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April 3, 2019

**VIA ELECTRONIC MAIL**

Matthew D. Hardin  
Executive Director  
Energy Policy Advocates  
matthewdhardin@gmail.com

*Re: Public Records Request*

Dear Mr. Hardin:

I write in response to your public records request dated April 2, 2019 and received by this office on that date. In that request, you seek:

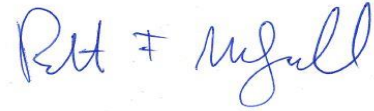
1. “[C]opies of: *any Common Interest Agreement, contingency fee or other fee agreement, and/or any retainer agreement and/or engagement agreements*, entered into by [our] Office at any time in 2018 and/or 2019 with, or otherwise including as a party, a) New York University or any school, component, or Center thereof (e.g., New York University School of Law, NYU State Energy & Environmental Impact Center, or the like), and/ or b) any law firm or other entity that includes in its name: i) Edling and/or ii) Earth;”
2. “a copy of [our] Office’s record retention policy;” and
3. “copies of any invoices received by [our] office from any entity including in its name ‘Wickr’, including but not limited to ‘Wickr Inc.’”

With respect to your first and third requests, please be advised that there are no documents responsive to your request.

With respect to your second request, please see the attached document.

If you feel information or records have been withheld in error, you may appeal to Deputy Attorney General Joshua Diamond.

Sincerely,

A handwritten signature in blue ink that reads "R F McDougall". The signature is written in a cursive style with a large "R" and "M".

Robert F. McDougall  
Assistant Attorney General

# OFFICE OF THE VERMONT ATTORNEY GENERAL

Attorney General Thomas J. Donovan, Jr.

## RECORDS MANAGEMENT POLICY

Effective Date: May 10, 2017

### I. PURPOSE

All Vermont public agencies are responsible for maintaining, managing and disposing of public records and public documents (“records”) in accordance with State and Federal laws and regulations. This policy is designed to ensure that all Vermont Attorney’s General Office (“AGO”) employees conform to and be aware of the applicable records laws and regulations. This policy is also designed to ensure that Office records are disposed of only when authorized by law or under a record schedule approved by the Vermont State Archivist in accordance with 1 V.S.A. § 317a.

### II. SCOPE

Public records and public documents are defined by 1 V.S.A. § 317(b) as: “any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business.” This Policy applies to any AGO records encompassed by that definition.

### III. POLICY STATEMENT

It is the policy of the AGO to comply with 1 V.S.A. Chapter 5, Subchapter 3 (commonly known as “Vermont’s Public Records Act”). All public records defined by 1 V.S.A. § 317(b) shall be managed in accordance with record schedules approved by the Vermont State Archivist.

### IV. UNIFORM LAWS, STANDARDS, AND PROCEDURES

1. [1 V.S.A. §§ 315-320: Access to Public Records, including 1 V.S.A. § 317a: Disposition of Public Records](#)
2. [3 V.S.A. § 117: Vermont State Archives and Records Administration](#)
3. [3 V.S.A. § 218: Administrative Departments Records Management Program](#)
4. [Archives and Records Management Handbook issued by VSARA](#)

### V. RECORD SCHEDULES

On May 10, 2017, the AGO notified VSARA of the AGO’s adoption of the General Record Schedules (GRS). Unless otherwise provided by law, and subject to the future adoption of any agency-specific record schedules, the GRS shall govern the management of records of the AGO. In limited circumstances, disposition orders issued by the

Vermont Public Records Advisory Board (PRAB) may be used if the requirements in an order do not conflict with current legal or administrative requirements of the Office and have not been superseded by a record schedule.

## VI. RECORDS MANAGEMENT POLICY

The AGO has notified VSARA of its adoption of the GRS pursuant to VSARA-11 form. This policy specifies how records should be managed within the AGO, consistent with the below GRS.

<b>Accounting Records</b>	<b>GRS-1000.1002</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, the recording, measuring, interpreting, and communicating of financial transactions and data.
<b>Administrative Policy Records</b>	<b>GRS-1000.1102</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, the administration of a public agency and the formulation or development of policy.
<b>Appointment Records</b>	<b>GRS-1493.1004</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, the appointment of an individual to a Vermont public agency as defined in 1 V.S.A. § 317(a)(2) by the appointing authority.
<b>Budget Records</b>	<b>GRS-1000.1012</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, the planning, coordination, and allocation of financial resources and expenditures.
<b>Contracting Files</b>	<b>GRS-1000.1126</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, formal agreements, including contracts and leases, entered into by a public agency in order to secure goods and services.
<b>Enforcement Records</b>	<b>GRS-1000.1033</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, enforcing compliance with statutory and regulatory requirements. Includes enforcement actions related to orders, permits, licenses, and similar authorizations issued by or under the statutory authority of a public agency but does not include judicial, administrative, or legislative adjudicative proceedings.  NOTE: for records related to investigations or monitoring activities, use GRS-1000.1100 (Investigation Records) or GRS-1000.1063 (Monitoring Records) respectively.
<b>Granting and Awards Records</b>	<b>GRS-1633.1110</b>	Recorded evidence of activities and transactions that relate to affect, in a specific manner, the granting of public funds by the AGO.

<b>Investigation Records</b>	<b>GRS-1000.1100</b>	Recorded evidence of activities and transactions that relate to affect, in a specific manner, the systematic examination of an issue to determine its facts, typically in response to a formal request or complaint.
<b>Monitoring Records</b>	<b>GRS-1000.1063</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, monitoring compliance with statutory and regulatory requirements and/or orders, permits, licenses, and similar authorizations issued by or under the statutory authority of a public agency.
<b>Operational/Management Records</b>	<b>GRS-1000.1103</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, the day-to-day operations of a public agency and internal workflows and processes.
<b>Personnel Files</b>	<b>GRS-1304.1103</b>	Recorded evidence of activities and transactions that relate to or affect, in a specific manner, the management of a specific employee during the course of his or her employment.
<b>Transitory Records</b>	<b>GRS-1000.1000</b>	Records created and received in the course of agency business but are transitory in nature; are not subject to any legal recordkeeping requirements, explicit or implied; and are administratively obsolete after a specific action or process is complete.

## Overview

All records created in the course of AGO business are public records and have specific legal retention requirements. By following these guidelines, the AGO can legally and transparently dispose of records that have reached the end of their retention requirement and no longer have any value to the AGO.

There are three actions that can occur when a record has reached the end of its retention time: “destroy,” “confirm,” or “archive.” Record types that are designated as “destroy” are temporary in value. Record types that are designated as “confirm” may in some cases be archival; they should be reviewed on a case by case basis by an archivist, the AGO Records Officer, and other staff. Record types that are designated as “archival” will always be sent to VSARA and retained.

The destruction of any record that has any litigation hold or other legal retention requirements is prohibited. If you have a question whether a record could be subject to a litigation hold, please consult with counsel handling the litigation.

## **Transitory Records (GRS-1000.1000)**

**Transitory Records** are only needed for a limited time in order to complete a routine action or prepare or update a formal or on-going record. They are not subject to any specific legal recordkeeping requirements, explicit or implied, and are administratively obsolete after the specific action or process to which they relate is complete. Drafts, notes, reference material, and similar records are examples of transitory records.

The following types of transitory records can and should be destroyed when no longer needed administratively, provided that the records are not subject to any specific legal requirements or a legal retention hold.

- ***Routine Correspondence***: Incoming and outgoing correspondence that is part of a regular routine function and has limited value or need after routine action is completed.
- ***Drafts***: Preliminary or tentative versions of a document that have no additional value to the drafter or AGO. Includes drafts that have been superseded.
- ***Notes***: Notes that have been taken to aid personal memory or for later review. Includes short, informal notes such as phone messages.
- ***Publications and Reference Sources***: Information that is intended primarily for consultation and is for reference or informational purposes only.
- ***Requests***: Requests for and responses to forms, publications, records, and other AGO information that do not require any administrative review before, or further action after, the information is provided.
- ***Worksheets***: Forms, checklists, and similar worksheets used to prepare or update other records or informally track a workflow.

Electronic mail (email) accounts are where many transitory records reside and most, if not all, of the messages created or received by email are public records<sup>1</sup>. Examples of transitory email records that can and should be destroyed from your inbox or sent mail folder(s) when no longer needed administratively are: (1) inter-office correspondence and notes concerning routine processes and workflows, including simple requests for information; (2) out-of-office or meeting notifications; and (3) updates and other messages received for informational or reference purposes only.

**SPECIAL NOTE ON TRANSITORY RECORDS:** The person best able to identify transitory records in your files is **YOU**. If you are about to hand off a project or a file, you should first weed out all transitory records that you may have put in the file as a reference. This is a crucial step in identifying and disposing of transitory records.

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<sup>1</sup> Use of your AGO email account to send or receive personal messages is highly discouraged. You should only use your AGO account for AGO business.

## Accounting Records (GRS-1000.1002)

**Accounting Records** are records associated with financial transactions and data. Most AGO accounting records reside with the business office. Financial audits, invoices, inventories, ledgers, purchase orders, and receipts are examples of accounting records.

Subject to any particular business or legal need, the following types of accounting records can be destroyed after retention requirements have been met, provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Audits:** Final reports received at the conclusion of an audit, including audits related to Federal awards. Retain most recent audit reports at all times. For superseded audit reports, retain for three (3) years, then destroy.
- **Correspondence (Routine):** General correspondence related to management of AGO economic activity and financial transactions. Retain until obsolete, then destroy.
- **Correspondence (Substantive):** Correspondence that has significant administrative value and/or supports decisions related to management of AGO's economic activities and financial transactions. Retain until audit complete, then destroy. (For Management Letters received following an audit and other correspondence that has significant administrative value, retain permanently and follow the retention requirements for Correspondence (Substantive) in GRS-1000.1102.)
- **Delegations of Authority:** Includes memorandums for appointed individuals to continue following any agency head/appointment authority absence or change. Retain most current delegation of authority at all times. Retain superseded delegations until audit complete, then destroy.
- **Inventories:** Inventories of AGO assets. Retain until audit complete, then destroy.
- **Invoices:** Documents created by vendor, grantee, or other agency, including inter-departmental transfers and other requests for payment. Retain until audit complete, then destroy.
- **Ledgers:** Registers or systems that serve as the formal repository of AGO financial accounts and transactions. Retain until superseded, then transfer to Archives.
- **Purchase Orders:** Retain until audit complete, then destroy.
- **Receipts:** Includes deposit tickets, bank receipts, and similar records that provide evidence of money received and deposited. Retain until audit complete, then destroy.
- **Reports:** Reports and similar narrative statements about AGO financial transactions and activities, includes self-assessment questionnaires, expenditures reports, and related documentation. Retain until audit complete, then destroy.
- **Requisitions:** Requests for a purchase order that creates pre-encumbrances of funds. Retain until audit complete, then destroy.
- **Vouchers:** Documents that serve as the basis for checks or payments and recording financial transactions to pay a vendor. Retain until audit complete, then destroy.
- **Warrants/ written pay orders:** Pay orders that instruct a state or local government treasurer to pay the warrant holder, includes approval for payment by State Treasurer. Retain until audit complete, then destroy.
- **Worksheets:** Records used to track daily accounting information or make preliminary calculations. Retain until audit complete, then destroy.

## **Administrative Policy Records (GRS-1000.1102)**

**Administrative Policy Records** relate to the administration of the AGO and the formulation or development of policy. These records have the potential to have continuing value if they provide evidence of deliberations, decisions, and actions relating to policy or major administrative issues. Formal agreements, strategic plans, policies and procedures, and similar records are examples of administrative policy records.

The Attorney General, Deputy Attorney General, Chief Assistant Attorney General, and Division Chiefs are usually the creators or recipients of Administrative Policy Records. In limited circumstances, Directors, unit supervisors, professional staff, and specialists may create or receive administrative policy records.

The following records are archival and shall be permanently preserved. These records should be transferred into the Vermont State Archives under an approved schedule.

- **Formal Agreements:** Retain until expired, plus three (3) years, and then transfer to Archives.
- **Substantive Correspondence and Studies:** Retain until completed, plus three (3) years, then transfer to Archives.
- **Meeting Minutes:** Retain until calendar year ends, plus three (3) years, then transfer to Archives.
- **Plans, Policies, and Procedures:** Retain until superseded, plus three (3) years, then transfer to Archives.
- **Annual and Similar Reports:** Retain until calendar year ends, plus three (3) years, then transfer to Archives.

If you are responsible for procedural activities and tasks associated with the administration of the AGO and your Division has not established any specific retention timeframes for managerial/operation records, the following types of administrative policy records can be destroyed after retention requirements have been met, provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Agendas:** If agenda is accurately reflected in the meeting minutes, retain for one (1) year after the calendar year ends, then destroy.
- **Calendars:** Retain for one (1) year after the calendar year ends, then destroy.
- **Legal Notices:** Retain for one (1) year after the notice was issued, then destroy.
- **Press Releases:** Retain for one (1) year after the calendar year ends, then destroy.

<p>Most Administrative Policy Records are archival and need to be retained permanently. <b>Email systems are not appropriate for the long-term management and preservation of these records.</b></p>
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## **Appointment Records (GRS-1493.1004)**

**Appointment Records** include records reflecting all appointments (and revocation of appointments) made by the Attorney General, including the appointment of the Deputy Attorney General, Assistant Attorneys General, and Special Assistant Attorneys General. Appointment records also include all records related to the appointment of individuals to a Vermont public agency as defined by 1 V.S.A. § 317(a)(2).

The Attorney General and Deputy Attorney General are usually the creators of appointment records. Most appointment records of the AGO relate to the appointment of Assistant Attorneys General and Special Assistant Attorneys General. Appointment records typically have archival value and should be preserved. Minimum retention periods for appointment records are below.

- **Correspondence (Substantive) and Decisions:** Correspondence that may contribute to the final decision on making an appointment or revocation of an appointment. Retain until the appointment expires, plus three (3) years, then transfer to Archives.
- **Oaths:** Retain until appointment is completed or closed. Then transfer to Archives.

Most Appointment Records are archival and need to be retained permanently. **Email systems are not appropriate for the long-term management and preservation of these records.**

## **Budget Records (GRS-1000.1012)**

**Budget Records** include records that relate to the planning, coordination, and allocation of financial resources and expenditures of the AGO. Most budget records reside with the business office and the Attorney General, Deputy Attorney General, and Chief Assistant Attorney General. Budgets and associated reports are the most common type of these records.

In general, budgets as adopted and reports and recommendations about proposed budgets, as well as analyses of expenditures and revenues after the close of a budget cycle, shall be retained until the fiscal year covered by the budget ends, plus an additional three (3) years, then destroyed. For budgets and reports that have significant administrative value, please refer to GRS-1000.1102 (Administrative Policy Records).

The following types of budget records can be destroyed after retention requirements have been met provided, that the records are not subject to any specific legal requirements or a legal retention hold.

- **Budgets:** Three (3) years after fiscal year ends
- **Legal Notices:** Three (3) years after fiscal year ends
- **Plans:** Three (3) years after fiscal year ends
- **Reports:** Three (3) years after fiscal year ends

## **Contracting Files (GRS-1000.1126)**

**Contracting Files** include evidence of formal agreements to which the AGO is a party, including contracts and leases. Most AGO contract files reside with the business office. This record schedule applies to agreements and contracts held by the AGO. It does not govern all contracts the AGO reviews pursuant to statute and Agency of Administration Bulletin 3.5. Written approvals and requested waivers required by Bulletin 3.5, bids, AA-14 forms, contracts and attachments, and requests for proposals are examples of contracting files.

Contracting files usually have temporary administrative and legal value. Subject to any particular business or legal need, the following types of contracting files records can be destroyed after retention requirements have been met, provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Authorizations:** Three (3) years after contract expires
- **Bids:** Three (3) years after contract expires
- **Certificates:** Three (3) years after contract expires
- **Contracts:** Three (3) years after contract expires
- **Substantive Correspondence:** Three (3) years after contract expires
- **Decisions, Declarations, and Lists:** Three (3) years after contract expires
- **Legal Notices:** One (1) year after contract expires
- **Opinions:** Three (3) years after contract expires
- **Plans/Reports:** Three (3) years after contract expires
- **Reference Sources:** One (1) year after contract expires
- **Registers:** Three (3) years after the register is superseded
- **Requests, includes Requests for Proposals:** Three (3) years after contract expires
- **Waivers:** Three (3) years after contract expires
- **Worksheets:** Three (3) years after contract expires

## **Enforcement Records (GRS-1000.1033)**

**Enforcement Records** are recorded evidence of activities and transactions that relate to or affect, in a specific manner, enforcing compliance with statutory and regulatory requirements. This includes enforcement actions related to orders, permits, licenses, and similar authorizations issued by or under the statutory authority of a public agency but does not include judicial, administrative, or legislative adjudicative proceedings. For records related to investigations or monitoring activities, use GRS-1000.1100 (Investigation Records) or GRS-1000.1063 (Monitoring Records), respectively.

- **Agreements:** Assurances of Discontinuance and similar agreements, including stipulations and settlement agreements. Six (6) years after agreement expires. Then confirm.

- **Complaints:** Complaints and similar requests for enforcement action, includes statements of fact following an investigation or similar compliance review submitted to the enforcement agency for further action. Six (6) years after complaint is completed/closed. Then confirm.
- **Correspondence:** Correspondence that has significant administrative value and/or is essential to supporting decisions made by the enforcement agency. Six (6) years after matter is completed/closed. Then confirm.
- **Decisions:** Written decisions of violation or noncompliance, including final orders and notices of violation, issued by the enforcement agency; also includes decisions to dismiss a complaint. For directions during an enforcement action that do not serve as decisions of violation or noncompliance, use “Orders” below. Six (6) years after the matter is completed/closed. Then confirm.
- **Legal Notices:** Official, written statements, notices or announcements that are required by law. Includes subpoenas. For notices of a violation, use “Decisions” above. One (1) year after the matter is completed/closed. Then destroy.
- **Orders:** Orders issued by the enforcement agency. Use “Decisions” above for final orders issued by the enforcement agency. Six (6) years after the matter is completed/closed. Then confirm.
- **Registers:** Registries, databases, systems, and similar records that provide for the systematic and regular recording of enforcement actions. Retain until superseded, then confirm.
- **Reports:** Reports and similar narratives issued by the enforcement agency about an enforcement action including reports related to corrective actions. For reports that have significant administrative value, retain permanently and use the retention requirements for “Reports” in GRS-1000.1102 (Administrative Policy Records).
- **Supporting Material:** Supporting documentation, not otherwise specified in this schedule, created or received by the enforcement agency. Six (6) years after the matter is completed/closed. Then confirm.
- **Waivers:** Use for waivers and variances related to an enforcement action. Six (6) years after the matter is completed/closed. Then confirm.

### **Grant Management Records (GRS-1633.1110)**

Grant Management Records record the activities and transactions that relate to or affect, in a specific manner, the granting of funds, including pass-through funds, by the AGO for a specific purpose. This record schedule does not include administrative, operational, and fiscal records of the AGO, or records of grants received by the AGO.

Records related to federal grants are subject to federal record retention requirements.

Final reports received from grantees that have significant administrative or historic value should be retained permanently – follow the retention requirements for reports in the Administrative Policy Records (GRS-1000.1102).

If you are responsible for maintaining grant management records, the following types of grant management records can be destroyed after retention requirements have been met,

provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Agreements:** Three (3) years after grant expires
- **Applications:** Three (3) years after grant is completed/closed
- **Audits:** After calendar year ends, plus three (3) years
- **Invoices:** Three (3) years after grant is completed/closed
- **Reports:** Three (3) years after grant is completed/closed
- **Supporting Material:** Three (3) years after grant is completed/closed
- **Waivers:** Three (3) years after grant is completed/closed
- **Worksheets:** Three (3) years after grant is completed/closed

Records related to funds granted for the purchase of real property or equipment shall be retained until the real property or equipment is no longer owned or in the possession of the grantee plus an additional three (3) years, then destroyed.

### **Investigation Records (GRS-1000.1110)**

**Investigation Records** record evidence of activities and transactions that relate to or affect, in a specific manner, the systematic examination of an issue to determine its facts, typically in response to a formal request of a complaint.

**All Investigation Records have a retention time of six (6) years after the investigation is completed or closed.** Once Investigation Records reach the end of their retention period, the custodian should confirm retention on a case by case basis with an archivist, the AGO Records Officer, and other staff.

- **Complaints:** Complaints, grievances, and appeals that initiate an investigation
- **Decisions:** Orders, reports, and similar records that document the outcome of an investigation. Includes substantive correspondence.
- **Evidence:** Documentary evidence gathered as part of an investigation
- **Legal Notices:** All legal notices issued by the investigating authority related to an investigation, including subpoenas.
- **Notes:** Notes made during an investigation, including interview notes.
- **Registers:** Registers, databases, systems and similar records that provide for the systematic and regular recording of complaints and investigation activities, includes case management systems.
- **Reports:** Formal statements of facts issued during and at the conclusion of an investigation. For reports that have significant administrative value, retain permanently and use the retention requirements for Reports in GRS-1000.1102 (Administrative Policy Records).
- **Supporting Material:** Supplemental records created or received during an investigation, including oaths and affirmations, warrants, and similar records.

## **Monitoring Records (GRS-1000.1063)**

**Monitoring Records** record evidence of activities and transactions that relate to or affect, in a specific manner, monitoring compliance with statutory and regulatory requirements and/or orders, permits, licenses, and similar authorizations issued by or under the statutory authority of a public agency.

Monitoring agreements and plans, including waivers, shall be retained until expired, plus three (3) years, and then destroyed. Declarations and other formal statements related to compliance may be destroyed when superseded by a more recent statement. The latest statement received shall be retained until the monitoring plan or agreement has expired, plus three (3) years, and then destroyed.

Reports and similar narratives issued by the agency, including relevant supporting material, should be retained until the report is completed, plus three (3) years, and then destroyed if the report does not have significant administrative value. If the report has significant administrative value, retain permanently and use the retention requirements for Reports in GRS-1000.1102 (Administrative Policy Records).

The following types of monitoring records can be destroyed after retention requirements have been met, provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Agreements:** Written agreements related to monitoring, including compliance agreements. Three (3) years after agreement expires. Then destroy.
- **Declarations:** Formal statements related to compliance with legal requirements and/or orders, permits, licenses, and similar authorizations. Includes documentation submitted with the declaration. Retain until superseded. Then destroy.
- **Logs:** Records documenting or tracking performance. Retain until superseded, plus one (1) year. Then destroy.
- **Legal Notices:** Official, written statements, notices or announcement required by law. Retain one (1) year after completed/closed. Then destroy.
- **Plans:** Monitoring plans, including schedules. Three (3) years after plan expires. Then destroy.
- **Registers:** Registers, databases, and systems that provide for the systematic and regular recording of monitoring information or activities. Retain until superseded. Then confirm.
- **Reports:** Reports and similar narratives issued by the agency about its monitoring activities, include relevant supporting material. For reports that have significant administrative value, retain permanently and use the retention requirements for “Reports” in GRS-1000.1102 (Administrative Policy Records). Three (3) years after report is completed/closed. Then destroy.
- **Supporting Material:** Supporting documentation not otherwise specified in this schedule. Retain until obsolete. Then destroy.
- **Waivers:** Waivers and variances related to monitoring compliance. Three (3) years after waiver expires. Then destroy.

## **Operational/Managerial Records (GRS-1000.1103)**

**Operational/Managerial Records** relate to the internal management or operation of a specific program, process, or function required to be carried out by the AGO. They support day-to-day operations and internal workflows and processes. Informal agreements, calendars, internal reports, and similar records are examples of operational/managerial records.

The following types of operational/managerial records can be destroyed after retention requirements have been met, provided that the records are not subject to any specific legal requirements or a legal retention hold.

- ***Informal Agreements***: Three (3) years after the agreement expires.
- ***Calendars***: One (1) year after the calendar year ends
- ***Internal Plans (Reports) and Studies***: Three (3) years after the report or study has been completed
- ***Procedures***: Three (3) years after the procedure has been superseded by a revised or new procedure
- ***Internal Reports***: Three (3) years after the calendar year ends

Regardless of your position in the AGO, if you (1) received any of the above records for reference or informational purposes only and (2) know that the individual or individuals responsible for the day-to-day operations of a specific program, process, or function are properly managing the records in accordance to GRS-1000.1103 or a Division policy, your copies are duplicates and considered Transitory Records (GRS-1000.1000).

Email is often used to share records internally. Any records that need to be shared should be stored in a place that is readily accessible to other AGO employees.

If you are not using a system that can alert employees when a record is ready to be reviewed, accessed, or referenced, instead of attaching the file use the file path as a URL. This will allow the recipient to access the file directly from its storage location. (Don't leave spaces when naming your file folders or files – this will eliminate your ability to use the file path as a URL.)

By sending a "link" instead of attaching a file, you not only save valuable space in your email system but also both you and your recipients can treat the email correspondence as transitory.

## **Personnel Files (GRS-1304.1103)**

**Personnel Files** and related records are recorded evidence of activities and transactions that relate to or affect, in a specific manner, the management of a specific employee during his or her employment with a Vermont public agency. Use GRS-1000-1102 (Administrative Policy Records) for records concerning the formulation or development of policies related to employment.

Most personnel files of the AGO reside in the locked file cabinets on the third floor. In addition, the Deputy Attorney General, the Chief Assistant Attorney General, Division Chiefs, and Division Directors may have personnel records.

Authorizations related to specific employees should be retained until superseded, plus an additional three (3) years and then destroyed. An employee's most recent performance evaluation report and previous five (5) evaluation reports shall be retained at all times. All other performance evaluation reports may be destroyed if superseded by more recent reports and if more than six (6) years old.

Applications, worksheets, and records gathered for reference only shall be retained until no longer needed administratively and then destroyed.

Registers or systems that provide for the systematic and regular accounting of all persons employed by the AGO shall be retained until the register is superseded by a new register or system and then appraised by the Vermont State Archives and Records Administration for continuing value.

When the employee's employment expires, through either resignation or termination, declarations and official statements, including the Federal I-9 form and all existing records concerning the employee, with the exception of entries in the register, shall be retained for an additional six (6) years and then destroyed.

The following types of personnel records can be destroyed after retention requirements have been met, provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Applications:** Applications and resumes submitted by those seeking employment. Includes letters of reference and related supporting material concerning employment, education, and/or criminal histories. Retain until obsolete. Then destroy.
- **Authorizations:** Original requests and approvals for any personnel actions. Retain active authorizations at all times and use this schedules for authorizations that have been superseded. Retain until superseded, plus three (3) years. Then destroy.
- **Declarations:** Official statements or declarations. Includes Federal Form I-9 verifying eligibility to work in the United States and tax declarations required under Vermont law. Retain until expired, plus six (6) years. Then destroy.
- **Legal Notices:** Formal announcements, notifications, or warnings required by law. Retain until completed, plus one (1) year. Then destroy.

- **Reference Sources:** Documents submitted by either the employee or the employer for reference purposes. Includes copies of certifications and awards in addition to documents related to corrective or disciplinary actions. Retain until obsolete. Then destroy.
- **Registers:** Registers, databases, and systems that provide for the systematic and regular accounting of all persons employed by the agency in all categories of employment. Retain until superseded. Then confirm.
- **Reports:** Performance evaluation reports. Retain last six reports at all times and use this schedule for reports that have been superseded. Retain until superseded. Then confirm.
- **Worksheets:** Worksheets from which information is entered into a formal registry. Retain until obsolete. Then destroy.