

AGO-SPECIFIC RECORDS

B Legal and Regulatory

B6 Attorney General

1 Attorney General Review Records

Documents the Attorney General's review of certain matters and the decisions whether or not to approve, oppose, or take any further action. Includes: Outside Legal Services contracts submitted to the Attorney General for approval, consisting of copies of contracts, substantive support materials, and related correspondence; Petitions for Reinstatement filed on behalf of disciplined attorneys sent by the Board of Bar Overseers, consisting of copies of petitions, substantive support materials, and related correspondence; Offers in Final Settlement of Taxes sent by the Department of Revenue, Taxpayer Service Division, consisting of copies of proposed agreements, substantive support materials, and related correspondence; Class Action Fairness Act (CAFA) notices sent by defendants who propose federal class action settlements, consisting of copies of settlement agreements, substantive support materials, and related correspondence.

Retention Period:

Retain 3 years.

Notes: The Comptroller's Office and agencies maintain the official contract files. The Board of Bar Overseers maintains the official attorney discipline files. The Department of Revenue maintains the official Tax Settlement files.

62C MGL 37A; 28 USC 1715.

2 Special Assistant Attorney General (SAAG) Records

Documents the appointment of non-AGO (private or agency) attorneys by the Attorney General to serve as Special Assistant Attorneys General.

Retention Period:

Retain 10 years from date appointment was vacated.

3 Attorney General Conflict of Interest Disclosures

Documents disclosures by state employees as required by 268A MGL.

Retention Period:

Retain for term of employment.

4 Attorney General Opinion Records

Documents the Attorney General's role in the process to develop, request, respond to, or present opinions on legal matters directly relating to the office's programs or functions. Includes request and opinion, background and research materials, and related correspondence.

Retention Period:

Permanent.

5 Attorney General Initiative Petition Review Records

Documents the Attorney General's review of initiative petitions to be included on the ballot to see that they apply to the constitution. Includes copies of petitions, press releases, comments, and letters of certification.

Retention Period:

- (a) Landmark or noteworthy opinions: Review by the Attorney General's Office and the Archives after 6 years.
- (b) All other records: Retain 6 years.

6 General Obligation Bond Records

Documents bond offerings of the Commonwealth. Includes all legal papers connected to the offerings of General Obligation Bonds.

Retention Period:

- (a) Attorney General summaries: Permanent.
- (b) All other records: Retain 6 years after last activity.

7 Attorney General Inauguration Records

Documents completion of the election process and the taking of office. Includes memos, correspondence, copies of speeches, daily schedule of events, guest lists, letters of congratulations from government officials, citizens' inaugural addresses, and other related materials.

Retention Period:

Permanent.

8 Open Meeting Law Investigation Records

Documents the monitoring of the state Open Meeting Law by the Attorney General. Includes complaints, case file information, final outcomes and determinations, letter rulings, advisory opinions, and substantive support materials.

Retention Period:

- (a) Final determination letters, letter rulings, and advisory opinions: Permanent.
- (b) All other records: Retain 3 years.
30A MGL 18-25.

9 Public Records Referrals from Supervisor of Public Records

Documents the referral of public records appeals received by the Attorney General from the Supervisor of Public Records. Includes referral for enforcement letters, case file information, and final outcomes and determinations, and substantive support materials.

Retention Period:

- (a) Final determination letters: Permanent.
- (b) All other records: Retain 3 years.
60 MGL 10.

10 Attorney General Litigation Files

Documents the preparation and litigation of cases on the behalf of the state by the office of the Attorney General. Includes case-related materials, pleadings, legal research, correspondence, and other support materials.

Retention Period:

- (a) Unprosecuted cases: Retain 6 years after final action.
- (b) Landmark, policy setting, or otherwise noteworthy cases: Permanent.
- (c) Criminal Cases: Retain 35 years after final action.
- (d) Medicaid, Insurance, or Unemployment Fraud Cases: Retain 25 years after final action.
- (e) Litigation involving fatalities: Retain 25 years after final action.
- (f) Civil Cases: Retain 20 years after final action.
- (g) Civil Citations, Division of Administrative Law Appeals (DALA) cases, personnel files, child labor, waivers, bid protest hearings, safety, debarment: Retain 6 years after final action.
- (h) Cases involving collections due to the Commonwealth: Retain until final settlement or the regular retention period, whichever is longer.

Note: This record series includes Pre-Litigation cases.

11 District Attorney Case Files [NOT APPLICABLE]

12 Attorney General Civil and Criminal Investigations Records

Documents the investigation of civil and criminal complaints submitted to the Attorney General. Includes complaints or requests for investigations, investigative notes and reports, substantive support materials, and related correspondence. Also includes confidential/proprietary records received in response to Civil Investigative Demands (CIDs) issued pursuant to statute, including e.g., G.L. c. 12, § 5N, G.L. c. 93, § 8, and G.L. c. 93A, § 6.

Retention Period:

- (a) Investigations files: Retain 6 years after closure/final activity/final action.
[Note: If investigation leads to civil or criminal litigation, these files should be integrated into the litigation files and retained under the appropriate B6-10 records series.]
- (b) Requests for which no investigation is undertaken: Retain 3 years.
- (c) Records received in response to CIDs: Retain until administrative use ceases. Permission from RCB not required for destruction.

13 Consumer Complaint Records

Documents the review of consumer initiated complaints relating to business practices against businesses and entities dealing in goods or services, including merchants, insurance companies, health care providers, financial institutions, and their employees. Includes complaints, substantive support materials, and related correspondence.

Retention Period:

- (a) Complaint files: Retain 6 years.
- (b) Complaints for which no further action is taken: Retain 3 years.

14 Non-Profit Organizations/Public Charities Filings Records

Documents the activities of non-profits/public charities required to be registered with the Attorney General's Office. Includes annual financial reports (e.g. PC Forms, Federal Form 990s, audit materials); registration statements; dissolutions; mergers; probate files (e.g. trust instruments, annual accounts, wills, probate court pleadings, filed actions); various other filings and submissions; and substantive support materials, related correspondence.

Retention Period:

- (a) Landmark, policy setting, or otherwise noteworthy cases: Permanent.
- (b) All other records: Retain 10 years.
192 MGL 1A; 12 MGL 8G.

15 Non-Profit Organizations/Public Charities Investigation and Litigation Records

Documents the Attorney General's Non-Profit/Public Charities Division monitoring of non-profits/public charities and charitable trusts, and the enforcement of applicable laws. Includes investigative materials; court pleadings and exhibits; motions and briefs; decisions and determinations; proceeding transcripts; miscellaneous court records; and substantive support materials, related correspondence.

Retention Period:

- (a) Landmark, policy setting, or otherwise noteworthy cases: Permanent.
- (b) Litigation files: Retain 20 years after final action.
- (c) Investigations files: Retain 6 years after final action.
12 MGL 8.

16 Insurance Rate Hearings Records

Documents the Attorney General's role regarding insurance rate setting. Includes transcripts and records of hearings, briefs, decisions, investigative materials, and related correspondence.

Retention Period:

Retain 20 years.

17 Contract Bid Award Investigation Records

Documents the monitoring of state contracts by the Attorney General's Office. Includes bids, consultant contracts, summaries, and related correspondence.

Retention Period:

Retain 20 years.

18 Attorney General Victim/Community Services Records

Documents assistance programs at the Attorney General's Office such as Victim Compensation, Victim Witness Assistance, and community-based programs such as the Safe Neighborhood Initiative. Victim Compensation records include claim information such as crime-related medical bills, lost wages information, and police reports, related correspondence, and other substantive support materials. Victim Witness Assistance records include case notes, resource information, correspondence, and other substantive support materials related to victims and witnesses on Attorney General cases. Community-based program records include investigative and research materials, resource information, related correspondence, and other substantive support materials.

Retention Period:

- (a) Grant or program summary information: Permanent.
- (b) Victim Compensation Files: Retain 50 years.
- (c) Victim Witness Files: Retain for the period of time of the associated litigation case.
- (d) All other records: Retain 3 years.

19 Fugitive Renditions Records

Documents demands for the return of fugitives to and from Massachusetts. Includes jurisdiction documentation, fugitive crime activity information, and related correspondence.

Retention Period:

- (a) Summary logs: Permanent.
 - (b) All other records: Retain 50 years.
- 276 MGL 11-20R.

20 Usury Notices

Documents notices received by the Attorney General regarding intent by lenders of monies to engage in transactions in excess of 20% interest. Includes identifying data, correspondence, and related information.

Retention Period:

Retain 10 years.
271 MGL 49.

21 Notices/Reports Sent to the Attorney General

Documents the receipt of copies of notices or reports sent to the Attorney General as required by statute. Includes notices, reports, and other related information and correspondence.

Examples: "OUI" notices consisting of inquiries made of defendants convicted of operating a motor vehicle under the influence of alcohol as to the establishment at which last served; "Going Out Of Business Sale" notices consisting of the inventories of goods on hand that have been filed with the cities/towns; notices consisting of complaints filed in and judgments entered by the courts under sections 9 or 11 of chapter 93A ("Unfair Business Practices"), and letters sent indicating an intention to sue under those sections; and State Lottery Commission reports consisting of total lottery revenues, prize disbursements, and other expenses.

Retention Period:

(a) Notices/Reports: Retain 1 year.

(b) All other records: Retain until administrative use ceases. Permission from RCB not required for destruction.

Notes: Copies of these notices or reports are also sent to various other state and municipal agencies and/or entities.

90 MGL 24J; 93 MGL 28A-E; 93A MGL 10; 10 MGL 24.

22 National Association of Attorneys General (NAAG) Amicus Briefs and Sign-Ons

Documents the Attorney General's decisions whether to sign onto NAAG sponsored briefs. Includes support or opposition letters for legislative or other initiatives, final brief or resultant document, inter- and intra-office memoranda, and related information and correspondence.

Retention Period:

(a) Final copies of amicus briefs: Retain until administrative use ceases. Permission from RCB not required for destruction.

(b) All other records: Retain 3 years.

Note: Briefs from other sources are available through the relevant court or online.

23 By-Law and Charter Submissions

Documents requests for approval of by-laws adopted by the towns before the by-laws take effect and requests by cities and towns for approval of charters or charter amendments. For each submission, includes copies of proposed by-law or charter, report of charter commission where applicable, town meeting vote where applicable, request for approval, and all related information and correspondence. Where issued, includes copy of Attorney General approval letter.

Retention Period:

Approval/Decision letters: Permanent.

All other records: Retain 20 years.

Note: Along with a mint copy of each by-law, a copy of the Attorney General approval letter is required to be retained permanently by the town (see Town Clerk Records Disposal Schedule).
40 MGL 32; 43B MGL 10.

24 City Zoning Ordinances

Secondary copies of adopted or changed zoning ordinances that do not require Attorney General approval.

Retention Period:

Retain 3 years.

Note: Primary copy is required to be retained permanently by the city (see Municipal Records Management Manual) and is generally available online.

40A MGL 5.

25 Records Provided to Attorney General for Review

Records reviewed by the Attorney General that are provided by Federal or State agencies, or other persons or entities, conditioned on a promise to return or destroy such records upon completion of review, and that may be of importance to the Attorney General in the context of an investigation or potential or actual litigation on behalf of the Commonwealth. Includes data, spreadsheets, memoranda, correspondence, and other related paper and electronic records.

Retention Period:

(a) Records provided by other agencies, persons, or entities: Retain until administrative use ceases. Permission from RCB not required for destruction.

(b) Results of Attorney General review and substantive support materials: Retain according to appropriate records series by subject matter.

(c) All other records: Retain until administrative use ceases. Permission from RCB not required for destruction.

26 Data Breach Records

Documents data breach notifications sent to the Attorney General as required by statute. Includes data breach notifications directed to the Attorney General and copies of data breach notifications directed to the Office of Consumer Affairs and Business Regulation, copies or samples of data breach notifications directed to Massachusetts consumers, copies of Written Information Security Programs, implemented pursuant to 201 CMR 17.03, and related correspondence. Also documents civil and criminal investigations of data breaches pursuant to MGL c. 93H and MGL c. 93A, including complaints, investigative notes and reports, civil investigative demands, substantive support materials, and related correspondence.

Retention Period:

Retain 6 years.

93H MGL 3; 93I MGL 3; 93A MGL 6; 201 CMR 17.

27 HomeCorps Initiative Records

Documents the Attorney General's implementation of the HomeCorps Initiative, which provides assistance to distressed Massachusetts homeowners/borrowers facing foreclosure. Includes: administrative and organizational materials; homeowner complaints, authorization forms, and financial and/or other documents provided by homeowners; financial and/or other documents provided by banks, mortgage servicers, and other agencies, persons, or entities; copies of notices filed with the Attorney General as required by statute, including G.L. c. 244, § 35B; Attorney General intake interview sheets, notes, memoranda, and correspondence; and other related paper and electronic records.

Retention Period:

- (a) Grant or program summary information: Permanent.
- (b) Homeowner Files: Retain 6 years after closure/final activity/final action.
- (c) Copies of notices to the Attorney General: Retain 6 years.
- (d) All other records: Retain until administrative use ceases. Permission from RCB not required for destruction.