Guide to Judiciary Policy

Vol. 10: Public Access and Records

Ch. 6: Records Management

Appx. 6C: Records Disposition Schedule 3

This schedule covers the disposition of federal records of the federal public defender organizations (FPDOs). This schedule has been approved by the Judicial Conference of the United States and the Archivist of the United States and is mandatory. The records covered by the schedule include the FPDO's business activities in both district and appellate courts.

Under the <u>Criminal Justice Act (CJA) (18 U.S.C. § 3006A)</u>, public defenders provide federal criminal defense services to individuals unable to afford legal representation. These services are provided by court-appointed attorneys from three different sources, only one of which is a federal organization:

- (a) FPDOs are federal entities and their staffs are federal employees.
- (b) Community defender organizations (CDOs) operate much like an FPDO but are non-government, non-profit organizations incorporated under state laws and governed by boards of directors. Their staffs are not federal employees.
- (c) Each district court maintains a panel of private, non-federal attorneys in accordance with its CJA Plan.

Client case files are the client's property, held by the attorney, and regulated by the bar rules of each state. Court-appointed or public defender status makes no difference in the ethical standard. The case file belongs to the client and is held in trust by the attorney.

All other records created and maintained in a system of records by an FPDO are federal records and their retention is addressed in the records disposition schedule below.

The term "correspondence" as used in this schedule includes email. Email whose retention is required for more than three years under this schedule must be stored in a system outside the email program that is subject to records management requirements for the mandated retention period. When the retention period is three years or less, email may be retained inside the email program. The email system only serves as a recordkeeping system for general correspondence and email records that must be retained for three years or less from the date of creation. Email records that do not meet this criterion should be retained outside the email system.

	Records Disposition Schedule 3	
Type of Record		Disposition
Α.	PROGRAM RECORDS	
1.	Audits. These records comprise the audit report and accompanying documentation received by the FPDOs, their response, and the documentation developed to resolve issues identified in the report.	Temporary. Destroy when 5 years old or after receipt of the report of the following audit and after all audit exceptions noted in both reports have been resolved, whichever is later.
		(DAA-0021-2013-0006-0001)
2.	Assessments/Reviews. These records are evaluations of the FPDO and are comprised of the assessment report given to the FPDOs, their response, and the documentation developed to resolve issues identified in the report.	Temporary. Destroy when 5 years old or after receipt of the report following the assessment and after all items noted in both reports have been resolved, whichever is later.
		(DAA-0021-2013-0006-0002)
3.	Training Files. Public Defender Curriculum. These files contain the syllabus and training materials developed and given by the FPDO to local attorneys.	Temporary. Destroy when 3 years old or when superseded, whichever is later.
		(DAA-0021-2019-0001-0001)
4.	Employee Training Records. Correspondence, memoranda, reports, and other records relating to the availability of training and employee participation in training programs sponsored by other government agencies or non-Government institutions.	Temporary. Destroy after 4 years or until the next assessment, whichever is sooner.
		(DAA-0021-2013-0006-0015)
5.	Facility, Site Management, and Equipment Support Services Records. Records maintained by offices responsible for the control and operation of buildings and rooms where IT equipment, systems, and storage media are located, including files identifying IT facilities and sites, and files concerning implementation of IT facility and site management and equipment support services provided to specific sites, including reviews, site visit reports, trouble reports, equipment service histories, reports of follow-up actions, and related correspondence.	Temporary. Destroy when 4 years old or when superseded or obsolete, whichever is later. (DAA-0021-2013-0006-0016)

Records Disposition Schedule 3		
Type of Record	Disposition	
6. IT asset and configuration management files.		
Inventories of IT assets, network circuits, and building or circuitry diagrams, including equipment control systems such as databased of barcodes affixed to IT physical assets.	Temporary. Destroy after 4 years. (DAA-0021-2013-0006-0017)	
b. Records created and retained for asset management, performance and capacity management, system management, configuration and change management, and planning, follow-up, and impact assessment of operational networks and system, Includes, but is not limited to:		
(1) Data and detailed reports on implementation of systems, applications and modifications; application sizing, resource and demand management; documents identifying, requesting, and analyzing possible changes, authorizing changes, and documenting implementation of changes; documentation of software distribution and release or version management.	Temporary. Destroy after 4 years. (DAA-0021-2013-0006-0018)	
(2) Records of routine IT maintenance on the network infrastructure documenting preventative, corrective, adaptive and perfective (enhancement) maintenance actions, including requires for service, work orders, service histories, and related records.	Temporary. Destroy after 4 years. (DAA-0021-2013-00019)	
7. Space Management Records. Records relating to the assignment, allocation, utilization, acquisition, and release of space under agency control, and related reports to GRS (or equivalent agency with similar Government-wide responsibilities). Building plan files, surveys, and other records utilized in agency space planning, assignment, and adjustment. Includes correspondence and reports to staff agencies relating to agency space holdings, reports to GSA, including Standard Form (SF) 81 (Request for Space) and related documents. (Note: An occupancy agreement planner is prepared by the circuit executive's office (for delegated circuits) and by the AO (for non-delegated circuits) and provided to the defender.)	Temporary. Destroy 5 years after termination of assignment, or when lease is cancelled, or when plans are superseded or obsolete. (Note: If lease contains parking space or trial prep room at courthouse that is relinquished, termination form must be retained with the records.) (DAA-0021-2013-0006-0011)	
FPDO Website Records. Records or information posted on local FPDO intranet or internet sites.		
a. Web Content		
(1) Unique Content. Non-policy related records/information that are unique to the website, and do not exist	Temporary. Take annual snapshot of Web content.	

Records Disposition Schedule 3		
Type of Record	Disposition	
elsewhere.	Destroy when 5 years old but longer retention is authorized if required for business use.	
	(DAA-0021-2013-0006-0035)	
(2) Replicated Content. Records/information that exist elsewhere and there is no added functionality; the information is a convenience copy.	Temporary. Destroy when no longer needed for agency business.	
	(DAA-0021-2013-0006-0036)	
 b. Web Management and Operations Records. Website posting logs indicating when pages were posted, updated or removed. 	Temporary. Destroy when 5 years old or when superseded, obsolete, or no longer needed for agency business.	
	(DAA-0021-2013-0006-0037)	
B. ADMINISTRATIVE RECORDS.		
1. Local unofficial personnel/supervisor files. Local personnel files include correspondence, forms, and other records relating to positions, authorizations, pending actions, position descriptions, requests for personnel action; fingerprint and background check records; and other records on individual employees duplicated in or not appropriate for the Official Personnel File (OPF).	Temporary. Review annually and destroy superseded documents. Destroy remaining documents 1 year after employee separation or transfer. (GRS 2.2, Item 080)	
2. Fair employment practices.		
 a. Employment Dispute Resolution (EDR) administrative records. Includes: Prior EDR Plans Prior EEO Plans Orders or memoranda adopting EDR Plans or 	Temporary. Destroy when 3 years old, but longer retention is authorized if required for business use. (GRS 2.3, Item 110)	
appointing EDR CoordinatorsStatistical records of Informal Advice contacts	(ONO 2.3, Rem 110)	
 b. EDR Assisted Resolution files. Includes: Request for Assisted Resolution Any agreement to mediate Records of process Documentation of settlement or discontinuance of the Assisted Resolution process 	Temporary. Destroy 7 years after case is closed, but longer disposition is authorized if required for business use. (GRS 2.3, Item 110)	

Records Disposition Schedule 3		
Type of Record	Disposition	
Also includes: Request for counseling under prior EDR Plans Request for mediation under prior EDR Plans Notice of designation of mediator Documentation of settlement Notice of conclusion of counseling period Notice of conclusion of mediation Note: This item includes all records gathered in the informal process that became the formal process case file once a formal complaint is filed.		
 c. EDR Formal Complaint files. Includes: Formal Complaint (including complaint filed under prior EDR Plans) Response to Formal Complaint (including response to complaint filed under prior EDR Plans) Scheduling orders and notices of hearings Motions, filings, and responses Orders of chief judge and Presiding Judicial Officer Records of process Documents exchanged in discovery Investigation reports Documents presented at hearing Transcripts of hearing Written decision Petition for Review of decision Resolution of Petition for Review 	Temporary. Destroy 7 years after case is closed, but longer disposition is authorized if required for business use. (GRS 2.3, Item 111)	
3. Administrative grievance, disciplinary, and adverse action files.		
a. Local adverse action and/or grievance plan or procedure maintained by the court.	Temporary. Destroy when superseded, obsolete, or no longer needed for business, whichever is later	
	(GRS 5.7 Item 030)	
 Documents, memoranda, or other records related to an adverse action, disciplinary action, or grievance maintained by the FPDO. 	Temporary. Destroy 7 years after case is closed. (GRS 2.3, Item 060, 061, 062)	
c. Copies of adverse action documents that are maintained in the OPF may also be maintained in a supervisor's local	Temporary. Review annually and destroy superseded	

Records Disposition Schedule 3	
Type of Record	Disposition
personnel folder (e.g., Request for Personnel Action, Remote Data Entry Notice).	documents. Destroy remaining documents 1 year after employee separation or transfer.
	(GRS 2.2, Item 080)
4. Performance management files.	
 Performance management plan, if applicable, including compensation strategy and appraisal tool with rating levels or tiers, and payout date for discretionary step increases. 	Temporary. Destroy when superseded, obsolete, or no longer needed for business, whichever is later.
	(GRS 5.7, Item 030)
 Individual records of employee performance including performance evaluation, performance plan upon which it is based, and rating, among other performance related materials. 	Temporary. Destroy when 4 years old or after AO audit, whichever is later.
materials.	(DAA-0021-2014-0001-0001)
5. Awards and bonuses files.	
Employee recognition and/or bonus plans, as applicable maintained by the FPDO.	Temporary. Destroy when 4 years old, after AO audit, or when no longer needed for reference, whichever is later.
	(DAA-0021-2014-0001-0002)
b. For each employee recognition award recipient, documentation that includes: name or ID, amount or cost of award, category or criteria, supporting justification, aggregate amount or cost of all awards received by the employee per year, and other related FPDO maintained	Temporary. Destroy when 4 years old, after AO audit, or when no longer needed for reference, whichever is later.
documentation.	(DAA-0021-2014-0001-0003)
 c. For each recruitment, retention, or relocation bonus documentation that includes name or ID, amount of bonus, service agreement, authorization, and other related FPDO maintained documentation. 	Temporary. Destroy when 4 years old, after AO audit, or when no longer needed for reference, whichever is later.
	(DAA-0021-2014-0001-0004)
6. Employee Medical Folder (EMF).	

Records Disposition Schedule 3		
Type of Record	Disposition	
a. Any FPDO maintained medical records related to Family and Medical Leave Act (FMLA), serious health condition for sick leave, medical emergency for VLTP donated leave, reasonable accommodation for disability, workplace injury not reported as, or related to, an Office of Workers Compensation Programs (OWCP) claim, fitness-for-duty or counseling records related to alcohol or drug treatment programs.	Temporary. Destroy 1 year after employee separation or transfer. (GRS 2.7, Item 061)	
b. OWCP claim. FPDO maintained documents related to an OWCP claim. Including medical reports, copies of letters and decisions, and any other material that is part of the case file, regardless of its source. These documents are considered an alternate location for OWCP claim records, and under the jurisdiction of OWCP.	See: Guide, Vol. 12, § 750.30 (Workers' Compensation).	
7. Telework files.		
 a. Telework Worksite Program Files. Records generated by the FPDO telework coordinators and other related staff. Includes: Correspondence Notes Policy implementation documents Form development files Planning records Program evaluation documentation/data Other related records generated by the FPDO or participating employees 	Temporary. Destroy when 3 years old, but longer retention is authorized if required for business use. (GRS 2.3, Item 080)	
b. Telework agreement for each employee who is eligible for telework, and duty station documentation, if applicable.	Temporary. Destroy 1 year after end of employee's participation in the program, but longer retention is authorized if required for business use. (GRS 2.3, Item 081)	
8. Administrative training records.		
 a. Individual employee training records. Records documenting training such as information system security and training to develop job skills. Records may include: Completion certificates or verification documents for mandatory Mentoring or coaching agreements 	Temporary. Destroy when superseded, 3 years old, or 1 year after separation, whichever comes first, but longer retention is authorized if required for business use.	

Records Disposition Schedule	3
Type of Record	Disposition
Note: This item excludes academic transcripts, professional licenses, civil service exams, or documentation of mission-related training.	(GRS 2.6, Item 030)
 b. Non-mission employee training program records. Records about planning, assessing, managing, and evaluating an agency's training program: Plans, reports, and program evaluations Employee skills assessments Organizational and occupational needs assessments Notices about training opportunities schedules, or courses Employee training statistics Mandatory training tracking and reporting files Logistics and coordination documents Agreement and similar records Registration forms, employee attendance records Syllabi, presentations, instructor guides, handbooks, lesson plans Reference and working files on course content Other course materials, such as presentations and videos Student, class, or instructor evaluations 	Temporary. Destroy when 3 years old, or 3 years after superseded or obsolete, whichever is appropriate, but longer retention is authorized if required for business use. (GRS 2.6, Item 010)
 9. Position classification files. FPDO copies of Organization chart at the time of position approval for supervisory or managerial positions, and Other classification related documentation 	Temporary. Destroy 2 years after position is abolished but longer retention is authorized if required for business use. (GRS 2.1, Item 020)
 10. Job vacancy files. FPDO recruitment files consisting of: Copy of the vacancy announcement, job analysis, if applicable Copy of newspaper advertisements (or other forms of advertising) List of recruitment sources Application materials with date of receipt Ranking or rating criteria, if applicable (to include rating/scoring definitions and/or methodology) List of applicants with designation or not qualified, qualified, and best qualified List of applicants interviewed List of interview questions used Other relevant recruitment documentation 	Temporary. Destroy 2 years after appointment. (GRS 2.1, Item 051)

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emporary. Destroy when uperseded or obsolete, or soon separation or transfer of mployee, whichever is arlier.
GRS 2.2, Item 041)
emporary. Destroy when 3 ears old, but longer retention authorized at the discretion the principal records ustodian. SRS 2.2, Item 020)
emporary. Destroy 1 year fer original denial, denial of opeal, or final court order, hichever is appropriate.
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	Records Disposition Schedule 3		
Ty	pe of Record	Disposition	
		(GRS 2.4, Item 111)	
b.	Requests for health benefit under spouse equity – Successful applications, including those successfully appealed.	Transfer to appropriate retirement system after enrollment is cancelled or terminated, or annuity payment begins.	
		(GRS 2.4, Item 110)	
C.	Documentation related to retirement assistance that includes correspondence, memoranda, annuity estimates, and other records used to assist retiring employees.	Temporary. Destroy 1 year after date of separation or transfer, but longer retention is authorized if required for business use.	
		(GRS 2.5, Item 020)	
5.	Reasonable accommodation files.		
Documentation for an employee with a disability. Includes information created while receiving, coordinating, reviewing, processing, approving, and reporting requests for reasonable accommodation including request for personal assistance under 5 U.S.C. § 3102.		Temporary. Destroy 3 years after separation. (GRS 2.3, Item 021)	
D.	PROCUREMENT, FINANCE, AND SUPPLY RECORDS.		
1.	Procurement Records . Contracts, requisitions, purchase orders, leases, and bond surety records, including correspondence and related paper pertaining to award, administration, receipt, inspection and payment.	Temporary. Destroy 7 years after final payment. (DAA-0021-203-0006-0006)	
2.	Financial records. Records relating to payment of bills, collection of debts, accounting and processing travel vouchers/authorizations.	Temporary. Destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use. (GRS 1.1, Item 010)	
3.	Personal property records. Includes documents relating	Temporary. Destroy 7 years	
	to the acquisition and disposition of property.	after date of final transaction.	
		(N1-021-86-1, Item C3)	
E.	BUDGET FILES.		
1.	Budget background records. Contains cost statements, financial system data, financial projections and similar	Temporary. Destroy when 2 years old, but longer retention	

	Records Disposition Schedule 3		
Type of Record		Disposition	
	materials accumulated in the preparation of annual budget estimates, including duplicates of budget estimates and justifications and related appropriation language sheets, narrative statements and related schedules.	is authorized if required for business use. (GRS 1.3, Item 041)	
2.	Budget execution records . Records that offices create and receive in the course of implementing and tracking appropriations.	Temporary. Destroy 6 years after close of fiscal year, but longer retention is authorized if required for business use. (GRS1.3, Item 020)	
Factors	SPACE, FACILITIES AND MAINTENANCE RECORDS. cility, space, and equipment inspection, maintenance, and vice records. Records documenting inspection, intenance, service, and repair activities relating to buildings, bunds, Federally owned and operated housing, equipment, dipersonal property. Includes repair and maintenance ders, requisitions, and related papers; maintenance and pection logs and reports; job orders, service call records, ion sheets, and repair logs; and work, shop, or job needules.		
1.	Records documenting facility structure and long-term maintenance.	Temporary. Destroy when 3 years old, but longer retention is authorized if required for business use. (GRS 5.4, Item 70)	
2.	Records tracking completion of custodial and minor repair work.	Temporary. Destroy when 90 days old, but longer retention is authorized if required for business use. (GRS 5.4, Item 71)	
3.	Facility, space, vehicle, equipment, stock, and supply administrative and operational records. Records relating to administering and operating facilities, space, Federally owned and operated housing, land vehicles, water vessels, equipment, stocks, and supplies. Includes: • Statistical and narrative reports • Studies • Requests for space using Standard Form-81 or equivalent • Space assignments and directories	Temporary. Destroy when 3 years old or 3 years after superseded, as appropriate, but longer retention is authorized if required for business use. (GRS 5.4, Item 010)	

	Records Disposition Schedule 3		
Ту	pe of Record	Disposition	
	 Inventories of property, equipment, furnishings, stock and supplies Reports of survey regarding lost, damaged, missing, or destroyed property Requisitions for supplies and equipment Records tracking supply and procurement requirements Records scheduling and dispatching vehicles, monitoring use, and reporting use Related correspondence Exclusion: This item excludes records of supply and property procurement.		
G.	ADMINISTRATIVE MANAGEMENT RECORDS.		
1.	 Internal administrative accountability and operational management control records. Internal evaluations of accounting and administrative controls. Includes: Copies of internal and external directives outlining management control policy Management control plans and records of the planning process Records of management reviews Risk analyses and risk profiles Internal control over reports Records tracking assignments, tasks, and responsivities Administrative correspondence Excludes: Reports related to agency mission activities 	Temporary. Destroy 1 year after submission or when superseded, as appropriate, but longer retention is authorized if required for business use. (GRS 5.7, Item 010)	
2.	Internal control review, response and mitigation management records. Includes copies of reports and audits identifying internal administrative program weaknesses, mitigation action plans, corrective actions, tracking records, correspondence, and other records held by the office responsible for coordinating internal control functions. Note: This item excludes records held by offices contributing to internal control review response and mitigation, but not responsible for overseeing it.	Temporary. Destroy 5 years after no further corrective action is needed, but longer retention is authorized if required for business use. (GRS 5.7, Item 020)	

	Records Disposition Schedule 3		
Ту	pe of Record	Disposition	
Н.	ORGANIZATIONAL/GENERAL ADMINISTRATIVE FILES.		
1.	Files on internal administration and housekeeping activities. In general, these are records accumulated by individual offices that relate to office organization, staffing, procedures and communications and the expenditure of funds. Includes budget; day-to-day administration of office personnel such as travel and training; supplies, requests and receipts; and the use of office space. These papers do not serve as official documentation of the programs of the office.	Temporary. Destroy when business use ceases. (GRS 5.1, item 010)	
	Note: This item excludes records that relate only to the functions for which the office exists.		
2.	General correspondence files. These files contain all the FPDO's correspondence except correspondence between the FPDO and their clients. Examples include miscellaneous letters of inquiry, non-case related letters to other lawyers, letters to organization or committees seeking comments on proposals.	Temporary. Cut off at the end of the calendar year. Destroy 5 years after cut-off. (DAA-0021-2013-0006-0008)	
I.	RECORDS TRANSMITTAL AND RECEIPT FORM (SF 135).	Temporary. Maintain for 50 years. Do not transfer to an FRC. (N1-021-86-1, Item C7)	
	INFORMATION TECHNOLOGY OPERATIONS AND MANAGEMENT CORDS.		
1.	Systems and data security files. System and data security records. Records relate to maintaining the security of information technology (IT) systems and data. Records outline official procedures for securing and maintaining IT infrastructure and relate to the specific systems for which they were written. This series also includes analysis of security policies, processes, and guidelines as well as system risk management and vulnerability analyses. Includes records such as: System Security Plans Disaster Recovery Plans Continuity of Operations Plans Published computer technical manuals and guides Example and references used to produce guidelines covering security issues related to specific systems and equipment	Temporary. Destroy 1 year after system is superseded by a new iteration or when no longer needed for agency/IT administrative purposes to ensure a continuity of security controls throughout the life of the system. (GRS 3.2, Item 010)	

	Records Disposition Schedule 3			
Type of Record		Disposition		
	 Records on disaster exercise and resulting evaluations Risk surveys Service test plans Test files and data 			
	 T customer service files. Technical and administrative help desk operational records. Includes: Records of incoming requests (and responses) made by phone, email, web portal, etc. Trouble tickets and tracking logs Quick guides and "Frequently Asked Questions" (FAQs) Evaluations and feedback about help desk services Analysis and reports generated from customer management data Customer/client feedback and satisfaction surveys, including survey instruments, data, background materials, and reports 	Temporary. Destroy 1 year after resolved, or when no longer needed for business use, whichever is appropriate. (GRS 5.8, item 010)		
 User identification, profiles, authorizations, and password files. Excludes records relating to electronic signatures. 				
a.	Systems requiring special accountability for access (e.g., those containing information that may be needed for audit or investigative purposes and those that contain classified records).	Temporary. Destroy 6 years after password is altered or user account is terminated, but longer retention is authorized if required for business use.		
		(GRS 3.2, Item 031)		
b.	Systems not requiring special accountability for access. These are user identification records generated according to preset requirements, typically system generated. A system may, for example, prompt users for new passwords every 90 days for all users.	Temporary. Destroy when business use ceases. (GRS 3.2, Item 030)		
	Computer security incident handling, reporting and follow-up records.	Temporary. Destroy 3 years after all necessary follow-up actions have been completed, but longer retention is authorized if required for business use. (GRS 3.2, Item 020)		

Records Disposition Schedule 3			
Type of Record	Disposition		
5. System backups and tape library records.			
Backup tapes maintained for potential system restoration in the event of a system failure or other unintentional loss of data.			
(1) Incremental backup tapes.	Temporary. Destroy when superseded by a full backup, or when no longer needed for system restoration, whichever is later.		
	(GRS 3.2, Item 040)		
(2) Full backup tapes.	Temporary. Destroy when second subsequent backup is verified as successful or when no longer needed for system restoration, whichever is later.		
	(GRS 3.2, Item 041)		
b. Tape library records including automated files and manual records used to control the location, maintenance, and disposition of magnetic media in tape library. Also included list of holdings and control logs.	Temporary. Destroy when superseded by a full backup, or when no longer needed for system restoration, whichever is later.		
	(GRS 3.2, Item 040)		
 6. Configuration and Change Management Records. Records created and retained for asset management, performance and capacity management, system management, configuration and change management, and planning, follow-up, and impact assessment of operation networks and systems. Includes records such as: Data and detailed reports on implementation of systems, applications, and modifications Application sizing, resource and demand management records Documents identifying, requesting, analyzing, authorizing and documenting the implementation of possible changes and actual changes Documentation of software distribution (including COTS software license management files) and release or version management 	Temporary. Destroy 5 years after system is superseded by a new iteration, or is terminated, defunded, or no longer needed for agency/IT administrative purposes, but longer retention is authorized if required for business use. (GRS 3.1, Item 030)		

Records Disposition Schedule 3		
Type of Record	Disposition	
Note: If any maintenance activities have a major impact on a system or lead to a significant change, those records should be maintained according to this item.		
Note: Per NARA practice, documentation for electronic records should be transferred with the related records using the disposition authority for the related electronic records rather than the GRS disposition authority.		
Note: Agencies may retain a copy of documentation related to permanent electronic records. This copy may be destroyed at any time after the transfer request has been signed by the National Archives.		