

# **Schedule 27**

# **ATTORNEY GENERAL**

**November 6, 2015**

Nebraska Records Management Division  
3242 Salt Creek Circle  
Lincoln, NE 68504  
(402) 471-2559

**REQUEST FOR APPROVAL  
OF RECORDS RETENTION  
AND DISPOSITION SCHEDULE**

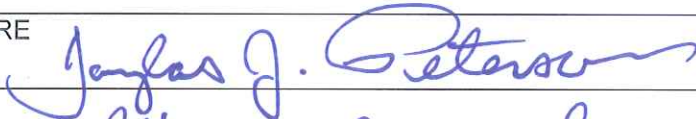
SCHEDULE	<b>27</b>
AGENCY, BOARD OR COMMISSION	<b>ATTORNEY GENERAL</b>
DIVISION, BUREAU OR OTHER UNIT	
Supersedes Edition of January 21, 2003	

**TO: STATE RECORDS ADMINISTRATOR  
STATE OF NEBRASKA**

**PART I – AGENCY STATEMENT:**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE



TITLE

*Attorney General*

DATE

*11-3-15*

**PART II – APPROVAL OF STATE ARCHIVES:**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE



DATE

*11-4-2015*

**PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:**

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE



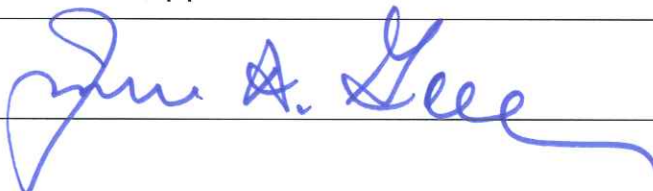
DATE

*11-6-15*

**PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE



DATE

*11/6/15*

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. This retention schedule, which is approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods. Unless there is pending or on going, legal action, records request, or audit.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is located on the Secretary of State Records Management website. [https://appengine.egov.com/apps/ne/sos\\_records\\_disposition\\_report](https://appengine.egov.com/apps/ne/sos_records_disposition_report). This report establishes that the destruction was performed in your normal course of business.

### **NON-SCHEDULED RECORDS**

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

**Records Management Division  
3242 Salt Creek Circle  
Lincoln, NE 68504  
402-471-2559**

**SCHEDULE 27  
ATTORNEY GENERAL**

**November 6, 2015**

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of January 21, 2003

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
27-1	<b>AGRICULTURE, ENVIRONMENTAL AND NATURAL RESOURCES - DEPARTMENT OF AGRICULTURE, AGRICULTURAL BOARDS AND COMMISSIONS</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after case is closed in CMS	
27-2	<b>AGRICULTURE, ENVIRONMENTAL AND NATURAL RESOURCES - DEPARTMENT OF ENVIRONMENTAL QUALITY</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents. Additional files may consist of requests for consultation, investigation, settlement negotiations, etc.	15 years after case is closed in CMS	
27-3	<b>AGRICULTURE, ENVIRONMENTAL AND NATURAL RESOURCES - DEPARTMENT OF NATURAL RESOURCES, BOUNDARY COMMISSION AND INTERSTATE WATER LITIGATION</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	<b>CASES INVOLVING WATER AND/OR BOUNDARY DISPUTES:</b> Retain permanently <b>ALL OTHER CASES:</b> 10 years after case is closed in CMS	
27-4	<b>AGRICULTURE, ENVIRONMENTAL AND NATURAL RESOURCES - GAME AND PARKS COMMISSION</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after case is closed in CMS	
27-5	<b>AGRICULTURE - INITIATIVE 300</b>	Case files which may include correspondence, discovery documents, pleadings, etc., relating to enforcement of Initiative 300.	12 years after case is closed or last action, whichever is sooner; subject to review by the State Archives for possible accession.	<ul style="list-style-type: none"> <li>● Obsolete 2007</li> <li>● Review by Attorney General staff before disposal</li> <li>● Contact the State Archives to negotiate transfer</li> </ul>
27-6	<b>APPELLATE - APPEALS TO THE EIGHTH CIRCUIT COURT OF APPEALS</b>	Case files which may include briefs, filings, opinions, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after appeal is closed in the Attorney General Case Management System ("CMS"), subject to review by the State Archives for possible accession	Contact the State Archives to negotiate transfer

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
27-7	<b>APPELLATE - DEATH PENALTY CASES</b>	Case files which may include briefs, filings, opinions, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents, in all courts throughout the appellate process once an individual is sentenced to death.	15 years after appeal is closed in CMS, subject to review by the State Archives for possible accession	<ul style="list-style-type: none"> <li>• <b>DO NOT DESTROY</b> without the approval of the Solicitor General</li> <li>• Contact the State Archives to negotiate transfer</li> </ul>
27-8	<b>APPELLATE - NEBRASKA SUPREME COURT/COURT OF APPEALS</b>	Case files which may include briefs, filings, opinions, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after appeal is closed in CMS, subject to review by the State Archives for possible accession	Contact the State Archives to negotiate transfer
27-9	<b>APPELLATE - U.S. DISTRICT COURT FEDERAL HABEAS CORPUS APPEALS</b>	Case files which may include briefs, filings, opinions, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after appeal is closed in CMS, subject to review by the State Archives for possible accession	Contact the State Archives to negotiate transfer
27-10	<b>APPELLATE - U.S. SUPREME COURT APPEALS</b>	Court files which may include briefs, filings, opinions, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after appeal is closed in CMS, subject to review by the State Archives for possible accession	Contact the State Archives to negotiate transfer
27-11	<b>CIVIL LITIGATION - HEALTH &amp; HUMAN SERVICES SYSTEMS - FINANCE AND SUPPORT AND HEALTH AND HUMAN SERVICES</b>	Case files which may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-12	<b>CIVIL LITIGATION - INMATE LITIGATION - STATE DISTRICT COURT ACTIONS</b>	Case files involving inmate complaints relating to declaratory judgments, tort claims, habeas actions, APA, etc. Files may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-13	<b>CIVIL LITIGATION - INMATE LITIGATION - U.S. DISTRICT COURT CIVIL RIGHTS</b>	Case files involving civil rights actions by inmates. Files may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after case is closed in CMS, subject to approval by the bureau chief before disposal	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
27-14	<b>CIVIL LITIGATION - MISCELLANEOUS</b>	Case files involving unusual actions that require an appearance, and may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-15	<b>CIVIL LITIGATION - NEBRASKA JUDGES AND COURTS</b>	Case files which may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-16	<b>CIVIL LITIGATION - STATE PERSONNEL</b>	Case files which may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents involving actions filed by State of Nebraska employees.	10 years after case is closed in CMS	
27-17	<b>CIVIL LITIGATION - TORT CLAIMS</b>	Non-actionable tort claims are copies of tort claims received from the State Claims Board on which the Attorney General takes no action.  Actionable tort claims have case files which may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	<b>NON-ACTIONABLE:</b> 4 years <b>ACTIONABLE:</b> 10 years after case is closed in CMS	
27-18	<b>CIVIL LITIGATION - UNAUTHORIZED PRACTICE OF LAW</b>	Case files which may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-19	<b>CIVIL LITIGATION - WORKERS' COMPENSATION</b>	Case files relating to second injury fund cases, trust fund and vocational rehabilitation cases with the Workers' Compensation Court. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after case is closed in CMS	
27-20	<b>CRIMINAL - IN-HOUSE INVESTIGATIONS</b>	Investigative files relating to crimes against children, computer internet crimes, abuse, white collar crime, official misconduct, etc.	10 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief

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27-21	<b>CRIMINAL - STATE PATROL INVESTIGATIONS</b>	Investigative files relating to constituent requests for State Patrol investigations.	10 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief
27-22	<b>CRIMINAL PROSECUTION - CHILD PROTECTION DIVISION</b>	Case files relating to requests for consultation, investigation, trial preparation, etc., from county attorneys, local law enforcement, etc., into child abuse matters including, but not limited to, sexual and physical abuse, homicide, neglect, internet crimes, kidnapping, etc. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief
27-23	<b>CRIMINAL PROSECUTION - CYBERCRIMES</b>	Case files relating to crimes committed by one person upon another using computers or websites. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief
27-24	<b>CRIMINAL PROSECUTION - DRUG AND VIOLENT CRIME UNIT</b>	Case files relating to consultation, investigation, trial preparation, etc., from county attorneys, local law enforcement, etc., into drug and/or violence related crimes. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief
27-25	<b>CRIMINAL PROSECUTION - MISCELLANEOUS</b>	Case files relating to gambling, white collar crimes, extraditions, DUI/traffic, official misconduct, grand juries, legislation, etc. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	<b>ORIGINAL RECORD:</b> 10 years after case is closed in CMS <b>LEGISLATIVE BILLS:</b> 2 years after close of legislative session for which the document was prepared	<b>DO NOT DESTROY</b> without the approval of the bureau chief

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
27-26	<b>CRIMINAL PROSECUTION - POST-ADJUDICATION, SEX OFFENDER COMMITMENT ACT (SOCA) AND SEX OFFENDER REGISTRATION ACT (SORA)</b>	Case files relating to DNA testing, mental health commitments, evaluations and recommendations, SOCA, parole reviews, post-conviction motions, and appeals in all courts pertaining to SORA. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief
27-27	<b>CRIMINAL PROSECUTION - VIOLENCE AGAINST WOMEN ACT (VAWA)</b>	Case files relating to homicides, assault, terroristic threats, stalking, etc. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief
27-6-2	<b>FAX REPORTS</b>	Copies of fax transmissions.		See FAX (FACSIMILE) TRANSMISSIONS, item 124-57
27-28	<b>GENERAL OFFICE - FORMAL OPINIONS</b>	Formal legal opinions prepared in response to specific legal questions from state agencies and officials, legislators or county attorneys. Formal opinions are signed by the Attorney General, numbered and made available to the public. Formal opinions are retained in hard copy.	<b>COPY OF ORIGINAL RECORD:</b> Permanent	
27-29	<b>GENERAL OFFICE - INFORMAL OPINIONS</b>	Legal opinions prepared by the Attorney General in response to specific questions which do not address matters of statewide significance. Informal opinions may be signed by the Attorney General, Deputy Attorney General, or an assistant attorney general. They are denoted as informal opinions. Informal opinions are retained in hard copy.	<b>COPY OF ORIGINAL RECORD:</b> Permanent	
27-30	<b>GENERAL OFFICE - NATIVE AMERICAN</b>	Miscellaneous files relating to jurisdictional issues, tobacco litigation, and gaming/casinos. Files may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years	



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27-31	<b>GENERAL OFFICE - PROJECT FILES</b>	Miscellaneous files generated in any bureau which may contain complaints, research, investigatory records, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	5 years	
27-32	<b>GENERAL OFFICE - STATE AGENCY REGULATION REVIEW</b>	Files may include draft and final regulations, correspondence, communications and other records related to the review of state agency regulations performed.	5 years	Neb. Rev. Stat. § 84-905.01.
27-33	<b>LEGAL SERVICES - LITIGATION</b>	Case files relating to agency appeals, constitutional questions, and other agency-related litigation. Case files may include pleadings, orders, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-34	<b>LEGAL SERVICES - PROJECT FILES</b>	Miscellaneous project files including, but not limited to, agency advice and correspondence, contract reviews, real estate matters, constituent matters, meeting attendance and preparation, disciplinary and personnel matters. Files may contain contracts, research, and notes/correspondence/communications documenting matters of essential discussion or dispute.	5 years	
27-35	<b>LEGAL SERVICES - PUBLIC RECORDS/OPEN MEETINGS ENFORCEMENT</b>	Files which may include complaints, petitions, disposition letters, investigatory materials, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years	
27-36	<b>PUBLIC PROTECTION - ADMINISTRATIVE LAW - DEPARTMENT OF HEALTH AND HUMAN SERVICES, REGULATION AND LICENSURE</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-37	<b>PUBLIC PROTECTION - ADMINISTRATIVE LAW - DEPARTMENT OF MOTOR VEHICLES</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	

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27-38	<b>PUBLIC PROTECTION - ADMINISTRATIVE LAW - LIQUOR CONTROL COMMISSION</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-39	<b>PUBLIC PROTECTION - ADMINISTRATIVE LAW - NEBRASKA EQUAL OPPORTUNITY COMMISSION</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after case is closed in CMS	
27-40	<b>PUBLIC PROTECTION - ADMINISTRATIVE LAW - ONE CALL ACT</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	10 years after case is closed in CMS	
27-41	<b>PUBLIC PROTECTION - CONSUMER - BANKRUPTCY</b>	Case files which may include copies of bankruptcy notices, petitions, schedules, motions, orders, and other related bankruptcy filings served on the State of Nebraska, its agencies or the Attorney General.	10 years after case is closed in CMS	
27-42	<b>PUBLIC PROTECTION - CONSUMER - CHARITABLE TRUSTS, ENDOWMENTS AND NONPROFIT CORPORATIONS</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents. Includes Annual Trust Statements and Charitable Foundation Reports.	15 years after case is closed in CMS, subject to review by the bureau chief before disposal	<ul style="list-style-type: none"> <li>• <b>DO NOT DESTROY</b> any file which contains an assurance of voluntary compliance, assurance of voluntary discontinuance, consent decree, settlement agreement or similar document, or if the matter went to litigation, without the approval of the bureau chief</li> <li>• Bureau staff will be responsible for identifying and designating the files referenced above</li> </ul>
27-43	<b>PUBLIC PROTECTION - CONSUMER - INVESTIGATIONS</b>	Investigatory files pertaining to charitable trusts, corporations, security breaches, UDTPA, etc.	15 years after case is closed in CMS	
27-44	<b>PUBLIC PROTECTION - CONSUMER - PROTECTION</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after case is closed in CMS	<ul style="list-style-type: none"> <li>• <b>DO NOT DESTROY</b> any file which contains an assurance of voluntary compliance, assurance of voluntary discontinuance, consent decree, settlement agreement or similar document, or if the matter went to litigation, without the approval of the bureau chief</li> <li>• Bureau staff will be responsible for identifying and designating the files referenced above</li> </ul>

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27-45	<b>PUBLIC PROTECTION - CONSUMER - TOBACCO</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents, pertaining to enforcement of Master Settlement Agreements and legislation regulating nonparticipating tobacco manufacturers.	25 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the bureau chief
27-46	<b>PUBLIC PROTECTION - MEDICAID FRAUD AND PATIENT ABUSE UNIT</b>	Case files which may include pleadings, orders, investigatory records, briefs, filings, evidence, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents.	15 years after case is closed in CMS	<b>DO NOT DESTROY</b> without the approval of the director
27-47	<b>SOLICITOR GENERAL - AMICUS</b>	Case files which may include pleadings, briefs, filings, opinions, notes/correspondence/communications documenting matters of essential discussion or dispute, and other related documents in cases both joined and initiated by the Attorney General's office.	15 years after appeal or case is closed in CMS	
27-48	<b>SOLICITOR GENERAL - CONSTITUTIONAL MATTERS</b>	Case files which may include pleadings, briefs, filings, opinions, notes/correspondence/communications documenting matters of essential discussion or dispute, and other documents, relating to constitutional challenges, consents to appeal, NE Hospital-Medical Liability Act, same sex marriages, motions in limine, motions to quash, etc.	15 years after appeal or case is closed in CMS, subject to review by the State Archives for possible accession	Contact the State Archives to negotiate transfer