



September 15, 2023

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

THROUGH: AMANDA EDENS
Deputy Assistant Secretary

FROM: DOUGLAS L. PARKER
Assistant Secretary

SUBJECT: Policy on Non-Digital Source Document Retention for
Enforcement Electronic Casefiles

OSHA is clarifying its directive on Non-Digital Source Document Retention for its Electronic Casefile Guidelines for OSHA Enforcement Records. Section XV of the Directive instructs offices to preserve non-OSHA generated physical documents in their original condition until all violations are a final order. This requirement only applies when a case falls into one of the following two categories:

- Cases that may lead to criminal referrals. Both federal, state, and local law enforcement authorities often require a review of any paper documents obtained during an investigation before accepting a referral. This often results from the importance of the chain of custody in criminal prosecutions. Area Offices should retain the paper documents received in fatality cases and those cases in which there is evidence of obstruction until a criminal referral has been ruled out.
- Potentially resource intensive cases (e.g., company has a history of being litigious and/or likely to lead to lengthy litigation): Cases in which the RSOL office is/will be investing significant time and resources.

In all other cases, original physical documents may be destroyed after they have been scanned in and stored following the procedures outlined in Appendix E of the Directive.