

Schedule 27

ATTORNEY GENERAL

Mar 28, 2025

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

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

SCHEDULE

27

AGENCY, BOARD OR COMMISSION
ATTORNEY GENERAL

DIVISION, BUREAU OR OTHER UNIT

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

Supersedes Edition of November 6, 2015

PART I – AGENCY STATEMENT:

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

SIGNATURE



TITLE
Attorney General

DATE
Mar 12, 2025

PART II – APPROVAL OF STATE ARCHIVES:

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

SIGNATURE


Anna Holley (Mar 14, 2025 14:19 CDT)

DATE
Mar 14, 2025

PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

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

SIGNATURE

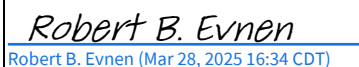

Pat Reding (Mar 17, 2025 06:46 CDT)

DATE
Mar 17, 2025

PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

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

SIGNATURE


Robert B. Evnen (Mar 28, 2025 16:34 CDT)

DATE
Mar 28, 2025

RMA 01005D

INSTRUCTIONS FOR USING THIS SCHEDULE

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

DISPOSING OF RECORDS

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

NON-SCHEDULED RECORDS

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

SCHEDULE UPDATE

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

QUESTIONS

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

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

SCHEDULE 27 ATTORNEY GENERAL

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

Supersedes Edition of November 6, 2015

| ITEM NUMBER | RECORD TITLE | DESCRIPTION/EXAMPLES | RETENTION | REFERENCE/COMMENTS |
|----------------|--|--|--|---|
| 27-1 | CASE FILES | Files placed in a case file, which may include documents related to litigation or potential litigation such as complaints, briefs, orders, and discovery. | 8 years after file is closed in CMS | DO NOT DESTROY without the approval of the Bureau Chief. |
| 27-2 | INVESTIGATIVE FILES | Files placed in an investigative file, which may include documents related to investigations such as investigation reports, evidence, and interview records. | 8 years after file is closed in CMS | DO NOT DESTROY without the approval of the Bureau Chief. |
| 27-3 | PROJECT FILES | Files placed in a project file, which may include documents related to this Office's legal counsel but does not include documents related to litigation or potential litigation. | 2 years after file is closed in CMS | DO NOT DESTROY without the approval of the Bureau Chief. |
| 27-4 | EMPLOYMENT OF LAW ENFORCEMENT OFFICERS | Files compiled in accordance with Neb. Rev. § 81-1414.15. | 10 years following a law enforcement officer's separation from the Attorney General's Office | DO NOT DESTROY without the approval of the Criminal Bureau Chief. |
| 27-5 | WATER AND/OR BOUNDARY DISPUTES | Files placed in a case file, which may include documents related to water and/or boundary disputes such as court orders and opinions, briefs, pleadings, and discovery. | Permanent - may transfer to the state archives | Contact the State Archives to negotiate transfer |
| 27-6 | APPEALS TO THE EIGHTH CIRCUIT COURT OF APPEALS CASE FILES | Files placed in a case file, which may include documents related to appeals to the Eighth Circuit Court of Appeals such as court orders and opinions and briefs. | 20 years after appeal is closed in CMS, subject to review of significant files by the State Archives for possible accession | DO NOT DESTROY without the approval of the Solicitor General. Contact the State Archives to negotiate transfer. |
| 27-7 | DEATH PENALTY CASE FILES | Files placed in a case file, which may include documents related to a death penalty case such as court orders and opinions, briefs, pleadings, and discovery. | 20 years after appeal is closed in CMS, subject to review by the State Archives for possible accession | DO NOT DESTROY without the approval of the Solicitor General and the Criminal Bureau Chief. Contact the State Archives to negotiate transfer. |
| 27-8 | U.S. SUPREME COURT APPEALS CASE FILES | Files placed in a case file, which may include files related to a U.S. Supreme Court appeal such as court orders and opinions and briefs. | 20 years after appeal is closed in CMS, subject to review by the State Archives for possible accession | DO NOT DESTROY without the approval of the Solicitor General. Contact the State Archives to negotiate transfer. |

| ITEM NUMBER | RECORD TITLE | DESCRIPTION/EXAMPLES | RETENTION | REFERENCE/COMMENTS |
|-------------|--|--|---|---|
| 27-9 | U.S. DISTRICT COURT FEDERAL HABEAS CORPUS APPEALS CASE FILES | Files placed in a case file, which may include documents related to a federal habeas corpus appeal in a U.S. district court such as court orders and opinions, and briefs. | 20 years after appeal is closed in CMS, subject to review of significant files by the State Archives for possible accession | DO NOT DESTROY without the approval of the Solicitor General and the Criminal Bureau Chief. Contact the State Archives to negotiate transfer. |
| 27-10 | INMATE LITIGATION INCLUDING STATE HABEAS CORPUS CASE FILES | Files placed in a case file, which may include documents related to inmate litigation and state habeas corpus such as court orders and opinions, briefs, pleadings, and discovery. | 20 years after case is closed in CMS, subject to review of significant files by the State Archives for possible accession | DO NOT DESTROY without the approval of the Civil Bureau Chief. Contact the State Archives to negotiate transfer. |
| 27-11 | NEBRASKA SUPREME COURT/COURT OF APPEALS CASE FILES | Files placed in a case file, which may include documents related to appeals to the Nebraska Supreme Court or Court of Appeals such as court orders and opinions and briefs. | 20 years after appeal is closed in CMS, subject to review of significant files by the State Archives for possible accession | DO NOT DESTROY without the approval of the Solicitor General. Contact the State Archives to negotiate transfer. |
| 27-12 | FORMAL OPINIONS | Formal legal opinions issued in response to specific legal questions. Formal opinions are signed by the Attorney General, numbered, and made available to the public. | Permanent - may transfer to the state archives | Contact the State Archives to negotiate transfer |
| 27-13 | INFORMAL OPINIONS | Numbered informal legal opinions issued in response to specific legal questions. | 20 years | |
| 27-14 | CONSUMER PROTECTION – RECORDS OF A SETTLEMENT AGREEMENT | Files placed in a case file, which may include documents related to a consumer protection settlement agreement such as court orders and opinions, briefs, pleadings, and discovery. | 30 years after case is closed in CMS | |
| 27-15 | CONSTITUTIONAL MATTERS CASE FILES | Files placed in a case file, which may include documents related to constitutional matters such as court orders and opinions, briefs, pleadings, and discovery. | 20 years after case is closed in CMS, subject to review of significant files by the State Archives for possible accession | DO NOT DESTROY without the approval of the Solicitor General. Contact the State Archives to negotiate transfer. |
| 27-16 | OTHER MATERIAL | (1) Extra copies of documents preserved only for convenience or reference; (2) draft copies or working copies of documents for which the final version has been completed or if the document was never finalized; (3) interoffice memoranda; (4) internal housekeeping materials; and (5) materials in any form, including without limitation physical and electronic form, that are not included in (1)–(4) in this description or 27-1 through 27-15 in this schedule. | May be destroyed at any time | |