

Alabama Office of the Attorney General



Functional Analysis & Records Disposition Authority

Revision
Presented to the
State Records Commission
April 24, 2013

Table of Contents

Functional and Organizational Analysis of the Alabama Office of the Attorney General....	1
Sources of Information.....	1
Agency Organization.....	1
Agency Function and Subfunctions	1
Analysis of Record Keeping System and Records Appraisal of the Alabama Office of the Attorney General	4
Agency Record Keeping System.....	4
Records Appraisal	4
Permanent Records List	9
Alabama Office of the Attorney General Records Disposition Authority.....	10
Explanation of Records Requirements.....	10
Records Disposition Requirements	11
Advising.....	11
Representing	11
Investigating	13
Appointing.....	13
Administering Internal Operations: Managing the Agency	13
Administering Internal Operations: Managing Finances.....	14
Administering Internal Operations: Managing Human Resources.....	15
Administering Internal Operations: Managing Properties, Facilities, and Resources.....	16
Requirement and Recommendations for Implementing the Records Disposition Authority....	18

Functional and Organizational Analysis of the Alabama Office of the Attorney General

Sources of Information

Representatives of the Office of Attorney General

Code of Alabama 1975. Sections 8-6-5; 8-J9-4; 9-17-5; 12-3-32; 16-24-30; 23-1-25 and 150 and 17132-3-1; 36-15-1 et seq.; 40-2-61; 41-9-61 and 140; 41-10-1 and 2; 41-13-20 and 22;

Alabama Government Manual

Government Records Division, State Agency Files (1985-ongoing)

Government Records Division, Records Retention Schedules for the Office of Attorney General

Agency Organization

The attorney general is selected by popular election for a four-year term and is eligible for one successive term. The attorney general appoints a chief deputy attorney general, up to 12 deputy attorneys general, three executive assistants, five paralegals, and seven administrative assistants who serve at the pleasure of the attorney general; however, the majority of the agency's staff consists of merit system employees. Departmental assistants and deputy attorneys general may be appointed to work within specific agencies. Special deputy attorneys general may also be appointed to serve outside the main office. The chief deputy attorney general exercises such powers as the attorney general delegates and exercises the full power of the attorney general when the attorney general is absent. The attorney general also employs secretarial, administrative, and investigatory personnel to carry out the mandated function of the office.

Agency Function and Subfunctions

The mandated function of the Office of the Attorney General is to provide legal advice and legal representation for the State, its officers, and its citizenry. It is one of the agencies responsible for performing the Public Advocacy and Policy and Statute Development functions of Alabama government. In the performance of its mandated functions, the agency may engage in the following subfunctions:

- **Advising.** According to the Code of Alabama 1975, Section 36-15-1 et seq., the agency may advise the governor on bills submitted to the legislature: advise and assist the legislature with codification of laws; examine all statutes now in force or which may be enacted in the future: and make written reports to the legislature or the governor regarding invalid laws or inaccuracies, mistakes, or omissions in the laws of the state.

A second component of the advising subfunction is the issuance of opinions on questions of law. These opinions may come at the request of state agencies or of local officials. The attorney general is required to publish quarterly compilations of written opinions issued during the previous quarter (Code of Alabama 1975, Section 36-15-1-(3)).

- **Representing.** The Office of the Attorney General acts as the attorney for the state in all matters in which the state has an interest (Code of Alabama 1975, Sections 36-15-12 through 14 and 21). It represents the state in all criminal and civil appeals and for all capital litigation beyond the trial level. When requested, it may also represent municipal officials in appellate court. The Office of the Attorney General may institute proceedings to enforce state, county, and municipal regulations that have been violated. It may also intervene to represent the state's interest in important civil or criminal cases and may bring actions against public Officials accused of violating campaign disclosure laws, against "agents of the state in the name of the citizens of Alabama," and against public nuisances. The agency may institute and prosecute in the name of the state, all civil actions and other proceedings necessary to protect the rights and interests of the state and may also direct the prosecution of any criminal case in any of the courts of the state (Code of Alabama 1975, Sections 36-15-12 through 14 and 21).

The Office of the Attorney General is also mandated to maintain a docket of all civil actions and claims where the state has an interest and to record collection procedures and amounts collected (Code of Alabama 1975, Section 36-15-1 (6)).

The Attorney General represents the state at all meetings of the Board of Adjustment and serves as either a voting or ex officio member of the Alabama Public Hunting and Forestry Association, Board of Compromise, Building Commission, State Oil and Gas Board, State Safety Coordinating Committee, Building Finance Authority, Building Authority, Federal Aid Highway Authority, Highway Finance Corporation, Securities Commission, Armory Commission, State Records Commission, Local Government Records Commission, Board to Prepare the Revenue Bill. Board of Canvassers of Election Returns, Education Authority, Meat and Poultry Council, Judicial System Study Commission, State Tenure Commission, Alabama Electronic Voting Committee, Alabama Law Institute, Criminal Justice Advisory Commission, Criminal Justice Information Center Commission, and Sentencing Commission.

- **Investigating.** The Office of the Attorney General investigates to substantiate accusations or claims relating to infraction of state law. The agency also conducts investigations in connection with various high-profile criminal and civil cases that are not directly related to state government but in which the state has an interest, such as civil rights violations.
- **Validating/Approving.** The Office of the Attorney General examines and approves all extradition papers. (Code of Alabama 1975. Section 36-15-1 (11)). This subfunction produces no records that remain in the custody of the Office of the Attorney General,

- **Appointing.** The attorney general assigns assistant and deputy attorneys general to represent various agencies, boards, and commissions.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the Finance Department; documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Alabama Office of the Attorney General

Agency Record Keeping System

The Alabama Office of the Attorney General operates a hybrid system composed of paper and electronic records. As for electronic records, the agency maintains both a document management system and a case tracking system. The case tracking system is utilized by all divisions of the office to organize matters concerning case files. Some divisions of the office scan all case related documents into the office's case management and/or document management system. As for official opinions of the Attorney General, the agency scans its opinions and related documents on a bimonthly basis to facilitate access and does not destroy the originals. Database searching is available through the agency's website, www.ago.state.al.us, for opinions issued from 1979 to 1998; and full text searching is available for opinions 96-00001 to the present. All opinions from 1979 to the present are available as scanned images of the actual signed opinion. These opinions are in Adobe Acrobat's PDF file format. All opinions from 1996 to the present are available as both PDF and Microsoft Word 97 documents. The MS Word documents are not actual images of the signed opinions, but are the text of the final opinion: these documents are fully text-searchable.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Office of the Attorney General: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met.

- **Administrative Hearings Case Files.** These case files are created when Administrative Law Judges respond to the requests of agencies, boards, or commissions in rendering proposed findings from which a final order can be issued by the agency or, when requested or required by law, issuing a final order from which an appeal can be made to circuit court.
- **Medicaid Fraud Legal Case Files (Non-special Cases).** Medicaid fraud legal case files are created during the course of the activities associated with the agency's representation of other departments and the state in the prosecution of Medicaid fraud violations. The non-special case files do not include cases where the violations include food stamp rings, joint federal/state cases, food stamp trafficking, and employee fraud, which are special cases.

- **Victims Assistance Files.** These files contain records concerning victim assistance activities performed to support crime victims.
- **Constitutional Defense Legal Case Files (Non-Special Cases).** These cases deal with civil matters in which there is a question of constitutional law, and in civil rights, voting rights, and employment discrimination matters.
- **Criminal Appeals Legal Case files (with the exception of a sentence of death or life without parole).** These files document all of the activity involved in handling the prosecution of such cases through all the appellate courts. Some of these cases have legal value to the Office of the Attorney General until the final closure of the case file.
- **Criminal Appeals Inactive Transcripts (with the exception of a sentence of death or life without parole).** These transcripts document criminal hearings. Some of these cases have legal value to the Office of the Attorney General until the final closure of the case file.
- **Environmental Legal Case Files (Non-special Cases).** Environmental case files are files created as the result of enforcement of the state's environmental statutes, such as the Alabama Water Pollution Control Act, the Hazardous Waste Management Act and Minimization Act, the Solid Waste Act and the Alabama Air Pollution Control Act. Cases handled generally involve pollution, illegal hazardous waste, or other dangerous environmental concerns. Files may include matter of either a civil or criminal nature.
- **General Civil and Administrative Law Legal Case Files (Non-special Cases).** Case files include civil cases in all courts and before administrative boards as both a defender and initiator of civil action. Civil matters addressed include prisoner litigation, civil litigation, representation in administrative hearings, contracts and related commercial transactions, and all public matter affecting utility services before the Alabama Public Service Commission.
- **Consumer Affairs Legal Case Files, Investigative Files, Registration and Renewal Files, and Request for Information Files.** Legal and Investigative Case Files are created as a result of the prosecution of complaints filed by consumers which have been determined to violate existing federal and state laws. Registrations and renewals of charitable files, professional fundraiser files, and commercial co-venture files are created by the enforcement of the Alabama Charitable Fraud Act. Private Foundation 990 registrations and renewals files are created due to Internal Revenue Service regulations. Health Studio registrations and renewal files are created due to the Alabama Health Studio Services Act. Registration and renewal files which allow businesses to contact Alabama consumers for the purpose of selling are created due to the Alabama Telemarketing Act. The Office of the Attorney General serves as the point for registration, renewal, and fee collection for the above-reference acts. These files should be considered as temporary documents.

- **Opinions Research and Working Files (Unofficial items).** When issuing opinions on questions of law to state departments, agencies, boards, and commissions, legislators, and other local public officials and political subdivisions, there are various drafts, records and research items that are not official documents. These documents should be considered as temporary records.
- **Criminal Trials Division Case Files (Non-Special Cases).** These case files are created during the course of the activities associated with prosecuting corrupt public officials and entities involved in White Collar crimes; prosecution of violent crimes, including murder and rape cases; and prosecution of crimes against families.
- **Special Prosecutions Division Case Files (Non-Special Cases).** Legal case files created during the course of the activities associated with investigating and prosecuting significant criminal violations of trust by public officials and employees.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

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. **(Bibliographic Title: Opinions)**
- **Quarterly Compilation of Official Opinions.** 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. **(Bibliographic Title: Quarterly Reports)**

Representing

- **Capital Litigation Legal Case Files.** The Capital Litigation Division of the Office of the Attorney General handles the prosecution of all capital (death sentence) cases that have gone beyond the circuit courts. A capital case can be appealed through the Alabama court system to the U.S. Supreme Court, or it may be appealed through the federal appeals system to the U.S. Supreme Court. These files document all of the activity involved in handling the prosecution of such cases through all the appellate courts. Many of these cases set precedent, and all of them have long-term legal value to the office of the Attorney General until the final closure of the case file. A case file is closed only when a defendant is executed, set free, or given a final sentence other than death (reversed decision). These records have long-term legal value in the conduct of Rule 32 collateral

and habeas corpus proceedings, and provide historical evidence of the prosecuting function of the Attorney General's office as it relates to capital offenses. These cases also document the position the state takes with regard to capital punishment. (**Bibliographic Title: Capital Litigation Legal Case Files**)

- **Criminal Appeals Legal Case Files (cases with a sentence of death or life without parole).** These files document all of the activity involved in handling the prosecution of such cases through all the appellate courts. Many of these cases set precedent, and all of them have long-term legal value to the office of the Attorney General until the final closure of the case file. These records provide historical evidence of the prosecuting function of the Attorney General's office. (**Bibliographic Title: Criminal Appeals Legal Case Files**)
- **Criminal Appeals Inactive Transcripts (cases with a sentence of death or life without parole).** These transcripts document criminal appeals hearings. Many of these cases set precedent, and all of them have long-term legal value to the office of the Attorney General until the final closure of the case file. These records provide historical evidence of the prosecuting function of the Attorney General's office. (**Bibliographic Title: Transcripts of Historically Important Criminal Appeals Cases**)
- **Special Legal Case Files (Constitutional Defense, Environmental, General Civil, Medicaid Fraud, Criminal Trials, Special Prosecutions, and all other special litigation/cases).** The attorney general represents the state in civil and criminal litigation in which the state is a party and also initiates suits on behalf of the state and its citizens. These case files document all activities related to any proceeding involving issues of historical importance and interest such as major voting rights or civil rights cases, statewide election disputes, cases involving important issues of constitutional law, cases involving major financial interests of the state, cases involving significant criminal offenses, etc. These cases are rare but are primarily high profile, historical, and/or precedent setting. (**Bibliographic Title: Special Legal Case Files**)

Appointing

- **Deputy Attorneys General Appointment Letters.** These records provide the best evidence of the agency's activities in appointing deputy attorney generals. The records are not duplicated in the correspondence of the attorney general, nor the records of the Secretary of State, nor in the Office of the Governor. (**Bibliographic Title: Letters Appointing Deputy Attorney Generals**)

Administering Internal Operations

- **Quadrennial Report of the Attorney General.** In October of the last year of the attorney general's term in office, the attorney general compiles a report to include suggestions for the suppression of crime and the improvement of the criminal administration in the state, The report also includes the number of criminal cases disposed of in the state for the past four years; the number of acquittals; the number of

nolle prosequi entered; the number of cases which were abated or otherwise disposed of; the number of death sentences; the number of sentences to the penitentiary; the number of other sentences, including fines imposed; and the totals for each category. One copy of the report remains with the Office of the Attorney General. This report provides summary information for all the legal actions taken by the district attorney and staff of the Office of the Attorney General. **(Bibliographic Title: Quadrennial Report of the Attorney General)**

- **Correspondence of the Attorney General and Chief Deputy Attorney General.** These records provide, along with the subject matter files, the best documentation of the activities of the attorney general as a constitutional officer and as an advisor to the governor and the legislature on the passage and codification of laws. These files will document many of the cases handled by the agency, general information on current investigations, and the development of legislation, as well as issues of interest to the attorney general. **(Bibliographic Title: Correspondence of the Attorney General and Chief Deputy Attorney General)**
- **Speeches and Subject Matter Files of the Attorney General.** These records provide, along with the correspondence files, the best documentation of the activities of the attorney general in the performance of his/her duties as a constitutional officer and as an advisor to the governor and the legislature on the passage and codification of laws. These files provide information on subjects of particular interests to the attorney general including juvenile justice, equity funding in education, and office policies and procedures. **(Bibliographic Title: Speeches; Subject Files)**
- **Website.** The department maintains an extensive website at www.ago.state.al.us. This series documents primary functions of the agency and the agency should "preserve a complete copy of website annually or as often as significant changes are made." **(Bibliographic Title: State Publications)**

Permanent Records List

Alabama Office of the Attorney General

Advising

1. Official Opinions
2. Quarterly Compilation of Official Opinions

Representing

1. Capital Litigation Legal Case Files
2. Criminal Appeals Legal Case File (cases with a sentence of death or life without parole)
3. Criminal Appeals Inactive Transcripts (cases with a sentence of death or life without parole)
4. Special Legal Case Files (Constitutional Defense, Environmental, General Civil, Medicaid Fraud, Criminal Trials, Special Prosecutions, and all other special litigation/cases)

Appointing

1. Deputy Attorneys General Appointment Letters

Administering Internal Operations

1. Quadrennial Report of the Attorney General
2. Correspondence of the Attorney General and Chief Deputy Attorney General
3. Speeches and Subject Matter Files of the Attorney General
4. Website
5. Inventory Lists*

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency. ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama Office of the Attorney General Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Office of the Attorney General. The RDA lists records created and maintained by the Office of the Attorney General in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Office of the Attorney General to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

This RDA supersedes any previous records disposition schedules and/or RDAs governing the retention of the Alabama Office of the Attorney General. Copies of superseded schedules or/and RDAs are no longer valid and should be discarded.

This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created before 1940.

The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.

Certain other short-term records that do not materially document the work of an agency may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationary, blank forms, or other

surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term internal purposes that may include, but are not limited to, telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Office of the Attorney General and lists the groups of records created and/or maintained by the department as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular meetings.

Advising

Administrative Hearings Case Files (includes correspondence, transcripts, and orders)

Disposition: Temporary Record. Retain 5 years after final dispensation

OFFICIAL OPINIONS (includes opinions and supporting documentation)

Disposition: PERMANENT RECORD.

QUARTERLY COMPILATION OF OFFICIAL OPINIONS

Disposition: PERMANENT RECORD.

Opinion Correspondence (no opinion issued), Withdrawn Opinion Requests, and Resolution Requested Letters

Disposition: Temporary Record. Retain 4 years after creation.

Opinions Research and Working Files

Disposition: Temporary Record. Retain 1 year.

Opinions Litigation, Pre-litigation Materials, Agency Research, and Working Files

Disposition: Temporary Record. Retain 1 year in the Attorney General's office then transfer to appropriate agency.

Representing

CAPITAL LITIGATION LEGAL CASE FILES

Disposition: PERMANENT RECORD.

CRIMINAL APPEALS LEGAL CASE FILES

- a. (Cases with a sentence of death or life without parole)
Disposition: PERMANENT RECORD.
- b. (Cases with a sentence other than death or life without parole)
Disposition: Temporary Record. Retain 20 years.

CRIMINAL APPEALS INACTIVE TRANSCRIPTS

- a. (Cases with a sentence of death or life without parole)
Disposition: PERMANENT RECORD.
- b. (Cases with a sentence other than death or life without parole)
Disposition: Temporary Record. Retain 10 years.

Constitutional Defense Legal Case Files (Non-special Cases)

Disposition: Temporary Record. Retain 10 years after final dispensation.

Docket of Civil Actions and Claims

Disposition: Temporary Record. Retain for useful life.

General Civil and Administrative Law Legal Case Files (Non-special Cases)

Disposition: Temporary Record. Retain 7 years after final dispensation.

Environmental Legal Case Files (Non-special Cases)

Disposition: Temporary Record. Retain for useful life.

Medicaid Fraud Legal Case Files (Non-special Cases)

Disposition: Temporary Record. Retain 7 years after final dispensation.

Written Consumer Complaint Files

Disposition: Temporary Record. Retain 3 years after final dispensation.

Consumer Affairs Legal Case Files

Disposition: Temporary Record. Retain 10 years after final dispensation.

Criminal Trials Division Case Files (Non-Special Cases)

Disposition: Temporary Record. Retain 10 years after final dispensation.

Special Prosecutions Division Case Files (Non-Special Cases)

Disposition: Temporary Record. Retain 10 years after final dispensation.

SPECIAL LEGAL CASE FILES (Constitutional Defense, Environmental, General Civil, Medicaid Fraud, Criminal Trials, Special Prosecutions, and all other special litigation/cases)

Disposition: PERMANENT RECORD.

Victims Assistance Files

Disposition: Temporary Record. Retain for useful life.

Consumer Affairs Registration and Renewal Files

Disposition: Temporary Record. Retain 1 year after final dispensation.

Consumer Affairs Telemarketing Registration and Renewal Files

Disposition: Temporary Record. Retain 3 years after final dispensation.

Investigating

Consumer Affairs Investigation Case Files

Disposition: Temporary Record. Retain 3 years after final dispensation.

Medicaid Fraud Investigation Case Files and Evidence Files

Disposition: Temporary Record. Retain 5 years after final dispensation.

Opinions and Agencies Litigation and Pre-Litigation Materials

Disposition: Temporary Record. Retain 3 years after final dispensation.

Environmental Investigation Supporting Documents

Disposition: Temporary Record. Retain 3 years after final dispensation.

Records of Equal Employment Opportunity Commission Complaint Files

Disposition: Temporary Record. Retain 10 years after final dispensation.

All Other Investigation Files

Disposition: Temporary Record. Retain for useful life.

Appointing

DEPUTY ATTORNEYS GENERAL APPOINTMENT LETTERS (DAAG LETTERS)

Disposition: PERMANENT RECORD.

Administering Internal Operations: Managing the Agency

QUADRENNIAL REPORT OF THE ATTORNEY GENERAL

Disposition: PERMANENT RECORD.

CORRESPONDENCE OF THE ATTORNEY GENERAL AND CHIEF DEPUTY ATTORNEY GENERAL

Disposition: PERMANENT RECORD.

SPEECHES AND SUBJECT MATTER FILES OF THE ATTORNEY GENERAL (including juvenile justice, equity funding in education, office policies, procedures, state department files) Disposition: PERMANENT RECORD.

WEBSITE AND SOCIAL MEDIA SITE(S)

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive-It].)

Records documenting legal cases involving internal operations

Disposition: Temporary Record. Retain 6 years after final settlement.

Routine Correspondence (includes requests for information)

Disposition: Temporary Record. Retain 1 year after audit.

Minutes of Staff Meetings

Disposition: Temporary Record. Retain 1 year.

Mailing Lists

Disposition: Temporary Record. Retain for useful life.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 1 year after audit after the end of the fiscal year in which the RDA is superseded.

Computer System Documentation (hardware/software manuals and diskettes, warranties)

Disposition: Temporary Record. Retain documentation of former system 1 year after audit after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Administering Internal Operations: Managing Finances

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 1 year after audit.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 1 year after audit.

Records of original entry such as journals, registers, and ledgers; and records of funds deposited inside and outside the state treasury

Disposition: Temporary Record. Retain 1 year after audit.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 1 year after audit.

Contractual records established for the purpose of services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$15,000.00
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Administering Internal Operations: Managing Human Resources

Job Recruitment Materials

Disposition: Temporary Record. Retain 1 year after audit.

Application Materials

Disposition: Temporary Record. Retain 1 year.

Position Classification Records

Disposition: Temporary Record. Retain 4 years after reclassification of the position.

Certification of Eligibles for Employment

Disposition: Temporary Record. Retain until superseded.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 1 year after audit.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)

Disposition: Temporary Record. Retain 1 year after audit.

Records documenting employee hours worked, leave earned, leave taken, and leave donation

Disposition: Temporary Record. Retain 1 year after audit.

Records documenting an employee's work history -generally maintained as a case file (includes records of final leave status)

Disposition: Temporary Record. Retain 6 years after separation of an employee from the agency.

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Employee Administrative Hearing Files

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Section/Division Personnel Files

Disposition: Temporary Record. Retain until separation of an employee from the agency.

Weekly Activity Reports

Disposition: Temporary Record. Retain for useful life.

Records Documenting agency provision of training and professional development

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: Managing Properties, Facilities, and Resources

INVENTORY LISTS

Disposition: PERMANENT RECORD. (Code of Alabama 1975, Section 36-16-8[1]).

Agency Copies of Transfer of State Property Forms (SD-1)

Disposition: Temporary Record, Retain 1 year after audit.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record, Retain 1 year after audit.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Records documenting the lease or rental of office or warehouse space for the department

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

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 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 Board of Nursing (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submits an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Record 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; (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.

Electronic mail contain permanent, temporary, or transitory record information, Although e-mail records can be printed out, filed, and retained according to the RDA’s requirements, the division should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records 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 April 24, 2013.

Steve Murray, Chairman
State Records Commission

Date

Receipt acknowledged:

Luther Strange, Attorney General
Office the Attorney General

Date