



**LIBRARY OF VIRGINIA**

Archives, Records, and Collections Services  
800 E. Broad St., Richmond VA 23219  
(804) 692-3600

**RECORDS RETENTION AND DISPOSITION SCHEDULE  
SPECIFIC SCHEDULE NO. 141-048  
Attorney General, Office of the**

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

AGENCY APPROVAL

AGENCY HEAD OR DEPUTY

*Linda L Bryant*  
*Michelle R. Lopez*

AGENCY RECORDS OFFICER

STATE APPROVAL

STATE ARCHIVIST

*Sandra G Zwick*

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE: **JUN 15 2016**

**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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RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<u>Agency Advice</u> This series documents the legal services, contract review, and advice provided to state agencies. This series may include, but not limited to: correspondence, memoranda, legal notes, research material, and other supporting documents.	005733	5 Years after end of calendar year	Confidential Destruction
<u>Antitrust and Consumer Records</u> This series documents citizen and business inquiries and complaints and other related matters, and the responses of the Office of the Attorney General (OAG). This series may include, but not limited to: correspondence, memoranda, and research notes.	005734	3 Years after closed	Confidential Destruction
<u>Capital Litigation Case Files</u> This series documents litigation relating to death penalty trials, sentencing, and executions.	005735		Permanent, In Agency
<u>Correctional Litigation: Complex Advice</u> This series documents complex advice requests from client agencies and agency personnel. This series may include, but is not limited to: policy letters, e-mails, correspondence, notes from phone calls, and faxes.	005736	10 Years after closed	Confidential Destruction
<u>Correctional Litigation: Routine Advice</u> This series documents routine advice requests from client agencies and agency personnel. This series may include, but is not limited to: subpoenas, correspondence, tracking letters, and e-mails.	005737	1 Year after closed	Confidential Destruction
<u>Criminal Litigation Case Files: High Profile</u> This series documents high-profile litigation relating to criminal trials and sentencing, including offenders originally sentenced to death, but not executed. This series may include, but is not limited to: pleadings, affidavits, briefs, exhibits, and transcripts.	005738	75 Years after last action	Confidential Destruction

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<u>Criminal Litigation Case Files: Routine</u> This series documents routine litigation relating to criminal trials and sentencing. This series may include, but is not limited to: pleadings, affidavits, briefs, exhibits, and transcripts.	005739	50 Years after closed	Confidential Destruction
<u>Historical Litigation and Claims</u> This series documents major litigation and claims of historical value representing the Commonwealth, its agencies and personnel, before all state and federal courts. This series may include, but not limited to: pleadings, supporting documentation, legal briefs, transcripts, evidentiary exhibits, memoranda, and correspondence.	005740		Permanent, Archives
<u>Informal and Conflict of Interest Opinions</u> This series documents informal and conflict of interest opinions prepared by the Attorney General and Deputy or Assistant Attorneys General in answer to state and certain local government officials, involving interpretation of state, federal or conflict of interest laws. This series may include, but not limited to: related documentation and correspondence.	005741	10 Years after closed	Confidential Destruction
<u>Litigation and Claims</u> This series documents litigation and claims representing the Commonwealth, its agencies and personnel, before all state and federal courts. This series may include, but is not limited to: pleadings, legal briefs, transcripts, evidentiary exhibits, memoranda, and correspondence.	005742	9 Years after closed	Confidential Destruction
<u>Medicaid Fraud Case Files</u> This series documents investigation and prosecution of Medicaid fraud cases. This series may include, but not limited to: photographs, sentencing orders, indictments, interviews, pleadings, and exhibits.	005743	10 Years after closed	Confidential Destruction



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<u>Medicaid Fraud: Unfounded Case File</u>  This series documents the investigation of complaints of Medicaid fraud that are determined to be unfounded. This series may include, but not limited to: interviews, surveillance notes, and photographs.	005744	10 Years after closed	Confidential Destruction
<u>Official Opinions of the Attorney General</u>  This series documents legal opinions by the Attorney General in answer to state and certain local government officials and agencies involving interpretation of state or federal law which establish policy or precedent. This series may include, but not limited to: opinions and the documentation and correspondence related thereto.	005745		Permanent, Archives
<u>Private Foundation Returns</u>  This series documents annual Internal Revenue Service (IRS) Form 990-PF tax returns for private foundations or charitable trusts, where either the principal office is located in Virginia, the foundation was incorporated in Virginia, or the foundation lists Virginia on Part VII-A, Line 8a of the tax return.	005746	1 Year after end of federal fiscal year	Confidential Destruction
<u>Tobacco Enforcement</u>  This series documents the enforcement of and the compliance with the 1998 Tobacco Master Settlement Agreement (MSA) and other tobacco-related laws. This series may include correspondence, taxpayer filings, escrow bank statements, retail inspection and stamping reports, certification applications, pleadings, memoranda, investigative files, and exhibits. COV 3.2-4200 - 4219	200515	15 Years after end of calendar year	Confidential Destruction