

**DEPARTMENT OF THE SECRETARY OF STATE
CORPORATIONS DIVISION**

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

CORPORATIONS DIVISION

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 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. The agency agrees to comply with 07 NCAC 04M. 0510 when deciding on a method of destruction. Electronic records will be destroyed so that the data and metadata are overwritten, deleted, or unlinked in such a way that the records may not be practicably reconstructed. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. 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.

The Department of the Secretary of State and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow them to be destroyed when "*administrative/reference value ends.*" The Department of the Secretary of State hereby agrees that it will establish and enforce internal policies setting minimum retention periods for records with this disposition instruction. Without the establishment of internal policies, the agency is not authorized by the Department of Cultural Resources to destroy these records. For those record series scheduled to be microfilmed, the Department of the Secretary of State will be responsible for cost of microfilm production.

The Department of the Secretary of State and the Department of Cultural Resources concur that the long-term and/or permanent preservation of electronic records require additional commitment and active management by the agency. The Department of the Secretary of State agrees to comply with all policies, standards, and best practices published by the Department of Cultural Resources regarding the creation and management of electronic records.

E-mail messages sent or received by Executive Branch agencies shall be retained for 5 years pursuant to Executive Order No. 12 (issued May 21, 2013 by Governor Pat McCrory). Any e-mail messages requiring retention longer than 5 years, including those with permanent historical value, shall be designated with specific retention periods in this program records 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 Department of the Secretary of State agrees to destroy, transfer or dispose of records in the manner and the times specified herein. This schedule is to remain in effect until superseded.

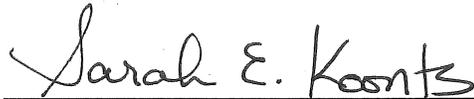
APPROVAL RECOMMENDED



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Cheri Myers
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Sarah E. Koonts, Director
Division of Archives and Records

APPROVED



Elaine F. Marshall, Secretary
Department of the Secretary of State



Susan W. Kluttz, Secretary
Department of Cultural Resources

**DEPARTMENT OF THE SECRETARY OF STATE
CORPORATIONS DIVISION**

ITEM 47783. ADVANCE HEALTH CARE DIRECTIVE REGISTRY (ELECTRONIC) FILE

Records in paper and electronic formats submitted for inclusion in the North Carolina Advance Health Care Directive Registry, a statewide online registry. File includes health care powers of attorney, declarations of a desire for a natural death, advance instructions for mental health treatment, and declarations of an anatomical gift. (Comply with applicable provisions of G.S. 130A-465, G.S. 130A-468, and G.S. 130A-469 regarding maintenance, accessibility, and confidentiality of records.) (Data is entered in the Secretary of State Knowledge Base (SOSKB) system.) (This is an essential agency record.)

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Return original documents to the entity that submitted paperwork for registration. Destroy electronic records in office when notice of revocation of registration has been issued. Destroy remaining records in office after 100 years.

ITEM 31814. ANNUAL REPORTS FILE

Annual reports in paper and electronic formats for business entities who are required to file an annual report. (For annual report requirements, see G.S. 55-16-22, G.S. 57D-2-24, and G.S. 59-84.4.) Data entered and updated into the Secretary of State Knowledge Base (SOSKB) includes: a listing of names and addresses of principal officers/members, nature of business, principal office address and telephone number, and other related data.

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Destroy in office paper records when superseded or obsolete. Retain electronic records in office permanently.

ITEM 2910. BANK CHARTERS FILE

Official copies of bank charters and articles of amendment.

DISPOSITION INSTRUCTIONS: Retain in office permanently.

ITEM 15629. BUSINESS ENTITIES REGISTRY FILE

Records in paper and electronic formats concerning North Carolina corporations, foreign corporations, savings and loan companies, limited partnerships, limited liability partnerships, limited liability limited partnerships, and limited liability companies. File includes articles of incorporation; amendments; listings of mergers, dissolutions, reservations, suspensions, and reinstatements; articles of organizations; registrations; and other related records. (Data is entered in the Secretary of State Knowledge Base (SOSKB) system.) (This is an essential agency record.)

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Maintain electronic records in office permanently. Return paper records to filer or destroy paper records in office when reference value ends (per G.S. 55D-15(a)). Transfer electronic records along with indexing information to the State Records Center after 3 years for immediate transfer to the custody of the Archives.

ITEM 15686. BUSINESS OPPORTUNITY SALES ACT FILE

Records concerning Uniform Franchise Offering Circulars (UFOC) and North Carolina Disclosure Statements. File includes consent to service of process forms, copies of current financial statements, business opportunity bond forms with powers of attorney, and other related records.

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Destroy in office paper records 5 years after data is entered into the Secretary of State Knowledge Base (SOSKB) system. Retain electronic records in office permanently.

**DEPARTMENT OF THE SECRETARY OF STATE
CORPORATIONS DIVISION**

ITEM 2916. CORPORATIONS DIVISION CORRESPONDENCE FILE

Records in paper and electronic formats received by the division concerning domestic and foreign business entities. File includes messages, memoranda, correspondence with the business entity, and other related records. (Data is entered in the Secretary of State Knowledge Base (SOSKB) system.)

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Destroy in office paper records after 30 days. Destroy in office electronic records when reference value ends.

ITEM 2892. CORPORATIONS INDEX FILE

Index cards (through 1970s) listing businesses, nonprofit organizations, corporations, mutuals, banks, savings and loans, insurance companies, and corporations created under special statutes. (Data is entered into the Secretary of State Knowledge Base (SOSKB) system under Item 15629.)

DISPOSITION INSTRUCTIONS: Records no longer being created. Retain in office permanently.

ITEM 48167. DIRECTOR'S CORRESPONDENCE FILE

Records in paper and electronic formats (including e-mail) written and received by the director's office. File includes section goals and objectives, projects, reports, interoffice correspondence, correspondence from the secretary, the general public, and other state and federal agencies concerning the administration and management of the section. File may also include responses by supervisors to the public.

DISPOSITION INSTRUCTIONS: Transfer paper records to the State Records Center after 5 years. Records will be held for the agency in the State Records Center 5 additional years and then transferred to the custody of the Archives. Transfer electronic records after 5 years to the State Records Center for immediate transfer to the custody of the Archives.

ITEM 15684. LOAN BROKERS FILE

Records concerning loan brokers operating within the State of North Carolina. File includes disclosure statements, consent to service of process forms, and copies of loan broker bonds with powers of attorney.

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Destroy in office paper records 5 years after data is entered into the Secretary of State Knowledge Base (SOSKB) system. Retain electronic records in office permanently.

ITEM 15634. RAILROADS, MUNICIPALITIES, SOIL CONSERVATION, AND MISCELLANEOUS CHARTERS FILE

Records through 1970s concerning dates of incorporation, dates extension filed, charter numbers, amendment dates, and registered agents' names concerning railroads, municipalities, soil conservation services, hospital authorities, redevelopment commissions, water and soil authorities, housing authorities, joint municipal power agencies, rural development authorities, and parking authorities incorporated in the state.

DISPOSITION INSTRUCTIONS: Records no longer being created. Retain in office permanently.

ITEM 15633. RAILROADS, MUNICIPALITIES, SOIL CONSERVATION, AND MISCELLANEOUS INDEX FILE

Card file (through 1970s) listing dates of incorporation, dates extension filed, charter index numbers, amendment dates, and registered agents' names concerning railroads, municipalities, soil conservation services, housing authorities, joint municipal power agencies, hospital authorities, redevelopment commissions, water and soil authorities, rural development authorities, and parking authorities incorporated in the state.

DISPOSITION INSTRUCTIONS: Records no longer being created. Retain in office permanently.

**DEPARTMENT OF THE SECRETARY OF STATE
CORPORATIONS DIVISION**

ITEM 48166. STATEWIDE CABLE FRANCHISE FILINGS

Records in paper and electronic formats concerning cable service provided by franchises to the public. File includes the notice of franchise, notice of commencement of service, annual service report, notice of withdrawal, and notice of change in ownership. Some records filed after December 31, 2006 may include electronic maps. (Data is entered into the Secretary of State Knowledge Base (SOSKB) system.)

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Maintain electronic records in office permanently. Destroy paper records in office when reference value ends. Transfer electronic records along with indexing information to the State Records Center after 3 years for immediate transfer to the custody of the Archives.

ITEM 15615. SUMMONS AND COMPLAINTS SUMMARY FILE

Records in paper and electronic formats concerning the receipt of copies of summons or complaints to be issued to various corporations. Copies of summons may be received from the Wake County Sheriff's Department or from an attorney for the plaintiff. (Data is entered into the Secretary of State Knowledge Base (SOSKB) system.)

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Destroy in office paper records 2 years after data is entered into the Secretary of State Knowledge Base (SOSKB) System. Retain electronic records in office permanently.

ITEM 2909. WITHDRAWN/DISSOLVED/REVOKED BUSINESS ENTITIES FILE

Records in paper and electronic formats concerning North Carolina corporations, foreign corporations, and limited liability companies that have withdrawn from doing business in North Carolina, or whose certificates of authority have been revoked or have been voluntarily, administratively, or judicially dissolved. File includes applications for certificate of authority, amended certificates of authority, withdrawal applications, merger documents, and letters of tax clearance received from Department of Revenue. File also includes articles of incorporation/organization, amendments, articles of dissolution and reservations, and other related documents filed by business entities with the Department of the Secretary of State. (Records are organized by numerical codes based on Julian calendar format). (Completed liquidations records dated 1957-1990, dissolution records dated 1903-1957, and first certificate of dissolutions dated to 1958 have been transferred to the custody of the Archives, and reference copy of microfilm is retained in office permanently.) (Data is entered in the Secretary of State Knowledge Base (SOSKB) system.)

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Maintain electronic records in office permanently. Destroy paper records in office when reference value ends. Transfer electronic records along with indexing information to the State Records Center after 3 years for immediate transfer to the custody of the Archives.

**DEPARTMENT OF THE SECRETARY OF STATE
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The following 6 items will be discontinued.

ITEM 15630. FOREIGN CORPORATIONS FILE

Records concerning foreign corporations and limited liability companies in North Carolina. File includes articles of incorporation, amendments, listings of mergers, and reservations of corporate names for future use.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Business Entities Registry File (Item 15629).

ITEM 3794. INACTIVE BUSINESS OPPORTUNITY SALES ACT FILE

Records concerning Uniform Franchise Offering Circulars (UFOC) and North Carolina Disclosure Statements for businesses which have been designated inactive. File includes consent to service of process forms, copies of current financial statements, business opportunity bond forms with powers of attorney, and other related records.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Business Opportunity Sales Act File (Item 15686).

ITEM 3793. INACTIVE LOAN BROKERS FILE

Records concerning inactive loan brokers operating in the State of North Carolina. File includes disclosure statements, consent to service of process forms, and copies of loan broker bonds with powers of attorney.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Loan Brokers File (Item 15684).

ITEM 23858. LIMITED PARTNERSHIPS CHARTERS FILE

Official copies in paper, electronic and microform formats of limited partnership and limited liability partnership charters and articles of amendment. (This is an essential agency record.)

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Business Entities Registry File (Item 15629).

ITEM 15640. SAVINGS AND LOAN CHARTERS FILE

Official copies of savings and loan charters and articles of amendment.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Business Entities Registry File (Item 15629).

ITEM 48184. WITHDRAWN/DISSOLVED LIMITED PARTNERSHIP CHARTERS FILE

Records in paper, electronic, and microform formats concerning domestic and foreign limited partnerships, limited liability partnerships, and limited liability limited partnerships that have cancelled their certificate or have been administratively or judicially dissolved. File includes applications for certificate of authority, amended certificates of authority, cancellation of certificates, and merger documents. File also includes certificates of partnership, amendments, cancellations of certificates, reservations, and other related documents filed by North Carolina partnerships with the Department of the Secretary of State. (Records are organized by numerical codes based on Julian calendar format.) (Data is entered in the Secretary of State Knowledge Base (SOSKB) system.)

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Withdrawn/Dissolved/Revoked Business Entities File (Item 2909).

**DEPARTMENT OF THE SECRETARY OF STATE
CORPORATIONS DIVISION
AUTHENTICATIONS SECTION**

ITEM 50479. AUTHENTICATIONS FILE

Records in paper and electronic formats concerning certificates of authentication issued by the Secretary of State's office. File includes correspondence and other related records. (Data is entered in the Secretary of State Knowledge Base (SOSKB) system.)

DISPOSITION INSTRUCTIONS: Scan in office paper records when received. Maintain electronic records in office permanently. Return paper records to filer or destroy paper records in office when reference value ends.

**DEPARTMENT OF THE SECRETARY OF STATE
CORPORATIONS DIVISION
TRADEMARKS SECTION**

ITEM 33397. ACTIVE MARK CERTIFICATIONS FILE

Records in paper and electronic formats concerning active trademarks, labels, and designs. File includes applications, certificates of registration, correspondence concerning each registered mark, and other related records. Applicants' names, length of time trademarks have been in use, status of marks, and other related data are entered into the Secretary of State Knowledge Base (SOSKB) system.

DISPOSITION INSTRUCTIONS: Transfer records to Inactive Mark Certifications File (Item 2889) when considered expired or failed to be renewed.

ITEM 2889. INACTIVE MARK CERTIFICATIONS FILE

Records concerning inactive trademarks, labels, and designs that are considered expired or failed to be renewed. File includes applications, certificates of registration, correspondence concerning each registered mark, and other related records. File also includes card index to trademarks dated 1903-1984. (Cards for marks registered from 1903-1960 were microfilmed in 1971, 1972, and 1973 by the Department of Archives and History and a copy of the microfilm is in the Archives Search Room for use as an index to original trademark certifications for expired marks registered between 1903 and 1960, which were accessioned by the Archives in 1972.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center 1 year after mark expires. Records will be held for agency in the State Records Center 5 additional years and then transferred to the custody of the Archives. Transfer records currently held in the State Records Center to the custody of the Archives 5 years from date received. Retain card index in office permanently.

ITEM 33398. TRADEMARKS AND ANNEXATIONS CORRESPONDENCE FILE

Correspondence to and from the section concerning the rejection of trademarks, the issuance of authentications, and other related subjects.

DISPOSITION INSTRUCTIONS: Destroy in office after 1 year.

The following item will be
discontinued.

ITEM 33399. TRADEMARKS AND ANNEXATIONS (ELECTRONIC) FILE

Electronic records concerning the registration of active and inactive trademarks, labels, and designs. Data fields include applicants' names, length of time marks have been in use, status of marks, and other related data.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Active Mark Certifications File (Item 33397).