

## JUDICIAL STANDARDS COMMISSION

### 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

#### Judicial Standards Commission

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 Judicial Standards Commission 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 Judicial Standards Commission 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 Judicial Standards Commission 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



J. Chris Heagarty, Executive Director  
Judicial Standards Commission



Sarah E. Koonts, Director  
Division of Archives and Records

#### APPROVED



Wanda G. Bryant, Chair  
Judicial Standards Commission



Susan W. Kluttz, Secretary  
Department of Cultural Resources

## **JUDICIAL STANDARDS COMMISSION**

### **ITEM 50540. JUDICIAL STANDARDS COMMISSION MINUTES FILE**

Records concerning the Judicial Standards Commission meetings. File includes minutes, agendas, and attachments. (Comply with provisions of G.S. 7A-377 regarding confidentiality of investigation proceedings before the Commission.)

DISPOSITION INSTRUCTIONS: Transfer a duplicate copy of the official signed governing board minutes, agendas, and attachments to the State Records Center after 2 year for security storage. Retain signed (original) board minutes in office permanently.

### **ITEM 50541. JUDICIAL STANDARDS COMMISSION RULES FILE**

Records concerning the rules of the Judicial Standards Commission. File includes official rules, correspondence (including e-mail), and other related records.

DISPOSITION INSTRUCTIONS: Retain in office official rules permanently. Destroy in office remaining records after 3 years.

### **ITEM 50542. INFORMAL ADVISORY OPINIONS FILE**

Records in paper and electronic format (including e-mail) concerning informal advisory opinions regarding conformity to the Code of Judicial Conduct. File includes requests for an advisory opinion, opinions, and other related records. (Comply with provisions of G.S. 7A-377 regarding confidentiality of investigation proceedings before the Commission.)

DISPOSITION INSTRUCTIONS: Retain in office permanently.

### **ITEM 50543. FORMAL ADVISORY OPINIONS FILE**

Records concerning formal advisory opinions regarding conformity to the Code of Judicial Conduct. File includes requests for an advisory opinion, opinions, and other related records.

DISPOSITION INSTRUCTIONS: Retain opinion and original request permanently in office. Destroy in office remaining records 3 years after publication of formal opinion.

### **ITEM 50544. LEGACY OPINIONS FILE**

Records concerning advice from the Commission prior to the creation of formal and informal advisory opinions in 2007. (Comply with provisions of G.S. 7A-377 regarding confidentiality of investigation proceedings before the Commission.)

DISPOSITION INSTRUCTIONS: Retain opinions in office permanently. Transfer remaining records to the State Records Center after 10 years. Records will be held for agency in the State Records Center 35 additional years and then destroyed.

### **ITEM 50545. DISMISSED WITHOUT FORMAL INVESTIGATION FILE**

Records concerning complaints against the conduct, character, or fitness to practice of members of the General Court of Justice of North Carolina that are summarily dismissed under Commission Rule 9(a) or 9(b), or dismissed without disciplinary action after completion of a Preliminary Investigation (these records are identified as closed meeting items). File includes correspondence, fact-finding documentation, investigative reports, and other related records. (Comply with provisions of G.S. 7A-377 regarding confidentiality of investigation proceedings before the Commission.)

DISPOSITION INSTRUCTIONS: Transfer records to the State Records Center after 3 years. Records will be held for agency in the State Records Center 10 additional years and then destroyed.

## **JUDICIAL STANDARDS COMMISSION**

### **ITEM 50546. DISMISSED AFTER FORMAL INVESTIGATION FILE**

Records concerning complaints against the conduct, character, or fitness to practice of members of the General Court of Justice of North Carolina that are dismissed after Formal Investigation pursuant to Commission Rule 9(c). File includes correspondence, statements, audio or video recordings, transcripts, investigative reports, and other related records. (Comply with provisions of G.S. 7A-377 regarding confidentiality of investigation proceedings before the Commission.)

DISPOSITION INSTRUCTIONS: Transfer closed investigations to the State Records Center after 10 years. Records will be held for agency in the State Records Center 35 additional years and then destroyed.

### **ITEM 50547. DISCIPLINARY ACTION FILE**

Records concerning complaints against the conduct, character, or fitness to practice of members of the General Court of Justice of North Carolina that resulted in the issuance of a Letter of Caution under Commission Rule 11 or a recommendation for public discipline under Commission Rule 24. File includes correspondence, statements, audio or video recordings, transcripts, investigative reports, and other related records. (Comply with provisions of G.S. 7A-377 regarding confidentiality of investigation proceedings before the Commission.)

DISPOSITION INSTRUCTIONS: Retain in office permanently.

### **ITEM 50548. PERSONNEL FILE**

Records concerning agency employees. File includes applications, resumes, job descriptions, information concerning termination of service, and other related records. (Comply with applicable provisions of G.S. 126-22, 126-23, and 126-24 regarding the confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Destroy in office 30 years after employee terminates service.

### **ITEM 50549. NOTICE OF CANDIDACY FILE**

Records concerning the announcement or intention to run for judicial office.

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

### **ITEM 50550. UNRELATED CORRESPONDENCE FILE**

Correspondence submitted by the public to the Judicial Standards Commission unrelated to matters within the jurisdiction of the Commission. File also includes correspondence with judges not falling into any other category.

DISPOSITION INSTRUCTIONS: Destroy in office 3 years after receipt of the correspondence.