

Caltech Export Compliance Recordkeeping Retention Requirements and Guidelines

Background

U.S. export laws and regulations (22 CFR 122.5 for the ITAR and 15 CFR 762 for the EAR) require that certain documents related to an export or an import transaction, such as international shipments, be retained for a period of at least five (5) years from the date of export or the date of the expiration of a required export license, whichever occurs last.

Responsibility for Recordkeeping

The record custodian is the Caltech employee who sends (exports) or receives (imports) international shipments on behalf of Caltech.

The record custodian of the documents may be asked to produce any records that are required to be retained (listed below), and to make them available for inspection and copying by any authorized agent, official or employee of the U.S. Government.

To simplify meeting this requirement, Caltech shippers can delegate this recordkeeping requirement to Caltech Export Office by sending a .pdf legible copy of all documents related to the international export or import transaction for retention.

Description of Records that Need to be Retained

All the applicable records related to the export/import transaction shall be stored. Examples of records to be stored:

- ❖ Purchase Order, and/or associated Request for Quote (RFQ), Request for Information (RFI)
- ❖ Caltech International Shipment Form (Pro Forma) with the CEC Review ID #
- ❖ Bills of Lading
- ❖ Air Waybills
- ❖ Electronic Export Information (EEI, formerly known as Shipper's Export Declaration or SED).
- ❖ Shipper's Letter of Instructions (SLI)
- ❖ Restricted Party Screening (RPS) results
- ❖ Emails from Caltech Export Compliance Office (CEC) approving the export commodity control number (ECCN), harmonized tariff code (HTS) and the license determination or exemption regarding the shipment.

The original records must be maintained in the form in which they were created or received, unless they meet all of the conditions relating to the reproduction of records, as described in 15 CFR 762.5. The documents can be saved in paper form and/or electronic media so long as they can be retrieved and are legible.

Retention Period

The records must be retained for a period of “five years from the date of export or from the date of expiration of the export authority, whichever occurs later; or the CEC designated date of retention period.” (22 CFR §122.5(a) for the ITAR and 15 CFR §762.6(a) for the EAR.)

Records related to a Potential Violation

Records pertaining to a voluntary disclosure may not be destroyed or disposed of without the written authorization, even if such records have been retained for a period of time exceeding the five-year requirement. (22 CFR §122.5(a) for the ITAR and 15 CFR §762.6(b) for the EAR.) Please contact the Caltech Export Compliance Office prior to destroying export or import records to confirm the need for file retention.