

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.702

National Policy

Effective Date:
5/31/24

Cancellation Date:
5/31/25

SUBJ: Compliance Action Record Retention and Disposition

- 1. Purpose of This Notice.** This notice announces clarification to guidance in Federal Aviation Administration (FAA) Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, and the implementation process for the schedules defined by the National Archives and Records Administration (NARA) for retention and disposition of records specific to Compliance Actions (CA). This notice contains guidance that is pertinent to Title 44 of the United States Code (44 U.S.C.) Chapter 31.
- 2. Audience.** The primary audience for this notice is the Flight Standards Safety Assurance offices responsible for conducting CAs and managing records in accordance with NARA regulations, U.S. Department of Transportation (DOT) policies and guidance, and best practices adopted by the FAA. The secondary audience includes the Office of Safety Standards (OSS).
- 3. Where You Can Find This Notice.** You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.
- 4. Background.** Records related to CAs are to be maintained and disposed of in accordance with the applicable NARA-approved record retention schedule. To support awareness and consistent application of the approved schedule for CA records, a "Compliance Action Record Retention, Destruction, and Expunction Table" has been created that consolidates this information into one easily searchable place. This notice highlights the availability of this table and outlines the process in place to support compliance with the prescribed retention timeframe. A one-time bulk expunction of identifying information in the applicable records is being conducted to support Safety Assurance offices with their historical record retention and disposal. Under the Federal Records Act (44 U.S.C. Chapter 31), corresponding NARA regulations, and FAA Order 1350.14, Records Management, the FAA may dispose of records only in accordance with a record schedule approved by NARA. The FAA's NARA-approved record schedules are located at <https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-transportation/rg-0237>. The DAA-0237-2021-0010 schedule contains the retention information for Compliance Actions Against Individuals and Entities.

Note: The Compliance Action Record Retention, Destruction, and Expunction Table can be found at <https://drs.faa.gov/browse/excelExternalWindow/DRSDOCID194668886520231114173941.0001>.

5. Implementation of Record Expunction and Destruction.

a. Historical Records. Records specific to CAs that exceed the NARA schedule for retention must be destroyed unless longer retention is needed for business purposes.¹

(1) To support efficient and consistent application of the record schedule, the Automation Systems Management Branch (AFS-950) will execute a one-time bulk expunction of those records found in electronic oversight tools, including the Safety Assurance System (SAS) and National Program Tracking and Reporting Subsystem (NPTRS), in accordance with the schedules found in the Compliance Action Record Retention, Destruction, and Expunction Table. This action will take place 120 days after publication of this notice.

(2) Those affected records will be identified in advance to the applicable office records coordinators and/or file custodians. The office records coordinator or file custodian must respond, via email to 9-AVS-AFS-CAExpunction@faa.gov, within 120 days to concur with the identified list of records for expunction and/or to request an exception to expunction for a specific record. An exception would be necessary if the record is being used to support current business, such as an ongoing enforcement action (e.g., evidence of violation history), or is subject to a legal hold (e.g., ongoing litigation).²

(3) It is the responsibility of the office maintaining the records to destroy and document all physical records associated with those records, including any records held in the reporting inspector's files, in accordance with Order 1350.14.

b. Active Records. As records reach the retention cutoff and are required to be destroyed, it is the office's responsibility to ensure that the destruction is documented using the current destruction form in accordance with Order 1350.14. Excepted from destruction are records supporting current business or that are subject to a legal hold.

(1) The Compliance Action Record Retention, Destruction, and Expunction Table provides a consolidated list of applicable schedules to support compliance with record retention requirements and the approved record retention schedule. All physical records associated with those records, including any records or copies held in the reporting inspector's files or by the office, shall also be destroyed.

¹ In accordance with FAA Order 2150.3, FAA Compliance and Enforcement Program, the time period for retention of records for individuals may be extended to support the selection of a type of action or sanction amount (e.g., when repeated violations supporting a legal enforcement action or an increased sanction amount span across this period). An extension to the timespan for record retention is to be applied in limited instances.

² Per Order 1350.14, the Office of the Chief Counsel (AGC) is responsible for advising appropriate FAA management officials, the FAA Records Manager, and directly affected employees of the impact of litigation holds (also known as legal hold) on their record management responsibilities.

(2) Office File Plans will be updated to ensure consistent schedules for retention with NARA requirements.

c. Future Records. As part of SAS Phase 4, enhancements to document storage attributes are being considered that will allow for automation-enhanced identification of those records reaching the end of their retention schedule that are candidates for expunction. That functionality is scheduled for future deployment.

6. Disposition. We will incorporate the information in this notice and in FAA documents referenced in this notice into Order 8900.1 or other appropriate guidance before this notice expires. Direct questions or comments concerning the information in this notice to the Safety Analysis and Promotion Division (AFS-900), System Approach for Safety Oversight (SASO) Program Office (AFS-910) at 9-AVS-AFS-CAExpunction@faa.gov.



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