Guidance on Recordkeeping in the Automated Commercial Environment (ACE)

January 28, 2016

U.S. Customs and Border Protection

RECORDKEEPING IN ACE

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Summary: As a matter of policy, CBP will not request an entry filer to produce the data (formerly contained in CBP Forms 7501, 3461, 214 or 7512) that the filer previously transmitted to and was retained by CBP unless CBP has a need for such records. If CBP needs such records, the filer may re-transmit or otherwise provide the data electronically or reproduce the entry/entry summary data using an ACE report.

Limitations: The following CBP recordkeeping guidance is for entries/entry summaries and FTZ admissions filed in ACE. Note that supporting documentation that was used to create the data transmitted to CBP must be maintained by the filer and is not covered by this recordkeeping guidance regardless of whether the entry or FTZ admission was filed in ACE or ACS. Moreover, original documents must be retained by the entry filer and produced to CBP upon demand even if a digital copy of the original document was previously transmitted electronically to CBP. This guidance does not apply to or impact in any way the recordkeeping requirements or entry/entry summary production requirements of the United States Court of International Trade.

Background: In the ACE environment, the data required for CBP Form 7501, CBP Form 3461 in the Simplified Entry (Cargo Release) process, CBP Form 214 in the FTZ admission process, and CBP Form 7512 for Transportation Entries is transmitted electronically in discrete data sets, not in paper form, i.e., the data previously contained in these forms is now transmitted to CBP via ABI. Once transmitted and accepted by CBP, that data is stored by CBP. The filer's electronic transmission of that data through ABI fulfills the filer's entry and FTZ admissions obligation for these particular data sets.   However, the filer must maintain, as is currently required, the underlying backup or supporting information from which the submitted information is derived.

Requests for Data: As a matter of policy, CBP will not request entry and FTZ data previously transmitted to and retained by CBP, unless CBP has a need for such records.   If CBP needs such records, the filer may re-transmit or otherwise provide the data electronically or reproduce the entry/entry summary data using an ACE report. Note that entry data and information previously presented to and retained by CBP is not subject to a recordkeeping penalty for non-production if such data or information is subsequently requested.

Versions: Filers must retain all versions of entries, entry summaries and FTZ admissions submitted to CBP in order to comply with their recordkeeping requirements. All versions are received and processed by CBP, regardless of status. Consequently, all versions submitted to CBP must be retained by the filer. As a policy matter, CBP will not require the production of the non-final version of a data submission unless it is necessary for analytical, statistical, investigative or other purposes.

Accessibility: How a broker/filer provides copies of the transmissions to the importer of record is a business decision between the importer and the broker/filer. However, as entry summary information is accessible via the ACE Portal, an ACE Portal report, as for example, ESM-7008, would be an acceptable format for that purpose. CBP plans on continuously expanding and improving ACE reports functionality that will assist a filer in responding to a request for records.