



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

Washington, DC 20226

ATF Rul. 2022-01

Electronic Storage of Forms 4473

18 U.S.C. 923(g)(1)(A): RECORDS REQUIRED

27 CFR 478.22: ALTERNATE METHODS OR PROCEDURES

27 CFR 478.121: RECORDS REQUIRED

27 CFR 478.124: FIREARMS TRANSACTION RECORD

**27 CFR 478.126a: REPORTING MULTIPLE SALES OR OTHER DISPOSITION
OF PISTOLS AND REVOLVERS**

27 CFR 478.127: DISCONTINUENCE OF BUSINESS

27 CFR 478.129: RECORD RETENTION

27 CFR 479.26: ALTERNATE METHODS OR PROCEDURES

27 CFR 479.131: RECORDS

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorizes an alternate method or procedure from the provisions of Title 27, Code of Federal Regulations (CFR), Part 478.121, 478.124, 478.129, and 27 CFR 479.131 that require Federal Firearms Licensees (FFLs) to retain the ATF Firearms Transaction Record, Form 4473 (5300.9) (Form 4473), in a paper format. Specifically, ATF authorizes FFLs to retain an electronic version of each ATF Form 4473 created pursuant to ATF Ruling 2016-2 (or subsequent ruling), instead of the paper format, provided the conditions set forth in this ruling are met. Additionally, ATF authorizes digital scanning and electronic retention of certain paper ATF Form 4473, provided the conditions set forth in this ruling are met.

ATF has received numerous inquiries from members of the regulated firearms industry seeking to electronically retain completed ATF Forms 4473 on a physical electronic storage device at the licensed business premises or on a remote server (e.g., cloud storage provider) rather than printing the electronically completed forms and retaining them as required.

The Gun Control Act of 1968 (GCA), 18 U.S.C. 923(g)(1)(A), provides, in part, that each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such format, as the Attorney General may by regulations prescribe.

The regulation at 27 CFR 478.121 states that the records pertaining to firearms transactions prescribed by this part shall be retained on the licensed premises in the manner prescribed by subpart H of Part 478 and for the length of time required by 27 CFR 478.129. The regulation at 27 CFR 479.131 requires each manufacturer, importer, and dealer in firearms as defined by the National Firearms Act (NFA), 26 U.S.C., Chapter 53, to keep and maintain records regarding the manufacture, importation, acquisition (whether by making, transfer or otherwise), receipt, and disposition of NFA firearms as described by 27 CFR Part 478.

FFLs may seek approval to retain Forms 4473 in an electronic format. The regulations at 27 CFR 478.22 and 27 CFR 479.26 provide that the Director may approve an alternate method or procedure in lieu of a method or procedure specifically prescribed in the regulations when it is found that: (1) good cause is shown for the use of the alternate method or procedure; (2) the alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure and that the alternate method or procedure is substantially equivalent to that specifically prescribed method or procedure; and (3) the alternate method or procedure will not be contrary to any provision of law and will not result in an increase in cost to the Government or hinder the effective administration of 27 CFR Part 478 or 479.

ATF understands that using an electronic system to retain completed Forms 4473 saves space, time, and money in recordkeeping and auditing expenses for members of the regulated firearms industry. Many businesses have moved to a paperless environment to store important documents and business records. Electronic storage of Forms 4473 is convenient for FFLs, improves firearms tracing efforts, and promotes efficient ATF compliance inspections. Electronically retained forms may be more secure from environmental damage, loss, or destruction and easier to access, sort, and review. Electronically retained forms will also mitigate storage space concerns for many FFLs as well as the ATF's National Tracing Center (NTC), which is the repository of all out-of-business records. For these reasons, ATF finds that there is good cause to authorize an alternate method or procedure from the requirements of the Federal firearms regulations as they relate to retention of the Form 4473.

ATF also finds that, provided certain conditions are met, the alternate method set forth in this ruling is consistent with the provisions of 27 CFR 478.121, 478.124, 478.129, and 27 CFR 479.131 because the same required information will be captured on the electronic Form 4473 and retained electronically. Further, this alternate method is not contrary to any provision of law, should not increase costs to ATF, and should not hinder the effective administration of the regulations.

Held, pursuant to 27 CFR 478.22, 478.121, 478.124, and 27 CFR 479.26, ATF authorizes an alternate method or procedure for the retention of the Form 4473 (5300.9). Specifically, ATF authorizes FFLs to retain **electronically completed Forms 4473 in an electronic format** provided all the following requirements are met:

1. Licensees must provide written notification to their local ATF Industry Operations Area Office 60 days prior to implementing an electronic Form 4473 retention system.
2. Transactions must first be completed using an electronic Form 4473 in accordance with ATF Ruling 2016-2 (or subsequent ruling) and all forms must be retained in an electronic format.
3. The Form 4473 must be saved in an unalterable format. The original electronic Form 4473 must be retained and may not be deleted, amended, replaced, or otherwise altered. Consistent with the Notices, Instructions, and Definitions on the Form 4473, if errors are found on a Form 4473, corrections may be made to a copy (electronic or paper) of the original Form 4473 and the corrected copy should be electronically attached to the original electronic form and retained as part of the FFLs permanent records.
4. All supplemental ATF forms or documents from a transaction (multiple sale forms or documentation showing the exception to the nonimmigrant alien prohibition) must be electronically attached at the end of Form 4473 as required by 27 CFR 478.124(c)(3)(iii) and 478.126a.
5. ATF must be provided uninterrupted access to the database in which the electronic Forms 4473 are stored to facilitate a compliance inspection, complete a trace request or conduct a criminal investigation of a person other than the licensee per 18 U.S.C. 923(g)(1)(B). ATF access to the Forms 4473 must be in a “read only” capacity.
6. ATF must be provided access to the database in which the electronic Forms 4473 are stored with a minimum of one electronic access point or computer terminal for every 500 Forms 4473 executed over the previous 12-month period. An FFL who offers computer terminal access is not required to provide more than five terminals regardless of the number of Forms 4473 executed during the 12-month period.
7. The retention system must allow the Form 4473 to be printed and the FFL must print any Form 4473 upon request from ATF.
8. The retention system must retain the Form 4473 in alphabetical, chronological, or numerical order. The retention system must allow for searches or queries to be made by transferee/buyer name, transfer date, transaction number (if any), firearm type, model, manufacturer/importer, caliber, size, or gauge, and serial number.
9. The retention system must backup the Form 4473 upon the completion of a transaction or when a transaction is stopped, and the Form 4473 must be retained in the system.

10. The retention system must allow access to the Form 4473 and the acquisition and disposition (A&D) record simultaneously (*i.e.*, the ability to toggle back and forth).
11. The retention system must have the ability to flag or set aside Forms 4473 in order to save for further review during inspections.
12. The retention system must allow or provide sorting of Forms 4473 during ATF compliance inspections.
13. Whenever a transaction is stopped, put into a pending status, or completed, the Form 4473 must immediately be downloaded and saved to a computer hard drive, server, Universal Serial Bus (USB) Flash Drive, or other similar electronic storage device located at the licensed premises. If the licensee utilizes a contract host facility such as a remote server or cloud storage provider, all Forms 4473 must also be electronically saved to an onsite electronic storage device that is updated on the day of any change to, or addition of, database record(s) to protect the data from accidental deletion or system failure. In all cases, electronically retained Forms 4473 must be downloaded in a format that is unencrypted with the required information readily apparent and retained on a device that is located at the licensed premises in accordance with 27 CFR 478.121(a) for the length of time prescribed by 27 CFR 478.129.
14. ATF recognizes there may be circumstances where a licensee's electronic system may fail, be unavailable, or otherwise not utilized, and paper Forms 4473 may be completed. Licensees must retain any original paper Forms 4473, unless digitally scanned per the conditions of this ruling, for the period specified in 27 CFR 478.129(b). Upon absolute discontinuance of business, all retained paper forms must be delivered to ATF pursuant to 27 CFR 478.127. When a licensed business is discontinued and succeeded by a new licensee, all retained paper forms shall be delivered to the successor, or to ATF pursuant to 27 CFR 478.127.
15. Upon absolute discontinuance of business or when a licensed business is discontinued and succeeded by a new licensee, any Forms 4473 retained in electronic format in accordance with this ruling must be delivered in electronic format to the NTC's Out of Business Records Center in a format suitable for imaging such as a TIFF, JPEG, or PDF. If the forms will be submitted in a PDF or TIFF format, the licensee must ensure that Optical Character Recognition and Intelligent Character Recognition are turned off/disabled, and images are flattened and not electronically searchable. The forms, retained alphabetically by name of purchaser, chronologically by disposition date, or numerically by transaction number, must be delivered on a media device such as a USB drive, CD, DVD, etc.

Held further, pursuant to 27 CFR 478.22, 478.121, 478.124, and 27 CFR 479.26, ATF authorizes an alternate method or procedure for the retention of Forms 4473 (5300.9). Specifically, ATF authorizes FFLs to **digitally scan paper Forms 4473 and retain in an electronic format** provided all the following requirements are met:

16. FFLs who have paper Forms 4473 completed prior to, or after this ruling, may elect to digitally scan Forms 4473 older than 3 years from the date the firearm transfer occurred, the date the transaction was denied or cancelled, or the last date of entry where no sale or delivery of the firearm occurs, including supplemental ATF forms or documents from a transaction (multiple sale forms or documentation showing the exception to the nonimmigrant alien prohibition). The Forms 4473 must be scanned in an expeditious manner, and retained in the same manner as required in conditions 3-5, 7-8, 13, and 15 set forth for FFLs retaining electronically completed Forms 4473 in an electronic format.
17. An FFL electing to digitally scan and electronically retain paper Forms 4473 older than three years from the date the firearm transfer occurred, the date the transaction was denied or cancelled, or the last date of entry where no sale or delivery of the firearm occurs, must ensure all electronic documents are an exact image of the paper form, include all pages of the paper Form 4473 and any supplemental ATF forms or documents from a transaction (multiple sale forms or documentation showing the exception to the nonimmigrant alien prohibition); is incapable of being altered without tracking of the alterations; and is saved to an onsite electronic storage device. Only after a paper Form 4473 is converted, saved in an electronic format in accordance with the requirements of this ruling, and verified to be complete and correct, may the paper Form 4473 be destroyed.
18. When submitting files to the Out of Business Records Center, the file names for digitally scanned and electronically retained paper Forms 4473 must not contain personally identifiable information (*e.g.* name, address, date of birth, social security number, etc.).

Held further, if the licensee fails to abide by the conditions of this ruling, uses any procedure that hinders the effective administration of the Federal firearms laws or regulations, or any legal or administrative difficulties arise due to complications from electronic retention, the licensee is no longer authorized to utilize electronic retention of ATF Forms 4473 under this ruling and must revert back to retention of paper forms compliant with 27 CFR 478.121 and 478.124.

Held further, this ruling supersedes all previously approved alternate methods or procedures (*i.e.* variances) covering the use of electronic storage of electronic ATF Form 4473.

Date approved: August 17, 2022

Steven M. Dettelbach
Director