

## **Revision to Alabama Office of the Attorney General Records Disposition Authority**

At the request of the Alabama Office of the Attorney General, the State Records Commission approved the following revision to the Alabama Office of the Attorney General's RDA:

### **Subfunction: Advising**

- **Official Opinions.** The Attorney General's office is required by the Code of Alabama 1975, Section 36-15-1(5) to keep and preserve, with proper indexes, copies of all the official opinions and correspondence. These records provide, along with the quarterly ~~published\*~~ opinions, the best evidence of the advising activities of the agency. (page 2-3)
- **Quarterly Compilation of Official Opinions.** ~~The Code of Alabama 1975, Section 36-15-1(3) requires the attorney general to publish quarterly, in pamphlet form, the written official opinions that were rendered during that period. The agency publishes a synopsis of the opinions in booklet form. These records provide, along with the official opinions themselves, the best evidence of the advising activities of the agency.\*~~ (page 2-3)

The Code of Alabama 1975, Section 36-15-1 (3) requires the attorney general to post on the Internet searchable, electronic copies of the written official opinions rendered by him/her or pursuant to Section 36-15-1 (1). Electronic copies of the opinions are to be sent, in a timely manner, to any public official who has asked to receive them and has provided a working email address. These records provide, along with the official opinions themselves, the best evidence of the advising activities of the agency.\*\* (page 2-3)

Strikeout (\*) denotes deletion

Underlined (\*\*) denotes new addition

## **Requirement and Recommendations for Implementing the Records Disposition Authority**

Under the Code of Alabama 1975, Section 41-13-21, "no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission." This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama Office of the Attorney General (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in January of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency's approved RDA.
- Permanent records in the agency's custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 27, 2010.

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Edwin C. Bridges, Chairman, by Tracey Berezansky  
State Records Commission

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Date

Receipt acknowledged:

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Troy King  
Alabama Office of the Attorney General

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Date