



**RECORDS RETENTION AND DISPOSITION SCHEDULE
 SPECIFIC SCHEDULE NO. 125-001
 VIRGINIA COURT OF APPEALS
 OFFICE OF THE CLERK**

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition policies listed below:

AGENCY APPROVAL

STATE APPROVAL

AGENCY HEAD OR DEPUTY

Synthia R. McCay

STATE ARCHIVIST

Sandra A. Trudewitz

AGENCY RECORDS OFFICER

Roselle J. Graham

COMPTROLLER OR DEPUTY

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EFFECTIVE SCHEDULE DATE: APRIL 16, 2012

SUPERSEDES SCHEDULE DATED: October 5, 2010

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POLICIES FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, § 42.1-76, et seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the Certificate of Records Destruction (RM-3 Form). A signed RM-3 Form must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 Form must be sent to Library of Virginia (LVA).
4. Any records created prior to 1913 must be offered, in writing, to LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from LVA. A copy of the offer must be attached to the RM-3 Form when it is submitted to LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations, or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with 17VAC15-20-10, et seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting, or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy-protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Ultimate destruction is accomplished through shredding, pulping, burning, and overwriting or physically destroying media. Deletion of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Records containing Social Security numbers must be destroyed in compliance with 17VAC15-120-30.
9. Under the *Virginia Public Records Act*, § 42.1-79, LVA is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. LVA may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<u>Appealed Cases</u> Documents the court's actions on appeals of lower courts decisions. Records include petitions, pleadings, trial court records, opinions and orders for appeal.	100578	Retain in agency 6 years; then transfer to the Records Center, Library of Virginia. Retain in Records Center 19 years; then destroy. Total retention 25 years.
<u>Briefs and Appendices</u> This series documents the arguments of cases on appeal from the lower court. This series consists of, but is not limited to briefs, appendices, and other legal documentation. Code of Virginia 8.01-675.4	200090	Permanent, Archives
<u>Dockets</u> Documents schedule of proceedings of the court.	100579	Retain in agency 5 years; then destroy.
<u>Injunction Cases</u> Documents the decisions of the Court of Appeals of Virginia cases of injunctions. Records include petitions, copies of the proceedings including the original papers and court orders.	100580	Retain in agency 6 years; then transfer to the Records Center, Library of Virginia. Retain in Records Center 19 years; then destroy. Total retention 25 years.
<u>Original Jurisdiction Cases</u> Documents court's actions on original cases, without trial court records. Includes filings, briefs, correspondence and other supporting materials.	100581	Retain permanently in agency.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<u>Status Report-Monthly</u> Documents court monthly workload. Includes total monthly numbers of cases, cases pending, new filings, final dispositions.	100582	Retain in agency 10 years; then transfer to the Records Center, Library of Virginia. Retain in Records Center 15 years; then destroy. Total retention 25 years.
<u>Status Report-Yearly</u> Documents court annual workload with compilation of additional monthly data. Includes total yearly numbers of cases, cases pending, new filings, final dispositions.	100583	Retain in agency 10 years; then transfer to the Records Center, Library of Virginia. Retain in Records Center 15 years; then destroy. Total retention 25 years.