DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
TORT CLAIMS SECTION

Program Records Retention and Disposition Schedule

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

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do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The N.C. Department of Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed. The**

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agrees to destroy, transfer or dispose of records in the manner and at the times specified herein. This schedule is to remain in effect until superseded.

APPROVAL RECOMMENDED

Scarlette Hargis, Chief Records Officer
Department of Justice

Robert Hargett, Special Deputy Attorney General
Tort Claims Section

David Brook, Director
Division of Historical Resources

APPROVED

Kristi Hyman, Chief of Staff
Department of Justice

Lisbeth C. Evans, Secretary
Department of Cultural Resources

February 12, 2008

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DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
TORT CLAIMS SECTION

ITEM 14219. ACTIVE CLAIMS FILE. Records in paper and electronic formats concerning each claim filed against the state (tort claims, property action claims, workers' compensation claims, minors claims, inmates' claims, etc.). Each file includes correspondence, reports, affidavits, hearing notices, briefs, transcripts, and other related records. Workers' compensation claims may also include medical records. Data concerning claims is entered into the Case Management (Electronic) Database File (Item 48141.) (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Print electronic records and interfile with related paper records. Destroy in office electronic versions of records which were printed and filed when reference value ends. Transfer workers' compensation claims records to Closed Workers' Compensation Claims File (Item 48142) when claim is closed. Transfer minors claims records to Closed Minors Claims File (Item 36779) when claim is closed. Transfer remaining records to Closed Claims File (Item 2369) when claim is closed.

ITEM 14221. ACTIVE CLAIMS CARD INDEX FILE. Card file providing information concerning each active claim.

DISPOSITION INSTRUCTIONS: Function and records transferred to Case Management (Electronic) Database File (Item 48141).

ITEM 14222. CLOSED CLAIMS CARD INDEX FILE. Card file providing information concerning each closed claim.

DISPOSITION INSTRUCTIONS: Function and records transferred to Case Management (Electronic) Database File (Item 48141).

ITEM 14223. CLAIMS REGISTER FILE. Registers concerning each case investigated, evaluated, and settled by Tort Claims Section. Information for each claim includes case number, name of agency against which claim is filed, names of claimants and adjustors or attorneys, date case closed, and disposition of claim.

DISPOSITION INSTRUCTIONS: Function and records transferred to Case Management (Electronic) Database File (Item 48141).

ITEM 14224. ACTIVE CRIMINAL BRIEFS FILE. Records concerning criminal actions assigned to the Tort Claims Section attorneys. File includes briefs, transcripts of court proceedings, attorney's notes, opinions, and other related records. (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Return transcripts to the appropriate District Attorney's Office. Transfer remaining records to Closed Criminal Briefs File (Item 3378) when claim is closed.

ITEM 2369. CLOSED CLAIMS FILE. Records concerning each closed claim that was filed against the state (tort claims, property action claims, inmates' claims, etc.). (Closed claims dated prior to October 2007 may contain closed claims for minors and workers' compensation.) File includes correspondence, reports, affidavits, hearing notices, briefs, transcripts, and other related records. Workers' compensation claims may also include medical records. Data concerning claims is entered into the Case Management (Electronic) Database File (Item 48141). (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: For records currently stored in the SRC (which may contain closed claims for minors and workers' compensation), destroy 18 years from date of records. Transfer records dated after October 2007 to the State Records Center after 1 year. Records will be held for agency in the State Records Center 3 additional years and then destroyed.

ITEM 3378. CLOSED CRIMINAL BRIEFS FILE. Records concerning each closed special criminal action that was filed against the state and handled by the Tort Claims Section attorneys. File includes correspondence, reports, briefs, affidavits, hearing notices, and other related records. (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Destroy in office when legal and reference values end.

ITEM 36775. ACTIVE MINORS CLAIMS FILE. Records concerning each claim filed against the state (tort claims, property action claims, etc.) involving a minor child. Each file includes correspondence, reports, affidavits, hearing notices, briefs, transcripts, and other related records. (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Function and records transferred to Active Claims File (Item 14219).

ITEM 36776. ADVISORY LETTERS FILE. Advisory letters written by the section attorneys to state and local government officials or their attorneys regarding routine legal matters. File includes copies of the requests.

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.

ITEM 36777. ATTORNEY GENERAL'S ADVISORY OPINIONS FILE. Opinions provided to state or local government officials or their attorneys regarding legal issues significant to the operation or administration of state agencies or local governments.

DISPOSITION INSTRUCTIONS: Transfer original inquiry and response to the Central Files Section, Attorney General's Combined Opinions and Correspondence for State Agencies File (Item 2353) when response has been completed.

ITEM 36778. ATTORNEY GENERAL'S FORMAL OPINIONS FILE. Opinions provided to state or local government officials or their attorneys having statewide significance.

DISPOSITION INSTRUCTIONS: Transfer original inquiry and response to the Central Files Section, Attorney General's Combined Opinions and Correspondence for State Agencies File (Item 2353) when response has been completed.

ITEM 36779. CLOSED MINORS CLAIMS FILE. Records concerning each closed claim that was filed against the state. File includes correspondence, reports, affidavits, hearing notices, briefs, transcripts, and other related records. (Prior to October 2007 minors claims were filed in Closed Claims File (Item 2369). Data concerning claims is entered into the Case Management (Electronic) Database File (Item 48141.) (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center 1 year after closure. Records will be held for agency in the State Records Center 18 additional years and then destroyed.

ITEM 36780. INFORMATIONAL LETTERS FILE. Letters to private citizens and organizations requesting legal assistance.

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.

ITEM 36782. PERSONNEL FILE. Records concerning office personnel. File includes applications, resumes, job descriptions, personnel action forms, and other related records. (Comply with applicable provisions of G.S. 126-22, 126-23, and 126-24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records.

ITEM 48141. CASE MANAGEMENT (ELECTRONIC) DATABASE FILE. Electronic records concerning each active and inactive claim. Data is initially entered from Active Claims File (Item 14219). Data includes AGO number., agency name, claimant's name, date opened, Industrial Commission number, and claim type.) (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Update in office routinely. Retain in office permanently.

ITEM 48142. CLOSED WORKERS' COMPENSATION CLAIMS FILE. Records concerning each closed workers' compensation claim filed against the state. Each file includes correspondence, reports, affidavits, hearing notices, briefs, transcripts, and other related records. Data concerning claims is entered into the Case Management (Electronic) Database File (Item 48141.) (Comply with applicable provisions of G.S. 122C-52 regarding the confidentiality of mental health client records, 132-1.1 regarding attorney/client privilege, and 126-22, 23, 24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Transfer to State Records Center after 1 year. Records will be held for agency in the State Records Center for 10 additional years and then destroyed.

ITEM 48143. ATTORNEYS' WORK-PRODUCT FILE. Records in electronic format concerning attorneys' work-products. File includes draft memos, e-mails, draft documents, research memos, and other related records. (Comply with applicable provisions of G.S. 132-1.1 regarding attorney/client privilege.)

DISPOSITION INSTRUCTIONS: Erase in office when reference value ends.