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# PENDING - NOT APPROVED FOR USE

## Request for Records Disposition Authority

Records Schedule Number           DAA-0457-2017-0005  
Schedule Status                    Appraiser Working Version

Agency or Establishment           National Security Agency/Central Security Service  
Record Group / Scheduling Group   Records of the National Security Agency/Central Security Service  
Records Schedule applies to       Major Subdivision  
Major Subdivision                  Civil Liberties, Privacy and Transparency (CLPT) Office  
Schedule Subject                   Civil Liberties, Privacy and Transparency Office Correspondence and  
  Complaints Files

Internal agency concurrences will  
be provided                         No

Background Information            In accordance with the Privacy Act of 1974, the National Security Agency/Central Security Service (NSA/CSS) is proposing to establish this new system of records that will be used to manage the receiving and addressing of individuals' inquiries, complaints, comments or other correspondence sent to the NSA/CSS Civil Liberties, Privacy and Transparency Office (CLPT).

The system will contain information from the receipt and processing of unsolicited inquiries, complaints, comments or other correspondence sent to the NSA/CSS CLPT. The records under this new system of records are not already maintained under records disposition schedule items elsewhere.

### Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
3	0	3	0

### GAO Approval

0001, 0002, 0003

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## Outline of Records Schedule Items for DAA-0457-2017-0005

Sequence Number	
1	Actionable Complaints Disposition Authority Number: DAA-0457-2017-0005-0001
2	Actionable Inquiries, Comments or other Correspondence Disposition Authority Number: DAA-0457-2017-0005-0002
3	Non-Actionable Correspondence Disposition Authority Number: DAA-0457-2017-0005-0003

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## Records Schedule Items

Sequence Number	
1	<p><b>Actionable Complaints</b></p> <p>Disposition Authority Number      DAA-0457-2017-0005-0001</p> <p>Records related to complaints and allegations of abuses of civil liberties and privacy by NSA/CSS. These complaints are submitted by employees and/or members of the general public, and includes those complaints that warrant addition action, generally in the form of referral to other offices within NSA/CSS. Records include the complaint as well as related correspondence and documentation, such as the formal referral to other NSA/CSS offices for action.</p> <p>Final Disposition                      Temporary</p> <p>Item Status                              Pending</p> <p>Is this item media neutral?          Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      No</p> <p><b>Disposition Instruction</b></p> <p>Cutoff Instruction                      Cutoff at the resolution of action.</p> <p>Retention Period                        Destroy 1 year(s) after cut off</p> <p><b>Additional Information</b></p> <p>GAO Approval                            Required and Received</p>
2	<p><b>Actionable Inquiries, Comments or other Correspondence</b></p> <p>Disposition Authority Number      DAA-0457-2017-0005-0002</p> <p>Records of inquiries, comments, or other non-complaint correspondence that are actionable by CLPT.</p> <p>Final Disposition                      Temporary</p> <p>Item Status                              Pending</p> <p>Is this item media neutral?          Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      No</p> <p><b>Disposition Instruction</b></p>

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3

Cutoff Instruction Cutoff at the resolution of action.

Retention Period Destroy 1 year(s) after cut off

## Additional Information

GAO Approval Required and Received

## Non-Actionable Correspondence

Disposition Authority Number DAA-0457-2017-0005-0003

Records of communications that do not develop into actionable complaints, inquiries, comments or other correspondence sent to the NSA/CSS CLPO. NOTE: These records are separate from Privacy Act and FOIA process-related records.

Final Disposition Temporary

Item Status Pending

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

## Disposition Instruction

Retention Period Destroy after 90 days, or when no longer needed for agency business, whichever is later.

## Additional Information

GAO Approval Required and Received

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## Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

Date	Action	By	Title	Organization
10/25/2017	Certify	NSA One	NSA User	NSA - NSA

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## Executive Summary

Summary

Permanent Item Numbers

Federal Register Notice

Publication Date

Copies Requested 0

Comments Received 0



*LAC* 7/16/2018

**Date:** 16 July 2018  
**Appraiser:** Sean A. Curry, ACR2  
**Agency:** National Security Agency / Central Security Service (NSA/CSS)  
**Subject:** DAA-0457-2017-0005

## **INTRODUCTION**

### **Schedule Overview**

Civil Liberties and Privacy Office, Correspondence and Complaint Files

### **Background**

The NSA/CSS Civil Liberties, Privacy and Transparency (CLPT) Office was created to help the Agency advance national security while protecting the freedoms, civil liberties, and privacy rights guaranteed by the Constitution and federal law. Its creation was in response to the 2013 statement from President Obama on initiatives to give the public greater confidence in the oversight of intelligence programs.

Several of the functions performed by this office already existed within NSA. The establishment of this office brought various responsibilities together under a single office to ensure that privacy and civil liberties considerations remain a vital driver for NSA strategic decisions.

As such, the office operates mechanisms that allow both NSA/CSS employees and members of the public to submit comments, questions, and/or complaints related to NSA/CSS programs, specific to privacy and civil liberties, for review and possible action. This may be done anonymously with the majority of submissions coming from the public using the NSA/CSS website's online comment portal.

### **Additional Background Information**

This schedule focuses on the records created from the submission process noted above and is broken down into items that require CLPT (or other NSA office) action, and those that do not.

NATIONAL ARCHIVES *and*  
RECORDS ADMINISTRATION

8601 ADELPHI ROAD  
COLLEGE PARK, MD 20740-6001

*www.archives.gov*

Records of CLPT leadership are covered under other existing NSA/CSS disposition authorities, including policy records (N1-457-07-01, item 301-12, Organization Mission Files; and N1-457-07-01, item 306-01, Policy Files), standard operating procedures (N1-457-07-01, item 301-07, Standard Operating Procedures), and records sent to the Director under the CLPT office's role as an advisor on privacy issues (N1-457-07-01, item 300, Executive Files).

The workflow of submissions is as follows:

1. Submission is received by CLPT and reviewed.
2. If the submission is not relevant to CLPT, or no action is possible or warranted, it is considered unactionable and closed. See item 0003.
3. If the submission meets the office's definition of a complaint, it is processed and referred to another office for action. See item 0001.
4. If the submission meets the office's definition of a comment or inquiry, but is not a complaint, it is handled internally or referred to an appropriate office. See item 0002.

### **Overall Recommendation**

I recommend approval of the attached schedule, with one or more changes as provided below.

### **APPRAISAL**

NSA will be required to change the name of the "Major Subdivision" to "Civil Liberties, Privacy and Transparency (CLPT) Office" to reflect a change that occurred in office title since the schedule was initially submitted.

For the "Background Information" field, NSA will be required to remove the last portion of the second paragraph, beginning with "Further, these records are unlike those under General Records Schedule 4.2 ... "as this information is not relevant to the records, and is more appropriate for the appraisal justification.

### **Item 0001: Actionable Complaints Sent to NSA/CSS Civil Liberties and Privacy Office**

NSA will be required to change the item title to "Actionable Complaints," as the use of the office name within the title is repetitive.

NSA will be required to change the series description to read, "Records related to complaints and allegations of abuses of civil liberties and privacy by NSA/CSS. These complaints are submitted by employees and/or members of the general public, and includes those complaints that warrant additional action, generally in the form of referral to other offices within NSA/CSS. Records include the complaint as well as related correspondence and documentation, such as the formal referral to other NSA/CSS offices for action."

This item includes complaints that are determined to have validity, and thus warrant further action. This may include accusations of wrongdoing, significant public comments related to policy-decisions, or other complaints related to privacy and civil liberties. In all cases, CLPT is a conduit – per established business process the complaint is sent to another NSA/CSS office for further action. CLPT does not undertake any investigative work, and is limited to making the decision on whether additional action (and referral) is warranted. These records document the initial submission, and what action was taken by CLPT, usually as a formal referral. Actionable complaints are forwarded to: 1) The Office of the Inspector General (for example, a serious complaint of employee or program wrongdoing or civil liberties violation); 2) The Freedom of Information Office (for example, a complaint or request related to Federal records); 3) The Privacy Act Officer (for example, a complaint that the Privacy Act was violated); 4) or the Security Office (for example, direct threats received by CLPT, or complaints related to threats).

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

- \* Captured elsewhere in permanent records. Complaints that warrant further review or investigation are referred to other offices within NSA/CSS, and significant ones are captured as permanent. For example, N1-457-07-01, item 302-01, Inspector General Inspections and Investigations.
- \* Does not document significant actions of Federal officials. CLPT is a conduit for submission, and is not the office responsible for additional review and/or investigation of the complaint.
- \* Similar records have been approved as temporary; Office of the Director of National Intelligence, job number N1-576-11-07, item CLPO-3, Complaint Records.

**Adequacy of Proposed Retention Period:** Inadequate. NSA will be required to revise the “Cutoff Instruction” to read “Cutoff at the resolution of action.” NSA will be required to remove the note under “Transfer to Inactive Storage.” NSA will also be required to revise the “Retention Period” to read, “Destroy one year after cut off.” The agency has since received GAO concurrence on the retention for these records, as required by 36 CFR. NSA will be required to revise the “GAO Approval” field to read, “Required and Received.” GAO approval will be attached to the final schedule.

**Media Neutrality:** Approved.

**Item 0002: Actionable Inquiries, Comments or other Correspondence sent to the NSA/CSS Civil Liberties and Privacy Office**

NSA will be required to change the item title to “Actionable Inquiries, Comments or other Correspondence,” as the use of the office name within the title is repetitive.

NSA will be required to revise the series description to read “Records of inquiries, comments, or other non-complaint correspondence that are actionable by CLPT.”

This item includes comments and inquiries that require further action, but are not at the same level as a complaint. This may include a general request for information, or other comments that can be answered without additional investigation or interaction by other NSA/CSS offices.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

- \* Captured elsewhere in permanent records. Complaints that warrant further review or investigation are referred to other offices within NSA/CSS, and significant ones are captured as permanent. For example, N1-457-07-01, item 302-01, Inspector General Inspections and Investigations.
- \* Does not document significant actions of Federal officials. CLPT is a conduit for submission, and is not the office responsible for additional review and/or investigation of the complaint.
- \* Similar records have been approved as temporary; Office of the Director of National Intelligence, job number N1-576-11-07, item CLPO-3, Complaint Records.

**Adequacy of Proposed Retention Period:** Inadequate. NSA will be required to revise the “Cutoff Instruction” to read “Cutoff at the resolution of action.” NSA will be required to remove the note under “Transfer to Inactive Storage.” NSA will also be required to revise the “Retention Period” to read, “Destroy one year after cut off.” Since submission of the schedule the agency has requested and received GAO concurrence on the proposed retention for these records, as required by 36 CFR. NSA will be required to revise the “GAO Approval” field to read, “Required and Received.” GAO approval will be attached to the final schedule.

**Media Neutrality:** Approved.

### **Item 0003: Non-Actionable Correspondence sent to the NSA/CSS Civil Liberties and Privacy Office**

NSA will be required to change the item title to “Non-Actionable Correspondence,” as the use of the office name within the title is repetitive.

These files include submissions that are non-actionable, including unspecific comments, hate-speech directed at NSA/CSS without any complaint context, and other communications that are either inappropriate for further action, or impossible to take action on due to vagueness or anonymity. For example, this may include general anti-NSA statements that are submitted via the online portal, which have no specific complaint attached for action.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

- \* Does not document significant actions of Federal officials.
- \* Has little or no research value.

**Adequacy of Proposed Retention Period:** Inadequate. NSA will be required to revise the “Retention Period” to read, “Destroy after 90 days, or when no longer needed for agency business, whichever is later.” Since submission of the schedule the agency has requested and received GAO concurrence on the proposed retention for these records, as required by 36 CFR. NSA will be required to revise the “GAO Approval” field to read, “Required and Received.” GAO approval will be attached to the final schedule.

**Media Neutrality:** Approved.

*Sean A. Curry*

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