

Guide to Judiciary Policy

Vol 10: Public Access and Records Management
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 [Criminal Justice Act \(CJA\) \(18 U.S.C. §3006A\)](#), 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.

Records Disposition Schedule 3	
Type of Record	Disposition
<p>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.</p>	<p>Temporary. Destroy when 5 years old or after the receipt of the following audit and after all audit exceptions noted in both reports have been resolved, whichever is later.</p>
<p>2. Assessments. 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.</p>	<p>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.</p>
<p>3. Non-Electronic Annual Reports. The report is submitted to the Administrative Office of the U.S. Courts' (AO) Defender Services Office (DSO) budget unit after the end of the fiscal year for the budget year just completed. It documents the activities of the FPDO during the past year and serves as a historical record of the office.</p>	<p>Permanent. Cut off at the end of the calendar year. Transfer to DSO in 10 year blocks when the newest record is 5 years old. DSO will transfer the records to the National Archives and Records Administration (NARA) when 25 years old.</p>
<p>4. Building and Equipment Service Files. Requests for building and equipment maintenance services, excluding copies provided to the district clerk for payment and the actual procurement file.</p>	<p>Disposal Not Authorized.</p>
<p>5. Budget Background Records. Cost statements, financial system data, financial projections and similar 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.</p>	<p>Disposal Not Authorized.</p>
<p>6. Routine Procurement Records. Contracts, requisitions, purchase orders, leases, and bond surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment.</p>	<p>Temporary. Destroy 7 years after final payment.</p>

Records Disposition Schedule 3	
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<p>7. Vouchers. Copies of vouchers not related to payment of the legal defense activities that are submitted to the court for review and payment by DSO. Records consist of vouchers maintained for reference purposes.</p>	<p>Disposal Not Authorized</p>
<p>8. General Correspondence. These files contain all the FPDOs' correspondence except correspondence between the FPDO and their clients. Examples include miscellaneous letters of inquiry, non-case related letters to other lawyers, letters to organizations or committees seeking comments on proposals.</p>	<p>Temporary. Cut off at the end of the calendar year. Destroy 5 years after cutoff.</p>
<p>9. Organization/General Administrative Files. Records accumulated by individual offices that relate to internal administration or housekeeping activities of the office, rather than the functions for which the office exists. In general, these records relate to organization, staffing, procedures and communications, expenditure of funds, and use of office space. These papers do not serve as official documentation of the programs of the office.</p>	<p>Temporary. Destroy when 2 years old or when no longer needed, whichever is sooner.</p>
<p>10. Travel Files. Includes both case and non-case related travel records.</p>	
<p>a. Commercial Freight and Passenger Transportation Files. Original vouchers and support documents covering commercial freight and passenger transportation charges of settled fiscal accounts, including registers and other control documents, but excluding those covered by item (b) below.</p>	<p>Temporary. Destroy 6 years after the period of the account or when no longer needed for state bar requirements, whichever is later.</p>
<p>b. Other Conditions. Records covering payment for commercial freight and passenger transportation charges for services for which:</p> <ul style="list-style-type: none"> (1) notice of overcharge has been or is expected to be issued, or if a rail freight overpayment is involved, (2) deduction or collection action has been taken, (3) the voucher contains inbound transit shipment(s), (4) parent voucher has print of paid supplemental bill associated, 	<p>Temporary. Destroy when 10 years old or when no longer needed for state bar requirements, whichever is later.</p>

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<p>(5) the voucher has become involved in litigation, or</p> <p>(6) any other condition arises, such as detection of overcharge, that prevents the settling of the account, requiring the voucher to be retained beyond the 6 year retention period.</p>	
<p>11. Space Management Records. Records relating to the assignment, allocation, utilization, acquisition and release of space under agency control, and related reports to GSA (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 defender.)</p>	<p>Temporary. Destroy 5 years after termination of assignment, or when lease is canceled, 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.)</p>
<p>12. Non-Electronic Training Files. Public Defender Curriculum. These files contain the syllabus and training materials developed and given by FPDO to local attorneys.</p>	<p>Disposal Not Authorized.</p>
<p>13. Administrative Training Records.</p>	
<p>a. General file of FPDO-sponsored training, excluding record copy of manuals, syllabuses, textbooks, and other training aids developed by FPDO.</p>	
<p>(1) Correspondence, memoranda, agreements, authorizations, reports, requirement reviews, plans, and objectives relating to the establishment and operation of training courses and conferences.</p>	<p>Temporary. Destroy when 5 years old or 5 years after completion of a specific training program.</p>
<p>(2) Background and working files.</p>	<p>Temporary. Destroy when 3 years old.</p>
<p>b. Employee training. 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.</p>	<p>Temporary. Destroy after 4 years or until the next assessment, whichever is sooner.</p>

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<p>14. IT 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 followup actions, and related correspondence.</p>	<p>Temporary. Destroy when 4 years old or when superseded or obsolete, whichever is later.</p>
<p>15. IT Asset and Configuration Management Files.</p>	
<p>a. Inventories of IT assets, network circuits, and building or circuitry diagrams, including equipment control systems such as databases of bar codes affixed to IT physical assets.</p>	<p>Disposal Not Authorized</p>
<p>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 systems. Includes, but is not limited to:</p>	
<p>(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.</p>	<p>Temporary. Destroy after 4 years.</p>
<p>(2) Records of routine IT maintenance on the network infrastructure documenting preventative, corrective, adaptive and perfective (enhancement) maintenance actions, including requests for service, work orders, service histories, and related records.</p>	<p>Temporary. Destroy after 4 years.</p>
<p>16. System Backups and Tape Library Records.</p>	
<p>a. Backup tapes maintained for potential system restoration in the event of a system failure or other unintentional loss of data.</p>	

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(1) Incremental backup tapes.	Temporary. Destroy when superseded by a full backup, or when no longer needed for system restoration, whichever is later.
(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.
b. Tape library records including automated files and manual records used to control the location, maintenance, and disposition of magnetic media in a tape library including list of holdings and control logs.	Temporary. Destroy when superseded or obsolete.
17. Files Related to Maintaining the Security of Systems and Data.	
a. System Security Plans and Disaster Recovery Plans.	Disposal Not Authorized
b. Documents identifying IT risks and analyzing their impact, risk measurements and assessments, actions to mitigate risks, implementation of risk action plan, service test plans, test files and data.	Temporary. Destroy 1 year after system is superseded.
18. User Identification, Profiles, Authorizations, and Password Files, EXCLUDING records relating to electronic signatures.	
a. Systems requiring special accountability (e.g., those containing information that may be needed for audit or investigative purposes and those that contain classified records).	Temporary. Destroy inactive file 6 years after user account is terminated or password is altered, or when no longer needed for investigative or security purposes, whichever is later.

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b. Routine systems (i.e., those not covered by item 18a above).	Temporary. Destroy when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes.
19. Computer Security Incident Handling, Reporting and Follow-up Records.	Temporary. Destroy 3 years after all necessary follow-up actions have been completed.
20. IT Operations Records.	
a. Workload schedules, run reports, and schedules of maintenance and support activities.	Temporary. Destroy when 1 year old.
b. Problem reports and related decision documents relating to the software infrastructure of the network or system.	Temporary. Destroy 1 year after problem is resolved.
c. Reports on operations, including measures of benchmarks, performance indicators, and critical success factors, error and exception reporting, self-assessments, performance monitoring; and management reports.	Temporary. Destroy when 3 years old.
21. IT Customer Service Files.	
a. Records related to providing information to customers, including pamphlets, responses to "Frequently Asked Questions," and other documents prepared in advance to assist customers.	Temporary. Destroy 1 year after record is superseded or obsolete.
b. Help desk logs and reports and other files related to customer query and problem response; query monitoring and clearance; customer feedback records; and related trend analysis and reporting.	Temporary. Destroy when 1 year old or when no longer needed for review and analysis, whichever is later.
22. Management Control Records. Records created in accordance with internal controls covering evaluations of accounting and administrative controls to prevent waste, fraud, and mismanagement.	
a. Policy, procedure, and guidance files. Copies of internal controls manuals, procedures and results of annual internal controls audits.	Disposal Not Authorized

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b. Management control plans. Comprehensive plans documenting the FPDO internal control plan.	Disposal Not Authorized
c. Review files. Correspondence, reports, action copies of audit findings, and other records that identify program internal control weaknesses, and corrective actions taken to resolve such problems.	Temporary. Cut off when no further action is necessary. Destroy 5 years after cut off.
23. 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 elsewhere.	Temporary. Take annual snapshot of Web content. Destroy when 5 years old.
(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.
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.