

**GRS2            Legal Records****GRS2.1        Case files**

Records created and received by the agency that document its involvement in legal cases. The files may include, but are not limited to, correspondence, copies of subpoenas, court filings, discovery, internal memoranda, court proceedings, transcripts of testimony, and legal inquiries.

**a) Routine cases**

Includes all cases that do not result in agency policy changes and do not involve discrimination.

*Retention:*        Retain seven (7) years after final disposition of litigation or ten (10) years after case opens, whichever is later.

**b) Landmark cases**

Includes cases that result in changes to agency policy and/or procedures.

*Retention:*        Permanent.

**c) Discrimination cases** (cases regarding accusations of discrimination)

May involve complaints to the Human Rights Commission, Equal Employment Opportunity complaints, and appeals to the Personnel Appeal Board.

*Retention:*        Retain four (4) years after final resolution of case.

*Note: Some discrimination cases may result in change to agency policy and thus be reclassified as landmark cases.*

**GRS2.2        Legal Opinions**

Records documenting legal opinions on matters of concern to the agency. May include requests or correspondence requesting opinion, and supporting documentation.

**a) Internal opinions**

Opinions issued by agency legal counsel.

*Retention:*        Permanent.

**b) Attorney General's opinions**

Opinions issued by the Office of the Attorney General (per RIGL § 42-9-6).

*Retention:*        Retain until of no further administrative value.

*Note: Official/ Record copy is maintained permanently by the Attorney General.*

**c) Ethics Commission opinions**

Advisory opinions issued by the Ethics Commission (per RIGL § 36-14-11).

*Retention:*        Retain until of no further administrative value.

*Note: Official/ Record copy is maintained permanently by the Ethics Commission.*

**GRS2.3 Draft Legislation**

Legislation drafted by the agency for introduction in the General Assembly. Includes drafted legislation not subsequently introduced. In addition to these drafts the files may include, but are not limited to, compiled data, reports, correspondence, research notes, briefing records, proposed amendments, memoranda with comments on legislation by individuals within the agency, and reference material from other states and/or local government entities.

**a) Drafts of legislation**

*Retention:* Permanent.

**b) Briefing records**

*Retention:* Permanent.

**c) Correspondence involving agency director**

*Retention:* Permanent.

**d) Comments on legislation by agency director**

*Retention:* Permanent.

**e) All other records**

*Retention:* Retain until of no further administrative value.

**GRS2.4 Legislation Impact Statements**

Statements issued by the agency on how a particular piece of legislation will affect its functions and operations, along with supporting documents. In addition to statements, these files may include, but are not limited to, compiled data, reports, correspondence, research notes, drafts, and reference material from other states and/or local government entities.

*Retention:* Permanent.

**GRS2.5 Rulemaking Files**

File created per RIGL §42-35-2.2 for each rule proposed or adopted after January 2, 2002. Records include regulatory agendas, petitions, requests, submissions, and comments, transcripts of oral presentations, concise explanatory statement required by RIGL §42-35-2.3, studies and reports, copies of all publications in the state register, copies of agency orders and declaratory rulings, meeting notices including copy to newspaper and/or copy to Secretary of State web site, copy of proposed rule, and copy of adopted rule with filing form stamped by the Office of the Secretary of State, and when required, regulatory flexibility analysis (RIGL §42-35-3.3). May include all records from contested cases including pleadings, motions and intermediate rulings, evidence received or considered, statement of matters officially noticed, questions and offers of proof and ruling, proposed findings and exceptions, any decision, opinion or report by the officer presiding at the hearing, all staff memoranda or data submitted to the hearing officer, and copies of oral proceedings transcribed on request of any party (RIGL §42-35-9).

**GRS2.5 Rulemaking Files** (continued)

*Retention:* Permanent.

*Note: This record series includes rules/regulations development files created prior to January 2, 2002.*

**GRS2.6 Regulatory Agendas** (added 11.2010)

Agency copy of regulatory agendas filed with the Secretary of State in accordance with § 42-35-5.1 by rulemaking agencies on January 15 and June 15 of each year. Regulatory agendas contain a listing of all rules and orders promulgated since the preceding regulatory agenda, a brief description of the subject area of any rule which the agency expects to prepare or promulgate prior to the filing of the next regulatory agenda including the objectives and legal basis for such rules, approximate schedule for completing action on the rules, and the name and telephone number of a knowledgeable agency official concerning the items identified. Agencies are not precluded from considering or acting upon any matter not included in the regulatory agenda, nor required to act upon any matter listed in the agenda. § 42-35-5.1(d)

*Retention:* Retain three (3) years

**GRS2.7 Notary Journals** (added 9.2013)

As part of standard operating procedure, a notary journal is used to record notarial transactions. This journal of notarial acts records the date and time of the notarial act proceeding or transaction, the type of notarial act, a description of the document, signatures of each principle and witness, printed name and address of each principle and witness, description of the evidence of identity of each person, fee charged, address where the notarization was performed and the recordation of any circumstances for not completing the notarial act.

(RIGL § 42-30-14, RIGL §42-30-5)

**a) Shared journals**

*Retention:* Cut off at the end of calendar year and retain forty-five (45) years or retain forty-five (45) years after last entry.

**b) Individual journals**

*Retention:* Retain seven (7) years after expiration of commission.

*Note: Retain journals containing real estate or probate transactions forty-five (45) years.*

**GRS2.8 Legal Advertisements** (added 5.2016)

State agencies and local government entities send notices about legal matters to news media for publication. The matters covered by these notices may include, but are not limited to, meeting notices, changes in operating hours of offices, invitations to submit bids or proposals and considerations of whether or not to grant or revoke certain licenses. Content may include, but is not limited to, date and time of meeting or event, location, and topics to be discussed or considered. Records in the series may include, but are not limited to, the

actual notices, documentation of which news media outlets received the notices, indications of where notices were posted, and lists of names of officials that received the notices.

Retention: Retain three (3) years.

*NOTE: In some instances, legal advertisements may fall within the parameters of other series, whether they are series on the General Records Retention Schedules or agency-specific schedules. In these instances, if the retention period is longer than three years, the notices will be retained for the period specified for those series.*

*Revised October 2009  
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