

SECRET

28 December 1978

OGC Has Reviewed

MEMORANDUM FOR : Chief, Information Management Staff/DDO

25X1A FROM : [redacted] Assistant General Counsel

SUBJECT : Disposition of Records of the Directorate of Operations Designated for Destruction Upon Expiration of the Congressional Moratorium

REFERENCE : DO/IMS 78-695, 13 December 1978

1. The referenced memorandum proposes that the Deputy Director for Operations approve a policy of isolating and not searching DO records identified for destruction, including "the MHCHAOS collection, previously identified personality files on American citizens, and records located at the [redacted] with destruction dates prior to 1 January 1979." While there are several problems with this policy as stated, the adoption of such a policy may be permissible so long as the conditions stated in paragraph 4 of this memorandum are met.

2. The MHCHAOS collection can be neither isolated nor destroyed at this time. As required by [redacted] (12 March 1978), paragraph 2c, this Office has promulgated and made available to all Agency Records Management Officers, through the Records Administration Branch/ISAS/DDA, a list of matters known to this Office to be currently the subject of litigation, inquiry, or investigation and which require extended retention of relevant records. A copy of the most recent version of that list is appended for your reference. You will note (page 9) that CHAOS records are required in connection with two on-going law suits - Halkin v. Helms and Grove Press v. CIA. We are working with the Justice Department to determine whether there are portions of the CHAOS materials (i.e., personality files relating to nonplaintiffs) which may be destroyed. However, the presence of the CHAOS entry on the OGC list requires that all relevant materials be retained unless other treatment is specifically approved by this Office. This policy also applies, of course, to all the other categories of DO records proposed for destruction. If they are relevant to any matter on the OGC list they must be retained unless and until OGC concurs in their disposition. The Form 141c procedure described in [redacted] is the proper method of requesting OGC guidance concerning records, whether or not on the OGC list, as to which there is a question of appropriate disposition.

UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENT.

SECRET

SECRET

Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010011-1

3. In addition, it should be understood that the OGC retention list only represents a periodically updated final "safety mechanism" and is not intended to be an initial notification to Agency components of claims, inquiries, investigations and litigation. This is accomplished by individual contacts, written or otherwise, between the OGC officers who have been charged with responsibility for the matters in question and the component officers who have been designated as responsible for the receipt and processing of requests from OGC that records be searched or retained for a variety of purposes. It is on the basis of these contacts that DO and other Agency records are initially identified as relevant and subject to retention. For example, although the mail intercept materials of individual claimants are included on the OGC list, there is no separate entry for the entire HTLINGUAL file and yet there is a standing instruction from OGC that this entire collection must be retained until further notice. The OGC list is designed and intended to serve only as a final screening device for records at the end of their retention periods to help ensure that relevant records are not overlooked or destroyed inadvertently. FOIA and Privacy Act requests and retention requirements prior to becoming involved in litigation, are handled by an entirely separate mechanism established and maintained by the Information and Privacy Staff. Again, if there is any doubt whether any records may be disposed of or whether an entry on the OGC list is a continuing retention requirement, a Form 141c should be completed and forwarded in accordance with HN

25X1A

4. As to the proposed DO policy which would not allow searches for any purpose of DO records which have been designated for and are in process of destruction, such a policy may be adopted subject to the following conditions:

a. All indices, index entries, shelf lists, data bases, or other means of retrieving the information in these records by subject matter, job number, or any other means, shall be destroyed as soon as possible and beginning immediately.

b. All such records shall be impounded in the "destruction holding area" at the Agency Archives and Records Center, no such records or summaries of any kind relating to them shall be maintained at Headquarters or elsewhere outside the Center, and records management personnel at the Center will be instructed to refuse all requests for access to any such records for any purpose.

SECRET

Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010011-1

SECRET

Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010011-1

c. Although completed Forms 141b will have to remain with these records until they are destroyed and will be retained permanently thereafter, all suspense or other copies of these Forms 141b held by the DO and relating to such records shall be transferred to RAB/ISAS/DDA and shall be returned to the DO only as the records described on each form are destroyed.

d. All such records pertaining to individuals must be designated for destruction before records pertaining to administrative matters, etc., and shall be destroyed as soon as possible.

e. At such time as records which have been identified as improper but which have been retained for purposes of litigation, etc., are determined to no longer be required for those purposes, they shall be given priority treatment for destruction.

The intended cumulative effect of these actions is to render these records "destroyed" for all intents and purposes except for the mechanics of actual destruction, and to expedite the destruction of files which are most sensitive and could most easily be mishandled.

25X1A

5. Your office should coordinate very closely with the Records Administration Branch to ensure the proper implementation of this policy.

Att

cc: C/RAB/DDA
AI/DDA
C/PCS/PGL/
IMS/ []/DI

25X1A

25X1A

SECRET

Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010011-1

Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010011-1

STATINTL

Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010011-1