



**NUMBER:** Directive 0417

**SUBJECT:** Conducting Electronic Records Searches

**DIRECTIVE OWNER:** Office of Information Technology (EXIT)

**EFFECTIVE DATE:** April 4, 2023

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1. **PURPOSE.** To establish the agency-wide procedure for designated employees to request a search of CPSC electronic records and production of such records for litigation, document production requests from Congress, agency investigations conducted by the Office of Inspector General, and other legitimate purposes.
2. **AUTHORITIES.** 44 U.S.C. § 31; 44 U.S.C. § 33; 5 U.S.C. § 552a; OMB M-07-16, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information*; Fed. R. Civ. P. 26, 34, 37 and 45.
3. **DEFINITIONS.**
  - a. The Associate Executive Director/Office Director (AED/OD) is the senior executive with formal responsibility for overseeing one or more agency organization(s). Certain AED/ODs and the Executive Director (ED) may authorize the request for a search of CPSC records. They, or their Authorized Designee, may submit requests to the Office of Information Technology (EXIT) on behalf of their program office.
  - b. The Authorized Designee is an employee whom the AED/OD authorizes to submit electronic records search requests on behalf of their organization.
  - c. eDiscovery Contractor is a person working under contract who has the authority, ability, and permission to search agency electronic systems and produce the requested records. Select EXIT staff members may also have the required permissions to conduct electronic records searches and produce the requested records.
  - d. EXIT Contracting Officer Representative (COR) is the EXIT staff member overseeing the eDiscovery Contractor.
  - e. An electronic records search covered by this Directive is a search conducted by someone other than the requester of the records or the owner of the records. Such search will usually be conducted by an eDiscovery contractor or a qualified EXIT staff member.



4. **SCOPE.** This Directive specifies the steps for requesting, authorizing, and conducting electronic records searches. It applies to all employees and contractors involved in this process. The following AED/ODs may authorize access to electronic archives: General Counsel (GC); Director of Human Resources Management (EXRM); Inspector General (IG); and Director of the Office of Compliance and Field Operations (EXC). All other requests for access must be approved by the Executive Director.
5. **PROCEDURES.**
  - a. The employee who wants to initiate a request submits a completed electronic records search request form, found in Appendix A, through their review chain, to their AED/OD or the ED, as appropriate. Requests must identify a legitimate need to know as the basis for searching the electronic systems. A legitimate need to know may be based on litigation, an authorized request for records from Congress, an IG investigation, or other investigatory or oversight requests.
  - b. The ED or AED/OD reviews the form and, if approved, forwards it to the EXIT COR for processing or gives it to the Authorized Designee to submit to the EXIT COR.
  - c. The EXIT COR will identify an EXIT employee or eDiscovery contractor as responsible for performing the search and copy the requestor on the transmission.
  - d. For non-IG request: The EXIT employee or eDiscovery contractor responsible for performing the search will coordinate with the requestor on the search terms and document the search parameters.
  - e. For request from the IG: The IG reviews the form and relevant investigation plan, and, if approved, the IG or their designee forwards the form directly to the eDiscovery contractor for processing. The eDiscovery contractor performing the search will coordinate with the IG office requestor on the search terms and document the search parameters.

The eDiscovery contractor will notify the EXIT COR in advance of conducting the requested work with an estimate of the amount of time necessary to support the request. The EXIT COR will ensure the contract has funding adequate to support the IG request prior to work proceeding and will authorize the eDiscovery contractor to proceed with the requested search. The eDiscovery contractor is prohibited from disclosing the subject of the search to anyone other than the authorized requestor or the IG.

- f. The eDiscovery contractor shall comply with all government-wide and CPSC restrictions on public disclosure of protected information gained in the performance of the inter-agency agreement (IAA) or any subcontract executed as a result of the IAA. Specifically, when conducting searches, the eDiscovery contractor and any EXIT employee conducting electronic records searches shall comply with the Inspector General Act of



1978, as amended, Privacy Act of 1974, the Consumer Product Safety Act (including 15 U.S.C. § 2055), CPSC directives and procedures, and all other applicable authorities governing information disclosure.

- g. Once the search is completed, the records and documented search parameters will be provided to the authorized requestor along with the electronic records search request form for storage within office records. The authorized requestor should keep the records in accordance with the records schedule for that office.
  - h. When the COR receives the invoice for the eDiscovery contractor work, the authorized requestor will confirm the receipt of the requested information for COR approval of the invoice.
6. **CANCELLATION.** This Directive supersedes and cancels IP417, *Conducting Third Party Electronic Records Searches Implementing Procedure*, dated April 4, 2022.

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Jason K. Levine  
Executive Director

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Date

**Reference Materials:**

Appendix A: Electronic Records Search Request Form



**Directive 0417: Conducting Electronic Records Searches  
Appendix A: Electronic Records Search Request Form**

Request date: \_\_\_\_\_

Name of Individual Requesting Access: \_\_\_\_\_

Organization: \_\_\_\_\_

Type of records:

emails       other documents or records (please specify): \_\_\_\_\_

Records source(s) to be searched: \_\_\_\_\_

\_\_\_\_\_

Purpose for search (explain and include case identifier, FOIA request number, Congressional Document Request from a duly authorized committee or subcommittee of Congress or OIG investigation number, if available):

\_\_\_\_\_

\_\_\_\_\_

Is this request related to pending litigation (if so, give the case name, docket number, and tribunal)?

\_\_\_\_\_

When do you need access to the records? \_\_\_\_\_

***By signing this form, you affirm that the requested records are for official duties consistent with the purpose identified above and that all protections required (based on the sensitivity of the records produced) will be maintained consistent with agency and Federal policies for handling sensitive information.***

\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Signature of AED/OD or Authorized Designee

**For EXIT Only:**

System(s) searched:

Search performed by: