

# **National Archives and Records Administration Federal Records Centers Program Freeze Process Overview / FAQ**

## **1. Overview**

Per 36 CFR (Subchapter B, Part 1228), agencies must request an extension/freeze of the retention period for records stored in Federal Records Centers (FRCs). This document describes the process utilized by NARA to freeze the dispositions of the records/record groups cited in the freeze request. Once a freeze has been applied, it is incumbent upon the agency to notify NARA in writing requesting that the freeze, or a portion thereof, be lifted.

## **2. Definitions**

***Frozen records*** – records whose scheduled disposition has been temporarily suspended because of special circumstances that alter the administrative, legal, or fiscal value of the records.

## **3. Applicable Regulations**

- 36 CFR, Subchapter B – Records Management, Part 1228 – Disposition of Federal Records
- 44 U.S.C. 2909 – Retention of Records

## **4. FAQs**

### ***How are records frozen?***

Records may be “frozen” and, therefore, not eligible for destruction, in the following circumstances:

- (1) The agency has requested a change in the retention period for the records in accordance with 36 CFR 1228.5
- (2) The agency notifies the particular records center that the records are needed for up to one year beyond the date they are eligible for disposal, in accordance with 36 CFR 1228.54(a)(2); or
- (3) NARA approves an agency's written request to extend the retention period for a series or system of records in accordance with 44 U.S.C. 2909.

### ***How is a freeze different than a litigation hold or moratorium on destruction?***

Litigation refers to any legal action involving your agency. Because of ongoing litigation, your Counsel's Office may periodically issue litigation holds or moratoriums on destruction for certain records, because they believe they may be potentially responsive or helpful in ongoing or pending litigation (lawsuits).

The "holds" are simply the implementation of the litigation hold issued by your Counsel's Office. When received, the records officer suspends the normal disposition cycle of the

records mentioned in the hold notice to prevent their early/premature disposal. Holds are placed on the records that in your agency's physical custody.

A "freeze" is created when the agency records officer receives a hold notice for records not in their physical custody but in the custody of an FRC and asks NARA to create a freeze to halt premature disposition of the records. Since most litigations deal with relatively current agency activity, the number of freezes is significantly smaller than the number of holds since the agency still has physical custody of the most records affected by holds.

Therefore, if you receive a hold notice and know that some of the potentially responsive or useful records are stored in an FRC, you should initiate a freeze on them in conjunction with the hold you place on the records you have on-site or in your physical custody. This ensures that any potentially responsive record is preserved regardless of its physical location

***How do agencies request the creation and application of a freeze?***

See *Appendix A: Instructions to Agencies for Requesting a Freeze.*

***How do agencies request a full or partial lifting of a freeze?***

See *Appendix B: Instructions to Agencies for Lifting a Freeze.*

***When do FRCs resume the normal disposition process for frozen records?***

FRCs may resume the normal disposition process for freezes after receiving formal notification from FRCP HQ that the customer agency has notified NARA that the court order or scheduling issues that created the need for the initial freeze action have been resolved for these records and that the assigned freeze code has been lifted in ARCIS.

**5. Simplified Freeze Related Action Request Workflow Process**

1. Agency generates freeze related action request and forwards to the Director of the Federal Records Centers Program (FRCP).
2. The Director of the FRCP reviews and forwards all appropriate freeze related action requests to the Transfer & Disposition (T&D) Coordinator for processing.
3. The T&D Coordinator verifies the authority of freeze action requestor and determines the type of freeze action (new, continuation, additional records affected, partial lifting, or lifting).
4. The T&D Coordinator performs necessary action in ARCIS to fulfill the agency request and prepares a formal memo to the FRCs indicating that a specific freeze related action request has been fulfilled, ensuring that all other pertinent NARA stakeholders (i.e. Counsel's Office and Lifecycle Management Division) are identified as CC recipients.
5. The formal memo is sent to senior staff and executive management for concurrence.

6. Once concurrence is obtained, the Director of the Federal Records Centers Program (FRCP) signs the formal memo.
7. The formal memo is distributed.
8. The T&D Coordinator files the formal memo and any supporting documentation in the appropriate freeze history central file maintained by FRCP Headquarters and uploads an electronic version of formal memo into SharePoint freeze documentation repository.
9. FRCs receive formal freeze implemented memo.
10. The T&D Coordinator notifies the agency that their request has been processed.

Any questions or comments regarding this FAQ should be addressed to Russell F. Loisel at (301) 837-3527 or [Russell.Loiselle@nara.gov](mailto:Russell.Loiselle@nara.gov).

## **Appendix A: Instructions to Agencies for Requesting a Freeze**

Agencies should send their freeze request letter to David Weinberg, Director FRCP, requesting that a freeze be created.

David M. Weinberg  
Director, Federal Records Centers Program  
Office of Agency Services  
8601 Adelphi Road, Room 3600  
College Park, MD 20740-6001

If emailing, a PDF copy of the original signed request letter should be sent to [David.Weinberg@nara.gov](mailto:David.Weinberg@nara.gov).

The letter should identify the records by accession (transfer) number or disposal authority, state why the records are related to the subject litigation, and request that NARA create and apply a freeze for those records. The letter should be signed by a person having authority to make records disposition decisions at the agency (typically, the person that concurs on notices of intent to destroy records).

The request shall include:

- A concise description of the records series for which the freeze is requested.
- A complete citation of the specific provisions of the agency records schedule or the General Records Schedule currently governing disposition of the records [including the item number].
- A statement of the current physical location of the records.
- Record group(s).
- Specific accession/transfer numbers if the freeze applies only to specific accessions/transfers.
- Justification for applying the freeze (suspending disposition)--agencies should provide a court case or order citation, indicating involved parties and subject, if possible.

## **Appendix B: Instructions to Agencies for Lifting a Freeze**

Agencies should send their freeze lift request letter to David Weinberg, Director FRCP, requesting that a freeze be partially or fully lifted.

David M. Weinberg  
Director, Federal Records Centers Program  
Office of Agency Services  
8601 Adelphi Road, Room 3600  
College Park, MD 20740-6001

If emailing, a PDF copy of the original signed lift request letter should be sent to [David.Weinberg@nara.gov](mailto:David.Weinberg@nara.gov).

The letter should identify the records by accession (transfer) number or disposal authority, state that the records are not related to the subject litigation, and request that NARA lift the freeze for those records. The letter should be signed by a person having authority to make records disposition decisions at the agency (typically, the person that concurs on notices of intent to destroy records).

The request shall include:

- A concise description of the records series for which the lift is requested.
- A complete citation of the specific provisions of the agency records schedule or the General Records Schedule currently governing disposition of the records [including the item number].
- A statement of the current physical location of the records.
- Record group (s).
- Specific accession/transfer numbers if the lift applies only to specific accessions/transfers.
- Justification for lifting the freeze--agencies should include verbiage along the lines of "...have reviewed the records and found them to be non responsive to the litigation..." or "...should resume their normal disposition cycle since the subject litigation has been settled..."