

**The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
Scott Anderson, Chairman**



Attorney General's Office

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This version supersedes all previous versions



**Nevada State Library and Archives
Records Management Program**

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Nevada State Library and Archives

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The Committee to Approve Records Retention And Disposition Schedules for Official State Records

This Records Retention and Disposition Schedule has been approved by the Committee in accordance with NRS 239.080. The term "RDA" means Records Disposition Authorization, which is the control number given to a formal action by the Committee to approve official state records.

Department Name: Attorney General's Office

Schedule Number: AG

Title: Bankruptcy Pleadings

RDA#: 1994061

Description:

Last Reviewed on: 06/29/1994

This record series is used to document and monitor bankruptcy proceedings in which the Department of Taxation and the Attorney General have interest. The files may contain: memos and related correspondence, spreadsheets for individuals and/or a business from the Dept. of Taxation, and copies of the following US Bankruptcy Court records: reports, orders, Request for Hearing Notice, amendments, replies, motions, Proof of Claims, disclosure statements, reorganization plans, Notice of Entry of Judgment, stipulations and dismissals.

Authorized Retention:

Retain for a period of two (2) calendar years from the date of close of the case (notice of entry of judgment, dismissal, etc.).

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Charitable Trusts

RDA#: 1993192

Description:

Last Reviewed on: 06/10/1999

This record series consists of trusts which have a public beneficiary. All documents which a beneficiary is entitled to receive are sent to the Attorney General in accordance with NRS 165.230. Tax returns and other financial records of public foundations and organizations, as well as documents containing information on grants made by a public foundation or trust may also be filed here. The files may also contain inquires (letters from individuals requesting information), file copies of advisory form letters sent in response to inquiries and related correspondence.

Authorized Retention:

Retain files for a period of three (3) calendar years and then dispose in an ordinary manner. Files used in litigation to which the Attorney General or the state is a part (see NRS 228.160) falls under the retention requirements of RDA# 90-150.

Authorized Disposition:

Records on charitable organizations or foundations (not trusts) may be purged from the files as needed (the Secretary of State is the office of record for these filings). These records may be disposed of in a normal manner, such as by dumping or recycling.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: Attorney General's Office

Schedule Number: AG

Title: Consumer Affairs Case File: Anti-Trust

RDA#: 2007021

Description:

Last Reviewed on: 04/11/2007

This record series is used to document the antitrust proceedings handled by the Bureau (See NRS 598A.070). The files may contain, but are not limited to, documentation of: (a) investigations, (b) court actions, (c) confidential documents received from entities and/or individuals, and (d) legal and industry research and similar documentation.

Authorized Retention:

For cases investigated, litigated and/or settled out of court: retain the records listed under (a) and (b) in the description for a period of six (6) years from the final action of the case. For cases transferred to other jurisdictions (such as a district attorney or the federal government): transfer all documents to the appointed legal counsel. Documents listed under (c) in the description may be either destroyed or returned to the entity or individual upon the final action of the case. Documents described under (d) in the description may be purged from the file when no longer needed.

Authorized Disposition:

Some of these documents may contain confidential information, such as the Social Security Number or other personal identifying information (NRS 239B.030), and should be destroyed in a secure manner that will prevent reconstruction of the information. All other documents may be disposed of in a normal manner.

Title: Consumer Affairs Case File: Federal Energy Regulation Commission

RDA#: 1988252

Description:

Last Reviewed on: 03/11/2009

These records document cases involving the Federal Energy Regulation Commission. The record may include, but is not limited to:

- * Copies of court documents (petitions, motions, transcripts, etc.) and related material
- * Related correspondence

Authorized Retention:

Retain these records for a period of six (6) calendar years from the date of final disposition, final action, withdrawal or dismissal. For cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel. Any notes retained may be disposed of when no longer administratively useful.

Authorized Disposition:

These records may be disposed of in a normal manner, such as by dumping, recycling or deleting.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

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Department Name: Attorney General's Office

Schedule Number: AG

Title: Consumer Affairs Case File: Nevada Public Utilities Commission RDA#: 1988250
Description: Last Reviewed on: 03/11/2009

These records document cases involving utilities before the Nevada Public Utilities Commission. The record may include, but is not limited to:

- * Copies of hearing documents (petitions, motions, transcripts, etc.) and related material
- * Related correspondence

Authorized Retention:

Retain these records for a period of six (6) calendar years from the date of final disposition, final action, withdrawal or dismissal. For cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel. Any notes retained may be disposed of when no longer administratively useful.

Authorized Disposition:

These records may be disposed of in a normal manner, such as by dumping, recycling or deleting.

Title: Correspondence File - Official RDA#: 2003006
Description: Last Reviewed on: 01/13/2010

These records document the correspondence files generated by attorney general staff and includes letters, legal advice, legal opinions, and other types of correspondence generated while performing the official duties of the Office of the Attorney General.

Authorized Retention:

Retain these records for a period of seven (7) calendar years from the end of the calendar year to which they pertain.

Authorized Disposition:

Transfer these records to the State Archives.

Title: Correspondence File - Routine RDA#: 2003076
Description: Last Reviewed on: 05/21/2003

This record series consists of routine files created and/or received by attorney general staff and are used for routine office functions and/or information retrieval. The files may consist of: routine office and inter-agency correspondence of a transitory and/or housekeeping nature (announcements of staff meetings, requests for supplies etc.), general information requests, transmittal letters, copies of court documents (the original of which is found elsewhere) and similar types of records.

Authorized Retention:

Retain only as long as the record holds value to the agency. It is recommended that they be retained no longer than three (3) years and may be purged at any time.

Authorized Disposition:

These records may be disposed of in a normal manner, such as by dumping, recycling or deleting.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: Attorney General's Office

Schedule Number: AG

Title: Extradition Claims Files

RDA#: 2009004

Description:

Last Reviewed on: 03/11/2009

These records document and administer the payment of claims to transport extradited individuals (See the Criminal Extradition Uniform Act, NRS 179.177 et seq.). These records are directly related to the Restitution Project Files. The record may contain, but is not limited to:

- * Invoices from law enforcement agencies with supportive material
- * Travel claims with supportive materials
- * Copies of criminal justice records
- * Related correspondence

Authorized Retention:

Retain these records for a period of twenty (20) calendar years from the end of the calendar year to which they pertain.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number or records of criminal history) information and these should be destroyed in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other documents may be disposed of in a normal manner.

Title: Extradition Detainer Case Files

RDA#: 1990112

Description:

Last Reviewed on: 03/11/2009

These records are used to document and administer cases when a detainer has been lodged against a person currently serving a state or federal (See the Agreement on Detainers Act, NRS 178.620 et seq.). The record may contain, but is not limited to:

- * Waivers and other forms
- * Copies of criminal justice records
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) calendar years from the date the file is closed.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number or records of criminal history) information and these should be destroyed in a secure manner that will prevent reconstruction of the information (See NAC 239.722). All other documents may be disposed of in a normal manner.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: Attorney General's Office

Schedule Number: AG

Title: Extradition Restitution Project Files

RDA#: 2009005

Description:

Last Reviewed on: 03/11/2009

These records document and administer the process to collect unpaid costs associated with extraditions (See the Criminal Extradition Uniform Act, NRS 179.177 et seq.). These records are directly related to the Extradition Claims Files. The record may contain, but is not limited to:

- * Notice of Uncollected Restitution (Parole and Probation Division) with supportive material
- * Copies of court documents
- * Copies of Extradition Claims records
- * Copies of criminal justice records
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) fiscal years from the date the file was closed.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number or records of criminal history) information and these should be destroyed in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other documents may be disposed of in a normal manner.

Title: Investigation Files

RDA#: 1999068

Description:

Last Reviewed on: 01/13/2010

These records document the investigations conducted or referred for consideration of possible legal action. This includes civil liberties, sexual harassment, personnel and similar actions. The files may contain, but are not limited to:

- * Investigative reports with associated documentation
- * Complaints with related documentation
- * Related correspondence,
- * Similar documents

Authorized Retention:

Retain these records for a period of four (4) calendar years from the date the investigation was closed or discontinued.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: Attorney General's Office

Schedule Number: AG

Title: Legal Case Files

RDA#: 1990150

Description:

Last Reviewed on: 06/10/2009

These records document the civil cases under the Attorney General's care (See NRS 228.160 1)(a)).

The record may contain, but is not limited to:

- * Copies of court documents, including extraditions
- * Depositions and similar documents
- * Legal research material
- * Supportive documentation related to the case
- * Related correspondence and notes

Authorized Retention:

Retain these records,

- * For cases litigated: for a period of seven (7) calendar years from the date of final disposition.
- * For cases settled out of court or dismissed: for a period of seven (7) years from the date of last action.
- * For cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel.

Authorized Disposition:

Some of these documents may contain confidential information, such as the Social Security Number or other personal identifying information (NRS 239B.030), and should be destroyed in a secure manner that will prevent reconstruction of the information. All other documents may be disposed of in a normal manner. The State Archives should review these files before final disposition.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: Attorney General's Office

Schedule Number: AG

Title: Legal Case Files: Felonies

RDA#: 1998001

Description:

Last Reviewed on: 01/13/2010

This record series documents and administers the cases to which the state is a party (see NRS 228.160) including Habeas Corpus and prison escapes. The files may include, but are not limited to:

- * General correspondence, internal memos and attorney notes
- * Unfiled motions, petitions, offers of judgment, etc.
- * Copies of law enforcement records including: crime reports, police reports, investigative reports, waiver of rights forms, witness statements, evidence reports, transcripts of questioning, etc.
- * Copies of court records, including: motions, pleadings, decrees, petitions, transcripts of proceedings, depositions, interrogatories, responses, etc.
- * Copies of photos, maps, tapes, microfilm, etc. which may be pertinent to the case

Authorized Retention:

Retain the records for the following periods:

- * Cases litigated: a period of seven (7) calendar years from the date of final disposition, and then transfer to the State Archives.
- * Cases settled out of court or dismissed: a period of seven (7) calendar years from the date of last action, and then transfer to the State Archives.
- * Cases where the Attorney General withdrew or other legal counsel was appointed: transfer all related records to the appointed legal counsel, and then transfer to the State Archives seven (7) calendar years from the date of final disposition. Any notes retained may be disposed of when no longer administratively useful.
- * All other records, such as research and working papers, may be purged and disposed of ninety (90) days from the date of the final disposition or action of the case.

Authorized Disposition:

Transfer the records as described in the Retention Statement to the State Archives after the retention period has been satisfied. Destroy all other records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Legal Case Files: Nuclear Projects

RDA#: 2001008

Description:

Last Reviewed on: 03/07/2001

This record series administers and documents each civil case dealing with nuclear projects to which the state or any officer of the state in his official capacity is a party or is monitoring as an interested party (see NRS 160(1)(a) & (b)). These files may contain, but are not limited to:

- (A) Copies of court documents such as; motions, pleadings, orders, judgments and decrees, memorandums, replies, affidavits, jointers, exhibits, appendixes, complaints, summons, depositions, transcripts and similar documentation, and
- (B); All related documentation such as attorney's notes, reports, correspondence, and any other information pertinent to the case.

Authorized Retention:

Retain this record series for a period of twenty-five (25) calendar years after the case is resolved or no longer monitored.

Authorized Disposition:

Transfer these records to the State Archives.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: Attorney General's Office

Schedule Number: AG

Title: Legal Research Files

RDA#: 2008033

Description:

Last Reviewed on: 10/08/2008

These records are used to do research for the production of legal opinions or give advice to clients.

The record may contain but is not limited to:

- * Requests for opinions/advice
- * Copies of laws, regulations, court cases, etc.
- * Drafts of opinions/advice
- * Related correspondence
- * Similar documents

Authorized Retention:

Retain these records for a period of ten (10) calendar years from the completion of the research.

Authorized Disposition:

These records may be disposed of in a normal manner such as by dumping, recycling or deleting.

Title: Nevada Identity Theft Program Files

RDA#: 2008044

Description:

Last Reviewed on: 01/14/2009

The Nevada Identity Theft Program Card is not an identification card but provides victims with a way to show law enforcement and creditors that their identity has been stolen. Identity theft victims wishing to receive a program card must file a police report with their local law enforcement agency regarding the theft of their identity and request a Nevada Identity Theft Program Preliminary Application. Once a police report is filed the victim is given a program brochure which includes a preliminary application and gives step by step instructions on obtaining a program card. It helps in the process of repairing a victim's credit and identifying fraudulent criminal activity. The record may contain but is not limited to:

- * A copy of the police report filed with a law enforcement agency documenting that the individual is a victim of identity theft
- * Preliminary Identity Theft Program Application
- * Denial letter (if applicable)
- * Activation letter
- * Program card non-activation follow-up letter
- * Electronic database form

Authorized Retention:

Retain these records for a period of seven (7) calendar years from the expiration or renewal of the program card.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: Attorney General's Office

Schedule Number: AG

Title: Open Meeting Law Complaint Files

RDA#: 1999069

Description:

Last Reviewed on: 06/10/1999

This record series documents the investigations conducted or referred for consideration of possible legal action specifically dealing with violations of the Open Meeting Law in NRS 241. The files may consist of: investigative reports, complaints (forms and original letters), copies of news media articles, copies of meeting minutes & agendas, tapes of meetings, related correspondence, closing memo and similar documents.

Authorized Retention:

Retain this record series for a period of four (4) calendar years from the date the investigation was finalized or discontinued, after which the files may be purged of all but the closing memo which must be retained for an additional six (6) calendar years for reference purposes [thus, ten years total].

Authorized Disposition:

Some of the documents may relate to closed meetings (see NRS 241.030 et seq): destroy these confidential records in a secure manner, such as by shredding (See NAC 239.722), when the retention period has been satisfied. All other records may be disposed of in a normal manner, such as by dumping or recycling.

Title: Waiver of Extradition Proceedings Files

RDA#: 1990113

Description:

Last Reviewed on: 05/11/2011

These records are used to document the waiver of procedures required for extradition (See the Criminal Extradition Uniform Act, NRS 179.177 et seq.). The record may contain, but is not limited to:

- * Waivers and other forms (including notifications)
- * Copies of criminal justice records
- * Related correspondence

Authorized Retention:

Retain these records for a period of two (2) calendar years from the date the file is closed.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number or records of criminal history) information and these should be destroyed in a secure manner that will prevent reconstruction of the information (See NAC 239.722). All other documents may be disposed of in a normal manner.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

The Committee to Approve Schedules for the Retention and Disposition of Official State Records

NRS 239.073 et seq.

Scott Anderson, Chairman

Retention Guidelines

A Records Retention and Disposition Schedule identifies the minimum time period the listed records must be retained in accordance with NRS 239.080, meaning records disposition must not occur before this retention time period expires. When the minimum retention period has been met, the recommended disposition of the records, such as destruction or transfer to the State Archives, may be initiated. You are advised to implement regular, routine disposition procedures and not to "selectively retain" some records longer than others. Certain events called "disposition holds" may occur that will require a stop to the regular destruction or dumping of records.

Disposition Holds include:

Audits.

When an audit of your agency is begun, all destruction of records in your legal custody must cease. During the audit process, records should be made available to the auditors subject to confidentiality laws. Upon the completion and resolution of the audit, the agency may begin to dispose of records in accordance with the approved records retention and disposition schedule.

Investigations.

When you are notified by a regulatory authority, a law enforcement agency, a court of record, the governor, the Legislature or other similar oversight entities that an investigation is being conducted, all records must be preserved until the investigation is over. You should consult with your legal counsel and/or the Attorney General's Office for specific advice.

Litigation.

When an agency receives notification or reasonably anticipates that a lawsuit has been filed against (or in behalf of) them, they should immediately stop the destruction or dumping of records and consult their legal counsel and/or the Attorney General's Office. The agency must comply with Federal Rule of Civil Procedure 26. All records pertaining to the litigation should be identified, separated from other files and protected. All destruction of records pertaining to the lawsuit must be stopped until the legal action has been resolved. When the litigation has been concluded (your legal counsel can advise you of this), all of the records pertaining to the lawsuit must be retained as required by an Agency Specific Records Retention Schedule or one of the General Records Retention and Disposition Schedules. Your legal counsel may advise you not to destroy any records in the legal custody of the agency until after the disposition of the litigation. You should seek the advice of your legal counsel. Records Management staff are also available for consultation on these issues.

Disposition Guidelines

Most records may be disposed of by normal means, such as recycling or deleting. Some record types are identified on retention schedules as "confidential" (See NRS 239.010) or "restricted" (See NRS 239C.090). These records must be destroyed in a secure manner that will prevent reconstruction or retrieval of the information (See NAC 239.722 for details). However, many other records may contain "sensitive" information that has not been declared by law or regulation to be confidential. Some types of "sensitive" information are described in NRS 205.4617 "Unlawful Acts Regarding Personal Identifying Information." Since serious consequences may result if these records fell into the wrong hands you are advised to destroy these records in accordance with the guidelines identified in NAC 239.722. If you are in doubt about the sensitivity of certain documents or about an appropriate disposal method, you should contact your legal counsel, the Attorney General's Office, or a records management officer.