

DEPARTMENT OF ENERGY

ADMINISTRATIVE RECORDS SCHEDULE 14:
INFORMATIONAL SERVICES RECORDS

06-17-02

11-15-02 (last update)

This schedule covers certain records pertaining to informational services performed by the Department in their day-to-day affairs and in their relations with the public, including records created in administering Freedom of Information Act and Privacy Act (FOIA) programs. Except as otherwise specified in individual items, it applies to copies of these records wherever located. Item 4 applies only to files maintained in office responsible for the operation of the information activities. Items 11 through 15 describe the files accumulated in carrying out the provisions of the Freedom of Information Act (FOIA), and items 21 through 26 describe the files created in administering the provisions of the Privacy Act. Items 31 through 35 cover records created in response to requests for mandatory records declassification.

These records consist of inquiries, replies, and related correspondence; in the case of FOIA, Privacy Act, and mandatory declassification files, appeals and other records; administrative background files for formal information releases, and records relating to inappropriate release of information protected by the Privacy Act. Other records closely related to the records covered by this schedule include those relating to budget presentations, and printing, duplicating, and distribution are covered in those schedules.

Other information services records such as speeches and press releases may have permanent value. As potentially archival records, these series must be scheduled individually so NARA may appraise them.

All records described in this schedule are authorized for disposal in both hard copy and electronic formats. Retirement of non-current records to inactive storage is authorized.

1. Information Requests Files. (GRS 14, item 1)

Requests for information and copies of replies thereto, involving no administrative actions, no policy decisions, and no special compilations or research and requests for and transmittals of publications, photographs, and other information literature.

Destroy when 3 months old.

2. Acknowledgment Files. (GRS 14, item 2)

Acknowledgment and transmittals of inquiries and requests that have been referred elsewhere for reply.

Destroy 3 months after acknowledgment and referral.

3. Press Service Files. (GRS 14, item 3)

Press service teletype news and similar materials.

Destroy when 3 months old.

4. Information Project Files. (GRS 14, item 4)

Information service project case files maintained in formally designated information offices.

Destroy 1 year after close of file or 1 year after completion of project.

5. Commendation/Complaint Correspondence Files. (GRS 14, item 5)

Anonymous letters, letters of commendation, complaint, criticism and suggestion, and replies thereto, excluding those on the basis of which investigations were made or administrative action taken and those incorporated into individual personnel records.

Destroy when 3 months old.

6. Indexes and Check Lists. (GRS 14, item 6)

Bibliographies, checklists, and indexes of Department publications and releases, EXCLUDING those relating to record sets scheduled as permanent.

Destroy when superseded or obsolete.

Items 7 through 10. Reserved.

11. Freedom of Information Act (FOIA) Requests Files. (GRS 14, item 11)

Files created in response to requests for information under FOIA consisting of the original request, a copy of the reply thereto, and all related supporting files, which may include the official file copy of requested record or copy thereof.

- a. Correspondence and supporting documents (EXCLUDING the official file copy of the records requested if filed herein).

- (1) Granting access to all the requested records.

Destroy 2 years after date of reply.
- (2) Responding to requests for non-existent records; to requesters who provide inadequate descriptions; and to those who fail to pay Department reproduction fees.
 - (a) Request not appealed.

Destroy 2 years after date of reply.
 - (b) Request appealed.

Destroy as authorized under item 12.
- (3) Denying access to all or part of the records requested.
 - (a) Request not appealed.

Destroy 6 years after date of reply.
 - (b) Request appealed.

Destroy as authorized under item 12.

b. Official file copy of requested records.

Dispose of in accordance with approved Department disposition instructions for the related records or with the related FOIA request, whichever is later.

12. FOIA Appeals Files. (GRS 14, item 12)

Files created in responding to administrative appeals under the FOIA for release of information denied by the Department, consisting of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of records under appeal or copy thereof.

- a. Correspondence and supporting documents (EXCLUDING the file copy of the records under appeal if filed herein).

Destroy 6 years after final determination by Department or 6 years after the time at which a requester could file suit, or 3 years after final adjudication by courts, whichever is later.

- b. Official file copy of records under appeal.

Dispose of in accordance with approved Department disposition instructions for the related record or with the related FOIA request, whichever is later.

13. FOIA Control Files. (GRS 14, item 13)

Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature, and purpose of request and name and address of requester.

- a. Registers or listing.

Destroy 6 years after date of last entry.

- b. Other files.

Destroy 6 years after final action by the Department or after final adjudication by courts, whichever is later.

14. FOIA Reports Files. (GRS 14, item 14)

Recurring reports and one-time information requirements relating to the Department implementation of the Freedom of Information Act, EXCLUDING annual reports to the Congress at the departmental level.

Destroy when 2 years old.

[NOTE: This schedule does not cover Department level annual reports to the Congress. These reports should be scheduled for transfer to the National Archives by submitting an SF 115 to NARA.]

15. FOIA Administrative Files. (GRS 14, item 15)

Records relating to the general Department implementation of the FOIA, including notices, memoranda, routine correspondence, and related records.

Destroy when 2 years old.

16 through 20. Reserved.

21. Privacy Act Requests Files. (GRS 14, item 21)

Files created in response to requests from individuals to gain access to their records or to any information in the records pertaining to them, as provided for under 5 U.S.C. 552a(d)(1). Files contain original request, copies of reply thereto, and all related supporting documents, which may include the official file copies of records requested or copy thereof.

a. Correspondence and supporting documents (EXCLUDING the official file copy of the records requested if filed herein).

(1) Granting access to all the requested records.

Destroy 2 years after date of reply.

(2) Responding to requests for nonexistent records; to requesters who provide inadequate descriptions; and to those who fail to pay Department reproduction fees.

(a) Requests not appealed.

Destroy 2 years after date of reply.

(b) Requests appealed.

Destroy as authorized under item 22.

(3) Denying access to all or part of the records requested.

(a) Requests not appealed.

Destroy 5 years after date of reply.

(b) Requests appealed.

Destroy as authorized under item 22.

b. Official file copy of requested records.

Dispose of in accordance with approved Department disposition instructions for the

related records or with the related Privacy Act request, whichever is later.

22. Privacy Act Amendment Case Files. (GRS 14, item 22)

Files relating to an individual's request to amend a record pertaining to that individual as provided for under 5 U.S.C. 552a(d)(2); to the individual's request for a review of an Department's refusal of the individual's request to amend a record as provided for under 552a(d)(3); and to any civil action brought by the individual against the refusing Department as provided under 5 U.S.C. 552a(g).

a. Requests to amend agreed to by Department.

Includes individual's requests to amend and/or review, refusal to amend, copies of Department's replies thereto, and related materials.

Dispose of in accordance with the approved disposition instructions for the related subject individual's record or 4 years after Department's agreement to amend, whichever is later.

b. Requests to amend refused by Department.

Includes individual's requests to amend and to review, refusal to amend, copies of Department's replies thereto, statement of disagreement, Department justification for refusal to amend a record, and related materials.

Dispose of in accordance with the approved disposition instructions for the related subject individual's record, 4 years after final determination by Department, or 3 years after final adjudication by courts, whichever is later.

c. Appealed requests to amend.

Includes all files created in responding to appeals under the Privacy Act for refusal by any Department to amend a record.

Dispose of in accordance with the approved disposition instructions for related subject individual's record or 3 years after final adjudication by courts, whichever is later.

23. Privacy Act Accounting of Disclosure Files. (GRS 14, item 23)

Files maintained under the provisions of 5 U.S.C. 552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another Department, including forms for showing the subject individual's name, requester's name and

address, purpose and date of disclosure, and proof of subject individual's consent when applicable.

Dispose of in accordance with the approved disposition instructions for the related subject individual's records or 5 years after the disclosure for which the accountability was made, whichever is later.

24. Privacy Act Control Files. (GRS 14, item 24)

Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request, and name and address of requester.

a. Registers or listings.

Destroy 5 years after date of last entry.

b. Other files.

Destroy 5 years after final action by the Department or final adjudication by courts, whichever is later.

25. Privacy Act Reports Files. (GRS 14, item 25)

Recurring reports and one-time information requirement relating to Department implementation, including biennial reports to the Office of Management and Budget, and the Report on New Systems at all levels.

Destroy when 2 years old.

26. Privacy Act General Administrative Files. (GRS 14, item 26)

Records relating to the general Department implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records.

Destroy when 2 years old.

27 through 30. Reserved.

31. Mandatory Review For Declassification Requests Files. (GRS 14, item 31)

Files created in response to requests for information under the mandatory review provisions of Executive Order (E.O.) 12958 or predecessor E.O.s; consisting of the original request, a copy

of the reply thereto, and all related supporting files, which may include the official file copy of requested records or a copy thereof.

a. Correspondence and supporting documents (EXCLUDING the official file copy of the records if filed herein, and sanitizing instructions, if applicable).

(1) Granting access to all the requested records.

Destroy 2 years after date of reply.

(2) Responding to requests for nonexistent records; to requesters who provide inadequate descriptions; and to those who fail to pay Department reproduction fees.

(a) Request not appealed.

Destroy 2 years after date of reply.

(b) Request appealed.

Destroy as authorized under item 32.

(3) Denying access to all or part of the records requested.

(a) Request not appealed.

Destroy 5 years after date of reply.

(b) Request appealed.

Destroy as authorized under item 32.

b. Official file copy of requested records.

Dispose of in accordance with approved disposition instructions for the related records or with the related mandatory review request, whichever is later.

c. Sanitizing instructions.

Destroy when superseded or when requested documents are declassified or destroyed.

32. Mandatory Review for Declassification Appeals Files. (GRS 14, item 32)

Files created in responding to administrative appeals under the mandatory review provisions of E.O. 12958 or predecessor E.O.s for release of information denied by the Department. Files consist of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of records under appeal or copy thereof.

- a. Correspondence and supporting documents (EXCLUDING the official file copy of the records under appeal if filed herein).

Destroy 4 years after final determination by Department.

- b. Official file copy of records under appeal.

Dispose of in accordance with approved Department disposition instructions for the related records, or with the related mandatory review request, whichever is later.

33. Mandatory Review for Declassification Control Files. (GRS 14, item 33)

Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature, and purpose of request and name and address of requester.

- a. Registers or listing.

Destroy 5 years after date.

- b. Other files.

Destroy 5 years after final action by the Department.

34. Mandatory Review for Declassification Reports Files.

Reports relating to Department implementation of the mandatory review provisions of the current E.O.s; including annual reports submitted to ISOO.

Destroy when 2 years old.

35. Mandatory Review for Declassification Administrative Files. (GRS 14, item 35)

Records relating to the general Department implementation of the mandatory review provisions of E.O. 12958 or predecessor E.O.s; including notices, memoranda, correspondence, and related records.

Destroy when 2 years old.

36. Erroneous Release Files. (GRS 14, item 36)

Files relating to the inadvertent release of privileged information to unauthorized parties, containing information the disclosure of which would constitute an unwarranted invasion of personal privacy. Files contain requests for information, copies of replies thereto, and all related supporting documents, and may include the official copy of records requested or copies thereof.

- a. Files that include the official file copy of the released records.

Follow the disposition instructions approved for the released official file copy or destroy 6 years after the erroneous release, whichever is later.

- b. Files that do not include the official file copy of the released records.

Destroy 6 years after the erroneous release.

37. Through 40. Reserved

41. Speeches. (N1-434-98-17)

- a. Speeches by the senior officials of DOE and contractor entities that affect program activities.

Permanent. Cut off at end of fiscal year. Transfer to NARA when 25 years old.

- b. All other speeches.

Cut off at end of fiscal year. Destroy when 4 years old.

42. News Media Materials. (N1-434-98-17)

- a. Master media case files of formal informational releases and publications to the various media (papers, radio, TV) including copies of press releases, press conference transcripts, and scripts for presentations by senior officials of DOE and contractor entities that affect site mission or scope of work.

Permanent. Cut off at end of fiscal year. Transfer to NARA when 25 years old.

- b. Copies of material appearing in the press concerning policies and activities of DOE and

contractor entities.

Cut off at end of fiscal year. Destroy when 3 years old.

- c. Non-mission releases.

Cut off at end of fiscal year. Destroy when 2 years old.

43. Electronic Mail and Word Processing System Copies. (N1-434-98-17)

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of the records covered by the other items in this schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

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

- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.

44. Invention Dockets. (NN-169-84-(1b))

Invention dockets containing copy of invention disclosure and pertinent correspondence on inactive cases, abandoned applications, and closed items.

Destroy when 30 years old.

45. U.S. Patent Application Case Files. (NN-169-84-(2b))

Case files containing record of invention disclosure, record of invention, draft of patent application with inventor's notes, copy of patent application as filed in Patent Office, pertinent correspondence, amendments, reports, and references on issued patent domestic and foreign.

Issued patents (domestic and foreign).

Destroy when 25 years old.

46. Patent Contracts. (NN-169-84-(3c))

Patent contracts subcontracts, and purchase orders containing miscellaneous correspondence and related papers pertaining to negotiation of contract patent provisions, inventions or discoveries conceived under contract, reports and papers reviewed for patent clearance, and patent clearance of terminated contracts on cleared purchase orders, both prime and subcontract.

Destroy when 10 years old.

47. Patent Licensing Records. (NN-169-84(4))

Patent licensing records containing license agreements and assignments in U.S. patents and pertinent correspondence regarding execution of license agreements and royalty payments.

Destroy 25 years after issuance of the patent.

48. Employee Patent Agreement Forms. (NN-169-84(5))

Employee patent agreement forms "Agreement Covering Discoveries, Inventions, and Improvements," (DOE FORM GC 203) signed by all employees at time of employment.

Destroy when 56 years old.

49. Docket Files (Patents). (NN-169-84(6))

Docket files containing findings, determinations, and statements of reason, decisions, backup material, and correspondence with the Patent Compensation Board, U.S. Court of Appeals and U.S. Court of Claims.

a. Headquarters

Destroy when 25 years old. (NN-169-84(6a))

b. Field elements.

Destroy when 10 years old. (NN-169-84-(6b))

50. Patent Infringement Files. (NN-169-84(7))

Patent infringement files containing copies of patents which have been or possible might be infringed; pertinent correspondence regarding use of patents process, device, or material; copies of purchase orders and other backup material; Court of Claims petitions and actions.

a. DOE Headquarters.

Destroy when 30 years old. (NN-169-84(7a))

b. Field elements and contractors.

Destroy 5 years after final action. (NN-169-84(7b))

51. Reports or Patents Applications Disclosing Nuclear Inventions/Discoveries.

Reports or patent applications disclosing inventions/discoveries useful in the production or use of special nuclear material or atomic energy, and/or related correspondence referred for review under Section 151 and 152 of the Atomic Energy Act of 1954, as amended.

a. Section 151(c) Reports—Complete descriptions of inventions or discoveries useful in the production or use of special nuclear material or atomic energy. Required to be filed with DOE by the inventors/discoverers within 180 days of invention/ discovery, unless otherwise described in applications for patent filed with the Commissioner of Patents within the required time (refer to item 8b below).

Destroy 25 years after date of last action. (NN-169-84(8))

b. Section 151(d) Patent Applications. Applications referred to DOE from the Commissioner, U.S. Patent Trademark Office disclosing inventions/discoveries required to be reported to DOE under section 151(c).

Destroy 25 years after date of last action. (NCI-434-83-3(1b))

c. Section 152 Patent Applications (Correspondence Only. Applications in condition for allowance which disclose inventions/discoveries to DOE from the Commissioner, U.S. Patent and Trademark Office, to determine if the inventions/ discoveries were made or conceived under the contract, subcontract, or arrangement with DOE. (NCI-434-83-3(1c))

Destroy 25 years after Section 152 statutory period expires. (NCI-434-83-3(1c))

52. Litigation Files.

Litigation files reflecting all aspects of DOE or contractor litigation proceedings and documenting the General Counsel actions taken in protecting the interest of DOE and the Federal Government. Records consist of general reports, investigation reports, analyses, recommendations, and copies of contractual records.

- a. Significant case files determined by DOE to have had a significant effect on a statute, regulation, or rule.

Permanent. Offer to National Archives 25 years after close of case.
(NCI-430-78-1(1a))

- b. Intense public interest cases determined by DOE to have attracted the interest of a Congressional Committee, the Executive Office of the President, or national media.

Permanent. Offer to National Archives 25 years after close of case.
(NCI-430-78-1(1b))

- c. Cases reviewed by the Supreme Court.

Permanent. Offer to National Archives 25 years after close of case.
(NCI-430-78-1(1c))

- d. Cases involving personal injuries alleged to have been caused by radiation.

Destroy 75 years after close of case. (NCI-430-78-1(1d))

- EPI e. Other cases.

Destroy 10 years after close of case. (NCI-430-78-1(1e))

53. Invention Disclosure Logs and Ledgers. (NN-169-84(10))

Invention disclosure logs and ledgers showing invention disclosures reported, date, disposition, and U.S. Patent Office action.

Destroy 10 years after close of case.

54. True Copy Certifications. (NN-162-85(1))

Certifying or evidencing true copy nature of material submitted for publication in the Federal Register or elsewhere, including copy of material to be published, evidence of certification of

true copy, letter of transmittal, and related correspondence and documents.

Destroy when 1 year old.

55. Congressional Hearing Coordination Case Files.

Congressional hearing coordination case files containing correspondence and other documentation including approvals that reflect Departmental coordination of congressional hearings at which Departmental witnesses testified. Records document coordination activities and response actions such as advance approval of testimony of the Office of Management and Budget and DOE's office of General Counsel, changes in planned testimony, approval of final edited hearing transcript, selection of witnesses to respond to the subject matter of the incoming request letter from the congressional committee, approval of date for testimony, provision of written answers to questions asked of the Department to furnish either supplementary testimony or a direct response, and transmittals of written answers to the committees.

Destroy 5 years after close of calendar year in which testimony was given.
(NCI-434-83-2)