

Index

ACCESSIBILITY OF RECORDS

Attorney-client privilege, **1:40**
Business considerations, storage and retrieval, **12:11**
Classified information, security for, **11:13**
Cloud computing, security and privacy, **App. 11-A**
Computer Fraud and Abuse Act, “authorized access,” **45:25**
Electronic records
 retrieval; federal compliance, **8:9**
 security, **11:15**
Format, standardized, **11:9, 11:18**
Maintenance of systems, **11:17**
Migration, **11:19**
Obsolescence
 generally, **11:16**
 maintenance of systems, **11:17**
 migration, **11:19**
Organization of records
 generally, **11:5**
 configuration, **11:6**
 removal, **11:7**
Private records, security for, **11:14**
Proprietary information, security for, **11:12**
Retrieval
 generally, **11:4**
 electronic records; federal compliance, **8:9**
 organization of records, above standards of retrieval, below
Security
 generally, **1:21**
 trade secrets, records of security measures as to, **45:7**
Security
 generally, **11:11**
 classified information, **11:13**
 cloud computing, **App. 11-A**

ACCESSIBILITY OF RECORDS

—Cont’d

Security—Cont’d
 cyber security event recovery, **App. 11-D**
 electronic records, **11:15**
 private records, **11:14**
 proprietary information, **11:12**
 trade secrets, records of security measures as to, **42:25**
Standardized format, **11:9, 11:18**
Standards of retrieval
 generally, **11:8**
 format, **11:9**
 materials, **11:10**
 personnel, **11:10**

ACCOUNTABILITY

Business considerations, **12:13**
Health Insurance Portability and Accountability Act. **Health Insurance Portability and Accountability Act (HIPAA)** (this index)

ACCOUNTS AND ACCOUNTING

Foreign Corrupt Practices Act, **46:5, App. 46-A**
Truth in Savings Act (Regulation DD); notice of changes to account, **26:38**

ADA

Title VII of Civil Rights Act and Americans with Disabilities Act (ADA) (this index)

ADEA

Age Discrimination in Employment Act (ADEA) (this index)

ADEQUACY OF PROGRAM

Electronic records management, **9:10**

ADMINISTRATIVE FINES

Electronic records and filings, **28:35**

ADMISSIBILITY OF BUSINESS RECORDS

- General discussion, **2:1 to 2:18**
- Certification under rule 902 or other statute, **2:5**
- Computer records, **2:10**
- Custodian of records
 - designating, **2:16**
 - testimony of, **2:4**
- Derived records, **2:15**
- Discipline among employees, maintaining recordkeeping, **2:18**
- Duplicate records. **Admissibility of Reproductions of Business Records** (this index)
- Electronic records, **2:9, 8:17**
- E-mails, **2:11**
- Federal rule
 - generally, **2:1**
 - reproductions. **Admissibility of Reproductions of Business Records** (this index)
- Foundational requirements
 - generally, **2:3**
 - Cellular telephone data, **2:12**
 - certification under rule 902 or other statute, **2:5**
 - computer records, **2:10**
 - custodian, testimony of, **2:4**
 - e-mails, **2:11**
 - regularly conducted activity, records of, **2:6**
 - scope of organizational activity encompassed by rule, **2:7**
 - third parties, prepared by, **2:13**
 - trustworthiness, **2:8**
- Hearsay exception
 - “hearsay within hearsay,” **2:14**
 - historical background, **2:2**
- Practices facilitating
 - custodian for purposes of litigation, designating, **2:16**
 - discipline among employees, maintaining recordkeeping, **2:18**
 - written recordkeeping guidelines, **2:17**
- Regularly conducted activity, records of, **2:6**

ADMISSIBILITY OF BUSINESS RECORDS—Cont’d

- Reproductions of records. **Admissibility of Reproductions of Business Records** (this index)
- Scope of organizational activity encompassed by rule, **2:7**
- Third parties, prepared by, **2:13**
- Trustworthiness
 - Electronic records, **2:9**
- Written recordkeeping guidelines, **2:17**

ADMISSIBILITY OF REPRODUCTIONS OF BUSINESS RECORDS

- General discussion, **3:1 to 3:11**
- Authenticity of original, genuine question as to, **3:5**
- Background, **3:1**
- Burden of proof, **3:7**
- Definition of duplicate under federal rules, **3:2**
- Exclusion on grounds of unfairness, **3:6**
- Federal rules
 - admissibility of duplicates, **3:3**
 - definition of duplicate, **3:2**
 - other rules, relationship to, **3:4**
- Genuine question as to authenticity of original, **3:5**
- State statutes
 - generally, **3:11**
 - text of selected statutes, **App. 3-C**
- Unfairness, exclusion on grounds of, **3:6**
- Uniform Business Records as Evidence Act, **3:10**
- Uniform Photographic Copies of Business and Public Records as Evidence Act
 - generally, **3:8**
 - text, **App. 3-A**
- Uniform Rules of Evidence
 - generally, **3:9**
 - text, **App. 3-B**

ADVERTISING

- Internet, **43:11-43:13**
- Job advertisements, **35:4**

INDEX

ADVERTISING—Cont'd

Truth in Savings Act (Regulation DD), **26:40**

AFFIRMATIVE ACTION

Government contracts and subcontracts, requirements for, **22:16**

Plans, **35:18**

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

Posting requirements, **31:18, 33:3**

Recordkeeping requirements generally, **31:15**

employers, for, **31:16**

employment agencies, for, **31:17**

Regulations, **31:18**

AGRICULTURE

OSHA. **Occupational Safety and Health Administration (OSHA)** (this index)

Wage and hour law posting requirements as to migrant and seasonal agricultural workers, **32:14, 33:9**

AIR CONDITIONING EQUIPMENT REPAIR AND DISPOSAL

Clean Air Act, **41:77**

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

Electronic health information, privacy, **55:8**

Government contracts and subcontracts, **22:18**

Internet privacy laws and policies, protection of health information, **43:20**

Privacy, electronic health information, **55:8**

AMERICANS WITH DISABILITIES ACT (ADA)

Title VII of Civil Rights Act and Americans with Disabilities Act (ADA) (this index)

ANTIBOYCOTT REGULATIONS

General discussion, **49:1 to 49:9**

Conclusion, **49:9**

Export Administration Regulations (EAR), 1996 revised, **49:3, App. 47-A**

Records retention requirements

inspecting records, **49:7**

producing records, **49:7**

records lacking need to be maintained, **49:5**

records to be maintained, **49:4**

self-disclosure, voluntary, **49:8, App. 49-A**

voluntary self-disclosure, **49:8, App. 49-A**

Reporting, manner of, **49:6**

Self-disclosure, voluntary, **49:8, App. 49-A**

Voluntary self-disclosure, **49:8, App. 49-A**

ANTIDUMPING

Imports, **48:11**

ANTI-TERRORISM

Department of Homeland Security's final rule setting chemical facility anti-terrorism standards, **56:1 to 56:8**

DHS review, site security plan, **56:6**

Record-keeping requirements, **56:7, 56:8**

Risk-based performance standards, **56:5**

Security vulnerability assessments, **56:3**

Site security plans, **56:4, 56:6**

ANTITRUST LAWS

General discussion, **13:1 to 13:24**

Department of Justice and Federal Trade Commission: antitrust policy statement on sharing cybersecurity information, **App. 13-A**

Forms

Hart-Scott-Rodino Act, tip sheet for HRS form, **App. 13-B**

ANTITRUST LAWS—Cont'd

Forms—Cont'd

- meeting-competition
 - competitive activity and price form, **13:21**
 - competitive offer report, **13:23**
 - customer signature, required, **13:20, 13:22**
 - elaborate form, more, **13:18**
 - multiple product form, **13:19**
 - price change request, **13:24**
 - simple form, **13:17**

Hart-Scott-Rodino Act. **Hart-Scott-Rodino Act** (this index)

Human resource professionals, DOJ and FTC antitrust guidance for, **App. 13-C**

Meeting competition

- defense, records to support; Robinson-Patman Act, **13:14**
- forms, above

Robinson-Patman Act. **Robinson-Patman Act** (this index)

Sherman Act. **Sherman Act** (this index)

Vertical merger guidelines, **App. 13-D**

APPRENTICESHIPS

Title VII of Civil Rights Act and Americans with Disabilities Act, **31:5**

ARMS EXPORT CONTROL ACT

Generally, **47:5**

Records retention provision, **App. 47-C**

ARRA

American Recovery and Reinvestment Act of 2009 (ARRA) (this index)

ATOMIC ENERGY ACT

Exports

- generally, **47:6**
- records retention provision, **App. 47-D**

ATTORNEYS

Attorney-client privilege

- corporate records, right to inspect, **1:45**
- electronic records, **1:46**

ATTORNEYS—Cont'd

Attorney-client privilege—Cont'd

- corporate records, right to inspect, **1:45—Cont'd**
- e-mails, **1:46**
- LLCs, **1:47**
- dual purpose communications, **1:43**
- electronic records, use in litigation, **8:23**
- subpoenas
 - generally, **1:38-1:40**
 - access to privileged corporate records, **1:40**
 - change of corporate control, **1:42**
 - communications covered, types of, **1:41**
 - dual purpose communications, **1:43**
 - parties to the privilege, **1:39**
- Corporate records, right to inspect
 - LLCs, **1:47**
- Legal practice. **Practice Considerations** (this index)
- Products liability litigation, duty to preserve evidence for, **20:4**
- Search warrants, alert counsel as part of response to the warrant, **4A:9**

AUDITS

Generally, **1:25**

Electronic records management, **9:9**

Employee Retirement Income Security Act section 209 requirements; case law, **15:5**

Privacy policies, company, **45:13**

Sarbanes-Oxley Act; SEC audit and review records regulation, **App. 27-A**

Software audits

- external, **42:5**
- internal, **42:9**

Trade secrets, **45:28**

AUTOMATED COMMERCIAL SYSTEM

Imports, **48:5**

INDEX

AUTOMATED TELLER MACHINES

Truth in Savings Act (Regulation
CC), **26:47**

BANKRUPTCY

Destruction of documents, legal
implications of, **5:27**

BANKS

Financial Institutions (this index)

BILLING DISPUTES

Truth-in-Lending Act, **26:10**

BIPARTISAN CAMPAIGN REFORM ACT

Generally, **28:30**

Federal Election Commission regula-
tions based on, **28:34**

Hard money, **28:32**

Issue advocacy, **28:33**

Soft money, **28:31**

BOYCOTTS

Antiboycott regulations. **Antiboycott
Regulations** (this index)

BRIBERY

Foreign Corrupt Practices Act, **46:2**

BROWSER ACTIVITY

Recordkeeping requirements, **55:27**

BURDEN OF PROOF

Admissibility of reproductions of
business records, **3:7**

Employee Retirement Income Secu-
rity Act section 209 require-
ments; case law, **15:5**

BUSINESS CONSIDERATIONS

General discussion, **12:9 to 12:13**

Accountability, **12:13**

Business records, identification and
inventory of, **12:9**

Destruction of records, **12:12**

Identification of business records,
12:9

Inventory of business records, **12:9**

Periods of retention, **12:10**

Records destruction, **12:12**

Retention periods, **12:10**

BUSINESS CONSIDERATIONS —Cont'd

Retrieval, storage and, **12:11**

Staffing, **12:13**

Storage and retrieval, **12:11**

CATASTROPHIC EVENTS

Occupational Safety and Health

Administration records, **51:19**

Preservation of records. **Preservation
of Records** (this index)

CHARGE CARDS

Truth-in-Lending Act, **26:7**

CHECKLISTS

Consumer Product Safety Commis-
sion, product recall checklist,
App. 18-A

**Establishment and Administration
of Program** (this index)

Facility inspection, **App. 11-I**

Family and Medical Leave Act
(FMLA), **16:11**

Federal Election Campaign Act of
1971 (FECA), **28:37**

Independent contractors, checklist of
suggested documents to retain,
23:5

Occupational Safety and Health
Administration (OSHA),
NIOSH hearing conservation
checklists, **51:11**

Practice considerations, **12:8**

Program design checklist, **App. D**

Trade secrets, **42:29, 45:28**

CHEMICAL-TERRORISM VULNERABILITY INFORMATION (CVI)

Department of Homeland Security,
App. 56-A

CHILDREN'S ONLINE PRIVACY PROTECTION ACT (COPPA)

Generally, **43:14, 55:2**

Compliance with COPPA, **App.
43-B, App. 43-C**

Federal Trade Commission rule, **55:4**

Provisions of, **43:15, 55:3**

Recordkeeping, **55:5**

CHILDREN'S ONLINE PRIVACY PROTECTION ACT (COPPA)

—Cont'd

Recordkeeping, **43:16**

CHILDREN'S PRODUCTS

Label requirements, Consumer Product Safety Act, **App. 18-C**

CIVIL MONETARY PENALTIES OR FINES

Electronic records and filings, **28:35**

CIVIL RIGHTS ACT, TITLE VII OF

Title VII of Civil Rights Act and Americans with Disabilities Act (ADA) (this index)

CLEAN AIR ACT

General discussion, **41:1 to 41:86**

Accidental release of hazardous air pollutants prevention under Title III

Chemical Safety Board, **41:32**

duty, general, **41:26**

government action to prevent or respond to accidents, **41:31**

offsite consequence data, access to, **41:30**

programs, prevention

generally, **41:29**

offsite consequence data, access to, **41:30**

purpose, **41:26**

substances

flammable substances, regulation of, **41:28**

list, **41:27**

Acid deposition control. Title IV - Acid Deposition Control, below

Air conditioning equipment repair and disposal, **41:77**

Refrigerant retailers, **41:79**

Stationary refrigeration, **41:78**

Certification

compliance under Title V, **41:54**

enhanced monitoring and compliance under Title VII, **41:84**

Chemical process safety management under Title III, **41:33**

Chemical Safety Board, **41:32**

CLEAN AIR ACT—Cont'd

Clear Skies Act, **41:39**

Climate protection. Title VI -

Stratospheric ozone and global climate protection, below

Compliance assurance monitoring (CAM) under Title V

generally, **41:42**

data availability, **41:47**

data representativeness, **41:43**

frequency of monitoring, **41:46**

implementations, **41:50**

permit application requirements, **41:48**

quality assurance and control, **41:45**

recordkeeping, **41:49**

reporting, **41:49**

verification of operational status, **41:44**

Criminal enforcement, **41:82**

Enforcement. Title VII - Enforcement, Rulemaking and Judicial Review, below

Fee payment violations, **41:82**

Flammable substances

list, **41:27**

regulation of, **41:28**

Global climate protection. Title VI - Stratospheric ozone and global climate protection, below

Hazardous air pollutants

accidental release prevention, above

new sources of; Title I, **41:25**

Title III provisions, below

Judicial review. Title VII - Enforcement, Rulemaking and Judicial Review, below

Modification of permit under Title V

generally, **41:64**

administrative permit amendments, **41:65**

for cause, **41:72**

minor modifications, **41:67**

off-permit changes, **41:68**

Part 70 controversy, **41:69**

significant modifications, **41:66**

state programs, **41:70**

INDEX

CLEAN AIR ACT—Cont'd

Monitoring

Title VI - Stratospheric ozone and global climate protection, **41:75**

Title VII - Enforcement, Rulemaking and Judicial Review, below

Title IV - Acid Deposition Control, **41:38**

Title V - Operating Permits, below
National Ambient Air Quality Standards. Title I - National Ambient Air Quality Standards (NAAQS) and State Implementation Plans (SIPs), below

National Emission Standards for Hazardous Air Pollutants (NESHAP) permits, **41:73**

National recycling and emission reduction program
generally, **41:76**

air conditioning and refrigeration equipment repair and disposal, **41:77**

New and modified sources under Title I

generally, **41:5**

hazardous air pollutants, new sources of, **41:25**

new source performances standards (NSPS)
general discussion, **41:6 to 41:25**

permit, **41:73**

new source review (NSR)
programs

generally, **41:7, 41:18**

applicability rules, recent changes to, **41:22**

calculation of emission increases from modifications, **41:19**

equipment replacement rule, **41:23**

maintenance exclusion, routine, **41:21**

nonattainment areas, below this grouping
permits, **41:17, 41:73**

CLEAN AIR ACT—Cont'd

New and modified sources under

Title I—Cont'd

new source review (NSR)

programs—Cont'd

pollution control project exclusion, **41:20**

prevention of significant deterioration (PSD), below this grouping

repair exclusion, routine, **41:21**

replacement exclusion and rule, **41:21, 41:23**

state programs, **41:24**

nonattainment areas

generally, **41:8**

applicability, **41:9**

compliance by other sources, **41:12**

lowest achievable emission rate (LAER), **41:11**

offsets, **41:10**

permit, obtaining nonattainment NSR/PSD, **41:17**

SIP implementation and alternative site analysis, adequate, **41:12**

permits, **41:17, 41:73**

prevention of significant deterioration (PSD)

generally, **41:13**

air quality analysis, **41:15**

applicability, **41:14**

best available control technology (BACT), **41:16**

impact analyses, **41:15**

increment consumption, **41:15**

permits, **41:17, 41:73**

Notices of violation (NOV), **41:81**

Ozone. Title VI - Stratospheric ozone and global climate protection, below

Permits

acid deposition control, **41:37**

nonattainment NSR/PSD permit, **41:17**

NSR permits, **41:17, 41:73**

operating permits. Title V - Operating permits, below

CLEAN AIR ACT—Cont'd

Permits—Cont'd

PSD permits, **41:17, 41:73**

Recordkeeping

Title VII - Enforcement, Rulemaking and Judicial Review, below

Title IV - Acid Deposition Control, **41:38**

Title V - Operating Permits
generally, **41:53**
CAM, **41:49**

Refrigeration equipment repair and disposal, **41:77**

Reporting

Title VI - Stratospheric ozone and global climate protection, **41:75**

Title VII - Enforcement, Rulemaking and Judicial Review, below

Title IV - Acid Deposition Control, **41:38**

Title V - Operating Permits
generally, **41:53**
CAM, **41:49**

Review and approval under Title V, permit

generally, **41:57**

challenges, recent, **41:63**

draft permit, issuance of, **41:58**

Environmental Appeals Board, **41:62**

final issuance, **41:60**

objection by EPA, **41:60**

petition by interested party, **41:60**

post-permit review, **41:61**

state review, affected, **41:59**

Rulemaking. Title VII - Enforcement, Rulemaking and Judicial Review, below

State Implementation Plans. Title I - National Ambient Air Quality Standards (NAAQS) and State Implementation Plans (SIPs), below

Stratospheric ozone. Title VI - Stratospheric ozone and global climate protection, below

CLEAN AIR ACT—Cont'd

Subpoenas, administrative enforcement, **41:86**

Title VI - Stratospheric ozone and global climate protection

monitoring requirements, **41:74**

national recycling and emission reduction program

generally, **41:74**

air conditioning and refrigeration equipment repair and disposal, **41:74, 41:77**

reporting requirements, **41:75**

substances, ozone-depleting, **41:74**

Title VII - Enforcement, Rulemaking and Judicial Review

generally, **41:80**

certification, enhanced monitoring and compliance, **41:84**

criminal enforcement, **41:80**

federal enforcement, generally, **41:80**

fee payment violations, **41:82**

inspection requirements, **41:80, 41:85**

monitoring, reporting and recordkeeping

generally, **41:80**

certification, enhanced monitoring and compliance, **41:84**

criminal enforcement, **41:82**

subpoenas, administrative enforcement, **41:86**

notices of violation (NOV), **41:80**

recordkeeping. Monitoring, reporting and recordkeeping, above this grouping

reporting. Monitoring, reporting and recordkeeping, above this grouping

subpoenas, administrative enforcement, **41:86**

Title I - National Ambient Air Quality Standards (NAAQS) and State Implementation Plans (SIPs)

general discussion, **41:1 to 41:25**

NAAQS, generally, **41:2**

new and modified sources, above

INDEX

CLEAN AIR ACT—Cont'd

- Title I - National Ambient Air Quality Standards (NAAQS) and State Implementation Plans (SIPs)
 - Cont'd
 - SIPs
 - generally, **41:3**
 - nonattainment areas, **41:12**
 - required elements, **41:4**
- Title III - Hazardous Air Pollutants
 - general discussion, **41:26 to 41:33**
 - accidental release prevention,
 - above
 - chemical process safety management, **41:33**
 - flammable substances, regulation of, **41:28**
 - substances
 - flammable substances, regulation of, **41:28**
 - list, **41:27**
- Title IV - Acid Deposition Control
 - general discussion, **41:34 to 41:39**
 - allowance transfer, **41:36**
 - Clear Skies Act, **41:39**
 - compliance plans, **41:37**
 - congressional findings and purpose, **41:35**
 - initiatives, recent, **41:39**
 - monitoring requirements, **41:38**
 - permits, **41:37**
 - recordkeeping requirements, **41:38**
 - reporting requirements, **41:38**
 - tracking system, **41:36**
- Title V - Operating Permits
 - general discussion, **41:40 to 41:73**
 - administrative permit amendments, **41:65**
 - approval. Review and approval, permit, above
 - compliance
 - certification, annual, **41:54**
 - compliance assurance monitoring (CAM), above
 - credible evidence rule, **41:52**
 - draft permit, issuance of, **41:58**
 - final issuance, **41:60**
 - general permits, **41:55**

CLEAN AIR ACT—Cont'd

- Title V - Operating Permits—Cont'd
 - modification of permit, above
 - monitoring
 - authority to require source emission monitories, **41:41**
 - compliance assurance monitoring (CAM), above
 - periodic monitoring, **41:51**
 - NESHAP permit, **41:73**
 - new and modified sources, for, **41:73**
 - NSPS permits, **41:73**
 - NSR permits, **41:17, 41:73**
 - objection by EPA, **41:60**
 - petition by interested party, **41:60**
 - PSD permits, **41:17, 41:73**
 - recordkeeping
 - generally, **41:53**
 - CAM, **41:49**
 - reissuance
 - generally, **41:64**
 - for cause, **41:72**
 - renewals, **41:64, 41:71**
 - reporting
 - generally, **41:53**
 - CAM, **41:49**
 - representative, designated, **41:54**
 - review and approval, permit, above
 - revocation
 - generally, **41:64**
 - for cause, **41:72**
 - shield, permit, **41:56**
 - single permits, **41:55**
 - state review, affected, **41:59**
 - temporary permits, **41:55**
 - termination
 - generally, **41:64**
 - for cause, **41:72**

CLEAR SKIES ACT

- Generally, **41:39**

CLOUD COMPUTING

- Security and privacy, **App. 11-A**

COLLEGE LABORATORIES

- Resource Conservation and Recovery Act (RCRA), generator requirements, **40:12**

COMMODITY EXCHANGE ACT

Books and records regulation under,
App. 14-A

COMMUNITY REINVESTMENT ACT (REGULATION BB)

Generally, **26:26**
Compliance obligations, **26:27 to 26:29**
File, **26:29**
Periods, recordkeeping and retention, **26:30**
Statement, **26:28**

COMPUTER FRAUD AND ABUSE ACT

Computer, **45:23**
Damages, **45:27**
Defining “Computer,” **45:22**
Threat, **45:24**
“Threat,” **45:24**
Trade secrets, **45:22 to 45:27**
Venue, **45:26**

COMPUTER RECORDS

Admissibility, **2:10**

CONFLICTS OF INTEREST

Government contracts and subcontracts, **22:11**

CONSENT

Search warrants, do not consent to search, **4A:8**

CONSTRUCTION INDUSTRY

Government contracts and subcontracts, minimum wages for construction workers under, **22:15**

OSHA. **Occupational Safety and Health Administration (OSHA)** (this index)

CONSUMER INFORMATION

Employer destruction of. **Disposal Rule, FTC** (this index)
Gramm-Leach-Bliley Act. **Gramm-Leach-Bliley Act** (this index)

CONSUMER LEASING ACT (REGULATION M)

Generally, **26:23**

CONSUMER LEASING ACT (REGULATION M)—Cont’d

Compliance obligations, **26:24**
Periods, recordkeeping and retention, **26:25**

CONSUMER PRODUCT SAFETY ACT

General discussion, **18:1 to 18:16**
Certification of certain products, **18:11**
Conclusion, **18:16**
Confidentiality of reports, **18:12**
General Certificate of Conformity, **App. 18-B, App. 18-D, App. 18-F**
Inspection of company records, **18:15**
Label requirement for children’s products, tracking, **App. 18-C**
Legal considerations, **12:17**
Mandatory product recalls, **18:9**
Product recall
analysis, **18:8**
checklist, Consumer Product Safety Commission, **App. 18-A**
fast track program, **18:10**
mandatory product recalls, **18:9**
Recall handbook, **App. 18-E**
Reporting requirements
generally, **18:3**
confidentiality of reports, **18:12**
continuing violations, **18:5**
determination of whether to report, **18:4**
failure to report, penalties for, **18:13**
information to report, **18:7**
injunctive relief, **18:14**
penalties, **18:13**
product recall, above
substantial product hazard, **18:6**
Retention requirements, **18:2**
Statutes of limitations, **10:4.50**
Substantial product hazard, **18:6**
Tracking of certain products, **18:11**

CONSUMER PRODUCT SAFETY IMPROVEMENT ACT

Imports, certificates of conformity, **48:10**

INDEX

CONSUMER REPORTS

Financial Institutions (this index)

CONSUMER REVIEW FAIRNESS ACT

Online reviews, **43:13**

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Government contracts and subcontracts, **22:14**

COOKIES, USER PREFERENCE TRACKING

Universal Service and User's Rights Relating to Electronic Communications, **50:4**

COPIES OF RECORDS

Admissibility of Reproductions of Business Records (this index)

Tax records, corporate, **25:10**

COPPA

Children's Online Privacy Protection Act (COPPA) (this index)

COPY OF WARRANT

Search warrants, response to, **4A:10**

COPYRIGHTS

Generally, **42:2**

Electronic Signatures in Global and National Commerce Act, copyright transfer, **8:44**

Infringement, **10:6.25, 42:10**

Internet. **Internet** (this index)

Registration procedure, **42:3**

Software

generally, **42:4**

audits

external, **42:5**

internal, **42:9**

finances, **42:6**

penalties, **42:6**

policies and procedures, **42:8**

records retention program, **42:7**

Take down and put back notices, **42:11**

CORPORATIONS

Campaign Guide, Corporations and Labor Organizations, **App. 28-D**

Personal and corporate records, distinction between. **Personal and Corporate Records, Distinction between** (this index)

Sarbanes-Oxley Act. **Sarbanes-Oxley Act of 2002** (this index)

Search warrants for corporate records. **Search Warrants** (this index)

Tax records. **Tax Records, Corporate** (this index)

COVID-19

Occupational Safety and Health Administration (OSHA), **51:13, App. 51-B**

CREDIT UNIONS

National Credit Union Administration (this index)

CREDITS

Income tax records, corporate, **25:3**

CRIMINAL PROSECUTIONS

Clean Air Act enforcement, **41:82**

Destruction of documents. **Destruction of Documents, Legal Implications of** (this index)

Electronic records as evidence in, **8:25**

Sarbanes-Oxley Act. **Sarbanes-Oxley Act of 2002** (this index)

CUSTODIANS OF RECORDS

Admissibility of business records designating custodian, **2:16**

testimony of custodian, **2:4**

Occupational Safety and Health

Administration, certification of vessels, cargo, gear and shore-based material handling devices, accreditation for

accredited persons, record in custody of, **51:118**

vessel, record in custody of, **51:119**

CUSTODIANS OF RECORDS

—Cont'd

Subpoenas, Fifth Amendment challenges to, **1:27**

CUSTOMER INFORMATION

Gramm-Leach-Bliley Act. **Gramm-Leach-Bliley Act** (this index)

CUSTOMS

Compliance program, voluntary, **48:8**

Customs-Trade Partnership against Terrorism, **48:6**

CYBERSECURITY

Essential Element: Your Crisis Response (Cybersecurity & Infrastructure Security Agency—November 2020), **App. 11-H**

Guide for cybersecurity event recovery, **App. 11-D**

Sharing cybersecurity information, DOJ and FTC antitrust policy statement on, **App. 13-A**

DAMAGES

Computer Fraud and Abuse Act, **45:27**

DATA BREACHES

Discovery, **55:19**

Federal Trade Commission response guidance, **55:20**

Insurance, **55:21**

Model letter, **55:22**

Personnel records, generally, **7:9**

Privacy, **App. 55-B**

Standing, **55:18**

DATA MAP

Electronic records management, **9:2**

DATA PROTECTION REFORM

Generally, **App. 50-A**

DEDUCTIONS

Income tax records, corporate, **25:3**

DEFEND TRADE SECRETS ACT

Generally, **45:20**

DEFINITIONS

Admissibility of reproductions of business records, definition of duplicate, **3:2**

Financial institutions, consumer report information and records, **26:69**

Lobbying Disclosure Act of 1995, **29:2-29:4**

Occupational Safety and Health Administration (OSHA), **51:8**

DELAY

Electronic records management, **9:10**

DELETION OF DOCUMENTS

Electronic records management, **9:7**

DEPARTMENT OF HOMELAND SECURITY (DHS)

Chemical-Terrorism Vulnerability Information (CVI), **App. 56-A**

Final rule setting chemical facility anti-terrorism standards, **56:1 to 56:8**

DEPARTMENT OF JUSTICE (DOJ)

Human resource professionals, DOJ and FTC antitrust guidance for, **App. 13-C**

Sharing cybersecurity information, DOJ and FTC antitrust policy statement on, **App. 13-A**

DESIGNATION AND PREPARATION OF RULE 30(B)(6) WITNESS

Electronic records management, **9:8**

DESTRUCTION OF DOCUMENTS, LEGAL IMPLICATIONS OF

General discussion, **1:48, 1:50, 5:1 to 5:38**

Adverse inference generally, **1:51**

Adverse inference generally, **5:11**

acts constituting destruction, **5:12**

bad faith, **5:13, 5:14**

effect of, **5:17**

jury instructions for, **5:18**

notice of claim, **5:15**

INDEX

DESTRUCTION OF DOCUMENTS, LEGAL IMPLICATIONS OF

—Cont'd

- Adverse inference—Cont'd
 - products liability cases, **20:24**
 - relevancy, **5:16**
 - retention period, **5:14**
- Bankruptcy, **5:27**
- Business considerations, destruction of records, **12:12**
- Civil law
 - adverse inferences, **1:51**
 - improper destruction, **1:53**
- Civil law
 - generally, **5:7**
 - spoliation. **Spoliation** (this index)
- Codefendants, records of, **5:34**
- Conclusion, **5:38**
- Consumer information. **Disposal Rule, FTC** (this index)
- Consumer report information, **App. 5-B**
- Criminal law
 - liability, **1:54**
- Criminal law
 - intent, **5:6**
 - statutory prohibitions, **5:5**
- Default judgment or dismissal, **5:26**
- Demand letter to preserve computer evidence and lay spoliation foundation, **App. 5-A**
- Depositions, relocation of, sanctions, **5:23**
- Disposal rule. **Disposal Rule, FTC** (this index)
- Document destruction, guidelines
 - co-defendants, **5:34**
 - destroying records, **5:37**
 - documenting, **5:30**
 - duplicate records, **5:36**
 - flagging records, **5:34**
 - original records, **5:35**
- Documenting the program, **5:30**
- Electronic records management, deletion of documents, **9:7**
- Enforcement of document retention policy. **Policy for Document Retention** (this index)

DESTRUCTION OF DOCUMENTS, LEGAL IMPLICATIONS OF

—Cont'd

- Ethical implications, **1:55**
- Fines, **5:10**
- Flagging records, **5:31 to 5:37**
- Fraud, action for, **5:21**
- Governing laws
 - generally, **5:4**
 - civil law, above
 - criminal law, above
- Imprisonment, **5:10**
- Improper destruction, **1:53**
- Litigation hold, **5:32**
- Preclusion of testimony, **5:22**
- Privilege, waiver of, **5:24**
- Products liability cases
 - retention program, destruction of documents in accordance with, **20:29**
 - sanctions for destruction of evidence in. **Products Liability Cases** (this index)
- Purging, **1:20**
- Records destruction, guidelines
 - generally, **5:28**
 - flagging records
 - litigation hold, **5:32**
 - personal devices, **5:33**
 - timing, **5:29**
- Sanctions
 - adverse inference, above
 - applicable law, **5:20**
 - authority, **5:9**
 - award of attorneys' fees, **5:25**
 - depositions, relocation of, **5:23**
 - finances, **5:10**
 - fraud, action for, **5:21**
 - imprisonment, **5:10**
 - preclusion of testimony, **5:22**
 - products liability cases. **Products Liability Cases** (this index)
 - relocation of depositions, **5:23**
 - spoliation of evidence, **5:19**
 - suspension of destruction
 - component of records retention program, **5:8, 5:25**
 - waiver of privilege, **5:24**

**DESTRUCTION OF DOCUMENTS,
LEGAL IMPLICATIONS OF
—Cont'd**

- Sarbanes-Oxley Act. **Sarbanes-Oxley Act of 2002** (this index)
- Spoliation. **Spoliation** (this index)
- State statutes covering records disposal, **App. 5-C**
- Suspension of destruction component of records retention program generally, **1:23**
- Suspension of destruction component of records retention program generally, **5:2 et seq.**
 - governing laws, above
 - parties liable, **5:3**
 - sanctions, above
 - sanctions, award of attorneys' fees, **5:25**
- Testimony, preclusion of, **5:22**
- Waiver of privilege, **5:24**

**DHS (DEPARTMENT OF
HOMELAND SECURITY)**

- Final rule setting chemical facility anti-terrorism standards, **56:1 to 56:8**

DISABLED PERSONS

- Civil Rights Act, Title VII of. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)
- Title VII of Civil Rights Act. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)
- Wage and hour laws' posting requirements for employment of disabled workers under special certificates, **32:13, 33:8**

DISCLOSURE

- Consumer disclosures and notices, advisory letter, **App. 26-B**
- Electronic records, use in litigation, subject matter waiver, **8:23**
- Hart-Scott-Rodino Act, disclosure of company information, **13:11.75**
- Lobbying Disclosure Act of 1995** (this index)

DISCLOSURE—Cont'd

- Retention policy, **1:49**
- Voluntary self-disclosure for boycott violations, **49:8, App. 49-A**

DISCOVERY

- Generally, **1:56**
- Data breach, **55:19**
- Electronic records. **Discovery - Electronic Records** (this index)
- Products liability cases, **20:9**

**DISCOVERY - ELECTRONIC
RECORDS**

- General discussion, **8:13**
- Case law
 - cost allocation, below
 - duties, below
- Costs of electronic discovery, **8:21**
- Deleted material, searches, **8:16**
- Effective discovery process, **9:4**
- Keyword searches, **8:14**
 - filter protocols, **8:15**
- Legal considerations, **12:19**
- Preservation of potential evidence.
 - Obtaining and preserving potential evidence, above
- Sedona Conference Cooperation Proclamation, **8:24**
- Text messaging and other new technologies, **8:20**
- Work product privilege waiver, **8:23**

DISCRIMINATION

- ADEA. **Age Discrimination in Employment Act (ADEA)** (this index)
- Affirmative action
 - government contracts and subcontracts, requirements for, **22:16**
 - plans, **35:18**
- Age Discrimination in Employment Act. **Age Discrimination in Employment Act (ADEA)** (this index)
- Civil Rights Act, Title VII of. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)

INDEX

DISCRIMINATION—Cont'd

- Equal Pay Act. **Equal Pay Act** (this index)
- Fair employment practice laws. **Fair Employment Practice Laws** (this index)
- Statutes of limitations for discrimination in employment, **10:11**
- Title VII of Civil Rights Act. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)

DISPOSAL RULE, FTC

- General discussion, **26:68, 37:1 to 37:12**
- Consumer reports. **Financial Institutions** (this index)
- Disposal of consumer information, **37:6**
- Fair Credit Reporting Act. **Fair Credit Reporting Act (FCRA)** (this index)
- Financial Institutions** (this index)
- Penalties, **37:12**
- Period, retention, **37:11**
- Policy, establishment of, **37:10**
- Proper disposal, **37:8**
- Regulations, consumer information under, **37:7**
- Text, **App. 37-A**
- Third parties, use of, **37:9**

DISTRIBUTORS AND DISTRIBUTION

- Sherman Act. **Sherman Act** (this index)

DOMAIN NAMES

- Trademarks** (this index)

DRAFTING CHECKLISTS

- Establishment and administration of program, **App. 12-A**

DUAL PURPOSE COMMUNICATIONS

- Attorney-client privilege, **1:43**

DUPLICATE RECORDS

- Admissibility of. **Admissibility of Reproductions of Business**

DUPLICATE RECORDS—Cont'd

Records (this index)

- Destruction of documents, legal implications of, **5:36**
- Distinction between copies and originals, **1:13**
- Electronic duplicates of paper originals, **1:15**
- Legal status of, **1:14**

EAR

- Export Administration Regulations (EAR)** (this index)

ECONOMIC ESPIONAGE ACT

- Trade secrets, **45:19**

ELECTRONIC FUNDS TRANSFER ACT (REGULATION E)

- Generally, **26:49**
- Change in terms, **26:53**
- Compliance obligations, **26:50 to 26:55**
- Errors, resolution of, **26:54**
- Initial disclosures, **26:51**
- Periods, recordkeeping and retention, **26:56**
- Preauthorized transfers, **26:55**
- Receipts, **26:52**
- Statements, **26:52**

ELECTRONIC RECORDS

- General discussion, **8:1 to 8:47, 9:1 to 9:10**
- Accessibility of records
 - retrieval; federal compliance, **8:9**
 - security, **11:15**
- Adequacy of program, **9:10**
- Administrative fine program, **28:36**
- Admissibility, **2:9, 8:17**
- Advantages of, **8:2**
- American Recovery and Reinvestment Act of 2009 (ARRA), **55:8**
- Auditing process, **9:9**
- Automated teller machines; Truth in Savings Act (Regulation CC), **26:47**
- Automatic data processing systems, IRS regulations as to, **8:6**
- Avoiding delay, **9:10**

ELECTRONIC RECORDS—Cont'd

Civil monetary penalties or fines, **28:36**

Cloud computing, security and privacy, **App. 11-A**

Compliance, federal. Federal compliance, below

Consumer disclosures and notices, advisory letter, **App. 26-B**

Copyright of software. **Copyrights** (this index)

Corporate records, right to inspect, **1:46**

Criminal cases, as evidence in, **8:25**

Data map, **9:2**

Data protection reform, **App. 50-A**

Deletion of documents, **9:7**

Designation and preparation of rule 30(b)(6) witness, **9:8**

Disadvantages of, **8:3**

Discovery. **Discovery - Electronic Records** (this index)

Discovery process, effective, **9:4**

Document deletion, **9:7**

Duplicates of paper originals, **1:15**

Effective litigation hold and discovery process, **9:4**

Election campaigns; FECA, **28:29**

Electronic Funds Transfer Act (Regulation E). **Electronic Funds Transfer Act (Regulation E)** (this index)

Electronic Signatures in Global and National Commerce Act. **Electronic Signatures in Global and National Commerce Act** (this index)

Electronically stored information survey data map, **9:2**

E-mail. **E-mail** (this index)

Employee injuries and illnesses under OSHA, **51:16**

ESI survey data map, **9:2**

Federal compliance generally, **8:4**
indexing, **8:9**
Internal Revenue Service regulations, below
retrieval, **8:9**

ELECTRONIC RECORDS—Cont'd

Federal Election Campaign Act of 1971 (FECA), **28:29**

Federal Trade Commission workshop on electronic records, **App. 8-B**

Financial institutions
Electronic Funds Transfer Act (Regulation E). **Electronic Funds Transfer Act (Regulation E)** (this index)

Internet banking environment, advisory letter, **App. 26-B**

Office of the Comptroller of the Currency (OCC) advisory letter as to electronic recordkeeping, **App. 26-A**

Truth in Savings Act (Regulation CC) as to automated teller machines, **26:47**

Government entities, obtaining, **8:45**

Handling suggestions, **8:47**

Honest Leadership and Open Government Act of 2007, **28:35**

Internal Revenue Service regulations generally, **8:5**
automatic data processing systems, **8:6**
electronic storage systems, **8:7**
evaluations, records, **8:8**
records retention limitation agreements, **8:8**
storage systems, electronic, **8:7**

Internet. **Internet** (this index)

Litigation, use in generally, **8:12**
admissibility, **8:17**
attorney-client privilege waiver, **8:23**
criminal cases, **8:25**
disclosure and subject matter waiver, **8:23**
discovery. **Discovery - Electronic Records** (this index)
e-mail, special problems as to, **8:19**
privilege waiver, **8:23**
protecting electronic evidence, **8:26**

INDEX

ELECTRONIC RECORDS—Cont'd

- Litigation, use in—Cont'd
 - rules of civil procedure regarding electronic evidence, amendments to, **8:22, 8:23**
 - Sedona Conference Cooperation Proclamation, **8:24**
 - text messaging and other new technologies, **8:20**
 - work product privilege waiver, **8:23**
- Litigation hold and discovery process, effective, **9:4**
- Litigation-ready organizations, **9:5**
- Management
 - general discussion, **9:1 to 9:10**
 - adequacy of program, **9:10**
 - auditing process, **9:9**
 - avoiding delay, **9:10**
 - data map, **9:2**
 - deletion of documents, **9:7**
 - designation and preparation of rule 30(b)(6) witness, **9:8**
 - discovery process, effective, **9:4**
 - document deletion, **9:7**
 - effective litigation hold and discovery process, **9:4**
 - electronically stored information survey data map, **9:2**
 - ESI survey data map, **9:2**
 - guidelines developed by National Archives and Records Administration, **App. 8-A**
 - litigation hold and discovery process, effective, **9:4**
 - litigation-ready organizations, **9:5**
 - mapping ESI, **9:2**
 - perfection of program, **9:10**
 - policy
 - policy refreshment, **9:9**
 - refreshment of policy, **9:9**
 - updating policy, **9:3**
 - policy refreshment, **9:9**
 - preparation of rule 30(b)(6) witness, **9:8**
 - process audits, **9:9**
 - refreshment of policy, **9:9**
 - rule 30(b)(6) witness designation and preparation, **9:8**

ELECTRONIC RECORDS—Cont'd

- Management—Cont'd
 - survey data map, **9:2**
 - updating policy, **9:3**
 - witnesses, rule 30(b)(6) witness designation and preparation, **9:8**
- Mapping ESI, **9:2**
- Myths as to
 - gone but not forgotten, **8:10**
 - information behind the screen, **8:11**
- Obtaining, government entities, **8:45**
- Occupational Safety and Health Administration records of workplace injuries and illnesses, **51:17**
- Office of the Comptroller of the Currency (OCC) advisory letter as to electronic recordkeeping, **26:48**
- Open government, Honest Leadership and Open Government Act of 2007, **28:35**
- Perfection of program, **9:10**
- Personal and corporate records, distinction between, **4:6**
- Policy. Management, above
- Policy refreshment, **9:9**
- Political elections; FECA, **28:29**
- Practice considerations, **12:7**
- Preparation of rule 30(b)(6) witness, **9:8**
- Privacy considerations
 - generally, **8:46**
- Process audits, **9:9**
- Protecting electronic evidence, **8:26**
- Questions and Answers, E-verify, **App. 30-A**
- Refreshment of policy, **9:9**
- Rule 30(b)(6) witness designation and preparation, **9:8**
- Search warrants, **4A:26**
- Search warrants, execution, **4A:5**
- Securities and Exchange Commission regulation relating to electronic documents filed under 1933 Act, **App. 14-G**
- Security, **11:15**

ELECTRONIC RECORDS—Cont'd

- Sedona Conference Cooperation Proclamation, **8:24**
- Signatures. **Electronic Signatures in Global and National Commerce Act** (this index)
- Small business information security (National Institute of Standards and Technology), **App. 8-C**
- Social media, consumer compliance risk management guidance, **App. 26-D**
- Software copyrights. **Copyrights** (this index)
- Survey data map, **9:2**
- Tax records
 - form and storage of records, **25:11**
 - Internal Revenue Service regulations, above
- Trademark registration, electronic, **44:3**
- Truth in Savings Act (Regulation CC); automated teller machines, **26:47**
- Uniform Electronic Transactions Act. **Uniform Electronic Transactions Act** (this index)
- Updating policy, **9:3**
- Websites, admissibility, **8:18**
- Witnesses, rule 30(b)(6) witness designation and preparation, **9:8**

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

- Generally, **8:27, 8:35**
- Copyright transfer, **8:44**
- E-sign, Comptroller of the Currency guidance on compliance with, **8:43**
- Title I; electronic records and signatures in commerce
 - generally, **8:36**
 - consent, consumer, **8:37**
 - dates, effective, **8:41**
 - requirements for records retention
 - generally, **8:38**
 - governments, federal and state, **8:39**
 - scope, **8:40**

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT—Cont'd

- Title I; electronic records and signatures in commerce
 - Cont'd
 - terminology, **8:40**
- Title II; transferable records, generally, **8:42**

E-MAIL

- Admissibility of business records, **2:11**
- Corporate records, right to inspect, **1:46**
- Litigation, use in, **8:19**
- Personal and corporate records, distinction between, **4:6**
- Trade secrets, **42:26**

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

- General discussion, **38:1 to 38:15**
- Annual developments, **38:15**
- Background, **38:1**
- Enforcement, **38:14**
- Environmental Protection Agency forms
 - form A; Toxics Release Inventory, **App. 38-B**
 - form R; Toxic Chemical Release Inventory Reporting Form, **38:3, App. 38-A**
 - trade secrecy, substantiation to accompany claims of, **App. 38-C**
- Facilities subject to, **38:2**
- Recordkeeping requirements, **38:10**
- Reporting; form R, **38:3, App. 38-A**
- Supplier notification requirements
 - generally, **38:4, 38:6**
 - exemptions, **38:7**
 - persons subject to, **38:5**
- Toxic Chemical Release Inventory Reporting
 - forms, **App. 38-A**
 - guidance documents, and, **38:12**
 - text of community right-to-know, **38:11**

INDEX

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT —Cont'd

- Toxics Release Inventory Reporting forms, **App. 38-B**
- Trade secret protection generally, **38:8**
 - EPA form; substantiation to accompany claims of trade secrecy, **App. 38-C**
 - state laws, **38:9**
- TRI-MEweb, **38:13**

EMPLOYEE NOTICE REQUIREMENTS

- Family and Medical Leave Act (FMLA), **16:4**

EMPLOYEE POLYGRAPH PROTECTION ACT

- Posting requirements, **33:12**

EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)

- General discussion, **15:1 to 15:16**
- Code requirements, **15:16**
- Conclusion, **15:19**
- Genetic Information Nondiscrimination Act of 2008 (GINA), **15:18**
- Labor Department regulations under, **App. 17-B**
- Pension Benefit Guaranty Corporation regulations, **App. 15-A**
- Pension Benefit Guaranty Corporation requirements, **15:17**
- Preemption, **15:15**
- Section 107 requirements
 - case law, **15:4**
 - general rules, **15:2**
 - interpretive releases, **15:3**
- Section 209 requirements
 - case law
 - generally, **15:9**
 - audit, mandatory, **15:11**
 - burden of proof, **15:10**
 - private rights of action, **15:13**
 - subpoenas, **15:12**
 - general rules, **15:5**

EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)—Cont'd

- Section 209 requirements—Cont'd
 - proposed regulations generally, **15:6**
 - multiple employer plans, individual benefit record keeping for, **15:8**
 - single employer plans, individual benefit record keeping for, **15:7**
- Section 701 requirements, **15:14**

EMPLOYER NOTICE REQUIREMENTS

- Family and Medical Leave Act (FMLA), **16:5**

EMPLOYMENT

- ADA. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)
- ADEA. **Age Discrimination in Employment Act (ADEA)** (this index)
- Benefits
 - ERISA. **Employee Retirement Income Security Act (ERISA)** (this index)
 - FMLA. **Family and Medical Leave Act (FMLA)** (this index)
- Civil Rights Act, Title VII of. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)
- Consumer information, employer destruction of. **Disposal Rule, FTC** (this index)
- Disposal rule, FTC. **Disposal Rule, FTC** (this index)
- Employee Polygraph Protection Act, posting requirements of, **33:12**
- Equal Pay Act. **Equal Pay Act** (this index)
- ERISA. **Employee Retirement Income Security Act (ERISA)** (this index)
- European Union Data Privacy Directive, **50:12**

EMPLOYMENT—Cont'd

- Fair employment practice laws. **Fair Employment Practice Laws** (this index)
- FLSA. **Fair Labor Standards Act (FLSA)** (this index)
- FMLA. **Family and Medical Leave Act (FMLA)** (this index)
- FTC disposal rule. **Disposal Rule, FTC** (this index)
- Government contracts and subcontracts, verification, **22:17**
- Hiring process. **Hiring Process or Practices** (this index)
- Illnesses, workplace. **Occupational Safety and Health Administration (OSHA)** (this index)
- Immigration Reform and Control Act. **Immigration Reform and Control Act of 1986** (this index)
- Injuries, workplace. **Occupational Safety and Health Administration (OSHA)** (this index)
- Internet. **Internet** (this index)
- Legal considerations, employment laws, **12:15**
- OSHA. **Occupational Safety and Health Administration (OSHA)** (this index)
- Privacy of personnel records. **Personnel Records, Privacy Aspects of** (this index)
- Recruitment. **Recruitment, Employee** (this index)
- Search warrants for corporate records. **Search Warrants** (this index)
- Tax records, corporate, **25:6**
- Title VII of Civil Rights Act. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)
- Trade secrets. **Trade Secrets** (this index)
- Wage and hour laws. **Wage and Hour Laws** (this index)

ENTERTAINMENT EXPENSES

- Income tax records, corporate, **25:5**

ENVIRONMENTAL ISSUES

- Acid rain. **Clean Air Act** (this index)
- Clean Air Act. **Clean Air Act** (this index)
- Clear Skies Act, **41:39**
- Emergency Planning and Community Right-to-Know Act. **Emergency Planning and Community Right-to-Know Act** (this index)
- Guidelines for environmental document retention policy, **App. C**
- Preservation of records. **Preservation of Records** (this index)
- RCRA. **Resource Conservation and Recovery Act (RCRA)** (this index)
- Toxic Substances Control Act. **Toxic Substances Control Act** (this index)

ENVIRONMENTAL PROTECTION AGENCY (EPA)

- Clean Air Act permit, objection to, **41:60**
- Emergency Planning and Community Right-to-Know Act; forms. **Emergency Planning and Community Right-to-Know Act** (this index)
- Resource Conservation and Recovery Act requirements, EPA retention practices, **40:28**

EPA

- Environmental Protection Agency (EPA)** (this index)

EQUAL CREDIT OPPORTUNITY ACT

- Generally, **26:2**
- Compliance obligations, **26:3**
- Periods, recordkeeping and retention, **26:4**

EQUAL PAY ACT

- Generally, **31:20**
- Duty to preserve, **31:23**
- Posting requirements, **33:5**
- Recordkeeping requirements, **31:21**
- Regulations, **31:22**

INDEX

ERISA

Employee Retirement Income Security Act (ERISA) (this index)

ESI SURVEY DATA MAP

Electronic records management, **9:2**

ESTABLISHMENT AND ADMINISTRATION OF PROGRAM

General discussion, **12:1 to 12:21, App. 12-A, App. 12-B**

Business Considerations (this index)

Checklists

drafting, **App. 12-A**

review, **App. 12-B**

Drafting checklist: comprehensive records retention policy, **App. 12-A**

Legal Considerations (this index)

Practice Considerations (this index)

Review checklist: comprehensive records retention policy, **App. 12-B**

Tax consideration, **12:21**

EUROPEAN UNION DATA PRIVACY DIRECTIVE

General discussion, **50:1 to 50:14**

Conclusion, **50:14**

Data Protection Commissioner v. Facebook Ireland and Schrems, **App. 50-F**

Defense to spoliation, **50:3**

Directive on Data Protection, **50:2**

General Data Protection Regulation, **50:8**

Internet services, mandatory data retention by, **50:13**

Judgment of the European Court of Justice; *Schrems v. Data Protection Commissioner*, **App. 50-B**

Personal data, processing, **50:4**

Privacy protection, **50:4**

Record retention requirements
access, **50:10**
employment relationship, information collected in, **50:12**

EUROPEAN UNION DATA PRIVACY DIRECTIVE

—Cont'd

Record retention requirements

—Cont'd

Internet services, mandatory data retention by, **50:13**

privacy records, **45:15**

records to be retained, **50:9**

telecommunications operators, mandatory data retention by, **50:13**

verification, **50:11**

Safe Harbor Agreement, U.S.-EU, **50:6**

Seven Steps for Businesses to Get Ready for the General Data Protection Regulation, European Commission, **App. 50-E**

Shield, U.S.-EU Privacy Shield, **50:7, App. 50-C, App. 50-D**

Telecommunications operators, mandatory data retention by, **50:13**

Universal Service and User's Rights Relating to Electronic Communications, **50:4**

EUROPEAN UNION GENERAL DATA PROTECTION REGULATION

The GDPR, new opportunities, new obligations, what every business needs to know about the EU's general data protection regulation, **App. 50-C**

E-VERIFY PROGRAM

Immigration Reform and Control Act of 1984, **30:3**

EXPORT ADMINISTRATION ACT

Generally, **47:2**

EXPORT ADMINISTRATION REGULATIONS (EAR)

Antiboycott regulations under 1996 revised EAR, **49:3, App. 47-A**

EXPORTS

General discussion, **47:1 to 47:9**

EXPORTS—Cont'd

- Antiboycott regulations under 1996 revised Export Administration Regulations (EAR), **49:3, App. 47-A**
- Arms Export Control Act
 - generally, **47:5**
 - records retention provision, **App. 47-C**
- Atomic Energy Act
 - generally, **47:6**
 - records retention provision, **App. 47-D**
- Compliance guidelines
 - elements of an effective compliance program, **App. 47-F**
 - management and compliance program and manual, **App. 47-E**
- Conclusion, **47:9**
- Enforcement procedures, **47:8**
- Export Administration Act, **47:2**
- Export Administration Regulations (EAR), antiboycott regulations under 1996 revised, **49:3, App. 47-A**
- Foreign Assets Control Regulations, **App. 47-B**
- International Emergency Economic Power Act, **47:4**
- Original records, **47:7**
- Regulations
 - generally, **47:3**
 - Export Administration Regulations, **49:3, App. 47-A**
 - Foreign Assets Control Regulations, **App. 47-B**
- Reproduction of original records, **47:7**
- Toxic Substances Control Act, exporter requirements under, **39:13**
- Trading with the Enemy Act, **47:4**

FACILITIES FOR PRESERVATION OF RECORDS

Preservation of Records (this index)

FAIR AND ACCURATE CREDIT TRANSACTION ACT OF 2003

General discussion, **55:10**

FAIR CREDIT REPORTING ACT (FCRA)

- Employers, applied to
 - generally, **37:2**
 - adverse action taken, requirements when, **37:5**
 - certification to consumer reporting agency, **37:4**
 - consent, written, **37:3**
 - disclosure, written, **37:3**

FAIR EMPLOYMENT PRACTICE LAWS

- General discussion, **31:1 to 31:26**
- ADA. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)
- ADEA. **Age Discrimination in Employment Act (ADEA)** (this index)
- Civil Rights Act, Title VII of. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)
- Equal Employment Opportunity Commission, **App. 31-A**
- Equal Pay Act. **Equal Pay Act** (this index)
- Selection procedures, recordkeeping requirements for employee
 - generally, **31:9**
 - impact, records as to
 - generally, **31:10**
 - adverse impact, **31:11, 31:12**
 - insufficient data to determine impact, **31:13**
- Selection procedures, regulations on employee, **31:14**
- State statutes, **31:26**
- Title VII of Civil Rights Act. **Title VII of Civil Rights Act and Americans with Disabilities Act (ADA)** (this index)

FAIR LABOR STANDARDS ACT (FLSA)

- Labor Department, Fact Sheet #21: recordkeeping requirements under the FLSA, **App. 32-B**

INDEX

FAIR LABOR STANDARDS ACT (FLSA)—Cont'd

- Notice and posting requirements, **32:20**
- Posting requirements, **33:6**
- Posting requirements, **32:11**
- Private right of action, **32:19**
- Recordkeeping rules, case law as to acceptable procedures, **32:15**
 - failure to keep records, **32:16**
 - falsification, **32:17**
 - notice and posting requirements, **32:20**
 - preserving records in litigation, **32:21**
 - private right of action, **32:19**
 - subpoenas, **32:18**
- Regulations, **App. 32-A**

FAIR PAY ACT

- Lily Ledbetter Fair Pay Act** (this index)

FAMILY AND MEDICAL LEAVE ACT (FMLA)

- General discussion, **16:1 to 16:9**
- Certificates and certification, medical certification, **16:6**
- Checklist, **16:11**
- Conclusion, **16:12**
- Employee notice requirements, **16:4**
- Employer notice requirements, **16:5**
- Final regulations
 - posting requirements, **16:9**
 - record-keeping requirements, **16:7**
- General leave provisions, **16:2**
- Medical certification, **16:6**
- Medical Certification
 - fact sheet, **App. 16-B**
- Notice requirements
 - general discussion, **16:3 to 16:5**
 - employees, **16:4**
 - employers, **16:5**
 - fact sheet, **App. 16-A**
- Posting requirements
 - employment laws, under, **33:10**
 - final regulations, **16:10**
 - statutory provisions, **16:9**

FAMILY AND MEDICAL LEAVE ACT (FMLA)—Cont'd

- Record-keeping requirements
 - final regulations, **16:8**
 - statutory provisions, **16:7**
- Statutory provisions
 - posting requirements, **16:9**
 - record-keeping requirements, **16:7**

FAR

- Federal Acquisition Regulations (FAR)** (this index)

FCPA

- Foreign Corrupt Practices Act (FCPA)** (this index)

FCRA

- Fair Credit Reporting Act (FCRA)** (this index)

FECA

- Federal Election Campaign Act of 1971 (FECA)** (this index)

FEDERAL ACQUISITION REGULATIONS (FAR)

- Subcontracting to small businesses (Pub. L. No. 95-507), **21:8**

FEDERAL ELECTION CAMPAIGN ACT OF 1971 (FECA)

- General discussion, **28:1 to 28:37**
- Bipartisan Campaign Reform Act.
 - Bipartisan Campaign Reform Act** (this index)
- Campaign Guide, Corporations and Labor Organizations, **App. 28-D**
- Checklist, **28:37**
- Contributions
 - disbursements
 - PACs' contributions, **28:18**
 - refunds, **28:21**
 - receipts, below
 - recordkeeping requirements, **28:24, 28:25**
 - refunds
 - disbursements, **28:21**
 - receipts, **28:12**
- Disbursements
 - generally, **28:15**

**FEDERAL ELECTION CAMPAIGN
ACT OF 1971 (FECA)—Cont'd**

Disbursements—Cont'd
 independent expenditures, **28:19**
 loans, **28:20**
 operating expenditures, **28:16**
 PACs
 contributions by PAC to federal
 candidate or other political
 committee, **28:18**
 transfers to, **28:17**
 recordkeeping requirements, **28:27**
 refunds of contributions, **28:21**
 Election years, reporting during, **28:4**
 Electronic records and filings, **28:29**
 Form 1M; notification of
 multicandidate status, **28:3**
 Form 3X
 generally, **28:6**
 disbursements, above
 receipts, below
 summary page, **28:22**
 Internet, summary of FEC forms
 available on, **App. 28-C**
 Loans on form 3X
 disbursements, **28:20**
 receipts, **28:10**
 Multicandidate status, notification of;
 form 1M, **28:3**
 Nonelection years, reporting during,
 28:5
 Operating expenditures, **28:16**
 Political action committees (PACs)
 disbursements
 contributions by PAC to federal
 candidate or other political
 committee, **28:18**
 transfers to, **28:17**
 filing schedule, report, **App. 28-A**
 receipts
 affiliated PACs, **28:9**
 nonfederal PACs, **28:14**
 text of relevant parts of FECA
 regulations, **App. 28-B**
 Receipts
 generally, **28:7, 28:13**
 contributions
 generally, **28:8**

**FEDERAL ELECTION CAMPAIGN
ACT OF 1971 (FECA)—Cont'd**

Receipts—Cont'd
 contributions—Cont'd
 recordkeeping requirements,
 28:24, 28:25
 refunds of, **28:12**
 loans, **28:10**
 offsets, **28:11**
 recordkeeping requirements
 contributions, **28:24, 28:25**
 other than contributions, **28:24,**
 28:26
 refunds of contributions, **28:12**
 transfers from PACs
 affiliated PACs, **28:9**
 nonfederal PACs, **28:14**
 Recordkeeping requirements
 generally, **28:23**
 best efforts requirement, **28:28**
 disbursements, **28:27**
 electronic records and filings,
 28:29
 receipts
 contributions, **28:24, 28:25**
 other than contributions,
 receipts, **28:24, 28:26**
 Refunds of contributions
 disbursements, **28:21**
 receipts, **28:12**
 Reporting requirements
 form 3X, above
 schedule
 generally, **28:2**
 election years, **28:4**
 multicandidate status, notifica-
 tion of; form 1M, **28:3**
 nonelection years, **28:5**
 PACs, **App. 28-A**
 Schedule, reporting. Reporting
 requirements, above

**FEDERAL TRADE COMMISSION
(FTC)**

Children's Online Privacy Protection
 Act (COPPA), **55:4**
 Data breach response, **55:20, App.**
 55-B

INDEX

FEDERAL TRADE COMMISSION (FTC)—Cont'd

- Disposal rule. **Disposal Rule, FTC**
(this index)
- Electronic records, lessons from
workshop on, **App. 8-B**
- Guide to mail, Internet, or telephone
order merchandise rule, **App.**
43-A
- Human resource professionals, DOJ
and FTC antitrust guidance for, **App. 13-C**
- Investigations, insights into, **App.**
55-C
- Personal information, protecting,
App. 55-A
- Sharing cybersecurity information,
DOJ and FTC antitrust policy
statement on, **App. 13-A**

FINANCIAL INSTITUTIONS

- General discussion, **26:1 to 26:76**
- Administration, bank
generally, **26:57**
currency and foreign transactions,
below
foreign transactions. Currency and
foreign transactions, below
funds transfers and transmittals of
funds, below
loans to bank executive officers,
directors and principal
shareholders, below
- Community Reinvestment Act. **Com-**
munity Reinvestment Act
(Regulation BB) (this index)
- Conclusion, **26:76**
- Consumer Leasing Act. **Consumer**
Leasing Act (Regulation M)
(this index)
- Consumer report information and
records, FTC disposal rule
generally, **26:68**
definitions, **26:69**
enforcement, **26:72**
examples, **26:71**
identity theft requirements, **26:73**
proper disposal of consumer infor-
mation, **26:70**
red flags rule, **26:73**

FINANCIAL INSTITUTIONS —Cont'd

- Consumer report information and
records, FTC disposal rule
—Cont'd
transaction records, **26:74**
- Correlation Table of Title 12 Banking
Regulations, **App. 26-E**
- Credit unions. **National Credit**
Union Administration (this
index)
- Currency and foreign transactions
generally, **26:64**
compliance obligations, **26:65**
periods, recordkeeping and reten-
tion, **26:66**
- Securities and Exchange Commis-
sion regulations as to cur-
rency transactions, **App.**
14-M
- Definitions, consumer report infor-
mation and records, **26:70**
- Deposit statutes and regulations,
26:35 to 26:56
- Disposal rule. Consumer report infor-
mation and records, FTC dis-
posal rule, above
- Electronic Funds Transfer Act
(Regulation E). **Electronic**
Funds Transfer Act (Regula-
tion E) (this index)
- Enforcement, FTC disposal rule,
26:72
- Equal Credit Opportunity Act. **Equal**
Credit Opportunity Act
(Regulation B) (this index)
- Examples, consumer report infor-
mation and records, **26:71**
- Foreign transactions. Currency and
foreign transactions, above
- FTC disposal rule. Consumer report
information and records, FTC
disposal rule, above
- Funds transfers and transmittals of
funds (Regulation S: Subpart D)
generally, **26:61**
compliance obligations, **26:62**
periods, recordkeeping and reten-
tion, **26:63**

FINANCIAL INSTITUTIONS

—Cont'd

- Gramm-Leach-Bliley Act
 - parties, financial institutions as, **53:4**
 - Safeguards Rule, compliance with, **53:38**
- Home Mortgage Disclosure Act. **Home Mortgage Disclosure Act (Regulation C)** (this index)
- Identity theft requirements
 - red flags rule, **26:73**
 - transaction records, **26:74**
- Internet banking environment, advisory letter, **App. 26-B**
- Lending statutes and regulations, **26:2 to 26:33**
- Loans to bank executive officers, directors and principal shareholders (Regulation O)
 - generally, **26:58**
 - compliance obligations, **26:59**
 - periods, recordkeeping and retention, **26:60**
- Mortgages. **Home Mortgage Disclosure Act (Regulation C)** (this index)
- National Credit Union Administration. **National Credit Union Administration** (this index)
- Office of the Comptroller of the Currency (OCC) advisory letter as to electronic recordkeeping, **App. 26-A**
- Paycheck Protection Program, **26:34**
- Proper disposal of consumer information, consumer report information and records, **26:70**
- Real Estate Settlement Procedures Act. **Real Estate Settlement Procedures Act** (this index)
- Records retention, state laws, **26:75**
- Red flags rule, identity theft, **26:73**
- State records retention laws, **26:75**
- Suspicious activity reports, **26:67**
- Transaction records, identity theft, **26:74**
- Truth in Savings Act
 - Regulation CC. **Truth in Savings Act (Regulation CC)** (this index)

FINANCIAL INSTITUTIONS

—Cont'd

- Truth in Savings Act—Cont'd
 - Regulation DD. **Truth in Savings Act (Regulation DD)** (this index)
 - Truth-in-Lending Act. **Truth-in-Lending Act (Regulation Z)** (this index)
- ## FINANCIAL REPORTING
- Sarbanes-Oxley Act of 2002, **27:6**
- ## FIRE PREVENTION
- OSHA. **Occupational Safety and Health Administration (OSHA)** (this index)
 - Preservation of records, **11:29**
- ## FMLA
- Family and Medical Leave Act (FMLA)** (this index)
- ## FOREIGN CORRUPT PRACTICES ACT (FCPA)
- General discussion, **46:1 to 46:17**
 - Accounting controls, internal, **46:3, 46:5**
 - Accounting provisions, **App. 46-A**
 - Bribery provisions, **46:2**
 - Compliance documents, FCPA records retention, **46:11**
 - Contract documents, **46:13**
 - Due diligence records, relevant, **46:12**
 - Internal accounting controls requirement, **46:3, 46:5**
 - Jurisdiction, **46:6**
 - Justice Department enforcement, **46:8**
 - Recordkeeping
 - generally, **46:3, 46:4, 46:14**
 - compliance documents, FCPA, **46:11**
 - contract documents, **46:13**
 - due diligence records, **46:12**
 - importance of, **46:9**
 - internal accounting controls requirement, **46:3, 46:5**
 - separate records and files, relationship between, **46:15**

INDEX

FOREIGN CORRUPT PRACTICES

ACT (FCPA)—Cont'd

Recordkeeping—Cont'd

testing records policy, **46:10**

time records to be retained, length of, **46:16**

Securities and Exchange Commission regulation and enforcement, **46:7**

Summary, **46:17**

FOREIGN LANGUAGE RECORDS

Search warrants, **4A:28**

FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Generally, **39:2**

FRAUD

Computer Fraud and Abuse Act, **45:22 to 45:27**

Destruction of documents, sanctions for, **5:21**

Statutes of limitations as to fraudulent concealment, **10:9**

FTC

Federal Trade Commission (FTC)
(this index)

GENETIC INFORMATION

NONDISCRIMINATION ACT OF 2008 (GINA)

Employee retirement income security act (erisa), **15:18**

Health insurance portability and accountability act (hipaa), **54:6**

Personnel records - privacy aspects, **7:13**

Recordkeeping requirements, **31:24**

GIFTS

Income tax records, corporate, **25:5**

GINA

Genetic Information Nondiscrimination Act of 2008 (GINA)
(this index)

GOOD FAITH

Search warrants, probable cause, **4A:20**

GOVERNMENT CONTRACTS AND SUBCONTRACTS

General discussion, **22:1 to 22:24**

Accident prevention, **22:20**

Acquisition

commercial items, of, **22:6**

reform, **22:2**

simplified procedures, **22:7**

Administrative matters, **22:10**

Affirmative action requirements, **22:16**

Agencies, requirements of individual, **22:24**

American Recovery and Reinvestment Act of 2009 (ARRA), **22:18**

Americans with Disabilities Act, Title I, **34:7**

ARRA (American Recovery and Reinvestment Act of 2009), **22:18**

Bidding, sealed, **22:8**

Commercial items, acquisition of, **22:6**

Conflicts of interest, personal, **22:11**

Construction workers, minimum wages for, **22:15**

Contract Work Hours and Safety Standards Act, **22:14**

Cost and pricing certifications, **22:12**

Cost or cost-plus-a-fixed-fee contract, records pertaining to, **22:5**

Electronic submissions, **22:9**

Employment verification, **22:17**

General rules, **22:3 to 22:9**

Improper business practices, **22:11**

Independent contractors, **23:4**

Individual agencies, requirements of, **22:24**

Inspection records, **22:22**

Minimum wages for construction workers, **22:15**

Negotiation, contracting by, **22:4**

Occupational Safety and Health Administration, government contractors under, **51:120**

Patent rights, **22:19**

Personal conflicts of interest, **22:11**

GOVERNMENT CONTRACTS AND SUBCONTRACTS

—Cont'd

- Price
 - certifications, pricing, **22:12**
 - fixed-price contracts with economic adjustments based on actual costs, **22:13**
- Property, government, **22:21**
- Recruitment, employee
 - affirmative action requirements, **22:16**
 - periods, special retention, **35:10**
- Sealed bidding, **22:8**
- Specific situations, rules covering, **22:12 to 22:23**
- Statutory requirements, **22:3**
- Termination of contracts for convenience of government, **22:23**
- Verification of employment, **22:17**
- Wage and hour laws
 - posting requirements, **33:6**
- Wage and hour laws
 - minimum wages for construction workers, **22:15**
 - posting requirements, **32:11**

GRAMM-LEACH-BLILEY ACT

- General discussion, **53:1 to 53:42, 55:6**
- Conclusion, **53:42**
- Exceptions
 - generally, **53:10**
 - opt-out procedures, **53:36**
- Financial institutions
 - parties, as, **53:4**
 - Safeguards Rule, compliance with, **53:38**
- Information
 - generally, **53:9**
 - safeguarding customer information, standards for, below
- Internet privacy, **43:18**
- Joint relationships
 - opt-out procedures, **53:35**
 - transactions, recipients of notice where joint, **53:26**
- Model Privacy Form, **App. 53-A**

GRAMM-LEACH-BLILEY ACT —Cont'd

- Notice
 - generally, **53:12**
 - content of, **53:14 to 53:19**
 - delivery, **53:27**
 - form, **53:21**
 - opt-out
 - content, **53:20**
 - timing, **53:31**
 - privacy notice, below
 - recipients, below
 - timing, below
 - types of, **53:13**
- Opt-out procedures
 - generally, **53:32**
 - duration, **53:34**
 - exceptions, **53:36**
 - joint relationships, **53:35**
 - notice
 - content, **53:20**
 - timing, **53:31**
 - opportunity, **53:33**
- Parties
 - financial institutions, **53:4**
 - protected entities, below
 - regulated entities, **53:3**
 - third parties, nonaffiliated, **53:5**
- Pretexting, **53:41**
- Privacy notice
 - generally, **53:15**
 - annual, **53:17**
 - initial, **53:16**
 - revised, **53:19**
 - short form, **53:18**
 - timing of
 - consumers, **53:29**
 - customers, **53:30**
- Protected entities as parties
 - generally, **53:6**
 - consumers, **53:7**
 - customers, **53:8**
- Recipients of notice
 - generally, **53:22**
 - consumers, **53:23**
 - customers
 - current, **53:24**

INDEX

GRAMM-LEACH-BLILEY ACT —Cont'd

- Recipients of notice—Cont'd
 - customers—Cont'd
 - former, **53:25**
 - joint transactions, **53:26**
- Redisclosure, **53:11**
- Regulated entities as parties, **53:3**
- Reuse, **53:11**
- Safeguarding customer information, standards for
 - generally, **53:37**
 - financial institution compliance with Safeguards Rule, **53:3**
 - text of Safeguards Rule, **53:39**
- Scope, **53:2 to 53:11**
- State laws, **53:40**
- Third parties, nonaffiliated, **53:5**
- Timing of notice
 - generally, **53:28**
 - opt-out notice, **53:31**
 - privacy notice
 - consumers, **53:29**
 - customers, **53:30**

HART-SCOTT-RODINO ACT

- Generally, **13:9**
- Disclosure of company information, **13:11.75**
- Information sharing, **13:11.50**
- Item 4(c) documents, **13:11**
- Notification form, **13:10**
- Tip sheet for HRS Form, **App. 13-B**

HAZARD COMMUNICATION RULE, OSHA

- General discussion, **52:1**
- Determination procedures, hazard, **52:2**
- Hazard evaluation procedures, **52:9**
- Information and training, **52:5**
- Material Safety Data Sheet
 - generally, **52:4**
 - form, **52:4**
- Material Safety Data Sheets (MSDS) completeness, guide for, **52:10**
- Procedures for hazard evaluation, **52:9**

HAZARD COMMUNICATION RULE, OSHA—Cont'd

- Records access rule
 - summary of, **52:6**
 - text, **52:8**
- Text, **52:8**
- Training, **52:5**
- Written program, **52:3**

HAZARDOUS MATERIALS OR CONDITIONS

- Clean Air Act. **Clean Air Act** (this index)
- OSHA. **Occupational Safety and Health Administration (OSHA)** (this index)
- RCRA. **Resource Conservation and Recovery Act (RCRA)** (this index)

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

- General discussion, **54:1 to 54:11, 55:7**
- Case law/enforcement, **54:7**
- Conclusion, **54:11**
- Data set provisions, **54:3**
- De-identification of protected health information, guidance regarding methods for, **App. 54-C**
- Enforcement, **54:7**
- Genetic Information Nondiscrimination Act of 2008 (GINA), **54:6**
- Health Breach Notification Rule
 - collecting, using, or sharing consumer health information, **App. 54-G**
- Immunity, **54:9**
- Internet
 - privacy, **43:19**
 - web sites for corporate counsel, privacy, **54:10**
- Medical records, theft, **54:8**
- Portability provisions, **54:2**
- Privacy
 - Internet privacy, **43:19**
 - provisions, **54:3**
 - rules, **54:4**

**HEALTH INSURANCE
PORTABILITY AND
ACCOUNTABILITY ACT
(HIPAA)—Cont'd**

- Privacy—Cont'd
 - web sites for corporate counsel, **54:10**
- Privacy, security, and breach notification rules, **App. 54-F**
- Regulation, relevant, **App. 54-A**
- Security
 - covered entities, **App. 54-D**
 - guidance on risk analysis requirements, **App. 54-B**
 - physical safeguards, **App. 54-E**
 - provisions, **54:3**
 - rules, **54:5, App. 54-B**
- Theft, medical records, **54:8**

HIPAA

- Health Insurance Portability and Accountability Act (HIPAA)** (this index)

**HIRING PROCESS OR
PRACTICES**

- General discussion, **35:1, 35:13 to 35:20**
- Affirmative action plans, **35:18**
- Contracts, employment, **35:16**
- EEO-1 reports, **35:17**
- Fair employment practice laws. **Fair Employment Practice Laws** (this index)
- Fair Pay Act, **35:19**
- Immigration and Naturalization Service form I-9, **35:14**
- Internet, hiring and recruiting records, **43:28**
- Internet, hiring records on, **43:28**
- IRS form W-4 and other tax withholding forms, **35:15**
- Lily Ledbetter Fair Pay Act, **35:19**
- Offer and hiring records, **35:13**
- Search warrants, hiring practices as protective measure, **4A:38**
- Tax withholding forms, **35:15**
- Vets-100 reports, **35:17**
- Wage and hour purposes, employee information for, **35:20**

HOME EQUITY CREDIT

- Truth-in-Lending Act, **26:9**

**HOME MORTGAGE DISCLOSURE
ACT (REGULATION C)**

- Generally, **26:13**
- Compliance obligations, **26:14**
- Periods, recordkeeping and retention, **26:15**

**HONEST LEADERSHIP AND
OPEN GOVERNMENT ACT
OF 2007**

- Electronic records and filings, **28:35**

IDENTITY OR IDENTIFICATION

- Business considerations, identification of records, **12:9**
- De-identification of protected health information under HIPAA, guidance regarding methods for, **App. 54-C**
- Preservation of records, procedures in catastrophic events, **11:38**
- Sample state statutes regarding personal identifying information protection, **App. E**
- Search Warrants** (this index)

IDENTITY THEFT

- Financial institutions, **26:73, 26:74**

**IMMIGRATION AND
NATURALIZATION SERVICE**

- Form I-9, **30:7, 35:14**

**IMMIGRATION REFORM AND
CONTROL ACT OF 1984**

- General discussion, **30:1 to 30:14**
- E-Verify Program, **30:3**
- Form I-9, **30:7, 30:14, 35:14**
- Inspection of records, **30:9**
- Penalties, **30:12**
- Persons who must be verified, **30:4**
- Recordkeeping
 - generally, **30:8**
 - inspection of records, **30:9**
- Regulations, CIS, **30:13**
- Rehired, persons who are, **30:10**
- Reverification of workers, **30:6**
- Time verification must occur, **30:5**

INDEX

IMMIGRATION REFORM AND CONTROL ACT OF 1984

—Cont'd

Verification of employment eligibility, generally, **30:2**

IMMUNITY

Health insurance portability and accountability act (hipaa), **54:9**

IMPORTS

General discussion, **48:1 to 48:13**

Antidumping, **48:11**

Automated Commercial System, **48:5**

Certificates of conformity, Consumer Product Safety Improvement Act, **48:10**

Compliance program, customs' voluntary, **48:8**

Conclusion, **48:13**

Consumer Product Safety Improvement Act, Certificates of conformity, **48:10**

Customs

compliance program, voluntary, **48:8**

Customs-Trade Partnership against Terrorism, **48:6**

Enforcement, **48:7**

Importer security filing, additional carrier requirements, **48:12**

Recordkeeping requirements generally, **48:3, 48:4**

persons subject to, **48:2**

Regulatory provisions, miscellaneous, **48:9**

Security filing, 19 C.F.R. Part 149, **App. 48-B**

Security filing, 19 C.F.R. Part 163, **App. 48-A**

Statutory provisions, miscellaneous, **48:9**

Toxic Substances Control Act, importer requirements under, **39:13**

U.S. Customs and Border Protection, What Every Member of the Trade Community Should Know About: Recordkeeping, **App. 48-C**

IMPROPER BUSINESS PRACTICES

Government contracts and subcontracts, **22:11**

INCOME RECORDS

Income tax records, corporate, **25:3**

INCOME TAX

Tax Records, Corporate (this index)

INDEPENDENT CONTRACTORS

General discussion, **23:1 to 23:6**

Checklist of suggested documents to retain, **23:5**

Conclusion, **23:6**

Government recordkeeping requirements

generally, **23:2**

contract, government, **23:4**

Inventions of, **42:16**

Not subject to government recordkeeping requirements, retention of documents, **23:3**

INJUNCTIONS

Reporting requirements, Consumer Product Safety Act, **18:14**

INSURANCE

Data breaches, **55:21**

Health Insurance Portability and Accountability Act. **Health Insurance Portability and Accountability Act (HIPAA)** (this index)

Intellectual property; insurance coverage records, **42:30**

Products liability litigation, insurers' duty to preserve evidence for, **20:7**

INTELLECTUAL PROPERTY

General discussion, **42:1 to 42:29**

Copyrights. **Copyrights** (this index)

Insurance coverage records, **42:30**

Internet. **Internet** (this index)

Patents. **Patents** (this index)

Proprietary information and inventions agreement, **App. 42-A, App. 42-B**

**INTELLECTUAL PROPERTY
—Cont'd**

- Trade secrets. **Trade Secrets** (this index)
- Trademarks. **Trademarks** (this index)
- Web site records, **42:31**

**INTERNATIONAL EMERGENCY
ECONOMIC POWER ACT**

- Exports, **47:4**

INTERNATIONAL ISSUES

- Antiboycott regulations. **Antiboycott Regulations** (this index)
- European Union Data Privacy Directive. **European Union Data Privacy Directive** (this index)
- Exports. **Exports** (this index)
- FCPA. **Foreign Corrupt Practices Act (FCPA)** (this index)
- Financial institutions' currency and foreign transactions. **Financial Institutions** (this index)
- Imports. **Imports** (this index)
- Legal considerations, international business operations, **12:18**
- Products liability cases, duty to preserve evidence in; American Society for Testing and Materials (ASTM) international guidelines, **20:10**

INTERNET

- General discussion, **1:11, 43:1 to 43:29**
- Advertising records, **43:11-43:13**
- American Recovery and Reinvestment Act of 2009 (ARRA), protection of health information, **43:20**
- Children's Online Privacy Protection Act (COPPA)** (this index)
- Conclusion, **43:30**
- Contract records, **43:3**
- COPPA. **Children's Online Privacy Protection Act (COPPA)** (this index)
- Copyrights
 - generally, **43:22**

INTERNET—Cont'd

- Copyrights—Cont'd
 - caching, limitation for system, **43:24**
 - storage and information locating tools, limitation for system, **43:25**
 - transitory communications, limitation for, **43:23**
- Cybersecurity** (this index)
- Cybersquatting, **44:14**
- Domain names
 - cybersquatting, **44:14**
 - hijacking of domain name, **44:15**
- Employment-related issues
 - employee use of Internet, **43:29**
 - job applications, below
- European Union directive as to mandatory data retention by Internet services, **50:13**
- Federal Election Commission forms available on, summary of, **App. 28-C**
- Financial institutions, Internet banking environment, advisory letter, **App. 26-B**
- Gramm-Leach-Bliley Act, privacy under, **43:18**
- Health information, American Recovery and Reinvestment Act of 2009 (ARRA), **43:20**
- Health Insurance Portability and Accountability Act
 - privacy under, **43:19**
 - web sites for corporate counsel, privacy, **54:10**
- Hijacking of domain name, **44:15**
- Intellectual property
 - copyrights, above
 - patents, business method, **43:27**
 - trademarks, below
 - web site records as, **42:31**
- Job applications on
 - general discussion, **36:1 to 36:4**
 - determining who is job applicant, **36:2**
- Internet Applicant Record-Keeping Rule, FAQs, **App. 36-A**
- record retention requirements, **36:3**

INDEX

INTERNET—Cont'd

- Job applications on—Cont'd
 - Understanding OFCCPs internet applicant and traditional applicant recordkeeping requirements, **App. 36-B**
- Mail, Internet, or Telephone Order Merchandise Rule
 - generally, **43:4**
 - cancellation, **43:8**
 - communication with buyer, **43:9**
 - consent, **43:7**
 - litigation, **43:10**
 - notice, **43:6**
 - shipment date, **43:5**
- Uniform Electronic Transactions Act. **Uniform Electronic Transactions Act** (this index), **43:9**
- Online reviews, **43:12, 43:13, App. 43-D**
- Patents, business method, **43:27**
- Privacy laws and policies
 - generally, **43:17**
 - American Recovery and Reinvestment Act of 2009 (ARRA), protection of health information, **43:20**
- COPPA. **Children's Online Privacy Protection Act (COPPA)** (this index)
- Gramm-Leach-Bliley Act, **43:18**
- health information, American Recovery and Reinvestment Act of 2009 (ARRA), **43:20**
- Health Insurance Portability and Accountability Act, **43:19**
- policies, generally, **43:18**
- Resource Conservation and Recovery Act (RCRA), resources as to, **40:28**
- Reviews, online reviews, **43:12, 43:13**
- Trade secrets, **42:26, 45:17**
- Trademarks
 - generally, **43:26**
 - cybersquatting, **44:14**
 - hijacking of domain name, **44:15**
- Websites (this index)

INVENTORY

- Business considerations, inventory of business records, **12:9**
- Emergency Planning and Community Right-to-Know Act** (this index)
- Toxic Substances Control Act, partial updating of Inventory database, **39:7**

INVESTMENT COMPANY ACT OF 1940

- Obligations under, SEC regulation as to, **App. 14-R**

JUSTICE DEPARTMENT

- Foreign Corrupt Practices Act, enforcement of, **46:8**

LABELS FOR CHILDREN'S PRODUCTS

- Consumer Product Safety Act, **App. 18-C**

LABOR DEPARTMENT

- Employee Retirement Income Security Act (ERISA), regulations under, **App. 17-B**
- Fact Sheet #21: recordkeeping requirements under the FLSA, **App. 32-B**

LABORATORIES

- Resource Conservation and Recovery Act (RCRA), generator requirements for college and university, **40:13**

LEASES

- Statutes of limitations, commencement of statutory period, **10:7.50**

LEGAL CONSIDERATIONS

- General discussion, **12:14 to 12:20**
- Consumer Product Safety Act, **12:17**
- Electronic document discovery rules, **12:19**
- Employment laws, **12:15**
- International business operations, **12:18**
- Potential liabilities, **12:20**

LEGAL CONSIDERATIONS

—Cont'd

- Records retention requirements
 - general discussion, **12:14 to 12:18**
 - Consumer Product Safety Act, **12:17**
 - employment laws, **12:15**
 - international business operations, **12:18**
 - securities laws, **12:16**
- Securities laws, **12:16**

LEGAL PRACTICE

- Practice Considerations** (this index)

LICENSING

- Trademark licensing, naked, **44:10**

LILY LEDBETTER FAIR PAY ACT

- Hiring process, **35:19**
- Recordkeeping requirements, **31:24**

LIMITATION OF ACTIONS

- Statutes of Limitations** (this index)

LIMITED LIABILITY COMPANIES (LLC)

- Corporate records, right to inspect, attorneys, **1:47**

LITIGATION HOLD AND DISCOVERY PROCESS

- Electronic records management, **9:4**

LITIGATION-READY ORGANIZATIONS

- Electronic records management, **9:5**

LOANS

- Federal Election Campaign Act of 1971 (FECA)
 - disbursements, **28:20**
 - receipts, **28:10**
- Financial institutions. **Financial Institutions** (this index)
- Truth-in-Lending Act. **Truth-in-Lending Act** (this index)

LOBBYING DISCLOSURE ACT OF 1995

- General discussion, **29:1 to 29:10**
- Activity defined, lobbying, **29:4**
- Contact defined, lobbying, **29:4**

LOBBYING DISCLOSURE ACT OF 1995—Cont'd

- Definitions
 - generally, **29:2**
 - activity, lobbying, **29:4**
 - contact, lobbying, **29:4**
 - lobbyist, **29:3**
- Electronic filing, **29:8**
- Penalties, **29:10**
- Recordkeeping requirements, **29:9**
- Registration requirements; form LD-1, **29:5**
- Reporting requirements, **29:6 to 29:9**
 - electronic filing, **29:8**
 - form LD-2, **29:6**
 - form LD-203, **29:7**
- Text, Disclosure of Lobbying Activities, 2 U.S.C.A. §§ 1601-1614, **App. 29-A**
- Text as amended by Lobbying Disclosure Technical Amendments Act of 1998, **39:9**

MAGNUSON-MOSS WARRANTY ACT

- General discussion, **19:1 to 19:5**
- Enforcement using informal dispute settlement procedures
 - overview, **19:3**
 - recordkeeping requirements, **19:4**
- Lack legal obligation to retain, records that should be kept but, **19:5**
- Reasonableness of imposing obligations and duties on consumer, records that evidence the, **19:2**
- Statutes of limitations, **10:6**

MAIL ORDER

- Federal Trade Commission, guide to mail or telephone order merchandise rule, **App. 43-A**
- Internet. **Internet** (this index)
- Uniform Electronic Transactions Act. **Uniform Electronic Transactions Act** (this index)

MANAGEMENT

- Electronic Records** (this index)

INDEX

MANDATORY PRODUCT RECALLS

Consumer Product Safety Act, **18:8**

MANUALS

Practice considerations, **12:6**

MAPPING ESI

Electronic records management, **9:2**

MATERIAL SAFETY DATA SHEETS (MSDS)

Hazard communication rule, OSHA,
52:8

MEDIA SANITIZATION

Guidelines, **App. 11-B**

MEDICAL CERTIFICATION

Family and Medical Leave Act
(FMLA), **16:6**

MEDICARE MODERNIZATION ACT AND MEDICARE PART D

Overview of, **17:2**

MERGERS

Vertical, guidelines, antitrust laws,
App. 13-D

MODEL PRIVACY FORM

Gramm-leach-bliley act, **App. 53-A**

MORTGAGES

**Home Mortgage Disclosure Act
(Regulation C)** (this index)

MSDS (MATERIAL SAFETY DATA SHEETS)

Hazard communication rule, OSHA,
52:7

NATIONAL CREDIT UNION ADMINISTRATION

Generally, **26:31**

Compliance obligations, **26:32**

Periods, recordkeeping and retention,
26:33

NATIONAL EMPHASIS PROGRAM

Occupational Safety and Health
Administration (OSHA), **51:23**

NATIONAL LABOR RELATIONS BOARD

Posting authority, **33:1**

NATIONAL STOLEN PROPERTY ACT

Generally, **45:21**

OBSOLESCENCE

Accessibility of Records (this index)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

General discussion, **51:1 to 51:147**

Abatement verification, **51:30**

Acrylonitrile

shipyard employers, **51:101**

standard, employers subject to,
51:67

Agriculture

generally, **51:146**

cotton dust standard, employers
subject to, **51:65**

grain handling facilities, **51:55**

Other record-keeping require-
ments, **51:147**

Air receivers, shipyard portable,
51:79

Alpha-naphthylamine, shipyard,
51:82

Annual OSHA Injury and Illness
Survey, **51:20**

Arsenic, inorganic

shipyard employers, **51:95**

standard, employers subject to,
51:59

Asbestos

construction industry employers,
51:144

shipyard employers, **51:80**

standard, employers subject to,
51:57

Atmospheric conditions

longshoremen and harbor worker
employers, **51:114**

marine terminal standards,

employers subject to, **51:106**

shipyard employers, **51:75**

**OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION
(OSHA)—Cont'd**

Benzene
 shipyard employers, **51:98**
 standard, employers subject to, **51:62**

Benzidine, shipyard, **51:87**

Beta-naphthylamine, shipyard, **51:86**

Beta-propiolactone, shipyard, **51:90**

Bis-chloromethyl ether, shipyard, **51:85**

Bloodborne pathogens
 shipyard employers, **51:99**
 standard, employers subject to, **51:64**

Cadmium
 shipyard employers, **51:97**
 standard, employers subject to, **51:61**

Carbon monoxide, marine terminal, **51:108**

Carcinogen standards, employers
 subject to certain, **51:58**

Catastrophic incidents, recording of, **51:19**

Certification of vessels, cargo, gear
 and shore-based material
 handling devices, accreditation
 for
 generally, **51:116**
 accredited persons, record in
 custody of, **51:118**
 inspection duties, general, **51:116**
 testing duties, general, **51:117**
 vessel, record in custody of, **51:119**

Coke oven emissions standard,
 employers subject to, **51:63**

Communication rule. **Hazard Com-
munication Rule, OSHA** (this
 index)

Confined spaces
 shipyard employers, **51:75**
 standard for permit-required,
 employers subject to, **51:40**

Construction industry employers
 generally, **51:121**
 asbestos, **51:144**

**OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION
(OSHA)—Cont'd**

Construction industry employers
 —Cont'd
 diving operations, below
 explosives, use of, **51:137**
 exposure and medical records,
 access to employee
 generally, **51:122**
 cranes, **51:130**
 derricks, **51:130**
 elevators, **51:132**
 excavation requirements, **51:133**
 fall protection, **51:131**
 fire suppression equipment,
 fixed, **51:128**
 hazardous waste and emergency
 response, **51:127**
 highly hazardous chemicals,
 51:126
 hoists, **51:132**
 ionizing radiation, **51:123**
 lead, **51:125**
 methylenedianiline, **51:124**
 rigging equipment, **51:129**
 steel erection, **51:134**
 standards governing exposures,
 subject to, **51:145**
 underground construction
 generally, **51:135**
 compressed air, use of, **51:136**

Cotton dust standard, employers
 subject to, **51:65**

COVID-19, **51:13, App. 51-B**

Cranes, employers with
 construction industry, **51:130**
 crawler locomotive cranes, **51:47**
 gantry cranes, **51:46**
 marine terminal cranes, **51:110**
 overhead cranes, **51:46**
 truck cranes, **51:47**

Days away from work, form to rec-
 ord, **51:7**

Derricks
 construction industry, **51:130**
 marine terminal derricks, **51:110**

INDEX

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)—Cont'd

- Derricks—Cont'd
 - standards, employers subject to, **51:48**
- Diving operations
 - generally, **51:138**
 - equipment procedures and requirements, **51:142**
 - post-dive procedures
 - generally, **51:141**
 - standard for, employers subject to, **51:56**
 - predive procedures, **51:140**
 - recordkeeping, **51:143**
 - safe practices, **51:139**
- Electronic records of injuries and illnesses, **51:17**
- Elevators, construction industry, **51:133**
- Emergency action plans, employers required to have
 - generally, **51:32, 51:115**
 - hazardous waste operations
 - construction industry employers, **51:127**
 - standard for, employers subject to, **51:37**
- Employer-specific requirements, **51:31 to 51:73**
- Ethylene oxide
 - shipyard employers, **51:102**
 - standard, employers subject to, **51:68**
- Ethyleneimine, shipyard, **51:89**
- Excavation requirements, **51:133**
- Explosives, construction employers using, **51:137**
- Exposure and medical records, employee
 - generally, **51:26**
 - access to records
 - generally, **51:29**
 - construction industry employers, above
 - location of records, **51:29**
 - records which must be kept, **51:27**

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)—Cont'd

- Exposure and medical records, employee—Cont'd
 - time records must be kept, length of, **51:28**
- Fall protection, construction industry, **51:131**
- Fatalities, recording of, **51:19**
- Fire prevention plans, employers required to have
 - generally, **51:32**
 - construction industry employers, **51:128**
 - extinguishers, portable fire, **51:43**
 - extinguishing systems, fixed, **51:45**
 - fire brigade standard, **51:42**
 - sprinkler systems, automatic, **51:44**
 - suppression equipment, fixed, **51:128**
- First aid, revised definition of, **51:8**
- Forging machines, employers with, **51:51**
- Formaldehyde
 - shipyard employers, **51:103**
 - standard, employers subject to, **51:69**
- Forms to record workplace injuries and illnesses
 - generally, **51:4, 51:5**
 - days away from work, **51:7**
 - first aid, revised definition of, **51:8**
 - job restrictions or transfer, **51:7**
 - medical treatment, revised definition of, **51:8**
 - sample forms, **App. 51-A**
 - work relationship, determination of, **51:6**
- 4-aminodiphenyl, shipyard, **51:88**
- 4-dimethylaminoazobenzene, shipyard, **51:92**
- 4-nitrobiphenyl, shipyard, **51:81**
- Fumigants, marine terminal, **51:109**
- Government contractors, **51:120**
- Grain handling facilities, **51:55**
- Harbor workers. Longshoremen and harbor worker employers, below

**OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION
(OSHA)—Cont'd**

Hazard communication rule. **Hazard Communication Rule, OSHA**
(this index)

Hazardous waste operations and
emergency response
construction industry employers,
51:127
standard for, employers subject to,
51:38

Hearing loss
generally, **51:10**
checklists, NIOSH hearing conser-
vation, **51:11**
noise standards, employers subject
to occupational, **51:35**

Highly hazardous chemicals
construction industry employers,
51:126
process safety management of,
employers subject to stan-
dards for, **51:37**

Hoists, construction industry, **51:132**

Hooks
longshoremen and harbor workers,
51:113
shipyard hooks, **51:78**

Illnesses, recording workplace.
Injuries and illnesses, recording
workplace, below

Injuries and illnesses, recording
workplace
generally, **51:2, 51:22**
Annual OSHA Injury and Illness
Survey, **51:20**
catastrophic incidents, **51:19**
centralization, **51:18**
computerization, **51:18**
COVID-19, **51:13**
electronic records, **51:18**
employee involvement with
recordkeeping, **51:16**
employers covered by rule, **51:3**
failure to maintain required
records, **51:22**
fatalities, **51:19**
forms, above

**OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION
(OSHA)—Cont'd**

Injuries and illnesses, recording
workplace—Cont'd
hearing loss
generally, **51:10**
checklists, NIOSH hearing con-
servation, **51:11**
musculoskeletal disorders, **51:14**
national emphasis program, **51:23**
needlestick injuries, **51:9**
ownership changes, business,
51:15
penalties for failure to maintain
required records, **51:22**
privacy protections, **51:17**
Survey, Annual OSHA Injury and
Illness, **51:20**
time records must be kept, length
of, **51:21**
tuberculosis (TB), **51:12**

Insecticides, marine terminal, **51:109**

Ionizing radiation standards, employ-
ers subject to
generally, **51:36, 51:73**
construction industry employers,
51:123

Job restrictions or transfer, form to
record, **51:7**

Laboratories, exposure to hazardous
chemicals in, **51:74, 51:105**

Lead
construction industry employers,
51:125
shipyard employers, **51:96**
standard, employers subject to,
51:60

Lockout standard, employers subject
to, **51:41**

Logging operations standard,
employers subject to, **51:53**

Longshoremen and harbor worker
employers
atmospheric conditions, **51:114**
certification, accreditation for. Cer-
tification of vessels, cargo,
gear and shore-based material

INDEX

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)—Cont'd

Longshoremen and harbor worker
employers—Cont'd
 handling devices, accreditation for, above
 general gear, **51:112**
 hooks other than hand hooks,
 51:113
 stevedoring gear, **51:112**
 ventilation, **51:114**
Manlifts, employers with
 generally, **51:34**
 marine terminal manlifts, **51:111**
Marine terminal standards, employers
subject to
 generally, **51:106**
 carbon monoxide, **51:108**
 certification, accreditation for. Certification of vessels, cargo,
 gear and shore-based material
 handling devices, accreditation
 for, above
 cranes, **51:110**
 derricks, **51:110**
 fumigants, **51:109**
 hazardous atmospheres and sub-
 stances, **51:107**
 insecticides, **51:109**
 manlifts, **51:111**
 pesticides, **51:109**
 preservatives, hazardous, **51:109**
Medical records
 exposure and medical records,
 employee, above
 privacy protections, **51:17**
Medical treatment, revised definition
of, **51:8**
Methyl chloromethyl ether, shipyard,
51:83
Methylene chloride standard,
employers subject to, **51:72**
Methylenedianiline
 construction industry employers,
 51:124
 shipyard employers, **51:104**
 standard, employers subject to,
 51:70

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)—Cont'd

Musculoskeletal disorders, **51:14**
National emphasis program, record-
ing workplace injuries and ill-
nesses, **51:23**
Needlestick injuries, **51:9**
N-nitrosodimethylamine, shipyard,
51:93
Noise standards, employers subject to
occupational, **51:35**
1,3-butadiene standard, employers
subject to, **51:71**
1,2-dibromo-3-chloropropane
shipyard employers, **51:100**
standard, employers subject to,
51:66
Ownership changes, business, **51:15**
Pesticides, marine terminal, **51:109**
Platform installations for mainte-
nance, employers with perma-
nent powered, **51:33**
Posting requirements, **32:11**
Preservatives, marine terminal haz-
ardous, **51:109**
Presses, employers with mechanical
power, **51:50**
Pressure vessels, shipyard unfired,
51:79
Privacy protections, **51:17**
Recordkeeping requirements
 exposure and medical records,
 employee, above
 Injuries and illnesses, recording
 workplace, above
Respiratory protection standard,
employers subject to, **51:39**
Rigging equipment, construction,
51:129
Shackles and hooks, shipyard, **51:78**
Shipyard employers
 generally, **51:75**
 acrylonitrile, **51:101**
 air receivers, portable, **51:79**
 alpha-naphthylamine, **51:82**
 arsenic, inorganic, **51:95**
 asbestos, **51:80**
 benzene, **51:98**

**OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION
(OSHA)—Cont'd**

Shipyard employers—Cont'd
 benzidine, **51:87**
 beta-naphthylamine, **51:86**
 beta-propiolactone, **51:90**
 bis-chloromethyl ether, **51:85**
 bloodborne pathogens, **51:99**
 cadmium, **51:97**
 certification, accreditation for. Cer-
 tification of vessels, cargo,
 gear and shore-based material
 handling devices, accredita-
 tion for, above
 competent person requirement,
 51:76
 confined spaces and other danger-
 ous atmosphere, **51:77**
 ethylene oxide, **51:102**
 ethyleneimine, **51:89**
 formaldehyde, **51:103**
 4-aminodiphenyl, **51:88**
 4-dimethylaminoazobenzene,
 51:92
 4-nitrobiphenyl, **51:81**
 hooks, **51:78**
 lead, **51:96**
 methyl chloromethyl ether, **51:83**
 methylenedianiline, **51:104**
 n-nitrosodimethylamine, **51:93**
 1,2-dibromo-3-chloropropane,
 51:100
 pressure vessels, unfired, **51:79**
 shackles and hooks, **51:78**
 3,3'-dichlorobenzidine and its
 salts, **51:84**
 2-acetylaminofluorene, **51:91**
 vinyl chloride, **51:94**
 Slings, employers subject to standard
 for, **51:49**
 Steel erection, **51:134**
 Stevedores. Longshoremen and
 harbor worker employers, above
 Survey, Annual OSHA Injury and
 Illness, **51:20**
 Tagout standard, employers subject
 to, **51:41**

**OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION
(OSHA)—Cont'd**

Telecommunication standard,
 employers subject to, **51:54**
 3,3'-dichlorobenzidine and its salts,
 shipyard, **51:84**
 Tuberculosis (TB), **51:12**
 2-acetylaminofluorene, shipyard,
 51:91
 Ventilation; longshoremen and harbor
 worker employers, **51:114**
 Vinyl chloride, shipyard, **51:94**
 Welding standard, employers subject
 to resistance, **51:52**
 Work relationship to illness or injury,
 determination of, **51:6**

**OFFICE OF THE COMPTROLLER
OF THE CURRENCY (OCC)**

Electronic recordkeeping, advisory
 letter as to, **App. 26-A**

OPEN GOVERNMENT

Electronic records, Honest Leader-
 ship and Open Government Act
 of 2007, **28:35**

OSHA

**Occupational Safety and Health
Administration (OSHA)** (this
 index)

**OUTSOURCING
RECORDKEEPING
OPERATIONS**

Generally, **30:1 to 30:14**
 CIS regulations on employment
 eligibility verification, **30:13**
 Discussion, **30:1**
 employment eligibility verification,
 30:2
 employment verification and those
 who are rehired, **30:11**
 e-verify program, **30:3**
 inspection of records, **30:9**
 government records, **30:10**
 penalties, **30:12**
 reverification of workers, **30:6**
 what form must be used, **30:7**

INDEX

OUTSOURCING

RECORDKEEPING

OPERATIONS—Cont'd

- Discussion, **30:1**—Cont'd
 - when must the verification take place, **30:5**
 - who must be verified, **30:4**
- Employment eligibility verification Form I-9 with instructions, **30:14**
- Law, **30:1**
- Preservation of records, **11:40.50**
- Recordkeeping, **30:8**
- Recordkeeping generally, **30:8**

OWNERSHIP OF RECORDS

- Search warrants, **4A:29**

PATENTS

- Generally, **42:12**
- Applications, **42:13**
- Business method patents; Internet, **43:27**
- Company rights to inventions of employees, independent contractors and others, **42:16**
- Government contracts and subcontracts, patent rights in, **22:19**
- Infringement, recordkeeping to avoid, **42:17**
- Internet; business method patents, **43:27**
- Privilege claims, **42:18**
- Reverse engineering, **42:15**
- Technical records, **42:14**

PAYCHECK PROTECTION PROGRAM

- Financial institutions, **26:34**

PBGC

- Pension Benefit Guaranty Corporation (PBGC) (this index)

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

- Employee Retirement Income Security Act (ERISA), **15:17, App. 17-A**

PERMITS

- Clean Air Act. **Clean Air Act** (this index)
- Confined spaces under OSHA, employers subject to standard for permit-required, **51:40**

PERSONAL AND CORPORATE RECORDS, DISTINCTION BETWEEN

- General discussion, **1:22, 4:1 to 4:6**
- Capacity of individual producing documents, **4:5**
- Case law, illustrative, **4:2**
- Electronic records, **4:6**
- E-mail, **4:6**
- Review of documents, **4:3**
- Types of documents, **4:4**

PERSONAL CONFLICTS OF INTEREST

- Government contracts and subcontracts, **22:11**

PERSONAL DATA

- European Union Data Privacy Directive, **50:4**

PERSONNEL RECORDS

- Generally, **1:24**
- Benefits
 - ERISA. **Employee Retirement Income Security Act (ERISA)** (this index)
 - FMLA. **Family and Medical Leave Act (FMLA)** (this index)
- Privacy. **Personnel Records - Privacy Aspects** (this index)
- Title VII of Civil Rights Act and Americans with Disabilities Act, **31:3**

PERSONNEL RECORDS - PRIVACY ASPECTS

- General discussion, **7:1 to 7:14**
- Conclusion, **7:14**
- Genetic Information Nondiscrimination Act of 2008 (GINA), **7:13**
- Liability generally, **7:2**

**PERSONNEL RECORDS -
PRIVACY ASPECTS—Cont'd**

Liability—Cont'd
 data breach, **7:9**
 defamation, **7:6**
 economic advantage, interference
 with prospective, **7:7**
 other potential liability, generally,
 7:5
 public disclosure of private facts,
 7:8
 third parties, disclosure to, **7:3**
 unions, disclosure to, **7:4**
 Medical records, employee
 access to health information,
 efforts to enhance individu-
 als', **7:12**
 federal laws
 generally, **7:11**
 Occupational Safety and Health
 Administration records,
 51:16
 state laws, **7:10, App. 7-A**
 Occupational Safety and Health
 Administration records, **51:17**

PLAIN VIEW DOCTRINE

Search warrants, **4A:27**

POLICIES AND PROCEDURES

Practice considerations, **12:4**

**POLICY FOR DOCUMENT
RETENTION**

General discussion, **1:1 to 1:45**
 Categorization of records, **1:18**
 Checklist for designing records reten-
 tion program, **App. D**
 Chronological files, **1:7**
 Decentralized company, for, **App. A**
 Designing program
 procedures, **1:17**
 resources, **1:16**
 Disposal rule, FTC, **37:10**
Electronic Records (this index)
 Environmental document retention
 policy, guidelines for, **App. C**
 Internet records, **1:11**
 Monitoring, **1:20**

**POLICY FOR DOCUMENT
RETENTION—Cont'd**

Periods, establishment of retention,
 1:19
 Personal documents, **1:22**
 Personal identifying information
 protection, sample state statutes,
 App. E
 Personnel, **1:24**
 Prioritization of records, **1:18**
 Privacy, **1:21**
 Products liability cases
 destruction of document in accor-
 dance with program, **20:29**
 failure to properly implement
 policy, **20:28**
 Programs, records retention
 areas prescribing record require-
 ments, **1:2**
 reasons for, **1:1**
 selection of appropriate approach,
 below
 Purging, **1:20**
 Quality of record, generally, **1:12**
 Safe communication through adher-
 ence to strict document retention
 program, **6:14**
 Sample record retention guide, **App.
 B**
 Security, **1:21**
 Selection of appropriate approach
 generally, **1:3**
 general versus specific, **1:6**
 records versus information, **1:5**
 top versus bottom, **1:4**
Subpoenas (this index)
 Third-party records, **1:9**
 Related entities, **1:10**
 Trade secrets, **42:22 to 42:28**
 Vital records, **1:8**

POLITICAL ACTIVITIES

Bipartisan Campaign Reform Act.
 **Bipartisan Campaign Reform
 Act** (this index)
 FECA. **Federal Election Campaign
 Act of 1971 (FECA)** (this
 index)

INDEX

POLITICAL ACTIVITIES—Cont'd

- Lobbying Disclosure Act. **Lobbying Disclosure Act of 1995** (this index)
- Political action committees (PACs). **Federal Election Campaign Act of 1971 (FECA)** (this index)

POLYGRAPHS

- Employee Polygraph Protection Act, posting requirements of, **33:12**

POSTING REQUIREMENTS UNDER THE EMPLOYMENT LAWS

- Employee right under the fair labor standards act, **App. 33-B**
- Employer notification requirements under the family and medical leave act, **App. 33-D**
- Workplace discrimination is illegal, **App. 33-A**
- Your employee rights under the family and medical leave act, **App. 33-C**

PRACTICE CONSIDERATIONS

- General discussion, **12:2 to 12:8**
- Advantages of records retention programs, **12:2**
- Checklist, **12:8**
- Electronic documents, **12:7**
- Essential elements of program, **12:3**
- Manuals, records retention, **12:6**
- Policies and procedures, **12:4**
- Procedures, policies and, **12:4**
- Purpose of records retention programs, **12:2**
- Records retention manuals, **12:6**
- Retention schedules, **12:5**

PREEMPTION

- Employee Retirement Income Security Act (ERISA), **15:15**

PREPARATION OF RULE 30(B)(6) WITNESS

- Electronic records management, **9:8**

PRESCRIPTION DRUG BENEFIT PROGRAM

- General discussion, **17:1 to 17:5**
- Claims management services requirements generally, **17:4**
- final regulations, **App. 19-A**
- Conclusion, **17:5**
- Medicare Modernization Act and Medicare Part D, overview of, **17:2**
- Miscellaneous regulatory requirements, **17:3**

PRESERVATION OF RECORDS

- Generally, **11:20**
- Catastrophic events generally, **11:35**
- procedures, below scope, **11:36**
- Climate control, **11:30**
- Electronic discovery. **Discovery - Electronic Records** (this index)
- Electronic records discovery. **Discovery - Electronic Records** (this index)
- magnetic fields, **11:32**
- Environmental controls in facilities generally, **11:27**
- climate control, **11:30**
- filtration system, **11:31**
- fire prevention, **11:29**
- magnetic fields, **11:32**
- water control, **11:28**
- Facilities generally, **11:21**
- environmental controls in facilities, above
- handling, **11:34**
- location of, below
- standards for records storage facilities, **App. 11-C**
- supplies and products, **11:33**
- Filtration system, **11:31**
- Fire prevention, **11:29**
- Handling, **11:34**
- Location of facilities generally, **11:22**
- fire, **11:24**

PRESERVATION OF RECORDS —Cont'd

- Location of facilities—Cont'd
 - pollutants, **11:25**
 - strategic targets, **11:26**
 - water, **11:23**
- Outsourcing, **11:40.50**
- Pollutants, **11:25**
- Procedures in catastrophic events
 - generally, **11:37**
 - identification, **11:38**
 - maintenance, **11:40**
 - site, **11:39**
- Products liability cases. **Products Liability Cases** (this index)
- Spoliation. **Spoliation** (this index)
- Supplies and products, **11:33**
- Water, **11:23, 11:28**

PRETEXTING

- Gramm-Leach-Bliley Act, **53:41**

PRIVACY

- General discussion, **1:21, 55:1 to 55:29**
- American Recovery and Reinvestment Act of 2009 (ARRA), **55:8**
- Biometric data, **55:26**
- Children's Online Privacy Protection Act (COPPA)** (this index)
- Cloud computing, security and privacy, **App. 11-A**
- Company privacy policies
 - generally, **55:11**
 - audits, **45:13**
 - security programs to protect sensitive information, **45:14**
 - training, **55:12**
- Conclusion, **55:29**
- COPPA. **Children's Online Privacy Protection Act (COPPA)** (this index)
- Customer and consumer information. **Gramm-Leach-Bliley Act** (this index)
- Data breaches, **App. 55-B**
- Electronic records
 - generally, **8:46**
- European Union Data Privacy Directive. **European Union Data**

PRIVACY—Cont'd

- Privacy Directive** (this index)
- Gramm-Leach-Bliley Act. **Gramm-Leach-Bliley Act** (this index)
- HIPAA. **Health Insurance Portability and Accountability Act (HIPAA)** (this index)
- Internet **Internet** (this index)
- New privacy legislation, **55:28**
- Occupational Safety and Health Administration records, **51:17**
- Personnel records. **Personnel Records, Privacy Aspects of** (this index)
- Sample state statutes regarding personal identifying information protection, **App. E**
- State laws, **55:25**
- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, **55:9**

PRIVATE RIGHT OF ACTION

- Fair Labor Standards Act (FLSA), **32:19**

PRIVILEGE

- Attorney-client privilege. **Attorneys** (this index)
- Destruction of documents, legal implications of, **5:24**
- Electronic records, **8:23**
- Patent records, **42:12**
- Products liability cases, **20:26, 20:27**
- Search warrants, **4A:13, 4A:31, 4A:42**
- Standing to assert privilege, **1:36**

PROBABLE CAUSE

- Search Warrants** (this index)

PROCESS AUDITS

- Electronic records management, **9:9**

PRODUCTS LIABILITY CASES

- General discussion, **20:1 to 20:29**
- Adverse inference, **20:24**
- American Society for Testing and Materials (ASTM) international guidelines, **20:10**

INDEX

PRODUCTS LIABILITY CASES

—Cont'd

- Attorneys' duty to preserve evidence, **20:4**
- Consumer Product Safety Act.
Consumer Product Safety Act
(this index)
- Default judgment for destruction of evidence, **20:21**
- Defenses
 - generally, **20:25**
 - privilege, **20:26**
 - work product, **20:27**
- Design defect, **20:15**
- Destruction of documents
 - retention program, in accordance with, **20:29**
 - sanctions for destruction of evidence, below
- Discovery process, **20:9**
- Dismissal for destruction of evidence, **20:20**
- Duty to preserve evidence
 - generally, **20:2**
 - American Society for Testing and Materials (ASTM)
international guidelines, **20:10**
 - discovery process, **20:9**
 - litigation, below
 - protective orders, **20:8**
- Experts' duty to preserve evidence, **20:5**
- Insurers' duty to preserve evidence, **20:7**
- Litigation, duty to preserve evidence for
 - generally, **20:3**
 - attorneys, **20:4**
 - experts, **20:5**
 - incidental parties, **20:6**
 - insurers, **20:7**
- Monetary sanctions for destruction of evidence, **20:22**
- Preclusion orders for destruction of evidence, **20:19**
- Prejudice
 - generally, **20:13**
 - design defect, **20:15**

PRODUCTS LIABILITY CASES

—Cont'd

- Prejudice—Cont'd
 - sanctions, **20:14**
- Preservation of evidence requirements
 - duty to preserve evidence, above
 - intent, **20:12**
 - prejudice, above
 - timing, **20:11**
- Privilege, defense of, **20:26, 20:27**
- Protective orders, **20:8**
- Retention program, document
 - destruction of documents in accordance with, **20:29**
 - failure to properly implement, **20:28**
- Sanctions for destruction of evidence
 - generally, **20:16**
 - adverse inference, **20:24**
 - default judgment, **20:21**
 - dismissal, **20:20**
 - monetary, **20:22**
 - preclusion orders, **20:19**
 - standard for evaluation, **20:17**
 - tort claim, **20:23**
 - types of, **20:18 to 20:24**
- Sanctions for prejudice, **20:14**
- Statutes of limitations; commencement of statutory period, **10:4, 10:4.50**
- Tort claim for destruction of evidence, **20:23**
- Work-product privilege, defense of, **20:27**

PROTECTIVE MEASURES

Search Warrants (this index)

PROTECTIVE ORDERS

- Federal securities laws, **14:4**
- Trade secrets, **45:30**

RCRA

Resource Conservation and Recovery Act (RCRA) (this index)

REAL ESTATE SETTLEMENT PROCEDURES ACT

- Generally, **26:16**

**REAL ESTATE SETTLEMENT
PROCEDURES ACT—Cont'd**

- Compliance obligations, **26:17 to 26:20**
- Good faith estimate, **26:18**
- Periods, recordkeeping and retention servicing disclosure statement and applicant acknowledgment, **26:22**
- uniform settlement statement, **26:21**
- Servicing disclosure statement and applicant acknowledgment compliance obligations, **26:20**
- periods, recordkeeping and retention, **26:22**
- Uniform settlement statement compliance obligations, **26:19**
- periods, recordkeeping and retention, **26:21**

**RECORDKEEPING
REQUIREMENTS**

- Antiboycott Regulations** (this index)
- Browser activity, **55:27**
- Chemical facility anti-terrorism standards, **App. 56-A, App. 56-B**
- Conclusion, **36:4**
- Corporate records, right to inspect, **1:45**
 - electronic records, **1:46**
 - e-mails, **1:46**
- Data breaches
 - employment records, **55:23**
 - Federal Trade Commission response guidance, **55:20**
 - medical records, **55:24**
 - model letter, **55:22**
- Department of Homeland Security's final rule setting chemical facility anti-terrorism standards, **56:7, 56:8**
- Electronic Signatures in Global and National Commerce Act** (this index)
- European Union Data Privacy Directive** (this index)
- Fair employment, state statutes, **31:26**

**RECORDKEEPING
REQUIREMENTS—Cont'd**

- Fair Employment Practice Laws** (this index)
- Fair Pay Act, **31:24**
- Family and Medical Leave Act (FMLA)** (this index)
- Genetic Information Nondiscrimination Act of 2008 (GINA), **31:25**
- Health Insurance Portability and Accountability Act (HIPAA)** (this index)
- Homeland Security, **App. 56-A, App. 56-B**
- Imports, **48:4**
- Independent contractors, **23:3**
- Internet, job applications on, **36:3**
- Internet Applicant Record-Keeping Rule, FAQs, **App. 36-A**
- Labor Department, Fact Sheet #21: recordkeeping requirements under the FLSA, **App. 32-B**
- Legal Considerations** (this index)
- Lily Ledbetter Fair Pay Act, **31:24**
- Policy for document retention, **1:2**
- RBPS 18-records, **App. 56-A, App. 56-B**
- Resource Conservation and Recovery Act (RCRA)** (this index)
- Sarbanes-Oxley Act of 2002** (this index)
- Schedule relating to. **Securities and Exchange Commission (SEC) Regulations** (this index)
- Securities and Exchange Commission (SEC) Regulations** (this index)
- State statutes, fair employment, **31:26**
- Uniform Electronic Transactions Act** (this index)
- U.S. Customs and Border Protection, What Every Member of the Trade Community Should Know About: Recordkeeping, **App. 48-C**

INDEX

RECORD-KEEPING SYSTEMS

Guidance for Records System Maintenance and Protection, **App. 11-F**

Income tax records, corporate, **25:4**

RECRUITMENT, EMPLOYEE

General discussion, **35:1 to 35:12, 35:20**

Advertisements, job, **35:4**

Affirmative action

government contracts and subcontracts, requirements for, **22:16**

plans, **35:18**

Announcements, job, **35:4**

Applicants, job

determining who is job applicant, **35:3**

flow information, **35:9**

Applications

generally, **35:6**

Internet, on **Internet** (this index)

Background investigation reports, **35:11**

Criteria for selecting candidates, **35:5**

Fair employment practice laws. **Fair Employment Practice Laws** (this index)

Federal contractors

affirmative action requirements, **22:16**

periods, special retention, **35:10**

Internet. **Internet** (this index)

Interview notes and lists of standard questions, **35:7**

Investigation reports, background, **35:11**

Medical examinations, records of preemployment, **35:12**

Orders, job, **35:4**

Physical examinations, records of preemployment, **35:12**

Postings, internal job, **35:4**

Reference letters, **35:8**

Resumes, **35:6**

RED FLAGS RULE

Financial institutions, identity theft, **26:73**

REFRIGERATION EQUIPMENT REPAIR AND DISPOSAL

Clean Air Act, **41:77**

REPRODUCTIONS OF RECORDS

Admissibility of Reproductions of **Business records** (this index)

Export control laws, **47:7**

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

General discussion, **40:1 to 40:31**

Amendments to underground storage tank program, **40:26**

Closure and post-closure records, **40:21**

College laboratories, generator requirements, **40:13**

Enforcement, **40:27**

EPA retention practices, **40:28**

Facilities covered by, **40:2**

Forms

Site Identification Form, RCRA Subtitle C, **40:31**

Uniform Hazardous Waste Manifest form generally, **40:30**

Generator requirements for college and university laboratories, **40:13**

Hazardous waste. Recordkeeping requirements for hazardous waste generators, transporters, and treatment, storage and disposal facilities, below

Inspection records, **40:19**

Internet resources, **40:29**

Laboratories, generator requirements for college and university, **40:13**

Land disposal facilities, **40:17**

Manifest system

generally, **40:3**

changes to, 2005, **40:4**

form, Uniform Hazardous Waste Manifest

generally, **40:31**

information collected in

generally, **40:5**

combination of data fields, **40:7**

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

—Cont'd

- Manifest system—Cont'd
 - information collected in—Cont'd
 - other changes, deletions and clarifications, **40:8**
 - removal of data elements from form, **40:6**
- Recordkeeping requirements for hazardous waste generators, transporters, and treatment, storage and disposal facilities
 - closure and post-closure records, **40:21**
 - inspection records, **40:19**
 - land disposal facilities, **40:17**
 - manifest system, above
 - other records, **40:18**
 - training records, **40:20**
 - transporters, **40:15**
 - treatment, storage or disposal (TSD) facilities, **40:16**
 - waste generators, categories of, below
- Recordkeeping requirements of underground storage program
 - amendments to, **40:26**
 - closure requirements, **40:24**
 - financial responsibility requirements, **40:25**
 - overview, **40:22**
 - technical performance standards, **40:23**
- Site Identification Form, RCRA
 - Subtitle C, **40:31**
- Training records, **40:20**
- Transporters, **40:15**
- Treatment, storage or disposal (TSD) facilities, **40:16**
- Underground storage programs.
 - Recordkeeping requirements of underground storage program, above
- University laboratories, generator requirements, **40:13**
- Waste generators, categories of
 - generally, **40:9**

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

—Cont'd

- Waste generators, categories of
 - Cont'd
 - college laboratories, generator requirements, **40:13**
 - generator requirements for college and university laboratories, **40:13**
 - laboratories, generator requirements for college and university, **40:13**
 - large quantity generators, **40:10**
 - record retention requirements, **40:14**
 - small quantity generators
 - generally, **40:11**
 - conditionally exempt, **40:12**
 - university laboratories, generator requirements, **40:13**

RETENTION SCHEDULES

- Practice considerations, **12:5**

RETRIEVAL OF RECORDS

- Accessibility of Records (this index)

REVIEWS

- Online reviews, **43:12, 43:13, App. 43-D**

RISK-BASED PERFORMANCE STANDARDS

- Department of Homeland Security's final rule setting chemical facility anti-terrorism standards, **56:5**

ROBINSON-PATMAN ACT

- Generally, **13:12, 13:16**
- Cost-justification defense, records to support, **13:13**
- Meeting-competition defense, records to support, **13:14**
- Period of retention, **13:15**

RULE 30(B)(6) WITNESSES

- Electronic records management, **9:8**

SAFE COMMUNICATION

- General discussion, **6:1 to 6:22**
- Accuracy of every writing, **6:7**

INDEX

SAFE COMMUNICATION—Cont'd

- Adversary in litigation, assumption every writing will be read by, **6:6**
- Alternatives to written communication, use of, **6:5**
- “Bad” documents
 - defined, **6:2**
 - Immediate dealing with, **6:11**
 - purpose for creation of, **6:2**
 - risks of, **6:3**
 - sources of most problematic documents, identification of, **6:19**
- Care in choice of words for sensitive or risky subjects, **6:9**
- Compliance officer, appointment of safe communication, **6:18**
- Conclusion, **6:22**
- Construction of meaning as something else, likelihood of, **6:8**
- Employee commitment to, securing, **6:17**
- Follow-up, **6:21**
- Immediate dealing with “bad” documents, **6:11**
- Liability, avoidance of commenting on potential, **6:10**
- Limitation of dissemination of writing to those who need to know, **6:12**
- Management commitment to, securing, **6:16**
- Pending litigation, no creation of documents commenting on, **6:13**
- Program for, **6:4 to 6:15**
- Sources of most problematic documents, identification of, **6:19**
- Strict document retention program, adherence to, **6:14**
- Tips for implementing program of, **6:15 to 6:21**
- Training program, comprehensive, **6:20**

SAFEGUARDS RULE

- What your business needs to know, FTC, **App. 26-F, App. 53-B**

SARBANES-OXLEY ACT OF 2002

- General discussion, **27:1 to 27:8**
- Audit and review records regulation, SEC, **App. 27-A**
- Conclusion, **27:8**
- Disclosure documents, miscellaneous, **27:7**
- Financial reporting, **27:6**
- Issuer defined, **27:5**
- Period, retention, **27:4**
- Retention requirements
 - disclosure documents, miscellaneous, **27:7**
 - financial reporting, **27:6**
 - issuer defined, **27:5**
 - period, retention, **27:4**
 - SEC rule 2-06, **27:3**
 - Section 802, **27:2**
- Securities and Exchange Commission (SEC)
 - audit and review records regulation, **App. 27-A**
 - rule 2-06, **27:3**

SEARCH AND SEIZURE

- Trade secrets, **45:31**
- Trials, protection, **45:31**

SEARCH WARRANTS

- Generally, **4A:1 to 4A:44**
- Attorneys, alert counsel as part of response to the warrant, **4A:9**
- Back-up copies of records as protective measure, **4A:39**
- Challenging the warrant
 - generally, **4A:15 to 4A:29**
 - electronic records, **4A:26**
 - foreign language records, **4A:28**
 - items to be seized, generally, **4A:25 to 4A:29**
 - location to be searched, **4A:24**
 - ownership of records, **4A:29**
 - plain view doctrine, **4A:27**
 - privilege, **4A:31**
 - probable cause, below
 - scope, generally, **4A:21 to 4A:23**
 - standing, **4A:16**
 - temporal restrictions, **4A:30**

SEARCH WARRANTS—Cont'd

- Compliance, company compliance program as protective measure, **4A:37**
- Conclusion, **4A:44**
- Consent, do not consent to search, **4A:8**
- Copy of warrant, obtain and review, **4A:10**
- Corporate records, generally, **4A:1 to 4A:43**
- Date. Time or date, below
- Debriefing employees, **4A:35**
- Electronic records, **4A:26**
- Execution, procedure, **4A:4**
 - electronic records, **4A:5**
- Factual basis, adequacy of, **4A:18**
- Foreign language records, **4A:28**
- Hiring practices as protective measure, **4A:38**
- Identity or identification
 - corporate entity, identity of probable cause issues, **4A:22**
 - responding to the warrant, request identification, **4A:6**
 - suspected criminal activity, probable cause issues, **4A:21**
- Issuance, **4A:3**
- Items to be seized, generally, **4A:25 to 4A:29**
- Location to be searched, **4A:24**
- Obtaining documents from court, **4A:33**
- Officers, monitor, **4A:12**
- Ownership of records, **4A:29**
- Plain view doctrine, **4A:27**
- Post-search issues
 - generally, **4A:32 to 4A:35**
 - debrief employees, **4A:35**
 - obtain documents from court, **4A:33**
 - recover seized items, **4A:34**
- Privilege issues, **4A:13, 4A:31, 4A:42**
- Probable cause
 - generally, **4A:17 to 4A:22**
 - date of information, **4A:19**
 - factual basis, adequacy of, **4A:18**
 - good faith exception, **4A:20**

SEARCH WARRANTS—Cont'd

- Probable cause—Cont'd
 - identification of suspected criminal activity, **4A:21**
 - identity of corporate entity, **4A:22**
- Procedures, generally, **4A:2 to 4A:4**
- Protective measures
 - generally, **4A:36 to 4A:43**
 - back-up copies of records, **4A:39**
 - compliance, company compliance program, **4A:37**
 - hiring practices, **4A:38**
 - privileged documents, **4A:42**
 - retention of documents, program for, **4A:40**
 - standard operating procedures, **4A:41**
 - train employees, **4A:43**
- Record items taken, **4A:14**
- Recover seized items, **4A:34**
- Responding to the warrant
 - generally, **4A:6 to 4A:15**
 - attorneys, alert counsel, **4A:9**
 - consent, do not consent to search, **4A:8**
 - copy of warrant, obtain and review, **4A:10**
 - employees, attend to, **4A:11**
 - identification, request identification, **4A:7**
 - officers, monitor, **4A:12**
 - privileged materials, protect, **4A:13**
 - record items taken, **4A:14**
- Retention of documents, program for as protective measure, **4A:40**
- Scope, generally, **4A:23 to 4A:29**
- Standard operating procedure as protective measure, **4A:41**
- Standing to challenge the warrant, **4A:16**
- Time or date
 - challenging the warrant, temporal restrictions, **4A:30**
 - probable cause issues, date of information, **4A:19**
- Train employees as protective measure, **4A:43**

INDEX

SEC

Securities and Exchange Commission (SEC) Regulations (this index)

SECURITIES AND EXCHANGE COMMISSION (SEC) REGULATIONS

Amendments filed under 1933 Act, **App. 14-F**

Brokers and dealers, SEC regulations as to records, **App. 14-L**

Currency transactions, **App. 14-M**

Electronic documents filed under 1933 Act, **App. 14-G**

Exchanges

members, **App. 14-L**

recordkeeping requirements of national, **App. 14-K**

Filings under 1933 Act

generally, **App. 14-E**

amendments, **App. 14-F**

electronic documents, **App. 14-G**

Filings under 1934 Act

generally, **App. 14-H**

shareholder documents, **App. 14-I**

short-swing trading documents, **App. 14-J**

Foreign transactions

currency and, **App. 14-M**

Foreign Corrupt Practices Act, **46:7**

Investment advisors, **App. 14-S**

Investment Company Act of 1940, obligations under, **App. 14-R**

Meeting records, **App. 14-D**

Mutual and subsidiary service companies, **App. 14-Q**

Public utility holding companies, registered, **App. 14-Q**

Records and reports of certain stabilizing activities, SEC regulations as to, **App. 14-N**

Sarbanes-Oxley Act of 2002

audit and review records regulation, SEC, **App. 27-A**

rule 2-06, SEC, **27:3**

SECURITIES AND EXCHANGE COMMISSION (SEC) REGULATIONS—Cont'd

Schedule relating to records retention requirements

generally, **App. 14-C**

mutual and subsidiary service companies, **App. 14-Q**

public utility holding companies, registered, **App. 14-Q**

Securities Exchange Act of 1934, regulations as to records and reports of certain stabilizing activities, **App. 14-N**

Self-regulatory organizations, rule changes proposed by, **App. 14-P**

Shareholder documents filed under 1934 Act, **App. 14-I**

Short-swing trading documents filed under 1934 Act, **App. 14-J**

Stabilizing activities, records and reports of, SEC regulations as to, **App. 14-N**

Transfer agents' obligations, **App. 14-O**

SECURITIES EXCHANGE ACT OF 1934

SEC regulations as to records and reports of certain stabilizing activities, **App. 14-N**

SECURITIES LAWS

Conclusion, **14:7**

Cybersecurity, **14:6**

Federal

general discussion, **14:1 to 14:7**

broker-dealer requirements

generally, **14:3**

government securities broker-dealers, obligations of, **App. 14-T**

SEC requirements, **App. 14-L**

Treasury Department regulation as to obligations of government securities broker-dealers, **App. 14-T**

Commodity Exchange Act, books and records regulation under, **App. 14-A**

SECURITIES LAWS—Cont'd

Federal—Cont'd

Commodity options transactions,
regulation relating to, **App. 14-B**

Government securities broker-dealers, obligations of, **App. 14-T**
protective orders, **14:5**

requirements, generally, **14:2**

Securities and Exchange Commission regulations. **Securities and Exchange Commission (SEC) Regulations** (this index)

Legal considerations, **12:16**

SECURITY OF RECORDS

Accessibility of Records (this index)

SECURITY VULNERABILITY ASSESSMENTS

Department of Homeland Security's final rule setting chemical facility anti-terrorism standards, **56:3**

SEDONA CONFERENCE COOPERATION PROCLAMATION

Electronic records, use in litigation, **8:24**

SELF-DISCLOSURE

Antiboycott regulations, records retention requirements, **49:8**

SHERMAN ACT

Generally, **13:2**

Distribution issues

generally, **13:5**

restrictions in distribution contracts, **13:7**

selection of distributor, **13:6**

termination of distributor, **13:8**

Information exchanges, **13:4**

Trade associations, **13:3**

SIGNATURES

Electronic Signatures in Global and National Commerce Act.

Electronic Signatures in Global and National Commerce Act (this index)

SIGNATURES—Cont'd

Uniform Electronic Transactions Act as to legal recognition of electronic records and signatures, **8:29**

SITE SECURITY PLANS

Department of Homeland Security's final rule setting chemical facility anti-terrorism standards, **56:4, 56:6**

SMALL BUSINESSES

Information security fundamentals (National Institute of Standards and Technology), **App. 8-C**

Subcontracting to. **Subcontracting to Small Businesses (Pub. L. No. 95-507)** (this index)

SOCIAL MEDIA

Consumer compliance risk management guidance, **App. 26-D**

SPOLIATION

Demand letter to preserve computer evidence and lay spoliation foundation, **App. 5-A**

Liability for tort of, **1:52**

Sanctions for, **5:19**

Sarbanes-Oxley Act. **Sarbanes-Oxley Act of 2002** (this index)

Tort of, **1:52**

Tort of, **5:19**

STABILIZING ACTIVITIES

Securities and Exchange Commission (SEC) regulations, **App. 14-N**

STAFFING

Business considerations, **12:13**

STANDING

Data breach, **55:18**

Privilege, standing to assert privilege, **1:36**

Search warrants, standing to challenge the warrant, **4A:16**

STATUTES OF LIMITATIONS

General discussion, **10:1 to 10:16**

Commencement of statutory period generally, **10:3**

INDEX

STATUTES OF LIMITATIONS

—Cont'd

Commencement of statutory period

—Cont'd

Consumer Product Safety Act,
10:4.50

contingent events, **10:7**

copyright infringement, **10:6.25**

leases, **10:7.50**

products liability and other torts,
10:4, 10:4.50

torts, **10:4, 10:4.50**

trade secrets, misappropriation of,
10:6.50

UCC

delivery under, **10:5**

warranty claims under UCC/
Magnuson-Moss Warranty
Act, **10:6**

Conclusion, **10:14**

Consumer Product Safety Act,
10:4.50

Contingent events, **10:7**

Discrimination, employment, **10:11**

Employment discrimination, **10:11**

Fraudulent concealment, **10:9**

Length of statutory period, **10:2**

Magnuson-Moss Warranty Act, **10:6**

Payments, periodic, **10:10**

Products liability; commencement of
statutory period, **10:4, 10:4.50**

Running of statutory period

generally, **10:8**

employment discrimination, **10:11**

fraudulent concealment, **10:9**

payments, periodic, **10:10**

savings statutes, **10:13**

ultimate repose, statutes of, **10:12**

Savings statutes, **10:13**

Sources of information, other, **10:16**

State statutes, selected, **10:15**

Tax records, corporate, time period
for records retention, **25:13**

Torts; commencement of statutory
period, **10:4, 10:4.50**

Trade secrets, misappropriation of,
10:6.50

Ultimate repose, statutes of, **10:12**

STATUTES OF LIMITATIONS

—Cont'd

Uniform Commercial Code (UCC)

delivery under, **10:5**

warranty claims under UCC/
Magnuson-Moss Warranty
Act, **10:6**

STORAGE OF RECORDS

General discussion, **11:1 to 11:41**

Accessibility. **Accessibility of
Records** (this index)

Business considerations, **12:11**

Catastrophic events. **Preservation of
Records** (this index)

Conclusion, **11:41**

Essential Element: Your Crisis
Response (Cybersecurity &
Infrastructure Security
Agency—November 2020),
App. 11-H

Essential Records Guide, **App. 11-E**

Facilities. **Preservation of Records**
(this index)

Form of records, **11:2**

Guidance for Records System Main-
tenance and Protection, **App.
11-F**

Inspection checklist, **App. 11-I**

IT Disaster Recovery Plan, **App.
11-G**

Obsolescence. **Accessibility of
Records** (this index)

Preservation. **Preservation of
Records** (this index)

Retrieval. **Accessibility of Records**
(this index)

Security. **Accessibility of Records**
(this index)

SUBCONTRACTING TO SMALL BUSINESSES (PUB. L. NO. 95-507)

General discussion, **21:1 to 21:8**

Federal Acquisition Regulations
(FAR) subcontracting, **21:8**

Persons covered by law, **21:2**

Procurement reform, **21:6**

Required records, **21:5**

SUBCONTRACTING TO SMALL BUSINESSES (PUB. L. NO. 95-507)—Cont'd

Solicitation provisions and contract clauses; Part 52, **App. 27-A**
 Source information, **21:7**
 Subcontracting plan clause, **21:4**
 contents, **21:3**

SUBCONTRACTS

Government contracts and subcontracts. **Government Contracts and Subcontracts** (this index)
 Small businesses, subcontracting to. **Subcontracting to Small Businesses (Pub. L. No. 95-507)** (this index)

SUBPOENAS

Generally, **1:26 et seq.**
 Alternative standing to assert privilege, **1:36**
 Alternative “act-of-production” immunity, **1:35**
 “business” v. “personal” records, **1:32**
 “consent directive” subpoenas, **1:33**
 “foregone conclusion” doctrine, **1:34**
 “required records” doctrine, **1:31**
 Attorney-client privilege generally, **1:38-1:40**
 access to privileged corporate records, **1:40**
 change of corporate control, **1:42**
 communications covered, types of, **1:41**
 parties to the privilege, **1:39**
 Clean Air Act enforcement, **41:86**
 Dual purpose communications, **1:43**
 ERISA, **15:12**
 Fair Labor Standards Act recordkeeping rules, case law as to, **32:18**
 Fifth Amendment challenges generally, **1:27**

SUBPOENAS—Cont'd

Fifth Amendment challenges—Cont'd
 artificial entities and their representatives generally, **1:28**
 act of production; *United States v. Doe*, **1:29**
 designated custodian; *Braswell v. United States*, **1:30**
 Fourth Amendment challenges, **1:37**
 Work-product privilege, **1:44**

SURVEY DATA MAP

Electronic records management, **9:2**

TAX CONSIDERATIONS

General discussion, **12:21**

TAX RECORDS, CORPORATE

General discussion, **25:1 to 25:14**
 Copies, form and storage of records, **25:10**
 Credits, income tax records to be retained, **25:3**
 Deductions, income tax records to be retained, **25:3**
 Electronic records form and storage of records, **25:11**
 Internal Revenue Service regulations. **Electronic Records** (this index)
 Employment taxes, **25:6**
 Entertainment expenses, income tax records to be retained, **25:5**
 Failure to retain records, **25:14**
 Form and storage of records general discussion, **25:9 to 25:11**
 copies, **25:10**
 electronic records, **25:11**
 Gifts, income tax records to be retained, **25:5**
 Income records to be retained, **25:3**
 Income tax general discussion, **25:2 to 25:5**
 credits, **25:3**
 deductions, **25:3**
 entertainment, **25:5**
 gifts, **25:5**
 income, **25:3**

INDEX

TAX RECORDS, CORPORATE

—Cont'd

- Income tax—Cont'd
 - record-keeping systems, **25:4**
 - travel, **25:5**
- IRS Publication 583, Starting a Business and Keeping Records, **App. 25-H**
- Record-keeping systems, income tax records to be retained, **25:4**
- Records to be retained
 - general discussion, **25:2 to 25:8**
 - employment taxes, **25:6**
 - income tax, above
 - other business taxes, **25:7**
 - tax return preparers, **25:8**
- Revenue Rulings
 - 71-20, 1971 C.B. 392, **App. 25-C**
 - 81-46, 1981-2 C.B. 621, **App. 25-E**
 - 81-205, 1981-2 C.B. 225, **App. 25-D**
 - 97-22, 1997-1 C.B. 652, **App. 25-F**
 - 98-25, 1998-1 C.B. 689, **App. 25-G**
- Statute of limitation, time period for retention, **25:12**
- Tax return preparers, **25:8**
- Time period for retention
 - general discussion, **25:12, 25:14**
 - limitation of actions, **25:13**
 - statute of limitation, **25:13**
- Travel expenses, income tax records to be retained, **25:5**
- Treasury Regulations
 - § 1.6001-1, **App. 25-A**
 - § 31.6001-1, **App. 25-B**
- Withholding forms, **35:15**

TAX RETURN PREPARERS

- Tax records, corporate, **25:8**

TELECOMMUNICATIONS

- European Union Data Privacy Directive, **50:13**
- Occupational Safety and Health Administration, employers subject to telecommunication standard under, **51:54**

TERRORISM

- Chemical-Terrorism Vulnerability Information (CVI), **App. 56-A**
- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, **55:9**

TEXT MESSAGING AND OTHER NEW TECHNOLOGIES

- Litigation, use in, **8:20**

THEFT

- Medical records, **54:8**

THIRD PARTIES

- Admissibility of business records prepared by third parties, **2:13**
- Disposal rule, FTC, **37:9**
- Gramm-Leach-Bliley Act, nonaffiliated third parties under, **53:5**
- Personnel records to third parties, liability for disclosure of, **7:3**
- Policy for document retention, **1:9**
- Related entities, **1:10**

THREAT

- Computer Fraud and Abuse Act, **45:24**

TITLE VII OF CIVIL RIGHTS ACT AND AMERICANS WITH DISABILITIES ACT (ADA)

- Federal contractors under title I of ADA, **34:7**
- Posting requirements
 - generally, **33:2**
- Posting requirements
 - generally, **31:7**
 - Title I of ADA, **34:6**
- Recordkeeping requirements
 - generally, **31:2**
 - apprenticeships, **31:5**
 - personnel records, **31:3**
 - Title I of ADA, below
- Records as to racial or ethnic identity of employees, **App. 34-A**
- Regulations
 - generally, **31:8**
 - Title I of ADA, **App. 34-A**

**TITLE VII OF CIVIL RIGHTS ACT
AND AMERICANS WITH
DISABILITIES ACT (ADA)**

—Cont'd

- Reporting requirements
 - apprenticeship information report, **31:6**
 - Title I of ADA, **34:5**
 - Title VII, **31:4**
- Title I of ADA
 - general discussion, **34:1 to 34:7**
 - federal contractors, **34:7**
 - posting requirements, **34:6**
 - recordkeeping requirements
 - generally, **34:2**
 - medical records, **34:4**
 - personnel records, **34:3**
 - regulations, text of, **App. 34-A**
 - reporting requirements, lack of routine, **34:5**

**TOXIC SUBSTANCES CONTROL
ACT**

- General discussion, **39:1 to 39:14**
- Adverse reactions, significant, **39:6**
- Exporter requirements, **39:13**
- Frank R. Lautenberg Chemical Safety for the 21st Century Act, **39:2**
- Health and safety data reporting, **39:11**
- Importer requirements, **39:14**
- Inventory database, partial updating of, **39:7**
- New use rules, significant, **39:10**
- Notices, premanufacture, **39:9**
- Preliminary Assessment Information Reporting (PAIR) reports, **39:8**
- Recordkeeping requirements. Reporting and recordkeeping requirements, below
- Regulations, **App. 53-A**
- Reporting and recordkeeping requirements
 - generally, **39:3**
 - exceptions, **39:5**
 - recordkeeping, **39:4**
- Risk information, substantial, **39:12**
- Safety data reporting, health and, **39:11**

TRADE ASSOCIATIONS

- Sherman Act, **13:3**

TRADE SECRETS

- General discussion, **42:22, 45:1 to 45:32**
- Audit, **45:28**
- Checklist for records retention, **45:28**
- Protective orders, **45:30**
- Checklist for records retention, **42:29**
- Civil, **45:32**
- Computer Fraud and Abuse Act, **45:22**
- Damages, **45:27**
- Defend trade secrets act, **45:20**
- Defining "Computer," **45:22**
- Economic espionage act, **45:19**
- Economic value as element of, **45:4**
- Elements of trade secret, records used to identify
 - generally, **45:2**
 - economic value, **45:4**
 - information, **45:3**
 - secrecy, **45:5**
- E-mail, **42:26**
- Emergency Planning and Community Right-to-Know Act, protection under
 - generally, **38:8**
- EPA form; substantiation to accompany claims of trade secrecy, **App. 38-C**
- Employee issues
 - employment agreements, below
 - employment-related records, **42:24**
 - idea submissions, **42:27**
- Employee situations
 - generally, **45:8**
 - idea submissions, **45:15**
 - interviews
 - exit, **45:13**
 - initial, **45:12**
- Employment agreements
 - generally, **45:9**
 - noncompetition agreements, **45:11**
 - nondisclosure agreements, **45:10**
- Government submissions, **45:18**
- Idea submissions, employee and outside, **42:27, 45:15**

INDEX

TRADE SECRETS—Cont'd

- Information
 - element of trade secret, **45:3**
 - requests for, **42:28**
- Internet, **42:26, 45:17**
- Misappropriation, **10:6.50**
- National Stolen Property Act, **45:21**
- Noncompetition employment agreements, **45:11**
- Nondisclosure employment agreements, **45:10**
- Nonemployees, **45:14**
- Program to retain records, creation of, **42:23 to 42:28**
- Protection measures, documenting
 - assignment of rights in inventions, **45:16**
 - government submissions, **45:18**
 - idea submissions, **45:15**
 - Internet, **45:17**
 - nonemployees, **45:14**
 - research and development issues, **45:6**
 - security, physical, **45:7**
- Protection measures, documenting
 - employee issues, above
 - idea submissions, **42:27**
 - Internet, **42:26**
 - security, physical, **42:25**
- Research and development issues, **45:6**
- Search and seizure, **45:31**
- Secrecy as element of, **45:5**
- Security measures, records of, **45:7**
- Security measures, records of, **42:25**
- Statute of limitations, **10:6.50**
- "Threat," **45:24**
- Trials, protection, **45:29**
 - civil, **45:32**
 - search and seizure, **45:31**

TRADEMARKS

- General discussion, **42:19, 44:1 to 44:16**
- Assignments in gross, **44:11**
- Confusion, likelihood of, **44:12**
- Cybersquatting, **44:14**
- Dilution, **44:13**

TRADEMARKS—Cont'd

- Domain names
 - cybersquatting, **44:14**
 - hijacking of domain name, **44:15**
 - search programs, **44:16**
- Electronic registration, **44:3**
- Enforcement of trademark rights
 - generally, **44:6**
 - assignments in gross, **44:11**
 - confusion, likelihood of, **44:12**
 - dilution, **44:13**
 - genericism, **44:9**
 - licensing, naked, **44:10**
 - priority, **44:7**
 - secondary meaning, proof of, **44:8**
- Genericism, **44:9**
- Hijacking of domain name, **44:15**
- Infringement, **42:21**
- Intent-to-use registration applications, **44:4**
- Internet, **43:26**
- Internet. **Internet** (this index)
- Licensing, naked, **44:10**
- Priority, **44:7**
- Registration. Selection and registration, below, **42:20**
- Search programs, domain names, **44:16**
- Search reports, **44:2**
- Secondary meaning, proof of, **44:8**
- Selection and registration
 - generally, **42:19**
 - electronic registration, **44:3**
 - intent-to-use applications, **44:4**
 - maintaining registration, **44:5**
 - search reports, **44:2**

TRADING WITH THE ENEMY ACT

- Generally, **47:4**

TRAINING

- Hazard communication rule, OSHA, **52:8**
- Privacy polices, **55:12**
- Resource Conservation and Recovery Act, training records under, **40:20**
- Safe communication, as to, **6:20**

TRAVEL EXPENSES

Income tax records, corporate, **25:5**

TREASURY DEPARTMENT

Broker-dealers in government securities, **App. 14-T**

Part 103 of Title 31, **App. 14-U**

Regulations. **Tax Records, Corporate** (this index)

TRI-MEweb

Emergency Planning and Community Right-to-Know Act, **38:13**

**TRUTH IN SAVINGS ACT
(REGULATION CC)**

Generally, **26:42**

Automated teller machines, **26:47**

Change in policy, **26:45**

Compliance obligations, **26:43 to 26:47**

Delay in availability of funds, **26:44**

Deposit slips, **26:46**

Initial disclosure, **26:43**

Periods, recordkeeping and retention, **26:48**

**TRUTH IN SAVINGS ACT
(REGULATION DD)**

Generally, **26:35**

Advertising, **26:40**

Changes to account, notice of, **26:38**

Compliance obligations, **26:36 to 26:41**

Initial disclosures, **26:37**

Periodic statements, **26:39**

Periods, recordkeeping and retention, **26:41**

TRUTH-IN-LENDING ACT

Generally, **26:5**

Billing disputes, **26:10**

Charge cards, **26:7**

Compliance obligations, **26:6 to 26:11**

Home equity credit, **26:9**

Periods, recordkeeping and retention, **26:12**

Statements, periodic, **26:8**

Variable rate adjustments, **26:11**

**ULTIMATE REPOSE, STATUTES
OF**

Statutes of limitations, **10:12**

**UNIFORM BUSINESS RECORDS
AS EVIDENCE ACT**

Admissibility of reproductions of business records, **3:10**

**UNIFORM COMMERCIAL CODE
(UCC)**

Statutes of limitations delivery under, **10:5**

warranty claims under UCC/
Magnuson-Moss Warranty Act, **10:6**

**UNIFORM ELECTRONIC
TRANSACTIONS ACT**

Generally, **8:28**

Attribution, **8:34**

Notice requirements, **8:32**

Recognition of electronic records and signatures, legal, **8:29**

Pleadings, **8:30**

Requirements for records retention generally, **8:31**

state governments, **8:32**

Scope, **8:28**

State government requirements for records retention, **8:31**

Writing requirements, **8:33**

**UNIFORM PHOTOGRAPHIC
COPIES OF BUSINESS AND
PUBLIC RECORDS AS
EVIDENCE ACT**

Generally, **3:8**

Text, **App. 3-A**

UNIFORM RULES OF EVIDENCE

Admissibility of Reproductions of Business Records

generally, **3:9**

text, **App. 3-B**

**UNITING AND STRENGTHENING
AMERICA BY PROVIDING
APPROPRIATE TOOLS
REQUIRED TO INTERCEPT
AND OBSTRUCT
TERRORISM ACT**

Generally, **55:9**

INDEX

UNIVERSAL SERVICE AND USER'S RIGHTS RELATING TO ELECTRONIC COMMUNICATIONS

European Union Data Privacy Directive, **50:4**

UNIVERSITY LABORATORIES

Resource Conservation and Recovery Act (rcra), generator requirements, **40:13**

USER PREFERENCE TRACKING

Universal Service and User's Rights Relating to Electronic Communications, **50:5**

VERIFICATION OF EMPLOYMENT

Government contracts and subcontracts, **22:17**

VERTICAL MERGERS

Guidelines, antitrust laws, **App. 13-D**

VOLUNTARY SELF-DISCLOSURE

Antiboycott regulations, records retention requirements, **49:8**, **App. 49-A**

WAGE AND HOUR LAWS

General discussion, **32:1 to 32:21**

Conclusion, **35:21**

Exempt employees, recordkeeping rules for, **32:4**

Government contracts and subcontracts

posting requirements, **33:6**

Government contracts and subcontracts

minimum wages for construction workers, **22:15**

posting requirements, **32:11**

Hiring process, employee information in, **35:20**

Posting requirements

Fair Labor Standards Act, **33:6**

federal contractors, **33:7**

migrant and seasonal agricultural workers, **33:9**

WAGE AND HOUR LAWS—Cont'd

Posting requirements

disabled workers under special certificates, employment of, **32:13**, **33:8**

Fair Labor Standards Act, **32:11**, **32:20**

federal contractors, **32:12**

migrant and seasonal agricultural workers, **32:14**

Recordkeeping rules

generally, **32:2**

basic information to retain, **32:3**

exempt employees, **32:4**

Fair Labor Standards Act (FLSA) (this index)

form of records, **32:7**

place to keep records, **32:6**

relief from, **32:9**

special requirements for specific types of jobs, **32:8**

time to keep records, length of, **32:5**

WAIVER

Electronic records, use in litigation, privilege waiver, **8:23**

WARRANTS

Search Warrants (this index)

WARRANTY

Magnuson-Moss Warranty Act (this index)

WEBSITES

Admissibility of electronic records, **8:18**

TRI-MEweb, Emergency Planning and Community Right-to-Know Act, **38:13**

WITNESSES

Electronic records management, rule 30(b)(6) witness designation and preparation, **9:8**

WORK-PRODUCT DOCTRINE

Electronic records, use in litigation, **8:23**

Products liability cases, defense in, **20:27**

WORK-PRODUCT DOCTRINE

—Cont'd

Subpoenas, **1:44**