

For: FSA Employees

FFAS Records Officer is Litigation Hold Facilitator

Approved by: Deputy Administrator, Management



1 Overview

A Background

A litigation hold is the procedure an Agency uses to temporarily suspend normal records disposition actions and ensure the preservation of all documentary materials because of legal, audit, or investigative needs. Noncompliance with a litigation hold could result in penalties on individual staff or on FFAS as an Agency. Subsequent to the issuance of a hold, FFAS may be requested to “search” the held material for specific, relevant documentary material, and to segregate it for safekeeping. The USDA litigation hold policy can be found in DR 3090-001.

The office of primary responsibility for facilitating all litigation hold requests for FFAS is MSD, Information Management Branch (IMB), Records Section (RS), through the FFAS records officer.

B Purpose

This notice:

- notifies all FFAS employees of the FFAS records officer’s role as the facilitator of litigation hold requests
- informs each FFAS office to contact the FFAS records officer on all matters about litigation hold requests.

Disposal Date	Distribution
November 1, 2012	All FSA employees; State Offices relay to County Offices

Notice AS-2229

1 Overview (Continued)

C Contacts

If there are questions about this notice, contact either of the following individuals:

- Keith Holden, FFAS Records Officer, by either of the following:
 - e-mail to **keith.holden@wdc.usda.gov**
 - telephone at 202-690-1560
- Angela Payton, Records Analyst, by either of the following:
 - e-mail to **angela.payton@wdc.usda.gov**
 - telephone at 202-720-0482.

2 Action

A Facilitator for Litigation Hold Requests

The FFAS records officer shall serve as the facilitator for all litigation hold notices received from an OGC staff attorney, OIG, the Administrator, HRD, OCR investigator, or any other entity. The FFAS records officer will ensure that compliance with DR-3090-001 is adhered to and will be the focal point for guidance and information about any litigation hold actions.

Note: Contact FFAS ALS at 202-690-3297, if you have questions about an FFAS program case in litigation, or FOIA Privacy Act litigation.

B Role and Responsibilities for FFAS Offices

Additional guidance outlining the roles of all FFAS offices will be forthcoming. In the interim, contact the FFAS records officer for guidance according to subparagraph 1 C.