

BEFORE THE 2007 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC 07-027

**RELATIVE TO APPROVING THE PROPOSED RECORDS RETENTION
GUIDELINES**

WHEREAS, at the Judicial Council meeting of November 1, 2007, a proposed Records Retention Policy proposed by the Staff Attorney for the Judiciary, which represented a combination of records retention recommendations made by Superior Court Microfilm Supervisor/Records Manager Joseph Quint in the 1990's, along with other record retention policies of courts throughout the United States; and

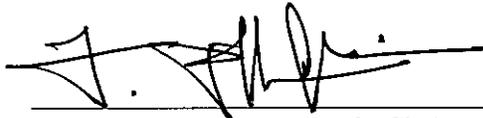
WHEREAS, the Proposed Records Retention Policy was presented at the October 2007 meeting to attract comment from within and from outside the Judiciary, and

WHEREAS, comments of Administrators of the Judiciary were received since the Proposed Policy was circulated after the November 1, 2007, meeting, and all such comments were integrated into the attached Records Retention Policy.

NOW THEREFORE BE IT RESOLVED that the Judicial Council hereby approves the attached proposed Records Retention Policy for the Judiciary to be in effect January 1, 2008.

BE IT FURTHER RESOLVED that all Justices, Judges, Administrators, Managers and Employees of the Judiciary remain welcome to provide ongoing feedback on the Records Retention Policy.

DULY ADOPTED this 21st day of December, 2007 at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman

Date: 2-06-08

ATTEST:


JOLEEN F. RESPICIO, Secretary

Date: 2-10-08

RECORD RETENTION POLICY

Judiciary of Guam - January 1, 2008

Guam Law, 5 GCA §§ 20601-20611 require that all public records be listed on an approved Retention and Disposal Schedule that identifies the minimum amount of time that records must be kept to satisfy administrative, legal, fiscal, and historical needs.

I. Court documents:

The duplication and retention of duplicated court case documents is governed by 7 GCA § 7120. The retention and storage of court case documents is governed by Miscellaneous Rule 6.1.

II. Non-court documents:

Accounting Records

Accounting records for trial courts and friend of the court offices, such as receipts (including summary receipt reports, individual receipts, and transmittal/deposit advices); disbursement records including check registers, bank records, bank statements, bank reconciliations, and deposit slips); bond and trust records (including open bond and trust reports and bond and trust check registers); vouchers and payments (including attorney fee payments, time book of jurors/juror payments, and witness payments); appropriation and expenditure ledgers; requisitions, etc.

Can be destroyed - **Creation Date + 6 years** (if more than one record is retained together, the retention period for all records is generally calculated from the creation of the latest record).

Used Checkbooks; Cancelled Checks; Field Receipts, Deposit slips:

Unused checks are not records and should be destroyed in a manner that renders them unusable when they are no longer of use. The court should keep a record of the check numbers destroyed and the date they were destroyed; this record should be kept with the checkbooks and retained for the period specified in this records series.

Can be destroyed - **Creation Date + 6 years**

Audit Reports

Financial and procedural audit reports performed by outside entities (court contracted or OPA audits).

Maintain documents **five years** from the end of the fiscal period in which the audit or review was concluded.

Source: 15 USC 78j-1(a) (Securities Exchange Act of 1934) as recommended by OPA.

Personnel Files

Includes leave slips, employees travel authorization, government contribution register reports, time cards, employment clearance, health and dental benefits, travel expense report, reimbursement expense report; ACT = active until 6 years after the date employment ends. Electronic copies are to be made of all personnel files and kept permanently in electronic

format. **Six years after the date employment ends + 6 years**

Master payroll, payroll deduction, payroll registers receipts, FICA tax reports, quarterly earnings and employees quarterly Guam Tax Returns reports:

Active until 6 years after the date employment ends. Electronic copies are to me made of all personnel files and kept permanently in electronic format.

Job Applications (not hired)

Active until the position is filled + 3 years

Personnel Files:

Active until employee separates from government, then archived. Electronic copies are to me made of all personnel files and kept permanently in electronic format

**Case Assignment Report - recording the rotating assignment of cases among judges-
Creation Date + 3 years**

Juror Personal History Questionnaires; Jury Summonses; Juror Panel and Pool Lists:

Twenty Years beyond emptying of the master jury wheel

Source: 7 GCA § 22121

Note: 7 GCA § 22121:After the master jury wheel is emptied and refilled pursuant to § 22112 of this Title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records and papers compiled and maintained by the clerk before the master wheel was emptied shall be preserved in the custody of the clerk for four (4) years or for such longer period as may be ordered by the court, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury.

Operational Records

This series includes records related to the functional responsibilities and operations of the courts, such as local administrative orders, internal policies and procedures, directives from judges regarding internal practices, internal and external correspondence regarding operations, minutes from staff meetings, and other similar records.

Active until superseded, rescinded, or of no further value

Non-Case Records

This series includes records that are not part of a case record series, such as applications and orders for PEN register (wiretaps), petitions and orders for investigative subpoenas, petitions and orders for discovery subpoenas for out-of-state cases, search warrants that are not placed in case files, demands for notice pursuant to law that are not placed in case files, requests for notice that are not placed in case files, and other similar records.

Creation Date +6 years

Statistical Reports, Correspondence, and Calendars

This series includes caseload and delay reports, internally generated reports such as annual reports, court daily calendars, annual statutory reviews, and related correspondence. Electronic copies are to me made of all correspondence and kept permanently in electronic format.

Creation Date + 1 year

Plaintiff/Defendant Index

Courts must create and maintain two types of indices: an alphabetical index and a numerical index. The alphabetical index will list names of parties to cases (or numbers) corresponding to each name. The numerical index will list case numbers in numerical order with party names corresponding to each number. All cases except district court civil infraction cases must be indexed.

PERMANENT

Procurement Documents: Including vendor correspondence, fuel receipts, bid documents, maps, blueprints, transactions, vehicle registration documents; purchase orders; emergency requisitions, receipts and contracts:

Procurement Documents are to be maintained pursuant to the attached Schedule A, "Procurement Division Records Retention Schedule."

Exhibits Offered Into Evidence

All exhibits offered into evidence and maintained during a trial or hearing are governed by Local Rule of Practice CVR 79.1.* The original of an exhibit log is placed in the case file and is maintained in accordance with the retention period for that case file.

*** CVLR 79.1 Custody and Disposition of Exhibits and Transcripts.**

(a) **Custody.** Every exhibit offered in evidence, including depositions and transcripts, shall be held in the custody of the clerk of this Court. Unless reason exists for retaining originals, the judge will, upon application, order them returned to the party to whom they belong upon the filing of copies thereof approved by counsel for all parties concerned.

(b) **Delivery to Person Entitled in Civil Cases.** In all civil cases in which final judgment has been entered and the time has expired for filing a motion for new trial, a motion for rehearing or a notice of appeal, any party or person may withdraw any exhibit, deposition, or transcript of testimony originally produced by him, without court order, upon ten (10) days written notice to all parties, unless within that time another party or person files notice of claim thereto with the clerk. In the event of competing claims, the Court shall determine the person entitled and order delivery accordingly. For good cause shown, the Court may allow withdrawal or determine competing claims in advance of the time above specified.

© **Unclaimed Exhibits in Civil Cases.** If exhibits, depositions or transcripts of testimony in civil cases are not withdrawn within twenty (20) days after the time when notice may first be given under subdivision (b) of this Rule, the clerk shall give notice to the parties to claim the same. If the parties do not withdraw such exhibits, depositions and transcripts of testimony within forty (40) days after notice by the clerk to claim the same, the clerk may destroy them in accordance with Title 6 GCA § 4307 or make other disposition as he sees fit.

Federal Grant Records:

(1) Retention of Records for Federally awarded projects/programs states: All financial records, supporting documents, statistical records, and all other records pertinent to the award shall be retained by each organization for at least three(3) years following notification by the grant

authorizing agency that the grant has been programmatically and fiscally closed or at three(3) years following the closure of its audit report covering the entire award period, whichever is later. Retention is required for purposes of federal examination and audit. Records may be retained in an electronic format.

A. Coverage: The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records. Source documents include copies of all awards, applications, and required recipient financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for individuals reimbursed under the award, whether they are employed full time or part time. Time and effort reports are also required for consultants.

B. Retention Period: The three(3) year retention period starts from the date of notification by the awarding agency that the grant has been programmatically and fiscally closed or the submission of the closure of the single audit report which covers the entire award period, whichever event occurs later. If any litigation, claim, negotiation, audit or other action involving the records have started before the expiration of the three (3) year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular three(3) year period, whichever is later.

Property inventories:

Until 6 years after the property is disposed of. Electronic copies are to be made of all inventories and kept permanently in electronic format.

Drafts:

Preliminary drafts of letters, preliminary reports (including printouts of database queries* and other preliminary information used to assist in preparing reports), data provided in response to a public query that has no value-added information (electronic or paper)**, and memoranda that do not represent significant basic steps in preparing records.

Active until of no further reference value.

*A record created by accessing a database can be destroyed at the convenience of the court provided the record can be regenerated in its original form and the retention requirements for the database meet or exceed the retention period for the record that is created.

**While data provided in response to a public query is considered a non-record, there are instances where the court may want to keep the information for at least 1 year.

ATTACHMENT "A"

**PROCUREMENT DIVISION
RECORDS RETENTION SCHEDULE**

Item No.	Transaction Description	Retention Period	Remarks
1.	General Administrative	1 year retain 2 years RHA	Personnel records must be forwarded to HR for disposition after 1 year retention.
2.	Purchase Orders (\$14,999.99 and below)	2 years retain 4 years RHA	
3.	Purchase Orders - Sole source (Under \$15,000)	2 years retain 4 years RHA	
4.	Petty Cash Fund Orders	1 year retain 4 years RHA	
5.	Contracts (Over \$15,000.) As a result of formal competition	3 years retain 4 years RHA	
6.	Contracts (Exception to Procurement Procedures)	3 years retain 4 years RHA	
7.	Real Estate Lease/Agreements	3 years retain 4 years RHA	
8.	MOU/Agreements	1 year retain 4 years RHA	No funding involved
9.	Cooperative Agreements MOUs General Agreements	3 years retain 4 years RHA	Funding is involved
10.	IPOs, Quotations, Proposals not awarded	1 year retain 2 years RHA	
11.	Other		Retention and RHA period to be determined and approved by the AOC.

Note:

(1) Retain - Document must be maintained and stored in the operational work area. Retain clock starts the date after final payment is made.

(2) Records Holding Area (RHA) - Document is stored in a facility other than the operational work area until RHA period is expires. The document may be destroyed after the RHA period expires. A record (Listing/Log) of destroyed documents shall be maintained in the Procurement Section.

(3) Upon approval of Records Retention Policy, all records will be prospectively digitally stored and maintained in the operational work area.