



# Office of the Attorney General

## Records Retention Schedule

Prepared by the State Records Branch  
Archives and Records Management Division  
Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Office of the Attorney General. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Office of the Attorney General personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Office of the Attorney General to destroy the records listed, after the appropriate retention periods have passed.

Office of the Attorney General personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Office of the Attorney General.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

**All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.**

This retention schedule covers the content of records created by the Office of the Attorney General, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

### **Audits and Legal Action**

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

### **Vital Records**

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

### **Confidential Records**

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

### **Copies of Records**

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

### **Updating the Retention Schedule**

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

**Department of Law  
Office of the Attorney General**

The elective office of Attorney General is established by the Constitution of Kentucky. Sections 91 and 93 of the Constitution provide that the duties of the Attorney General, as well as other constitutional officers, shall be prescribed by law. Other sections of the Constitution that pertain to the Attorney General include Section 94 (petition to have Governor declared disabled); Section 87 (service as acting Governor); Section 92 (qualifications); Section 95 (time of election); and Section 96 (compensation).

KRS Chapter 15 provides with specificity the duties of the Attorney General and the functions of the Department of Law. KRS 15.020 establishes the following duties:

- act as the chief law officer of the Commonwealth, and the agencies and political subdivisions thereof;
- act as the legal adviser of all state officers and governmental agencies and furnish opinions upon request pertaining to their official duties;
- prepare drafts of written instruments for public use; exercise all common law duties of the Office of the Attorney General as may be modified by statutory law;
- appear for the Commonwealth in all cases in the Supreme Court or Court of Appeals of interest to the Commonwealth, and commence all actions or enter his appearance in all cases, hearings and proceedings in and before all other courts, tribunals, or commissions in or out of state; and
- attend to all litigation and legal business in or out of state required of him by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer or agency may have in connection with, or growing out of, his or its official duties, except where it is made the duty of the commonwealth's attorney or county attorney to represent the Commonwealth.

The Department is comprised of the following:

**Office of the Civil Division:**

The Civil Division protects the interests of the Commonwealth of Kentucky and its citizens by initiating and defending civil lawsuits on behalf of the Commonwealth. The Division enforces state consumer protection and antitrust laws, regulates charitable institutions, and advocates for people and small businesses in utilities matters. Assistant Attorneys General in the Civil Division provide legal representation to most state agencies, boards, and commissions and represent the Commonwealth of Kentucky in state and federal court and administrative hearings. The Division provides opinions on legal issues presented by legislators, prosecutors and heads of state agencies.

The Civil Division is divided into three offices: the Office of Civil & Environmental Law, the Office of Consumer Protection and the Office of Rate Intervention. Assistant Attorneys General with the Office of Civil & Environmental Law have a wide-ranging practice of law which includes representing state agencies and boards, defending state statutes when there is a constitutional challenge, drafting formal Attorney General opinions and open records/meetings decisions, defending charitable trusts and pursuing and monitoring illegal disposition of any substance released in to the air, water or land. The Office of Consumer Protection enforces the Kentucky Consumer Protection Act by bringing lawsuits in the public interest to obtain consumer redress and civil penalties. The Office of Rate Intervention concentrates on utility matters and is

responsible for representing the interests of Kentucky consumers before governmental rate making agencies and also responds to consumer complaints.

**Office of Criminal Law:**

The Department of Criminal Investigations (DCI) has three branches – the Public Corruptions Branch, the Drug Investigations Branch, and the Cybercrimes Branch. The Public Corruption Branch focuses on public corruption in state and local governments including thefts from the state treasury. The Drug Investigations Branch investigates all violations of the Controlled Substances Act (KRS 218A) with a focus on prescription pill diversion. The Cybercrimes Branch investigates crimes committed over the internet included possession of and manufacturing child pornography. Pursuant to KRS 15.150, all the investigators in DCI are peace officers.

The Office of Special Prosecutions has concurrent jurisdiction with locally elected prosecutors to prosecute various crimes throughout the Commonwealth including theft from the state treasury, environmental crimes, and violations of election laws. Special Prosecutions also assists or prosecutes at the request of local prosecutors in complex cases or where a conflict of interest exists.

The Office of Medicaid Fraud and Abuse Control investigates and prosecutes Medicaid provider fraud and investigates abuse and neglect of persons in Medicaid funded facilities. This office also seeks civil damages from pharmaceutical companies and other providers and manufacturers.

The Office of the Prosecutor's Advisory Council (PAC) administers the budget for all 120 County Attorney's Offices and all 57 Commonwealth's Attorney's Offices throughout the state. PAC also hosts numerous training sessions for prosecutors including the Kentucky Prosecutor's Institute and the Prosecutor's Advisory Council Annual Conference.

The Office of Victim's Services provides victim's advocates on all criminal appellate and special prosecution cases in the Commonwealth. This office also staffs the Child Sexual Assault and Exploitation Prevention Board and hosts annual training for Victim's Advocates throughout the Commonwealth.

The Office of Criminal Appeals handles appeals of all criminal convictions in the Commonwealth. The attorneys in Criminal Appeals argue in front of the Kentucky Supreme Court, the Kentucky Court of Appeals, the United States Sixth Circuit, and the United States Supreme Court. This office files over 1000 briefs a year in its efforts to uphold convictions of criminals.

RECORDS RETENTION SCHEDULE

Signature Page

Office of the Attorney General  
Agency

June 8, 2000  
Schedule Date

Unit



December 8, 2016  
Change Date

December 8, 2016  
Date Approved By Commission

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APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

  
Agency Head  
  
Agency Records Officer

12/1/2016  
Date of Approval

12-1-16  
Date of Approval

State Archivist and Records Administrator  
Director, Public Records Division

Date of Approval

  
Chairman, State Archives and Records Commission

12/8/16  
Date of Approval

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The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Records Analyst/Regional Administrator

Date of Approval

  
Appraisal Archivist

12.08.16  
Date of Approval

  
State/Local Records Branch Manager

12/8/2016  
Date of Approval

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The determination as set forth meets with my approval.

  
Auditor of Public Accounts

12-8-16  
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General

Record Group  
Number  
1630A

Series	Records Title and Description	Function and Use
04380	<b>State Lobbying Registration Form File</b>	Closed Series: This series documented the individuals acting as lobbyist for any session of the General Assembly. A lobbyist was employed as a legislative agent or legislative counsel to promote, oppose or act in reference to any legislation which affected private pecuniary interests, separate from those of the citizens as a whole. A lobbyist registered at the beginning of the legislative session, before undertaking any activities as a lobbyist, and filed with the Attorney General a written authorization to act as a lobbyist, signed by his employer. Within thirty days after the adjournment of the General Assembly, a detailed statement was filed with the Attorney General identifying all expenses paid or incurred by the lobbyist. If a lobbyist failed to provide these required documents, his name was submitted to the Commonwealth's Attorney of Franklin County for possible prosecution. These requirements were according to KRS 6.250-320, and 6.990. The responsibility of lobbyist registration is no longer with the Attorney General, but with the Legislative Ethics Commission, due to legislation enacted by the General Assembly in February, 1993.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Name; address; social security number; birth date; any previous employment with the Commonwealth in the last year? where?; employer of lobbyist, address; occupation; employment date; legislative subjects represented; lobbyist's signature; employer's authorization of lobbyist, signature; notary signature. Statement of Expenses--period covered by employment; expenses paid for salary, room, meals, transportation, postage, stationery, supplies, telephone, other--total; certification of statement by president or treasurer of corporation; notary signature; related correspondence
	<b>Retention and Disposition</b>	Retain in the State Archives Center
05449	<b>Distribution of Open Records/Meetings Information File</b>	This series encompasses materials involved under the terms of House Bill 77, enacted by the 2005 General Assembly. Under the bill, the Office of the Attorney General is directed to prepare and distribute to a wide variety of public officials written information that explains the procedural and substantive provisions of the Open Meetings Act (KRS 61.805-.850) and the Open Records Act (KRS 61.870-.884), together with information prepared by the Department for Libraries and Archives that explains the proper retention and management of public records. Specifically, the materials are to be distributed by the KYOAG to county judge/executives, mayors, county attorneys, city attorneys, superintendents of public school districts, and presidents of state postsecondary institutions. Certain of those officials are required, according to their specific responsibilities, to further distribute this same information to various other officials, to secure signatory proof that those individuals have received this information, and to certify to the Office of the Attorney General that the information has been distributed as required. This Series contains the Certificate of Distribution of Written Documentation and the materials distributed by the Office of the Attorney General pertaining to the Open Records Act, Open Meetings Acts and proper retention and management of public records. The certificate is designed to satisfy the requirement that individuals identified as responsible for further distributing the information received from the Office of the Attorney General provide signatory proof that the information has been distributed as required. Materials are to be amended and redistributed whenever there is a change in the Open Records or Open Meetings Law.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Certificate of Distribution of Written Documentation includes: Explanation of the form's purpose; statement of certification of distribution; signature, name and position of official; name, address, phone number and e-mail address of the agency.
	<b>Retention and Disposition</b>	Retain in Agency and maintain one (1) copy of all distributed Open-Records-, Open-Meetings-, and records-retention-and-management-related-materials permanently. Retain Certificates of Distribution of Written Documentation for newly elected or appointed officials or members until receipt of Certificates of Distribution after the next election or appointment of officials or members. Destroy other Certificates of Distribution of Written Documentation upon receipt of signed certificate from official receiving the most recently distributed materials.

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General

Record Group  
Number  
0210

Series	Records Title and Description	Function and Use
06477	<b>Office of the Attorney General's Website</b>	<p>This series is a snapshot of the Office of the Attorney General's website. The website functions as a central communication, outreach, and documentation tool for the Office. The website provides online public access to information about the Office's activities and allows the public to contact the Office by email, use online forms to apply for and submit material, and search records held by the Office. It makes multiple records available in a central location. Some of these records may be listed on the Office's records retention schedule, or the General Schedule for State Agencies, and may be transferred to the State Archives in different formats than those found online the website. The website may contain the original version of these records series or duplicate copies.</p> <p>The website also connects to the social media sites of the Office, allowing wider public notification of its activities."</p>
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Attorney General's biography; organizational information and structure of the Office of Attorney General; speeches; press releases; photos; annual and summary reports; publications; Opinions of the Attorney General; Open Records and Open Meeting Decisions; and audio and video recordings. The website also contains a variety of files and scripts that allow for the website to function. These are covered by the series: Website Format and Control Records (E0058).
	<b>Retention and Disposition</b>	Through arrangement with the Office of Attorney General, KDLA will take periodic snapshots of the website at various times during the term of each Attorney General, including the beginning and ending of each four-year term and any significant changes made to the overall website. Snapshots will be retained permanently.



STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General  
Administrative Hearings

Record Group  
Number  
1630

Records Title	
Series and Description	Function and Use
<b>04272 Hearing Officer File (V)</b>	This series documents the findings of the hearing officer upon determination of the testimony and evidence presented in a case. The hearing officer is an attorney, employed in the Attorney General's Office, who serves as a judge on administrative actions. The file contains correspondence concerning the case against an agency and memoranda to the client agency/employee and licensee, and the recommendation of the hearing officer. A party may appeal the agency's final order to circuit court, within thirty days of the final order. The Hearing Officer may exclude a record from inspection (KRS 61.878) and place it under seal pursuant to KRS 13B.090 (3).
<b>Access Restrictions</b>	KRS 61.878 (1) and KRS 13B.090(3)
<b>Contents</b>	Series contains: Correspondence; pleadings; investigative report; recommendation(s) of the hearing officer, and final order of the agency/board.
<b>Retention and Disposition</b>	Retain in Agency until one (1) year after closure; transfer to State Records Center for four (4) years; destroy. Total retention is five (5) years.

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General  
Civil Division  
Boards and Agencies

Record Group  
Number  
1630

Series	Records Title and Description	Function and Use
06532	<b>Attorney Civil Litigation Case or Work Product File (V)</b>	This series documents an attorney's working file for an assigned Board or Agency pursuant to KRS Chapter 15 and the regulations promulgated thereto for assistance with litigation and administrative adjudication, and legal matter advice provided to Board and/or Agency representatives at meetings. Boards and Agencies are the custodians of the official records of issues that may result in a hearing pursuant to KRS 13B.110.
	<b>Access Restrictions</b>	KRS 61.878(1)(h)(i)(j); KRS 447.154
	<b>Contents</b>	Series may contain: Names of parties; correspondence; research subpoenas; attorney work product; preliminary recommendations to client; billable hours charged to client; copies of pleadings, Court Orders, evidence.
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure, transfer to State Records Center six (6) years, then destroy. Total retention is eight (8) years after case closure.
06539	<b>Attorney Legislation Bill and Regulation Research/Drafting File</b>	This series documents an attorney's preliminary working file with assigned Boards and Agencies including but not limited to assisting with drafting legislation and regulations, legal representation at board meetings and providing advice on legal matters.
	<b>Access Restrictions</b>	KRS 61.878 (1)(j)
	<b>Contents</b>	Series may contain: Drafts of statutes and regulations and supporting documentation; records related to attendance at Board meetings; legal research documentation
	<b>Retention and Disposition</b>	Retain in Agency two (2) years, transfer to the State Records Center for six (6) years, then destroy. Total retention is eight (8) years.

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General  
Civil Division  
Civil and Environmental Law

Record Group  
Number  
1630C

Series	Records Title and Description	Function and Use
03334	<b>Civil Litigation Case File (V)</b>	This series documents an attorney's working file for an ongoing case. The Division initiates court actions on behalf of the Commonwealth, or a particular agency, against a party. A party may sue the Commonwealth, an agency or an employee and the Division will defend the case. All cases involve civil matters, that is, civil rights, contracts, elections matters, etc. After a case is closed, there is little, if any, activity against the series, unless an appeal is filed.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j)
	<b>Contents</b>	Series contains: Pleadings; correspondence; research subpoenas; court orders; evidence; attorney work product; preliminary recommendations to client
	<b>Retention and Disposition</b>	Retain in Agency one (1) year after case closure; transfer to State Records Center for seven (7) years; destroy. Total retention is eight (8) years.
03335	<b>Beverly Hills Supper Club Litigation File</b>	Closed Series: This series documented the numerous claims filed against state agencies on behalf of individuals (and estates of individuals) injured or killed as a result of the Beverly Hills Supper Club fire, in May 1978. Since the cases contained common issues, they were litigated as a single group versus being litigated on an individual, case by case basis through the Board of Claims. The basis for many of the claims was negligence by the state in the inspection of the facility, its electrical systems, fire codes, etc. All the cases were eventually settled. As a result of the fire, many of the state's laws and regulations regarding building codes and inspections were strengthened. Information from the series is of significant public interest.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Pleadings; orders and opinions of the Board of Claims; exhibits; affidavits; motions; and related correspondence
	<b>Retention and Disposition</b>	Retain permanently in the State Archives Center
03400	<b>Litigation File - Dismissed - (Uninsured Employers' Fund)</b>	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund (UEF), as required in KRS 342.760 (5). The Fund was established for the payment of compensation when there has been a default in the payment of an award for injury due to the failure of an employer to secure payment of compensation. This series documents those cases where the employer has agreed to pay the amount of the judgment. When this occurs, the case is dismissed. All judgment liens, if any, would be released at this time.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: Investigative material; depositions; medical reports; hearings; notices; photographs; charts; drawings; responses; legal research; bankruptcy papers; correspondence; liens; lien releases
	<b>Retention and Disposition</b>	Retain in Agency one (1) year after case closure; transfer to State Records Center for four (4) years; destroy after audit. Total retention is five (5) years.
04269	<b>Attorney General Opinion File (V)</b>	This series documents a request and a formal opinion of the Attorney General's Office, in regard to questions of law by public officials in the scope of their official duties, or when a question or issue is of such public interest that an opinion is deemed desirable. As required in KRS 15.025, it is the responsibility of the Attorney General, when requested in writing, to furnish the opinion(s). With the exception of open records and open meetings decisions (04270), opinions do not carry the force of law. They do, however, carry persuasive authority with the courts.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Letter of request; Opinion
	<b>Retention and Disposition</b>	Retain permanently in agency.

STATE ARCHIVES AND RECORDS COMMISSION  
 Archives and Records Management Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Civil Division  
 Civil and Environmental Law

Record Group  
 Number  
 1630C

Series	Records Title and Description	Function and Use
04270	<b>Open Records/Open Meetings Decision File (V)</b>	This series documents decisions of the Attorney General regarding open records and open meetings issues. A requester may appeal to the Attorney General's Office for a review of a state or local government agency's actions when requests to inspect public records are denied. The Attorney General reviews the appeals and issues a decision stating whether the agencies violated Kentucky's Open Records Act (KRS 61.870-884). KRS 61.805-850 establishes the public's right of access to public meetings. The act requires that all meetings of a quorum of the members of a public agency where public business is discussed or action taken must be public meetings. Public meetings must be open to the public at all times, unless the subject of the meeting falls within one or more of the twelve exceptions found in statute. If a person believes that a public agency has violated the act, he can appeal to the Attorney General for a review of the agency's action. Both the complaining party (open meetings) and the requester (open records) can appeal the decisions in circuit court. The Attorney General may not be named as a party in such actions. The decisions carry the force of law, unlike other opinions issued by the Attorney General.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Letter of appeal; decision; response from the agency; records management referral report from KDLA.
	<b>Retention and Disposition</b>	Retain permanently in agency.
04271	<b>Card File to Opinions/Decisions (V)</b>	This series serves as a finding aid to the opinions and decisions rendered by the Attorney General's Office. The cards are organized by subject, statute, or by the name of the requester. The file guides attorneys to the existing opinions or decisions for incoming requests.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Statute; syllabus of opinion; requestor's name; author of opinion; subject headings; opinion/decision number
	<b>Retention and Disposition</b>	Retain permanently in agency.
04345	<b>Civil Case File - Permanent - (Cases of historical significance, high profile, defense of public officials, agencies, changes in law) (V)</b>	This series documents those special and/or historically significant civil cases that need to be retained permanently. These are cases involving the defense of public officials or agencies, or cases in which laws are interpreted, clarified, or ruled unconstitutional. The case file is the same as the Civil Litigation File (03334), except this series is determined to identify cases that are unique, exceptional, or high profile for one reason or another. An example of a high profile case is the one involving the Kentucky-Ohio River Boundary disputes with Indiana and Illinois.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j)
	<b>Contents</b>	Series contains: Attorney work product; preliminary recommendations to client (Confidential); pleadings; filings; research; court orders; correspondence
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after case closure; transfer to State Archives Center for permanent retention.
04346	<b>Docket Books - (1971-1979)</b>	Closed series - This series documented the case activities of the Civil Division for the years noted, and prior to the automating of the information. The books reflect the dates of filings (motions, orders, briefs, appeals), the court where the case was filed, the attorney responsible for the case, and the disposition of the case. The docket is now maintained electronically.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Name of case; court; date of filings; nature of filings; name of attorney representing the Attorney General's Office
	<b>Retention and Disposition</b>	Retain permanently in the State Archives Center

STATE ARCHIVES AND RECORDS COMMISSION  
 Archives and Records Management Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Civil Division  
 Civil and Environmental Law

Record Group  
 Number  
 1630C

Series	Records Title and Description	Function and Use
04594	<b>Collection File - Voluntarily Paid - (Uninsured Employers' Fund)</b>	This series documents the attempts by the Division to collect money from uninsured employers, against whom judgments have been rendered. The Collection Attorney may or may not decide to re-coup the costs from the uninsured employer. The decision is based on the chances of collecting the money, and the amount of the outstanding debt. In most circumstances, a judgment lien is filed by the Labor Cabinet, prior to the case being turned over to the Division. This file represents the cases where the uninsured employer has voluntarily paid the debt, avoiding litigation.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: Summons; complaint; certified copy of order to pay; correspondence; investigative records (notes); certificate of lien; lien release; judgments; garnishments
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure; transfer to State Records Center for eight (8) years; destroy after audit. Total retention is ten (10) years.
04595	<b>Collection File - Not Voluntarily Paid - (Uninsured Employers' Fund)</b>	This series documents the attempts by the Division to collect money from uninsured employers, against whom judgments have been rendered. The Collection Attorney may or may not decide to re-coup the costs from the uninsured employer. The decision is determined by the amount of the judgment, the chances of collecting, whether or not bankruptcy has been filed, etc. These cases, since not voluntarily paid, will probably result in some form of litigation. In most circumstances, a judgment lien will be filed by the Labor Cabinet, prior to the case being turned over to the Division.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: Summons; complaint; certified copy of order to pay; correspondence; investigative records (notes); certificate of lien; lien release; judgments; garnishments
	<b>Retention and Disposition</b>	Retain in Agency until two (2) years after case closure; transfer to State Records Center for eight (8) years; destroy after audit. Total retention is ten (10) years.

STATE ARCHIVES AND RECORDS COMMISSION  
 Archives and Records Management Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Civil Division  
 Civil and Environmental Law - Administrative Hearings

Record Group  
 Number  
 1630C

Series	Records Title and Description	Function and Use
06826	<b>Mediation Files</b>	This series documents mediation findings that are generated when parties to a pending administrative action ask a hearing officer to act as a mediator. This is a service provided to government boards and agencies, recognizing that some cases can be more effectively resolved through mediation.
	<b>Access Restrictions</b>	
	<b>Contents</b>	Series may contain: filings from administrative actions, correspondence to the client agency and private party or parties, filings of the parties, the mediator's report of the outcome of the mediation case.
	<b>Retention and Disposition</b>	Retain in Agency until one (1) year after case closure and transfer to the State Records Center for four (4) years, then destroy. Total retention is five (5) years.
06827	<b>Hearing Officer Training Files</b>	This series documents the number of hours approved for hearing officer training as required by KRS 13B.030(4) and 40 KAR 5:010. The Administrative Hearings Branch conducts two (2) trainings a year. A hearing officer may receive training outside of the Branch and may request a letter from the Branch that certifies which classes count toward their continuing education.
	<b>Access Restrictions</b>	
	<b>Contents</b>	This series may contain: hearing officer name, number of credit hours, class information, class date, letters to hearing officers that certify/approve outside training, class manual
	<b>Retention and Disposition</b>	Retain in Agency ten (10) years, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General  
Civil Division  
Civil and Environmental Law - Uninsured Employers Fund

Record Group  
Number  
1630C

Series	Records Title and Description	Function and Use
03421	<b>Uninsured Employers' Log Record of Cases</b>	This series records incoming and outgoing legal documents and transactions and the dates they were received or sent out. It reflects name of the plaintiff, the case number or claim number, and the attorney assigned to the case. Information from the series is used to verify if documents have been received and when. It distinguishes between an open or closed case, or the status of a case. Reference is on both active and closed cases.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series contains: Name of case/plaintiff; name of attorney; dates of activity and transactions (hearings, mail received, mail out)
	<b>Retention and Disposition</b>	Retain permanently in agency.
04592	<b>Litigation Payout File - (Lump Sum Payments) - (Uninsured Employers' Fund)</b>	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund, as required in KRS 342.760 (5). The Fund, effective December 1987, and authorized by the Labor Cabinet, was established for the payment of compensation when there has been a default in the payment of an award for injury, due to the failure of an employer to secure payment for compensation. The series documents the lump sum payouts - those paid out at one time. The determination of a payout over time or a lump sum payout is made by the Administrative Law Judge assigned to the case.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: Investigative materials; depositions; medical reports; hearings; notices; photographs; charts; drawings; responses; legal research; bankruptcy papers; correspondence; orders to pay; attorney fee scheduling orders
	<b>Retention and Disposition</b>	Retain in Agency until two (2) years after case closure; transfer to State Records Center for eight (8) years; destroy after audit. Total retention is ten (10) years.
04593	<b>Litigation Payout File - (Payments) - (Uninsured Employers' Fund)</b>	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund, as required in KRS 342.760 (5). The Fund, effective December 1987, and authorized by the Labor Cabinet, was established for the payment of compensation when there has been a default in the payment of an award for injury due to the failure of an employer to secure payment for compensation. This series documents the payouts made over a period of time. The length of payout and amount is determined by the Administrative Law Judge assigned to the case.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: Investigative materials; depositions; medical reports; hearings; notices; photographs; charts; drawings; responses; legal research; bankruptcy papers; correspondence; orders to pay; attorney fee scheduling orders
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure; transfer to State Records Center for eight (8) years; destroy after audit. Total retention is ten (10) years.
05435	<b>Final Payment Files of Workers' Claims Benefits</b>	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund, as required in KRS 342.760(5). The Uninsured Employer's Fund, effective in 1987, is authorized by the Labor Cabinet to disburse moneys only upon written order of an Administrative Law Judge. The Worker's Compensation Claims (W/C) files are created when the Administrative Law Judge assigned the case orders the Uninsured Employers' Fund (UEF) to make a payment on a claim. This series documents the payouts made over a period of time or in lump sum. All payments and supporting documents for the payments are kept in the file. This includes both income and medical payments.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a)
	<b>Contents</b>	The Series may contain: Complaints, Investigative Reports, depositions, hearings, notices, photographs, charts, responses, legal research, orders directing payment; medical invoices paid; medical records; Form 101, Designated Physician Form; and Correspondence on claim
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after closure; transfer to State Records Center for eight (8) years; destroy after audit. Total retention is ten (10) years.

STATE ARCHIVES AND RECORDS COMMISSION  
 Archives and Records Management Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Civil Division  
 Medicaid Fraud and Abuse Control

Record Group  
 Number  
 1630M

Series	Records Title and Description	Function and Use
03293	<b>Medicaid Fraud Investigation/Litigation File (V)</b>	This series documents the criminal prosecution of Medicaid fraud by the Attorney General's Office. Per KRS 205.8469, the Attorney General, on behalf of the Commonwealth of Kentucky, may commence proceedings to enforce KRS 205.8451 to KRS 205.8483, and prosecute for all other criminal offenses that involve or are directly related to the use of any Medical Assistance Program funds or services.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a) re personal information, i.e., Social Security numbers; KRS 61.878 (1)(h)(i)(j); CR 26.02 - attorney work product file; Agency has responsibility to consult agency's legal department regarding protected information.
	<b>Contents</b>	Series may contain: Cabinet for Health and Family Services referral regarding Medicaid fraud or suspected Medicaid fraud; investigative notes; subpoena; search warrants; witness statements; evidence; photographs; copies of legal proceedings; printouts; statements from local, state, and federal officials, expert witnesses; physical evidence; attorney notes; court opinions; and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure; transfer to State Records Center for eight (8) years; then destroy. Total retention is ten (10) years after case closure.



**STATE ARCHIVES AND RECORDS COMMISSION**  
**Archives and Records Management Division**  
**Kentucky Department for Libraries and Archives**

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Law, Department of  
 Attorney General  
 Consumer Protection

**Record Group**  
**Number**  
**1630**

<b>Records Title</b>	<b>Function and Use</b>
<b>Series and Description</b>	<b>Function and Use</b>
<b>04164 Complaint File (V)</b>	This series documents the complaints filed by consumers regarding the Consumer Protection Act, KRS Chapter 367. A written complaint is received and assigned to a mediator, investigator, or attorney. If the complaint cannot be resolved or appears to raise a concern regarding a potential consumer protection act violation affecting the public interest, an investigation file (Series 04166) is initiated and appropriate action is taken.
<b>Access Restrictions</b>	
<b>Contents</b>	Series may contain: Letter of complaint and related correspondence
<b>Retention and Disposition</b>	Retain in Agency five (5) years after complaint closure, then destroy.
<b>04166 Investigation File (V)</b>	This series documents an investigation of an entity when a written complaint (series 04164) cannot be resolved, or an inquiry or notification is received from other outside source, regarding possible violations of consumer laws in which litigation is not pursued. If violations are founded, an Assurance for Voluntary Compliance (AVC) may be signed that specifies compliance by the entity as required by the Office. The AVC is then filed with the court system. In the event litigation is required, the information from this series is incorporated in the Litigation File, Series 04167.
<b>Access Restrictions</b>	KRS 61.878 (1)(h)
<b>Contents</b>	Series may contain: Investigator's notes; documentation of complaint; affidavit; correspondence; Assurance of Voluntary Compliance (duplicate), and if applicable, additional closure information may be included
<b>Retention and Disposition</b>	Retain in Agency one (1) year after case closure; transfer to State Records Center four (4) years, then destroy. Total retention is five (5) years after case closure.
<b>04167 Litigation File (V)</b>	This series documents consumer complaints or investigations resulting in litigation to enforce Kentucky Consumer laws and represents the working file of the attorney representing the agency.
<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j)
<b>Contents</b>	Series may contain: Pleadings; motions; briefs; correspondence; investigative and research notes; subpoenas; evidence; final judgment
<b>Retention and Disposition</b>	Retain in Agency one (1) year after case closure, transfer to State Records Center for seven (7) years, then destroy. Total retention is eight (8) years after case closure.
<b>04168 Registration File</b>	This series documents the registration of charitable organizations, business opportunities, health spas, fundraising consultants, telemarketers, professional solicitors, recreation and retirement use land sales, autodialing equipment, buying and vacation clubs, sales of contact lenses pursuant to the requirements of KRS Chapter 367; transient merchants pursuant to KRS 365.690; and debt adjusters pursuant to KRS 380.040; and any other registration files that are required.
<b>Access Restrictions</b>	None
<b>Contents</b>	Series may contain: Licensing, registration and regulation information including application, registration statement, bond information and supporting documentation; correspondence; renewal, compliance reviews, and probationary reports.
<b>Retention and Disposition</b>	Retain in Agency three (3) years after date of the most recent registration, denial or exemption, if no bond is required, then destroy. If bond is required, retain in Agency three (3) years after the release or expiration of bond, transfer to the State Records Center three (3) years, then destroy. Total retention is six (6) years after release or expiration of bond.

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General  
Consumer Protection

Record Group  
Number  
1630

Series	Records Title and Description	Function and Use
04169	<b>Anti-Trust Litigation File (V)</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents litigation related to federal and state of anti-trust cases involving the Attorney General's Office and represents the working file of the attorney representing the agency.  KRS 61.878 (1)(h)(i)(j)  Series may contain: Names of parties and Federal Court District; pleadings; correspondence; internal memoranda; media releases; investigative material  Retain in Agency one (1) year after case closure, transfer to State Archives Center for permanent retention.
04170	<b>Pre-Need Seller Monthly Reports</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents the required monthly reports of pre-need sellers indicating the number of pre-need burial and/or merchandise contracts entered into for a specific month and year.    Series contains: Monthly report and correspondence  Retain in Agency five (5) years after date of the most recent registration, transfer to the State Records Center for three (3) years, then destroy. Total retention is eight (8) years.
04171	<b>Cemetery, Pre-Need and Crematory Files (V)</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents the licensing of funeral homes including those that provide pre-need services or contracts and all persons and companies that own property and engaged in the sale of pre-need cemetery contracts or services.  KRS 367.940 (6) - Annual Report only  Series may contain: License, registration and regulation information of an entity or if applicable, the issuance of an exemption including application, registration statement, bond information and supporting documentation; correspondence, renewal, compliance reviews, annual reports and audits  Retain in Agency five (5) years after date of the most recent registration, transfer to the State Records Center ten (10) years, then destroy. Total retention is fifteen (15) years after most recent registration.
04172	<b>Pre-Need Check Log Receipt File</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents the sale of a pre-need burial contract. KRS 367.940 (3) requires that any person selling pre-need burial contracts must collect from each purchaser a service charge per the statutory amount and made payable to the Attorney General's Office for the purpose of administering KRS 367.932 to 367.991.  None  Series may contain: Amount of fee; purchaser name; amount, date of contract; type of contract; seller information.  Retain in Agency three (3) years, then destroy.
04175	<b>Consumer Protection Litigation Files Index</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents key factors involved in litigation files and serves as a permanent finding index of case activities to protect consumers from unfair business practices.  None  Series may contain: Case name; file number; court identification; attorney of record; dates of pleadings; motions filed; disposition of case; date closed.  Retain in Agency permanently..

STATE ARCHIVES AND RECORDS COMMISSION  
 Archives and Records Management Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Consumer Protection

Record Group  
 Number  
 1630

Series	Records Title and Description	Function and Use
04971	<b>Business Opportunity Exemption File</b>	This series documents business opportunity exemption filings pursuant to KRS 367.807.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Affidavit of exemption; business opportunity determination form; complaints, if applicable; uniform franchise offering circular; advertising/sales literature; and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency for one (1) year after the determination of exemption status, transfer to State Records Center five (5) years, then destroy. Total retention is six (6) years.
04992	<b>Bankruptcy Notice File</b>	This series documents bankruptcy filing notices, copies of which are required to be sent to the Attorney General.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Copies of documents filed with the courts.
	<b>Retention and Disposition</b>	Retain in Agency two (2) years; destroy.
05011	<b>Criminal Background Checks - (Background check for professional solicitors and fundraising consultants) (v)</b>	This series documents the background checks on professional solicitors and fundraising consultants. An Individual cannot act in the capacity of a professional solicitor or fundraising consultant if convicted by any court in a state or the United States of a felony or misdemeanor involving moral turpitude or arising from conduct as a solicitor or consultant for a charitable organization or purpose (see KRS 367.652 (8)).
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) re personal information, i.e., date of birth, Social Security Number
	<b>Contents</b>	Series may contain: Name, address, date of birth, and Social Security Number of individual; criminal history information, if applicable; and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency thirty (30) days after issuance or denial of license or registration, then destroy.
06619	<b>Assurance of Voluntary Compliance and Judgement File (V)</b>	This series documents the resolution of investigation and/or litigation files.
	<b>Access Restrictions</b>	
	<b>Contents</b>	Series may contain: Agreements of Voluntary Compliance; Judgements; Orders; and correspondence
	<b>Retention and Disposition</b>	Retain in Agency permanently.

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General  
Consumer Protection

Record Group  
Number  
1630

Series	Records Title and Description	Function and Use
06620	<b>Class Action Fairness Act Notice File (V)</b>	This series documents notices received regarding class action litigation.
	<b>Access Restrictions</b>	
	<b>Contents</b>	Series may contain: Class Action Notice Fairness Notice; pleadings; and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency one (1) year after case closure, transfer to State Records Center four (4) years, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION  
 Archives and Records Management Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Criminal Appellate

Record Group  
 Number  
 1630H

Series	Records Title and Description	Function and Use
03292	<b>Criminal Appellate Case File</b>	This series documents an attorney's working file, for use in appeals. It contains information documenting state court appeals, federal habeas corpus actions (bringing a party before a federal court or judge) and appeals, and United States Supreme Court certiorari petitions. Certiorari is an appellate proceeding for re-examination of the action of an inferior court to enable the appellate court to obtain additional information in the pending issue. The series is used to write briefs in the event a federal habeas corpus is filed by the defendant. Although there is no statute of limitation for the filing of such action, it generally occurs within five to eight years after the case is final. Since the original trial record is often hard to obtain, the Division must rely on the files it has compiled.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j)
	<b>Contents</b>	Series contains: Appellate brief; appellee brief; court opinions; legal proceedings; motions; orders; assignment sheets; copies of original record of trial; attorney notes; related correspondence
	<b>Retention and Disposition</b>	Retian in Agency for four (4) years after case closure; transfer to State Records Center for eight (8) years; destroy. Total retention is twelve (12) years.

STATE ARCHIVES AND RECORDS COMMISSION  
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STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Rate Intervention

Record Group  
 Number  
 1630

Series	Records Title and Description	Function and Use
04311	<b>Utility and Rate            Litigation Case File (V)</b>	This series documents the activities of cases where the Attorney General's Office intervenes on behalf of consumers in any case before a ratemaking body, with a particular emphasis on cases presented to the Public Service Commission (PSC). There are three primary types of cases represented by the division: 1) rate, 2) administrative, and 3) appeals. Rate cases are those where some type of utility company (water, telephone, electric, sewer, gas) has filed an application with PSC with an intent to increase rates. Examinations or audit-type reports are requested by expert consultants periodically to review the effects of a rate increase upon the consumer. This may result in a negotiated rate change/increase with a utility. The companies that may seek rate increases and be approved by PSC are investor-owned or privately-owned companies (anything PSC regulates). The PSC has no authority over municipally-owned utilities. Administrative cases often will affect all utilities of one type, or possibly all utility companies, dependent on the issue, e.g., taxes. All decisions of the PSC may be appealed to the Circuit Court.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Application (of utility company); testimony of the utility and Utility and Rate Intervention Division witnesses; data requests and responses (of Utility and Rate Intervention and utility); motions and pleadings; Orders of the Public Service Commission and Courts; correspondence; and general correspondence
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure; transfer to State Records Center for six (6) years; destroy. Total retention is eight (8) years.

STATE ARCHIVES AND RECORDS COMMISSION  
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STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Special Investigations

Record Group  
 Number  
 1630S

Series	Records Title and Description	Function and Use
04245	<b>Investigations/Enforcement Case File (V)</b>	This series documents investigative activity of the Investigations/Enforcement Unit. The file is created by the receipt of a citizen's complaint relating to some form of possible criminal activity, such as public corruption, vote fraud, or the sale or use of illegal drugs. Upon examination of the complaint, the investigator will gather information and evidence, and present it to a prosecutor (commonwealth's attorney, county attorney, or special prosecutor). The prosecutor will determine from the evidence available if violations have been committed and charges should be filed in the circuit courts. A copy of this file is given to the prosecutor. The assigned investigator will continue to work with the prosecutor, as needed.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j)
	<b>Contents</b>	Series contains: Complaint report (assignment of case number, name of investigator, date received, by whom; source of complaint, address, classification code-nature of complaint; subject of complaint; allegation statement; recommended action, open/close, reasons, date; signature of investigator and supervisor, date); investigative notes; search warrants; witness statements; evidence; photographs; correspondence from complainant; newspaper articles; cassette tapes (of interviews); copy of subpoenas
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure; transfer to State Records Center for eight (8) years; destroy. Total retention is ten (10) years.
04246	<b>Welfare Fraud Investigative File (V)</b>	This series documents the investigative activity of the Welfare Fraud Investigative Unit. The file is created from documented complaints screened by the Special Investigations Unit, Cabinet for Families and Children. The cabinet will initially review complaints received related to potential fraud of the welfare programs (Food Stamps; Aid to Families with Dependent Children; Women, Infant and Children Program; Medical Assistance; and Heating and Energy Assistance Program) to determine whether or not violations exist. The assigned investigator from the Welfare Fraud Unit gathers information, statements, and evidence and presents that to a special prosecutor who then must determine whether or not charges will be filed in the circuit courts. The unit will provide a synopsis to the cabinet when it has been determined if the violators will be prosecuted or not. The investigator has nine months to examine possible misuse of welfare assistance in order to determine whether or not charges will be filed, and violators prosecuted.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j)
	<b>Contents</b>	Series contains: Complaint report (assignment of case number, name of investigator, date received, by whom; source of complaint, address, classification code-nature of complaint; subject of complaint; allegation statement; recommended action, open/close, reasons, date; signature of investigator and supervisor, date); investigative notes; search warrants; witness statements; evidence; photographs; correspondence with cabinet/complainant; statements from cabinet field staff; computer printouts
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure; transfer to State Records Center for eight (8) years; destroy. Total retention is ten (10) years.

STATE ARCHIVES AND RECORDS COMMISSION  
 Archives and Records Management Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Law, Department of  
 Attorney General  
 Special Prosecutions

Record Group  
 Number  
 1630T

Series	Records Title and Description	Function and Use
04312	<b>Special Prosecutions Litigation/Investigation File (V)</b>	This series documents prosecuting activities and investigations carried out by the Division, as provided for in KRS 15.190-240 and KRS 15.715. The Division assists prosecutors, including Commonwealth's attorneys and county attorneys, in complex or sensitive cases, handles cases in which the local prosecutor disqualifies himself (Disqualification/Appointment File - 04314), and prosecutes thefts from the Commonwealth by employees or elected officials. It assists the Attorney General in fulfilling his role as local prosecutor, representing the Commonwealth in circuit courts across the state. The agency prosecutes cases involving money, goods or services unlawfully taken from the state or by anyone receiving such unlawful compensation, or any theft from the State Treasury. It prosecutes election fraud, vote buying and selling, electioneering, abuse of special (absentee) ballots, improper voter assistance, and overall abuses of the voting process. The division also supports a team specializing in environmental law. It works to identify, investigate, and prosecute environmental crimes. Some investigations are initiated at the request of local law enforcement agencies which can include mayors, sheriffs, or city legislative bodies. *Cases between 1976-1982 are arranged numerically by case number.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j)
	<b>Contents</b>	Series contains: Investigative information; legal pleadings/motions; correspondence; Grand Jury transcripts; evidence; photographs; disqualification/appointment letter, if applicable
	<b>Retention and Disposition</b>	Retain in Agency three (3) years after case closure; transfer to State Records Center for seventeen (17) years; destroy. Total retention is twenty (20) years.
04313	<b>Special Prosecutions Permanent Case File - (Cases of historical significance, high profile--corruption of public officials, capital punishment, precedent-setting) (V)</b>	This series documents those special and/or historically significant cases of the Division that have been separated from the Special Prosecutions Litigation/Investigation File (04312) to be retained permanently. These are cases involving corruption of public officials or cases attracting such publicity that precedents are set, laws are changed, written, or rewritten, and capital punishment cases. One such example is the Carroll County bus crash in May, 1988 (Larry Mahoney case) where new laws have been written regarding intoxicated drivers, and school buses have been redesigned as a result. The case file is the same as the Special Prosecutions Litigation/Investigation File (04312), except this series is determined to identify cases that are unique, exceptional, or high profile for one reason or another, justifying a permanent retention.
	<b>Access Restrictions</b>	KRS 61.878 (1)(h)(i)(j), CR 5.24
	<b>Contents</b>	Series contains: Investigative information; legal pleadings and motions; correspondence; Grand Jury transcripts; evidence, photographs; disqualification/appointment letter, if applicable
	<b>Retention and Disposition</b>	Retain in Agency five (5) years after closure of case; transfer to State Archives Center for permanent retention.
04314	<b>Disqualification/Appointment File - (Documents the disqualification of a local prosecutor and the appointment of a special prosecutor)</b>	This series documents the screening and requests for disqualification from a local prosecutor on a specific case, resulting in the appointment of a special prosecutor. A prosecuting attorney may disqualify himself in a proceeding due to a conflict of interest (a family member is involved in the case, a legal opinion was rendered in a capacity other than prosecuting attorney, have financial interest in the controversy, or been indicted on a felony charge), or he may be disqualified by the court in which the proceeding is pending upon a showing of prejudice. In the event that a prosecuting attorney disqualifies himself, he must make a request in writing to the Attorney General, asking that another prosecutor oversee the case. An appointment letter is generated upon acceptance of disqualification. Another Commonwealth's Attorney or County Attorney will be appointed and will assume jurisdiction for the case for which disqualification was sought.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Letter of disqualification, possible supporting documentation; Attorney General's appointment letter; miscellaneous working notes, contacts to secure special prosecutor; other correspondence, possibly reflecting denial of disqualification
	<b>Retention and Disposition</b>	Retain in Agency three (3) years after case closure; transfer to State Records Center for seven (7) years; destroy. Total retention is ten (10) years.



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Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law, Department of  
Attorney General  
Victims' Advocacy

Record Group  
Number  
1630

Series	Records Title and Description	Function and Use
04322	<b>Victims' Advocate Case File (V)</b>	This series documents activities and correspondence with victims of various crimes across the state, particularly those involving domestic violence and (child) sexual abuse. The division provides support services to crime victims whose cases are handled by the Attorney General's Office or referred to it. An advocate may accompany victims, if they desire, to Kentucky Parole Board hearings, when the perpetrators become eligible for parole, and assist them in preparing impact statements. This series reflects phone calls or letters to the courts or local enforcement agencies on behalf of victims. It also verifies complaints or questions concerning the status of cases, impending court actions, or parole of inmates.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series contains: Correspondence; phone messages; notes of conversations
	<b>Retention and Disposition</b>	Retain in Agency two (2) years after case closure; transfer to State Records Center for one (1) year; destroy. Total retention is three (3) years.
04323	<b>Victims' Advocacy Appellate Notification Case File (V)</b>	Closed Series: This series documented the notification to law enforcement officers and crime victims of activity with cases in the criminal appellate process. The crimes were felonies such as murder, sexual abuse, and burglary, not crimes involving drugs, driving under the influence, or child support. An assignment sheet or notification was sent to the Division from the Criminal Appellate Division each time some action took place, i.e., the perpetrator appealed, the name of the prosecutor changed, when and where oral arguments would take place, or decisions that were to be rendered. The Division provided the necessary information to the victims involved. It served as a crucial communication tool for victims.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series contains: Victim's information form--name of prosecutor, defendant/case name, county, charge, victim's name, address, investigating officer, information regarding an appeal, the incarceration or release (on bond) of a perpetrator/inmate
	<b>Retention and Disposition</b>	Retain in Agency three (3) years after case closure; transfer to State Records Center for nine (9) years; destroy. Total retention is twelve (12) years.
04324	<b>Child Victim's Trust Fund File (V)</b>	This series documents the disbursement and expenditures of trust fund grants. It will reflect the plans and activities that a private nonprofit or public organization has for the funds. The Child Sexual Abuse and Exploitation Prevention Board administers the trust fund. The Board reviews applications for grants twice each year. It may accept federal funds granted by Congress, as well as gifts and donations from individuals, private organizations, or foundations. The Board's primary goal is the prevention of child abuse. Some criteria for qualifying for grant funds are: the development of a community prevention program in a specific geographical area, comprised of local law enforcement and social services representatives; and the ability of the program to match fifty percent of the amount of any trust fund money received, plus other criteria the Board deems appropriate. The Board has the authority to revoke grant funds.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Grant application; contract; copy of the check; progress reports; final report; correspondence
	<b>Retention and Disposition</b>	Retain in Agency three (3) years; destroy after audit.

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# *Electronic System With Included Records Series*

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## **General Government**

### *Office of the Attorney General*

#### **Office of Medicaid Fraud and Abuse Control**

***System Description:*** The JustWare database is used by the Office of Medicaid Fraud and Abuse Control to collect and maintain case data related to Medicaid fraud and abuse investigations conducted by the office. The system allows for unit employees to record and share case information in a secure environment.

***System Contents:*** JustWare contains case information entered by investigative teams of Medicaid Fraud and Abuse Control employees. Records include but are not limited to work product information (chronology entries which include investigative notes, investigative plan tasks, charge information, judgement information, case summary information, and information on upcoming events) and the filing cabinet, which includes documents that are retained subject to the applicable retention schedule. File types stored include documents, audio and video files.

#### ***General Schedule Items:***

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***System Title:*** JustWare

***Alternate Title:***

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***Series #:*** ***Series Title:***

***Disposition Instructions:***

03293 Medicaid Fraud Investigation/Litigation File

Retain in Agency two (2) years after case closure; transfer to State Records Center for eight (8) years; then destroy. Total retention is ten (10) years after case closure.