards cover disposable records, the disposition instructions are so vague that the end result is that records are maintained for an indefinite period. In addition, our experience indicates that records with a contingent disposition impose a considerable administrative burden on our records centers, requiring repeated contacts with the agency in an effort to determine whether the contingency has occurred and the records have become eligible for disposition. The requirement that accessions have an established date of disposition should promote turnover of records in center space, thereby alleviating space problems, and reduce the cost of administering center holdings.

While this change would prove beneficial to NARS, we believe there may be factors of which we are unaware that would result in the change having an adverse impact on your own operation. Before making a final decision we would like to receive your comments on how your agency would be affected by adoption of this new policy. Please provide us this information no later than May 3, 1982, so that we can utilize agency comments in determining our future course of action.

If you have any questions or feel you need further information on this matter, please call me on 724-1614.


G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60290 JCE/DCG/ymw

cc: Archivist of the United States

66-2280-1376
ENCLOSURE



March 29, 1982

glen

MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Because of substantial budget reductions and severe space problems throughout the records center system, the Office of Federal Records Centers has been reexamining all of its program areas. In an August 27, 1981, memorandum to agency records officers (copy enclosed), we requested your comments concerning an accessioning policy change we were considering that records centers would accept for storage only those records that would remain in our centers at least three years before their scheduled disposition. This is a change from the present policy of accepting records having a minimum retention period in the centers of one year.

We received numerous comments from various agencies and evaluated these carefully in making our decision. While many agencies anticipated no difficulties adjusting to such a change, others indicated serious problems could develop. Therefore, although we are aware this change in policy may cause problems for some of you, we feel some change in this area must be made because of our funding and personnel situation and this one should result in the least problems for the Federal community we serve as a whole.

Therefore, effective October 1, 1982, Federal records centers will accept records for storage in the records centers only if those records will remain in our centers at least three years before their scheduled disposition.

We should point out however that center directors will evaluate requests for an exception, on an individual basis, involving agencies where major problems may develop as a result of the implementation of this new policy. In making these decisions, center directors will be guided principally by the availability of space in their center, personnel resources required to accept and service the records involved, and the overall cost savings to the Federal government. Certainly, in many instances, it will not be possible to accept the records simply because space is not available for the agency to retain the records even though it will be more costly for the agency to make alternate storage arrangements.

You may be assured that we will make every effort to minimize the impact of this procedural change on your agency. Based on our future budget projections, however, we do not anticipate any easing of the present space and personnel situation, at least not in the foreseeable future. If you have any questions on this change, please call me on 724-1614.

G. N. Scaboo
G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60290 JCE/DCS/jmw

Enclosure

cc: Archivist of the United States

66 3286 - 1376

August 27, 1981

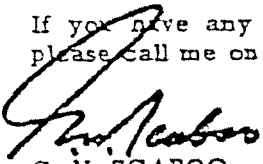
MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Because of recent budget cuts and severe space problems throughout the records center system, the Office of Federal Records Centers is re-examining its current accessioning policy. At present that policy allows us to accept all scheduled records with a retention period in the records centers of one year or more. The change we are considering would limit our accessions to those records that would remain in our centers at least three years before their scheduled disposal.

While this change would result in considerable savings to us by reducing the volume of our annual accessions by about 15%, it is felt that the impact on agencies should not be too severe. Data we have obtained from our NARS-5 computer system indicates that for most agencies, the annual volume is small, particularly when dispersed among many offices.

However, while this change could prove beneficial to NARS, we realize there may be factors of which we are unaware and this change therefore might have a negative impact on your own operation. Before we make a final decision we would like your comments on how your agency would be affected if this new policy is adopted. Please provide this information to us no later than September 15, 1981, so that your comments can become part of our determination of a future course of action.

If you have any questions or feel you need further information on this matter, please call me on 724-1614.


G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

ALL FBI INFORMATION CONTAINED :

HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60220 BCE/DCG/jmw

66-3286-1396

EX-100

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

March 2, 1982

GSA BULLETIN FPMR B-117
ARCHIVES AND RECORDS

globe

TO: Heads of Federal agencies

SUBJECT: Federal records retention requirements

1. Purpose. This bulletin transmits guidelines designed to ensure agency compliance with the records disposition provisions of the Federal Records Act.

2. Expiration date. This bulletin will remain in effect until superseded or canceled.

3. Background.

a. Chapter 33 of title 44, U.S. Code, provides procedures for the disposal of Federal records. Section 3314 of title 44 specifies that Federal Government records may be destroyed only in accordance with Chapter 33. Under this chapter, Federal records may be destroyed only after the Archivist of the United States, as delegate of the Administrator of General Services, has approved the disposal. Procedures for obtaining the necessary approval are contained in FPMR 101-11.406.

b. Agencies with program responsibility for Government-wide functions such as personnel, health and safety, and protection of nuclear materials have published regulations concerning records creation and records retention standards for the Federal sector.

4. Application. Records retention standards set by agencies other than NARS should be viewed as guidelines. They do not serve as the authority for records destruction unless incorporated into agency records control schedules approved by the Archivist of the United States or in General Records Schedules published by the General Services Administration.

5. Agency action. Federal agencies wishing to apply records retention standards recommended by agencies other than NARS should request authority to do so following the procedures provided in FPMR 101-11.406.

6. NARS action. NARS will attempt to analyze retention guidelines set by other agencies to determine the propriety of incorporating them into the General Records Schedules, which are mandatory for all Federal agencies (44 U.S.C. 3303a).

7. Questions. Any questions regarding the contents of this bulletin should be addressed to the National Archives and Records Service (NC), Washington, DC 20408.

Robert M. Warner
ROBERT M. WARNER
Archivist of the United States

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCC/DCG/jmw

GSA DC-01202014

62-3286-1376

ENCLOSURE

Memorandum

FEDERAL GOVERNMENT



Subject

112
Destruction of Bureau Records
General

Date

Pre-Appointment Background Investigation Reports on Federal Judges

8 1 MAR 1981

To

Robert P. Frazee
William L. Bailey
Assistant Director
Records Management Division
Federal Bureau of Investigation

From

Walter R. Wilson
Walter R. Wilson, Director
Records and Publications Staff
Justice Management Division

For several years, the Federal Bureau of Investigation (FBI) has routinely provided to the Office of the Attorney General (OAG) copies of pre-appointment background investigation reports on Federal judge candidates. Between approximately September 1977 and April 1979, the OAG destroyed copies of reports on 712 then sitting Federal judges based on its belief that the original reports maintained by the FBI were the only official records. Because the report copies have since been determined by the Archivist of the United States to constitute record material warranting permanent retention (December 4, 1980 letter to my staff), we request the assistance of the FBI in reconstructing the destroyed files.

Attached is a list of the 712 Federal judges whose pre-appointment background investigation report copy needs to be replaced. Since the report copies will not be transferred to the records center until the judge leaves the bench, the reconstruction work can be done over a period of several years. Accordingly, I propose the following action for your approval:

1. The FBI would utilize the attached list to immediately physically segregate the original reports on these individuals from any other files in its possession which may become eligible for destruction.
2. The OAG would request the FBI to furnish it with another copy of each report at the time the individual's file is due to be transferred to the records center.
3. The FBI would duplicate the file in question, send the copy to the OAG, and dispose of the original in accordance with National Archives and Records Service approved procedures relating to the original reports.

I believe that implementation of the above procedures will permit the FBI to perform the required work with a minimum of cost and effort. If you have any questions on this subject, please contact Vincent A. Lobisco, Assistant Director, Records Management, at 724-7839.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60290 BCE/PCS/ymw

13 OCT 10 1984

File 6- 3286

-4 RUC

*4/18/81
re assigned to
Criminal Justice
Div. 1*

*re assigned to
Investigation Div.
4/13/81. Pkt
724-6043*

*Contracted
Bert Young
4/13/81
RUC*

Approve: _____ Date: _____

William L. Bailey
Assistant Director
Records Management Division
Federal Bureau of Investigation

Disapprove: _____ Date: _____

William L. Bailey
Assistant Director
Records Management Division
Federal Bureau of Investigation

Other: _____

Attachment

Memorandum



Subject

Expungement Matters

Date

JUL 18 1984

To

John A. Mintz
Assistant Director - Legal
Counsel
Federal Bureau of Investigation

From

Rhoda R. Mancher
Rhoda R. Mancher
Deputy Assistant Attorney
General
Office of Information Technology
Justice Management Division

Your June 14, 1984 memorandum to the Assistant Attorney General for Administration, Justice Management Division (JMD), on the above subject, has been referred to my office for a reply.

b5

We expect to meet with OIP representatives shortly. Their expertise should give a new perspective and impetus to developing a DOJ policy consensus. Within the next 30 days, we will provide you a more substantive report of our progress and plans to communicate further with other affected DOJ components on this matter.

Thank you for your continuing support of our efforts. Questions on this subject may be referred to Robert M. Yahn, Chief, Records Management Services, Library Staff, who can be reached on 724-6043.

Attachment

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/1/03 BY AUC 100290 BCE/DCG/ymd

66-3286-1436 9

ENCLOSURE