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OGC

STAT

OGC 78-8174
8 December 1978

OLC #78-3617

MEMORANDUM FOR: [redacted]
STAT Office of Legislative Counsel

FROM : [redacted]
Assistant General Counsel

SUBJECT : Controls Regarding OLC Daily Summary

1. Following our conversation on 5 December, I developed the following statement which may suit your purposes with regard to controlling the use of the OLC Daily Summary if you believe such controls are necessary:

> This summary is produced solely for the information of the Director and morning meeting participants. It should not be circulated beyond the immediate staff of each recipient. Further, it may not be duplicated or retained in the files of recipients and should be destroyed after serving this informational purpose.

2. Another alternative would be something along the lines of the statement now used by Executive Registry on the DCI's Daily Journal:

> NOTE: This Journal is not to be reproduced or filed. It will be retrieved by Executive Registry upon delivery of the next addition or certified as destroyed to ER by those to whom we cannot handcarry (CT and RM) . . . .

3. The difficulty with the statement used currently is that it erroneously states that working papers cannot be duplicated and must be destroyed. Although working papers may not be "official" records and may be destroyed when they have no further value, there is no compulsion to do so. Further, it is highly questionable whether a circulated, finished summary such as this constitutes a "working paper" at all since that term applies to drafts, notes, and the like. However, as the creating office and the office of record, OLC may impose such controls on distribution and reproduction of this material as it deems necessary and appropriate (See Sections 1-506, 4-102 of Executive Order 12065), and may require destruction of these copies so long

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as it maintains the originals in accordance with its approved records schedule. If these summaries are not now included in that schedule, an amendment should be pursued through the Records Administration Branch/ISAS/DDA.

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