



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

January 30, 2008
DO-08-003

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Robert I. Cusick
Director

SUBJECT: Disposition of Ethics Program Records Subject to the National Archives and Records Administration's General Records Schedule 25

The National Archives and Records Administration (NARA) recently issued a final rule: Federal Records Management; Media Neutral Schedules. The new rule, effective December 17, 2007, and NARA's related revisions to General Records Schedule (GRS) 20, allow agencies to convert temporary program records covered by previously approved schedules to an electronic format by scanning the paper originals, and destroying the paper originals, without approval or notification to NARA. See 72 FR 64153-64155 (November 15, 2007) and the December 2007 GRS 20 revisions contained in GRS Transmittal No. 18.¹

OGE has decided that the provisions of NARA's rule and GRS 20 revisions that generally allow the destruction of original paper documents will not apply to public and confidential financial disclosure reports and related ethics agreements. These original documents must be maintained in accordance with the full time periods specified in General Records Schedule (GRS) 25, Ethics Program Records.² This decision to require the retention of these original documents is based on their potential role as evidence in any ethics-related investigation, administrative proceeding or prosecution. In those circumstances, a scanned copy may not be sufficient to demonstrate what the original report or agreement contained, whether because the copy is illegible or incomplete, or because it cannot be authenticated in court as an unaltered version of the original. This decision is consistent with new NARA guidance in GRS 20 providing for retention of original paper documents even after they are scanned when the original documents are needed for legal or audit purposes. See Items 2a(3)-(4) of GRS 20, as revised.

This notice does not apply to any financial disclosure reports contained in an electronic filing system developed under the guidance of DAEOgram, DO-07-014, dated May 16, 2007, *Guidance on Electronic Filing of Public and Confidential Financial Disclosure Reports*. In

¹ Links to NARA's General Records Schedules and related transmittals are on the OGE website under "About OGE" and "Other Links."

² Links to GRS 25 and to GRS Transmittal No. 9, which provides information about implementing GRS 25, also can be found on the OGE website under "About OGE" and "Other Links."

addition, other records covered under GRS 25 may be converted to an electronic medium by scanning and verifying, and subsequently destroyed in accordance with the new guidance issued by NARA.

OGE appreciates your cooperation in this matter. If you have any questions, please contact Michelle Sharrow, Financial Disclosure Program Manager in the Office of Agency Programs at (202) 482-9208 or by email at mpsharro@oge.gov.