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Title 15: Commerce and Foreign Trade
PART 762RECORDKEEPING

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762.6 Period of retention.

(a) Five year retention period. All records required to be kept by the EAR must be retained for five years from the latest of the following times:

- (1) The export from the United States of the item involved in the transaction to which the records pertain or the provision of financing, transporting or other service for or on behalf of end-users of proliferation concern as described in 736.2(b)(7) and 744.6 of the EAR;
- (2) Any known reexport, transshipment, or diversion of such item;
- (3) Any other termination of the transaction, whether formally in writing or by any other means; or
- (4) In the case of records of pertaining to transactions involving restrictive trade practices or boycotts described in part 760 of the EAR, the date the regulated person receives the boycott-related request or requirement.

(b) Destruction or disposal of records. If the Bureau of Industry and Security or any other government agency makes a formal or informal request

for a certain record or records, such record or records may not be destroyed or disposed of without the written authorization of the agency concerned. This prohibition applies to records pertaining to voluntary disclosures made to BIS in accordance with 764.5(c)(4)(ii) and other records even if such records have been retained for a period of time exceeding that required by paragraph (a) of this section.

[61 FR 12900, Mar. 25, 1996, as amended at 72 FR 3946, Jan. 29, 2007]

Editorial Note: The following amendment could not be incorporated into 762.6 because of an inaccurate amendatory instruction:

At 72 FR 43532, Aug. 6, 2007, 762.6(b) is amended by removing the citation 765.5(c)(4)(ii) and adding 764.5(c)(4)(ii) in its place.

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