



Office of the New York State Attorney General

Records Retention Policy

Policy	Records Retention Policy	Document #:
Policy Dates	Effective Date: August 1, 2025	Last Reviewed: N/A
Category	Records Retention	
Owners	The Records Management Officer	
Summary	To ensure compliance with the laws, professional standards, and requirements set forth herein that govern the retention and disposal of physical and electronic records.	
Audience	All individuals who act as agents of the Office of the New York State Attorney General and who create, receive, and/or possess records on its behalf.	

1. Purpose

Records are fundamental to the work of the Office of the New York State Attorney General ("OAG" or "Agency"), spanning, among other forms, paper, digital, video and audio formats, and physical evidence. The retention and disposal of Records, as defined below, are strictly regulated by State law and the New York State Rules of Professional Conduct. This Record Retention Policy ("Policy") is designed to ensure that all individuals who act as agents of the Agency and who create, receive, and/or possess OAG's Records comply with all applicable legal and professional standards by establishing requirements and procedures for retaining and disposing of such Records.

Adherence to this Policy is critical for both compliance purposes and operational purposes as the Agency should not expend valuable State resources to retain Records that are not subject to retention under applicable laws, professional standards, or the requirements set forth herein unless subject to a court order; a litigation hold; an agreement with a third party; or an extension authorized by a member of the Senior Executive Leadership Team or a Chief Deputy Attorney General ("Authorized Extension") that provides otherwise.

2. Scope

This Policy applies to all OAG employees, temporary employees, fellows, interns, students, volunteers, and all other individuals (including consultants and contractors) who act as agents of the Agency and who create, receive, and/or possess Records, as defined below.

3. Definitions of Key Terms

For purposes of this Policy, the following terms shall have the meaning as ascribed:

- **Records** - All papers, maps, photographs, graphs, audio- and video-tapes, and all other documentary, electronic, and digital materials, including e-mails and chats, regardless of physical or digital format or characteristics, created, received, and/or possessed by the Agency or an agent thereof in connection with the transaction of OAG business or operations and preserved or subject to retention by the Agency as evidence of the organization or its functions, policies, decisions, procedures, operations, or other official activities.

Records subject to retention **do not include** personal notes, communications not related or consequential to OAG official business or activity, copies or duplicates when the original is preserved elsewhere, or extracts of data when the original data is preserved elsewhere unless that extract alone is used for any OAG official activity. Those materials should not be retained on any Agency system or device or in any file or storage facility and should be disposed of, at the very latest, during a record review required by this Policy.

- **Business Records** – All Records that reflect or support the Agency’s administrative, personnel, and/or fiscal activities and that are common to most State agencies. These Records are subject to retention under the [NYS Archives General Retention and Disposition Schedule for NYS Government Records](#) (“NYS Archives Schedule”).
- **OAG-Specific Records** – All Records that are particular and unique to the substantive legal, regulatory, investigative, business, fiscal, and/or administrative functions of OAG operations. These Records are subject to retention under the [OAG Records Retention Schedule](#) (“OAG Schedule”).
- **Case-Specific Records** - All OAG-Specific Records that directly or materially aid, support, or memorialize the substantive actions, resolutions, or decision-making functions of a specific case or matter. Case-Specific Records include, but are not limited to, pleadings and other filings; discovery materials and documents; drafts with substantive comments or edits; e-mails between colleagues discussing case strategy or summarizing activities and/or research specific to the case or matter; correspondence; communication with opposing counsel, clients, the court, or third parties; and subpoenas.
- **Non-Case Specific Records** - All OAG-Specific Records that are not Case-Specific Records. These Records include, but are not limited to, memoranda, correspondence, and research that are not related to a specific case or matter. A large portion of Non-Case Specific Records will encompass Records with short-term relevance, which are Records

created to further OAG's policies, programs, and/or work that do not directly impact or support substantive decisions about any specific case or matter.

- **Physical Records** – All Records stored on physical media, including, but not limited to, papers, thumb-drives, DVDs, or external drives that must be retained under an applicable retention schedule.
- **Electronic Records** – All Records stored in a software program, cloud drive, local or network folder, or desktop computer, regardless of format, that must be retained under an applicable retention schedule.
- **E-Mails** – All Records that are digital messages, including any attachments thereto, transmitted and/or received through electronic means from one user to another, which, for purposes of this Policy, shall include traditional electronic mail, texts, chats, and all other instant messaging applications available to Record Holders.
- **Record Holders** - All OAG employees, temporary employees, fellows, interns, students, volunteers, and all other individuals (including consultants and contractors) who act as agents of the Agency and who create, receive, and/or possess Records.
- **Bureau Record Contact** – The Bureau Chief or head of a non-Bureau office (or their designee) assigned to assist with the categorization, retention, and/or disposition of Records. Each Bureau or office must also designate and identify to the Administrative Services Bureau at least one primary contact for the handling of that Bureau's or office's Records, who may be the Bureau Record Contact.

4. Policy

OAG must retain Records in accordance with all applicable legal, professional standards, and the requirements set forth herein, but no longer, unless subject to a court order, a litigation hold, an agreement with a third party, or an Authorized Extension that provides otherwise.

As a State agency, OAG is subject to the legal requirements under the Arts & Cultural Affairs Law and the Freedom of Information Law. As a legal office, OAG is also governed by the New York State Rules of Professional Conduct. As such, OAG operates under two records retention schedules that establish the retention periods for the various types of Records:

1. The [NYS Archives General Retention and Disposition Schedule for NYS Government Records](#) governs the Agency's Business Records.
2. The [OAG Records Retention Schedule](#) governs OAG-Specific Records.

These schedules:

- Provide uniform guidelines for the retention and disposition of various types of Records;
- Ensure that OAG retains Records as required to meet legal, audit, and other requirements and standards;
- Provide the authorization to dispose of Records that are obsolete, temporary, or have short-term relevance; and
- Promote the cost-effective management of Records and supporting resources.

The two retention schedules divide Records into categories and set forth a minimum retention period for each category. Each category is assigned a code and a description to help identify Records that fall within that category.

5. Record Maintenance and Determining Retention Periods

5.1 General Responsibilities

Upon the creation or receipt of a Record, Record Holders must consider how the Record will be identified, managed, and stored throughout its life cycle.

Records Holders must organize, clearly label, and store Records in a manner consistent with the requirements of this Policy. Record Holders must review Physical and Electronic Records on a regular basis (at least every six months) to ensure proper organization, retention, and disposal of Records in accordance with the two schedules; any other mandatory retention period (required by a court order or a litigation hold) or an agreed-upon retention period (required under a contract with a third party or an Authorized Extension); and the requirements set forth herein.

Record Holders must review Records prior to their transfer to another position, office, or Bureau or before their departure from the Agency. This review must ensure that all Records are stored or transferred to an appropriate Record Holder or, if not subject to further retention, disposed of as set forth herein. The Bureau Record Contact must ensure that this review and disposition are completed prior to a Record Holder's departure or transfer from the Agency, Bureau, or office.

5.2 Determining Retention and Retention Periods

In order to determine what Records must be retained (and for how long) or must be destroyed, Record Holders should engage in the following analysis:

Step 1: A Record Holder must determine, in the first instance, whether a Record is subject to any mandatory retention period (i.e., a schedule, a court order, or a litigation hold) or to any agreed-upon retention period (i.e., contract with a third party or an

Authorized Extension). The retention periods for e-mails are determined by the subject matter of the e-mail itself or of any of its attachments, whichever is longer or longest in the case of an e-mail with more than one attachment.

If the Record is not subject to a mandatory or agreed-upon retention period, the Record should be destroyed, and no further analysis is needed. If the Record is subject to a mandatory or an agreed-upon retention period, proceed to Step 2.

Step 2: If the Record is subject to a mandatory or an agreed-upon retention period, the Record Holder must determine all applicable retention periods as follows:

- A Record Holder must determine if a Record is subject to the NYS Archives Schedule (Records common to most State agencies). If a Record is subject to the NYS Archives Schedule, the Record Holder must consult that schedule to determine the applicable retention period.
- If a Record is subject to the OAG Schedule (Records that support the business or operations of OAG, but that are not common to most State agencies), the Record Holder must determine if it is a Case-Specific Record or a Non-Case Specific Record. After making this determination, the Record Holder must consult the OAG Schedule to determine the applicable retention period.
- If a Record is subject to a mandatory or an agreed-upon retention period, the Record Holder must determine the applicable retention period. Proceed to Step 3.

Step 3: After determining all applicable retention periods, the Record Holder must ensure that Records are retained in accordance with the longest applicable retention period.

6. Managing Records for Storage and Disposal

This provision applies only to Records that are no longer in active use. A Record is in active use when it is a Case-Specific Record or a Non-Case Specific Record pertaining to an open case or matter; when a Record Holder utilizes, consults, or refers to a Record on a regular basis; when a Record is subject to present and mandatory statutory, court ordered, or contractual obligations; or when a Record Holder retains a copy of a Record because of its historical or precedential value, the original of which is further retained, stored, or disposed of, as applicable, in accordance with the requirements of this Policy and any applicable management instructions.

When a Record is no longer in active use but must be retained for a mandatory retention period or an agreed-upon retention period, the Record Holder must organize; store; and, where

applicable, dispose of Physical Records, Electronic Records (other than e-mails), and e-mails as set forth below.

6.1 Physical Records

Storage: For Physical Records that must be retained for a mandatory or an agreed-upon retention period, a Record Holder must compile and organize all such Physical Records together for transfer to OAG's storage facility, using the OAG Paper Archive Management System ("PAM"). Specifically, these Physical Records must be boxed, indexed, labeled to easily identify the contents, and referenced with the applicable retention codes. The Bureau Record Contact shall assist by reviewing the boxes, generating the box lists, and entering relevant information into PAM. The Record Holder or Bureau Record Contact must then contact the Administrative Services Bureau ("ASB") at Records@ag.ny.gov to transfer those Physical Records to OAG's storage facility.

Disposition: Each year, ASB will provide Bureaus and offices with a list of Physical Records stored at OAG's storage facility that have met their mandatory or agreed-upon retention periods. The Bureau Record Contact must review these Records and advise ASB if these Records should be destroyed or should be transferred to New York State Archives. Bureau Record Contacts shall retain and transfer to New York Archives only those Records that have met their mandatory or agreed-upon retention periods.

After a Bureau Record Contact has decided how a Physical Record that has met its mandatory or agreed-upon retention period shall be treated, that Bureau Record Contact shall update PAM with the disposition of the Physical Record and the date of disposition.

6.2 Electronic Records (Other than E-Mails)

For all Electronic Records, other than e-mails, a Record Holder must retain all such Records in NYMatters, if applicable, or, if not required to be retained in NYMatters, in their Bureau's or office's H: drive or other approved network location. Electronic Records retained in NYMatters or other approved network location must be clearly labeled and organized in subfolders to be readily identifiable and easily findable.

During the required regular review of Records, a Record Holder or, if the Record Holder is no longer in the Bureau or office that housed their Records, the Bureau Record Contact shall review Electronic Records, shall determine whether an Electronic Record must be further retained or must be destroyed, and shall act accordingly.

6.3 E-Mails

When an e-mail (or any of its attachments) is no longer in active use and it (or any of its attachments) is no longer subject to either of the two retention schedules or to any other mandatory retention period (required by a court order or a litigation hold) or an agreed-upon retention period (required under a contract with a third party or an Authorized Extension) the Record Holder shall delete that e-mail and its attachment(s) from their mailbox.

When an e-mail or any of its attachments is no longer in active use but must be retained for a mandatory or an agreed-upon retention period, the Record Holder must either treat the e-mail and all attachments as an Electronic Record in accordance with Section 6.2 above or convert the e-mail and all attachments into a Physical Record and treat it in accordance with Section 6.1 above.

Upon separation from the Agency, the Information Technology Bureau ("IT") shall treat the separated Record Holder's e-mails as follows:

- E-mail mailboxes will be available to Bureau Record Contacts for 60 days from a Record Holder's separation date for access to support any transition of communications. During this 60-day period, Bureau Record Contacts should arrange to have the separated Record Holder's e-mails forwarded to another Record Holder and create an automated "out-of-office" message for the separated Record Holder to advise senders that the Record Holder is no longer with OAG and provide the name of an alternate contact.
- After 60 days, the contents of the mailbox of the separated Record Holder will be archived by IT and retained for three years, during which time the Bureau Record Contact may request "read-only" access.
- After the three-year period, IT shall delete the contents of the mailbox of the separated Record Holder.

7. Compliance

Record Holders are responsible for ensuring that they retain or effectuate the disposal of all of their Records in accordance with this Policy.

Bureau Record Contacts are responsible for ensuring that Records within their respective Bureaus or offices are retained or disposed of in accordance with this Policy.

Failure to adhere to this Policy may result in disciplinary action, up to and including termination.

Questions about this Policy (except for questions about e-mails) should be directed to the Records Management Officer or the Managing Attorney.

Questions about the treatment of e-mails under this Policy must be directed to the Chief Information Officer.

Requests for an exemption from this Policy or an exception to any record retention period must be directed to a member of the Senior Executive Leadership Team or a Chief Deputy Attorney General. If approved, the Authorized Extension must be recorded with the Records Management Officer.

8. Contact Information

Title	Name	Email	Phone
Managing Attorney	Roxanne Wild	Roxanne.Wild@ag.ny.gov	212-416-6006
Records Management Officer	Jennifer Gonroff	Jennifer.Gonroff@ag.ny.gov	518-776-2073
Chief Information Officer	Varun Sehgal	Varun.Sehgal@ag.ny.gov	212-416-6050

9. Revision History

This Policy shall be reviewed at least annually so to ensure accuracy and relevancy.

10. Executive Approval

Date	Name	Title
5/29/2025	Erica Gilles	Managing Director, Office of the First Deputy
7/16/2025	Joshua Carr	Chief Operating Officer
7/17/2025	Kumiki Gibson	General Counsel

11. Related Documents, Policies, and Procedures

- [New York State Archives Website](#)
- New York State [Rules of Professional Conduct](#)
- [NYS Archives General Retention and Disposition Schedule for NYS Government Records](#)
- OAG Records Retention Schedule
- [OAG Records Management Website and Resources](#)

- [OAG Records 101](#) (Using PAM)
- Recorded Webex Trainings
 - [New Retention Schedule Guidance](#) (Password: qKzMgfd9)
 - [Records Management and Archiving for Attorneys](#) (Password: Records2020)
 - [Records Management and Archiving for Support Staff](#) (Password: Records2020)