Q&As for ATF Ruling 2013-5 – Requirements to Keep Firearms Acquisition and Disposition Records Electronically

1) If I was issued a variance for my electronic recordkeeping system in the past, do I have to request a new variance?

*If your system meets the new conditions as outlined in Ruling 2013-5, then a new variance is not required to maintain such records.*

*If your electronic recordkeeping system does not meet the new conditions as outlined in Ruling 2013-5, you must apply for a new variance to utilize your system.*

2) If my previously approved variance has been rescinded and my electronic recordkeeping system does not meet the new requirements of Ruling 2013-5, do I have to discontinue utilizing my system? Will I be cited with a violation?

*All licensees who held variances that have now been rescinded will have 180 days from the issuance of Ruling 2013-5 to apply for a new variance. During that time and while awaiting approval/denial of the variance request, the licensee may continue to utilize the previously approved system and will not be cited with a violation for doing so. However, should the licensee’s variance request be denied, the licensee would have to discontinue use of the non-compliant system and maintain records in a manner that is consistent with the Federal firearms regulations or alternative procedures established by Ruling 2013-5.*

3) How do I apply for a new variance?

*You may submit a variance request to the Firearms Industry Programs Branch (FIPB) via email at fipb@atf.gov; by fax, at 202-648-9640; or through the U.S. Postal Service, with a letter addressed to: Bureau of ATF, Firearms Industry Programs Branch, 99 New York Avenue NE, Mail Stop 6.N-672, Washington, DC 20226.*

*You should include a copy of any previously approved variances related to the recordkeeping system, an explanation of how the system operates, and a printed sample of the electronic recordkeeping system requested. FIPB will respond in writing, either approving or denying use of the system.*

4) How long will it take for FIPB to respond to my request?

*FIPB’s customer service standards are to provide a response to requests from firearms industry members within 90 days of receipt. Please note that although we generally exceed this goal, our ability to respond to industry-related inquiries is impacted by a number of factors, such as available staffing resources; other priority responsibilities, to include assisting law enforcement agencies; the sufficiency of information received from the requestor; whether similar requests had previously been granted; necessary technical research and/or testing; and any applicable legal review process.*
5) Under this new Ruling, can spreadsheet programs (e.g., Excel) be utilized without a variance?

Yes. However, the electronic recordkeeping system must meet all of the conditions set forth in ATF Ruling 2013-5, including retention of any correction of errors as an entirely new entry, without deleting or modifying the original entry (e.g., macro created to track changes). Alternatively, the system may allow for entries in a “notes” column to explain any correction and/or track changes (i.e., what was changed, who made the change, why the change was needed). ATF suggests that the recordkeeping system be capable of blocking fields from correction (e.g., to protect workbook function).

6) The variance previously issued to my FFL not only addressed computerized recordkeeping, but also the consolidation of records that support several licenses I hold. Is the entire variance rescinded or just the reference to computerized records?

All variances authorizing the use of computerized records are rescinded in their entirety, including those that addressed consolidation of records. Should you wish to continue to maintain consolidated records, you must apply for a new variance within 180 days of the date of Ruling 2013-5. If the electronic record-keeping system is compliant with Ruling 2013-5, and you do not wish to continue using consolidated records, you do not need to apply for a new variance.

7) Can my electronic recordkeeping system and/or the backup of the system be stored on a “cloud” server?

As stated in the Ruling, off-site storage of the data is permitted. A backup of the system may be stored on a “cloud” server; however, the system itself must be stored on a server that is owned and operated solely by the licensee, and must be located in the United States or its associate territories. The system must also be readily accessible through a computer device located at the licensed premises during regular business hours.

8) What if I am not sure whether or not my system meets the requirements of Ruling 2013-5?

If you are not sure whether or not your current electronic recordkeeping system is compliant, contact your local ATF Industry Operations field office for assistance. A list of office telephone numbers is available via our website at http://www.atf.gov/content/contact-us/local-atf-office.