

GENERAL RECORDS SCHEDULE 2.8: Employee Ethics Records

This schedule covers records documenting the activities of executive branch agency ethics program offices.

Records *not* covered by this schedule: Records pertaining to legislative branch and judicial branch ethics programs, the Hatch Act, the Whistleblower Protection Act, procurement integrity, and other areas often associated with, but not expressly under, the authority of executive branch ethics programs.

Lists *not* included in this schedule: Master Lists of financial disclosure report filers, individuals requesting outside employment and activities approval, and other types of ethics-related master lists. Ethics-related master lists that are used solely for the purpose of tracking and controlling ethics records should be disposed of in accordance with GRS 4.1, *Tracking and Control Records*. Master Lists that are used for purposes other than tracking and controlling ethics records should be disposed of in accordance with the disposition for the underlying records as listed in this schedule or as otherwise scheduled. For ethics training records, see GRS 2.6, *Employee Training Records*.

Item	Records Description	Disposition Instruction	Disposition Authority
010	<p>General ethics program records.</p> <p>Records created and maintained to coordinate and manage an agency’s ethics program. Records relate to the development, review, implementation, and interpretation of proposed or established executive branch standards of ethical conduct and other ethics regulations; conflict of interest and other ethics-related statutes and Executive Orders; and any agency supplemental standards of ethical conduct and other agency ethics-related regulations and directives. Includes:</p> <ul style="list-style-type: none"> • Records documenting the review of proposed or established ethics-related statutes and regulations by ethics program officials, including copies of proposed legislation, comments, and all related records. • Determinations, including advice and counseling to individual employees, and supporting records. • Records relating to requests under agency supplemental standards of ethical conduct for prior approval of outside employment and activities. 	<p>Temporary. Destroy 6 years following the conclusion of an ethics regulatory review, provision of advice to an employee, making a determination regarding outside employment or after such determination is no longer in effect or applicable, or when no longer needed for an active investigation; whichever is later, but longer retention is authorized if required for business use.</p>	DAA-GRS-2016-0006-0001
020	<p>Referrals and notifications of violations of criminal conflict of interest statutes and other potential violations files.</p> <p>Referrals to Inspectors General or the Department of Justice concerning ethics violations or suspected violations. This item also covers related background materials, including copies of disciplinary and corrective actions and disposition documents such as declinations of prosecution, and copies of OGE Form 202, <i>Notification of Conflict of Interest Referral</i>.</p>	<p>Temporary. Destroy 6 years after final disposition of the referral to either the IG or DOJ, but longer retention is authorized if required for business use.</p>	DAA-GRS-2014-0005-0002

Item	Records Description		Disposition Instruction	Disposition Authority
030	Reports of payments accepted from non-Federal sources.	Agency reports. Reports, including the "Semiannual Report of Payments Accepted from a Non-Federal Source," submitted by agencies to the Office of Government Ethics and reported on the OGE Form 1353 (SF 326). Reports summarize payments made to the agency from non-Federal sources for travel, subsistence, and related expenses of an employee who attends a meeting or similar function relating to official duties.	Temporary. Destroy 3 years following submission of the report to OGE, but longer retention is authorized if required for business use.	DAA-GRS-2014-0005-0003
031		Supporting documentation. Documentation, such as statements and forms, used to complete the submitted reports.	Temporary. Destroy 1 year following submission of the report to OGE, but longer retention is authorized if required for business use.	DAA-GRS-2014-0005-0004
040	Office of Government Ethics program questionnaire records. Questionnaires completed by ethics officials, such as the "Annual Agency Ethics Program Questionnaire," the "Annual Agency Ethics Officer (DAEO) Survey," and other questionnaires and surveys, including records created or collected to prepare responses to ethics program questionnaires and surveys.		Temporary. Destroy 3 years after submission, but longer retention is authorized if required for business use.	DAA-GRS-2014-0005-0005
050	Ethics program review records. Records relating to OGE reviews of agency compliance with executive branch ethics laws and regulations in such areas as financial disclosure, education and training, and advice and counseling. This includes OGE program review reports, notes and background materials produced during OGE program reviews, agency 60-day response letters, and other follow-up records sent to OGE on the resolution of program deficiencies.		Temporary. Destroy 6 years after all outstanding ethics program review deficiencies have been resolved or when the documentation for the next program review is on file, whichever is later. Longer retention is authorized if needed for business use.	DAA-GRS-2014-0005-0006

Item	Records Description		Disposition Instruction	Disposition Authority
060	<p>Public financial disclosure reports. Executive Branch Personnel Public Financial Disclosure Reports (OGE Form 278) (formerly SF 278), OGE Form 278e, and related records.</p>	<p>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 Act of 2012 (STOCK Act) (Pub. L. 112-105), and not subsequently confirmed by the U.S. Senate.</p> <p>Legal Citation: 5 U.S.C. app. section 105, 5 CFR 2634.603</p>	<p>Temporary. 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.</p>	DAA-GRS-2014-0005-0007
061		<p>All other reports.</p> <p>Legal Citation: 5 U.S.C. app. section 105, 5 CFR part 2634.603</p>	<p>Temporary. Destroy 6 years after receipt of the OGE Form 278 or 278e by the agency or when no longer needed for active investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.</p>	DAA-GRS-2014-0005-0008
062		<p>Periodic transaction reports. OGE 278-T forms filed by reporting individuals in accordance with the STOCK Act of 2012, and related records.</p> <p>Legal Citation: STOCK Act, Pub. L. 112-105</p>	<p>Temporary. Destroy 7 years after receipt by the agency or when the related subsequent OGE Form 278 (SF 278) is ready for destruction 6 years later. The reports may be retained longer if needed for active investigation. This disposition instruction is mandatory; deviations are not allowed.</p>	DAA-GRS-2014-0005-0009

Item	Records Description		Disposition Instruction	Disposition Authority
063	<p>Requests to inspect or receive copies of executive branch personnel public financial disclosure reports or other covered records (OGE Form 201 or agency equivalent form).</p> <p>Legal Citation: 5 U.S.C. app. section 105(b)(2)</p>		<p>Temporary. Destroy when the requested report is destroyed. This disposition instruction is mandatory; deviations are not allowed.</p>	<p>DAA-GRS-2014-0005-0010</p>
070	<p>Confidential financial disclosure reports. Executive Branch Confidential Financial Disclosure Reports (OGE Form 450) and Confidential Certificates of No New Interests (OGE Optional Form 450-A) and related records.</p>	<p>Reports for individuals not subsequently confirmed by the U.S. Senate.</p> <p>Legal Citation: 5 CFR 2634.604</p>	<p>Temporary. 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.</p>	<p>DAA-GRS-2014-0005-0011</p>
071		<p>All other reports.</p> <p>Legal Citation: 5 CFR 2634.604</p>	<p>Temporary. 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 Form 450-As 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.</p>	<p>DAA-GRS-2014-0005-0012</p>

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072	<p>OGE Optional Form 450-A reports.</p> <p>Legal Citation: 5 CFR 2634.604, 5 CFR 2634.905</p> <p>Note: The OGE Form 450-A, filed for up to 3 consecutive years following the filing of an OGE Form 450, is an alternative disclosure report to the OGE Form 450 when there are no new interests to be reported by the filer. The “supporting OGE Form 450” cannot be destroyed until the last OGE Form 450-A report is ready for destruction.</p>		<p>Temporary. Destroy 6 years after receipt of the OGE Form 450-A report by the agency, along with the associated OGE Form 450, or when no longer needed for active investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.</p>	DAA-GRS-2014-0005-0013
080	<p>Alternative or additional financial disclosure reports and related records.</p>	<p>Reports for individuals not subsequently confirmed by the U.S. Senate.</p> <p>Legal Citation: 5 U.S.C. app. section 105</p>	<p>Temporary. 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.</p>	DAA-GRS-2014-0005-0014
081		<p>All other reports.</p> <p>Legal Citation: 5 U.S.C. app. section 105</p>	<p>Temporary. 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.</p>	DAA-GRS-2014-0005-0015
090	<p>Financial disclosure supporting documentation. Supporting documentation used to review and verify the filer’s report submission. Includes records such as:</p>		<p>Temporary. Destroy at the same time an individual’s related financial disclosure</p>	DAA-GRS-2014-0005-0016

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	<ul style="list-style-type: none"> • reviewer's notes • background research reports • memorialized verbal comments of filer in response to reviewer questions 	report is destroyed or 6 years after the individual has submitted their last financial disclosure report; or when no longer needed for active investigation, whichever is later.		
100	<p>Ethics agreements records. Records documenting the review and issue of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest. Includes:</p> <ul style="list-style-type: none"> • review of recusals, resignations, reassignments, and divestitures • determinations • authorizations • waivers • waivers of disqualifications <p>Note: Ethics Pledges and associated waiver certifications are filed in the political appointee's Official Personnel Folder or equivalent folder under the authority of Executive Order 13490 (Jan. 21, 2009): <i>Prescribing Standards of Ethical Conduct for Government Officers and Employees.</i></p>	Agreements for employees who do not file financial disclosure reports.	Temporary. 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. Longer retention is authorized if needed for business use.	DAA-GRS-2014-0005-0017
101		Agreements for employees who file financial disclosure reports.	Temporary. 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. Longer retention is authorized if needed for business use.	DAA-GRS-2014-0005-0018