

**AG Department of Attorney General**

**AG1 Civil Division**

The Attorney General of Rhode Island is the state's chief legal officer for civil as well as criminal matters. The Civil Division is charged with conducting the state's legal affairs, and representing the State in legal proceedings. By law, the Attorney General represents the state in the Rhode Island Supreme Court and all lower state courts, institutes and defends actions in state and federal courts whenever warranted, ensures that representation is provided to state officers, employees and agencies in all courts, advises state officers and agencies on legal issues, gives written opinions on legal issues when requested by an appropriate governmental officer, sits as a member on a number of boards and commissions, and represents the interests of the people.

The Attorney General, through the department's Civil Division, is responsible for defending and prosecuting hundreds of civil legal actions yearly in state and federal courts, including the Rhode Island and United States Supreme Courts. These responsibilities encompass not only acting as attorney at trial, but also conducting discovery, meeting with clients, researching and writing legal memoranda, and handling motions, administrative hearings and appeals in the Rhode Island Supreme Court and federal appellate courts.

**AG1.1 Civil Actions Brought By and Against the State**

The Attorney General, through the department's Civil Division, is responsible for defending and prosecuting civil legal actions in state and federal courts as per RIGL § 9-1-25. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. Some limits are specified by RIGL § 9-31-1 et seq. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the state agency represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

**a) Routine cases**

Includes all cases that do not result in policy changes and do not involve noteworthy individuals or events.

Retention: Retain seven (7) years after final disposition..

**b) Landmark cases**

Includes cases that result in changes to policy and/or procedures or that involve noteworthy individuals or events, as identified by the Civil Division and/or the State Archives.

Retention: Permanent.

**AG1.2 Constitutional Violations**

The Attorney General, through the department’s Civil Division, is responsible for cases involving allegations of violations of the state constitution and the federal constitution by state employees as per 42 U.S.C.A. § 1983 and RIGL § 9-1-14. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. Some limits are specified by RIGL § 9-31-1 et seq. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the state agency represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Retain seven (7) years after final disposition.

**AG1.3 State Constitutional Challenges**

The Attorney General has the option of intervening in cases that involve constitutional challenges to state statutes. When the Attorney General does intervene, the associated responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. The records of all cases contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the individual or entity represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

**a) Cases in which the Attorney General intervenes**

Retention: Permanent.

**b) Cases in which the Attorney General declines to intervene**

Retention: Retain seven (7) years after final disposition.

*Note: Reports describing cases that challenge the constitutionality of acts of the Rhode Island General Assembly are created on an annual basis as per RIGL § 42-9-6.1.*

**AG1.4 Hazardous Substance Cases**

The Attorney General, through the department’s Civil Division, is responsible for cases involving proofs of claims and/or complaints and pleadings concerning hazardous substances. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the individual or entity represented, research material, legal briefs, legal memoranda, documentary evidence, depositions,

interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Retain thirty (30) years after final disposition and then transfer custody to the Rhode Island State Archives for appraisal.

**AG1.5 Antitrust Matters**

The Attorney General, through the department's Civil Division, is responsible for cases involving alleged antitrust violations as per RIGL § 6-36-1 et seq. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the individual or entity represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Retain seven (7) years after final disposition.

**AG1.6 Public Utilities Commission – Rate Cases**

Public utilities must file to effectuate rates, tariffs, tolls, and charges. They must also ensure sufficiency and reasonableness of facilities and accommodations of railroad, ferry boats, gas, electric distribution, water, telephone, telegraph, and other public utilities as per RIGL § 39-2-1. For railroads, this involves the location of depots and stations and the control of grade crossings. When public utilities fail in these obligations, civil actions may be brought by individuals, firms, or corporations adversely affected as per RIGL § 39-2-7. These actions must be brought within three years from the time the cause of action accrues. The records in this series include these filings along with testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

**AG1.7 Public Utilities Commission – Commission Initiated Investigations**

The Commission has the authority to initiate a docket *sua sponte* to investigate matters within their jurisdiction granted to them by statute as per RIGL § 39-1-13. The records generated include, but are not limited to, filings to effectuate investigations, testimony, pleadings, discovery, exhibits, correspondence, and research material.

Retention: Retain seven (7) years after final disposition.

**AG1.8 Public Utilities Commission – Utilities Required Filings**

The Commission's inter-office policy requires public utilities to issue reports detailing conservation and load management and integrated resource plans. The records consist of filings to effectuate these reports, testimony, pleadings, discovery, exhibits, correspondence, and research.

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Records Retention Schedule

Approved September 2006 & amended April 2011

Retention: Retain three (3) years.

**AG1.9 Public Utilities Commission – Consumer Complaints**

The Commission assists the public in consumer disputes with public utilities in the areas of billing, utility terminations, and discrimination as per RIGL § 39-2-7. In many cases, referrals to appropriate agencies and/or departments are provided. The records include correspondence and transcripts of hearings in those cases when a hearing is deemed necessary.

Retention: Retain seven (7) years after final disposition.

**AG1.10 Public Utilities Commission – Electric Restructuring**

The Commission was charged with the responsibility of implementing the Utility Restructuring Act of 1996 (1996 Public Law Chapter 316). The series consists of correspondence, pleadings, testimony, discovery, exhibits, and research designed to accomplish this implementation.

Retention: Permanent.

**AG1.11 Division of Public Utilities and Carriers – Financing Matters**

Public utilities that seek authority to enter into long-term debt and issue bonds must comply with the requirements of RIGL § 39-3-15, which specifies certain security issues that must be addressed. The records include, but are not limited to, filings, correspondence, pleadings, and testimony.

Retention: Retain seven (7) years after final disposition.

**AG1.12 Division of Public Utilities and Carriers – Motor Carrier Matters**

The Division protects the public in consumer disputes and investigations for common carriers of property and passengers over the state's public roadways (towing, taxicabs, and moving companies). The files include, but are not limited to, complaints, subpoenas, correspondence, pleadings, exhibits, and orders.

Retention: Retain seven (7) years after final disposition.

**AG1.13 Division of Public Utilities and Carriers – Consumer Complaints**

The Division assists the public in consumer disputes with public utilities in the areas of billing, utility terminations, and discrimination. In many cases, the Division provides referrals to appropriate agencies and/or departments. The files consist primarily of correspondence, but also include transcripts of hearings when hearings are deemed necessary.

Retention: Retain seven (7) years after final disposition.

**AG1.14 Federal Energy Regulatory Commission – Rate Cases**

The Commission oversees the transmission of wholesale natural gas and electricity products into Rhode Island and the surrounding area as per 42 U.S.C.A § 7172. The records consist of, but are not limited to, filings to effectuate this transmission, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

**AG1.15 Federal Energy Regulatory Commission – Commission Initiated Investigations**

The Commission has the authority, conferred by Federal statute 42 U.S.C.A § 7172, to initiate investigations into various components of the transmission of wholesale natural gas and electricity products. The records include, but are not limited to, filings to effectuate the investigations, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

**AG1.16 Federal Energy Regulatory Commission – Tariff Changes**

The Commission is responsible for changes in filed rates of the transmission of natural gas and electricity products as per 42 U.S.C.A § 7172. The records include, but are not limited to, filings to effectuate the changes, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

**AG1.17 Federal Energy Regulatory Commission – Electric Restructuring**

The Commission is responsible for filings made by utilities to provide wholesale all-requirements contracts. The records include, but are not limited to, filings to effectuate the contracts, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Permanent.

**AG1.18 Energy Facility Siting Board Cases**

The Board handles cases involving placement of upgrades and repairs to high voltage electrical lines within the state and the licensing and authority for siting, construction, or alteration of a major energy facility as per RIGL § 39-25-3. The records include, but are not limited to, filings to effectuate the placement of upgrades and repairs, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

**AG1.19 Securities and Exchange Commission Cases**

Public utilities are required to file financial transactions with this Commission. This series includes these filings.

Retention: Retain seven (7) years after final disposition.

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Approved September 2006 & amended April 2011

**AG1.20 Federal Communications Commission Cases**

The Commission is responsible for monitoring and communicating state positions on activities involving the telecommunications industry and cable television.

**a) Telecommunications Restructuring Files**

Retention: Permanent.

**b) All other records**

Retention: Retain seven (7) years after final disposition.

**AG1.21 Nuclear Regulatory Commission Cases**

The Commission monitors cases and requires filings of utilities that generate electricity by nuclear reaction/fission and are licensed by the Commission.

Retention: Retain ten (10) years after final disposition as per 42 U.S.C.A. § 2278.

**AG1.22 Insurance Unit - Rate Filings**

Insurance companies must submit filings for premium increases, changes in coverage, and new types of coverage. The files include, but are not limited to, filings, actuarial testimony, exhibits, correspondence, and research material.

**a) Final Decisions of Business Regulation**

Retention: Permanent.

**b) All other records**

Retention: Retain ten (10) years after final decision (including all appeals).

**AG1.23 Insurance Unit – Insurance Assessments**

Assessments are made to insurance companies that write policies in Rhode Island. This series contains the records of those assessments. They may include, but are not limited to, correspondence, printouts, and calculations.

Retention: Retain ten (10) years.

**AG1.24 Insurance Unit – Healthcare Merger Files**

The Insurance Unit involves itself in proposed mergers of businesses in the health care field. These files contain records pertaining to those mergers, whether they actually happen or not.

Retention: Permanent.

**AG1.25 Insurance Unit – Department of Business Regulation Decisions**

The Department of Business Regulation renders decisions regarding insurance matters. This series includes those decisions.

Retention: Permanent.

**AG1.26 Insurance Unit – Complaints Brought by Individuals and Miscellaneous Correspondence**

The unit handles correspondence from private individuals concerning insurance related matters. These files include that correspondence, along with associated research material.

Retention: Retain seven (7) years after final resolution of complaint.

**AG1.27 Insurance Unit – Annual Miscellaneous Memoranda**

The unit drafts memoranda in response to inquiries about insurance matters. These memoranda are filed and one file is created each year. These records contain those files.

Retention: Retain seven (7) years.

**AG1.28 Insurance Unit – NAAG Task Force Files**

The unit formed a task force to interact with NAAG (National Association of Attorneys General). These records consist of the Task Force's correspondence, memoranda, compiled research, notes, and other items.

Retention: Retain seven (7) years after Task Force is disbanded.

**AG1.29 Consumer Protection – Cases Settled Out of Court**

The Consumer Protection Unit handles consumer complaints that fall within its statutory authority as per RIGL § 6-13.1-1 et seq. Some cases never reach a courtroom. This series contains files on those cases. They may include, but are not limited to, complaint forms, investigative notes, correspondence with consumers, and correspondence with businesses, supporting documentary evidence, tangible evidence, and resolution documents.

Retention: Retain ten years after final resolution as per RIGL § 9-1-13.

**AG1.30 Consumer Protection – Civil Investigative Demands (CID's)**

The Consumer Protection Unit handles consumer complaints that fall within its statutory authority as per RIGL § 6-13.1-1 et seq. This series contains files on cases that resulted in formal legal action and/or civil investigative demands being initiated in Superior Court. They may include all of the items listed for cases settled out of court and any and all court documents including, but not limited to, Assurances of Voluntary Compliance (AVC), Civil Investigative Demands (CID), and Temporary Restraining Order (TRO).

Retention: Retain ten (10) years after final resolution as per RIGL § 9-1-13.

**AG1.31 Consumer Protection – Referrals**

The Consumer Protection Unit sometimes receives consumer complaints or inquiries regarding issues that fall outside its authority. These are directed to the appropriate agency or venue that does have statutory authority over the case. These files may include, but are not limited to, complaint forms, investigator notes, correspondence with consumers, correspondence with referred agencies, and resolution documents.

Retention: Retain ten (10) years after final resolution as per RIGL § 9-1-13.

**AG1.32 Consumer Protection – Registration Records**

The Consumer Protection Unit registers a number of types of businesses. Various Rhode Island statutes mandate this registration of these industries with the Unit. The files may include, but are not limited to, registration applications, copies of checks used to pay fees, surety bonds, contracts, correspondence with the businesses, and applicable municipal approvals.

Retention: Retain seven (7) years after operations cease.

**AG1.33 Counsel Unit – Advisory Opinions**

The Counsel Unit handles requests from state agencies and other entities for legal opinions. These records include those requests and the responses of the Unit.

Retention: Permanent.

**AG1.34 Counsel Unit – Amicus Requests**

The Counsel Unit handles requests to join appeals or certified petitions to federal appellate courts and to the Supreme Court of the United States. These files include those requests and all associated records.

Retention: Retain until end of calendar year in which decision is rendered.

**AG1.35 Counsel Unit – Open Meeting Act Files**

The Counsel Unit handles complaints filed by citizens against public bodies that refuse them access to meetings. The records may include, but are not limited to, the complaint, the response by the public body involved, materials obtained in the investigation (such as meeting notices, minutes, and agendas). If a violation is found, the files may also contain an acknowledgement of a violation and/or a settlement agreement.

Retention: Retain seven (7) years after final disposition.

**AG1.36 Counsel Unit – Access to Public Records Act Files**

The Counsel Unit handles complaints filed by citizens against public bodies that refuse them access to public records. The records may include, but are not limited to, the complaint, the response by the public body involved, and materials obtained in the investigation. If a violation is found, the files may also contain an acknowledgement of a violation and/or a settlement agreement.

Retention: Retain seven (7) years after final disposition.

**AG1.37 Counsel Unit – Inquiries**

The Counsel Unit handles requests for legal advice from private individuals and corporations. These records contain those requests as well as the agency's responses to them.

Retention: Retain seven (7) years.

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**AG1.38 Counsel Unit – Bond Files**

The Attorney General handles requests for opinions in connection with the issuance of bonds and/or certificates of participation by the state or any of its departments or agencies. These records include copies of official statements and/or preliminary official statements. Bond counsel hired by the state retains the original documents.

Retention: Retain thirty (30) years.

**AG1.39 Charitable Trust Unit – Filings**

The Charitable Trust Unit handles trusts established to raise funds for various causes. The files include, but are not limited to, initial registration forms, annual financial reports of charitable trusts, and trust instruments.

Retention: Permanent.

**AG1.40 Charitable Trust Unit – Litigation**

The Charitable Trust Unit handles litigation involving perpetual trusts. The files include, but are not limited to, complaints, answers, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Permanent.

**AG1.41 State Properties Committee – Proposed Lease/Other Agreement Files**

The Attorney General handles leases and other agreements (such as licenses and easements) involving state property. These files include, but are not limited to, lease documents, licenses, easements, and other documents relating to proposed agreements with the state, notes, and correspondence. Final documents involving these agreements are also maintained by the Department of Administration, Division of Central Services.

Retention: Retain forty (40) years after expiration of the lease/agreement.

**AG1.42 Racial Profiling Prevention Study Records**

In July 2000, the General Assembly enacted legislation declaring the use of racial profiling by police to stop or search motorists on Rhode Island's public highways to be against public policy and a violation of motorists' civil rights. (2000 Public Law Chapter 251, RIGL § 31-21.1 Traffic Stops Statistics Act.) The act also authorized the state Attorney General to conduct a study of routine traffic stops by the Rhode Island State Police and each municipal police department to determine whether racial profiling was occurring. The study was based on an analysis of data cards completed by police during each traffic stop made between 2001 and 2003. A final report was issued in June 2003.

Records consist of data collection cards, electronic data, and study reports. Data collection cards were completed by police during individual traffic stops. Data has been input from the cards into an electronic database. Data collected includes age, race, gender, ethnicity, reason for stop/alleged violation, date, time, location, license plate number, warning given, citation given, arrest made, personal search conducted, search of vehicle conducted, contraband found, items seized for forfeiture, and authority for search. Analysis, interim reports, and

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final report of analysis of electronic data were contracted to Northeastern University's Center for Criminal Justice.

*Note: Data transferred from cards to database using Scantron Corporation Optical Mark Reader technology.*

*Note: An additional racial profiling study covering the period 2004-2005 was conducted by the Governor's Justice Commission under the Racial Profiling Prevention Act of 2004. Records related to this later study are covered under the Governor's Justice Commission records retention schedule, specifically GJC12.*

**a) Study Reports**

Retention: Retain one (1) copy permanently.

**b) Data Collection Cards**

Retention: Retain until verification and validation of electronic data.

**c) Electronic Data**

Retention: Permanent.

*Note: Retain system documentation necessary to ensure continuing access to data, as well as any documentation that may be required to understand data elements and data relationships, including but not limited to, data dictionaries, codebooks, data tables, technical metadata and other relevant system materials.*

**AG1.43 Certificates of Record Destruction**

Certification of Records Destruction forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorized the disposal of records listed in this and other applicable records retention schedules.

RIGL §38-1-10, §38-3-6(j), and §42-8.1.10

Retention: Permanent.