

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice AS-2293

For: FSA Employees and Contractors

Lifting the General Records Freeze and Disposal of Farm Service Agency (FSA) Records

Approved by: Deputy Administrator for Management



1 Overview

A Background

In December 1999, FSA was informed that all FSA program and administrative official record and non-record documentary material (referred to collectively as “records”) was subject to a general records freeze and regardless of whether or not the records were beyond their normal retention period, FSA was prohibited from destroying any records.

B Purpose

This notice informs employees that effective immediately:

- the general records freeze pertaining to FSA held electronic and/or paper records has been lifted (rescinded), and
- FSA will return to recordkeeping practices for retention and disposal of records in accordance with established records disposition schedules and active litigation holds.

C Contact

If there are questions regarding the FSA Records Management program, contact Keith Holden, FSA/FAS Records Officer by:

- e-mail to keith.holden@wdc.usda.gov, or
- telephone at 202-772-9137.

Disposal Date	Distribution
February 1, 2017	FSA employees and contractors; State Offices relay to County Offices

2 Litigation Holds

A Issuing Litigation Holds

A litigation hold is issued when there is a need for FSA to identify, locate, and ensure the preservation of official record and non-record documentary material that might be, or might become, relevant to current, pending, or reasonably foreseeable litigation.

B Active Litigation Holds Will Remain In Effect

After the general records freeze has been lifted, a number of litigation holds (including those litigation holds pertaining to major civil rights cases) will remain in effect.

3 Guidance for Disposal of Official Records

A Reactivation of the Records Disposal Program

Since FSA has not destroyed any records since December 1999, it is critically important now that the general records freeze has been lifted that FSA proceed with destruction of records in a controlled/organized manner.

Management Services Division (MSD) records management personnel shall be responsible for performing the coordination needed and providing the guidance required for reactivation of the FSA records disposal program.

B Determining the Status of FSA Official Records

Before taking action to dispose of (destroy) FSA records, FSA must determine the status of those records. FSA must confirm that the records are:

- in their entirety eligible for destruction (that is, beyond the established retention date),
- not subject to an active litigation hold, and
- not subject to continued retention due to the Pigford, Keepseagle, Love, and/or Garcia litigation actions.

C Records Disposal Must Be Coordinated With MSD Records Management Personnel

To ensure compliance with FSA file maintenance and disposition requirements and all current and future litigation holds, FSA Offices shall not destroy any records (includes official record and non-record documentary material) until the disposal activity has been coordinated with MSD records management personnel.

FSA Offices may proceed with the destruction of records only after receiving written confirmation to proceed (e.g. e-mail response) from MSD records management personnel.

3 Guidance for Disposal of Official Records (Continued)

D Assistance

Working through the FSA program office records custodian (RC) or FSA state records liaison (SRL), MSD records management personnel will provide assistance in determining the status of FSA records. If the records are eligible for destruction, MSD records management personnel shall guide the RC and/or SRL through the process required to properly destroy the records.

When considering destroying records, RC's and/or SRL's shall contact one of the following MSD records management personnel by e-mail:

- Keith Holden according to subparagraph 1 C,
- Sue Brazeal (records analyst) at **Sue.Brazeal@kcc.usda.gov**,
- Debra Lackey (records analyst) at **Debra.Lackey@kcc.usda.gov**, or
- Liz Ashton (records analyst) at **Liz.Ashton@wdc.usda.gov**.

4 Additional Information

A FSA Records Retained in a Federal Records Center (FRC)

MSD is working with the National Archives and Records Administration (NARA) to develop a plan for NARA to dispose of FSA records currently being stored in the FRC's that are:

- beyond the established retention date, and
- not subject to an active litigation hold.

Unless notified otherwise, FSA offices shall not recall records currently being stored in an FRC solely for the purpose of disposing of (destroying) the records.

B Shredding Guidance

For guidance concerning the shredding of record material, RC's and/or SRL's shall contact John W. Underwood, FSA Privacy Officer, by either of the following:

- e-mail to **John.Underwood@kcc.usda.gov**, or
- telephone at 816-926-6992.