



## SERIES 400 – DoD GENERAL COUNSEL

### SERIES TITLE: GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC, DoD) GENERAL COUNSEL FILES

**SERIES DESCRIPTION:** Records described in this series relate to advice from the Office of the General Counsel Matters regarding all legal matters and services performed within, or involving the Department of Defense, the OSD, and other DoD Components. Includes, but is not limited to, legal advice, standards of conduct involving personnel, development of the DoD Legislative Program, coordination of DoD positions on legislation and Executive Orders, establishment of DoD policy on general legal issues, coordination on FOIA appeals as well as litigation involving the DoD, surveillance over DoD personnel security programs, actions undertaken as lead counsel for DoD on all international negotiations conducted by OSD organizations, and the maintenance of all international agreements coordinated, negotiated, or conducted by DoD personnel.

**SERIES APPLIES TO THE FOLLOWING ORGANIZATIONS:** File Numbers within the 400 Series reflect the mission of the General Counsel of the Department of Defense (including lawyers, attorneys and legal professionals assigned in support of OSD, WHS, or WHS-serviced components), such as Defense Legal Services Agency (DLSA), Defense Office of Hearings and Appeals (DOHA), and the Office of Military Commissions (OMC). **NOTE:** OGC staff in other WHS-serviced components that are not affiliated with GC, DoD may use File Numbers issued under the authority of the General Records Schedule (GRS).

**RECORDS CATEGORY:** 401 – RESERVED

**RECORDS CATEGORY:** 402

**CATEGORY TITLE:** Office of the General Counsel of the Department of Defense

**CATEGORY DESCRIPTION:** Functional records of the DoD GC, and the Deputy GC's within the DoD Office of General Counsel).

**FILE NUMBER:** 402-01.1 – Moved to 402-01

**FILE NUMBER:** 402-01.2 – Moved to 402-02

**FILE NUMBER:** 402-01.3 – Moved to 402-03

**FILE NUMBER:** 402-01.4 – Moved to 402-04

**FILE NUMBER:** 402-01.5 – Moved to 402-05

**FILE NUMBER:** 402-01.6 – Moved to 402-06

**FILE NUMBER:** 402-01

**FILE TITLE:** DoD General Counsel Immediate Office Functional Files

**FILE DESCRIPTION:** Legal advice, opinions, and assistance to various committees of the Department of Defense such as: Personnel Security Programs (legal assistance on cases for the OSD Control Clearance Groups) Freedom of Information Act (DoD Directive 5400.7-R); and Interpretations of the Act, case opinions, and background information.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-01a



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**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-01.1

**FILE NUMBER:** 402-02

**FILE TITLE:** DoD General Counsel Immediate Office Functional Files - DoD Legislative Program

**FILE DESCRIPTION:** Records that relate to the review, coordination, and presentation of proposed legislation or executive actions that involve any activity of the Department of Defense.

**DISPOSITION:** Permanent. Cut off when legislation is discontinued. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-01b

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-01.2

**FILE NUMBER:** 402-02.1 – Moved to 402-07

**FILE NUMBER:** 402-02.2 – Consolidated into 402-08

**FILE NUMBER:** 402-02.3 – Consolidated into 402-08

**FILE NUMBER:** 402-02.4 – Moved to 402-09

**FILE NUMBER:** 402-03

**FILE TITLE:** DoD General Counsel Immediate Office Functional Files - Emergency Planning and Continuity of Operations

**FILE DESCRIPTION:** DoD General Counsel's (GC, DoD's) role in subject programs, legal advice on acquisition, and seizure of essential property or equipment. Inventory of essential records for the GC, DoD.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-01c

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-01.3

**FILE NUMBER:** 402-03.1 – Moved to 402-10

**FILE NUMBER:** 402-03.2 – Moved to 402-11

**FILE NUMBER:** 402-04

**FILE TITLE:** DoD General Counsel Immediate Office Functional Files - Legal Proceedings

**FILE DESCRIPTION:** Records on court trials, administrative hearings, and other legal proceedings, correspondence, and case files.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-01d

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-01.4

**FILE NUMBER:** 402-04.1 – Moved to 402-12

**FILE NUMBER:** 402-04.2 – Moved to 402-13

**FILE NUMBER:** 402-04.3 – Moved to 402-14

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**FILE NUMBER:** 402-04.4 – Moved to 402-15

**FILE NUMBER:** 402-04.5 – Moved to 402-16

**FILE NUMBER:** 402-04.6 – Moved to 402-17

**FILE NUMBER:** 402-05

**FILE TITLE:** DoD General Counsel Immediate Office Functional Files - Real Property

**FILE DESCRIPTION:** Records documenting legal terms and conditions for the acquisition, care, and occupancy of real property, such as contracts, insurance policies, leases, titles, and other similar records.

**DISPOSITION:** Retirement or disposition authorized only on an individual case basis. Submit SF 115 for appropriate authorization when disposition action is desired.

**AUTHORITY:** NC1-330-76-002, item 402-01e

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-01.5

**FILE NUMBER:** 402-05.1 – Moved to 402-18

**FILE NUMBER:** 402-05.2 – Moved to 402-19

**FILE NUMBER:** 402-05.3 – Moved to 402-20

**FILE NUMBER:** 402-06

**FILE TITLE:** DoD General Counsel Immediate Office Functional Files - Civil Government

**FILE DESCRIPTION:** Records on the development and establishment of policies and methods employed in civil government and related matters.

**DISPOSITION:** Permanent. Cut off when case file is closed. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-01f

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-01.6

**FILE NUMBER:** 402-07

**FILE TITLE:** Deputy General Counsel (Fiscal) – OSD Welfare and Recreation Association

**FILE DESCRIPTION:** Legal advice and assistance to the OSD Welfare and Recreation Association. Processing of Tort, Contract and Compensation Claims arising out of operation in non-appropriated fund activities.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-02a

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-02.1

**FILE NUMBER:** 402-08

**FILE TITLE:** Deputy General Counsel (Fiscal) – Directives and Policy

**FILE DESCRIPTION:** Legal advice on proposed directives of a fund nature. DoD policy on the administration of Claims under provision of the Federal Tort Claims Act. Collection, compromise, or termination of collection actions on DoD civil claims for money or property. Settlement of claims under the Personnel Claims Act.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-02b

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**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER(s):** 402-02.2, 402-02.3

**FILE NUMBER:** 402-02.3 – Consolidated into 402-02.2

**FILE NUMBER:** 402-09

**FILE TITLE:** Deputy General Counsel (Fiscal) – Fiscal Matters and Coordination

**FILE DESCRIPTION:** Legal advice on fiscal matters and coordination on fiscal directives. Records documenting legal terms and conditions of interests, tariff, and tax administration matters.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-02c

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-02.4

**FILE NUMBER:** 402-10

**FILE TITLE:** Deputy General Counsel (Personnel and Health Policy) – Advice on Clearances of Directives and Policy

**FILE DESCRIPTION:** Advice and assistance to the OSD (Personnel and Readiness, Reserve Affairs, Health Affairs in the clearances of directives and policy, the preparation of legislative packages, and in all other aspects such as, nondiscrimination, and appeal rights that may have legal applications.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-03d

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-03.1

**FILE NUMBER:** 402-11

**FILE TITLE:** Deputy General Counsel (Personnel and Health Policy) – Advice on Personnel Matters

**FILE DESCRIPTION:** Documents providing advice to the OUSD (P&R) personnel matters such as equal opportunity, labor management relations, off-base housing.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-03e

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-03.2

**FILE NUMBER:** 402-12

**FILE TITLE:** Deputy General Counsel (Acquisition and Logistics) - Inventions

**FILE DESCRIPTION:** Legal directives, advice, and opinions on inventions and their licensing.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-04a

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-04.1

**FILE NUMBER:** 402-13

**FILE TITLE:** Deputy General Counsel (Acquisition and Logistics) – Natural Resources



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**FILE DESCRIPTION:** Legal aspects of conservation and management of natural resources such as oil reserves.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-04b

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-04.2

**FILE NUMBER:** 402-14

**FILE TITLE:** Deputy General Counsel (Acquisition and Logistics) – Real Property

**FILE DESCRIPTION:** Records on the documentation of the policy for the acquisition of real property, terms and conditions of the titles, contracts, deeds, court orders, and related proceedings.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-04c

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-04.3

**FILE NUMBER:** 402-15

**FILE TITLE:** Deputy General Counsel (Acquisition and Logistics) – DAR

**FILE DESCRIPTION:** Legal advice on Defense Acquisition Regulation (DAR) or other procurement matters and files of procurement actions of special interest to OSD. Legal advice to the Defense Systems Acquisition Review Council on procurement activities. Advice and review of procurement contracts.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-04d

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-04.4

**FILE NUMBER:** 402-16

**FILE TITLE:** Deputy General Counsel (Acquisition and Logistics) – Logistical Functions

**FILE DESCRIPTION:** Legal advice on general directives, instructions, and operation of logistical functions. Advice on transportation matters, proceedings before regulatory agencies, motor vehicle accidents, Homeowners Assistance Program, etc.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-04e

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-04.5

**FILE NUMBER:** 402-17

**FILE TITLE:** Deputy General Counsel (Acquisition and Logistics) – Committee Files

**FILE DESCRIPTION:** Advice and assistance to various committees in these functional areas such as the OSD Concessions Committee that require contract and lease advice.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-03a

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-04.6



## OSD Records Disposition Schedules

**FILE NUMBER:** 402-18

**FILE TITLE:** Senior Deputy General Counsel (International Affairs and Intelligence) – International Matters

**FILE DESCRIPTION:** Legal advice and assistance on such international matters as: Status of Forces Agreements, jurisdiction of Service Courts of friendly Foreign Forces, review of legality of weapons under international law. Agreements with foreign governments or international organizations.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-05a

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-05.1

**FILE NUMBER:** 402-19

**FILE TITLE:** Senior Deputy General Counsel (International Affairs and Intelligence) – Department of State

**FILE DESCRIPTION:** Legal opinions prepared for the Secretary of Defense on Defense matters under discussion or review by the Department of State.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-05b

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-05.2

**FILE NUMBER:** 402-20

**FILE TITLE:** Senior Deputy General Counsel (International Affairs and Intelligence) – DoD Components

**FILE DESCRIPTION:** Directives and policy instructions to the DoD Components of the Department of Defense concerning such subjects as indicated in 402-05.1., above.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-05c

**PRIVACY ACT:** Not Applicable

**FORMER FILE NUMBER:** 402-05.3

**RECORDS CATEGORY:** 403

**CATEGORY TITLE:** Standards of Conduct Office

**CATEGORY DESCRIPTION:** Records pertaining to standards of conduct. The dispositions included here apply EXCEPT that documents needed in an on-going investigation shall be retained until no longer needed in the investigation.

**FILE NUMBER:** 403-01

**FILE TITLE:** Alternative or Additional Financial Disclosure Reports and Related Files

**FILE DESCRIPTION:** All other reports other than Public Financial Disclosure Reports [403-07 and 403-08]

**DISPOSITION:** Temporary. Cut off at the end of the calendar year. Destroy 6 years after receipt of the financial disclosure report by the Agency or when no longer needed for active investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.

**AUTHORITY:** GRS 2.8, item 081 (DAA-GRS-2014-0005-0015)

**PRIVACY ACT:** OGE/GOVT-2

**FORMER FILE NUMBER(s):** 403-01, 403-02, 403-04



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**FILE NUMBER:** 403-02 – Consolidated into 403-01

**FILE NUMBER:** 403-03 – Moved to 403-07 and 403-08, as applicable

**FILE NUMBER:** 403-04 – Consolidated into 403-01

**FILE NUMBER:** 403-05

**FILE TITLE:** Ethics Agreements Records – No Financial Disclosure Reports

**FILE DESCRIPTION:** Records documenting the review and issue of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest for employees who do not file financial disclosure reports. Includes:

- Review of recusals, resignations, reassignments, and divestitures
- Determinations
- Authorizations
- Waivers
- Waivers of disqualifications

**DISPOSITION:** Temporary. Cut off annually. Destroy 6 years after the waiver or other agreed upon determination or action has been issued or undertaken, or 6 years after it is no longer in effect, or when no longer needed for active investigation, whichever is later.

**AUTHORITY:** GRS 2.8, item 100 (DAA-GRS-2014-0005-0017)

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 403-06

**FILE TITLE:** Ethics Agreements Records – Financial Disclosure Reports Filed

**FILE DESCRIPTION:** Records documenting the review and issue of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest for employees who file financial disclosure reports. Includes:

- Review of recusals, resignations, reassignments, and divestitures
- Determinations
- Authorizations
- Waivers
- Waivers of disqualifications

**DISPOSITION:** Temporary. Cut off annually. Destroy at the same time as the employee's last related financial report is destroyed or when no longer needed for active investigation, whichever is later.

**AUTHORITY:** GRS 2.8, item 101 (DAA-GRS-2014-0005-0018)

**PRIVACY ACT:** OGE/GOVT-2

**FILE NUMBER:** 403-07

**FILE TITLE:** Public Financial Disclosure Reports – Non-Confirmed Individuals

**FILE DESCRIPTION:** Reports for individuals filing in accordance with the Ethics in Government Act, as amended (5 U.S.C. app.), including the Stop Trading on Congressional Knowledge of 2012 (STOCK Act) (Pub. L. 112-105), and not subsequently confirmed by the U.S. Senate. Legal Citation: 5 U.S.C. app. section 105, 5 CFR 2634.603.

**DISPOSITION:** Temporary. Cut off annually. Destroy 1 year after nominee ceases to be under consideration for the position or when no longer needed for active investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.

**AUTHORITY:** GRS 2.8, item 060 (DAA-GRS-2014-0005-0007)



## OSD Records Disposition Schedules

**PRIVACY ACT:** OGE/GOVT-2

**FORMER FILE NUMBER:** 403-03

**FILE NUMBER:** 403-08

**FILE TITLE:** Public Financial Disclosure Reports – All Others

**FILE DESCRIPTION:** Executive Branch Personnel Public Financial Disclosure Reports (OGE Form 278) (formerly SF 278), OGE Form 278e, and related records for all other individuals other than unconfirmed individuals covered under 403-07.

**DISPOSITION:** Temporary. Cut off annually. Destroy 6 years after receipt of the OGE form 278 or 278e or when no longer needed for active investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.

**AUTHORITY:** GRS 2.8, item 061 (DAA-GRS-2014-0005-0008)

**PRIVACY ACT:** OGE/GOVT-2

**FORMER FILE NUMBER:** 403-03

**FILE NUMBER:** 403-09

**FILE TITLE:** Confidential Financial Disclosure Reports (OGE-450 and OGE-450A) – Non-Confirmed Individuals

**FILE DESCRIPTION:** Executive Branch Confidential Financial Disclosure Reports (OGE Form 450) and Confidential Certificates of No New Interests (OGE Optional Form 450-A), and related records for individuals not subsequently confirmed by the U.S. Senate.

**DISPOSITION:** Temporary. Cut off and destroy 1 year after nominee ceases to be under consideration for the position or when no longer needed for investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.

**AUTHORITY:** GRS 2.8, item 070 (DAA-GRS-2014-0005-0011)

**PRIVACY ACT:** OGE/GOVT-2

**FILE NUMBER:** 403-10

**FILE TITLE:** Confidential Financial Disclosure Reports (OGE-450 and OGE-450A) – All Others

**FILE DESCRIPTION:** These files contain copies of OGE 450 “Confidential Financial Disclosure Report” and OGE 451 “Confidential Certificates of No Interest” for all others (other than those individuals not confirmed by the US Senate) that may be submitted by those Government officials specified by the Ethics in Government Act of 1978. Also included are worksheets, correspondence, and other pertinent documents.

**DISPOSITION:** Temporary. Cut off annually. Destroy 6 years after receipt of the OGE Form 450 by the Agency, except when the OGE Form 450 supports one or more subsequent Optional OGE 450-A’s then destroy 6 years after receipt of the last related OGE Form 450-A by the Agency, or when no longer needed for active investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.

**AUTHORITY:** GRS 2.8, item 071 (DAA-GRS-2014-0005-0012)

**PRIVACY ACT:** OGE/GOVT-2





## OSD Records Disposition Schedules

**RECORDS CATEGORY:** 404

**CATEGORY TITLE:** Office of Hearings and Appeals Files

**CATEGORY DESCRIPTION:** Records pertaining to investigations, and adjudications for personnel National Security clearances.

**FILE NUMBER:** 404-01 – Consolidated into 103-01.1 or 103-01.2, as applicable

**FILE NUMBER:** 404-02

**FILE TITLE:** Investigative Report Files

**FILE DESCRIPTION:** Summaries and reviews and investigative reports on issuance of, or continuation of clearances, which are favorable.

**DISPOSITION:** Temporary. Cut off at inactivation of case. Destroy 25 years after cutoff.

**AUTHORITY:** NC1-330-77-013, item 306-03b

**PRIVACY ACT:** DGC 04

**FILE NUMBER:** 404-03

**FILE TITLE:** Hearing Case Files

**FILE DESCRIPTION:** Case files on determinations and hearings for applicants maintained by Department Counsel, Administrative Judges, and Appeal Board.

**DISPOSITION:** Temporary. Cut off upon inactivation of case. Destroy 25 years after cutoff.

**AUTHORITY:** NC1-330-77-013, item 306-03d

**PRIVACY ACT:** DGC 17

**FILE NUMBER:** 404-04

**FILE TITLE:** Final Decisions

**FILE DESCRIPTION:** Redacted copies of final decisions of Administrative Judges and Appeal Board.

**DISPOSITION:** Cut off annually. Retain in OSD. Review for disposition in 20 years.

**AUTHORITY:** NC1-330-77-013, item 306-03e

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 404-05 – RESCINDED

**RECORDS CATEGORY:** 405

**CATEGORY TITLE:** Legislative Reference Service Files

**CATEGORY DESCRIPTION:** Legislative opinions on proposed and historical legislation.

**FILE NUMBER:** 405-01

**FILE TITLE:** Legislation and Opinion Files

**FILE DESCRIPTION:** Documents on proposed legislation and legal opinions, positions on legislative matters if of interest to the Defense Department.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-06a

**PRIVACY ACT:** Not Applicable



## OSD Records Disposition Schedules

**FILE NUMBER:** 405-02

**FILE TITLE:** Document Reference and Distribution Point Files

**FILE DESCRIPTION:** Copies of documents, laws, acts, Federal Code, directives of legal interest used to facilitate work.

**DISPOSITION:** Temporary. Cut off and destroy when no longer needed for reference.

**AUTHORITY:** NC1-330-76-002, item 402-06b

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 405-03

**FILE TITLE:** Historical Legislation

**FILE DESCRIPTION:** Documents, opinions, and related papers of legislative content that have historic or continuing interest.

**DISPOSITION:** Permanent. Cut off when legislation is no longer effective. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** NC1-330-76-002, item 402-06c

**PRIVACY ACT:** Not Applicable

**RECORDS CATEGORY:** 406 – Consolidated into 202-82

**RECORDS CATEGORY:** 407

**CATEGORY TITLE:** Program Records of the Office of Military Commissions (OMC)

**CATEGORY DESCRIPTION:** Records pertaining to the functions and responsibilities of the Office of Military Commissions and its mission of achieving just resolution to all cases referred to a military commission.

**FILE NUMBER:** 407-01

**FILE TITLE:** Military Commission Legal Filings

**FILE DESCRIPTION:** Information regarding legal filings from trial counsel, defense counsel, military judge, convening authority, or other party provided to the military commission or convening authority which is used during the

- Swearing and referring of charges
- Active court litigation
- Trial on the merits, including sentencing and the final record of trial

**DISPOSITION:** Permanent. Cut off when case closes. Transfer to NARA 20 years after cutoff.

**AUTHORITY:** DAA-0330-2014-0005-0001

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-02

**FILE TITLE:** Military Commission Guidance and Policy Files

**FILE DESCRIPTION:** Policy and guidance information pertaining to the legal operation of the military commission system through court rules and regulations which impact how military commissions are operated within and outside the courtroom.

**DISPOSITION:** Permanent. Cut off annually in the year when superseded or obsolete. Transfer to NARA in five year blocks 20 years after close of the block.

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**AUTHORITY:** DAA-0330-2014-0005-0002

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-03

**FILE TITLE:** Military Commission Witness Files

**FILE DESCRIPTION:** Information on witnesses, experts, and non-experts who are requested to appear before a military commission. This includes correspondence, witness information, oaths/affirmations, contract/funding agreements, approval letters, authorizations, and other information indicating action has been taken.

**DISPOSITION:** Permanent. Cut off when case closes. Transfer to NARA 20 years after cutoff.

**AUTHORITY:** DAA-0330-2014-0005-0003

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-04

**FILE TITLE:** Military Commission Records of Trial

**FILE DESCRIPTION:** Information required for the completion of the record of trial for a specific military commission. This includes all legal filings, transcripts, opinions/rulings, evidence, allied papers, and other legal filings appropriate to construct and publish the record of trial to the public, accused, trial and defense counsel, and other parties as required by the Military Commission Act of 2009.

**DISPOSITION:** Permanent. Cut off when all appeals have been exhausted, case is completed, and record of trial has been authenticated by the military judge. Transfer to NARA 20 years after cutoff.

**AUTHORITY:** DAA-0330-2014-0005-0004

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-05

**FILE TITLE:** Military Commission Operational Files

**FILE DESCRIPTION:** Information on the internal management of a military commission and its proceeding. Includes logistical, construction, security, travel, contract procurements and the budgets and funding necessary for the operation of the military commission proceedings. Also includes all budget, travel, military and civilian personnel, information technology, contractual agreements, and other items necessary for the operational running of the Office of Military Commissions.

**DISPOSITION:** Permanent. Cut off annually. Transfer to NARA in five year blocks 20 years after close of the block.

**AUTHORITY:** DAA-0330-2014-0005-0005

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-06

**FILE TITLE:** Office of Court Administration Files

**FILE DESCRIPTION:** Information concerning the administration of court proceedings to include court stenographers, court reporters, panel members, and a repository for legal documents required for the operation of the public aspects of military commission proceedings.

**DISPOSITION:** Temporary. Cut off upon completion of a military commission proceeding or when an individual is no longer required to participate. Destroy 6 years after cutoff.

**AUTHORITY:** DAA-0330-2014-0005-0006



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**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-07

**FILE TITLE:** Victim Assistance Program Files

**FILE DESCRIPTION:** Records pertaining to the development and implementation of the victim family member assistance program within the military commission system. This includes outreach materials, policies, procedures, victim and family member information, logistical support coordination, and other related information necessary for successful outreach and support.

**DISPOSITION:** Temporary. Cut off upon completion of trial or withdrawal of family member from program. Destroy 6 years after cutoff.

**AUTHORITY:** DAA-0330-2014-0005-0007

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-08

**FILE TITLE:** Military Commission Records of Trial (Public Version)

**FILE DESCRIPTION:** Electronic public version of records of trial, provided to the public via the Office of the Military Commissions Website. This includes unclassified legal filings, transcripts, opinions/rulings, evidence, allied papers, and other legal filings appropriate to construct and publish the record of trial to the public, accused, trial and defense counsel, and other parties as required by the Military Commission Act of 2009 and published to the OMC website.

**DISPOSITION:** Permanent. Cut off when case closes. Transfer to NARA 15 years after cutoff.

**AUTHORITY:** DAA-0330-2014-0005-0008

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 407-09

**FILE TITLE:** OMC Office of the Prosecutor Victim's Database

**FILE DESCRIPTION:** System used to collect information from victims and/or family members who have suffered direct harm or loss as a result of an offense as defined in the Military Commissions Act of 2006 (MCA), for which an individual subject to trial by a military commission has been charged. Information in this database is used to allow victims and/or family members to view Closed Circuit Television of the trials, to facilitate the solicitation of victim impact information, and to assist those victims and/or family members who are interested in attending portions of the trials to travel to Guantanamo Bay, Cuba (GTMO) on military aircraft and access the installation to view the proceedings or other location within the United States designated by the President of the United States. Information collected includes:

- Full name, Social Security Number (SSN), mailing address, phone number(s) and email
- Requests to view closed circuit television broadcasts of hearings
- Travel-related information (passport information, blood type, emergency point of contact information, etc )
- Victim Impact questionnaires (name of the deceased or injured and other related information)

**DISPOSITION:** Temporary. Cut off annually. Destroy 10 years after cutoff.

**AUTHORITY:** N1-330-09-005, item 1

**PRIVACY ACT:** TBD



## OSD Records Disposition Schedules

**RECORDS CATEGORY:** 408

**CATEGORY TITLE:** Legal Advice and Opinion Records of the OSD Components, Defense Agencies, and Defense Field Activities

**CATEGORY DESCRIPTION:** This records category describes the records and information created, received and maintained by attorneys and General Counsels assigned to OSD Components, Defense Agencies or Field Activities that DO NOT fall organizationally under the direction or authority of the Office of the General Counsel of the Department of Defense.

**FILE NUMBER:** 408-01

**FILE TITLE:** Significant Legal Cases of OSD Components, Defense Agencies or Field Activities

**FILE DESCRIPTION:** Cases that interpret the basic statutes and regulations or reflect significant developments applicable to individual OSD Component, Defense Agency or Field Activity concerning legal advice, opinions, and reviews of legal terms. Subject areas include but are not limited to: Acquisition, civil government, contracts, fiscal matters and other records relating to the roles, responsibilities, operations, activities, and/or compliance with laws and regulations in diverse areas of fiscal law, procurement, standards of conduct, protection and dissemination of information, international law, civilian personnel, military justice, and investigations specific to each OSD Component, Defense Agency or Field Activity. Significant legal cases are defined as:

- Case file documenting the legal impact on statutes, rules or regulations or-law enforcement policies on the individual OSD Component, Defense Agency or Field Activity.
- An OSD Component, Defense Agency or Field Activity investigation or case files dealing with Natural Disasters, Man Made Events, Real or potential breakdowns of public order (civil disturbances).

**NOTE:** Does not include legal advice and opinions records generated in response to requests by the General Counsel, DoD (These records fall under File Number 408-02).

**NOTE:** FOIA B(5) applies.

**DISPOSITION:** Permanent. Cut off annually upon case conclusion. Transfer to NARA 25 years after cutoff.

**AUTHORITY:** DAA-0330-2022-0010-0002

**PRIVACY ACT:** Not Applicable

**FILE NUMBER:** 408-02

**FILE TITLE:** All Other Legal Advice and Opinions Records of OSD Components, Defense Agencies or Field Activities

**FILE DESCRIPTION:** Records created and received by attorneys and General Counsels assigned to directly support the OSD Components, Defense Agencies or Field Activities concerning legal advice, opinions, and reviews of legal terms, other than records supporting significant legal cases (as described in 408-01). Subject areas include but are not limited to acquisition, civil government, contracts, fiscal matters and other records relating to the roles, responsibilities, operations, activities, and/or compliance with laws and regulations in diverse areas of fiscal law, procurement, standards of conduct, protection and dissemination of information, international law, civilian personnel, military justice, and investigations specific to each OSD Component, Defense Agency, or Field Activity.

**NOTE:** FOIA B(5) applies.

**DISPOSITION:** Temporary. Cut off annually upon completion. Destroy 15 years after cutoff.

**AUTHORITY:** DAA-0330-2022-0010-0001

**PRIVACY ACT:** Not Applicable